



*The Quality of Mercy*

*a novel*

BARRY UNSWORTH

{ BOOKER PRIZE—WINNING AUTHOR OF *SACRED HUNGER* }



*The Partnership*  
*The Greeks Have a Word for It*

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*Morality Play*

*After Hannibal*

*Losing Nelson*

*The Songs of the Kings*

*The Ruby in Her Navel*

*Land of Marvels*

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BARRY UNSWORTH

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THE  
*Quality* OF  
*Mercy*

*A Novel*

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Nan A. Talese / Doubleday

NEW YORK LONDON TORONTO

SYDNEY AUCKLAND

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Originally published in hardcover in Great Britain by Hutchinson, an imprint of The Random House Group Limited, London.

Jacket design by Michael J. Windsor

Library of Congress Cataloging-in-Publication Data

Unsworth, Barry, 1930–

The quality of mercy : a novel / Barry Unsworth.—1st U.S. ed.

p. cm.

I. Title.

PR6071.N8Q35 2011

823'.914—dc22

2011010110

eISBN: 978-0-385-53478-9

v3.1



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*Love to faults is always blind;  
Always is to joy inclin'd,  
Lawless, wing'd, and unconfi'd,  
And breaks all chains from every mind.*

—William Blake



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*Spring and Summer*  
1767

On finding himself thus accidentally free, Sullivan's only thought was to get as far as he could from Newgate Prison while it was still dark. Fiddle and bow slung over his shoulder, he set off northward, keeping the river at his back. In Holborn he lost an hour, wandering in a maze of courts. Then an old washerwoman, waiting outside a door in the first light of day, set him right for Gray's Inn Lane and the northern outskirts of the city.

Once sure of his way, he felt his spirits rise and he stepped out eagerly enough. Not that he had much, on the face of things, to be blithe about. These last days of March were bitterly cold and he had no coat, only the thin shirt and sleeveless waistcoat and cotton trousers issued to him on the ship returning from Florida. His shoes had been made for a man with feet of a different caliber; on him they contrived to be too loose at the heel and too tight across the toes. The weeks of prison food had weakened him. He was a fugitive, he was penniless, he was assailed by periodic shudders in this rawness of the early morning.

All the same, Sullivan counted his blessings as he walked along. He had his health still, there was nothing amiss with him that a bite to eat wouldn't put right. He would find shelter in Durham if he could get there. And there was a grace on him, he had been singled out. He was not given to many just to stroll out of prison like that. Strolling through the gates ... His teeth chattered. "Without so much as a kiss-my-arse," he said aloud. In Florida he had developed a habit of talking to himself, as had most of the people of the settlement. No, he thought, it was a stroke of luck beyond the mortal, the Blessed Virgin had opened the gates for him. A sixpenny candle if I get through this. Best tallow ... He thought of the holy flame of the candle and tried in his mind to make the flame warm him.

He did not think of the future otherwise, except as a hope of survival. There was a certain element missing from his nature that all wise persons are agreed is essential for the successful self-governance of the individual within society, and that is the ability to make provision, to plan ahead. This, however, is the doctrine of the privileged. The destitute and dispossessed are lucky if they can turn their thoughts from a future unlikely to offer them benefit. Sullivan knew in some part of his mind that evading recapture would put him at risk of death in the winter weather, with no money and no refuge. But he was at large, he was on the move, the threat of the noose was not so close. It was enough.

An hour's walking brought him to the rural edges of London, among the market gardens and brick kilns north of Gray's Inn Fields. And it was now that he had his second great stroke of luck. As he was making his way through narrow lanes with occasional low shacks on either side where the smallholders and cow keepers slept during the summer months, at a sudden turning he came upon a man lying full length on his back across the road.

He stopped at some paces off. It was a blind bend, and an early cart could come round it at any moment. "This is not the place to stretch out," he said. "You will get your limbs destroyed." But he did not go nearer for the moment, because he had remembered a trick like that: you bend over in emulation of the Good Samaritan, and you get a crack on the head. "I am not worth robbin'," he said.

A half-choked breath was the only answer. The man's face had a purplish, mottled look; his mouth hung open and his eyes were closed. Across the space of freezing air between them a

effluvium of rum punch came to Sullivan's nostrils. "I see well that you have been overtaken by drink," he said. "The air is dancin' with the breath of it over your head. We will have to shift you off the road."

He took the man under the armpits and half lifted, half dragged him round so that he was lying along the bank side, out of the way of the wheel ruts. While this was taking place, the man grunted twice, uttered some sounds of startlement and made a deep snoring noise. His body was heavy and inert, quite helpless either to assist or obstruct the process of his realignment.

"Well, my friend," Sullivan said, "you have taken a good tubful, you have." The exertion had warmed him a little. He hesitated for a moment, then laid bow and fiddle against the bank side and sat down close to the recumbent man. From this vantage point he looked around him. A thin plume of smoke was rising from somewhere among the frosted fields beyond the shacks. There was no other sign of life anywhere, no human stirring. A faint sun swam among low clouds; there was no warmth in it, but the touch was enough to wake a bird to singing somewhere—he could hear it but not see it. "There is stories everywhere, but we often get only the middle parts," he said. The man was well dressed, in worsted trousers, stout leggings and boots and a square-cut, bottle-green coat with brass buttons. "Those are fine buttons," Sullivan said. "I wonder if you could make me iver a loan now? I am hard pressed just at present, speakin' frankly, man to man."

The man made no answer to this, but when Sullivan began to go through his pockets, he sighed and choked a little and made a motion with his left arm as if warding off some incubus. His purse contained eighteen shillings and ninepence—Sullivan had to count the money twice before he could believe it. Eight weeks' pay aboard ship! He extracted coins to the value of nine shillings and returned the purse to its pocket. "I leave you the greater half," he said.

Again, at this intimacy of touch, the man stirred, and this time his eyes opened briefly. They were bloodshot and vague and sad. He had lost his hat in the fall; it lay on the road beyond him. His goat's-hair wig had slipped sideways; it glistened with wet, and the sparse, gingerish wisps of his own hair curled out damply below it.

"I have nothin' to write with an' neither have you," Sullivan said, "an' we have niver a scrap of paper between us, or I would leave you a note of hand for the money." He had never learned to write, but knew this for the proper form. "Or yet again," he said, "if you were in a more volatile state you could furnish me with your place of residence. As things are, we will just have to leave it unsatisfactory."

The man's face had returned to sleep. Sullivan nodded at it in valediction and set off again along the lane. He had not gone far, however, when it came to him that he had been the savior of this man and that nine shillings was hardly an adequate reward for such a service. To rate a man's life at only nine shillings was offensive and belittling to that man. Any human creature possessed of a minimum of self-respect would set a higher value on himself than that. Even he, Sullivan, who had no fixed abode and no coat to his back, would consider nine shillings too little. If this man's faculties were not so much ravaged and under the weather, he would be bound to agree that eighteen shillings met the case better.

Full of these thoughts, he retraced his steps. The man appeared to have made some brief struggle in the interval, though motionless again now. His wig had fallen off completely and

lay bedraggled on the bank side like a bird's nest torn from the bare hedge and flung down there. His hair was thin; pinkish scalp showed through the flat crown. His breath made a slight bubbling sound.

"I do not want you to go through life feelin' convicted of ingratitude," Sullivan said. "You may take the view that death was problematical, but that I rescued you from the hazard of mutilation you are bound to agree on." The purse was of good leather. Sullivan kept hold of it, having first restored the ninepence to the man's waistcoat pocket. "In takin' these shillings I am doublin' your value," he said. He was silent for some moments, listening intently. He thought he had heard the rattle of wheels. He went to the bend and surveyed the long curve of the road: no sign of anything. His eyes watered and he was again racked with cold. He clutched at himself and slapped his arms and sides in an effort to get some warmth into them. Still striking at himself, he returned to the victim of his kindness. "I had a coat once with fine brass buttons on it," he said. "But the coat was stole off me back aboard ship on the false grounds that it was verminous, an' the bosun kept me buttons though they brought him no luck. One I found again after twelve years through a blessin' that was on me, but I gave them to a man who was dyin'. It is only justice that you should reinstate me buttons, havin' saved you from injury or worse. If I had a knife about me I could snip them off, but lookin' at another way I am not the man to desecrate a fine coat ... Here, hold steady." Feeling the coat being eased off him, the man struggled up to a sitting position, glared before him for some moments, then fell back against the bank.

The coat was rather too big at the shoulders for Sullivan, a fact that surprised and puzzled him, conflicting with his sense that this encounter by the wayside was perfect in all its details of mutual benefit. "You will be a local man," he said. "You will not have far to go. I am bound for the County of Durham, an' that is a tidy step." He had been unlacing the boots when he spoke. Now he raised the man's legs to pull them off, first right, then left. The thick legs fell heavily to earth again when released. The man's eyes were open, but they were not looking at anything. The boots fit Sullivan perfectly. He slipped his shoes on the other's feet. "Each man will keep to his own trousers," he said magnanimously. In fact, he had grown hasty in the lacing of his new boots, and was eager to be off. He straightened up, took his bow and fiddle and moved away into the middle of the lane. "The morning is not so cold now," he said. "I have been your benefactor and will remember you as mine."

No sound at all came from the man. He had slumped back against the bank. His head had fallen forward and slightly sideways, toward his left shoulder. He had the look of total meekness that the hanged possess, and perhaps it was this that brought a sudden tightness to Sullivan's throat and made him delay some moments longer.

"At another time I would have saved your life free of charge," he said. "You are gettin' me off to a good start an' I am grateful." Still he paused, however. He had no natural propensity to theft, and there was the important question of justice. Because of him this man's waking would be unhappy. He was owed some further explanation. "I had a shipmate," he said. "A Durham man, name of Billy Blair. Him an' me were close. We were pressed aboard ship together in Liverpool. She was a slaver, bound for the Guinea Coast. We took the negroes on board but we niver got to Jamaica with them, we came to grief on the coast of Florida. Them that were left lived on there, black and white together. We had reasons for stayin' where we were, but I will not occupy your time with them, as bein' irrelevant to the point at issue."

Billy sometimes talked about the place where he was born an' about his family. He ran away to sea when he was a lad of fourteen, to get away from minin' the coal, so he said. He was always intendin' to go back someday, but he niver did. An' now he niver will. I made a vow that if iver I got free of me chains an' had power over me own feet again, I would find Billy's folks and tell them what befell him. An' now I am bound to it, d'ye see, I can't go back on because me vow was heard, the gates were opened to me."

The hat was still lying there. He picked it up and set it firmly on the man's lowered head. "I have spoke to you in confidence, man to man," he said. "I am trustin' you not to promulgate me words to any third party. An' now I will bid you farewell."

He walked for an hour or so in the sullen light of morning. Nothing passed him on the road and he met no one. At a junction of lanes there was a huddle of houses and a small inn. He was hungry, but he did not dare to stop. One way led to Watford, the other to St. Albans. He took a shilling from his new purse and tossed it. It came down heads. St. Albans, then.

A mile farther on he came up with a wagon setting off north with a load of shoring posts. A threepenny piece got him a place up beside the driver. As the wagon jolted along, he thought of his luck again and of poor Billy Blair and of the meekness of the hanged. After a while he slept.

Late in the afternoon of the day of that fortunate wayside encounter, a Durham coal miner named James Bordon, who was married to Billy Blair's sister Nan, was standing near the head of a steep-sided and thickly wooded ravine known locally as the Dene. He was looking in the direction of the sea, which at that distance was no more than a change in the quality of the light, a pale suffusion low in the sky. At his back, little more than half a mile away, was the colliery village of Thorpe, where he lived, though nothing of it could be seen from where he was standing; cottages and surrounding fields belonged to the upper world; here below, vagrant streams, over great spans of time, had gouged through the bolder clay and limestone to make a deep and narrow chasm.

Bordon had not attended any school, and he could not read or write. He was ignorant of this long scooping-out of the rock, the millions of years that had gone into it. But he knew the Dene with a knowledge no study of geology could have given him. He had known it all his life; he had played here as a child, made tree houses with other children, fished for sticklebacks and newts in the beck that ran through the gorge below him, slate gray in color now, under this lowering sky. Childhood had ended for him at the age of seven, when his father, in accordance with the general habit, and as his own father had done, had taken him down to work in the mine. His father was gone now; he had died as a good number of miners did, his lungs choked up with all the years of inhaling flint dust.

Bordon had come here straight from the pit, as he sometimes did—more often nowadays than before, as if from a need that was growing. He was black with coal dust; the acrid smell of it, together with the sweat of his labor, rose to him from the folds of his clothing, thick cotton shirt and trousers, leather waistcoat and apron and knee pads. For fourteen years now he had been a full pitman, a hewer, cutting out the coal from the face. He had worked for ten hours that day, starting at six in the morning, and he had done his stint—he was not paid by the hour but bound by contract to cut coal enough to fill six corves, thirty hundredweight, in one working shift, or suffer loss of wages if he came short of this. The condition met—and the judgment was his—he was free to leave the coal lying for the putters to load into the corves and drag to the pithead.

He stood still now, letting the peace and silence of the place settle around him, and the strange sense of a stronger existence that came with them. He could not easily have found words for this. He was unpracticed in speaking about feelings, and there was no one, in any case, with whom he might have made the attempt, without fear of being thought softheaded. But it was mainly the reason why he came to this place, the sense of intensified life that visited him when he stood alone here. Partly he knew it, though confusedly, for the shelter afforded by the open sky, the removal of a roof too close, the fact that he could raise his head and shift his limbs freely, the steady light after the hours of kneeling with hammer and wedge at the narrow seam, in the close heat, by the variable flame of the candle.

But it was more than this, more than mere awareness of freedom; he felt a gathering of the heart and pulse of his existence, stronger now for the faint sounds that came to him as he stood here, sounds of other existences blending with his own, voices of children from somewhere among the trees, the calling of curlews from the fields in that other world above.

the distant hiss and clatter of the pump bringing up water from a flooded shaft somewhere among the mine workings.

The children's voices came to him again, too faint for him to know whether happy or angry. They were lower down, somewhere close to the bank of the stream. Down there, further into the Dene, the ground leveled out and the beck made a turn southward, out of the path of the ice-laden winds that sometimes came in from the sea and tore through the long hollow of the glen. Here, in this sheltered loop of land, the climate was different, milder; there were zones of air that never felt the frost; willow herb grew here, and wild daffodils and a thick vegetation of ferns and flowering grasses covered the ground. Two acres, roughly speaking. Fertile, well-watered, level ground, screened from the worst of winter, designed by nature for a market garden ...

It was a thought that came often to him, more a kind of vision than a thought. It had accompanied his life, or so it seemed—he could not remember when first this picture had come into his mind, the flowering fruit trees, the green rows well hoed and neat, the pit ponies he would rescue from toiling in darkness to carry his produce along the streamside to the coast. It was a vision orderly and beautiful, and it came to him not only here, though here it was stronger, here it seemed almost possible of fulfillment. He might think of it as he was falling asleep, or as he trudged to work in the early morning. Sometimes, at the end of a stint, when his eyes were tired, the shifting glints of the coal seemed like stirring leaves and gleams of light on water.

Occasionally he had spoken to his eldest son, Michael, about this piece of land, not directly as an ambition of ownership but as representing a happy state of existence, a labor that made sense, being on ground that was your own. In fact the Dene, and all the lands surrounding it as far as the coast, and all the coal that lay beneath, had belonged for several generations to the Spenton family, whose mansion and park and gardens and lake lay on a commanding rise of ground some two miles from where he was standing.

The clouds to the west lifted suddenly and a shaft of sunlight fell across the wooded incline. The voices of the children came to him again. He descended some yards along the narrow path that led through trees down the side of the glen. His sight was confused by the gleam of sunlight on the dark, clustering foliage of the yew trees that grew here on the upper slopes and the mist of green formed by the first buds of leaf on the beeches. After some moments he came to a point from which he could look down to the valley floor, see again the cold gray of the beck, too far below to be touched by the sunshine, though the change of light had made it possible to see the movement of the current, a whiteness at the edges where the water was whisked in eddies.

Then, quite suddenly, he saw the children; they were at the streamside, five diminutive figures, all boys, crouching by the water. Something about their gestures and voices, the way they crouched so intently, looking down, told him that a competition of some sort was going on. Then he saw a fleeting gleam of white, then another and another: they were racing boats as far as the overhang of rock some dozen yards farther down, where the stones in the streambed rose to the surface and broke the current. He remembered doing the same as a child—just there, just in that same place. You took some loose bark from a silver birch, stripped the pith and set your boat on its beveled side, well clear of the bank ... At the same moment that he was recalling this he saw that one of the boys was his youngest son, Percival.

who would soon be seven years old.

With some impulse of secrecy, or tact, he turned aside, began to go back the way he had come. As he reached the level of the rough pasture above, the hollow from which he had emerged closed behind him, to be replaced by a new order of familiarity, the slate roofs of the village, the smoke from the coal fires burning in the houses, the fumes of the open saucers and pans that lay beyond, swathing the houses themselves and all the air above and around them in a mist that was sour and all-pervasive.

Entering the lane that led to the village, he fell in with a miner named Saul Parrish, who lived close by him, he too returning from work and black with the dust of the coal. As they drew nearer to the first houses they heard a sudden outcry, the voices of women raised in a shrill protest, the rarer voices of men. A strong smell of excrement was carried to them. Then they saw the coop cart and the black dray horse and the lines of washing running down the alleys below the houses.

"They are about the emptyin' of the netties," Parrish said, in the tone of pleased authority that comes to one who after study has found the answer to a difficult problem.

It was a note of self-satisfaction peculiar to Parrish. And perhaps it was this, the habit of delivering information obvious to all as if it were a special shaft of insight, that caused the beginnings of anger in Bordon, an anger not primarily directed at Parrish but at the tang and confusion he knew to be reigning there in the narrow lanes, the washing lines caught up in clothes in danger of soiling, the weaving of the men with the stinking buckets, the confusion and upbraiding of the women, his wife Nan among them.

"A can see that for mesen," he said. "A dinna need nay tellin'."

The privies were in the yards behind the houses; they were emptied every so often into a cart specially designed for the purpose, high-sided, fitted with a huge tin basin with a sliding cover, to be borne away and tipped into a deep and monstrously reeking cesspool in the moorland some miles away.

"Anyone can see what they are doin'," Bordon said. "What a want to know is why the fellers always come to us on a washin' day. Tha never knows when they'll come next, but tha knows it will always be on a washin' day, so they can clag everythin' up."

Parrish's eyes were bloodshot, after the hours of close and dusty work. They gleamed now in the blackened face with the light of superior wisdom. "Why, man," he said, "they have their hours, as we arl do, rain or shine, that's the way of it. 'Tis arl planned out by the manage."

"The manage?" Bordon felt the rage rising in him, stiffening his jaw. "Is tha tellin' me that the manage plans it out so them fellers always come to empty the shit in the village of Thorpe on a bleddy washin' day? What is the manage, is it God? There's someone there has a grudge against us."

He had spoken loudly, and a man who had approached without their noticing, so interested were they on their talk, now spoke from behind him. "Who is that taking the name of God in vain?"

Turning, Bordon saw the very man least welcome to him at such a moment. It was Samuel Hill, who always had to be interfering and putting his nose in, judging everything and awarding points this way and that. He it was who always tried to set himself up as arbiter of the fistfights that were sometimes chosen, when words failed, as the means of settling a



argument. Because of this mania for sitting in judgment, he was generally referred to—by never by Bordon—as Arbiter Hill, a title of which he was proud. He had been to a charity school and could read and write after a fashion, an advantage that had got him a place as assistant overman, tallying the loaded corves as they were dragged by the putters from the coal face to the pit bottom.

“Tha takes everythin’ personal,” Parrish said. He never liked his words of wisdom to be questioned, and he reacted now with some rage of his own to the rage he had heard in Bordon’s voice. “Tha brings everythin’ back to theesen. Does tha think they do it out of spite?”

He turned to Hill. “He is sayin’ there is a grudge against us in the manage because the netties always comes to empty the privies on a washin’ day. Them fellers empty the buckets in potters’ villages as far as the banks of the Wear, but he thinks Thorpe is the only colliery in the County of Durham that has shithouses in the yards.”

“I think I’ve understood the issue.” Hill had somehow managed to insert himself between the two disputants. “Here on my right,” he said, “in the person of Saul Parrish, we are hearing the opinion that the workings of authority as regards the emptying of the netties at Thorpe do not take account of the likes of you and me, having a wider view of things, ranging farther afield and emptying more netties in the course of a week than what we can imagine. On my left, we have James Bordon, who is stating that there is more to the emptying of the netties than meets the eye, there being some reason lying below why the netties always come to us on a washing day. There is the further question, not so far touched upon, whether they always *do* come on a washing day or whether it only seems so because of the nuisance. That is the position as it stands at the present time. Now, lads, box on.”

But Bordon’s rage had died as he listened, and weariness had returned. The voices of the quarrel still came from the village, sounds ugly and discordant, so much at odds with those he had emerged from, which had seemed part of the silence. “Take it personal?” he said. “The manage dinna pay them fellers. Him that owns the mine, Lord Spenton, he dinna pay neethers. Every man jack of us is docked tuppence a week, as you know well, Saul Parrish. That’s personal enough, an’t it? Them that pays should have a say in the runnin’ of it.”

“It’s as well nobody but us is listening,” Hill said. “Those are words that could be too wrong.”

Bordon shrugged. “Bad cess to them that would take it so,” he said. He had long suspected Hill for a tale-bearer. Then, realizing he had made a sort of joke, though by accident, he smiled a little. “You two gan on,” he said. “A’ll stay here till they’ve done.”

He lingered in the lane for some time longer, greeting the men who passed but remaining alone. Only when the cart was gone did he start to make his way toward the village. He knew now, rage spent, that he had been wrong in what he had said about the nettie men; he knew they came on various days, he knew there was no plot. He had been angered at the sight and sound of them because washing day was always Saturday and it was the day he looked forward to most in the working week, the clean shirt and trousers, the prospect of rest the next day.

There was free coal for all the mining families and fires were kept up all day, in all seasons. Nan was waiting for him with the water already heated for his bath. She was the only woman of the house; their one daughter had died in early childhood. The two older sons

worked longer hours than their father, fourteen hours a day, dragging the loaded baskets along the workways from the coal face. It would be after dark when they returned; at that season they saw full daylight only on Sundays.

The hip bath was brought out and set before the fire, the hot water poured out from the boiler into a copper pan and mixed with the cold brought in from the well in the alley. His clean clothes were laid over a kitchen chair; there was the pipe to enjoy afterward. He looked at Nan's face as she ministered to him, and felt a concern for her that came close to sorrow. She had had to endure that chaos and rage with the other women, after the long day of washing, the potting, the tub, the mangle, the tall lines to reach up to. There was weariness in her face, but no trace of anger; she was intent, pouring clean water from a tin mug over his shoulders and back.

"A saw our Percy in the Dene," he said. "He was racin' with birch boats in the beck. I dinna know if he saw me watchin'."

"He wouldna have knowed it was you, all black from the pit. Men are different inside of them but tha canna tell much difference on the outside till they wash the coal off."

Different inside they were indeed, she thought, whether clean washed or not. Bordon was subject to rages and there was violence in him, but it was never directed at her. From the day she had agreed to marry him he had tried to protect her as far as he could; he had wanted her to stop working at the pithead, sorting the shale and slate from the heaped coal, work she had started at the age of nine. It had meant a sacrifice of money, but he had insisted. There were some who made their wives labor at the mine even when they were advanced in pregnancy.

His hair had thinned in these last two or three years; she could feel the small ridges of the scars that ran over his scalp. He was taller than average, and the only protection any of them had was the cloth cap; he did not always remember to stoop enough, and so he banged and bloodied his head against the roofs of the galleries as he passed.

"It minded me of doin' the same when a was that age," he said. He turned his head in an effort to look at her through the blur of the water. Percy's age was frequently in their minds nowadays; this summer would see the end of childhood for him, set him on the long course of becoming a pitman. It was not something to be much talked about, any more than other obvious facts of life. Percy himself was ready to go down, as his brothers had done before him; but he was the last of their children, and both felt a sense of regret they had not felt for the others.

"He should be gettin' back home by now," Nan said. Then, after a moment, "He does weel to play while he can."

"Just in that selfsame place," he said, closing his eyes, seeing the place again. "The beck runs fast there."

He was dressed and had finished his tea by the time Michael and David came home. They came back together, as happened now and then, when their hours of work coincided.

There was no hot water for them—that was the privilege of the head of the family. They took buckets to the well that was shared by all the houses in their alley, brought the water back to their own yard and washed down there. Their only light was a candle lamp, but it was enough for Michael to see that his twelve-year-old brother, with the coal dust washed away, had livid bruises on his arms and legs. "How did tha get them marks?" he said.

David was reluctant to say. Stoicism came naturally to him; bruises of whatever kind were

part of the life of the pit; it did not seem manly to complain, he did not want to look weakling in his admired elder brother's eyes. But as they fumbled their working clothes back on again in the cold yard, Michael persisted, and finally got the answer that confirmed the suspicions he had held for some time now. David worked as putter's mate with a man named Daniel Walker; together they loaded the coal hacked out by the hewers, together they hauled and pushed the loaded sledges along the gallery ways to the pit bottom, where the quantities were tallied and the corves winched up to the surface. This was piecework; they were paid by the quantity of the coal they shifted. It seemed that Walker, thinking to spur David on to greater efforts, frequently struck him with his fists on the arms and shoulders and kicked him on the legs.

"Is tha doin' the best tha can to share the work?"

"Yes," David said, with some indignation at this slur on him. "A canna do more, a canna gan faster."

"An' yon fool thinks he can make you do more by hittin' you?"

David made no reply to this, standing there with his face averted, as if he had done something wrong. And this unhappy silence, this childish guilt at the fault of another, moved Michael and angered him at the same time. "Right then," he said. "A'll have a word or two wi' Walker."

It was two days before Erasmus Kemp learned of Sullivan's escape. The news was delivered by the barrister in charge of his case, Thomas Pike, who had himself only heard of it the day before.

"Why was I not told at once?" It was always congenial to Kemp to have someone before him on whom to lay the blame, and Pike had now to withstand the glare of the dark eyes of the level-browed, handsome face. Twenty years Kemp's senior, one of the most eminent advocates in London, Pike had nevertheless to call on reserves of fortitude to meet the regard without demeaning himself by lowering his eyes. The passionate suddenness of his client's moods still sometimes took him by surprise, combined as it was with a certain rigidity of bearing, slight but noticeable, unusual in so young a man. No doubt due to pride and self-consequence, the lawyer had thought—Kemp was known to be extremely rich; but there was a guardedness in it, as if he were afraid of jarring some old hurt.

"That is a question for the prison authorities, sir, not for me," he said in a tone he took care to make neutral.

Kemp checked the angry response that rose to his lips at this impertinence—for he took as such. Calculation was as prompt with him as rage; Pike was a highly successful lawyer, prosperous enough to allow himself the liberty to take offense and abandon the case if he chose. A mistake to antagonize him ... His very presence there, in his client's place of business instead of his own, constituted no small concession.

"How did it happen?"

"It seems that one of the debtors was playing host in his room in the prison, one of the upper rooms of course, those on the fourth floor, well removed from all the misery below. Friends of his and women of the streets, you understand. They ordered up cakes and wine in good quantity." Pike paused to allow himself a discreet smile. "They cannot pay their debts but they can always contract new ones, even in prison. Some musicians were ordered for the dancing. Four, I believe. The fiddler was drunk on arrival, though no one seems to have noticed it. He was handed a bumper and it was one too many for him, he could not keep on his feet. There is no dancing without a fiddle, and this Sullivan, who apparently is noted as a fiddler, was released from his chains and brought up to take the man's place. The jollification went on till well past midnight. In the meantime the jailors were changed and no one thought to pass on the word about Sullivan. So when the musicians finally left, he left with them."

"Why was he not immediately pursued?"

"This was in the early hours of the morning. By the time it was discovered the man would have been well clear of the prison, and there was no way of knowing which road he had taken. Sir, there are not officers enough in London to conduct a search of that kind."

A short laugh broke from Kemp, though his face showed no change. "I cross the Atlantic to bring these men to justice. I spend weeks in Florida, enrolling the force of troops I shall need. I spend further weeks discovering the whereabouts of the miscreants and tracking them down. All this at great expense and to the neglect of my business. And now this wretch strolls out of prison, and no one thinks any more of it till next day, several hours later."

"That seems to be the case, yes."

“I shall lodge a complaint. I shall see that those responsible are dismissed. You will understand my displeasure, sir. I have related the circumstances in which my father’s ship was lost.”

The lawyer nodded. Even without this relation he would have known a great deal of the case. The impending trial was complicated; in fact, there would be two hearings, one civil, the second criminal. It had aroused considerable interest in legal circles, and the London newspapers had all contained accounts of it, embellished by a good deal of gossip. Kemp’s career had become public property in the course of the last two weeks, described in detail: the obscure beginnings in Liverpool, son of a bankrupt cotton merchant; the marrying in money in the person of Sir Hugo Jarrold’s daughter, an unhappy match by all accounts. The fortune made in sugar, the partnership in his father-in-law’s bank—he was head of the bank now, the old man never appeared in public, it was thought that his mind had gone. Kemp had returned from Florida to news of his wife’s death.

“I swore I would see them all hanged,” Kemp said. “The loss of ship and cargo ruined my father. And now one of them walks free, as if he had done no more than raid a chicken house.”

“Well, he could be hanged for that, as the times go,” Pike said. He remained silent for some moments, regarding the man opposite him. The bitterness of these last words had brought Kemp forward in his chair. He had raised his hands in speaking, causing pale ripples of reflection on the polished ebony surface of the desk at which he was sitting. He had a habit of occasional rapid gesture unusual among English people, at odds with that slight stiffness of bearing. The darkness of his eyes and hair and the olive tint of his complexion, these too were unusual. He was dressed with sober elegance in clothes that were fashionable but not ostentatiously so: a solitaire in the cravat, coat of dark blue velvet, cut away at the front to show a white silk waistcoat, unembroidered, buttoned in the new style, all the way down to the hem; he wore no wig and no powder on the hair, which was tied behind with a single ribbon. It was the dress of a man who gave a great deal of thought to the figure he made.

“They will hang, be assured of it,” the lawyer said. “They killed the captain, but that was in the course of a scuffle, confused in its nature—it might be difficult to establish responsibility. No, it is the sailing off with the cargo of negroes that will be viewed more seriously, and constituting piracy, an aggravated form of theft, an outrage against property. There is no country in Europe where a man or woman or child, especially of the poorer classes, is more likely to be hanged for offenses against property than this great country of ours. According to Blackstone’s *Commentaries*, that are presently being published, there are in this year of grace 1767 no fewer than one hundred and sixty capital statutes, an increase of a hundred since the beginning of the century. And they are growing day by day. Murder, rape, maliciously cutting hop binds, destroying the heads of fishponds, waging war against the king in his realm—are equally likely to get you standing room on the cart to Tyburn. In theory, at least. Whether juries will convict on a lesser charge is another matter, of course.”

“It is their duty to convict if that is the law,” Kemp said. He was largely in favor of severe punishments, and had not liked the other’s lightness of tone. Belonging as Pike did to a trade that could only profit from this proliferation of capital offenses, such levity seemed like ingratitude. “It deters people from committing felonies,” he said. “It nurtures respect for our institutions, which I believe are the envy of the world.”

Pike had sensed this disapproval, understood it, felt a certain contempt for it. Not much humor there, not much play of mind. He himself had plenty of both—too much, some of his colleagues thought. “We need to make jokes about the law, sir,” he said. “It belongs to the profession. Like the doctors, you know. Who better fitted than they to make jokes about sickness?”

He paused on this with a certain sense of constraint, recalling only now that Kemp’s cousin, a man named Matthew Paris, had been the doctor on the ship, had taken part in the mutiny, in fact had played a leading role in it, had been wounded when the people of the settlement were captured and had died of the wound. The embarrassment was needless, however; his remark had been so foreign to Kemp’s way of viewing the world that he had failed altogether to understand it, and so made no reply, obliging the lawyer to speak again, before the silence could become oppressive. He could not leave yet; there were things still to be imparted to this difficult client of his. “Well,” he said, “it deters those who are hanged, there is no smallest doubt of that. And of course it is an encouraging mark of our national prosperity.”

Kemp stared. “How do you intend that remark?”

“Sir, this vast increase in the application of the death penalty has coincided with a notable influx of wealth through growth in our manufactures and maritime commerce. To put the matter simply, there is constantly more capital circulating in the country, and therefore constantly more property to protect. Property is the thing, sir, not the life of the subject. Let me give you an example. Not so long ago, the servant of a gentleman in Taunton, possessed of some grudge, attacked his master with a carving knife, wounding him in a dozen places. He did not die, being blessed with a strong constitution, but he came very close to it. Well, the man was hanged, of course, but you will not easily divine why.”

“Why, for attempted murder, I suppose.”

“No, sir. The law we serve with such devotion is not always so simple. They hanged him for attempted burglary. In order to gain access to his master, he had to enter by the door that led to his master’s chamber. There was no forcing of locks—all he did was lift the latch and go in.”

Kemp regarded the lawyer for some moments without speaking. The instinctive antagonism of his nature, a constitutional unwillingness to react as was expected or desired, unless there was something to be gained, kept his face impassive now. Pike was acting for him, they had agreed on a fee; he saw no cause for seeking to please Pike by raising eyebrows or uttering exclamations of astonishment. “So long as he was hanged,” he said, “that answers the matter well enough.”

“Some might take that view, yes. I have been wondering ... If you wanted the men hanged, the remainder of the crew, I mean, why not see to the business in Florida? It is a British possession by exchange of Havana with the Spanish. The Admiralty has jurisdiction there, no whit less than here in London. And procedures are simpler in the colonies. They could have been hauled off and hanged from one day to the next.”

Kemp hesitated before replying; in fact, at first he was minded not to reply at all. He had never, from earliest youth, liked to avow his motives for anything, feeling it to be somehow undignified, or even demeaning, as if he were submitting himself to judgment. His cousin had been wounded in the capture and had died of the wound before he could be got to the hangman in Florida or anywhere else. Kemp had felt this keenly at the time as a failure on his

own part. His view of it had changed since then; the failure was tinged with sorrow now though he could not bring himself to admit blame or contrition—that would be to betray the mission of justice that had impelled him. He had been guided by principle in bringing the men back to England, and he was a man who set great store by principle.

“That was my first thought,” he said. “But then it seemed wrong to have them tried and executed in that hasty, scrambling sort of fashion. Twelve years had passed since they took refuge in Florida. I judged it more in keeping that they should stand trial and be hanged here in full public view, so they should serve as an example of the workings of justice, and make known on every hand that punishment is certain, whatever the time that has elapsed.”

It was Pike’s turn to hesitate now. He was not cynical exactly, but he had seen too many courtrooms to believe altogether in the principle of justice as a determining force in legal process. “Worthy aims, worthy aims, upon my soul,” he said at last.

“Have there been some further developments? Other than the escape of this scoundrel fiddler, I mean. Is it not high time that these men came before a jury?”

“We have been successful in our application for the release from prison of the first mate, Barton. As you know, he is turning evidence against the others on the promise of a pardon. His evidence cannot be presented in court while he is in confinement, since it might seem that his words are aimed at securing his own release.” Here the lawyer permitted himself a pause and a smile, though he made no attempt to share the smile with his client. “That his words will have already served to secure his release is an entirely different matter, of course. He has undertaken to make a written deposition. It seems that he can write.”

“Yes, he told me he could read and write.” With the words there came to Kemp a memory of the mate as he had been aboard ship, when the proposition to betray his shipmates had first been put to him. In the narrow confines of the cabin, Barton, brought down from the open deck, had shivered like a dog and gulped down the rum and talked of his sainted mother, who had taught him to read at her knee. A reek of sweat and fish oil had come from the man’s body as he sat across the table. They had used the oil against mosquitos in that land of swamp and lagoon. Kemp’s nostrils contracted involuntarily at the memory. Barton had been naked above the waist except for a scrap of red silk round his neck, and this degraded dandyism had stayed with Kemp as somehow marking the mate’s readiness to preserve himself, to serve new masters. How glad he had been to get this evidence against his cousin. Any instrument, however base, however loathsome. Matthew had still been alive then ...

“That is all satisfactory,” the lawyer said. “But this case has aroused widespread attention, and I have learned something this morning that might complicate matters and make it more difficult to get a speedy judgment.”

“What is that?”

“Frederick Ashton and some others of similar persuasion have taken the case up.”

The name, coming thus unexpectedly, caught Kemp off guard, and he glanced aside, a thing unusual with him. He had recently met, and exchanged some words with, this man’s sister, Miss Jane Ashton, at the house of a business acquaintance, and her face came vividly to his mind now, the eyes particularly, between gray and green in color and very direct and unfaltering. She had looked at him without coquetry, without any care to challenge or provoke, though some hint of laughter there had been. No other young woman had regarded him so frankly, none that he could remember. He had felt a need to break that scrutiny, and

he had found a way of doing this by paying her a compliment on her gown. At this she had smiled and glanced slightly away, and this had seemed to him like something won from her. A smile of good augury, as he thought of it now: not five minutes afterward his host had told him in private talk that a Lord Spenton, a mine owner, desired to obtain a loan from the bank, thus presenting the kind of investment opportunity that he had long hoped for.

The lawyer had noticed his hesitation and misunderstood it. "You know the man?"

"We have not met, but I know him by repute."

"So far he has confined his activities to contesting the right of property in slaves brought to these shores from the West Indies, using the argument that England is the home of freedom and that her laws cannot tolerate one man claiming ownership in another."

"That is all very well," Kemp said. "But they don't understand the workings of money to these people. There might be a hundred blacks brought here in the course of a year, all acquired by purchase. Then there are the numbers already here, probably at least a thousand in London alone. It amounts to a very considerable capital sum. Who is going to compensate the owners?"

"That is a question that causes alarm on all sides," Pike said. "Of course, if they were declared to be free upon setting foot on English soil, their owners would be obliged to desist from bringing them here."

"But that would be an unwarranted curtailing of our essential liberties as Englishmen."

The lawyer's own habit of mind caused him to suspect that there might be some intention of irony in these words, but his client's face had remained completely serious. "Well," he said, "it seems that Ashton is now looking further afield—he is intending to use the case for his own purposes. He has already engaged counsel to defend these men, an unusual step in itself, since they are quite penniless. His lawyers have petitioned for a postponement to allow them to seek material for the defense."

"Defense? What defense can there possibly be? It is perfectly obvious that the men are guilty."

"A defense of some kind can always be mounted. But certainly it is difficult to see what line Ashton intends to take. They have no independent witness to call into court. All those on board the ship at the time of the mutiny have either died since, or been resold into slavery in Carolina, or are lying in Newgate Prison facing capital charges. With the exception of one friend Barton, that is, and this Irish fiddler. I suspect Ashton will try to make a single action of it and force a decision on the issue of property."

"But it is one single action, surely."

"No, sir, you naturally see it in that light because you think of the felonies that were committed, the murder of the captain, the theft of ship and cargo, the clear intention not to return. But there is an action prior to this one. The mutiny can be said to have begun, and so we shall plead, when your cousin raised his hand against the throwing overboard of the sick negroes, still alive as they were. We shall have Barton's testimony to support us in this. Now there is no question of felony up to this point, none at all. The slaves were cast into the sea in order to claim the insurance on them."

"Lawful jettison," Kemp said. "There was a shortage of water—barely enough for the crew. Barton will testify to that also. I am fully entitled to the insurance money, every penny of it as owner of the ship through my father."



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