

THE EXECUTION  
OF LESURQUES



## *The Execution of Lesurques*

ABOUT nine o'clock on the night of April 26th, 1795, (8th Floréal in the year IV. of the Republic) the mail travelling from Paris to Lyons was attacked, nearly two miles beyond Lieursaint, at a distance of some five-and-twenty miles from Paris. The courier and postilion were brutally murdered, and the contents of the mail, including a sum of seven million livres in assignats, despatched to the army of Italy fighting under General Bonaparte, stolen. Besides the courier and the postilion, there had travelled in the mail a passenger, a dark-haired, dreary and taciturn individual in a brown coat and round hat, who carried as his only luggage a sabre. He had disappeared after the crime, and with him one of the horses attached to the mail. On the scene of the robbery, the bridge of Pouilly, there were found a gray cloak lined with blue, a broken sabre, inscribed somewhat ironically on one side of the blade, 'Honour is my guide,' and on the other, 'For the safety of my country,' its sheath, a red leather belt, the blade of a knife, and a silver gilt chain spur that had been mended with a piece of thick thread. Another sabre and its sheath were picked up later on the road to Paris. It was proved that, during the afternoon of April 27th, four horsemen had been seen by various persons at different points on the road between Paris and Lieursaint. But it was some days before any trace could be found of these suspicious cavaliers.

Inquiries showed that the solitary passenger in the mail, in booking his place, had given the name Laforde. Further investigation revealed the fact

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that, at five o'clock on the morning after the crime, a man named Etienne had brought four sweating horses to a stable in Paris. The same evening, accompanied by a Jewish corn-merchant, called Bernard, the same man had taken the horses away. The police discovered that Etienne was the Christian name of a certain Couriol, who with his mistress, Madeleine Bréban, had left his lodging in Paris on the night of April 27th, and gone to the house of a hawker named Richard. They had stayed there until May 6th, when they left Paris for Château-Thierry. There they were living at the house of an official, named Gohier, employed in the military transport service, when they were arrested. In the possession of Couriol was found nearly a fifth of the money and valuables stolen from the Lyons mail. At the time of Couriol's arrest a colleague of Gohier, Guénot by name, was staying in the house. He was a gray-haired, sharp-nosed, thick-lipped man, strongly marked with the small-pox. Guénot had lodged in Paris at the house of Richard at the same time as Couriol and his mistress. Transport officer at Douai, his native town, Guénot had there made the acquaintance of Richard and, having occasion to come to Paris on business, had taken up his abode with his compatriot. Both Richard and the Jew, Bernard, were arrested, as also an individual of the name of Bruer, a friend of Couriol, who, with Richard, had accompanied Couriol and his mistress part of the way on their journey to Château-Thierry. Bruer was a bit of a philosopher; he had seen so much of the world that nothing, not even arrest, could surprise him; he had a round face and gray eyes.

Etienne Couriol, to whom his mistress said that she believed the sabre bearing the inappropriate inscriptions belonged, is described as a dark-complexioned, black-haired individual, of a Roman cast

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of countenance, with a nondescript mouth. Arrested in bed, Couriol, after the first pardonable shock of surprise, resumed his natural imperturbability, described himself on apparently insufficient grounds as a silk-merchant, and explained the presence of over a million livres in bills and notes among his effects, as being the whole extent of a fortune made in honest trade. By the quantity and quality of his wardrobe this young man of eight-and-twenty would seem to have been something of a dandy. As he left Château-Thierry in custody, he assured his friend Gohier that in two or three days he would return to fetch his property. But these sanguine anticipations were not realised.

In Paris, a magistrate of the name of Daubanton had undertaken the investigation into the circumstances of the robbery of the Lyons mail. Of all those accused, Couriol seemed to be the most deeply implicated. A great deal would depend on the evidence of the persons, who, on the road from Paris to Lieursaint, had seen the four horsemen on the day of the crime, and on their power to identify them with any of those already under arrest.

On May 11th, a number of these witnesses had been summoned to Paris to the office of Daubanton. Thither that morning went Guénot of Douai who, it will be remembered, had been lodging at Château-Thierry in the house of his colleague, Gohier, at the time of the arrest of Couriol. On that occasion, his papers had been seized and taken to Paris, and he was now on his way to Daubanton's office to ask for the return of them. As he passed through the streets, he met a friend and fellow-citizen, one Joseph Lesurques. This Joseph Lesurques was thirty-three years of age, fair-haired, blue-eyed, good-looking, with a high forehead and regular features; one of his fingers was crippled, and he had a scar on the right side of his



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face. He was a man of independent means. He had made his fortune in Douai, but left his native city a year before, and since then had been living in Paris. Guénot told his friend Lesurques the nature of his errand, and asked him to accompany him to the magistrate's office to speak to his identity. Though, he said, he did not care about frequenting such places, Lesurques consented. When they arrived at Daubanton's office, the two men were shown into the ante-room, in which some twenty witnesses connected with the affair of the Lyons mail were waiting to be examined by the magistrate. Lesurques and Guénot had not been sitting there long, when two country-women, who had been watching them intently, became greatly excited and asked to see the magistrate without delay. Taken into his presence, one of them, named Santon, servant at an inn at Montgeron, a village between Paris and Meursaint, stated that she recognised Lesurques and Guénot as two of four horsemen who, about half-past two o'clock, on the afternoon of April 27th, had taken coffee and played billiards at the inn, in which she was employed. The other woman, Grossetête by name, servant at another inn at Montgeron, where, during the afternoon, the four horsemen had dined, said that she recognised Lesurques and Guénot as two of the guests for whom she had fetched a couple of pipes and some tobacco.

Daubanton sent first for Guénot. When the latter asked for his papers, he was told to his astonishment that he must consider himself at the disposal of justice. Daubanton questioned him closely. Guénot said that on April 27th, the day of the robbery of the mail, he had been travelling from Château-Thierry to Paris. He had met Couriol first on April 28th at the house of Richard, and had breakfasted with him on the following day; he denied having ever been in his company before that date.

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After Guénot, the magistrate sent for and interrogated Lesurques. In answer to his questions, Lesurques said that he had been a year in Paris and had never left the city during that time. On the 11th or 12th Floréal, three or four days after the robbery of the mail, he had breakfasted with Guénot at the house of Richard, whom he knew as a fellow-citizen of Douai, and had there on that occasion met a dark man of the name of Etienne (Couriol). Lesurques described himself as a man of means; he had acquired a sufficient fortune by buying and selling land confiscated by the revolutionary Government. Asked how it was that he had in his possession an identification paper in the name of André Lesurques and another which was blank, he said that the one had been left with him by his cousin and the other must have been among some papers which he had bought. Asked why, having lived in Paris a year, he had not taken out an identification paper in his own name, he said that, as he was always at home in good time at night, he had not thought it necessary, and had left all his own papers with his agent at Douai. At the end of their examinations, both Guénot and Lesurques found themselves under arrest.

The account which Lesurques had given of himself was substantially true. He was living at his ease on an income of 10,000 livres a year. His property was estimated after his death at a total value of 185,000 livres. Lesurques was married and the father of three children. He was inclined to be expensive and artistic in his tastes, frequenting the society of painters and other men of art. The fact that he kept a mistress—not a very remarkable circumstance considering the extreme laxity of public morals under the Directory—does not seem to have interfered with the love and devotion of his wife and children. This man now

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found himself accused of complicity in a sordid and brutal crime.

As the case proceeded, the evidence against Lesurques became more serious than it had at first appeared. Of ten witnesses from Lieursaint and the neighbourhood, seven swore positively that Lesurques was one of the four horsemen seen on the road on April 27th, and three expressed a belief that he was one of them. It was true that they varied in their descriptions of him; one described the coat he was wearing as blue, another as flesh-coloured, and a third as light gray. But their number was formidable, greater than in the case of any other of the accused men. Eight witnesses swore to the identity of Couriol as one of the horsemen, four to that of Guénot, three to that of Bruer, and two to that of the Jew, Bernard. Of those who swore to the identity of Lesurques, the most positive, besides the women Santon and Grossetête, was a woman named Alfroy, coming from Lieursaint, who identified Couriol and Lesurques as two men whom on the evening of April 27th she had seen pass two or three times in front of her door. Champault, an innkeeper at Lieursaint, well remembered Lesurques as one of four horsemen who had called at his inn on the day of the robbery, and said that he had asked his wife for a piece of string with which to mend his spur. The wife corroborated her husband's statement. Gillet, who kept cows at Lieursaint, identified Lesurques as one of three horsemen who had passed in front of his house about a quarter-past five the same evening, and said that he recollected him the more surely because of his likeness to a friend of his. A stable-boy at the inn at Montgeron where the four horsemen had dined, was sure that he recognised Lesurques as having been the first to arrive at the inn, about half-past one that afternoon.

Against the evidence of identification Lesurques

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set up an alibi. He said that during the morning of April 27th he had spent two hours in the shop of a friend, Légrand, a goldsmith and jeweller, and that he had then gone with another friend, Hilaire Ledru, a painter, to his cousin André Lesurques' house in the Rue Montorgueil, where he was staying until his new house in the Rue Montmartre should be ready. At six o'clock in the evening he had gone out for a walk in the streets, had there met Guénot, and together they had gone to a café and had a glass of wine.

Shortly after his arrest Lesurques wrote to a friend in Douai:—

‘ My friend, since I came to Paris, I have met with nothing but unpleasantness; but I did not anticipate, and could not have anticipated, the misfortune which overtakes me to-day. You know me well, and you know that I could never stain myself with a crime; and yet I am accused of the worst of all crimes. The mere thought of it makes me shudder. I find myself implicated in the case of the murder and robbery of the courier of the Lyons mail. Three women and two men whom I don't know, not even where they come from, (for you know that I have never left Paris,) have had the audacity to state that they recognised me as a man who had come to their house on horseback.

You know that I have never ridden a horse since I came to Paris. You can realise the importance of such evidence as this, which may well result in a judicial murder. Help me by searching your memory and trying to recollect where I was, and who were the people I saw in Paris at the date on which they have the impudence to say that I was away from Paris (I think the 7th or 8th of last month), that I may be able to confound these infamous slanderers, and make them suffer the punishment prescribed by law.

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On May 22nd, the preliminary investigation into the case which was being held by Daubanton in Paris, was quashed on the ground of illegality, and re-opened before the criminal court at Melun, within whose jurisdiction the crime had been committed. This new investigation took place before a Jury of Accusation, a body somewhat similar to our grand juries. The President of the Jury examined the witnesses, and then submitted to his colleagues an Act of Accusation, on hearing which they were to decide whether the case for the prosecution was strong enough to send the prisoners for trial before the criminal court. Once again Lesurques was confronted with those witnesses who had sworn to his identity as one of the assassins. Asked to explain how it came about that these witnesses were so positive in their identification of Guénot and himself, he replied that the situation was inconceivable to him, as he had never left Paris since he had come to live there, had never been on the road to Melun, and had means enough on which to live comfortably and bring up his family. 'These witnesses,' he said, 'are deceived. Unless there be some resemblance between me and one of those whom they saw that day on the road to Melun, they cannot have honestly sworn to the truth of such a thing.'

On June 27th the President submitted to the jury his Act of Accusation. Lesurques, Couriol, Guénot, Bruer, Richard, and Bernard were all indicted. The facts of the case were stated with no scrupulous regard to accuracy, and as the result of the preliminary inquiry, the complicity of all five in the crime was held to be proved. The case against Lesurques was thus presented:—

'As to Joseph Lesurques, six witnesses testify against him in the strongest and most positive way, some of whom have seen him on the day of the 3th

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Floréal, dining at Montgeron with Couriol and Guénot, and afterwards going with them to take coffee. And who are they who swear to these facts? The servants who have waited on them at the inn at which they dined, and at the café to which they went afterwards. There is a citizen, whose only interest in the case is to tell the truth, who is positive that he dined that day in the same room with them; he had particularly noticed Lesurques and also a silver or silver-gilt spur with a spring, which Lesurques showed to Guénot, and of the advantages of which he boasted. This spur was found on the very spot on which the murders were committed. Lesurques goes with his companions to Lieursaint, three witnesses swear to having seen him there and identify him, and the innkeeper at whose house they stopped at Lieursaint, swears that one of them mended his spur with some string; the spur of Lesurques, found on the scene of the crime and forming one of the exhibits in the case, has been mended with a piece of string. Another witness swears to having seen Couriol and Lesurques pass before his door at Lieursaint three times during the evening; it is an established fact in the case that Couriol and his companions stayed some time in Lieursaint; and it is certain that he had not passed the night in his own house. If Joseph Lesurques is asked where he spent the afternoon and evening of the 8th Floréal, he replies that he spent them in Paris, but there is no proof of this. He is arrested at the magistrate's office on the comparison of his description with that of the murderers of the courier of the mail, and on the positive testimony of two witnesses. Asked for his passport or identification paper, he has to confess that he has not got either; though he has been living nearly a year in Paris. There are found in his pockets two identification papers one in the name of his cousin, André Lesurques, the other blank, but bearing the names

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of the president and secretary of the section, so that it could be filled in at any moment by a person desiring to use it. Asked how he comes to be in possession of these documents, he answers that the first one, his cousin's, was in his pocket by accident, and that the second, which by the way is in a very good state of preservation, is merely a scrap of paper which happened to be among some old papers bought by his cousin. If to all this be added the facts that since the commission of the crime he has frequently seen Guénot, Richard, Couriol, and Bruer; that he has seen them all the time until their departure for Château-Thierry; that since their return from there he has never left Guénot; and lastly that he is living in Paris at considerable expense and beyond his means, such as they are known to have been at Douai, his native town, where he alleges that he had made a fortune by buying and selling national property since the revolution; considering all these facts there can be no doubt that he is one of the murderers of the courier of the mail and the postilion Audebert, or at least an accomplice of the murderers, sharing with them in the fruits of the crime.'

A further description of Lesurques is given at the end of the Act of Accusation:—

'Joseph Lesurques, sergeant in the Auvergne regiment in 1790, claims to have made, by buying and selling national property, a considerable fortune, which he estimates as bringing in an annual income of 10,000 livres in specie, but his claim is refuted by the authorities of his native town, who say that he has made a fortune sufficient to live comfortably whilst working, and for the rest describe him as a man of no character and very extravagant. Joseph Lesurques is found at Paris without legal status, and his situation

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is so dubious that he has neither passport nor identification paper, and therefore cannot claim to be a citizen of Douai or Paris.'

In many respects this Act of Accusation is unfair in its presentation of the case against Lesurques. The spur found on the scene of the crime is assumed to have been his, but there was no evidence to prove it; Lesurques said that he had not used a spur for a year, and that his own were old and without springs. It is said that 'there was no proof' of the alibi set up by Lesurques, whereas he had sixteen witnesses ready to come forward and support it. He is described as having been frequently in the company of Couriol, but Lesurques said that he had met him only on one occasion, at breakfast at the house of Richard, where his friend Guénot was then lodging, nor was there any evidence to contradict this statement. His financial position is misrepresented. Lesurques' fortune after his death amounted to 185,000 francs. His character is traduced. Twenty-one respectable inhabitants of Douai, including two commissaries of police, had signed a document stating that they knew nothing against the moral or political character of Lesurques, but on the contrary, knew him to be an honest man above all suspicion. An official report on his character, coming from Douai, described him as honest and capable, very sociable and generous to a fault, and possessed of a substantial fortune; the only qualification to this otherwise satisfactory character was a tendency on the part of Lesurques to familiar association with actresses, to enjoying parties on horseback, and to a certain extravagance, which might one day compromise his fortune. In the Act of Accusation, the favourable features in the character of Lesurques are entirely suppressed, and the unfavourable given exaggerated prominence.



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On the strength of this indictment, the Jury of Accusation sent all the accused for trial before the criminal court of Melun, but the prisoners, availing themselves of a right of choice, elected to be tried before that of Paris. Impatient of delay, Guénot and Lesurques petitioned the Minister of Justice, Merlin of Douai, that the trial of the case might be expedited. They pointed out that for three months they had suffered the horror of imprisonment under the weight of an atrocious accusation. Strong in their innocence, they had sought the fullest investigation, but their prayers had not been heeded. Though ten days had elapsed since they had been sent for trial, they complained that they had received no notification of the fact which, according to law, they should have received within twenty-four hours of the decision of the jury. 'In this situation' wrote the petitioners, 'from their prison cell they address you as head of the administration of justice, and though they might ask for your consideration as fellow-citizens, it is not a favour they seek, but a right. The hour of their trial, or rather the moment when their innocence will be acknowledged and declared, cannot without injustice be further delayed.'

The trial was fixed to take place on August 2nd. During their detention, Lesurques and Guénot had held themselves studiously aloof from their fellow-prisoners. A royalist officer, detained as a prisoner in the Conciergerie, relates how he got to know Lesurques by the visits paid him daily by his wife and little children. On the first day of the trial, he describes how Lesurques, as he passed through the prison on his way to the court, knelt down and clasping his hands together exclaimed, 'God! thou knowest my innocence; I hope that thou wilt make it known!'

The presiding judge at the trial of Lesurques was Jerome Gohier, formerly an advocate, a staunch and

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unbending supporter of the revolution. He afterwards became a member of the Directory and was one of the few who, during the *coup d'état* of Brumaire, had the courage to stand up to Bonaparte. Severe, uncompromising and honest in his principles, he was not a man of the world and, as the trial of Lesurques showed, lacked altogether the judicial temperament. It would have been more fortunate for Lesurques had he been tried before Laurent, the colleague of Gohier in the criminal court, conspicuous as a judge for his fairness and impartiality. Lesurques was defended by one Guinier. The order of advocates had been suppressed during the revolution, but prisoners were allowed an 'official defender.' Guinier, who represented Lesurques in that capacity, had not been an advocate before the suppression of the order, nor did he become one when, eight years later, it was restored to its privileges.

There is no full report of the trial of Lesurques; only certain incidents are described which stand out clearly as affecting the result. The first day of the hearing was taken up with the evidence of identification, and, except for the fact that the woman Grosse-tête was unable to come to the court, that evidence remained as serious as ever against Lesurques. His great hope lay in being able to prove his alibi. It was on the second day of the trial that the witnesses for the defence were heard. The first of these, called on behalf of Lesurques, was his friend, the jeweller Legrand. He said that Lesurques had spent the morning of the 8th Floréal in his shop, and that they had been there together from about half-past nine in the morning until between half-past one and two in the afternoon. Asked by the judge how he was able to fix so precisely this particular day, he said that he recollected that on the same day he had sold some ear-rings and a silver spoon to a fellow-jeweller of the

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name of Aldenhoff, and that his day-book showed the transaction to have taken place on the 8th Floréal. The judge asked for the book. The defender of Lesurques handed it up to him. Gohier examined it closely and then exclaimed indignantly, that here was a clear attempt to deceive the court; the book showed that the original figure of the date of the entry had been a 9, and that this had been deliberately changed into an 8. Lesurques and his defender looked again at the book and were obliged to admit that the judge was right; the figure had been altered, though the fact had until then escaped their notice. The indignation of Gohier was extreme. On the application of the Public Prosecutor, the trembling Legrand was placed under arrest, and in these unfavourable circumstances the remaining witnesses for Lesurques were examined.

Hilaire Ledru, the painter, said that he had dined with Lesurques and his family during the afternoon of the 8th Floréal, and that in the evening, after dinner, they had walked on the boulevard. Aldenhoff, who had dined with Lesurques the same day, confirmed this evidence, as did one Baudart, who had supped with Lesurques that night. Five workmen who had been engaged in papering the walls of Lesurques' new house, were ready to swear that Lesurques had given them a gratuity on the day of the 8th Floréal, but the judge scouted their evidence. The appearance in the box of the mistress of Lesurques, Eugénie Dargence, did not help his case. She said that she had seen Lesurques during the evening of the 8th Floréal, and that she could not be mistaken, because for some months she had been in the habit of seeing him every day. The judge made her admit that she did not know the names of the months which, in the revolutionary calendar, came before and after Floréal, nor how many days there were in the months. So rough was the

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President's treatment of the witnesses for the defence, that one of them, sworn in the usual form to give his evidence 'without hatred' said to him, 'Yes, Citizen President, and what is more important, without fear, in spite of all that is being done here to intimidate the witnesses.' The day ended disastrously for Lesurques.

The next day he fared little better. Legrand, between two gentlemen, was brought before Gohier. Asked if he persisted in his original evidence, he replied: 'I withdraw my previous statement. It was founded on the false date in my book, of which falsification I only became aware after my first deposition. This book is always on my counter, and I can say positively that neither my wife nor I made the alteration. If I had noticed it, I should not have given the evidence I did. I was absolutely ignorant of it, and cannot think how the change came to be made. But I swear I did not make it. I did not make the alteration. I have simply been mistaken; who is responsible for it I don't know.' The judge asked him if some of the witnesses for the defence had not based their evidence on this book. Legrand answered that he knew that Ledru and Aldenhoff had relied on the date as given in the book, and he believed that Baudart had done the same. 'And no one had noticed the alteration?' asked the judge. 'No one,' replied Legrand. Then Gohier turned to Lesurques. 'What is your income?' he asked. 'Twelve to fifteen thousand francs,' replied Lesurques. The judge suggested that this income was in the comparatively worthless form of assignats, the paper-money of the Republic. 'No,' said Lesurques, 'in cash and rents.' Gohier turned to the jury. 'We are asked to believe,' he said, 'that crimes are committed only by the poor, but, if the lesser crimes are committed by the poor, the greater are the work of

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the rich.' A more grossly unfair remark, coming from a judge, it is difficult to imagine. Gohier asked Lesurques if he had anything to say on the subject of the change of the date in Legrand's book. 'I ask the jury,' replied Lesurques, 'to consider as not given such evidence as has been based on the false date.' This request practically destroyed for Lesurques the value of his alibi.

Guénot had been more fortunate. He had found a police official, who swore that he had spent the night of the 8th Floréal at his house. Some stains on a sabre found in his possession were declared not to be blood.

The Public Prosecutor, in his speech to the jury, dwelt more particularly on the guilt of Lesurques, who, he said, was not only a thief and a murderer, but a forger and suborner of false evidence. Guinier, in his defence, urged that the alteration in the ledger was only an innocent mistake, and the fact that the original figure could be detected a proof that there had been no attempt at fraud. And so the third day of the trial closed. The next day Gohier was to sum up the case to the jury. Lesurques could hope for little from his judge.

At ten o'clock on August 5th, the President delivered his charge. It was markedly and unfairly hostile to all the prisoners, and more particularly to Lesurques, whom the judge seemed to regard with peculiar resentment as the greatest of all the criminals. The injustice, prejudice, and arrogance displayed by Gohier in his charges to juries had become a subject of public comment. An honest man by nature, where his personal opinion was concerned he was positive, self-satisfied, and dictatorial to a degree that unfitted him altogether to perform the functions of an impartial judge; his overweening confidence in himself was shown in his publishing, at the end of his life, a

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volume of autobiography entitled: *Memoirs of an Irreproachable Veteran of the Revolution*. His treatment of the evidence of the workmen in Lesurques' house, who were prepared to support his alibi, was characteristic. The jury were undoubtedly impressed by their testimony, but no sooner had it been given than Gohier, by an insidious speech, did his utmost to destroy that impression in their minds. 'The inconsistencies,' wrote Guinier who defended Lesurques, of the President's observations to the jury were striking. He spoke last; he argued when he should have confined himself to a simple summing up of the case; and, as the hearing was ended after his charge, neither the prisoners nor their defenders had any opportunity of pointing out his mistakes. I believe the institution of the jury to be favourable to the accused; but I am none the less persuaded that it can bring about the condemnation of an innocent man, above all when the rules that should protect him are disregarded, when the judge, instead of being impartial, betrays obstinacy and prejudice, and when the accused is treated with a harshness which the law forbids, and proclaims him guilty before he has been convicted. The trial of this shocking case disgusts me; my heart stands still; I have to master my indignation.'

The jury retired at two o'clock in the afternoon and were out six hours. They cannot have found it easy to come to a decision in spite of the partial attitude of the judge. At eight o'clock they returned into court. They found Couriol, Lesurques, and Bernard guilty of actual participation in the attack on the mail, and the murder of the guard and postilion, Richard guilty of having received some of the proceeds of the crime, knowing them to have been stolen, and acquitted Guénot and Bruer. Lesurques, on hearing the verdict, said: 'Undoubtedly the crime of which I am accused is a terrible one and deserves death. But if it is a

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dreadful thing to commit murder on the high road, it is no less dreadful for the law to strike an innocent man. The day will come when my innocence will be admitted, and on that day my blood will be on the heads of the jurymen who have thoughtlessly convicted me, and the judge who persuaded them. Immediately after this, Couriol rose to his feet and exclaimed: 'Lesurques and Bernard are innocent; Bernard only lent the horses; Lesurques has had nothing to do with the crime.' Couriol, Lesurques, and Bernard were sentenced to death. As she heard her husband's sentence, Madame Lesurques with a loud cry fell fainting to the ground. Richard was sentenced to twenty-four years' imprisonment in irons. The royalist officer in the Conciergerie saw the prisoners as they left the court after their condemnation. He heard them protesting the innocence of Lesurques; 'the recollection of that unhappy man will never fade from my memory; I cannot think of it without a shudder.'

In one case at least, that of Couriol, the verdict of the jury was just. His guilt never could be, and never has been, doubted. Apart from the evidence of identification, the admissions of his mistress, his possession of part of the proceeds of the robbery, his bringing back the four horses the following morning, his failure to establish anything in the nature of an alibi, all these circumstances were sufficient to establish his guilt in the eyes of a jury. After the trial he admitted it.

How far were the jury justified in returning a verdict of guilty against Lesurques? He had been identified at the trial as one of the four horsemen, seen at Montgeron and Lieursaint on the day of the crime. Nine witnesses, six positively and three doubtfully, swore to the fact at the trial. If the four horsemen were the murderers, then he was identified as

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one of them by a greater number of witnesses than those who had identified Couriol. There were discrepancies in the evidence of these witnesses against Lesurques, notably in the description of his dress. Three of them had with equal assurance identified Guénot whom the jury had acquitted. No doubt, skilful cross-examination would have considerably shaken the value of their evidence. But in the absence of that, it may well have left on the minds of the jury the impression that, of all the prisoners, Lesurques had been identified most decidedly as one of those seen in the neighbourhood of the crime on the afternoon and evening of the 8th Floréal. It was true that none of the proceeds of the crime had been traced to him, that there was no evidence that the mended spur found on the scene of the crime was his, that it was extremely improbable that, if he were a guilty man, he would in the first instance have accompanied Guénot to Daubanton's office, and that his financial position, which was never put fairly and fully before the jury, failed to suggest a plausible motive for the crime. At the same time the collapse of the most important part of his alibi could not fail to be very damaging to his case. It is difficult to understand the mystery of the altered entry in Legrand's book, nor has it ever been thoroughly elucidated. How came it that neither Legrand, nor the defender of Lesurques, nor any of those through whose hands the book passed, had noticed the alteration in the date? It was not detected until the book was handed to the judge. The very fact that the change of figure was unquestionable and obvious to the judge would seem to negative the suggestion of deliberate fraud. Every one seems to have lost his head as soon as the incident happened. On Gohier, the effect was to make him even more unfairly hostile to Lesurques than he had been before. Legrand himself was terrified. Guinier, who defended



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Lesurques, would have been perfectly justified according to French practice in asking for a short adjournment, to give time for calmness to be restored and the sudden indignation against his client appeased, nor should he have allowed Lesurques to renounce altogether the evidence of Legrand because of what might well be considered an innocent mistake. But Guinier was not a practised advocate; otherwise he would have realised the danger of calling the mistress of Lesurques as a witness on his behalf. Badly defended, with a judge dead against him, this incident of the jeweller's book would have told far less seriously against Lesurques had his case been conducted by an experienced advocate and tried by a just judge. If the alteration in the book had in the first instance been made perfectly honestly by Legrand himself, he was apparently too terrified to admit it at the trial. The poor man was thoroughly frightened by the attitude of Gohier. He must have been a person of weak nerve; after the trial his share in the condemnation of Lesurques so preyed on his mind that he was shut up for a time in a madhouse.<sup>1</sup> His statement that the evidence of certain friends of Lesurques had been based on the entry in his book went far to discount the evidence of Hilaire Ledru and others, while the evidence of the workmen at Lesurques' house, which was quite independent of the incident of Legrand, was dismissed by the judge. Under these

<sup>1</sup> According to Guinier the attitude of Legrand at the trial had been different from that described in the report of the case. 'I do not know,' he writes, 'what Legrand may have said in his defence after he had been arrested on a charge of forgery. If contrary to the truth he has since stated that the entry in the book had been altered in his shop without his knowledge; if this has been suggested or has occurred to him as the only means of escaping from a criminal prosecution, it is none the less true, and I attest the truth of the fact, that at the trial he swore to the original date. He denied that any act of forgery had been committed, and said that, if there had been an alteration, it must have been at the time the entry was made, and persisted in the date of the 8th Floréal as being the date in question.'

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circumstances, considering the evidence of identification, the breakdown of his alibi, the weakness of his defence, and the partiality of Gohier, the verdict of the jury against Lesurques is intelligible, if not justifiable.

The conviction of the Jew, Bernard, as an actual participant in the crime is more difficult to understand. Only two witnesses, both of whom also identified Lesurques and Guénot, swore to Bernard as one of the four horsemen. The fact that he lent the horses ridden by the murderers, though afterwards admitted, was by no means established by reliable evidence. 'It is proved,' says the Act of Accusation, 'and he himself admits, that a short time before the crime he had lent Couriol a black horse; this very horse is described by a number of witnesses as being one of those ridden by the murderers of the courier, and the accused admits that on the 13th Floréal, four days after the crime, he disposed of it by sale. According to the description of horses at that time in Bernard's possession, everything points to the presumption that the black horse was not the only one which he lent for the purpose of the enterprise.' That Bernard knew Couriol well, and had financial dealings with him after the crime, was proved, but there was little enough proof that he was one of the murderers, and only suspicion to point to him as accomplice after the fact. Bernard, like Lesurques, was in a better financial position than the rest of the accused, and therefore less likely to be attracted by the motive of gain.

The intimacy of Richard with Couriol, the fact that he and his wife, in spite of their humble circumstances, were found in possession of money, silver, and jewellery, his aiding Couriol after the crime to obtain a passport, these circumstances lent colour to the supposition that Richard had profited by the crime.

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It was by lodging in the house of this dubious person that Guénot had become involved in the case, and it was owing to his friendship with Guénot, that Lesurques had breakfasted on one occasion at Richard's house in the company of Couriol. Guénot had been acquitted by the jury owing no doubt to the satisfactory nature of his alibi; but four of the witnesses, who were positive in recognising Lesurques as one of the four horsemen, had been equally positive in recognising Guénot.

The philosophical Bruer took his acquittal with the same polite fatalism with which he had greeted his arrest. Three witnesses had identified him as one of the horsemen, but beyond a certain dog-like devotion to Couriol, there seems to have been nothing to connect him in any way with the crime.

The conviction of Lesurques had produced a certain feeling of uneasiness in the public mind. The want of fairness with which the case had been tried, the assertion by Couriol of Lesurques' innocence made men suspect the possibility of a grave judicial error. It was said that while the jury were out considering their verdict, Madeleine Bréban, the mistress of Couriol, had forced her way into the private room of President Gohier and told him that Couriol and four other men, who had not been arrested, were the real murderers, that Lesurques was innocent, and that the witnesses who had identified him had mistaken him for a man named Dubosc, one of the murderers, to whom he bore some resemblance. On the day following his condemnation, Couriol sent for a magistrate and reiterated his statement that Lesurques, Bernard, and Richard were innocent. The real criminals, he said, were Dubosc; a man named Vidal alias Lafleur, from Lyons; Roussi, an Italian; and one Laborde, whose real name was Durochat. On September 27th, Couriol sent a letter to the Directory.

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Unable to write himself, he had dictated it to the clerk of the Bicêtre prison. It ran as follows:—

‘CITIZEN DIRECTORS,—Am I then to add to my guilt that of a double murder? The absolutely true statements that I have made repeatedly since the day of my condemnation have failed hitherto to secure justice for two innocent men, who are the victims of an error. May I hope that at any rate you will avenge their deaths by giving peremptory orders to find the four persons whom I have described as my accomplices; in the interest of society you should do this. The girl Bréban, with whom I lived, knows them well and all the details of the crime. Before these unfortunate men, who are to be sacrificed so inhumanly, had been put on their trial, she told the Commissary at Melun that of the six people arrested, I alone was guilty, and only her inexcusable timidity prevented her from saying the same thing before the Court.

What further proofs do you ask of me, citizen Directors, to convince you of the melancholy truth of my statements? Consent to hear me, and I will give you all the information I can. In any event, the truth cannot fail to come out, and perhaps in only a little while you will acknowledge it. But then it will be too late; the innocent will have perished—yes, the innocent, I shall not cease to proclaim it to my last hour. I rely, citizen Directors, on your justice and humanity.’

On the strength of this letter a statement was taken from Madeleine Bréban. She said that before the day of the crime, Vidal and Roussi had come often to Couriol’s lodgings, and Dubosc a few times, that Lesurques had never been there, and that she had only seen him once, at the house of Richard after the crime. She spoke of his likeness to Dubosc. She gave

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a full description of Vidal, Roussi, and Dubosc, and described how, after the murder, Couriol had gone to Dubosc's lodging where she had brought him a change of clothes. Two witnesses spoke to similar statements made to them by the girl Bréban; and the man in whose house Vidal had lodged described three men who had frequently visited his lodger, not one of whom answered to the description of Lesurques.

On October 8th, the Court of Cassation rejected the appeal of Lesurques against the judgment of the Criminal Court. The execution was to take place on the 19th. The only hope now lay in an appeal to the Directory for a reprieve, in order that the statements of Couriol might be further investigated. On the day before that fixed for the execution of the condemned man, the Directory sent a message to the Council of Five Hundred, one of the legislative bodies under the new constitution, asking them to consider the case of Lesurques and, if they saw fit, delay the execution until the question of his alleged resemblance to one of the actual assassins could be more fully investigated. The Council agreed to a respite, and appointed a committee of three of their number to examine into the whole case. The same day Couriol addressed a second letter to the Minister of Justice which was communicated to the Committee of the Council:—

‘The woman Bréban who has shared in the proceeds of the robbery, has made a statement similar to mine, saying that she did not know the citizen Lesurques; she has even gone so far as to name the real criminals; she knows them all, but she has not seen and does not know Lesurques. It is astonishing that you have not arrested the girl Bréban; she could have given you information and facts that would have cleared up this

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case. It is the fact that I am the only one of the prisoners here in Bicêtre who took part in this crime; the others are innocent. I beg you in the name of justice and equity to arrest and examine this girl Bréban; she will tell you who are the real criminals. . . . She has said that the division of the booty took place at the lodging of Dubosc, who is still in Paris. The guilty men are at liberty in Paris, while the innocent are about to die on the scaffold. I do not pretend to be innocent myself, but by all that is most sacred, I swear that Lesurques is innocent, and Bernard and Richard also. Justice commands you imperatively to examine carefully my statement and take every step to see that justice is done to those who deserve it.

I affirm that I have never known Lesurques; I only saw him once in my life, and that by accident, at the house of the citizen Richard; he came in while I was there; this was on the 12th Floréal, year IV., at eleven in the morning. I never saw him again until I was in prison with him. My statements have never varied as to this fact, which is the whole truth and nothing but the truth.

Innocent men have been imprisoned because of their association with me, a reproach I cannot endure. Justice, good sense, duty, all these make it imperative that you should look closely into this case. I have told you of the girl Bréban; she will tell you what has become of the chief culprit, one Dubosc, who bears an extraordinary likeness to Lesurques; you cannot allow the perpetration of such a dreadful act of injustice.'

The life of Lesurques hung on the decision of the Committee of the Council; they gave six days to the consideration of the case. On October 26th they presented their report. It had been drawn up by a distinguished lawyer named Siméon, who afterwards

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held a number of high legal appointments during the Empire and the Restoration. It was in no sense a close or reasoned review of the evidence and proceedings in the trial of Lesurques. To some extent, it was a defence of the system of trial by jury, introduced recently into French criminal procedure, with the working of which Siméon had himself been closely associated. 'In reviving the time-honoured institution of the jury,' said the report, 'the representatives of the people thought that they had done their utmost to ensure the discovery of the truth in criminal cases. But a recent case would seem to have belied the hope of our legislators. It may be that a cunning combination, a friendly conspiracy between a convict and his accomplices, has laid a trap for your sensibility; no matter: better convince ourselves that we have been deceived than refuse, from fear of such a thing, to seek the truth, and so expose ourselves after to regret. We shall account the 27th Vendémiaire as one of our happiest days, if it has been the occasion of saving the life of an innocent man.'

After setting forth the statements of Couriol, and those who had corroborated him, the reporter said:—

'Your committee asked themselves what value was to be attached to the more or less repeated statements of a convict in favour of his fellow-convicts. The answer is not difficult. Who is the condemned man who, for a sum of money, for his family or even from a motive of goodwill that would cost him nothing, would hesitate to try to save an accomplice, whose death could be of no service to him and would not prevent his own? Such a consideration might form the basis of a regular agreement between criminals; they would decide beforehand which of them in the event of their conviction, was to be declared innocent.

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Who is the condemned man, who, having exhausted all legitimate means of defence, would hesitate after his conviction to procure fresh witnesses, which he could do the more easily if he were rich, and if he had been concerned in a robbery such as this, the booty from which runs into seven million livres in notes, thirteen thousand in cash, and a large quantity of bills and orders? What difficulty would such a man have in reviving in the public mind those points in his favour which had been examined and rejected by the jury at his trial?'

The suggestion in this passage from Siméon's report that Lesurques and his friends had resorted to bribery to procure the statements of Couriol and others has been urged often by those who disbelieve in Lesurques' innocence. But no tittle of evidence has ever been produced to justify such a suggestion. It is assumed in the report that Lesurques was in possession of a part of the proceeds of the robbery, but no part of them had been traced to him. As, after his trial, the whole of his property had been confiscated by the State, his family can have had but little means at their disposal with which to buy evidence on his behalf.

Nor is it easy to see how Couriol, who had apparently no relations and had been thrown over by his mistress, could have profited by such a bribe. At most he could have hoped to delay his execution; mercy was not likely to be extended to him.

The reporter goes on to ask why Bernard and Richard, though declared by Couriol to be innocent, have not joined with Lesurques in appealing to the Directory. The question, though hardly relevant to that of the guilt or innocence of Lesurques, is interesting. The imperfect report of the trial makes it impossible to determine what was the real strength



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of the cases against Bernard and Richard. If Bernard lent the horses used by the murderers, it is possible that he did not know the purpose for which they were to be used. If some of the stolen property had been traced to Richard, it did not prove him to have been an accomplice in the actual crime, nor even to have had a guilty knowledge of whence the property came. If Couriol had deceived both Bernard and Richard as to the criminal character of his enterprise, it is natural that he should have been anxious to proclaim their innocence along with that of Lesurques. The superior social position of Lesurques and the great interest excited by his conviction, explain sufficiently why he was able successfully to petition the Directory, whilst Bernard and Richard, arousing little interest, were left to their fate.

Having dismissed the statements of the 'atrocious' Couriol as unworthy of reliance, the reporter dealt next with the case against Lesurques as presented at the trial. Accuracy was not an outstanding feature of his examination. He stated twice over that eighty witnesses had been examined on behalf of Lesurques, whereas sixteen was the correct number. He described Lesurques as 'rotating' around Daubanton's office; but there was no evidence of his having gone there except on the one occasion, at the invitation of Guénot. He emphasised the importance of the evidence of identification, and was duly severe on the attempted alibi. But no comment was made on the partial and indefensible attitude of the judge, nor on his uncompromising rejection of such evidence of the alibi as was independent of the entry in Legrand's book. Siméon held that Lesurques had been properly convicted, and that to interfere with the verdict of the jury in his case was to strike at the very foundations of justice, to secure impunity for the guilty, and deliver over society to the mercies of scoundrels, justice to

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derision. 'The Council,' he contended, 'had no right to constitute themselves a court of appeal after a case had been tried by a jury and the Court of Cassation.' 'By setting yourselves up,' he concluded, 'as a court of equity, are you prepared to give every convict the right to appeal to your mercy, as formerly he appealed to that of the prince? Like him, you would find yourselves flattered and deceived, and, by substituting goodwill and sentiment for the forms of law, you would set up an arbitrary authority, which the passions of men would seize on as an excuse for even less justifiable innovations.'

The Council, after hearing Siméon's report, passed to the order of the day. The fate of Lesurques was sealed. During the following three days, desperate efforts were made by his defender, his family and friends, to avert his doom, but they were fruitless. The execution was fixed for October 30th.

Lesurques spent his last day on earth in settling his affairs, and bidding farewell to his wife and children, and those of his friends who had remained faithful to the end. In drawing up a list of his debts he mentioned a sum of eight louis due to citizen Legrand, 'who has contributed a little towards my murder; but I forgive him as I do all my murderers and executioners.' To his wife he wrote:—

'MY DEAREST,—When you read this letter, I shall have ceased to be. A cruel knife will have cut the thread of my days which should have been yours, and which I had been so happy to devote to you. But we cannot escape our fate. I am to die the victim of a judicial murder. I have endured my lot with the firmness and courage to be expected of me. May I hope that you will do the same? You will have more than one reason to support you. Your life is not yours alone; you owe it to your children and, if his memory be dear to you, to your husband. I have no other

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hope. I bid you an everlasting farewell; rest assured that my last thought will be of you and my unhappy children.

‘J. LESURQUES.’

Dressed in a suit of white, Lesurques went to the scaffold with Couriol and Bernard. On the way to the scaffold, Couriol pointed repeatedly to Lesurques and shouted to the crowd, ‘I am guilty, but Lesurques is innocent, Lesurques is innocent!’

The night before his execution, Lesurques had written a letter, which he asked to be inserted in the newspapers. It was addressed to Dubosc, the man whose likeness to himself was, according to the statements of Couriol and his mistress, the cause of his death:—

‘You in whose place I am to die, rest satisfied with the sacrifice of my life. If ever you are brought to justice, think of my three children covered with shame and their mother’s despair, and put an end to the many miseries caused by our fatal resemblance.’

## II

### DUBOSC

Nine days after Lesurques had met his death, Siméon, the reporter to the Council, received a letter from a lawyer at Besançon. The writer described how, some two years before, he had acted for a merchant who had been robbed in an inn at Besançon, of a large sum of money. He had succeeded in finding the criminal, and procuring his arrest. The robber had been sent to Lyons to be tried, but on the day before

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that fixed for his trial, had escaped from prison. He had been sentenced in his absence to fourteen years' imprisonment, and it appeared that he had already received a similar sentence from the Paris Criminal Court. This daring robber, said the writer of the letter, was no other than Dubosc:—

‘ This Dubosc had chestnut-coloured hair and wore a blond wig. His hair was smooth in front and worn long behind. I found a black wig in his trunk. He was in the habit of changing his wigs as a means of disguise. He was wanted for a variety of thefts and robberies; he was an artist in crime, and since his arrest, whenever I have heard of any great crime, whether at Lyons or Paris, I have always believed him to be the author. When I read your report in the *Moniteur*, I at once recognised the description of this Dubosc.’

The lawyer described Dubosc as capable of any crime; since his escape the ruffian had written him violent and threatening letters. ‘ You will find this letter rather careless in arrangement,’ he concludes, ‘ but I am writing under the stress of the emotion caused by reading your report and the sudden recollection of Dubosc. The fate of Lesurques has moved me to tears. What a victim of human error! But do all you can to rehabilitate his memory. It is the only poor consolation left to his family.’

Siméon took no notice of this letter. It was not until 1832 that it was found among the archives of the Ministry of the Interior. But it serves to usher in the appearance on the scene of the arch-criminal, who had been the head and front of the robbery and murders for which Lesurques had suffered, and was alleged to bear so strong a resemblance to him as to have caused the various witnesses to identify Lesurques

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as present at Montgeron and Lieursaint on the day of the crime. Dubosc was thirty years of age, a blond, fresh-complexioned, gray-eyed, well set-up fellow, from his youth devoted to crime. Before the Revolution, he had been condemned to the galleys for life for robbing the Archbishop of Besançon, in whose service he had been apprenticed as a cook. Soon after his sentence he contrived to make his escape. After the Revolution he received three other sentences of imprisonment for various acts of robbery, and, with a skill and daring worthy of Jack Sheppard, on each occasion avoided his punishment by breaking out of prison. After the affair of the Lyons mail, Dubosc lay low in the neighbourhood of Paris with his mistress, an ugly, long-faced, pock-marked woman, who, like her lover, was in the habit of wearing a blond wig. Dubosc had the audacity to attend the trial of Lesurques and witness the condemnation of an innocent man for a crime which he had himself committed, as in later years his worthy compeer, Charles Peace, had been present when William Habron was sentenced to death at Manchester for the murder of Constable Cock. Learning of the efforts that were being made by Daubanton and the family of Lesurques to track him down, Dubosc made a determined attempt to break into the house of the widow of Lesurques and wreak vengeance on her for her endeavours to vindicate her husband's memory. Such was the answer of this truculent ruffian to the letter, in which Lesurques had appealed to him to rest content with the sacrifice of his life, and spare his wife and children further misery.

The family of Lesurques had found an unexpected and ardent supporter in Daubanton, the magistrate in whose office Lesurques had been arrested. Daubanton had come to believe that the unfortunate man, whom he had had sent for trial for murder, was

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innocent, and that the statements of Couriol were substantially true. He made it henceforth his business to find and bring to justice the four men whom Couriol had described as his accomplices. In spite of the threats of Dubosc he persisted in his determination.

The first of the criminals on whom he succeeded in laying hands was Durochat, who, under the name of Laborde, and with a passport procured by Dubosc, had travelled as the solitary passenger in the mail. In March 1797, Daubanton found this Durochat serving in Paris a sentence of imprisonment for theft. A hatter by trade, Durochat had become an habitual criminal; but he was not of the stuff of which great criminals are made. The disorders of the Revolution had tempted him from the path of honest employment, and, from weakness of character more than innate villainy, he had drifted into association with undesirable persons. Identified as the passenger in the mail-coach by those who had been present when it left Paris, and at the first change of horses on its journey, haunted in his dreams by the recollection of the crime, Durochat determined to make a clean breast of his guilt. According to his statements it was Dubosc who had first proposed the enterprise to him. Couriol, Vidal, and Roussi were their confederates. At first there had been no intention of killing the guard and postilion, but a certain liveliness of temperament on the part of Roussi, the Italian, had led to the catastrophe. Durochat said that he had heard that a man named Lesurques had been convicted as one of the assassins; but he had never at any time seen nor heard of such a man; those he had named were the only participators in the crime. The spur found on the scene of the murders belonged, he said, to Dubosc. The day after the crime, Dubosc had told him that he had lost a spur, which had been broken and mended during the ride to Lieursaint, and that

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he had thrown away its fellow in the closet of his lodging in Paris.

At the time that Durochat made his confession, it so happened that Dubosc and Vidal had fallen into the clutches of the law. Dubosc had been arrested for a petty theft in the department of the Allier, whither he had fled from Paris. Vidal was awaiting trial for other offences in the Sainte Pelagie prison. Confronted with Durochat, Vidal denied all knowledge of him, or participation in the affair of the Lyons mail. Vidal was a dark-haired man, with a pluffy, pock-marked face, shifty gray eyes and black whiskers. He was a native of Lyons, and had been sentenced, two years before the affair of the mail, to twenty-four years' imprisonment and six hours in the pillory for robbery with aggravated violence. He had escaped from prison, and with Dubosc, had, according to the treatments of Durochat, played a leading part in the organisation of the attack on the mail. But at the trial of Durochat, which took place before the Versailles Criminal Court on April 7th, 1797, Vidal stoutly denied all knowledge of his accuser. Durochat was convicted of murder and sentenced to death.

After his condemnation, Durochat was sent to Melun to be confronted with Dubosc. The two men were allowed to travel in the same carriage. When they arrived at their destination, Durochat, while persisting in his accusation of Vidal, said that he could not recognise Dubosc, that it must have been another Dubosc who had been his accomplice. This sudden recantation was merely a striking tribute to the dominating personality of Dubosc. On July 12th, the day of his execution, Durochat made a final declaration to the commissary of police. 'In a trembling voice and with every mark of genuine sincerity,' he said:—

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'I want to speak a last word from no motive of hatred or revenge. We were only five concerned in the crime: Vidal and Dubosc who went with me to Melun, and are now in prison there, Couriol and Roussi, the one already executed, the other now in Milan, and I, Durochat. Lesurques and Bernard died innocent. Bernard only lent the horses, he did not know their destination and took no part in the crime. If I refused to recognise Dubosc at Melun, it was because I had no money and Dubosc told me through Barthelet, the jailer at Melun, that if I would say I could not identify him, he would give me as much money as I wanted. I then said that I could not identify Dubosc, and he sent me all the money I needed; Barthelet brought it to me on different occasions. This is the absolute truth.'

Dubosc and Vidal were determined not to face their trial if they could avoid it. As practised prison-breakers—a comparatively easy accomplishment in the lax state of discipline in the French prisons of that day—they had little difficulty in effecting their purpose. At the first attempt Vidal got away, but Dubosc fell and broke his leg. A few months later, with the help of some of the other prisoners, Dubosc, to the surprise of his warders, succeeded also in regaining his freedom.

In April 1798, Vidal was retaken, and on the 9th of September brought to trial at Versailles. A certain number of the witnesses from Lieursaint and Montgeron, who had sworn at the trial of Lesurques to the identity of the four horsemen on the 8th Floréal, recognised Vidal as one of them, and some of them stated that they had mistaken Guénot for him; both Guénot and Vidal are described as having their faces marked with smallpox. The positive statements of Durochat, the inability of the prisoner to establish a



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satisfactory alibi, the evidence of the man in whose house he had lodged at the time of the robbery, and the obvious untruthfulness of his attempts to controvert convinced the jury of the guilt of Vidal. He was convicted of murder, sentenced to death and executed without making any confession or statement in regard to the crime.

Of the five persons alleged to have participated in the robbery of the Lyons mail, four had now been executed. According to the statements of Couriol and Durochat, one of these, Lesurques, was innocent, and Dubosc and the Italian, Roussi, were the two other criminals who had yet to be brought to justice. But at the trial of Vidal a new aspect had been given to the case, unfavourable, as it turned out, to the full establishment of the innocence of Lesurques. The witness Gillet, a keeper of cows at Lieursaint, said that on the evening of the 8th Floréal, the date of the crime, he had seen five horsemen, in two parties of three and two, pass in front of his house. Two years before at the trial of Lesurques he had mentioned only a party of three horsemen, of whom he said Lesurques was one, but at that time had said nothing of the two other horsemen, whom he now described as having followed the first party. If this statement were true, and these five men all members of the same gang, then six persons altogether had taken part in the crime, but it is at least singular that the witness should have taken two years to recall to his recollection this second party of horsemen. Two witnesses at the trial of Lesurques, Champault and his wife, had sworn to a party of four horsemen coming to their inn at Lieursaint and partaking of a meal, and had described how one of them, Couriol, had come back to fetch his sabre and give his horse some corn. Between the visit of the four and the return of Couriol, the couple said that two other horsemen had stopped

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half an hour at their inn to refresh themselves. In answer to a question of the innkeeper they said that they had nothing to do with the party which had just left, and asked the innkeeper, if he had heard of a recent attempted murder in the neighbourhood. If these two horsemen were accomplices in the crime, it would bring the number of the assassins up to seven, but, while the horses ridden by Durochat and four others, after the crime had been traced, no trace had been found of those ridden by the other two. Thus the only evidence suggesting that more than four horsemen comprised the party of the murderers who passed through Lieursaint on the 8th Floréal, is that of a witness who for two years had kept silent as to the fact, and that of the innkeeper, Champault, and his wife, to whom the two horsemen had denied having any knowledge of the party which had preceded them on the road. It will be seen, however, that when the number of those convicted of actual participation in the crime had swelled to six, this evidence was used as an argument to justify the inclusion among them of Lesurques.

Though living in Paris all the time with his plain but faithful mistress, Claudine Barrière, it was two years before Dubosc was re-arrested. During that period the impudent ruffian had written to the medical officer of the Versailles prison, from which he had escaped, giving him particulars of the gradual recovery of the use of his broken leg: 'After a month or two of clandestine exercise in my chamber, I am now able to walk about town without the help of a stick. No doubt with quiet and rest I shall soon make a complete recovery, thanking Heaven for having placed me in your hands and making gratitude towards you the first of duties. The invaluable man, whose art can preserve to us the use of the most precious of our limbs, in my opinion does a far greater service than

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our fathers who beget us in obedience to an instinct and method common to all animals.' The letter is dated from Paris. There, but for an anonymous betrayer, Dubosc and his mistress might have continued to live in immunity. On August 31st, 1800, a commissary of police, acting on information received, visited a house in the Rue d'Hauteville, where he found the mistress of Dubosc. She refused loyally to give any clue to her lover's whereabouts, but the next day Dubosc himself was arrested in a street close by and, bound hand and foot, taken to Versailles.

It was not until the following November that the preliminary inquiry into his case was completed. It had resolved itself as much into a question of the innocence of Lesurques as the guilt of Dubosc. Those witnesses who, four years before, had sworn to the identity of Lesurques, were now asked to say if they could recognise Dubosc as the man for whom they had mistaken him. Some of them had admitted already that they had mistaken Guénot for Vidal, and it was now suggested to them that they had made a similar error in regard to Lesurques. The two women, who had first in Daubanton's office pointed out Lesurques and Guénot as two of the horsemen, whom they had seen at Montgeron and Lieursaint on the 8th Floréal, said now that they could not identify Dubosc as one of them. One witness said that Dubosc bore some slight resemblance to Lesurques but that in certain respects, the shape of the nose, the fullness of the face and the colour of the hair, he differed from him; another that she could not recognise Dubosc as one of the two fair-haired men among the four who had taken coffee at her inn. The woman Alfroy said that Dubosc bore some resemblance to Lesurques, but was smaller in build, less pale in complexion, and fairer-haired; she could not swear to him as one of the four horsemen. She had heard, she

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said, that Dubosc was wearing a blonde wig on the day of the crime; if that were so, she would want to see Dubosc in a blonde wig. Gillet, the cow-keeper, could not identify Dubosc; he found him also smaller and not so fair-haired as Lesurques. For the same reasons, neither Champault nor his wife could recognise Dubosc as the man to whom they had given the string to mend his spur. Another witness, Perrault, who had dined at the inn at Montgeron with three of the horsemen, said that he could not identify Dubosc as one of them, that the colour of his hair, his complexion and features were quite different from those of Lesurques.

The evidence of these witnesses was disappointing to those who had expected to find, in the likeness between Lesurques and Dubosc, a conclusive proof of the former's innocence. It was said that the witnesses were terrified by the dire reputation and threatening demeanour of the redoubtable Dubosc, and that they had been told that, if they admitted that they had been mistaken in their original evidence, they would lay themselves open to an action for damages on the part of the family of Lesurques. There were now two parties in the case, the party of authority which, respecting the 'chose jugée,' looked with no favour on the attempts to upset the verdict of the Paris jury, and that of the adherents of the Lesurques family, headed by Daubanton, who were prepared to strain every effort to prove to the world the innocence of an unhappy victim of injustice. The zeal of Daubanton was indiscreet in the extreme; he had gone so far as to take away and destroy the day-book of Legrand, the jeweller, which had played so fatal a part in the conviction of Lesurques. But, whatever the influences to which these witnesses to identity may have been subjected, no great reliance is to be placed on their testimony given anew four years after

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the occurrence. Some of them had been proved to have been in error in their identification of Guénot; their evidence against Lesurques had never been very conclusive in character; evidence of identity has only too often been proved in the highest degree fallacious and deceptive. When it becomes a question of the identification of four persons, seen for a short space of time by untrained observers, it is obvious that such evidence can only be received with the greatest caution, and would have to be subjected to the strictest cross-examination before it could be accepted as conclusive testimony against an accused person.

The other evidence against Dubosc was directed to prove his association with Couriol and the three men, whom the latter had named as his accomplices in the crime. A servant of the Jew, Bernard, described how Couriol, Vidal, Roussi, and Dubosc had come to his master's house on the 8th Floréal and taken away four horses, which he found next morning breathless and exhausted in the stable. A jailer and three inmates of the prison at Versailles deposed to the frequent communications that had taken place between Dubosc and Durochat, while they were lodged there together. Richard, called at his own request, came from prison to describe how at a breakfast given by Couriol on the 13th Floréal, five days after the robbery of the mail, he heard Couriol, Dubosc, Vidal, Roussi, and Durochat disputing about a division of property, which had taken place recently at Dubosc's lodging. Madeleine Bréban, who since the death of Couriol had married a provincial executioner, said that she had frequently seen Vidal and Dubosc come to Couriol's lodgings, and that on the 9th Floréal she had taken a change of clothes to Couriol, who was hiding in the rooms inhabited by Dubosc and his mistress. The clothes-merchant in whose house Dubosc and Claudine Barrière had lodged

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at the time of the robbery of the mail, described how, about eight days after the 8th Floréal, they had suddenly disappeared, and how after their departure he had discovered a large hole made in the floor which contained a quantity of ashes. At the lodging inhabited by Dubosc and his mistress at the time of their arrest, there were found a large number of keys and burglarious implements.

Such was briefly the case against Dubosc. He replied to it by letters written from prison and a memorial which, before his trial, he addressed to his defender. He denied all knowledge of the persons with whom it was to the interest of the partisans of Lesurques to associate him, accusing Daubanton, and the family of Lesurques of wholesale corruption. He asked why Bernard's servant had not come forward before. He pointed out that, while honest witnesses refused to identify him as one of the murderers, the prosecution had to rely on the evidence of jail-birds to prove his association with Durochat, Couriol, and the others. Madeleine Bréban, he said, had been plied with drink by Daubanton in order to prime her up to give her evidence. He likened himself to the victims of the false conspiracies in the prisons, organised by Robespierre, but averred that his conscience was clear; it was disgrace, not the scaffold that he feared. The keys and implements found at his lodging he justified on grounds of pure patriotism. He had designed to go over to England, and there break into and blow up the magazines and arsenals of the hated enemy. He represented himself as 'the victim of an accursed cabal,' which since the death of Lesurques had plotted his ruin.

His trial took place at Versailles on December 19th, 1800, and lasted four days. It is not fully reported. It excited great interest in Paris. The question of the guilt or innocence of Lesurques had taken hold

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of the popular imagination; many hoped that the trial of Dubosc would result in the complete demonstration of the innocence of Lesurques. In that they were disappointed. Though a blonde wig was put on the head of Dubosc and his whiskers cut, though a bust and miniature of Lesurques were shown to the witnesses to identify, they would not go further than admit that in certain respects there was a likeness between Dubosc and Lesurques; they were not prepared to say that they had mistaken the one man for the other. On only one of them, the woman Alfroy, had the blonde wig a decisive effect. As soon as she saw Dubosc wearing it and compared him with the picture of Lesurques, she became troubled. Asked if she recognised Dubosc she said, 'Before the Paris court I identified Lesurques, but—but my conscience compels me to admit that I have been mistaken. I firmly believe that it was not Lesurques but Dubosc I saw on that occasion. Yes—I recognise him—I recognised him at Pontoise—I told the Director of the jury there.' The President asked the witness whether she had recognised Dubosc earlier in the trial, before he had put on the blonde wig. She said that she had. 'Then why,' asked the President, 'didn't you say so when you were called yesterday?' 'I didn't dare,' replied the witness. 'I need not point out to you,' said the judge, 'the seriousness of your statement. You must understand its importance. Think how irreparable may be its consequences. Probe your conscience to its depths. The moment is grave.' After a long pause, the woman answered, 'I adhere to my last statement.' Dubosc, who till then had listened unmoved, broke out, 'She is lying! This woman is lying. If she lied yesterday and lied at Pontoise four years ago, why shouldn't she be lying today? How do we know some one hasn't approached her since yesterday? She stayed at Versailles last night,

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and the friends of Lesurques have been hanging about the town in order to stifle the truth. If she hasn't lied, then all the others have, and why? I am a prisoner, they have nothing to fear from me. I am ruined, they can expect nothing from me. Why then should they lie? That woman is a liar! I hate her!'

The dramatic admission of the woman Alfroy did not serve with the jury to negative the evidence of the rest of the witnesses. After deliberating for two hours and a quarter, they found Dubosc not guilty of the murders of the guard and postilion of the mail, nor of participation in the actual robbery, but guilty of having artfully and with premeditation aided and assisted the perpetrators of the crime.

Dubosc was condemned to death and executed on February 23rd, 1801. He went to the scaffold without making any confession of guilt. His mistress, who had been tried with him, was convicted of having criminally concealed some of the stolen property, and sentenced to twenty-four years' imprisonment.

The conviction of Dubosc had failed to exonerate Lesurques. According to the verdicts of the juries, who had tried the various cases, Lesurques, Couriol, Vidal, and Bernard were the four horsemen sworn to by the witnesses to identity. If there had been a fifth, he must have been Roussi, the Italian, who had been named by Couriol as one of the assassins. More than two years after the execution of Dubosc this man was discovered by the French police serving a sentence of imprisonment in Spain. His extradition was obtained, and he was brought to Versailles. Roussi, who gave his real name as Louis Béroldy, was an habitual criminal. Tall, handsome, with fine eyes and elegant whiskers, dressed in the height of fashion, Roussi was a cunning, cat-like, scurvy rascal of plausible address and insinuating manners. Born in Italy, he had lost his father, burnt



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alive as a poisoner, just before the Revolution. He had then come to Paris, where he had been arrested on charges of murder and theft, but had succeeded in escaping from prison shortly before the affair of the Lyons mail. After the crime, he returned to Italy, and from there went to Spain where he continued his nefarious career. After committing a number of robberies in Madrid, he transferred his activities to Saragoſsa. Convicted of theft, he was sent back to Madrid. It was while in prison there that he was traced by the French authorities.

Confronted with Madeleine Bréban and the servant of Bernard, he was identified by both of them as the companion of Couriol and his accomplices. After a trial at which forty-eight witnesses were heard, Roussi was convicted as one of the murderers of the guard and postilion of the Lyons mail and sentenced to death. He was executed on June 30th, 1804. On the morning of his execution, Roussi was taken to the court at Versailles and questioned by the Procureur-Général. Asked if he had anything to say that might be of service to the cause of justice, he replied that he had not. 'Did you know one Lesurques?' he was asked. 'No.' 'You understand,' said the Procureur-Général, 'how important your statement must be to the family of Lesurques, if he were innocent, and to justice if she has convicted an innocent man?' Roussi answered, 'I can only repeat my statement, that I do not know and never have known Lesurques, and that I am innocent.' The authenticity of a written and signed declaration of the innocence of Lesurques, which Roussi left with the priest who attended him on the scaffold, has been questioned, but the objections to its validity do not apply to the statement made to the Procureur-Général, which confirms those of Couriol and Durochat as to the innocence of Lesurques. Though negative in

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its force, it is a significant fact that not one of those convicted of participation in the crime ever made any statement to the effect that they had known Lesurques, nor is there apparent any very good reason why, if Lesurques had been their accomplice, Couriol, Durochat, and Roussi should up to the last have shielded him by telling an untruth.

Seven persons had now been convicted and executed for the affair of the Lyons mail, Lesurques, Couriol, Bernard, Durochat, Vidal, and Roussi as actual perpetrators of the robbery and murders, Dubosc as having aided and abetted them. If these convictions were just, five horsemen had been on the road to Lieursaint on the 8th Floréal, Lesurques, Couriol, Bernard, Vidal, and Poussi; Durochat had travelled in the mail; and Dubosc had remained in Paris assisting in the preparation of the crime. It is to be noted that the evidence of the presence of a fifth horseman as one of the party of the assassins at Lieursaint is slight; all the witnesses at the first trial, with two exceptions, spoke to one party of four horsemen, and not till two years later did one of them add a fifth to the number. Some of these witnesses had identified two men, Guénot and Bruer, whom the jury had acquitted, as being among the four horsemen; there seems little doubt that some of them had mistaken Guénot for Vidal. Only two witnesses had identified Bernard, and it is practically admitted that if he had participated at all in the crime, it had only been to the extent of lending the horses. In that case the number of horsemen is reduced to four; Couriol, Vidal, Roussi, and Lesurques or Dubosc. Couriol, Roussi, Vidal, and Dubosc were all provedly habitual criminals of the worst kind. There was nothing criminal whatever in the career of Lesurques; his sudden association in crime with ruffians of this stamp is on the face of it highly improbable. That there was a

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likeness between Lesurques and Dubosc is indisputable, though four years after the event it was not striking enough to convince the witnesses to identity with one exception, that they had mistaken the one man for the other. No evidence is perhaps so liable to error as that to identity; the instances in which it has supported, in the most affirmative fashion, an identity which has been shown subsequently to be false, are startling in character. If probability be considered, it is improbable that a man of the character, means, and social position of Lesurques should be found taking part with habitual criminals in a brutal crime. It is equally improbable that a thoroughgoing criminal such as Dubosc, who was undoubtedly the leading spirit in the enterprise, should not himself have taken part in the actual perpetration of the crime, but merely contented himself with aiding and abetting it from a distance. No share in the proceeds of the robbery was traced to Lesurques, nor the spur found on the scene of the murders. It was through his friendship with Guénot, who was acquitted by the jury, that Lesurques had on one occasion breakfasted in company with Couriol at the house of Richard; it is incorrect to speak of him as one witness does, as 'frequenting' the society of Richard and Couriol. The collapse of the evidence of the jeweller's day-book as a proof of an alibi in favour of Lesurques did not affect the evidences of the other witnesses to the alibi, who were scouted by the judge. The statements of Couriol exculpating Lesurques, commencing from the moment of his conviction and repeated on the scaffold when all hope of saving his life was gone, may have been inaccurate in his over-anxiety to save Bernard and Richard whom he had involved in the crime of murder, but the fact that Durochat and Roussi described Lesurques as unknown to them is strong confirmation of the truth of Couriol's reiterated

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assertion of Lesurques' innocence, for which it is difficult to suggest a selfish motive. Of all the guilty men, Durochat would appear to have been the least criminal and abandoned in character, and his statement is explicit. The fact that certain witnesses who could have testified to the innocence of Lesurques and the guilt of the real culprits, did not come forward until after the trial is hardly to be wondered at; the treatment of witnesses, as exemplified in the behaviour of President Gohier, was sufficient to deter any man from offering testimony which did not coincide with the case for the prosecution. The accusation that witnesses were bribed by the partisans of Lesurques, though often made, has never been proved; the family of Lesurques had been reduced to penury by the confiscation of his fortune. The indiscreet zeal of Daubanton was prejudicial at times to the interests of the cause he had so warmly espoused, but there seems little ground for suggesting that he was actuated by any other motive than a desire to right a wrong, in the commission in which he had shared. The conduct of the judge, Gohier, at the first trial was little short of scandalous, bad enough to vitiate any proceedings, but in none of the reports made subsequently on the question of a revision of the judgment is his conduct stigmatised in appropriate terms. His attitude towards Lesurques was indefensible in a judge, and must have gone a long way to bring about the unfavourable verdict of the jury.

It is unnecessary to follow the efforts of the family of Lesurques to obtain a reversal of his judgment. They were continued over a period of more than sixty years. Reports, pleas, petitions were drawn up, some for and some against revision. The lawyers by a majority were opposed to it. The restitution to the family of Lesurques of the money confiscated by the State at the time of his conviction, may be regarded

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as a tacit acknowledgment that the sentence was not just. But the law refused to the last to declare Lesurques an innocent man. In 1868 the Court of Cassation, in a final judgment, held that the convictions of Lesurques and Dubosc were not irreconcilable. They said that, no witness having been present at the perpetration of the crime, it was impossible to say with any certainty how many persons had taken part in it; that it was possible that the four horsemen after leaving Lieursaint, had been joined by others who, after helping in the robbery and murders, had again separated from them; that it was impossible to say positively that Dubosc had actually participated in the attack on the mail, that he had not been concerned rather in the preparation than the perpetration of the crime.

It is of course impossible to speak positively as to what happened in the attack on the Lyons mail, or how many persons actually took part in it. But I venture to think that, taking all the circumstances into consideration, there is a very strong probability, amounting almost to a moral certainty, that the four horsemen seen at Montgeron and Lieursaint by a number of witnesses were Dubosc, Couriol, Vidal, and Roussi, that Durochat travelled in the mail, and that these five persons, all habitual criminals, plundered the mail and murdered the guard and postilion. The suggestion that more than these five took part in the crime seems a belated one, developed and encouraged by the lawyers after the conviction of Lesurques to justify their unwillingness to interfere with the 'chose jugée.'

The wife of Lesurques died heart-broken at the failure of her attempts to vindicate her husband's memory. His only son was lost serving as a soldier in Napoleon's Russian campaign. His daughters fought strenuously for many years for the establishment

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of their father's innocence and the recovery of his property. In the latter purpose they succeeded, in the former they failed. And so they and their descendants pass out of history.

The hand of Fate fell heavily enough on this once happy and prosperous family. They would seem in no way to have deserved their misfortune, they must have been guilty indeed to have merited so fearful a punishment. The fatal circumstances that brought Lesurques finally to the scaffold are clearly to be traced. His friendship with his fellow-townsmen, Guénot, his presence at what M. Mæterlinck has well described as the 'Thyestes feast' at Richard's house, where he is a fellow-guest with Couriol, his accidental meeting with Guénot in the street on May 11th, and his reluctant consent to accompany him to the magistrate's office, these steps seem to lead Lesurques, as by some implacable law of destiny, into the presence of the two witnesses from Lieursaint, seated in the magistrate's waiting-room, who then and there identify him as one of the supposed murderers. Had he known it, from that moment he was irretrievably lost, as surely doomed to death as the convicted murderer. Destiny, still implacable, had decreed that his judge was to be the unjust Gohier, that the alibi, his one hope of salvation, should fail of its purpose, and that the final examination of his case should be entrusted to so unsympathetic and unjudicial a reporter as Siméon. 'Here, truly,' writes M. Mæterlinck, 'the combination of murderous fatalities may well seem supernatural; and the case is typical, it is formidable, it is as symbolic as a myth.' At the same time the case of Lesurques is but one of many which have occurred and are occurring in our daily lives, in which, in perhaps less tragic circumstances, the presence of some evil star seems to govern a man's destiny and devote him hopelessly to misfortune.