

A Story of Circumstantial Evidence
by L. H. WELLS

Be still, sad heart, and cease repining,
Behind the clouds the sun is still shining.

There are many people in this world who have lived lives of active experience. Such a class are very apt to imagine that they have lived long, when, in truth, they have only lived fast.

Such was the character of Henry Woodward, of whom we are writing. Although he was but 27 years of age, his dark hair contained many tinges of gray, and his countenance was sad and thoughtful; and yet he was a strong and what might be called a handsome man. One thing can be said to his credit, and that is, he was well liked and respected by all his associates, and none entertained for him any dislike.

The time when the narrative of his life and events occurring therein begins was when we find Harry a miner in the gold fields of California. That was the time of 1849, when the golden State teemed with adventuresome men from the crowded cities of the Atlantic, and when almost every day some poor miner, who had left a happy home, was assassinated in some lonely spot surrounded by frowning mountains. Harry was a successful miner, but that settled sadness on his face never gave way, and his most intimate friends were unable to divine the cause of his sadness. But here we must pause and tell something about the history of Harry Woodward. Harry had been brought up by a rich bachelor uncle, his father having died when he was but a child, and his mother soon followed the father to the grave. His uncle, John Woodward, was a cross old gentleman, but in heart kind and liberal. He gave Harry a collegiate education, and fitted him for the profession of law, for which he was well qualified. Between the uncle and nephew frequently occurred stormy quarrels, but up to the time he had finished reading law and had been admitted to the bar no *serious* misunderstanding ever occurred. About this time Harry had formed the acquaintance of and become engaged to the daughter of a neighbor, Alice Warren. To this the uncle objected, as there had long been a feud between Mr. Warren and John Woodward. The uncle threatened to disinherit Harry, if he should consummate the engagement with Alice in marriage. Harry determined, in spite of the opposition from his uncle, to wed Alice Warren, let the consequences be what they might, and he so informed his uncle. John Woodward stated that if Harry did not change his determination to make Alice his wife he would alter his will within the next three days. As it then stood, should the uncle die within three days, Harry would yet be heir to his uncle's fortune, as the old gentleman had no other relative living. On the morning of the second day, John told Harry that he intended leaving his money to some charitable institution unless he relented in the allotted time; but Harry expressed renewed determination to wed the one of this choice, and had some warm words with his uncle. Harry left him for good.

On the morning of the third day, about 6 o'clock, John Woodward not appearing at his usual hour of rising, a servant went to his room, and, to his horror, found that the old man had been murdered in his bed. An alarm was immediately given, and officers were called

in. It was ascertained that Woodward had been shot in the left temple. A handkerchief, with the name Harry Woodward, was found in the room; and, after some further examination, a small pistol, with Harry's name engraved in the handle, was found under the window in the rose bushes, where it had evidently been thrown by some one. Circumstantial evidence went to prove that Harry Woodward had murdered his uncle, and that day, even before he had learned of the death of his uncle, Harry was arrested on the charge of having murdered his uncle in cool blood. The awful realities of the situation were hardly comprehended until he was informed what evidence there was against him, and then he saw it would be a hard matter to establish his innocence. At the usual preliminary examination it was shown by the testimony of the servants that Harry Woodward had had, the day before the murder had been committed, a quarrel, in which the old man had declared that he would certainly change his will the next day, and that Harry had used language that might be construed into a dangerous threat. Also, the finding of the pistol and handkerchief was introduced, and Harry was bound over for trial for murder at the coming term of court, which was to be held within a month.

The evidence against Harry Woodward was, indeed, very strong. Most everybody believed him to be guilty of the murder of his uncle; but all were charitable enough to think he had done the deed in the heat of passion, and that in heart and soul Harry Woodward was a good man. This expressed sentiment, of course, could not save him from what seemed to be his inevitable doom. The time for the trial approached. Harry and his counsel did all that was possible to obtain some clew to the true murderer, but all their effort was without success and at the trial Harry was convicted of murder in the second degree, and sentenced to the State penitentiary for ninety-nine years, or the remainder of his natural life.

It would be useless to say that this was a terrible blow to Alice, to whom Harry was engaged, and when she was informed of his fate she cried bitterly, protesting his innocence. Alice was a young woman of great courage and determination. She at once decided to pay Harry a visit at the place of his confinement the day before he was to be taken to the penitentiary. She found Harry in very low spirits, and upon seeing her he burst into tears. She said:

“Harry, I believe you are innocent of this terrible crime, and it shall be the work of my life to see that your innocence is proven; it may be a long time before this can be done, but I know God will aid me in this holy work. You shall yet be a free and honored man.”

“Dearest Alice,” said Harry, “this is more than I could expect even from you. How do you know I am not guilty of the crime of which I stand convicted?”

“Do not question me, Harry; I would not believe you guilty though the whole world were to declare you so. You must not go to that terrible place of confinement. You must escape from here to-night, and when once free trust to me that your vindication will come. Go to the gold fields of California, and I will work for your vindication. I will communicate with you under an assumed signature, and you will observe in like precaution. Take this and use it in making your escape at once.”

With this remark she handed him a small file.

Harry took the file, and then looked at Alice with surprise and amazement.

“You must act,” she said, “to-night.”

“Dear girl,” said Harry, “can I ever repay you for your encouragement in this hour of sadness? I will go as you direct, and trust to you and Heaven for my vindication. I will write you under the name of Samuel Washington, should I succeed in reaching California without being recaptured.”

“Good-by, Harry; trust in God and me—your own Alice.”

The next morning when the door of the jail was opened, it was found that Harry Woodward had made his escape. Some of the bars of the window had been pried away, and Harry had made his exit. Officers were sent all over the country, but no traces were found of the escaped convict, and, after some months had passed, the chase was given up.

In the meantime Alice Warren was not idle, but worked diligently, in secret, of course, to secure a clew upon which to commence operations. She questioned the servants of the murdered man closely, and ascertained from them that a man employed on the estate had been seen prowling about Harry’s place of residence a short time before the killing had been done, and that this man had been seen with a pistol exactly similar to the one Harry was known to have. The man’s name was William Clark. At the trial Clark testified that about midnight, on the night of the murder while on his way from town, he had seen Harry hurrying from the estate. Also, that he had heard, or thought he heard, the report of a pistol in the direction of the estate. It was upon this man’s evidence that the conviction of Harry rested, together with the finding of the pistol and the handkerchief. Some time after the conclusion of the trial, and the subsequent escape of Harry, Clark left for the city, and there spent considerable money in pleasure, and boasted he had a large sum laid away, and did not intend to work hard any more.

Alice noted all these circumstances, and made up her mind that this man Clark was the guilty one, and that he had contrived to throw suspicion upon, and by concocting evidence secured the conviction of Harry. Alice went to the city, which was only a short distance from where she lived. She visited the gunsmith’s shop and inquired if there had been within the past five months a man in the place to have engraved on a small pistol the name of Harry Woodward. The workman said that a man named Clark had called for the purpose mentioned. She had now a clew to work on.

The murderer, instead of taking the pistol from Harry’s room, had procured one similar to the one Harry had, and had Harry’s name engraved upon the handle. It is likely that Clark attempted to secure the original pistol owned by Harry when he obtained the handkerchief, but was not able to find it. At the trial Harry said that the pistol found in the bushes under the murdered man’s room was his. It occurred to Alice that if both

pistols could be obtained—the one Clark had had engraved, and the one owned by Harry—she would have sufficient evidence to warrant the arrest of Clark. Accordingly, she went to the office of the county Sheriff and requested that she might have the pistol that was produced at the trial of Harry Woodward, and also that she might examine the effects of the escaped convict. Both requests were complied with. The moment she had the pistol in her hand, with flaming eyes and flushed cheeks she commenced examining Harry's effects, which had been taken possession of by the authorities, and had remained undisturbed. They consisted of several boxes and trunks. She carefully went from trunk to trunk, until she had reached the last package, and there, buried in cotton, was the identical counterpart of the pistol she held in her hand. Taking both pistols she hurried home, and at once communicated with the counsel who had defended Harry at the trial.

The lawyer was struck with amazement when Alice related the circumstances and showed him the pistols. He said it was conclusive, and immediately went to the police station and communicated with an officer, who arrested Clark. Clark was terribly excited when arrested, and demanded to know what proof there was against him. When told of the finding of the pistols he uttered no more protests of his innocence, but admitted that he had committed the murder of John Woodward. He was tried, convicted and sentenced to be executed.

In the meantime Alice had heard nothing of Harry, although about a year had elapsed since he had left. She began to fear she would never hear from him again. But one day a letter came to her from him. He told her what he was doing, and where he could be addressed. She lost no time in writing to him, telling him that he was a free and vindicated man. The letter came to Harry in due season, and the sadness that had lingered like night shades upon his face passed away and the weight upon his heart was lifted. He lost no time in settling up his business and bidding farewell to his comrades. When he reached the home of his childhood he went straight to the house of Alice Warren.

But I must say no more. All must know that the reunion was a happy one.

One thing more. The estate of the uncle, of course, fell to Harry, but he turned it over to the Orphans' Home, in accordance with his uncle's wishes should he wed Alice.
ROSEBURG, ORE.

Sioux County Herald, September 9, 1880, 3/8