

A Convincing Circumstance by Judge Clark

The Thane murder case presented none of those difficulties which so often baffle detective skill, and leave shrouded in impenetrable mystery some of the darkest deeds of crime.

The facts were plain and simple. Mr. Thane, a man of wealth, and the proprietor of a large manufacturing establishment in a country town, was found murdered in his office one morning. On the floor, near the body, lay a silver-mounted sheath-knife of singular pattern, which Mr. Thane had picked up as a curiosity in his travels, and had since kept hanging in his office. It was apparently with this weapon that the assassin had inflicted the frightful cuts and stabs which had dispatched his victim.

The door of the safe stood open with the key left in the lock, while the state of the apartment bore witness that the crime had not been accomplished without a fierce and deadly struggle.

George Winter, one of Mr. Thane's hands, had been discharged the day before attempting to organize a "strike," and it was upon him that suspicion first fell—a suspicion that soon ripened into certainty; for at an early hour of the morning on which the murder was discovered, Winter was caught lurking in a secluded place, and on being arrested and searched a large sum in bank notes was found upon him, and Mr. Darth, a respectable citizen, identified the money as having been paid by himself to Mr. Thane the afternoon before.

This was the case against the prisoner, and plain enough it was to all seeming.

When first questioned touching his possession of the notes, Winter's answers were confused and unintelligible; but when made to comprehend the dreadful charge against him, he told, in a tolerably connected manner, this story.

He had made an early start that morning to seek employment at a manufactory some miles distant; and while following an obscure path by which the distance would be shortened, the sound of stealthy steps caused him to peer through the bushes, and by the dim morning light he caught sight of a man's back, who, after going a little way, knelt at the base of a jutting cliff, and taking something from his pocket thrust it into a cleft of the rock, after which, without turning his face toward the watcher, he disappeared quickly. After waiting a moment, Winter approached, and thrusting his hand into the crevice, drew forth a leathern pocket-book containing the money, the finding of which in his possession, whilst loitering undecided near the spot, had furnished such convincing proof against him.

Of course this story went for little. The wonder was that a simple creature, such as George Winter, had been always thought, should have had the wit to coin it. It proved him a deeper fellow than anybody had supposed.

The duty of defending the prisoner, who had no money to employ counsel for himself, was assigned to me, the judge, no doubt, considering that such a case ran little risk of detriment even in my inexperienced hands.

On the day of trial I went into court with little hope of benefiting my client beyond seeing that he was hanged in due form of law, for hanged he must be infallibly.

The State's attorney brought out the facts clearly and without a hitch, till he called the physician who had made the autopsy and attended at the inquest.

The doctor began with a detailed description of the wounds found on the body, testifying that several of them [were] necessarily fatal.

"Look at that knife," proceeded the prosecuting officer.

The witness took it in his hand and scrutinized it closely, drawing his thumb over the edge from haft to point.

"State whether, in your opinion, the wounds you have described were inflicted with that weapon?"

The doctor laid the blade flat on a sheet of a white paper placed on a small table at his side. Then he produced a small folded packet which he undid cautiously, letting something too small to be visible to the lookers-on drop from it on the paper near the edge of the knife. Next looking through a magnifying glass, he busied himself for some seconds adjusting something carefully with the point of a pin.

"I testified before the coroner," he said, looking up quickly, "that I believed the mortal wounds had been given with this knife. *Now, I am quite convinced of the contrary!*"

Everybody looked astonished.

"What has changed your opinion?" asked the prosecuting counsel, with evident annoyance.

"Because I am sure it was with this weapon that Mr. Thane defended himself against the murderer."

"How do you know that?"

"Please look at the edge, near the tip, through this glass," said the doctor.

The counsel did so.

"Do you not see a little notch exactly fitted by a minute detached particle placed in contact with it?"

"Yes."

Then we all looked—judge, jury, and counsel, and all saw just what the doctor had described.

“That particle of steel,” resumed the doctor, “I took recently from the arm of a person whom I was called to treat for a wound seemingly of some months’ standing, and which had broken out afresh from some inward irritation. Seeking for the cause, I discovered and removed from its lodgement at the bone this speck of metal, and we have before us the evidence of where it originally belonged.”

“The name of your patient, Doctor, if you please!”

“Gilbert Darth!”

A murmur of astonishment ran through the audience. So, it was respectable Gilbert Darth, whose words from the witness-stand (and they were true, too,) fixing the identity of the money, had told against the prisoner with such crushing force, who had resorted to robbery and murder to regain the money he had paid his victim just before, and poor, friendless George Winter wasn’t guilty after all!

Before Darth was placed on trial the bloody knife, with which he had actually committed the murder, was found where he had hidden it, and shown to have been previously in his possession. His conviction followed in due course, and before meeting his doom he made a full confession.

New York Ledger, July, 19, 1879