



WOULD YOU CONVICT ON CIRCUMSTANTIAL EVIDENCE?

THE INNOCENT CRIMINAL
A TRUE STORY

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GEORGE GORDON BATTLE, formerly Assistant District Attorney of New York county, says:—

"Circumstantial evidence offers the only means by which perjured direct testimony may be detected and shown to be false. It is much easier for a witness to lie concerning a whole transaction which he says has happened under his eyes than for him to swear falsely to a collection of simple circumstances. Circumstantial evidence involves so many separate facts that the chance for perjury or error is largely eliminated."

"There is some danger that an innocent man may be wrongfully convicted through direct and perjured testimony. Certain cases of this kind present a very serious problem. If three men are in a room and one of them kills another the third may be able to save or convict the one who committed the deed through his statement of what he saw. The best weapon of justice here would be circumstantial evidence, if it could be obtained. Irrefutable circumstances placed in relation to the direct testimony would prove it right or wrong beyond question. The difficulty lies not in too much circumstantial evidence, but in too little of it."

"Rules of law direct how cases of purely circumstantial evidence must be conducted, and offer every protection. The case must be absolutely complete and point to but one conceivable hypothesis—that of guilt—to secure conviction. The innocent defendant is in no danger here. The perjurer is the threat that confronts him."

THE narrow side street near the Place St. Michel was waking to its usual degree of activity with the clatter of passing market carts and the shrill whistling of an occasional gamin busily set upon some early morning errand.

Workmen in blue blouses, their eyes still sleep heavy, tramped on their way, the thudding of their nailed shoes echoing from wall to wall where the rows of three storied, flat faced houses showed as yet no sign of life. It was the banker's clerk, coming from his home, at the end furthest removed from the square, who first noticed something unusual at the shabby little shop of Madame Martine.

He was on his way to breakfast and, having arisen somewhat earlier than was his wont, he sauntered leisurely, taking pleasure in the keen, fresh air and the thin, ruddy shafts of sunlight that vaulted a garden wall and shot athwart the ends of the street. He knew every stone and crack and corner of the block, having lived in respectable poverty within its peaceful limits for a quarter of a century. He knew, moreover, that there was not a shop on either side due to open for a full half hour or more.

It was with surprise and curiosity that he stopped before the entrance to Madame Martine's. The place had been opened, for one of the double doors stood wide, and in that fact alone was matter for comment. But what appeared more remarkable was that the shutters had not been taken down, that the half of the door remained closed and that there came from within no stir or sound of sweeping.

The banker's clerk had the interest concerning small happenings of the neighborhood that was his by right of long residence. He had in mind to pass a word of greeting with Madame Martine if she should be about, and he peered within; but the place, so far as he could see, was empty. He moved to the threshold. The shelves of the shop, neatly piled with boxes and rolls of fabrics, faded into darkness at the rear, where neither door nor window had been unbarred.

As he stood looking into the unlighted, silent room a chill as of an undefined danger crept upon him through the doorway. A sense of vague alarm oppressed him. He turned for reassurance to the cheerful, sunlit street and then stepped through the doorway. There came no response to the noise of his entrance. He called Madame Martine by name. Still the unbroken silence, that began to press upon him like a tangible weight. He called once more and then panic took him in its unreasoning grip and he fled.

He found a gendarme in the Place St. Michel. A tale of terror was on the tip of his tongue, but somehow it would not run into words.

"Madame—Madame Martine does not answer," he gasped.

The gendarme regarded him with a smile.

"Does she not? What then?"

"I beg you to examine the place—the little shop here. I fear something is wrong."

"What should be wrong?"

"I know nothing of it, but Madame Martine's door is open. She never opens at this time. The shutters are still up. I get no response from calling. It should be looked to."

The gendarme, as in duty bound, accompanied the clerk to the shop, assuring him meanwhile that this was a strangely trifling matter to excite such alarm.

Discovery of the Murder.

As they went in he passed his hand down the edge of the door to the lock. Plain proof that something was amiss met him here, for the lock, ancient, defective and ill made, had been battered from its socket and its tongue had dropped within the mechanism.

With professional alertness the gendarme walked through the shop quickly to the rear and threw wide the window upon the courtyard, admitting a flood of light. The boxes and hanging garments about the place were undisturbed. If there had been robbery evidently the object had not been Mme. Martine's stock in trade. A small door to the left of the rear window showed the foot of a flight of narrow stairs. Motioning to the banker's clerk to follow him the gendarme began the ascent.

The stairs turned upon themselves and the two men were in darkness until they came to the landing of the first floor, where another rear window lighted

their way. The gendarme was in the lead. As he was pressing forward alertly along the passage the clerk gave a frightened cry and stood staring. The other was around and back to him in a step. The clerk's wavering finger pointed to the wall of the stairway above the top step. There on the white plaster was the scarlet imprint of a hand with fingers distended.

Convinced now that a serious matter was toward, the gendarme hurried along the hall. The clerk would have hung back but the other fung a rude hand upon his shoulder and thrust him ahead. It was no time to lose sight of the man who had first directed attention to the house and its condition. At the front the hall led them to a door standing ajar and allowing a glimpse of a dimly lighted room. They pushed inside, the gendarme determinedly, the clerk fearfully. A scene of horror and utmost confusion was presented as the door swung back.

The body of an aged woman, instantly recognized by the clerk in spite of its disfigurements as that of Mme. Martine, lay outstretched on the floor. She had been stabbed repeatedly and the weapon used by the murderer, a keen, thin bladed kitchen knife, remained where it had been driven by the final blow, in her left shoulder. Articles of clothing and the fragments of a broken chair were strewn about. These as well as the floor and the covers of the little iron bed were spotted and smeared, indicating that there had been a struggle as remarkable as it must have been desperate. The victim, though nearly sixty years old, was heavily built, and, as the clerk recalled, had retained unusual strength and activity.

After a swift survey of the scene of the crime to gather the essential facts the gendarme turned immediately in search of some clew that would serve to throw some light on the motive or the perpetrator. In a corner stood a heavy chest of drawers of old mahogany. Each of the receptacles stood open, but his eye caught deep scars and gashes along the edge of the upper drawer. He examined it closely. From the construction of the piece of furniture it was evident that the top had been intended as a place of safe-keeping for valuables. The wood here was nearly an inch in thickness and there were two locks instead of one, as on the others. Considerable effort must have been employed, he decided, in forcing this drawer open. A litter of papers filled the larger compartment. At one end a small space had been partitioned off, and the gendarme thought it likely that here the aged woman had kept her savings.

As a formality he searched the other room on the second floor and the whole upper floor before leaving to make his report. He kept the clerk within arm's reach. Nothing but empty boxes and damaged furniture rewarded his further examination.

The Boy Bluet.

"Did no one else live here?" he asked the clerk.

"There was a boy about seventeen years old who used to help her in the shop. I think he slept in the garret," answered the other, and the gendarme cursed him for his delay in mentioning the matter. They climbed to a little floored space under the roof that was lighted by a tiny square window at the front of the house and found there a mattress and some blankets but no trace of the shopkeeper's assistant.

Having roughly covered the preliminary ground of the crime the gendarme hurried off for the nearest commissary of police, taking the clerk with him and deaf to protests from one who had not missed a day at his bank for twenty years. Pending further examination into the murder, the commissary, on hearing the story, placed the unfortunate little man under arrest.

Picquard, the official, who now took charge of the affair, proceeded to the house accompanied by the gendarme and a physician and made a thorough examination. The woman, it was discovered, had been dead about ten hours, which would throw the time of the murder back to some little time before midnight. Neighbors called in to tell what they knew confirmed the obvious suspicion of robbery as a motive by repeating rumors of hoarded wealth which had circulated throughout the quarter concerning Mme. Martine. She was reputed to have a large sum in gold concealed in her house.

The commissary's attention was immediately centred upon the missing assistant, Anton Bluet. He had not been seen since the evening of the preceding day. He was described as short but muscular and strong for his years. He had been in the employ of Mme. Martine for three years, and during that time had given no trouble in the neighborhood. He was not communicative and had no friends, so far as any one knew. No one else besides these two had lived in the house since the aged woman had dismissed a former assistant.

While the body was being prepared for removal Picquard made an important discovery. Grasped in the right hand he found a little tangle of human hair. It was not her own; the strands were short, and the immediate supposition was that she had torn the lock from her murderer while attempting to defend herself. The only other direct clew was a large handkerchief of coarse texture drawn and creased by tension, which was near the body. The commissary thought that it might have been used by the assailant to obtain a strangling hold about the woman's throat. Those who had known Mme. Martine were unanimous in declaring that it could not have been her property, since it was a matter for remark among her customers that she never had any but the finest and daintiest linen for her personal use.

No one living in the street had heard an outcry or other alarming noise during the night, but a draper, whose house was opposite, came forward to inform Picquard of a circumstance which had attracted his attention. Its significance did not develop until later. He said that he frequently was a sufferer from insomnia, and that, having been uneasy about three o'clock in the morning, he had left his bed and thrown open a window looking into the street. At that time he had noticed that there was a light in the little window of the garret occupied by Bluet. He had

watched this curiously for some minutes, wondering idly what should keep the boy awake at such an hour. Looking again not long afterward, he had seen that the light was gone.

The broken and battered lock on the outer door offered an apparent contradiction at the outset in the forming of the most reasonable hypothesis. On the surface this bespoke an intruder from without. Picquard made a careful examination of the door and discovered what had been overlooked at first, that there were marks of blows upon the inside plate. The outer parts of the lock were marred and scratched by long usage, but he noticed that scars on the inside showed bright metal. So far as he could determine no blows had been struck from the street side in the recent attack on the lock. It was thus plain that a rather clumsy attempt to conceal the movements of the murderer had been made, and he was able to re-

"Little enough," said Picquard. "Your mistress has been murdered and I am now about to arrest you as the murderer."

Bluet returned his look steadily.

"But you cannot. I was in the cellar all night."

"That is something you can enlarge upon later."

"But when I tell you I was in the cellar?" cried the boy.

Problem of the Boy.

The commissary regarded his prisoner with interest. As yet not the slightest trace of fear had been exhibited by Bluet. His was a thin, pock marked face, almost expressionless. His skull was long and rather pointed at the top, but with a broad forehead, and set upon shoulders that showed remarkable physical development. His figure was squat and sturdy. Picquard found him no ordinary problem.

"You do not seem to care much about the murder of



HE BORE HIM TO THE FLOOR, HOLDING THE HAND WITH THE KNIFE IN AN IRON GRIP.

establish his working hypothesis with renewed confidence.

His Absence Suspicious.

What offered the greatest puzzle was the continued absence of Anton Bluet. The incident of the lock bespoke a degree of cunning that could not well be reconciled with such an error as flight. In turning this phase over the commissary resolved not to leave the house for several hours. It occurred to him that the boy, whether guilty or entirely innocent, could not long delay in returning with some explanation that would be of first importance. With absolute proof in reserve that the door had not been forced from the outside, Picquard felt that the explanation would be worth hearing.

He was completing his notes of the case in his usual methodical manner when the gendarme entered and saluted. The man had not remitted his individual interest with the appearance of his superior on the scene, and had been quietly prowling about the place on an investigation of his own. He now reported that he had heard strange noises from under the floor of the shop. Picquard descended with him and listened. When the sound of their footsteps had ceased a sharp rap, like the impact of a pebble, came from the flooring. A few seconds later came another. In the corner across the shop from the stairway the commissary noticed a ring and staple and on approaching found that there was a closely fitting trapdoor. The top was flush with the floor and was unencumbered. He laid hold upon the ring and raised a section of flooring about two feet square.

A cry came up to them from the cellar below and smudged against the darkness they could make out a face peering up at them.

"Who are you?" demanded Picquard.

"Anton Bluet," came the answer, "and I wish you would tell me what all this means."

"Come out, Anton Bluet, and we will take great pleasure in enlightening you," said the commissary.

"I can't get out."

There was, in fact, no ladder into the pit. The gendarme laid himself flat by the verge and swinging down reached one of Bluet's hands. In this manner he dragged him up until Picquard could grasp him under the shoulders. Covered with dust and grime, the boy stood staring at them wide eyed.

"Now," said the commissary, "perhaps you will explain to me what you were doing in the cellar."

"I have been there all night," said the boy. "I went down last night to get some wine for Mme. Martine, taking a light with me. The wine is kept in the front part of the cellar. When I returned the trap had been shut, I know not how."

"And in getting down, did you jump?"

"No; there was a ladder. But that had been lifted out. It is a strange affair. I cried out until I was exhausted, and then went to sleep, waking just a moment ago. I heard steps and threw bits of plaster to attract attention. But what is the matter?"

your mistress."

"No," said Bluet indifferently, "but I did not kill her."

"Was she good to you?"

"No," came the answer, with a gleam in the cold eye and a voice that took on its first touch of feeling; "she cheated me."

"Oh ho!"

"In my wages," added Bluet.

It was all plain to the commissary now. The boy had supplied the motive himself. Clearly Bluet was morally obtuse and lacking in normal perception, with hate as his one living sentiment. He was convinced that he had to deal with a natural and precocious criminal.

"Are you going to arrest me?" asked Bluet, with a vicious, sidelong glance at the commissary.

"Certainly am, my little man," answered the functionary, and he ordered the gendarme forward with a nod of the head.

But at the word the boy turned from passivity to unexpected and animal like action. As the gendarme advanced he dodged nimbly about back of the open trap and stood at bay on the narrow ledge, crouching against the wall, his lips drawn in an ugly snarl. The gendarme made as if to step about the trap to the right and halted as Bluet whipped an open knife from under his blouse and held it clutched ready for use.

The figures in the little drama held their tense positions for a moment. It was the commissary himself who brought the situation to an end. With a sweep of his foot he slammed the trap shut and in the same movement strode across it and launched himself upon the boy. He bore him to the floor, holding the hand with the knife in an iron grip. The gendarme quickly wrenched the weapon from the prisoner, who bit and scratched, resisting desperately, and finally bound him safely with arms behind his back. The question of disposing of the little terror was solved shortly afterward when the squad of police who were to remove the body arrived. Bluet was hurried to prison under guard.

Before leaving the house Picquard found a ladder, undoubtedly the one used for descending into the cellar through the trap door. It had been tossed carelessly into the courtyard, apparently from the rear doorway, as one of the rungs was freshly splintered. He also made a careful drawing of the bloody imprint on the wall of the stairway. A final discovery, however, served to top his case and furnish the keystone to the structure of evidence.

He determined upon a thorough search of the garret occupied by Bluet at the top of the house, and, climbing there, began to toss down the bedding and odds and ends of clothing to the landing below. There was a lamp standing on an empty box, but he did not remove that. Last of all he pulled the mattress aside and threw it over the edge. As it fell he was aware of a metallic sound, and he descended to seek its

source. There was a hard lump inside the ticking at one end about the size of two fists. With his knife he ripped an opening. He drew out a leather bag, tightly bound with a cord at the neck. On unwinding this he disclosed a collection of gold and silver coins. He counted the treasure on the spot, spreading it out upon the mattress, and found that the amount was a little more than three thousand francs.

Building His Theory.

The handkerchief that had been found near the body could not be identified positively, but was such a one as the boy might have owned. In any event it offered no obstacle. The imprint of the hand was somewhat blurred, owing to the medium in which it had been made, but when Bluet's handprint was taken at the prison the resemblance, after allowing for imperfections, was very close. A very strong point was that furnished by the hair found in the dead grip of the victim. It was carefully compared with that of Bluet and was exactly similar in shade and length.

Picquard believed, justly, that he had established a striking case of circumstantial evidence, based on clear and spontaneous deduction. His prisoner, in the first place, had proved himself to be of a violent nature, unsuited to ordinary moral conceptions. Bluet had admitted a dislike and a grievance against his employer, the outgrowth of some real or fancied irregularity in the payment of his wages, and had shown his willingness to commit murderous acts. The commissary was able to construct the following theory of the crime:—

Bluet planned the crime carefully, bringing to bear such intelligence as he possessed and revealing, in fact, no little skill in devising methods for throwing pursuit off his trail. He learned where Mme. Martine kept her money, and at an opportune time attacked her with a knife. After killing her he went immediately to the courtyard to remove the stains from his person, but carelessly placed his hand on the wall when starting down stairs. Returning he forced open the drawer and took the bag of money, with which he ascended to his room.

As Picquard saw it the boy's brain development was defective, and while he possessed a certain savage cunning he could not carry out the concealment of his crime in its logical details. This was evidenced, he thought, by the selection of such a place as the mattress for hiding the proceeds of the murder.

Carrying the matter forward, it took Bluet some time to open and sew up the ticking. While he was in the garret the draper across the street noticed his light and noticed again when the light was extinguished. Descending to the shop, the boy battered the lock of the outer door to make it appear that entrance had been forced, but either was not clever enough to attack it from the outside or feared to raise an alarm if he should open it.

After everything had been prepared he drew up the trapdoor, threw the ladder into the yard and let himself into the cellar, drawing the trap after him. In this way he obtained seeming support for his defence, based upon a mysterious house breaker who had removed the ladder and imprisoned him.

From the testimony of the draper alone it was quite evident that Bluet's story would not hold. Even supposing that some one else had been in the house, there would have been nothing to draw this some one to the garret with a light. And it was well established that the light was there. If the suspect had not used the lamp, who could have? And how could Bluet have been shut in the cellar from before midnight when the draper saw the light at three o'clock in the morning?

As to the money, it was unthinkable that one in Bluet's position should have such a sum as three thousand francs of his own. He could command but a small sum each week for his services, and the most frugal hoarding would not have sufficed.

Thus argued Picquard, and he was quite satisfied with his conclusions. So were the prosecuting authorities. There was no one who entertained the slightest doubt of Bluet's guilt, nor could any one suggest a weakness in the evidence against him. There was a brief trial ending in speedy conviction. The boy remained hostile and sullen throughout and on several occasions attempted to break from the guards. He was duly executed at the appointed time.

Nearly a year after the date on which the murder of Mme. Martine had been marked as officially cancelled a barber who had a shop in another street not far from the Place St. Michel was taken in the act of murder and sentenced to death. In his cell he made a detailed confession, setting forth that he was the murderer of Mme. Martine.

Confession Is Too Late.

He had made a friend of Bluet, encouraged him in his ill feeling against his employer and learned from him the interior arrangements of the house. Late on the afternoon preceding the crime he had passed the shop and finding that both the aged woman and her assistant were absent seized the opportunity to conceal himself beneath a counter before they returned. In the evening Bluet had come down stairs and entered the cellar, as described to the commissary. The barber had crawled softly to the trap, lifted out the ladder and imprisoned the boy beneath. He had then ascended to Mme. Martine's room and killed her with his own knife. He had pulled open the drawer and taken therefrom nearly five thousand francs. The police were able to corroborate his story in this particular, discovering most of this sum with some papers of Mme. Martine's in the barber's home.

In regard to his presence in the garret, the barber made an explanation that showed Bluet in a new aspect. The boy, he said, had a passion for hoarding money, and for years had fed it by secret and skillful thefts. He had acquired a large sum before entering Mme. Martine's service and since then had been able to add to it considerably, taking a coin at a time, and on one occasion stealing a handful of gold from her store in the chest when she carelessly left it open. It was to find Bluet's treasure, the barber said, that he had climbed to the garret and lighted the lamp which attracted the draper's attention.

Unsuccessful in this search, he had descended to the shop. Here he had been confronted by the locked door, of which Bluet carried the key. He had found an iron weight and had been able to break the fastening and escape.

As to the details, the barber confessed he had the crime in mind for some months and had planned to direct suspicion to Bluet. Although he could not foresee how materially events were to aid him, he had supplied himself with some of the boy's hair while cutting it, and this he had placed in the hand of the murdered woman. The handkerchief was his. He had used it to prevent his victim's outcry. Alarmed by the noise made by Bluet in the cellar immediately after committing the crime, he had run to the head of the stairs, thus leaving the bloody handprint.

In view of these revelations the boy who had paid for the crime with his life appeared as nothing more than a thief, abnormal, savage and criminal to a degree, yet innocent of the offence charged against him. The barber was executed a few weeks after his confession.