

# THE DANGER OF CIRCUMSTANTIAL EVIDENCE.

An English lawyer once wrote a book detailing many famous cases of innocent persons suffering even the extreme penalty on evidence purely circumstantial, and after that book was out on the market he wrote another showing how the guilty had received their punishment solely by means of this indirect, but usually conclusive kind of evidence. But there always is a flaw in the latter mode of reasoning, for, unless direct proof of guilt or direct proof of innocence turns up, the convicted person is considered guilty in the eyes of the law, at least from the moment of conviction. He may, however, be perfectly innocent, though the person or persons to prove him such may have gone before the Judge who knoweth all, and therefore needs no recourse to circumstantial evidence.

Few circumstances are more conclusive of the innocence of a man accused of having murdered a fellow-man and made away with the body than the appearance in flesh and blood of the alleged victim.

In the summer of 1892 a jury in Waldron, Ark., found Abner Ray guilty of the murder of John Potts. The convicted man rose to his feet to protest his innocence. His limbs trembled, his face flushed, and he fell forward dead of heart disease. A moment later John Potts entered the courtroom.

In the essential details of the case history simply repeats itself, for in 1841, at Gibraltar, a case strikingly similar occurred. James Baxwell, a rich merchant, lived in a small house near the base of Mont St. Michel. His daughter, Elezia, was of surpassing beauty and had many suitors, all of whom she treated with indifference. But at church one day she saw gazing at her a handsome young stranger, William Katt, an Englishman. It was love at first sight, and soon Katt found means to be presented to the beautiful girl, and shortly asked of her father her hand in marriage. But he was opposed bitterly to the match.

"It shall never be!" he cried. "You belong to the prevailing religion of England by which my family has suffered long and cruelly. You are a Lutheran and she is a Catholic. It shall never be!"

The lovers implored, but in vain. Then the girl announced that she would marry him in spite of everything. The father was enraged, and was heard to say he would kill her rather than permit her to marry Katt. A few days later cries were heard coming from a cave back of Baxwell's house. After a little the moans died away. Then the daughter was missed and after a few days a search was made. In the cave were found a skirt and other articles of her clothing clotted with blood. Bits of hair to which blood adhered were identified as from the head of Elezia. Baxwell was arrested and the evidence, the circumstantial, was all one way. He was convicted of the murder of his daughter and sentenced to death. As he was being led to the scaffold he saw Katt in the crowd, and, stepping over to him, said: "My friend, in one minute I shall be in eternity. I wish to die at peace with all men. Give me your hand. I pardon you freely for the terrible injury your evidence has done me."

Baxwell said this with perfect composure, but the effect on Katt was striking. He became pale as death, and could not conceal his agitation. Baxwell mounted the scaffold, and the black cap was drawn over his face. Just as the trap was about to be sprung, a sharp cry was heard. "I am guilty. It is I alone!"

The proceedings were stopped, and Katt explained excitedly that he had carried off Elezia with her consent to be his wife. At that very moment she was not very far away in a place of concealment. But his further deeds had been done without her knowledge. He had taken a lock of her hair, and several articles of her dress, and had dabbed them with lamb's blood, and put them in the cave, and had made the cries that the neighbors had heard. While Katt was speaking, Baxwell had dropped unobserved into a chair, and as soon as the officials had recovered their wits they took off the black cap from Baxwell's head. But Baxwell was dead. Herolf, indeed, must have been the human frame that could have withstood such a strain.

Convicted on a charge of murdering his brother-in-law, John Crow, in May, 1885, John Van Nimman served ten years in Jackson Prison, Michigan. In some out-of-the-way place in the world where Crow was wandering he came across a newspaper account of the trial of his brother-in-law. He came back, and in 1894 got Van Nimman out.

Lord Coke cites the case of an Englishman accused of murdering his niece. She was heard to cry out, "Uncle, do not kill me!" and soon after disappeared. The uncle, being required to produce her and being unable to do so, procured another girl to personate her, but the fraud was detected, and this let such color to the other circumstances that he was convicted and executed. It was afterwards found that the niece was living.

Sir Matthew Hale mentions a case in Staffordshire, where a man was accused upon incriminating circum-

stances of having murdered a missing person and burned him to ashes in an oven. He was executed, and a year after the missing man returned.

Two brothers traveled together in a seaport town in England. After dinner they got into a hot argument, at the end of which they retired to a double-bedded room. One of the brothers, seized with a violent fit of nose bleeding, rose at 3 o'clock in the morning and wandered off to a cliff. He was seized by smugglers, whom he unwittingly had detected in buying pouches of spirits. They were too amiable to murder him and merely put him on board a vessel which was bound for the West Indies. Meanwhile his brother, who, after his port wine and after-noon nap, had gone calmly to sleep, woke in the morning to find his brother's pillow covered with blood and his brother missing. He hastily rang the bell and summoned the landlord. But all his protestations of innocence were fruitless, and he was soon in the hands of the law. Stains of blood were traced from the bedroom to the edge of the cliff, where marks of a scuffle were found. The brother was tried, convicted and hanged. Left for dead on the gallows, his life was saved almost miraculously by a wandering shepherd, who, attracted by a low moan, cut down the hanging, choking man, resuscitated him and helped him to escape on board a vessel bound for Barbados. The first man he met in Roebuck-street, Bridgetown, was the brother for whose murder he had been wholly convicted and half hanged.

A case which ended like this was that of Ambrose Grounnet, who, upon circumstantial evidence which appeared conclusive and irresistible, was gibbeted, yet by extraordinary circumstances, survived his supposed execution, escaped to foreign parts, and there met the very person for whom he had been condemned to die.

Early in this century Jonathan Bradford kept an inn on the London road to Oxford. One night a gentleman of fortune named Hayes stopped there, and took supper with two other wayfarers. Indiscreetly he mentioned that he had about him a large sum of money.

After retiring one of the two travelers was awakened by a groan in the room next to his. He raised himself and listened. No; he was not mistaken. He woke his friend. Together they made their way into the adjoining room, where they found Hayes wailing in his groans. Standing over the bed was a man with a dark lantern in one hand and a knife in the other. But what was their amazement to recognize in this man, caught red-handed, almost in the very act of murder, the owner of the inn, Jonathan Bradford himself.

In vain Bradford protested his innocence. In vain he urged that, having been alarmed by the groans, he had seized a dark lantern and a knife, the only available weapon, and rushed into the room only a moment before the guests had done so, and for the same purpose. He had been discovered by the bedside with a weapon in his hand. There seemed no possibility that anyone else could have entered the room; the portmanteau of the murdered man lay at his feet, opened and ready to be rifled. It was shown that he must have overheard the statement as to its contents. The chain of evidence seemed complete. At the trial the jury speedily brought in a verdict of guilty.

The night before the execution he made a remarkable confession. He admitted that his knowledge of the contents of the portmanteau had haunted him when he retired to bed, that finally the temptation had taken shape in hideous resolve, that he had gone up to Hayes' room to do the very deed which he found but just done when he reached it. When his light fell on the scene his hand in which he held poised the knife, fell, and when he found himself in the grasp of his accusers he had felt that God's judgment was upon him. He owned that, though in act he was guiltless, yet that he was condemned justly. But though he died, with every appearance of sincere repentance, the general impression was that even his final confession was another vagary of a criminal nature playing with truth and falsehood to the end.

Eighteen months after the execution the public was startled to learn that Hayes' valet had made a death-bed confession acknowledging that he was the real murderer, that his object had been robbery, but that before he could rifle the portmanteau he had been frightened by approaching footsteps, and had just had time to escape to his own room before Bradford entered.—Toronto Globe.

## SOLDIERS LOOT CHURCHES.

(Continued from Page one.)

may remember how he was hauled up for refusing to recruit men who were Catholic. I suppose that even in Colorado he busied his picaresque mind picturing all he could steal. A native eyewitness told me that the Washington regiment were kingpins in the art of stealing. He saw them clean out the church and pastoral residence at Paris. He saw some of them take the Sacred Heart statue into their camp—and after painting it black—consign it to more vile mockery.

That politically engaged mercenaries should give full rein to their passions and be guilty of the excesses thus described, is not beyond the range of comprehension; but what is astonishing is the fact that a government claiming to be Christian and civilized should allow even the shadow of a suspicion of such deeds to pass uninvestigated. The conduct of

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these volunteer American soldiers in the Philippines will be a standing blot upon the army record of the Republic, and the impunity allowed these armed criminals will mark the history of that war and possession as a disgrace to modern civilization.

## OF INTEREST TO FARMERS.

### HOW TO TELL A GOOD COW.

Professor H. Hayward, of the Pennsylvania State College, recently delivered a lecture at a meeting of the Guernsey Breeders' Association on the subject of how to tell good cow. This is a question that has provoked more discussion among dairy writers and speakers than almost any other one, and yet there is little harmony as to the conclusions of the divers interested people. Some extracts from the lecture may be useful as well as interesting. Amongst other things he said:—

"In the case of the dairy cow, her selection is surrounded by a great many more difficulties. Her desirable qualities are not only dependent on her ability to eat and assimilate large quantities of food, to nourish herself and, oftentimes, a growing foetus, but also on her power, by methods not yet clearly understood, to manufacture that food into milk containing a high percentage of butter fat and other solids. It is because there is so much about the dairy cow that we do not understand that the choice of a good cow is so difficult, and it will be difficult until we come to know more of the processes by which milk is elaborated in the mammary gland. Until then we shall wonder why two cows bred alike, of the same age, handled alike in every respect, will vary so much in the quantity and quality of their production.

In the first place, the animal should be fine-boned, which is shown especially by her head, legs and tail. This point is looked upon favorably, from the fact that if a cow's visible bone is clean and fine, she must, on account of the law of correlation, be possessed of refinement in all the other parts of her body; or, in other words, if a cow shows quality in the points just mentioned, there will be an absence of coarseness to any degree in all other parts of her body. Generally speaking, coarseness is not compatible with greatest production of any desirable animal product.

"Other indications generally recognized to be desirable are a large muzzle and abdomen, showing the power to eat a large quantity of

food; bright, large and prominent eyes, and bright red, visible mucous membranes, showing a good assimilation and circulation, which are necessary to any hard-working animal.

"Again, the general absence of flesh on any part of the body, especially on the shoulders or on the pelvic arch, is admired and sought for by most dairymen. The indications of a poor constitution are contracted chest, dull eyes, heavy, drooping ears, standing with hocks close together and toes far apart, and a general look of unthriftiness.

### THE HAIR, SKIN AND UDDER.

"The hair and skin, taken together, are the principal external indications, aside from the udder, that have a more or less direct bearing upon a cow's production. Just how great a bearing they have has not been determined. Sometimes our faith in them is very strong, and we almost think we have solved the mystery, but just as we reach the point where we are ready to commit ourselves, we find some cow that, according to our indications, ought to be an inferior animal, but, as a matter of fact, in point of actual production, is much superior to another animal that we consider ideal in conformation.

I think these figures show quite conclusively that a well-balanced udder is of some value other than to be looked at. But the importance of these figures lies in the fact that the average cow has an imperfectly developed udder, especially in its fore part. If, by any means at our command, we can secure a better development, we can reasonably expect more milk, and consequently our cows will be just so much more profitable to us, for it is always the last pound of milk that yields the greatest profit.

"While a great deal might be said about the milk and udder veins, their character and their relation to activity of the udder, I do not believe that the true relation of the milk and udder veins is thoroughly understood; yet that eminent animal physiologist, Smith, says that "as far as we know, the mammary secretion is dependent upon the amount of blood passing through the glands. Changes in the general blood pressure, by modifying the blood supply of the mammary gland, also influence the amount of milk secreted." If, then this be the relation of the milk veins to the udder, it will be readily seen that the development of the veins cannot be overlooked in our estimation of the value of a cow as a milk producer."

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