

A BRILLIANT DEFENSE

By GEORGE B. BURTON

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Joseph Markland, cashier of the National was on trial for violation of the banking laws. There was no more scrupulously honest man than Markland, but the case against him was complicated. His conviction or acquittal depended largely upon how it would be handled by the state attorney and counsel for defense. Evan McCord, the prosecutor, was a rising young lawyer, ambitious for political preferment. There had been much grumbling by certain malcontents that it was impossible to convict criminals. McCord, in order to make capital for himself, resolved to make a strenuous effort to convict every prisoner who came before him. Markland was among the first and McCord sent him, knowing him to be an innocent man, to the penitentiary.

Years passed and McCord had returned to the practice of the law as an advocate. One day a man accused of forgery sent for him and asked him to take his case. McCord assented and asked the man to tell him all about it.

"Not on my life," said the man. "If you defend me on lines that would appear proper I shall be convicted. I know that you are a brilliant lawyer and I wish to secure my acquittal by some brilliant stroke that will convince the jury of an error."

McCord assented. Yet there was one criminal to convict whom he would give even a life's success. He had had a brother who had been murdered. The murderer had covered his tracks so adroitly that even the shrewdest detectives could not find the slightest clue to his identity. Twenty years had passed since the tragedy, and every year Evan McCord's desire for vengeance upon his brother's slayer increased till it approached monomania.

Stanwick, whom McCord undertook to defend by using his own wits rather than by establishing his innocence, though much run down, gave evidence of once having been a gentleman. He was past middle age and had the hard look on his face of one hardened to crime. He produced a very bad effect on the jury from the start, and McCord saw that the opportunity to show his skill in legal manipulation of a case was a great one. Proud as he was of his powers, he threw himself into the case with all his ability.

A forgery case is necessarily complicated. To convict a person of writing a man's name so like that person himself would write it involves the opinion of experts in chirography, who are apt to disagree. McCord by cross examination greatly aided those experts who testified that the accused had not, and threw doubt on the evidence of those who testified Stanwick had committed the forgery. From the counsel's prominence a great deal of interest was manifested in the case, especially by members of the bar, who attended the trial in large numbers to witness McCord's ingenious professional devices.

What was especially noticeable was the absence of anything like harmony between counsel and client. The pulsive face of the prisoner was the study of all present and was considered the weakest element in the defense. Moreover, now and again that face was bent upon McCord with a malignant expression. It seemed as if the man was as indifferent to his acquittal as his counsel was eager for it.

These features rendered the case supremely interesting not only to attorneys, but to the public. The newspapers were filled with detailed reports of the trial and comments on the brilliant expedients used by the counsel for the defense. Therefore as the legal tournament, as it was called, drew toward a close the interest in it increased. McCord rested a day before summing up, and his speech on that occasion was regarded a masterpiece of legal defensive ingenuity.

When the case was given to the jury it was the opinion of most of those present that had it not been for the strong evidence adduced by the prosecution and the bad impression created by the prisoner McCord would have surely won. As it was, the issue was in doubt. The jury, however, were not out more than an hour when they sent in word to the court that they had reached a verdict. Then they filed in, and before a mute, expectant audience the foreman delivered the verdict:

"Not guilty."

Then occurred the most singular inconsistency of the whole affair. Stanwick, who might have been supposed to give some expression of thankfulness, turned upon McCord a look of one who had taken a malignant vengeance.

However, this was the last of a celebrated case, and in a few minutes after the discharge of the prisoner the courtroom that had been the scene of an interesting struggle was emptied.

For a week McCord was in receipt of constant congratulations upon his brilliant achievement. When the highest encomiums were being heaped upon him he received the following letter:

"Go on hunting me as you have been doing for so many years. I hate you and all your tribe. Years ago I got revenge on your brother, and I have now 'done' you. I am not Stanwick, but Ben Towler, who disappeared years ago. Markland once did me a favor."

McCord never took another case.

A Lost Battle For Sure.

A private soldier who had fought bravely during the Boer war had occasion to seek employment of a well known general. This private had had the misfortune to lose his nose while in action. The general was so tickled with the appearance of the man that he burst into loud laughter to the discomfort of the soldier. When his laughter had subsided the general said: "My good fellow, where did you lose your nose?"

"I lost my nose, sir," said the nettled private, "in the same battle that you lost your head."

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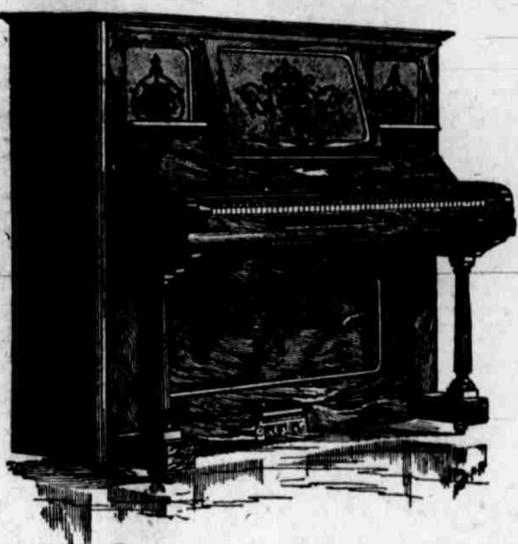
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