

Chapter Seven

Some Lessons In Human Nature

I found Eben at his cabin, sitting in the shade of the porch smoking his pipe and reading a book. Only the book seemed incongruous. He set it aside and came down the steps as I dismounted in the shade of the big sugar maple.

"How's Jonah?" I asked.

"No one's been near," he said. I told him what I had learned and then we began to review the information we had gathered.

Eben looked around. "They said Jonah came out of his room, took a hammer from the workbench, and killed her."

"So they said." I walked my mare in the cool shade while Eben sat on a turned-up hogshead by the base of the tree.

"But you say the bench is on the right as you come out of the room, and Jonah is left-handed."

"He is."

"What would have stopped him from picking up the hammer with his right hand and moving it to his left?"

It was a scorcher of a day, even in the shade, and beads of perspiration were popping out of Eben's shaved head and rolling down his face. Most would have wiped them away but he ignored them.

"I don't think that a man driven by such passion, would

take the time to switch hands." I stopped walking and looked around at Eben. "Did Phillips ever have any slaves?"

"Never heard that he did. Too poor. Couldn't even keep a hired hand 'til Jonah came by."

"Then who did he put into the manacles that hang from the barn wall right next to where he kept his whip?"

"Manacles?" Eben shook his head. "Charity? His wife?"

"Maybe both?"

"Well, he wouldn't be the first man to horsewhip his wife or his daughter."

Once again I demonstrated that I was every bit as green in the affairs of men as if I'd been born the day before. "A man would do that?"

"Some do," Eben said.

"But why?"

"Fear, or weakness, in this case both, most likely. Either one has been known to drive men mad, together it seems a certainty." He puffed his pipe to get it going again. "What'd your mother tell you?"

"Phillips was a bully growing up, beating up on boys who were younger and weaker."

"Doesn't surprise me," Eben said. "Got eyes like a rogue boar." He clapped his hands onto his knees and stood up. "Your horse about cooled out?"

I nodded. "She is."

"We'll get some food, and then we've got calls to pay."

We went to see Jonah first, and I sat with him in the kitchen while Amos and Eben stayed on the porch.

"Jonah, we need to know everything you can remember about that night."

He closed his eyes, as if by shutting out the light he could

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evict the pain. He lowered his head and I waited, trying to guess what was going through his mind, but having precious little luck, if only because I had never felt such pain.

“Were you in your room with Charity when Phillips and Pell came into the barn?”

“Outhouse.”

“So you came in after them.”

He nodded.

“Did you hit Charity with the hammer?”

He shook his head from side-to-side and then up and down, leaving me at sea. How could he answer both ways? What did that mean? “Do you think you might have, but you just don’t remember?”

He looked up at me, his eyes wide, and I could see the panicky look you get from a horse just before it runs off.

“When you last saw her, was she alive?”

He nodded.

“Then why would you think you might have killed her?”

I could see him struggling to talk. “Take your time.”

He held out his right hand, palm facing up, looked down at it, and then into my eyes. “The hammer,” he said.

“Where was the hammer kept?”

“On the b-bench.”

“By the door to your room.”

He nodded.

“But you came in from outside.”

Again, he nodded.

“Why are you so worried about the hammer?”

Again he looked at his right hand “It w-was in m-my hand.”

I understood. “When you woke up the hammer was in

your right hand."

He nodded vigorously.

"But why would it be in your right hand when you're left-handed, unless someone put it there?"

"But ... m-maybe I d-did. I k-k-killed my f-father."

"That doesn't mean you would have killed Charity. You hated your father. But you didn't hate Charity. Don't you see? Somebody put the hammer in your hand so you'd think you had killed her, but whoever did that couldn't have known you're left-handed."

He sighed and set his hands on his thighs as he pulled himself up in the chair and looked directly at me. The fear was gone from his eyes. "Yes," he said.

"What did you see when you came into the barn?"

In a rush, with not a single stutter, the words poured out as if someone had opened a floodgate. "Charity, she was manacled to the wall. She was naked and they were going to beat her like they had before. They beat Mrs. Phillips too. They beat her 'til she bled, telling her to confess that she had been with the Devil."

"What happened when you came into the barn?"

"He turned the whip on me and ... and then I don't remember." He rubbed the back of his head. "I think someone hit me."

I nodded. What he knew fit what I knew. "The best thing for now is to stay hidden," I said.

He nodded. "Why did they kill her?"

"Because she was going to leave them and marry Amos."

"But Reverend Pell is a man of God?"

"So he says."

I walked to the door, calling out to Amos to come in. We

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went over what I had learned, and it had the effect on Amos that you would expect.

“Amos,” I said, “don’t shoot Phillips unless he comes here armed. We have to carry this through. We want them to hang.”

“It’ll be hard not to pull the trigger,” he said.

“With any luck he won’t turn up.”

“I’ll be ready if he does.”



We walked our horses through the hot afternoon, heading east, though I knew not where, as Eben hadn’t said, and I’d forgotten to ask. I had a lot on my mind just then as I tried to deal with the idea that some men are, in fact, simply evil. I knew some who were mean and even some who beat their animals but the notion that someone could take pleasure in another’s pain was a new idea to me. Now I was faced with the immutable fact that if I became a lawyer I would come face to face with people driven by demons I could not possibly understand. The law saw no difference then between people when it came to killing. If you were convicted, you hung, and being mad was no excuse, because after all someone had died, and balance had to be restored. It was a sensible way to ensure justice. Not that such an approach would ever stop people from killing each other. Nothing could stop that. But if everyone who was tempted to kill, knew that no excuse would save them should they be caught, it would surely cut down on the number of murders.

The idea that people who got whipped might not deserve it seemed most foreign. After all, boys who didn’t behave got whipped. Even the church supported the notion that

those who wielded the whip were doing God's work. Some would say that if Phillips whipped his wife and daughter, they deserved it. And with Reverend Pell on his side, no court would find him guilty.

But this was not the hand of God. This was something sinister, something profoundly evil, and I'd have put money on it being the work of the Devil, which is after all, only evil with a "d" in front. I'd no doubt that Eben could have set me straight but I needed to figure it out on my own.

"You'll make a good lawyer, I think," Eben said as we turned onto the turnpike that wound south into the village on the Hill. "You've got a knack for figuring out how things happen."

"But I can't prove any of it."

"What do you need to prove?"

"That Tom Phillips killed Charity."

"There is a witness."

"Pell. But he's not likely to say anything."

"There are ways to get a man to say what he knows."

"What? Torture?"

He laughed. "Short of that, Stoddard, well short of that, though some might see it differently."

"What have you got in mind?"

"I thought you might have guessed."

More education, but the sort I liked, thinking and reasoning to a conclusion. I began with a question, only because it's the logical way to begin any such investigation. "Why would Tom Phillips kill his daughter?"

"Good place to start."

"The question avoids an answer."

"Start at the beginning."

"The beginning? Which beginning?"

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“The very beginning.”

I ran my mother’s description of Tom Phillips through my mind, added in what we knew about Jonah, considered Amos as a suitor, and finally thought about what we knew about Pell. I could feel the next question hovering in my mind like a hummingbird, but refusing to land so I could see the words clearly. Thinking is often like that. Sometimes the answer pops up right away and other times it only comes after you stop worrying it.

I was still ruminating when we passed Emil Warren’s farm and I recalled the story about the child they had kept hidden from the world, locked away in a room so no one would know they had produced an idiot. And suddenly I understood.

“Had Amos married Charity he’d have found the scars.”

Eben nodded. “Then what?”

“Because she was no longer controlled by her father, she would have been able to speak out about the whippings she and her mother had suffered.” I turned in the saddle. “Still, there are people who feel that a man has a right to whip his wife and his children, and Phillips would have had Pell on his side, claiming the two women were possessed and they were only trying to drive the Devil out of them.”

“It wouldn’t have gone that far. Mrs. Phillips’ brothers would have hanged Tom Phillips the second Charity spoke.”

“They’re good men,” I said.

“And they’ll take revenge when it’s called for.”

“So he had no choice but to kill Charity, but why did he wait ‘til Pell was there?”

“To tie him into it. That way he’d agree to serve as a wit-

ness against Jonah. How much do you know about Pell?"

I shrugged and swatted at a deer fly. "I know something terrible happened a long time ago, but nobody talks much about it."

"For good reason. Few men are more fearsome than a minister who turns evil. He retains his protection as a man of God, and people fear that if he turns against them, they might end up branded as a witch and burned at the stake. He may look like an old fool, and he may even act like one, but he is a formidable adversary. There is no depth to which he will not sink. He could very well be why Tom Phillips turned to beating his wife and daughter. He could easily have convinced him they were possessed by the Devil."

I was over my head. "But why?"

"In this world, Stoddard, there are men who enjoy nothing so much as power over others. They will go to any extent to gain control and to make others suffer under the yoke they apply. Weak and foolish men like Tom Phillips are easy prey."

"So if Charity married Pell, the secret was safe, and they could go on beating the two women."

Eben nodded.

Down the hill from the church we turned into General McClellan's drive.

"What we need is more evidence. I expect your mother has already discovered the scars on Elizabeth Phillips, so now we have to see the scars on Charity."

"How? Dig her up? It's against the law!"

"It has to be legal. The General can collar the board of Deacons at Pell's church and authorize us to open the grave. They'll squirm some, but there's not a man among them who'll go against the General."

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As we dismounted I found myself impressed with Eben's sudden inclination to follow the law, for certainly nothing in his reputation included any mention of a bent toward civil behavior. "I'd no idea you were so law-abiding," I said.

He grinned without the least sign of warmth. "Been up to me, I'd have shot the both of them several weeks ago. But times have changed, Stoddard, times have changed. We go by the laws now because only a country that follows its laws can survive. What remains is to make reasonable laws that men will willingly follow. As a country we have a blank slate. It is inevitable that men will make more laws as they try to find ways to control others. If the laws become too burdensome, people will ignore them. It is a dangerous course, for once people can find a way to justify breaking one law, it is progressively easier to break others. In the end the government makes more laws to regain control, and as they become more and more repressive, people resort to anarchy, and finally, government fails."

We climbed the back steps to the porch. "The great challenge will be to make as few laws as possible."

In all the years I spent at Yale and then with Tapping Reeve, I never heard a wiser statement, and, of course, as a nation we violated the very heart of that notion at every opportunity.

"Once," Eben said as we stopped at the door, "when I had just returned from a scouting mission for General Washington, Tom Jefferson stopped by Mount Vernon. The two men had a rousing discussion about the coming revolution and whether men could take on the responsibilities of freedom. Jefferson was certain they could, while Washington had his doubts, though he saw no other course. Those were great days, Stoddard. Everywhere, people talked about what

kind of a government we should have, how much power we should give our leaders, and how we should run the courts. But on that night Jefferson conceded that there was a danger. Men would break the laws we made simply because being free meant you could break the law. He called it the price of freedom. Washington said simply, 'then we should make as few laws as possible and only laws which control the behavior that, if left unchecked, would undermine society.' " He knocked on the door.

"But of course men lie about what they do. They falsely accuse others to take the blame from themselves. And that's why we have the courts."

The lecture surprised me, to say the least, for if ever there was man with a reputation for vigilantism it was Eben Stroud, and the way we had got the General's horse back only proved it. On the other hand, if he'd waited for the High Sheriff to get there, the horse would have been gone. It left me trying to decide where expedience left off and vigilantism began, a difficult question which offered no easy answer.

"That'd be Eben Stroud," the General said as he came to the door. "Not another man I know knocks as if he were shattering a barricade. And Stoddard too. Come in, gentlemen, come in."

The fact that I was not being treated as a boy sent my opinion of myself soaring like a summer hawk, though in the discussions which followed, I somehow managed to maintain enough control to keep myself to the facts, and avoid the least hint of bombast and speculation. I left that to Eben and the General, and they did not disappoint.

"Doesn't seem to be much question," the General said.

"None to my mind," Eben said. "Tom Phillips killed his daughter to bury his secret. In he end, he'd have killed

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his wife as well, had Stoddard and his mother not intervened."

The General nodded, stood, walked across the room, and stared out the window, his hands locked behind his back, his shoulders square, his back straight. "What are you suggesting?"

"I've two things in mind. One is to dig up Charity to show how badly she's scarred. I have a trap in mind as well, but that will depend on the state of Thomas Phillips' mind."

They'd lost me.

"You'll have to take particular care in this, Eben."

"If it goes as I expect, we'll be through by dawn."

I stayed quiet, waiting 'til I had Eben alone, though I had begun to guess at their meaning.

"You've a free hand, as far as that goes," the General said, "though I wonder if I shouldn't be there as well."

"Stoddard will be there, and he makes a credible witness, however young he may be. But if the second plan needs doing, then I should like you there at the end."

The General smiled. "Of course."

"I'll send Stoddard."

He shook his head and laughed. "I should like to have seen old Pell when your mother took the whip to her horse. Yes, I'd like to have seen that. And I'd like to have seen Tom Phillips when you knocked him down with a single blow." He laughed again, a hoarse, yet merry sort of sound that made you smile to hear it. "But most of all ... I'd like to be on hand when you finally break the news to your father."

"As soon as this is over," I said.

"I'm surprised you've put it off so long. Your father is a fair man, by any measure."

At least I had figured out why I hadn't told him. "I don't

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want him to think that by not becoming a farmer, I think less of what he is.”

The General looked at me carefully, nodded and then sat down. “I see why Mr. McHugh is so eager to have you further your education. Not that I doubted you should, but now I understand. You’ll do well in this world, Stoddard, hanged if I’m not absolutely certain of that.” He turned to Eben. “Now, if you gentlemen will stable your horses, I’ll tell Mrs. McClellan to expect two more for supper, and then we can settle down in the parlor and talk about this grand new country and where it’s likely to go.”