

At the Right Time

A Lawyer's Story

The case pending before our court interested our people deeply. A few months previously Jacob Ames had died, leaving property to the amount of fifty to sixty thousand dollars, all of which was readily available. At first it was supposed that the old man—he was eighty-seven—had died without having made a will, as he had often been heard to remark that the making of a will seemed like a preparation for death, and as there could be no question about the inheritance of his property, he did not choose to make any such, to him, ghostly testament. His direct and only legitimate heirs were two orphans, both girls—children of his only daughter. One of them was a cripple, requiring almost the undivided care and attention of the other, and both were beloved by all who knew them.

While people were feeling glad that the orphan sisters were to be thus grandly provided for, a man named James Arnold presented a will for probate, said to be the last will and testament of Jacob Ames, made several years before. This Arnold was a nephew-in-law of old Jacob, the child of his wife's sister, and for several years been employed as business agent of the deceased; and when he caused the will to be presented, he produced a number of witnesses who declared that they had heard old Ames say that he had made the only will he should ever make, and that James Arnold was his heir and, what seemed to make the matter sure, two witnesses to the will, former servants of the testator, swore point-blank to having seen Ames place his signature to the document, after which they signed their own names. Honest people shook their heads at this, for these two witnesses a man and his wife were not above suspicion. In fact, it was generally believed that a small sum of ready money would buy them, body and soul.

I entered the court late in the afternoon of the third day, just as the last witness was about to leave the stand; and this was Thomas Cloudman, the servant just alluded to. He had been questioned by a jurymen, and had made a plain statement. Everything was against the poor deserving orphans, and all in favor of the despised nephew. In fact, no honest man, under the evidence, could have brought in a verdict against Arnold's claim.

The jurymen who had questioned this witness sat at the end of the box; by him, among the spectators, stood old Harvey Goodrich, who was at that time engaged in the paper mill of Day & Lyon, at Portland. I had known him years before. The juror held the will in his hand, open; and Goodrich cast his eyes upon it. I saw the old paper maker start and tremble. "Let me look at that!" I heard him whisper, for I stood close by.

The juror, without considering, handed him the document; and before the counsel could interpose and regain it, Goodrich had seen all he desired, and his first movement, after relinquishing the will, was to hasten to the side of the orphan's attorney, and whisper, hurriedly and excitedly, in his ear. I saw the attorney, whose name was Shipman, bend his hear attentively, and then start to his feet. What was it? In those few brief moments the whole audience had caught the fever of excitement, for it was clearly evident that something of importance was on the tapis.

"May it please your Honor," said Shipman, very quietly—so calmly and quietly that we feared it

could be nothing of importance at all, “I must ask the indulgence of the court. I wish to present new and important testimony.”

There was a slight war of words between the opposing counsel, after which by permission of the court, the old paper-maker took the stand. He gave his name, residence, occupation, etc., and then Mr. Shipman placed the will in his hand.

“Mr. Goodrich, will you please examine that document?”

“I have done so, sir.”

“What is the written date of that will?”

“*September 5th, 1841,*” answered the witness, reading from the instrument.

“Now, Mr. Goodrich, will you please inform the jury and court, if you observe anything else in or upon that paper which you hold in your hand, that would possibly affect the reliability of that written date. Make your own statement, in your own way; only make it concise and clear.”

“Your Honor, and gentlemen of the jury,” commenced the witness, “this piece of paper which I now hold in my hand was manufactured by myself, and was calendared upon a machine of my own invention. The waterlines, in place of the ordinary blue ruling, was included in my improvement. You will also observe, upon close inspection—though the ink up on the surface has somewhat obscured it—my own stamp in water-marks. Your Honor can examine it for yourself.”

The judge took the document and held it up against the strong light, and involuntarily he read aloud, so as to be heard by all in the room—for every breath was hushed—“H. Goodrich’s patent. Eighteen hundred and forty-three!”

“Yes, your Honor,” broke in Goodrich, whose professional integrity was now in the balance, “I can solemnly swear that that sheet of paper was not made until at least two years after the date of the instrument which has been written upon its face.”

The paper was given to the jury, who were all upon their feet. Arnold’s counsel demanded to see it. Mr. Cloudman and his wife got up and tried to leave the room, but were prevented. Judge and bar were in a state of ferment; whilst the dense audience swayed to and fro in eager, painful suspense. Would this old man’s testimony have its legitimate weight?

Ah, how could it be otherwise? There was a witness more potent to an intelligent court and jury than speech of tongue. The contest will be borne in its very, inmost heart—in its “heart of hearts”—emphatic evidence of the base lie upon its written face. Other witnesses were called—one paper-maker and two paper dealers—but the thing was settled. The water-line date of the paper was evidence enough. A little while and the judge gave his charge—about as brief a charge as I ever heard. A little while and we knew the orphans were the true and legally established heirs of Jacob Ames’ fortune. I will not attempt to describe the scene that followed. Suffice it for me to

say, that the perjured parties were severely punished, while the sun of joy and gladness cast its gracious beams upon the beloved and gracious sisters.

Fayetteville Observer, October 12, 1876