

The Golden Acre

It Was Half a Century Before It Produced Crops

By F. A. MITCHEL

In 1850 Elihu Deane and Herbert Dodsworth got into a lawsuit over a piece of prairie land located a couple of miles from the center of the city of Chicago. The property was worth nothing, and the expenses of the suit were heavy. They were advised by their lawyers to meet with a view to effecting a compromise. They came together, and Deane said to Dodsworth:

"It is impossible for either you or me to realize anything out of this acre of worthless land. We're too old. But I think there's going to be a big city here some day, and the property in, say, fifty years from now may come within the town limits. It will then be worth something. Suppose we leave it jointly to our heirs?"

"That would be like dividing an apple into a couple of dozen parts. Families multiply, and I doubt if the inheritance will ever be worth more than, say, a hundred dollars. Suppose we arrange so that it shall go to one person yet unborn?"

Dodsworth was ready for any proposition that would relieve him of further bother concerning the property, and legal documents were drawn up bequeathing it to such descendant of either as should be nearest to twenty years old on June 1, 1900. Both men were over fifty at the time the arrangement was made, and both had sons and daughters.

But none of these sons or daughters took the slightest interest in the property that had, so to speak, been put away for the enjoyment of some one

yet unborn. It, indeed, any of them ever visited it they saw a part of the prairie, on which, after a rain, stood a pool of water varying from one to twelve inches in depth.

When forty years had rolled round neither Deane nor Dodsworth nor any child of either was living. There were many grandchildren, none of whom knew anything about the acre of property that had been tied up for half a century. Before the death of the testators a fund had been provided from which the taxes were to be paid, and a certain firm of lawyers were to pay them. In 1890 this firm dissolved, and the duty devolved upon their successors. By this time the property had become a snug fortune, and there was no danger of any Deane or Dodsworth who lived in Chicago not knowing something about it. But both families had spread out fanlike and had scattered.

In 1898 Ackley & Thorp, attorneys, were charged with the payment of the taxes on the acre, and the sums were sufficiently large to be noticeable. Sidney Walker, a young man who had just been admitted to the bar, was a clerk in the office of Ackley & Thorp, and the payment of the taxes was entrusted to him. In this way he came to a knowledge of the strange joint will of Deane and Dodsworth. It occurred to Walker that when the time came round to put the property into the hands of the legitimate heir it would be important that all the members of the Deane and Dodsworth families should be accounted for. Realizing that whoever did this work would doubtless be paid for it, he began a search for every member of both families. But he kept his investigation to himself.

Roger Deane, aged twenty-two, a grandson of Elihu Deane, a party to the will made in 1850, resided in Chicago between 1890 and 1900 and had his eye on the acre as being the possible heir. He was a member of most of the clubs of the city and prominent socially. He hunted up all the Deanes and Dodsworths he could find. There was none nearer than he to the required age. But he found one Dodsworth, a woman about his own age, who, might, be nearer than he. He

made inquiries as to her age, but she declined to give it on the ground that a woman's age is her private property. The truth is that if he knew her age and it was nearer the prize than his he might prepare himself to prove that he was older or younger than she was.

Miss Julia Dodsworth was equally as prominent in society as Roger Deane, and the possession of property worth several hundred thousand dollars would be as much of an advantage to her as to him. She therefore concluded to cultivate him, with a view to getting out of him his age. Neither would be on June 1, 1900, much less than two years above twenty, but no one of the descendants of the original Deane or Dodsworth had turned up nearer the required age, and it seemed probable that one or the other of these two would get the fortune.

As the time drew near for the turning over the acre to the designated heir Messrs. Ackley & Thorp wrote to the Deanes and Dodsworths to state their ages. Roger Deane and Julia Dodsworth were included in the inquiries. Each had been endeavoring to learn the other's age, but neither had succeeded. Therefore neither had any advantage over the other in this respect. There was nothing for either to do but give the true date of birth.

Soon after doing so each received a letter saying that both had been born on the same day, and this would render the will inoperative since it distinctly specified that the property be turned over on the 1st of June, 1900, to the one person nearest to twenty years of age. No one had yet appeared to be nearer than they to the designated age, but the property, under a literal interpretation of the will, could not be given to either.

Roger Deane and Julia Dodsworth visited the attorneys with a view to a compromise. They at first suggested that the property be divided between them. But the lawyers would not do this without an order from the court of chancery. Deane took the man of law aside and asked him if marriage would settle the matter. The reply was that though man and wife were one in certain respects in the eye of the law they were not in all respects. After much delay the lawyer suggested that

the only way out of the matter was for one to lay claim to the estate and the other to dispute the claim. This would bring the matter before the court, who would give a decision.

However, nothing could be done before the 1st of June next, and that was still three months distant. Meanwhile Roger Deane and Julia Dodsworth had a common interest. They met quite often with a view to finding some way by which they might at least divide the inheritance. It was suggested that they hunt up the doctors who presided at their birth in order to discover which had been born at the earlier hour of the day. Deane was successful on his part. He found the doctor who brought him into the world, who by reference to certain notes he had taken down with regard to his patients found a record that Roger had been born at 2 o'clock in the morning of April 10, 1878. This, the lawyers said, would not give him the property unless proof was adduced that Miss Dodsworth had been born at a later hour of the day. So there was nothing gained for Deane. And as for Miss Dodsworth, it simply meant that by hunting up her own record she would run twelve chances to one of giving the property to Deane.

By this time this matter of mutual interest had drawn them so closely together that if it could have been settled by their marriage there would have been no further difficulty.

Miss Dodsworth remembered that a woman named McCann had lived with her mother as housekeeper or upper servant for many years. When Julia was about twelve years of age Mrs. McCann had left the family. She was with them when Julia was born and might remember the hour of her birth. Julia began a system of advertising for the woman, and a response was finally elicited. She wrote Julia that she had kept a letter blank book, in which she had noted important events. This book was, with other effects, in a trunk in a garret of one of Mrs. McCann's relatives. She would get it and see if it contained the required information.

While waiting for this Julia told Roger about it. Roger said that if the book contained a memorandum of the hour of Julia's birth he or she would inherit the acre. But he had a dozen chances to one of being the heir. Then he told her that he had become attached to her and proposed that, whether he or she or neither the one nor the other inherited, they pass the rest of their lives as man and wife. Julia was of the same mind, and they plighted their troth, their union to take place irrespective of what by this time they had come to call the golden acre.

A few days after their betrothal Mrs. McCann sent her notebook by registered mail to Julia. Julia turned over the leaves hastily till she came to May and June, 1878, and there found an entry. "At 10 o'clock in the morning of April 10, a little girl was born."

Miss Dodsworth construed this as proof that she had won, since she was born nearer to the 1st of June, 1900, than Roger. She sent the notebook to the attorneys, wrote Roger that she had made up her mind she did not love him as much as she thought she did and broke the engagement.

This break prevented any further conference, and when the 1st of June came round each received a notice to appear at noon on that day at Ackley & Thorp's office. They found there quite a number of descendants of the original Deane and Dodsworth of various ages. Mr. Ackley thus addressed those present:

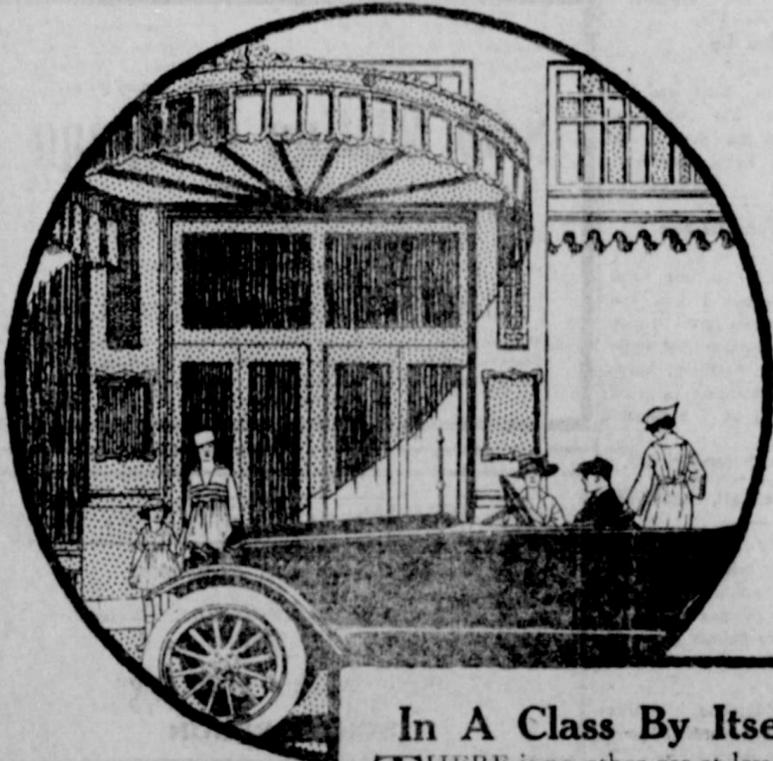
"By the terms stipulated fifty years ago today by Elihu Deane and Herbert Dodsworth a certain acre of land was bequeathed to such one of their descendants, male or female, who should be nearest to twenty years of age on the 1st of June, 1900. There are four persons living who were born near that date and who are descendants of either Deane or Dodsworth—viz, Roger Deane, Julia Dodsworth, Edward Payne and Emma Osborne, born May 20, 1880. Emma Osborne, having produced satisfactory evidence of birth, will undoubtedly be adjudged the heir by the surrogate."

There was an involuntary hum of dissatisfaction throughout the assembly. Roger Deane and Julia Dodsworth looked at each other and laughed. Both being rich, they could afford to laugh.

Mr. Ackley walked up to a demure looking girl dressed very plainly and congratulated her on attaining the possession of the golden acre. Mr. Sidney Walker also congratulated her. Yielding to an impulse, she threw her arms about his neck.

Walker during his investigations as to who would inherit the golden acre had found a little schoolteacher living in Missouri who was about the required age. He corresponded with her, told her of the fortune that was to be turned over to the legal heir and helped her to obtain undoubted proof of the day and even the hour of her birth. This he did merely in the line of business. The girl came to love him, but did not show her love till the day she was adjudged an heiress.

Balfour Has Arrived Home. London.—Foreign Secretary Balfour arrived home from his trip to America at the head of the British mission.



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Final Account

Notice is hereby given that the undersigned administratrix of the estate of John W. Powell, deceased, has filed her final account in said estate with the County Clerk of Linn county, Oregon, and the County Court of said county has set Monday, August 20, 1917, at one o'clock in the afternoon, at the County Court House in Albany, Linn county, Oregon, as the time and place for the hearing of objections to such final account, and the settlement thereof.

Dated and published the first time this 12th day of July, 1917.

MARGARET M. POWELL,

Administratrix of the estate of John W. Powell, deceased.

SAM'L M. GARLAND,

Attorney for Administratrix.