

A Lucky Larceny
by Judge Clark

Mr. Courtney was a rich old bachelor, and the uncle of a couple of nephews—the one a brother's, the other a sister's son. These two were his next of kin, legally entitled, in case he died intestate, to inherit his property.

Edward Horton, his deceased sister's son, was decidedly his favorite, and to him the old gentleman resolved to give the bulk of his estate.

Charles Courtney, the other nephew, had inherited a handsome fortune from his father, and moreover, by his uncle's will, was entitled to succeed to that left to his cousin, in the event of the latter's dying without issue.

Old Mr. Courtney being one of the halest of bachelors, when it was announced, not only that he was dead, but that foul play was suspected, when a post-mortem examination demonstrated that he had fallen a victim to poison; and when it was given out that the hand that administered it was that of his favorite nephew, the public mind was both surprised and shocked.

It was not until Edward Horton had been fully committed for trial for his uncle's murder, that I was retained for the defense.

His own statement was, in substance, this:

A physician had been called to see Mr. Courtney on occasion of some apparently trifling illness, requiring some simple remedy, for which a prescription was written and handed to the prisoner to have made up. This the latter had carried to a well-known, competent druggist, who had put it up in his presence. The medicine consisted of three white powders, each folded in a scrap of paper, and the whole enclosed in a single wrapper. They were to be given at intervals of an hour, and had remained continuously in the prisoner's possession till the first was administered, which was done by himself, immediately on his return from the druggist's. Mr. Courtney grew rapidly worse; and when, at the expiration of an hour, a second powder was administered, the symptoms became so alarming, that a messenger was dispatched for the physician, who, on his arrival, declared that the patient was suffering from the effect of poison. An examination of the remaining powder disclosed that it was pure arsenic. It was too late for any antidote to be available; and in less than an hour death had relieved the sufferer. An autopsy of the body, and an analysis of the contents of the stomach, left no doubt as to the cause of death. The presence of arsenic, in a necessary fatal quantity, was indicated by every known chemical test. It was further admitted by the prisoner, that he alone had access to his uncle's apartment, or had handled the medicine from the time it was compounded by the druggist, till the coming of the physician, after the second powder had been taken.

The druggist, who was known to be a man of extraordinary caution, and thoroughly skilled in his business, was ready to swear that by no possibility could any mistake have occurred in putting up the medicine.

To make matters worse, it transpired that the amicable relations between the uncle and nephew had been somewhat disturbed of late, by reason of an attachment of the latter disproved by the former, who had gone so far as to threaten to change his will unless his wishes were respected.

“Who was in company with you from the time you received the medicine till your return to your uncle’s house?” I asked the prisoner, desperately groping after something to afford a ray of hope.

“No one,” he answered, “but my cousin Charles, whom I met near the druggist’s, and who accompanied me in.”

I drew from Edward that Charles saw the medicine put up; walked with him a little way; then went back for something, Edward awaiting his return; then walked arm in arm nearly home, when Charles left. I also reminded Edward that his uncle, being dead, if he also should die childless Charles would inherit the whole estate.

“He did it! He did it!” the young man cried in a paroxysm of excitement too earnest to be counterfeit. “He went out to get the poison when he left me waiting. He put it up to resemble the druggist’s parcel, for which he substituted it as we went along. Villain—I know it now! I carried the parcel in the right pocket of my over coat, and it was on that side that he walked!”

I was seated in my private office on the day preceding that fixed for the trial, indulging in anything but sanguine expectations, when a tap at the door announced a visitor. It was the detective I had employed.

“What is it?” I inquired, after closing the door.

“I made an arrest today,” he answered, “and in the prisoner’s possession found this overcoat,” undoing a package he had brought.

“Well?”

“In one of the pockets I found this,” and he handed me a small parcel, which I opened. Inside were three papers, folded as druggists put up their prescriptions.

“The person with whom I found this coat,” the detective continued, “confesses that he stole it from a billiard saloon, the owner having laid it aside while playing; and the date he fixes corresponds with Mr. Courtney’s murder. But what is more important, I have ascertained that Charles Courtney is the owner of the coat!”

“Let us at once to the druggist’s!” I exclaimed, springing from my chair and snatching up my hat.

We were soon there.

“Please examine this parcel,” I said, putting it into the druggist’s hands.

He did so, carefully opening the papers and inspecting their contents. They contained three white powders!”

“How do they correspond with those you put up for Mr. Courtney,” I inquired, “and for which others seem to have been afterward so mysteriously substituted.”

“They do not correspond at all,” he answered; “they are the same.”

“The same! How do you know that?”

“By these figures,” he replied, pointing to the inside of one of the papers. “I had made a calculation that day on the sheet of paper part of which I used in putting up the prescription bought by Mr. Horton. The remainder I have preserved, not knowing but it might become important. Here it is, and you see how this piece and the figures fit it.”

They did exactly; the chain of evidence was complete!

I need hardly tell how the trial ended. Charles Courtney was put on the stand by the prosecutor, to prove some unimportant point. I asked him but three questions on cross-examination:

“Had he accompanied the prisoner from the druggist’s?”

“Had he lost an overcoat that day?”

“Was that it?”

The questions were very simple, but the effect on the witness was most remarkable. He trembled, and turned pale. He knew his secret was out, and that lying was useless. He answered all three questions in the affirmative, but in a voice scarcely audible. Before the next witness was called, he slipped from the court room, and was never heard of afterward.

With the testimony of the detective and the druggist, not forgetting that of the “penitent thief,” we made short work of what had promised to be “a beautiful case of circumstantial evidence.”

The New York Ledger, April 16, 1870

The New Bloomfield [PA] Times, May 30, 1871

Reprinted anonymously as “The Lucky Larceny” in *Indiana Progress*, October 25, 1877