

hardly help smiling at the bother. 'What,' said he, 'have I to do with all this? I have paid for everything; I am surely entitled to go away if I like. Remember, that if I lose my passage to Boston, you shall answer for it.'

'I very much regret detaining you, sir,' replied the keeper of the hotel; 'but you hear there has been a robbery committed within the last few minutes, and as it will be proper to search every one in the house, surely you, who are on the point of departure, will have no objections to be searched first, and then be at liberty to go?'

There was something so perfectly reasonable in all this, that Harvey stepped into an adjoining parlour, and threw open his trunk for inspection, never doubting that his innocence would be immediately manifest.

The waiter, whose mean rapacity had been the cause of the detention, acted as examiner. He pulled one article after another out of the trunk, and at length—horrors of horrors!—held up the missing watch with a look of triumph and scorn!

'Who put that there?' cried Harvey in an agony of mind which can be better imagined than described.—'Who has done me this grievous wrong? I know nothing as to how the watch came into my trunk.'

No one answered to this appeal. All present stood for a moment in gloomy silence.

'Sir,' said the landlord to Harvey on recovering from his surprise, 'I am sorry for you. For the sake of a miserable trifle, you have brought ruin and disgrace on yourself. This is a matter which concerns the honour of my house, and cannot stop 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 in an instant blighted. 'Oh God! do not desert a frail and unhappy being: give me strength to face this new 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 the 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,' answered the landlord; 'here is Boots with a constable, and let us all go away 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 adjacent 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 honoured with perhaps 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 seaport, 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 after 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 my 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 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 on the preventive service, and saw her land, took pity on her, and had her and her children and things 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 so 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 sit down,' said I, bowing; 'and tell me all you would like to say.'

The poor woman burst into tears; but afterwards 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 added.

'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, to prepare and work out the case; and we shall all do our utmost to get an acquittal. To-morrow I will call on your husband in prison.'

Many thanks were offered by 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 various 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 most unfortunate that A—was to be the presiding judge.—This man possessed great forensic acquirements, and was of a spotless private character; but, like the majority of lawyers of that day—when it was no extraordinary thing to hang twenty men in a morning at Newgate—he was a stanch stickler for the gallows as the only effectual reformer and safeguard of the social state. At this time he was 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 carefully 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 on 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 understandings of the twelve commonplace individuals 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 extensive fashionable hotel; his furtive descent from his apartments 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 which he had occupied. 'If,' said he to the jury, in concluding his address, 'you can after all these circumstances, believe the prisoner to be 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.'

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 arraigns asked the prisoner at the bar in the usual form, if he had anything to urge why sentence of death should not be passed upon him.

Poor Harvey! I durst scarcely look at him. As the sonorous words fell on his ear, he was grasping nervously 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 recognise the little pattering feet of his children, as 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 on me should not be pronounced: but nothing, 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 Omniscience; and now I warn you—and it is a voice from the tomb, in whose shadow 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 other's eyes for the courage they should not find in their own hearts. The voice of conscience spoke, but was only for a few moments audible. The suggestions that what grave parliaments, learned judges, and all classes of 'respectability' sanctioned, could be wrong, much less murderous or cruel, silenced the 'still, small' tones, and tranquillised 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 that 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 upon 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 jailor, and strong hands impelled the prisoner from the front of the dock. Bursting from them, he again sprang forward, and his arms outstretched, whilst 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 naught and scorn! He ceased, and was at once borne off. The court in some confusion, hastily departed. It was thought at the time the judge's evidently failing health had suggested the prophecy to the prisoner. It only excited a few days' wonder and was forgotten.

The position of a barrister in such circumstances is always painful. I need hardly say that my own feelings were of a very distressing kind. Conscious that if the unfortunate man really 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 respite. 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 was said, must take its course. How much cruelty has been exercised under the shelter of that remorseless expression!

I would willingly pass over the succeeding events.—Unable to save his life, I endeavoured to soothe the few remaining hours of the doomed convict, and frequently visited him in the condemned cell. The more I saw of 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 in 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 hanged like a dog for a crime at which my soul revolts! Great is the crime of those imbecile jurors and that false and hard-hearted judge, who thus, by an irreversible decree, consign a fellow-mortal to a death of violence and disgrace. Oh God, help me—help me to sustain that bitter, 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 wo-begone countenances suffused in tears, and with 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 all was over. Next day James Harvey, a victim of circumstantial evidence, and of a barbarous criminal code, perished on the scaffold.

Three weeks afterwards, 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— had 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 which had taken