

Helen Montessor Or, Judge Remsen's First Client
Marl Lee

Old Judge Remsen was fond of telling his early experience at the bar. My first case, he would say, came upon me most unexpectedly, I (after I had waited two years for a client. But those two years had not been idly passed; every day had been devoted to intense study, and observation, with direct reference to my profession. The way I came to get the case was this:

A young girl, named Helen Montessor, was to be tried at our County Court in Belleview, for stealing a breast pin 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 week, 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 noted 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 surpassing beauty riveted every eye, and her youth, simplicity, and apparent innocence inclined all hearts toward her; and when the Judge asked her who was her Counsel, and 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 have willingly undertaken her case. The judge, after looking around the room for a moment, 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. I felt the hot blood rushing to my face, and trembled as with an ague fit. Luckily a juror was just taken ill, and the Court adjourned till then o'clock the next morning, or I am afraid that I should have made sad work of my client's case.

As I left the court room I looked at my watch; it was eleven o'clock; so I had but twenty-three hours to prepare for the struggle. What am I to do? I asked myself. First, I must find out exactly what the charge is against my client; secondly I must see the evidence taken before the magistrate who committed her; thirdly, I must see my client and hear her story; fourthly, I must then see what I had better do next. 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 into such a tight place, and you a green hand, too. No offence, my dear fellow," he added as he observed the rising color of my cheek—"no offence; I simply meant that you are inexperienced. There are the documents. You may take them home with you, if you like— only be sure to bring them to Court tomorrow morning. You will see, on perusing them, that your lovely client has not ghost of a chance."

I was annoyed at this light reference to my client for whom I already entertained the deepest respect and believed to be innocent; but I said nothing in reply. Hastening to my

office, I locked myself in 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 Brown a seamstress, Charlotte Royce, a domestic, and Thomas Hannegan, man-of-all-work employed by the Wesleys.

Hannegan's evidence seemed straight-forward 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. In Miss Brown's testimony I at once detected intense malice, and I determined to harrow her unmercifully in my cross examination. Wesley's evidence was very familiar in style and matter 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 to my mind the case now seemed 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 at the sky, which dipped far over the hills to the north. Never had I before beheld such a

Transcendently lovely creature, nor have I ever seen one to compare with her since. The Sheriff touched her arm, and said, "Miss Montessor, this gentleman, Mr. Remsen, is the lawyer who is to manage your case tomorrow, and he wants to see you." She started and turned quickly round. A burning blush overspread her face, neck and temples. She made a graceful 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. I had polled off my hat, and now stood fumbling it in my hands. Conscious that every moment was precious, made a desperate dash and said,

"Miss. Montessor, we must throw aside all ceremony and communicate frankly upon this painful business, I say painful, because it is no less harrowing to me than to yourself. Not that I think you guilty, for I believe in my soul that you are innocent."

"O, say that again!" she exclaimed, gazing earnestly into my eyes and clasping her small white hands before me, like a little child lisping its evening prayer.

I repeated my belief in her innocence, and added, "the next thing is to prove that you are innocent. 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 that she was fifteen years old, (she looked eighteen;) that she had lived with Mrs. Wesley about eight years; that before she lived with Mrs. Wesley, who had been married

nearly eight years, she had lived with a gentleman, named Gregory, who taught her to call him grandpa, and loved her very dearly, and whom she loved back again; that Mrs. Wesley, who was then called Miss Nesmith, lived with Mr. 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 died; that she told her (Helen) never to call him grandpa any more, for he wasn't 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 (Mrs. Wesley) see it, but to keep it carefully, 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 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 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 of 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 she 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 that Miss Montessor was an innocent, persecuted girl, and that I hoped she would try to cheer her up that day and evening, so 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 all that 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 dying 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 a great villainy, and thought I could now 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 the livery 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 disbursing a half-dollar to the hostler, Hannegan was soon locked in my room and informed of my business. He was much pleased to find I was Helen's friend, I and on my promising never to let what he said get to Mrs. Wesley's ears, he told me that she had always treated the poor girl like a dog; 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 in

the trunk by the old catamaran herself. In answer to my questions, he stated that Helen's behavior was when the articles were found in her trunk and described the breastpin and the money. The latter consisted of four half eagles "one of which had hole in it, that had been made by Mr. Murch. The jeweller, so Mrs. Wesley could string it on a pink ribbon, for a birthday present for the minister's little boy; and that was one way Mrs. Wesley knew the money was hers." He also gave me a piece of an old letter, signed "Eunice Gregory" that he had found in the yard, and which he maintained was in Mrs. Wesley's hand-writing. "That had made him suspect her name wasn't Nesmith before she was married to Wesley; and he had thought she might have some relation to Old Mr. Gregory who died, and that 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 now dimly recalled.

I dismissed Hannegan, and paid a visit to Mr. Murch the jeweler. 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 as punctiliously recorded as though it were an imperial ukase. 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 seventeenth 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 eleven o'clock in the forenoon, and that Miss Montessor's trunk was searched about one o'clock on the afternoon of the same day.

"That looks rather strange," said I: "would you have any objection to attend the trial tomorrow, with your book, and testify in this case?"

"None at all," he replied; "I have intended from the first to be present at the trial."

I bade the jeweler good day, and turned to depart. At that moment Wesley entered the shop and was accosted by name by the jeweler, 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 regarded him at my leisure. He was an evil looking man. Over his left eye was a queer-shaped scar, which branched off and ran crookedly across his forehead. The instant I saw that scar I felt as though I should drop to the floor. The whole thing was clear to me now. That scar, the description of which I so well remembered, brought the whole story to mind. I remembered now the name of Eunice Gregory the child murderess—and there stood her accomplice, under an assumed name. Giving the jeweler 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 now not only wished to clear my client of the charge made against her, but also to expose the Wesleys and oblige them to make restitution to the wronged and outraged 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 then crush James Wesley on the witness stand. Oh, I could have kissed that hideous scar on the wretch's forehead. For in it I saw a certain point of attack, vulnerable to my first question, when I should have him at my mercy. And I wove my meshes for the unsuspecting victim, until the morning sun-rays streamed through my window.

Time seemed to fly on lightening wings. The morning vanished, 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 but a few minutes of time. Helen looked lovelier and 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 feeds 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 the 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 then she seemed astonished and in a dream like.” On dismissing the witness, I glanced at the jury, to see if what I had elicited had made any impression upon them; but they sat with stern faces, as though 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 thought she was. "And why do you think so?" I asked. She replied, "Because Mrs. 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 protest, 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 blue 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, the seamstress—a rat-eyed, hatchet-faced, dapper little creature, who looked as though she could nip off the head of a tenpenny nail about as easily as she could bite off a thread. "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' room, and she looked so guilty she then suspected she had been doing something wrong. The same day Mrs. 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 that they should 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 had expected they would be."

When the witness was passed over to me, I said in a careless tone, "Miss Brown, look at Miss Montessor, and tell me if you think she is handsome." Everybody looked at the beautiful prisoner and then turned to hear Miss Brown's answer. After much stammering she said "she supposed some people would call her handsome." A great titter followed this reply, and it was evident that the jury, as well as the audience, were satisfied that Miss Brown was not very much in love with Miss Montessor. Having succeeded in fastening this conviction upon them, I asked 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."

She couldn't be mistaken, for Mrs. Wesley had spoken particularly upon the half-eagle with a hole in it, which she was going to present to 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 jeweler, 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, the Attorney handed Murch the identical half-eagle and asked if he recognized it. He said he did, that he made the hole in it for Mrs. Wesley, and that the Magistrate who 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, the day of the month you made the hole in the half-eagle you are holding in your hand?" I asked.

"It was on the seventeenth day of last 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 try to recollect with precision; you heard the witness who preceded you swear that Mrs. Wesley told her that that identical half-eagle, with the hole then made in it, was in her husband's trunk on or before the sixteenth 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 sixteenth, and told me I must have it fixed by noon of the next day; at eleven o'clock on the seventeenth 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 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 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 my 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 defense. I began by stating that I had incontestable evidence that a conspiracy had been entered into to blast the character of my client, to enable parties to the conspiracy to perfect *certain secret plans*, which, when I proceeded to expose them, would fill the community with horror. I saw that everybody was prepared to believe almost anything, and determined to waste no time in words. I requested that James Wesley might be sworn, and desired the Judge to have Eunice Wesley removed from the room and kept beyond earshot while her husband was being examined. She was taken out by the Sheriff in the midst of profound silence, and when I turned to question Wesley, it seemed as though everybody was standing still.

"James Wesley," said I sternly, "how came that scar on your forehead?"

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

At the mention of the name 'Bob Harman,' the wretch fell back upon the seat and groaned "Oh don't—don't bring *that* up ag'in 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?”

“Oh, my God! How did you know about Eunice Gregory? Don’t bring *that* up now. It’s gone by years ago,” groaned the wretched man.

“Answer me, then; did not your wife 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 screw. “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 on the day of his death, in which he made his grandchild, Helen Montessor, his heir, and which your wife stole from the child as she lay sleeping?”

“Oh Lord! It’s come at last, just as I told her it would. Such things always come out, *sometime*.”

“Where is the will?” I thundered.

“It’s in my old black trunk, at home. She thinks it’s clean gone, but somehow I never could muster courage to destroy it out and out.”

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 the Sheriff was dispatched with Wesley to secure the all-important will, and Mrs. Wesley slunk away from the indignation of the assembly.

The excitement was so great, the Court was adjourned till three o’clock, P.M., and I was obliged to state, for the gratification of the crowd, how I managed to get on the track of the Wesleys. I told them 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 Harmen, for the purpose of possessing herself of her niece’s estate. In that account, it was stated that Harmen, at the time of the murder, had fallen down an area and gashed his head terribly, which afterwards healed over and left a peculiar scar, which was described. The hints I received from Helen’s story, and the odd 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 Wesley’s 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 the Sheriff secured the will, that Helen secured the property, and I secured Helen; and if you will go home with me, you shall have an introduction to her and the children. That first case did the business for me all round, as by it I secured a great reputation, plenty of practice, a handsome wife, and a large fortune.

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