

Mariquita's Way.

By CUTCLIFFE HYNE.

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It was far too hot to think of sleep to-day. The women, of course, had to stay there, unfortunate creatures, but of us men, most had dragged mattresses out on the upper deck and were sprawling on them beside the after wheelhouse.

The diplomatist was the only one among us out of complete palmas. His nether limbs were draped in a silken burmese which looked like a person. The rest of us were too languid for speech, but he (perhaps through some virtue acquired from his flowing garment) seemed full of sententious utterances, which he delivered confidentially to the close Red sea night.

This was one of the things he said: "You may bring a woman from the ends of the earth and rear her in London and Paris, cramming her to the pins in the hair with all their conventionalities; but if she be a woman, she will chuck all such varnish overboard if ever she be stirred by a really mighty passion, and she will show again to broad daylight the naked soul that was born within her ribs."

Some one laughed, indolently yet unbelievingly, and then the diplomatist broke out into a tale in support of his assertion. This is the tale:

The woman I was talking of was one of the richest spinsters in the world. She was raised some 200 miles up-country from Rio and had it constantly impressed on her there that every word she spoke was law. You see, her father doted on her and all the niggers round were slaves.

There's a good deal of abuse thrown at Brazil, as being a country where people starve, and die of fevers, and get shot in the weekly revolutions, and robbed by a system of brigandage known as "legal process"; but out of every half-million there is one man who contrives to avoid these pestilences, and in consequence waxes enormously rich. He makes use of the less fortunate and troads on their heads with hob-nailed boots to assist him in his climb. There are few half-and-half people in Brazil, and there is a small but an extremely small handful of the very abnormally rich. Mariquita's papa was one of these last. He had immigrated to the country from Chili in his early youth, and couldn't say certainly who his parents were, though he believed he had Anglo-Saxon blood in him. His wife was a New Orleans creole, who spoke nigger French patois as a native tongue, and emphatically asserted herself to be an Englishwoman. So what countrywoman by blood Mariquita really was it is hard to say. She spoke English, French, Catalan-Spanish and mongrel Portuguese with equal fluency and inaccuracy, and when I asked her once in Paris what her nationality was she said she mostly put herself down as French. But then she added that she wouldn't insist on that, because it didn't really matter. So long as she was alive and enjoying herself people might say she was a Yagut Indian for anything she cared.

She was a most extraordinary woman. Her father died when she was 15 and a year afterward she came to Europe and lived entirely on her own particular hook. She, apparently, hadn't a relative or guardian, or any governing connection in the world. She signed her own checks, had an unlimited balance to draw upon and acted in all ways exactly as seemed to her best. She was rather petite in figure, gloriously handsome and would suffer advice to be thrust upon her own perfectly, and laughed gleefully at the many attempts that were made to take her in.

On the whole, she wasn't badly educated, for although I don't think she ever troubled herself to grind at any book-learning, she was very quick at picking matters up and one can learn a good many things from smart conversation if one listens and doesn't forget. She was remarkably independent, but she knew thoroughly how the conventionalities were marked out; and when it suited her purpose to do so—as it generally did—she kept within their bounds. For instance, she had an old stone brook, muddled-witted marquis of the aristocratic regime as nominal head of her hotel in the Boulevard Haussmann. But if she wanted to fling her heels, up they went, no matter who was looking.

Mariquita was by no means a difficult person to get to know in those days, and I had the entire to her salon almost directly after I had taken up quarters in Paris. She danced divinely—as all women with penitular blood in them can do—she was most fascinating to look at and talk to and I expect I must have given pretty clearly how much I was struck, for only the third evening I came across her so coolly told me not to propose to her.

"I know you were going to," said she, "and I suppose you'll do it still. They're most of them do. And then afterward they get sulky and go away. I like that. I like friends and I like admiration—heaps of both. But when I want a man for a husband I'll say, 'I'm not shy, mon ami. I'll do the asking myself.'"

After that—and remembering the money—I held my tongue, though I was honestly very much smitten with her at the time and would have married her out of hand if she hadn't possessed a lousie.

They transferred me to St. Petersburg and I lost sight of her for a couple of years, but when I got back to Paris again there she was, just the same as before, with most of the old courtiers around her and many new ones besides. She hadn't chosen a Mr. Mariquita yet, but rumor pointed to the lucky man.

He was English—aggressively English—long and thin, milky and watery, profoundly ugly, and oddest of all, a parson. To be precise, he was a curate from a small south coast village. On the principle that it was impossible to imagine a more unlikely man for Mariquita to take a fancy for, I wasn't in the least surprised at her choice; but it did startle me to find that he wasn't an atom epais in return. He started about at the wonderful things in her hotel like a board-school child in the British museum; he gazed on the sumptuously dressed crowds that thronged her salons, and he delighted in all he saw. But by a singular irony Mariquita didn't dazzle him in the very least degree, and as for thinking that he'd only to say "Barkis" to be master of the whole lot, I'm sure such an idea never dawned upon him. He was an awful thick-head, good heavens! If any of the rest of us had had things put to us a millionth part as broadly as he got "em-for, mind you, Mariquita was never the woman to mince matters—I know we should have been down on our marrow bones singing out a proceal there and then, even if it had been in the middle of the Avenue de l'Opera.

However, one day it was reported he had suddenly packed up his traps and bolted back to England, and of course all Paris knew why. Mariquita didn't make the smallest secret about it. I saw her that evening and we discussed the matter quite calmly. She put it frankly:

"He said he wouldn't have me. Fancy that!"

"The man's off his head," I suggested.

"It is odd," I might have had any of the rest of you if only I had given in to your pestering, and here's the one man I don't want says 'no' when I fling the handker-

chief at his feet."

"Judging from what I saw of the gentleman, he isn't up in metaphor. Are you certain he understood you?"

"Am I in the habit of mincing matters?"

"On second thoughts, I'll withdraw the last question. You always speak your mind very bluntly, Mariquita—as I have reason to know. Still, believe me, I am sorry for you."

"By all that's curious, why?"

"Because thus far through life you have carried everything with a high hand, exactly as you wished, and so this disappointment will come all the more heavily."

"Monseigneur l'Attaché, are you trying to be impertinent?"

"On the contrary, sympathetic."

"Ah! I see, you are jumping at conclusions. But, believe me, I do not intend to create a bad precedent here. I shall triumph. I shall remain unbeaten. He left me because he had a—how do you call it? Not fiancée. Ah, sweetheart—because he had a sweetheart near his home. Tomorrow I cross to see her. By the day after I shall have drawn a check in her favor which will amply compensate her. Then he will be without other claims and I shall have him to myself. Voila tout."

I laughed and left her. There was a fine originality in the idea of pensioning off a man's sweetheart.



"WON'T YOU GO AND SEE HIM?" I ASKED, AS SHE LAY BACK ON A SOFA, WITH A SIGH OF UTTER CONTENTMENT.

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How that dreadful piece of midnight manliness was accomplished I blush even now to recollect. When I broke, unannounced, into his room, the wretched victim was writing laboriously on blue foolscap. At his elbow was an open book, which he cooly shut on my approach. He was copying out his sermon for the ensuing Sunday.

I put the case to him bluntly, without throwing in a word for his defense. He was to come with me there and then. If he came peacefully, so much the better. If he resisted, I had a powerful boat's crew below who would carry him off, willy-nilly. I recommended him to avoid scandal and uproar and submit to the stronger hand. He said he would. He sought permission to pack a small black handbag with books and raiment, but I was too much scared to leave an unnecessary moment, and carried him off as he was—in bob-tail coat and slippers; and the steam launch set us on board; and the forestall sheet was let down and the schooner stood off down channel.

I ushered that poor devil into his state room and went to report to Mariquita. "Won't you go and see him at once?" I asked, as she lay back on a sofa with a sigh of utter contentment and showed no disposition to move.

"No. The moment for hurrying is past and time shall have a chance now. I'm very happy as I am and can quite afford to wait. The yacht is provisioned for three years, and, if necessary, she shall keep the seas for all that while."

"Good heavens! Then you can't expect to keep me mending about in your train? Why, my dear girl, it would utterly blast all my professional reputation."

She laughed coolly. "Pooh! What a hypocrite you are. Not very many weeks ago your dream (as you put it) was to be near me always. You said you envied my detachment. And now that you are offered the chance—"

"My dear girl, I couldn't make any till I knew how the land lay."

"Peste! You should have mapped out fifty, to suit every contingency. But if you are so dull-witted, listen! They are to be married almost directly. I do not know how you cold-blooded English work such things, but fortunately some delay seems necessary. Still, their 'banes' (whatever those may be) have been called out twice."

"Then, by jove, Mariquita, you've only a man's law. They evidently funk you desperately and are going to get safely tied together out of harm's way. There's only one method of preventing it that I can see. Order around your yacht, kidnap him on board and once safely at sea you can afford to wait for terms."

I said this more or less in irony, but to my disgust she took it up promptly.

"Yes, that has good points, though it is not altogether practical, as my yacht is at Marseilles and would take too long to get into commission and bring round. But I can improve on it."

She rang the bell and sent for the manager. The man put in an appearance very promptly.

"What large yacht is there here ready for sea?"

"Lord Raybury's schooner clears for the South Pacific tomorrow, madam."

"Owner?"

"Lord Raybury."

"Where does he live?"

"He is now staying here, madam."

"Good. Show me to his room."

"If madam will follow me."

The pair of them left me and in about sixteen minutes time she returned. She

sank into a chair and laughed.

"Your English noblemen are very funny. I told that one, without any beating about the bush, that I wanted to buy his yacht. He asked me if I wished to insult him. I said, did he think she was worth £10,000. He remarked frigidly that as she stood she represented £15,000. Whereupon I promptly offered him £20,000 and brought out my check book and filled him up a form. He took it like a lamb. Money's a great thing, isn't it?"

"Hum! You have been smart about it. Can I conclude the arrangements for you?"

"Am I in the habit of mincing matters?"

"No. I packed off his key lordship to manage that. I thought he'd do it better than you could. Now, please tell me how you intend to kidnap my shy on board."

"I, most imperial!"

"Yes, you. My imperial highness is graciously pleased to depute that trifling service to your hands."

"But the thing can't be done. It's against the law. Why, it would entail penal servitude and I don't know what besides. You aren't in your out-throat South America now, Mariquita."

I came across the girl there in a country house, and—well, the fact is, I married her myself. I tell you fellows we both feel awfully indebted to Mariquita.

ADVICE TO EASTERN WOMEN.

Horace Greeley's Suggestion to Young Men Paraphrased.

Paraphrasing Horace Greeley's famous advice, Mrs. Mary A. Livermore says: "Go west, young woman, go west." This suggestion was made in an address delivered before the Public School association in Boston a few days ago. Mrs. Livermore expressly disclaims any intention of conveying the idea that women are unjustly treated in New England. She acknowledges that her sex is not treated with proper respect in that section, but claims that women are themselves to blame for this because they do not make proper effort to maintain their rights and because they neglect their social and political duties.

"I am a Yankee of Yankees," said she. "I was born in Boston, as were my parents and grandparents before me, but I must say that with an excess of 70,000 women

the population of Massachusetts it is not surprising that the women do not receive the attention and courtesy that is not only due them, but which is given them in the more sparsely settled sections of the country where women are in the minority. What you find wanting in this world is what you most desire.

In the western part of our country the society of true and noble women is far more rare than it is here in Boston and consequently more appreciated. The women of the west have a much wider sphere of influence and can assert themselves, and can in the social and business life mark out for themselves a career far more distinguished than can their sisters in the east. For this reason I advise with Horace Greeley: "Go west, young woman." There you will have the opportunity to develop your faculties and show, without prejudice, in a country not overcrowded, your true worth in a social and business life."

SUPREME COURT SYLLABI.

No. 1021. Smith against Allen. Appeal from Douglas. Reversed. Albert, C. Division No. 3. Reported.

1. A denial, though coupled with an allegation showing a lack of knowledge of the facts, is sufficient to raise an issue.

2. A party entering such denial is not required to state that he makes the same on information and belief, nor to allege a lack of knowledge or information sufficient to form a belief.

3. A party failing to plead to a cross petition, the court having jurisdiction of his person, will not be heard to say that an adverse finding thereon is not sustained by sufficient evidence.

4. A cross-petition was filed after the answer day fixed by the summons. Thereafter some of the other defendants filed answers to the original petition and were represented by attorneys at the trial of the case. Held, that such defendants are chargeable with notice of the filing of the cross-petition and, as to them, no summons thereon was required.

No. 1022. In re against Marsh. Error from Douglas. Affirmed. Ames, C. Division No. 1. Not reported.

1. When one of the questions in a lawsuit is the value of the use and occupation of real property in a city one of the parties, who immediately before the litigation had had for a considerable time occupied the premises for business purposes and was seeking for damages for alleged unlawful

disposition of them, is a competent witness after swearing that he knows such value, to testify what he considers it to be, his degree of competency and the effect of his interest upon his credibility being left to the jury to determine.

2. Error cannot be assigned in this court because of the giving or refusal of instructions unless exception is taken at the time.

3. Instructions contained in the record examined and found not to be erroneous.

No. 1023. Emory against Boyer. Appeal from Phelps. Affirmed. Hastings, C. Division No. 1. Not reported.

1. Objections to an appraisal of real estate on a judicial sale came too late if made only after the sale has been made.

2. Copies of appraisal filed to serve as a guide for bidders and parties at the sale and a mere clerical defect will not vitiate a substantially correct copy.

No. 1024. First National Bank of Pawnee against Manning. Error from Pawnee. Judgment. Albert, C. Division No. 2. Not reported.

The liability of a garnishee is to be determined by the status of the debt in his hands at the time his answer is taken, when it appears that at the time of the service of notice of attachment the funds sought to be reached were not the subject of garnishment, but afterward and before the taking of the answer became so.

No. 1025. Gundry against Brown. Appeal from Lancaster. Reversed. Kirkpatrick, C. Division No. 1. Not reported.

To authorize the sheriff to make a second appraisal of lands which he is about to sell under execution it must affirmatively appear by the return of such sheriff that the property has been twice advertised and offered for sale, and that it remains unsold for two months.

No. 1026. Clemmons against Clemmons. Error from Cass. Reversed. Duffie, C. Division No. 1. Not reported.

Where before the commencement of a trial an order of court is entered excluding from the courtroom all witnesses, except the one on examination, and one of them not being informed of such order enters the courtroom and remains for a brief time during the examination of a witness, it is error on the part of the court to refuse to allow such witness to testify, where neither the party by whom he is called nor the attorney of the party are privy to the violation of the rule on the part of the witness.

No. 1027. Linton against Baker. Error from Douglas. Affirmed. Kirkpatrick, C. Division No. 1. Not reported.

1. The authentication of a record of the queen's bench division of the high court of justice of England examined and held to conform to the requirements of section 416 of the code.

2. Under the provisions of section 23 of the code every action must be prosecuted in the name of the real party in interest, and the owner of a judgment upon which suit is brought, although having no formal assignment of such judgment, is the real party in interest.

3. When in a case tried to a jury there is no conflict in the evidence and reasonable men can draw but one conclusion from the facts and circumstances proved it is proper for the court to direct the verdict. C. B. & N. 1028. Phoenix Insurance Company against Hoover. Appeal from Webster. Affirmed. Duffie, C. Division No. 2. Not reported.

1. A bill of exceptions allowed and signed by the trial judge becomes a part of the record in the case, and its recitals cannot be impeached by affidavits filed for that purpose.

2. Record examined and held to disclose no error on the part of the court on confirmation of sale.

No. 1028. Dorward against Troyer. Appeal from Saline. Reversed and dismissed. Ames, C. Division No. 2. Not reported.

Equity will not relieve against a judgment at law unless the complainant both pleads and proves a defense thereto upon the merits in any case in which he has had knowledge of notice of the pendency of the action in time to make his defense therein and has negligently omitted so to do.

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East Florence, Ala., January 6, 1901.

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Mrs. P. M. MITCHELL.

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