

Colonel Starbottle For The Plaintiff

By Bret Harte (1839-1902)

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It had been a day of triumph for Colonel Starbottle. First, for his personality, as it would have been difficult to separate the Colonel's achievements from his individuality; second, for his oratorical abilities as a sympathetic pleader; and third, for his functions as the leading counsel for the Eureka Ditch Company *versus* the State of California. On his strictly legal performances in this issue I prefer not to speak; there were those who denied them, although the jury had accepted them in the face of the ruling of the half-amused, half-cynical Judge himself. For an hour they had laughed with the Colonel, wept with him, been stirred to personal indignation or patriotic exaltation by his passionate and lofty periods--what else could they do than give him their verdict? If it was alleged by some that the American eagle, Thomas Jefferson, and the Resolutions of '98 had nothing whatever to do with the contest of a ditch company over a doubtfully worded legislative document; that wholesale abuse of the State Attorney and his political motives had not the slightest connection with the legal question raised--it was, nevertheless, generally accepted that the losing party would have been only too glad to have the Colonel on their side. And Colonel Starbottle knew this, as, perspiring, florid, and panting, he rebuttoned the lower buttons of his blue frock-coat, which had become loosed in an oratorical spasm, and readjusted his old-fashioned, spotless shirt frill above it as he strutted from the court-room amidst the hand-shakings and acclamations of his friends.

And here an unprecedented thing occurred. The Colonel absolutely declined spirituous refreshment at the neighboring Palmetto Saloon, and declared his intention of proceeding directly to his office in the adjoining square. Nevertheless the Colonel quitted the building alone, and apparently unarmed except for his faithful gold-headed stick, which hung as usual from his forearm. The crowd gazed after him with undisguised admiration of this new evidence of his pluck. It was remembered also that a mysterious note had been handed to him at the conclusion of his speech--evidently a challenge from the State Attorney. It was quite plain that the Colonel--a practised duellist--was hastening home to answer it.

But herein they were wrong. The note was in a female hand, and simply requested the Colonel to accord an interview with the writer at the Colonel's office as soon as he left the court. But it was an engagement that the Colonel--as devoted to the fair sex as he was to the "code"--was no less prompt in accepting. He flicked away the dust from his spotless white trousers and varnished boots with his handkerchief, and settled his black cravat under his Byron collar as he neared his office. He was surprised, however, on opening the door of his private office to find his visitor already there; he was still more startled to find her somewhat past middle age and plainly attired. But the Colonel was brought up in a school of Southern politeness, already antique in the republic, and his bow of courtesy belonged to the epoch of his shirt frill and strapped trousers. No one could have detected his disappointment in his manner, albeit his sentences were short and incomplete. But the Colonel's colloquial speech was apt to be fragmentary incoherencies of his larger oratorical utterances.

"A thousand pardons--for--er--having kept a lady waiting--er! But--er--congratulations of friends--and--er--courtesy due to them--er--interfered with--though perhaps only heightened--by procrastination--pleasure of--ha!" And the Colonel completed his sentence with a gallant wave of his fat but white and well-kept hand.

"Yes! I came to see you along o' that speech of yours. I was in court. When I heard you gettin' it off on that jury, I says to myself that's the kind o' lawyer *I* want. A man that's flowery and convincin'! Just the man to take up our case."

"Ah! It's a matter of business, I see," said the Colonel, inwardly relieved, but externally careless. "And--er--may I ask the nature of the case?"

"Well! it's a breach-o'-promise suit," said the visitor, calmly.

If the Colonel had been surprised before, he was now really startled, and with an added horror that required all his politeness to conceal. Breach-of-promise cases were his peculiar aversion. He had always held them to be a kind of litigation which could have been obviated by the prompt killing of the masculine offender--in which case he would have gladly defended the killer. But a suit for damages!--*damages!*--with the reading of love-letters before a hilarious jury and court, was against all his instincts. His chivalry was outraged; his sense of humor was small--and in the course of his career he had lost one or two important cases through an unexpected development of this quality in a jury.

The woman had evidently noticed his hesitation, but mistook its cause. "It ain't me--but my darter."

The Colonel recovered his politeness. "Ah! I am relieved, my dear madam! I could hardly conceive a man ignorant enough to--er--er--throw away such evident good fortune--or base enough to deceive the trustfulness of womanhood--matured and experienced only in the chivalry of our sex, ha!"

The woman smiled grimly. "Yes!--it's my darter, Zaidee Hooker--so ye might spare some of them pretty speeches for *her*--before the jury."

The Colonel winced slightly before this doubtful prospect, but smiled. "Ha! Yes!--certainly--the jury. But--er--my dear lady, need we go as far as that? Cannot this affair be settled--er--out of court? Could not this--er--individual--be admonished--told that he must give satisfaction--personal satisfaction--for his dastardly conduct--to --er--near relative--or even valued personal friend? The--er--arrangements necessary for that purpose I myself would undertake."

He was quite sincere; indeed, his small black eyes shone with that fire which a pretty woman or an "affair of honor" could alone kindle. The visitor stared vacantly at him, and said, slowly:

"And what good is that goin' to do *us*?"

"Compel him to--er--perform his promise," said the Colonel, leaning back in his chair.

"Ketch him doin' it!" said the woman, scornfully. "No--that ain't wot we're after. We must make him *pay*! Damages--and nothin' short o' *that*."

The Colonel bit his lip. "I suppose," he said, gloomily, "you have documentary evidence--written promises and protestations--er--er--love-letters, in fact?"

"No--nary a letter! Ye see, that's jest it--and that's where *you* come in. You've got to convince that jury yourself. You've got to show what it is--tell the whole story your own way. Lord! to a man like you that's nothin'."

Startling as this admission might have been to any other lawyer, Starbottle was absolutely relieved by it. The absence of any mirth-provoking correspondence, and the appeal solely to his own powers of persuasion, actually struck his fancy. He lightly put aside the compliment with a wave of his white hand.

"Of course," said the Colonel, confidently, "there is strongly presumptive and corroborative evidence? Perhaps you can give me--er--a brief outline of the affair?"

"Zaidee kin do that straight enough, I reckon," said the woman; "what I want to know first is, kin you take the case?"

The Colonel did not hesitate; his curiosity was piqued. "I certainly can. I have no doubt your daughter will put me in possession of sufficient facts and details--to constitute what we call--er--a brief."

"She kin be brief enough--or long enough--for the matter of that," said the woman, rising. The Colonel accepted this implied witticism with a smile.

"And when may I have the pleasure of seeing her?" he asked, politely.

"Well, I reckon as soon as I can trot out and call her. She's just outside, meanderin' in the road--kinder shy, ye know, at first."

She walked to the door. The astounded Colonel nevertheless gallantly accompanied her as she stepped out into the street and called, shrilly, "You Zaidee!"

A young girl here apparently detached herself from a tree and the ostentatious perusal of an old election poster, and sauntered down towards the office door. Like her mother, she was plainly dressed; unlike her, she had a pale, rather refined face, with a demure mouth and downcast eyes. This was all the Colonel saw as he bowed profoundly and led the way into his office, for she accepted his salutations without lifting her head. He helped her gallantly to a chair, on which she seated herself sideways, somewhat ceremoniously, with her eyes following the point of her parasol as she traced a pattern on the carpet. A second chair offered to the mother that lady, however,

declined. "I reckon to leave you and Zaidee together to talk it out," she said; turning to her daughter, she added, "Jest you tell him all, Zaidee," and before the Colonel could rise again, disappeared from the room. In spite of his professional experience, Starbottle was for a moment embarrassed. The young girl, however, broke the silence without looking up.

"Adoniram K. Hotchkiss," she began, in a monotonous voice, as if it were a recitation addressed to the public, "first began to take notice of me a year ago. Arter that--off and on----"

"One moment," interrupted the astounded Colonel; "do you mean Hotchkiss the President of the Ditch Company?" He had recognized the name of a prominent citizen--a rigid ascetic, taciturn, middle-aged man--a deacon--and more than that, the head of the company he had just defended. It seemed inconceivable.

"That's him," she continued, with eyes still fixed on the parasol and without changing her monotonous tone--"off and on ever since. Most of the time at the Free-Will Baptist church--at morning service, prayer-meetings, and such. And at home--outside--er--in the road."

"Is it this gentleman--Mr. Adoniram K. Hotchkiss--who--er--promised marriage?" stammered the Colonel.

"Yes."

The Colonel shifted uneasily in his chair. "Most extraordinary! for--you see--my dear young lady--this becomes--a--er--most delicate affair."

"That's what maw said," returned the young woman, simply, yet with the faintest smile playing around her demure lips and downcast cheek.

"I mean," said the Colonel, with a pained yet courteous smile, "that this--er--gentleman--is in fact--er--one of my clients."

"That's what maw said, too, and of course your knowing him will make it all the easier for you," said the young woman.

A slight flush crossed the Colonel's cheek as he returned quickly and a little stiffly, "On the contrary--er--it may make it impossible for me to--er--act in this matter."

The girl lifted her eyes. The Colonel held his breath as the long lashes were raised to his level. Even to an ordinary observer that sudden revelation of her eyes seemed to transform her face with subtle witchery. They were large, brown, and soft, yet filled with an extraordinary penetration and prescience. They were the eyes of an experienced woman of thirty fixed in the face of a child. What else the Colonel saw there Heaven only knows! He felt his inmost secrets plucked from him--his whole soul laid bare--his vanity, belligerency, gallantry--even his medieval chivalry, penetrated, and yet illuminated, in that single glance. And when the eyelids fell again, he felt that a greater part of himself had been swallowed up in them.

"I beg your pardon," he said, hurriedly. "I mean--this matter may be arranged--er--amicably. My interest with--and as you wisely say--my--er--knowledge of my client--er--Mr. Hotchkiss--may affect--a compromise."

"And *damages*," said the young girl, readdressing her parasol, as if she had never looked up.

The Colonel winced. "And--er--undoubtedly *compensation*--if you do not press a fulfilment of the promise. Unless," he said, with an attempted return to his former easy gallantry, which, however, the recollection of her eyes made difficult, "it is a question of--er--the affections?"

"Which?" said his fair client, softly.

"If you still love him?" explained the Colonel, actually blushing.

Zaidee again looked up; again taking the Colonel's breath away with eyes that expressed not only the fullest perception of what he had *said*, but of what he thought and had not said, and with an added subtle suggestion of what he might have thought. "That's tellin'," she said, dropping her long lashes again. The Colonel laughed vacantly. Then feeling himself growing imbecile, he forced an equally weak gravity. "Pardon me--I understand there are no letters; may I know the way in which he formulated his declaration and promises?"

"Hymn-books," said the girl, briefly.

"I beg your pardon," said the mystified lawyer.

"Hymn-books--marked words in them with pencil--and passed 'em on to me," repeated Zaidee. "Like 'love,' 'dear,' 'precious,' 'sweet,' and 'blessed,'" she added, accenting each word with a push of her parasol on the carpet. "Sometimes a whole line outer Tate and Brady--and *Solomon's Song*, you know, and sich."

"I believe," said the Colonel, loftily, "that the--er--phrases of sacred psalmody lend themselves to the language of the affections. But in regard to the distinct promise of marriage--was there--er--no *other* expression?"

"Marriage Service in the prayer-book--lines and words outer that--all marked," said Zaidee. The Colonel nodded naturally and approvingly. "Very good. Were others cognizant of this? Were there any witnesses?"

"Of course not," said the girl. "Only me and him. It was generally at church-time--or prayer-meeting. Once, in passing the plate, he slipped one o' them peppermint lozenges with the letters stamped on it 'I love you' for me to take."

The Colonel coughed slightly. "And you have the lozenge?"

"I ate it," said the girl, simply.

"Ah," said the Colonel. After a pause he added, delicately: "But were these attentions--er--confined to--er---sacred precincts? Did he meet you elsewhere?"

"Useter pass our house on the road," returned the girl, dropping into her monotonous recital, "and useter signal."

"Ah, signal?" repeated the Colonel, approvingly.

"Yes! He'd say 'Kerrow,' and I'd say 'Kerree.' Suthing like a bird, you know."

Indeed, as she lifted her voice in imitation of the call the Colonel thought it certainly very sweet and birdlike. At least as *she* gave it. With his remembrance of the grim deacon he had doubts as to the melodiousness of *his* utterance. He gravely made her repeat it.

"And after that signal?" he added, suggestively.

"He'd pass on," said the girl.

The Colonel coughed slightly, and tapped his desk with his penholder.

"Were there any endearments--er--caresses--er--such as taking your hand--er--clasping your waist?" he suggested, with a gallant yet

respectful sweep of his white hand and bowing of his head;--"er--slight pressure of your fingers in the changes of a dance--I mean," he corrected himself, with an apologetic cough--"in the passing of the plate?"

"No;--he was not what you'd call 'fond,'" returned the girl.

"Ah! Adoniram K. Hotchkiss was not 'fond' in the ordinary acceptance of the word," said the Colonel, with professional gravity.

She lifted her disturbing eyes, and again absorbed his in her own. She also said "Yes," although her eyes in their mysterious prescience of all he was thinking disclaimed the necessity of any answer at all. He smiled vacantly. There was a long pause. On which she slowly disengaged her parasol from the carpet pattern and stood up.

"I reckon that's about all," she said.

"Er--yes--but one moment," said the Colonel, vaguely. He would have liked to keep her longer, but with her strange premonition of him he felt powerless to detain her, or explain his reason for doing so. He instinctively knew she had told him all; his professional judgment told him that a more hopeless case had never come to his knowledge. Yet he was not daunted, only embarrassed. "No matter," he said, vaguely. "Of course I shall have to consult with you again." Her eyes again answered that she expected he would, but she added, simply, "When?"

"In the course of a day or two," said the Colonel, quickly. "I will send you word." She turned to go. In his eagerness to open the door for her he upset his chair, and with some confusion, that was actually youthful, he almost impeded her movements in the hall, and knocked his broad-brimmed Panama hat from his bowing hand in a final gallant sweep. Yet as her small, trim, youthful figure, with its simple Leghorn straw hat confined by a blue bow under her round chin, passed away before him, she looked more like a child than ever.

The Colonel spent that afternoon in making diplomatic inquiries. He found his youthful client was the daughter of a widow who had a small ranch on the cross-roads, near the new Free-Will Baptist church--the evident theatre of this pastoral. They led a secluded life; the girl being little known in the town, and her beauty and fascination apparently not yet being a recognized fact. The Colonel felt a pleasurable relief at this, and a general satisfaction he could not account for. His few inquiries concerning Mr. Hotchkiss only confirmed his own impressions of the alleged lover--a serious-minded, practically abstracted man--abstentive of youthful society, and the last man apparently capable of levity of the affections or serious flirtation. The Colonel was mystified--but determined of purpose--whatever that purpose might have been.

The next day he was at his office at the same hour. He was alone--as usual--the Colonel's office really being his private lodgings, disposed in connecting rooms, a single apartment reserved for consultation. He had no clerk; his papers and briefs being taken by his faithful body-servant and ex-slave "Jim" to another firm who did his office-work since the death of Major Stryker--the Colonel's only law partner, who fell in a duel some years previous. With a fine constancy the Colonel still retained his partner's name on his door-plate--and, it was alleged by the superstitious, kept a certain invincibility also through the *manes* of that lamented and somewhat feared man.

The Colonel consulted his watch, whose heavy gold case still showed the marks of a providential interference with a bullet destined for its owner, and replaced it with some difficulty and shortness of breath in his fob. At the same moment he heard a step in the passage, and the door opened to Adoniram K. Hotchkiss. The Colonel was impressed; he had a duellist's respect for punctuality.

The man entered with a nod and the expectant, inquiring look of a busy man. As his feet crossed that sacred threshold the Colonel

became all courtesy; he placed a chair for his visitor, and took his hat from his half-reluctant hand. He then opened a cupboard and brought out a bottle of whiskey and two glasses.

"A--er--slight refreshment, Mr. Hotchkiss," he suggested, politely. "I never drink," replied Hotchkiss, with the severe attitude of a total abstainer. "Ah--er--not the finest bourbon whiskey, selected by a Kentucky friend? No? Pardon me! A cigar, then--the mildest Havana."

"I do not use tobacco nor alcohol in any form," repeated Hotchkiss, ascetically. "I have no foolish weaknesses."

The Colonel's moist, beady eyes swept silently over his client's sallow face. He leaned back comfortably in his chair, and half closing his eyes as in dreamy reminiscence, said, slowly: "Your reply, Mr. Hotchkiss, reminds me of--er--sing'lar circumstances that --er--occurred, in point of fact--at the St. Charles Hotel, New Orleans. Pinkey Hornblower--personal friend--invited Senator Doolittle to join him in social glass. Received, sing'larly enough, reply similar to yours. 'Don't drink nor smoke?' said Pinkey. 'Gad, sir, you must be mighty sweet on the ladies.' Ha!" The Colonel paused long enough to allow the faint flush to pass from Hotchkiss's cheek, and went on, half closing his eyes: "'I allow no man, sir, to discuss my personal habits,' said Doolittle, over his shirt collar. 'Then I reckon shootin' must be one of those habits,' said Pinkey, coolly. Both men drove out on the Shell Road back of cemetery next morning. Pinkey put bullet at twelve paces through Doolittle's temple. Poor Doo never spoke again. Left three wives and seven children, they say --two of 'em black."

"I got a note from you this morning," said Hotchkiss, with badly concealed impatience. "I suppose in reference to our case. You have taken judgment, I believe." The Colonel, without replying, slowly filled a glass of whiskey and water. For a moment he held it dreamily before him, as if still engaged in gentle reminiscences called up by the act. Then tossing it off, he wiped his lips with a large white

handkerchief, and leaning back comfortably in his chair, said, with a wave of his hand, "The interview I requested, Mr. Hotchkiss, concerns a subject--which I may say is--er--er--at present *not* of a public or business nature--although *later* it might become--er--er--both. It is an affair of some--er--delicacy."

The Colonel paused, and Mr. Hotchkiss regarded him with increased impatience. The Colonel, however, continued, with unchanged deliberation: "It concerns--er--a young lady--a beautiful, high-souled creature, sir, who, apart from her personal loveliness-- er--er--I may say is of one of the first families of Missouri, and-- er--not--remotely connected by marriage with one of--er--er--my boyhood's dearest friends. The latter, I grieve to say, was a pure invention of the Colonel's--an oratorical addition to the scanty information he had obtained the previous day. The young lady," he continued, blandly, "enjoys the further distinction of being the object of such attention from you as would make this interview-- really--a confidential matter--er--er--among friends and--er--er-- relations in present and future. I need not say that the lady I refer to is Miss Zaidee Juno Hooker, only daughter of Almira Ann Hooker, relict of Jefferson Brown Hooker, formerly of Boone County, Kentucky, and latterly of--er--Pike County, Missouri."

The sallow, ascetic hue of Mr. Hotchkiss's face had passed through a livid and then a greenish shade, and finally settled into a sullen red. "What's all this about?" he demanded, roughly. The least touch of belligerent fire came into Starbottle's eye, but his bland courtesy did not change. "I believe," he said, politely, "I have made myself clear as between--er--gentlemen, though perhaps not as clear as I should to--er--er--jury."

Mr. Hotchkiss was apparently struck with some significance in the lawyer's reply. "I don't know," he said, in a lower and more cautious voice, "what you mean by what you call 'my attentions' to--any one-- or how it concerns you. I have not exhausted half a dozen words with-

-the person you name--have never written her a line--nor even called at her house." He rose with an assumption of ease, pulled down his waistcoat, buttoned his coat, and took up his hat. The Colonel did not move. "I believe I have already indicated my meaning in what I have called 'your attentions,'" said the Colonel, blandly, "and given you my 'concern' for speaking as--er--er mutual friend. As to *your* statement of your relations with Miss Hooker, I may state that it is fully corroborated by the statement of the young lady herself in this very office yesterday."

"Then what does this impertinent nonsense mean? Why am I summoned here?" said Hotchkiss, furiously.

"Because," said the Colonel, deliberately, "that statement is infamously--yes, damnably to your discredit, sir!"

Mr. Hotchkiss was here seized by one of those important and inconsistent rages which occasionally betray the habitually cautious and timid man. He caught up the Colonel's stick, which was lying on the table. At the same moment the Colonel, without any apparent effort, grasped it by the handle. To Mr. Hotchkiss's astonishment, the stick separated in two pieces, leaving the handle and about two feet of narrow glittering steel in the Colonel's hand. The man recoiled, dropping the useless fragment. The Colonel picked it up, fitting the shining blade in it, clicked the spring, and then rising, with a face of courtesy yet of unmistakably genuine pain, and with even a slight tremor in his voice, said, gravely:

"Mr. Hotchkiss, I owe you a thousand apologies, sir, that--er-- a weapon should be drawn by me--even through your own inadvertence-- under the sacred protection of my roof, and upon an unarmed man. I beg your pardon, sir, and I even withdraw the expressions which provoked that inadvertence. Nor does this apology prevent you from holding me responsible--personally responsible--

elsewhere for an indiscretion committed in behalf of a lady--my--er--client."

"Your client? Do you mean you have taken her case? You, the counsel for the Ditch Company?" said Mr. Hotchkiss, in trembling indignation.

"Having won *your* case, sir," said the Colonel, coolly, "the--er--usages of advocacy do not prevent me from espousing the cause of the weak and unprotected."

"We shall see, sir," said Hotchkiss, grasping the handle of the door and backing into the passage. "There are other lawyers who--"

"Permit me to see you out," interrupted the Colonel, rising politely.

"--will be ready to resist the attacks of blackmail," continued Hotchkiss, retreating along the passage.

"And then you will be able to repeat your remarks to me *in the street*," continued the Colonel, bowing, as he persisted in following his visitor to the door.

But here Mr. Hotchkiss quickly slammed it behind him, and hurried away. The Colonel returned to his office, and sitting down, took a sheet of letter paper bearing the inscription "Starbottle and Stryker, Attorneys and Counsellors," and wrote the following lines:

Hooker *versus* Hotchkiss.

DEAR MADAM,--Having had a visit from the defendant in above, we should be pleased to have an interview with you at 2 p.m. tomorrow. Your obedient servants, STARBOTTLE AND STRYKER.

This he sealed and despatched by his trusted servant Jim, and then devoted a few moments to reflection. It was the custom of the Colonel to act first, and justify the action by reason afterwards.

He knew that Hotchkiss would at once lay the matter before rival counsel. He knew that they would advise him that Miss Hooker had "no case"--that she would be non-suited on her own evidence, and he ought not to compromise, but be ready to stand trial. He believed, however, that Hotchkiss feared that exposure, and although his own instincts had been at first against that remedy, he was now instinctively in favor of it. He remembered his own power with a jury; his vanity and his chivalry alike approved of this heroic method; he was bound by the prosaic facts--he had his own theory of the case, which no mere evidence could gainsay. In fact, Mrs. Hooker's own words that "he was to tell the story in his own way" actually appeared to him an inspiration and a prophecy.

Perhaps there was something else, due possibly to the lady's wonderful eyes, of which he had thought much. Yet it was not her simplicity that affected him solely; on the contrary, it was her apparent intelligent reading of the character of her recreant lover--and of his own! Of all the Colonel's previous "light" or "serious" loves none had ever before flattered him in that way. And it was this, combined with the respect which he had held for their professional relations, that precluded his having a more familiar knowledge of his client, through serious questioning, or playful gallantry. I am not sure it was not part of the charm to have a rustic *femme incomprise* as a client.

Nothing could exceed the respect with which he greeted her as she entered his office the next day. He even affected not to notice that she had put on her best clothes, and he made no doubt appeared as when she had first attracted the mature yet faithless attentions of Deacon Hotchkiss at church. A white virginal muslin was belted around her slim figure by a blue ribbon, and her Leghorn hat was drawn around

her oval cheek by a bow of the same color. She had a Southern girl's narrow feet, encased in white stockings and kid slippers, which were crossed primly before her as she sat in a chair, supporting her arm by her faithful parasol planted firmly on the floor. A faint odor of southernwood exhaled from her, and, oddly enough, stirred the Colonel with a far-off recollection of a pine-shaded Sunday school on a Georgia hillside and of his first love, aged ten, in a short, starched frock. Possibly it was the same recollection that revived something of the awkwardness he had felt then.

He, however, smiled vaguely and, sitting down, coughed slightly, and placed his fingertips together. "I have had an--er--interview with Mr. Hotchkiss, but--I--er--regret to say there seems to be no prospect of--er--compromise." He paused, and to his surprise her listless "company" face lit up with an adorable smile. "Of course!--ketch him!" she said. "Was he mad when you told him?" She put her knees comfortably together and leaned forward for a reply.

For all that, wild horses could not have torn from the Colonel a word about Hotchkiss's anger. "He expressed his intention of employing counsel--and defending a suit," returned the Colonel, affably basking in her smile. She dragged her chair nearer his desk. "Then you'll fight him tooth and nail?" she said eagerly; "you'll show him up? You'll tell the whole story your own way? You'll give him fits?--and you'll make him pay? Sure?" she went on, breathlessly.

"I--er--will," said the Colonel, almost as breathlessly.

She caught his fat white hand, which was lying on the table, between her own and lifted it to her lips. He felt her soft young fingers even through the lisle-thread gloves that encased them and the warm moisture of her lips upon his skin. He felt himself flushing--but was unable to break the silence or change his position. The next moment she had scuttled back with her chair to her old position.

"I--er--certainly shall do my best," stammered the Colonel, in an attempt to recover his dignity and composure.

"That's enough! You'll *do* it," said the girl, enthusiastically. "Lordy! Just you talk for *me* as ye did for *his* old Ditch Company, and you'll fetch it--every time! Why, when you made that jury sit up the other day--when you got that off about the Merrikan flag waving equally over the rights of honest citizens banded together in peaceful commercial pursuits, as well as over the fortress of official proflig--"

"Oligarchy," murmured the Colonel, courteously.

"Oligarchy," repeated the girl, quickly, "my breath was just took away. I said to maw, 'Ain't he too sweet for anything!' I did, honest Injin! And when you rolled it all off at the end--never missing a word--(you didn't need to mark 'em in a lesson-book, but had 'em all ready on your tongue), and walked out--Well! I didn't know you nor the Ditch Company from Adam, but I could have just run over and kissed you there before the whole court!"

She laughed, with her face glowing, although her strange eyes were cast down. Alack! the Colonel's face was equally flushed, and his own beady eyes were on his desk. To any other woman he would have voiced the banal gallantry that he should now, himself, look forward to that reward, but the words never reached his lips. He laughed, coughed slightly, and when he looked up again she had fallen into the same attitude as on her first visit, with her parasol point on the floor.

"I must ask you to--er--direct your memory--to--er--another point; the breaking off of the--er--er--er--engagement. Did he--er--give any reason for it? Or show any cause?"

"No; he never said anything," returned the girl.

"Not in his usual way?--er--no reproaches out of the hymn-book?--or the sacred writings?"

"No; he just *quit*."

"Er--ceased his attentions," said the Colonel, gravely. "And naturally you--er--were not conscious of any cause for his doing so." The girl raised her wonderful eyes so suddenly and so penetratingly without reply in any other way that the Colonel could only hurriedly say: "I see! None, of course!"

At which she rose, the Colonel rising also. "We--shall begin proceedings at once. I must, however, caution you to answer no questions nor say anything about this case to any one until you are in court."

She answered his request with another intelligent look and a nod. He accompanied her to the door. As he took her proffered hand he raised the lisle-thread fingers to his lips with old-fashioned gallantry. As if that act had condoned for his first omissions and awkwardness, he became his old-fashioned self again, buttoned his coat, pulled out his shirt frill, and strutted back to his desk.

A day or two later it was known throughout the town that Zaidee Hooker had sued Adoniram Hotchkiss for breach of promise, and that the damages were laid at five thousand dollars. As in those bucolic days the Western press was under the secure censorship of a revolver, a cautious tone of criticism prevailed, and any gossip was confined to personal expression, and even then at the risk of the gossiper. Nevertheless, the situation provoked the intensest curiosity. The Colonel was approached--until his statement that he should consider any attempt to overcome his professional secrecy a personal reflection withheld further advances. The community were left to the more ostentatious information of the defendant's counsel, Messrs. Kitcham and Bilser, that the case was "ridiculous" and "rotten," that the

plaintiff would be nonsuited, and the fire-eating Starbottle would be taught a lesson that he could not "bully" the law--and there were some dark hints of a conspiracy. It was even hinted that the "case" was the revengeful and preposterous outcome of the refusal of Hotchkiss to pay Starbottle an extravagant fee for his late services to the Ditch Company. It is unnecessary to say that these words were not reported to the Colonel. It was, however, an unfortunate circumstance for the calmer, ethical consideration of the subject that the church sided with Hotchkiss, as this provoked an equal adherence to the plaintiff and Starbottle on the part of the larger body of non-church-goers, who were delighted at a possible exposure of the weakness of religious rectitude. "I've allus had my suspicions o' them early candle-light meetings down at that gospel shop," said one critic, "and I reckon Deacon Hotchkiss didn't rope in the gals to attend jest for psalm-singing." "Then for him to get up and leave the board afore the game's finished and try to sneak out of it," said another. "I suppose that's what they call *religious*."

It was therefore not remarkable that the courthouse three weeks later was crowded with an excited multitude of the curious and sympathizing. The fair plaintiff, with her mother, was early in attendance, and under the Colonel's advice appeared in the same modest garb in which she had first visited his office. This and her downcast modest demeanor were perhaps at first disappointing to the crowd, who had evidently expected a paragon of loveliness--as the Circe of the grim ascetic defendant, who sat beside his counsel. But presently all eyes were fixed on the Colonel, who certainly made up in *his* appearance any deficiency of his fair client. His portly figure was clothed in a blue dress-coat with brass buttons, a buff waistcoat which permitted his frilled shirt front to become erectile above it, a black satin stock which confined a boyish turned-down collar around his full neck, and immaculate drill trousers, strapped over varnished boots. A murmur ran round the court. "Old 'Personally Responsible' had got his war-paint on," "The Old War-Horse is smelling powder," were whispered comments. Yet for all that the most irreverent among them

recognized vaguely, in this bizarre figure, something of an honored past in their country's history, and possibly felt the spell of old deeds and old names that had once thrilled their boyish pulses. The new District Judge returned Colonel Starbottle's profoundly punctilious bow. The Colonel was followed by his negro servant, carrying a parcel of hymn-books and Bibles, who, with a courtesy evidently imitated from his master, placed one before the opposite counsel. This, after a first curious glance, the lawyer somewhat superciliously tossed aside. But when Jim, proceeding to the jury-box, placed with equal politeness the remaining copies before the jury, the opposite counsel sprang to his feet.

"I want to direct the attention of the Court to this unprecedented tampering with the jury, by this gratuitous exhibition of matter impertinent and irrelevant to the issue."

The Judge cast an inquiring look at Colonel Starbottle.

"May it please the Court," returned Colonel Starbottle with dignity, ignoring the counsel, "the defendant's counsel will observe that he is already furnished with the matter--which I regret to say he has treated--in the presence of the Court--and of his client, a deacon of the church--with--er---great superciliousness. When I state to your Honor that the books in question are hymn-books and copies of the *Holy Scriptures*, and that they are for the instruction of the jury, to whom I shall have to refer them in the course of my opening, I believe I am within my rights."

"The act is certainly unprecedented," said the Judge, dryly, "but unless the counsel for the plaintiff expects the jury to *sing* from these hymn-books, their introduction is not improper, and I cannot admit the objection. As defendant's counsel are furnished with copies also, they cannot plead 'surprise,' as in the introduction of new matter, and as plaintiff's counsel relies evidently upon the jury's attention to his opening, he would not be the first person to distract it." After a pause

he added, addressing the Colonel, who remained standing, "The Court is with you, sir; proceed."

But the Colonel remained motionless and statuesque, with folded arms.

"I have overruled the objection," repeated the Judge; "you may go on."

"I am waiting, your Honor, for the--er--withdrawal by the defendant's counsel of the word 'tampering,' as refers to myself, and of 'impertinent,' as refers to the sacred volumes."

"The request is a proper one, and I have no doubt will be acceded to," returned the Judge, quietly. The defendant's counsel rose and mumbled a few words of apology, and the incident closed. There was, however, a general feeling that the Colonel had in some way "scored," and if his object had been to excite the greatest curiosity about the books, he had made his point.

But impassive of his victory, he inflated his chest, with his right hand in the breast of his buttoned coat, and began. His usual high color had paled slightly, but the small pupils of his prominent eyes glittered like steel. The young girl leaned forward in her chair with an attention so breathless, a sympathy so quick, and an admiration so artless and unconscious that in an instant she divided with the speaker the attention of the whole assemblage. It was very hot; the court was crowded to suffocation; even the open windows revealed a crowd of faces outside the building, eagerly following the Colonel's words.

He would remind the jury that only a few weeks ago he stood there as the advocate of a powerful company, then represented by the present defendant. He spoke then as the champion of strict justice against legal oppression; no less should he to-day champion the cause of the unprotected and the comparatively defenseless--save for that

paramount power which surrounds beauty and innocence--even though the plaintiff of yesterday was the defendant of to-day. As he approached the court a moment ago he had raised his eyes and beheld the starry flag flying from its dome--and he knew that glorious banner was a symbol of the perfect equality, under the Constitution, of the rich and the poor, the strong and the weak--an equality which made the simple citizen taken from the plough in the veld, the pick in the gulch, or from behind the counter in the mining town, who served on that jury, the equal arbiters of justice with that highest legal luminary whom they were proud to welcome on the bench to-day. The Colonel paused, with a stately bow to the impassive Judge. It was this, he continued, which lifted his heart as he approached the building. And yet--he had entered it with an uncertain--he might almost say--a timid step. And why? He knew, gentlemen, he was about to confront a profound--aye! a sacred responsibility! Those hymn-books and holy writings handed to the jury were *not*, as his Honor surmised, for the purpose of enabling the jury to indulge in--er--preliminary choral exercise! He might, indeed, say "alas not!" They were the damning, incontrovertible proofs of the perfidy of the defendant. And they would prove as terrible a warning to him as the fatal characters upon Belshazzar's wall. There was a strong sensation. Hotchkiss turned a sallow green. His lawyers assumed a careless smile.

It was his duty to tell them that this was not one of those ordinary "breach-of-promise" cases which were too often the occasion of ruthless mirth and indecent levity in the courtroom. The jury would find nothing of that here, There were no love-letters with the epithets of endearment, nor those mystic crosses and ciphers which, he had been credibly informed, chastely hid the exchange of those mutual caresses known as "kisses." There was no cruel tearing of the veil from those sacred privacies of the human affection--there was no forensic shouting out of those fond confidences meant only for *one*. But there was, he was shocked to say, a new sacrilegious intrusion. The weak pipings of Cupid were mingled with the chorus of the saints--the sanctity of the temple known as the "meeting-house" was

desecrated by proceedings more in keeping with the shrine of Venus-- and the inspired writings themselves were used as the medium of amatory and wanton flirtation by the defendant in his sacred capacity as Deacon.

The Colonel artistically paused after this thunderous denunciation. The jury turned eagerly to the leaves of the hymn-books, but the larger gaze of the audience remained fixed upon the speaker and the girl, who sat in rapt admiration of his periods. After the hush, the Colonel continued in a lower and sadder voice: "There are, perhaps, few of us here, gentlemen--with the exception of the defendant--who can arrogate to themselves the title of regular churchgoers, or to whom these humbler functions of the prayer-meeting, the Sunday-school, and the Bible class are habitually familiar. Yet"--more solemnly--"down in your hearts is the deep conviction of our shortcomings and failings, and a laudable desire that others at least should profit by the teachings we neglect. Perhaps," he continued, closing his eyes dreamily, "there is not a man here who does not recall the happy days of his boyhood, the rustic village spire, the lessons shared with some artless village maiden, with whom he later sauntered, hand in hand, through the woods, as the simple rhyme rose upon their lips,

Always make it a point to have it a rule Never to be late at the Sabbath-school."

He would recall the strawberry feasts, the welcome annual picnic, redolent with hunks of gingerbread and sarsaparilla. How would they feel to know that these sacred recollections were now forever profaned in their memory by the knowledge that the defendant was capable of using such occasions to make love to the larger girls and teachers, whilst his artless companions were innocently--the Court will pardon me for introducing what I am credibly informed is the local expression 'doing gooseberry'?" The tremulous flicker of a smile passed over the faces of the listening crowd, and the Colonel slightly winced. But he recovered himself instantly, and continued:

"My client, the only daughter of a widowed mother--who has for years stemmed the varying tides of adversity--in the western precincts of this town--stands before you today invested only in her own innocence. She wears no--er--rich gifts of her faithless admirer--is panoplied in no jewels, rings, nor mementoes of affection such as lovers delight to hang upon the shrine of their affections; hers is not the glory with which Solomon decorated the Queen of Sheba, though the defendant, as I shall show later, clothed her in the less expensive flowers of the king's poetry. No! gentlemen! The defendant exhibited in this affair a certain frugality of--er--pecuniary investment, which I am willing to admit may be commendable in his class. His only gift was characteristic alike of his methods and his economy. There is, I understand, a certain not unimportant feature of religious exercise known as 'taking a collection.' The defendant, on this occasion, by the mute presentation of a tip plate covered with baize, solicited the pecuniary contributions of the faithful. On approaching the plaintiff, however, he himself slipped a love-token upon the plate and pushed it towards her. That love-token was a lozenge--a small disk, I have reason to believe, concocted of peppermint and sugar, bearing upon its reverse surface the simple words, 'I love you!' I have since ascertained that these disks may be bought for five cents a dozen--or at considerably less than one half-cent for the single lozenge. Yes, gentlemen, the words 'I love you!'--the oldest legend of all; the refrain, 'when the morning stars sang together'--were presented to the plaintiff by a medium so insignificant that there is, happily, no coin in the republic low enough to represent its value.

"I shall prove to you, gentlemen of the jury," said the Colonel, solemnly, drawing a *Bible* from his coat-tail pocket, "that the defendant, for the last twelve months, conducted an amatory correspondence with the plaintiff by means of underlined words of sacred writ and church psalmody, such as 'beloved,' 'precious,' and 'dearest,' occasionally appropriating whole passages which seemed apposite to his tender passion. I shall call your attention to one of

them. The defendant, while professing to be a total abstainer--a man who, in my own knowledge, has refused spirituous refreshment as an inordinate weakness of the flesh, with shameless hypocrisy underscores with his pencil the following passage and presents it to the plaintiff. The gentlemen of the jury will find it in the *Song of Solomon*, page 548, chapter II, verse 5." After a pause, in which the rapid rustling of leaves was heard in the jury-box, Colonel Starbottle declaimed in a pleading, stentorian voice, "'Stay me with --er-- *flagons*, comfort me with--er--apples--for I am--er--sick of love.' Yes, gentlemen!--yes, you may well turn from those accusing pages and look at the double-faced defendant. He desires--to--er--be --'stayed with flagons!' I am not aware, at present, what kind of liquor is habitually dispensed at these meetings, and for which the defendant so urgently clamored; but it will be my duty before this trial is over to discover it, if I have to summon every barkeeper in this district. For the moment, I will simply call your attention to the *quantity*. It is not a single drink that the defendant asks for --not a glass of light and generous wine, to be shared with his inamorata--but a number of flagons or vessels, each possibly holding a pint measure--*for himself!*"

The smile of the audience had become a laugh. The Judge looked up warningly, when his eye caught the fact that the Colonel had again winced at this mirth. He regarded him seriously. Mr. Hotchkiss's counsel had joined in the laugh affectedly, but Hotchkiss himself was ashy pale. There was also a commotion in the jury-box, a hurried turning over of leaves, and an excited discussion.

"The gentlemen of the jury," said the Judge, with official gravity, "will please keep order and attend only to the speeches of counsel. Any discussion *here* is irregular and premature--and must be reserved for the jury-room--after they have retired."

The foreman of the jury struggled to his feet. He was a powerful man, with a good-humored face, and, in spite of his unfelicitous nickname of "The Bone-Breaker," had a kindly, simple, but somewhat emotional

nature. Nevertheless, it appeared as if he were laboring under some powerful indignation.

"Can we ask a question, Judge?" he said, respectfully, although his voice had the unmistakable Western-American ring in it, as of one who was unconscious that he could be addressing any but his peers.

"Yes," said the Judge, good-humoredly.

"We're finding in this yere piece, out of which the Kernel hes just bin a-quotin', some language that me and my pardners allow hadn't orter to be read out afore a young lady in court--and we want to know of you--ez a fair-minded and impartial man--ef this is the reg'lar kind o' book given to gals and babies down at the meetin'-house."

"The jury will please follow the counsel's speech, without comment," said the Judge, briefly, fully aware that the defendant's counsel would spring to his feet, as he did promptly. "The Court will allow us to explain to the gentlemen that the language they seem to object to has been accepted by the best theologians for the last thousand years as being purely mystic. As I will explain later, those are merely symbols of the Church--"

"Of wot?" interrupted the foreman, in deep scorn.

"Of the Church!"

"We ain't askin' any questions o' *you*--and we ain't takin' any answers," said the foreman, sitting down promptly.

"I must insist," said the Judge, sternly, "that the plaintiff's counsel be allowed to continue his opening without interruption. You" (to defendant's counsel) "will have your opportunity to reply later."

The counsel sank down in his seat with the bitter conviction that the jury was manifestly against him, and the case as good as lost. But his face was scarcely as disturbed as his client's, who, in great agitation, had begun to argue with him wildly, and was apparently pressing some point against the lawyer's vehement opposal. The Colonel's murky eyes brightened as he still stood erect with his hand thrust in his breast.

"It will be put to you, gentlemen, when the counsel on the other side refrains from mere interruption and confines himself to reply, that my unfortunate client has no action--no remedy at law--because there were no spoken words of endearment. But, gentlemen, it will depend upon *you* to say what are and what are not articulate expressions of love. We all know that among the lower animals, with whom you may possibly be called upon to classify the defendant, there are certain signals more or less harmonious, as the case may be. The ass brays, the horse neighs, the sheep bleats--the feathered denizens of the grove call to their mates in more musical roundelays. These are recognized facts, gentlemen, which you yourselves, as dwellers among nature in this beautiful land, are all cognizant of. They are facts that no one would deny--and we should have a poor opinion of the ass who, at--er--such a supreme moment, would attempt to suggest that his call was unthinking and without significance. But, gentlemen, I shall prove to you that such was the foolish, self-convicting custom of the defendant. With the greatest reluctance, and the--er--greatest pain, I succeeded in wresting from the maidenly modesty of my fair client the innocent confession that the defendant had induced her to correspond with him in these methods. Picture to yourself, gentlemen, the lonely moonlight road beside the widow's humble cottage. It is a beautiful night, sanctified to the affections, and the innocent girl is leaning from her casement. Presently there appears upon the road a slinking, stealthy figure--the defendant, on his way to church. True to the instruction she has received from him, her lips part in the musical utterance" (the Colonel lowered his voice in a faint falsetto, presumably in fond imitation of his fair client),"Kerree!" Instantly the

night became resonant with the impassioned reply" (the Colonel here lifted his voice in stentorian tones), "'Kerrow.' Again, as he passes, rises the soft 'Kerree'; again, as his form is lost in the distance, comes back the deep 'Kerrow.'"

A burst of laughter, long, loud, and irrepressible, struck the whole courtroom, and before the Judge could lift his half-composed face and take his handkerchief from his mouth, a faint "Kerree" from some unrecognized obscurity of the courtroom was followed by a loud "Kerrow" from some opposite locality. "The sheriff will clear the court," said the Judge, sternly; but alas, as the embarrassed and choking officials rushed hither and thither, a soft "Kerree" from the spectators at the window, *outside* the courthouse, was answered by a loud chorus of "Kerrows" from the opposite windows, filled with onlookers. Again the laughter arose everywhere--even the fair plaintiff herself sat convulsed behind her handkerchief.

The figure of Colonel Starbottle alone remained erect--white and rigid. And then the Judge, looking up, saw what no one else in the court had seen--that the Colonel was sincere and in earnest; that what he had conceived to be the pleader's most perfect acting, and most elaborate irony, were the deep, serious, mirthless *convictions* of a man without the least sense of humor. There was a touch of this respect in the Judge's voice as he said to him, gently, "You may proceed, Colonel Starbottle."

"I thank your Honor," said the Colonel, slowly, "for recognizing and doing all in your power to prevent an interruption that, during my thirty years' experience at the bar, I have never yet been subjected to without the privilege of holding the instigators thereof responsible--*personally* responsible. It is possibly my fault that I have failed, oratorically, to convey to the gentlemen of the jury the full force and significance of the defendant's signals. I am aware that my voice is singularly deficient in producing either the dulcet tones of my fair client or the impassioned vehemence of the defendant's repose. I will,"

continued the Colonel, with a fatigued but blind fatuity that ignored the hurriedly knit brows and warning eyes of the Judge, "try again. The note uttered by my client" (lowering his voice to the faintest of falsettos) "was 'Kerree'; the response was 'Kerrow'"--and the Colonel's voice fairly shook the dome above him.

Another uproar of laughter followed this apparently audacious repetition, but was interrupted by an unlooked-for incident. The defendant rose abruptly, and tearing himself away from the withholding hand and pleading protestations of his counsel, absolutely fled from the courtroom, his appearance outside being recognized by a prolonged "Kerrow" from the bystanders, which again and again followed him in the distance. In the momentary silence which followed, the Colonel's voice was heard saying, "We rest here, your Honor," and he sat down. No less white, but more agitated, was the face of the defendant's counsel, who instantly rose.

"For some unexplained reason, your Honor, my client desires to suspend further proceedings, with a view to effect a peaceable compromise with the plaintiff. As he is a man of wealth and position, he is able and willing to pay liberally for that privilege. While I, as his counsel, am still convinced of his legal irresponsibility, as he has chosen, however, to publicly abandon his rights here, I can only ask your Honor's permission to suspend further proceedings until I can confer with Colonel Starbottle."

"As far as I can follow the pleadings," said the Judge, gravely, "the case seems to be hardly one for litigation, and I approve of the defendant's course, while I strongly urge the plaintiff to accept it."

Colonel Starbottle bent over his fair client. Presently he rose, unchanged in look or demeanor. "I yield, your Honor, to the wishes of my client, and--er--lady. We accept."

Before the court adjourned that day it was known throughout the town that Adoniram K. Hotchkiss had compromised the suit for four thousand dollars and costs.

Colonel Starbottle had so far recovered his equanimity as to strut jauntily towards his office, where he was to meet his fair client. He was surprised, however, to find her already there, and in company with a somewhat sheepish-looking young man--a stranger. If the Colonel had any disappointment in meeting a third party to the interview, his old-fashioned courtesy did not permit him to show it. He bowed graciously, and politely motioned them each to a seat.

"I reckoned I'd bring Hiram round with me," said the young lady, lifting her searching eyes, after a pause, to the Colonel's, "though he was awful shy, and allowed that you didn't know him from Adam--or even suspected his existence. But I said, 'That's just where you slip up, Hiram; a pow'ful man like the Colonel knows everything--and I've seen it in his eye.' Lordy!" she continued, with a laugh, leaning forward over her parasol, as her eyes again sought the Colonel's, "don't you remember when you asked me if I loved that old Hotchkiss, and I told you 'That's tellin',' and you looked at me, Lordy! I knew *then* you suspected there was a Hiram *somewhere*--as good as if I'd told you. Now, you, jest get up, Hiram, and give the Colonel a good handshake. For if it wasn't for *him* and *his* searchin' ways, and *his* awful power of language, I wouldn't hev got that four thousand dollars out o' that flirty fool Hotchkiss--enough to buy a farm, so as you and me could get married! That's what you owe to *him*. Don't stand there like a stuck fool starin' at him. He won't eat you--though he's killed many a better man. Come, have *I* got to do *all* the kissin'!"

It is of record that the Colonel bowed so courteously and so profoundly that he managed not merely to evade the proffered hand of the shy Hiram, but to only lightly touch the franker and more impulsive fingertips of the gentle Zaidee. "I--er--offer my sincerest congratulations--though I think you--er--overestimate--my--er--

powers of penetration. Unfortunately, a pressing engagement, which may oblige me also to leave town to-night, forbids my saying more. I have--er--left the--er--business settlement of this--er--case in the hands of the lawyers who do my office-work, and who will show you every attention. And now let me wish you a very good afternoon."

Nevertheless, the Colonel returned to his private room, and it was nearly twilight when the faithful Jim entered, to find him sitting meditatively before his desk. "'Fo' God! Kernel--I hope dey ain't nuffin de matter, but you's lookin' mighty solemn! I ain't seen you look dat way, Kernel, since de day pooh Marse Stryker was fetched home shot froo de head."

"Hand me down the whiskey, Jim," said the Colonel, rising slowly.

The negro flew to the closet joyfully, and brought out the bottle. The Colonel poured out a glass of the spirit and drank it with his old deliberation.

"You're quite right, Jim," he said, putting down his glass, "but I'm--er--getting old--and--somehow--I am missing poor Stryker damnably!"