CASE of BROTHERS TRAILOR

A CIRCUMSTANTIAL EVIDENCE STORY

AUTHOR'S NOTE.

The material facts in this story of circumstantial evidence are drawn from an actual recorded case, only such change of names and local color being made as to remove them from the classification of legal reports to that of fiction. All the essential points of evidence, however, are retained.

"THE story I have selected to relate," began Judge Hunter at the weekly meeting of the Calf Skin club, "is not one lying within my own experience, which as you all know has dealt with the chancery and probate rather than the criminal law. For this reason I almost felt like asking our president to release me when I recalled a case which you will find of record in Vol. 4, Western Law Journal (Oct. 1846). Reference is also made to it in Wharton's American Criminal law, I believe. I remember, however, hearing the story from my elders, as Judge Dennett will also, perhaps, as we come from the same part of the state, so I trust the club will admit it in this list of personal experiences, and with your indulgence I will give it."

This permission was granted viva voce and laying down his pipe Judge Hunter began:

"In the year 1841 there lived, at different points in the state of Illinois, three brothers by the names of Trailor. Archibald resided at Springfield, then as now the capital. He was a sober, retiring and industrious man of about 30 years of age; a carpenter by trade and a bachelor, boarding with his partner in business—a Mr. Myers. Henry, a year or two older, was a man of like retiring and industrious habits; had a family, and resided on a farm at Clary's Grove, about 20 miles northwest from Springfield. William, still older, and with similar habits, resided on a farm in Warren county, distant from Springfield something more than a hundred miles in the same northwesterly direction. He was a widower with several children.

"In May of the year mentioned William determined to visit his brothers, and taking his hired man, Fisher, with him they set out in a buggy with a single horse. Although a farm hand Fisher was a frugal, thrifty soul and had laid by a considerable amount of money.

"They reached Henry's residence first and staid over night and the next day, accompanied by Henry on horseback, they went on to Springfield where they took up lodgings with Archibald at his boarding house.

"After dinner, the three Trailors and Fisher left the boarding house in company. At supper the Trailors had all returned, but Fisher was missing, and some inquiry was made about him. After supper the Trailors went out professedly in search of him. One by one they returned, the last coming in after late tea time, and each stating that he had been unable to discover anything of Fisher. The next day, both before and after breakfast, they went professedly in search again, and returned at noon, still unsuccessful. Dinner again being had, William and Henry expressed a determination to give up the search, and start for their homes. This was remonstrated against by some of the boarders, but the remonstrance was disregarded, and they departed for their homes.

"Up to this time the knowledge of Fisher's mysterious disappearance had spread very little and excited no considerable interest. After the lapse of three or four days Henry returned to Springfield for the ostensible purpose of making further search for Fisher. Procuring some of the boarders, he, together with them and Archibald, spent another day in ineffectual search, when it was again abandoned, and he returned home.

"No general interest was yet excited. On the Friday week after Fisher's disappearance the postmaster at Springfield received a letter from the postmaster nearest William's residence, in Warren county, stating that William had returned home without Fisher, and was saying, rather boastfully, that Fisher was dead, and had willed him his money, and that he had got about $1,500 by it. The postmaster at Springfield made the letter public, and at once excitement became universal and intense.

"Springfield, at that time, had a population of about 3,500, with a city organization. The attorney general of the state resided there. A purpose was forthwith formed to ferret out the mystery, in putting which into execution the mayor of the city and the attorney general took the lead. Men were formed into large parties, and marched abreast in all directions, so as to let no inch of ground in the vicinity remain unsearched. Examinations were made of cellars, wells and pits of all descriptions, where it was thought possible the body might be concealed.

"This search continued until Saturday afternoon without success, when it was determined to dispatch officers to arrest William and Henry at their residences. The officers started on Sunday morning. Meanwhile, the search for the body was continued, and rumors got afloat of the Trailors having passed, at different times and places, several gold pieces, which were readily supposed to have belonged to Fisher. On Monday, the officers sent for Henry, having arrested him, arrived with him. The mayor and attorney general took charge of him, and set their wits to work to elicit a discovery from him. He denied, and denied, and persisted in denying.

"They still plied him in every conceivable way, till Wednesday, when protesting his own innocence, he stated that his brothers, William and Archibald had murdered Fisher; that they had killed him, without his (Henry's) knowledge at the time, and made a temporary concealment of his body; that, immediately preceding his and William's departure from Springfield for home, on Tuesday, the day after Fisher's disappearance, William and Archibald communicated the fact to him, and engaged his assistance in making a permanent concealment of the body; that, at the time he and William left professedly for home, they did not take the road directly, but, meandering their way through the streets, entered the woods at the northwest of the city, 200 or 300 yards to the right of where the road they should have traveled, entered them; that, penetrating the woods some few hundred yards, they halted, and Archibald came a somewhat different route, on foot, and joined them; that William and Archibald then stationed him (Henry) on an old and disused road that ran near by, as a sentinel, to give warning of the approach of any intruder; that William and Archibald then removed the buggy to the edge of a dense brush thicket, about 40 yards distant from his (Henry's) position, where, leaving the buggy, they entered the thicket, and in a few minutes returned with the body, and placed it in the buggy; that from his station he could and did distinctly see that the object placed in the buggy was a dead man, of the general appearance and size of Fisher; that William and Archibald then moved off with the buggy in the direction of Hickox's mill pond, and after an absence of half an hour, returned, saying they had put him in a safe place; that Archibald then left for town, and he and William found their way to the road, and made for their homes.

"At this disclosure, all lingering credulity was broken down, and excitement rose to an almost inconceivable height. Up to this time, the well known character of Archibald had repelled and put down all suspicions as to him. But now, he was seized and thrown into jail; and indeed, it was the safest place for him.

"And now came the search for the brush and thicket, and the search of the mill pond. The thicket was found, and the buggy tracks at the point indicated. At a point within the thicket, the signs of a struggle were discovered, and a trail from thence to the buggy track was traced. In attempting to follow the track of the buggy from the thicket, it was found to proceed in the direction of the mill pond, but could not be traced all the way. At the pond, however, it was found that a buggy had been backed down to, and partially into the water's edge. Search was to be made in the pond; and it was made in every imaginable way. Hundreds and hundreds were engaged in raking, fishing and draining. After much fruitless effort in this way, on Thursday morning the mill dam was cut down, and the water of the pond partially drawn off, and the same processes of search again gone through with.

"About noon of this day, the officer sent for William, returned, having him in custody; and a man calling himself Dr. Gilmore, came in company with them. It seems that the officer arrested William at his own house, early in the day on Tuesday, and started to Springfield with him; that after dark awhile, they reached Lewiston, in Fulton county, where they stopped for the night; that late in the night this Dr. Gilmore arrived, stating that Fisher was alive at his house. On reaching Springfield, the doctor reasserted that Fisher was alive, and at his house. At this, the multitude for a time was utterly confounded.

"Gilmore's story was communicated to Henry Trailor, who without faltering, reaffirmed his own story about Fisher's murder. Henry's adherence to his own story was communicated to the crowd, and at once the idea started, and became nearly, if not quite universal, that Gilmore was a confederate of the Trailors, and had invented the tale he was telling, to secure their release and escape.

"Excitement was again at its zenith. About three o'clock the same evening Myers, Archibald's partner, started with a two-horse carriage, for the purpose of ascertaining whether Fisher was alive, and if so, of bringing him back to Springfield with him. On Friday a legal examination was gone into before two justices, on the charge of murder against William and Archibald. Henry was introduced as a witness by the prosecution, and on oath reaffirmed his statements, as heretofore detailed, and at the end of which he bore a thorough and rigid cross-examination without faltering or exposure. The prosecution also proved by a respectable lady, that on the Monday evening of Fisher's disappearance she saw Archibald, whom she well knew, and another man whom she did not know, but whom she believed at the time of testifying to be William (then present), and still another, answering the description of Fisher, all enter the timber at the northwest of town (the point indicated by Henry), and after one or two hours, saw William and Archibald return without Fisher.

Several other witnesses testified, that on Tuesday, at the time William and Henry professedly gave up the search for Fisher's body, and started for home, they did not take the road directly, but did go into the woods, as stated by Henry. By others, also, it was proved, that since Fisher's disappearance, William and Archibald had passed rather an unusual number of gold pieces. The statements heretofore made about the thicket, the signs of a struggle, the buggy tracks, etc., were fully proven by numerous witnesses. At this the prosecution rested.

"Dr. Gilmore was then introduced by the defendants. He stated that he resided in Warren county, about seven miles distant from William's residence; that on the morning of William's arrest, he was out from home, and heard of the arrest, and of its being on the charge of the murder of Fisher; that on returning to his own house, he found Fisher there; that Fisher was in very feeble health, and could give no rational accounts as to where he had been during his absence; that he (Gilmore) then started in pursuit of the officer, as before stated; and that he should have taken Fisher with him, only that the state of his health did not permit.

"There was about Dr. Gilmore so much of the air and manner of truth, that his statement prevailed in the minds of the audience and of the court, and the Trailors were discharged, although they attempted no explanation of the circumstances proven by the other witnesses. On the next Monday, Myers arrived in Springfield, bringing with him the famed Fisher, in full life and proper person. Thus ended this strange affair; and while it is readily conceived that a writer of novels could bring a story to a more perfect climax, it may well be doubted whether a stranger affair ever occurred. The matter remains a mystery to this day, and I leave it to you what would have been the fate of Archibald and William Trailor had Fisher not been found alive? Even if his body had not been found the evidence of Henry that he had seen Fisher's dead body doubtless would have been held ample proof. That, gentlemen, is my story."

"But what, judge, is your explanation?" asked Judge Grower from the chair.

"As I said," returned Judge Hunter," the criminal law has not been my specialty and I believe Judge Dennett's opinion would be more valuable than mine. Are you not familiar with the case, judge?"

"I recall quite well the discussion of it in my youth," returned Judge Dennett; "and the most reasonable explanation I have heard is that the murder was committed exactly as described by Henry Trailor, but that William and Archibald failed in their intention of killing Fisher who recovered and wandered home but was unable to recall any of the events leading up to the attempted murder or subsequent to it. But this of course was incapable of proof."

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New and Cheap Illuminant

"Blue Gas," Originating in Germany, Has Found a Ready Welcome Everywhere.

"Blue gas" is the name of a new illuminant introduced in Germany. It is described as follows: "The gas is delivered in liquid form, in such shape that it may be used in closed rooms in hanging burners, giving from 50 to 1,000 candle power. To use the gas, all that is necessary is to pour the liquid from the steel cylinders, in which it is delivered, into the gasometer. This is almost as convenient as having one's own gas plant, for one can protect himself against accidents at the factory or delays in transit by always having on hand several filled cylinders. A cylinder contains 22 pounds of the gas, and costs about $2.86. This quantity will supply a 50-candle-power burner for 480 hours, so that this illuminant appears to be cheaper than petroleum.

"This 'blue gas' can, of course, be used for heating and cooking as well as for forging, hardening and tempering, and other industrial processes. It is a hydrocarbon compound, free from carbon monoxide, and is not poisonous; its heating effect is three and one-half times that of ordinary coal gas.

"Almost any apparatus that is arranged to burn ordinary coal gas or acetylene gas can be altered without much difficulty to burn this; and in such cases all that is necessary is to make the connection between the cylinder and the house pipes through a reducing valve."

Peace has dawned in the hearts of men throughout the whole world; an unparalelled era of international good will has arrived.

FINE OLD HISTORIC PITCHER.

Possession of a New Yorker and Bears Good Likeness of Early Hostelry on Lake George.

Boston.—Charles H. Sherman of Glens Falls, N. Y., is the fortunate possessor of a fine old english pitcher made many years ago, which is of especial interest just at this time owning to Champlain centennial.

The pitcher, which is in perfect condition, was produced at the Middlesboro pottery in Yorkshire, and bears a remarkably good likeness of the old Lake house, one of the most famous

The Lake George Pitcher.

hostelries of earlier days, on the edge of historic lake George.

Lake George is connected with lake Champlain, and is one of the most beautiful sheets of water in the United States.

As seen on the pitcher, one not only obtains a view of the lake, but of Prospect mountain, which looms largely in the background.

The picture is done in various colors and it is further decorated in gold and white. The pitcher is 11 inches high.

So far as known, it is the only specimen in existence, for at the time it was made, only two were ordered by Mr. Tucker, the owner and manager of the Lake house. One of them was given to a friend by Mr. Tucker, immediately following its arrival from England, but to whom has never been discovered. The other Mr. Sherman obtained not long ago, from one of Mr. Tucker's relatives.

In its early days the Lake house could be reached only by means of the stage route from Glens Falls. The building was torn down nine years ago, and while there are other hotels on the lake, there is none on the Lake house site, which is not far from old fort George.

The ruins of fort Ticondereroga are on the waterway connecting the two lakes.

STATUE OF AMERICAN INDIAN.

Cyrus Dallin's Work Awarded the Gold Medal for Sculpture at the Paris Salon This Year.

Boston.—The accompanying illustration is a reproduction, enlarged from a photo taken in Paris recently of the statue that won the salon gold medal for sculpture, the only one awarded an American artist at this exhibition. This success of Mr. Dallin's is one of the most notable of his career. The statue has been seen by few Boston people, only those having had that privilege who called at his studio at

Dallin's "The Appeal to the Great Spirit."

Arlington Heights. It was exposed at the Nationol Sculpture society's exhibition at Baltimore last year, and was taken by Mr. Dallin when he went to Paris last September to complete his huge Soldiers' and Sailors' monument for Syracuse, N. Y. It suggests vastly more than it directly depicts, and herein, perhaps, lies its power. Had Cyrus Dallin done nothing else he would have deserved well of the American people.

Scientific Note of Interest.

The readiness with which low forms of life accommodate themselves to altered environment, shows that they are capable of being trained or educated to a certain extent. Stahl has shown that a certain plasmodium flees when sprinkled with salt, but if the salt be added to the medium gradually the organism accommodates itself to the new medium. Purposeful action is manifested by plants as well as by animals, and by both unicellular multicellular.