



THE dawn's early light revealed a huddle of shipping in the smooth streak behind the breakwater: ships, schooners, and barges that hurried in for rest and shelter when the wind shifted offshore, all eloquently marked by their struggle with the equinoctial gale. The fragile boy with a big head who stood in the after companionway of the schooner "Annie L. Mulford" inspecting the flotilla saw that his ship had gotten off easily. He supposed it was to be expected. Other ships might have the sticks snatched out of them, although none in sight was in such a bad plight; but his vessel would come out of it with nothing more disastrous than an unshipped foretopmast and a snapped spanker boom. No blood had even been spilled when the boom broke. The equinoctial storm, too, was in the conspiracy to spoil his experience of seafaring.

He had gone to bed early the night before, just when the sea was getting up; for they had caught only the last twelve hours of the storm. He clung to his bunk wide awake for hours, with legs and arms outspread to keep from being tossed out into the welter of cabin furniture that milled about him as they rolled in that sickening trough. By the binnacle light he saw the drawers tear out of the Old Man's desk — itself planted to the deck with fishplates — spilling their papers and ink and

matches and cigars into the gruel of broken lamps and crockery that thickened on the cabin floor all through the night.

When the morning watch was called, he assembled his clothes and scrambled on deck. There was no delicious four o'clock coffee this morning; the Doctor had cautiously drawn his galley fire at sundown and tossed the flaming coals into the sea. The boy shivered while he watched the Old Man con her into Delaware Breakwater, keeping the red patch of Henlopen Light always over their port bow. He expected daylight to show a scene of unparalleled disaster, and here all the wreckage had been cleared away. Everything had been snugged down; you might have thought the owners were coming aboard at the breakwater, the deck and rigging were so neat and shipshape. One more disillusionment.

Other ships limped into shelter like maimed ghosts in the early gray light, to rest and refit before going on up or down the coast. The "Annie L. Mulford" had manoeuvred to an anchorage among them and dropped her mud hook before the Doctor called the boy to breakfast on water toast with maple syrup and agate half-pint cups of coffee. The Old Man's grace was short and the meal was quiet; even the roaches seemed lethargic. Weariness was conquering where the winds had

failed. After breakfast all hands turned in to sleep — except the boy. He was not sleepy. He was lonely. For there is no lonelier place in the world, especially for a twelve-year-old boy, than a sleeping ship.

As he came on deck, he paused deliberately at the head of the companionway, the way the Old Man and the mate did, to take a look around. A rank whiff of bananas drifted up behind him and drove him out on deck. That would be the Doctor's can of gold leaf. It stood on the top of the Old Man's desk for days after the Doctor regilded the capitals of the little flat pillars in the after cabin. Last night it leaped from the desk and crashed into the after bulkhead, right above the sofa. The Old Man got terribly mad. The sofa was a Christmas present from his wife. For a brief ecstatic instant the boy thought the cook would get a cursing. But the Old Man never cursed. He never did anything but pray and read the Bible and Drummond's sermons. He gave the boy the Book of Ruth to read, and the boy, comprehending it, thought it a strange thing to give a twelve-year-old to read. The Old Man subscribed to the *Christian Herald* and sent the back copies to the fore-castle to spread sweetness and light among the four negro A.B.'s. He called the cook "Cook" or "Steward" instead of "Doctor," and the mate "Mr. Banks" — which was his name — instead of "Mr. Mate." He had never heard of Herbert E. Hamblen or Albert Sonnischen or Morgan Robertson. He knew nothing of seagoing folk ways or etiquette. He was as disappointing to a twelve-year-old boy as *Westward Ho!*

But the Old Man taught the boy one great truth: that no one is all good or all bad. When he first came aboard — his parents sent him on the cruise for his health — the boy decided the Old Man was all bad. He had to revise that judgment. No man who kept *Three Men In A Boat* in the combined medicine and book cabinet could be all-bad. Some few precious drops of salt water must have gotten under the skin of one who had read and rejected W. Clark Russell. Even the Norfolk affair betrayed good intentions.

The "Annie L. Mulford" had been anchored in Hampton Roads nearly a week waiting for a wind to take her out of the Capes. So the Old Man went to Nor-

folk to get his wife. When they came aboard, he had about twenty pounds of fishing tackle — hooks, lines, squids, and sinkers. The boy was touched. The Old Man must have heard that boys like to fish. He must have bought all these things to please his passenger. Stirred by the Old Man's attention, the boy successfully simulated huge interest in fishing all one evening. The Old Man was delighted, and showed it. He was getting to know this child after all. Over the tackle those two almost made contact. But fishing really bored the boy; he could not help it; he went to bed unprecedentedly early.

The next afternoon — oh horror! — the captain's wife heated a bucket of water on the galley fire and gave the boy a bath. A bath! A public humiliation! A tour in the stocks! When he came on deck and faced the ship's company after the ordeal, he blushed, and kept on blushing, bitterly, until the hateful woman left on Monday morning.

There was no wind that Monday. All Sunday afternoon there had been a fair breeze that blew every other waiting ship out of Hampton Roads. But the Old Man was too devout to set sail on Sunday. Later the boy observed he was quick to strike a bargain with a tug at the mouth of the Kennebec and get towed up to Bath on a blustery Sunday morning. There appeared to be a fine religious distinction betwixt coming and going.

The boy sighed: The voyage had been a disillusionment and disappointment in so many ways. No rum drinking; no pannikins of grog after a hard night's work. The Old Man fired on suspicion of the mere smell of drink. No cursing — within hearing of the quarter-deck. No fights; no skull cracking with belaying pins. No shanghaiing. . . . But — faint hope! — this was the coasting trade; it was probably all different sailing deep water. These men were tradesmen and artisans, not really sailors — most of them. Look at them now! The Old Man and the Doctor asleep below; the crew asleep in their fore-castle; the Chief asleep in his bunk beside the fretful donkey engine; the mate — standing anchor watch — sitting upright on the starboard bits, dead to the world.

Let him stay that way. What good was the Mate? He was domesticated — had a wife and mother-in-law and a nice little

home in Baltimore. He once had a master's certificate but lost it with his ship down in the Gulf; so there had been some difficulty, only overcome by the Captain's faith in God and the moral turpitude of port authorities, about signing him on as mate. Mr. Banks should have stayed in Baltimore; he was born for oyster tonging, where he could get home every week-end. On the high seas he was homesick. Mate of a thousand-ton three-master, and homesick! And he had laughed at the boy's enthusiasm for a life on the rolling deep.

The Chief, now, was a pretty good man — a Finn with an unpronounceable name, who had sailed with the Old Man for twenty years. He made friends at once with the boy; called him "Bos'n" from the start. An hour after the boy came aboard the Chief began the fabrication of a checker board and men. Within twenty-four hours he had shown the boy how to make a long splice — they cut the tail of the jib sheet to work with — had built a figure four trap to catch rats in the 'tween decks, had shown the boy where he hid his whiskey, how to roll cigarettes, and to sing:

In the Black Ball Line I served my time,
Who-raw for the Black Ball Line!

When that barge load of watermelons was cut in two by a big steamer, one night in Hampton Roads, the Chief organized the party which salvaged melons while the barge crew was drowning. The boy had small joy in watermelon, but he had once watched a U. S. Life Saving Crew loot a fruit boat beached near Fire Island, so he recognized the Chief's conduct as in the best tradition, and rejoiced. Besides, the Chief had sailed deep water, sailed in hell ships. His jaw had been broken in three places — you could feel where it knit — in a fight with a bucko mate. Although not required to stand watch, the Chief always turned out when all hands were called to reef down. And because he was a Finn and had followed the sea nearly sixty years, he understood the boy's unexpressed will to love the sea and ships. Sometimes he talked a lot about quitting and setting up a little store in Jacksonville (why Jacksonville the boy never learned); but even that was not so bad. For it would certainly be the kind of store in which twelve-year-old boys are welcome.

No, the others were awful, but the Chief was all right. He helped keep alight the one faint spark of romance unsmothered by the dead weight of this matter-of-fact life, this seafaring like tending store, or going to school or — worse yet — to Sunday school every day of the week. The boy clung to him desperately.

Would the Chief be awake yet, he wondered as he evaded the stench of raw gold leaf. There was a riddle wanted explaining, and the Chief had an explanation for everything on, over, or under the water. He might wake the Chief, but he hesitated, for the engineer had been up all night with the rest of the crew keeping steam on the donkey for emergencies, and he needed rest. Still, the boy wanted to know what that ship was — over there at the end of the breakwater.

She was lying there when the "Annie L. Mulford" came in, a queer craft; might be a barque. Dinky square sails were loosely brailed to slatternly yards on her fore and mainmast. She carried schooner rig at the mizzen as nearly as he could see at that distance — the "Annie L. Mulford" had come in at the other end of the breakwater. All three masts were somehow too short. The boy gazed at the ragged stump where, yesterday, the foretopmast of the "Annie L. Mulford" had stood. No, those sticks over there were sawed, not broken off. They were too short for the vessel. Almost like the masts of a barge they were. She was a small ship, not over five hundred tons if the "Annie L. Mulford" was a thousand, with high bows that looked blunt at this distance, and square things set regularly spaced along the level of her bulwark right up to her forefoot that suggested the phrase "painted ports." The boy had never, as far as he knew, seen a painted port, but he had read of them somewhere and thought they must look like that.

What a queer color she was! It might be brown or — you could scarcely tell from here — she might not be painted at all, but badly weathered. She was deep loaded with something, certainly not timber; for although her quarter-deck was cut well back of the mainmast and the mark of her starboard timber port was plainly visible, yet she carried no deck load. . . . Probably coal. Almost all these coasting vessels that were not freighting

kiln-dried boards from Charleston or stone from Maine seemed to be carrying coal. The "Annie L. Mulford" herself had loaded coal in Baltimore.

The boy moped on the quarter-deck singing under his breath —

Starboard, larboard, main and mizzen,
Fore and aft we go a-whizzin'

— and trying to decide to call the Chief. He burned with demoralizing curiosity to know more about that ship. Of course he might accidentally wake the Mate and ask him, but the Mate probably would not know anything satisfying about her. The Mate was like the Old Man: neither could answer the questions that vex twelve-year-old boys. So he sang softly and stepped silently in his rubber-soled shoes. The Mate slept on, dreaming no doubt of the gray little home in Baltimore.

Once, after the manner of the men he lived with, the boy walked to the taffrail and looked down into the water. It was thick and deep and cold, but very still. The small boat, which had been put overboard during breakfast, lay right beneath him. The tide had swung it alongside, stern forward, and it tugged at the long line which held it to the after rail. The boy stared at it thoughtfully, recalling the lessons he had learned in it.

When he joined the ship, he thought he knew how to handle a row boat. He could row, flexing his arms without bending his back, the way men do who row for livelihood instead of for recreation. He could scull, facing dead astern, with a short nervous stroke. But the Chief, contemptuous of his accomplishments, taught him how to row standing up and facing forward, so that he could at once lay a course through crowded harbor traffic and keep the boat dry inside; and to scull with the long, slow stroke, legs braced well apart at a half-face to the stern, that distinguishes deep-water scullers from those who never venture out of sight of land.

A pair of oars lay in the small boat. Scarcely a breath of air stirred. Fog? There might be fog later, if the sun did not get out, but not right away. The tide, slack when they cast anchor, was now making in, driving whatever might otherwise drift to sea back upstream. If he could get clear without waking the Mate, the boy thought, he might easily scull over

to the strange ship for a closer look. She was quite near; the route lay all under the breakwater; once clear of the "Annie L. Mulford" there was nothing risky in the journey.

Very gently he dropped the end of the mizzen-topsail halyard over the rail. When it touched the bottom of the small boat, he fastened it securely to a belaying pin. It would be awkward work getting back over that rope, but the ladder which lay on the main deck was too heavy for him to handle quietly. He glided past the sleeping Mate, loosed the painter, and stood still a minute to feel if the boat pulled on the line. It did. So as he worked his way back along the rail, he coiled the painter between palm and elbow, keeping a tight line on the boat to prevent its drifting away from his halyard end. He had to slip between the Mate and the rail; close work — but the mate did not stir. When he reached the halyard, he hooked the coiled painter over his left arm, clambered over the bulwark and hand-over-hand down the ship's pitchy side. The small boat drifted out, but by bracing against the ship he managed to get one toe over her gunwale and draw her close enough to drop aboard. One oar rolled on the thwarts with what seemed like a deafening thunder. He shoved off, paddling quietly under the stern of the "Annie L. Mulford." The Mate snored on with the gentle regularity of a steam winch in union hands.

It was a long pull, longer than it looked from the elevation of the deck. The boy's arms were tired when he finally came up under the barque's stern. He had sculled past her to take a look before hailing or boarding; and a glimmering race memory whispered faintly that "under her stern" was the place to come. He sat in the small boat to rest and take his bearings. At least one puzzle was solved: the ship's dingy color was not painted on but flaking off; it must be years since a brush had touched her. Set across her stern, just above the rudder post and gear, were three strange little windows such as he had never seen on the sea, more like windows in a house than on a ship. Below the windows were inscribed the ship's name and port of origin:

RESOLUTE
of
CLAYTON

Clayton! His grandmother came from Clayton. Often his father had told him of the things he had done in Clayton when he was a boy — about the dockyards and shipbuilders and sailors and insurance pirates. If only some of those people were alive now, if only his father were here, he would know all about this ship: when she was built, for whom, and why. He had been long enough at sea to know nothing is designed or done a different way except for sound and sufficient reasons. He wanted to know why the “Resolute” looked different from all the other ships he had ever seen.

The middle window in the stern stood open, but no sound came from within; so he sculled quietly toward the bow. Opposite the break of the quarter-deck he stopped sculling and sent up a hail. It was not a vigorous shout, for bashfulness possessed him in the presence of this lifeless stranger, but it was loud enough to be heard by anyone awake in the cabin. No answer followed. He shouted again without result. There must be no one aboard. There was certainly no one on deck, for he could see right down to the scuppers; which struck him as extraordinary. Her bulwarks and quarter-deck were not low. She must be loaded awfully deep. Those “painted ports” — he could see now they were heavy wooden shutters flapped against openings in the bulwarks. Why . . . ! She was built to mount guns!

He advanced stealthily. The bows were blunt and high, the bulwark shaped in an abrupt curve up to the forecabin head. In the quadrilateral seams of the timber port the cement was fresh — the only new thing about the “Resolute.” Reason and an instinct for salt water told the boy that in all else she was very, very old. A chaste but battered figurehead adorned her cut-

water. Above and beyond it the raw end of her cut-down jib boom was badly weathered. So she must have been pruned this way a long time.

The boy slung his painter over the rusty bobstay and sat down again to think. The chaste figurehead stared down on him with all the calm severity of a south Jersey Quaker lady. No sound reached him but the dull surf on the outer flank of the breakwater and the faint creak of slack rigging overhead. A thin smoke and the smell of stewing salt horse came from the galley. What he would give to know about this ship! Perhaps the Chief knew about her. Surely his father knew — but it would take so long to write and hear from home. If he had only been a boy when his father was a boy! They would have gone to sea together. Where was the crew? He had heard of ships found in mid-ocean with all sails set, dinner cooking in the galley, wet wash on the forecabin clothesline, but no sign of life aboard. Was this such an instance, here in Delaware Breakwater? Would it be safe to board the “Resolute” to find out?



Set across her stern were three strange little windows

“Better sheer off, young man. It hain’t very safe here.”

He started, looked up at the bows, all around. No one in sight. Better answer anyway; “they’d” seen him.

“What’s that?” By contrast his own voice sounded shrill and thin.

“Better sheer off before you get caught.” The voice was aged and comfortable. There was no locating it, yet it did not make the boy fearful or uneasy.

“How caught? What will they do to me?” he asked.

“You don’t see what I mean. We’re going down, sonny-bub. Sheer off! Clear that line and stand away — if you don’t want to go down with us.”

"Going down! Sinking?"

"Yep. No more sailing, I've got my whack. This here's the last anchorage."

"You mean the ship is sinking? I thought she was just deep-loaded. She is awful low in the water. Why don't you leave her? Where's the crew? Where's the anchor watch? Are all hands asleep?"

"Steady! Steady! One at a time. You'll lose your sculling oar if you hain't careful."

"If you are sinking," the boy asked as he brought the oar inboard, "why don't you do something yourself?"

"I be. Hain't I telling you to sheer off?"

"I mean why don't you leave, or call all hands or something?"

"Leave? How can I, why should I leave when I'm sinking?"

A romantic fearful thrill crept up the boy's spine, tickled the back of his head. He lowered his voice: "Who are you?"

"Resolute, out o' Clayton," the voice answered promptly.

The boy did not reply at once. He was not afraid; he was eager to believe the ship was talking to him; he knew it was talking to him. But he must use tact, not argue or ask obvious questions lest it stop talking. Would it be rude to ask who or what the "Resolute" was? Finally: "Listen! I sculled over to find out what you are."

"Thought you did. Well, son, I'm what Captain Jim Windrove used to call a 'perfectly good total loss'."

"I know! My father told me about 'perfectly good total losses'," the boy interrupted eagerly, "Captain Jim Windrove was my great-uncle. He was an insurance pirate."

"He was. What's more he was a good sailor and a better designer."

"Did he build you?"

"Lord love you, I was an old hulk when your Uncle Jim was an infant learning to curse. But I'm from Clayton. Finest and fastest ship they ever sent out of the Delaware Capes. Do you know why they built me so fine and so fast?"

"No."

"Your Quaker ancestors needed fine, fast ships for their slave-running."

"Slave-running?"

"Smuggling slaves from Africa into the States."

"I thought that was prohibited years before the Civil War." Unpleasant memo-

ries of first-form history stirred the boy.

"It was. That was what made it so profitable." A shuddering creak ran the length of the vessel. "Them's me knees. They're giving way. It won't be long now."

"Are you really sinking?"

"I am really sinking. Far as that goes, it hain't the first time. But it'll be the last. I hain't young and useful like I was then."

"When was that?"

"While I was privateering; during the late Rebellion."

"Were you sunk . . . deep?"

"Pretty deep. It was someways south of here. I remember it well. So does my skipper. He came with me long before that, when he was a young fellow, about your age. Been with me ever since. Fine man; born a Quaker but lived it down. He stuck by me then. Our Commander locked horns with a blockader. There was a running fight, me doing most of the running. They put a shot in my powder magazine. Zi-say, my skipper was just a boy then, fetching powder from the magazine to the gun crews. When they fired my magazine, he was safe on deck, and a good thing for me. They blew me wide open, right under the lazarette — you could see the patch if I was in ballast and riding easy. We were pretty close inshore, so the Old Man heads for the beach. But it got too warm and they all took to the boats — all but my skipper. He hung around the wheel. The Old Man came to him particular' just before he went over the side to tell him to come on. My skipper — he was a gritty youngster — says he ain't going to leave while I'm afloat. The Old Man says 'Why, Jed, thee must be crazy,' and my man tells him where to go, and he went. The skipper kept me under way and got me into real shoal water before I sank and doused the fire. One of the boats come along and took him off. Later when they salvaged me, he took a six-sixty-fourths' interest in me for his share and, zi-say, he's been with me ever since."

"Where is he now?" the boy asked.

"The captain and all the ship's officers — we only got three hands all told now — has gone ashore to wire the owners I'm on my death bed and sinking fast."

"Why are you sinking?" the boy ventured.

"Because I'm old and out-worn and out-dated and out-sailed. All salt seasoned

sawed oak I am, but no ship can last forever. Three generations, as men count them, I sailed the seven seas. That's why I look strange to you; my pattern is old-fashioned. Always a leetle might faster'n the others, I was. My skippers were buckos and we carried smart, driving officers. I was a hell ship. But I never lost a stick or a man or money for the owners — until steam. After steam came in, I plugged along, up and down and across the world until here a few years ago — oh! years before you was born — men got too high-priced for me. Didn't pay to man me. It took twenty able-bodied seamen to work ship on me! Two niggers can run that express wagon you're riding in. I laid up till the skipper got so hard pushed he had to do it. I don't blame him, nor say he let me down. He was on the beach, hungry. So they ripped out my 'tween decks, which weakened me considerable, and cut back my top hamper, and tied me to a filthy belching tug with a couple of common Kennebec barges swinging behind me, and set me to carrying coal. But I can't complain. I've come to my last harbor under my own sail, and I didn't let my skipper down. Let me tell you one thing, young man. I don't know about women; mostly they've thought I was awful. But I know this about men — good men are mighty scarce. When you find a good man, hang to him. Don't ever let a good man down."

"Yes, sir." Should he have said "ma'am," he wondered. "How is it you came in under your own sail?"

"I'm telling you. We loaded anthracite in Philadelphia and come down the bay with the tug "Mahanoy City" and two barges — I don't know if they even got names — trailing us. We got here at sundown and with an onshore gale blowing; but that fool tug ploughed right on out. We made some headway, maybe a mile an hour, dead into it, with the sea wrenching us six ways at once and them tows and the tug yanking fit to break me in two. We daren't try to swing around and come back: the wind would have blown us smack on the barrier. Even so, we were all right till the wind hauled and we started to make a drift — right onto the Jersey beach. When we's almost piled up, that misbegotten tug drops us and puts to sea. I hope they have a special room in hell for tug captains.

"We got our mud hook over, the skipper raving and cursing, and them two hands kind of half-crying like. The barges swung in behind me and we all give a heave and I took a good bite on the hawser and the tow lines strummed out tight as fiddle strings and — by mighty! — everything held. Right on the beach. That last barge had her tail in the break. She was scared; wanted to let go. 'Hang on, and I'll learn you something about going to sea,' I yells at her to cheer her up. 'I can't hang on; it's killing me. I got to go,' she moans. 'All right, then your crew will drown,' I says. 'There's Life Savers on the beach,' she says, 'and my crew want to get off.'

"She was right. Her crew had fired a rocket, and the Life Savers came piling down the beach with their gun and boat. They shot away all the line they had. The barge was in easy range, but the line would snap every time as soon as it fell across her. They built a fire on the beach. It lit up them and their little brass cannon, and the copper paint on that plunging barge, and the white faces of her crew hanging to the pitiful stumps of masts to keep from being swept overboard. I was busy but I managed to see it all out of the corner of my deadeyes.

"Then the Life Savers tried to get their boat off, but the second try she pitchpoled on 'em and smashed — and killed the number two man, I think. I see them fish him out of the surf and carry him up to the fire in his black shiny oilskins, and put him down. He lay still the way a dead man lies still. So then they got their practice boat and tried to put her off. She was smaller and lighter and they could handle her easier, but they couldn't get her off the beach — they smashed her too. Then they stood on the beach waiting for us to break up and the bodies to wash ashore.

"I see there wasn't a thing in the world to do but hang on, so I hung on. My knees was sprung, and I was buckling and filling and cursing the hawser and praying the anchor wouldn't drag. The skipper was doing the same. Looked to him once like I would break up. He climm up the quarter-deck with the ax and stood over the tow line and says, 'Shall I tie 'em loose, old girl?' I give a grunt and a shake, and he says, 'Well, when they get too much for you, just say the word.'

"By and by I began to think the end

had come. I knew I couldn't float much longer, and I wanted to drop that hawser and let everything slide. But I says to myself, 'I musn't let the skipper down.' Then all of a sudden, lo and behold our prayers are answered. The wind shifted directly offshore. Before you could say 'knife' I was staring at the empty beach, and that last barge, instead of hopping around in the break, was nighly hull down on the horizon. The skipper grabbed the ax and cut the tow line, and all that aching dead weight slipped off me.

"So we came back under our own sail. We saved our cargo and our self-respect, even though it isn't worth much at our age, the skipper and me."

The boy had no reply. He knew the "Resolute" had saved something for him too — something that the matter-of-fact life on a coasting schooner had nearly smothered — something "noble and grand and good." What was it? The words rang through his brain as he sat, silent, trying to frame, to pronounce the speech he knew the "Resolute" would understand; and the warm, glowing "light that never was on sea or land" hearteningly re-kindled and sturdily flamed within him.

"Stand away, sonny-bub. I give you fair warning: when I go, I'll let go all holts and drop. Don't get sucked under. *Stand away!*"

The boy found himself adrift in the small boat. He seized the oar and sculled rapidly away from the "Resolute." Without warning the old ship's nose settled. She shuddered from end to end, like a pole-axed steer, and sank.

The boy looked about him in surprise. The sky was heavily overcast and the rain had begun again. A long way off he saw the Old Man's grim bulk, watching him through the glass, the Mate standing be-

side him with the too easy air of one who has just been adequately rebuked. As he came alongside, the Chief, standing in the waists, caught his line.

"The Old Man is mad as hell. You are going to catch it, Bos'n." He dropped the ladder overside and as the boy rose to face the majesty of vested authority enthroned on the quarter-deck, he whispered cautiously: "I see you go. I let you go. The Old Man's going ta gifv me hell too."

"Does he know you saw me? I thought everybody was asleep."

"No, he doan know yet."

"That's all right then. I won't let you down, Chief," the boy said softly. Then he stepped up before the mast.

He took his scolding without rancor, and listened with real serenity to the one the Mate got for lagniappe. Later, while they were roasting apples at the fire door of the donkey, he explained to the Chief that it was worth a tearing out to have a good look at a real old-time ship like that before she went down. The Chief admitted it was, and granted that few such opportunities were left afloat. But he supported his Captain's charge of foolhardiness in remaining so long by a sinking ship.

"Why, that was all right. I knew when she was going down."

"How'd you know?" The Chief spoke sharply and stared expectantly at the boy.

"She told me!" — It slipped out, before he thought.

"Yeah. A goodt ship, a real oltime ship, she talk 'ndt tal you vat she 'ss going ta do, but — only to a real sailor." The boy nodded. The Chief's brightened eyes blinked. He frowned and cleared his throat. "Bos'n, maybe some day you make tam goodt sailor. Right now you make tam rotten cook. Tem apples is all burnt ta hell."





The Editor will be glad — space permitting — to publish in these columns brief letters commenting upon any article or subject that has appeared in THE FORUM.

The Civil Jury

An answer to the argument against the abolition of the civil jury as presented in THE FORUM debate for October.

Editor of THE FORUM:

The logic of Mr. Windolph's main argument in favor of the jury system can be tested by converting it into the following Greek syllogism: "All democratic institutions are good; the jury system is a democratic institution; therefore the jury system is good." Now the major premise of this syllogism is not sound. We know both from ancient and modern history and from our own national experience that *undiluted* democracy often works very badly. It is no more reliable to-day than it was at Athens in the time of Socrates. The wise framers of our Federal Constitution were so convinced of this truth that they subjected "democracy" to elaborate limitations. Every attempt to improve on their work by injecting more democracy into our institutions has been a failure. To elect members of the Senate by vote of the people, as provided in the Sixteenth Amendment, is more democratic than the method prescribed by the fathers; but in practice it has produced results satisfactory neither to the public nor to the Senators themselves. The direct primary is a democratic institution, but it has debased the standard of our candidates for public office. An elective is more democratic than an appointive judiciary, but it never produces as good judges. Conceding that a democracy, subject to wise restrictions, is the best form of government for

an intelligent electorate, it is not necessarily an argument for a given institution or innovation that it is "democratic."

Nor can it be properly contended, as Mr. Windolph claims, that trial by jury in civil cases is "an *essential* part of Anglo-Saxon democracy." The jury system must stand or fall on its own intrinsic merits and demerits as a machine to produce justice. It is not sufficient to stamp it with a popular label like the word "democracy."

Mr. Windolph contends that we must not "ignore" the "political and legislative significance" of "trial-by-jury." But the verdict of a jury ought never to have any "political or legislative significance." Under our system of jurisprudence a jury has just one duty to perform, and that is to decide disputed questions of fact and to draw logical inferences therefrom. Juries have nothing to do with politics or government or legislation. The law bearing on a given case is administered to the jurymen by the trial judge, and it is their duty to conform to it. It is no part of a jury's duty to inaugurate new "customs" or to enact statutes. If permitted to exercise such powers, there would result an utter absence of uniformity in the action of different juries on the same subjects. There could not be a worse way of converting even good customs into laws than through the instrumentality of successive groups of untrained men, each group having ideas entirely unrelated to the ideas of the other groups. It is one of the strongest arguments against the jury system that juries are continually trying to do this very thing. Very often they don't enforce cus-