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THE MOVING STORY OF THE LYONS STAGE

MAX RADIN¹

Judicial errors do not occur in the United States. Under these circumstances, we can look with some satisfaction on times and places in which this happy condition did not prevail. If in the cycle of existences our perfection should ever become visibly tainted, it may happen that we shall hang men or electrocute them and subsequently regret the fact. Perhaps some one will then recall the moving story of the Lyons stage.

On the eighth of Floréal of the Year IV of the Republic, One and Indivisible—which is to say April 27, 1796—the Lyons stage left Paris at 5:30 in the afternoon. There was but one passenger, who took his place on the box with the driver, Audebert, and the courier, Excoffon, the latter being the official Messenger who carried mail and express packages, a service then, as later in the Western United States, not without its constant dangers. On this day, his leather bag contained no less than seven million livres in assignats, or Treasury notes which were intended for the French armies in Northern Italy. The assignat neither then nor at any time was at par, but the sum was none the less a considerable one. The stage stopped for dinner at Lieursaint some twelve miles south of Paris, and at about eight, went on again toward Melun which is fourteen miles further.

It never reached Melun. Later in the evening, a man passing on the way to Lieursaint from Melun, near the forest of Serant, saw the coach standing and the off-horse peacefully cropping the grass. He found to his horror the bodies of the driver and the courier near the road. They had been brutally slashed and stabbed, their throats cut and their bodies flung into a ditch. The passenger was gone, as was one of the post horses. The bags were lying about, torn open, and their contents rifled. Near the coach there was a broken spur, silver plated, with thread wound around it.

Alarm was given at once. The whole countryside was beside itself with horror and indignation. Robberies had become frequent and there was a general sense of insecurity. The *juge d'instruction*, M. Daubanton, with the excited cooperation of an aroused neighborhood, undertook to investigate the dreadful crime.

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His investigation led to prompt results. Four men on horseback had been seen at about two o'clock on the same road riding out from Paris to Lieursaint. They had stopped for dinner at an inn in the little village of Montgeron, just a mile or so north. Champeaux, the innkeeper, remembered them well. One was a short blond man whose boots had "silver spurs" and he had asked the innkeeper for some thread to tie up one of the spurs which had broken off. Champeaux was quite sure that he could recognize all of them.

The judge at once sent for M. and Mme. Champeaux, the proprietors of the inn, and the two waitresses, Sauton and Grosseteste. Bailiffs scurried in all directions to summon any one else who might have seen these four horsemen. Among them were Guénot, Bruer, and M. Alfroy, who kept a tree-nursery on the road and had not only seen them but had spoken to one of the horsemen, the same short and blond man whose spur was out of order. He added that he was clad in a big cloak. The innkeeper, the two waitresses, were ordered to appear at Melun.

So far there was nothing to connect the four riders with the murder—and the passenger who had taken his place at Paris and who must have had something to do with it, could not be identified.

M. Daubanton, the judge, did the obvious thing. He sent to Paris for a description of the stolen assignats. Upon this description the police succeeded in finding a man who attempted to pass one of these assignats. It was a certain Couriol.

This was of course sufficiently damning. Couriol, hastily brought to the magistrate, was recognized by half a dozen persons as one of the four riders. With all this evidence mounting up, Couriol simply denied his guilt and stood mute. A further search in Paris brought the police to the house of a notorious fence, Richard, with whom more of the loot was found. Further, Bernard, the owner of the livery stable from which the horses had been hired, was also arrested.

It must be confessed that M. Daubanton, *juge d'instruction*, had so far done well. The crime was still fresh and three men were already in custody, one of the perpetrators, one who assisted in planning the crime and one who helped in its commission. Richard and Bernard were held incommunicado in prison and Couriol was hurried to the office of the judge to be confronted with the people of the inn, who were there under interrogation, as well as to be identified by the many witnesses who had seen four riders on the road that fatal afternoon.

The inn-servants, Sauton and Grosseteste—the record does not mention their Christian names—were in the ante-room, when Couriol

was brought in. They both rose to their feet and trembling with excitement declared that he was one of the four. It was hardly necessary, but it was welcome none the less.

The door was then opened and several of the other witnesses were called in. The first to enter was a certain M. Guénot who had asserted that he had seen the men earlier in the afternoon. With him was his friend, M. Joseph Lesurques, a retired merchant of the neighborhood. Lesurques merely came to keep Guénot company. He had not been summoned as a witness. After them, came Bruer, also a witness.

Sauton and Grossteste had just recognized Couriol. When the others entered, they turned and gave an exclamation. Guénot, Bruer and Lesurques entered the magistrate's private office. The two women quickly informed the policeman near them that the three who had just entered, were the others of the party which they had served in the inn at Montgeron.

M. Daubanton was at once apprised. The women were ordered in and most positively identified all three. They were especially sure about Lesurques. They recognized his overcoat, the color of his hair and his size. They gave as details that he had ordered coffee and had played cards with Couriol. The three men, all of apparent respectability, first seemed to be stunned, then burst in violent protests. None the less they were at once placed under arrest.

The neighborhood was filled with excitement and satisfaction. The four murderers had been caught, with two others to boot. Only the mysterious passenger had escaped.

Further investigation went on apace. Champeaux, the innkeeper, recognized Couriol and when he saw Lesurques identified him positively as the short blond man who had asked him for thread in order to tie his spur. So did Mme. Champeaux. They were not sure about Guénot and Bruer, but one other witness recognized the former and two others, the latter. As for Lesurques, not only did the same two recognize him, but to their testimony was added that of a respectable peasant, Gillet, who was standing at his gate when the four rode by, and that of both M. and Mme. Alfroy, the tree-nursery keepers, who had also seen them. Mme. Alfroy had seen Lesurques twice, once just before the murder and also four hours earlier.

The evidence was overwhelming. Yet, as against Bruer and Guénot, it broke down completely. Their ablibis were supported by the strongest evidence. They had been, as a great many persons could prove, at home all the evening and had certainly not been out of sight

of a sufficiently large number of their friends at any time which could possibly be considered.

Lesurques had no such alibi. He declared that he had purchased a silver trinket at Paris from a jeweler named Legrand of the Palais-Royal, and that he left the shop at two and dined that evening with a girl, named Clotilde Dargence. The journal of the jeweler was brought and showed such a purchase for the 8th of Floréal, the day in question. But it was evident at once that the date had originally been the 9th and that a change had been made there. Legrand was arrested for fraudulently tampering with evidential documents. He admitted the error but proved that it had not been intentional. The case against him was dropped, and with it, unfortunately, the alibi of Lesurques, for the girl, Clotilde, was not sure of the date of his visit.

It must be admitted that Lesurques' personal reputation was not of the highest. He had made money out of purchasing estates confiscated during the Revolution. He was said to frequent questionable places. He knew Couriol and Richard, the fence. He was charged with profligacy. His passports were extremely irregular. Distinctly, he was not popular with respectable persons, being a revolutionary parvenu.

The only thing in his favor was the devoted attachment of his family and the fact that Couriol, who had since confessed, denied that Lesurques had anything to do with the crime, or that Bernard had known anything of the purpose for which the horses were hired.

Under these circumstances the final trial resulted as everyone expected. Couriol, Bernard, Lesurques, were condemned to death, and Richard to twenty-four years in the galleys. The sentences were quickly carried out. Just before his death, Couriol solemnly assured the magistrate that Lesurques was innocent and for the first time revealed the names of the real murders. Besides himself, they were Dubosq, Vidal, Durochat and Roussi—all names well known to the police, especially Dubosq who had already served a long term in prison. Couriol further explained why Lesurques had been recognized. Although he looked nothing like Dubosq, the latter had on this occasion worn a blond wig. The men were approximately of the same height but not exactly and though both had worn overcoats, these were not especially similar in cut. It was too late. The court refused to reprieve Lesurques and all three men were executed. But M. Daubanton, the magistrate who had committed Lesurques, had both doubt and bitter remorse. The case was over, but he determined to continue his investigations.

One of the men named by Couriol, Durochat, was rash enough to be arrested for theft some months later. His identity was established and he was searchingly questioned and confessed. His story coincided with that of Couriol. He, Durochat, had been the mysterious passenger. The plan—only too successful—had been to have him attract the attention of the courier and the driver just before the four highwaymen rushed upon the stage from the Senart forest. He confirmed the list of names and added that Dubosq, the leader of the gang, the man whose blond wig had brought Lesurques to the guillotine, could be found at a neighboring village.

Dubosq was arrested. He was a much-dreaded ruffian and few at first were ready to testify against him. He loudly denied his guilt and did not conceal his menaces toward anyone who might denounce him. But Durochat's statement was surprisingly confirmed first by the fence, Richard, now a convict at Toulon, and finally by Madeleine Breban, Couriol's former mistress, and now the wife of the hangman at Dijon.

Dubosq was confronted with one of the waitresses—the other had left the neighborhood. She did not recognize him. The innkeeper's wife also asserted she had never seen him before. The innkeeper thought he was very different from the man who had asked for thread at the inn at Montgeron. Gillet, the peasant, said that Dubosq was not one of the four he had seen. M. Alfroy did not recognize him. Mme. Alfroy thought that there was a resemblance but did not think that he was the man.

Thereupon, the chief magistrate suddenly placed a long blond wig on Dubosq's head and at the same time showed Mme. Alfroy a miniature of Lesurques. She looked at the two, turned pale and stammered, "Yes—yes—I recognize him. It is he and not Lesurques whom I saw. I was mistaken."

The others persisted in denying that Dubosq was the man.

Durochat, too, was confronted with Dubosq. As appeared later, he had in the meanwhile been bribed. He denied that the new prisoner was Dubosq.

This took the police aback. Dubosq was not carefully guarded and escaped. Vidal, another one of the men mentioned by Couriol, was taken at the same time and was condemned to death. The next year Dubosq was rearrested, and again escaped. Finally, four years after the murder, he was arrested for the third time.

The Minister of Justice and the prosecutor—we may say the whole country—were satisfied of two things. First, that Vidal, Couriol

and Roussi-Bérolody, still at large, were three of the four horsemen seen on the afternoon of the murder. Nearly everybody was sure that the fourth man was either Dubosq or Lesurques. That was emphatically the theory of Dubosq's defense. As Lesurques had been convicted and executed, Dubosq's counsel contended that the judgment precluded his client's conviction, being a final ascertainment of who the fourth man was. The Minister of Justice suggested to the prosecutor that it was possible that both were guilty. On that point there was really no evidence, but since one of four perpetrators of murder is also an accomplice, the jury was urged to find Dubosq guilty of merely aiding and abetting the murder, a charge which also carried a capital sentence and which completely met Dubosq's defense.

Dubosq was convicted and executed. Three years later, the last of the four horsemen, Roussi-Bérolody was arrested, convicted and guillotined. This took place just before the proclamation of the First Empire.

M. Daubanton, the magistrate, whose zeal and energy had brought about the execution of seven men, was now wholly absorbed in assisting the family of Lesurques. Public opinion had veered in favor of him. Couriol had solemnly declared Lesurques to be innocent. So did Durochat. So did the fence, Richard. The last of the murderers, Roussi, publicly declared at his trial that he had never seen Lesurques and made a similar statement to his confessor, M. Grandpré, who in accordance with Roussi's wishes published the confession six months later.

It was believed that Dubosq had finally confessed. Apparently he told the whole story to his advocate whose lips were sealed by the rule of professional secrecy, breach of which is a crime in France. Many years later a member of the Paris bar wrote to the court that Dubosq's lawyer had asked the bar at a formal meeting to permit him to report the confession, but that such permission was refused.

Against Lesurques were the persistent identification of people who said they had seen him riding past and the more positive statement of the innkeeper. This was qualified by the retraction of Mme. Alfroy when she saw Dubosq in a blond wig.

The family persisted. Every successive government was petitioned. The answer was the inevitable *non-possumus*. What has been judged must be taken to be true. Society and the prestige of courts demand it. There are exceptions, of course. The Code mentions three in the case of murder—the supposed victim may be found alive, the prosecuting witness may have been convicted of perjury, another per-

son may have been convicted of the same crime by a verdict irreconcilable with the first verdict. But even these exceptions can be utilized only by the condemned man himself.

Lesurques was dead.

It was charged that the judge who actually tried Lesurques, M. Gohier, had been violent and overbearing. Those who denied it rested their denial on the fact that M. Gohier was a man of great dignity and long experience. It may, however, be remembered that Lesurques was a man who had become rich by the Revolution and that M. Gohier was a magistrate who held over from the old regime. Recent experience in Germany might help us understand what this sort of a magistrate would feel toward this sort of a defendant.

The daughters of Lesurques, now in considerable want, continued their efforts. Successive attempts in Parliament, renewed petitions, failed. At last, in 1867, after a decade of agitation on the point, the Code was modified and the family of a condemned man was permitted to apply for a revision of the case. Mlle. Virginie Lesurques, now more than eighty years of age, had so far triumphed.

But her triumph was futile. The Court of Cassation—it was now the Second Empire—composed of fine, dignified and conservative lawyers, regretted, but . . . They were full of sympathy, full of admiration for the loyalty and devotion of Mlle. Lesurques and her family, but strictly speaking, the convictions of Lesurques and of Dubosq were not logically irreconcilable. Nothing could be done. (Dec. 17, 1868.)²

What the Court of Cassation could not do, public opinion did. Even 1868 did not see the end of the *Affaire Lesurques*. It was the subject of a monograph as late as 1926. Very few, indeed, at the present time actually believe in his guilt, but there can be no more striking example that a doubt is not allayed by the mere process of removing those whom the doubt concerns.

And, perhaps, while we are at it, we may devote a moment of compassion to the poor devil of a liveryman who had no devoted family or repentant magistrate, and who was guillotined, in all likelihood, because he let four horses to four men whom he did not know.

²S. 1868, 1, 457. Cf. the following studies of the case. Delayen, G. *L'affaire du courrier de Lyon*. (Collection Justitia, 7th ed., 1926). Lenôtre, G. *Le Courrier de Lyon*; Lectures pour Tous, March, 1907. Appleton, F., *L'histoire vraie du Courrier de Lyon*, Arch. d'Anthrop. Crim. 1912, 401-421, Legriffie, L. A propos du courrier de Lyon, *ibid.* 531-539. 1 Green Bag 72.