

The Lawyer Detective

A CLIENT SAVED

It was when I first began to practice. I was admitted and opened an office in the village of C. I had but little business, and 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.”

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 was 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 pardon, 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 double eagles.

“I have heard but few of the circumstances of the tragedy, 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.”

“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. 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 for 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 soon as I should be able to support a wife.

“I called on Mr. Richards, and boldly asked his consent to our engagement. He was very angry, said I was an impudent fellow, declared I should never again speak to Clara, and, in short, he insulted me, accusing me of taking advantage of his kindness to ingratiate myself into the heart of his only child. At last, 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. In the 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 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 me and said:

“‘Here is a package containing \$9,000, 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 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-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 theater. 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 nine, and then returned to the hotel, 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 Farmer’s bank of K. and the murder of Mr. Richards.’

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

This is the substance of what Howard Burton related to me in his cell in the jail at C. I had not interrupted him during his recital, but had listened attentively to every word. I was much interested in this 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 I thought I would go to K. and learn what I could.

On my arrival at K. I went directly to the bank, and found two or three detectives there and some

of the 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 \$9,000, but the looks afforded no evidence of having been tampered with. I found that belief in Burton's guilt was quite general.

I stood at the window in the president's office, staring vacantly out, hard at work thinking, when my eye noticed on the sash of the window of the lawyer's office just across the passageway a little scrap of paper with the word "paint" written on it. A suggestive thought flashed through my mind as I walked out of the bank and stepped into the law office 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 sign? Kelley, the painter, has a young German working for him who is really an artist. He did all the work here."

"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 man without a loss of time, and find out if he saw Mr. Richards after young Burton left the bank. I went to the paint shop.

"You painted Mr. Harris' sign and office, did you not?" I asked.

"Yes, sir."

"Well, what time did you finish up there?"

"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."

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

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

“What kind of a looking man was he?”

“Well, a kind of 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-bye Mr. Richards put out the gas, and then I suspended work and went home.”

“Did you see Mr. Richards again?”

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

I concluded my examination with the question:

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

The man turned pale, and exclaimed with much excitement.

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

“Oh, no!” I said; “I don’t think it was you. You must not, however, tell any one you have talked to me, or it may result in your being taken to court.”

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 train, but I knew not where to obtain the 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 confident of my ultimate success. On my arrival, I held 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 array of lawyers of note representing the prosecution. In addition to the learned district attorney, there were to astute criminal lawyers who had been retained by the bank officers to assist him. The examination was very brief, and after calling Mr. Richards’ servant, and receiving the testimony of the hotel clerk, Howard Burton was fully committed to answer the charges of murder and robbery at the January term of the court.

“Can you not 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 know; but perhaps the conductor will remember me. 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 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 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 Masonic pin, the badge of a Knight's Templar.

"I fully identify him as the man for whom I changed a five dollar bill on my train, which left K. at six o'clock in the evening, and am ready to swear to it in any court of justice. You see, sir," continued the conductor, "we learn in our business to remember, 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 that Knight Templar's badge."

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 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.

"Oh," said he, "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 in and lock up the bank and 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. Richard's 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 late 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."

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 to C. Immediately on my arrival there I went to my client, and communicated to him all I had learned, and delivered the letter. 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.

Thomas, the servant, was first called. He swore to the quarrel between Mr. Richards and Burton, and that he heard Burton threaten Mr. Richards' life. Notwithstanding I closely cross-examined him, I failed to make him contradict himself, and when he retired nearly every one 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 the guests from the train that arrived in C. at about half-past six o'clock. Then followed the examination of the bank cashier, who swore that the package of \$9,000 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 painter, who swore to seeing Mr. Richards send Burton on the errand; also to 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 submitted 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 on 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 with Mr. Richards at a quarter past six, also to seeing him leave for the bank with Thomas.

Witnesses were all 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.

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 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 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' 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 into 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 crimes as the vaults had been locked.

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

Howard Burton was made cashier of the bank and married Clara Richards within a year.

The Tribune [Beaufort, SC], February 2, 1876