

An Unexpected Witness

I had never seen my little client. He was off to boarding school when his mother died, and they buried her the next day without sending for little Charley, who was too young, perhaps they thought, to appreciate her loss.

This was the way little Charley came to be my client: After his mother's death, a will was produced, leaving all her handsome fortune to Mr. Bryson, her second "beloved husband," little Charley's stepfather.

When the will was offered for probate, it became necessary to appoint some one to protect the rights of little Charley; and to this post,—that of guardian *ad litem*, the lawyers call it,—too often regarded as one of mere form, I was duly assigned.

It would have afforded me great pleasure to break that will; for I had much less confidence in the austere Mr. Bryson than his confiding little wife had, who had trusted him with everything, her little boy's future included. For myself, I thought there was far too much goodness in his face to leave any for his heart.

But what could I do? The will was in legal form. Dr. Dolus, who had attended the lady on her death-bed, had drawn it up and witnessed it, and was ready to swear to everything necessary to make it valid. The other witness, Sandy McBride, an old Scotch domestic, staunchly loyal to his mistress, died and was buried the very day before the case was to come on. The weather was warm, and Dr. Dolus advised a speedy interment.

With Sandy died all my hopes. He was a truthful, honest fellow, and whatever facts he knew I was certain he would tell. But now his voice was silenced; and all the other side had to do was to prove his death and handwriting.

The night before the proofs were taken I sat up late and went to bed troubled. I fell asleep at last, and was dreaming of Mr. Murdstone and David Copperfield, when a loud rapping woke me. It was Dick Seton, an old chum of mine, now a medical student, who had a habit of calling at all sorts of hours.

"Beg pardon," said Dick, "but I've something strange to tell you."

I thought it might have kept till morning, but bade him proceed.

"My friend, Nol Pellet, and I," he went on, "have long wanted a subject to dissect. So we hired Paddy Burke for ten dollars and a jug of whiskey, with another jug contingent, to dig up and bring us tonight the body of Sandy McBride, who was buried today."

"You'll all get into a scrape," I said.

“That’s a point on which I promised Pat to consult you,” Dick replied; “but my story first:

“Nol and I were sitting, by turns whetting our scalpels and looking over the pictures in Gray’s Anatomy, when we heard Pat’s signal.

“Nol let him in. His face was deathly pale. Quickly dumping a heavy sack from his shoulder—

“‘Bedad Oi’ve got him!’ he exclaimed; ‘but I wudn’t do the job again for twice the pay!’

“‘What’s the matter?’ Nol asked.

“‘Afther I tuck him up, ye’s see,’ said Pat, ‘he was civil enough for a whoile; but Oi’m blissed if the spalpeen hasn’t been *kickin’ me in the back* for the last half moile!’

“‘Nonsense!—a mere fancy—a prejudice of race,’ said I, as we turned the body out of the sack, laid it on the table, and took up our instruments.

“‘Great Heaven!—what’s this?’ exclaimed Nol, starting back. ‘The man’s alive!’

“And sure enough, Poor Sandy, after a few convulsive movements, rose to a sitting posture, and rubbing his eyes looked confusedly about.

“‘Oh, murdher! murdher!’ screamed Pat. ‘Sure the rogue’ll turn State’s ividence on us, an’ play the mischief wid us all for disturbin’ his atarnal rest.’ And, by the way, that’s the point on which I promised to consult you.

“In short, and to be serious,” Dick continued, “Sandy McBride, the want of whom as a witness I heard you so greatly regretting today, is now alive and at your service. He tells a queer story about old Dolus giving him something to cure the headache, and his knowing nothing afterwards. I more than half suspect the old quack of foul play. To poison outright would be dangerous; but there are plenty of drugs which will produce the semblance of death and leave no suspicious traces afterwards. Through such means a man might be effectually disposed of by burying him alive.”

I hurried on my clothes and set out with Dick. In a back room we found Sandy sitting in his shroud, regaling himself on cold ham and a mug of ale, Pat Burke looking on with eyes agape and hair still on end.

I had a conference with Sandy, the result of which will be disclosed presently. Suffice it to say, it was deemed advisable that his return should be kept a secret for the present.

Two more respectable-looking gentlemen than Mr. Bryson and Dr. Dolus, never appeared in

court to tell a lie or rob an orphan.

When the doctor took the stand and kissed the book, he seemed the impersonation of truth. He gave his testimony clearly and methodically. He had written the will. He deemed it part of a physician's duty to qualify himself to draft such instruments. The provisions had been dictated by the testatrix herself, who was of sound mind and memory. He and the other witness had seen her sign the instrument. She had declared it to be her will, and they had subscribed as witnesses at her request, in her presence, and the presence of each other. His co-witness was dead; but he had seen him affix his signature, and recognized the handwriting. In short he covered every requirement of the law, and sat down with the air of a man conscious of having performed his whole duty. It was no use to cross-examine him. I think he would have liked it.

"Have you any witnesses, Mr. Gaines?" the judge asked.

"One, your Honor."

"Call him."

"I have sent for him; he will be here in a moment," I replied.

The judge looked surprised, the case seemed so clear. Mr. Bryson and the doctor looked both surprised and anxious.

Surprise turned to amazement when Sandy McBride was conducted to the witness-stand. The spectators, as he passed, gave him a wide berth. They seemed little inclined to come in close contact with a man buried but yesterday.

Mr. Bryson and the doctor were the most disturbed of all. They turned pale, exchanged frightened glances, and, before Sandy, on whom every eye was fixed, had half told his story, the two stole out and were seen no more.

Sandy's story was this: On the day his mistress died, he had signed the paper produced at her husband's request, but not in her presence, and without knowing what it was, being told that his signature was merely formal matter. He had not seen his mistress that day till he saw her in her coffin. As to what happened to himself, he could only say, that hearing him complain of a slight headache to which he was subject, Dr. Dolus had given him a potion, after which he was conscious of nothing till he found himself lying on a table, and two young gentlemen standing over him with knives.

The will was rejected, of course, and little Charley got his mother's fortune. There was a strong belief that she, too, had been the victim of foul play; but the culprits had gone beyond the reach of punishment.

The New York Ledger, April 26, 1879