

# BELGIUM UNDER THE GERMAN OCCUPATION.

## A PERSONAL NARRATIVE 2

### Chapter III. An *ex-post-facto* edict.

The rain had ceased and the air was soft and warm the next morning ; the sunlight shone through an autumn haze. But over the city the horror of the dreadful deed hung like a pall. *Affiches* were early posted \* and crowds huddled about them in a kind of stupefaction, reading the long and tragic list down to the line that closed with a piece of gratuitous brutality :

" *Le jugement rendu contre Baucq et Cavell  
a déjà été exécuté.*" \*\*

Of the twenty-six others condemned with Miss Cavell, four — Philippe Baucq, an architect of Brussels, Louise Thuliez, a school-teacher at Lille ; Louis Severin, a pharmacist of Brussels ; and the Countess Jeanne de Belleville, of Montignies-sur-Roc — were sentenced to death. Herman Capiou, a civil engineer of Wasmès, Mrs. Ada Bodart, of Brussels, Albert Libiez, a lawyer of Wasmès, and Georges Derveau, a pharmacist of Paturages, were sentenced each to fifteen years penal servitude at hard labour. The Princess Maria de Croy was sentenced to ten years penal servitude at hard labour. Seventeen others were sentenced to hard labour or to terms of imprisonment of from two to five years. The eight remaining were acquitted.

All day long sad and solemn groups stood under the trees in the boulevards amid the falling leaves gazing at the grim affiche. In one of the throngs a dignified old judge said :

*"Ce n'était pas l'exécution d'un jugement ; c'était un assassinat ! "*

The horror of it pervaded the house. I found my wife weeping at evening ; no need to ask what was the matter. The wife of the chaplain had been there, with some detail of Miss Cavell's last hours — how she had arisen wearily from her cot at the coming of the clergyman, drawn her dressing-gown about her thin throat.

I sent a note to the Baron von der Lancken asking that the Governor-General permit the body of Miss Cavell to be buried by the American Legation and the friends of the dead girl \*\*\*. In reply the Baron himself came to see me in the afternoon. He was solemn and said that he wished to express his regret in the circumstances, but that he had done all that he could. The body, he said, had already been interred, with respect and with religious rites, in a quiet place, and under the law it could not be exhumed without an order from the Imperial Government. The Governor-General himself had gone to Berlin.

And then came Villalobar ; and I thanked him for what he had done. He told me much, and described the scene the night before in that ante-room with Lancken. The Marquis was much concerned about the Countess Jeanne de Belleville and Madame Thuliez, both French

and hence proteges of his, condemned to die within eight days, but I told him not to be concerned ; that the effect of Miss Cavell's martyrdom did not end with her death — it would procure other liberations, these among them. The thirst for blood had been slaked and there would be no more executions in that group ; it was the way of the law of blood vengeance. We talked a long time about the tragedy, and about all the tragedies that went to make up the larger tragedy of the war.

*"We are getting old", he said. "Life is going, and after the war, if we live in that new world, we shall be of the old — the new generation will push us aside."*

Gibson and de Leval prepared reports of the whole matter and I sent them by the next courier to our Embassy at London \*\*\*\*.

But somehow that very day the news got out into Holland and shocked the world. Richards, of the C. R. B., just back from The Hague, said that they had already heard of it there and were filled with horror. And even the Germans, who seemed always to do a deed and to consider its effect afterwards, knew that they had another Louvain, another Lusitania, for which to answer before the bar of civilisation. The lives of the three who remained, of the five who had been condemned to death, were ultimately spared, as I had told Villalobar they would be. The King of Spain and the President of the United States made representations at Berlin on think of. I reminded them of our untiring efforts on behalf of behalf of the Countess de Belleville and Madame Thuliez, and their sentences were commuted to

imprisonment, as was that of Louis Severin, the Brussels druggist. The storm of universal loathing and reprobation for the deed was too much even for the Germans.

The *affiche* announcing the execution of the sentence against Miss Cavell was not the only on the walls of Brussels that morning. There were others, among them one that announced that a Belgian soldier, Pierre Joseph Claes, of Schaerbeek, a suburb of Brussels, had been condemned at Limbourg and shot as a spy \*\*\*\*\*, and another that in the Hainaut, at Mons, ninety-four workmen had been condemned to prison for having refused to work for the Germans. The terror was spread everywhere.

But two of the new announcements bore on the Cavell case. One of them, on the walls or in the newspapers before the sentence was pronounced against Miss Cavell, was a long screed of von Bissing's that made an impresssion almost as painful as the crime it sought to justify, and enraged and humiliated the people. This statement or proclamation — prepared, no doubt, while the trial was in progress — was posted on Monday, before the judgment against Miss Cavell had been pronounced, and evidently it had been put out to prepare the public mind for the shock of the *affiche* of Tuesday morning which was to announce the murder of Miss Cavell. Its unctuous, sanctimonious tone, invariably the sign of some new outrage, the allusion to espionage, the threat of severest penalties, show that the deed had been premeditated and arranged. It showed

another thing — that the offensive of the Allies had angered the Germans ; and, as always, when events were not to their liking, they avenged themselves upon the helpless.

*The result of the offensive of the Allies is known, that offensive so long expected on the western front [said the **proclamation of the Governor-General**]. The German lines resisted a violent cannonading lasting seventy hours, and the numerically superior forces of the enemy. The French have lost several hundred thousand in killed and wounded, and the English, both white and coloured, have suffered even greater losses. In spite of the enormous number of lives and the immense amount of ammunition recklessly sacrificed, the enemies of the German Empire have in no way succeeded in their aim, which is to reconquer Belgium and the north of France.*

*While this decisive battle was raging on the front, I have had to protect the rear of the German army against hostile manoeuvres. During this time I have been obliged to combat tendencies due — as was the desperate offensive of the Allies — to a belief in a prompt re-establishment of the old order of things, and to the old and vain hopes. Certain circles which, more than any other, should have wished to aid in maintaining interior peace, have incited the minds to resistance ; certain persons who have declared themselves ready to co-operate with me in re-establishing prosperity in the country, have once more lent a complaisant ear to insinuations emanating from*

*Havre and from London ; false prophets spreading false news have won over the unfortunate credulous and have caused them to commit unlawful deeds. By false patriotism, and even more by cupidity, the Belgians have allowed themselves to become involved in a spy system, which has been defeated even as has the enemy offensive.*

*In spite of all we have succeeded in holding at bay the sly and cowardly enemy which treacherously menaced the security of the German army. The most rigorous measures have had to be applied to those who through vain hopes have rendered themselves culpable of unlawful deeds. The facts, which speak eloquently, will themselves refute all the loud talk of victory on the part of our enemies, and of the news announcing that the German armies are evacuating the country. That which we hold, we hold well.*

*This last deception should serve as a lesson to the Belgians in the future and teach them no longer to place their faith so credulously in news which the following day inevitably reveals itself to be false. All those who, under my administration, are working, who are earning sufficient wages, and who have acquired the inward satisfaction of duty accomplished, must help those who are still deluded to enjoy these same benefits. The experience of the last few weeks proves that the security of the German armies is assured against the most cunningly planned plots. But the security of every-day life, which alone can heal the wounds of suffering Belgium, can be guaranteed only to those who, leaving*

*to the soldiers the business of fighting and seconding my efforts, aid in their way the interior peace and the economic prosperity of the country. The orders that I have promulgated pursue the same end ; whoever disregards them will suffer in all their severity the penalties that they enact. Those who resist my efforts must expect to undergo all the rigours of martial law ; those who aid me in my task will help in the most efficacious manner their country, their compatriots, and themselves. \*\*\*\*\**

But it was the other *affiche*, which attracted no notice, or very little notice, that had the greater significance, for it stamps with the ineffaceable seal of its amazing admission the whole proceeding that did Miss Cavell to death as illegal, even according to the *German code*. It was a last and crowning infamy, that threw a flood of light on what might have long remained the mystery of that trial behind the closed doors of the Senate chamber — an ex-post-facto law or decree defining and declaring the offense for which Miss Cavell had already been tried, condemned and put to death.

In the statement of von Bissing on the "*situation*", which I have translated in full, there was a reference to spying — *espionnage*. It was the first time that the acts of Miss Cavell had been referred to publicly and officially as spying ; but it was as "*the spy Cavell*" that they always referred to her thereafter. But Miss Cavell was not charged with spying ; she was not convicted or sentenced to death for spying. There was no evidence

and no claim that she had been a spy. She was charged with having violated that paragraph of the *German Military Penal Code* which punished with death those who conducted troops to the enemy (*Dem Feinde Mannschaften zuführen*), and it was on this charge that she was convicted. To the German military mind this is "treason", and the nomenclature does not seem any the less astonishing when they qualify it by calling it "*treason in time of war.*"

But as a matter of fact and as a matter of law, even this charge did not apply and was not sustained. Miss Cavell had not conducted any troops to the enemy ; in individual cases she had aided soldiers in various charitable and humane ways, and had helped them and boys who had as yet performed no military service and never worn a uniform, to escape out of Belgium and to cross the frontier into Holland, a neutral country, where the soldiers would be interned until the end of the war and the young men have the status of citizens of any other nation. There was, indeed, no proof that any of these soldiers or these Belgian boys had joined the enemy, singly or as "*troops*", except, it is said, in the case of one lad who wrote and mailed a postal card to thank Miss Cavell for the aid she had rendered him, and saying that he had got to England and joined the English army. This card, it was said, was found by the German secret police, and proved to be one of the clues that led to Miss Cavell's arrest.

But even so, these men were not conducted by Miss Cavell to the enemy; the charge was — and she



did not deny it — that she had given them asylum and had aided them either by gifts of money, of food and of clothes, or by hospitality and care when they were sick.

These are not mere lawyer's quibbles ; they would seem to afford sufficient reason in any English or American court for dismissing the charge on the ground of variance. And the Germans themselves recognized this fatal variance, for on that very day, the twelfth of October, after they had executed a judgment which even their own laws would not sustain, they posted the *affiche* announcing a new decree that sought to cure the defect by defining the offense for which they had already shot their frail victim, and punishing with death those who aided or harboured fugitive soldiers.

*"Whoever knowingly aids, in any manner whatsoever, such a person (i.e., a person who has wished to aid an enemy of Germany) in concealing his presence, whether by giving him lodging, by clothing him, or by giving him nourishment, is liable to the same punishment"* (death). \*\*\*\*\*

Such was the new edict of the Governor-General, promulgated an hour or two after Miss Cavell had been shot, to cure a defect in the process that had condemned her.

**Brand WITHLOCK**

London ; William HEINEMANN ; 1919.

**\*\* (Translation :)**

*"The judgment pronounced against Baucq and Cavell has already been put into execution."*

## **Avis**

*Par jugement du 9 octobre 1915, le tribunal de campagne a prononcé les condamnations suivantes pour trahison commise pendant l'état de guerre (pour avoir fait passer des recrues a l'ennemi) :*

- 1. Philippe Baucq, architecte a Bruxelles, à la peine de mort ;*
- 2. Louise Thuliez, professeur a Lille, à la peine de mort;*
- 3. Edith Cavell, directrice d'un institut médical à Bruxelles, à la peine de mort ;*
- 4. Louis Severin, pharmacien a Bruxelles, à la peine de mort ;*
- 5. Comtesse Jeanne de Belleville, à Montignies, à la peine de mort ;*
- 6. Herman Capiiau, ingénieur à Wasmès, à 15 ans de travaux forcés ;*
- 7. Epouse Ada Bodart, à Bruxelles, à 15 ans de travaux forcés ;*
- 8. Albert Libiez, avocat à Wasmès, à 15 ans de travaux forcés ;*
- 9. Georges Derveau, pharmacien à Pâturages, à 15 ans de travaux forcés ;*
- 10. Princesse Marie de Croy, à Bellignies, à 10 ans de travaux forcés.*

*Dix-sept autres accusés ont été condamnés à des peines de travaux forcés ou d'emprisonnement allant de 2 à 8 ans.*

*Huit autres personnes, accusées de trahison commise pendant l'état de guerre, ont été acquittées.*

*Le jugement rendu contre Baucq et Cavell a déjà été exécuté.*

*Bruxelles, le **12 octobre**, 1915.      GOUVERNEMENT.*

**(Translation :)**

### **Notice**

*By judgment of the 9th of October the military tribunal has pronounced the following condemnations for treason committed in time of war (for having led recruits to the enemy) :*

- 1. Philippe Baucq, architect of Brussels, to death ;*
- 2. Louise Thuliez, teacher of Lille, to death ;*
- 3. Edith Cavell, directress of a medical institution at Brussels, to death ;*
- 4. Louis Severin, pharmacist of Brussels, to death ;*
- 5. Countess Jeanne de Belleville, of Montignies, to death ;*
- 6. Herman Capiiau, engineer of Wasmes, to 15 years at hard labour ;*
- 7. Madame Ada Bodart, of Brussels, to 15 years at hard labour ;*
- 8. Albert Libiez, lawyer of Wasmes, to 15 years at hard labour ;*
- 9. Georges Cerveau, pharmacist of Pâturages, to 15 years at hard labour ;*
- 10. Princess Maria de Croy, of Bellignies, to 10 years at hard labour.*

*Seventeen other accused persons were condemned to penalties of hard labour or imprisonment of from 2 to 8 years.*

*Eight other persons accused of treason committed in time of war were acquitted.*

*The judgment rendered against Baucq and Cavell has already been executed.*

*Brussels, **October 12**, 1915.*

*Government.*

*\*\*\* Mr. Whitlock, American Minister in Brussels,  
to Mr. Page  
American Legation, Brussels, **October 12**, 1915.  
(**Telegraphic**)*

*Your letter of the 23rd September and my replies of the ninth and eleventh October. Miss Cavell sentenced yesterday and executed at 2 o'clock this morning, despite our best efforts continued until the last moment. Full report follows by mail.*

*Whitlock, American Minister.*

[I was mistaken in supposing that the execution had taken place at two o'clock.]

*Mr. Whitlock, American Minister in Brussels,  
to Baron von der Lancken*

*Bruxelles, le **12 octobre**, 1915.*

*Excellence, M. Faider, Premier Président de la Cour d'Appel de Bruxelles et Président de l'Ecole belge d'Infirmières diplômées, me prie de réclamer, pour cette institution, le corps de Miss Cavell, qui en était directrice, et qui a été exécutée ce matin.*

*Le Comité s'engage, pour l'enlèvement du corps et pour la conservation de celui-ci dans un cimetière dans l'arrondissement de Bruxelles, à se conformer à toutes les mesures que l'Administration allemande jugerait utile de prescrire,*

*Je suis persuadé qu'aucune objection ne sera faite à cette demande, et que l'on ne refusera pas à l'institution à laquelle Miss Cavell a consacré si charitablement une partie de son existence, l'accomplissement de ce pieux devoir.*

*Je me permets donc d'appuyer auprès de Votre Excellence la requête de l'Ecole belge d'Infirmières diplômées, et dans l'attente de sa réponse,*

*Je la prie, etc.,*

*Brand Whitlock.*

**(Translation :)**

*Brussels, **October 12**, 1915.*

*Your Excellency, — M. Faider, First President of the Brussels Court of Appeal and President of the Belgian School of Certified Nurses, begs me to ask, on behalf of this institution, for the body of Miss Cavell, its directress, who was executed this morning.*

*The Committee undertakes, in the removal of the body and its burial in a cemetery in the Brussels district, to conform to all the regulations that the German authorities may see fit to make.*

*I feel sure that no objection will be made to this request, and that the institution to which Miss Cavell has so generously devoted a part of her life will not be denied the performance of this pious duty.*

*I venture, therefore, to commend to your Excellency the request of the Belgian School of Certified Nurses, and, awaiting your reply,*

*I am, etc.,*

*Brand Whitlock.*

*Mr. Hugh Gibson, Secretary of the American Legation  
in Brussels,*

*to Mr. Whitlock, American Minister in Brussels*

***Report for the Minister***

*American Legation, Brussels, **October 12**, 1915.*

*Sir, — Upon learning early yesterday morning through unofficial sources that the trial of Miss Edith Cavell had been finished on Saturday afternoon and that the prosecuting attorney ("Kriegsgerichtsrat") had asked for a sentence of death against her, telephonic enquiry was made at the Politische Abteilung as to the facts. It was stated that no sentence had as yet been pronounced and that there would probably be a delay of a day or two before a decision was reached. Mr. Conrad gave positive assurances that the Legation would be fully informed as to the developments in this*

*case. Despite these assurances we made repeated enquiries in the course of the day, the last one being at 6:20 p.m., Belgian time. Mr. Conrad then stated that sentence had not yet been pronounced, and specifically renewed his previous assurances that he would not fail to inform us as soon as there was any news.*

*At 8:30 it was learned from an outside source that sentence had been passed in the course of the afternoon (before the last conversation with Mr. Conrad), and that the execution would take place during the night. In conformity with your instructions, I went (accompanied by M. de Leval) to look for the Spanish Minister and found him dining at the home of Baron Lambert. I explained the circumstances to His Excellency and asked that (as you were ill and unable to go yourself) he go with us to see Baron von der Lancken and support as strongly as possible the plea, which I was to make in your name, that execution of the death penalty should be deferred until the Governor could consider your appeal for clemency.*

*We took with us a note addressed to Baron von der Lancken, and a plea for clemency ("requête en grâce") addressed to the Governor-General. The Spanish Minister willingly agreed to accompany us, and we went together to the Politische Abteilung.*

*Baron von der Lancken and all the members of his staff were absent for the evening. We sent a messenger to ask that he return at once to see us in regard to a matter of utmost urgency. A little after 10 o'clock he arrived, followed shortly after by Count Harrach and*

*Herr von Falkenhausen, members of his staff. The circumstances of the case were explained to him and your note presented, and he read it aloud in our presence. He expressed disbelief in the report that sentence had actually been passed, and manifested some surprise that we should give credence to any report not emanating from official sources. He was quite insistent on knowing the exact source of our information, but this I did not feel at liberty to communicate to him. Baron von der Lancken stated that it was quite improbable that sentence had been pronounced, and that even if so it would not be executed in so short a time, and that in any event it would be quite impossible to take any action before morning. It was, of course, pointed out to him that if the facts were as we believed them to be, action would be useless unless taken at once. We urged him to ascertain the facts immediately, and this, after some hesitancy, he agreed to do. He telephoned to the presiding judge of the court-martial and returned in a short time to say that the facts were as we had represented them, and that it was intended to carry out the sentence before morning. We then presented, as earnestly as possible, your plea for delay. So far as I am able to judge, we neglected to present no phase of the matter which might have had any effect, emphasizing the horror of executing a woman, no matter what her offense, pointing out that the death sentence had heretofore been imposed only for actual cases of espionage, and that Miss Cavell was not even accused by the German authorities of anything so serious. I*



*further called attention to the failure to comply with Mr. Conrad's promise to inform the Legation of the sentence. I urged that inasmuch as the offenses charged against Miss Cavell were long since accomplished, and that as she had been for some weeks in prison, a delay in carrying out the sentence could entail no danger to the German cause. I even went so far as to point out the fearful effect of a summary execution of this sort upon public opinion, both here and abroad, and, although I had no authority for doing so, called attention to the possibility that it might bring about reprisals.*

*The Spanish Minister forcibly supported all our representations and made an earnest plea for clemency.*

*Baron von der Lancken stated that the Military Governor was the supreme authority ("Gerichtsherr") in matters of this sort ; that appeal from his decision could be carried only to the Emperor, the Governor General having no authority to intervene in such cases. He added that under the provisions of German martial law the Military Governor had discretionary power to accept or to refuse acceptance of an appeal for clemency. After some discussion he agreed to call the Military Governor on the telephone and learn whether he had already ratified the sentence, and whether there was any chance for clemency. He returned in about half an hour and stated that he had been to confer personally with the Military Governor, who said that he had acted in the case of Miss Cavell only after mature deliberation ; that the circumstances in her case were of such a character that he considered the infliction of the*

*death penalty imperative ; and that in view of the circumstances of this case he must decline to accept your plea for clemency, or any representation in regard to the matter.*

*Baron von der Lancken then asked me to take back the note which I had presented to him. To this I demurred, pointing out that it was not a "requête en grâce" but merely a note to him transmitting a communication to the Governor, which was itself to be considered as the "requête en grâce." I pointed out that this was expressly stated in your note to him, and tried to prevail upon him to keep it ; he was very insistent, however, and I finally reached the conclusion that inasmuch as he had read it aloud to us, and we knew that he was aware of its contents, there was nothing to be gained by refusing to accept the note, and accordingly took it back.*

*Even after Baron von der Lancken's very positive and definite statement that there was no hope, and that under the circumstances "even the Emperor himself could not intervene", we continued to appeal to every sentiment to secure delay, and the Spanish Minister even led Baron von der Lancken aside in order to say very forcibly a number of things which he would have felt hesitancy in saying in the presence of the younger officers and of M. de Leval, a Belgian subject.*

*His Excellency talked very earnestly with Baron von der Lancken for about a quarter of an hour. During this time M. de Leval and I presented to the younger officers every argument we could think of. I reminded*

*them of our untiring efforts on behalf of German subjects at the outbreak of the war and during the siege of Antwerp. I pointed out that, while our services had been rendered without any thought of future favours, they should certainly entitle you to some consideration for the only request of this sort you had made since the beginning of the war. Unfortunately, our efforts were unavailing. We persevered until it was only too clear that there was no hope of securing any consideration for the case.*

*We left the Politische Abteilung shortly after midnight, and I immediately returned to the Legation to report to you.*

*Hugh Gibson.*

M. de Leval to Mr. Whitlock,  
American Minister in Brussels

**Report for the Minister**

**October 12, 1915.**

*"Sir, — As soon as the Legation received an intimation that Miss Cavell was arrested, your letter of the 31st of August was sent to Baron von der Lancken. The German authorities were by that letter requested, inter alia, to allow me to see Miss Cavell, so as to have all necessary steps taken for her defense. No reply being received, the Legation, on the 10th September, reminded the German authorities of your letter.*

*The German reply, sent on the 12th September, was that I would not be allowed to see Miss Cavell, but that Mr. Braun, lawyer at the Brussels Court, was defending her and was already seeing the German authorities about the case.*

*I immediately asked M. Braun to come to see me at the Legation, which he did a few days later. He informed me that personal friends of Miss Cavell had asked him to defend her before the German Court, that he agreed to do so, but that owing to some unforeseen circumstances he was prevented from pleading before that Court, adding that he had asked M. Kirschen, a member of the Brussels Bar and his friend, to take up the case and plead for Miss Cavell, and that M. Kirschen had agreed to do so.*

*I, therefore, at once put myself in communication with M. Kirschen, who told me that Miss Cavell was prosecuted for having helped soldiers to cross the frontier. I asked him whether he had seen Miss Cavell and whether she had made any statement to him, and to my surprise found that the lawyers defending prisoners before the German Military Court were not allowed to see their clients before the trial, and were not shown any document of the prosecution. This, M. Kirschen said, was in accordance with the German military rules. He added that the hearing of the trial of such cases was carried out very carefully, and that in his opinion, although it was not possible to see the client before the trial, in fact the trial itself developed so carefully and so slowly, that it was generally possible to have a fair*

*knowledge of all the facts and to present a good defense for the prisoner. This would specially be the case for Miss Cavell, because the trial would be rather long as she was prosecuted with thirty-four other prisoners.*

*I informed M. Kirschen of my intention to be present at the trial so as to watch the case. He immediately dissuaded me from taking such attitude, which he said would cause a great prejudice to the prisoner, because the German judges would resent it and feel it almost as an affront as if I was appearing to exercise a kind of supervision on the trial. He thought that if the Germans would admit my presence, which was very doubtful, it would in any case cause prejudice to Miss Cavell.*

*M. Kirschen assured me over and over again that the Military Court of Brussels was always perfectly fair and that there was not the slightest danger of any miscarriage of justice. He promised that he would keep me posted on all the developments which the case would take and would report to me the exact charges that were brought against Miss Cavell and the facts concerning her that would be disclosed at the trial, so as to allow me to judge by myself about the merits of the case. He insisted that, of course, he would do all that was humanly possible to defend Miss Cavell to the best of his ability.*

*Three days before the trial took place M. Kirschen wrote me a few lines saying that the trial would be on the next Thursday, the 7th October. The Legation at once sent him, on the 5th October, a letter confirming in*

writing, in the name of the Legation, the arrangement that had been made between him and me. This letter was delivered to M. Kirschen by a messenger of the Legation.

*The trial took two days, ending Friday the 8th.*

*On Saturday I was informed by an outsider that the trial had taken place, but that no judgment would be reached till a few days later.*

*Receiving no report from M. Kirschen I tried to find him, but failed. I then sent him a note on Sunday, asking him to send his report to the Legation or call there on Monday morning at 8:30. At the same time I obtained from some other person present at the trial some information about what had occurred, and the following facts were disclosed to me :*

*Miss Cavell was prosecuted for having helped English and French soldiers, as well as Belgian young men, to cross the frontier and to go over to England. She had admitted by signing a statement before the day of the trial, and by public acknowledgment in Court, in the presence of all the other prisoners and the lawyers, that she was guilty of the charges brought against her, and she had acknowledged not only that she had helped these soldiers to cross the frontier, but also that some of them had thanked her in writing when arriving in England. This last admission made her case so much the more serious, because if it only had been proved against her that she had helped the soldiers to traverse the Dutch frontier, and no proof was produced that these soldiers had reached a country at war with Germany,*

*she could only have been sentenced for an attempt to commit the "crime" and not for the "crime" being duly accomplished. As the case stood the sentence fixed by the German military law was a sentence of death.*

*Paragraph 58 of the **German Military Code** says : "Will be sentenced to death for treason any person who, with the intention of helping the hostile Power, or of causing harm to the German or allied troops, is guilty of one of the crimes of paragraph 90 of the **German Penal Code**."*

*The case referred to in above said paragraph 90 consists in :*

*". . . conducting soldiers to the enemy ..." (viz. "dem Feinde Mannschaften zuführen").*

*The penalties above set forth apply, according to paragraph 160 of the **German Code**, in case of war, to foreigners as well as to Germans.*

*In her oral statement before the Court, Miss Cavell disclosed all the facts of the whole prosecution. She was questioned in German, an interpreter translating all the questions in French, with which language Miss Cavell was well acquainted. She spoke without trembling and showed a clear mind. Often she added some greater precision to her previous depositions.*

*When she was asked why she helped these soldiers to go to England, she replied that she thought that if she had not done so they would have been shot by the Germans, and that therefore she thought she only did her duty to her country in saving their lives.*

*The Military Public Prosecutor said that argument might be good for English soldiers, but did not apply to Belgian young men whom she induced to cross the frontier and who would have been perfectly free to remain in the country without danger to their lives.*

*Mr. Kirschen made a very good plea for Miss Cavell, using all arguments that could be brought in her favour before the Court.*

*The Military Public Prosecutor, however, asked the Court to pass a death sentence on Miss Cavell and eight other prisoners amongst the thirty-five. The Court did not seem to agree and the judgment was postponed. The person informing me said he thought that the Court would not go to the extreme limit.*

*Anyhow, after I had found out these facts (viz., Sunday evening) I called at the Political Division of the German Government in Belgium and asked whether, now that the trial had taken place, permission would be granted to me to see Miss Cavell in jail, as surely there was no longer any object in refusing that permission. The German official, Mr. Conrad, said he would make the necessary enquiry at the Court and let me know later on.*

*I also asked him that permission be granted to Mr. Gahan, the English clergyman, to see Miss- Cavell.*

*At the same time we prepared at the Legation, to be ready for every eventuality, a petition for pardon, addressed to the Governor-General in Belgium and a transmitting note addressed to Baron von der Lancken.*



*Monday morning at 11, I called up Mr. Conrad on the telephone from the Legation (as I already had done previously on several occasions when making enquiries about the case), asking what the Military Court had decided about Mr. Gahan and myself seeing Miss Cavell. He replied that Mr. Gahan could not see her, but that she could see any of the three Protestant clergymen attached to the prison ; and that I could not see her till the judgment was pronounced and signed, but that this would probably only take place in a day or two. I asked the German official to inform the Legation immediately after the passing of said judgment, so that I might see Miss Cavell at once, thinking, of course, that the Legation might, according to your intentions, take immediate steps for Miss Cavell's pardon if the judgment really was a sentence of death.*

*Very surprised to still receive no news from Mr. Kirschen, I then called at his house at 12:30 and was informed that he would not be there until about the end of the afternoon. I then called, at 12:40, at the house of another lawyer interested in the case of a fellow-prisoner, and found that he also was out. In the afternoon, however, the latter lawyer called at my house, saying that in the morning he had learned from the German Kommandantur that judgment would be passed only the next morning, viz., Tuesday morning. He said that he feared that the Court would be very severe for all the prisoners.*

*Shortly after this lawyer left me, and while I was preparing a note about the case, at 8 p.m., I was*

*privately and reliably informed that the judgment had been delivered at five o'clock in the afternoon, that Miss Cavell had been sentenced to death, and that she would be shot at 2 o'clock the next morning. I told my informer that I was extremely surprised at this, because the Legation had received no information yet, neither from the German authorities nor from M. Kirschen, but that the matter was too serious to run the smallest chance, and that therefore I would proceed immediately to the Legation to confer with your Excellency and take all possible steps to save Miss Cavell's life.*

*According to your Excellency's decision, Mr. Gibson and myself went, with the Spanish Minister, to see Baron von der Lancken, and the report of our interview and of our efforts to save Miss Cavell is given to you by Mr. Gibson.*

*This morning Mr. Gahan, the English clergyman, called to see me and told me that he had seen Miss Cavell in her cell yesterday night at 10 o'clock, that he had given her the Holy Communion and had found her admirably strong and calm. I asked Mr. Gahan whether she had made any remarks concerning the legal side of her case, and whether the confession which she made before the trial and in the Court was, in his opinion, perfectly free and sincere. Mr. Gahan says that she told him that she perfectly well knew what she had done ; that according to the law, of course, she was guilty and had admitted her guilt, but that she was happy to die for her country.*

*G. de LEVAL*

*Mr. Whitlock, American Minister in Brussels,  
to Mr. Page*

*American Legation, Brussels, **October 13**, 1915.*

*Sir, — Referring to previous correspondence in regard to the case of Miss Edith Cavell, I regret to be obliged to inform you, in confirmation of my telegram of yesterday morning, that the death sentence recommended by the prosecuting attorney was imposed by the court-martial, and that Miss Cavell was executed early yesterday morning.*

*I enclose herewith for your information copies of all the correspondence which I have had with the German authorities in regard to this case, together with copies of previous letters addressed to you on the subject.*

*I know that you will understand without my telling you that we exhausted every possible effort to prevent the infliction of the death penalty, and that our failure has been felt by us as a very severe blow. I am convinced, however, that no step was neglected which could have had any effect. From the date we first learned of Miss Cavell's imprisonment we made frequent enquiries of the German authorities and reminded them of their promise that we should be fully informed as to developments.*

*They were under no misapprehension as to our interest in the matter. Although the German authorities*

*did not inform me when the sentence had actually been passed, I learned, through an unofficial source, that judgment had been delivered, and that Miss Cavell was to be executed during the night. I immediately sent Mr. Gibson, the Secretary of Legation, to present to Baron von der Lancken my appeal that execution of the sentence should be deferred until the Governor could consider my plea for clemency. Mr. Gibson was accompanied by Maître de Leval, Legal Counsellor of the Legation, who had worked from the beginning upon the legal aspect of the case. Mr. Gibson was fortunate enough to find the Spanish Minister, and got him to accompany him on his visit to Baron von der Lancken. The details of the visit you will find in Mr. Gibson's report to me. The other papers which are attached speak for themselves and require no further comment from me.*

*I have, etc.,*

*Brand Whitlock.*

*Mr. Whitlock, American Minister in Brussels,  
to Mr. Page*

*American Legation, Brussels, October 14, 1915.*

*My dear Colleague,*

*Referring to my letter of yesterday in regard to the case of Miss Cavell, I beg to enclose herewith further correspondence in regard to my request that her body*

*be delivered to the School for Nurses of which she was the directress.*

*I have not received a written reply to my note to Baron von der Lancken on the subject, but he came to see me yesterday afternoon and stated that the body had been interred near the prison of St. Gilles, where the execution took place ; that under the regulations governing such cases it was impossible to exhume the body without written permission from the Minister of War in Berlin. He added that he had no authority to ask permission to exhume the body, but that immediately upon the return of the Governor-General he would request him to take the matter up.*

*I shall hope to be able to tell you that we have at last been able to accomplish this small service.*

*I am, etc.,*

*Brand Whitlock.*

\*\*\*\*\* Le gouverneur militaire de la province de Limbourg publié ce qui suit :

### **Avis**

*Par jugement du 7 octobre 1915 du tribunal de campagne du gouvernement militaire de la province de Limbourg, lequel jugement a été confirmé hier par moi, le nommé Pierre-Joseph Claes, de nationalité belge, né le 8 mai 1887 à Schaerbeek, près de Bruxelles, a été condamné à la peine de mort pour espionnage.*

*Claes a avoué qu'en sa qualité de soldat belge, il était venu en Belgique, habillé en civil, dans le but d'y pratiquer l'espionnage.*

*Le condamné a été fusillé aujourd'hui.*

*Hasselt, le 8 octobre, 1915.*

*Der Militärgouverneur der Provinz Limbourg,*

*Keim, General-Major.*

*Bruxelles, le 12 octobre, 1915. General-Government.*

**(Translation :)**

The Military Governor of the Province of Limbourg publishes the following :

**Notice**

*By judgment of the 7 October, 1915, the military court of the Province of Limbourg, which judgment was confirmed by me yesterday, one Pierre-Joseph Claes, of Belgian nationality, born May 8, 1887, at Schaerbeek, near Brussels, has been condemned to the pain of death for espionage.*

*Claes has admitted that in his quality of Belgian soldier he had come into Belgium in civilian dress for the purpose of spying.*

*The condemned man was shot to-day.*

*Hasselt, October 8, 1915.*

*The Military Government of the Province of Limbourg,  
Keim, Major-General.  
Brussels, October 12, 1915. General Government.*

***\*\*\*\*\* Nouvelles publiées  
par le Gouvernement Général Allemand***

*On connaît le résultat que l'offensive des alliés, cette offensive annoncée depuis si longtemps, a atteint sur le front occidental, Les lignes allemandes ont résisté à une canonnade de 70 heures et à la supériorité numérique considérable de l'ennemi. Les Français ont eu plusieurs centaines de milliers de tués et de blessés, tandis que les Anglais, blancs et de couleur, ont subi des pertes relativement plus élevées encore. Malgré le nombre énorme des vies humaines et les immenses quantités de munitions qu'ils ont sacrifiées sans ménagement, les ennemis de l'Empire allemand ne se sont rapprochés en rien de leur but, qui est de reconquérir la Belgique et la France du Nord.*

*Pendant que cette bataille décisive faisait fureur sur le front, j'ai eu à protéger le dos de l'armée allemande contre des manœuvres hostiles. A cette occasion j'ai été obligé de combattre des tendances dues, tout comme l'offensive désespérée des Alliés, à d'anciennes et vaines espérances, à la croyance en un prompt rétablissement de l'ancien état de choses. Certains milieux qui, plus que tout autre, devraient avoir à coeur de favoriser la paix intérieure, ont incité les esprits à la résistance ; des personnes qui s'étaient*

*déclarées prêtes à coopérer avec moi à rétablir le bien-être dans le pays, ont prêté de nouveau une oreille complaisante aux insinuations venant du Havre et de Londres ; de faux prophètes répandant de fausses nouvelles ont séduit des malheureux crédules et les ont amenés à commettre des actions criminelles. Par faux patriotisme et plus encore par cupidité, des Belges se sont laissés entraîner à un espionnage qui a abouti au même échec que l'offensive ennemie.*

*Malgré tout, nous sommes parvenus à tenir à l'écart l'ennemi sournois et lâche qui, perfidement, menaçait la sécurité de l'armée allemande. Les peines les plus rigoureuses ont dû être appliquées sans pitié à ceux que de vains espoirs ont amenés à se rendre coupables d'actions criminelles. Les faits, qui parlent un langage éloquent, réfuteront par eux-mêmes tous les bruits de victoires de nos ennemis et les nouvelles annonçant que les armées allemandes évacuent le pays. Ce que nous tenons, nous le tenons bien.*

*Cette dernière déception impose aux Belges le devoir d'en tirer des enseignements quant à l'avenir et de ne plus prêter si crédulement foi à des nouvelles qui, le lendemain, forcément, se révéleront mensonges. Tous ceux qui, sous mon administration, travaillent, qui gagnent suffisamment et qui ont su acquérir la satisfaction intérieure du devoir accompli, doivent contribuer à faire jouir des mêmes bienfaits ceux de leurs prochains qui sont encore aveugles. L'expérience des dernières semaines prouve que la sécurité des armées allemandes est assurée contre les complots les*



*mieux tramés. Mais la sécurité de la vie active, qui, seule, peut guérir les maux de la Belgique souffrante, ne peut être garantie qu'à ceux qui, laissant aux soldats le soin de combattre et secondant mes efforts, favorisent dans leur milieu la paix intérieure et la prospérité économique du pays. Les arrêtés que je promulgue poursuivent le même but ; quiconque les enfreint subira, dans toute leur dureté, les peines qu'ils édictent. Ceux qui contrecarrent mes efforts doivent s'attendre à subir toutes les rigueurs de la loi martiale ; ceux qui me secondent dans ma tâche viennent en aide, de la manière la plus efficace, à leur patrie, à leurs compatriotes et à eux-mêmes.*

*Le Gouverneur Général*

**\*\*\*\*\* Avis**

*Il y a encore dans le territoire du gouvernement général des personnes qui se cachent et qui ont appartenu pendant la guerre à une armée ennemie ou sont venues dans le pays sur l'ordre d'un gouvernement ennemi. Je consens à accorder l'impunité à ces personnes si elles se font connaître et se présentent volontairement à l'autorité militaire allemande dans les vingt-quatre heures ; dans ce cas je me bornerai à les envoyer en Allemagne comme prisonniers de guerre. Ces personnes, si elles ne se sont pas présentées avant l'expiration du délai précité, ainsi que toutes les autres personnes qui leur viennent en aide d'une manière quelconque, entre autres en les logeant, en les habillant*

*ou en les nourrissant, seront punies de la peine de mort ou de fortes peines de travaux forcés et d'emprisonnement en vertu de l'arrêté ci-dessous.*

*J'ai invité les gouverneurs à décréter des dispositions spéciales et des interdictions de nature à assurer la sécurité des installations importantes au point de vue militaire. Quiconque enfreindra ces interdictions s'exposera à être tué sur-le-champ.*

*Voici le texte de l'arrêté susmentionné :*

### **Arrêté**

***concernant les personnes appartenant aux armées ennemies et les agents ennemis qui se cachent dans le pays, ainsi que les personnes qui leur viennent en aide.***

*Article 1<sup>er</sup>. — Quiconque appartient à une armée ennemie ou a appartenu à une telle après le début de la guerre, quiconque se trouve au service d'un gouvernement ennemi ou d'une personne qui agit dans l'intérêt d'un gouvernement ennemi, sera puni de travaux forcés (à moins que d'autres lois ne prévoient une peine plus rigoureuse encore) s'il dissimule aux autorités allemandes sa présence dans le territoire du gouvernement ou s'y tient caché.*

*En cas de circonstances atténuantes, la peine ne pourra être inférieure à 3 mois.*

*Art. 2. — S'il résulte des circonstances que la personne en question a voulu favoriser une puissance étrangère ou nuire aux forces militaires de l'Empire allemand ou de ses alliés, elle sera punie de la peine de mort.*

*Art. 3. — Quiconque, en connaissance de cause, aide, d'une manière quelconque, une telle personne à dissimuler son séjour, entre autres en la logeant, en l'habillant ou la nourrissant, est passible des mêmes peines.*

*Si, dans les cas prévus à l'article 2, le complice bénéficie de circonstances atténuantes, la peine de mort pourra être remplacée par une peine de travaux forcés qui ne sera pas inférieure à deux ans.*

*Art. 4. — Quiconque connaît le séjour d'une des personnes désignées à l'article 1<sup>er</sup> et n'en prévient pas immédiatement une autorité militaire allemande, sera puni d'une peine d'emprisonnement ; quiconque, dans un tel cas, a su que les circonstances prévues à l'article 2 existaient en réalité, sera puni de travaux forcés ou d'une peine d'emprisonnement qui ne pourra être inférieure à 6 mois.*

*Art. 5. — Ne seront pas punies les personnes désignées aux articles 1<sup>er</sup> et 2 qui se trouvent dans le territoire du gouvernement général et se présentent volontairement à l'autorité militaire dans les vingt-quatre heures de l'affichage public du présent arrêté.*

*Bruxelles, le 12 octobre, 1915.*

*Le Gouverneur Général en Belgique,  
Baron von Bissing, Général-Colonel.*

**(Translation :)**

## ***Notice***

*There are still in the territory of the General Government persons who are in hiding and who have belonged during the war to an enemy army, or who have come into the country under the orders of an enemy Government. I consent to accord impunity to these persons if they make themselves known, and if they present themselves voluntarily to the German military authorities within twenty-four hours ; in this case I shall limit myself to sending them to Germany as prisoners of war. These persons, if they do not present themselves before the expiration of the prescribed time, as well as all other persons who aid them in any manner whatsoever, whether by giving them lodging, by clothing them or by nourishing them, will be punished with, death or with hard labour and imprisonment, by virtue of the order hereinunder.*

*I have asked the Governors to decree special provisions and prohibitions of such a nature as to assure the safety of important installations important from a military point of view. Whoever disregards these prohibitions will expose himself to death on the spot.*

*The following is the text of the above-mentioned order :*

### ***Order***

***concerning persons belonging to enemy armies and enemy agents who are hiding themselves in the country, as well as persons who aid them.***

*Article 1. — Whoever belongs to an enemy army, or has belonged to such since the beginning of the war, whoever is in the employ of an enemy Government or of a person who is acting in the interests of an enemy Government, will be punished with hard labour (unless other laws provide a punishment even more severe) if he conceals his presence from the German authorities in the territory of the Government, or keeps himself hidden therein.*

*In case of extenuating circumstances the punishment shall not be less than three months.*

*Art. 2. — If circumstances should prove that the person in question has wished to aid a foreign Power, or to harm the military forces of the German Empire, or of its allies, he will be punished with death.*

*Art. 3. — Whoever knowingly aids in any manner whatsoever such a person in concealing his presence, whether by giving him lodging, by clothing him, or by giving him nourishment, is liable to the same punishment.*

*If, in the cases provided in Article 2, the accomplice profits by the extenuating circumstances, the penalty of death may be replaced by the punishment of hard labour for a period of not less than two years.*

*Art. 4. — Whoever knows of the presence of such persons as are mentioned in Article 1 and does not immediately warn the German military authorities of them, will be punished with imprisonment; whoever, in*

*such case, has known that the circumstances envisaged by Article 2 have actually existed will be punished with hard labour, or by imprisonment for a period of not less than six months.*

*Art. 5. — The persons designated in Articles 1 and 2 who are in the territory of the General Government will not be punished if they present themselves voluntarily to the military authorities within twenty-four hours of the public posting of this order.*

*Brussels, 12 October, 1915.*

*The Governor General in Belgium,  
Baron von Bissing, Colonel-General.*

**Footnotes.**

It would be interesting compare with what **Paul MAX** (cousin of the *bourgmestre Adolphe MAX*) told about the same day 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 %20guerre de Paul Max bdef.pdf](http://www.museedelavilledebruxelles.be/fileadmin/user_upload/publications/Fichier_PDF/Fonte/Journal_de%20guerre_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 :

French version :

<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, numéro 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: [www.idesetautres.be](http://www.idesetautres.be)