

## *Circumstantial Evidence.*

The circumstances which I am about to relate are familiar to many living. In some particulars I have varied from the truth; but if in the relation of an event which excited intense interest at the time of its occurrence, I shall succeed in impressing upon any one the delusive character of circumstantial evidence, my object will be attained.

Beneath the magnificent sycamores which bordered a lovely stream in the southwest part of Kentucky, a company of emigrants had pitched their encampment for the night. The tents were set up, the night-fire threw its gleams upon the water, the weary horses were feeding, the evening repast was over, and preparations were made for repose. The party consisted of three brothers with their families, who were wending their way to the new lands of the distant Missouri. On their visages, where age had left the sallow traces of its touch, few of the nobler traits of the human character were visible. Accustomed to reside upon the outskirts of society, little versed in its forms, and as little accustomed to the restraints of law, or the duties of morality, they were the fit pioneers of civilization, because their frames were prepared for the utmost endurance of fatigue, and society was purified by their removal. Theirs were not the fearless independence and frank demeanor which marks the honest backwoodsman of our country; but the untamed license and wily deportment of violent men, who loved not the salutary influence of the law, nor mingled of choice with the virtuous of their own species.

As they stirred the expiring fires, the column of light, mingled with the smoke and cinder, that rose towards the clear sky of the mild May night, revealed two travellers of a different appearance, who had encamped on the margin of the same stream. One was a man of thirty. Several years passed in the laborious practice of medicine in a southern climate, had destroyed his constitution, and he had come to breathe the bracing air of a higher latitude. The wing of health had fanned into now vigor the waning fires of life, and he was now returning to xx[part missing]xx ed frame. The young man who sat by him was a friend to whom he had paid a visit, and who was now attending him a short distance on his journey. They had missed their way, and reluctantly accepted a sullen commission of the emigrants to share their coarse fare, rather than wander in the dark through unknown forests. Hamilton, the younger of the two, was, perhaps, twenty-seven years of age—and was a young gentleman of prepossessing appearance, of cultivated mind, and of a chivalrous and sensitive disposition. His parents were indigent, and he had, by the energy of his own talents and industry, redeemed them from poverty and placed them in easy circumstances. In one of his commercial expeditions down the Mississippi, he had met with Saunders the physician. An intimacy ensued, which, though brief, had already ripened into mature friendship.

“Affection knoweth nought of time,  
It riseth like the vernal flowers;  
The heart pulse is its only chime,  
And feelings are its hours.”

Together they had hunted over the flowery barrens, and through the majestic forests of their native state—had scaled the precipice and swam the torrent—had explored the cavern, and visited whatever was wonderful or curious in their region around them; and both looked forward

with painful feelings to the termination of an intercourse which had been pleasing and instructive. As they were to separate in the morning, the evening was spent in conversation—in that copious and involuntary flow of kindness and confidence which the heart pours out at the moment when friends are about to sever, when the past is recalled and the future anticipated, and friendship, no longer silent nor motionless, displays itself like the beauty of the ocean wave, which is most obvious at the moment of its dissolution.

Early in the morning the two friends prepared to pursue their journey. As they were about to depart, one of the emigrants advanced towards them, and remarked:—

“I reckon, strangers, you allow to encamp at Scottville to-night?”

“Yes,” said Saunders, “I do.”

“Well, then, I can tell you a shute that’s a heap shorter than the road you talk of taking—and at the forks of Rushing River, there’s a smart chance of blue clay that’s mirey like and it’s right scary crossing at times.”

Supposing they had found a nearer and better road, and one by which a dangerous ford had been avoided, they thanked their informant, and proceeded on their journey.

In some previous conversations, Saunders had learned that his friend had recently experienced some heavy losses, and was at this time much pressed for money, and wishing to offer him assistance, had, from time to time, deferred it, from the difficulty of approaching so delicate a subject. As the time of parting approached, however, he drew the conversation to that point, and was informed that the sum of five hundred dollars would relieve his friend from embarrassment. Having a large sum in his possession, he generously tendered him the amount required, and Hamilton, after some hesitation, accepted the loan, and proposed to give his note for its repayment, which Saunders declined, under the plea that the whole transaction was a matter of friendship, and that no such formality was requisite. When they were about to part, Hamilton unclasped his breast-pin, and presented it to his friend. “Let this,” said he, “remind you sometimes of Kentucky. I trust that when I visit you next year, I shall not see it adorning the person of some favored fair one.” “I have not so much confidence in you,” laughingly returned the other; and, handing him a silver-hafted pen-knife, curiously embossed, “I am told that knives and scissors are not acceptable presents to the fair, as they are supposed to cut love, so I have no fear that Almira will get this—and I know that no other human being would cause you to forget your friend.” They then parted.

As Hamilton was riding slowly homeward, engaged in thought, and holding his bridle loosely, a deer sprang suddenly from a thicket, and fell in the road before his horse, who started and threw him to the ground, in examining the deer, which had been mortally wounded, and was still struggling, some of the blood was sprinkled on his dress, which had been otherwise soiled by his fall. Paying little attention to those circumstances, he returned home.

Though his absence had been brief, many hands grasped his in cordial welcome, many eyes met his own in love, for few of the young men of the country were so universally beloved, and

esteemed as Hamilton. But to none was his return so acceptable as to Almira—. She had been his playmate in infancy, his xx[missing part]xx their intimacy ripened into love, and they were soon to be united in the holiest and dearest ties. But the visions of hope were soon to pass from before them, as the mirage of the desert, that mocks the eye of the thirsty traveller, and then leaves him a death devoted wanderer on the arid waste.

A vague report was brought to the village, that the body of a murdered man was found near Scotville. It was first mentioned by a traveller, in a company where Hamilton was present; and he instantly exclaimed, “No doubt it was Saunders—how unfortunate that I left him!” and then retired under great excitement. His manner and expressions awakened suspicion, which was unhappily corroborated by a variety of circumstances, that were cautiously whispered by those who dared not openly arraign a person whose whole conduct through life had been honest, frank, and manly. He had ridden away with Saunders, who was to have been in possession of a large sum of money. Since his return he had paid off debts to a considerable amount. The penknife of Saunders was recognized in his hands—yet none were willing on mere surmise to hazard a direct accusation.

The effect of the intelligence on Hamilton was marked. The sudden death of a dear friend is hard to be supported—but when one who is loved and esteemed is cut off by the dastardly hand of the assassin, the pang of bereavement becomes doubly great, and, in this instance, the feelings of deep gratitude which Hamilton felt towards his benefactor caused him to mourn over the catastrophe with a melancholy anguish. He would sit for hours in a state of abstraction, from which even the smile of love could not awaken him.

The elections were at hand; and Hamilton was a candidate for the legislature. In the progress of the canvass the foul charge was openly made, and propagated with the remorseless spirit of party animosity. Yet he heard it not, until one evening he sat with Almira in her father’s house. They were conversing in low accents, when the sound of an approaching footstep interrupted them, and the father of Almira entered the room. “Mr. Hamilton,” said he, “I consented to your union with my daughter, believing your character to be unstained—but I regret to hear that a charge has been made against you, which, if true, must render you amendable to the laws of your country. I believe it to be a fabrication of your enemies; but, until it can be disproved and your character as a man of honor placed above suspicion you must be sensible that the proposed union cannot take place, and that your visits to my house must be discontinued.”

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“I do not know,” replied the lover, “it is some electioneering story, no doubt, which I can easily explain. I only regret that it should give him or you a moment’s uneasiness.”

“It shall cause me none,” replied the confiding girl: “I cannot believe anything evil of you.”

He retired—sought out the nature of the charge, and to her inexpressible astonishment and horror, learned that he was accused of the murder and robbery of his friend! In a state little short

of distraction, he retired to his room, recalled with painful minuteness all the circumstances connected with the melancholy catastrophe, and, for the first time, saw the dangerous ground on which he stood. But proud in conscious innocence, he felt that to withdraw at that stage of the canvass, might be construed into a confession of guilt. He remained a candidate, and was beaten. Now, for the first time, did he feel the wretchedness of a condemned and degraded man. The tribunal of public opinion had pronounced against him the sentence of conviction; and even his friends as the excitement of the party struggle subsided, became cold in his defence and wavering in their belief of his innocence. Conscious that the eye of suspicion was open, and satisfied that nothing short of a public investigation could restore him to honor, the unhappy young man surrendered himself to the civil authority, and demanded a trial. Ah! Little did he know the malignity of man, or the fatal energy of popular delusion! He reflected not that when the public mind is imbued with prejudice, even truth itself ceases to be mighty. Many believed him guilty, and those who, during the canvass, had industriously circulated the report, now labored with untiring diligence to collect and accumulate the evidence which should sustain their previous assertions. But arrayed in the panoply of innocence, he stood firm, and confident of acquittal. The best counsel had been engaged, and on the day of trial Hamilton stood before xx[part missing]xx [cul]prit in the presence of those before whom he had walked in honor from childhood.

As the trial proceeded the confidence of his friends diminished, and those who doubted became confirmed in the belief of the prisoner's guilt. Trifles light as air became confirmations strong as proofs of Holy Writ, to the jealous minds of the audience, and one fact was linked to the other in curious coincidence, until the chain of corroborating circumstances seemed irresistibly conclusive. His recent intimacy with the deceased, and even the attentions which friendship and hospitality had dictated, were ingeniously insisted on as evidences of deliberate plan of wickedness—long formed and gradually developed. The facts that he had accompanied the deceased on his way—that he had lost the path in a country with which he was supposed to be familiar—his conduct on hearing of the death of his friend—the money—the knife—caused the most incredulous to tremble for his fate. But when the breast-pin of Hamilton, found near the body of the murdered man, was produced—and a pistol, known to have been that of the prisoner, was proved to have been picked up near the same spot—but little room was left, even for charity to indulge a benevolent doubt. Nor was this all—the prosecution had still another witness—the pale girl who sat by him, clasping his hands in hers, was unexpectedly called upon to rise and give testimony. She shrunk from the unfeeling call, and buried her face in her brother's bosom. That blow was not anticipated—for none but the cunning myrmidons of party vengeance, who had even violated the sanctuary of family confidence in search of evidence, dreamed that any criminating circumstances were in the possession of this young lady. At the mandate of the court she arose, laid aside her veil, haggard with anxiety and terror. In low, tremulous accents, broken with sobs, she reluctantly deposed, that the clothes worn by her brother on the return from that fatal journey, were torn, soiled with earth, and bloody! An audible murmur ran through the crowd, who were listening in breathless silence—the prisoner bowed his head in mute despair—the witness was borne away insensible—the argument proceeded, and after an eloquent, but vain defence, the jury brought in a verdict of *guilty*! The sentence of death was passed.

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The summer had passed away. The hand of autumn had begun to tinge with mellow hues the magnificent scenery of the forest. It was evening, and the clear moonbeams were shining through the grates of the prisoner's cell. The unhappy man, haggard, attenuated, and heartbroken, was lying upon the wretched pallet, reflection alternately upon the early wreck of his bright hopes, the hour of ignominy that was just approaching, and the dread futurity into which he should soon be plunged. It was the season at which his marriage was to have been solemnized. With what pride and joy had he looked forward to this hour! And now, instead of the wedding festivities, the lovely bride, and the train of congratulating friends, so often pictured in fancy, he realized fetters, a dungeon, and a disgraceful death! The well known tread of the jailor interrupted the bitter train of thought. The door opened, and as the light streamed from a lantern across the cell, he saw a female form timidly approaching. In a moment Almira had sunk on her knees beside him, and their hands were silently clasped together. There are occasions when the heart spurned all constraint, and acts upon its own dictates, careless of public opinion, or prescribed forms—when love become the absorbing and overruling passion—and when that which, under other circumstances, would be mere unlicensed impulse, becomes a hallowed and imperious duty. That noble hearted girl had believed to the last, that her lover would be honorable acquitted. The intelligence of his condemnation, while it blighted her hopes and withered her health, never disturbed for one moment her conviction of his innocence. There is a union of hearts which is indestructible, which marriage may sanction, and nourish, and hallow, but which separation cannot destroy—a love that endures while life remains, or until the object shall prove faithless or unworthy. Such was the affection of Almira; and she held her promise to love and honor him, whose fidelity to her was unspotted, and whose character she considered honorable, to be as sacred as if they had been united in marriage. When all others forsook, she resolved never to forsake him. She had come to visit him in his desolation, and to risk all, to save one who was dear and innocent in her estimation, though guilty in the eyes of the world.

The jailor, a blunt, though humane xx[part missing] with Almira, had devised for the escape of Hamilton. He had consented to allow the prisoner to escape in female attire, while she was to remain in his stead, so that the whole contrivance should seem to be her own. "I am a plain man," concluded the jailor, "but I know what's right. It ain't fair to hang no man on suspicion—and more than that, I am not going to stand in no man's way—especially a friend who has done me favors, as you have. I go in for giving every fellow a chance. The track's clear, Mr. Hamilton, and the quicker you put out, the better."

To his surprise the prisoner peremptorily refused the offer.

"I am innocent," said he; "but I would suffer a thousand deaths rather than injure the fair fame of this confiding girl."

"Go, Dudley, my dear Dudley," she sobbed; "for my sake, for the sake of your broken-hearted father and sister—"

"Do not tempt me, my dear Almira. I will not do that which would expose you to disgrace."

"Oh, who would blame me?"

“The world—the uncharitable world—they who believe me a murderer, and have tortured the most innocent actions into proofs of deliberate villainy, will not hesitate to brand you as the victim of a cold-blooded felon. And why should I fly? to live a wretched wanderer, with the brand of Cain on my forehead, and a character stamped with infamy?”—

He would have said more—but the form, that during this brief dialogue, had sunk into his arms, was lying lifeless on his bosom. He kissed her cold lips, and passionately repeated her name—but she heard him not—her pure spirit had gently disengaged itself, and was flown forever. Her heart was broken. She had watched, and wept, and prayed, in hopeless grief, until the physical energies of a delicate frame were exhausted, and the excitement of the last scene had snapped the attenuated thread of life.

Hamilton did not survive her long. His health was already shattered by long confinement and the chafing of a proud spirit. Almira had died for him—and his own mother—oh! how cautiously did they whisper the sad truth, when he asked why she who loved him better than her own life, had forsaken him in the hour of affliction—she, too, had sunk under the dreadful blow. His father lived a withered, melancholy man, crushed in spirit; and his sister hung like a guardian angel over his death-bed, and as he gazed at her pale, emaciated, sorrow-stricken countenance, he saw that she, too, would soon be among the victims of this melancholy persecution. When, with his last breath, he suggested that they would soon meet, she replied: “I trust that God will spare me to see your innocence established, and then will I die contented.” And her confidence was rewarded—for God does not disappoint those who put their trust in him. About a year afterwards, a wretch who was executed at Natchez, and who as one of three persons named in the commencement of this narrative, confessed that he had murdered Saunders, with a pistol which he found at the place where the two friends had slept. “I knew it would be so, was the only reply of the fast declining sister—and soon after she was buried by the side of Dudley and Almira. Reader, this is not fiction—nor are the decisions of God unjust—but his ways are above our comprehension.

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