

## *Circumstantial Evidence*

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It is quite common, and some may think it fashionable to cry out against circumstantial evidence; while the fact is—and a fact not to be disputed—that no evidence is more reliable.

Circumstances do not lie; they are trustworthy as far as they go, and the only thing required to render their evidence indisputable is, that no link in the chain shall be lacking.

To be sure there is a liability to error, but it is not through danger that the circumstances may prove treacherous, but that a witness may be mistaken in his direct evidence, or testimony. Absolutely and truly, direct testimony—the recounting of what a man had himself seen or heard—is always to be accepted with caution; and it not unfrequently happens that such testimony, given in the utmost good faith, proves fatal and treacherous.

Let me tell you a story to illustrate what I mean. It transpired about 20 years ago, on the shores of the Hudson.

A young lady—I forget the name, but we will supply, fictitiously, Mary Adams—was missed from her home. Her disappearance caused much excitement, and that excitement ran wild when it was at length announced that she had been murdered. Her body had been found on the shores of a tributary of the Hudson River, with bruises upon her head, which gave ample evidence that her death had been a violent one.

Such bruises might have been gained by falling upon the rocks above the spot where the remains were found, but there were other circumstances that pointed in another and more ghastly direction.

A young man named William Claypole was arrested under accusation of the murder of Mary Adams. A preliminary examination before a justice afforded sufficient evidence to bind him over to appear before a jury. Claypole had waited upon Miss Adams for a year or more, and during the past two or three months the intercourse had not been of the happiest kind.

She was proved to have been gay and laughing, loving, with a light, volatile disposition, a heart warm and impulsive, and impatient of restraint. Claypole, it appears, had been exceedingly jealous and exacting; prone to fault finding, and ready to make his affianced miserable and fearful if she dare to look smilingly upon another man.

It was proved by several witnesses that Claypole had threatened Miss Adams with terrible vengeance if he ever caught her doing certain trifling things again; and a man of the town—a man respectable and reliable—had seen the twain together in angry discussion on the very night of the murder.

He had been on his way home on foot, and, walking leisurely along by the river's bank not a hundred yards from where the dead body had been found, he had heard Claypole use language of terrible significance, and one sentence, spoken loudly and distinctly, he could repeat word for word and swear to it.

It was a bright moonlight evening, and he had gained but a short distance from the angry pair when he saw the man grasp the girl by the arm and fiercely exclaim:

“I'd rather kill you and throw your body into this cold flood than live under such torment as you've made me suffer for the last few weeks. Beware! I tell you, woman, I am desperate.”

To this the man swore most positively. He remembered the circumstances and the exact date, and that was the evening on which Mary left her home not to return. William Claypole was committed for trial, and in due time he was brought before the jury.

If anything, the evidence before the jury was more conclusive than had been the preliminary evidence. There was more of it, and it all pointed directly to the accused. In fact, if Mary Adams had been killed, it was an absolute impossibility that any one else could have done it. That she could have killed herself was a proposition not to be entertained.

William Claypole told his story. Most of the evidence he acknowledged true.

He had been exceedingly jealous, and he had threatened the girl, and though he could not clearly remember all that he might have said under the influence of strong passion, yet he would not deny that the man who had reported his last terrible speech on the river bank had reported it correctly.

He said he had been there with Mary on that evening, and he remembered that he saw the witness on the road. After seeing witness he spoke the angry, impulsive words to Mary. He could only swear to the simple fact that very shortly after using the language just prevented, he had become startled by his own fierce passions, and had sent the girl, from him—and bade her to go home, telling her he hoped he might never see her again. With that she had left him, and he knew no more.

Claypole's story bore the stamp of truth in everything save the bearing upon it of the facts already stated. Everybody was sorry. Nodody believed that William Claypole ever nourished murder in his heart. It had been but the creature of dreadful impulse.

Yet the evidence was all against him—all, all—and not a point whereon to hang doubt, and he was found guilty of murder.

One bright, pleasant day, while William Claypole lay crushed and broken in his dark cell, and while the people shook their heads in sorrow that one so young and promising should meet so terrible a fate—on such a day Mary Adams appeared before the jailer and demanded to see the prisoner who had been accused of her murder.

The jailer came nigh fainting with superstitious terror; but by and by the applicant succeeded in convincing him that she was a thing of flesh and blood, like other women, and he admitted her to the prison. We need not describe the scene that followed the meeting of the lovers. In some respects it was sacred. In due time the custodians of judicial power and authority came to the prison, where they listened to a new revelation.

Mary Adams was not dead at all! The story which her lover told was true. On that night of the quarrel, fearing that he might do some rash thing and really desirous, for the time, of getting out of the way and beyond his knowledge, she returned secretly to her house, where she made up a small bundle of necessary clothing, and then, unknown to any one, she crept away, and before morning she was beyond the possibility of reach or recognition.

Having found a new home in a far away mountainous region, she had not seen any newspaper until she had been in her new home. She read the account of her own death, and of the arrest of her lover for her murder, with astonishment, and now she had come to set matters right.

As fortune would have it, on the very day of Miss Adams' return, an officer in search of an escaped patient, whom, after weeks of labor he had, succeeded in tracing in that direction. He saw the garments which had been taken from the body of the dead woman, and recognized them at once as having belonged to his patient.

The initials, "M. A.," which had been supposed to stand for Mary Adams, were really meant for "Mortonborough Asylum." The officer saw Miss Adams, and declared that if he had met her on the highway, or in a crowded public conveyance, he should certainly have arrested her. Her resemblance to the patient he had sought was wonderful.

And so the truth was known at last. By a fortunate revolution of the wheel light came to Mary Adams, and her reappearance upon the scene came with saving power to William Claypole.

The lovers went away from the prison together, and certainly we have just ground for the belief that the ordeal through which they had passed had been sufficient in its terrible experience to lead and sustain them in the only safe and peaceful way of life—the way of trustful love and wise forbearance.

"Behold, from this," cries one, "danger of relying upon circumstantial evidence."

But we beg that one's pardon. The circumstances did not lie; it was the direct testimony that proved false, as is very often apt to be the case.

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