

Found Out

Some years ago I was attending a college in Paris, and a course of lectures on Jurisprudence, with the view of preparing myself to enter the office of an advocate, a Frenchman, who had married my mother's sister. There were several English lads there besides myself, and very hard we worked, though a good many of us had nobody to compel us to do so if we felt disposed to shirk. The letters I received from my uncle seldom contained anything besides exhortations to work hard; and in the holidays instead of inviting me to spend them with him and my aunt, he always encouraged the idea of my going to England, so that I was very much astonished when I one day received a letter from him quite unexpectedly, requesting me to start with the least possible delay for the department of Ain. The letter merely told me that there was nothing the matter with any of the family, and that he wanted me on account of a case in which he was concerned.

This case was the prosecution of a Frenchman named Boiteler, a man of considerable standing in the province, who was in custody on a charge of murdering his wife and an old manservant. The lady was an Englishwoman of good family, to whom he had been married about four years, and who was commonly termed in the department L'ange du bois, on account of her extreme beauty, and the fact of her husband's house being surrounded by a small but very dense wood, which he allowed nobody to meddle with, so that it was completely choked with brambles. She was his second wife, his first having died during a short visit he made to Paris, within a year of their marriage.

Criminal prosecution in France being conducted by the public prosecutor, it was only in compliance with the wishes of the relatives of the murdered lady, strenuously supported by his own wife, that my uncle had undertaken to assist in obtaining evidence to throw light upon what felt to be an extremely intricate case, and one which it would be almost impossible for the jury to decide upon in a satisfactory manner unless additional evidence could be got in favor of or against the prisoner.

The evidence upon which Boiteler was committed to prison was not inconsistent with the statement made by him on his apprehension; and if the affair had taken place in any other country than France, where it is very much the custom of officials intrusted with the care of public safety, to assume every man involved in a criminal offence to be guilty until he is proved innocent, I doubt whether he would have been retained in custody. He left his house on the day of the murder in a small open carriage, accompanied by his wife, attended by a man who had been in his service for several years, for the purpose of going to Bourg, to see an agent concerning the sale of an estate only separated from his own by a river. The matter had been so far arranged that it only remained for him to pay a certain portion of the purchasing money, and he was then to enter into possession. This sum—I forget how much it was, but it was a large one—was in the carriage, a fact with which all his servants were familiar, including, of course, the coachman, also. Shortly after midday, Boiteler drove up to the barrier at Bourg, with the dead body of his wife in the carriage, and told the officer on duty there that his wife had been murdered by his servant, and that he had shot his servant who was lying in a lane in which he remained, and whence he was shortly afterward brought into the town by some laborers, under the direction of one of

the foresters employed by the commune. Boiteler was immediately taken into custody as a precautionary measure; and the following is the substance of the statement made by him in explanation of the affair:

His servant had suddenly stopped the horse in the lane, got down, and came to the side of the carriage with a pistol in his hand, which he fired, but the ball missed him, at whom it was aimed, and entered his wife's side. The pistol was a large one, with a brass butt, and his servant had then attempted to strike him with it on the head, but he caught him by the wrist with his left hand and held him for an instant, while he got hold of a pistol which was always kept in the carriage, and which he had himself loaded that morning on account of the money he had with him. Having got hold of his pistol, he put the barrel between his knees, and held it there while he capped it; he had then leaned over the side of the carriage, put the muzzle close to his assailant's neck, and shot him dead. There was no living eye witness to deny that things had passed in the way described, and the apparent absence of motive, together with the appearance of grief he displayed, excited a very general feeling that he told the truth. This feeling was, however, modified when it came to be known that a reason for his commission of the crime might be found in the circumstance that the whole of the money to be paid for the estate had been advanced by his wife's trustees, with the stipulation that it was to be at her sole disposal as long as she lived, and at her death, if her husband survived her, he was to inherit one-fourth, and the other three-fourths were to be divided among the children. Failing issue of the marriage, the whole was to go to the husband. This supplied a motive but it was hardly likely in itself to excite grave suspicions against him, if other circumstances had not been developed by the post mortem examination. Two doctors had been appointed to perform the examination, and they were both of the opinion that the man must have been shot by a person who was behind him at the time, though the pistol had been held above him and fired downwards. The reasons they gave in support of their conclusions were so convincing that Boiteler's statement could only be accepted on the supposition that he was so excited at the time as not to be able to remember the exact position of his servant at the instant he fired. It was also shown that the muzzle of the pistol, from which the ball had been fired which killed his wife, must have been held quite close to her, as her dress had been set on fire.

I found the excitement in the department respecting the approaching trial intense. The opinion with respect to Boiteler's guilt or innocence seemed pretty evenly balanced, and my uncle told me that he was rather inclined to believe him innocent, but he thought the jury would find him guilty, with extenuating circumstances. My aunt, who had known Boiteler well, from her intimacy with his wife, had a very decided opinion of his guilt.

The reasons my uncle had sent for me were that I might be there to act as an interpreter at the trial, if one was required, and that I might make inquiries among the English servants, whose knowledge of the French language was too imperfect to allow them to detail many little circumstances perhaps calculated to throw light on the affair. It wanted but five days to the trial when I arrived, and it was not till next morning that my uncle took me to the office of the commissaire of police, to request that one of his agents might be sent with me to Boiteler's house. We found here the carriage in which the murder was committed,

which had been brought down for the jury to inspect. We were told that the prosecution relied on the effect which the examination of this vehicle would produce to procure a conviction. To show us the importance of the evidence which his acuteness had obtained, the commissaire sent for a woman, and directed her to seat herself in the carriage in the position occupied by Madame Boiteler. He then seated himself beside her, and one of his agents stood beside the carriage, and pointed the pistol at the woman and it certainly appeared impossible that the ball could have struck the deceased on the wounded spot; the inference he drew was, that Boiteler had fired the pistol which killed her with his left hand, and then instantly risen behind the coachman and shot him, holding the pistol, as he imagined, perpendicularly, but in reality with the muzzle slightly inclined, so as to give the ball a direction toward the front of the body, a direction which it was proved the ball had taken by the doctor's evidence.

Our examination of the servants elicited nothing of any importance. They agreed in saying that their master and mistress lived on very good terms, and that anything like a dispute between them was very rare.

The day of the trial every place in Court had been secured by private arrangements beforehand, the audience consisting chiefly of ladies. The prisoner entered the Court with a polite and comprehensive bow. Without bravado, and without any manifestations of anxiety as to the result, he took his place in the dock; his bearing, in fact, was remarkably good and prepossessing, and seemed to impress the jury in his favor. There was a general shudder when one of the officials of the Court proceeded to spread out the different articles of dress which had been stripped from the bodies of the dead; and I noticed that the prisoner turned ghastly pale when his wife's dress was laid out, with the blood stain ostentatiously displayed. The case for the prosecution and the defense was, down to certain points, substantially what I have already stated; the position of the wound in madame's body being explained by the prisoner saying, that the instant he saw the pistol pointed towards his body, he instinctively threw himself back in the carriage, and that his wife must, at the same moment have thrown herself forward, because, after he had disabled her murderer, he found her laying with her head against the forepart of the carriage, whereas, had she been sitting upright, she must have fallen backward.

The excitement of the audience had been raised to the highest point when the jury retired to consider their verdict. Instead of the low hum of conversation ensuing, which I have so often heard since in French Courts on similar occasions, the most profound silence was kept. Indeed, nearly everybody must have been exhausted by the emotions produced in the course of the trial. The murdered lady had been personally known to all present; so that when one of the maid servants related some touching little circumstances, showing the sweetness and amiability of her character, the proceedings of the Court were for some minutes brought to a stop in consequence of the violent sobbing of the women.

While the jury were absent from the Court, the prisoner's advocate turned to my uncle and whispered: "My man will be acquitted;" and the latter nodded in apparent acquiescence. With the restlessness natural to my age, I could not long remain still under the circumstances of such excitement, and to occupy myself, I began to examine the

various articles produced by the prosecution in the course of the trial, and among them the bullets extracted from the bodies of the deceased. While rolling them over in the palm of my hand, I observed that each had an initial scratched on it, and these initials were those of the medical witnesses. They were of different sizes; and I really cannot account for the sudden inspiration which induced me to walk over to the doctors who were waiting in the Court to hear the verdict, and ask them from which body each had extracted the ball which bore his initial. I then returned to the table, and took up the smaller pistol and found that the largest ball would not enter it. I spoke to my uncle, who stepped hastily to the table, and satisfied himself that what I had told him was true. The public prosecutor had left the Court, but my uncle sent one of the ushers to him with a slip of paper, on which he had written a few words. He came in immediately, and after exchanging a few words, he again left the Court, and my uncle returned to his seat. The agitation exhibited by the latter, and the excitement of the former as he left the Court, could not fail to be observed by the audience, who evidently perceived that something fresh had been discovered. The Judge resumed his seat on the bench, and the jury were recalled to the box, when the following scene took place:

Judge: "Gentlemen of the Jury, you have been recalled to hear some additional evidence against the prisoner." Then looking towards the prisoner, he continued: "Prisoner, you say your servant came to the side of the carriage and fired at you with this pistol?"

Prisoner: Yes, sir.

J. That he then tried to strike you with the butt end?

P. Yes, sir.

J. That you caught him by the wrist, and held him in that position while you drew the smaller one with which you shot him?

P. Yes, sir.

J. Gentlemen of the Jury, you have heard what the prisoner says. If his statement were true, you will perceive that the larger bullet should have been found in the body of his wife and the lesser in the body of his servant. The public prosecutor will place the weapons and bullets in your hands, and you will be able to see for yourselves that the bullet extracted from the male deceased will not enter the smaller pistol; consequently, the prisoner has stated that which cannot by any possibility be true.

The confidence of the prisoner on hearing this entirely deserted him, and he sank down on the floor as though he were merely a heap of clothes. A chair was brought, into which he was lifted, and as soon as he recovered his senses a little, the medical men were recalled and sworn anew, and gave evidence in confirmation of what had been stated by the Judge. The jury again retired, but the impression seemed general that they must find the prisoner guilty. Their deliberation was very short, and merely turned on the question whether they should admit extenuating circumstances, which, after a few minutes'

consultation, they decided in the negative. They then returned to the box, and delivered their verdict of guilty, and the Judge passed sentence accordingly. At this very instant, I can imagine I can see the convict's face on the paper on which I am writing, as he looked round the Court at the audience. Nothing but unpitying looks met him whatever direction he turned his head. Ladies who must have listened to his flatteries with pleasure, for he had a reputation for gallantry, now regarded him scornfully. Had he killed his wife from jealousy, they would have had a certain sympathy and admiration for him; but now that they saw in him only the murderer who had destroyed his wife for so vulgar a motive as money, they despised him and showed it. Suddenly the prisoner sprang upon the ledge placed there for the convenience of prisoners who had papers to consult, who wished to take notes, which ran along the front of the dock in which he was standing, and with a shrill cry, plunged head downward on the stone floor. The crash was sickening, and the screams of the women heightened the painfulness of the scene. The convict was senseless when picked up, and remained so for many hours, but he had only inflicted torture upon himself unnecessarily, for he recovered, and underwent his sentence in a manner prescribed by the Judge.

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