

## CIRCUMSTANTIAL.

The murder of old Mr. Weathercraft created the usual nine days' sensation, which died away temporarily at least on the committal of James Thompson, the deceased's butler, to take his trial for the crime. The case could not come on in the ordinary course of events for four or five months at nearest, so the public, having taken the learned opinions of the various newspapers, entered a unanimous verdict of guilty against the accused and turned its attention to other matters. The law officers were to be trusted to do their duty at the appointed time, and the papers would, of course, make things as amusing as possible when the time came, so James Thompson languished in his cell, forgotten, save by those officially interested in introducing him to the awful majesty of the law.

Vox populi, vox dei! Let us follow the example of the sovereign people and have old James in his solitary cell while we give a short account of Mr. Weathercraft and his melancholy end.

He was a man of 60 or thereabouts, a retired stockbroker, rich, and of good standing in the community, living in a well appointed house, with a large staff of servants, much given to quiet hospitality, and since his retirement paying more attention to his kitchen and wine cellar than to the fluctuations of the market and the gambling (save the mark) of bulls and bears. An old housekeeper presided over his establishment, and next to her in importance came the butler, almost as old both in age and time of service, he whom we have just left waiting trial for the murder of his master.

It would have been difficult to point out any particularity about Mr. Weathercraft, anything to distinguish him from other hale, genial old bachelors of the same class. He was commonly supposed to have no eccentricities, no hobbies and a few strong opinions; in fact, those who knew him said he was only a crank on one subject.

To be called a crank is the penalty nowadays for holding and airing an opinion in which at least nine-tenths of the community do not concur.

Mr. Weathercraft was what may be called a circumstantial evidence crank.

He held indirect evidence in the deepest distrust, and though as firm a believer in hanging for murder as any criminal lawyer on or off the bench, yet held that no evidence save that of reputable eyewitnesses should send a man to the gallows.

On this cheerful topic he was much given to after dinner discourses, nor was his rather halting style unknown to the correspondents' columns of the daily papers. He was known to have written a magazine article on the subject, which, however, never saw the light, though it spent a whole year making the rounds of the magazine offices. Such is the blindness of the editorial mind. His "Letters to the Editor" got him interviewed once or twice when newspapers were very hard up for copy. He enjoyed the process hugely and always asked the reporter to "call" again.

When the old man was dead and his butler arrested, people said it was a clear case of Nemesis that the evidence against his slayer should be so conclusive and at the same time so purely circumstantial, and some way of a reporter was heard to wonder whether after Thompson's trial, conviction and execution old Weathercraft's ghost would address ghostly denunciations to ghostly newspapers from mere force of habit or would sink in a corner of ghostland and refused to be interviewed. The case indeed seemed clear enough. Weathercraft had gone to bed on the 19th of November well and in good spirits. On the following morning he was found dead, stabbed to the heart. The weapon which was found buried in the old man's heart was an old fashioned silver skewer, part of the family plate, and had clearly been sharpened for its deadly purpose. The sharpening seemed to have been done with a file or some such rough implement. There was very little external hemorrhage, only a few drops of blood being visible.

The last person who saw the master alive was the accused himself. According to his story, he had gone up to Mr. Weathercraft's room with the plate chest, it being the old man's habit to keep the silver in his own room at night, though the key was left with the housekeeper after the chest had been locked up. This had been the custom in the house for many years. His master was in bed reading a novel and said "good night" in his usual way. Mr. Weathercraft never locked his door at night as the footman was expected to come in at 8 o'clock in the morning, fill the bath and light the fire.

This was all the accused could or would say beyond denying all knowledge of how his master had come to his death.

The footman, on being examined, testified to having found the body. He had entered as usual at 8 o'clock, scarcely waiting to knock, and had made arrangements for his master's toilet, thinking him asleep. Mr. Weathercraft was a heavy sleeper, but usually awoke when the bath was being filled. As his master did not move, the witness went to the bedside, and to use the poor fellow's own expression, "As I hope for mercy, sir, the face was the face of a dead corpse." This witness further added that the bed was not little disordered, the lamp was out, and the novel lay open on its face on the floor. He did not remove the skewer or attempt to do so, but ran and told the housekeeper, who sent him for the police.

The housekeeper being summoned identified the skewer as part of the usual contents of the plate chest, which led to the recall of the butler, who, being asked whether he had counted the silver on the night of the murder, answered in the affirmative, but, being pressed, admitted that he did not often count the silver that was not in everyday use. Then finally, as if diving at length his real position, he broke down, calling on God to strike him dead if he knew anything about his old master's murder.

and was led aside after saying it was a judgment on him for "leaving the silver uncounted."

The strongest evidence against the accused was found when a search was made in his room. It looked as if old Thompson must have been almost mad to have left so many mute witnesses against himself. In a tall vase on the mantelpiece was found a cheap file, which, when examined by an expert, proved to have small particles of silver still adhering to it. On a ledge in the chimney was Mr. Weathercraft's purse, containing \$45 in notes and some change. Finally, at the side of the coverlet, rather more than half way down toward the foot of the bed, were discovered three distinct stains, which expert evidence asserted to be blood stains, and seemed to have been left by a human right hand.

If motive were wanted for the crime, Mr. Weathercraft's will seemed to offer it. The will had been drawn up for some months previously and witnessed by the two men servants, the last clause consisting of a bequest of \$10,000 to the accused himself. It seemed possible that Thompson knew of this bequest and that he had perpetrated this awful crime in order to benefit by it sooner.

It is not surprising in the face of all the evidence that James Thompson was fully committed to take his trial for willful murder of his deceased master, so that public opinion almost unanimously condemned him in advance.

During the four months that elapsed between the arrest and the trial James Thompson sat despairing in his cell. He spoke but little, answering his lawyer apathetically, throwing no new light on the case, but continuing to deny everything. He seemed like one in a hopeless maze, who can't exactly understand how he got there and has given up all hopes of ever getting out.

As we have said before, the public was tolerably unanimous in believing him guilty, though, strange to say, there was one notable exception. His lawyer, a sharp criminal practitioner, who had taken up the case with his eye fixed on the \$10,000, almost believed him innocent—we say almost, for Mr. Sharply made a point of never allowing himself to quite believe anything of anybody. Mr. Sharply, as a rule, almost believed his client guilty; in the present instance he almost believed him innocent, and that was all.

Indeed there was something pathetic in the puzzled expression which never left the old man's face, and his occasional remark, with a melancholy shake of the head, "It was all along of me leaving my silver uncounted." Mr. Sharply, who was practical even in his softer moods, once expressed an opinion to his partner in the privacy of their inner office that "if the old fellow would only get off that Tommy rot about the silver to the jury, they would bring him in insane without leaving the box."

But if the lawyer believed or half believed his client innocent, he found it difficult to offer even to himself any reason for the half faith that was in him, and it was with the worst forebodings that he saw the day of trial dawn at last.

The case was called, and Sharply did his best, but there was indeed very little to be done. There is an end to all things, even things legal, an end to challenges, an end to exceptions asked and taken. The judge delivered his charge, and the jury left the box. It is supposed that they did this as a compliment to Mr. Sharply, who was always popular with juries. At all events they soon filed back again with a verdict of "guilty as charged in the indictment." Old Thompson was formally condemned to death.

He was led back to his cell, where his lawyer visited him and tried to cheer him up by talking of "stays" and "appeals." He recommended him to make himself comfortable, explaining that by the grace of God and the laws of the state he had still a couple of years or so to live, unless things went very badly.

But the old man shook his head and said "No!" He had been condemned to death and the sooner he died the better. He didn't want any more palavering about it since it was all along of that "silver" he had left uncounted. In vain Sharply pointed out that uncounted silver was not a hanging matter. Old Thompson was firm, and the lawyer departed not altogether without hope and demanded a commission to inquire into his client's sanity.

The doctors came in due time and examined the prisoner. Then they talked it over among themselves and decided that, though he was certainly a little odd, he had sense enough to hang satisfactorily and handed in their report in that sense.

So old Thompson was told that he had nothing further to hope for in this world and sat down to wait through the months which the wisdom rather than the mercy of the law ordains shall elapse between a condemned man's sentence and execution. And here we must leave him while we pay a visit at the office of Mr. Fogey, the late Mr. Weathercraft's lawyer and confidential man of business.

It was Monday morning, just six months after Mr. Weathercraft's death. Mr. Fogey was busy, but when his clerk entered and handed him a card he glanced at it and ordered the visitor to be admitted.

The card bore the name of Mr. C. T. Lacey, and underneath, "on business connected with the late George Weathercraft's estate." He was just acquainted with Mr. Lacey and knew him to be a very old friend of his deceased client, but he was at a loss to divine the reason of his visit. The lawyer rose as his visitor entered, and motioning him to a chair asked how he could serve him, to which Mr. Lacey replied by producing a packet from his pocket and laying it down on the table in front of Mr. Fogey. Then he sat down and began:

"Mr. Fogey," he said, "I have come here today in obedience to a request of poor, dear Weathercraft. There is a packet which he gave me some six months or more before he was murdered, asking me to give it to you or your successor exactly six months after his death. The time is up today, and here

The lawyer took the packet. It was a tolerably thick one, inclosed in a long business envelope. He turned it over in his hand and then remarked:

"I am not sure, Mr. Lacey, whether in view of his strange and sudden end you should not have had this examined before."

"Probably you are right from a legal point of view," replied the visitor, "but I promised, you see, and I didn't see any reason in the manner of his death for breaking my promise. If it had been suicide, now it might have been different, but as it was I thought I had better wait."

"Well, I suppose you are right from your point of view," said Mr. Fogey as he laid the envelope methodically along the top edge and opened the package. It contained a foolscap paper wrapped around 10 United States notes, each for \$1,000. He counted the notes, and laying them down opened the paper and read without comment, while Mr. Lacey listened in silent attention:

10 WASHINGTON AVENUE, April 20, 18—.

DEAR FOGEY—I must begin by apologizing for committing the letter to Lacey's charge rather than to yours, as might have seemed more natural. But I have thought that as a lawyer you might feel it your duty to make the contents known before the appointed time. At all events you would have found yourself in a trying and difficult position. By obeying me you would possibly, as a lawyer, incur censure. By opening the letter before the time you would defeat all my plans and hopes, so I shall hand this to Lacey in trust for you and beg you to forgive me.

I am confident when you read this I shall have been dead six months, murdered—for so the law has doubtless decided—by old James, my butler, with a skewer, part of the silver committed to his charge.

There will not have been wanting abundant evidence legally conclusive against my murderer or even motive for his deed. I may therefore suppose that by the time you read this he has been condemned and sentenced, but not executed, since the law requires an interval between sentence and execution.

The legacy left him in my will, besides supplying possible motive for his crime and enhancing its heinousness, has probably furnished him with means for a splendid defense on his trial. Yet in spite of this he has been convicted and sentenced. Is it not so?

And now to explain everything, to make the dark clear and the crooked straight. On the 19th of November last I committed suicide, having previously arranged that everything should point clearly to the guilt of James, my butler. I secreted the skewer. I sharpened it with a file and placed the file in Thompson's room. I stained his coverlet with blood, my blood, for I came from a cut on my finger. I laid my purse in his chimney, and finally, on the night of Nov. 19, I committed suicide by stabbing myself to the heart.

And now for my reasons. In taking my own life I have doubtless committed a crime against the laws of God and the state, but I believe that the life of one man is of little value when weighed against even a possible good to the community. If my death fulfills the object I have in view, then my life has been well sacrificed. And even if it fails, the intention will achieve me.

Next, I have inflicted great anguish of mind on an innocent and virtuous old man. But here again the agony, even if it run to martyrdom of one, must be weighed against the benefit of the many. For James Thompson himself I have endeavored to supply consolation, if not compensation, in my legacy of \$10,000 and the supplementary sum of \$10,000 which I inclose herewith. May he understand and forgive me.

Perhaps even now you scarcely understand what I hope to have accomplished by my death, but I will endeavor to explain. You have heard me speak, you have perhaps read my written words on the use of circumstantial evidence. I am convinced that so long as men are done to death on indirect evidence so long must men be content with the conviction of judicial murder by the conscience of the nation. By my death and Thompson's conviction I hope to awaken the public conscience to a sense of its shameful burden. If I am successful, then all has been well done.

Here is an instant an instant sentenced to death on circumstantial evidence of the clearest description, and but for this letter his sentence would eventually be executed. All that I have done to fix my death upon Thompson might have been done by a third party, but I have endeavored to supply consolation, if not compensation, in my legacy of \$10,000 and the supplementary sum of \$10,000 which I inclose herewith. May he understand and forgive me.

For my own part, if this case leads to a revision of the law touching the infliction of the death penalty neither my life nor Thompson's peace of mind will have been vainly sacrificed. Your affectionate friend,

GEORGE WEATHERCRAFT.

The two men sat silent for a minute while the lawyer folded up the paper and laid it on the little pile of notes. Then Mr. Lacey spoke:

"I always thought poor Weathercraft was a bit of a crank on circumstantial evidence, but he must have been stark, staring mad. I wonder what old James will think of it. I wouldn't have gone through it for millions."

"I doubt if old James would if he had been given a chance," replied the man of law; "not but what \$20,000 is a good round sum for the old fellow to earn in six months, though he might have preferred earning it in some other way."

"Do you think it likely to have the desired effect on the minds of our law givers?" asked the other.

"Not the least in the world," replied Mr. Fogey, "rather the reverse, I should imagine," he continued, with a half smile. "People will say that Weathercraft was as mad as a March hare and may even infer that everybody who shares his views is a little cracked too. No, no! Poor Weathercraft has thrown his life away, old Thompson is richer by \$20,000 minus his law expenses and plus a vast deal of experience, and the law will remain just as it was before."

"Now good by. I'm off to show the letter to the governor. It's a rum case anyhow."—Philadelphia Press.

Both Were Cautious.

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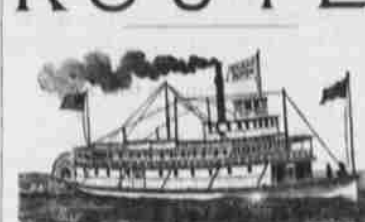


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