

## JOHN BODEWIN'S TESTIMONY.

BY MARY HALLOCK FOOTE,

Author of "The Led-Horse Claim," "Friend Barton's Concern," etc.

### I.

#### IN THE BURNT WOODS.

THE western slope of the Park range, as it sinks into the valley of the Arkansas, is clothed to the timber-line with monotonous forests of pine and fir. In winter this dark zone of trees looks darker for the zone of snows above it; in spring the patches of sunlight on the mountain-side bring out a paler and more vivid green; the lower gulches, lined with aspens, in autumn show a streak of faded gold; but at all seasons, from the highest of the mountain's lights to the deepest of its shadows, the range of color is slight.

The deepest shadow on the mountains is one which does not change with the seasons or pass with the clouds. It covers an area of many acres. Within its limits the trees are still standing, but leafless and blackened from root to crown. They are the unburied dead which the forest fires have left on the field after one of their wild forays. In the course of years the wind will flay them and the snows will bleach them to the grayish whiteness of old bones. But in the summer of 187-, when the Eagle Bird and Uinta lode claims were first discovered, the burnt woods which covered them had but just met their fate. Each separate tree was an effigy of desolation, uplifting its charred and rigid limbs as if in mute attestation of its wrongs. The wind could get no more music out of them; the few birds which nested so far above the valley forsook their branches; the traveler missed their spicy shade. They could offer no longer either rest, shelter, or concealment to any living creature. But their neighborhood was as good as any other for the location of a mine.

Colonel Harkins, the owner of the Eagle Bird and the Uinta, did not trouble himself about his environment. He looked about him and saw that the dead trees were fit for fuel, if not for building and the timbering of shafts. He saw that the slope of the hill was sufficient for drainage, and for the future ore-dumps of unknown value to lean their cone-shaped mounds against. He reckoned the cost of a wagon-road to the nearest camp two miles away, which formed the nucleus of many lesser camps and outlying mines scattered far and

near along the sides of the range or concealed in the folds of its forest garment.

An old hunter's and prospector's trail, starting in the valley, took its way deviously but always upwards in the direction of the pass. A short distance beyond the two claims it was joined by a trail from the camp. Thus the new mines, though lonely in their situation, were not inaccessible.

ONE afternoon, about four o'clock, a man came out of the Eagle Bird tunnel, extinguished his candle as its rays turned sickly in the daylight, and, mounting his horse, followed the trail which led onward into the forest. The sun stood nearly opposite across the valley, and he raised his hand to his hat-brim, as if blinded by the glare. He sat his horse easily, lounging a little forward after the manner of men who spend many hours in the saddle in solitary, uneventful journeyings. He was a youngish, slenderly made man, with a distinctly good bearing. Even as he jogged along on his bald-faced bay in the bleak, untempered light, you felt that he was one whom life had refined and sobered, if it had not distinguished him with any great measure of joy or of success. His thin, smooth cheeks were darkly tanned; the close-shorn, light-brown hair, without a trace of gold in it, showed by its difference of texture rather than color against his temples and neck. His hands were the slender, pointed hands which go with a supple, small-jointed frame. His beauty, in fact, what there was of it, consisted chiefly in this harmony of parts, uniting in a personality unique but singularly unaggressive. The rider's name was John Bodewin.

The trail, now turning away from the valley, gave him the benefit of his own shadow opposed to the sun. Its broad light streamed before him into the forest and shone full in the faces of two people at a little distance from him, who had turned at the sound of his horse's feet,—a middle-aged gentleman, seated in a rather disconsolate attitude on the smooth, barkless trunk of a fallen tree, and a young lady in a riding-habit, who stood near him and was speaking to him when Bodewin saw them first. The gentleman was of stout proportions and fresh complexion, intensified by a recent coat of sunburn. Bodewin recognized

Mr. Newbold at once; the dark-eyed girl beside him was presumably Mr. Newbold's daughter.

"Did you ever know anything so still as this place?" she had been saying. "I cannot hear a sound except that horse's tread. Some one is coming who is in no hurry, it seems."

A moment later Bodewin appeared at the turn of the trail.

"He's in no hurry," Mr. Newbold remarked, sulkily, eying the horseman's approach, "if he takes his own business as coolly as he does other people's."

"Do you know him, papa?" the girl asked in surprise. Bodewin had welcomed the sight of a fair woman in the forest, and involuntarily paid it the homage of a more erect seat in his saddle, and a hasty restoration of his hat from the angle of comfort on a hot afternoon with the sun on the back of one's neck, to the level of decorum under all circumstances. He passed the group at his horse's slowest walk.

"How d'you do, Bodewin? Still here, you see," Mr. Newbold said, touching his hat to him.

Bodewin made some civil though inaudible reply. He had a speaking acquaintance with Mr. Newbold, but he could hardly have been surprised to see him there or elsewhere, since that gentleman's system of movements was quite unknown to him.

Miss Newbold had been two weeks in the camp, and Bodewin had not sought to see her or be presented to her for reasons personal, referring to her father, and local, referring to the city of her father's adoption. He had a preconceived idea of what a Kansas City girl was likely to be. But who was he, John Bodewin, a native of one of the little Sound cities of Connecticut, that he should be setting up geographical standards and prejudging his countrywomen by them? And what was there about Newbold to make it incredible that he should be the father of a girl, too handsome not to be supposed to know it herself, who kept her quiet pose under the eyes of a stranger with an unconcern that had in it as little of bravado as of stolidity?

"So that is Mr. John Bodewin!" Miss Newbold said, with meditative emphasis.

"It's queer you should never have seen Bodewin," her father remarked.

"I think I did see him once, without knowing it was he, coming out of the Wiltie House with Mr. Craig."

"Where were you?"

"I was looking out of our window, papa, hoping every next man on the street would be you. It was nearly eight o'clock, and I was simply perishing for my dinner."

"I suppose I must have come along after a

while, as you didn't perish," said Mr. Newbold. "When was it you were so near dissolution?"

"It was on Saturday, the nineteenth of June. I remember the date, because that morning you first told me about the lawsuit, and the text on my calendar was 'Keep o' the windy side of the law'—'especially mining law,' I wrote underneath, and pinned it in the frame of your looking-glass. But you did not see it, because that afternoon our rooms were changed."

"You and Bodewin must consult the same oracle," said Mr. Newbold. "It was on that afternoon in Craig's office he positively refused to go on the case."

"Did he give you his reasons for declining, papa, or don't they give reasons?"

"They do as they choose, generally. Bodewin chose to keep his to himself."

"I suppose he thinks we are quite in the wrong, and is too polite to say so."

"What he thinks is not precisely what we are after." Mr. Newbold moved restlessly and felt in his pockets for a handkerchief with which he removed the marks of charred pine-wood from his fingers. "He is supposed to have in his possession the facts we need to complete our case. If he would consent to part with them on the witness-stand, he might keep his opinion and welcome."

"Are these facts Mr. Bodewin's property exclusively, papa?"

"So far as I know, they are."

"Why, how wretched of him! He might as well be a Uinta man and done with it! Is he, do you suppose?"

"I don't profess to know, my dear, what he is!"

"Would any other person who happened to have the facts Mr. Bodewin has be as desirable a witness as he?"

"More so, perhaps. I have told you it is not Bodewin we want, but his facts. He is an expert, but in this case he is not asked to give an expert's testimony."

"What does it imply, do you think?"

"What does what imply?" Mr. Newbold took his cross-examination with a half-bored, half-amused smile. He had a sharp eye in a mild, blunt-featured, smooth-shaven face.

"His refusing to testify, papa," his daughter patiently explained.

"It might imply, among other things, that Mr. Bodewin is not in want of money at present."

"Are witnesses paid much money for their testimony?"

"Depends on the witness, and the nature of the testimony, and on what you call much."

"Papa, you will have to hold me! You look so comfortable, and there is nowhere else

to sit." Miss Newbold pushed aside her father's cane and seated herself, with a smile half deprecating, half playful, on his knee.

"If I look comfortable my looks belie me," he sighed, adjusting himself to the weight of her slender figure. "Why *do* we sit? Why don't we move on?"

"Where shall we move to, if you please? Back to the Eagle Bird, and sit on the piazza with the sun in our eyes? *Look* at that valley!"

"Looks hot, don't it?"

"Papa? How — much — did you offer Mr. Bodewin?"

"How much what?" Mr. Newbold doggedly held out.

"Poor papa!" said his daughter, holding him by the shoulders and laughing, with her face close to his. "It's no use pretending you are not going to tell me. You know you are; — it's only a question of time."

"Come, get up, Josephine! You're too heavy; this log needs a saddle on it."

"I never was too heavy before."

"You never before found me reduced to such a painful extremity for a seat."

"How much, papa, and I'll let you up."

"Let me up first and then we'll see about it. What do you want to know for?"

"I want to know partly because you don't want to tell me. Come, papa! On compulsion, you know. A man may say anything under pressure. There's nothing yielding about you. Besides, it's only mines. It hasn't anything to do with your real business!"

Mr. Newbold relieved himself by a resolute push from the burden of his daughter's loveliness, and got himself stiffly upon his feet.

"By George, you *are* heavy!" he muttered reproachfully, as he limped a few steps along the trail.

"Now, papa, be a good boy. Be frank with me for once," Josephine pleaded, still laughing and dragging upon his arm with her hands locked within it. "You need never hope to look upon the Eagle Bird again unless you tell me how — much — money — you offered Mr. Bodewin."

"Well, to be frank with you," said Mr. Newbold, attempting to light a cigar under difficulties, "I never offered Mr. Bodewin a penny. But my lawyers offered him — five thousand dollars, and be hanged to him," he concluded, as he tossed his extinguished match into the dust. Josephine released his arm suddenly and confronted him in sober amazement.

"Papa, I wish I had some facts I could dispose of at that rate. Isn't that a good deal of money to offer a man for just telling the truth?"

"Would you expect a professional man to

spend his time in court on another man's case for the witness-fees?" Mr. Newbold asked.

"How much of his time would he have to spend?"

"An hour, perhaps, actually on the stand." Mr. Newbold yielded the point carelessly.

"I should not have supposed, from Mr. Bodewin's appearance as he rode through the woods just now, that his time was worth five thousand dollars an hour."

"There are hours and hours of a man's time, my dear. This may not be one of Bodewin's five-thousand-dollar hours."

"Papa, you know perfectly well there is no man living who can earn five thousand dollars honestly in an hour."

"Do I?" said Mr. Newbold, unconcernedly; "I wish I knew by personal experience to the contrary."

"Well, I am glad he did not take it. I respect him for not taking it. At the same time —"

"You would like to know whether he was offered more by the other side to keep quiet."

They were walking now along the trail, Josephine preceding her father. As he spoke and laughed his easy, unmirthful laugh, she looked back at him. The level sunbeams striking across her eyes turned the blackness of their thick, curved lashes to a reddish brown.

"Papa, do you believe that?"

"I'm not a man of many beliefs," Mr. Newbold replied, with the manner of one who is done with a subject.

Josephine wished her father would speak again, and rob those last words of their unpleasant significance, but he followed her in silence, striking off, with his aimlessly industrious cane, the brittle, charred twigs that came in his way. When they were nearly opposite the tunnel, the trail widened, and she walked at his side.

"Papa," she said, turning to him brightly, as if to make open amends for her tacit dissatisfaction with him, "why won't you take that Bird off the name of your mine. — Eagle *Bird*," she repeated, mockingly.

"We'll wait and see who the mine belongs to. Mr. Harkins's taste in names may not be the same as yours."

"Well!" said Josephine, "the name is definite enough, if the ownership is vague."

## II.

### A COMMUNITY OF SPECIALISTS.

AN acre of the hill-side above the tunnel had been cleared of its scorched timber to

make room for the surface "plant" of the Eagle Bird. The ground was hard and verdureless. Each day's dust, before the next day came, was swept into windrows or whirled away altogether by intermittent gusts, charging up the slope from the valley. The "plant" consisted of the main shaft-house and a number of log-cabins, sheds, and board-houses, grouped irregularly round it. The dwelling of the superintendent was distinguished by its high porch, with an ornamental cornice supporting the eaves, and by the addition of shutters to its windows. Some feeble vines had been early baulked in an attempt to climb the loose warp of strings extending from the railing of the porch to a series of nails ruthlessly driven into the cornice above. Two or three saddle-horses, hitched to the posts which supported the gallery, were swinging their heads discontentedly, and a row of men stood with their backs against the side of the house near the lower entrance, each man with his chin elevated and his hat tilted forward over his eyes, as a defense from the rays of the low sun. Sammis, the temporary superintendent of the Eagle Bird, was holding forth on the subject of the lawsuit to a few friends who had ridden over from the new camp at Spearfish.

As they passed this group Josephine confided to her father in a little grimace her opinion of the gentlemen from Spearfish. She ran up the steps of the piazza, while her father remained below, joining in the talk of the men.

"Say, Mr. Newbold," Sammis appealed to his principal, "I been telling the boys that you bought this here Eagle Bird mine of Jim Keesner, and nobody but him. Is that so, or ain't it?"

"That is so, Sammis," said Mr. Newbold. "The mine was located in Keesner's name, and the transfer of titles was made between him and myself exclusively. Harkins's name wasn't even mentioned. I'm not a mining man, gentlemen," Mr. Newbold continued, smiling upon the company at large, "but I've heard of Colonel Billy Harkins. He's pretty well known in Kansas City."

"He's sold some mines there, may be," one of the delegation from Spearfish remarked.

"More than he will ever sell there again," said Mr. Newbold. "I never would have touched the property without an expert's report on it, if the colonel's name had been in any way connected with it. I didn't know even that he owned the Uinta."

"The boys here," said Sammis, "was remarkin' it seemed kind o' keerless in you to buy a mine on paper, as you might say. I told 'em you had a copy of the first location notice certified to by the recorder of this district."

"That ought to fix the *title* all right," one of the Spearfish men admitted; while another offered the amendment, "If mining records was ever kep' as they'd ought to be, and not sloshed round so public like."

"That's just where I drop on it," said Sammis. "That recorder must 'a' certified to a false copy, or else the record's been tampered with. There isn't a man in camp that don't believe Mr. Newbold owns this mine. Question is, how you goin' to prove it? Why — Lord, when I first got notice to quit work in the new shaft, I didn't pay no more *'tention* to it! I just walked into the court-house one day, and asked to have a look at the location notice of the Eagle Bird mine. And, by —, there they'd got it all fixed."

"I'd hunt that recorder with a shot-gun!" one of Sammis's friends remarked.

"I wouldn't waste time on him — I'd hunt Jim Keesner," another one said.

"Yes, there'd be more huntin' than findin', I guess," said Sammis. "There's plenty of room between the Rockies and the Sierras for Jim Keesner to hide out; he might be guidin' parties in the mountains; he might be ranchin' it or teamin' it; he might be prospectin' round among the hills somewheres, or down on the reservation; he might 'a' joined them fool Mormons."

"What's Hark' say 's gone of him?" one of the group inquired.

"Harkins! Harkins is as innocent as the babe unborn. He don't know nothin' 'bout Keesner. He just p'int's to his records."

"When I first arrived in the camp," Mr. Newbold interposed, "I should say as many as twenty men came to me and offered to take their affidavit that the Eagle Bird monuments had been moved, and that the change had been made since our big strike here. But come to cross-examine them a little, they got all mixed up in their memories. Some remembered one thing and some one else contradicted it. You couldn't get a single witness who would be worth anything to us out of the whole lot of them."

"Course not," said Sammis. "I know them monuments has been moved, but I couldn't prove it to a jury. You don't want memories; you want facts. The facts in this case is — *you* know, Jim," Sammis appealed with a gesture of his thumb to the man who stood next him, "when they first org'nized the district, Shirley Ensign, he called himself, was recorder. P'lonius was the name he went by. Kep' his records in an old candle-box in a corner of The Gem. Then, *you* know, just after they made their big strike up here, The Gem took fire. Of course it was accidental! Harkins packed the records across the street



into The Oasis; but it took him a day and a half to get there —"

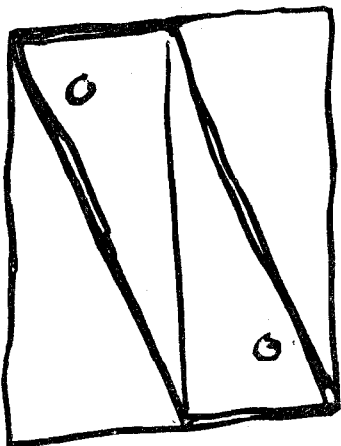
"What business had he with the records?"

Mr. Newbold interrupted.

"Much as anybody," Sammis briefly explained, absorbed in his statement of the situation.

"Where was the recorder?"

"Most likely he was drunk — but, as I was sayin', during the time Colonel Billy had them records, he prob'ly looked them over to his advantage. Now, you see," — Sammis sat down on the heels of his boots and drew in the dust with a bit of charred stick two parallelograms side by side, with their boundary-line in common, — "them two claims lay this way. Harkins's workin's was here, and the Eagle Bird had just made a strike right there"



— he made two small circles with the bit of stick in the opposite corners of each parallelogram. "The colonel knew them two holes were on the same vein. He just takes them records and floats the north end of his claim right bod'ly to the west'ard, and brings his side line down catercornerin' — that way; and some day when there ain't anybody round, he changes his stakes, and there he's got a first-class legal location right plumb onto your ground." Sammis turned the force of his peroration upon Mr. Newbold. "Oh, the colonel's always legal! He's got his affidavit men always handy. And there's another little peculiarity of his'n you want to keep in mind — he's uncommon lucky in his juries. Now, the man that surveyed them two claims for the location was John Bod'n, and prob'ly he's got the notes — and also prob'ly the colonel's got him coppered."

"Sammis, you are a little too figurative for mesometimes," Mr. Newbold mildly observed. "What do you mean by coppered?"

"Bet'n he won't turn up," several voices

replied, and every man of the group turned a pitying eye on Mr. Newbold.

Sammis drew the sole of his boot across his diagram, spat upon the smoothed dust, and so rested the case according to the Eagle Bird. The gentlemen from Spearfish, remarking that they had "better be a-movin' on so as to git into camp before dark," mounted their horses and took the lower trail toward the valley.

Mr. Newbold was familiar with the Sammisian theory of the case between the mines, but each fresh exposition of it made him more restive, especially on the point of Bodewin's obduracy.

"Sammis, did you mean to convey by that figure of speech you used just now —"

"That which, sir?"

"That expression you made use of in reference to Bodewin — that Harkins has bought him?"

"Well, sir, I should take Bode'n to be rayther of an expensive article to buy for a man of moderate means; but you can just bet your bottom dollar the colonel's got some holt on him, or he never'd 'a' started the scheme."

"I can force him with a subpoena, if there is no other way to fetch him."

"Well, now, Mr. Newbold, I don't want to give advice, but you don't want to send a sheriff huntin' Bode'n, if you mean to git him! He knows this country. He can find his hole and git into it *too* quick." As Sammis became excited, his tone grew more nasal and his speech more untrammelled. "You can't drive him and you can't buy him, in my opinion, — but if you can find Harkins's holt on him — well, I do' know! If you *did* ketch him and force him onto the stand, an unwillin' witness is worse than none."

Mr. Newbold and his daughter rode back to the camp in the splendor of a sunset that loomed red behind the skeleton pines. Josephine let her horse take his own way down the wagon-track, while she watched its dying changes. But she lost the last tints in her preoccupation with the dust and the strange meetings and passings on the broad and level road by which they approached the town. That quickening of the pulse which makes itself felt in every human community as day draws to a close had intensified the life of the camp. The sound of its voices and footsteps, the smoke of its fires, rose in the still, cool air. Cradled between two ranges of the mother mountains of the continent, the little colony could hardly have been more inland in its situation; it had nevertheless in many respects the character of a primitive seaport. It owed its existence to hazardous ventures from a distance. Its shops were filled, not with the fruits of its soil or the labor of its hands, but

with cargoes that had been rocked in the four-wheeled merchantmen of the plains. Bronzed-faced, hairy-throated men occupied more than their share of its sidewalks, spending carelessly in a few days and nights the price of months of hardship and isolation. Its hopes and its capital were largely bound up in the fate of adventurers into that unpeopled land which has no history except the records written in fire, in ice, and in water, on its rocks and riverbeds; the voyagers across that inland sea where the smoke of lonely camp fires goes up from wagon roads that were once hunters' trails, and trails that were once the tracks of buffalo. There were men seen at intervals of many months in its streets, whom the desert and the mountains called, as the sea calls the men of the coast towns. It was a port of the wilderness.

The arrivals due that Saturday night were seeking their dusty moorings. Heavily loaded freighters were lurching in, every mule straining in his collar, every trace taut and quivering. Express-wagons of lighter tonnage took the dust of the freighters, until the width of the road gave their square-trotting draught-horses a chance to swing out and pass. In and out among the craft of heavier burden shuffled the small, tough bronchos. Their riders were for the most part light built, like their horses, with a bearing at once alert and impassive. They were young men, notwithstanding a prevailing look of care and stolid endurance, due in some cases, possibly, to the dust-laden hollows under the sun-wearied eyes, and to that haggardness of aspect which goes with a beard of a week's growth, a flannel shirt loosely buttoned about a sun-burned throat, and a temporary estrangement from soap and water. These were the doughty privateersmen, returning with a convoy of pack-animals from the valley of the Gunnison or the Clearwater, or the tragic hunting-grounds of the Indian Reservation.

Taking the footpath way, beside his loaded donkey trudged the humble "grub-stake," or the haggard-eyed charcoal-burner from his smoking camp in the nearest timber, while far up on the mountain, distinct in the reflected glow of sunset, a puff of white dust appeared from moment to moment, following the curves of the road, where the passenger coach was making its best speed, with brakes hard down, on the home-grade from the summit of the pass.

Mr. Newbold and his daughter entered the town by a side street, and wheeled their horses, at a sharp trot, into the main avenue, a few blocks above the Wiltsie House. The avenue was straight and wide, as befits the avenue of the hopeful future; but the houses were the

houses of the uncertain present. They were seldom more than two stories in height, miscellaneous in character, homogeneous in ugliness, crude in newness of paint or rawness of boards without paint. There were frequent breaks in the perspective of their roofs, where a vacant lot awaited its tenant or the tenant awaited his house. There were tents doing duty for houses; there were skeleton structures hastily clothing themselves with bricks and mortar that meantime impeded the sidewalk. One-half of the street was torn up for the laying of gas-pipes, and crossings were occasionally blockaded by the bulk of a house on rollers, which night had overtaken in its snail-like progress. The passing crowd was a crowd distinguished by a predominance of boots and hats—dusty or muddy boots, and hats with a look of preternatural age or of startling newness. There was a dearth of skirts; and these, when they appeared, were given a respectful, an almost humorously respectful, share of the sidewalk. The crowd went its way with none of that smart unanimity of movement which characterizes the up-town and down-town march of feet trained to the pavement. It slouched and straggled and stared, and stopped in the middle of the common way, and greeted its friends, and vociferated its sentiments, and exhibited its ore-specimens of fabulous promise, regardless of incommoded passers. It was invariably good-natured.

Two distinct groups were forming in the street: one, small and shifting, in front of the Wiltsie House, expecting the hourly arrival of the stage; and one larger, more persevering and disorderly, on the corner opposite the Variety Theater, where a band of music was playing airs of a rather belated popularity. Spanning the street, between the upper windows of the theater and the opposite roof, a tight rope was stretched against the fading flush of sunset, and a Mademoiselle Cordova (whose colors were also fading, but were capable of resuscitation for the evening's performance) was advertised to make her *début* in the camp upon this rope. Here the expectant evening stir reached a climax of excitement, and beyond it suddenly ceased. In fact, the town ceased. There was nothing more but the stage on which its shabby little drama was set. Its lights were lowered; the wind of evening, of coolness and vast space, drew through its lofty wings. Ranging down the valley, peak beyond peak, the mountains lifted their illumined heads.

"The sunset is gone!" Josephine exclaimed; "but what a night,—oh, what a night! Papa, do look at the mountains," she shouted, trying to catch his ear in the noise of the street.

"Never mind the mountains,—look out for that freighter!" her father replied. "You can't ride here as if you were on Wabash Avenue."

A little later she tried again, "Papa, where do you suppose they all come from?"

They had halted at the edge of the sidewalk, and Josephine was gazing around her at the moving mass of male humanity, while her father dismounted with circumspection.

"Oh, they are the superfluous people from everywhere."

"Why, of course! Just like us. I never felt more superfluous in my life!"

Laughing as she leaned from her saddle, with her hands on her father's shoulders, she dropped lightly to the ground, and the door inscribed "Ladies Entrance Wiltsie House" closed behind her.

The Newbolds usually dined late, on a theory that by so doing they escaped the greatest crowd, in the only dining-room of the hotel. Josephine had changed her dress and was moving about in the solitude of the ladies' parlor, looking at the desolate chromos on its walls, and sitting in unquiet attitudes on its blue velvet chairs, when her father entered. He was looking fatigued, and with the tired expression the lines of his face lapsed into a heaviness which emphasized the contrast between father and daughter as they stood opposite each other. Mr. Newbold's proportions were conspicuously inelegant, while Josephine stood lightly on her feet, her small dark head nearly as high as her father's. Her low-browed, round-cheeked face, with its long sweep of eye-brow, short, full mouth and rich coloring, would have been excessively pretty, wanting its candid brightness of expression and the dark eyes which gave it dignity. With these, it was quite enough to have convinced Bodewin of the fatuity of local prejudices where girls are concerned.

Mr. Newbold had entered the room pre-occupied with an idea which had struck him as a good one from several points of view.

"Josephine," he began, in pursuance of this idea, "wouldn't it rather amuse you to *meet* Bodewin?"

Josephine stared at him.

"He is one of the types of the place, you know," he continued resolutely. "Not the red flannel shirt and revolver style, but something a little more subtle, as you would say. A kind of a Yankee lotus-eater."

Josephine was struck by a somewhat awkward deliberation in her father's manners. The word Yankee coming from him also displeased her in a way she felt to be childish. Her mother and her mother's people had been Yankees, so called. As she remained silent, her father added at random:

"You are a student of human nature, you know."

"I, papa?" Josephine laughed uncomfortably. "What put that into your head? All the human nature I ever tried to study was my own, which is certainly human. I am not looking for types; I shouldn't know one if I saw it. If you mean, would I like you to introduce Mr. Bodewin to me, no, papa, thank you, decidedly I would not. I hate to make acquaintances in that premeditated way."

"Well, well! It's hardly likely you would *know* Bodewin—I only thought he might help you to pass the time while we are here, and the chance of talking with a nice, bright girl in a place like this would be a boon to any fellow."

"He has not shown himself very eager for the chance," said Josephine. "Besides, papa, if he is going to be so disagreeable about your lawsuit, I don't know why we should be civil to him."

Mr. Newbold reflected that a little timely civility might go far to overcome Bodewin's disagreeableness, but he wisely kept this reflection to himself. Josephine was unsophisticated, as all men, however wise in their generation, like their women to be.

### III.

#### MRS. CRAIG'S LITTLE DINNER.

"WHEN will you come up?" Mr. Craig asked of Mr. Newbold the next afternoon, as his client was leaving the office of Joseph Craig, counsel for the Eagle Bird against Lee and Harkins. "We want you to come before the Government Survey moves into its new quarters. The party are in camp now in the woods back of our cabin. There is no better company this side of the range than you'll get round their camp-fire of an evening. No ceremony—pot of beans or oatmeal or what not, boiling on the coals for to-morrow's breakfast—boys in their buckskins—not one of them but your daughter might dance with, or dine with, or gallop across country with, as she happened to find them. They're liable to turn up almost anywhere, those fellows—at the swell clubs in New York or London, or the President's receptions, or digging their way up some mountain-peak above snow-line."

"I hope I shall never meet any of them there!" Mr. Newbold interjected.

"No," laughed Mr. Craig, "it isn't likely you will—I never met any of them there myself. Well, when will you come? Thursday? Thursday then. We are only camping

within four walls ourselves. We can't ask you to *dine*."

"We can hardly be said to dine at the Wiltsie House."

"No, it's a good time to take you, after a fortnight at the Wiltsie. You must have forgotten how the flesh-pots tasted. Tell Miss Newbold to put on a pair of stout boots, and after dinner we will go over to the Camp of the Geologists and get Hillbury talking, if we can."

"My daughter will be delighted. She gets restless these moonlight nights, because she cannot be out-of-doors. It is too bad to be shut up in a third-rate hotel with such a country as this around us. I don't know where to take her. I'm half tempted sometimes to give some of the young fellows round here a chance to amuse her. I'm not much of a rider or much of a climber, myself. She wants to get up on top of some of those peaks, and she wants to go down in a mine."

"Of course she does; and you can't find any better fellows to trust her with than Hillbury's crowd. If she wants a chaperon, my wife will go along with her any time you like to get up a party."

"It's very kind of you, Craig, I'm sure." Mr. Newbold had buttoned his coat and taken up his hat and cane. He stood, tapping the one against the other, while Mr. Craig spoke to a clerk who had stepped to the door of the private office. "How about Bodewin?" he said, as the door closed and Mr. Craig turned back to his desk.

"Bodewin? There's nothing new about Bodewin that I know of."

"Have we got to give him up?"

"Not at all. We can't give him up. There's the subpoena, when we're ready for it."

"I don't like that. I don't think we'll gain anything by it. Now, Sammis has an idea in his head once in a while. He says it's no use to try the subpoena on Bodewin. He'd manage to leak out; or, as he puts it, an unwilling witness is worse than none."

"This is not a question of verbal testimony," Mr. Craig rejoined. "Bodewin can be required to produce certain papers which he is pretty well understood to have had in his possession when Harkins first made his claim, and it was known you would resist it. Now, if he has the papers, that is all we want. If he has destroyed them since the dispute about the records came up, he must have had some reason for doing so. He can be required to give it. Don't you see? His unwillingness is a strong point in our favor—the more obvious the unwillingness, the stronger the point. He does not intend to appear against Harkins, that I'm tolerably sure of. Money won't fetch him. There is some personal hitch."

"I'd like to know what it is."

"So would I. But I don't think we ever will know—from Bodewin."

"Has Bodewin any 'pard,' as you say out here, or any intimate friend in the camp?"

"I don't think he has any intimate friends here, except Hillbury of the Survey. He was on the Survey himself, under Wheeler. As for a 'pard,' Bodewin is a gentleman, as you say back there."

"What I am getting at," said Mr. Newbold, "is whether Bodewin is among his friends here, where he would be likely to talk about his affairs now and then when he felt communicative, or whether he is shut up in himself. According to my small experience of men, I believe that almost every man, even the most reticent, once in a while, perhaps, will talk to some one. The shyer he is and the longer he has been locked up, the more likely he is to open out to the right one, if the right one happens to come along at the right time. Now, with Bodewin, if we could get at his scruple, whatever it is, it would be a great point gained. I don't like this subpoena. I don't like it at all—with a man like him. You don't know what turn he might take. It's too much like a Jack-in-the-box—you open the box, and the thing is out in spite of you. The right way is to get at his reasons, whatever they are, and meet them—talk him out of them. But you can't argue with a man when you don't know your premises."

"Mr. Newbold, I don't know what influence you may have with Bodewin, but I can't flatter myself, from what I know of him, that I'm the right one to induce him to unburden himself."

"Nor I either, my dear sir. Now, between us both, I shouldn't wonder if it were a case for a woman."

"D—— a woman!" Mr. Craig now turned from his desk and gave his fullest attention to his client's rambling remarks. "What woman do you propose to introduce into the case?"

"Well," said Mr. Newbold, disconcertedly, "I haven't any in view at this moment. But I suppose Bodewin is not the kind of man to be influenced by a woman who wasn't a—well—a lady."

"Oh! If it is a case for a lady's influence, you will hardly need any legal adviser."

Mr. Craig turned back to his desk and began to pull about his papers.

"My dear Craig,—hold on! You're taking me too seriously altogether, I assure you. It is of no consequence—only a suggestion. I hate to leave the camp with the thing in the shape it's in now."

"Leave the thing to me, Mr. Newbold,—



and leave the woman out of it, if you please. I think, myself, you'd much better stay and see it through. You'll be better satisfied, you know."

"I dare say you are right."

"I wish you *would* stay until after the trial. You'll see some fun. Mining law is peculiar," Mr. Craig called after his client. He had not taken the trouble to see him to the door.

Mr. Newbold had been advised, in his choice of counsel, to employ a man of local knowledge and reputation rather than one more widely known in the profession. Each State, each mining district even, had its own mining laws, and few busy lawyers, however well read, could keep informed of all these various "local regulations and customs."

Mr. Craig was a small man, too nervous and irritable for a lawyer, with a large head, a complexion of reddish fairness, and a peremptory, careless manner, cultivated in provincial Western circles. He had been educated at an Indiana college, and going East soon afterwards, on the usual pilgrimage which the complacent young West makes at least once in its life, to the old, sad, unprosperous homes of its conservative Eastern relatives,—critical, even in their decline,—had fallen in love with a second or third cousin, a surprisingly lively young person for the only girl left in a large, elderly, and peculiar family connection.

It still remained a wholesome mystery to him how he had managed to persuade this young woman to go West with him. She had seemed to him the cleverest girl he had ever met, and the most insensible to masculine attractions. She had laughed at his little egotisms and provincialisms, and at a later stage of their acquaintance had fiercely maintained the superiority of the most commonplace Eastern existence over the most triumphant career life could offer west of the Little Miami. And yet she had married him. Her friends considered that she had thrown herself away, both as to the man and his circumstances; for even in the most figurative sense Joseph Craig could hardly be regarded as a type of that vast material prosperity of the West his Eastern relatives found, in theory, so revolting. Mrs. Craig had expected that she would make a great change in her husband, if not in her husband's circumstances. She would make him wear darker clothes and smaller hats, and reform him of a habit of leaning on the hind legs of his chair, and of passing his hand over his hair in the pauses of conversation. She would make him see the logic of free trade, and persuade him to read Emerson and Herbert Spencer instead of so many newspapers. She would insist

upon less prominence in his final r's. They had now been married nine years, but no change as yet was evident in Craig, except that he was growing stout and slightly bald. Mrs. Craig's complexion had lost its delicate New England bloom in the strong Western suns and winds; she had grown thin instead of stout, and her soft frail light locks were scarcely abundant enough to make the small low knot which was fashion's modest demand at that time. But she met all changes for the worse in her appearance with rather a defiant honesty, secure in the conviction that "Joe" liked her just as she was. She was as lively and inconsistent as ever, as vociferously opposed to her husband in theory, and as vehemently his partisan in practice. She was restless, merry, moody, wearing herself out over her work or her play; overestimating or underestimating her friends and her own circumstances; enthusiastic over her children's promise or in despair over their performance. Mr. Craig had that immense respect for his profession that an unknown Western lawyer with a decidedly illegal turn of mind might be expected to have. This was one of his idiosyncrasies which his wife had never laughed at him about. Clever and keen as she was, she had never yet seen her husband quite as others saw him, and happily took as serious a view of him professionally as he did of himself.

Mr. Craig was absolutely, almost vindictively, honest. He had many, in fact most, of the paramount virtues, but he was one of those men who are elected to be poor, to be unpopular, and to be held at less than their actual worth. The Craig household, like many another on the frontier, was conducted on the theory of "catastrophism" rather than that of "uniform law." The dinner to the Newbolds happened to occur on one of its days of "convulsive upheaval." Mrs. Craig's butcher had betrayed her, her greengrocer had "gone back on her," her cook had stabbed her to the heart's core of her housewifely pride. Finally, her eldest boy, a three-year-old, had tumbled into the hydraulic ditch which flowed past the house,—at a temperature of melted snow,—had been dragged, dripping and gasping, into the house, about twenty minutes before the dinner-hour, stripped of his clothes, hastily scolded, and rubbed down with brandy and rough towels in front of a scorching fire in the dining, reception, and only living room of the house, and tucked into his bed as the guests arrived at the door. The maid of all work opened the door, while Mrs. Craig swept up the towels in one arm, and retreated to her bedroom, holding the boy's wet garments at arm's length. With scarlet

cheeks, a rather dubious smile of welcome, and with an irrepressible odor of brandy pervading her garments, she appeared before her guests a moment later, shutting out a burst of infant wrath and dolor, as she closed the door behind her. The soft-hearted Irish servant, who was putting the last touches to the table, was so distracted by these sounds that she could hardly be induced to remember she had other duties besides those of consolation. The nurse had been sent to the camp to inquire into the non-appearance of the fruit which had been ordered for dessert.

It was an inauspicious beginning to an extremely bad little dinner. Fitful bursts of gayety from the hostess alternated with sudden silences, during which her eyes wandered anxiously towards her husband's face. Coffee was served at last, and the company turned its chairs from the table to the fire. Mr. Craig went in search of a box of cigars, and the evening cleared up with a promise of cheerfulness if not of brilliancy.

There was still the visit to Mr. Hillbury's camp to redeem the failure of the dinner. Mrs. Craig perhaps overvalued the picturesque in the absence of the comfortable, but she had been moderately comfortable all her life and had only since her marriage begun to be even remotely picturesque.

## IV.

## THE CAMP-FIRE.

THE Craig cabin stood on a narrow peninsula of roughly cleared ground, with the pine woods behind it. It was characteristic of mining nomenclature that the stream of pure swift-running water, which formed this peninsula, taken from the infant Arkansas, should be called a "ditch." The path which ran beside it was called, in the same concise nomenclature, the "ditch walk." It was a favorite promenade of the camp. It commanded a view of the sunset behind the pine woods, of the camp in the gulch, and of the mountains which rose beyond, taking upon their worn, sphinx-like faces the sun's descending glow. Mrs. Craig had walked off more than one imperative fit of weeping there—nervous weeping, without assignable cause, unless it might be a dumb awe and terror of her surroundings, as if several layers of the earth's crust had been torn away, and she, with a modern woman's oversensitiveness and complicated needs, had been dropped upon one of the primeval strata, with huge dumb forms of unknown life around her. The mountains themselves had, to her morbid fancy, an oppressive individuality. They intruded upon

her, in the midst of her small, subtle joys and pains of to-day, with their heart-breaking stolidity and their immense past. They took the meaning out of her efforts, and made them seem of no avail. When she tried to express these fancies to her husband, he received them into his masculine consciousness as a phase of her own idiosyncrasy, in spite of her assurance that every other woman in the camp probably had the same. That evening, as she kept the path beside Josephine in the moonlight, she had no fancies that were not cheerful. Perhaps it came of the contact with a younger, stronger, and simpler woman's nature. Perhaps she was healthfully tired from her domestic difficulties and enjoying that slumber of the nerves which comes with honest bodily fatigue. The mountains looked to her only solemn and beautiful, and were simply a noble range of peaks guarding a valley filled with moonlit haze. The moon, peering behind the pine trunks, had no expression beyond that of the full moon, half an hour risen. Under her sense of the beauty around her, was the happy thought of a wife who sees a remarkable proof of her husband's goodness in his least and most natural act. There was not another man in the world, she felt sure, who would not have been furious over such a grotesque failure as her dinner had been. She hurried Josephine gayly along, and now they stopped on the edge of the wood to wait for the men, who had followed more slowly. A sound of wind came from the gulch, distant at first, creeping from tree to tree, making a sudden hurry and shivering rush in the trees above their heads, and stealing away again down the dim slope towards the valley.

"Yes, that is the camp," she said, in reply to a question from Josephine. "Take care of those pine stubs—you cannot see them with the light in your eyes; won't you take hold of my hand?"

"Won't you take hold of mine?" laughed Josephine. "I am ever so much taller than you."

"Yes, but I know the ground. I walk here hours and hours by myself. There is no one in camp all day except the cook, who is generally asleep in one of the wagons; but the tents and the mules stamping and munching make it seem less lonely in the woods. That is Mr. Hillbury—the dark head against the tent-curtain; he is the chief of this party, you know. You must notice his buckskins. They are Indian-tanned, made by a London tailor. We have to amuse ourselves with these little contrasts—they are the spice of life out here."

Mr. Hillbury, hearing the footsteps and voices approaching, came out to meet his

guests, saying, "Who are these in bright array?" He looked extremely well in his suit of buckskin, which was of a light-gray color, toned by use, and set off his dark complexion as if chosen for that purpose alone. There was the usual indistinct mention of names as the group of young men around the fire rose to their feet. The camp lamented its deficiencies in the matter of seats. There was but one camp-stool, which, both ladies declining, was bestowed by acclamation on Mr. Newbold. "I'm the oldest and heaviest," he declared, and accepted it on that basis. The other seats were sections of pine logs with boards nailed across the top. Mrs. Craig, seeing Josephine balancing herself on one of these inverted pedestals, called to her to come and share with her a camp-blanket spread on the ground. A man reclining on one elbow near them, with his feet to the fire and his face in deep shadow, gathered himself into a sitting posture and gave them good-evening.

"Good-evening, Mr. Bodewin; were you here when we came?" asked Mrs. Craig, leaning forward and speaking across Josephine's lap.

"Yes, Mrs. Craig. I got up and made my bow with the rest, but the fire was between us."

"I did not see you," said Mrs. Craig — "Miss Newbold, this is Mr. Bodewin."

Bodewin moved nearer, first knocking the hot ashes out of a brier-wood pipe and thrusting it, bowl downward, into a breast-pocket of his coat. "Poor Mr. Bodewin!" said Mrs. Craig, noting the action sympathetically. "As the wife of a smoker I can feel for you. You had found such a nice place to finish your pipe in silence and in peace; now we have interrupted your pipe and broken your silence."

"There is always something to be thankful for, Mrs. Craig," Bodewin replied. "You might have interrupted the silence and broken the pipe."

"I knew you would say that," laughed Mrs. Craig.

Josephine was listening less to Bodewin's words than to his voice, low-pitched and rather languid, with an accent that was negligently pure. His face she could not see without turning, too evidently, to look at him.

Perceiving that she had a neighbor on her right, Mrs. Craig began talking to him, and the group thus divided itself.

"How you must enjoy this life!" said Josephine, filling the pause with the first words she could think of.

Before answering, Bodewin deliberately shifted his position so that it commanded a view of her face, one-half of its beauty revealed in the firelight, the other suggested in shadow.

"Do you mean the life of the Survey?" he asked.

"Yes," she said.

"It is a good life, no doubt, but it is not mine."

"I thought you were of this party."

Bodewin fancied that he had lost a degree of her interest by this admission. He could see her bright eyes exploring the circle of dimly seen faces around the camp-fire, and doubted not she was already idealizing their owners in true girl-fashion, and imparting to the life they led all the picturesqueness she found in its accidental surroundings.

"No," he repeated, with his lazy intonation, "I am not a mining geologist, nor a physical geologist, nor a geological physicist, nor even a supernumerary on board wages."

"That is what I should like to be — that last."

"Why, if you please?"

"It must be so easy to earn board wages, — especially —"

"When the board is rather bad?"

"They are *not* wildly luxurious, are they?" she whispered.

"No; the pursuit of science under government is not a luxurious calling. However, it is but fair to the government to say that this is a temporary arrangement. The Survey goes under cover next week, and I dare say they will have a few chairs."

"Mr. Bodewin, haven't *you* some capital letters after your name?"

"After my name, Miss Newbold? When had my name the honor to be seen by you?"

"I think it was — about two weeks ago — in a letter to you from my father," she hesitated, conscious of a somewhat awkward reason for the question she had asked — "and the letters were M. E."

"I believe I am entitled to C. E. after my name, but the M. E. must have been a friendly flight of imagination on your father's part."

"Are you not a mining expert?"

"I have been so called. But I believe there is no such title in the back of the dictionary."

"Who is talking about dictionaries by the light of a camp-fire?" Mrs. Craig exclaimed, adding her profuse treble to the duet. "Are you beginning at the fountain-head of conversation in the English language? If Miss Newbold were a Boston girl, I should be sure she had a dictionary — a German dictionary — in her trunk, even if it crowded out her best bonnet."

"I'm sure there's no best bonnet in my trunk," said Josephine. "Perhaps I ought to be ashamed to say I brought but two books with me, and those I can read without the aid of a dictionary — even an English one."

Mrs. Craig thought the contents of a traveler's trunk were next to a biography of its owner. "It represents his necessities, the things he cannot leave behind. If we knew those two books Miss Newbold chooses out of all those she leaves at home, we should know Miss Newbold."

"Suppose she makes a good choice but doesn't read the books after she has brought them," Josephine said.

"Then we should know her aspirations. They are as much a part of us as our necessities, surely."

"The part a biographer usually leaves out," Bodewin said. "How about the traveler who has'n't necessities enough to fill a trunk? How would you write his biography, Mrs. Craig?"

"Oh, a man who has no trunk cannot expect to have a biography. Practically, he doesn't exist."

Following the silence Mrs. Craig's peremptory little speech had made, Josephine asked:

"Will you tell me, Mr. Bodewin, what a mining expert *is*, granting that M. E. doesn't stand for him, and that he isn't in the back of the dictionary?"

"He is, usually, a gentleman who asks a good deal of money to tell you how little he knows, or perhaps, I might add, how much less some other man knows."

"That is a rather unsatisfactory description."

"A mining expert is frequently a rather unsatisfactory person. But there is a difference in experts, as in other people, and perhaps it is but fair to remember that in forming their conclusions they have to deal with Nature in some of her most unaccountable and fantastic moods. The experience gained in examining ninety-nine different formations may be of no use in the one-hundredth. It is a business no man can say he has learned absolutely."

"Then why do they charge so much for knowledge which is not knowledge? Is it because of the risk to their reputations in saying a thing is true, while they really take the chance of its being otherwise?"

"Hardly that, I should say," said Bodewin, a little bored by the effort to give conscientious answers to questions that did not fit his mood, but willing to humor a pretty girl's thirst for information. "An honest expert charges for the responsibility he takes in giving such opinions as he is able to form from his experience and study. If the responsibility is great he charges accordingly."

Josephine was mentally referring Bodewin's words to her father's case,—a case where facts alone were called for, not experience or responsibility or study; and the five thou-

sand dollars her father had offered, and Bodewin had refused, would suggest, in spite of herself, a very ugly word.

Mr. Hillbury, from the other side of the fire, leaned forward and threw on it another log. The wind veered and carried the smoke of the augmented flame into their faces. They scrambled, laughing, to their feet, and retreated, Bodewin dragging the blanket after him. He spread it down again on the windward side of the fire, but Josephine did not seem disposed to resume her seat.

They were hovering about in that fascinating borderland between firelight and moonlight. The moon had risen high enough to fill the thin woods with its light; but it was a pale, suffused radiance by contrast with the red fire-glow. The wind in the tree-tops over their heads, like a circle of unseen whisperers, closed around the lightly joined thread of their talk.

"Do people ever get used to this?" Josephine asked.

"I am afraid they do. But they enjoy it over again, as I do to-night, seeing your fresh eyes take it all in for the first time."

"How do you know that I like it? I have not said so, have I?"

"I can see that you do."

"I do, I do!" she said, in her full, cordial tones. "But not all of it."

"No; there is too much of it to be all good." After a pause he asked: "Your father is making a longer stay in the camp than he intended, is he not?"

"Yes; we were to have gone this week. He will wait now until after the trial."

"I hope he will gain his suit," Bodewin said civilly.

"Do you?" came involuntarily from Josephine.

"Why are you surprised, Miss Newbold, to find my sympathies on the side of justice?"

"I did not know you thought that was our side," Josephine replied coldly.

"I do think so."

"Then if you care about justice, why don't you go into court and say so?"

Josephine looked at him, hardly less astonished than he at her own words. It was undeniably careless of Bodewin to have assumed that Miss Newbold knew nothing of his connection with her father's lawsuit. And Josephine, under the pressure of her own misgivings, had allowed herself to be goaded by his cool allusion into an extraordinary liberty. So she instantly felt it to be, and so she knew that he also regarded it. He looked at her keenly and gravely.

"You must not answer that question," she said. "I had no right to ask it."



"Perhaps you had not," he assented. "You will pardon me if I do not answer it."

"You will only humiliate me if you do."

Neither found it easy to go on talking as they had talked before. By a common impulse they moved back towards the camp, and when they rejoined the circle around the fire, Josephine contrived that her seat should be as far away as possible from Bodewin. Her evening was spoiled—and more than that. She did not ask herself what more, but miserably she felt what a fire is the tongue that is not disciplined. It had not occurred to her before whether she was likely or not to meet Bodewin again, but now she found herself earnestly hoping that she might. She longed to retrieve herself, for the sake of her own self-respect. Mr. Hillbury was telling a story in his low, pleasant tones and matter-of-fact manner that heightened the effect of his climaxes. She tried to fix her attention upon it, and sat with a strained half-smile on her face and her eyes on the speaker, never looking at or speaking to Bodewin again, except to say good-evening to him in her quietest manner when the company broke up.

Bodewin lingered after the other guests had gone and smoked another pipe with Hillbury. The latter remarked upon Miss Newbold's beauty. It was too obvious to call for discussion, though Hillbury invited one by saying that she was too unconscious to be thoroughly graceful, and that to him she seemed like a preposterously handsome boy.

"Oh, come!" said Bodewin. "If she were a *coquette* with that face and figure, where should we be? Heaven is merciful, after all!"

When the pipe was finished Bodewin took his way along the ditch walk alone. The Craig cabin was dark as he passed it. He stopped on the foot-bridge and leaned upon the rail, watching the current slide under the shadow of the bridge and out again into the light. A reflection of the moon, now high overhead, floated in the black water of the ditch. It wavered and widened and shrunk, as the water shifted its levels under the golden gleam. It struck Bodewin as a rather dreary thing that he should have been so startled by a girl's impulsive question. It showed how seldom girls had taken the trouble to ask him questions, even uncomplimentary ones, about himself. Absolutely, out of the processions of fair, unapproachable women, to whom all his life he had been a stranger, not one had ever stepped aside to challenge his slightest individual action, seriously and from an ethical point of view. He had had the usual temptations which come to men through women. A fair one now and then had smiled at him, or so he had fancied, from the virgin

ranks, and her blithe glances had made riot in his breast for a brief space, though he had not greatly admired the generosity or greatly coveted the giver. But this was a departure of a different sort. He half distrusted it,—as a man with a conscience inevitably distrusts his neighbor who reminds him of it,—but he could not distrust the girl herself. Newbold's daughter! What precious unknown quantity had gone to complete that equation! Well, it wasn't so disagreeable for a first experience of the kind. Its novelty was not its only charm. He half wished, now that it was too late, that he had tried to answer her question, and so admitted in some sort her right to ask it. It might have ended in a rather piquant flirtation on high moral grounds, since they were to be so much longer together in the camp; but now there was small likelihood of any concession on her part. She had without doubt the true woman's art to punish a man for her own offense against him.

V.

#### AN OFFSET TO THE DINNER.

MISS NEWBOLD'S opportunity to retrieve herself came, not many days later, through the innocent machinations of Mrs. Craig. Mrs. Craig also wished to retrieve herself. She had given the Newbolds a bad dinner. Atonement was out of the question where Mr. Newbold was concerned, unless it might be through making Mr. Newbold's daughter happy. Her head had not touched her pillow, the night after the dinner, before it began comparing rides and walks and excursions in various directions, with a view to Miss Newbold's amusement. Chance, after all, decided her choice. Mr. Hillbury offered a professional errand of his own as an excuse for a ride half-way to the top of one of the famed peaks of the neighboring range. A party was quickly made up. Mr. Newbold at the outset declined to attempt a twenty-mile ride on horseback including a good deal of mountain work; but he was obviously pleased with the plan, for his daughter's sake. Bodewin was invited, Mrs. Craig informing him that he was expected to supply those minor passages without which a pleasure party, like dance music, is flat.

"We are all monotonously major, every one of us,—Mr. Hillbury, Miss Newbold, Joe, and myself. You must come along and change the key."

The riders made an early start from the Wilsie House. Mr. Newbold stood on the curbstone and watched them out of sight, Josephine taking the lead, with Mr. Craig on

her right and Hillbury on her left, followed by Mrs. Craig with Bodewin beside her, on his bald-faced bay. Half a mile beyond the camp they left the stage-road for one of the many stony trails which climbed the sides of the gulch, branching in various directions towards as many different mines. Always ascending northward, they crossed the belt of burned timber and entered the dark and fragrant spruce woods, the last and toughest growth on the mountain-side. Here they rode singly in a green twilight chinked with golden lights. The trail was barely distinguishable; the horses' hoofs fell with a soft thud on the thick-sifted layers of spruce needles, or struck, with a hollow ring, the trunk of a fallen tree in stepping over it. No bird-calls broke the stillness; no sounds of any kind betrayed the small furtive activities of forest habitants. It was late, even for the season of wild flowers fed from the cold-bosomed snows of the range. A few patches of the inextinguishable fire-weed lighted the dim slopes; and occasionally, beside the trail, there bloomed in its weird beauty a poppy-shaped flower on a long hair-like stem with petals colored like the wings of a lunar moth.

From time to time Josephine, riding ahead, tried the silence shyly with her voice. It was a voice with one or two exquisite notes in it beside the note, ever welcome, of youth. It was like a human response to the dumb litany of the forest. Josephine was happy to be on horseback in a new and singularly interesting,

if not always beautiful region. The keen edge had passed from her mortification with regard to Bodewin. She was content to let him keep his impressions of her, however unfortunate they might be, without any effort on her part to correct them, so long as a morning as perfect as this found her still in tune. So healthy and so honest a girl could not keep her head low because of a single slip, which hurt her through her delicacy rather than her conscience, and merely affected her passing relations with a stranger. In forgiving herself, she forgave Bodewin and was at peace with the world. Nevertheless, stranger as he was, she wished, before he drifted out of her life altogether, that he could be cleared of the reproach which still clung to him in her thoughts. Was it through listlessness merely and vain obliviousness that he kept silent when the truth was demanded of him? Was it likely that in the past his life-threads had become entangled with those of Harkins—a man whom common report called an unscrupulous rogue, though a merry one, and generous enough with his spoils when won? What could there be in common between them? Yet she constantly heard it said that Bodewin would not appear against Harkins. Why not? Well, let it go! She was sure to do some one, perhaps more than one, some horrible injustice in her thoughts, if she let them dwell on this subject, which had already proved a pitfall to her discretion.

(To be continued.)

*Mary Hallock Foote.*

## ON NEARING WASHINGTON.

CITY of homes and in my heart my home,  
 Though other streets exact a grudging fee:—  
 How leap my pulses when afar I see  
 The dawn creep whitening down thy solemn dome!  
 For now my care-restricted steps may roam  
 Thy urban groves—a forest soon to be—  
 Where, like thy shining river, placid, free,  
 Contentment dwells and beckons me to come.

Ah, city dear to lovers!—that dost keep  
 For their delight what Mays and what Novembers!—  
 Kindling the flame, and if it ever sleep,  
 New-lighting it within the breathing embers;  
 Dear even in their sorrow! for when they weep  
 'Tis for rare joys, scarce known till Love remembers.

*Robert Underwood Johnson.*