

THE STORY OF A MINE.

CHAPTER VII. COUNSEL FOR IT.



ROSCOMMON.

MEANWHILE Roscommon had waited. Then, in Garcia's name, and backed by him, he laid his case before the land commissioner, filing the application (with forced endorsements) to Governor Micheltorena, and alleging that the original grant was destroyed by fire. And why?

It seemed there was a limit to Miss Carmen's imitative talent. Admirable as it was, it did not reach to the reproduction of that official seal, which would have been a necessary appendage to the governor's grant. But there were letters written on stamped paper by Governor Micheltorena to himself, Garcia, and to Miguel, and to Miguel's father, all of which were duly signed by the sign manual and rubric of Mrs. Governor Micheltorena Carmen de Haro. And then there was "parol" evidence, and plenty of it; witnesses who remembered everything about it—namely, Manuel, Miguel and the all-recalling De Haro; here were details, poetical and suggestive; and Dame Quicklyish, as when his late excellency, sitting not "by a sea-coal fire," but with aguardiente and cigars, had sworn to him, the ex-eclesiastical Miguel, that he should grant, and had granted, Garcia's request. There were clouds of witnesses, conversations, letters and records glib and pat to the occasion. In brief, there was nothing wanted but the seal of his excellency. The only copy of that was in the possession of a rival school of renaissance art and the restoration of antique, then doing business before the land commission.

And yet the claim was rejected! Having lately recommended two separate claimants to a patent for the same land the land commission became cautious and conservative. Roscommon was at first astounded, then indignant, and then warlike—he was for an "appeal to arms!"

With the reader's previous knowledge of Roscommon's disposition this may seem somewhat inconsistent, but there are certain features to whom litigation has all the excitement of gambling, and it should be borne in mind that this was his first lawsuit. So that his lawyer, Mr. Saponaceous Wood, found him in that belligerent mood to which counsel are obliged to hypocritically bring all the sophistries of their profession. "Of course you have your right to an appeal, but calm yourself, my dear sir, and consider. The case was presented strongly, the evidence overwhelming on our side, but we happened to be fighting previous decisions of the land commission that had brought them into trouble; so that if Micheltorena had himself appeared in court and testified to his giving you the grant, it would have made no difference—no Spanish grant had a show then, nor will it have for the next six months. You see, my dear sir, the government sent out one of its big Washington lawyers to look into this business, and he reported frauds, sir, frauds, in a majority of the Spanish claims. And why, sir? why? He was bought, sir, bought—body and soul—by the ring!"

"And f'whot's the ring?" asked his client sharply.

"The ring is—ahem! a combination of unprincipled but wealthy persons to defeat the ends of justice."

"And sure, f'whot's the ring to do wid me grant as that thaving Mexican gave me as the collateral for the board he was owin' me! Eh, mind that now!"

"The ring, my dear sir, is the other side. It is—ahem! always the other side."

"And why the devil haven't we a ring, too! And ain't I payin' ye five hundred dollars—and the devil of ring ye have, at all, at all! F'whot am I payin' ye fur, eh?"

"That a judicious expenditure of money," began Mr. Wood, "outside of actual disbursements, may not be of infinite service to you I am not prepared to deny—but—"

"Look ye, Mr. Sappy Wood, it's the 'appalo' I want, and the grant I'll have, more betwixt as the old woman's har-rut and me own is set on it entirely. Get me the land and I'll give ye the half of it—and it's a bargain!"

"But, my dear sir, there are some rules in our profession—technical though they may be—"

"The devil fly away wid yer profession. Sure it's better nor me own! If I've risked me provisions and me whiskey, that cost me solid gold in Frisco, on that thave Garcia's claim, be'dad the loikes of ye can risk yer law."

"Well," said Wood, with an awkward smile, "I suppose that a deal for one half, on the consideration of friendship, my dear sir, and a dollar in hand paid by me, might be reconcilable."

"Now it's talkin' ye are. But who's the felly we're fightin', that's got the ring?"

"Ah, my dear sir, it's the United States," said the lawyer with gravity.

"The states! the government is it? And isn't that ye're afraid of? Sure it's the government that I fought in me own counthry, and it was the government that drove me to Ameriky, and it is it now that I'm goin' back on me principles?"

"Your political sentiments do you great credit," began Mr. Wood.

"But f'whot's the government to do wid the appalo?"

"The government," said Mr. Wood significantly, "will be represented by the district attorney."

"And who's the spalpeen?"

"It is rumored," said Mr. Wood slowly, "that a new one is to be appointed. I, myself, have had some ambition that way."

His client bent a pair of cunning but not

overwise gray eyes on his American lawyer. But he only said, "Ye have, eh?"

"Yes," said Wood, answering the look boldly, "and if I had the support of a number of your prominent countrymen, who are so powerful with all parties—men like you, my dear sir—why, I think you might in time become a conservative, at least more resigned to the government."

Then the lesser and the greater scamp looked at each other, and for a moment or two felt a warm, sympathetic, friendly emotion for each other, and quietly shook hands.

Depend upon it there is a great deal more kindly human sympathy between two openly confessed scamps than there is in that calm, respectable recognition that you and I, dear reader, exhibit when we happen to oppose each other with our respective virtues.

"And you'll get the appalo?"

"I will." And he did! And by a singular coincidence got the district attorneyship also. And with a deed for one-half of the "Red Rock rancho" in his pocket sent a brother lawyer in court to appear for his client, the United States, as against himself, Roscommon, Garcia, et al. Wild horses could not have torn him from this noble resolution. There is an indescribable delicacy in the legal profession which we literary folk ought to imitate.

The United States lost! Which meant ruin and destruction to the "Blue Mass Company" who had bought from a paternal and beneficent government lands which didn't belong to it. The Mexican grant, of course, antedated the occupation of the mine by Concho, Wiles, Pedro, et al., as well as by the "Blue Mass Company," and the solitary partners, Biggs and Thatcher. More than that, it swallowed up their improvements. It made Biggs and Thatcher responsible to Garcia for all the money the grand master of avarice had made out of it. Mr. District Attorney was apparently distressed, but resigned. Messrs. Biggs and Thatcher were really distressed and combative.

And then, to advance a few years in this chronicle, began real litigation with earnestness, vigor, courage, zeal and belief on the part of Biggs and Thatcher, and technicalities, delay, equivocation and a general Fabian-like policy on the part of Garcia, Roscommon, et al. Of all these tortuous processes I note but one, which for originality and audacity of conception appears to me to indicate more clearly the twister and civilization of the epoch. A subordinate officer of the district court refused to obey the mandate ordering a transcript of the record to be sent up to the United States supreme court. It is to be regretted that the name of this Eplianian youth, who thus fired the dome of our constitutional liberties, should have been otherwise so unimportant as to be confined to the dusty records of that doubtful court of which he was a doubtful servant, and that his claim to immortality ceased with his double-fold service. But there still stands on record a letter by this young gentleman, arraigning the legal wisdom of the land, which is not entirely devoid of amusement or even instruction to young men desirous of obtaining publicity and capital. Howbeit, the supreme court was obliged to protect itself by procuring the legislation of his functions out of its local fingers into the larger palms of its own attorney.

These various processes of law and equity, which, when exercised practically in the affairs of ordinary business, might have occupied a few months' time, dragged, clung, retrograded, or advanced slowly during a period of eight or nine years. But the strong arms of Biggs and Thatcher held possession, and possibly, by the same tactics employed on the other side, arrested or delayed ejectment, and so made and sold quicksilver, while their opponents were spending gold, until Biggs, sorely hit in the interlacing of his armor, fell in the lists, his cheek growing waxen and his strong arm feeble, and finding himself in this sore condition, and passing, as it were, made over his share in trust to his comrade and died. Whereat, from that time henceforward, Royal Thatcher reigned in his stead.

And so, having anticipated the legal record, we will go back to the various human interests that helped to make it up.

To begin with Roscommon: To do justice to his later conduct and expression, it must be remembered that when he accepted the claim for the "Red Rock rancho," yet unquestioned, from the hands of Garcia, he was careless, or at least unsuspecting of fraud. It was not until he had experienced the intoxication of litigation that he felt, somehow, that he was a wronged and defrauded man, but with the obstinacy of defrauded men, preferred to arraign some one fact or individual as the impelling cause of his wrong, rather than the various circumstances that led to it. To this simple mind it was made patent that the "Blue Mass Company" were making money out of a mine which he claimed, and which was not yet adjudged to them. Every dollar they took out was a fresh count in this general indictment. Every delay towards this adjustment of rights—although made by his own lawyer—was a personal wrong. The mere fact that there never was nor had been any quick pro quo for this immense property—that it had fallen to him for a mere song—only added zest to his struggle. The possibility of his losing this mere speculation affected him more strongly than if he had already paid down the million he expected to get from the mine. I don't know that I have indicated as plainly as I might that universal preference on the part of mankind to get something from nothing, and to acquire the largest return for the least possible expenditure, but I question my right to say that Roscommon was much more reprehensible than his fellows.

The effects of the earthquake are more terrible than at first supposed. Different parties have commenced to write poetry about it.—Old City Blizzard.

But it told upon him as it did upon all over whom the spirit of the murdered Concho brooded—upon all whom avarice alternately flattered and tortured. From his quiet gains in his legitimate business, from the little capital accumulated through industry and economy, he lavished thousands on this chimera of his fancy. He grew grizzled and worn over his self-imposed delusion; he no longer jested with his customers, regardless of quality or station or importance; he had cliques to mollify, enemies to placate, friends to reward. The grocery suffered; through giving food and lodgment to clouds of unimpeachable witnesses before the land commission and the district court, "Mrs. Ros." found herself losing money. Even the bar failed; there was a party of "Blue Mass" employes who drank at the opposite fonda, and cursed the Roscommon claim over the liquor. The calm, mechanical indifference with which Roscommon had served his customers was gone. The towel was no longer used after its perfunctory fashion; the counter remained unwiped; the disks of countless glasses marked its surface and indicated other preoccupation on the part of the proprietor. The keen gray eyes of the claimant of the "Red Rock Rancho" were always on the lookout for friend or enemy.

Garcia comes next. That gentleman's inborn talent for historic misrepresentation culminated unpleasantly through a defective memory; a year or two after he had sworn in his application for the "Rancho," being engaged in another case, some trifling inconsistency was discovered in his statements, which had the effect of throwing the weight of evidence to the party who had paid him most, but was instantly detected by the weaker party. Garcia's pre-eminence as a witness, an expert and general historian began to decline. He was obliged to be corroborated, and this required a liberal outlay of his fee. With the loss of his credibility as a witness had habits supervened. He was frequently drunk, he lost his position, he lost his house, and Carmen, removed to San Francisco, supported him with her brush. And this brings us once more to that pretty painter and innocent forger whose unconscious act bore such baleful fruit on the barren hillsides of the "Red Rock Rancho," and also to a later blossom of her life, that opened, however, in kinder sunshine.

Accommodated. Tourist—An' how me letter of credit is cashed, can you direct me to some spot in this blasted country that will equal Pipe-weed-under-Thy-cops—Harfordshire health. North Staffordshire, England, for a flip at a salmon. Banker—I seldom fish myself, but I understand that Mud-creek-over-against-Bill-Simmons's-Mill-pond, Knox-county, over-the-left-and-under-suspicion-Maine, United States of America four-hands-round is a fair sporting ground.—Tid Bits.

Bound to Come. "It's got to come!" said the solemn man, solemnly straining away at the handle of a door.

"What has got to come?" excitedly asked a dozen bystanders, rushing up. "Christmas!" said the solemn man, solemnly, letting go the door handle. And the bystanders rushed down again.—Somerville Journal.

Disappointing. "Here is a book mentioned in this paper entitled 'Hints on Husbandry'" said Miss Sandgile. "I think I'll go down town and buy me a copy."

Her brother, to whom the remark was addressed, smiled and said nothing. "Christmas!" said the solemn man, solemnly, letting go the door handle. And the bystanders rushed down again.—Somerville Journal.

Not a Trader. An old lady came into one of the stores of Sparta a short time since, when the merchant, an old gentleman, bowed to her very politely and asked her if he could sell her some goods. She replied: "I didn't want to trade none—just thought I'd monkey around a little."—Chattanooga Times.

Knowledge vs. Intelligence. By way of pointing out the difference between illiteracy and lack of intelligence, The Historian submits the appended letter, which was sent to a lawyer in reply to the latter's advertisement for a boy to work in his office. The letter which follows is exceedingly illiterate, but it is running over with intelligence. The Historian may precede it with the statement that the evident zeal and earnestness of the boy who wrote it were regarded as fully compensating for the defects in his spelling, and he was taken into the lawyer's office on trial at once:

"mister—I want the job mi fokes aint rich an I got to rattle they are ded. It betes hel how hard times i can do chores an learn fast i want a job in your office let me in. JIMMY CARRIGAN.

The name of Jimmy Carrigan may yet be renowned in the annals of the commonwealth.—Boston Record.

A Philosopher. "Come, let's cross the street," said a man to a friend with whom he was walking. "I don't want to meet that fellow Spigget. I owe him."

"Why are you so much afraid to-day? You met him yesterday and shook hands with him."

"Yes; but it was different then."

"Why so?"

"Because I had on old clothes yesterday, but have on a new suit to-day. My dear fellow," affectionately taking his friend's arm, "nothing can rival a new suit in the matter of inviting duns. If you owe a man, he thinks it is your duty to wear sackcloth and ashes until you pay him."—Arkansas Traveler.

Eccelestical Percentage. "Oh, Mr. Smith," said a young lady at a church fair, "I want your help for a moment." "Certainly," replied Mr. Smith, "what can I do for you?" "I have just sold a tilly for \$15 that cost fifteen cents, and I want you to tell me what percentage that is." "A transaction of that kind, my dear Miss B.," said Mr. Smith, who is a lawyer, "gets out of percentage and into Arcady."—The Wasp.

A PROVERB. There is an axiom profound, Which has for years been going round; 'Tis true, although 'tis somewhat old, And illustrates the pow'r of gold: "Tis money makes the mare go."

In politics, as all can tell, This axiom is true as well; And every demagogic boss Admits the mighty pow'r of dross. "Tis money makes the mayor go."

It's pow'r is never known to fall When balanced in the social scale. Match-making mothers all look out For some well funded, wealthy lout. "Tis money makes the mare go."

Three months later; same young man, same girl. "Don't hurry, Ed; it isn't late. That clock is lots too fast. It's only twelve; I'll let you stay Till twenty minutes past."

—Miss E. Sylvester in Judge.

LINES ON THE ROD. When Johnny, bent on angling, went Despite his pa's command, And straight way felt a birch stick dealt By an assisting hand. His little sport this lesson taught, Which others may avail: That boys who fish 'gainst parents' wish Most always catch a whale.

Her Pa was Older. "What pretty children you have," said the new minister to the proud mother of three little ones. "Ah, my little dear," said he, as he took a girl of 5 up into his lap, "are you the oldest of the family?" "No, ma'am," responded the little miss, with the usual accuracy of childhood, "my pa's older'n me."—St. Paul Herald.

That Ended It. "Do you see that gentleman over there, the handsome fellow, twisting his mustache?" said one to another, to whom she had just been introduced. "He has been watching me all the evening, and making eyes at me. I think he must be smitten. Do you know who he is?" "Yes! he's my husband, the fool." Conversation closed.—Exchange.

Perfectly Elegant. Lizzie—How did you like the new play? Jennie—It was perfectly elegant, the music was elegant, and the whole affair was just too elegant for anything. Lizzie—I thought it would be elegant. How I would love to see it. Jennie—Oh, do go; you never saw anything so elegant in your life.—Newark Call.

How to Carve a Leg of Mutton. A gentleman at table being requested to carve a dish before him, which chanced to be a loin of mutton, took up the carving knife, asking: "Shall I cut it saddlewise?" "You had better cut it birdwise," replied one of the guests, "for then we may get a 'bit' in our mouths."—The Caterer.

Brevities. The world moves. It probably finds it cheaper to move than to pay rent.—Boston Transcript.

A Chicago man has applied for a patent for a bathtub. He seems to think it a new idea.—Omaha World.

It is said that a McCook man has a nose so red that when he opens his eyes slowly in the morning he imagines he sees the sun rising.—Omaha Herald.

If people who mean to begin to read should read all the advice to readers about reading they wouldn't have time to read anything else.—Somerville Journal.

Isn't it curious that the men who are always telling how many thousand dollars can be saved by not smoking are, in nine cases out of ten, poor as church mice.—Burlington Free Press.

A woman in Newaygo county, this state, picked and sold enough blackberries this fall to buy her husband a fiddle and shotgun. She is only a sample of what we have left.—Detroit Free Press.

In the police court, the other day, a flushed female excitedly emerging from the door: "There, she told Judge Poyer I was a common street walker. I said I'd make her prove it, and by glory, I did. (Exit triumphantly.)—Salt Lake Herald.

"Worthington made a convincing speech," said one young man to another. "Why do you think so?" "Well, when I went to hear him I had almost made up my mind to vote against him. When I came out I was certain of it."—Peoria Transcript.

A man in West Virginia reports having seen a snake forty feet long in the act of swallowing a sheep. It is believed that about two more drinks of the stuff would have enabled him to see a sheep forty feet long in the act of swallowing a snake.—Norristown Herald.

The meanest church organist lives in Philadelphia. He is all bent with age, and the other day, at the wedding of an antique Philadelphia belle, whom he knew many years before, he astonished everybody by playing a fantasia on the air, "When You and I Were Young."—Boston Traveller.

"Is any one waiting on you?" inquired the polite salesman of a Westville maiden. "Well, I can't hardly tell," she blushing replied. "Sometimes I think there is, and then again I ain't certain, but Will's so sort of funny, you know," and then she blushed again and asked to look at some lace collars.—New Haven News.

In Potter county, Pa., a slim youth was being married a few days ago to a stout, healthy country girl. The male was performed, were frills in his shirt, had his hair curled, and presented such a feminine appearance that the clergyman said: "I don't want to make any mistake about this business, to which of you is the bride, my love?"—Boston Globe.

Irish Guest—What do you call that? Host Proprietor—Butter, sir. Irish Guest—Butter? Why, I'd just as soon eat axle grease as that. Proprietor—John, run out to the stable and get the gentleman some axle grease.

Selected Verses. 'Tis now the season when the youth stops telling fairy tales about the baneful effects of ice cream and conjures up something that fits oysters.

LATELY BETROTHED. She—Isn't that papa coming? He—How provoking; I was just going to steal a kiss. She (ingeniously)—He's awfully near sighted, Charley, awfully!

DANGER. First Tramp—Say, Mike, d' you suppose dat last cider we sucked out 'r dat bar'l was der real stuff? Second Tramp—Why cert, pard; why not? First Tramp—Oh, nawthin', only my breath smells so much like kerosene I'm afraid to light my pipe.

UNKNOWN TO AN EDITOR. Subscriber—I've always wondered how it was possible for you to come down to the office after dinner and write those elegant editorials of yours of a full stomach. Country Editor—A full stomach! What's that? HIS LIFE IN DANGER. A countryman with a large jug made a bargain with a Kentuckian to take him four miles over the hills. "How much'll you charge?" "Oh, a couple of swigs of the stuff in that jug'll make it about square, I reckon."

After the journey had been made and the Kentuckian had taken a swig, he said, "Stranger I'm a peaceable man, but if you don't want to be chock full of lead to-night you'd better find another way to carry your molasses." HOW THE PHYSICIAN GAINS WEALTH. Dr. Pillsley—Let me see your tongue. Hum! Appetite good! Patient—First class. Dr.—Digestion all right? P.—O, yes. Dr.—Are you troubled with sleeplessness? P.—Never. Dr.—Do you ever have severe pains in the head or back? P.—Nope. Dr.—Don't you often feel a disinclination to work? P.—Well, yes. Dr.—And a desire to lie abed late mornings? P.—Frequently. Dr.—It is as I thought. Get this prescription put up at once and take a teaspoonful every three hours in water. I'll call again to-morrow. Good day.—Tid Bits.

A Narrow Escape. Harrison Smiler had been up before a committee of members of the African Methodist church to which he belonged, on the charge of appropriating lambs from smoke houses. As there was not evidence enough to convict, he was acquitted, principally on his own testimony. After the investigation was over, Harrison met the preacher who had presided, and remarked: "I say, pabeon, it's mighty lucky for me dat I got 'quitted dis mawny!" "It am, suah, I hope you was 'quitted hean'sly, Harrison!" "Deed I wuz, suah; but it's a pow'ful good thing dar wasn't anything said 'rbout bacon, though."—Merchant Traveler.

Second Sight. Herr Schweigenfus—How vos dis, Meest I thought you said you could read at sight. New Pupul—So I can; but not at first sight.—The Rambler.

A MENDACIOUS MISS. Her name was Katherine; she knew— Or thought she did—things small and great, And so, with this conceit in view, She called herself Propagand Kate. But she would rather munch with truth, Politely called exaggerator; And some for this called her, forsooth, Mendacious Miss Prevarti Kate.

She treated all hypothesis As data, known, determinate; Or vice versa, and for this The critics called her Alter Kate.

Still, as a lexicon, she could A deal of information state; And for this lot she understood She was yelet Miss Indi Kate.

She took the rostrum after while, And got to be renowned and great; Made reputation for her guile, And joined a lecture syndicate.

A thief entered James McCarthy's room at Marinette, Wis., and stole his wedding clothes. The ceremony had to be deferred. Some men always appear to be in luck.—Boston Transcript.

The Servant Had Taken the Hint. At a house in Ohio where a minister was boarding, the servant girl was anxious to anticipate everything in her work that any one wished her to do. She had always "just done it" or was "just doing it" when any order was given. This amused the young divine greatly, and on one occasion he thought to nonplus the girl by a ruse. "I don't think Eliza has washed my Bible since I have been here," he said to the mistress, in a low tone, but designed to be overheard by the girl. A few minutes later the mistress said to her in the presence of the clergyman, "Eliza, have you washed Mr. Blank's Bible?" "No, ma'am; but I've got it asoak."—Harpur's Bazar.

First Commercial Tourist (from Charleston)—Earthquakes have become so common in Charleston that no one notices them. Second Ditto (from San Francisco)—Yes, one soon grows accustomed to such things. In San Bernardino, for instance, you call for a sherry flip, and the bartender, having prepared the ingredients, waits for an earthquake to come along and shake 'em. Rural Passenger (much impressed)—Well, I swan!—Exchange.

A newspaper man in Minneapolis one day caught a young woman as she was falling in the street. They were introduced a few days later, and after marriage, which occurred in a few months, he learned that she was worth \$25,000 in cash. It is said that it is now impossible for a young lady to walk in the streets of Minneapolis without being followed by a dozen newspaper men; and some of them are caught strapping the sidewalk with banana skins.—Norristown Herald.

The scene is a young ladies' seminary. "Ah," said one young pupil to another in triumph, "my mamma gives me a penny every morning for taking a spoonful of cod liver oil." "And what do you buy with the penny?" eagerly returned the second girl in a tone not devoid of envy. "O," returned the former speaker, "I do not spend it all; mamma puts it away for me every day to buy more cod liver oil with!"—London Figaro.