

State's Evidence

I had recently returned to my native city after a prolonged absence in California, where I had amassed a sufficiency of the world's goods to warrant my retirement from active business life.— One day, as I was loitering about the common, who should I come across but my old chum, Jack Dunlap. It was years since we had met, but the recognition, notwithstanding, was mutual, and simultaneously we pronounced each other's names.

Jack had been a member of the police force two or three years when I left home, and I was hardly prepared to find in the spruce, smartly dressed, individual, my quondam friend; for it is a maxim among the blue-coated, brass-buttoned gentry that once a policeman, always a policeman.

His office was hard by, and he proposed that we should adjourn thither and over a pipe of "kilikinick" have a social chat, recount our various experiences, and talk over old times.

I was nothing loth, and arm in arm we were proceeding out of the Park street gate when I was accosted by a ragged, half-drunken wretch, who piteously begged "a few coppers to keep him from starving."

I am not exactly a teetotaler in the stern sense, but I have some conscientious scruples against encouraging the vice of intemperance; so I at once refused the beggar's petition; not so with Jack, who, brushing by me, drew from his pocket a roll of currency, selected two or three fifty cent stamps, and before I could remonstrate, thrust them into the mendicant's hand, and then turned hastily away, dragging me after him, without waiting to hear the profuse thanks of the astonished and delighted ragmuffin.

In a few moments we were seated in Jack's comfortable office, and after we had smoked and talked for awhile I reminded my friend of his promised narration, which he at once commenced in this wise:

"It was a year or two after you went away," said Jack, "that a gentleman came into the chief's office and informed me that his store had been robbed the previous night of a large quantity of silks, satins and velvets, together with twelve hundred dollars in cash which he had neglected to deposit in the bank. I was dispatched to investigate and work up the case.

"On visiting the store, I at once came to the conclusion that the robbery had been committed by, or at least with, the connivance of some one of Mr. Whittemore's employees. When the store was opened in the morning, everything presented its customary appearance; the goods lay where they had been left the preceding night, and it was only when unlocking the safe in order to take therefrom the roll of bills and have them deposited at once, that Mr. Whittemore discovered that they had been abstracted; at the same moment one of the clerks came hurrying to him with the astounding intelligence that a series of drawers behind one of the counters, in which were kept the most valuable goods, had been ransacked, and scarcely a vestige of their contents left! The proprietor at once saw that he was the victim of a shrewd and skillful burglary, and half crazed, he rushed precipitately up to the City Hall, to seek the assistance of the police.

“I at once examined the three clerks employed by Mr. Whittemore. Two of them I was confident knew nothing about the affair; but I had my suspicions of the other, aroused, perhaps, by the circumstance that he had charge of the keys of the establishment. His name was Olmstead, he was a fine looking fellow, whose frank, open countenance rather staggered my preconceived idea that in him I should discover the perpetrator or accessory, at least, of the theft. I was young in the business then, Harry; since then I have learned to place little faith in physiognomy; we find many of these noble browed, tearless eyed individuals among the blackest rascals whose photographs grace the 'rogues' gallery.’

“To resume, Olmstead, in answer to my questions, stated that he had locked up the store as usual the night before, and feeling unwell, went directly to his boarding place, which he did not quit until that morning. His story was a straightforward one and in the absence of any positive proof or indication of guilt, I had no pretext to question his statement.

“Agreeable to my wishes, Mr. Whittemore agreed to make no further stir in the matter, leaving it entirely in my hands, and I left the store, pondering all the circumstances of the robbery. For two days I occupied myself with this case alone.

“I had managed to ascertain that Olmstead had really spent the evening with his landlady's family, as he had stated, having retired about ten o'clock; but for all that I was reluctantly forced to the conclusion that he was the guilty party, and for these reasons, as I have mentioned, it was evident that the burglary had been committed by someone thoroughly familiar with the arrangements of the store. The lock of the outside door had not been tampered with, neither had that of the safe. Supposing that the place had been entered by the use of false keys, it was unlikely that the thief could have got the safe open by the same means, since the key was a patent one, and the key never left the possession of Olmstead. I had no doubt that he had retired to his room at ten o'clock, according to the landlady's statement, but I believed—in fact I felt absolutely certain—that he had, unknown to her, left the home again some time after, and returned after effecting the robbery. But there was no proof that he had done so, and that I set about to obtain.

“I caused the man to be kept under constant surveillance, but for a week nothing of a suspicious nature concerning him was observed. He spent little money, neither did he gamble or drink, and continued to attend to his duties regularly. I was at the point of giving up the case in despair, when, one day, while walking along Washington street, I perceived my man in company with a lady in the act of entering a horse car. I caught a momentary view of the lady's face, and something in it struck me as being very familiar. I had certainly seen her before, where, I could not tell. Acting on an impulse I cannot explain, I sprang on the platform of the car just as the conductor struck the bell.

“They got out at a little cottage in Roxbury, and, as they entered the house, the lady turned toward me as she shut the door. I had barely time to note that she was elegantly attired and I judge that she was quite pretty. Under what circumstances had I seen that face before? I repeatedly asked myself on the way back to the city.

“It was a holiday, and the streets were crowded. Getting out of the car I thought I would take a stroll down Washington street. In turning the corner of West street I ran against a flashily dressed

man, who turned upon me in a savage kind of a way, but who, on beholding my face, drove through the crowd with such energy that in a moment he was lost to my view, not however, before I had recognized him; and at the same moment the identity of the young lady whom I had seen with Robert Olmstead flashed on my mind.

“The fellow was a notorious thief by the name of Blucher. A couple of years previous I had arrested him for stealing, but, although everybody concerned was satisfied that he had committed the theft, through some informality in the indictment brought against him, the rascal got scot-free, and had immediately left for parts unknown. I was at that time on the police. On the evening of Blucher's arrest a young lady applied at the station house for permission to see him. She was young and pretty, and represented herself to be the prisoner's sister, and seemed so heart broken at his arrest that the lieutenant in charge was induced to grant her petition, and detailed me to conduct her to Blucher's cell. This girl—for at that time she was hardly more than a girl in years—and the elegantly dressed young lady whom, in Olmstead's company, I had followed to Roxbury, were one and the same!

“I began now to see the clue I had been searching for, and became thoroughly convinced that Olmstead had committed the robbery. Acting on this I at once returned to Roxbury and made inquiries respecting the occupants of the cottage; my informant stated that they were a brother and sister, named Hamilton, who had but recently come into the neighborhood, and lived very secluded. Consequently little was known respecting their antecedents.

My next move I could not decide upon until the ensuing day. So long a time had now elapsed since the robbery, that it was highly probable that the stolen goods had already been disposed of. Still, possibly, it was not too late to discover some trace of their whereabouts, and something led me to think that the Roxbury cottage would be the best place in which to commence my search. Accordingly, but not without some difficulty, I obtained a search warrant at Roxbury City Hall and proceeded to the Hamilton cottage and rang the bell. Miss Hamilton herself appeared in answer to the summons, and although I had matured my plan of operations, the vision of loveliness which burst upon my sight as the door opened, was so dazzling and unexpected, that for a moment the object of my call was driven completely out of my head, and I stood confused, and blushed like some bashful schoolboy. She surveyed me with a look of smiling wonder, and then in the softest and most melodious of voices, said:

“You have, perhaps, mistaken the house, sir; or did you really wish to see me?”

“By this time I had partially recovered from my embarrassment, and managed—in what words I can't tell now—to convey the idea that I did wish to see her; upon which I was politely requested to walk in.

“Please pardon me, sir,” said the young lady, hesitatingly, as we passed into a tastily furnished apartment, ‘but really I—I—fear that I do not recognize you. Perhaps, though,’ she added questioningly, as if a sudden thought had struck her, and, involuntarily, her voice sank almost to a whisper, ‘you are a friend of his—of his?’

“Whether she referred to her lover, Olmstead, or the man Blucher, I was at a loss to decide, but I answered, guardedly—

“I have some acquaintance with Mr.—

She interrupted me hastily.

“Then you must be the gentleman whom he was to send for—for—’

“Exactly,’ I interrupted, in turn, ‘for the package;’ and perceiving that I had struck upon the right word added—‘I presume it is ready?’

“Yes,’ she replied. ‘But you were not to come till evening, I thought.’ And as if the idea had aroused a suspicion, she added ‘you have the note of course?’

“I saw him but a moment. There was no time for that. But it's all right I assure you,’ I continued hastily, as she gave a slight start.

“No time!’ she exclaimed; ‘why he had the note, which was to prevent any mistake, all prepared, and—’

“She ceased suddenly, giving me at the same time a quick searching look that was full of mistrust. Then, as if some memory had been evoked by something in my countenance, she sprang toward me, and grasping my arm, cried—

“In Heaven's name, who are you? Surely—surely, we have met before.’

“I deemed it unnecessary to play my assumed part longer. Assured that the package referred to contained at least a portion of the stolen property, I felt confident that the terror which the statement of my real business would excite would enable me to force her to yield the package to me. Therefore, springing between her and the open door, I said—

“You are correct, Miss Hamilton, we have met before—two years since.’

“The angry flush that mounted to her cheeks and brow at the sudden moment, gave place to such a frightful pallor that I involuntarily paused.

“Yes yes,’ she exclaimed, wildly,

“I remember you now! In God's name, tell me for what purpose you are here.’

“She seized my arm convulsively; her exquisite form trembled like an aspen, while the lovely eyes looked into mine with an expression of such unutterable terror, that I was convinced on the instant that, notwithstanding my previous suspicions, she was innocent of guile. But I did not forget my duty, disagreeable though it had become—for I pitied the beautiful girl from the bottom of my heart. I drew the warrant from my pocket, hesitated to read it, yet at a loss how otherwise to proceed, when her eye rested on the paper. She sprang away from me as if stung by an adder.

“Oh! you have come to arrest me—to take me to jail!’ she cried.

“For God's sake do not subject me to this awful disgrace! I will confess everything, only do not take me to jail.’

“And before I could interpose a word of caution, she rapidly went on to tell me that Olmstead, who was her lover, had persuaded her to assist him in the robbery so far as to allow him to secrete the goods in her house, which was done about midnight on the night of the burglary. From time to time the stolen property, with the exception of the package referred to, they had covertly disposed of to various receivers of stolen goods whom she did not know. Olmstead had sent them to the house at different times. After this confession, notwithstanding her prayers and entreaties, I was compelled to take her to the City Hall. I forgot to say she protested that her brother—the man named as Blucher— had had no hand in the burglary, that, in fact, he had not been in New York for some weeks, and to her knowledge, had not returned. Despite the fact that I had seen him so recently, she averred that if he had returned it must have been on that day, for he certainly had not yet been to the cottage.

“But to make a long story short, Harry, Olmstead was arrested on that night. He protested that he was innocent, but the proof was too strong against him, and he and Miss Hamilton were both committed for trial. Blucher could not be found. For weeks the trial was delayed in hopes that the detectives who were in search for him would discover his retreat; for, notwithstanding Miss Hamilton's assertions, it was believed that he was implicated, although that was a mere supposition; but all their efforts were unavailing, and at length the district attorney refused to grant any further delay.

“The trial came on. Miss Hamilton was found guilty of being an accessory to the crime, was fined one cent, without costs, and then turned over for a witness in the prosecution, in accordance with a previous arrangement.— Her testimony, although given with much apparent reluctance, was so conclusive that, despite the efforts of one of the ablest lawyers, who had been retained for Olmstead, the young man was found guilty, and sentenced to the State's Prison for a term of years. In course of time he was discharged from that institution—a wreck of his former self. He vainly tried to obtain employment, and at length, discouraged at his non-success, he turned to drinking as a solace for his misfortunes. That forlorn, half-clad wretch, who accosted us was none other than Robert Olmstead!

“For some moments the detective seemed lost in a profound reverie. At length I broke the silence by saying—

“But this is not the conclusion of your story, Jack? You have yet to explain the cause of your interest in this unfortunate man.

“That I will do in a few words, Harry. Listen a moment longer. Two years ago I was passing a tenement house in an unfrequented part of the city. Suddenly I heard a loud scream, as from one in mortal peril, apparently coming from an upper story of the house. It was nearly midnight.— Drawing my revolver, I rushed up the staircase. The sound of voices and a heavy fall guided me to a door at the end of a dark corridor. I sprang into the room, but for a moment stood appalled at the scene before me. By the flickering light of a tallow candle which was stuck upon the mantel shelf, I beheld a woman lying upon the floor, her face covered with blood, while bending over

her, in the act of striking her unconscious form, stood a man, whom, as he turned his face toward me at my unceremonious entrance, I recognized as Blucher, or Hamilton.

“The ruffian, with an oath, sprang upon me. I saw that he was intoxicated. Avoiding the blow he aimed at me, I struck him with the butt of my pistol fairly between the eyes, and he fell. In a trice I had slipped a pair of handcuffs upon his wrists, and turned to attend to his unfortunate victim. To my horror I recognized her as Lucy Hamilton; at the same moment the room began to fill with the alarmed inmates of the house, who had been roused from their slumbers by the sound of the disturbance. A doctor and policeman soon made their appearance. The latter took the drunken ruffian to the station home, while the former, with the assistance of some of the women, placed the injured girl upon the bed. Restoratives were applied, and in a few moments she opened her eyes, gazing wildly about the room. Presently she began to realize what had taken place, and with a groan again closed her eyes. When next she opened them her gaze fell upon me, and I saw that she recognized me.

“She beckoned me nearer,

“I am going to die,' she whispered, 'and God be thanked for having at last heard my prayer! I have something to tell you, and these people witness my dying words. Listen: Robert Olmstead was innocent of the burglary for which he was condemned!'

“And then, in a voice often broken by throes of mental and physical distress, the wretched woman unfolded her tale. Olmstead was indeed innocent! He had met Lucy Hamilton, and believed her to be a pure and good woman, and had offered his hand and heart to her. She, at the instigation of Blucher, who was not her brother, but her lover, encouraged the young man's attentions, and a few nights previous to the robbery had managed to get the keys out of his pocket. Olmstead had stopped that night at their house, and the impression of the keys was taken during that time. They were then restored to the unconscious young man's pocket, and poor Olmstead went to State's Prison to suffer for a crime of which he was innocent.

“When the confession was made public, Olmstead had been liberated many months, and although kind hands were not wanting to aid and encourage him to reform, chief among whom was his former employer, Mr. Whittemore, he had already fallen beyond reclamation. Soured and broken spirited, he rushed into the vortex of dissipation, and is, alas! now rapidly hastening to the inevitable end—a drunkard's grave. “I can never think of this sad story,” said the detective in conclusion, “without its suggesting a doubt of the wisdom of our legal code, which, in the absence of any abler proof to convict a presumed criminal, admits the dangerous expedient which we call State's Evidence. In my opinion, it would be infinitely better to allow a dozen criminals to escape, than to run the risk of convicting an innocent man.”

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