

Jeanie's distresses, that, although she hoped and believed her sister to be innocent, she had not the means of receiving that assurance from her own mouth.

The double-dealing of Ratcliffe in the matter of Robertson had not prevented his being rewarded, as double-dealers frequently have been, with favor and preferment. Sharpitlaw, who found in him something of a kindred genius, had been intercessor in his behalf with the magistrates, and the circumstance of his having voluntarily remained in the prison, when the doors were forced by the mob, would have made it a hard measure to take the life which he had such easy means of saving. He received a full pardon; and soon afterwards, James Ratcliffe, the greatest thief and housebreaker in Scotland, was, upon the faith, perhaps, of an ancient proverb, selected as a person to be intrusted with the custody of other delinquents.

When Ratcliffe was thus placed in a confidential situation, he was repeatedly applied to by the sapient Saddletree and others, who took some interest in the Deans family, to procure an interview between the sisters; but the magistrates, who were extremely anxious for the apprehension of Robertson, had given strict orders to the contrary, hoping that, by keeping them separate, they might, from the one or the other, extract some information respecting that fugitive. On this subject Jeanie had nothing to tell them. She informed Mr. Middleburgh, that she knew nothing of Robertson, except having met him that night by appointment to give her some advice respecting her sister's concern, the purport of which, she said, was betwixt God and her conscience. Of his motions, purposes, or plans, past, present, or future, she knew nothing, and so had nothing to communicate.

Effie was equally silent though from a different cause. It was in vain that they offered a commutation and alleviation of her punishment, and even a free pardon, if she would confess what she knew of her lover. She answered only with tears; unless, when at times driven into pettish sulkiness by the persecution of the interrogators, she made them abrupt and disrespectful answers.

At length, after her trial had been delayed for many weeks, in hopes she might be induced to speak out on a subject infinitely more interesting to the magistracy than her own guilt or innocence, their patience was worn out, and even Mr. Middleburgh finding no ear lent to farther intercession in her behalf, the day was fixed for the trial to proceed.

It was now, and not sooner, that Sharpitlaw, recollecting his promise to Effie Deans, or rather being dinned into compliance by the unceasing remonstrances of Mrs. Saddletree, who was his next-door neighbor, and who declared it was heathen cruelty to keep the two broken-hearted creatures separate, issued the important mandate, permitting them to see each other.

On the evening which preceded the eventful

day of trial, Jeanie was permitted to see her sister—an awful interview, and occurring at a most distressing crisis. This, however, formed a part of the bitter cup which she was doomed to drink, to atone for crimes and follies to which she had no accession; and at twelve o'clock noon, being the time appointed for admission to the jail, she went to meet, for the first time for several months, her guilty, erring, and most miserable sister, in that abode of guilt, error, and utter misery.

CHAPTER XX.

—Sweet sister, let me live!
What sin you do to save a brother's life,
Nature dispenses with the deed so far,
That it becomes a virtue.

MEASURE FOR MEASURE.

JEANIE DEANS was admitted into the jail by Ratcliffe. This fellow, as void of shame as of honesty, as he opened the now trebly secured door, asked her, with a leer which made her shudder, "whether she remembered him?"

A half-pronounced and timid "No," was her answer.

"What! not remember moonlight, and Muschat's Cairn, and Rob and Rat?" said he, with the same sneer;—"Your memory needs redding up, my jo."

If Jeanie's distresses had admitted of aggravation, it must have been to find her sister under the charge of such a profligate as this man. He was not, indeed, without something of good to balance so much that was evil in his character and habits. In his misdemeanors he had never been bloodthirsty or cruel; and in his present occupation, he had shown himself, in a certain degree, accessible to touches of humanity. But these good qualities were unknown to Jeanie, who, remembering the scene at Muschat's Cairn, could scarce find voice to acquaint him, that she had an order from Bailie Middleburgh, permitting her to see her sister.

"I ken that fu' weel, my bonny doo; mair by token, I have a special charge to stay in the ward with you a' the time ye are thegither."

"Must that be sae?" asked Jeanie, with an imploring voice.

"Hout, ay, hinny," replied the turnkey; "and what the waur will you and your tittie be of Jim Ratcliffe hearing what ye hae to say to ilk other?—Deil a word ye'll say that will gar him ken your kittle sex better than he kens them already; and another thing is, that if ye dinna speak o' breaking the Tolbooth, deil a word will I tell ower, either to do ye good or ill."

Thus saying, Ratcliffe marshalled her the way to the apartment where Effie was confined.

Shame, fear, and grief, had contended for mastery in the poor prisoner's bosom during the whole morning, while she had looked forward to this meeting; but when the door opened, all gave way to a confused and strange feeling that had a tinge of joy in it, as, throwing herself on her sis-

ter's neck, she ejaculated, "My dear Jeanie!—my dear Jeanie! it's lang since I hae seen ye." Jeanie returned the embrace with an earnestness that partook almost of rapture, but it was only a fitting emotion, like a sunbeam unexpectedly penetrating betwixt the clouds of a tempest, and obscured almost as soon as visible. The sisters walked together to the side of the pallet bed, and sate down side by side, took hold of each other's hands, and looked each other in the face, but without speaking a word. In this posture they remained for a minute, while the gleam of joy gradually faded from their features, and gave way to the most intense expression, first of melancholy, and then of agony, till, throwing themselves again into each other's arms, they, to use the language of Scripture, lifted up their voices, and wept bitterly.

Even the hard-hearted turnkey, who had spent his life in scenes calculated to stifle both conscience and feeling, could not witness this scene without a touch of human sympathy. It was shown in a trifling action, but which had more delicacy in it than seemed to belong to Ratcliffe's character and station. The unglazed window of the miserable chamber was open, and the beams of a bright sun fell right upon the bed where the sufferers were seated. With a gentleness that had something of reverence in it, Ratcliffe partly closed the shutter, and seemed thus to throw a veil over a scene so sorrowful.

"Ye are ill, Effie," were the first words Jeanie could utter; "ye are very ill."

"O, what wad I gie to be ten times waur, Jeanie!" was the reply—"what wad I gie to be cauld dead afore the ten o'clock bell the morn! And our father—but I am his bairn, nae langer now—O, I hae nae friend left in the world!—O, that I were lying dead at my mother's side, in Newbattle kirk-yard!"

"Hout, lassie," said Ratcliffe, willing to show the interest which he absolutely felt, "dinna be sae dooms doon-hearted as a' that; there's mony a tod hunted that's no killed. Advocate Langtale has brought folk through waur snappers than a' this, and there's no a cleverer agent than Nichil Novit e'er drew a bill of suspension. Hanged or unhanged, they are weel aff has sic an agent and counsel; ane's sure o' fair play. Ye are a bonny lass, too, an ye wad busk up your cockernonie a bit; and a bonny lass will find favor wi' judge and jury, when they would strap up a grewsome carle like me for the fifteenth part of a flea's hide and tallow, d—n them."

To this homely strain of consolation the mourners returned no answer; indeed, they were so much lost in their own sorrows as to have become insensible of Ratcliffe's presence. "O Effie," said her elder sister, "how could you conceal your situation from me? O woman, had I deserved this at your hand?—had ye spoke but ae word—sorry we might hae been, and shamed we might hae been, but this awfu' dispensation had never come ower us."

"And what gude wad that hae done?" answered the prisoner. "Na, na, Jeanie, a' was ower when ance I forgot what I promised when I faulded down the leaf of my Bible. See," she said, producing the sacred volume, "the book opens aye at the place o' itsell. O see, Jeanie, what a fearfu' Scripture!"

Jeanie took her sister's Bible, and found that the fatal mark was made at this impressive text in the book of Job: "He hath stripped me of my glory, and taken the crown from my head. He hath destroyed me on every side, and I am gone. And mine hope hath he removed like a tree."

"Isna that ower true a doctrine?" said the prisoner—"Isna my crown, my honor removed? And what am I but a poor wasted, wan-thriven tree, dug up by the roots, and flung out to waste in the highway, that man and beast may tread it under foot? I thought o' the bonny bit thorn that our father rooted out o' the yard last May, when it had a' the flush o' blossoms on it; and then it lay in the court till the beasts had trod them a' to pieces wi' their feet. I little thought, when I was wae for the bit silly green bush and its flowers, that I was to gang the same gate mysell."

"O, if ye had spoken ae word," again sobbed Jeanie—"If I were free to swear that ye had said but ae word of how it stude wi' ye, they couldna hae touched your life this day."

"Could they na?" said Effie, with something like awakened interest—for life is dear even to those who feel it is a burden—"Wha tauld ye that, Jeanie?"

"It was ane that kend what he was saying weel enough," replied Jeanie, who had a natural reluctance at mentioning even the name of her sister's seducer.

"Wha was it?—I conjure you to tell me," said Effie, seating herself upright—"Wha could tak interest in sic a cast-by as I am now?—Was it—was it him?"

"Hout," said Ratcliffe, "what signifies keeping the poor lassie in a swither? I see uphaid it's been Robertson that learned ye that doctrine when ye saw him at Muschat's Cairn."

"Was it him?" said Effie, catching eagerly at his words—"was it him, Jeanie, indeed?—O, I see it was him—poor lad, and I was thinking his heart was as hard as the nether millstone—and him in sic danger on his ain part—puir George!"

Somewhat indignant at this burst of tender feeling towards the author of her misery, Jeanie could not help exclaiming—"O Effie, how can ye speak that gane of sic a man as that?"

"We mann forgie our enemies, ye ken," said poor Effie, with a timid look and a subdued voice; for her conscience told her what a different character the feelings with which she regarded her seducer bore, compared with the Christian charity under which she attempted to veil it.

"And ye hae suffered a' this for him, and ye

can think of loving him still?" said her sister in a voice betwixt pity and blame.

"Love him!" answered Effie—"If I hadna loved as woman seldom loves, I hadna been with in these wa's this day; and trow ye, that love sic as mine is lightly forgotten?—Na, na,—ye may hew down the tree, but ye cannot change its bend—And, O Jeanie, if ye wad do good to me at this moment, tell me every word that he said, and whether he was sorry for poor Effie or no!"

"What needs I tell ye ony thing about it!" said Jeanie. "Ye may be sure he had ower muckle to do to save himself, to speak lang or muckle about ony body beside."

"That's no true, Jeanie, though a saunt had said it," replied Effie, with a sparkle of her former lively and irritable temper. "But ye dinna ken, though I do, how far he pat his life in venture to save mine." And looking at Ratcliffe, she checked herself and was silent.

"I fancy," said Ratcliffe, with one of his familiar sneers, "the lassie thinks that naebody has een but hersell—Didna I see when Gentle Geordie was seeking to get other folk out of the Tolbooth forby Jock Porteous? but ye are of my mind, hiny—better sit and rue, than fit and rue—ye needna look in my face sae amazed. I ken mair things than that, may be."

"O my God! my God!" said Effie, springing up and throwing herself down on her knees before him—"D'ye ken where they hae putten my bairn?—O my bairn! my bairn! the poor sackless innocent new-born wee ane—bone of my bone, and flesh of my flesh!—O man, if ye wad e'er deserve a portion in Heaven, or a broken-hearted creature's blessing upon earth, tell me where they hae put my bairn—the sign of my shame, and the partner of my suffering! tell me wha has taen't away, or what they hae done wi't!"

"Hout tout," said the turnkey, endeavoring to extricate himself from the firm grasp with which she held him, "that's taking me at my word wi' a witness—Bairn, quo' she? How the deil suld I ken ony thing of your bairn, huzzy? Ye maun ask that of auld Meg Mirdockson, if ye dinna ken ower muckle about it yoursell."

As his answer destroyed the wild and vague hope which had suddenly gleamed upon her, the unhappy prisoner let go her hold of his coat, and fell with her face on the pavement of the apartment in a strong convulsion fit.

Jeanie Deans possessed, with her excellently clear understanding, the concomitant advantage of promptitude of spirit, even in the extremity of distress.

She did not suffer herself to be overcome by her own feelings of exquisite sorrow, but instantly applied herself to her sister's relief, with the readiest remedies which circumstances afforded; and which, to do Ratcliffe justice, he showed himself anxious to suggest, and alert in procuring. He had even the delicacy to withdraw to the far-

thest corner of the room, so as to render his official attendance upon them as little intrusive as possible when Effie was composed enough again to resume her conference with her sister.

The prisoner once more, in the most earnest and broken tones, conjured Jeanie to tell her the particulars of the conference with Robertson, and Jeanie felt it was impossible to refuse her this gratification.

"Do ye mind," she said, "Effie, when ye were in the fever before we left Woodend, and how angry your mother, that's now in a better place, was wi' me for gieing ye milk and water to drink, because ye grat for it? Ye were a bairn then, and ye are a woman now, and should ken better than ask what canna but hurt you—But come weal or wo, I canna refuse ye ony thing that ye ask me wi' the tear in your ee."

Again Effie threw herself into her arms, and kissed her cheek and forehead, murmuring, "O, if ye kend how lang it is since I heard his name mentioned!—if ye but kend how muckle good it does me but to ken ony thing o' him, that's like goodness or kindness, ye wadna wonder that I wish to hear o' him!"

Jeanie sighed, and commenced her narrative of all that had passed betwixt Robertson and her, making it as brief as possible. Effie listened in breathless anxiety, holding her sister's hand in hers, and keeping her eye fixed upon her face, as if devouring every word she uttered. The interjections of "Poor fellow,"—"Poor George," which escaped in whispers, and betwixt sighs, were the only sounds with which she interrupted the story. When it was finished she made a long pause.

"And this was his advice?" were the first words she uttered.

"Just sic as I hae tell'd ye," replied her sister.

"And he wanted you to say something to yon folks, that wad save my young life?"

"He wanted," answered Jeanie, "that I suld be mansworn."

"And ye tauld him," said Effie, "that ye wadna hear o' coming between me and the death that I am to die, and me no aughteen year auld yet?"

"I told him," replied Jeanie, who now trembled at the turn which her sister's reflections seemed about to take, "that I daured na swear to an untruth."

"And what d'ye ca' an untruth?" said Effie, again showing a touch of her former spirit—"Ye are muckle to blame, lass, if ye think a mother would, or could, murder her ain bairn—Murder!—I wad hae laid down my life just to see a blink o' its ee!"

"I do believe," said Jeanie, "that ye are as innocent of sic a purpose as the new-born babe itsell."

"I am glad ye do me that justice," said Effie, haughtily; "it's whiles the fant of very good folk like you, Jeanie, that they think a' the rest of the

world are as bad as the warst temptations can make them."

"I dinna deserve this frae ye, Effie," said her sister, sobbing, and feeling at once the injustice of the reproach, and compassion for the state of mind which dictated it.

"May be no, sister," said Effie. "But ye are angry because I love Robertson—How can I help loving him, that loves me better than body and soul baith?—Here he put his life in a niffer, to break the prison to let me out; and sure am I, had it stood wi' him as it stands wi' you"—Here she paused and was silent.

"O, if it stude wi' me to save ye wi' risk of my life!" said Jeanie.

"Ay, lass," said her sister, "that's lightly said, but no sae lightly credited, frae ane that winna ware a word for me; and if it be a wrang word, ye'll hae time enough to repent o't."

"But that word is a grievous sin, and it's a deeper offence when it's a sin wilfully and presumptuously committed."

"Weel, weel, Jeanie," said Effie, "I mind a' about the sin o' presumption in the questions—we'll speak nae mair about this matter, and ye may save your breath to say your carrich; and for me, I'll soon hae nae breath to waste on ony body."

"I must needs say," interposed Ratcliffe, "that its d—d hard, when three words of your mouth would give the girl the chance to nick Moll Blood,* that you make such scrupling about rapping † to them. D—n me, if they would take me, if I would not rap to all what'd'ye-callums—Hysop's Fables, for her life—I am us'd to't, b—t me, for less matters. Why, I have smacked calf-skin ‡ fifty times in England for a keg of brandy."

"Never speak mair o't," said the prisoner. "It's just as weel as it is—and gude-day, sister; ye keep Mr. Ratcliffe waiting on—Ye'll come back and see me, I reckon, before"—here she stopped, and became deadly pale.

"And are we to part in this way," said Jeanie, "and you in sic deadly peril? O, Effie, look but up, and say what ye wad hae me to do, and I could find in my heart amais't to say that I wad do't."

"No, Jeanie," replied her sister, after an effort. "I am better minded now. At my best, I was never half sae gude as ye were, and what for suld you begin to mak yoursell waur to save me, now that I am no worth saving? God knows, that in my sober mind, I wadna wuss ony living creature to do a wrang thing to save my life. I might have fled frae this Tolbooth on that awfu' night wi' ane wad hae carried me through the world, and friended me, and fended for me. But I said to them, let life gang when gude fame is gane before it. But this lang imprisonment has broken my spirit, and I am whiles sair left to myself, and then I wad gie the Indian mines of gold and diamonds, just for life and breath—for I

think, Jeanie, I have such roving fits as I used to hae in the fever; but, instead of the fiery een, and wolves, and Widow Butler's bullesg, that I used to see spieling upon my bed, I am thinking now about a high, black gibbet, and me standing up, and such seas of faces all looking up at poor Effie Deans, and asking if it be her that George Robertson used to call the Lily of St. Leonard's. And then they stretch out their faces, and make mouths, and girn at me, and which ever way I look, I see a face laughing like Meg Mirdockson, when she tauld me I had seen the last of my wean. God preserve us, Jeanie, that carline has a fearsome face!" She clapped her hands before her eyes as she uttered this exclamation, as if to secure herself against seeing the fearful object she had alluded to.

Jeanie Deans remained with her sister for two hours, during which she endeavored, if possible, to extract something from her that might be serviceable in her exculpation. But she had nothing to say beyond what she had declared on her first examination, with the purport of which the reader will be made acquainted in proper time and place. "They wadna believe her," she said, "and she had naething mair to tell them."

At length, Ratcliffe, though reluctantly, informed the sisters that there was a necessity that they should part. "Mr. Novit," he said, "was to see the prisoner, and may be Mr. Langtale too. Langtale likes to look at a bonny lass, whether in prison or out o' prison."

Reluctantly, therefore, and slowly, after many a tear, and many an embrace, Jeanie retired from the apartment, and heard its jarring bolts turned upon the dear being from whom she was separated. Somewhat familiarized now even with her rude conductor, she offered him a small present in money, with a request he would do what he could for her sister's accommodation. To her surprise, Ratcliffe declined the fee. "I wasna bloody when I was on the pad," he said, "and I winna be greedy—that is, beyond what's right and reasonable—now that I am in the lock.—Keep the siller; and for civility, your sister sall hae sic as I can bestow; but I hope you'll think better on it, and rap an oath for her—deil a hair ill there is in it, if ye are rapping again the crown. I kend a worthy minister, as gude a man, bating the deed they deposed him for, as ever ye heard claver in a pu'pit, that rapped to a hog'shead of pigtail tobacco, just for as muckle as filled his splenchan.* But maybe ye are keep'ng your ain counsel—weel, weel, there's nae harm in that. As for your sister, I see that she gets her meat clean and warm, and I'll try to gar her lie down and take a sleep after dinner, for deil a ee she'll close the night. I hae gude experience of these matters. The first night is aye the warst o't. I hae never heard o' ane that sleepit the night afore trial, but of mony a ane that sleepit as sound as a tap the night before their necks were straitgated. And it's nae

* The gallows. † Swearing. ‡ Kissed the book.

* Tobacco pouch.

wonder--the wars may be thoed when it's kend
--Better a finger aff as aye wagging."

CHAPTER XXI.

Yet though thou mayest be dragg'd in scorn
To yonder ignominious tree,
Thou shalt not want one faithful friend
To share the cruel fates' decree.

JEMMY DAWSON.

AFTER spending the greater part of the morning in his devotions (for his benevolent neighbors had kindly insisted upon discharging his task of ordinary labor), David Deans entered the apartments when the breakfast meal was prepared. His eyes were involuntarily cast down, for he was afraid to look at Jeanie, uncertain as he was whether she might feel herself at liberty, with a good conscience, to attend the Court of Justiciary that day, to give the evidence which he understood that she possessed, in order to her sister's exculpation. At length, after a minute of apprehensive hesitation, he looked at her dress to discover whether it seemed to be in her contemplation to go abroad that morning. Her apparel was neat and plain, but such as conveyed no exact intimation of her intentions to go abroad. She had exchanged her usual garb for morning labor, for one something inferior to that with which, as her best, she was wont to dress herself for church, or any more rare occasion of going into society. Her sense taught her, that it was respectful to be decent in her apparel on such an occasion, while her feelings induced her to lay aside the use of the very few and simple personal ornaments, which, on other occasions, she permitted herself to wear. So that there occurred nothing in her external appearance which could mark out to her father, with any thing like certainty, her intentions on this occasion.

The preparations for their humble meal were that morning made in vain. The father and daughter sat, each assuming the appearance of eating, when the other's eyes were turned to them, and desisting from the effort with disgust, when the affectionate imposture seemed no longer necessary.

At length these moments of constraint were removed. The sound of St. Giles's heavy toll announced the hour previous to the commencement of the trial; Jeanie arose, and, with a degree of composure for which she herself could not account, assumed her plaid, and made her other preparations for a distant walking. It was a strange contrast between the firmness of her demeanor, and the vacillation and cruel uncertainty of purpose indicated in all her father's motions; and one unacquainted with both could scarcely have supposed that the former was, in her ordinary habits of life, a docile, quiet, gentle, and even timid country maiden, while her father, with a mind naturally proud and strong, and supported by religious opinions, of a stern, stoical, and unyielding character, had in his time undergone and withstood the most severe hardships, and the

most imminent peril, without depression of spirit, or subjugation of his constancy. The secret of this difference was, that Jeanie's mind had already anticipated the line of conduct which she must adopt, with all its natural and necessary consequences; while her father, ignorant of every other circumstance, tormented himself with imagining what the one sister might say or swear, or what effect her testimony might have upon the awful event of the trial.

He watched his daughter, with a faltering and indecisive look, until she looked back upon him, with a look of unutterable anguish, as she was about to leave the apartment.

"My dear lassie," said he, "I will!"—His action, hastily and confusedly searching for his worsted mittans* and staff, showed his purpose of accompanying her, though his tongue failed distinctly to announce it.

"Father," said Jeanie, replying rather to his action than his words, "ye had better not."

"In the strength of my God," answered Deans, assuming firmness, "I will go forth."

And, taking his daughter's arm under his, he began to walk from the door with a step so hasty, that she was almost unable to keep up with him. A trifling circumstance, but which marked the perturbed state of his mind, checked his course. "Your bonnet, father?" said Jeanie, who observed he had come out with his grey hairs uncovered. He turned back with a slight blush on his cheek, being ashamed to have been detected in an omission which indicated so much mental confusion, assumed his large blue Scottish bonnet, and with a step slower, but more composed, as if the circumstance had obliged him to summon up his resolution, and collect his scattered ideas, again placed his daughter's arm under his, and resumed the way to Edinburgh.

The courts of justice were then, and are still, held in what is called the Parliament Close, or, according to modern phrase, Parliament Square, and occupied the buildings intended for the accommodation of the Scottish Estates. This edifice, though in an imperfect and corrupt style of architecture, had then a grave, decent, and, as it were, a judicial aspect, which was at least entitled to respect from its antiquity. For which venerable front, I observed, on my last occasional visit to the metropolis, that modern taste had substituted, at great apparent expense, a pile so utterly inconsistent with every monument of antiquity around, and in itself so clumsy at the same time and fantastic, that it may be likened to the decorations of Tom Errand the porter, in the Trip to the Jubilee, when he appears bedizened with the tawdry finery of Beau Clincher. *Sed transeat cum cæteris erroribus.*

The small quadrangle, or Close, if we may presume still to give it that appropriate, though antiquated title, which at Litchfield, Salisbury, and elsewhere, is properly applied to designate the en-

* A kind of worsted gloves, used by the lower orders.

closure adjacent to a cathedral, already evinced tokens of the fatal scene which was that day to be acted. The soldiers of the City Guard were on their posts, now enduring, and now rudely repelling with the butts of their muskets, the motley crew who thrust each other forward, to catch a glance at the unfortunate object of trial, as she should pass from the adjacent prison to the Court in which her fate was to be determined. All must have occasionally observed, with disgust, the apathy with which the vulgar gaze on scenes of this nature, and how seldom, unless when their sympathies are called forth by some striking and extraordinary circumstance, the crowd evince any interest deeper than that of callous, unthinking bustle, and brutal curiosity. They laugh, jest, quarrel, and push each other to and fro, with the same unfeeling indifference as if they were assembled for some holiday sport, or to see an idle procession. Occasionally, however, this demeanor, so natural to the degraded populace of a large town, is exchanged for a temporary touch of human affections; and so it chanced on the present occasion.

When Deans and his daughter presented themselves in the Close, and endeavored to make their way forward to the door of the Court-house, they became involved in the mob, and subject, of course, to their insolence. As Deans repelled with some force the rude pushes which he received on all sides, his figure and antiquated dress caught the attention of the rabble, who often show an intuitive sharpness in ascribing the proper character from external appearance,—

"Ye're welcome, whigs,
Frae Bothwell Briggs."

sung one fellow (for the mob of Edinburgh were at that time jacobitically disposed, probably because that was the line of sentiment most diametrically opposite to existing authority).

"Mess David Williamson,
Chosen of twenty,
Ran up the pulpit stair,
And sang Killiecrankie,"

chanted a siren, whose profession might be guessed by her appearance. A tattered caidie, or errand porter, whom David Deans had jostled in his attempt to extricate himself from the vicinity of these scorners, exclaimed in a strong north-country tone, "Ta deil ding out her Cameronian een—what gies her titles to dunch gentlemen about?"

"Make room for the ruling elder," said yet another; "he comes to see a precious sister glorify God in the Grassmarket!"

"Whisht; shame's in ye, sirs," said the voice of a man very loudly, which, as quickly sinking, said in a low, but distinct tone, "It's her father and sister."

All fell back to make way for the sufferers; and all, even the very rudest and most profligate, were struck with shame and silence. In the space thus abandoned to them by the mob, Deans stood, hold-

ing his daughter by the hand, and said to her, with a countenance strongly and sternly expressive of his internal emotion, "Ye hear with your ears, and ye see with your eyes, where and to whom the backslidings and defections of professors are ascribed by the scoffers. Not to themselves alone, but to the kirk of which they are members, and to its blessed and invisible Head. Then, weel may we take wi' patience our share and portion of this outspreading reproach."

The man who had spoken, no other than our old friend, Dumbiedikes, whose mouth, like that of the prophet's ass, had been opened by the emergency of the case, now joined them, and, with his usual taciturnity, escorted them into the Court-house. No opposition was offered to their entrance either by the guards or door-keepers; and it is even said that one of the latter refused a shilling of civility-money tendered him by the Laird of Dumbiedikes, who was of opinion that "siller wad make a' easy." But this last incident wants confirmation.

Admitted within the precincts of the Court-house, they found the usual number of busy office-bearers, and idle loiterers, who attend on these scenes by choice, or from duty. Burglers gaped and stared; young lawyers sauntered, sneered, and laughed, as in the pit of the theatre; while others apart sat on a bench retired, and reasoned highly, *inter apices juris*, on the doctrines of constructive crime, and the true import of the statute. The bench was prepared for the arrival of the judges. The jurors were in attendance. The crown-counsel, employed in looking over their briefs and notes of evidence, looked grave, and whispered with each other. They occupied one side of a large table placed beneath the bench; on the other sat the advocates, whom the humanity of the Scottish law (in this particular more liberal than that of the sister-country) not only permits, but enjoins, to appear and assist with their advice and skill all persons under trial. Mr. Nichil Novit was seen actively instructing the counsel for the panel (so the prisoner is called in Scottish law-phraseology), busy, bustling, and important. When they entered the Court-room, Deans asked the Laird, in a tremulous whisper, "Where will *she* sit?"

Dumbiedikes whispered Novit, who pointed to a vacant space at the bar, fronting the judges, and was about to conduct Deans towards it.

"No!" he said; "I cannot sit by her—I cannot own her—not as yet, at least—I will keep out of her sight, and turn mine own eyes elsewhere—better for us baith."

Saddletree, whose repeated interference with the counsel had procured him one or two rebuffs, and a special request that he would concern himself with his own matters, now saw with pleasure an opportunity of playing the person of importance. He hustled up to the poor old man, and proceeded to exhibit his consequence, by securing, through his interest with the bar-keepers and macers, a seat for Deans, in a situation where he

was hidden from the general eye by the projecting corner of the bench.

"It's gude to have a friend at court," he said, continuing his heartless harangues to the passive auditor, who neither heard nor replied to them; "few folk but mysell could hae sorted ye out a seat like this—the Lords will be here incontinent, and proceed *instantly* to trial. They wunna fence the Court as they do at the Circuit—The High Court of Justiciary is aye fenced.—But, Lord's sake, what's this o't—Jeanie, ye are a cited witness—Macer, this lass is a witness—she maun be enclosed—she maun on nae account be at large.—Mr. Novit, suldna Jeanie Deans be enclosed?"

Novit answered in the affirmative, and offered to conduct Jeanie to the apartment, where, according to the scrupulous practice of the Scottish Court, the witnesses remain in readiness to be called into Court to give evidence; and separated, at the same time, from all who might influence their testimony, or give them information concerning that which was passing upon the trial.

"Is this necessary?" said Jeanie, still reluctant to quit her father's hand.

"A matter of absolute needcessity," said Saddletree; "wha ever heard of witnesses no being enclosed?"

"It is really a matter of necessity," said the younger counsellor, retained for her sister; and Jeanie reluctantly followed the macer of the Court to the place appointed.

"This, Mr. Deans," said Saddletree, "is ca'd sequestering a witness; but it's clean different (whilk maybe ye wadna fund out o' yoursell) frae sequestering ane's estate or effects, as in cases of bankruptcy. I hae often been sequestered as a witness, for the Sheriff is in the use whiles to cry me in to witness the declarations at precognitions, and so is Mr. Sharpitlaw; but I was ne'er like to be sequestered o' land and gudes but ance, and that was lang syne, afore I was married. But whisht, whisht! here's the Court coming."

As he spoke, the five Lords of Justiciary, in their long robes of scarlet, faced with white, and preceded by their mace-bearer, entered with the usual formalities, and took their places upon the bench of judgment.

The audience rose to receive them; and the bustle occasioned by their entrance was hardly composed, when a great noise and confusion of persons struggling, and forcibly endeavoring to enter at the doors of the Court-room and of the galleries, announced that the prisoner was about to be placed at the bar. This tumult takes place when the doors, at first only opened to those either having right to be present, or to the better and more qualified ranks, are at length laid open to all whose curiosity induces them to be present on the occasion. With inflamed countenances and dishevelled dresses, struggling with, and sometimes tumbling over each other, in rushed the rude multitude, while a few soldiers, forming,

as it were, the centre of the tide, could scarce, with all their efforts, clear a passage for the prisoner to the place which she was to occupy. By the authority of the Court, and the exertions of its officers, the tumult among the spectators was at length appeased, and the unhappy girl brought forward, and placed betwixt two sentinels with drawn bayonets, as a prisoner at the bar, where she was to abide her deliverance for good or evil, according to the issue of her trial.

CHAPTER XXII.

We have strict statutes, and most biting laws—
The needful bits and curbs for headstrong steeds—
Which, for these fourteen years, we have let sleep,
Like to an o'ergrown lion in a cave,
That goes not out to prey.

MEASURE FOR MEASURE.

"EUPHEMIA DEANS," said the presiding Judge, in an accent in which pity was blended with dignity, "stand up, and listen to the criminal indictment now to be preferred against you."

The unhappy girl, who had been stupefied by the confusion through which the guards had forced a passage, cast a bewildered look on the multitude of faces around her, which seemed to tapestry, as it were, the walls, in one broad slope from the ceiling to the floor, with human countenances, and instinctively obeyed a command, which rung in her ears like the trumpet of the judgment-day.

"Put back your hair, Effie," said one of the macers. For her beautiful and abundant tresses of long fair hair, which, according to the costume of the country, unmarried women were not allowed to cover with any sort of cap, and which, alas! Effie dared no longer confine with the snood or riband, which implied purity of maiden-fame, now hung unbound and dishevelled over her face, and almost concealed her features. On receiving this hint from the attendant, the unfortunate young woman, with a hasty, trembling, and apparently mechanical compliance, shaded back from her face her luxuriant locks, and showed to the whole court, excepting one individual, a countenance, which, though pale and emaciated, was so lovely amid its agony, that it called forth a universal murmur of compassion and sympathy. Apparently the expressive sound of human feeling recalled the poor girl from the stupor of fear, which predominated at first over every other sensation, and awakened her to the no less painful sense of shame and exposure attached to her present situation. Her eye, which had at first glanced wildly around, was turned on the ground; her cheek, at first so deadly pale, began gradually to be overspread with a faint blush, which increased so fast, that, when in agony of shame she strove to conceal her face, her temples, her brow, her neck, and all that her slender fingers and small palms could not cover, became of the deepest crimson.

All marked and were moved by these changes,

excepting one. It was old Deans, who, motionless in his seat, and concealed, as we have said, by the corner of the bench, from seeing or being seen, did, nevertheless, keep his eyes firmly fixed on the ground, as if determined that, by no possibility whatever, would he be an ocular witness of the shame of his house.

"Ichabod!" he said to himself—"Ichabod! my glory is departed!"

While these reflections were passing through his mind, the indictment, which sets forth in technical form the crime of which the panel stood accused, was read as usual, and the prisoner was asked if she was Guilty, or Not Guilty.

"Not guilty of my poor bairn's death," said Effie Deans, in an accent corresponding in plaintive softness of tone to the beauty of her features, and which was not heard by the audience without emotion.

The presiding Judge next directed the counsel to plead to the relevancy; that is, to state on either part the arguments in point of law, and evidence in point of fact, against and in favor of the criminal: after which it is the form of the Court to pronounce a preliminary judgment, sending the cause to the cognizance of the jury, or assize.

The counsel for the crown briefly stated the frequency of the crime of infanticide, which had given rise to the special statute under which the panel stood indicted. He mentioned the various instances, many of them marked with circumstances of atrocity, which had at length induced the King's Advocate, though with great reluctance, to make the experiment, whether, by strictly enforcing the Act of Parliament which had been made to prevent such enormities, their occurrence might be prevented. "He expected," he said, "to be able to establish by witnesses, as well as by the declaration of the panel herself, that she was in the state described by the statute. According to his information, the panel had communicated her pregnancy to no one, nor did she allege in her own declaration that she had done so. This secrecy was the first requisite in support of the indictment. The same declaration admitted, that she had borne a male child, in circumstances which gave but too much reason to believe it had died by the hands, or at least with the knowledge or consent, of the unhappy mother. It was not, however, necessary for him to bring positive proof that the panel was accessory to the murder, nay, nor even to prove that the child was murdered at all. It was sufficient to support the indictment, that it could not be found. According to the stern, but necessary severity of this statute, she who should conceal her pregnancy, who should omit to call that assistance which is most necessary on such occasions, was held already to have meditated the death of her offspring, as an event most likely to be the consequence of her culpable and cruel concealment. And if, under such circumstances, she could not alternatively show by proof that the in-

fant had died a natural death, or produce it still in life, she must, under the construction of the law, be held to have murdered it, and suffer death accordingly."

The counsel for the prisoner, Mr. Fairbrother, a man of considerable fame in his profession, did not pretend directly to combat the arguments of the King's Advocate. He began by lamenting that his senior at the bar, Mr. Langtyle, had been suddenly called to the county of which he was Sheriff, and that he had been applied to, on short warning, to give the panel his assistance in this interesting case. He had had little time, he said, to make up for his inferiority to his learned brother by long and minute research; and he was afraid he might give a specimen of his incapacity, by being compelled to admit the accuracy of the indictment under the statute. "It was enough for their Lordships," he observed, "to know, that such was the law, and he admitted the Advocate had a right to call for the usual interlocutor of relevancy." But he stated, "that when he came to establish his case by proof, he trusted to make out circumstances which would satisfactorily elide the charge in the libel. His client's story was a short, but most melancholy one. She was bred up in the strictest tenets of religion and virtue, the daughter of a worthy and conscientious person, who, in evil times, had established a character for courage and religion, by becoming a sufferer for conscience' sake."

David Deans gave a convulsive start at hearing himself thus mentioned, and then resumed the situation, in which, with his face stooped against his hands, and both resting against the corner of the elevated bench on which the Judges sat, he had hitherto listened to the procedure in the trial. The Whig lawyers seemed to be interested; the Tories put up their lip.

"Whatever may be our difference of opinion," resumed the lawyer, whose business it was to carry his whole audience with him if possible, "concerning the peculiar tenets of these people" (here Deans groaned deeply), "it is impossible to deny them the praise of sound, and even rigid morals, or the merit of training up their children in the fear of God; and yet it was the daughter of such a person whom a jury would shortly be called upon, in the absence of evidence, and upon mere presumptions, to convict of a crime, more properly belonging to a heathen, or a savage, than to a Christian and civilized country. It was true," he admitted, "that the excellent nurture and early instruction which the poor girl had received, had not been sufficient to preserve her from guilt and error. She had fallen a sacrifice to an inconsiderate affection for a young man of prepossessing manners, as he had been informed, but of a very dangerous and desperate character. She was seduced under promise of marriage—a promise, which the fellow might have, perhaps, done her justice by keeping, had he not at that time been called upon by the law to atone for a crime, violent and desperate in itself, but which became the

preface to another eventful history, every step of which was marked by blood and guilt, and the final termination of which had not yet arrived. He believed that no one would hear him without surprise, when he stated that the father of this infant now amissing, and said by the learned Advocate to have been murdered, was no other than the notorious George Robertson, the accomplice of Wilson, the hero of the memorable escape from the Tolbooth Church, and, as no one knew better than his learned friend the Advocate, the principal actor in the Porteous conspiracy."—

"I am sorry to interrupt a counsel in such a case as the present," said the presiding Judge; "but I must remind the learned gentleman, that he is travelling out of the case before us."

The counsel bowed and resumed. "He only judged it necessary," he said, "to mention the name and situation of Robertson, because the circumstance in which that character was placed, went a great way in accounting for the silence on which his Majesty's counsel had laid so much weight, as affording proof that his client proposed to allow no fair play for its life, to the helpless being whom she was about to bring into the world. She had not announced to her friends that she had been seduced from the path of honor—and why had she not done so?—Because she expected daily to be restored to character, by her seducer doing her that justice which she knew to be in his power, and believed to be in his inclination. Was it natural—was it reasonable—was it fair, to expect, that she should, in the interim, become *felo de se* of her own character, and proclaim her frailty to the world, when she had every reason to expect, that, by concealing it for a season, it might be veiled forever? Was it not, on the contrary, pardonable, that, in such an emergency, a young woman, in such a situation, should be found far from disposed to make a confidant of every prying gossip, who, with sharp eyes, and eager ears, pressed upon her for an explanation of suspicious circumstances, which females in the lower—he might say which females of all ranks, are so alert in noticing, that they sometimes discover them where they do not exist? Was it strange, or was it criminal, that she should have repelled their inquisitive impertinence, with petulant denials? The sense and feeling of all who heard him would answer directly in the negative. But although his client had thus remained silent towards those to whom she was not called upon to communicate her situation,—to whom," said the learned gentlemen, "I will add, it would have been unadvised and improper in her to have done so; yet, I trust, I shall remove this case most triumphantly from under the statute, and obtain the unfortunate young woman an honorable dismissal from your Lordships' bar, by showing that she did, in due time and place, and to a person most fit for such confidence, mention the calamitous circumstances in which she found herself. This occurred after Robertson's conviction, and when he was lying

in prison in expectation of the fate which his comrade Wilson afterwards suffered, and from which he himself so strangely escaped. It was then, when all hopes of having her honor repaired by wedlock vanished from her eyes,—when an union with one in Robertson's situation, if still practicable, might, perhaps, have been regarded rather as an addition to her disgrace,—it was then, that I trust to be able to prove that the prisoner communicated and consulted with her sister, a young woman several years older than herself, the daughter of her father, if I mistake not, by a former marriage, upon the perils and distress of her unhappy situation."

"If, indeed, you are able to instruct that point, Mr. Fairbrother," said the presiding Judge—

"If I am indeed able to instruct that point, my Lord," resumed Mr. Fairbrother, "I trust not only to serve my client, but to relieve your Lordships from that which I know you feel the most painful duty of your high office; and to give all who now hear me the exquisite pleasure of beholding a creature so young, so ingenious, and so beautiful, as she that is now at the bar of your Lordships' Court, dismissed from thence in safety and in honor."

This address seemed to affect many of the audience, and was followed by a slight murmur of applause. Deans, as he heard his daughter's beauty and innocent appearance appealed to, was involuntarily about to turn his eyes towards her; but, recollecting himself, he bent them again on the ground with stubborn resolution.

"Will not my learned brother, on the other side of the bar," continued the advocate, after a short pause, "share in this general joy, since, I know, while he discharges his duty in bringing an accused person here, no one rejoices more in their being freely and honorably sent hence? My learned brother shakes his head doubtfully and lays his hand on the panel's declaration. I understand him perfectly—he would insinuate that the facts now stated to your Lordships are inconsistent with the confession of Euphemia Deans herself. I need not remind your Lordships, that her present defence is no whit to be narrowed within the bounds of her former confession; and that it is not by any account which she may formerly have given of herself, but by what is now to be proved for or against her, that she must ultimately stand or fall. I am not under the necessity of accounting for her choosing to drop out of her declaration the circumstances of her confession to her sister. She might not be aware of its importance; she might be afraid of implicating her sister; she might even have forgotten the circumstance entirely, in the terror and distress of mind incidental to the arrest of so young a creature on a charge so heinous. Any of these reasons are sufficient to account for her having suppressed the truth in this instance, at whatever risk to herself; and I incline most to her erroneous fear of criminalizing her sister, because I observe she has had a similar tenderness towards her lover (however

undeserved on his part), and has never once mentioned Robertson's name from beginning to end of her declaration.

"But, my Lords," continued Fairbrother, "I am aware the King's Advocate will expect me to show, that the proof I offer is consistent with other circumstances of the case, which I do not and cannot deny. He will demand of me how Effie Deans's confession to her sister, previous to her delivery, is reconcilable with the mystery of the birth,—with the disappearance, perhaps the murder (for I will not deny a possibility which I cannot disprove) of the infant. My Lords, the explanation of this is to be found in the placability, perchance, I may say, in the facility and pliability, of the female sex. The *dulcis Amaryllidis ira*, as your Lordships well know, are easily appeased; nor is it possible to conceive a woman so atrociously offended by the man whom she has loved, but what she will retain a fund of forgiveness, upon which his penitence, whether real or affected, may draw largely, with a certainty that his bills will be answered. We can prove, by a letter produced in evidence, that this villain Robertson, from the bottom of the dungeon whence he already probably meditated the escape, which he afterwards accomplished by the assistance of his comrade, contrived to exercise authority over the mind, and to direct the motions, of this unhappy girl. It was in compliance with his injunctions, expressed in that letter, that the panel was prevailed upon to alter the line of conduct which her own better thoughts had suggested; and, instead of resorting, when her time of travail approached, to the protection of her own family, was induced to confide herself to the charge of some vile agent of this nefarious seducer, and by her conducted to one of those solitary and secret purlieus of villany, which, to the shame of our police, still are suffered to exist in the suburbs of this city, where, with the assistance, and under the charge, of a person of her own sex, she bore a male-child, under circumstances which added treble bitterness to the wo denounced against our original mother. What purpose Robertson had in all this, it is hard to tell, or even to guess. He may have meant to marry the girl, for her father is a man of substance. But, for the termination of the story, and the conduct of the woman whom he had placed about the person of Euphemia Deans, it is still more difficult to account. The unfortunate young woman was visited by the fever incidental to her situation. In this fever she appears to have been deceived by the person that waited on her, and, on recovering her senses, she found that she was childless in that abode of misery. Her infant had been carried off, perhaps for the worst purposes, by the wretch that waited on her. It may have been murdered, for what I can tell."

He was here interrupted by a piercing shriek, uttered by the unfortunate prisoner. She was with difficulty brought to compose herself. Her

counsel availed himself of the tragical interruption, to close his pleading with effect.

"My Lords," said he, "in that piteous cry you heard the eloquence of maternal affection, far surpassing the force of my poor words—Rachee weeping for her children! Nature herself bears testimony in favor of the tenderness and acuteness of the prisoner's parental feelings. I will not dishonor her plea by adding a word more."

"Heard ye ever the like o' that, Laird?" said Saddle-tree to Dumbiedikes, when the counsel had ended his speech. "There's a chield can spin a muckle pirl out of a wee tait of tow! Deil haet he kens mair about it than what's in the declaration, and a surmise that Jeanie Deans suld hae been able to say something about her sister's situation, whilk surmise, Mr. Crossmyloof says, rests on sma' authority. And he's cleckit this great muckle bird out o' this wee egg! He coul, while the very flounders out o' the Firth.—What garr'd my father no send me to Utrecht?—But whisht, the Court is gaun to pronounce the interlocutor of relevancy."

And accordingly the Judges, after a few words, recorded their judgment, which bore, that the indictment, if proved, was relevant to infer the pains of law: And that the defence, that the panel had communicated her situation to her sister, was a relevant defence: And, finally, appointed the said indictment and defence to be submitted to the judgment of an assize.

CHAPTER XXIII.

Most righteous judge! a sentence.—Come, prepare.

MERCHANT OF VENICE.

It is by no means my intention to describe minutely the forms of a Scottish criminal trial, nor am I sure that I could draw up an account so intelligible and accurate as to abide the criticism of the gentlemen of the long robe. It is enough to say that the jury was impanelled, and the case proceeded. The prisoner was again required to plead to the charge, and she again replied, "Not Guilty," in the same heart-thrilling tone as before.

The crown counsel then called two or three female witnesses, by whose testimony it was established that Effie's situation had been remarked by them, that they had taxed her with the fact, and that her answers had amounted to an angry and petulant denial of what they charged her with. But, as very frequently happens, the declaration of the panel or accused party herself, was the evidence which bore hardest upon her case.

In the event of these tales ever finding their way across the Border, it may be proper to apprise the southern reader that it is the practice in Scotland, on apprehending a suspected person, to subject him to a judicial examination before a magistrate. He is not compelled to answer any of the questions asked of him, but may remain silent if he sees it his interest to do so. But