

## The Case of the Attempted Murder

A number of years ago I was busy at my office when the sheriff phoned me that he was holding a man in the jail who wanted to see me. Would I come to the jail soon? "What is the charge?" I asked. "Assault with intent to commit murder," he replied. That sounded ominous so I told him I would be right over. Before seeing my prospective client I asked the officers to tell me what it was all about.

The officers told me that my client's name was Abbot and that he and a neighbor named Klumber lived on adjoining farms near one of the towns in the county. As Klumber told them the story the two met in the road outside their farms and Abbot pulled a revolver and pointed the gun right at Klumber's face and demanded \$1000 from him for what he owed or he would kill him. Klumber denied he owed him anything and Abbot pulled the trigger but the gun failed to go off. Then Klumber fled to a neighbor's house and called the officers, who arrested Abbot and filed the charge with the Justice of the Peace.

Klumber also told them that Abbot had accused him of poisoning his livestock and that Abbot said he had consulted a fortune teller who told him

that one of his neighbors was poisoning his livestock and as they had so much trouble between them he knew it was Klumber. But Klumber told the officers that he never poisoned Abbot's or any one else's livestock and the officers said they had no record of any such complaint or case. No doubt there had been bad feelings between them for a long time. The officers seemed to think it was a serious matter.

I then talked to my client who assured me earnestly that he did not intend to shoot Klumber. He said, "I knew the old gun would not shoot. I only wanted to scare him and keep him from hurting me. Klumber had been bothering me for a long time. He tried to buy my farm but it was not for sale. He kept knocking me down and hitting me in the jaw and hurt me bad. He kept coming to our place and making all sorts of trouble." Abbot also claimed it was Klumber who had poisoned his livestock. I was surprised that Abbot was so meek and such a small man. He said he was 70 years old. Klumber was much younger and a big man so my client's story sounded quite plausible.

I knew then that they could never pin a murder rap on him. There was no intent to kill.

I asked to see the gun. The officers admitted they couldn't make it work. It was an old obsolete 22-caliber revolver "Young America" model and five of the six chambers were loaded. Plainly it could not be made to fire a shot.

I got Abbot out on bail and took him home. Mrs. Abbot turned out to be a sturdy hardworking woman with a trenchant tongue who could swear as effectively as any man. She gave Klumber a thorough dressing down and told how he had abused her husband and kept making trouble. She said Klumber had "propositioned her" but she wouldn't have anything to do with him, and chased him off the place twice with an axe handle.

The murder charge created a great deal of publicity as it was written up in all its lurid details and even the city papers played it up.

A large picture of Abbot, snapped when I was talking to him in the jail, was published in the local paper, although it was taken without my knowledge. I was standing looking down at him at the time and the angle of the camera made me loom up above him while he seemed small, scared and rather insignificant. He did not look like a murderer and it was one of those unexpected breaks that helped change resentment into sympathy.

I spent two days openly interviewing the neighbors and townspeople about Klumber and soon found out he was considered a bully and that the sympathy was all for my old man. I even found one witness who saw Klumber knock Abbot down.

All this activity and the way Mrs. Abbot flayed him publicly in her picturesque language finally got to Klumber and when his friends began to kid him about being "shot" by a toy pistol, that broke

him down and he went to the Justice of the Peace and withdrew his charge and refused to prosecute the case.

It was then that we forced the dismissal of the case and had the bail bond released and my happy client was free and cleared of any charge.

The local officers who were called and made the arrest and also the sheriff were very much embarrassed at having been taken in by Klumber's "attempted murder" tale and were rather resentful.

We talked big about suing Klumber for damages for a false arrest, mainly to continue the jittery state of mind of the accuser. However, Mr. and Mrs. Abbot were happy about the outcome and their troublesome neighbor left them alone after that, probably because he did not want to take a chance of being "shot" again and certainly because he did not care to be chased off their place again by an irate woman with an axe handle.

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