

# The Evil Genius

By

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Before The Story .....	4
1. Mrs. Presty Presents Herself.....	38
2. The Governess Enters.....	42
3. Mrs. Presty Changes Her Mind.....	45
4. Randal Receives His Correspondence.....	51
5. Randal Writes to New York.....	53
6. Sydney Teaches .....	56
7. Sydney Suffers.....	59
8. Mrs. Presty Makes a Discovery .....	63
9. Somebody Attends to the Door .....	67
10. Kitty Mentions Her Birthday.....	73
11. Linley Asserts His Authority.....	78
12. Two of Them Sleep Badly.....	82
13. Kitty Keeps Her Birthday .....	85
14. Kitty Feels the Heartache.....	91
15. The Doctor .....	96
16. The Child .....	99
17. The Husband .....	101
18. The Nursemaid .....	106
19. The Captain .....	108
20. The Mother-in-Law .....	112
21. The Governess .....	115
22. Retrospect .....	119
23. Separation.....	120
24. Hostility .....	123
25. Consultation.....	127
26. Decision .....	133
27. Resolution .....	137
28. Mr. Randal Linley.....	142
29. Mr. Sarrazin .....	146
30. The Lord President.....	152
31. Mr. Herbert Linley .....	158
32. Miss Westerfield.....	162
33. Mrs. Romsey.....	167
34. Mrs. Presty.....	171
35. Captain Bennydeck.....	175
36. Mr. and Mrs. Herbert.....	181
37. Mrs. Norman .....	187
38. Hear the Lawyer .....	192
39. Listen to Reason .....	194
40. Keep Your Temper .....	198
41. Make the Best of It.....	202
42. Try to Excuse Her .....	205

<b>43. Know Your Own Mind.....</b>	<b>211</b>
<b>44. Think of Consequences.....</b>	<b>215</b>
<b>45. Love Your Enemies.....</b>	<b>220</b>
<b>46. Nil Desperandum .....</b>	<b>225</b>
<b>47. Better Do It Than Wish It Done .....</b>	<b>230</b>
<b>48. Be Careful!.....</b>	<b>236</b>
<b>49. Keep the Secret.....</b>	<b>240</b>
<b>50. Forgiveness to the Injured Doth Belong .....</b>	<b>245</b>
<b>51. Dum Spiro, Spero.....</b>	<b>248</b>
<b>52. L'homme propose, et Dieu dispose .....</b>	<b>251</b>
<b>53. The Largest Nature, the Longest Love .....</b>	<b>256</b>
<b>54. Let Bygones Be Bygones.....</b>	<b>260</b>
<b>55. Leave It to the Child .....</b>	<b>265</b>
<b>After The Story .....</b>	<b>271</b>

## Before The Story

Miss Westerfield's Education

1.--The Trial.

THE gentlemen of the jury retired to consider their verdict.

Their foreman was a person doubly distinguished among his colleagues. He had the clearest head, and the readiest tongue. For once the right man was in the right place.

Of the eleven jurymen, four showed their characters on the surface. They were:

The hungry jurymen, who wanted his dinner.

The inattentive jurymen, who drew pictures on his blotting paper.

The nervous jurymen, who suffered from fidgets.

The silent jurymen, who decided the verdict.

Of the seven remaining members, one was a little drowsy man who gave no trouble; one was an irritable invalid who served under protest; and five represented that vast majority of the population--easily governed, tranquilly happy--which has no opinion of its own.

The foreman took his place at the head of the table. His colleagues seated themselves on either side of him. Then there fell upon that assembly of men a silence, never known among an assembly of women--the silence which proceeds from a general reluctance to be the person who speaks first.

It was the foreman's duty, under these circumstances, to treat his deliberative brethren as we treat our watches when they stop: he wound the jury up and set them going.

"Gentlemen," he began, "have you formed any decided opinion on the case--thus far?"

Some of them said "Yes," and some of them said "No." The little drowsy man said nothing. The fretful invalid cried, "Go on!" The nervous jurymen suddenly rose. His brethren all looked at him, inspired by the same fear of having got an orator among them. He was an essentially polite man; and he hastened to relieve their minds. "Pray don't be alarmed, gentlemen: I am not going to make a speech. I suffer from fidgets. Excuse me if I occasionally change my position." The hungry jurymen (who dined early) looked at his watch. "Half-past four," he said. "For Heaven's sake cut it short." He was the fattest person present; and he suggested a subject to the inattentive jurymen who drew pictures on his blotting-paper. Deeply interested in the progress of the likeness, his neighbors on

either side looked over his shoulders. The little drowsy man woke with a start, and begged pardon of everybody. The fretful invalid said to himself, "Damned fools, all of them!" The patient foreman, biding his time, stated the case.

"The prisoner waiting our verdict, gentlemen, is the Honorable Roderick Westerfield, younger brother of the present Lord Le Basque. He is charged with willfully casting away the British bark John Jerniman, under his command, for the purpose of fraudulently obtaining a share of the insurance money; and further of possessing himself of certain Brazilian diamonds, which formed part of the cargo. In plain words, here is a gentleman born in the higher ranks of life accused of being a thief. Before we attempt to arrive at a decision, we shall only be doing him justice if we try to form some general estimate of his character, based on the evidence--and we may fairly begin by inquiring into his relations with the noble family to which he belongs. The evidence, so far, is not altogether creditable to him. Being at the time an officer of the Royal Navy, he appears to have outraged the feelings of his family by marrying a barmaid at a public-house."

The drowsy juryman, happening to be awake at that moment, surprised the foreman by interposing a statement. "Talking of barmaids," he said, "I know a curate's daughter. She's in distressed circumstances, poor thing; and she's a barmaid somewhere in the north of England. Curiously enough, the name of the town has escaped my memory. If we had a map of England--" There he was interrupted, cruelly interrupted, by one of his brethren.

"And by what right," cried the greedy juryman, speaking under the exasperating influence of hunger--"by what right does Mr. Westerfield's family dare to suppose that a barmaid may not be a perfectly virtuous woman?"

Hearing this, the restless gentleman (in the act of changing his position) was suddenly inspired with interest in the proceedings. "Pardon me for putting myself forward," he said, with his customary politeness. "Speaking as an abstainer from fermented liquors, I must really protest against these allusions to barmaids."

"Speaking as a consumer of fermented liquors," the invalid remarked, "I wish I had a barmaid and a bottle of champagne before me now."

Superior to interruption, the admirable foreman went on:

"Whatever you may think, gentlemen, of the prisoner's marriage, we have it in evidence that his relatives turned their backs on him from that moment--with the one merciful exception of the head of the family. Lord Le Basque exerted his influence with the Admiralty, and obtained for his brother (then out of employment) an appointment to a ship. All the witnesses agree that Mr. Westerfield thoroughly understood his profession. If he could have controlled himself, he might have risen to high rank in the Navy. His temper was his ruin. He quarreled with one of his superior officers--"

"Under strong provocation," said a member of the jury.

"Under strong provocation," the foreman admitted. But provocation is not an excuse, judged by the rules of discipline. The prisoner challenged the officer on duty to fight a duel, at the first opportunity, on shore; and, receiving a contemptuous refusal, struck him on the quarter-deck. As a matter of course, Mr. Westerfield was tried by court-martial, and was dismissed the service. Lord Le Basque's patience was not exhausted yet. The Merchant Service offered a last chance to the prisoner of retrieving his position, to some extent at least. He was fit for the sea, and fit for nothing else. At my lord's earnest request the owners of the John Jerniman, trading between Liverpool and Rio, took Mr. Westerfield on trial as first mate, and, to his credit be it said, he justified his brother's faith in him. In a tempest off the coast of Africa the captain was washed overboard and the first mate succeeded to the command. His seamanship and courage saved the vessel, under circumstances of danger which paralyzed the efforts of the other officers.. He was confirmed, rightly confirmed, in the command of the ship. And, so far, we shall certainly not be wrong if we view his character on the favorable side."

There the foreman paused, to collect his ideas.

Certain members of the assembly--led by the juryman who wanted his dinner, and supported by his inattentive colleague, then engaged in drawing a ship in a storm, and a captain falling overboard--proposed the acquittal of the prisoner without further consideration. But the fretful invalid cried "Stuff!" and the five jurymen who had no opinions of their own, struck by the admirable brevity with which he expressed his sentiments, sang out in chorus, "Hear! hear! hear!" The silent juryman, hitherto overlooked, now attracted attention. He was a bald-headed person of uncertain age, buttoned up tight in a long frockcoat, and wearing his gloves all through the proceedings. When the chorus of five cheered, he smiled mysteriously. Everybody wondered what that smile meant. The silent juryman kept his opinion to himself. From that moment he began to exercise a furtive influence over the jury. Even the foreman looked at him, on resuming the narrative.

"After a certain term of service, gentlemen, during which we learn nothing to his disadvantage, the prisoner's merits appear to have received their reward. He was presented with a share in the ship which he commanded, in addition to his regular salary as master. With these improved prospects he sailed from Liverpool on his last voyage to Brazil; and no one, his wife included, had the faintest suspicion that he left England under circumstances of serious pecuniary embarrassment. The testimony of his creditors, and of other persons with whom he associated distinctly proves that his leisure hours on shore had been employed in card-playing and in betting on horse races. After an unusually long run of luck, his good fortune seems to have deserted him. He suffered considerable losses, and was at last driven to borrowing at a high rate of interest, without any reasonable prospect of being able to repay the money-lenders into whose hands he had fallen. When he left Rio on the homeward voyage, there is no sort of doubt that he was returning to England to face creditors whom he was unable to pay. There, gentlemen, is a noticeable side to his character which we may call the gambling side, and which (as I think) was too leniently viewed by the judge."

He evidently intended to add a word or two more. But the disagreeable invalid insisted on being heard.

"In plain English," he said, "you are for finding the prisoner guilty."

"In plain English," the foreman rejoined, "I refuse to answer that question."

"Why?"

"Because it is no part of my duty to attempt to influence the verdict."

"You have been trying to influence the verdict, sir, ever since you entered this room. I appeal to all the gentlemen present."

The patience of the long-suffering foreman failed him at last. "Not another word shall pass my lips," he said, "until you find the prisoner guilty or not guilty among yourselves--and then I'll tell you if I agree to your verdict."

He folded his arms, and looked like the image of a man who intended to keep his word.

The hungry jurymen laid themselves back in their chairs, and groaned. The amateur artist, who had thus far found a fund of amusement in his blotting-paper, yawned discontentedly and dropped his pen. The courteous gentleman who suffered from fidgets requested leave to walk up and down the room; and at the first turn he took woke the drowsy little man, and maddened the irritable invalid by the creaking of his boots. The chorus of five, further than ever from arriving at an opinion of their own, looked at the silent jurymen. Once more he smiled mysteriously; and once more he offered an explanation of what was passing in his mind--except that he turned his bald head slowly in the direction of the foreman. Was he in sympathy with a man who had promised to be as silent as himself?

In the meantime, nothing was said or done. Helpless silence prevailed in every part of the room.

"Why the devil doesn't somebody begin?" cried the invalid. "Have you all forgotten the evidence?"

This startling question roused the jury to a sense of what was due to their oaths, if not to themselves. Some of them recollected the evidence in one way, and some of them recollected it in another; and each man insisted on doing justice to his own excellent memory, and on stating his own unanswerable view of the case.

The first man who spoke began at the middle of the story told by the witnesses in court. "I am for acquitting the captain, gentlemen; he ordered out the boats, and saved the lives of the crew."--"And I am for finding him guilty, because the ship struck on a rock in broad daylight, and in moderate weather."--"I agree with you, sir. The evidence shows that the vessel was steered dangerously near to the land, by direction of the captain, who

gave the course."--"Come, come, gentlemen! let us do the captain justice. The defense declares that he gave the customary course, and that it was not followed when he left the deck. As for his leaving the ship in moderate weather, the evidence proves that he believed he saw signs of a storm brewing."--"Yes, yes, all very well, but what were the facts? When the loss of the ship was reported, the Brazilian authorities sent men to the wreck, on the chance of saving the cargo; and, days afterward, there the ship was found, just as the captain and the crew had left her."--"Don't forget, sir, that the diamonds were missing when the salvors examined the wreck."--"All right, but that's no proof that the captain stole the diamonds; and, before they had saved half the cargo, a storm did come on and break the vessel up; so the poor man was only wrong in the matter of time, after all."--"Allow me to remind you, gentlemen that the prisoner was deeply in debt, and therefore had an interest in stealing the diamonds."--"Wait a little, sir. Fair play's a jewel. Who was in charge of the deck when the ship struck? The second mate. And what did the second mate do, when he heard that his owners had decided to prosecute? He committed suicide! Is there no proof of guilt in that act?"--"You are going a little too fast, sir. The coroner's jury declared that the second mate killed himself in a state of temporary insanity."--"Gently! gently! we have nothing to do with what the coroner's jury said. What did the judge say when he summed up?"--"Bother the judge! He said what they all say: 'Find the prisoner guilty, if you think he did it; and find him not guilty, if you think he didn't.' And then he went away to his comfortable cup of tea in his private room. And here are we perishing of hunger, and our families dining without us."--"Speak for yourself, sir, I haven't got a family."--"Consider yourself lucky, sir; I have got twelve, and my life is a burden to me, owing to the difficulty of making both ends meet."--"Gentlemen! gentlemen! we are wandering again. Is the captain guilty or not? Mr. Foreman, we none of us intended to offend you. Will you tell us what you think?"

No; the foreman kept his word. "Decide for yourselves first," was his only reply.

In this emergency, the member afflicted with fidgets suddenly assumed a position of importance. He started a new idea.

"Suppose we try a show of hands," he suggested. "Gentlemen who find the prisoner guilty will please hold up their hands."

Three votes were at once registered in this way, including the vote of the foreman. After a moment of doubt, the chorus of five decided on following the opinion which happened to be the first opinion expressed in point of time. Thereupon, the show of hands for the condemnation of the prisoner rose to eight. Would this result have an effect on the undecided minority of four? In any case, they were invited to declare themselves next. Only three hands were held up. One incomprehensible man abstained from expressing his sentiments even by a sign. Is it necessary to say who that man was? A mysterious change had now presented itself in his appearance, which made him an object of greater interest than ever. His inexplicable smile had vanished. He sat immovable, with closed eyes. Was he meditating profoundly? or was he only asleep? The quick-witted foreman had long



since suspected him of being simply the stupidest person present--with just cunning enough to conceal his own dullness by holding his tongue. The jury arrived at no such sensible conclusion. Impressed by the intense solemnity of his countenance, they believed him to be absorbed in reflections of the utmost importance to the verdict. After a heated conference among themselves, they decided on inviting the one independent member present--the member who had taken no part in their proceedings--to declare his opinion in the plainest possible form. "Which way does your view of the verdict incline, sir? Guilty or not guilty?"

The eyes of the silent juryman opened with the slow and solemn dilation of the eyes of an owl. Placed between the alternatives of declaring himself in one word or in two, his taciturn wisdom chose the shortest form of speech. "Guilty," he answered--and shut his eyes again, as if he had had enough of it already.

An unutterable sense of relief pervaded the meeting. Enmities were forgotten and friendly looks were exchanged. With one accord, the jury rose to return to court. The prisoner's fate was sealed. The verdict was Guilty."

## 2.--The Sentence.

The low hum of talk among the persons in court ceased when the jury returned to their places. Curiosity now found its center of attraction in the prisoner's wife--who had been present throughout the trial. The question of the moment was: How will she bear the interval of delay which precedes the giving of the verdict?

In the popular phrase, Mrs. Westerfield was a showy woman. Her commanding figure was finely robed in dark colors; her profuse light hair hung over her forehead in little clusters of ringlets; her features, firmly but not delicately shaped, were on a large scale. No outward betrayal of the wife's emotion rewarded the public curiosity: her bold light-gray eyes sustained the general gaze without flinching. To the surprise of the women present, she had brought her two young children with her to the trial. The eldest was a pretty little girl of ten years old; the second child (a boy) sat on his mother's knee. It was generally observed that Mrs. Westerfield took no notice of her eldest child. When she whispered a word from time to time, it was always addressed to her son. She fondled him when he grew restless; but she never looked round to see if the girl at her side was as weary of the proceedings as the boy.

The judge took his seat, and the order was given to bring the prisoner up for judgment.

There was a long pause. The audience--remembering his ghastly face when he first appeared before them--whispered to each other, "He's taken ill"; and the audience proved to be right.

The surgeon of the prison entered the witness-box, and, being duly sworn, made his medical statement

The prisoner's heart had been diseased for some time past, and the malady had been neglected. He had fainted under the prolonged suspense of waiting for the verdict. The swoon had proved to be of such a serious nature that the witness refused to answer for consequences if a second fainting-fit was produced by the excitement of facing the court and the jury.

Under these circumstances, the verdict was formally recorded, and sentence was deferred. Once more, the spectators looked at the prisoner's wife.

She had risen to leave the court. In the event of an adverse verdict, her husband had asked for a farewell interview; and the governor of the prison, after consultation with the surgeon, had granted the request. It was observed, when she retired, that she held her boy by the hand, and left the girl to follow. A compassionate lady near her offered to take care of the children while she was absent. Mrs. Westerfield answered quietly and coldly: "Thank you--their father wishes to see them."

The prisoner was dying; nobody could look at him and doubt it.

His eyes opened wearily, when his wife and children approached the bed on which he lay helpless--the wreck of a grandly-made man. He struggled for breath, but he could still speak a word or two at a time. "I don't ask you what the verdict is," he said to his wife; "I see it in your face."

Tearless and silent, she waited by her husband's side. He had only noticed her for a moment. All his interest seemed to be centered in his children. The girl stood nearest to him, he looked at her with a faint smile.

The poor child understood him. Crying piteously, she put her arms around his neck and kissed him. "Dear papa," she said; "come home and let me nurse you."

The surgeon, watching the father's face, saw a change in him which the other persons present had not observed. The failing heart felt that parting moment, and sank under it. "Take the child away," the surgeon whispered to the mother. Brandy was near him; he administered it while he spoke, and touched the fluttering pulse. It felt, just felt, the stimulant. He revived for a moment, and looked wistfully for his son. "The boy," he murmured; "I want my boy." As his wife brought the child to him, the surgeon whispered to her again. "If you have anything to say to him be quick about it!" She shuddered; she took his cold hand. Her touch seemed to nerve him with new strength; he asked her to stoop over him. "They won't let me write here," he whispered, "unless they see my letter." He paused to get his breath again. "Lift up my left arm," he gasped. "Open the wrist-band."

She detached the stud which closed the wrist-band of the shirt. On the inner side of the linen there was a line written in red letters--red of the color of blood. She saw these words: Look in the lining of my trunk.

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