

The Doctor's Evidence
by Judge Clark

For the first time in its history, the inhabitants of the quiet village of Elmdale had been shocked by the discovery of a great crime committed in their midst.

Seth Driscoll, a well-known citizen, was found, at early dawn, lying dead in his own garden. A ghastly bullet wound in the back of the head left no room to question the cause of death; and any suspicion of suicide was rebutted, as well by the position of the wound, as by the discovery of footprints leading back and forth from a spot near the body to garden wall, at a point where the latter bore evident marks of having been scaled.

But the crowning discovery was that of a pistol, recently discharged, lying near the base of the wall where the murderer had clambered over. It was picked up by Jonas Wenlock, Mr. Driscoll's nephew, who gave a start of surprise at the sight.

"I know who owns this weapon!" he exclaimed.

"Who? who?" questioned a dozen eager voices.

"Volney Kendall," he answered.

Had a thunder-clap fallen among the listeners the effect could not have been more startling. The young man whose name had just been uttered was the last person to be suspected of an atrocious crime. At the first instance the very thought was repelled with abhorrence; but at the second came a strange revulsion. It was remembered that Volney Kendall had been an earnest suitor for the hand of Kate Dunseth, Mr. Driscoll's ward, and had received from the haughty guardian a supercilious rebuff, which he had bitterly resented. Here was a motive for the deed, which, coupled with the circumstance of the pistol, awakened conviction in the very minds whence, a moment before, the slightest shade of suspicion had been indignantly scouted.

Within an hour young Kendall, pale and agitated, was dragged a prisoner to the scene of the tragedy, where fresh evidence was speedily added to that already accumulated. His shoes were found exactly to fit the tracks in the garden, even to the print of the nails.

He acknowledged the ownership of the pistol, but declined all explanation of its presence at the place where it had been found, or of his own whereabouts on the previous evening.

None longer doubted the guilt of the prisoner, who was placed in close confinement to await the coroner's inquest.

Next day I was retained for the accused; but from an interview with him permitted by the jailer, I came away without a shadow of hope; for though he strongly asserted his innocence, he persisted in maintaining silence on points the clearing up of which was vital to his defence.

The inquest was held at the house of the deceased. The facts already stated were laid before the jury; but when the prisoner was questioned, save acknowledging the ownership of the pistol, and denying all knowledge of the murder, he declined to answer.

Once he looked appealingly at Kate Dunseth[,] who was present, summoned as a witness with the rest of the household. She met his look with a tearful, bewildered gaze, and he turned away and bowed his head in silence.

I drew from Jonas Wenlock, whom I was permitted to cross-examine, that he had a heavy insurance on his uncle's life, and from another witness, who had undertaken the duty of investigating the condition of Mr. Driscoll's affairs, that they were in a very embarrassed state. But the coroner cut me short:

"It is hardly proper, Mr. Wilson, in the face of the evidence, to insinuate either that Mr. Driscoll committed suicide, or his nephew murder."

All the witnesses had been examined but the gray-headed doctor who had made the autopsy, and who now took the stand. He was one of your grave, taciturn men, who keep their own counsel till the fitting time comes to speak.

"Tell us, Doctor," continued the coroner, after a few preliminary questions, "what if any wounds you discovered on the person of the deceased?"

With minute precision, the witness described the bullet wound in the head, giving the diameter and depth to a fraction.

"In your opinion, was that wound the cause of death?"

"*It was not,*" was the answer, in a tone whose calmness and composure were not in the least ruffled by the murmur of astonishment which greeted the words.

"Pray explain," requested the coroner, with ill-concealed surprise.

"There were no signs," replied the doctor, preserving the same quiet manner, "of either external or internal hemorrhage, which would necessarily have followed the severance of the blood-vessels by the passage of the bullet, had the man been then alive. *When that shot was fired he was already dead.*"

"To what, then, do you attribute Mr. Driscoll's death?"

"To poison. A careful examination of the organs revealed the presence of a fatal quantity of prussic acid, which must have entered the stomach during life, as was clearly shown by its inflamed condition."

As suddenly as the belief in Volney Kendall's guilt had sprung into being, a new suspicion flashed on the minds of all.

It was true, then, that Seth Driscoll, with ruin staring him in the face, and his ward's money to account for, had taken his own life. And the shot—that must have been fired by Jonas Wenlock, on discovering his uncle's dead body, and the evidence of suicide afforded, most likely, by the phial which had contained the deadly draught. He had thus hoped to secure the insurance money, which would have been forfeited by death self-inflicted. True, there was no direct evidence of all this, but none the less did every one believe it.

“Everything seems cleared up but the tracks and the pistol,” said the coroner, when the doctor had concluded.

“And these it is *my* place to explain, Mr. Kendall having declined to do so out of delicacy toward myself,” interrupted Kate Dunseth, hastening forward from where she and Volney had been holding an earnest colloquy for the last five minutes.

“My guardian had forbidden Mr. Kendall the house; and the latter sent me a message requesting a secret interview in the garden. The message miscarried—perhaps was intercepted—and Volney—Mr. Kendall I mean—not finding me at the place appointed, in returning over the wall, accidentally let fall the pistol which he carried for self-protection in case of encountering a certain person who was his deadly foe, and who always went armed.”—Here she cast a withering glance at Jonas Wenlock, who was careful not to meet it.

The verdict of the jury was that the deceased had come to his death from poison administered by his own hand; and Volney Kendall went forth a free man. Kate Dunseth's fortune was irretrievably lost, but it was not for that that Volney had sought her love; and he was a prouder man, the day he led her to the altar, at the thought that she could have no doubt now that it was herself, and not her wealth, that he had wooed.

Jonas Wenlock never sued for the insurance money.

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