



WOULD YOU CONVICT ON CIRCUMSTANTIAL EVIDENCE?

The BROKEN LINK

A TRUE STORY

Copyright, 1909, by the New York Herald Co. All Rights Reserved.

MARTIN W. LITTLETON, formerly Assistant Prosecuting Attorney in Parker and Dallas counties, Texas, and Assistant District Attorney of Kings county, says:—

"Just about twice as much reliability can be placed upon circumstantial evidence as upon direct evidence supplied by the average witness. I'll take my chances with circumstantial evidence if some beneficent power will take care of the lying witness. It is my belief that the only innocent men, if any, convicted nowadays owe it to deliberately false testimony."

"Circumstantial evidence is the only weapon left to an innocent defendant with which to combat an incriminating lie. It is the object of the defence in such a case to place the lie in relation with the true circumstances and thus reveal its falsity."

"The great rule for all jurors to bear constantly in mind is this:—Circumstantial evidence consists of a chain of circumstances, each one consistent with the other and leading, on the whole, to a conclusion which excludes every other reasonable hypothesis or supposition than that of the guilt of the defendant."

It was an ominous thunder that echoed through the sleeping streets of the hamlet of Wallingfen of a chill December midnight. A hollow tattoo sounding from the plain beyond deepened in note and volume to a hoarse rumble that woke the good villagers with a choking fear upon them and set them to trembling where they lay, bed clothes about their ears. It intermitted, only to begin again, and continued at intervals with startling violence.

The less timid of them, undeterred by the whispered warnings of their wives, clothed themselves with what came handiest in no great haste and ventured to their front doors or windows, where anxious questions as to what the unnatural alarm might portend passed from mouth to mouth. Still each man hesitated and hung back upon his own threshold until a point of light, swinging rapidly up the road, restored them to good courage.

"'Tis Henry Johnson, the constable," cried neighbor to neighbor, "and now we shall soon know the trouble."

The guardian of the peace of Wallingfen, carrying his lantern, passed along between the rows of cottages, striding toward the source of the noise. With their natural protector, incidentally one of the strongest men in the North of England, to lead them, the townsmen followed in his wake, stung thereby by a word or two that Henry Johnson let fall as he moved on to his investigation.

The way led past the last house of the hamlet and over a crooked field toward a low, sprawling structure that bulged black and mysterious at the end of a short avenue of overhanging trees. As they tramped on in silence a sharp wind plucked at them, and from the vaguely defined dwelling ahead the hollow roar crashed threateningly and stopped with a suddenness that made them catch their breaths. Some began to lag behind, nor was the spirit of any one heartened by the thought of the place which they were to visit. Crook Farm bore no smiling reputation.

For a moment the advance wavered, but Johnson bade them think shame of themselves, and since he did not slacken his pace they pressed on at his heels. When another booming rattle had fallen away into silence they had entered the avenue. At the end of it the constable bore around to the right, where was the side entrance and whence the noise had come.

With staring eyes the villagers looked over his shoulder, fearful at what they might find. In the yellow splash of light, where Johnson's lantern, drove back the shadows from the steps and massive door, stood two figures which every member of the group recognized with a sigh of relief. The full voice of Johnson challenged them.

"Now, then, Farmer Armstrong, what is wrong with you and the mistress, that you stand without your own house and wake the parish in the dead of night?"

The neighbors crowded in about the couple, their fear forgotten, but a mighty curiosity in their place. Armstrong was standing with a thick blackthorn in his hand, and as they watched the source of the mimic thunder that had aroused them was made clear when he turned to shower heavy blows on the door, which vibrated like the skin of a titanic drum. Johnson questioned more sharply and the farmer gave a hurried explanation of how he came to be playing the insistent visitor on his own doorstep.

The Crime Revealed.
He and his wife had been away from Wallingfen for upward of a week. They had returned from Hull but half an hour before, and, finding the house dark, had since been trying to arouse either their boarder, Mr. Wilson, or the boarder's servant, Mary Strugnell. It might well be, he added, that Mary Strugnell had gone of a night's visit to the adjoining town of South Cove. But he was puzzled to account for the fact that Wilson, a man not yet forty years old and a light sleeper, had failed thus far to answer the summons, though he had pounded this half hour.

Discussion of the problem was interrupted by a shout from a lad who had stolen along with his elders unobserved and had been eyeing the upper wall of the house, where the lantern's glow picked out jutting surfaces and angles. He pointed to a window on the second floor. Over the sill there hung a strip of white, evidently a sheet or other covering.

Johnson already had seen enough to convince him

that further investigation was warranted, and the appearance of a sheet depending in a suggestive manner from an open window on a winter night put a sinister color upon the situation. He announced that they must break in the door immediately. Several of those who lived in the nearest houses were sent for crow-bars.

During the few minutes that elapsed before their return the constable followed his first instinctive impulse in the possible presence of a crime and quietly made keen scrutiny of the faces, words and actions among the members of the group, not in the absolute hope of discovering traces of guilt, but to watch for suggestions or for indications of a possible trend of suspicion. Johnson, the most obscure of Leeco's, was a man of remarkable shrewdness and penetration for one in his position. His appointment as constable had been made rather as a concession to his muscular development than to the more rightful claim upon police service that his natural qualities of a first class detective gave him. His experience had included several small criminal



FOUND THAT THE DOOR WAS NOT LOCKED AND THREW IT WIDE, HIS LIGHT HELD ABOVE HEAD.

cases, in which he had had the opportunity to sharpen his abilities, and in a larger community his value would have been discerned. But to those with whom he lived he was nothing more than that solid, indispensable, ordinary institution, the town officer.

Through some twist of chance the good people of Wallingfen had unwittingly supplied themselves not only with a policeman of notable physical powers but with an investigator of a high order. Meanwhile his arm, rather than his brain, had been called into requisition in the discharge of his duties.

As Johnson scanned the circle of villagers, each of whom he had known from childhood, he saw no more than tense, frank interest on any countenance. Nor could he discover that a man there held in his mind the weight of a secret knowledge bearing upon the strange mystery of darkened Crook House. He turned to the Armstrongs and was conscious of a sharp stimulus to his faculties of observation. The couple were comparative strangers to the village, where they had dwelt but three years, and the constable did not know their lives and their thoughts as he did those of the others.

In the lantern light he recognized upon the face of the woman the drawn and whitened cast of terror. Mrs. Armstrong was clutching her husband's arm for support. The man made no sign. But as Johnson eyed them curiously he noted that the vapor of the farmer's breath came sharp and quick. He set it down for reference that there were two persons who fell an easy prey to fright.

His reflections were brought to a close by the arrival of the crowsbars, and an immediate attack was made upon the door, which resisted stubbornly for a time. When the lock gave way a dozen men, expecting none could have told what, rushed in, but the constable paused a moment outside through professional caution.

Irritated by Suggestion.

The Armstrongs passed in just ahead of him, and he saw the woman catch at her husband's shoulder, lean close to him and whisper something briefly into his ear. He could not understand the action and it irritated him. He forced himself through the group, which was now gathered at the foot of the stairs, and called to Armstrong, roughly:—

"Now, farmer, lead the way up and let's get done with the queer business."

Armstrong obeyed, and, with Johnson at his side, led the crowd of rustics up the stairway. On reaching the landing he turned into the hall, passed on to the door of the room in which, he said, Mr. Wilson slept, and tapped lightly. The constable pushed him

aside and struck with his heavy fist against the pane. There was no sound from within. Johnson tried the latch, found that the door was not locked, and threw it wide, his light held above his head.

On the floor, half wrapped in the coverings that had slipped with it from the bed, lay the body of Wilson, the boarder. The stab wounds in the right breast showed the manner of his taking off. The constable ordered back the band of horrified villagers that crowded in the doorway and proceeded to a swift inspection.

The body was not yet cold. Wilson had not been dead an hour, he thought. The window was flung wide and the sheet hanging from it had been knotted firmly to one of the shutter fastenings. On the table lay several bundles, which, as he rapidly assured himself, contained clothes, jewelry, plate and other valuables, as if the murderer had been interrupted and had not succeeded in making off with his booty. A wardrobe, a bureau and a writing desk had been forced by an unpractised hand, as the mangled locks testified.

daughter of the boarder, was staying, and had returned to the farm about ten o'clock. Letting herself in, she had gone to her own room. About fifteen minutes later she had heard the creaking of the side door. Her first thought had been that the Armstrongs had returned, but she remembered with alarm that they were not expected for several days.

She had quietly extinguished her light and locked the door when she heard persons lightly ascending the stairs. She thought there were two. The footsteps of one had been plainer than those of the other. A moment later her door had been tried. There had been a movement along the hall toward Mr. Wilson's room. After a long period of silence she had heard this door open slowly and a moment later the sound of two blows and a groan. She had crawled under the bed in the extremity of her fear and had not stirred until dragged out by the constable.

Johnson leaped to the point of the matter as she finished. He suddenly thrust the dripping knife, which he had held concealed, before the face of Mary Strugnell.

"Do you know whose this is?" he demanded. The woman screamed and fell back a step, staring at the weapon.

"Know it?" she cried; "I have seen it a thousand times. It is Farmer Armstrong's."

"Be careful, Mary Strugnell," said the constable sternly; "this may mean life or death to an honest man."

"Indeed and I know it is his," said the woman earnestly, "though 'tis like he was not the one used it." The butcher of the village shouldered through the group and asked to see the knife. He looked at it closely and declared that he would know it among a thousand for Armstrong's. It had originally been his, he said, but the farmer had purchased it from him a year before and he had since sharpened it on his stone for Armstrong.

Johnson felt justified in arresting the couple on the strength of these statements. With the Armstrongs safe in the village jail and Crook House secured against the entrance of any but the proper authorities, he then proceeded with his investigation.

The facts concerning the household he knew in outline. The farm, consisting of a hundred acres, had been sold to Armstrong three years before at the conclusion of a long course of litigation, during which the house had stood empty. The Armstrongs were childless and had ample room in the great, rambling dwelling for Mr. Wilson, who had applied for quarters soon after they came. They were industrious, respectable folk who seldom left their place except for market, and in all their dealings maintained a morose, unfriendly demeanor.

Wilson had remained an enigma since his arrival. He had placed his daughter in a school at South Cove, but seldom saw her. It was understood that he possessed considerable property. Armstrong was frequently absent for a week or more, and it was believed that he acted as agent for his boarder in managing affairs and an estate at some distant point. The prisoner admitted that, with his wife, he had been on such a trip during his recent absence.

Tracing the Clues.

On examining Wilson's room the constable became convinced that the abandoned bundles on the table did not represent all the property missing from the receptacles that had been forced. There was an inner drawer of the writing desk in which the boarder would have been likely to keep his money, and while the desk itself had been wrenched open this inner drawer was found locked. The key to it was in the side pocket of Wilson's coat, and when the investigator opened the drawer it was empty. The care that the intruder had taken in refraining from prying it open aroused a presumption in his mind that the real robbery had been committed here, and that the key had been returned to Wilson's coat to throw investigation from the track.

He instituted an inquiry among the neighbors as to Armstrong's financial standing. The reports were almost all to the effect that the farmer seemed well supplied with money, but he found a man in South Cove who gave him a curious bit of information. This man owned a herd of cows which Armstrong frequently had expressed a desire to purchase. A fortnight before he had made a very advantageous offer to Armstrong, but the farmer had reluctantly refused, declaring that he was short of cash. The man swore, moreover, that Armstrong had said something concerning a mortgage that was pressing insistently upon him.

Johnson sought the notary on learning of this, but could find nothing to verify the existence of a mortgage on Crook House. This did not wholly invalidate the point, however, since the papers might have been drawn up in some other town.

His next step was the search of the other rooms in the dwelling, which he carried out with minute attention to each circumstantial trifle. His task, however, did not long lie among fine shades of evidence, for he came almost immediately to a weighty discovery. In a strong box in Armstrong's bedroom he found a bag containing £150 in gold, silver and coin, and a bank note. And, what was of more significance, there was a very small blood stain on the bag. The strong box was closed with a heavy lock, which he had to smash, since he could not find the key.

Johnson's caution was one of his distinctive characteristics. While this circumstance alone would have led another man to absolute conviction of the farmer's guilt the constable retained an unbiased attitude, while aware of the value of his evidence. He followed the trail with no abatement of alert intelligence, but free from prejudice or premature positiveness concerning the solution of the matter. But before leaving Armstrong's room he came upon another thing that enormously strengthened the case of the prosecution. Under a rug before the hearth he found a mortgage deed. It was upon Crook House, for the sum of £1,000, and it was the property of Wilson, the murdered man.

In collecting all his data in the case the constable had occasion one day to visit the jailer for an inventory of the articles found upon the prisoners. He was aware of the possibilities of this point, and he examined the odds and ends with meticulous care. A bunch of four keys, tied with a string, which had been in Armstrong's possession, attracted his attention, and he took these with him for a final visit to the farm house. He more than half expected what he now was able to prove. One of the keys fitted the strong box in the farmer's room. Another was the key to the side door. Armstrong had aroused the village with pounding upon an entrance the key of which was in his pocket at the time.

With these facts for their case firmly established the prosecuting authorities were fully satisfied. They took the position that Armstrong had entered the house by the side door, committed the murder, concealed his loot, hung the sheet from the window as a blind and returned to the outside to make it appear that he had just returned. In this, they held,

he had had the assistance of his wife. The trial soon came on and was rapidly pushed. The defence contented itself with a severe cross-examination of Mary Strugnell, but made little headway. The prisoners were found guilty and sentenced to die on Monday three weeks off.

The Logic of Johnson.

Constable Johnson was a peculiar genius. He had added new laurels to his record, had displayed a clever grasp of the ways of criminals and had brought about two important convictions. But, as he sat by himself on the Friday before the execution and looked back over the succession of accusatory circumstances he had so securely bound about the Armstrongs, he was forced, as a man with a passion for fairness, to admit himself dissatisfied. This feeling had been growing upon him, and became more acute as the time drew near when mistakes could not be rectified.

Johnson had no knowledge of the law beyond a few primitive precepts. He had had nothing more than a board school education, and the subtleties of the courts were beyond him. But as a man of straightforward common sense, of logical and perceptive mind, he seized on essential fact concerning circumstantial evidence. If one link in his chain of circumstances failed to be as strong as all the others the whole series was worthless. He felt, rather than understood, that to convict justly on circumstances alone it was necessary that every link must fit as naturally with every other point; that none could be inconsistent or withhold its support if the chain were rightly made. A single flaw made the hypothesis worthless.

All this the constable brought before himself as he sat by his fireside. He was a kindly man. He had a fundamental horror of the taking of human life. And now that life was to be taken through his efforts he found himself confronted with a crimson question mark.

For there was a single fact that he could not explain, that had no connection with, no probable bearing upon, the supposition of the guilt of the Armstrongs. In Wilson's room, under a chair, he had found a stiff, shiny hat of odd design, too small for the boarder, still smaller for the farmer's massive head.

It would have been easy for him to have overlooked this hat. He had mentioned it to counsel for the defence, who had, in turn, mentioned it in court, and nothing had come of it. Why bother? It probably meant nothing. But it was there, and it could not be argued away. Who had worn it? As the keen follower upon the trail of circumstances the constable could not drive from himself the suspicion that here was one mark in a contradictory trail that led elsewhere. If such were the case it would be his duty to pursue it as loyally and perseveringly as he had the other.

He took the hat, wrapped himself in his great coat, hired a horse and light road cart and set out, resolved upon a final effort either to smash the flawed link or to void it firmly.

A dreary, bleak, discomforting ride was that made by Constable Johnson in the cause of justice through a windy January night. Nor had he a due regard to the value of sleep through a countryside, for at every inn along his road he stopped, and he raised a clamor until mine host, blinking and protesting, unbarricaded the door to the person of the law. And when the sleepy man had looked upon a queer, stiff, shiny hat and had sworn by all he knew that he had never seen its like upon any one the disturber passed on to the next inn. The constable made several such visits during the night. In a circle about Wallingfen and South Cove, at dawn he rested for a few hours, obtained a fresh horse, and continued in a widening range.

Testing the Link.

"I have seen a man who wore such a one," she said. "He was a strange little fellow of the name of Pearce, and now I think of it, he forgot his portmanteau on the day he left me, a month gone by. I don't know by whom he explained who he was and what his errand, and the woman brought the portmanteau, assuring him that it had remained unopened since the departure of the owner. The constable examined the contents. Under some garments at the bottom lay a gold watch, with chain and seals bearing the initial 'W.' He recognized these articles as the property of Wilson, mentioned by several witnesses. They had been missed, but it was supposed that Armstrong had hidden them successfully."

The execution was set for eight o'clock. Half an hour before the time a trembling, lathered horse, with a set of cart harness flapping loosely about him, clattered up to the Wallingfen inn, at which the prosecuting officials were stopping. From the back of the weary animal leaped Henry Johnson. His story was soon told, and with the consent of the authorities he sought out the judge who had presided at the trial and was, by fortunate coincidence, in the same house. With some reluctance and only after earnest pleading on the part of the constable, an order called the sheriff postponing the execution was signed. Johnson delivered it at the jail himself, pushing through the crowd of spectators who had gathered for the event and arriving just as the prisoners were about to be led out.

One of the first discoveries of the renewed inquiry and one which was most favorable to the Armstrongs was the fact that Mary Strugnell had disappeared soon after the trial and could not be found. Johnson threw himself untruly upon her track and followed doggedly for weeks. He finally found her dying in a London hospital from the effects of an accident in which she had been run over by a carriage. He obtained witnesses and took down her confession. By information which she furnished the constable found Pearce the same day. The man was under sentence of death for burglary and murder committed in London.

Five months later, after laborious winding and unwinding of much red tape, a full pardon was granted to the Armstrongs, although the farmer pleaded guilty to robbery. Miss Wilson refused to press the charge and it was felt that the couple had suffered enough. The truth of the matter was as follows:—

Armstrong and his wife were sent by Wilson to collect some rents for him at Hull. Returning, they entered by the side door and the farmer went up as Wilson's room to hand over the hundred and fifty pounds he had collected. He found Wilson murdered. When the two had recovered somewhat from their fright they determined to profit by the death of their boarder. They found the key to the inner drawer of the writing desk and took therefrom the mortgage deed, the hiding place of which they had discovered. Then they concealed the rent money in their strong-box and the deed under a rug, went out, locked the door and raised the alarm.

The murder had been committed by Pearce, the lover of Mary Strugnell, with her assistance. She had met the man in Hull and her relations with him were not known in the community. He came down on receiving word from her that the Armstrongs were away, stopped at the unfrequented inn a few miles from the village and arrived at Crook House about ten o'clock that night. He was admitted by Mary Strugnell, armed himself with a knife from the kitchen, stole to Wilson's door, waited until he was sure the boarder was asleep and then killed him. The conspirators were disturbed in their plans for escape together by the unexpected return of the Armstrongs. Pearce had only time to slip the watch and seals into his pocket, fasten the sheet to the shutter and drop to the ground, while Mary Strugnell hid herself under the bed in her room. Certain that he was being pursued, Pearce found the portmanteau an embarrassment and left it behind him at the inn. As he climbed over the sill in Wilson's room he had lost his hat, which had rolled back beyond his reach.

And thus Henry Johnson saved two lives by testing a link.