

And, to her delight, Jessie had always found in Miss Bretherton an interested and sympathetic listener to those lavish panegyrics which she seized every opportunity of ringing in her ears. Apparently Idalia did not weary of the theme, but how far she

really joined her friend in this hero-worship of her brother, and in what degree Jessie's encomiums influenced her sentiments towards the subject of them, may be left for future discovery.

END OF CHAPTER THE THIRTY-SIXTH.

MISTAKEN IDENTITY.



OST people, if asked whether they could identify a friend they knew well, after he had been absent for a few years, and pick him out from among a number of other people, would answer the question in the affirmative. But when

they came to reflect upon the extraordinary likenesses they must at times have perceived between different individuals, and how time can work strange changes in the human countenance, they would probably be more doubtful, and decline to be as "cock-sure" upon this particular subject as Sydney Smith said Macaulay was about everything. Had they studied the matter at all, they would certainly reply that the question of identification of a person is often one of extraordinary difficulty, that grievous and terrible mistakes have been made, leading, as we shall see presently, to judicial murders; and that those writers on medical jurisprudence who have concerned themselves with this subject have borne eloquent witness to "the utter uncertainty of testimony to identity when based on mere resemblance of face and figure." As to the ravages wrought by time, the following beautiful passage of "Marmion" will be doubtless familiar to many of our readers:—

" Danger, long travel, want, and woe,
Soon change the form that best we know;
For deadly fear can time outgo,
And blanch at once the hair.
Hard toil can roughen form and face,
And want can quench the eye's bright grace,
Nor does old age a wrinkle trace
More deeply than despair."

It may not be uninteresting, then, if we collocate a few instances out of the many on record wherein mistakes as to identification have led to disastrous and sometimes tragic results. But before doing so it may be noted that we have instances of extraordinary resemblances handed down to us from antiquity, for Pliny, in his Natural History, calls attention to certain persons who could hardly be distinguished from each other, such as the Emperor Pompey and a person named Vibius in a much lower station of life; Lentulus and Metellus the consuls; and one Artemon the impostor, who was curiously like Antiochus, the King of Syria. Thus there is in truth nothing new under the sun, nor is it surprising to find that what is a matter of common experience at the present day was well known to, and commented upon by, the ancients.

One of the most remarkable cases occurring in comparatively recent years was that upon which was founded the famous play of *The Courier of Lyons*, or, as it is sometimes called, *The Lyons Mail*. On the 27th of April, 1796, the mail going from Paris to Lyons was stopped, and the courier and postillion murdered. A young man named Lesurques, of spotless character and very good position, was arrested for the crime and executed, on the testimony of nine people, though he vainly proved an *alibi*, and though a woman who knew the real criminal, Duboscq, testified that he, and not Lesurques, was the murderer. Lesurques went to his death, leaving a very pathetic letter to the then unknown man in whose stead he suffered; and it was not till years afterwards that Duboscq confessed, when the same witnesses recognised him as the criminal, declaring that they had been misled by the remarkable resemblance between him and the innocent man. What makes this case all the more extraordinary is that these two men positively had scars of the same size in similar positions. Little wonder then that such a fact, coupled with their resemblance, caused them to be mistaken one for the other.

About the middle of the last century a certain Mr. Killet was convicted and executed on the positive oath of a man named Jackson, who swore he had been robbed, Killet's innocence being afterwards proved. Another tragical case was that of two men named Mackley and Clinch, who were executed for the murder of a Mr. Fryer in Islington in 1797, their identity being positively sworn to by Miss Ann Fryer, the cousin of the murdered man, who was with him at the time. Yet years afterwards two criminals severally confessed to the crime for which Mackley and Clinch had innocently suffered. Another unfortunate man named Coleman was executed in 1749 for the murder of a girl, Sarah Green, who swore positively to him as one of her assailants, the real criminals being discovered afterwards through one of them turning king's evidence, as it was called in those days.

Turning from these tragedies to cases wherein the accused persons escaped, we shall find equally remarkable instances of resemblance between different persons. A certain Mr. Frank Douglas, a man of fashion in the last century, was arrested on a charge of highway robbery, much to the horror of his friends, and would certainly have been hanged but for the following providential circumstance. A notorious criminal named Page happened to be caught and

brought to Newgate at the same time, and when the victim of the robbery saw *him* he recognised his real assailant, the extraordinary resemblance between the two men amply explaining his former testimony. A similar case occurred in New York some forty years ago or thereabouts, which created much excitement in that city. A hotel-keeper was charged with presenting a forged cheque, and, the bank clerk swearing to his identity, he was convicted. A new trial was, however, obtained, and after the unfortunate man's business and reputation were gone, a notorious forger happened to be arrested, who turned out to be the real criminal, a remarkable resemblance between the two being once more the cause of much misery to an innocent man.

Scores of such cases indeed might be quoted, and testimony based on resemblance has, says a great authority, been proved to be utterly uncertain, even when given by the most conscientious witnesses who desire to tell "the truth, the whole truth, and nothing but the truth." Dr. Gilman, in his edition of Beck's "Medical Jurisprudence," says on this point, "The wife has been mistaken as to her husband, the father as to his child, the sister as to her sister, the life-long friend as to his friend. Such mistakes have been made, and I suppose will be made, on such evidence. Lives have been sacrificed, judicial murders have been committed, and what the law has once done, we all know it will (for that sole reason) do again."

Fully as interesting as the foregoing cases, though not ending, or nearly ending, so tragically, are the cases in which the question to be decided is whether an individual is the person he pretends to be. And in this connection a famous case, the *cause célèbre* of our own times, will at once occur to the reader—the attempt of Arthur Orton to pass himself off as Sir Roger Tichborne. The extraordinary length of that trial and its many curious incidents are too fresh in the public mind to need any recapitulation here, though it is quoted by the most recent authorities as one of the most curious cases on record.

Let us go back to 1590, to a French case, that of Martin Guerre, which came before the Parliament of Toulouse in that year, and certainly sounds more like a fiction than a true story. Martin Guerre, foolish man, left his home and his wife for eight years. Thereupon one Arnauld Dutille made his appearance, bearing a great resemblance to the errant Martin, was received by the wife as her husband, and took possession of the property. Children were born to them, and for three years Arnauld Dutille was accepted by Madame Guerre, and Martin's four sisters and two brothers-in-law, as her lawful husband. The matter, however, fell into dispute, and then came the tug of war. Hundreds of witnesses were examined, and of those some forty swore that the impostor was Martin

Guerre, while as many were equally positive that he was Arnauld Dutille, and again a number of judicious persons testified that the two men were so much alike that they could not decide which was before them. The judges were naturally very much puzzled, and Arnauld Dutille brazening the matter out with consummate effrontery, they were positively on the point of deciding in his favour when the real "Simon Pure" appeared on the scene. Martin Guerre claimed his own, and the imposture collapsed.

Equally curious in its way was the claim of Pierre Megé, a soldier, to be the son of a certain Sieur de Caille who had fled to Savoy, being a Protestant, on the revocation of the Edict of Nantes. His son died in De Caille's presence at Vevay, but nevertheless the impostor was after a trial declared to be the said son, in spite of documentary evidence from Switzerland of the man's death. The wife of Megé, however, let out the secret, and on an appeal the Parliament of Paris decided against him. This imposture, as has been pointed out, was in many respects like the Tichborne case, for there seem to have been no points of resemblance at all between the two men.

Another cause tried in France was that of Baronet, who was condemned to the galleys on the false evidence of his sister, who had taken possession of his property, but he afterwards regained his rights, mainly owing to the evidence of Louis, a celebrated surgeon of the period.

It is needless, however, to go on multiplying instances of remarkable resemblances. Enough has been said to prove that these exist much more often than many people imagine, and to show how careful we should be in our courts of law as to the admission of evidence of identity based upon facial expression and contour of form. And if any more proof were needed, let our readers ask themselves how many of their friends resemble each other, and how often they see people in the streets that they take in the distance for acquaintances, until a closer scrutiny dissipates the illusion. They will, we fancy, be rather surprised at the result of such investigations, if they have not given attention to the matter before.

We have only in this paper dealt with the identification of living people. The question of identifying the dead is beset with still greater difficulties, is too painful, and involves too many purely medical details to be dealt with in these pages. Not to part with our readers, however, in too sombre a spirit, we may mention that some years ago a gentleman at Hammer-smith, who was supposed to be deceased, turned up precisely at the moment when the hearse containing, as was thought, his remains was leaving his door, and could, had he been so minded, have attended his own funeral.

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