

A VICTIM TO THE SEAL OF CONFESSION.

A TRUE STORY.

By REV. JOSEPH SPILLMAN, S. J.

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CHAPTER XVIII.

THE WITNESSES CALLED.

The evidence of the first witnesses who were called offered little or no points of interest. The mayor and other public functionaries from Ste. Victoire repeated the deposition they had made and put in writing at the time the murder was discovered.

Considerable amusement was caused when old Susan made her appearance in the witness-box. Her dress alone was enough to provoke laughter. She wore her gray cotton dress with large flowers freshly washed and starched for the occasion, and a shawl of brilliant colors which might have become her well, had she been forty years younger.

Susan made an elaborate courtesy first to Father Montmoulin and then to the Chief Judge. After she had sworn to tell the truth and nothing but the truth, she deposed how she missed the knife at breakfast time, three hours before the murder; how Father Montmoulin dismissed her at 10 a.m. with orders not to return until the next morning; and how she met Mrs. Blanchard at the convent door.

On being asked if there was not a second knife of a similar description, she said: "No; they had only the one." On being asked if it did not strike her as singular, that her services should be dispensed with so early an hour, she replied: "I scolded his reverence for it, because he was not well. But he has his faith, sometimes he likes to get his own supper, especially in Lent, for he keeps the fast very strictly." And then she was asked whether there was anyone else in the convent at the time that Mrs. Blanchard was murdered, and told to consider her answer well. Perfect silence prevailed in the court, one might have heard a pin drop, as the saying is, for everybody was listening with breathless attention.

"I have been thinking about that," the old woman replied, "ever since poor master was taken into custody and I can only say this: the scapular must surely have been hid somewhere there!"

A murmur of astonishment rang through the court. The president commanded silence, and asked the witness: "What makes you think that? Did you see him anywhere? Remember you are on your oath."

"No, I did not see him. But he must have been there. No one but that rascally fellow would have committed the murder."

"I am in a position to prove," interposed the prosecutor, "that the scapular could not possibly have been in Ste. Victoire at that time. It is mere suspicion on the part of this good woman."

But Susan was not to be abashed. "Oh," she said, "no doubt the devil brought him there."

"What?" exclaimed the president, "you surely do not believe—"

"Of course I do believe! If the foul fiend could take up our blessed Lord and set Him on a pinnacle of the temple in Jerusalem, as we read in the Gospel, he would have no scruple in conveying that wretch of a scapular, who never goes to his duties, to the convent to kill and rob the poor old lady and bring our good pastor into this terrible fix. I know another story of how he carried a lawyer from Paris to the Galles-hill near Marseilles in half an hour. Would your worship like to hear the story?"

A roar of laughter resounded on all sides. The judge dismissed the witness, saying he should not have thought there was so much superstition amongst the peasantry, a remark which sorely offended old Susan.

When tranquility was restored, the Prosecutor proceeded to call the witnesses to prove an alibi for Loser, whom hitherto they had unfortunately not succeeded in tracing. Efforts had been made by the defence to attach suspicion, he said, to this man, who was thoroughly to be respected and had served his country well, but research only tended to show that it was impossible for him to have been in Ste. Victoire on the 20th of February. The first witness was the landlord of the Golden Rose, who related how, in the presence of a numerous company, Loser had, on the evening of the 19th ult., given his keys into his safe keeping, saying he was off to Marseilles on business; that business being to claim a legacy of fifteen hundred or two thousand pounds, bequeathed to him by a rich relative in Lorraine.

asked if the prosecution was aware that the story of this legacy was entirely fictitious?

"The prosecutor replied that it was true that Loser had drawn largely on his imagination, and he could not deny that this fact told against him, and might even cause him to be suspected, if the alibi were not so well authenticated. As it was, he could only say the man had indulged in a little harmless boasting."

"Such a falsehood," Mr. Meunier replied, "could hardly be glossed over as harmless boasting. To me it appears only too obvious, that Loser invented the story of the legacy to account for his possession of the large sum of money which he hoped to acquire by the crime he meditated. I beg the gentlemen of the jury to observe, when the evidence for the alibi is given, what prominence and publicity he sought to give to this pretended journey to Marseilles. This together with the audacious lie about his legacy, will show you the character of the man, whom my learned colleague designates as 'thoroughly to be respected.'"

The linker Lenoir next entered the witness box. To his wife's great annoyance, he appeared quite proud of having driven the valiant soldier to the station on the eventful evening, and confirmed the statement that he had asked for a ticket to Marseilles. The clerk at the booking office recognized Loser's photograph; so did the waiter in the refreshment room, and one of the porters and two other railway officials. They all remembered seeing the man with the ugly scar on the platform just before the express train for Marseilles came in. Mr. Meunier asked those witnesses, if it had not struck them that the man made himself intentionally prominent. Some said yes; others said no, he only seemed anxious not to miss the train.

The guard was next called; after giving his evidence he was subjected to a cross-examination by Mr. Meunier as to whether he was certain that the man, whom he had noticed on account of the scar on his face, had really travelled in the train. The guard said he could swear to having clipped his ticket, and found him a place just before the train left the station. He had not seen him afterwards, as he had not been to that compartment again, the train being very long; he thought, but he could not swear to this—that he had seen him again on arriving at Marseilles.

The Judge again asked: "Then you can swear that the man entered the train and travelled all the way on it?"

"He certainly got in," was the reply, "consequently he must have travelled with it."

"You cannot be positive about the latter point," interposed the counsel for the defence.

"Yes I can," the other replied somewhat testily, "do you think anyone can leave the train with the guard standing by, and he not see it?"

"I do not see that it is at all impossible. Perhaps his worship would kindly inquire of the other railway officials who are present what their opinion is."

This was done; all affirmed that it was most improbable, if not impossible, that anyone could alight from the carriage he had just entered without being observed by one or other of the railway servants. The station-master also declared that he remembered the evening in question, and was sure that no one remained on the platform after the departure of the train.

Still Mr. Meunier was not satisfied. "It appears to me that this very important point has not been sufficiently cleared up," he said. "I caused inquiries to be made amongst the railway officials at Marseilles, and succeeded in discovering the ticket-collector who took the tickets on the night in question; he said he did not recollect seeing the man who was noticeable on account of this scar."

"He told me the same," the Prosecutor rejoined, "but at the same time he remarked that he had not time to scrutinize the faces of the passengers, his business was to see that their tickets were all right. This it is plain that the man may have passed unnoticed. In fact, I consider an alibi to be clearly proved, unless it be supposed that he was spirited away out of the train in some miraculous manner."

The counsel for the defence seeing the ground thus cut away under his feet, endeavored to prove that the scapular might have returned by the first train next morning. In this however, he utterly failed, as Loser must have been back in Ste. Victoire before seven, in order to have taken the knife out of the kitchen, if he were indeed the murderer. He was obliged therefore to resume his former position, and re-assert that the scapular might have stepped out of the train at the moment of starting, and slipped unperceived by a back way out of the station. He said he could produce a witness who had seen him coming from Ste. Victoire, on the morning of the murder. He must consequently have been there at the time the murder was committed. He had intended to call this witness later, but begged to be allowed to call her at once. Permission was of course granted and the barmaid from Croy Rouge was summoned.

Now, when, on Saturday morning before the trial, the prosecutor found the name of Anno Joly added to the

list of witnesses, and heard that Meunier had driven over to Croy Rouge, he thought it worth while to go over himself in the afternoon and ascertain who this new witness was. What he heard there might have altered the features of the trial, had he known it from the outset. But now, only the day before the proceedings were to commence, he had gone too far, and he would not allow even to himself that he might be wrong in his opinion as to the guilt of the prisoner, and had gone on a false track. So there was no alternative but to render the barmaid's deposition valueless. He made a few inquiries as to her character, and returned to Aix with much apprehension as to the influence her evidence might have.

Anno Joly stepped into the witness box with a complacent smile, curving right and left, little suspecting what arrows the gentleman who talked so affably to her on the previous Saturday evening had in store for her. After she had answered the usual questions before she took the customary oath, the prosecutor rose, and said he objected to this witness; then he asked her how she came by that pretty new shawl which became her so well? For a moment the girl was taken aback, then she answered pertly that she did not see what that mattered to him; the shawl was not stolen.

"It does matter to me, I will tell you all about it," he answered; "The shawl was given you by a certain Mrs. Lenoir, on condition that you should give evidence on behalf of the Rev. Mr. Montmoulin. Can you deny that?"

The baker Lenoir could hardly keep his seat, when he heard this assertion. He glanced up at his wife, and saw how she wrung her hands in consternation. The barmaid blushed crimson, and murmured something unintelligible. But the counsel for the prisoner quietly came to her aid, and by a few adroit questions made it apparent that the shawl was not given her as a bribe, but merely a present to compensate her for her trouble in coming to Aix. After a little more cross-questioning, the view of the matter was admitted. Mrs. Lenoir was however, not acquitted of blame for her share in the transaction. But before the witness was sworn, the prosecutor brought forward witnesses to speak of her character; nothing very bad was alleged against her, but she was represented as a gossip and chatter-box, and the landlord of the inn went so far as to assert it to be his opinion that the story was a fabrication on the girl's part to give herself importance.

Again the court deliberated as to admitting her evidence; finally she was sworn, but not until the judge had read her a lecture on the sacredness of the oath, and the penalties attached to perjury. Consequently the girl, bewildered and frightened, began to cry, and allowed herself to be so brow-beaten by the prosecutor that she hardly knew what she said, and her evidence, from which Mr. Meunier hoped so much, produced anything but the desired effect.

On the other hand the next witnesses, called for the prosecution, did little to further their cause. No sufficient motive could be found for the crime. The trifling debt owed by the prisoner or his mother, the order for the books, the small expense of furnishing a room, were too contemptible to be urged as inducements for so revolting a deed. Nor was it made apparent that there was sufficient ground for suspicion of complicity to justify the arrest of the prisoner's mother and sister, as the accusation rested on the children's assertion that their grandmother had brought "a lot of money" with her from Ste. Victoire. They were examined, but Mr. Meunier had no difficulty in explaining away their statement.

When Charles was about to leave the witness-box, he held out his finger, as he was accustomed to do at school, as a sign that he had something to say. The judge gave him permission to speak, and the boy said: "The gentleman with the black beard who has been talking against my uncle all the morning, could not explain how the candlestick which was on the altar got into that terrible room. I can." Then he told how he had been afraid to go through the long corridors in the dark, and had taken the candlestick, and how the sight of the death's head had scared him so much that he let it fall and feet upstairs. "And so," he concluded, "you see, Sir, what that gentleman said was quite untrue, that my uncle lighted the poor lady down the stairs and then killed her. How could he think of such a thing! And you sir, why do you not punish him for lying?"

The judges smiled, the jury laughed outright, and the people in the gallery began to applaud the forward boy, but at this juncture the president stopped the proceedings, as noon was long past, and the Court rose.

Father Montmoulin was conducted to the cell of the accused, which was

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Now, when, on Saturday morning before the trial, the prosecutor found the name of Anno Joly added to the

his dinner was served, but it will be readily imagined that he had no heart to eat, and scarcely touched the dishes set before him. "If only it was all over!" he said to himself, leaning back in his chair, and resting his head against the wall. In this position he fell asleep, being tired out, and dreamt that St. John Nepomuceno, whom he had so frequently invoked appeared to him, holding out a crown. He inquired whether it was the Victor's wreath, and the Saint answered: "Not yet; of the crown of thorns must come first." And as he held out his hand for it, he woke, and found his counsel standing before him.

"I congratulate you," the solicitor said, "on the good use you have made of this interval. I only wish the jury could have seen you, it would have done more towards convincing them of your innocence than all my argument. But I see that you have hardly taken anything; that is unwise, as the trial may be protracted to a late hour, and you need to keep up your strength. We have done pretty well so far. We have gained several points, though not all. I think I managed to make the alibi doubtful, and as for the motive of the crime alleged, not one was worth a moment's consideration. Your little nephew spoke out bravely that sort of thing has a very good effect on the jury. I still hope for an acquittal, though we must be prepared for everything. You are not like most of my clients, you know the power of prayer. But what I wanted to ask was this: Would you like me to call your mother to give evidence? I expected that the Prosecutor would have done so. I suspect he thought it wiser not to summon her, lest she might soften the hearts of the jury."

"Pray do not do anything of that sort. I should indeed be sorry to expose my poor mother to so painful a trial. Besides, I beg you to remember that I do not ask for pity, but justice from my judges. An acquittal which arose from a sense of compassion alone, not from the persuasion of my innocence, would have no value in my eyes. For the sake of my office I desire my character to be fully resuscitated. Everything else is a matter of indifference."

"Very well, we will do our best with the help of God."

After an interval of two hours, the proceedings were resumed, the witnesses for the accused being first heard. Father Montmoulin's former teachers testified to his having been exemplary in his conduct while under their charge, those who had seen his fellow students said the same, they had manifested any tendency to cruelty, deception or love of money. He had been a frank, merry youth, a favorite with all his comrades. The Seminary professors, amongst them Father Regent, who was universally known and respected, gave evidence to the effect that both as a Semarantist and a priest, he had been a man of the highest morals and plainness of life. The venerable pastor of St. Grange said that the accused had lived with him for ten years, and that he had only found one fault in him, too great zeal and excessive liberality towards the sick and poor. He would give them his best sixpence, almost the very clothes he wore, so that he (the speaker) had to reprove him for not dressing well enough for his position. It was utterly incomprehensible how anybody could possibly believe such a man to be guilty of robbery with murder.

Several poor people were also called to testify to Father Montmoulin's kindness of heart, and his benefactions to them. All this seemed to impress the jury. But the prosecutor grew impatient, and at length turned to his feet and addressing the judge, he said: "My lord, it appears to me that my learned colleague is taxing our patience unnecessarily. As I told him at first, I am more than willing to admit that the character of the accused has hitherto been blameless. Is it not superfluous to bring forward this endless array of witnesses?"

The judge replied that he did not place any restrictions on the defence, and he left it to the counsel to decide whether he need produce any more evidence to prove a fact which no one doubted. Mr. Meunier only asked permission to bring forward two more. One of these was the lad who acted as guide to the priest, when on the night before the murder, he had gone to administer the last sacraments to a dying man, and after spending the night at his bedside, had returned at daybreak through storm and rain to Ste. Victoire. Is it possible, the solicitor asked at the close of the narrative, that a man of such heroic devotion to duty, should a few hours later, stain his hands with the blood of a defenceless woman for the sake of a few pounds?

The last witness was Dr. Corbillard who had made the post-mortem examination of the murdered lady. Although not a religious man himself, he spoke in the most emphatic manner of Father Montmoulin's humane and gentle character, adding that he was sincerely grieved that he should have fallen under suspicion, as he would never have dreamt him to be capable of committing such a deed as that of which he was accused.

"And supposing," Mr. Meunier inquired, "the court should find him guilty—I hope I am putting an impossible case—is there any explanation of the act which you as a medical practitioner could give?"

"Well," the doctor replied, "I confess that I have given a good deal of thought to that subject of late, and have arrived at the conclusion that the opinion of some physicians who allege that a temporary aberration of intellect may be the explanation of many apparently unaccountable actions, is not altogether unfounded. Galenus wrote of old: cerebri obscura textura, obscuriores functiones, morbi obscuresissimi. (The brain is a mysterious organ, mysterious in its functions, still more mysterious in its diseases.) In fact a temporary pressure upon one of the cells, a temporary inflammation of certain parts, may be productive of aberration of intellect for a time, a passing fit of insanity. Under such circumstances a man is not responsi-

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ble for his actions, and will probably have no recollection of anything done while in that condition." "Would he not even be conscious that he had been in this morbid state?" inquired the Prosecutor. The doctor hesitated, and then answered somewhat doubtfully that such could hardly be the case; that these instances of temporary insanity were rare, and were invariably preceded by symptoms of nervous derangement, such as he had never remarked in the accused.

The judge then asked the prisoner if he had anything to say to this suggestion. Father Montmoulin replied that he certainly was feeling unwell at that time—but—

The judge here cautioned him against saying anything to incriminate himself. The prisoner thanked his lordship. "I cannot," he added, "avail myself of the doctor's theory. I am perfectly convinced that when the unfortunate Mrs. Blanchard left my presence I was in complete possession of all my senses. I was saying my breviary at the time the foul deed must have been done, and after that I laid down upon my bed."

The counsel for the defence then resumed his seat, saying with a somewhat melancholy expression that he had no more witnesses to produce. The interest manifested by the on-lookers was evidently intense. "What a fool," whispered a man standing close to Mrs. Lenoir, who professed to take a perfectly unprejudiced view of the proceedings. "He ought to have taken his cue from the counsel, he might have got off on that plea. Now he has cut his own throat."

"Do you think so really?" Mrs. Lenoir replied under her breath. "I should have thought his rejecting that suggestion was just proof of his innocence."

The presiding judge now announced he was about to have the prisoner's mother brought in, that the jury might decide whether she was or was not guilty of receiving the money her son was said to have stolen. The prosecutor wished to prevent this, but his opposition was overruled.

Mrs. Montmoulin was accordingly led in the court. Grief and anxiety concerning her son, together with the hardships of five weeks' confinement in prison, had changed the old lady sadly. Ten years seemed to have been added to her age, and she tottered into court bent and infirm. When her eyes fell upon her son standing in the dock between two warders, she sobbed aloud, and sank weeping into the chair which the judge ordered to be placed for her.

Father Montmoulin was scarcely less moved at the sight of his mother, whom he would hardly have recognized. But he controlled his emotion, and raising his head to the crucifix murmured: "Lord give us both strength to hear this trial; Thou knowest by whose will we are here."

The mother seemed to understand the meaning of her son's glance, she folded her hands and answered the questions addressed to her with calmness. These referred to her past life and the straitened circumstances in which she found herself at present, although through thrift and industry, she had contrived to maintain herself without any pecuniary assistance from her son, with the exception of the twenty pounds which had been a present to him from a lady who was subsequently murdered. Her statements bore the stamp of truth, but the prosecutor did his utmost to represent the story of the gift of the money as highly improbable. After a long cross-examination the poor woman was allowed to depart, which she gladly did, after a long, sad look at her unfortunate son.

(To be continued.)

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