

A Lawyer's Story

It was a first night on the circuit after vacation, and old Tom Badger's turn for a story.

Tom's *forte* lay in the "criminal line."

He had cheated the gallows so often that Bill Quipley used to say he wondered how he could look a help-field in the face.

"Did I ever tell you," said Tom, giving his tumbler of julep an exhausted suck—"did I ever tell you, boys, about Obed Scott's case?"

No he never had.

"I should like to have such another now," he resumed. "It was just desperate enough to put one on his legal metal; and I think, with my present experience, I could win three times out of five under similar circumstances. But I was a boy, then."

"How was it?" we asked, desirous to cut short the preface.

"The case was in a nutshell," said Tom coming to the point.

"Enos Burdge was an old settler, without wife or child, who began to feel hampered as the population averaged half a man to the square mile. He decided to sell out and go West.

"He had a choice tract of land, with a comfortable home on it; and Obed Scott, the likeliest young man in the settlement, made an offer to buy it. Obed, instead of squandering his gains foolishly, as too many youngsters do, had saved them up.

"One reason of his prudence, mayhap, was his engagement to Hettie Ward, the prettiest girl I ever saw."

The old lawyer stopped to honor her with a reminiscent swig.

"Though others," he continued, "offered more, in payments, Enos accepted Obed's bid; for the latter was ready to pay cash down, and Enos said he wished to quit the country for good, and didn't want to leave unsettled business behind him."

"On the day fixed for completing the contract, Enos went before a justice of peace, and duly executed a deed to Obed Scott, which he carried away with him—saying Obed was to meet him that evening, pay the money, receive the deed, and take possession; after which it was Enos' intention to pass the night with an old friend to whom he was to pay a small debt, and whose house lay in the direction of his journey.

"But Enos never reached his friend's house, and the only account given of him after leaving the justice's was by Obed Scott, who said he had met Enos at his cabin, as agreed on, paid him his

money, and gotten the deed; and then Enos had gone away, leaving him in possession of his purchase.

“There was no honester man than Enos Burdge. That he should have left the country clandestinely to avoid paying the one trifling debt he owed, and without stopping to bid his friends good-by, seemed a thing almost incredible.

“Rumors of foul play began to be circulated; and those were not wanting who hinted at the possibility of Obed Scott’s having thought it an economical stroke to put Enos out of the way, and so possess himself of the deed without paying the stipulated price.

“So rife did these rumors grow, sundry good citizens at last called on Obed, and told him that a thorough investigation was necessary to vindicate his name.

“Instead of inviting inquiry, as good policy, to put it on higher ground, would have dictated, Obed was indignant or feigned to be, at the imputation cast upon him. His tone enhanced rather than allayed the prevailing doubts, and a search of the premises was begun without waiting for his permission.

“Not far from the cabin, beneath some scattered straw, signs were discovered indicating that the earth had recently been disturbed; and on digging down a little way, the mangled corpse of Enos Burdge was exhumed.

“Obed admitted that he had taken possession of the cabin on the evening of its late owner’s departure, and that he slept there that night. Enos Burdge had never been seen alive since. Who was likely to have slain and buried him where his body was found but the man who had both the motive and the opportunity?

“That was the question I asked myself when I retained to conduct Obed’s defense, and I confess that I was unable to return a satisfactory answer. Still I felt bound to do my best, and I did it.

“On the trial, the facts were proved much as I have related them. In summing up, I made the most of Obed’s good character, dwelt on the fallaciousness of circumstantial evidence, read cases from the books to show how many judicial murders it had been accessory to, and wound up with a strong appeal to the jury to give the defendant the benefit of every reasonable doubt.

“But old Paxwax, the presiding judge, striped the gilding off my speech by repeating in his charge the usual platitudes about the impossibility of circumstances lying. True, he told the jury that the prisoner was entitled to all reasonable doubts; but, then, he emphasized the word ‘reasonable’ in such a way as to indicate, plainly enough, that in his opinion, in the present case, any doubt would be wholly unreasonable.

“When the jury brought him in guilty, Obed turned pale, for a moment, though, on the whole, I think he bore it better than I did.

“‘What have you to say,’ asked the judge, ‘why the sentence of the law should not be pronounced upon you?’

“‘Nothin’,’ Obed answered; ‘only you’re agoin’ to send me, afore a court as has got more sense I hope, than this’n an’ whar I’ll git a fair trial, even if Squire Bedger aren’t thar to plead my case.’

“The judge reproved him for his levity; and, after an exhortation to repentance, which would have become the mouth of a better man, old Paxwax sentenced the prisoner to be hanged, at the end of six weeks.

“I applied in vain for a writ of error and stay of proceedings. Equally in vain I appealed to the Executive clemency. Governors of States are generally so much more just than the Great Governor, than when it becomes a question of mercy, the responsibility is commonly shuffled off on the latter.

“Obed sent me a message to come and see him on his last night. He was the only inmate of the little log jail, with walls three tiers of timber thick.

“The jailer let me in and closed the door upon me. It wasn’t usual then, as now, to keep close watch on condemned criminals to see that they didn’t anticipate their doom. If they hanged themselves, it was so much trouble saved.

“‘How do you feel, Obed?’ I inquired, taking his hand kindly.

“‘Jest mid’lin,’ he answered. ‘You see I could a stood it a heap better if Hettie hadn’t come to see me.’

“‘Die like a man,’ I said; ‘there’s no help for it now.’

“‘I can’t do it,’ he replied, ‘and what’s more I won’t.’

“I looked at him in surprise.

“‘You see this yer rope,’ he continued. ‘I made it out o’ my bed clothes, this afternoon, determined, if I had to be hanged, to do the job myself; but since Hettie, I changed my mind.’

“My astonishment increased.

“‘A lawyer han’t no right to peach on his client, has he?’ he asked.

“This was a question including several others, among them the important one when the relationship referred to might be considered ended.

“‘At any rate, if you give the alarm now, I’ll kill you,’ he said quietly, and before I knew it he had grasped my arm with one hand, and placed the other one on my mouth.

“‘You must submit to be gagged,’ he added, in the same firm determined tone.

“I felt that conscience didn’t demand the imperiling of my life. I saw that Obed was desperate, and would stick at nothing. I was moreover an infant in his hands.

“He stuffed a wad of something in my mouth, and secured it by a bandage brought round and tied at the back of my neck.

“Then, compelling me to change clothing with him, he bound my hand and foot with the cord that he had prepared, and fastened me to his bed. Then bidding me good night, he tapped at the door—my usual signal to be let out.

“I do not know if I would have wanted the drowsy jailer if I could, I heard Obed bid him good night in my voice and walk away unmolested.

“I think I was glad I could not feel sorry; for I had never more than half believed in Obed’s guilt, and despite the inconvenience to myself, I entertained a secret hope that his plan of escape might succeed.

“Of course there was hubbub when the sheriff and his assistants came in the morning. Of course my expectation proved satisfactory; and of course, it would have been carrying the doctrine of representation by attorney to an unwarrantable extent to have hanged me in my client’s stead.

“There were some who whispered that it was a concerted thing between Obed and myself; but my professional standing was sufficient vindication against such a slander.”

“Ha! ha! ha!” laughed an irreverent junior.

The “death rattle” evoked by Mr. Badger’s last suck of his julep was the only reply designed to the young man’s impertinence.

“And what do you think of the case after all?” asked Bill Quipley.

“Oh, the truth came out at last! Ahab Grandy was paying me some money, one day. Among the bank notes was one peculiarly marked, which I remember having paid to Enos Burdge on the day he disappeared. I secretly procured a warrant and had Grandy’s house searched.—The result was the discovery of a number of the murdered man’s effects. Among them was a watch he had worn for many years, and which was readily identified.

“When confronted with the proofs of his guilt, Ahab confessed that he had way laid, robbed, and murdered Enos Burdge, after the latter had received the money for his land, and that he had buried the body at dead of night where, if it should be found, suspicion would be likely to fall upon another.

“Ahab Grandy was hanged in due time; Obed Scott, who turned up after a season, was happily married to [Hettie] Ward, who had never lost faith in her lover’s innocence in spite of judge and jury.”

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