

*The Mark of the Crutch.*  
*A Story of Circumstantial Evidence*  
by Mary Kyle Dallas

Old Adam Hardburn was always accounted very eccentric, but when he adopted Malone's boy people thought that his eccentricity amounted to madness. The Malones were a bad lot, and this boy was not, as far as any one knew, better than any other of the family. Moreover, he had fallen from a tree which he was robbing of peaches in his youth, and crippled himself so that he must always walk with a crutch. What did old Adam want of him? But Adam cared nothing for criticism; he knew that no one ever pleased all the world yet, and when his friends prophesied that he would be sorry, he laughed in their faces. Old Malone was dead, two of the boys were in jail, one gone away upon a voyage. He had found Dan deserted in the miserable hut they had inhabited, friendless, with no one to help him to such work as he could do, and he had taken him home.

"There could not be a better boy," old Adam said; and after Dan had been with him two years he was still so much of this opinion that he made a will in his favor. Dan Malone, the old ruffian's lame boy, had come to be the prospective heir of the largest estate in the place.

He was a gentle looking boy, who grew refined in manner, and learnt rapidly; but even when he had come to be one-and-twenty people were still prejudiced against him. Adam's venture might turn out well, but they doubted it.

At last something happened that seemed to prove that they were all right.

Old Adam was very fond of fishing. Sometimes he spent long days beside a certain trout stream, and often his boy, as he called Dan, was with him; but one summer day Dan was not well and Adam went out alone. The hired man was chopping wood in another direction, and the old woman who washed and cooked kept to her kitchen. But about eight o'clock that evening, Dan, very pale, and with a strange look in his eyes, came into a neighbor's house.

"I came because I wanted help," he said. "Mr. Hardburn went away to fish this morning. I was sick. I grow giddy when I try to stand. I can't go after him, and he's not home yet. I wanted Simon to go, but he says his master is old enough to take care of himself, and has probably gone somewhere to supper. But that's not like Mr. Hardburn; besides, he had on his fishing hat and a linen jacket. I wish some one would do what I find I am unable to do. I'm alarmed—very much alarmed."

The neighbors were kind. The men started out for the trout stream, and the women comforted Dan, telling him that good news would come soon; that it was too cool for sunstroke, and that the stream was too shallow to be dangerous. But the young man sat paling and shivering, partly with illness and partly with anxiety, until news came. It was the worst news possible. Mr. Hardburn had been found dead, shot through the head. A pistol lay near him, and his pockets were turned inside out, and his watch was gone.

When Dan heard the news he fainted away, and for awhile every one sympathized with him. But soon the tide turned.

Detectives came down from the city and made explorations and inquiries. The watch was found in a hollow tree, and all along the soft wood-path were very peculiar footsteps. They traced them from the woods to the gate of the old man's home: the mark of a shoe, and where the other shoe-print should have been, a puncture. Some one has been here who walked with a crutch, was the conclusion.

In the whole village was but one who used a crutch—young Dan Malone. The clouds of suspicion began to gather. Dan declared that he had been ill in bed all day; but Simon, the man, knew nothing of Dan's whereabouts from the time he left home until he returned, and Betty only knew he had not come to dinner. The pistol with which Mr. Hardburn had been murdered was one that was always kept in his own dining-room. And finally Dan, and no other, had an object to attain by the old man's death.

Poor Dan was arrested, and his agony was very great.

"What do they think of me?" he cried. "Is money anything in comparison with a friend such as I have lost? I had all I wanted. He was like a father to me. How can you think I would harm a hair of his dear head?"

But say what he would, no one believed him. They had no proof that he had been ill in bed; no proof that he had not been to the woods; indeed, there were the marks of his crutch, and that the watch had been hidden, not carried off, was the proof that no thief had been the murderer. So Dan Malone lay in prison for awhile, and was at last brought to trial. The facts which the jury had to consider were these:

No one had seen Dan after Mr. Hardburn left home. A pistol which was in the house had been used to shoot him with. Dan declared that he had not crossed the threshold; yet there were the marks of a crutch from the gate to the woods, down to the spot where the murdered man lay, and back again; and Dan came into a fortune on his death.

During the trial his manner, his words, his pallid face, his evident terror, even before Mr. Hardburn had been found, were all described, and set down against him. One of his brothers was in person for manslaughter, and the race was bad.

The jury only brought in the verdict all expected when they brought in that of "Guilty of murder in the first degree;" and when asked what he could say in his own defence, Dan only answered:

"How could any one believe that *I* could kill *him*?"

So Dan was condemned to be hung by the neck until he was dead, and all the world said it was only what might be expected of Malone's boy—that he should turn and bite the hand that fed him. Even when the dreadful day came there was little pity felt for him. Such a traitor, every one felt, deserved hanging.

Simon and Betty both came in for a comfortable legacy, and the property went to a charity in case of Dan's death; and Simon took his legacy and lived in a little house that he bought, and for a man of humble station was very well off. He lived thus ten years, adding to his means by driving people to and from the station when he felt like it, and married a buxom wife.

One day, however, the wagon of which he was so proud came to grief. Simon was thrown out and taken home in a dying condition. As he lay on his bed, attended by his weeping wife, more than bodily torments seemed to rack him, and he begged for a priest. The priest came, and at the end of the confession to which he listened summoned the magistrate.

This is what was taken down in his presence and that of the priest, from Simon's own lips:

“Father Steck says I must tell the truth before I leave the world, or I can have no absolution. I wouldn't tell it if I had a chance of life, but it doesn't matter now.

“I lived with old Mr. Hardburn ten years ago. I'd lived with him quite a time, and he thought a good deal of me. At last, he took a boy to live with him—Dan Malone, a lame fellow—and he thought of no one else after that. I hated Dan; he was no better than I, and the old man made a will, leaving him all he had. He put me in the will for three thousand dollars, too, but I wasn't satisfied. One day the old man got a lot of money paid him. It was a mortgage; he put it in his pocket and went to fish. I knew he was down in the woods alone, and I thought if any one could knock him senseless he could get the money; and then I thought of my legacy. If he was dead I could have that too. Dan Malone was sick that day; I saw him in bed; he was asleep. I went and got a pistol there was in the house, and then I saw Dan's crutch outside the door; he'd got so he could walk about the house pretty well without it. He'd had costly doctors called in to him; and I thought a minute, and I took it. I wasn't going to have my shoes measured if anything happened to the old man, and the crutch seemed to be a good thing to knock him on the head with, too. I tied my leg up by a handkerchief and went down into the woods, leaning on the crutch as if I *was* lame. No one saw me. The old man was fishing. I went behind him and hit him on the head, and took his money and his watch as he lay senseless. I wouldn't have killed him if he hadn't come to and called out, ‘Good heavens! it's Simon!’ Then I hid the watch in the tree, meaning to get it again some day, and I limped home as I had come. If any one saw me from a distance, they thought it was Dan. I left the crutch where I'd found it. No one was near. No one suspected me. Dan was arrested, and tried, and hung. I would have saved him if I could without hurting myself; but that was not possible. I here swear that he was as innocent as a babe, and that I did the deed he was hung for.”

Simon lived just long enough to sign this confession, and long ago repentant hands set a stone over poor Dan's neglected grave with his sad story upon it. It was a poor atonement to the victim of circumstantial evidence.

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