

PART FIFTH -- THE LOT OF MAN

CHAPTER ONE

"Why have I been brought here, your worships?" I asked, with a great deal of firmness.

There were two figures in black, the one beside, the other behind a large black table. I was placed in front of them, between two soldiers, in the centre of a large, gaunt room, with bare, dirty walls, and the arms of Spain above the judge's seat.

"You are before the Juez de la Primera Instancia," said the man in black beside the table. He wore a large and shadowy tricorn. "Be silent, and respect the procedure."

It was, without doubt, excellent advice. He whispered some words in the ear of the Judge of the First Instance. It was plain enough to me that the judge was a quite inferior official, who merely decided whether there were any case against the accused; he had, even to his clerk, an air of timidity, of doubt.

I said, "But I insist on knowing...."

The clerk said, "In good time...." And then, in the same tone of disinterested official routine, he spoke to the Lugareño, who, from beside the door, rolled very frightened eyes from the judges and the clerk to myself and the soldiers--
"Advance."

The judge, in a hurried, perfunctory voice, put questions to the Lugareño; the clerk scratched with a large quill on a sheet of paper.

"Where do you come from?"

"The town of Rio Medio, Excellency."

"Of what occupation?"

"Excellency--a few goats...."

"Why are you here?"

"My daughter, Excellency, married Pepe of the posada in the Calle...."

The judge said, "Yes, yes," with an unsanguine impatience. The Lugareño's dirty hands jumped nervously on the large rim of his limp hat.

"You lodge a complaint against the senor there."

The clerk pointed the end of his quill towards me.

"I? God forbid, Excellency," the Lugareño bleated. "The Alguazil of the Criminal Court instructed me to be watchful.

"You lodge an information, then?" the juez said.

"Maybe it is an information, Excellency," the Lugareño answered, "as regards the senor there."

The Alguazil of the Criminal Court had told him, and many other men of Rio Medio, to be on the watch for me, "undoubtedly touching what had happened, as all the world knew, in Rio Medio."

He looked me full in the face with stupid insolence, and said:

"At first I much doubted, for all the world said this man was dead--though others said worse things. Perhaps, who knows?"

He had seen me, he said, many times in Rio Medio, outside the Casa; on the balcony of the Casa, too. And he was sure that I was a heretic and an evil person.

It suddenly struck me that this man--I was undoubtedly familiar with his face--must be the lieutenant of Manuel-del-Popolo, his boon companion. Without doubt, he had seen me on the balcony of the Casa.

He had gained a lot of assurance from the conciliatory manner of the Juez, and said suddenly, in a tentative way:

"An evil person; a heretic? Who knows? Perhaps it was he who incited some people there to murder his señoria, the illustrious Don."

I said almost contemptuously, "Surely the charge against me is most absurd? Everyone knows who I am."

The old judge made a gentle, tired motion with his hand.

"Señor," he said, "there is no charge against you--except that no one knows who you are. You were in a place where very lamentable and inexplicable things happened; you are now in Havana: you have no passport. I beg of you to remain calm. These things are all in order."

I hadn't any doubt that, as far as he knew, he was speaking the truth. He was a man, very evidently, of a weary and naïve simplicity. Perhaps it was really true--that I should only have to explain; perhaps it was all over.

O'Brien came into the room with the casual step of an official from an office entering another's room.

It was as if seeing me were a thing that he very much disliked--that he came because he wanted to satisfy himself of my existence, of my identity, and my being alone. The slow stare that he gave me did not mitigate the leisureliness of his entry. He walked behind the table; the judge rose with immense deference; with his eternal smile, and no word spoken, he motioned the judge to resume the examination; he stood looking at the clerk's notes meditatively, the smile still round lips that had a nervous tremble, and eyes that had dark marks beneath them. He seemed as if he were still smiling just after having been violently shaken.

The judge went on examining the Lugareño.

"Do you know whence the señor came?"

"Excellency, Excellency..." The man stuttered, his eyes on O'Brien's face.

"Nor how long he was in the town of Rio Medio?" the judge went on.

O'Brien suddenly drooped towards his ear. "All those things are known, señor, my colleague," he said, and began to whisper.

The old judge showed signs of very naïve astonishment and joy.

"Is it possible?" he exclaimed. "This man? He is very young to have committed such crimes."

The clerk hurriedly left the room. He returned with many papers. O'Brien, leaning over the judge's shoulder, emphasized words with one finger. What new villainies

could O'Brien be meditating? It wasn't possibly the Lugareño's suggestion that I had lured men to murder Don Balthasar? Was it merely that I had infringed some law in carrying off Seraphina?

The old judge said, "How lucky, Don Patricio! We may now satisfy the English admiral. What good fortune!"

He suddenly sat straight in his chair; O'Brien behind him scrutinized my face--to see how I should bear what was coming.

"What is your name?" the judge asked peremptorily.

I said, "Juan--John Kemp. I am of noble English family; I am well enough known. Ask the Señor O'Brien."

On O'Brien's shaken face the smile hardened.

"I heard that in Rio Medio the senior was called... was called..." He paused and appealed to the Lugareño.

"What was he called--the capataz the man who led the picaroons?"

The Lugareño stammered, "Nikola... Nikola el Escoces, Señor Don Patricio."

"You hear?" O'Brien asked the judge. "This villager identifies the man."

"Undoubtedly--undoubtedly," the Juez said. "We need no more evidence.... You, Señor, have seen this villain in Rio Medio, this villager identifies him by name."

I said, "This is absurd. A hundred witnesses can say that I am John Kemp...."

"That may be true," the Juez said dryly, and then to his clerk:

"Write here, 'John Kemp, of noble British family, called, on the scene of his crimes, Nikola el Escoces, otherwise El Demonio.'"

I shrugged my shoulders. I did not, at the moment, realize to what this all tended.

The judge said to the clerk, "Read the Act of Accusation. Read here...." He was pointing to a paragraph of the papers the clerk had brought in. They were the Act of Accusation, prepared long before, against the man Nichols.

This particular villainy suddenly became grotesquely and portentously plain. The

clerk read an appalling catalogue of sordid crimes, working into each other like kneaded dough--the testimony of witnesses who had signed the record. Nikola had looted fourteen ships, and had apparently murdered twenty-two people with his own hand--two of them women--and there was the affair of Rowley's boats. "The pinnacle," the clerk read, "of the British came within ten yards. The said Nikola then exclaimed, 'Curse the bloodthirsty hounds,' and fired the grapeshot into the boat. Seven were killed by that discharge. This I saw with my own eyes.... Signed, Isidoro Alemanno." And another swore, "The said Nikola was below, but he came running up, and with one blow of his knife severed the throat of the man who was kneeling on the deck...."

There was no doubt that Nikola had committed these crimes; that the witnesses had sworn to them and signed the deposition.... The old judge had evidently never seen him, and now O'Brien and the Lugareño had sworn that I was Nikola el Escoces, alias El Demonio.

My first impulse was to shout with rage; but I checked it because I knew I should be silenced. I said:

"I am not Nikola el Escoces. That I can easily prove."

The Judge of the First Instance shrugged his shoulders and looked, with implicit trust, up into O'Brien's face.

"That man," I pointed at the Lugareño, "is a pirate. And, what is more, he is in the pay of the Señor Juez O'Brien. He was the lieutenant of a man called Manuel-del-Popolo, who commanded the Lugareños after Nikola left Rio Medio."

"You know very much about the pirates," the Juez said, with the sardonic air of a very stupid man. "Without doubt you were intimate with them. I sign now your order for committal to the carcel of the Marine Court."

I said, "But I tell you I am not Nikola...."

The Juez said impassively, "You pass out of my hands into those of the Marine Court. I am satisfied that you are a person deserving of a trial. That is the limit of my responsibility."

I shouted then, "But I tell you this O'Brien is my personal enemy."

The old man smiled acidly.

"The señor need fear nothing of our courts. He will be handed over to his own

countrymen. Without doubt of them he will obtain justice." He signed to the Lugareño to go, and rose, gathering up his papers; he bowed to O'Brien. "I leave the criminal at the disposal of your worship," he said, and went out with his clerk.

O'Brien sent out the two soldiers after him, and stood there alone. He had never been so near his death. But for sheer curiosity, for my sheer desire to know what he could say, I would have smashed in his brains with the clerk's stool. I was going to do it; I made one step towards the stool. Then I saw that he was crying.

"The curse--the curse of Cromwell on you," he sobbed suddenly. "You send me back to hell again." He writhed his whole body. "Sorrow!" he said, "I know it. But what's this? What's this?"

The many reasons he had for sorrow flashed on me like a procession of sombre images.

"Dead and done with a man can bear," he muttered. "But this--Not to know--perhaps alive--perhaps hidden--She may be dead...." With a change like a flash he was commanding me.

"Tell me how you escaped."

I had a vague inspiration of the truth.

"You aren't fit for a decent man's speaking to," I said.

"You let her drown."

It gave me suddenly the measure of his ignorance; he did not know anything--nothing. His hell was uncertainty. Well, let him stay there.

"Where is she?" he said. "Where is she?"

"Where she's no need to fear you," I answered.

He had a sudden convulsive gesture, as if searching for a weapon.

"If you'll tell me she's alive..." he began.

"Oh, I'm not dead," I answered.

"Never a drowned puppy was more," he said, with a flash of vivacity. "You hang

here--for murder--or in England for piracy."

"Then I've little to want to live for," I sneered at him.

"You let her drown," he said. "You took her from that house, a young girl, in a little boat. And you can hold up your head."

"I was trying to save her from you," I answered.

"By God," he said. "These English--I've seen them, spit the child on the mother's breast. I've seen them set fire to the thatch of the widow and childless. But this.... But this.... I can save you, I tell you."

"You can't make me go through worse than I've borne," I answered. Sorrow and all he might wish on my head, my life was too precious to him till I spoke. I wasn't going to speak.

"I'll search every ship in the harbour," he said passionately.

"Do," I said. "Bring your Lugareños to the task."

Upon the whole, I wasn't much afraid. Unless he got definite evidence he couldn't--in the face of the consul's protests, and the presence of the admiral--touch the Lion again. He fixed his eyes intently upon me.

"You came in the American brigantine," he said. "It's known you landed in her boat."

I didn't answer him; it was plain enough that the drogher's arrival had either not been reported to him, or it had been searched in vain.

"In her boat," he repeated. "I tell you I know she is not dead; even you, an Englishman, must have a different face if she were."

"I don't at least ask you for life," I said, "to enjoy with her."

"She's alive," he said. "Alive! As for where, it matters little. I'll search every inch of the island, every road, every hacienda. You don't realize my power."

"Then search the bottom of the sea," I shouted.

"Let's look at the matter in the right light."

He had mastered his grief, his incertitude. He was himself again, and the smile had returned--as if at the moment he forced his features to their natural lines.

"Send one of your friars to heaven--you'll never go there yourself to meet her."

"If you will tell me she's alive, I'll save you."

I made a mute, obstinate gesture.

"If she's alive, and you don't tell me, I can't but find her. And I'll make you know the agonies of suspense--a long way from here."

I was silent.

"If she's dead, and you'll tell me, I'll save you some trouble. If she's dead and you don't, you'll have your own remorse and the rest, too."

I said, "You're too Irish mysterious for me to understand. But you've a choice of four evils for me--choose yourself."

He continued with a quivering, taut good-humour: "Prove to me she's dead, and I'll let you die sharply and mercifully."

"You won't believe!" I said; but he took no notice.

"I tell you plainly," he smiled. "If we find... if we find her dear body--and I can't help; but I've men on the watch all along the shores--I'll give you up to your admiral for a pirate. You'll have a long slow agony of a trial; I know what English justice is. And a disgraceful felon's death."

I was thinking that, in any case, a day or so might be gained, the Lion would be gone; they could not touch her while the flagship remained outside. I certainly didn't want to be given up to the admiral; I might explain the mistaken identity. But there was the charge of treason in Jamaica. I said:

"I only ask to be given up; but you daren't do it for your own credit. I can show you up."

He said, "Make no mistake! If he gets you, he'll hang you. He's going home in disgrace. Your whole blundering Government will work to hang you."

"They know pretty well," I answered, "that there are queer doings in Havana. I promise you, I'll clear things up. I know too much...."

He said, with a sudden, intense note of passion, "Only tell me where her grave is, I'll let you go free. You couldn't, you dare not, dastard that you are, go away from where she died--without... without making sure."

"Then search all the new graves in the island," I said, "I'll tell you nothing.... Nothing!"

He came at me again and again, but I never spoke after that. He made all the issues clearer and clearer--his own side involuntarily and all the griefs I had to expect. As for him, he dared not kill me--and he dared not give me up to the admiral. In his suspense, since, for him, I was the only person in the world who knew Seraphina's fate, he dared not let me out of his grip. And all the while he had me he must keep the admiral there, waiting for the surrender either of myself or of some other poor devil whom he might palm off as Nikola el Escoces. While the admiral was there the Lion was pretty safe from molestation, and she would sail pretty soon.

At the same time, except for the momentary sheer joy of tormenting a man whom I couldn't help regarding as a devil, I had more than enough to fear. I had suffered too much; I wanted rest, woman's love, slackening off. And here was another endless coil--endless. If it didn't end in a knife in the back, he might keep me for ages in Havana; or he might get me sent to England, where it would take months, an endless time, to prove merely that I wasn't Nikola el Escoces. I should prove it; but, in the meantime, what would become of Sera-phina? Would she follow me to England? Would she even know that I had gone there? Or would she think me dead and die herself? O'Brien knew nothing; his spies might report a hundred uncertainties. He was standing rigidly still now, as if afraid to move for fear of breaking down. He said suddenly:

"You came in some ship; you can't deceive me, I shall have them all searched again."

I said desperately, "Search and be damned--whatever ships you like."

"You cold, pitiless, English scoundrel," he shrieked suddenly. The breaking down of his restraint had let him go right into madness. "You have murdered her. You cared nothing; you came from nowhere. A beggarly fool, too stupid to be even an adventurer. A miserable blunderer, coming in blind; coming out blind; and leaving ruin and worse than hell. What good have you done yourself? What could you? What did you see? What did you hope?... Sorrow? Ruin? Death? I am acquainted with them. It is in the blood; 'tis in the tone; in the entrails of us, in our mother's milk. Your accursed land has brought always that on our own dear

and sorrowful country.... You waste, you ruin, you spoil. What for?... Tell me what for? Tell me? Tell me? What did you gain? What will you ever gain? An unending curse!... But, ah, ye've no souls."

He called very loudly, as if with a passionate relief, his voice giving life to an unsuspected, misgiving echo:

"Guards! Soldiers!... You shall be shot, now!"

He was going to cut the knot that way. Two soldiers pushed the door noisily open, their muskets advanced. He took no notice of them; and they retained an attitude of military stupidity, their eyes upon him. He whispered:

"No, no! Not yet!"

Then he looked at me searchingly, as if he still hoped to get some certainty from my face, some inkling, perhaps some inspiration of what would persuade me to speak. Then he shook his wrists violently, as if in fear of himself.

"Take him away," he said. "Away! Out of reach of my hands. Out of reach of my hands."

I was trembling a good deal; when the soldiers entered I thought I had got to my last minute. But, as it was, he had not learnt a thing from me. Not a thing. And I did not see where else he could go for information.