

place. Still he was desperate, and determined to sacrifice nothing.

Mr. Benedict and Jim, on their arrival in the city, took up their residence in Mrs. Dillingham's house, and the landlord of Number Nine spent several days in making the acquaintance of the city, under the guidance of his old companion, who was at home. Jim went through a great mental convulsion. At first, what seemed to him the magnitude of the life, enterprise, and wealth of the city, depressed him. He declared that he "had be'n growin' smaller an' smaller every minute" since he left Sevenoaks. "I felt as if I'd allers be'n a fly, crawlin' 'round on the edge of a pudden," he said, when asked whether he enjoyed the city. But, before the trial came on, he had fully recovered his old equanimity. The city grew smaller the more he explored it, until, when compared with the great woods, the lonely rivers, and the broad solitudes in which he had spent his life, it seemed like a toy; and the men who chattered in the market, and the women who thronged the avenues, or drove in the park, or filled the places of amusement, came to look like children, engaged in frolicsome games. He felt that people who had so little room to breathe in must be small; and before the trial brought him into practical contact with them, he was himself again, and quite ready to meet them in any encounter which required courage or address.

CHAPTER XXVI.

IN WHICH THE CASE OF "BENEDICT *vs.* BELCHER" FINDS ITSELF IN COURT, AN INTERESTING QUESTION OF IDENTITY IS SETTLED, AND A MYSTERIOUS DISAPPEARANCE TAKES PLACE.

"OYEZ! Oyez! All - persons - having - business - to - do - with - the - Circuit - Court - of - the - United - States - for - the - Southern - District - of - New - York, - draw - near, - give - your - attention, - and - you - shall - be - heard."

"That's the crier," whispered Mr. Benedict to Jim.

"What's the matter of 'im?" inquired the latter.

"That's the way they open the court."

"Well, if he opens it with cryin', he'll have a tough time a shuttin' on it," responded Jim, in a whisper so loud that he attracted attention.

There within the bar sat Mr. Balfour, calmly examining his papers. He looked up among the assembled jurors, witnesses, and idlers, and beckoned Benedict to his side. There sat Robert Belcher with his counsel. The great rascal was flashily dressed, with a stupendous show of shirt-front, over which fell, down by the side of the diamond studs, a heavy gold chain. Brutality, vulgarity, self-assurance and an overbearing will, all expressed themselves in his broad face, bold eyes and heavy chin. Mr. Cavendish, with his uneasy scalp, white hands, his scornful lips and his thin, twitching nostrils, looked the very impersonation of impatience and contempt. If the whole court-room had been thronged with vermin instead of human beings, among which he was obliged to sit, he could not have appeared more disgusted. Quite retired among the audience, and deeply veiled, sat Mrs. Dillingham. Mr. Belcher detected her, and, though he could not see her face, felt that he could

not be mistaken as to her identity. Why was she there? Why, but to notice the progress and issue of the trial, in her anxiety for him? He was not glad to see her there.

He beckoned for Phipps, who sat uneasily, with a scared look upon his face, among the crowd.

"Is that Mrs. Dillingham?" he asked in a whisper.

Phipps assured him that it was. Then Mr. Belcher wrote upon his card the words: "Do not, for my sake, remain in this room."

"Give this to her," he said to his servant.

The card was delivered, but the lady, quite to his surprise, did not stir. He thought of his little book, but it seemed impossible that his idol, who had so long been hidden from his sight and his knowledge, could betray him.

A jury was empanelled, the case of *Benedict vs. Belcher* was called, and the counsel of both parties declared themselves ready for the trial.

The suit was for damages, in the sum of half a million dollars, for the infringement of patents on machines, implements, and processes, of which it was declared that the plaintiff was the first and only inventor. The answer to the complaint alleged the disappearance and death of Benedict, and declared the plaintiff to be an impostor, averred the assignment of all the patents in question to the defendant, and denied the profits.

The judge, set somewhat deep in his shirt-collar, as if his head and his heart were near enough together to hold easy communication, watched the formal proceedings listlessly, out of a pair of pleasant eyes, and when they were completed, nodded to Mr. Balfour, in indication that he was ready to proceed.

Mr. Balfour, gathering his papers before him, rose to make the opening for the prosecution.

"May it please the Court," he said, "and gentlemen

of the jury, I have to present to you a case, either issue of which it is not pleasant for me to contemplate. Either my client or the defendant will go out of this court, at the conclusion of this case, a blackened man; and as I have a warm friendship for one of them, and bear no malice to the other, I am free to confess that, while I seek for justice, I shrink from the results of its vindication."

Mr. Cavendish jumped up and interjected spitefully: "I beg the gentleman to spare us his hypothetical sentiment. It is superfluous, so far as my client is concerned, and offensive."

Mr. Balfour waited calmly for the little explosion and the clearing away of the smoke, and then resumed. "I take no pleasure in making myself offensive to the defendant and his counsel," said he, "but, if I am interrupted, I shall be compelled to call things by their right names, and to do something more than hint at the real status of this case. I see other trials, in other courts, at the conclusion of this action—other trials with graver issues. I could not look forward to them with any pleasure, without acknowledging myself to be a knave. I could not refrain from alluding to them, without convicting myself of carelessness and frivolity. Something more than money is involved in the issue of this action. Either the plaintiff or the defendant will go out of this court wrecked in character, blasted in reputation, utterly ruined. The terms of the bill and the answer determine this result."

Mr. Cavendish sat through this exordium as if he sat on nettles, but wisely held his tongue, while the brazen-faced proprietor leaned carelessly over, and whispered to his counsel. Phipps, on his distant seat, grew white around the lips, and felt that he was on the verge of the most serious danger of his life.

"The plaintiff in this case," Mr. Balfour went on,

"brings an action for damages for the infringement of various patent-rights. I shall prove to you that these patents were issued to him, as the first and only inventor; that he has never assigned them to any one; that they have been used by the defendant for from seven to ten years, to his great profit; that he is using them still without a license, and without rendering a just consideration for them. I shall prove to you that the defendant gained his first possession of these inventions by a series of misrepresentations, false promises, oppressions and wrongs, and has used them without license in consequence of the weakness, illness, poverty and defencelessness of their rightful owner. I shall prove to you that their owner was driven to insanity by these perplexities and the persecutions of the defendant, and that even after he became insane, the defendant tried to secure the execution of the assignment, which he had sought in vain during the sanity of the patentee.

"I will not characterize by the name belonging to it the instrument which is to be presented in answer to the bill filed in this case, further than to say that it has no legal status whatsoever. It is the consummate fruit of a tree that was planted in fraud; and if I do not make it so to appear, before the case is finished, I will beg pardon of the court, of you, gentlemen of the jury, and especially of the defendant and his honorable counsel. First, therefore, I offer in evidence certified copies of the patents in question."

Mr. Balfour read these documents, and they were examined both by Mr. Cavendish and the court.

The name of Paul Benedict was then called, as the first witness.

Mr. Benedict mounted the witness-stand. He was pale and quiet, with a pink tinge on either cheek. He had the bearing and dress of a gentleman, and contrasted strangely with the coarse, bold man to whom he

had been indebted for so many wrongs and indignities. He was at last in the place to which he had looked forward with so much dread, but there came to him a calmness and a self-possession which he had not anticipated. He was surrounded by powerful friends. He was menaced, too, by powerful enemies, and all his manhood was roused.

"What is your name?" asked Mr. Balfour.

"Paul Benedict."

"Where were you born?"

"In the city of New York."

"Are you the inventor of the machines, implements, and processes named in the documents from the Patent Office which have just been read in your hearing?"

"I am, sir."

"And you are the only owner of all these patent-rights?"

"I am, sir."

"What is your profession?"

"I was trained for a mechanical engineer."

"What has been your principal employment?"

"Invention."

"When you left New York, whither did you go?"

"To Sevenoaks."

"How many years ago was that?"

"Eleven or twelve, I suppose."

"Now I want you to tell to the Court, in a plain, brief way, the history of your life in Sevenoaks, giving, with sufficient detail, an account of all your dealings with the defendant in this case, so that we may perfectly understand how your inventions came into Mr. Belcher's hands, and why you have never derived any benefit from them."

It was a curious illustration of the inventor's nature that, at this moment, with his enemy and tormentor before him, he shrank from giving pain. Mr. Cavendish

noticed his hesitation, and was on his feet in an instant. "May it please the Court," said he, "there is a question concerning identity that comes up at this point, and I beg the privilege of asking it here."

The judge looked at Mr. Balfour, and the latter said: "Certainly."

"I would like to ask the witness," said Mr. Cavendish, "whether he is the Paul Benedict who left the city about the time at which he testifies that he went away, in consequence of his connection with a band of counterfeiters. Did you, sir, invent their machinery, or did you not?"

"I did not," answered the witness—his face all aflame. The idea that he could be suspected, or covertly charged, with crime, in the presence of friends and strangers, was so terrible that the man tottered on his feet.

Mr. Cavendish gave a significant glance at his client, whose face bloomed with a brutal smile, and then sat down.

"Is that all?" inquired Mr. Balfour.

"All, for the present," responded Mr. Cavendish, sneeringly, and with mock courtesies.

"May it please the Court," said Mr. Balfour, "I hope I may be permitted to say that the tactics of the defendant are worthy of his cause." Then turning to Mr. Benedict, he said, "I trust the witness will not be disturbed by the insult that has been gratuitously offered him, and will tell the history which I have asked him to tell."

Mr. Cavendish had made a mistake. At this insult, and the gratification which it afforded Mr. Belcher, the inventor's pity died out of him, and he hardened to his work.

"When I went to Sevenoaks," said he, "I was very poor, as I have always been since. I visited Mr. Belcher's mill, and saw how great improvements could be

made in his machines and processes; and then I visited him, and told him what I could do for him. He furnished me with money for my work, and for securing the patents on my inventions, with the verbal promise that I should share in such profits as might accrue from their use. He was the only man who had money; he was the only man who could use the inventions; and he kept me at work, until he had secured everything that he wished for. In the meantime, I suffered for the lack of the necessaries of life, and was fed from day to day, and month to month, and year to year, on promises. He never rendered me any returns, declared that the patents were nearly useless to him, and demanded, as a consideration for the money he had advanced to me, the assignment of all my patents to him. My only child was born in the midst of my early trouble, and such were the privations to which my wife was subjected that she never saw a day of health after the event. She died at last, and in the midst of my deepest troubles Mr. Belcher pursued me with his demands for the assignment of my patents. He still held me to him by the bestowal of small sums, which necessity compelled me to accept. He always had a remarkable power over me, and I felt that he would lead me to destruction. I saw the hopes of years melting away, and knew that in time he would beat down my will, and, on his own terms, possess himself of all the results of my years of study and labor. I saw nothing but starvation before me and my child, and went down into a horror of great darkness."

A cold shiver ran over the witness, and his face grew pale and pinched, at this passage of his story. The court-house was as still as midnight. Even the General lost his smile, and leaned forward, as if the narration concerned some monster other than himself.

"What then?" inquired Mr. Balfour.

"I hardly know. Everything that I remember after

that was confused and terrible. For years I was insane, I went to the hospital, and was there supported by Mr. Belcher. He even followed me there, and endeavored to get my signature to an assignment, but was positively forbidden by the superintendent of the asylum. Then, after being pronounced incurable, I was sent back to the Sevenoaks almshouse, where, for a considerable time, my boy was also kept; and from that horrible place, by the aid of a friend, I escaped. I remember it all as a long dream of torture. My cure came in the woods, at Number Nine, where I have ever since lived, and where twice I have been sought and found by paid emissaries of Mr. Belcher, who did not love him well enough to betray me. And, thanks to the ministry of the best friends that God ever raised up to a man, I am here today to claim my rights."

"These rights," said Mr. Balfour, "these rights which you hold in your patented inventions, for all these years used by the defendant, you say you have never assigned."

"Never."

"If an assignment executed in due form should be presented to you, what should you say?"

"I object to the question," said Mr. Cavendish, leaping to his feet. "The document has not yet been presented to him."

"The gentleman is right," said Mr. Balfour; "the witness has never seen it. I withdraw the question; and now tell me what you know about Mr. Belcher's profits on the use of these inventions."

"I cannot tell much," replied Mr. Benedict. "I know the inventions were largely profitable to him; otherwise he would not have been so anxious to own them. I have never had access to his books, but I know he became rapidly rich on his manufactures, and that, by the cheapness with which he produced them, he was

able to hold the market, and to force his competitors into bankruptcy."

"May it please the Court," said Mr. Balfour, "I am about done with this witness, and I wish to say; just here, that if the defendant stands by his pleadings, and denies his profits, I shall demand the production of his books in court. We can get definite information from them, at least." Then bowing to Mr. Benedict, he told him that he had no further questions to ask.

The witness was about to step down, when the judge turned to Mr. Cavendish, with the question: "Does the counsel for the defendant wish to cross-examine the witness?"

"May it please the Court," said Mr. Cavendish, rising, "the counsel for the defence regards the examination so far simply as a farce. We do not admit that the witness is Paul Benedict, at all—or, rather, the Paul Benedict named in the patents, certified copies of which are in evidence. The Paul Benedict therein named has long been regarded as dead. This man has come and gone for months in Sevenoaks, among the neighbors of the real Paul Benedict, unrecognized. He says he has lived for years within forty miles of Sevenoaks, and at this late day puts forward his claims. There is nobody in court, sir. We believe the plaintiff to be a fraud, and this prosecution a put-up job. In saying this, I would by no means impugn the honor of the plaintiff's counsel. Wiser men than he have been deceived and duped, and he may be assured that he is the victim of the villainies or the hallucinations of an impostor. There are men in this room, ready to testify in this case, who knew Paul Benedict during all his residence in Sevenoaks; and the witness stands before them at this moment unrecognized and unknown. I cannot cross-examine the witness without recognizing his identity with the Paul Benedict named in the patents. There is nothing but a pretender

in court, may it please your honor, and I decline to have anything to do with him."

Mr. Cavendish sat down, with the air of a man who believed he had blasted the case in the bud, and that there was nothing left to do but to adjourn.

"It seems to the Court, gentlemen," said the judge in a quiet tone, "that this question of identity should be settled as an essential preliminary to further proceedings."

"May it please your honor," said Mr. Balfour, rising, "I did not suppose it possible, after the plaintiff had actually appeared in court, and shown himself to the defendant, that this question of identity would be mooted or mentioned. The defendant must know that I have witnesses here—that I would not appear here without competent witnesses—who will place his identity beyond question. It seems, however, that this case is to be fought inch by inch, on every possible ground. As the first witness upon this point, I shall call for James Fenton."

"Jest call me Jim," said the individual named, from his distant seat.

"James Fenton" was called to the stand, and Mr. Benedict stepped down. Jim advanced through the crowd, his hair standing very straight in the air, and his face illumined by a smile that won every heart in the house, except those of the defendant and his counsel. A war-horse going into battle, or a hungry man going to his dinner, could not have manifested more rampant alacrity.

"Hold up your right hand," said the clerk.

"Sartin," said Jim. "Both on 'em if ye say so."

"You solemnly swear m-m-m-m-m-m-m-m- so help you God!"

"I rreally wish, if ye ain't too tired, that ye'd say that over ag'in," said Jim. "If I'm a-goin' to make a Happy David, I want to know what it is."

The clerk hesitated, and the judge directed him to repeat the form of the oath distinctly. When this was done, Jim said: "Thank ye; there's nothin' like startin' squar."

"James Fenton," said Mr. Balfour, beginning a question.

"Jest call me Jim: I ain't no prouder here nor I be at Number Nine," said the witness.

"Very well, Jim," said Mr. Balfour, smiling, "tell us who you are."

"I'm Jim Fenton, as keeps a hotel at Number Nine. My father was an Englishman, my mother was a Scotchman, I was born in Ireland, an' raised in Canady, an' I've lived in Number Nine for more nor twelve year, huntin', trappin' an' keepin' a hotel. I hain't never be'n eddicated, but I can tell the truth when it's necessary, an' I love my friends and hate my enemies."

"May it please the Court," said Mr. Cavendish with a sneer, "I beg to suggest to the plaintiff's counsel that the witness should be required to give his religious views."

Mr. Belcher laughed, and Mr. Cavendish sniffed his lips, as if they had said a good thing.

"Certainly," responded Mr. Balfour. "What are your religious views, Jim?"

"Well," said Jim, "I hain't got many, but I sh'd be s'prised if there wasn't a brimstone mine on t'other side, with a couple o' picks in it for old Belcher an' the man as helps 'im."

The laugh was on Mr. Cavendish. The Court smiled, the audience roared, and order was demanded.

"That will do," said Mr. Cavendish. "The religious views of the witness are definite and satisfactory."

"Jim, do you know Paul Benedict?" inquired Mr. Balfour.

"Well, I do," said Jim. "I've knowed 'im ever sence he come to Sevenoaks."