

# THE SILVER DOLLAR

## A LEGAL SKETCH.

By John M. Van Dyke, in the Peterson Magazine.

If Mr. James Bennett had been up to all the tricks of the legal trade his sign never would have looked as bright and new as it did, for it had been up for over two years. He ought to have had it lying out in some back yard at least a year before his admission to the bar; and he had gone, too, and hung it under a wooden awning, where the sun and weather never could get at it. Besides, he could have had a beard, but didn't. "De minimis, sometimes curat lex," especially such combinations as a full beard and a weather-beaten sign. Small wonder, then, that Jim Bennett had been waiting these two years and over for his first real, bona fide client.

It was getting time, too, for him to be getting a paying client. His funds were getting low, and it was coming pretty close to where a mortgage on his fairly good law library would be the only means of replenishing them. For he was alone in the world, without a single solitary friend to give him financial aid.

The Greenwood County bar was a large and influential one, notably so for a rural county, and its reputation extended far beyond the county limits. But if the truth had been known, not one of its members really knew much more law than Bennett, or was better able to conduct a lawsuit. For with him it had been study, study, study, and a religious attendance at the regular terms of the county court, which gave him an insight into the practice of the law almost as valuable as the actual trial of causes themselves. It might naturally be supposed that his studious habits and his pleasant manners would at least have brought him some help from his brother lawyers—some cheap client with whom they did not want to bother. But "brother" lawyers are like cats at mealtime. They want all the food for themselves, and never think of offering a morsel, however small, to the younger and weaker member of the legal—or feline—family.

So Bennett had plodded along, always in his office or the court room except when, for the necessary exercise, he would go on a long ramble through the country—confining himself too much to make many friends or acquaintances. By drawing legal documents he had just made \$50 since his admission to the bar; he had tried two cases before a county justice of the peace, and had lost them both because he had been the attorney for the defendants; and he had obtained the lasting ill will of two other would-be clients by settling their legal difficulties without a lawsuit. It was a serious question with him whether it would not be best, indeed, whether it would not be a necessity to give up his profession and start all over again at something else. In fact, he was too modest and, possibly, too honest to be a lawyer.

The spring term of court had just closed. The day, the first of the summer, was warm and beautiful. The fresh green of the newly budded trees, the rolling hills checked by the plough, the flowers blooming everywhere, the sparkling river, all were inviting him to one of his long and dearly loved strolls. But he and nature were not in accord. Nature, by her very beauty, seemed to accentuate and force upon him his failure to make his profession a success, and with thoughts in gloomy contrast with the day, he slowly crossed the town park and sought in his office the solitude he wanted, and which he was sure to find there.

"Is Mr. Bennett in?" The voice came through an open door, soft and gentle, even timid; and, being the voice of a woman, it brought Bennett's feet down from his desk a great deal more quickly than a man's voice would have done. The vision—for in his office anything in human form might be called a vision—of a very pretty, neatly dressed young lady stood just inside the door. With much confusion and a red face Bennett managed, while putting on his coat, to offer her a chair and to give her to understand that Mr. Bennett was in and that he was Mr. Bennett.

"A book agent, sure," was his mental comment, and he grew more composed. For you always feel a sort of advantage over a book agent, even though the book agent be a pretty young lady who has caught you sitting in your shirt sleeves and with your feet on your desk.

But this lady was a real client. The card which she handed Bennett bore the name "Miss Day."

"I went to see Daniels & Martin, and they sent me to you. They said they were too busy to take my case," she began very innocently.

She had inherited \$2500 as her share of her father's estate. Not wishing to use the principal, and the income being too small for her support, rather than be dependent on her brother, she had sought a means of living in that great and beneficent asylum for single women, the public schools.

When she applied for the position as teacher at District No. 42 she found that it was not so much a question of her ability to teach as whether she would be willing to board with one Peter Corsen, a farmer living in the district. Corsen was the most influential trustee in the district, and had his own way in all school matters because the other two trustees owed him money. So Mary boarded a year and a half at his place because she was obliged to—long enough to get a pretty good idea of his character, and his wife's too, for they were just alike. He was one of the richest men in the county, and those who were not under financial obligations to him said he was the very meanest. But that was probably because none of them could get the better of him in a trade.

There came a time, however, when he, as all rich men have to do sometimes, had to borrow money. One day a glowing and elegantly printed circular and a confidential "personal" letter from a large banking house in New York showed him a quick road to vast wealth. The \$2000 which he lost in clean cash was, indeed, to a man of his instincts a dreadful calamity; but the serious part of it was that more than \$2000 of it was money held by him in trust, and would have to be paid over in court in less than a week.

Corsen knew of Mary's \$2500, and he knew she wanted to invest it. It was just the amount he needed, and he needed it at once. Why not borrow it of her instead of paying a commission to some Greenwood lawyer or money lender?

The loan was made. But Mary had sufficient business instinct to distrust herself in so large a transaction; and, before making the loan, she consulted with "Squire Merrick, the honest old commissioner of deeds and general business man of the neighborhood; and, much to Corsen's disgust, insisted on having a bond and mortgage on his best farm instead of taking his note of hand. The papers were always kept by her in a top apartment or pocket of her trunk.

About two months ago the annual election for school trustee had been held, which resulted in the defeat of Mr. Corsen's debtors and the consequent loss of his "grip" on School District No. 42. Mary took advantage of the situation at once and sought a more congenial boarding place.

"Day before yesterday," she said, as she concluded her story, "when I was looking in my trunk, I found the bond and mortgage were gone. They were surely there on the day before I left Mr. Corsen's, for I distinctly remember seeing them at that time. That was the 15th of last March. And must I lose all my money?" she added, with a trembling lip, and with tears just ready to drop from her pretty eyes.

"Not at all," replied Bennett, perhaps too eagerly, for those tearful eyes and that honest, truthful face seemed to plead at once for all the consolation he could give. "At the most, Mr. Corsen may put you to some trouble and expense in collecting your money. But he surely will not do that. It will do him no good, because the loss of the papers will prevent you from collecting the money. You had the mortgage recorded?"

time between the day before I left Mr. Corsen's and day before yesterday." "Well, do not worry at all. Corsen will have to pay you your money," said Bennett as Miss Day rose to go. "I will proceed to get it at once."

"I thank you very much for your kindness, for you cannot know how much I have been worried, and how glad I am that you are willing to help me," she replied, seeming to think that Bennett was conferring a great favor upon her.

Here was a proper time for Miss Day to mention a matter of considerable importance in all legal consultations. But she never thought of it; and Bennett, who did think of it, would have bitten off his tongue rather than ask a young lady for a retaining fee.

No sooner had Miss Day gone than Bennett set himself to studying this, his first real case. It was not so difficult as a layman might suppose. Corsen could not deny the execution of the papers or the payment of the money to him. That much was settled. "Squire Merrick, whose word anywhere at any time was as good as gold, had been present and taken part in the transaction, and he was an entirely disinterested witness. In the next place, the loss of the papers was no bar to the proceedings to collect the money by suit, as their loss could be set forth and proved to be accidental, and the law would not require the production of the originals.

What defence, then, could Corsen set up, if he were inclined to make trouble? None, so far as Bennett could see. True, Miss Day might be obliged to give an indemnifying bond to protect him; but that would be an easy matter. Surely he would pay the money, or what would be equally satisfactory to Miss Day, execute a new bond and mortgage.

Bennett at once went to the county clerk's office to examine whether the property on which the mortgage had been given was still unencumbered. To his astonishment he found that on the second day of April last past it had been conveyed by Corsen to his brother—consideration \$5000!

Bennett knew pretty well the general reputation of the man with whom he had to deal. He at once sent him a sharp, peremptory note to call at his office and pay the money he owed Miss Day. "I feel that I am excusable," he wrote, "in writing to you in this peremptory manner, because you have taken advantage of Miss Day's ignorance of the law, and when you found she had not put her mortgage on record you sold, or pretended to sell, to your brother the identical lands covered by the mortgage. This dishonorable proceeding, I can assure you, will in the end do you no good."

Very promptly an answer came to the letter. It ran:

Mr. James Bennett, Counsellor-at-Law.

DEAR SIR: Your discourteous and impertinent note to our client, Mr. Peter Corsen, has just been handed to us for consideration. We have no reply to make to it.

Yours, etc.,

DANIELS & MARTIN.

So, then, that was the cause of Daniels & Martin's liberality? But what kind of crooked work was going on? Plainly some kind of advantage was to be taken of the non-recording of the mortgage, since Corsen, at the time he consulted his attorneys, could not have known of the loss of the papers.

Now, such a letter will nettle any one; and Bennett felt a sort of pleasure in beginning suit at once to recover the money. Two courses were open to him—foreclosure of the mortgage or suit on the bond, the latter procedure being sanctioned by the laws of his State. To foreclose under the present condition of the property would be useless. To sue on the bond and set up in his declaration its accidental loss as the reason or excuse for not producing it in court, was undoubtedly the proper course to pursue—since Corsen was good for any judgment which might be recovered against him—and the one he decided to adopt. He waited anxiously to see what answer would be made to his declaration. In due time it was filed. It was a plea of payment! The principal and interest had been paid by Corsen on the 31st day of March last!

Could Bennett believe his eyes? Of all defences this was the most astounding one—one which had never for a moment entered into his head. He read it over and over again. Had Miss Day deceived him? What could have been her motive in consulting him if she had not intended to tell him the truth? Could it be possible that she was insane? No, no; he could never believe that. Yet how could Corsen dare to make such a plea without some grounds for doing so? For there was the affidavit required by law, setting forth that the plea was not intended for the purpose of delay, and that the defendant had a just and legal defence upon the merits of the case. He must see Miss Day at once and learn what she had to say to this turn in affairs.

The interview with Mary disclosed nothing new. She went over her story again in all its particulars, and in such a simple, truthful manner that Bennett, if he had doubts before, was forever satisfied both as to her truthfulness and sanity. The case had resolved itself into a question of veracity between his client and Corsen, and there was nothing to do but go on with it and do the best he could.

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"Because it is." "Then you don't like to be talked to?" "Oh, yes, but—Thunder, I came within an ace of running down that old gent!" "But I should think it would be nice to have somebody to speak to instead of talking to nobody all day long." "Lady, you are going to stop talking, or there's going to be a smash up on this line, and a big one, see?" "The hateful thing! And I did so want to be sociablelike. He's married, I'll bet. He's just like Henry when he's got the paper under his nose."—Boston Transcript.

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(London News.)

For some reason unexplained, marriages in Ireland last year went up with a bound. In the past decade there had not been 22,000 marriages in any year, but last year the total rose to 28,120. Most of the marriages (15,988) were between Roman Catholics. Only ten were according to the usages of the Society of Friends, and five according to the Jewish rites.

Of all the marriages that took place those between bachelors and spinsters constituted 87 per cent., those between widowers and spinsters 8.2 per cent., those between bachelors and widows 2.9 per cent., and those between widowers and widows 1.19 per cent. To put the matter in another way, rather more than 10 per cent. of the men married were widowers, and nearly 5 per cent. of women married were widows. In thirteen out of every hundred marriages one or both of the contracting parties had been in the married state before.

Nearly 2 per cent. of the men married were minors, and over 8 per cent. of the women were under age, but these rates are said to be far below those for England and Scotland. The highest proportion of marriages of persons under age was in Ulster.

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