

here. However much it is against my feelings, you must go before a magistrate."

"By all means," added No. 17, with the importance of an injured man. "A pretty thing that one's watch is not safe in a house like this."

"John, send Boots for a constable," said the landlord.

Harvey sat with his head leaning on his hand. A deadly cold perspiration trickled down his brow. His heart swelled and beat as if it would burst. What should he do? His whole prospects were instantly blighted. "Oh God! do not desert a frail and unhappy being; give me strength to face this now and terrible misfortune," was a prayer he internally uttered. A little revived, he started to his feet, and addressing himself to the landlord, he said, "Take me to a magistrate instantly, and let us have this diabolical plot unravelled. I court inquiry into my character and conduct."

"It is no use saying any more about it," said the landlord: "Here is Boots with a constable, and let us all go together to the nearest magistrate. Boots, carry that trunk. John and Sally, you can follow us."

And so the party, trunk, and all, under the constable as conductor, adjourned to the house of a magistrate in an adjoining street. There the matter seemed so clear a case of felony—robbery in a dwelling house—that Harvey, all protestations to the contrary, was fully committed for trial at the ensuing March assizes, then but a few days distant.

At the period at which these incidents occurred, I was a young man going on my first circuits. I had not as yet been honored with more than three or four briefs, and these only in cases so slightly productive of fees, that I was compelled to study economy in my excursions. Instead of taking up my residence at an inn when visiting —, a considerable sea-port, where the court held its sittings, I dwelt in lodgings kept by a widow lady, where, at a small expense, I could enjoy perfect quietness, free from interruption.

On the evening of my arrival on the March circuit of the year 17—, I was sitting in my lodgings perusing a new work on criminal jurisprudence, when the landlady after tapping at the door, entered my room.

"I am sorry to trouble you, sir," said she; "but a lady has called to see you about a very distressing law case—very distressing, indeed, and a very strange case it is too. Only, if you could be so good as to see her."

"Who is she?"

"All I know about it is this: she is a Mrs. Harvey. She and her husband and children were to sail yesterday for Boston. All were on board except the husband; and he, on leaving the large hotel over the way, was taken up for a robbery. Word was in the evening sent by the prisoner to his wife to come on shore with all her children and the luggage; and so she came back in the pilot boat, and was in such a state of distress that my brother, who is in the preventative service, and saw her land, took pity on her, and had her and her children taken to a lodging on the quay. As my brother knows that we have a London lawyer staying here, he has advised the poor woman to come and consult you about the case."

"Well, I'll see what can be done. Please desire the lady to step in."

A lady was shortly shown in. She had been pretty, and was no still, but anxiety was pictured in her pale countenance. Her dress was plain, but not inelegant; and altogether she had a neat and engaging appearance.

"Be so good as to sit down, said I, bowing; "and tell me all you would like to say."

The poor woman burst into tears; but after recovering herself she told me pretty nearly the whole of her history and that of her husband.

Lawyers have occasion to see so much duplicity, that I did not all at once give assent to the idea of Harvey being innocent of the crime of which he stood charged.

"There is something perfectly inexplicable in the case," I observed, "and it would require sifting. Your husband, I hope, has always borne a good character?"

"Perfectly so. He was no doubt unfortunate in business; but he got his certificate on the first examination; and there are many who would testify to his uprightness." And here again my client broke into tears, as if overwhelmed with her recollections and prospects.

"I think I recollect Mr. Harvey's shop," said I, soothingly, "It seemed a very respectable concern; and we must see what can be done. Keep up your spirits; the only fear I have arises from the fact of Judge A— being on the bench. He is usually considered severe, and if exculpatory evidence fail, your husband may run the risk of being—transported." A word of more terrific import with which I was about to conclude, stuck unuttered in my throat. "Have you employed an attorney?" I asked.

"No, I have done nothing as yet, but apply to you to beg of you to be my husband's counsel."

"Well, that must be looked to. I shall speak to a local agent, and prepare to work out the case; and we shall all do our utmost to get an acquittal. To-morrow I will call upon your husband in prison."

Many thanks were offered to the unfortunate lady, and she withdrew.

I am not going to inflict on the reader a detailed account of this remarkable trial, which turned, as barristers would say on a beautiful point of circumstantial evidence. Along with the attorney a sharp enough person in his way, I examined the parties at the hotel, and made myself acquainted with the nature of the premises. The more we investigated, however, the more dark and mysterious—always supposing Harvey's innocence—did the whole case appear. There was not one redeeming trait in the affair, except Harvey's previous good character; and good character, by the law of England, goes for nothing in opposition to facts proved to the satisfaction of a jury. It was likewise unfortunate that A— was presiding judge. This man possessed great forensic acquirements, and was of spotless private character; but like a majority of lawyers of that day,—when it was no extraordinary thing to hang twenty men in a morning at Newgate,—he was a staunch stickler for the gallows as the only effectual reformer and safeguard of the social state. At this time he was but partially recovered from a long and severe indisposition, and the traces of recent suffering were distinctly apparent on his pale and passionless features.

Harvey was arraigned in due form; the evidence was gone carelessly through; and everything, so far as I was concerned, was done that man could do. But at the time to which I refer,

counsel was not allowed to address the court in behalf of the prisoner—a practice since introduced from Scotland—and consequently I was allowed no opportunity to draw the attention of the jury to the total want of any direct evidence of the prisoner's guilt. Harvey himself tried to point out the unlikelihood of his being guilty; but he was not a man gifted with dialectic qualities and his harangue fell pointless on the twelve common-place men who sat in the jury-box. The judge finally proceeded to sum the evidence, and this he did emphatically against the prisoner—dwelling with much force on the suspicious circumstance of a needy man taking up his abode at an expensive, fashionable hotel, his furtive descent from his apartment by the back stairs; the undoubted fact of the watch being found in his trunk; the improbability of any one putting it there but himself; and the extreme likelihood that the robbery was effected in a few moments of time by the culprit, just as he passed from the bar of the hotel to the room he had occupied. "If," said he to the jury, in concluding his address, "you can, after these circumstances, believe the prisoner innocent of the crime laid to his charge, it is more than I can do. The thing seems to me as clear as the sun at noonday. The evidence, in short, is irresistible; and if the just and necessary provisions of the law are not enforced in such very plain cases, then society will be dissolved, and security for property there will be none. Gentlemen, retire and make up your verdict."

But the jury were not disposed to retire. After communing a few minutes together, one of them stood up and delivered the verdict; it was *GUILTY!* The judge assumed the crowning badge of the judicial potentate—the black cap; and the clerk of the arraigns asked the prisoner at the bar, in the usual form, if he had anything to urge why the sentence of death should not be passed upon him.

Poor Harvey! I durst scarcely look at him. As the sonorous words fell upon his ear, he was grasping, nervously, and with shaking hands, at the front of the dock. He appeared stunned, bewildered, as a man but half awakened from a hideous dream might be supposed to look. He had comprehended, though he had scarcely heard, the verdict; for on the instant, the voice which but a few years before sang to him by the brook side, was ringing through his brain, and he could recognize the little pattering feet of his children, a sobbing and clinging to their shrieking mother's dress, she and they were hurried out of court. The clerk, after a painful pause, repeated the solemn formula. By a strong effort the doomed man mastered his agitation; his pale countenance lighted up with indignant fire, and firm and self-possessed, he thus replied to the fearful interrogatory:—

"Much could I say in the name, not of mercy, but of justice, why the sentence about to be passed upon me should not be pronounced, but no longer, alas! that will avail me with you, pride-blinded ministers of death. You fashion to yourselves—out of your own vain conceits do you fashion—modes and instruments, by the aid of which you fondly imagine to invest yourselves with attributes which belong only to Omnipotence; and now I warn you—and it is a voice from the tomb, in whose shadows I already stand, which addresses you—that you are about to commit a most cruel and deliberate murder."

He paused, and the jury looked into each others eyes for the courage they could not find in their own hearts. The voice of conscience spoke, but it was only for a few moments audible.—The suggestions that what grave parliaments, learned judges, and classes of "respectability" sanctioned, could not be wrong, much less murderous or cruel, silenced the "still, small" tones, and tranquilized the startled jurors.

"Prisoner at the bar," said the judge with his cold, calm voice of destiny, "I cannot listen to such observations: you have been found guilty of a heinous offence by a jury of your countrymen, after a patient trial. With that finding I need scarcely say I entirely agree. I am as satisfied of your guilt as if I had seen you commit the act with my own bodily eyes. The circumstance of your being a person who, from habits and education, should have been above committing so base a crime, only aggravates your guilt. However, no matter who or what you have been, you must expiate your offence on the scaffold. The law has very properly, for the safety of society, decreed the punishment of death for such crimes: our only and plain duty is to execute the law."

The prisoner did not reply; he was leaning with his elbows on the front of the dock, his bowed face covered with his outspread hands: and the judge passed sentence of death in the accustomed form. The court then rose and a turnkey placed his hand on the prisoner's arm to lead him away. Suddenly he uncovered his face, drew himself up to his full height—he was a remarkably tall man—and glared fiercely round upon the audience like a wild animal at bay. "My lord," he cried, or rather shouted in an excited voice. "The judge motioned impatiently to the jailer, and strong hands impelled the prisoner from the front of the dock. Bursting from them, he again sprang forward, and his arms out-stretched, while his glittering eye seemed to hold the judge spell-bound, exclaimed, "My lord, before another month has passed away, you will appear at the bar of another world, to answer for the life, the innocent life, which God bestowed upon me, but which you have impiously cast away as a thing of nought and scorn!" He ceased and was at once borne off. The court in some confusion hastily departed. It was thought at the time that the judge's evidently failing health had suggested the prophecy to the prisoner. It only excited a few day's wonder and was forgotten.

The position of the barrister in such circumstances is always painful. I need hardly say that my own feelings were of a distressing kind. Conscious that if the unfortunate man was guilty, he was at least not deserving of capital punishment, I exerted myself to procure a reprieve. In the first place I waited privately on the judge; but he would listen to no proposal for a reprieve. Along with a number of individuals—chiefly of the society of Friends—I petitioned the crown for a commutation of the sentence. But being unaccompanied with a recommendation from the judge, the prayer of our petition was of course disregarded; the law it is said must take its course. How much cruelty has been exercised under shelter of that remorseless expression!

I would willingly pass over the succeeding events. Unable to save his life, I endeavored to soothe the few remaining hours of the doomed convict, and frequently visited him in the condemned cell. The more I saw him, the deeper grew my sympathy in his case, which was that of no vulgar felon. "I have been a most unfortunate man," said he one day to me. "A destiny towards ruin in fortune and life has pursued me. I feel as if

deserted by God and man; yet I know, or at least would persuade myself, that Heaven will one day vindicate my innocence of this foul charge. To think of being hung like a dog for a crime at which my heart revolts! Great is the crime of these imbecile jurors and that false and hard-hearted judge, who thus, by an irreverential decree, consign a fellow-mortal to a death of violence and disgrace. Oh God! help me—help me to sustain that bitter hour!" And then the poor man would throw himself on his bed and weep.

But the parting with his wife and children; what pen can describe that terrible interview! They knelt in prayer, their woe-begone countenances suffused in tears, with their hands clasped convulsively together. The scene was too harrowing and sacred for the eye of a stranger. I rushed from the cell and buried myself in my lodgings, whence I did not remove till it was all over. Next day, James Harvey, a victim of circumstantial evidence, and of a barbarous criminal code, perished on the scaffold.

In three weeks the court arrived at a populous city in the west of England. It had in the interval visited another assize town, and there Judge A— left three for execution. At the trials of these men, however, I had not attended. So shocked had been my feelings with the mournful event that had taken place in —, that I had gone into Wales for the sake of change of scene.—After roaming about for a fortnight amid the wild solitudes of Carnarvonshire, I took the stage for the city which I knew the court was to visit, and arrived on the day previous to the opening of the assizes.

"Well, are we to have a heavy calendar?" I enquired next morning of a brother barrister, on entering the court.

"Rather light for a March Assize," replied the impatient counsel, as he bustled onward. "There's Cartwright's case—highway robbery—in which I am for the prosecution. He'll swing for it, and perhaps four or five others."

"A good hanging judge is A—," said the under-sheriff, who at this moment joined us, rubbing his hands, as if pleased with the prospect of a few executions. "No chance of the prophecy wonder coming to pass, I suppose?"

"Not in the least," replied the bustling counsel. "He never looked better; his illness has entirely gone off. And this day's work will brighten him up."

Cartwright's trial came on. I had never seen the man before, and was not aware that this was the same person whom Harvey had incidentally told me he had discharged for theft; the truth being that, till the last moment of his existence, that unfortunate man had not known how much he had been a sacrifice to this wretch's malice.

The crime of which the villain now stood accused was that of robbing a farmer of the paltry sum of eight shillings, in the vicinity of Ilfracombe. He pleaded not guilty, but put in no defence. A verdict was recorded against him, and in due form, A— sentenced him to be hanged. An expression of fiendish malignity gleamed over the haggard features of the felon, as he asked leave to address a few words to the court. It was granted. Leaning forward, and raising his heavy scowling eyes to the judge, he thus began:—"There is something on my mind, my lord—a dreadful crime—which, as I am to die for the eight shillings I took from the farmer, I may as well confess. You may remember Harvey, my lord, whom you hanged the other day at —?"

"What of him, fellow?" replied the judge, his features suddenly flashing crimson.

"Why, my lord, only this—that he was as innocent as the child yet unborn! I did the deed! I put the watch in his trunk!" And, to the unutterable horror of the whole court, he related the whole particulars of the transaction, the origin of his grudge against Harvey, and his delight on bringing him to the gallows.

"Inhuman, execrable villain!" gasped the judge in extreme excitement.

"Cleverly done, though! Was it not my lord?" replied the ruffian, with bitter irony. "The evidence, you know, was irresistible; the crime as clear as the sun at noonday; and if in such plain cases, the just and necessary law was not enforced, society would be dissolved, and there would be no security for property! These were your words, I think. How on that occasion I admired your lordship's judgement and eloquence! Society would be dissolved if an innocent man were not hanged! Capital!—capital!" shouted the ferocious felon, with demonic glee, as he marked the effect of his words on the countenance of the judge.

"Remove the prisoner!" cried the sheriff. An officer was about to do so; but the judge motioned him to desist. His lordship's features worked convulsively. He seemed striving to speak, but the words would not come.

"I suppose, my lord," continued Cartwright, in low and hissing tones, as the shadow of unutterable despair grew and settled on his face—"I suppose you know that his wife destroyed herself. The coroner's jury, said she had accidentally fallen into the water. I knew better. She drowned herself under the agonies of a broken heart! I saw her corpse, with the dead baby in her arms; and then I felt knew, that I was lost! Lost, doomed to everlasting perdition! But, my lord,"—and here the wretch broke into a howl, wild and terrific—"we shall go down together—down to where your deserts are known. A-h-h! that pinches you, does it? Hound of a judge! legal murderer! coward! I spurn and spit upon thee!" The rest of the appalling adjuration was inarticulate, as the monster, foaming and sputtering, was dragged by an officer from the dock.

Judge A— had fallen forward on his face, fainting and speechless with the violence of his emotions. The black cap had dropped from his brow. His hands were stretched out across the bench, and various members of the bar rushed to his assistance. The court broke up in frightful commotion.

Two days afterwards the county paper had the following announcement:

"Died, at the Royal Hotel, —, on the 27th instant, Judge A—, from an excess of fever supervening upon a disorder from which he had imperfectly recovered."

The prophecy was fulfilled!

✠ Alexandria, Egypt, March 31—Mohamed Ali, youngest son of the late Viceroy of that name, a youth 19 or 20 years of age, has returned from Constantinople, bringing with him 30,000 Circassians, additions to his harem.—*Correspondence of the London Morning Herald.*