

## Literature, &amp;c.

## THE SOLDIER ASSASSIN.

BY A JAIL CHAPLAIN.

A few weeks after my appointment to the chaplaincy, and before habit had rendered me a calm and suspicious listener to the sad recitals which were continually submitted to me, a committal took place, the particulars attending which riveted my attention then, and have often irritated my curiosity since.

The party was in the prime of life, agile, with a remarkably good address, and a keen, clear, quick eye. The magistrate who convicted him himself a soldier, expressed his conviction that the prisoner had served in the ranks; and Philip Wingate's military air and martial step in some degree bore out the assertion. But the accused entered into no explanations. He avowed, indeed, to the bench, in firm but respectful terms, his entire innocence of the deed laid to his charge; but he set up no *alibi*; nor did he attempt any counter statement; nor would he, though invited by the committing magistrate, state where he had been on the night and hour when the alleged outrage took place.

The facts were these. A wealthy farmer, not of peculiarly sober habits, or of extremely retentive memory, was robbed on his return from Bottesbury fair. His assailants were three in number, and one of them, he swore most positively, was Wingate.

"One is grieved to commit such a fine fellow as that to a gaoler's discipline," said the presiding magistrate, at the close of the examination; "but the prosecutor's statement is so decided, that he leaves us no alternative."

His brother magistrates assented, and Philip Wingate was led away.

"I never touched the man; have none of his money; never spoke to him in my life," the prisoner asseverated; and from this declaration he never varied.

The assizes came on; and the trial, from the habits of the prosecutor, and the large sum of money of which he had been robbed, excited considerable interest. Wingate was firm and self-possessed throughout. He cross examined the prosecutor, Basham, with considerable skill; he elicited the material fact, that he had been drinking deeply during the morning of the day on which the robbery was effected; he drew from him an acknowledgement that the evening was far advanced when the scuffle took place: and that "it was neither dark nor light" when his pocket book was snatched from him. Nay, more, he reminded the prosecuting counsel,—a rambling desolatory speaker,—that he was not obliged to tell the jury where he was on the day and hour when the robbery took place, and that his silence on this point was no proof of guilt; and further, that his being found, three hours after the occurrence, near the spot where Basham said he had been robbed, did not prove him to be a party to such robbery, supposing it to have taken place. He again asseverated his innocence. The tone, the temper, the tact with which these observations were made had a visible effect upon the judge; while the prisoner's martial bearing, manly voice, and cool self-sustained deportment carried with him the sympathy of a crowded court. But he gave no explanation, called no witnesses; and the judge, having twice asked him if he had any further statement to make, and having received a respectful negative, proceeded to address the jury. His charge was clear and masterly, and, on the whole, favourable to the prisoner. He dwelt on the admitted intemperate habits of the prosecutor; on the fact that he had been drinking deeply the day he was robbed; on his admission that he had never seen the prisoner prior to the night named in the indictment; and that none of Basham's property had been found in Wingate's possession.

If ever judge was counsel for a prisoner, Baron Garrow was Wingate's counsel on that occasion.

But it availed not! The jury was composed mainly of farmers, and they, having a wholesome dread of highwaymen, a reverential respect for their greasy pocket books, and a fellow feeling for his brother clod "overtaken by a little liquor," returned a verdict of "guilty."

The judge was taken by surprise; but, after a pause, he remarked on the absence of all violence, and dwelt on the extenuating features of the case. Again he paused, as if scarcely reconciled in his own mind to the finding of the jury, and then passed a mitigated sentence of transportation for life.

Wingate left the dock as cool and self-possessed as if nothing had happened.

"I never counted on an acquittal," was his remark; "THE PAST TOLD ME THAT. But now to make the best of matters!"

And he moved away with as firm a step, and as bold a carriage, as if he had been going on parade.

There was a point, however, on which his nerve failed him,—the treadmill; he shook when he approached it!

"And yet," said the gaoler, in mentioning the fact, "it was no new acquaintance; it was merely the renewal of a former intimacy."

"How mean you?"

"I mean this, sir, that Wingate has been upon the mill many a time and oft before to-day."

"That must be mere conjecture."

"By no means. Three minutes make strange discoveries: they will suffice to show the awkwardness of a raw hand, and the ease and skill of an old practitioner. Wingate is the latter; the treadmill is familiar to him; he knows every manoeuvre and trick respecting it."

"That surprises me. But he still asserts his innocence?"

"He does, sir, and, in my opinion, truly. I heard the trial—I watched the man closely before and since; and I verily believe he was neither principal nor accomplice in that affair. However, he will pay the penalty; for he starts for the hulks at Portsmouth at seven to-morrow."

That evening he sent for me; and, as a last and particular favour, begged that he might see me alone. His wish was acceded to. He began thanking me for "the pains I had taken"—they were his own words—"to make him a better Christian;" and then expressed his "fears that I had thought him sullen and ungrateful," because he was not communicative.

"I could not," he continued, "clear myself in Basham's case without implicating others. I must have delivered up three associates to certain punishment had I said where I was and how employed, when that perjured coward was eased of his pocket-book. I disdained to be a traitor; and cheerfully submit, in preference, to my punishment. But to you, sir I will make a clean breast. I never robbed that man: but I know who did. I was not far off, for I was poaching; and it was while searching for some game which I had hid, and, like a fool, could not readily find, that the constables apprehended me as the guilty party. But, I repeat, Basham was not molested by me. I never saw him till we met before the magistrate. Poaching has been my ruin—that, and nothing else! My poor father's prophesy is about to be fulfilled, that my gun would banish me from my country and my home for ever."

"My prospects, sir, were at one time good. My father was a small landholder in Nottinghamshire under the Duke of ——. The Duke was partial to him: and proved it by many acts of well timed assistance. His Grace had for years paid particular attention to agriculture; was himself a practical farmer; liked to see land clear; was no bad judge of a fallow; and could tell unerringly from the look of the crop whether labour, or manure, or both, had been stinted on the land. An occupier bent on the improvement of his farm was the Duke's delight. On all these points John Wingate was a tenant to his Grace's mind. But he had another, and still more powerful recommendation. The Duke strictly preserved the game. He liked a gun in none of his tenants' hands. Sporting, and a smock frock, he held utterly irreconcilable. "He shoots occasionally," was a sentence which sealed the dismissal of many a careless, but honest son of the soil. Here my father's claims to pre-eminence was indisputable. That being did not live who could say he had ever seen John Wingate carry a gun! The partridge might nestle among his turnips, and a hare nibble his young wheat, and the pheasant whirr from his thick plantations, fearless of molestation from him."

"Not so his only, and most unfortunate child! I was born a sportsman. From my very childhood I coveted the fame of a "crack shot." Chide me, beat me, deprive me of food or rest—and each and all these punishments have, in turn, been mine—nothing could wean me from field sports. "It is thy bane, boy," my poor father used to say; "it will deprive thee of light and liberty, and all that thy soul holds dear."

"Ah, sir! if the great were but sensible of the odium which the game laws entail on them; if they could guess the angry feeling, the bitter alienation which they create, and keep up between the peasant and the proprietor; if they were aware with what a chafed and exasperated spirit a land occupier impresses on his family, that neither he nor one of his sons can shoot with impunity a single head of that game which has been bred upon his own farm, and has thriven upon the produce of his own toils, they would exterminate the breed from their domain."

"For a time I was wary; but success rendered me incautious; and early one morning, when I had just flushed a covey, I was caught. The keepers were inflexible. They reported me to the Duke. I blame him not. He acted kindly and forbearingly. He sent for my father. He reminded him of the condition, implied, but fully understood, on which all his tenants held their farms. He asked me if I denied the charge? I at once admitted it. He then said that my youth, and my father's worth should quash the present accusation—he would forget that he had ever heard it; but he warned me of the consequences of any future transgressions. I left him, baffled, vexed, and mortified; but by no means convinced that I was the wrong doer. My father's distress was great, and it moved me: I mentally made a firm resolve: and for days—nay, weeks I kept it. But the trial was severe. To hear in early morning the guns popping merrily around me; to catch the call of the partridge from the stubble; to rouse 'puss' from her form, and 'so-ho!' her as she scoured gaily down the hedge row, and all the while within range; in this thicket to put up a pheasant; and in that turnip field to stumble upon a glorious covey; and to feel all the time that my hands were tied, and my gun useless, and my dog idle—this, to a spirit like mine, was unendurable. Again I ventured: was detected, fined, surcharged, and—disowned by my timid and terror-stricken parent—committed!

"Pat him on the treadmill," was the order of the visiting justice: "nothing finer than the treadmill! brings a fellow at once to his senses; works a thorough cure; he rarely pays us a second visit who has been once on the treadmill!"

"These are remarks glibly uttered, but the conclusion they draw is not borne out by experience. Those who have undergone terms of imprisonment with hard labour," have again and again been housed in their old quarters. Prison returns prove this. As to myself and the

wheel, I hardly think I deserved it. One point was clear to me. Magistrates who preserve game are apt to look at poaching through a magnifying glass. They find in it a combination of the seven deadly sins. Their own personal feelings are, unsuspected by themselves, at work on the question. Their thoughts dwell on it till at length they regard poaching as a much more heinous offence than it really is, or than the law views it.

"I was placed on the mill! Its punishment was to reform me. Reform me! It made me irritable, quarrelsome, sullen, savage! Reform me! It merged my thoughts in bodily fatigue and exhaustion. Instead of encouraging me by cheerful employment in prison, to seek labour as the means of honest subsistence when I left it, it confirmed me in my hatred to labour by compelling me to submit to it in its most irksome, painful, and exhausting form. And yet there are those who have greater cause to complain of it than myself. If men, young and strong men, sink under its infliction, how can it be expected that women, weak and wretched women, can bear up against it? There are very few of them who can undergo such labour: There is the greatest difficulty teaching them to be upon the wheel, and escape accident; and frequently have I known women to bleed at the nose when first put to the wheel. How many have been caught in the wheel and maimed for life! and yet there are humane and benevolent individuals who contend for it as a proper punishment for women upon prison diet! And the judges wonder, and gaolers complain, that prisoners—their period of confinement completed—leave the prison walls more sullen, callous, hardened, desperate characters than they entered them! The wonder would be if it were otherwise!"

"My sentence fulfilled, I sought, for a few hours, my father's roof. He welcomed me with much kindness. No reproof, no taunt, no allusion to the past escaped him: I did not suffer him to remain long in ignorance of my intentions. "I will not remain at home; it would be your ruin. I cannot subdue this propensity, but it shall not be indulged in at your expense. To you I will be burdensome no longer. I will earn my own bread; it shall be as a soldier. Entreaties, expostulations, tears, were not wanting to induce me to alter my resolution. I was firm, and calisted. I was fortunate in my selection. The 4th were well officered, and it was not long before the education I had received told favourably for me. I could write quickly and legibly; had a thorough knowledge of accounts; some smattering of general information; and, above all, was free from that vice which ruins so many privates—drunkenness. That, through life, I have loathed. I was noticed by those above me; tried in various capacities, and found faithful. Confidence was placed in me, and a vacancy occurring, I was raised to the rank of corporal. Thus far all was well. But while I was congratulating myself on the prospect of an honest livelihood, and hoping that the future would retrieve the past, shame and ignominy were hanging over me. My character was about to receive a wound from which it never recovered."

I had been corporal three months, when a new ensign joined the corps. His name was Cattams. His father had been in business at Manchester, and was wealthy; and his only son, Curtius, was gazetted "ensign by purchase." I can sir, but indifferently describe him. He might not be intentionally, a malevolent or malicious man; but never human being possessed more odious peculiarities. The good feeling of the regiment was gone from the very moment he joined it. He was a man of the most restless activity;—ill-directed, and spent on trifles. He had an eye quick at detecting defects, and a tongue singularly apt at exposing them. His temper was immovable: no reply would silence him; no retort irritate him. His perseverance was remarkable. He would again and again return to the point, refer to the articles of war, quote General Orders, and comment on them until the whole mess was roused. As to the men, no irregularity escaped him; and no excuse appeared him. Dress accoutrements, attitude—all were severely scanned. Poor man! with him an officer's main duty was to find fault! The results were unavoidable. Punishments became more frequent. The lash was brought more and more into requisition. Men became dispirited; and the officers disunited. The lieutenant-colonel, who had grown gray in his country's service, and had lost an arm in her cause, was heard to say—"Mr Cattams, discipline in unskilful hands may become tyranny. Martinet is an ugly addition to a man's name. You understand me."

"But Mr Cattams either did not or could not understand him; for, a few days afterwards, a conversation took place at mess, where the commanding officer is president, and supposed to be a check on all intemperate expressions—this conversation, in its tone somewhat animated and unguarded, Cattams contrived should reach the Horse Guards. An inquiry was made. Some correspondence took place. It issued in an admonition, couched in very gentle and measured terms, but addressed to the lieutenant colonel. It was sufficient. "If," said he, "a beardless boy can draw down reproof upon a white-headed and wounded veteran, it is a sign that the service can do without me. The hint shall not be given twice." He sold out immediately, and his retirement completed the discord in the regiment."

"But I am in advance of my own history. The day prior to our colonel's departure, I had the misfortune to attract the ensign's attention. I had some report,—I forget its precise nature now—to make to him. It displeased him both in form and substance; and he settled on me his little, hateful, designing, deceitful looking eyes. That glance, I knew well, portended mischief. After a pause, he said slowly, "I have seen you, before, corporal, and that when

you did not wear a red coat—I am sure of it, for I never forgot features—where could it be?" I made no attempt to assist his memory, for I had a foreboding of evil, and cared not how soon the interview terminated.

"I have it!" said he, after a pause, and with a look of malicious satisfaction that made my blood run riot in my veins. "I saw you, sirrah, in — county gaol: and watched you as you took your turn on the treadmill! Yes, yes; my recollection is perfect. I was sure I had seen you under other and disgraceful circumstances. To your duty—sir—to your duty."

"I left him a ruined man. I knew it. The future was dark and hopelessly overcast. And to add to the bitterness of my situation, I was powerless. Explanation, entreaty, expostulation, all would have been alike unavailing. Forbearance was a word my tormentor knew not. I was at his mercy; and I was sure he would degrade me. Ah, sir," continued Wingate, with visible emotion, "none but those whose position has been so unfortunate can tell the disastrous influence of recognition in after life, upon a criminal who, from a sense of guilt, has been led heartfelt penitence and sincere resolutions of future amendment. If a man really repents he may by steady perseverance and unflinching firmness succeed in gaining the character of a useful member of society; but he will live in constant apprehension of having his good name suddenly and irredeemably forfeited by the recognition of some abandoned fellow prisoner, or some vain and heartless official. If the penitent's inclination to return to honest courses be not quite decided—if his virtuous resolutions be not thoroughly fixed—that recognition proves fatal. Past delinquencies are exposed; bitter, angry, and revengeful feelings are called up, which would have otherwise slept. The finger of scorn is pointed at him. He is discouraged in his course. References to the past float around him. The progress of reformation slackens, and after a while he ceases to struggle with the calumnies of the slanderous, and becomes vicious, drunken, brutal, reckless."

The wretched man pined from the violence of his feelings; and I could not but mentally acknowledge the truth of the picture he had drawn.

"That day," he resumed, "was a busy and a pleasant day for Ensign Cattams. Before nightfall few in my own division were ignorant of his "happy discovery." According to some, I had been tried for sheep stealing; according to others, for burglary; but by my crime what it might, my influence was over, I was a damaged man. I had been seen on the treadmill—in a felon's dress—and in felons' company. That was sufficient. Name and fame were gone. My authority with the men was impaired. In vain I strove to regain it. My officers looked upon me coldly and suspiciously; and, on a slight instance of forgetfulness occurring—forgetfulness, which in other days would have been visited only by a slight reproof—it was thought fit that "marked notice" should be taken of it." I was dismissed from my post of corporal, and reduced to the ranks. The blow did not surprise me. I expected it. But it crushed me to the earth. Thoughts, bitter, burning, and revengeful, took possession of me. Thoughts which the evil spirit could alone suggest; and which no dread of after-consequences ever subdued. . . . The discord in the 4th was now at its height, and had attracted the displeasure of the Horse Guards. We were ordered on foreign service; and told pretty plainly that our prospect of returning home was distant. We embarked, and reached our destination on the eve of a general engagement. How I rejoiced at the intelligence! How my heart leapt and my spirits rose at the thought of taking the field! How delightedly I hailed the confirmation of the report. I had reason: for I had long resolved that the very first engagement should rid me of my foe for ever! You start, sir! What, are you not aware that thus many a regimental tyrant closes his career? Is it new to you that the severe and cruel officer often perishes by the weapons of his own men? Think you that when a military superior is execrated by those whom he commands, and who are daily writhing under his rule, that such an opportunity will be lost? Oh no! They die—as the public records state—"on the tented field;" at the head of their regiment; leading on their men; cheering them to victory; they are praised in the commander-in-chief's despatch; and lamented in general orders; and their widows obtain pensions; and their memories a monument in St. Paul's or Westminster Abbey; but they fall by the rifles of their own men!"

"Among red coats this is no secret. All officers are well aware of it. Ours were wide awake on the point. The senior captain was heard to say to his junior, "There is, I am conscious, a very unpleasant feeling afloat in the regiment, and if we go into action the odds are fifty to one against the Manchester man!" "He has been warned," was the cool reply, "by myself and others; his tactics are peculiar; let him abide by them." "Never was there a man," ran the rejoinder, "so thoroughly master of the art of making himself detestable!"

"We went into action. Cattams fell early. I was not his only foe. He was pierced by three balls. The surgeon examined him; looked grave; but made no report. Never man fell less lamented. But from that moment I never knew rest. The curse of blood was on me; and HE fought against me whom no subterfuge can deceive, and no deed of darkness escape. I had never a cheerful hour afterwards. I might have been happy, for my worldly circumstances improved. My aged father longed for the companionship of his only child, and to see cure it, purchased my discharge. "Come," were his words, "and cheer my solitude. Let