

THE SMUGGLERS

By James B. Connolly

ILLUSTRATIONS BY N. C. WYETH

I



UP to Oliver Shepherd's Sam Leary was shining like a great light. He looked now about the room. "All good friends of yours here, Oliver? Well, here's how it was. I'd been havin' a hell of a good time, Oliver, this night at your old friend Antone's in Sain' Peer. Yes, he's still runnin' the Caffay Lomprer—and he'd been acting like a gen'leman clear up to the last, which every caffay-keeper, you know, don't after a man's money's gone. And goin' away owin' for a few rounds of drinks I was telling Antone how I'd settle with him when I got to Sain' Peer again, when 'Tuh, tuh,' says he. 'Tuh, tuh, mong amee—tuh, tuh, mong amee doo coor, my ver' dear fren'. What mattairs two, t'ree dollairs among o'l fran's?' And we had another drink, and Antone goes on, 'Sam-mee, I have long time in min' to ask you one favor.' 'Command me, my bong Antone,' says I, and he rolls out two little barrels of rum and asks me would I take them over to Bay of Islands for him, and of course I said I would.

"Well, the skipper ketches me and Gillis as we were hoistin' 'em aboard the vessel. 'Didn't I tell you, Sam, I wanted no contraband stuff on this vessel?' says he.

"Sure you did, skipper, but they're for Oliver Shepherd, skipper, over to Bay of Islands—a good fellow, skipper."

"Yes, I know," says he; "but will Oliver pay the fine if we're caught tryin' to smuggle the stuff in?"

"Oh, you leave it to me, skipper, and there won't be any fine to pay," I says, and there warn't, though somebody must 've tipped the cutter people off, for we'd no sooner dropped our anchor here than she sent a boat to overhaul us. And she'd have got the stuff, too, only just as her people came over one rail Gillis and me dropped over the other rail in the dory, and in the dark we rowed ashore, and you right there to take it from us, Oliver. But now let's

have a little touch o' that same rum," and from a decorated barber's bottle marked 'Hair-Oil,' produced from the pocket of his ulster, he proceeded to mix hot punches, making clear meanwhile what beauty and simplicity were in the operation.

"Aye, Oliver, a child could mix it. A little of the good stuff, so, and some hot water—not too much, though—so. And then a little sugar—not too much either—and a touch of lemon if there's one handy, and if not, no matter—a taste more o' the rum instead—and there y'are, a drink that wouldn't jar one o' the wise virgins, and yet a drink a man'd row a dory seven mile through a snow-storm to get a sniff of any day, let be a fine big tumblerful like this. That's what, Oliver. And have another while your throat's warm and the pores are open. 'Tis most soothin' when the delicate membrane's relaxed, I've heard the doctors say. But ain't that somebody to the door? If it is, in God's name, let him in. To keep a man outside in the cold t'night, when there's somethin' to thaw him out inside, it's a crime again' humanity."

Shepherd admitted a stranger. "Sammie, this be Mister Stapkins, of Saint Johns."

"Glad to make your acquaintance, Captain Leary."

"Captain, eh? A promotion, but no matter—men that tend to business same's I do ought to get promoted. I'm off that Gloucesterm'n out in the stream."

"The *Arbiter*? I was noticing her yesterday evening coming in—a fine, able vessel. And came to anchor rather smartly."

"Why shouldn't she? A smart crew. And if Gillis was here now—him I'm training in the way he should go—and that other peaceable, delightful citizen, his new-found chum, Ollie Fowler, Mister Shepherd's nephew here—they don't either of 'em care any more for a drink o' rum than they do for a man's life, and—now, isn't that the everlasting way of it? Talk of angels, you know. Here, you image of Cupid, you two-winged messenger o' love—you gay Don Jon o' the Bay of Islands."

"Who's calling me names, hah?" Young Gillis stood in the door.

"Who? Why, me! You tongue-twisted castaway—me!"

"Oh, you, Sam Leary? Well, you can, but nobody else. You're all right, Sammie. I thought maybe it was——" He picked out one after the other of the pairs of eyes around the room, till he met those of the stranger. "And who's this? Who're you? What name—Stapkins? Of Saint Johns? And buyin' herrin', of course? You must be new in the business for certain—I never heard mention o' you before. But let's have a drink. Hah, Sammie, a drink on me?"

"No, Gillie, but on me. I'm buying all the drinks to-night. I've got some stuff here—look, the good old rum of Sain' Peer." Leary drew another decorated bottle from his ulster, and held it up for the company's inspection. "There was a barber in Sain' Peer. 'Shave-O!' says I. 'Wee, wee, shave-o-o,' says he, and I drops off for a nap in the chair. When I woke up I had a hair-cut, and wanted to charge me fifty cents. So coming away I took those bottles."

"You have an easy conscience, Captain Leary."

"No easier than the barber's, Mister Stapkins. And no sin to recover stolen goods."

"Stolen?"

"Sure he did. Where'd he get hold o' bottles with United States words on 'em, if he didn't steal 'em? From off some steamer put in there, most likely. H-m. Hair-oil? But there's no hair-oil in 'em now. I fumi-gated 'em. But the stuff in 'em now 'd grow hair on a college professor—yes, even if 'twas professor of—what's it now?—cuts up the bodies of little creatures and gets at the souls of men thereby? By-ol-ogy, yes."

"Huh, here's one, too. And for all the duty it paid!" Gillis also produced and slammed a bottle on the table. "The red rum of S'Peer, too. Have a drink everybody. Mister Stap—Stap—what's it?—never mind, have a drink."

"I never drink, Mister Gillis—doctor's orders."

"H-m—a queer reason that. If we all did everything the doctor tells us, it would be queer livin', wouldn't it, Sammie."

"Aye, 'twould be like head winds all the time, Gillie."

"And a man 'd find it slow goin' not to let run before it once in a while, hah, Sammie?"

"He cert'nly would, though there's fun in beating, too. But where you off for?"

"Oh, just down the beach aways, me and Ollie Fowler."

"H-m—goin' girlin', hah? The poor slobs o' girls that gets either o' you— Well, jog along."

Leary gazed after his departing ship-mate. "There's cert'nly been a lot of liquor turned loose in this place lately. But you're not goin', too, Mister Stapkins?"

"Yes, I've got to write some letters home."

"Well, that's right. I s'pose we all ought to be writing letters home, too, but if I did they'd be some surprised in Gloucester when they got 'em. Good-night to you, sir."

The stranger passed out. Leary closed the door after him.

"Not what you'd call a magnetic creature that, is he? But I s'pose he has his uses. A peaceable sort, anyway, with not too much to say, and I s'pose that's a good point when men like me stand 'round ready to do all the talking. But his goin' needn't bother the rest of us. Here y'are, Oliver; another little touch for you. And for you that's got to keep the fiddle busy—got to keep you well oiled. That's the boy—never in all your life did you renege. Slide it down—it'll never go a dustier road, I'll bet. But where's the dance we were goin' to have? Where's your daughters, Oliver? In the other room waitin'? Man, you don't say? Call 'em in. Ah, there you are. Hello, Bess. Hello, Sue. Come on, now, all hands pair off while he's tuning up that fiddle. Don't be shy, you Black-eye—I'm talkin' to you. And you with the corn-hair, you know you're dyin' to dance. Pitch in all, that's the way. Drive her now! Drive her, boys—that's it. Hang tight now, Bess, and I'll swing you so you'll think your heels 'll never find the floor again."

II

GILLIS and Fowler were walking the beach this cold night, after a protracted siege of courting at Morton's, a notably dry house-hold.

"Whew, but it's a cold night, Ollie!"

"Aye, Gillie. And on such a night a little somethin' warmin'——" and flapped his hands across his chest, and fervently wished he could get hold of a drink somewhere.

Curious the effect of mental suggestion. Both young men, sniffing, fancied they caught in the air a faint whiff of that which they just then most desired, the red rum of old Saint Pierre, and seemingly without any further wilful thought of their own found their feet taking them toward the ruin of an old barn on the road to Oliver Shepherd's house. What was the surprise of young Fowler to discover on examination that it was a barn purchased lately by his uncle, and of Gillis that it was the same barn wherein Leary and himself had hid the two kegs which had come off the *Arbiter*. Oddly enough, too, Oliver Shepherd had been on the spot to direct the storing of them. A fox, that same old Oliver, who hugged his rum altogether too close, considering that it never paid duty and cost him nothing to have it brought from Saint Pierre.

Gillis blew down his fingers: "A pity now a man don't get one lonesome drink from two whole ten-gallon kegs. A great pity."

But he would look further into the matter, which he did, with Oliver's aid, and found the door secured by the heaviest padlock he had ever seen on a door in all his life. They lit a match, several matches, to make sure.

"There was no such monstrous lock as that last night, Ollie?"

"As if we couldn't be trusted, Gillie! Might's well call us all thieves and be done with it."

The scent of the liquor was patent enough now. It must still be there. Well they knew the brand, the good old rum of Saint Pierre, no less. And kegs of it in there, perhaps, and they dying of a thirst. And not themselves alone, but every young fellow in the Bay. It must have been the thought of the multitude of longing ones which violently aroused their sense of hospitality. And why be selfish with it, anyway? If the old man was stingy with his liquor, no reason they should. Gillis put the question to Ollie, and Ollie offered generously to find a dozen good fellows who would be only too delighted to help them out.

It was from there on that the man known as Stapkins found it easy enough to hold the trail of young Oliver, who, walking not

overfast and singing intermittently as he went, and failing not to knock up acquaintances to help them in his expedition, soon had quite a company: a gay, blithe young company, prepared for anything in the line of nocturnal adventure.

Oliver led them back to where Gillis was guarding the treasure. It mattered little now that the door was securely locked. With a half-dozen lads at their back, a stout timber, a good rush, a blow, and again a blow, how could the door resist? And who could hear, with the surf booming so loudly?

Surely nobody could hear? Surely not where should be most concern, at old man Shepherd's down the road, where blazed the late lights, and whence came roaring indications now of dancing and feasting. And soon the band came swaying down the beach again, each with his keg to a sagging shoulder, for the liquor brought by the *Arbiter* was not Oliver Shepherd's sole store; and when the burden seemed overheavy they halted to draw the bung and swallow a strengthening mouthful, and to remark how wonderfully the load lightened after each stimulating draught.

To track so careless a crew was not a difficult matter for the Government agent; nor did it require any strategic genius to capture one keg abandoned by its fatigued bearer, roll it to the edge of the beach and whistle to the alert cutter.

And so was inaugurated Sam Leary's real trouble. Not till next morning did he know aught of that midnight adventure. He and Gillis were dipping herring on to the *Arbiter's* deck. "O Lord," interjected Leary, "what a difference! A pity a man has to leave it, the dancing and the squeezing, the grip of the hand on your arm! A great girl that Bess Shepherd. Why didn't you come back and take it in, Gillie?"

Whereupon Gillis related the adventure of the rum, failing not to include all those details that his usually tolerant mate might enjoy it also. But Leary did not enjoy it. He even took Gillis to task.

"And you that glories in smuggling!" exclaimed the mortified Gillis.

"Man alive! Are you comparing stealing and smuggling. Smuggling's adventure. You're up against a powerful Gover'ment. The Gover'ment half expects it from us. You see, Gillie, men like us to sea most of the time are but little bother to any gover'-

ment. They don't have to run expensive fire and police and——"

"I dunno 'bout the police, Sammie."

"Let me go on—police and banking systems for you and me. And no great harm if we pay off other ways to sort of bring up our average. Besides smuggling's a recognized institution. And you take a chance smugglin'. If you're caught you're slapped into jail, which makes legitimate adventure of it. But you were stealing—and from a friend—a friend of mine, anyway, and I'm a friend of yours. If you'd pounced on it accidentally, not knowin' who owned it, 'twould been no great harm—'twould been so temptin', and the Lord himself has to allow for natural impulses. But takin' stuff from a man's barn when he's not around to watch, and where you'd never known it was if he hadn't let you in himself—why that's not right, Gillis, not right, and no luck will come of it. And—now what in hell does that chap want?"

It was the cutter's boat approaching, and in the stern the commander himself.

"Captain Leary?" queried the cutter's commander.

"What? Captain again? But all right—yes, I'm Captain Leary."

"You're in charge of this vessel—agent and so on?"

"Acting as agent, yes."

"We thought so. You're wanted."

"For what?"

"Smuggling."

"Smuggling! Quit your fooling—it's too cold a mornin'."

"Fooling! Fooling! With whom do you think you are dealing? I'm quite sure I'll put you through now. Some of you American fishermen act at times as if you thought we were some old water-boat. You in particular were well described. 'Jovial,' our agent said. After we get through with you I'll warrant you won't be so jovial," and the revenue cutter's commander permitted himself to smile. "Come on, now. You can take counsel, if you wish," and the commander smiled again.

"I'll be my own counsel, but I want a witness. Come on, Gillis," and whispered to him, "Stand by and put in a word at the right time."

The appearance of Stapkins in the cabin of the cutter, to which they were taken, somewhat discomposed Gillis, but not Leary.

"Well, Mr. Staplins, how's herrin' in Saint Johns?" that self-possessed adventurer inquired slyly.

Upholstered chairs are comforts which fishermen always appreciate. With heads far back and legs stretched out across the carpet, the pair took note of things. A young man with a note-book and typewriting machine caused Gillis to remark, "Not like our courts in America, Sam, is it?"

Stapkins, overhearing, fixed on Gillis a threatening eye. "No, not like an American court, but it will serve our purpose. And now you"—he nodded at Leary—"listen. We've got all the evidence we want, and——"

Sam sat up. "Evidence? Of what?"

"Evidence of the rum you smuggled from Saint Pierre. You can stand trial here or you can come back with us to Saint Johns and there wait in jail till your appearance in the high court? Which will you do?"

"H-m—you know how much time the master or mate of an American vessel has to waste on a trip to Saint Johns. I'll stand trial here, although the Lord knows I haven't the most far-away notion of what it's all about."

"Well, you'll know soon. Here are some facts," and Stapkins read from several sheets of paper.

The details were precise. To wit: That the *Arbiter* left Saint Pierre on such a day with two ten-gallon kegs of rum, which rum was not found entered on her manifest; that on the evening of her arrival, at 5.30 post meridian to be exact, of the second day previous, a dory bearing the name of the *Arbiter*, of Gloucester, landed on the beach abreast of the vessel aforesaid; that two men took from the dory a keg or kegs of liquor of some kind and carried the said keg or kegs up on the beach and hid it or them in a barn said to be owned by Oliver Shepherd. And further, that liquor from one of the kegs was drunk at Shepherd's on the night following, "all of which," concluded Stapkins, "we have witness to prove."

Sam grinned. "That there was some liquor drunk in Oliver's you won't have to go far to get a witness to, for you ought to know one at least who was asked to have a drink of it"—he bowed ironically to Stapkins—"but how you're making out it came from any particular keg beats me. I used to think I was a connesoor in the rum line, but whether rum comes from this keg or

that, if it's all of the same makin', is past me. But where's your proof for all this?"

"Time enough for proof. Perhaps you know that if this thing is continued too far the vessel is likely to be captured?"

"Confiscate a fourteen-thousand dollar vessel for a few dollars duty, even if your charge is true! No, sir, you're not going to get away with that, though 'tis so much a custom as to become common law almost to bleed American vessels at every chance down here."

"I might warn you that there is a Gloucester vessel serving as a lightship over to Miramachi way even now for smuggling."

Above all else Sam feared for trouble to the skipper or vessel, but to him it looked yet as if they were still shrewdly guessing, no more. So he replied calmly enough: "But what's a confiscated vessel to do with me?"

"Mister Stapkins." Here, to Sam's amazement, Gillis jumped to his feet.

III

YOUNG GILLIS possessed not Sam's outlook on life. To him the law, at close quarters, was a terrible thing; and here it seemed to him that it was about to get Sam, the vessel, and the skipper in its clutches. And to these three he was devoted; to the master by respect, to the vessel by instinct of duty, to Sam by ties of wondrous admiration. Here was his chance. Sam had told him to stand by.

"Mister Stapkins, I want to confess."

"Confess? You? Confess what!"

"Let me speak. It is true that there was a couple of ten-gallon kegs of rum put aboard the *Arbiter* in Saint Peer. I know, because 'twas me brought 'em aboard and hid 'em in the hold. 'Twas me, when we dropped anchor yesterday, that stowed them in the dory under a bit of canvas, so's nobody noticed; and then, while all hands were busy with the collector and Captain Curtin there, 'twas me, it being dark, rowed ashore, without anybody seein' me, and hid 'em in Shepherd's barn."

The magistrate, who heretofore had taken no more active part in the proceedings than to listen calmly, and whom the fishermen had barely noticed, now leaned forward, and again settled back, and once more leaned forward. Steadying himself—he

had evidently come for the purpose of advising also—he remarked to Stapkins: "H-m—but I can't see how this alters the case. The charge remains against the vessel." He addressed Gillis, "You're one of the crew, of course?"

There was a gleam in the magistrate's eye which Leary's intuition interpreted in a flash. "Him one of the crew," and laughed derisively. Gillis stared at Leary, who, shaking his fist at him, exploded again, "Don't you dare to tell this court you're one of the crew."

The court looked from one to the other. "Not one of the crew? Is this true, Captain Leary?"

Leary, who had been expecting some small action from Gillis at the critical moment, but no such romantic tale as this of the keg, was beginning to glow with the possibilities. He sought to gain a little time now. He affected not to hear the question until it was repeated with emphasis, "Is this the truth or a lie, sir?"

To Leary's brain came a glimmering of where it might lead to, but no need to hurry yet. "You don't notice me calling anyone a liar, do you?"

"Not a member of your crew? Aha!" The magistrate rose triumphant: "Then how came he aboard your vessel? How came you to bring this man from a foreign country, which the United States is, to this country, in plain violation of the law?"

Unexpected that, but Leary felt equal to it. Pausing no longer than was needful to give his most serviceable imagination a running start, with no notion at the moment of where he would finish up than the men who were listening to him, he began; and his tone was most judicial, as befitted the surroundings. "It does seem to be against the law, and yet it is not. There's a provision of law in every country, I suppose—in every civilized country, I mean—there is in ours, anyway—for bringing home the sick and the—indigent, is it?—and wrecked seamen, bringing them to their home port. This man, gentlemen, is from Gloucester. He shipped in a Gloucester fisherman, the *Mollie Butler*, Captain Arthur Morrow—look her up in the register, if you want to—for a fresh halibutin' trip—and was taken sick. What was it you were sick of, Mister Gillis?"

"Consumption." Gillis coughed weakly.

"Consumption!" The magistrate glared

at Gillis. Stapkins and Curtin had another look at that individual. "H-m!" grunted Curtin.

"Yes, sir, they made me sleep in a tent on the rocks," affirmed the now inspired Gillis. "I was in the first stages, and could be cured that way, they said. Outdoor treatment, the latest. But I think myself they put me up on the rocks because they thought I was an Englishman."

"How could they think that?"

"It may be, your honor," Sam bowed gravely to the magistrate, "because he talked United States, which is a good deal like English.

"Sure, that was it." Gillis seized on that. "For they told me to my face they had no use for the English. You remember me telling you that, Mister Leary?"

"I do, Mister Gillis. Only this morning you were telling me again, if you remember, and how they sent you off at last in a French fisherman——"

"Sent you off? What for?"

"Why—why——"

"Such foolish questions!" interposed Sam hastily. He knew that his shipmate's inventive faculties sometimes failed. "How does he know what those high-handed despots shipped him off for? And what does it matter? The real thing is he was run off and the vessel was wrecked, and the *Arbiter* came along and picked up Mister Gillis."

"And the French crew? Were they drowned? Sh-h—Captain Leary—I'm questioning Mister Gillis now."

Gillis was gamely trying to follow the more active movement of the more active Leary. "Every blessed soul of 'em," he managed to get out.

"H-m—but that's a fine tale to have to piece out," murmured Leary. "They'll be lookin' her up in the marine tragedies."

"Serves 'em right." It was the magistrate who thus commented as he leaned back and glared at whoever might disagree. Stapkins and Curtin regarded the prisoners with less complacency.

"And"—Sam was now carelessly resuming the tale, his eyes on the portly justice. He ran on smoothly—"we couldn't do less than take him along now, could we, your Honor? Though if he did serve the vessel this mean trick—" he glared at Gillis; but softening suddenly: "But did you really do

it, Mister Gillis? Tell the truth now, for his Honor is listening to you."

The brain of Gillis was in a whirl, but he thought to stare contritely at the floor, and, after a decent interval, to sniff, "I did."

Sam gazed at the man. "You did? Gawd! you sit there and not ashamed to say those words! To me, your rescuer, and in a way your captain now? You knew what might come of it, didn't you? You hear what his Honor says? Why, if the truth weren't forced out of you by his eloquence, by his legal—h-m—acumen, my vessel might be confiscated. As it is, I suppose I'll have to pay a few dollars fine on your account. O Gillis, when I think how we risked the vessel and the crew's lives that day picking you off the wreck! A wild day, your Honor—a wild day, gentlemen—mountain-e-ous seas, and wind to peel the scales off a herrin'. We had to pour oil over the side of the vessel afore the skipper would allow a dory to be launched. And if you had heard the cries of him, gentlemen, this man who has just confessed his iniquity, who has admitted how he deceived us and rendered the vessel liable—if you'd heard the agonized cries of him! They fair bit into us, his cries—we couldn't stand it, and the crew knew 'twas almost sure death; but, the brave fellows, when the skipper calls out, 'Who'll volunteer to save him, a fellow-being?' says he. 'No degenerate Frenchman, but speaks the same great Anglo-Saxon language as we do ourselves—who'll volunteer?' If you only heard Captain Clancy saying that, your Honor! And did they drawback, your Honor? Or even hesitate? Not them. 'Me, captain!' 'Me!' 'Me!'—and they leaps up and fights for the privilege of goin' in that dory. And the two the captain picked thanked him with tears in their eyes. 'If I don't come back, captain,' says the first brave fellow, 'send word to my parents in Birmingham and tell them how I died,' for he was of sturdy English stock, your Honor. 'I've no wife, but my savin's-bank book for forty-two dollars and forty-four cents, and whatever interest's due on it, is in my bunk. Give it to the widows and orphans,' says the other, and over they go. But they warn't drowned, not them, the brave fellows. Their guardian angels was busy that day, though. And when they came back, after incredible exertions, they had him—had this man, gentlemen, half-frozen,

faintin'—but I suppose he don't remember it now?" Sam's voice reeked with what he meant for the very essence of sarcasm.

Gillis had been gaping in wonder at Leary—indeed, he was almost in tears as he conjured up the picture painted by his gifted shipmate, himself a craven. For a moment he could not take the cue; but an offside wink from Leary pointed the way.

"I do remember it, I do remember it. Forgive me, I do." And, holding one hand to his face and uttering, "Forgive me, forgive me," Gillis sought to clutch Sam's sleeve with the other.

Sam spurned the groping hand. "Tuh! go away."

"But, captain"—Gillis held a handkerchief to his eyes—"Captain Leary, forgive me, O captain!"

"For-give yuh! How can you expect forgive-ness! The treachery of you, a man we'd saved from a watery grave and taken to our bosom—" and Sam, drawing out his handkerchief, passed it lingeringly over his eyes, then fell desperately to blowing his nose. All this before he felt strong to continue: "But what's the good of harboring wicked, revengeful feelings? And, your Honor, what did the smuggling mean, anyway? A little feeling of adventure on Mister Gillis's part. I used to be like him in my young days, thoughtless, reckless, careless of the owner's interests. Which of us isn't careless in his—I mean of us ignorant fishermen, your Honor, who haven't had the educational advantages? And yet I didn't think he would do such a thing. Only the other day"—he faced Gillis—"I was speaking of you to Captain Clancy—you seemed to be so earnest and good, that I asked him if he couldn't put you on the ship's papers soon. And now this trick you come to play!"

"I know, but I'll never do it again."

"Never!"

"Never, never."

"Well, I dunno what to say. When I come to think now how near the vessel came to being pinched! Your Honor, I have nothing more to say," and Leary sat down.

The court breathed hard, gazed long from one prisoner to the other; and finally took counsel with Captain Curtin and Stapkins.

"I'm sure I don't know what to think of that fellow," whispered the magistrate to Stapkins. "An ignorant fisherman like him,

he couldn't have made it up on the spur of the moment."

"I wouldn't be too sure he's so ignorant. But you can fine them on their own testimony."

"But this isn't real testimony, this isn't court."

"What odds about court? We've got to have a conviction recorded. You are the magistrate. You can convene court, and we are the witnesses to what they confessed."

IV

THE final decision was to manage it in some way to fine both Leary and Gillis, but it was also agreed that appearances would be better served if a regular court was held. So ashore they all went; and, pressing into service a constable, an aged native who loved the trappings of the judiciary, they convened court in the informal but sufficiently effective fashion of the more primitive regions of Newfoundland.

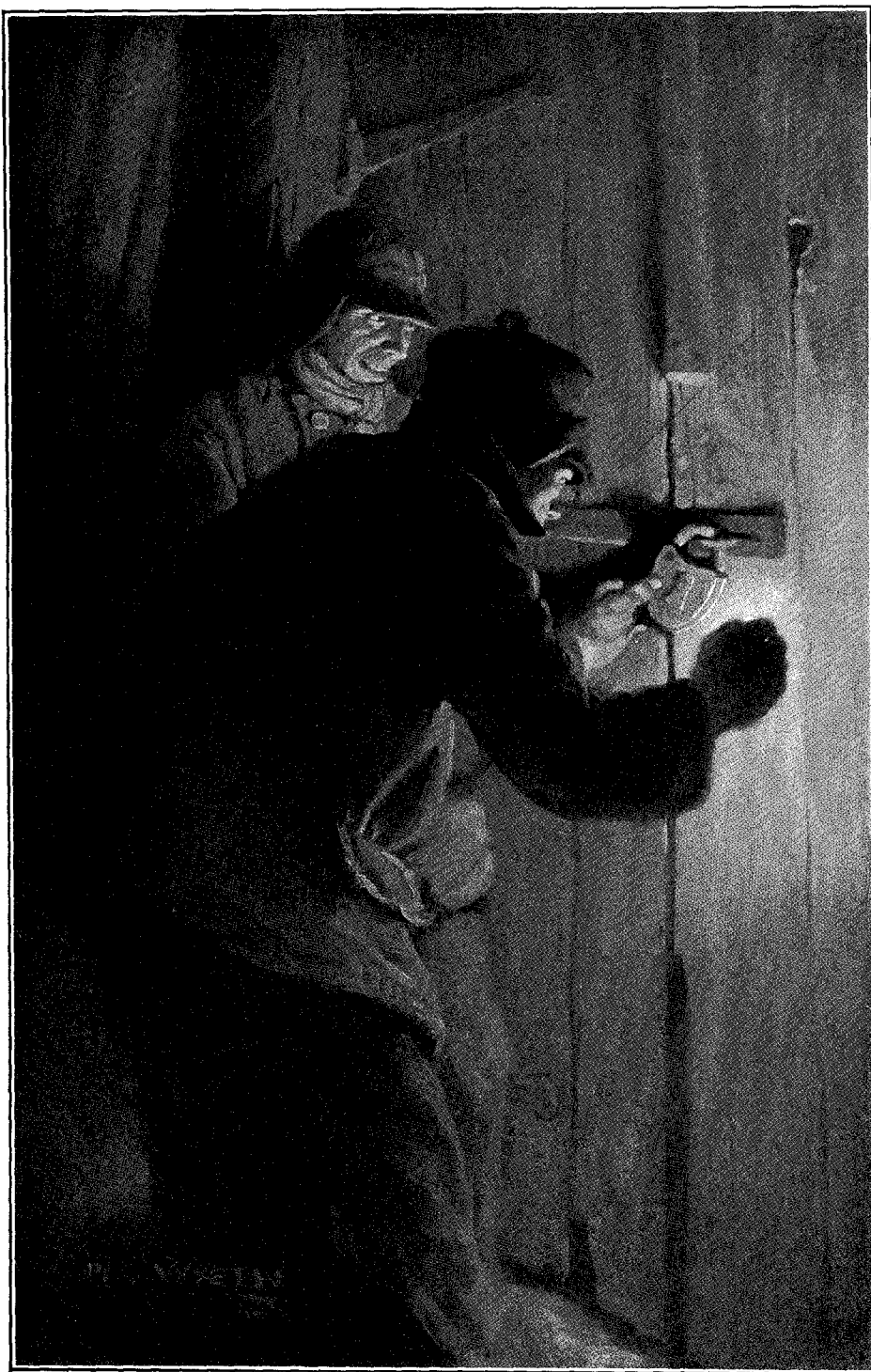
Stapkins, after rereading the evidence, turned to the solemn gentlemen on the platform: "And now the Crown prays the judgment of this honorable court on the facts aforesaid." And the honorable court accordingly rendered its finding, going over the facts minutely, repeating for the fourth or fifth time the gist of the whole case. "And the prisoner must understand," and the way he turned down his spectacles at Gillis was so impressive to that free-born adventurer that he whispered to Leary, "If ever I get to be a judge, I'll know how to throw my lamps on a man that ought to be hanged."

"You must know," resumed the judge, "that your offence is most heinous and makes you liable to a most severe penalty. By the language of the law you are not alone liable to be sent to prison for an indefinite term—"

"How long is that, Sammie?" Gillis's whisper could have been heard the length of an ocean liner.

The judge heard it. "Eh, what? Silence, silence!" he roared, and motioned to the ancient retainer, who also roared, "Silence, silence!" and thumped the floor with the fresh-cut birch sapling which served as a mace.

The judge glared at Leary also ere he continued. "Not alone to prison, but your vessel is also likely to be confiscated. Ves-



Drawn by N. C. Wyeth.

"There was no such monstrous lock as that last night, Ollie?"—Page 404.

sels have been confiscated to the Crown before this. You are aware of that, doubtless. There is not only that lightship at Miramichi——”

“A fine little vessel, Sammie, too—I know her,” whispered Gillis.

“The prisoners will pay attention. The confiscation of a vessel is no light matter. What have you to say, Captain Leary?”

“Nothing.”

“Nothing? Do you fully realize what the consequences may be? It does not add to your case that you have not testified in your own behalf.”

“What’s the use! You’ve got it all framed up to suit yourselves. Here’s a man, a passenger on the vessel, charged with smuggling a few gallons of rum, and you talk about confiscating a vessel worth fourteen thousand dollars. And you haven’t proved your case. You say it’s now regular court. If it is, then bring on your proof.”

Stapkins jumped to his feet. “I don’t see as we need any further proof. What more evidence is required than the confession of your partner a while ago in the cabin of the cutter?”

“But does that commit a man? Does a man talking careless like——”

“Do you deny he said it? Or deny the story of the rescue?”

Sam threw up his hands. “What’s the damage?”

“That is for the court to say.” Stapkins bowed deferentially to the law.

The court puffed up roundly. “As the prisoners plead guilty—you do plead guilty?”

“Yes,” replied Sam wearily. “We plead guilty to a couple of kegs of rum. And now you want to do the usual thing to American vessels down here—bleed us for all we’ll stand. Well, better soak us now you got us.”

The judge frowned on Leary, but went on, after much hemming and hawing, to deliver himself of various original phrases which were preliminary to a long dissertation. “Albeit the law says—and Anglo-Saxon—and fra-ternal—and ma-ternal——”

“And pat-ernal, don’t forget the old man, whoever he is.”

“Heh, heh—and mat-ernal ties—one speech and one blood,” and suddenly abandoning his involved phraseology, fined them one hundred dollars apiece.

Gillis flared up. “A hundred? No, sir—me for jail.”

“Me, too,” Sam turned to Stapkins. “I’ll appeal to my Government—show you fellows up, anyway. Better cut it down.”

A conference ensued, which ended by the judge saying, after casting a look of inquiry at Sam, as if doubtful how that belligerent man would take it. “Well, twenty-five dollars apiece.”

“Twenty-five? Well, all right, though mind”—he looked defiance at Stapkins—“you never proved it.”

The worthy magistrate eyed almost tearfully the great roll which Sam drew from his ulster pocket. “If I had known,” he whispered to Stapkins, “that he had so much money with him, I would not have taken off one penny.”

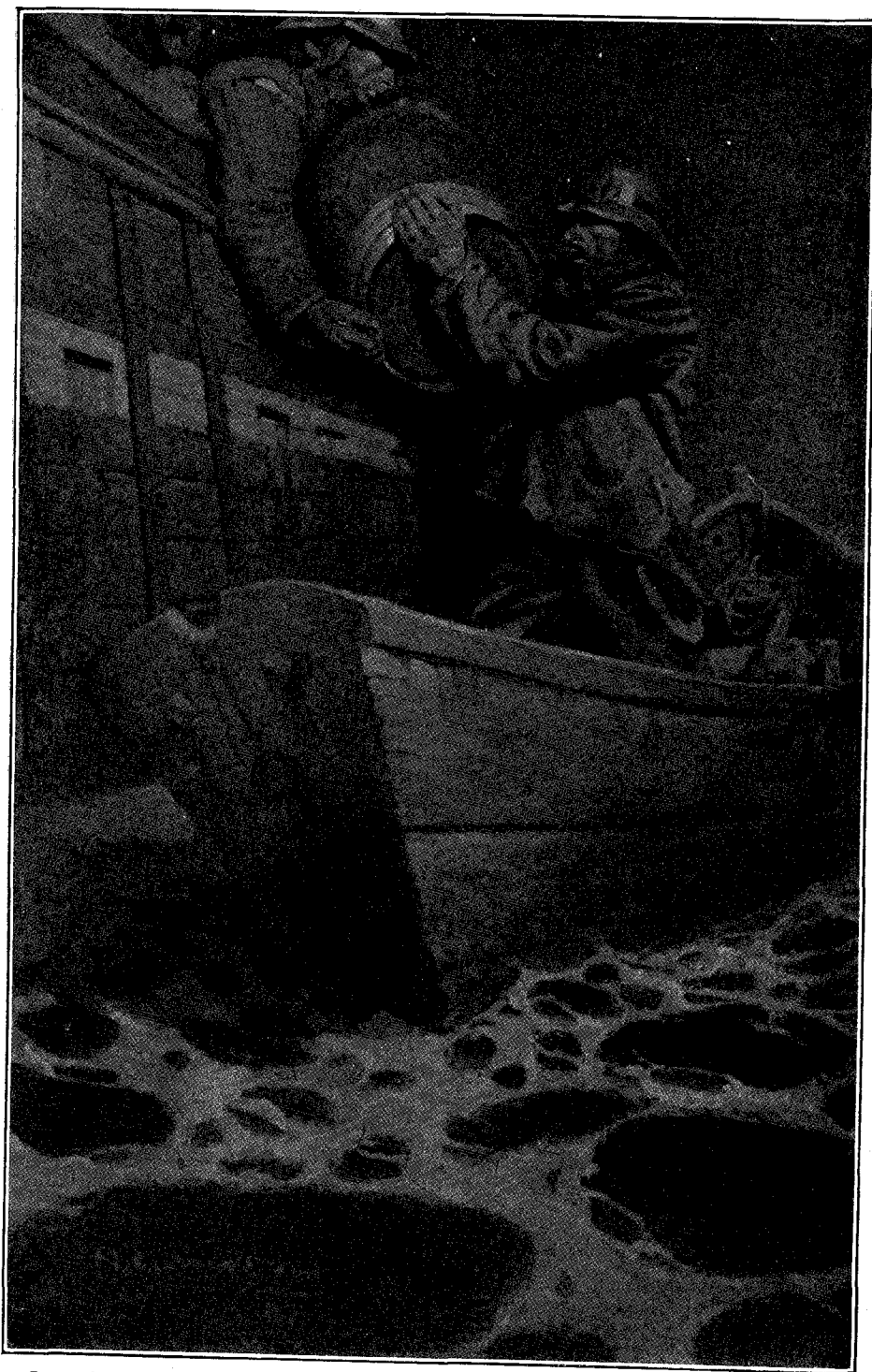
From the roll Leary skinned off two twenties. “Wages due me,” he explained to Gillis, and from an inner pocket he took ten dollars in small bills. “All I won at poker from the natives since we hit into the bay,” and sighed as he passed it over. Then, turning to the magistrate, “We can go now, I suppose?”

“You are free.”

“Then, good-day,” and, pausing at the door, “To hell with you all.” And, placing his arm through Gillis’s: “Lord, after that one-tongue, one-blood speech, I thought he was going to let us off; but I guess he needed the money. He’s like a lot of others that love us till their interests take ’em another way.” Then, noticing that they were passing a window of the court-room, he raised it, looked inside, and, catching Captain Curtin’s eye, to him he tipped a most illuminating wink, at which Curtin looked at Stapkins and Stapkins looked at Curtin, and a great light broke in on them both; and together they looked at the judge. But that honorable was recounting the money, whereat Stapkins and Curtin shook their heads and smiled, but with mouths somewhat awry.

The late prisoners resumed their road to the vessel. Sam wore a most pensive look. Finally he spoke up.

“Gillis, this ought to teach you not to be going and getting drunk with other people’s rum. Paying that fine raised the devil with my pile. I had in mind to buy Bess a little present. A fine girl, that Bess Shepherd. You haven’t got a spare ten or twenty, have you?”



Drawn by N. C. Wyeth.

"'Twas me that stowed them in the dory."—Page 406.

"Me a ten or twenty? I got a five, though. But I had it in mind to buy a little present for somebody, too."

"You buy presents! Don't you think you ought to rest on your laurels for a little while? Let me have that five-spot, and I'll borrow five more from the skipper. There's a pearl necklace at the jewelry store up in Birchy Cove, and the man said he'd let me have it for nine seventy-five. All the girls in the bay have been eyein' it, but it'll look best on Bess. O Lord, the things I could 've done with that fifty!" Then, sighing thoughtfully: "Blessed if I don't believe, Gillis, it does pay to be honest. You see, Gillis, honesty's the one game that everybody's playin', good people all the time, but

bad people sometimes, for their own interest, if nothing else. Buckin' against honesty's like tryin' to sail into the eye of the wind, and you can't do it—you have to beat."

"'Less you got steam-power, Sammie."

"Then you're not sailin'. You're like a man then with an inside pull. Yes, sir, I'm beginnin' to believe it's best to be honest in everything. Do you know, Gillis"—Leary became very confidential—"but sometime I doubt that even smugglin's quite the right thing."

"And I've often had my doubts, too, Sammie."

And thus two reflective gentlemen, recreating ancient philosophies, climbed soberly down the rocky hillsides.

POET AND KING

By Charles Buxton Going

ILLUSTRATION BY W. T. BENDA

OUT of a desolate night,
 Into the pride of the court
 Flooded with color and light,
 A wandering singer was brought.

And there, at the foot of the throne—
 A weary and pitiful thing
 That begged for a crust or a bone—
 He sang at the nod of the king.

The king and his courtiers are gone;
 Clean gone out of mind is their fame;
 The fields where their glory was won
 Are only a date and a name.

The singer, alone of the throng,
 Lives on through the death of the years—
 For men still remember his song
 And sing it, with love and with tears.