Circumstantial Evidence

[From Chamber's Journal]

Many years ago—so many that I don't care to reckon the exact number—it was my lot to pass a great deal of my time in France. A near relative had married and settled in what may be called the very center of that country—the former province of Berri,—and to his house I used to go during my school holidays, my college vacation, and my army leave of absence. Near the chateau where my relative lived was one of those small French towns which, being out of the way of the busy world life in which those who inhabit great capitals live, always seem to me the very head-quarters of dullness and ennui. Still, such as it was, Le Blanc was the only place within twenty miles, or more, where a newspaper could be had, a letter could be posted, or a cigar could be purchased. In France, field sports are not of that exciting nature which they are with us. To rise at 5 A.M., start on a tramp over cultivated ground for five or six hours, and come home very much exhausted for the sake of bringing in a hare or a couple of partridges, was not what I called shooting and so, during my sojourn at Bonasle, I generally confined my wanderings to the small town aforesaid. Gradually I came to know some of the people and they began to know me. The Maire used to come forth from his little office, where he smoked all day, and greet me almost as an old friend. The Cure, who had, as a young man, served in the Algerian army, used to look out for me, and was always glad to hear such tales as I had to tell respecting the wars in India. Then there were two or three worthy souls, retired officers, who insisted upon taking coffees and *petits verres* of cognac at their expense whenever they saw me in the single street which constituted the only thoroughfare of the town, and who, when I was a very junior Lieutenant of Dragoons, insisted upon giving me the rank of Major, always speaking of me as "Monsieur le Commandant Anglais," and addressing me with as much deference as if I had been a lieutenant-colonel of life guards. Having visited the little place annually for several years, as school-boy, as collegian, and as officer on leave, the good people took an interest in me, and I in them.

It is seldom that an Englishman gets on intimate terms with French country-people, and still more rare for him to know thoroughly the ins and outs of all their little affairs. Such, however, was my case with the inhabitants of Le Blanc, and thus it was that I came to hear of circumstantial evidence which I am about to relate.

There were in Le Blanc two priests, the Cure and the Vicaire (in France the *cure* is what we call the vicar, and the *vicaire* is what we term the curate), both of whom I knew, the former particularly well. There was, as I knew very well, no other clergymen in the place, and no other church within ten or a dozen miles; and yet, every now and then, I used to see an elderly and most venerable looking man, dressed in the soutane or cassock, of a priest, walking about the neighboring fields, and often coming out of the church, as if he had been there for his private devotions. After a time, being curious to know the name of this gentleman, I asked some of my friends, and they told me he was called "le pere Francois"

Now, as the term "pere" is in French only applied to the clergy who belong to the religious orders, and as the *cures cicaires*, and others are invariably called "monsieur Labbe" when spoken of, or to, I took it into my head that this old gentleman must be some sort of monk, who had perhaps forgotten or perhaps thrown aside his vows, and was now doing penance in this retreat for his past life. And yet there were certain facts which rendered this supposition improbable. No man seemed to frequent the church more than the “pere Francois.” Not only was he always present at the daily mass, but I often saw him at his private devotions in the building when no one was present and frequently noticed him at the altar-rails as a communicant. His countenance was that of a man who had seen too much trouble and gone through great grief, but by no means one which led me to think he had ever lived a bad life. And yet why should he dress like a priest and not officiate as such? Moreover, the inhabitants of the place, although always ready enough to speak of other people’s business, wither would, or could give me no information respecting Pere Francois’s antecedents. Whenever they were questioned about him, they turned the conversation into some other channel. Thus it was that although I had known the little town for some years, and had seen and bowed again and again to the old man, it was only at one of my last visits that I became acquainted with his history, and then only by mere chance.

Pere Francois’s real name was Caudret—Monsieur d’Abbe Caudret. Many years before I had known him—shortly after the restoration of the Bourbons in France—he had gone to the ecclesiastical college of St. Suplice in Paris with the intention of studying for the Church. His conduct at that establishment had been most exemplary and after remaining there the usual four or five years, he had been ordained, and returned to his native diocese in the south where he was at once appointed *vicaire* in a large town parish. In this position he had remained about six years; and when he left, on his appointment to be *cure* of a country parish, all his parishioners regretted extremely his departure. He was celebrated as one of the most excellent, self-denying, charitable, zealous, and yet judicious priests in the diocese, and was equally well spoken of by his bishop, his fellow clergy, and his parishioners. It was only after ten years spent in the most creditable exercise of his functions that a cloud, which darkened all his after-life, cast its shadow upon him.

The *presbytere* (which we would call rectory, or vicarage) of M. Caudret’s parish was situated near his church, but at some distance from the rest of the village. The latter was a very poor place, with no other village within six or seven leagues. Between the priest’s house and the church, and built about thirty yards from the former, was a small house, consisting of two rooms, very modestly furnished, and called the hospice. In this hospice it was and had been for many years, the custom to provide lodging for any stray traveler who asked for it, and who might be too poor to go to the inn. One night a young woman called at the priest’s house, and asked if she might take up her abode for the night at the hospice. She did so; and as a heavy snow storm came on next day, she remained the best part of a week, the priest’s housekeeper giving her meals in the kitchen of the *presbytere*, for she said she was poor, and on the way to her friends in a distant part of France. On the fifth or sixth morning of her sojourn as she did not make her appearance in time for the early cup of coffee, the housekeeper went to call her, and to her horror, found the poor creature murdered in her bed.

The alarm was given, and it was evident that a double crime had been committed, rendering her murder all the more infamous. Search was made, and close to her bed was found a knife which belonged to the priest, and which he always kept in his study—a long Corsican dagger which he had preserved for years as a curiosity. It was afterwards given in evidence that when this weapon was found M. Caudret was observed to turn deadly pale, and almost to faint. Further investigation brought to light that from his study-window, which was on the ground floor, to the hospice, marks of a man's foot could be distinctly seen coming and going. These marks agreed exactly with a pair of shoes which were found dirty in the study, and which belonged to the priest. A handkerchief of his was, moreover, found in the unfortunate woman's bed, and it had evidently been used as a gag to stop her cries. In a word, circumstances were such, and the evidence against M. Caudret was so strong, that the Maire considered it his duty to arrest him. The people did not know what to believe. Until now his character had been almost that of a saint; now he was discovered as having been guilty of the acts of a demon.

He was taken to Lyons, and there, after numerous tedious interrogations before this and that authority, put upon trial for his life. All he could urge in his defense was, that, during the night, when the crime had been committed, he had been awoke by hearing, as he thought, some one in his bedroom. He had called out, and asked who was there, but receiving no answer, had dozed off again. Subsequently, but he could not say how long, he had been again awoke by the noise, as he thought, of his study window being opened. He had got up, gone into the study, but, seeing nothing to justify his alarm, had imagined he must have been dreaming, and had gone to bed again. In the morning he had awoke rather later than usual, and missed both his pocket-handkerchief and a pair of shoes that had been the night before in his bedroom. The former he thought he must have dropped somewhere during the day; and he was going to inquire for the latter, when the alarm of the murder was given, and he had rushed out to see what was the matter. This much, and his antecedents, were all he could urge in his defense. In fact, the accusation seemed to come upon his like a blow, and to deprive him of all energy.

With us in England every accused man is supposed to be innocent until he is proved guilty. I don't say this is always literally the case, but such is the theory of our criminal law, and a very just theory it is. In France it is exactly the contrary. The practice of criminal proceedings in that country is that every accused person is believed to be guilty, until he is proved innocent. And such was the case of M. Caudret. He was questioned by this authority, badgered by that, bullied by a third, made to contradict himself by a fourth, and sneered at by a fifth, until he almost believed he was guilty; and yet the very consciousness of his innocence made him desperate. And certainly, if ever circumstantial evidence against a man was strong, it was on this occasion. That he was the most unlikely man in the world to commit any crime—and particularly such a crime—every one admitted; and yet they could not help declaring that the evidence against him was terribly clear and distinct. Even some of his brother clergy, most of whom had known him as a boy and man for thirty and more years, kept aloof from him, and declared, much as it grieved them to say so, that he was guilty.

The unfortunate priest underwent a long and most heart-breaking trial—a prolonged mental torture, which can only be inflicted by a French criminal trial. As a matter of course the press was against him. In those days the fact of a priest being guilty of any crime was a subject of joy to the more than half infidel, and always bitterly anti-Catholic newspaper writers of the period. These writings may or may not have influenced the jury. Be that as it may, M. Caudret was found guilty, and sentenced to death. He met his fate with fortitude, merely declaring his innocence, and saying that it would be some day or other fully proved that he was innocent. A confessor attended him in his prison, and the authorities of that establishment could not but help noticing that after the first interview of that priest with the convicted man, he at any rate did not believe him to be guilty, although, of course, not a word was divulged of what had passed between the prisoner and himself.

In the days I write of Charles the Tenth was King of France, and had a very great dislike to see anyone, particularly a priest, executed. Although urged by the Ministry of the Interior to sanction the capital punishment of M. Caudret, his Majesty obstinately—and, as it turned out, very fortunately—declined to do so, and commuted the sentence to one far worse for any man not an "habitual criminal" to bear, that of *travaux forces* at the galleys, what we shall call penal servitude, for life. The prisoner accepted the respite without a murmur, but without rejoicing. He was removed to Brest, and in a very short time he and his crime were forgotten by the outer world.

What a man of education, a man refined in his tastes, religious in his ideas, and knowing himself to be innocent, must have undergone in the *bains*, those only who have seen these establishments, and know what goes on at those places, can form an idea. Our own penal prisons must be bad enough, but they are havens of rest and peace when compared with those of France. The only good description of these hells upon earth published in the English language was written some years ago by Mr. Sala, in a novel called "The Seven Sons of Mammon." Those who recollect that writer's account of the *bain* at Brest may imagine what M. Caudret had to endure for twenty-five years of his life, and from which he only escaped at last by almost a miracle.

Charles X had been dethroned: the Orleans dynasty had ruled over France, and had likewise vanished: the Republic had passed away like a dream; Louis Napoleon had been declared President, and then Emperor of France; and yet M. Caudret lingered in jail. He still wore the hideous yellow garments of a "lifer"; was sneered and jeered at as having been a priest; and had to listen daily and hourly to language and tales of which the like could only be heard in the infernal regions: and was treated all the worse by the guardians of the abominable den, because he would not take part in the ribaldry and obscenity of the place. How he bore it—how he did not dash his head against the walls, and get rid of his fearful life—God alone knows. He was never heard in after years to describe what he had passed through, except in a single particular. Throughout the long days and weeks and months and years that he suffered his punishment, he had one, and only one, occasional glimpse of happiness. That was when the priest, who was chaplain of the *bain*, used to admit him to confession. Then, and only then, did he hear for a brief period some few words of consolation, and listen to the conversation of an educated man like himself.

But whenever he had one of these interviews with the chaplain, the guardian, or warder of the room, took a devilish pleasure in having him chained for the next few days to some prisoner who was, if possible, more profane, and a greater blasphemer than the others. In other respects, after he was liberated from the *bain*, M. Caudret, when questioned about the prison, shuddered at the recollection of what he had passed through, but would never enter into particulars. All he would say was that it was far worse, and infinitely more fearful, than any man who had not lived there could imagine.

His liberation was brought about in this way, long after he had given up all hope of being released save by death. At the galleys of Toulon, was a convict who had been sentenced to the *traveaux forces* for ten years, and had undergone nearly the whole of his sentence when he met with a terrible accident, by which he was so injured that the medical men declared that he could not live more than a few hours. At first he could not believe them, but after a time, feeling himself getting worse, he accepted the services of the chaplain of the prison to prepare him for death. The chaplain, who was closeted with him for some time, ended by sending for the governor, and saying that the prisoner had before he died a public statement to make.

In the convict prisons in France a similar event is not uncommon, for the intrigues of crime are so bound up with one another that when a criminal dies he often discloses some mystery connected with his former life. Such was the case with this man. When the governor and the proper attesting persons had assembled round his death bed in the infirmary, he declared himself to have perpetrated twenty-five years before the murder of a woman in the hospice of a village not far from Lyons, for which the *cure* of the place had been tried, found guilty, and condemned. He gave full details as to how the murder had been committed, as a sequel to the other outrage; and how, in order to divert suspicion, he had entered the *cure's* bedroom by the window, taken his shoes, walked in them to the hospice and back, making the footmarks as plain as possible, and had also taken with him the Corsican dagger which he found in his study. Being himself at that time under police surveillance, and afraid that he would be imprisoned unless the scent was thrown upon another person, smeared the knife in the blood of his victim, so as to make people believe she had been murdered by that weapon. He—the murderer—it was who had taken the priest's handkerchief, which he found on the study floor, and had put it into the dead woman's mouth, as if it had been used as a gag. In short, after his deposition had been forwarded to the proper authorities, it was thought to be so truthful that a formal inquiry was made, the judgment given a quarter of a century before was reversed, and the doors of his infernal prison, greatly to his surprise, were thrown open for M. Caudret.

When this unfortunate man was declared innocent and set at liberty, his bishop offered to restore him his clerical faculties, and even to give him charge of a parish. But, although grateful for the kindness, he could not be prevailed upon again to take upon himself the duties of his calling. He said that the twenty-five years' residence at the *bains* had been such a pollution to his very soul, and that his body was so weakened and his whole nervous system so overset, that he was not fit to resume his functions. At the representation of the bishop, an allowance of £20 a year was made to him by the Government and he retired to the small town where I met him, and where, after living for many years a most holy life, he died in peace six or seven years ago. The French people have a sort of instinctive horror of any and every person—whether innocent or guilty—that has ever been connected with the *bains*, and this was the reason why they would not answer me about Pere Francois until they knew me better. I question whether any one ever suffered more from false circumstantial evidence than did this poor priest.

Daily Gazette [IA], July 17, 1869