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POLICE REPORT.

ONE day in summer, when people whom I had been urging to behave in some degree like human beings persisted in acting rather more like the poor creatures who pass for men and women in most stage-plays, I shut my manuscript in a drawer, and the next morning took an early train into the city. I do not remember just what whim it was that led me to visit the police court: perhaps I went because it was in the dead vast and middle of the summer, and the town afforded little other amusement; perhaps it was because, in my revolt against unreality, I was in the humor to see life whose reality asserts itself every day in the newspapers with indisputable force. If the latter, I was fated to a measure of disappointment, for when the court opened this reality often appeared no more substantial than the fiction with which I had lost my patience at home. But I am bound to say that it was much more entertaining, and that it was, so to speak, much more artistically treated. It resolved itself into melodrama, or romantic tragedy, having a prevailing comic interest, with moments of intensity, and with effects so thrilling that I came away with a sense of the highest theatrical illusion.

The police court in Boston is an upper room of the temple of justice, and is a large, square, dismal-complexioned

chamber, with the usual seams and cracks configuring its walls and ceilings; its high, curtainless windows were long glares of sunless light, crossed with the fine drizzle of an easterly rain on the morning of my visit. About one third of the floor is allotted to spectators, and supplied with benches of penitential severity; the remaining space is occupied by a series of curved tables set in a horse-shoe, and by a raised platform, railed off from the auditorium, as I may call it, and supporting in successive gradations the clerk's desk, on a very long, narrow table, and the judge's table and easy-chair. At either end of the table on which the clerk's desk was placed was a bar, representing in one case the witness stand, and in the other the prisoner's box; midway, the clerk stood within a screen of open iron-work, hemmed in with books of record and tin boxes full of docketed papers.

Outside of the railing were the desks of two officers of the court, whose proper titles my unfamiliarity with the place disables me from giving. They were both well in flesh, as I remember, and in spite of their blue flannel suits and the exercise of a wise discretion, by which one of them had discarded his waistcoat and neckcloth, they visibly suffered from the moist, close heat which the storm outside had driven into the court-

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room. From time to time one of them cried out, "Silence!" to quell a restive movement in the audience; and once the cravatless officer left his place, and came down to mine near the door, and drove out the boys who were sitting round me. "Leave!" he shouted. "This is no place for boys!" They went out obediently, and some others just like them came in immediately and took their places. They might have been the same boys, so far as any difference for the better in their looks went. They were not pleasant to the eye, nor to any other sense; and neither were the young men nor old men who for the rest formed the audience of this free dramatic spectacle. Their coat-collars came up above their shirt-collars; but, greasy as they were, the observer could not regret this misfit when chance gave an occasional glimpse of their linen, — or their cotton, to be exact. For the most part, they wore their hair very short, and exposed necks which I should, I believe, have preferred to have covered. Under the influence of the humid heat, and with the wet they brought from the outside, they sent up a really deplorable smell. I do not know that I have a right to criticise the appearance of some of their eyes, — they seemed perfectly good eyes to see with, in spite of their sinister or vacant expression and gloomy accessories; and certain scars and mutilations of the face and fingers were the affair of their owners rather than mine. Whenever they fell into talk, an officer of the court marched upon them and crushed them to silence. "This is no place for conversation," he said; and the greater part of them had evidently no disposition or capacity for that art. I believe they were men and boys whose utmost mental effort sufficed to let their mouths hang open in the absorption of the performance, and was by no means equal to comment upon it. I fancied that they came there, day after day, the year

round, and enjoyed themselves in their poor way, realizing many of the situations presented by experience of like predicaments, more than by sympathy or an effort of the imagination.

I had taken my place among them next the door, so that if my courage failed me at any time I could go out without disturbing the others. One need not be a very proud man to object to classing himself with them, and there were moments when I doubted if I could stand my fellow-spectators much longer; but these accesses of arrogance passed, as I watched the preparations for the play with the interest of a novice. There were already half a dozen policemen seated at the tables in semicircle, and chatting pleasantly together; and their number was constantly increased by new arrivals, who, as they came in, put their round-topped straw hats on one end of the semicircle, and sat down to fill out certain printed forms, which I suppose related to the arrests they had made, for they were presently handed to the clerk, who used them in calling up the cases. A little apart from the policemen was a group of young men, whom I took to be the gentlemen of the bar; among them, rather more dapper than the rest, was a colored lawyer, who afterwards, by an irony of Nemesis, appeared for some desperate and luckless defendants of the white race and of Irish accent. By and by two or three desks, placed conveniently for seeing and hearing everything against the railing on the clerk's right, were occupied by reporters, unmistakable with their pencils and paper. Looking from them I saw that the judge's chair was now filled by a quiet-looking gentleman, who seemed, behind his spectacles, to be communing with himself in sad and bored anticipation. At times he leaned forward and spoke with the clerk or one of the gentlemen of the bar, and then fell back in sober meditation.

Like all other public exhibitions, the police court failed a little in point of punctuality. It was advertised to open at nine o'clock, but it was nearer ten when, after several false alarms, the clerk in a rapid, inarticulate formula declared it now opened, and invoked the blessing of God on the Commonwealth of Massachusetts. Even then there was a long wait before we of the audience heard the scuffling of the feet of the prisoners on what seemed a broad stairway behind the barrier at the judge's right, and before any of them came in sight they were commanded by the attendant policeman to sit down, and apparently did so, on the top of the stairs. The clerk now turned towards them with a sheaf of the forms which the policemen had filled out in his hand, and successively addressed them by name:—

"Larry McShane!"

"Here, sor."

"Complained of for being drunk. Guilty or not guilty?"

"Guilty, sor."

"Pay a fine of one dollar and costs, and stand committed to the House of Industry."

He jotted something down on the back of each indictment, and half turned to toss it on to his desk, and then resumed the catalogue of these offenders, accusing and dooming them all in the same weary and passionless monotone.

I confess that I had at the time the strongest curiosity to see them, but it has since struck me that it was a finer effect merely to hear their voices in response, and to leave their figures and faces to the fancy. Sometimes the voice that answered "Guilty" was youthful, and sometimes, I grieve to say, it was feminine, though under the circumstances it had naturally that subdued tone which is thought such an excellent thing in woman. Usually, however, the voices were old and raucous, as if they had many times made the same plea in the same place, and they pronounced

sir *sor*. The clerk's sheaf of accusations being exhausted, they all apparently scuffled down-stairs again. But a number must have remained, for now, after this sort of overture, the entertainment began in earnest, the actors on the scene appearing as they were summoned from the same invisible space behind the railing, which I think was probably sunk a little lower than the level of the auditorium, and which might, to humor the theatrical illusion, be regarded as the green room.

The first piece was what I may call a little Police Pastoral, in recognition of the pretty touch of poetry which graced it. A half-grown, baddish-looking boy was arraigned for assault and battery, and took his place at one end of that long table on which rested the clerk's desk, while a young girl of thirteen or fourteen advanced from the audience, and placed herself at the other end. She was dressed in a well-fitting ready-made suit, which somehow suggested itself as having been "marked down" to come within her means; and she wore a cheap yet tasteful hat, under which her face, as honest as it was comely, looked modestly up at the judge when he questioned her. It appeared that she was passing the apple-stand which the defendant was keeping for his mother, when he had suddenly abandoned his charge, followed her into a gate where she had taken refuge, and struck her; her cries attracted the police, and he was arrested. The officer corroborated her story, and then the judge made a signal to the prisoner, by which it seemed that he was privileged to cross-question his accuser. The injured youth seized the occasion, and in a loud, bullying, yet plaintive tone proceeded as best he could to damage the case against him.

He: "Did n't you pass my mother's stand with them girls the day before?"

She, frankly: "Yes, I *did*."

He: "And didn't you laugh at me, and call me an apple-woman?"

She, as before : "Yes, I *did*."

He : "And hain't you hit *me*, sometimes before this?"

She, evasively : "I've never hit you to hurt you."

He : "Now, that hain't the question ! The question is whether you've ever hit *me*."

She : "Yes, I have, — when you were trying to hold me. It was the other girls called you names. I only called you names once."

He : "I want to know whether I hurt you any when you hollered out that way !"

She : "Yes, you *did*. And if I had n't screamed you *would* have done it. I don't suppose you'd have hurt me a great *deal*, but you have hurt *some* of the girls."

The Judge : "Did he bruise you severely, when he struck you?"

She, with a relenting glance, full of soft compassion, at her enemy : "Well, he did n't bruise me *very* much."

The Judge : "Has he been in the habit of assaulting the other young girls?"

She : "He never did *me* before." Then, with a sudden burst, "And I think I was every bit as much to blame as he was ! I had no business to tease him."

Here the judge, instead of joining the hands of these children, and sending them forward with his blessing, to dance and sing a little duet together, as would have happened on any other stage, said that he would fine the defendant seven dollars. The defendant gave way to a burst of grief, and the plaintiff, astonished at this untoward conclusion, threw the judge a pathetic and reproachful look, and left the stand in painful bewilderment. I felt sorry for her, but I could not share her pity for the defendant, and my light mind was quickly distracted by the next piece.

I may say here that the features of the performance followed one another rapidly, as at a variety theatre, without

any disagreeable waits or the drop of a curtain. If I had anything to complain of it was the swiftness of their succession. I was not yet habituated to this, when I found the scene occupied by the two principal actors in a laughable little interlude of Habitual Drunkenness. A powerfully built, middle-aged Irishman, with evidences of coal-heaving thick upon his hands and ground into his face to the roots of his hair, was standing at one end of that long table, and listening to the tale of the policeman who, finding him quarrelsome and noisily drunk, and not being able to prevail with him to go home, had arrested him. When he finished, the judge said to the defendant, who had stood rolling his eyes — conspicuous from the black around them — upon the spectators, as if at a loss to make out what all this might be about, that he could ask any questions he liked of the plaintiff.

"I don't want to ask him anything, sor," replied the defendant, like one surprised at being expected to take an interest in some alien affair.

"Have you ever seen the defendant drunk before?" asked the judge.

"Yes, your honor ; I've seen him drunk half a dozen times, and I've taken him home to keep him out of harm's way. He's an industrious man when he is n't in drink."

"Is he usually disorderly, when drunk?"

"Well, he and his wife generally fight when he gets home," the policeman suggested.

The judge desisted, and the defendant's counsel rose, and signified his intention to cross-question the plaintiff : the counsel was that attorney of African race whom I have mentioned.

"Now, we don't deny that the defendant was drunk at the time of his arrest ; but the question is whether he is an habitual drunkard. How many times have you seen him drunk in the past month?"

"About half a dozen times."

"Seven times?"

"I can't say."

"Three times?"

"More than three times."

"More than twice you will swear to?"

"Yes."

"Now, I wish you to be very careful, please: can you state, under oath, that you have seen him drunk four times?"

"Yes," said the policeman, "I can swear to that."

"Very good," said the counsel, with the air of having caught the witness tripping. "That is all."

Aside from the satisfaction that one naturally feels in seeing any policeman bullied, I think it did me good to have my learned colored brother badger a white man. The thing was so long the other way, in every walk of life, that for the sake of the bad old times, when the sight would have been something to destroy the constitution and subvert social order, I could have wished that he might have succeeded better in browbeating his witness. But it was really a failure, as far as concerned his object.

"The question, your honor," the lawyer added, turning to the judge, "is, what is habitual drunkenness? I should like to ask the defendant a query or two. Now, Mr. O'Ryan, how often do you indulge yourself in a social glass?"

"Sor?"

"How often do you drink?"

"Whenever I can get it, sor."

The audience appreciated this frankness, and were silenced by a threatening foray of the cravatless officer.

"You mean," suggested the attorney smoothly, "that you take a drink of beer, now and then, when you are at work."

"I mane that, sor. A horse could n't stand it widout."

"Very good. But you deny that you are habitually intoxicated?"

"Sor?"

"You are not in the habit of getting drunk?"

"No, sor!"

"Very good. You are not in the habit of getting drunk."

"I never get dhrunk whin I'm at work, sor. I get dhrunk Saturday nights."

"Yes; when you have had a hard week's work. I understand that" —

"I have a hard wake's worruk every wake!" interrupted the defendant.

"But this is a thing that has grown upon you of late, as I understand. You were formerly a sober, temperate man, as your habits of industry would imply."

"Sor?"

"You have lately given way to a fondness for liquor, but up to within six months or a year ago you never drank to excess."

"No, sor! I've dhrunk ever since I was born, and I'll dhrink till I die."

The officer could not keep us quiet, now. The counsel looked down at his table in a futile way, and then took his seat after some rambling observations, amid smiles of ironical congratulation from the other gentlemen of the bar.

The defendant confronted the judge with the calm face of a man who has established his innocence beyond cavil.

"What is the reputation of this man in his neighborhood?" inquired the judge of the policeman.

"He's an ugly fellow. And his wife is full as bad. They generally get drunk together."

"Any children?"

"No, sir."

The defendant regarded the judge with heightened satisfaction in this confirmation of his own declaration. The judge leaned over, and said in a confidential way to the clerk, "Give him six months in the House of Correction."

A wild lament broke from the audience, and a woman with a face bruised to a symphony in green, yellow, and black thus identified herself as the wife of the defendant, who stood vacantly turning his cap round in his hand, while sympathizing friends hurried her from

the room. The poor creature probably knew that if in their late differences she had got more than she deserved, she had not got more than she had been willing to give, and was moved by this reflection. Other moralists, who do not like to treat woman as a reasonable being, may attribute her sorrow to mere blind tenderness, or hysterical excitement. I could not see that it touched the spectators in any way; and I suspect that, whatever was thought of her escape from a like fate, there was a general acquiescence in the justice of his.

He was either stunned by it, or failed to take it in, for he remained standing at the end of the table and facing the judge, till the policeman in charge took him by the arm and stood him aside. He sat down, and I saw him no more; but I had no time to regret him, for his place was instantly occupied by a person who stepped within the bar from the audience. I had already noticed him coming in and going out of the court-room, apparently under strong excitement, and hovering about, now among the gentlemen of the bar, and now among friends in the audience. He had an excited and eccentric look, and yet he looked like a gentleman, — a gentleman in distress of mind; I had supposed that he could not be one of the criminal classes, or he would scarcely have been allowed so much at large. At the same time that he took his place he was confronted from the other end of the long table by a person whom I will call a lady, because I observed that every one else did so. This lady's person tended to fat; she had a large, red face, and I learned without surprise that she was a cook. She wore a crimson shawl, and a bonnet abounding in blossoms and vegetables of striking colors, and she had one arm, between the wrist and elbow, impressively swathed in linen; she caressed, as it were, a small water-pitcher, which I felt, in spite of its ordinary appearance, was

somehow historical. In fact, it came out that this pitcher played an important part in the assault which the lady accused the gentleman at the other end of the table of committing upon her.

It seemed from her story that the gentleman was a boarder in the house where she was cook, and that he was in the habit of intruding upon her in the kitchen against her will and express command. A week before (I understood that she had spent the intervening time in suffering and disability) she had ordered him out, and he had turned furiously upon her with an uplified chair and struck her on the arm with it, and then had thrown at her head the pitcher which she now held in her hands. There were other circumstances of outrage, which I cannot now recall, but they are not important in view of the leading facts.

Further testimony in behalf of the plaintiff was offered by another lady, whose countenance expressed second-girl as unmistakably as that of the plaintiff expressed cook. She was of the dish-faced Irish type, and whereas the cook was of an Old-World robustness, her witness had the pallor and flat-chestedness of the women of her race who are born in America; she preferred several shades of blue in her costume, which was of ready-made and marked-down effect. This lady with difficulty comprehended the questions intended to elicit her name and the fact of her acquaintance with the plaintiff, and I noticed a like density of understanding in most of the other persons testifying or arraigned in this court. In fact, I came to wonder if the thick-headedness of average uneducated people was not much greater than I had hitherto suspected, in my easy optimism. It was certainly inconceivable why, with intelligence enough to come in when it rained, the cook should have summoned this witness. She testified at once that she had not seen the assault, and did not know that the cook

had been hurt ; and no prompting of the plaintiff's counsel could inspire her with a better recollection. In the hands of the defendant's lawyer she developed the fact that his client was reputed a quiet, inoffensive boarder, and that she never knew of any displeasures between him and the cook.

"Did you ever see this lady intoxicated?" inquired the lawyer.

The witness reflected. "I don't understand you," she answered, finally.

"Have you ever known her to be overcome by drink?"

The witness considered this point also, and in due time gave it up, and turned a face of blank appeal upon the judge, who came to her rescue.

"Does she drink, — drink liquor? Does she get drunk?"

"Oh! Oh, yes; she's tipsy, sometimes."

"Was she tipsy," asked the lawyer, "on the day of the alleged assault?"

The witness again turned to the magistrate for help.

"Was she tipsy on the day when she says this gentleman struck her with a chair, and threw the pitcher at her head?"

"Yes, sir," replied the witness, "she was."

"Was she very tipsy?" the lawyer pursued.

The witness was equal to this question. "Well, yes, sir, she was. Any way, she had n't left anything in the bottle on her bureau."

"When did you see the bottle full?"

"The night before. Or in the evening. She commenced drinking in the night."

"What was in the bottle?"

"A pint of whiskey."

"That will do," said the lawyer.

The witness stepped down, and gently resumed her place near the plaintiff. Neither of the ladies changed countenance, or seemed in any wise aware that the testimony just given had

been detrimental to the plaintiff's cause. They talked pleasantly together, and were presently alike interested in the testimony of a witness to the defendant's good character. He testified that the defendant was a notoriously peaceable person, who was in some sort of scientific employment, but where or what I could not make out; he was a college graduate, and it was unimaginable to the witness that he should be the object of this sort of charge.

When the witness stood aside, the defendant was allowed to testify in his own behalf, which he did with great energy. He provided himself with a chair, and when he came to the question of the assault he dramatized the scene with appropriate action. He described with vividness the relative positions of himself and the cook when, on the day given, he went into the kitchen to see if the landlord were there, and was ordered out by her. "She did n't give me time to go, but caught up a chair, and came at me, thus!" Here he represented with the chair in his hand an assault that made the reporters, who sat near him, quail before the violence of the mere dumb-show. "I caught the rung of the chair in my hand, thus, and instinctively pushed it, thus. I suppose," he added, in diction of memorable elegance, "that the impact of the chair in falling back against her wrist may have produced the contusions of which she complains."

The judge and the bar smiled; the audience, not understanding, looked serious.

"And what," said the judge, "about throwing the pitcher at her?"

"I never saw the pitcher, your honor, till I saw it in court. I threw no pitcher at her, but retreated from the kitchen as quickly as possible."

"That will do," said the judge. The plaintiff's counsel did the best that could be done for no case at all in a brief argument. The judge heard him patiently, and then quietly remarked, "The

charge is dismissed. The defendant is discharged. Call the next case."

The plaintiff had probably imagined that the affair was going in her favor. She evidently required the explanation of her counsel that it had gone against her, and all was over; for she looked up at the judge in some surprise, before she turned and walked out of the courtroom with quiet dignity, still caressing her pitcher, and amicably accompanied by the other lady, her damaging witness.

Before she was well out of the door, a lady-like young woman in black was on the stand, testifying against a prisoner, who did not confront her from the other end of the long table, but stood where he seemed to have been seated on the top of those stairs I have imagined behind the railing. He looked twenty one or two years of age, and he had not at all a bad face, but rather refined; he was well dressed, and was gentleman-like in the same degree that she was lady-like. From her testimony it appeared to me that his offense was one that might fitly be condoned, and in my ignorance I was surprised to find that it was taken seriously by the court. She had seen him, from the top of some steps in the shop where she was employed, open a drawer in the book-keeper's desk, and take out of it a revolver and some postage-stamps; but on his discovering her he had instantly replaced them and tried to escape. She gave her evidence in a low voice, and, as I thought, reluctantly; and one could very well imagine that she might have regretted causing his arrest; but it was to be considered that her own reputation was probably at stake, and if his theft had succeeded she might have been accused of it. When she stood aside, the judge turned to the defendant, who had kept quite still, nervously twisting something between his fingers, and questioned him. He did not attempt to deny the facts; he admitted them, but urged that he had im-

mediately put the stamps and pistol back into the drawer, from which, indeed, he had hardly lifted them. The judge heard him patiently, and the young man went on, with something of encouragement, to explain that he only meant to take the things to spite the owner of the shop, on account of some grudge between them, and that he had not realized that it was stealing. He besought the judge, in terms that were moving, and yet not abject, to deal mercifully with him; and he stood twisting that invisible something between his fingers, and keeping his eyes fixed on those of the magistrate with a miserable smile, while he promised that he would not offend again.

The judge passed his hand to and fro over his chin, and now dropped his eyes, and now glanced at the culprit, who seemed scarcely more unhappy.

"Have n't I seen you here before?" he asked at last.

"Yes," I could hardly hear the prisoner assent.

"How often?"

"Twice."

"What for?"

"Theft," gasped the wretched creature.

The judge moved in his chair with a discomfort that he had not shown throughout the morning's business. "If this were the first time, or the second, I should have been glad to let you off with a slight fine. But I can't do that now. I must send you to the House of Correction." He nodded to the clerk: "Two months."

The prisoner remained, with that nervous twisting of his fingers, eying the judge with his vague smile, as if he could not realize what had befallen him. He did not sit down till the next culprit rose and stood near him. Then a sort of fatal change passed over his face. It looked like despair. I confess that I had not much heart for his successor. I was sick, thinking how, so far as this

world was concerned, this wretch had been sent to hell; for the House of Correction is not a purgatory even, out of which one can hopefully undertake to pray periculant spirits. To be sure, the police court is not a cure of souls; and doubtless his doom was as light as the law allowed. But I could have wished that the judge had distrusted his memory, or taken on his conscience the merciful sin of ignoring it. He seemed very patient, and I do not question but he acted according to light and knowledge. This may have been a hopeless thief. But it was nevertheless a terrible fate. The chances were a thousand against one that he should hereafter be anything but a thief, if he were not worse. After all, when one thinks of what the consequences of justice are, one doubts if there is any justice in it. Perhaps the thing we call mercy is really the divine conception of justice.

It was a thief again who was on the stage; but not a thief like that other, who, for all the reality there was in the spectacle, might have gone behind the scenes, and washed the chalk off his white face. This thief was of the kind whose fortunes the old naturalistic novelists were fond of following in fictions of autobiographic form, and who sometimes actually wrote their own histories; a conventional thief, of those dear to De Foe and the Spanish picaresque romancers, with a flavor of good literature about him. Nothing could have been more classic in incident than the story of the plaintiff, an honest-looking young fellow, who testified that he had met the prisoner on the street, and, learning that he was out of work and out of money, had taken him home to his room and shared his bed with him. I do not know in just what calling this primitive and trustful hospitality is practiced; the plaintiff looked and was dressed like a workingman. His strange bedfellow proved an early riser; he stole away without disturbing his host,

and carried with him all the money that was in his host's pockets. By an odd turn of luck the two encountered shortly after breakfast, and the prisoner ran. The plaintiff followed, but the other eluded him, and was again sauntering about in safety, when the eye of a third actor in the drama fell upon him. This was a young man who kept some sort of small shop, and who was called to the witness-stand in behalf of the prosecution. He was as stupid as he could well be in some respects, and very simple questions had to be repeated several times to him. Yet he had the ferret-like instinct of the thief-catcher, and he instantly saw that his look fluttered the guilty rogue, who straightway turned and fled. But this time he had a sharper pursuer than his host, and he was coursed through all his turns and windings, up stairs and down, in houses and out, and gripped at last.

"As soon as I saw him start to run," said the witness, who told his story with a graphic jauntiness, "I knowed he'd got something."

"You *didn't* know I'd got anything!" exclaimed the thief.

"I knowed you'd get ninety days if I caught up with you," retorted the witness, wagging his head triumphantly.

As the officer entered the station-house with his prisoner, the host, by another odd chance, was coming out, after stating his loss to the police, and identified his truant guest.

The money, all but thirty cents, was found upon him; and though he represented that he had lawfully earned it by haying in Dedham, the fact that it was in notes of the denominations which the plaintiff remembered was counted against him, and he got the ninety days which his captor had prophesied. He, too, sat down, and I saw him no more.

Now arose literally a cloud of witnesses, and came forward from some of the back seats, and occupied the benches hitherto held by the plaintiffs and wit-

nesses in the preceding cases. They were of all shades of blackness, and of both sexes and divers ages, and they were there in their solemn best clothes, with their faces full of a decorous if superficial seriousness. I must except from this sweeping assertion, however, the lady who was the defendant in the case: she was a young person, with a great deal of what is called style about her, and I had seen her going and coming throughout the morning in a high excitement, which she seemed to enjoy. It is difficult for a lady whose lips have such a generous breadth and such a fine outward roll to keep from smiling, perhaps, under any circumstances; and it may have been light-heartedness rather than light-mindedness that enabled her to support so gayly a responsibility that weighed down all the other parties concerned. She wore a tight-skirted black walking-dress, with a waist of perhaps caricatured smallness; her hat was full of red and yellow flowers; on her hands, which were in drawing with her lips rather than her waist, were a pair of white kid gloves. As she advanced to take her place inside the prisoner's bar she gave in charge to a very mournful-looking elder of her race a little girl, two or three years of age, as fashionably dressed as herself, and tottering upon little high-heeled boots. The old man lifted the child in his arms, and funereally took his seat among the witnesses, while the culprit turned her full-blown smile upon the judge, and confidently pleaded not guilty to the clerk's reading of the indictment, in which she was charged with threatening the person and life of the plaintiff. At the same moment a sort of pleased expectation lighted up all those dull countenances in the court-room, which had been growing more and more jaded under the process of the accusations and condemnations. The soddenest *habitué* of the place brightened; the lawyers and policemen eased themselves in their chairs,

and I fancied that the judge himself relaxed. I could not refuse my sympathy to the general content; I took another respite from the thought of my poor thief, and I too lent myself to the hope of enjoyment from this Laughable After-piece.

The accuser also wore black, but her fashionableness, as compared with that of the defendant, was as the fashionableness of Boston to that of New York; she had studied a subdued elegance, and she wore a crape veil instead of flowers on her hat. She was of a sort of dusky pallor, and her features had not the Congoish fullness nor her skin the brilliancy of the defendant's. Her taste in kid gloves was a decorous black.

She testified that she was employed as second-girl in a respectable family, and that the day before she had received a visit at the door from the defendant, who had invited her to come down the street to a certain point, and be beaten within an inch of her life. On her failure to appear, the defendant came again, and notified her that she should hold the beating in store for her, and bestow it whenever and wherever she caught her out-of-doors. These visits and these threats had terrified the plaintiff, and annoyed the respectable family with which she lived, and she had invoked the law.

During the delivery of her complaint, the defendant had been lifting and lowering herself by the bar at which she stood, in anticipation of the judge's permission to question the plaintiff. At a nod from him she now flung herself half across it.

"What 'd I say I'd whip you *for*?"

The Plaintiff, thoughtfully: "What 'd you say you 'd whip me *for*?"

The Defendant, beating the railing with her hand: "Yes, that's what I ast you: what *for*?"

The Plaintiff, with dignity: "I don't know as you *told* me what *for*."

The Defendant: "Now, now, none

o' that! You just answer my question."

The Judge: "She has answered it."

The Defendant, after a moment of surprise: "Well, then, I'll ast her another question. Did n't I tell you if I ever caught you goin' to a ball with my husband ag'in I'd"—

The Plaintiff: "I did n't go with your husband to no ball!"

The Defendant: "You didn't go with him! Ah"—

The Plaintiff: "I went with the crowd. I did n't know who I went with."

The Defendant: "Well, I know who paid fifty cents for your ticket! Why don't he give me any of his money? Hain't spent fifty cents on me or his child, there, since it was born. An' he goes with you all the time,—to church, and everywhere."

The Judge: "That will do."

The plaintiff, who had listened "with sick and scornful looks averse," stepped from the stand, and a dusky gentlewoman, as she looked, took her place, and corroborated her testimony. She also wore genteel black, and she haughtily turned from the defendant's splendors as she answered much the same questions that the latter had put to the plaintiff. She used her with the disdain that a lady who takes care of bank parlors may show to a social inferior with whom her grandson has been trapped into a distasteful marriage, and she expressed by a certain lift of the chin and a fall of the eyelids the absence of all quality in her granddaughter-in-law, as no words could have done it. I suppose it will be long before these poor creatures will cease to seem as if they were playing at our social conditions, or the prejudices and passions when painted black will seem otherwise than funny. But if this old lady had been born a duchess, or the daughter of a merchant one remove from retail trade, she could not have represented the unrelenting dowager more vividly. She bore witness to the blame-

less character of the plaintiff, to whom her grandson had paid only those attentions permissible from a gentleman unhappy in his marriage, and living apart from his wife,—a wife, she insinuated, unworthy both before and since the union which she had used sinister arts in forming with a family every way above her. She did not overdo the part, and she descended from the stand with the same contemptuous hauteur toward the old man who succeeded her as she had shown toward his daughter.

The hapless sire—for this was the character he attempted—came upon the stand with his forsaken grandchild in his arms, and bore his testimony to the fact that his daughter was a good girl, and had always done what was right, and had been brought up to it. He dwelt upon her fidelity to her virtuous family training, with no apparent sense of incongruity in the facts—elicited by counsel—to the contrary; and he was an old man whose perceptions were somewhat blunted as to other things. He maundered on about his son-in-law's neglect of his wife and child, and the expense which he had been forced to bear on their account, and especially about the wrongs his family had suffered since his son-in-law "got to going" with the plaintiff.

"You say," interpreted the judge, "that the plaintiff tried to seduce the affections of your daughter's husband from her?"

The old man was brought to a long and thoughtful pause, from which he was started by a repetition of the judge's question. "I—I don' know as I understand you, judge," he faltered.

"Do you mean that the plaintiff—the person whom your daughter threatened to beat—has been trying to get your daughter's husband's affections away from her?"

"Why, he hain't never showed her no affections, judge! He's just left *me* to support her."

"Very well, then. Has the plaintiff tried to get your daughter's husband away from her?"

"I guess not, judge. He hain't never took any notice of my daughter since he married her."

"Well, does your son-in-law go with this person?"

"With who, judge?"

"With the plaintiff."

"De ol' woman? No, he don' go wid de ol' woman any: *she's his gran'mother.*"

"Well, does he go with the young woman?"

"Oh, yes! *Yes!* He goes with the young woman. Goes with *her* all the time. That's the *one* he goes with!"

He seemed to be greatly surprised and delighted to find that this point was what the judge had been trying to get at, and the audience shared his pleasure.

I really forget how the cause was decided. Perhaps my train, which I began to be anxious not to lose, hurried me away before the *dénoûment*, as often happens with the suburban playgoer. But to one who cares rather for character than for plot it made little difference. I came away thinking that if the actors in the little drama were of another complexion how finely the situation would have served in a certain sort of intense novel: the patrician dowager, inappeasably offended by the low match which her grandson has made, and willing to encourage his *penchant* for the lady of his own rank, whom some fortuity may yet enable him to marry; the wife, with her vulgar but strong passions, stung to madness by the neglect and disdain of her husband's family,—it is certainly a very pretty intrigue, and I commend it to my brother (or sister) novelists who like to be praised by the reviewers for what the reviewers think profundity and power.

It was nearly a year later that I paid my second visit to the police court, on a day, like the first, humid and dull,

but very close and suffocatingly hot. It was a Monday morning, and there was a full dock, as I have learned that the prisoner's pen at the right of the clerk's desk is called. The clerk was standing with that sheaf of indictments in his hand, and saying, "John O'Brien!" and John O'Brien was answering, "Here, sor!" and the clerk was proceeding, "Complained of for being drunk guilty or not guilty pay a fine of one dollar and costs stand committed to the House of Industry," and then writing on the indictment, and tossing it aside. As I modestly took my stand at the door, till I should gather courage to cross the room to one of the vacant seats which I saw among the policemen, one of those officers of the court approached me and said, "No room for you here to-day, my friend. Go up on the Common." In spite of my share of that purely American vanity which delights in official recognition, I could not be flattered at this, and it was with relief that I found he was addressing a fellow-habitué behind me. The court-room was in fact very full, and there were no seats on the benches ordinarily allotted to spectators; so I at once crossed to my place, and sat down among the policemen, to whom I authorized my intrusion by taking my note-book from my pocket. I have some hopes that the spectators thought me a detective in plain clothes, and revered me accordingly. There was such a person near me, with his club sticking out of his back-pocket, whom I am sure I revered.

I had not come to report the events of this session of the court, but to refresh the impressions of my first visit, and I was glad to find them so just. There was, of course, some little change; but the same magistrate was there, serene, patient, mercifully inclined of visage; the colored attorney was there, in charge, as before, of a disastrous Irish case. The officials who tried to keep order had put off their flannel coats for

coats of seersucker, and each carried a Japanese fan; neither wore a collar, now, and I fancied them both a little more in flesh. I think they were even less successful than formerly in quelling disturbances, though they were even more courtly in the terms of their appeal. "Too much conversation in the court!" they called out to us collectively. "Conversation *must* cease," they added. Then one, walking up to a benchful of voluble witnesses, would say, "Must cease that conversation," and to my fellow-police-men, "Less conversation, gentlemen;" then again to the room at large, "Stop all conversation in the court," and "All conversation must cease entirely."

The Irish case, which presently came on, was a question of assault and battery between Mrs. O'Hara and Mrs. MacMannis; it had finally to be dismissed, after much testimony to the guilt and peaceable character of both parties. A dozen or more witnesses were called, principally young girls, who had come in their best, and with whom one could fancy this an occasion of present satisfying excitement and future celebrity. The witnesses were generally more interesting than the parties to the suits, I thought, and I could not get tired of my fellow-spectators, I suppose, if I went a great many times. I liked to consider the hungry gravity of their countenances, as they listened to the facts elicited, and to speculate as to the ultimate effect upon their moral natures — or their immoral natures — of the gross and palpable shocks daily imparted to them by the details of vice and crime. I have tried to treat my material lightly and entertainingly, as a true reporter should, but I would not have my reader suppose that I did not feel the essential cruelty of an exhibition that tore its poor rags from all that squalid shame, and its mask from all that lying, cowering guilt, or did not suspect how it must harden and deprave those whom it daily entertained. As I dwelt upon the dull

visages of the spectators, certain spectacles vaguely related themselves to what I saw: the women who sat and knitted at the sessions of the Revolutionary tribunals of Paris, and overwhelmed with their clamor the judges' feeble impulses to mercy; the roaring populace at the Spanish bull-fight and the Roman arena. Here the same elements were held in absolute silence, — debarred even from "conversation," — but it was impossible not to feel that here in degree were the conditions that trained men to demand blood, to rave for the guillotine, to turn down the thumb. This procession of misdeeds, passing under their eyes day after day, must leave a miasm of moral death behind it, which no prison or work-house can hereafter cure. We all know that the genius of our law is publicity; but it may be questioned whether criminal trials may not be as profitably kept private as hangings, the popular attendance on which was once supposed to be a bulwark of religion and morality.

Not that there was any avoidable brutality, or even indecorum, in the conduct of the trials that I saw. A spade was necessarily called a spade; but it seemed to me that with all the waste of time and foreign alloy the old Puritan seriousness was making itself felt even here, and subduing the tone of the procedure to a grave decency consonant with the inquiries of justice. For it was really justice that was administered, so far as I could see; and justice that was by no means blind, but very open-eyed and keen-sighted. The causes were decided by one man, from evidence usually extracted out of writhing reluctance or abysmal stupidity, and the judgment must be formed and the sentence given where the magistrate sat, amid the confusion of the crowded room. Yet, except in the case of my poor thief, I did not see him hesitate; and I did not doubt his wisdom — I am far from pronouncing his sentence unjust — even in

that case. His decisions seemed to me the result of most patient and wonderfully rapid cogitation, and in dealing with the witnesses he never lost his temper amid densities of dullness which it is quite impossible to do more than indicate. If it were necessary, for example, to establish the fact that a handkerchief was white, it was not to be done without some such colloquy as this:—

“Was it a white handkerchief?”

“Sor?”

“Was the handkerchief white?”

“Was it white, sor?”

“Yes, was it white?”

“Was what white, sor?”

“The handkerchief, — was the handkerchief white?”

“What handkerchief, sor?”

“The handkerchief you just mentioned, — the handkerchief that the defendant dropped.”

“I did n’t see it, sor.”

“Did n’t see the handkerchief?”

“Did n’t see him drop it, sor.”

“Well, did you see the handkerchief?”

“The handkerchief, sor? Oh, yes, sor! I saw it, — I saw the *handkerchief*.”

“Well, was it *white*?”

“It was, sor.”

A boy who complained of another for assaulting him said that he knocked him down.

“How did he knock you down?” asked the judge. “Did he knock you down with his fist or his open hand?”

“Yes, sor.”

“Which did he do it with?”

“Put his arms round me and knocked me down.”

“Then he did n’t *knock* you down. He *threw* you down.”

“Yes, sor. He didn’t *t’row* me down. Put his arms round me and knocked me down.”

It would be impossible to caricature these things, or to exaggerate the charitable long-suffering that dealt with such cases. Sometimes, as if in mere

despair, the judge called the parties to him, and questioned them privately; after which the case seemed to be settled, without further trial.

I have spoken of the theatrical illusion which the proceedings of the court produced; but it often seemed to me also like a school where bad boys and girls were brought up for punishment. They were, indeed, like children, those poor offenders, and had a sort of innocent simplicity in their wickedness, as good people have in their goodness. One case came up on the occasion of my last visit, which I should like to report verbatim in illustration, but it was of too lurid a sort to be treated by native realism; we can only bear that sort when imported; and undoubtedly there is something still to be said in behalf of decency, at least in the English language. I can only hint that this case was one which in some form or other has been coming up in the police courts ever since police courts began. It must have been familiar to those of Thebes three thousand years ago, and will be so in those of cities which shall look back on Boston in an antiquity as hoary. A hard-working old fool with a month’s pay in his pocket and the lost soul with whom he carouses; the theft; the quarrel between the lost soul and the yet more fallen spirit who harbored her and traded at second hand in her perdition, as to who stole the fool’s money, — what stale materials! Yet I was as much interested as if this were the first case of the kind, and, confronted with the fool and the lost soul and the yet more fallen spirit, I could not feel that they were — let me say it in all seriousness and reverence — so very bad. Perhaps it was because they stood there reduced to the very nakedness of their shame, and confessedly guilty in what human nature struggles to the last to deny — stood there, as a premise, far past the hope of lying — that they seemed rather subjects for pity than abhorrence. The fool

and the lost soul were light and trivial; they even laughed at some of the grosser facts; but that yet more fallen spirit was ghastly tragical, as bit by bit the confession of her business was torn from her; it was torture that seemed hideously out of proportion to any end to be attained; yet as things are it had to be. If then and there some sort of redemption might have begun!

The divine life which is in these poor creatures, as in the best and purest, seemed to be struggling back to some relation and likeness to our average sinful humanity, insisting that if socially and publicly we denied it we should not hold it wholly outcast in our secret hearts, nor refuse it our sympathy. Seeing that on their hopelessly sunken level their common humanity kept that symmetry and proportion which physical deformity shows, one could not doubt that a distorted kindliness and good-nature remained to them in the midst of their depravity: the man was like a gray-headed foolish boy; the two women as simple and cunning as too naughty children. It could be imagined that they had their friendly moments; that in extremity they might care for each other; that even such a life as theirs had its reliefs from perdition, as in disease there is relief from pain, and no suffering, out of romance, is incessant. They had certainly their decorums, their criterions. On their plane, everything but the theft and the noisy quarrel was of custom and for granted; but these were misdemeanors and disgraceful. Like another hostess of the sort, the fallen spirit was aggrieved at these. "Do you think I keep thieves in my house? . . . The tithe of a hair was never lost in my house before. . . . I'll no swaggerers. . . . There comes no swaggering here. . . . I will bar no honest man my house, nor no cheater; but I do not love swaggering." This is the sum of what she said that she had said in rebuke of the lost soul; that thieving and

that swaggering, they incensed her, and roused in her all the instincts of a moral and respectable person. Humanity adjusts itself to all conditions, and doubtless God forsakes it in none, but still shapes it to some semblance of health in its sickness, of order in its disorder, of righteousness in its sin.

I dare say that it was not a wholesome feeling, this leniency that acquaintance with sinners produces. There is much to be urged on that side, and I would like to urge it in considering the effect of daily attendance upon the police court of these spectators whom I have tried to study for the reader's advantage. I must own that the trial at which I have hinted did not affect them seriously, and I doubt if they psychologized upon it. They craned their necks forward and gloated on those women with an unmistakably obscene delight. If they were not beyond being the worse for anything, they were the worse for that trial. Why were they present? Theoretically, perhaps to see that justice was done. But if justice had not been done, how could they have helped it? The public shame seemed purely depraving both to those who suffered it and to those who saw it; and it ought to have been no part of the punishment inflicted. It was horrible, and it sometimes befell those who were accused of nothing, but were merely there to be tortured as witnesses. The lawyer who forced that wretched hostess to confess the character of her house used no unfair means, and he dealt with her as sparingly as he might; yet it was still a shocking spectacle; for she was, curiously enough, not lost to shame, but most alive to it, and, standing there before that brutal crowd, gave up her name to infamy, with atrocious pain and hate; her face was such a visage as hell-fire might flash into sight among the newly damned, but such as our familiar and respectable sunlight would do well not to reveal to any eyes but

magistrates' and priests'. Till one has seen such a thing it is incredible that it should be, and then incredible that it should possibly be of daily occurrence. It was as if the physicians in charge of a public hospital should permit that rabble to be present at a clinique for some loathsome disease, to see that there was no malpractice. If the whole trial could have taken place with closed doors, and with none present but the parties, the lawyers, and the court, what possible harm could have been done? I think none whatever, and I am so sure of this that I would not only have all the police trials secret, but I would never have another police report in print — after this! Then the decency of mystery, and perhaps something of its awe, would surround the vulgar shame and terror of the police court, and a system which does no good would at least do less harm than at present.

It will be perceived that like all reformers I am going too far. I begin with demanding secrecy in police trials, and I end by suggesting that they be abolished altogether. But in fact nothing struck me more forcibly in the proceedings of the police court than their apparent futility. It was all a mere suppression of symptoms in the vicious classes, not a cure. This one or that one would not steal, or assault and batter, for the given term of his imprisonment, but this was ludicrously far from touching even the tendency to theft and violence. These bad boys and girls came up and had their thrashing or their rap over the knuckles, and were practically bidden by the conditions of our civilization to go and sin some more. What else is to be done I confess that I do not know. Perhaps there *is* no cure

for vice and crime. Perhaps there is nothing but prevention, in the application of which there is always difficulty, obscurity, and uncertainty.

The other day, as I passed the courthouse, that sad vehicle which is called the Black Maria was driving away from the high portal into which it backs to receive its dead. (The word came inevitably; it is not so far wrong, and it may stand.) The Black Maria may still be Maria (the reasons why it should ever have been I do not know), but it is black no longer. On the contrary, it is painted a not uncheerful salmon color, with its false sash picked out in drab; and at first glance, among the rattling express wagons, it looked not unlike an omnibus of the living, and could have passed through the street without making the casual observer realize what a dreary hearse it was. I dare say it was on its way to the House of Industry, or the House of Correction, or Deer Island, or some of those places where people are put to go from bad to worse; and it was fulfilling its function with a merciful privacy, for its load of convicts might have been dragged through the streets on open hurdles, for the further edification of the populace. But I could not help thinking — or perhaps the thought only occurs to me now — that for all reasonable hope as to the future of its inmates the Black Maria might as well have been fitted with one of those ingenious pieces of mechanism by which some of our adoptive citizens propose to disable English commerce, and driven out to some wide, open space where the explosion could do no harm to the vicinity, and so when the horses and driver had removed to a safe distance —

But this is perhaps pessimism.

W. D. Howells.

AN ECHO OF PASSION.

I.

IN the midst of the stilly afternoon, Benjamin Fenn, lying on the grassy side of a hill at Tanford, looking over a low stone wall through the gap between a clump of light-leaved ash-trees and an oak which had gathered in its arms the shade of two centuries, gazed at a distant, mist-like sheet of water clasped in the wooded hollow far below. Its mild, humid sparkle was like a memory hidden away from the contact of every-day life, — a place in the past, where once he might have bathed his heart in a pleasant coolness, but which the dense growth of years had since concealed.

"It is strange," he said to his wife, "how that little Swallow Pond makes me think of the past; and yet I never saw it before."

In fact, they had but just come to Tanford, to spend the first vacation which the young chemist, employed by a large manufacturing house, had allowed himself since his marriage, five years before.

"I know what you mean," said she, looking up from her novel. She was nestled prettily on a traveling rug nearer the wall, with one of the lowest oak boughs darting out above and stretching its sharp-outlined leaves like a little roof above her pale golden head, — a sort of votive image, placed there for her husband to worship. "I have those sensations myself, sometimes, and I don't know what to make of them. How do you explain it, Ben? Is n't there something chemical, or physi— physiological about it, or something of that kind?"

A little bird in the neighboring birch-wood gave a loud, bright, astonished whistle at this question, and Mrs. Ethel's husband laughed under his soft reddish beard.

"There's more or less chemistry in everything," he answered, "and there's a little of nearly everything in chemistry. But I'm afraid it does n't account for this."

In his secret mind, his mood was by no means a laughing one. Had his wife, he asked himself, ever really experienced the sensation he had just felt? Hardly possible. Had she the least idea what he was thinking about? Equally impossible. Finally, would he be willing to tell her? To this question he conveniently deferred making any answer. He relapsed, instead, into the delicious dreaming quietude of a few minutes before, — gazing off again at the glimmer of Swallow Pond, with the rough blue mountains beyond; at the clouds which were lazily pulling themselves to pieces in the clear, airy blue above; at the sweet, fresh quiet of the solitary region that surrounded him. Now and then the definite but muffled sound of a woodsman's axe sent its regular "chock! — chock!" from some remote angle of the upland, ceasing again when the wielder rested his arm; and several times the rude tinkle of a cow-bell resounded along the shaven curve of the hill, from a pasture nearer the village. One of the cattle lowed.

"Do you notice, Ethel," Fenn suddenly asked, "that a slight echo — or perhaps it is a resonance — of that cow's lowing reaches us with the sound, and almost before the direct sound-waves?"

She did not respond at once; and when she did so it was with a slightly injured tone. "No, I have n't," she said.

"I'm not trying to humbug you," her husband assured her. "It's a very curious fact, which I never happened to observe before. In fact, I would n't have believed it, if I had n't just heard it."