

"How did you make his acquaintance?"

"He used to come into the woods, fishin' an' huntin' Him an' me was like brothers. He was the curisest creetur I ever seen, an' I hope he takes no 'fence in hearin' me say so. Ye've seen his tackle, Mr. Balfour, an' that split bamboo o' his, but the jedge hasn't seen it. I wish I'd brung it along. Fond of fishin', sir?" And Jim turned blandly and patronizingly to the Court.

The Judge could not repress a little ripple of amusement, which, from a benevolent mouth, ran out over his face. Biting his lips, he said: "The witness had better be confined to the matter in hand."

"An' Jedge—no 'fence—but I like yer looks, an' if ye'll come to Number Nine—it's a little late now—I'll—"

Mr. Cavendish jumped up and said fiercely: "I object to this trifling."

"Jim," said Mr. Balfour, "the defendant's counsel objects to your trifling. He has a right to do so, particularly as he is responsible for starting it. Now, tell me whether the Paul Benedict you knew was the only man of the name who has lived in Sevenoaks since you have lived in Number Nine?"

"He was the only one I ever hearn on. He was the one as invented Belcher's machines, anyway. He's talked about 'em with me a thousand times."

"Is he in the room?"

"Mostly," said Jim, with his bland smile.

"Give me a direct answer, now."

"Yis, he's in this room, and he's a settin' there by you, an' he's been a stannin' where I stan' now."

"How do you know that this is the same man who used to visit you in the woods, and who invented Mr. Belcher's machines?"

"Well, it's a long story. I don't mind tellin' on it, if it wouldn't be too triflin'," with a comical wink at Mr. Cavendish.

"Go on and tell it," said Mr. Balfour.

"I knowed Benedict up to the time when he lost his mind, an' was packed off to the 'Sylum, an' I never seen 'im ag'in till I seen 'im in the Sevenoaks poor-house. I come acrost his little boy one night on the hill, when I was a-trampin' home. He hadn't nothin' on but rags, an' he was as blue an' hungry as a spring bar. The little feller teched me, ye know—teched my feelins—an' I jest sot down to comfort 'im. He telled me his ma was dead, and that his pa was at old Buffum's, as crazy as a loon. Well, I stayed to old Buffum's that night, an' went into the poor-house in the mornin', with the doctor. I seen Benedict thar, an' knowed him. He was a lyin' on the straw, an' he hadn't clothes enough on 'im to put in tea. An', says I, 'Mr. Benedict, give us your benediction;' an', says he, 'Jim!' That floored me, an' I jest cried and swar'd to myself. Well, I made a little 'rangement with him an' his boy, to take 'im to Abram's bosom. Ye see he thought he was in hell, an' it was a reasonable thing in 'im too; an' I telled 'im that I'd got a settlement in Abram's bosom, an' I axed 'im over to spend the day. I took 'im out of the poor-house an' carried 'im to Number Nine, an' I cured 'im. He's lived there ever sence, helped me build my hotel, an' I come down with 'im, to 'tend this court, an' we brung his little boy along too, an' the little feller is here, an' knows him better nor I do."

"And you declare, under oath, that the Paul Benedict whom you knew in Sevenoaks, and at Number Nine—before his insanity—the Paul Benedict who was in the poor-house at Sevenoaks and notoriously escaped from that institution—escaped by your help, has lived with you ever since, and has appeared here in court this morning," said Mr. Balfour.

"He's the same feller, an' no mistake, if so be he hain't slipped his skin," said Jim, "an' no triflin'. I make my Happy David on't."

"Did Mr. Belcher ever send into the woods to find him?"

"Yis," said Jim, laughing, "but I choked 'em off."

"How did you choke them off?"

"I telled 'em both I'd lick 'em if they ever blowed. They didn't want to blow any, to speak on, but Mike Conlin come in with a hundred dollars of Belcher's money in his jacket, an' helped me nuss my man for a week; an' I got a Happy David out o' Sam Yates, an' ther's the dockymment;" and Jim drew from his pocket the instrument with which the reader is already familiar.

Mr. Balfour had seen the paper, and told Jim that it was not necessary in the case. Mr. Belcher looked very red in the face, and leaned over and whispered to his lawyer.

"That is all," said Mr. Balfour.

Mr. Cavendish rose. "You helped Mr. Benedict to escape, did you, Jim?"

"I said so," replied Jim.

"Did you steal the key when you were there first?"

"No; I borrowed it, an' brung it back an' left it in the door."

"Did you undo the fastenings of the outside door?"

"Yis, an' I did 'em up ag'in."

"Did you break down the grated door?"

"I remember about somethin' squeakin' an' givin' 'way," replied Jim, with a smile. "It was purty dark, an' I couldn't see 'xactly what was a-goin' on."

"Oh, you couldn't! We have your confession, then, that you are a thief and a burglar, and that you couldn't see the man you took out."

"Well, now, Squar, that won't help ye any. Benedict is the man as got away, an' I saved the town the board of two paupers an' the cost of two pine coffins, an' sent old Buffum where he belonged, an' nobody cried but his pertickler friend as sets next to ye."

"I beg the Court's protection for my client, against the insults of this witness," said Mr. Cavendish.

"When a man calls Jim Fenton a thief an' a bugger, he must take what comes on't," said Jim. "Ye may thank yer everlastin' stars that ye didn't say that to me in the street, for I should 'a licked ye. I should 'a fastened that slippery old scalp o' yourn tighter nor a drum-head."

"Witness," said the judge, peremptorily, "you forget where you are, sir. You must stop these remarks."

"Jedge, look 'ere! When a man is insulted by a lawyer in court, what can he do? I'm a reasomble man, but I can't take anybody's sarse. It does seem to me as if a lawyer as snubs a witness and calls 'im names, wants dressin' down too. Give Jim Fenton a fair shake, an' he's all right."

Jim's genial nature and his irrepressible tongue were too much for the Court and the lawyers together. Mr. Cavendish writhed in his seat. He could do nothing with Jim. He could neither scare nor control him, and saw that the witness was only anxious for another encounter. It was too evident that the sympathy of the jury and the increasing throng of spectators was with the witness, and that they took delight in the discomfiture of the defendant's counsel.

"May it please the Court," said Mr. Cavendish, "after the disgraceful confessions of the witness, and the revelation of his criminal character, it will not comport with my own self-respect to question him further."

"Paddlin' off, eh?" said Jim, with a comical smile.

"Witness," said the judge, "be silent and step down."

"No 'fence, Jedge, I hope?"

"Step down, sir."

Jim saw that matters were growing serious. He liked the judge, and had intended, in some private way, to

explain the condition of his hair as attributable to his fright on being called into court as a witness, but he was obliged to relinquish his plan, and go back to his seat. The expression of his face must have been most agreeable to the spectators, for there was a universal giggle among them which called out the reproof of the Court.

"Helen Dillingham" was next called for. At the pronouncement of her name, and her quiet progress through the court-room to the stand, there was a hush in which nothing was heard but the rustle of her own drapery. Mr. Belcher gasped, and grew pale. Here was the woman whom he madly loved. Here was the woman whom he had associated with his scheme of European life, and around whom, more and more, as his difficulties increased and the possibilities of disaster presented themselves, he had grouped his hopes and gathered his plans. Had he been the dupe of her cunning? Was he to be the object of her revenge? Was he to be betrayed? Her intimacy with Harry Benedict began to take on new significance. Her systematic repulses of his blind passion had an explanation other than that which he had given them. Mr. Belcher thought rapidly while the formalities which preceded her testimony were in progress.

Every man in the court-room leaned eagerly forward to catch her first word. Her fine figure, graceful carriage and rich dress had made their usual impression.

"Mrs. Dillingham," said the judge, with a courteous bow and gesture, "will you have the kindness to remove your veil?"

The veil was quietly raised over her hat, and she stood revealed. She was not pale; she was fresh from the woods, and in the glory of renewed health. A murmur of admiration went around the room like the stirring of leaves before a vagrant breeze.

"Mrs. Dillingham," said Mr. Balfour, "where do you reside?"

"In this city, sir."

"Have you always lived here?"

"Always."

"Do you know Paul Benedict?"

"I do, sir."

"How long have you known him?"

"From the time I was born until he left New York, after his marriage."

"What is his relation to you?"

"He is my brother, sir."

Up to this answer, she had spoken quietly, and in a voice that could only be heard through the room by the closest attention; but the last answer was given in a full, emphatic tone.

Mr. Belcher entirely lost his self-possession. His face grew white, his eyes were wild, and raising his clenched fist, he brought it down with a powerful blow upon the table before him, and exclaimed: "My God!"

The court-room became in an instant as silent as death. The judge uttered no reprimand, but looked inquiringly, and with unfeigned astonishment, at the defendant.

Mr. Cavendish rose and begged the Court to overlook his client's excitement, as he had evidently been taken off his guard.

"Paul Benedict is your brother, you say?" resumed Mr. Balfour.

"He is, sir."

"What was his employment before he left New York?"

"He was an inventor from his childhood, and received a careful education in accordance with his mechanical genius."

"Why did he leave New York?"

"I am ashamed to say that he left in consequence of my own unkindness."

"What was the occasion of your unkindness?"

"His marriage with one whom I did not regard as his own social equal or mine."

"What was her name?"

"Jane Kendrick."

"How did you learn that he was alive?"

"Through his son, whom I invited into my house, after he was brought to this city by yourself."

"Have you recently visited the cemetery at Sevenoaks?"

"I have, sir."

"Did you see the grave of your sister-in-law?"

"I did."

"Was there a headstone upon the grave?"

"There was a humble one."

"What inscription did it bear?"

"Jane Kendrick, wife of Paul Benedict."

"When and where did you see your brother first, after your separation?"

"Early last summer, at a place called Number Nine."

"Did you recognize him?"

"I did, at once."

"Has anything occurred, in the intercourse of the summer, to make you suspect that the man whom you recognized as your brother was an impostor?"

"Nothing. We have conversed with perfect familiarity on a thousand events and circumstances of our early life. I know him to be my brother as well as I know my own name, and my own identity."

"That is all," said Mr. Balfour.

"Mrs. Dillingham," said Mr. Cavendish, after holding a long whispered conversation with his client, "you were glad to find your brother at last, were you not?"

"Very glad, sir."

"Why?"

"Because I was sorry for the misery which I had inflicted upon him, and to which I had exposed him."

"You were the victim of remorse, as I understand you?"

"Yes, sir; I suppose so."

"Were you conscious that your condition of mind unfitted you to discriminate? Were you not so anxious to find your brother, in order to quiet your conscience, that you were easily imposed upon?"

"No, sir, to both questions."

"Well, madam, such things have happened. Have you been in the habit of receiving Mr. Belcher at your house?"

"I have."

"You have been in the habit of receiving gentlemen rather indiscriminately at your house, haven't you?"

"I object to the question," said Mr. Balfour quickly.

"It carries a covert insult to the witness."

Mrs. Dillingham bowed to Mr. Balfour in acknowledgment of his courtesy, but answered the question. "I have received you, sir, and Mr. Belcher. I may have been indiscriminate in my courtesies. A lady living alone cannot always tell."

A titter ran around the court-room, in which Mr. Belcher joined. His admiration was too much at the moment for his self-interest.

"Did you know, before you went to Number Nine, that your brother was there?" inquired Mr. Cavendish.

"I did, and the last time but one at which Mr. Belcher called upon me I informed him of the fact."

"That your brother was there?"

"No, that Paul Benedict was there."

"How did you know he was there?"

"His little boy wrote me from there, and told me so." Mr. Cavendish had found more than he sought. He

wanted to harass the witness, but he had been withheld by his client. Baffled on one hand and restrained on the other—for Mr. Belcher could not give her up, and learn to hate her in a moment—he told the witness he had no more questions to ask.

Mrs. Dillingham drew down her veil again, and walked to her seat.

Harry Benedict was next called, and after giving satisfactory answers to questions concerning his understanding of the nature of an oath, was permitted to testify.

"Harry," said Mr. Balfour, "were you ever in Mr. Belcher's house?"

"Yes, sir."

"Tell us how it happened that you were there."

"Mr. Belcher stopped me in the street, and led me up the steps, and then upstairs into his room."

"What question did he ask you?"

"He wanted to know whether my father was alive."

"Did he offer you money if you would tell?"

"Yes, sir; he offered me a great gold piece of money, and told me it was an eagle."

"Did you take it?"

"No, sir."

"Did he threaten you?"

"He tried to scare me, sir."

"Did he tell you that he should like to give your father some money?"

"Yes, sir."

"And did you tell him that your father was alive?"

"No, sir, I ran away;" and Harry could not restrain a laugh at the remembrance of the scene.

"Harry, is your father in this room?"

Harry looked at his father with a smile, and answered, "Yes, sir."

"Now, Harry, I want you to pick him out from all these people. Be sure not to make any mistake. Mr

Belcher has been so anxious to find him, that I presume he will be very much obliged to you for the information. Go and put your hand on him."

Harry started at a run, and, dodging around the end of the bar, threw himself into his father's arms. The performance seemed so comical to the lad, that he burst into a peal of boyish laughter, and the scene had such a pretty touch of nature in it, that the spectators cheered, and were only checked by the stern reprimand of the judge, who threatened the clearing of the room if such a demonstration should again be indulged in.

"Does the counsel for the defence wish to cross-examine the witness?" inquired the judge.

"I believe not," said Mr. Cavendish, with a nod; and then Harry went to his seat, at the side of Jim Fenton, who hugged him so that he almost screamed. "Ye're a brick, little feller," Jim whispered. "That was a Happy David, an' a Goliath into the bargain. You've knocked the Ph'listine this time higher nor a kite."

"May it please the Court," said Mr. Cavendish, "I have witnesses here who knew Paul Benedict during all his residence in Sevenoaks, and who are ready to testify that they do not know the person who presents himself here to-day, as the plaintiff in this case. I comprehend the disadvantage at which I stand, with only negative testimony at my command. I know how little value it has, when opposed to such as has been presented here; and while I am convinced that my client is wronged, I shall be compelled, in the end, to accept the identity of the plaintiff as established. If I believed the real Paul Benedict, named in the patents in question, in this case, to be alive, I should be compelled to fight this question to the end, by every means in my power, but the main question at issue, as to whom the title to these patents rests in, can be decided between my client and a man

of straw, as well as between him and the real inventor. That is the first practical issue, and to save the time of the Court, I propose to proceed to its trial; and first I wish to cross-examine the plaintiff."

Mr. Benedict resumed the stand.

"Witness, you pretend to be the owner of the patents in question, in this case, and the inventor of the machines, implements, and processes which they cover, do you?" said Mr. Cavendish.

"I object to the form of the question," said Mr. Balfour. "It is an insult to the witness, and a reflection upon the gentleman's own sincerity, in accepting the identity of the plaintiff."

"Very well," said Mr. Cavendish, "since the plaintiff's counsel is so difficult to please! You are the owner of these patents, are you?"

"I am, sir."

"You have been insane, have you, sir?"

"I suppose I have been, sir. I was very ill for a long time, and have no doubt that I suffered from mental alienation."

"What is your memory of things that occurred immediately preceding your insanity?"

Mr. Benedict and his counsel saw the bearings of this question, at once, but the witness would no more lied than he would have stolen, or committed murder. So he answered: "It is very much confused, sir."

"Oh, it is! I thought so! Then you cannot swear to the events immediately preceding your attack?"

"I am afraid I cannot, sir, at least not in their order or detail."

"No! I thought so!" said Mr. Cavendish, in his contemptuous manner, and rasping voice. "I commend your prudence. Now, witness, if a number of your neighbors should assure you that, on the day before your attack, you did a certain thing, which you do not

remember to have done, how should you regard their testimony?"

"If they were credible people, and not unfriendly to me, I should be compelled to believe them."

"Why, sir! you are an admirable witness! I did not anticipate such candor. We are getting at the matter bravely. We have your confession, then, that you do not remember distinctly the events that occurred the day before your attack, and your assertion that you are ready to believe and accept the testimony of credible witnesses in regard to those events."

"Yes, sir."

"Did you ever know Nicholas Johnson and James Ramsey?"

"Yes, sir."

"Where did you see them last?"

"In Mr. Belcher's library."

"On what occasion, or, rather, at what time?"

"I have sad reason to remember both the occasion and the date, sir. Mr. Belcher had determined to get my signature to an assignment, and had brought me to his house on another pretext entirely. I suppose he had summoned these men as witnesses."

"Where are these men now?"

"Unhappily, they are both dead."

"Yes, unhappily indeed—unhappily for my client. Was there anybody else in the room?"

"I believe that Phipps, Mr. Belcher's man, was coming and going."

"Why, your memory is excellent, is it not? And you remember the date of this event too! Suppose you tell us what it was."

"It was the 4th of May, 1860."

"How confused you must have been!" said Mr. Cavendish.

"These are things that were burnt into my memory,"

responded the witness. "There were other occurrences that day, of which I have been informed, but of which I have no memory."

"Ah, there are! Well, I shall have occasion to refresh your mind upon still another, before I get through with you. Now, if I should show you an assignment, signed by yourself on the very day you have designated, and also signed by Johnson, Ramsey, and Phipps as witnesses, what should you say to it?"

"I object to the question. The counsel should show the document to the witness, and then ask his opinion of it," said Mr. Balfour.

The Court coincided with Mr. Balfour's view and ruled accordingly.

"Very well," said Mr. Cavendish, "we shall get at that in good time. Now, witness, will you be kind enough to tell me how you remember that all this occurred on the 4th of May, 1860?"

"It happened to be the first anniversary of my wife's death. I went from her grave to Mr. Belcher's house. The day was associated with the saddest and most precious memories of my life."

"What an excellent memory!" said Mr. Cavendish, rubbing his white hands together. "Are you familiar with the signatures of Nicholas Johnson and James Ramsey?"

"I have seen them many times."

"Would you recognize them, if I were to show them to you?"

"I don't know, sir."

"Oh! your memory begins to fail now, does it? How is it that you cannot remember things with which you were familiar during a series of years, when you were perfectly sane, and yet can remember things so well that happened when your mind was confused?"

Mr. Benedict's mind was getting confused again, and

he began to stammer. Mr. Cavendish wondered that, in some way, Mr. Balfour did not come to the relief of his witness; but he sat perfectly quiet, and apparently unconcerned. Mr. Cavendish rummaged among his papers, and withdrew two letters. These he handed to the witness. "Now," said he, "will the witness examine these letters, and tell us whether he recognizes the signatures as genuine?"

Mr. Benedict took the two letters, of which he had already heard through Sam Yates, and very carefully read them. His quick, mechanical eye measured the length and every peculiarity of the signatures. He spent so much time upon them that even the Court grew impatient.

"Take all the time you need, witness," said Mr. Balfour.

"All day, of course, if necessary," responded Mr. Cavendish raspingly.

"I think these are genuine autograph letters, both of them," said Mr. Benedict.

"Thank you; now please hand them back to me."

"I have special reasons for requesting the Court to impound these letters," said Mr. Balfour. "They will be needed again in the case."

"The witness will hand the letters to the clerk," said the judge.

Mr. Cavendish was annoyed, but acquiesced gracefully. Then he took up the assignment, and said: "Witness, I hold in my hand a document signed, sealed, and witnessed on the fourth day of May, 1860, by which Paul Benedict conveys to Robert Belcher his title to the patents, certified copies of which have been placed in evidence. I want you to examine carefully your own signature, and those of Johnson and Ramsey. Happily, one of the witnesses is still living, and is ready, not only to swear to his own signature, but to yours and to those of the other witnesses."

Mr. Cavendish advanced, and handed Benedict the instrument. The inventor opened it, looked it hurriedly through, and then paused at the signatures. After examining them long, with naked eyes, he drew a glass from his pocket, and scrutinized them with a curious, absorbed look, forgetful, apparently, where he was.

"Is the witness going to sleep?" inquired Mr. Cavendish; but he did not stir. Mr. Belcher drew a large handkerchief from his pocket, and wiped his red, perspiring face. It was an awful moment to him. Phipps, in his seat, was as pale as a ghost, and sat watching his master.

At last Mr. Benedict looked up. He seemed as if he had been deprived of the power of speech. His face was full of pain and fright. "I do not know what to say to this," he said.

"Oh, you don't! I thought you wouldn't! Still, we should like to know your opinion of the instrument," said Mr. Cavendish.

"I don't think you would like to know it, sir," said Benedict, quietly.

"What does the witness insinuate?" exclaimed the lawyer, jumping to his feet. "No insinuations, sir!"

"Insinuations are very apt to breed insinuations," said the judge, quietly. "The witness has manifested no disinclination to answer your direct questions."

"Very well," said Mr. Cavendish. "Is your signature at the foot of that assignment?"

"It is not, sir."

"Perhaps those are not the signatures of the witnesses," said Mr. Cavendish, with an angry sneer.

"Two of them, I have no doubt, are forgeries," responded Mr. Balfour, with an excited voice.

Mr. Cavendish knew that it would do no good to manifest anger; so he laughed. Then he sat down by the side of Mr. Belcher, and said something to him, and they both laughed together.

"That's all," he said, nodding to the witness.

"May it please the Court," said Mr. Balfour, "we got along so well with the question of identity, that, with the leave of the defendant's counsel, I propose, in order to save the time of the Court, that we push our inquiries directly into the validity of this assignment. This is the essential question, and the defendant has only to establish the validity of the instrument to bring the case to an end at once. This done, the suit will be abandoned."

"Certainly," said Mr. Cavendish, rising. "I agree to the scheme with the single provision on behalf of the defendant, that he shall not be debarred from his pleading of a denial of profits, in any event."

"Agreed," said Mr. Balfour.

"Very well," said Mr. Cavendish. "I shall call Cornelius Phipps, the only surviving witness of the assignment."

But Cornelius Phipps did not appear when he was called. A second call produced the same result. He was not in the house. He was sought for in every possible retreat about the house, but could not be found. Cornelius Phipps had mysteriously disappeared.

After consulting Mr. Belcher, Mr. Cavendish announced that the witness who had been called was essential at the present stage of the case. He thought it possible that, in the long confinement of the court-room, Phipps had become suddenly ill, and gone home. He hoped, for the honor of the plaintiff in the case, that nothing worse had happened, and suggested that the court adjourn until the following day.

And the court adjourned, amid tumultuous whispering. Mr. Belcher was apparently oblivious of the fact, and sat and stared, until touched upon the shoulder by his counsel, when he rose and walked out upon a world and into an atmosphere that had never before seemed so strange and unreal.