

Accidentally Innocent

A Lawyer's Story

No lawyer likes going into court with a thoroughly bad case—yet how can he help it sometimes? I should have more patience with the question, “Do you ever think it right to defend a man whom you believe to be guilty?” were it less frequently asked by people who spend six days of the week trying to get the upper hand of their neighbors, and the seventh to circumvent their Maker. To the honest inquirer I command the answer Dr. Johnson once gave to Boswell: “Sir, the lawyer is not the judge.”

Was it my place, when George Gilbert's little sorrow-worn wife, with tears glistening in her eyes, besought me to do what I could for her imprisoned husband, virtuously to turn my back and leave her tired, struggling heart to break or not, as it might? I was neither a priest nor a Levite to find a ready excuse for passing by on the other side! Yet what could I do? George Gilbert had been sent on a collecting tour, and had gambled away money received for his employers. It was a plain case of embezzlement, and the penalty was a term of years in the State Prison.

“I'm sure he never meant to be dishonest,” pleaded the loyal little woman; “he was tempted by a crafty and designing man, but, instead of running away, as others would have done, he let his whole salary go toward making up the money, till every cent was paid. Mr. Meek, the junior partner, was inclined to be merciful; but Mr. Mangle, the head of the house, who returned just then, after a year's absence, insisted that the law should take its course.”

I gave what poor consolation I could, for lawyers, like doctors, must keep their patience, courage up at times.

“In the first place I'll see Mangle & Meek,” I said. “Mr. Mangle may be brought to hear reason, after all—if he can be only made to see his interests in it.”

The pale and despondent face cheered up a little. My words seemed to have inspired a sort of undefined hope, which I was far from feeling myself.

Mr. Mangle received me with stony politeness.

“Young man,” his manner said, “don't waste time in appeals to sentiment: you won't, if you'll just look at me.”

I took the hint, and came at once to business; repeated Gilbert's offer, and put it as strongly as possible that more was to be gained by leniency than harshness, all of which Mr. Mangle listened to with a conscientious scowl,

“I cannot be a party to compounding a felony,” he answered, with a solemn intonation.

“Nor have I asked you,” I replied, a little nettled. “I have merely mentioned a plan of paying back your own, leaving it to your own generosity and good judgment to press or not press the

prosecution.”

“O, it’s all the same,” was the contemptuous rejoinder; “anybody but a lawyer, with his head full of quips and quibbles, could see that. Besides there’s something rather cool in the proposal to retain your friend in our employ, under pretence of working out the money he has stolen, with the opportunity of filching twice as much money in the meantime.”

I felt my temper rising, and not caring to imperil my client’s interest by an outright quarrel, I took a hasty leave.

Had I been in the prisoner’s place on the morning fixed for the trial, I could not have ascended the court house steps with more reluctance than I did. And when I entered the court-house, and found Gilbert and his wife already there, and noted the hopeful look with which the latter greeted my coming, my heart sickened at the thought of the bitter disappointment awaiting them.

“The people versus Gilbert!” called out the judge, after disposing of some formal matters.

A jury was immediately impanelled, and the case opened by the district attorney.

Mr. Meek was the first witness. The nervous, hesitating manner in which he gave his evidence would have greatly damaged its effect, had it not evidently arisen from a disposition to do the prisoner as little hurt as possible. But no softening could break the terrible force of the facts he was compelled to relate.

In his partner’s absence he had employed George Gilbert as clerk; had found him competent and trustworthy; had sent him on the trip to make collections; on his return he had acknowledged that, after receiving a considerable sum, he was induced by a respectable-looking gentleman, with whom he had casually fallen in, to join a social game of cards. At first they played for amusement, then for money; and, after losing all his own in the hope of retrieving his loss, with the fatal infatuation which attends the first infection of that dreadful vice whose end is swift destruction, he had hazarded and lost the last dollar of the money he held in trust for his employer.

Mr. Meek’s voice faltered as he closed his narrative. He was going to volunteer something about the prisoner’s previous good character, when a disapproving glance from Mr. Mangle brought him to a halt.

Just then the prisoner chanced to turn his head, and catching sight of the senior partner, who had just entered and was standing among the crowd, he started quickly, then he whispered hurriedly in my ear.

“Turn aside your face,” I whispered back. And the case for the prosecution being closed. [“]Have you any witnesses for the defence?” inquired the judge.

“I will call Hezekiah Mangle,” I replied.

A buzz of surprise greeted the announcement, in the midst of which Mr. Mangle stepped forward

and was sworn.

“You have been absent for the last year, Mr. Mangle?” I began.

“I have.”

“Traveling in different parts?”

“Yes, sir.”

“The prisoner was employed by your partner in your absence, and was arrested about the time of your return?”

“Such was the case.”

“Have you ever seen him?”

“Not to my knowledge.”

“Or met him in your travels?”

“If he will turn his face this way, I can tell better.”

At my bidding Gilbert turned and faced the witness.

The effect was electrical. Mr. Mangle turned pale and red by turns.

“One other question, Mr. Mangle. Do you recognize in the defendant a young man from whom you won a thousand dollars at ‘poker’ while on your travels?” and I named the time and place at which the prisoner had met his misfortune.

The man of iron virtue hesitated worse than his amiable partner had done. He was halting between a point-blank lie, which might entail the penalties of perjury, and the truth, which might cost him money.

Cowardice performed the office of conscience, and the truth came out. The firm’s money which George Gilbert had lost had been won by the senior partner; and the court instructed the jury that inasmuch as the sum in question had actually been delivered to one of the joint owners, who was bound to make account to his associate, the prisoner could not be convicted.

“God bless you, Mr. Parker,” faltered the happy little wife. “I knew you would bring us out all right.”

The Grant County [Big Stone City, SD] Herald, October 18, 1879