

*Important Evidence*  
*A Lawyer's Story*  
by Sylvanus Cobb, Jr.

One bright morning in the month of May our usually quiet village was thrown into a state of wild excitement by the intelligence that Laura Downing had been murdered. Her lifeless body had been found upon the sandy shore of the large pond, with a bullet hole through the head. The ball had entered between the eyes, and had passed entirely through the brain; and the empty pistol was found by her side.

It may be asked, who was Laura Downing?

She was an orphan, and had been generally beloved by all who knew her. Her father, who had been a poor, hard-working man, had been dead a number of years, and during the past five or six years, Laura had worked as she could find opportunity to support an invalid mother; but only a few months before the time of which I write that mother had died, and Laura had lived alone in the little cot which had been her home since she was born—a period, according to the parish register, of nineteen years.

The coroner came, and summoned a jury, and called such witnesses as he could find; and, after due examination and deliberation, a verdict was rendered, to the effect that Laura Downing had come to her death by means of a bullet discharged from a pistol; and they believed that said pistol had been in the hands of Oliver Cartwright at the time it was thus fatally discharged.

Oliver Cartwright was arrested, and when the case came before the grand jury, they found a bill against him—a bill accusing him of the murder of Laura Downing,—and he was committed for trial.

And who was Oliver Cartwright?

He was a young man of five and twenty years of age, who had been born and brought up in the town, and who had sustained a fair reputation for honesty and sobriety; though he had never been regarded as a very bright or promising youth. His parents had both been intemperate; but they had been dead some years, and Oliver had been at work at the blacksmith's trade, and had lived with the man for whom he worked. Between young Cartwright and Laura there had not only been a warm intimacy, but there had evidently been at one time an engagement of marriage between them. This engagement, as appeared in evidence before the coroner, had been broken off by the girl the previous winter, and since that time Oliver had been morose and dejected. A young man named Daniel Severance, who had come into the village to assist in erecting a new woolen mill, had been very attentive to Laura, and the general impression was that she had left the old love for the new one.

Oliver Cartwright had the privilege of selecting his own counsel, and he sent for me. I was sorry that he did so; for I had heard so much of the evidence against him that I not only believed him guilty of the crime, but I could conceive of no possible line of defense. Still I could not refuse to go to him in his session of trouble.

I found him as weak and wailing as a suffering child. He seemed entirely broken down, and the jailer told me that he wept more than half the time. As I sat down by his side, he seemed to read every thought that passing within me; for, after having looked into my face a few moments, he caught one of my hands in his own, and cried out, in eager tones:

“O, sir, I have not suffered this in memory of any crime; for as true as there is a God in heaven, I never did harm to Laura! I would die for her now; and I suffer because I have lost her! O, save me if you can!—not from death—no, no! For I would rather die than live—but save me from this horrible suspicion! I did not kill her—I did not harm her! I never so much as touched a hair of her head with cruel thought!”

“Who could have killed her?” I asked. “You do not think she killed herself?”

“No,” he replied, his eyes flashing, and his fingers tearing into the bosom of his shirt. “I think Daniel Severance killed her. I left her by the pond—and presently afterwards I saw that bad man come out from the bushes, and she took his arm, and they walked away by the edge of the water.”

Cartwright’s words and manner had a powerful effect upon me. Under ordinary circumstances, I should have said he was speaking the truth; but there was much strong evidence to be disposed of before I could see my way clear to believe him now. I could not help sympathizing with him; and I was willing to believe that if he had done the homicide, he had done it under a state of mind which would give good grounds for setting up a defense of insanity. But when I spoke to him of this, he was pained beyond measure, and refused to listen to the proposition for a moment.

I then proceeded to detail to him the circumstances which would be brought up in evidence.

“First,” said I, “it will be sworn to by several reliable witnesses that you have, at various times, been heard to threaten Laura Downing with dire personal injury if you saw her again in the company of Daniel Severance.”

“That is true,” replied the prisoner; but I only did it to frighten her. And I meant to frighten her for good; for I did not believe Daniel Severance was an honest man.”

“It will also be sworn to that you once exhibited to Miss Downing a pistol, at the same time telling her that you had bought it on purpose to shoot her with.”

Cartwright did not deny it; but he said that he never meant her harm—he only meant to frighten her away from a bad man.

“It will furthermore be giving in evidence,” I continued, “that on the evening of Miss Downing’s death you followed her out to the pond, where you again threatened her.”

“Yes,” he replied, “I knew she was going to meet with Daniel Severance.”

“You were seen to have a pistol in your hand on that occasion, and you were heard to take an oath that you would shoot her if she did not return with you. Mr. Nichol’s boy, he was driving home his cows, was close by when you made that fearful threat.”

And even this the prisoner did not deny. He only said that he was still trying to frighten Laura into obedience with his wishes.

“But,” said I, “the pistol which was found by the dead girl’s side has been recognized as your own.”

“That may be,” replied Cartwright, “for when I found that Laura spurned me, and would not listen, I sank upon my knees and prayed to her. I dropped my pistol upon the sand at that time, and I know that I did not pick it up again. She turned and left me there upon my knees, and there I remained until I saw Severance join her. They disappeared together, and then, broken-hearted and forlorn, I crawled home, and people thought, because they found me in such torturing agony, that there was blood upon my hands. But, before God, my hands are clean. Daniel Severance must have found my pistol; and it was he that killed Laura.”

Such was the substance of all that I could gain from my client, and I must say that I really thought him insane; and I tried hard to get him to acknowledge the homicide, and allow me to set up the plea of insanity; but he would consent to no such thing. The solemnity of his assurance, and the unmistakable love which he still held for the dead girl, staggered my belief in his guilt exceedingly. There was no variation in his manner of speech at all—nothing in which I could detect the slightest outward sign of falsehood.

Finally I called in two physicians, and they both agreed that they would willingly testify under oath that they did not consider him of sound mind; and in their presence I urged him once more to confess to the killing, and I would save him, at least, from the extreme penalty of the law.

“My God!” he cried, with tears streaming down his cheeks, “if I thought there was one drop of that dear girl’s blood upon my hands I would kill myself in a moment! I never did her harm—never!”

When we went out from the cell both the physicians expressed the opinion that the young man was insane; and I determined, let come what would, that I would base my defense upon that plea. The idea of defending him against the homicide was not to be thought of. The evidence was too strong. In fact, there did not seem to be a link in the chain wanting.

At first I had based some hopes upon the fact that Daniel Severance had not been seen since the evening of the girl’s death; but his absence was easily accounted for. He had finished the work he had come to do; he had been paid in full for his labor; and he had gone out to the pond to meet Laura Downing for the last time on that evening, for he was to take the cars early on the following morning. Even Oliver Cartwright admitted that he had so understood. And there could be nothing strange or suspicious in the fact that we could learn nothing of Severance’s present whereabouts, because his employers only knew that he belonged in some part of Virginia, and

they knew he was going in that direction to assist in putting up a flouring mill; but as far as the location of said mill was concerned that had never thought to inquire of him. I might make some handle on the absence of this man; but I could place no dependence on it, because the men who owned the woolen mill would give such testimony as would satisfy the jury that no suspicion could be legitimately attached to it.

The day of the trial at length came, and, as might be supposed, the court-house was crowded. The prisoner, pale and wan, and wearing an expression of deepest sorrow, stood up and heard the indictment read, and when he was asked to answer to it, he replied, in a voice that thrilled every one with its deep intensity of feeling:

“Before my God I am not guilty.”

The trial commences, and the evidence for the prosecution was given as I have already explained; only, if possible, it was more positive and crushing than I had anticipated. In short, the chain that connected the prisoner with the killing of the girl was so strong and so intact in all its parts that I could not hope to break it.

I opened the defense by proving that my client had always been a quiet, inoffensive, industrious person; and that there was no possible circumstance in his life, previous to that under consideration, that could lead any one to suppose him capable of committing a great crime. I made allusion to the absence of Daniel Severance, and claimed that said absence took from the chain of evidence a most important link, because I had every reason to believe that he was the last person seen with Laura Downing while she was alive.

After this I came upon the main stay of my defense. I called upon the two physicians who had visited and examined my client during his imprisonment, and they unhesitatingly pronounced the prisoner of an unsound mind.

The prosecution brought in no testimony to rebut the testimony touching the prisoner’s insanity, though the district attorney made a decided onslaught upon it in his closing plea; but they did bring in testimony to rebut the idea that Daniel Severance had been the last man seen with Laura Downing while she was alive. A Mr. Angers, a respectable mechanic belonging to the place, testified that just at dusk, on the evening of the murder, he saw Mr. Severance at the railroad station, some three miles distant from the village, and that he spoke with him on that occasion. He (Angers) was on horseback, and was then on his way home, and as he passed near the pond, some fifteen minutes after having left Severance at the station, he saw Laura Downing standing upon the shore.

This piece of evidence introduced a new element, and I was not slow to claim that Laura Downing might have killed herself; and if I could only have found a single witness who could have testified to the return of my client to his home before dusk on that fatal evening, I might have made a saving point here; but I had no such witness, and I was forced to base my hopes on the plea of insanity.

The judge was very fair in his charge. The jury went out, and I felt sure that they would return a verdict against my client, but I did not think they would bring him in guilty of murder. And yet I was not satisfied with the result of my effort. As I cast my eyes upon the prisoner I was deeply moved by the expression of utter anguish that rested upon his thin, pale face. It was not the anguish of fear; but it was such as results from sorrow and sadness of the soul. Could I have known in season of the testimony which Mr. Angers was to give I might have taken a different course.

The jury had been out about ten minutes, and the court had just arisen for the purpose of retiring, when a disturbance occurred in the passage leading to the outer hall, and in a moment more a female rushed into the court-room. She stopped for an instant when she reached the bench, and when her eye rested upon the prisoner she started toward him. He was quickly upon his feet, and as he leaned over the iron rail, she threw her arms about his neck.

“Oliver! Oliver! Thank God I am in season!”

And as these words burst from her lips she would have sunk into the floor had not the officer caught her in his arms.

Oliver Cartwright did not utter a syllable. He stood for a moment gazing upon the fainting form that rested within the arms of the sheriff, and then sank down mute and senseless.

“It is LAURA DOWNING!”

Someone said if; and as the name was caught by the multitude there followed a scene of excitement which I will not attempt to describe. But order was at length restored, and an officer was sent to bring the jury back to their seats.

By this time I had taken the girl in charge, and with the assistance of my medical friends she was soon restored to consciousness.

Laura Downing, in *propria persona*, certainly stood before us—the same Laura Downing who, according to the best belief of all present save herself, and according to the solemn verdict of an intelligent coroner’s jury, had been dead several weeks. But she had not come alone. Two men had come with her, one of whom was immediately recognized by our two physicians as Dr. Charles Crawford, the able superintendent of the insane asylum at Crawfordsville.

As soon as Laura discovered that I was the prisoner’s friend and counsel, she asked that she might be suffered to go and speak with Oliver. I led her to the spot, and the officer allowed her to pass in behind the railing. She sat down by the prisoner’s side, and whispered something in his ear. He seemed to be trying to contain himself; but the effort was vain. He rested his head upon her bosom, and cried like a child.

\* \* \* \* \*

Laura Downing’s story, when she finally obeyed the call of the court, was this:

On the morning when Oliver Cartwright had followed her down to the shore of the pond, she had planned to go away with Daniel Severance. She said she knew that Oliver never meant to harm her; and that when he threw his pistol away, and sunk upon his knees before her, she came near giving up her wild and wicked scheme; but the tempter prevailed, and she tore herself away from one whom she had loved so long. She went with Severance, and on their way to the railway station they met a young woman who resembled herself so remarkably that her companion declared that he should take them for twin sisters.

“This female,” continued Laura, “not only resembled me in person, but by a curious coincidence she had on a dress of the same pattern as my own. Severance spoke to her; but instead of answering him, she threw up her hands with a wild scream, and ran from us towards the pond.”

Laura then went on to say that she had gone on to New York with Daniel Severance, where she had found him to be a villain. He did not mean to make her his wife as he had promised, and she fled from him. She stopped here, and turned toward Oliver. Then she swept her gaze over the multitude, and, with her hands clasped upon her bosom, she said, in tones that carried conviction to every honorable mind:

“I have been guilty of much—guilty of trifling and deceit—but, before god, and as I hope for heaven hereafter, I have been guilty of nothing that true repentance may not wash away!”

She turned again to Oliver Cartwright, and this time she rested upon his bosom, and he murmured thanks to God as he clasped his arms about her.

At this point Dr. Crawford came forward and said he thought he could clear up the mystery as soon as the clothing came for which he had sent.

Meanwhile, the jury were instructed anew by the court, and their verdict was very quickly rendered.

Ere long a man came in with the clothing which had been taken from the dead body that had been found by the pond, and when Dr. Crawford had examined the linen, he recognized it as having belonged to a former patient of his.

“She was a young girl,” he said, “and very intelligent; but her mind had been turned by religious excitement, and she fancied that the second advent of Christ had come while she slept, and that the elect had been all taken up into heaven, leaving her behind. In this frame of mind she sought to take her own life, and to prevent that catastrophe, and also to effect a cure, if possible, she was sent to our asylum. She had been there only two weeks when she managed to escape. We searched for her far and near, and day before yesterday, as I was on my way home, I met this young lady in the cars. At first I supposed I had found my patient, and I had been engaged in conversation with her some minutes before I discovered my mistake. When I had satisfied myself that I had been mistaken, I told Miss Downing of the circumstance, and when I related to her the story of the unfortunate girl of whom I had been in search, she told me of the girl she had seen some weeks before in her native place. She was on her way home, she told me, and, under

the circumstances, I felt it to be my duty to accompany her. I found her anxious and uneasy, and when she explained to me that she had seen an account of her own death in a newspaper, and that Oliver Cartwright had been accused of her murder, I suspected the truth.”

And his suspicions had not led him far astray. The poor, crazy girl had evidently found the pistol which Oliver had thrown away, and had shot herself, thus accomplishing the cherished purpose of the insane spirit that possessed her. The disfiguring of the face, caused by the wound between the eyes, and the burning of the skin by the powder, had prevented Laura’s nearest friends from discovering the mistake.

And so ended the trial.

“Ah,” said a captious friend to me as we were leaving the court-room, “here is another startling case of the unreliability of circumstantial evidence.”

“Not so,” I replied. “The *circumstantial* evidence in this case was conclusive. It was the direct evidence that failed. The only direct evidence—that upon which the whole superstructure of evidence was to rest—was the finding of the coroner’s jury. No, no, my friend; in this case we see how *direct evidence* can be made to swear an innocent man’s life away.”

As for Oliver Cartwright, no one has pretended to question his sanity since that trial, and today he is one of the most worthy and valuable of our citizens; and I dare to say that she that was Laura Downing had been to him a most faithful and affectionate wife. I am a frequent and welcome visitor in their peaceful and happy home, and surely I ought to be able to judge.

*The New York Ledger*, June 9, 1866