

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

whatever answers he chooses to give are formally written down, and being subscribed by himself and the magistrate, are produced against the accused in case of his being brought to trial. It is true, that these declarations are not produced as being in themselves evidence properly so called, but only as *admirables* of testimony, tending to corroborate what is considered as legal and proper evidence. Notwithstanding this nice distinction, however, introduced by lawyers to reconcile this procedure to their own general rule, that a man cannot be required to bear witness against himself, it, nevertheless, usually happens that these declarations become the means of condemning the accused, as it were, out of their own mouths. The prisoner, upon these previous examinations, has indeed the privilege of remaining silent if he pleases; but every man necessarily feels that a refusal to answer natural and pertinent interrogatories, put by judicial authority, is in itself a strong proof of guilt, and will certainly lead to his being committed to prison; and few can renounce the hope of obtaining liberty, by giving some specious account of themselves, and showing apparent frankness in explaining their motives and accounting for their conduct. It therefore seldom happens that the prisoner refuses to give a judicial declaration, in which, nevertheless, either by letting out too much of the truth, or by endeavoring to substitute a fictitious story, he almost always exposes himself to suspicion and to contradictions, which weigh heavily in the minds of the jury.

The declaration of Effie Deans was uttered on other principles, and the following is a sketch of its contents, given in the judicial form, in which they may still be found in the Books of Adjournal.

The declarant admitted a criminal intrigue with an individual whose name she desired to conceal. "Being interrogated, what her reason was for secrecy on this point? She declared that she had no right to blame that person's conduct more than she did her own, and that she was willing to confess her own faults, but not to say anything which might criminate the absent. Interrogated, if she confessed her situation to any one, or made any preparation for her confinement? Declares, she did not. And being interrogated, why she forbore to take steps which her situation so peremptorily required? Declares, she was ashamed to tell her friends, and she trusted the person she has mentioned would provide for her and the infant. Interrogated, if he did so? Declares, that he did not do so personally; but that it was not his fault, for that the declarant is convinced he would have laid down his life sooner than the bairn or she had come to harm. Interrogated, what prevented him from keeping his promise? Declares, that it was impossible for him to do so, he being under trouble at the time, and declines farther answer to this question. Interrogated where she was from the period she left her master, Mr. Saddletree's family, until her

appearance at her father's, at St. Leonard's, the day before she was apprehended? Declares, she does not remember. And, on the interrogatory being repeated, declares she does not mind muckle about it, for she was very ill. On the question being again repeated, she declares she will tell the truth, if it should be the undoing of her, so long as she is not asked to tell on other folk; and admits, that she passed that interval of time in the lodging of a woman, an acquaintance of that person who had wished her to that place to be delivered, and that she was there delivered accordingly of a male child. Interrogated, what was the name of that person? Declares and refuses to answer this question. Interrogated, where she lives? Declares, she has no certainty, for that she was taken to the lodging aforesaid under cloud of night. Interrogated, if the lodging was in the city or suburbs? Declares and refuses to answer that question. Interrogated, whether, when she left the house of Mr. Saddletree, she went up or down the street? Declares and refuses to answer the question. Interrogated, whether she had ever seen the woman before she was wished to her, as she termed it, by the person whose name she refuses to answer? Declares and replies, not to her knowledge. Interrogated, whether this woman was introduced to her by the said person verbally, or by word of mouth? Declares, she has no freedom to answer this question. Interrogated, if the child was alive when it was born? Declares, that—God help her and it!—it certainly was alive. Interrogated, if it died a natural death after birth? Declares, not to her knowledge. Interrogated, where it now is? Declares, she would give her right hand to ken, but that she never hopes to see mair than the banes of it. And being interrogated, why she supposes it is now dead? the declarant wept bitterly and made no answer. Interrogated, if the woman, in whose lodging she was, seemed to be a fit person to be with her in that situation? Declares, she might be fit enough for skill, but that she was an hard-hearted bad woman. Interrogated, if there was any other person in the lodging excepting themselves two? Declares, that she thinks there was another woman; but her head was so carried with pain of body and trouble of mind, that she minded her very little. Interrogated, when the child was taken away from her? Declares, that she fell in a fever, and was light-headed, and when she came to her own mind, the woman told her the bairn was dead; and that the declarant answered, if it was dead, it had had foul play. That, thereupon, the woman was very sair on her, and gave her much ill language; and that the deponent was frightened, and crawled out of the house when her back was turned, and went home to St. Leonard's Craggs, as well as a woman in her condition dought.* Interrogated, why she did not tell her story to her sister and father, and get force

* i. e., was able to do.

to search the house for her child, dead or alive? Declares, it was her purpose to do so, but she had not time. Interrogated, why she now conceals the name of the woman, and the place of her abode? The declarant remained silent for a time, and then said, that to do so could not repair the skaith that was done, but might be the occasion of more. Interrogated, whether she had herself, at any time, had any purpose of putting away the child by violence? Declares, never; so might God be merciful to her—and then again declares, never, when she was in her perfect senses; but what bad thoughts the Enemy might put into her brain when she was out of herself, she cannot answer. And again solemnly interrogated, declares, that she would have been drawn with wild horses, rather than have touched the bairn with an unmotherly hand. Interrogated, declares, that among the ill-language the woman gave her, she did say sure enough that the declarant had hurt the bairn when she was in the brain fever; but that the declarant does not believe that she said this from any other cause than to frighten her, and make her be silent. Interrogated, what else the woman said to her? Declares, that when the declarant cried loud for her bairn, and was like to raise the neighbors, the woman threatened her, that they that could stop the wean's skirling would stop hers, if she did not keep a' the lounder.* And that this threat, with the manner of the woman, made the declarant conclude, that the bairn's life was gone, and her own in danger, for that the woman was a desperate bad woman, as the declarant judged from the language she used. Interrogated, declares, that the fever and delirium were brought on her by hearing bad news, suddenly told to her, but refuses to say what the said news related to. Interrogated, why she does not now communicate these particulars, which might, perhaps, enable the magistrate to ascertain whether the child is living or dead; and requested to observe, that her refusing to do so exposes her own life, and leaves the child in bad hands; as also, that her present refusal to answer on such points, is inconsistent with her alleged intention to make a clean breast to her sister? Declares, that she kens the bairn is now dead, or, if living, there is one that will look after it; that for her own living or dying, she is in God's hands, who knows her innocence of harming her bairn with her will or knowledge; and that she has altered her resolution of speaking out, which she entertained when she left the woman's lodging, on account of a matter which she has since learned. And declares, in general, that she is wearied, and will answer no more questions at this time."

Upon a subsequent examination, Euphemia Deans adhered to the declaration she had formerly made, with this addition, that a paper found in her trunk being shown to her, she admitted that it contained the credentials, in consequence of which she resigned herself to the conduct of the

* i. e., the quieter.

woman at whose lodgings she was delivered of the child. Its tenor ran thus:—

"DEAREST EFFIE,—I have gotten the means to send to you by a woman who is well qualified to assist you in your approaching streight; she is not what I could wish her, but I cannot do better for you in my present condition. I am obliged to trust to her in this present calamity, for myself and you too. I hope for the best, though I am now in a sore pinch; yet thought is free—I think Handie Dandie and I may queer the stiffer* for all that is come and gone. You will be angry for me writing this, to my little Cameronian Lily; but if I can but live to be a comfort to you, and a father to your bairn, you will have plenty of time to scold. —Once more, let none know your counsel—my life depends on this hag, d—n her—she is both deep and dangerous, but she has more wiles and wit than ever were in a beldam's head, and has cause to be true to me. Farewell, my Lily—Do not droop on my account—in a week I will be yours or no more my own."

Then followed a postscript. "If they must truss me, I will repent of nothing so much, even at the last hard pinch, as of the injury I have done my Lily."

Effie refused to say from whom she had received this letter, but enough of the story was now known, to ascertain that it came from Robertson; and from the date, it appeared to have been written about the time when Andrew Wilson (called for a nickname Handie Dandie) and he were meditating their first abortive attempt to escape, which miscarried in the manner mentioned in the beginning of this history.

The evidence of the Crown being concluded, the counsel for the prisoner began to lead a proof in her defence. The first witnesses were examined upon the girl's character. All gave her an excellent one, but none with more feeling than worthy Mrs. Saddletree, who, with the tears on her cheeks, declared, that she could not have had a higher opinion of Effie Deans, nor a more sincere regard for her, if she had been her own daughter. All present gave the honest woman credit for her goodness of heart, excepting her husband, who whispered to Dumbiedikes, "That Nichil Novit of yours is but a raw hand at leading evidence, I'm thinking. What signified his bringing a woman here to smother and snivel, and bather their Lordships? He should hae ceeted me, sir, and I should hae gien them sic a screed o' testimony, they shouldna hae touched a hair o' her head."

"Hadna ye better get up and try't yet?" said the Laird. "I'll mak a sign to Novit."

"Na, na," said Saddletree, "thank ye for naething, neighbor—that would be ultroneous evidence, and I ken what belongs to that; but Nichil

* Avoid the gallows.

Novit sula hae had me coted *debito tempore*." And wiping his mouth with his silk handkerchief with great importance, he resumed the port and manner of an edified and intelligent auditor.

Mr. Fairbrother now premised, in a few words, "that he meant to bring forward his most important witness, upon whose evidence the cause must in a great measure depend. What his client was, they had learned from the preceding witness; and so far as general character, given in the most forcible terms, and even with tears, could interest every one in her fate, she had already gained that advantage. It was necessary, he admitted, that he should produce more positive testimony of her innocence than what arose out of general character, and this he undertook to do by the mouth of the person to whom she had communicated her situation—by the mouth of her natural counsellor and guardian—her sister.—Macer, call into court, Jean, or Jeanie Deans, daughter of David Deans, cowfeeder, at St. Leonard's Crags."

When he uttered these words, the poor prisoner instantly started up, and stretched herself half-way over the bar, towards the side at which her sister was to enter. And when, slowly following the officer, the witness advanced to the foot of the table, Effie, with the whole expression of her countenance altered, from that of confused shame and dismay, to an eager, imploring, and almost ecstatic earnestness of entreaty, with outstretched hands, hair streaming back, eyes raised eagerly to her sister's face, and glistening through tears, exclaimed, in a tone which went through the heart of all who heard her,—“O Jeanie, Jeanie, save me, save me!”

With a different feeling, yet equally appropriate to his proud and self-dependent character, old Deans drew himself still farther under the cover of the bench; so that when Jeanie, as she entered the court, cast a timid glance towards the place at which she had left him seated, his venerable figure was no longer visible. He sat down on the other side of Dumbiedikes, wrung his hand hard, and whispered, “Ah, Laird, this is the warst of a’—if I can but win ower this part—I feel my head unco dizzy; but my Master is strong in his servant's weakness.” After a moment's mental prayer, he again started up, as if impatient of continuing in any one posture, and gradually edged himself forward towards the place he had just quitted.

Jeanie in the meantime had advanced to the bottom of the table, when, unable to resist the impulse of affection, she suddenly extended her hand to her sister. Effie was just within the distance that she could seize it with both hers, press it to her mouth, cover it with kisses, and bathe it in tears, with the fond devotion that a Catholic would pay to a guardian saint descended for his while safety; Jeanie, hiding her own face with her other hand, wept bitterly. The sight would have moved a heart of stone, much more of flesh and blood. Many of the spectators shed tears, and it was some time before the presiding Judge him-

self could so far subdue his emotion, as to request the witness to compose herself, and the prisoner to forbear those marks of eager affection, which, however natural, could not be permitted at that time, and in that presence.

The solemn oath,—“the truth to tell, and no truth to conceal, as far as she knew or should be asked,” was then administered by the Judge “in the name of God, and as the witness should answer to God at the great day of judgment;” an awful adjuration, which seldom fails to make impression even on the most hardened characters, and to strike with fear even the most upright. Jeanie, educated in deep and devout reverence for the name and attributes of the Deity, was, by the solemnity of a direct appeal to his person and justice, awed, but at the same time elevated above all considerations, save those which she could, with a clear conscience, call Him to witness. She repeated the form in a low and reverent, but distinct tone of voice, after the Judge, to whom, and not to any inferior officer of the Court, the task is assigned in Scotland of directing the witness in that solemn appeal, which is the sanction of his testimony.

When the Judge had finished the established form, he added in a feeling, but yet a monitory tone, an advice, which the circumstances appeared to him to call for.

“Young woman,” these were his words, “you come before this Court in circumstances, which it would be worse than cruel not to pity and to sympathize with. Yet it is my duty to tell you that the truth, whatever its consequences may be, the truth is what you owe to your country, and to that God whose word is truth, and whose name you have now invoked. Use your own time in answering the questions that gentleman” (pointing to the counsel) “shall put to you.—But remember, that what you may be tempted to say beyond what is the actual truth, you must answer both here and hereafter.”

The usual questions were then put to her:—Whether any one had instructed her what evidence she had to deliver? Whether any one had given or promised her any good deed, hire, or reward for her testimony? Whether she had any malice or ill-will towards his Majesty's Advocate, being the party against whom she was cited as a witness? To which questions she successively answered by a quiet negative. But their tenor gave great scandal and offence to her father, who was not aware that they are put to every witness as a matter of form.

“Na, na,” he exclaimed, loud enough to be heard, “my bairn is no like the widow of Tekoah—nae man has putten words into her mouth.”

One of the Judges, better acquainted perhaps with the Books of Adjournal than with the Book of Samuel, was disposed to make some instant inquiry after this Widow of Tekoah, who, as he construed the matter, had been tampering with the evidence. But the presiding Judge, better versed in Scripture history, whispered to his

learned brother the necessary explanation; and the pause occasioned by this mistake, had the good effect of giving Jeanie Deans time to collect her spirits for the painful task she had to perform.

Fairbrother, whose practice and intelligence were considerable, saw the necessity of letting the witness compose herself. In his heart he suspected that she came to bear false witness in her sister's cause.

“But that is her own affair,” thought Fairbrother; “and it is my business to see that she has plenty of time to regain composure, and to deliver her evidence, be it true, or be it false—*valeat quantum*.”

Accordingly, he commenced his interrogatories with uninteresting questions, which admitted of instant reply.

“You are, I think, the sister of the prisoner?”

“Yes, sir.”

“Not the full sister, however?”

“No, sir—we are by different mothers.”

“True; and you are, I think, several years older than your sister?”

“Yes, sir,” &c.

After the Advocate had conceived that, by these preliminary and unimportant questions, he had familiarized the witness with the situation in which she stood, he asked, “whether she had not remarked her sister's state of health to be altered, during the latter part of the term when she had lived with Mrs. Saddletree?”

Jeanie answered in the affirmative.

“And she told you the cause of it, my dear, I suppose?” said Fairbrother in an easy, and, as one may say, an inductive sort of tone.

“I am sorry to interrupt my brother,” said the Crown Counsel, rising; “but I am in your Lordships' judgment, whether this be not a leading question?”

“If this point is to be debated,” said the presiding Judge, “the witness must be removed.”

For the Scottish lawyers regard with a sacred and scrupulous horror every question so shaped by the counsel examining, as to convey to a witness the least intimation of the nature of the answer which is desired from him. These scruples, though founded on an excellent principle, are sometimes carried to an absurd pitch of nicety, especially as it is generally easy for a lawyer who has his wits about him to elude the objection. Fairbrother did so in the present case.

“It is not necessary to waste the time of the Court, my Lord; since the King's Counsel thinks it worth while to object to the form of my question, I will shape it otherwise.—Pray, young woman, did you ask your sister any question when you observed her looking unwell?—take courage—speak out.”

“I asked her,” replied Jeanie, “what ailed her.”

“Very well—take your own time—and what

was the answer she made?” continued Mr. Fairbrother.

Jeanie was silent, and looked deadly pale. It was not that she at any one instant entertained an idea of the possibility of prevarication—it was the natural hesitation to extinguish the last spark of hope that remained for her sister.

“Take courage, young woman,” said Fairbrother,—“I asked what your sister said ailed her when you inquired?”

“Nothing,” answered Jeanie, with a faint voice, which was yet heard distinctly in the most distant corner of the Court-room,—such an awful and profound silence had been preserved during the anxious interval, which had interposed betwixt the lawyer's question and the answer of the witness.

Fairbrother's countenance fell; but with that ready presence of mind, which is as useful in civil as in military emergencies, he immediately rallied,—“Nothing? True; you mean nothing at first—but when you asked her again, did she not tell you what ailed her?”

The question was put in a tone meant to make her comprehend the importance of her answer, had she not been already aware of it. The ice was broken, however, and, with less pause than at first, she now replied,—“Alack! alack! she never breathed word to me about it.”

A deep groan passed through the Court. It was echoed by one deeper and more agonized from the unfortunate father. The hope, to which unconsciously, and in spite of himself, he had still secretly clung, had now dissolved, and the venerable old man fell forward senseless on the floor of the Court-house, with his head at the foot of his terrified daughter. The unfortunate prisoner, with impotent passion, strove with the guards betwixt whom she was placed. “Let me gang to my father!—I will gang to him—I will gang to him—he is dead—he is killed—I hae killed him!” she repeated, in frenzied tones of grief, which those who heard them did not speedily forget.

Even in this moment of agony and general confusion, Jeanie did not lose that superiority, which a deep and firm mind assures to its possessor, under the most trying circumstances.

“He is my father—he is our father,” she mildly repeated to those who endeavored to separate them, as she stooped,—shaded aside his gray hairs, and began assiduously to chafe his temples.

The Judge, after repeatedly wiping his eyes, gave directions that they should be conducted into a neighboring apartment, and carefully attended. The prisoner, as her father was borne from the Court, and her sister slowly followed, pursued them with her eyes so earnestly fixed, as if they would have started from their sockets. But when they were no longer visible, she seemed to find, in her despairing and deserted state, a courage which she had not yet exhibited.

“The bitterness of it is now past,” she said, and then boldly addressed the Court. “My

Lords, if it is your pleasure to gang on wi' this ma'ter, the weariest day will hae its end at last."

The Judge, who, much to his honor, had shared deeply in the general sympathy, was surprised at being recalled to his duty by the prisoner. He collected himself, and requested to know if the panel's counsel had more evidence to produce. Fairbrother replied, with an air of dejection, that his proof was concluded.

The King's Counsel addressed the jury for the crown. He said in a few words, that no one could be more concerned than he was for the distressing scene which they had just witnessed. But it was the necessary consequence of great crimes to bring distress and ruin upon all connected with the perpetrators. He briefly reviewed the proof, in which he showed that all the circumstances of the case concurred with those required by the act under which the unfortunate prisoner was tried: That the counsel for the panel had totally failed in proving, that Euphemia Deans had communicated her situation to her sister: That, respecting her previous good character, he was sorry to observe, that it was females who possessed the world's good report, and to whom it was justly valuable, who were most strongly tempted, by shame and fear of the world's censure, to the crime of infanticide: That the child was murdered, he professed to entertain no doubt. The vacillating and inconsistent declaration of the prisoner herself, marked as it was by numerous refusals to speak the truth on subjects, when, according to her own story, it would have been natural, as well as advantageous, to have been candid; even this imperfect declaration left no doubt in his mind as to the fate of the unhappy infant. Neither could he doubt that the panel was a partner in his guilt. Who else had an interest in a deed so inhuman? Surely neither Robertson, nor Robertson's agent, in whose house she was delivered, had the least temptation to commit such a crime, unless upon her account, with her connivance, and for the sake of saving her reputation. But it was not required of him, by the law, that he should bring precise proof of the murder, or of the prisoner's accession to it. It was the very purpose of the statute to substitute a certain chain of presumptive evidence in place of a probation, which, in such cases, it was peculiarly difficult to obtain. The jury might peruse the statute itself, and they had also the libel and interlocutor of relevancy to direct them in point of law. He put it to the conscience of the jury, that under both he was entitled to a verdict of Guilty.

The charge of Fairbrother was much cramped by his having failed in the proof which he expected to lead. But he fought his losing cause with courage and constancy. He ventured to arraign the severity of the statute under which the young woman was tried. "In all other cases," he said, "the first thing required of the criminal prosecutor was, to prove unequivocally that the crime libelled had actually been committed, which lawyers

called proving the *corpus delicti*. But this statute, made doubtless with the best intentions, and under the impulse of a just horror for the unnatural crime of infanticide, ran the risk of itself occasioning the worst of murders; the death of an innocent person, to atone for a supposed crime which may never have been committed by any one. He was so far from acknowledging the alleged probability of the child's violent death, that he could not even allow that there was evidence of its having ever lived."

The King's Counsel pointed to the woman's declaration; to which the counsel replied—"A production concocted in a moment of terror and agony, and which approached to insanity," he said, "his learned brother well knew was no sound evidence against the party who emitted it. It was true, that a judicial confession, in presence of the Justices themselves, was the strongest of all proof, in so much that it is said in law, that '*in confitentem nulla sunt partes judicis*.' But this was true of judicial confession only, by which law meant that which is made in presence of the justices, and the sworn inquest. Of extrajudicial confession, all authorities held with the illustrious Farinaceus, and Mathews, '*confessio extrajudicialis in se nulla est; et quod nullum est, non potest administrari*.' It was totally inept, and void of all strength and effect from the beginning; incapable, therefore, of being bolstered up or supported, or, according to the law-phrase, *adminiculated*, by other presumptive circumstances. In the present case, therefore, letting the extrajudicial confession go, as it ought to go, for nothing," he contended, "the prosecutor had not made out the second quality of the statute, that a live child had been born: and *that*, at least, ought to be established before presumptions were received that it had been murdered. If any of the assize," he said, "should be of opinion that this was dealing rather narrowly with the statute, they ought to consider that it was in its nature highly penal, and therefore entitled to no favorable construction."

He concluded a learned speech, with an eloquent peroration on the scene they had just witnessed, during which Saddletree fell fast asleep.

It was now the presiding Judge's turn to address the jury. He did so briefly and distinctly.

"It was for the jury," he said, "to consider whether the prosecutor had made out his plea. For himself, he sincerely grieved to say, that a shadow of doubt remained not upon his mind concerning the verdict which the inquest had to bring in. He would not follow the prisoner's counsel through the impeachment which he had brought against the statute of King William and Queen Mary. He and the jury were sworn to judge according to the laws as they stood, not to criticise, or evade, or even to justify them. In no civil case would a counsel have been permitted to plead his client's case in the teeth of the law; but in the hard situation in which counsel were often placed in the Criminal Court, as well as of

of favor to all presumptions of innocence, he had not inclined to interrupt the learned gentleman, or narrow his plea. The present law, as it now stood, had been instituted by the wisdom of their fathers, to check the alarming progress of a dreadful crime; when it was found too severe for its purpose, it would doubtless be altered by the wisdom of the legislature; at present it was the law of the land, the rule of the Court, and, according to the oath which they had taken, it must be that of the jury. This unhappy girl's situation could not be doubted; that she had borne a child, and that the child had disappeared, were certain facts. The learned counsel had failed to show that she had communicated her situation. All the requisites of the case required by the statute were therefore before the jury. The learned counsel had, indeed, desired them to throw out of consideration the panel's own confession, which was the plea usually urged, in penury of all others, by counsel in his situation, who usually felt that the declarations of their clients bore hard on them. But that the Scottish law designed that a certain weight should be laid on these declarations, which, he admitted, were *quodammodo* extrajudicial, was evident from the universal practice by which they were always produced and read, as part of the prosecutor's probation. In the present case, no person, who had heard the witnesses describe the appearance of the young woman before she left Saddletree's house, and contrasted it with that of her state and condition at her return to her father's, could have any doubt that the fact of delivery had taken place, as set forth in her own declaration, which was, therefore, not a solitary piece of testimony, but *adminiculated* and supported by the strongest circumstantial proof.

"He did not," he said, "state the impression upon his own mind with the purpose of biasing theirs. He had felt no less than they had done from the scene of domestic misery which had been exhibited before them; and if they, having God and a good conscience, the sanctity of their oath, and the regard due to the law of the country, before their eyes, could come to a conclusion favorable to this unhappy prisoner, he should rejoice as much as any one in Court; for never had he found his duty more distressing than in discharging it that day, and glad he would be to be relieved from the still more painful task which would otherwise remain for him."

The jury, having heard the Judge's address, bowed and retired, preceded by a macer of Court, to the apartment destined for their deliberation.

CHAPTER XXIV.

"Law, take thy victim—May she find the mercy
In you mild heaven, which this hard world denies her!"

It was an hour ere the jurors returned, and as they traversed the crowd with slow steps, as men about to discharge themselves of a heavy and

painful responsibility, the audience was hushed into profound, earnest, and awful silence.

"Have you agreed on your chancellor, gentlemen?" was the first question of the Judge.

The foreman, called in Scotland the chancellor of the jury, usually the man of best rank and estimation among the assizes, stepped forward, and with a low reverence, delivered to the Court a sealed paper, containing the verdict, which, until of late years, that verbal returns are in some instances permitted, was always couched in writing. The jury remained standing while the Judge broke the seals, and, having perused the paper, handed it with an air of mournful gravity, down to the Clerk of Court, who proceeded to engross in the record the yet unknown verdict, of which, however, all omened the tragical contents. A form still remained, trifling and unimportant in itself, but to which imagination adds a sort of solemnity, from the awful occasion upon which it is used. A lighted candle was placed on the table, the original paper containing the verdict was enclosed in a sheet of paper, and, sealed with the Judge's own signet, was transmitted to the Crown Office, to be preserved among other records of the same kind. As all this is transacted in profound silence, the producing and extinguishing the candle seems a type of the human spark which is shortly afterwards doomed to be quenched, and excites in the spectators something of the same effect which in England is obtained by the Judge assuming the fatal cap of judgment. When these preliminary forms had been gone through, the Judge required Euphemia Deans to attend to the verdict to be read.

After the usual words of style, the verdict set forth, that the Jury having made choice of John Kirk, Esq., to be their chancellor, and Thomas Moore, merchant, to be their clerk, did by a plurality of voices, find the said Euphemia Deans GUILTY of the crime libelled; but, in consideration of her extreme youth, and the cruel circumstances of her case, did earnestly entreat that the Judge would recommend her to the mercy of the Crown.

"Gentlemen," said the Judge, "you have done your duty—and a painful one it must have been to men of humanity like you. I will, undoubtedly, transmit your recommendation to the throne. But it is my duty to tell all who now hear me, but especially to inform that unhappy young woman, in order that her mind may be settled accordingly, that I have not the least hope of a pardon being granted in the present case. You know the crime has been increasing in this land, and I know farther, that this has been ascribed to the lenity in which the laws have been exercised, and that there is therefore no hope whatever of obtaining a remission for this offence." The jury bowed again, and released from their painful office, dispersed themselves among the mass of bystanders.

The Court then asked Mr. Fairbrother, whether he had any thing to say, why judgment should not

follow on the verdict? The counsel had spent some time in perusing and repursing the verdict, counting the letters in each juror's name, and weighing every phrase, nay, every syllable in the nicest scales of legal criticism. But the clerk of the jury had understood his business too well. No flaw was to be found, and Fairbrother, mournfully intimated, that he had nothing to say in arrest of judgment.

The presiding Judge then addressed the unhappy prisoner:—"Euphemia Deans, attend to the sentence of the Court now to be pronounced against you."

She rose from her seat, and with a composure far greater than could have been augured from her demeanor during some parts of the trial, abode the conclusion of the awful scene. So nearly does the mental portion of our feelings resemble those which are corporeal, that the first severe blows which we receive bring with them a stunning apathy, which renders us indifferent to those that follow them. Thus said Mandrin, when he was undergoing the punishment of the wheel: and so have all felt, upon whom successive inflictions have descended with continuous and reiterated violence.

"Young woman," said the Judge, "it is my painful duty to tell you, that your life is forfeited under a law, which, if it may seem in some degree severe, is yet wisely so, to render those of your unhappy situation aware what risk they run, by concealing, out of pride or false shame, their lapse from virtue, and making no preparation to save the lives of the unfortunate infants whom they are to bring into the world. When you concealed your situation from your mistress, your sister, and other worthy and compassionate persons of your own sex, in whose favor your former conduct had given you a fair place, you seem to me to have had in your contemplation, at least, the death of the helpless creature, for whose life you neglected to provide. How the child was disposed of—whether it was dealt upon by another, or by yourself—whether the extraordinary story you have told is partly false, or altogether so, is between God and your own conscience. I will not aggravate your distress by pressing on that topic, but I do most solemnly adjure you to employ the remaining space of your time in making your peace with God, for which purpose such reverend clergymen, as you yourself may name, shall have access to you. Notwithstanding the humane recommendation of the jury, I cannot afford to you, in the present circumstances of the country, the slightest hope that your life will be prolonged beyond the period assigned for the execution of your sentence. Forsaking, therefore, the thoughts of this world, let your mind be prepared by repentance for those of more awful moments—for death, judgment, and eternity.—Doomster, read the sentence."*

* The name of this officer is equivalent to the pronouncer of doom, or sentence. In this comprehensive sense, the Judges of the Isle of Man were called Dempsters. But in Scotland the

When the Doomster showed himself, a tall haggard figure, arrayed in a fantastic garment of black and grey, passmented with silver lace, all fell back with a sort of instinctive horror, and made wide way for him to approach the foot of the table. As this office was held by the common executioner, men shouldered each other backward to avoid even the touch of his garment, and some were seen to brush their own clothes, which had accidentally become subject to such contamination. A sound went through the Court, produced by each person drawing in their breath hard, as men do when they expect or witness what is frightful, and at the same time affecting. The catfif villain yet seemed, amid the hardened brutality, to have some sense of his being the object of public detestation, which made him impatient of being in public, as birds of evil omen are anxious to escape from daylight, and from pure air.

Repeating after the Clerk of Court, he gabbled over the words of the sentence, which condemned Euphemia Deans to be conducted back to the Tolbooth of Edinburgh, and detained there until Wednesday the—day of—; and upon that day, betwixt the hours of two and four o'clock afternoon, to be conveyed to the common place of execution, and there hanged by the neck upon a gibbet. "And this," said the Doomster, aggravating his harsh voice, "I pronounce for doom."

word was long restricted to the designation of an official person, whose duty it was to recite the sentence after it had been pronounced by the Court, and recorded by the clerk; on which occasion the Dempster legalized it by the words of form, "And this I pronounce for doom." For a length of years, the office, as mentioned in the text, was held in commendam with that of the executioner; for when this odious but necessary officer of justice received his appointment, he petitioned the Court of Justiciary to be received as their Dempster, which was granted as a matter of course.

The production of the executioner in open court, and in presence of the wretched criminal, had something in it hideous and disgusting to the more refined feelings of later times. But if an old tradition of the Parliament House of Edinburgh may be trusted, it was the following anecdote which occasioned the disuse of the Dempster's office.

It chanced at one time that the office of public executioner was vacant. There was occasion for some one to act as Dempster, and, considering the party who generally held the office it is not wonderful that a *locum tenens* was hard to be found. At length, one Hume, who had been sentenced to transportation, for an attempt to burn his own house, was induced to consent that he would pronounce the doom on this occasion. But when brought forth to officiate, instead of repeating the doom to the criminal, Mr. Hume addressed himself to their lordships in a bitter complaint of the injustice of his own sentence. It was in vain that he was interrupted, and reminded of the purpose for which he had come hither; "I ken what ye want of me, weel enough," said the fellow, "ye want me to be your Dempster; but I am come to be none of your Dempster, I am come to summon you, Lord T—, and you, Lord E—, to answer at the bar of another world for the injustice you have done me in this." In short, Hume had only made a pretext of complying with the proposal, in order to have an opportunity of reviling the Judges to their faces, or giving them, in the phrase of his country, "a sloan." He was hurried off amid the laughter of the audience but the indecorous scene which had taken place contributed to the abolition of the office of Dempster. The sentence is now read over by the clerk of court and the formality of pronouncing doom is altogether omitted.

He vanished when he had spoken the last emphatic word, like a foul fiend after the purpose of his visitation had been accomplished; but the impression of horror excited by his presence and his errand, remained upon the crowd of spectators.

The unfortunate criminal,—for so she must now be termed,—with more susceptibility, and more irritable feelings than her father and sister, was found, in this emergence, to possess a considerable share of their courage. She had remained standing motionless at the bar while the sentence was pronounced, and was observed to shut her eyes when the Doomster appeared. But she was the first to break silence when that evil form had left his place.

"God forgive ye, my Lords," she said, "and dinna be angry wi' me for wishing it—we a' need forgiveness.—As for myself I canna blame ye, for ye act up to your lights; and if I havena killed my poor infant, ye may witness a' that hae seen it this day, that I hae been the means of killing my greyheaded father—I deserve the warst frae man, and frae God too—But God is mair mercifu' to us than we are to each other."

With these words the trial concluded. The crowd rushed, bearing forward and shouldering each other, out of the Court, in the same tumultuary mode in which they had entered; and, in excitation of animal motion and animal spirits, soon forgot whatever they had felt as impressive in the scene which they had witnessed. The professional spectators, whom habit and theory had rendered as callous to the distress of the scene as medical men are to those of a surgical operation, walked homeward in groups, discussing the general principle of the statute under which the young woman was condemned, the nature of the evidence, and the arguments of the counsel, without considering even that of the Judge as exempt from their criticism.

The female spectators, more compassionate, were loud in exclamation against that part of the Judge's speech which seemed to cut off the hope of pardon.

"Set him up, indeed," said Mrs. Howden, "to sell us that the poor lassie behoved to die, when Mr. John Kirk, as civil a gentleman as is within the ports of the town, took the pains to prig for ner himself."

"Ay, but, neighbor," said Miss Damahoy, drawing up her thin maidenly form to its full height of prim dignity—"I really think this unnatural business of having bastard-bairns should be putten a stop to. There isna a hussy now on this side of thirty that you can bring within your doors, but there will be chields—writer-lads, prentice-lads, and what not—coming traiking after them for their destruction, and discrediting ane's honest house into the bargain—I hae nae patience wi' them."

"Hout, neighbor," said Mrs. Howden, "we suld live and let live—we hae been young ourselles, and we are no aye to judge the warst when lads and lasses forgather."

"Young ourselles! and judge the warst!" said Miss Damahoy. "I am no sae auld as that comes to, Mrs. Howden; and as for what ye ca' the warst, I ken neither good nor bad about the matter, I thank my stars!"

"Ye are thankfu' for sma' mercies, then," said Mrs. Howden, with a toss of her head; "and as for you and young—I trow ye were doing for yourself at the last riding of the Scots Parliament, and that was in the gracious year seven, sae ye can be nae sic chicken at ony rate."

Plumdamas, who acted as squire of the body to the two contending dames, instantly saw the hazard of entering into such delicate points of chronology, and being a lover of peace and good neighborhood, lost no time in bringing back the conversation to its original subject.

"The Judge didna tell us a' he could hae tell'd us, if he had liked, about the application for pardon, neighbors," said he; "there is aye a wimple in a lawyer's clew; but it's a wee bit of a secret."

"And what is't—what is't, neighbor Plumdamas?" said Mrs. Howden and Miss Damahoy at once, the acid fermentation of their dispute being at once neutralized by the powerful alkali implied in the word secret.

"Here's Mr. Saddletree can tell ye that better than me, for it was him that tauld me," said Plumdamas as Saddletree came up, with his wife hanging on his arm, and looking very disconsolate.

When the question was put to Saddletree, he looked very scornful. "They speak about stopping the frequency of child-murder," said he, in a contemptuous tone; "do ye think our auld enemies of England, as Glendook aye ca's them in his printed Statute-book, care a boddle whether we didna kill ane anither, skin and birn, horse and foot, man, woman, and bairns, all and sindry, *omnes et singulos*, as Mr. Crossmyloof says? Na, na, it's no that hinders them frae pardoning the bit lassie. But here is the pinch of the plea. The king and queen are sae ill pleased wi' that mistak about Porteous, that deil a kindly Scot will they pardon again, either by reprieve or remission, if the hail town o' Edinburgh should be a' hanged on ae tow."

"Deil that they were back at their German kale-yard then, as my neighbor MacCroskie ca's it," said Mrs. Howden, "an that's the way they're gann to guide us!"

"They say for certain," said Miss Damahoy, "that King George flang his periwig in the fire when he heard o' the Porteous mob."

"He has done that, they say," replied Saddletree, "for less thing."

"Aweel," said Miss Damahoy, "he might keep mair wit in his anger—but it's a' the better for his wigmaker, I see warrant."

"The queen tore her biggones for perfect anger,—ye'll hae heard o' that too?" said Plumdamas. "And the king, they say, kickit Sir Robert Walpole for no keeping down the mob of Edin-

burgh; but I dinna believe he wad behave sae ungenteel."

"It's dooms truth, though," said Saddletree; "and he was for kickin the Duke of Argyle * too."

"Kickin the Duke of Argyle!" exclaimed the hearers at once, in all the various combined keys of utter astonishment.

"Ay, but MacCallummore's blood wadna sit down wi' that; there was risk of Andro Ferrara coming in thirds-man."

"The duke is a real Scotsman—a true friend to the country," answered Saddletree's hearers.

"Ay, troth is he, to king and country baith, as ye sail hear," continued the orator, "if ye will come in bye to our house, for it's safest speaking of sic things *inter parietes*."

When they entered his shop he thrust his pretence boy out of it, and, unlocking his desk,

* This nobleman was very dear to his countrymen, who were justly proud of his military and political talents, and grateful for the ready zeal with which he asserted the rights of his native country. This was never more conspicuous than in the matter of the Porteous Mob, when the ministers brought in a violent and vindictive bill, for declaring the Lord Provost of Edinburgh incapable of bearing any public office in future, for not foreseeing a disorder which no one foresaw, or interrupting the course of a riot too formidable to endure opposition. The same bill made provision for pulling down the city gates, and abolishing the city guard,—rather a Hibernian mode of enabling them better to keep the peace within burgh in future.

The Duke of Argyle opposed this bill as a cruel, unjust, and fanatical proceeding, and an encroachment upon the privileges of the royal burghs of Scotland, secured to them by the treaty of Union. "In all the proceedings of that time," said his Grace, "the nation of Scotland treated with the English as a free and independent people; and as that treaty, my Lords, had no other guarantee for the due performance of its articles, but the faith and honor of a British Parliament, it would be both unjust and ungenerous, should this House agree to any proceedings that may have a tendency to injure it."

Lord Hardwicke, in reply to the Duke of Argyle, seemed to insinuate, that his Grace had taken up the affair in a party point of view, to which the nobleman replied in the spirited language quoted in the text. Lord Hardwicke apologized. The bill was much modified, and the clauses concerning the dismantling the city, and disbanding the guard, were departed from. A fine of £2,000 was imposed on the city for the benefit of Porteous's widow. She was contented to accept three-fourths of the sum, the payment of which closed the transaction. It is remarkable, that, in our day, the Magistrates of Edinburgh have had recourse to both those measures, held in such horror by their predecessors, as necessary steps for the improvement of the city.

It may be here noticed, in explanation of another circumstance mentioned here in the text, that there is a tradition in Scotland, that George II., whose irascible temper is said sometimes to have hurried him into expressing his displeasure *par voie de fait*, offered to the Duke of Argyle, in angry audience, some menace of this nature, on which he left the presence in high disdain, and with little ceremony. Sir Robert Walpole, having met the Duke as he retired, and learning the cause of his resentment and discomposure, endeavored to reconcile him to what had happened by saying, "Such was his Majesty's way, and that he often took such liberties with himself without meaning any harm." This did not mend matters in MacCallummore's eyes, who replied, in great disdain, "You will please to remember, Sir Robert, the infinite distance there is betwixt you and me." Another frequent expression of passion on the part of the same monarch, is alluded to in the c.d. Jacobite song—

"The fire shall get both hat and wig,
As oft-times they've got a' that."

took out, with an air of grave and complacent importance, a dirty and crumpled piece of printed paper; he observed, "This is new corn—it's no every body could show you the nke o' this. It's the duke's speech about the Porteous mob, just promulgated by the hawkers. Ye shall hear what Ian Roy Cean * says for himself. My correspondent bought it in the Palace-yard, that's like just under the king's nose—I think he claws up their mittens!—It came in a letter about a foolish bill of exchange that the man wanted me to renew for him. I wish ye wad see about it, Mrs. Saddletree."

Honest Mrs. Saddletree had hitherto been so sincerely distressed about the situation of her unfortunate protégée, that she had suffered her husband to proceed in his own way, without attending to what he was saying. The words *bills* and *renew* had, however, an awakening sound in them; and she snatched the letter which her husband held towards her, and wiping her eyes, and putting on her spectacles, endeavored, as fast as the dew which collected on her glasses would permit, to get at the meaning of the needful part of the epistle; while her husband, with pompous elevation, read an extract from the speech.

"I am no minister, I never was a minister, and I never will be one—"

"I didna ken his Grace was ever designed for the ministry," interrupted Mrs. Howden.

"He disna mean a minister of the gospel, Mrs. Howden, but a minister of state," said Saddletree, with condescending goodness, and then proceeded: "The time was when I might have been a piece of a minister, but I was too sensible of my own incapacity to engage in any state affair. And I thank God that I had always too great a value for those few abilities which Nature has given me, to employ them in doing any drudgery, or any job of what kind soever. I have, ever since I set out in the world (and I believe few have set out more early), served my prince with my tongue; I have served him with any little interest I had, and I have served him with my sword, and in my profession of arms. I have held employments which I have lost, and were I to be to-morrow deprived of those which still remain to me, and which I have endeavored honestly to deserve, I would still serve him to the last acre of my inheritance, and to the last drop of my blood—"

Mrs. Saddletree here broke in upon the orator:—"Mr. Saddletree, what's the meaning of a' this? Here are ye claverin about the Duke of Argyle, and this man Martingale gaun to break on our hands, and lose us gude sixty pounds—I wonder what duke will pay that, quotha—I wish the Duke of Argyle would pay his ain accounts—He is in a thousand pounds Scots on thae very books when he was last at Roystoun—I'm no saying but he's a just nobleman, and that it's gude siller—but it

* Red John the Warrior, a name personal and proper to the Highlands to John Duke of Argyle and Grosvenor, as MacCormin was that of his race or dignity.

wad drive ane gaft to be confused wi' deukes and drakes, and thae distressed folk up-stairs, that's Jeanie Deans and her father. And then, putting the very callant that was sewing the curpel out o' the shop, to play wi' blackguards in the close—Sit still, neighbors, it's no that I mean to disturb you; but what between courts o' law and courts o' state, and upper and under parliaments, and parliament-houses, here and in London, the gudeman's gane clean gyte, I think."

The gossips understood civility, and the rule of doing as they would be done by, too well, to tarry upon the slight invitation implied in the conclusion of this speech, and therefore made their farewells and departure as fast as possible, Saddletree whispering to Plumdamas that he would "meet him at MacCroskie's" (the low-browed shop in the Luckenbooths, already mentioned), "in the hour of cause, and put MacCallummore's speech in his pocket, for a' the gudewife's din."

When Mrs. Saddletree saw the house freed of her importunate visitors, and the little boy reclaimed from the pastimes of the wynd to the exercise of the awl, she went to visit her unhappy relative, David Deans, and his elder daughter, who had found in her house the nearest place of friendly refuge.

CHAPTER XXV.

ISAAC.—Alas! what poor ability's in me
To do him good!

LEUCIO.—Assay the power you have.
MEASURE FOR MEASURE.

WHEN Mrs. Saddletree entered the apartment in which her guests had shrouded their misery, she found the window darkened. The feebleness which followed his long swoon had rendered it necessary to lay the old man in bed. The curtains were drawn around him, and Jeanie sat motionless by the side of the bed. Mrs. Saddletree was a woman of kindness, nay, of feeling, but not of delicacy. She opened the half-shut window, drew aside the curtain, and, taking her kinsman by the hand, exhorted him to sit up, and bear his sorrow like a good man, and a Christian man, as he was. But when she quitted his hand, it fell powerless by his side, nor did he attempt the least reply.

"Is all over?" asked Jeanie, with lips and cheeks as pale as ashes,—and is there nae hope for her?"

"Nane, or next to nane," said Mrs. Saddletree; "I heard the Judge-carle say it with my ain ears—It was a burning shame to see sae mony o' them set up yonder in their red gowns and black gowns, and to take the life o' a bit senseless lassie. I had never muckle broo o' my gudeman's gossips, and now I like them waur than ever. The only wiselike thing I heard ony body say, was decent Mr. John Kirk of Kirk-knowe, and he wussed them just to get the king's mercy, and nae mair about it. But he spoke to unreasonable folk—he might just hae keptit his breath to hae blawn on his porridge."

"But can the king gie her mercy?" said Jeanie, earnestly. "Some folk tell me he canna gie mercy in cases of mur— in cases like hers."

"Can he gie mercy, hinny?—I weel I wot he can, when he likes. There was young Single-sword, that stickit the Laird of Ballenclench, and Captain Hackum, the Englishman, that killed Lady Colgrain's gudeman, and the master of Saint Clair, that shot the twa Shaws, and mony mair in my time—to be sure they were gentle blood, and had their kin to speak for them—And there was Jock Porteous the other day—I see warrant there's mercy, an folk could win at it."

"Porteous?" said Jeanie; "very true—I forget a' that I suld maist mind.—Fare ye weel, Mrs. Saddletree; and may ye never want a friend in the hour of distress!"

"Will ye no stay wi' your father, Jeanie, bairn?—Ye had better," said Mrs. Saddletree.

"I will be wanted ower yonder," indicating the Tolbooth with her hand, "and I maun leave him now, or I will never be able to leave him. I fearna for his life—I ken how strong-hearted he is—I ken it," she said, laying her hand on her bosom, "by my ain heart at this minute."

"Weel, hinny, if ye think it's for the best, better he stay here and rest him, than gang back to St. Leonard's."

"Muckle better—muckle better—God bless you!—God bless you!—At no rate let him gang till ye hear frae me," said Jeanie.

"But ye'll be back belive?" said Mrs. Saddletree, detaining her; "they winna let ye stay yonder, hinny."

"But I maun gang to St. Leonard's—there's muckle to be done, and little time to do it in—And I have friends to speak to—God bless you—take care of my father."

She had reached the door of the apartment, when, suddenly turning, she came back, and knelt down by the bedside.—"O father, gie me your blessing—I dare not go till ye bless me. Say but 'God bless ye, and prosper ye, Jeanie'—try but to say that!"

Instinctively, rather than by an exertion of intellect, the old man murmured a prayer, that "purchased and promised blessings might be multiplied upon her."

"He has blessed mine errand," said his daughter, rising from her knees, "and it is borne in upon my mind that I shall prosper."

So saying, she left the room.

Mrs. Saddletree looked after her, and shook her head. "I wish she binna roving, poor thing—There's something queer about a' thae Deanses. I dinna like folk to be sae muckle better than other folk—seldom comes gude o't. But if she's gaun to look after the kye at St. Leonard's, that's another story; to be sure they maun be sorted.—Grizzie, come up here, and tak tent to the honest auld man, and see he wants naething—Ye silly tawpie" (addressing the maid-servant as she entered), "what garr'd ye busk up your cockernony that gate?—I think there's been enough the day to