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**CAN I REALLY
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The Male, The Mail and The Female

BY **DANIEL J. DEMERS**

A curious story from an unnamed lawyer was published in an 1856 edition of the Clearfield, Pennsylvania *Raftsmen's Journal*. The attorney reminisced about an 1848 court case in Jackson, Pennsylvania with some interesting twists. In 1848 few (if any) private detectives existed in America. Lawyers had to do it all -- handwrite writs and other legal papers with quill or steel-tipped pens, look for witnesses, travel by horse to various courthouses, file documents and the like. These were the times when Abe Lincoln's legendary stovepipe hat often served as a filing cabinet.

In this particular case, the lawyer was called to Jackson to represent a young man who had been accused of mail theft. Mail theft in those days was a profitable criminal enterprise because so many letters contained cash. At the time, checking accounts, checks, money orders or cashier's checks were simply non-existent. One either hand delivered money or sent it by post.

The defendant in the case admitted that he was with a party of drunkards, a few of which "slipped up behind the [mail] carrier and knocked him from his horse...bound and blindfolded him...tied him to a tree [and] took the mailbag." He insisted that he had tried to "dissuade his companions but they would not listen to him." After the robbery, the mail carrier recognized him from the crowd of drunks and he was arrested. The mail bag, with its purloined letters, was found. Those letters that had been opened and rifled through were retained by the prosecutor, who shared them with the accused's attorney.

During a lull in the proceedings, the lawyer returned to the courthouse "to see what was going on." He walked into a criminal trial involving a young girl named Elizabeth Madworth. He said "she was very pretty, and bore that mild innocent look which we seldom find in a culprit." Simultaneous to his initial observation, a young man "caught me by the arm" and begged the lawyer to represent her. The young man was her fiancé. The lawyer admittedly felt sorry for her. She had been "weeping profusely, as her bosom was wet." He related that in "his soul he knew she was innocent." A housemaid, she was accused of stealing \$100 from her employer, Mrs. Naseby.

As the case progressed, he called to the stand the cook, Nancy Luther, whom he described as "a stout, bold-faced girl, about twenty-two, with a low forehead, small grey eyes, a pug nose and thick lips." In fact, it was this cook who told Mrs. Naseby that she had seen Elizabeth steal the money by watching her through a keyhole. Mrs. Naseby, in turn, testified that she confronted Elizabeth and found \$25 in her trunk, adding that Elizabeth was the only other person in the house who had access to her cash.

Nancy Luther testified she followed Elizabeth up the stairs on the night of the theft because of the manner in which she climbed the stairs. "Elizabeth went into Mrs. Naseby's room and shut the door," she further testified. She then peered through the keyhole and saw Elizabeth go to Mrs. Naseby's drawer and "saw her take the money."

The lawyer then called Mrs. Naseby back to the stand. She clarified that other people in the house, including Nancy Luther, knew where she kept her money, but meant that only Elizabeth "had any right there." She went on to testify that Nancy Luther also knew of the money's whereabouts because she often gave her money from the drawer to go to the market to buy groceries and to pay for other household provisions. He



The Criminal Witness, A Lawyer's Story, Raftsmen's Journal [PA], June 11, 1856, page 1, col 1 <https://chroniclingamerica.loc.gov/lccn/sn85054616/1856-06-11/ed-1/seq-1/#date1=1856&index=8&rows=20&words=Bald+Eagle&searchType=basic&sequence=0&state=&date2=1856&proxtext=bald+eagle&y=9&x=18&dateFilterType=yearRange&page=1>

also related that Mrs. Naseby "though naturally a hard woman, was somewhat moved by Elizabeth's misery."

The lawyer then called Nancy Luther back to the stand. He questioned her as to her financial condition and she flatly stated she couldn't have planted the \$25 in Elizabeth's trunk because she was broke.

Then the Perry Mason moment came. In a "quick, startling tone," the lawyer asked her: "Then where did you get the seventy-five dollars you sent your sister?" Nancy Luther "faintly gasped, "...I--never--sent--any" as she "turned pale as death, and every limb shook violently."

Turning to the jury the lawyer explained that he had come to Jackson to defend a young man who was accused of mail theft. As part of the disclosure process, he had inspected the letters which had been torn open and rifled. In dramatic fashion, he pulled out from his pocket one of those letters bearing Nancy Luther's signature. He then proceeded to read the letter which she had addressed to her sister: "I send you heer sevente five dollars...dont spoke won wurd tu a livin sole...I dont want nobody to know I have got enny money." She went on in the letter to express her disdain for Elizabeth and the fact that she "hoped to get rid of [her]."

Without leaving their chairs, the jury acquitted Elizabeth on the spot. Nancy Luther was also arrested on the spot. A group of local citizens gathered together a hundred dollars "as a slight token of gratitude due me for my efforts on behalf of a poor, defenseless, but much-loved maiden."

The following day, the attorney was able to get another acquittal for his other client on the mail theft charges. He admits to making "considerable handle of the letter [I used] to save an innocent girl" the previous day. He believed the jury felt "the finger of Omnipotence was in the works...[and that he believed] the young man was innocent of all crime...[and the jury] thought so too," he concluded. **PI**