A Novel

SHEDDING GRACE

A N T H O N Y T I A T O R I O

For my wife, Judy

...There was clearly something hypocritical about the call for freedom he heard constantly around him in a place built upon human bondage; Jonathan struggled mightily with this. He truly believed in freedom and equality, was almost obsessed with it, and perhaps it was to escape from this cruel contradiction that he, like so many of his generation, nurtured a refuge in racial superiority.

CHAPTER ONE

Smoke seeped slowly around the branding iron as the king's broad arrow burned into the mast of Josiah Hamrick's schooner, Freedom. The ancient stick, dry as was, still sizzled under the searing stamp, mimicking the mood of Boston town in that sweltering summer of 1769. It was early morning and although the sun had barely risen, a small crowd, bent on confrontation, had already gathered at Clarke's Wharf.

"Stand aside, man. This vessel is confiscated for failure to duly pay the required customs."

Joseph Butcher, the Freedom's Negro first mate, could do nothing but complain and comply. "Show me your writs, damn you," he challenged, but he knew that it was of no use when the warrants were always proper.

Two longboats had been brought by night with a crew of seamen from His Majesty's ship of the line, Roebuck, which was then moored so as to command the entrance to the harbor. As they made ready to tow the libeled schooner to Castle William, six burly redcoat grenadiers stood, with bayonets to the port, facing the restless and swelling crowd. Their tall black bearskin caps carried the king's crest, cipher and crown that had come to be seen as the symbol of oppression by far too many and with perhaps far too little cause.

A squad of foot had been ordered to escort and protect the two nervous customs inspectors as they executed a writ of seizure, authorized by the Vice-Admiralty Court of Boston, a commonplace occurrence. But, this time it was much more than that. Heading the detachment, which ordinarily would only require the command of a sergeant, or even a corporal, was Colonel Benjamin Beresford,

resplendent in his madder-red regimental coat, lapelled to the waist, heavily laced and embroidered in gold. He carried, also embroidered and laced, gold fringed epaulettes on both shoulders, which made him seem taller and grander, as did his laced hat, which he wore cocked in the proper manner. The hilt of his sword was gold and an ornamental tassel with gold stripe played fashionably against the crimson silk sash around his waist. His gold buttons gleamed in the early morning sun. Beresford had been lately given command of the British garrison in Boston by George Wederborn, the royal governor of Massachusetts-Bay Colony, and the task of tightening enforcement of the acts of trade.

Boston was an important port in the British Empire and as such was subject to the many navigation acts meant to regulate the commerce of that far flung domain. These laws, which required the Americans to pay duties on merchandise imported from places outside of British control, had been, for decades, routinely disregarded. The colonists had become accustomed to what came to be called a salutary neglect of these laws by successive royal administrations that preferred not to antagonize their problematic cousins across the sea. All of this ended under the mountain of debt caused by the cost of the great wars of the mid 18th Century.

It seemed only right to the British that the Americans should contribute to the retirement of that debt and the new British administration of George Grenville began a more vigorous effort to collect the taxes. This was resented and resisted by the Americans who used every available means to thwart and frustrate the authority of the crown. Non-importation agreements among the Boston merchants had resulted in an effective boycott of British goods that shrunk the profit margins of English entrepreneurs until the ruckus they raised at home forced the odious Stamp Act to be withdrawn.

Now the two sides stood face to face. The Americans, flush with victory over their distant antagonists were determined never to pay taxes imposed upon them without their express consent; while the new Townsend Government in London was equally determined to assert its authority in every way and in every part of the empire. Tension and turmoil rose daily as the decade rolled to a close.

"Stand by the larboard lines." Commands came from somewhere on the quarterdeck of the Freedom, as the two longboats backed water and positioned themselves to begin the long and arduous two mile tow to the castle. "Haul all lines, heave together now..."

George Wederborn had been governor of Massachusetts-Bay for six years and during that time his relationship with the people of Boston had steadily deteriorated. His difficulties began when Prime Minister Grenville introduced the Stamp Act in 1765. It was a simple, some said even elegant, idea requiring that a duty be paid on legal documents, licenses and other papers. It seemed almost fool-proof since most of these items were issued by government officials who could be expected to obey the law, pay the tax, and affix the proper stamp to their documents.

The Stamp Act would raise revenue to retire the debt and pay for the administration and defense of the colonies. Who could possibly object to this, Wederborn often wondered, and he never seemed to tire of reflecting on the steps and missteps it had generated. With a keen ear, one might have heard him at that very moment pacing apprehensively in his study, worried about the outcome of this his latest effort to peacefully reign in the malcontents and bring the king's colony under control.

"That infernal tax, but what else could I to do? And of course I was unjustly blamed. The Lords were always ignorant of conditions here and they ignored my warnings continuously. And in this business Grenville nearly brought down the house by insisting that it be enforced. I had to keep the stamps under guard at the castle; God, I had it under a full war-time alert as though a foreign enemy was about to land. Grenville had no idea of the depth of feeling against the stamps."

"We thought that the need to pay the tax to authorize court papers, writs and such, would be difficult to avoid since the judges are sworn to obey the law, but the assembly simply ordered them to refuse to pay, which nearly all of them did. These so called Sons of Liberty, sons-of bitches I call them, simply disregarded the law with impunity. I tell you there was no way to control this colony without bayonets, and even then the outcome would have been in doubt.

And then I am blamed for being weak and too pliable. Did they prefer that I see the town burned and my family murdered?"

"Ahoy the boats, casting off." And with that, the mooring lines holding the Freedom were loosed and she was set adrift.

"Holding water," was heard from the longboats and from the quarterdeck of the Freedom, "Take in the starboard lines. Heave together... Heave."

Slowly the schooner swung free of the wharf and came into line with the two longboats. "Hitch and snub all lines. Give way together mates... With the stroke now... Pull."

And so it was done. The laws would henceforth be enforced, corruption in the customs service rooted out, and the restless town of Boston brought to heel. The plan was clear. Bring a relentless enforcement effort to bear under an incorruptible authority. Clamp down, plain and simple. That's what London wanted and that's what London would get.

George Wederborn sternly repeated this determination to himself over and over again, as he waited for word of the raid, but in his heart he never believed it would work. Perhaps that was why he chose Beresford to command. Benjamin Beresford was a British officer, sworn to his duty, but beyond that he was a close friend of the family. Close enough in fact to be courting the governor's only daughter. His posting to Boston was no accident, nor was its timing.

Wederborn knew he faced complicating political factors that could cause his plan to spin out of control. He believed Beresford could be trusted to be discreet with sensitive information and his judgment was sound. He had confided some of this, but by no means all, to the man he thought would soon become his son-in-law.

"Our lieutenant governor, Gilbert Barthurst, who is more than a little bit pig-headed, refused to do business without the stamps and he was so maligned and threatened as to be in great danger. I had to relieve him for his own safety and to avoid a riot. This made me look weak of course and he, in the process, made a reputation for himself as a tough no-nonsense loyalist who might better be the governor instead of me. I know he's plotting against me

Benjamin and there are others as well who want me recalled so he can be elevated."

All of this caused Wederborn to once again regret his decision to accept the governorship of Massachusetts-Bay Colony. But what other opening did he have? Not of noble birth, with few real connections, his opportunities had always seemed brightest in government service. And then there were the expectations of his wife.

Mrs. Wederborn, the former Marie Josette Perodie, was a daughter of privilege and of the minor French nobility. Her ambitions for her husband were high and she knew that his chances of being granted a new patent of nobility were very real, if encouraged by decisive and exemplary service to the crown. Mrs. Wederborn was as bold and daring as her husband was cautious and circumspect. She was a dominant presence behind the curtain devoting enormous energy to the education and cultivation of her children, especially her only daughter.

Rachel Marie Wederborn was now nineteen, brilliant and famously beautiful. She had been three years at the Perodie estate in France finishing her education and perfecting her French. Now she was on a British warship, coming to Boston, a young woman of unlimited prospects. But also, like her mother, she was strong-willed and independent.

The Freedom was still in plain sight when Butcher reached the Hamrick townhouse on Charles Street in the North End.

"I did as you instructed me, Mr. Hamrick. I told him his writ was no damned good, that he could only come on deck, but could not go down into the hold, just like you said to say. But he pushed me aside and said there was no need for such niceties since the whole bloody vessel was seized."

"And where are they bound, Joseph? Do you know?"

"Yes, sir. They said the castle, sir. They be towing her to the castle as we speak. They already burned the mark and one said that she'd make a fine revenue cutter now."

"Thank you, Joseph. Find Captain Levesque and ask him to come here tonight."

Josiah Hamrick was a man well into his sixties. He was a merchant whose sloops and schooners had plied the coastal trade out of the port of Boston for several decades. He was all too familiar with the fight against the king's commissioners of customs and he was used to winning. This encounter was far from over. He knew that even if the customs had seized his schooner under the legal authority of the Vice-Admiralty Court, they could still be sued in the civil courts. Guilt or innocence mattered little. One need only get the case before a jury. Such was the mood in Boston. He would do what had worked before; he would bring a common law action for damages.

"Wake Jonathan," he said to his twelve year-old daughter, Sarah who had been listening from the staircase. "Tell him to meet me in the study. We'll eat later at the tavern."

"Don't run on the stairs young lady," Martha Hamrick warned as she passed intent to learn the cause of the early morning commotion. "What's wrong, Josiah?"

"That blasted Beresford again. This time he's taken the Freedom," he responded, his voice rising in tempo with his anger, although he was usually a quiet man and rarely showed his emotions. "First the molasses and now the schooner."

"Calm yourself, Josiah. You remember what the doctor told you. We don't want any more bouts like before."

"I'm alright, Martha," he answered, even while he could feel the tightness gripping his chest and knew it would signal an onset of the pain. "I'll wait for Jonathan in the library."

His wife stopped him again and repeated more earnestly, looking into his eyes. "Josiah, I mean it. You're not young any more. Make Jonathan take more responsibility as you said you would."

Josiah kissed his wife on the forehead and silently walked away, closer to being convinced that the time had come to let go and finally bring his boy into the business. This was hard for him, but he sensed that his life literally depended on it.

Jonathan Hamrick was Josiah's only son. He was twenty-two years old; he had read for the bar and recently

completed an apprenticeship in the office of the most estimable John Adams. Now, Josiah thought to himself, we will see if all this education pays off.

"Why in God's good name are we smuggling molasses any way?" Jonathan remarked.

"There's no other way son. It's time you came down to earth and recognized the realities of this world you live in my boy."

Jonathan Hamrick was a lawyer, but he feared that his calling was to be the family business and the world of commerce and trade, which did not please him and of which he, as yet, knew very little. His first lesson was about to begin.

"Do you mean we can't make a living legally?"

"We did well enough once, back when inflation was running rampant. We did quite well then. It's been a steady decline since. When the gallon price of molasses ramped up to damn near a pound we did well for sure, very well indeed. That all ended quick enough after the bloody currency reform of 1750"

Jonathan had heard complaints about the currency reform since he was a small child, but, until now, he had no interest in ever learning why. "What was that about?" he asked.

"Inflation aggravates the creditors in London no end, Jonathan, and their solution was this new treasury currency. And you can't say it didn't work. Look at the price for molasses today; right now it's one Shilling three pence for the gallon. For God's sake man it's squeezing us out of business. Now you add the tax from that infernal Sugar Act and you'll see where we're at."

"I guess those were the good old days," Jonathan quipped but his father wasn't smiling.

"Your damned right they were. These colonies are expanding like a wildfire but the supply of money never kept up. The old Land Bank issued bills of credit as loans that were backed by mortgages on land. A man could improve that land and pay back the loan at a handy profit. The expansion of the economy was financing itself..." he paused to add emphasis, "as long as we kept printing money. Money was cheap, the economy was booming and taxes were low; you're damned right they were the good old days."

"Didn't they understand that, in the long run, printing money would undermine the value of the notes and cause inflation?"

"Of course they understood that. When the Land Bank loaned out money the legislature was supposed to offset the amount of those loans by raising the taxes in order to keep the supply of currency from growing too fast. When the notes were repaid, they were to be destroyed and not put back into circulation, or at least that was the theory."

"Well what caused the mess then?"

"They loaned too much too fast. But so what? Money is so damn tight now that you can't even get enough cash to settle a small debt. And that's compounded by their ridiculous obsession about not letting money flow out of England. Everything they do is aimed at sucking us dry of cash. Every year the customs house ships thousands of ounces of silver back to London. And to make it worse they stopped us from issuing any new paper money. That really did it."

"And now they've seized our ship," Jonathan remarked, not sure how to respond

"Schooner, Jonathan, they've seized our schooner; would that we had a ship!"

"What happened there?"

"Levesque brought in one-hundred and eighty-six hogsheads of molasses from Martinique. It was off loaded at Clarke's Wharf to our warehouse on Ann Street like always."

"And that's French molasses and subject to the tax, which I take it you didn't pay."

"Well, we declared sixteen hogsheads at the customs house and paid the duty on that."

Jonathan shook his head, "Wasn't the cargo examined by a tidewaiter?"

"He was paid off, like always."

"And then what?"

Josiah answered with venomous disdain, "Then this bastard Beresford raided the warehouse with his infernal Writs of Assistance and discovered the stash of illegal molasses. He padlocked and sealed the building and now he has impounded the Freedom and is towing her to the castle."

"What now?"

"Beresford will go directly to the Admiralty Court to have his seizure upheld. You will go there and protest. But that's just for show. We can't win at that bar because there is no jury and the chief judge is that arch-bastard Barthurst."

Gilbert Barthurst was the lieutenant-governor of Massachusetts-Bay Colony. He was American born but a staunch Tory and loyalist and was much maligned by the people. He simultaneously also sat as chief judge in the Vice-Admiralty Court of Boston, there being little concern then for conflicts of interest. As Josiah had predicted he quickly upheld the seizure of the Hamrick schooner.

"I protest most vigorously, sir. This court has not the competence to judge this matter in the absence of a jury. It is the ancient and sacred right of all Englishmen to be heard by their peers."

This was a well worn refrain and Barthurst had heard it many times. Once again he took the opportunity to lecture a young lawyer on the law. "Vice-Admiralty judges have ruled without juries in matters of commerce from the inception of this empire. Since the war our jurisdiction has been expanded by Parliament to include the enforcement of the customs, including the crime of smuggling."

This was a thinly veiled threat that criminal charges might yet be brought and with that the jurisdiction would shift to the senior court in Halifax, Nova Scotia. To be summoned to Halifax for trial was a favorite form of harassment intended to intimidate the unruly merchants. Failure to appear automatically resulted in a verdict of guilty. "It would be wise, young man, to consider this matter settled."

"This matter is most certainly not settled, sir. The lately claimed powers of the Court of Admiralty in this province is a violent affront to the right of trial by jury and cannot be allowed to stand."

CHAPTER TWO

Josiah Hamrick walked quickly, oblivious to the almost blinding glare of the morning sun. As he turned instinctively onto Fish Street, a cool breeze carried the unmistakable scent of low tide and he could hear the familiar sounds of cargo being offloaded onto busy piers and wharfs only a few feet away. Ordinarily he would have stopped at the Hamrick warehouse just beyond the intersection where Ann Street began, but this time there was no real point. Today he was anxious to meet his friends at the Tally-Ho Tavern a few hundred feet further on, to plan a strategy and to wait for his son to return from the Admiralty Court.

The Tally-Ho was a public house and inn owned and operated by his cousin, fellow true Son, Nathaniel Payton and his wife Hester. It was a regular mid-morning meeting place for many of the Whig merchants whose ware and counting houses were ranged along the harbor. Political broadsides completely covered one whole wall in the barroom and the several radical newspapers were always there strewn on the dining tables and even in the separate dancing room at the back. Edward Buckingham, the printer and publisher of the Boston Register, perhaps the most partisan of the so-called patriot press, was almost always there too, and, in fact, many of his most inflammatory pieces had been penned on these very premises.

The true Sons of Liberty, as they liked to refer to themselves, were born out of opposition to the Stamp Act. Mostly merchants and shopkeepers pledged to secrecy and to a collective effort to undermine British authority in the colonies, they worked through both politics and violence. With connections and affiliations that completely permeated the colonial assemblies and municipal

civil administrations, they made the execution of British law in the colonies very difficult indeed, and, by inciting the many lawless lowlifes that can be found in any community, they mercilessly terrorized the royal governor and all of his associates.

The first victim had been the unfortunate Commissioner for the Stamps, Andrew Oliver, who had been driven from the town by a rampaging gang of riffraff and rabble, which taught the Sons how best to deal with their British adversaries. Confront them politically at every turn; disavow and condemn violence publicly, while secretly stirring the mob with incendiary speeches and writings. The Sons knew that they could always count on a coterie of eager accomplices to roam the streets after dark and pay a midnight visit to the home of any troublesome British official, while they could remain safely out of sight and respectable.

Boston had been driven by this relentless tactic to a state of near chaos and the governor, without military assistance, was unable to prevent it, since the local sheriffs and justices of the peace only looked on and smiled. It seemed only a matter of time before troops would be needed to take control.

Word of Josiah Hamrick's dilemma had preceded him into the Tally-Ho and in his usual provocative way Buckingham was stoking the already rising flames. "It is indeed an outrage when a single admiralty judge can dispose of a man's property without according him the right to a jury of his peers. Why it denies even Magna Carta. Are we no longer to be governed by our sacred charters and constitutions?"

The several men, gathered closely at a corner table, hardly noticed Hamrick enter, intent as they were on assessing this latest turn in the power struggle that had, for years now, dominated the politics of the entire continent. They were all tied to the fortunes of trade and commerce and each saw his own image in Hamrick's face.

"Here he is. Josiah, tell us the news."

"Well, they've got the Freedom. Jonathan is at the courthouse. We'll need to go after them under the common law I'm afraid."

"What do you think is behind it?" Payton asked from behind the bar. "Do you think they'll move the lobsterbacks into the town?"

"It's Wederborn trying to get tough. He's got a new bulldog there in Beresford and they mean to stick it to us." The others agreed in a chorus of grunts and nods before Buckingham restructured the issue into printable prose.

"These laws rob us of our most cherished rights, the right to representation and the right to a jury trial when accused. As it presently stands a man named by an unknown informant can be prosecuted without a proper trial and punished without appeal."

"If we don't resist these bastards this will surely be a precedent for even greater assault on our liberties."

"Who was the informer, do you know?" someone asked.

Hamrick answered, "What does it matter? It's not as though we tried to hide it. We unloaded openly. We had the usual arrangement."

"It's that backstabbing bastard Wederborn. You know damn well it's him."

Noticing Buckingham writing feverishly Hamrick cautioned, "I'd be careful what I wrote if I were you, Edward; you know you can't be sure of that."

"Well I have heard him say myself that he had no intention of leaving this post a pauper and the next to worthless land grants he gets from the King are ..."

"He's behind it alright," Payton interrupted. "It's best, my friends, to travel down well worn paths. We'll shake them up well enough. When they think they can come in the night with armed soldiers and seize a man's rightful property... there will be a few windows smashed tonight I can tell you."

"...and Wederborn will run away to the castle and bellow that it's unsafe in the town. Maybe this time he'll stay there."

"... and that will provide a convenient excuse to bring in the troops. We'd best be careful!"

"Buckingham... say: if we protest they say we riot and complain that when ordered we will not support the authorities. We will support the execution of lawful acts, but not unlawful and unconstitutional ones."

"And... Ed, to counter the claim that we are only after our own interests say: It is for posterity that we act so as never to be accused of idling away the freedom of future generations."

"None of this is addressing our immediate concern," Payton interrupted again, "which is to get Josiah's schooner back and his confiscated cargo as well."

"This has to happen in a hurry or we'll never see it again. Once it gets pressed into service it's gone."

"We can get a jury in the common pleas in three days if we have to and I'm sure we can get Adams to take the case."

"No," Josiah said, "I want Jonathan to handle it."

"But he's young; he's never pleaded before, Josiah."

"No, that's settled; Jonathan will plead. We can ask Adams to advise."

The liberty tree stood near the common on Orange Street, a large elm, which during, the Stamp Act crisis had become the symbol of resistance to tyranny, as the Sons of Liberty liked to put it. It continued to be a public meeting place and mustering point for mobs of young toughs eager to do battle with any authority. That night it was festooned with lanterns, at least one hundred it was generously estimated in the Register, as a call to all those who would come out and teach the bloody British a lesson about American freedom.

Now, few even knew what the dispute actually was about, but that didn't matter you see, because Boston was a port town and was filled with sailors of every stamp. The taverns and inns along the waterfront were teeming with restless young men, most harboring a grudge from some past encounter with the royal navy. And the smoldering coals of hatred were particularly well stoked by the practice of Impressment which was so hated that any chance encounter between a group of seaman and any symbol of the crown meant trouble. They only needed direction and a bit of encouragement; this they got from agents of the Sons who generously showed them the way.

"Every swab and sea dog among ya knows what it means to be hassled and rousted by the bloody admiralty. Now they threaten our livelihood by hijacking our hulls right from under us. For that's what it was mates, piracy I tell you. And what do we do with pirates I ask ya?"

"We hangs 'em is what," came a chorus from the swelling crowd warmed with grog and craving action.

"It's that dog Barthurst and his infernal admiralty court that's where we be aimin' boys and by God justice will be done."

Lieutenant Governor Barthurst's house was only a few streets away across Coffins Field, but the mob chose to take the long route, straight up Newbury and Marlborough Streets to the customs house, where sentries were posted that would serve as their first convenient target. Increasing in numbers and boldness as they went, at least three-hundred young thugs reached the steps of the customs house at about midnight.

At first they hurled only taunts, but soon a few stones and brickbats rained down on the little guard house. Finally, one of the frightened young sentries retreated into the customs house itself, where a platoon of grenadiers was garrisoned; but before reinforcements could emerge the crowd moved strategically on along King Street and circled back toward Barthurst's residence.

At that moment, the lieutenant governor, who had received ample early warning, was already evacuating his house. His wife and two small son's had already made the journey to their country cottage in Milton, while Barthurst, still in his night shirt, hurried barefoot into a carriage waiting at the back door and escaped.

As the coach rumbled over the cobbled streets, Barthurst, alone in the cabin, vented his anger into the open air. "How are we to prevent these riots and insurrections, I ask you? His Majesty wastes little time giving us orders, but does nothing to provide the means for enforcing them."

Perhaps he was practicing his remarks for Wederborn, but more likely he would go directly to London, to Lord Hillsborough at Whitehall. "The very first thing that needs to be done is to strengthen the means for enforcement. The militias are useless. The nearest regular troops are garrisoned in New York." Then he screamed at the top of his power. "Are there even a dozen men in Boston we can count on?"

Suddenly the carriage came to a halt with, “Whoa, there, Whoa,” and the driver jumped down. “Are you alright, sir,” he asked through the open window.

“Yes, Martin I’m alright. Go on now.”

For a time Barthurst sat mute and then suddenly he began again talking aloud to himself in a kind of staccato cadence that was connected by a silent streaming consciousness known only to him. “It is well known that these mobs are led and financed by the most prominent merchants. They have the lowest levels of riffraff at their beck and call.”

And then after a very brief pause, “I’d like to cut down that infernal elm where they hung the effigy of Oliver.”

And only a few seconds later, “And what did Gage tell me? He said I could muster one-hundred men from the garrison at Halifax. Now what would I do with one-hundred men? They would be penned up at the castle and be a constant source of resentment and to no purpose.”

And after a long silence, “I don’t care what they think of it. It is an act of the Parliament of Great Britain and as such must be obeyed.”

Comfortably ensconced in the ground floor study, the Hamricks were meeting at that moment with fellow true Son, Samuel Holcomb, a member of the colonial assembly and more importantly chief judge of both the Suffolk County Inferior Court of Common Pleas and the Massachusetts Superior Court of Judicature.

“We’ll get at this first thing in the morning, Josiah. Rest assured. The sheriff already has the new list of venire men since we were about to impanel a jury for the end of the week anyway. We’ll serve papers on them all by the end of the day tomorrow. Bring the complaint against the customs commissioner and we’ll summons him by Thursday. Of course we’ll need to give him ten days to reply.”

“But that won’t do at all, Sam. They have the Freedom and are outfitting her for revenue service. She’ll be gone in less than a week.”

“What about an action of replevin?” Jonathan offered.

“Yes, why not?” Holcombe responded.

And Josiah asked, “Replevin?”

Jonathan answered, “Since the matter is urgent we’ll ask the court to seize the disputed property and hold it until the matter is settled.”

“Will you do that, Sam?”

“Of course,” he answered with a sly smile.

“Thank you, Sam. If we lose the Freedom I fear we’ll be ruined,” Josiah said and then asked, “How do you think we should plead it?”

“I would go after the legality of the seizure. The Providence Superior Court has already ruled that the admiralty has no jurisdiction inside a harbor. It’s the governor’s jurisdiction. Did they get Wederborn to sign off on it? If they didn’t, I’ll instruct the jury to find for the plaintiff, and that my friend is you.”

“What if the jury doesn’t listen to your instruction, Sam?”

“Not to fear. The jurors will understand the need to send a message about seizing ships. One way or another, we’ll get the verdict we want.”

“And what about the molasses,” Jonathan went on. “Is there a chance we might recover it too?”

“Tell me exactly what happened there?” Holcombe asked.

“Well, we put it in the Ann Street storehouse and it was seized.”

“With proper warrants?”

“I’m afraid so.”

“And you didn’t declare any of it?”

“I did pay the duty on sixteen Hogsheads, which went to cover the offloading. The rest was smuggled. Swinbourne was the tidewaiter and he got his bribe.”

“You can say the molasses was only temporarily offloaded,” the judge offered, “to repair the hull or some such thing and was scheduled to be reshipped to another port where you fully intended to pay the duty. Go to the customs house tomorrow and offer to pay the arrears. They will refuse it, of course, but you will be on the record as having offered.”

At that moment they were interrupted by a loud knock at the front entrance. ‘That’s probably Levesque, but we can’t be sure,” Josiah said ushering Holcombe to the back door. “It wouldn’t do for

you to be seen here tonight. I'll see you in court tomorrow my good friend," he added warmly grasping Holcombe's hand, "Thank you."

"Father, Monsieur Levesque to see you."

"Thank you Sarah," Josiah said without looking as he greeted his new ship's captain. Hamrick and Co. had lately fallen on hard times. The traditional coastwise trade in boards and shingles from the Pisquataqua had in recent years, by necessity, been enhanced by the more profitable smuggling of molasses from the French West Indies into Boston and Newport. Because of his connections in Martinique, Levesque was instrumental in this transition; he also was prepared to invest substantially in Josiah's newest venture.

"This is my boy, Jonathan," he said, gesturing toward his son.

"How do you do?" The two men shook hands.

Josiah turned to Jonathan and said, "Son, I need you to assume some real responsibility now for the future of the business and our family. That is why I invited Captain Levesque here tonight. He will explain our plans and the role I hope you will be willing to take in them."

Jonathan Hamrick was a lawyer and he had hoped to avoid his merchant calling. He loved the law and was engulfed by the patriot cause, but not in the same sense as his father. For him it wasn't the simple sides of the ledger book, but a matter of ethical principle. His world view changed drastically when he learned of his father's deteriorating health and the debt that hung over them all. His mother had begged him so strenuously to help that if he refused and anything happened to his father...

Before Jonathan could collect his thoughts and speak, Levesque said, "We're going to enter the slave trade."

"The slave trade!" Jonathan responded, knocked, for the moment, completely off his train of thought.

"That's right," Josiah added with a bit of false conviction meant to hide any residue of doubt. "We have almost no alternatives, Jonathan. The business is heavily mortgaged and without healthy profits, and quickly I might add, all will be lost."

"But the slave trade, father. It's a brutal business, not suited to gentlemen. There must be some other way."

Levesque spoke. "Our plan promises great profits without brutality."

"Let Captain Levesque explain it, Jonathan and I'm sure you'll see yourself free to come with us."

Pierre Levesque had sailed on several voyages as second captain on the French slaver, Zodiac. His experience with the trade was broad and his connections both on the African coast and in the French West Indies were indispensable. He had amassed, over the years, a small fortune from this, which he was now willing to risk in an effort to acquire his own vessel. Hence a partnership of both opportunity and necessity had been forged between him and a desperate Josiah Hamrick.

"The way this business is ordinarily made to pay," Levesque began, "relies on bulk numbers. One must buy enough Negroes in Africa, at a cheap enough price, to absorb the attrition in deaths that will inevitably occur from months of captivity packed in the hot hold of a ship. It's a deadly and ironic strategy that the ship will be packed as full as possible for the middle passage. This takes months along the African coast and the added time only hastens the death rate. There's a deadly point of diminishing returns. And this is where our plan is different, more humane and potentially more profitable."

There was no issue with the legitimacy of this business for Jonathan. Slavery was an accepted reality in his world. His concern was respectability for himself and his family. "Look, I just don't like the idea of it. And how can it be humane. You have to enslave innocent people and put them in shackles."

"They're already slaves. Their own Black brothers have done that to them not us. If we don't buy them someone else will, or they will simply be killed."

"So are you saying that we will be saving them?" Jonathan said, shaking his head.

"Yes, in a way we will be because with us, they will all likely survive."

"Please, Jonathan, let Captain Levesque finish," his father implored.

"Our plan is to outfit a fast schooner and to make the voyage in half the time, with only about half the cargo. We'll be adequately provisioned and have a competent surgeon on board. To do this we will by-pass the usual beach bickering and deal directly with the Dutch at Jakin. They have holding pens there and I have an arrangement. If we pay cash we can acquire our full cargo in only a few days instead of weeks. The key will be speed. If we make the run in half the time with half the cargo, but with no deaths, our profits will be double the average."

"And then where will we take this cargo?" Jonathan asked.

"To Martinique where the governor is not above making, shall we say, certain arrangements."

"But we have no vessel," Jonathan remarked, reminding them of the need to address first things first.

Josiah spoke next, eager to tell his son the news. "Captain Levesque and I have partnered to build a new schooner, Jonathan. She'll be of the Chesapeake Bay design. Clippers they're called, and ours is about ready to be fitted out at Fells Point yard in Baltimore."

Jonathan could see the excitement in his father's face as he described it. "She's a sharp built, gaff-rigged, beauty, my boy that can cut the waves. She may pay a price in cargo space, but her square topsails give her great drive and she's fast." With no response, he went on filling the void, "She'll sail very close to the wind and can out maneuver and outrun any full-rigged ship afloat..." but Jonathan didn't hear any more, struck by the look of exhaustion on his father's wrinkled face, he knew his duty.

CHAPTER THREE

"If we have a new schooner ready to sail, what is the urgency in recovering the Freedom? Jonathan asked. "Why don't we let her go and try to get money damages, which could be very substantial considering the loss of business we would suffer?"

Josiah looked at his son and decided that this was the time to confide in him. It had been a long and arduous day and the elder Hamrick was increasingly unable to cope with the steadily deteriorating state of his accounts. He walked slowly to the large cherry corner cabinet, where the financial books were kept, and brought them to a place under the small oil lamp on the desk. Jonathan had never seen the company records before and, in fact, he had never seen the cabinet open before. The old man said nothing, while Jonathan's eyes scanned the ledger.

"My God, father, I had no idea!"

"I'm sixty-seven years old son and your sister is only twelve. You can only imagine how I feel. Your mother knows nothing of this. She has no family and no recourse should we fail. I have no profession, no skill. All I know is this business and I am about to lose it."

Jonathan had never seen his father so morose and it frightened him; he tried to deflect the anguish and defeatism. "No, you haven't failed father. This is only a setback. We can overcome it."

Josiah looked up at his son. "That is why I have decided to risk everything in this distasteful undertaking. But, I can't do it alone. I need you son. Your family needs you."

"Tell me what to do," Jonathan answered, knowing his life was about to take a tangential turn, but somehow relishing his new

emergence into equality with a father he hardly knew and, strangely, still feared.

"We will need two vessels for the slave business," Josiah answered, with an unmistakable tone of relief in his voice, sensing that his only son understood and would not let him down. He was a fiercely proud man for whom embarrassment was a most dreaded abuse. "When Levesque reaches Martinique with the cargo of Negroes they will be exchanged for trade goods, mostly clayed sugar and molasses. The tonnage will greatly exceed the capacity of one vessel, so we will send the Freedom to the West Indies to wait for him.

"So, then we will be carrying contraband French sugar and French molasses, which is what got us into this mess in the first place," Jonathan commented, still uncomfortable with the notion of routinely breaking the law.

"Yes, Jonathan, I know and that means smuggling it in. But, what else can we do. You know well enough that the British West Indies islands cannot supply the quantity of molasses needed in these colonies and this odious Sugar Act tax is tantamount to a stoppage of that trade. If we could get cash we would, but we can't. Everything has to be done in kind. We need to take trade goods in exchange for the captives."

Jonathan, remembering the threat of criminal prosecution responded. "You know that the revenue enforcement is greatly expanding and is becoming very bold. What if we are caught?"

"We have no options left, my boy. If things don't change there will soon be a revolution on these shores. If they could only see that their interest is in the encouragement of our trade, which literally and effortlessly dumps wealth into their laps. There's revolution in the air, son."

"Do you really believe these colonies will revolt, father?" Jonathan asked incredulously.

"This determination, lately seen in London, to squeeze revenue out of the American trade will blow up in their faces, I guarantee. Now it's only common sense to realize that by regulating the trade and setting the prices by which we are required to exchange our commodities for theirs that they generate huge profits. Now, one would think that would be enough for them. And these

enumerated articles, which require shipment to Great Britain, where the market is already glutted, only leads to surplus and lower profits for us, and in time it will drive up the prices of British goods here and encourage us to begin to manufacture products ourselves to the ultimate detriment of the empire."

"But, revolution still seems unlikely to me, father. What could possibly unite these colonies?"

"We're caught in this molasses triangle, Jonathan. It's the only way we can survive. If the illegal trade is stopped there will be a revolution, mark my words, at least here in New England. You know that the fish catch is, by nearly half, unfit to be sold in any market other than the West Indies. What then becomes of that if the molasses trade is killed?"

"But, what would induce Virginia, say, to come with us? They do well enough with their tobacco."

His anger cresting with each word, Jonathan saw the fire of desperation in his father's voice. "We all know the Stamp Act, that odious usurpation of power by the Parliament, was contemptuous of the ancient constitutional right to property. These Townshend Acts are only more of the same. What we have acquired is by natural right ours and cannot be justly taken away arbitrarily by some absolute power. When the king's commons in Parliament lay revenue taxes on us that is exactly what they seek to do. That will surely be enough!"

The tension was palpable and Jonathan responded. "I'm sure there are many practical ways to overcome these difficulties."

"Yes, I'm sure there are," his father answered angrily, "and simple ones. We're going to get the Freedom back and send Levesque with the new schooner to the Bight of Benin, as soon as possible. And you, my boy, are going with him!"

"What!" was Jonathan's dumfounded reply. "You want me to go? I'm not a seaman or even a merchant for that matter. I know nothing of the shipping trade, let alone slaving!"

"Yes, that is precisely the point. You see, my arrangement with Levesque is a bit more complex than you realize. I have agreed to sign the Freedom over to him as his share of the profits from the voyage and to pay back, at six percent, his loan for the new schooner. We are taking all of the risk. If the profits are large

enough we will have a new vessel and a new start. If the scheme fails, we will lose everything."

"But, why does this mean that I must go?" Jonathan continued.

"You need to know the real nature of this. It's a dirty business to be sure, but I believe it to be our only salvation. You must understand it intimately because you will be in charge of Hamrick and Company when you return."

"But, father, surely you're not retiring."

"Yes, son, I'm tired and it's time."

"But, I don't know enough to run this business," Jonathan protested.

"You'll learn quickly enough and you can start with a side of it that has nothing to do with ships and cargoes, nothing directly to do with it anyway."

Jonathan waited and Josiah added. "Politics, patting the right backs and padding the right pockets, it's as important as any other part of doing business. You need to know the right people."

Jonathan said nothing, surprised by the apparent planning that had preceded his father's remarks.

"To begin with you will accompany your mother and me to the governor's home on the 26th. It seems that his daughter, Rachel, is arriving from France and old Wederborn is hosting a ball in her honor, a kind of coming-out cotillion I am told."

"Why? It will only be a nest of Tories. What purpose will that serve?"

"You'll see, son. And be warned, Mrs. Wederborn is from French society and the fashion I'm sure will be high. You had better practice your contre-dance, while you can!"

Governor Wederborn met his lieutenant governor at the door and ushered him quickly into the library. "Gilbert, I saw the light on Beacon Hill and have begun to alert the justices of the peace. What is it about; do you know?"

"They are provoked I am told by my ruling in the business of Hamrick's schooner. The mob has been harassing the sentries at the customs house, as is their usual practice, and now I assume they will

throw stones through my windows and ransack my house again. Damn it, George, something has to be done."

"Can I get you a glass of good Madeira, Gilbert?" Wederborn asked, bidding Barthurst to sit in the fashionable French chaise lounge Mrs. Wederborn had recently imported. "It's a very good year, you know?"

"You don't seem to grasp the gravity of what is happening," Barthurst bit back, disregarding the invitation and stiffening his neck, determined not to let the governor diminish his plight or deflect his purpose.

Wederborn, who was returning from the sideboard with the decanter of wine, said, "And I'm sure you are now about to insist once more that I ask Whitehall for troops. You know I haven't the authority to do that without the approval of the council."

Barthurst had heard this answer before and it annoyed him immensely. "As chief judge of the Vice-Admiralty Court, I have already ruled that you do have the power."

"You know well enough that that is beyond your competence Gilbert, so please stop saying it."

"So do nothing then, while we all get murdered. You know the council is packed with so-called patriots and will never approve of anything we want. The assembly will not elect a man to it who is not in their pocket."

"Of course I know that, but I am caught a bind between ordering troops unilaterally, which you assure me I can legally do, and thereby making myself the target of their animus, or trying to seek some compromise, which is my inclination, and then being blamed for being weak and wishy-washy."

"This is a poor time for politics, governor," Bathurst said sternly. "This colony is very nearly in a state of rebellion."

"Now Gilbert, be patient, it will calm down. It always does. Do have a glass of Madeira. You will be reimbursed for your personal losses, as usual."

Wederborn's condescending manner and tone irritated his lieutenant governor greatly, yet he tempered his inner rage saying, "Why it's blatant lawlessness and disregard for authority and you put me off with smuggled Portuguese wine."

Wederborn frowned and placed his hand on Barthurst's shoulder; shaking his head earnestly he said, "I do what I can. You know the lawlessness lately upsetting the peace in this town have been a constant topic of discussion between me and the council. I have suggested that since several of them were justices of the peace that they should make an independent assessment of the conditions and advise me on the course of action they think best. You'll see; we'll be the heroes of Boston in the end; mark my words."

Barthurst pulled back, bit his tongue and turned to leave, fearing a complete loss of temper.

"Wait, Gilbert. Where are you going? What can I do to help?"

"I'm going to the house in Milton, if the mob doesn't get me first. Marion and the children are already there and I'd advise you to lock your doors.

"Surely you can stay a bit longer," Wederborn offered, but the lieutenant governor wouldn't listen.

"Thank you, no. I've wasted enough time as it is."

As he struggled not to slam the door behind him, Barthurst said softly under his breath, "You'll sooner be the Nero of Boston, you old fool."

The governor waited a few seconds and then, at a discrete distance, followed Barthurst into the street. It was a dark moonless and overcast night. He watched as the carriage sped away to the south. He looked around furtively and listened intently for any sign of the mob, but, beyond the fading rattle of wheels rolling over the cobbled streets, everything was quiet. He hoped it would stay that way.

The governor locked and bolted his door, pulled all of the heavy drapes, to hide the candles still burning within and poured himself another glass of the wine. He looked at the ornate and heavily upholstered chaise, thought of his wife and smiled, when suddenly she appeared, as though conjured up by his wish for comfort and support. "Marie, why are you up? Everything is alright."

"There's more trouble isn't there, George?" she asked, intending not to be protected as was his inclination and vividly

remembering the Stamp Act riots, when they were all forced to run for their lives to the castle. “It’s not safe here, George. Why do we stay in the town when we have a big house in Roxbury?”

“I’m the governor, Marie, for God’s sake. I can’t let it be said that I’m afraid to stay in my own capital. Please, come and sit with me a while.”

Marie Wederborn cared little for politics, but saw her husband’s appointment to Boston as a significant rung on the ladder of success. Only a minor dignitary, without patents of nobility, he was only a bit player in London. But, here he was the governor and something of a celebrity. There was great Tory wealth accumulating in the colonies and opportunity for them all if circumstances would allow.

Traditionally disregarded in matters of importance, she devoted her energies to the future of her family and especially of her daughter and to making for her the most advantageous match possible. The stage was set for her emergence into the highest levels of Boston society and now it all seemed threatened.

“You know Rachel will be here in a few days and our plans will be ruined by this mayhem.”

“Please dear, sit,” he repeated pouring another glass of wine.

“George, why don’t you just bring in troops as Gilbert says and tighten your grip on this mess? We cannot afford to have you fail in this post and then be forced to return to England in disgrace.”

Wederborn welcomed the opportunity to review his thoughts with his wife whose advice was often more astute than that of his untrustworthy councilors. At least he knew her true allegiance. “My plan all along was to get Hillsborough to order the troops himself, which I am sure he eventually will do. That way I’m not immediately blamed and I can play the role of a mediator.”

“But that means that the soldiers will arrive suddenly and by surprise and who could predict what that might lead to?”

“You’re right, Marie. Every time a ship puts in I wonder if some regiment of foot is about to disembark. There is no doubt that in the end we will need the army to govern this colony. The trick is to ease them in without causing a revolution.”

“Why can’t you just ask Hillsborough secretly to order in the troops and then pretend ignorance?”

"Secretly?" Wederborn scoffed, "Nothing I do can be kept secret. They get copies of all of my correspondence from their spies at Whitehall. Whatever I write to the Lords gets published in these Boston rags as soon as the next ship returns. I don't care how confidential or sensitive it might be. Someone is betraying me, Marie, it's the only explanation."

"Now don't be so conspiratorial, George."

"Well, someone has deep contacts at Whitehall. All the way to the king's chambers I might add and it's certainly not the colonial agent. It's embarrassing! They know everything and print everything. They libel us almost daily and laugh at us when we can't get a jury to hold them to account. Freedom of the press, they pompously proclaim, cannot be endangered. That's a handy slogan that masks their many crimes. And they tamper with the juries with absolute impunity."

Mrs. Wederborn could see her husband beginning to vent his frustrations. She had seen it many times before and artfully nodded agreement or sighed and shook her head in support.

"They constantly complain that I misrepresent their acts and intentions in my letters to the Lords when the tone of their communications reeks of obsequious insincerity. I cannot get along with this General Assembly. They circumvent me and malign me constantly. It is clear that they are determined to disregard the lawful legislation of His Majesty's High Court of Parliament. They will not be taxed without representation and then they refuse to send representatives. Of course they conclude always by saying that, while they are unwilling to be taxed, they will happily give voluntarily all that is needed. And they even have the audacity to complain that the taxes are an insult because it denies them the right to give freely. What poppycock! It's independence they seek and nothing less."

Finally, Wederborn arrested his rambling rant and said, "I'm sorry, dear. You wanted to talk about Rachel?"

"Well, I am worried that we will be forced to cancel her coming-out."

"Don't be; this will die down in a day or two. Besides," he chuckled, "the guest list includes all of our most prominent enemies."

Nothing more happened that night. Without leadership, the crowd was content to roam the streets until they tired and gradually dissipated into the pubs and taverns along the docks. They never reached Barthurst's house and were at no time even near the governor's residence. But, Wederborn thought it best to stay awake and wait. His wife stayed with him and he finally relaxed. They reclined together under a goose down comforter on the chaise, drank Portuguese Madeira and reminisced about their long and loving life together and what might still lie ahead.

CHAPTER FOUR

The off shore breeze blew stiff that morning and Levesque wasted little time making sail in the longboat. “Step the mast lads, there’s no reason to row today.” And with that the heavy shaft was lifted, centered and carefully dropped into the thwart. “Steady by the halyard there,” Levesque cautioned, “Hoist sail ...Slacken sheets and braces.”

The crew worked skillfully and swiftly, “Haul the halyard ...Sheet home, haul the sheets ...Make all lines.” As the weight of the wind drove into the sail, Jonathan could feel its force as the twenty-foot longboat suddenly surged ahead. Standing in the bow, holding to both gunwales, with knees bent, he found himself continuously shifting his weight from foot to foot. As the boat dove and rose with the rolling waves, he sensed the rhythm of the restless sea and he began to almost playfully anticipate each pitch and heave.

His thoughts began to dwell on the court proceedings earlier that day and on the new life he was about to undertake. He hardly heard Levesque bark, “Boat all oars,” and didn’t notice them as they passed over head and were stacked neatly on the center line. “Strike sail, let go the halyard, sheets and braces.”

Judge Holcombe had granted the replevin as he said he would and the sheriff had already served the papers on the customs commissioners. They were now taking the sheriff to Castle Island with Captain Levesque and a skeleton crew to bring the Freedom back to Wentworth’s Wharf, where she would be impounded until the case was decided. This was a major victory for Hamrick, but it had less to do with his judicial or rhetorical skills than it did with the power politics of the time. He wondered if this were the way things always worked.

The harbor was thick with ships, and sails could be seen on the horizon. They all seemed familiar and normal, save one. Barely inside the Dorchester roads was a big seventy-four gun third rate ship of the line. Jonathan couldn't make out her name, but she had obviously just dropped anchor. Could this be the coming of the troops he wondered as he watched the bustle of activity on her main deck?

But if there were troops, wouldn't they be disembarking at the castle? This ship seemed to be positioned to land its boats in the town. He watched intently as they passed perhaps one-hundred yards to the north and when they came across her bow he saw the captain's gig being lowered. Some dignitaries were apparently about to pay Boston a visit he mused before regaining his concentration; he didn't hear Levesque order, "Furl sail..."

Now, he thought to himself, the sheriff would take possession of the schooner in the name of the court, allowing that there was no objection from the royal navy, and in a week the case would come to trial. There was never any delay in seating a jury, and preventing inconvenience to the jurors meant that the court aggressively tried to complete even the most involved trials in one or two days. Simplicity and common sense were the rule he reminded himself as he began to outline his defense.

Regaining the Freedom seemed to be a matter of jurisdiction, which was a technicality, but if he could show that the original seizure of the molasses was unjustified, then there would be grounds to sue for damages in civil court. This was a popular patriot strategy in combating the hated customs and it was clearly what his father wanted him to do.

"Mind your balance, Mr. Hamrick," Levesque yelled nervously as he noticed that Jonathan was oblivious to the fact that the sail was doused and the pier was fast approaching.

"Let fall... Trail oars... Hold water," came the flurry of quick commands and the oarsmen slowed the boat so stoutly that Jonathan's momentum nearly carried him overboard.

"Learn to keep your eyes in the boat, Mr. Hamrick," Levesque scolded and then shouted passed him, "Ahoy the pier, coming ashore."

It was best to let the sheriff do his job unaccompanied and so Jonathan and Levesque waited with the crew. The captain busied himself with routine preparations for the return to Boston, while Hamrick walked alone to the end of the wharf. He looked out at the big British warship, whose guns could easily cover the town and pondered what war was and what it might mean for him and for his future should it come.

War, the word seemed to flow lightly and almost naturally from everyone's lips, as though it were an everyday state of affairs. But, he found it frightening. He looked back toward the town and, from where he stood, he could clearly see the starboard gunwales of the warship and the captain's gig bobbing along side. Some trunks and other baggage were being carefully lowered into it, but as yet there was no sign of its passengers. He looked seaward at the several harbor islands and beyond to the horizon and stood quietly for a time. It was hard to tell for how long, but activity on the pier behind him finally broke through.

"Unstep the mast lads," he could hear Levesque behind him, "You'll be rowing Mister Hamrick and the sheriff back to Boston."

With the ship reclaimed, Levesque would wait for the first mate, Joseph Butcher, who was at that moment in and about the town, gathering as many of the crew as he could find.

Jonathan ran back to the boat. "Did you have any problems, sheriff?" he asked.

"Only that they refused to release her until they could remove the swivel guns they have already mounted. I told them that the orders were clear and made no exceptions for swivel guns and that this matter would have to be straightened out later."

"So what should we do?" Jonathan asked.

"We'll take her as soon as the crew arrives," Levesque answered. "If they mean to make a fight of it we'll see what they're made of."

"I don't think it would be wise to have a confrontation at the castle with the royal navy," Jonathan cautioned.

"These colonies are a constant confrontation between jurisdictions and claims of authority," the sheriff added. "We must assert our rights. Captain Levesque is right. Take the schooner as soon as you can."

"Man the boat, stand by the mooring lines," Levesque ordered, making clear to Jonathan that the conversation was over. "Mind the coxswain lads and do it smartly. He's now captain of your boat."

"Shove off."

This time Jonathan sat in the stern and watched as the boat got underway. He knew almost nothing of the sea and was impressed with the precision of the crew. The oars, which had been boated between the rowers along the keel line, were passed swiftly over head until each man held his oar, upright, resting on the floor between his feet, in a vertical position. He then heard, "Let fall," and the oars came simultaneously to the horizontal, dropping into the thole, and made ready to row. "Give way together lads and mind the strokesman." He felt the long steady pull lift the bow and the boat surge slowly forward.

He looked ahead toward the town, two miles away, and then glanced at the faces of the five pair of oarsmen pulling together in long slow rhythmic strokes. Each seemed far away in thought, listening to the almost hypnotic cadence of the coxswain, and he began again to ponder. He tried to imagine the planned slave voyage. He wondered what the months on board ship would be like, what he would see on the coast of Africa, if he would bear up. There was something about the sea that called to him, even though he had never voyaged on it before.

And then there was the issue of slavery itself. There was clearly something hypocritical about the call for freedom he heard constantly around him in a place built upon human bondage; Jonathan struggled mightily with this. He truly believed in freedom and equality, was almost obsessed with it; perhaps it was to escape from this cruel contradiction that he, like so many of his generation, nurtured a refuge in racial superiority.

Were these Africans really human? Surely they were people, but, they were strange people. They were of a different race, perhaps not to be accorded the same kind of equality he thought due to himself. Surely, Christianity didn't demand it, nor did the law. Perhaps this whole idea of freedom and equality made its own morality. After all, these Blacks had no such concept, not even a

word for it in their languages. They had been enslaved by their own society and their culture condoned it, even thrived on it. Why not just accept it then?

Trapped in his paradox, Hamrick hardly noticed the fast approaching captain's gig and its captivating cargo. The gig was smaller and lighter than a longboat and was manned by only four oarsmen but charged with the captain's personal transport those seamen were an honor guard of sorts who took great pride in their rowing skill and stamina. Overtaking and putting the Yankee longboat in their wake was a matter of pride. As they came along side, the British coxswain chuckled loudly enough to be heard, "They look like they're backing water," and a roar of laughter crossed the barely ten feet of space separating the two boats that were now fully abreast.

Jonathan instinctively looked across at the captain's gig and his eyes fell for an instant on the face of the most beautiful girl he had ever seen. It was only a fleeting glance as her countenance was shadowed slightly by the crimson hooded cloak she wore. As the boats rose and fell, at one point the seemingly chaotic bobbing of the two craft came into a kind of complimentarity and the sunlight washed away the darkness. For an instant their eyes met; he was wholly smitten.

"Stand by ..." was the call from Hamrick's coxswain.

"Ready!" came the call back as the men knew they could not accept this indignity without a fight.

"Pull together lads. Do it smartly now... Mind the count... Pick up the stroke."

The big longboat began a valiant effort to run with the gig and the cadence relentlessly quickened, but it was to no avail. As the distance widened between them, and exhaustion began to show on the faces of his oarsman, Jonathan expected the coxswain to relent, but he didn't, and they didn't. "We'll not surrender lads, with the count now... long and strong..."

At one point she turned to look back at them and the sun flooded her face, but she was too far away for him to see.

Governor Wederborn had sent his traveling coach with Mrs. Wederborn to Long Wharf to await the arrival of

their daughter. Also in the coach were Benjamin Beresford and Abigail Ester Whitmer, Rachel's oldest and dearest friend.

Rachel had been for three full years in France finishing her education and her mother had only learned the previous night that her daughter's ship had arrived. "I wonder, Abby, how she must have changed," Mrs. Wederborn said excitedly as the gig came into view, trying to cover her nervousness with words. "She was only sixteen when she left, still a girl, and now she's almost twenty. Go, Benjamin! They will land any second now."

Beresford too had longed for Rachel's return, although he had visited her several times in France. They had been childhood friends in London and while four years her senior, and unable to declare his love for her directly, he was sure she knew. Then, when she departed with her family for the colonies she was only fourteen, he thought he would never see her again. But she returned to England with her homesick mother in each of those first three summers, and he saw her often.

The fourth summer, when she didn't return, he entered the officer corps, as was his calling and strong family connections assisted his rapid rise. Beresford was now a colonel on General Gage's staff and was recently assigned to Boston, at his own artful request. He knew his opportunity would never be better. He had earned the trust of the governor, her father, and had only recently broached the subject of his desire for Rachel's hand in marriage. George Wederborn was delighted, but not so foolish as to think it a done deal. Beresford knew that he would have to win her consent and that this meant her love as well.

"I worry she'll be so sophisticated as not to suffer my company any longer," Abigail said, not entirely in jest, but the older woman quickly corrected her.

"Rest assured, Abby, that she is not so shallow as to let her advantages go to her head."

"But, she will have studied with Diderot and Jean d'Alembert. She wrote me that she met Rousseau. Can you imagine it, Jean Jacque Rousseau; and he gave her a translation of his Discourse on Inequality. Of course she read the original, but I'm to have the translation..."

Marie Wederborn hardly understood this new generation of young women that seemed so enthralled by philosophy and in particular by politics. In her mind that was all in a man's world and best left there. But, the world was changing and the second half of the century began to open, for the first time, ever so slightly, the door of equality to women. It was a cosmopolitan and cultivated age, characterized by a glorification of the intellect, of scientific reason over blind authority, of refinement over brute force. Brilliant women were able and eager to compete in this arena.

"Ben," she said smiling as she ran to him, her hood falling back on her shoulders. "What are you doing here?" She threw her arms around his neck and they embraced firmly; as he straightened his back she felt her toes leave the ground. It was a dignified public embrace and lasted only a few seconds, but, for him at least, it was electric.

He politely stepped back and bowed gallantly saying, "I am here at you service, my lady."

"You're so dashing, Ben," she laughed, "and so handsome in your dress regimentals."

"Come, your mother is waiting in the carriage."

Mrs. Wederborn had asked the coachman to put down the folding Landau top on the governor's carriage, to better enjoy the glorious afternoon, and to better be seen by the citizens of Boston. The brilliant black lacquered cabin was trimmed in red and gold reflecting the red spokes sweeping away from the gold wheel hubs. The interior was impeccably upholstered in black leather and it was pulled by a matched pair of white horses. It was a perfect picture frame that exuded luxury and status. The governor never used the Landau, preferring his simpler and more modest chaise. But Marie Wederborn craved opportunities to ride, top down, through the streets of the town.

"Rachel, my darling girl, come here at once," she said with intense joy as her daughter reached the carriage. To have stepped down on the pavement, dressed as she was in a lavish imported green Chinese silk dress, heavily ruffled and petticoated, and with her hair coiffured to the heights, would have required the assistance of at least one gentleman and so she remained seated.

Rachel climbed quickly in, shot a gleaming smile toward her friend that said "I can't wait until we're alone," and embraced her mother. "Mother, I missed you furiously. I missed everyone furiously," she added turning back toward Abigail, who knew it was not yet her time to speak.

"And does that include me as well?" Beresford asked playfully as he took his seat in the coach.

"Of course it does, Ben," she answered and then added, "I can't believe you're here. What a surprise."

"Benjamin is serving on General Gage's staff and is assisting your father with affairs here in Boston," Mrs. Wederborn remarked. "But, there will be plenty of time for all of that later; right now we must get you back to the house so you can refresh yourself. Benjamin will see to your things. Be a dear, Benjamin; hire a dray here on the docks and bring Rachel's trunks to the house." This was clearly an effort to remove Beresford from the party and was instantly perceived as such by the two girls.

"Of course, madam," Beresford answered politely and began to back out of the cabin when Rachel reach for his hand and momentarily detained him. "Visit me tonight, Ben. We have so much to catch up on," she said smiling.

"Of course," he answered nodding and releasing her hand.

"Home Walter," Mrs. Wederborn said loudly, sensing something of the anger rising in her daughter. No one spoke for several minutes. Abigail thought several times of breaking the silence but didn't dare. Finally Rachel spoke.

"Why did you do that mother? It was embarrassing. He is an officer and a gentleman, not our servant."

"I will thank you not to speak to me in that manner and particularly not in the presence of outsiders."

It had only taken a few seconds for the friction between them to resurface. Both Rachel and her mother had hoped that the time apart would change their relationship, but, while Mrs. Wederborn expected Rachel to become more mature and to begin to see things her way, Rachel prayed that her mother would mellow.

"Are you referring to Abby?" she responded angrily. "She is my best friend and hardly an outsider!"

"Please, Rachel, don't," Abigail interrupted, "I want this to be a happy day."

"As do I dear," Mrs. Wederborn responded. "But, my obstinate daughter seems to always find a way to fault me."

"Let's drop this shall we?" Rachel said sternly and then changed the subject. "Will daddy be there when we arrive?"

"Your father is meeting today with the council, something about the arrival of troops. He so wanted to meet you himself, but... when duty calls..."

CHAPTER FIVE

The Sons had already gathered for their morning meeting at the Tally-Ho Tavern and, while they waited for word from Jonathan Hamrick, they helped Edward Buckingham hammer out details for the next edition of the Boston Register. Josiah Hamrick was already there as was Judge Holcombe. Arthur Barclay and Douglas Wickham, who held key positions on the council and in the assembly, had just arrived from their meeting with the governor and listened as the conversation continued.

"Now this business lately arising having to do with reparations paid out of our taxes to reimburse losses suffered by Tory interests cannot be allowed to occur."

"But, my boys, remember, these articles are sent regularly to London by our esteemed governor. It is important to give the impression of sympathy in our responses. We should say such things as these damages were done by unknown rabble rousers and certainly the sufferers will be compensated at some future date, but we have lately been consumed with this and that. You know how it goes."

"It is extremely important that we appear disturbed by violence even as we provoke and direct it." They all nodded and smiled. "Bring us some of that applejack you're always bragging about Nathaniel," one of them said and added, "I can't wait to hear what Wederborn had to say today after we made Barthurst run for the hills last night." And again a mocking laughter rocked the barroom.

"Well I can tell you this," Barclay began. "He means to get the reparations for damages even if it takes an act."

"I don't like the way he threatens us with the imposition of payment by Parliament if we don't fall to and voluntarily honor these claims. This is a bad precedent I tell you."

Holcombe elaborated in his usual judicial manner. "There is a greater question here concerning the power of Parliament to dispose of our moneys when the freeholders and inhabitants of this colony have a legally elected legislature in session with the sole authority for that. If we give in to this then what constrains them from ordering us in some other instance?"

"You are precisely right, Sam; but we are walking a thin line. We don't want to back old Wederborn into a corner or he will bring in troops. And you can be sure Barthurst is pressuring him to do just that."

"They have had troops in New York for sometime, and it's only a short step from there to here. A standing army is the beginning of the end for our freedom."

"That may be, Arthur, but the writing seems to be already on the wall. I think we should assume that troops are coming and act accordingly. We don't want to be taken by surprise."

"Indeed, Josiah is right; we must be ready with a planned response."

Wickham offered an angle. "Any troops sent here with orders to garrison the town can be barracked at the castle, which is technically within the borders of the town, and be isolated on that island."

"You know well enough, Douglas, that they won't accept that. Why, the idea is to punish the town, set up check points and sentries, challenge people on the streets at night. They mean to establish a presence here to assert their authority."

"It seems to be a legal question best left to the courts," Holcombe smirked, knowing that this was the arena promising the right result.

"Just how might that go before the bench, Sam?" Josiah asked.

"The outrage odiously referred to as the Billeting Act," he said with an obvious sneer, "requires that troops be quartered in barracks and only if the facilities are inadequate should they be forced into private homes. The barracks at the castle are more than

adequate and there is therefore no justification for any decision to quarter troops in the body of the town."

"Yes, damn it, that's it," Barclay agreed. "This town provides barracks, at great expense to its people, I might add, and they are empty. They cannot ignore the empty barracks simply because they would prefer to occupy the town."

So the battle cry was decided and while they waited for Jonathan the conversation turned to the recently concluded governor's council meeting. "Well now, tell us boys, how did the old goat react? Luckily today we are spared the price of admission to view the clowns."

"Was Barthurst there?" Payton asked hurrying with the tray of mugs, brimming with hard cider just drawn from a cool barrel stored in the cellar.

"Now you know we don't let that particular clown into the council meetings any more," Barclay quipped and again a roll of laughter echoed across the otherwise empty room. "No, only Wederborn and his usual stooges," Wickham answered.

The conversation went on in this way for several minutes amid rollicking merriment as the two councilors acted out every nuance of the meeting to their fellow Sons. "...and then he finally reacted and said: are you trying to make me a fool sir; and I answered that there would be no need since that task had already been quite nicely achieved." And the raucous laughter rose once more.

"It looks as though I've missed most of the fun," Jonathan said as the others made room at the table.

"Did you recover her?" Josiah asked.

"I think so. There's still some issue about the swivel guns they have already mounted on her quarterdeck, but the sheriff said to take her and that's what Captain Levesque means to do."

"By the end of next week you'll have her back, Josiah and with damages as well," Holcombe assured. "You should be confident to continue with your new venture."

"What is this new venture, Josiah, if I may be so bold as to ask?" Payton said.

"Well then my friends, it may now be the right moment to announce that Jonathan is coming into the business and will be assuming full control in a year or so," Josiah said proudly.

"Wait," Payton responded jumping to his feet, "This calls for a toast," and he ran quickly to the bar for glasses and a quart of his best West Indies rum. Everyone stood and as they individually shook his hand and congratulated him, Jonathan felt uneasy, as though events were moving too fast and possibly spiraling out of control.

"To Jonathan," Holcombe toasted, then said, "No, better to Hamrick and Son," he finished assertively.

"To Hamrick and Son," the others responded in unison and each downed his jigger of rum.

"Quite appropriate to be toasting with rum," Josiah remarked as the men sat again and began chasing their shots with the refreshing cider. "We're expanding the business, Jonathan and I, and we're building a distillery on the Piscataqua."

This was the first time Jonathan had heard of this aspect of the undertaking, although it was a natural part of the slave trade, and he listened to his father with as much interest as the others.

"We think we can make this three-cornered slave trade very profitable by building a rum distillery up the river beyond Portsmouth. We can take advantage of abundant and cheap firewood. You all know how dear firewood is becoming around Boston and the same is true for Newport, which are presently the centers of rum distilling. And we also know how much firewood those distilleries can burn."

"Not to mention that other advantage of the New Hampshire woods, seclusion, which makes it easier to smuggle in the molasses, eh Josh?" Payton quipped with a smile.

"Quite true, Nate, since it will be more a matter of outrunning the revenue cutters than of bribing the customs agents, and we will have the vessel for that I might add. We've commissioned a new schooner, a clipper, from the yards at Baltimore and she's just about ready."

"Wonderful my friend," Wickham said and then asked, "what's she called?"

"I'm leaving that to Jonathan," Josiah answered, placing his hand affectionately on his son's shoulder, "She's his schooner."

Her first stop upon entering the house she hadn't seen in three years was at the big freestanding terrestrial globe in the library. She touched and slowly turned it, remembering her childhood before they had moved to the colonies, sitting on her father's lap, trying to read the many newspapers and gazettes that always occupied his evenings, finding the strange sounding names and then standing on the little stool to trace their exotic locations on imaginary fingertip voyages.

Rachel Marie Wederborn grew up surrounded by books of the highest sort, Milton, Addison, Shakespeare. Her schooling had been completely rendered under the supervision of her mother, and was finished near Paris, with tutors, at the Perodie estate. Learning was a constant delight to her as it never fell into the ordinary. Rather than by rote, as was the custom, she was educated in an eclectic exposure to the most refined prose and poetry.

"You always were intrigued by that globe," her mother noted. "You know that was made in Amsterdam, by Gerard Valk, especially for your grandfather. It's considered to be a masterpiece you know. But I don't think anyone loved it quite as much as you."

"I think I would like to see my room now," Rachel said not turning to look back at her mother. "Is it still the same?"

"Yes, it's waiting for you."

"Come with me, Abby," she said, turning quickly, taking her friend completely unaware and tickling her frantically.

"You rat, Rachel," Abigail squealed, doubling over with laughter and the two ran like rabbits through the library to the hallway and up the back staircase as they had done a thousand times before.

"Do be careful girls... you're not..." the mother's voice quickly disappearing behind them. They ran as though they were still school girls and dove headlong onto Rachel's four-poster bed, causing it to push the small rug it rested on, like a sled, until it bumped the dresser and knocked something heavy onto the floor.

"I don't think it broke, whatever it was," Rachel said as they giggled and rolled over on their backs to chat.

"You must tell me everything about Paris," Abigail began, but Rachel interrupted.

"No, there will plenty of time for that. First I must know about Alex. Has he said anything yet?"

"He's engaged to marry Hannah Billingsley," Abigail answered, midway between sadness and anger.

Rachel was lost for an appropriate response, remembering her friend's almost gushing letters about the handsome and dashing Alexander Osborne. "Why... Well, what happened?" was the best she could do.

Almost in tears, Abigail answered fitfully, "I read everything wrong, everything he said seemed... he never kissed me... but, I know he wanted to... Oh, how could I have been so stupid?"

"You weren't stupid. He's the one who is stupid. All men are stupid it seems to me." Rachel reacted, uncritically taking her friend's side. "Hannah Billingsley can have him."

"And he her," Abigail responded defiantly.

"What?" Rachel said, tittering on the edge of laughter.

"What?" Abby answered.

"He her... you said he her, and that proves he's a jackass!"

They both laughed, but with feigned enthusiasm, knowing that despite all they had gained, for women, making the right match still made all the difference.

"That is why I will be ever thankful to my parents for my education," Rachel said. "If women would only realize that without knowledge and skill they will be forever dependent."

"What does it really matter, Rachel. Is it better to be forever dependent or forever poor?"

"No, I don't mean it that way at all, Abby. I'm speaking of an independence of spirit. Knowledge occupies your mind and skills can forever fill your hands. Women live their lives out in the shadow of their husbands and for the sake of their children because they haven't the confidence to believe in themselves. We all have the capacity to learn and if we use it we can free ourselves."

"But you're smart, Rachel and talented."

"So are you."

"No, no I'm not. I'm just ordinary," Abigail answered, allowing a hint of despair to seep into her tone.

"Everyone is blessed with abilities," Rachel asserted. "You need only to find and cultivate your own. No one can do everything, but everyone can do something."

Just at that moment, George Wederborn appeared in the open doorway. "Daddy," Rachel beamed rolling off the bed and running into her father's embrace.

"My darling girl," he said, "We missed you terribly." He held her tightly in his arms for a few seconds and she pressed her face into the soft uncut velvet of his jacket.

"Oh, I hope I didn't stain your lapel," she said pulling her head back and looking up at her father who had noticeably aged in the three short years. She saw it at once. His hair was rapidly graying and his eyes were tired from the constant strain of confrontation in the recalcitrant colony.

"How was the passage?' he asked.

"Boring," she responded. "But I passed the time happily reading Rousseau."

"Oh, God, not Rousseau! As though I don't hear enough of Rousseau already, now I will have to suffer it from you as well."

As she laughed and kissed her father on the cheek they heard, "George... George... come down. Benjamin is here with Rachel's things."

"My trunks are here!" Rachel said pulling Abigail off the bed. "Wait until you see the dresses I brought from Paris. Auntie Elizabeth was impossible. She wouldn't let me leave without all of the latest fashions. It was outrageous, the things she bought me. Come Daddy I can't wait to show you."

"I'll see them later, Rachel, after dinner. You and Abby can unpack your things," he added holding her back. "I'll have Walter bring the trunks to your room. I must talk with Ben before he leaves."

Governor Wederborn ushered Beresford into the library and the two sat face to face next to the big terrestrial globe.

"Let me be blunt, Benjamin. I fear that since Lord Hillsborough was made Secretary of State for the American

Department that he conspires with my lieutenant governor to have me recalled."

"I'm not sure I understand what you mean, sir."

"Barthurst is after my position and he undermines me secretly with Hillsborough. He sends letters directly to the Lords without my knowledge or consent. I have it on good authority that he does this and has been doing it for some time."

Beresford listened quietly, not knowing yet how to react. "He is at this moment taking affidavits and other testimony to show that certain of these so-called patriots are guilty of treason under the Act of Henry VIII. When these papers are presented to His Majesty, I suspect warrants will issue for their arrest with orders to carry them to England for trial."

"Judge Barthurst has made no secret of his belief that this unruliness here can and should be dealt with sternly," Beresford said and then added, "Let them become accustomed to defying Parliament, as many already are, and America is lost,"

"Yes, but as he does this, word leaks from Whitehall that the lawyers have determined that the Statute of Henry VIII only applies in England and that the plan is now only to threaten and then to back off. Don't you see how this undermines our efforts?"

"But sir, we must assert our power to uphold the authority of Parliament."

"These colonial governments are nothing but a patchwork that will be blown away immediately upon the resolve of the people. We have no real power," Wederborn said with quiet resolve.

"How can we hope to control these colonies without cracking down?" Beresford challenged. "We are duty bound to follow the policies of the ministry."

"Ministries come and go and in no way do any of them know anything at all about America and yet they make their pronouncements and promulgate their incompetent measures. I tell you I'm tired of it. I shall, no matter what, continue to pursue the strategy which I believe best for these colonies."

Beresford feared being drawn into a debate with the governor and artfully changed the subject. "And how can I be of service, sir?"

"Well Ben as you know there has lately been much talk about sending a garrison here and we both know that Barthurst is determined to bring this thing to a head. If he had his way he would march an Irish regiment right into the town and occupy Faneuil Hall." Wederborn could see that his young associate sympathized with such tactics and continued, "The town would burn, Ben. Do you want that?"

Beresford responded tersely, "What are my orders, sir?"

"I believe that Barthurst will try to convince Hillsborough to order General Gage to send troops to Boston from the garrison at Halifax. I want you to carry some documents to New York on my behalf that will demonstrate to the general that this is a wrong-headed course of action and to tell him personally and in the strongest terms that I am unalterably opposed to the stationing of regular troops in Boston and that I will not agree to it. Gage knows that only the governor can request troops."

Wederborn realized that this strategy would force Barthurst's hand since without the cooperation of General Gage only by orchestrating the governor's recall could he succeed. "I must have confidence that the papers will reach General Gage without Barthurst's knowledge. I'm counting on you, Ben."

"I'll prepare to depart immediately, sir," Beresford said smartly.

"There's time yet, my boy," Wederborn said smiling and offering his hand. "I still have some polishing to do. For now it's enough to know that I can rely on you."

"You can indeed, sir," Beresford answered and the two shook hands. But, before he could turn to go the governor said, "There is one rather more pleasant thing to ask you, Ben."

Beresford waited and the governor added, "Mrs. Wederborn and I request the pleasure of your company at a gala ball to be held in a week Saturday in honor of the return of our daughter, Rachel."

"I am most honored to accept," Beresford answered with a broad smile and practiced nod.

"There is a bit more as well," Wederborn continued. "We would also be honored if you would serve as Rachel's official escort for the evening."

CHAPTER SIX

"I love the French sack dress. The back pleats are so elegant," Abigail said sliding the blue silk brocade gown over the clothes horse.

"I know, but I'll show you the latest rage," Rachel responded. "Look, see these ties stitched inside the skirt? They're used to hike it up and gather it around and up the back. There are buttons on the petticoat to attach them to and you pull up the hem... see?"

"So... the petticoat shows all around?" Abbey asked frowning lightly.

"It's called the Polish style. Everyone is doing it now in Paris. Of course you need a petticoat with flounces and lace all around, too. It shows your shoes and ankles, and look," she went on, pushing her arm down into one of the new French style white knitted stockings, to display the embroidered flower on the ankle.

"Oh," Abbey answered absently as she was already distracted by the next treasure to emerge from the magic trunk. "Look at this... black silk brocade with black lace. It's stunning..."

"Take it near the window where the light is better," Rachel urged, pushing her friend across the room. "It's really dark, dark green."

"It's so close to black; I can't believe it. I've never seen a color like it."

"Imagine it with this pointed stomacher and a matching petticoat."

"There are so many dresses," Abbey marveled. "How many do you have?"

"Six," she answered.

"Oh, I love this yellow silk taffeta. It's so stiff and radiant."

"Try it on," Rachel offered. "I know you're still exactly my size."

Abigail eagerly removed her day dress, which, except for its cotton simplicity, was cut very much like the elegant evening gown she admired so much. Petticoat, shoes and stockings were all replaced with the perfect matching ensemble. Its low square neckline was trimmed in ruche lace with a tastefully turned breast knot bow to modestly mask the cleavage. White lace cascaded from the elbow length sleeves that perfectly accented the lace flouncing on the full skirt petticoat.

"Picture it with your hair all done," Rachel said turning her friend toward the full length mirror, "and with a yellow lace ribbon choker, or maybe a single strand of pearls."

"It's beautiful, perhaps the most beautiful one of all," Abbey proclaimed.

"Then it shall be yours," Rachel responded, "and you will wear it Saturday to the ball."

"My god, Rachel, are you sure?"

"Of course I am. You're my dearest friend aren't you? And I even have the perfect accessories, cloth covered kid gloves, earrings and equipage, even down to the fan and parasol. Alex will soon see what a fool he is."

"Oh... no... Is he going to be there?"

"He certainly will, not that you'll have time to notice. Ben has recommended some very eligible young naval officers from the Roebuck to Mamma and you know what a match maker she thinks she is, what with Emma on the prowl and now you. They'll be enough of them; I assure you."

"It sounds like so much fun, if I don't make a blasted fool of myself. I can never remember the figures," Abigail replied.

"We have plenty of time to practice," Rachel said. "Don't fret, you can always just curtsey and strut around. Besides those complicated old four couple quadrilles are out now. Everyone is doing two couple squares on the continent and with only four figures instead of twelve. We'll have to teach the boys anyway," Rachel went on.

"That part will be fun," Abbey laughed then added "and speaking of the boys, I was surprised by your mother announcing in the carriage that Ben would be escorting you to the ball. Didn't you find that a bit presumptuous?"

"You know my mother. She's a bit behind the times. She's planning to have me announced and escorted in." She paused for a moment and then added with a hint of resignation, "It doesn't really bother me not to have been asked, but it does put poor Ben on the spot. You know how stiff he can be and now he won't know if he should ask me formally or just show up and do his duty."

"Are you in love with him?" Abbey asked slyly and in a way that only the closest friends would dare.

"Abbey! Why ever did you say that?"

"Because, he is in love with you."

Rachel stood dumbfounded and waited for some clarification; for nearly a full minute she got only a gleeful, gaping wide-eyed smile.

"I shouldn't be telling you this, but, I must," Abbey finally burst forth. "He confessed as much to me a few weeks ago. Then he asked me if, in our correspondence, you had ever spoken of him, and in what regard, and if you had had any romantic encounters while you were in France."

"And what did you tell him?"

"I lied of course," Abbey answered. "I told him you spoke fondly of him and that you had no particular gentlemen friends in France."

"And what part of that was the lie?" Rachel asked.

"The part about speaking fondly of him. I don't recall you're having mentioned him at all."

"Oh, Benjamin," Rachel said sternly, "This is awful. Why are you doing this?"

"Is that what you're going to say to him?" Abbey responded.

"Of course not! But, I mustn't encourage him," Rachel said and then quickly reversing field, "So you don't think I had any gentlemen friends in France?"

"Well you never..."

"Living with Aunt Liz was not exactly like being in a convent you know."

"So you did have..."

"I couldn't put everything in writing, silly."

"Rachel, you are a rat. You tell me everything right now..."

"Yes, what is it, Walter?" the governor said as his meeting with Benjamin Beresford began to steadily transition from business to pleasure.

"Lieutenant Governor Barthurst to see you, sir."

"Barthurst? What a surprise," he reacted tediously, directing his cynical remark toward the young colonel.

Beresford came to a brief attention and said, "If you will excuse me governor, I will leave you to your guest."

"No, Ben, you stay and join us," Wederborn responded after a brief reflective pause, hoping that Beresford would gain a greater appreciation for the difficulties of governing.

"Good afternoon, Gilbert. I see you have returned from exile and in one piece. Did you suffer any losses?"

"No, thankfully. They even spared my windows this time," Barthurst grumbled and then, dispensing with the introductory remarks, came quickly to the point. "It is my judgment that military force is needed immediately and if you refuse to authorize it I shall reluctantly resign my position as your lieutenant governor."

"Now, now, Gilbert," Wederborn responded, perhaps a bit too condescendingly, having heard this threat several times before. "Things will calm down. Join me in a glass of good Madeira. You know I need you. You're an American, born here and you know this colony in many ways better than I."

"Then why don't you listen to me?"

"Because you don't know human nature and your recommendations I fear will backfire in our faces."

"Allowing this rabble to openly defy the law is what will lead to rebellion," Barthurst responded. "I know that much about human nature."

"Let's explore the likely result of your suggestion that we bring in troops," the governor answered, "say, two regiments even. They would likely be garrisoned at the castle and have little impact on anything, wouldn't you agree?"

"Yes, in that scenario perhaps, but if they were garrisoned in the town, they would provide a ready enforcement for the law, something that is absent at the moment."

"Placing soldiers in the town, among the people, where they would be separated from their officers would be problematic and could prove troublesome," Wederborn asserted. "There would be a dozen opportunities a day for a confrontation. This town is overrun with sailors and American sailors do not mix well with grenadiers. And besides, how do you suppose we are to get the troops billeted in the town?"

"We simply billet the soldiers according to the law." Barthurst responded bluntly.

"Nothing is that simple, Gilbert. Suppose we were to order the justices of the peace to assign the soldiers to private homes, as would be the normal practice. Do you really think they would comply?"

"Then we'll fire them and appoint new ones that will billet the troops, damn it" Barthurst railed.

"And that would require the approval of the council, wouldn't it? So you see where we would end up."

"I can see where we... will... end up if we stay on this present course," Barthurst answered angrily and for the second time in as many days chose to depart in a huff, but this time Wederborn prevented him.

"Wait, Gilbert. I understand your frustration. We are all frustrated. But we could never hope to control these colonies by force. You must understand that. The only chance is conciliation. It is indeed my considered view that there should be a parliament here in the colonies in the same manner as there presently is in Ireland. This seems to me to be wholly practical and would stand a chance of success."

"Can't you see that the real intention of these rebels is independence, not unification?" Bathurst responded impatiently.

"You read daily in the radical press a lament over this lack of representation. Why then don't we give it to them? How better to cement the bond between us?" Wederborn went on.

"You are beginning to sound like a fool, George. All of this talk of an eventual union between the colonies and the mother

country is nonsense; the Americans don't want that, they want independence, as will soon be evident to all. War will come if we don't nip this now."

"Fool, am I," the governor responded crisply. "I wasn't the one chased out of town in his night shirt."

Barthurst bit his tongue and said nothing while the governor softened his tone to ease the lieutenant governor's departure. "Young Beresford here is on foot, Gilbert. Would you be kind enough to drop him at the customs house?"

"That's really not necessary..."

"Nonsense, Gilbert's going that way anyway."

"Of course, Mamma," Rachel answered, bidding her mother to sit with her on the bed; but she chose to stand.

"Your father has put aside ten cases of that... vin mousseux merveilleux des abbayes de Saint-Pierre aux ..."

"It's the sparkling wine from Champagne," Rachel interrupted, turning toward her mother with a glare, and Mrs. Wederborn quickly responded.

"I'm sorry, Abbey dear, but you really must learn French."

"How many are coming?" Rachel asked covering her mother's almost natural snootiness, although there was no need since Abbey had experienced it many times before.

"About two-hundred," she answered raising her eyebrows. "That will strain the great room and the foyer to bursting I'm afraid. And that's what I wanted to talk to you about. There will be no room for an orchestra of any size, so I thought we would have only three pieces, two violins and a French horn, and put them on the first landing of the main staircase."

"That sounds wonderful," Rachel answered."

"Now here's the problem. I did so want you to come down the main staircase, on Ben's arm, a kind of grand entrance, you know when you are announced..."

"Why?" Rachel interrupted with a frown that her mother tried to talk her way through.

"People haven't seen you since you were a girl and..."

"I don't want any grand entrance. I can enter from the library with you and Daddy."

"Nonsense, Rachel. This is your cotillion and I won't have you hiding yourself under a bushel."

"Well I'm not coming down the main staircase on Ben's arm!"

Obviously displeased, Mrs. Wederborn said curtly, "We'll introduce you from the library then. You'll stand behind the pocket doors and the ushers will slide them open and... là vous êtes. I suppose that will work."

Rachel slowly shook her head and acquiesced knowing that little compromises were all you could expect to get from Marie Josette Perodie. "So the music will be rather subdued I expect?"

"Refined. I would refer to it as refined," her mother answered. "There will certainly be no wild Russian quadrilles."

"Oh, but I love wild Russians," Rachel teased, turning toward Abbey who swallowed her smile just ahead of Mrs. Wederborn's glance.

"Daddy!" Rachel bubbled seeing her father in the doorway as well as the opportunity to gain an ally in the fight. "Come sit by me."

"No," Mrs. Wederborn asserted. "I'm afraid there won't be time for that right now, George. You can visit with Rachel later. You must see to the candles. You promised me that you would, and time is passing."

"I have been otherwise occupied these last few days, Marie," he answered with only the slightest hint of sarcasm.

"You know we will need all three chandeliers and all of the sconces. That will require nearly three hundred candles. Walter counted only forty in the cellar. Unless you prefer to dance in the dark, George, we need two-hundred and sixty candles."

"I have them at the warehouse as I told you. I only need to send for them."

"Can you see to it today, George?"

"Yes, Marie."

Gilbert Barthurst was driving a small two wheeled chaise drawn by one horse. He had chosen it because it was

fast and easily maneuverable in the narrow Boston streets, and because it was less conspicuous than his usual coach and four. In fact Lieutenant Governor Barthurst was the only Bostonian to regularly ride in a carriage drawn by four horses and for that extravagance he was often caricatured in the partisan press. The chance encounter with Beresford and the opportunity to talk was welcomed by both men.

"Have you thought about our plan, Ben?" Barthurst began.

"I have," Beresford answered, but as yet he was unable to escape the conflict it created for an honest man.

"And?"

"There are new developments. He has ordered me to personally deliver his assessment of the situation here and his recommendations to General Gage in New York."

"Whoa there, whoa!" Barthurst yelled pulling the cart to stop to quiet the bouncing clatter of the cobblestones. "When is this to take place?"

"I will depart Sunday."

"Things will come to a head quickly then. Do you know what he will say?"

Beresford paused for a moment and answered, "Yes, he will outline all the reasons not to garrison troops in the town and then he will tell Gage he forbids it."

"Do you think he will be that blunt?" Barthurst asked.

"Yes, he knows that if he expressly denies permission, Gage cannot, on his own authority, order the troops. But there's more. He has asked me to personally deliver verbally to the general his belief that two Irish regiments are already on the way from England, bound directly for Boston."

"Damn him, how did he find that out?" Barthurst said clenching his teeth.

"I don't know, but he wants me to tell Gage in plain language that he believes that you have been undermining him with Lord Hillsborough and are in secret communication with Whitehall and have been for a long time, and that you are conspiring to have him recalled because you want his position."

"That old fool," Barthurst sneered. "I could care less about his blasted position. He is going to be the ruination of this colony

because of his limp incompetence and that could lead to the collapse of the entire empire. He must be stopped. What else do you know?"

"He wants Gage to order the Irish regiments to Halifax as soon as they arrive, but fears that their very presence at the castle, even for a few days, will cause a massive upheaval in the town. That's why he wants the general to come personally to Boston."

Barthurst thought for a moment and then said, "General Gage will receive orders any day now from Hillsborough giving him a free hand to use the Irish regiments to garrison Boston and he will be put in a bind when Wederborn refuses to accept them. Everything hinges on which way Gage goes. He's sure to ask your opinion, and this is where you will become indispensable. Since Wederborn has sent you with intimate and sensitive information he will assume you are in his deepest trust. You must play your part well and only reluctantly offer your personal assessment."

"What if he doesn't ask for it?"

"Oh... he will. Believe me he will, and when he does you tell him that Wederborn is weak and out of touch, that Boston will burn if something isn't done. Gage is in command of all British forces in America and is only constrained by the blind obstinacy of one cowardly clown who's afraid to see a little blood spilled. You know as well as I that if we don't crack down now on these traitors, it will be too late.

Impress upon Gage that he will personally bear responsibility for the loss of America if he doesn't act decisively and act now. Tell him that you have it on good authority that it's only a matter of time before Wederborn is recalled. Tell him that there are others among the leadership in Massachusetts-Bay who are counting on him to act to save our colony; and be sure to tell him that I am among them."

"I don't know if I can do this," Beresford said sensing the innately odious aspect of this plan to betray a close confidence. Everything about it conflicted with his upbringing and the ingrained values he thought he lived by, even as he detested the governor's indecisiveness. "Do we need to be so deceitful?" he asked.

"You are putting loyalty to your country ahead of petty personal friendship, Ben, and that is what's truly noble. Sometimes, when faced with such dilemmas, there is no other way. In fact as an

officer it is your duty to tell General Gage the truth." Barthurst paused and then added, "And it is the truth, isn't it Ben?"

"Yes," the young colonel answered solemnly, "yes... sadly it is."

CHAPTER SEVEN

"The court will proceed with the seating of a jury in the case of Josiah Hamrick vs. Charles Clarke, Collector of Revenues for the Port of Boston," Samuel Holcombe proclaimed. "Are all the summonsed venire men present in the courtroom?"

The sheriff replied that they were, and the process of preemptive challenges began. It was, of course, a formality, which the Suffolk County District Attorney, George Dudley, who was sent by the governor to defend the customs agent, knew would do no good. The towns around Boston were solidly Whig in sentiment and the lists of eligible jurors were drawn up by highly partisan boards of selectmen. He quickly got a good sense also of the mood of the three-judge panel when his motion to dismiss the case on the grounds that the jurisdiction rightfully fell under the Vice-Admiralty Court of Boston was met with a lecture from each of them on every Englishman's sacred right to a trial by jury.

The process went quickly and in less than an hour the jury was seated. Judge Holcombe began the proceeding with preliminary instructions, aimed pointedly at Dudley. "The court is well aware of Mr. Dudley's credentials and of his fancy training at the Inns of Court, and will remind Mr. Dudley that this is America and not England. We demand simple, straight talk and also expect to settle this matter most expeditiously so as not to cause the good gentlemen of the jury to be forced to remain overnight." And with that he looked over at the jury box and smiled seeing the unanimous nods of approval.

Dudley responded, "I must protest, sir. We have not had ample time to prepare our defense and it is clear in the case of..."

But Holcombe wouldn't listen. "This court will not tolerate any motions for delays or suffer any complicated or technical legal arguments. Are you ready to present your witnesses, Mr. Hamrick?"

"I am, Your Honor."

This was Jonathan's first time before the bar and he methodically presented his witnesses to show precisely how the events occurred and, in particular, to show that the captain and crew of the Freedom made no attempt to hide their actions in unloading the full cargo of molasses, even while only declaring a small part of it at the custom's house. "Now, Captain Levesque, you declared and paid the customs duty on sixteen hogsheads of molasses yet you unloaded one-hundred and ninety-six hogsheads. Can you explain that?"

"Yes," Levesque answered, "It's not at all unusual. We put in at Lee's Shipyard for repairs to the hull and needed to scrub her hold out good as she was taking water. We only temporarily warehoused the one-hundred and eighty hogsheads that were due to be taken to Portsmouth, where we intended to pay the duty."

"Were you given an opportunity to settle the custom tax due at Boston?" Jonathan asked.

"No, they just seized the molasses. Later Mr. Hamrick instructed me to go to the customs house and pay it, but they said no."

Dudley presented two witnesses to rebut Levesque's account. First, Homer Lee testified that he had no knowledge of the Freedom needing repairs or extra time at the yard to clean the hold, although he admitted that Hamrick's schooner was routinely serviced there. Then the tidewaiter told the jury that he only authorized the unloading of sixteen hogsheads and knew nothing about the additional molasses. Dudley then called Levesque back to the stand.

"Who was the buyer for the molasses in Portsmouth?" he asked.

"We had no fixed contract, but were expecting to trade for boards and shingles."

"We all know that there are only two uses for that much low-grade molasses, Captain Levesque. One is to fortify farm animal

feed and the other is to make rum. For which purpose was your molasses intended?"

"I don't know for sure. As I said we were going to exchange it for trade goods."

Dudley then methodically began to show that a shipload of molasses would likely exchange for far more lumber than could possibly be loaded onto one small schooner, but Holcomb stopped him.

"Mr. Dudley, I warn you not to waste the court's time." Then he turned to the jury and added. "There is nothing here but speculation since no actual trade ever occurred. The jury is instructed to concentrate solely on the seizure of the molasses, not on what might or might not have been done with it in Portsmouth."

As the afternoon wore on Dudley became increasingly convinced that the seizure would be overturned and with it the libeling of the vessel as well. In that latter regard he based his defense on the fact that the seizure of the Freedom was duly ordered by the Vice-Admiralty Court and hence could only be challenged by appeal to the senior court at Halifax. He was stunned by the plaintiff's strategy when Jonathan called the defendant, Charles Clarke, to the stand.

"Do you agree that if this court finds that no smuggling took place that the seizure of the vessel was an error?"

"An error, yes, it would appear so. But it was not illegal allowing that it was in execution of a rightful court order."

"And that order was from the Vice-Admiralty Court?"

"Yes, and it was signed by Judge Barthurst."

"Was this order signed or approved by Governor Wederborn?"

"No."

"Is it not true that that rightful order, as you put it, to seize the Freedom, was carried out by royal marines under the command of Colonel Benjamin Beresford?"

"Yes."

"And are the royal marines a regular part of the military forces of Great Britain?"

"They are, sir."

"And where did this... regular military force seize the Freedom?"

"From the pier at Lee's Shipyard."

"Which is in the town of Boston, is it not?"

"Yes."

"Are you not aware, sir that it is illegal, as well as unconstitutional, for a standing army to be deployed within a civil jurisdiction in this colony without the expressed consent of the governor?"

Before Dudley could adequately formulate his thoughts, Holcombe gaveled the room to silence and said. "Have you any more witnesses, Mr. Hamrick?

"No, Your Honor. The plaintiff rests."

"Mr. Dudley, are you prepared to rest?"

"On the issue of the constitu..."

"That will be a matter for the court. This jury will decide only on the legality of the seizure of the molasses. Do you have any additional witnesses in that regard?"

"No, Your Honor."

Holcombe then gave his instructions to the jury, telling them that this was a simple matter of credibility as to whether Levesque intended to reship the molasses and pay the duty in Portsmouth. And he reminded them that it was incumbent upon the customs officials to prove conclusively that he did not and that the benefit of any doubt must go to Levesque. With this encouragement, the jury deliberated for less than an hour and returned a verdict in favor of the plaintiff. The judges then deliberated in the matter of the commandeering of the schooner. Finally, Holcomb spoke for the panel.

"The jury has determined that the molasses was not smuggled and therefore its seizure was in error. The court orders that the molasses in question be returned to the custody of Josiah Hamrick. The court further rules that the refusal of the customs officials to accept late payment of the duty was in error and orders the customs commissioners to accept payment of the duty."

"As to the matter of the taking of the schooner, Freedom," Holcombe went on in a manner more fitting for a political speech than for a ruling from the bench. "These late acts of Parliament

greatly increasing the numbers of customs officials, all of whom need to be paid I might add, increase greatly the already groaning burden of debt, which has itself precipitated this and countless other dilemmas like it. This present Board of Customs Commissioners is creating an army of hangers-on who draw down our treasury daily for their pumped-up salaries. There has to be a limit to how many underlings they can create. In time they will command an army of placemen and be very oppressive of the people's liberty and this can be seen in the present case.

The seizure of the Freedom was an illegal abuse of power by a pompous and bloated bureaucracy. The court orders that the Freedom be returned to Josiah Hamrick immediately and further orders the payment to Josiah Hamrick of punitive damages in the sum of triple the value of the molasses, which calculates to be a sum of £2,118, to be paid by Mr. Clarke. "

A raucous cheer went up in the courtroom. Judges, jury and spectators alike crowded around the young lawyer and congratulated him while District Attorney Dudley jostled his way through the throng to a side exit.

"My friends," Josiah said several times as loudly as he could until some level of quiet came over the room. "I thank the court and especially the jury for their just verdict and would like to invite you all to the Tally-Ho tonight where I plan to spend some of the king's sovereigns."

Nathaniel Peyton ran as quickly as he could to inform his wife Hester that they were on their way and many would be expecting to eat. "Josiah has won his case and he's asked them all to come here this evening. I think many of them will want food as it is already after six."

"I laid up a fine fish chowder for the guests, with plenty of onions and pork, but I doubt it will carry very far with that mob," Hester reacted. "You'd best go right now over to Molly Glanville and get whatever clams or quahogs you can. We can do them in a few minutes if needs be."

Nathaniel Peyton was the proprietor of the Tally-Ho Tavern and Inn and his wife Hester was, under the law at least, little more than his servant. Without her, however, the popular and prosperous

business would surely have faltered, if not failed outright. She was the true entrepreneur and he more her hired hand. In the regular division of labor she cooked and tended to the several second floor rooms that were nightly rented to travelers and sundry seamen too drunk to chance a return to the waterfront after dark. In the broader sense she clearly commanded the ship.

Earning a living for a single woman, alone in the town, was much more difficult. The widow Willette, for example, made ends meet working as a seamstress and Molly Glanville was a fishmonger who lived in two small cellar rooms that opened into the alley off Foster Lane. Others were laborers, domestic servants or prostitutes.

Some, like Frances Robichaud, combined all three. Frankie, as she was affectionately called by the regulars at the Tally-Ho, was the barmaid there by night; and she cleaned rooms there by day. She had a small, but comfortable, and nicely furnished, apartment on the second floor front with windows overlooking Ann Street and the harbor beyond. The rooms were two of the three that cantilevered out over the street. Internally, they accessed a narrow hall balcony that ran the length of the building and overlooked the barroom below.

The tavern and inn occupied a building that had originally been a workshop where sails were hung to be sewn and repaired. The main room rose the full two stories to the roof and it was the storage loft above that was later partitioned into these three balcony rooms. The back half of the building, behind the bar, included, on the ground level, a large room, now used for dancing, with its own side entrance for ladies, and the living quarters for the family. The second floor was partitioned into three small rental rooms with single beds and one large six-bed dormitory space.

No respectable lady would ever be seen in the main barroom and Hester Payton saw to it that no riffraff, as she called the waterfront prostitutes who plied their trade among the many sailors and dock workers, were allowed to enter, much less dally. In fact, the only woman of any kind in the Tally-Ho taproom that night, or any night for that matter was Frankie Robichaud.

She was not, strictly speaking, a prostitute, but she was known to share her bed, for a fee of course, with certain favored gentlemen. The regulars she called them. Hester had a kinder view

of Frankie's liaisons, attributing them more to loneliness than lust and she wisely retired long before closing so as not to know which of the regulars routinely stayed behind.

"We'll be drinking flip and a lot of it, Nathaniel. You had better have ten loggerheads hot and ready," Josiah yelled as he came through the door at the head of the swarm.

Flip was the drink of choice at most of Boston's dozen or so taverns and inns, but many held the fancy flip at the Tally-Ho to be the best in town. Payton was a master brewer and his beer had just the right bitterness, or maybe it was the way he sweetened the eggs and cream, with loaf sugar and only a little molasses, or maybe it was because he used brandy rather than rum. No one really knew, but when the hot loggerhead was plunged into the one quart pewter cup, nectar of the gods was created, and they all swore that each one was better than the last. Payton was kept busy for the best part of the first hour beating eggs and cream and burning flip.

"What d'ya mean to do with the money Josiah?" Ainsley asked, leaning over the crowded table to better be heard.

"I haven't seen it yet, Charles. There'll probably be an appeal anyway," Hamrick answered loudly to overcome the rising din in the barroom as more and more well-wishers flooded in from the water front.

"Hell there will," Holcombe burst in. "There'll be no appeal from the jury in this case. You'll get the money, every farthing or I'll throw that bastard Clarke into debtor's prison until it is paid."

"Poor old Charley Clarke," Ainsley said, "It wasn't his doing. He's just the figurehead."

"No matter. We mean to let them know that we won't tolerate the shenanigans of these customs donkeys seizing the ships of legitimate merchants."

"What if the customs commission won't indemnify Clarke? Surely you're not going to let him sit in prison?" Wickham joined in.

"I sure as hell am. There'll be no appeal from the verdict of a civil jury and from the judge's award, not in Massachusetts. His only recourse is to ask for a reversal from the King in Counsel, but that will take months... years maybe. No, they'll pay alright, and in nice bright sovereigns; lord knows they have enough of them by now."

"What if he does get the award set aside later?" Jonathan asked sensing the possibility of needing to repay the money and Holcombe held court once again.

"Well, he might, but that won't be your concern. The money will be irrevocably yours. The crown could order the colonial assembly here in Boston to reimburse the customs house for the money, but even that is very unlikely since they know it would get tied up in politics for years. They're still trying to collect from the stamp riots. No, I don't think so; chances are they will eat the loss."

"Which brings us back to my question, Josiah, what will you do now with all that cash?" Ainsley repeated, but Hamrick, downing the last of his tankard of flip, didn't answer him.

"It's pot luck if you mean to have food gentlemen," Hester announced and brought out the kettle of layered fish chowder with several steaming bowls of clams and quahogs. "It'll be eight pennies for supper, less than a horse at hay. There's bread in the baskets there."

The hot chowder and steaming clams were eagerly attacked and they begged for a break from the flip, so cider was called for.

"Jack, jack all around," someone yelled and when Frankie arrived with two pitchers from the cellar she was greeted with a raucous cheer, perhaps less for the cooling drink than for the fun they all anticipated from forcing her to squeeze between the tables. Frankie, played her part well, as always, and gave as good as she got.

"You'll be caught now my lass," one of them said playfully as he slid his chair back to block her path, "May as well just sit down right here," he laughed toward the others patting his lap with both hands.

"I trust that one hand should be enough for that," she returned reaching across the table to fill Josiah's glass with cider and brushing her breasts across the top of the man's head.

"Whoa, listen to her now," Barclay roared slapping her backside, which she hardly noticed through the padding of her quilted petticoat.

"And as for you, Arthur Barclay, that's all you'll ever get."

And so they frolicked on past sunset, hardly noticing Hester Payton clearing the pans and dishes before disappearing into the privacy of the back rooms. As night began to fall, Nathaniel Payton

lit the new whale oil lanterns hanging down over each table. Soon the several warmly glowing circles of light were all that penetrated the darkness. Words slowed and became more repetitive as giddy enthusiasm surrendered to the sooty smokiness of the taper table candles; and the burnt smell and after taste of the flip began driving even the heartiest revelers homeward.

"Come father," Jonathan said, "It's getting very late..."

"No, you go ahead," Josiah answered. "I'm going to stay a while longer."

CHAPTER EIGHT

The governor and his wife had radically different ideas about the nature and importance of Rachel's coming-out ball. Mrs. Wederborn, for her part, saw it as the crowning event of the season. She hired the, at least locally, famous French dance master, Jean-Marie Labonté to come in the days before the date, to tutor the invited guests in the latest trends and figures. She conceived of a coordinated, almost choreographed, ball in the old Baroque style, with the entire manner and courtesy of the court of Louis XIV. Those days, of course, were gone forever, as she would soon discover.

The governor, however, saw it as yet another opportunity to attack the political problems plaguing his administration and insisted that certain dignitaries not be slighted and especially that prominent Whigs also be invited, as a gesture to promote some much needed dialog in a different and relaxed social setting. It was in that context that the Hamricks were asked to attend.

As the first casualty to modern sensibilities, even the less elaborate grand library entrance had been eliminated in favor of a simple reception line in the foyer. "Governor Wederborn," Josiah said with a small, but polite, nod, "How are you?"

"I'm well, Josiah. We're very pleased, as you might imagine, having our daughter home with us once again. Although, the tenor of these times can quickly rob us of our tranquility, as you well know."

"Indeed it can, George. But this should be a time for relief from the daily curse of governing this little corner of the empire."

"If only it were so, Josiah. Join me later when you have moment."

Josiah nodded and then added, “May I present my son Jonathan?”

“Good evening, Jonathan,” the governor said, offering his hand.

“Governor Wederborn, It is a distinct pleasure to meet you, sir.”

“Jonathan is joining me in the business,” Josiah said, but the governor responded directly to Jonathan.

“I understand that you are also a lawyer of some talent, having just made a monkey of my attorney general in your recent case in common pleas.” Wederborn held a stern, frowning almost angry visage for a few seconds, stunning Jonathan into silence, and then he smiled broadly, tapping young Hamrick on the shoulder saying, “Maybe you will come to work for me sometime soon.”

“Perhaps so, sir,” Hamrick answered, relieved to have passed his first test.

Governor Wederborn turned to his wife and introduced the Hamricks and they almost hypnotically moved down the line, but Jonathan’s eyes were already fixed on the lady of honor. He instantly recognized her as she smiled and exchanged some innocent pleasantries with someone he didn’t even see.

He was fully enthralled as he attempted to speak with her mother and the perceptive Mrs. Wederborn turned her head toward her daughter and astutely whispered “You’d best greet this gentleman immediately, Rachel, as I believe he will soon burst.”

One more sideways step brought them face to face. He kissed her hand in the most debonair way a colonial could hope to muster and said, “Jonathan Hamrick, Miss Wederborn.”

“Oh... Rachel, please,” she responded.

“Well, thank you,” he said, “I’m honored, although we have met before, in a manner of speaking.”

She looked harder at him for a few seconds and then a smile radiated out from the center of her lips, “You were in the boat!”

“Yes.”

“Mr. Hamrick, I must apologize. I’m so sorry. They were so rude.”

“Not at all,” he replied, “It was just good fun.”

“Perhaps we will race again someday,” she flirted.

"I think in a rougher sea my chances would improve," he parried, and bowed.

Not thirty seconds later and with the line still lingering with perfunctory greetings an animated Abigail Whitmer suddenly appeared behind Rachel and whispered. "Who was that?"

"Who was who?" Rachel teased.

"You know who," Abbey answered squeezing Rachel's wrist.

"That was Mr. Jonathan Hamrick."

"Elegant," Abby commented sleekly.

"And engaging," Rachel responded, and the encounter was on.

"Enticing."

"Enthralling."

"Enchanting."

"Girls..." Mrs. Wederborn whispered at the top of her lungs. "Stop that at once. Abbey, go away."

"Meet me," Abbey said quickly retreating to the great room.

"Mr. Hamrick," the colonel announced himself stiffly. "My name is Benjamin Beresford."

"It's a pleasure to make your acquaintance, colonel."

"Miss Wederborn has asked that you be introduced to Miss Abigail Whitmer and that you join us in a dance."

"I am honored," Jonathan responded, somewhat surprised. "But I am afraid I know little of dancing and fear I would only embarrass the ladies."

"Nonsense, Hamrick, you Yankees know how to dance well enough. At least how to dance around the law," Beresford retorted, but with a sly smile so that it was unclear if it were meant as an insult or only inappropriately familiar.

"Well, let's hope the choice is a jig then," Jonathan replied lightening the mood and Beresford's grin widened as the two men walked through the library doors into the ballroom.

"Abbey, this is Jonathan Hamrick," Beresford said dryly, but she didn't notice. Hamrick bowed and kissed her hand.

"Jonathan, meet Abigail Whitmer."

"I am honored, Miss Whitmer."

"Oh, please call me Abby."

"Well, now that that's done," Rachel broke in pushing Beresford backward toward the dance floor, "Shall we dance?"

"Long ways in fours as many as will," Beresford announced, signaling the musicians. "We've got a special tune for a special guest. Let me introduce you all to Mr. Jonathan Hamrick, our own Yankee Doodle."

A light rustle of unsure laughter filtered across the room and Rachel quickly interrupted, "Don't mind him, Mr. Hamrick," she tried to say with a glare toward Beresford, but the French horn blurted a staccato fanfare and rolled into the favorite tune of the time.

Abigail took Jonathan's hand and they scurried with the others into the set at the top of the line. Each group of two couples in the double line formed a square which did a right hand star skipping around with the beat singing, Yankee Doodle... went to town... a ridin'... on a... pony, then reversed directions with the change to left hands, Put a feather... in his hat... and called it... macaroni.

Jonathan and Abigail were at the top of the line and were first to chassé down the middle between the couples. Yankee Doodle... keep it up... Yankee Doodle dan...dy. Then facing each other again at the bottom, everyone danced a rigadoon to: mind the music...and the step... and with... the girls... be han...dy.

And around again it went with the next verse and another top couple chasséd down the middle, and again and again until all the couples and all the verses anyone could remember were exhausted.

"To be young again," Wederborn quipped, offering Josiah Hamrick a glass of wine. "This is some of that superb Madeira you've been getting me."

"Thank you, George," Josiah responded as the two men looked out over the ball room. "I don't know how they do it. They never seem to tire of it."

"They'll slow down as the evening wears on. Come in and sit with me for a while," the governor said, and the two men retired to the relative quiet of the library.

After only one sip of wine, Wederborn leaned toward Hamrick and said, "Josiah, I fear this colony is headed for rebellion. I don't want this to be so, but there are elements in my government who relish the thought and even welcome war, believing that His Majesty can hold his empire only by force."

Josiah didn't answer and the governor went on. "This cry of no taxation without representation implies that given fair representation there would be no objection to fair taxation. Is that your view, Josiah, or is it all just sophistry?"

"There is no way that we can be represented at a distance by sea of over one thousand leagues, by sending representatives to Parliament. That is why the colonial charters created remote legislatures. We are not going back on this now."

"You say over and over that no tax can be imposed unless you are represented and then claim it to be wholly impractical to actually send representatives to England. Isn't this just a pretense to war?"

"No, George, it's a demand for justice. Look, we know the empire groans under the weight of a very heavy debt. But, they incurred this for their own benefit, not ours alone and besides, we daily expand the king's dominions by taming the wilderness at our own expense."

"But, the debt was occasioned by the late war to defend the colonies, Josiah, to defend you and your family and interests."

"You know that the war was far broader than that," Hamrick answered, "Much less expenditure would have been need if it were only to defend us."

"But Parliament is sensitive to the needs of the colonies, Josiah, and would be foolish to act in a way that would injure them, surely you'll grant me that."

Josiah Hamrick answered so forcefully that it frightened the governor, who began to lose faith in the cause of conciliation. "You mean to lay a tax on freeholders here who have no representation in Parliament and then answer that your own cities of Manchester and Birmingham have no direct members in Parliament either, but are rather virtually represented by the whole body. Well, I say Parliament may be sensitive to the needs of Birmingham and Manchester, but they know little or nothing of provinces thousands

of miles away. We have undoubtedly a natural right to the free disposal of our property and no internal tax levied for the sole purpose of raising revenue can be constitutional when it is levied on us by a body in which we have no representation."

Although the three massive crystal chandeliers in the great room were lowered daily for dusting, they were rarely ever fully engaged. Lighting so large a space at night was very costly and tedious and reserved only for the most important of occasions. Each chandelier alone mounted sixty twelve inch tapers with the forty wall sconces in the great room adding two hundred and forty more and even then the soft warm orange glow they managed barely held back the night. The smaller staircase chandelier was set just above the heads of the musicians who were nevertheless greatly challenged to read their music.

The warm summer night breezes wafted all through the house from the open front door through the foyer and ballroom into the library and out through the big French doors into the rose garden, which was at that moment in full bloom. The moon was full, and it was, for the young, intensely romantic.

First the violins only hinted, but then the French horn made it clear. It was the slow sweet strains of a familiar tune, only recently paired with an even older poem to become a wildly popular song. "That's it," Rachel exclaimed, "That's the song. I love it so much. Quick everybody get your partner. We'll do a cotillion."

The girls scurried quickly about, stiff silk gowns rustling. Abbey ran across the room to Jonathan, pulling him with both hands onto the dance floor. "Come on, Jonathan...it'll be fun."

"I'm not really..." he began to protest mildly while walking forward.

"It's slow and lyrical. There are no showoffs in our square. Come on, hurry, the music is turning around."

But, the ensemble wisely played all thirty two bars of the song again, while the dancers sorted out their partners and formed their squares.

The gentlemen all turned to bow in honor of their ladies who politely curtsied in return. As the music came around and repeated for the third time, all eight, in remarkable unison, danced

the opening figure, a simple balancing step that everyone remembered from childhood.

Standing across the square from the ravishingly beautiful Rachel Wederborn, Hamrick's riveted gaze was not at first noticeable to her. Voices, from across the room, began to sing, "Drink... to me...only... with... thine eyes... and I... will pledge... thee mine..." and then he had to chassé away from her and couldn't manage the step quickly enough getting back to see her again.

"Leave...a kiss...within...the cup... and I'll...not ask...for wine." And then, with the change, they crossed hands with the opposite couple and turned halfway around and back again, as the figure required. But this time he came close to her and touched her hand across the star and could hear her voice sweetly singing. "The thirst...that from... the soul... doth rise... Doth crave... a drink... de...vine."

And then the gentleman left his partner, and with the lady opposite, came to the center. She looked hypnotically into him, through him in fact, as they danced a rigadoon and sang together, "But... might I of... Jove's nectar... sup... I would... not change... for thine." He held both of her hands and bowed while she curtsied. For a brief moment, a short but magical moment, at the bottom of her curtsey, she looked up at him and smiled.

Unfortunately, the governor's difficulties on that night had only just begun. Before the two men could leave the library and return to their domestic duties, a currier arrived with an urgent message.

"Governor Wederborn?"

"Yes, what is it?"

"Sir, I am to inform you that the 18th Royal Irish Regiment of Foot has landed at Castle Island and is awaiting your instructions. And the 17th is also on its way."

Wederborn turned quickly to Josiah Hamrick. "I implore you Josiah. Do not breathe a word of this to anyone until I've had a chance to sort it out. This is not of my doing; I swear!"

Hamrick looked at him blankly, realizing the potential for violence inherent in the clandestine nighttime arrival of regular British troops, but said nothing.

"Josiah, give me your word. I will meet with the council in the morning and have an answer for why this has happened. I did not order these troops. You must believe me."

"I do believe you, George, but it seems not to matter."

"Will you give me your word, Josiah?"

"I shall say nothing of it until noon tomorrow," Hamrick promised.

The governor turned to the currier. "Tell Major Ross that no soldiers are to disembark without my express authority, and speak to no one else." He then walked as calmly as he could to find Colonel Beresford. The effort not to interrupt the dancing was enormous, but he endured it, finally finding himself, as the music paused, engulfed by a sea of smiling innocent faces, all ignorant of how close their world was to coming apart.

"Daddy," Rachel said, throwing her arms around her father's neck and kissing his cheek, "have you come to dance with me?"

"No, later dear, right now I must speak with Ben."

Wederborn led his adjutant back into the library, but this time he closed the doors. "Ben, there's trouble. Troops are at the castle. They just arrived. If word of this gets out there will be riots. Go immediately to the customs house and call out the guard. Then take a few men and go to Beacon Hill and take down the beacon. If they get wind of this I know they have some kind of prearranged signal to alert the surrounding towns."

"And after that, sir?" Beresford asked.

"After that take a squad to Faneuil Hall and place a guard over the store of muskets and powder."

"And after that, sir?"

"After that go home to bed and pray we've bought enough time to get to the bottom of this."

Beresford begged everyone's pardon, but duty called him he said, not elaborating and Rachel went immediately to the library to confront her father.

"Daddy, why did you send Ben away? Couldn't it have waited until tomorrow?"

"No, I'm afraid it was urgent, Rachel. There are very serious problems arising tonight. And I need your help as well."

"What can I do?"

Worried that Josiah Hamrick would go back on his word, the governor decided to try to delay his departure. "Will you do something for me, even if it seems somewhat strange?" he said to her in his most serious tone.

"Are you going to tell me what this is all about?"

Wederborn smiled and put his arms around her. "It is important that the Hamricks not leave here for at least an hour. Can you find a way to detain them?"

"And, I suppose I'm sworn to secrecy?" she mocked.

"Yes," he answered in dead earnest, "you are."

Rachel returned to the ballroom unsure of the purpose for her clandestine mission, but strangely eager to learn more about the shy Mr. Hamrick. He stood along the side, sipping champagne with Abigail Whitmer and few others. He watched her approach across the room, never dreaming he was to be her destination.

"Jonathan Hamrick," she began, "will you stroll with me a bit? I do need a breath of air."

Abbey tried to catch her friend's eye to register a puzzled expression, but Rachel looked away and led Jonathan through the library to the rose garden.

"Look at this moon," she began. "Don't you love the full moon?"

Hamrick smiled and said nothing, fascinated by her confidence and charm.

"I love to walk in this garden by moonlight," she said softly, as she led him by the hand between the vines and bushes, which rambled and climbed everywhere. The roses were blooming profusely and the fragrant scent was intoxicating. There was wildness to the garden, which undeniably belied Marie Wederborn's French formality and seemed very American. "Let's sit in the swing and talk."

And so it began, oddly enough, in a way no one could have imagined. What had been at first contrived and later connived began to become very real and honest.

"So, tell me, Mr. Hamrick. What exactly is a son of liberty?"

"A son of liberty, Miss Wederborn, is a man who believes in freedom and equality."

"I must be a daughter of liberty then since I believe fervently in freedom and equality."

"For everyone, Americans as well?"

"You insult me, sir," she responded, more emotionally than he had expected.

He was startled and didn't want to anger her. "I meant no offense, Miss Wederborn, but if you were a true lover of freedom and equality you would oppose the highhanded abuses of your country's government toward their loyal colonial subjects."

"But, I do oppose them," she answered earnestly.

"You do?"

"Indeed, I do," she said reaching out and touching his hand in a way that sent a chill through him. "Are you really one of the Sons of Liberty?"

Jonathan chuckled softly. "There are no Sons of Liberty in the way you imply, only individuals who cooperate in a common cause. And, yes, I am one of them, as are many others.

"Do you know Samuel Adams?" she said excitedly.

"Yes."

"Daddy hates him so much," she laughed. "And James Otis, do you know him too?"

"Yes, of course. They both live right here in town."

"And do you meet with them and plan your strategies, after midnight, in taverns and pubs, like daddy says you do?"

"I suppose, but everyone meets in taverns to discuss everything. It's really not that sinister."

"Will you take me to one of your meetings at a tavern and introduce me to Samuel Adams?"

"I couldn't bring a lady to a tavern!" he answered, as though the world would end, "much less the governor's daughter!"

"Sure you could," she rebutted.

CHAPTER NINE

Governor Wederborn had sent Colonel Beresford in his personal carriage to inform each of the councilors of the need to convene an emergency meeting at the governor's home, for the earliest possible hour. An annoyed Beresford returned to inform the governor that it was clear that word of the arrival of the troops was out and that the meeting place was summarily rejected by the council that insisted the meeting take place at Faneuil Hall and be public.

"Those bastards, they know quite well what the result of that would be," Wederborn railed. "Go back and tell each of them that that would be impossible, and tell them I will meet anyone who sees fit to show up at the house of Douglas Wickham, at noon. That should satisfy them."

Beresford was seething with anger himself and thought the governor's remarks to be a sufficient opening to allow his own recommendation. "I can rope them together and drag them here through the streets if you so command."

Wederborn shook his head and said nothing at the colonel's impetuosity, but before Beresford could turn to go, the governor stopped him. "Ben, you have not yet experienced the fervor with which these people react to any perception of insult. You must maintain the highest level of professional demeanor. Detach yourself and do not allow yourself to become personally involved."

"Don't become personally involved?" Beresford reacted brusquely. "These Yankee Doodles have no respect for you or any aspect of authority. The sooner you begin to see that... sir, the better. Why play their games any longer?"

"Ben, listen to me. This is a very dangerous time. If we misstep this colony will rebel and that will ignite the entire continent. And don't think that two Irish regiments can stop them."

"Two Irish regiments can cow this town, and quickly enough, I tell you."

"Ben," Wederborn repeated more urgently. "Listen to me. I am relying on your judgment by placing you in command of all forces that are deployed into the town. I must be sure that you understand my expectation. You are to post a twenty-four hour guard at the customs house and over the muskets and powder in Faneuil Hall. And that is all! I want no hotheads in these detachments. Make it clear they are not to challenge anyone on the streets and are to endure insults and provocations without retaliation unless directly assaulted. Do you understand?"

"You know that the mobs will be out tonight in force," Beresford responded. "I am fearful for the safety of my men. I request permission to transfer the detachment of royal marines from the castle to the town."

"And where would you put them in the town?" Wederborn asked, although he already knew he would deny the request.

"They can bivouac on the common."

"No."

"The only thing this rabble understands is force, governor. You have it and yet refuse to use it. I pray we don't pay in blood for this folly," Beresford answered, dangerously flirting with insubordination.

"The answer is no. You have your orders, colonel."

Despite governor Wederborn's valiant attempt to buy time, word of the arrival of the troops spread from shop to shop, smoldered in the pubs and sallied forth into the streets again, like wildfire, riveting the attention and consuming the energy of the entire population. By nightfall the crowds were already growing and the beer and cider fast flowing in the taverns along the waterfront.

Rachel Marie Wederborn was the natural product of her mother's quest to escape the cultural constraints that shackled all the women of her time. She taught her daughter to be daring and to challenge the assumptions and conventions of the day

that told women they ought not to, only because they were women. Mrs. Wederborn never expected to regret this and she failed to foresee that Rachel's first rebellion would be from her mother's control and in particular from her efforts to neatly package her daughter for a place in proper society.

"Rachel, this is insane. No lady would ever wander the streets at night," Mrs. Wederborn wailed, and then shaking her head, with her eyes closed, added rhetorically, "Why did your father have to go to the castle now!"

"I'll not be wandering, mother, as Mr. Hamrick will escort me."

"But, you hardly know this Hamrick, and tonight of all nights, Rachel, when there's so much turmoil here. And what will Benjamin think?"

"It's not important, mother, what Ben thinks."

"No, that's not true, Rachel. I had hoped to wait until your father was here to tell you this, but since you force me. Benjamin has begged our permission to ask for your hand in marriage and we have consented."

"Oh, God, I was afraid of this. I don't love him mother and I don't want to marry him."

"You knew this was coming, Rachel and you did nothing to discourage him. Now you'll have to deal with it. Benjamin Beresford is a fine young man, with a future, and you would do well to consider this carefully. There aren't many prospects of his caliber out here in the sticks you know."

"What do you mean; I did nothing to discourage him? What was I to do, stop talking to him?"

"You know how he adores you. You had no right to lead him on."

"Lead him on!" She reacted angrily. "If he made certain assumptions then is that..."

"It has been assumed for years, and not only by him, that you two would marry," Mrs. Wederborn interrupted.

"Well, not by me," Rachel responded and turned her back to her mother.

"We'll discuss this again when your father is home," Mrs. Wederborn threatened, but she knew it was an idle threat. "And, I forbid you to go out tonight with this Hamrick person."

"Stop it mother or you will have a stroke. I'll be fine."

Frustrated almost to the point of panic, Mrs. Wederborn pleaded. "What will you do? Where will you go?"

"We are going to the liberty tree to hear the speeches, and then there's a big rally and bonfire on the common. It's so exciting. I can't wait to go."

A stately elm stood in the old South End and it was under its spreading limbs that the seeds of revolution had first been sown. Since the days of the stamp act riots, a few years earlier, it had become the meeting point and rallying spot for anyone out to protest the actions of the king's agents in America.

"That's him isn't it?" Rachel asked, raising her voice above the din of the crowd pressing into the square at the corner of Essex and Orange Streets. "That's Samuel Adams!"

"It is indeed," Jonathan answered, and taking her hand forced a path between bodies, pulling her along to a place where they could stop to listen.

"What then is the purpose of soldiers? Is it to enforce the law? Nay... I say it is to make their own law..." and the crowed roared its agreement. "...and impose it by force of arms."

"Not here, by God," a voice answered and dozens more echoed assent.

"The soldier's creed is antithetical to a rule of law and is intended to impose rule by force. What else is Marshall Law? Should such troops fall under the command of an imperious governor then will you reap in pain and sorrow the harvest of this folly..."

"That wimp Wederborn is behind this," someone in the crowd yelled. "He means to see us in chains..." another answered and a third added "to Wederborn's mansion lads; we'll burn the bastard out."

"Oh, God," Rachel said, for the first time feeling the mindless power of the mob. "My mother is home alone, what will she do?"

The look of horror on her face instantly drove Hamrick into hastily considered action. He pulled her hood up over her head and told her to keep her face hidden. As the crowd, smelling the prey, turned toward them, he raised his hands and yelled at the top of his voice. "No, wait my friends. I have just come from the governor's mansion and he is not at home. He has gone to the castle."

"It's Jonathan Hamrick. Tell us what you know of this, Jonathan."

"I tell you truly that Wederborn is as distressed by this as any of you and that he is at this moment en route to the castle to sort it out."

"He hightailed it to the castle you mean and he'll be back with a thousand muskets behind him."

"No, you're wrong. Listen to me. If the king's troops are quartered and billeted right in the town that is a transgression clear and plain for all to see. But there is ample capacity at the Castle Island barracks for them and I know that Wederborn means to keep them there."

The crowd quieted and Adams asked, "How do you know all of this, Jonathan?"

"Why he told me as much himself, Samuel," Hamrick answered. "Last night... I met and spoke to him last night at the governor's ball. He's not a fool. He knows that troops living within the town cannot provide peace and security for the people when it is these very troops who foment resentment and resistance."

Adams seemed satisfied and the bonfire was already burning. With the governor gone, the lure of beer and roasting pig came over the rowdiest of them and the throng slowly began flowing west up Frog Lane and across the burial ground to the common.

Hamrick could see that Rachel was frightened. This was a dangerous and deadly business, only distantly related to all of those idealistic discussions of freedom and equality she loved so dearly. "Would you like to go home?" he asked, pushing her hood back and letting it fall to her shoulders.

"No," she answered smiling up at him. "Thank you. You were wonderful."

She was so captivating at that moment in the moonlight that Hamrick was unable to speak. They looked into each other's eyes for a long time before she broke the spell. "I want to drink a pint of ale." They both laughed and she held his hand, pulling him east toward the docks. He was virtually floating and she too seemed beyond her senses.

They skirted another crowd gathering at Town Dock Square, which was undecided as to which should come first, a visit to the customs house to harass the sentries or a noisy parade through the fashionable North End where most of the Tories lived.

"I'll take you to the Tally-Ho," Jonathan said as they entered a quiet dark stretch of Ann Street.

"Wait," she answered. "No one is about and it's so peaceful here. Let's just walk a while."

So they strolled slowly along Ann Street past the tavern she had wanted so much to visit.

"Come, I'll show you the Freedom," he said, pulling her across the street and onto Lake's Wharf to Lee's Shipyard. "We just recovered her and she's just finished her outfit for her next voyage."

"Are you a merchant, Jonathan, or a lawyer?" Rachel asked, growing more eager by the minute to learn all she could about this new man in her life.

"I guess you could say that I am both. Although at this moment my duty seems to be calling me to the sea."

"But surely you don't actually go on the voyages, do you?"

"I would hope not routinely, but my father and I are presently embarking on a new venture and I must understand all of its aspects, so... yes, I will be sailing on this next voyage."

"When will you depart and where will you go?" she asked, already saddened, as silly as it seems, by the thought of his absence, even though she hardly knew him. He too suddenly felt lonely and a little afraid.

"Tomorrow with the tide... about noon," he answered not looking at her.

She pulled him toward her and said with an alluring smile, "A rather bad turn of events, I would say."

He wanted to kiss her, but feared it was too soon, would seem too casual, that she would not welcome it and that he might

fumble away this wildly unlikely chance to be with the most beautiful and fascinating woman he had ever known. It's hard to say how many seconds passed in this state of indecision, before she put her arms around his neck and pulled her lips up to his. It was a single proper kiss, soft and warm. She watched him innocently close his eyes and was, at that moment, very happy.

They walked along the waterfront for a time without speaking, he floating in a fantasy of future happiness and she anticipating the inevitable family clash ahead should she allow this relationship to continue. They finally stopped at the door to the Tally-Ho Tavern and Jonathan said, "I think we should have that pint now."

The barroom was empty and Hester Payton had long since gone to bed. With most of their dockside drinking done, the regulars were off with the swelling crowds, roaming the streets. Even Nathaniel Payton was among them, leaving Frankie Robichaud to pull the draughts.

"Pull us two pints of Nathaniel's darkest ale, Frankie," Jonathan said, removing his hat and escorting Rachel to a corner table near the window.

When Frankie arrived with the two foaming pewter tankards she remarked, "Who's your lady friend, Mr. Hamrick?"

"This is Miss Rachel Wederborn," Jonathan answered proudly, bracing himself for a shocked reaction, but none came.

"Be wary of the cute one's I always say, Miss Wederborn," Frankie remarked, with a sly wink toward Jonathan.

"Don't mind her," he said, sliding one of the mugs toward Rachel.

"Not at all; she's charming."

"Is this your first visit to a tavern bar?" he asked, but she responded with a question of her own.

"Where will you go, Jonathan and for how long?"

He could feel the sincerity of her concern and somehow felt safe and comfortable with her, enough to reveal his doubts about the direction his life had lately taken. "We'll be heading to the Chesapeake, to Fells Point, where my father has commissioned a new schooner. Our captain, Pierre Levesque, will command her and I'll accompany him on her first trading mission. The Freedom will

continue in ballast down the coast to the Caribbean and wait for us in the French West Indies."

"And what may I ask is this trading mission, considering you seem to have no cargo?" she asked teasing.

"Well, that was a stroke of good fortune you might say. We had originally planned to carry New Hampshire boards and shingles on the Freedom and to sell them in New York, but with the money we received from the court settlement we now plan to buy a cargo along the African coast, paying cash money, and to trade it for molasses and sugar in Martinique."

"I'm afraid to ask what sort of a cargo you will buy on the African coast," she said, tightening her lips.

For a few seconds he said nothing and then, "I know. It makes me uncomfortable too, but our business is nearly bankrupt and this is a very profitable trade."

"So it is slaves then. You're a slaver."

"You seem to be my conscience in this thing," he remarked, remembering the dilemma the slave trade created in his mind as he rode back from the castle in the long boat, only to have it washed away by his first sight of her. Now it was her face again looking into him. "The first time I saw you, that day in the harbor. I was thinking about this then. I don't really know how to deal with it. My father is depending on me. He's not well and I feel I cannot let him down."

"But, the slave trade, Jonathan. It's brutal and dirty."

"But, it doesn't have to be," he responded, reason slowly shifting to rationale. "It can be done humanely. Levesque assured us that the Negroes would be well treated."

"It is inherently inhumane," she reacted quickly, "You are shackling and shipping human beings to a life of unspeakable misery. Can't you see that?"

How many nights had this thought plagued his peace, and robbed his sleep, but there seemed to be no escaping the loyalty he felt for his father and for his family. They needed him and he would do his duty. "I have little choice in this, Rachel. The decisions have been made. I must go ahead with it."

"You have every choice," she said standing. "Please, Jonathan. It's late. I would like to go home."

CHAPTER TEN

George Wederborn was distressed by the behavior of his daughter, but felt so pressured by other, more critical, concerns that he, at that moment, preferred to overlook it.

"I wish you to speak with her, George" Marie Wederborn said assertively, confronting her husband before breakfast. "She was out half the night with God only knows who and then she tells me flippantly that she was drinking ale at a tavern."

"And you say she was with the Hamrick boy?" he asked.

"Yes, and I'm afraid it may go deeper than just a serendipitous flirtation."

"Alright, I will attend to it when I return from..."

"No, George," his wife reacted. "Speak with her now, before she goes off again."

He thought for a few seconds and his wife added emphatically, "George! You must! I will get her."

And so the governor gave in and waited for his daughter on the terrace. It was early morning and the sun was still low on the horizon, sending a slanting glare across the garden wall and Wederborn turned to shade his eyes. The leaves were still damp with dew and the smell of roses filled the air. He looked at the arbors and trellises and remembered their first year in the house. How bright their lives looked then, full of promise for a glorious future. Where were they headed now he wondered and then he drove the apprehension away as he had long ago learned to do.

"Here I am, father," Rachel said tersely and in a tone that told him that she had steeled herself for a verbal encounter. He knew that attitude well. She was so like her mother in those

moments and he knew that there was little hope of avoiding an argument.

"Rachel, child," he began. "These are very difficult times for your mother and me and you are adding to the difficulties."

"I'm not a child," she responded, choosing to frame the issue her way.

He ignored her ploy and said, "You are not an ordinary girl, Rachel, whose behavior has no bearing on anything. You are the governor's daughter and everything you do and say is noticed."

"I'm not a girl, either," she answered stiffly and with enough bite to shatter his efforts to focus exclusively on her actions.

"You are a young lady of stature and breeding, not a barfly who flits around at night with strange men."

"I am a woman, an adult woman, and I shall determine for myself where and when I go and with whom," she said, fighting back tears. "You and mother are..."

The governor saw the emotion in his daughter's eyes and, as was his manner, sought to avoid needless confrontation. He placed his fingers gently on her lips to stop her rant and said softly, "You know your mother and I love you very much, and it's for that reason that we cannot bear to sit by and say nothing." As she began again to try to speak he continued. "Please Rachel, sit here with me and let me talk."

She loved her father deeply and got no pleasure from hurting him or in worrying his mind, so she sat quietly and listened.

"I'm in trouble here," he began. "I will be disgraced and recalled if I do not quiet the lawlessness of this colony and this town. I was told as much today in a communication from Lord Hillsborough, who expressly orders me to deploy the Irish regiments into the body of the town of Boston and to enforce the law with impunity. Those were his words," he repeated, shaking his head, "with impunity... I had hoped General Gage would intercede, but it is now clear that he will not."

He paused for a moment before continuing with the internal debate which had raged for years within him and continued to tear him apart. "Oh, I know, technically, Hillsborough can't order me to do it, but if I defy him... well he has the king's ear and hasn't been

reticent about pointing that out. The old fool knows nothing about this place. They sit back there in London, ensconced in comfort..."

Rachel could see the way these pressures bore down on her father, and how the Herculean burden he had held up for nearly a decade was finally wearing him out. She began to see her parental feud with her mother as petty and insignificant and her duty swung her toward support for her beleaguered father.

"Daddy," she said sympathetically, "if you bring soldiers into the town there will be riots; I am sure of it. Last night they talked of burning down our house and only relented when they were convinced that you were their best hope for preventing the troops from coming."

Because he had for so long walked that line between king's loyal agent and the protector of the colony, defending it from unreasonable expectations in London, whatever he did now doomed him. "I must deploy the troops, Rachel," he said with resignation. "Things have gotten too far out of hand."

"But, many here see you as their protector and if you ignore the order you will be..."

"Popular? For the moment perhaps, but there will be no end to it. No, I am now convinced that these elements, these Sons of Liberty as they call themselves, are intent on fomenting a revolution. I should have seen it years ago."

"Perhaps you don't really understand them," she offered. "They only want what we all want... liberty and happiness."

"I tell you I know that nothing would satisfy them. In the winter of sixty-six, a ship carrying two companies of royal artillery bound for New York was driven by storms into our port and I naturally accommodated them, this being required not only by the provisions of the Billeting Act, but also demanded by human charity. The legislature was then led by the arch patriot, Otis and they blithely refused to sanction it. Allowing that these men would starve, or freeze to death, without assistance, I was ethically obliged to act. These people simply will not defer to the authority of Parliament and they are utterly unreasonable."

Rachel Wederborn was wallowing in a quandary. Her heart was with the Americans, but her loyalty was to her family. "You needn't worry about Mr. Hamrick, father. He has told me that he

sails today on the outgoing tide and it's not likely that I will ever see him again."

"But you don't have time, Jonathan. The tide is about to turn and the crew is waiting."

"No, father, I must see her," he declared, turning toward the door, "if only for a moment."

"I will meet you at the pier, then?" his father called after him, a bit frightened by this new force that seemed to have suddenly exerted so strong a hold on his son.

"In an hour," he answered and was gone.

"Qui est la femme?" Levesque asked immediately.

"Rachel Wederborn."

"La fille du gouverneur?" he responded with voice and eyebrows rising.

"Yes," Josiah answered trying to assess the impact this complication might have on their future. Then he turned to his captain and said. "Pierre, you watch over him. He's still young and knows little of the world. Let him act as quartermaster and keep the logs and records, that way he will have to watch carefully and learn."

Levesque silently assented and the two men sat to discuss the last details of the plan. "From Baltimore we'll cross the Atlantic on the Gulf Stream, skirting the great Sargasso Sea. When we pick up the Azores current we'll swing south into the fast Guinea current that will sweep us along the West African coast," Levesque declared tracing a line with his forefinger across the map. "It's like the turning of a big wheel rolling around the great Sargasso. Once we're in it there's no turning back."

"And the return west, Levesque, do you anticipate any difficulties there? Given the season that is."

"Allowing that we get quickly by the doldrums, the westward equatorial current will carry us back across the Atlantic to Martinique sure enough and we should beat the Caribbean storms."

The uncertainty of any venture was always close to the surface for Josiah Hamrick, but before this, it was only a matter of money. Now his only son was also at risk and for a few seconds he said nothing.

"What is she called?" Levesque broke through.

"Do you mean the new schooner?" Josiah replied, half hearing, and Levesque nodded. "Why, I don't know. Jonathan was to have the honor of naming her."

"We'll need to register and insure her in Baltimore. So you'd best decide," the captain said and then asked softly as though guarding some dark secret, "Do you have the money?"

Josiah lifted the strong box from behind the desk placing in front of Levesque. "£4,000 in silver coin and one-hundred forty ounces of gold. Allowing an average of £30 per slave, you should have enough for the ninety and all the extra provisions you require for our human cargo. Mind that you carry enough lemons and limes to combat the scurvy, and sufficient vinegar to disinfect. Disease is our greatest threat and could literally kill our profits. Be sure to impress this upon the crew."

"We may have difficulty just getting a crew," Levesque segued. "Summer's a fearful time to sail the western ocean. Sailors, as I said, don't relish risking the autumn storms."

"Offer them what you must," Josiah said. "Do you foresee any other problems?"

"I plan to put in at New Bedford to take on two or three Portuguese as we'll need to speak that tongue and there won't likely be any in the Chesapeake. And we don't yet have a surgeon."

"What do you plan to do about it?" Josiah asked.

"We'll try to get one in New Bedford and if needs be we'll try at Newport, where we are planning to put in anyway for cowry shells. If not... we'll stop in New York."

"Get a competent surgeon, Pierre, one who understands how to prevent disease and not just amputations. Pay what you must."

"The Bight of Ben-in," Levesque laughed sensing Josiah's apprehension, "the Bight of Ben-in, only one comes out for two that goes in."

"Not funny, Pierre, disease could devastate us... Is there anything else?"

"We need a master gunner and at least six gunner's mates as well. We should be able to pick up the rest, cooks and cabin boys, in Baltimore."

"And who will be sailing-master on the new vessel if Farnsworth is given command of the Freedom?"

"Joseph Butcher."

"And what about the cowry shells? You'll need several barrels of them. Are you sure you can get them in Newport?"

"Anywhere that there's slave trading you'll find cowry shells."

Josiah nodded and went on for a while with routine questions, more as an exercise emphasizing his final authority than in actually contemplating changes in the details of his captain's decisions. In areas of his own competence however he was decisive. "Declare the value of the ship and cargo to be £8,000. At eight percent you'll need £640 for insurance. And be sure it's underwritten by Lloyds."

"Oh my god, George, it's him! It's Hamrick. He's here!" Marie Wederborn exclaimed and before the maid could respond, the governor said, "I'll handle it, Hannah."

He walked slowly, but deliberately, to the door and having no notion of what to expect, feigned surprise. "Mr. Hamrick, good morning. To what do I owe the pleasure of such an early visit?"

Jonathan Hamrick was only briefly taken back by the unexpected and unlikely appearance of the governor, himself, answering the door. "I'm sorry to disturb you, sir. I have come to speak to Miss Wederborn, if she will receive me that is. I truly apologize for the inconvenience and only hope that it does not prevent me from bidding her farewell as I am presently preparing to depart on a trading voyage of some duration."

"It is my understanding, Mr. Hamrick, that you spent the last evening, as well as most of the night, I might add, with my daughter. Was there not ample opportunity then to say your goodbyes?"

Jonathan could plainly see that his presence was not welcome, but he was driven by a compelling need to soften their parting. "But sir," he began, but the Governor stopped him.

"No, Mr. Hamrick. Your advances toward my daughter are not appropriate as she is soon to be engaged to marry. It is in fact unseemly, and I order you, Mr. Hamrick, to desist."

At that moment he saw her over the governor's shoulder, across the foyer and the great room, standing in the library doorway. She was gesturing to him, pointing to the garden with magnified movements and silently with her lips saying, "Meet me in the garden. Meet me the garden."

"If that is your wish governor," Hamrick said, with a small bow, "then I shall not linger. Will you be so kind as to tell her I called?"

"I will not, Mr. Hamrick, as I find your persistence offensive. Good day, sir."

Hamrick felt the force of air across his face from the closing door and as he turned to go was suddenly struck by the revelation that she was about to marry. Why hadn't she said anything about this he wondered? Was he misreading her? When he reached the fork where the garden path veered away from the walkway he paused and looked at the garden wall and the gate behind which she waited.

At another time or in another place, perhaps, but presently it was not to be. He turned into the street and forced himself not to look back. As he walked, his pace quickened with each step as though he were running from her and that widening the distance between them would somehow protect him. But, he could think of nothing else but her and in his mind he relived every precious moment they had spent together. He thought of the previous night and the kiss, but most of all he remembered the first moment he touched her hand and looked into her eyes. The music began again in his memory and his feet mindlessly danced with the melody. Drink... to me... only... with thine eyes... and I... will pledge... thee mine... Leave... a kiss... upon... the cup... and I'll...not ask... for wine. When he turned onto Fish Street, opposite the pier where the Freedom was waiting to sail, some seaman saw him and laughed, but he didn't notice.

"Young Mr. Hamrick has arrived," Joseph Butcher announced and then turned to greet the newest member of the crew. "Good morning, Mr. Hamrick. Your father is with Captain Levesque."

The Freedom was a small schooner, but she sported a proper quarter deck and ample accommodations aft for the officers. Jonathan only smiled at Butcher and proceeded across the deck to the captain's quarters.

"Jonathan," Josiah said happily, turning to embrace his son. "Your mother declined to come down. You'll understand. She felt it best to part with you at home."

"Of course, father. Is my gear aboard?"

"Yes," Levesque answered. "Everything is ready and if we are to catch the tide we must not dally."

The three men walked onto the quarterdeck. Josiah embraced his boy one more time and then crossed the gangway to the wharf. As he heard Levesque give the command, "Man the boats, stand by the mooring lines," and then saw the longboats strain to pull the Freedom away from the pier he yelled, "Wait!"

"Avast there! Belay that command!" Levesque yelled. "Hold water, lads. Steady as she goes."

"What is she called?" Josiah shouted up from the pier below. "The new schooner, Jonathan, what have you named her?"

"Celia, he answered. We'll call her the Celia.

CHAPTER ELEVEN

"She's as lean a topsail schooner as ever there was. Her decks are nearly flush. She's low amidships and sharply bowed. Her hull is black and her masts heavily raked; with long bowsprits and low lines, she spreads her one-hundred and twenty tons elegantly over her one-hundred and fifty-six feet and reeks of speed. I named her the Celia." Thus began Jonathan Hamrick's journal.

> *We spent the first three days at sea coasting, swelling the hull and training the crew and are now nine days out with a steady breeze. We're in the 'trades' as Joseph says; the weather's fair and the sky clear. It's two bells and I'm standing the middle watch. Captain Levesque does not require me to do any duty, but I plan to rotate regularly with the starboard crew.*
>
> *The captain has divided his sailors into two groups, calling one the starboard gang and the other the larboard gang. Each day is divided into five segments. The two daylight watches are six hours each from eight to two and from two to eight. These see the bulk of the work, as in daylight we pile on as much sail as possible, and there's the constant scrubbing of the hold and the decks. Levesque is almost obsessed with this and has said repeatedly that he will not tolerate an unkempt sailor or an untidy ship. The men know how important this will be when the hold is filled with human cargo, but they grumble a bit now about constantly cleaning a new and already spotless ship.*

The master carpenter and two mates we put on in Baltimore are also busy every day building the quarterdeck barricade wall that will separate the main slave deck from the officers and crew. This wall will be nine or ten feet high and will extend several feet out over the gunwales and beyond the sides of the ship to prevent any slave from climbing over or around it. Once it is erected, the swivel guns on the quarterdeck can be trained down into this slave pen and used to devastating effect in the event of an uncontrollable uprising.

The night is broken into three watches, each lasting four hours. As the crews alternate, one watch on, one watch off, their duty time rotates routinely around the clock. There are only enough hammocks for half the men and so each bunk does double duty. One starboard man and one larboard man share each berth, which carries a snoring sailor twenty-four hours a day. The night is an unhurried time at sea, as we shorten sails and hold casually to our course.

The sky is a dark purple dome and is as beautiful as any I've ever seen. I never before gazed so intently at a night sky that was so totally unencumbered by any intrusion of light. There is no moon and the stars number in the millions; looking straight up it is impossible to separate myself from the heavens. I sense that I am actually among the stars, since they are all around me and even below me, as the firmament circles beneath the earth. I have no perception of distance.

My task is to scan the horizon, where only the slightest change of color reveals the demarcation between ocean and sky. I am looking for the silhouette of the Cape Verde Islands, where Captain Levesque plans to change our course, but having no notion of what these islands look like I must confess a feeling of utter futility as each billowing cumulous cloud, hugging the horizon, causes me to needlessly alert the watchman.

This watchman is among the most important members of the crew. Every hour precisely he rings the

bells and turns the sandglass that records the time in Boston. A careful log is maintained of this time since from it Levesque calculates the ship's longitudinal position. This is, however, only done to corroborate his dead reckoning estimates about which he feels far more comfortable.

Every watch keeps the dead reckoning log by which each change in course is followed immediately by an estimate of speed, taking into account the set and drift of the current. This is tricky business and the captain trusts only himself and Mr. Butcher to do it. Beginning from a fixed and known point of departure, a carefully done dead reckoning log is remarkably accurate at tracing the ship's movement and determining its present position, or so I am told.

At that moment Jonathan smiled, remembering his accidental lesson on the art and science of dead reckoning, with Mr. Butcher's little play on words. "Allowing as there are no storms to also reckon with."

Jonathan smiled and remarked, "It seems a bit crude."

"If we had a better clock, then figuring the longitude would be simple enough," Butcher said. "The difference between noon in Boston and noon here gives it to you. Every four minutes is a degree of longitude. But, keeping time with pendulum clocks on a rocking and heaving ship at sea, well, you know that's impossible, so we still use the sandglass."

"So you make that calculation at noon, the longitude I mean?"

"Both the longitude and the latitude are done at noon."

"When the sun is at its zenith, we know it's noon here, for every four minutes earlier it is in Boston we know we've traveled one degree east."

"What about latitude then, how do you find that?"

"We don't really need to figure any of it because he dead reckons, but he'll do it any way. He's got a sextant and the book, so he measures the height of the sun above the horizon at noon and

reads his latitude off the tables. But, all that is only to verify his dead reckoning log. That's what he lives by."

"And if they don't agree?" Jonathan asked.

"He says the sextant is worthless and believes his log," Butcher answered and the two shared a good laugh.

Butcher is a good man, he wrote again in his journal.

He is a Black man. His mother was an African slave brought to Martinique; Levesque doesn't know who the father was. I couldn't help wondering, as I looked at his dark face and thick features, what kind of future we have wrought by bringing these Negroes here in so many thousands, and what would emerge from it in the centuries ahead.

Perhaps in a world of equals this difference in color and temperament would vanish, as it has begun to do in Joseph. But, this is not a world of equals and he was not the result of equality, but rather of abject inequality and the dominance of the haves over the have-nots, white over black, man over woman. When I asked him his view on slavery, he told me he had none and said only, that's the way it is.

What would a freed slave do, where would he go without being forever different and for that reason feared and scorned. And what of the freed slave himself, would he not harbor deeply scarring hatreds for his former oppressor and be urged to seek retribution?

I am becoming increasingly convinced that it is simply the color and strangeness of these people that prevents their eventual emancipation, since it is clearly not a failure in faculty. This almost insurmountable objection to integration, even among those who fervently advocate an end to slavery, seems rooted in an unshakable belief in the God given superiority of the white race, a superiority that is not as evident to me as I have come to know Joseph Butcher.

"Bring her around to the south southeast Mr. Machado... to one-hundred and sixty-eight degrees. We are entering the Canary current." The new bearing necessitated a recalculation of the ship's speed for purposes of making dead reckoning estimates, a chore that was judiciously done every hour. A logline with knots at eighty-eight foot intervals was attached to a wooden buoy and set adrift off the stern; as the ship sailed away the line was pulled out. A small sandglass recorded precisely one minute of time and the number of knots that passed through the fingers of the lineman told the speed of the vessel.

"Eight knots."

"Record that Mr. Hamrick and report to my quarters," Levesque said and walked off to somewhere.

Jonathan waited several minutes for the captain to arrive and busied himself by studying the big nautical chart, constantly left spread out on the table. Levesque had carefully plotted on it each segment of the voyage and Hamrick projected the present bearing line, and speed, to estimate their time of arrival on the African coast.

"What is your conclusion?" Levesque asked suddenly from behind, startling Jonathan slightly.

"Forgive me, Captain Levesque. It was not my intention to be presumptuous."

"Nonsense, my boy. That's why I called you here," the captain said. "We are very close to the Guinea coast and will soon reach the mouth of the Senegal. It is important that you understand how we will proceed. This is a very dangerous undertaking, which, if done foolhardily, could cost us our lives."

Levesque opened a bottle of brandy and poured two glasses, motioning for Jonathan to join him in one of the two big wooden rocking chairs that faced aft and in which Levesque liked to sit in the evening, to watch the sunset. He opened one of the big windows and a brisk breeze filled the room. "We're running fast before the wind, Jonathan and, with the current, we're making almost thirteen knots. We'll be at the Senegal tomorrow night."

Jonathan hadn't thought to calculate the current's augmenting effect on their speed and smiled, reflecting quickly on his inexperience. "Will we try to buy slaves there?" He asked.

"We'll take a look, but sail by. The Senegal is a trade route for slavers coming down from the interior. They gather at an island called Bance, which is in the lower river. The area is dominated by the Aku who have a lucrative arrangement with the inland Mandinka chiefs to deliver slaves to the British fort there. Portuguese and British ships will be anchored in the river and we want to avoid them, along with their taxes and tolls."

Like everything else in this mercantile world, even the slave trade was monopolized, controlled and regulated by competing nation states, who built forts all along the West African coast to administer and protect their licensed company ships, in this profitable enterprise. The British, French, Dutch, Spanish and Portuguese all maintained trading posts and forts that shared the market in human flesh. The independent operator was left to seek his fortune on the open beaches.

"Ordinarily, the way this business is undertaken, outsiders like us must stockpile trade goods on the beaches and wait for the African slavers to bring their captives to them. That means anchoring off shore and risking the heavy surf to get in and out, where everything can be lost in an instant."

"Is there no regular market here then?" Jonathan questioned, beginning to see the uncertainty of the entire endeavor.

"Slave ships just coast along looking for fires on the beach and smoke signals to indicate that slave catchers are there waiting. But, the African slavers fear being taken and made slaves themselves, so there is always mistrust, tension and often violence. Once a trader establishes a contact on the beach, he will pitch a tent and unload samples of his wares. It's then a matter of hard negotiation and barter, with no guarantee that any deal will be struck."

Hamrick had envisioned a more orderly and efficient system and was suddenly motivated to comment, "This, then, accounts for the slowness in acquiring a full load."

"Exactly," Levesque answered with a nod, "It can take months to fill the hold and meanwhile disease begins to take its toll in the heat and filth."

Levesque could see from his expression that the inherent brutality of the business was distasteful to Hamrick and he tried to

lessen his misgivings. “We do not make these Africans into slaves, Jonathan, they do that to themselves. It’s a way of life here and probably has been for all time. These brute people are constantly at war. Enslaving captives is expected.”

“But when we fight so fervently for our own freedom and liberty are we not merely hypocrites when then we carry human beings off in chains, to serve a lifetime in bondage? Are not freedom and equality natural rights of all men?” Jonathan remarked, but perhaps a bit too aggressively.

“It is civil society, Jonathan, which accords and assures your natural rights and it is your faculty for reason that has created the legal mechanisms to protect them. These primitives live in a rough state of nature and are ruled only by their passions. In such a state, the strong dominate the weak, as you plainly see happening here. One might say a slave taken out of such a world and introduced to the civilizing influence of a superior race and society is privileged.”

“Do you see a day then when the African slaves now in America will be free and peacefully assimilated into that superior civilization?”

“Free perhaps,” he answered shortly and thought it best to push past this and return to the business at hand. “The wars among the Africans in the interior that produce these slaves make muskets and powder the favorite currency along here and this is also very attractive to pirates from the Barbary who slip in, sometimes flying British or French colors, trying to surprise an unwary merchantman lying at anchor off shore. We’ll keep moving south and into the Guinea current where we can out run anything afloat.”

“How will we acquire slaves?” Jonathan asked, still caught in the moral dilemma.

“Because we are prepared to pay cash and are not carrying trade goods, we have put in ample stores of both water and firewood for the entire voyage and this is part of our plan not to have to stop to take on any supplies, and risk needing to land on the beaches,” Levesque said and then added, “Of course, we eventually have to put in and we’ll do that at Jakin where the Dutch have a trading post. We will deal directly with a middleman trader there named Jan Ostehoudt, who has a compound in the town and a holding pen for

slaves. He is an agent of the Dutch East India Company, but is corrupt and will deal with anyone for cash, either silver or gold."

Levesque sensed that Hamrick was still reticent and returned to review once again the conditions of his voyage. "An ordinary slave ship can spend several months along the Guinea coast filling its hold, two, three slaves at a time, with each trade taking days in the haggling. And then there is the middle passage, with as many as two captives to the burthen ton, all in irons, packing a hold that becomes a sweltering, suffocating hell in the summer sun. Sea sickness and vomit hangs heavy in the putrid air and a constant diet of gruel made with beans results in flatulence and rampant diarrhea that runs rapidly into dysentery. We will not make these fatal mistakes."

Levesque paused for a few seconds to let the horrors of the middle passage sink in and then, for Hamrick's benefit, replied to himself. "This is not how we will do it. We will carry only one hundred slaves, which for our one-hundred and twenty tons will allow enough space for them to move around. We will have ample latrines and allow their use at night as well as during the day. Mandatory exercise and scrupulous attention to nutrition and hygiene will prevent sickness. The extra room in the hold will allow us to carry a store of fresh of food. And since we will purchase a full cargo at one place, in perhaps two or three weeks, the duration of the passage will be greatly reduced. With luck we won't lose a single slave."

But this was not motivated by humanitarian concerns, but rather by profit motives, since the success of any slaving venture rested on how many died in the passage. One in five was the norm; anything less was seen as a triumph.

"And can we expect rebellions, Captain Levesque?" Jonathan asked. "Won't all men fight for their freedom?"

"Indeed, and here too we will learn from the mistakes of the others. We will carry no women slaves, even though there is a good market for them and their profit margin can even be a bit greater than that for the men."

"And why is that, sir?" Hamrick asked.

"Women will try to instigate rebellion among the captives and therefore need to be kept separate from the main hold. So, they

must be bunked aft, and in close quarters with the crew. This is a formula for trouble as there are always men who will sexually assault the available African women. Fights break out and harmony is threatened. No... Mr. Hamrick, we will not carry women, because they undermine authority on the ship."

"But, surely men will seek to escape, or to mutiny, without the encouragement of women," Hamrick challenged.

"Our greatest danger in this regard will occur on the first day of the return voyage, while we are still in sight of their home shores. For that duration of time every man will be in shackles and below decks. Once out of sight of land, they become afraid and much more docile. We will then gradually unchain them, a few at a time, over the next several days, as we judge them to be cooperative. They learn quickly that good behavior has its rewards."

CHAPTER TWELVE

Journal, Monday, August 7, 1769:

The gold coast is craggy and rockbound with rugged shoals that can ruthlessly tear a ship to shreds. Few independent slavers try to make the beaches here. Nearly all of the exchange is done at the many trading posts strung along its length.

Tonight we slipped past the big Dutch fortress at Elmina, keeping two lookouts keen for any jagged boulders lurking just beneath the surface. Next came the big British stronghold at Cape Coast Castle and Joseph told me that this was the most barbaric of the slaving camps.

The Asante tribe dominates this area and takes many slaves from vanquished peoples of the interior. The big citadels hold the captives in underground cells, sometimes for months, until the big slow company slave ships arrive to carry them to America. I can only imagine how many innocent souls suffer and die in those dark damp dungeons.

As I learn more of this human trafficking I become deeply distressed at the thought of being a party to it. At this moment I am far less concerned with the abstract idea of enslavement, since slavery is practiced everywhere, as I am with the practical manner in which it is carried out. Captain Levesque senses this, I am sure, as he constantly reassures me that our methods will be kind and humane, but nevertheless there remains

something ungentlemanly and supremely distasteful about it. He has suggested that I simply remove myself from the actual process, but I am determined to be present at every point. I must see for myself and judge for myself.

There is also a certain irony in the fact that our first mate and second captain, Joseph Butcher is a Negro and a former slave himself. I find it astounding that he can treat this business so matter-of-factly, and show no sign of emotional involvement.

"We're coming across the mouth of the Volta River," Butcher remarked as he approached Hamrick who had found a spot against the starboard gunwale that was well shaded from the intense afternoon sun.

"This tropical heat is more powerful and piercing than I had expected," Jonathan answered as though he felt obliged to excuse himself for relaxing in the mid afternoon.

"I don't mean to interrupt," Butcher said, "but the captain has asked me to point out some things to you."

"Yes, of course, what is it?" Jonathan responded standing and slowly following the second captain across the main deck to the larboard side where a small brass telescope was pedestal mounted.

"Can you see now how the coast has given way from its earlier ragged rockiness to open sandy shore?" Butcher asked pointing toward the beach, perhaps one half mile distant. "This marks the beginning of what is called the Slave Coast and you will begin to see many ships lying to, outside the breaking surf, waiting to exchange trade goods for slaves."

"Are we dropping anchor here?" Jonathan asked, although he remembered Levesque saying that they would do no trading on the beaches.

"We will anchor before the city of Jakin, further down the coast, but here you can see the way the operation will likely unfold," Butcher remarked offering Hamrick a pipe filled with tobacco. "Try it. The Brazilians bring it in. The tobacco is moistened with a bit of molasses. You can smoke it or chew it. It's been in big demand for decades and a barrel of it will buy the best slave."

The two men lit their pipes and leaned leisurely against the rail. As the Celia slid silently along, skirting the breaking surf and the slave ships swinging at anchor just beyond it, they could study the beehive of activity on the beach and see, through the telescope, the big African canoes, with their cargos of shackled slaves, crashing through the huge waves to reach the waiting ships and then returning loaded with cloth, tobacco, rum, or some other sought after commodity.

"The native canoes are much more stable in this vicious surf than any longboat," Joseph remarked, "but even the most experienced native paddlers sometimes lose control and the canoe can broach to and come around broadside to the wave and in an instant all is lost."

"So the Africans themselves do this work," Hamrick remarked.

Butcher nodded and said, "Most of the agreements call for delivery on board the ship, especially off these dangerous beaches. Africans do all of the carrying. Hundreds of porters and canoe men work in this trade and are paid in cowry shells. In this rough sea, transshipping the goods can be a big problem for us. That's what all those barrels of cowry shells are for. It's the standard currency for African labor and for food in the markets, everything except slaves that is, for that you need tobacco, guns or rum," he quipped cynically.

"There seems to be no overall organization to it, Joseph, no controlling authority," Hamrick said, shaking his head. "What prevents problems and violent confrontations?"

"There is a kind of natural standoff because no one trusts anyone else. Usually a hostage is held by the Africans, during the exchange, to ensure that the Europeans meet their end of the bargain." Then he said intently, swinging the telescope toward Jonathan. "See, to the left there, those men leaving that big tent? Those are representatives of the local chiefs, you can tell by the dress; they exact tribute and taxes on every transaction. Nothing would move without their consent. They will also reserve certain goods, especially muskets, cannon or gunpowder, for themselves and to deny it to their enemies."

Jonathan could not help seeing the ironic similarity between this little ethnic mercantile enclave and his own world of colonial customs duties and enumerated articles and he commented, “I guess things are pretty much the same the world over.”

“Yes, I guess that’s right,” Butcher answered in a way that invited Jonathan to become more personal.

“Tell me something about yourself, Joseph and why you went to sea.”

Butcher hesitated for a moment, trying to assess the purpose for Hamrick’s question, having lived his whole life in a kind of human anonymity. Finally, he responded. “I went to sea as a cabin boy with Mr. Levesque and I’ve been with him ever since.”

“But, you were once a slave, were you not?”

“My mother was a slave in Martinique. Mr. Levesque bought me when I was twelve.”

“Is Mr. Levesque your master now?” Hamrick asked.

“Mr. Levesque is master of this ship and he is your master as well,” Butcher answered evasively, then added before Hamrick could respond, “He freed me when I was eighteen, said I was grown and that he didn’t want to be responsible for me any longer.”

“But, you stayed with him after that. Does that mean he was good to you when you were his slave?”

“I never thought of myself as his slave, only a cabin boy under his command and then a foremast jack and now the second captain. I learned my job and I do it well. That’s all that counts at sea.”

“Does it bother you that Mr. Levesque is a slave trader?”

“No. I am also a slave trader. He first bought me because I understood the Mandinka dialect spoken in the places he visited. He raised me when I was a boy and freed me when I became a man, that’s all. I worked for my keep.”

“But, you are also educated Joseph. You can read and write and are a skilled seaman and navigator. Mr. Levesque did more than just require you to work, did he not?”

“The more I learned the more valuable I became,” Butcher answered blandly.

“What if you wanted to leave his crew, would he let you?”

"I am a free man." Butcher answered assertively and then added more softly, "I did leave once, for a while. He said nothing."

"But, you returned. Why was that?"

"He asked me," Butcher said, sensing that Hamrick was troubled by the idea of slavery and having difficulty understanding this since he had never met a White man with moral reservations about it. "Surely every slave wants to be free, and will run away if given the chance, but that doesn't mean he would not put another man in chains if he could."

"Are you a Christian, Joseph?" Jonathan asked.

"Yes."

"Does not scripture teach us that all humans are equal in the eyes of God?" Hamrick continued, immersed in his own ethical impasse.

"But, Christianity does not require that everyone be treated equally, only that they be treated fairly," Butcher replied. "That's all I ask, or any man can ask, to be treated fairly and to get an equal chance."

Butcher's reply surprised Hamrick who suddenly began to realize that this former slave belied all of the stereotypical assumptions he had about Africans. This contention that the Negro is a brute being with little capacity to learn is entirely without foundation, he thought. And yet this fact is the backbone of the defense of slavery as a natural system of labor for people predisposed to sloth and idleness, as the Negro is presumed to be. Where would such an inferior being be in the world of hired labor, they say? If left to fend alone, he would inevitably fail to compete and be poor and destitute. Yet before him was a man who, with only the barest opportunity, rose among Whites, to a position of authority and responsibility. He wondered what his own life would have been without the advantages he enjoyed from family wealth and position.

"Having lived the life you have," Hamrick asked, "how can you defend slavery?"

"I do not defend slavery, Mr. Hamrick. I am a slaver because that's what I am."

Journal, Thursday, August 10, 1769:

There are several ships waiting off the beach before the city of Jakin where we've come to trade. Tomorrow, in the longboat, we will hazard the passage to the beach. I will accompany Captain Levesque along with Dr. Marley, four armed guards and our Portuguese master gunner, João Pedro Silva. Our mission is to meet the Dutchman, Ostehoudt, in the city of Jakin.

Now, since Jakin sits three miles inland from the coast and is surrounded by lowland marsh, it is considered very unhealthy. Traders rarely venture to it fearing infectious diseases, which they believe are carried by the vapors rising from the steamy swamp. Ostehoudt encourages this idea to reduce any competition from other middleman traders.

We will get the first look at the slaves brought in to Jakin before they go to the beach. Many slaves that come in as captives in wars have been driven overland for many days and are weak and sick. Healthier slaves are brought down the river by boat from more local areas. These are more likely to survive and are more desirable.

Levesque tells me that his preference is for twelve to fourteen year-olds, called Portuguese slaves because of the Portuguese preference for them. Each one will be examined by our surgeon, Dr. Marley, made to run and bend and such, but most importantly he will look for disease, especially venereal disease; the genital areas will be carefully examined. Levesque wants only healthy males with no one over about twenty years.

João Pedro Silva knows how to identify the ethnicities of the various captives by the distinctive tattoos that they wear. These markings are scars from incisions, sometimes made on the cheeks or on the arms or back, each revealing the tribal origins of the man. We are to be particularly vigilant to weed out any with incisions sweeping back from their eyes toward their ears as these are thought to be rebellious and dangerous and not likely

to make good slaves. Some others called the Tebu have incisions on their stomachs and are said to be moody and susceptible to depression and suicide when taken from their homes. Joseph says that we are looking for the Aradas, who have incisions on their cheeks and are considered to make the best slaves.

I am struck by sadness at the thought of how routine and mundane this business can become, even for the former slave, Joseph Butcher, so much so in fact that I spoke to Captain Levesque today concerning my reservations. I asked him if slavery were nothing more than the exploitation of the weak for the purpose of low cost labor. He answered saying that the advantages of a slave labor system for society are not found in the cost of labor, as is often supposed, since as hired workers the Negroes would quickly be forced to the very bottom of the wage scale.

The advantage lies, he maintains, in the reduction of poverty and crime that attends the inability of those with inferior intellect and ambition to find and keep work. Unemployment has been the bane of the free labor system, he argues, and it breeds drunkardness, crime and disorder. Slavery requires everyone to work and eliminates poverty. But, this assumes the Black man to be inferior and his own second captain and sailing master shows this clearly to be untrue. And it pains me to hear slavery presented as a good thing, not just defended as a necessary evil.

I challenged him by asking how we know that, when given the advantages and opportunities that Europeans have enjoyed for centuries, the African will not excel as well. He answered me saying that he knew of no slave that could rise above mediocrity in any endeavor.

When I asked about Joseph he answered that Joseph was a free man. This remark remained with me for sometime as I thought over and over about it. Perhaps it is being free that inspires the accomplishment and the

stultifying state of slavery that can dull any man's ambition.

"Mr. Hamrick, this continual assault on me concerning the institution of slavery is becoming tiresome," Levesque said sharply and walked away.

Jonathan followed, undeterred, and repeated his question. "Captain Levesque, please answer me."

"I am not concerned with the philosophical implications, damn it," he barked and then quickly regained his composure. "Privilege and hierarchy are the results of the natural inequality among people. This has been so since the dawn of time, as has slavery. These people are slaves, slaves in Africa where they can only expect brutality, perhaps even to be cooked and eaten. They are fortunate to become slaves in an enlightened society. What more could a brute savage want? He is rescued from a life of pain and darkness and blessed by the word of God, receiving Christian teaching and enlightenment. He is delivered from uncertainty and violence and promised peace and security."

"Yes, but what does he give for it? His freedom! This is simply a one-way street of exploitation?"

"Freedom is earned through the capacity to be free and this means the ability to make free choices, which temper the selfish passions in favor of the welfare of the greater society. The African is no more than a grown child who cannot understand the abstract constraints of the law or the niceties of democratic compromise. He must be kept under the immediate surveillance of a surrogate parent or master."

"And yet you freed your slave, Joseph." Hamrick could see immediately that Levesque, for all his cock sureness and bravado, was also harboring at least some measure of doubt and that this was the wedge with which to exploit it. "Why did you free Joseph? Did you hate him and wish to see him set adrift among superior peoples and be destroyed."

"It's not the same thing," Levesque responded, and knowing that this ploy was fruitless added, "Joseph is unusual. And besides I still watched over him."

"Do you watch over him, now?" Hamrick prodded.

"He watches over me, now," Levesque answered with a slight sigh and smile, and Hamrick heard the sound of pride in his words. "I love Joseph," Levesque went on willingly, "as though he were my own son, and I did no less for him than if he were my son."

"And you are proud of him are you not?" Jonathan asked.

"I am proud of him."

The reliance on racial inferiority as a justification for slavery was not sustainable and in Jonathan's mind left a cavernous inconsistency between the practice of slavery and his so cherished belief in individual liberty. "Why is Joseph different?" he pushed, "Surely there are others like him."

The answer he got was more profound than he would, at that moment, realize. "Joseph is different because he is my Joseph."

CHAPTER THIRTEEN

In the early summer of 1769 Whitehall renewed its efforts to clamp down on the defiant and almost ungovernable American colonies. Boston was in turmoil and approaching open rebellion.

The Sons of Liberty had already induced the Massachusetts General Court to circulate a letter to the elected assemblies in all the colonies urging resistance to the new Townshend Acts that had introduced artful new ways to generate revenue through the customs. The reaction in London to this insubordination was predictable and Governor Wederborn was ordered to dissolve the Massachusetts legislature. The town of Boston sat smoldering as the two sides secretly laid their plans.

Several of the Sons, among them the most notable legislators, Adams and Otis, met for lunch, as usual, in the Tally-Ho Tavern and amid beer mugs and oyster shells they fine-tuned their basic strategy.

"You know that it has lately been said that Grenville believed he ought to have stationed troops in the colonies before he tried to impose the Stamp Act and that this was his big mistake," Adams said, dropping another raw oyster into the drooling mouth of his big shaggy dog, stretched across nearly all the space beneath the table. "Apparently Champagne Charlie is determined not to make that mistake again."

The discussion was loud and animated, and for a time showed little concern for who might be listening. "This Townshend plan is a neat bunny alright. It raises revenues from the customs and then uses it to finance increased enforcement of the customs. We cannot tolerate having the salaries of our oppressors set and

guaranteed by the crown and then paid by us... and without our consent!"

"And now they threaten to quarter troops at our expense as well! The fools think we will willingly pay the hangman for our own execution," someone said.

"So now they've done it, I tell you," another added, "With this new board of customs commissioners and the use of admiralty courts everywhere, Townshend means to put it to us this time. We'd best be ready boys."

"It was the Stamp Act that drew the people together into a common cause before... to protect our liberties. And this is worse" a third went on. "It's more threatening and perverse."

"The answer is simple, lads," Adams replied, once again holding court. "We'll go back to non-importation until we win, as we did before. We'll fashion another agreement to run through the coming year in which we pledge not to import any merchandise from Great Britain or to purchase from anyone who does. Making particular note of tea, paper, glass, or painters' colors, I might add, as they are the targets of this new revenue raising outrage."

Adams then stood so as to add gravity to his words and, reaching into his vest pocket, announced, "The letter we circulated to all the colonial assemblies this spring got the king's attention as you might imagine. And I have here a copy of King George's own circular letter to all of his colonial governors telling them how to respond."

"How did you get that, Sam?" one of them asked and Adams replied with a smile.

"We got our copy on the last ship from London. We have our ways; mark my words there is nothing they do that we don't find out about."

"What does it say? Read it!" came from several locations and Adams proceeded, in an exaggerated, theatrical, manner. He stood on his chair and in his most affected mock pomposity began reading, "As His Majesty considers this measure to be of a most dangerous and factious tendency, calculated to inflame the minds of his good subjects in the colonies..."

"You're damn right it was!"

"Quiet, let him read!"

"...it is His Majesty's pleasure that you should immediately upon the receipt hereof exert your utmost influence to defeat this flagitious attempt..."

"Flagitious ...Flagitious he says," someone snickered and a roar of laughter rolled across the room.

"...to defeat the... flagitious... attempt," Adams repeated, laughing almost hysterically so that he was forced to stop to regain his composure and then finishing with increased emphasis, "...to disturb the public peace by prevailing upon the assembly of your province to take no notice of it, which will be treating it with the contempt it deserves... And then of course he tells the governors to dissolve the legislatures if they don't comply, which as you know they did."

Adams, steadying himself on the shoulders of his friends, slowly stepped down, returned to his seat and, leaning forward, said, "Gather-round lads. By making the customs cost more to collect than it yields them in revenue has always been a winning strategy and I think we continue it. We need a slick plan to make monkeys of them and I think I know a good one." Then, before he came to the details, he added as an after thought, "and we also need to teach that young Beresford a lesson he'll not soon forget."

The sudden and unexpected arrival of the Irish regiments changed everything. General Gage had also apparently been circumvented and it seemed that someone certainly had gotten to Hillsborough. Governor Wederborn never suspected that his enemies were so close at hand and he concluded that a concerted effort by British merchants in London, who had constantly pressured the Board of Trade for his recall, was responsible for Whitehall's intervention in the affairs of his colony. They needed someone convenient to blame for their loss of profits, he reasoned, which had never recovered from the effects of the Stamp Act boycotts.

"Well what was I to do damn it?" Wederborn thundered, pacing restlessly across the library. "They packed the Governor's Council with their so-called patriot friends and refused to elect my nominees. I was alone and driven like a leaf in the wind. They had no idea at home what I was up against. I was obliged to obey the law

and the law required me to have the approval of the council, which, of course, I could never get."

After a brief pause, Wederborn continued vacantly and to no one in particular. "Even when I hold seats open to force a reconsideration of men whose interest is only in the welfare of this colony they stall and delay." Then just as Gilbert Barthurst was about to speak, he went on venting , "and when they deny you a seat on the council, Gilbert, after you served there for nearly a decade; ...that is an outrage."

"I've told you for years, George that this colony was ungovernable and now you are finally beginning to see it," Barthurst replied and turning to Beresford asked, "Where precisely do we stand at this moment?"

"By sheer stroke of luck we seized the entire stock of muskets, which had been brought out for cleaning and were stacked at Faneuil Hall. This at first seemed significant, until we realized that every farmer's son in this colony owns a firearm! It would only take a couple of days for ten-thousand men to surround this town and as yet we have taken no steps to secure it. As of now there is no law in Boston. It is mob rule."

"You know that tradition and law require the Posse Comitatus to come to the aid of the government in carrying out the laws," Wederborn commented knowing that his remark would illicit only scorn from his lieutenant governor.

Barthurst laughed and then fumed, "You know they will refuse to do this."

"Yes, unfortunately I do," Wederborn answered.

"Then what alternative is there but to garrison the town?"

"None, unfortunately," the governor replied, "But we must find a way to do it without inciting a riot."

"Colonel Beresford, what do you recommend?" Barthurst asked trying to move quickly and decisively from theory to practice.

The colonel, who had had some time to contemplate such a contingency, spoke, but perhaps with too much swagger. "I recommend that you move the 79th into the town immediately. Bivouac them on the common temporarily until permanent quarters can be arranged. Then bring the Roebuck to anchor in the inner harbor so as to have the town under her guns..."

The governor interrupted, coolly, “And I suppose you'd like to drum them in with colors flying? And perhaps fire a broadside salute from the warship in case no one noticed!”

Beresford, who felt sufficiently chastised, said nothing and Barthurst, rapidly losing patience, took up the cause. “There's no alternative, George,” he said angrily. “We can hardly sneak them in.”

“Alright ...assume we deploy the 79th into the town. Where are their permanent quarters to be? Under no circumstances are they to be placed in private homes and be apart from their officers.”

“We can commandeer Faneuil Hall immediately and, since there are, fortunately, still a few friends of the king left in this town, we have made arrangements to lease two empty warehouses in the South End, on Orange Street. It's not ideal, but it will be adequate.”

“How long will we require Faneuil Hall?” Wederborn asked beginning to suspect a prior collaboration between Barthurst and Beresford.

“Until we obtain additional space, but I am confident that it can be arranged in a matter of a few weeks.”

“Taking the hall will cause a firestorm,” Wederborn warned. “But... I agree that we need to be bold in reestablishing our authority. And how will you deploy them in the town itself?” He paused briefly and added in a way that more than hinted at his displeasure with the way this thing had progressed without his knowledge or approval. “No doubt you gentlemen have a plan?”

Beresford pushed past it and outlined his strategy. “The problem is lawlessness at night. Mobs roam the streets with impunity, terrorizing and assaulting Tory interests while the justices of the peace stay warm in their beds. We need to become a police presence in the streets. We will increase our coverage at the customs house by keeping a full platoon on call there around the clock. We will also have troops ready for immediate deployment from each of the barracks. In this way we can actually respond anywhere in the town at a moment’s notice.”

The governor broke in. “Good, in that way we can keep the bulk of the troops out of sight for the most part. I fear that any contact they have with the people is problematic.”

“There’s more,” Barthurst interjected and signaled Beresford to continue.

"We will also set up checkpoints at key intersections to ascertain the identity of those who are out among these night-time street walkers, with an eye to prosecution for any crimes they might commit."

"It's not the rabble we want," Barthurst added, "its Adams, Otis and the other instigators, who later disavow the violence they incite. They're the ones we want and we plan to charge them with treason and hopefully see them all hanged."

"Tell me more about these checkpoints," Wederborn said, trying not to react.

"At night, they will block the important squares and intersections so as to make it impossible to cross the town without being stopped, and they will be relocated routinely. The sentries will halt and require everyone to identify themselves and state their business."

Governor Wederborn didn't like the plan and thought inevitably it would lead to violence, but he acquiesced, not having any alternatives. "I want level-headed men to man those checkpoints," he cautioned. "Impress upon them that these Americans cherish their liberty and will not take kindly to being challenged on the street. I want no loaded muskets and orders to retreat in the face of a serious confrontation. Of course they can defend themselves if attacked, but only if attacked, not merely if provoked with taunts. Do you understand?"

Beresford nodded and Barthurst, who was inwardly incensed said, "There is more."

"Somehow I suspected that there was," Wederborn reacted, somewhere between anger and cynicism.

Gilbert Barthurst took over. "We have infiltrated one of the key meeting places of the Sons of Liberty. It seems that they meet to discuss their schemes almost daily at a place called the Tally-Ho Tavern, on Fish Street, near the docks. We now have ears inside this place and are gathering information daily. There are a few notable individuals deeply implicated in the smuggling trade and we are closing in on them and the officials that they bribe." Barthurst looked pointedly at Wederborn and added, "We know about your involvement governor and my advice is that if you want to be left out of this, do not interfere."

Wederborn reacted defensively, “The benefits of this position can hardly be said to be substantial. Why my outlays have been for years greatly in excess of the meager sums they appropriate for my salary, with outrageous deficits growing daily.” He paused for a second and added bitterly, “I do not intend to retire from here a pauper. If bribes come my way, so be it.”

“Then you should be pleased to know that your days as governor are rapidly running out. Orders for your immediate recall are on their way at this moment,” Barthurst berated. “Stay out of the way while we clean up the mess you’ve made.”

Wederborn was stunned by the sudden, venomous vilification of his lieutenant governor and the confirmation of a betrayal he had long suspected, but remained at least outwardly imperturbable. “Gilbert, this insubordination and insolent tone is wholly unexpected and unbecoming. Please leave my home immediately.” He then turned to Beresford, whose role in this betrayal was still unknown to him, and said, “Ben, please stay. I wish to speak further with you.”

“What do you know about this, Ben?” Wederborn asked perplexed at the thought that his young protégé, and the man he knew to be courting his daughter, was conspiring against him. “Please assure me that you are not a part of it.”

Events had forced Beresford into a very awkward position and one not entirely of his making. He was angered by the governor’s salutary neglect of his duty to enforce the laws and he had been reluctantly conspiring with Barthurst to have him replaced; this conflicted with his oath as a soldier to obey his orders and not to question his superiors and it genuinely bothered him. And, most critically, there were his fervent hopes for a future with Rachel. “I do assure you, sir that I was as astounded as were you at Governor Barthurst’s inexcusable display.” This of course was a lie.

“Father, what’s wrong?” Rachel said, entering excitedly with her mother, having heard Barthurst’s outburst from the garden. “I couldn’t help hearing... Ben, is everything alright?”

"Yes, dear, everything is fine. Ben will explain it to you," Wederborn said seeing his wife's troubled face as well. "Come, Marie, we'll talk upstairs."

"What is it, Ben?" Rachel asked leading Beresford into the garden. "I want to know everything."

The colonel was indeed in a quandary. He loved and hoped to marry Rachel and dared not put himself between her and her family. Yet, he believed her father to be weak and corrupt, while holding a critical position at a time of crisis for his country. He had very little time to devise an escape.

"Ben, tell me what happened," Rachel repeated with a distinct frown of impatience.

"Your father will soon be recalled to England and be replaced by Lieutenant Governor Barthurst," he answered, deciding not to deny that he knew about the impending disgrace.

"But, my father has said nothing about this," she responded.

"He didn't know until Barthurst told him," Beresford added.

"I only knew because he told me earlier in the carriage." This was another lie.

"How did this happen?" Rachel asked, with more than a hint of bewilderment. "Did Barthurst betray him?"

Beresford tried to drown the issue in the mundane. "They recently created a new colonial administrator at Whitehall called the Secretary of State for the Colonies and appointed the Earl of Hillsborough to tighten up on the Americans. I think he's just making routine changes..."

But Rachel wasn't listening. "Of course he did. How else would he know before even my father?" She then turned quickly to face Beresford and said, looking him in the eyes, "What are you going to do?"

"What can I do, Rachel? I'm a soldier. I do what I am told to do."

"You will stand by him?" she asked emotionally. "You will stand by him, won't you Ben? You don't know how alone he has been these last few years. He has no real friends; even the Tories secretly malign and make fun of him. He is a kind man who only

wanted peace and harmony here and no one would let him have it. You watch what happens here when Barthurst has his way."

Beresford took her hands and said, "Of course I will stand with him. The official papers are still at sea and will be several days in arriving. Until then he is the governor. I will speak with General Gage, who is presently on his way from New York. Perhaps something can yet be done."

"Thank you, Ben. I knew you wouldn't let him down," she responded and squeezed his hands pulling him into her embrace.

No better opportunity could be promised and Beresford took it. "Rachel," he said, pulling his head back, but not releasing her waist. "I must speak now as we may soon be overtaken by these uncertain times." Rachel said nothing, having expected this for weeks and having planned her gentle refusal. "I love you as you have always known and I want desperately for you to be my wife. Will you marry me, Rachel?"

Tears welled up in her eyes as the terrible weight of emotional conflict overcame her and under these new circumstances she was unable to respond. She feared that he might misinterpret her reaction, but had no words at that moment.

"You needn't respond now," Beresford said, stepping back and kissing her hand. "May I call on you tomorrow?"

CHAPTER FOURTEEN

Journal, Friday, August 11, 1769:

I am astounded by how big Jakin is. Sprawling outward from a crowded and chokingly dusty open-air market square are hundreds of soft clay brick huts, creating a sea of windowless brown boxes, covered with thick thatch roofs to fortify them from the scorching sun, and between which, dozens of narrow lanes snake outward in a bizarre sort of sunburst into the bush.

The town is at the terminus of the river trade route from the interior and its market teems with stalls, offering all manner of local fruits, meats and vegetables, as well as a surprising variety of European goods. Captain Levesque is particularly interested in peppers and seemed pleased to see an ample supply at hand. Apparently we will purchase a considerable quantity of these to supplement our stores for the middle passage. Peppers fried in lard being a suitable way to add fat and flavor to the basic boring gruel of beans and barley that the slaves will be fed while at sea.

Journal, Sunday August 20, 1769:

I sense myself falling into the trap of allowing this nightmare to become too ordinary and familiar, insinuating itself into my everyday way of life, as though these were not human beings, but just so many items on a bill of lading. It becomes habitual and automatic and

precludes criticism when it is finally everyday and mundane.

There is something of a grind about it. Each slave is examined and reexamined and when one is deemed suitable a negotiation begins, invariably with Ostehoudt telling Levesque that he is benefiting from the absence of other bidders, and the captain reminding the Dutchman that he is being paid in silver and gold.

And so it goes, day after day, in the sweltering heat of this infernal place. And I am becoming numb to it and find myself silently slipping beyond rationale, hiding behind a mask of the routine by which a thing, even one as grotesque as this, goes on and on unquestioned, because it has always gone on and because it is the way it is, as Joseph says.

Journal, Thursday, August 24, 1769:

Gradually the holding pen is filling and I anticipate that in a few days we will have reached our goal. The surgeon is very concerned about sanitation in the compound, as the conditions can only be described as filthy. Although the latrine holes are shoveled out routinely, there is little effort to make a neat job of it. The flies and the smell can be nearly unbearable.

The daily ration of water is two quarts per man and this leaves none for washing. The likelihood of disease decimating the population of captives seems very high. Although it is true that our contract is for slaves delivered alive on board the Celia, and any who die will be replaced, sick slaves among our lot would likely succumb on the ship later, so we are intent not to wait too long before departing.

Journal, Monday, August 28, 1769:

We now have ninety-six slaves and are preparing to transport them to the Celia. Captain Levesque has

decided that to delay any longer in hopes of getting a few more would jeopardize our entire venture and has decided to depart with those we have.

I readily admit that I was wholly unprepared for the branding, which I found particularly inhumane, not only for its infliction of pain, but because it symbolized so graphically the reality and finality of this enterprise, that each of these men was a piece of property no different from any other property.

Levesque chose the back of the right shoulder as the spot for the Hamrick mark and a red hot iron pressed it home through a sizzling piece of greased paper plastered against the man's skin. One after another the slaves were stamped with the sinister insignia that proclaimed to the world that he was owned by Hamrick and Son! Were we passing the point of no return I wondered?

Journal, Wednesday, August 30, 1769:

Shackled in pairs, the slaves waited on the beach while Joseph negotiated with the native canoers who would take them through the surf to the Celia. Gradually we noticed a kind of restlessness rising. It had been evident since our arrival on the beach that something was afoot and Captain Levesque ordered the muskets primed and rammed.

The slaves suddenly all stood, packed together, and their sheer number and mass, even if chained, would have made them very difficult to control had they somehow found a way to act in concert. But, to our relief, the crisis gradually passed and they calmed somewhat. This unrest at first seemed understandable, since the sight of the sea had no doubt added a kind of certitude to their plight, but we learned when Joseph returned that this was not the cause.

It seems that some of our hired African guards enjoy telling the captives that White men are cannibals who want them for food and that they will be eaten on board

the ship. Joseph, who alone speaks this strange tongue, was very hard pressed to put down this malicious rumor, which so vexed Captain Levesque that he threatened to shoot any of the African guards he even suspected of spreading the slander.

Journal, Thursday, August 31, 1769:

The skill shown by the Africans in navigating the treacherous surf that continuously pounds this coast is truly amazing. Although the Celia is anchored in calm water, well beyond the breakers, reaching it from the shore in the face of a heavy sea is no mean task. I fear we would never manage this without the assistance of the many African porters and boatmen who hire their labor on this beach.

The native canoe is a sturdy, heavy craft, hewn from a single log. Perhaps twenty feet in length, it is manned by ten fearless Blacks, straddling the hull and paddling five on a side, with the petrified slaves sitting in pairs between them. Their first experience at sea is apparently so intimidating to them that, although shackled, they scramble like squirrels up the rope ladders to the dry deck of the Celia.

During our absence the crew had erected the barricade between the main deck and the quarterdeck that would create a kind of prison yard forward. In this way the slaves would be separated from the crew, which was all moved aft.

The hold was augmented by a set of bunk-like shelves and pallets to accommodate the added number of bodies. An armed watch was to be stationed twenty-four hours a day at the barricade, with the swivel cannon repositioned and trained down on the slave deck.

"Drive them below," Butcher commanded as the captives came over the side, shackled in pairs, and

shuffled across the deck to the main hatch. “They'll be kept below decks until further notice.”

Jonathan Hamrick stood on the quarterdeck with Captain Levesque and Dr. Marley. Fearing that any interference would not be welcome at this critical moment he listened and said nothing.

“The one starboard latrine is not adequate,” Marley complained. “There are only three holes in it and if you keep them below decks all night, with no chance to relieve themselves, there will be sanitation problems down there without question.”

Levesque, whose mind was elsewhere, nodded, but said nothing. “I want to build a second board over the other side,” Marley repeated more assertively.

“Very well,” Levesque finally responded and then said, “I will allow them to come up at night to use the latrine, but only one at a time and not until we are well under way.”

“Preventing disease on a middle passage is virtually impossible,” Marley commented, knowing Levesque's determination not to lose slaves to sickness and disease and understanding perfectly well that this was his sole responsibility.

“It is possible,” Levesque asserted firmly and then declared, “And you are going to do it. You will have whatever you require.” Then, before the doctor could respond, Levesque continued in a stern lecturing tone. “Ordinarily a slave ship will try to carry two slaves for each ton of burthen. The Celia is a schooner of one-hundred and twenty tons. Some would say that we could pack over two-hundred captives in that hold, let one in five die on the passage and still make a handy profit. We have only ninety-six. I expect to sell all ninety-six in Martinique. Do whatever you need to do doctor, but get it done.”

“The crew won't like it,” Marley responded. “We'll need to be scrupulous about hygiene. The hold will require scrubbing every day with vinegar and that's a nasty detail. And every one of them will require a tub bath once a week and we will need to completely shave them, including pubic hair.”

“Do whatever is necessary,” Levesque repeated. “You have five barrels of vinegar. I don't expect to find any when we reach Martinique.”

“And at all cost we must prevent diarrhea...”

"Yes, yes doctor. We have taken steps to get away from the steady diet of beans. You made that point abundantly clear before. We have put in ten tons of food stuffs for the captives and, considering our expected speed, that should be more than enough. We bought one hundred chickens, as well as ample lemons and limes, along with twenty bushels of peppers." Levesque, who seemed preoccupied, said looking away, "Is there anything else doctor?"

"It is customary to perform autopsies and dissections on the bodies of any who die on the passage. Does that meet with your approval?"

"No," Levesque answered turning back quickly to confront the somewhat surprised doctor.

"But sir," Marley objected, "this is an important way to advance the science of medicine and has been allowed for..."

"The answer is no! Dr. Marley."

"Why it is a common practice on the ships of the royal..."

"No!" he repeated more loudly and in a way that frightened the doctor. "We nearly faced an insurrection on the beach this morning because these men believe we are cannibals. It would be the height of stupidity for me to allow you to cut up bodies as though this were a meat market. Do you think I am stupid, Dr. Marley?"

"No, sir," the doctor responded softly and remained quiet until Levesque responded. "Any cadavers we encounter will be quietly dumped into the sea in the dead of night. But, of course it is your job to see to it that we don't have to do this at all. Isn't that true Doctor?"

"Yes," the doctor answered and remained silent, seeing little advantage in continuing. "Will that be all, sir?"

Levesque nodded and then turned to Hamrick and as though believing he needed to justify his decision said, "The captives must be made to understand that they will not be eaten by us. We will tell them that they are to be used as farm labor and if they work hard, in time, they will be free."

It seemed like a harmless little lie, buried as it was in the mass of brutality and deceit that was steadily overtaking Jonathan Hamrick's life, and he found himself once again reacting to it as a part of his daily routine. "How will you tell them? Joseph barely

understands one of the dialects and there are several he says are a complete mystery to him?"

"The slaves will sort themselves out and quickly learn to communicate with each other. Some will emerge as leaders and a few of those will find it profitable to assist us. Those who refuse will be isolated from the rest."

"But why should any of them cooperate with their captors?" Hamrick asked.

"Because it will be worth their while," Levesque responded. "Those who cooperate will be rewarded with better treatment, tobacco and rum, be allowed up on deck at night. Those who resist will be punished. It's really quite simple. You'll see; we'll have no difficulty finding slaves to do our bidding."

Journal, Saturday, September 9, 1769:

It is a dark and moonless night. We have been underway for several days and cannot seem to find a stiff breeze in these infernal horse latitudes. Captain Levesque has ordered us to run south with the Guinea current until we pick up an easterly trade and this has occasionally brought us in sight of the African coast, making the threat of mutiny by the slave cargo a continued concern.

Joseph informed me today that if we continue much further south we will soon cross the Equator, making me subject to the most outrageous of initiation rituals. Even though Captain Levesque assures me that we will turn west before reaching the line, I'm not convinced or comforted.

The slaves are kept locked in the hold all night and only allowed out singly to use the latrine boards that are now cantilevered out over both gunwales. The heat is nearly unbearable when the sun beats relentlessly down from directly above us, washing away any shade. The crew has stretched a sail cloth from the quarterdeck barricade to the main mast shrouds, creating a canopy under which the slaves sit through the middle of the day,

but, until we are beyond sight of land, Levesque refuses to leave the hatches open at night.

During the early morning and again in the evening they eat and are thereafter made to exercise. This is a rather comical undertaking during which they are forced to dance and senselessly jump around. Dr. Marley stresses the importance of physical activity, but, we have not found a way to make them at all useful in the ordinary shipboard tasks.

During their time on deck the nighttime urine buckets are emptied and washed and everything below decks is scrubbed with vinegar. This is said to be a deadly duty in the stuffy and sweltering hold. Then an inspection is made of every inch below decks to find any hidden weapons.

Levesque has gradually removed the shackles of cooperative men so that now nearly all may walk around freely. There are however still a few who are unremittingly stubborn.

"One degree south latitude," Levesque announced loudly. "We'll be expecting a visit from Neptune now I trust." The roar of knowing laughter was not lost on Jonathan Hamrick who had been warned about what happens when a sailor crosses the Equator for the first time. But, he hardly had time to reflect upon it before one of the gunner's mates, dressed in the most outlandish fashion, draped from head to foot in sea weed and carrying a kind of wooden trident, appeared before the captain, on the quarterdeck.

"King Neptune smells a pollywog," he said, finding it hard to hold back his laughter and then turned to look straight at Hamrick. "Are you harboring any of King Neptune's children, who are not yet worthy?" he asked the captain.

"I am," Levesque answered, "and I invite the sovereign of the deep to come aboard and do his will."

With that the quarterdeck hatch slowly opened and a procession of foremast jacks appeared in the guise of Tritons, with beards of oakum string stuck to their chins and cheeks and carrying

mop head wigs on their heads. Then came the royal barber, brandishing a long razor fashioned from a length of barrel hoop and finally Neptune himself, who looked surprisingly like João Pedro Silva, appeared. His face painted red, he was fully wrapped in a ceremonial robe of sail cloth and carried a water bucket crown.

Before he could react, the Tritons seized Hamrick and brought him before King Neptune, who proclaimed, "Pollywog you are about to be brought into the glorious domain of your father. Are you prepared to become a shellback?"

"I am," Hamrick answered, only partly aware of what this initiation entailed, but, already beginning to enjoy his new acceptance as a real member of the crew.

"First there will be rum all round," Captain Levesque interrupted and raucous cheering accompanied the cracking of a two gallon keg. It was early afternoon and the slaves on the main deck watched the silly antics taking place above them. What they may have thought of it can not be known. The gunner's mates manning the swivel cannon were cautioned to keep their eyes in the boat as every sea dog aboard the Celia was mindlessly frolicking on the quarterdeck. Even the sometimes stiff-necked captain was caught in the revelry that always accompanied crossing the line, particularly when there was a special pollywog to dunk.

"You'd better have another," Butcher advised, handing Jonathan the keg. "When it happens just take a deep breath and hold it. You'll be alright."

This advice frightened Hamrick a bit since he had no idea what to expect. "Prepare him for the shaving," Neptune commanded and Hamrick was placed astride a plank and his arms and legs were wrapped with rope. Soap was lathered all over his face and a bucket of ashes dumped on his head before the royal barber commenced to scrape it all off with his dull barrel hoop razor.

"Shave him clean, shave him clean," the Tritons sang as they danced bizarrely about him, winding the line and encasing him in a kind of cocoon.

"Rum all around," someone yelled and the keg was again passed from hand to hand with each man tipping it back as best he could. Hamrick, whose entire body was now wrapped in rope, was

treated with a dousing of the grog, which washed over his head and sent muddy foam down over his shoulders and chest.

"Time to souse the pollywog and send him to my watery domain," Neptune commanded and amid raucous laughter and shouting the plank was lifted and carried by the dancing Tritons to the stern, where it was suddenly steeply tilted, sending its precariously balanced cargo unceremoniously sliding into the sea.

"Pull out a shellback," Neptune bellowed and several of the crew quickly hauled back hard on the tether line, pulling the half drowned initiate back from his watery grave. And thus shortly after noon, on Sunday September 10, 1769, somewhere in the Atlantic, just south of the Equator, Jonathan Hamrick became a worthy son of Neptune.

CHAPTER FIFTEEN

Journal, Wednesday, September 13, 1769:

I have been watching the big cumulus clouds collected just above the horizon and have not detected any movement in nearly two hours. Everything, the sky, the sea, is eerily still. We continue to drop slowly down below the Equator in search of the south-east trades and are in unending danger of becoming becalmed, as the faintest breeze only occasionally disturbs our sheets.

As Captain Levesque said they would, two of the captives have been enlisted to perform the duty of directing the others and these two have been amply rewarded with Brazilian tobacco and a regular ration of rum. Joseph has managed to piece together a chain of interpreters to navigate the maze of dialects and with his two "mates," as he calls them, has managed to establish a routine for meals and exercise, as well as the tub baths that Dr. Marley demands.

Journal, Thursday, September 14, 1769:

The continuous calm breeds boredom, but by contrast also sometimes provides its own relief in the appearance of flying fish, driven to the top by hungry dolphins. These little aquatic acrobats burst like bullets from beneath the surface and glide for great distances just above the flat sea. To combat the monotonous tedium of these doldrums, Captain Levesque today challenged the crew to

catch one, promising an extra ration of rum for all hands should anyone succeed.

Every manner of contraption was devised and tried, nets and baskets, hooks and lines, snares of all sorts. Finally, in desperation it would seem, boats were even lowered and set adrift in the wild hope that by sheer chance a fish would fly into one. None did.

Journal, Friday, September 15, 1769:

Washing in sea water saturates everything with salt and leaves a dry annoying residue on the skin, which threatens to drive even the crustiest seadog mad. Rain being the most welcomed occurrence in these climes, we watched with eager anticipation as the sky gradually darkened and descended like night upon us. Water spouts were clearly visible, dancing off the starboard bow and a brisk cool breeze suddenly came from nowhere, barely seconds before the downpour struck us.

I have never experienced a deluge of such force and density. We were completely, and happily, soaked through in seconds. It was impossible to see beyond a few feet through the sheets of rain and the heavy drops drummed a deafening roar on the canopy suspended to shade the slave deck. In a matter of minutes the canvas was filled and groaning with the weight of the flood, which thankfully came thrashing over its lowest edge, like some wild cascading waterfall.

The men deliberately blocked the scuppers to flood the main slave deck with cool sweet water and, with no thought to security, the crew and captives alike went romping and sliding about like children, and I among them; for an hour at least there was no thought of master and slave. Joseph told me later that the swivel cannon had been completely drenched by the heavy rain and were useless. If a rebellion had occurred at that moment we would surely have been overwhelmed.

Journal, Monday, September 18, 1769:

We've been riding the push of a growing easterly and early this morning we crossed back north of the line. Joseph tells me that we will continue west northwest until we reach fourteen degrees north latitude, this being the line on which our destination lies.

At some distance off our starboard bow the lookout spotted St. Paul's Rocks, which lie almost dead on the Equator at the center of the South Atlantic. As we slide past them, their desolate, ragged peaks, protruding ominously from beneath the empty sea, evoke a feeling of foreboding, almost approaching fear in me. I can't help thinking how really alone we are in this vast watery world with little but our wits and a bit of wood to rely on.

"Strike the mainsail, Mr. Butcher," Levesque ordered. "This wind's really kicking up. Damn this passage in autumn. I fear we're in for it."

"Slack the Halyard," Butcher yelled, "haul braces and sheets," and the crew, sensing the danger of being overtaken by a gale when carrying too much canvas, turned quickly to their task.

"Reef the foresail," Mr. Butcher, "We'll hang on to it for as long as we can and then run with just the topsails. Get all the Africans and everyone we don't need below decks, secure the hatches and button everything down. We're in for a real blow."

Gradually, but relentlessly, the wind rose to a howl and for the better part of an hour the Celia scudded along dead before it. Captain Levesque put two men on the helm to ensure control over the rudder, which if lost could cause the schooner to broach in the swelling sea, be turned sideways to the onrushing storm, and be slammed broadside by a monstrous wave. Many a weatherly ship has been smashed to splinters with all hands lost in just such a manner. But, the lure of speed and the promise of making up so much of the time lost floundering in the doldrums was usually enough to entice even an experienced captain, who should know better, into scudding as long as possible before a wind, no matter how strong, that was blowing in the right direction. But, this was no

ordinary gale. They were in the tropics during the wrong season and Levesque knew it.

"Should we heave-to?" Butcher asked.

"Heave-to? Joseph, we're making thirty knots. We'll not yield as long as she holds her line."

For an hour the Celia held, but the burgeoning storm was rapidly becoming a hurricane, making the very act of bringing her about and into the wind very dangerous.

"If we don't heave-to soon it may be too late," Joseph warned, but Levesque was adamant and the schooner held her course. The fear was palpable among the crew, who to a man studied the sea astern where great rolling walls of water rolled down on them. The Celia was caught in thirty foot swells and her decks were being savaged by a raging sea, smashing or sweeping away anything not properly battened down. But even endless water over the sides, which washed out again through the scuppers, was not their greatest fear, it was the massive weight of the sea threatening to come over the stern and drop directly down on them that froze their hearts.

Each time the schooner was overtaken by the rolling sea a mighty wall of water rose like an ominous green monster hovering above the main mast while they huddled in the dark valley below it. Then suddenly the stern of the Celia would rise precipitously as the surging swell tried to force its way under the hull. At the most critical moment, every breath stopped as the schooner leveled herself, came over the top of the wave, seemed to stop, suspended, for a few incredibly frightening seconds, and then shot her bowsprit skyward as she slid back down into the hollow, only to face the same incessant foe again and again.

Butcher knew that the captain had waited too long, that the sea was too high now to risk trying to bring the Celia around to face the storm and that there was no alternative left but to keep going.

"We need to hold on, sir. The storm will pass us soon."

Levesque knew even the slightest mistake in judgment could sink his ship with all on board and also that there was no point in dwelling on it. What was done was done and it was now time to move forward. "Mr. Butcher, relieve the helmsman every thirty minutes until the storm passes. We don't want fatigue to result in failure to hold her steady."

Butcher said nothing before pulling himself, in the heavy wind, hand over hand along his tether rope to the quarterdeck hatch. “I want every able bodied seaman prepared to take the helm. We’ll rotate every thirty minutes until the wind dies down.”

“You mean we’re not comin’ around?” a voice from the crowd demanded, in a clearly incredulous tone.

“The captain will decide that,” Butcher responded. “But right now he doesn’t think we need to.”

“What in hell is he thinking?” another voice joined.

“He says he’s scudded all day in meaner seas than these,” Butcher responded, trying to diminish the decision that he and everyone else knew was threatening to kill them all.

“You gotta tell him to heave-to, Mr. Butcher. He’s crazy I tell ya.” one of the carpenter’s mates said with a hint of desperation that Butcher immediately knew not to trifle with. Many a mutiny has festered and then burst below decks among an idle crew fearing to follow orders they believed to be incompetent or, worse, insane.

“Look mates, the captain knows what he’s about. Do your jobs and we’ll be alright.”

“We won’t be alright if we keep shipping this much water,” Silva warned and Butcher struck the perfect cord of quiet confidence.

“Mr. Silva, arm yourself and your gunner’s mates and take every spare hand and start the bilges in the main hold. All able bodied seaman will be prepared to come topside in pairs to rotate at the helm. Jakes, we’ll start with you and Santos; you other men pick your own partners and be ready.”

The griping continued below decks, but the signs of insubordination and even of open rebellion were replaced by a new sense of purpose coupled with a renewed confidence in the leadership of Mr. Butcher. By contrast, the main hold, below the slave deck, was dead silent as the captives stoically rode out the storm. When Silva and his crew entered to start turning the manual bilges no one moved. The Africans had certainly seen the water rising and could hear the raging storm above them, but seemed somehow numb to the danger.

The Celia had three manual bilge pumps, one aft and two in the main hold, each designed to be turned, in tandem, by a pair of

men working a double cranking mechanism. It was no easy task, which relied as much on balance and coordination as it did on strength and stamina.

"We've got to get these pumps going and fast!" Silva yelled and the makeshift crew of carpenters, cooks and cabin boys sloshed through the knee deep bilge to reach their stations.

"Get your backs into it lads," Silva said as he continuously checked the hoses meant to carry the bilge water up, out and over the deck, but no water was moving. "Prime them again," he yelled, this time with a hint of urgency in his voice. The pumps were primed again, but without enough speed, the pumping screw could not create enough pressure in the lines to fill the hose completely and only a trickle of water was moving. The water-level in the hold was rising dangerously and the schooner was in grave danger of being unable to regain her trim as she lay over precariously on her side and groaned to right herself against the tons of shifting water.

When it finally became evident that the awkward efforts of green hands would be unable to start the bilge pumps, the reaction of the frustrated master gunner somehow communicated a sense of urgency to the Africans. Although no words were spoken, or indeed could even have been understood, within seconds the Blacks had taken over the pumps and within a few minutes more had them humming at great speed. And so, the Celia came blindly through the storm, kept afloat by slave labor.

Journal, Friday, September 22, 1769:

At dawn the lookout spotted the volcano called Pelee that lies behind the port town of St. Pierre on the French island of Martinique and Captain Levesque ordered the crew to drop anchor for the day to prepare the captives, before entering the harbor.

Martinique is the jewel and capital of the French colonial empire and St Pierre is called the Paris of the West Indies. We could easily count dozens of trading vessels moored in the broad bay and it was very comforting to see that the Freedom was among them.

At four bells I am to go ashore with Captain Levesque and Mr. Butcher. We will meet with the governor of the island and negotiate the final terms of the trade. Our cargo has come through without the loss of a single man and they are in comparatively good health I am told. Nevertheless, the common practice is to polish them up a bit before presenting them to prospective buyers, although it is my understanding that we have a contract for the whole lot and won't be conducting the usual shipboard sale that is customary in this place. Throughout the morning and well into the afternoon the captives were bathed, shaved and rubbed with palm oil to make their skin look healthy and shiny.

Governor Prédelet, may I present Mr. Jonathan Hamrick? He is the owner of the Celia and is making his first voyage so as to better acquaint himself with this trade," Levesque said gesturing toward Jonathan.

"Très heureux à rencontré vous, monsieur," the governor responded and then reading Hamrick's puzzled face continued. "Forgive me, Mr. Hamrick. Perhaps it would be best if we spoke in English anyway... since we can never be sure who is listening." He then looked knowingly at Levesque and said quietly, "Combien sait-il?"

"He knows enough," Levesque responded, "but needs to know everything."

"Très bien," the governor replied and then ushered his guests into a small private room adjoining his office. "Please be seated gentlemen and allow me to offer you some fine French brandy."

"I thought you would be drinking Tapia," Levesque quipped and the two men laughed at something Hamrick didn't understand.

With the brandy snifters well warmed and refilled for the second time, the governor finally put aside the pleasantries and addressed Jonathan Hamrick directly. "As you no doubt know, Mr. Hamrick, Martinique is a French island and it is illegal for you to trade here." He paused for a few seconds, smiling, and then added,

"But all things are possible with certain special arrangements. Isn't that so captain?"

"Indeed it is," Levesque agreed, nodding slowly. "But certain special arrangements also cost money, do they not my good friend?"

The governor didn't answer Levesque and continued, directing his remarks to Hamrick. "The ordinary requirement, when holding a slave sale here in Martinique, is to first get a license and then pay the customs duty on the sale. But you, Mr. Hamrick, cannot get a license since you are not using a French vessel and cannot legally do business here. In fact, I could be said to be derelict in my duty for not seizing your vessel and its cargo."

"Surely there must be some solution to this," Levesque responded playing to Prédelet's circuitous education of Jonathan Hamrick in the game of routine bribes and payoffs that plagued the economics of empire.

"Captain Levesque tells me that you are bound for a harbor on the north side and have a buyer for the whole shipment."

"Yes, that is correct," Jonathan answered, still unsure of his footing and relieved to hear Prédelet's response.

"That's good, Mr. Hamrick. Some of our planters on the remote parts of the island have complained that, when a slave trader arrives in St Pierre, they have been unable to get here in time to make a good selection and so, as a result, suffer a severe labor shortage."

"I understand that your sugar plantations have a slave death rate of about ten percent a year and that you need two-thousand new slaves annually just to keep up with it," Levesque interjected.

"Yes, most distressing, and this of course is the need you so cleverly plan to fill, for a profit of course." The governor then turned to Hamrick and got right to the point. "It will cost you £5, payable in silver directly to me, for each slave certified by the health inspector to be disease free and suitable for sale." He then added, "We are very concerned about smallpox Mr. Hamrick, as it has badly afflicted this island in the past. Your schooner will be impounded until the inspection is complete."

"And when will that be?" Jonathan responded.

"Tomorrow," the governor answered and then asked, "You do realize that you are not allowed to take cash money from the

island? With what trade goods do you intend to settle your account?"

"Common clayed sugar and molasses," Jonathan told him.

"Also, you are not to load any cargo outside of the port of St. Pierre. You will calculate your sale in cash and redeem its value in goods from company warehouses here, carrying a credit for what you can't ship immediately."

"We have a second schooner presently moored in the outer harbor," Jonathan responded, "and should be able to take it all."

"Merveilleux," the governor responded. "I look forward to seeing you again tomorrow then, after you get the health certificate, when we can settle our account."

Journal, Sunday, September 24, 1769:

We cleared the harbor at St Pierre on the early morning tide, without being towed, and are presently rounding the Caravelle Peninsula intending to reach, by noon, our rendezvous with the planters at Trinité.

The governor's £480 proved to be only the beginning of the bribes necessary to do this business in the way we have chosen. Since ours was not a regular shipboard sale and bypassed the admiralty, officials there also needed to be paid off. And what's more, it seems that the practice here is to assign one of the visiting merchantmen to control the entrance to the harbor and they too stopped us with their hand out. Everyone is on the take, except the surgeon general, the fear of small pox being such that he was most thorough in his inspection, happily finding our cargo in acceptable health.

CHAPTER SIXTEEN

"What!" Governor Wederborn screamed. "Has he no sense? Can't he see that this town is in turmoil and he sees fit now, at this delicate moment, to send press gangs into the harbor. I want to order him to cease at once."

"I'm afraid he will not listen, sir," Colonel Beresford warned. "He has been very adamant that the Roebuck lies outside the harbor and that the civil authorities cannot restrict his activities."

"He's not planning to send any press gangs ashore is he?" Wederborn went on while the last of the customs commissioners took their seats for the emergency meeting he had called to consider what actions might be taken to preserve the peace, in what was a rapidly escalating crisis.

"No," Beresford answered. "He sends out the marines in longboats to stop and board incoming merchantmen, in the narrows between the outer harbor islands, impressing seamen as he sees fit."

"And what is his justification for this? Assuming of course that he has one," Wederborn snarled, incensed at the thought of being undermined in his efforts to hold an even keel in such troubled waters.

"Captain Fortesque says that he has lost over twenty seamen to desertion since he has been on this station and must refill his ranks, as he expects to receive orders imminently. He has made it very clear that HMS Roebuck is under his command and not yours."

"Well at least that's consistent, since nothing else seems to be under my command any more either," Wederborn said sarcastically in the direction of the newly constituted board of customs commissioners, which had been created only the year before to tighten control of the customs in Boston. "I have been

petitioned by Otis and Adams and some of the others to address their demand that we pull the troops back to the castle. What is your feeling about that gentleman?" the governor prodded, in an effort to impress upon the commissioners the breadth and scope of the problem he faced and to avoid having the issue be framed simply as a case of enforcing or not enforcing the law.

The lieutenant governor spoke first. "It would be a mistake as we have only begun to establish a presence in the town and it would surely be viewed as a victory for the radicals. And also, as long as we have sufficient reinforcement immediately available, the rabble is more likely to be held in check."

"It's not the rabble, as you put it, that I fear. It's the ordinary farmers all around us. This is a very fragile situation," the governor responded, turning to recognize one of his commissioners of customs.

"This is the work of a few merchants and traders who grow rich by scoffing at the law and smuggling their contraband right under our noses. They are the only ones who benefit from ignoring the revenue acts, which anyone can see are beneficial to the welfare of the colonies as a whole. They incite the local low-life element that has a long history of friction with the royal navy to try to intimidate the king's customs officials. We must not tolerate it. If we cut off the head of the monster, it will die."

"And you don't see any popular sentiment behind all of this?" Wederborn repeated, trying to drive home the point that the issue was inseparable from, and perhaps only a symptom of, the ubiquitous call for liberty.

"No!" Lieutenant Governor Barthurst interrupted. "The problem was mishandled in sixty-five and this emboldened them to think that they could ignore us with impunity. We must crack down and crack down hard or, by God, we will lose these colonies."

"Go on," Wederborn said, continuing to play the leader's role, although he fully realized that his days as governor were nearly done and only awaiting the arrival of the official orders of recall from London. "Outline your plan."

Barthurst deferred to Colonel Beresford who unrolled a map of the town and spread it across the table. Some of the commissioners stood and leaned over the map as Beresford began.

“These drawings were requested by me and were only recently delivered by His Majesty’s Corps of Engineers. They show all of the existing entrenchments,” he said and pointing with his index finger added, “and proposed locations for new ones here, here and here. From these points we can control the town if needs be and with troops billeted here on Hanover Street and here in the South End we can quickly reinforce any weak point.”

“Why not put a battery of artillery on Beacon Hill?” Wederborn said caustically, circling the table. “I know that I am shortly to be replaced and after that you may do as you wish, but, while I am in charge, I will not authorize any new entrenchments. These matters must be handled with utmost care. There is no military solution to this problem.”

“We have been too lenient and too forgiving for too long,” Barthurst burst in again loudly, directing his remarks to the commissioners, some of whom applauded.

“What should we do then, governor? What is your plan?” one of the commissioners asked, attempting to reduce the tension he could feel rising, even though he knew nothing of the recent falling out between Wederborn and his disloyal lieutenant governor.

“I would request that Colonel Beresford report on the progress, if any, he has made in the improvement of customs enforcement and I propose that we make that the cornerstone of our efforts. Policing the town with troops brings us into direct confrontation with the general population and this plays right into their hands. We need to concentrate on the leaders and those who finance and support them from behind the scenes. But, we must do so with strict adherence to the law and it must be clear to anyone watching that these people are criminals and deserving of punishment, in that way we will isolate the bosses and deny them the sympathy of the average people, who are law abiding and honest.”

Barthurst bided his time and said nothing while the attention of the group focused on the young colonel. “Well gentlemen, as you know we have greatly increased our surveillance of the waterfront and have begun to spend considerable sums to enlist informants. We know that ships are unloading illegally right

on Boston wharfs and we are watching them and gathering evidence."

"If you know which vessels and which merchants are smuggling then why don't you just arrest them?" one of the commissioners asked.

"Because the problem will not be solved that way," Beresford responded. "This kind of brash behavior, right under our noses, cannot go on without the collusion of corrupt officials, surveyors of customs and tidewaiters taking payoffs. We are laying traps for these traitors and we'll sweep them all up together."

"Don't you think illegal landings on the beaches, or at some of the smaller unregulated ports, is a bigger problem?" Wederborn asked.

"No," Beresford answered with conviction. "If illegal molasses were being landed on Cape Cod beaches then the rum distilleries would be on the cape. The rum is distilled right here in Boston and the illegal molasses is being unloaded right here as well."

"And the same can be said for the Madeira wine that our own Governor Wederborn loves so much," Barthurst interrupted in a nasty tone, pointedly implying that the corruption might reach higher than merely to the midlevel customhouse official.

Beresford hastily resumed his report. "Our strategy is to root out the malfeasance and fraud here at home in Boston and by so doing to put an end to the black market as well. And also I might add, to make an example of a few of the most brazen and bold of the scofflaws. We have our eye on Hancock and will soon pay him a surprise visit, and also Josiah Hamrick, who has registered a new schooner in Baltimore we are informed." Beresford planned to let the details of his sting remain unrevealed but noticed the intense interest of some of the commissioners as well as that of the governor and added, "Perhaps Mr. Barthurst will offer more details."

Gilbert Barthurst had long suspected that Governor Wederborn was himself accepting bribes from certain of his Whig friends and that Josiah Hamrick was prominent among them. His informants had told him that the surveyor of customs in Salem was routinely allowing certain select cargoes to be quietly offloaded and that this was resulting in substantial financial gain for George

Wederborn. “We are informed that Josiah Hamrick’s new schooner, Celia, left Fells Point in April, ostensibly for a training cruise and that she posted no bonds and declared no itinerary. She has been at sea for four months, as has her sister schooner, Freedom, which at the same time, left Boston, also in ballast and with no itinerary, and has not yet returned. We are watching for these two vessels, and gentlemen, I assure you that when they return they will be loaded with smuggled goods and we will be poised to strike.”

One of the commissioners interjected, “But what is the point of this if we can’t get a conviction in these colonial courts?”

“These matters will go directly to the Vice-admiralty Court, where I am the chief judge,” Barthurst reminded them, “and where their ability to pack juries will be of little consequence.”

“And what happens when they later sue for damages in the county court, as they always do? And win I might add.”

“Yes, that has been their ploy and to force compliance with their judgments for damages they harass customs officials by jailing them for unpaid debt. But, these matters are now under maritime law and we will deny them jurisdiction. That will force an appeal to the King in Counsel, where we are sure to prevail.”

“And what happens when they pay no attention to you, assume jurisdiction anyway, and send the sheriff to arrest us?” a commissioner asked, only half in jest.

“We’ll move you out to the castle where they can’t touch you,” Barthurst answered and Wederborn chided.

“You will probably all be living there by that time.”

“Apparently our esteemed governor does not share our zeal for bringing these rebels to heel,” Barthurst retorted scornfully.

The governor, however, chose not to be baited. “Is there anything further, Benjamin?”

“Yes, there is the matter of charging the leaders of this racketeering with treason. We have been advised by Whitehall that this is possible and that in such matters the trial must take place in England. We are presently documenting a case against Josiah Hamrick and we will arrest him when we have the evidence.”

“I thought we abandoned that idea,” one of the commissioners commented, but Barthurst forcefully took over saying, “We have a comprehensive plan, as you can see. It only

requires the will to carry it out. Until now that will has been lacking, but not any longer gentlemen, not any longer."

"Are they still talking down there?" Rachel asked the maid, who entered the bedroom with a huge basket of fresh linens.

Hannah Kilbourne and Rachel were the same age and had often played together as children, when Hannah's widowed mother had served the Wederborns as their household cook. It would be wrong to say that they were good friends because by both social and economic standards this was not possible. There was, however, a mutual respect and a genuine fondness that results from any just and fair relationship. And as girls of the same age will, they often talked about personal things.

"Yes, they are and have been for nearly three hours. I wish they would end it soon and let me finish my work," Hannah said, showing some annoyance, setting the pile of bed clothes down on the dresser. Seeing that Abby Whitmer was with Rachel she then turned to go.

"What's it about?" Abby asked, stopping her. "Could you hear anything?"

Hannah paused and, eager to enter the conversation, said, "It's all about the smuggling and such. They're setting traps to catch them," and then added devilishly to Rachel, "Your friend, Mr. Hamrick, has been mentioned."

"Jonathan! Why? What did they say?" Rachel reacted a little too quickly, revealing more than a casual interest.

"Well ...not him so much, but his father is a main target, I guess," Hannah went on.

"Yes," Rachel prodded, "what else?" and before returning to her duties the young maid told what she knew or thought she had heard, being sure to embellish every detail.

"So, Hamricks are smugglers," Abby giggled. "It's so exciting, don't you think?" When Rachel didn't answer Abby forged ahead. "Don't you think he's handsome, Rachel, and a bit mysterious?"

"Apparently he's caught your fancy," Rachel answered feigning disinterest and trying to deflect the inevitable, but to no avail.

"And you've caught his." Abby probed in a way that was hard for Rachel to read.

"Why what ever do you mean?" she returned, feeling some sense of guilt for believing she had injured her friend's feelings, even though she knew she hadn't planned to butt in, and that it had just happened that way.

"Don't deny it. Everyone could see it. Even Benjamin, I'm sorry to say," Abby began again, and again Rachel said nothing. "Don't worry I'm not angry. I knew right away he didn't like me. All the while we were dancing he was looking at you." Rachel had no sure response and so stayed silent and Abby pushed on. "What are you going to do, when Jonathan gets back... about Ben, I mean?"

"I don't know what to say to you," Rachel began. "I didn't plan it this way."

"Stop thinking that I'm angry with you. I'm not. I knew right away it wasn't going to work. It was just for fun."

Rachel, with tears in her eyes, finally burst forth, "I was so afraid that you would hate me for stepping in like that, but, I couldn't help it and I didn't know how to tell you."

The two girls hugged each other tightly and Abby whispered, "We're the oldest and dearest of friends aren't we?" And when Rachel nodded fighting back the tears she added, "Now tell me everything."

The two girls laughed in relief and Rachel said loudly in the direction of the open door. "You might as well come in and join us, Hannah. You must be straining your ears out there."

Hannah Kilbourne sheepishly reappeared in the threshold and then laughed and the three girls piled on the bed.

"He's really a darling," Rachel began. "He's interesting and fun."

"Did he kiss you?" Abby asked abruptly.

"Yes, but that's not..."

"Tell us about that," Hannah insisted.

"It was nothing. We were down on the waterfront, on Lake's Wharf that night after the ball, that's all."

"Did he tell you he loved you?"

"No!" she dissembled.

"But he does. I know he does," Abby gushed, genuinely excited by her friend's affair even when it was with the man she thought she had wanted. "Then what happened?"

"We went to a tavern, the Tally-Ho Tavern, on Fish Street, the one where all of the patriots meet, and drank some ale and talked."

"Just talked?" Abby said laughing and Hannah added with a wishful rising tone, "Go on."

"He was a very proper gentleman," Rachel exclaimed in a way meant to seem beguiling.

"Oh my, did you hear that Hannah, he was a very proper gentleman." The two antagonists laughed and quickly attacked again. "Do you love him?"

"Abby! ...I hardly know him."

"That's not what I asked," she teased.

"He came to the house the night before he left you know and my father wouldn't let him see me. I told him to meet me in the garden, but he didn't come so..."

"So what," Abby said. "Wait and see what he does when he gets home."

"He may not get home," Hannah warned abruptly bringing their mind trip back to reality. "They think he's going to try to sneak something past the customs and they mean to catch him."

"There's nothing new in that," Abby said dismissively, but Hannah was insistent.

"No!" she said fervently, her eyes widening, "There's more this time. They want to arrest them all and send him to England to be tried for treason."

"Treason!" Rachel repeated in disbelief.

"My God, he could be hanged. What are they thinking?" Abby added in a way that frightened Rachel.

"Go back down there Hannah and see what you can find out," Rachel said and the maid returned to her station, finding this to be a most opportune time to polish the brass knobs on the library door.

CHAPTER SEVENTEEN

Journal, Sunday, October 1, 1769:

As I look back at the sugar islands receding in our wake, weighed down as we are and homeward bound, I can't help dwelling on the vicious cycle of this three-cornered trade by which the molasses, which we have acquired in exchange for our human cargo, will be distilled to rum and traded again for more slaves who will then give their lives making more molasses. Why am I a part of this barbaric enterprise if not for profit plain and simple and for that I can condone any action?

I can see the Freedom setting her topsails just a few points aft of our starboard beam and I feel comforted to know that together we can out-gun any bloodthirsty Caribbean pirate who may be lurking among these islands, planning to take our lives and treasure and I wonder what the difference is between us and them.

"We don't need to justify slavery, Mr. Hamrick, slavery exists in all cultures. How many White men do you know who came to our shores under indenture to some farmer or artisan and were then sold, or even gambled away, while under obligation of servitude?" Levesque reacted in a way that displayed his growing annoyance at Hamrick's need to continually revisit the ethical impasse that may have vexed him, but was of no consequence to the captain.

"But don't you see that to support slavery betrays the very principles that underpin everything we say we stand for?" Jonathan went on undeterred.

"And what is that?" Levesque responded brusquely.

"Freedom and equality!"

"Slavery," Levesque paused for emphasis, "has nothing to do with freedom and equality."

"If all men are created equal," Hamrick responded, "then the Negro is not a man. Is that your contention?"

Levesque answered quickly and with conviction. "The Africans are men, but they are men in a condition of slavery. It's a matter of accepted practice, recognized by the laws of every nation. They are property."

"They are living property you mean for whom the law violates every natural human instinct and inclination. To resist even the most outrageous cruelties is punishable under this law by execution. To simply run away, much less openly resist, results in mutilation and torture, and all of this done quite legally. Is this the law of which you speak, sir? There is no civil justice for a slave, sir. Slaves stand in a never ending state of war with their masters, a war which only blood and suffering can ever hope to resolve."

"Perhaps you are right, Mr. Hamrick," Levesque shot back angrily, having listened long enough. "Perhaps it is a state of war and if this be so it is only a reflection of what all life is. Do you think these African tribes wage war on each other simply to supply us with slaves, to get our rum or our cowry shells? These people are savages, Mr. Hamrick; they are slaughtering each other by the thousands every day and will continue to do so forever, even if no European ship ever again touched their shores. And they simply kill their captives, massacre them and let their heads roll in the market place dust simply to proclaim their power and grandeur."

"And so you imply that they should be happy then, to be living slaves who can only hope that if they work hard and are dutiful perhaps they will stay alive a little longer."

"I'm sure they are all happy to stand, still breathing, on the auction block, and accept slavery over death." Levesque retorted.

"And what of their children and their children's children, by what right are they relegated to a life of servitude? What choice will they have?"

"Mr. Hamrick, I confess that your lawyer's knack for disputation has exhausted me and I beg to retire from this debate. Let me, however, end with one final comment. I think in the future it would be best for you to stay home in the counting house, as your colleagues do, and not look."

Journal, Sunday, October 8 1769:

We found the Florida current and a good breeze has been holding steady, carrying us quickly up the coast to Cape Hatteras. Today we plan to part with the Freedom, as she is carrying the clayed sugar for which there is always a ready market and will put in to the first of several ports in the Carolinas in hopes of trade. We will make straight for the Piscataqua.

The molasses in our hold is estimated to contain seventy percent sugar and should ferment a strong wine from which the rum will later be distilled. Molasses so rich can yield hundred proof rum nearly gallon for gallon, when the yeast is healthy, flourishing and long lived. To encourage this we will partake of a practice lately gaining favor.

By adding sulfuric acid to the wine during the fermentation process the acidity of the wash can be raised to a level more favorable to yeast growth and it accordingly performs more robustly, or so I am told. It seems that the rum makers of the West Indies, having an abundance of citrus fruits available to them have taken to crushing and adding these to the wash of molasses and water finding the alcohol production of the yeast greatly magnified by the introduction of the acid. We are told that sulfuric acid will work as well. How easily the mind busies itself with such routine things when the critical choices we face are too complex and frightening.

Journal, Monday, October 9, 1769:

It is a black and moonless night, which matches my mood these past days for I know that I cannot continue in this wretched business and need to fashion a way out. My father will be sorely grieved, but I can no longer ignore my conscience in this matter, although God knows I have tried. I can certainly see how easy it is to fall into the habit of rationale and how quickly the mind contrives reasons for pursuing what is in the end simply one's narrow self-interest.

As I walk blindly back and forth across the quarterdeck, now free of every trapping of that despicable human trafficking, I can still plainly see so many empty, forlorn faces, fading away from me into the night, never to be home with their loved ones again. And each a number neatly squared away in our accounting legers and bills of lading. I will profit mightily from their suffering and the thought of it truly shames and distresses me.

Journal, Tuesday, October 10, 1769:

I'm once again on the middle watch and except for our lanterns the world is pitch black. No one who has not been to sea can appreciate how dark and foreboding a sailor's life can get. The breeze is brisk, but gentle, and we are rolling home with every inch of canvas up.

This is strange behavior for our captain who is fearful of dark nights and distrustful of lookouts that too often fall asleep. I have never known him to retire without shortening sails. I earlier heard him warn the helmsman to remain particularly vigilant, that many vessels run without lights to conserve their oil, foolhardy as that may be, and that we are in coastal waters and coming dangerously across the mouths of many harbors and ports. We are running free with the wind and if we were to encounter a close hauled vessel it would be our duty to

maneuver to avoid a collision, assuming of course that we could see a ship sailing without lights in this inky gloom.

Journal, Sunday, October 15, 1769:

We rounded Cape Cod early this morning and I know as we cross the Massachusetts Bay that Boston town lies only a few more miles off our larboard bow. Although our immediate destination is Portsmouth and the Piscataqua I cannot help feeling a powerful yearning for home.

Each day my thoughts return to Rachel and linger longer and longer on what might have been. It seems almost adolescent of me, but I think of her every day and have taken to walking the deck alone in the early morning hours to be alone with my thoughts and so in isolation I can speak aloud without embarrassment. There is a stillness and quiet then that I have never known before. We are from two wholly different worlds, she and I, and it makes no sense to torment myself with dreams that can never be. Yet I go on dreaming, and wondering what she thinks of me.

Journal, Monday, October 16, 1769:

This morning we reached our wharf on the Piscataqua, newly built to service our distillery, half-hidden in the deep New Hampshire woods. It sits a bit back from the river, just beyond Portsmouth and its customs inspector, whose curiosity about our activities has been properly satisfied.

The rum-works is my father's last great gamble. Lately troubled economic times have sadly led him to associations I wish he had not chosen, and now in his advancing years, and with what's left of his fortune committed to this venture, do I dare dash his dream to have me beside him? Life, so simple once, seems so

complex now. The thought of it has so haunted me these last days that as I crossed the gangway, I was most surprised and pleased to be greeted by a letter from him.

My Dear Son,

There are developments Jonathan, dangerous developments. Wederborn has garrisoned the town and the Sons have called upon us to take a prominent roll in the resistance to this obvious tyranny that daily threatens our freedom. Wederborn has also loosed his dog Beresford, who has begun a vicious campaign of harassment against all honest merchants and patriots. But, we know that because of his youthful exuberance, he will be easily baited and defeated in his evil design. Levesque has his instructions and you need only be informed of what is planned, so you may effectively play your part.

When the Celia leaves the Piscataqua she will be burdened by enough sea water pumped into her hold to drive down her waterline and make her appear to be carrying a full cargo. When you enter Boston harbor, sitting low in the water and apparently heavily loaded, you will tie up quietly at Wentworth's Wharf, post a twenty-four hour watch, but declare no cargo at customs. This of course will not go unnoticed and Beresford will be led, through misinformation, to believe that you are planning to unload illegal smuggled goods. He will undoubtedly raid the vessel. When he does we will be ready and will provoke a major confrontation, which when he forces entry, will present us with a perfect lawsuit. Through these tactics we plan to frustrate their enforcement efforts and bring them to their senses.

Your mother and I miss you dearly son and anxiously await your return,

Your Father, Josiah Hamrick

"Do lawyers always talk to themselves, Mr. Hamrick?" Joseph Butcher said as he approached Jonathan

from behind, offering him a pipe of tobacco.

"Yes, I suppose they do. It's part of the training... rhetoric and elocution you know. All of that requires practice."

"Is that what it is then, the law I mean, only words to win arguments," Butcher bantered, although for Jonathan the charge was very real and it challenged the very foundations of his sense of moral worth. He had of late come to suspect that, as a lawyer, he was only a puppet, uttering words artfully arranged and delivered to convince others of the rightness of his positions and beliefs? Was there, in the law, any real search for, or even respect for, right? Did it even matter?

"Words are the building blocks of language and when logically applied are our only objective avenue to the truth," he answered, half hoping to convince himself.

"So are you saying that a man without eloquence and education cannot know what is right?" Butcher answered. "It seems to me, Mr. Hamrick, that you have it backwards. It's not hard to know what's right. Everyone naturally knows what's right. Words only lead to arguments that confuse things."

This thought that somehow he had an innate sense of what was just and right was not new to Hamrick and it had lately conflicted with the aggressively moral voice of his society, which told him that there were rules for everything and that the rules must be obeyed. But human beings have a natural right to be free. He felt this to the marrow of his bones and yet he behaved publicly as though this were not so and he was even capable of defending, with reason and rhetorical skill, this disregard of his own inner knowing. "Perhaps, Mr. Butcher, but what else is there?"

"I don't know, Mr. Hamrick, but it seems to me that everyone has his own idea of the truth and that it's usually a convenient one."

"Then the law is our best safeguard since it can be objective and impartial," Hamrick responded half-heartedly and not for a second believing it himself.

"Whose law did you mean?" Butcher replied.

Josiah Hamrick had been pacing nervously along Ann Street from the moment he received word that the Celia

was being towed into the inner harbor, against a stiff off shore breeze. The Sons were gradually gathering at the Tally-Ho to carry out what they believed would be a stratagem sure to con Beresford into acting brashly.

The scheme was simple. The informant was known to them and expected to arrive inconspicuously with the crowd and to position himself so as to hear what was said at Hamrick's table. It was then that the right words, convincingly uttered, were sure to seal the deal.

An emotional Josiah Hamrick greeted his son after four long months. The two men embraced and stayed silent for a few seconds. Then Josiah said with tears in his eyes, "I'm so glad you are home, son. I couldn't wait for you to reach Boston. Tell me, are you well?"

"Yes, very well, and you father. Have there been any more spells?"

"No. I'm fine," he answered in a way that was less than fully convincing, but Jonathan decided not to press further. "Were we successful my boy?" he asked jubilantly having already heard reports from Levesque that the plan had succeeded brilliantly.

"Financially... yes I suppose we were. I believe, in the end, we will turn a very handy profit and that I guess is the merchant's measure of success." He answered rather coldly. "The Freedom will be a month behind us, but should be able to trade all of the sugar, save what was contracted for here in Boston."

"And the new schooner was she all I said she'd be?" Josiah went on smiling, while wondering why his son did not seem to share his joy.

"Yes," Jonathan responded sullenly.

"And there were no difficulties?" Josiah probed.

"There were difficulties," Jonathan answered. "Indeed there were some difficulties," and then he said, "But we can discuss them later."

Josiah was concerned that his son seemed so cheerless, but thought it best to ignore it. "Come my boy they're waiting for us at the Tally-Ho. You got my letter?"

"Yes, although I admit to being somewhat puzzled."

"Conditions here have worsened dramatically since you left. There are sentries and checkpoints posted in the town and the administration has fallen into the hands of the arch-bastard Barthurst, who is determined to get tough. The rumor is that Wederborn has been recalled and will soon depart for England with his family, leaving Barthurst as Acting Governor, a position he is sure to abuse in a shameless effort to get himself named permanently. We plan to make a monkey of him and his high-handed efforts to ram the abusive Townshend Acts down our throats."

As his father rambled on about the immediate political ramifications of the governor's recall, his son could only think of losing his last chance with Rachel. "When will they leave, do you know?" he asked, "Wederborn, I mean."

"I don't know, son. What difference does it make? Barthurst is calling the shots now."

"It's important to me," Jonathan answered with a sense of urgency that startled Josiah.

"I'm not sure, but soon I trust. Come they're waiting."

The two men walked together across Wentworth's Wharf and up Ann Street to the Tally-Ho. For all appearances they were together, but in reality they were a universe apart.

"Here they are," a voice yelled. "Josiah... Jonathan, over here!"

The barroom was filled with the usual company and a small group crowded around the guest of honor. "Bring your best Madeira, Nathaniel. We'll toast to Hamrick and his boy, who has just returned from his first venture abroad." And so it went for nearly an hour until they noticed a certain expected face, a little too close, among the mass of familiar faces filling the room.

"There he is," Barclay whispered, "The rat is right on cue."

"Get more of that choice Madeira, Frankie," Wickham yelled to the barmaid and the plan was set in motion. "You needn't worry about running low now as Jonathan is back with your new supply."

"Quiet damn you," Payton answered looking furtively about, "You don't know who the hell is listening."

"Relax for God's sake, we're all friends here. Tell us,, Jonathan."

"She's a sweet wine all right, the best I've tasted. Levesque couldn't stop sampling it on the crossing."

A roar of laughter drowned out the words for a few seconds and then as it died down Josiah, leaning over the table to be closer to Payton said loudly, trying to be heard over the noisy crowd. "We're moving it quickly out of here tomorrow, before they have time to react."

"Say that again, Josiah, I didn't get it," Nathaniel replied, noticing the eavesdropper having difficulty hearing.

"Things have gotten too hot here in Boston," Josiah began again loudly, "and the tidewaiters are afraid to give the usual dispensations. We're going get the Celia out of Boston on the morning tide."

It was then that Nathaniel Payton embellished a bit too much. "I'm nearly dry, Josiah. Can't I get a barrel before you sail?" Smiling at how the ruse began to take on a life of its own, Josiah answered. "We will bring it tonight old friend. Leave your bulkhead unlocked."

A few minutes passed and they watched the man settle his bill with Frankie Robichaud and leave, alone, by the side door. "That's it then," Judge Holcombe said. "It's done; the trap is set."

CHAPTER EIGHTEEN

"Your mother is waiting anxiously for you at home Jonathan," Josiah said. "She has prayed nightly these past months for your safe return and should not be made to wait any longer."

Jonathan nodded and asked, "Should I return to join you later, father?"

"No. Stay home tonight. Your mother would like that. There's nothing for you to do. Come back at dawn. Tell her not to worry. I will be home tomorrow, after our little undertaking is over."

The sun was setting as Jonathan Hamrick made his way home. It was a crisp late October afternoon. The leaves, already reaching their peak, were beginning to fall and swirl along the streets and lanes, gathering in corners and doorways.

He tried to think and to make ordered sense out of events, but they were moving too quickly and his power to decide for himself seemed hopelessly co-opted and controlled by circumstance and the urge to protect the people who mattered most to him. He was deeply discouraged. The breeze at his back blew a sea of leaves along with him, holding eerily to his heels until he felt himself to be a part of them, himself blown by the random winds of his life into alleys and doorways he did not choose.

What is good and right he wondered and why is it so difficult to know. It always seemed so simple to him to see what was good, after all good always refers to some action and its impact on

someone. His mind raced and as was his want he began to search within himself, speaking aloud as he walked. “Anything that benefits me is good and right... for me. The problem arises when what I do, because it is good for me, hurts someone else. What do I do then? It would seem that no action could be good for everyone at all times. How then can I ever know what is right?”

He wrestled with the conflict between the side of him that said it was proper to selfishly pursue his individualism, with his inner knowing that it sometimes needed to be subordinated to the welfare of others in the groups to which he belonged. “There are two kinds of good,” he concluded. “There is the good that benefits me directly and the good that benefits me because it strengthens my family and friends.”

But all of this was not new to him. He had been over it a thousand times before and had been careful to balance his judgments between freedom and responsibility. The slave cruise created a new challenge, because it pushed him outside the safe warm circle of his immediate life. “But do I have a moral obligation to everyone? Can I disregard some, enslave them, kill them even, if it benefits me or mine? And what of this growing conflict with the crown? Is there any common ground possible? Do we even hear each other?”

“I didn’t think it was molasses,” Barthurst said, shaking his head and smiling. “They could never have hoped to unload molasses and roll it through the town, over cobblestone streets in the dead of night without our sentries hearing them?”

“And they wouldn’t dare use their Ann Street warehouse, which we would be sure to search,” Beresford added and then asked the informant, “Now, repeat again exactly what you heard.”

“Well,” the man said nervously, “as I said, sir... it be very noisy in there, with all the drinking and such, but I know I heard them say that they was carrying Madeira wine. They had no plans, they says, to try for the usual dispensations, as the town was getting hot and then they says that Nathaniel Payton should leave the door to his cellar unlocked.”

“It makes sense. It’s only a few feet from the wharf to the Talley-Ho. They could truck twenty pipes of wine over there in an

hour and then just sit back and laugh at us when we raided the empty schooner in the morning."

Barthurst paid the informant, ushered him out the back door and then turned to Beresford. "I think they are in for a little surprise my friend. Let them think we're fools. But, be sure you do it right. I don't want anything to interfere this time with getting a conviction. We've got to make it stick. Remember, the writs only apply in daylight hours, so time your entry for dawn and not a minute sooner. Take the customs inspector with you, as the law requires, and two grenadiers for muscle, but, leave a squad of foot at Town Dock Square as backup should the toughs come out to give you trouble."

"And if there's resistance?" Beresford asked, anticipating the worst.

"Deal with it however you must, but don't be put off. Be sure to gain entry. A crowd may gather, so be ready for it. They always seem to anticipate these things."

"To use force against citizens, by law, requires the prior approval of the governor," Beresford reminded Barthurst, who glared at him before answering smugly.

"I will take full responsibility. I order you to use whatever force is necessary." He paused for a second and then added, "Do you understand?"

Beresford said nothing and Barthurst went on, "After you find the contraband at the Tally-Ho, and you will, impound it by padlocking the building and arresting the proprietor. Then go immediately to the wharf and seize the schooner before they have a chance to move her. We've got them by the ass now," Barthurst sneered.

There was a kind of mindless absurdity to the events that followed and they would have even been comic had the result not been so tragic. The night passed quickly. Beresford managed a few hours of fitful sleep before assembling his force to raid the Tally-Ho.

The Son's also had their henchmen up early and they positioned themselves to wait near Wentworth's Wharf, in the mistaken belief that the schooner would be the target for the

customs raid. The streets were quiet when Beresford left his reinforcements at Town Dock Square and proceeded, with the customs inspector and two grenadiers, as the lieutenant governor had ordered, down Ann Street to the tavern, reaching the door, just as he had planned, with the first rays of the morning sun.

"His Majesty's customs," he yelled loudly, pounding on the door with the butt end of his drawn pistol. "Open in the name of the law."

For a few seconds there was silence, but before he could repeat his command the door opened slightly and Nathaniel Payton obviously rousted from bed and in his nightshirt, confronted them.

"What the hell is this?" he demanded, peering through the narrow opening, while blocking the door with his foot.

"His Majesty's customs. Are you Nathaniel Payton?" the customs inspector asked.

"I am, sir."

"We have writs for search and seizure of contraband goods presently in your possession."

"What contraband goods?" Payton responded and then, as though some far greater urgency overcame him, said, "By what right, man, do you demand to enter my house?"

"We have a proper writ," the customs inspector answered.

"I don't recognize your bloody writ," Payton challenged, in as insulting a manner as he could muster. ""Your writ is a piece of shit and you'll not enter here, sir."

"Step aside, sir," Beresford commanded, "or I will order the door to be broken down."

"If you value your life, you'll turn around now," Payton answered defiantly and Beresford stepped aside and signaled the soldiers to force the door.

Payton was driven back into the main barroom where he boldly took up a second position, blocking the door to the cellar.

"This is my home, sir and I order you out!" Payton growled again loudly.

The two grenadiers stood flanking Beresford, who responded. "For the last time, step aside. We mean to have access to your cellar."

At that moment, the patriot crew, waiting a block away, heard the ruckus at the Tally-Ho and came running to Payton's rescue, the fastest of them reaching the door to the tavern just as the beleaguered innkeeper stretched his arm behind the bar, fumbling blindly for, but unable to secure, a sword he knew to be hidden there. "Another step forward and I'll run you through like the dog that you are," he warned menacingly, although he had not yet found the weapon.

"Cover the door," Beresford ordered and the two grenadiers turned completely around with bayonets ready to protect the colonel's back. Some of the crowd was already bursting through the threshold, with other faces pressed against the windowpanes, before they were stopped.

"Stay back!" Beresford ordered "or by God I will order my men to fire." Then without taking his eyes off of Payton, he told the customs inspector to run out the back door and summon the troops waiting at Town Dock Square.

"Fire away then you dogs," a voice challenged. "You're afraid to shoot. Why we'll skin you alive you bloody bastards."

It was then, with Beresford's attention distracted slightly, that Payton reached again for the sword, as though nothing could stop this bizarre battle over imaginary Madeira wine from playing itself out in disaster. Beresford suddenly saw the sword and rushed forward to get between Payton and the weapon and when the tavern keeper grappled with him, Beresford's pistol accidentally discharged. A tomb-like silence fell over the scene.

Payton instinctively grasped his throat desperately with both hands, gasped and fell bleeding to the floor. Beresford stepped back in shock and nearly dropped the smoking double barrel flintlock pistol.

"He shot him! He shot Nathaniel," voices rang out and the crowd surged forward to help their fallen comrade. "Murderer, Murderer," they yelled again and again.

"Fall back," Beresford commanded, rotating the pistol barrel, and, flanked by bayonets, he retreated through the back room to the alley, leaving the wounded man to the care of his friends.

All eyes and thoughts at that moment were riveted on Nathaniel Payton and no effort was made to pursue the customs agents. “Pick him up, quick! We’ve got to get him to a doctor!” They carried him as quickly as they could up King’s Lane to Hanover Street and awoke the nearest man they thought could help.

The ball had traveled upward, entering Payton’s chest below the arm pit, smashing through the ribs and sending splinters of bone into his left lung, before finally lodging against the spine. The doctor just looked at the wound and sighed, exhaling in short puffs through his mouth.

“Lay him on the table,” he said, calmly gathering his tools, although everyone read the hopelessness in his expression. He knew from experience that in most such cases there was nothing he could do. It was unlikely that he could even stop the bleeding.

He pushed his index finger into the entry hole to search for the ball, but felt none. “I’m going to open the wound and let it bleed while I probe for it,” he said flatly. Using his forceps he widened the opening. “The bleeding should flush out some of the dirt and debris that was pushed in by the force of the entry.”

Once again, with his fingers he felt deep inside the puncture probing for the bottom, but again to no avail. “I’ll need to try with the forceps. I don’t want to leave that ball in there. It will likely poison his system if we don’t get it out. If it had been an arm or a leg we could amputate the limb from the damage down, but a chest wound... well you can see the dilemma.”

Just at that moment, Hester Payton tried to enter the room. “Nathaniel, Nathaniel,” she cried out and some of the women stopped her and led her into the kitchen.

“He’ll be alright, Hester,” one of the women hoped. “Let the men tend to him.”

Payton groaned and rolled left and right trying to avoid the agony. “Hold him down,” the doctor said as he slid the slender pliers into the wound, trying to follow its bloody path through torn tissue and shattered bone. Again and again he twisted and raked the tool around, opening and closing its jaws in a hopeless attempt to grasp the ball.

Then suddenly a loud murmuring sound of air being sucked into the wound was clearly audible. “Oh no!” the doctor said, closing his eyes tightly and slapping his hand flat against Payton’s chest so as to cover the gaping, gurgling hole. “God I pray that wasn’t me,” he whispered to himself. He slowly lifted his hand and once again the chest sucked in air. “We’ll just have to leave it there. There’s nothing more we can do. I’m going to close the wound. His lung is punctured and is collapsing.” The doctor’s voice grew more urgent. “Quickly,” he commanded to one of the bystanders, pulling the outer edges of skin together, “hold this.”

Someone squeezed the skin and tissue together over the wound, temporarily stemming the free flow of blood, while the doctor began to steadily suture the sides together with a large needle and a sinewy string stripped from the tendons of some unknown animal and kept stretched and ready in a jar of oil. He ended by covering the site with a moist sticky plaster-like dressing and wrapping a long linen cloth completely around Payton’s chest, apparently to apply pressure and hold the poultice in place.

“Roll him over on the wound,” the doctor said to the helping hands and then turned to find Hester. As they gently repositioned their friend, he opened his eyes and seeing Jonathan Hamrick’s face only a few inches away he struggled to speak. Hamrick leaned closer and heard him say, “It was all my own stupid fault. There is no goddamn wine.”

“If he survives the night there’s a chance,” the doctor said sympathetically to the man’s wife, intending to give the woman some reason for optimism, but before he could finish his few inadequate words, Nathaniel Payton died.

“He’s dead! He’s dead!” a thoughtless voice from beyond the kitchen door told Hester Payton that her husband was gone. She sat sobbing and in shock, the women hovered around her trying hopelessly to console her.

“The bastards murdered him in cold blood,” another angry voice railed. “We’ll hang that bloody Beresford, son of a whore that he is.”

The menacing crowd was enraged and growing more restless by the second. “Get a rope and we’ll do it tonight,” another anonymous voice urged.

"No! Wait! Let the law take care of him." Jonathan Hamrick broke in, climbing on a chair to better be heard. "He won't get away with this, mark my words. There are witnesses. We should not ignore the laws. We must not drop to their level."

"He'll get away to the castle. They'll protect him. I say we go after him right now while we can." The crowd then seemed convinced and began to surge a bit toward the street when Samuel Adams suddenly appeared and spoke.

"Hamrick is right," he began. "It's negligent homicide, plain and simple, and they will have to prosecute him themselves. Don't you see the beauty of it? The sheriff will arrest him on charge of murder. Attorney General Dudley will then be obliged to litigate the case against his own man."

The crowd was momentarily stunned to silence by the seeming elegance of the dilemma this case would create for their royal rulers and before they could find any objections, Adams began again, in a rising triumphant tone, to hammer his point home, "And think of it lads, who is there here in Boston who will dare defend him?"

"None would dare," a voice shouted and another added, "They'll have to bring in a dandy from the Inns." A roll of laughter seemed to break the rising demand for immediate retribution.

"And we'll make short work of him," Judge Holcombe said, already tasting the joy of a proceeding before him and his colleagues on the superior court bench.

CHAPTER NINETEEN

The bells began to toll at four in the afternoon, not only in Boston proper, but in all of the surrounding towns, signaling the funeral to begin its slow solemn procession from Faneuil Hall to the burial ground below Beacon Hill. It snaked slowly across Town Dock Square, like a massive lazy serpent, and turned left. As it crossed the intersection near the customs house it began to merge with more mourners streaming in from the side streets. The intersections at King Street, Queen Street and Water Street were the same, until the mass of marchers could barely fit between the buildings. Another throng filled Marlborough Street for as far as anyone could see and waited while the procession turned right onto School Street and began its climb to the cemetery.

The hearse was an open pavilion made to resemble an ancient Greek temple, riding on a high platform. The curtains, designed to cover the openings between the columns, were raised, and the coffin, draped in flowers, was clearly visible from any angle. Drawn by two beautiful black stallions, adorned with red roses, it made a powerful impression.

Immediately behind it was a simple, closed, two horse carriage with mounted coachman. It was covered with black crepe and carried Hester Payton and Nathaniel's aging mother. Everyone else was respectfully on foot, followed by the empty carriages of Boston's better-to-do Whigs.

The entire undertaking was carefully and deliberately choreographed by the Sons of Liberty to elicit the greatest sympathy and to generate the most powerful anti-British political impact. There had never before been so massive a funeral anywhere in the British North American colonies, nor one with such blatant

propaganda overtones. Judge Holcombe spoke eloquently at the gravesite, eulogizing Nathaniel Payton and elevating his stature to almost mythical proportions.

"He was a brave and honest man. He was an American, an American like you my friends, who was assaulted inside his own home by lawless henchmen under the orders of the local lackeys of our imperial ruler. And when he stood his ground, just as you would have done, to protect his home and his family, as was his sacred right, he was shot down like a dog, deliberately and maliciously murdered by cowards who then ran from their dastardly deed like the jackals that they are, leaving him to die."

Holcombe paused while here and there in the restless crowd voices responded. "It's not right; It's not right I tell you. They'll pay for this by God!" Then Holcombe skillfully continued, more aggressively and loudly.

"This was no random accident my friends... Oh no! It was well planned you can be sure. Planned by our oppressors as an act of terror to intimidate those, like our dear departed hero, Nathaniel, who would stand up for his liberty, and for yours." He then paused dramatically and challenged, "Well, they have failed to frighten me... Have they frightened you?"

The crowd, packed tightly around the burial vault, was fast becoming a mob and responded like an enraged monster with a chorus of oaths and threats that very nearly ran out of control and once again it took Samuel Adams to bring them back to their senses.

"Listen to me my friends. I know how you feel and I too want retribution for this cold blooded killing. But we must not take the law into our own hands... unless... the civil authority fails to act. We will demand justice from the administration of this colony. I call upon Governor Wederborn to make good his oath and to vigorously prosecute the wrongdoer, whose identity is all too well known to us. Should he fail in this, he alone will bear responsibility for the result." The threat was clear and seemed to satisfy the mob that began to slowly disperse and disappear into the town.

The sheriff brought two deputies with him to arrest Benjamin Beresford and bring him before the justice of the peace serving central Boston. It was this official's duty to

determine if enough evidence of a crime existed to warrant a trial. No lawyers were present and the informal proceeding took place at the judge magistrate's home.

"Colonel Beresford, do you understand the purpose of this inquiry?" he asked.

Beresford, who appeared in his full dress regimentals, and stood rigidly at attention, answered. "Yes, sir I do."

"You are accused of murder. What do you say to that?"

"I am innocent," he responded confidently, as though merely speaking the words would make it so. "The pistol discharged spontaneously while I was engaged in a struggle with the man. He was resisting my lawful authority to search his premises."

"We have sworn statements here from witnesses that say they saw you point and fire the pistol... right after declaring that you would do so." The judge looked intently at Beresford's face trying to discern any signs of deceit.

"That's a lie," the colonel reacted angrily. "The man had a sword and was threatening to run me through. I tried to deal with him peacefully, but he grappled with me. I never threatened to fire."

"You say he had a sword?" the judge asked somewhat taken aback.

"Yes."

The judge wrote this down and spent the next several minutes reading through the sworn statements gathered on his desk before commenting. "There was no mention of a sword by any of the witnesses."

"There were two soldiers present and they can corroborate this." Beresford reacted confidently. "Have you talked to them?"

"Yes. Both say that their backs were turned and that they saw nothing."

"That's true but..."

"They say they had been ordered by you to protect your rear and that they were busy with the crowd and cannot give an account of what happened."

With the essential core of his defense evaporating, Beresford showed the first signs of nervousness. "Exactly what did these so-called witnesses say and who are they?"

"There are more than two dozen, all honorable men, who claim to have had a clear view, through the door and windows. They will testify, should you be ordered to stand trial, and your lawyer will be allowed to cross examine them at that time."

"I tell you I'm innocent of this trumped up charge," Beresford asserted and went on in an indignant tone. "I am an officer in His Majesty's service and I was carrying out a lawful order."

"I have also a statement from Governor Wederborn," the judge added, "disavowing knowledge of this raid on the Tally-Ho Tavern and denying that he gave his permission for military force to be used in any such matter. Did the governor give you permission to accompany the customs with regular troops?"

"Not in this particular instance, no," Beresford answered, clearly annoyed and showing signs of obvious frustration. "But he was aware of it and supported the vigorous enforcement of the law and he asserts that smuggling is now a maritime offence subject to the admiralty courts."

"That remains a matter of dispute, colonel, and is not germane to your case as I see it." Then, apparently having heard enough, asked, "Do you have anything more to say, Colonel Beresford?"

A bit of anger seeped into Beresford's response. "The man was a criminal who was resisting my authority. I did everything I could to prevent what happened. He brought it on himself by his own rash behavior."

"Colonel Beresford," the judge said dispassionately, "I find that there is overwhelming evidence of a crime and I order you to stand trial for murder before the Suffolk County Superior Court of Judicature."

"This is an outrage and an insult to His Majesty's government."

"Be that as it may colonel, you are subject to the laws of this colony as is everyone else. Do you understand my ruling?"

"Yes," Beresford answered defiantly.

"The district attorney will notify you of the trial date. Because you are a gentleman of honor, sir, I will release you without

bail against your word not to leave the town of Boston and to appear promptly for your trial. Do I have your word, sir?"

"You do."

"Well that's settled then, Ben. You'll stay here with us until the trial," Governor Wederborn said. "Don't worry we'll mount a stout defense. The truth will come out."

"The truth!" Rachel Wederborn reacted quickly. "This has nothing to do with the truth. They're determined to hang him. Can't you see that? It's all politics."

"Now, now, Rachel let's hear what Mr. Braithwaite has to say. We're fortunate that he is here most fortuitously in Boston at the time of our need."

Robert Braithwaite was a most distinguished barrister, called to the bar some twenty-five years earlier by Gray's Inn. His rhetorical skill and dramatic flare in pleading had earned him celebrity status in London. While his business in Boston was pressing, he agreed to assist in structuring Benjamin Beresford's defense.

"Ahhh, the witnesses are most vexing," he almost moaned. "We must counter the witnesses. Are there not others who will testify... shall we say, truthfully?"

"We've found none," Wederborn answered. "I've sent investigators all over that waterfront and no one will come forward. We know there were ordinary people in the streets and others staying at the tavern, but they are all silent."

"The problem here is this backward American jurisprudence, which confuses the law with politics. I'm afraid these people have made this case into a cause célèbre and getting an acquittal will be most unlikely no mater what the evidence shows."

"So are you saying it's hopeless then?" Rachel interrupted. "They'll just lie and see an innocent man hang to make some political point?"

"If you cannot find credible witnesses to corroborate Colonel Beresford's account of the events, I'm afraid it is hopeless," the barrister answered. "Did you see anyone else at the Tally-Ho that night, who might have knowledge of what happened?"

"No," Beresford answered, "no one except the gang of goons that came to attack us."

"This is rather bleak," Braithwaite said shaking his head and after a brief pause added, "I recommend that you consider two courses of action. One would be to deny that, in light of the recent Townshend Acts, this colony has jurisdiction in cases of smuggling and then have his commanding officer post the colonel to some other place away from Massachusetts-Bay. This will move him out of their reach and push the case into another venue."

"That would be a mistake and I cannot allow it," Wederborn quickly reacted. "It would play right into their hands by showing us to be the high-handed imperious overlords they say we are. What is the other alternative?"

"Plead guilty to manslaughter... then claim benefit of clergy and thereby avoid punishment."

"But, then I would be convicted and branded a felon," Beresford exclaimed. "My military career would be over. I am innocent and I would rather stand trial!"

"They will charge you with murder, son, not manslaughter, and under British law, since the time of Henry VIII, one cannot claim benefit of clergy in a case of murder. You must understand that if you stand trial and are convicted you will likely be hanged. Those are your choices," Braithwaite cautioned coldly.

"I will not run away and I will not plead guilty to something I did not do," Beresford proclaimed.

"Will you represent him in his trial, Mr. Braithwaite?" Governor Wederborn asked, already contemplating the potential quieting effect on the community of cooperating fully with the local authorities and allowing events to take their full course. For him there were far greater issues at stake than the life of one army officer, even that of Benjamin Beresford.

"I would be the wrong man to do that I'm afraid," the barrister answered, quickly fashioning his escape from what he viewed to be a hopeless matter. "This is not London. They have no appreciation for the subtleties of legal proceeding here. This is all theater. It would be far better if you could find a local lawyer who understands this place and these people. I surely do not."

"With the mood this town is in I seriously doubt that anyone would dare defend him," the governor said. "But we can try."

"And then there is the matter of demanding a jury trial. You may be better off before the panel of judges. The jury pool is sure to be bias and you can only challenge so many," Braithwaite warned.

"Holcombe is the chief judge, for God's sake," Wederborn complained. "He gave the eulogy at the bloody funeral and almost caused a riot. What chance would we have there?"

"All the more reason to get a local lawyer, better even a bumpkin, who knows the territory. This will be a political battle not a legal one and the press will play a prominent role. Get as many locals as you can on your side."

At that moment a knock was heard at the door and while no one visibly reacted each waited, intently curious to know who it was. Less than a minute later Hannah Kilbourne entered the library and announced: "Mr. Jonathan Hamrick to see Governor Wederborn."

"Show him into the study, Hannah," the governor said and, looking pointedly at his daughter added, "Would you join me briefly Rachel?"

When they reached a sufficient distance from the others he asked sternly, "What is this about, Rachel?"

"I have no idea," she answered obviously perplexed.

"Have you been seeing this man secretly, and against my wishes?"

"No!"

"What then does he want?"

"Why don't you ask him?" she retorted flippantly.

"Rachel... I will not tolerate that tone of voice from you. These are difficult enough times without you're incessant adolescent rebellions."

"I don't know what he wants, father," she repeated brusquely and then turned and walked back to the meeting. The governor continued into the study.

"Mr. Hamrick, what can I do for you?" he began fully expecting a renewal of their last encounter.

"Governor Wederborn, I have come to provide you with some information, which I feel honor bound to share with Colonel Beresford." The governor was momentarily silenced and he gestured

for Hamrick to be seated. “As I said it is my duty as an officer of the court. I cannot withhold evidence in the case of the shooting death of Nathaniel Payton. I have relevant knowledge and I am prepared to testify thereto.”

“Well, what is it man?”

“I was present when Payton died and his last words to me clearly indicate that the shooting was an accident. He said it was his own fault.”

“Come with me, Mr. Hamrick,” Wederborn said smiling.

“What exactly were his words?” Braithwaite asked, trying to determine if a defense could be fashioned from them.

“It was all my own stupid fault. There is no goddamn wine,” Hamrick quoted slowly.

“What did he mean by there is no goddamn wine?” the barrister asked expanding this new information.

“I believe he meant that he had no smuggled goods and that he should have allowed the search.”

“So there was no crime committed by Payton? He was an innocent man just defending his home?” Braithwaite asked rhetorically, deflating the hope that had radiated through them that a strategy had been discovered. “As you can plainly see, this testimony hurts more than it helps. His self-accusation can be interpreted in many ways and will mean little to the jury. The fact that he was innocent of any smuggling will stick in their minds and that is sure to hurt our case.”

“But, I am sure he meant that he brought the thing on himself,” Hamrick insisted. “It was an unavoidable tragedy... certainly not a murder.”

“Which strengthens my recommendation to plead to manslaughter,” the barrister repeated.

“No!” Beresford responded.

“Will... you... defend him, Jonathan?” Rachel said suddenly, as the thought surfaced and could not be repressed.

Hamrick was shocked and in the several seconds that it took for the prospect to settle, the broad scope of its ramifications swept through his mind. Would this be a terrible betrayal of his most

intimate associations? What did he owe his father and his friends and how did it weigh against his obligations to himself and to the integrity of the law. This was indeed no easy matter to decide. And as he stood suspended in his quandary, the woman he was falling in love with took his hands and asked again, "Will you, Jonathan? Will you defend him?" It wasn't fair. Loyalty was the most honorable of human virtues and betrayal the most despicable and onerous. But to whom did he owe his trust?

Governor Wederborn saw immediately the significance of having the son of a prominent patriot representing Beresford, and by implication, defending the crown. It would send shockwaves through the Whig establishment that could lead to serious cracks. His thoughts carried well beyond the welfare of the young officer and he signaled everyone to exit the library and leave Rachel alone with Jonathan Hamrick.

"You're his only hope, Jonathan and you know he is innocent," she nearly pleaded, leaving Jonathan convinced that she was in love with Beresford after all.

"But, why doesn't he take the easy way and accept the manslaughter plea?" Hamrick began.

"Because he will be a felon and cashiered out of the army. The army is his life; it's his profession. He is a man of honor and he stands for something."

The words had a great impact on Hamrick, who had lately wondered what he himself stood for. He thought he believed in freedom and equality and yet he had lately allowed himself to be party to the enslavement of other human beings and the sense of guilt hung heavily on him. He could not bear to betray himself again. He was a lawyer and defender of truth and justice. How could he turn his back on that trust no matter what his personal circumstance?

"If he will have me, I will defend him," he said softly and Rachel threw her arms around his neck and kissed his cheek. For a few seconds they embraced and a new nexus of thoughts rushed over him.

CHAPTER TWENTY

It seemed somewhat strange that they should continue to meet at the Tally-Ho, even after Nathaniel Payton's death, but Edward Buckingham thought it very inspiring and insisted on it. They had found a martyr, he said, and a piece of sacred ground on which to rally their cause.

He had already modified the verses to an old song, creating a parody, sung ironically to the dirge-like fife and drum of the slow regimental march of the Royal Grenadiers. He called the Sons together to learn the words and to spread the song to as many supporters as possible.

Some talk of Alexander,
And some of Hercules
Of Hector and Lysander,
And such great names as these.
Of all the world's great heroes,
To compare there can be none,
He reached the heights of glory,
Our brave Nathaniel, Son.

Those heroes of antiquity
Ne'er saw a cannon ball,
Or knew the force of powder,
To slay their foes withal.
Nathaniel Payton knew it,
But never did he run.
He reached the heights of glory,
Our brave Nathaniel, Son.

"Just what in hell has gotten into him, Josiah?" Arthur Barclay asked loudly as Josiah Hamrick entered, and the others murmured agreement with his sense of outrage. "What is he trying to prove by siding with them?"

Josiah said nothing, while others vented their feelings.

"Trying to make a name for himself, no doubt," an angry Douglas Wickham added, in a way that particularly annoyed Josiah.

"Now hold on. That was uncalled for; you have no right to talk that way about him. He's not siding with anyone and he's surely not seeking anything for himself."

"Well what in hell is he seeking then?" Wickham shot back.

"He's chasing the wench, that's what he's doing," someone said with a snicker. "She's got him wrapped around her little finger and he's deserting us for them."

"I don't believe that," Josiah answered.

"Well, what did he tell you, Josiah?" Holcombe asked. "He must have had some reason to pull this stunt."

"He says he just wants to know the truth."

"The truth? I'll tell him the goddamn truth. The truth is what we say it is. That's what the truth is." Barclay fired off another volley. "He's either with us or against us!"

Before Josiah could respond, his embattled son appeared in the doorway and spoke. "You don't have to defend me, father, I can speak for my self."

"Well here he is then," Holcombe said. "Come in my boy and do speak for yourself."

Jonathan Hamrick was taught that truth was absolute, but that didn't seem likely to him anymore. He was a lawyer trained to believe that truth was sayable in words and that logic and reason would show him the road to justice; that didn't seem likely anymore either. He had repeatedly returned these past nights to Protagoras's famous words: man is the measure of all things, of those that are, that they are, and of those that are not, that they are not. How can the truth be found with words he asked himself, when words only prop up particular points of view? Right is

only a reflection of one's frame of reference, and blind, uncritical promotion of one's narrow interests is wrong.

As he looked at all of the familiar faces gathered in the same old place, pursuing the same parochial causes, he knew he needed to begin on the offensive. "Is absolute fairness and justice attainable gentlemen? Or is everything merely relative to whose ox is being gored?"

"So it's justice you seek is it, Jonathan?" Judge Holcombe began, hoping to quickly reconcile the conflict that was threatening a split within the otherwise tightly knight group. "There are those who would have us believe that the government tells us what's right, but we know that to be just government must obey natural law. When it strays from that path it becomes hurtful of our innate human rights and we have the duty to abolish it. That's what's happening here in these colonies."

"He's right, Jonathan," Barclay added forcefully, "and Beresford is an agent of that oppression and must be swept aside."

Since the slave cruise it had become increasingly difficult for Jonathan Hamrick to ignore the impact of society's practices on particular people. He had seen the tragedy that resulted from measuring morality only with the yardstick of one's own interests. "Beresford is an individual human being whose life is at stake in this. Doesn't that count for something?"

"No," Wickham answered casually and almost nonchalantly. "His life doesn't matter. It's the cause that counts."

This angered Hamrick who let his spleen answer. "Why then does Nathaniel Payton's life count for so much?"

A slight and unintended hint of disrespect did not go unnoticed. "Because Nathaniel Payton was one of us!" a voice railed from the rear. "He was our friend and we thought he was yours as well." Holcombe once again broke in trying to find a common ground.

"It's your duty and responsibility to stand by your friends and family," he said in an obviously friendlier tone, "yet you seem to be ignoring that. Tell us why, Jonathan."

"And what happens when what my friends and family tell me to do conflicts with my conscience?" Hamrick answered.

"You stand by your friends, Jonathan, that's what happens. The time will come when you will need friends, Jonathan. You'll find that out the hard way!"

"It never changes does it? We're always right. They're always wrong. But, I don't see much difference between them and us, especially when I see you standing here singing your song and creating a convenient truth for yourself, writing a myth I should say, like Plato once did, and not caring where the truth lies."

Once again the anger rose. "Where the truth lies? Ask Hester Payton where the truth lies. She'll tell you quick enough."

"And what if you are wrong and your interests unjust?" he responded. "What then?"

"You're full of shit, Hamrick. You know that?" A voice rang out from the rear. "You prattle endlessly about truth in the hope that perhaps by accident an intelligent remark will escape your lips. But, we all know this isn't about truth; it's about the governor's daughter."

"If I wanted to hear from an ass, sir, I would fart." Jonathan responded spinning around to face the man who began to step forward from the crowd. Several others intervened to prevent a more serious escalation and once again Holcombe quickly tried to lessen the tension.

"Gentlemen, please, there's no cause for personal animosity between us. We are all honest men and friends here."

"Honest men perhaps," a voice responded and Josiah spoke up.

"I think it would be best if Jonathan and I were to leave you gentlemen to your business. Come son, there's no more to be done here."

As they left the Tally-Ho a voice followed them saying, "You see Hamrick how your father stands by you... even when he believes you are wrong!"

"That was the Hanley boy... Robert's son," Josiah began as they walked along Ann Street toward Union. "Be careful of him. He's a hothead and likely to try to goad you into a fight."

"Well, he won't succeed father, rest assured."

They walked quietly for a time not knowing that their thoughts had silently coalesced. Josiah spoke first. “What he said about the girl, Jonathan. Is that true?”

“This had nothing to do with her” Jonathan answered defensively. “I just don’t see things the way I did, simple and clear cut.”

“And you say she has nothing to do with it? She certainly is a complication, though, wouldn’t you say?”

“Look father, leave Rachel out of this. This case reeks of partisanship and rampant injustice, with hostile judges and a jury packed for conviction. It just seems wrong to me. The Sons just want a rallying cry. They don’t care if he’s innocent; they only want to hang him. There’s even talk among the Tories that it might be good if he were convicted, to calm tensions in the town. What an ungodly alliance that would be!”

“And you’re not doing it to impress the girl?” his father pushed.

“No, of course not,” he answered with as much conviction as he could muster. But, he was falling hopelessly in love with her and a powerful inner conflict was emerging as he began to sense the implications of the trial and its consequences. With Rachel engaged to marry Beresford, whatever the outcome, he counted himself the loser.

Josiah didn’t fully believe his son’s denial, but let it rest. “Jonathan, I think you are doing the right thing,” he said and after a short reflective pause added, “I don’t think Beresford deliberately shot Nathaniel. I don’t think many people do. It’s just a sad case.”

“It will be a lot sadder if he swings for it,” Jonathan quipped.

“How are you going to defend him?”

“God, I have no idea,” Jonathan answered. “And he won’t even consider a plea. If only I could find just one credible witness to support his version of the events, but there are none, only the toughs that the Sons sent down there to harass him and we know they’ll say whatever they think Adams and Otis want them to!”

“Don’t be so harsh, Jonathan. There are many honest men among them. Perhaps one will step forward.” Josiah waited for a

response, but got none and then asked, “Have you read all of the depositions?”

“I don’t know. This is another problem. I think the sheriff only shows me the ones that Dudley plans to call. If there are any dissenters, I’ll have to dig them out myself.”

“You’ll find your witness Jonathan if you are persistent,” his father said supportively.

“I don’t think I’ll have time,” Jonathan lamented. “The indictment has been handed down and the trial is set to begin on Monday next. I know Holcombe will expedite everything and try to pack the arraignment, jury selection and at least some of the prosecution’s witnesses into the same session.”

When they reached the intersection of Union and Hanover Streets they parted. “I’m going to meet with Beresford and Governor Wederborn,” Jonathan said shaking his father’s hand. “Thank you for your understanding.”

“Be careful,” Josiah responded.

The two men began to move slowly in opposite directions, but after a few seconds the old man stopped, and with an unexplainable feeling of sadness, turned to watch his son disappear up Middle Street and into the North End. He feared that he might never see his boy again.

“Why are you doing this Hamrick? Why are you defending me?” Beresford began suspiciously.

The same questions all over again Jonathan thought to himself. Why was it so difficult to believe that he could be moved by his own moral judgment? Why must every action be seen as self-serving? He looked at Beresford and smiled, not knowing how to respond, when Governor Wederborn arrived with Barthurst and a few others.

“I must tell you my boy how proud we all are of you. It took great courage to stand up as you have in the name of justice, especially in the face of such over whelming public opinion...”

“Stop patronizing him, father,” Rachel burst out angrily and then, turning to Jonathan, said in a soft sincere voice, “Thank you, Mr. Hamrick; we are grateful for your help.”

Her fiery response startled and somewhat galled the visibly embarrassed governor who reacted, “I’m not sure your presence is needed at this meting, Rachel.”

“Please, I’d like her to stay,” Jonathan intervened. “We may need her perspective as I readily admit I am not at all confident in my capacity to meet this challenge.”

“I think the boy is right,” Barthurst interjected, “The girl might have something to add.”

Jonathan’s eyes were fixed on Rachel’s face as Barthurst spoke and he saw the seething anger well up in her at the condescension of the lieutenant governor’s overbearing comment. She fought her urge to respond and when she thought better of it and looked away, her eyes met his. It was for only a few seconds, but in them he saw her whole person. How unencumbered she was by convention and how true she was to herself. Everything he fought so hard to find in himself she seemed to own outright. His mind raced. Why was he letting himself fall in love with her? They lived in different worlds and those worlds were dangerously near to colliding.

His trance was broken by the governor’s voice. “You remember Mr. Braithwaite do you not, Jonathan?”

“Yes,” Hamrick answered and as the two men shook hands Wederborn said, “Mr. Braithwaite studied classics and Roman law at Oxford and is most highly regarded at the Inns of Court in London; we are indeed fortunate to have his counsel and his rhetorical prowess.”

“Please, George, that’s the sort of credential that only brings derision on these shores. Isn’t that right, Mr. Hamrick?”

“Your credentials are most impressive in any venue, Mr. Braithwaite,” Jonathan responded politely.

“As you know this is a political trial and it will turn on the mood of the community,” Wederborn began. “That’s why we must pen a most persuasive argument and it is also why we need you, Mr. Hamrick, to deliver it.”

“I have asked Mr. Braithwaite to write your opening statement and your summation, Jonathan. You don’t need to do anything. We will cast you as an honest American no longer able to abide this deliberate miscarriage of justice. You will be the

personification of our cause and your reputation and standing in the community will put it across. You broke with your friends because you uncovered their deceit. You have no motive beyond the search for justice."

"Yes," Braithwaite added, "they'll expect us to try to rebut the eye-witness testimony, but we will simply impugn the credibility of the witnesses and then spring a surprise witness of our own to prove that they conspired to bring false charges in order to foment rebellion."

"And who is this witness?" Jonathan asked.

"Why you, Mr. Hamrick. You will take the stand and testify to their conspiracy. You were present at meetings were you not where this was discussed?"

"There was never discussion of bringing false charges against Colonel Beresford," Hamrick answered beginning to comprehend the enormous implications of what they seemed to expect him to do. He looked at Rachel to gauge her role in this but couldn't tell.

"But, there was a scheme to dupe the customs into thinking there were smuggled goods at the Tally-Ho was there not?"

"Yes, but..." He was caught in the same trap he tried so hard to escape.

"And that scheme was intended to generate a lawsuit was it not?"

But before he could organize his thoughts and object, Benjamin Beresford interrupted. "Stop!" he said sternly. "This is an embarrassment to me and an insult to Mr. Hamrick, who is willing to risk his reputation and his future for me, although I cannot fathom why. I am innocent of these charges and I will not be a party to some elaborate theatrical scheme. I wish to hear how Mr. Hamrick would have us proceed."

Dead silence settled very quickly over the room. An almost imperceptible smile came across Rachel's lips, but she fought the urge to be the first to speak. In deference to the governor no one else dared plunge in.

"Well, uh... well if that's the way you feel, Ben," Wederborn finally began. "I'm not sure what to do now. Are you sure you want to trust your fate to this boy?"

Rachel was incensed and sprang to her feet. “Don’t you dare call him that again, father,” she screamed in a very threatening tone.

It was more than one might expect in coming to the defense of a casual acquaintance. Jonathan heard it and for the first time he sensed that there was still hope.

“You do seem to have a problem here, George,” Braithwaite said raising his eyebrows. “Perhaps I should go. I’ll be in town for a few days if you need me.”

“I’m sorry about this,” the governor, who had an almost unlimited capacity to absorb disappointment, replied. “I’ll see you to the door.” As he left he turned to the three still sitting quietly and said, not entirely bowing out, “Let me know if you want my help.”

As the door closed, Rachel said, “I’m so angry. They just wanted to use you, Jonathan, just use you like a prop.”

“They are right about one thing. This is a political trial and we have no witnesses that will support Colonel Beresford’s account of the events. There may be no other way to defend this case.”

“What do you recommend we do, Jonathan?” Rachel asked.

“We have a few days before the trial. There may be people who can testify in our favor, but are afraid to come forward. We need to find at least one. The witnesses against us are not particularly credible and we may be able to shake them in cross examination, but without at least one corroborating witness... well. I’ve gone down there asking questions, but I get very little cooperation. Even Frankie Robichaud hardly speaks to me anymore.”

“I will take the stand and tell the truth,” Beresford proclaimed and they both knew that he really believed that the jurors would distinguish between him and the voices against him.

“The jurors won’t like you, Colonel Beresford and they will want to see someone punished for the death of their friend. But, they will be honest men and will not want an unjust conviction to haunt them for the rest of their lives. We must plant enough doubt in their minds to arouse their consciences. Your testimony alone is not enough.”

“How can we help?” Rachel asked, eager to play a part and grasping Jonathan’s forearm sending a chill through him.

He knew he needed to be decisive and answered. “I will go over the depositions and plan our cross examination as well as file our preliminary motion to dismiss for lack of jurisdiction.”

“Do you think there’s any chance of that succeeding?” Beresford asked.

“No,” Jonathan answered, “but we shouldn’t leave any stone unturned... Colonel Beresford you will write for me, if you would, a detailed account of the entire incident. You will have an opportunity to speak and I want you to be very confident in your remarks. And, Miss Wederborn,” he said interrogatively, turning toward her, “you could perhaps enlist some of your friends to help you and make one more effort to find us a witness?”

She looked up at him, their eyes met and she smiled. “How long do I have... Jonathan... how long do I have?”

“I’m sorry,” he answered absently, “until Monday.”

CHAPTER TWENTY-ONE

This was the first trial ever held in the newly constructed courthouse on Ann Street. It was a very simple and sparsely furnished space. The second floor trial room was filled to the railing with spectators. The five-judge panel presiding sat on a slightly raised dais with their backs to one of the two fireplaces on the end walls. There were but two bare benches for counsel and a small clerk's desk sat diagonally opposite. Beresford stood in the prisoner's box, barely ten feet from the jury, which was empanelled in a single row along one wall. Chief Judge Holcombe dominated the proceeding.

"Mr. Hamrick, your motion to dismiss this case on grounds of lack of jurisdiction is denied," Judge Holcombe began summarily. "Colonel Beresford, this is an arraignment hearing at which you are to plead to the charges against you. You are accused of premeditated murder. Do you understand the charge?"

"Yes, Your Honor."

"How do you plead?"

"Not guilty."

"Very well then, we will proceed immediately to jury selection. Bring in the venire men. Are you ready Mr. Dudley?"

"I am, sir."

The judge showed little patience for any type of protracted process and directed his next remarks directly to defense counsel. "I will not allow endless challenges, Mr. Hamrick. Unless you can show substantial cause, the man will be certified."

Getting an impartial jury was very unlikely with local Whig selectmen submitting the potential juror lists; Jonathan objected to anyone who knew Nathaniel Payton personally or who patronized

the Tally-Ho Tavern. In this way he hoped to remove at least those most politically motivated, but even then he knew the jury would be heavily inclined to convict. He did the best he could.

"We will proceed directly to the trial," Holcombe ordered, relentlessly pushing the session forward.

The clerk read the indictment. "The defendant is charged with premeditated murder in that he did threaten and thereafter use deadly force for the purpose of making an illegal entry into a private residence."

Judge Holcombe then said, "Colonel Beresford, you are encouraged to speak before any witnesses are heard, in order to answer these charges and so as to make the jury aware of your recollection of the events. You understand that this is not sworn testimony and that you will not be under oath, nor will you be subject to cross-examination. Do you wish to speak?"

Hamrick responded. "Colonel Beresford will reserve his right to speak until after the prosecution presents all of its evidence."

Holcombe smiled meaningfully toward the jury and addressed them in a way Hamrick thought highly prejudicial. "The prosecution has the burden of presenting enough evidence to prove that Colonel Beresford intentionally murdered Nathaniel Payton. The defendant is not required to speak and may wait to hear this evidence in order to... better fashion his response."

At the risk of further alienating the judge, Hamrick spoke up. "I would ask Your Honor to remind the jury that it is not incumbent upon the defendant to prove he is innocent; it is the prosecution's task to prove him guilty... beyond a reasonable doubt."

Clearly annoyed, the judge shot back. "Mr. Hamrick will refrain from addressing the jury by artfully posing remarks to the bench, which also is not in need of instruction from him on the law."

He then turned to the jury and added, "Gentlemen, the notion that the prosecution's evidence must reach beyond a standard of reasonable doubt is in no way established in law. It is understandable that defense counsel would like such a standard, but it is as yet not the common practice. The jury is instructed to disregard counsel's contention and adhere to the traditional standard of serious doubt. If, by a preponderance of the evidence,

the prosecution shows the charges in the indictment to be true, and you have no... serious doubts... about the evidence, your duty is to find the defendant guilty."

Holcombe, who paused almost as if he were goading Hamrick into another ill advised objection, finally continued. "You are, however, expected to be suspicious of the prosecution's evidence and are to hold him to the highest standards in convincing you of its veracity, resolving... serious doubt... in favor of the defendant. But this does not mean that you cannot have... some doubt... about some aspects of it."

Hamrick once again prodded. "Your Honor, I would request that the jury be instructed on the malice rule."

"Thank you, Mr. Hamrick," Holcombe responded dryly. "Since the charge in the indictment is... premeditated... murder it will be necessary for the prosecution to prove that the defendant acted with malice, which you should understand to mean that he... knowingly and deliberately... did harm. However, malice can be inferred if you find that the act resulted from any unjustifiable use of force." Holcombe smiled at defense counsel and taunted, "Is there anything else, Mr. Hamrick?"

Jonathan Hamrick looked at the jury. He was worried. Twelve men, from the towns around Boston, farmers and artisans annoyed at being called away from their homes, expected to live in the courthouse, sometimes on nothing more than crackers and beer, until the conclusion of the trial, which for most of them couldn't come soon enough. Beresford's life was in their hands, yet they need take no real responsibility for what they do. They will simply walk away, back to their shops and barns without so much as giving a reason for their verdict. And what of his exalted search for truth? That seemed laughable now when all he could do was cast doubt on the prosecution's evidence. He wasn't seeking truth, he was just trying to win.

The first witness was sworn and Dudley said, "I would ask the clerk to read this man's deposition to the jury."

> *I, Ebenezer Roth, do hereby testify and say that on the morning of Friday, October 20, 1769, I was drawn to the Tally-Ho Tavern by noise and commotion going on there.*

When I arrived, two grenadiers were blocking the door with bayonets, but I could clearly see into the barroom where Beresford was pointing a pistol at Mr. Payton. I heard him say, "Step aside or I will kill you." Then he fired his pistol and Mr. Payton fell to the floor.

"Thank you," Dudley said and turning to the witness asked, "Mr. Roth, was this your sworn statement?"

"It was," the man answered, nodding affirmatively.

"Did you at anytime see Mr. Payton brandishing a sword?" Dudley asked.

"No, sir."

"Did you see Mr. Payton attack or assault Colonel Beresford in any way?"

"No, sir. As I said Beresford just shot him down."

"He just shot him down!" Dudley repeated loudly in the direction of the jury. "Thank you, Mr. Roth. I have no more questions."

Hamrick expected that there would be a long progression of such witnesses, as Dudley tried to build a preponderance of evidence. He began his cross-examination knowing he had to cast doubt on the testimony of each one, no matter how many there were, even at the risk of annoying the jury. "Mr. Roth, you testified that you were drawn to the Tally-Ho by noise and commotion. Where were you when you first heard this noise?"

"I was on Wentworth's Wharf," Roth answered.

"How far would you say that was from the Tally-Ho?"

"I don't know, not too far."

"It's nearly a quarter of a mile away is it not?" Hamrick asked rhetorically.

"I guess so," the witness responded vaguely.

"The noise was so loud it could be heard almost a quarter mile away. Is that what you expect us to believe?" Hamrick baited.

"Well... as I said there was a lot of people there, hollerin' and yellin'."

"And they were very loud, weren't they?"

"Yes, they sure were," Roth asserted.

"And this commotion continued after you reached the tavern, did it not?"

"Yes, people was trying to get in to help Payton, but them soldiers wouldn't let them."

"Colonel Beresford had his back to you did he not?" Jonathan continued.

"Yes, but I could see him plain enough."

"And how far away was he?"

"About here to the other side of the room there," he said gesturing toward the jury box.

"So in all of that noise and at such a distance, you can swear to have heard a man, whose back was to you, say, "Step aside or I will kill you?"

"Yes."

"Could he have actually said, step aside, I don't wish to kill you?"

"I don't... think so."

Hamrick smiled and said, "No more questions."

He was girding for an almost endless repetition of this type of testimony and was surprised when Dudley only presented two more witnesses. He wondered if there were others whose recollections conflicted with these or if there were indeed only three. He quickly got his answer.

"In deference to the needs of this fine jury," Dudley said smiling and nodding toward the jury box, "who are sacrificing significantly, personally as well as financially, for every day of their lives that this trial consumes, the prosecution will not suffer them to hear the additional twenty-four deposed witnesses. Twenty-four honest men," he emphasized, "whose testimony corroborates that which they have already heard today. Their depositions, taken under oath, will be made available to the jury, for their perusal, should they wish additional evidence on this matter." Dudley paused and walked slowly to the jury box and said dramatically, "The prosecution rests."

"Thank you, Mr. Dudley," Holcombe said and then turning to Hamrick asked, "Is the defense ready to call its witnesses?"

Hamrick did not anticipate so expeditious a presentation from Dudley and in fact had no witnesses. He had no choice but to

allow Beresford to speak. The two men huddled briefly and Jonathan said, “Your Honor, Colonel Beresford would like to speak at this time.”

“Very well,” the judge responded and then turned to the jury. “The defendant will address you now and tell his side of the story. The jury should keep in mind that he will not be sworn and therefore his statements should not carry the weight of those given under oath.”

Jonathan was livid at the judge’s remark, but felt it wiser to say nothing. Colonel Beresford stood. He was calm, clear and confident. “I went to the Tally-Ho to assist the customs inspector in serving a lawful search warrant. We waited until sunrise, as is required by the law, and then knocked on the door.

Mr. Payton refused to allow us to enter, even though I repeatedly demanded that he do so. I then ordered my men to force an entrance. Mr. Payton continued to resist and the arrival of a crowd of demonstrators forced me to position my detail to block the door and I had to send the customs inspector for reinforcements.

At that time, I saw Mr. Payton reach for a sword, which was hidden behind the bar. When I stepped forward to block his path, he lunged for my pistol and in the struggle it discharged accidentally. I never intended to shoot Mr. Payton.

I am sorry that he was killed. It was an unfortunate outcome, which he brought upon himself by resisting a lawful order. I cannot explain why those men testified that I said I would kill the man as that is absurd and absolutely untrue. I was simply doing my duty as an officer of the crown. I am not a murderer.”

The jury sat motionless riveted on Beresford’s testimony, intently treating his words and demeanor as a crucial test of credibility. It was hard to say if Beresford passed.

“I think that will be enough for today,” Holcombe announced and then cautioned, “Be prepared to present your witnesses tomorrow, Mr. Hamrick.”

But, before he could adjourn, a man entered the courtroom pushing a dolly carrying a small keg and Dudley said, “If it pleases the court the crown will donate rum enough to ensure a relaxing evening for the jurors.”

A murmur of approval swept across the jury box and was accompanied by some laughter from the gallery. “That was most generous of you, Mr. Dudley,” Holcombe remarked and then said to the jury, “We will stand adjourned until nine o’clock tomorrow morning. You will be sequestered here in the court house. Your dinner will be brought to you and sleeping arrangements have been made. You are not to leave the building until a verdict has been reached.” He then turned pointedly to Hamrick and said, “Hopefully that will be tomorrow.”

Rachel felt that her best chance to find someone willing to talk hinged on the help of Hanna Kilbourne. The maid was Boston born and bred and knew everyone in the working class waterfront district, and most importantly, she knew Frankie Robichaud.

“Why did you bring her here, Hanna?” Frankie complained, pulling the two visitors inside and closing the door. “I told you I don’t know anything and besides I couldn’t testify against Hester, for God’s sake.”

“You said you were in your room that morning; you must have seen or heard something,” Hanna pressed.

“Well I heard the commotion, but I didn’t see anything,” Frankie answered a bit too quickly and in a clearly worried tone.

“Are you trying to make me believe that you didn’t open your door and look down. Come on, Frankie. Your room overlooks the whole downstairs and you don’t miss anything.”

“Alright, so what if I did. I still didn’t see anything.”

Rachel interrupted forcefully grasping Frankie by the shoulders. “A man’s life is at stake. Do you understand that? And you know he is innocent don’t you?”

Frankie looked away obviously ashamed and Rachel pressed harder. “You don’t have to testify, but at least tell us what you know.”

The woman hesitated, didn’t want to answer but did. “Nathaniel had a sword, just the way that officer said. He grabbed the gun and it went off, just like that officer said. But, I won’t testify. I’d not be able to stay in this town if I did!”

"You're the only person who can save him!" Rachel pleaded spinning Frankie around and glaring into her eyes.

"No, I'm not," she answered cryptically.

"You were with someone weren't you?" Hanna broke in excitedly. "You had a man with you that night didn't you?"

She didn't answer, but they knew. "Who was it?" the two girls exploded simultaneously.

"Josiah Hamrick!"

"Oh, my God, Jonathan's father!" Rachel responded beginning to sense the complications this new revelation created for them. "And he saw it all didn't he?"

"Yes, he saw it all."

Rachel decided to approach the elder Hamrick alone. She had no idea how he would react or what he would say, but there was little time left for subtlety. She practiced her appeal over and over as she ran through the streets, with no inkling of what she would encounter.

"Good afternoon, Mrs. Hamrick, my name is ..."

"Yes, I know who you are," Martha Hamrick responded abruptly. "Jonathan has spoken of you often, but I'm afraid he isn't at home at the moment."

"Actually... I came to see Mr. Hamrick. Is he presently at home?"

"Why, yes... he is," she reacted suspiciously. "Please come in and I will call him."

Rachel had hoped to be discreet and anticipated some trepidation on the part of the elder Hamrick concerning his sexual indiscretions. What she did not realize was that Mrs. Hamrick knew all about her husband's continuing trysts with Frankie Robichaud.

"Does this have anything to do with what happened at the Tally-Ho last Friday night?" she asked pointedly and in a way that Rachel sensed was quite hostile and, before she could answer, added, "He was there when the man was killed wasn't he?"

Rachel wasn't sure how to respond and tried to stall while seeking more information. "What do you mean, Mrs. Hamrick?"

"Don't lie to me. I know all about his little... activities... at that place. He was there wasn't he? That's why you're here. You

want him to testify in the court case. He tries to deny it, but I know better. He can't fool me."

At that moment Josiah Hamrick, who had heard everything from the doorway, entered. "Miss Wederborn, let me apologize. Please come in. How can I help you?"

Josiah escorted Rachel into the garden in an obvious attempt to separate her from Mrs. Hamrick, who stormed away obviously incensed. As they walked, both pondered their opening remarks and for a time neither spoke. Rachel abruptly broke the silence. "Mr. Hamrick, I know you witnessed the shooting. You must testify or an innocent man will hang."

His response took her totally off guard. "Of course, you are right, Miss Wederborn. I should have told Jonathan right away. But, I didn't think the case would go so badly. The poor man has no defense."

Rachel, who had planned a long protracted argument, and wasn't at all sure how she would respond if he refused, was momentarily mute. Before she could regain her concentration, Mrs. Wederborn reappeared.

"You bastard, Josiah!" she screamed at him. "You promised never to embarrass me with your dirty whore. I've endured this for twenty years, your sneaking around with that bitch, and I won't let it be made public."

Rachel was frozen in her spot, having no moral standing in this battle and not knowing how to retreat. Josiah approached his wife with outstretched arms and almost pleaded, "But Martha, be reasonable. I must testify. How can I remain silent and watch an innocent man hanged?"

As he began to step forward again, Mrs. Hamrick reacted wildly. "Stay away from me you son of a bitch, bastard!" From her apron pocket she suddenly pulled a small kitchen knife and began slashing at her wrist and throat. "I'll kill myself first," she shrieked in utter wild-eyed insanity. "I will not be made a laughing stock, Josiah!"

They both ran to her and Josiah smothered her arms while Rachel took the knife from her hand. She collapsed in her husband's embrace crying uncontrollably. Josiah carried her into the house, leaving Rachel standing there with the bloodied knife.

She stood stunned for a few minutes not knowing how to react, then walked back into the house and sat waiting by the front door. Finally, Josiah Hamrick's footsteps could be heard descending the main staircase. She stood to face him, hoping he would keep his word.

"She's resting now," he said softly, and then added sadly, "Please leave, Miss Wederborn. I can't help you."

CHAPTER TWENTY-TWO

Jonathan decided not to call the two grenadiers to the stand. They could testify that they had not heard the colonel utter any threats, but this would not be very helpful, and it would open them to Dudley's cross, where he was sure to have them say they had also not seen a sword anywhere in the tavern that morning. He planned to stake his entire defense on a single piece of forensic evidence, the angle of the entry wound. It wasn't much, but it was all he had.

"I call Dr. Pinchon to the stand."

The doctor was well known and respected in the town and Jonathan was betting everything on his interpretation of the nature of the wound that killed the unfortunate innkeeper. "Dr. Pinchon, you treated Nathaniel Payton on the morning he died, did you not?"

"Yes, sir, I did. Although there was precious little I could do, given the severity of the injury and the extent of the bleeding."

"I'm sure you acted with great skill and did all that could be done," Jonathan said, stroking a witness he thought might be hostile. "Would you describe for the jury the exact location and direction of the entry wound."

"Well... he was struck on the left side of his chest, just below the arm pit, about here... and the ball came to rest against his spine right below the collarbone... here."

"Would it be fair to say that the angle of the entry wound was upward from a point below the arm to a point above the arm?"

"Yes."

"How tall a man was Mr. Payton?"

"I don't know, about average height I would say."

"Mr. Hamrick," Judge Holcombe interrupted, "please limit your questions to areas of the witness's competence."

Jonathan however was prepared and from his pocket produced a paper. "I have here Mr. Payton's militia registration in which he declares himself to be five feet and eight inches tall. I believe I am safe in assuming this information was within Mr. Payton's competence."

A small but clearly audible chuckle from the jury box annoyed Holcombe who smothered it by asking loudly, "Are you finished with this witness, Mr. Hamrick?"

"No, Your Honor, I have one more question, but first I would like to ask the defendant to stand." When Beresford did so Hamrick said to the jury, "Colonel Beresford, as you can plainly see, is very tall. In fact he is six feet and four inches tall."

Holcombe interrupted again. "This is not the time to address the jury. Counsel is cautioned to ask the witness a question or rest."

"Dr. Pinchon, in your estimation if a man six feet and four inches tall, aiming a pistol in the normal manner, as Colonel Beresford was said to have done by many witnesses, fired a round at a man only five feet and eight inches tall, striking him below the arm pit, would that ball travel upward into the victim's neck?"

"I don't know," the doctor answered.

"Well, what does common sense tell you?" Hamrick persisted.

"The witness has answered your question, Mr. Hamrick," Holcombe broke in. "He doesn't know."

"Since you are reluctant to answer, Doctor, I will leave it to the good sense of the jury to figure out if a bullet traveling downward can make an upwardly angled wound."

"That's enough, Mr. Hamrick," Holcombe warned. "Ask a question or release the witness."

"Dr. Pinchon, is it possible that this upwardly angled entry wound was made by a discharged pistol that was caught between the bodies of two struggling men?"

"Yes, I suppose it's quite possible."

"Thank you, Dr. Pinchon. I have no more questions."

The District Attorney rose to begin his cross examination and his facial expression showed no sign of distress. Hamrick knew that he only needed to create serious doubt in the minds of some jurors and thought he may have succeeded. He wondered why Dudley seemed unconcerned. He knew the jury was hostile, but not wholly insensitive to the notion of justice, he tried to assure himself.

"Dr. Pinchon, let me pose a hypothetical case to you and then ask for your expert medical opinion. If a ball traveling downward struck, in the chest, a man who was bent over at the waist, would not then the wound appear to have traveled upward?"

"Indeed, it would."

"Is it not, again in your medical judgment, a natural reaction of a man to turn, bend and cover his head when being assaulted?"

"Why yes, I would say that would be natural."

"Then, under these circumstances, would the wound you saw be consistent with Mr. Payton turning away from his assailant and bending over?"

"Yes."

Josiah Hamrick's concern for his unstable and possibly suicidal wife had seriously altered the equation for Rachel. As she hurried toward the courthouse, she thought long and hard about the implications of telling Jonathan what she knew. Would it have mattered, when the elder Hamrick's guilt drove his need to protect his wife? Was there time enough for it to make any difference? She reached the courthouse at about sunset, squeezing into the back of the gallery in time to hear the end of Dudley's summation.

"And so my friends, you have the undisputed testimony of eye-witnesses who all say they heard and saw Colonel Beresford declare that he would kill Nathaniel Payton and then proceed to do exactly that. He is guilty, there can be no doubt of that, and if you do your duty he will hang for it, as he should."

A roar of approval from the spectators was ignored for several seconds by the judges and Rachel craned her neck to see the

reaction of the jury, all too many of whom were happily nodding their agreement. She was frightened to near panic at the thought of a conviction and the inevitable speedy execution. Josiah Hamrick seemed to offer the only chance. She had to go back to try again and as she turned to push her way out she suddenly came face to face with him.

"Mr. Hamrick," she said, startled, but instantly relieved, "have you come to testify?"

At first he said nothing, looking down and avoiding her eyes. Then he looked at her and answered, "No, I cannot risk what it would do to my wife and what she might do to herself."

Rachel was enraged, having in the space of an instant won, and then lost, the most critical contest of her young life. "Well why have you come then? Are you eager to see your son humiliated before his friends and an innocent man hanged because you are a philandering coward?" Josiah said nothing and Rachel continued, her face very close to his. "Why did you come then? Answer me!"

"I came to see if there was anything I could do."

"You disgust me," she retorted and pushed her way past him and through the crowd to the corner of the room, just as Jonathan began his summation.

"Gentlemen of the jury, this is a case that will challenge your conscience. It is a case in which eye-witnesses seem to give damning testimony and Mr. Dudley would have you accept that testimony. And I say yes you should accept that testimony as the sworn perception of honest witnesses. But, honest witnesses can be misled and are often mistaken.

You have heard circumstantial evidence about the turmoil and noise surrounding the scene and you were asked by Mr. Dudley to disregard that as though it had no effect on what was perceived to have been said, or indeed who may have said it. But, you are not fools my friends. You know that there is no way that anyone could be sure of the exact words uttered in such a tumultuous din, much less have three identical accounts of it. I leave you to draw your own conclusions, gentlemen."

"You also heard forensic evidence that belies the notion that Colonel Beresford stood and fired his pistol wantonly at a helpless man, standing some distance away. I remind the jury of the

upwardly angled entry wound and what it can tell, as well as Mr. Dudley's contrived explanation about the victim turning away and bending... crouching... like a coward.

Yet, my friends, no witness, either in testimony before this court or in sworn deposition, said anything about Nathaniel Payton crouching or bending. They didn't see him crouch or bend because Nathaniel Payton was not a coward. He was a brave man, stubbornly engaged in a struggle for Colonel Beresford's pistol, a struggle that sadly ended his life when that pistol accidentally discharged."

"Gentlemen, you are sitting on this jury because you are loyal and patriotic Americans and you are expected to be loyal to that admirable cause of liberty and justice for all. Your concern today is with justice for all."

Rachel applauded loudly, but there were only scant and widely scattered hurrahs from a few customs officials, soldiers and Tories among the spectators. It was a brilliant summation she said to herself, trying to suppress her tears at the thought that it would make no difference at all. This jury was practically hand-picked in the Whig towns around Boston and would convict no matter what.

She glanced at Ben standing in the prisoner's box and looking very alone, then over at the jury sitting quietly, apparently unmoved by Hamrick's eloquence. She watched Josiah Hamrick leave the courtroom by a side door near the judge's chambers, and began to cry.

Judge Holcombe spoke. "The sheriff will take the defendant into custody. Colonel Beresford I am ordering you held without bail until a verdict is rendered."

"Why are you arresting him?" Jonathan reacted swiftly to the surprising announcement, "when he's been free on his own recognizance until now?"

"I believe the likelihood of flight has greatly increased," Holcombe answered, seeming to take particular delight in goading Hamrick.

He then turned to the jury. "That concludes the presentations gentlemen. It is now in your hands to decide on the facts and on the truth as you determine it. It is my job and that of my colleagues on the bench to instruct you on the law. This is a case of felony murder and needs to be convincingly proved by

indisputable evidence. Not all evidence is of equal value. My colleague, Judge Oliver Apthorp, will instruct you on the nature of the evidence presented in this trial."

Judge Apthorp was the only other of the five judges to speak. "You have heard eye-witness accounts of the events. This testimony was given under oath, placing the witnesses in jeopardy of losing their souls should they be lying. This kind of evidence is very convincing and strong. It was not countered by any sworn testimony, but by hypothetical scenarios, or might have beens, which, while plausible, were not very compelling.

The accused spoke and denied the charges, but, remember, his remarks were not given under oath. This is because a guilty man, testifying under oath, is placed in double jeopardy, since to tell the truth leads to his conviction, but to lie will damn his soul. You are instructed to give weight to the quality of the evidence put before you."

Holcombe thanked the judge and then turned toward the jury box. "You will now retire for your deliberations. As it is now quite late we will stand adjourned until ten o'clock tomorrow morning, at which time I expect you will have reached a verdict."

The gallery flooded forward into the courtroom to join the jurors, who, having no place to adjourn to, happily engaged them in conversation. Pronouncements about the proceeding and opinions about the evidence abounded everywhere as each spectator seemed to want to lobby an opinion before the jury retired. Very little effort was made to control this, beyond a few feeble declarations by Holcombe to clear the courtroom.

Hamrick started toward the defendant's box, but saw Rachel there with Beresford. She held his hands and they kissed briefly before the deputies took him away. Jonathan was sure that he had failed and the case was lost; he was embarrassed and had no words for either of them. He listened for a time to the idle banter around him, absently gathered his papers and walked, dejected, down the back stairs to the street. It was oddly ironic how near the new Ann Street courthouse was to the Tally-Ho Tavern and to the wharf where the Celia was still moored. He found himself walking there, hoping to cover his despair with any diversion.

Rachel saw him leave and raced after him. When she reached the street she saw him walking out onto Wentworth's Wharf. It was a long narrow pier and she knew he was trapped on it and could not get past her. She slowed her pace to settle her thoughts and plan her words.

She was not ready to concede, not yet, not while there was still some hope. This was a delicate decision that threatened to tear a family apart, but she could find no other way, not when a man's life was at stake. She knew Josiah would never testify voluntarily, but could he be compelled by the court to testify.

"Jonathan...Jonathan, wait," she called to him. He said nothing when she approached, believing that his words would only be empty sounds.

"She's a beautiful schooner," Rachel began, sensing his depression and unsure of how to begin.

He nodded looking out through the silent rigging that carved a stark outline against the darkening sky. "Yes, she is beautiful."

"And you named her, Celia. I often wondered why," she went on, trying to engage him, but beginning to mistrust her intent in the face of his deeply melancholic mood.

"I once heard some wonderful verses by the poet Johnson called by that name," he answered distantly.

"Do you remember any of it?" she asked, easing toward her goal.

"A few words," he said and then added, "Drink to me only with thine eyes... and I will pledge thee mine."

She smiled broadly and said, "It's the song... leave a kiss upon the cup and I'll not ask for wine." She saw his eyes glisten, but had no idea how complex those tears were.

"It looks bleak," he began, again changing direction and opening an opportunity for her to exploit; she responded slyly. "Jonathan... if there were a witness... but that witness wouldn't testify, could you compel her to?"

"Yes," he answered, his mood lightening noticeably as he allowed this new hope to at least momentarily wash away the darkness of his expectations. "It's well established in the law now

that the defense can subpoena an unwilling witness.... Is there a witness?"

"Frankie Robichaud."

"And she won't betray Hester Payton?" he speculated.

Rachel nodded and Jonathan added flatly, "It doesn't matter anyway. Her testimony, the word of a common prostitute, would not be enough. It wouldn't change anything. I doubt if Holcombe would even listen to it. No, we'd need a sensational witness, a person well known and highly respected..."

This was the moment Rachel had waited for and just as she began, "Jonathan I've something to tell..." loud voices yelling from the street behind them broke through their concentration.

"Jonathan! Jonathan... Jonathan, hurry! It's your father; he's had a heart attack!"

They ran wildly back along the pier but, by the time she reached the street, he was too far ahead for her to see him. She slowed to a walk hoping that Josiah Hamrick would survive and want to tell his son what he knew. That would have been a wonderful outcome, solving everything, while conveniently erasing her dilemma. When she reached the building she could hear the clamor in the second floor courtroom. As she climbed the stairs she prayed that she would find Jonathan and his father together in quiet conversation.

But the first words she heard were judge Holcombe saying, "I'm terribly sorry Jonathan. There was nothing we could do. It hit him so suddenly. We were talking and all of a sudden he clutched his chest and gasped for air and fell. We sent the deputies for doctor Pinchon, but it was too late."

"Did he come to see me?" Jonathan asked hopefully, carrying some guilt for the deteriorating relationship which had developed between them since his return. "I know he didn't want me to take this case..."

"Yes, he came to see you," Holcombe lied. "He told me he was very proud of you."

"He said that?" Jonathan asked.

"Yes," Holcombe answered. "He had a lot on his mind lately, financial trouble and other things, a lot of pressure that weighed

him down and contributed to it. It had nothing to do with you, my boy, believe me it had nothing to do with you."

Jonathan thought he understood and was comforted. But he was wrong.

CHAPTER TWENTY-THREE

"Go Jonathan and be with your mother, we'll bring your father's body home," one of them said and Jonathan answered that he would, but word had already reached her, even before he had finished speaking.

The trial was over and he had failed. Beresford would hang and Rachel was lost. He had tried not to frame it that way, but what other conclusion could anyone draw. As he walked toward home and the depressing scene that awaited him there, he was struck by the turning point in his life that he now faced. He was instantly head of the Hamrick family and responsible for everything his father had built. Yet he wanted none of it, while his one dream, his only dream, had vanished forever.

When he arrived, neighbors and friends, all women, were already gathering to be with the widow and to prepare the body for the wake and for burial. Jonathan embraced his mother and silently kissed her on the forehead. She was huddled in a shawl and said she was cold. She seemed wholly in shock.

"He was a good man, Jonathan," she sobbed, "Your father was a good man. He loved us all; just remember that, he loved us all."

Jonathan was stiff and uncomfortable, on public display as he was, surrounded by so many people, even when they were all relatives, friends and neighbors.

"Go, Jonathan. Go do what you have to do. We'll take care of her," one of the women said pushing him out of the room.

"I need to get a casket," he replied, knowing that it would allow him to escape the doleful preparation of the wake house. As he left he watched the wagon carrying his father's corpse arrive at the

front. Two men he didn't recognize, common carriers apparently hired off the local docks, lifted the body and carried into the house.

As he walked quickly away, he reoriented his thoughts to structure a more fitting scene. He thought of the good women who would wash him and shave him and otherwise prepare him for burial. He visualized his father being dressed and laid on a table in the front room and then draped with a white sheet. His hands would be folded over his chest and a crucifix would be slipped between his fingers. He didn't realize that Mrs. Boyle, the Irish housekeeper, would stop the clock in the parlor at the hour of his death and mask the mirrors with black crepe; and he didn't hear the wailing begin.

When he returned it was almost midnight and there were still sounds of weeping from the parlor. The low moaning ritual lament of the women, sitting in a circle around his mother, would last until all of the visitors had gone. Then they would take turns sitting quietly beside the corpse until dawn.

Beyond them across the house in the kitchen were the men, talking quietly, while smoking clay pipes and drinking rum. He stood for a time and watched the last of what had to have been an endless procession of mourners file past the flickering candles, kneel and pay their respects, before disappearing into the night. Neighbors arrived at the back door with more food, tobacco and drink for the overnight vigil and Jonathan asked one friend to help him notify relatives in Roxbury that his father was dead.

"Don't worry about anything," the man said and Jonathan went into the study to sit. His father would be waked all the next day. Most of the women and some old men would arrive early in the morning and the rest in the late afternoon and evening. He would be buried on the day after that.

"Order in the court, order..." Holcombe's gavel rang loudly against the hard maple table top, but barely cut through the overtone of excitement in the visitor's gallery. The crowd was eager and on edge. He looked at Beresford in the prisoner's docket, remembered his dead father, and wondered if some sort of perverse omen was about to be played out. He saw Rachel with Abigail Whitmer, and a few others he didn't know, but

otherwise his mind was a blur, interrupted only by the arrival of the jurors.

"Order... Order I say, or I'll have the bailiff clear the room," Holcombe warned and the crowd slowly quieted.

"Would the defendant please rise," the clerk announced, but Jonathan noticed that the jury had not yet been polled or asked if they had reached a verdict. He also noticed the sheriff and a dozen deputies standing along the walls. Then Judge Holcombe spoke.

"Ladies and gentlemen, new evidence has come forth in this case, which will radically alter its outcome. I caution the gallery to respect the decorum of this court and I have ordered the sheriff to see to it that you do."

A quiet descended across the space as the gravity of what was about to be said began to sink slowly into the collective mind of the onlookers. Holcombe's voice was strong and sure. "A sworn deathbed deposition was taken last night before me and my colleagues. This new testimony has convinced the bench of the innocence of the accused and I therefore direct a verdict of not guilty." He slammed his gavel down once and added, "Colonel Beresford you are free to go."

The crowd was stunned to absolute dumbness and for a few seconds remained frozen in place like a panoramic painting. Finally heads began to turn with puzzled looks, and whispers between bystanders gradually grew into a hushed groan of disbelief.

"Well what does the jury say, damn it?" one voice rang out.

Holcombe responded crisply, "The jury is dismissed. Thank you, gentlemen, for your patience and diligence." He then stood to once again address the restless onlookers. "The court has exercised its prerogative to direct an acquittal in this case."

"Goddamn it, Sam, what the hell is going on?" another more familiar voice broke in.

"I told you, Jeffrey, new and incontrovertible evidence has established the innocence of the accused. If we had known in the beginning what we only discovered last night, I would have dismissed the case for lack of evidence."

"What evidence?" Show us this evidence."

"We will release our ruling in due course. The trial is over. Go home."

Jonathan watched Rachel run to the prisoner's docket and throw her arms around Beresford's neck. He turned quickly away and, fearing more for her safety, said to the judge, "I would ask that the sheriff be ordered to escort Colonel Beresford from the building."

"I don't think that will be necessary," Holcombe answered, rapping his gavel vigorously and continuing in a loud voice. "My friends, the trial is over. I will have no disorder in this courtroom."

But, the crowd would have none of it and pressed in so tightly on the trapped couple that it became difficult for them to breathe. Jonathan lost sight of Rachel amid the bodies and struggled frantically to get through, but couldn't. When he looked back to find another route he heard Holcombe yell. "Stand back and let them through I say, or I will order the deputies to cut a path."

There was a moment of lull, the kind of balanced equilibrium that could teeter either way. Rachel squeezed her body close to Beresford; her shoulder was tucked tightly under his arm and with both arms around his waist they made a move to push past the angry blockade. She looked directly at the first man and said firmly, "Please sir, let us pass."

The man tightened his lips and stepped back as best he could, bumping the man behind him and beginning to part the throng. Somehow, others followed in a kind of fitful chain reaction, creating a small moving enclave, a kind of human bubble that closed after them as quickly as it had opened to let them in. Jonathan climbed on a chair to gain a vantage point and was relieved to see them reach the door and escape.

A few days passed, three, maybe four. He buried his father and consoled his mother as best he could, but he knew he could not carry on in the old way any longer. The loose ends of his life were flailing out in all directions, with little hope of ever being retied. It seemed like everything he had, or thought he wanted, was lost and gone.

The joy he felt at Beresford's acquittal was tempered by the manner in which it came about and the irony of its impact on the one thing he really wanted. He planned to sell the Celia, and the

Freedom too, if buyers could be found. He was a lawyer and was now determined to follow his heart and as he fumbled with his thoughts and practiced his words before going to the docks to tell Levesque and the crew, he was interrupted by a visitor.

"It's Colonel Beresford to see you, Jonathan," Mrs. Doyle said from the doorway.

Beresford? He hadn't seen or spoken to Beresford since the last day of the trial and in fact was so quickly swept into the ritual of his father's wake and funeral, that he hadn't even thought about Beresford and strangely he couldn't concentrate on him even now, as he foolishly hoped that Rachel might be with him. She wasn't.

"Mr. Hamrick," Beresford began, extending his hand. "I couldn't leave without coming to thank you personally for all you did for me and of course to pay my respects to your dear departed father. I know that it was difficult for you and the personal price you paid was very high. I owe you and your father a great deal."

"There's no need, colonel," Jonathan answered, grasping Beresford's hand in a firm respectful manner. "It was simply the right thing to do."

"Perhaps, but it wasn't an easy thing to do. I am a fortunate man to have had two such good friends in my time of direst need."

Jonathan misunderstood him and responded, "My father was not your friend colonel. His actions were otherwise motivated."

"No, Mr. Hamrick," Beresford answered, "I was referring to Rachel."

"But, I thought..."

"I know what you thought," Beresford responded smiling and shaking his head, "but it's you she loves... and you've been a fool not to know it."

Hamrick was overwhelmed and speechless.

"She waited and when you didn't come..."

"You mean she..."

"She thought you knew; she thought she did enough. It's your move, Hamrick; she won't do any more."

"Where is..." Jonathan began, but Beresford was ahead of him.

"They're sailing for England today on the afternoon tide. You must hurry!"

A stiff breeze was threatening an autumn storm and the Roebuck had already been towed beyond the point of Dorchester Neck where she strained at anchor in a place from which she could still escape the harbor under sail. She was a big, ship-rigged, man-o-war that was close hauled with the wind barely two points off her beam and the captain worried about a strong northeast gale.

Governor Wederborn had decided to take the earliest opportunity to depart for England and that opportunity presented itself almost immediately when the Roebuck was ordered to return to London for refitting. There was very little time for good-byes. He and Mrs. Wederborn were already aboard and the gig had been sent to pick up their daughter.

Jonathan ran as fast as he could. He knew the crew was waiting for him on the Celia, still tied at Wentworth's Wharf.

"Mr. Butcher, have you seen the Roebuck's gig?"

"Aye sir, she shoved off a few minutes ago with the young lady, sir. Look there, you can still see her."

"I've got to catch that gig, Joseph," Jonathan said with a tone of urgency to which Butcher immediately responded.

"So it's the gig your chasing is it?" he teased.

"Can we run her down in the longboat?"

"In this wind?"

"Never mind, just tell me we can do it and before she reaches the Roebuck."

Butcher then turned to the crew and announced: "Mates, Mr. Hamrick desperately needs to catch the limey gig. Can we do it?"

"Not if you stand around chewing your cuds you won't," came the gruff voice of Captain Levesque, as he climbed down from the quarterdeck. "Man the boat!"

Luckily the longboat was tied along side the Celia and didn't need to be lowered. Butcher quickly picked the nine best oarsmen and assigned himself to row the stroke. In seconds they were passing oars and the coxswain yelled, "Shove off the larboard."

Pushing hard with their oars the larboard rowers, with great effort, forced the longboat away from the schooner's side. "Let fall,"

came the next command and all oars were dropped into the water.

"Give way the larboard... back water the starboard," and with that the twenty foot craft began to turn around in place and pointed its prow at the target.

"Give way the starboard," was the signal for both sides to pull together and the boat surged ahead. "Give way together mates, mind the strokesman now... pull.

The wind was up and there was heavy pounding surf broad on the larboard bow; whitecaps broke over them, soaking every man through. "Trim to the larboard," Butcher ordered and the crew shifted their weight to the left, to better balance the buffeted craft. But for all their difficulties they knew that those of the lighter gig were greater and it was clear that they were closing. "Pick up the stroke...all together now... pull.

Jonathan stood in the bow holding to the gunwales as he had done once before. "I think in a rougher sea my chances would improve," he remembered having once said and smiled only now beginning to believe that all things are possible. He had no idea what he would say to her and didn't care how foolish he might look to anyone around them.

He watched the gig grow slowly closer. He could see her sitting near the stern and hoped they would catch her in time. Then suddenly the gig stopped and began holding water to wait for them. As they came along side the two boats were barely fifty yards off the Roebuck's stern. Rachel stood up and looked at him. She wore the same hooded red cloak as she did before and for a few seconds they stood silently facing each other while he remembered. She would say nothing.

The boats rocked and bobbed in the churning sea and every man in both crews sat in smiling anticipation. "Hold those oars," a seaman yelled, "Pull us in," another voice added from the other side, as the rowers grasped each other's blades to steady the two boats and hold them together.

"Rachel, I love you," Jonathan shouted. "Don't go... please don't go."

She looked over his head at the stern of the big warship and could see her parents standing there not knowing what was happening and unable to influence its outcome even if they had. It

caused her to pause and he hoped she just hadn't heard him.

"Rachel I love you," he shouted again. And one of the sailors of the royal navy neatly dressed in his blues and soaked to the skin, looked up at her and said, "He says he loves ya ma'am."

Letting her hood fall back on her shoulders, she smiled down at him and said "Yes I know... and I love him too."

Rachel Wederborn, guided and protected by a dozen strong arms, risked the bridge of outstretched oars. Jonathan reached out and took her hand, pulling her to him. She wrapped her arms around his neck and pressed herself against him, slowly sliding down from above. He squeezed her decent to a stop as their lips met; neither heard the tumultuous cheer that roared around them, and for a short time at least, in these troubled days, they came together as one and refused to let the bond break.

The thirst that from the soul doth rise, doth ask a drink divine;
But might I of Jove's nectar sup, I would not change for thine.