

THE HESITANT.

A Story of Real Life.

BY E. W. DAVIES.

CHAP. I.

In the early part of a November evening of the year 1775, three young officers, still clad in the green habiliments of their country's uniform, approached an old-fashioned but roomy building on the New Jersey bank of the Delaware. The chill blast of winter had already changed and scattered the leaves of the forest, the north wind sighed mournfully through the trees, and the rain and sleet rendered everything without sad and dreary. Leaving their horses at the entrance of the road which leads to the building, they stealthily approached it. It was one of those old-fashioned mansions now seen but few and far between, possessing a spacious portico in front, which looked upon the river, affording shade in summer and shelter from the beatings of the storm when fierce winter had commenced its reign. Standing for a moment hesitating how to approach the house, the sound of a voice as if in supplication and prayer met their ears. The language, if not the accent, was familiar to them—it being that of their fatherland. Gazing through the half-drawn curtains, a scene met their view creating impressions such as neither tongue nor pen can describe. The room was capacious, and the furniture of a somewhat superior order—a large and brilliant fire blazed on the hearth, and an aged individual, his thin and silvery locks apparently having the past 60 winters over them, was kneeling in the attitude of devotion, accompanied, in the same position, by an aged matron and two younger females. The young officers at once made and listened. "And oh Father in heaven, exalt me in the voice, if it should please thee, to take our beloved sons to thyself while contending in the battle and the storm, they will be done—but, oh Father, spare them—spare them—grant peace to this sorrowing land—but if war must continue, if bloodshed and blight must still pass over and around us, oh make our children worthy of the holy cause in which they are engaged, learn them to rally around and to strengthen the beloved chief whom we trust thou hast appointed, in thy mercy, to save our country—to lead our young men to successful struggle—and if the sacrifice must come, Father—if again we are called upon to mourn as we have mourned, we bow to thy will (the old man's head bent still more lowly as he uttered this, and audible sobs were heard from the females.)—and, oh, Father, turn back the hearts of those wicked men, those who come, the hirelings for gold, but to plunder and destroy us, and as thou dost smite the Medians of old, so smite the oppressor and his cruel allies; or, turn their hearts to peace. God be merciful, and learn us to exclaim in sincerity, 'thy will, oh Father, thy will, not mine, be done.' Bless us as we sleep this night, and to thee shall be the praise forever. To this in a bold and fervent manner was the usual response "Amen."

The company then rose from their knees, and a slight smile of the young man which could never be effaced. Of the young women, one was some two and twenty years of age, the other three or four years younger. A heavenly radiance seemed to illumine their countenances, and the very ideal of beauty sat upon their brow. A heaviness of spirit seemed to gather over one of the young officers, apparently the superior of the three, as he gazed and listened—he abruptly turned and departed, while the others, silent and wondering, yet respectfully followed. "Gentleman," said he, after they had proceeded a short distance, "I can not enter that house—there seems to be a holy charm pervading it, and I have heard that which weighs me to the earth. Our absence may create uneasiness, let us return to the camp."

The one who thus spoke was the Count Wolburg, holding a commission in the Hessian army. As he rode, musing, towards the spot where his countrymen were quartered, he fell into a deep state of dejection. "Am I then," he mentally exclaimed, "a common plunderer—have I left my home, my country, my beloved relatives, to assist in oppressing a brave people? They told me I was about to embark in a righteous cause, but, alas, every thing I see and hear leads me, I fear, to a different conclusion."

The ancestor of Mr. Winmaer, the noble patriot who then held possession of the inheritance which had been bequeathed to him, arrived in the 1651 at New Amsterdam, (now New York,) and emigrated, on thecession of that city to the English in 1684, to the southern part of New Jersey, where he commenced improving the wilderness, and in the process of time erected the mansion now possessed by the family.

Mr. Winmaer, the present occupant, rose to affluence and honor, but took very little part in the political movements of the day. He married one of the most respectable ladies in the neighborhood,

and they had beheld five sturdy sons and two beautiful daughters grow up around them. He had himself retained the language of his fathers, but permitted his wife to teach their children in the Anglo-Saxon tongue, to which she had been accustomed. On the breaking out of the revolution, his sons flew to arms, and joined the standard of their country. One of them fell at the battle of Brooklyn, opposite New York, leaving to lament his early fall, a young and bereaved widow, who had, since taken up her residence with her father-in-law, and who was one of the young women whom the Count had beheld kneeling at the family altar. One of the daughters, a year or two previous, had been torn, by the hand of death, like a beautiful and blooming flower, from the present scene, and had been entombed to the tomb by the tears and lamentations of the young widowed for many miles around, folk of his sons were at that time with Washington, on the Pennsylvania side of the Delaware, sharing the rigors and deprivations of that too gloomy period, returning for a moment occasionally by stealth, to behold and to encourage the friends they so dearly loved. But to return—the Count, after listening a short time (for it was again the period of evening prayer) to a hymn of praise uttered by vocalists to ethereal melody; knocked at the door, which was opened by Mr. Winmaer, and although, from his uniform, not a welcome guest, he was with cold politeness admitted. Seated by the comfortable fire-side, and happy to be, once more, where his native tongue could be understood among the family circle, the Count bowed forth his whole heart. His noble brow and gallant bearing won upon his hearers—yet a chill came through that assembly—the Count was a stranger, and as such, met no sympathy, and the sons and daughters of struggling America.

Who that knows the workings of the human heart can account for the apparently impossible changes which beset it—where prejudice yields to love, and what at first seems repulsive and unpleasant, is afterwards taken into favor and held as an idol to its inmost core. This is one of the happy ordinances of nature, and is oftentimes observed in the ordinary as well as the deeply important events of life.

Two or three evenings after the time we have related, Count Wolburg left his companions, and wandered he seemed on conscious and almost regardlessly hither, tall and elegantly proportioned, his form and face were splendidly set off by the becoming uniform of his profession. He sauntered carelessly along, his arms folded, his well-pointed sabre touching the earth as it hung dangling by his side, and his plume falling unheeded but gracefully over his brow, as if the owner were scarce conscious of power of animation. Pictures of the past and of the present floated before him—when he was the idol of his father's princely palace in his native Germany, where each knee bowed, and every heart acknowledged with gratitude his approach—where the young and the old blessed the hand that administered to their needs sites, but now, oh how the scene is changed—when the words of the aged patriot still ring in his ears—"turn back the hearts of those who come but to plunder, to desecrate our graves and homes"—and oh God, he exclaimed in agony, is it really so—is such the work my sovereign has appointed for a subject whose ancestors never knew stain or dishonor—and I hireling—my employment to injure the oppressed—to assist in destroying a brave and noble people—alas, I fear it is too true—and the Count groaned from the inmost recesses of his heart. On looking up, he found that he had imperceptibly strayed to the vicinity of the mansion where but an evening or two before he had heard the voice of supplication and prayer, beheld that aged couple who seemed like the chosen ones of the Eternal, and those lovely forms and faces which seemed to his mind little less than ethereal. As already stated, the charm of beauty was not new to the young Count Wolburg. The ideal alike of the ball-room and the social circle, all the enchantment that gay and brilliant life could present, had been familiar to him—still there was something indefinable in that ancient mansion, and he determined, who ever might be the hazard, to introduce himself.

CHAP. III.

It was they rose month of June. The sun shone in unclouded splendor—Nature poured forth her richest blessing; the winter had entwined the stems of America with victory, and hope and joy once more began to enliven the bosoms of her children. Two of the sons of Mr. Winmaer had been home for some weeks recovering from the effects of severe wounds, but had again joined their commander, animated with patriotism and hope, and going on "conquering and to conquer." The young ladies, after the performance of family devotions, had seated themselves on the piazza gazing on the placid bosom of the Delaware, on whose waters the moonbeams danced like streams of gold, and beside them a third object, the little son of Emilia, the bereaved young widow, now

able to run about unshuffled. The traces of grief subsided over the waters, their well-known canvases scarcely catching a faint breeze to hold them on their way. A boat was seen approaching from one of them, and in a few minutes the Count Wolburg was by their side. He knelt to Julia as a deity whom his soul appeared to have long worshipped. "Oh I come," he said, "to greet you again, but I come not as before. Never can I forget that blessed night in which I had entered your shade—it has often appeared to me, my beloved one, like a vision of heaven, even when I had been on the deep, and the storm and tempest were about me. Your dearly-loved father remarked to me, the night we parted, that I should ever be welcome to your fire-side, provided I came as a friend to your country. I come now, and claim the promised boon. Flying after my return to my native land, in the feet of my sovereign, I asked to be released not only from the hated task assigned me, but that I might repair to France and join the same glorious spirit about to embark in support of your sacred chief. He permitted me, but would not grant me other. Yielding to the prayers of my father and my people, I accepted a command in Germany, obtained a furlough, and have traversed the mighty deep to see those my heart must ever love. I thank God that in my first tour, after joining my native countrymen in America, I was led to your blessed door. It has enabled me to say, this arm was never raised against America, or the holy objects she had in view."

A few evenings from the time we have described, an earnest and, in justice it should be stated, not an unwelcome visitor, was at the feet of his adored mistress; "consent, my beloved Julia," he exclaimed, "to become mine forever. I can offer you, in my native land, title, honor, wealth, and a most extensive and noble career, and my dear father and mother already love you in anticipation, and are prepared to receive you as indeed a beloved child. I have a sister like yourself, beautiful, who will be a companion, in lieu of our dear Emilia, or let her go with us; how should I reject that she, your dear parents, and those brave brothers whose gallant deeds have been so loudly praised by their noble commander, should accompany us. Oh content, my beloved one, to be mine forever." The maiden blushed, her countenance pouring a more beautiful glow than the fresh gathered rose which her adoring love placed in her hand—the thought of her brothers her country, herself, and a tear of gratitude bedewed her eye. At this moment her mother entered the room, and Julia sought her chamber, where she wept, in her happiness, on the bosom of her sister and friend. After earnest solicitations on the part of the Count, it was finally decided that in a year from that time, if he held the same disposition, and nothing unusual occurred, he might claim the gentle Julia as his bride. In vain he urged an earlier day, the hazards of war, the danger to which his beloved one would be exposed—the fist had gone forth, and could not be recalled.

At the dread of battle Ulm in Germany, towards the close of 1805, among the distinguished commanders of division, was the Count Wolburg. Although past the prime of life, he fought gallantly at the head of his command, and fell, covered with wounds, during a fearful charge. For some time his life was despaired of, but a good constitution obtained the mastery. The following year saw the Count, with his lady, sons, daughters, and several affectionate dependants, in the city of New York. He had yielded to the wishes of his countess and his own inclinations—ajured title, and the vain honor which it brings—purchased the old homestead on the Delaware in which his noble heart first beat with emotions of hope and love, and there, at the close of a good old age, and surrounded by their children and their children's children, they laid down to rest, to awaken when the trumpet of joy shall sound, and the good come forth to everlasting hope and gladness. The mansion house is still in possession of the family, modernized and renewed, and the inmates oft tell the joys and sorrows of those whom they so tenderly loved, and whose precepts and virtues will ever be fondly cherished and regarded.

From the Worcester Magazine.

The Prodigal Returned.

A TEMPERANCE SKETCH.

"For this my son was dead, and is alive again, was lost, and is found." In a beautiful quiet town in the southwest part of New England, lived the young man, a portion of whose history is here sketched. His father was a farmer of independent estate, of unimpeachable integrity, of industrious habits, and of devoted piety. His mother was of kindred spirit, a help meet indeed. By their united efforts, they reared a large family, and spread around them a noble law, which yielded its annual products in great abundance. The substantial farm house stood on a moderate elevation, commanding a most delightful prospect. At its front was a

row of beautiful elms, whose thick, deep-green foliage intercepted the piercing rays of the meridian sun, affording no mean shelter from the falling sun, and forming the beautiful emittance. On one side glided the silent stream, soon emptying into the practical lake, from whose border arose the grand, yet majestic hall, with sides striped by ferns, fields, and with summit adorned with a beautiful grove. On the other, lay the fruitful, far-reaching plain, which so often waited in golden harvest beauty.

Every thing within and around the establishment seemed fitted to inspire contentment and happiness. Morning and evening, the choir of devotion was gathered around.

"The old-fashioned Bible that lay on the stand." And the God of the families of the earth was hourly invoked by the venerable patriarch and his kin. All secular ends were by Saturday's setting sun, and regularly as the Sabbath came, the milk-white steed moved on with almost devotional step to the village church. Happy family! Who can wish to cast into such a circle, seeds of sorrow? But even around this enclosure, the happy beside, a fell destroyer lurked. With all the serpent subtlety, which,

"With banished neck of verdant gold," approached our first mother, he tempts his victim. In the mind of one son of this happy family, there springs up a desire to leave the restraints of paternal love and faithfulness, and the healthful labors of the former in the retired vale, for fashionable employment, and the bustling scenes of the village. The milk-white boy left his quiet home, and soon mingled in the scenes of gaiety and dissipation, which the village life afforded. And now, how changed! Sin glittered in his eyes—swept her soft carpet at his feet, and pours her honeyed accents into his ear. He meets temptation at every turn, and many of his constant companions are the victims of the destroyer. For a time he often visits the paternal roof, but a few miles distant, and from them received a heartful check.

He grew up to manhood, and thus far had kept the enemy within his control. In appearance he was a model—robust, manly, handsome. He succeeded to a good business and was prospered. He married an accomplished lady, and for a time no dark cloud was seen to lower in the horizon of their earthly prospects.

It was not until she was the mother of two lovely children, that the indestructible sorrowful truth flashed clearly upon her, that their father was a drunkard. What unutterable anguish does the wife feel, when the fatal truth presses itself upon her mind, that her companion, the cherished one of her pride and hopes, and on whose protecting arm she leans for support, and to whom through every scene and change she had clung as they cling to the stately oak, has fallen a victim to the artful wiles of the deadliest of human foes. Then there enters into her dwelling the gloom of despair; agony, that tears the heart, that rends the spirit; wo, that cannot be alleviated, that will not be comforted.

For some time half-suppressed suspicions had robbed her of perfect rest. His long absences had been excused by a hesitating indefiniteness, and his interest in his idol family seemed diminished. At last, the secret came out, and all its threaded process was exposed. "He is a drunkard!" sobbed the broken-hearted wife; the agonized parents exclaimed; "Attempt not to comfort us, we will go down with sorrow to the grave." He had been first enticed to drink in the fashionable party; next he occasionally called at the respectable hotel, and at length spent his hours at the gilded saloon, and from that, he descended to the commonplace haunt of dissipation that lurks in the wall. He was now regarded as a miserably ruined man, and his history for a few years was the history of a drunkard, a disgrace to his friends, a curse to his family, and a nuisance to society. His property was rapidly wasted, his home was desolate. He paused not in his career, till he found himself within the gloomy walls of a prison. There he began to meditate on his past life, and his present condition; the wrongs, which his wife and children, and his parents, had endured at his hands, came up in sad review before his mind. The stings of conscience were awakened, and remorse gnawed at his heart. The last event was too much for his father; his heart was broken, and he lay upon the bed of death. He had one request; he prayed that God would spare his life till he could see his son-ince once more. The prayer was answered. The son returned; he entered the sick room; the old man still breathed, and as he saw him, his eye brightened, and his countenance was lit up as with new life. "I have prayed for this hour," said he, "and now I ask you to make one solemn promise; it is, that you will live a sober man." "I will," he answered, and the tears flowed thick and fast. The father died; his spirit passed peacefully up to him who gave it. The history of the son from that hour, forms a brighter page. He took the Washingtonian pledge, borne in the hands of one who

had been a similar slave. On this, as the life boat of the ship-recked mariner, he cast himself and was saved. The last celebration of the birth day of our nation's freedom in his native village, was a day of uncommon joy to him and his family.

He, instead of wallowing in the pollutions of the grog-shop, as an former public days, wastes no time, manly, sober, marshal of the day. And as, being on his majestic steed, he mastered and led on the bright army of temperance, many hearts leaped for joy. But among the delighted through there was one whose emotions language cannot describe; his wife, O, the sorrows of this glorious day! tears of joy was all the expression to which she could give utterance.

His widowed mother could only exclaim—"This my son was dead, and is alive again, he was lost, and is found."

OPINION OF THE COURT OF ENQUIRY.

We have at length received the following document through an unexpected channel, having for some days past expected its publication by a direct emanation from the Navy Department:

Nat. Intel.

From the New York Herald of Feb. 22—2 P. M.

We have received from our special correspondent at Washington a corrected copy of the written Opinion of late Court of Enquiry in the case of Commander Mackenzie, and we hasten to give it to our readers with as little delay as possible:

United States Ship North Carolina, January 20 1843.

Present, Commodore Charles Stewart, Commodore Jacob Jones, Commodore Alexander J. Dallas, and Ogdon Hoffman, Judge Advocate.

The Court, after due deliberation, resolves to report the facts and circumstances of the case submitted to them, and to deliver their opinion upon the facts as follows:

In the execution of the order of the Hon. Secretary of the Navy, the Court, with the exception of ten of the crew, who are in confinement, examined every officer, seaman, and apprentice belonging to the United States brig Somers in her late cruise, and unanimously report the facts, as proved to the satisfaction of the Court by the testimony, the record of which they have the honor herewith to submit.

That on the 27th November, 1842, in latitude 13 24 16, and longitude 41 54 45, Commander Mackenzie discovered that a mutiny had been organized on board the Somers.

The Court further finds that such mutiny did exist, and that Midshipman Philip Spencer, boatswain's mate Samuel Cromwell, and seaman Elisha Small were ringleaders in it, and that others of the crew had knowledge of its existence and participated in its guilt.

That on the 27th November Midshipman Spencer was arrested and confined in irons; that on the subsequent day boatswain's mate Cromwell and seaman Small were also confined in irons; and, at the time they were so confined, it was the intention of Commander Mackenzie to bring them to the United States to be tried by the laws of their country, and that to effect this desired object Commander Mackenzie adopted every measure that a brave, prudent, and skillful officer could adopt. That during the confinement of the prisoners, dullness, discontent, inattention to duty, disobedience to orders, often, as seamen know, and naval records prove, the sole precursors to open acts of violence and blood, were manifested by the crew, and justly excited the belief in the Commander and the officers that an attempt would be made to rescue the prisoners and take the brig from those to whom she had been entrusted by the Government.

The Court further find that there was no place on board the brig which would have given greater assurance of protecting the prisoners from a rescue than the quarter deck, on which they were confined.

That Commander Mackenzie, in the responsible situation in which he was placed, sought, as it was his duty to do, the advice and counsel of his officers, and that the unanimous advice and opinion of those officers, after an examination of some of the crew, and careful deliberation, was that the safety of the brig Somers depended upon the immediate execution of Midshipman Spencer, Boatswain's mate Cromwell, and seaman Small.

That Commander Mackenzie, in pursuance of the advice of his officers, and in obedience to the dictates of his own judgment, did execute, by hanging, Midshipman Spencer, Boatswain's mate Cromwell, and seaman Small.

That such execution took place on the 1st of December, 1842, in latitude 17 degrees 31 minutes 28 seconds, and longitude 41 d 42 grees 24 minutes 45 seconds; and that the brig, at the time of the execution, was, by the log, distant from St. Thomas five hundred and twenty five and a half miles, at which place she arrived on the 5th December, 1842.

The Court further find that the conduct of Commander Mackenzie had been kind to his crew, attentive to their wants and

their comfort; that he was studious to promote their profession, and that no punishments were inflicted greater than were rendered necessary by the disobedient nature of the crew and the proper discipline of a man of war.

The Court further find that the conduct of Commander Mackenzie, Lieutenant Graves, and the officers of the brig, was, during the trying scenes through which they passed, collected, calm, and brave, and justified the confidence reposed in them by their country.

OPINION.

The Court are, therefore, of opinion—That a mutiny had been organized on board the United States brig Somers to murder the officers, and take possession of the brig.

That Midshipman Philip Spencer, Boatswain's mate Samuel Cromwell, and seaman Elisha Small were concerned in and guilty of such mutiny.

That had not the execution taken place, an attempt would have been made to release the prisoners, murder the officers, and take command of the brig.

That such attempt, had it been made in the night or during a squall, would, in the judgment of the Court, from the number and character of the crew, the small size of the brig, and the daily decreasing physical strength of the officers, occasioned by almost constant watching and broken slumbers, have been successful.

That Commander Mackenzie, under these circumstances, was not bound to risk the safety of his vessel, and jeopard the lives of the young officers and the loyal of his crew, in order to secure to the guilt the forms of trial, and that the immediate execution of the prisoners was demanded by duty and justified by necessity.

The Court are further of opinion, that throughout all these painful occurrences, so well calculated to disturb the judgment and try the energy of the bravest and most experienced officer, the conduct of Commander Mackenzie and his officers was prudent, calm, and firm, and that he and they honorably performed their duty to the service and their country.

CHARLES STEWART, President of the Court. OGDEN HOFFMAN, Judge Advocate.

From the Raleigh Register.

THE INSTRUCTION RESOLUTIONS.

When the Whigs, in the recent Legislature, found that they could not state of the debate on the Instruction Resolutions—when they discovered that the important public business before the Legislature, was but a minute grain of sand in the balance, when in the opposite scale were placed personal and party feelings—when, we say, this was known, the Whigs then brought the Locos to permit these miscellaneous resolutions to be discussed in the afternoon sessions, leaving the morning, with its cool and calm deliberation, to be devoted to the pressing demands of the state. By this division of time, much good might, probably, have been effected; but the Locos were inexorable, and kept the resolutions, morning, noon and night, on the Legislative anvil, hammering away, as if the salvation of the people depended upon their adoption. And now so much time was spent in their consideration what good have they, or will they accomplish? Is there a man, woman or child, in the State, that will be benefited by their passage? Will they raise the price of cotton one cent in the pound, or increase the amount of money in circulation one dollar? Will they fill the mouths of an almost starving population, in the Eastern part of the state, or afford the slightest relief to the purchasers of Cherokee Lands, in the West? If they will do none of these things, why, we ask, were they presented with such pertinacity? Was there a man, who voted for them, who believed, for a moment, that our senators would regard them in any other light than as a mere expression of opinion by the Legislature, not at all mandatory in its character? Was there a man who voted for them, who did not believe in his heart, that, by the act, he was doing violence to the popular feeling of the state? Let them look out, let, in trying to instruct Whig senators out of their seats, they may not have had a snore for their new Democratic senator. He declares that he goes to the Senate untrammelled, and it may not surprise you of propriety to vote on all the subjects embraced in the resolutions, as directed. In such an event, would he be bound to resign, or is such a step only expected of Whig senators? If the Locos should get themselves into such a dilemma, after all their pains, who would not say, that they richly deserved it?

New Case.—"What can a man do?" asked a green one yesterday, "when the sheriff is seen coming to him with a writ in his hand." "Apply the remedy," said another one gruffly. "Remedy! What kind of a remedy?" "Herling remedy, you goose—run like the devil."

Ephraim says that if men's jaws were intended for tobacco presses they would have screws in them. Richmond Star.