

Night and Morning  
A Story of Circumstantial Evidence  
By Sylvanus Cobb, Jr.

“No, no, Old Boy,—you must wait over tomorrow, at least.”

“But, my dear Tom, this, you know, I had set for my return home. My visit has already been a long one.”

He called me “Old Boy,” and I called him “Tom,” just as we had done in other years when we were classmates and chums at college; and when together we were boys still, despite the telltale streaks of silver which busy time had drawn upon our heads.

“But tomorrow,” pursued Tom, “the trial of Fred Easton comes on. You remember his father?”

Yes,—I remembered Malcolm Easton very well. He had been in college with us—two years our senior. I had heard of his death a few years ago, and knew that he had left a fortune to his son—and only child—Frederic. And during this visit I had learned that the fortune had been squandered, and that Fred was now in jail, awaiting his trial upon the charge of murder.

“I am his counsel,” said Tom, “and though I believe him to be entirely innocent, yet I have not the slightest tenable ground for his defense. Every circumstance is against him; and the only testimony in his favor is his own story. It may be only a painful scene to you; but yet the presence of sympathizing friends will afford him some slight gratification.”

I concluded to wait, and attend the trial; and on the following morning I rode over to Perryville, where the court was in session, with Tom Harlow.

At the hour for commencing the trial the courthouse was filled. By invitation of my friend, I had a seat within the bar, where my opportunities of observation were of the best. Among those who sat near to the prisoner were his widowed mother, and one who had thought to become his wife.

I never saw a fairer, sweeter face than was that of Edith Stewart; and the almost deathly pallor that had blanched her lovely features, and the prayerful, beseeching light of her violet eyes, served to lend a supernal touch to the picture. She had been Frederic Easton’s companion from early youth, and had learned to love him with the whole strength of her devoted heart; and through all his wildness and excess she had clung to him, seeming to love him more and more as others forsook him,—only dwelling upon the inborn nobleness of his nature, and trusting that beneath the gentle influence of love he might be finally won back to the true life.

Fred Easton himself was a splendid looking fellow,—of medium height; in form as perfect as the Apollo Belvidere; with a face of intellectual beauty and grace; eyes of the deepest blue; forehead broad and ample; with a glossy, clustering mass of nut-brown hair. A long confinement in jail had suffered the marks of dissipation to be entirely obliterated, and he stood now a perfect type of manly beauty. And a change had come over his life, too, during those long and weary weeks in prison.

“I tell you, my boy,” said Tom to me, “if Fred gets clear of this, I will stake all I am worth upon the manhood of his future life. He will go forth into the world again as a better and truer man than ever he was.”

I looked upon the prisoner; and then I looked upon the weeping mother; and then I looked upon the pale, beautiful face of her who could not weep,—and I prayed God that joy and peace might be theirs.

This was the story of the case, as it appeared in evidence.

For several years Frederic Easton—now four-and-twenty—had been very dissipated, and during that time he had squandered a fortune of many thousand dollars. The wine-cup had been his first pitfall. Then came the tavern, the club room, and stronger drink; and ere long the demon of the gaming-table had possessed him. After this his fall had been rapid. Among those with whom he had associated during the latter part of his downward career was a notorious gambler named Ralph Knowlton. This Knowlton was a known villain and a blackleg of the most accomplished description, albeit he was a gentleman in appearance, and could assume manners of the utmost polish when he pleased.

On the night of the fifth of April three men played late at one of the tables in the club room. They were Frederic Easton, Ralph Knowlton, and a man named Garl Clarkson. This Clarkson was a well-known sporting character, though he did not often play at the club, his favorite field of operation in the game of hazard being the racecourse and the prize ring. Others were in the room, drinking and smoking, but only these three were playing, as midnight drew near.

At length Fred Easton arose, and staggered back from the table. He had lost his last dollar! On that day he had drawn five thousand dollars from the bank—the sole remains of his fortune,—and now he was penniless. Ralph Knowlton had won it.

Knowlton gathered the bank notes and the gold into his pockets, and having swallowed a glass of brandy, he put on his own coat, and left the room.

“Don’t be down-hearted, Fred,” said Garl Clarkson, patting the young man on the shoulder. “I have lost as well as you. Knowlton has cleaned me out to the last red. Let’s go home and sleep upon it, and tomorrow we’ll whistle for better luck.” And with this, Clarkson called for a glass of brandy, having drunk which, he went away.

“The villain cheated me!” said Fred, after he had swallowed two or three glasses of spirits.

“Of course he did,” returned one of the few who still remained in the club room. “I saw him [illegible] him stock the cards, and I thought I gave you sufficient warning.”

“And I,” said another, “saw him lift cards from the bottom of the pack; and the hand with which he won your last stake he had gathered in his lap, beneath the table.”

“By heavens!” exclaimed Easton, clenching his fists, and starting toward the door, “I’ll follow the scoundrel, and he shall make restitution. I am desperate! I am desperate!—as Ralph Knowlton shall find to his cost, if he does not give me back what he has robbed me of.”

And with this fierce cry upon his lips Frederic Easton rushed from the room.

All this was testified to by various witnesses who had been present in the club-room on the night of that fifth of April.

And at the hour of midnight, of that same fifth of April, a man named Solomon Barbour, who lived on the corner of Main and Davidson streets, was called from his bed by the cry of Murder. It was a gasping, smothered cry, but his window was partly open, and he heard it distinctly. He leaped from his bed, and looked down into the street, and upon the sidewalk, on the opposite corner, he saw two men. The moon, at that very moment, burst from a dense cloud, and cast its rays upon the scene. One man held the other by the throat with the left hand, while in the right he held something that gleamed like a knife blade. That right hand was raised—there was a downward flash—and the gleaming blade was buried in the bosom of the throttled man, who was quickly afterwards borne down to the pavement.

Solomon Barbour beheld thus much from his window. Then he caught up his clothes, and hastened to the chamber where two of his hired men were sleeping, and having told them what he had seen, the three hurriedly dressed, and proceeded to the street, where they found Ralph Knowlton dead upon the sidewalk, and, standing over his was Frederic Easton, with a bloody clasp-knife in one hand, and the gold watch and pocketbook of the murdered man in the other. They seized upon Easton, and questioned him, but his answers were wild and incoherent. Others came to the spot, and were witnesses of the dreadful scene. The clasp-knife, completely covered and clotted with the blood of the dead man, was recognized as Easton’s—one which he had carried constantly with him for several months.

All this appeared in evidence, painfully clear and incontrovertible. And all that could be brought forward in the prisoner’s behalf was his own story, which was as follows:

On the night in question he had left the club room, as had been stated, for the purpose of following and overtaking Knowlton, and, if possible, gaining back a portion of the money

of which he had been so infamously robbed. He had no clear idea in his mind of how he should proceed when he should have overtaken his man. He might beg; he might insist upon the restitution as a right; or he might threaten prosecution; and he would not say that there was not a thought of violence in his mind, in case he should be unable to prevail by any other means. He hurried on by the way by which he knew Knowlton usually took toward his hotel, and as he approached the corner of Main and Davidson streets, he was startled by the cry of murder. Just then the moon, which had been hidden behind a dense cloud, shone brightly forth, and he saw two men upon the street corner. He saw one stricken down, and he saw the other bend over the prostrate form. As he came nearer the man who had stricken the blow, and who was stooping over his victim, becoming aware that someone was approaching, started up and fled away.

Young Easton came to the spot, and found Ralph Knowlton prostrate in a pool of blood. He knelt down and lifted the stricken man's head, and knew that he was dead. Upon the brick pavement Frederic found a dirk-knife, a gold watch, and a pocketbook, all of them smeared with blood. He had just taken these into his hands and had recognized the knife as his own, when Solomon Barbour and his companions came.

Touching the knife, which was a large clasp, or dirk knife, with a broad, sharp, spring-blade, he was forced to acknowledge his ownership, as it bore his name upon a silver shield set in the handle; and he could not tell how it passed from his possession. The janitor of the club house testified that he had seen the knife in Easton's hands on that very evening of the fifth of April—that he had taken it out to show it to a friend, and had afterward put it away in the breast pocket of his inner coat. From that pocket it did not seem possible that the knife could have been taken by other hands without the owner's knowledge. This was a heavy item of evidence!

The witnesses for the prosecution had evidently given their evidence truthfully and conscientiously, and, if anything, with a leaning to the prisoner's favor; and Harlow's cross-examination was of no avail.

In the direct examination, however, of some of these witnesses, it was brought out that Knowlton must have had much more money with him than was either found in the bloody pocketbook, or on his person. Before he left the club room he had put into his vest pocket a roll of bank-notes of the value of several thousand dollars. Garl Clarkson, who had been summoned from one of the Long Island race courses as a witness, and who had been engaged in play with Easton and Knowlton on the night of the murder, said he should think there must have been at least seven thousand dollars in the roll which the latter put into his vest pocket on that night. He judged from the amount of Knowlton's winnings.

None of this money was found upon the person of the murdered man; nor was any of it found in the prisoner's possession. But then the prisoner was not searched until after he had been taken to the lock-up, and he had thus plenty of opportunity of ridding himself of such a witness.

The plea of the State's Attorney was brief and to the point. He forebore all argument upon the subject of the prisoner's unfortunate and disgraceful career previous to the murder, confining himself to a terse and comprehensive presentment of the case to the jury as it appeared from evidence.

Harlow's plea was simply an appeal to the sympathies of the twelve men before him. He presented a few points of argument, but they were not strong. When he came to his own faith in his client's innocence, he was sublimely eloquent; and Edith Stewart looked upon him with a blessing in her earnest eyes.

But it was of no avail. The prisoner's solemn denial and protestation went for nothing. The agony of the widowed mother and the affianced maiden moved the hearts of the jury most deeply, but it could not bend their judgment.

Frederic Easton was pronounced GUILTY! His sentence was—DEATH!

I saw the poor mother fainting upon the floor; and I saw the officers take Edith's arms from around the condemned man's neck; and then Tom Harlow drew me away.

Alas! What a shattering of Love's bright dreams! The day of hope and promise had closed in cheerless night!

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On the day after Christmas I received a letter from Tom Harlow.

"DEAR OLD BOY," he wrote, "you must come and spend New Year's Day with me. One of our dear old friends invites you to a wedding. The bride and the groom are our friends, too. If I had their card I would send it. You must come. If I do not hear from you by the 29<sup>th</sup> I shall come and bring you. Fetch your wife along, and don't be afraid of TOM."

I went and took my wife with me. I was anxious to know what could have put my friend into such good spirits; for, ever since that fatal trial, he had become as glum and gloomy as an anchorite.

"My dear Tom," I asked, as soon as I could with propriety do so, "what is it? Who is to be married?"

"Edith Stewart," he replied, gleefully.

"Edith Stewart!" I repeated, aghast.

"Aye, Old Boy,—and the bridegroom is Fred Easton!"

Was Tom beside himself, or were my own senses failing me?

“You are surprised, my boy,” he said, “and I do not wonder. But listen, and I will explain: You remember Garl Clarkson—the man who played, on that fatal night of the fifth of April, with Fred and Ralph Knowlton, and who left the club-room before Fred did?”

Yes,—I remembered him.

“Well,” pursued Tom., “on the very evening after the trial he got into a drunken row in that same club room, and was stabbed in the breast. He lingered along, in great suffering, for more than a month, and was finally at death’s door. When the doctors had told him that he must die, he sent for the State’s Attorney, and for the Judge, and confessed that he had killed Ralph Knowlton. He had lost, as well as had Fred, and had resolved upon recovering his money. He overtook Knowlton on the corner, and stabbed him to the heart. Then he took the roll of bank notes from his victim’s vest pocket, which he knew must contain at least seven or eight thousand dollars, and thrust them into his own pocket. The watch and the pocketbook he had taken, but dropped them, and fled, upon hearing approaching footsteps.

“But the knife?” said I.

“Ah, see how the merest breath of circumstance may become a tornado of evidence when the wind sets in that quarter. On that evening, after they had drunk freely, a bottle of champagne was ordered, and Fred took his clasp-knife from his pocket for the purpose of knocking off the neck of said bottle. As the sprightly liquor flew he dropped then knife upon the table, and Clarkson picked it up, and the poor boy, with his brain reeling, thought no more of it.”

And so all the testimony given at the trial had been true; and the prisoner’s story had been true, also. Verily there are strange kinks and mystic shackles in the chain of Circumstantial Evidence!

And on New Year’s Day I attended the wedding. Frederic Easton was a new man, entering upon a plane of joy such as he had never before known. And Edith, surpassingly beautiful, seemed an angel as she held the hand of the redeemed man in her own. And the widowed mother—

But I cannot tell the joys of that blissful hour. Surely the Night had passed; and peace and blessing, reaching away, with the new and better life, into the distant years, had come with the MORNING!

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