

[From the Danville (N. Y.) Express]
A Case of Conscience – A Lawyer with Conscientious Scruples

We have lately heard a capital story connected with a prominent lawyer of our village, who has distinguished himself in the defense of criminals, as well as in connection with other trials, having frequently, through his skill, aided the most hardened criminals to escape from justice. Some time ago, while our friend was attending court in an adjoining county, he was applied to by a singular specimen of humanity charged with grand larceny, to defend him. The lawyer very naturally inquired what crime he was accused of. The party accused replied that somebody had been mean enough to charge him with stealing \$150 in bank notes, and had got him indicted.

“Are you guilty?” asked the lawyer.

“That’s none of your business,” replied the accused. “They say that makes no difference with you, whether a man is guilty or not, you will contrive to dig him out in some way. So don’t talk any more about guilt till you hear what the jury says.”

“Well, what about the pay?” said the lawyer.

“You just hold on till the trial is over; give L— (the complainant) fits on the cross examination, and that other fellow he has got to back him up, and you’ll have no trouble about the pay.”

The trial commenced and proved to be a somewhat protracted and exciting one. The District Attorney proved that the money in question was composed of two \$50 bills on a certain bank, and the remainder all in \$10 bills, all of which were wrapped up in a piece of oil silk. The jury, after listening to the counsel in the case, and receiving the charge of the Judge, retired, and soon returned with a verdict of not guilty. The accused, who was greatly elated with the result of the trial and the effort of his counsel, invited the latter into one of the vacant jury rooms. As soon as they were alone he slapped his counsel on the shoulder, and exclaimed:

“Free as water, ain’t I? What’s the use of trying a man for stealing when you’re around? Now I suppose you want pay?”

“Yes; have you got anything to pay with?” said the lawyer.

“Lend me your knife and we’ll see about that.”

The lawyer, slightly startled at such a proposition, rather reluctantly complied. The accused immediately commenced ripping and cutting away at the waistband of his pantaloons, and soon produced the roll of bills for the stealing of which he had just been tried, wrapped up in the identical piece of oil silk described by the witnesses for the prosecution, and throwing it down on the table before the astonished lawyer, exclaimed: “There, take your pay out of that; I guess there is enough to pay you tolerably well.”

“Why, you villain! You stole that money after all,” said the lawyer. “Do you expect I can take any of that money?”

“Stole that money! Why, what are you talking about? Didn’t them twelve men up stairs there just say I didn’t steal it? What’s the use of you trying to raise a question of conscience after twelve respectable men have given their opinion on the subject? Take your pay out of that and ask no questions. – Don’t be modest in taking; I got it easy enough, and you have worked hard enough for it.”

Our informant did not state how much the lawyer took, but we presume the chap didn’t have much change left after our friend had satisfied his “conscience” in the premises.

Published in
Spirit of Jefferson, March 5, 1867