

On **August 5, 1915**, Miss Edith Cavell, an English woman. directress of a large nursing home at Brussels, was quietly arrested by the German authorities and confined in the prison of St. Gilles on the charge that she had aided stragglers from the Allied armies to escape across the frontier from Belgium to Holland, furnishing them with money, clothing and information concerning the route to be followed. It was some time before news of Miss Cavell's arrest was received by the American Legation, which was entrusted with the protection of British interests in the occupied portion of Belgium. When the Minister at Brussels received a communication from the Ambassador at London transmitting a note from the Foreign Office stating that Miss Cavell was reported to, have been arrested and asking that steps be taken to render her assistance, Mr. Whitlock immediately addressed a note to the German authorities asking whether there was any truth in the report of Miss Cavell's arrest and requesting authorisation for Maître Gaston de Leval, the legal counselor of the Legation, to consult with Miss Cavell and, if desirable, entrust some one with her defense.

No reply was received to this communication, and on September 10th the Legation addressed a further note to Baron von der Lancken, Chief of the Political Department, calling his attention to the matter and asking that he enable the Legation to take such steps as might be necessary for Miss Cavell's defense.

On September 12th a reply was received from Baron von der Lancken in which it was stated that Miss Cavell had been arrested on August 5th and was still in the military prison of St. Gilles. The note continued:

She has herself admitted that she concealed in her house French and English soldiers, as well as Belgians of military age, all desirous of proceeding to the front. She has also admitted having furnished these soldiers with the money necessary for

their journey to France, and having facilitated their departure from Belgium by providing them with guides, who enabled them to cross the Dutch frontier secretly.

Miss Cavell's defense is in the hands of the advocate Braun, who, I may add, is already in touch with the competent German authorities.

In view of the fact that the Department of the GovernorGeneral, as a matter of principle, does not allow accused persons to have any interviews whatever, I much regret my inability to procure for M. de Leval permission to visit Miss Cavell as long as she is in solitary confinement.

Under the provisions of international law the American Minister could take no action while the case was before the courts. It is an elementary rule that the forms of a trial must be gone through without interference from any source. If, when the sentence has been rendered, it appears that there has been a denial of justice, the case may be taken up diplomatically, with a view to securing real justice. Thus in the early stages of the case the American Minister was helpless to interfere. All that he could do while the case was before the courts was to watch the procedure carefully and be prepared with a full knowledge of the facts to see that a fair trial was granted.

Maître de Leval. communicated with Mr. Braun, who said that he had been prevented from pleading before the court on behalf of Miss Cavell, but had asked his friend and colleague, Mr. Kirschen, to take up the case. Maître de Leval. then communicated with Mr. Kirschen, and learned from him that lawyers defending prisoners before German military courts were not allowed to see their clients before the trial and were shown none of the documents of the prosecution. It was thus manifestly impossible to prepare any defense save in the presence of the court and during the progress of the trial. Maître de Leval, who from the beginning to the end

of the case showed a most serious and chivalrous concern for the welfare of the accused, then told Mr. Kirschen that he would endeavour to be present at the trial in order to watch the case. Mr. Kirschen dissuaded him from attending the trial on the ground that it would only serve to harm Miss Cavell rather than help her; that the judges would resent the presence of a representative of the American Legation. Although it seems unbelievable that any man of judicial mind would resent the presence of another bent solely on watching the course of justice, Mr. Kirschen's advice was confirmed by other Belgian lawyers who had defended prisoners before the German military courts and spoke with the authority of experience. Mr. Kirschen promised, however, to keep Maître de Leval fully posted as to all the developments of the case and the facts brought out in the course of the trial.



German proclamation announcing the execution of Miss Cavell.

Translation:

**PROCLAMATION**

The Imperial German Court  
Martial sitting at Brussels has  
pronounced the following  
sentence:

Condemned to death for treason

committed as an organized band:

Edith Cavell, teacher, of Brussels.  
Philippe Bancq, Architect, of  
Brussels.

Jeanne de Belleville, of  
Montignies.

Louise Thuilier, Teacher, of Lille.

Louis Severin, druggist, of  
Brussels.

Albert Libiez, lawyer, of Mons.

For the same offense the  
following are condemned to  
fifteen years of hard labor:

Hermann Capiou, engineer, of  
Wasmes---Ada Bodart, of  
Brussels---Georges Derveau,  
druggist, of Paturages---Mary de  
Croy, of Bellignies.

At the same ~ion the Court  
Martial has pronounced sentences  
of hard labor and of  
imprisonment, varying from two  
to eight years, against seventeen  
others accused of treason against  
the Imperial Armies.

As regards Bancq and Edith  
Cavell, the sentence has already

been fully carried out.

The Governor-General brings these facts to the attention of the public in order that they may serve as a warning.

The trial began on Thursday, October 7th, and ended the following day.

On Sunday afternoon the Legation learned from persons who had been present at the trial some of the facts.

It seems that Miss Cavell was prosecuted for having helped English and French soldiers, as well as Belgian young men, to cross the frontier into Holland in order that they might get over to England. She had made a signed statement admitting the truth of these charges and had further made public acknowledgment in court. She frankly admitted that not only had she helped the soldiers to cross the frontier but that some of them had written her from England thanking her for her assistance. This last admission made the case more serious for her because if it had been proven only that she had helped men to cross the frontier into Holland, she could have been sentenced only for a violation of the passport regulations, and not for the "crime" of assisting soldiers to reach a country at war with Germany.

Miss Cavell was tried under Paragraph 58 of the German Military Code, which says:

Any person who, with the intention of aiding the hostile Power or causing harm to German or allied troops, is guilty of one of the crimes of Paragraph 90 of the German Penal Code, will be sentenced to death for treason.

The "crime" referred to by Paragraph 90 was that of "conducting soldiers to the enemy" (viz.: *dem Feinde Mannschaften zuführt*).

It is manifest that this was a strained reading of the provisions of military law; that a false interpretation was wilfully put upon these provisions in order to secure a conviction. This law was obviously framed to cover the case of those who assist stragglers or lost soldiers to get back to their own lines and join their units. It is doubtful whether the framers of the military law had foreseen anything so indirect and unprecedented as that of helping soldiers cross into a neutral country in the hope that they might find their way back through two other countries to their own army. Miss Cavell assisted these soldiers to escape into a neutral country which was bound, if possible, to apprehend and intern them.. If these soldiers succeeded in outwitting the Dutch authorities and making their way to England, their success would not, to any fair-minded person, increase the offense committed by Miss Cavell. Miss Cavell's conduct before the court was marked by the greatest frankness and courage. She stated that she had assisted these men to escape into Holland because she thought that if she had not done so they would have been seized and shot by the Germans; that she felt that she had only done her duty in helping to save their lives.

The Military Prosecutor replied that while this argument might be made concerning English soldiers, it could not apply to Belgians, who were free to remain in the country without danger. The subsequent behaviour of the German authorities to the Belgian young men who remained in the country does not lend any considerable weight to the remarks of the Public Prosecutor.

In concluding his plea, the Public Prosecutor asked that the court pass the sentence of death upon Miss Cavell and eight other prisoners among the thirty-five brought to trial.

Upon ascertaining these facts Maître de Leval called at the Political Department and asked that, the trial having taken place, permission be granted him to see Miss Cavell in person, as there could be no further objection to consultation. Herr Conrad, an official of the Political Department, who received Maître de Leval, stated that he would make enquiry of the court and communicate with him later.

The foregoing are the developments up to Sunday night, October 10th. Subsequent developments are shown by the following extracts from a journal made at the time :

**Brussels, October 12, 1915.** - When I came in yesterday morning I found information which seemed to confirm previous reports that Miss Cavell's trial had been concluded on Saturday afternoon and that the prosecution had asked that the death sentence be imposed. Monsieur de Leval promptly called the Political Department over the telephone and talked to Conrad, repeating our previous requests that he be authorised to see Miss Cavell in prison. He also asked that Mr. Gahan, the English chaplain, be permitted to visit her. Conrad replied that it had been decided that Mr. Gahan could not see her, but that she could see any of the three Protestant clergymen (Germans) attached to the prison; that de Leval could not see her until the judgment was pronounced and signed. He said that as yet no sentence had been pronounced and that there would probably be a delay of a day or two before a decision was reached. He stated that even if the judgment of the court had been given, it would have no effect until it had been confirmed by the Governor, who was absent from Brussels and would not return for two or possibly three days. We asked Conrad to inform the Legation immediately upon the

confirmation of the sentence in order that steps might be taken to secure a pardon if the judgment really proved to be one of capital punishment. Conrad said he had no information to the effect that the court had acceded to the request for the death sentence, but promised to keep us informed. I stood by the telephone and could overhear both de Leval and Conrad.

Despite the promise of the German authorities to keep us fully posted, we were nervous and apprehensive and remained at the Legation all day, making repeated enquiry by telephone to learn whether a decision had been reached. On each of these occasions the Political Department renewed the assurance that we would be informed as soon as there was any news. In order to be prepared for every eventuality, we drew up a petition for clemency addressed to the Governor-General, and a covering note addressed to Baron von der Lancken, in order that they might be presented without loss of time in case of urgent need.

A number of people had been arrested and tried for helping men to cross into Holland, but, so far as we know, the death sentence had never been inflicted. The usual thing was to give a sentence of imprisonment in Germany. The officials at the Political Department professed to be skeptical as to the reported intention of the court to inflict the death sentence, and led us to think that nothing of the sort need be apprehended.

None the less we were haunted by a feeling of impending horror that we could not shake off. I had planned to ride in the afternoon, but when my horse was brought around, I had it sent away and stayed near the telephone. Late in the afternoon de Leval succeeded in getting into communication with a lawyer interested in one of the accused. He said that the German Kommandantur had informed him that



judgment would be passed the next morning, Tuesday. He was worried as to what was in store for the prisoners and said he feared the court would be very severe.

At 6.20 I had Topping (clerk of the Legation) telephone Conrad again. Once more we had the most definite assurances that nothing, had happened and a somewhat weary renewal of the promise that we should have immediate information when sentence was pronounced .(3)

At 8.30 I had just gone home when de Leval came for me in my car, saying that he had come to report that Miss Cavell was to be shot during the night. We could hardly credit this, but as our informant was so positive and insisted so earnestly, we set off to see what could be done.

De Leval. had seen the Minister, who was ill in bed. and brought me his instructions to find von der Lancken, present the appeal for clemency, and press for a favourable decision. In order to add weight to our representations, I was to seek out the Spanish Minister to get him to go with us and join in our appeal. I found him dining at Baron Lambert's, and on explaining the case to him he willingly agreed to come.

When we got to the Political Department we found that Baron von der Lancken and all the members of his staff had gone out to spend the evening at one of the disreputable little theatres that have sprung up here for the entertainment of the Germans. At first we were unable to find where he had gone, as the orderly on duty evidently had orders not to tell, but by dint of some blustering and impressing on him the fact that Lancken would have cause to regret not having seen us, he agreed to have him notified. We put the orderly into the motor and sent him off. The Marquis de Villalobar, de Leval, and I settled down to wait, and we waited long, for Lancken, evidently knowing the purpose of our visit, declined to budge until the end of an act that seemed to appeal to him particularly.

He came in about 10.30, followed shortly by Count Harrach and Baron von Falkenhausen, members of his staff. I briefly explained to him the situation as we understood it and presented the note from the Minister, transmitting the appeal for clemency. Lancken read the note aloud in our presence, showing no feeling aside from cynical annoyance at something---probably our having discovered the intentions of the German authorities.

When he had finished reading the note, Lancken said that he knew nothing of the case, but was sure in any event that no sentence would be executed so soon as we had said. He manifested some surprise, not to say annoyance, that we should give credence to any report in regard to the case which did not come from his Department, that being the only official channel. Leval and I insisted, however, that we had reason to believe our reports were correct and urged him to make inquiries. He then tried to find out the exact source of our information, and became painfully insistent. I did not propose, however, to enlighten him on this point and said that I did not feel at liberty to divulge our source of information.

Lancken then became persuasive---said that it was most improbable that any sentence had been pronounced; that even if it had, it could not be put into effect within so short a time, and that in any event all Government offices were closed and that it was impossible for him to take any action before morning. He suggested that we all go home "reasonably," sleep quietly, and come back in the morning to talk about the case. It was very clear that if the facts were as we believed them to be, the next morning would be too late, and we pressed for immediate enquiry. I had to be rather insistent on this point, and de Leval, in his anxiety, became so emphatic that I feared he might bring down the wrath of the Germans on his own head, and tried to quiet him. There was something splendid about the way de Leval, a Belgian with

nothing to gain and everything to lose, stood up for what he believed to be right and chivalrous, regardless of consequences to himself.

Finally, Lancken agreed to enquire as to the facts., telephoned from his office to the presiding judge of the court martial, and returned in a short time to say that sentence had indeed been passed and that Miss Cavell was to be shot during the night.

We then presented with all the earnestness at our command, the plea for clemency. We pointed out to Lancken that Miss Cavell's offenses were a matter of the past; that she had been in prison for some weeks, thus effectually ending her power for harm; that there was nothing to be gained by shooting her, and on the contrary this would do Germany much more harm than good and England much more good than harm. We pointed out to him that the whole case was a very bad one from Germany's point of view; that the sentence of death had heretofore been imposed only for cases of espionage and that Miss Cavell was not even accused by the German authorities of anything so serious. (4) We reminded him that Miss Cavell, as directress of a large nursing home, had, since the beginning of the war, cared for large numbers of German soldiers in a way that should make her life sacred to them. I further called his attention to the manifest failure of the Political Department to comply with its repeated promises to keep us informed as to the progress of the trial and the passing of the sentence. The deliberate policy of subterfuge and prevarication by which they had sought to deceive us, as to the progress of the case, was so raw as to require little comment. We all pointed out to Lancken the horror of shooting a woman, no matter what her offense, and endeavoured to impress upon him the frightful effect that such an execution would have throughout the civilised world. With an ill-concealed sneer he replied that on the contrary he was confident that the effect would be excellent.



Miss Edith Cavell



Fly-leaf of Miss Cavell's  
prayer book

When everything else had failed, we asked Lancken to look at the case from the point of view solely of German interests, assuring him that the execution of Miss Cavell would do Germany infinite harm. We reminded him of the burning of Louvain and the sinking of the *Lusitania*, and told him that this murder would rank with those two affairs and would stir all civilised countries with horror and disgust. Count Harrach broke in at this with the rather irrelevant remark that he would rather see Miss Cavell shot than have harm come to the humblest German soldier, and his only regret was that they had not "three or four old English women to shoot."

The Spanish Minister and I tried to prevail upon Lancken to call Great Headquarters at Charleville on the telephone and have the case laid before the Emperor for his decision. Lancken stiffened perceptibly at this suggestion and refused, frankly, saying that he could not do anything of the sort. Turning to Villalobar, he said, "I can't do that sort of thing. I am not a friend of my Sovereign as you are of yours," to which a rejoinder was made that in order to be a good friend, one must be loyal and ready to incur displeasure in case of need. However, our arguments along this line came to nothing, but Lancken finally came to the point of saying that the Military Governor of Brussels was the supreme authority (*Gerichtsherr*) in matters of this sort and that even the Governor-General

had no power to intervene. After further argument he agreed to get General von Sauberschweig, the Military Governor, out of bed to learn whether he had already ratified the sentence and whether there was any chance for clemency.

Lancken was gone about half an hour, during which time the three of us laboured with Harrach and Falkenhausen, without, I am sorry to say, the slightest success. When Lancken returned he reported that the Military Governor said that he had acted in this case only after mature deliberation; that the circumstances of Miss Cavell's offense were of such character that he considered infliction of the death penalty imperative. Lancken further explained that under the provisions of German Military Law, the *Gerichtsherr* had discretionary power to accept or to refuse to accept an appeal for clemency; that in this case the Governor regretted that he must decline to accept the appeal for clemency or any representations in regard to the matter.

We then brought up again the question of having the Emperor called on the telephone, but Lancken replied very definitely that the matter had gone too far; that the sentence had been ratified by the Military Governor, and that when matters had gone that far, "even the Emperor himself could not intervene." (5)

He then asked me to take back the note I had presented to him. I at first demurred, pointing out that this was not an appeal for clemency, but merely a note to him, transmitting a note to the Governor, which was itself to be considered the appeal for clemency. I pointed out that this was especially stated in the Minister's note to him, and tried to prevail upon him to keep it. He was very insistent, however, and inasmuch as he had already read the note aloud to us and we knew that he was aware of its contents, it seemed that there was nothing to be gained by refusing to accept the note, and I accordingly took it back.

Despite Lancken's very positive statements as to the futility of our errand, we continued to appeal to every sentiment to secure delay and time for reconsideration of the case. The Spanish Minister led Lancken aside and said some things to him that he would have hesitated to say in the presence of Harrach, Falkenhausen, and de Leval, a Belgian subject. Lancken squirmed and blustered by turns, but stuck to his refusal. In the meantime I went after Harrach and Falkenhausen again. This time, throwing modesty to the winds, I reminded them of some of the things we had done for German interests at the outbreak of the war; how we had repatriated thousands of German subjects and cared for their interests; how during the siege of Antwerp I had repeatedly crossed the lines during actual fighting at the request of Field Marshal von der Goltz to look after German interests; how all this service had been rendered gladly and without thought of reward; that since the beginning of the war we had never asked a favour of the German authorities and it seemed incredible that they should now decline to grant us even a day's delay to discuss the case of a poor woman who was, by her imprisonment, prevented from doing further harm, and whose execution in the middle of the night, at the conclusion of a course of trickery and deception, was nothing short of an affront to civilisation. Even when I was ready to abandon all hope, de Leval was unable to believe that the German authorities would persist in their decision, and appealed most touchingly and feelingly to the sense of pity for which we looked in vain.

Our efforts were perfectly useless, however, as the three men with whom we had to deal were so completely callous and indifferent that they were in no way moved by anything that we could say.



### Notes in Miss Cavell's prayer book

We did not stop until after midnight, when it was only too clear that there was no hope.

It was a bitter business leaving the place feeling that we had failed and that the little woman was to be led out before a firing squad within a few hours. But it was worse to go back to the Legation to the little group of English women who were waiting in my office to learn the result of our visit. They had been there for nearly four hour's while Mrs. Whitlock and Miss Lerner sat with them and tried to sustain them through the hours of waiting. There were Mrs. Gahan, wife of the English chaplain, Miss B., and several nurses from Miss Cavell's school. One was a little wisp of a thing who had been mothered by Miss Cavell, and was nearly beside herself with grief. There was no way of breaking the news to them gently, for they could read the answer in our faces when we came in. All we could do was to give them each a stiff drink of sherry and send them home. De Leval was white as death, and I took him back to his house. I had a splitting headache myself and could not face the idea of going to bed. I went home and read for awhile, but that was no good, so I went out and walked the streets, much to the annoyance of German patrols. I rang the bells of several houses in a desperate desire to talk to somebody, but could not find a soul---only sleepy and disgruntled servants. It was a night I should not like to go through again, but it wore through somehow and I braced up with a cold bath and went to the Legation for the day's work.

The day brought forth another loathsome fact in connection with the case. It seems the sentence on Miss Cavell was not pronounced in open court. Her executioners, apparently in the hope of concealing their intentions from us, went into her cell and there, behind locked doors, pronounced sentence upon her. It is all of a piece with the other things they have done.

Last night Mr. Gahan got a pass and was admitted to see Miss Cavell shortly before she was taken out and shot. He said she was calm and prepared and faced the ordeal without a tremor. She was a tiny thing that looked as though she could be blown away with a breath, but she had a great spirit. She told Mr. Gahan that soldiers had come to her and asked to be helped to the frontier; that knowing the risks they ran and the risks she took, she had helped them. She said she had nothing to regret, no complaint to make, and that if she had it all to do over again, she would change nothing. And most pathetic of all was her statement that she thanked God for the six weeks she had passed in prison---the nearest approach to rest she had known for years.

They partook together of the Holy Communion, and she who had so little need of preparation was prepared for death. She was free from resentment and said: "I realise that patriotism is not enough. I must have no hatred or bitterness toward any one."

She was taken out and shot before daybreak.

She was denied the support of her own clergyman at the end, but a German military chaplain stayed with her and gave her burial within the precincts of the prison. He did not conceal his admiration and said: "She was courageous to the end. She professed her Christian faith and said that she was glad to die for her country. She died like a heroine."



### Footnotes.

3. This was just one hour and twenty minutes after the sentence had actually been pronounced. There is no need for comment.

4. At the time there was no intimation that Miss Cavell. was guilty of espionage. It was only when public opinion had been aroused by her execution that the German Government began to refer to her as "the spy Cavell." According to the German statement of the case, there is no possible ground for calling her a spy.

5. Although accepted at the time as true, this statement was later found to be entirely false and is understood to have displeased the Emperor. The Emperor could have stopped the execution at any moment.

It would be also interesting compare with what Brand Whitlock told about the same event in his *Belgium under the German Occupation : A Personal Narrative 2* (1919) Chapter I (VII). « *Edith Cavell* ».

<http://www.idesetautres.be/upload/BRAND%20WHITLOCK%20BELGIUM%20UNDER%20GERMAN%20OCCUPATION%202%20CHAPTER%2001.pdf>

Chapter II (VIII). « *The night of the execution* ».

It would be also interesting compare with what **Paul MAX** (cousin of the *bourgmestre Adolphe MAX*) told about the same event in his *Journal de guerre (Notes d'un Bruxellois pendant l'Occupation 1914-1918)* :

[http://www.museedelavilledebruxelles.be/fileadmin/user\\_upload/publications/Fichier\\_PDF/Fonte/Journal\\_de%20Oguerre\\_de\\_Paul\\_Max\\_bdef.pdf](http://www.museedelavilledebruxelles.be/fileadmin/user_upload/publications/Fichier_PDF/Fonte/Journal_de%20Oguerre_de_Paul_Max_bdef.pdf)

The Argentine journalist **Roberto J. Payró**, having been arrested on September 22, 1915 :

« *Roberto J. Payró : son arrestation à Bruxelles* » a été, à l'origine, publié dans *La Nación* du 15/12/1915 :

Version **française** :

<http://idesetautres.be/upload/19150922%20ARRESTATION%20PAYRO%20A%20BRUXELLES%20LA%20NACION%2019151215.pdf>

Original **Spanish** version:

<http://idesetautres.be/upload/19150922%20ARRESTO%20PAYRO%20EN%20BRUSELAS%20LA%20NACION%2019151215.pdf>

**Fac-simile** :

<http://idesetautres.be/upload/19150922%20ARRESTO%20PAYRO%20EN%20BRUSELAS%20LA%20NACION%2019151215.JPG>

« *Une primeur pour nos lecteurs. Sous l'Occupation : M. Roberto J. Payró* », est paru dans *Le Cri de Belgique* (organe hebdomadaire des intérêts belges dans l'Amérique du sud) ; Buenos Aires ; 17 janvier 1920, N° 223 :

<http://idesetautres.be/upload/19150922%20ARRESTATION%20PAYRO%20CRI%20DE%20BELGIQUE%2019200117.pdf>

**Fac-simile :**

<http://idesetautres.be/upload/19150922%20ARRESTATION%20PAYRO%20CRI%20DE%20BELGIQUE%2019200117.JPG>

**Roberto J. Payró** could not react about Edith Cavell's arrestation, as he used to do in his *Diario de un testigo* (*La guerra vista desde Bruselas*) :

<http://www.idesetautres.be/?p=ides&mod=iea&smod=ieaFictions&part=belgique100>

Original **Spanish** version :

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