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Judge Remsen's First Client.

Old Judge Remsen was fond of telling his early experience at the bar. My first case he would say, came upon me most unexpectedly, after I had waited a considerable time for a client. The way I came to get it was this:

A young girl, named Helen Montessor, was to be tried at our County Court, Bellevue, for stealing a breastpin, valued at four dollars, and twenty dollars in gold, from the trunk of her employer, one James Wesley, a merchant who lived in the neighboring town of Bedford. The theft, which was detected some five weeks before, occasioned quite a talk at the time, as the girl was very beautiful, and James Wesley and his wife Eunice were anything but that, besides being generally detested. People said Helen had been treated shamefully by her mistress, who was jealous of her; and it was even hinted that there had been foul play in the prosecution for theft. The subsequent arrest of a gang of counterfeiters and horse-thieves had so absorbed public attention, that the case of Helen Montessor was quite forgotten, and no one seemed to care for her fate. But when her case was called, and she was placed in the prisoner's box, her beauty riveted every eye, and when the Judge asked her who was her counsel, she modestly replied that she had none, and that she had no money to pay a lawyer; there was not a member of the bar present who would not willingly have undertaken her case. The Judge, fixed his eye on me, and said, "Mr. Remsen, you will please act as this young lady's counsel." I started as though I had been shot. Luckily a juror was just taken ill, and the Court adjourned till ten o'clock the next morning, or I am afraid that I should have made sad work with my client's case.

As I left the court-room, I looked at my watch; it was just eleven o'clock, so I had but twenty-three hours to prepare for the struggle. I at once called upon the district attorney and asked to see the indictment, and the evidence taken before the Justice of the Peace. As he tumbled over a pile of documents, in search of the papers, he said, "The Judge must have a spite against you, Remsen, to put you in such a tight place, and you a green hand. No offence," he added, as he observed the rising colour of my cheek—"no offence; I simply meant that you are inexperienced. There are the documents. You may take them home with you—only be sure to bring them to Court to-morrow morning. You will see on perusing them, that your client has not a chance."

I was annoyed at this light reference to my client, for whom I had already entertained the deepest respect, and believed to be innocent; but I said nothing in reply. Hastening to my office, I looked myself up and commenced the analysis of my case. The indictment was, in brief what I have already stated. The evidence before the Justice of the Peace consisted of the testimony of James and Eunice Wesley, Sarah L. Brown, a seamstress, Charlotte Boyce, a domestic, and Thomas Hannegan, a man-of-all-work, employed by the Wesleys. Hannegan's evidence seemed straightforward and truthful, and so did the servant girl's. I made up my mind that they were not unfriendly to my client, and that I would seek an interview with them, although it should necessitate a journey to Bedford. Miss Brown's testimony I at once detected intense malice, and I determined to harrow her mercilessly in my cross-examination. Wesley's evidence was very similar in style and manner to that of Hannegan; but Mrs. Eunice Wesley's testimony was full, discursive and acrimonious—such, for instance as that, "She had always believed Helen to be a viper, but her husband had upheld the trollop." I remembered the gossip about Helen's ill treatment, and Mrs. Wesley's insolence; and to my mind the case seemed to be clear; I believed that Mrs. Wesley herself had put those things in Helen Montessor's trunk.

I next went to the Court House and requested Mr. Mace, the Sheriff, who lived in a wing of the building, to introduce me to the prisoner. He conducted me to her cell. Although the bolts clanged heavily as they sprang from the locks, our entrance did not seem to attract her attention. She was standing with clasped hands, before her narrow grated window, gazing intently to the sky. The sheriff touched her arm, and said, "Miss Montessor, this gentleman, Mr. Remsen, is the lawyer who is to manage your case to-morrow, and he wants to see you." She started, turned quickly round, and made an inclination of her head, to indicate her readiness to listen; but she said not a word. The Sheriff had already left the cell, and we were alone. Conscious that every moment was precious, I said:

"Miss Montessor, we must throw aside all ceremony and communicate frankly upon the painful business, because it is no less harrowing to me than to yourself. Not that I think you guilty, for I believe that you are innocent. The next thing is to prove that you are so. As things now are, this promises to be a difficult matter; but I am not without hope. If you will tell me frankly what your experience has been with the Wesleys, my task may be very much lightened."

I then put a series of questions, which she answered with entire frankness, whereby I learned she was fifteen years old, that she had lived with Mrs. Wesley, who had been married about 8 years, that she had lived with a kind old gentleman named Gregory, who taught her to call him grandpa, Mrs. Wesley, who was then called Miss Nesmith, lived with Gregory also; that he seemed afraid of Miss Nesmith; that Miss Nesmith inherited all his property, and married Mr. Wesley about a month after old Mr. Gregory's death; that she told her never to call her grandpa any more, for he was not any relation to her at all; that the day on which old Mr. Gregory died he gave her a sealed packet, and told her not to let Eunice see it, but to give it to a certain lawyer, when he returned to town, for it would make her a rich young lady, and then he cried, and said, he had let Eunice have her own way too much; that she fell asleep with the packet in her lap, and when she woke up it was gone, and she had never dared ask any questions about it; that Mrs. Wesley hated her, and beat her and treated her like a slave, and threatened to kill her, and that she sometimes thought of drowning herself, she was so miserable; that Mr. Wesley had said improper things to her; that he was a bad man, but very weak and cowardly, and completely under his wife's control; that the day on which her trunk was searched, she was sent to the minister's on an errand, was gone about an hour and a half, and on her return was taken up stairs to see her trunk opened, before she had pulled off her bonnet and shawl; that the was sure Mrs. Wesley had put the things in her trunk while she was gone out, because she (Helen) had overhauled it that very morning and they were not in it then; but whether Mr. Wesley knew about it she could not say, although she rather thought he did, because he looked guilty when his wife was opening the trunk.

Telling the poor girl to cheer up and keep good heart, I withdrew, and went to the Sheriff's sitting room, where I found Mrs. Mace. I at once informed her that it was my opinion Miss Montessor was an innocent, persecuted girl, and that I hoped she would try to cheer her up that day and evening, so that she could enter the court-room with a good heart on the morrow. This the kind-hearted woman promised to do, and I hastened to my office. My brain was in a whirl. Gregory—grandpa—the packet which was to make her a rich young lady—its mysterious disappearance! What could that all mean? Was old Mr. Gregory really Helen's grandfather? Was that packet his last will and testament, bequeathing his property to her? and had Eunice Nesmith, now Eunice Wesley, stolen it from the child as she slept, that she might clutch the property by virtue of a former will which had been forced from the old man? He cried, and said he had let Eunice have her own way too much! Her own way about what? I felt certain that I had got on the track of great villainy, and thought I could somewhat understand the reason for Eunice Wesley's hatred of Helen and her desire to blast the poor girl's character. After spending a half hour in settling my thoughts and arranging my plans, I went to a lively stable, ordered a carriage, and drove to Bedford.

It was two o'clock when I reached the village. I wished first to see Hannegan, Wesley's serving man. By making a few cautious inquiries at the tavern and discharging a half dollar to the hostler, Hannegan was soon locked in my room and informed of my business. He was much pleased to find that I was Helen's friend, and on my promising never to let what he had said get to Mrs. Wesley's ears, he told me that she had always treated the girl like a dog; and that he had seen her strike Helen, and heard her threaten to kill her, and to ruin her reputation; and that he believed the breastpin and money had been put into the trunk by the old catamarin herself.

In answer to my question, he stated what Helen's behaviour was when the articles were found in her trunk; and described the breastpin and money. The latter consisted of four half eagles, one of which had a hole in it, that had been made by Mr. Murch, the jeweller, so Mrs. Wesley could string it on a ribbon, for a birth-day present for the minister's little boy; and that was one way Mrs. Wesley knew the money was

hers. He also gave me a letter signed "Eunice Gregory," that he had found in the yard that day, and which he maintained was in Mrs. Wesley's hand-writing. "That had made him suspect her name," was not Nesmith before she was married to Wesley; and he had thought she might have been some relation to old Mr. Gregory who died, and there must have been something bad to make her change her name."

This information made a deep impression on my mind, taken in connection with what Helen had told me; besides the name Eunice Gregory seemed floating in my memory as though I had seen it connected with some event which had faded from recollection, and was dimly recalled.

I dismissed Hannegan, and paid a visit to Mr. Murch, the jeweller. I told him confidentially who I was, and for what purpose I had called. He distinctly remembered the half eagle business—in fact, it was set down on his record whereon every transaction of his shop was written out punctiliously. At my request he turned to his book to see on what day the hole was made in the half eagle. It was Wednesday, the 17th day of March—the very day Helen's trunk was searched. I asked at what hour the coin was delivered to Mrs. Wesley. He replied that she called for it about 11 o'clock in the forenoon, and that Miss Montessor's trunk was searched about 1 o'clock in the afternoon of the same day.

"That looks rather strange," replied I; would you have any objections to attend the trial to-morrow, with your books and testimony in this case?

"None at all," he replied; "I had intended from the first to be present at the trial. I bade the jeweller good day, and turned to depart. At that moment Wesley entered the shop and was accosted by name by the jeweller, who gave me a wink to indicate who he was. As we had never before met, I had no fear of his recognizing me, and so I regarded him at my leisure. He was an evil looking man. Over his left eye was a queer shaped scar, which ran crookedly across his forehead. The instant I saw the scar I felt as though the whole thing was clear to me now. The scar, the description of which I so well remembered, brought the whole story freshly to my mind. I remembered now the name of Eunice Gregory, the child murderer—and there stood her accomplice under an assumed name. Giving the jeweller a warning glance, I hastened to my carriage and drove furiously home.

After taking some refreshments, I shut myself in my room, and determined to pass the entire night, if necessary, in preparation for the coming contest. I not only wished to clear my client of the charge made against her, but also expose the Wesleys and oblige them to make restitution to the wronged and pillaged orphan; for I felt an assured conviction that all the property they had in the world rightfully belonged to Helen Montessor. I ransacked my memory to find something tangible concerning the past career of Eunice Gregory, and her accomplice, but I could find nothing. I had read the story many years before in a newspaper, the name of which I could not now remember. I could not prove that the Wesleys were the same parties; and should I mention my suspicions in court, the district attorney would scout them as ridiculous and malicious inventions of my own, and the Judge would charge the jury to pay no heed to them. I must sap the character of the Wesleys in my cross-examination of their witnesses, and thus try to effect a breach sufficient to justify a direct assault, on a charge of conspiracy against Helen, and crush James Wesley on the witness stand. And I wove my meshes for the unsuspecting victim, until the morning sunrays streamed through my windows.

The court was opened, a jury empanelled the case called, Helen Montessor placed in the prisoner's box, and the district attorney's telling, merciless opening of the case completed, in what seemed to me to be but a few minutes of time. Helen looked more innocent than ever, and I resolved that full justice should be done her, if my resources could compass such a result. It is in such an hour that the lawyer feels the honor and dignity of his position; and it is then that he also feels its responsibility.

The first witness was Charlotte Boyce, the servant girl. She had been called by her mistress to go up and see Helen's trunk searched; she went up and saw the breastpin and money found in it—tucked away in one corner. By my cross examination I elicited from the witness the fact that Helen had just come home from an errand (on which she had been absent over an hour) when her trunk was searched, and had on her bonnet and shawl; that "she looked quite innocent and unconcerned until the things were found and that she then seemed astonished." On dismissing the witness, I gazed at the jury, to see if I had made any impression upon them, but they sat with stern faces, as tho

resolved that nothing should make them clear the culprit. I called Miss Boyce back, saying I had forgotten a very important point. This excited some attention, and when I asked her if Mrs. Wesley was in the habit of ill-treating the prisoner, everybody pricked up their ears. The girl hesitated and stammered, but finally said she was. "And why do you think so?" I asked. She replied, "Because Mr. Wesley beat her once with a large club, and threatened to kill her and was always scolding her. But don't ask me any more questions," she suddenly exclaimed, "or I shall lose my place!" I glanced at Mrs. Wesley, and saw that she was regarding her servant with a look of intense malignity, and for the purpose of annoying her as much as possible, I appealed to the Court to protect the witness against the threatening looks of her mistress, who was evidently bent on intimidating her. This brought all eyes to a focus on Mrs. Wesley's ugly countenance, and she turned fairly white with indignation. The Judge told the witness to speak without fear, and if she lost her present place by telling the truth, she would undoubtedly find plenty of better ones. Being satisfied with the impression already made, I told the witness she might go, and the district attorney permitted her to pass without further questioning.

The next witness was Miss Sarah Brown, seamstress—a rat-eyed, hatchet-faced, drapery little creature. "She was at work for Mrs. Wesley at the time the theft was discovered. She met Helen the day before her trunk was searched, coming out of her mistress's room, and she looked so guilty she then suspected she had been doing something wrong. The same day Mr. Wesley spoke to her about the things being gone, and she told Mrs. Wesley her suspicions. Thereupon they thought it would be a good plan to search Helen's trunk; she proposed to do it at once, but Mrs. Wesley preferred to wait until the next afternoon. When the trunk was searched, the things were found in it, just as she expected they would be."

When the witness was passed over to me I asked in a careless tone, how she knew the money was in Mrs. Wesley's room, the day she had met Helen coming thence. "She knew it because Mrs. Wesley had told her it was there. Couldn't be mistaken, for Mrs. W. had spoken about the half-eagle with a hole in it, which she was going to give the minister's little boy." This I made her say over and over again, until there could be no mistake about it, and then asked if she knew who made the hole in the half-eagle. "Yes; Mr. Murch, the jeweller made it." "Is he in the room I asked." "Yes there he is," said she, pointing to Murch, who was sitting near. I told Miss Brown she could go; and as I supposed he would do, the District Attorney requested that Mr. Murch should be sworn. The oath having been administered, handed Murch the identical half-eagle, and asked if he recognized it. He said he did, that the magistrate who had committed the prisoner had made a mark upon it so it could be easily identified. "That's all; the witness is yours, Mr. Remsen," said the District Attorney. "Do you remember, Mr. Murch, on what day of the month you made the hole in the half eagle you are holding in your hand?" I asked. "It was on the 17th day of March," said he.

"Why, that was the very day the prisoner's trunk was searched, was it not?" said I, turning to the District Attorney. "That is the day mentioned in the indictment," he replied. Turning again to the witness, I said, "Mr. Murch, please to recollect with precision; you heard the witness who preceded you swear that Mrs. Wesley told her that the identical half eagle, with the hole then made in it, was in her husband's trunk on or before the 16th day of last March." "Yes," said Murch, "I heard her swear to that, and was astonished, for Mrs. Wesley brought me the coin on the afternoon of the 16th, and told me I must have it fixed by noon of the next day; and at 11 o'clock on the 17th she came for it, and at one o'clock that afternoon it was found in Miss Montessor's trunk, with the other things."

The District Attorney turned sharp around and gave the Wesleys a piercing look. Mrs. W. sat immovable; but Wesley turned pale and fairly cowered beneath the gaze of the Attorney, who, I saw, was now convinced of the true facts of the case; and the Judge and the Jury seemed to be of the same mind. I felt certain then, of a verdict in my client's favor, but how was I to crush the Wesleys and win back her estate? I decided on my course.

Hannegan was the next witness, and I showed by him that Mrs. Wesley had persecuted the prisoner in the most outrageous manner—beating her, threatening to kill her, and to ruin her reputation, and ill-treating her shamefully. His testimony excited so much indignation against the villainous couple, that I longed for the moment to arrive when James Wesley should take the

stand. When Hannegan retired, Mrs. Wesley whispered to her husband, and he whispered to the Attorney. The latter, seemed surprised at first, but made a gesture of assent, and announced that the prosecution would there rest the case. Everybody was surprised that the Wesleys had not been called to testify, and I was quite stunned. My plans were all disarranged.

I divined at once that Mrs. Wesley had suggested this extraordinary course to shield her husband and herself from cross examination. Had the instinct of self-preservation told her what was coming? I immediately decided upon my course, and rose to open the case for the defence. I began stating that I had incontestible evidence that a conspiracy had been entered into to blast the character of my client, to enable parties in the conspiracy to perfect certain secret plans which when I proceeded to expose, they would fill the community with horror. I saw that everybody was prepared to believe almost anything, and I determined to waste no time in words. So I requested that James Wesley might be sworn, and desired the Judge to have Eunice Wesley removed from the room while her husband was being examined. She was taken out by the Sheriff, and I turned to question Wesley.

"James Wesley," said I, "how came that scar on your forehead?" "As the villain turned ghastly pale, staggered, and clutched at the railing of the witness box for support, I felt sure of my man, and said, 'Answer me, Bob Hannan; how came that scar on your forehead?'"

At the mention of the name "Bob Hannan" the wretch fell back upon the seat and groaned, "Oh, don't—don't bring that again me!"

"I shall bring that up and more too, unless you answer me truly about this pretended theft. Now tell me—did not Eunice Gregory put those things in Miss Montessor's trunk?"

"Yes—she did—let the girl go, and don't ask me any more questions!" "The excitement had now become overwhelming, and the witness was beginning to fear for his bodily safety—a fact which I determined to use as an additional weapon. 'I shall ask for but little more information,' I replied, 'as I do not wish to expose you to the rage of this audience, if you will answer me promptly. Where is the will, that old Mr. Gregory executed, in which he made his grandchild, Helen Montessor, his heir, and which he gave her to give to his lawyer when he returned—the will your wife stole from the child as she lay sleeping?'"

"Oh lord! its come at last! I just let it tell her it would!"

"Where is the will?" I thundered. "It is burnt!" he exclaimed. "But Helen is his only surviving relation, and the will by which my wife got the property is a forged one."

Having achieved everything I wished, and not caring to prolong the painful scene, I asked the District Attorney if it would not be best to dismiss the case. He cheerfully assented to the proposition, and Miss Montessor, who in her flush of agitation, and thankfulness looked more lovely than ever, was released from the custody of Mr. Mace, and placed in charge of his wife, while Wesley and his wife slunk away from the indignation of the assembly.

The excitement was so great, the Court was adjourned till 8 o'clock, P. M., and I was obliged to state for the gratification of the crowd, how I had managed to get on the track of the Wesleys. I told that many years before I had read an account of the murder of a child by its aunt, Eunice Gregory, assisted by her lover, one Bob Hannan, for the purpose of possessing herself of her niece's estate. In that account it was stated that Hannan, at the time of the murder, had fallen down an area and gashed his forehead terribly, which afterwards healed over, and left a peculiar scar, which was described. The hint I received from Helen's story, and the old bit of letter signed Eunice Gregory, had set my memory at work, and when I met Wesley and observed the peculiar scar on his forehead the whole thing flashed upon me, and I then determined to make a bold push to expose them, and not only defend Helen against the charge of larceny, but wrench from her unnatural aunt the patrimony that had been withheld from her. "And, gentlemen," said I, "you have seen the result."

My explanation was received with much applause, and a movement was set on foot to have the Wesleys indicted for perjury; but it was never carried out, as they disappeared from that part of the country, and we all thought it best not to bring them back for any purpose whatever.

In conclusion, I may as well state, that Helen secured the property, and that I secured Helen; and if you will go home with me, you shall have an introduction to her and to the children. That first case did the business for me all round, as by it I secured a great reputation, plenty of practice, a laudable wife, and a large fortune.