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Extracts From a Lawyer's Portfolio

*The Brother's House*

It has pleased one of the merriest writers of this age to call courts of law the chimnies of society, through which all the smoke and black vapours find a vent; thence inferring, that the sweepers must have black hands. I am not qualified to decide whether these chimnies of the moral world could be cleansed by besoms, or other machines, as satisfactorily as by human sweepers, alias lawyers. Let future parliaments consider this, as our's have bountifully compassionated a fraternity of the same colour, I comfort myself by remembering, that my profession acquaints me particularly with the firesides of my fellow creatures, and that the stains on our hands may be washed away.

There was once in the North of England a half forsaken by-road, which led the traveler round the skirts of a wide woody garden, from whence a flight of stone steps ascended to a green terrace, where stood the remnant of an ancient building called the Brother's House. It owed this name to the appropriation of the mansion in other times to a Moravian fraternity, long since dissolved. A few flat tablets scattered among the neglected flowers in the garden, distinguished the spots sanctified by their remains; and the last inhabitant of the Brother's House might have been mistaken for one of their society. But though his habits now appeared so simple and sequestered, he had acted a celebrated part on the grand theatre of life. His genius and sensibility had been blunted in his youth by too early inheritance of rank and fortune, yet he did not become, like the prodigal of the seventeenth century, by turns "a fidler, statesman, and buffoon;"—he only changed into a chemist, and employed the energies left by dissipation, on gas, galvanism, merino fleeces, and human skulls. After amusing himself with more than the "Century of Inventions," dedicated by the Marquis of Worcester to King Charles, he suddenly sunk into an obscure and indolent solitude, adopting Paracelsus's maxim—"Trees last longer than men, because they stand still." He ceased to write, ate little, talked still less, and never moved beyond the threshold of the Brother's House, upon which he settled himself without regarding its dilapidated state, with only one servant, a man as merry and useful, but as oddly shaped and as much dreaded by the neighbourhood, as the lubber-fiend of Milson's days. His master was known in that little circle by the name of Old Quarles, but more commonly by that of Brother Christopher, in allusion to an old Moravian, whose reverend person he resembled. And he, with a kind of familiar humility, which seemed an acquiescence in the simple customs of the former residents, always styled his servant "Brother John."—This singular recluse had two nephews, to whom as all his fortune was expected to centre in them, he was permitted to give the names he most delighted in, his own and his favourite domestick's: but these young men, though they grew up with the same prospects, education, and society, were as unlike as the persons whose appellations, they bore. They agreed only in their dependence on their uncle Quarles, and their anxiety to secure his favour. On his sixtieth birth-day, he summoned them to his lonely house, to make known their chosen paths in life, and receive some substantial proofs of his affection. Brother Christopher, as the eldest and his uncle's namesake, entertained very confident hopes of his bounty and preference; while the younger, conscious that his manners and opinions were unlikely to conciliate a morose recluse, endeavoured to provide himself with a set of ancient dogmas and quotations, which might be useful occasionally. The visit was briefly paid, and received without any apparent distinction between the nephews; but a few hours after their departure, Quarles called his servant John into

his bed-chamber, and wrote this testamentary memorandum in his presence: —“Whereas in the year of 1659 the most noble Marquess of Worcester bequeathed to my ancestor, Sir Philip Quarles, Knt. a seal of his own special invention, as mentioned in the Harleian MSS. volume 2428, in which there is a copy of the Century of Inventions in his own hand-writing. By this aforesaid seal, any letter, though written but in English, may (as therein specified) be read in eight different languages; and by its help the owner may privately note the day of the month, the month of the year, the year of our Lord, the names of the witnesses, the individual place, and the very number of lines contained in any contract or instrument sealed with it. Wherefore to prevent all doubt or falsification, I seal this my last Will and Testament with the seal above described, and hereby give and bequeath the seal itself, as a token of my most true regard, and as a rare specimen of precious mechanick art, to my eldest nephew Christopher. To his Brother John I bequeath an alphabet in a lantern, a pocket ladder, and a discourse woven in ribbon, all devised by our ancestor’s most noble friend, the said Marquess of Worcester. And to both my nephews I give jointly and bequeath my only faithful servant, commonly called John. Finally, I desire that they, my aforesaid nephews, shall provide a chest of English oak, and place it on two cross beams in the upper part of my barn, \* having first enclosed in it my mortal remains, which I therein bequeath to the worms, my residuary legatees.”

Very few weeks after this remarkable testament had been written, the testator’s death was announced to his nephews; and as he had made no devise of his real estate, the eldest claimed and took possession of the whole, leaving his brother only the whimsical antique mentioned in their uncle’s testament. Every crevice and chest was searched, in hopes of finding some concealed hoard to enrich the unfortunate cadet’s share of the few moveables found in the antiquary’s mansion; and when all had been examined in vain, he endeavoured to find some hint or secret purpose in the woven ribbon which held the chief place among his bequests. But it only contained these ancient and respectable maxims.

“Chase the daughter of a good mother.

“If thou hast wit and learning, get wisdom and modesty also.—Tis not sufficient to be precious if thou art not polished.

“Visit thy brother, but live not too near him. Neither make servants of thy kindred, nor kindred of thy servants.

“Let thy companions be like the bees that make honey, not wasps that only hum, devour, and sting.

“Thou shalt not sleep upon a grave.”

Whatever might be the intrinsic value of these precepts, young Clarendon thought his uncle had left a more substantial legacy to those he called his residuary legatees. And the last sentence seemed a pointed and bitter rebuke to the folly of dependence on heritable wealth. With no

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\* “A coffin thus deposited remains still near the great northern road, and is shewn to strangers.”

friendly feelings towards those laws which have established the best rights of succession in the eldest son, John accompanied his brother Christopher to the lonely grange chosen by their uncle for his place of rest. His remains had been deposited there before the arrival of his younger nephew, whose ill-humour suggested some peevish remarks on the lunacy indicated by his last requests. "Not absolute lunacy," said the elder merrily—"for I have found an unsigned codicil, in which he desires us to convert the Brother's House into an inn, and to provide accommodation gratis for one guest every night, but that guest must neither be a *beggar nor a lawyer*." John, whose only possession was his knowledge of the law, retorted, with great bitterness, "And if the superstition of ancient lawyers had not made heirs of elder sons, there would have been only a beggar and a lawyer in it to-day." —A blow answered this sarcasm, and the younger made a bold attempt to repay it, but the unfortunate Christopher hastily stepping back, fell from a height on which they were standing to survey their uncle's coffin, and lay motionless at the foot of the ladder. John leaped down in an agony of remorse and terror to succor the sufferer whose head had received a mortal blow. He made two faint attempts to speak, and resting his cheek on his brother's feet expired. That unhappy brother remained several moments stupid with dismay, before he fully felt all the horror of his situation. The heir of his uncle's wealth lay dead beside him—who would not believe that avarice and envy had not instigated his fate? While this frightful recollection froze up his faculties, a confused noise at the door increased his alarm. It was a desolate hour, and a place which no stranger had a right to interrupt. Yet the confusion of unintentional guilt induced him to cover the body with some straw which had been left in the forsaken barn, and secrete himself in its darkness, while the door opened slowly, and a man entered carrying a dark lantern, which presently discovered that the bearer was his uncle's ancient servant. This old man looked round, secured the door as if fearful of intruders, and ascending the ladder, began, by the aid of the twilight which gleamed through the rafters, to examine his late master's last repository. He had brought a mallet, a chissel, and several vigorous tools, which he seemed preparing to employ in unclosing the oaken chest; but the eager gaspings of young Clarendon, as he stood trembling, and conscious that while he lurked as a spy he might be arrested as a murderer, appeared to disturb the work. Old John started guiltily, descended the ladder a few steps, and at the same instant the oak chest or coffin, shaken from its balance by his labours, fell over the beams on which it had been deposited. At the sight and sound of its hideous fall near his brother's body, Clarendon uttered a faint shriek, but recollected his presence of mind enough to remain concealed. The conscious servant heard the cry, and snatching up his lantern to look round, discovered the mangled countenance of his young master. He threw himself on the body with cries of despair, wringing his hands and rending his white hair till a sudden thought seemed to calm his distraction. He looked eagerly at the chest, which remained unbroken by its descent, carefully examined the sufferer to discover that no life remained, and gathering his tools into his wallet, with his crushed lantern, departed. Strange and mysterious as this man's visit appeared, Clarendon deemed it a providential incident in his favour; but to render it available, it was necessary for him to return home unsuspected. He stole from the fatal place with the pangs and fears of a criminal, skulking through the most unfrequented paths, and had nearly reached the Brother's House, before he perceived that he still held in his hand the chisel dropped by his uncle's servant in the barn. He had taken it up with a confused intention to keep it as an evidence against the owner, but now perceiving red stains on its handle, he threw it hastily among the bushes near his feet, and redoubled his pace homewards. Once he looked back, and saw, or thought he saw, an eye and part of a yellow hand among those bushes. It was a dark eye shadowed by a shaggy eyebrow resembling Old John's; and he started

as from a spectre when that suspected man met him on the threshold. With a tremulous voice, and a face which betrayed no consciousness of young Clarendon's share in the transaction, he announced that a fatal accident had befallen his brother. Forced to complete the part he had unwarily begun, Clarendon accompanied a group of labourers and neighbours to the disastrous place, and heard their exclamations of superstitious wonder at the strange coincidence which had connected the fall of their late master's bier with the death of his young heir. One of the spectators said shrewdly, as he looked at Clarendon, "It was by rare good luck our other master escaped, for he was there too." The conscious brother cast down his eyes, and perceived two or three barn-straws entangled in his shoe. No ear but his heard the comment and the speaker seemed an inconsequent and heedless boy, yet he felt all the force of the circumstantial evidence which might rise against him. Still no suspicion circulated: Christopher was interred in peace, and his successor took his large inheritance without interruption or inquiry, but with a bitter remembrance of his uncle's prophetick maxim—"Thou shalt not sleep upon a grave."

It would be well if the ingenious inventors of the present age could devise some "anti-attribution" compound for the mind to remedy the decay caused by one idea in perpetual motion, as successfully as they prevent the wearing-out of axle-trees in constant use. But Clarendon could find no relief from incessant regret and apprehension till he plunged resolutely into the world, and bound all his thoughts to that deep and severe study for which he had been educated. He labored zealously to realise a reputation which might raise him above vague suspicions, and remedy the ill consequence of that momentary absence of reason and courage which had involved him in mystery, and perhaps in dependence on a stranger's mercy. With such a motive, and with a profession affording such ample scope to every kind of genius, his eminent success is not surprising. His learning, zeal, and industry, gained him friends in all his clients; and at the bar, as Junius would have said, he had the three great requisites of a pleader, "a tongue to persuade, an eye to penetrate, and a gesture to command." —Twenty years passed after his brother's death, and the singular event which had given him affluence was less remembered than the honour he had added to it, though he still knew secretly how impossible it is for a homicide to "sleep upon a grave." About this period an extraordinary case was put into his hands. The youngest of four brothers (three by a former marriage, and one by a latter) had purchased land, and died without offspring. The chief lawyers of Scotland declared that the next elder brother had the right of succession, but Clarendon advocated the cause of the eldest. "Because," said he, "among brothers of different marriages, the first idea that presents itself is opposition rather than union, and when we examine the relationship we must begin with the parent, who is the connecting principle; and as from him the first step is to the eldest son, we conceive this son to be one step nearer than the second, and two steps nearer than the third." —On a point so subtle much eloquence and science were expected to appear, and the Court was singularly thronged on the day of trial, Clarendon, as I have already said, was eminent in personal grace, and his rich vein of wit gave attraction to the tedious subject of his harangue. He traced the earliest rules of succession, or the transmission of estates from the dead to the living, and proved how arbitrary and various they have been in different ages and countries, as all customs must be that spring from remote feelings, or mere imagination. He insisted on the right of primogeniture as strongly fixed in Scotland by its peculiar feudal laws, in which, as military service is the tenure of the land, the eldest male is always the favourite in succession. Clarendon's opponent entered into a nice and difficult labyrinth to prove the property in question was a new, not an old feud; and amused his auditors with the distinctions between an *heir of conquest*, as the old Scotch law calls

him who inherits purchased lands, and an *heir of line*, in other words one who takes an estate acquired by succession. Unhappily in this part of the pleadings Clarendon forgot his uncle's maxim, "If thou hast wit or learning, get wisdom and modesty to it" —He only remembered how much a jest's prosperity sometimes surpasses an argument's and replied—"We have allowed no heirs by *conquest* in England since William the Norman, and such left-handed sons are out of any *line*." —His adversary, whose obscure birth rendered him peculiarly quick in appropriating a sarcasm, answered instantly, and with very forcible emphasis, "I cannot dispute the knowledge of an advocate who has been himself so prosperously an heir at law, or perhaps I should say *by blood*." —It is not difficult to guess the frightful association of ideas raised by these last words in Clarendon, whose countenance became pale as death, though conscious innocence enabled him to look steadfastly at the speaker. He was a dwarfish and misshapen man, with shaggy brows, a long, lean, yellow hand, and a raven-black eye, whose sinister expression suddenly reminded Clarendon of that which had gazed on him among the shrubs where he had deposited a guilty token on the night of the brother's death. Neither the eye nor his hand could ever be forgotten, and he now saw them both! The brief fell from his, and he fainted. All the croud, ascribing his indisposition to exhausted strength, made way for his removal from the court to his home, where he soon recovered enough to feel and measure his danger. Most bitterly he again regretted the ill-managed wit which had provoked his brother's fate, and had probably determined his own; but his courage did not forsake him, and he resolved to owe no second fall to the timid caution he had erred in once. It is either great policy or great rashness to trust an enemy the moment after he has been offended, because his pride will be exasperated if it is not subdued by the aggressor's boldness. Yet it is always a noble experiment, and Clarendon perceived no other remained for him. Though the evening was advanced, he set out instantly to the country-house, occupied by the advocate M'Evil, and found him alone. Having briefly and calmly stated that no personal insult was designed by any words used in his professional harangue, he continued, in the same firm tone, "You have seen me before, I think, in doubtful circumstances, and I do not fear to recall them to your memory, because I expect from you the same candour and confidence I possess myself." Then neither attempting disguise nor circumlocution, he related all the occurrences of that unhappy period with the clear, full, and convincing force which usually distinguished his eloquence. When the narrative was complete, he added, "Woe to the man who is taught to build his hopes of fortune on a grave! —but I can truly lay my hand on my head, and swear I never framed even a wish to see my brother's; and unless my grave should be as sleepless as my bed has been for many years, I have no reason to fear death. I could bear it better than suspected or disgraced life, therefore I surrender myself into your custody. Deliver me up to justice if you think me deserving the rigour of an investigation: I have resolved never to disgrace our tribunals, by appearing as an advocate while any man exists who believes me a criminal."

M'Evil heard his former adversary in silence, but tears ran down his cheeks. Presently recollecting himself, he said, "Command me if ever you require an advocate, but I have no right to be your judge, and I can neither acquit nor condemn you. I must keep you as my prisoner to-night, unless you allow me to call you my voluntary guest. This house belongs to the Clangregors, who never betrayed an enemy if he trusted them, and a lawyer shall not be worse than outlaws." —The advocate conducted Clarendon to his table, where he entertained him sumptuously, but with a lurking smile about his lips which tempted his guest to doubt his purpose, and half regret his own rash appeal. These doubts and regrets haunted Clarendon as he entered the bedchamber prepared for him. Was it some optical illusion, some contrived mockery,

or the force of his tortured imagination, that created what he beheld there? A man was seated beside the hearth with his lank hair scattered over his large shaggy eye-brows, his broad misshapen feet covered with the same rude wooden shoes, and his whole apparel consisting of the coarse fantastick livery given by his uncle to his ancient servant John, whose funeral he had seen many years before. This unexpected apparition remained silent only a moment—"Forgive me, Clarendon—forgive the son of your kind old uncle's servant if his petulance gave you reason to suppose him your enemy. I have put on his apparel, to convince you that I am neither ashamed of the father I resemble so strongly, nor forgetful of the benefits he owed to his master. It is true that I witnessed your concealment on the chizzel among the shrubs; but I now believe it had never been used for any criminal purpose. My honest father's visit to his benefactor's coffin was only in obedience to the deceased's whimsical command, that he should examine it thrice every year. Do not fear that I will ever betray the secret of a man who deemed me worthy of trust even when he thought he had offended me. Had you recollected my person, or known my assumed name, you would not have aimed an undeserved insult at one who owed to your uncle's bounty the education which has enabled him to offer you his friendship as an equal, and his advice as a lawyer. Let the past be remembered only when you bequeath legacies, and let them be such as shall not invite guilt and misery into a *Brother's House*"

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*Extracts from a Lawyer's Portfolio, December 26, 1818*

