

(editor's note: This paper was transcribed from a handwritten cursive copy with various difficulties. For a perfect rendition, the reader might wish to consult the original, itself a copy, in the volume entitled *Literary Club Papers*, Dec 20, 1890 to May 30, 1891)

One of a Lawyer's Garden Spots

Some of you have probably seen her for she came to my office frequently at one time and still does so occasionally, and though she was a grandmother when she first became my client, she is still a very attractive woman. Her figure was slender but with no angles; her carriage was graceful and erect; her complexion was her own though she did come from Kentucky, and its soft fairness wore gracefully the few wrinkles and crow's feet that irresistible time had engraven upon it; her thick hair she wore brushed straight up and back from her low fore head, its almost snowy whiteness emphasizing the beauty of her dark eyes with their well arched brows.

She came of good Yankee stock and was born in Western Reserve but during an unlucky visit to Newport she consented to marry a whiskey drinking, horse racing Kentuckian who for ten years did all that a man could do to crush the life out of her and then left her with seven children and a bleak inaccessible alleged farm back of Newport. Then the Western Reserve elements came out in her character and helped her in her brave fight for her children's support and education, which she won without aid against tremendous odds. At the time that I first knew her her eldest son was old enough to vote and a wretched drunkard, having inherited all the bad qualities of his father. The second lad had all of his mother's good traits, and so the characters of the father and mother alternately appeared in strata as it were, down the line of the children.

I first was called upon to defend the eldest son in one of those statutory proceedings of a quasi criminal character which are intended to save the county from an unwarranted charge in supporting fatherless waifs. With this trying controversy the mother of course had nothing to do, but she aided her erring son where it was necessary with dignity and a mother's love for her first-born in spite of all his errors.

The next controversy in which the family sought my aid and that of my partner was one which, while it involved the mistake of a member of one of our learned professions almost as grave – indeed almost quasi criminal in its character, it did not involve the same questions of fact but was only concerned with very abstruse questions of law relating to powers of another kind, not of body but of mind, those of which the learned Sugden wrote, and out of this case we received for the children of the widow twenty five thousand dollars, which with a Western Reserve prudence she caused to be placed in the hands of an Ohio Trustee rather than trust it to the other side of Mason and Dixon's line.

Every few years one of the children has come of age, and has received his or her share of this small patrimony and thereupon the family has blossomed out temporarily with a new horse and buggy, and the other necessities of life in Kentucky, and then again after a time, has again lapsed into the slough of financial despair, impatiently awaiting the next majority. With these things, however, my story tonight is not particularly concerned.

Over on the Newport shore in a little two story brick house overlooking the river and not out of reach of very high water and consequently not very valuable, there lived an old lady the aunt of my window's husband. During the time above referred to this aunt brought to death's door by a loathsome disease through which she was finally nursed by my client, who seemed to be the only one who took any interest in her comfort. When she had died I was pleased to learn that the old lady had recognized the devotion of my client by leaving a will in which she gave her the little house on the river side which was all she was known to possess.

Subsequently however when I learned that this property was charged with a number of debts to pay which and save the property added to my widow's financial difficulties, I was not so glad she had received the bequest. However she fought for the little house and saved it from the Chancery Court and Gus Artsman and one day about a year after she came in to her inheritance. While examining some lumber in its attic she found some stained papers with a formal look which led her to bring them to me. They related to a claim for the value of a steamboat. The property of the husband of the deceased aunt, who had been as were most of his fellow citizens of Newport twenty five years ago – a steamboat captain. This boat had been pressed into service by the United States Government for the Banks Red River Expedition and when the sacrifice of life and property to the whim of an incompetent commander was left by the falling water of that treacherous River, high and dry on a sand bar in the middle of the enemy's country, the boat of our Newport captain, together with the others of the fleet was burned to prevent its falling into the hands of the rebels.

This was the substance of what the papers disclosed, and upon these facts a claim had been made on the government many years before and there it rested probably without further proof of action, after the death of the claimant whose widow knew nothing of the importance of these papers with which the mice in her Garrett were playing.

A letter to the officials at Washington brought after some delay confirmation of my suspicion that no proof in support of the claim had ever been filed. After a time I learned that we would have to get the testimony of the ranking surviving officer of the command which brought up General Banks's retreat and which had been charged with the duty of destroying the abandoned boats.

By the aid of a friend who is a member of this club and to whom I always go whenever I am at a loss for any information respecting the war or anyone who was engaged therein, I learned what Regiment it was and then from another source what company it was whose surviving ranking officer I wanted to find, and that the Captain of that Company was still living and now engaged in fruit raising in California. Having procured his name and address I concluded that it would be well to have my client write to him herself knowing that she would write a clear intelligent letter and one which would, as unmistakably the letter of the lady, more likely to arouse his interest in the case and cause him to try to remember as much as he could of the events over a quarter of a century old, concerning which she wished his testimony.

I sent for her to come to the office having the ex-officer's name on a slip to give her with a short summary of what she was to ask him in her letter. When I handed this slip to her requesting that she should write the letter she protested saying that I could write it much better than she, letting this slip lie for some moments in her lap without reading it. When I had convinced her that she should write the letter herself, she picked up the slip and glancing and it startled me by an exclamation of surprise and holding up the slip, read and reread the name saying "you don't mean it. This can not be the man whose evidence is going to bring me the value of that steamboat. Why he is an old friend of mine. I knew him before I was married. I was engaged to be married to him for over a year. We had a foolish misunderstanding and I went to Kentucky to visit and soon after he went into the Army." And little did that gallant captain think when he was directing his soldiers to apply the torch to the staunch old steamer that day on the Arkansas sandbar that one day he would be called upon by his old sweetheart to aid her in recovering the price of that boat.

The letter was written and in an incredibly short time came its answer, the answer that was to be expected. In the tremulous writing of an old man the old soldier recited his distinct recollection of destroying the steamboat named, and his gratification at being able to aid his old friend to establish her claim.

In due time his affidavit was taken and filed in Washington with all the other proof that was called for by the Department and there it still is together in the french Spoliation claims waiting until the measures for political effect which now engross the time of our legislators shall give way to the proper business which should have the attention of Congress, until the government of these United States shall cease to be a struggle for partisan supremacy and shall again become a government for the people, by the people, and of the people.

C. B. Wilby

J. M. Hinkle Informal

January 31, 1891