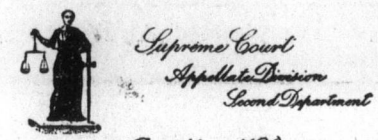


WOULD YOU CONVINCT

ON CIRCUMSTANTIAL EVIDENCE?

THE SECRET PASSAGE
A TRUE STORY



Supreme Court
Appellate Division
Second Department

William of Orange, Brooklyn N.Y. May 19, 1904.

There are very few people who know what they mean when they say "circumstantial evidence." I do not know any evidence except circumstantial evidence. The phrase has no scientific accuracy.

Sincerely yours,
Wm. of Orange.

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THE unvoiced alarm that sets a panic foot at certain times in some mysterious way no man may understand had drawn an anxious little circle of maids and servants, who flattered about Le Brun, the butler, within the porte cochère.

"Ten o'clock and no ring for chocolate yet," exclaimed the cook. "Such a thing has not come upon us in all the years I have served my lady. 'Tis surely strange."

Le Brun, ordinarily a man of judgment, severity and reserve, not quick to play a part in any absurdity or domestic comedy, bore some reflection of the prevailing uneasiness in his face and manner, a fact that did nothing to calm the vague fears of the others.

"You may well say a strange thing for one so fixed in her habits as the mistress. Let no one think I seek to spread baseless dread, but I misdoubt me much we shall find something amiss when those doors are opened. My lady never locked any but the inner one before."

It was not without consideration, such a word at such a moment. Exclamations of dismay followed his pronouncements. A heavy rain was falling and the rumble of thunder knocked ominously upon these superstitious hearts. It needed but the sob of the under-housemaid to push the situation to the verge of hysteria. Le Brun, recovering himself suddenly, brought them up with a sharp turn.

"Come, no scenes. We know nothing yet except that my lady has not called at her accustomed hour. If M. de Savoniere fails to come within the hour I shall send word to the commissary and the doors shall be forced. In the meantime we will have no disturbance, if you please."

He had scarcely delivered himself of this speech with rather hollow pomposity when there was a summons at the gate and the group melted away. Le Brun admitted M. de Savoniere, the son-in-law of Lady Mazel.

While he shook the clinging moisture from his coat the young man inquired briskly if his mother-in-law could be seen yet, adding that he had affairs on hand that necessitated an instant interview. M. de Savoniere acted as man of business for the well-known leader in Parisian society and fashion whose daughter he had married, and it was his custom to consult with her every morning. Le Brun imparted his news maladroily.

"Monsieur, I fear something has happened to my mistress," he blurted.

"Something! What kind of a something?" asked the visitor quickly. Le Brun spoke with visible effort.

"Nay, how should I know? But here it is two full hours past the time she is used to ring her bell, and we have heard nothing from her. The door to the outer antechamber is locked, a most remarkable thing, since there has never been a key to it, nor can we gain any response from knocking upon it. In truth, if the second antechamber door as well as her own is locked she could not hear us, just as we could not hear her if she should be calling for aid."

"Well, I see nothing there for such a state of mind," said M. de Savoniere, looking keenly at the butler. "Perhaps she finds it convenient to sleep a little longer. What else disturbs you?"

Cause for Alarm.

"If you knew my lady's punctuality as I do you would see cause for some alarm, monsieur. But there is another matter. Before I retired last night I tried the doors and windows on the ground floor as usual. I found the street door, through which you have just come, swinging wide to the wind, although I distinctly recall having closed it securely after my lady went up stairs."

"You say there is no key to the outer antechamber door?"

"I have never seen one. Nor is there a key to the second. Both close on the latch. The door to the bed chamber has a spring lock and Lady Mazel keeps the key inside."

M. de Savoniere looked upon the matter in a darker light on hearing of these circumstances and hurried up the great staircase to the mezzanine floor, with Le Brun at his heels. He tried the outer door leading to the first antechamber and found it fast, as the butler had said. He pounded upon the panels without result.

"Le Brun, I don't like the look of this. We must get these doors open. I will take full responsibility. It may be that she has suffered a sudden attack of apoplexy or other trouble."

"But would the doors be locked if it were nothing more?" inquired Le Brun, with white face.

"Bring the men servants with a crowbar!" was the incisive reply.

The butler brought the coachman and the footman from the servants' quarters. Unbidden, drawn by curiosity and the sense of impending calamity, the women flocked behind. The first door was forced. The small, dark ante chamber was empty and the door beyond was also closed and locked. This was also forced. The little party paused outside the bedroom and listened. There was no sound from within. Finally M. de Savoniere summoned the courage, real enough in face of the strange situation of affairs, to rap, gently at first and then more vigorously.

No response was audible. With a gesture he ordered the men forward with the crowbar. A blow, a wrench opposite the lock, and the heavy barrier swung inward. At first glance there appeared no indication of disorder to the group that peeped timorously from the doorway. The interior of the bed was hidden by the heavy curtains. Le Brun, beads of perspiration standing upon his forehead in his excitement, brushed past the others, who hung back, and flung the draperies aside. He started back violently with a gasping cry of terror.

The body of Lady Mazel lay across the top of the bed, a torn and stained pillow partly covering it. She had been cut and slashed almost beyond recognition. Subsequent examination showed that fifty-one wounds had been inflicted upon her with a knife and that she had been dead about twelve hours. The bed clothes and her own linen garment showed how desperate and determined had been her struggle for life.

The Banded Box.

While M. de Savoniere and the men servants pressed in silent horror about the bed and the women screamed, Le Brun ran to the other end of the room where stood a small, but stoutly banded strong box, which he seized and lifted.

"How is this?" he cried. "She has not been robbed." It was found that, in fact, the chest was heavily weighted and the lock still fast.

M. de Savoniere took charge of the investigation with a degree of self-command and decision that did him credit. He quieted the women and sent them to their quarters, ordered the door closed upon every one except Le Brun and sent the footman for the Commissary of Police. Then he charged the butler to describe to him in detail the happenings of the previous night. Le Brun apparently retained a hold upon himself with difficulty. His words came wheezingly in his throat and he leaned against a table for support as he attempted to reply. Several times during the broken recital M. de Savoniere caught him up sharply. The man seemed to be abnormally affected by the tragedy. In substance he told his story as follows:

"My two sisters, fashionable milliners, as you know, called upon my lady, the day being Sunday, to pay their respects. She received them kindly and was with them until late in the afternoon. She then dined with Father Poulard. At her accustomed time she retired to her chamber, where I attended her to receive her commands for to-day. After I left her she was waited upon by her two maids and the last one of them to leave her left the key to the bed chamber on a chair just inside the door and closed it. It catches on a spring lock and cannot be opened from the outside without violence."

"I went down into the hall and sat before the fire. I must have fallen asleep, for when I looked at the clock again it was well past my usual hour for retiring. As I recall it was eleven o'clock. I made the rounds of the floor, and then it was that I found the outer door ajar. The matter puzzled and troubled me, but I fastened it and went to bed."

"This morning I attended to the marketing as usual and on returning was surprised to hear that my lady had not sounded the bell. It was then that I discovered the circumstance of the locked antechamber door. The rest you know."

The methodical young man of business made no comment upon these statements, but took care to make note of them. The case began to take some form in his mind. He turned to an examination of the room.

In a corner he found a wide linen scarf, splashed with blood and tied and knotted into the form of a cap. It retained the shape of the head upon which it had been wound. Among the ashes on the hearth lay the blade of a short, common kitchen knife, with only a small, charred fragment of the wooden handle adhering to its base. Undoubtedly in this he held the weapon that had been used by the murderer. Turning again to the bed he noticed that the bell rope, which ordinarily dangled a tasseled handle just above the pillow, had been looped up high out of reach. This explained how his mother-in-law had been unable to summon aid and argued some opportunity for preparation on the part of the assailant. He was still at a loss for a motive. There appeared to have been no robbery.

Story of Le Brun.

While the young man had been absorbed in his investigation Le Brun had been walking back and forth in an agitated manner within the embrasure of the window, pausing at every turn to wring his hands. The butler's actions irritated M. de Savoniere.

"Look here, Le Brun," he broke out, roughly. "Do you know where my mother-in-law kept the key to the strong box?"

Le Brun, startled by the question, shook his head and declared that he had never known where the key was kept. M. de Savoniere thought this rather strange and was more than ever puzzled by the butler's behavior. He set to work, however, to discover the strong box key. He had been unsuccessful up to the moment when the footman ushered in the Commissary of Police and two of his men.

After the official had inspected the body and its condition he requested full particulars of the circumstances. M. de Savoniere elaborated carefully from the notes he had made and exhibited the nightcap and knife blade. Le Brun was asked to repeat his story and did so with some effort, holding in every detail to his former statement. The commissary watched him with a cold, expressionless eye as he talked, but did not interrupt him. The inquiry came around once more to the point of the key to the strong box. Another search for it was instituted.

The commissary noticed a small mahogany cabinet on the dressing table. He opened it by snapping back a catch. Inside lay Lady Mazel's jewels, and M. de Savoniere was able to state positively that none was missing. The commissary took a small bronze key from an upper shelf of the cabinet.

"I think we shall have a sight of the inside of that cabinet now," he said with something of triumph. It proved to be the one of which they were in search and the strong box was thrown open. To M. de Savoniere, who saw the interior of the chest each morning while discussing and arranging affairs of business with Lady Mazel, it was immediately apparent that some hand other than that of his mother-in-law had last disturbed the contents. Packages of papers had been disarranged. A leather bag which had contained a large sum of gold when he had put

"Surely, surely, monsieur," he gasped, "I am not that much to blame. You would not arrest me for having fallen asleep."

"I arrest you for murder," said the Commissary. "Search him."

The odds and ends of articles taken from the pockets of the trembling prisoner were carefully examined. M. de Savoniere was particularly interested in the small bunch of keys found upon him. He tried each of them in succession upon the lock of the antechamber door, but without result.

"Perhaps you will do better with this one," said the Commissary, and held out to him an unattached key which he had found in Le Brun's side pocket. M. de Savoniere tried it in its turn and was not altogether surprised to find that it fitted the lock exactly.

Le Brun was sent away under the guard of the two gendarmes while the Commissary and M. de Savoniere proceeded to knit together the promising points that had come to their hands.

The first question to settle was how the butler was able to penetrate to the bed chamber in order to accomplish his design. The unattached key, as they determined by examination, was a rough bit of hand manufacture, sawn out of a sheet of copper and filed into shape. It unlocked the doors to both antechambers but brought them no nearer to an explanation of the manner in which the murderer had passed the third door. This was fastened by a strong spring lock, which did not extend to the outer side, and apparently it had not been tampered with.

Untangling the Claws.

M. de Savoniere came to the conviction that the murderer's entrance had not been effected through the

door before the Commissary was ready to relinquish the possibility, and changed his investigation to another angle. The walls of the bed chamber were heavily hung with tapestries and the young man felt his way among and back of these hangings, tapping the wall and panels in search of some secret means of ingress. His discovery, when it came, was simple enough, however, and afforded an immediate solution of their problem. In a corner, covered from sight by the arras, was a plain door, evidently long disused. The copper key fitted the lock and the door swung open on rusty hinges.

Beyond was a dark, narrow passage, leading straight back through the house, damp and musty and smelling of the decay of years. They followed it to another door, which also gave before the master key. And here the matter finally cleared, for when they opened the barrier they found themselves on the rear staircase leading to the servants' quarters above. It was plain that the murderer had known of this passage, had made himself a key to fit the locks, had entered in the night, killed Lady Mazel, robbed the chest and made off either the way he had come or through the antechambers. The latter course seemed the likeliest, for he had locked the two antechamber doors.

The one circumstance that seemed to M. de Savoniere to obstruct a clear case against Le Brun was the fact that the copper key had been found in his pocket. It seemed a little strange that a man who could plan and carry out such a desperate crime had lacked the cleverness to hide or destroy such vital proof against himself. But the Commissary assured him that such an oversight was a familiar phenomenon in dealing with criminals. Further discoveries also served to remove any question from his mind.

While the body of Lady Mazel was being removed it was noticed that a shred of some fabric, heavily stained, was still clutched by the fingers of her right hand. On being examined this proved to be a strip of heavy, figured silk. It was easily established that it had not been a part of any article in the room, and the natural supposition was that she had torn it from the person of the murderer in the death struggle. The servants were questioned and several of them identified the silk immediately as part of a cravat which they had seen Le Brun wear many times.

The cook swore positively that the partly destroyed knife, found in the ashes on the hearth, was one which she had long used in the kitchen. It had been missing about two months, she said, but she was sure that there could be no mistake, for it had been ground and sharpened many times and the blade had assumed a peculiar curve.

The linen scarf, knotted into the form of a cap, offered something of a mystery for a time until M. de Savoniere converted it into another bit of evidence to add to the overwhelming case against the prisoner. Le Brun wore his hair rather long and the young man bethought himself that it would not be strange if he had wished to hold the strands back out of his way while attacking Lady Mazel. The scarf was taken to the prison and when placed over the butler's head was found to fit him exactly.

The incident of the rope ladder was regarded as a

rather stupid attempt on the part of Le Brun to deflect suspicion from himself toward some unknown intruder. His agitated actions and his premature fear of a tragedy, which had been carried to excess, joined also with this view.

The only matter which remained to any degree outside the theory of the butler's guilt was the disposition of the money stolen from the chest, although the case as it stood was completely satisfactory. Even here, however, the prosecution, through the clear-headed assistance of M. de Savoniere, was partly successful.

The amateur investigator was able to discover that on the morning of the murder, while ostensibly engaged in marketing for the household, Le Brun had visited his wife, who lived in another quarter of the city. The apartments of the couple were searched and under the bed the young man found a small iron box containing about a thousand francs in gold. The woman was arrested and an attempt was made to implicate her. She was able to clear herself of complicity, however, and the case was centered upon her husband, the authorities being convinced that he had not taken her into his confidence. She admitted that on the morning in question Le Brun had brought her five hundred of the thousand francs. Neither the nor at the trial could the prosecution present a clear explanation of what the butler had done with the rest of the money. It was supposed that he had placed it in a bank under an assumed name.

Le Brun obtained a speedy trial, the peculiarly aggravating circumstances surrounding the crime causing the authorities to hasten the wheels of justice. His defence was unconvincing and he was quickly sentenced to death. His execution took place about two weeks later.

About a month after the disposal of the case the local police officers of the town of Sens, about sixty miles from Paris, had occasion to look into the affairs of John Garlet, who recently had set himself up as a business there as a dealer in horses. During convivial moments in a tavern he had allowed it to become known that his real name was not Garlet, but Berry. This fact coming to the ears of one who had confidential relations with the police, a quiet investigation was made. Nothing was known of the man's antecedents before coming to Sens, but the fact that he had changed his name was considered sufficient ground for keeping him under surveillance.

He was seen exhibiting a small gold watch to some acquaintances while partly intoxicated and was arrested. The watch proved to be very valuable and was sent for identification to the Paris police. Through the watchmaker whose name it bore it was established as having been the property of Lady Mazel. M. de Savoniere pronounced it to have been the property of his mother-in-law, but said that she had lost it about two months before the date of her murder. Berry was sent for and was asked by the Paris authorities to explain how he came to have the watch in his possession.

He told several contradictory stories, which were all disproved, and an inquiry was set on foot. It was learned that Berry had been employed in the Mazel household as coachman and that he had been turned away for theft. The circumstance of his sudden accession to wealth, which had enabled him to purchase the business of a horse dealer in Sens, seemed to indicate that he had been concerned in a considerable robbery, and still more stringent measures were adopted to discover his movements before leaving Paris. In the midst of these a shopkeeper living near the Mazel house, caused something of a sensation by informing the police that he knew Berry and that he had seen him leaving the home of his former employer by the front door late on the night during which Lady Mazel was murdered.

At this point M. de Savoniere became interested and obtained all the available results of the official investigation up to date. In looking over the case against Le Brun he had been struck forcibly by the fact that no garment belonging to the butler had been found bearing blood stains, unless the bit of cravat were excepted. While not doubting that justice had been done, he had tried without success to explain this lack to his own satisfaction. The struggle between the murderer and his victim must have been furious, yet Le Brun had showed no scratches on his face or hands and no marks upon his clothing. He set himself to discover whether Berry might not have had some connection with the crime.

His Two Confessions.

A barber living a few blocks from the Mazel home, came forward with the information that the morning following the murder he had shared Berry, whom he had not seen until then since his discharge. The man's face and hands were badly scratched, he said, and when he asked Berry the cause the former coachman's answer had been that he had received the scratches in killing a cat. It was learned from the police at Sens that Berry when he appeared there had brought with him a sum of money approximating fifteen thousand francs.

Armed with these bits of information M. de Savoniere visited Berry in jail, informed him of the case against Le Brun and urged him to confess. Somewhat to his surprise the manoeuvre was successful, the prisoner weakened and officials were summoned to take down his statement. When they arrived, however, the man had recovered his assurance in some part and told a remarkable and fanciful story. He said that he had assisted in the murder at the instigation of Mme. de Savoniere, the daughter of Lady Mazel, and that he had guarded the door while Le Brun killed his mistress. He was tried and condemned to death.

On the way to the scaffold he recanted his first confession and substituted another which undoubtedly established the truth of the strange matter.

During his employment with Lady Mazel he had planned a robbery of her strong box and had made the copper key to fit the lock of the door to the disguised passage. He found, incidentally, that it would also lock the antechamber doors. He was dismissed before he was able to accomplish his design and did not find an opportunity to slip into the house unobserved until the Friday preceding the murder. He made his way up the rear staircase to the top of the house, where he concealed himself in a store room. Here he remained until Sunday, subsisting on apples and bread which he had brought in his pockets. The only weapon he had with him was the kitchen knife, which he had stolen the day of his discharge.

On Sunday afternoon, when he was sure that Lady Mazel was not in her chamber, he descended the stairs, entered the secret passage, made his way into the room and secreted himself under the bed. About midnight, when he was sure that Lady Mazel was asleep, he crawled out of his hiding place and quietly looped the cord of the bell rope out of reach of a grasping hand. He then tied the scarf which he found on a chair about his head to keep his hair back. His first blow had been a smashing one, but ten minutes to subdue Lady Mazel, though he succeeded in preventing an outcry.

After she was dead he found the key to the strong box, having learned where it was kept from the first maid, opened the chest, transferred the contents of a bag of gold to a canvas sack, locked the chest, replaced the key, threw off the scarf cap, tossed the knife in the grate and left the room through the antechambers. He locked both doors after him with the copper key for the purpose of postponing discovery of the crime. The inner door locked itself with the spring catch.

Making his way carefully downstairs he saw Le Brun fast asleep in a chair before the fire. Stealing along to his side he dropped the copper key in his side pocket and reached the street by the front door, leaving it open behind him. Before starting out he had dropped the rope ladder, tied into a bundle, which he had made and carried for use if he should be forced to escape through a window.

The bit of silk cravat was part of an article which had belonged to Le Brun, but which Berry had stolen. He was wearing the cravat at the time of the murder and his victim wrenched off the strip in resisting him. Le Brun's acute sensitiveness and his fear lest the crime be imputed to him had brought about the unfortunate mistake of manner which had counted against him at the opening of the case.

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It in its place the previous Saturday lay almost empty, with loosened strings.

"The motive is here, M. le Commissaire," he said. "I should say offhand that fifteen thousand francs is missing. And what a clever rogue is that who seeks to cover his tracks by locking up the chest again and by putting the key back in its place, doubly clever in withstanding the temptation to take just one little jewel with him. Observe the care with which he avoided that mistake. It could be too easily traced."

This phase of the crime having been cleared up the Commissary stationed himself in the outer antechamber and caused the servants to be brought before him one at a time. He questioned them soothingly, not holding an attitude of suspicion but seeking to bring each over to his own side by subtle flattery. He gained few additional facts bearing directly upon the case, however, until it came the turn of the first maid to Lady Mazel.

Opening the Chest.

After approaching his point cautiously the official asked casually:—

"Do you know where your mistress kept the key to her strong box?"

"Oh, yes, monsieur," answered the girl, readily. "It was always in her little jewel cabinet, on the table."

"Did any one in the household besides yourself know where it was kept?"

"Only Le Brun, monsieur, I think. I have seen him open the chest at my lady's command."

When he had excused the maid the commissary asked M. de Savoniere if the butler had not professed ignorance concerning the place where the key was kept. The young man replied that he had. Le Brun was then summoned. He appeared with a bundle in his hand and on entering the room loosened it and spread out in a rather dramatic manner a rope ladder about thirty feet in length.

"I found this but a moment ago in the lower hall, monsieur," he said. "Evidently the miscreant intended to escape by means of it after accomplishing his wicked deed."

The Commissary examined the ladder.

"You say you discovered it in the lower hall?"

"Yes, monsieur, in a corner, where it had been overlooked."

"How do you suppose he really escaped?"

"I fear that I am culpable there, monsieur," said Le Brun, in distress. "It must have been while I was doing before the fire that he found an opportunity to pass by me and out the street door."

The Commissary tapped smartly on the table. His two assistants appeared instantly from the inner chamber.

"Arrest that man," he ordered, pointing to Le Brun. The butler, stricken into the picture of terror by the words, held out his hands in supplication.

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It in its place the previous Saturday lay almost empty, with loosened strings.

"The motive is here, M. le Commissaire," he said. "I should say offhand that fifteen thousand francs is missing. And what a clever rogue is that who seeks to cover his tracks by locking up the chest again and by putting the key back in its place, doubly clever in withstanding the temptation to take just one little jewel with him. Observe the care with which he avoided that mistake. It could be too easily traced."

This phase of the crime having been cleared up the Commissary stationed himself in the outer antechamber and caused the servants to be brought before him one at a time. He questioned them soothingly, not holding an attitude of suspicion but seeking to bring each over to his own side by subtle flattery. He gained few additional facts bearing directly upon the case, however, until it came the turn of the first maid to Lady Mazel.

Opening the Chest.

After approaching his point cautiously the official asked casually:—

"Do you know where your mistress kept the key to her strong box?"