

Extracts from a Lawyer's Portfolio

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No parts of our laws implies a more becoming consciousness of human judgement's fallibility, than the cautions and deliberate procedure required in ascertaining mental disease, and surrendering a supposed lunatic to the custody of his kindred. A remarkable instance of this kind fell under my own observation. —I was on my way to visit an uncle resident on the remotest coast of Cornwall, and believed myself very near my journey's end, when the stage-coach driver admitted a stranger to fill a seat which had been vacated. The other three passengers were busily engaged in a discussion on lawful and unlawful duels, and referring occasionally to a pamphlet printed in 1632, on occasion of the Battle awarded in the preceding year in the Court of Chivalry on an Appeal of Treason by Lord Rea against Mr. Ramsay. Then followed an attempt to trace the Writ of Appeal and Wager of Battle from the practice of Turkey, and its prevalence in England till the third year of Henry VII. But our new companion, whose dress was very little superior to a disbanded seaman, suddenly joined the conversation: "Gentlemen," he began, in a stern voice, "modern philosophers never read, therefore they are always making discoveries—Did Blackstone see any barbarity in this mode of satisfying justice, or did the Archbishop of Toledo disdain to witness such a combat in the most religious court of Europe?"—This extraordinary combination of authorities made one of the party smile, though his professional petulance was stirred by the implied comparison between our English oracle and an old Spanish bigot. To waive any farther disputes on the wisdom or antiquity of trial by single combat, he began to describe the dresses worn on such occasions in our third Henry's days. "Sir," interposed our legislator in a blue jacket, "the pike, dagger, long-sword, and short-sword, which you speak of, were appointed only for Rea and Ramsay. In Henry's time, such combatants fought with weapons of small length, with heads, hands, and feet bare; or with ebon staves or batons, having hard sand bags fastened at the ends. And each might have a four-cornered shield without any iron, and a frock of red cloth reaching to the elbow and knee. But the Appellant's head was ever covered, and the Defendant's *rayed* or shaven thus."—As he spoke, the describer suddenly raised his hat, and discovered a head of most extraordinary character. It reminded us of those fine busts found among the ruins caused by a volcano, scorched and bruised, but not deprived of their noble symmetry and expression. His skin was darkened as if burning lava had passed over it, except on the upper part of his head, which appeared to have been lately shaven, and was now bordered by a fringe of the same crisp black hair which formed the thick curl of his eye-brows, and met near his chin. Blackstone and Beccaria were wholly forgotten, while we looked on this formidable countenance, and observed that its possessor had also a strong staff, not unlike the baton of the champions he had been describing. Not another word was hazarded; and when the mail-coach stopped, I mounted the horse provided for me with great readiness, to escape from the sight of our unknown companion. I shall be pardoned, I believe, if I confess, that during my ride through the solitary lane which led to my uncle's old manor-house, I cast several suspicious glances at the shadows which a few shaggy elms threw over my path. The first kind salutations of a hospitable relative were hardly finished, when his porter came to announce a stranger, who desired instant admission on the most urgent business. It was late, the manor-house was lonely, and situated near a coast noted for desperate pirates and contraband adventurers. But my good old uncle, who held that office "the like of which," as has been merrily said, "is known to no other land," was too proud of his authority, and too conscious that he held it with pure hands, to

entertain any fears.—Yet he allowed me to accompany him to what he called his justice room, where, with much surprise and some apprehension, I saw the dark man. He looked at me first as if recognizing my features, and endeavoring to examine their import; then addressing my uncle with more courtesy than his rude apparel promised, he requested a private audience. A glance of intelligence which we had time to exchange, induced my old kinsman to support me when I professed myself his indispensable clerk. After mysteriously closing the door, and advancing so near us as to make me regret that my travelling pistols were out of my reach, he announced, in a low and singularly solemn tone, that he came to lay a capital charge against two seamen of his Majesty's ship the ——. “Of felony or murder?” said my uncle, and I prepared pen and paper to fulfil my assumed office of his clerk. —“Of completing one, and conspiring to commit the other,” replied the informer in the same low tone, with a mixed expression of fear and horror in his countenance. The Justice required him to relate particulars, and they seemed distinctly told. He stated, that the boatswain and another person belonging to an English ship of war, had conveyed him in their boat, after dining with their captain and his officers, to an obscure cove on the coast near Naples, where he had been imprisoned several days, and at least released, or, to speak more properly, abandoned without money, and almost without clothes, on a desolate spot, from whence he was conveyed in a delirious fever by his valet. This last particular deserved inquiry. How did his valet discover his master's situation, and what induced him to visit a part of the Neapolitan coast so desolate and undistinguished, in quest of him? Our informer answered, that the man himself might be questioned on that subject. To my remark, that only the fact of robbery could be substantiated, as murder did not appear to have been designed, he replied, “Both were committed, but not within the letter of our laws.” Being urged to explain this ambiguous sentence, he remained several minutes in a silence which implied such deep and melancholy recollection, that neither our curiosity nor our suspicions emboldened us to interrupt it. My honest uncle spoke first. —“Child,” he said, laying his hand on the young man's shoulder, with a kindness which almost always created the confidence it expressed, “there is something in this business more than you have communicated, or less than you imagine. If these men proposed an outrage against your life, why did they leave the opportunity and the work unfinished; and if they never attempted it, why is a murderous design imputed to them?” —Still he made no reply, and my uncle inquired the extent of the robbery he had suffered. —“Only a few pieces of gold,” he answered; “and my valet tells me they were restored.” — We looked at each other with sufficient agreement in our thoughts that the charge was wholly due to a disordered imagination; and hoping to detect its incoherence still more broadly we required him to repeat it, while I made minutes. But he made no variations in names or dates; his descriptions of the secret cove, of the boatswain's figure, and his companion's dress were singularly precise and forcible. My uncle called for supper, and seating him by his fire-side, with the frank kindness of an old English squire, endeavored to fix his attention on other subjects. We talked of political occurrences, of the general state of Italy, and the victory then recent at Maida. A slight shivering of his lips and eye-lids indicated that this last subject touched some tender nerve, and he suddenly asked me if I had seen Calabria. —“My nephew is an idle Templar,” said the Justice, answering for me, “and has more ambition to be lined with good capon than at a cannon's mouth.” —Our guest's imagination probably caught some unintended reference in this allusion to Shakespeare, which he replied with a fierce gesture, “He is right, and I have now no honour to be jealous of. Gentlemen I understand the purpose of all this. You persuade yourselves that an outrage which did not end in the actual loss of my life and property, is not worth a publick and difficult investigation: you wish to soothe me into forgetfulness and forgiveness, and

I thank you for the attempt. You know not what a blessing it would be *to forget*, and I have sought for it in many ways but these men haunt me still, and I must accuse them. Remember gentlemen, I did not say how much of my life and property they spared, nor how little.” —We could make no answer to a speech which, with all its obscure incoherence, was solemn. Almost convinced that his visitor was insane, my uncle soothed him with an assurance that he would expedite the progress of justice, and had begun to offer him a chamber under his roof till morning, when another stranger with three attendants claimed admission. They were brought into the room where we still sat with the accuser, who started from his place at their entrance, and held up the formidable baton I have mentioned before. Sir Frederick Cornwall, as I chuse to call our new visitor, presented himself with very engaging politeness, and entreated pardon for his relative’s intrusion. I accompanied him into another apartment, and heard his expressions of regret at the notional insanity which seemed to have taken entire hold of his nephew’s mind. To my question whether Colonel C. had ever been in Naples, he replied that he had only returned from thence a few days; “but,” he added, “his valet assures me no part of this strange romance, which he persists in repeating, ever had existence, if we except the delirious fever he himself confesses.” —A request that the unhappy young man might be delivered into his custody followed this speech, which did not appear to me quite satisfactory. He perceived it, and produced several letters dated from Naples, and distinctly giving the Neapolitan physician’s opinion of his distemper. One, written by the captain of the vessel in which Colonel C. had sailed home, detailed many touching instances of incurable dejection, and hinted at an attempted suicide. This letter enclosed another from the unfortunate young officer himself, relating the transaction in the bay of Naples exactly as he had described it to us, but with many expressions of the keenest and most desperate resentment. Though these expressions were mingled with others which seemed to imply grateful confidence in his uncle’s affection, I thought myself at liberty to doubt it, and ventured to inquire why the valet had not accompanied his unfortunate master to England. Sir Frederick shewed me an Italian letter, containing so natural and so clear a statement of the man’s reasons for remaining in his native country, that no objection could be made. But my good uncle, who well deserved the name of Justice, positively detained the Colonel as his guest till the strictest inquiries had been pursued. Nothing resulted that could throw doubt on Sir Frederick, or justify us in withholding the Colonel’s person, which he surrendered himself with an air of tranquility almost amounting to happiness. I remember in my boyhood a certain piece of mathematical magic in an old Encyclopædia, representing almost innumerable circles most intricately interwoven, but all combining in one. I have since found it a very accurate representation of the manner in which the selfish plans of individuals are rendered parts of one wide and perfect system of equal justice. A few years passed after this incident, and all remembrance of it had begun to disappear, when my professional duties brought me, on the western circuit, to a town where I received an anonymous letter enclosing a large Bank note to retain me as counsel in the cause of a very young French boy charged with private robbery. The note I deposited in my uncle’s hands, to remain untouched as a clue to future discovery; but the account circulated in the town concerning this young offender, was sufficient to interest me. He was accused of stealing the purse and pocket-book of an unfortunate gentleman who occupied a small mansion not far from the castle appropriated to French prisoners of war. Louis as this boy called himself, had been found bruised and senseless under the mansion-wall, from which he appeared to have fallen in an attempt to escape from the garden, where the owner had seen him lurking, probably after robbing the lunatic who resided there of the money found upon him. Amongst this money was a gold seal and diamond ring, both bearing the initials of Colonel

Cornwall, and recognized by many persons as his property, though his reputed insanity rendered his evidence inadmissible. I questioned the boy with all the severity and adroitness in my power, but could extort no confession from him regarding his business at that mansion, or the means by which the money fell into his hands. He did not deny that he had seen Colonel Cornwall; he admitted the seal and ring might have been once his property, but would give no account of the gold. My earnest application procured a magistrate's order for my admission into Colonel C.'s presence alone. The keeper warned me of his concealed fierceness and malignity, and left us together with evident reluctance. He knew me instantly, and burst into tears. I love human nature, and honor it too much to dwell on the frightful picture he gave me of his sufferings. The clearness, the moderation, and the method of his detail, convinced me they were undeserved; and my representations gained such attention from a discerning magistrate supported by the votes of three physicians, that he obtained admission into court as a capable witness. His narrative was simple and convincing. Louis, he said, had conveyed three letters to him from an unknown person, offering him money and jewels to bribe the keeper employed by his interested relative. This mysterious friend also promised to produce such evidence as would effectually silence those who had impeached his intellects but he solemnly protested that he could not conjecture from whence these offers came, nor by what means Louis had obtained the seal and real, which he did not remember ever to have seen before. I confess my surprise at this last assertion, but it was useful to the prisoner. As the charge of felony was completely falsified, the court did not deem it a duty to inquire farther; the young Frenchman was release; and after a tedious struggle with the forms of another court, our more unfortunate friend Cornwall was freed from his uncle's custody. I accompanied him to a retired villa in my own good uncle's neighborhood, which he chose for the wildness of its scenery and the pastoral simplicity of its inhabitants. We arrived at the pleasantest hour of that sweet spring-season which belongs only to England; and I congratulated him, as I thought, most opportunely on his restoration to the rights and comforts of an Englishman. —“It is your work,” he replied, with a melancholy smile, “and I will not be so ungrateful as to tell you it is useless.” — “I would rather be told that it is imperfect, provided you will teach me how to amend it. But I do not perceive anything wanting to your tranquility, unless you wish to know more of Louis or his employer; and it is impossible to deny, Cornwall, that your unwillingness to pursue inquiry in that quarter calls some suspicion upon yourself.” He made no answer to this speech, except one of those fixed and haggard looks which accompanied his former state of dejection, till I couched my question in direct terms. —“On your honor as a gentleman, and under the sacred secrecy which I owe you as your counsellor, tell me if you know more of Louis?” — “My dear friend, he answered, “and those words imply everything most sacred between man and man, I do know Louis, and therefore I disclaimed all knowledge of the seal and ring; the gold would have burned both my heart and brain if I had accepted it, but I could not confess the truth. Complete your task by staying with me till my death, and you will learn all.” —“You have deceived me, then, in the affair of Naples too, perhaps?” —“On the faith of a dying man, you have heard the truth, and nothing but the truth, on that subject. I told you when we first met, that I had enemies who had taken away my honor, and now they have reached my life.”

This terrible hint confirmed suspicions in my mind that had been indistinctly forming since the first period of our acquaintance. Cornwall's uncle had children who might be largely benefited by his death; the suspected valet was probably their agent, and the strange outrage committed at Naples might have been a stratagem to disorder his imagination, or an attempt to remove him

baffled by some secret means. Mine was not the only judgement biased against Sir Frederick Cornwall, and the emaciated state of his nephew, everywhere ascribed to the cruelties inflicted upon him, caused such general indignation and abhorrence, that the darkest suspicions were willingly received. Letters were privately sent to powerful persons at Naples, urging them to trace the Italian valet; and while we awaited the result, my uncle and myself neglected no means to allure the melancholy man from his solitude. He was our guest whole days and weeks, and his house on these occasions were left to the care of three trusty servants, who had known and loved him from his youth. They were alarmed one evening, in their master's absence, by the stoppage of a hired post chaise at their gates, from whence, without ceremony or inquiry, a veiled woman came into the hall, and seated herself. The servants looked at each other in stupid confusion, for all they recognized their master's divorced wife, —“Be under no embarrassment,” said she, with a coolness which completed their astonishment: “Colonel Cornwall is absent, and I neither desire nor expect to see him. Bring me ink and paper, and carry the letter I shall write.” —They all obeyed without understanding her authority, and the whole household gathered round, each indulging his curiosity by holding some article of the writing apparatus. With her veil still over her face, and an unmoved attitude, she wrote and sealed her billet, which the steward, a man of great fidelity and shrewdness, brought instantly to me. His account of this singular visit gave me great hopes of some decisive crisis; and not without many anxious expectations, I gave the paper into her husband's hands. He read it twice, his countenance changed extremely, but merely writing two lines with his pencil on the back of his wife's not, he desired me to deliver it myself. On such a mission there could be no hesitation. I found her still sitting in the hall with her veil drawn over her, and the servants stationed in a cluster at some distance to watch her motions. She read her husband's answer, and after a short pause rose, and threw back her veil. “I have recollected myself, sir!” she said, advancing towards me: “these people know me, and I have no right to screen myself from their contempt: it is part of the punishment I am come to meet, and this veil is an indulgence I do not deserve. Colonel Cornwall commands me to quit his house, but something is due to justice and public opinion. His uncle accuses him of inventing the conspiracy at Naples—You suspect his uncle of abetting it for his own purposes. I was the only witness of that transaction, and will give my evidence when and where you please; but I adjure all these persons to attest that their master had spoken the truth, and that his uncle is innocent.” —I was confounded by this public declaration on a subject so unfit for the ears of vulgar and prejudiced hearers. I begged a private audience, and endeavored to persuade her that her late husband's health was in no state to bear agitating appeals and discoveries; but she persisted in offering a termination of all secrets as the readiest and most certain medicine for his melancholy. She urged me to conduct her into his presence, or to be the medium of her communication. I accepted the last alternative, and she put a large drawing into my hand. —“I took an oath,” said she, half smiling, “never to name the principal actor in this affair, but I did not promise to conceal his picture.” —The servants of Colonel Cornwall's establishment received my orders to observe her narrowly till my return and I set out charged with a heavy and difficult task, to see him again. His first words were to prohibit the intrusion of the woman once called his wife. Then eyeing me stedfastly, he added, “She has told you all, I see; but the disclosure might have been spared till after my decease. You have heard that villains who personated English seaman betrayed me into the hands of Neapolitan traitors, —I, who had volunteered my services on an important undertaking, and was entrusted with secret documents—I, while the army was sailing to its destination, was imprisoned in the den of that false woman's paramour, and then released alive with a mockery of mercy.” —“But perhaps even that small mercy was shewn at her

intercession.” —“Yes!” he rejoined, with a smile full of bitterness, “and she probably believed I would owe my liberty a second time to her interference, and thank her for it. —Tell her I do give her thanks, not for my life, but for making me seem a madman rather than a coward or a traitor, and for hastening my death now by her intrusion.” — “Look at this picture, however, and if it resembles the person whose agents imprisoned you, tell me by what name he is now called.” — He looked at it in an instant, and thrusting it into the fire, replied— “An Emperor’s brother-in-law—*the King of Naples!*”

These were his last articulate words. Except a look of sorrow and a long pressure of my hand when I asked forgiveness for his wife, he gave no sign of recollection before he died that night. The unhappy woman fell into the extremest agonies of despair, and resigned herself to the most desolate solitude. Yet the energy of her conduct in her last confession, her courageous efforts to release her husband from the tortures of a mad-house in the garb of a French boy, and her deep repentance of the frailty which led her step by step into the society of military renegades, proved a mind worthy a better fate. I did not discover till long after, that during three years she had submitted to perform the meanest duties of a menial in the house where her husband suffered confinement as a lunatic, hoping to find some means of expressing her remorse, or of alleviating his misery: but she found neither; and when her detection and dismissal by the keeper suggested the romantic expedient of boy’s attire, his inflexible pride refused all aid from a hand that had disgraced him. He died the victim of feelings too finely wrought; and if the misery of an unfaithful wife needs aggravation, she feels the utmost in remembering that her guilt cause the overthrow of a noble mind and the untimely death of its possessor.

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