

## *A Lawyer's Story*

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by Sylvanus Cobb, Jr.

I had done all for him that I could. I had found him in prison, a friendless, broken, degraded man, charged with murder. The hand of time had touched his hair with silver, and a long course of crime and dissipation had made him almost a brute in outward appearance. He had been committed for murder, and the court had appointed me to defend him. It was a work which I did not seek, and which I would have avoided if possible, but I could not refuse the office under such circumstances. He could look to no friend for help, and no lawyer was willing to volunteer in his defense, for not only was his character notoriously bad, but the evidence against him in the present case was so direct and clear, that a defense could be but an empty form at best. And so the court appointed me to conduct the case in behalf of the prisoner, and I did not refuse.

Levi Lorler was his name, and I found him such a stranger to tones of friendship, that for a long time he refused to trust me. By degrees, however, I won his confidence, and finally he trusted me fully. I did all for him that mortal man could do, and in my plea, at his trial, I not only brought tears to the eyes of the jury, but the prisoner wept like a child. But I could not wipe out the stern evidence that appeared against him, and he was convicted and sentenced to be hanged. When he knew that there was no more hope for him on earth, and that he was soon to tread the gallows, he sent for me to come and see him. I went, and found him sober and thoughtful, and wholly resigned to his fate. He declared that he had no desire to live. He would rather die than remain locked up in the dreary dungeon, and were he to be set at liberty, he would carry the brand upon his brow—the world would kick and cuff and curse him, and thus drive him to new crimes and new trials.

“I know I’ve got to die,” he said, as I sat by his side upon the iron pallet, “and before I go I want to ease my mind of some things that lay heavy upon it. I tell them to you because I think you have been my friend, and because I shall feel easier after my confession is out. But I don’t want to criminate others. What I tell you, I tell in confidence, and you are not to publish it to the world, only you may use it for your own benefit in following out some of the dark cases you may have dealt with.”

I promised him that his confession should never be published, and that I would make no use of it further than he suggested.

And he told me his story. He told me of the many crimes he had committed, and he told me the names of many who had been his companions in guilt. It was a dark and tearful tale of evil-doing, and I was glad when he had concluded. I was glad to breathe the fresh air once more, and to hear the songs of the birds—glad of anything that gave me relief from the thoughts of that man’s story. Yet I visited him often after that, and I was led to believe that, could he have been pardoned, and placed in some strange land, he might have finished his days without doing more crime. But it was not to be so. At the appointed time he was hanged. I think he died penitent and prayerful.

Levi Lorler was hanged in October. During the following spring I went to a distant part of the State to visit my mother. The town in which she resided was the capital of the county, and the court was in session. A case of uncommon interest was on the docket, and I went to witness the trial. The circumstances, as I had them from my friend, the county attorney, before the trial came on were as follows:

In the edge of the village, in a house which stood by itself, hidden by old trees, had lived an aged man named Simon Staples. He had been a money-lender and a miser, and it was generally believed that he had large sums of money hidden away in his dwelling. Some two months previous to my visit, one dark night, this lonesome house had been discovered in flamer, but almost as soon as the discovery was made, the heavens sent down such a torrent of rain that, by the helping labors of the populace, the flames were subdued before the house had been wholly consumed, and the most important of the out-buildings were saved. But the blackened mass of ruin without was nothing compared with what was found within. In a small bedroom upon the ground floor was found the dead body of Simon Staples. The head of the old man had been broken with a hatchet, and the throat was cut from ear to ear. The deduction from this was very plain: Simon Staples had been murdered, and the house had been fired to conceal the deed.

A young man named Edward Carson had been apprehended for this double crime, and the grand jury had found an indictment against him. The evidence, as presented at the examination, seemed very conclusive. Carson had been in business four years, and had been married about the same length of time. He had borrowed money of Mr. Staples when he first opened his store, and he had borrowed in the same quarter at subsequent periods. He had been unsteady; had kept bad company; had drunk freely; and had gambled:—so said report, and so it appeared upon examination. His property was mortgaged to Simon Staples, and the old man had determined to take possession. Carson had plead with him in vain, and had finally made threats. (I state it as the grand jury brought it out.) He, Carson, had sworn that he would not have his little property snatched from him. If he could have time he could redeem it. But Staples would not trust him. Once the young man had been heard to use words to this effect: *“Before I give up my house, I’ll have the old rascal’s life!”* He had been drinking at the time, but that did not alter the tendency of his threat. And so he had made other threats; and, furthermore, he had been repeatedly seen lurking about Staples’s premises. After the death of the old man, and after Carson had been arrested, a new and more startling evidence was found against him. In his desk, among his private papers, were found all the notes and mortgages which Mr. Staples had held against him. It was known that he could not have come by these in any ordinary way; for he had had no money with which to lift them, and the old miser was not the man to have given them up without an equivalent. How, then, did he come by them? The prisoner declared that he knew nothing about the matter at all. He had never taken up the mortgages, nor paid any of the notes; and how those instruments came into his desk was more than he could tell. But the grand jury could not believe such shallow assertions, and the prisoner was committed for trial.

Here let me state that two years previous an attempt had been made upon the life of Simon Staples. One night, in early spring, two men broke into his house, evidently intending to murder and rob him. The old man kept a large and savage dog, and with the assistance of the faithful brute the robbers were overcome. While the dog held the villains at bay the host leaped from a window and shouted for help; and when help came the robbers had fled. The blood upon the

floor, and upon the head of the dog, showed that there had been quite a sharp conflict. Search was made for the guilty men, but they were not found. After that Simon Staples hired a man to live with him. He had always employed one or two men upon his place, but never before had he suffered them to find a home beneath his roof.

I was in court when Edward Carson was brought in, and when my eye rested upon him I could not believe him guilty of the crime which had been laid to him. He was not more than five-and-twenty years of age, and was what would be called a handsome man. He was of medium size, with a full, well-developed head; with fine auburn hair; large blue eyes; and with a countenance denoting great frankness and generosity. I could see that he had been dissipated, and that his generous and social qualities had led him into excess. His wife was not present. She dared not trust herself there. But she had been with him constantly in prison, and clung to him with fond affection, and with full faith in his innocence.

And I saw another individual in the courtroom. He was the principal witness against the prisoner. His name was Jackson Morrow. He was a thick-set, white-faced man, some forty years of age, and might have passed for a priest. He was dressed in black, with a white linen kerchief about his neck, and wore his thick, black hair brushed back from his low brow in a ministerial fashion. To me he was the very picture of a hypocrite—a cold, heartless villain. When I had looked him over I turned to a friend and heard his story: He had lived with Simon Staples almost a year, working upon the farm, and taking care of the premises. Before he came no one had remained more than a month with the miserly old man; but Jackson Morrow was willing to work cheap, and put up with the miser's whims. Where he came from no one knew. He claimed that he had been a preacher in the West, but that poor health had forced him to manual labor. Within a month after entering Mr. Staples's employ he joined the church, and was one of the most earnest and persistent exhorters and prayer-makers at the various meetings. He had given his evidence at the examination with much apparent reluctance, and had even gone so far as to shed tears when called upon to give more startling evidence against Edward Carson. He it was who had seen the prisoner lurking about Staples's house; he who heard the threats, and he who had first turned the eye of justice in its present course.

I didn't like the looks of Jackson Morrow. I moved nearer to him, and observed that he had a deep scar upon his left cheek, commencing close by the bottom of the ear, and running down the jaw until it was hid beneath the white neck-kerchief. I was deeply moved, for I fancied that I knew something of that man.

I turned to the prisoner's counsel, who sat near me, and remarked that I should like the privilege of cross-questioning that fellow.

"What fellow?" said he.

"That fellow who calls himself Jackson Morrow," I replied.

"Ad—do you know him?"

"I never saw him before, that I know of; but I think I have heard of him."

“What is it? If you can tell me anything against him, do so, in heaven’s name.”

“I couldn’t tell you anything that would help you; but I think I could astonish him with a few questions.”

The counsel was all eagerness in a moment. He said that he believed that his client was innocent, and yet the case was a dubious one. The prisoner had but little with which to hire assistance—

I stopped him, and told him I would join him in the defense willingly and freely. He jumped at my offer. He spoke with the prisoner, and then spoke with the judge; and I was very soon booked as one of the prisoner’s counsel. I felt that I understood enough of the case to do my part. With the arranging of evidence I had nothing to do, desiring only to handle Mr. Jackson Morrow.

The trial commenced, and much evidence was introduced to show that the prisoner bore malice towards Simon Staples, and that he had repeatedly made threats against the old man. Upon cross-examination, however, it came out that these threats had been idle vamping of intoxication, and not founded upon malevolence. It was also proved that the prisoner had been a spendthrift and a gambler; but cross-examination softened down these points wonderfully, causing it to appear that, after all, Carson had been no worse than a hundred other young men of that section, only circumstances had magnified his faults, and given exaggerated coloring to his social errors.

Finally Jackson Morrow was called upon the stand. He took his place with his hands folded in a pious attitude, and he was heard to pray that Heaven would give him direction. He testified that the prisoner had been often lurking about Staples’s house, as though watching for an opportunity to gain some secret entrance; that he had pressed the old man very hard to give him time on his notes, and that, upon refusal, he had used hard words. On the night of the murder he had seen the prisoner lurking about the house. His testimony here was so important that I will give it in his own words, as taken down at the time.

Said Morrow: “At about eight o’clock in the evening, I saw the prisoner, Edward Carson, approach the house, and stop beneath the window of the room where Mr. Staples usually sat. A man chanced to be there on business at the time, and as the prisoner heard the strange voice in the room, he went away. Half an hour afterwards Mr. Staples sent me to the village upon an errand. It was simply to deposit some letters in the post office. I reached the village a little past nine, and having put the letters in the office, I went into the vestry of our church, where a class meeting was being held, and there I remained until ten o’clock. As I stopped some time to converse with some of the brethren, it must have been very near eleven o’clock when I reached home. As I entered Mr. Staples’s door-yard I met the prisoner coming out. I spoke to him, and he answered me; but he would not stop. I heard him speak these words: ‘I have troubled Simon Staples for the last time!’”

I may here remark that Carson had admitted all this. He said he went on that night to make one last appeal to his creditor not to beggar him; but the old man was inexorable, and he had left him resolved to let him do his worse. He went in the early part of the evening, and finding Staples engaged, he left, and returned at a later hour.

Mr. Morrow resumed.

“After the prisoner had gone I went into the house, and as it was late, and as I supposed Mr. Staples had retired, I went at once to my bedroom. I undressed myself, and was getting into bed, when I heard a crackling sound. I listened, and the sound was repeated. I finally opened my door, and as I put my head out, I smelt fire. I dressed myself as quick as I could, and then ran down and gave the alarm.”

Morrow further testified that after the fire had been overcome he went, with others, into the little bed-room where the murdered man was found upon the floor. It appeared that the fire must have been set in this room, as the bed was nearly consumed and the board partition entirely burned away. A pane was broken from the window, and as the fire eat through the thin partition, the draft carried the flame out into the kitchen, so that the floor of the bed-room was not much burned. The clothing was nearly all burned from the body of the murdered man, but his flesh was not much burned. This witness was also with the officer who searched the prisoner’s private desk, and found the notes and mortgages which had been in possession of the murdered man.

At length the prosecuting attorney closed his examination, and the witness was turned over to the defense. I commenced my questions without leaving my seat, and without indicating, wither by tone or manner, that I distracted the fellow. I asked him how long he had work for Mr. Staples, how he had liked the place, how he had agreed with his employer. He answered promptly. Finally I asked:

“Were you acquainted with the prisoner before you entered the service of Mr. Staples?”

“No, sir—I was a stranger in the place.”

“You said in your direct testimony that you came from Kentucky.”

“Yes, sir.”

“How long ago was that?”

“A year ago just about this time.”

“Were you never in this part of the country before?”

“Before when?” There was a slight hesitation, a momentary dropping from his tone of assurance, but he quickly recovered himself.

“Before you commenced work for Mr. Staples.”

“Not for a number of years.”

“How many years?”

“Twelve or fifteen.”

“Are you sure of this?”

“Yes.”

“In your direct testimony you said that when you came into the house of the night of the murder, you supposed Mr. Staples had retired. Why did you suppose so?”

“Because it was so late.”

“Was it not your custom, before retiring, to see if your employer wanted anything of you?”

“Yes.”

“Then why did you not see to it on this occasion.”

“Because (very emphatically) his light was blown out. He never sat up in the dark.”

“If there had been a lamp burning in his room you would have known it?”

“Yes.”

“And yet I think you testified that the fire must have been set in that room.”

“I said (more hesitation) that I thought it must have been set there, It may have been set in the closet, or under the bed.”

“When you put your head out from your room on that night, and smelled the fire, I think you stopped to dress yourself before giving any alarm?”

“Yes.”

“And when you came down you rushed at once out of doors?”

“Yes.”

“Why did you not go to the assistance of Mr. Staples?”

“I didn’t think of it. The fire frightened me.”

“You were not so frightened but that you could dress yourself.”

“I didn’t know how bad it was then.”

“But why did you not then alarm your master?”

“Because I did not think of his being in danger.”

“After the coroner had held his examination, was there any search made on the premises for money?”

“Yes.”

“Was any found?”

“No.”

“Was it not generally supposed that Mr. Staples had a large sum by him?”

“I think it was.”

“Did he not receive twenty thousand dollars a few weeks before his death from the bank?”

“I don’t know.”

“But you must have heard something of it.”

“Mr. Staples never told me about his money matters.”

“Were you not surprised when it turned out that no money was to be found on the premises?”

“Not so much as some others were, for I never supposed that he had so much.”

“Mr. Staples was in the habit of sending you to carry messages?”

“Yes.”

“Did you ever go to Carson’s place when he was not in?”

“Yes.”

“You went there on the very day of the murder?”

“Yes.”

“Now, Mr. Witness, I am going to ask you a curious question. Suppose you had a disposition to do so, could you not have taken those notes and mortgages from Mr. Staples’s desk, and have deposited them in the desk of Edward Carson?”

“I—I—shall not answer such a question,” The rascal trembled violently.

“And suppose (I went on as rapidly as possible, before he could recover himself,) you had planned to murder Mr. Staples, after having stolen away and secured all his money, was it not just the time to do it after Carson had left the house? And upon this supposition may we not see why you saw no light in your master’s room on that night, and better understand why you were so careful to dress yourself, and alarm the neighbors, before disturbing him who most needed alarm?”

With his hands clutching the rail before him, and trembling at every joint, the witness demanded the protection of the court. The prosecuting attorney was on his feet with an objection, and the judge reminded me that I was going beyond the due limit. I begged pardon of the court, and proceeded. But I could see that I had turned the tide. The jury and the assembled multitude were all gazing upon the witness, and he, feeling the thousand eyes upon him, was growing more and more nervous.

“Mr. Witness, do you remember when Mr. Staples was attacked, in his own house, two years ago?”

“I wasn’t here then.”

“But you have heard of it?”

“Yes.”

“And you have heard that he was saved by his dog?”

“Yes.” (A fearful tremor.)

“There was blood shed on that occasion—not the blood of the dog, though blood was found upon the dog’s head, and also drops and trickles of blood upon the floor. You have heard of this?”

“Yes.” (With a gasp.)

I rose to my feet, and took a step nearer to the witness.

“The dog must have wounded one of the robbers. The faithful beast might have made such a tearing wound *as that must have been on your cheek.*”

With a desperate effort the witness held himself up, and turned once more to the judge.

“Bear with me one moment, your honor,” I said, anticipating a ruling against my course. “Every question has a direct and important bearing, as you shall see ere long.”

And the, allowing the witness no time for reflection, I turned to him again.



“Would it not be reasonable to suppose that one of those men, who were driven off by the dog on that night two years ago, had come back and carried out the plan which then failed?”

“Why not both of them?” The witness replied thus with a spasmodic effort.

“Because,” I quickly retorted, “one of them has been hanged. Levi Lorler was hanged last Autumn. I was his counsel, and before he died he made a full confession to me of all his crimes. He told me of his attack upon Simon Staples. He told me that he had a companion on that occasion, named Jack Morrow; and together they entered Staples’s house, intending to rob and murder him; but a large, fierce dog drove them away. And he told me that Jack Morrow got hurt—that the dog bit his cheek, tearing the flesh away down upon the throat. A few weeks afterwards, these two companions separated. Levi Lorler committed new crimes, and was caught, and as I have told you, was hanged. But what became of Jack Morrow? Would it be out of reason to suppose that he still looked with longing desire upon the golden horde of Simon Staples, and that he came back to try his hand at robbery and murder once more? But this time he came more carefully. He not only planned how he might safely get at the money; but also how he might turn suspicion, and build up evidence against an innocent man.

The witness had been swaying to and fro, with his hands clutched upon the rail, like a man who is drunken or dizzy. Great drops of sweat stood upon his ashen brow, and his pale lips were apart as though gasping for breath. Suddenly his hands let go their hold and he staggered back and fell close by the feet of the judge.

As cool and calm as though nothing unusual had happened, I stepped back and resumed my seat, remarking, as I did so, that I had done with the witness for the present!

But no one else was calm. No. In all that multitude I was the only one free from wonder and astonishment. The court asked for an explanation. I said I would give it when the prosecution rested their case. The prosecuting attorney said that he would call no more witnesses. If Jackson Morrow failed him, then the key-stone was pulled from the arch of his testimony, and the whole came tumbling to the ground.

The defense was very simple since the prosecution had proved nothing against the defendant. And the end of it was, that Edward Carson went clear, while Jackson Morrow was put into jail; and in a few weeks some men came from a distant part of the state who recognized Mr. Morrow, and upon whose testimony he was apprehended for an old robbery. But for that robbery he was never tried. A bill for the murder of Simon Staples had been found against him, and upon that indictment he was tried and condemned. He died in jail, awaiting the execution of his sentence—died of fever; and before he died he made a full confession of his guilt.

As for Edward Carson, he became a steady, persevering man, and is now one of the most honored and valued of my friends.

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