

Unexpected Evidence

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“I once had an adventure,” said my friend, “which I think is worth printing; and if you will write it out, I’ll tell it to you.”

“Go ahead,” said I, “and, if it suits, the printer shall have it.”

“Well—I’ll give it to you,” he resumed, as he threw his cigar away, and tipped his chair back against the wall. “It may not have been so startling an adventure as some, but the train of circumstances connected with it were very curious, and, in my opinion, remarkable. My brother James, who is two years older than myself, had gone out West, intending to settle either in Missouri or Kentucky. He had been gone about three months when I received a letter from him, postmarked at Columbia, Kentucky. He was in jail, and about to be tried for the crime of murder. He had been arrested for murdering a traveler, and the evidence was so strong, and so direct, against him, that no lawyer could be found who could give him any hope. He had stopped overnight at a small inn some twenty miles west of Columbia, and in the morning he sat out alone on his journey. As he was passing through a wood he saw a dead body lying by the roadside, and he stopped his horse, and dismounted. He found it to be the body of a middle-aged man, who had been killed with a knife, there being several deep wounds upon the breast. The corpse was still warm, and while he was in the act of turning it over, in order to get a better view of the face, he heard some one approaching, and upon looking up he saw two men, who seemed to have come from a little woodpath near at hand. He told them how he found the body, and asked them if they knew who it was. But they only shook their heads, and told him that he was doing it very well. In short, they accused him of doing the deed, and, without further ado, apprehended him, and carried him to the next village, where they entered a complaint and gave in their evidence.

“At first my brother looked upon it as rather a light affair, and only considered the delay it would occasion him; but when the examination came he found things looking rather dark. It was proved that the murdered man had stopped at the inn where he stopped, having arrived late in the evening, and started off at daylight in the morning. The two men who caused his arrest swore point blank, that they saw him strike the fatal blow, and that he was pulling the murdered man’s purse from his pocket as they came up! They told the story with such assurance and regularity that they were readily believed. And then James could not deny enough to help him. The people had become convinced that he was guilty, and the whole tide was against him.

“As soon as I got this letter I hurried off for Kentucky; hoping that I might be of some assistance to my unfortunate brother; and I wished to get there, if possible, before his trial came on. On the evening of the fourteenth day I reached an inn to which I had been directed, and had my weary horse put up. I knew that I was very near my journey’s end, but I could go no further that night. After supper I went into the bar-room where a few of the neighbors had assembled, and from their conversation I soon learned that this was the very house at which my brother had stopped on the night before his arrest, and of course I could not be far from the scene of the murder. I had

made up my mind that I would not reveal my relationship to the prisoner until I had seen him, and conferred with his lawyer, if he had one—and, if he had none, with one whom I might engage for him. So I pretended to be entirely uninformed upon the subject, and asked what the circumstances were. The facts were related to me just as my brother had stated them, though somewhat heightened in color.

“I felt the public pulse through these men. The prisoner was a Yankee, and a stranger, and the people believed him guilty. The two witnesses who had sworn to the fact of his doing the murder I learned were respected men, though not very valuable citizens. They were hunters and trappers, when hunting and trapping would pay; and sometimes they helped run flat-boats down the Mississippi. Their names were Matthew Harn and Isaac Croft, and they lived not far from the village; and I furthermore learned that they had both been at the inn on that very evening. I was told that the trial would come off in four days, and that the prisoner would surely be hanged.

“When I went to bed that night I felt uneasy. My brother’s case seemed dubious. Of course I knew that he was innocent. And if that was so, how should I account for the evidence of Harn and Croft? They must either be mistaken, or they must have sworn falsely. If they had done the latter thing, then they might be more guilty still. From what I had seen and heard I judged that they enjoyed the confidence of their fellows more from their convivial and physical qualities than from any morality or fixed principles of honor; and I meant to know them better.

“I returned to my room at ten o’clock, and went to bed. I fell into a doze, but was not destined to enjoy much sleep. I lay pondering upon the fate of my brother for an hour, or so, and then one of my teeth began to ache. I had got some cold by exposure the day before, and it had settled where such colds were apt to, in my jaw. After suffering till my nerves were all unstrung I got out of bed and dressed myself, for I could not stand it to lie there. I hoped that a turn out of doors might relieve me. I made my way down with as little noise as possible, and gained the street without disturbing any one. The night was calm and clear, and I walked away without noticing or caring whither I went. The village was a small one, the houses being huddled together upon the left bank of the river, so I was not long in getting beyond the line of settlement. I had gone, perhaps, about half a mile beyond the village, and was thinking of turning back, when I heard some one groan as though in pain; and as I stopped to look around the same voice cried out for help. By this time I had discovered from whence the sound came, and upon approaching the spot I found a female, sitting by the roadside, apparently in deep agony. I asked her what was the matter, and she told me she had been thrown from her horse, and that her ankle was either broken or badly sprained. I stooped down, and found that the right ankle was out of joint, and I knew that the poor woman must be suffering intensely. I had seen a good many joints set, and had helped to perform the operation in some cases; so I told her that I would try to fix her ankle if she was willing. She was anxious that I should help her, and I made the trial. It was a tedious job, and she bore the pain like a martyr, and at length I had the satisfaction of believing that the bones were all in place. Of course the ankle was much swollen, and still very painful, but I bound it up as best I could, and then told the sufferer that I would help her home. She said she lived not far off, and as her horse had probably made his way to his stable, she would gladly accept of my assistance.

“She was not a heavy woman, and as I was a pretty powerful man, I easily lifted her in my arms, for I knew very well that she could not step. As I bore her along thus I asked her what her name was, and she told me Matilda Harn. I then asked if she was married. She said she was—that her husband’s name was Matthew Harn; and she asked me if I knew him. I told her no—that I was a stranger in those parts, only having stopped at the inn for the night. In a little while we came to a narrow path which led off to the right, and the woman bade me turn into it. I did so, and ere long we came to a small hut, which proved to be the home of my patient. I bore her into the dwelling, where I found only a young girl, who proved to be Harn’s daughter.

“‘Where is your father,’ asked the woman.

“‘He’s gone over to Ike Croft’s, I guess,’ was the reply.

“I remarked to the sufferer that she had better have her ankle swathed with wet bandages, the first thing, and then she could send for her husband. So her daughter got the necessary materials, and I soon had the inflamed joint in a more comfortable condition. After this she sent for her husband, and I told her I would find the doctor, if he was in the village, and send him to see her. As I was about to turn away she called me back, and asked me if I was going to Columbia. I told her I was.

“‘And you mean to start early in the morning?’” she continued.

“‘Yes,’ I told her.

“‘She hesitated a few moments, and then said—

“‘You have done me a great favor, and I bless you for it; and now I may serve you in turn. Don’t travel on this road alone in the morning. If you must go, wait until you can have company.’

“I asked her what she meant—what the danger was. She said she feared there were robbers in the wood.

“‘There have been two or three murders committed near the place where we turned off from the road,’ she added, ‘and I have reason to fear that there are bad men about, even now.’

“She urged me to be warned in season, and to believe that she had saved my life by thus placing me on my guard. I thanked her for her advice, and having assured her that I would follow it, I turned away again. But again she called me back, and begged of me not to mention to any one what she had told me, for it might get her into trouble. I gave her no direct answer, but assured her that I had no wish to bring harm upon her, and then I left the hut.

“As soon as I got fairly away from the building I stopped. I had surely fallen upon something of importance. This woman’s husband, and the neighbor whom he had gone to visit, were the witnesses against my brother, and I surely had every reason to believe that they were the guilty parties. I was now aware that the murder had been committed near the place where I had turned off from the main road, and, from what my brother had written, I judged that the two men who

had apprehended him must have come out from the very path in which I then stood. They had probably murdered and robbed their victim, and before they could conceal the body my brother's approach had driven them away. As concealment after this would be impossible, they formed the wild scheme of shifting the crime on to other shoulders; and, if such was the case, they had well nigh succeeded.

"After revolving the subject over in my mind, I resolved to wait till Matthew Harn came, thinking it very likely that Croft would come with him, and that I might learn something more. So I crept as near to the hut as I dared, and there awaited the result. In a little while the girl returned, and with her came two men. They entered the hut, and I tried to get near enough to hear what was said within, but did not succeed. Ere long, however, the men came out, and stopped very near to my place of concealment.

"Well, Mat,' said one of them, 'I'll go home, and be on hand in the morning. The old woman'll do well enough, I guess.'

"But I hope that doctor won't come,' returned the other. 'He may be right in our way.'

"If he does come,' suggested the first speaker, 'he'll be off in season. At all events you can easily keep him out of the way.'

"Never mind,' said Harn. 'But say,' he added, 'this fellow who brought 'Tilda home must be the very chap we're after.'

"I think so,' was the response.

"They talked a little while longer, and I learned their plans pretty thoroughly. I was their intended victim. They had been at the inn when I arrived, and had discovered that I was a perfect stranger in that section; so they thought I should not be missed if they put me out of the way. They felt sure that I had money with me, and they must have it. Croft was to be on hand before daylight, and they would lie in wait for me until I came along—then kill and rob me—take care of my horse, and sink my body *in the old well*.'

"I made my way back to the inn, and reached my room without disturbing any one. My toothache was gone, though I had no recollection of the precise time when the pain left me. In the morning I pretended to be sick with a cold and headache, and told the landlord that I could not ride my horse. He said that was the day for the stage, and that it would be along about ten o'clock; so I informed him that I should wait for it, and engaged him to keep my horse until I called for it. Then I bound a handkerchief about my head, and acted the sick man as well as I could. At nine o'clock I heard two familiar voices under the window. They were my friends, Harn and Croft. They had come to find out why I had not gone along on my journey. They talked with the hostler a spell, and then came into the bar-room, where I was sitting, pretending to be half asleep. They were hard-looking fellows, as I had expected, and just such men as I should suppose would work or rob, as opportunity might offer. They were not ugly-looking, nor really villainous; but they had a reckless, swaggering way, and a loose expression, which at once betokened that they possessed little or no sense of morality or humanity. They took a good look

at me—then took something to drink—and then took their leave; and I could see that they were somewhat disappointed.

“At ten o’clock the stage came along, and I took passage on board, and by three o’clock in the afternoon was in Columbia. I gained access to my brother without trouble, and I certainly don’t think I should have known him if I had met him in the street, he had grown so thin and pale. But when I came to tell him what I had discovered, the color came to his face, and he looked more like himself. He told me he had engaged a lawyer, who lived close by, and having spent half an hour with him, I went to see his legal friend. I found the latter individual in his office, and having made myself known, I proceeded to relate my adventure of the night before. He was not only interested, but he entered into my plans with enthusiasm, and promised to take the whole affair into his own hands, and manage it to the best of his ability. He told me that there were rumors afloat that two men had been murdered, on the road where my brother was apprehended, before the crime was committed of which James was accused; but they had been strangers in the country, and no certain information could be obtained.

“On the following morning the lawyer had all the necessary documents prepared, and, in company with the sheriff, we set off. We reached the residence of Matthew Harn before noon, and found both him and Croft there. They were frightened when the officer arrested them, but offered no resistance; thought they might have done so had they known how much evidence we were likely to bring against them. They were taken to the inn, and, from there sent forward under a sufficient guard to Columbia. A company was then collected, and we went out to the wood to see if we could find ‘*the old well*,’ of which I had heard the prisoners speak. One of the party remembered that there used to be a house near the spot where the murder had been done, and under his direction the search was commenced. The place where the house had stood was found, and ere long we found the well. It was very deep, and covered with fallen logs and bushes. Grappling-hooks were procured, and three dead bodies were fished out from the slimy water! One of them was much decomposed, but the other two were not so far gone that the inn-keeper could recognize them as men who had stopped over night at his house only a few months before.

“The next movement of the sheriff was to arrest Mrs. Harn and her daughter, and also the wife and young son of Isaac Croft. They were taken at once to Columbia, and there confined separately.

“Two days after this my brother’s trial came on, and he was acquitted without difficulty. But not so with the two witnesses who had caused his arrest. They were tried upon an indictment for murder, and the evidence was so overwhelming against them that hardly a shadow of defense was made; and when they were fully convicted, Croft made a confession. He acknowledged that he and Harn had murdered the traveler, and had just robbed him when they heard the tramp of a coming horse. They had barely time to empty the purse and throw it down, and make off into the woods, when my brother came up. When they saw him dismount, and commence to examine the corpse, the idea entered their heads of fastening the crime upon him. They had two objects in this:— first, to shift the present crime from their own shoulders; and, second, to turn suspicion from themselves in case the previous murders should come to light. But they failed in their plans, and in due time met the fate they so richly deserved.

“By the time we got clear of the Hickman Court my brother was willing to come back with me. His first experience in the West had made him kind of homesick, and he fancied he would rather live where his known good character might be of some avail against the false swearing of perjured rascals.”

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