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THEOBALD; OR, THE TRIUMPH OF CHARITY. (Written by Madame la Comtesse de la Rochera, and published under the auspices of the Archbishop of Tours.) (Continued.)

CHAPTER VI.—THE ASSIZE COURT.

The following morning, at day break, Theobald asked permission to leave the hotel, for the purpose of attending the early Mass; no alteration was visible in his appearance—to look at him, you would have thought he had passed the night in calm sleep.

A few hours later he went to the Assize Court. A great crowd was already assembled in the enclosure set apart for the jury, and several elegantly dressed ladies filled the tribunes; for this trial was of a nature to interest many—the two rival families having taken an active share in the war of independence, and both parties numbering many friends as well as partisans.

The judges entered and took their seats; as deep silence reigned as the gentlemen ushered in the two prisoners, who after having conversed for some time in a low voice with their advocate, took their places on the bench for the accused.

Giuseppe Fabiano, the elder of the two brothers, was a short man, about thirty years of age, with long brown hair, a thin, pale visage, which appeared longer still from his wearing a pointed beard; his forehead was prominent, his sharp eyes were shaded by eyebrows that appeared always in motion, his lips were thin, and raised at the corners, and this gave an expression of cunning rallery to his whole physiognomy. He cast a penetrating and assured look on the jury and the assembled crowd, saluted his friends by a wave of the hand, and then took his seat with a perfect composure.

Pasquale Fabiano was an officer in a regiment of light infantry, and younger by two or three years than his brother; he showed far less assurance. He was a very handsome young man, much sunburnt, with a frank and open air. Both were dressed with much elegance, in the French fashion, with black frocks, trousers with straps, yellow kid gloves, and polished leather boots.

The tokens were placed on the table before the court—namely, the bloody clothes on Antonio Loncini, and the red pocket-book belonging to Giuseppe Fabiano. The magistrates then commenced. Giuseppe replied with an extraordinary presence of mind to all the questions of the president; he declared himself innocent of the crime imputed to him, protested that having arrived at Piovola the evening before the murder, he had not left the village the day it was committed. His conduct on the Continent, where he had lived for seven years, had ever been irreproachable. As to the pocket-book, in going to dine with one of his uncles, he had let it drop by accident; but shortly perceiving his loss, he had returned to look for it; Santa Cruz had, no doubt, anticipated him, and, in conclusion, he defied any one to prove the contrary.

Pasquale gave pretty nearly the same account, but in a less assured tone by voice. Upwards of twenty witnesses declared to have seen the two Fabianos at Piovola the day of the event; others, and those who were the partisans of the Loncinis, swore they had seen the brothers very early in the morning, proceeding to the wood, with guns on their shoulders. The shepherd, Santa Cruz, had disappeared, and all efforts to discover his retreat had been fruitless.

The huissier now called for Theobald Loncini. The moment the orphan was introduced into court every eye was fixed upon him with a profound feeling of pity. Dressed in deep mourning, pale as death, but to all appearance calm, the youth advanced with dignity to the foot of the tribunal; he endeavored to avoid looking at the Fabianos, so much did he fear that the sight of his father's murderers would rouse all his passions and hatred. At sight of the blood-stained garments, he shuddered visibly; he passed his hand across his forehead, as if to chase some fearful thought; but this weakness only lasted a moment, and it was with a firm voice, though his eyes were filled with tears, that he took the accustomed oath. The president of the assizes then commenced the usual series of questions.—Every ear now became attentive; for, the shepherd having disappeared, Theobald was the only person who could have seen or recognised the assassin. With a trembling voice he related the departure of his family from the village.

'About twelve o'clock,' continued he, 'when the sun was at its height, and shone exactly over our heads, we rested under a large fir-tree (pin parasol.) My father let the horses graze in the thicket, and we sat down to eat the provisions we had taken with us. After our meal, my father lay down to take his siesta; my mother made a kind of couch with her cloak for

my sister, who was unwell, while she and I remained talking of that beautiful France that she so longed to revisit. In about an hour, my father awoke, and said 'It is time we proceeded on our journey—I will go for the horses;' but he was scarcely on his feet before the report of a gun was heard, close to us, and my poor father fell to the ground, from which he never rose.'

After having pronounced these words, Theobald was completely overcome, and covered his face with his hands.

'What ensued?' asked the president, after a long silence.

Theobald replied in a trembling voice: 'My poor mother threw herself passionately on the body of my father, uttering the most despairing cries. Clarita, awoke suddenly out of her sleep, wept also; while I ran like a mad person, to discover whence the shot came.'

'Did you see any one?' asked the President.

'No one,' replied Theobald, in an altered tone of voice.

An almost imperceptible movement of satisfaction now lighted the countenance of Giuseppe Fabiano; Pasquale also appeared to breathe more freely.

'Is that all you have to say?' again demanded the president.

Theobald signified by a sign that he wished to speak again.

'Silence—listen again!' cried out the friends of the Loncinis.

'My mother called me to her in a short time, murmured the poor boy, in so low a voice as scarcely to be heard; she thought she heard a second shot and horses' steps; but I had heard nothing, save her cries of despair, and the rustling of the wind in the foliage of the fir-trees. I wished to seek further, for the murderer could not have been far from us; but she implored me to stay with her, and taking my hand, she drew me to the middle of the thicket, where we lost ourselves. I have now said all.'

'Did you not assert, immediately after the melancholy event, that it was the brothers Fabiano who had shot your father?' asked the president.

'I thought so, in consequence of the enmity that has so long existed between our families, but I repeat I saw no one.' And as if overcome by his feelings, he dropped on the seat placed for his use.

The cause of the Fabianos triumphed visibly, for there was no direct proof against the brothers. Their advocate conducted the defence in a manner that showed he believed himself certain of success.

The attorney-general then rose, and had begun to resume the prosecution, when a huissier delivered to the president a letter from Annunziata, which a peasant had just brought; she wrote to say she had a clue to the shepherd's retreat, and implored the tribunal to wait until they had received the evidence of Santa Cruz. The affair was then put off for eight days, and the prisoners were taken back to the prison from which they had hoped to be then delivered.—Signor Caffarelli, who had not left Theobald, accompanied him back to the baroness's hotel; he was in a state of moral suffering impossible to describe, and as soon as he reached the house, the poor youth went to the oratory, where he had prayed for grace the day before. An hour later the baroness and Clarita joined him.—Theobald was then much calmer; his religious feelings, which had given him power in the hour of need, came now also to his aid and consoled him: he was able to describe the struggles that had taken place in his mind. On the recital of all he had endured Clarita approached her brother and embraced him affectionately, endeavoring by her caresses to soothe the anguish she so little comprehended, for the children had truly described themselves the day before. Clarita was the exact counterpart of her mother, both morally and physically; she possessed her gentle timidity, her angelic goodness; anger and vindictive passions were alike unknown to her; she would not have injured the most insignificant insect, and from the sight of blood she would have fled with horror. Theobald, on the contrary, possessed, with great personal resemblance to his aunt, her firmness of soul, with the courage and energy he so much admired in Annunziata; more than this, he also had something of her indomitable pride, her unconquerable irascibility. The baroness listened to Theobald's account with that kind of indulgence which never failed her, and she congratulated him on the victory he had achieved over his passions.

'Alas! my poor child,' said she, 'this storm of contending passions will not probably be the last that will disturb your serenity; but remember that when they exert their terrible power, the kingdom of heaven suffers violence, and those only who can fight against them are worthy of being Christ's soldiers.'

The Sunday following, Theobald left Corsica,

to the inexpressible regret of Clarita, who was much affected by his departure; like a fragile flower that the slightest breath could bend, she instinctively felt the want of such protection as her brother's presence afforded her; she resembled the ivy, which languishes and falls when separated from the oak which had been its support. Intelligence of the death of Mademoiselle Folmont, the only relation on the mother's side, reached Bastia a few days before Theobald's departure, so that the gentleman in whose charge he was placed took him at once to Paris, and left him at the establishment of Monsieur Duhamel, a worthy ecclesiastic, many years known to the baroness.

It was there that the youth learnt the decision of the Court regarding the brothers Fabiano.—The shepherd, Santa Cruz, had not been found, notwithstanding the active search and hopes of Annunziata. The accusation against the two brothers therefore rested entirely on the well-known hatred existing between them and the Loncinis, and their criminality being approved by any positive evidence, they had been acquitted. Clarita remained six months longer with her benefactress. At the expiration of this time she was claimed by her great-grandmother and aunt, and the child returned to her native village, far better instructed, and with infinitely better manners, than the generality of the Corsican girls; also carrying in her heart the seeds of Christian virtue, of which the excellent Madame D— had afforded so rare a model.—Some time afterwards, my dear friend, I also left Corsica, bitterly regretting its azure sky, its wonderfully fertile land, and, above all, the lively sympathy and friendship, by which I was surrounded, and those dear friends who accompanied me with tears to the steam-boat.

As to the baroness, for whom I entertained the liveliest and most affectionate esteem, she remained for upwards of two years longer at Bastia, strewing blessings around her as thickly as the flowers grow in that delightful climate, persevering in the line of sacrifices and good works she had traced for herself; because her benevolence took its source, not only in the natural goodness of her heart, but above all, in her fervent piety, and in the love of God, that true source of all real charity. At the expiration of that time, she also left Corsica, leaving behind her the remembrance of her virtues, and somewhat of those feelings of veneration which the names of Francois de Sales and Vincent de Paul excite in all.

PART THE SECOND.

CHAPTER I.—THE STEAM-BOAT.

A long time had passed since the acquittal of the brothers Fabiano. The day on which they celebrated the fifth anniversary of this memorable event, a steam-vessel, Le Liamone, had left Marseilles in the morning, and was caught in so violent a tempest, that the captain, an old and experienced officer, declared he had rarely seen anything to equal its fury. The sky was dark, and the sea covered with foam; the hurricane blew with such force that at times it appeared as if it would raise the vessel altogether out of the boiling waves, and then as if it would bury it in the deep abyss. The sailors redoubled their zeal and activity, while the trembling passengers remained below, suffering horribly from sea-sickness. This scarcely left them strength to address their prayers to Notre Dame de la Garde, to implore her protection in saving them from imminent ship-wreck. One alone remained on deck without appearing to feel alarm, or to suffer from illness; he was a young man, apparently about twenty years of age, of tall and graceful stature, with handsome and noble countenance; he had large almond-shaped black eyes, dark complexion, black hair, with a fine high forehead, and most intelligent expression; his dress was simple, but in perfect taste. When the lightning gleamed, he devoutly crossed himself, according to the Corsican custom, without false shame as without affectation; he then continued to watch the tempest with all the calm of perfect security.

'Signor Loncini,' cried the captain, 'will you assist these good fellows who are endeavoring to shorten sail? Your life, as well as ours, depends upon it.'

'Most willingly, captain,' replied the young man. He threw off his great coat, took his place among the sailors, whom he assisted with so much presence of mind, strength, and address, that the captain cried several times 'Bravo, signor, bravissimo! One would swear you had never done anything else in your life.—What a pity you are not a sailor.'

In the meantime the tempest moderated in a slight degree, the motion of the vessel was not so great, the waves broke with less violence over the deck, and a ray of sunshine, bringing hope with it, began to gild the stern of Le Liamone.

'Now all is going on satisfactorily,' exclaimed the captain in a joyful tone; 'with the blessing

of God, we shall breakfast to-morrow at Bastia, as if nothing had happened. Thank you for your timely assistance, Signor Loncini; you have been of great service to us. On my faith you would make an admirable sailor.'

Our old acquaintance, Theobald, pressed the captain's hand, which he had offered him, put on his great coat, and took his place on the quarter deck. The noise of the waves, the solitude of the deep, the tempest, the shoals, the perils—in short, all were so many sources of enjoyment to him, for he was brave and energetic; emotions were new to him, as he had just left school.—For the first time he was free, and absolute master of his time. He was going to revisit his native country, his beloved home, his great-grandmother, and the sister, whose image haunted his dreams, adorned by all the graces and virtues of her sex. This gentle and fond girl, whose affectionate letters had consoled him in all his troubles, encouraged him in his labors, he was going to see at last, to be her protector, and to fulfil the promise he had made to his dying mother, of being a father to her.

Theobald's heart bounded with joy and pride as he thought of all he would do for his sister; he required for himself but little of the fortune of his parents; fifteen thousand francs would be sufficient for the purchase of the notary's practice at Corte. All the rest, with the house, the grounds, and land at Piovola, should form Clarita's marriage portion; to this he would add his share in the succession of his aunt, Mademoiselle Folmont, and also what he would inherit from his great-grandmother. By this arrangement, the young girl would become the greatest heiress in the district, and might select her husband among the best and most virtuous.

But before she settled, Theobald determined to complete her education himself; he would instruct her, particularly in history and geography, and the usual branches; he would give her some idea of botany, &c.; he would rejoice in her progress, become the confidant of her thoughts, the intimate friend of her youth; in a word, he would make her an accomplished woman. And who was more capable than he of realizing all he planned? What man of his age united in a greater degree learning and the perseverance necessary to obtain it? Whose progress had been more rapid than his own?

When he was placed at the Abbe Duhamel's, he could scarcely read French or Italian fluently; of Latin or Greek he had not the slightest idea; but he possessed all the intelligence of his countrymen, united to the strength of mind and tenacity peculiar to the good heads of the north.

The tragic death of his parents had made a deep impression upon him, and his promise of being a father to Clarita, was never absent from his mind. But to fulfil this promise as promptly as possible, it was indispensable to terminate his studies and keep his terms, for his relations wished him to pass as advocate before he returned home. He worked hard, not with the carelessness habitual to youth, but with the ardor of one already arrived at man's estate; not with the wish of excelling his companions, and obtaining the prizes, but in the far nobler designs of fulfilling his duty. The professors, delighted with his application, seconded his endeavors; he made astonishing progress, and reached the fourth class during the first year, and each succeeding year saw him mount to classes higher. At seventeen years of age he passed the degree of bachelor, at twenty he was advocate; and without doubt, through the protection of Heaven, who rewarded his good intentions, Theobald's health did not suffer in any way from this intense application. On the contrary, his constitution developed, his strength increased and the child became a man full of energy and vigor. The Abbe Duhamel had a really paternal regard for him, and continued the work so well commenced by the baroness; on all occasions he corrected the hasty temper of his pupil, curbed the impetuosity of his passions, and made him not only a man of honor, but a fervent and enlightened Christian. When Theobald had left the boarding-school, and was studying for the law, the abbe remained his confidant and best friend, and this was creditable not only to the master, but also to pupil. In his conduct with those of his own age, Theobald was always obliging, always a good fellow; he could hear the jokes, and forgive the tricks that were played upon him occasionally; he appeared to have entirely cast off his former vindictive feelings, and forgotten the prejudices of his childhood; but he had lost nothing of the noble qualities of his former character, consequently his former gratitude to the baroness amounted to enthusiasm.—He had visited her twice at Paris, and those days had been more full of happiness than those of the distribution of prizes, when he bent under the weight of those he carried off, and when his heart swelled with the acclamations that greeted successes. Notwithstanding, however, his affection for the baroness and the Abbe Duhamel, the person who filled the largest place in

his heart, she on whom his thoughts and hopes centered, she whose future prospects preoccupied him in the midst of the angry waves, was Clarita, his beloved sister: her happiness was to be his aim through life. Theobald was lost to golden dreams of joyful anticipation, when he felt a heavy hand on his shoulder; he turned instantly, 'Well, signor,' cried the captain, 'of what can you be thinking so intently that you forget the dinner-hour? The storm has abated, and as you do not suffer from sea-sickness, come and taste my soup; we have certainly well earned it to-day.'

Theobald followed the captain. There was another guest, a short, thin, and apparently delicate man, whom he recognised as a countryman by his accent.

'We are the only people who are hungry this afternoon,' said the captain. 'The passengers are thinking of anything but eating just now. I can tell you; and even you, Signor Casanova, I would lay a wager, could not have kept us company four hours ago.'

'That is very true,' replied the little man.—'I never suffered so severely before, and this is the third time I have made this voyage.'

'The hurricane was very violent,' observed the captain; 'and even I, old sailor that I am, would have been tormented with sea-sickness, like a delicate young lady, if I had not time to think of it.'

'Well, I felt nothing of what you call sea-sickness,' remarked Theobald, 'perhaps like you, captain, I was too much occupied to pay attention to it.'

'Occupied, and in what way, may I ask?'

'In watching the lightning as it rent the clouds, the waves that rose like mountains around us, and our vessel that appeared a black speck in the midst of that ocean of foam. Oh! how magnificent, how sublime is a tempest!'

'At your age I thought so, too,' said the captain; 'but believe me, Signor Loncini, one gets tired of everything, even of danger; and now I prefer a good fresh wind, that sends me safely to the end of my voyage, to all the tempests in the world.'

'You call him Loncini,' said Casanova in the captain's ear; 'is he related to the Loncinis of Piovola?'

'The only one of the name that remains,' replied the captain in a low voice, 'and a fine fellow as you can see.'

'As he is returning to his native place,' murmured Casanova, 'the Fabianos had better to look to themselves,' murmured Casanova.

The captain gave a sign of acquiescence.

Theobald had heard all, and remained silent; but a feeling of melancholy seized him, he sat perfectly still with his eyes fixed on his plate.

'You have no appetite, my young friend,' said the captain, tapping him familiarly on the shoulder; 'you must keep up your strength, for the future I mean; at present, thank God, we have nothing to fear; the sea is as passive as a fiery horse that has just received a good lesson from his rider. Still, we must not be too sure, for it is the libeccio (a south west wind) that blows, and if we had not steam to assist us, we should run the risk of being a month on our voyage, as has happened to me before to-day.'

'Steam is indeed a great and magnificent discovery,' said Theobald, making an effort to shake off the melancholy thoughts that began to assail him; it facilitates commerce and it is a means of correspondence everywhere.'

'In truth, I do not see that we householders have much reason to flatter ourselves on that account,' interrupted Casanova, 'provision become dearer, our woods are unpeopled, our thrushes and blackbirds that we used to buy six sous the dozen, now fetch nearly the same price each bird; and many more Corsican hares and partridges find their way to the market, at Marseilles than we can find on those of Bastia or Ajaccio.'

'Bah, bah,' said the captain, 'you must not complain. In return you receive good ready money, which circulates in the country; without reckoning the foreign wine and the articles of luxury we bring you daily.'

'Add to those advantages the lights of civilization which must result from our more frequent intercourse with the Continent, and which, I trust, will ere long soften our manners, at present somewhat barbarous.'

'What do you say, Signor Loncini?' interrupted Casanova with great vivacity; 'I would wager you are fresh from a French college.—Were not our fathers such as we are? Does not our sobriety and bravery outweigh in your opinion the effeminate customs of the Continent?'

'No one esteems true courage more highly than I do,' replied Theobald in a calm tone; 'and I hope to prove mine when a worthy occasion presents itself. But can we not preserve our virtues, while we correct our faults? And would our arm be less powerful against the enemies of the state, our hearts less determined to