

## *The Judge's Story*

“It was when I first began to practice,” commenced the Judge, lighting a cigar. “I was admitted and opened an office in the village—now city of C., in the Spring of 185-. I had had but little business, and the case you have mentioned proved the key to my success. I was sitting in my office, trying to keep comfortable, the clock already pointing to 10:30, when the door opened, and the keeper of the county jail entered.

“We have a guest at our house who is quite anxious to see you, and requested me to bring you up to him, if you had not retired.”

I gladly put on my coat to accompany the jailer, for I needed every cent I could earn just then, and announced myself ready to start. It was not far to the jail, and we soon arrived there. After unlocking the usual number of iron doors, the jailer admitted me to the prisoner's cell, and remarked that when I was ready to go he would come and let me out. The huge iron door closed with a clang, the bolt was sprung, and I was alone with my would-be client.

As I had supposed, as soon as the jailer was out of hearing the prisoner came forward. He was a young, gentlemanly appearing fellow, apparently about twenty-four years of age. Extending his hand to me, he said:

“I am glad to see you, Mr. —; you are indeed kind to come to me at this untimely hour; but I wanted to talk to some one, and I feel that you will take an interest in my case. I have been arrested for the murder of Mr. Richards, the President of the Farmers' Bank of K., and for the robbery of the bank. Will you not lend me your assistance?”

I assured him that I would do all in my power for him, if he desired to retain me. He suddenly interrupted me by saying:

“I beg your parson, sir, I do wish to retain you, to defend me in my trial; and a trial must of course take place,” saying which he handed me five gold double eagles.

“I have heard but few of the circumstances of the tragedy,” he continued, “as it occurred this very evening, and I fear that there are some things that will appear to be against me, but I trust that you will bring me out all right. Do all you can, sir; employ more counsel, if necessary, but clear me, for I am innocent.”

I assured him that I had no doubt but we could clear him, and added:

“Tell me what you know of the case, and the circumstances that you think appear against you.”

“Well, I had a quarrel with Mr. Richards last evening, but it did not last long. I will tell you the whole story, sir. I am a clerk in the Farmers' Bank of K., of which Mr. Richards was president. I have been employed there nearly five years, and I think I have attended to my duties to the entire satisfaction of all the officers of the bank, and have been liked very much by them all, particularly by the president, who has invited me to his house a great many times. Now, Mr.

Richards, you must understand, has a daughter several years younger than I am; a lady with whom I have not only become intimately acquainted, but whom I have conceived a strong attachment. Her father discovered that I was deeply in love with Clara Richards, and saw, I presume, that she was not wholly indifferent to me. Last Sunday I dined at their house, by invitation of Mr. Richards, and during the evening I told Clara the state of my feelings, and was overjoyed to learn that she reciprocated my love. We agreed that I should ask her father's consent to our marriage as I should be able to support a wife. You see, I am telling you all," said the prisoner.

"That is right," I said; "in fact it is all important that you should tell me all."

"Last evening I called on Mr. Richards, and boldly asked his consent to our engagement. He was very angry; said I was an impudent fellow; declared that I should never speak to Clara again; and in short he insulted me, accusing me of taking advantage of his kindness to ingratiate myself into the heart of his only child. Finally I too got angry, and can hardly remember now what I said; only I know I did not threaten him. At the close of our conversation he left the room, and I went directly to my room and to bed. This morning I went as usual to the bank, and as soon as Mr. Richards came down he took me into his private office, and said to me that most men would discharge a clerk from their employ under similar circumstances, but as I was honest, capable and faithful, he would keep me, on condition that I would forget my presumptuous fancy.

" 'Why,' said he, 'Clara has more for pin money than your salary;' and then, after informing me that I would no longer be received at his house, he told me to return to my desk. Nothing unusual occurred during the day until just before we closed, when we received an unusually large cash deposit. As I was on the point of leaving the bank, Mr. Richards called to me and said:

" 'Howard, here is a package containing \$9,000 which I wish you to take to Mr. Martin cashier of the City Bank of C. You can explain to him about our vaults not being any too secure, and apologize for coming at such an unseasonable hour, and ask him as a personal favor to me, to receive the funds on deposit. Take a receipt, and return in the morning; you can take the six o'clock train this evening.'

"I had a little money on deposit at our bank, and, having a payment due on my life insurance in C, I drew one hundred dollars, and thought I would pay that before I returned. I took the package containing the nine thousand dollars, and after receiving some money for my expenses, I started. I arrived at my destination about half past six o'clock, and went directly to Mr. Martin's house, but found that he had gone up town, and later was going to the theatre. Whereupon I sought the principal hotel, thinking I might see him there, but was disappointed here and there. I walked around where I thought I would be most likely to meet him until about half past eight, and then returned to the hotel and took supper, and engaged a room to which I went. I sat down and read the evening paper until about half past ten, when I started for Mr. Martin's house. As I came down stairs and opened the door, a burly fellow touched me on the shoulder, and whispered:

" 'I arrest you for the robbery of the Farmers' Bank of K., and the murder of Mr. Richards.' "

“He placed the handcuffs on me, and escorted me here; and now I have told you all I know of my case, and, so help me God, it is the truth. My name is Howard Burton; I have no parents.”

This is the substance of what Howard Burton related to me, on that Christmas eve, in his cell in the jail at C. I had not interrupted him during his recital, but had listened very attentively to every word. I was much interested in the young man, who was about my own age, and who I felt was innocent of the horrible crime with which he was charged. I remained with him until long after midnight, and then, charging him to converse with no one on the subject of the murder, I left him. I knew nothing of the circumstances of the murder as yet, but the next day being Christmas, I thought I would go to K., and learn what I could, as I knew my client would not be examined that day, but was sure he would the next. Justice then was much swifter than now. On my arrival at K., I went directly to the bank, and found two or three detectives there, and some officers of the bank. Nothing had been moved except the body of the murdered man. He was found lying on the floor with his skull crushed and his throat cut from ear to ear. Some of the drawers had been rifled, but aside from this there was nothing to indicate robbery. There was missing from the safe nine thousand dollars, but the locks afforded no evidence of having been tampered with. I found that belief in Burton’s guilt was quite general. I proceeded to look around to see some indication of violence being used, but the locks of the safes and vaults were in perfect order. There was a window in the president’s office that looked out into a narrow passage that divided the bank building from a lawyer’s office. It was securely guarded by an iron grating, and I felt that the assassin entered the bank in the usual manner, viz., through the door. There was no trace of the assassin and robber, as I said, but I felt that the accused man, my client, was innocent of the crime of which he was accused. The cashier had gone to C. and lodged a formal complaint against Howard Burton, and the examination would be held the following day.

I stood at the window in the president’s office, staring vacantly out, hard at work thinking, my eye noticed on the sash of the window in the lawyer’s office just across the passage-way, a little scrap of paper with the word “Paint” written on it. A suggestive thought flashed through my mind as I walked leisurely out of the bank and stepped into the law office next door. I was slightly acquainted with its occupant, who welcomed me and invited me to a seat. We talked of the frightful occurrence of the previous night for some time, and at length I said, rising to go:

“So you have been painting a little, Mr. Harris?”

“Yes, sir; did you observe my new sign? Kelley, the painter, has a young German working for him who is really an artist. He did all the work here, and it is almost worth what he charges to have Fritz Vogel’s presence in the office. He is a witty, original Dutchman.”

“When was the painting done?” I asked.

“All done yesterday—be careful of your coat.”

I bade Mr. Harris good-day, and left his office. I had learned who painted that window, which was just what I most wanted to learn, without asking a leading question, or letting Mr. Harris know I was interested in Mr. Richard’s murder any more than he. I made up my mind to see the German Vogel without loss of time, and find out if he saw Mr. Richards after young Burton left

the bank. I went to the paint-shop, but found no one at work, all hands keeping Christmas. I learned where Vogel lived and was soon in conversation with him.

“You painted Mr. Harris’s sign and office, did you not?” I asked.

“Yes, sir.”

“Well, what time did you finish up there last night?”

“At six o’clock, sir.”

“Did you paint after dark?”

“Yes, sir; after dark I painted the outside of the window, about half past five; the man in the bank lighted the gas, and it shone so brightly that I finished the window last evening.”

“Did you see this man in the bank handle any money?”

The German looked quite puzzled at this question, but answered:

“Yes, sir; I noticed him counting a large pile.”

“What kind of a looking man was he?”

“Well, a good-looking man. It was Mr. Richards. If you don’t know him, I will describe him to you.”

I answered that I had seen him, and then inquired what he did with the money.

“He made a bundle of it and handed it to a young man, telling him to take it somewhere. I could not hear all he said. In addition to the bundle, he gave him what I judged to be a few dollars in change, and told him to come back in the morning. Then the young man went away. By-and-by Mr. Richards put out the gas, and then I suspended work and went home.”

“Did you see Mr. Richards again?” I asked.

“Yes, I saw him in the cigar store as I passed.”

I concluded my examination of Vogel with the question:

“Did you know Mr. Richards was murdered last night, and the money in the bank stolen?”

The German turned pale, and exclaimed, with much excitement:

“Murdered! no; is it so? You don’t think it was me? My wife Kathrina knows that I came straight home.”

“O, no!” I said, “I don’t think it was you. You must not, however, tell anyone you have talked to me, or it may result in your being taken to court.” He promised not to speak of it, and I left him.

I was now certain of my ability to clear my client, as I could prove he was sent on the mission to C. I next wanted to find some one who had seen him on the trail, but I knew not where to obtain that information. Every one was talking of the murder, and public feeling was indeed bitter against Howard Burton. Stories of his quarrel with Mr. Richards were circulated with the usual exaggerations, and it seemed to be the unanimous opinion that he was the cold-blooded murderer. Still I was hopeful, and returned to C., feeling quite confident of my ultimate success. On my arrival, I had an interview with young Burton, and told him the result of my visit to K. He was overjoyed, and expressed himself confident of being acquitted. Returning to my office, I looked up all the reported cases that bore any resemblance to the one in hand. The examination of my client was set down for the next morning, at which time I went to the jail and accompanied him to the court room accompanied by an under sheriff. We found quite a formidable army of lawyers of note, representing the prosecution. In addition to the learned District Attorney, there were two astute criminal lawyers who had been retained by the bank officers to assist him. The examination was very brief; and after calling Mr. Richards’s servant, and receiving the testimony of the hotel clerk, Howard Burton was fully committed to answer charges of murder and robbery at the January term of the court.

“Can you think of some one you know, who saw you on the train from K. to C. on the night of the murder?” said I.

“No, sir; not one that I knew; but perhaps the conductor will remember we. He had to change a five-dollar bill for my fare, and grumbled a little about that.”

“I will see him at once,” said I starting to go.

“Do so, do so,” said my client excitedly. “Call to his mind the young man who had a pen over his ear. I remember that on leaving the bank hurriedly, I neglected to remove the pen which I frequently carry over my ear, after the manner of clerks.”

I went directly to the depot, and learned that the conductor I was in search of would arrive in about an hour. I waited, all impatience and upon his arrival asked him if he would do me the kindness to walk up to the jail and see if he could identify Mr. Burton. He willingly consented, and upon arriving at the prisoner’s cell, I introduced him to my client. The conductor gazed steadily at young Burton a moment, and then said:

“Mr. Burton, be kind enough to put on your hat.”

Burton did so, and again he looked at him sharply, without a change of countenance.

“Now, sir, please put your left hand in your waistcoat pocket.”

I was afraid the conductor was not going to identify him, but as young Burton put his hand in his waistcoat pocket, the lapel of his coat was drawn back, revealing upon his breast a unique Masonic pin, the badge of a Knight Templar.

“I fully identify him as the person for whom I changed a five dollar bill on my train which left K. at six o’clock on the evening of December 24th, and am ready to swear to it in any court of justice. You see, sir,” exclaimed the conductor, “we learn in our business to remember faces, and noticing a pen over this young man’s ear, I laughingly advised him to take it down. But what called my attention principally to him was the fact that he wore a Knight’s Templar badge. I stooped to examine it. You see it is a very curiously made pin, and he remarked that he was not strictly entitled to wear it; it had formerly belonged to his father, who was now dead. I shall be most happy to give my testimony in your behalf, Mr. Burton. And now, if I can get out, I will bid you good evening, gentlemen.” So saying the gentleman withdrew.

I saw that I could prove an alibi, and thus undoubtedly clear my client; but I was ambitious to do more. I wanted to arrest and convict the guilty party. The next thing for me to do was to see the keeper of the cigar store, at which my Dutch painter on his way home, had seen Mr. Richards after six P.M. on the night of the murder. On the following morning I took the train for K, and on my arrival went directly to the cigar store, and then spoke to the man behind the counter of the murder.

“O,” said he, “poor man, poor man, he was in my store about an hour before they found him dead.”

“Indeed,” said I; “did he trade with you?”

“Oh, yes, sir; why he came in here, as I tell you, and bought some cigars that very night on which he was killed, and stopped a moment to chat with me. Then he looked at his watch, and said, ‘It is a quarter past six. I must go home.’ Just then his man servant came in, and said:

‘Mr. Richards, I have a note from Miss Clara, for you, sir.

‘Well, Thomas,’ said he, ‘I suppose it is for money; that usually is the subject of her perfumed notes to me; come into the bank a moment.’

“In a little while I saw the servant going in the direction of Mr. Richards’ house, and in about an hour afterward his master was discovered in the bank, dead.”

This from the cigar store-keeper. I did not let him know I was attorney for the accused, and was soon turning my steps toward the late residence of the deceased. I was admitted by his servant Thomas, and was soon conversing with Miss Clara, to whom I confided my relations with Burton. I asked her what time she sent Thomas to the bank the night her father was murdered.

“I did not send him at all,” she replied, evidently surprised at the question.

“Well,” said I, “we are going to acquit Howard Burton, and to take his place we want to find out who did commit the crime. Now, Miss Clara, are you sure you did not send Thomas to the bank the night of the murder?”

“I know very well I did not,” was her answer.

“Then,” I replied, “either the keeper of the cigar store is mistaken, or your servant Thomas is the murderer of your father.”

She did not look as much surprised as I expected, at this assertion.

“Mr. G.” said she, “the night poor papa was murdered, Thomas came through the hall and started to go up stairs. I wanted him to mend the fire, and called him into the sitting-room. As he entered, I noticed a large dark spot on his cheek and one on his collar. I half suspected him when I heard how anxious he was to tell the court about that unfortunate little difficulty between papa and Howard Burton, but I did not say anything about it to any one, they were all so sure Howard was guilty.”

I told her to treat Thomas as usual, and not to speak of our conversation to any one. After receiving a letter she wished to send to Burton, I took my departure from C. Immediately upon my arrival there, I went to my client, and communicated to him all I had learned, and delivered the letter. The poor fellow was supremely happy, and invited me to tea with him in his cell. He ate heartily, and smoked a cigar with evident enjoyment. I took the first real night’s rest that night I had since the death of Mr. Richards. I had previously sworn out a warrant for the arrest of Thomas, to be served as soon as the jury should pronounce my client not guilty. The District Attorney opened for the people in an elaborate and very able speech, giving the details of the case, and then proceeded to examine the witnesses.

Thomas the servant was the first called. He swore to the quarrel between Mr. Richards and Burton, and that he heard Burton threaten Mr. Richards’s life. Notwithstanding I closely cross-examined him, I failed to make him contradict himself, and when he retired nearly everyone in the court-room was doubtless certain that Howard Burton was guilty. The next witness was the hotel-clerk, who testified that Burton came into the hotel while he was attending to guests from the train that arrived in C. at about half-past six. Then followed the examination of the bank cashier, who swore that the package of nine thousand dollars found on Burton at the time of his arrest, was deposited in his bank on the afternoon of the murder. After calling several other witnesses, whose testimony was of minor import, the prosecution rested. I then followed, and after a brief opening address, called the German Painter, who swore to seeing Mr. Richards send Burton on the errand, also seeing Mr. Richards in the cigar store after six o’clock on the evening of the murder. When I had finished with him, he was subjected to a severe cross-examination, in which he acquitted himself very creditably. Then I called the conductor, who swore to seeing Burton on the train the night of the murder; he also swore that the train left on time, six o’clock. The cigar store man was next examined, who swore to talking to Mr. Richards at 6:15 P.M., also to seeing him leave the bank with Thomas. My witnesses were cross-examined thoroughly, but did not contradict themselves in any particular. I then closed my case, and after a few remarks from the prosecution, the judge charged the jury, who retired, and in fifteen minutes returned

with a verdict of NOT GUILTY. My client and I were overpowered with congratulations, and never since in my professional life have I felt as proud and triumphant as I did then.

As soon as quiet was restored, the sheriff approached Thomas, the servant, and said, in a loud voice, "Thomas Healy, I arrest you for the murder of Mr. Richards." The excitement in the court caused by this unlooked-for and sudden proceeding was most intense. The prisoner was immediately taken to jail, followed by a crowd that were loud in their expressions of denunciation—the same crowd that a little while before had marked Burton as the murderer.

"Well to finish the story, I have little to add. I was retained by the bank officers to prosecute Thomas Healy, and he was convicted of the crime. He protested his innocence almost to the last, but the night before he was to have been executed he made a full confession, stating that he had determined to rob the bank some evening when Mr. Richards was there alone. It was Mr. Richards's custom, he explained, to go to the bank in the evening, and when he and young Burton quarreled, he, Thomas, saw his opportunity. His determination was strengthened by hearing Mr. Richards remark on the day of the murder, as he sat at dinner, that there was an unusually large amount of cash on hand. The note in the case was one that Miss Clara had given him to take to her father some days before, but Mr. Richards coming home before Thomas found him, it had not been delivered as intended. By the aid of this note he had got Mr. Richards in the bank, and while he was reading it he struck him with a stove poker, and then cut his throat. He got no money as the reward of his crime, as the vaults had been locked.

The night Thomas made his confession he committed suicide, thus cheating the gallow tree of its just due.

Howard Burton was made cashier of the bank, and married Clara Richards within a year, and they are both still living.

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