The Daily Crescent.

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THE DAILY CRESCENT.

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NEW ORLEANS:

FRIDAY MORNING, JANUARY 26, 1849.

Supreme Court of Louisiana.

Condensed Decisions.....NEW ORLEANS, January 22.
Concluded.

A *donation inter vivos*, by which the donor reserves to himself the usufruct of the property, is a nullity, and is not covered by the prescription of one year. A purchase at Sheriff's sale of the property of the judgement debtor by one acting as his friend and agent, with the moneys of the debtor and for his benefit, is a simulation to which the prescription of one year is inapplicable. The form of the conveyance is immaterial. A purchase at Sheriff's sale of the property of the judgement debtor by a person interposed, with the design that the property shall enure to the benefit of the debtor's minor child, is a sale in fraud of creditors. In such a case prescription will begin to run, not from the date of the Sheriff's sale, but from the time thecomplaining creditor obtained a judgement against the debtor. Where a case turns upon a point not embraced in the judgement of the lower court, and the evidence is not satisfactory, the case will be remanded.

M. L. DAWSON & Co. *vs.* CATHERINE C. HOLBERT, TUTRIX OF JULIA A. HOLBERT AND DANIEL PHILLIPS.... No. 1015 in the Supreme Court....*Appeal from the Fourth District Court of New Orleans*....SLIDELL, J....

"Petitioners allege that they obtained a judgment in 1840 against Summers; the property of Summers was sold in 1841, upon a *fieri facias*; that Summers became the purchaser, and gave James Holbert as his surety in the twelve months' bond; that in November, 1841, Holbert made a *donation inter vivos* of a house and lot to his minor daughter Julia, reserving to himself, during his life-time, the usufruct of the property; that the donation is null from its nature, and also fraudulent and ineffectual against creditors by reason of the insolvency of Holbert at the time; that afterwards Holbert consented to a sale of the same property under an execution against him at the suit of another creditor, and bought it in by the interposition of Daniel Phillips. The prayer is that the donation and the apparent title of Phillips be declared null, and that the property be subjected to the payment of the plaintiff's judgement. The tutrix of the minor and Phillips first pleaded the general issue, and subsequently the prescription of one year. Upon the plea of prescription the Court below gave judgement in favor of defendants; and the plaintiffs have appealed." The Supreme Court held that "the *donation inter vivos* was a nullity, inasmuch as the donor reserved the usufruct to himself. This is a salutary departure from the Napoleon Code, and onedictated by sound considerations of public policy. It was recommended by the jurisconsults who prepared the Code of 1808. The donation was a nullity, being in violation of a prohibitory law, and such a nullity was certainly not covered by the prescription of one year." The Court then proceeded to examine the question of prescription with reference to the title of Phillips under the Sheriff's deed, which was made to him in 1843, underexecution at the suit of Maibee against Holbert. *Per curiam*: "Phillips did not take possession under the deed. Holbert remained in possession of the property until his death, which occurred in 1847; and his widow, the tutrix of the minor, has occupied it since. Phillips, whose answers to interrogatories have been offered by the plaintiffs, says that Holbert ceased to have any interest in the property after the Sheriff's sale; that it was sold to him by the Sheriff upon twelve months' bond, and that he paid the bond at its maturity; that a portion of the money, with which he paid it, he received from friends of the minor, and a portion from Holbert, who stated, at the time of handing him the money, that it did not not belong to him. Phillips further deposed that he had made the purchase at the request of the friends of the child in order to save it for her, and not in any manner to benefit Holbert, and that he held himself ready at any moment to pass a title to the child. There are three views in which this purchase may be regarded: 1. As a mere purchase by Phillips as the friend and agent of Holbert, with his moneys and for his benefit, Phillips taking the paper title in his own name, but leaving the possession in Holbert, and standing ready to make him the paper title when he should require it. In other words, as a mere simulation. 2. As an arrangement by which Holbert intended that the property should enure to the benefit of his child through Phillips as a trustee for her, himself furnishing the money, or a portion of the money to Phillips to pay the Sheriff. 3. As a purchase by Phillips in good faith for the benefit of the minor, with moneys furnished, not by Holbert, but by the friends of the minor. Under the first hypothesis we consider the prescription of one year inapplicable. The form of the conveyance would be immaterial. A sale effected for such a purpose, through the Sheriff, so far as Holbert was concerned, would stand on the same footing as though he had made a conventional transfer in the ordinary form of a deed of sale. The case, therefore, would be one of simulation, and under the principles announced in Cammack *vs.* Watson, (and repeated in Wright *vs.* Chambliss, Lindeman *vs.* Theobalds, and Hobgood *vs.* Brown, 1 Annual 122, 262, 2 Annual 323, 913,) the plea of the Art. 1989 is inapplicable. Under the second hypothesis, the title of Holbert would have been really divested, but in fraud of his creditors. This transaction would, therefore, be subject to the prescription of one year, dating, however, not from the date of the Sheriff's deed, but from the time the complaining creditor obtained a judgement against the debtor. To ascertain whether, in the case supposed, prescription has occurred, we must determine the question which has been much discussed by counsel, whether the plaintiffs are to be considered as the judgement creditors of Holbert at a period more than a year antecedent to the institution of this suit. We have stated that Holbert became, in 1841, the surety of Summers in a twelve months' bond given to the plaintiffs. The defendants contend that when this bond matured the plaintiffs occupied the attitude of judgement creditors of Holbert, because they had a right, under the 719th Art. C. P., to issue execution against Holbert, the surety, "in the same manner as on a final judgement." But, though the holder of the bond is thus clothed with one of the rights of a judgement creditor, we cannot therefore consider him as really a judgement creditor. When the Code speaks in Art. 1987 of creditors whose "debts are liquidated by a judgement," and in Art. 1989 of a creditor who "has obtained judgment against the debtor," we must give a consider the language as used in its ordinary sense. We therefore conclude that the case cannot be properly determined upon the plea of prescription; and this brings us to the consideration of the third proposition, namely: whether Phillips is to be considered a purchaser in good faith for the benefit of the minor, with moneys furnished not by Holbert, but by the friends of the minor. If we could bring our minds to a conclusion upon this point in favor of the defendants, there would be an end of the case. But, upon this point we are not satisfied, and have determined to remand the cause for further investigation. Our reasons for doing so will be briefly stated. In the first place, we have not the benefit of the opinion of the District Judge. It is possible that he may have entertained doubts as to the *bona fide* character of the transaction, since he did not decide the case upon that ground, but upon the plea of prescription. In the next place, the retention of possession by Holbert was an unfavorable circumstance, which raised the presumption of simulation. C. C. 2456. It threw the burden upon the defendants, and called for satisfactory proof of the reality of the sale and that the parties acted in good faith. Phillips acknowledges that a portion of the money to pay the twelve months' bond, executed by him to the Sheriff, was furnished by Holbert; and if Holbert's declaration at the time was true, that it was not his money, it would have been much more satisfactory if it had been shown from whom he got it. So also the silence of Phillips, as to the names of the friends of the child who furnished him the rest of the money, is suspicious. These friends might have been named, and then they could have been called to testify. On the other hand, it must be acknowledged that Phillips speaks very positively as to the absence of collusion with Holbert. Under all the circumstances of this case, which involves the whole fortune of the minor, we have deemed it the safest course to remand the cause for a new trial, believing that the good faith or dishonesty of the transaction can be more clearly ascertained by further evidence. It is said in argument by the defendants' counsel, that the plaintiffs are not entitled to prosecute this action, because they had not obtained a judgement against Holbert before the institution of the suit, and did not make his succession a party. The defendants pleaded no exception to that effect, but went to trial upon the merits and the plea of prescription. Moreover, it appears by evidence introduced without objection, that during the pendency of this cause, the plaintiffs became parties to the probate proceedings in Holbert's succession, and were recognized as creditors by his estate. It is therefore ordered, adjudged and decreed that the judgement of the Court below be reversed, that the plea of prescription be dismissed, and that this cause be remanded for a new trial and for further proceedings according to law, the defendants paying the costs of this appeal." C. W. Hornor, for plaintiffs and appellants; Collens, for defendants and appellees. P. S. W.

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A SITUATION as CLERK in a Mercantile House or as assistant in a Clerk's Office of a Court, is wanted by a middle aged man who has had some experience in either capacity, having been a resident of this city for some years past. The best references can be given. Address Q. Y. at this office. d20

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Boz's Christmas Tale.

THE HAUNTED MAN AND THE GHOST'S BARGAIN....A FANCY FOR CHRISTMAS-TIME.
BY CHARLES DICKENS.

[Continued.]

"I am come here to give relief, if I can," he said. "Are you thinking of any wrong?"

She frowned at him, and then laughed; and then her laugh prolonged itself into a shivering sigh, as she dropped her head again, and hid her fingers in her hair.

"Are you thinking of a wrong?" he asked once more.

"I am thinking of my life," she said, with a momentary look at him.

He had a perception that she was one of many, and that he saw the type of thousands, when he saw her, dropping at his feet.

"What are your parents?" he demanded.

"I had a good home once. My father was a gardener, far away, in the country."

"Is he dead?"

"He 's dead to me. All such things are dead to me. You a gentleman, and not know that!" She raised her eyes again, and laughed at him.

"Girl!" said Redlaw, sternly, "before this death of all such things was brought about, was there no wrong done to you? In spite of all that you can do, does no remembrance of wrongs cleave to you? Are there not times upon times, when it is misery to you?"

So little of what was womanly was left in her appearance, that now, when she burst into tears, he stood amazed. But he was more amazed, and much disquieted, to note that in her awakened recollection of this wrong, the first trace of her old humanity and frozen tenderness appeared to show itself.

He drew a little off, and, in doing so, observed that her arms were black, her face cut, and her bosom bruised.

"What brutal hand has hurt you?" he asked.

"My own. I did it, myself!" she answered, quickly.

"It is impossible!"

"I 'll swear I did! He did n't touch me. I did it to myself, in a passion, and threw myself down here. He was n't near me. He never laid a hand upon me!"

In the whole determination of her face, confronting him with this untruth, he saw enough of the last perversion and distortion of good surviving in that miserable breast to be stricken with remorse that he had ever come near her.

"Sorrow, wrong and trouble!" he muttered, turning his fearful gaze away. "All that connects her with the state from which she has fallen has these roots! In the name of God, let me go by!"

Afraid to look at her again, afraid to touch her, afraid to think of having sundered the last thread by which she held upon the mercy of Heaven, he gathered his cloak about him, and glided swiftly up the stairs.

Opposite to him, on the landing, was a door, which stood partly open, and which, as he ascended, a man, with a candle in his hand, came forward from within to shut. But this man, on seeing him, drew back, with much emotion in his manner, and, as if by a sudden impulse, mentioned his name aloud.

In the surprise of such a recognition there, he stopped, endeavoring to recollect the wan and startled face. He had no time to consider it, for, to his yet greater amazement, old Philip came out of the room, and took him by the hand.

"Mr. Redlaw," said the old man, "this is like you, this is like you, sir! you have heard of it, and have come after us to render any help you can. Ah, too late, too late!"

Redlaw, with a bewildered look, submitted to be led into the room. A man lay there, on a truckle-bed, and William Swidger stood at the bedside.

"Too late!" murmured the old man, looking wistfully into the Chemist's face; and the tears stole down his cheeks.

"That 's what I say, father," interposed his son, in a low voice. "That 's where it is, exactly. To keep as quiet as ever we can while he 's a dozing, is the only thing to do. You 're right, father!"

Redlaw paused at the bedside, and looked down upon the figure that was stretched upon the matrass. It was that of a man who should have been in the vigor of his life, but on whom it was not likely that the sun would ever shine again. The vices of his forty or fifty years' career had so branded him, that, in comparison with their effects upon his face, the heavy hand of time upon the old man's face who watched him, had been merciful and beautifying.

"Who is this?" asked the chemist, looking round.

"My son George, Mr. Redlaw," said the old man, wringing his hands. "My eldest son, George, who was more his mother's pride than all the rest!"

Redlaw's eyes wandered from the old man's gray head, as he laid it down upon the bed, to the person who had recognized him, and who had kept aloof, in the remotest corner of the room. He seemed to be about his own age; and although he knew no such hopelessly decayed and broken man as he appeared to be, there was something in the turn of his figure, as he stood with his back towards him, and now went out at the door, that made him pass his hand uneasily across his brow.

"William," he said in a gloomy whisper, "who is that man?"

"Why, you see, sir," returned Mr. William, "that 's what I say, myself. Why should a man ever go and gamble, and the like of that, and let himself down inch by inch till can 't let himself down any lower?"

"Has *he* done so?" asked Redlaw, glancing after him with the same uneasy action as before.

"Just exactly that, sir," returned William Swidger, "as I'm told. He knows a little about medicine, sir, it seems; and having been wayfaring toward London with my unhappy brother that you see here," Mr. William passed his coat sleeve across his eyes, "and being lodging up stairs for the night—what I say, you see, is that strange companions come together here sometimes—he looked in to attend upon him, and came for us at his request. What a mournful spectacle, sir! But that's where it is. It's enough to kill my father!"

Redlaw looked up at these words, and, recalling where he was and with whom, and the spell he carried with him—which his surprise had obscured—retired a little, hurriedly, debating with himself whether to shun the house that moment, or remain.

Yielding to a certain sullen doggedness, which it seemed to be a part of his condition to struggle with, he argued for remaining.

"Was it only yesterday," he said, "when I observed the memory of this old man to be a tissue of sorrow and trouble, and shall I be afraid, to-night, to shake it? Are such remembrances as I can drive away so precious to this dying man that I need fear for *him?* No! I'll stay here."

But he stayed, in fear and trembling none the less for these words; and, shrouded in his black cloak, with his face turned from them, stood away from the bedside, listening to what they said, as if he felt himself a demon in the place.

"Father!" murmured the sick man, rallying a little from his stupor.

"My boy! my son George!" said old Philip.

"You spoke, just now, of my being mother's favorite, long ago. It's a dreadful thing to think now, of long ago!"

"No, no, no;" returned the old man. "Think of it. Don't say it's dreadful. It's not dreadful to me, my son."

"It cuts you to the heart, father." For the old man's tears were falling on him.

"Yes, yes," said Philip, "so it does; but it does me good. It's a heavy sorrow to think of that time; but it does me good, George. Oh, think of it too, think of it too, and your heart will be softened more and more! Where's my son William?—William, my boy—your mother loved him dearly to the last, and with her latest breath said, 'Tell him I forgave him, blessed him, and prayed for him.' Those were her words to me. I have never forgotten them, and I'm eighty-seven!"

"Father!" said the man upon the bed, "I am dying, I know. I am so far gone that I can hardly speak, even of what my mind most runs on. Is there no hope for me, beyond this bed?"

"There is hope," returned the old man, "for all who are softened and penitent. There is hope for all such. Oh!" he exclaimed, clasping his hands and looking up, "I was thankful, only yesterday, that I could remember this unhappy son when he was an innocent child. But what a comfort is it now, to think that even God himself has that remembrance of him!"

Redlaw spread his hands upon his face, and shrunk like a murderer.

"Ah!" feebly moaned the man upon the bed. "The waste of life since then, the waste of life since then!"

"But he was a child once," said the old man; "he played with children. Before he lay down on his bed at night, and fell into his guiltless rest, he said his prayers at his poor mother's knee. I have seen him do it, many a time, and seen her lay his head upon her breast, and kiss him. Sorrowful as it was to her, and me, to think of this, when he went so wrong, and when our hopes and plans for him were all broken, this gave him still a hold upon us that nothing else could have given. Oh, Father, so much better than the fathers upon earth! Oh, Father, so much more afflicted by the errors of thy children! take this wanderer back! Not as he is, but as he was then, let him cry to thee, as he has so often seemed to cry to us!"

As the old man lifted up his trembling hands, the son, for whom he made the supplication, laid his sinking head against him for support and comfort, as if he indeed were the child of whom he spoke.

When did man ever tremble as Redlaw trembled, in the silence that ensued! He knew it must come upon them, knew that it was coming fast.

"My time is very short, my breath is shorter," said the sick man, supporting himself on one arm, and with the other groping in the air, "and I remember there is something on my mind concerning the man who was here just now. Father and William—wait!—is there really anything in black, out here?"

"Yes, yes, it is real," said his aged father.

"Is it a man?"

"What I say myself, George," interposed his brother, bending kindly over him. "It's Mr. Redlaw."

"I thought I had dreamed of him. Ask him to come here."

The Chemist, whiter than the dying man, appeared before him. Obedient to the motion of his hand, he sat upon his bed.

"It has been so ripped up, to-night, sir," said the sick man, laying his hand upon his heart, with a look in which the mute, imploring agony of his condition was concentrated, "by the sight of my poor old father, and the thought of all the trouble I have been the cause of, and all the wrong and sorrow lying at my door, that—"

Was it the extremity to which he had come, or was it the dawning of another change, that made him stop?

"—that what I *can* do right, with my mind running on so much, so fast, I'll try to do. There was another man here. Did you see him?"

Redlaw could not reply by any word; when he saw that fatal sign he knew so well now, of the wandering hand upon the forehead, his voice died at his lips. But he made some indication of assent.

"He is pennyless, hungry, and destitute. He is completely beaten down, and has no resource at all. Look after him! Lose no time! I know he has it in his mind to kill himself."

It was working. It was on his face. His face was changing, hardening, deepening in all its shades, and losing all its sorrow.

"Don't you remember? Don't you know him?" he pursued.

He shut his face out for a moment, with the hand that again wandered over his forehead, and then it lowered on Redlaw, reckless, ruffianly, and callous.

"Why, d—n you!" he said, scowling round, "what have you been doing to me here? I have lived bold, and I mean to die bold. To the devil with you!"

And so lay down upon his bed, and put his arms up, over his head and ears, as resolute from that time to keep out all access, and to die in this indifference.

If Redlaw had been struck by lightning, it could not have struck him from the bedside with a more tremendous shock. But the old man, who had left the bed while the son was speaking to him, now returning, avoided it quickly likewise, and with abhorrence.

"Where's my boy William?" said the old man hurriedly. "William, come away from here. We'll go home."

"Home, father!" returned William. "Are you going to leave your own son?"

"Where's my own son?" replied the old man.

"Where? why, there!"

"That's no son of mine," said Philip, trembling with resentment. "No such wretch as that has any claim on me. My children are pleasant to look at, and they wait upon me, and get my meat and drink ready, and are useful to me. I've a right to it! I'm eighty-seven!"

"You are old enough to be no older," muttered William, looking at him grudingly, with his hands in his pockets. "I don't know what good you are, myself. We could have a deal more pleasure without you."

"*My* son, Mr. Redlaw!" said the old man. "*My* son, too! The boy talking to me of *my* son? Why, what has he ever done to give me any pleasure, I should like to know?"

"I don't know what you have ever done to give *me* any pleasure," said William, sulkily.

"Let me think," said the old man. "For how many Christmas times running, have I sat in my warm place, and never had to come out in the cold night air; and have made good cheer, without being disturbed by any such uncomfortable, wretched sight as him there? Is it twenty, William?"

"Nigher forty, it seems," he muttered. "Why, when I look at my father, sir, and come to think of it," addressing Redlaw, with an impatience and irritation that were quite new. "I'm whipped if I can see anything in him, but a calendar of ever so many years of eating, and drinking, and making himself comfortable, over and over again."

"I—I'm eighty-seven," said the old man, rambling on, childishly and weakly. "and I don't know as I ever was much put about by anything. I'm not a going to begin now, because of what he calls my son. He's not my son. I've had a power of pleasant times. I recollect once—no I don't—no, it's broken off. It was something about a game of cricket and a friend of mine, but it's somehow broken off. I wonder who he was—I suppose I liked him? And I wonder what became of him—I suppose he died? But I don't know. And I don't care, neither; I don't care a bit."

In his drowsy chuckling, and the shaking of his head, he put his hands into his waistcoat pockets. In one of them he found a bit of holly (left there, probably, last night,) which he now took out and looked at.

"Berries, eh?" said the old man. "Ah! It's a pity they're not good to eat. I recollect, when I was a little chap about as high as that, and out a walking with—let me see—who was I out a walking with?—no, I don't remember how that was. I don't remember as I ever walked with any one particular, or cared for any one, or any one for me. Berries, eh? There's good cheer when there's berries. Well; I ought to have my share of it, and to be waited on, and kept warm and comfortable; for I'm eighty-seven, and a poor old man. I'm eighty-seven. Eighty-seven."

The drivelling, pitiable manner in which, as he repeated this, he nibbled at the leaves, and spat the morsels out; the cold, uninterested eye with which his youngest son (so changed) regarded him; the determined apathy with which his eldest son lay hardened in his sin; impressed themselves no more on Redlaw's observation—for he broke his way from the spot to which his feet seemed to have been fixed, and ran out of the house.

His guide came crawling forth from his place of refuge, and was ready for him before he reached the arches.

"Back to the woman's!" he inquired.

"Back, quickly!" answered Redlaw. "Stop no where on the way!"

For a short distance the boy went on before; but their return was much more like a flight than a walk, and it was as much as his bare feet could do, to keep pace with the Chemist's rapid strides. Shrinking from all who passed, shrouded in his cloak, and keeping it drawn closely about him, as though there were mortal contagion in any flittering touch of his garments, he made no pause until they reached the door by which they had come out. He unlocked it with his key, went in, accompanied by the boy, and hastened through the dark passage to his own chamber.

The boy watched him as he made the door fast, and withdrew behind the table, when he looked round.

"Come!" he said. "Don't you touch me! You've not brought me here to take my money away."

Redlaw threw some more upon the ground. He flung his body on it immediately, as if to hide it from him, lest the sight of it should tempt him to reclaim it; and not until he saw him seated by his lamp, with his face hidden in his hands, began furtively to pick it up. When he had done so, he crept near the fire, and, sitting down in a great chair before it, took from his breast some broken scraps of food, and fell to munching, and to staring at the blaze, and now and then to glancing at his shillings, which he kept clenched up in a bunch in one hand.

"And this," said Redlaw, gazing on him with increasing repugnance and fear, "is the only one companion I have left on earth!"

How long it was before he was aroused from his contemplation of this creature, whom he dreaded so—whether half an hour, or half the night—he knew not. But the stillness of the room was broken by the boy (whom he had seen listening) starting up, and running towards the door.

"Here's the woman coming!" he exclaimed.

The Chemist stopped him on his way, at the moment when she knocked.

"Let me go to her, will you?" said the boy.

"Not now," returned the Chemist. "Stay here. Nobody must pass in or out of the room, now. Who 's that?"

"It 's I, sir," cried Milly. "Pray, sir, let me in!"

"No! not for the world!" he said.

"Mr. Redlaw, Mr. Redlaw, pray, sir, let me in."

"What is the matter?" he said, holding the boy.

"The miserable man you saw is worse, and nothing I can say will wake him from his terrible infatuation. William's father has turned childish in a moment. William himself is changed. The shock has been too sudden for him; I cannot understand him; he is not like himself. Oh, Mr. Redlaw, pray advise me, help me!"

"No! no! no!" he answered.

"Mr. Redlaw! Dear sir! George has been muttering, in his doze, about the man you saw there, who, he fears, will kill himself."

"Better he should do it, than come near me!"

"He says, in his wandering, that you know him; that he was your friend once, long ago; that he is the ruined father of a student here—my mind misgives me of young gentleman who has been ill. What is to be done? How is he to be followed? How is he to be saved? Mr. Redlaw, pray, oh pray, advise me! Help me!"

All this time he held the boy, who was half-mad to pass him, and let her in.

"Phantoms! Punishers of impious thoughts!" cried Redlaw, gazing round in anguish. "Look upon me! From the darkness of my mind, let the glimmering of contrition, that I know is there, shine up, and show my misery! In the material world, as I have long taught, nothing can be spared; no step or atom in the wondrous structure could be lost, without a blank being made in the great universe. I know, now, that it is the same with good and evil, happiness and sorrow, in the memories of men. Pity me! Relieve me!"

There was no response but "Help me, help me, let me in!" and the boy's struggling to get to her.

"Shadow of myself! Spirit of my darker hours!" cried Redlaw, in distraction, "Come back, and haunt me day and night, but take this gift away! Or, if it must still rest with me, deprive me of the dreadful power of giving it to others. Undo what I have done. Leave me benighted, but restore the day to those whom I have cursed. As I have spared this woman from the first, and, as I never will go forth again, but will die here, with no hand to lend me, save the creature's who is proof against me—hear me!"

The only reply still was, the boy struggling to get to her, while he held him back; and the cry, increasing in its energy, "Help! let me in. He was your friend once, how shall he be followed? How shall he be saved? They are all changed, there is no one else to help; pray, let me in!"

CHAPTER III....The Gift Reversed.

Night was still heavy in the sky. On open plains, from hill-tops, and from the decks of solitary ships at sea, a distant low-lying line, that promised by and by to change to light, was visible in the dim horizon; but its promise was remote and doubtful, and the moon was striving with the night-clouds busily.

The shadows upon Redlaw's mind succeeded thick and fast to one another, and obscured its light as the night-clouds hovered between the moon and the earth, and kept the latter veiled in darkness. Fitful and uncertain as the shadows which the night-clouds cast, were their concealments from him, and imperfect revelations to him; and, like the night-clouds still, if the clear light broke forth for a moment, it was only that they might sweep over it and make darkness deeper than before.

Without, there was a profound and solemn hush upon the ancient pile of building, and its buttresses and angles made dark shapes of mystery upon the ground, which now seemed to retire into the smooth white snow, and now seemed to come out of it, as the moon's path was more or less beset. Within, the Chemist's room was indistinct and murky, by the light of the expiring lamp; a ghostly silence had succeeded to the knocking and the voice outside; nothing was audible but, now and then, a low sound among the whitened ashes of the fire, as of its yielding up its last breath. Before it, on the ground, the boy lay fast asleep. In his chair, the Chemist sat, as he had sat there since the calling at his door had ceased—like a man turned to stone.

At such a time, the Christmas music he had heard before, began to play. He listened to it at first, as he had listened in the churchyard; but presently—it playing still, and being borne towards him on the night air, in a low, sweet, melancholy strain—he arose, and stood stretching his hands about him, as if there were some friend approaching within his reach, on whom his desolate touch might rest, yet do no harm. As he did this, his face became less fixed and wondering; a gentle trembling came upon him; and at last his eyes filled with tears, and he put his hands before him and bowed down his head.

His memory of sorrow, wrong, and trouble, had not come back to him; he knew that it was not restored; he had no passing belief or hope that it was. But some dumb stir within him made him capable, again, of being moved by what was hidden afar off, in the music. If it were only that it told him sorrowfully the value of what he had lost, he thanked Heaven for it with a fervent gratitude.

As the last chord died upon his ear, he raised his head to listen to its lingering vibration. Beyond the boy, so far that his figure lay at his feet, the Phantom stood, immovable and silent, with its eyes upon him.

Ghastly it was, as it had ever been, but not so cruel and relentless in its aspect—or he thought or hoped so, as he looked upon it, trembling. It was not alone, but in its shadowy hand it held another hand.

And whose was that? Was the form that stood beside it indeed Milly's, or but her shade and picture? The quiet head was bent a little, as her manner was, and her eyes were looking down, as if in pity, on the sleeping child. A radiant light fell on her face, but did not touch the Phantom; for, though close beside her, it was dark and colorless as ever.

"Spectre!" said the Chemist, newly troubled as he looked, "I have not been stubborn or presumptuous in respect of her. Oh, do not bring her here. Spare me that!"

"This is but a shadow," said the Phantom; "when the morning shines, seek out the reality whose image I present before you."

"Is it my inexorable doom to do so?" cried the Chemist.

"It is," replied the Phantom.

"To destroy her peace, her goodness; to make her what I am myself, and what I have made of others!"

"I have said, 'seek her out,'" returned the Phantom. "I have said no more."

"Oh, tell me," exclaimed Redlaw, catching at the hope which he fancied might be hidden in the words. "Can I undo what I have done?"

"No," returned the Phantom.

"I do not ask for restoration to myself," said Redlaw. "What I abandoned I abandoned of my own will, and have justly lost. But for those to whom I have transferred the fatal gift; who never sought it; who unknowingly received a curse of which they had no warning, and had no power to shun; can I do nothing?"

"Nothing," said the Phantom.

"If I cannot, can any one?"

The Phantom, standing like a statue, kept its gaze upon him for a while; then turned its head suddenly, and looked upon the shadow at its side.

"Ah! Can she?" cried Redlaw, still looking upon the shade.

The Phantom released the hand it had retained till now, and softly raised its own with a gesture of dismissal. Upon that, her shadow, still preserving the same attitude, began to move or melt away.

"Stay," cried Redlaw, with an earnestness to which he could not give enough expression. "For a moment! As an act of mercy! I know that some change fell upon me, when those sounds were in the air just now. Tell me, have I lost the power of harming her? May I go near her without dread? Oh, let her give me any sign of hope!"

The Phantom looked upon the shade as he did—not at him—and gave no answer.

"At least, say this—has she, henceforth, the consciousness of any power to set right what I have done?"

"She has not," the Phantom answered.

"Has she the power bestowed on her, without the consciousness?"

The Phantom answered: "Seek her out." And her shadow slowly vanished.

They were face to face again, and looking on each other, as intently and awfully as at the time of the bestowal of the gift, across the boy who still lay on the ground between them, at the Phantom's feet.

"Terrible instructor," said the Chemist, sinking on his knee before it, in an attitude of supplication, "by whom I was renounced, but by whom I am revisited (in which, and in whose milder aspect, I would fain believe I have a gleam of hope,) I will obey without inquiry, praying that the cry I have sent up in the anguish of my soul has been, or will be, heard, in behalf of those whom I have injured beyond human reparation. But there is one thing:"

"You speak to me of what is lying here," the Phantom interposed, and pointed with its finger to the boy.

"I do," returned the Chemist. "You know what I would ask. Why has this child alone been proof against my influence, and why, why, have I detected in his thoughts a terrible companionship with mine?"

"This," said the Phantom, pointing to the boy, "is the last, completest illustration of a human creature, utterly bereft of such remembrances as you have yielded up. No softening memory of sorrow, wrong, or trouble enters here, because this wretched mortal from his birth has been abandoned to a worse condition than the beasts, and has, within his knowledge, no one contrast, no humanizing touch, to make a grain of such a memory spring up in his hardened breast. All within this desolate creature is barren wilderness. All within the man bereft of what you have resigned, is the same barren wilderness. Woe to such a man! Woe tenfold, to the nation that shall count its monsters such as this, lying here, by hundreds and by thousands!"

Redlaw shrunk, appalled, from what he heard.

"There is not," said the Phantom, "one of these—not one—but sows a harvest that mankind must reap. From every seed of evil in this boy, a field of ruin is grown that shall be gathered in, and garnered up, and sown again in many places of the world, until regions are overspread with wickedness enough to raise the waters of another Deluge. Open and unpunished murder in a city's streets would be less guilty in its daily toleration, than one such spectacle as this."

It seemed to look down upon the boy in his sleep. Redlaw, too, looked down upon him with a new emotion.

"There is not a father," said the Phantom, "by whose side in his daily or his nightly walk, these creatures pass; there is not a mother among all the ranks of loving mothers in this land; there is no one risen from the state of childhood, but shall be responsible in his or her degree for this enormity. There is not a country throughout the earth on which it would not bring a curse. There is no religion upon earth that it would not deny; there is no people upon earth it would not put to shame."

The Chemist clasped his hands, and looked, with trembling fear and pity, from the sleeping boy to the Phantom, standing above him with his finger pointing down.

"Behold, I say," pursued the Spectre, "the perfect type of what it was your choice to be. Your influence is powerless here, because from this child's bosom you can banish nothing. His thoughts have been in 'terrible companionship' with yours, because you have gone down to his unnatural level. He is the growth of man's indifference; you are the growth of man's presumption. The beneficent design of Heaven is, in each case, overthrown, and from the two poles of the immaterial world you come together."

The Chemist stooped upon the ground beside the boy, and with the same kind of compassion for him that he now felt for himself, covered him as he slept, and no longer shrunk from him with abhorrence or indifference.

Soon, now, the distant line on the horizon brightened, the darkness faded, the sun rose red and glorious, and the chimney stacks and gables of the ancient building gleamed in the pure air, which turned the smoke and vapor of the city into a cloud of gold. The very sun-dial in his shady corner, where the wind was used to spin with such unwindy constancy, shook off the finer particles of snow that had accumulated on his dull old face in the night, and looked out at the little white wreaths eddying round and round him. Doubtless some blind groping of the morning made its way down into the forgotten crypt so cold and earthy, where the Norman arches were half buried in the ground, and stirred the dull sap in the lazy vegetation hanging to the walls, and quickened the slow principle of life within the little world of wonderful and delicate creation which existed there, with some faint knowledge that the sun was up.

The Tetterbys were up and doing. Mrs. Tetterby took down the shutters of the shop, and strip by strip, revealed the treasures of the window to the eyes, so proof against their seductions, of Jerusalem Buildings. Adolphus had been out so long already, that he was half way on to Morning Pepper. Five small Tetterbys, whose ten round eyes were much inflamed by soap and friction, were in the tortures of a cool wash in the back kitchen—Mrs. Tetterby presiding. Johnny, who was pushed and hustled through his toilet with great rapidity when Moloch chanced to be in an exciting frame of mind (which was always the case,) staggered up and down with his charge before the shop door, under greater difficulties than usual; the weight of Moloch being much increased by a complication of defences against the cold, composed of knitted worsted-work, and forming a complete suit of chain-armor, a head-piece and blue gaiters.

It was the peculiarity of this baby to be always cutting teeth. Whether they never came, or whether they came and went away again, is not in evidence; but it had certainly cut enough, on the showing of Mrs. Tetterby, to make a handsome dental provision for the sign of the Bull and Mouth. All sorts of objects were impressed for rubbing of its gums, notwithstanding that it always carried, dangling at its waist (which was immediately under his chin) a bone ring, large enough to have represented the rosary of a young nun. Knife-handles, umbrella-tops, the heads of walking-sticks selected from the stock, the fingers of the family in general, but especially of Johnny, nutmeg-graters, crusts, the handles of doors, and the cool knobs on the tops of pokers, were among the commonest instruments indiscriminately applied for this baby's relief. The amount of electricity that must have been rubbed out of it in a week is not to be calculated. Still Mrs. Tetterby always said, "it was coming through, and then the child would be herself;" and still it never did come through, and the child continued to be somebody else.

The tempers of the little Tetterbys had sadly changed within a few hours. Mr. and Mrs. Tetterby themselves were not more altered than their offspring. Usually they were an unselfish, good-natured, yielding little race, sharing short-commons when it happened (which was pretty often) contentedly and even generously, and taking a great deal of enjoyment out of a very little meat. But they were fighting now, not only for the soap and water, but even for the breakfast which was yet in perspective. The hand of every little Tetterby was against the other little Tetterby's; and even Johnny's hand—the patient, much-enduring, and devoted Johnny—rose against the baby! Yes. Mrs. Tetterby, going to the door by a mere accident, saw him viciously pick out a weak place in the suit of armor where a slap would tell, and slap that blessed child.

Mrs. Tetterby had him into the parlor, by the collar, in that same flash of time, and repaid him the assault with usury thereto.

"You brute, you murdering little boy," said Mrs. Tetterby. "Had you the heart to do it?"

"Why didn't her teeth come through, then," retorted Johnny, in a loud, rebellious voice, "instead of bothering me! How would you like it yourself?"

"Like it, sir!" said Mrs. Tetterby, relieving him of his dishonored load.

"Yes, like it!" said Johnny. "How would you? Not at all. If you was me, you'd go for a soldier. I will, too. There ain't no babies in the army."

Mr. Tetterby, who had arrived upon the scene of action, rubbed his chin thoughtfully, instead of correcting the rebel, and seemed rather struck by this view of a military life.

"I wish I was in the army myself, if the child's in the right," said Mrs. Tetterby, looking at her husband, "for I have no peace of my life here. I'm a slave—a Virginia slave!" some indistinct association with their weak descent on the tobacco trade perhaps suggested this aggravated expression to Mrs. Tetterby. "I never have a holyday, or any pleasure at all, from year's end to year's end! Why, Lord bless and save the child!" said Mr