

## Literature, &amp;c.

## THE SPIRIT OF THE MAGAZINES.

From Harper's Magazine for January.

## THE LIFE ESTATE.

FROM THE REGISTER OF A NEW YORK LAWYER.

THE news I had brought instead of producing sorrow seemed to have enlivened the entire group, and I left them cheerful and even hilarious. John Debray was the life of any party, and here he was the delight as well as the dependence of his cousin and aunt, as he called Ellen's mother. He seemed to be already a man of family, and to feel the responsibility of his trust. The next day I was seated in my office, when I heard a curious sound in the street, and walking out, was astonished to see Stephen Huntingdon in his carriage, shrieking out a series of most blasphemous expressions at some person on the sidewalk. A crowd instantly gathered, but even this had no effect on the maniac, for such he was. His rage knew no bounds, and was increased by the cool and provoking conduct of his antagonist, whose head was directly under my window, so that I could not see his face. So furious grew Stephen, that at length he seized the whip from the coachman and struck a long lashing blow into the crowd. In a twinkling I saw the cool stranger advance, seize Stephen by the collar, and drag him out of his carriage to the sidewalk, box his ears, and toss him back again like a bundle of rags. His howl of rage was lost in the shout of laughter from the surrounding crowd, during which my new acquaintance, John Debray, stalked into my office.

'Wasn't it lucky? The infernal scamp, it seems knew me, stopped me, and used some of his foul language. Didn't I serve him handsomely? By Jove! it was worth coming down for.'

I feared that he would experience annoyance from the circumstance. Nor was I in error, for, in less than an hour, and while we were still conversing on the business which had brought him, a police officer came for him. I accompanied him to the magistrate, gave bonds for his appearance at the sessions and we walked down to Mrs Debray's together. Next day a civil action for assault and battery was commenced against Captain Debray. Huntingdon's principle seemed to be to oppress his antagonist as heavily as possible without reference to ultimate success. He certainly had no prospect of a verdict in a case like this; but it was one of eight suits at law which he commenced in rapid succession, and the prospect was indeed a dark one. My own services were of course enlisted for the Debrays, and necessarily with little hope of reward. I determined to make an immediate and thorough examination of each case, and let it be determined without expense, if defence appeared hopeless.

One of the strangest points in this case, to my mind, was the fact that the error in the description of the property conveyed must have been also an error in the deed from which I had copied the description; yet upon examining that deed as recorded there was no similarity whatever in the two descriptions. That my clerks have made a fatal error in engrossing I knew was impossible, for I had invariably been accustomed myself to compare descriptions in engrossed deeds before their execution, and distinctly remembered doing so in this instance. The description was, therefore, a correct copy of the deed furnished me, and which purported to be a conveyance to Mr Huntingdon's ancestors. Was that another deed, never recorded, in which the error had been discovered, and for which another had been substituted without destroying the worthless one? It must be so, and it was handed me by mistake. A fatal, a terrible error, for which, indeed, I was in no sense responsible, yet with which I was so nearly connected that I could not but be anxious to fathom the mystery.

It was at this point in the state of affairs with my clients, the Debrays, that I was called into a case of a very different nature.

The daughter of a former housekeeper in my family, a poor, but well educated and very interesting girl, begged my assistance under circumstances of peculiar pain. She was always a pretty girl, and had been a favorite in the family before her mother's death when she had been taken away by distant relatives, and I had lost sight of her. It was a fragile but really beautiful creature that now entered my office, and that on the holiest of womanly errands, to gain help for a lover in distress.

'Sir he is accused of forgery, and is to be tried to-morrow. I don't like the lawyer he has employed, and I am very, very fearful. And it would be so terrible for an innocent man to suffer for want of proper help, would it not, Sir?'

'Terrible indeed, Fanny; but tell me who he is.'

'He used to teach school, Sir, and we were to have been married this summer, and he

was arrested two months ago; and they accused him of forging—of writing a whole long paper with another man's name to it—and he has been sick, and has had an awful cold, and has been in prison for eight weeks, and suffered a great deal. He has not been well for a year past, but I am certain after he gets over this terrible affair he will be well.'

I went that night to see the young man. His cell was not the most comfortable place for a man in the last stage of consumption, as he evidently was. I was started to find him so, and surprised that Fanny had not told me as much. Poor Child! Her warm heart had not admitted she chilling thought of her lover's death within its sacred inclosure. She was too hopeful, too much like all young loving people, for even this dismal concatenation of a prison, crime, and approaching death, to bind her young and fond imagination. He felt it all, but had forborne to impress his gloomy forebodings on her. I am sorry, Sir, for it is but adding to her hopes, which must be dashed to-morrow.'

He was a man of thirty or thereabouts, with a thin, pale face, a high and white forehead, a restless dark eye, and a compressed lip, indicating the utmost firmness.

'There may be much hope for her and you,' said I.

'None whatever, Sir. In the first place, the proofs against me are complete and overwhelming; and in the second place, I confess it to you, Sir, as my counsel, I am guilty.'

I started. 'Fanny told me otherwise'

'Dear girl, I have never dared to tell her thus much. No, no! I will die, but she shall never believe me guilty. Do what you will for me, Sir, not for my sake, but for hers. I would not add that drop to her cup. I was poor, but happy once. It was for her sake I did it, fool that I was. But the choice was ruin, and to lose her forever, on the one side; and Fanny and comfort, with a bare chance of detection, on the other. I risked the chance, and lost all.'

There was no doing much for such a client. It was a sad affair. He was very weak, and talked with great difficulty. I doubted whether he could be in court the next day. His story was brief and painful. He was a poor, honest teacher. He had met and loved Fanny, and she had loved him. Their humble prospects were full of promise, of joy. But he had ventured on speculations in suburban lots, became involved, forged a satisfaction-piece, commissioner's certificate of acknowledgment and all, satisfied the mortgage of record, sold the property and realized a considerable sum, sufficient to meet his immediate liabilities. It was his honest intention, after this dishonest act, to repay the mortgage, and for that purpose to use a sum of money that he would realize from the sale of another parcel of land. This he had almost completed, when the discovery was made. He had even paid one instalment of interest on the mortgage, to prevent a discovery of the forgery! The charge came like a thunder-bolt on Fanny, but she was true as steel.

She sat near him in the court-room. The trial was brief, and we contested it feebly. It was impossible honestly to attempt to browbeat witnesses whom we knew to be testifying to the truth. The prisoner himself did not wish it. He sat in an arm-chair near my table, with his head bowed down on his hands, and occasionally spoke a word or two, but mostly let the case take its course.

We could but prove character, and with that we were abundantly prepared. Men of standing and reputation spoke of him in the highest terms. The prosecuting officer said he would admit his previous good character. We preferred to prove it and finally put Fanny herself on the stand.

It was hard indeed, but mercy tempering justice was all we could ask; and her simple testimony to his goodness and gentleness reached even the stony-hearted judge on the bench, and he wiped tears out of his eyes as he noted down her evidence.

When I had concluded my appeal to the jury, I found that, if I had moved no one else I had deeply affected my poor client. His ghastly appearance, as I resumed my seat, frightened me. But when the jury had retired, he leaned over to me, and spoke in a broken and hardly intelligible voice.

'I have your opinion too, Sir. I thank you for it. I am feeble, and this present suspense is awful. I feel nothing for myself, but that dear girl yonder, who has not understood one word of all this that has been going on, only her own blessed heart's promptings that I am innocent, and that every one else must know it: the verdict of that Jury will kill her. Will you promise me that she shall never know from you my guilt.'

'She never shall from me.'

'I thank you; I am truly grateful. Do not yourself think me a great wretch. You do not know how easy and simple a thing, at times, it is to commit a terrible crime. The pen, the paper, the ink, lie before you. It is but a touch, a wave of the hand, and the work is done, and you are rich, and who is to know that you did it? It was a damnable accom-

plishment, and like all the inventions of the man that led me to it.'

'Who was that?'

'A pupil of mine five years ago. He used to praise my hand writing, and tempt me with offers of money to write for him a hundred curious affairs. I was miserably poor then, and easily tempted. I wrote him letters and notes and copied poems and filled albums; and at length I helped him to a trick on his grandmother, that frightened the old lady, on the first of April. He got me to copy an old deed of land, exactly imitating it in color and paper, and everything, except that he made the description different, and his grandmother was persuaded that there was a terrible mistake, and was frightened nearly out of her senses at the idea that she was worth some thousands less than she had supposed. I succeeded so well in that, that when the temptation came to use my talent for myself, it seemed so easy that I fell, God forgive me. It was a terrible sin against myself, and against Fanny, and against Him. I cannot forgive myself. Fanny thinks that she has nothing to forgive. May He be merciful before whom I shall soon appear.'

I heard but little of the last part of his sentence, for I saw in his story a solution of my error in the Debray trust deed. I did not even ask the name of his pupil. I saw it all. It was a deep-laid plan of Stephen Huntingdon. The story of the first of April and his grandmother's fright was all a fabrication of course. He had planned the fraud when the old lady first determined to make the trust. I began to see my way out of the difficulty. But how? My only witness was this poor fellow, with not a month's purchase of life left him, and in five minutes to be a convicted felon, incompetent to testify in any court.

The day wore on while I pondered on all this, and the jury remained out. I began to have some hope of a disagreement, clear as the case was. The judge came down into the bar and chatted, while the clerk went to sleep with his feet on his desk. The sun was going down. The prisoner sat motionless in his chair, his head bowed on the table before him, between his white thin hands.

I had persuaded Fanny to leave the court-room with a promise of early intelligence of the result. The gloom of twilight came down on the city. The roar of homeward-going travel was heard from outside of the court-room. Sometimes a cheerful ringing laugh floated up into the open windows, jarring painfully on the silence which now reigned. There was no spectators. The judge, the clerk, the officers, a few lawyers and the prisoner, were the only tenants of the gloomy room.

At length a stir outside the door announced the return of the jury, who entered and took their places, answering to their names as the clerk called them.

The judge resumed his seat. The clerk demanded the verdict, a question that, to professional men, accustomed to hear it asked and answered so many times each day, is seldom a cause of emotion; but to each suitor who hears it in his own case only, and in no other, has the significance of a lightning flash, after which he awaits, almost breathless, the next and more terrible, which may destroy him.

'Gentlemen, have you agreed on your verdict?'

'We have.'

'What is your verdict? Guilty, or Not Guilty?'

'Guilty; but we strongly recommend the prisoner to the mercy of the Court.'

'Gentlemen of the Jury, hearken to your verdict as it stands recorded. You say you find the prisoner at the bar guilty? So say all of you.'

'I turned to look at the prisoner, but the expected verdict had not startled him. He sat unmoved, while two dim candles were brought in and placed before the Judge, who now rose to pronounce sentence.

'Officer, place the prisoner at the bar.'

An officer stepped forward and placed his hand on the shoulder of my client. But he was not there! The prisoner, enfranchised now, stood at another bar, before another Judge, whose enduring mercy the recommendation of that Jury, would neither increase or diminish.—He was dead!

I always considered this a matter, by way of episode, in the Debray cases, and have introduced it here because it shows how I became acquainted with Stephen Huntingdon's crime. This induced me to determine on a vigorous defence of whatever suits I found at all capable of any defence; and as the ejectment suit, brought to recover the lands supposed to be conveyed to the trust deed, was the chief action, I examined it first and foremost.

He alleged a title of the premises. He claimed, of course, as sole devisee under the will of his grandmother, whose possession for fifty years was undisputed. There was no adverse possession. Certainly that title seemed good. But an examination opened a new light, a perfect flood on the question of title. I was astonished, overwhelmed, unprofessionally delighted and crazed by the discovery. I believe, I nearly danced in the office where

I made the search. It was clear and complete; so clear, that the next day I offered to advance any sum whatever for the necessities of Mrs Debray and her daughter, but without disclosing my news. I reserved that for a better time. I contented myself for the present with advising Ellen to fix a date for her marriage which was done, and the invitation to a few friends given out. I took care that Stephen Huntingdon should be informed of the time and place, I was not wrong in anticipating an interview prior to the day. He could hardly fail to make one last endeavour, and that was the last usual resort of a scoundrel—the offer of a bribe.

He sought me; and after a long preamble, in which he took care to intimate that he had become dissatisfied with his professional advisers—that he regretted that in some matters I was opposed to his interests, but would be happy to employ me in others—he said that he desired to see that if an amicable adjustment of his difficulties with his aunt and cousin could not be effected, and he offered me a very large fee if I could bring it about. Of course his settlement involved a breaking off of the proposed marriage of Ellen, and an engagement with himself.

The dog even descended to whining, and told me of his cousin's ill treatment of him when a mere boy, and as they grew up together.

I heard him through and then turned him out of my office. He grew boisterous and I threatened him. He struck me and I called in a police officer who was placed at hand, and he was taken to the station house. Money wouldn't buy him out. He became so furious that they put irons on him and a strait-jacket, and in that miserable plight, he was brought up before the police justice, in the morning, who remanded him for further examination. He was lying in a dirty filthy cell, at the moment John Debray and Ellen were married.

I heard nothing more of him until the trial of the ejectment suit, six months later. Meantime I had heard of his prodigious expenditure, his mad speculations, and that he was gradually involving himself in enormous debts. Brief as the time had been, he had wasted a fortune, when the cause was reached.

It was in the same court-room in which my poor client, Fanny's lover, had been tried and freed. The same judge tried the cause, now sitting in the circuit court.

There was something strangely amusing in the preplexed appearance of the opposite counsel. They certainly knew that we were not accustomed to sham defenses, and they vainly guessed at our position, while they made good their case. They proved the will of Mrs Huntingdon. They proved also that she had been in possession for more than fifty years of the premises in question, they proved finally the will of Mrs Huntingdon's father, brief and simple, giving her his entire property, without naming any in particular, and here they rested their case.

I remarked coolly that the last piece of testimony was superfluous, as they would soon perceive, and I amused myself in looking at the anxious face of Stephen Huntingdon, who sat with his surveyor near him, prepared to overthrow the trust deed if I should offer it. But I had no such intention.

I opened to the jury with a brief history of the circumstance leading to the case. I stated candidly the error in the trust deed and then related the story of the forger. I reminded the judge of that solemn night, and his deep interest in my story, riveted the attention of the jury. I did not connect the story with the deed. I left that for them. But after torturing Stephen Huntingdon to the best of my ability with the conviction that I knew and was ready to expose his rascality, I closed without informing the court what I intended to prove, and leaving my antagonists still in suspense. I then called my first and only witness; an old man exceedingly old, well known through the city, as an accurate historian and a perfect walking record of old events and land-marks.

'Mr Stephens do you know who occupied the farm, commonly called the Upland Farm in 17—?'

'Very well indeed, Sir. It was the elder Judge Huntingdon's favorite farm in those days, and he lived on it for twenty years.—I was frequently at his house. It stood on what is now the corner of — and — streets, and his fields lay all around it.'

'That is all, Sir. He is your witness gentlemen.'

They began to feel the earth sinking under them. Their first questions swept quite away all their foothold.

'Did you know the father of Mrs Huntingdon?'

'I knew him very well, Sir.'

'He was a man of large property, was he not?'

'Stephen Denton? Ha! ha! not he. He was a little cracked poor man. He died poor as a rat, but imagining he was rich. He made a will, and Mrs Huntingdon had it proved after he was dead, though he didn't leave a farthing to pay the fees. But she had great respect for his memory.'