

A verbatim report of the Mordaunt divorce case.

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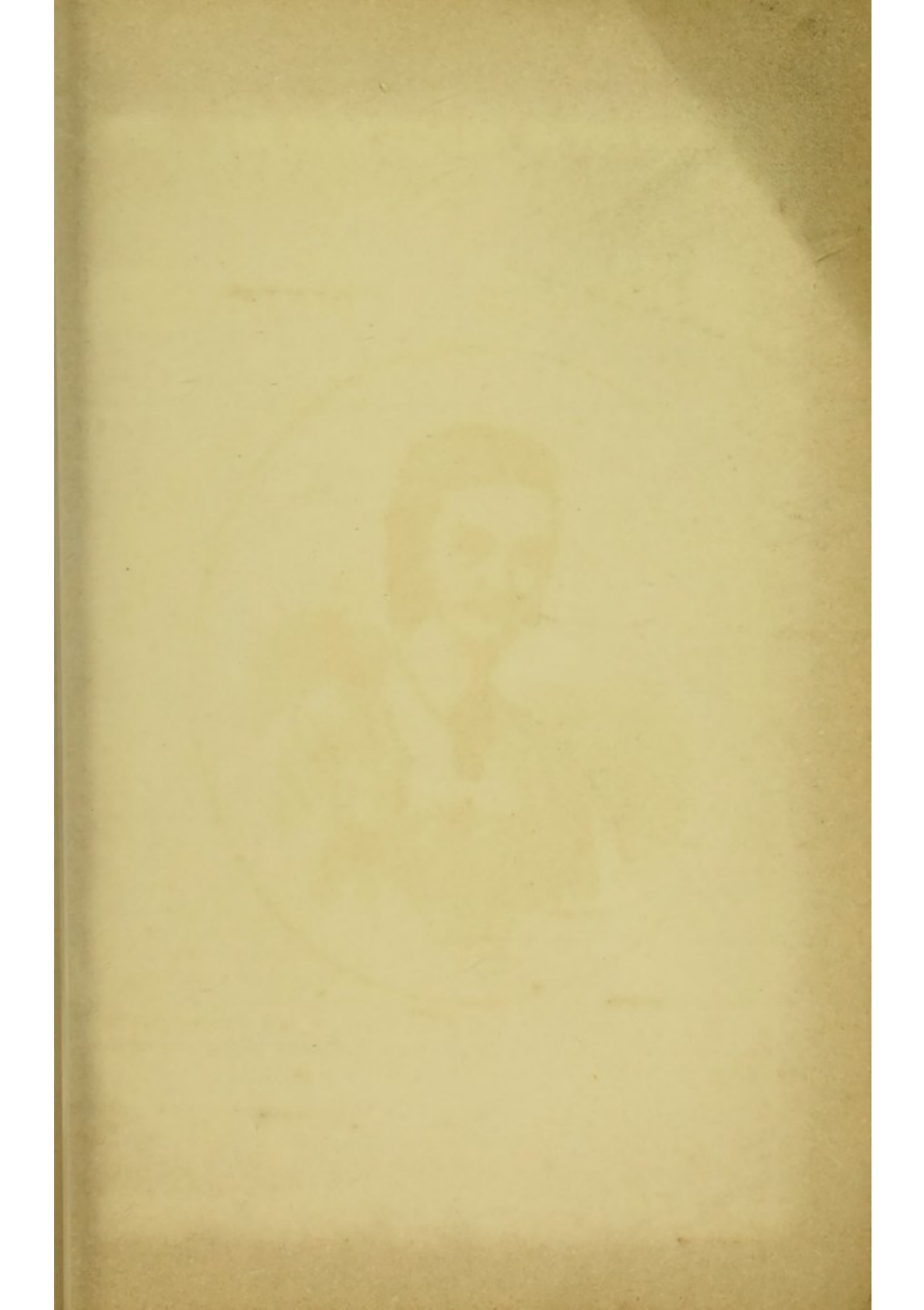
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“AUTHORISED EDITION.”

A VERBATIM REPORT

OF THE

MORDAUNT DIVORCE

CASE.

FREDERICK FARRAH, 282, STRAND, LONDON, W.C.

ROYAL COLLEGE
OF
PHYSICIANS
OF
LONDON

PEDIGREES OF THE MORDAUNT AND MONCREIFFE FAMILIES.



THE MORDAUNT FAMILY.



According to records collected in the reign of Charles II., the Mordaunt Family dates as far back as the Conquest. By a charter still extant, one Osbert le Mordaunt, a Norman Knight, was possessed of an estate at Radwell, county of Bedford, which he had by gift from his brother Eustace, who had had it conferred upon him by William the Conqueror for the service he and his father had rendered that monarch in the conquest of this kingdom. Sir Osbert le Mordaunt had two sons; and the son of one of them, Eustace, by marriage with the eldest daughter and co-heiress of William D'Auney, became possessed of the Lordship of Turvey, in Bedfordshire. As was customary in those, and even much later times, he gave in free alms to some centres of the Church of Radwell, a church in another village, and ten acres of land in Turvey "for the health of his own soul, his wife's, and the souls of predecessors and successors." William Mordaunt, his son and heir, succeeded him, and he was lord of

Turvey, Radwell, Asthull, and other lands in the same county. He, too, was succeeded in his turn by his son William, who also possessed Chichley, and licence of King Edward I., in the twenty-fifth year of his reign, to enclose his pasture of Wolsey, his field called Turvey-lees, his pasture of Manselgrove, and other lands in Turvey, to form a park. He had issue, and his son Robert succeeded him. Sir Robert was one of the members for the county of Bedford, in the fifteenth year of the reign of Edward III. He married Joan, daughter of Thomas Fowick, by which means he added to his estates those of Clifton and Shefhall. He had a son Edmund, who married Helen, daughter and co-heiress of Ralph Brook. Several generations of Mordaunts having succeeded to the estate, it subsequently descended, between the last date above mentioned and the reign of Henry VII., to John, a barrister. He was the ancestor of the Earls of Peterborough. L'Estrange Mordaunt, the founder of the present branch of the Mordaunt family, was created a baronet by James I. in 1611. He was the fifteenth person in England upon whom that dignity had been conferred. He had issue by his wife Margaret Antwerp, two sons and three daughters. His eldest son and successor, Robert, who was knighted in his father's lifetime, died in 1638, and his eldest son, Charles, succeeded to his title and estates. Then came Charles, the eldest of the baronet's three sons, who succeeded to the estates, but who died without issue.

Towards the close of the 17th century, Sir John Mordaunt, living in Warwickshire, succeeded to the title and estates through his brother Charles dying without leaving issue, and he represented that county in several Parliaments during the reigns of William III. and Queen Anne. He first married Anne, daughter of William Risley, Esq., of Bedfordshire, by whom he had one daughter, Penelope, who died young. Secondly, he married Penelope, daughter of Sir George Warburton, Bart., of Arley Hall, Cheshire, and had by her two sons and two daughters. He died September 6th, 1721, and was succeeded in title and estate by his eldest son, Sir Charles, who represented the county of Warwick in Parliament for nearly fifty years. He married first, in 1720, a daughter of John Conyers, Esq., of Walthamstow, Essex, by whom he had two daughters, Penelope and Dorothea, both of whom died unmarried; and, secondly, in 1730, Sophia, only daughter of Sir John Wodehouse, Bart., of Kimberley, in Norfolk (a lineal descendent of the Wodehouses of that place, a most eminent and distinguished family), by whom, dying in 1788, he left issue two daughters, Sophia and Mary, both of whom died unmarried, and two sons, Sir John, his successor, and Charles,

who became Rector of Massingham. In 1744 he married Charlotte, daughter of Sir Philip Musgrave, of Kempton Park, Bart., and had a son, Charles, and a daughter, Charlotte.

Sir John, the seventh baronet, and LL.D., was for many years one of the Grooms of the Bed Chamber to his Majesty George III., and represented the county of Warwick, in Parliament, from 1763 to 1796. He married Elizabeth, daughter and co-heiress of Thomas Prowse, Esq., of Axbridge, Somerset, and had issue by her, two sons, Charles, his successor, and John, in holy orders, and six daughters, one of whom, Susan, married, Aug. 30th, 1814, William, the second Earl of St. Germans, but there was no issue. She died in 1830. Sir John Mordaunt died Nov. 18th, 1806.

Sir Charles, the eighth baronet, succeeded to the title and estates. He represented the county of Warwick in Parliament for many years. He married in 1807, Marianne, eldest daughter of William Holbeach, Esq., of Farnborough, county of Warwick, by whom (who died in 1842) he left issue, John, the ninth baronet, and two daughters—one of whom, Mary, who married Thomas Dyke-Acland, M.P., March 14th, 1841, died June 11th, 1851.

Sir John Mordaunt, the ninth baronet, was born August 24, 1808, and on the 7th August, 1834, he married Caroline Sophia, the second daughter of the Right Rev. George Murray, D.D., Bishop of Rochester, by Lady Sarah Maria, younger daughter of Robert, ninth Earl of Kinnoul. Sir John had issue by her—1st, Charles, the present baronet; 2nd, John Murray, born 30th December, 1837, and married, in 1866, Elizabeth Evelyn, third daughter of John Cotes, Esq., of Woodcote Hall, county of Stafford; 3rd, Osbert, born December 4, 1842; 4th, Henry, born 12th April, 1845; and two daughters, Mary Augusta and Alice. Sir John died in 1845, and Lady Sophia, his widow, married secondly, on the 25th April, 1853, Gustavus T. Smith, Esq., of Goldicote Hall, Stratford-on-Avon.

Sir Charles, the present baronet, and the petitioner in the recent Divorce Case, is the eldest son of the late Sir John Mordaunt, Bart., M.P., of Walton D'Eville, by Caroline Sophia, daughter of the late Right Rev. George Murray, D.D., Lord Bishop of Rochester. He was born in 1836, and succeeded his father as tenth baronet in 1845. He married, in 1866, Harriet Sarah, fourth daughter of Sir Thomas

Moncreiffe, Bart., of Perth, and was educated at Eton, and at Christ Church College, Oxford. He is a Justice of the Peace, and Deputy-Lieutenant for the county of Warwick, Lord of the Manor of Walton, Patron of four Livings, and was M.P. for South Warwickshire, from 1854 until 1868—the year when the unhappy estrangement arose between him and his wife.

THE MONCREIFFE FAMILY.

The first record of this ancient Scotch family relates to Ramerus de Moncreiff, who was its founder, and who lived between 1107 and 1124, and is said to have been Keeper of the Wardrobe in the family of Alexander I. Matthew de Moncreiff, the fourth descendant from Ramerus, obtained a charter of the lands of Moncreiff from Sir Roger de Mowbray, at that time the chief lord. He thereupon got such lands erected into a free barony by Alexander II. on the 1st of Feb., 1248, and obtained a charter confirming the same to him and his heirs in Oct., 1251. He was succeeded by his son, who was, with many other Scotchmen, compelled to swear allegiance to Edward I. of England, in 1296. He left two sons, William and Ralph, of whom the elder (William) succeeded to the estates. Both of them are mentioned in *Rhymer's Collections* and in the critical remarks on *Ragman's Roll*; and Matthew of Westminster relates that these brothers were two of the Scotch barons who entered England and burnt the towns of Connbrigge and Hucklisham, the same year in which their father was compelled to submit to Edward as above related. Duncan Moncreiff, the son of William, succeeded him, who in turn was succeeded by his son John, who died at an advanced age in 1410. After his death he was represented by his son Malcolm Moncreiff, who was appointed by James II. of Scotland, one of the Judges in the Supreme Court of Judicature, now called Lords of Council and Session. By his wife, Catherine Murray, of the family of Tullibardin, he had several children. He died about 1465, and was succeeded by John, his eldest son, who got a charter of the lands in Auchindane, in Fife, during his father's lifetime, and these he added to the barony of Moncreiff in 1464. On his death, in 1490, he was succeeded by Sir John Moncreiff, his eldest son, who obtained several charters of lands. He married Beatrix Forman, of Lathrie, and by her left two sons and three daughters. William Moncreiff, his eldest son, inherited the family estates. By charter and by marrying Margaret Murray, of the ancient

family of Balwaird, he obtained other lands. By her he had three sons—William, his heir, and John, Prior of Blantyre, who, being a churchman, never married. The prior had a son, named Gilbert, who was physician to the King, and a man of considerable reputation. The third son was Alexander, ancestor of the Moncreiffs of Kintillo, afterwards of Culfargie, and then of Barnhill, in Perthshire. But tradition, together with some old family papers, imputes to John, the second son of Sir John Moncreiff and Beatrix Forman, his wife, the foundership of the present family of the Moncreiffes, of Moncreiffe, in Perthshire. He retired with his family to Orkney, and there acquired the estate of Rapness. He married Isabel Robertson, daughter of Mr. Robertson, of Struan, by whom he had issue two sons—David, his heir, and William, of whom Mr. William Moncreiff, minister, of Methven, was lineally descended, the grandfather of Dr. William Moncreiff, physician, of Bristol. John Moncreiff died in 1590, and was succeeded by his eldest son, David.

David Moncreiff, of Rapness, who first married Barbara, daughter of Mr. Barkie, of Tankenness, by whom he had three sons and one daughter, David, who succeeded his father, and married a daughter of Mr. Anderson, of Holmsound, by whom he had one daughter married to Alex. Hunter, Esq., of Muirhouse; David died without male issue, and the estates passed to Thomas Moncreiff, and then to his third brother Harry, who continued the line of descent. Thomas Moncreiff, the second son of the first-named David, was the first baronet of the Moncreiff family and from whom Lady Mordaunt has lineally descended. It appears that this Thomas Moncreiff was appointed Clerk of the Exchequer and Treasurer (Scotland), and being a man of great honour and economy, he acquired great wealth. About this time his cousin, Sir John Moncreiff—of the original Moncreiff family—found his affairs so irretrievably embarrassed that he was compelled to sell the whole of the large property in his possession, which had for so many years belonged to his family. The first estate which he sold—Cambee—in 1697, to William Ord, Shirca, clerk of Perth, for about 40,000 marks (a large sum in those days), did little to get him out of his trouble, and the result was that he had to sell the lands, and barony of Moncreiff itself, notwithstanding that they formed the ancient inheritance of his ancestors. He sold them to Thomas Moncreiff, his cousin above mentioned, in 1663-6.

Thomas was afterwards created a *Baronet of Nova Scotia*, by King James of VII. Scotland, and I. of England, by Royal letters patent to him and his heirs male. Sir Thomas dying without issue, and therefore his estates devolved on him and his nephew, Thomas, son of his younger

brother (Harry), and eldest son of Henry Moncreiffe, Esq., by Barbara, daughter of Harry Herbert, Esq., of Cardiff. Sir Thomas married Margaret, daughter of David Smith, Esq., of Methven, by whom he had two sons—Sir Thomas, his heir, and David, who settled at Moredun, and was one of the Barons of the Exchequer in Scotland. By the same lady he had also three daughters, one of whom died unmarried. Margaret, the eldest, married Lieutenant-General Gordon, of Auchintoul; and Janet, the third daughter, the Hon. Captain Charles Barclay, of Maitland, uncle to the eighth Earl of Lauderdale. Sir Thomas died in 1738, and was succeeded by his eldest son.

Sir Thomas Moncreiffe, the third baronet, who married Catherine, daughter of Sir William Murray, of Auchertyre, Bart., by whom he had two sons—Sir William, his heir, and Patrick, an officer in the army. He died in 1739, and was succeeded by his eldest son.

Sir William Moncreiffe, who married Clara Guthrie, of the Craigo family of that name, in the county of Angus, by whom he had one son, Thomas, who succeeded him, and one daughter, who was married to Cunningham, Esq., of Bonington, in the county of Mid Lothian.

Sir Thomas, who succeeded his father, married, in 1786, Lady Elizabeth Ramsay, eldest daughter of George, eighth Earl of Dalhousie, by whom he had one son and one daughter. Her ladyship died June 3rd, 1848. Sir Thomas died March 25th, 1818, and was succeeded by his son David. The daughter, Georgina, married March 5th, 1818, George Augustus, the late Earl of Bradford, by whom she had issue.

Sir David, sixth baronet, was born December, 31st 1788, and married, 12th January, 1819, Helen, the second daughter of Æneas Mackay, Esq., of Scotstown, by whom (who married, secondly, 30th October, 1849, George Augustus, the present Earl of Bradford) he had issue Thomas, the present baronet; William Æneas, born 1825; Helen, married 22nd March, to Edmund Wright, Esq., of Halston Hall, Shropshire, by whom she has issue; and Elizabeth.

Sir Thomas Moncreiffe, of Moncreiffe, county of Perth, the present baronet, was born Jan. 9th, 1822, and succeeded to the baronetcy on the death of his father, November 20th, 1830. He married on the 2nd May, 1843, Lady Louisa Hay, eldest daughter of the tenth Earl of Kinnoull, by whom he has had issue—1st, David Maule, born 12th December, 1854, died April 25th, 1857; and Robert Drummond, born November 3, 1855; 3rd, Thomas George Harry, born 9th October, 1860;

4th, William; 5th, Ronald, 6th, another son. 1st, Louisa, married, October 29th, 1863, to the Duke of Athole; 2nd, Helen, married April 5th, 1864, Charles John, eldest son of Sir Charles Forbes, Bart.; 3rd, Georgina Elizabeth, married, April 5th, 1864, to the Earl of Dudley; 4th, Harriett Sarah, born in 1847, and married, December 6th, 1866, to Sir Charles Mordaunt, Bart.; 5th, Blanche; 6th, Frances Rose; 7th, Selina; 8th, Mary Catherine; 9th, another daughter.

Sir Thomas was educated at Harrow, and is a Justice of the Peace and Deputy-Lieutenant of Perthshire, and Honorary Colonel of the Royal Perth Rifles. He was formerly a Lieutenant in the Grenadier Guards.

COURT FOR DIVORCE AND MATRIMONIAL CAUSES,
February 16.

(Before Lord PENZANCE and a Special Jury.)

The petition in the Divorce Court was filed by Sir Charles Mordaunt, of Walton-hall, Warwick, praying for the dissolution of his marriage with Harriet Sarah, Lady Mordaunt, on the ground of adultery. The petitioner alleged the marriage on the 6th of December, 1866, at St. John's Episcopal Church, Perth; cohabitation at Walton-hall, and at 6, Belgrave-square; and adultery with Viscount Cole in May, June, and July, 1868, at Chesham-place, and in July, 1868, and January, 1869, at Walton-hall; and adultery with Sir Frederick Johnstone, in November and December, 1868, at Walton-Hall, and in December, 1868, at the Alexandra Hotel, Knightsbridge; and adultery also with some person between the 15th of June, 1868, and the 28th of February, 1869. The citation was served on Lady Mordaunt at Walton-hall on the 20th April, 1869. An application was afterwards made on her behalf to stay the proceedings on the ground that she was not of sound mind, and was, therefore, unable to plead and to give instructions for her defence, and the application was supported by affidavits. Counter affidavits were filed on behalf of the petitioner, with the view of showing that Lady Mordaunt was feigning insanity in order to avoid pleading to the petition, and on the 27th of July, 1869, an order was made that her ladyship's father, Sir Thomas Moncreiffe, should appear as her guardian *ad litem*, for the purpose of raising the question as to her state of mind. On the 30th of July, 1869, Sir Thomas Moncreiffe accordingly entered an appearance, and alleged that at the time when the citation in this suit was served on the respondent, to wit, the 30th of April, 1869, the respondent was not of sound mind, and that she has not since been and is not now of sound mind. The petitioner having taken issue on this allegation, the question was ordered to be tried before the Court by a special jury.

Four of the special jurors summoned in the case not having answered to their names,

Mr. Serjeant Ballantine prayed a tales, and the requisite number was made up from the common jurors in attendance. The issue being on the respondent, her case was in consequence first presented to the Court.

Mr. Searle, in opening the pleadings, said: In this case Sir Charles Mordaunt, Bart., is the petitioner. The petition is for dissolution of marriage by reason of his wife's adultery. Sir Thomas Moncreiffe (her father) appearing as guardian *ad litem* for the respondent, has pleaded that at the time the citation in the suit was served upon the respondent, namely, the 30th April, 1866, the said respondent was not of sound mind, and never has been since, and is not now of sound mind. The petitioner has taken issue on that plea, and that is the issue you have to try.

Dr. Deane then proceeded to state the case. He said: My Lord and gentlemen of the jury—You are probably all aware that Sir Charles Mordaunt has in this court brought a suit against his wife for divorce by reason of her adultery with certain persons. Gentlemen, with that you have nothing at all to do—it is not before you to-day. You must dismiss, if you please, from your minds the fact that there is such a suit at all. For all the matters of the present inquiry it matters nothing whether Lady Mordaunt be the most guilty woman in the world, or whether she be the most true and loyal wife that man ever had. Her guilt or her innocence are not at present the least in question, and the only matter before you is this—whether, on a certain day, which I shall name presently, or since that day, or at the present time, Lady Mordaunt is of sound mind? Now, in this Court at least, such a proceeding as the present is entirely new. As you are aware, this Court has not been so very many years in existence, and a case like the present has never yet occurred in it. In other Courts the proceeding is familiar enough, and I may say there is scarcely an assize held in the country in which a question like the present may not arise in respect of criminal trials. I do not know that I can do better now than tell you what the principle of the inquiry is; and it is, that no man shall be put upon his trial who is unable to defend himself, and unable to defend himself by what is called the visitation of God. Having referred to the case of “*The Queen v. Frith*,” reported in the “*State Trials*,” vol. 22, and “*The King v. Goole*,” to be found in “*Adolphus and Ellis Reports*,” in illustration of the principle governing such cases, the learned counsel continued: There are other cases, gentlemen, of the same kind, and the inquiry is limited to the present state of mind of the party accused. In this case the inquiry will begin on a certain day. That day is the 30th of April, in last year, and the reason for that I will shortly tell you. It was on the 30th of April that what was called the citation and petition were served upon Lady Mordaunt. It was, therefore, upon and from that date that her state of mind became a subject for investigation. It was upon the 31st July in last year that the question for you was what we lawyers called settled, or put in its proper shape to have aye or nay from you, and the question so settled for your decision is, whether Harriet Sarah Lady Mordaunt, the respondent, was, on the 30th day of April, 1869, of sound mind, and has since been of sound mind? There are two theories upon the point—one that I have to support; the other that my friend Serjeant Ballantine will have to put before you. My learned friend’s theory, I apprehend, will be this: “True there are certain peculiarities of conduct—certain symptoms exhibited on the part of Lady Mordaunt which would lead an unguarded casual observer to fancy that she was out of her mind; but these appearances are feigned, these symptoms are all unreal; they are put on for a purpose;” and I think his theory will drive him to this, that at times, and before certain persons, all these appearances and symptoms disappear and my learned friend will perhaps say: “True, before her relations Lady Mordaunt appears to be a person of unsound mind, but before others she is not so; it is all shamming.” The observation in answer to that is obvious, and it is this: How strange that a person charged with such a crime as Lady Mordaunt is in the main issue should put on these appearances for the purpose of deceiving those who are most interested in her innocence. If she tried to deceive other people one could understand that; but it does seem to me, in my humble judgment, a strange thing that before her father, for instance, she should seem to be out of her mind, but before strangers, attendants, and others, she should seem to be in her sound senses. My theory is this, that Lady Mordaunt is in truth and in fact suffering from a disorder which, whether primarily or originally affecting her blood or her brain or her nervous system, or acting

through her spinal cord, has proceeded from a given time, was existing on the 30th April, 1869, and has from the 30th of April last, down to last Saturday, the 12th of February, 1870, become worse and worse. Now it may be of use to you that for the moment, and before I go to the evidence, I ask you to bear these places and these dates in mind. Sir Charles Mordaunt has a country seat some ten miles from Warwick called Walton Hall. There Lady Mordaunt was on the 30th of April. At Walton Hall she was served with the citation and petition. She remained at Walton Hall until the 15th of May. On the 15th of May she came up to London, and was for two or three days at Belgrave-square. From Belgrave-square she went to Worthing on the 20th of May, and remained there from the 20th of May to the 18th of August. On the 18th of August she was removed to a place called Bickley, near Bromley, in Kent, and there she has remained, with the exception of a few days' absence in London, between the 26th and 30th September, down to the present time. I will tell you now who were the people who were with her at those different places and times. On the 6th of May, while still at Walton Hall, she was seen by Dr. Priestley, Dr. Tuke, and Sir James Alderson, names, I have no doubt, perfectly well known to several, if not to all of you. Between the 16th and 18th May, when she was in London, on her way down to Worthing, she was seen in Belgrave-square by Dr. Priestley and Dr. Gull. From the 22nd May down to her removal on the 18th of August she was constantly attended by a gentleman of the name of Harris, who is a medical man living at Worthing. On the 24th she was seen by Dr. Tuke at Worthing. On the third of July she was seen by Sir James Alderson and Dr. Gull also at Worthing. On the 10th July she was seen by Dr. Burrowes and by two gentlemen of the names of Jones and Orford, whom perhaps you will have the opportunity of seeing, but whom I may tell you at once I shall not call as witnesses. The 5th of August is a very material date. On the 5th of August, or a very short time afterwards, this matter having come before my lord (Lord Penzance) in various shapes, his lordship was pleased to direct that Dr. Wood should see this unfortunate lady, and accordingly, not at the instance of either Sir Charles Mordaunt or Sir Thomas Moncreiffe, who was appointed the guardian for this purpose of Lady Mordaunt, but of my lord alone, Dr. Wood was directed to see her, and he accordingly saw her on several occasions down to the 25th Oct. from the 25th August, and down to the present time a gentleman of the name of Hughes who lives at Bromley, has constantly seen Lady Mordaunt. At the time these papers were placed before me he had paid her no less than fifty-one visits, and on Saturday last, the 12th instant, she was seen by a person whose reputation reaches far beyond the United Kingdom. She was seen by Sir James Simpson, of Edinburgh. Confining myself for the present to those medical witnesses let me tell you what their evidence will be. It will be that the symptoms shown by Lady Mordaunt are these: Great failure of memory; inability to keep up anything like a sustained conversation; no power of suggesting a subject; and, with here and there an exception, slowness, if not of perception, certainly in being able to answer a question; a particular stiffening of the body known to medical men, and called "hysterical catalepsy;" and all this, which if you please, we will for the present call outward acts, attended by certain symptoms proceeding from derangement from within—for instance, a thin, thready pulse, a certain appearance of the countenance, extreme heat of the head with coldness of the feet, and a peculiar breath. These, gentlemen, are what the medical men will describe to you as the state of Lady Mordaunt, with this most remarkable fact, that whatever may have been her condition on the 6th May, when three of them first saw her, that condition has become worse and worse; and if I am not mistaken, Sir James Simpson will tell you, as others will,

that there is but little hope of her recovery. Now, you will have it urged, I have no doubt, by my learned friend that there are motives strong and forcible on the part of Lady Mordaunt, to feign or simulate all, or some, at least, of these appearances. My learned friend will tell you, from his own great experience, what is common in the experience of all of us, that it is not an uncommon thing for persons accused of this or that crime to feign madness. Of course, no person would feign madness without a motive; but we must be very careful while we admit the truth of that, not to give too much weight to any argument or inference we may draw from there being a motive, for to do so would be what is called begging the question. It would be avowing the very point you have to try, to say, that because there is a strong motive to feign insanity you are at once to dispense with all evidence as to the actual state of mind, and to conclude that because there is motive there is therefore no unsoundness. One could hardly fancy that for so long a period as from May to February anybody would be able to keep up, and not only keep up, but increase and gradually increase, those symptoms and those appearances. One of the best tests between real and feigned insanity is the consistency or inconsistency of the conduct and language of a person. I think I shall satisfy you in this case that there is no such inconsistency here. There is neither too much nor too little of feigning. I have told you what the evidence of the medical men at large will be, and I have mentioned to you the name of Dr. Wood, who was appointed by my lord to see this lady, and upon Dr. Wood's evidence I would for a moment dwell. On Dr. Wood's first visit, he came to the conclusion, in his own mind, that possibly the unsoundness of mind might not be so certain as to enable him to form absolute judgment; but he tested, on his first visit and on his subsequent visits, Lady Mordaunt in various ways. He was often with her. He dined with her on one occasion, and he played whist with her. During the whole of her visits he saw that her state was such that she could not talk with him, keep up any conversation with him, or keep her mind fixed, and yet there were some slight lights occasionally coming over this darkened mind; while the whole was overshadowed, misty, and cloudy. He asked her on two occasions if she would lend him some money. She said "Yes," and asked him to lend her some. He offered her silver, but said, "Why don't you draw a cheque?" Accordingly, she drew a cheque, and he will describe how it was she drew a cheque? It was a cheque for £50, and she said she would be perfectly satisfied if out of that cheque he would give her £5. In a few days she took another cheque, but she did not draw it. She had forgotten the other cheque, and she said she would be satisfied with half-a-crown for this. There was another very painful scene. Dr. Wood called one morning, and asked her a question. He put before her one of Claribel's songs—the words, I think, by Mr. Monckton Milnes, now Lord Houghton. "Strangers yet." Lady Mordaunt sang one verse, and then she broke down entirely. I think this is an instance of the state of mind in which this lady was. In those lines there was much that would tell upon her condition at the time when she was asked to sing the song I will read the first verse:—

Strangers yet, after years of life together;
 After fair and stormy weather;
 After travel in fair lands;
 After touch of wedded hands.
 Why thus joined? Why ever met,
 If they must be strangers yet,
 After childhood's winning ways,
 After care and blame and praise?

It was a song she was in the habit of singing before all this trouble came upon her, and when she was at home; and you know—and we all know—how some long-forgotten word will strike some chord of recollection that may have been connected with it; and it is remarkable that, on singing this, Lady Mordaunt shed tears. Dr. Wood, in order to test the truth of the state of Lady Mordaunt, asked her from time to time to do the most trivial things. She did them without a murmur. He got command over her, and then, from first to last, whatever he asked her to do she did. He would tell her to go and take a piece of china off the mantelpiece, and then another, then hold them upside down, and in other ridiculous positions, and she would do so. After she had attempted to sing that song, and had broken down in tears, Dr. Wood said, "You must sing the song again;" and, in spite of the distress she felt, she went to the piano and sang the song again, showing a subjection of her mind and its utter incompatibility with anything like soundness of intellect. Another part of the evidence is also very material to be considered. We all know that there is a good deal which medical men learn from those who are about their patients. Unfortunately, or fortunately, as the case may be, we cannot get from the medical men that which they have heard from the attendants. The attendants must tell you that themselves. Therefore, it will be necessary to call before you persons who were in attendance on Lady Mordaunt, and they will tell you that which the medical men could not tell you. They will tell you that her nights were sleepless; that she would walk about the house, sometimes dressed and sometimes not dressed; that she would go into the servants' rooms at all hours of the night; that her sense of womanly modesty was gone on many occasions; that on one occasion, whilst she was being undressed, she went upstairs, and she came back again almost with nothing whatever on but a pair of stockings and a short cloak; that later she attempted, and I believe succeeded in getting into the butler's bed-room. She would perform the offices of nature at any time or place, no matter who might be present, and afterwards, when told of this, she showed no recollection at all; that in the carriage when out driving she would try and throw herself out; that at meals her conduct was such that she would not eat off her own plate, but out of the dish; and that if she began to talk sensibly to any persons at dinner she would soon break off again. Her child was brought to her, but no one dare trust her with her child. I could go on stating fact after fact, but I should only be detailing that which the witnesses will tell you. I shall call before you, painful as it may be, Sir Thomas Moncreiffe, her father, and I think he will tell you much that I dare not trust myself to name. You shall hear it from his own lips. Some of the outward acts might be put on for the purpose of deceiving, but, in her condition and in her language, is it possible that this young woman, not yet two-and-twenty years of age, has had sufficient strength of will, through ten long months, to keep up this play? But what shall we say if we distinguish these outward acts from what I will call inward symptoms? Gentlemen, I ask this question: By what stratagem could this young woman so govern the beat of her pulse or the throbbings of her heart in the way in which the medical men found the action of those organs? By what cunning device could she so regulate the action of her skin that the clammy, cold perspiration of disease should lie upon it? How could she modify the temperature of her body so that the head should be hot and the feet cold? By what drugs or cunning devices, not knowing that she would be seen by medical men, could she bring about that peculiar failure of the brain? These are signs that cannot fail. They speak in language that cannot be misunderstood. No art could produce those appearances. They are produced by nature alone, and by nature in her distempered, dark, and disordered con-

dition. Why should I dwell longer before you on this story? It is sad enough whichever way you look at it—a very, very sad story! The question for you is whether Lady Mordaunt is a well-practised and artful deceiver—whether she has been able to take in no less than eight or ten of the wisest, most experienced, and most able medical men which the United Kingdom can produce—or whether she is in reality suffering under this severe affliction. In this somewhat rude, and plain, and unartificial manner, I have put before you the outlines of this case; but I think I have said enough to secure all which at this moment I care for, and that is your calm, patient, and impartial consideration of that which the witnesses will swear.

Jane Lang, examined by Mr. Archibald: In May, 1869, I became lady companion to Lady Mordaunt, who was at that time in Belgrave-square. It was on the 17th of May I went to her, and I accompanied her to Worthing, where I remained with her two months until two days before she left, I was in constant attendance on her by day, and at night I slept in the next room. Mrs. Carruthers was another attendant. Mrs. Pickard was there several days. During the time I was in attendance upon her I had opportunities of judging as to her memory and her habits. Her memory was quite wrong. She made efforts to remember, and asked me to help her to think. With regard to recent events I found her memory quite wrong. She had no notion of things which happened on the same day. In taking her food she would often use her own fingers. She would tear her dress with pins. When pins were taken away she would hide some more. When out walking she would pick up dirty articles—dried mud. She would pick it up with her hands, and carry it until I made her put it down. She showed a total want of modesty. She would go about the house with scarcely anything on. She was very dirty in her habits. In the mornings she had to be washed like a child. Sometimes she would not speak for days. She constantly walked about at night, and went into other rooms. She went into the servants' rooms, until by my orders the servants locked their doors day and night. She said Sir Charles was locked in, and she wanted a hammer to break the doors. She once escaped undressed, with nothing on but a pair of stockings, slippers, an opera cloak, and a muff, and she went into the drawing-room. She did not show any shame. I used to bribe her with pennies to go quietly to bed. I used to drive out with her every day. She asked the driver of the fly to lend her money to pay himself. She tried to throw herself out of the carriage. I was obliged to keep her always in sight. She complained of great pain in the head. One day when she had a headache, she put a Eau de Cologne bottle to her feet, and sat with it in that way. Her feet were very cold. Her temper was very irritable, but it varied. The least noise would distress her very much—even if any person passing on the road were talking. There was a very strange expression in her eyes. She said her dress was contemptible. She destroyed her hat. She complained of the tablecloth being dirty. She spoke of seeing black things. If I left money about she would pick it up and hide it. When I first went she spoke about being poisoned. I was obliged to feed her. When strangers were present she tried to compose herself. She became more excited afterwards. Sometimes she did not sleep for nights together. She said there was a plot against her, and she had discovered it in a miraculous manner. The baby was not with her at Worthing. I have seen her once since at Worthing. She seemed to be stouter and stronger. She behaved very well for about ten minutes, and then threw herself on the floor, and walked about the house on her hands and knees, and ate a piece of coal.

Cross-examined by Serjeant Ballantine: She had known me before. I had resided in the same place as she did. My father is a doctor in Newcastle.

Lady Moncreiffe came only once to see her in July. Two other sisters, of whom Mrs. Forbes was one, came to see her, and the unmarried one stayed a week. It was by Lady Moncreiffe's wish that I attended to her.

Serjeant Ballantine: Did Lady Moncreiffe say anything as to what had occurred at her confinement?

Dr. Deane objected.

Serjeant Ballantine: Did you ever confer with her on anything that Lady Mordaunt told you?—Witness: No.

Did she speak of what happened at her confinement?—Yes.

Did she mention people she knew?—Yes; nearly every one.

Did she ever tell you she had been accused of impropriety with anyone?

Dr. Deane objected, on the ground that this was not material to the question as to what was Lady Mordaunt's state of mind.

Lord Penzance: It seems to me the question is, as to what extent Lady Mordaunt possessed intelligence. Everything which she said at the time would have a bearing. If she referred to past events it would have a very material bearing. It seems to me a most pertinent question as to what occurred. It is not a question that can be eschewed.

Serjeant Ballantine: Did she refer to persons whom she had known previously? I want, if possible, to avoid mentioning names; but did she accuse herself of any improper conduct with those persons?—No.

Never with anybody?—No.

Then, during the whole time you were with her, she never accused herself of impropriety with any gentlemen at all?—No.

Never alluded to any such thing?—No.

Or conveyed any such idea to you?—No.

You say she did refer to acquaintances?—She mentioned the names of acquaintances.

But never mentioned any impropriety?—No; she talked of inviting people to a party.

But never alluded to any impropriety with those people?—No.

Lord Penzance: Referred to her past life?—Witness: One day she was pretty well, and talked of her acquaintances. She talked of them often.

Serjeant Ballantine: Did she ever refer to the child?—Sometimes; not often.

Did she ask about its health; or allude to its having been born ill—the state of its eyes?—No; I do not think she ever did.

Did she ever allude to Sir Charles's visit to Norway?—Yes, she did.

What did she say about that?—She said she thought at one time of going with him. She talked of his going to Norway, and of a proposal she should go.

She referred to the journey Sir Charles had taken to Norway, and that he had told her to go?—She never said so.

You said something to that effect?—He proposed she should go.

Did she say why she did not go?—I do not remember.

From the description you have given of her, I suppose you thought it hardly safe to leave her?

Witness was here overcome by the heat of the crowded court and fainted away. Restoratives were administered and in the subsequent examination she was allowed to remain seated.

Cross-examination continued: She was allowed to sleep alone, but the maid slept in a dressing-room adjoining Mrs. Carruthers. The dressing-case and dressing articles were all taken from her. If any were left, they were locked up. She was allowed to have them sometimes, but they were afterwards taken

from her. She was attended by Dr. Harris and Dr. Gull. She asked me to write for a *chèque-book*. She did not draw cheques.

Serjeant Ballantine: Look at those and tell me if they are in her handwriting?—Yes. Those cheques are in her handwriting. (Cheques put in and marked.)

Did Lady Moncreiffe tell you of certain statements by Lady Mordaunt, a few days after her confinement?—She did.

And mention certain names?—Yes.

Did you ever refer to those statements or mention those names to Lady Mordaunt?—I never mentioned the names.

Did you refer to the statements?—I did.

What did you say?—I asked her if she remembered making the statements. She said she remembered what was said about her having made them, but that she did not make them. I did not ask her anything further upon that. I think she understood what I referred to. This conversation must have taken place towards the end of July. Lady Moncreiffe came down in July, but was not staying in the house. She remained about an hour and a half in the morning, and took a drive with her daughter in the evening. Lady Moncreiffe is here. [Lady Moncreiffe and her husband, Sir Thomas, occupied a seat in the gallery of the court.]

Dorothy Frances Carruthers said: I am accustomed to the care of patients of weak mind. I went to take charge of Lady Mordaunt on 31st May, and remained until the end of August. I was with her constantly day and night. I slept in a dressing-room adjoining her bed-room. She remembered something, but she had a bad memory, I think. She talked very little. She would be an hour sometimes without talking. She generally refused to take food, and thought it was poisoned. She frequently took it in her fingers, and ate it ravenously. She would get pins, and tear articles of clothing to pieces. I frequently drove out with her. She used on these occasions to laugh very much, and lean out of the carriage and spit. She would sometimes endeavour to get out of the carriage when in motion, and would also spit in the carriage. She was very dirty in her habits. She would perform the offices of nature in the drawing-room and elsewhere; sometimes in her bed, and then smear herself. She refused to be washed. She never seemed ashamed or conscious of what she was doing. She thought one of her nurses connected with the Devil. She complained of heat and pains in the head. It was very hot. She also suffered from cold feet and hands. I don't remember her doing anything with a *Eau-de-Cologne* bottle. She had a very vacant look. She never said anything about seeing things, and trying to catch them. She was very anxious to have money. She took some coppers of mine, and gave the butler a penny and asked him to buy tooth-powder. The rest she laid out in postage stamps. She got sometimes very much excited without cause. She sometimes boxed my ears without provocation. Her dressing-case was in her room when I first went; but I removed it in a few days, she asked so frequently for things in it. I thought she would forget it, but she did not. She continued in the same state all the time I was with her.

Cross-examined: She never did injure herself. She drove out every day, but seldom played on the piano. She would sit with a book in her hand, but would not read. I can't say that she never read. She was not allowed to go shopping. I prevented her, because I did not think her capable of making purchases.

Why did you think so?—From her general behaviour. She often wished to go shopping. Dr. Tuke sent me to take charge of her. I did not see Sir Thomas Moncreiffe. I have once seen Lady Moncreiffe. I never mentioned

the circumstances of her confinement to her, nor she to me. She often spoke of her baby. Sometimes she would say she liked her own baby, but more often that she did not.

And did you ask why?—I did.

And what did she say?—She generally laughed—that was all. She often wished to come to London, but I would not allow her. I was told that she was a lunatic; but when Dr. Tuke sent me, and from what I saw I considered that she was a lunatic.

Re-examined: She often spoke of Sir Charles Mordaunt, and wished to see him. She was angry that he did not come to her.

Mrs. Keddell: I went as companion to Lady Mordaunt last October, and have remained with her up to the present time.

How did Lady Mordaunt behave at meals?—At times properly: at other times improperly. She would feed herself with her fingers sometimes, but not very frequently. I used to help her at dinner. If she were allowed to help, we would have to wait very long. I had, in consequence to take the helping on myself. Sometimes she would not begin to help at all; at others she would begin and then stop. I have walked with her. When out, she would sit down on the roads and gather the mud. There was no reason that she should sit down. When driving she was very silent, and then burst into fits of laughter; and latterly she got worse. She also tried to leave the carriage when in motion. I have often asked her what she laughed at, but she would give no answer. She had a habit of spitting in the carriage.

What was the expression of her face?—Sometimes as if in deep thought, then wild, and at others a stranger might think she was all right.

Was there anything peculiar in her conversation?—I never had any rational conversation with her.

Why not?—She could never collect her thoughts. I spent much time with her. If she makes a remark it is generally a silly one. If I ask her a question I generally receive no answer. When out walking we have met people; but she did not seem to mind them. If children, she would snatch their hats off. We met a beggar woman a short time since, and Lady Mordaunt gave her a dead leaf, which she had picked up on the road, saying, "God help thee, poor thing." She does not read. When I first went to her she used to play a little; but not now, except a few snatches or bars of a waltz. She was not in the habit of singing. She often writes. These papers are in her handwriting. When I see her write, I go to her books a few days afterwards and collect what she has written. These are what I have collected. (Writings put in and marked, but not read.) She takes no care of her clothes, but is bent upon destroying them.

How does she destroy them?—By burning and tearing.

And is that frequent?—Very frequent.

Have you noticed her movements?—Yes; they are most unladylike.

In what way?—She will throw herself suddenly down on her face or back on the floor.

What does she eat?—At times large quantities of meat; at others pastry. She will also pick up wood, and coal, and cinders frequently, and eat them.

What sort of temper does she show?—Not much. She seems very contented and happy; but at times she gets angry and will strike you. I have often, but in vain, tried to prevent her eating coal and cinders. Her child was with her for some time. It was with her on the 9th of October. I was not by when she first saw the baby. She had not the child often.

Why so?—She did not seem to care for it, or to know that it was a baby. She put it on the floor, and allowed it to amuse itself as it could. She gave

the baby a book to amuse itself with. She was never alone to my knowledge, with the baby. We took the baby out in the carriage on two or three occasions ; but she did not seem to notice it. One day she put the child on the sofa, and played to it on the piano. Lady Mordaunt seemed to me to be lost to all kinds of decency or delicacy whatever, of every kind. I remember one occasion, when Dr. Wood was there to dinner, and whist was played afterwards. I was one of those who played whist. Comparing Lady Mordaunt's state now with what it was, I think she is decidedly getting worse. Dr. Reynolds sent me to Lady Mordaunt.

Cross-examined by Serjeant Ballantine: Before I went I was lady superintendent of a small hospital. I had never attended on lunatics before. I was told when I went to Lady Mordaunt that she had been ill, and that her mind might have been affected by her illness. At first I kept a diary, but I thought I might have very unpleasant things to put in it, and I destroyed it. I read part of the diary to Sir Charles Mordaunt. I did not know it was coming into court. I have received one letter from Lady Moncreiffe. I do not know where it is. Lady Moncreiffe came down there three times, and stayed in the house with her daughter. She was alone with her daughter a few minutes. Lady Mordaunt did not talk to anyone. I kept those papers for no reason. [Papers from Lady Mordaunt's drawer.] Lady Mordaunt would not stay with her father. On one occasion I went upstairs and found her on the bed, and persuaded her to go down. I have mentioned to her paragraphs I have seen in the paper. She only laughed at them. Her maid sleeps in the same room with her. Her maid is here.

By Dr. Deane: I remember Miss Herbert Marie coming down. Lady Mordaunt came up to London while I was there, and returned on the same day.

Sarah Barker, examined by Mr. Archibald: I am lady's maid to Lady Mordaunt, and went into her service at Bickley on the 31st of August. I sleep in her ladyship's bedroom, and am with her a great deal during the day, as well as at night. I have attempted to converse with her on several occasions, but could get no connected answer. On some things her ladyship's memory was very good ; on some defective, especially on recent events. She does not take any heed of her dress. I have seen her destroy her clothes, and put them into water. She was very filthy in her habits. I have been to London with her once—I believe, in September. We went to Mr. Money's, in Leicester-square—nowhere else. I frequently walked out with her at Bickley. Sometimes she walked very well. Sometimes she would lie down in the road. Sometimes she would go into shops. I was obliged to use force to get her home. In driving out she would spit out into the road. She has got out while the carriage was in motion, and I have had to run after her on the road to Chislehurst. I locked Lady Mordaunt in her bed-room. Before that she had come out and gone downstairs. The butler's bed-room was at the other end of the passage. I have seen her there in her nightdress. That was before I began to lock the door. When the baby was with her she did not appear to care for it. She has never been left alone with the child. I was sent to Bickley by Dr. Gull.

Serjeant Ballantine: In whose service had you been before ?

Witness: What has that to do with the present case ?

In whose service had you been before ?—I had been in Paris before.

In whose service in England ?—I had lived in Dr. Spiers' service.

Had you been in service with Dr. Reynolds ?—No.

Did you write any letters when you were down there ?—I wrote three or four to Lady Laura Moncreiffe.

Did you receive any?—No, I received none.

Did you keep a diary?—I did, for two or three weeks, not after. I gave the contents to the lawyer.

Did anybody tell you to destroy it?—No.

Did your diary contain facts from day to day?—It was for about one month.

Lord Penzance: You gave the contents to the lawyer, and then destroyed it, thinking it of no further use. Did not the lawyer tell you to keep it?—He did tell me to keep it. I destroyed it last November.

Serjeant Ballantine: Then why did you not keep it?—Because I was told that I was not wanted.

Who told you?—Sir Charles Mordaunt's lawyer.

Did you have any conversation with Lady Mordaunt about her separation from Sir Charles?—I never had any conversation with her ladyship, and her ladyship never mentioned it.

Do you mean to swear that Mr. Harney, Sir Charles Mordaunt's solicitor, said you would not be wanted?—Mr. Harney said, as near as I can remember, "We are not going to trouble you."

By Dr. Deane: He told me that last week.

To the Judge: Before I went to Lady Mordaunt's I was in the service of a Mrs. Grubb, in Golden-square.

Dr. Priestly, F.R.C.S.: I have attended various members of Sir Thomas Moncreiffe's family, and among others Lady Mordaunt. On the 6th of May I went down to Walton Hall, with Dr. Tuke and Dr. Harrington Tuke. I have with me notes which I made at the time of the state of Lady Mordaunt. I got down to Walton about the middle of the day, and I immediately saw Lady Mordaunt in the luncheon-room. Dr. Tuke and Sir James Alderson were there also. Lady Mordaunt recognised me. She was seated at a working table. I saw, subsequently, that she was writing to her husband, Sir Charles. She was conversant at first, but soon lapsed into taciturnity, and conversation became impossible. I asked her various questions as to her conversation. She replied in monosyllables, and then refused to reply at all. Mrs. Forbes, her sister, was there. Lady Mordaunt was one of the party at luncheon. She left the room with Mrs. Forbes; and as she left she stood a few moments at the door as if she were unconscious. I went up with the other two doctors to her sitting room, and found her greatly perturbed, distressed, and afraid. We remained about an hour, and all attempted to converse with her. I do not think I got a reply to a single question I asked her. Sometimes Dr. Tuke was with her alone—sometimes Sir James Alderson was with her alone. We were at the house about four hours. On the 16th of May, with Dr. Gill I saw Lady Mordaunt in Belgrave-square. I saw her on the 17th and 18th. Dr. Gill was with me on two occasions. We were both agreed she was of unsound mind, and quite unable to manage her own affairs. Her memory was almost annihilated. She could understand nothing but the simplest things. She seemed to be in a very weak condition of physical health. Her pulse was very feeble. I do not know such a disease as hysterical catalepsy. The cause of the latter state is some derangement of the nervous system. Generally there is a tendency to something worse when there is catalepsy, but not necessarily of unsoundness of mind, though that may follow, or be associated with it. I did not make any observations on Lady Mordaunt's head or feet. The expression of her countenance was that of mental weakness.

Cross-examined by Serjeant Ballantine: The symptoms connected with hysteria are different in various persons, and many ladies are subject to it. I had not observed hysteria in Lady Mordaunt before. Catalepsy is not very

common. I had attended Lady Mordaunt before. Her confinement was on the 28th February. I was in communication with her family some days before her confinement. I have seen Lady Moncreiffe on several occasions, and have had a conversation with her about her daughter. Within a fortnight after her confinement I had letters from Sir Charles as to the state of her mind. I inquired as to the antecedents of the disorder, as to her confinement, as to any statements she had made, and what those statements were. I heard those statements were made to others. I never heard they were made to Lady Moncreiffe. I heard she had accused herself of improprieties with other men.

Serjeant Ballantine: You reported that she had suffered from puerperal insanity, and was still suffering under delusions. What were the delusions?—That she was still mistress of her own house. That Sir Charles would return.

And you do not refer to those statements as to the improprieties with other men?—I do not.

You do not come to the conclusion whether these were delusions or not?—I came to the conclusion that they were delusions.

And they affected your mind as to whether she had delusions or not?—Necessarily; of course.

Now, supposing she had given an account of matters she had with other people, and that turned out to be true, would that have affected the judgment you had formed?—Not the least.

Then you think she may have given accounts that were true, and was suffering from puerperal insanity also?—Yes; quite possible.

Is it probable?—There is much self-accusation. Generally it is not true. In the majority of cases it is not.

Suppose it turned out in any instance that they were correctly stated, would you believe her still to be insane?—Certainly.

Would it have no bearing on your opinion; and if such matters were true, would you still think she was suffering under puerperal insanity?—Yes.

What were the delusions?—Had been told she had with difficulty been kept in bed, and she had shown symptoms that she had febrile disease.

I was referring to delusions.—The delusions I noticed was that she was still mistress of her own house, and that her husband would shortly return.

Is that the principal delusion to which you refer?—That is the principal delusion to which I refer.

You say, "Some of which still exist." Now which of those have departed, and which still exist?—I believe Lady Mordaunt believes herself still to be poisoned.

Do you really mean to say that, in referring to delusions in this report of yours, you did not intend her statement in relations to these gentlemen?—Certainly not.

They had no bearing at all on the operations of your mind?—I cannot say they had no bearing at all.

Supposing those delusions to be untrue, would not that be the most prominent feature of insanity that could exist?—Yes, that would be.

Did you take any means to ascertain before your report whether the statements were true or false?—I believe, so far as recollection serves me, that I took it from Dr. Tuke.

I want to know, did you take means to satisfy your mind whether her statements were true or false?—No, I did not.

Would it not be necessary before you made that report?

Lord Penzance: It is impossible that a medical gentleman could set out on an investigation of that kind.

Serjeant Ballantine: I think you attended Lady Mordaunt in the previous November?

Dr. Deane (objecting): Your lordship knows what is coming.

Lord Penzance: I have not the least idea.

Serjeant Ballantine: I propose going into the circumstances of her confinement, and of her health previously.

Dr. Deane: The desire in this case is to exclude as far as possible anything between Sir Charles and Lady Mordaunt and other persons, and to confine ourselves to the state in which Lady Mordaunt was. If we are to go into all these matters we are trying the main issue and prejudicing the main issue, and it is impossible to go into what my learned friend is entering upon without prejudicing persons outside. We should be really trying the case as against those who cannot appear here.

Lord Penzance: The two reasons you give are good reasons why the Court should not allow anything to be gone into in evidence that is not material to the issue. The question is whether this is material or not to the issue. As I understand it from your own opening the case on the other side, it is that this lady was simulating insanity. If that is the case, it is impossible that we can exclude from the consideration of the jury those facts which show that she had a motive for simulating insanity.

Dr. Deane: I will admit, if my learned friend will allow me——

Serjeant Ballantine: Do not admit anything.

Dr. Deane: I will admit the strongest instance. Suppose that these prescriptions which Dr. Priestley gave her are not for insanity—what possible bearing can that have on the issue?

Lord Penzance: It all depends on what Serjeant Ballantine is going to prove.

Serjeant Ballantine: This matter I shall have to bring forward in relation to the child, and statements made by Lady Mordaunt in connection with the disease from which the child was suffering, which make it necessary that we should go into this.

Lord Penzance: It seems to me, from what I know of the case from the affidavits, impossible to prevent Serjeant Ballantine, if the interests of his client require it, from going into all the facts which tend to show how subsequent acts, or the symptoms she exhibited, were the result of some voluntary action on her own part, and were not the result of disease. The case on your side is that she was affected with insanity, and on the other side that there was no insanity, and that she made statements on her part involving other persons, which give a motive for simulating insanity. It is impossible to avoid allowing them to put what was the motive in her mind. If it was not a question of good faith all this would be immaterial, but where it is a question of good faith it is impossible to exclude it.

Mr. Archibald submitted that the case was analogous to that of a question of insanity raised at a criminal trial for murder, in which no evidence was allowed. Upon every ground of analogy, therefore, the petitioner ought to be restricted to the 30th April, 1869.

Lord Penzance: If you say her condition depends upon what took place at her confinement, and you are in consequence allowed to prove what then took place, why should you not go back to a period anterior to that?

Mr. Archibald admitted that the line was a delicate one to draw, but urged that it should be drawn.

Lord Penzance: It seems to me that no such line can be drawn as that contended for—namely, that the Court is to exclude all the facts and circumstances that happened before the 30th April. I do not recollect a case presenting the same features as this case does. It is said that the lady is simulating madness

and it seems to me that the petitioner cannot put his case before the jury or that head without showing the circumstances under which this motive for simulation can arise. It is unfortunate that the necessities of the case should make them necessary, because it is going through an investigation that will have to be gone through upon the trial of the actual question in issue; but I see no possibility of excluding them if the petitioner wishes to produce them. They are, in my judgment, material. I think the evidence must be received, but I will take a note of the objection.

The question was allowed, and the cross-examination of the witness continued: I gave medicine for a discharge from which Lady Mordaunt was suffering.

Am I right in supposing that it must have been an innocent discharge; or was it the result of improper intercourse?—It was innocent; it was not of a specific character.

Was there any time when you thought it might have been otherwise?—No; I never thought it otherwise. As I have said, it was not of a specific character.

Was it of a character that would produce upon a child the same symptoms as a complaint of a specific character?—Yes.

If of an innocent character, would you not have thought that it would have yielded sooner to your remedies?—Not necessarily.

When did you see the child?—I saw the child shortly after its birth. It was then perfectly well, and the complaint from which it afterwards suffered could not of been of a specific character, seeing the rapidity with which it was cured. I examined Lady Mordaunt on several occasions, extending over a considerable period. I saw her during her pregnancy, and she was then suffering from the same disease in an aggravated form. The remedies I used would be applicable to disease of a specific character.

Re-examined: Though the treatment is the same, the complaints are totally different. I am quite certain this was not the specific complaint.

Dr. Tuke: I am a physician and Fellow of the Royal College of Physicians. On the 6th May I accompanied Dr. Priestley to Walton Hall. I have been in court while he was examined, and agree with his account of that visit. As far as it goes it is perfectly accurate. I previously saw Lady Mordaunt in April, and made a more particular examination of her state, and my conclusion was that she was suffering from puerperal insanity, and also catalepsy. The catalepsy was less severe when I saw her on the second occasion. On the 6th of May I thought her weakness of mind was more pronounced. From my experience I considered that she was not capable of managing her affairs. I have not seen her since.

Cross-examined by Mr. Serjeant Ballantine: I suppose before you formed your opinion, you inquired what the circumstances of her confinement were?—I did.

And what had passed between her and the different persons about her?—I did. I heard the whole of the statements she is alleged to have made. I think I went fully into her history.

Was that with Lady Moncreiffe?—No; I had no communication with Lady Moncreiffe.

Did you assume the statements she made to be delusions?—I thought they were delusions.

Assuming her to have stated that she had acted with the greatest impropriety with a variety of people, you conclude in your mind that they were delusions?—If Lady Mordaunt had acted in that way with only one person it might have

been different, but it seemed to me to be incredible that a lady within a few weeks of her confinement would have acted in that way with half-a-dozen.

Was that what you were told?—Yes.

It was the circumstances, then, under which that impropriety was alleged to have taken place that gave you the idea of delusion?—It was a strong element in my consideration.

Was it not the most serious of her delusions?—It is an ordinary delusion in puerperal mania. I had evidence of other delusions, and having that evidence, and the lady being clearly insane, I thought myself justified in excluding that particular delusion.

But why did you exclude it?—Simply because it involved other persons, which I was anxious not to do; and the lady clearly was insane.

But you discovered no actual delusion?—Yes, I did.

Name one.—She had a delusion that there were dead bodies in the room.

Did she say so to you?—Yes; in this way. I was told of it by Mrs. Forbes, and asked her about it. At first she would not answer, and then said “But there were dead bodies there.”

Mention another delusion?—She thought she had been pursued. Mrs. Forbes first told me of it. I ascertained that there was no laudanum in the room. She had also a delusion as to her husband's absence.

Sir James Alderson: I am President of the College of Physicians. I went to see Lady Mordaunt on the 6th May. I saw her, and considered her of unsound mind. I saw her again on the 3rd July, in company with Dr. Gull. She was then at Worthing. I remained with her two or three hours. She was worse than when I first saw her. I examined her bodily symptoms, and found them more strongly marked than on the previous occasions. They were: vacant look, cold, wet hand, feeble pulse, stained tongue, and an atmosphere about her peculiar of insanity. Her attitude was fixed and meaningless, and I could not get a single rational answer from her. I endeavoured to converse with her. There was an attempt on her part to do so, but she soon lost the thread and burst out into a silly laugh. I saw several scraps of writing which she had written, but I did not see her write. That was the last time I saw her. I have heard the evidence given by the servants to-day, and it has not changed but confirmed my conclusion as to her insanity.

Cross-examined: I think I could distinguish an insane patient in the dark by the smell.

By the Court: It is my experience that women suffering from puerperal insanity often accuse themselves of impropriety.

Sir James Simpson, examined by Dr. Deane: I am a physician, practising at Edinburgh. I saw Lady Mordaunt, at Walton, in March, and also last Saturday. I found her last Saturday perfectly insane.

What was her bodily health?—She was in the vigour of bodily health; far stouter than when I saw her before.

Had she any conversation with you?—Yes.

Will you state what it was?—When we first entered—Lady Louisa Moncreiffe and myself—she at once recognised us. Lady Louisa asked her if she would like to see her sister Blanche. She said, no, but she would like to see Charley. After that she wandered in her conversation, and on my leaving she asked me to be sure to send her up the book, the glass-jar, and new footman I had ordered for her.

What are the chances of recovery in puerperal fever?—Women suffering from it generally get well before the year is out, but after that the chances diminish. It is said in our books that almost one-third remain insane.

What is your opinion of Lady Mordaunt?—When I saw her ten months ago

I told her father that I thought he ought to get her away and put her under proper treatment, otherwise she might become permanently insane.

And what was your opinion when you saw her last Saturday?—She was worse, growing stronger in body, but weaker in mind—a bad symptom. I have seen a great many cases of puerperal insanity, and I have come to the conclusion from what I have seen that she is utterly insane.

Lord Penzance: Permanently insane?—Time alone can determine. That I should consider to be the initiative symptom of the disease. Mrs. Forbes, her sister, told me of it.

Do you suppose she was in a state to know what she was talking about at that time?—She might be for the first few days, but not after.

Then you treated those statements as delusions?—I thought them very probably delusions, because they are a very common form of delusion in puerperal cases. I remember sending Dr. Priestley, who was my assistant, to a puerperal case fifteen years ago, and the moment the lady saw him, she cried out, "There's the father of my child."

To his lordship: A woman suffering from the disease, and having delusions would be most likely to have them in respect of sexual matters.

Dr. Gull, examined by Mr. Archibald, said that in May, 1869, he was called in to see Lady Mordaunt, and made a consultation with Dr. Priestley. Found her state to be in remarkable uniformity at six different visits. Could not find that she had any mental comprehension at all. Questioned her in every way. Even alluded to her unfortunate position as he had heard it, but could not make any impression on her mind. On one occasion pressed her very earnestly on that point, and asked her what she thought was best to be done. She turned round and said she thought a dose of castor oil would put it all right. She seemed to have no power of mind at all. She had a singularly absent expression, and would often burst into a meaningless laugh without any cause. Had not found any improvement in her at Bickley, and believed her now to be of incapable mind. Last saw her about three weeks since.

Cross-examined: Would not believe her capable of drawing cheques accurately. None of the cheques produced were written since he saw her, and in one of them the sum was not written. Two of the cheques were numbered. One had got a D. Knew that he was called to see whether she was shamming. Would say the first two cheques were inconsistent with insanity, the others not. Was much struck in finding that Lady Mordaunt would do any such absurd thing as to take an article off the mantel-shelf and turn it upside down when he told her to do so.

To the Judge: The best proof of her insanity was the uniformity of her absence of mind. If she were to try to put on insanity in the presence of persons attending her, there would be signs of mental agitation. I spoke of her child, her husband, and of the condition she was in before the world. I might as well have spoken to a piece of wood.

Dr. Burrowes first saw Lady Mordaunt at Worthing, at the request of Sir Charles Mordaunt's solicitor. Formed the conclusion that she was quite incompetent to give advice or directions to any legal adviser. Her external aspect was that of health well nourished, but her countenance was very peculiar, and she was every now and then knitting her brows. Mr. Offord, Mr. Jones, and Mr. Harris were also present. The evidence he had heard confirmed his opinion.

Cross-examined: Had written a letter stating that he should require much longer and certain personal inquiry before he could pronounce a definite opinion as to her state.

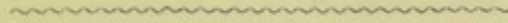
Dr. Russell Reynolds, who accompanied Dr. Burrowes on the occasion, stated,

that at the request of Sir Charles Mordaunt he had examined Lady Mordaunt. Asked her several questions without her answering. She complained of her teeth, and he asked her to show them, but she kept her mouth shut. Could not arrive at any satisfactory conclusion. Had seen her since at Bickley, and was in doubt as to whether her state was not one which frequently accompanied hysteria, but the result of subsequent visits was that the case resolved itself into one of extreme disease or extreme shamming, and had come to the conclusion that it was not shamming.

Cross-examined: Supposing that certain acts were done before the servants, would not necessarily expect to see the same acts done in his presence.

To Lord Penzance: Lady Mordaunt's was not a common case: it was an unusual case. There was a union in her case of a certain amount of consciousness with extreme acts of insanity.

The Court adjourned at four o'clock until the 17th.



SECOND DAY.

Dr. Harris was the first witness called. He said—I am a surgeon, in practice at Worthing. On the 22nd of May last I was called in to attend Lady Mordaunt. I attended her during the whole time she was there. I had ample opportunities of seeing the state of her mind, and I agree with the medical evidence given the previous day as to her insanity.

Cross-examined.—I believe she was suffering from puerperal insanity, and I also believe that such insanity might have existed at the time of the birth of the child, and even before it. In such a state of things there are sometimes delusions, sometimes there are not. I would attach no importance to statements made by a woman suffering from puerperal fever. The symptoms of such fever are wandering, muttering, rapid pulse, hot head, and these might go on for days after confinement. No medical man could mistake the symptoms.

Cross-examined.—The symptoms I have described often become permanent.

Mr. Hughes.—I am a surgeon, in practice at Bromley in Kent. I attended Lady Mordaunt. I attend her now. I have paid her over 50 visits; some of them—in fact many of them—extending over three hours. The conclusion I have come to is that she has no mind and no memory. I never saw anything very indelicate about her. I have seen her throw herself on a couch and throw up her legs, and that was about the most indecent act I ever saw her guilty of. I last saw her the day before yesterday, when she was getting sadly worse. There was no mistake about it. She was totally incapable of doing anything for herself. She was getting better in her physical condition, and I conceive that if she was shamming that could not have been the case. I have done everything I could to ascertain whether she was shamming or not, and I have come to the conclusion that she was not. I believe her to be totally insane.

Cross-examined.—I have referred her to what she was stated to have said on the occasion of her confinement. I could get nothing out of her. I believe her madness ensued immediately on her confinement.

By the Court.—Her general bearing is very uncertain. It is difficult to arrive at the state of her mind—whether she is happy or unhappy.

Dr. Wood said—On the 5th of August I was appointed by the Judge of this court as a referee in case of difference between Dr. Gull and Dr. Reynolds in the case of Lady Mordaunt. I first visited Lady Mordaunt on the 18th of September last. That was in the neighbourhood of Bromley. I went with Mr. Hughes. She was upstairs and came down to us. I had not seen her before. Mr. Hughes introduced me, when she said somewhat sharply, “I am very well. I do not require your attendance.” I told her to sit down, and she did so. I sat down beside her. I asked her how long she had been there. She was a silent for a time, and then said, “I don’t know.” I asked her the same question over and over again, but could get no intelligible answer. I then asked as her to her health, and had great difficulty in getting answers. I found her pulse weak, her hands and feet cold, and her eyes small. I asked her to sing a song which I selected. The song I selected was entitled “Strangers yet!” She got through the first verse and then burst into tears. I pressed her to proceed, which she did, but very imperfectly. I then asked her to do certain acts of a ridiculous character, which she did at once, and which no one

except imbecile, would on any account have performed. I told her that I did not consider her an ordinary patient, and that I had come there for the purpose of examining her, in order to see whether she was shamming or not. I told her it was no use attempting to deceive me, as I should be sure to find her out. On the 23rd of September I visited her again. I found her in the room standing statue like, looking around her in a vacant manner. I could never get a prompt answer, or anything consistent out of her. I tried her with money. I produced some, and asked her to name the coin. She did so correctly. I then asked her to tell me the amount, but she could not do so. She seemed anxious to have the money in her hands, and asked me to give her some. I said I would, and asked her to write a cheque. She did so on a piece of paper. The cheque was on Gurney and Company, but being incorrectly written I suggested that she should write a note to Messrs. Gurney and Co. on the back of it. The cheque was "Lady Mordaunt, £500. Messrs. Gurney and Co., pay Lady Mordaunt £500." She also wrote a note on the back, telling them to send it to her address, which she gave wrong. I asked her where Gurney and Co. were, and she said in Warwick. I then asked her when I got the money for the cheque what I should give her for it, and she said "£5." I was with her for about two hours on this occasion. I visited her again on the 26th of September. I went there in the afternoon. I dined with Lady Mordaunt. She took the place at the table which ladies generally do. She sat at table and helped those at it to soup, but she abruptly left off doing so and became taciturn. That was her general habit. She remained at table, but took no part in the conversation that was going on. I saw her again on the 30th September. I asked her about where she had been, as I knew she had been to London. I could get no answer from her of an intelligible character. I found in all my conversations with her that if I asked her to do any mechanical act, be it ever so silly or ridiculous, she would do it at once, but if I asked her any question which required the least effort of mind to answer it, I could get no answer. She never spoke to me about the cheque she had given me, and never asked me for the five pounds. On this occasion I made her draw another cheque. It was incorrectly drawn, and she did not seem to understand the instructions I gave her to write it correctly. She put no date to the cheque. I asked her what the cheque was worth? She said half-a-crown, which I gave to her. I asked her whether she believed that to be the value of the cheque, and she said she did. All her answers were given with the greatest hesitation. I also saw her on the 4th October. She was standing in the room quite passive, and when I went in she left abruptly. I thought at that time she did not seem so lost as on the previous occasion. I believe the child was with her at that time, and I asked to see it. She left the room to fetch it, but came back without it. Afterwards the child was brought by the nurse. She did not manifest any interest in the child. She looked at it, but did not take it. That was my last visit. From all these visits, I was struck with the remarkable consistency of what I may call her inconsistency. There was the same thing day by day. Her mind seemed a perfect blank. She appeared capable of being roused and influenced by a stronger mind, but when roused to do a rational act such act was never sustained. I believe that she was capable of doing at the bidding of others a rational act, but quite incapable of reflection.

Cross-examined.—I believe that if a cheque-book had been placed before her, and she had to write a cheque, she could not have done so; but if any one sat at her elbow and told her what to write, she would have done so. When I played whist with her, I was her partner. She made mistakes, but not different to what any other rational person might have made. As to her singing the song, I think what she did was a manifestation of natural feel-

ing, and consequently rather inconsistent with the notion that she was shamming.

Mr. Serjeant Ballantine: What were the mistakes which she made at whist—revoking suit?—Witness: Yes.

Well, did you never revoke, doctor (laughter)?—I have done so.

Well, I hope you do not consider that any indication of insanity (laughter)?—Certainly not of itself.

Re-examined.—I observed her great docility. She went on singing the song, notwithstanding her emotion. I think that was a remarkable example of her docility. I drew the conclusion as to the consistency of the manifestations of her mental condition from my general visits.

By the Court: You have had large experience of cases of insanity in hospital; is the condition of mind which you have described one that is familiar to you?—Oh, yes; I do not say that it is very common, but I would not say that this is a case of pure dementia. It would be rather difficult to describe her condition. It seems to me to be an arrest of mental power which does not strictly belong either to the class of imbeciles or insane persons. Her replying to questions after hesitation would be a symptom common to females suffering from puerperal insanity. I think it impossible for her to have simulated with such consistency for such a length of time. It would be almost impossible for an experienced artist to do it. I think that at some time or other she would have been surprised, and otherwise have given indications at variance with her general demeanour. I think the improvement of her physical condition described by Mr. Hughes is evidence of a tranquil mind, which, under the conditions of her being separated from her friends and visited by medical men, would not have existed in a person of sane mind. Puerperal insanity does not necessarily occur immediately after confinement. It may occur a couple of months or so subsequently; but I have never known it announce itself suddenly; it is always more or less progressive in attacking the patient.

Sir Thomas Moncreiffe.—I am the father of Lady Mordaunt. On the 10th of May last year I saw my daughter alone at Walton Hall, about luncheon time. I slept there all night, and left the next day. I was with her the greater part of the 10th of May. I attempted to hold conversation with her, but could not succeed in engaging her in a sustained conversation. I saw her on the 11th before I left. I spoke to her from time to time about Lady Louisa (her mother). I have asked her whether she would like to see her mother; sometimes she would say "Yes;" at other times she would seem indifferent; at other times she would say "No." Her manner and answers with respect to her sisters were of the same nature. I told her that she would have to leave Walton Hall. She left on the 15th May, and seemed quite content to do so. I came to London in the same carriage with her. Her conduct varied on the way—sometimes she appeared annoyed, sometimes pleased. She subsequently went to Worthing, where I saw her on many occasions; five times in May, twice in July, and altogether about 20 times. Her manner varied in accordance with the symptoms described by previous witnesses.

Cross-examined.—I saw her on the 20th of March at Walton Hall. Lady Louisa was with her two days after her confinement, and stayed a short time and left; but subsequently returned, and stayed with her for a long period. I heard from Lady Louisa statements which Lady Mordaunt had made to her about the child not being Sir Charles's. Lady Louisa also told me the name of the person to whom Lady Mordaunt attributed the paternity of the child. Lady Mordaunt addressed a letter to her mother, dated the 8th of October. I have seen the letter. I do not remember its contents. I should not remember its contents if I were reminded of them. I am not aware whether the letter is

in existence. I saw it a week ago in Mr. Benbow's, my attorney's, office. I don't recollect reading it. It was not read to me. I don't recollect that it was.

The letter was produced and read. It ran as follows:—

“Oct. 8, 1869.

“My Dear Mother,—I am at last able to write a line to tell you that I am at liberty to write and say that I am quite well. The ‘Bird’ has taken a journey home to-day. He has become very cockey of late. I hope ‘Bunchy’ was not any the worse for her last visit. She seemed in good spirits. She did not divulge much of home news. I should be much surprised at the frost if it comes.

“(Signed)

HANNAH SARAH MORDAUNT.”

Cross-examination resumed,—“Bunchy” is one of my daughters named Blanche, who is known by that name to her sisters.

By the Court.—The “Bird” is Sir C. Mordaunt's butler.

Cross-examination resumed.—Blanche visited her sister in October. Mrs. Forbes was confined three weeks ago, and still keeps her room.

This closed the case for the respondent.

Mr. Sergeant Ballantine then proceeded to open the case for Sir Charles Mordaunt. He said—Gentlemen of the Jury—it is impossible not to feel that this case is one of the utmost gravity, and one in which great interests are involved. It also involves much misery, from which I should like, as far as possible, to protect those connected with the case, for it is almost impossible to consider all that has transpired with reference to this young lady without feelings of sympathy; but at the same time, gentlemen, you must not forget the heavy interest on the other hand, the position of my client, Sir Charles Mordaunt—a man of honourable name, who has represented his county in parliament, and who has always been looked up to with respect by all who have been acquainted with him. The question now before the court is whether all inquiry into matters shall be shut out, which, if not inquired into, will be a blot upon his future life. Under such circumstances it is scarcely necessary to say that I feel the heavy responsibility resting upon me, and that I shall conduct the case with the greatest anxiety. I know that I have a task of extreme difficulty to perform, but all I can say is that I will endeavour to cause as little pain to others as the necessity of the case will permit. I do not quite agree with my learned friend on the other hand, that this case is analogous to ordinary criminal cases, in which the prisoner is called upon to plead. In such cases the question frequently is whether a man upon his trial for an act which may cost him his life, shall in consequence of his state of mind be called upon to plead. In such cases the question frequently is very different. It is whether Sir Charles Mordaunt, who complains of the deepest injury, shall be shut out from any means of redemption, and I trust that the jury will bear that matter in mind. I will now, with my lord's permission, call attention to the nature of the inquiry somewhat more in detail than my learned friend has done. You are called upon, gentlemen, to consider whether, on the 30th April, or subsequently, the lady was of sound or unsound mind, and in dealing with the case I will first call attention particularly to the date, when it is alleged that the lady was insane, and unable to give instructions for her defence in a suit instituted by Sir Charles Mordaunt for a dissolution of his marriage. Having called attention to that which is really the issue presented to the jury, I will present the case upon the part of Sir Charles Mordaunt, and consider the evidence given on behalf of those who seek to stop the suit. The testimony of the witnesses who have been called may be divided into two parts, one of the scientific opinions founded upon alleged facts. Now with regard

to the evidence as to those facts I must say that it appears extremely suspicious, because it did not tally with the evidence of other witnesses, and because there has been a marked and total absence of those persons whose evidence would have been most material, and who could have given you abundant information as to the real state of Lady Mordaunt's mind. There are certain things imputed by two or three witnesses of a character which I as far as possible suppressed, and did not cross-examine upon, and which you will admit, gentlemen, were repulsive and shocking to the minds of all. But it is a remarkable thing that whilst these matters are deposed to by these persons who hold an inferior position not one of the gentlemen, who were called to examine her observed anything of that character. Now the patent observation upon this is, that if she had been insane it was not all likely that she would have been a respecter of persons; but supposing her to have been simulating, her mind would revolt from acts of that description before people in her own rank of life. I hardly know how to deal with that matter, but I can scarcely think that the jury will place implicit reliance upon those witnesses. I am sure that you could not fail to observe the significant fact that those acts were only done in the presence of persons dependent upon the Moncreiffe family, whose minds are no doubt biassed. If you take the evidence of the first four witnesses and compare it with the other testimony, you will find that it has in some respects been contradicted by the medical men called, not one of whom has ever seen her do an indelicate act. The second branch of the case in relation to the witnesses is a matter of great importance. Why was not Lady Moncreiffe called? My learned friend has indicated how much he felt the necessity of calling persons who were in a position to support the allegations of those under whom the unfortunate lady was placed, because he asked whether Mrs. Forbes was not too ill to appear in court. But why was not Lady Moncreiffe called? She was present within a few days of the confinement, and then left Walton for a few days, after which she came back again, and there cannot therefore be any doubt that Lady Moncreiffe would have been a most important witness, for a mother's observation, with the knowledge of her daughter's character, would have assisted you materially in coming to a conclusion. But, gentlemen, Sir Thomas Moncreiffe, who could tell us little or nothing, was called. I quite admit that it would have been a most painful thing for a mother to have given evidence in such a case, but its solemnity does away with anything like indelicacy. When I found a case like this, in which the rights of Sir Charles Mordaunt were sought to be impeded by an issue of this character; when I also found those who know most about the matter shrinking from coming into the witness box, I must ask you to believe that the convictions of those people are contrary to the account put before you. I next have to draw your attention to evidence of more importance given by men of great celebrity, men who would shrink from anything like a falsehood, but they are experts to a considerable extent, and it is their judgment and opinions, gentlemen, which you will have to deal with. These gentlemen, experienced in the science of medicine, come forward to give an opinion that the appearance and demeanour of a person indicates insanity. The question which you have to decide is not whether Lady Mordaunt is in a condition to solve a mathematical problem, but whether she did not know and does now know enough to tell her parents her own case, to make a denial of her guilt, or an excuse for it. Her parents must know whether or not she has any defence in this case, and, undoubtedly, at an early period of this affair, were capable of giving that information. If Lady Moncreiffe had been called, gentlemen, you might have had all the information you required, for you may assume her to know everything her daughter could have said by way

of denial. Sanity is a matter which must be dealt with in relation to the subject upon which the person is called upon to act, and you must consider the matter upon which she was called upon to act in the present case. I have said that all the medical gentlemen examined are eminent men, but I wish to call attention to the certificates of the doctors, three of which are signed by Dr. Tuke, a gentleman of great eminence in relation to insanity, Dr. Alderson, and Dr. Priestley, also gentlemen of great eminence. Their proposition is that puerperal mania arose out of the confinement, and that it continued during her illness, and that puerperal mania is a fever connected with the state of pregnancy, which may arise from several natural causes. The three doctors in signing this certificate had but one object in view, and that object was clearly defined by their certificates. They had heard of the statements which this lady had made at or about the time of her confinement, and they intended to convey by their certificates that she was not responsible for any of those statements. They meant to say that puerperal insanity was a fever attended with delusions, and that for anything she said whilst under the puerperal fever she was not responsible, and if that principle were proved it would be an absolute answer to the case. I asked Dr. Tuke some few questions on the subject, and he said that he had heard of the statements made by Lady Mordaunt but that they did not govern him; but gentlemen, it is obvious that what governed the certificates was the impression that the statements were the ravings of delirium—delirium at the time of childbirth, and if they were wrong as to the existence of puerperal mania their certificates were not worth a farthing. Sir James Simpson, an old friend of the Moncreiffe family, gave his account of the matter, and I am not here to say that Sir James Simpson's opinion is not worthy of great weight, supposing he is correct in the conclusion he arrived at. He considered that it was puerperal mania from the commencement, and upon that he founded all the opinions he had expressed. Another witness gave his evidence in a way calculated to impress men with the genuineness of his opinion—I mean Dr. Gull, one of the most eminent physicians. I did not ask him the question, but very likely that gentleman had never had a case of assumed insanity in his life before, and he took methods to test the lady which were reasonable and judicious. He felt her pulse to see whether there was any agitation at the time he was testing her insanity, and concluded from the fact that as there was no agitation that her insanity was indisputable. Dr. Wood, a gentleman of great experience in insane cases, said that she was pressed to sing a song in which allusion was made to a state of affairs similar to those in which she herself existed, and that she broke down when she came to words which so well described her own situation, and that it was only with great difficulty that she was induced to go through it at the instigation of the gentlemen who were with her. It can be scarcely said, therefore, that she was insane, but rather that she was struggling to support her name and the credit of the family, and that in the endeavour to do so the poor thing broke down under the weight of misery crushing upon her. Her position lost, her husband gone, she broke down, as any woman with a spark of feeling would have done under the circumstances. Nor can I agree with Dr. Wood, in the view he took with regard to the lady revoking at whist, for such a thing is of frequent occurrence with people of perfectly sound mind. I now come to a part of the case in which I must open certain facts; but acting upon the principle I have already laid down, I will endeavour to open those facts with as little hurt to persons' feelings as possible. My client, Sir Charles Mordaunt, is a gentleman of about 32 years of age. The lady to whom he was married was superlatively beautiful I believe, and was 19 or 20 years of age at the time of the marriage. The match was considered in every respect

desirable. Sir Charles Mordaunt holds a position of distinction, represented at one time a division of the county in which he lived, and upon his name there never had rested a stain, and at the time of the marriage the lady's father and mother appeared perfectly satisfied with the match. For some time it appeared that their married life was one of the greatest accord, and perfect happiness seemed to exist between them until this affair burst upon Sir Charles like a thunderclap. The lady was at times, according to the medical evidence, afflicted with hysteria, and it was not impossible that such a state might have a tendency to produce that state which Dr. Priestley had described. After her marriage she had more than one miscarriage, which, no doubt, to a certain extent shook her system. In June, 1868, Sir Charles Mordaunt determined, in accordance with his usual custom, to go for three or four weeks' fishing to Norway. He was anxious that his wife should go with him, but this she determined not to do, and he therefore arranged that during his absence she should remain at Walton, where she could be visited by any member of the family, and where she would be surrounded by friends. It is, gentlemen, important that you should remember particularly the date of Sir Charles's departure and the date of his return. He went away on the 15th June and returned again on the 15th of July. Another fact is that the lady had the ordinary monthly illness somewhere about the 26th of June. Sir Charles Mordaunt returned on the 15th July, and a child was born on the 28th of February. I will assume that the child was a premature child, and call your attention to the fact that directly it was born the respondent made an inquiry as to the state of its health, and repeated the query with great anxiety upon more than one occasion and under circumstances which could leave no doubt as to her sanity. She was told that the child was a small child, to which she replied, "I don't mean that. Has it got anything the matter with it?" She was then informed that the child had a most serious affection of the eyes, and she then attributed that fact to a certain person who she said was the father of it, conveying the meaning that that person had infected her and also infected the child. The questions with regard to the state of the child were put spontaneously by herself; she had not seen it. She could know nothing of it, except, indeed, from innate knowledge—knowledge that had been dwelling upon her mind, knowledge that had caused her to ask with deep anxiety that very question.

Dr. Deane: My Lord, I think that approaching very dangerous ground, and I object to the statements or confessions of Lady Mordaunt being alluded to or received in evidence. I will admit that she had made statements inconsistent with her innocence, but I trust my learned friend will not adopt a course—probably unintentional—but which will virtually be trying the question of adultery, and not the correlative issue.

Mr. Serjeant Ballantine: I simply propose to show my lord that the statements which she made were not made when insane, but that, on the contrary, they were in substance true. I propose to ask the jury to take the first step and come to the conclusion that she was sane up to that point—and that a very important point.

Lord Penzance.—I think I cannot interfere to prevent Mr. Serjeant Ballantine taking the course which he proposes, although it will introduce into this inquiry very painful matters concerning third persons. That is a very good reason why the Court should be very unwilling—and it is unwilling—that they should be introduced; but, however unwilling it is, it is not a legal ground upon which—sitting here to administer the law—I can reject a species of evidence which is proposed on the part of Sir Charles Mordaunt. Another suggestion is, that this will be trying in an inferential way that which will here-

after be tried directly. This is not a legal ground of objection. It often happens that questions arise in one suit, which do not directly affect a suit hereafter to be tried. The only legal question, therefore, is whether these grounds are material to the question at issue. It is often extremely difficult to say at the outset of a case what may or may not be material; and I should have had, perhaps, more difficulty in deciding the point in this case if I had not read the vast mass of affidavits filed in this court with reference to the collateral purpose which was laid before the Court before this question was raised. It is said that these appearances which Lady Mordaunt has presented since the 30th of April, are voluntarily put on by herself, and in order to show the jury that this is the case, and to convince them that it is the true cause of the effects, it is proposed to show that at the time of her confinement she communicated to others statements which were reasonable in themselves, true in point of fact, and which were derogatory and destructive to her character as a married woman. I cannot say to the jury, you shall know nothing of what took place at the time of her confinement. I cannot say that without seeing the motives which caused her to put on these appearances you shall try the question of her sanity or insanity—that you shall try it without knowing all the circumstances which Sir Charles Mordaunt thinks material to prove his case. It would seem to me on common grounds an injustice to refuse to allow these matters being brought forward. If I had any discretion or option in the matter, I should be very glad that they should not be brought into court.

Mr. Serjeant Ballantine: I share his lordship's sentiments on the point, and they are shared by those with whom I am acting. Most unwillingly do I enter upon them, and most carefully will I deal with them. I will endeavour to handle them in such a manner as not to allow a false inference to be drawn against any one. I propose to deduce from the respondent's statements her perfect sanity at the time of making them. My learned friend will have the option, if he deems it desirable, to call any of the persons involved in the statement as witnesses, and I believe that society will rejoice exceedingly if they are called, and succeed in clearing themselves from the imputations cast upon them, and God forbid, gentlemen, that Sir Charles Mordaunt should wish otherwise. The respondent's inquiry as to the child's health is the key-stone to the whole matter. She repeated the same statements to Sir Charles, to the nurse, to Mrs. Cadogan, the wife of the rector residing in the neighbourhood, and to her mother, Lady Louisa. She made one or two statements to her husband as to her having committed improprieties with certain gentlemen, but at first he looked upon her as labouring under delusions. He did not then believe in their truth. It had been a marriage of deep affection on his part, and that affection had never wavered up till that period. Sir Charles left her, anxious about her state, and did not see her again for three or four days. The next time that he saw her she was perfectly sane, although in delicate health, and she then proceeded to make her statement, which was more fully detailed than the one she had primarily made, which did not involve all the parties included in the latter, which he now proposed to read to them.

Lord Penzance: I think you had better omit the names until the facts are proved. I do not wish to embarrass you, but counsel may be misinstructed.

Mr. Serjeant Ballantine: I will try to do without mentioning names. On the 8th of March, and subsequent to her confinement, Lady Mordaunt sent the nurse to Sir Charles to say that she wanted to speak to him, and when he came she burst into tears and said, "Oh, Charley, I have been very wicked." He said, "With whom?" She said, "With 'A' and 'B' and with 'C' and 'D,' and others, and in the open day." That was the statement which she made on that occasion, naming, as you will have gathered, four different persons. I

wish to call your particular attention gentlemen, and also that of his lordship, to what she said at other times and to other people. I wish to point out the very material distinction between three of the persons alluded to by name and the fourth. I refer now to the fourth person, whom for the purpose of reference I will call "A," and I will direct your attention to the very words used and to the evidence which I shall adduce as to the truth of her statements as to her relations with that gentleman. I am now speaking about a gentleman with reference to whom a great deal of difficulty exists in the case. Lady Mordaunt used the words, "I have been very wicked, Charley, I have done very wrong." Now, with regard to two of the persons named, I shall adduce evidence to show that she implied that she had committed adultery with them, but with reference to the gentleman whom I call as "A," and in the absence of direct pregnant testimony to prove anything like the committal of adultery, the words which she used to her husband might be taken to mean, "I have acted very indiscreetly with him, but not criminally." Supposing, gentlemen, you may be induced to adopt that view of the case I shall be able to produce evidence to show that she has so far told the truth with reference to that gentleman. Sir Charles had said to her, "I object to your knowing him." He had cautioned her against making his acquaintanceship, and he had no knowledge that such acquaintanceship had been formed. I shall show that she received letter after letter from that gentleman. I shall be able to produce a number of letters, none of them indicating crime, but showing that appointments were made, and that interviews constantly took place in the absence of her husband, who knew nothing whatever of them. Probably, gentlemen, you will agree with me that the term "very wrong" is a phrase thoroughly applicable to such a course of conduct, and I sincerely hope that you may be enabled to feel that no further imputation rests upon the gentleman in question or upon Lady Mordaunt in reference to him. I will next allude to Lord Cole, to whom she attributed the paternity of her child, but on that point, gentlemen, I will add that, supposing her to be sane at the time of her confession of guilt her statement would not bind his lordship. I shall, however, show that they were together, residing at Walton, whilst Sir Charles was out of England, and that in fact his lordship only left Walton the very day before Sir Charles was expected home. A very remarkable piece of evidence exists which to my mind is conclusive of the guilt of the lady. In her diary for 1869 an entry occurs in her own handwriting pointing to the 3rd of April. The entry is—"280 days from the 27th of June," which was the exact day upon which Lord Cole left Walton and probably the last day that he saw her. That entry points to the ordinary period calculated for gestation, and she made the memorandum in her own pocket-book.

Lord Penzance: Will you read the exact words?

Mr. Serjeant Ballantine: "280 days from the 27th of June," and on that 27th June it will be proved that she was alone with Lord Cole until one o'clock in the morning, and that Sir Charles did not return until the 15th of July next following. When you have heard the details of the case in reference to Lord Cole's visit to Walton, and other details, it will be for you to say whether or not she had measured the time correctly, whether the entry in her diary had reference to her connection with any other person, except the only person then likely to have had connection with her, Lord Cole. I now come to another gentleman who has been made a co-respondent, and whom I can therefore name—Sir Frederick Johnstone. There is no doubt that in the November subsequent to Sir Charles's return Sir Frederick was with her under circumstances of the gravest suspicion and the grossest impropriety. She imputed that he was the person who diseased her child. At the same time I

will state that the petitioner did not place them together under circumstances in relation to Sir Frederick's having done so. On the contrary, there are no statements except her own conversations to affirm the fact. She had some peculiar conversations with Sir Charles after his return from Norway, which, if it were a matter of choice to myself I would rather not repeat. My duty, however, leaves me no option. Lady Mordaunt was exceedingly pressing upon the subject of Sir Frederick from time to time, and very anxious to know why a gentleman of his wealth and position did not marry. Her husband replied to the effect that probably no man living had lived more loosely than Sir Frederick. That information appeared to have excited her curiosity, and she pressed Sir Charles further on the matter. Now, if it were simply a matter of good taste, gentlemen, I would rather not tell you what her husband's reply was; but it has passed out of that category, and I am compelled to inform you that Sir Charles said, "He is a man very likely to disease any woman having anything to do with him." Gentlemen, mark what followed the very next day after she had elicited that information. Lady Mordaunt declared that she must come up to town about some baby linen. She accordingly came up, went directly to Dr. Priestley, and consulted him with reference to a disease under which she suffered. Dr. Priestley has testified that she had no specific disease, but in a matter of that kind such evidence is extremely doubtful, and the doctor said that the remedies employed to effect a cure were the same as would have had to have been used for the specific disease. When this poor child was born its eyes were found nearly closed from gonorrhœaic ophthalmia. Taking all these circumstances into account, gentlemen, you will have to determine, not the guilt or innocence of Sir F. Johnstone, but whether these statements were the ravings of a lunatic or the proven statements of a sane woman. She had also ample opportunities of committing adultery with another gentleman to whom I have alluded. She came to London ostensibly upon one object, but in reality to pursue another. I shall prove that she came to London, stayed at an hotel, was there visited by the gentleman in question, that they went to the theatre together, and that after their return they spent the evening and supped together. The hotel bills were found in her possession proving these facts. Now, upon that very night she wrote a letter to her husband, who received it next morning, and I cannot help reading it to you as an example of the terrible necessity of deceit necessary to be practised when crime is once entered upon. It is as follows:—

"Palace Hotel, Buckingham-gate, Nov. 8, 1868.

"My darling Charlie,—One line in great haste to say that I shall not be able to leave here by the 12 o'clock train to-morrow; but I will come by the train which leaves Paddington at 3.50 p.m. if you will send the brougham to meet me. I felt horribly dull all by myself yesterday evening, but have not had so much time to-day, having had such lots to do. Have seen Priestley. Will tell you about it when I come.
H. S. MORDAUNT."

That very evening, gentlemen, they went to the hotel together, and were for some time in a room alone. I shall, therefore, be able to prove, in relation to these statements, by evidence of a pregnant character, that she was not at that time a raving lunatic, but well knew what she was doing and saying. In all probability her mind—being affected more or less by this hysteria, and dwelling upon the subject of the child and its disease—her mind in a time of such anxiety and pain had fallen back upon its original purity, her conscience falling back upon an enfeebled mind had led her to tell the truth to her husband. I am afraid that the evidence which I shall bring before you will leave no earthly doubt upon the subject. Are the contents of the letter which I have read,

dated October 8, 1869, consistent with the symptoms which have been described by the medical evidence. That letter was opened by the woman who had the care of her at Bickley, copied, and then forwarded to her mother. In that way, probably unknown to them, we obtained possession of its contents. I shall refer to it hereafter, in order to show the utter fallacy of such conditions existing. The letters, which at an earlier stage she wrote to Lady Louisa have not been produced, and the diaries which she had kept have been destroyed. Gentlemen, were they destroyed because they told the truth? I will leave you to draw your own inferences. I shall subsequently, with more minuteness, call your attention to cheques not given by her under any restraint or influence. I shall also call your attention, in contradiction to the theoretical evidence which has been given by medical men, to the testimony of the gentlemen who attended her during her confinement, and who will tell you that she presented no symptoms of puerperal mania of any description whatever—the existence of it was a pure fable, that she never had a trace of it from the beginning to the end of his attendance upon her. I shall call before you the rector of the parish near Walton, and other witnesses who will speak to the distinct sanity of the lady. I shall lay before you a letter written by her to her husband, dated May 16, 1869, a period long after the day fixed upon for the commencement of her alleged insanity, and which, I am of opinion, will convince you, that at that time at all events, she was as sane as possible. I think my learned friend will have a hard nut to crack in the explanation of that letter with reference to her alleged insanity. I am afraid that at that time she was possibly struggling to get back to her husband. The assumption of her sanity at that time is borne out by the remarkable testimony of one of her servants, who, on speaking to her ladyship about something that had been said about her, was told in reply, "Oh, I know it was said that I had said so and so, but it was not true." Gentlemen, I have now finished my address and I hope that in the course of it I have not inflicted a single wound upon any one except it has been absolutely necessary. If Sir Charles Mordaunt could feel that this lady was pure, virtuous, and innocent, he would hold out his arms to receive her, in trouble and sorrow, but still with gladness. But he feels that in the position which he occupies he has no right to have his home dishonoured and his name for ever cursed by a woman whom he believes has committed sin.

Mrs. Hancock, examined by Mr. Sergeant Ballantine.—On the night of the 27th February I was sent to attend to Lady Mordaunt, and she was confined the following afternoon. I took charge of the baby from its birth. It was a very small baby, weighing not more than $3\frac{1}{2}$ lbs. As near as I could say it was between a seven and eight months' child, near an eight months' child. I sat up with her all night. She said to me, "Is the child diseased?" I said, "My lady, you mean deformed." She replied, "No; you know what I mean. It is the complaint?" I said, "No; I see nothing the matter with it, except that it is a very tiny one." She did not appear in the least excited at the time of the conversation. The following evening she spoke to me again of her own accord. We had been very comfortable indeed during the day. At ten o'clock that night she said, "Nurse, are you sure the child is not at all diseased? Has Mrs. Cadogan or Mrs. Cable seen nothing the matter with it?" I said there was nothing more to be seen at the time of the birth than commonly. Mrs. Cadogan was the wife of the vicar of the parish. I said to her ladyship "You told me that it was a seven-months' child, and it is nearer an eight-months' child." I called her attention to the child's finger and toe nails. I sat in her room that night, and after this conversation she appeared perfectly quiet and comfortable. I remember the 3rd of March. Mrs. Forbes had arrived at that time. I cautioned Lady Mordaunt against talking too much. She kept speaking to me

on this subject. I said, "You had better be quiet, it will make your head bad if you talk too much." She replied, "If I don't talk I shall go mad; there is something on my mind, and I may as well tell you to-night." I then asked her if I should fetch Sir Charles, and she could tell him. She said, "No, not to-night. I will tell him another time." She went on to say, "This child is not Sir Charles's, it is Lord Cole's." I said, "For goodness' sake be quiet and say no more" (laughter). She said it took place the last week in June. "Lord Cole visited me whilst Sir Charles was in Norway." I replied "It is almost impossible for any married lady to tell so near as that." And she answered, "Oh, but I know, because he visited me the last week in June whilst Sir Charles was in Norway."

Dr. Spinks.—Do you remember her mother being there on the Friday?

Mrs. Hancock.—Yes.

You said something to her about her mother?—Yes. The child's eyes began to get bad, and Lady Louisa thought she ought to see a doctor. She said she was afraid the child would be blind.

Do you remember Lady Mordaunt saying anything about how the disease came?—I remember, when speaking about the eyes on the Friday, that she said, "I know Sir Frederick Johnstone is a dreadfully diseased man." She said, "Why did you not tell me it was likely to be blind?" and I told her it might be cured. On the night Lady Louisa went away she told her she must do something

Did Mr. Solomons, an oculist from Birmingham, come to see the child?—Yes, he came on the Saturday. I afterwards sent for Sir Charles, and when he came into the room I retired. After he had left the room I again went up, but I do not recollect the words that passed.

Did you ask her whether she told Sir Charles anything?—Yes, and she said she would do so. She had tried to do it, and the words almost choked her. After she found the child's eyes were bad there was a great difference in her treatment. She asked me not to let anybody see the child because it was not fit to be seen, and she said also that she was sorry she had brought such a poor miserable hound thing into the world. She did not suckle the child at all. On the Sunday she saw Sir Charles, and after he had gone she was much excited, and said "The time has come, and I must and will tell him." I do not know that she gave any reason why she had not told him that night. On the Monday she became excited, and asked me to fetch Sir Charles upstairs. He came up, and I left him with her.

On the Monday or Tuesday did you hear her say something to him?—I went up to the room to give her a handkerchief. She took hold of my hand and I heard her say, "Charles, this child is not yours. I was very wicked and have done very wrong with more than one person." I then slipped my hand out of hers and left the room.

Did you on any occasion hear her say to Sir Charles who was the father of the child?—Yes, I do not know whether it was on the Tuesday or Wednesday, but she said to Sir Charles, "It is Lord Cole's child." He said "Nonsense," and would not seem to understand. After Sir Charles had left she told me that she had told him. I saw Sir Charles on the 13th, and I left him with her. After he was gone I went into the room. As Sir Charles was going out he said "Why nurse, her ladyship tells me the same as she has done before. What am I to believe?" She afterwards said, "I have made him understand at last," and I said "If Sir Charles goes out and makes inquiry, what then?" She said, "Then there will be a row." On the Friday evening before Lady Louisa went away I asked Lady Mordaunt whether she had not better give her mother a gentle hint. I said, "May I ask Lady

Louisa to stay a few days longer if you are really going to be poorly?" She said, "Let her go." I then said, "What are you going to do?" That was ten o'clock on Friday night, and she said, "I have not made up my mind." At two o'clock in the morning she awoke, and said she could see it all quite plainly now. She had quite made up her mind as to what she should do. She said she was going to be poorly. Sir Charles and her father would make it all right, and she must go abroad as soon as she could. She was not in the least excited at this time. Lady Louisa returned again on the 17th of March. Mrs. Forbes arrived on the 15th. I heard conversations between them about the baby, and Lady Mordaunt took part in it. Lady Louisa, after a conversation, said that I was to take the child, and bring it up as my own, and Lady Louisa was to pay. Lady Louisa proposed that I should bring the child up as my own, teach it to earn its living, and when it was old enough I was to tell it that it was an unfortunate, but I was never to let it know who its parents were. After the 20th Lady Mordaunt said that the agreement would come to nothing, and that Sir Charles would have to support the child. Lady Louisa remained there until the 24th. Lady Mordaunt wrote out one or two copies of the agreement.

Do you recollect mentioning the word divorce to Lady Mordaunt?—Yes; she asked us what she was to do to get out of it; and I said, "You will have to go to the Divorce Court, no doubt, and then you will no longer be Lady Mordaunt." On the 28th she drove out.

Did she appear to be sensible?—Perfectly. I know that she was sensible. I left on the 27th of March. I did not take the baby away with me then. Up to this time I had not observed any symptoms of insanity, although Lady Mordaunt put on an irritable manner before Sir Charles.

Cross-examined by Dr. Deane.—There was never any excitement about Lady Mordaunt before me. The conversations with me were chiefly when I was putting her to bed. Sir Charles, I think, saw Lady Mordaunt the day after her confinement. She did not put on an excited manner then. She did not do so until after Dr. Solomons had seen her. I am quite sure Lady Mordaunt in speaking of the child said "The complaint," laying the stress upon the word "the."

Dr. Deane.—Did not Lady Mordaunt ever attempt to suckle her child?

Witness.—Only in the presence of the gentlemen.

His Lordship.—You told me that Lady Mordaunt never suckled her child. Is that true?

Witness.—She never did.

Cross-examination continued.—She could not do it. She was not in a condition. Mr. Orford told Lady Mordaunt that she should suckle her child, but she would not. She never refused before him, but she would not allow the child to come to her. I did not tell Mr. Orford that she was not nursing it. She all along told Sir Charles and Mr. Orford that she intended to suckle the child. When she knew that Sir Charles was coming she asked me to bring the child in, and when I put it towards her she put her hands over her face and said, "Take the horrid little thing away;" but just before Sir Charles came in it was put by her side, and she said, "Tell Charlie I have been nursing it." I went into the room one day when her ladyship was at the dressing-table, looking for something, and I said, "What do you want there?" She said, "I am looking for the laudanum bottle." I said, "You don't want that or anything else." She then went to bed, and on the following morning she asked me to relieve her either by giving laudanum to her or to her child. I locked the laudanum up and gave the key to the butler or Sir Charles, I do not know which.

His Lordship.—You were afraid she might take some?

Witness.—Yes

Cross-examination resumed.—She always talked quietly or not at all. I did not trust the child with her owing to what I heard her say.

Re-examined.—I heard Lady Mordaunt and her mother talking about a divorce. Lady Louisa said it would most likely come to that. The agreements which were destroyed were not made from dictation, but from what had been said between them the night before, I have spoken to Lady Louisa on the subject of taking charge of the child, but not in the presence of Lady Mordaunt.

By Dr. Deane.—I have stated that Lady Mordaunt appeared not to be herself at times. I could not take my oath whether in reality she was herself or not. She always appeared sensible to me. I dare say that I have said I thought she would deliberately injure the child if she had an opportunity. I have said that Lady Mordaunt talked very reservedly with other persons, but always freely with me.

By Mr. Serjeant Ballantine.—My ideas with reference to the probability of her injuring the child arose from what I heard her say.

By the Court.—Lady Mordaunt said to me, in reply to a question which I had put to her, "I can see it all quite plain now. I am going to be poorly now, and then Sir Charles and my father will make it all right. I shall go abroad."

Did she mean that by being poorly Sir Charles's feelings towards her would be softened?—Yes; she was to pretend to be ill, but I did not understand in what way. I understood that it was to be done in order to get Sir Charles to take a lenient view of the matter, not for the purpose of endeavouring to induce him to believe that the statements she had made were untrue, but that he might not expose her to the world, and then she would go abroad.

The Court then adjourned.



THIRD DAY.

Mrs. Elizabeth Cadogan.—My husband resides at Walton. He is the rector of that parish. I was very intimate with Lady Mordaunt and Sir Charles Mordaunt's family. I visited them frequently. I knew that Lady Mordaunt was in the family-way, and I was present at the confinement. She was placed under chloroform, but the confinement was quite satisfactory. She began to suffer pain about half-past twelve o'clock, and the child was born about five in the afternoon. I think she got through her confinement very well. I saw her every other day. I had some conversations with her, and in the course of these she seemed distressed about the child's eyes. I said I thought the child had got cold in its eyes. Its eyes looked very bad. When I told Lady Mordaunt so she looked very distressed. Up to that time she appeared quite sensible. I went into her room on that occasion. On my doing so she said she was not so well, and that the doctor was coming to examine the child's eyes. She seemed very nervous. She said she had lost several friends in their confinement. I saw Lady Mordaunt again the next morning. She was then very cheerful, and said she would like to nurse the baby. She wished the baby brought into her room. I remarked that it was very unlikely she could nurse it now if she had not before. I saw her on the following day. She then seemed distressed, and on my going into the room she said, "I shall confess all to Charlie." That remark was addressed to the nurse, and Lady Mordaunt added, "He is so good." I saw her again a few days after this. She was then silent and would not enter into conversation. She had the blinds drawn, and said to me, "I am very dull here." I saw her again the next day. She was then in the sitting-room, lying upon the sofa. She was then in great grief. I put questions to her, but I got no answer from her. She seemed depressed. On the following day, which was Sunday, I saw her, and she seemed to have thrown off the depression. I entered into conversation with her, and she said to me, "I will soon make it all right with Charlie—what everybody does in London I have done." She added, "I don't think there is anything wrong in the matter. Many ladies have done the same thing." The day after I saw her in the company of her mother. She said she wanted to tell me something, but that she could not do so in her mother's presence. Her mother left the room, and Lady Mordaunt threw her arms round my neck and cried bitterly. I saw Lady Mordaunt up to the 13th or 14th of March. She was always pleased to see me, but she used to cry on some occasions. On the 14th of April I saw Lady Mordaunt, and she expressed herself as sorry for what had occurred. On the 8th May I saw her. She on that occasion asked me about books. I said the books she referred to were rather sensational, in accordance with the usual run of the literature of the day, and that I should not recommend them. She said she liked ghost stories, and I said I could not recommend them.

Cross-examined by Dr. Deane.—I have seen Lady Mordaunt attempt to nurse the child, but I never saw her attempt to do so in the presence of the nurse. The nurse told me that Lady Mordaunt had seen her husband on the previous day, and had told him that the child was not his. To this subject, except on one occasion, Lady Mordaunt never alluded. When she did so it was on the 14th March. She had previously told me that everybody in London did such a thing, meaning having connection with other men.

Dr. Deane.—Did you not remonstrate with Lady Mordaunt on that occasion?

Witness.—I made no observation. I left the room.

Was she in her senses at the time?—I believe she was. I saw her again a few days after, when she was much distressed. She was crying. The nurse told me that she found her standing by the table where there was a bottle of laudanum. On the 13th of March I saw Lady Mordaunt. She was then low and hysterical. Her mother, on that occasion, did not tell me that she was going away.

Dr. Deane.—Was there then any mention made of Lady Mordaunt being taken away?

Witness.—Yes. I heard it said that Lady Mordaunt wanted a change.

Re-examined.—I knew Lady Mordaunt before her marriage. I have seen her since and after her confinement, but on neither occasion did I see that her mind was affected.

The Rev. Edward Cadogan, the husband of the previous witness, stated—I am the vicar of Walton. I know the petitioner and his wife. On the 4th of March I was sent for to baptise the child. I saw the mother on that occasion, and spoke to her about the child, but she did not say much. I saw her again on the 24th, when I put to her the statements I had heard respecting it. She sobbed and cried, and I could get nothing out of her. I saw her on the 25th of April, and asked her how she was. She said she was very well; she had been ill, but had got better. She said she had been bad, and that Charlie would not be able to prove the nonsense she spoke about when she was ill. She expressed a desire to come to be churched. I said I could not allow her to do so without the consent of the bishop. On the 1st of March I had a conversation with Lady Mordaunt as to the baptism of the child. On that occasion she mentioned Lord Dudley as the godfather, and her sister as the godmother.

Re-examined.—Sir Charles Mordaunt wrote me a letter after these rumours in which he stated that his wife had done him a great wrong—that he was going abroad in order to obliterate it, and that he hoped his wife would live to see the folly of her acts. After I received that letter I saw Lady Mordaunt several times. On the 25th of March I told her that I could not admit her into the church for the purpose of “churching” her while she was lying under this notorious scandal. She took this statement of mine quite placidly at first. She sat silently in her chair, looked on the carpet, and at last said, “I don’t believe Charlie will be able to prove the nonsense I have said, and if I could see him I would make it all right.”

Re-examined.—In all the conversations I had with Lady Mordaunt I never saw any appearance of insanity.

A letter was here put in and read, which was in the handwriting of Lady Mordaunt, which ran as follows:—

“My dear nurse,—Pray say nothing at all about the nonsense which I talked to you about whilst you were here.”

(Signed)

“H. S. MORDAUNT.”

Mr. Serjeant Ballantine: I shall prove that that letter was found on the floor at Walton Hall, and that it was intended to have been sent to Mrs. Hancock, the nurse.

The Dowager Lady Mordaunt, examined by Mr. Serjeant Ballantine.—I am the widow of the late Sir Charles, and the mother of the present Sir Charles Mordaunt. I have always been on good terms with Sir Charles’s wife. They always appeared to live happily together. I saw her on the 14th March, after her confinement. She was in her boudoir. At that time I had heard that she

had made certain statements. I said to her "I have come to express my sorrow at your position." I don't remember that she made any answer. When I went into the room I kissed her, and she said, "Sit down darling." I said, "I prefer kneeling by your side." She said but little that day. She said, "I want to tell you—." She broke off there. I said, "Harriet, do you ever see the baby?" She said, "Yes, sometimes." I said, "The baby belongs to you, I hope you will take care of it." She said nothing more of importance that day. I spoke kindly to her. I saw her again on the 4th April in her boudoir lying on the sofa. I said I hoped that she would try and stop the publicity which would inevitably result from her conduct. I said, "It is in your power to do so if you like." She appeared perfectly sane. I saw her again on the 9th May. When I arrived I went to speak to the housekeeper, not intending to see Lady Mordaunt, but her ladyship saw me, and I said, "Harriet, I have not been to see you lately, because you have not asked me." She made no reply to that, but went away. A minute or two afterwards she returned. Mrs. Cabon and her ladyship both went out of the room and I followed them in the course of half a minute. I found them sitting on a box in the passage which was generally used for coals, I said to Lady Mordaunt, "We have had enough of this, we quite understand what it all means, you had better get up and go." They did get up. A number of other questions were put to the witness by the learned serjeant, the whole of which had reference to the general bearing and demeanour of Lady Mordaunt. The replies in every instance expressed the conviction of the witness as to the perfect sanity of the respondent and her capability of sustained and coherent conversations on varied subjects.

Cross-examined.—I have not seen Lady Mordaunt since she left Walton. When I saw her on the 26th March she did not say much. She was rather silent, and there was nothing in her manner the reverse of what was cheerful. She said, "I want to tell you," and then stopped short. She had some conversation with me about the child. I saw her on the 4th of April. She was then perfectly silent, but there was nothing remarkable about her. I said, "We have had enough of this," because she wanted to see Mr. Bird, and she knew he was away.

What made you make the observation?—Because I thought she put it on. I never saw anything of the sort before. She did not seem excited, but got up at once and went away. I did not follow her, and do not know where she went. On the 12th May, when she first commenced the subject of her child being received into the Church, I spoke about its sponsors.

Had you been on several occasions before to speak to the housekeeper about Lady Mordaunt?—I saw her on one or two occasions. I saw her without being announced to Lady Mordaunt.

Did you go to inquire about her?—Perhaps I did.

Sir Charles Mordaunt, the petitioner, was then called, and examined by Mr. Serjeant Ballantine.—He said: I am the petitioner in the original divorce suit. I had been acquainted with Lady Mordaunt for a considerable time before the marriage. I was married on the 6th December, 1866, at Perth, and from that time until the period of the unfortunate occurrences we lived together with the exception of short intervals. I had been in the habit for eight years of going to Norway fishing, and the lady was aware of that habit. I believed my happiness perfect with her up to the very hour I heard of these matters we are now trying. I never denied her anything reasonable, and consulted her wishes in everything, and I never interfered with her receiving any of her friends.

Had you heard her speak of Captain Farquhar, Lord Cole, and Sir Frederick

Johnstone at any period after your marriage or before?—I heard her speak of them. They are all friends of her family.

Did you receive those gentlemen into your own circle?—After my marriage I did.

Were you acquainted with any of the three before?—I cannot say they were friends. I had been slightly acquainted with Sir Frederick Johnstone, but with the other two I was not acquainted until after my marriage.

Was Sir Frederick Johnstone invited by you to come to Walton?—Yes, he was, but it was at the instigation of Lady Mordaunt.

Were you also aware that the Prince of Wales was an acquaintance of your wife?—I was.

I believe you had no personal acquaintance with his Royal Highness?—I cannot say I knew him well. I had only a slight acquaintance. I had spoken to him, but beyond that he was never a friend of mine.

But you were aware that he was acquainted with your wife's family, and in fact was on visiting terms with them?—Certainly.

Did he ever come to your house by any invitation of your own?—Never.

Did you ever have any conversation with your wife about him. Did you ever express any desire to your wife in relation to his Royal Highness?—I did. I warned her against continuing the acquaintance.

For reasons which governed your own mind you desired that the acquaintance with him should not be continued?—I did.

Lord Penzance.—Tell us what you said to her upon the subject of the non-continuance of the acquaintance with his Royal Highness?—I said that I had heard in various quarters certain circumstances connected with his previous character which caused me to make this remark. I did not enter into full particulars.

Mr. Serjeant Ballantine.—At the time you expressed that desire to Lady Mordaunt had he to your knowledge been on one or two occasions to your house?—I never saw him but once.

And was that after you expressed your wish to Lady Mordaunt?—Yes.

I believe you were in Parliament for a division of your county?—I represented the Southern Division of Warwickshire for nine years, in fact up to the last dissolution of parliament. I was elected in May, 1859.

Were you at all aware of the fact until after your wife's confinement that the Prince of Wales had been a constant visitor at your house?—I was not.

Were you aware that any correspondence, written correspondence, existed between your wife and the Prince?—No, I was not.

Are you saying that literally, that you were not aware of any letters passing between them, or might there have been any letters of a proper character?—She had never shown me any letters.

Were you aware that any letters passed between them subsequently to your marriage?—I cannot recall having seen any letters.

Mr. Sergeant Ballantine.—It is not the question whether you were aware of her having received any letters.

Lord Penzance.—The question is were you aware of the fact that any correspondence of any sort was going on between your wife and the Prince of Wales?

Witness.—I knew of nothing.

Mr. Serjeant Ballantine.—And supposing the Prince of Wales had been at your house whilst you were attending to your duties in the House of Commons or elsewhere, were you made acquainted with the fact?

Witness.—I was not.

Lord Penzance.—Did you know from any source that he ever called at your house.

Witness.—No; I never heard of his frequent visits.

That is not the question. Surely you can answer a simple question like that. Did you know from any source that the Prince of Wales ever called at your house?—I have heard that he has called, but I never saw him.

Mr. Sergeant Ballantine.—Had you heard that he had called frequently?—No, not frequently; I heard that he called occasionally.

From whom did you hear that? From Lady Mordaunt?—No.

Had the fact of his calling been mentioned by connections of your family?—Yes.

You had been spoken to on the subject?—I had.

Did you speak to Lady Mordaunt on the subject after you had had that communication?—I did.

And was it upon that or upon the second occasion that you gave her advice?—It was upon the occasion I have already mentioned. I warned her, and told her what my wishes were upon the subject.

In the month of November, 1868, did Lady Morduant go to London?—Yes; she went with her maid, Jessie Clarke.

Did you learn from her what she wanted in London?—I offered to accompany her, and she told me I had better not, as she was going shopping, and that I should be in her way rather than otherwise. Whilst she was in London I received a letter from her—the letter produced is the same.

The letter, which was dated Nov. 8, 1868, from the Palace Hotel, was put in and read. It stated that she would not be able to leave by the twelve o'clock train the next day, but would leave by the 3.50 train from Paddington, and also that she had seen Dr. Priestley.

Mr. Serjeant Ballantine: Were you at that time acquainted with Captain Farquhar? Had he been on a visit to you at that time?—He had been on several visits.

I need hardly ask you whether you had any notion that she met Captain Farquhar when she was in town; or whether you had any notion of it until subsequent events gave you that information?—None whatever.

Did she ever say a word about having met him?—No.

When did she return to Walton?—She returned the day after the letter was written.

You left London on the 15th June, 1868, to fish in Norway?—Yes, I was prepared to take Lady Mordaunt with me, and I was anxious to do so, but she would not go. I was going in a special steamer, and I considered that she would have every accommodation.

How did it happen that she did not go?—She seemed not to wish to go. I had a conversation with Sir Thomas Moncreiffe about her going, but he did not agree with it.

What arrangements did you make for your wife during your absence?—I arranged that she should go down to Walton within a week after I left. Her friends and relations were in town at the time. I returned on the 15th July, but I heard from my wife three times during my absence, and I wrote to her. At the time I left there had not been the slightest disunion between us. Her health had been generally good, but she occasionally had hysterics. When I came back from Norway I proceeded at once to Walton, having telegraphed to my wife the probable day of my return. I found my wife at Walton, and she received me with the greatest affection, and there was nothing to indicate that she was displeased with anything I had done. I remained at Walton until about the 10th or 11th of August, and then I went to Scotland. I

cohabited with my wife as usual on my return. I recollect her having told me that she was in the family way, but I cannot recollect the precise time. I remember, however, that she told Mrs. Cadogan. I think I first knew of it in the first week in August before I went to Scotland.

That excited no suspicion in your mind?—Not at the time. I returned from Scotland as nearly as I can recollect in the beginning of September. I then went to Walton. Sir Frederick Johnstone was on a visit to me.

Did any conversation take place between you and your wife with reference to Sir Frederick Johnstone; did your wife ask you any question?—Yes; she asked me why a man of Sir Frederick Johnstone's fortune and position had not married, and my answer was that I had heard there was a rumour why he had not. She pressed me to tell her the reason, but I was most reluctant to say anything. I ultimately told her. I said I had heard that he had a disease which prevented his marriage, and if he did marry it was possible that the disease might be conveyed to his children. I do not think she said anything in reply. That was in November, about ten days after her confinement, I should say. When Lady Mordaunt went up to London she told me it was necessary for her to consult Dr. Priestley previous to her confinement. She did not say that any disease or weakness necessitated her seeing Dr. Priestley.

Lord Penzance: When she said it was necessary that she should see Dr. Priestley did she complain that she was suffering from any weakness?—No; I cannot recollect that she complained of any suffering whatever.

By Mr. Serjeant Ballantine: I was not aware that she met Sir Frederick Johnstone when she went to London.

By Lord Penzance: She did not tell me that she met Sir Frederick Johnstone. I did not ask her.

By Mr. Serjeant Ballantine: I had no suspicion of it. Arrangements had been made for her confinement. She had often asked me to allow her to be attended by Dr. Priestley, and that her confinement should be in London, and I had taken a house in consequence, but she was prematurely confined. I was not present on the day of her confinement, but I saw her at five o'clock on the following day. I did not see the child at that time. I first saw it three or four days afterwards, and at that time its eyes appeared to be closed up. On the day after the confinement she asked me whether I had had notice of the birth inserted in the papers. I told her I had had it inserted in the *Post* and *Times*, and she particularly wished it to be published in the other papers with the word "prematurely." She was very particular upon that point. Two days afterwards she spoke to me about nursing the child. At that time there was nothing to lead me to suppose there was anything wrong.

Two or three days after the confinement did she say something to you?—Yes. On the Sunday after her confinement she said, "Charlie, I have deceived you. You are not the father of the child." I believed she made that statement owing to an illness connected with her confinement, and I did not believe it. She afterwards made use of a similar expression again.

Was there anything to indicate that at that time her mind was wandering? I could see nothing to indicate it. On the following Saturday I received a message from her through the nurse, and I went to see her in the evening, I think. She appeared to me to be, I cannot exactly say excited, but much distressed. I asked how she was, but I do not think I asked her what distressed her. I did on several occasions ask her what made her appear so distressed. On the following Monday, the 8th, Mrs. Hancock asked me to go to her again. When I saw her I waited for her to begin the conversation. She seemed to me to be much distressed, but composed. She cried very much when she began to speak.

What did she say?—She first said, “Charlie, you are not the father of that child, but Lord Cole is the father, and I, myself, am the cause of its blindness.” She did not speak again for about a quarter of an hour.

When she spoke again what did she say?—She burst into tears, and said, “Charlie, I have been very wicked. I have done wrong.” I said to her, “Whom with?” and she replied, “With Lord Cole, Sir Frederick Johnstone, the Prince of Wales, and others, and often in open day.” I did not credit what she said, but I saw nothing to indicate that she was under any delusion. She spoke in tones of deep distress, with apparent remorse and repentance. I could not make any reply, for I was too much distressed.

Lord Penzance: Did you believe what she said?

Witness: No, I did not even then.

Examination continued: I had a conversation with Mrs. Cadogan on the 13th March, and subsequently I made inquiries. Lady Louisa came on the 17th. I communicated to her what had passed between myself and her daughter. As nearly as I can recollect she left my house on the 4th April. I think I last saw my wife on the 24th March. I remained there for many days without seeing her. During that interval I found some hotel bills of hers referring to the Alexandra and Palace Hotels, and a number of letters from the Prince of Wales, with some flowers and a handkerchief. They were all in her desk.

The following letters of H.R.H. the Prince of Wales to Lady Mordaunt were here handed in:—

Sandringham, King's Lynn, Jan. 13, 1867.

My dear Lady Mordaunt—I am quite shocked never to have answered your kind letter, written some time ago, and for the very pretty muffatees, which are very useful this cold weather. I had no idea where you had been staying since your marriage, but Francis Knollys told me that you were in Warwickshire. I suppose you will be in London for the opening of Parliament, when I hope I may perhaps have the pleasure of seeing you, and of making the acquaintance of Sir Charles. I was in London for only two nights, and returned here on Saturday; the rails were so slippery that we thought we should never arrive here. There has been a heavy fall of snow here, and we are able to use our sledges, which is capital fun.—Believe me, yours ever sincerely,

ALBERT EDWARD.

Marlborough House, May 7, 1867.

My dear Lady Mordaunt—Many thanks for your letter, and I am very sorry that I should have given you so much trouble looking for the ladies' umbrella for me at Paris. I am very glad to hear that you enjoyed your stay there. I shall be going there on Friday next; and as the Princess is so much better, shall hope to remain a week there. If there is any commission I can do for you there it will give me the greatest pleasure to carry it out. I regret very much not to have been able to call upon you since your return, but hope to do so when I come back from Paris, and have an opportunity of making the acquaintance of your husband.—Believe me, yours very sincerely,

ALBERT EDWARD.

Marlborough House, Oct. 13.

My dear Lady Mordaunt—Many thanks for your kind letter, which I received just before we left Dunrobin, and I have been so busy here that I have been unable to answer it before. I am glad to hear that you have been flourishing at Walton, and hope your husband has had good sport with the partridges. We had a charming stay at Dunrobin, from the 19th of September to the 17th of this month. Our party consisted of the Sandwiches, Grosvenors (only for a few days), Sumners

Bakers, F. Marshall, Alrud, Ronald Gower, Sir H. Pilly Oliver (who did not look so bad in a kilt as you had heard), Lascelles, Falconer, and Sam Buckley, who looked first-rate in his kilt. I was also three or four days in the Reay Forest, with the Grosvenors. I shot four stags. The total was 21. P. John thanks you very much for your photo, and I received two very good ones, accompanied by a charming epistle from your sister. We are all delighted with Hamilton's marriage, and I think you are rather hard on the young lady, as, although not exactly pretty, she is very nice looking, has charming manners, and is very popular with every one. From his letter he seems very much in love (a rare occurrence now-a-days.) I will see what I can do in getting a presentation for the son of Mrs. Bradshaw for the Royal Asylum of London St. Anne's Society. Frances will tell you result. London is very empty, but I have plenty to do, so time does not go slowly, and I go down shooting to Windsor and Richmond occasionally. On the 26th I shall shoot with General Hall at Newmarket, the following week at Knowsley, and then at Windsor and Sandringham before we go abroad. This will probably be on the 18th or 19th of next month. You told me when I last saw you that you were probably going to Paris in November, but I suppose you have given it up. I saw in the papers that you were in London on Saturday. I wish you had let me know, as I would have made a point of calling. There are some good plays going on, and we are going the round of them. My brother is here, but at the end of the month he starts for Plymouth, on his long cruise of nearly two years. Now I shall say good-bye, and hoping that probably we may have a chance of seeing you before we leave, I remain, yours most sincerely,

ALBERT EDWARD.

White's, Nov. 1.

My dear Lady Mordaunt—Many thanks for your letter, which I received this morning. I cannot tell you at this moment the exact height of the ponies in question, but I think they are just under fourteen hands; but as soon as I know for certain I shall not fail to let you know. I would be only too happy if they will suit you, and have the pleasure of seeing them in your hands. It is quite an age since I have seen or heard anything of you: but I trust you had a pleasant trip abroad, and I suppose you have been in Scotland since. Lord Derby has kindly asked me to shoot with him at Buckenham on the 9th of next month, and I hope I may perhaps have the pleasure of seeing you there.—Believe me, yours ever sincerely,

ALBERT EDWARD.

Sandringham, King's Lynn, Nov. 16.

My dear Lady Mordaunt—I must apologise for not having answered your last kind letter, but accept my best thanks for it now. Since the 10th, I have been here, at Sir William Knollys' house, as I am building a totally new one. I am here "en garçon," and we have had very good shooting. The Duke of Cambridge, Lord Suffield, Lord Alfred Paget, Lord de Grey, Sir Frederick Johnstone, Chaplin, General Hall, Captain (Sam) Buckley, Major Grey, and myself, compose the party, and the great Francis arrived on Saturday, but he is by no means a distinguished shot. Sir Frederick Johnstone tells me that he is going to stay with you to-morrow for the Warwick races, so he can give you the best account of us. This afternoon, after shooting, I return to London; and to-morrow night, the Princess, our three eldest children, and myself start for Paris, where we shall remain a week, and then go straight to Copenhagen, where we spend Christmas, and the beginning of January we start on a longer trip. We shall go to Venice, and then by sea to Alexandria, and up the Nile as far as we can go, and later to Constantinople, Athens, and home by Italy; and I don't expect we shall be back again before April. I fear, therefore, I shall not see you for a long time, but trust to find you perhaps in London on our return. If you should have time it will be very kind to write to me sometimes. Letters to Marlborough House, to be forwarded, will always reach me. I hope you will remain strong and well, and, wishing you a very pleasant winter, I remain, yours most sincerely,

ALBERT EDWARD.

Sandringham, King's Lynn, November 30.

My dear Lady Mordaunt—I was very glad to hear from Colonel Kingscote the other day that you have bought my two ponies. I also trust that they will suit you, and that you will drive them for many a year. I have never driven them myself, so I don't know whether they are easy to drive or not. I hope you have had some hunting, although the ground is so hard that in some parts of the country it is quite stopped. We had our first shooting party this week, and got 300 head one day, and 29 woodcocks. Next week the great Oliver is coming. He and Blandford had thought of going to Algeria, but they have given it up, and I don't know to what foreign clime they are going to betake themselves. I saw Lady Dudley at Onwallis, and I thought her looking very well. I'm sorry to hear that you won't be at Buckenham when I go there, as it is such an age since I have seen you. If there is anything else (besides horses) that I can do for you, please let me know, and I remain, yours ever sincerely,

ALBERT EDWARD.

Sandringham, King's Lynn, Dec. 5.

My dear Lady Mordaunt—Many thanks for your letter, which I received this evening; and I am very glad to hear that you like the ponies, but I hope that they will be well driven before you attempt to drive them, as I know they are fresh. They belonged originally to the Princess Mary, who drove them for some years; and when she married, not wanting them just then, I bought them from her. I am not surprised that you have had no hunting lately, as the frost has made the ground as hard as iron. We hope, however, to be able to hunt to-morrow, as a thaw has set in. We killed over a thousand head on Tuesday, and killed forty woodcocks to-day. Lover has been in good force, and as bumptious as ever. Blandford is also here, so you can imagine what a row goes on. On Monday next I go to Buckenham, and I am indeed very sorry that we shall not meet there. I am very sorry to hear that you have been seedy, but hope that you are now all right again.—Ever yours, very sincerely,

ALBERT EDWARD.

Monday.

My dear Lady Mordaunt—I am sure you will be glad to hear that the Princess was safely delivered of a little girl this morning, and that both are doing very well. I hope you will come to the Oswald and St. James's Hall this week. There would, I am sure, be no harm of your remaining till Saturday in town. I shall like to see you again.—Ever yours, most sincerely,

ALBERT EDWARD.

Thursday.

My dear Lady Mordaunt—I am so sorry to find by the letter that I received from you this morning that you are unwell, and that I shall not be able to pay you a visit to-day, to which I had been looking forward with so much pleasure. To-morrow and Saturday I shall be hunting in Nottinghamshire; but, if you are still in town, may I come to see you about five on Sunday afternoon? and, hoping you will soon be yourself again, believe me, yours ever sincerely,

ALBERT EDWARD.

Sunday.

My dear Lady Mordaunt—I cannot tell you how distressed I am to hear from your letter that you have got the measles, and that I shall in consequence not have the pleasure of seeing you. I have had the measles myself a long time ago, and I know what a tiresome complaint it is. I trust you will take great care of yourself, and have a good doctor with you. Above all, I should not read at all, as it is very bad for the eyes, and I suppose you will be forced to lay up for a time. The

weather is very favourable for your illness; and wishing you a very speedy recovery, believe me, yours most sincerely,

ALBERT EDWARD.

Sunday.

My dear Lady Mordaunt—Many thanks for your kind letter. I am so glad to hear that you have made so good a recovery, and to be able soon to go to Hastings, which is sure to do you a great deal of good. I hope that perhaps on your return to London I may have the pleasure of seeing you.—Believe me, yours very sincerely,

ALBERT EDWARD.

By Lord Penzance.—The desk was locked, and I obtained the key, I think, through her lady's-maid. I do not think she knew I had the key.

Examination continued.—The letters and the flowers were in an envelope with a valentine.

Mr. Serjeant Ballantine drew attention to the fact that upon the valentine was a memorandum, showing that she had received it previous to her marriage.

The letters, valentine, and handkerchief, were produced and put in evidence.

Examination continued.—After I found these things I had no communication with my wife. After she had made the confession and after she had recovered from her confinement, I think on the 16th, I was with her in her sitting-room, and I said, "As many friends come to our house at various times, you must know after what you have told me, suspicion may rest on some of those friends who have behaved honourably, and I wish you to clear them from any stain of dishonour." I wished to know whether there were any more whom she herself considered to have been guilty of improper conduct. I then mentioned many names of various friends who had been staying in the house and she most emphatically cleared them all except two. She did ask me to continue intercourse with her. She said "Charlie, I wish you would come to me as usual;" but I never did have any further intercourse with her. I think she was in her right senses at the time she made the confession.

Have you any doubt upon the subject?—None whatever.

A letter from Lady Mordaunt to her husband, dated 16th May, 1869, from Belgrave-square, in which she wrote to him in an affectionate manner, but without any reference to any disagreement between them, was put in.

Examination continued.—I was in Scotland at the time I received that letter. I had held no communication with my wife since I left Walton, and I did not answer her letter. The first I heard about the insanity was, I think, when the summons was taken out in these proceedings. It was not until after I had instituted proceedings.

By Lord Penzance.—I did not hear of it before Sir Thomas Moncreiffe came to Walton. Sir Thomas saw her, I believe, for three minutes.

Cross-examined by Dr. Deane.—I went to Norway in the summer of 1868, but I did not go the year before. I spent that summer in Switzerland with my wife. I went there partly on account of my wife's health, and by the advice of Dr. Priestley. From the time of my marriage my wife often consulted Dr. Priestley, but I do not know precisely for what complaint. She told me that she had suffered at various times from ulceration of the womb. Sir Thomas made an objection to my wife going to Norway, because he saw the accommodation. Her remaining at home had nothing to do with her health. I went on the 15th June, and I understood my wife went back to Walton ten days after I left. I believe Lady Mordaunt's sister was staying at Walton whilst I was away. At the time I left in June I understood that Lord Cole was conditionally

engaged to one of her sisters. There was great intimacy between Lord Cole and my wife's family. I cannot say when I saw the Prince of Wales. I should think it was about three weeks before I went to Norway.

Did you find him in your house?—I had been pigeon shooting, and when I came home I went to lay down upon the bed, and the witness Bird, who will be called, told me that his Royal Highness was in the house, and I came in and saw him. I was not with him long, for he went away shortly afterwards. I also found in Lady Mordaunt's desk letters from Mr. Geo. Forbes and Lord Newport. There were other letters, but I cannot recollect how many.

Lord Penzance.—Do I understand it was before or after you saw the Prince of Wales that you desired your wife not to receive his visits?—It was after that occasion and before I went to Norway.

By Dr. Deane.—I had heard that the Prince of Wales did come to my house but I was not aware that he did so many times. I knew that the Prince and the Moncreiffe family had been on intimate terms for years.

Did not you, or she with your knowledge, buy two ponies of the Prince of Wales?—No, I did not buy them of the Prince; they were bought of the Prince of Wales's coachman by me.

Cross-examination resumed.—Did you not go to a ball with Lady Mordaunt at which his Royal Highness was?—I went to a ball in Scotland, and his Royal Highness was present, but I do not know whether the invitation came from the Prince, for I never saw it. I knew it was at the Prince's own house. That was in September, 1868, after my visit to Norway. Messrs. Orford and Jones did not tell me that my wife was out of her mind. Dr. Jones said that at times she was silent. I called in Dr. Jones, because I heard her making statements, which I thought might have arisen from some irregularity connected with her confinement. So far as her bodily health was concerned she was progressing favourably. I called in Dr. Jones for her bodily and not her mental health.

You did not call him in in consequence of the state of her mind?—No.

His Lordship.—You have said that you believed the statements arose from her state of mind. Her bodily health might have affected her mind.

The learned counsel then produced several letters from Sir Charles to Lady Louisa, written shortly after Lady Mordaunt's confinement, all of which tended to show that at that time he believed her to be in an unsound state of mind. In some of them he said that it was difficult to make her understand what was said to her, that she did not know her child, that it was difficult to keep her quiet, and that, though not at all feverish, her mind wandered.

His Lordship.—Was it upon the 16th of March that Lady Mordaunt first called you by name, subsequent to her confinement?

Witness.—Yes.

Did Lady Mordaunt ever attempt to suckle the baby?—Upon one occasion, when Mrs. Hancock was present, she took up the baby, held it to her breast for a moment, and then said, "Take the child away." That was the only time that I recollect her making the attempt.

Did you not know that when Lady Mordaunt stopped at the Alexandra Hotel that her sister the Duchess of Athole, was staying there?—No.

Do you know it now?—I never heard of it. It was by the counsel of my legal adviser, Mr. Haines, that the letter was written to Sir Thomas Moncreiffe and his family, forbidding them any further visits to Walton Hall, and stating that no doctors were to come by their direction to attend on Lady Mordaunt. The letter in question is dated the 12th of May, 1869, and was

written in consequence of a scene, which I considered had been got up illegitimately at Walton Hall just previously by a lady member of the family.

Re-examined.—Up till that date I had allowed her relations free access to her, and also any doctors that they might appoint.

Now, with reference to the letters which have been read, and which were written to Lady Louisa—were there any indications which would have led you to think that your wife's mind was wandering, except her statements in relation to different men?—No.

During the time you were writing these letters had you the slightest notion of parting from your wife, until you found certain documents?—Not the slightest.

Was Lord Newport the person as to whom you asked your wife the question whether anything wrong had taken place between her and him?—Yes.

What did she say?—She said, “I will not say anything about Newport either one way or the other.”

The letters of Lord Newport to her ladyship were here handed in, but not read.

Where did you find those letters?—In her desk. I was aware that she was on terms of intimacy with Lord Newport. His lordship was her first cousin, and I thought that warranted friendly intimacy. I believe that the Princess was with the Prince of Wales at the ball at Abergeldy.

Mr. Serjeant Ballantine.—Now it is a painful question, but I must put it to you, Sir Charles; had you any disease upon you when you returned from Norway?—No.

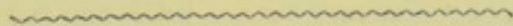
Nor at any other period?—None whatever. Never during my whole life.

Lord Penzance.—It has been intimated to me that his Royal Highness the Prince of Wales has received a subpoena to attend as a witness on the part of Sir Charles Mordaunt, and that he has expressed his entire willingness to do so. Now for that purpose I think it right that we should consult his Royal Highness's convenience, and appoint a day for him to attend.

Mr. Serjeant Ballantine: There is some misunderstanding. His Royal Highness has not been subpoenaed: all that we wish is that the Prince should put himself in communication with the solicitor conducting the petitioner's case, so as to enable him to give formal proof as to the authenticity of the letters which have been handed in. We do not desire that his Royal Highness should be compelled to attend as a witness.

The subject then dropped, and the Court adjourned.

During the afternoon the gallery of the court was occupied by several noblemen and members of the House of Commons, ladies, and others.



FOURTH DAY.

Mr. Serjeant Ballantine produced the letter which was served on the solicitor of his Royal Highness the Prince of Wales, and in it it was expressly stated that there would be no occasion whatever for his Royal Highness's presence.

Lord Penzance: We will take that statement. It is not necessary to have the letter read.

Mr. Serjeant Ballantine: I have another matter of some importance to mention. After I heard the evidence of Sir James Simpson, Dr. Gull, and other medical gentlemen of eminence in relation to the present state of Lady Mordaunt, I feel it to be my duty to desire the medical men who had been in attendance upon her at her confinement to take the earliest opportunity of seeing her, and reporting to us what her condition is. Your Lordship will remember that there was an order of the Court, which we considered to be imperative upon us, not to allow any person, except those mentioned in it, to see her, and the medical men who had been in attendance upon her at her confinement had not therefore, had the opportunity of visiting her. They both of them, however, went down to Bickley yesterday, and I have to say—and I think it right at once to say it—that they will not be in a condition to contradict the evidence given by the other medical gentlemen in relation to her present state of mind.

Lord Penzance: Do I understand you to say that you are now satisfied that at the present time this lady is not in a sound state of mind?

Mr. Serjeant Ballantine: I do not say that I am satisfied she is not in a sound state of mind; but I am satisfied that I can produce no evidence of sufficient weight to contradict the testimony which has been given on the point.

Lord Penzance: You do not wish, then, to prolong the controversy on that head.

Mr. Serjeant Ballantine: That is so; but I shall take the opinion of the jury as to the state of her mind on the 30th of April, and subsequently to that date.

Lord Penzance: But let us see where we are in the inquiry. It seems from what the learned serjeant has stated that the advisers of Sir C. Mordaunt do not think it in their power, after the information they have received from the medical men sent to examine the respondent, to prolong a conflict as to her present state of mind, and do not hope to be able to convince the jury that she is now in a sound state of mind. But for the purpose of the suit that is not enough. We are to see if she was not, at some time after the citation was served upon her, in a fit state of mind to instruct her solicitors to plead. Do you suggest that the issues before the jury should be put in that form.

Mr. Serjeant Ballantine: Yes, my lord, I wish the substantial question to be put to the jury whether she was not within a reasonable period after her citation in a fit state to instruct her solicitor.

Lord Penzance: There is another consideration that you must bear in mind, and that is, the question will have to be determined at some time what was the condition of this lady's mind on and after her confinement. That must be determined at some time, if this suit is to go on at all; and, as the issues are now to be altered, it may be a matter for consideration whether you should not broadly raise the inquiry, what the condition of her mind was at her confine-

ment. If in a disordered state of mind, then at what time she ceased to be so; if not then in a disordered state of mind, at what time she became affected.

Dr. Deane: I think that such a course would be extremely unfair to the respondent, for if the jury find that she was of sound mind at the date of her confinement, and when she made certain confessions, these confessions might be taken against her in the main suit. There is also this great objection to it. It is now admitted that Lady Mordaunt could give no explanation. One word from her might clear up the whole matter, but she is not now in a position to pronounce it.

Lord Penzance: I do not desire you to come to an immediate decision on the question. I simply suggest it for consideration.

Dr. Deane then addressed himself to the admission made by Mr. Serjeant Ballantine as to the present state of the respondent's mind, and complained that, though the other side had had ample opportunity of ascertaining it, the admission had been delayed to the last moment.

Lord Penzance: You have so far succeeded, though it may be a source of regret to you that the enemy has not fought longer, that you might have slaughtered him. (Laughter).

Dr. Deane: I should like to have slaughtered a good many of the persons who have been about the lady of late. (Laughter.) I accept the victory, however. But I did expect, and—I won't say what I do expect. (Laughter).

Permission having been given,

Sir Charles Mordaunt was re-called and re-examined by Mr. Serjeant Ballantine: Did you mention the name of Captain Farquhar to your wife?—I did.

Did you mention it to her in relation to her guilt?—I did.

Did she give any answer?—She gave no answer.

Did you repeat the question?—I did.

Did you obtain an answer?—I did not obtain any direct answer.

Lord Penzance: What answer did you obtain? I obtained no answer; but I drew my conclusion. She said nothing; but appeared to me so conscience stricken that I drew my conclusion.

Dr. Deane: In her first confession did she mention any other names besides those of the Prince of Wales, Lord Cole, and Sir Frederick Johnstone?—No.

And it was you who mentioned the name of Captain Farquhar?—Yes.

Jessie Clarke, examined by Mr. Inderwick: I was lady's maid to Lady Mordaunt from the time of her marriage until she Walton Hall. I had previously been in the service of Lady Moncreiffe. Captain Farquhar visited at Walton Hall.

Did you notice anything between him and Lady Mordaunt?—I did.

The day before he went away, on the occasion of his visit in the autumn of 1867, did you notice anything which excited your suspicion?—I did.

Lord Penzance: We are now going into the question of adultery with Capt. Farquhar. Is not that so?

Mr. Serjeant Ballantine?—Yes.

Lord Penzance: In that case I have some doubt whether we are not exceeding the limits of our inquiry. The mode in which this species of evidence becomes admissible is this. Lady Mordaunt is supposed to have made certain confessions. We are now inquiring into her condition of mind at the time she made those statements, and it is proposed to show what that condition was by showing that the statements were well founded. But she has made no statement about Captain Farquhar that I am aware of.

Mr. Serjeant Ballantine: We are certainly not in a condition to give any confessions made in relation to him; but the question is whether, from her de-

meanour when his name was mentioned, sufficient may be implied to justify this evidence.

Dr. Deane: That is assuming her sanity at the time his name was mentioned. My difficulty in relation to this evidence is the letter from the Palace Hotel and the hotel bill, and I must therefore hold my hand in the matter.

His Lordship allowed the evidence to be received, and the examination of the witness was accordingly continued by Mr. Inderwick.

Did you observe those marks in October, 1867?—I did. Captain Farquhar left the next day. He returned on the following Friday.

Did you accompany her ladyship to town in November, 1867?—I did. We left on the 7th and stayed at the Palace Hotel, and came back on Saturday, the 9th. We arrived at the Hotel about five in o'clock in the afternoon. I saw Captain Farquhar on the landing about half-past ten, but I did not see him either come to or leave the hotel. Lady Mordaunt went to bed about a quarter to eleven o'clock. I called her the next morning about half-past ten o'clock.

Did you notice anything in her room?—I noticed that the room was differently arranged from what I had left it the night before. The books were removed, but I can't say there was anything that struck me as suspicious. Lady Mordaunt went out in the evening about half-past six o'clock. I do not know what time she returned, as she told me not to wait up for her. I went to bed about half-past ten o'clock. On returning to Walton Lady Mordaunt was taken suddenly ill during the night, and was confined to her room for about a week. In arranging her toilet table the day after she was able to leave her bedroom for her sitting-room I found a letter.

To whom was it addressed?—It was not under cover—it was not in an envelope.

Where was it?—Under a pincushion on the table.

Did you read the letter?—I did.

Was it signed?

Lord Penzance: You cannot ask that question at present. Is the letter in existence?

Mr. Inderwick: We have given notice to the other side to produce it—a letter dated Nov. 9, 1867, written by Captain Farquhar to Lady Mordaunt.

Dr. Deane: We know nothing about it.

Lord Penzance: You say you read the letter. What, then, did you do with it?—Witness: I returned it to the place where I found it.

Did you ever see it again?—Yes; I took and showed it to the butler—it may be on the following Monday.

What did you then do with it?—I put it under the pincushion again.

Did you ever see it again?—No.

Did you ever look to see if it remained where you had found it?—I saw her ladyship take it and put it in the fire.

Lord Penzance (to Mr. Inderwick): You are now in a position to ask the question.

Mr. Inderwick: Give the contents of the letter as near as you can remember.—It was dated "The Tower, Saturday," and addressed Lady Mordaunt as "darling" and then went on, "I arrived here this morning about a quarter to nine o'clock, very tired and sleepy, as you may suppose." It went on to say that the writer had seen the *Morning Post*, and found his name entered among the arrivals at the Palace Hotel—Farmer, instead of Farquhar; and then continued, "So it is all right, darling. I was afraid Charlie would be suspicious if he saw my name in the arrivals at the hotel with you." It went on to say something about "carving tools," and was signed "Yours, Arthur."

When did you see her ladyship destroy the letter?—I cannot recollect.

Did she say anything?—She seemed surprised, and said she thought there were no letters about.

And upon that she put the letter in the fire?—She did. Captain Farquhar came to Walton again in January, 1868, and stayed two or three weeks. He and Lady Mordaunt were again very much together. He came again in September, 1868. I also saw him enter her room on the occasion, and place flowers on the toilet table. It was about seven o'clock in the evening. Lady Mordaunt was not in the room at the time. I was in London with the family during the season of 1867 and 1868.

During that time did his Royal Highness the Prince of Wales visit at the house?—He did.

Did he come frequently in the season of 1867?—Two or three times only.

Did he come more frequently in the season of 1868?—Yes.

On those occasions, in what room was his Royal Highness received?—In the drawing-room.

Who was with him?—No one.

Taking the season of 1868, what time did his Royal Highness usually call?—About four o'clock in the afternoon.

How long did he stay?—An hour, an hour and a half—sometimes two hours.

Was her ladyship always at home on those occasions?—Always.

Did his Royal Highness see her?—Yes.

Was there anybody else in the drawing-room except his Royal Highness and Lady Mordaunt?—No.

And on those occasions was Sir Charles Mordaunt at home?—No; Sir Charles was not at home.

So far as you know, was he at home in 1868, when his Royal Highness called?—I don't remember in 1868; but in 1867 Sir Charles was at home on one occasion.

Lord Penzance: Sir Charles has himself told us that he saw his Royal Highness on one occasion in 1868, three weeks, I think, before he went to Norway.

Mr. Inderwick: How often, in the course of the week, would his Royal Highness call?—About once a week.

Were you in attendance on Lady Mordaunt when she was on a visit with Lady Kinnoul, in Belgrave-square, in March, 1868?—I was.

Did his Royal Highness call on Lady Mordaunt while at Lady Kinnoul's?—He did.

Where was Sir Charles then?—At Walton.

On what day did this visit take place?—It was on a Sunday. His Royal Highness saw her ladyship in the drawing-room.

Was there any one else there?—I was not in the house at the time.

Did you see his Royal Highness in the house?—I saw him come out as I was returning.

Are you acquainted with his Royal Highnesses handwriting?—Yes, I have seen it.

How do you know it?—Lady Mordaunt showed me a letter of his before she was married.

Have you delivered to her any letters in the handwriting of his Royal Highness?—I have delivered to her letters in the same handwriting as this.

How many?—I can't say.

During the year 1868?—I delivered several, but I can't say the number.

Can you give us any idea?—Six or seven.

Did you see any letters from Lady Mordaunt to his Royal Highness?—Yes. During 1868?—Yes. I gave them to Johnson, the footman, to post. How many were there?—About four.

During the season of 1868 was Lord Cole in the habit of calling?—Yes. He came in the afternoon; more frequently when Sir Charles was out than when he was at home. I cannot say how long he stayed. Sir Charles left for Norway on the 15th June, 1868. We did not go down to Walton until July 7, and in the interval Lord Cole called, but I cannot say whether more frequently than before. I remember an occasion (27th June) when Lord Cole dined at the house with Lady Mordaunt and another lady and gentleman. I do not know who they were.

Do you know what time they left, or when Lady Mordaunt went to bed?—I do not. I went to bed about half-past twelve o'clock. She had not then gone to bed, and her orders were that I should never sit up for her after twelve o'clock. That was on June 27. Her ladyship had an almanack like that produced. On the 7th July, when we started for Walton by the 3.50 train, Lord Cole was at the station. Lord Cole took the tickets. He gave me a ticket, and he then handed Lady Mordaunt into a first-class carriage. He stood by the carriage until the train was about to start, and then got in. I saw Lord Cole on the platform at Reading as the train moved off. On Friday, the 10th, the other servants came to Walton. Lord Cole came the same day, and remained to the 14th. Sir Charles came home next day. I know Sir Frederick Johnstone as a visitor at Walton. In December, 1868, I was staying at the Alexandra Hotel, Knightsbridge, with Lady Mordaunt. The Duke and Duchess of Athole were there. They left on the 8th. I saw Sir Frederick Johnstone there on the Wednesday, in Lady Mordaunt's sitting-room. He left her ladyship's sitting-room about twelve or after twelve on that night. I was at Walton at the time her ladyship was confined and I saw her down to the time she left Walton on the 15th of May. I did not see much of her until the nurse left on the 27th of March. I saw Dr. Jones and Mr. Orford there after the nurse left. I found a letter in a pocket of her ladyship's dress—a dress which she had recently been wearing. I found it soon after the 10th of April. [Letter put in without being read.] On the 25th of April I noticed in the newspaper the death of the Countess of Bradford. I took the paper to Lady Mordaunt. She said, "Poor thing! We will require to go into mourning." In consequence of the death of Lady Bradford I provided mourning for Lady Mordaunt. She said, as she would not be going about much, two dresses would be enough for her. She selected proper mourning jewellery and wore it. On the 6th of May I saw Mrs. Forbes and Lady Mordaunt together. Mrs. Forbes said she was poorly, and asked for some soda and brandy. When it was brought Lady Mordaunt laughed and said, "Ellen, if you drink all that I am sure you will be tipsy." On another day, about that time, Mrs. Cadogan called and talked with Lady Mordaunt. Another time, when we were talking about a dress which Lady Kinnoul had been wearing, Lady Mordaunt said, "What a larkly old thing she is!" During the whole of this time the newspapers were supplied to Lady Mordaunt, and she appeared to read them. I remember Lady Mordaunt leaving on the 15th of May. I had been in constant attendance upon her up to that time. I had not during the whole of that time seen anything to indicate she was of unsound mind. She seemed perfectly rational, and seemed to understand all that was said.

Dr. Deane: When was it you first mentioned Captain Farquhar to anybody?—I spoke of him to the butler in the autumn of 1867.

When did you first mention it?—Well, it was the subject of conversation often.

With whom?—With the housekeeper and butler—Mrs. Cabon and Mr. Bird. I did not mention it to any one except Lady Moncreiffe, until I mentioned it to Sir Charles Mordaunt's lawyer. Mr. Haines asked me about it in the third or fourth week in March, and I then told Mr. Haines all the particulars about Captain Farquhar, Lord Cole, and the Prince of Wales. I did not then speak of the letter, because I did not wish to expose Lady Mordaunt more than I could help. That was really my motive for keeping the letter back. I mentioned all about Captain Farquhar. My motive for keeping the letter was not to expose Lady Mordaunt. The other circumstances I mentioned to Mr. Haines were not to save Lady Mordaunt, but to expose her.

Dr. Deane: How came you to tell Mr. Haines more in October than in March?—Witness: Because the butler induced me to do so. (Laughter.)

You told Mr. Haines everything about the Prince of Wales?—As far as I knew.

Who stayed in the house besides Lord Cole from the 10th July, 1868, to the 14th?—Mr. George Forbes and Miss Louisa Scott.

Was there not a sister of Lady Mordaunt?—Witness (emphatically): No.

You swear that?—I do. I did not see Mr. and Mrs. Cadogan there during those four days. It was the 30th of December when I saw Sir Frederick Johnstone at the Alexandra Hotel. I did not tell Sir Charles that I had seen Lady Mordaunt destroy the letter. He did not ask me what she did with it. I do not think I have ever mentioned before to-day that I had seen that letter destroyed by Lady Mordaunt. I believe I told Mr. Haines that I did not see the letter again after I had put it under the box.

Lord Penzance (sharply): Did you tell the lawyer you had not seen any letter?—Yes.

Then that was not true?—No.

It was false?—Yes.

Cross-examination continued: From the second week in March to the time she left home Lady Mordaunt seemed sad, and to have a great weight on her mind. She took the child, but did not seem to care for it. The second or third day after her confinement Lady Mordaunt asked me who the child was like. I said it was like herself. She seemed pleased. As far as I could see, she was always of sound mind. She never appeared to me to be pretending to be of unsound mind. I was never or seldom with her when anyone else was there. When I said in my affidavit she assumed silence, I mean she was very silent the last time I was dressing her. I said it was of no use her trying to deceive me. She said, "Well, you know, Clarke, it is very hard to know what to do." On another occasion, Dr. Tuke went down on one knee before her and said, "My dear lady, you do not wish to be sent to a lunatic asylum, do you?" Lady Mordaunt has not asked my permission to do anything. I will not swear that I think I have obeyed all her orders since her confinement. I do not recollect saying that she had ordered me to do anything unreasonable. I have talked over these matters with Mrs. Cabon, and I will not swear that I have not said Lady Mordaunt gave unreasonable orders. I never saw Lady Mordaunt sitting on boxes. She went out once in the rain with Lady Moncreiffe. On the day she left she gave me the order to pack up her things.

To Lord Penzance: She did not tell me where she was going to, or how long she was likely to be away. On previous occasions she has done so. On this occasion she did not.

To Dr. Deane: She did not say she was coming back.

Re-examined: I told Lady Moncreiffe about all except the letter. I had heard from Lady Mordaunt that Captain Farquhar's regiment was stationed at the Tower. Lady Louisa was very much with Lady Mordaunt. She used to

remain with her on an evening. I have had frequent conversations with Lady Louisa. When Lady Mordaunt was going away, after I had selected the things, she came up and saw them, and said they were right. I had heard that Lady Mordaunt was going away permanently, and did not think it necessary to ask her.

To Lord Penzance: I did not think that she was pretending to be of unsound mind when she was silent. I really cannot say.

The evidence of Mr. Haines, of Leamington, private solicitor to Sir Charles Mordaunt, which was taken by commission, the witness being too ill to attend in court, was then read. It stated that he served the petitioner's citation in a suit on Lady Mordaunt at Walton Hall, on the 30th April, 1869; that she looked very pitiful, and was silent throughout the interview, but that she apparently understood what was said to her.

Henry Bird was then called, and examined by Mr. Inderwick: I am butler to Sir Charles Mordaunt, I was also butler to his father, and have been in the service of the family for nearly twenty-nine or thirty years. In the autumn of 1867 I accompanied Sir Charles and Lady Mordaunt to Scotland. Captain Farquhar was visiting at the same houses. I noticed great intimacy between Lady Mordaunt and Captain Farquhar. I noticed, when at Walton, that he was very often in her private sitting-room. Sir Charles was generally out shooting at those times. I remember her ladyship going with her maid, Jessie Clarke, to London, in Nov., 1868.

On their return to Walton, did Jessie Clarke make any communication to you?—She did.

Did she on any occasion about that time show you a letter?—Yes; about ten days after their return from London.

Are you acquainted with Captain Farquhar's handwriting?—I am.

In whose writing was it?—In Captain Farquhar's.

Did you read the letter?—I did. [The witness gave the substance of the letter as stated by Jessie Clarke, and added that it also contained a reference to the persons whom they had seen at the play.] Jessie Clarke told me something before I saw the letter about Captain Farquhar having been at the hotel. I then got two copies of the *Morning Post*—one of the 7th and one of the 9th November—and kept them.

[The papers were put in. The names of Lady Mordaunt and "Capt. Farmer" were published as among the arrivals at the hotel on the 7th.]

Examination continued: In January, 1868, Captain Farquhar came to Walton again, and stayed about ten days. Many people were in the house at the time, and I did not notice so much as I did before. On one occasion, on going into the billiard-room, I found them standing together near the table. They seemed to have been close together, and appeared startled when I entered. I was in London with the family during the seasons of 1867 and 1868.

Did his Royal Highness the Prince of Wales call at the house during those times?—He did.

How often?—He called more frequently in 1868 than in 1867. In 1868 in one week I remember he called twice.

About what time in the day?—In the afternoon, towards four o'clock.

How long used he to stay?—He used to stay an hour or two.

Was Sir Charles at home on those occasions?—No; he was either at the House of Commons or pigeon shooting.

Did you receive instructions from Lady Mordaunt in relation to his Royal Highness's visits?—I did.

What were they?—That no one else was to be admitted after his Royal Highness came.

Were those instructions followed?—Yes.

After Sir Charles left for Norway did his Royal Highness lunch at the house on one occasion?—He did. I am not sure whether it was in the same or the following week.

Did the party consist of his Royal Highness, Lady Mordaunt, and another lady and gentleman?—Yes.

Did they all go away together?—No; the lady and gentleman went away, and the Prince of Wales stayed.

Was his Royal Highness alone with Lady Mordaunt?—Yes.

About how long?—A quarter of an hour or twenty minutes.

During the season of 1868 was Lord Cole a visitor at the house?—Yes. He used to come three times a week, and sometimes oftener. He came more frequently after Sir Charles went to Norway. I remember his dining with Lady Mordaunt after Sir Charles left for fishing.

Who dined with them?—I am not sure whether there were two ladies, or one lady and gentleman. They went away about eleven o'clock, except Lord Cole.

What was the date of that?—The 27th June. Lord Cole left about a quarter to one o'clock. We went down to Walton on Friday, the 10th July. Lord Cole arrived the same evening, and remained until the day before Sir Charles came home. I have seen Sir Frederick Johnstone at Walton. He was there towards the end of 1868—in November. He and Lady Mordaunt were very much together, and he was often alone with her in her boudoir. They would be together for an hour or longer. I was at Walton when Lady Mordaunt was confined. I had conversations with her after her confinement, and she appeared to talk rationally. I saw her at Worthing on the 20th August. I was with her for about seven minutes, and reference being made to the death of Arthur Smith, she said how sorry Mr. Smith would be, he being an only son. She spoke rationally, and seemed to understand what was said.

Cross-examined by Mr. Archibald: I have been also with Lady Mordaunt at Bickley for six weeks. I found her more absent. She conversed at times, but not so much as previous to her confinement. She was in the habit of wandering about the house. She once came into my bed-room in her night-dress. I was writing at the table at the time.

Did you think her in her right mind when she did that?—Well, I asked her the next morning if she recollected where she came to, and she said she did, and that it was a mistake.

Lord Penzance: Give us the date of this occurrence.—I cannot recollect the date—it might be about the 10th September.

Mr. Archibald: What was your opinion as to her previous state of mind?—I had my doubts.

Did you think she was shamming?—Sometimes I did, I did not see her commit the acts of indecency mentioned by the other witnesses. I told Mr. Haines about the letter Jessie Clarke showed me before I went to Scotland. I told Mr. Haines about the papers a fortnight or three weeks before we went to Scotland. I first told him of the letter in May when we were in Scotland. I did not tell him about the letter at first because Clarke tried so hard to prevent me, as it would prejudice her in getting another place. She told me she had found the letter in the bed-room on the table. I mentioned the letter in Scotland, because from the turn affairs had taken I thought it right to be mentioned. There was no visiting book kept in London. At the luncheon

party in London there were present his Royal Highness the Prince of Wales, Lady Mordaunt and her sister, and Mr. Montague.

Re-examined: Clarke's unwillingness was caused by her fear that the reading of the letter might prevent her getting another place. When Lady Mordaunt came into my room, it was ten o'clock at night. I said, "My lady it is time you were in bed." She laughed, and her maid took her away. Next morning she said it was a mistake. At times I thought she was shamming; at times otherwise. I could not make up my mind either way.

Alfred Brett, examined by Dr. Spinks: I was porter at the Palace Hotel, Buckingham-gate. Lady Mordaunt arrived there on the 7th November. The entry of her coming was made by the hall porter. I entered the arrival of Captain Farquhar as Captain Farmer, and on finding out that it was a mistake I scratched it out, and put Farquhar. I did that on the evening of the same day.

Cross examined: Noticed the name on the portmanteau. Did not make the alteration immediately. Made an affidavit on this matter on the 14th of June. Had said then that it was on or about the 7th that he made the alteration. Had said that he had heard the name. Might have heard it and seen it as well.

George Jeffreys: I keep a book at the Palace Hotel, Buckingham-gate, showing the departure of guests. The entry of the departure of Mr. Farquhar on November 10, is in my handwriting. We do not book people as gone until their luggage is taken out of their room. There is nothing in the entry to show where he slept the night before.

Frederick Johnson: I was footman to Sir Charles Mordaunt from May, 1867, to 1868. Captain Farquhar frequently visited there. In the autumn of 1867 a note came from Mrs. Cadogan to Walton Hall, and I had to take it to Lady Mordaunt's boudoir. Captain Farquhar was there. They had carving tools between them. Lady Mordaunt said I ought not to have gone in without knocking. She had never told me that before. I was with Lady Mordaunt at the Countess Kinnoul's in 1868. Lady Mordaunt went one night to the Alhambra in a hired brougham. Lady Kinnoul went in her own brougham. I saw Captain Farquhar there. Lady Mordaunt left when it was over. Captain Farquhar left with her. We put him down in St. James's-street. I have posted letters from Lady Mordaunt to Captain Farquhar. I do not remember the address. I remember delivering one letter from Lady Mordaunt to Captain Farquhar. I was with Sir Charles and his family in London a few days in the season of 1868. When I was there in 1867, I saw the Prince of Wales there on one occasion. I remember his Royal Highness calling on Lady Mordaunt at Lady Kinnoul's. He came at five and left ten minutes before seven. I have taken letters from Lady Mordaunt to the Prince of Wales—some to Marlborough House, some I posted.

Cross-examined: Told all this to Mr. Haines. Returned on the box of the brougham from the Alhambra, and put down Captain Farquhar in St. James's-street. When the Prince of Wales called at Lady Kinnoul's I saw him. I did not hear whom he asked for. Lady Mordaunt had been ill, but I think she was better. See had been confined to her room. I do not know whether she was out of her room.

To Serjeant Ballantine: I am quite positive I took two letters to Marlborough House—perhaps three. I posted three.

Serjeant Ballantine: In how many days?—Witness: Three days.

Lord Penzance here requested witness to hand over a memorandum from which he was reading, and finding from the witness that it had been written on the previous day, and not at the time of the occurrences noted, his lordship

requested him to proceed without it, and asked him to state from the best of his recollection when this was.—Witness: In 1868.

Serjeant Ballantine: Except at the time you were in Belgrave-square did you take any letter to the Prince?—I think I did. I am not sure.

With regard to the greater portion of the letters, are you sure they were taken while you were in Belgrave-square, and Lady Mordaunt was there?—I am quite sure.

Had any of those been given to you in the presence of Lady Kinnoul?—Lady Mordaunt's maid sometimes gave them to me, and sometimes her ladyship.

Was Lady Kinnoul or any one there?—No.

Lord Penzance: Was there any secrecy about her manner?—I do not think there was.

Serjeant Ballantine: His Royal Highness has been written to, and he says he has no letters. Therefore I will not call for them. The solicitor to the Prince of Wales is really in this position, and I should have called upon him to produce them, but he says he has not got them.

Mrs. Cabon: I am the housekeeper at Walton Hall, and I saw Lady Mordaunt on different occasions from the time of her confinement to the time she left Walton. About three days before she left her ladyship sent for me into her boudoir, and gave me a cheque and asked me to get it cashed. I read the cheque. I had some conversation with Lady Mordaunt about it. She asked me to lend her some money. I offered her £15 in notes and five in sovereigns. She did not seem to like the notes, so I took the money back. She said she would wait till Saturday, when the cheque could be cashed. On that day I found a cheque in an envelope in my room. I gave it to Mr. Oliver Mordaunt. The paper produced (counterfoil) is in Lady Mordaunt's handwriting.

Mr. Inderwick put the book in, showing the date of the last counterfoil to be immediately before the confinement.

Witness continued: To the best of my belief those are Lady Mordaunt's figures. Before Lady Mordaunt left on the 15th, she sent for me to ask about a wrapper or a railway rug. She had the newspapers daily, but did not seem to read them. I have no reason to suppose, up to the time she left Walton, on the 15th, that she was not of sound mind.

Cross-examined by Dr. Deane: I saw her at Bickley yesterday. She was in a very absent state of mind—I should say of unsound mind. I have been with her since the 18th August, with the exception of two days.

When did her mind become weak?—Within the last three months.

Was it at all weakened before the last three months?—I cannot say that I thought so. Mrs. Murray was at Bickley on the 16th or 17th September.

Was not Lady Mordaunt's mind weakened then?—I cannot say that I observed it as much then as since.

Did you observe it at all then?—Yes. [The witness was then questioned as to the several cheques, and it appeared that on all occasions she mentioned the amount for which they were drawn to Lady Mordaunt.] I recollect the doctors asking me to give them information about Lady Mordaunt's state. I refused. I thought Lady Mordaunt was changed when I saw her at Bickley from what she was at Walton. She is now in excellent health.

Re-examined: I thought Lady Mordaunt's mind began to fail after she came to Bickley. She could, however, give me rational answers. She has been failing for the last three months. She desired to go to London. On the morning of the 20th of November she wanted to go to Walton. I thought her mind weakened. In the early part of her stay at Bickley she never mentioned the name of her husband, or those names that have been mentioned.

General Arbuthnot: On the 28th of October, 1869, I called upon Mrs.

Murray at Chester-square. There are two doors in the sitting room, and as I went in young Lady Mordaunt came in. She evidently knew me, though I did not then know her. I said I had come up to London, and was going out of town again. She said she had come up, and was going back. She said she had enjoyed herself very much, and had been at Baker-street Bazaar. We talked ten minutes or a quarter of an hour. She was very agreeable, and altogether pleasing in her manners, and perfectly sensible as to what passed between us. Mrs. Murray was in the room most of the time, but not all. Mrs. Murray is my daughter. After a time I was asked to stay to luncheon. I declined, and as I was going I heard Lady Mordaunt say, "Why didn't you introduce me to General Arbuthnot?" I turned, and made a low bow. There was nothing to indicate unsoundness of mind in Lady Mordaunt.

Cross-examined: Was sure this was the 28th of October, Lady Mordaunt said she had had a long walk, and had been to Baker-street Bazaar.

Dr. Deane: No silence; no hesitation? —Witness: During the time I was in the room there was no silence. (Laughter.)

Had you the greater part of the conversation, or she?—Oh, generally, when I talk to a lady, I like to hear her reply. (Laughter.) I have since said that I did not think her in the slightest degree insane.

Dr. Deane: And it is to that we owe your coming here?—Witness replied by a low bow.

Mr. Solomon: I am an oculist practising at Birmingham, and have had twenty years' experience in the Birmingham Midland Eye Hospital. I was called in to see Lady Mordaunt's child on the Saturday after her confinement. I found it labouring under ophthalmia. There were no appearances which were diagnostic of specific or non-specific disease.

To the Judge: I advised astringent applications, and recommended that a wet-nurse should be engaged.

In reply to Lord Penzance,

Serjeant Ballantine said he had still to call Mr. Orford and Mr. or Mrs. Murray, or both, and this would conclude the evidence.



FIFTH DAY.

Mrs. Herbert Murray was called and examined by Mr. Inderwick—I am the wife of Mr. Herbert Murray.

Are you a relation to the Moncreiffe family?—No; but my husband is.

Are you connected with the Mordaunt family?—My husband is.

On the 17th September last did you go to Bickley to see Lady Mordaunt?—I did.

Did you stay there until the 25th September?—Yes.

You lived in the house with her during that time?—I did.

Did you dine with her?—I did, every day, and spent most of my time with her.

Will you repeat any conversation which you had with her?—Will you suggest any.

Lord Penzance: He cannot do that. You must endeavour to recollect yourself.

Mr. Inderwicke: Do you remember going with her to the Crystal Palace on the 21st September?—Yes.

Do you remember having a conversation with her after your return?—Yes; but it was not on that day, but the day after.

Will you give us that conversation?—I said to her, “I hope you are coming to London next year. I fear it will be very dull for you here, and I can see more of you in London.” She said, “I hope I shall; but baby must come too.” I said, “Was not Mrs. Cadogan a great friend of yours?” She said she did not see what right people had to talk about her.” I said, “Nobody is to blame but yourself.” She then said, “What business has Charley to go gabbling about me with other ladies? Do you call yourself a lady?” I said, “I hope so.” She then said, “But what do you come ferreting here for.” I said, I did not come to ferret. She then said, “Do not marry your daughter to a man she does not care for.” I said, “Didn’t you care for Charley?” She replied, “I did not when I married him, but I did afterwards.” I said, “If you did, what could make you do such foolish things? Surely you could not have cared for all these men.”

Lord Penzance; What did she say?—She said, “No; I did not.”

Nothing more?—Nothing more.

Mr. Inderwick: Did you say anything about your being ready to be her friend?—Yes.

Tell us what you said? I told her that I had come to stay with her, and that I would be her friend as far as I could.

What did she say to that?—She said, “I know I have been very wicked but I did not know it at the time.”

Do you remember an another occasion having a conversation with her in regard to a divorce case that had come before the public?—I do.

What did she say?—I said I had no patience with men, and she added, “Yes, we have to bear all the ignominy.” These conversations were during my first visit.

You had numerous conversations with her, and in those conversations did she speak rationally?—Perfectly.

Lord Penzance: You never saw anything wrong about her on these conversations?—Never, except that she would not answer as quickly as I would.

Mr. Inderwick: But when she answered did she answer rationally?—Yes.

Do you remember her coming to your house in Chester-square with her maid Barker on the 28th of October?—Yes; she arrived a little before eleven o'clock.

What conversation did you have with her?—I asked her why she came in a cab and not in her carriage, as I expected she would. She said nothing; but her maid gave me the reason in her presence. I then said to her, "You had better take off your things; you know your own way in the house." She went upstairs with her maid and took off her things. My husband came in shortly afterwards; and she then went out to walk with him. Mr. John Fiennes is her uncle. He married the sister of Lady Louisa Moncreiffe.

Had General Arbuthnott arrived at the house before they came back from their walk?—I should think he had.

Were you present in the room with Lady Mordaunt and General Arbuthnott?—I was in and out of the room.

Did you hear the conversation between them?—I heard them talking.

You did not hear what their conversation was?—No. While they were talking Mr. Fiennes came into the room. General Arbuthnott was in the room about a quarter of an hour, and when he was leaving the room, and I told her he was my father, she asked me why I did not mention his name. After luncheon she went out to walk with Mr. Fiennes.

How long was she out with Mr. Fiennes?—One or two hours. She went home by train.

During the whole of the day did she appear perfectly sane, and understand what she was doing?—Perfectly. I did not see her again until the 23rd of November.

Did you notice any change in her on the 23rd of November?—Not so much then as later on.

Cross-examined by Dr. Deane: Did anybody go with you to the Crystal Palace?—Bird, the butler.

How long were you at the Crystal Palace?—Two or three hours.

Did she behave rationally while there?—Yes, in every respect but one.

What was that?—She wished to sit down on the weighing chair. I said she had better not, and she then sat down in the garden on the ground.

Did you speak to her about it?—I did, and she got up directly.

Lord Penzance: What was the date of that?—The Tuesday after the 17th September.

Are you sure it was on the 28th of October, and not the 17th of September that Lady Mordaunt came to your house, and saw General Arbuthnott?—I have not the very slightest doubt of it.

Is Mr. Fiennes here to-day?—I have not seen him.

Did Mr. Fiennes come home with her?—I do not know.

Has Mr. Fiennes made any communication to you with respect to the way in which Lady Mordaunt behaved on that day?—He did once.

Tell me whether you ever saw that letter (letter written from Bickley to Lady Louisa Moncreiffe)?—Never.

Have you ever seen a copy of it?—Never.

Was there a person of the name of Osborne at any time at Bickley?—I never heard of her.

Was this letter ever mentioned to you before to-day?—I knew nothing of it until I saw it in the papers two or three days ago.

Do you know Miss Parsons?—I do.

Was she at Bickley when you were there in September?—She came the day before I left.

Do you know when she left Bickley?—No. I saw Dr. Hughes and Mr. Orford at Bickley. They made a communication to me about Lady Mordaunt. The servants also made communications to me about Lady Mordaunt. Lady Mordaunt did not always answer my questions. I have seen her suddenly pause in her movements when walking. I have seen this at different times—constantly. I dined at Bickley once in company with Dr. Wood, Mr. Herbert Murray, and Lady Mordaunt. She began to help the soup. When she had helped one or two she stopped.

Dr. Deane: And could not go on?—Witness: She did not go on.

Dr. Deane: Did you think from the 17th of September to the 27th Lady Mordaunt was perfectly in her senses?—Witness: I did not think she was insane.

Dr. Deane: Did you think she was shamming?—Witness: I think she might have been to a certain degree; but her mind was not so capable as it would have been in perfect health. I judged that from her conversation.

What led you to think she was shamming?—Her manner was odd. Her acts were always sensible.

Lord Penzance: Do you call sitting on the ground sensible?—Witness: When you are tired, and no seat is near. There was no seat near but the weighing chair.

By Dr. Deane: Her laugh was peculiar—different from that of other people. She would burst into laughter at inappropriate times.

By Serjeant Ballantine: Suppose there had been no question of sanity or insanity.—Witness: I should have thought she was hysterical with those fits of laughter. At the time we dined with Dr. Wood she did not know he was coming.

How had she been in the morning?—Perfectly sensible.

Was there any alteration when he came?—Yes.

What alteration?—Well, I was reading a book of Lord Desart's. She appeared interested in one or two passages, and she laughed. She and I both laughed. She had work in her hand, but was not working. She got up to get some more wool. Then Dr. Wood and Mr. Hughes came in, and she would hardly answer a question.

And you say that, up to that time, she had answered perfectly?—Yes.

Mr. Herbert Murray: I went to Bickley on the last Saturday in September. I got there about half-past six in the evening. I saw Lady Mordaunt on the doorstep, and took a walk in the garden with her. I began by saying, "I suppose you have two ladies here?" She said, "Yes; what news have you from London?" I said, "No news, except that Scotch lawyer who had cut his throat." She said, "And a good thing too. There are too many lawyers in the world. (Laughter.) Charlie has turned lawyer lately, and he has not done himself much good." She turned the conversation, and asked if there were any good plays going on. I said I did not know, as I seldom went. She reminded me of finding her and her sisters playing at croquet once. She asked me if I had got any old servants. I said "No, I had not." She said, "Were they not troublesome? Cobb will not let me do as I like." I asked her who was coming when Mrs. Murray went away. She said Mrs. Forbes, who she believed was in London. I saw her again on Sunday, and drove with her to church. When we got there she said she would rather not go in. We drove away. In the afternoon I walked out with her, and as we were passing a church we went into the church at the fag end of the service, I had a con-

versation with her after that. She talked of going back to Walton. I said "You know perfectly well you cannot do so?" She said, "Why does not Charlie come and tell me so?" I said, "He has already done so by letter." I spoke to her about it. She said, "What shall I do?" I said I could not give her advice, as she would suspect me, because I was Charley's uncle. I said, "You do suspect me a little, don't you?" She said, laughing, "Yes, I do." I told her she had better write to Mr. Fiennes, her own uncle. She thanked me for that, and said she would. She said she had never had any advice given her before that. I think I proposed Mr. Fiennes should come to see her. There was an objection to his coming there, and I said she could see him at my house. After this conversation we went into the house, and I left her with Dr. Wood. I dined with her and Dr. Wood. I noticed that, when he asked her how many brothers she had, she did not answer. I was surprised at that, after the conversations she had had with me. She noticed the conversation of others, and when stories were told, she laughed in the right place. I went with her to the Crystal Palace. She said Blondin was not so good as at the Alhambra, because the rope was so low. She liked the velocipedes. I spoke to her about looping up her dress. We went through the china and glass courts. She liked them. This was not the visit when Mrs. Murray was with her. Riding home, she had the toothache, was eating sugar-plums, and was very silent. I spoke to her about that, and said she had a fit of the "blues." I was there when Miss Parsons arrived.

Dr. Spinks: Did you notice any change in her manner when Miss Parsons arrived?—Witness: Yes.

By Lord Penzance: Miss Parsons was sent down to see her.

To Dr. Spinks: I had been talking to her, but when Miss Parsons came she would not say a word, but she turned round and went away. At dinner she was watching Miss Parsons. I played a rubber with her. I do not think it was finished. I suggested she should come up to London to a dentist. She was undecided. We tossed, and I lost. She was not to go; but she decided to go, and she came and had the tooth stopped. We walked along Conduit-street and another street. She noticed a pretty dress in a window. She said it was not the same dress as she had seen there a fortnight before. I thought it was, but she was right. It had larger spots. I returned with her to Bickley. During the whole time I was there, her answers were quite rational. I saw her on the 27th of October, and arranged with her to come the following day to see Mr. Fiennes. I saw her at my house on the 28th, and walked with her before luncheon. I saw her again on Sunday, November 21.

Cross-examined by Dr. Deane: On the 21st (Sunday), she was what I call bad-tempered. She was not in a good temper that day. She would not talk at first, but she got better as the walk went on—not so good as before. She used to be very good as a rule. On the previous Sunday she was as rational as I had ever known her in my life. I have not seen her since November. I have said she was rational as a rule. The exceptions were the delay in giving her answers. When I first saw her at Bickley, the only difference in her manner was that after I had been walking with her, and while we were going towards the house, she turned and shook hands with me without any apparent reason. She was not restless the day we drove to church. She has been restless since. The first day I observed it was on the 27th of October. She showed it by going in and out of the room. That was the first symptom I saw of any restlessness. I have spoken of her change of conduct before Miss Parsons and Dr. Wood. I have said she understood what was said, because people do not laugh at the right moment unless they do understand. When she laughed at wrong times, I thought it hysterical. I saw her laugh in that manner on

the first occasion when I saw her at Bickley. I have spoken to Dr. Wood about Lady Mordaunt. He and I have had conversations. I had a conversation with Dr. Wood on the day I had walked with her in the garden. I told Dr. Wood I had advised her to consult some of her friends. I did not tell Dr. Wood that I had failed to bring her to my views. The visit of Mr. Fiennes was the result of that conversation. Her answers were short; but I did not tell Dr. Wood that she could not keep up a sustained conversation.

Did you tell Dr. Wood she was not able to give instructions to her solicitors?—Witness: I do not remember saying that. I may have said so; and if Dr. Wood says so, I will not swear that I did not. Miss Parsons is related to Mr. Haines, Sir Charles Mordaunt's solicitor. I believe I was the means of sending her there. I know nothing about the letter. I did not know it existed till I heard it in court. I never heard of such a person as Mr. Osborne with Lady Mordaunt at Bickley. When Lady Mordaunt said Cobb would not let her do what she liked, it had something to do with the people at home. I think she meant Bird, the butler, and called him Cobb by mistake. I think she spoke with mental reserve. I think, for some reason of her own, she changed. She had begun by speaking of old servants. Bird was in the house, and I heard she had complained of him.

You believe she was shamming?—Witness: I will say so if you like.

Lord Penzance: It is not a question of if you like. Do you think so in your own mind?—Witness: Well, my lord, I think it was so.

By Dr. Deane: She never shammed with me after the first two days. The only time I had any doubts of her sanity was in coming down the hill at Chislehurst on the Sunday afternoon, when she seemed to answer with difficulty. I have talked to her about these fits of silence, and asked her if she understood what was said. She said, "Yes; but I was thinking, and could not answer." I do not think those fits of the "blues" were assumed; after the first two days certainly not. Mr. Fiennes has told me once of conversation he had with her.

Re-examined by Serjeant Ballantine: I had known the lady before her marriage, but had not seen her above two or three times. From what I saw of her at Bickley, she seemed very dull. There was no amusement there except driving about. She asked me several times to take her to London to the play. Bickley is in Kent, near Bromley, about ten miles from London, and is not a very lively place in September.

Florence Stevens, examined by Mr. Inderwick: I was cook at Walton. Before her confinement I was in the habit of taking orders from Lady Mordaunt with regard to luncheon and dinner. I saw her occasionally after her confinement, down to the time she left Walton.

Did you go to Bickley?—I went to Bickley on the 8th September and remained until the 17th September. While there I saw her every day and took her orders.

What used you to do?—I drew out the list for dinner on a slate, and submitted it to Lady Mordaunt. Sometimes she used to alter what I had put down, and sometimes assent to it.

When you arrived did she say anything?—I went into the room and she said, "Stevens how are you—are you quite well?" I said I was quite well, and asked how her ladyship was. She said she was getting on very nicely, and asked me about the people at Walton. I told her I had brought her some flowers from Walton. She said, "Yes; I have seen them. They are rather too much blown."

Were they too much blown?—They were.

Had you any conversations with her with regard to the dinner you had pre-

pared the day before?—Yes; she used to remark at different times about some things which she liked or disliked the day before.

Were her observations about these things sensible?—Very.

Did she say anything at any time about the kitchen?—Yes; she asked me if I found it convenient, and if it was not rather small. She also observed that she saw I was doing without a scullery-maid. Miss Moncreiffe, her sister, was on a visit with her, but left on the 11th. Bird accompanied her to the station. Barker, the maid, waited at dinner, and Lady Mordaunt asked where Bird was. I told her he had gone to the station with Miss Moncreiffe. She said, "Why has he gone and left me like this?" On the Sunday I had a rabbit down for dinner. She said, "I will not have that. I will have the game (two grouse sent on the Saturday); one for lunch and one for dinner." On another day we had wild duck. She asked me if it was Taylor, the gamekeeper, who sent it. I said no, Taylor had lost all his ducks. She laughed and said, "Oh, poor Taylor."

Do you remember the day before you left if she said anything about the child:—She said, "When baby comes I should like you to make some white soup, the same as you have made before for me. I shall have her (the baby) here." I had made white soup for her several times before, and she liked it very much. I left Bickley on the 17th September. The day before I left I told her I was going to Walton. She asked me when Mrs. Cabon was coming. I told her that evening I believed. She said, "She has not written to me at all. In fact, I never get letters now from any one," adding that she often thought the postman must be dead. Before I left she came into the room and asked me to make up my account. I told her that I had made it up, and had been paid by Bird. She made no remark.

From what you saw while at Bickley did you believe that she was of unsound mind?—No; she seemed to understand thoroughly what she was doing.

Cross-examined by Dr. Deane: Who sent you to Bickley?—Sir Charles Mordaunt. I was told I was to stay for a week or ten days, or longer.

Why did you go?—On account of Mrs. Cabon coming home to Walton.

Do you know Mrs. Cabon's handwriting?—Yes.

Dr. Deane then called for the copy which was taken of the letter of October 8.

(The copy was produced in court. The letter was called for, but could not be found.)

Mr. Serjeant Ballantine: In opening my case on that point, I erroneously stated that it was a woman of the name of Osborne who had copied the letter. If you will take it from me, the copy was in Miss Parson's handwriting.

Mr. Frederick James Orford, examined by Mr. Serjeant Ballantine: I am a member of the Royal College of Surgeons, and practice in the neighbourhood of Walton. I have been in practice for thirteen years. I knew Lady Mordaunt immediately after her marriage.

Did you ever attend her upon any occasion previously to her confinement?—I did.

For what?—I believe I attended her for a miscarriage on one occasion.

Was she a person of hysterical temperament?—Well, she may be, but I cannot say that I considered her so. Her confinement came on prematurely, and I was called in. I arrived on the 27th, about ten o'clock.

At that time were the labour-pains on?—I can hardly say they were, but there were symptoms of them.

Was she placed under chloroform?—The next afternoon—Sunday.

And she was ultimately delivered of a child?—Yes.

Did she suffer more than women usually do?—Rather less, I should say.

What you call a good confinement?—Yes.

The child was very small?—Yes.

Could you tell whether or not the child was full-grown?—It was a small child, but it may have been a full-period child or not.

Were the nails perfect?—I believe they were, but I did not examine them until afterwards.

How was she immediately after her confinement?—Well, I thought her very comfortable, taking her altogether. I saw her the following day, and continued to see her from day to day.

I suppose you know what puerperal fever and puerperal mania are?—I believe I do.

Have you met instances of them in your practice?—I have never met cases of puerperal mania, but of fever I have.

Had she any symptoms from the time you commenced attendance upon her until she left her bed, of puerperal fever?—Certainly not.

No symptoms of any kind?—None of any kind.

Had she any symptom whatever of any mania?—I should say certainly not.

Excluding matters that she stated in relation to particular men, and confining your attention entirely to the matters upon which she conversed with you, did she show any sign whatever of delusion?—None whatever.

To the end of your attendance?—None whatever.

Did she require any unusual amount of medicine, or anything of that sort?—Rather less than usual. I believe I ascertained the state of her pulse. There was no reason that I should pay particular attention to it, and I cannot say what its exact state was.

Was there any appearance of a hot head?—Not to my knowledge.

Were there any indications that you would find any case of fever?—Certainly not.

None of any kind?—Certainly.

Are you prepared to say that during all your attendance upon her she was not suffering from fever?—I am.

I believe you saw her twice every day?—I visited her every day up to the 18th March nearly twice a day. Her mother visited her a few days after her confinement, but I cannot say how long she remained. I should say about a week.

When she did leave was her daughter in a perfectly satisfactory state?—As regards her confinement and general state of health she was.

I suppose you had conversations about her with her mother?—Yes.

Lord Penzance: Were you attending her before her confinement?—I was. She would occasionally send for me to ask me a question about her pregnancy; but she did not go into details.

Mr. Serjeant Ballantine: How long after the birth was it that you noticed the state of the child's eyes?—On the Thursday. The child's eyes were very bad. I first applied simple remedies, and then called in another doctor; but the same remedies were continued all through, and succeeded in the end.

I believe the last time you saw her at Walton was on the 13th May—three days before she left?—Yes.

Was there anything the matter with her mind at that time?—I should say not in the slightest degree.

Did you ever see anything about her to indicate disease of the mind?—I did not.

Was it, and is it your opinion that during that time she was perfectly sane?—It was, and is.

Lord Penzance: From the time of her confinement up to the 18th March, was she in her right mind during the whole of that time?—She was.

Mr. Serjeant Ballantine: I believe you also saw her at Worthing?—I did; on the 10th July.

Had you any conversation with her at that time?—I had.

For how long?—I went into the room three times, and I was there each time five minutes; I should say on the second time I was there ten minutes.

So far as you could judge, was she rational at the time?—Yes.

Was there anything to indicate that her mind was wandering, or that she was not in the full possession of her senses?—Not at all.

I suppose the treatment for puerperal fever would be a very marked one indeed?—Decidedly.

What do you understand puerperal mania to be?

Lord Penzance: He has told us that he has no experience of it.

Mr. Sergeant Ballantine: But you have seen persons with mania from other causes?—Yes.

Was there any sign whatever of madness about her?—None whatever. I never saw anything the matter with her mind at all during the time I attended her.

Did you ever hear of her raving?—I did not.

Was she incoherent in her speech?—Well, she spoke in monosyllables; and if that be incoherent, she was. I did not consider her incoherent.

How did she then sleep?—She slept very well.

Are you clear about this?—I am. I was aware of the other doctors coming down to see her, but I did not meet them. I gave them no information.

—Cross examined by Dr. Deane: When did you last see Lady Mordaunt?—Last Thursday.

What state did you find her in?—In such a state as I consider her mind gone.

Lord Penzance: Incurably so?—No.

Had you seen her between the 13th July and this last occasion?—I had not. According to my judgment she was in her senses on the 10th July, when I saw her in company with Dr. Jones, Dr. Reynolds, and Dr. Burrows. There was nothing at all the matter with her mind.

You say you could not state the age of the child?—I could not.

Are there not in your profession generally received scientific data of the weight of a child at different periods?—I believe there are. I could not say from my own knowledge what the weight of this child was.

Three and a half pounds?—I understood so.

Is there any alteration of the pulse in puerperal mania?—I should say that there is. I say that from what I have read.

What made you call in Dr. Jones?—I did not like the responsibility of the case.

But you told us she was going on very well?—So I did.

Lord Penzance: What, then, was the responsibility?—I thought, my lord, that there was a great deal going on that would come out afterwards, and I should like to have somebody at my back. (Laughter.)

You mean in reference to her health—Oh, no.

Dr. Deane: When did you call in Dr. Jones?—On the Tuesday week—I beg pardon, on Wednesday, the 18th.

When did you say to Sir Charles Mordaunt that you should like to have him—I believe it was on the Monday night.

You never saw any excitement about Lady Mordaunt?—I did not. I did not think it necessary to take more than the usual precautions to prevent excitement.

You never saw her with any nervous attacks upon her?—I did not.

Nor any loss of memory?—I did not.

Did you ever test it?—I can't say I did.

Did you ever say that her nervous system was so prostrate that she could not be persuaded to get up or take food?—I said that she was prostrate from excitement.

Lord Penzance: You said just now, "I saw no excitement about her?"—And I did not; it was not in my presence.

You saw the prostration that ensued?—I did.

Dr. Deane: Was it the nervous system that was prostrate?—I considered so.

Was it not in consequence of the nervous system being so prostrate that you called in Dr. Jones from Leamington?—It was on the whole case. I will not say that I did not tell Sir Charles Mordaunt that her nervous system was prostrate.

Will you say that you did not?—I will say that I did not.

Was she hysterical?—She was not.

Did you tell Sir Charles Mordaunt that she was hysterical?—I did not.

Did you tell Sir Charles Mordaunt that her state was entirely hysterical, and not in the least dangerous?—I did not.

Reflect. Did you not tell Sir Charles Mordaunt on the 3rd of March?—I did not. I should say that cataleptic hysteria is hysteria taking the form of catalepsy. Lady Mordaunt did not suffer from cataleptic hysteria. I did not tell Sir Charles that she did. I may have heard that Dr. Jones said she did. I told Sir Charles I did not agree with Dr. Jones. The child's eyes got well after twenty-four days. I considered it a long time. I had seen two cases of this class of ophthalmia before this one.

On Saturday the 27th March you examined the person of Lady Mordaunt? I did.

Did you use any instrument?—I did not?

Did anybody else?—No.

Now, confining yourself to the 27th of March, now tell me for what purpose you examined Lady Mordaunt?—To ascertain whether she was suffering from any discharge.

Of what kind?—Of a purulent character.

With what did you conceive it would be accompanied?—Pus.

What is pus?—Pus is a discharge from the body. There are various kinds of discharge in various disorders, but when a discharge resembles pus it is called purulent.

Why did you think it necessary to examine her for that purpose?—Because I thought it probable that she had such a discharge upon her.

Who suggested the examination?—It was suggested by two or three people—by Mr. Jones and by Sir Charles—I do not remember any more.

Tell me what you found?—I found two kinds of discharge—mucous and purulent.

Did you come to any conclusion in your own mind as to what the discharge was?—I did. I concluded that it was gonorrhœa.

Do you mean gonorrhœa or syphilis?—I mean gonorrhœa.

You satisfied your mind of that?—As far as I could.

Is that your present opinion?—It is.

You say that Sir Charles had asked you to make this examination. Now, did you ask him whether he had slept with her before her confinement?—I cannot say.

But you can surely tell us that. It would be the first question that would naturally suggest itself to your mind?—I cannot say.

Will you say that you did not?—No.

Will you say that you did?—No.

Now you examined her again on the 31st of March?—I did.

For what purpose did you examine her then?—To confirm my opinion. I considered it necessary to examine her from time to time.

Was that by Sir Charles's request?—All by Sir Charles's request.

Did you examine her alone on the second occasion?—Yes.

And also on the first occasion?—Yes.

What opinion did you form after making the second examination?—The same as the first.

That it was gonorrhœa?—That it was gonorrhœa.

Now, you examined her a third time on the 3rd of April?—Yes.

In consultation with Dr. Jones?—Yes.

What was the object of the third examination—was it to confirm the second?—I thought it necessary to have some one to confirm my opinion.

Was an instrument used that time?—Yes.

The speculum?—The speculum.

What was the object in using the speculum?—To examine more internally.

Is there any sore or anything of the kind in gonorrhœa?—I believe there is sometimes.

Did you find any on this occasion?—I did not.

Again, on the 9th of April, you examined her the fourth time?—Yes.

Was that with Dr. Jones?—No.

Was any instrument used that time?—No.

Why did you examine her the fourth time?—I should do so in every case.

Did Lady Mordaunt know for what purpose you examined her person?—I believe that she did.

What did you say to her?—I believe that I said something of this kind—“Now, my lady, you know the probability is that you have some discharge upon you and I wish to examine you to ascertain whether such is the case.”

Did you say what kind of discharge you expected to find?—I cannot say that I did.

Did you expect to find any peculiar kind of discharge?—I did.

That which you found?—Yes.

Now having told Lady Mordaunt this, did she object?—She objected at first.

That was the first examination?—Yes.

Then she gave way?—Yes.

Was the 9th of April the last time you examined her?—Yes.

I virtually refused to give any information to Sir James Simpson or Dr. Priestley, because I knew that there were two sides to this question, and I kept to my own side. Lady Mordaunt appeared to me to be shamming. I have said that the first time she appeared to be shamming was about eleven o'clock at night on the Monday after her confinement, the 8th. She did not put on any appearances, but she simply could not speak. I thought she could speak if she liked, but she would not. I noticed nothing but silence and a fixed look. In July, at Worthing, there she presented a fixed look and was silent. In her present state her mind is gone. She apparently cannot understand what is said to her. When I mention incidents to her there is no change of countenance. At times when I spoke to her at Walton there was intelligence. There was intelligence in the fixed looks. I think that was shamming. I think this is not shamming because I can get no answer. I thought it was shamming at Walton because I could get an answer sometimes. When I saw her last I went up to her and said, “How do you do my lady!” She looked with a dull look, and said vacantly, “How do you do,” and held out her hand.

I spoke to her of hunting breakfasts at Walton, and how disappointed she was when she could not come down. She took no notice. It did not seem to make the slightest impression upon her.

Re-examined: I could only form the idea of Lady Mordaunt's disease from what I have mentioned.

To Lord Penzance: Between the 8th and 13th I did not notice anything the matter with her mind. I do not consider it is a true statement when Sir Charles wrote that she was quite prostrate, and scarcely able to recognise him.

Lord Penzance read further extracts from the letters of Sir Charles describing the state of Lady Mordaunt to be of a serious nature.

Witness said he did not consider those statements to be true.

Dr. Jones, F.R.C.S.: I have practised at Leamington forty years, and have had some experience of puerperal mania. It is a kind of disease very easily distinguishable. When I first saw Lady Mordaunt on the 10th of March she was not suffering from puerperal mania, nor were there any signs of puerperal mania when I saw her on the 26th. When I went first I saw Lady Mordaunt without the least sign of fever. I made inquiries, and got satisfactory information, but I could get no reply to questions which I put to herself, I formed no opinion that day, except that there was neither puerperal mania nor fever. On the next day I saw from Dr. Orford's manner that there was some mystery about it. I had not heard of any statements made by her. I came to the conclusion that there was a hysterical condition arising from mental emotion. I thought it was extremely probable that there was something on her mind. She certainly was not suffering from insanity. She was perfectly capable of understanding what was said to her, and was intelligent in her replies when she made them. I had opportunities of judging of her state on all the days I saw her. In my conversation with her I found she would not always reply. On my visit on the 26th of March I found her mind perfectly sane. She answered all my questions rationally and unaffectedly. She asked me where Sir Charles was. I said I did not know, and she burst into tears. I saw her again on the 12th of May. I talked to her about the conservatory and the flowers. The impression made on my mind was that she was perfectly sane. I had heard it alleged that she was otherwise. I knew that Sir James Simpson had seen her, because he called on me as he went. I saw nothing more in her than the great weight of affliction on her mind could hardly fail to produce.

By Dr. Deane: This peculiarity of manner was totally inconsistent with disease of the brain.

Dr. Deane: Do you think she was shamming? — Witness: She thought probably if she appeared rational before me it would destroy the effect she wanted to produce. That was the impression on my mind. When I was there with Dr. Burrowes and Dr. Reynolds, when I got an answer at all, it was perfectly rational, but she was very taciturn, and I could not come to a satisfactory conclusion on that occasion. When I saw her on the 10th of July at Worthing, I attributed her state to the position she was in from doctors about her. I consider her state then was inconsistent with insanity or any form of mania. Cataleptic hysteria is a state where there is a nerve force acting independently of voluntary force, and it is accompanied by great debility. It does not necessarily affect the spinal cord. She did not show any emotional embarrassment, except by silence. I did not on my first attendance upon her say to Sir Charles that her nervous system was prostrate. I did say there was no cause for anxiety so long as she slept well. Her nervous system was affected, as it always is in hysteria. If this continued for a long time I should say it would affect her mind. When I

saw her last week she threw herself on the rug before the fire, and I could not get her to speak. I gave her my arm, and took her to the drawing room. I showed her a music book, but could not get her to play. She said, "Do you want a book?" I sat down by her side, but I could get no reply from her. I believe her mind was broken down. I had seen something of the same manner at Walton. Insane people may have lucid intervals, and may refer to old habits, pursuits, amusements, names and events; but that is limited. In my experience I have not found a strong impression affecting a woman in childbirth. Supposing that it should turn out there is no foundation for certain stories, I should attribute her state to excitement. My opinion of Lady Mordaunt's state is that all that I saw is attributable to the unhappy circumstances under which she was placed.

Dr. Tyler Smith, examined by Mr. Serjeant Ballantine: I am a physician. I have given great attention to obstetric cases, and am Physician-Accoucheur at St. Mary's Hospital.

Is puerperal mania a disease well recognised and known?—Perfectly well recognised and known. I have had much experience in puerperal mania.

Having heard the description of Dr. Orford of this lady's confinement, and the state she was in during her confinement, and afterwards, can you form a judgment as to whether there was any puerperal mania?—I believe there was no puerperal mania following her confinement. I heard no symptom of puerperal mania mentioned by him; and, taking his account as correct, there was none.

What are the signs you would expect in puerperal mania?—Perfect loss of intellect—loss of intellect that would be recognised by every one.

You mean by that there would be loss of intellect until the cure was approaching?—Yes.

By what symptoms would the loss of intellect be indicated?—Generally by incessant talking, great incoherence, sleeplessness, and, in rare cases, by taciturnity and sulky silence.

Would there be any other signs, supposing taciturnity to exist?—Dislike for her husband and people about her whom she liked before. The moral and intellectual condition would be perverted.

Sleeplessness, you say, is a sign?—A very constant sign. I do not know if I have ever seen a case of puerperal insanity where there was not difficulty in obtaining sleep.

I suppose puerperal insanity is a madness attendant upon childbirth?—It is a madness caused by and following confinement.

And therefore a madness that may be dealt with when the morbid action is cured. It is not a madness that you consider would be lasting?—It is not a madness that would be lasting, if you speak of the whole life of a patient, but it is a very intractable malady.

How long would it last?—Likely three or four years.

During that state of insanity would the patient be at all sensible? Would there be the least interval of reason?—No.

You have heard the description given by Dr. Orford and Dr. Jones of her state, and, taking that into account, what is your opinion as to her then state of mind?—I have no question about their being right as to the absence of insanity at the time to which they speak—that is, I think the opinion of men like Dr. Orford, and certainly Dr. Jones, seeing her during and after her confinement, would be of more value than the opinion of the most distinguished persons seeing her at a later period.

Have you heard the description of the state of the child's eyes?—I have. It is exceedingly difficult, and I think it impossible, to form an opinion as to

the character of the discharge from which the child was suffering. At the request of Sir Charles Mordaunt I visited Lady Mordaunt on December the 17th and 24th.

Were you able on those occasions to form any decided opinion as to the state of her mind?—I saw certain peculiarities in the case of Lady Mordaunt, but after the most careful observation I could make, and after the most careful thought I have been able to give to the matter since, I cannot say that I saw anything in the state of Lady Mordaunt which might not easily be feigned.

That is the result of your judgment and reflection?—That is the result of my observation and reflection. I saw nothing which could lead me to say positively that Lady Mordaunt was insane.

Lord Penzance: Supposing you saw nothing consistent with the possibility of her feigning, was her appearance inconsistent with insanity?—If she was not feigning, her appearance was then that of dementia.

Mr. Serjeant Ballantine: What was the state of her health generally?—I considered her health in a very bad condition. She looked plump and fat, but her circulation was wretched, her hands were covered with broken chilblains, and altogether I considered her in a very bad state of health.

Cross-examined by Dr. Deane: No one went with me to Bickley.

Have you been in consultation with anybody who was there?—I have been in consultation with Dr. Forbes Winslow, who was ordered to go down on the same occasion.

Does not puerperal mania assume the phase of excitement, and also the phase of taciturnity?—It does; but it is very uncommon.

And also, you say, dislike of persons?—I say especially dislike of husband and persons with whom they have been acquainted before.

You have also said that sleeplessness is a constant sign?—Yes.

Is that common to the taciturn as well as the excited state?—It is.

Is cataleptic hysteria consistent with puerperal mania?—It has no reference to puerperal mania.

But it may exist at the same time?—I have never seen it. Puerperal mania, when the intellect is overpowered, is scarcely compatible with hysteria or catalepsy.

Will not the intellect be disturbed in catalepsy?—Hysteria may grow into a very aggravated case of insanity.

And catalepsy?—Yes; catalepsy is one of the highest forms of hysteria.

May I not take it that the two combined in certain proportions will end in insanity?—They may do so, but that is not puerperal insanity. There are sometimes delusions in puerperal insanity.

Lord Penzance: Are the symptoms of puerperal insanity progressive, or do they suddenly pronounce themselves?—In two days the symptoms are at their worst; they progress at first, then they remain at a stand.

Mr. Serjeant Ballantine: That is my case, my lord.

Dr. Deane: When your lordship asked me on Saturday if I intended to call witnesses in reply, I declined to say at the time what I should do. In the progress of the case two names have been brought prominently forward. One is that of his Royal Highness the Prince of Wales, and, by reason of the position of his Royal Highness, I now wish to call him. The other name was the name of Sir Frederick Johnstone. His name has been mixed up in the matter with the most odious charge ever introduced into any case, and I also propose to call Sir Frederick Johnstone.

His Royal Highness the Prince of Wales was then called, and almost immediately entered the witness-box. Having been duly sworn by Mr. Billinge, the Clerk,

Lord Penzance (addressing him) said: Before your Royal Highness is asked any question, I think it my duty to point out your position under the Act of last session. (The Prince of Wales bowed, and his Lordship continued): In the Act passed in the last session of Parliament it is provided by the third section that no witness in these proceedings, whether a party to the suit or not, shall be liable to be asked or bound to answer any question tending to show that he or she has been guilty of adultery. From the course the case has taken, I think it right to point out that provision of the Act to your Royal Highness, and to say that you are not bound or required by law to submit yourself to any interrogations upon this subject.

His Royal Highness again bowed to the learned Judge, and was then examined as follows by

Dr. Deane: I believe your Royal Highness has for some time been acquainted with the Moncreiffe family?

The Prince of Wales: I have.

Dr. Deane: Were you acquainted with Lady Mordaunt before her marriage?

The Prince of Wales: I was.

Dr. Deane: On Lady Mordaunt's marriage did your Royal Highness write to her and make her some wedding present?

The Prince of Wales: I did.

Dr. Deane: Previously to Lady Mordaunt's marriage had she visited, at Marlborough House, your Royal Highness and the Princess of Wales?

The Prince of Wales: She had.

Dr. Deane: And has she gone to the theatre with both your Royal Highnesses?

The Prince of Wales: She has.

Dr. Deane: We are told that Lady Mordaunt was married at the end of the year 1866. In the year 1867 did your Royal Highness see her frequently?

The Prince of Wales: I did.

Dr. Deane: And in the year 1868?

The Prince of Wales: I did also.

Dr. Deane: Have you frequently met Sir Charles Mordaunt?

The Prince of Wales: I have.

Dr. Deane: And with Lady Mordaunt?

The Prince of Wales: And with Lady Mordaunt.

Dr. Deane: Does your Royal Highness know a place called Hurlingham?

The Prince of Wales: I do.

Dr. Deane: And have you been in the habit of meeting Sir Charles Mordaunt there?

The Prince of Wales: I have.

Dr. Deane: On one occasion—I think in June, 1868—was there a pigeon-shooting match there between Warwickshire and Norfolk?

The Prince of Wales: There was.

Dr. Deane: And I believe your Royal Highness and Sir Charles Mordaunt were the captains?

The Prince of Wales: We were.

Dr. Deane: Was Lady Mordaunt there; and did she score?

The Prince of Wales: She scored for both sides.

Dr. Deane: And in the course of that pigeon-shooting match did your Royal Highness speak at any time to Lady Mordaunt when Sir Charles Mordaunt was by?

The Prince of Wales: I believe so.

Dr. Deane: We have heard it stated in the course of this case that your Royal Highness is in the habit of using hansom cabs. Is that so?

The Prince of Wales: It is.

Dr. Deane: Only one more question to trouble your Royal Highness with. Has there ever been any improper familiarity or criminal act between you and Lady Mordaunt.

The Prince of Wales: There has not. [Some applause followed the answer of his Royal Highness, but it was instantly checked.]

Mr. Serjeant Ballantine: I have no question to ask your Royal Highness.

[The applause was renewed in the body of the Court, and the Prince of Wales, who appeared to be suffering slightly from hoarseness, left the box. He remained standing during his examination, and was treated in every other particular as an ordinary witness.]

Sir Frederick Johnstone was then called and sworn, and the provisions of the Act of last session were explained to him by Lord Penzance, as in the case of his Royal Highness the Prince of Wales. His examination was then proceeded with by

Dr. Deane: Have you been many years acquainted with the Moncreiff^a family?—I have, for several years.

Did you know Lady Mordaunt from childhood?—I did.

Have you from that time down to recent events kept up an acquaintance with Lady Mordaunt and her family?—I have.

Were you acquainted with Sir Charles Mordaunt?—I was at school with him, but did not know him until after his marriage. I was senior to him at school.

Have you visited frequently at Walton Hall?—I have.

I believe you kept your horses in the village of Walton during the hunting season?—I did.

I will call your attention to the month of December, 1868. On a day in that month did you dine at the Alexandra Hotel?—I did.

With Lady Mordaunt?—With Lady Mordaunt.

You and she, I believe, dined alone?—Yes.

How did you know that Lady Mordaunt was there?—I met Mr. Forbes in the street the day before, and he told me that Lady Mordaunt had returned to London. In consequence of that I called upon her, and was asked to dinner the next day.

At what time did you get to the hotel on the day of the dinner?—So far as I remember, about eight o'clock.

At what time did you leave it?—So far as I remember, about twelve o'clock.

During that time what room were you in?—In the sitting room.

Now, from first to last, has there been any improper familiarity, or criminal act between you and Lady Mordaunt?—Certainly not.

In the course of this case it has been stated that you have suffered severely from a certain disease. Is that true?—No more unfounded statement was ever made by any man to the prejudice of another behind his back.

Lord Penzance: It is, then, entirely untrue?

Sir Frederick Johnstone: It is entirely untrue.

Cross-examined by Mr. Serjeant Ballantine: You say you never suffered?—No, I did not.

At this particular period were you suffering?—No; nor for many years previously.

You were invited to dine with Lady Mordaunt. How? by letter?—No.

In what way?—I called the day before, as I told Dr. Deane, and I was invited by her to dine on Wednesday.

You knew that her husband was not with her?—Certainly.

And you knew it was to be a *tete-à-tete* dinner?—Certainly not.

Did you expect to meet anybody?—I didn't know.

Lord Penzance: Had you any expectation about it?—I did not know but that I might meet Lady Mordaunt's sister. I knew she was in London.

Mr. Serjeant Ballantine: Did you not know that it was to be a *tete-à-tete* dinner?—I had no intimation about it.

You have been on a visit at Walton on several occasions?—I have.

Were you afterwards on a visit at Walton?—No.

Did you ever see Sir Charles Mordaunt afterwards?—I did not.

Did you ever, by letter to him or otherwise, refer to the fact of having dined with Lady Mordaunt on this occasion?—Certainly not.

Were you alone with her all the evening?—Yes.

What was the period that you visited Walton?—I cannot remember the exact date, but I think it was in 1868.

Are you a connection of the Mordaunt family?—I am not.

And there was no business between you?—No.

Re-examined by Dr. Deane: Did the waiter come into the room?—He did.

In the usual way?—Yes.

Dr. Deane: That will be the case, my lord.

Lord Penzance: There have been handed in certain letters of the Prince of Wales which have never been read. They ought to be read.

Dr. Deane: There is a matter connected with those letters to which I wish to call your lordship's attention. I don't know how it occurred; but, although they were never read, they have made their appearance in the papers.

Lord Penzance: It was a most improper proceeding.

Mr. Serjeant Ballantine: I quite agree with your lordship that it was most improper. I intended merely to refer to dates in them, and not to read them.

Lord Penzance: The letters were deposited in court, and could not have proceeded from the officers of the court. They must have come from other quarters. It was a gross act of impropriety, and I very much doubt if I ought not to have taken notice of it as a contempt of Court.

Mr. Serjeant Ballantine: I was quite surprised at their appearance.

Lord Penzance: The impropriety consisted in their being published before they were read. It is most material that they should be read, and they must now be read.

The Court accordingly adjourned shortly after three o'clock.



SIXTH DAY.

Mr. Serjeant Ballantine addressed the jury on behalf of Sir Charles Mordaunt, the petitioner. He said: Gentlemen of the jury, we are now arriving at the termination of this case, which everywhere has been too truly described as a most painful one. I am sure that in the conduct of it every endeavour has been made to render it as little painful as possible. But interests so important are very seldom indeed at stake in a court of justice. I am now called upon to address you in support of those interests so far as my client is concerned, regarding whom I may say that upon the issue of this inquiry depends probably the happiness, the comfort, the respectability of the remainder of his days. My learned friend, Dr. Deane, did not appear to adopt a suggestion that was made at an early part of this case by my lord as to your finding a verdict relative to the state of mind in which the lady was at the time certain statements were made by her; but there can be very little doubt, indeed that substantially the whole matter will be settled by the opinion that you may entertain after careful consideration of the facts placed before you. I therefore feel that this is the last opportunity that Sir Charles Mordaunt has of appealing to a jury of his fellow-countrymen, and I feel that, if I should be unsuccessful in placing his case properly before you, great trouble and wrong will befall him. Feeling, therefore, the weight of the inquiry, oppressed by the heavy interests of the case, every single item of evidence that it was possible for Sir Charles Mordaunt to produce—every single person that he could call of any rank, of any position, who could by possibility have any knowledge of this unfortunate affair—have been produced and placed before you, and the opportunity given you of examining the value of their testimony. On the other hand, a most remarkable and different course has been pursued on the other side. That course, I cannot but think, has been pursued after deep reflection and consideration, and that course is this—a deliberate attempt not to bring forth all the matters that ought to inform your mind, but to suppress and keep back the materials calculated to enable you to form a just conclusion. I advance this proposition gravely, and after consideration, and in the broadest terms in which language can be used. Counsel for the respondent have confined their case, in which they have to prove the insanity of the lady at particular dates, to the evidence of four women servants, whose evidence in many respects is perfectly incredible, and, as I think you will consider, utterly untrue; and then they have striven to overwhelm your judgment by a swarm of medical men who come with particular opinions, who know nothing of the case itself, but whose scientific testimony is brought to bear with the view of overwhelming your minds, and leading you, by the eminence of their position, to adopt their judgments and sacrifice your own. What I shall ask you now more particularly to consider are the occurrences in the months of March, April, and May, and what the mental condition of the lady was in those months. The affirmative of the issue is upon the Moncreiffe family to show that Lady Mordaunt was insane. They have undertaken that affirmative position. They must convince you by evidence or by reasoning that at the time she made certain statements, and at subsequent periods when she declined or was unable to give instructions for the purpose of her defence, the Moncreiffe family have undertaken to show that she was then in an unsound state

of mind. That is the question you are now called upon to try, and to that question I shall apply my arguments. Let us for a moment consider the mode in which this case has been presented before you. Where is Lady Louisa Moncreiffe? She is in London we know. She was in court I believe. Where is Mrs. Forbes? Where is Miss Blanche Moncreiffe, her sister? Where is Mr. Fiennes, her uncle, to whom she was sent to obtain advice, and with whom she advised on her case—where is he? Will my learned friend tell me why they have not been called? Can he give you any reason why they have not been produced? Can any argument dissipate the fact that Lady Louisa Moncreiffe was a most important witness in this most important case? And yet she has not been called, and no excuse has been given for her absence. We are trying, remember, the sanity of this young girl of twenty-one or twenty-two years of age; and who is it who should be the most competent to speak to that point? Who is it who best knew her tastes and habits? Who is it that must have been best acquainted with her whole life? Is there a living being who could give so clear an idea as to her sanity or insanity at the times into which we are now inquiring than the mother who nursed her in infancy and watched over her in childhood? These were matters of the deepest importance with which you should have been made familiar, and without which you cannot come to an affirmative conclusion. For what reason is a difference to be made between this and other cases? If this were the case of a mechanic's wife, would you not expect that her mother and other members of her family about her at the time of her confinement would be produced before you; I do not understand, then, why any difference should be made in this case. Of course it is a painful matter for any lady to appear in the witness-box. But so it is, also, for a lady's-maid. Do you think that Jessie Clarke felt no less upon cross-examination than Lady Moncreiffe would have felt under like circumstances? My learned friend must have learned from those who instructed him that if it were not an absolute necessity it was so desirable to call Lady Moncreiffe that it ought to be done; and, they not having done so, he must know there is a reason behind which made him afraid to put her in the box, and that reason is that, if she were called, she would upset his whole case of insanity. Lady Louisa Moncreiffe has not been called; Mrs. Forbes, who was also with her sister in her confinement, Miss Blanche Moncreiffe, and Mr. Fiennes have not been called; but instead, you have had presented to you four witnesses, some of them from lunatic asylums, to speak to matters so utterly incredible that I put their evidence out of sight. They will rely, no doubt, on the other side, upon the letters written by Sir Charles Mordaunt, descriptive of Lady Mordaunt's state in her confinement; but I have pointed out to you that they have undertaken to prove the issue which you have to try, and, having undertaken it, they have failed to call before you the witnesses who would be most likely to prove it if there were any truth whatever in the allegation of the insanity at the time with which we are now dealing. I now wish to call your attention to particular dates, and to ask you to bear them in mind. Lady Mordaunt was confined on Sunday, the 28th February. Lady Louisa Moncreiffe arrived on Wednesday, the 3rd of March. She remained until the 6th of March. The original confession to Sir Charles Mordaunt was upon the 8th of March, and the second confession on the 13th. The letters from Sir Charles Mordaunt to Lady Moncreiffe filled up the interval between the 8th and 13th. On the 14th Sir Charles discovered the letters and hotel bill. Then the communication was made to Lady Moncreiffe, and she arrived at Walton on the 16th. I have not been able to trace how long she stayed there, but certainly over the 20th of March, when Sir Thomas arrived. Sir Charles, who did not see anything of his wife after what he considered to

be the crushing evidence of her guilt, left Walton in April. Then came the visits of the doctors from April 3rd to May 6th. I shall then have to skip over a considerable space of time, and shall have to call your attention to a letter written to her mother as late as October 8th, and to the interview with General Arbuthnott, which took place on October 28th. I shall also have some observations to make upon the letters of Sir Charles Mordaunt. As a country baronet he was probably not familiar with fashionable life—a man of considerable fortune, a man who probably, so far as we can judge by his manner, passed more time in the country than in the metropolis, except during the sittings of Parliament—at all events, a person thoroughly single minded, devotedly attached to this lady, and who, in writing these letters was hoping and believing that his wife was true, even against his own conviction—in writing to her mother that she was poorly, very poorly, up to the 13th, he was trying to believe that she was not guilty of the crime of which she accused herself. These letters came from Lady Moncreiffe's escreteire, who gives them up for the purpose of damning Sir Charles, though she dared not appear here herself to give evidence. Lady Moncreiffe could have told us the state and condition of her daughter at the time of her confinement. Was she at that time a maniac? If so, it was strange that her mother should leave her—with her husband, no doubt, but otherwise in the hands of comparative strangers. Were there any signs of mania at that time? Lady Moncreiffe could have told us whether there were a feverish pulse, hot head, and dry tongue. An ordinary witness could have told us whether there was mania or not. Still Lady Moncreiffe left on the 6th of March a daughter whom she said was a maniac at that time. If that be true, why not have Lady Moncreiffe here to say so? On the 8th the first of the confessions were made. In that confession the name of his Royal Highness the Prince of Wales was mentioned, but in the subsequent confession it was not mentioned, although the other names were mentioned; and I shall have hereafter to point out the distinction between what was said as to his Royal Highness and as to the other names that were mentioned. On the 13th Sir Charles Mordaunt became more perplexed than ever. The poor fellow had a crowd of friends at his house, who had been enjoying his hospitality—friends of his wife, in whom he believed and whom he trusted. "Tell me I implore you," he said, "are there any others?" Well, with regard to two names she would not give an answer. One is a gentleman who has been mentioned, Captain Farquhar; the other was Lord Newport, about whom no evidence has been given. You will remember the remark she made to Mrs. Murray when that lady said, "You could not have cared for all these men?" She replied, "No, my dear, only one." It may be the one whom she did not mention to Sir Charles. After that Sir Charles finds confirmation of his suspicions up to the hilt. Having come to that conclusion, he writes no more letters, but Lady Moncreiffe is communicated with, and down came Lady Moncreiffe on the 16th. At that time Sir Charles had felt it necessary to say to his wife, "You are an adulteress; we must separate; you and I can never be one again." Did the admissions made to Lady Moncreiffe confirm the suspicions of Sir Charles? Can you doubt that they did. She is not called. Up to that time no living being thought this lady insane. Mrs. Forbes was staying with her sister at the time Lady Moncreiffe arrived. Sir Thomas got there on the 20th of March. He was scarcely a minute with his daughter. Up to that there was not a hint of insanity. From that time it was set up. Look at the evidence of the nurse Hancock. Certain matters in her evidence were pregnant with meaning, which to a certain extent governed the case. This child is admitted to be the child of Lord Cole, admitted as plainly as if it were proclaimed trumpet-tongued from one

end of London to the other. What was to be done with the poor diseased child? They proceed, the mother and the maniac daughter, to discuss with the nurse the terms on which she should maintain it. This was the evidence of Mrs. Hancock, and as far as he had heard of monthly nurses they were very positive in their statements. She treated his lordship and himself with very little respect, and doubtless went home with a belief that she had not been fairly treated. He could hardly picture such a scene as this chaffering between the mother and nurse for the maintenance of this child. But if Mrs. Hancock were not speaking the truth, why were not Lady Moncreiffe and Mrs. Forbes called?

Lord Penzance doubted whether Mrs. Forbes was any party to that agreement.

Serjeant Ballantine said it did not much matter. Lady Moncreiffe would have been as good as a hundred. Was there any one not filled with surprise that Lady Moncreiffe had not been called? The first time they set up the lunacy was when Sir Thomas came down. From the 30th March to the 30th April no action was taken. A woman who had had almost boundless power over a man's heart, probably never altogether gave up the hope of winning back his affection. Did they, during the interval, send down a single eminent man to see her beside Sir James Simpson and a country doctor, in whose care she was left, who laughed at the whole idea of insanity, and certainly would not treat her for that. When these doctors, Tuke and Priestley, went down they did not see Orford, Simpson, or the nurse; and, oddly enough, they seemed to have gone to the person that knew nothing about the matter, and who carefully avoided communication with those who could have told them anything about it. They saw Sir Thomas, who knew nothing about it; but never saw Lady Moncreiffe. They confined themselves to an examination of the delusions, and there could be no doubt that they intended to imply that these delusions were the confessions, and that they arose from the puerperal mania from which she was suffering. Dr. Priestley, a lady's doctor in a lady's case, would he should have thought, have gone to a lady. But, no; he learned what he did learn from Sir Thomas Moncreiffe, and therefore he acted undoubtedly upon an imperfect knowledge of what had taken place. Priestley ignored most of the delusions he had taken originally in his report, and relied upon two only, both of which could have been very easily shammed by a lady, and he conveyed to the jury that those were what governed his mind. Dr. Priestley was asked whether, if he had heard of her having made other statements which were true, that would have had any effect on his mind. He said, "No, certainly not;" and yet he had based his report in the first instance upon those statements which he said were delusions. When pressed further, and asked what he would think if it were proved that what she said was true, he said, "He would still think that she was suffering from puerperal insanity, and that which was true was a delusion!" He said she had been labouring under great excitement. Who told him? The delusions he referred to were that she still believed herself to be mistress in her own house, and that she had been poisoned. He would not, however, go through that testimony further, believing that the illusory report which those doctors made would not have any great effect on the minds of the jury. He would refer now to Dr. Tuke, who went down on his knees before Lady Mordaunt, and said, "What can we do for you? You would not like to go to a lunatic asylum, would you?" What could they make of that? What did they think of it? He had pressed attention to the evidence of these three, and he did not think it unimportant to call attention to other evidence given at or about that period. Time passed, Sir Charles left the house, she was visited by few medical men, but she was visited by one lady, whose evidence was, he ventured to say, as clearly and

fairly given as any evidence ever given in a court of justice. He referred to the evidence of the Dowager Lady Mordaunt. She gave evidence to several interviews—the last on the 13th of May; and unless that evidence showed Lady Mordaunt was insane on that day, the verdict must be for him. Lady Mordaunt sat on a coal-box; but when told by the Dowager Lady Mordaunt that that would not do with her, she rose and gave up what he could not help thinking was a puerile attempt at sham by that poor girl. Her evidence in that respect was a terrible contrast to the certificate of the three medical men. One could not reconcile the two things; but, under every circumstance, the evidence of the Dowager Lady Mordaunt was worthy of the gravest attention. It was unnecessary to dwell further on that period. But there was also bearing upon it the evidence of the Rev. Mr. Cadogan and his wife. It was true that they were legatees under the will of Mrs. Thwaites; but Mr. Cadogan was a clergyman of the Church and vicar of the parish, and it would be absurd to suppose that they had any other motive in the case than to tell the truth. Mrs. Cadogan—a mother herself—saw Lady Mordaunt in her confinement. She was, therefore, most qualified to speak as to her condition; and that condition, according to her statement, was that of perfect sanity. It was quite true that her condition shortly afterwards was described in different terms by the four servants to whom he had referred, and who deposed to certain indecencies on the part of the lady. But not only was the conduct spoken to by them inconsistent with that form of insanity now set up, but there was also this remark, that this conduct was never exhibited in the presence of the doctors. Now, an insane person was not a respecter of persons. In this instance the evidence showed that she was, and thus there arose this inevitable conclusion—either that there was no truth in the testimony of these witnesses, or that Lady Mordaunt was shamming. There was further the letter written by her to the nurse on the 10th April. That letter ran “My dear Nurse. Pray say nothing more of all the nonsense that I talked when you were here,” and no stronger evidence could be adduced in support of the contention for which he was striving—namely, the sanity of the lady within the period, at all events, which he had specified. Again, take her statement or inquiry immediately after the birth of the child as to its condition. She could have known nothing of the nice distinctions to which the doctors spoke, but that there should have been fear as to its condition—that that fear should have been manifested by her inquiry, and confirmed by the appearance of the child was certainly remarkable, and, under the circumstances deposed to, pointed to full consciousness at the time the inquiry was made. He did not mean to contend now that the fear was justified, but it was natural. They then arrived at the period when she came up to London, and remained with Lady Kinnoul, before going down to Worthing. The absence of Lady Kinnoul as a witness was also remarkable, not quite so remarkable, perhaps, as the absence of Lady Moncreiffe, but still remarkable, because a witness in a position to give important evidence in the case. While at Lady Kinnoul’s Lady Mordaunt wrote to her husband on the 16th May, and that letter, written ten days after she was pronounced by medical men to be almost hopelessly insane, showed certainly no symptoms of insanity. It was quite true that it made no allusions to her past confessions, but that was her cue. It, at all events, showed no delusion, and could scarcely be deemed the production of an insane mind. But if the other view were to be insisted upon—if it were to be contended that she was then insane, how came it that none of the servants in Belgrave-square were called? How came it that none of the Moncreiffe family or their friends who must have seen her on the occasion were not called? There seemed to be an epidemic upon them which kept them from

the court; and while they were prepared to smother the jury with doctors, they were not prepared to give what the jury wanted—information. There is another part of the case, continued the learned counsel, to which I must now refer. His Royal Highness the the Prince of Wales appeared in court yesterday, and denied in the only way that any subject of this realm, however exalted his position may be, can deny a fact. His Royal Highness appeared in court, and denied that he had ever committed adultery with Lady Mordaunt. Gentlemen, I had no reason whatever to cross-examine his Royal Highness. I never assumed that he had done any such thing. I opened an entirely different state of facts, I compared his position with that of others who had been named, and I pointed out that while, in this particular instance, Lady Mordaunt's disobedience to her husband's commands or wishes was inconsistent with propriety it was also consistent with the case which I was endeavouring to establish. Gentlemen, I think it is desirable not to discuss further the question in relation to his Royal Highness. I do not think that in any way whatever, assuming the position that originally, upon deliberation, and with the sanction of my learned friends, I took up—that Lady Mordaunt was more intimate with his Royal Highness than her husband wished—I do not think that I conveyed any other idea. That idea I suggested, and it was that which Lady Mordaunt intended herself to convey, and, after hearing his Royal Highness on the subject, I leave it. Mind you, however, it must have no operation on your minds unfavourable to my client. If I thought it necessary to point out that which would be criminal in the highest in the land, I hope I have firmness and honour enough to do it. I hope at the same time that in the conduct of my profession I have sufficient feeling for those whom I am obliged to speak of to cause no needless or unnecessary pain. If you are forced to the conclusion that this lady meant something that I have not put upon her words, that must be your construction; but I invite you to consider that my construction of them is also consistent with a case which I present to you on the part of Sir Charles Mordaunt. The learned Serjeant continued: Other parties were named besides his Royal Highness and Sir Frederick Johnstone. Lord Cole, against whom there was strong evidence, was also named. Captain Farquhar—against whom, if uncontradicted, the evidence was conclusive, was also named. Why were not they called? My learned friend, continued Serjeant Ballantine, elects to call one against whom no accusation of adultery is made. Another is called to deny it. It was perfectly clear that Sir Frederick Johnstone was more concerned in denying that which was deemed ungentlemanly than in denying the adultery. Whatever Sir Charles Mordaunt has said from the beginning to the end Sir Charles Mordaunt has believed. He never said anything to his wife which he intended to be conveyed to the public, but that which he did say to her he had heard from the public. They had heard the indignation expressed by this young man, who does an act which destroys the character of Lady Mordaunt, and casts a reflection upon the honour of her husband. It is all very well to talk about it; but Sir Frederick Johnstone, a guest of Sir Charles, received at his table, received with hospitality and consideration, either in November or December meets with this unhappy girl, and dines with her in a private room at a fashionable hotel. It is all very well to come here and say there is no criminality. What business had he to meet her—dining there alone from eight o'clock to twelve at night—a young man dining with a beautiful young woman at a fashionable hotel? Let us bring it home to ourselves. Bring it home to yourselves. But, forsooth, the waiter could come in: I dare say he did sometimes. If this had occurred in a bed-room it would have been conclusive. What business had he there? Was it known to Sir Charles Mordaunt, her husband? Little did he know

what was going on. There was a young man with her in an hotel these four hours, and I say there is nothing in the nature of the case to lead you to believe that when she mentioned the name of Sir Frederick the lady was not speaking the truth. After noticing the manner in which the lady's-maid referred to the letter which she found, the learned counsel proceeded. All that Sir Charles wanted was a divorce, and there was quite sufficient for that with Lord Cole; but they had heard also that Captain Farquhar was at the same hotel, and seen on the same landing with her, and yet Captain Farquhar was not called. Where is Lord Cole, and what is he doing now? Here is a child expected to bear Sir Charles Mordaunt's name and inherit his property. Lord Cole is the father of that child, and Lady Moncreiffe is seeking to prevent the divorce which Sir Charles Mordaunt is asking. When we get to the plain English of it how foul it is! Lady Mordaunt makes a memorandum in her pocket-book, and the very day on which the child is born accords with the night Lord Cole slept with her. Neither Lord Cole nor Captain Farquhar is called to contradict the adultery, and yet my learned friend is here to ask you to shut out Sir Charles from a court of justice, and oblige him, by the law of the land, to maintain the infant of Lord Cole, to give it his name, and to allow it to inherit his property. They are never called, and with that I have concluded nearly all that is necessary to say on this painful case. Was she insane at the time of her interview with Mr. Herbert Murray? If, however, you are of opinion that the insanity is not proved down to the middle or end, that is all I shall require you to find. If they were satisfied or believed she was insane even in October, why had they not called her uncle? She went for the purpose of consulting him—why is he not called? Gentlemen, said the learned counsel in concluding, in this case there is no need for a peroration. I have seen my client, and described his position. I can understand that the representative of an old house, in a county where he is loved and looked up to, has gone through a bitter trial and has endured bitter agony. He has been libelled, he has been slandered, and it has been sought to fix upon him the illegitimate child of another by a mother who has betrayed him; and this inquiry is to determine what shall happen upon these subjects. I can only say that I trust in dealing with them you will be guided to a right conclusion by your honest hearts and minds, and by a sound and impartial judgment. (Subdued applause.)

Dr. Deane:—Gentlemen of the jury—In this case Sergeant Ballantine has so mixed up the issue you have to try with another issue which may or may not be tried here, and so descanted upon the attractions of Lady Mordaunt and the affection which existed between her and her husband, of the handsome settlements which she received at his hands, that many persons who heard my learned friend dwell on these topics might believe the question here is or is not whether Lady Mordaunt committed adultery, and what damages you have to assess. That is not the question. The question is simply that of the sanity of Lady Mordaunt at a given time. How long of the three hours during which my learned friend has been addressing you has he been pointing out to you the absence of certain witnesses, whom, he says, it would have been satisfactory to cross-examine. There is a very simple answer to that, and the answer is this. In the view which my learned friends who are with me and myself took of this case, we thought we ought to confine ourselves to that which is the issue raised before you, to that which takes place from the 30th of April down to the present time, and when I alluded to the fact of Mrs. Forbes not being here, I did so because she was with Lady Mordaunt when the citation was served, and no other. In this view of the case, it would have been utterly outside to call any one who was present at the first illness—the puerperal illness. The view which we take of the case is still the same; but the materials upon which I

have to address you are, thanks to the course which has been taken by my learned friend, very different. There has been given me links of such perfect workmanship, so well welded, so perfectly joined together, that I will lay before you a chain of evidence without flaw, without break, extending from the 28th of February down to the very hour in which I have the honour to address you. In this case I feel very deeply for the position in which Sir Charles Mordaunt is placed. I feel deeply for the family to which Lady Mordaunt belongs. I feel deeply for all those whose names have been mentioned in this case. But there are perhaps three or four episodes in these lamentable transactions in which one will have some difficulty in restraining language which ought to be applied. I shall endeavour to speak as calmly as I can of what I believe to be the hideous origin of all the trouble which this unfortunate family is now brought to. Some time in November there is that strange conversation between Sir Charles and Lady Mordaunt in respect to Sir Frederick Johnstone, and Sir Charles tells Lady Mordaunt that Sir Frederick was suffering under a complaint which might bring disease upon any child he had. We know from Mrs. Cadogan that previous to her confinement Lady Mordaunt was extremely anxious and nervous about that confinement. She was delivered prematurely on the 28th of February. Now Sir Charles Mordaunt told you, perhaps inadvertently, that there were two or three days after that conversation before his wife went to London. My learned friend told you she came the very next day. What is the evidence? You have it from Clark and the hotel bills that she came up on the 30th and left on the 1st. She came up with the Duke and Duchess of Athole and stayed at that hotel. The impression of that conversation remained on her mind. When she was confined, she asked within five hours if the child was diseased. The conversation with Hancock was not limited to the eyes of the child, but the words used were, "Has the child got the complaint." In the mind of Lady Mordaunt was dwelling at the time of her confinement that conversation with Sir Charles, which he would recollect to his dying day. I asked Sir Charles whether, on his return from Norway, he slept with his wife up to the time of her confinement. He said, "Yes." If Lady Mordaunt had been affected with all this disease, how came it Sir Charles never got the complaint. You will see that in the first confession she spoke of herself as the cause of the child's blindness. You have heard that impressions may be produced on the mind of a woman during her pregnancy so strong as to affect her at her confinement. On the Saturday following her confinement she was found exhibiting one of the very symptoms of puerperal mania which had been spoken of. When her mother wished to see her, the very person whom Serjeant Ballantine said ought to have been with her, she was, through her puerperal mania, forbidden to be with her. That was, according to the doctors, one of the signs of puerperal mania—a dislike of intimate relations. What were the symptoms, according to Dr. Tyler Smith, who was called to rebut—"Silence, taciturnity, and dislike of intimate relations." Mrs. Cadogan came to see her, and, according to Hancocks, there seemed little to be learnt from Mrs. Cadogan. Lady Mordaunt said "She had had a strange dream." When the nurse immediately said, "Lady Mordaunt, Mrs. Cadogan knows everything"—stopping one train of thought, and suggesting the other, which had been uppermost. At the same time she was putting the laudanum away, at the same time Lady Mordaunt was urging that the child should be put away. Were not these evidences that at all events the mind was somewhat off its poise. But was the nurse's evidence got elsewhere at this time. Was it consistent with that of Sir Charles and Mr. Orford? It was not. His lordship had read yesterday symptoms which it was said had been stated by the doctors.

Dr. Orford took from the first a favourable view. He saw neither hysteria nor catalepsy. But where did Sir Charles get those terms. He must have heard them from the doctors. The argument presented to them was that Lady Mordaunt made admissions which were true, and that, therefore, she knew what she said when she made those admissions. What should they say as to the accusation against the Prince of Wales? The words she used were precisely the same as to other persons. He agreed his learned friend would proceed against the highest as well as the lowest, if it became his duty. In the evidence of Sir Charles Mordaunt, it was stated that the Prince of Wales was frequently there. Now I don't know whether you are aware, but it is perfectly well known to a great many people that when the Royal family are visiting at a house, no other visitors are admitted. That is a rule of society; otherwise persons more or less vulgar might take that opportunity to intrude on the Royal family. It is a rule perfectly well known. But we go beyond that, and Sir Charles says that he had cautioned his wife against receiving the visits of the Prince of Wales, and when she said she did wrong, the learned counsel had remarked that she meant she kept up the acquaintance after her husband had forbidden it. Then there was the shooting match in June. Lady Mordaunt was down marking. They were in constant communication with her each of them, and afterwards subsequently to that Sir Charles Mordaunt accepted an invitation to a ball at the House of the Prince of Wales. Sir Charles Mordaunt was, therefore, evidently mistaken. There was not a tittle of evidence in this case to show that, after Lady Mordaunt was told not to renew her acquaintance with the Prince of Wales she ever set her eyes on him. She said in her confession, "I have been very wicked with the Prince of Wales, Lord Cole, Sir Frederick Johnstone, and others, and in open day." Sever the accusation (continued the learned counsel), if you can, made by Lady Mordaunt against the Prince of Wales from that made against the others, and if there is a delusion in one case, I defy anybody to say it is not a delusion in the other cases. We heard yesterday about these letters of the Prince of Wales. There were some letters found in her desk—six or seven. They were, perhaps, the most innocent letters that ever a gentleman wrote to a lady. Coming to Sir Frederick Johnstone, Mr. Serjeant Ballantine professed himself ready to believe his evidence in respect of his health; but if he believed Sir Frederick Johnstone's evidence in that particular, what right had he to disbelieve his evidence as to the charge of adultery? It was urged that he dined alone with Lady Mordaunt at the Alexandra Hotel. No doubt he did. But had it come to this that a gentleman could not accept an invitation to dine with a lady whom he had known from childhood, and with whose family he was intimate, without subjecting himself to the imputation of abusing the opportunity? He believed, no matter what his learned friend might say, that there were people—men and women, young and handsome—who could meet under such circumstances and spend the evening together, and yet virtuous. The fact of his being with Lady Mordaunt was the only particle of evidence against Sir Frederick Johnstone; but no one in his senses would draw from it the conclusion of guilt. It was then said, but why not call Lord Cole? He explained yesterday why it was that he had determined to call his Royal Highness the Prince of Wales and Sir Frederick Johnstone. In the one case the exalted position of his Royal Highness called for it; in the other a charge than which none could be more odious was made against Sir Frederick Johnstone. It was due to them that they should be called, but there existed no such necessity in the case of Lord Cole. But how stood the matter in respect of him? It was not denied that at one time an engagement of some sort existed between Lord Cole and a sister

of Lady Mordaunt. What more natural, then, than that there should be great intimacy between him and Lady Mordaunt? What more natural than that he should visit and dine at her house? And how could a conclusion of guilt be drawn from the fact of his accompanying her in the train down to Reading, and spending afterwards a few days at Walton? The house was full of servants—all their movements were seen, and yet not a circumstance could be adduced pointing to impropriety or even familiarity between them. There was then the entry in the diary—"280 days from 27th June." Well, Mr. Serjeant Ballantine, in his opening statement, mentioned that Lady Mordaunt had ceased to be ill on the 26th or 27th June, and, that being so, the entry in the diary became perfectly intelligible, because nothing was more common than for ladies expecting their confinement to count the days from which they were last unwell. Then came the case of Captain Farquhar. In dealing with it he confessed that it was a matter of great difficulty—not a matter of difficulty in the way of the explanation of the thing itself, but a difficulty created by the manner in which the case was presented on the other side. The first remark which should be made in relation to it was this: The whole circumstance now relied on was made known to the advisers of Sir Charles Mordaunt before he presented his petition. Why, then, was not Captain Farquhar made a co-respondent? Simply because they did not then believe the story. Confirmation of it was now sought in the books of the Palace Hotel, and in the arrivals at the hotel as published in the *Morning Post*. But there no satisfactory confirmation could be found; for not only did the arrival porter contradict himself as to the time at which he changed the name "Farmer" into "Farquhar," but the books of the hotel itself disproved his statement as to the time at which he now alleged he made the correction. The learned gentleman then referred to the evidence of Dr. Orford, and commented with indignation on his avowal of the examinations to which he had subjected Lady Mordaunt, and declared that he disbelieved the witness's assertion that they were made at the request of Sir Charles Mordaunt. Mrs. Cadogan also spoke to much, but her statements as to what passed on the 13th of March pointed clearly to insanity, and not sanity, on the part of Lady Mordaunt. She stated, that while she was present the maid took Lady Mordaunt, led her about the room, and showed her the pictures on the wall, precisely the way in which a child or imbecile might be treated; and as to the alleged letter to the nurse, requesting her to be silent on the subject of the confessions, all he could say was that the signature to it was unlike any other signature of Lady Mordaunt. But, assuming it to be genuine, to what did it amount? Alleged to have been written by her and with a motive, it was put into her pocket and never delivered. It was found in her pocket—it was taken from it—it was never missed by her—and all this at a time when it was suggested she was in a sane state. But, assuming its genuineness, did not the subsequent dealing with, and the forgetfulness of it prove insanity, not sanity? The jury would apply their minds to the evidence, and say whether those statements had any foundation in fact. If it was a delusion, he admitted that it was a delusion which had ceased to exist; but it was not more than that. He had shown them, not what people said, but what they did, at the time, which was much more valuable. He now came to a part of the case which had not been commented on before, but which was most valuable; he meant that of Mr. Haines, the solicitor to Sir Charles Mordaunt, who served the citation. That gentlemen said that Lady Mordaunt apparently understood what he said to her. It appeared that he had never known her before. It would be found that he said Lady Mordaunt fixed her eyes upon him in the same manner as had been described by the doctors who had seen her lately, at a time when there was no doubt of her insanity. He said he was so overcome by her pitiable

look that he asked to be allowed to take a chair. He then said said that when Mrs. Forbes came in Lady Mordaunt looked quite cheerful. Could they imagine a sane woman looking cheerful under those circumstances? Subsequently they would remember that Dr. Gull said he made no more impression on her than he could make on that board. That evidence was of great value in itself, but it became of ten times more value when taken in connection with that of other witnesses. If Lady Mordaunt were shamming, was it possible that she would have sat down on the 16th of May and written that letter (to her husband), which would have defeated her object? Was the letter to be accounted for in any way other than that she was under delusions, and was in total ignorance of the change in her position? The same idea remained with her at Worthing. She fancied Sir Charles was with her. The very idea, close to the time when she was admitted to be insane, was the same as had been present in her mind at the earlier stage. As to the nurses, at all events the Moncreiffes must be believed. Lady Mordaunt had been insane, or they would not have brought persons from a lunatic asylum to attend to her. Another part of the case on which he had something to say was, "Who were the people who from the time of her leaving Walton were always with her?" She was never left a single day without a dependant of the Mordaunt family with her. What was the evidence as to her insanity? Sleeplessness, her being constantly watched, never left alone, strange fancies as to dress. They would remember the time when she came down with very little on, and all that time they would remember she was not allowed to purchase a single article of dress for herself. Hence it was that Dr. Reynolds was obliged to give up the idea of simulation, and to come to the deliberate conclusion that it was a case of dementia. At Bickley did she wander at night? She was found going into Bird's room at eleven o'clock at night, undressed. They kept her locked up at night? Were sane people kept locked up at night? Then they had that pitiable incident of her putting a dead leaf in the beggar's hand. Did they believe that Lady Mordaunt, who had been tenderly brought up, and was only 21 years of age, had been guilty of so unfeeling an act if she were mistress of her own mind? The learned counsel next touched on the evidence as to the cheques; the evidence of Dr. Wood; that of the cook, Florence Stevens; that of General Arbuthnott; and that of Mr. and Mrs. Herbert Murray. There was a curious statement as to a conversation between Lady Mordaunt and Mrs. Murray. Lady Mordaunt said, "What business had Charley to go jabbering with other ladies;" and then immediately afterwards, "Are you a lady?" Mrs. Herbert Murray of course said "I am." Then Lady Mordaunt said, "Why do you come ferreting about here?" showing a state of suspicion which was one of the strong marks of insanity. At the Crystal Palace Lady Mordaunt sat down on the ground as she had done on the road; and when told to get up she got up, showing the same docility as on former occasions. Dr. Tyler Smith, whom they had seen, and Dr. Forbes Winslow, went down to see Lady Mordaunt in November last. It was not until the fourth day of this trial that they were told by the other side—not that Lady Mordaunt was now insane, but that they could not repeat the evidence which had brought on that part of the question. Would it not have been fairer to have told them at first? If she presented now the same symptoms as she presented in the beginning, where would they draw the line? They would remember that Dr. Tyler Smith had given taciturnity as one of the symptoms of puerperal mania. Had not Mr. Murray spoken of the fits of the blues which Lady Mordaunt had, and had not these fits continued down to the present time? It was very true that even at Bickley Lady Mordaunt had written to her mother. The letter referred to had

been written by Lady Mordaunt on October 8. Did Miss Parsons sit at Lady Mordaunt's elbow when it was written, or was it written from Lady Mordaunt's own mind? He admitted that Lady Mordaunt had a strong motive for feigning; but it was admitted that Lady Mordaunt was not now feigning, and could it be said that she began with the motive? He had been enabled to call the Prince of Wales and Sir F. Johnstone, and they had said that what Lady Mordaunt had said against herself was a delusion. He had, therefore, shown to them the state of her mind at the time of her confinement, at the 30th of April, and at the present time. It was no business of theirs whether this case should end to-day or should be reopened another time. Nor was the question whether Lady Mordaunt could simply say guilty or not guilty, but whether she could instruct those who advised her as to a number of incidents or a number of charges. He admitted that the honour of Sir Charles Mordaunt was at stake; but, in order to free the husband from that which he suffered under, they would not inflict an unpardonable and irretrievable wrong on the wife. They should not suppose that, in coming forward to defend his child, Sir Thomas Moncreiffe had laid any impediment in the way in which Sir Charles Mordaunt had sought his rights. Do not, in order to free the husband from that under which he suffers, inflict a greater grievance upon the wife. And do not suppose that, in coming forward to defend the honour and the character of his child, Sir Thomas Moncreiffe has done more than that which was his duty; or that he has done it as suggested on the other side, with the view of throwing any impediment in the way of Sir Charles Mordaunt obtaining his right. It has been asked why Lady Moncreiffe has not been called as a witness in the case. If any blame attaches to such a line of proceeding I take upon myself that blame. She was not called because in my judgment it was not necessary, and because I did not desire to enter into occurrences which took place prior to the 30th April, and with the details of which the papers have been full for the last week. I was not even aware until Tuesday afternoon that Sir Frederick Johnstone would be called. I did not know until yesterday morning what his Royal Highness was going to say. Voluntarily, in consequence of the charges made against them, they came forward—the one bound by his high position to support his honour before the public when it is assailed even by the outpourings of a diseased and disordered mind; the other anxious to refute the foulest calumny that could be cast upon a young man who may hope one day himself to contract an honourable and happy marriage. It is to be regretted that such a charge should have been made against him; it is to be rejoiced at that it has been so thoroughly rejected.

Some applause, which was immediately suppressed, followed the close of the learned gentleman's address.

Lord Penzance (to Dr. Deane): I shall sum up the case to-morrow, and in putting the issue to the jury I propose to ask them, first, whether the respondent was on the 30th April in such a condition of mental disorder as to be unfit and unable to answer the petition and duly instruct her attorney for her defence? Secondly, if she was then in such a condition, did she at any and what time afterwards cease to be so? I do not want that you should give any answer at this moment. I will hand you the paper as I have drawn it up, and if you should have anything to say to-morrow morning upon the subject I shall be happy to hear you.

The Court then adjourned.

SEVENTH DAY.

The last stage of this extraordinary case having been reached, the court and galleries were again crowded, and the utmost interest was manifested in the learned Judge's charge to the jury.

It having been arranged after some conversation between his lordship and the counsel representing the parties that the question to be put to the jury should be the following: First, whether on the 30th April the respondent was in such a condition of mental disorder as to render her unfit and unable to answer the petition, and to duly instruct her attorney for her defence? and, secondly, whether she ceased to be unfit at any time since, and when?

Lord Penzance proceeded to sum up as follows: Gentlemen of the jury—We are now approaching, I am happy to say, the end of this inquiry, and, as you have heard from the remarks which passed between me and the bar, we are agreed as to the questions which are submitted to your consideration. You have given to the case the utmost and most patient attention, and I have no doubt that, if you continue to give to it the same attention during the remarks which I have now to address to you, you will arrive at a satisfactory conclusion. The case has occupied a great deal of time, and it has occupied also a great deal of public attention. Indeed, perhaps no trial for some years has occupied so much of the public attention as this has. Gentlemen, there are those who will lament that matters of this kind, arising between husband and wife, should become topics of public discussion; and there may be some who think that such public discussion, carrying with it, as it does, knowledge of immorality and matters which every one would wish should be kept from the eyes of many, is not desirable. It may be said, and I dare say has been said, that the avidity of the public to take part in the interest of this trial is a thing that is to be deplored, as showing a desire to participate in the investigation of immoral questions. But, gentlemen, I am not quite sure whether that is a correct description of the reason why this trial has occupied so much attention. Those who stand in high places are always objects of attention. It is unfortunately true that in the proceedings of this court there is not a week or a day that passes which would not furnish materials that to such depraved tastes would be equally acceptable. It is on account of the position in society held by those who are implicated in this matter that it has excited and occupied so much of the public attention. And surely it is natural that those who stand in high places should be conspicuous; and those who are conspicuous naturally attract attention. It is that circumstance, and not the mere details connected with the case, which has excited such keen interest. In the course of it evidence has been given and remarks have been made which more or less affect the character of third persons, some of whom are no parties to the suit; and it almost savours of injustice that we should here be discussing in the Divorce Court details which primarily affect the parties to the suit, but which, in their secondary effect, aim a serious blow at the character of others. I say injustice, because such parties are not parties to the suit, and, having no charge distinctly made against them, are not in a position to instruct counsel to defend them. That is an injustice, but

is it not a necessary injustice? Is it possible that we could conduct an investigation of this kind fairly and truly without sparing any one, and keep out of sight all the circumstances that may affect the reputation of others? It seems to me that we could not; and that the supreme interests of the parties are best served by permitting without reserve of the most extensive inquiry into these matters, however much it may jeopardise the interests of others. I am not quite sure that there are not some corresponding benefits in this. The great publicity with which everything is conducted in this country is in itself a supreme benefit, and I am not sure that even concerning the very persons to whom I am alluding—I am not sure that even as regards them—a public investigation of this kind has not sometimes in it a corresponding benefit; because, gentlemen, this suit began no less than a year ago. In the month of June last affidavits were filed in this court for the purposes of the suit, which had then become more or less public. The “Warwickshire Scandal,” as I think it has been called in the newspapers, was then by no means a private matter. Rumour had spread it throughout the country. Many-tongued rumour gave its own account of those who were implicated in it, and while reports are spread around floating about in all classes of society, is it altogether an evil that we should come in the open day into open court and investigate the matter, and so remedy a part of the wrong that has been done? No doubt you are not called upon to-day to give a verdict upon those matters which concern third persons; but I say it is for the benefit of all that they should be brought forward and discussed in open court. And, gentlemen, you have had the advantage of hearing all that can be said upon the subject without let or hindrance, and without fear or favour. The case on the part of Sir Charles Mordaunt has been conducted by an intrepid advocate, who would shrink from nothing if he felt it his duty to state it. He is also a consummate master of legal rhetoric, and you have had brought before you everything which in his judgment should be properly brought before you in the inquiry. Gentlemen, I cannot help thinking, after all is said and done, that we are no losers by this public investigation. As regards His Royal Highness the Prince of Wales, and the others whose names were mentioned, the investigation has told us all that could be proved in respect of them; and I think it must be a matter of congratulation to you that, as regards His Royal Highness especially, the advocate for Sir Charles Mordaunt says, honestly and fairly, “This is all I can put before you to justify the statement which Lady Mordaunt made shortly after her confinement in relation to the Prince of Wales. This is all I can lay before you, and I will not impute that he was guilty of the crime of adultery.” And it is only justice to the learned counsel to say that he said the same thing substantially when he opened the case before you. I am afraid I caused him some embarrassment by suggesting that names should not be mentioned; but, on reading the shorthand writer’s notes of his statement, I find that he did not impute anything like the crime of adultery to the Prince of Wales. With that remark I pass to the subject of our inquiry; and I think I may assist you in seeing your way more completely than you do already by stating the course which this suit has taken. Having briefly detailed the several steps taken in the suit, from its inception down to the present trial, his lordship continued: There is one question upon which, I think, there has been some misrepresentation, and that is as to what is to be the effect of your finding, one way or the other. It has been a topic much pressed upon you by the

advocate for Sir Charles Mordaunt, and it has been asked what is to be the effect of your finding, supposing you came to the conclusion that the respondent was not able to answer? It has been said that such finding would be to stop Sir Charles Mordaunt's divorce. But, first of all, I may say that, although Lady Mordaunt may be out of her mind now, she may yet recover; and if in the course of a year or two, or of any number of years, she ceases to be out of her mind and is restored to her reason, Sir Charles Mordaunt will have as good a right to a divorce, and as good a right to call her to account for her conduct, as if she had never been insane. And, therefore, it is wrong to say that if you conclude she is not now fit to answer, that puts an end to Sir Charles Mordaunt's suit. But, further, it has not yet been decided after argument at the bar, whether, supposing Lady Mordaunt is out of her mind, Sir Charles Mordaunt may not go on with his suit. The learned counsel is aware that that is a matter which will have to be argued before the Court, and, however that point may be decided, this is clear—that so soon as she recovers, Sir Charles Mordaunt will be entitled to go on with his suit as if she had never been ill. You have also been asked in very stirring language whether you are content that Lady Mordaunt's illegitimate issue should succeed to her husband's estate; and whether you will allow a gentleman of his high position and his high character to have the remainder of his life made miserable by being tied to a woman who has dishonoured his bed. These are stirring topics, and were much dwelt upon by the learned counsel. They occupied a great part of your attention. The matter which occupied a great part of your attention, and gave rise to the most forcible remarks on the one side and the other, was the question whether Lady Mordaunt did or did not commit adultery. Of course that is not the question you have now to determine. It is not your duty as a jury to come to any collective opinion whatever upon that point. The question of Lady Mordaunt's misconduct is introduced for the purpose of drawing an inference from it, and it will be, no doubt, your duty to weigh the evidence given on that point for the purpose of ascertaining, as far as you can, if the statements she made just after her confinement were true or had a reasonable foundation. It is a curious sort of inquiry. Those statements of Lady Mordaunt are not introduced before you in the way in which such statements ordinarily are adduced for the purpose of proving adultery. The ordinary process of reasoning is reversed, and the adultery is introduced to prove the truth of the statements. Therefore you see that in applying your minds to this point you have got to ascertain how far Lady Mordaunt's statements are supported by proof of the truth of the facts; and you must look at the proof that concerns those facts independently of the statements. What we have got to ascertain is this. Setting aside the statements, how far have we got evidence on which we can rely to establish the truth of the fact; for, if the fact is true, it goes some way—I will not say how far now—but it would go some way towards showing that she was sane when she made the statements. Let us then see how far it is established, independently of these statements, that this lady has committed adultery. Now, first, as regards Lord Cole. The evidence about that transaction, I own, seems to me to be of a very cogent character. You know the respondent made before her confinement an entry in an almanac or diary, which has been laid before you. It is a little ordinary almanack which she carried in her travelling

bag, and opposite the 3rd of April she has put a little mark, and opposite that she has written, "280 days from the 27th June." Now, we have it in the evidence of Sir Charles Mordaunt that her confinement was expected at the end of March or beginning of April, and there is no doubt she did expect to be then confined. What was the meaning of that entry made before her confinement, and before any suggestion was made of a disordered mind, unless it meant this: "I shall be confined on the 3rd of April, because that is 280 days from the 27th June when my child was conceived." That must be the plain meaning of that entry, as it seems to me. I do not shut out from consideration what the learned counsel for the respondent has suggested, that there are certain signs by which women go in this matter of childbirth, and that it is possible that she may have referred to the 27th June as the time of the cessation of certain periodical disorders. But still there is the 27th of June so fixed as being 280 days to the 3rd April—the ordinary period of gestation. Now, what seems to me to bear with extreme weight against Lady Mordaunt on this head, and I own I see myself no way out of the conclusion as to it, is that on the 27th of June and afterwards her husband was in Norway. You will bear in mind, also, that the appearance of the child corresponds and tallies with that period. Not that that would prove that Lord Cole was the father of the child, but there are other circumstances of the gravest suspicion tending very strongly to that conclusion, because on the 27th June Lord Cole dined with her, and it is proved that after the other company had left he remained an hour and a quarter at least alone with Lady Mordaunt. I have often had to say in this court that when we are discussing the conduct of parties with the view of drawing a conclusion of criminality, it is necessary that we should bear in mind the ordinary usages of society. When we find that the conduct of parties is consistent with the usages of society, we ought not to be suspicious. But was it according to the usages of society that Lord Cole should stay behind the other guests and remain for an hour and a quarter with Lady Mordaunt at that time at night? But it does not stop there. The evidence is that he called two or three days a week after that until she went down to Walton, which she did on the 7th July. On the day on which she went down Lord Cole makes his appearance at the station, takes tickets for her, gets into the carriage with her, and goes down with her to Reading, and three days afterwards he goes down to Walton Hall, and is the sole guest of Lady Mordaunt. There is no other guest in the house.

Dr. Deane: Your lordship will pardon me, but there were two other guests. Miss Scott and her cousin were in the house at the same time.

Mr. Inderwick agreed that this was so.

Lord Penzance: I have no doubt that counsel are right, and therefore my remarks are entirely withdrawn. There is nothing in Lord Cole going down there. On the 13th Sir Charles Mordaunt comes home. Lady Mordaunt, we find on the very first day after the confinement—on the Monday—says to the nurse, "That is not Sir Charles's child; Lord Cole is the father of it;" and she repeats that every day during the week. You are not asked to form a collective opinion on this matter, and I pass from that case to the case against Captain Farquhar. Now, the case against Captain Farquhar is not nearly so strong. Indeed, if it were not for one piece of evidence, I think you would say it would hardly

justify anybody in coming to an adverse conclusion. The evidence I allude to is that about a certain letter. It is said he was a constant visitor to the house. Bird says he once went into the billiard-room, and found one of the respondents and Lady Mordaunt standing close together. Bird, the butler, was a very suspicious witness, because we find that previous to this he had put by two *Morning Post* newspapers, and therefore undoubtedly suspected some familiarity between them. More important evidence is that of Mrs. Clarke, who speaks of Lady Mordaunt at the time Captain Farquhar was in the house. Then she goes to the matter at the Palace Hotel. Let me tell you what was proved. She came up to London for the purpose of shopping, and she was unwilling, according to Sir Charles's account, that he should come up with her. She came up on Thursday, was in town on Friday, and on Saturday she went back again. It is proved that Captain Farquhar was in the hotel at the time. The lady's-maid saw Captain Farquhar on Thursday, the day of arrival, on the landing with her mistress; but whether he had dined with her, where he was and where he passed the night there is no evidence to prove. All that is proved is she saw him on the landing. He was in the hotel on the Saturday, and his name was entered as being there on a certain day; but I doubt whether you would attach much weight to that if it had not been for this letter, and in dealing with this part of the case you must consider how far you are satisfied with the truth of that letter. There are suspicious circumstances connected with it. Lady Mordaunt went home and was unwell for a week. That letter was not discovered until the following Saturday. It appears from the evidence of the lady's-maid that she and the butler had some conversation about Captain Farquhar, and thereupon the careful butler put away the *Morning Post* in his drawer. This is three or four days before the letter was found. There is the lady's-maid, and she finds the letter and takes it to the butler. He did not take a copy of it, and she put it back again. Afterwards her mistress came into the room and took the letter up, said she did not know it was there, and put it in the fire. You will have to consider how far a lady is likely to leave letters of that kind lying about. But more extraordinary is the way in which they come to that letter. In the month of March Sir Charles made his inquiries, and the attorney was sent for. Mrs. Clarke told him all she knew, except this letter. Bird told him all he knew, except that letter; and nothing is said about this letter until later on about the end of April, when, as Clarke says, she told the attorney, and according to Bird, he told the solicitor in May or June. Now I feel this, that it is for you to say whether, after all this, you will give the amount of credibility to that letter which would otherwise attach to it. That is the case with regard to Captain Farquhar. The case against Sir Fredrick Johnstone is of a character so extremely slight that if I were trying the question of adultery, and had to ask whether upon this record the respondent had committed adultery, I should be bound to tell you that there is no evidence—at least, I mean no evidence but that of Lady Mordaunt's admission. What is the evidence independent of that? Beyond the fact of his being a visitor to the house, the whole evidence is this: That on the 30th December he dined with Lady Mordaunt at eight—the usual hour of dining—and stayed till twelve o'clock or thereabouts. I have looked through the evidence, and I fail to find any fact in connection

with him except that. The learned counsel fell into error when he said she was in town for only one night, when, in fact, she was in town for some time. You have heard the account which Sir Frederick Johnstone gives of how he came to dine there. We have not arrived at such a pass that a jury can find a gentleman and lady guilty of adultery because they dined together. I have omitted one fact with regard to Captain Farquhar. The hotel bills show that two people dined there on the Thursday—not on the Friday. The letter from the Tower was written on the Saturday and apparently alludes to the day before. Lady Mordaunt appears to have had some one with her on the Thursday, but not on the Friday evening. I must not omit the Prince of Wales. The evidence was that the Prince of Wales visited Lady Mordaunt two or three times in 1867, and called, as Mrs. Clarke said, about once a week in 1868, and the respondent, she said, has “given me several letters for the Prince of Wales, and I gave them to the footman.” Bird said the Prince had called once or twice; that he came to lunch with other people, and stayed a quarter of an hour after the rest. The third witness was Johnson, the footman, and he had taken three letters to Marlborough House while Lady Mordaunt was in town. That is the evidence. Again I should say to you, if I were trying a question of adultery, and leave the statement out of the question—I should say that there is not the slightest evidence from which you can find adultery. A gentleman calls upon a lady at an ordinary hour. He stays an hour or more. There was one peculiarity: when his Royal Highness called there no one else was admitted; that, as learned counsel says, is etiquette in this and I believe all other European countries. When a Royal visitor is admitted the door is closed against others. Then what is the evidence of the letters, which I will not trouble you with reading? I should say in this, as in the case of Sir Frederick Johnstone, that setting the admissions aside, and dealing with the matter judicially, I should be bound to withdraw the case as one on which there was no evidence. Now, with very much pleasure to myself, I will pass away from that branch of the inquiry. And now we approach what is the real question of the case, namely, the sanity of the lady at a certain time. I do not know any subject on which it is more difficult to find exact words to express an idea than on this subject of sanity or insanity. There are distinguishing words used. You talk of a person of weak intellect, or unsound mind, and so on. Sometimes you call them maniacs, suggesting the idea almost of a man chained to the leg of a bed. I believe there is a great variety in diseases of the mind, as in the diseases of the body, and I believe there is a difficulty in finding words in which you will aptly convey to the minds of those whom you address the precise nature of the disease in question. The only way I can put the question to you is this: I must ask you whether you consider this lady was in such a condition of mental disease as to be unable to give the necessary instructions for her defence, and I prefer using that to any other phrase, because that is the question we have to try. There are two periods which have to be brought to your attention. The petitioner confined himself to the second period, from the 30th April down to the present time. The respondent insisted on introducing some questions on an earlier period, between her confinement and the 30th of April. No doubt the question you have to decide is the second period, but it is impossible you could be asked to come to a conclusion as to the

second period without going into any consideration of the first. No doubt Sir Charles Mordaunt the petitioner, could insist on going into her condition from the moment she was confined down to the 30th of April. You may reason from one period to the other and reconcile the appearance she bore in each. Tests have been resorted to by the petitioner in order to establish her sanity. One test was, were the admissions true? The second was, what reasonable things did she say and do? I am not sure either of those tests was correct. Suppose it were true that Lady Mordaunt had dishonoured her husband to the full extent she said, does it follow that she was sane? Do insane people never refer to events that have really taken place? Is it possible that a woman should be conscious of guilt, and that at her confinement she might state that which was true and add to it that was false? Would it be impossible for a guilty woman to confess her guilt, and at the moment of her confinement add to that which was not true. It is said she made the confession because the child was diseased, and she knew she would be found out; and, if that were so, it would go a great way to show she was sane. But, gentlemen, the facts deny that. She accused Lord Cole of being the father, and asked if anything was the matter with the child. She was told no; and although that was repeated on the Tuesday and Wednesday, she did not retract the confession as to Lord Cole. Was she acting as a reasonable woman in the full possession of her faculties? Why should she make a confession? She might think she should obtain the forgiveness of her husband. But that was not so, for, in reply to Mrs. Cadogan, who asked her to apply to her husband for forgiveness, she said she would humble herself to no man; and again, when asked if she was sorry, she gave a still more extraordinary answer, and said, "But I am not sorry." Then it was said that she was reasonable sometimes. But can you go into any asylum in London where you will not find people who may say sane things while their minds are disordered? I will not go into cases of mania on certain points, where the patient may be perfectly sane on every other point until that one is touched upon. His Lordship then proceeded to read and comment upon the principal facts given in evidence. He referred to that of the nurse, as to what was said on the subject of the disease in the child, and the answer that there was nothing to be seen in it more than at a common birth, and the confession made that the child was Lord Cole's, which, as his Lordship observed, was before the child had begun to be bad. Reading on from the nurse's evidence to the time when Sir Charles was called on to hear the confession on the Tuesday week after the confinement, he confessed he was struck with the fact that the nurse had not been asked any questions as to the condition of Lady Mordaunt during the week, which was the time when Sir Charles wrote certain letters. They would bear in mind the demeanour of this lady, and would remember that she was described to look cheerful, notwithstanding these depressing circumstances, and that at a time when a mother is usually fondly attached to her child she took no notice of it. The evidence as to requiring the nurse to give her laudanum seemed to indicate guilt, but it would be for the jury to say whether the guilt was inconsistent with a state of insanity. Passing without comment that testimony as to asking the nurse to kill the child, his lordship next read the evidence of Mrs. Cadogan, remarking that on the morning after Lady Mordaunt had made this terrible confession she appeared to be quite cheerful and laughed.

On the question as to the lady's health at this period there had been extraordinary contradiction in the case. They had Sir Charles writing to say that his wife was so ill as not to know ordinary people about her, and yet Mr. Orford said she was well, and that the statements of Sir Charles were not true. It was therefore important to hear what this lady said, and he accordingly read the evidence at length, describing varying conditions of Lady Mordaunt, chiefly as been depressed and odd. Well, they sent for Dr. Jones, mainly because she was in that state. Mr. Cadogan went to her to get from her more fully that which she had confessed. She cried, but said nothing. What, then, was the object of her confession if she did not at least name what she had told to her husband? His lordship next touched upon the evidence of the Dowager Lady Mordaunt, and proceeded to finish that part of the evidence by reading the statement given in the witness-box by Sir Charles himself, including the confessions and Sir Charles's expression of his disbelief in them at first. He then referred to the letters written by Sir Charles Mordaunt to Lady Moncreiffe and other members of the family after the confessions were made to him and up to the 13th of March, and pointed out that these letters, in which Lady Mordaunt was described as knowing no one and understanding nothing, should be taken as the expression of Sir Charles's opinion of her mental state at that time. It was asked why Lady Moncreiffe had not been called into the witness-box to give her testimony. He was bound to say that he saw no reason why she should not have been called. If the account given by the witnesses called by Sir Charles Mordaunt to represent the condition of the respondent during her confinement was to be questioned, no more important witness than her mother could have been called. Why she had not been called was a matter upon which the jury should form their own conclusions. He dared to say that it would be a very painful and a very trying position for Lady Moncreiffe to be placed in; but, on the other hand, if she could give a different account from that presented by the witnesses on the other side, she ought not, in the interests of her child, shrink from the ordeal. It was said that she could not feel more under such circumstances than Jessie Clarke, the lady's maid; but that observation should be taken with a limitation. For as to Jessie Clarke, no witness could be found who gave her evidence with more cheerful alacrity touching everything that concerned her mistress's dishonour; and, if she had a feeling of repugnance in the witness-box, she had certainly disguised it to admiration. The question however, was, could Lady Moncreiffe controvert the statements made by the witnesses on the other side? To that extent the remarks of the learned counsel for Sir Charles Mordaunt were well founded, but the jury should form their own opinion of the circumstance. What they had to try, however, was whether the respondent was of a nervous and disordered mind, and they had to try that not by the witnesses who were not called, but by those who were. He now came to the 15th May, when Lady Mordaunt arrived in London on her way to Worthing. She stayed with Lady Kinnoul at Berkeley-square, and on the 16th May she wrote to her husband in just such terms as a lady would write who was away for a visit of pleasure or a holiday, and who was to return home and live in perfect harmony with her husband. It was said that the letter showed a sane mind. But, supposing it to be a genuine letter, and not written for a purpose, was it not a proof that when she left her husband's house, on the 15th May, she did not leave it with a sense of her true position—that she was going away for good, that she was charged with adultery, and would never see him again? That was then

her true position. Her husband had gone to Scotland, fishing, and had parted with her for ever; and, if in her right senses, she must have known that her journey to London was not a journey of pleasure, and that the society of her husband would never again be enjoyed by her. There was another view of the letter, and that was that it was written for a purpose—for shamming. But as to that there comes this question—was it likely that if she began by shamming she would end in real madness? And if she really was mad now, and when it was admitted that she was now out of her mind, did the suggestion of shamming become one that was any longer tenable? What did Lady Mordaunt propose to gain by shamming to prevent her husband divorcing her, she should pretend to be mad all the rest of her life. The madness could not be put on for the purposes of to-day and thrown off to-morrow. If simulating at all, she should simulate madness for the rest of her life. But was life worth having under such circumstances? And yet the moment she ceased to sham—the moment she returned to society and attempted to enjoy its pleasures—that moment Sir Charles Mordaunt might prosecute his suit and demand the relief which he now sought. There was another view to be taken of it in the opposite direction, and that was the motive which Lady Mordaunt might have to establish delusion at the time of her confinement, and so get rid of the admissions then made by her. His Lordship then referred to the evidence of the witnesses who saw her shortly afterwards at Worthing, and remarked that it was all-important, the period to which they spoke being on the confines of that into which they had first to inquire. That was the examination which took place at Worthing; but during the interval between that and her going up to Bickley, she came to London, and Dr. Gull saw her. Dr. Gull doubted whether she ever used two sentences together. There were symptoms of monotony which were consistently maintained for a length of time—symptoms which might be consistent either with the theory of shamming or that of insanity. But all this time she was gaining in weight and becoming stouter, and it would be worth their consideration whether, as the doctors said, that fact was inconsistent with the circumstances of the depression that must have preyed upon her mind if she were sane. Coming now to the stay at Bickley, he had determined, after hearing the evidence which he had read, that she should be at a neutral place, where both sides could have access to her, and hear what she said and see what she did. His lordship read the evidence of Jane Keble as to frequent acts of eccentricity by Lady Mordaunt including the gathering up of dirt in the road, and the giving of the dead leaf to the beggar, the eating of cinders and coal and fluff from the carpet, all the while looking cheerful and happy. Sarah Barker, the maid, stated she had seen Lady Mordaunt lie down in the road. Both these witnesses had kept diaries, and destroyed them. Bird, the butler, said that when she went into his room he did not think she was in her right mind. Then came Mrs. Cabon, who said she particularly observed Lady Mordaunt's weakened mind in the last three months. From her account it would seem that she spoke positively as to Lady Mordaunt appearing to be weakening in mind from the end of December, and she was not sure that she might not have seen signs of the same kind of weakness before that time. These witnesses did not contradict the statements of the nurses, and therefore it must be taken that the lady did say the things which they imputed to her. Then came the visit of Mr. and Mrs. Herbert Murray on the 27th of September. His lordship read the evidence of those witnesses as to the conversations between Lady Mordaunt and Mrs. Murray, the visit to the Crystal Palace, and the pauses in Lady Mordaunt's movements and in her talking. Then they had the evidence of the cook, who stated that Lady Mordaunt gave rational orders as

to dinners. The case on the part of the respondent had been that she was not bereft of reason. It was necessary to see how medical men put the case. His lordship cited the evidence of Sir James Simpson, which he said was in several general points supported by Dr. Tyler Smith. Noticing particularly that delusions frequently arose and derived their tone from the nature of the ailment, he pointed out her statements as to Lord Cole might be true, or partially true, and those as to the other names she mentioned might not be true. After alluding to the testimony of Dr. Priestley and Dr. Tuke, his lordship noticed that of Mr. Orford and Dr. Jones. He had not, he said, called their attention to a particular disease, because there was no evidence as to that disease. All the medical men agreed that the symptoms were consistent with a perfectly innocent cause. Dr. Priestley attended her eight or nine months, and if all the appearances which she and the child had were attributable to that the other falls to the ground. Whether she fancied she had the disease is another matter. If she said to the nurse, "Has the child got the complaint?" it would appear that she had got that into her head from some source or other; but as to her being actually diseased there is no evidence whatever. I have now (said the learned judge on concluding) gone through the evidence which has been adduced on this issue, and it is for you to weigh it and give effect to it as a whole. There are one or two broad views which ought not to escape your attention. Starting from the fact that Lady Mordaunt is now insane, you will see whether the facts proved will enable you to ascertain when she became so. Are there any facts which will enable you to say that up to this time she was in full possession of her faculties, and that from this time she has become insane? Was there any period you can fix when these signs made their appearance? The difficulty in the case of those who admit she is now insane, but say she was in her ordinary senses at the time she was at Walton, is, that there is nothing to connect any unusual symptoms with any specified time. Her symptoms now are silence and want of comprehension, and these are the signs which she has exhibited, according to the evidence, more or less all along. Who shall say when was the first period when there were no signs of a diseased mind? Those who say she is sane have not been able to contradict the doctors, who say her mind was unsound. They go to the supposition that the lady has put on insanity and put on a false demeanour, to assume acts of insanity, and is not, in fact, insane. These seem to me to be the broad views which will occur to your mind upon the question. The evidence has been laid in detail before you. You have given the attention which a jury should give in the course of a long trial. I do not think I can assist you further. I must ask you the questions whether Sir Thomas Moncreiffe has established that on the 30th of April Lady Mordaunt was in such a condition as to be unfit and unable to answer by petition, and duly instruct an attorney in her defence; and, secondly, to ask you whether Sir Thomas Moncreiffe has in like manner established that she has become so unfit and unable at any time since the 30th April—and if so, when.

The jury, thus charged, retired at twenty-five minutes past two o'clock. They were absent in deliberation for barely ten minutes, and at twenty-five minutes to three returned into court.

Mr. Billinge (the clerk): Gentlemen of the jury, have you agreed upon your verdict?

The Foreman: We have agreed.

Mr. Billinge: Was the respondent upon the 30th of April in such a condition of mental disorder as to be unable to answer the citation and instruct an attorney in her defence?

The Foreman: She was totally unfit.

(On this announcement there was some attempt at applause.)

Mr. Billinge (to Lord Penzance): The other question I need not put?

Lord Penzance (to Dr. Deane): The other question is immaterial?

Dr. Deane: We shall be glad to have the verdict of the jury upon the second point.

Lord Penzance: The question is, Did she upon any subsequent time become so?

Dr. Deane: And has been ever since?

The Foreman: We are equally of opinion on that subject, and say the same.

This concluded the case, and in a few minutes the court, lately crowded, assumed its ordinary business-like aspect, and another trial was entered upon.

On the application of Dr. Deane, it was agreed that the question of costs in "Mordaunt v. Mordaunt" may be mentioned at a future time.

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