

By a Hair's Breadth
by Piercy Wilson

CHAPTER FIRST

GUILTY OR NOT GUILTY?

“But was he really murdered?” Well, that’s a pretty question. Why, Grosfils, *mon enfant*, you must have taken leave of your senses to make such a suggestion. Did not the poor fellow proclaim the fact before he succumbed to his tortures? Did he not, also, tacitly denounce the assassin? And are the laws of the nation to be outraged with impunity, because the most direct proofs of the crime cannot possibly be furnished? *Ma parole d’honneur vous me faites rire aice de pareilles balicernes.*”

The speaker was a portly, middle-aged gentleman, whose blue eyes and florid face, capped by a mass of light brown curly hair, showed him to be of German extraction. There was not in Pau a man better known, or more generally esteemed, than Monsieur Swarz, the Police Commissioner, whose only fault was, perhaps, an overweening confidence in his own perceptive and deductive faculties[.] The individual he thus addressed in this serio-comic vein, was a government detective, with coarsely formed features half hidden by a luxuriant beard and moustache. As he listened to the banter of his chief, he was rolling a cigarette between his fingers, but when he raised his head, one could but observe a striking peculiarity in his physiognomy, in the dark flashing eyes, which almost imparted a shade of beauty to his otherwise homely face. Grosfils was never known to laugh, as other mortals do, his hilarity being distinguished by a quiet chuckle, and countless wrinkles that puckered round those twinkling orbs, which, however, were generally masked under a film of stolid immovability. I was at that time a medical student, and was paying a visit to Monsieur Swarz, in company with his son, who was a college chum of mine[.] The scene was the *Place d’Armes*, where, ensconced from the sun’s rays, we were enjoying the cool winds wafted from the snow-capped Pyrenees.

“Only circumstantial evidence, *mon chef*,” said Grosfils, as he quietly lit his cigarette[.] “A good many legalized murders have been committed on such evidence.”

“Circumstantial evidence! No, Sir. Testimony clear and positive[.] A chain without a missing link. On my faith, Grosfils, I sometimes think that you are as great a fool as you look. But in this instance your judgment is warped, on account of my taking the case under my own immediate control.”

“No such thing, *mon chef*, I was only too glad to wash my hands of the business—I hav’nt any particular wish to bring a guiltless man to the scaffold[.]”

“Guiltless!” exclaimed Monsieur Swarz, with a flush of anger. “Why, Sir, you are a disgrace to your profession. You will perhaps tell me next, that you could prove his innocence[.]”

“The stars are reflected at midday in a deep well, and——”

“As yes! that’s the abode of truth,” said the Commissioner, with an undisguised sneer, “and might be yours too, with a stone round your neck, for all the use you are in this department.”

“I don’t pretend to see further into a mill-stone than any of my neighbors,” was the detective’s quiet reply.

“*Sacre bleu! Voilà un farceur,*” exclaimed Monsieur Swarz, on whose excitable temperament the stolid demeanor of the detective produced the same effect as a red flag would do, when flounced in the eyes of an infuriated bull[.] “Why, Sir, are you aware, that by this mulish stupidity you incur the risk of being reported for inefficiency[?] And by Jove! I’ll do it too—”

“No offence is meant, *mon chef.* It is a mere matter of opinion. Let your young friend decided the point[.] One thing certain, if I did leave the service my first job would be to—”

“To prove this assassin guiltless[.] Well, Sir, you shall have that chance. In the meantime, I will wager a basket of champagne against a bundle of cigars, that he will expiate his crime on the scaffold.”

“And I accept that wager, Sir,” I exclaimed laughingly, “if I may play the part of a second Daniel come to judgment.” I called the waiter and ordered the cigars and a carafe of cognac, and in a few minutes I had coaxed the irascible, but really good natured Commissioner into a better humor.

“Well, the story is somewhat sensational, so I don’t mind whiling away an hour in relating it, but mind, youngster, no decision of yours shall mulct me in damages[.] About three weeks since I was aroused in the night by a messenger from Serac[.] There is the village, nestling under the crags of yonder mountain, with the church spire pointing to the chateau above. Accompanied by Grosfils, I arrived at the residence of the Baron de Fraslin at the dawn of day. I found his son-in-law, the Count de Merolles, expiring under the effects of poison. On my entering the room the dying man cast a hurried glance at his wife, who was kneeling at his bedside, and then beckoned me to approach[.] Convulsed with agony, he gasped out a few words to the effect that by some unaccountable mistake he had swallowed a draught of poison in place of his medicine[.] He expressed great regret at having needlessly put me to such inconvenience, the more so as it was his urgent request that if deaths should ensue no further steps might be taken in the matter[.] He then muttered a few words that I could not catch, and relapsed into insensibility. The doctor insisted on my retiring, as my presence was evidently irritating to his patient, so I complied with his wish, although I felt convinced that there was a mystery attached to the proceedings that required investigation. On rejoining Grosfils I found that my suspicions were verified. From inquiries he had made among the household there was no doubt but that a great crime had been committed. Therefore, when the Count breathed his last, a few hours later, I was obliged, notwithstanding the entreaties of the family, to draw up a *proces verbal* of the case to be submitted to the authorities[.]

“From this document it appeared that the Count de Merolles had been paralysed in his lower limbs since his early manhood, but that fact had not prevented his marriage, some ten years

since, with Mademoiselle de Frasin, who was at that time a celebrated beauty, scarcely of age. This ill-assorted union provoked much comment in the surrounding country, as the Count was not only decrepit, but poor, and strange rumors revived when some time afterwards a daughter was born to them[.] The family lived very retired, the only visitors consisting of the doctor and the *Curé* of the village, but latterly a strolling artist of the name of Lenoir appeared on the scene, and by some unknown means obtained an introduction to the chateau[.] Gifted with engaging manners and brilliant conversational powers this man soon acquired a great influence over the invalid, and although he maintained that he supported himself by painting, it became bruited about that he derived his means of livelihood from the inmates of the chateau, and by some means the name of the Countess was mixed up in these rumors. Among other pastimes Lenoir had taught the Count the art of photography, and, as is usually the case with novitiates, the invalid became wrapped up in the pursuit of new methods, and in the prosecution of these experiments he had collected a large amount of chemicals, some of which were of a very poisonous character. On investigation I found that there had occurred a violent discussion between the two men on the day of the murder, which resulted in the Count forbidding the artist's return to the chateau. In this conversation lay the clue of the mystery, and on a rigid examination I elicited from Pierre Courtil, the Count's valet de chambre, the most indubitable proofs of Lenoir's guilt. He deposed that the Count had at first encouraged the artist's visits, and as the lessons in painting and photography were a pleasing pastime to the poor invalid he was often querulous and ill-tempered during Lenoir's absence, after a time he suddenly became jealous of the slight attentions paid by the artist to the Countess, and one day he became so infuriated at some jesting remark she made on the subject, that he sternly forbade her ever to receive him except in his presence. From that date the better judgment of the Count became warped by his suspicions, and he placed a close watch on his wife's movements in order to see that his commands were faithfully obeyed[.] By such means a billet brought one day to the chateau came into his hands[.] It was from the artist to the Countess begging earnestly for a rendezvous, in a secluded part of the garden, for that same evening. The note was forwarded to its address, and some time previous to the appointment Courtil wheeled the Count in his chair to the place of appointment[.] The artist arrived punctually at the hour stated, and was joined in a few minutes by the Countess. The conversation that ensued appeared disjointed and unconnected to the listeners, but there were undoubted proofs of a great intimacy existing between them; the chief purport, however, was an urgent demand for money made by the artist, as failing to procure this sum by the next day he would be obliged to flee the country[.] The Countess was greatly agitated, and asked him whence arose this pressing demand, but the explanation was lost, as the couple had strayed down the walk beyond hearing. On returning past the shrubbery where the Count was hidden, he heard his wife express her inability to meet the sudden claim, but in this pressing emergency she suggested that the artist should raise the necessary amount on a valuable bracelet which she unfastened and placed in his hands[.] At this direct proof of their complicity, the Count, maddened with jealousy, drew a revolver and levelled it at the gentle pair, but Courtil managed to wrest the weapon from his feeble hands and thus averted for a time the catastrophe. The whispering and the ruffling in the foliage alarmed the Countess, who fled from the spot, while Lenoir disappeared in the contrary direction[.] The immediate result of this meeting on the Count was an epileptic fit which culminated in a brain fever, and, as during his delirium he began raving on the subject, Courtil was obliged to disclose the secret to the Doctor, who from his long acquaintance with the family could scarcely believe the story. To avert the scandal from being bruited abroad, the Doctor entrusted his patient to the care of a Sister of Charity, in whom he had

implicit confidence, and met the strenuous objections of the Countess, with the declaration that the malady was a typhoid fever of the most malignant character, and that the safety of the entire household would be endangered, unless his commands were implicitly obeyed. Thus closed the first scene of the drama[.]

“After lingering some three weeks betwixt life and death, the Count returned to consciousness, and by slow degrees the powers of observant speech were restored[.] Strange to say, the recollection of the terrible scene appeared completely effaced from his memory[.] It was he, himself, who, wondering at his wife’s absence, insisted on her being admitted to his presence. He received her with more affection than usual, and under her ministering care, he rapidly gained sufficient strength to sit up for a few hours every day. This circumstance caused the Doctor more than ever to mistrust Courtil’s story, and this feeling was intensified when after some days, the Count asked after the artist and requested his wife to invite him to resume his visits to the chateau. Lenoir thus reappeared on the scene and soon apparently resumed his sway over the invalid’s mind. About two weeks had elapsed with no further clue to elucidate the matter, when the Count in the course of a conversation probably let drop some unguarded remark that led Lenoir to believe that his intimacy with the Countess had been discovered. How the quarrel originated is, however, of little purpose: suffice it to say that Courtil’s attention was attracted by the loud and angry tones of the Count’s voice, and there is no doubt but that the discussion was of so grave a character as to instigate the commission of the deed with which the artist now stands accused. Another proof of the influence that Lenoir had gained over the invalid was furnished in his pacifying his victim with the promise that he would leave the neighborhood the next day, never to return, and as by this means a great scandal might be avoided, the indulgent husband was rash enough to appear reconciled with the artist, and even invited him to pass the evening at the chateau. This imprudent conduct was probably adopted to disarm suspicion, but it led to the most tragic results[.]

“The scene of the crime was a small bed-room in the tower of the chateau, communicating with an ante-chamber in the main building, and in this latter room Jean Courtil was always in attendance[.] The bed-room had been chosen by the Count more on account of the extended views it commanded than for its elegance or comfort. The furniture consisted simply of a small trestle bed, two chairs, an armoire, and a table. This cupboard was placed at the foot of, and parallel with, the couch, so that when its doors were opened the actions of a person busied at the shelves could be perceived neither from the bed nor from the ante-chamber. On the top shelf were placed the Count’s medicines, and some chemical compounds, among which was a flat dish containing cyanide of potassium. This poisonous liquid was employed to develop photographic pictures, and was never by any chance poured into a tumbler. These details appear trivial, but in view of the subsequent events, all corroborated by Courtil, they are of undoubted import. When, after an amicable conversation, the artist rose to take his leave, to quit for even a household he had dishonored with his presence, the Viscount asked for his medicine. Lenoir went to the cupboard, where he busied himself for a few seconds under the preten[s]e of uncorking the phial, and then presented the draught to the Count; the invalid, on tasting it, complained of its acrid, mordant taste, but as Lenoir vouched for its correctness, and the prescription was a new one, he swallowed it without further scruple. Soon after the artist took his leave, and the victim turned round on his pillow to sleep his last sleep on this earth. In two or three hours the attendant was awoken by groans, and, hastening into the room, he found the Count convulsed in agony. The

chateau was aroused, and the Doctor was sent for, but human aid was powerless to counteract the effect of the poison. The dying man at first pronounced that he had been murdered, but, on the arrival of the Countess, he became more guarded in his remarks. On one point, however, he was firm and persistent to the last, and that was in Courtil's complete exoneration, if any crime had been committed. He declared that from an early hour in the afternoon he had tasted nothing but the medicine he had received from the artist's hands, and then, in his dying moments, he implored his wife to make some provision for the valet de chambre, who had so faithfully performed his duties through the many years he had been attached to his service[.] After receiving the last sacrament, and taking an affectionate leave of his wife, he passed quietly away into a better world.

“Now, in face of this indisputable evidence, can there exist any doubt as to the artist's guilt? A line of defense based on the possibility of the crime having been committed by another is inadmissible[.] Courtil was the only person, besides Lenoir, who had access to the Count's room on that day, and had always lived on the best terms with his master, notwithstanding the invalid's morose and uneven temper. Now, in his advanced age, he finds himself thrown on the world without any provision made for his future support, except that bounty that may be meted to him by the Countess[.] This charity he has probably lost through a disclosure of a secret to Justice, that would have been purchased with untold gold by those who are implicated in the crime. The noble fellow pursued this course to avenge the murdered man, and his disinterested testimony cannot be impeached[.] Was it a suicide? This was clearly impossible[.] The Count was so paralyzed that he could not raise himself in his bed, much more then, reach to the shelf on which was placed the poison. Even in the absence of a motive for the commission of the crime, the testimony is so complete as to leave no doubt as to the artist's guilt; but when strengthened by the evident animus arising from the inference that his base plot to bring infamy and disgrace on to a noble family had been discovered, can any intelligent jury shield him from the penalty he so justly deserves?”

It appears incredible that, notwithstanding the irresistible evidence thus placed before me, I still had some lingering doubts in my mind[.] While the Commissioner was urging his case with undue vehemence—for Monsieur Swarz loved dearly to hear himself talk—I had watched the detective at my side, who, nevertheless, merely puffed at his cigarette, and from time to time nodded his head. And yet, notwithstanding his silence, I felt convinced that he possessed some slight clue that might give a different aspect to the mystery.

“Diavolo,” I said at last, “I'm afraid I've lost my wager; but is there no argument for the defence?”

“Defence! Pshaw!” exclaimed Monsieur Swarz, “the only idea that has crept into this dullard's skull, is the improbability of the commission of a crime that could not possibly escape discovery[.] These detectives are queer fellows *Ila cherchent toujours midi à quatorze heures*. They are like a splendid fencer who can parry any feint, however complicated it may be, and who is run through by a novice by a direct thrust.”

“The Chief has stated the case like a *Procureur Imperial*,” said Grosfils[.] “He who hears but one bell, hears but one sound. There's many a slip between the cup and—”

“Not when there is poison in it, *mon Groa*,” interrupted the Commissioner. “These Parisian detectives are so acute, that sometimes they can find in a haystack the camel that has passed through the eye of a needle[.] I’ll tell you his proceedings in this case. In my presence he made a thorough search of the room. On the whatnot at the side of the bed were a few cinders, part of which had been blown on the floor; and in the fireplace were three or four stumps of burnt straw, probably used by the Count to light his cigarettes, these treasures he caused to be put under the official envelope, together with—! Pon my life! it is too laughable—together with a few hairs cut from the dead man’s mustachios. The room was then carefully sealed up.”

“And was there any postmortem examination made of the body?” I inquired.

“Of course there was, and enough cyanide of potassium found to poison half the peerage. There were also faint traces of the poison in the glass from which the medicine had been taken. Grosfils was as mad as a March hare, because I found out all about that meeting in the garden. This is as yet unknown to the prisoner, and when it comes out on the trial, if it doesn’t knock him out of time I’m a Dutchman. But there it is as clear as a pike-staff, and I can’t waste any more breath about it[.] Come down to the Prefecture with me, *mon Garcon*, and as to thee, Grosfils, go hang thyself from envy.”

As we wended our way across the *Place d’Armes*, I turned round to look at the detective. From the roars of laughter in which he was indulging in his peculiar way, he evidently had not such an exalted opinion of his chief’s sagacity as was consistent with the discipline of the service[.]

After transacting some business at the Prefecture, we proceeded to the adjoining prison, and while waiting for my companion in the court-yard, my attention was attracted to one of the prisoners who was taking his allotted exercise. A man of about forty years of age, tall and slight of figure, with features chiselled almost as faultlessly as those of any antique statue; his hair and beard almost black but tinged with grey around the temples; clad in a coarse woollen suit, he slouched around his beaten track, absorbed in the deepest melancholy[.] It needed no one to tell me that this was Lenoir, the murderer[.] I cannot explain by what secret attraction my sympathy became aroused; possibly because there was that indescribable something about the man that proclaimed him to be of good lineage, but more probably because he was, as I imagined, wrestling with fate at a disadvantage.

That he was an assassin I could scarcely believe, but how was the mystery otherwise to be solved? In reviewing the case, I chanced to think of that conversation in the garden, the details of which he little dreamt were already in the hands of justice. A strange, an unconquerable impulse came over me. I cannot at this moment explain what tempted me to put him on his guard; I wrote a few lines in pencil, and sauntering across his path, I slipped the scroll into his hand as he passed me. For a moment he stood surprised, gazing wistfully in my face, as if fearful of some treachery. I cannot describe the sadness of those features, apparently furrowed by deep care. Glancing significantly at one of the gaolers I placed my finger on my lips, as it was forbidden to speak to the prisoners. He understood me, but when the gaoler turned away, he opened the paper and read its contents. For a moment he staggered as if he had been shot and then by an effort he appeared to collect himself, and after three or four turns, he motioned me to approach. There was

no one to notice our interview, and if there had been, I counted on the Commissioner, whose secret I had even thus betrayed, to extricate me from the difficulty. As we walked side by side, he asked me hurriedly my name, which I gave him.

“I am so sorely beset,” he said, after a moment’s pause, “that I am tempted to accept your offer of service. Take this ring and note to the Countess from my part, and await her answer; and may God bless you for this charity[.]”

I clasped his hand, and then quietly strolled away, and in a few minutes I left the prison in company with the Commissioner.

“Anything turned up about that affair?”

“Ha! you saw him, then? Nothing whatever. He has declined to engage counsel, which of itself is a proof of his guilt[.]”

“Do you really think Grosfils knows anything more about it?” I inquired.

“That man is a fool, my lad. He had the reputation of being one of the keenest hands on the Parisian force, but he [was] too thorough and honest for his vocation[.] Between you and me, he was sent here in disgrace. Some funds were so adroitly embezzled from a celebrated bank that with the most minute investigation no clue could be obtained to the matter. Grosfils was sent to work up the case, and made such a sad bungle of it as to trace the theft unmistakably to the President of the Bank himself. This official was a great friend of the Minister of Finance, so you may imagine what a to-do there was. Grosfils had a narrow escape from being transported to Algeria, but they packed him here instead. Now he is off on another tangent. These fellows, however, are greatly overrated. I could give half of them fifty points in a hundred, and beat them at their own game.”

“You have certainly managed this case with great address,” I replied, like the hypocrite I was[.]

“And yet I have not given up all my hopes about that champagne[.]”

“Then the fools are not all dead yet,” was his flattering answer[.]

Early the next morning I rode out to Serac on my errand of mercy, and wishing to reconnoitre the ground before paying my visit, I sought some information in the village as to the chief characters in the drama[.] Mine host of the Ecu de Navarre was only too happy to render me this service, over a bottle of wine, the good qualities of which were famous throughout the Department. The Baron de Frasin, the father of the Countess, had inherited this chateau, the remnant of a large estate that had been greatly impaired during the Revolution. With the Legitimists he returned to Paris from exile, but when Charles the Tenth fled from France the Baron withdrew to Serac and lived in the most retired manner. He was proud and imperious to his equals, but affable, though reserved, to his inferiors. During his stay at the Court he had made a *marriage de convenance*, but there came no male heir to his small patrimony and ancient lineage[.] There was, however, a daughter, who could never recollect a mother’s fond care, as the Baroness died about four years after her marriage. This child was then sent to a convent, and although the Baron would, at an

interval of two or three years, pay her a visit in Paris, she never went home, but, as she advanced toward the termination of her schooldays, an aunt, who lived in the Faubourg St. Germain, often sent for her to impart those higher qualifications of *Noblesse et savior vivre*, of which the Faubourg claimed to possess the monopoly[.] It was during one of these visits that Mademoiselle de Fraslin became acquainted with one of her kinsmen, the son of an officer who had greatly distinguished himself in the Napoleonic wars, and for this reason he was not in good favor in Legitimist circles. There was some rumor of an engagement between the young people, but the Baron posted off to Paris and quickly put an end to any such Quixotic ideas by forbidding the young suitor his house[.] He would rather have bestowed his daughter on a parvenu than have given her to a Bonapartist[.]

About a year afterwards, the chateau was put in repair and handsomely decorated and furnished to receive its beautiful Chatelaine, and never was there such a sensation created in the Province as when Mademoiselle de Fraslin first made her appearance in the halls of her ancestors[.] She was seemingly endowed with every grace and accomplishment, and won her way into every heart by her affable manners[.] There was a series of balls, receptions, and hunting parties, and it really appeared as if the sunshine lingered more around the crags and mountains, while she adorned the valley with her presence. This lasted but a short time. All at once there came a gloom over the household at the chateau[.] No one could trace the cause, but the young beauty was lost from her former haunts, and not even her most intimate friends could gain an interview with her. Rumor was again rife about her young kinsman Henri de Rocroy, who, it appeared, had entered into a conspiracy to restore the Napoleonic dynasty, but the plot had been discovered, and he was either on his trial or had fled the country. News travelled very slowly in those days, and especially to so remote a place as Pau and its environs. It was about this time that Monsieur de Merolles paid a visit to the chateau, and it was impossible to describe the astonishment with which was received the announcement of the betrothal of the elegant beauty to this decrepit noble, who was as broken down in health as in pocket. Strange rumors revived when a daughter was born, but as Madame de Merolles steadily refused to mix in society, the subject gradually lapsed from the public mind. Six years had thus elapsed, and during that time the Chatelaine had endeared herself by her grace and charity to all the villagers, when, as sad fate would have it, a strolling artist attracted by the beauties of the Valley, rented a small cottage on the mountain side, and became involved in the drama, the intricacies of which could not be fathomed[.]

Furnished with these and indeed fuller details, among which was a not very favorable account of Lenoir's character, I wended my way up the path that led in a zig zag to the chateau above[.] I sent in my card, and as I feared I should be refused an interview, I wrote a few lines saying that I was the bearer of some very important news from Pau[.] After a slight delay I was shown into the Salon, and in a few instants Madame de Merolles entered the room accompanied by her daughter[.] In all my life I had never seen such regal beauty; although she was clad in some coarse black stuff trimmed with crape, and unrelieved by one glimpse of white, or ornament of any description, her loveliness was as conspicuous as if she had been decked in silks, laces, and jewels[.] Her features were somewhat wanting in regularity, but each was perfect in itself; her eyes were hazel, and her hair, a sunny brown, was arranged in luxuriant plaits around her head. The complexion was of that transparent olive tint seen more in Southern France, which, when suffused by a blush, furnished the loveliest type that painter ever drew; her figure was faultless, and every gesture replete with grace. After a slight salutation, she requested me in a low musical

voice to state the object of my visit[.] For a moment I felt embarrassed, and made some remark about a personal interview, to which she replied, with a slight color, that she had no secrets she wished hidden from her daughter. Thus pressed to the point, I rose and delivered to her the scrawl in which the ring was wrapped. She looked at me with surprise, and then slowly opened the paper. As her eyes fell upon the ring, she cast upon me a frightened glance, and then she became deadly pale, as she read the few lines contained in the note. Becoming alarmed, I sprang to my feet, but she recovered herself, and, with some excuse, she hurriedly left the room. I must own that at this junction I regretted having taken upon myself the painful task, and this feeling was not mitigated when the little girl came and chid me in the most artless, charming manner for annoying her dear mamma. With her, however, I was soon at ease, and I was listening to her prattle, while aiding her to arrange some flowers in a vase, when the Countess appeared at the window and beckoned me on to the terrace.

“I have no wish to inquire how you became conversant with this secret. It suffices that you bear that ring, which you will please restore to its owner. According to its silent dictates I give you an unreserved answer. You will tell Louis,” and she stopped for a moment either in pain or confusion, “you will say to Monsieur Lenoir, that his safety must outweigh every consideration; that no scruple as to the reputation of young or old must stand in the way of his acquittal. Let him tell the whole truth, if by so doing he can save his life. Remember these words. I dare not write them, I—”

Here she was overcome with emotion, and kissing the ring she slipped it into my hands, and with a hasty gesture of adieu, she fled along the terrace and disappeared in the garden beneath.

The first result of this strange interview was to make me mistrust the first impressions I had formed in the matter. Evidently there was some mysterious complicity between the Countess and the artist, even if a more heinous crime had not been committed. As I repeated the strange words committed to my care, I could find no satisfactory solution, except that offered by the Commissioner of Police; but the composure with which the prisoner received the message I bore him the same evening, served still further to complicate the matter in my mind. By his manner, I judged that he regretted the impulse which had led to his confiding the secret to a stranger, and that he thus sought to belittle its importance by this apparent indifference[.] I might have attributed his abruptness also to the difficulty we encountered in not attracting the attention of the guards. As I was leaving the prison yard, I espied Grosfils, smoking a cigarette under the balcony. He was evidently so buried in meditation as to be unaware of my presence. I accosted him with the idea of gleaned some further information; but he at once disclaimed the idea of being in any way connected with the case; the fact was that his attention was entirely centred at that moment on a curious burglary, wherein were involved some mighty interests of metal spoons and pinchbeck jewelry, and with his peculiar chuckle, he offered to furnish me with the full details. Baffled thus at every point, I was obliged to defer the attempt to elucidate the affair until the trial, which I found was to take place during the ensuing week.

(To be concluded next week)

THE TRIAL

As what but natural, *une cause célèbre*, in which was indirectly implicated one of the first families of the Province, drew an immense assemblage to the *Salle de Justice* on the morning of the trial. Through the influence of the Police Commissioner, I was enabled to take a seat at his side among the advocates, and on gaining my place I was astonished to perceive, ensconced in a retired nook in the hall, a lady clad in deep mourning and closely veiled, who I felt convinced was the Countess de Merolles. On either side of her were seated the *Curé* and the Doctor. They now and then exchanged a few words without exciting the slightest attention from the Countess, who appeared absorbed in earnest thought. Her presence on such an occasion, in my opinion, showed a want of tact and judgment. I knew well that in consequence of her rank and position, every effort consistent with justice, had been made to safeguard her reputation. I was also aware that the case had been efficiently worked up with the resolve of dispensing with her presence from the witness box, and it was hoped that by the aid of a certificate of illness the agony of such an ordeal might be spared to her. What course could possibly be taken now? Her appearance would certainly lead to the withdrawal of this clemency, while at the same time it might heighten the prejudice with which the artist was already viewed. There was indeed a manifestation of such a feeling among the counsel retained for the prosecution, the *Procureur Impérial* especially showing his displeasure by the abrupt manner with which he handled his brief, and the covert glances he cast in the direction of the spot where the lady was seated. Monsieur Swarz was also provoked at her presence I believe for another reason. He had taken the case under his special care, and was as anxious to procure the conviction of the artist as a Master of the Hounds would be to run his quarry to death; but he was afraid that this daring action of the Countess foreshadowed a line of defense for which he was totally unprepared, especially if she offered herself as a witness in the prisoner's favor. I must own that I had still some hopes of an acquittal from another direction, although this feeling was almost mastered by the conviction that now possessed me of the artist's guilt.

The court was hushed as the judge took his seat on the bench, and when the order was given to produce the prisoner a thrill of expectation ran through the crowded audience. Lenoir came forward, and with a slight bow took his place at the bar, guarded by a gendarme. His appearance was certainly prepossessing, and he looked every inch a gentleman as he quietly glanced around the hall. He was deadly pale; but when he perceived the Countess a slight flush flitted across his features, which were distorted by a momentary pang. To the first question put to him by the judge, he replied in a quiet firm tone that he had engaged no counsel, as his sole defense would consist in a straightforward statement of the facts: he had no wish to escape a sentence formed on the evidence by any quibble of the law. The judge demurred to this avowal, and stated that it was always customary for a prisoner to have the benefit of counsel, and to his decision the artist tacitly assented. The judge's choice for this thankless task was a young advocate who claimed Serac as his birthplace, and was well acquainted with the Fraslin family and the scenes of the drama. Monsieur de Chartraille willingly assumed the duties thus entrusted to his care, and held a brief consultation with the prisoner while the jury was empaneled.

In the meanwhile my attention was suddenly called to Grosfils, whom I espied at the entrance to the bar; and watching his movements I perceived him intercept Monsieur de Chartraille, and slip

a note into his hands. When the advocate regained his seat, he glanced at the letter—the contents evidently puzzled him—for he stood up and looked round for the detective, but he had left the court. For a moment he appeared undecided how to act, but perceiving Monsieur Swarz he came over and showed him the note. It contained the following lines: “Do not try to gainsay the evidence. The judge holds in his hand even more damaging proofs than the prosecution. Please cross examine the witnesses as to the undermentioned points. Call me for the defense, and then aid the prisoner to the best of your ability.” Then followed the signature and a number of questions which I had not time to examine. The Commissioner of Police smiled with disdain as he read the contents, especially at the paragraph which intimated that the judge was better acquainted with the facts of the case than he was himself. He told the advocate how the detective had thrown up a government appointment in order to take charge of the case, but he advised him nevertheless to yield to the dolt’s wishes, on the ground that there must be some pleasing illusion in the zeal with which a drowning man will catch at straws, and the artist might as well indulge in that hallucination as not. This unfeeling little speech did not tend to increase the value of the Swarz stock in my estimation, and I began once again to devoutly wish for his discomfiture, although for the life of me I could not see how the defense was to be brought to a successful issue.

The jury was empaneled, the act of accusation was read, to which the prisoner pleaded “Not Guilty.” Amid breathless silence the *Procurer Impérial* opened the case, and although he disclaimed the idea of creating an undue prejudice against the prisoner, his address showed conclusively that no effort would be wanting on the part of the prosecution to prevent the ends of justice from being defeated. Step by step he followed the phases of the drama with unerring perspicuity, and although he did not directly impute to the Countess any share in the guilty act, he evidently traced to that grave indiscretion, at the meeting in the garden, the origin of the quarrel which resulted in the Count’s death.

The judge, as usual in criminal cases in France, then subjected the prisoner to a rigid examination in the salient points of the case. The artist answered the first questions with apparent candor. He did not deny having received the bracelet from the Countess de Merolles. that lady had taken an interest in his welfare, and under a pressing emergency he had appealed, and not in vain, to her friendship. The reason why he had not addressed himself rather to the Count was that he feared his request would prove unsuccessful, the more so as about this time that nobleman appeared so morose and angry in his demeanor. To the demand as to what had become of the proceeds of the jewels the artist refused to give a reply, on the plea that it might tend to implicate a person who in no way was mixed up in the proceedings. This strange answer tended naturally to render the case more complicated, but when pressed again by the judge, who represented in strong terms the danger of such reticence, the prisoner kept sullenly to his previous determination, and threatened not to answer any further questions, even if his life paid the penalty of his rashness. This conduct produced a great sensation in court,

(To be concluded next week)

THE TRIAL

(Conclusion.)

“Learning in that city that the French Government had called on the Spanish authorities to arrest any fugitive who might succeed in crossing the frontier, I entered as a seaman on board a ship bound for England, but before embarking I sent a letter to my wife to acquaint her of my safety, and, in order to disarm suspicion, I addressed it to the care of the Curé[.] After a long and stormy passage we arrived at Southampton, where the most terrible news reached me[.] Petri’s ruse had but too well succeeded, and, as my letter in cipher had never been delivered, I was mourned as dead. Bowed down with grief, my wife, at this unhappy juncture, imparted to her father a secret that filled him with dismay[.] How was it possible to shield his daughter’s fair fame? She wished the fact of our marriage to be made public, but the Baron, on reflection, refused to accede to her request. He proposed a plan by which the honor of the family could yet be saved. She was to be wedded, in name only, to a kinsman who would be only too happy to assume the paternity of the unborn child as an offset to the handsome dowry he would receive with her; it was true that he was broken down in health, and a ruined gamester, but by this means the estates would be secured to the rightful heir, otherwise the succession would be barred by the illegality of our marriage[.] My wife at first refused to acquiesce in such a hateful expedient, but, as the alternative was her seclusion for life in a nunnery, she at last was obliged to yield to her father’s commands, and she became the Countess de Merolles. Some two or three weeks afterwards the Curé received my letter, and in his answer he implored me not to divulge the secret of my escape to my wife, as it would break her heart and effect no good, he advised me to seek my fortune in some foreign land under an assumed name, and there await the decrees of Providence[.] He represented the Count Merolles as a confirmed invalid, and his death might in a few years dissolve the ties by which I was now separated from all I loved on earth[.] He forwarded to me his little savings, amounting to about a thousand francs, and prayed to Heaven to succor me in my hour of affliction[.]

“I followed the good Curé’s counsels and embarked for South America, where for some years I eked out a small living, receiving scanty news at long intervals from Serac[.] At last, having acquired a trifling sum, I resolved to return to France, notwithstanding the sentence of death pronounced against me[.] The yearning to see my wife and child was too strong to be subdued by any thought of danger. But I had still the fixed determination never to acquaint them of my escape[.] I arrived here some six months since, and settling down in the neighborhood I awaited the opportunity which soon presented itself of seeing the Countess without being observed[.] I thought myself altered beyond recognition[.] So, emboldened by the immunity from danger, I soon relaxed the precaution I had hitherto taken, and one day she came unawares to the spot in the gardens where we had met before[.] Despite my disguise and the changes wrought by years of agony and exile, she recognized me at once[.] I need not describe the happiness and misery of our meeting[.] I wished to tear myself away after having embraced my child, but I had not the strength of mind to carry out this resolution. I was unknown in the village, Petri having moved away to Luchons, and Lisette being married and settled at Pau, so I had only the good Curé to take into my confidence to gain an entrée to the Chateau with safety[.] I managed easily to ingratiate myself into the Count’s favor, and became a frequent visitor at the house, but I never

again met the Countess alone except on the evening whence date the suspicions which have wrought my ruin[.] The day previous I had met Petri, who had come on a visit to the village to borrow some money to procure his son's exemption from military service. He too, recognized me, and having failed in his attempts to clear his boy from the conscription, he yielded to the temptation and resolved to extort the sum from me under the threat of divulging my secret[.] I was not in a position at the moment to pay such an amount, and I was thus obliged to appeal to the Countess, or once again to flee the country. There remained indeed the alternative of disclosing my identity to the Count, and the amicable relations we at first entertained emboldened me to take that step, but latterly he had become so sullen and morose in his demeanor, as to cause me, in ease of danger, to prefer a voluntary exile[.] This opinion was also shared by the Curé who had always remained our truest friend[.] I therefore met the Countess by appointment, and she then gave me a bracelet, which, when converted into cash, bought for a time only that man's silence. In a few days I redeemed the jewels with the proceeds of some securities in which I had invested my savings, and I returned the bracelet to the Countess, through the Curé who came to acquaint me of the serious illness with which the invalid had been so suddenly stricken down[.] At his behest I abstained from visiting the chateau until the Count became in a measure convalescent, when he sent for me one day and received me with unaccustomed affability. Nothing in his conduct led me ever to suppose that he had been present at our interview in the garden, and it was but on the afternoon of the day he died, that he reproached me with an undue intimacy with the Countess[.] I vehemently denied the assertion, and this led to the angry words overheard by Courtil. In order to appease his anger, I promised to leave the Province forever, and I was fully determined to redeem my pledge[.] This seemingly produced a favorable effect on him, and we passed the remainder of the evening in quiet conversation.

“Before taking my departure, it is true that I gave the Count his draught, and that he complained of its strange flavor, but I tasted it myself and can vouch that it was not cyanide of potassium, as that is a drug with which I am thoroughly acquainted[.] I have thus disclosed the whole truth. I was unwilling to make this confession because with it was involved the reputation of the Countess and her child. I do not perceive of what avail this sacrifice will be, but before God, I declare that I am guiltless of the crime charged against me[.] I leave the case in your hands, gentlemen, convinced that you will decide to the best of your judgment[.]”

The breathless interest with which this address was received, gradually merged into a subdued murmur, as the artist sank back into his chair exhausted by his emotions[.] There was a true ring about his statement that would have carried conviction with it, had it not been for the incontrovertible evidence brought against him[.] The counsel for the defence merely elicited from Courtil, in cross examination, that the Count would have killed his wife and the prisoner on the occasion of their rendezvous[.] He made also two trifling admissions which had seemingly no bearing on the case; he remembered perfectly well having dyed the Count's hair and moustache on the morning of the crime, he also overheard the Count ask the artist, as he took his departure, to leave both the door of the cupboard and the window open, as the odor of the cyanide of potassium distressed him[.] There rested the case for prosecution[.]

When called upon for the defence, Monsieur de Chartraille appealed undecided how to act[.] The cross-examination to which he had subjected the witnesses showed no flaw by which he could

hope to free the prisoner from the charge preferred against him[.] His concise statement to the court had certainly produced a favorable impression, and in the strong animus the Count had displayed towards the artist, might he harbored the design of committing suicide, and leaving the impression that he had died by the prisoner's hands[.] But owing to the Count's infirmities this was clearly an impossibility unless Courtil had connived in the crime, and there was certainly nothing that could point to any such collusion[.] Then again he was well aware how the Procureur Imperial would press the point of the prisoner's illegal marriage with the Countess, as a further evidence of the desire he must have entertained for the Count's death, as in this event every obstacle to their union would have been removed[.] If he only could have argued that the poison had been administered by mistake, a verdict of not guilty might be reached, but the prisoner had himself barred that line of defence in his statement that there was no cyanide of potassium in the medicine he had given to the Count[.] It is true that the barrister had received a note from a detective, urging a certain line of defence, but he was unknown both to himself and the prisoner, and if this person had possessed any evidence of real importance, he would certainly have disclosed it before the trial, the more so as he might have exacted a large reward for his pains[.] While he was still irresolute, Grosfils made his way slowly towards the witness box, and Monsieur de Chartraille, yielding to this pertinacity, called him on the stand[.]

The detective having being sworn, deposed that he had had charge of this case under the direction of the authorities, but that he had since resigned his situation[.] He was personally unacquainted with the prisoner[.] In fact had never spoken to him[.] In company with the commissioner of police, he had proceeded to the chateau on the night of the crime. A cursory memory among the household as to the relations existing between the Count and the prisoner, showed almost conclusively that a murder had been committed[.] From the absence of any motive, he could by no possibility implicate Courtil in the crime[.] As a rule in his profession, the first impression was to be mistrusted, it was generally the bad one, and this was a case in point. A careful and minute examination of the bedroom showed that at the foot of the couch nearest the closet the feather bed had been disarranged and tumbled, so much that Courtil himself remarked that such a thing had never happened before. A person at the foot of that bed could place his hand on the cupboard, the door of which had remained open. From the outside lower corner of the couch the dish containing the poison was clearly seen upon the upper shelf, by its side was the glass with the residue of the medicine in it; on the whatnot, at the side of the bed, were some ashes, with many more blown on the ground, in the grate were a few stumps of straw almost burnt out. These clues were sufficient to convince him that he was on the wrong trail. On further inquiry he found that the Count was vain, jealous, crafty, and vindictive. He was very careful of his personal appearance, and Courtil was held by him in great esteem on account of the skill with which he could dye the Count's hair and moustachios, and attend to the requirements of his toilette; his jealousy, and the craft with which he concealed it, were on the evidence; his cruel, vindictive character was well known in the village, he had once sent a poor girl to prison for having taken a few flowers from the garden. He was passionately fond of playing cards, chess, and Skill and Patience[.] In the latter game a sheaf of short strong straws are thrown in a heap on the table, and the players pick out with a crotchet needle, turn by turn, each straw without moving another one of the sheaf, and he who most deftly removes the most straws wins the game. A very charming and harmless amusement, as was also that of photography, but by a curious combination they became in this instance the silent confederates in an unparalleled crime[.]

Grosfils had hitherto given his evidence in a quiet, stolid way, but the last sentence he spoke in a quick incisive manner that from its contrast as well as its purport excited great attention[.] The Procureur Imperial divining the drift of the detective's evidence jumped to his feet and protested against the irregularity of the proceedings[.] The witness had no right to offer any suggestion that might influence the mind of the jury, it was the duty of the witness to keep strictly to the facts that had come directly under his notice. Monsieur de Chartraille, in admitting the justice of these remarks, claimed some latitude in behalf of the witness. This was a case of circumstantial evidence, where the slightest clue might lead to the elucidation of the mystery, he would not for one moment imagine that either the judge or the counsel for the prosecution or the jury would wish to consign a guiltless man to the scaffold.

A subdued murmur around the hall formed a powerful adjunct to the young barrister's brief address[.] The detective retained a quiet, passionless expression until he caught the eye of the Police Commissioner, at which time I believe he would have exploded into a fit of laughter, in his peculiar way, were it not for the gravity of the situation. The artist and the Countess regarded their new ally with a mingled expression of curiosity and anxiety.

The judge, unswayed by the popular sentiment, warned the witness to confine himself to facts of which he held direct proof, and to sedulously avoid any remarks on the evidence[.] The detective bowed and continued his testimony. On a further examination of the room he found that from the shelf, through the chink, to the bed were small stains on the polished floor. On analysis they were proved to be caused by cyanide of potassium[.] The straws fitted easily one into another, and the burnt stumps in the grate were also strongly saturated with the same poison. The glass out of which the medicine had been taken was subjected to the most minute chemical examination. The residue, carefully soaked up with litmus paper, contained cyanide of potassium, but although the rim was steamed and then subjected to the most minute chemical tests, no trace of the poison could be found around it[.] The Count had asked the artist to leave both the door of the closet and the window open[.] Here was perhaps the true clue[.] Accompanied by the Doctor, he went into the garden, and in the grass, directly under the Count's apartment, he found a minute flexible tube of india rubber, impregnated with the same poison, this led him to the final conclusion that the Count never drank the poison at all, he had drawn it through a tube formed by these straws.

The detective was here vehemently called to order by the *Procureur*, who, ignoring the sensation produced by this evidence, asked for the committal of the witness for contempt of court. The judge concurred in the counsel's opinion, and, despite the protest of the foreman of the jury, he informed the detective that at the slightest repetition of the offence he would be transferred to prison. While this discussion took place we were eagerly examining the drift of the evidence[.] There were certain logical deductions that might have an influence in the prisoner's favor, but they might tell just as much against him[.] If a murder had been committed it would have been easy for the artist to have arranged these threads of circumstantial evidence step by step, without exciting the Count's suspicions[.] The end was not yet, but, from the chuckle in which the detective was indulging, the trump card was yet to be played[.] As to our friend the Commissioner, he presented a most laughable appearance, as he sat gazing, with open eyes and distended mouth, at Grosfils, who alone in that vast assemblage appeared to be unswayed by feeling or sentiment.

Grosfils begged to be excused if he had transgressed any of the rules of the court, the more so as he had had but little experience in such cases. There remained but little for him to report on. A few days after the Count's death he had found out that Lenoir had been known under another name in former years, and that he had been tried in contumacy and condemned to death. This part of his evidence he had entrusted to the judge, as he was no longer in the Government employ. There was one last connecting link which he awaited with anxiety from Paris. It will be remembered that a few hairs of the dead man's moustachios were cut off after his decease. These were enclosed to the most able chemist for analysis. The result was as he had expected[.] The hair was impregnated with a dye composed in a major part of nitrate of silver. Cyanide of potassium has the effect of turning that dye instantaneously to a purple shade[.] The Count could thus have never drunk the poison without its leaving its trace on the moustache. There was a slight tinge to the hair that was close to the lips in the under part of the moustache, but this was owing to the cyanide being there diluted by the saliva[.] This was the decisive proof that it was a case of suicide, and not of murder, now under investigation.

It would be impossible to describe the sensation produced by this bold statement. The judge would have committed the witness for contempt of Court, but the Procureur Imperial appeared himself to be so convinced by this startling evidence that he never made an effort to carry his threat into execution. The Countess, who had borne herself so bravely through the terrible ordeal, fell lifeless at this unexpected denouement. Under a simple restorative she soon recovered, but I insisted on her being removed to the house of the Police Commissioner, which was in the immediate vicinity. Of the remainder of the trial I can thus speak only by hearsay, but I know that a celebrated chemist corroborated the technical parts of Grosfils' evidence, and that Monsieur de Chartraille seized the clue furnished by the detective, and proved by irresistible deduction the commission of the crime.

The Count, laboring under the idea of his wife's infidelity, was willing to sacrifice his own life, already a burden to him, if he could only fasten the guilt on the artist. Forming a long pipe with the straws, and placing the small india-rubber tube at the end, he had glided to the bottom of the couch, and was enabled to sip the poison through the chink of the door. When he had swallowed sufficient for his purpose he forced some of the liquid into the glass from which he had taken his medicine; he had then burnt the straws and threw the small tube out of the window. And then, convinced that he had achieved his vengeance, he turned to the wall to die.

The defence was incontrovertible, and after a brief charge from the judge, in which he begged the jury not to be unduly swayed by any ingenious deductions or the manifestations of popular sympathy, a verdict of acquittal was unanimously given. A few days afterwards Monsieur de Rocroy regained his freedom. There had been many a change of dynasty since his condemnation, and Louis Napoleon, who was then on the throne, recognized the just claims of one of his earliest adherents, and ordered his immediate liberation.

And the Police Commissioner almost cried at the champagne supper he gave in honor of the event, so completely was Grosfils reinstated in his favor. The detective received an ample reward, but I doubt very much if those twinkling orbs of his did not double the amount when he counted over his treasure that same night. I met him often afterwards at Paris, and one morning,

about a year afterwards, he brought me a journal in which was announced a marriage that recalled to my memory the noble fellow who had escaped the scaffold by “a hair’s breadth.”

Word Count: 9103

The Albion, A Journal of News, Politics and Literature, September 30 and October 14, 1871