

# A VICTIM TO THE SEAL OF CONFESSION.

A TRUE STORY.

By REV. JOSEPH SPILLMAN, S.J.

Published with the Permission of Mr. B. Heider, Publisher and Bookseller, St. Louis, Mo.

## CHAPTER XV. CONSULTATIONS.

Four weeks had elapsed since the events related in the preceding chapter took place, four long weary weeks for Father Montmoulin in his prison cell, and for his mother and sister, who were also kept in solitary confinement. They had been brought up for examination almost daily, but nothing of any importance for the prosecution had been elicited from them. The priest reiterated continually his protestations of innocence. "I cannot do otherwise than acknowledge," he said, "how strongly circumstances tell against me; but the deed was done by another, and who that other was I am unable to say." The two women also gave the same account of the "large sum of money," of which the children had spoken, saying it consisted exclusively of the twenty pounds which Mrs. Montmoulin had received from her son. But even thus the matter looked suspicious, and the prisoner was subjected to a severe cross-examination about the alleged gift. He kept to his original assertion, that Mrs. Blanchard, knowing his pecuniary difficulties, had of her free will presented him with the money, to enable him to furnish his rooms more comfortably and take his mother to live with him.

The examining magistrate who had convinced himself that the priest was guilty when he made the first judicial inquiry at Ste. Victoire, and who had never since swayed from his opinion, persisted that the whole story was fictitious, and that the twenty pounds were part of the stolen property. But what had become of the remainder? The most thorough search of the convent at Ste. Victoire had failed to throw any light on the subject. Mr. Bartholot was inclined to consider this corroborated his view, which was that the priest's old mother had taken the whole sum with her to Aix. Nothing that was the least suspicious had been found in the house she occupied, though it had been rigorously searched under Mr. Bartholot's own supervision. The twenty pounds had, it is true, not been entered in the ledger containing the account of the daily receipts and expenditure, carefully as it was otherwise kept; but this Mrs. Jardiner explained by saying she considered that as her mother's private property, and the remainder would be found in her possession. So it proved, for the change given her by the money-lender was discovered in the desk where she had placed it. The money-lender himself, who was at first suspected of being an accomplice in the receipt of stolen property, declared that Mrs. Montmoulin only paid an outstanding debt, that she brought a banknote for twenty pounds, from which he took the sum owing him, giving her the change in gold and silver.

The two children were again questioned as to the "large sum of money" they had seen, but nothing further was elicited from them; Julia had seen the note in her grandmother's hand, and Charles had seen a couple of sovereigns; this was in the evening, so it was probably the change given by the law. It was useless to pursue this point further; nothing could be discerned as to the whereabouts of the stolen money.

In another direction Mr. Bartholot's investigations were more productive of results. The idea that Loser had secretly returned home and committed the murder might possibly be correct; this would doubtless be urged for the defence, for the sacristan had disappeared from the day of the murder, and every attempt to trace him proved futile. The prosecution would have to bring witnesses to prove an alibi on behalf of the missing sacristan, and this seemed to be a matter of no difficulty. The inquiry was therefore closed, and the facts handed in to the Public Prosecutor on the Friday preceding Passion Sunday.

The Public Prosecutor, Mr. Joubert, by name, had already studied the minutes of the preliminary investigation; he interested himself all the more in the case because of his strong anti-clerical opinions, and he was delighted to avail himself of the opportunity of striking a blow at the opposing party just before the elections took place, as they would do in Easter week. Justice too, seemed to be on his side, for he was personally persuaded of the priest's guilt. "The case appears most complete," he said when all the facts had been laid before him by the judicial inquirer. "I congratulate you and the Mayor of Ste. Victoire on your prompt and wise action, which resulted in the immediate apprehension and conviction of the criminal. A few points of secondary importance are not yet made quite clear, but when do we find it otherwise in these criminal cases. The chief thing is to prove that this pious ecclesiastic was the perpetrator of the deed, and I think if you work in concord with us, the

\* The entire exemption from interrogation enjoyed by the prisoner awaiting trial in England is in striking contrast to the constant cross-examination and brow-beating by the judge to which he is subjected in France. In many respects the French criminal law differs from the English; for instance, in France, the jury in a criminal case find their verdict by a majority, without unanimity of the jurors.

jury will be certain to find him guilty. I will at once make arrangements for the trial to come on during Holy Week, on the Monday perhaps, or the Tuesday. I anticipate no trouble as to this arrangement, for the presiding judge will doubtless be desirous to have it brought on before the elections. By the bye, who is the counsel for the defence?"

"That old fellow Meunier."

"Is it possible? I heard so but I did not believe it. Why has not Rabouix been retained?"

"He is not half religious enough for these pious people. If he said his beads and went to Mass as regularly as the other man, they would certainly have had him."

"Well, it is all the better for me. The good man will not give me nearly as much trouble as that sharpascal Rabouix would have done."

Thereupon these two members of the legal profession parted company. The Public Prosecutor repairing at once to the President of the Criminal Court. After some deliberation, the trial was finally fixed for the Monday before Easter. Notice of this was sent to the Prisoner's Counsel, and summons to appear were issued to the witnesses.

The solicitor who was to undertake Father Montmoulin's defence went immediately to the prison to confer with his client. "Thanks be to God," the latter exclaimed, when he heard that the trial was not to be any longer postponed. "The sooner this wretched affair is ended the better. And no more suitable time could have been chosen than Holy Week."

"Your Reverence appears to have had little confidence that I shall succeed in proving your innocence," the solicitor remarked.

"I wish it with all my heart for your sake, and for that of my poor mother and sister; still more for the sake of the Holy Church, as this scandal will be most prejudicial to the cause of religion, if my innocence is not indubitably proved. Unfortunately I cannot shut my eyes to the fact that appearances are against me."

"We must trust in God, and hope he will assist me in my exertions. Courage and confidence are important factors in a struggle and without them one can scarcely hope to win the day."

"Most assuredly I put my trust in God, and pray to Him day and night to grant us His assistance. Yet in spite of this I cannot help feeling a presentiment of evil."

"A presentiment of evil! Nonsense! Why all the clergy are praying for you, and a number of the laity, and in all the convents in the neighborhood they are praying for you as well. And yet you talk of a presentiment of evil! You will put me out of patience!" rejoined the cheerful old man. "Again I say: Courage and confidence! But now there is this question to be settled, had we not better apply for a postponement of the trial? It can hardly be refused, the interval is unusually short."

"I have already said that the sooner the matter is concluded the better pleased I shall be. Of what service would a postponement be to us? The few witnesses for the defence, who will be called to give evidence of my good character in the past, are all in this neighborhood; those of my teachers who are still living, the Very Rev. Father Regent, the aged parish priest in whose house I lived and under whom I worked for ten years during my first curacy, besides a few of my parishioners, if they are not ashamed to speak a word on behalf of their pastor, under these present circumstances, that will be about all. You see we have not direct evidence for the defence."

"That is true. The witnesses you have mentioned shall all be subpoenaed for Monday in Holy Week, and I will go bail that their evidence will be convincing, that the jury cannot fail to see how impossible it is that such a man could commit such a crime. But we must go further in our defence, and make it apparent that this sacristan Loser, whom I fully believe, from all I hear of him, to be the real criminal, might have been in the convent at the time of the murder. If we succeed in this, the victory should be ours. But we want more time, and unhappily more money, than is at our disposal."

At the mention of the sacristan Father Montmoulin betrayed a certain uneasiness which did not escape the notice of his interlocutor. After a moment's silence he said: "Is it necessary that, for my own defence, suspicion should be cast on one of whose guilt or innocence we know nothing? Is it in fact permissible? Let us confine ourselves to our own justification, without endeavoring to incriminate a third person."

"I have no intention of bringing an accusation against this sacristan. You are right in saying it is not the business of an advocate to do so, but of the Public Prosecutor. Yet, it is my duty to show, if I possibly can, that there is someone else on whom the guilt may rest. And you are bound to uphold me in this assertion to the utmost; for it is not only your own good name and your life which are at stake, but the credit of your class and the welfare of the Church are involved in this affair. To be open with you, I must acknowledge that you have several times made on me the impression that there is something more that you could tell me regarding this sacristan. Whenever I begin to speak of him, you appear embarrassed, and

break off short, as if you had something to conceal. Perfect frankness and complete confidence on the part of the client towards his Counsel is the first requisite for a successful defence. I must beg you then, if you have any grounds for conjecture that the sacristan, or any other individual acquainted with the place and the circumstances was in the house at the time of the murder, tell it to me. Everyone must perceive how valuable this would be to us."

Father Montmoulin, who had recovered his composure, merely shook his head, in reply, saying: "I can only repeat what I said to the Mayor that night in my first cross-examination. I will not, and I feel that I ought not to, say anything which will cause any one person to be suspected. If by no other means can I escape a sentence of death, it must be as God wills. It must be left to His good pleasure to make amends for the scandal in his own time and way. As far as I am concerned, I beg that no postponement be applied for. Holy Week, is the time of all others that I should have chosen. But if my ecclesiastical superiors think otherwise, and consider further delay to be desirable, I am willing to endure the torture of these endless examinations and this wearisome confinement for some time longer. Consult my kind old friend, Father Regent; he will tell you what the Archbishop wishes, and that will decide the question."

The solicitor rose to depart, and as he shook hands with the prisoner he said: "I quite understand why you think Holy Week so suitable a time for your trial. You are thinking of Our Lord who stood in His innocence before the judge, and was unjustly condemned. But I hope at any rate, that the latter part of the comparison will not hold good in your case; it shall not if our efforts will avail to prevent it. Once more courage and confidence, and pray that a blessing may attend our exertions in your behalf."

On the evening of the next day, whilst the counsel for the defence was busily engaged in a close study of the case he had taken in hand, and was making note of the questions he proposed to put to the witnesses, a servant informed him that Father Regent and another priest were waiting to see him. He immediately laid down his pen, and went in person to receive his visitors and respectfully conducted them to two comfortable arm-chairs. Then taking a seat at the table, he informed them at length how matters stood in regard to Father Montmoulin's case, finally coming to the point at issue.

"I took the liberty, reverend sirs," he said, "of troubling you to consult this evening, to discuss the question about which I wrote you yesterday, whether or not it was advisable to ask for a postponement of the trial. Our unfortunate friend, of whose innocence there can of course be no doubt, does not wish it, but he expresses his readiness to yield to the opinion of his superiors. I confess, I am most anxious to trace the sacristan and subpoena him, but this requires both time and money. The sum which your reverence placed to our credit is already exhausted, in fact overdrawn, I believe, and as yet no clue to his whereabouts has been obtained."

A short pause ensued. The stranger, a grave, rather stern-looking man, whom the Archbishop had empowered to act in this affair, first broke the silence. "Are we to understand that you have but little hope of clearing the character of this unhappy priest, who has caused so much grief and anxiety to the Archbishop, unless you can manage to unearth this sacristan?"

"I hope that we may succeed in doing so, but we must have something more definite than hope to trust to. So much depends on whether the feeling of the jury is hostile or favorable to us, and it must be acknowledged that in the first place circumstantial evidence is very strong against us; and secondly, we have a very formidable antagonist in the person of the Public Prosecutor."

"That is rather a bad outlook. But what use would this sacristan be to us? As far as I have heard, all your researches have only confirmed the fact of his absence at the time of the murder."

"There appears, it is true, every reason to believe that the man took a ticket for Marseilles the evening before. But did he make use of that ticket? And where did he put up at Marseilles on that eventful 20th February? These and many other questions he will have to answer, and be confronted with the witnesses. And if he failed to give account of himself on one point, he could not succeed in proving an alibi. In fact it would be evidence against him, for why should he make such a fuss, and publish to everyone that he was going on a journey, if it was not a blind, to avert suspicion from himself. If I can only prove that this sacristan, or some other person acquainted with the circumstances and familiar with the premises may have been concealed in the house, we may count on Father Montmoulin's acquittal as certain."

"I think our learned friend is quite right there," observed Father Regent, gently, his eyes resting on the Archbishop's delegate, who sat toying with his snuffbox, whilst pondering upon what the solicitor had said. Seeing a reply was expected from him, he rejoined: "Of course, it is much to be desired that this man should be forthcoming. But how do you propose to accomplish this?"

"The first thing is to find out where he is. Happily we have a photograph of him, and he is easily recognized on account of a cicatrix across his face. He was seen in the company of a party of sailors in Marseilles, and it is presumable that he embarked on board one of these vessels that left the harbor between the 22nd and the 26th of February. I have a list of vessels, happily they are not very numerous. We ought to send a description by telegraph to the police at the ports for which each of them was bound, and inquire if any one answering to the description had landed there, and if so, have him kept under surveillance."

As the stranger explained to us if returned from either of the places, it would be necessary to send out an agent, to collect information on the spot. In a word, as I said before, both time and money would be required."

The stranger from the palace took a pinch of snuff; then he asked: supposing your agent actually found this wretched sacristan, say in New York or Rio Janeiro, would he be able to compel him to return and appear as a witness? One can hardly imagine that he would come without compulsion, if your surmise is correct, and he was the real perpetrator of the crime."

"He could not oblige him to appear, but it is probable that a man who understood his business could contrive to get something out of him when he was off his guard which would warrant him in arresting him on suspicion, and that we, or rather the Government, when the evidence was submitted to the proper authorities, would demand his extradition. I freely admit that all the trouble and outlay might be in vain, but at any rate we should have the satisfaction in knowing that we have done everything within our power to avert an unjust sentence and prevent a terrible scandal."

"Would it not be as well for us to confer with the Archbishop on the subject, and acquaint him with this gentleman's proposal?" Father Regent said to his companion.

"What do you think would be about the amount required for these researches, which, as you yourself say, might very possibly be futile?" inquired the official, without paying the least heed to the remark addressed to him.

"It would be difficult, more than difficult, impossible to name any figure beforehand. All depends upon how and where we come upon some trace of the man. Twenty or thirty pounds might be enough, or we might want three or four hundred. Good detectives must be well paid, then there are travelling expenses and the like. Besides we might have to offer a reward for the man's apprehension."

"Three or four hundred! And all on bare chance. No, I should not feel warranted in advising his grace to go to such expense. You know, Father Regent, how many claims there are on the funds at his disposal, poor convents, orphanages, missions, not to mention the re-building of the seminary. It is out of the question; our means will not allow of it."

"Another collection might perhaps be made amongst the clergy," Father Regent suggested somewhat timidly.

The official shrugged his shoulders. "The first brought in very little," he said. "The clergy are as a rule poor, their salary is small, and a part of their scanty pittance goes of necessity to the destitute. But cannot we make the Government find and produce this witness—whom you think to be indispensable—at the public expense?"

"Yes, I certainly might make the demand, but I am sorely afraid the prosecutor would put a spoke in my wheel. In order to do this, he will himself prove an alibi for the sacristan, thus placing me, I fear, in an awkward and unpleasant position. If we could undertake to make all the inquiries on our own account, I could easily apply for a prolongation of time, on the plea that the interval was too short to allow me to prepare the defence, and we should thus gain some months, until the next assizes. The Easter recess commences on Holy Thursday. But I see, sirs, that you do not feel disposed to stake so large a sum on an uncertainty, and it is not for me to say that you are to blame for it. So it is no use discussing the subject any more. Can you spare me a few minutes longer? You see the accused—I am speaking to you in confidence, and only for the purpose of asking your counsel—Father Montmoulin has several times, in fact as often as I have mentioned this unlucky sacristan to him, betrayed a strange embarrassment which he attempted in vain to conceal, and appeared intentionally to avoid saying anything about him. Now it occurred to me that his lips might be sealed by some professional obligation, the secrecy of the confessional, for instance."

"That is most probable," said the Archbishop's envoy. "I happen to know that the sacristan in question has not fulfilled the Easter precept for a great number of years. Complaint was made by the Ordinary to the Mayor on account of this, and his dismissal urged, but of course to no purpose."

"That may be, resumed the solicitor, but I have met with cases in the course of my practice, when criminals who are not utterly hardened have been so alarmed and filled with remorse after committing murder for the first time, as to act in a very unaccountable manner. They have not unfrequently been driven by the stings of conscience to seek relief in telling what they had done. Many, as is well known, have given themselves up to justice. Now suppose that Loser actually did the deed, and afterwards confessed the crime to Father Montmoulin; doubtless, the latter would, under no circumstances be justified in disclosing what had been told him in confession."

"Under no circumstances whatsoever!" both the priests exclaimed with one breath. "But would it not be permissible for him at least to say that Loser had been to confession to him?"

"By no means," answered Father Regent emphatically. "Under the present circumstances it would be a violation of the seal of confession."

"An indirect violation, at any rate," interposed the official. "That I can understand," the solicitor continued. "But surely he might go so far as to say that he saw Loser on the day of the murder?"

Nether of the two priests answered immediately. Then the official said that he hardly thought that the fact of seeing him came under the seal of silence.



Surprise is the name of that kind of Soap.

5 Cents a Cake.

THE ST. CROIX SOAP MFG. CO. ST. STEPHEN, N.B.

## Every Housekeeper

wants pure hard soap that lasts well—lathers freely—is high in quality and low in price.

on that point, for fear of revealing too much," Father Regent remarked. "To tell the truth, the same idea suggested itself to me, but in a somewhat different form. I thought it might be possible that the murderer, fearful that Father Montmoulin might point him out as the probable criminal, thought to close his lips by means of a pretended confession. The fact that the good priest only the day before, preached, as I am told, on the stringent nature of the seal of confession, first put the idea into my mind."

"A false confession is no confession at all, and therefore cannot bind secrecy," objected the official.

"True, if one be quite certain that the penitent has the intention to deceive. But as long as the confessor only thinks that this is probable, he is obliged to consider the confession as valid, and consequently he is bound to secrecy. A confession of such a character would in any case cause much perplexity to a priest, and I can quite conceive that a man like Father Montmoulin, who is inclined to be somewhat scrupulous, would rather make the most heroic sacrifices, than infringe in the slightest degree upon the sacred obligation of secrecy. Perhaps, moreover, he promised the man not to let it be known that he went to confession."

"I can see the justice of what you say," Meunier replied. "But the practical point for us, on which I wanted your opinion, is this: Cannot this surmise be made use of in court? May I not point this out to the jury as a probable explanation of the mystery? At any rate, it would serve to nullify the effect of the prosecutor's evidence. Perhaps your Reverence may have met with instances before now in which priests were condemned unjustly in consequence of their inability to reveal the secrets confessed to them in the confessional?"

"Such instances have certainly occurred, and that comparatively recently. Not long ago there was an account in the papers of a priest in Poland, who was sentenced wrongly, and exiled to Siberia on account of a murder which one of his servants, a gardener I fancy—the case is singularly like our own—committed and subsequently confessed on his deathbed. We must try to obtain an official report of it."

"The solicitor caught at this idea eagerly. "Capital!" he exclaimed. "I shall have this looked up in the Univers, which is sure to have given a full report of it, and if possible, a report of the legal proceedings must be obtained from Russia. The case of this Polish victim to the seal of confession will strengthen our cause immensely, if brought forward in court. Do you think so, Father Regent? You shake your head rather doubtfully."

"To speak plainly, I do not quite like the notion of this subject being dragged into the law courts. You are aware how greatly unbelief has spread of late amongst the educated class in this country. One dreads seeing anything so sacred handled by the profane. Besides I fear lest we should place our poor friend Montmoulin in a very perplexing situation. Is there not every reason to expect that the Judge or the Prosecutor will put this question directly to him: Has the seal of the confessional anything to do with the case? And he would probably feel himself obliged to say it had not, for fear of in any way endangering the secret."

"This question might be forestalled, by objecting to it before hand, as one which the obligations of his sacred calling did not allow the prisoner to answer. We must depict very forcibly the embarrassing position in which the vow of secrecy places the priest, and the immense sacrifices it may demand of him under certain circumstances. I do not doubt that a favorable impression will be made upon the jury, and it is that with which we have to deal. And as for any profane remarks about confes-

sion, I do not see that they are to be apprehended, the judge would silence them. There is too much good feeling on the Bench to permit religion to be openly insulted in court."

"I fully agree with our learned friend," said the ecclesiastic from the palace. "I believe that the possibility of the seal of confession closing the lips of the prisoner will impress the jury favorably, and influence public opinion in our behalf, although I confess it does not clear up all difficulties to my mind. However it is always well to bring into prominence the solemn obligations which the And I hope the Polish story may produce a good effect. If it is possible, I shall lay upon the priest, to prevent direct questions being put to the prisoner, I see no reason why the supposition should not be brought forward in the defence."

"You are right," responded Father Regent, "I gladly yield to your better judgment. We take leave of you Mr. Meunier, with a good hope that your skill will avail in rescuing the innocent and preserving the honor of our clergy. You may rely on our prayers and holy sacrifices to assist you."

"Thank you, Father, I never had more need of them in conducting a case. When I think what is at stake, and how weak our defence is, I am almost inclined to despond. But I say to myself as I do to the prisoner: Courage and confidence!"

The two clergymen shook hands with the solicitor and departed. As they were descending the stairs, Father Regent's companion said to him: "I am afraid there is little chance for us; the counsel seems obliged to buoy himself up with false hopes."

"I trust it will come right in the end. It is God's concern, after all, and he will in some way or other make all turn out for the best," was Father Regent's rejoinder.

(To be continued.)

"Beauty is born in the blood. Beauty is more than 'skin deep,' it is blood deep. When the blood is tainted, the disease the flesh will feel it and the skin will show it. Sallow or muddy complexion, pimples, blotches, eruptions, are only the surface signs of impure blood. Face washes, lotions, complexion powders, may palliate the evils but they cannot cure the disease. The only cure is to cleanse the blood of the poisonous matter which is the cause of the outbreak in the flesh and skin. Impure blood can be absolutely purified by the use of Dr. Pierce's Golden Medical Discovery. Its effect on flesh and skin is marked. Sores heal and disappear. The skin becomes smooth, and regains its natural color. The eyes brighten and sparkle, the whole body is radiant with the brightness and beauty of health. 'Golden Medical Discovery,' contains no alcohol, whisky or other intoxicant, and is absolutely free from opium, cocaine and other narcotics. The use of Dr. Pierce's Pleasant Pellets, assists the action of the 'Discovery,' by cleansing the system of clogging matter."

Dr. Adams' Toothache Gum is sold by all druggists, 10 cts. a bottle.

DR. FRS. DE SALES PREVOST, SPECIALIST.

Disease of the Eyes, Ears and Nose. CONSULTATIONS—9.30 a.m. to 12 p.m.; 7 p.m. to 8 p.m., at 2349 Notre Dame street. 1 p.m. to 4 p.m., at 402 Sherbrooke street.

SAVE YOUR EMPTY BAGS. Use of BRODIE'S "XXX" Self Raising Flour who preserve the empty bags and return them to us will receive the following premiums: For 12 six pound bags a beautiful colored picture in splendid gilt frame, 12 inches x 16 inches. For 24 six pound bags a larger picture in fine gilt frame 18 inches x 24 inches. Two three pound bags may be sent in place of one six pound bag. BRODIE & HARVEY, 10 & 12 Bleury St., Montreal.

For pure blood,  
A bright eye and  
A clear complexion,  
A keen appetite,  
An easy digestion  
And refreshing sleep.

TAKE  
Bristol's Sarsaparilla

It arouses the Liver,  
Quickens the circulation,  
Brightens the spirits and  
Generally, makes life worth living.

Sixty seven years trial have proved it to be beyond question, the most reliable BLOOD purifier known.

All the leading Druggists sell BRISTOL'S SARSAPARILLA.