



CASES OF CIRCUMSTANTIAL EVIDENCE.

THE records of every country abound in remarkable cases of persons being judicially put to death for crimes of which they were entirely innocent. A mistaken resemblance to the actual perpetrator, the fact of having been seen near the spot where the crime was committed, or some other suspicious circumstance, has contributed to bring the guilt and punishment on the wrong party. At one time, cases of injustice were also committed by condemning individuals for murder when it was not proved that a murder had been perpetrated. The now well-recognised principle in criminal law, that no murder can be held as having been committed till the body of the deceased has been discovered, has terminated this form of legal oppression. Another, and perhaps one of the most common causes of injustice in trials of this nature, is the prevarication of the party charged with the offence. Finding himself, though innocent, placed in an awkward predicament, he invents a plausible story in his defence, and the deceit being discovered, he is at once presumed to be in every respect guilty. Sir Edward Coke mentions a melancholy case of this kind. A gentleman was charged with having made away with his niece. He was innocent of the crime; but having, in a state of

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trepidation, put forward another child as the one said to have been destroyed, the trick was discovered, and the poor gentleman was executed—a victim of his own disingenuousness.

The following interesting cases of loss of life from too great a leaning on circumstantial or presumptive evidence, we select from various authorities, English and foreign.

WILLIAM SHAW.

In the year 1721 there resided in Edinburgh an upholsterer named William Shaw, who had a daughter, Catherine Shaw, who lived with him. This young woman, it appears, encouraged the addresses of John Lawson, a jeweller, to whom William Shaw declared the most insuperable objections, alleging him to be a profligate young man, addicted to every kind of dissipation. He was forbidden the house; but the daughter continuing to see him clandestinely, the father, on the discovery, kept her strictly confined.

William Shaw had for some time urged his daughter to receive the addresses of a son of Alexander Robertson, a friend and neighbour; and one evening, being very urgent with her thereon, she peremptorily refused, declaring she preferred death to being young Robertson's wife. The father grew enraged, and the daughter more positive, so that the most passionate expressions arose on both sides, and the words *barbarity*, *cruelty*, and *death*, were frequently pronounced by the daughter. At length he left her, locking the door after him.

The greater number of the buildings in Edinburgh are tall and massive, divided into *flats* or *floors*, each inhabited by one or more families, all of whom enter by a general stair leading to the respective floors. William Shaw resided in one of these flats, and a partition only divided his dwelling from that of James Morrison, a watch-case maker. This man had indistinctly overheard the conversation and quarrel between Catherine Shaw and her father, and was particularly struck with the repetition of the above words, she having pronounced them loudly and emphatically. For some little time after the father was gone out all was silent, but presently Morrison heard several groans from the daughter. Alarmed, he ran to some of his neighbours under the same roof; these entering Morrison's room, and listening attentively, not only heard the groans, but distinctly heard Catherine Shaw two or three times faintly exclaim, 'Cruel father, thou art the cause of my *death*.' Struck with this, they flew to the door of Shaw's apartment; they knocked—no answer was given. The knocking was repeated—still no answer. Suspicions had before arisen against the father; they were now confirmed. A constable was procured and an entrance forced: Catherine was found weltering in her blood, and the fatal knife by her side. She was

alive, but speechless; but on questioning her as to owing her death to her father, was just able to make a motion with her head, apparently in the affirmative, and expired. At this critical moment William Shaw returns, and enters the room: immediately all eyes are on him. Seeing his neighbours and a constable in his apartment, he appears much disordered; but at the sight of his daughter he turns pale, trembles, and is ready to sink. The first surprise and the succeeding horror leave little doubt of his guilt in the breasts of the beholders; and even that little is done away on the constable discovering that the shirt of William Shaw is bloody.

He was instantly hurried before a magistrate, and, upon the depositions of all the parties, committed to prison on suspicion. He was shortly after brought to trial, when in his defence he acknowledged his having confined his daughter to prevent her intercourse with Lawson; that he had frequently insisted on her marrying Robertson; and that he had quarrelled with her on the subject the evening she was found murdered, as the witness Morrison had deposed; but he averred that he left his daughter unharmed and untouched, and that the blood found upon his shirt was there in consequence of his having bled himself some days before, and the bandage becoming untied. These assertions did not weigh a feather with the jury when opposed to the strong circumstantial evidence of the daughter's expressions of 'barbarity, cruelty, death,' and of 'cruel father, thou art the cause of my death,' together with that apparently affirmative motion with her head, and of the blood so seemingly providentially discovered on the father's shirt. On these several concurring circumstances was William Shaw found guilty, and executed at Leith Walk in November 1721.

Was there a person in Edinburgh who believed the father guiltless? No, not one, notwithstanding his latest words at the gallows were, 'I am innocent of my daughter's murder.' But in August 1722, as a man, who had become the possessor of the late William Shaw's apartments, was rummaging by chance in the chamber where Catherine Shaw died, he accidentally perceived a paper that had fallen into a cavity on one side of the chimney. It was folded as a letter, which on being opened ran as follows: 'Barbarous father, your cruelty in having put it out of my power ever to join my fate to that of the only man I could love, and tyrannically insisting upon my marrying one whom I always hated, has made me form a resolution to put an end to an existence which is become a burden to me. I doubt not I shall find mercy in another world, for sure no benevolent Being can require that I should any longer live in torment to myself in this. My death I lay to your charge: when you read this, consider yourself as the inhuman wretch that plunged the murderous knife into the bosom of the unhappy—CATHERINE SHAW.'

This letter being shewn, the handwriting was recognised and avowed to be Catherine Shaw's by many of her relations and friends.

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It became the public talk ; and the magistracy of Edinburgh, on a scrutiny, being convinced of its authenticity, ordered the body of William Shaw to be given to his family for interment ; and as the only reparation to his memory and the honour of his surviving relations, they caused a pair of colours to be waved over his grave in token of his innocence—a poor compensation, it will be allowed, for an act of gross cruelty and injustice.

THE FRENCH REFUGEE.

The following singularly involved case is given in the *Gentleman's Magazine* for 1754, with the initials of a correspondent, who states it to have been extracted from some minutes of evidence made by his grandfather in criminal causes in which he was counsel on the part of the crown in the reign of Charles II.

Jaques du Moulin, a French refugee, having brought over his family and a small sum of money, employed it in purchasing lots of goods that had been condemned at the custom-house, which he again disposed of by retail. As these goods were such as, having a high duty, were frequently smuggled, those who dealt in this way were generally suspected of increasing their stock by illicit means, and smuggling, or purchasing smuggled articles, under colour of dealing only in goods that had been legally seized by the king's officers, and taken from smugglers. This trade, however, did not, in the general estimation, impeach his honesty, though it gave no sanction to his character ; but he was often detected in uttering false gold. He came frequently to persons of whom he had received money with several of these pieces of counterfeit coin, and pretended that they were among the pieces which had been paid him : this was generally denied with great eagerness ; but, if particular circumstances did not confirm the contrary, he was always peremptory and obstinate in his charge. This soon brought him into disrepute, and he gradually lost not only his business but his credit. It happened that, having sold a parcel of goods, which amounted to £78, to one Harris, a person with whom he had before had no dealings, he received the money in guineas and Portugal gold, about several pieces of which he scrupled ; but the man having assured him that he himself had carefully examined and weighed those very pieces, and found them good, Du Moulin took them, and gave his receipt.

In a few days he returned with six pieces, which he averred were of base metal, and part of the sum which he had a few days before received of him for the lot of goods. Harris examined the pieces, and told Du Moulin that he was sure there were none of them among those which he had paid him, and refused to exchange them for others. Du Moulin as peremptorily insisted on the contrary, alleging that he had put the money in a drawer by itself, and locked it up till

he offered it in payment of a bill of exchange, and then the pieces were found to be bad ; insisting that they were the same to which he had objected. Harris now became angry, and charged Du Moulin with intending a fraud. Du Moulin appeared to be rather piqued than intimidated at this charge ; and having sworn that these were the pieces he received, Harris was at length obliged to make them good ; but as he was confident that Du Moulin had injured him by a fraud supported by perjury, he told his story wherever he went, exclaiming against him with great bitterness, and met with many persons who made nearly the same complaints, and told him that it had been a practice of Du Moulin's for a considerable time. Du Moulin now found himself universally shunned ; and hearing from all parts what Harris had reported, he brought an action for defamatory words, and Harris, irritated to the highest degree, stood upon his defence ; and in the meantime having procured a meeting of several persons who had suffered the same way in their dealings with Du Moulin, they procured a warrant against him, and he was apprehended upon suspicion of counterfeiting the coin. Upon searching his drawers, a great number of pieces of counterfeit gold were found in a drawer by themselves, and several others were picked from other money that was found in different parcels in his scrutoire : upon further search, a flask, several files, a pair of moulds, some powdered chalk, a small quantity of aqua regia, and several other implements, were discovered. No doubt could now be entertained of his guilt, which was extremely aggravated by the methods he had taken to dispose of the money he made, the insolence with which he had insisted upon its being paid him by others, and the perjury by which he had supported his claim. His action against Harris for defamation was also considered as greatly increasing his guilt, and everybody was impatient to see him punished. In these circumstances he was brought to trial ; and his many attempts to put off bad money, the quantity found by itself in his scrutoire, and, above all, the instruments of coining, which, upon a comparison, exactly answered the money in his possession, being proved, he was upon this evidence convicted, and received sentence of death.

Now, it happened that, a few days before he was to have been executed, one Williams, who had been bred a seal-engraver, but had left his business, was killed by a fall from his horse : and his wife, who was then pregnant, and near her time, immediately fell into fits and miscarried. She was soon sensible that she could not live ; and therefore sending for the wife of Du Moulin, she desired to be left alone, and then gave her the following account :

That her husband was one of four, whom she named, that had for many years subsisted by counterfeiting gold coin, which she had been frequently employed to put off, and was therefore intrusted with the whole secret ; that another of these persons had hired himself to Du Moulin as a kind of footman and porter, and being

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provided by the gang with false keys, had disposed of a very considerable sum of bad money by opening his master's scrutoire, and leaving it there in the stead of an equal number of good pieces which he took out; that by this iniquitous practice Du Moulin had been defrauded of his business, his credit, and his liberty, to which in a short time his life would be added, if application were not immediately made to save him. After this account, which she gave in great agony of mind, she was much exhausted, and having given directions where to find the persons whom she impeached, she fell into convulsions, and soon after expired. Du Moulin's wife immediately applied to a magistrate; and having related the story she had heard, procured a warrant against the three men, who were taken the same day, and separately examined. Du Moulin's servant steadily denied the whole charge, and so did one of the other two; but while the last was being examined, a messenger, who had been sent to search their lodgings, arrived with a great quantity of bad money, and many instruments for coining. This threw him into confusion, and the magistrate improving the opportunity by offering him his life if he would become evidence for the king, he confessed that he had been long associated with the other prisoners and the man who was dead, and he directed where other tools and money might be found; but he could say nothing as to the manner in which Du Moulin's servant was employed to put it off. Upon this discovery Du Moulin's execution was suspended; and the king's witness swearing positively that his servant and the other prisoner had frequently coined in his presence, and giving a particular account of the process, and the part which each of them usually performed, they were convicted and condemned to die. Both of them, however, denied the fact, and the public were still in doubt about Du Moulin. In his defence, he had declared that the bad money which was found together was such as he could not trace to the persons of whom he had received it; that the parcels with which bad money was found mixed he kept separate, that he might know to whom to apply if it should appear to be bad; but the finding of the moulds and other instruments in his custody was a particular not yet accounted for, as he only alleged in general terms that he knew not how they came there; and it was doubted whether the impeachment of others had not been managed with a view to save him who was equally guilty, there being no evidence of his servant's treachery but that of a woman who was dead, reported at second-hand by the wife of Du Moulin, who was manifestly an interested party. He was not, however, charged by either of the convicts as an accomplice, a particular which was strongly urged by his friends in his behalf; but it happened that, while the public opinion was thus held in suspense, a private drawer was discovered in a chest that belonged to his servant, and in it a bunch of keys, and the impression of one in wax: the impression was compared with the keys, and that which

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it corresponded with was found to open Du Moulin's scrutoire, in which the bad money and implements had been found. When this particular, so strong and unexpected, was urged, and the key produced, he burst into tears and confessed all that had been alleged against him. He was then asked how the tools came into his master's scrutoire ; and he answered, that when the officers of justice came to seize his master, he was terrified for himself, knowing that he had in his chest these instruments, which the private drawer could not contain ; and fearing that he might be included in the warrant, his consciousness of guilt kept him in continual dread and suspicion : that for this reason, before the officers went up stairs, he opened the scrutoire with his false key, and having fetched his tools from his box in the garret, he deposited them there, and had just locked it when he heard them at the door.

In this case even the positive evidence of Du Moulin, that the money he brought back to Harris was the same he had received of him, was not true, though Du Moulin was not guilty of perjury either wilfully or by neglect, inattention or forgetfulness. And the circumstantial evidence against him, however strong, would only have heaped one injury upon another, and have taken away the life of an unhappy wretch, from whom a perfidious servant had taken away everything else.

BRUNELL'S CASE.

In the year 1742 a case of a very remarkable nature occurred near Hull. A gentleman travelling to that place was stopped late in the evening, about seven miles from the town, by a single highwayman with a mask on his face, who robbed the traveller of a purse containing twenty guineas. The highwayman rode off by a different path full speed, and the gentleman, frightened, but not injured, except in purse, pursued his journey. It was growing late, however, and being naturally much agitated by what had passed, he rode only two miles further, and stopped at the Bell Inn, kept by Mr James Brunell. He went into the kitchen to give directions for his supper, where he related to several persons present the fact of his having been robbed ; to which he added this peculiar circumstance, that when he travelled he always gave his gold a peculiar mark, and that every guinea in the purse taken from him was thus marked. Hence he hoped that the robber would yet be detected. Supper being ready, he retired.

The gentleman had not long finished his supper, when Mr Brunell came into the parlour where he was, and after the usual inquiries of landlords as to the guest's satisfaction with his meal, observed, 'Sir, I understand you have been robbed not far hence this evening?' 'I have, sir,' was the reply. 'And your money was marked?'

continued the landlord. 'It was,' said the traveller. 'A circumstance has arisen,' resumed Mr Brunell, 'which leads me to think that I can point out the robber. Pray, at what time in the evening were you stopped?' 'It was just setting in to be dark,' replied the traveller. 'The time confirms my suspicions,' said the landlord; and he then informed the gentleman that he had a waiter, one John Jennings, who had of late been so very full of money, and so very extravagant, that he (the landlord) had been surprised at it, and had determined to part with him, his conduct being every way suspicious; that long before dark that day he had sent out Jennings to change a guinea for him; that the man had only come back since the arrival of the traveller, saying he could not get change; and that, seeing Jennings to be in liquor, he had sent him off to bed, determining to discharge him in the morning. Mr Brunell continued to say, that when the guinea was brought back to him, it struck him that it was not the same which he had sent out for change, there being on the returned one a mark, which he was very sure was not upon the other; but that he should probably have thought no more of the matter, Jennings having frequently had gold in his pocket of late, had not the people in the kitchen told him what the traveller had related respecting the robbery, and the circumstance of the guineas being marked. He (Mr Brunell) had not been present when this relation was made, and unluckily, before he heard of it from the people in the kitchen, he had paid away the guinea to a man who lived at some distance, and who had now gone home. 'The circumstance, however,' said the landlord in conclusion, 'struck me so very strongly, that I could not refrain, as an honest man, from coming and giving you information of it.'

Mr Brunell was duly thanked for his candid disclosure. There appeared from it the strongest reasons for suspecting Jennings; and if, on searching him, any others of the marked guineas should be found, and the gentleman could identify them, there would then remain no doubt in the matter. It was now agreed to go up to his room. Jennings was fast asleep: his pockets were searched, and from one of them was drawn forth a purse, containing exactly nineteen guineas. Suspicion now became certainty; for the gentleman declared the purse and guineas to be identically those of which he had been robbed. Assistance was called; Jennings was awakened, dragged out of bed, and charged with the robbery. He denied it firmly; but circumstances were too strong to gain him belief. He was secured that night, and next day taken before a justice-of-the-peace. The gentleman and Mr Brunell deposed to the facts upon oath; and Jennings, having no proofs, nothing but mere assertions of innocence, which could not be credited, was committed to take his trial at the next assizes.

So strong seemed the case against him, that most of the man's friends advised him to plead guilty, and throw himself on the mercy

of the court. This advice he rejected, and when arraigned, pled not guilty. The prosecutor swore to the fact of the robbery; though, as it took place in the dusk, and the highwayman was in a mask, he could not swear to the person of the prisoner, but thought him of the same stature nearly as the man who robbed him. To the purse and guineas, when they were produced in court, he swore—as to the purse, positively, and as to the marked guineas, to the best of his belief; and he testified to their having been taken from the pocket of the prisoner.

The prisoner's master, Mr Brunell, deposed as to the sending of Jennings for the change of a guinea, and to the waiter's having brought back to him a marked one, in the room of one he had given him unmarked. He also gave evidence as to the discovery of the purse and guineas on the prisoner. To consummate the proof, the man to whom Mr Brunell had paid the guinea, as mentioned, came forward and produced the coin, testifying at the same time that he had received it on the evening of the robbery from the prisoner's master in payment of a debt; and the traveller, or prosecutor, on comparing it with the other nineteen, swore to its being, to the best of his belief, one of the twenty marked guineas taken from him by the highwayman, and of which the other nineteen were found on Jennings.

The judge summed up the evidence, pointing out all the concurring circumstances against the prisoner; and the jury, convinced by this strong accumulation of circumstantial evidence, without going out of court brought in a verdict of guilty. Jennings was executed some little time afterwards at Hull, repeatedly declaring his innocence up till the very moment of his execution.

Within a twelvemonth afterwards, Brunell, the master of Jennings, was himself taken up for a robbery committed on a guest in his house, and the fact being proved on trial, he was convicted, and ordered for execution. The approach of death brought on repentance, and repentance confession. Brunell not only acknowledged he had been guilty of many highway robberies, but owned himself to have committed the very one for which poor Jennings suffered.

The account which Brunell gave was, that after robbing the traveller, he had got home before him by swifter riding and by a nearer way. That he found a man at home waiting for him, to whom he owed a little bill, and to whom, not having enough of other money in his pocket, he gave away one of the twenty guineas which he had just obtained by the robbery. Presently came in the robbed gentleman, who, whilst Brunell, not knowing of his arrival, was in the stable, told his tale, as before related, in the kitchen. The gentleman had scarcely left the kitchen before Brunell entered it, and there, to his consternation, heard of the facts, and of the guineas being marked. He became dreadfully alarmed. The guinea which he had paid away he dared not ask back again; and as the affair

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of the robbery, as well as the circumstance of the marked guineas, would soon become publicly known, he saw nothing before him but detection, disgrace, and death. In this dilemma, the thought of accusing and sacrificing poor Jennings occurred to him. The state of intoxication in which Jennings was, gave him an opportunity of concealing the money in the waiter's pocket. The rest of the story the reader knows.

LADY MAZEL.

In the year 1689 there lived in Paris a woman of fashion, called Lady Mazel. Her house was capacious, and four stories high; on the ground-floor was a large servants' hall, in which was a grand staircase, and a cupboard where the plate was locked up, of which one of the chambermaids kept the key. In a small room partitioned off from the hall slept the valet-de-chambre, whose name was Le Brun: the rest of this floor consisted of apartments in which the lady saw company; which was very frequent and numerous, as she kept public nights for play. In the floor up one pair of stairs was the lady's own chamber, which was in the front of the house, and was the innermost of three rooms from the grand staircase. The key of this chamber was usually taken out of the door and laid on a chair by the servant who was last with the lady, and who, pulling the door after her, it shut with a spring, so that it could not be opened from without. In this chamber, also, were two doors; one communicating with a back staircase, the other with a wardrobe, which opened to the back stairs also.

On the second floor slept the Abbé Poulard, in the only room which was furnished on that floor. On the third story were two chambers, which contained two chambermaids and two foot-boys; the fourth story consisted of lofts and granaries, whose doors were always open. The cook slept below in a place where the wood was kept, an old woman in the kitchen, and the coachman in the stable.

On the 27th of November, being Sunday, the two daughters of Le Brun, the valet, who were eminent milliners, waited on the lady, and were kindly received; but as she was going to church to afternoon service, she pressed them to come again, when she could have more of their company. Le Brun attended his lady to church, and then went to another himself; after which he went to play at bowls, as was customary at that time, and from the bowling-green he went to several places; and after supping with a friend, he went home seemingly cheerful and easy, as he had been all the afternoon. Lady Mazel supped with the Abbé Poulard as usual, and about eleven o'clock went to her chamber, where she was attended by her maids. Before they left her, Le Brun came to the door to receive his orders for the next day, after which one of the maids laid the key of the

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chamber door on the chair next it; they then went out, and Le Brun following them, shut the door after him, and talked with the maids a few minutes about his daughters, and then they parted, he seeming still very cheerful.

In the morning he went to market, and was jocular and pleasant with everybody he met, as was his usual manner. He then returned home, and transacted his usual business. At eight o'clock he expressed surprise that his lady did not get up, as she usually rose at seven: he went to his wife's lodging, which was in the neighbourhood, and told her he was uneasy that his lady's bell had not rung, and gave her seven louis-d'ors, and some crowns in gold, which he desired her to lock up, and then went home again, and found the servants in great consternation at hearing nothing of their lady; when one observed that he feared she had been seized with an apoplexy, or a bleeding at the nose, to which she was subject. Le Brun said: 'It must be something worse; my mind misgives me; for I found the street door open last night after all the family were in bed but myself.' They then sent for the lady's son, M. de Savoniere, who hinted to Le Brun his fear of an apoplexy. Le Brun said: 'It is certainly something worse; my mind has been uneasy ever since I found the street door open last night after the family were in bed.' A smith being now brought, the door was broken open, and Le Brun entering first, ran to the bed; and after calling several times, he drew back the curtains, and said: 'Oh, my lady is murdered!' He then ran into the wardrobe, and took up the strong box, which being heavy, he said: 'She has not been robbed; how is this?'

A surgeon then examined the body, which was covered with no less than fifty wounds: they found in the bed, which was full of blood, a scrap of a cravat of coarse lace, and a napkin made into a night-cap, which was bloody, and had the family mark on it; and from the wounds in the lady's hands, it appeared she had struggled hard with the murderer, which obliged him to cut the muscles before he could disengage himself. The bell-strings were twisted round the frame of the tester, so that they were out of reach, and could not ring. A clasp-knife was found in the ashes almost consumed by the fire, which had burned off all marks of blood that might have ever been upon it: the key of the chamber was gone from the seat by the door; but no marks of violence appeared on any of the doors, nor were there any signs of a robbery, as a large sum of money and all the lady's jewels were found in the strong box and other places.

Le Brun being examined, said, that 'after he left the maids on the stairs, he went down into the kitchen; he laid his hat and the key of the street door on the table, and sitting down by the fire to warm himself, he fell asleep; that he slept, as he thought, about an hour, and going to lock the street door, he found it

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open ; that he locked it, and took the key with him to his chamber. On searching him, they found in his pocket a key, the wards of which were new filed, and made remarkably large ; and on trial it was found to open the street door, the antechamber, and both the doors in Lady Mazel's chamber. On trying the bloody night-cap on Le Brun's head, it was found to fit him exactly, whereupon he was committed to prison.

On his trial it appeared as if the lady was murdered by some persons who had been let in by Le Brun for that purpose, and had afterwards fled. It could not be done by himself, because no blood was upon his clothes, nor any scratch on his body, which must have been on the murderer from the lady's struggling ; but that it was Le Brun who let him in seemed very clear. None of the locks were forced ; and his own story of finding the street door open, the circumstances of the key and the night-cap, also a ladder of ropes being found in the house, which might be supposed to be laid there by Le Brun to take off the attention from himself, were all interpreted as strong proofs of his guilt ; and that he had an accomplice was inferred, because part of the cravat found in the bed was discovered not to be like his ; but the maids deposed that they had washed such a cravat for one Berry, who had been a footman to the lady, and was turned away about four months before for robbing her. There was also found in the loft at the top of the house, under some straw, a shirt very bloody, but which was not like the linen of Le Brun, nor would it fit him.

Le Brun had nothing to oppose to these strong circumstances but a uniformly good character, which he had maintained during twenty-nine years he had served his lady ; and that he was generally esteemed a good husband, a good father, and a good servant. It was therefore resolved to put him to the torture, in order to discover his accomplices. This was done with such severity on February 23, 1690, that he died the week after of the injuries he received, declaring his innocence with his dying breath.

About a month after, notice was sent from the provost of Sens that a dealer in horses had lately set up there by the name of John Garlet, but his true name was found to be Berry, and that he had been a footman in Paris. In consequence of this he was taken up, and the suspicion of his guilt was increased by his attempting to bribe the officers. On searching him a gold watch was found, which proved to be Lady Mazel's. Being brought to Paris, a person swore to seeing him go out of Lady Mazel's the night she was murdered, and a barber swore to shaving him next morning, when, on his observing the hands of his customer to be very much scratched, Berry said he had been killing a cat.

On these circumstances he was condemned to the torture, and afterwards to be broken alive on the wheel. On being tortured, he confessed that, by the direction and order of Madame de Savoniere

(Lady Mazel's daughter), he and Le Brun had undertaken to rob and murder Lady Mazel, and that Le Brun murdered her whilst he stood at the door to prevent surprise. In the truth of this declaration he persisted till he was brought to the place of execution, when, begging to speak with one of the judges, he recanted what he had said against Le Brun and Madame de Savoniere, and confessed 'that he came to Paris on the Wednesday before the murder was committed. On the Friday evening he went into the house, and, unperceived, got into one of the lofts, where he lay till Sunday morning, subsisting on apples and bread which he had in his pockets; that about eleven o'clock on Sunday morning, when he knew the lady had gone to mass, he stole down to her chamber, and the door being open, he tried to get under her bed; but it being too low, he returned to the loft, pulled off his coat and waistcoat, and returned to the chamber a second time in his shirt; he then got under the bed, where he continued till the afternoon, when Lady Mazel went to church; that knowing she would not come back soon, he left his hiding-place, and being incommoded with his hat, he threw it under the bed, and made a cap of a napkin which lay on a chair, secured the bell-strings, and then sat down by the fire, where he continued till he heard her coach drive into the courtyard, when he again got under the bed, and remained there; that Lady Mazel having been in bed about an hour, he got from under it and demanded her money; she began to cry out, and attempted to ring, upon which he stabbed her, and she resisting with all her strength, he repeated his stabs till she was dead; that he then took the key of the wardrobe cupboard from the bed's head, opened this cupboard, found the key of the strong box, opened it, and took out all the gold he could find, to the amount of about six hundred livres; that he then locked the cupboard, and replaced the key at the bed's head, threw his knife into the fire, took his hat from under the bed, left the napkin in it, took the key of the chamber from the chair, and let himself out; went to the loft, where he pulled off his shirt and cravat, and, leaving them there, put on his coat and waistcoat, and stole softly down stairs; and finding the street door only on the single lock, he opened it, went out, and left it open; that he had brought a rope-ladder to let himself down from a window if he had found the street door double-locked; but finding it otherwise, he left his rope-ladder at the bottom of the stairs, where it was found.'

Thus was the veil removed from this deed of darkness, and all the circumstances which appeared against Le Brun were accounted for consistently with his innocence. From the whole story, the reader will perceive how fallible human reason is when applied to *circumstances*; and the humane will agree that in such cases even improbabilities ought to be admitted, rather than a man should be condemned who may possibly be innocent.

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THE YOUNG SAILMAKER.

In the year 1723, a young man, who was serving his apprenticeship in London to a master sailmaker, got leave to visit his mother, to spend the Christmas holidays. She lived a few miles beyond Deal, in Kent. He walked the journey; and on his arrival at Deal in the evening, being much fatigued, and also troubled with a bowel complaint, he applied to the landlady of a public-house, who was acquainted with his mother, for a night's lodging. Her house was full, and every bed occupied; but she told him that if he would sleep with her uncle, who had lately come ashore, and was boatswain of an Indiaman, he should be welcome. He was glad to accept the offer, and after spending the evening with his new comrade, they retired to rest.

In the middle of the night he was attacked with his complaint, and wakening his bedfellow, he asked him the way to the garden. The boatswain told him to go through the kitchen; but as he would find it difficult to open the door into the yard, the latch being out of order, he desired him to take a knife out of his pocket, with which he could raise the latch. The young man did as he was directed, and after remaining nearly half an hour in the yard he returned to his bed, but was much surprised to find his companion had risen and gone. Being impatient to visit his mother and friends, he also arose before day, and pursued his journey, and arrived at home at noon. The landlady, who had been told of his intention to depart early, was not surprised; but not seeing her uncle in the morning, she went to call him. She was dreadfully shocked to find the bed stained with blood, and every inquiry after her uncle was in vain.

The alarm now became general, and on further examination, marks of blood were traced from the bedroom into the street, and at intervals down to the edge of the pier-head. Rumour was immediately busy, and suspicion fell of course on the young man who slept with him, that he had committed the murder and thrown the body over the pier into the sea. A warrant was issued against him, and he was taken that evening at his mother's house. On his being examined and searched, marks of blood were discovered on his shirt and trousers, and in his pocket were a knife and a remarkable silver coin, both of which the landlady swore positively were her uncle's property, and that she saw them in his possession on the evening he retired to rest with the young man. On these strong circumstances the unfortunate youth was found guilty.

He related all the above particulars in his defence; but as he could not account for the marks of blood on his person, unless that he got them when he returned to the bed, nor for the silver coin being in his possession, his story was not credited. The certainty of the boatswain's disappearance, and the blood at the pier, traced from

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his bedroom, were supposed to be too evident signs of his being murdered; and even the judge was so convinced of his guilt, that he ordered the execution to take place in three days. At the fatal tree the youth declared his innocence, and persisted in it with such affecting asseverations, that many pitied him, though none doubted the justness of his sentence.

The executioners of those days were not so expert at their trade as modern ones, nor were drops and platforms invented. The young man was very tall; his feet sometimes touched the ground; and some of his friends who surrounded the gallows contrived to give the body some support as it was suspended. After being cut down, those friends bore it speedily away in a coffin, and in the course of a few hours animation was restored, and the innocent saved. When he was able to move, his friends insisted on his quitting the country, and never returning. He accordingly travelled by night to Portsmouth, where he entered on board a man-of-war on the point of sailing for a distant part of the world; and as he changed his name, and disguised his person, his melancholy story never was discovered.

After a few years of service, during which his exemplary conduct was the cause of his promotion through the lower grades, he was at last made a master's mate, and his ship being paid off in the West Indies, he and a few more of the crew were transferred to another man-of-war, which had just arrived short of hands from a different station. What were his feelings of astonishment, and then of delight and ecstasy, when almost the first person he saw on board his new ship was the identical boatswain for whose murder he had been tried, condemned, and executed five years before! Nor was the surprise of the old boatswain much less when he heard the story.

An explanation of all the mysterious circumstances then took place. It appeared that the boatswain had been bled for a pain in the side by the barber, unknown to his niece, on the day of the young man's arrival at Deal; that when the young man wakened him, and retired to the yard, he found the bandage had come off his arm during the night, and that the blood was flowing afresh. Being alarmed, he rose to go to the barber, who lived across the street, but a press-gang laid hold of him just as he left the public-house. They hurried him to the pier, where their boat was waiting; a few minutes brought them on board a frigate then under-way for the East Indies; and he omitted ever writing home to account for his sudden disappearance. Thus were the chief circumstances explained by the two friends thus strangely met. The silver coin being found in the possession of the young man could only be explained by the *conjecture*, that when he took the knife out of the boatswain's pocket in the dark, it is *probable*, as the coin was in the same pocket, it stuck between the blades of

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the knife, and in this manner became the strongest proof against him.

On their return to England, this wonderful explanation was told to the judge and jury who tried the cause, and it is probable they never after convicted a man on *circumstantial* evidence. It also made a great noise in Kent at the time.*

THOMAS GEDDELY'S CASE.

Thomas Geddely lived as a waiter with Mrs Hannah Williams, who kept a public-house at York. It being a house of much business, and the mistress very assiduous therein, she was deemed in wealthy circumstances. One morning her scrutoire was found broken open and robbed, and Thomas Geddely disappearing at the same time, no doubt was entertained as to the robber. About a twelvemonth after, a man calling himself James Crow came to York, and worked a few days for a precarious subsistence in carrying goods as a porter. Many accosted him as Thomas Geddely. He declared he did not know them, that his name was James Crow, and that he never was at York before. But this was held as merely a trick to save himself from the consequences of the robbery committed in the house of Mrs Williams, when he lived with her as waiter.

His mistress was sent for, and in the midst of many people instantly singled him out, called him by his name (Thomas Geddely), and charged him with his unfaithfulness and ingratitude in robbing her. He was directly hurried before a justice-of-peace; but on his examination absolutely affirmed that he was not Thomas Geddely, that he knew no such person, that he never was at York before, and that his name was James Crow. Not, however, giving a good account of himself, but rather admitting that he was a vagabond and petty rogue, and Mrs Williams and another person swearing positively to his person, he was committed to York Castle for trial at the next assizes.

On arraignment, he pled not guilty, still denying that he was the person he was taken for; but Mrs Williams and some others made oath that he was the identical Thomas Geddely who lived with her when she was robbed; and a servant girl deposed that she had seen him, on the very morning of the robbery, in the room where the scrutoire was broken open, with a poker in his hand. The prisoner, being unable to prove an *alibi*, was found guilty of the robbery. He was soon after executed, but persisted to his latest breath in

* We present this case as usually recounted by popular tradition, without vouching for its accuracy. If true, the jury, it will be observed, had no proof of the murder, as the body was not found. We doubt that any judge would have sanctioned such a gross perversion of justice.

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affirming that he was not Thomas Geddely, and that his name was James Crow.

And so it proved! Some time after, the true Thomas Geddely, who, on robbing his mistress, had fled from York to Ireland, was taken up in Dublin for a crime of the same stamp, and there condemned and executed. Between his conviction and execution, and again at the fatal tree, he confessed himself to be the very Thomas Geddely who had committed the robbery at York for which the unfortunate James Crow had been executed.

We must add, that a gentleman, an inhabitant of York, happening to be in Dublin at the time of Geddely's trial and execution, and who knew him when he lived with Mrs Williams, declared that the resemblance between the two men was so exceedingly great, that it was next to impossible to distinguish their persons asunder.

BRADFORD THE INNKEEPER.

Jonathan Bradford kept an inn in Oxfordshire, on the London road to Oxford. He bore a respectable character. Mr Hayes, a gentleman of fortune, being on his way to Oxford on a visit to a relation, put up at Bradford's. He there joined company with two gentlemen, with whom he supped, and in conversation unguardedly mentioned that he had then about him a considerable sum of money. In due time they retired to their respective chambers; the gentlemen to a two-bedded room, leaving, as is customary with many, a candle burning in the chimney corner. Some hours after they were in bed, one of the gentlemen being awake, thought he heard a deep groan in an adjoining chamber; and this being repeated, he softly awoke his friend. They listened together, and the groans increasing, as of one dying and in pain, they both instantly arose, and proceeded silently to the door of the next chamber, from which the groans had seemed to come. The door being ajar, they saw a light in the room. They entered, but it is impossible to paint their consternation on perceiving a person weltering in his blood in the bed, and a man standing over him with a dark lantern in one hand, and a knife in the other! The man seemed as much petrified as themselves, but his terror carried with it all the appearance of guilt. The gentlemen soon discovered that the murdered person was the stranger with whom they had that night supped, and that the man who was standing over him was their host. They seized Bradford directly, disarmed him of his knife, and charged him with being the murderer. He assumed by this time the air of innocence, positively denied the crime, and asserted that he came there with the same humane intentions as themselves; for that, hearing a noise, which was succeeded by a groaning, he got out of bed, struck a light, armed himself with a knife for his defence, and had but that minute

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entered the room before them. These assertions were of little avail; he was kept in close custody till the morning, and then taken before a neighbouring justice-of-the-peace. Bradford still denied the murder, but with such apparent indications of guilt, that the justice hesitated not to make use of this extraordinary expression on writing his mittimus, 'Mr Bradford, either you or myself committed this murder.'

This remarkable affair became a topic of conversation to the whole country. Bradford was condemned by the general voice of every company. In the midst of all this predetermination, came on the assizes at Oxford. Bradford was brought to trial; he pled not guilty. Nothing could be stronger than the evidence of the two gentlemen. They testified to the finding Mr Hayes murdered in his bed, Bradford at the side of the body with a light and a knife, and that knife, and the hand which held it, bloody. They stated that, on their entering the room, he betrayed all the signs of a guilty man; and that, but a few minutes preceding, they had heard the groans of the deceased.

Bradford's defence on his trial was the same as before: he had heard a noise; he suspected that some villainy was transacting; he struck a light, snatched up the knife, the only weapon at hand, to defend himself, and entered the room of the deceased. He averred that the terrors he betrayed were merely the feelings natural to innocence, as well as guilt, on beholding so horrid a scene. The defence, however, could not but be considered as weak, contrasted with the several powerful circumstances against him. Never was circumstantial evidence so strong, so far as it went. There was little need for comment from the judge in summing up the evidence; no room appeared for extenuation; and the prisoner was declared guilty by the jury without their even leaving the box.

Bradford was executed shortly after, still declaring that he was not the murderer, nor privy to the murder, of Mr Hayes; but he died disbelieved by all.

Yet were these assertions not untrue! The murder was actually committed by the footman of Mr Hayes; and the assassin, immediately on stabbing his master, rifled his pockets of his money, gold watch, and snuff-box, and then escaped back to his own room. This could scarcely have been effected, as after-circumstances shewed, more than two seconds before Bradford's entering the unfortunate gentleman's chamber. The world owes this information to remorse of conscience on the part of the footman (eighteen months after the execution of Bradford) when laid on a bed of sickness. It was a death-bed repentance, and by that death the law lost its victim.

It were to be wished that this account could close here; but there is more to be told. Bradford, though innocent of the murder, and not even privy to it, was nevertheless a murderer in design. He

had heard, as well as the footman, what Mr Hayes had declared at supper, as to the having a sum of money about him; and he went to the chamber of the deceased with the same dreadful intentions as the servant. He was struck with amazement on beholding himself anticipated in the crime. He could not believe his senses; and in turning back the bed-clothes to assure himself of the fact, he in his agitation dropped his knife on the bleeding body, by which means both his hands and the weapon became bloody. These circumstances Bradford acknowledged to the clergyman who attended him after sentence, but who, it is extremely probable, would not believe them at the time.

Besides the graver lesson to be drawn from this extraordinary case, in which we behold the simple intention of crime so signally and wonderfully punished, these events furnish a striking warning against the careless, and, it may be, vain display of money or other property in strange places. To heedlessness on this score the unfortunate Mr Hayes fell a victim. The temptation, we have seen, proved too strong for two persons out of the few who heard his ill-timed disclosure.

THE LYON COURIER.

In the month of April 1796—or, according to the dates of the French republic, in Floreal of the year 4—a young man, named Joseph Lesurques, arrived in Paris with his wife and his three children from Douai, his native town. He was thirty-three years of age, and possessed a fortune of 15,000 livres (£600) per annum, inherited from his own and his wife's relations. He took apartments in the house of a M. Monnet, a notary in the Rue Montmartre, and made preparations for permanently residing in Paris and educating his children. One of his first cares was to repay one Guesno, proprietor of a carrying establishment at Douai, 2000 livres he had formerly borrowed. On the day following, Guesno invited Lesurques to breakfast. They accordingly went to No. 27, Rue des Boucheries, in company with two other persons, one of whom, a gentleman of the name of Couriol, was invited in consequence of his calling on the third party just as they were sitting down to breakfast. The party remained at table until nearly twelve o'clock, when they proceeded to the Palais Royal, and after having taken coffee at the Rolonde du Caveau, separated.

Four days afterwards (on the 27th April), four horsemen, mounted on good but evidently hired horses, were observed to ride out of Paris through the Barriere de Charenton, as if on a party of pleasure. They all wore long cloaks, as was then the fashion, and sabres hanging from their waists. One of the party was Couriol.

Between twelve and one o'clock the four horsemen arrived at the pretty village of Mongeron, on the road to Melun and Burgagne.

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One of the party had galloped forward to order dinner at the Hotel de la Poste, kept by Sieur Evrard : after dinner, they asked for pipes and tobacco, and two of them smoked. They paid their bill, and went to the casino of the place, where they took four cups of coffee. Shortly afterwards, they mounted their horses, and following the road, shaded by beech-trees, which leads from Mongeron to the forest of Lenart, they proceeded at a foot pace towards Lieursaint, a picturesque village in the midst of a grove.

They arrived at Lieursaint about three o'clock in the afternoon, and there made another long halt. The horse of one of the party had lost a shoe, and another of them had broken the chain of his spur by collision with a friend's horse. This one stopped at the beginning of the village, at the cottage of a woman named Chatelin, a lemonade-seller, and requested her to give him coffee, and supply him with some coarse thread to mend the chain of his spur. This woman immediately complied with his double request ; and as the traveller was not very skilful in mending the chain, she called her servant, one Grossetete, who accordingly mended the chain, and assisted in putting the spur on the boot. The three other horsemen during this time had dismounted at one Champeaux's, an innkeeper, and took something to drink, while he conducted the horse and horseman to the village smith, a man named Motteau. When the horse was shod, the four travellers went to the café of the woman Chatelin, where they played some games at billiards. At half-past seven o'clock, after taking a stirrup-cup with the innkeeper, to whose house they returned for their horses, they mounted and rode off towards Melun.

On going in, Champeaux saw on a table a sabre, which one of the travellers had forgotten to put in his belt : he wished his stable-boy to run after them, but they were already out of sight. It was not until an hour afterwards that the traveller to whom the weapon belonged, and who was the same who had mended his spur, returned at full galop for it. He then drank a glass of brandy, and set off at full speed in the direction taken by his companions. At this moment the mail courier from Paris to Lyon arrived to change horses. It was then about half-past eight o'clock, and the night had been for some time dark. The courier, after having changed horses, and taken a fresh postilion, set out to pass the long forest of Lenart. The mail at this period was a sort of postchaise, with a large trunk behind containing the dispatches. There was one place only open to the public, at the side of the courier. It was on that day occupied by a man about thirty years of age, who had that morning taken his place to Lyon in the name of Laborde, silk merchant.

The next morning the mail was found rifled, the courier dead in his seat, with one wound right through his heart, and his head cut nearly off ; and the postilion lying in the road, also dead, his head cut open, his right hand divided, and his breast wounded in three

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places. The postilion's wounds were evidently inflicted by sabres, wielded by two persons. One horse only was found near the carriage. The mail had been robbed of 75,000 livres in assignats, silver, and bank bills.

The officers of justice, in their researches, immediately discovered that five persons had passed through the barrier of Rambouillet, proceeding to Paris between four and five o'clock in the morning after the murder. The horse ridden by the postilion was found wandering about the Place Royale; and they ascertained that four horses, covered with foam, and quite exhausted, had been brought about five o'clock in the morning to a man named Muiron, Rue des Fosses-Saint Germain l'Auxerrois, by two persons who had hired them the evening before. These two persons were named Bernard and Couriol. Bernard was immediately arrested; Couriol escaped.

In the course of the inquiry, it became evident that the criminals must have been five in number. A description was obtained of the four who had ridden from Paris and stopped at Mongeron and Lieursaint, from the many persons with whom they had conversed on the road. A description was also obtained of the man who had taken his place with the courier under the name of Laborde, from the person at the coach-office, and from those who had seen him take his seat.

Couriol was traced to Chateau Thierry, where he lodged in the house of one Bruer, with whom, too, Guesno, the carrier of Douai, was also staying. The police proceeded there, and arrested Couriol: in his possession was found a sum, in assignats, drafts, and money, equal to about a fifth of what had been taken from the mail. Guesno and Bruer were also taken into custody, but they proved alibis so distinctly, that they were discharged as soon as they arrived in Paris.

The Bureau Central intrusted to one Daubenton, the *Juge de Paix* of the division of Pont-Neuf, and an officer of the judicial police, the preliminary investigations in this affair. This magistrate, after discharging Guesno, had told him to apply at his office the next morning for the return of his papers, which had been seized at Chateau Thierry; at the same time he had ordered a police-officer, named Heudon, to set out immediately for Mongeron and Lieursaint, and to bring back with him the witnesses, of whom he gave a list, so as to have them all together the next day at the central office ready to be examined.

Guesno, being desirous to obtain his papers as soon as possible, left home earlier than usual; just before he reached the central office, he met his friend Lesurques. They conversed together, and Guesno having explained the cause which took him to the office of the *Juge de Paix*, proposed that he should accompany him. They went to the office, then at the hotel now occupied by the Prefect de Police; and as Citizen Daubenton had not yet arrived, they sat

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down in the antechamber, on purpose to wait his arrival, and be more speedily released.

About ten o'clock the Juge de Paix, who had entered his room by a back door, was interrupted in his perusal of the documents, before examining the witnesses, by the officer Heudon, who said : ' Among the witnesses there are two, the woman Santon, servant of Evrard the innkeeper at Mongeron, and the girl Grossetete, servant of the woman Chatelin, the lemonade-seller at Lieursaint, who declare in the most precise manner that two of the assassins were waiting in the antechamber. They said they could not be mistaken, as one of them had waited at the dinner of the four travellers at Mongeron, and the other had conversed with them at Lieursaint, and had remained more than an hour in the room while they played at billiards.

The Juge de Paix, not believing this improbable statement, ordered the two women to be introduced separately. He then examined each of them, when they energetically repeated their statement, and said that they could not be mistaken. He then, after warning the women that life and death depended on their answers, had Guesno brought into his room. ' What,' said the Juge, ' do you want here ? ' ' I come,' replied Guesno, ' for my papers, which you promised to restore to me yesterday. I am accompanied by one of my friends from Douai, my native place. His name is Lesurques. We met on the road, and he is waiting for me in the other room.'

The Juge de Paix then ordered the other person pointed out by the two women to be introduced. This was Lesurques. He conversed with him and Guesno for a few minutes, requested them to walk into another room, where the papers would be brought to them, and privately told Heudon not to lose sight of them. When they had left the room, the magistrate again asked the women if they persisted in their previous declarations ; they did persist ; their evidence was taken down in writing ; and the two friends were immediately arrested.

From this time the proceedings were pressed on with great rapidity. Guesno and Lesurques, when confronted by the witnesses, were recognised by almost all. The woman Santon asserted that it was Lesurques who, after dinner at Mongeron, wished to pay in assignats, but that the tall dark man (Couriol) paid in silver. Champeaux and his wife, the innkeepers at Lieursaint, recognised Lesurques as the man who had mended his spur and returned for his sabre. Lafolie, the stable-boy at Mongeron, the woman Alfroy, a florist at Lieursaint, all recognised him. Laurent Charbant, a labourer who had dined in the same room with the four horsemen, deposed that he was the one who had spurs affixed to his boots hussar fashion.

On the day of his arrest, Lesurques wrote to his friend the following letter, which was intercepted and added to the legal documents :

'My friend, since my arrival in Paris I have experienced nothing but troubles, but I did not expect the misfortune which now overwhelms me. Thou knowest me, and thou knowest whether I am capable of degrading myself by crime; yet the most frightful of crimes is imputed to me. I am accused of the murder of the courier to Lyon. Three men and two women, whom I know not, nor even their abode (for thou knowest that I have never left Paris), have had the assurance to declare that they remembered me, and that I was the first who rode up on horseback. Thou knowest that I have never mounted a horse since I arrived in Paris. Thou wilt see of what vital import to me is such testimony as this, which tends to my judicial assassination. Assist me with thy memory, and try to remember where I was and what persons I saw in Paris—I think it was the 7th or 8th of last month—so that I may confound these infamous calumniators, and punish them as the laws direct.'

At the bottom of this letter were written the names of the persons he had seen on that day: Citizen Tixier, General Cambrai, Made-moiselle Eugenie, Citizen Hilaire, Ledru, his wife's hairdresser, the workmen engaged on his apartments, and the porter of the house. He concluded by saying: 'Thou wilt oblige by seeing my wife often, and trying to console her.'

Lesurques, Guesno, Couriol, Bernard, Richard, and Bruer were tried before the criminal tribunal: the first three as authors or accomplices of the assassination and robbery; Bernard for having supplied the four horses; Richard for having concealed Couriol and his mistress Madeleine Breban, and for having concealed and divided all or part of the stolen property; Bruer for having received Couriol and Guesno into his house at Chateau Thierry. In the course of the trial, the witnesses who pretended to recognise Guesno and Lesurques persisted in their declarations. Guesno and Bruer produced evidence that completely cleared them. Guesno proved his alibi in the most distinct manner, and thus insured his acquittal. Lesurques called fifteen witnesses, all citizens, exercising respectable professions, and enjoying the esteem of the public. He appeared at the bar with remarkable confidence and calmness. The first witness for the defence was Citizen Legrand, a countryman of Lesurques, a wealthy silversmith and jeweller. He testified that, on the 8th, the very day the crime was committed, Lesurques passed one part of the morning with him. In addition, Aldenof, a jeweller, and Hilaire Ledru Chausfer, affirmed that they had dined with the prisoner on the same day at his relation's, Lesurques, in the Rue Montorquiel. They stated, that after dinner they went to a café, and after taking some liqueur, had seen him to his own house.

The painter Beudart added, that he meant to have dined with his friends, but that being on duty as a National Guard, he could not arrive in time, but that he had been at Lesurques's house the same evening in uniform, and had seen him retire to rest. In support of

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this deposition, this witness produced his billet-de-garde, dated the 8th. The workmen who were employed on the apartments Lesurques was about to occupy, deposed that they had seen him several times in the course of the 8th and 9th.

The jeweller Legrand, to corroborate his testimony, had stated that on the day, the 8th Floreal (27th April), he had before dinner made an exchange with Aldenof, or, at anyrate, that it was mentioned in his book on that day. He proposed that his book should be brought. It was examined in court, and discovered that the 9th had been clumsily scratched out, and the 8th substituted. This at once changed the favourable impression which had been produced in favour of the prisoner, and the witness was ordered into custody. He then lost all presence of mind, and owned that he was not certain of having seen Lesurques on that day, but that, feeling convinced of his innocence, he had altered his register to corroborate his own testimony. This circumstance produced the most unfavourable effect on the judges ; but in spite of the dark complexion of his case, Lesurques continued to maintain his innocence.

The discussions and examinations were closed, and the jury had retired to deliberate. At this moment a woman, in a violent state of excitement, called aloud from the midst of the crowd in the court for leave to speak to the president. She was, she said, urged by the voice of conscience to save the tribunal from committing a dreadful crime. On being placed before the judge, she declared that Lesurques was innocent ; that the witnesses had mistaken him for a man of the name of Dubosq, to whom he bore an extraordinary resemblance. This woman was Madeleine Breban, the mistress of Couriol, and the confidante of his most secret thoughts ; who now abandoned him, and avowed her own guilt to save Lesurques.

Madeleine Breban's evidence was rejected, and the jury brought in their verdict, by which Couriol, Lesurques, and Bernard were condemned to death. Richard was sentenced to twenty-four years' labour in irons ; Guesno and Bruer were acquitted.*

No sooner had sentence been pronounced, than Lesurques, rising calmly, and addressing his judges, said : ' I am innocent of the crime imputed to me. Ah ! citizens, if murder on the highway be atrocious, to execute an innocent man is not less a crime.' Couriol then rose, and exclaimed : ' I am guilty ; I own my crime ; but Lesurques is innocent ; and Bernard did not participate in the assassination !' He repeated these words four times, and on returning to his prison, wrote a letter to his judges, full of anguish and repentance, in which was this passage : ' I never knew Lesurques. My accomplices were Vidal, Rossi, Durochat, and Dubosq. The resemblance of Dubosq has deceived the witnesses.'

Madeleine Breban presented herself, after sentence had been

* At that period the sentence was part of the jury's verdict.

pronounced, to renew her declaration. Two parties attested that, before the condemnation of the prisoners, Madeleine had said to them that Lesurques had never had any connection with the guilty parties—that he was the victim of his fatal likeness to Dubosq. The declaration of Couriol caused some doubt in the minds of the judges. They immediately applied to the Directory for a reprieve, who, alarmed at the probability of an innocent man being executed, applied to the legislative assemblies; for all judicial means had been exhausted. The message of the Directory to the ‘Five Hundred’ was urgent. It requested a reprieve, and instructions on the subsequent steps to be taken. It concluded in these words—‘Ought Lesurques to die on the scaffold because he resembles a criminal?’

The legislative body passed to the order of the day, considering that, as all legal forms had been fulfilled, a single case ought not to cause an infraction of forms previously settled; and *that to annul on such grounds the sentence legally pronounced by a jury would subvert all ideas of justice and of equality before the law!*

The right of pardon had been abolished. Lesurques was left without help or hope. He bore his fate with firmness and resignation. On the day of his death he wrote to his wife the following letter: ‘My dear friend, we cannot avoid our fate. I shall, at any rate, endure it with the courage which becomes a man. I send some locks of my hair; when my children are older, divide it with them. It is the only thing that I can leave them.’

In a letter of adieu addressed to his friends, he merely observed: ‘Truth has not been heard; I shall die the victim of mistake.’

He published in the newspapers the following letter to Dubosq, whose name had been revealed by Couriol: ‘Man, in whose place I am to die, be satisfied with the sacrifice of my life: if you be ever brought to justice, think of my three children, covered with shame, and of their mother’s despair, and do not prolong the misfortunes of so fatal a resemblance.’

On the 10th of March 1797, Lesurques went to the place of execution dressed completely in white, as a symbol of his innocence, with his shirt turned over his shoulders. The day was Holy Thursday (old style). He expressed his regret at not having to die the next day, the anniversary of the Passion. On the way from prison to the place of execution, Couriol, who was seated in the car beside him, cried in a loud voice, addressing himself to the people: ‘I am guilty, but Lesurques is innocent!’

When he reached the scaffold, already red with the blood of Bernard, Lesurques gave himself up to the executioners, saying: ‘I pardon my judges; the witnesses, whose mistake has murdered me; and Legrand, who has not a little contributed to this judicial assassination. I die protesting my innocence.’

Many of the jury afterwards expressed their regret at having given credit to the witnesses from Mongeron and Lieursaint; and Citizen

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Daubenton, the Juge de Paix, who had arrested Lesurques, and conducted the first proceedings, resolved to investigate the truth, which could only be satisfactorily effected through the arrest and trial of the four persons denounced by Couriol as his accomplices.

Two years elapsed without the conscientious magistrate being able, in spite of all his inquiries, to discover the slightest trace of the fugitives. At length, in examining the numerous warrants and registers of persons daily brought to his bureau, he discovered that Durochat, the individual whom Couriol had denounced as the one who had taken his place by the side of the courier, under the name of Laborde, had just been arrested for a robbery he had lately effected, and lodged in St Pelagie. At the time of Lesurques's trial, it had come out in evidence that several persons, amongst others an inspector of the post-mails, had preserved a perfect recollection of the pretended Laborde, having seen him when waiting for the mail.

Citizen Daubenton, by great exertion, secured the presence of the inspector in the court on the day of Durochat's trial. He was condemned to fourteen years' labour in chains; and as the gens-d'armes were conducting him to prison, the inspector recognised the prisoner as the same person who had travelled in the mail towards Lyon, under the name of Laborde, on the day on which the courier was assassinated.

Durochat made but feeble denials, and was reconducted to the Conciergerie, where Citizen Daubenton had him immediately detained, under a charge arising out of the proceedings against Couriol. The next morning the magistrate, assisted by Citizen Masson, an officer of the criminal tribunal, took means for transferring the prisoner to the prisons of Melun, where he arrived the same evening. After being examined early the next morning, it was found necessary to transfer him to Versailles, where he was to be tried. The magistrate and officer set out, followed by two gens-d'armes, to convey the prisoner to Versailles. On arriving at a village near Grosbois, he asked for breakfast; for he had eaten nothing since the preceding evening. The escort therefore stopped at the first inn, and Durochat then asked to speak with the Juge de Paix alone. The Juge having sent away the two gens-d'armes and the officer Masson, although the latter made signs to him that it was dangerous to remain alone with such a consummate villain, ordered breakfast for himself and Durochat. A table was placed between them; the servant, acting under the orders of Masson, brought only one knife. Citizen Daubenton took it to open an egg, when Durochat, looking hard at him said: 'Monsieur le Juge, you are afraid!' 'Of whom?' said Daubenton. 'Of me,' replied Durochat; 'you have armed yourself with a knife.' The Juge de Paix presented the knife to him by the handle, saying: 'There, cut me some bread, and tell me what you know about the assassination of the courier.'

Durochat rose up from his seat, and laying down the knife, which

he had at first grasped menacingly, exclaimed: 'You are a brave fellow, citizen. I am a lost man—my time's up—but you shall know all!' He then related every particular of the murder, which completely agreed with the statements made by Couriol. He stated that Vidal had projected the affair, and had communicated it to him at a restaurant's in the Champs Elysées. The criminals were Couriol, Rossi, alias Beroldy, Vidal, himself, and Dubosq. Dubosq had forged for him the passport in the name of Laborde, by means of which he easily procured another for Lyon, to enable him to take his place in the mail. He had also lent the party 3000 francs in assignats. Bernard had supplied four horses for Couriol, Rossi, Vidal, and Dubosq. They had attacked the carriage as the postilion was slackening his pace to ascend a little hill. It was he (Durochat) who had stabbed the courier at the instant that Rossi cut down the postilion with a sabre; he had then given up his horse to him (Durochat), and had returned to Paris on that of the postilion. As soon as they arrived there, they all met at Dubosq's, Rue Croix-des-Petits-Champs, where they proceeded to divide the booty. Bernard, who had only procured the horses, was there, and claimed his share, and got it. 'I have heard,' he added, 'that there was a fellow named Lesurques condemned for this business; but to tell the truth, I never knew the fellow either at the planning of the business, or at its execution, or at the division of the spoil. After the crime, I lodged with Vidal, Rue des Fontaines. I left there soon afterwards, on hearing of the arrest of Couriol. The porter at that house was named Perrier.'

The confession of Durochat was taken down in writing, and signed by him. The party then resumed their journey to Versailles, and on the prisoner's arrival there, he renewed it before one of the judges of the tribunal. 'The magistrate,' says Citizen Daubenton, 'present at this examination observed to Durochat that Lesurques had been sworn to as one of the party of four,' and also 'that he had silver spurs on his boots, which he had been seen to repair with thread, and that this spur had been found on the place where the mail had been attacked.' Durochat replied: 'It was Dubosq who had the silver spurs. The morning we divided the plunder, I remember hearing that he had broken one of the chains of his spurs; that he had mended it where he dined, and lost it in the scuffle. I saw in his hand the other spur, which he said he was going to throw into the mixen.' Durochat then described Dubosq, and added that on the day of the murder he wore a blonde wig.

Some days after the arrest of Durochat, Vidal, one of the other authors of the crime, was also arrested. Although all the witnesses swore to him as one of the party who had dined and played at billiards, he denied everything. Special proceedings were instituted against him, and he remained in the prisons of La Seine.

Durochat was condemned to death, and executed. He underwent

his fate with perfect indifference. Vidal was shut up in the principal prison of Seine and Oise, where the prosecution commenced in Paris was carried on.

Towards the end of the year 8 (1799—1800), four years after the assassination of the courier, Dubosq, having been arrested for a robbery in the department of Allier, where he had retired under a false name, was recognised in the prisons, brought to Paris, and thence to Versailles, to be tried at the same time as Vidal before the criminal tribunal. It was discovered, on searching the registers, that while very young he had been condemned to the galleys for life for stealing plate at the archbishop's of Besançon. He had afterwards escaped at the time of the revolutionary disturbances. Arrested in Paris for a second robbery, he had been again condemned, and had again escaped. Retaken at Rouen, he had once more succeeded in breaking loose; and, arrested at Lyon, he had a fourth time broken from prison. This last escape occurred a few weeks before the attack on the mail and double murder in the forest of Lenart. Like Vidal, however, he denied everything.

Dubosq and Vidal, being both confined in the prison of Versailles, planned an escape, which they soon executed. After having climbed over the two first walls, and reached the top of the outside one, they had only to jump down twenty-five feet into the street. Vidal tried first, and succeeded; Dubosq broke his leg in the attempt, and was retaken. The Citizen Daubenton spared no pains to discover Vidal's retreat. He learned soon afterwards that he had been arrested at Lyon for new crimes. He was brought back to Versailles; but in the meantime Dubosq had recovered from his fracture, and found means to break out of prison. Vidal was tried alone, condemned, and executed.

At length, in the latter part of the year 9 (1800—1801), Dubosq was again arrested, and immediately brought before the criminal tribunal of Versailles. The president had ordered a blonde wig to be placed on his head before the witnesses were called in. 'The Citizen Perault, a member of the legislative assembly, and one of those who had seen the four cavaliers who had dined at Mongeron on the day of the murder of the courier, and who had recognised Lesurques as one of them, stated that there was a striking resemblance between Dubosq and Lesurques.' The woman Alfroy, who had before sworn to Lesurques as one of the four, declared that she was mistaken in her evidence before the Tribunal de la Seine, and that she was now firmly convinced that it was not Lesurques but Dubosq that she had seen. To this evidence Dubosq replied by stubborn denials. It was proved that he was intimate with the guilty parties; indeed he could not deny it; and the declarations of Couriol, Durochat, and Madeleine Breban had great weight against him.

He was unanimously condemned, and was executed the 3d

Ventose, in the year 10 (22d February 1802). At length the last of the accomplices denounced by Couriol and Durochat, Rossi, otherwise Ferrari, or the Great Italian, whose real name was Beroldy, was discovered near Madrid, and given up at the request of the French government. Having been tried and sentenced to death at Versailles, he testified the utmost repentance, and went to execution, receiving religious attentions from Monsieur de Grandpré. After the execution, Monsieur de Grandpré stated to the president that he had been authorised by the criminal to confess the justice of his sentence. The same Monsieur Grandpré deposited with M. Destrumeau, a notary at Versailles, a declaration written and signed by Beroldy, otherwise Rossi, which was not to be published until six months after his death. The following is the tenor of this document, which is given, with all the particulars of this extraordinary case, in a memoir written by M. Daubenton, the Juge de Paix. 'I declare that the man named Lesurques is innocent; but this declaration, which I give to my confessor, is not to be published until six months after my death.'

Thus terminated this long judicial drama. Ferrari, otherwise Rossi, was the sixth executed as one of the authors or accomplices in the murder of the Lyon courier, besides Richard, who was condemned to the galleys for having received the stolen property, and for having concealed Couriol, and afterwards assisted him to fly. Yet it was most distinctly proved, in the course of the trials, that there were only five murderers. The one who, under the name of Laborde, had taken his place beside the courier, and the four horsemen who rode on the horses hired by Bernard, dined at Mongeron, and took coffee and played at billiards at Lieursaint.

The widow and family of Lesurques, relying on these facts, and supported by the declarations of Couriol and Durochat, the confessions of Rossi and Vidal, and the retractions of the witnesses in Dubosq's trial, applied for a revision of the sentence so far as concerned Lesurques, in order to obtain a *rehabilitation* (a judicial declaration of his innocence, and the restoration of his property), if he should be proved the victim of an awful judicial error.

The Citizen Daubenton devoted the latter part of his life, and the greater part of his fortune to the discovery of the truth. In the conclusion of his memoir, he declared that, according to his conviction, there were sufficient grounds to induce the government to order a revision of Lesurques's sentence. He concluded his statement by saying, that 'the Calases, the Servens, and all the others for whom the justice of our sovereigns had ordered a like revision, had none of them had such strong presumptions in their favour as the unhappy Lesurques.'

But the right of revision no longer existed in the French code. Under the Directory, the Consulate, and the Restoration, the applications of the widow and family of Lesurques were equally unsuccessful.

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All that the family could obtain was the restoration, in the last two years of the reign of the elder Bourbons, of part of the property sequestrated according to the law in force at the time of Lesurques's execution.

Since the revolution of 1830, the Lesurques family have made more than one appeal to the legislature, but still in vain. The widow of Lesurques died in the month of October 1842. His eldest son fell fighting in the ranks of the French army. A son and daughter only remained, whom their mother, on her death-bed, adjured to continue the pious labour which she had commenced the day when her husband perished on the scaffold.*

CASES IN AMERICA.

Mrs Child, in her work, *Letters from New York* (1843), advocating the abolition of capital punishments, gives a notice of two cases in which circumstantial evidence led to the execution of the wrong parties.

The testimony from all parts of the world is invariable and conclusive, that crime diminishes in proportion to the mildness of the laws. The real danger is in having laws on the statute-book at variance with universal instincts of the human heart, and thus tempting men to continual evasion. The evasion even of a bad law is attended with many mischievous results: its abolition is always safe. In looking at capital punishment in its practical bearings on the operation of justice, an observing mind is at once struck with the extreme uncertainty attending it. Another thought which forces itself upon the mind in consideration of this subject, is the danger of convicting the innocent. Murder is a crime which must of course be committed in secret, and therefore the proof must be mainly circumstantial. This kind of evidence is in its nature so precarious, that men have learned great timidity in trusting to it.

A few years ago a poor German came to New York, and took lodgings, where he was allowed to do his cooking in the same room with the family. The husband and wife lived in a perpetual quarrel. One day the German came into the kitchen with a clasp-knife and a pan of potatoes, and began to pare them for his dinner. The

* It is but right to state that some of the highest juridical authorities in France either deny that the condemnation of Lesurques was an error, or hold that, at all events, the case is far from being so clear as the advocates of his innocence would make it appear. President Zangiacomi, one of the most enlightened and conscientious members of the Court of Cassation, presented a Report on the case to the Council of State, which appeared in the *Moniteur*, August 7, 1822. From this Report it appears that, at the trial of Dubosq in the year 9, of the nine witnesses who had previously testified to having seen Lesurques in the company of the assassins, eight persisted in declaring that they had not been mistaken. Repeatedly confronted with Dubosq, they pointed out various differences between his appearance and that of Lesurques, on which they grounded their persistence. The voice of these eight unimpeachable witnesses ought, M. Zangiacomi thinks, to outweigh the declaration of the confessed murderers that Lesurques was not an accomplice. As to the circumstance of more persons being condemned and executed for the crime than were concerned in it, it is pointed out as remarkable that the accused themselves vary as to the exact number, making it either five or six; while, from the statements of two of the witnesses, it appears very probable that the assassins were seven in number.

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quarrelsome couple were in a more violent altercation than usual; but he sat with his back towards them, and being ignorant of their language, felt in no danger of being involved in their disputes. But the woman, with a sudden and unexpected movement, snatched the knife from his hand, and plunged it in her husband's heart. She had sufficient presence of mind to rush into the street and scream murder. The poor foreigner, in the meanwhile, seeing the wounded man reel, sprang forward to catch him in his arms, and drew out the knife. People from the street crowded in, and found him with the dying man in his arms, the knife in his hand, and blood upon his clothes. The wicked woman swore, in the most positive terms, that he had been fighting with her husband, and had stabbed him with a knife he always carried. The unfortunate German knew too little English to understand her accusation or to tell his own story. He was dragged off to prison, and the true state of the case was made known through an interpreter; but it was not believed. Circumstantial evidence was exceedingly strong against the accused, and the real criminal swore unhesitatingly that she saw him commit the murder. He was executed, notwithstanding the most persevering efforts of his lawyer, John Anthon, Esq., whose convictions of the man's innocence were so painfully strong, that from that day to this he has refused to have any connection with a capital case. Some years after this tragic event the woman died, and on her death-bed confessed her agency in the diabolical transaction; but her poor victim could receive no benefit from this tardy repentance; society had wantonly thrown away its power to atone for the grievous wrong.

Many of my readers will doubtless recollect the tragical fate of Burton, in Missouri, on which a novel was founded, that still circulates in the libraries. A young lady, belonging to a genteel and very proud family in Missouri, was beloved by a young man named Burton; but unfortunately her affections were fixed on another less worthy. He left her with a tarnished reputation. She was by nature energetic and high-spirited; her family were proud; and she lived in the midst of a society which considered revenge a virtue, and named it honour. Misled by this false popular sentiment and her own excited feelings, she resolved to repay her lover's treachery with death. But she kept her secret so well, that no one suspected her purpose, though she purchased pistols, and practised with them daily. Mr Burton gave evidence of his strong attachment by renewing his attentions when the world looked most coldly upon her. His generous kindness won her bleeding heart, but the softening influence of love did not lead her to forego the dreadful purpose she had formed. She watched for a favourable opportunity, and shot her betrayer when no one was near to witness the horrible deed. Some little incident excited the suspicion of Burton, and he induced her to confess to him the whole transaction. It was obvious enough that suspicion would naturally fasten upon him, the well-

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known lover of her who had been so deeply injured. He was arrested, but succeeded in persuading her that he was in no danger. Circumstantial evidence was fearfully against him, and he soon saw that his chance was doubtful; but with affectionate magnanimity he concealed this from her. He was convicted and condemned. A short time before the execution he endeavoured to cut his throat; but his life was saved for the cruel purpose of taking it away according to the cold-blooded barbarism of the law. Pale and wounded, he was hoisted to the gallows before the gaze of a Christian community.

The guilty cause of all this was almost frantic when she found that he had thus sacrificed himself to save her. She immediately published the whole history of her wrongs and her revenge. Her keen sense of wounded honour was in accordance with public sentiment, her wrongs excited indignation and compassion, and the knowledge that an innocent and magnanimous man had been so brutally treated, excited a general revulsion of popular feeling. No one wished for another victim, and she was left unpunished, save by the dreadful records of her memory.

