

Circumstantial Evidence May be Very Strong and All Wrong

The criminal who argues that he is safe because no one saw him commit the crime forgets that circumstantial evidence is a Nemesis which has pursued its thousands to the prison and the gallows. Had the Preller case in St. Louis been one in which men could testify that they saw the killing done, the sensation would have died out in a week. It depended upon circumstantial evidence alone, and as link after link has been picked up to make a complete chain the whole country has been interested. The records of crime in every state show that where circumstantial evidence is solely depended on, a terribly strong case can be made against an entirely innocent man. That this has been done time after time we all know, though in the great majority of cases the real criminal gets his just deserts.

Some forty years ago there lived in Wisconsin a farmer named Throop, who was a widower, with a daughter 15 years old. The man had a good reputation, and his daughter was a great favorite in the neighborhood. For some time previous to the occurrence which caused his arrest Throop had not been on good terms with a farmer named McWilliams, living about a mile away, on account of damage committed by cattle belonging to the latter. There had been a law suit, and the two men had once come to blows, and Throop had said in the presence of witnesses that he would like to put a bullet into McWilliams. One day about noon the cattle broke into the field again, and the daughter notified her father. Throop was terribly enraged, and, as he started to drive them out, he took his rifle along. The back end of the field bordered on a wood, and the daughter saw her father disappear among the trees after the running cattle. Soon thereafter she heard a shot, and was alarmed for fear that her father had carried out his threat.

In about half an hour Throop came home, pale and agitated, put up his gun, and sat down to his dinner without a word. The girl was crying, but he didn't seem to notice it. After the meal was eaten he hitched up a horse to the buggy and drove away, saying that he might not be back before sundown. He returned at 7 o'clock, and the daughter noticed that he was in much better humor. Neither referred to the affair of the cattle, and the evening passed off pleasantly. Two days later, Throop meanwhile pursuing his labors around home, the Sheriff appeared and arrested him. The farmer was at supper when the officer entered, and it was afterward put in evidence that Throop turned deadly pale before the errand of the officer was made known. When told to consider himself a prisoner he asked what was the charge, and the Sheriff replied:

“For the murder of Henry McWilliams. His body was found in the woods this afternoon.”

Throop was terribly agitated, but protested his innocence, saying he had not seen the man for a week. As he was taken away he whispered to his child, who was clinging to him:

“Say nothing of my chasing the cattle out.”

This was overheard by the Sheriff, and at the proper time was used, to the prisoner's confusion. The daughter was convinced of her father's guilt from the first. The blundering Sheriff did not take away the rifle and he had no sooner departed than the girl inspected it, to find that it had

been recently discharged. In hopes to exculpate her father she set about and cleaned and loaded the gun. In the course of a few hours she was put under restraint and interrogated. Believing that anything she could say in regard to the affair would react on her father she determined on silence, and not one word could be got from her as to the events of the past three days. Throop vigorously denied the killing but was obstinately silent to all other questions. The prosecution then began to work up its case of circumstantial evidence, and was fortunate from the start. A person came forward who saw Throop leave his house, gun in hand, to chase the cattle. Two persons affirmed that they heard the report of a rifle. Several people had heard Throop make threats. The cleaning of the rifle was charged to Throop, and made to look ugly against him. The silence of himself and daughter was proof sufficient to most people that he was guilty of murder.

Court was in session and the accused was speedily brought to trial. To his lawyer he divulged the episode of pursuing the cattle, and he admitted firing at a heifer and missing her. The shot went over her and entered a beech tree. He gave his solemn word that he did not see McWilliams that day. When he left the house after dinner it was with the intention of going to the town several miles away to consult a lawyer in regards to a new suit. He did not find the lawyer in his office, and on his way home he got to thinking the matter over, and made up his mind he had been too hasty all along. He even had some thought of going to his neighbor and holding out the hand of reconciliation, but he was restrained by the lateness of the hour. This feeling accounted for his changed conduct when he came home.

The lawyer went to the woods and found the beech tree, and dug out the bullet. He also found that the lawyer whom Throop went to see was out at the hour specified. It was strange, however, that while scores of men in the town knew Throop, no one could be found who remembered having seen him on that occasion.

Mrs. McWilliams affirmed that her husband had left the house with his rifle to hunt squirrels in the wood and she had never seen him alive again. He had been shot through the head. What had become of his rifle? The prosecution intended to charge Throop with hiding it. The defence had no theory about it, though they might ask why the body had not been hidden as well. Any theory of suicide was out of the question in the face of circumstances.

The case was called with a strong prejudice against the prisoner. The prosecution put in all its evidence, circumstantial and otherwise, and it seemed to every one a clear case. Before the defence opened an event occurred which had a most important bearing. A stranger was arrested in a town twenty miles away while trying to dispose of a rifle with McWilliams's name on engraved on a silver plate in the stock. He was brought to the county seat at once, and when the right pressure was brought to bear on him he made a confession. He was a traveling clock tinker. He had been drunk two or three days before the shooting and his outfit had been lost or stolen. Early on the morning of the shooting he stole a couple of hens from Throop, and went into the woods and made a fire and roasted one for his breakfast. He was asleep when McWilliams stumbled upon him. Evidences were at hand that he was a thief, and the farmer ordered him to pick up and leave. The tinker refused, and hot words passed. McWilliams threatened him with the gun, and he closed in to wrest it away. In the struggle the weapon was discharged, and the farmer was killed. At the same instant another shot was fired, but the tinker did not see Throop.

He at first threw down the rifle and ran away, but afterward returned for the gun, thinking to sell it and procure another outfit.

There could be no doubt of the truth of the tinker's story, and Throop was discharged from custody and the other party put on trial. He pleaded guilty, but judge and jury accepted his version of the shooting, and he received a comparatively short sentence. But for his action in carrying away the gun he would probably have been set at liberty.

Worked Out by a Boy

Some years since a drover named Charles Strange, a German, was murdered in western Ohio, and for many weeks the case promised to forever remain a mystery. The body was not found until a week after the murder, as it was concealed in some bushes by the roadside. Only one blow had been struck, and that had crushed his skull. The affair occurred on a highway much traveled, and, as nearly as could be figured down, at about 3 o'clock in the afternoon. The drover had left his lame horse at a farmhouse and started out to look at some cattle on a farm two miles away. Several persons who were driving recognized and passed him, but no one saw him nearer than within half a mile of the spot where he met his death.

It was two days before any search was begun and a week, as stated, before the body was found. Meanwhile there had been a heavy rain, and any evidences of a struggle had been removed. It was believed by everybody that the drover was killed in the road and his body lifted over the fence into the bushes. As he was a man weighing 180 pounds, it was reasonable to further believe that it took two men to lift the body over the fence. The dead man had been robbed of watch and money. His clothing was considerably disarranged, and in his right hand he tightly clutched a stick about the size of a broom handle and half the length.

The detectives accepted the theory that two men were engaged in the affair, and it was natural to suppose that they were tramps. Arrests were made here and there, but none of the suspected parties could be located anywhere near the scene of the murder on that day. The bushes under which the body was found fringed one side of a field about ten acres in extent and used as a pasture. This field belonged to a man named Claire, who lived a mile away and was a manufacturer of well pumps. He had two or three teams out selling them on the road, and at the time of the murder, as was afterward recalled, one of the drivers—a man named Gilbert, who was a stranger to the neighborhood,—was at home on account of one of his horses being lame. This horse was turned into the old pasture to rest, and two or three times during the week Gilbert went up to the field to see how the animal was doing. It was finally remembered that he was there on the day of the murder.

A boy 13 years old named Robert Smith took a deep interest in the murder from the outset. While he said but little he was constantly thinking and planning. He knew that the detectives were working on the theory that two men were engaged in the crime, because the body had been lifted over the fence. This was on the theory that the murder had been committed on the road. The boy took the ground that the killing had been done in the pasture, although he was careful to say nothing. In this case the body had been dragged into the bushes. He carefully inspected the ground and found satisfactory evidence that this was the fact. He also discovered a stone

weighing four or five pounds, which he believed to have been the weapon with which the blow had been struck. Four or five rods away, after a careful search, he found the spot where the stone had been uprooted from the ground. If he was right, and he firmly believed he was, how came the drover in the pasture? There were no cattle in there for inspection, nor would he leave the road to make a short cut to his destination.

After days of cogitating the boy suddenly remembered that one of the pumpmakers' horses was in the pasture at the time. Could that fact have drawn the drover into the lot? Without in the least giving away his clue, the boy ascertained that the horse was removed from this pasture on the day of the murder, entirely recovered from his lameness, and that Gilbert was the one who went after him. It was a spirited animal, and the boy remembered that Gilbert had had trouble in catching him, and the drover had gone into the lot to render assistance. If this reasoning was correct Gilbert was the murderer. Robert was the son of a poor farmer, and he could work the case no further—that is, he could not find out Gilbert's antecedents nor follow him about the country to verify his suspicion. The case rested here until the driver returned after a trip lasting four weeks. The boy at once became his shadow. Not a breath of suspicion attached to Gilbert except in the boy's mind. He talked freely of the murder, and if his expressed horror was not genuine it was so well counterfoiled as to deceive everybody. He arrived home on Friday night. On Saturday he was busy at the pump factory. Bright and early on Sunday morning the boy was at the pasture, hidden in such a position that he could take in the whole field. He had an idea that Gilbert would visit the place, and that he would learn something new in the case, though he had no solid foundation for this idea.

At 3 o'clock in the afternoon Gilbert appeared. He had not entered the field from the highway, but had made a detour across a place of woods. Near the centre of the lot was half an acre of briar patch, with several dead logs and old stumps interspersed. The driver walked and acted like one who desired to escape observation, and made straight for this patch. He was hidden from sight for about a quarter of an hour, and then he left the field by the route he had come. Robert was satisfied that he had secured a further clue, but he did not investigate until Monday morning, after the man had driven away with his load. He crossed and recrossed the patch half a dozen times, looking for he knew not what, but at length he began to closely examine the stumps and logs. In a hollow stump he found a ball of weeds and grass, and underneath this ball wrapped in paper, was the evidence to convict the murderer of the drover. There was his watch and pocket book, the latter containing over \$400 in money and many papers.

There was no doubt in the boy's mind that Gilbert had entered the copse to see if the hidden articles were all right. There was evidence sufficient to warrant the man's arrest, but the boy was determined to wait. He knew what clues the others were working on, and he was afraid of being ridiculed, even when he had such positive proofs. As Gilbert had not removed the articles, it was probable that he would come again, and the boy determined to wait for a second visit. The driver had started off to be gone three weeks, but he was back in ten days pleading illness. He returned just at dark one evening, and half an hour later the boy had taken his case to a constable and given him all the points. They soon came to the conclusion that Gilbert had returned with the intention of securing the money and leaving the country, and at daylight next morning they were hidden in the thicket.

It was 5 o'clock in the afternoon before Gilbert showed up. He had forced a quarrel with his employer in order to have an excuse to quit work, and when he approached the field he was on his way out of the neighborhood. He made a very cautious approach, and as soon as he entered the thicket he went directly to the stump and removed the articles. When he had done this he opened the wallet and began counting the money, and he was engaged at this when the constable arrested him. Gilbert was so overcome that for a moment he could not speak. On the way to the county jail he made the following statement:

“On the day of the murder I came here after the horse. The animal was so frisky that I could not catch him. I called to the drover, who was passing on the highway, and he came over and assisted me to make the capture. We were down there by the bushes, I leading the horse and he about to return to the highway, when a snake ran before us. The drover picked up the club which was found in his grasp and I kicked up a stone from the grass. He passed on ahead to the edge of the bushes, and was bent over in the act of striking the snake with his weapon when I hurled the stone. As God is my judge, I flung at the snake, but the rock twisted in my hand and struck him in the back of the head. He fell without a groan, and in a minute or two I knew that he was dead. It was accident, pure and simple, and would have been accepted as such had I at once given the alarm. I did intend to, but it struck me that if I took his money and secreted the body the crime would be laid to tramps. I drew the body into the bushes, secreted the watch and money in the stump, and came here today to secure the plunder and leave the country.”

That the killing was accidental a great many people firmly believed, as Gilbert's past record was traced, and it could not be found that he had ever been arrested for any offence against the law. Others held that the killing was premeditated, and it was likely that the lawyer engaged by Gilbert to defend him warned him that his life would be [periled]. He had been in jail less than a fortnight when he committed suicide by hanging, thus closing the case.

A Mysterious Series of Outrageous Attacks upon Unattended Women

“Is it the devil?”

“If not the devil, who or what is it?”

Ten or twelve years ago the above inquiries were passed around in a certain thriving Illinois village, and while some men replied with a sneer, others looked troubled and anxious. As for the women and children, they spoke in whispers, and looked about them, even in daylight, as if expecting to be attacked.

There had been some curious doings in and around the village for several weeks previous. The first alarm occurred on a certain Thursday night. There had been a prayer meeting at a Methodist church, and among the people who attended was a middle-aged woman named Lee. She was not feeling well, and she left before the service was over. She lived on a retired street half a mile away, and half an hour after she left the church a man passing over the route she had taken found her lying senseless on the path. Her bonnet had been snatched off and torn into fragments. Her

shoes had been removed and flung into the road. A set of false teeth had been taken from her mouth and stamped into the ground and destroyed.

When the woman revived she had but little to tell in explanation. Someone had struck her behind the ear, making a great bruise, but not breaking the skin. She had not heard his approach, nor did she catch sight of any one. She was walking silently along, when, all of a sudden, she lost consciousness, and she had been in that condition about fifteen minutes when found by the pedestrian spoken of. The woman had no enemies. No one had assaulted her for the purpose of robbery. She had not been assaulted beyond the removal of the articles mentioned. It was such a singular affair that it set everybody to talking and speculating but no arrests were made. Indeed, it was impossible to direct suspicion toward anybody.

In about a week the public was further alarmed and mystified. The wife of a villager named Parker stepped out to the well about half past 8 o'clock in the evening to draw a pail of water. She was working the handle of the pump when a hand clutched her neck. Before she could scream out she was whirled around and flung down with such force that she was stunned. As near as could be figured, she was senseless for four or five minutes. During that time her hair was pulled down and cut off short, her shoes were pulled off and flung in the well, and a quantity of soft soap was taken from a kettle nearby and smeared over her clothing. The hair which had been cut off had been left scattered over the ground. Mrs. Parker had not seen her assailant, but she knew that a human hand had clutched her throat. The new outrage raised the public pulse to fever heat, and the most determined efforts were made to secure a clue to the identity of the perpetrator. Half a dozen arrests were made, but in each case the person was soon discharged for want of proof to hold him. A detective was sent for, but after working on the case for four days he was unable to pick up a single point looking toward the solution of the mystery.

On the tenth evening after the assault on Mrs. Parker, Mr. and Mrs. Lloyd were sitting in a summer house in their grounds. It had just grown dark when Lloyd ran across the grounds, a distance of about 300 feet, to drive away a cow which seemed determined to break in. He was not absent over seven or eight minutes, but when he returned to the summer house he found his wife lying on the floor insensible. She had been struck a hard blow on the top of the head. Her slippers and stockings had been removed and thrown on the grass, and a lot of dry ashes had been sprinkled over her clothing and hair. When she recovered consciousness she had no information to give. She did not even know when she was struck.

It now seemed apparent that the perpetrator of these outrages must be a resident of the village, and that he must be actuated by pure devilry. None of the women had been harmed beyond what has been stated, and the motive in going that far could be nothing else than what a plain-speaking man would call cussedness. The detective was recalled, and certain persons who had heretofore escaped all suspicion were placed under surveillance. The last assault had created a reign of terror among the women, not one of whom dared step her foot outside the house after dark unless accompanied by an escort.

While the detective was still in the town, and a number of leading citizens were acting as spies and patrols, the fourth outrage occurred. The wife of a citizen named Warner drove to the cemetery in the afternoon, accompanied by her son, a boy of 16, to decorate one of her children's

graves. In transplanting the flowers it became necessary to use considerable water, and the boy went to a creek about twenty rods away with a pail. The cemetery was thick with trees, and he lost sight of his mother for five or six minutes. When he returned he found her lying on the ground unconscious, with finger marks plainly visible on her throat. Her shoes and stockings had been removed, her hair cut off, and the rings torn out of her ears and flung down. The only explanation she could make was that a human hand had suddenly grasped her throat. She had heard no footstep, nor had she caught a glimpse of anybody. The detective at once visited the cemetery, and in a brief time the enclosure was thoroughly searched, but nothing came of it. One side of it was bordered by an extensive field not under cultivation, and on the far side of this field was a forest. One could easily have escaped in that direction long enough before a search was instituted.

As may be supposed, public indignation was now at the boiling point. The detective and everybody else was helping, when a woman made a suggestion. It was that the detective dress himself in female attire and “lay low” for the mysterious villain. The idea was carried out that very night, but it was a week before the climax came. One night about nine o’clock the disguised officer left a house where he had seemingly been visiting, and he halted at the gate to say good night and to have the people of the house hope that he would reach home all right. It was on a retired street, thick with shade, and unlighted, and the officer was as alert as a fox. He had not gone 500 feet when a figure stepped from behind a tree and grasped at his throat. The assailant was shaken off and grasped in turn, and then a terrific struggle took place. Not a word was uttered by either. The one sought to get away, the other to handcuff his man. This feat the officer finally accomplished, and when he conducted his prisoner to the village lockup the mystery was at once solved. He proved to be a half-witted fellow named Orson Taylor, living with his father on a farm a couple of miles from the village. Orson was unmarried, about 30 years old, and known around the country as a half fool. He had never been known to commit an offense against the law, and for this reason was not suspected of any of the outrages above detailed. He preserved a sullen silence when questioned, and when a commission of doctors had reported on his case he was sent to an insane asylum instead of being arraigned in court. He soon became a raving maniac, and died in about a year.

Perhaps They Were Twins

About twenty years ago a robber entered the farm house of John West in Indiana, and, being discovered while prowling around the house, he shot West in order that he might make his escape. The hour was midnight and there was a bright harvest moon lighting up the room in which the shooting took place. West had a club beside his bed, and he gave the intruder a powerful blow with this before the shot was fired. The bullet entered his abdomen, and he lived about three days and was perfectly conscious all the time. He declared on his dying bed that his murderer was a young man named Solomon Richards, a lawless character who hung about the village two miles away. Mrs. West recognized him as well, and when Richards was arrested and charged with the crime he did not deny it. There wasn’t the slightest doubt of his guilt, and but for the firmness of the Sheriff the fellow would have been lynched. He had been in jail two weeks before he declared his innocence. As he had no money he could not engage a lawyer, but he made a statement to the Sheriff, which set that official at work to prove an alibi for him. On the night of the shooting Richards had sat in the village tavern from 9 o’clock to 10 o’clock. This

could be verified. When he left the tavern he visited two saloons, but this could not be verified. Several persons were almost sure of having seen him, but no one was positive. At 10 ½ o'clock he went to a livery stable and climbed up on the hay to sleep. He claimed to have spoken to a hostler named Warner, but when Warner was consulted he could not be sure whether it was that night or the one preceding it. On his way from the saloon to the barn Richards encountered a person who was dressed like himself, and whose general resemblance was very striking. Both halted and looked each other over as if astounded, but neither spoke.

Not one man in a hundred would have taken stock in such a story, but the Sheriff, singular as it may seem, believed that Richards was telling the truth. West had struck the man with a club. Richards had not the slightest wound or bruise. The pistol with which the shooting was done had been left behind. No one about the village had ever seen it before. How could Richards, who never had a dollar at a time, have purchased it? He was on the street, perfectly unconcerned, when arrested. If he was guilty why had he waited right there to be taken into custody, when the farmer called out: "So, Richards, you have shot me, but I'll live to see you hung!"

All these points were overlooked by everybody except the Sheriff. Mr. and Mrs. West declared that Sol Richards was the man: that was evidence enough, especially when Sol was a good-for-nothing. Three weeks had passed when the Sheriff got track of a man who had passed a toll gate at an early morning hour carrying a bundle. Further on he found that the man with the bundle had a bloody ear. Five miles further he had entered a farm house, alleged he had met with an accident, and had a scalp wound dressed. He had journeyed a hundred miles before the Sheriff overtook him, but here and there he had sold fragments of his plunder. When finally overhauled and arrested he admitted his crime almost before a question was asked. He was a professional tramp, and robbery was nothing new to him. He was not only dressed precisely like Richards, but he resembled him so closely in height, build, weight and facial expression that people came to the jail and called him Richards. He gave his name as Terry, but as he could remember little or nothing of his childhood, and as this was also the case with Richards, it was generally believed that they were twin brothers. The one was released as an innocent man, and the other was sent to prison for such a long term as practically assured his death within the gloomy walls.

The Singular Story of Silent Joe

In the year 1867 a young man named Charles Miller left Hartford, Conn., for the West. At Buffalo he fell in with a man calling himself Henry Davison, and the two travelled to Chicago together. Miller had about \$300 in cash with him, while Davison had only a few shillings left when they reached Chicago. The former intended going to Colorado, while the latter, who said he was a butcher, decided to remain in Chicago and work at his trade for a time. They took quarters together in a cheap hotel, and to further reduce expenses, they occupied one bed.

On the night before Miller was to leave for the far West, and as they were about ready to go to bed, he took out and counted his money. He had \$290.50, and, knowing that his companion had but a dollar or two, he handed him a \$10 bill.

"I won't take it from you except as a loan," said Davison.

“That’s all right,” replied Miller, “I shall write you, and whenever you can spare it you may send it along.”

“But you don’t know me; we have been together only a few days.”

“I can tell a square man on sight. Put this in your wallet.”

While Miller was rolling up his money Davison got up and passed behind him. All of a sudden Miller lost consciousness.

In the summer of 1869 the writer was one of the inhabitants of a mining camp on the Purgatory River in southern Colorado. One day a tenderfoot reached our camp. He was a veritable scarecrow in general appearance. He hadn’t a shilling in money nor an ounce of outfit, and when we came to question him it was discovered that he was only “half baked.” He gave his name as Joe, but he had nothing else to tell. When asked what his other name was, where he came from, how he reached us, &c., he looked from face to face in a vacant way and shook his head. We were not the kind of men to turn a chap like that loose to be scalped by Indians or to perish of starvation. We contributed, and after he had got a square meal he looked and acted like a different man.

One of my two tentmates was an old surgeon from Ohio, and, as we had roomy quarters, he suggested that we take Joe in. The suggestion was adopted, and he was installed as cook and laundryman. He was a very willing hand, and when his work at the house was finished he stood ready to help us at the mine. So far as speech went, we got no more out of him after a month than on the first day. He called every meal supper. He called every article of wash a shirt. Every day in the week was Wednesday to him. I could say to him, “here, Joe, fetch a pail of water,” and he would take the pail and hurry away, but if I said, “Now, Joe, what state did you hail from?” he would stand and stare at me with open mouth. The miners played many a joke on him, and some of them were pretty rough ones, but no one every saw him get angry. When we found that he would not answer questions put to him verbally, we tried him in writing. If, for instance, we wrote the query: “Where do you live?” he would take the pencil as if about to reply, but before he could make a mark the idea would slip away from him, and he would sadly shake his head and turn away. One day, when he had been with us six weeks, I entered the tent and saw the surgeon cutting Joe’s hair, which was very long and unkempt.

“Say, I’m right about this fellow,” announced the surgeon.

“How?”

“Why, I’ve had an idea for a month past that he lost his memory through some injury to his head. Here’s the trouble. He had received a blow right here, and a portion of the skull is pressing on the brain. I’ll warrant he was as quick-witted as anybody before this hurt.”

“How long ago was it inflicted?”

“A year or more. An operation by a skillful surgeon would restore him to his right mind.”

While that might be so, the chances for it were extremely dubious. We were charitable as far as our means would allow, but we were all poor. When Joe had been with us about two months a miner was one night robbed of his little hoard; then a second was robbed of his provisions; a third had his revolver stolen; and men came to us and declared their belief that our Joe was the guilty person. We could not believe this, but agreed to watch him. For several nights we took turns at spying, but, while he did not leave the cabin, another theft was committed. For a month we were completely upset by the mysterious doings around us. On two occasions someone prowling around at night was fired on, but he got safely away. In spite of all we could say the suspicion kept growing that our Joe was the guilty party. We let men into the cabin to see that he did not leave his bed, but it so happened that on those particular nights no deviltry was committed. It was suggested that he be driven out of the camp, and when we refused to countenance any such step two-thirds of the camp held aloof from us, and reports were circulated to our detriment.

One morning a miner, who was supposed to be the richest man in the camp, was found weltering in his blood. He had discovered a man in his tent the night before, and had boldly clutched him. In the struggle he had been stabbed in three places, and was severely though not mortally wounded. The surgeon was called to dress his hurts, and in his presence, and that of a dozen others the wounded man declared that he had recognized his would-be assassin as our Joe. All of us had slept soundly that night, and while we believed in Joe's innocence, we could not be positive that he had not left our cabin. The miners knocked off work and went growling around, and about 10 o'clock in the forenoon a rush was made for our cabin. They had determined to hang Joe. The three of us got out our revolvers to defend him, and the angry mob was held at bay on the slope for a few minutes. We had placed Joe inside, and noticed that he did not seem alarmed. While we were holding the mob and parlaying Joe climbed out of a window on the other side and was running away when they caught sight of him. Such action seemed conclusive of his guilt, and pursuit was instantly made and a hot fire opened. Joe ran straight for a cliff about thirty feet high, and as he reached the brink he threw up his arms and went over. We picked him up off the rocks below seemingly dead, and the revenge of the crowd was satisfied. An hour later, when the surgeon announced that Joe still lived, there was some growling, but no one interfered with us as we bore the bruised and broken body to our cabin. It seemed to me that he was completely smashed, although he had no large bone broken.

On the third day after the accident Joe opened his eyes, and we saw that he was conscious. Twenty-four hours later he asked the surgeon where he was, what had occurred, and why Davison was not there. Then we all knew that our Joe had got his right mind back. It was a week before we questioned him. Then we learned all I told you at the outset. The last thing he remembered was counting that money in Chicago. For two years he had been like a man in his sleep. When the camp got hold of all the particulars everybody was Miller's friend, and particularly so as the real thief was finally discovered and punished. Miller remained with us until spring, and then set out for the mines on the Upper Arkansas with some of our boys. In a camp not twenty miles from us he saw and identified Davison who had been there for a year. The miners would have lynched the fellow, but he cut sticks too rapidly, and a week later his dead body was found in a gulch two or three miles away, where the Indians had tumbled it after securing his scalp.

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The [NY] Sun, June 20, 1886