FRANZOS KARL EMIL

THE CHIEF JUSTICE: A NOVEL

Karl Franzos

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Содержание

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INTRODUCTION

The remote Austrian province of Galicia has, in our generation, produced two of the most original of modern novelists, Leopold von Sacher-Masoch and Karl Emil Franzos. The latter, who is the author of the volume here presented to English readers, was born on the 25th of October 1848, just over the frontier, in a ranger's house in the midst of one of the vast forests of Russian Podolia. His father, a Polish Jew, was the district doctor of the town of Czorskow, in Galicia, where the boy received his first lessons in literature from his German mother. In 1858 Franzos was sent, on the death of his father, to the German College at Czernowitz; at the age of fourteen, according to the published accounts of his life, he was left entirely to his own resources, and gained a precarious livelihood by teaching. After various attempts at making a path for himself in science and in law, and finding that his being a Jew stood in the way of a professional career, he turned, as so many German Israelites have done before and since, to journalism, first in Vienna, then at Pesth, then in Vienna again, where he still continues to reside.

In 1876 Franzos published his first book, two volumes entitled *Aus Halb-Asia* ("From Semi-Asia"), a series of ethnological studies on the peoples of Galicia, Bukowina, South Russia, and Roumania, whom he described as in a twilight of semi-barbaric darkness, not wholly in the sunshine of Europe. This was followed in 1878 by *Vom Don zur Donau* ("From the Don to the Danube"), a similar series of studies in ethnography. Meanwhile, in *Die Juden von Barnow* ("The Jews of Barnow"), 1877, he had published his first collection of tales drawn from his early experience. He followed it in 1879 by *Junge Liebe* ("Young Love"), two short stories, "Brown Rosa" and "Brandenegg's Cousins," extremely romantic in character, and written in an elaborate and somewhat extravagant style. These volumes achieved a great and instant success.

The succeeding novels of Franzos have been numerous, and unequal in value. *Moschko von Parma*, 1880, was a pathetic study of the vicissitudes of a young Jewish soldier in the wars. In the same year Franzos published *Die Hexe* ("The Witch"). The best known of his writings in this country is *Ein Kampf um's Recht* ("A Battle for the Right"), 1882, which was published in English, with an Introduction by Mr. George MacDonald, and attracted the favourable, and even enthusiastic, notice of Mr. Gladstone. *Der Präsident*, which is here translated, appeared in Germany in 1884.

EDMUND GOSSE.

CHAPTER I

In the Higher Court of Bolosch, an important Germano-Slavonic town of northern Austria, there sat as Chief Justice some thirty years ago, one of the bravest and best of those men on whom true justice might hopefully rely in that sorely tried land.

Charles Victor, Baron von Sendlingen, as he may be called in this record of his fate, was the last descendant of a very ancient and meritorious race which could trace its origin to a collateral branch of the Franconian Emperors, and which had once upon a time possessed rich lands and mines on the shores of the Wörther See: now indeed by reason of an adverse fate and the love of splendour of some of its scions, there had gradually come to be nothing left of all this save a series of high sounding titles. But the decline of fame and influence had not kept pace with the loss of lands and wealth; the Sendlingens had entered the service of the Hapsburgs and in the last two hundred years had given the Austrian Hereditary Dominions not only several brave generals, but an almost unbroken line of administrators and guardians of Justice. And so, although they were entirely dependent on their slender official salaries, they were reckoned with good reason among the first families of the Empire, and a Sendlingen might from his cradle count upon the office of Chief Justice of one of the Higher Courts. Even unkind envy, to say nothing of honest report, was obliged to admit that these hereditary patricians of Justice had always shown themselves worthy of their sacred office, and just as they regularly inherited certain physical characteristics-great stature, bright eyes and coal-black curly hair-so also gifted intellects, iron industry and a sense of duty which often enough bordered on self-denial, were always theirs. "The majesty of the Law is the most sacred majesty on earth." Thus spake the first of this family who had entered the service of the Imperial Courts of Justice, the Baron Victor Amadeus, Chief Judge of the Vienna Senate, in answer to an irregular demand of Ferdinand the Catholic, and his descendants held fast to the maxim in good days and evil, even in those worst days when Themis threatened, in this country also, to sink to the level of the venal mistress of Princes. The greatest of the Hapsburgs, Joseph II., knew how to value this at its right worth, and although he much disliked hereditary offices, he on this account appointed the Baron Charles Victor, in spite of his youth, as his father's successor in one of the most important offices of the State.

This was the grandfather of that Sendlingen whose story is to be told here, a powerful man of unusual strength of will who had again raised the reputation of the family to a most flourishing condition. But although everything went so well with him, the dearest wish of his heart was not to be realized: he was not to transmit office and reputation to his son. This son, Franz Victor, our hero's father, had to pass his life wretchedly in an insignificant position, the only one among the Sendlingens who went to his grave in mature years, unrenowned and indeed despised.

This fate had not overtaken him through lack of ability or industry. He too proved himself a true son of this admirable race; gifted, persevering, thorough, devoted heart and soul to his studies and his official duties. But a youthful escapade had embroiled him in the beginning of his career with father and relations: a girl of the lower orders, the daughter of the concierge at the Courts where his father presided, had become dear to him and in a moment of passion he had betrayed her. When the girl could no longer conceal the consequences of her fault, she went and threw herself at the feet of the Chief Justice imploring him to protect her from her parent's wrath. The old man could hardly contain his agony of indignation, but he summoned his son and having heard from his lips the truth of the accusation, he resolved the matter by saying: "The wedding will take place next Sunday. A Sendlingen may be thoughtless, he must never be a scoundrel." They were married without show and in complete secresy, and at once started for a little spot in the Tyrolean mountains whither Baron von Sendlingen had caused his son and heir to be transferred.

This event made a tremendous sensation. For the first time a Sendlingen had married out of his rank, the daughter of a menial too, and constrained to it by his father! People hardly knew how

to decide which of the two, father or son, had sinned most against the dignity of the family; similar affairs were usually settled by the nobles of the land in all secresy and without leaving a stain on their genealogical tree. Even Kaiser Franz, although his opinions about morality were so rigid, once signified something of the kind to the honourable old judge, but he received the same answer as was given to his son. The embittered old man was indeed equally steadfast in maintaining a complete severance of the bonds between him and his only son; the letters which every mail from the Tyrol brought, were left unopened, and even in his last illness he would not suffer the outcast to be recalled.

After the death of the Judge, his son came to be completely forgotten: only occasionally his aristocratic relations used to recount with a shrug of the shoulders, that they had again been obliged to return a letter of this insolent fellow to the place where it came from. Nevertheless they learnt the contents of these letters from a good-natured old aunt: they told of the death of his first child, then of the birth of a boy whom he had called after his grandfather, and while he obstinately kept silence about the happiness or unhappiness of his marriage, he more and more urgently begged for deliverance from the God-forsaken corner of the globe in which he languished and for promotion to a worthier post.

Although the only person who read these letters was, with all her pity, unable to help him, he never grew weary of writing. The tone of his letters became year by year more bitter and despairing, and whereas he had at first asked for special favours, he now fiercely demanded the cessation of these hostile intrigues. Perhaps the embittered man was unjust to his relations in making this reproach, – they seemed in no way to concern themselves about him whether to his interest or his injury-, but he really was badly treated, and leaving out the influence of his name, he was not even able to obtain what he might have expected according to the regulations of the service. An excellent judge of exemplary industry, he was forced to continue for years in this Tyrolean wilderness until at length, one day, he was promoted to a judgeship on the Klagenfurth Circuit. But he was not long able to enjoy his improved position: bitter repentance and the struggle with wretchedness had prematurely undermined his strength. He died, soon after his wife, and his last concern on earth was an imploring prayer to his relations to adopt his boy.

This prayer would perhaps not have been necessary to secure the orphan that sympathy which his much-to-be-pitied father had in vain sought to obtain for himself. Charles Victor, now fourteen years of age, was carried off in a sort of triumph and brought to Vienna: even the Emperor gratefully remembered the faithful services which this noble house had for centuries rendered to his throne, and he caused its last surviving male to be educated at his expense in the Academy of Maria Theresa.

The beautiful, slender boy won the sympathies of his natural guardians by his mere appearance, the serious expression peculiar to his family and his surprising resemblance to his grandfather; excellent gifts, a quiet, steady love of work and a self-contained, manly sweetness of disposition, made him dear to both his masters and his comrades. He was the best scholar at the Academy, and he justified the hopes which he had aroused by the brilliant success of his legal studies. But his eagerness to obtain a knowledge of the world and to see foreign countries was equally great, and the modest fortune left him by his grandfather made the fulfilment of these desires possible. When, being of age, he returned to Austria and entered on his legal duties, it needed no particular insight to prophesy a rapid advancement in his career.

In fact after a brief term of office as judge-advocate in the Eastern provinces, he was transferred to Bohemia, and shortly afterwards married a beautiful, proud girl who had been much sought after, a daughter of one of the most important Counts of the Empire. Nobody was surprised that the lucky man had also this good luck, but the marriage remained childless. This only served to unite the stately pair more closely to one another, and this wedded love and the judge's triumphs on the Bench and in the world of letters, sufficed to fully occupy his life. His treatises on criminal law were among the best of the kind, and the practical nature of his judgments obtained for him the reputation of one of the most thorough and sagacious judges of Austria. And so it was more owing to his services than

to the influence attached to the name and associations of this remarkable man, that he succeeded in scaling by leaps and bounds that ladder of advancement on the lowest rung of which, his unfortunate father had remained in life-long torture. As early as in his fortieth year he had obtained the important and honourable position of Chief Justice of Bolosch.

The stormy times in which he lived served as a good test of his character and abilities. The fierce flames of 1848 had been extinguished and from the ruins rose the exhalation of countless political trials. Those were sad days, making the strongest demands on the independence of a Judge, and many an honest but weak man became the compliant servant of the Authorities. The Chief Justice von Sendlingen, a member of the oldest nobility, bound to the Imperial House by ties of personal gratitude, related by marriage to the leaders of the reaction, was nevertheless not one of the weak and cowardly judges; just as in that stormy year he had boldly confessed his loyalty to the Emperor, so now he showed that Justice was not to be abased to an instrument of political revenge. This boldness was indeed not without danger; his brother-in-law stormed, his wife was in tears; first warnings, then threats, rained in upon him, but he kept his course unmoved, acting as his sense of justice bade him. If those in authority did not actually interfere with him, he owed this entirely to his past services, which had made him almost indispensable. The methods of administering justice were constantly changed, juries were empanelled and then dismissed, the regulations of the Courts were repeatedly altered: everywhere there were cases in arrear, and confusion and uncertainty.

The Bolosch Circuit was one of the few exceptions. The Chief Justice remained unmolested by the ministry, and the citizens honoured him as the embodiment of Justice, and lawyers as the ornament of their profession.

Respected throughout the whole Empire, he was in his immediate circle the object of almost idolatrous love. And certainly the personal characteristics of this stately and serious man with his almost youthful beauty, were enough to justify this feeling. He was gentle but determined; dignified but affectionate: faithful in the extreme to duty, and yet no stickler for forms.

When his wife died suddenly in 1850, the sympathetic love and veneration of all were manifested in the most touching manner. He felt the loss keenly, but only his best friend, Dr. George Berger, learnt how deep was the wound. This Dr. Berger was one of the most respected barristers of the town, and in spite of the difference of their political convictions-Berger was a Radical-he enjoyed an almost fraternal intimacy with Sendlingen. This faithful friend did what he could for the lonely Judge; and his best helper in the work of sympathy was his sense of duty which forbade a weak surrender to sorrow. He gradually became quiet and composed again, and some premature grey hairs at the temples alone showed how exceedingly he had suffered.

In the midst of the regular work of his profession-it was in May, 1850-he was surprised by a laconic command from the Minister of Justice ordering him forthwith to surrender the conduct of his Court to the Judge next him in position, von Werner, and to be in Vienna within three days. This news caused general amazement; the reactionary party was growing stronger, and it was thought that this sudden call might mean the commencement of an inquiry into the conduct of this true but independent Judge. He himself was prepared for the worst, but his friend Berger took a more hopeful view; rudeness, he said, had become the fashion again in Vienna, and perhaps something good was in store for him.

This supposition proved correct; the Minister wished the assistance of the learned specialist in drawing up a new Statute for the administration of Justice. The Commission of Inquiry, originally called for two months, continued its deliberations till the autumn. It was not till the beginning of November that Sendlingen started for home, having received as a mark of the Minister's gratitude the nomination as Chief Justice of the Higher Court at Pfalicz, a post which he was to enter upon in four months.

This was a brilliant and unexampled appointment for one of his years, but the thought of leaving the much-loved circle of his labours made him sorrowful. And this feeling was increased when the

citizens testified by a public reception at the station, how greatly they were rejoiced at his return. His lonely dwelling too had been decorated by a friendly hand, as also the Courts of Justice. He found it difficult to announce his departure in answer to the speech of welcome delivered by his Deputy. And indeed his announcement was received with exclamations of regret and amazement, and it was only by degrees that his auditors sufficiently recovered themselves to congratulate their beloved chief.

Only one of them did so with a really happy heart, his Deputy, von Werner, an old, industrious if not very gifted official, who now likewise saw a certain hope of promotion. With a pleased smile, the little weazened man followed Sendlingen into his chambers in order to give him an account of the judicial proceedings of the last six months. Herr von Werner was a sworn enemy of all oral reports, and had therefore not only prepared two beautifully drawn-up lists of the civil and criminal trials, but had written a memorial which he now read out by way of introduction.

Sendlingen listened patiently to this lengthy document. But when Werner was going to take up the lists with the same intention, the Chief Justice with a pleasant smile anticipated him.

"We will look through them together," he said, and began with the criminal list. It contained the name, age and calling of the accused, the date of their gaol-delivery, their crime, as well as the present position of the trial.

"There are more arrears than I expected," he said with some surprise.

"But the number of crimes has unfortunately greatly increased," objected Herr von Werner, zealously. "Especially the cases of child-murder."

"You are right." Sendlingen glanced through the columns specifying the crimes and then remained plunged in deep thought.

"The number is nearly double," he resumed. "And it is not only here, but in the whole Empire, that this horrible phenomenon is evident! The Minister of Justice complained of it to me with much concern."

"But what else could one expect?" cried old Werner. "This accursed Revolution has undermined all discipline, morals and religion! And then the leniency with which these inhuman women are treated-why it is years since the death-sentence has been carried out in a case of child-murder."

"That will unfortunately soon be changed," answered Sendlingen in a troubled tone. "The Minister of Justice thinks as you do, and would like an immediate example to be made. It is unfortunate, I repeat, and not only because, from principle, I am an opponent of the theory of deterring by fear. Of all social evils this can least of all be cured by the hangman. And if it is so rank nowadays, I do not think the reason is to be found where you and His Excellency seek it, but in the sudden impoverishment, the uncertainty of circumstances and the brutality which, everywhere and always, follow upon a great war. The true physicians are the political economist, the priest and the schoolmaster!.. Or have you ever perhaps known of a case among educated people?"

"Oh certainly!" answered Herr von Werner importantly. "I have, as it happens, to preside to-morrow, – that is to say unless you will take the case-at the conclusion of a trial against a criminal of that class; at least she must be well-educated as she was governess in the house of a Countess. See here-Case No. 19 on the list." He pointed with his finger to the place.

Then a dreadful thing happened. Hardly had Sendlingen glanced at the name which Werner indicated, than he uttered a hollow choking cry, a cry of deadly anguish. His face was livid, his features were distorted by an expression of unutterable terror, his eyes started out of their sockets and stared in a sort of fascination at the list before him.

"Great Heavens!" cried Werner, himself much alarmed, as he seized his chief's hand. "What is the matter with you? Do you know this girl?"

Sendlingen made no reply. He closed his eyes, rested both arms on the table and tried to rise. But his limbs refused to support him, and he sank down in his chair like one in a faint.

"Water! Help!" cried Werner, making for the bell.

A movement of Sendlingen's stopped him. "It is nothing," he gasped with white lips and parched throat. "An attack of my heart disease. It has lately-become-much worse."

"Oh!" cried Werner with genuine sympathy. "I never even suspected this before. Everybody thought you were in the best of health. What do the doctors say?"

Again there was no answer. Breathing with difficulty, livid, his head sunk on his breast, his eyes closed, Sendlingen lay back in his chair. And when he raised his eyelids Werner met such a hopeless, despairing look, that the old gentleman involuntarily started back.

"May I," he began timidly, "call a doctor-"

"No!" Sendlingen's refusal was almost angry. Again he attempted to rise and this time he succeeded.

"Thank you," he said feebly. "I must have frightened you. I am better now and shall soon be quite well."

"But you are going home?" "Why should I? I will rest in this comfortable chair for half an hour and then, my dear colleague, I shall be quite at your service again."

The old gentleman departed but not without hesitation: even he was really attached to Sendlingen. The other officials also received the news of this attack with genuine regret, especially as Werner several times repeated in his important manner:

"Any external cause is quite out of the question, gentlemen, quite out of the question. We were just quietly talking about judicial matters. Ah, heart disease is treacherous, gentlemen, very treacherous."

Hardly had the door closed, when Sendlingen sank down in his chair, drew the lists towards him and again stared at that particular spot with a look on his face as if his sentence of death was written there.

The entry read thus: "Victorine Lippert. Born 25th January 1834 at Radautz in the Bukowina. Governess. Child-murder. Transferred here from the District Court at Gölotz on the 17th June 1852. Confessed. Trial to be concluded 8th November 1852."

The column headed "sentence" was still empty.

"Death!" he muttered. "Death!" he repeated, loud and shrill, and a shudder ran through his every fibre.

He sank back and hid his face which had suddenly become wasted.

"O my God!" he groaned. "I dare not let her die-her blood would cry out against me, against me only."

And he drew the paper towards him again and stared at the entry, piteously and beseechingly, as though he expected a miracle from Heaven, as though the letters must change beneath the intensity of his gaze.

The mid-day bells of the neighbouring cathedral aroused him from his gloomy brooding. He rose, smoothed his disarranged hair, forced on his accustomed look of quiet, and betook himself to Werner's room.

"You see," he said. "I have kept my word and am all right again. Are there any pressing matters to be rid of?"

"Only one," answered Werner. "The Committee of Discipline has waited your return, as it did not wish to decide an important case without you."

"Good, summon the Committee for five o'clock today."

He now went the round of the other offices, answered the anxious inquiries with the assurance that he was quite well again, and then went down a long corridor to his own quarters which were in another wing of the large building.

His step was still elastic, his face pale but almost cheerful. Not until he had given his servant orders to admit nobody, not even his friend Berger, and until he had bolted his study-door, did he sink down and then give himself up, without restraint, to the fury of a wild, despairing agony.

CHAPTER II

For an hour or more the unhappy man lay groaning, and writhing like a worm under the intensity of his wretchedness. Then he rose and with unsteady gait went to his secretaire, and began to rummage in the secret drawers of the old-fashioned piece of furniture.

"I no longer remember where it is," he muttered to himself. "It is long since I thought of the old story-but God has not forgotten it."

At length he discovered what he was looking for: a small packet of letters grown yellow with time. As he unloosed the string which tied them, a small watercolour portrait in a narrow silver frame fell out: it depicted the gentle, sweet features of a young, fair, grey-eyed girl. His eyes grew moist as he looked at it, and bitter tears suddenly coursed down his cheeks.

He then unfolded the papers and began to read: they were long letters, except the last but one which filled no more than two small sheets. This he read with the greatest attention of all, read and re-read it with ever-increasing emotion. "And I could resist such words!" he murmured. "Oh wretched man that I am."

Then he opened the last of the letters. "You evidently did not yourself expect that I would take your gift," he read out in an undertone. And then: "I do not curse you; on the contrary, I ardently hope that you may at least not have given me up in vain."

He folded the letters and tied them up. Then he undid them again and buried himself once more in their melancholy contents.

A knock at the door interrupted him: his housekeeper announced that dinner was ready. This housekeeper was an honest, elderly spinster, Fräulein Brigitta, whom he usually treated with the greatest consideration. To-day he only answered her with a curt, impatient, "Presently!" and he vouchsafed no lengthier reply to her question how he was.

But then he remembered some one else. "I must not fall ill," he said. "I must keep up my strength. I shall need it all!" And after he had locked up the letters, he went to the dining-room.

He forced himself to take two or three spoonfuls of soup, and hastily emptied a glass of old Rhine-wine. His man-servant, Franz, likewise a faithful old soul, replenished it, but hesitatingly and with averted countenance.

"Where is Fräulein Brigitta?" asked Sendlingen.

"Crying!" growled the old man. "Hasn't got used to the new state of things! Nor have I! Nice conduct, my lord! We arrive in the morning ill, we say nothing to an old and faithful servant, we go straight into the Courts. There we fall down several times; we send for no doctor, but writhe alone in pain like a wounded stag." The faithful old fellow's eyes were wet.

"I am quite well again, Franz," said Sendlingen re-assuringly.

"We were groaning!" said the old man in a tone of the bitterest reproach. "And since when have we declined to admit Herr Berger?"

"Has he been here?"

"Yes, on most important business, and would not believe that we ourselves had ordered him to be turned away… And now we are eating nothing," he continued vehemently, as Sendlingen pushed his plate from him and rose. "My Lord, what does this mean! We look as if we had seen a ghost!"

"No, only an old grumbler!" He intended this for an airy pleasantry but its success was poor. "Do not be too angry with me."

Then he returned to his chambers. "The old fellow is right," he thought. "It was a ghost, a very ancient ghost, and its name is Nemesis!" His eyes fell on the large calendar on the door: "7th November 1852" he read aloud. "A day like every other-and yet …"

Then he passed his hand over his brow as if trying to recall who he was, and rang the bell.

"Get me," he said to the clerk who entered, "the documents relating to the next three criminal trials."

He stepped to the window and awaited the clerk's return with apparent calm. He had not long to wait; the clerk entered and laid two goodly bundles of papers on the table.

"I have to inform you, my lord," said the clerk standing at attention (he had been a soldier), "that only the papers relating to the trials of the 9th and 10th November are in the Court-house. Those for tomorrow's trial of Victorine Lippert for child-murder are still in the hands of Counsel for the accused, Dr. George Berger."

Sendlingen started. "Did the accused choose her Counsel?"

"No, my lord, she refused any defence because she is, so to speak, a poor despairing creature who would prefer to die. Herr von Werner therefore, ex-officio, allotted her Dr. Kraushoffer as Counsel, and, when he became ill, Dr. Berger. Dr. Kraushoffer was only taken ill the day before yesterday and therefore Dr. Berger has been allowed to keep the papers till tomorrow morning early. Does your Lordship desire that I should ask him for them?"

"No. That will do."

He went back to the niche by the window. "A poor creature who would prefer to die!" he said slowly and gloomily. Frightful images thronged into his mind, but the poor worn brain could no longer grasp any clear idea. He began to pace up and down his room rapidly, almost staggering as he went.

"Night! night!" he groaned: he felt as if he were wandering aimlessly in pitchy darkness, while every pulsation of lost time might involve the sacrifice of a human life. Then his face brightened again, it seemed a good omen that Berger was defending the girl: he knew his friend to be the most conscientious barrister on the circuit. "And if I were to tell him fully what she is to me-" But he left the sentence unfinished and shook his head.

"I could not get the words out," he murmured looking round quite scared, "not even to him!"

"And why should I?" he then thought. "Berger will in any case, from his own love of justice, do all that is in his power."

But what result was to be expected? The old judges, unaccustomed to speeches, regarded the concluding proceedings rather as a formality, and decided on their verdict from the documents, whatever Counsel might say. It depended entirely on their opinion and what Werner thought of the crime he had explained a few hours ago! And even if before that he had been of another opinion, now that he knew the opinion of the Minister of Justice… "Fool that I am," said Sendlingen between his teeth, "it was I who told him!" Again he looked half-maddened by his anguish and wandered about the room wringing his hands.

Suddenly he stopped. His face grew more livid, his brows contracted in a dark frown, his lips were tightly pressed together. A new idea had apparently occurred to him, a dark uncanny inspiration, against which he was struggling but which returned again and again, and took possession of him. "That would be salvation," he muttered. "If to-morrow's sentence is only for a short term of imprisonment, the higher Court would never increase it to a sentence of death!"

He paced slowly to the window, his head bowed as if the weight of that thought lay upon his neck like a material burden, and stared out into the street. The early shades of the autumn evening were falling; on the other side of a window in a building opposite, a young woman entered with a lamp for her husband. She placed it on his work-table, and lightly touched his hair with her lips. Sendlingen saw it plainly, he could distinguish every piece of furniture in the room and also the features of the couple, and as he knew them, he involuntarily whispered their names. But his brain unceasingly continued to spin that dark web, and at times his thoughts escaped him in a low whisper.

"What is there to prevent me? Nobody knows my relationship to her and she herself has no suspicion. I am entitled to it, and it would arouse no suspicion. Certainly it would be difficult, it would be a horrible time, but how much depends on me!"

"Wretch!" he suddenly cried, in a hard, hoarse voice. "The world does not know your relationship, but you know it! What you intend is a crime, it is against justice and law!"

"Oh my God!" he groaned: "Help me! Enlighten my poor brain! Would it not be the lesser crime if I were to save her by dishonourable means, than if I were to stand by with folded arms and see her delivered to the hangman! Can this be against Thy will, Thou who art a God of love and mercy? Can my honour be more sacred than her life?"

He sank back and buried his face in his hands. "But it does not concern my honour alone," he said. "It would be a crime against Justice, against the most sacred thing on earth! O my God, have mercy upon me!"

While he lay there in the dark irresolute, his body a prey to fever, his soul torn by worse paroxysms, he heard first of all a gentle, then a louder knocking at the door. At length it was opened.

"My Lord!" said a loud voice: it was Herr von Werner.

"Here I am," quickly answered Sendlingen rising.

"In the dark?" asked old Werner with astonishment. "I thought perhaps you had forgotten the appointment-it is five o'clock and the members of the Committee of Discipline are waiting for us. Has your indisposition perhaps returned?"

"No! I was merely sitting in deep thought and forgot to light the candles. Come, I am quite ready."

"Will you allow me a question?" asked Werner, stepping forward as far as the light which streamed in from the corridor. "In fact it is a request. The clerk told me that you had been asking to see the documents relating to to-morrow's trial. Would you perhaps like to preside at it?"

Sendlingen did not answer at once. "I am not posted up in the matter," he at length said with uncertain voice.

"The case is very simple and a glance at the deed of accusation would sufficiently inform you. In fact I took the liberty of asking this question in order to have the documents fetched at once from Herr Berger. I myself-hm, my daughter, the wife of the finance counsellor, is in fact expecting, as I just learn, tomorrow for the first time-hm, – a happy event. It is natural that I should none the less be at the disposal of the Court, but-hm, – trusting to your official goodnature-"

Sendlingen had supported himself firmly against the back of the chair. His pulses leapt and his voice trembled as he answered:

"I will take the case."

Then both the men started for the Court. When they came out into the full light of the corridor, Werner looked anxiously at his chief. "But indeed you are still very white!" he cried. "And your face has quite a strange expression. You appear to be seriously unwell, and I have just asked you-"

"It is nothing!" interrupted Sendlingen impatiently. "Whom does our present transaction relate to?"

"You will be sorry to hear of it," was the answer, "I know that you too had the best opinion of the young man. It relates to Herbich, an assistant at the Board of Trade office: he has unfortunately been guilty of a gross misuse of his official position."

"Oh-in what way?"

"Money matters," answered Werner cursorily, and he beckoned to a messenger and sent him to Berger's.

They then entered the Court where the three eldest Judges were already waiting for them. The Chief Justice opened the sitting and called for a report of the case to be read.

It was different from what one would have expected from Werner's intimation: Herbich had not become a criminal through greed of gain. His mother, an old widow, had, on his advice, lent her slender fortune which was to have served as her only daughter's dowry, to a friend of his, a young merchant of excellent reputation. Without any one suspecting it, this honourable man had through necessity gradually become bankrupt, and when Herbich one morning entered his office at the Board

of Trade, he found the manager of a factory there who, to his alarm, demanded a decree summoning a meeting of his friend's creditors. Instead of fulfilling this in accordance with the duties of his office, he hurried to the merchant and induced him by piteous prayers to return the loan on the spot. Not till then did he go back to the office and draw up the necessary document. By the inquiries of other creditors whose fractional share had been diminished by this, the matter came to light. Herbich was suspended, though left at liberty. There was no permanent loss to the creditors, as the sister had in the meantime returned the whole of the amount to the administrator of the estate. The report recommended that the full severity of the law should take effect, and that the young man should not only be deprived of his position, but should forthwith be handed over to justice.

Sendlingen had listened to the lengthy report motionless. Only once had he risen, to arrange the lampshade so that his face remained in complete shadow. Then he asked whether the committee would examine the accused. It was in no way bound to do so, though entitled to, and therefore Herbich had been instructed to hold himself in waiting at the Court at the hour of the inquiry.

The conductor of the inquiry was opposed to any examination. Not so Baron Dernegg, one of the Judges, a comfortable looking man with a broad, kindly face. It seemed to him, he explained, that the examination was a necessity, as in this way alone could the motives of the act be brought fully to light. The Committee was equally divided on the subject: the casting vote therefore lay with Sendlingen. He hesitated a long while, but at length said with a choking voice: "It seems to me, too, that it would be humane and just to hear the unfortunate man."

Herbich entered. His white, grief-worn face flushed crimson as he saw the Judges, and his gait was so unsteady that Baron Dernegg compassionately motioned him to sit down. The trembling wretch supported himself on the back of a chair as he began laboriously, and almost stutteringly, to reply to the Chief Justice's question as to what he had to say in his defence.

He told of his intimate friendship with the merchant and how it was entirely his own doing that the loan had been made. When he came to speak of his offence his voice failed him until at length he blurted out almost sobbing: "No words can express how I felt then!.. My sister had recently been betrothed to an officer. The money was to have served as the guarantee required by the war-office; if it was lost the wedding could not take place and the life's happiness of the poor girl would have been destroyed. I did not think of the criminality of what I was doing. I only followed the voice of my heart which cried out: 'Your sister must not be made unhappy through your fault!' My friend's resistance first made me conscious of what I had begun to do! I sought to reassure him and myself by sophisms, pointing out how insignificant the sum was compared with his other debts, and that any other creditor would have taken advantage of making the discovery at the last moment. I seemed to have convinced him, but, as for myself, I went away with the consciousness of being a criminal."

He stopped, but as he continued his voice grew stronger and more composed.

"A criminal certainly! But my conscience tells me that of two crimes I chose the lesser. But to no purpose: the thing came out; my sister sacrificed her money and her happiness. I look upon my act now as I did then. Happy is the man who is spared a conflict between two duties, whose heart is not rent, whose honour destroyed, as mine has been; but if he were visited as I was, he would act as I acted if he were a man at all! And now I await your verdict, for what I have left to say, namely what I once was, you know as well as I do!"

A deep silence followed these words. It was for Sendlingen to break it either by another question or by dismissing the accused. He, however, was staring silently into space like one lost to his surroundings. At length he murmured: "You may go."

The discussion among the Judges then began and was hotly carried on, as two opposite views were sharply outlined. Baron Dernegg and the fourth Judge were in favour of simple dismissal without any further punishment, while the promoter, supported by Werner, was in favour of his original proposition. The matter had become generally known, he contended, and therefore the dignity of Justice demanded a conspicuous satisfaction for the outraged law.

The decision again rested with Sendlingen, but it seemed difficult for him to pronounce it. "It is desirable, gentlemen," he said, "that your verdict should be unanimous. Perhaps you will agree more easily in an informal discussion. I raise the formal sitting for a few minutes."

But he himself took no part in their discussion, but stepped to the window. He pressed his burning forehead against the cool glass: his face again wore that expression of torturing uncertainty. But gradually his features grew composed and assumed a look of quiet resolve. When Werner approached and informed him that both parties still adhered obstinately to their own opinion, he stepped back to the table and said in a loud, calm voice:

"I cast my vote for the opinion of Baron Dernegg. The dignity of Justice does not, in my opinion, require to be vindicated only by excessive severity; dismissal from office and ruin for life are surely sufficient punishment for a fatal *error*."

Werner in spite of his boundless respect for superiors, could not suppress a movement of surprise.

Sendlingen noticed it. "An error!" he repeated emphatically. "Whoever can put himself in the place of this unfortunate man, whoever can comprehend the struggles of his soul, must see that, according to his own ideas, he had indeed to choose between two crimes. His error was to consider that the lesser crime which in reality was the greater. I have never been a blind partisan of the maxim: 'Fiat justitia et pereat mundus,'-but I certainly do consider it a sacred matter that every Judge should act according to law and duty, even if he should break his heart in doing so! However, I repeat, it was an error, and therefore it seems to me that the milder of the two opinions enforces sufficient atonement."

Then he went up to Werner. "Forgive me," he said, "if I withdraw my promise in regard to tomorrow's trial. I am really not well enough to preside."

"Oh! please-hm! – well if it must be so."

"It must be so," said Sendlingen, kindly but resolutely. "Good evening, gentlemen."

CHAPTER III

Sendlingen went to his own quarters; his old manservant let him in and followed him with anxious looks into his study.

"You may go, Franz!" he said shortly and sharply. "I am not at home to anybody."

"And should Dr. Berger?"

"Berger?" He shook his head decidedly. Then he seemed to remember some one else. "I will see him," he said, drawing a deep breath.

The old man went out hesitatingly: Sendlingen was alone. But after a few minutes the voice of his friend was audible in the lobby, and Berger entered with a formidable bundle of documents under his arm.

"Well, how goes it now?" cried the portly man, still standing in the doorway. "Better, certainly, as you are going to preside to-morrow. Here are the papers."

He laid the bundle on the table and grasped Sendlingen's outstretched hand. "A mill-stone was rolled from my neck when the messenger came. In the first place, I knew you were better again, and secondly the chief object of my visit at noon to-day was attained without my own intervention."

"Did you come on that account?"

"Yes, Victor, – and not merely to greet you." The advocate's broad, open face grew very serious. "I wanted to draw your attention to to-morrow's trial, not only from motives of pity for the unfortunate girl, but also in the interests of Justice. Old Werner, who gets more and more impressed with the idea that he is combating the Revolution in every case of child-murder, is not the right Judge for this girl. 'There are cases,' once wrote an authority on criminal law, 'where a sentence of death accords with the letter of the law, but almost amounts to judicial murder.' I hope you will let this authority weigh with you, though you yourself are he. Now then, if Werner is put in a position to-morrow to carry out the practice to which he has accustomed himself in the last few weeks, we shall have one of these frightful cases."

Sendlingen made no reply. His limbs seemed to grow rigid and the beating of his heart threatened to stop. "How-how does the case stand?" he at length blurted out hoarsely and with great effort.

"Your voice is hoarse," remarked Berger innocently. "You must have caught cold on the journey. Well, as to the case." He settled himself comfortably in his chair. "It is only one of the usual, sad stories, but it moved me profoundly after I had seen and spoken to the poor wretch. Victorine Lippert is herself an illegitimate child and has never found out who her father was; even after her mother's death no hint of it was found among her possessions. As she was born in Radautz, a small town in the Bukowina, and as her mother was governess in the house of a Boyar, it is probable that she was seduced by one of these half-savages or perhaps even a victim to violence. I incline to the latter belief, because Hermine Lippert's subsequent mode of life and touching care for her child, are against the surmise that she was of thoughtless disposition. She settled in a small town in Styria and made a scanty living by music lessons. Forced by necessity, she hazarded the pious fraud of passing as a widow, – otherwise she and her child must have starved. After eight years a mere chance disclosed the deception and put an end to her life in the town. She was obliged to leave, but obtained a situation as companion to a kind-hearted lady in Buda-Pesth, and being now no longer able to keep her little daughter with her, she had her brought up at a school in Gratz. Mother and child saw one another only once a year, but kept up a most affectionate correspondence. Victorine was diligent in her studies, grave and accomplished beyond her years, and justified the hope that she would one day earn a livelihood by her abilities. This sad necessity came soon enough. She lost her mother when she was barely fifteen: the Hungarian lady paid her school fees for a short time, and then the orphan had to help herself. Her excellent testimonials procured her the post of governess in the family of the

widowed Countess Riesner-Graskowitz at Graskowitz near Golotz. She had the charge of two small nieces of the Countess and was patient in her duties, in spite of the hardness of a harsh and utterly avaricious woman. In June of last year, her only son, Count Henry, came home for a lengthy visit."

Sendlingen sighed deeply and raised his hand.

"You divine the rest?" asked Berger. "And indeed it is not difficult to do so! The young man had just concluded his initiation into the diplomatic service at our Embassy in Paris, and was to have gone on to Munich in September as attaché. Naturally he felt bored in the lonely castle, and just as naturally he sought to banish his boredom by trying to seduce the wondrously beautiful, girlish governess. He heaped upon her letters full of glowing protestations-I mean to read some specimens to-morrow, and amongst them a valid promise of marriage-and the girl of seventeen was easily fooled. She liked the handsome, well-dressed fellow, believed in his love as a divine revelation and trusted in his oaths. You will spare me details, I fancy; this sort of thing has often happened."

"Often happened!" repeated Sendlingen mechanically, passing his hand over his eyes and forehead.

"Well to be brief! When the noble Count Henry saw that the girl was going to become a mother before she herself had any suspicion of it, he determined to entirely avoid any unpleasantness with his formidable mother, and had himself sent to St. Petersburg. Meantime a good-natured servant girl had explained her condition to the poor wretch and had faithfully comforted her in her boundless anguish of mind, and helped her to avoid discovery. Her piteous prayers to her lover remained unanswered. At length there came a letter-and this, too, I shall read to-morrow-in which the scoundrel forbade any further molestation and even threatened the law. And now picture the girl's despair when, almost at the same time, the countess discovered her secret, – whether by chance or by a letter of the brave count, is still uncertain. Certainly less from moral indignation than from fear of the expense, this noble lady was now guilty of the shocking brutality of having the poor creature driven out into the night by the men-servants of the house! It was a dark, cold, wet night in April: shaken with fever and weary to death, the poor wretch dragged herself towards the nearest village. She did not reach it; halfway, in a wood, some peasants from Graskowitz found her the next morning, unconscious. Beside her lay her dead, her murdered child."

Sendlingen groaned and buried his face in his hands.

"Her fate moves you?" asked Berger. "It is certainly piteous enough! The men brought her to the village and informed the police at Golotz. The preliminary examination took place the next day. It could only establish that the child had been strangled; it was impossible to take the depositions of the murderess: she was in the wildest delirium, and the prison-doctor expected her to die. But Fate," Berger rose and his voice trembled-"Fate was not so merciful. She recovered, and was sent first to Golotz and then brought here. She admitted that in the solitude of that dreadful night, overcome by her pains, forsaken of God and man, she formed the resolve to kill herself and the child-when and how she did the deed she could not say. I am persuaded that this is no lie, and I believe her affirmation that it was only unconsciousness that prevented her suicide. Doesn't that appear probable to you too?"

Sendlingen did not answer. "Probable," he at length muttered, "highly probable!"

Berger nodded. "Thus much," he continued, "is recorded in the judicial documents, and as all this is certainly enough to arouse sympathy, I went to see her as soon as the defence was allotted to me. Since that I have learnt more. I have learnt that a true and noble nature has been wrecked by the baseness of man. She must have been not only fascinatingly beautiful, but a character of unusual depth and purity. One can still see it, just as fragments of china enable us to guess the former beauty of a work of art. For this vessel is broken in pieces, and her one prayer to me was: not to hinder the sentence of death!.. But I cannot grant this prayer," he concluded. "She must not die, were it only for Justice's sake! And a load is taken off my heart to think that a human being is to preside at the trial to-morrow, and not a rhetoric machine!"

He had spoken with increasing warmth, and with a conviction of spirit which this quiet, and indeed temperate man, seldom evinced.

His own emotion prevented him from noticing how peculiar was his friend's demeanour. Sendlingen sat there for a while motionless, his face still covered with his hands, and when he at length let them fall, he bowed his head so low that his forehead rested on the edge of the writing-table. In this position he at last blurted forth:

"I cannot preside to-morrow."

"Why not?" asked Berger in astonishment. "Are you really ill?" And as he gently raised his friend's head and looked into his worn face he cried out anxiously: "Why of course-you are in a fever."

Sendlingen shook his head. "I am quite well, George! But even if it cost me my life, I would not hand over this girl to the tender mercies of others, if only I dared. But I dare not!"

"You *dare* not!"

"The law forbids it!"

"The law? You are raving!"

"No! no!" cried the unhappy man springing up. "I would that I were either mad or dead, but such is not my good fortune! The law forbids it, for a father-"

"Victor!"

"Everything tallies, everything! The mother's name-the place-the year of birth-and her name is Victorine."

"Oh my God! She is your-"

"My daughter," cried the unfortunate wretch in piercing tones and then quite broke down.

Berger stood still for an instant as if paralysed by pity and amazement! Then he hurried to his friend, raised him and placed him in his arm-chair. "Keep calm!" he murmured. "Oh! it is frightful!.. Take courage!.. The poor child!" He was himself as if crushed by the weight of this terrible discovery.

Breathing heavily, Sendlingen lay there, his breast heaving convulsively; then he began to sob gently; far more piteously than words or tears, did these despairing, painfully subdued groans betray how exceedingly he suffered. Berger stood before him helplessly; he could think of no fitting words of comfort, and he knew that whatever he could say would be said in vain.

The door was suddenly opened loudly and noisily; old Franz had heard the bitter lamenting and could no longer rest in the lobby. "My Lord!" he screamed, darting to the sufferer. "My dear good master."

"Begone!" Sendlingen raised himself hastily. "Go, Franz-I beg!" he repeated, more gently.

But Franz did not budge. "We are in pain," he muttered, "and Fräulein Brigitta may not come in and I am sent away! What else is Franz in the world for?" He did not go until Berger by entreaties and gentle force pushed him out of the door.

Sendlingen nodded gratefully to his friend.

"Sit here," he said, pointing to a chair near his own. "Closer still-so! You must know all, if only for her sake! You shall have no shred of doubt as to whom you are defending to-morrow, and perhaps you may discover the expedient for which I have racked my brain in vain. And indeed I desire it on my own account. Since the moment I discovered it I feel as if I had lost everything. Everything-even myself! You are one of the most upright men I know; you shall judge me, George, and in the same way that you will defend this poor girl, with your noble heart and clear head. Perhaps you will decide that some other course is opened to me beside-"

He stopped and cast a timid glance at a small neat case that lay on his writing-table. Berger knew that it contained a revolver.

"Victor!" he cried angrily and almost revolted.

"Oh, if you knew what I suffer! But you are right, it would be contemptible. I dare not think of myself. I dare not slink out of the world. I have a duty to my child. I have neglected it long enough, – I must hold on now and pay my debt. Ah! how I felt only this morning, and now everything lies around

me shivered to atoms. Forgive me, my poor brain can still form no clear thought! But-I will-I must. Listen, I will tell you, as if you were the Eternal Judge Himself, how everything came about."

CHAPTER IV

After a pause he began: "I must first of all speak of myself and what I was like in those days. You have only known me for ten years: of my parents, of my childhood, you know scarcely anything. Mine was a frightful childhood, more full of venom and misery than a man can often have been condemned to endure. My parents' marriage-it was hell upon earth, George! In our profession we get to know many fearful things, but I have hardly since come across anything like it. How they came to be married, you know, – all the world knows. I am convinced that they never loved one another; her beauty pleased his senses, and his condescension may have flattered her. No matter! from the moment that they were indissolubly bound, they hated one another. It is difficult to decide with whom the fault began; perhaps it lay first of all at my father's door. Perhaps the common, low-born woman would have been grateful to him for having made her a Baroness and raised her to a higher rank in life, if only he had vouchsafed her a little patience and love. But he could not do that, he hated her as the cause of his misfortune, and she repaid him ten-fold in insult and abuse, and in holding him up, humbled enough already, to the derision and gossip of the little town.

"Betwixt these two people I grew up. I should have soon got to know the terms they were on even if they had striven anxiously to conceal them, but that they did not do. Or rather: he attempted to do so, and that was quite sufficient reason for her to drag me designedly into their quarrels, for she knew that this was a weapon wherewith to wound him deeply. And when she saw that he idolized me as any poor wretch does the last hope and joy that fate has left him, she hated me. On that account and on that account alone, she knew that every scolding, every blow, she gave me, cut him to the quick. No wonder that I hated and feared her, as much as I loved and honoured my father.

"What he had done I already accurately knew by the time I was a boy of six: he had married out of his rank and a Sendlingen might not do that! For doing so his father had disowned him, for doing so he had to go through life in trouble and misery, in a paltry hole and corner where the people mocked at his misfortune. My mother was our curse! – Oh, how I hated her for this, how by every fresh ill-usage at her hands, my heart was more and more filled with bitter rancour.

"You shudder, George?" he said stopping in his story. "This glimpse into a child's soul makes you tremble? Well-it is the truth, and you shall hear everything that happened.

"If I did not become wicked, I have to thank my father for it. I was diligent because it gave him pleasure. I was kind and attentive to people because he commanded it. He was often ill; what would have become of me if I had lost him then and grown up under my mother's scourge, I dare not think. I was spared this greatest evil: his protecting hand continued to be stretched out over me, and when we moved to Klagenfurth he began to live again. The intercourse with educated people revived him and he was once more full of hope and endeavour. My mother now began to be ill and a few months after our arrival she died. We neither of us rejoiced at her death, but what we felt as we stood by her open coffin was a sort of silent horror.

"And now came more happy days, but they did not last long. Mental torture had destroyed my father's vitality, and the rough mountain-climate had injured his lungs. The mild air of the plain seemed to restore him for a time, but then the treacherous disease broke out in all its virulence. He did not deceive himself about his condition, but he tried to confirm me in hope and succeeded in doing so. When, after a melancholy winter, in the first days of spring, his cough was easier and his cheeks took colour, I, like a thoughtless boy, shouted for joy, – he however knew that it was the bloom of death.

"And he acted accordingly. One May morning-I had just completed my fourteenth year-he came to my bed-side very early and told me to dress myself with all speed. 'We are going for an excursion,' he said. There was a carriage at the door. We drove through the slumbering town and towards the Wörther-see. It was a lovely morning, and my father was so affectionate-it seemed to me the happiest hour I had ever had! When we got to Maria Wörth, the carriage turned off from the

lake-side and we proceeded towards the Tauer Mountains through a rocky valley, until we stopped at the foot of a hill crowned with a ruin. Slowly we climbed up the weed-grown path; every step cost the poor invalid effort and pain, but when I tried to dissuade him he only shook his head. 'It must be so!' he said, with a peculiarly earnest look. At length we reached the top. Of the old building, little remained standing except the outer walls and an arched gateway. 'Look up yonder,' he said, solemnly. 'Do you recognize that coat of arms?' It consisted of two swords and a St. Andrew's cross with stars in the field."

"Your arms?" asked Berger.

Sendlingen nodded. "They were the ruins of Sendlingen Castle, once our chief possession on Austrian soil. My father told me this, and began to recount old stories, how our ancestor was a cousin of Kaiser Conrad and had been a potentate of the Empire, holding lands in Franconia and Suabia, and how his grandson, a friend of one of the Hapsburgs, had come to Carinthia and there won fresh glory for the old arms. It was a beautiful and affecting moment, – at our feet the wild, lonely landscape, dreamily beautiful in the blue atmosphere of a spring day, no sound around us save the gentle murmur of the wind in the wild elder-trees, and with all this the tones of his earnest, enthusiastic voice. My father had never before spoken as he did then, and while he spoke, there rose before my eyes with palpable clearness the long line of honourable nobles who had all gloriously borne first the sword and then the ermine, and the more familiar their age and their names became, the higher beat my heart, the prouder were my thoughts and every thought was a vow to follow in their footsteps.

"My father may have guessed what was passing in my heart, he drew me tenderly to him, and as he told me of his own father, the first judge and nobleman of the land, tears started from his eyes. 'He was the last Sendlingen worthy of the name,' he concluded, 'the last!'

"'Father,' I sobbed, 'whatever I can and may do will be done, but you too will now have a better fate.'

"'I!' he broke in, 'I have lived miserably and shall die miserably! But I will not complain of my fate, if it serves as a warning to you. Listen to me, Victor, my life may be reckoned by weeks, perhaps by days, but if I know my cousins aright, they will not let you stand alone after my death. They will not forget that you are a Sendlingen, so long as you don't forget it yourself. And in order that you may continue mindful of it, I have brought you hither before I die! Unhappy children mature early; you have been in spite of all my love, a very unhappy child, Victor, and you have long since known exactly why my life went to pieces. Swear to me to keep this in mind and that you will be strict and honourable in your conduct, as a Sendlingen is in duty bound to be.'

"'I swear it!' I exclaimed amid my tears.

"'One thing more!' he continued, 'I must tell you, although you are still a boy, but I have short time to stay and better now than not at all! It is with regard to women. You will resist my temptations, I am sure. But if you meet a woman who is noble and good but yet not of your own rank, and if your heart is drawn to her, imperiously, irresistibly, so that it seems as if it would burst and break within your breast unless you win her, then fly from her, for no blessing can come of it but only curses for you both. Curses and remorse, Victor-believe your father who knows the world as it is… Swear to me that you will never marry out of your rank!'

"'I swear it!' I repeated.

"'Well and good,' he said solemnly. 'Now I have fulfilled my duty and am ready … let us go, Victor.'

"He was going to rise, but he had taxed his wasted lungs beyond their strength: he sank back and a stream of blood gushed from his lips. It was a frightful moment. There I stood, paralysed with fear, helpless, senseless, beside the bleeding man-and when I called for help, there was not a soul to hear me in that deep solitude. I had to look on while the blood gushed forth until my father utterly broke down. I thought he was dead but he had only fainted. A shepherd heard the cry with which I threw

myself down beside him, he fetched the driver, they got us into the carriage and then to Klagenfurth. Two days later my poor father died."

He stopped and closed his eyes, then drew a deep breath and continued:

"You know what became of me afterwards. My dying father was not deceived in his confidence: the innocent boy, the last of the Sendlingens, was suddenly overwhelmed with favours and kindness. It was strange how this affected me, neither moving me, nor exalting, nor humbling me. Whatever kindness was done me, I received as my just due; it was not done to me, but to my race in requital for their services, and I had to make a return by showing myself worthy of that race. All my actions were rooted in this pride of family: seldom surely has a descendant of princes been more mightily possessed of it. If I strove with almost superhuman effort to fulfil all the hopes that were set on me at school, if I pitilessly suppressed every evil or low stirring of the heart, I owe it to this pride in my family: the Sendlingen had always been strong in knowledge, strict to themselves, just and good to others, -*must* I not be the same? And if duty at times seemed too hard, my father's bitter fate rose before me like a terrifying spectre, and his white face of suffering was there as a pathetic admonition-both spurring me onward. But the same instinct too preserved me from all exultation now that praise and honour were flowing in upon me; it might be a merit for ordinary men to distinguish themselves, with a Sendlingen it was a duty!

"And so I continued all those years, first at school, then at the University, moderate, but a good companion, serious but not averse to innocent pleasures. I had a liking for the arts, I was foremost in the ball-room and in the Students' Réunions, – in one thing only I kept out of the run of pleasure: I had never had a love-affair. My father's warning terrified me, and so did that old saying: 'A Sendlingen can never be a scoundrel!' And however much travelling changed my views in the next few years, in this one thing I continued true to myself. Certainly this cost me no great struggle. Many a girl whom I had met in the society I frequented appeared lovable enough, but I had not fallen in love with any, much less with a girl not of my own rank, of whom I hardly knew even one.

"So I passed in this respect as an exemplary young man, too exemplary, some thought, and perhaps not without reason. But whoever had taken me at the time I entered upon my legal career, for an unfeeling calculator with a list of the competitors to be outstripped at all costs, in the place where other people carry a palpitating heart, would have done me a great injustice. I was ambitious, I strove for special promotion, not by shifts and wiles, but by special merit. And as to my heart, – oh! George, how soon I was to know what heart-ache was, and bliss and intoxication, and love and damnation!"

He rose, opened his writing-table, and felt for the secret drawer. But he did not open it; he shook his head and withdrew his hand. "It would be of no use," he murmured, and remained for awhile silently brooding.

"That was in the beginning of your career?" said Berger, to recall him.

"Yes," he answered. "It was more than twenty years ago, in the winter of 1832. I had just finished my year of probation at Lemburg under the eyes of the nearest and most affectionate of my relations, Count Warnberg, who was second in position among the judges there. He was an uncle, husband of my father's only sister. He had evinced the most cruel hardness to his brother-in-law, to me he became a second father. At his suggestion and in accordance with my own wish, I was promoted to be criminal Judge in the district of Suczawa. The post was considered one of the worst in the circuit, both my uncle and I thought it the best thing for me, because it was possible here within a very short time, to give conclusive proof of my ability. Such opportunities, however, were more abundant than the most zealous could desire: in those days there prevailed in the southern border-lands of the Bukowina, such a state of things as now exists only in the Balkan Provinces or in Albania. It was perhaps the most wretched post in the whole Empire, and in all other respects exceptionally difficult. The ancient town, once the capital of the Moldavian Princes, was at that time a mere confusion of crumbling ruins and poverty-stricken mud-cabins crowded with dirty, half-brutalized Roumanians, Jews and Armenians. Moreover my only colleague in the place was the civil judge, a ruined man,

whom I had never seen sober. My only alternative therefore was either to live like an anchorite, or to go about among the aristocracy of the neighborhood.

"When I got to know these noble Boyars, the most educated of them ten times more ignorant, the most refined ten times more coarse, the most civilized ten times more unbridled than the most ignorant, the coarsest and the most unbridled squireen of the West, I had no difficulty in choosing: I buried myself in my books and papers. But man is a gregarious animal-and I was so young and spoiled, and so much in need of distraction from the comfortless impressions of the day, that I grew weary after a few weeks and began to accept invitations. The entertainments were always the same: first there was inordinate eating, then inordinate drinking, and then they played hazard till all hours. As I remained sober and never touched a card, I was soon voted a wearisome, insupportable bore. Even the ladies were of this opinion, for I neither made pretty speeches, nor would I understand the looks with which they sometimes favoured me. That I none the less received daily invitations was not to be wondered at; a real live Baron of the Empire was, whatever he might be, a rare ornament for their 'salons,' and to many of these worthy noblemen it seemed desirable in any case to be on a good footing with the Criminal Judge.

"One of them had particular reason for this, Alexander von Mirescul, a Roumanianised Greek; his property lay close to the Moldavian frontier and passed for the head-quarters of the trade in tobacco smuggling. He was not to be found out, and when I saw him for the first time, I realized that that would be a difficult business; the little man with his yellow, unctuous face seemed as if he consisted not of flesh and bone, but of condensed oil. It was in his voice and manner. He was manifestly much better educated and better mannered than the rest, as he was also much more cunning and contemptible. I did not get rid of this first impression for a long while, but at length he managed to get me into his house; I gradually became more favourable to him as he was, in one respect at least, an agreeable exception; he was a tolerably educated man, his daughters were being brought up by a German governess and he had a library of German books which he really read. I had such a longing for the atmosphere of an educated household that one evening I went to see him.

"This evening influenced years of my life, or rather, as I have learnt to-day, my whole life. I am no liar, George, and no fanciful dreamer, it is the literal truth: I loved this girl from the first instant that I beheld her."

Berger looked up in astonishment.

"From the first instant," Sendlingen repeated, and he struggled with all speed through his next words.

"I entered, Mirescul welcomed me: my eye swept over black and grey heads, over well-known, sharp-featured, olive-faces. Only one was unknown to me: the face of an exquisitely beautiful girl encircled by heavy, silver-blond, plaited hair. Her slender, supple figure was turned away from me, I could only see her profile; it was not quite regular, the forehead was too high, the chin too peculiarly prominent; I saw all that, and yet I seemed as if I had never seen a girl more beautiful and my heart began to beat passionately. I had to tear my looks away, and talk to the lady of the house, but then I stared again, as if possessed, at the beautiful, white unknown who stood shyly in a corner gazing out into the night. 'Our governess, Fräulein Lippert,' said Frau von Mirescul, quietly smiling as she followed the direction of my looks.

"'I know,' I answered nervously, almost impatiently; I had guessed that at once. Frau von Mirescul looked at me with astonishment, but I had risen and hurried over to the lonely girl: one of the most insolent of the company, the little bald Popowicz, had approached her. I was, afraid that he might wound her by some insulting speech. How should this poor, pale, timorous child defend herself alone against such a man? He had leant over her and was whispering something with his insolent smile, but the next instant he started back as if hurled against the wall by an invisible hand, and yet it was only a look of those gentle, veiled, grey eyes, now fixed in such a cold, hard stare that I trembled

as they rested on me. But they remained fixed upon me and suddenly became again so pathetically anxious and helpless.

"At length I was beside her: I no longer required to defend her from the elderly scamp, he had disappeared. I could only offer her my hand and ask: 'Did that brute insult you?' But she took my hand and held it tight as if she must otherwise have fallen, her eyelids closed in an effort to keep back her tears. 'Thank you,' she stammered. 'You are a German, are you not Baron Sendlingen? I guessed as much when you came in! Oh if you knew!'

"But I do know all, I know what she suffers in this 'salon,' and now we begin to talk of our life among these people and our conversation flows on as if it had been interrupted yesterday. We hardly need words: I understand every sigh that comes from those small lips at other times so tightly closed, she, every glance that I cast upon the assembly. But my glances are only fugitive for I prefer looking straight into that beautiful face so sweetly and gently attractive, although the mouth and chin speak of such firm determination. She often changes colour, but it is more wonderful that I am at times suddenly crippled by the same embarrassment, while at the next moment I feel as if my heart has at length reached home after years and years, – perhaps a life-time's sojourn in a chill strange land.

"An hour or more passed thus. We did not notice it; we did not suspect how much our demeanour surprised the others until Mirescul approached and asked me to take his wife in to supper. We went in; Hermine was not there. 'Fräulein Hermine usually retires even earlier,' remarked Frau von Mirescul with the same smile as before. I understood her, and with difficulty suppressed a bitter reply: naturally this girl of inferior rank, whose father had only been a schoolmaster, was unworthy of the society of cattle-merchants, horse-dealers and slave-drivers whose fathers had been ennobled by Kaiser Franz!

"After supper I took my leave. Mirescul hoped to see me soon again and I eagerly promised: 'As soon as possible.' And while I drove home through the snow-lit winter's night, I kept repeating these words, for how was I henceforth to live without seeing her?"

"After the first evening?" said Berger, shaking his head. "That was like a disease!"

"It was like a fatality!" cried Sendlingen. "And how is it to be explained? I do not know! I wanted at first to show you her likeness, but I have not done so, for however beautiful she may have been, her beauty does not unsolve the riddle. I had met girls equally beautiful, equally full of character before, without taking fire. Was it because I met her in surroundings which threw into sharpest relief all that was most charming in her, because I was lonelier than I had ever been before, because I at once knew that she shared my feelings? Then besides, I had not as a young fellow lived at high pressure. I had not squandered my heart's power of loving; the later the passion of love entered my life, the stronger, the deeper would be its hold upon me.

"Reasons like these may perhaps satisfy you; me they do not. He who has himself not experienced a miracle, but learns of it on the report of another, will gladly enough accept a natural explanation; but to him whose senses it has blinded, whose heart it has convulsed, to him it remains a miracle, because it is the only possible conception of the strange, overmastering feelings of such a moment. When I think of those days and how she and I felt-no words can tell, no subtlest speculation explain it. Look at it as you may, I will content myself by simply narrating the facts.

"And it is a fact that from that evening I was completely metamorphosed. For two days I forced myself to do my regular duties, on the third I went to Oronesti, to Mirescul's. The fellow was too cunning to betray his astonishment, he brimmed over with pleasure and suggested a drive in sleighs, and as the big sleigh was broken we had to go in couples in small ones, I with Hermine. This arrangement was evident enough, but how could I show surprise at what made me so blessed? Even Hermine was only startled for a moment and then, like me, gave herself up unreservedly to her feelings.

"And so it was in all our intercourse in the next two weeks. We talked a great deal and between whiles there were long silences; perhaps these blissful moments of speechlessness were precisely the

most beautiful. During those days I scarcely touched her hand: we did not kiss one another, we did not speak of our hearts: the simple consciousness of our love was enough. It was not the presence of others that kept us within these bounds; we were much alone; Mirescul took care of that."

"And did that never occur to you?" asked Berger.

"Yes, at times, but in a way that may be highly significant of the spell under which my soul and senses laboured at the time. A man in a mesmeric trance distinctly feels the prick of a needle in his arm; he knows that he is being hurt; but he has lost his sense of pain. In some such way I looked upon Mirescul's friendliness as an insult and a danger, but my whole being was so filled with fantastic, feverish bliss that no sensation of pain could have penetrated my consciousness."

"And did you never think what would come of this?"

"No, I could swear to it, never! I speculated as little about my love, as the first man about his life: he was on the earth to breathe and to be happy; of death he knew nothing. And she was just the same; I know it from her letters later, at that time we did not write. And so we lived on, in a dream, in exaltation, without a thought of the morrow."

"It must have been a cruel awakening," said Berger.

"Frightful, it was frightful!" He spoke with difficulty, and his looks were veiled. "Immediately, in the twinkling of an eye, happiness was succeeded by misery, the most intoxicating happiness by the most lamentable, hideous misery… One stormy night in March I had had to stay at Mirescul's because my horses were taken ill, very likely through the food which Mirescul had given them… I was given a room next to Hermine's.

"On the next day but one-I was in my office at the time-the customs superintendent of the neighbouring border district entered the room. He was a sturdy, honourable greybeard, who had once been a Captain in the army. 'We have caught the rascal at last,' he announced. 'He has suddenly forgotten his usual caution. We took him to-night in the act of unloading 100 bales of tobacco at his warehouses. Here he is!'

"Mirescul entered, ushered in by two of the frontier guards.

"'My dear friend!' he cried. 'I have come to complain of an unheard-of act of violence!'

"I stared at him, speechless; had he not the right to call me his friend, – how often had I not called him friend in the last few weeks.

"'Send these men away.' I was dumb. The superintendent looked at me in amazement. I nodded silently, he shrugged his shoulders and left the room with his officials. 'The long and the short of it is,' said Mirescul, 'that my arrest was a misunderstanding: the officials can be let off with a caution!'

"'The matter must first be inquired into,' I answered at length.

"'Among friends one's word is enough.'

"'Duty comes before friendship.'

"'Then you take a different view of it from what I do,' he answered coming still closer to me. 'It would have been my duty to protect the honour of a respectable girl living in my house as a member of the family. It would now be my duty to drive your mistress in disgrace and dishonour from my doors. I sacrifice this duty to my friendship!'

"Ah, how the words cut me! I can feel it yet, but I cannot yet describe it. He went, and I was alone with my wild remorse and helpless misery."

Sendlingen rose and walked up and down excitedly. Then he stood still in front of his friend.

"That was the heaviest hour of my life, George-excepting the present. A man may perhaps feel as helpless who is suddenly struck blind. The worst torture of all was doubt in my beloved; the hideous suspicion that she might have been a conscious tool in the hands of this villain. And even when I stifled this thought, what abominations there were besides! I should act disgracefully if for her sake I neglected my duty, disgracefully if I heartlessly abandoned her to the vengeance of this man! She had a claim upon me-could I make her my wife? My oath to my dying father bound me, and still more, even though I did not like to admit it, my ambition, my whole existence as it had been

until I knew her. My father's fate-my future ruined-may a man fight against himself in this way? Still-'A Sendlingen can never be a scoundrel'-and how altogether differently this saying affected me compared to my father! He had only an offence to expiate, I had a sacred duty to fulfil: he perhaps had only to reproach himself with thoughtlessness-but I with dishonour.

"And did I really love her? It is incomprehensible to me now how I could ever have questioned it, how I could ever have had those hideous doubts: perhaps my nature was unconsciously revenging herself for the strange, overpowering compulsion laid on her in the last few weeks, perhaps since everything, even the ugliest things, had appeared beautiful and harmonious in my dream, perhaps it was natural, now that my heart had been so rudely shaken, that even the most beautiful things should appear ugly. Perhaps-for who knows himself and his own heart?

"Enough! this is how I felt on that day and on the night of that day. Oh! how I writhed and suffered! But when at last the faint red light of early morning peeped in at my window, I was resolved. I would do my duty as a judge and a man of honour: I would have Mirescul imprisoned, I would make Hermine my wife. I no longer had doubts about her or my love, but even if it had not been so, my conscience compelled me to act thus and not otherwise, without regard to the hopes of my life.

"I went to my chambers almost before it was day, had the clerk roused from bed and dictated the record of the superintendent's information and a citation to the latter. Then I wrote a few lines to Hermine, begging her to leave Mirescul's house at once and to come to me. 'Trust in God and me,' I concluded. This letter I sent with my carriage to Oronesti; two hours later I myself intended to set out to the place with gendarmes to search the house and arrest Mirescul. But a few minutes after my coachman had left the court, the Jewish waiter from the hotel of the little town brought me a letter from my dear one. 'I have been here since midnight and am expecting you.' The lady looked very unwell, added the messenger compassionately, and was no doubt ill.

"I hastened to her. When she came towards me in the little room with tottering steps, my heart stood still from pity and fear; shame, remorse and despair-what ravages in her fresh beauty had they not caused in this short space? I opened my arms and with a cry she sank on my breast. 'God is merciful,' she sobbed. 'You do not despise me because I have loved you more than myself: so I will not complain.'

"Then she told me how Mirescul-she had kept her room for the two last days for it seemed to her as if she could never look anyone in the face again-had compelled her to grant him an interview yesterday evening. He requested her to write begging me to take no steps against him, otherwise he would expose and ruin us both. 'Oh, how hateful it was!' she cried out, with a shudder. 'It seemed to me as if I should never survive the ignominy of that hour. But I composed myself; whatever was to become of me, you should not break your oath as Judge. I told him that I would not write the letter, that I would leave his house at once, and when he showed signs of detaining me by force, I threatened to kill myself that night. Then he let me go, – and now do you decide my fate: is it to be life or death!'

"'You shall live, my wife,' I swore, 'you shall live for me.'

"'I believe you,' said she, 'but it is difficult. Oh! can perfect happiness ever come from what has been so hideously disfigured!'

"I comforted her as well as I could, for my heart gave utterance to the same piteous question.

"Then we took counsel about the future; she could not remain in Suczawa: we could see what vulgar gossip there would be even without this. So we resolved that she should go to the nearest large town, to Czernowitz, and wait there till our speedy marriage. With that we parted: it was to have been a separation for weeks and it proved to be for a lifetime: I never saw the unhappy girl again.

"How did it come about that I broke my oath? There is no justification for it, at best but an explanation. I do not want to defend myself before you any more than I have done: I am only confessing to you as I would to a priest if I were a believer in the Church.

"A stroke of fate struck me in that hour of my growth, I might have overcome it but now came its pricks and stabs. When I left Hermine to return to my chambers, I met the customs superintendent.

I greeted him. 'Have you received my citation?' I asked. He looked at me contemptuously and passed on without answering. 'What does this mean?' cried I angrily, catching hold of his arm.

"'It means,' he replied, shaking himself loose, 'that in future I shall only speak to you, even on official matters, when my duty obliges me. That, for a time, is no longer necessary. You released Mirescul yesterday, you did not record my depositions. Both were contrary to your duty: I have advised my superiors in the matter and await their commands.'

"He passed on; I remained rooted to the spot a long while like one struck down; the honourable man was quite right!

"But I roused myself; now at least I would neglect my duty no longer. Scarcely, however, had I got back to my chambers, when my colleague, the Civil-Judge entered; he was as usual not quite sober, but it was early in the day and he had sufficient control of his tongue to insult me roundly. 'So you are really going to Oronesti,' he began. 'I should advise you not, the manœuvre is too patent. After twenty-four hours nothing will be found, as we set about searching the house just to show our good intentions-eh?'

"'I don't require to be taught by you,' I cried flaring up.

"'Oh, but, perhaps you do, though!' he replied. 'I might for instance teach you something about the danger of little German blondes. But-as you like-I wish you every success!'

"Smarting under these sensations, I drove to Oronesti. Mirescul met me in the most brazen-faced way; he protested against such inroads undertaken from motives of personal revenge. And he added this further protest to his formal deposition; he would submit to examination at the hands of any Judge but me who had yesterday testified that the accusation was a mistake and promised to punish the customs officials, and to-day suddenly appeared on the scene with gendarmes. Between yesterday and to-day nothing had happened except that he had turned my mistress out of his house, and surely this act of domestic propriety could not establish his guilt as a smuggler. You know, George, that I was obliged to take down his protest-but with what sensations!

"The search brought to light nothing suspicious; the servants, carters, and peasants whom I examined had all been evidently well-drilled beforehand. I had to have Mirescul arrested: were there not the bales of tobacco which the superintendent had seized? Not having the ordinary means of transit at night, he had had them temporarily stored in one of the parish buildings at Oronesti under the care of two officials. I now had them brought at once to the town.

"When I got back to my chambers in the evening and thought over the events of this accursed day, and read over the depositions in which my honour and my bride's honour were dragged in the mire, I had not a single consolation left except perhaps this solitary one, that my neglect would not hinder the course of justice, for the smuggled wares would clearly prove the wretch's guilt.

"But even this comfort was to be denied me. The next morning Mirescul's solicitor called on me and demanded an immediate examination of the bales: his client, he said, maintained that they did not contain smuggled tobacco from Moldavia, but leaf tobacco of the country grown by himself and other planters, and which he was about to prepare for the state factories. The request was quite legitimate; I at once summoned the customs superintendent as being an expert; the old man appeared, gruffly made over the documents to my keeping and accompanied us to the cellars of the Court house where the confiscated goods had been stored. When his eye fell on them he started back indignantly, pale with anger: 'Scandalous!' he cried, 'unheard of! These bales are much smaller-they have been changed!'

"'How is it possible?'

"'You know that better than I do,' he answered grimly.

"The bales were opened; they really contained tobacco in the leaf. My brain whirled. After I had with difficulty composed myself, I examined the two officials who had watched the goods at Oronesti; the exchange could only have been effected there; the men protested their innocence; they had done their duty to the best of their ability; certainly this was the third night which they had kept

watch although the Superintendent, before hurrying to the town, had promised to release them within a few hours. This too I had to take down; the proof namely that my hesitation in doing my duty had not been without harm. And now my conscience forbade me to arrest Mirescul, although by not doing so, I only made my case worse.

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