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LITTLE LOSSES.

BY ELIZABETH AKERS.

Who misses a drop from the shower?
Who mourns a leaf lost from the tree?
Who weeps when the woods are in flower
If one broken blossom there be?
Then, dear one, why cling so to me?

The wind shakes the shining dew-spangles
Loose out of the grass tops at morn,
And brushes the silkenest tangles
From all the tossed locks of the corn.
What time the first bird-songs are born.

And what heart deplores them? We only
Perceive that no longer they be:
And surely *you* can not be lonely,
Missing out of the world only *me*:
The whole world is enough without me.

Who mourns for the tiny brown sparrow
That dies in the thick orchard tree?
God's world has not yet grown so narrow
That it feels so small losses as these;
Your loss is still smaller—so peace!

THE ROMANCE
OF
THE GREAT GAINES CASE.

A Life-Time Lawsuit.

We republish the following interesting article from *Putnam's Magazine* for August. The notes are our own, prepared by a person who is probably more familiar with the record of this case than any other one now living.

We understand that the life of Mrs. Gaines is being written under the supervision of the lady by a gentleman of great culture, in whose hands the necessary material has been placed. It will probably be the only correct account of the strange events of this strange life; for Mrs. Gaines alone has preserved the entire record in and out of court:

"When, hereafter, some distinguished American lawyer shall retire from his practice to write the history of his country's jurisprudence, this case will be registered by him as the most remarkable in the records of its courts."

So said the Supreme Court of the United States, speaking in the person of Associate Justice Wayne, when in 1860, for the sixth time, it decided upon an issue in the famous case of Myra Clark Gaines.

Justice Wayne's language was judicially careful. The subject of his reference justified him in terming it the "most remarkable" in all the records of American courts. When he thus spoke it had been for twenty-six years threading the tortuous path of the law. Commenced in 1834, it had been in every court of Louisiana, and six times in the Supreme Court of the United States. It had at times been represented by the ablest counsel in the country, and at other times by no counsel at all. It had enlisted on one side romantic and sympathetic enthusiasm, and on the other had incurred the opposition of most immense and perfectly honest private interests. It had divided the Court in the most irreconcilable and antagonistic opinions. It had been decided upon the same issues of fact, by the same bench of judges, in the light of substantially the same testimony, in precisely opposite directions.

One woman had been the moving spirit of all this litigation.

Her suit was a most audacious one. She attacked that most sensitive, most carefully guarded interest, the possession of real property, and threatened in her efforts the overthrow of all that was stable in the ideas of law and custom, in respect to it. Her claim was for houses, lands, and human property, which had passed into the hands of hundreds of different owners. Their title could be traced back for years previous to the commencement of this suit, without a blemish of irregularity. It had come through dozens of hands, all of whom had bought and sold in perfect good faith, and without the shadow of suspicion.

It was the one woman against five hundred men.

It was one resolute claim for abstract justice against five hundred apparent rights, fortified in every tradition of law, and every selfish interest of organized society.

The evidence to support the claim was as remarkable as the demand itself. At the end of twenty-six years of law, when Justice Wayne pronounced his decision, he passed in review upon allegations of fact running back into the last century. He inquired into the most private life of individuals, and analyzed their most intimate relations in the earliest five years of the present century. Upon the view which the court took of the occurrence or otherwise of circumstances alleged to have happened in those years depended the result of this case. And finally, they being determined favorably to the claims of Mrs. Gaines, her fortunes turned upon the established existence of a will, which even she did not pretend ever had an existence after the decease of the testator, and the purport of which had no other proof than the recollections, after the lapse of more than forty years, of aged and infirm persons who remembered hearing it read.

[NOTE 1.—The will was proven in 1834—twenty-one years instead of forty years after the death of the testator. Besides, Duseraux De la Croix, who had been appointed executor of the will of 1813 and tutor to Mrs. Gaines, petitioned the Court of Probates to summon the notaries of the city to answer as to the existence of the will of 1813, stating under oath that he "has strong reasons to believe, and does verily believe, that the late Daniel Clark has made a will posterior to that which has been opened before your honorable court, and in the dispositions of which he thinks to be interested; that its existence was known by several persons."

This petition bears date August 18, 1813, only two days, instead of forty years, after the death of the testator.]

Such were some of the features which the learned justice pronounced "most remarkable."

Let us draw from this tangled skein of real life the thread of romance, whose remote end, silvered by Time, has its origin seventy years ago in an atmosphere of society, and under a system of government so foreign that we can now scarcely realize them.

We must go back to the commencement of the present century, and imagine ourselves in New Orleans under the Spanish rule. The laws were a curious mixture of weak civil authority and decaying ecclesiastical control. The Spanish possessions in America were but an extra pawn upon the chessboard of European politics. New Orleans was a true tropical city; its population amalgamated from a dozen different races; its morals corrupted from as many different sources. Already it was the seat of luxury, for the great Mississippi rolled past its levees then as now. Rich prisons of landed estates, wealthy merchants, and extensive traders, as well as proud grandees of an easier regime, sipped sherbets under the magnolias.

Among the rich men of the city in this stage of its existence, whose ships were on many seas, and whose interests were regarded in the counting-houses of many cities, was Daniel Clark, a shipping merchant and a politician. He stood at the head of his rank, a prince among a class whose luxurious and elegant life has seldom been surpassed. Born at Sligo, in Ireland, an uncle in New Orleans, a bachelor—as all the merchants of the city were—had invited him to come to the New World, engage with him in business, and become his heir. The estate thus inherited had been boldly and skillfully managed. Fortunate ventures had added to it, and *illegitimate* as well as strictly proper means had probably gone to swell the grand aggregate.

[This is gratuitous that any transactions of Daniel Clark were other than legitimate.]

This merchant prince was a man of strong character, restless and far-reaching ambition, whose imperious will little brooked opposition, and knew no control except the code which a society composed of such as himself rudely organized and often violently maintained. Justice Wayne, in delivering the opinion of the Supreme Court at the term of 1847, described him as "a man of no ordinary character, or influence on those who were about him. His natural fitness to control became habitual as his wealth and standing increased, and it was exercised and involuntarily yielded to by all who associated or were in business with him. He was a man of high qualities, but of no rigor or virtue or self control; energetic, enterprising, courageous, affectionate, and generous, but with a pride which had yielded to no mortification until his affection subdued it to a sense of justice in behalf of his child."

Such a character filled a prominent place in the political and social life of New Orleans. In 1798 he had acted as consul on behalf of the interests of the United States. When, in 1802, he visited Paris, he was treated with marked respect by the French government, which, having obtained the cession of Louisiana from Spain by the secret treaty of St. Ildefonso, was desirous of learning its present condition and value. General Victor, on behalf of the First Consul, listened respectfully, in a confidential audience, to the statements of "the merchant from New Orleans," while Minister Livingston, charged by President Jefferson with the delicate duty of negotiating for the purchase—"outside the Constitution"—of Louisiana at a price not too great for the necessitous economies of the American treasury, was full of alarm and watchfulness at these intimate communications. Active, and doubtless not especially scrupulous, Clark, at home, was a perpetual thorn in the side of the worthy but nervous Claiborne, the first American Governor, who denounced him at one time as secretly an enemy of the United States, and who was consequently annoyed and mortified when in the same year he was elected the first delegate from Louisiana to the national Congress.

In the heated atmosphere of a society ruled by passion, this proud chevalier "became acquainted," about 1802, with Madame Zulime De Granges, the wife of Monsieur Jerome, of that name. The latter was a Frenchman by birth, a "nobleman" of France, as was afterward testified of him, but in New Orleans, in the language of Judge Catron, only "a humble shopkeeper." His wife, who had married him at the early age of thirteen, was a Creole of rare and voluptuous beauty. They had been wedded, when Clark made their acquaintance, for about eight years.

The relationship that ensued between the merchant and Madame De Granges can better appear by the facts hereafter recited than by a too positive and circumstantial statement. We can hardly be charitable enough to disguise the truth as it must subsequently appear.

More than thirty years afterward Madame Caillaret, the sister of Madame De Granges, made her deposition in behalf of her niece, the heroine of this story. She affirmed that she knew Clark made to her family propositions of marriage with Zulime, "after it had become known" that her marriage with *De Granges was void*, because a previous wife, to whom he had been married in France, was still living.

How and when did so startling a fact become known? What was the intimacy between Clark and Zulime when it was discovered? A multitude of suggestive questions arise, and must be dismissed.

Some time in the early summer of 1802, however, found Madame De Granges and another sister, Madame Despau, in Philadelphia. They had come, says the latter lady, by way of New York. In that city they had been diligently turning over old marriage registers in the Catholic churches, hoping to find the record of De Granges' previous marriage. Nothing of the kind had rewarded their search, but they were told of a witness to the ceremony, Gardette by name, whom they would find in Philadelphia. Hence their presence in the latter city.

[NOTE 2.—The certificate of the marriage of De Grange to Barbara M. Orci, in July, 1790, was found, proven genuine, and admitted in the record.]

Mr. Gardette was found, and was explicit and satisfactory in his statements. He had been a witness to the alleged marriage. He knew the wife then wedded by De Granges to be still living.

Was more proof necessary? Apparently not. The wife of eight years felt convinced of her husband's perfidy. The bond between them had been a guilty dishonor, not an honorable wedlock. The rumors in New Orleans had their full confirmation. She was free.

At this juncture, who came upon the scene? The merchant-lover from New Orleans. The consequence is readily imagined. A private marriage was proposed, pressed, consented to, and according to Madame Despau, according to the Supreme Court, the ceremony was duly performed by a priest; the good Despau, M. Doisier, of Louisiana, and a friend of Mr. Clark, from New York, being witnesses.

At this point let us consider two facts established—the bigamy of De Granges, and consequent nullity of Zulime's union with him; and the performance of a legal marriage between herself and Daniel Clark. Both these have been decided to be facts by the Supreme Court. Both were, at different times, vitally important in the decisions upon the claims of Mrs. Gaines.

But the testimony in regard to this Philadelphia visit is not without contradiction.

In the opinion pronounced by the Supreme Court on the fourth appeal to it in this case—the only one decided explicitly against Mrs. Gaines—Judge Catron dwelt upon the testimony of Daniel W. Coxe. Mr. Coxe was the business partner and personal friend of Daniel Clark. They seem to have been congenial as well as familiar. Judge Catron described them as nearly of the same age, "both proud, intelligent, and ambitious of success, equals in rank, and intimate in their social relations as a common interest and constant intercourse could make them."

In April or August, 1802, said Mr. Coxe in his testimony, thirty-five years afterward, a lady came to him in Philadelphia. She presented, for introduction, a confidential letter from Mr. Clark. The latter in his note charged his friend with the performance of a delicate duty. In brief, the communication stated that the lady, whom Mr. Clark thus confided to his friend's care, was about to become a mother—her child was his—care for her expected situation in the most tender and luxurious manner.

[NOTE 3.—Cox in his deposition on the twenty-fifth August, 1849, being examined upon his voir dire, evades answering whether he is interested in the suit or not, yet it is well known that he was deeply interested in holding lands of Daniel Clark, with several millions fraudulently conveyed to him by Chew & Relf, and his entire testimony is shaped to cover this fraud.

In answering the twelfth interrogatory he says in reference to Daniel Clark in Philadelphia: "I do not recollect with whom he stayed," and in answer to the twenty-seventh he says, "on all of Mr. Clark's visits to Philadelphia he had a room at my house." This discrepancy shows that the recollection of the witness, after a lapse of thirty-five years, and being very largely interested in the suit, was liable to gross errors if nothing worse. And when he says "In the early part of the year 1802" the lady "presented herself to me with a letter from Daniel Clark," etc., he declines to furnish said letter on the ground that it was burnt at the burning of his store in 1806.

Is it not strange that this particular letter, upon which so much depended, should be burnt when so many others from Clark, written in 1802 as well as previously and subsequently, are on hand? The conclusion is irresistible that he was grossly mistaken in reference to the letter of introduction; he has no proof of it; but, on the contrary, there exists ample proof that his assertion was imaginary, or dictated solely by a desire to defeat Mrs. Gaines, lest his illegal and fraudulent settlement with Chew and Relf would be exposed.

The above facts in reference to the immense interest of Cox were unfortunately omitted or overlooked by Mrs. Gaines' counsel in the argument before the Supreme Court of the United States, and hence the strictures of the Court on the lady in question.]

The lady was Madame De Granges.

Mr. Coxe discharged the trust confided to him. His testimony concerning it is circumstantially full. The babe was sent away to be nursed. Funds for her maintenance came from her father. She was comfortably reared, grew to womanhood, married respectably, and afterward appeared as a party in interest in one of the many phases of the "most remarkable" Gaines case.

Judge Catron was the steady opponent, as Judge Wayne was the faithful friend, of Mrs. Gaines and her claims. Upon this testimony of Mr. Coxe, as showing the apparent motive of the visit to Philadelphia, he dwelt with terrible severity in his opinion. He declared that the wife fled from her husband's companionship to conceal her dishonor, and not to seek for proofs of his bigamy. He accepted Mr. Coxe's statements that these events occurred in 1802, and that in 1803, when Despau testified the wedding took place, Clark was not in Philadelphia at all.

[NOTE 4.—Madam Despau testified that the wedding took place "in 1802 *or* 1803;" and that "had it not been for the interested wickedness of Mr. Cox, in assuring her, Zulime, and employing counsel to aid him in misrepresenting to her that her marriage with Mr. Clark was illegal, she never would have married Mr. Gardette." Judge Catron, having once had an unsuccessful lawsuit with General Gaines, who charged him with fraud, it is presumed favored the testimony of Cox, and discredited that of Madam Despau, she not being certain after the lapse of so many years whether the marriage of Clark and her sister took place in 1802 *or* 1803.]

Still, Mr. Coxe may readily have been right in his narration of circumstances and wrong in his dates. Or there is nothing, indeed, to show that though Madame Despau did not apparently tell all that occurred during their Northern visit, what she testified to was true as far as it went, and the wedding did take place.

Right or wrong, it is useless now to speculate. Presumption must be upon the side of virtue. The daughter of Zulime has crowned her life-time struggle with success, and part of that success is the vindication of her mother's fame, as well as the assertion of her own despoiled right.

More than that, her theory is the theory of the highest courts in the land.

We go back to New Orleans. After the marriage, says Madame Despau, her sister and herself hurried home on the receipt of intelligence that the French wife of De Granges had made her appearance, and claimed her rights.

Other witnesses afterward testified that they remembered some scandal of this sort.

And then, it is said, De Granges was regularly prosecuted. The evidence of his bigamy was fully established. He was convicted and imprisoned. Zulime had been waiting impatiently for this. No acknowledgement of her marriage had yet been published by Clark, and though they lived in the most intimate relations, she did not occupy his house. But with the judicial proof of De Granges' bigamy she anticipated her justification before the world, and her accession to her proper rank in society as the wife of such a husband as Clark.

Foul accident! Just at this moment, when so much of happiness depended, De Granges escaped from his prison. Treachery inside the walls had assisted him. The Spanish Governor himself was charged with connivance. He was hurried down the Mississippi, placed upon a ship lying in the Pass, just ready to sail, and fled to France, never to return.

Zulime was not acknowledged. She was never known to the world as the wife of Daniel Clark, during his lifetime.

Afterward, this prosecution and conviction were questioned by the opponents of Mrs. Gaines. They produced in court the record of an ecclesiastical court proceeding, in which a certain Jerome De Granges was charged with bigamy, but where the evidence failed to show his guilt, and he was discharged. This, they said, is the trial of De Granges. It proves innocence. It proves there could have been no legal marriage between Zulime and Daniel Clark, for she was already the lawful wife of a living man. It proves that the claimant of this property, the child of Daniel Clark and Zulime, was not a lawful child and not an heir to her father's estate.

All admitted that De Granges fled from the country. But Judge Catron intimated that persecution by powerful and wealthy enemies drove him away.

[NOTE 5.—No proof was in the record "that persecution by powerful and wealthy enemies drove" Degrange from the country. It was only for Judge Catron to imagine it.]

The decisions of the Court, however, are written. They leave it to be inferred that there was another prosecution in the civil courts, and though the record of it was never found, upon the most diligent search in every depository of records in New Orleans, still this was not conclusive against its possible existence, for the official papers of the French and Spanish governments had been widely scattered and lost, upon the transfer of the territory to the United States.

The confidential agent of Daniel Clark, in the control of several of his large estates, was M. Boisfontaine, a refugee from St. Domingo, and apparently a gentleman of culture and honor. His relations with Mr. Clark were intimate. In his house in New Orleans, in July, 1805, Myra, the daughter of Zulime and Daniel Clark, the Myra Clark Gaines of the great lawsuit, was born. She was placed, immediately after her birth, in the family of Colonel S. B. Davis, the brother-in-law of M. Boisfontaine, and spent her childhood in his household.

[NOTE 6.—Mrs. Gaines was born in New Orleans in 1806, as per proof in the record.]

In these years, it would appear, she never knew her mother. It was long, long after, and under very changed circumstances, when the infant had grown to be a mature woman, before the mother and daughter met in recognition. Her father she did not know as such. Perhaps in the dim memories of her childhood there is still associated the appearance of a tall and handsome man, who smiled upon her, kissed her, and filled her arms with pretty presents. But beyond this fading photograph on these delicate recollections of her earliest years, Myra never knew her father.

His election to Congress, in 1806, took Clark to Washington. He parted from his wife, and sailed for Philadelphia. Letters reached her, bringing news of his arrival. Then communication ceased. Zulime waited patiently, but no word came from him. He may have written; it is said that the business partners of Clark, through whom his correspondence passed, suppressed the letters to his wife, and destroyed those which she gave them to forward to him.

[NOTE 7.—Daniel W. Cox was his correspondent in Philadelphia, and Chew & Relf in New Orleans. Read notes 4 and 8.]

At any rate, the relationship between the two ceased forever. Husband and wife, or lover and mistress; bound in law and purity, or led by license and passion; their association dissolved, and was never renewed. They barely saw each other again, years after; and when they did, Zulime was the wife—truly and formally wedded—of another man!

Her sisters say she was "hurt" by the refusal of Clark to acknowledge her as his wife. She may have felt that her relation to him was a pure and proper one. Licentious New Orleans might lightly regard the marriage tie, or little care for its absence, but she was truly a wife.*

The correspondence ceased. Clark wrote not, or his letters failed to reached her. She may have written—doubtless she did. He may have received them—perhaps he did, and tossed them idly by.

At last there came a report on the wings of gossiping tongues that he was paying his court to a beautiful lady of the North. They were engaged to be married!

Stung to the quick, Zulime resolved upon a bold step. She followed to Philadelphia. She hurried to Mr. Coxe, and demanded to know the truth of these stories. She thundered in his ear the fact that she was married to Daniel Clark. She was his wife. Who was this woman who had won away her husband? Where was the false husband who had been unfaithful to her?

Mr. Coxe smiled.

Mr. Coxe asked for the proof of her marriage. Alas, she could find none. She searched for records, but they were lost or destroyed. The priest had disappeared. He had gone to Ireland. The witnesses were out of reach, and possibly beyond all knowledge.

Mr. Coxe said, Why be so foolish as to persist in so absurd a claim? Why insist upon this idea, which you can bring no testimony to support? What figure can you make in assertion of yourself as a wife, if Daniel Clark, the great merchant, the powerful politician, is against you?

She saw a lawyer. He was probably a confident as well as friend of Mr. Coxe. He produced a letter from Mr. Clark announcing his engagement to Miss C——, of Baltimore.

[NOTE 8.—This letter was never produced in court by Cox, nor could it be, for it had never existed. He does not even pretend that it had been burnt with his store in 1806. And it is worthy of note that at this period Cox and Chew & Relf were anxious for Clark to address and marry a lady of great wealth, which they well knew could not be consummated if Clark's marriage with Zulima should be established. Hence to effect this wealthy connection it was necessary to create a breach between the two by suppressing their correspondence and using other artful means to accomplish a final separation, in all of which they were successful, except in bringing about Clark's second marriage. In this they failed.]

One against many, Zulime succumbed.

Her daughter Myra would have fought and triumphed.

There is a story that Zulime, sad with her lost and aching heart, stung with jealousy and bitterness, went to Baltimore, and followed her husband in his carriage to a party at the home of the young lady with whose name his had been connected. From her hackney coach, outside, faint with fatigue and exhaustion, but filled with the fury of her scorned love, her eyes blinded by tears, her nerves quivering with excitement, she looked at the illuminated mansion, saw the flashing of lights, heard the swell of the music, the measured tread of dancers, and at last, bitter, bitter sight, the well-known form of the man she loved came out upon the veranda, and paced slowly along, with a fair girl hanging upon his arm.

It was true, then. She went back to Philadelphia.

A few weeks afterward she married Mr. Gardette. This marriage took place in August, 1806.

Zulime was a Frenchwoman.

Daniel Clark died on the sixteenth of August, 1813. The preceding illness was brief and severe. Few friends were about him. Boisfontaine, the agent, says he was continually with him. Lubin, a faithful body servant, was devoted in his attentions. Mr. Relf, his partner, was near him in the last hours.

What took place on the day of his death?

The establishment of Mrs. Gaines' claim carries with it this statement of facts:

Clark had made his will in 1811. He appointed his partners, Richard Relf and Beverly Chew, his executors, and made his mother, Mary Clark, sole legatee.

But he made another will in 1813. In that he declared Myra Davis to be his daughter and only legitimate child, and left to her the whole of his estate.

Colonel Joseph Deville, Degonntine Bellechasse, James Pitot, and Chevalier De la Croix were executors. All were well-known citizens of New Orleans and intimate personal and business friends of Clark.

Such a will, it is asserted, *did* exist previous to Daniel Clark's death. It was entirely in his handwriting, duly signed and sealed. He had shown it to several intimate friends, read it to some, informed others of its contents, and spoken of its existence to others still. Four months before his death, says M. Boisfontaine, he spoke to me of a new will. Twenty-five days before his death he said, "It is done." Ten days later he handed a package to the Chevalier De la Croix for his inspection, in my presence, saying, "It is my will." The day before his death he again referred to it, and said it was placed in his private room in a "little black case."

The end drew near. Under the fervid summer sun, the rich merchant was dying. Two hours before he died he once more referred to the subject which seemed so much to agitate him.

It was natural that it should do so. It was justice to his daughter—the child of the woman whom he had loved.

In this last moment he solemnly charged Boisfontaine and Lubin to fail not in handing to De la Croix, when all should be over, the precious "little black case."

Then he became unconscious.

And then, says Mrs. Gaines—then, say the witnesses whose depositions support her—Relf, the partner, turned to the *armoire*, took up the bunches of keys, and left the room. Lubin followed him a moment after, and passed the door of the private room. He tried to enter, but it was locked. He heard a noise as of rustling among papers.

When the little black case came to be examined, no will was there!

Instead of it Messrs. Relf and Chew produced the will of 1811. It was admitted to probate; and they assumed charge of the dead merchant's great estates.

In 1812, Colonel Davis, with his family, including his little daughter Myra, removed to Philadelphia, and some years later he took up his residence at a handsome place on the outskirts of Wilmington. Here passed the later years of Myra's girlhood. Her supposed father, though living in comfort, and even elegance, was a man of marked character, subject to serious outbreaks of temper, when provoked, and received at his mansion no very wide circle of society. Myra had a limited acquaintance and few intimate friends. At this distance of forty years, there are very few persons in Wilmington who retain a distinct knowledge of Colonel Davis' daughter Myra.

The current of life shifted. There came to her guardian's home a young gentleman from New York, William Wallace Whitney. He brought with him ample letters of introduction; but for some reason Colonel Davis failed to regard him favorably. If he met with no very warm response in that quarter, however, he had ample compensation—he gained the love of Myra.

At this discovery her guardian grew fearfully angry. He forbade the correspondence between the lovers. He intimated that he had another and more distinguished alliance in view. From some of his disclosures she gained the first intimation that he was not her father.

The correspondence, of course, continued. At length Whitney wrote to Colonel Davis that he would again visit his house and assert the propriety of his addresses, and claim from him an acknowledgment of his position as a suitor. At this the wrath of the guardian knew no bounds. He raged and threatened. He would shoot the audacious lover. He would challenge him. He should not leave Wilmington alive. Myra became seriously alarmed.

In this condition of affairs she resolved that she must meet her lover and warn him not to come. This she must do in secret. She secured the services of a faithful servant to take her, late at night, in the carriage to Wilmington. Retiring to her chamber she waited till the household sank into quiet, and then hurried down to meet the old coachman. The night was dark and stormy. Rain fell in torrents. She had hastily gathered a slender supply of clothing into her trunk, and the servant helped her carry it to the carriage.

In trembling anxiety lest the hounds, which had been carefully tied up by the servant, might still give an alarm, or that some other mischance should betray them, the frightened girl sprang into the carriage, and they drove silently down the avenue. Apprehensive of pursuit, they fancied they heard noises behind them. They did not pause to open the avenue gates, but pressed the horses against them and burst them outward. Hurrying down the road, the turnpike gate was closed and fastened. They dared not call the keeper lest his suspicions should be aroused. A rush from the horses burst this new obstacle.

Midnight had chimed from the old town-clock on Market street hill when they drove into Wilmington. A light in the window of a familiar dwelling signaled the wet and trembling girl. An intimate female friend, who had been apprised of the intended flight by a brief note in the course of the day, was patiently waiting for her. On the breast of her companion she sobbed her relief. So far all was safe.

Mr. Whitney was expected to come by the steamboat from Baltimore. He would land on the river side at New Castle, five miles away. At daylight Myra set out to intercept him. Not meeting him, she took the boat for Baltimore, hoping she might see him there. Instead of that, he had set out at the same time she did, and they unknowingly crossed each other's paths. Fortunately her friends at New Castle detained him when he arrived; and on her prompt return they happily met.

The guardian's anger spent its force. He learned that the lovers were about to be married in Philadelphia. Myra was of age. He had much to lose by declining a reconciliation. He offered her his home for her wedding, and she gladly accepted.

Early in the autumn, when (as one of the bridesmaids, at this distance of thirty-six years, tells us) the fires were lighted on the hearths, the wedding took place.

The Genius of the Romantic seemed still to be the ruling spirit. The evening was already far spent, and all was ready for the ceremony, when it was discovered that no license had been procured. The bridegroom was annoyed, the bride trembled, the bridesmaids fluttered with additional tremors of excitement. A messenger was dispatched to ride with all speed upon the swiftest horse in the stables to Wilmington to procure the license. But a stupid servant gave him, instead, an old blind animal, who stumbled and blundered along in the rain and mud. Finding a magistrate with difficulty, it was ten o'clock before he returned and the ceremony could proceed.

Just as it was over, says the old lady, who was then the fair young bridesmaid, the storm which had prevailed during all the evening ceased. The wind fell, the night calmed, and from among the scattered clouds the moon shone with peaceful rays across the lawn.

Was it a premonition for the bride?

Mr. Whitney took his wife to New York, and they dwelt for perhaps two years at Binghamton, the home of his family.

It was a season of rest before a lifetime of labor; two years of peace before thirty of contention and struggle.

Mrs. Whitney had learned her parentage. From Davis himself she gathered that she had been deceived during all her girlhood. Little by little she pieced together the fragments of evidence, till at last the truth burst upon her—that the wealth of her father, Daniel Clark, of New Orleans, who died twenty years ago, was justly hers!

This truth took possession of her life. It was her inspiration. It absorbed her faculties, and gave but one color to her thoughts. She took it up as the index to a life of exertion. Seized by this conviction, she has been, since that moment, only the embodiment of a purpose, fixed, resolute, mad. She has been a thousand times thwarted; she has never failed. Against opposition, over difficulties, in spite of obstacles, she has accepted no result but success, and never doubting that she would attain it, thirty-four years' battle has brought victory at last.

Seven times, now, has her case claimed the attention of the highest court of law. First there was a decision in 1839, which did not assist her. Again in 1844; this was technical, but favorable. Again in 1844, with similar result. In 1847 she first gained decided success. Justice Wayne, her steady friend, almost her advocate, declared for the Court that her claim to property in New Orleans, now occupied by parties whose title came from Relf and Chew, executors of the will of 1811, was valid. He decided that she was the legitimate daughter of Daniel Clark, and consequently, under the laws of Louisiana, could not be dispossessed entirely, as the will of 1811 assumed to do. She must be "forced heir" to a portion. In this case Chief Justice Taney did not sit, a near family relative being interested; Justice McLean did not; and Justice Catron, being indisposed, did not. It was the first decided success.

In 1851 came adversity. Judge Catron pronounced the opinion of the Court unfavorable to every claim which Mrs. Gaines set up. A bill in equity, claiming the share to which her mother (Zulime) would, as the legal wife of Daniel Clark, be entitled by the Louisiana law, in spite of the will of 1811, was summarily dismissed on the ground that she was *not* the legitimate child of Daniel Clark.

To this, of course, Judge Wayne, joined by Judge Daniel, dissented.

But again, in 1860, there was a new decision. In the interim the destroyed will of 1813 had been admitted to probate, and this probate, upon appeal, sustained in the Louisiana courts, its contents being established by the recollections of those who heard it read by Clark.

[NOTE 9.—The will of 1813 was proven in the Probate Courts in 1834 by persons who had not only heard it read by Clark but had also read it themselves.]

This important point, gained in 1856, had claimed victory from the jaws of defeat. The whole case—law, fact, technicalities, side-issues, everything—was reviewed, and upon every point decided in favor of Mrs. Gaines, Justice Wayne once more speaking for the Court. Justice Catron again differed, and the Chief Justice (whose interest through his relatives seems to have ceased), and Judge Grier joined him. Catron's opinion is most unfriendly, and reviews with caustic severity the apparently weak points in the claimant's case. In summing up he said:

"If the decision in Twelfth Howard (his own opinion of 1851) be overthrown ruin must be the consequence to very many who have had confidence in its soundness."

Relying upon it as conclusive an immense amount of the disputed property had changed hands, and become vastly improved in the intervening nine years. He added (this is directly denied by Judge Davis in the decision of 1868) that Clark was a ruined man at his decease. "His failure was very large; his estate was wholly insolvent. The purchasers have in fact paid his debts to a large amount. Many of them are yet unpaid." The property claimed, he said, "has probably increased in value five hundred fold since 1820," the date of Relf and Chew's sales whence the defendants derived their title.

Judge Grier was scarcely less pronounced in his views. He closed his dissent with these vigorous words:

"I wholly dissent from the opinion of the majority of the court in this case, both as to the law and the facts. But I do not think it necessary to vindicate my opinion by again presenting to the public view a history of the scandalous gossip which has been buried under the dust of half a century, and which a proper feeling of delicacy should have suffered to remain so; I therefore dismiss the case, as I hope, for the last time, with the single remark that if it be the law of Louisiana that a will can be established by the dim recollections, imaginations, or inventions of anile gossips, after forty-five years to disturb the titles and possessions of bona fide purchasers, without notice of an apparently indefeasible legal title, *Haud equidem invideo, miror magis.*" (I do not indeed envy your position, but rather wonder at it.)

[NOTE 10.—It is presumable that the witnesses to the will of 1813 were old enough to know the obligations of an oath, and that if they were "anile gossips" testifying to "dim recollections, imaginations, or inventions," the astute and talented counsel employed against Mrs. Gaines would certainly have impeached their testimony; but fortunately for Mrs. Gaines they were unimpeachable, and gave their testimony only twenty-one years instead of forty-five years after the death of the testator, as stated by Judge Grier. It is a matter of regret, however, that Judge Grier should have so overlooked the facts; and it was fortunate for Mrs. Gaines and the cause of justice that she had such pure and noble men to adjudicate her rights as Wayne, Chase, Nelson, Clifford, Davis, Field, McLean, McKinley, and Daniel, who, unlike Judge Grier, in proportion to the length of time she had been wronged, had the moral courage to decide that that wrong should be redressed finally and forever, presenting a moral to the world that crime, however long concealed in darkness, will finally be brought to light.]

The particular case decided was against Duncan N. Hennen, of New Orleans, who held title for a square of ground bounded by Phillippi, Circus, and Poydras streets. This had come into his hands through the following transfers:

1820. Sold by Relf and Chew, executors of Daniel Clark, and attorneys in fact for Mary Clark to Azelic Lavigne.

1836. Azelic Lavigne to J. Hiddleston.

1836. J. Hiddleston to New Orleans and Carrollton Railroad Company.

1844. N. O. & C. R. R. Co. to D. N. Hennen.

After twenty-six years' possession, nine of which had been in confirmation of a decision of this court, Hennen was dispossessed by this decree.

The decision of 1860 would seem to be conclusive and final. It was so intended to be. But Mrs. Gaines was still resisted. Once more, in 1868, her claims have been confirmed. Her old friend, Judge Wayne, and her old—can we say opponent?—Judge Catron, are off the bench. Judge Davis spoke the opinion of himself, Chief Justice Chase, and Associates Nelson, Clifford, and Field, while Judges Grier, Swayne, and Miller dissented.

This decision—seventh mandate from the Supreme Court of the United States—is surely final. Opening it Judge Davis said:

"It was supposed after the decision in Gaines vs. Hennen (24 Howard), that the litigation, pursued in one form or another for over thirty years by the complainant, to vindicate her rights in the estate of her father, was ended.

And in conclusion he asked:

"Can we not indulge the hope that the rights of Myra Clark Gaines in the estate of her father, Daniel Clark, will now be recognized?"

Such is the outline of the progress of the Gaines case through thirty-four years of law. The legal reader can turn to the books and study the reports at leisure. Our sketch will be completed with a brief reference to the moving spirit of the long effort.

Married in 1832, learning her true history, though not fully, soon after, commencing her suits in 1834, Mrs. Whitney was left, amid the pestilence of New Orleans, a widow in 1836. The yellow fever struck down her husband in a few hours. She was alone, with three little children, a slender fortune, few friends, in the midst of actual enemies, for her bold claims had produced the most bitter opposition. Fearful Duty stood before her.

Somewhat later, she met General Gaines. He was warmly interested in her history, and he could not, doubtless, resist the winning eloquence of her address, or the piquant charms of person. They were married, and thence till now the heroine of the story is not Myra Davis, Myra Clark, nor Myra Clark Whitney, but Myra Clark Gaines.

The law's delays were fearfully expensive. The little fortune received at her marriage soon melted—she had spent the whole of her husband's estate. She had borrowed of his family, and she had borrowed of every one who was her enough to listen to her persuasive voice. "she talked the money out of their pockets."

[NOTE 11.—The writer "borrows" the imagination in these representations. It has borrowed in one or two instances, has given ample security upon a portion her estate, which the courts of last resort has decided in her favor.]

Nobody could listen fifteen minutes her without sharing in her enthusiasm or perfect conviction of ultimate success. She had feed the ablest lawyers in the land with princely retainers when she had money; and she had more than once pledged her own case when money could not be obtained. She knew the law perfectly. She had mastered details as well as principles. She knew precedents, and did not stop upon quibbles. Once, it is said, she spoke two hours and a half to a jury, and won the case.

Once more with a friend and partner her struggle, she fought forward. General Gaines devoted his time and his fortune to the work. For ten years the gallant old General and his beautiful young wife planned and executed their campaigns together. She had youth, fire, and energy, he had wealth, position, and a chivalric devotion to her cause.

Should you search over the files of some old newspapers, about 1841, you may find mention of the lecturing tour of General and Mrs. Gaines. They delivered in company a series of lectures upon subjects which would seem to be strangely dissimilar. The General had a new plan for national defense; his wife descanted upon the horrors of war. In Wilmington they thus jointly took up an evening in the Town Hall, appearing before a large audience, and devoting the proceeds to rebuilding the burned St. Andrew's church.

The General died in 1849. Once more alone, his widow has still fought the battle with unwearied energy. The fortune of her husband has been long since exhausted. Thousands upon thousands of dollars have been advanced to be repaid when she gained her property. It is perfectly safe to say that the expenditures in this suit have reached into thousands.

So violent was the antagonism to her in New Orleans, that her life there has been more than once endangered. Pistols have been directed at her, and once a bullet passed through her bonnet.

To-day Mrs. Gaines is doubtless the wealthiest woman in America. The actual value of the property adjudged to her is not be accurately estimated. It embraces some of the most improved portions of New Orleans, dwellings, stores, warehouses, public buildings. A schedule filed in 1868 shows a portion of the Clark estate, as well as it could then be estimated. It ran thus:

A cotton estate and lands inherited from his uncle, Col. Clark	$200,000
Two cotton plantations devised to him in 1812 by Mr. Wilkins, with one hundred negroes on each of them	200,000
Debts due from Wade Hampton for Havana Point sugar plantation	30,000
The Maison Rouge Grant	2,000,000
Lands purchased of Louis Bouligny, lying in Washita	10,000
Sugar plantation on the Mississippi, 15 miles above New Orleans	120,000
Two cotton plantations on the Mississippi, 60 miles above New Orleans	60,000
Lands bought of W. Simpson, on the Mississippi river, 80 miles above New Orleans	100,000
Lots in New Orleans, bought in 1862, of Judge Polot	50,000
A square bounded by Gravier street, in New Orleans, bought in 1813	50,000
Lands on Bayou Teche	30,000
Lands on Bayou Lafourche	30,000
Lands on Aux de Plaquemine	10,000
Ten thousand acres of cotton land on Bayou Boeuf	500,000
Seven thousand acres of land on Nezipique river	35,000
One hundred and ten thousand acres of land on Amite and Conette rivers, and East Baton Rouge	1,000,000
Eighty thousand acres of cypress swamp, near Ouachita river	20,000
Three lots on Gentilly road, three miles from New Orleans	20,000
Debt due from Chew & Relf to Mr. Clark, at his death	100,000
List of debts due to Mr. Clark, filed by Chew & Relf	100,000
List of debts due to Mr. Clark, filed by Chew & Relf	80,000
Debts (mortgages) released and discharged by Chew & Relf	80,000
Total	$5,000,000

For all this property the counter-claim doubtless number thousands. Many legal investigations and suits at law alone ascertain them all.

Is it not, then, truly a "most remarkable case? Can ingenious fiction weave a curious texture of romance than this of real life?

Pending the question, its heroine, at the age of sixty-three, is a charming and beautiful woman, wh