

ENGLISH CAUSES CELEBRES.

REGINA V. COURVOISIER.

Manzoni—the Walter Scott of Italian literature—has made one of his characters—a Milanese lawyer of the seventeenth century—address a youthful and somewhat unfid-
ing client in the following language—which forms a suitable introduction to a sketch of *Regina v. Courvoisier*: ‘He that tells lies to his counsel, my son, is a fool who will speak the truth to his judge. To us advocates you must state facts as they are; it is our part to involve them in confusion.’

In these words the Italian novelist has very tersely and cleverly, though only by implication, defined the charge under which the theory of advocacy has laboured in all ages—that of plucking the sleeve of justice, and so averting from guilty heads the stroke of her descending arm. The trial of Courvoisier for the murder of Lord William Russell is the *locus classicus* to which critics of the morality of the English bar have for now more than half a century referred, and from which they have drawn their most poignant arguments. It may be worth while to consider—not, be it observed, for the first time†—how far the facts of this case justify the strictures that have been based upon them.

Lord William Russell was found murdered in bed, at his private house, No. 14 Norfolk Street, Park Lane, on the morning of Monday, May 6, 1840. The only inmates of the house besides the unfortunate nobleman were two female servants—a housemaid and a cook—and a Swiss valet, François Benjamin Courvoisier, who had entered Lord William Russell's service a few months before the catastrophe. Accident and death from natural causes were equally untenable hypotheses. The head of the deceased gentleman had been nearly severed from his body. Suicide was out of the question, partly from the known character, health, and spirits of the murdered man, partly because no human being could have inflicted such a wound upon himself. It was difficult to believe that burglary had been the primary motive; for, while a certain amount of plate and silver had disappeared, a number of valuable ar-

ticles had been left behind; the state of the premises, too, almost negatived the presumption of burglarious entry—the door had been broken open from the inside. A careful search of Courvoisier's box revealed nothing of an incriminating character, but on May 8 the police discovered behind the skirting in the pantry five gold rings, which Courvoisier at once and frankly identified, as having belonged to his master, five gold coins, a Waterloo medal, and a ten-pound note. Courvoisier was immediately taken into custody. Further discoveries followed. On May 9 a locket, containing the hair of the late Lady Russell, was found secreted near the hearthstone in the prisoner's pantry. Lord William Russell had missed this locket for some time before his death. On May 13 a fresh examination of Courvoisier's box disclosed a pair of gloves, slightly stained with blood. They dropped out of the fold of a shirt. Lord Russell's watch was also found behind the lead in the pantry sink. Five days later Courvoisier's trunk was again examined, and two blood-stained handkerchiefs, marked with the prisoner's initials, were taken out. *Practically this was the sum total of the evidence on which Courvoisier was arraigned* before Chief Justice Tindal and Mr. Baron Parke and a jury, at the Old Bailey, on June 18, 1840. Mr. Adolphus was leading counsel for the prosecution. Mr. Charles Phillips and Mr. Clarkson defended the prisoner, who waived his right to a trial *de medietate lingue*, and pleaded ‘Not guilty.’ Mr. Adolphus opened the case for the Crown with ingenuity, but with conspicuous unfairness. Unchecked by the bench, this gentleman informed the jury that, while ‘Englishmen are not in the habit of considering murder as a prelude to robbery . . . with foreigners it is different; for they imagine that if they destroy the life of a person they rob, there will then exist no direct testimony against them!’ He alleged as an evidence of guilt that Courvoisier exhibited no interest or excitement on or after the discovery of the murder—a statement which was false in fact and would have been irrelevant even if it had been true. Finally, he boldly asserted that ‘the secreted articles’ had been ‘secreted by none but the prisoner, who during the whole night . . . had been

† Cf. Townsend's ‘State Trials,’ vol. 2, p. 244; Forsyth's ‘Hortensius.’