



WOULD YOU CONVINCT- ON CIRCUMSTANTIAL EVIDENCE?

The POST MORTEM LETTER

A TRUE STORY

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DISTRICT ATTORNEY William Travers Jerome says:—"During the twenty years of my observation of legal matters in New York I have never known of a criminal case in which a defendant was convicted by circumstantial evidence and was subsequently proved to have been innocent, but I have known of several cases in which conviction was obtained on direct testimony subsequently found to have been perjured."

"People have an erroneous idea concerning circumstantial evidence. They think it means flimsy or faulty evidence. Circumstantial evidence consists of the simple, hard facts surrounding an act. The facts that every business man uses every day for the successful conduct of his business are the same kind of facts that make circumstantial evidence."

"Circumstantial evidence is the best kind of evidence if the rules laid down in law to govern it are followed, as they are always followed nowadays. These rules are sufficient to prevent danger of a wrong. Another safeguard is the juror, who is apt to be only too suspicious of circumstantial evidence. It is sometimes difficult to induce a jury to give a just and reasonable weight to circumstances."

It began with a robbery, of itself sufficiently a mystery, which led the authorities through a devious maze to that which was accepted officially as the light. But when the machinery of justice had ground the grains of satisfactory truth from the matter a darker element was found commingled and interspersed therein. So the case of a simple burglary became almost instinctively confused with that of a murder and the loss of Mme. Andrecht's plate and jewels served as a mere preliminary to the death of the Corporal Ruhler.

Mme. Andrecht occupied for the greater part of the year a commodious house with a large shaded garden, which backed along the bank of the river toward the outskirts of the town. It was her custom to visit a country seat for two of the spring months. Upon her return from such an absence on a certain June day she found her residence in such a condition that led her to notify the police immediately.

Word of a burglary spread quickly among the neighbors and a curious crowd gathered about Mme. Andrecht's home even before the officials were fairly at work with their investigation within. Among the clatter it was noted that the case had fallen to the share of one of the youngest commissaries of police, who recently had distinguished himself by the capture and conviction of a notorious band of footpads. Amid wailing heads it was passed about that the thieves had best hide themselves well, for Jacob Hundert was the bloodhound that would follow fast and far upon their traces.

Evidence of a leisurely and complete looting was writ large throughout the ancient house. Apparently the person or persons concerned had had ample time in which to make a selection of the most valuable articles in the place, accommodating their best convenience in packing and making away with the plunder. A stout cupboard in which both plate and money had been stored by Mme. Andrecht had been broken open and the contents stolen, as had also a strong box used for the storage of her jewels.

Jacob Hundert applied to the matter the calm penetration and keen understanding that had recommended him for advancement beyond the claim of his years. In part his remarkable success had been due simply to his adoption of practical methods in the pursuit of criminals at a time when the traditional procedure of the detective department had fallen upon ancient and futile ways. Having first trained himself to some knowledge of the habits of evildoers, to which requirement he was easily led by bent of nature, he brought into play a faculty for cold reasoning and impersonal logic that pointed the path, in many instances, through intricate possibilities. Beyond this he had something of the essential power of throwing himself into the mental attitude of the man upon whose track he was placed, achieving, with his combination of gifts, a series of results that seemed to verge upon the miraculous. He was to find a situation to test his best powers in the business at hand.

In examining the Andrecht house Hundert was struck particularly by an unattached circumstance. The cupboard had been almost taken apart, with much patience and care, so as not to injure the joints beyond repair. Nor could he conceive a possible explanation for this. Even supposing the robbery to have been the work of professional housebreakers it was still sufficiently remarkable that the locks should have been removed and the hinges unscrewed with such regard for the ultimate condition of the piece of furniture. One used to such affairs, or one unused, would have wrenched the doors apart with a twist of a steel blade or split a door with heel or hammer.

Date on Charred Paper.

He was writing out his preliminary report when one of his assistants brought to him a scorched and tightly rolled stump of paper, which evidently had been used as a torch. It had been found in a corner, where the first searchers had overlooked it. Hundert unfolded it carefully and spread it out before him on the table. It was black, save for a date some four months old, penned in ink upon a lower corner. He included it in his inventory, and set it aside as promising some clue.

One of his first steps was to make inquiry among the neighbors as to what had been seen or heard

about the house during the absence of its owner. In the course of this he questioned Leendert Van Vonder, a prosperous small dealer in woolsens, whose place adjoined at the right along the bank of the river. Van Vonder at first showed some reluctance in meeting the queries of the commissary, but on being pressed unfolded a circumstance of moment.

At a little distance further away to the right along the river was an inn, kept by the young Nicholas Deeskirk, who, two years before, had married a maid in the employ of Mme. Andrecht. Their attachment had fallen under disfavor with the aged woman, who saw herself deprived of an efficient servant, and during its course she forbade the girl to receive her lover on the grounds. Van Vonder had been aware of this prohibition and of the way in which it was evaded. Keeping watch he had seen that Deeskirk

Hundert and offered his testimony. It appeared that a week before the return of Mme. Andrecht he had made demand upon one of his customers, a carpenter, Isaac Van Malken, of certain sums long owing him. The carpenter had fobbed him off for a time, but finally had produced two old silver candlesticks, which he desired him to accept as part payment of the debt. Seeing small chance of reimbursement by other means the merchant had consented. He now believed the candlesticks to be the property of Mme. Andrecht. A messenger was sent with the articles to the aged woman and returned with full identification of them. The apprehension of Isaac Van Malken was immediately ordered.

The carpenter answered the summons like one who is prepared for questions, and gave his explanation readily. He said that he, in his turn, had



HE WAS WRITING OUT HIS PRELIMINARY REPORT.

nightly threaded a secret path across the intervening estates and through the hedges to the forbidden garden, where he kept his tryst with the maid.

Van Vonder, as he told Hundert, had almost forgotten these nocturnal journeys of the innkeeper when, some five days before the discovery of the robbery, he had found a crumpled handkerchief in the very cap of the hedge that had been used by Nicholas Deeskirk in time of courtship. This handkerchief, which he now handed to the official, bore the embroidered initials "N. D." It was natural enough, he explained, that he should marvel as to what attraction brought the innkeeper back along his old tracks so recently.

Hundert, while fully alive to the significance of the initialed handkerchief, set himself to clear the available field somewhat further before making a move. He circulated quietly among the folk of the quarter and addressed his inquiry to the financial standing of Deeskirk. He found, by the aid of those secretly in the employ of the police, that the innkeeper was laboring under a load of private debt, accumulated through frequent clandestine attendance at the gaming board. So troublesome were the claims, he was able to observe, that Deeskirk had failed to meet several honest obligations through the sharper necessity of paying and concealing his less respectable creditors.

Meantime the commissary made a study of the twisted spill of paper which had been discovered in the Andrecht house. The sheet had been burned across the top and its exact original use was not apparent. In comparing its texture and shape with commercial forms he made no headway. But following the point with a pertinacity that increased as it continued to evade him he gained a fact of considerable importance. He turned to an examination of official blanks and documents and in this way found that the paper in question was part of an excise receipt.

The Scrap of Paper.

Seeking out the excise officer for the district Hundert laid the scrap before him and asked him if he could in any way identify it. The officer thought he could, since the date was in his own handwriting. He inspected his records and showed that on the day indicated he had given receipt for a tax on a barrel of rum received by Deeskirk. With this fact to aid the presumption that the letters "N. D." on the handkerchief indicated Nicholas Deeskirk the man was placed under arrest charged with the robbery.

Strong confirmation of the suspicions of the authorities resulted from a search of the prisoner's house. A large sum of money brought to light from the false bottom of a chest fitted poorly with his known necessities situation of late. None of the plate or jewels was found, but doubt of the guilt of the accused was banished from the popular mind when the commissary presented to the magistrates an account book of Mme. Andrecht's, included in the list of missing articles and discovered in the cash drawer of the inn.

The case against the accused was topped the same day. A dealer in wood applied for an interview with

been creditor to Nicholas Deeskirk. Shortly before the wood merchant made his demand he had applied to the innkeeper for money, and after some dispute had accepted the candlesticks and a silver coffee-pot in part settlement. At the same time, he said, he had sworn not to dispose of the articles in the town, at Deeskirk's earnest request, the innkeeper representing that he had an urgent private reason for keeping word of the transaction from his family. He offered an entry in his accounts as proof of his statement and a recent receipt from him for twenty gulden among Deeskirk's papers apparently established his testimony firmly.

The matter was ten days old, and the innkeeper was already convicted and sentenced by the universal voice when a strange event cast a new color upon the case. The chief magistrate received a letter from a small town twenty miles distant, as follows:—

"Before I leave the country and betake myself where I shall be beyond the reach either of the court or of the military tribunal of the garrison I would save the unfortunate person who is now under arrest. Beware of punishing the innkeeper for a crime of which he is not guilty. Let the judge pay attention to this remark. You may spare yourselves the trouble of inquiring after me. If the wind is favorable, by the time you receive this letter I shall be far at sea."

JOSEPH CHRISTIAN RUHLER.

"Late Corporal in the Garrison." This remarkable communication was turned over to Hundert. He visited the garrison and sought information from the commandant. It was easily learned that Corporal Ruhler had been missing since nearly two weeks before the discovery of the robbery. He had left no hint of his destination, nor even of his intention to leave town. His military kit was complete, save for his clothes of daily wear, nor were his private belongings gone. He had last been seen while leaving the barracks of an evening, and neither word nor trace of him had since come to the notice of any one. He had been posted as a deserter.

Body Washed Ashore.

Full upon these facts came the climax to the mystery. Hundert was leaving the garrison when one of his men brought word that a party of fishermen returning from the sea up the river had dragged to shore a large tin, or barrel, floating low in the water. Inside was found the naked body of a man bearing marks of violence. Upon being taken to the offices of the police it had been pronounced to be that of Corporal Ruhler. It had been in the water about two weeks.

Examination established beyond all doubt that murder had been done. The corporal had been killed with some dull edged instrument, apparently an axe, three blows having been struck upon one side of the head. The arms and chest were covered with bruises such as might have been received in a struggle. The body had been bent double and jammed into the barrel with great force.

Holding a letter written to deflect suspicion from an accused burglar and purporting to come from a man who was dead by violent means, Hundert struck direct for the point in starting to discover the writer. To his mind the matter hung upon the identity of the person who would attempt to frustrate justice by turning pursuit upon the trail of one who could never be found, barring some such accident as had in truth found him. Who could pick the best possible suspect so cleverly? Only one who knew that the indicated suspect was dead, as the commissary saw it. And such knowledge was a strong supposition of guilty knowledge.

His first care was to take the letter about the town to such persons as had had dealings with the corporal. Ruhler had been assigned to duty in the commissariat, with the power to make small purchases for the garrison. It was no difficult task, therefore, to find a shopkeeper who could show specimens of the corporal's handwriting among his accounts, and Hundert was able to obtain several of these. He thus armed himself at the start with proof that the letter was not by any chance actually written by Ruhler, for the characters were by no means similar. He took this precaution to set aside a possibility that the body had not been rightly identified and that the man was still alive or had been at the time the communication was penned.

Ruhler being removed from the problem, the young commissary took the square position that the innkeeper was in some way concerned with the writing of the letter, patently directed toward the purpose of clearing him of the charge of burglary. He made his way the next day to the town from which the letter had come. It had impressed him that the hand in which the missive was written was singularly correct and scholarly and he made immediate inquiry for the names of the public letter writers of the place, confident that it might easily have been the work of one of the clerks who undertook such commissions for the unlettered. He also had in mind the fact that one desirous of covering his traces and disguising his hand would turn naturally to a hired amanuensis.

In the course of his investigation he visited a young deaf mute who was highly regarded as a copyist and did excellent engrossing and writing, gaining therefrom something of a local reputation. He was such a one as a stranger might be recommended to by a townsman. The commissary produced the Ruhler letter and conducted his examination by the aid of slate and pencil.

"Did you pen this letter?" he wrote. "Yes," came the answer through the same medium. "On whose order?" "I don't know his name."

"Was he a resident here?" "I don't think so."

"Would you know him if you should see him again?" "It is probable that I would not. He came here at dusk and gave me a rough draft, which he desired me to copy and send. I was sitting beneath a lamp and he wrote his commands on this slate, giving me the money at the same time. I did not see him well. He was a man of average height and age. I was short of paper and used the half of the sheet he left me to copy the draft on."

The Woman.

This avenue being closed, to all appearance, Hundert proceeded at another angle. He returned to town and resumed his study into the matter of stationery, through which he had accomplished the identification of the excise receipt. The paper upon which the letter had been written was not unusual in appearance, but on questioning the merchants who dealt in such commodities the commissary was assured that it did not quite correspond with any of the ordinary grades. After an exhaustive inquiry he found one man who could match it exactly from his stock. In running over the names of the persons concerned in the case to find if any were counted among the customers of his dealer Hundert halted at the name of Mme. Andrecht. The aged woman, he learned, had purchased writing paper at the shop about a year before.

Back to the Andrecht house he hastened. Mme. Andrecht aided him perfectly to lay his hands on a vital fact. She had had a package of this identical writing paper in the cupboard that had been robbed. It had gone with the rest of the stolen articles. Thus the letter was connected with the burglar, the letter was also connected with the murderer, and the position was warrantable that the burglar and the murderer were one and the same person.

The case against Nicholas Deeskirk for the burglary was well nigh perfect, but the commissary did not desire himself concerning the one circumstance and its inadequacy. It merely served to indicate the way for further investigation. He recalled that he had noticed stains in the cellar of the inn during his first search there for the missing valuables, and he turned his attention upon these. He returned to the place and went over it carefully. There was no difficulty in establishing that the marks, partly removed from the flooring by an ineffectual attempt to clean it, had been caused by blood. What was of some little importance, he was able to find a single short human hair, a trifle of no value by itself, but fitting well into the hypothesis he was slowly constructing. Ruhler's hair had been black. This hair was black.

Hundert also discovered an axe in the woodshed back of the inn. The lined depressions of the grain in the handle had absorbed some dark substance. On examination by physicians this coloring matter was pronounced to be blood. In a crack in the raft, near the head of the axe, was found a very small splinter of bone. The axe could have caused the wounds from which Ruhler died.

The commissary achieved his triumph in the matter by the aid of an old shoe raked from a heap of refuse on the river bank near the inn. There was no particular reason why he should have noticed or appropriated this article beyond impulse and the general alertness with which he surveyed all possible parts of the situation. On carrying this to a shoemaker he was told that such shoes were supplied to the soldiers, carrying this line of questioning into the garrison, he was able to add to his case the fact that a pair of Ruhler's shoes left in his kit bore the same peculiarities formed by wear as those shown on the one he held. Aware of the importance of this personal and intimate bit of evidence, he reported it for the use of the prosecutor by showing that no two men wear leather in exactly the same manner.

The Supposed Motive.

The motive remained behind. Ruhler had been a quarrelsome, vindictive man, tenaciously greedy of the small perquisites that fell to him through his power of purchase. It was shown that Deeskirk had rebelled at paying the tribute demanded by the corporal in exchange for playing orders for spirits at the inn, and that there had been a sharp falling out between them. Ruhler had advertised Deeskirk as a cheat, and the innkeeper had threatened to take up the matter at the garrison. There had been high words at a chance encounter two days before Ruhler's disappearance. Deeskirk was known as a man of hasty temper, as many witnesses could testify. The final circumstance was established by a private in the garrison who had been the last to see Ruhler alive. He swore that the corporal was walking toward the inn and was not half a block distant from it when he passed him.

Through a peculiarity of the law it was thought well to place Deeskirk upon his trial for the robbery first, that his connection with this crime might be used as evidence in trying him for the more serious offense. He was found guilty of burglary, and was then tried for the murder of Corporal Ruhler. A second verdict of guilty was quickly rendered.

It was a characteristic of the commissary, Jacob Hundert, that he brought to his work no personal animosity, as he brought no friendship, for the individuals who came within the range of his duties. His was purely a mathematical mind, devoid of sentiment, an ideal machine for the uses of justice. He

approached a case as Euclid did a problem, with clean, unclouded logic and the absence of mixed purpose. The conviction of a criminal meant nothing to him more than that his theorem had been resolved in such a way that the minds about him were impressed with the soundness of his reasoning. There was no personal satisfaction in a verdict of guilty procured by his activities, nor did such an incident give him pause in any inquiry.

This quality of the man, the dominant note in his nature, gave the accused an advantage that held level the scales against the persistence in investigation that made for conviction. For the mind of Hundert, once given the premises and turned toward solution, did not turn aside until further hypothesis or analysis or grouping of the facts seemed quite useless.

So it was that the mere fact that Deeskirk was started for the gallows signalled no rest in the matter. There were still points worthy of attention. If the case he had collected thus far was sufficient to convince a jury of the guilt of the accused, that was their lookout, not his. He was concerned only with the play of men and circumstances. His it was to study and dissect actions and appearances and motives. What he found he passed along, but he refused to take the attitude of other or ordinary men toward his chosen work.

He was interested, at this stage, to discover just what the innkeeper had done with the articles still missing. He was sure, for his first step, that the goods had been taken away by boat from the back of the garden. The innkeeper owned no boat. Neither Mme. Andrecht, nor any of the intimate neighbors. Hundert set out to discover which of the available small craft had been stolen or borrowed for the theft, which was very like the familiar needle in the haystack task.

He proceeded, and this was the highest possible proof of his efficiency, caution and even mind, not on a line of questioning that would tend to incriminate Deeskirk more than any other.

Who had loaned or rented or missed his boat at the hands of any person during the month? This was his inquiry, and it brought upon him masses of useless information that he patiently threshed, while the hour for execution drew near and he gave it not a thought.

The Boat Clew.

To cut a wearying business to its bare results he struck upon a scent after a canvass of half the land owners upon the river within the town. A manufacturer of hosiery, who owned a sizable craft which he kept moored at the foot of his garden some distance from the Andrecht estate, supplied it.

"Of a night some five weeks gone now," said the man, "there came to me Isaac Van Malken, the carpenter, who most pressing desired that I allow him use of the boat for the night. On my inquiring what he planned for it he gave as his intention to aid certain bankrupt persons to leave the town by stealth. I told him I would be party to no such evasion, whereupon he shifted ground. He said he really wanted it for a fishing, but had feared to tell me the truth lest I think he would dirty it. So I lent it him."

"The next day there was my boat, but it held no traces of fish or the wet and clutter of a fishing. I was angry, for after all, I supposed, the rascal had been helping some bankrupt, perchance some criminal, to flee."

To the commissary this simple tale bore a significance. Here was Isaac Van Malken again, who had already felt the breath of suspicion in the case, and whose testimony had gone far to connect the innkeeper with the robbery. On his way to the stationer selected from that collection of pigeonholes of facts that was his memory the unexplained precision and care with which the cupboard had been taken apart. Did not this suggest a carpenter, a man used to the careful treatment of furniture?

Rapid developments followed. Hundert arrested Van Malken, and the first application of stern pressure brought full confession. A search of his house brought to light all the missing articles. He had robbed the Andrecht place with the aid of his apprentice and housekeeper, taken off the goods in the hosiery merchant's boat and perjured himself against Deeskirk. He accounted for one of the independent accusatory circumstances against the innkeeper, that of the account book discovered in the cash drawer. His apprentice had visited the inn and slipped it into the hiding place while the public room was deserted. Of the other parts of the evidence he could tell nothing.

But if Deeskirk was innocent of the burglary the whole structure of the case against him crumbled. What of the letter written on stationery stolen from him? What of the excise receipt? What of the initialed handkerchief? Hundert set himself to test the validity of these clues, which now conflicted with the known facts.

He came again to Leendert Van Vonder, the woolen dealer and next door neighbor to Mme. Andrecht, he who had been so accommodating with the handkerchief. He questioned closely, sharply. The man was not so ready, his story contradicted his former statement in trifling details, he became confused. Next day he and his wife were missed. They were pursued, captured, brought back and confined. Finally they confessed, implicating two more persons, Hans Stuyver, a baker, and his wife. The true story of the puzzling affair, involving a remarkable scheme of manufactured evidence, was as follows:—

The Van Vonders and the Stuyvers frequently played cards in the woolen dealer's kitchen with Corporal Ruhler. All four hated him on account of his disposition to quarrel and because he tyrannized over them in the matter of the garrison orders, for which he made them pay dearly. A dispute, arising after an all night session, the baker struck him. He threatened vengeance and they all set upon him. The woolen dealer made final settlement for old scores with an axe.

They were still discussing means of disposing of the body, which they packed in a barrel, when morning came. It was the day the burglary next door was discovered, and they heard the excitement of the crowds. Quickly gathering the facts and fearing that the police would search the quarter for thieves and thus come upon the body, they patched up the scheme to avert suspicion from their doors. The baker had in his pocket an old excise receipt which he had picked up on the floor of the inn. He burned the top of this, twisted it, mingled with the crowd, and dropped it unobserved inside a window of the Andrecht house, where it was found a few minutes later. Why should it not be Nicholas Deeskirk as well as another? What they most needed was to gain time.

Van Vonder's wife had saved a handkerchief dropped long before by the innkeeper in his courtship days and found by her. This afforded a handy contrivance. The body in the barrel was tumbled into the river the next night.

Van Vonder was the man who had given the order for the letter to the deaf mute. It chanced that he had borrowed several sheets of writing paper from Mme. Andrecht some time before, and it was on one of these that he had sketched the rough draft. He had taken this step through remorse, feeling the weight of guilt on his own conscience and sure that, whoever was guilty of the burglary, it was not Deeskirk. He also saw a chance to prevent an attempt to trace Ruhler. If he could induce the authorities to believe that the corporal had committed the robbery and had fled the country he would save an innocent man and protect himself at the same time.

The stains in the innkeeper's cellar were, as he had maintained throughout, the results of having slaughtered a pig. So were the marks on the axe. The shirt in the back garden was actually worn by him. He had been worn by Ruhler. The murderers had tied the clothing in a bundle and sunk it. The shoe must have floated loose and been dragged ashore, probably by some idle boy along the river bank. Even the excess of money in the inn was accounted for, that being the property of Deeskirk's father. His secret gambling debts were facts and had weighed heavily against him.

Thus Hundert, the commissary, worked out the second half of his problem in time to save an innocent man's life. The four guilty persons were executed and the carpenter was punished for his theft.