

Literature, &c.

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THE JUDGE'S CHARGE.

BY ANN S. STEPHENS.

It was late at night, between eleven and twelve, when the circuit judge stepped from the hackney coach, which had conveyed him from the City Hall, and mounted the steps of his dwelling. Though muffled in fur and encased in a thickly quilted wrapper, he shuddered with the cold while trying to fit his key in the night latch, for the side walks were white with snow and hail, which the sharp winds whirled into the air again, and left in piles and ridges around the door steps and area railings.

After some difficulty the judge succeeded in letting himself into the hall. He only paused to shake the frost from his outer garments, and deposit his umbrella with others that were dripping in the stand, amid a little pool of half frozen water—for the lamp burned dimly and the hall fire was out, making the passage more than usually gloomy. It was a cheering contrast when the judge turned the lock of the door leading to a little snugery, that opened from one end of the cold, dark hall. The little grate of German silver was heaped with anthracite coal all in a glow, rendering the apartment warm and luminous enough, without the aid of two wax candles that shed their milder light over a girandole of frosted silver, that stood on the mantel-piece and gave a flickering tinge of the rainbow to its pendants of slender glass, which seemed like icicles melting away in the warm atmosphere.

With a sigh of relief, the judge threw his wrappers into a corner, pulled off his damp boots, and drawing forth a well-worn dressing gown and a pair of faded slippers, from a closet behind the door, prepared to make himself warm and comfortable, after a day of unusual anxiety and fatigue.

'Well,' he muttered, rubbing his hands softly together, as he sunk into the crimson easy chair, whose cushions closed around him with a soft and moss-like clasp, 'thank Heaven, I am home at last. Poor fellow—poor fellow, I am afraid it will go hard with him.'

Here the judge paused, and sunk into a train of thought, which seemed both deep and painful. He was yet scarcely a middle aged man, and scenes of terror and death had not hardened his naturally kind nature. As his large brown eyes dwelt upon the fire, their changing expression was that of pity, mingled now and then with a sterner flash, as if he were striving to master the gentler emotions that crowded upon him. At length, he started upright in his chair, thrust his foot into the well-trodden slipper, which in his soliloquy had fallen to the hearth-rug, and heaving another deep breath, seemed to cast off the painful thoughts that had oppressed him. Stooping forward, he softly raised the cover from a little china tureen that stood within the fender and lifting the spoon, broke the golden surface that had creamed over the oyster soup which it contained. Then closing the cover again, he drew a nest-table closer to his chair, cut the leaves of a new magazine which lay upon it, pushed an old law book and a pile of papers, so far on one side that some of them rolled over the carpet; and then lifting the tureen to the corner he had cleared, he began to regale himself with the rich soup, while he read the magazine by snatches, now and then pausing to knock aside a cracker which would keep dodging up and down, here and there, in the delicious compound, and was sure to get over his spoon every time he attempted to fill it.

He had just succeeded in crushing his tormentor, and was smiling over the fragments as they floated softly into his spoon, when the door bell rung with a violence that made him drop the spoon and start half up from his chair.

'Nonsense! it was accident. Something has touched the bell, no one can be coming here at this time of night!' he muttered, sinking back to his cushions, but another peal from the bell, hasty and sharp as if some agitated hand had pulled it with unconscious violence, deprived him of all doubt on the subject. He pushed back his chair, folded his dressing gown around him, and taking a light from the mantel-piece, went out, but though he walked fast, another loud peal from the bell hastened his footsteps! A gust of wind blew out his candle as he opened the door, but there was enough light to reveal the form of a female, who stood on the door step, muffled in a cloth cloak, and with a crimson lined hood drawn over her face. In the misty darkness beyond, he could just discern the outline of a carriage; one of the lamps was out, but there was a faint light in the other, and the judge afterwards remembered that it was of cut glass, too rich for a hackney coach, and without the number, which should mark those vehicles. Beside, there was a faint gleam of gold embroidery from that end of hammer-cloth next the light, but so faint that it might have been mistaken for a handful of illuminated sleet drifting by the lamp.

Without speaking a word, the woman entered the hall and walked forward, for the study door was open and she had nearly reached it before the judge could close the street door against the storm, which was beating full in his face.

'Are you alone, quite alone?' said the strange visitor, as he overtook her, the voice sounded unobtrusively calm, but it was clear and sweet.

The judge was overwhelmed with astonishment but he answered that he was quite alone, and entered the study, followed by his singular guest. If his surprise was great while she was half concealed in darkness, it was tenfold when she stood within the glowing light which filled the room. She was young, perhaps three or four and twenty, and but for the marble-like paleness of her features, and the glitter of her large blue eyes, would have been transcendently beautiful. She stood motionless, gazing in the fire till the hail upon her silk mantle melted, and hung in quivering water-drops among its black and glossy folds. Two or three heavy drops running down from her hood, and falling on the ungloved hand which held her cloak together, seemed to arouse her. She lifted her large eyes toward the judge, who had not yet shook off his astonishment, and gazed fixedly in his face, till his eyes sunk under her wild and intense look.

'You seem calm,' she said at last. 'Can you sit on the bench all day, watching the law hounds hunt a human being to the gallows, and at night sink into that chair, quite comfortable and at ease, as if nothing had happened?'

A tinge of red shot over the judge's temple, but he saw that the young creature before him was no object of resentment, and answered her mildly.

'I am not without feeling,' he said. 'It would be better for me if I were. The judge who condemns is sometimes almost as much to be pitied as the victim. After a day like this, he should not be reproached for seeking a moment's relief from the pain of his duties.'

'You did feel for him, then!' exclaimed the girl, while a gleam of light shot to her eye. 'Cold and calm as you seemed, there was yet a throb of human pity under it all.'

'Heaven only knows how deeply I have felt for that unhappy man. His crime is terrible, but he does not seem born for evil.'

'Born for evil?' exclaimed the girl, eagerly—'he oh no, he was noble, good, generous!'

She broke off suddenly, dropped her clasped hands, and drawing close to the judge, said to him in a changed and low voice, 'They will not find him guilty. You do not think they will?'

The judge shook his head. 'The evidence is strong—terribly strong.'

'I know—I know,' said the strange girl, with a sort of breathless eagerness. 'But there is nothing positive—you can save him—you will save him. Did you not say just now that he was not born for evil? Stop, stop, do not speak yet, I have something to say—my heart has been so full that I must speak or it will break.'

'Poor girl, what is the wretched man to you?' said the judge, deeply moved.

'What is he to me? true, true, everybody will ask that question; you are the first, and I am here only to answer it. Listen, sir, listen—since I was old enough to know what love was I have loved that man—you understand—the man whom you are trying for the murder of his wife. He loved me too, and though poverty kept down his secret, and wealth pampered my pride, love such as ours could not be hushed or smothered by such base nurses. Those who love passionately act passionately. I was ardent, impulsive, sometimes arrogant. He would not endure these things in me, because I was said to have intellect, and was rich; had I been poor like himself, and selfishly weak, he would have yielded up his pride to my great love. We quarrelled. It matters not how or wherefore, and he went away. For months I never wrote. He shall make the first advances I said, week after week, till my pride was quenched in keen anxiety. I wrote then, and his answer was that he was married! He thought that I did not love him—that my exactions and haughty will arose from lack of affection. He should never love any woman as he had loved me, his letter said, but I had cast him from my heart, and while his soul was thirsting for sympathy and tenderness, she, the woman he married, was thrown in his way. He was in the whirl of society, and fancying that excitement was a second birth of love, that his first passion had perished, when it was only in resentful sleep, he pledged himself irrevocably to another.'

'Oh, how I had loved that man! how truly I suffered! but no human creature dreamed of it; why should they? I had nothing but my pride left, and that shielded me from pity, though it could not from the anguish which sympathy would have made more bitter. This was two years ago. He did not return to the city for months, and when he did come back, with his bride, it was long before we met. I saw her often, though, for she was frequently in public, but it was always with a burning at the heart, and something of haughty scorn, that one who had loved me could love her, for she was an inferior woman in intellect and person—my pride, as well as my affection, was outraged in his choice.'

'We met at length—oh how changed he was—the whole truth had not yet reached his heart, but his energies were broken, his self-respect was diminished; he was that most pitiable of all objects, a man of strong energies suddenly rendered hopeless. Jealous affection made me keen-sighted, and I knew all this before we had spoken a word together. It was a bitter joy to me when I was first convinced that he did not love the woman he had married. My pride was appeased by this knowledge, but as that gave way the passionate love so long held in check grew into strength again. It was unpremeditated—we never should have sought each other—but after two years' separation we were thrown together accidentally, and alone. It was a terrible meet-

ing for us both—terrible in itself, most terrible in its consequences. For the first time in our lives we poured out our whole hearts each to the other. All thoughts of pride or prudence were swept away by the strong feelings of the moment. I cannot tell you all that was said in that last interview. The expressions of sorrow and bitter regret on both sides. You have seen him in the court, and know that even in this terrible trial he seems calm and unimpassioned. It is only the curb of a strong will on a burning nature. That day he seemed equally calm, equally immovable, and this made my grief more eloquent. I did not dream of the struggle that was going on under that cold exterior, and thinking that he did not suffer equally with myself, abandoned myself to reproaches and expressions of regret that goaded his already frenzied feelings on to madness.'

'Oh, if she were but dead!' I remember saying this more than once. It was wild, sinful, but only an expression of agony. Heaven is my judge I had no deeper meaning. The last time I uttered this fatal wish my hands were both clasped in his, and as he bent over me I saw that his features were convulsed and dreadfully pale. He wrung my knitted hands and laughed—laughed! I say. You are a judge, used to the tortured passions of men—the throes of a breaking heart—the wild cries of an uprooted intellect, are your study—tell me if this man would have laughed if my words had not maddened him; if he had not been insane! 'Oh, that she were dead!' I uttered in the anguish of my heart. I had my evil wish—the next morning she was dead!'

The stranger sank to a chair as she ceased speaking, covered her face and shuddered, but when the small hands were removed from over her eyes they were dry and painfully brilliant as before.

'What can I do for you? How can I help you?' said the judge deeply moved by her tearless agony.

'Tell me,' she said, 'was he not insane?'

Her lips partly opened, and her breath was held back with intense anxiety for his answer.

'It is but charity to believe that all great crimes are committed in a species of insanity,' said the kind judge, anxious to soothe her.

'Then you do think that he was insane?' she cried, while a gleam of hope shot to her eyes. 'God bless you for saying that, God be praised that it was my story that convinced you of it. Tell me, if I go into the court tomorrow and repeat what I have just said, word for word, will it be evidence for a jury—will it convince them that he was driven wild by my wicked frenzy?'

The judge hesitated—he could not bear to crush the last hope to which the wretched girl was clinging.

'Speak,' she said, 'tell me, I beseech you! I am afraid it would but prove a new motive for the murder—for the crime charged upon him!' he said at length, but in a voice that bespoke pity and reluctance.

She fell back in her chair for an instant, as if struck helpless by his words, but instantly rallying again, she said—

'Then you think I had better not appear?'

'It could do no good, but might supply the only link wanting in a chain of evidence against the unhappy man. That is a motive for the crime.'

'Still you believe him to have been insane? You have heard all, and in your charge to-morrow every word that I have said will be remembered.'

The judge was deeply embarrassed, and it was with difficulty that he found words to deceive her.

'I cannot, as an honest man, I dare not, as a sworn judge, make a charge on any evidence not brought forward at the trial,' he said firmly, but with deep commiseration.

'Oh Heaven, great Heaven! You cannot deny me this—and so much depends on it. If you could but say that there was anything in the evidence to prove him insane, it would save him. A human life! think how sweet a thing it must be to save a man like that from death—and such a death! The jury will be guided by your charge. I have studied their faces, one by one, ever since the trial commenced. I know that they are men to be guided into the path of mercy—only show them the way—only take a little of the responsibility. You will—you will—for did you not admit only a few minutes since that he must have been insane? Only say that to-morrow—I ask nothing more!'

The earnestness with which the poor girl pleaded was agonizing; her eyes grew moist, her hands were convulsively clasped, and in the energy of her appeal she sunk unobtrusively to her knees, and clinging to his dressing-gown with both hands wildly urged her suit.

The judge raised her, and even in her distress she felt that his hands trembled in performing this office; 'Be comforted, my poor young lady, be more composed; this is very distressing to me, I assure you,' he said, while tears actually stood in his eyes.

'God bless you for those tears, I knew they were wrong who said you had no feeling. How do you think that lawyer advised me to act? See, I was to have brought this money to offer you, and these, and these!' She drew from the folds of her dress a large double purse crowded full of bank notes, and with it a heavy diamond bracelet, with other female ornaments of great value. 'I have given the lawyer almost as much to plead his cause; gold can purchase his eloquence, but I dare not offer it to you. My heart rose against his advice the moment I entered this room!'

'It was well,' replied the judge, crimsoning to the temples with indignation that any man could have advised a bribe to him. 'It was well that you judged more honorably of me

than your adviser. If anything could win me to forgetfulness of a stern duty it would be your evident distress—not your gold.'

'I know it—I know it—and the blessings of a broken heart will follow you to the grave for every merciful word uttered in to-morrow's charge. Oh, the clack is striking. Is it twelve? I will go home now. They think I am at a party, and so I was two hours ago—see how brilliant they made me!' and with a mingled laugh and shudder the strange girl threw open her cloak, and revealed a dress of rose-colored satin and rich blond, in the folds of which a few white roses were crushed.

'Would you believe it,' she said, with touching earnestness, and folding the cloak over her person again, 'would you think it possible, no creature in my father's house dreams of this, not even my own mother? They think that late hours and fashionable follies are rendering me so pale. To-night they will be all asleep when I get home, and I—oh Heaven, shall I ever sleep again!'

The wretched girl covered her face with both hands, and, for the first time during the interview, burst into tears. After weeping with unrestrained violence for a few moments, she uncovered her face with a sad smile, and suddenly taking the judge's hand between both hers, kissed it, and left the room sobbing bitterly. Before the judge could overtake her, or offer any of those civilities which her beauty and evident station seemed to demand, she had opened the hall door, and hurried out into the dark night. He caught one glimpse of her garments as she entered the carriage, and then, but for the muffled roll of wheels passing through the storm, all that had passed within the last half hour might have been a dream.

The next day, when the judge took his place on the bench, the spectators remarked that his eyes were more heavy than usual, and that his face was pale almost as that of the prisoner. He cast a searching look, ever and anon, toward a group of female witnesses that sat near, but among the quiet and commonplace features exhibited there he found nothing to remind him of his midnight visitor. The business of the trial went on, and, deep as his interests had always been in the fate of the prisoner, he now listened with keener interest to the proceedings. Toward the close, when the evidence grew more and more decided against the prisoner, the judge became painfully restless, the color came and went on his cheek, and there was an expression in his fine eyes which no man remembered to have seen there before.

The prisoner, too, seemed less collected and indifferent than he had hitherto been during the trial. Instead of keeping his dark eyes fixed with a sort of mournful earnestness on the jury, as he had done the day before, he cast wistful glances towards the group of females. His eyes grew troubled and brilliant, while, now and then, as his hand was raised to wipe the drops from his forehead, those who looked closely saw that it trembled. This was altogether at variance with his former cold and impassioned demeanor, and people whispered to each other, that now as his case grew more and more hopeless, his courage was giving way.

Once or twice he turned and cast a searching look over the multitude of human faces with which the room was crowded. The last time, some one in the crowd seemed to rivet his attention. Fire flashed to his eye, and his cheeks were blood-red. He half started to his feet, dropped again as if a bullet had cleft his heart, and after one brief shudder, sat motionless as before, gazing not upon either judge or jury, but pale and marble like, on his own clasped hands.

Among that sea of human faces no one could tell which it was that had so moved the prisoner, and a boy, muffled in a cloak and with a seal-skin cap drawn over his forehead, pressed so eagerly onward just after, that it seemed to draw attention from the unhappy man. Though the crowd was so dense that it seemed impossible for any one to advance a single step, the lad forced his way till he reached those who stood nearest the prisoner, and gathering his cloak about him, stood within a few paces of the heart-stricken man, pale and motionless also.

At length the judge stood up in such case, charge he was paler than usual in such cases, while an expression of stern sorrow lay upon his features, and gave depth and solemn pathos to his voice. Still, though he seemed more agitated than any one had ever seen him be, his intellect was calm and clear. The evidence was against the prisoner, there was no clue, not a single thread upon which a honest mind might fix a doubt.

The prisoner never lifted his face, but the boy behind him stood immovable, with his large eyes riveted on the judge, and hardly seeming to breathe. As the summing up grew more and more against the prisoner, the boy began to waver. He reached forth one hand and grasping the arm of a stranger that stood next, thus prevented himself from falling to the floor.

In the midst of an opinion, bearing decidedly against the prisoner, the judge caught the glance fixed on him by this singular boy. The blood rushed to his cheek—he stammered—put his hand to his forehead, and went on; but his voice was more subdued, and more than once tears were seen to flood his eyes.

Night came on—the jury had been out three hours, and all that time the crowd remained immovable, and in the front, with his eyes bent on the stooping head of the prisoner, was that pale and trembling boy. They came in at last, these twelve pallid men, with the unspoken destiny of a human being inscribed on their mournful faces. The boy looked up on them as they ranged themselves in the bar;