

The Colonel's Will

A Lawyer's Story

by Sylvanus Cobb, Jr.

I SAT IN MY OFFICE one morning, engaged in making out a brief. I was young in the profession, and was bestowing the utmost care upon the preparations for my virgin efforts. I had been in practice only a year, but yet I flattered myself that I knew as much law as many who were older in the work. I was just leaning back in the endeavor to find the most fitting arrangement for a succession of brilliant ideas which had flashed upon me, when I heard a step upon the stairs. I wished the intruder to Guinea, on in the Crimea with a knapsack on his back and a score of Russians after him. My ideas were all scattered, and the half-formed arrangement knocked into pi, as the printer's say. But when the door was opened, and I saw the face of Harry Topham, my ill feelings were blown to the winds.

Harry had been my schoolmate in boyhood, and my classmate in youth. We graduated at Oxford together, and when I went into the practice of law he turned his attention to the medical profession. He threw himself into a chair with a deep sigh, and then gazed into my face with one of the most woebegone expressions I ever saw.

"Mercy on me! Hal, what's the matter?" I cried, for I had never seen such a cloud on his genial face before.

"Matter enough," he replied, mournfully. "The old colonel's will has been opened."

"And Julia comes in for the bulk of the property," said I.

"Not so," he rejoined. "It all goes to Allan Aubrey—nearly every pound of it! Only think, Charley, how kind the old man was to me, even up to the last moment; and think how Julia waited upon him, and nursed him, and attended to his every want. It's too bad!"

For some moments I was too much astonished to speak. I had known Colonel Aubrey well, having visited there often with Harry. He was an old man, and had been failing for some years, having contracted a fatal disease in India. For over a year he had known that he could not get well, and hence his business had been all arranged. The only two near relations he had living were Julia Provost, the daughter of his only sister; and Allan Aubrey, who was the son of his only brother. Both these heirs were now orphans, and the colonel had given them a home beneath his roof. Allan Aubrey had inherited some property from his father, but it had been all squandered, and he had managed to get some pretty round sums from his sick uncle. He was a reckless fellow, though I had never supposed him capable of any great crime, for I did not think he had the courage to commit one.

Julia Provost had been with her uncle for several years, and had been like an own child to him. He never had a family of his own, and all his love had seemed to centre in his gentle niece. A

year before he had made a will, and though none knew its contents save himself, his attorney, and the witnesses, yet we all supposed he had bequeathed the bulk of his property to Julia. He knew Allan's evil habits, and he had frequently intimated that he would not trust him with property.

"But," said I, after I had got the subject fairly comprehended, "are you sure that Allan is the heir?"

"Yes—the sole heir. The will has been opened and read."

"But there must be some mistake," I resumed. "I am sure Colonel Aubrey never meant any such thing. Moses Borden drew up the will, didn't he?"

"Yes—and has since died."

"But the witnesses to that will—where are they?"

"They were all officers who had been in India with the colonel, and they are now in the Crimea—and perhaps all dead, now, ere this."

"Then there may not be a soul living who really knew what the contents of that will were at the time it was made."

"Just so," responded Harry, with a groan, "It's too bad. I didn't think the old man would have done so."

"But Julia," said I; "she does not change with this?"

Harry's countenance fell.

"Ah," he said, "she is a curious girl. She says she will never be anybody's wife but mine, but she won't be married now. For herself she is willing to work, even as a servant, but she will not help drag me down to pecuniary trouble. She tells me frankly that her great source of joyful anticipation has been the thought that she should be able to help me along in my profession, and thus raise me to a position of honor and comfort. But now that she is penniless, or nearly so, she will not add to my burden, as she calls it. She says I must work—work—and she will do the same; and if, at some future time, we are able to make a home with some prospect of comfort, then she will be my wife, with a love unchanged."

"She is right," said I. "You have no money, and have just begun to practice, and Julia knows that the care of a family now would involve you in difficulty, not only pecuniarily, but in retarding your progress in your profession."

He was about to make some reply, when one of my clients entered on business, and Harry took his leave, remarking, in a whisper, that he wished I would see Julia.

During the rest of the day I was very busy; but when night came, and I had retired to my lodgings, I called up the subject of my friend's misfortune. I pondered upon it for a long time, and the more I pondered, the more I became oppressed with a suspicion of foul play; I had not thought of this at first, but I thought of it now.

While I sat by my window, a party of young men, two of whom occupied a room directly over mine, came in and commenced an instrumental concert above my head. At another time I might have been entertained by the music, but it was a bore now, and I took my hat and walked out. I had gone but a short distance when a man passed me with a hurried, uneven step. A neighboring gas jet revealed to me the features of Allan Aubrey. I was sure it was he, and, under a sudden impulse I followed him. When he finally stopped, it was in a large gaming hall, and ere long he was engaged in play, having thrown a bag of gold upon the table.

"Ah—got the old man's property so soon?" said one of his companions, as the heavy bag struck the table.

"No," Allan replied. "But the Jews are ready enough to lend their money to me now."

And this was the man to whom was going the vast property that might have made two virtuous, faithful souls happy! I would not believe it. There was work for me to do.

I stood apart, where young Aubrey could not see me, and watched him. He played recklessly, and drank deeply. His nerves were unstrung, and an uneasy spirit moved within him. I saw it, and I knew he had something upon his mind besides the cards and the money before him, for even the great quantity of brandy he drank did not make him easy. I waited until he had lost all his gold, and borrowed and lost a thousand pounds beside, and then I left the hall.

By the time I had gained my chamber, a curious train of suspicion had become impressed upon my mind, and before I retired, I had resolved to act upon it.

On the following morning I called upon Julia Provost. She was a beautiful girl—not beautiful as some are beautiful, but lovely and loving, faithful and true, with a face as pure as virtue itself. She smiled continually when she was happy, but she had no smile now, though her face brightened when she took my hand. We spoke of her uncle's death, of his lingering sickness, and finally of his will.

"And so you have resolved not to marry Harry now," I said, as soon as I could get around to that point.

"I cannot," she replied with a trembling lip and a moistened eye. "Harry is but just commencing in his profession, and he must not be trammelled now. We must both work for a while. We shall be happier for it in time to come."

"You are right, Julia."

"I know I am," she added, with a grateful look.

“But allow me to ask you something about this will,” I said after a short pause. “Did you not have reason to believe that your uncle had bequeathed you a share of his property?”

“I did, most certainly,” she told me. “He never said so directly, but he used to tell me how happy I should be with Harry, and how happy it made him feel that he had not amassed a fortune in vain.”

“And he was in this mood one year ago, when his will was made?”

“Yes—he was always in that mood.”

“Was Allan with him much about that time?”

“Not just then; but afterwards he behaved himself for a while, and was very attentive.”

“Did he watch any with the old man?”

“Yes—a good deal.”

“Do you remember when Mr. Borden, your uncle’s attorney, died?”

“Yes—very well; because I remember how badly uncle felt. He told me, with tears in his eyes, that his old friends were all leaving him. Most of his brother officers had gone to the Crimea, and he expected but few of them to return.”

“All the witnesses to his will were ordered to the Crimea, were they not?”

“Yes.”

“And Mr. Borden died shortly afterward?”

“Yes,” answered Julia, growing interested in my questions.

“Was it after the death of the attorney that Allan became so attentive to his uncle?”

“Yes.”

I had no more questions to ask then, and Julia was very anxious to know what I was aiming at. I told her to rest easy and trust all to me. I was so sure, however, that the present will was a forged one that I ventured to tell her that I hoped to get a portion of her uncle’s property for her.

“O—if you can!” she murmured, taking my hand, while the tears came to her eyes. “Not for my sake, for I have been richly rewarded in my uncle’s love and care; but for Harry’s sake—for his sake!”

I pressed her hand warmly, and having assured her that I would not rest until I had sifted the whole thing, I took my leave.

My next move was to the house of the physician who had attended Moses Borden during his illness. He was the same who had attended upon Col. Aubrey. I found him in his study, and was admitted without ceremony. He was busy, and I came upon the business at once.

“You attended Moses Borden during his last illness?” I said.

“Yes,” the physician answered.

“Could you tell me what the matter was with him?”

“That would be difficult,” he replied, “though I thought at the time he must have had a disease of the heart. The symptoms pointed that way. I fancied the disarrangement of that organ had been gradually growing upon him, and that some sudden convulsion overcame it.”

“You held no postmortem examination, I believe?”

“No. It was his own request that his body should not be mutilated. He was notional on such matters; I wished to hold such an examination, but had to give it up.”

“If you had held a postmortem should you have been much surprised had you found poison in the stomach?” I asked, quietly.

The doctor started, then pondered a few moments, with his fingers upon his brow, and then gazed into my face.

“*Poison?*” he uttered, vacantly. “I never thought of such a thing.”

“But if you can remember all the symptoms can you not think now?”

He thought a while, and then started to his feet.

“By my soul,” he uttered, bringing his hands smartly together, “that accounts for the whole of it. I can see now how those strange symptoms may have been developed. But what mean you? Do you think the old lawyer committed suicide?”

“Should you have suspected such a thing?” I asked.

“No,” he replied.

“Nor I. But may not another have given him poison?”

“Hold on!” cried the doctor, again seating himself. “You are going too deep for my comprehension. Tell me what you mean, and then we’ll talk understandingly.”

“Very well,” said I. “I know you will be silent and discreet. So now listen: I was not a little surprised to learn that Colonel Aubrey had willed all of his property to his nephew, and that—”

“To Allan?” interrupted the doctor, in surprise.

“Yes,” said I.

“But that is impossible!—Julia Provost was his favorite, and he told me that he meant to leave her with a reward somewhat commensurate with the care she had bestowed upon him.”

“So I have always supposed,” I added; “but the will has been opened, and it makes Allan Aubrey the heir.— Hear me through, if you please.— The only will the old man ever made was drawn up by Mr. Borden, and signed by three officers. Shortly afterwards these witnesses were ordered to the Crimea, and shortly after that the old attorney died. About this time Allan Aubrey was not only very attentive to his uncle, but he also did considerable business, in the way of errands, copying conveyances, and so on, between the colonel and his lawyer.

I then told the doctor of what I had seen and heard, on the evening before, at the gaming hall. When I had concluded he expressed the decided opinion that Borden had been poisoned.

“And that is not all,” he added, with a sort of bewildered look.

“What more?” I asked.

“I fear the old colonel might have lived longer!”

“Do you think so?” I exclaimed, in surprise.

“I never thought so before, for there was a fatal disease upon him; but my medicines did not always work as they should have done, and some of his symptoms puzzled me. I supposed at the time that there might be constitutional peculiarities which caused all this; but I fear now that all was not as it should have been.”

I bade the doctor keep quiet until he saw me again, and then I took my leave. Upon the sidewalk I hesitated. Whither next? Should I try and obtain the will and take it to one of Borden’s old clerks, or should I confront Allan Aubrey? I knew he was a coward, and that he would betray his guilt quick enough. But I wanted a witness. I reflected a few moments, and then returned and asked Dr. Nash if he would accompany me to Allan’s lodgings. I explained my purpose, and he consented to go.

We found young Aubrey just risen. He had been drinking soda water. His eyes were inflamed, his features pale and livid, and his nerves much unstrung. His debauch of the night before had evidently been a deep one. He seemed uneasy as we entered, but finally succeeded in putting in quite a bold face.

“I am not very well this morning,” he said, as he drew his dressing gown more closely about him, and then swept his palm over his aching brow.

“Never mind,” said I, determined to come to the business at once. “We won’t detain you long. I understand that by the will which was found among your uncle’s papers you are made heir to his property.”

“Of course I am,” he replied bravely. “I knew I should be long ago.”

“But others did not think so,” I resumed, eyeing him deeply. I saw that he was anxious to avoid my gaze, but I would not give him the opportunity. There is a peculiar electric influence in the fixed gaze of a questioner upon a guilty man, and this influence I meant to exert to its fullest extent.

“Others were very much mistaken, it seems,” he said with a sideway toss of the head.

“But are you sure the right will has been brought to light?” I asked, inclining my head further forward, and gazing more sternly upon him.

“Sure?—Right will?—A—a—What do you mean, sir? Do you mean to insult me?”

“Not at all,” I returned calmly. “I only want to get at the truth of this matter.”

“Then take some other time,” he cried, considerably excited, “I have an engagement now.”

“No time like the present,” I responded. “You must listen to me.”

“*Must?*” he repeated, with a show of spirit.

“Aye—you **MUST**. It will be better for you if you do.”

I spoke as sternly and authoritatively as I could, and I was not disappointed in the result. He cowed down in a moment, and seemed to shrink from me in alarm. I saw through him now. If there was not a great crime upon his soul, then never did the memory or conscience of man bear one.

“Look ye, Allan Aubrey: *Did not you forge the will under which you claim your dead uncle’s property?*”

He started, and his frame trembled from head to foot; but after a mighty effort he said—

“No. You know I did not. Old Borden made the will in his own hand.”

“But you are an expert penman, I believe.”

“And if I am, what then?”

“Nothing—only I thought how easily you might have counterfeited the attorney’s hand. But say,” I continued, keeping my gaze intently fixed upon him, “was it not strange that Mr. Borden should have died just as he did—just after the three witnesses of that will had gone off to the Crimea to be food for Russian powder? Did you ever think of it?”

Allan’s face assumed a more deathly hue, and he seemed to gasp for breath. He was taken by surprise. He tried to speak three separate times ere he succeeded, and then he only said,—

“I don’t know anything about his death.”

“But I do know all about it,” I replied. “And Doctor Nash knows, too. Did you suppose you could poison that old lawyer without his physician’s knowing it? He would have spared you, even after he knew that you were also guilty of hastening your poor uncle’s death by the same foul means; but when this forged will came to light—”

At this point Allan Aubrey started up from his chair, and then sank back again. His face was perfectly cadaverous, and his lips like cold marble.

“Spare me?—Oh! God have mercy!” he groaned, as his chin sank upon his bosom.

I had not expected that he would break down so easily; but we had found him in just the right time. His body was weak and faint; his nerves all unstrung; his mind harassed by recent ill-luck, and his soul burdened with the weight of a double murder. There was no going back now. I clung to him until he finally confessed that the will was a forged one. He said he had copied the original document, simply putting his own name in place of Julia’s, and then destroyed it. But he would not directly admit that he had done a murder, though he did so in fact.

“Leave me! Leave me now!” he groaned in such agony as I never saw before. “Leave me and I will let you come again. I am sick. I am faint. I am not well. Don’t say anything of this, but come again tomorrow. Come tomorrow at this time, and—and—”

“And what?” said I.

“I’ll tell you all.”

“But I cannot leave until I have a confession over your signature that you forged this new will.”

“I’ll write it and let you have it tomorrow,” he said.

I had no suspicion then of what was to come, but something whispered to me that I had better have the confession then, while the doctor and myself could witness it. I sat down at his desk and drew up such an instrument as I wished him to sign. It simply stated that he had destroyed the real will of his uncle, after having forged the one now produced, and that by the original testament Julia Provost was made the sole heir. This I read, and Allan signed it, the doctor and myself signing as witnesses. We then left him, promising not to speak of the matter to others until we saw him again.

That afternoon Harry Topham came in to see me, and when I saw how sad and dejected he was, I had a strong desire to tell him of the precious document I had in my pocket; but I had given my word, and I would not break it.

“Confound it, it’s too bad!” groaned poor Harry. “I don’t care for the will, nor for the money. I’ve got brain, and nerve, and muscle enough to work my way up in the world, and I know I could do it better with the sweet smiles of Julia to light and cheer me on than I can alone.”

“You’ll have her smiles all the same, Hal,” said I, cheerfully—for I felt cheerful despite his melancholy.

“No, Charley—I shan’t have any such a thing. She can’t smile as she used to. Oh! I want her for my own. This long waiting may end in sorrow.”

“Nonsense, my chum. Cheer up, and be a man. If Julia Provost isn’t worth waiting for, then she isn’t worth having.”

“You have no sympathy for me,” muttered Harry, reproachingly.

“Yes I have,” said I. “But I’m busy now, Hal. Come in tomorrow, and I’ll sympathize with you all day.”

I said this as one of my clients—the same one who disturbed us before—entered the office. Harry went away with gentle insinuation upon his lips that I had no feeling. Ah—he didn’t know how much feeling I was hiding all the while.

On the following day, according to arrangement, the doctor and myself went to see Allan Aubrey. We ascended to his chamber and knocked at the door, but got no answer. We knocked again, but with the same result. I turned the knob, and the door easily opened. Allan was still in bed. I spoke, but he did not answer.

“Here’s a note addressed to you,” whispered Nash.

I turned, and saw the note upon the writing desk, with my name upon it. A cold sweat started out upon my brow, for this came upon me suddenly and unexpectedly. I knew all ere I opened the missive. But I broke the seal before I turned to the bed again. It read as follows:—

“When you open this I shall be no more. Tell not my crimes to the world. Say I forged a will, and there let it rest. I have suffered enough—more than I can tell. The devil tempted me, and offered me a fortune for my soul, and I fell into the snare. Ask Julia to forgive me, and pray for me. She is pure, and her prayers may avail much. Oh! bid her pray God to have mercy on my soul, as I pray now. She will now have the property which our uncle meant for her, and may she be happy in its possession.

ALLAN AUBREY.”

I turned to the bed, and found Allan cold and stiff. He had been dead several hours, and an empty phial on the table, which smelled rank of laudanum, told how he had found his final sleep.

We summoned a coroner at once, and having given our testimony, we left the place. I went at once to see Julia, and found Harry with her.

“Charley,” the poor fellow cried, seizing my hand, “if you love me—if you do not wish to see me go mad, advise Julia to become my wife at once. By Heaven, she shall not go out as a servant while I have a head and two hands. She says she will abide by your decision.”

“Because I know what his decision will be,” said Julia, firmly.

“Suppose you wait until this property is settled upon its rightful owner,” I replied.

“And what then?” asked Harry, breathlessly, for he saw something in my eye.

“Why—then you and Julia can do pretty much as you have a mind to.”

“What do you mean?”

“Simply that if you get Julia Provost for a wife, you’ll get something like eighty thousand pounds sterling with her.”

While Julia sank down pale and trembling, and Harry stood grasping my arm, I told my whole story.

“POOR ALLAN!” ejaculated Julia, and then she wept like a sorrowing child.

Harry could not speak, and I left him to comfort the heiress when he could find his tongue.

It was all plain sailing now. Allan’s death would have left Julia the sole heir to the estate, without the proof of the forgery of the existing will; but it happened to be very fortunate that we obtained from him the confession as we did, for no sooner was his death made public, than an army of clamorous Jews came forth with the dead man’s “promises to pay,” to the aggregate amount of over twenty thousand pounds. The forgery of the will was unhesitatingly admitted by the proper powers, and as it was thus proved that Allan Aubrey never owned any part of his uncle’s property, those sharks who had lent him money at an exorbitant rate of usury, had the privilege of keeping his autographs for their pay.

After a necessary delay, Julia Provost came into the full possession of her property, and shortly afterwards she became the wife of Harry Topham. The wedding was a brilliant affair, and we enjoyed ourselves hugely.

“We owe it all to you,” murmured Julia, gazing up into my face with swimming eyes.

“Yes,” cried Harry, seizing my hand. “We owe everything to you. God bless you, my noble friend! Oh! You’ve made us so happy! We’ll never forget it—never!”

We three were alone then, and I turned towards the window to wipe a mote from my eye. There were pearly drops upon my hands, but they fell from other eyes than mine.

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