The Yelverton marriage case : Thelwall v. Yelverton : comprising an authentic and unabridged account of the most extraordinary trial of modern times, with all its revelations, incidents and details : specially reported.

Vol. 35

Sir H. Cairns also protested against this course as being unfair to Mr. Windham.

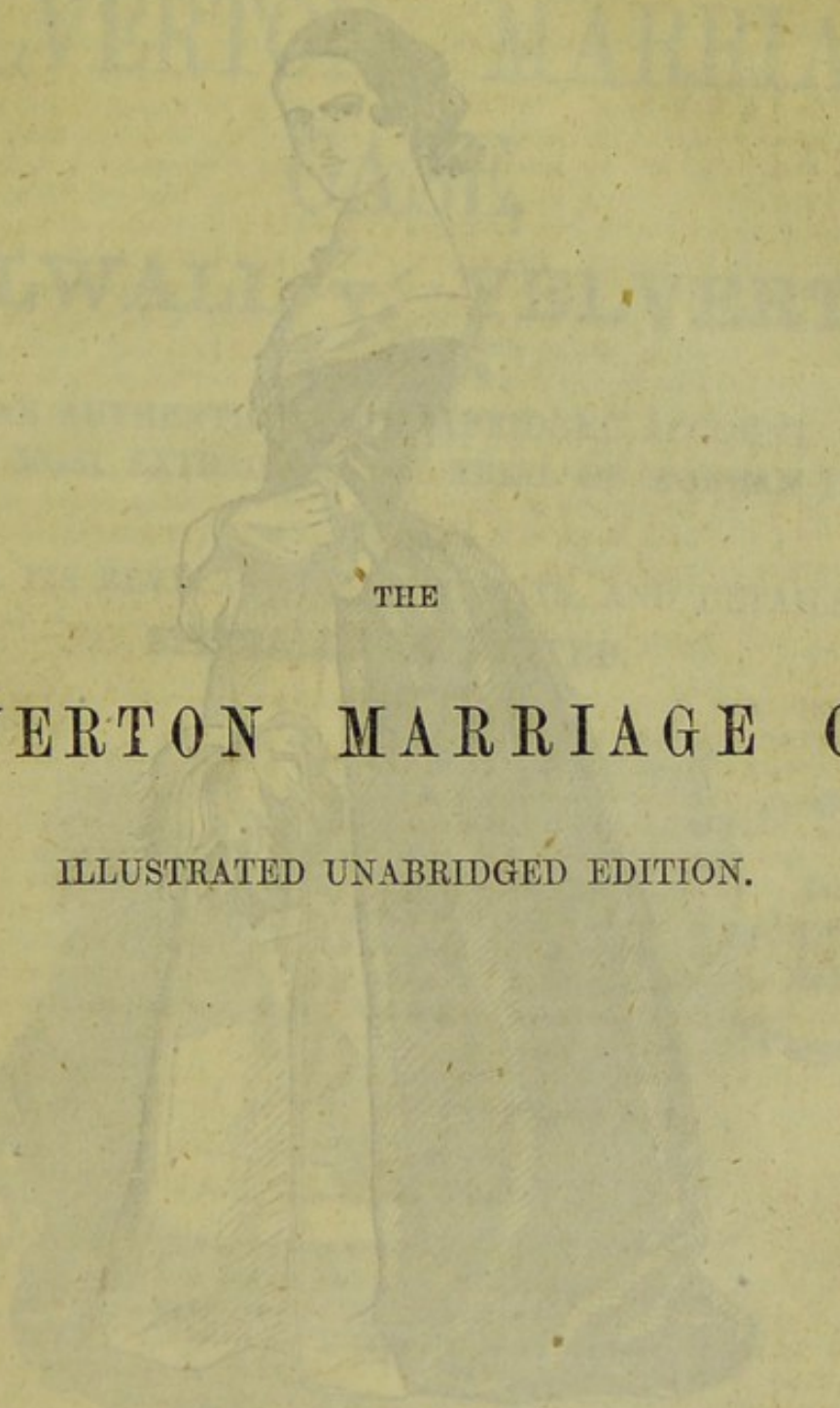
It was then arranged that the examination of Mr. Windham should take place in the court, from which all strangers were ordered to withdraw. This was at about twenty minutes past eleven, and Mr. Windham was introduced. He was questioned on all the matters which were brought out in evidence—the places he had been to, his early life, his tutors, his acquaintance with Agnes Willoughby, his marriage, his and her subsequent conduct, the jewels, &c. He is reported to have answered all the question put to him unhesitatingly, straightforwardly, coherently, and consequentially.

THE VERDICT.

The Jury retired at three o'clock, and returned in half an hour with a verdict "That Mr. Windham is of sound mind, and capable of taking care of himself and his affairs."

The announcement was received with loud cheers.

LONDON:
J. MELDRUM, PRINTER, 3, RUSSELL COURT, BRYDGES STREET, STRAND.



THE

YELVERTON MARRIAGE CASE

ILLUSTRATED UNABRIDGED EDITION.

THE HON. MRS. W. C. YELVERTON.

UNABRIDGED COPYRIGHT EDITION.

THE

YELVERTON MARRIAGE CASE,

THELWALL v. YELVERTON,

COMPRISING

AN AUTHENTIC AND UNABRIDGED ACCOUNT
OF THE MOST EXTRAORDINARY TRIAL OF MODERN TIMES,

WITH

ALL ITS REVELATIONS, INCIDENTS, AND DETAILS

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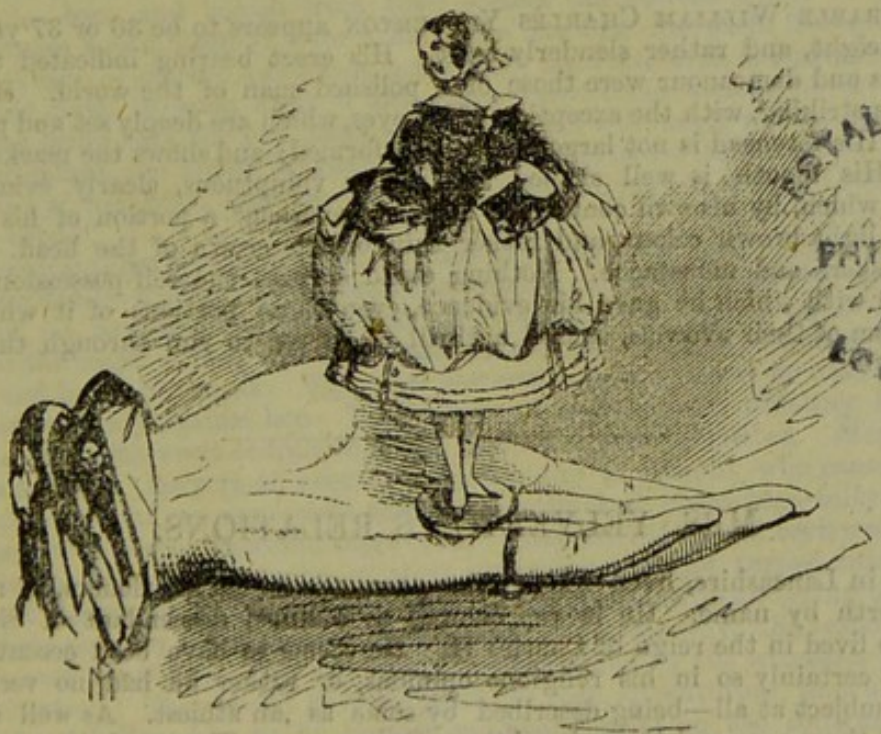


ILLUSTRATED

WITH PORTRAITS, VIEWS OF LOCALITIES, LEADING EVENTS, AND IMPORTANT SITUATIONS.

PRICE ONE SHILLING.

LONDON:
GEORGE VICKERS, ANGEL COURT STRAND.

DESCRIPTION OF MRS. YELVERTON.

Marie Theresa Yelverton's appearance in the witness box, after the vigorous and deeply interesting statement of her advocate, excited the greatest curiosity; and she had scarcely answered the few usual and preliminary questions of her counsel, when that curiosity yielded to an intense admiration for the dignified and lady-like manner in which she expressed herself, and of sympathy for the painful position in which she was placed. Every eye in court was most eagerly directed to the witness box, in order, if possible, to catch a glimpse of the countenance of one, whose sweet and musical voice, and exquisite propriety of diction, plainly indicated a lady of superior attainments and most accomplished manners. It is difficult to give an adequate idea of her personal appearance and deportment. Mrs. Yelverton is a woman something under the middle height, exquisitely proportioned, and exhibiting in every respect the characteristics of gentle lineage. She is thorough blonde, with hair of that rich and glowing golden hue, in which Titian and the painters of his school delighted to portray their ideal beauties. She wore her hair brushed back in the French style, and thus fully displayed a remarkably broad, compact, and intellectual forehead. Her features, although not perfectly regular, are extremely prepossessing at all times, and are capable of the most varied expression. Calm, placid, and intellectual in repose, under painful emotions they vividly display the harrowing and distressing workings of her soul; but when lighted up by the higher sentiments of her womanly nature, they became almost perfectly beautiful, and added to the charm of her manner, exercised a fascinating influence upon all who looked upon her. Her eyes are large, beautifully set, and indicative at once of intellectual power, combined with great tenderness of disposition. Mrs. Yelverton was dressed with perfect taste: she wore a black silk dress, with a velvet mantilla of the same colour, a white French bonnet, and mauve-coloured gloves.

DESCRIPTION OF MR. YELVERTON.

The Honourable William Charles Yelverton appears to be 36 or 37 years of age, is of medium height, and rather slenderly built. His erect bearing indicated the soldier, and his manners and demeanour were those of a polished man of the world. His features are by no means striking, with the exception of his eyes, which are deeply set and penetrating in their gaze. His forehead is not large, but is well formed; and shows the marks of mental cultivation. His mouth is well shaped and rather voluptuous, clearly evincing those strong passions which, by his own confession, form so prominent a portion of his character. His hair is of a light brown colour, and rather thin on the crown of the head. He wears large sandy whiskers and moustache. Nothing could surpass the self-possession, coolness, and deliberation with which he gave his evidence, even those portions of it which, by the revolting cynicism of their avowals, caused a thrill of horror to run through the crowded court.

MRS. YELVERTON'S RELATIONS.

At Smedley, in Lancashire, lived some twelve years ago an old gentleman, of respectable family, Longworth by name. He is represented as a lineal descendant of Sir Richard Longworth, who lived in the reign of Charles II. He seems to have been eccentric in his manner; he was certainly so in his religious opinions, or rather he had no very definite opinions on the subject at all—being described by some as ,an athiest. As well as can be gathered, he had three sons and three daughters; the youngest, Theresa, being the lady who is practically the plaintiff in the present action. The Longworth family had its share of domestic jars, contentions, quarrels, hard speeches, and alienations. Theresa seems to have lived but little at home, having been from an early age absent, either at school or visiting about among her numerous friends, kindred, or connections. Of each and all she seems to have had a good many—all in what may be called the best of social position. One sister is married M. Le Febvre, of Boulogne; another to Mr. Bellamy, of Abergavenny Castle, who died on the first day of the present trial, and who was the acting executor in the present case. The brothers are, two in Australia, one in New Zealand. The father was a silk merchant, and was tolerably independent, but not so rich as he was always supposed to be. It would seem that the present Madame Yelverton's portion on the decease of her father was £300 a year, or thereabouts.

PREFACE.

An attentive perusal of the Yelverton Marriage Case, we think, will justify the following remarks:—The jury have found a verdict for the plaintiff in thie trial, establishing both the Scotch marriage and the Irish marriage. This verdict satisfies the public feeling. It does more—it satisfies the public conscience. We cannot persuade ourselves that the extraordinary excitement that has pervaded the whole country for the last few days is the effect of declamatory observations on the public mind—a moral mania that has seized upon the community, affecting both sexes and all classes. If the moral sense of the Irish people is sound and true upon any subject, it is sound and true with regard to woman's virtue; and we do not believe it possible that a woman of sullied honour, still less one utterly impure, could command their sympathy. No intellectual powers—no charms of manner—no plausibility of statement—no romantic incidents—no strange vicissitudes, could attract the regard or secure the interest of the ladies of Ireland towards one of their own sex who had sacrificed the jewel of her honour, even for a coronet. From such a woman as Major Yelverton and his counsel painted, the ladies of Dublin would shrink with disgust and abhorrence. They could not look without pain on such moral deformity—a crafty, vicious woman, no matter by what meretricious ornaments she might strive to mask her depravity. With quick perception, with an intuition that seldom errs, they detect the real character through every disguise. And when they do detect a bad character, if they err regarding it, they err in the severity of their condemnation—in the extreme rigour with which they condemn, exclude, ban, and banish from their society the tainted object of their aversion. Every one knows how difficult it is for a lady who has thus lost caste to regain her position in society. Years of sincere penitence, exemplary conduct, even the pleadings of a broken heart will not avail to wash away a sin which respectable society never pardons. The SAVIOUR may bring back the lost sheep, but the world will never permit her to rejoin the flock. A repentant and loving Magdalen may wash His feet with her tears, and wipe them with the hairs of her head, but the virtuous woman still says to her:—"Stand off! I am holier than thou!"

Now, keeping these truths in view, we must deal with the facts. For ten days this trial has been attended by numbers of the most respectable ladies in Dublin, by many who are the ornaments of its best society. Hundreds more would have come were it possible to gain admission to the court. They heard or read the evidence from day to day. They saw Mrs. Yelverton, and heard her speak. They saw her husband, and heard or read all that he and his witnesses could say against her. They observed with closest scrutiny how she passed through one of the severest ordeals to which a woman ever submitted. Men of the world, of varied experience, lawyers of keenest sagacity, the multitude, who cannot discern nice shades of feeling, but can appreciate the broad outlines of character—talked day after day about the career of Marie Theresa Longworth. They criticized and reviewed her character in every possible light, yet the wine of their sympathy was not turned into vinegar. The ladies did not desert the court, ashamed to be in the presence of an erring one who had dishonoured their sex; on the contrary, the interest, the sympathy, the respect for Mrs. Yelverton increased every day. The aspersions cast upon her by the witnesses did not sink her in their estimation. They might have believed her rash, adventurous, imprudent, ambitious, but they did not believe her to be impure and abandoned; on the contrary, they believed that she was foully wronged, that in her the sex itself was grievously outraged, and religion daringly profaned.

That Miss Longworth acted with great indiscretion every one must admit. But the jury and the public see some excuse for this in the unhappy circumstances of her early life. She lost a mother's care when she was a child. Her father was an eccentric irreligious man, whose home was uncomfortable. Indeed, Teresa Longworth scarcely knew what a happy home was. She was not taught by parental lips to read and reverence the Word of God; nor did she kneel beside them at the family altar. She was shut up in a French convent during all the time of her girlhood. There she was taught to hate the religion of her family, and sedulously trained up as a Roman Catholic, like many other English girls who are sent to French convent schools. She came out of that seclusion utterly ignorant of the world,

with a mind wonderfully gifted, a lively imagination, and an enthusiastic temperament—with noble aspirations and a sensitive heart yearning for affection, and capable of the most lasting and the most devoted attachment—yet feeling quite alone in the world.

With such a nature—impulsive, generous, courageous—with personal attractions, a play of fancy and feelings, and power of conversation, that were perfectly fascinating—the wonder is that she was able to escape the snares which are laid for beauty and virtue. She was only nineteen or twenty years of age when she met Major Yelverton; casual acquaintance led to correspondence, and this correspondence prepared the way for a friendship that quickly ripened into love. The jury believed, and the public believe, that she never thought seriously of any connection with him that was not hallowed by the rite of her Church. His purpose, he swore, was from the first dishonourable. He resolved to make the young, beautiful, and gifted orphan his mistress. But she never lost sight of her object. From the very nature of the case it is evident that she never gave Major Yelverton the full rights of a husband till they were married at Killowen. If he had complete possession of her years before that, the marriage ceremony in question cannot be accounted for. Long enjoyment must by that time have abated the ardour of his love. He had been at home with his family on a visit, and must have been strongly impressed under the paternal roof with the expediency of marrying some one who had property, and would be agreeable to his family. Yet it was while he was under that roof that he arranged with Miss Longworth to meet him in Ireland, in order to be married by a priest. What was his inducement to take a step so imprudent? Was this done to please a mistress who had been for years the slave of an unhallowed affection for him—one who had pursued him everywhere, and must, on his own showing, have become a burden to him? What had he to gain by the marriage? Nothing. How did she obtain what was of such vital interest to her after so long an engagement, and so many public recognitions of her as his future wife? She gained it by yielding what he desired, and what he evidently could not get in any other way. He married her in a way that she believed to be sacred and binding, and though, for his sake, she consented that it should be secret, she was conscious that it invested her with all the rights of a wife. We have reason to infer that the part of the correspondence subsequent to the marriage, which was destroyed, would have thrown light on this part of the subject. She has struggled hard and nobly for the honour of her name—for the legitimacy of her children. She felt what was due to her as a wife and mother; but it was only when she was threatened with the loss of all that she determined to break through the restraint imposed by a regard to her husband's interest. She endured much and long from a husband who unceremoniously abandoned her for another. She then resolved to fight the battle for her rights. She has done it with an ability, a spirit, a courage, and a perseverance which prove that her nature bears the stamp of true nobility. What but conscious virtue—what but a strong, enduring feeling of self-respect—what but the claims of honour and duty could have sustained her, feeble in health and almost broken in spirit, in the terrible conflict which she has passed through so heroically and so gloriously? If she had not appealed successfully to the better feelings of our nature, to our manly sentiments, and our feelings of honour and justice, she could not have so moved the very heart of society—she could not have kindled enthusiasm in grave and learned men—and, above all, she could not have enlisted the warm admiration and cordial sympathy of the most virtuous and estimable of her own sex. Wherever her romantic story has been told, the recital of her wrongs has thrilled all hearts; and there are few families in the land that do not rejoice in her victory.

In the Court of Common Pleas.

BEFORE THE RIGHT HONORABLE JAMES HENRY MONAHAN, LORD CHIEF JUSTICE,

AND

THE FOLLOWING SPECIAL JURY:

John Grattan.	Hugh Maguire.
Bernard Martin.	Patrick Langan.
Charles Stephens.	John Ord.
Robert Long.	Trevor Hamilton.
Caleb Palmer.	Patrick Barden.
George O'Neil.	William Allen.

PLAINTIFF'S COUNSEL:—

EDWARD SULLIVAN, Q.C., Second Sergeant-at-law.
The Right Honorable JAMES WHITESIDE, Q.C., M.P.
FRANCIS MACDONOGH, Q.C., M.P.
JOHN F. TOWNSEND, LL.D.

DEFENDANT'S COUNSEL:—

RICHARD ARMSTRONG, Q.C., Third Sergeant-at-law.
The Right Honorable ABRAHAM BREWSTER, Q.C.
JOHN T. BALL, Q.C., LL.D.
H. P. JELLETT.

PLAINTIFF'S ATTORNEY:—

RICHARD NEVILL PARKER.

DEFENDANT'S ATTORNEY:—

HENRY DWYER.

THE FOLLOWING IS A COPY OF THE WRIT OF SUMMONS AND PLAINT.

Court of Common Pleas.

John Thelwall, of No. 30, Spring-street, Hull, Yorkshire, in England, Iron Merchant, **Plaintiff.**

The Honorable William Charles Yelverton, of the Barracks, Athlone, in the County of Westmeath Major in the Royal Artillery, **Defendant.**

County of the City of Dublin.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth, to the said William Charles Yelverton greeting: William Charles Yelverton, the Defendant is summoned to answer the Complaint of John Thelwall, the Plaintiff, who complains, that the Defendant is indebted to the Plaintiff in the sum of £259 17s. 3d., for money payable by the Defendant to the Plaintiff, for the use with the Plaintiff's permission of apartments and furniture of the Plaintiff, by the Defendant's wife, at the Defendant's request:

And also for meat, drink, attendance, medicine, washing, wearing apparel, goods and other necessaries, suited to her condition, for the Defendant's wife, found and provided by the Plaintiff at the Defendant's request. And also for the use by the Defendant's Servant, with the Plaintiff's permission, of appartments and furniture of the Plaintiff, and for meat, drink, attendance and other necessaries and goods by the Plaintiff found and provided for the Defendant's servant at the Defendant' request:

And also for the hire of horses and carriages of the Plaintiff for the Defendant's wife, for her necessary purposes, at the Defendant's request:

And also for medical attendance necessary for the Defendant's wife, provided for her by the Plaintiff at the Defendant's request. And also for goods sold and delivered by the Plaintiff to the Defendant at the Defendant's request. And also for money lent by the Plantiff to the Defendant at the Defendant's request. And also money paid by the Plaintiff for the Defendant, at the Defendant's request, the particulars of which are endorsed hereon; and the Plaintiff prays Judgment against the said Defendant to recover the said sum of £259 17s. 3d., and his costs of suit.

Therefore the Defendant is hereby required to appear in the said court, within twelve days after the service hereof, and to answer the said complaint, or in default thereof, Judgment shall be given according to law. Witness, the Lord Chief Justice and other Justices of Her Majesty's Court of Common Pleas, at Dublin.

Dated, Wednesday the 3rd day of October, 1860. JOHN F. TOWNSEND.

RICHARD NEVILL PARKER, Attorney for the Plaintiff,
Number 2 Dame Street, Dublin.

N.B.—This writ is to be served within six calendar months from the date thereof, including the day of such date, and not afterwards.

ENDORSEMENT OF PARTICULARS.

1859.	March 10th to May 4th.	To apartments and board for the Honorable Marie T. Yelverton the Defendant's wife and her maid, 6 weeks at £5 5s. 0d. per week ...	£31	10	0
		Do. for said Mrs. Yelverton alone, two weeks at £4 4s.	8	8	0
		Use of horses, carriages, &c.	4	4	0
		Washing, 6 weeks at 6s.	1	16	0
		Do. two weeks at 4s.	0	8	0
		Apartments and board for said Mrs. Yelverton, eight weeks at £4 4s. ..	33	12	0
		Washing, eight weeks at 4s.	1	12	0
		Use of horses and carriage	10	0	0
1860.	Aug. 31st to Sept. 31st	Apartments and board for said Mrs. Yelverton, three weeks at £4 4s. ..	12	12	0
		Washing, three weeks at 4s.	0	12	0
	August 3rd.	Cash lent to said Mrs. Yelverton	10	0	0
	Sept. 13th.	Horse purchased for do.	25	0	0
	Sept. 19th.	Cash lent to said Mrs. Yelverton	10	0	0
	„	Paid Messrs. Willow's and Smith's bill for said Mrs. Yelverton	44	2	6
	„	Do. Mr. Gillett for Hat for do.	0	5	0
	„	Do. J. W. Long, amount of his account for do	8	2	0
	„	Do. Dr. Lee for Medical attendance on said Mrs. Yelverton during 1859 and 1860	5	5	0
	„	Keep of horse for said Mrs. Yelverton for one week to September 20th..	1	1	0
	„	Cash lent to said Mrs. Yelverton	50	0	0
	„	Paid Mr. Frisbon amount of his account for same	1	7	9
			£259	17	3

Served by me personally on William Charles Yelverton, herein described, at his Quarters, Military Barracks, Longford, in the County of Longford, on Wednesday, the 5th day of December, 1860.

(Signed) JOHN BRADBURY, Civil Bill Officer.

The following is the defence:—

Court of Common Pleas,

Wednesday, the 16th day of January, 1861.

JOHN THELWALL . . . . . PLAINTIFF.

The Honorable WILLIAM CHARLES YELVERTON, . . DEFENDANT.

The said William Charles Yelverton appears, and takes defence to the action of the said John Thelwall, and says:—

That no apartments or furniture of Plaintiff were used by the Defendant's wife. That no meat, drink, attendance, medicine, washing, wearing apparel, goods or other necessaries, were found and provided by Plaintiff for Defendant's wife.

That no apartments or furniture of the Plaintiff were used by Defendant's servant, nor were any meat, drink, attendance, or other necessaries and goods found and provided by Plaintiff for Defendant's servant.

That no horses or carriages of Plaintiff were hired of Plaintiff by Defendant's wife.

That no medical attendance was provided by Plaintiff for Defendant's wife.

That no goods were sold or delivered by Plaintiff to Defendant.

That no money was lent by Plaintiff to Defendant, nor was any money paid by Plaintiff for Defendant, and therefore Defendant defends the action.

HEWETT P. JELLETT.

HENRY DWYER, Defendant's Attorney, 18, Talbot-street, Dublin.

THE

YELVERTON MARRIAGE CASE,

(THELWALL v. YELVERTON.)

EVER was there a trial in any court of justice—civil or criminal—that created so much sensation as the extraordinary and romantic marriage case, with which we now present our readers with a full and varbatim report, which has been specially prepared and revised. It commences with the able and eloquent opening statement of Sergeant Sullivan. The case was tried in the Court of Common Pleas, before Chief Justice Monahan and a Special Jury, selected from the common panel. From the day the particulars of this strange case were first revealed to the court up to the present, it has continued to be the leading topic of conversation and comment throughout the entire community, and the great interest which the public has manifested from the commencement seems to increase and intensify as the history of the lady (the Hon. Mrs. Yelverton) who occupies the most prominent position in the affair, is developed in the narrative of the evidence.

FIRST DAY.

Mr. Townsend opened the pleadings in this case. It was an action to recover a sum of £259 17s. 3d. for board and lodging, and necessaries supplied to the defendant's wife and her servant. The defendant pleaded that the goods and necessaries were not supplied to his wife, and this was the important issue raised by the pleadings.

THE OPENING STATEMENT.

Mr. Sergeant Sullivan stated the case. The action, he said, rested on the well-settled principle of law that if a husband turned his wife out of doors without cause he sent her into the world as his accredited agent, and he was responsible for her reasonable support. An ordinary action of this kind would be easily disposed of. But this was not an ordinary case; it had features strong and uncommon—it would be one of surpassing interest, and it involved the most momentous consequences. In ordinary cases the relationship of husband and wife was admitted, but in the present case the relationship of the defendant, as the husband of the woman to whom the goods and necessaries were supplied, was disputed and denied, and their attention would be, therefore, necessarily drawn to that lady, for whom, before the case was over, if he mistook not, their hearts would beat with manly and generous sympathy. The plaintiff sought to make the Hon. William Charles Yelverton responsible for the support of his wife, and the man who stood by a woman, when her husband deserted her—who stood between her and the accumulated ills that followed on such a condition, was deserving of every respect. He (Sergeant) Sullivan was prepared to prove that Teresa Yelverton, to whom the goods had been supplied, was the wife of the Hon. W. Charles Yelverton, and that he mercilessly abandoned her; that he had driven her on the world without the means of support, and that plaintiff, fully aware of all these facts, had given to her the means of support which her husband denied her, and if all these facts were proved his client would be entitled to the verdict, which he was sure, when they had heard the case, they would rejoice to give, in assertion of the cause of virtue, and quelling the suggestions and repelling the machinations of vice, and the verdict that could accomplish such results would have the approbation of their fellow-men. It was absolutely necessary that he should open in detail the history of this unhappy lady. The defendant was a man of noble family, the heir apparent to the peerage of Avonmore. Teresa Yelverton, his wife, whose maiden name was Longworth, was also of gentle blood. She belonged to an ancient and honourable family in England, and having lost her mother in early life, she was taken to France to be educated, and though her family were all Protestants, she, from a very early age, was reared in the doctrines of the Catholic church, and had continued since of that faith, which made a deep impression on her, and he believed a more sincere or devoted member of it never existed than Teresa Yelverton was, and has been. She had a sister married in France to the son of the Chief Justice of that empire, and while coming over in 1857 from a visit to her sister at Boulogne, she, for the first time, met the Honourable William Charles

Yelverton. Their acquaintance was of a most passing and formal character, and the slightest incident in that journey led to a friendship which refined into love. When she reached London her sister, Mrs. Bellamy, whose husband lived at Abergavenny Castle, in Wales, delayed going or sending to meet her on the arrival of the steamer, and the Honourable Mr. Yelverton, seeing her alone, volunteered his assistance, and called a cab for her, in which she went home. In a day or two afterwards Major Yelverton called at her sister's house and paid his respects, and nothing followed except the interchange of civilities. In 1853 Miss Teresa Longworth was sent to complete her studies in the south of Italy, for she was a most accomplished woman, and being in Naples, and being desirous of sending a letter to a cousin, who was a Royal Commissioner at Montenegro, she was told by a banker at Naples that it would be necessary to have her letters sent to Malta to be re-posted, and he volunteered to send her letters to his cousin through a friend of his, an officer in Malta. The officer was Captain, now Major, Yelverton. This small circumstance led to a correspondence, spread over many years, between the Hon. Major and Miss Longworth, without either laying eyes on the other during the time the correspondence continued; yet letter after letter passed between them, displaying on the face of them great affection, couched in terms of the most Platonic endearment. Miss Longworth returned from Italy to France in May, 1855. They would all remember the interest that was excited by a band of heroic women leaving England and France, and volunteering their ministering aid in the hospitals of the Crimea. From France there went a body of the Sisters of Charity, and they associated with themselves ladies of rank in France, who accompanied them, without vows, on the mission of mercy. One of this band was Teresa Longworth. At the time she left France to go to the Crimea, Major Yelverton was on his way from the Crimea, where he had been serving as an officer of artillery, to England, and did not return to the Crimea until September, 1855. Miss Longworth remained for five or six months at the hospital at Galata, and when Major Yelverton returned he found her out, and visited her, and that was the first time he had seen her since he saw her in her sister's house in 1852. He then professed an ardent attachment for her, and asked her to marry him. She assented, and agreed to leave the occupation at which she was employed to become his wife, but he accompanied his proposal with a proposition to which she could not assent—that it should be a secret marriage, celebrated there by any priest whom he could find. Consequently the marriage was deferred until they should arrive in England. An armistice took place in the Crimea, and Miss Longworth, who always moved in the first society, was invited by the wife of one of the general officers of the British army on a visit to the Crimea. She went, and during her stay of five or six weeks, the Hon. Major Yelverton was constant in his visits. He renewed his professions of attachment and offers of marriage, and spoke of the happy times in store for them in England; and so "courtship's smiling day" passed off. When urging the secret marriage, Major Yelverton suggested that they should get married by a Greek priest in one of the churches of Balaklava, and he said that a Greek priest was as good as a Catholic priest; but she was firm in her resolve—her moral principle and sense of religion were so strong, that no inducement could make her yield from her determination that a priest of that religion which she professed should unite her in marriage. The reasons which the defendant gave for desiring a secret marriage were, that in circumstances he was not very well off; that he had an uncle on whose bounty he very much depended, who would be annoyed if he married, but he vowed to her that nobody but she should be his wife. Miss Longworth returned to England in the autumn of 1856, and went on a visit to her sister in Wales, where she remained until February, 1857. From that she went on a visit to Edinburgh, where she moved, as she always did, in the first society. She was then a lovely and accomplished girl; he believed as lovely a woman as ever breathed the breath of life. They should not expect to see her so now. She was changed. Her cheek was paler and thinner than it should be for one so young. She had gone through years of suffering which a soul of heroism alone could endure, and when they had heard her story from herself, they would ask themselves how great must have been her mind, how fresh the sense of her own character, to enable her to bear up against the infamous treatment to which she had been subjected. Major Yelverton was stationed at Leith in 1857, and the moment he heard of her arrival in Edinburgh he renewed his visits to her and his vows as before. He laid before her the reasons why she should accede to his wish about the secret marriage. He told her that a Catholic priest in Scotland could be got to marry them, and there was no reason why she should not agree to it; that other women had done the same before, and that there was no breach of morality in it. But she was firm in her resolve. She refused to agree to a secret marriage. Everything that influence and artifice could do—everything that man could do he did to persuade her to be married in secret, but she refused. On all occasions he professed himself a Roman Catholic to her. He attended with her the celebration of mass in a Catholic chapel in Edinburgh, and she always urged upon him that it would be a violation of his opinions, as a Catholic, to have a secret marriage, but his proposal always was a secret marriage or a postponement of the ceremony. He (Sergeant Sullivan) would say, from looking through the correspondence of the parties, that notions of dishonour had not, perhaps, taken root in the mind of Major Yelverton—that he had not for his object the ruin of the lady. On the contrary, the correspondence would lead to the belief that his feelings towards her were those of a gentleman and a man of honour at the time. At this time an incident occurred in Edinburgh to which he would ask the attention of the jury. Having proposed the secret marriage, and urged it, he, in April, 1857, induced her to hear him read the marriage ceremony from a Church of England prayer book in the house of a Mr. Gamble, at Edinburgh. He told her that, by the law of Scotland, marriage by a priest was not necessary—that mutual consent and promise made

persons man and wife—and, having read the marriage ceremony, he proposed that it should legitimise their position as husband and wife. She refused—she regarded the proposition almost with horror. She immediately left Edinburgh and went to her sister's house in Wales, in April, 1857. The reading of this service hung upon her like a terrible cloud; for he had told her that the effect of it was that he could claim her as his wife—that that position was fastened on her by the mere reading of the ceremony. She refused to be bound by it, and fled from him. While at her sister's house he wrote to her asking her to come back to him, and finally saying that he would yield to her wishes, and that they should be married by a Catholic priest in Ireland, adding that if she lived with him the marriage should be kept secret. She yielded so far, and consented to a secret marriage, provided it was celebrated by a Catholic priest in a Catholic church. In 1857 she left her sister's house, unknown to all, crossed over from Milford Haven to Waterford, where she met the defendant in the month of August. The object of this meeting was, that they should be made man and wife by the priest of that religion which she loved. They failed to get a priest in Waterford, and eventually, he having proposed that they should go to the north of Ireland, they reached Rostrevor on the 10th of August, 1857. Between Miss Longworth and the defendant no impropriety whatever existed during the period to which he had alluded. She went to the parish priest of Rostrevor, the Rev. Mr. Mooney, and told him her whole case: he referred her to the Bishop of Dromore. The bishop and the parish priest consulted together, and the result was that the bishop consented to the solemnisation of the marriage by the Rev. Mr. Mooney. After they reached Rostrevor, defendant came to Dublin for a few days and then went back to Rostrevor again, and on the 15th August, 1857, Teresa Longworth and William Charles Yelverton were married in the parish church of Killowen, by the Rev. Mr. Mooney, the parish priest. The defendant and Miss Longworth attended mass on the Saturday previous to the marriage in the chapel of Warrenpoint, and on the day of the marriage in the church in which they were married. The marriage ring was purchased in Dublin by Major Yelverton, from a jeweller named Martin. It was the smallest ring the jeweller had ever sold, and the smallness of the ring, and the circumstances on which it had been sold, made a great impression upon him, and he would prove that Major Yelverton bought it. The time of the celebration of the marriage was after high mass on the Feast of the Blessed Virgin; the priest was robed in his vestments; they knelt down before him at the altar, and he pronounced the marriage benediction over them after they had pledged their troth, "To have and to hold, from that day forward, for better for worse, for rich or for poor, in sickness or health, till death us do part, if holy church will permit it, and therefore I do pledge thee my troth." Before the marriage the priest asked Major Yelverton whether he was a Catholic? He said—"I am, but a bad one, I'm afraid; but I am no Protestant." Why did the priest ask that question? Because by the law of the land a clergyman marrying a Catholic and a Protestant was guilty of a felony, and he asked it to be sure he was not breaking the law. It was strange that a man who had so plighted his troth should repudiate the woman to whom he had plighted it. The answer which the defendant would give was that there was no marriage in that church on that occasion—that he took her in there merely to ease her conscience, to legitimise her relationship to him as his mistress! What would they say to such a man? He would be hunted from the court by the execration of every man if what he said was true, that he profaned the ceremony of marriage to make this woman his more confiding mistress:—

> "Such an act
> As blurs the grace and blush of modesty;
> Makes Virtue Hypocrite; takes off the rose
> From the fair forehead of an innocent love,
> And sets a blister there: making
> Marriage vows as false as dicers' oaths, and
> Sweet Religion makes a rhapsody of words."

He could not believe that he would have the hardihood to sit in that box and tell that he did go to the chapel and used the ring, and had the priest there for the purpose of making her his mistress, and not his wife. After travelling about after the marriage they returned to Edinburgh, and while there the plaintiff in this action and his wife came on a visit to them, and he introduced Mrs. Yelverton to them as his wife. In 1857 Mrs. Yelverton went on a visit to Mr. Thelwall's, at Hull, and Major Yelverton followed her, and, while there, it was arranged that Major Yelverton and his wife should travel on the Continent, and Mr. Thelwall would tell them that during the whole time at Edinburgh and Hull the relationship between them was that of man and wife, and he believed if any one at this time had told Major Yelverton that the lady was not his wife he would have hurled him to the ground. When it became necessary to procure a passport for Mrs. Yelverton, on their going abroad, Major Yelverton caused her name to be written in full in it, Mrs. Teresa Yelverton. He wrote to her from Hull a letter enclosing her passport, in which he said:—

"Carissima Mia,—How do you get on? I hope you will be able to start by steamer to-morrow. I shall start, if you do not telegraph to stop me, before three o'clock to-morrow. Hope Mrs. Thel is getting on as well as can be expected. It was lucky I did not settle to start on Wednesday, as the levee was postponed till Thursday to enable the Com[illegible]. in Chief to make a speech about widows and orphans of soldiers. I send you your passport visé. You must sign it, and (take care with the right name).

"I have just come from looking at the big ship.

"Remember me to Thelw—and Mrs. Th.

"Consider yourself bacciata molto, &c., &c.; and Addio. Sempre a te. London, Friday 12th, 1858. "CARLO."

More than forty letters passed between these people. He could produce every letter; but he produced only two of hers. The terms of endearment in the letters sounded odd when now read, but there was no doubt from them that the writer had but one fixed idea, that the woman was his wife. He found it difficult to get leave of absence, and while away he wrote several letters to her. One within about two months after the marriage was as follows:—

"My dearest little Tooi-tooi,—I cannot get away until Saturday morning early. Mine host, being a soldier, knows the hours too well.—Ever yours,

"Friday." "CARLO.

The next was without date:—

"Saturday Evening.

"Carissima Mia—You don't mean to say that you expect to be written to, after taking yourself off—that is too good a joke. I have not been sleeping much, but it has got rather a sore subject with me. I have been down with Macbeath, in Berwick, for the last four days, and we had two late nights at whist, &c., and last night, just after dinner, I got one of those fits of sleep, which commenced with a sort of vertigo or giddiness, so I begin to fear it is a disease, and not a habit I have just come back. Sorry to hear of your state of nerves and sensations, and almost begin to be infected with your belief; but have been studying the subject, and advise you to stay quiet until the first week in January, if that is your only reason for wishing to go now. I *must* see you before you go. It is not *quite* certain that I should be able to follow, and I have something to say to you, in case your fears are well founded, which would amount now to a small miracle, which might well be dispensed with. Think of the velvet dress, and resolve not to lose it. There will be no certainty one way or the other now, until the time above-named.

"Yours ever, as you like,

"CARLO."

The next, also without date, was as follows:—

"Carissima Mia—I was not able to go myself to ship off the wine and canvas, but sent Crosby with written directions, &c., that I *do* think make a mistake impossible; so that you may look for their arrival by the steamer leaving Leith to-day. I think there will be an advantage in remaining until the time I said, as the fact is there will be no certainty of an enemy until that time, as false alarms often do not declare their falsehood before a period which, as I calculate in your case, about that time. I cannot quite comprehend your wish to be alone. The fact of an unexpected responsibility and '*chance of row*' do not make me wish to go away from you, but more anxious to stand by you, and assist you through the emergency. The *cat* must be kept in the bag just now; for if the fiery devil gets out now she'll explode a precious magazine and blow us all to the d—l. In the future there is hope of being able to loosen the strings. If there is danger to you in the natural course of things, that course must be hastened. I must talk to you more on this head. I find myself taking your view of the case, but I still hold to my disbelief in miracles, but will try and get away (to see this one of yours) from the 20th to 27th, if that will suit you. I must come back now to Carlisle, as I want to meet my brother, who will be there on the 28th, and I must get him to lend me a hand in the pecunia, which will be better managed personally than by letter. Addio, Carissima. Hope the nerves, &c., &c., will get better. Don't give up.

"Face the blue devils, and they will fly to h—. Penso a te.

"CARLO."

She had written to him to tell him that the time had come when, as a woman, she could no longer keep their marriage secret. She felt the natural impulse of a virtuous woman stirring within her She appealed to his vows and to his honour. Her condition could not be kept secret, and she asked him in time to avow the marriage and make them both happy. He wrote back to her a letter containing the following passage:—

"You must not be low spirited. What is the necessity for letting the mine explode? Can you not get abroad? I have every reason to believe that next June will see you through this great trouble."

She felt, as a woman of religious feeling, that she dare not continue in her condition longer without letting the fact of the marriage be known. This woman whom he had made his wife in the face of Heaven and of man appealed to him, when about to become a mother, by everything held sacred, to tell the world what he had done in the chapel. He induces her by strong arguments to keep it secret. She determined not to do so. She told him, "If you don't do it I must," and in Christmas, 1857, he wrote this letter:—

"X'mas Day, 1857.

"Carissma Mia,—I fear it is not a reservation of bon bons that has caused my silence this time, but what you wrote in your last letter but one. You say—'I told you my resolution in case certain events did occur. You were very angry; but it would be my duty, and if I live I must do it.' Now, the fact is, that it is not a question of mere *anger* on my part; but your *resolution* is founded on false views. 'Where is your duty of keeping faith with me?' I have never intentionally deceived you, and have done more than I promised (at great risk). I told you the event

we fear could be avoided, and you certainly cannot doubt that it is equally unwelcome to me as it can be to you; but, if the future proves that I have been deceived by others, that will not absolve you from your faith, the which, if you break with me, you will never, from that moment, have one of even tolerable content during the rest of your life."

Was ever threat more terrible hurled at any woman? Terms of endearment had no power—her virtue was imperilled; she could not endure it. She told him she should make the marriage public. "If you break your faith with me you will never have a contented day during the rest of your life." And he kept his promise. He then proceeded in this letter:—

"If you do feel any love for me, you must change that resolution. If I depart this life, you may speak, or, if you do, you may have a legacy of the facts; but whilst we both live you must trust me and I must trust you. When I find my trust misplaced, if you have any affection for me, I do not envy you the future—your duty lies this way, not that. I have now said my say: do as you will. If you wish to be my dearest little Tooi-tooi again, write quick and say so, and I'll try and bring you such a lot of bon-bons. I do not feel at all certain of getting away before Saturday, the 2nd, but if I did get off by the two o'clock train on the 31st, I should not reach Hull until midnight; besides, dearest, I do not much like the notion of going to fetch you from the Th——, which you seem to meditate. Write and tell me what hotel to go to in Hull, and I will send you a message when I arrive; but the only certain way of passing New Year's Eve together will be for you to come here. We need not stay in Edinburgh. I'll have a cage for you; it is a long journey for you, and I should hardly advise you taking it; the only thing is, that if we were somewhere near here, you could ride (if you liked) the mare, as I have another lent me. Tell me what time you receive this: it is to go by the seven p.m. post. Addio, carissima. Molte baccio, sempre a te. "CARLO."

She was struggling, not for life, but for honour. If her letters were produced it would be seen that she told him she had also a duty towards the child of which she was about to become the mother—that she had a duty towards society, towards her mother, who was in the house—towards a long line of ancestors whose name was never tarnished by disgrace, that he should acknowledge her as his wife. And what was his degrading answer? "Do it, but be prepared for the remainder of your life for disgrace and humiliation—to be sent upon the world branded by me as my mistress." Let them imagine the condition of this ill-fated lady, pressed by this man whom she loved with devotion. She agreed to go abroad with him, and to keep the marriage secret for the present. She told him to come to her, that she was in despair at getting the letter; and on the 17th January he wrote the following letter:—

"Tooi-tooi Carissima—How are the eyes? I arrived here in due course, having sat in the coffee-room at the Railway Hotel, York, from eleven to two, without a single nap, thinking of you, and reading the *Times*. A fussy old gentleman was doing ditto; wondered whether he had just left a tooi-tooi behind him; have done nothing since I came back but paint at 'Carim,' and it is nearly finished. The mare is still lame, and I fear it is incurable; must send her back to the brother for breeding purposes. I am in deep grief about it, as she was just getting perfect; just like my luck. I suppose, if you ever approach perfection, you'll go getting lame or something. I fell asleep in my arm-chair before the fire a few nights ago, and dreamt you came and awoke me much against the grain, and then you sat down in the other chair, and talked about all sorts of things, and finally insisted on my going to bed, and I awoke standing up, and having made a step or two towards the door. I never recollect having so real seeming a dream. What do you mean by it? Disturbing my slumbers in that way? You had on a black silk dress too; I felt it when you stooped over me, and I put my arm round your waist, and you pulled me into a bolt-up right sitting posture. You're a dearest darling darling small tooi-tooi, &c. . . . . and "*da capo' Addio. Sempre a te.* "CARLO."

In the beginning of May, 1858, they left England, and travelled on the continent, and in April, 1858, the reasons for making the marriage public were increasing every day. At Bordeaux she was taken seriously ill, and his leave having expired, he left her there, and on his way to England he posted the following letter:—

"Poor little Tooi-tooi, left alone. How does she get on? Thought of her all night when awake, and dreamt of her when asleep. Arrived at 5h. 15 matin. Had a bath, and having still a quarter of an hour, write to small Tooi-tooi. Did Madame Andre get her key? I turned it in the armoire, where your dresses are, intending to ask her to keep it until she left the rooms, or brought up your dresses, but put it into my pocket, and discovered it about five o'clock, when I sent it back with the address she gave me attached, from Angoulême, I think. Dearest small Tooi-tooi, you must get well and strong, and we'll have a lark next autumn yet, and have no more false alarms (or real ones). I am very miserable at leaving you, especially in such a weak state. Next time we have to part we must both start to travel in different directions, for the necessity of doing something is naturally a relief to the mind. I began to cry again when on the railway, to the amazement of a bonne and two pretty girls in her charge—one of the latter, a small fairy about twelve years old, found me out in the fact, and announced it, at the same time wanting to console me. Good-bye, carissima mia. Write, or get Madame to do so. Sempre a te. Mille baccie. "CARLO."

That letter was addressed—"A Madame Yelverton, Chez Madame Andre, No. 9, Fosse de l'Intendance, Bordeaux." He believed that the tears the defendant then wept came from the honest

impulse of his heart. Could they believe that the man who wrote that letter believed he was living with that woman as his mistress? She was now in the condition when women required the greatest sympathy. Her sister was at Bordeaux, but she did not venture to communicate to her the state she was in. It was subsequently arranged that if she found her condition getting worse she should appeal to her sister, and on the 20th of April he wrote a letter in French to Madame Andre, at whose house Mrs. Yelverton was staying, asking her to write to him to say how "his dearest Teresa was." On the 26th of April he wrote:—

"Carissima Mia,—Please write me a line to say how you are. I am so afraid you must be worse, as you have not answered my last letters. Have you received them? Do write, or make Madame Andre do so. Poor little Tooi-tooi, I hope you are only *naughty*, and not *worse, in health I mean*. Sempre a te, carissima mia. Mille baccio et da capo."

A letter was written back stating that she could not be worse, and then he wrote:—

"Thursday 29th.

"My poor little Tooi-tooi,—In the first place send for a nurse at once. That old woman in our old house would do, would she not? If not, tell the doctor to engage you one; then send for your sister, if you wish. I have tried to get leave, but have not succeeded; still, if you would rather that I should come, you must make your doctor write a few lines *that I can show*, and just write at the end of his ('pray come, I am no better'). He must not speak of you otherwise than as my relation, or I dare not show the letter, and cannot get leave without I can show it. Make him write to me *privately*."

The sister was informed, and by her care she got better, and when she was able to travel she went to Boulogne, and when she was there he wrote this letter to her:—

"Carissima Mia,—I hope you continue to mend, and mean to be soon well again. Poor little Tooi-tooi, you must have had a hard journey of it. Did you get my letter when you arrived at Boulogne? Please tell your sister how very much I am obliged to her for the bulletins she so kindly sent to me. I hope she will continue to act as your amanuensis until you feel able to write yourself, as I still feel very anxious on your account. What a she-devil that Bordeaux woman is. I can hardly believe it possible even now when I think of her smoothly affectionate manner. Perhaps it is fortunate that I could not go to you, as I certainly should have abused her, and probably have caused a commotion in the house, which would not have been good for you. I have nothing to tell you from here. We have been performing a great deal of military foolery here, and I am suffering to-day from the effects of a dinner we had to give the general last night.—Addio, carissima. Sempre a te.—CARLO. Scrawl me a line, like a good little Tooi-tooi, whenever you feel able . . . . cautious, therefore, in the way you sign yourself, and seal the letters. Confound that she-demon at Bordeaux, and bless that dear good sister of yours. Scribble me a line, carissima, as often as you can. I cannot tell you my thoughts, for I never think, especially of the future. Sempre a te. Addio."

It appeared that when Madame Andre discovered the nature of the illness she made complaints about the matter. The next letter from him to her was as follows:—

"Carissima Mia,—I am so sorry I cannot help to nurse you, and very glad that you have got a better nurse than I could possibly be. Who could possibly have guessed that that infernal Madame Andre, that we both gave credit to as a kind-hearted woman, could have turned out such a fearful deception? Give my regards to your sister (Mme. Lefevre). I cannot thank her. She necessarily judges me hardly now; but she will be rewarded somewhere, whether it be in this world or another, for the sufferings she experienced in this her sad task. Tell her I have received her two kind letters, and anxiously watch for a third. As I am not sure whether this can be forwarded to you, I will not write more now. I am weighed down with the load of suspense I have to bear, and live only in hope of a better future. Sempre penso a te, carissima mia. Addio."

She came to Boulogne determined not to endure her position any longer, and accordingly she wrote the following letter, which bespoke a mind not degraded, but a virtuous soul, and a woman who had not fallen:—

"Dear Carlo,—You asked my forgiveness, and received it without a word of reproach. There is now no need of excuses or disguising of facts, which medical men who have attended me have confirmed. Neither was the malady a *slight* one, as you are trying to persuade yourself. My sister is witness, and you may be convinced by coming to see the wreck I am now. I shall not *die*, as you say. She has saved me, but it is somewhat hard to lose health, eyesight, and every beauty in the prime of life. Du reste, if these, my sufferings for your sake, *have* not endeared me more, do not think there is any more obligation imposed upon you. Let it be forgotten—*requiescat in pace* (it will be remembered in both our days of reckoning, and that is enough). As to the other business, I do not see any other course than to tell your mother the truth, as you had proposed doing. Surely she will forgive and help you. She has a mother's heart and a clever head. Do not, in the hope of patching matters up, throw away our last chance of united happiness. Events have rushed so swiftly to a crisis, it is not possible to stem the tide. We must cling fast together, or we shall be lost to each other. Our past cannot be re-acted in the future. Do not, for the sake of a mere chimera, give up a real life—long enjoyment. You have already broken the *spirit* of your promise. What is the bare letter good for? I do not ask you to rush on to immediate ruin, but your mother will keep the secret for your sake, and through my friends he can never hear. I care not about the honour of seeing your family, but I must be protected from all possibility of another Bordeaux *exposé*. Imputations in open court upon my fair fame as a woman are not to be borne. I need not quote 'Cæsar's wife'—every man must feel the same—and I am

sure that were there a man in the case you would not let him go unpunished. You will recollect that I told you before I consented to keeping the marriage secret that this, and this alone, was the only sacrifice I could not willingly make for you. That vile thing wanted to make a claim on the plea that you had deceived her, and introduced an improper person into her house in order to abandon her. Imagine, if you can, the misery I have gone through—think of your own sister in such a position. You say you never *think*—that is a fib; in your present position it is positive you think a great deal, but you fear to disclose your thoughts. May I guess? You think, perhaps, that it would be better for us to keep apart for a long, long time, until circumstances remedy themselves? This may be wise, but so very hard; even now time hangs like an incubus upon me. *Tempus fugit* seems a fallacy. I should be tempting you to come over, only I am so very ugly that you could not love to look at me. It is strange you do not miss me more. We have never lived together long sufficiently. If we could remain together for six months, then you would. You are a very good Carlo to write to me often; it is the only pleasure left me. I cannot see to read or write—my days are so long and dreary—my nights restless and feverish—your letters the only point I have to look forward to, so pray think of me. I often lie awake from daylight waiting for the postman. I will seal my letter, but I had already taken the precaution about signing. It had struck me that such letters as I write to you could only be written by a wife or ——. Please write directly. When do you think you can get off to Dublin? I feel so nervous and anxious to know what your mother will say. I trust it was she who opened the letter; any of your sisters would not dare; so, after all, perhaps there is not so much harm done, but I shall be glad when you go. Cara mia, think, at least, of the happiness we have known together—so entire, so unbounded. Is there any other joy in the world to be compared to reciprocated love? How everything on earth became indifferent but our two selves. You said I was the dearest small Tooi-tooi that ever lived, and I thought there was not in the wide wide world another Carlo like mine.

"TERESA YELVERTON."

She got no answer—she became terrified. She came to Scotland. She heard he was at Leith. She went there, and met with his brother. She appealed to him to declare their marriage. He said he was a ruined man, and asked her to go to Australia. She refused. He then said if she went to Glasgow he might manage to come to her. He left her, and wrote the following letter immediately after:—

"Poor little Tooi-Tooi,—I cannot go and see you any more just now. You must go to Glasgow, as I asked you. Do not forget the man's name—Gilligan's Livery Stables. My brother has come; I will send him to see you this afternoon about four o'clock. Addio."

On the 26th of June he went through the ceremony of marriage with another woman in Scotland. What was she to do? What could be more desolate than such a situation? The world had not believed the defendant's calumny. The lady still enjoyed the respect of the world. Women of fortune and rank refused to believe his lying story. She had by every means in her power, from time to time, sought to bring him face to face with her. Mr. Thelwall was a friend of hers. He had known her as the wife of Major Yelverton. He supported her, and he now brought Major Yelverton to the bar of justice, to compel him to discharge this duty of social life. She had sought to bring him to justice in various courts in London, where she could tell her sad story. He shrunk from her challenge, and pleaded that he was not a domiciled Englishman, and the plea was held good, and the suit dismissed. So there she was ever since asserting her honour and character, and he behind her back blasting her reputation. Last year the defendant was sued by a man who gave articles of clothing to this lady, as Major Yelverton's wife. He sought to stop the action on the ground that it was sought by it to establish the marriage. The court refused to stop the action, and at the last moment the defendant slunk away like a coward, gave a consent for judgment, and paid the money. He had "screwed his courage to the sticking point" at last; but he (Sergeant Sullivan) very much doubted whether he would present himself before a jury and say that the ceremonial of marriage was all a mockery, and that the woman was his mistress still. But his falsehood would not avail him, for the marriage would be proved to demonstration. They had, under the hand of the priest, the certificate of the marriage.

Sergeant Armstrong, for the defendant, said—Unless that certificate was offered in evidence, the defendant could not be affected by it.

Sergeant Sullivan said he was prepared to submit it in evidence. The jury would understand, he said, when the case was over, the meaning of that interruption. The case of the plaintiff was the case of truth against falsehood. They did not care what had occurred. The priest, perhaps, had been threatened with felony. However, they would put him in the witness-box. He believed the clergyman would swear that there was a ceremony of marriage performed, and that Major Yelverton told him he was a Catholic. If they believed the marriage was performed, the defendant would probably say—"Be it so; but there is a statute in Ireland which makes a marriage void, because I was a Protestant at the time the marriage was celebrated. No doubt there was such a statute passed in unhappy times, when it was almost a crime to profess the Catholic faith, even when learned with lisping lips at the knees of the most virtuous of mothers or instructed by the most loyal of fathers. But what a miserable subterfuge—what a dishonourable plea! Was it for this that Barry Yelverton, the scholar, the man of refined mind, the ornament of his noble profession, won his first peerage, that he might transmit it to be defiled by his degenerate descendant? But this miserable plea would not avail him, for at the altar he stated himself to be a Catholic. The jury had it in their power to hold him to what he said. He asked the jury not to allow the marriage ceremony to be made the trick of libertines to dash down, the insulting argument that would be put to them, to send the defendant from that court the lawful

husband of Mrs. Yelverton, to save her existence, which depended on their verdict. He was sure they would rejoice to do this, and in doing it they would earn the approbation of every honest man.

There were considerable manifestations of applause in court at the conclusion of the learne gentleman's address.

THE HON. MRS. YELVERTON'S EXAMINATION.

Teresa Yelverton, examined by Mr. Whiteside, Q.C.—My maiden name was Teresa Longworth. I was born in Chetwood, in Lancashire. My father is dead; my mother is dead also. I was educated in France, in an Ursuline convent; both my sisters were educated there also. I was brought up a strict Catholic. My sister, Madame Lefevre, resides at Boulogne. I paid her a visit in 1852. I left for England in July or August of that year, accompanied to the steamer by my sister and her husband. I first saw Captain Yelverton there; he was polite and attentive in looking after my luggage, and getting me a cab on my arrival in London. I stayed at the Marchioness de la Belline's. Captain Yelverton called there the following day to visit. My sister, Mrs. Bellamy, saw him there. She resides at Abergaveny Castle, in Wales. I went to Italy from London. Captain Yelverton was then in Malta. I remained in Italy about two years, and then returned to England. After that I went to the Crimea. I went to Constantinople with the French Sisters of Charity. I wore their dress, but did not take any vows. I received a visit from Captain Yelverton at the Galata hospital, where I was attending the sick. He said he had come purposely to see me, and he made me an offer of marriage; and asked me to leave the hospital lest I might take fever or some other disease. This was about two years after our correspondence began. But I said I could not leave the hospital till the war in the Crimea was over. After that I went to visit General and Lady Straubenzie. I was received as a visitor at their place, and resided six weeks with them. Captain Yelverton visited me at General and Lady Straubenzie's as a suitor. He visited me as my *fiancé*. That visiting continued about six weeks. He then told me for the first time that he was under pecuniary difficulties, that he could not then marry, as he had given a promise to his relations not to marry any lady who could not pay his debts. I said the engagement was broken off in that case, as my property was not under my own control, being only entitled to the interest of it. He said that about £3000 would be sufficient. We parted then. He returned the same evening, but there was no further talk on the subject. I saw him again in a week. I asked him why he came back, and he said because he could not keep away. He proposed a secret marriage in the Greek church at Balaklava, to which I objected, as they were Greek Catholics, not Roman Catholics. I returned to England in January, 1857. I landed in Portsmouth, and went to the house of the Marchioness de Lavigne. After that I went to Edinburgh. Captain Yelverton was then stationed in Scotland. Miss M'Farlane, who is a Sister of Charity at present, was with me at the time in Edinburgh. I saw Captain Yelverton almost every day. She was aware of his visits and of their object. I went into society in Edinburgh. At the time Major Yelverton proposed a Scotch marriage he said a marriage could be constituted by mutual consent, without any priest or ceremony. He said it could be done in the room where we were sitting. I said I hadheard something of the sort, but could hardly believe it. I said I did not like that sort of marriage. That I should be married by a Catholic priest. That I thought it would be a sin unless there was a clergyman. That marriage was a sacrament. He said that we conferred a sacrament on ourselves, that the priest did not confer it. On one occasion he went to a table and took a book from the table, and I went to his side and he read the marriage ceremony, and said, "This makes you my wife according to the laws of Scotland." I opened the door of the room in which Miss M'Farlane was sitting, and said to her, "We've married each other." I did not consent to live with him as his wife. He wished to go to some hotel round Edinburgh, and that he would recognise me as his wife, and I refused. He was very importunate about it, and I left Edinburgh and went to Hull, to Mr. Thelwall, the plaintiff. I again went to London, and then went to my sister, Mrs. Bellamy, in Wales. I had a letter from Major Yelverton, and at his request I left my sister, and came to Waterford. I met him in Waterford at the hotel. I said I had been looking for a priest, but could not find one. He said that we had better not remain in Waterford, and that Thomastown was a nice quiet place. We went there, but could not see the priest. We came to Dublin, and then to Newry, and from that to Rostrevor on the Saturday afternoon. We went on the Sunday morning to Warrenpoint to mass, and attended it together. He went through the ceremony. After mass we went together to the clerk, and asked to see the clergyman. We waited at his request to see the priest, who was at his breakfast; but after a while the clerk came and said the priest had gone away. I subsequently saw Mr. Mooney act at Rostrevor. Major Yelverton went to Dublin, telling me he would get a priest in Dublin for £50, but he thought that too much. He was three or four days in Dublin. When he returned I told Yelverton that I had seen the priest at this town, who said that he would marry us, but that we should get a dispensation, and that I had seen the bishop, who would give it. He said I was foolish to be so uneasy, as there was no difficulty in the case. I had not lived with him up to that time as his wife. I told him I had no money to pay for the dispensation, and he said he would give it to the Rev. Mr. Mooney the following morning, when it was arranged we should be married. The next day was the Festival of the Assumption. It was arranged that we were to go to chapel for the high mass. We only arrived when the mass was concluded. Mr. Mooney was waiting for us in the

PORTRAIT OF TERESA LONGWORTH.

church, where there were only two or three persons at the time. The clergyman had his vestments on. Major Yelverton had provided a ring. The ring now on my finger is the ring he placed on my finger. I walked straight to the altar rails, and Major Yelverton, in reply to the clergyman, said he was free to marry, that he was a Catholic, but that he was afraid he was not a good one, but that he was no Protestant. The priest went inside the rails, Major Yelverton knelt down by my side, and the priest read some prayers in Latin, and after that commenced the marriage service. It was the same, as far as I can recollect, that we had read in Edinburgh together. We both repeated the words. He said, "Repeat after me—I, Maria Teresa, take you, William Charles, for my lawful husband." I said so. He said he took me for his lawful wife. The priest asked for a piece of money, and Major Yelverton took a piece of money from his pocket, and said he endowed me with it. Then he took a ring from his waistcoat pocket, and pushed it on the third finger as usual. The priest then read more prayers in Latin, and gave the blessing. The priest then congratulated us, and Major Yelverton gave him £10, and I said the second £5 was for the dispensation. We then left the church, and the clergyman wished us happiness. I had previously gone to confession to the clergyman. The dispensation was to dispense with the banns. I stated the case truly to Mr. Mooney. I believe it would be a sin to live together as man and wife except married by a Catholic priest. I saw Major Yelverton at mass twice in Edinburgh. He told me he believed in the Catholic doctrines, though he did not practise them. He always made fun of the Protestant religion. He told me that part of his family were Catholics, and part Protestants; that his grandmother and aunt were Catholics. After the marriage ceremony we lived as married people, and not before it. At the time of the marriage the name Yelverton was not given. I had given him a solemn promise before we were married not to disclose the marriage until he gave me permission; the priest, however, knew the name Yelverton. We went to the Giant's Causeway after the marriage ceremony, and we parted in Belfast for a short time. He went to his family, I went to Edinburgh, where I saw him after about a fortnight. Miss M'Farland, who had become a Catholic, was in a convent, and I took her out to live with me. Major Yelverton gave me permission to tell her about the marriage. Major Yelverton lived with me in Edinburgh. I introduced him to Mr. and Mrs. Thelwall, whom I had previously told I

was married to Major Yelverton. We paid a visit afterwards to Mr. and Mrs. Thelwall, at Hull. We made a tour of Scotland after the marriage. My husband wrote our names "Mr. and Mrs. Yelverton," in the visitors' book at Doon Castle (book produced, and the handwriting of the defendant identified). He also put my name "Teresa Yelverton" in my passport when we went on the continent. We went to Dunkirk, Paris, Rouen, Bordeaux, &c. We were in Bordeaux in February, and he left me there, his leave of absence being up, at the house of a Madame Andre. I wrote to Mr. Mooney for the marriage certificate (certificate produced). I had a likelihood of having a family, and I told Major Yelverton if I became a mother it would be my duty to the child to publish the marriage immediately. He said that my duty lay more towards him than to the child. After the marriage I wrote twenty-four or twenty-five letters to my husband. I wrote to him to say that in case of my being a mother I should proclaim the marriage. I was unwell at Bordeaux. I was at Boulogne from May to June. I was unwell whilst there. He promised me before he left Bordeaux that he would communicate our marriage to his mother, and ask her to keep the secret. I went over in 1858 to Scotland, and saw Major Yelverton in the hotel at Leith; he told me he was a ruined man, and asked if I would make a sacrifice to save him; I said I would make any sacrifice; he said he would send me off to New Zealand, that he should soon be going to India, and that in about six months we should meet again; he said if I did not do what he desired that he would be a ruined man, and that we would be both miserable for life; I asked what he meant, and he refused to answer any questions; I said I was too ill to go; he said he would take me to Glasgow, where I would be quiet, but that I should leave Edinburgh; he said he would take me to Glasgow on the following morning; the note produced is the last I got from him; his brother came on the following evening, and said he wished to make some arrangements; the upshot was that I was carried out of the room ill; I could not well know what he said; he said he had something very particular to communicate; he said, "Major Yelverton is gone to Glasgow, where he wishes you to go;" I remained at Leith, and on the Monday following I heard of the second marriage of Major Yelverton; in November, 1857, when I was going from Hull to Edinburgh, he engaged a berth for me as for his wife; my father's estate is now in Chancery; Mr. Thelwall has supplied me with board and lodging; I have no separate maintenance of my own at present to live on.

At the conclusion of the direct examination of the lady the further hearing of the case was adjourned.

SECOND DAY.

On Friday the hearing of this truly extraordinary case was resumed in the Court of Common Pleas, before Chief Justice Monahan and a special jury. The great interest which the case has created in the public mind was fully illustrated by the immense crowd of respectable persons who sought, at an early hour, admission into the court. So eager were the public to be present that a large force of police had to be stationed at the entrance to prevent the court being over crowded Inside every possible available place had its occupant. The members of the bar attended in great numbers, while the galleries, side benches, and approaches were thronged to excess by an assembly which included many ladies, who evinced the greatest interest in the case as it proceeded. The "hall" was also much crowded by persons who made eager inquiry from each person passing out of the court as to the proceedings which were going on inside. The court sat at ten o'clock, when,

Mrs. Teresa Yelverton again took her position in the witness box. Notwithstanding the very protracted direct examination she was subjected to the previous evening,—an examination which occupied several hours, and in the course of which her feelings, no doubt, were put to a desperate and severe test,—she did not appear to have suffered much from the fatigue or painful nature of the ordeal through which she passed. On entering the box, for an instant she seemed confused, and her colour indicated that she laboured under some excitement which required resolution and a struggle to suppress; but this cloud passed away quickly, and she resumed the composed, collected, and thoughtful appearance which she wore on the first day of the trial. Mrs. Yelverton is still in the possession of an exceedingly agreeable *personnel*, and, without being positively handsome, she is most prepossessing and ladylike. Apparently not more than twenty-eight, her thoughtful, resigned, and almost melancholy features would induce a belief that she had lived a much longer life. She is of medium height, slight in figure, with an excessively intelligent countenance, bright and vivacious when animated, but almost sad in repose. During the entire day she was under cross-examination by Mr. Brewster, which had not concluded when the court rose at six. She gave her evidence with a distinctness, an apparent absence of reservation, and with a dignity and candour that elicited the hearty sympathy, and very frequently the loud applause, of a densely

crowded court. Her direct examination was continued by Mr. Whiteside, in reply to whom she stated that the 12th or 13th of April was the time when Major Yelverton read the Scotch marriage; I then lived in Mr. Gamble's house, in Edinburgh; we left for Hull.

At this point of her examination Mrs. Yelverton suddenly became much confused and agitated. She trembled violently,—her eyes were stedfastly fixed on a gentleman who occupied a seat on one of the side benches, immediately opposite the witness box. She fell back in an exhausted and fainting state. The greatest compassion was felt for her by all present, and restoratives had to be procured and used before she appeared to recover.

The solicitor for the plaintiff having communicated with Mr. Whiteside,

Mr. Whiteside said—My lord, I understand the agitation of the witness is caused by the presence of the defendant. I would therefore, my lord, request that your lordship will ask the defendant to withdraw.

The Chief Justice—I cannot order him to do so. His presence is entirely a matter of taste and feeling.

Mr. Brewster—Of course, the defendant will withdraw.

The defendent then got up to leave, but delayed some time, the agitation of the witness continuing,

A Juror said—We are of opinion, my lord, that the defendent ought to withdraw, seeing that his presence discomposes the witness.

The defendant then withdrew, but the witness was unable to answer Mr. Whiteside for some moments, owing to her continual trembling. After a short delay,

Examination resumed—We had three rooms in Mr. Gamble's house in Edinburgh. Miss M'Farland was with me all the time Major Yelverton visited me. She has since become a Sister of Mercy. Mrs. Gamble occupied the third story. Miss M'Farland was always with me, day and night during that period. When we returned after the marriage, we got another residence in Edinburgh. Miss M'Farland was with me then. Major Yelverton said he would make Miss M'Farland a present of a Catholic prayer book at the convent at Morringside. That was before we went to Ireland. I was ill at Bordeaux. I sent for my sister, Madame Le Favre, who came from Boulogne to me. Monsieur Loppe accompanied her. I was very ill then at Madame Andre's. I was removed from that house to an hotel. I left Bordeaux with them. Monsieur Loppe went to the Post-office at Bordeaux for me, and got a letter. It is lost. It was directed to "Madame Yelverton." It was in my husband's handwriting. I showed that letter to my sister and Mons. Loppe. It desired that my sister should keep the marriage secret. Madame Le Favre is confined to her bed in London. She was coming over here. I heard suddenly yesterday, that Mr. Belamy, my brother-in-law, is dead. I was living for three months at Mrs. Stalker's house in Edinburgh after the marriage. I was always addressed and spoken of as Major Yelverton's wife. At the Highland Inn, at Linlithgow, he asked the waiter to "bring him down his wife's things." When abroad the letters were addressed to "Madame Yelverton." I think Major Yelverton's brother called twice on me, but I saw him only once. He spoke to me very courteously. I have been visited since my marriage by most respectable people.

THE HON. MRS. YELVERTON'S CROSS-EXAMINATION BY MR. BREWSTER.

Cross-examined by Mr. Brewster, Q.C.—I have two aunts and an uncle by marriage, and sister-in-law in Ireland at present. I had three brothers in 1852. William, John, and Thomas. William was then in Australia. I don't know if he is alive. We have not heard of him since then. John, I believe, is in Australia. I heard from him six or eight months ago. He was in England in 1853. John is the youngest brother. He was once in New Zealand. I had two sisters in 1852, Madame Le Favre and Mrs. Bellamy. I am the youngest. Mr. and Mrs. Thelwall are no relations of mine. Mr. Thelwall is an iron master at Hull. He does not keep lodgings. I first became acquainted with him some time before 1852, in Derbyshire, at Mrs. Allsopp's house, his wife's mother. My father was alive in 1852. He resided at Smedley in 1852, and I resided with him when I was at home. I was often abroad on visits. In 1852 I went abroad. My father's house was always my home while he lived. My brother John, and my sister Sarah, when she was at home, lived with my father. I was much away from home in 1852. In 1851 we were not much at home. That was the exhibition year. I was never in Ireland or Scotland before 1852. The first time I visited Scotland was in 1857. My mother has been dead 17 or 18 years. I was at home when my mother died at our house in Manchester. We had also a country house, which my father gave up some time before his death. My father was supposed to be a wealthy man. He had been a wealthy man, but I don't think he was wealthy when he died. He left money in the funds, but I don't know how much. I was made executrix, but I did not prove the will. The family lawyers said there were £50,000, which were not accounted for. Mr. Hawe, my father's attorney, said so. My father had property called Longworth, near Manchester. There are several houses built on them. I don't know the actual income of them. I got about £200 a-year at the first, until about three years ago. It is completely stopped now. I received it from Mr. Bellamy. Mrs. Bellamy came to Ireland last year. I saw her in March last. I have not been to visit her since. I was not there in 1860. I have not been to see her in Wales since my marriage. She was in Scotland with me in Autumn '58, and in the spring following; She remained two or three weeks there with me; in the beginning of '52, I think, I was living with Mr. Longworth, at London. He is my cousin. He is consul at Belgrade. I always called him and represented him

as my brother. I did not wish to deceive any one, but he was brought up and educated by my father, and I always looked on him as a brother. I left London some time in the summer and went to Boulogne to Madame Lefebre. I was not at her wedding. She was married at Boulogne. I was not at Boulogne at the time. I was in the Ursuline Covent at the time. I was between three or four years when I went to the Convent. I was at the Convent to pay a visit the last time I was at Boulogne. I left the Convent at about seventeen or eighteen years of age. I left the Convent for awhile, and went back again. I cannot say how long I was there altogether. It is nearly ten years since I left it finally. I think I left it about three years before I went on a visit to Mr. Longworth. I am not certain of the date. I will swear it was not ten years. There were disagreements between my father and his children during his life. They were of a serious character. Any disagreement between a parent and children must be serious. The cause was trivial, but it became serious. My father and I never had a quarrel. My father was very severe with me. I remonstrated with him. That was the only disagreement we had. He was not affectionate to me. He was learned, but very eccentric. I waited on him for several weeks whilst he was ill. I always entertained a filial respect for him. I had tenderness for him at first, but he was very harsh, and I was always prepared to do everything for him. I described him as man "who did not fear God or the devil." He did not believe in either. He was an Atheist. I did describe him as such, but not in speaking. Mr. Thelwall offered to bring this action for me. It was discussed between him and his solicitor, and myself. I went to his house because I had nowhere else to go to. I went there for the purpose of being maintained, in order that my husband would be made to support me. I did intend that an action should be brought on it. I did wish an action should be brought. Mr. Thelwall has as great an interest in getting his money as I have in clearing my character. I gave my marriage certificate to Mr. Thelwall, and he went to Edinburgh with it. I was in Boulogne when I got the certificate, and I came to Hull in the spring of the following year. Mr. Thelwall told me he had seen Major Yelverton at Edinburgh. Mr. Stephens, a barrister in London, said I should make my husband support me, and that I should go to live with some one, and then that a bill should be sent in to my husband. I went to live with Mr. Thelwall in pursuance of that advice. I think "odic force" is a kind of animal magnetism. I believe in it as a science which is not yet fully understood. I think I have felt the influence. We feel an attraction towards some people and repulsion towards others. I met Major Yelverton at first in the steamer. It was evening went I went on board. The captain asked two ladies on board to take charge of me, and I joined them. Major Yelverton and another gentleman were with these ladies. The ladies remained on deck all night, which was a very warm one. My sister threw a shawl to me from the shore. Major Yelverton caught it, and placed it on my shoulders. Major Yelverton sat opposite to me on a chair, and placed a plaid over both our knees. The plaid did not go over the shoulders of either of us. I took no fancy to that plaid that night. He subsequently describes it as infected with the magnetic influence it caught that night, and then I took a fancy to it. I don't think we sat the whole night in that posture, because we walked about and changed our places We arrived in London at daylight. The ladies wished me good bye, and they went away. Yelverton got a cab for me. I don't know whether Yelverton went with the ladies. He did not get into the cab with me. I am certain of that. I went home by myself. I saw him the day following. I swear positively that he did not go home to my house and dress himself there. I went that morning to the house of the Marchioness La Vurnill, in Nottingham-street, London. She is dead. I told him where I was stopping. I did not invite him. He asked me might he come. I am not certain whether I saw him that day or the day after, because I heard my sister say he called twice. I will not swear I saw him twice in London. I saw him once, I think, the day after my arrival. He remained two hours. My sister and I received him. He told me he was an officer, and I thought him an agreeable person. I do not know that I fell in love with him on that occasion. I do not think I fell in love with him on board the packet. It is difficult to define when love commences. I was disappointed in not seeing him again in London. He said he would call again. I do not know that like others of his profession he was false to his word. I heard from him since that he called at the house and did not see me. I again say I do not know whether I saw him on two consecutive days. We did not speak of love. He did not give me to understand that he admired me much. He had too much sense to do so. From that time I did not see him till the autumn of '55. I never forget any person I am acquainted with. I was not anxious to see him. I had a vague desire not a positive desire to have further acquaintance with him. I think it was the banker, Mr. Barker, opened the next communication between us. I remember writing that it was through the intervention of St. Anthony that the communication was opened, but I must explain that in Italy St. Anthony is regarded as the patron saint of letters, messages. &c. (laughter). Mr. Longworth left England in '52 to go as consul to Monsatu. I had a correspondence with him. I think it was in the latter end of '52 I left England for France. I then went to Italy. I went by the road from Paris to Marseilles. There was a lady and her son with me. Their name is Whitehead. The gentleman died some time afterwards. We went the whole way together to Naples and lived there. I cannot remember how long we lived together. But it was less than half a year. Before the Whiteheads left Naples I went to the Marchesa Gardouche, to whom I had letters of communication. My only object in writing the letter was to send it to the consul. I was told by Mr. Turner, the banker, that it was necessary to direct the letter to a person in Malta or it would not go. I was told by Yelverton in London that he was quartered in Malta. And when I mentioned this to Mr. Turner he said he knew Yelverton, and that he was at Malta.

I saw Mr. Roe, a friend of Yelverton's at Turner's and I knew of him therefore before I heard of him from Yelverton. I do not recollect writing to Yelverton that I made Roe's acquaintance (letter handed to witness, date 22nd June no year). This is a letter from me to Yelverton, and Mr. Roe is mentioned in it. I think after Mr. Roe was introduced to me he cultivated my acquaintance. He had a yacht at Naples, and asked me to go on board, but I did not. He was unmarried. I saw he was a gentleman, but I don't recollect that he was a man of fortune. He was an agreeable man sometimes. I neither like or dislike his society. I wavered very much whether I liked him or not. He used to speak bitterly of people. I see in the letter that I say he exercised an "evil influence over me"—the expression was unfortunate, as what I meant was that he was disagreeable. It is a description of Mr. Roe's manners. He said very disagreeable things, but not wrong things. He never said anything to me that it was not proper for a gentleman to say to a lady. He says in the letter that I was "a prude"—I did flirt with him, and then I would not. At times he was agreeable, and we talked a good deal. At other times he was disagreeable, and I would not speak to him, and then he would say I was a prude. It was arranged that I was to go on board his yacht with a *chaperone*, but he was not to go. The *chaperone* was Miss Onslow. The matter was discussed amongst our friends. He afterwards said he would go on board with me. I then said I would not go, and he said I was a prude, and he afterwards went off, as my letter to Yelverton says, "in a gale of wind" (laughter).

Mr. Brewster then proceeded to examine the witness out of several of her letters to the defendant.

The witness said it was not fair to read her letters without reading the replies.

Mr. Whiteside said the complaint of the witness was perfectly proper, for he saw by looking over the letters that each explained the other.

The Chief Justice said the answers and replies should be read whenever the witness required it.

Mr. Brewster—Well, Miss, or whatever else you are to be called by, what letters do you wish to be read? (Disapprobation in court.)

The witness then read several of the defendant's letters to her and her letters in reply. In reference to a passage in one of them, where she said she got into trouble by not keeping her secrets, she said two Italians, one a prince, were thinking of fighting a duel about her. The prince was paying (she said) his addresses to me: and I did not like him. He was short and broad (laughter). Another Italian gentleman that I said that to told the prince, and added that I could not think of him. They quarrelled, and were about to fight a duel.

The Chief Justice—But did they? (laughter)?

Witness—Oh, no; they made a great fuss, but did not fight; I do not think they intended to fight at all (laughter).

The cross-examination was then continued, and was confined almost exclusively to the meaning which the witness put on particular passages of her letters to the defendant. In the course of the cross-examination the following letters were read by Mr. Brewster and by Mr. Whiteside:—

Naples, June 22nd, 31 St. Lucia.

"My dear Captain Yelverton—I am half afraid that I shall just miss you when you come to Naples, at which *contretemps* I should be provoked—*je ne saurais dire pourquoi;* but I wanted to see you perhaps to renew my *first* impression, for I do firmly believe in first instinctive feelings; and although sometimes obliged to change my opinion, still nearly invariably *je retourne toujours a mes premiers amours.* My movements are extremely uncertain at the present moment. I am going in the Sapphire to Tunis, and Heaven knows where else, to be finally landed at Malta or Corfu, where my brother is to fetch me, and to conduct me to Bosnia; however, there is no end of fuss about taking out a Neapolitan crew, and I hope we shall not get off for another three weeks or a month. Do you call the beginning of July the 3rd or the 13th? If the former, I shall see you. Are you going to England? Have you heard anything of Mr. Roe *depuis?* (by the bye, you never answered my last note; you don't like writing, *c'est bien;* well for you that you have never been necessitated to like it). If, as you say, you wish to know me better, do not *je vous en prie*, take his opinion on the subject; in the first place, he had a most evil influence upon me *quoique en me charmant;* in the second, he changed his sentiments respecting me about every other day!! *je vous demande* if his opinion is to be trusted. One day, 'I was just the sort of person he did like;' the next he discovered me to be a prude, contracted in my opinions, &c., and finding a great *manque de je ne sais quoi*, which to him was positively indispensable; *apres cela* there was nothing on the face of creation that he would not accomplish, if I would name it. I was installed in the main cabin—(not in person—emblematically—I never set foot upon the Endora),—and honourably mentioned in the log book. All is well that ends well, but it didn't, for he went off in a tremendous gale of wind, cursing me *sals doute* in his heart for the total neglect of certain polite notes and proffered service; pray tell him I did answer, but it fell into bad hands—worse even than his; stay, you will forget it, I will put it on paper. Now tell me truly, are you as inconsistent as your friend? because he surpassed everything I had ever met with; nevertheless, after I had finished laughing at his stormy exit from the scene, I felt very sorry he was gone. I am becoming a species of amphibious animal, and getting quite interested in yachts and yachting; we had seven or eight here a little while ago, but they are all gone except the Sapphire. You ought to know her at least by sight; she belongs to Captain Blaydes, an old friend of my brother's. Naples is very dull, and I sometimes get weary of my own thought; *c'est a dire*, thoughts will have their own way, and fix themselves on subjects too detestable to their mistress. I understand the Turks have taken possession of a territory near Brousa, from which we should have to hoist them. I have likewise been informed

that the felt roofing is no go, it rots and falls in pieces—very disastrous, is it not? Alcide says it is all absurd, but I have made up my mind to turn savage; I am weary of civilisation with no one to care a fig about me. *Addio.* I am getting dismal.—*Au revoir mais toujours sincere.*

"THERESA A. LONGWORTH.

"P.S.—May I trouble you to forward the enclosed? What shall I do, C., when you leave Malta?

(Letter addressed)—"Par Bateau a Vapeur.
"The Hon. Captain Yelverton, Royal Artillery,
"Valetta, Malta."

"Altrincham, Cheshire, July 19.

"Caro, Carlo, Mio—I do not know if this form of address pleases you, you are so fastidious in the matter; but I do not like it. It is too familiar, more than I can feel to such a myth as you are to me. You are a sort of pet phantom of mine, and it is pure faith alone which makes me believe in your existence as I do in that of the Emperor of China. I do not see why I am to form the exception from the rest of the world, who call you Mr. or Captain Yelverton. Why don't you like it from me? Will you explain that? I suppose it is one of your inconsistencies. I scarcely hope that this ever will reach you, as it is rather a wild goose; but I expect St. Anthony is interested in our correspondence, and makes it his own special business to take charge of our epistles. I was summoned home from Venice to take my post in papa's sick chamber, and for long. Death was also on his way, and soon closed the chapter of our strange tragedy; it was an awful affair, and spoke a deep lesson never to be forgot. He died as he lived, an atheist, unrelenting; with but one passion prevailing, as you said, to the last with diabolical earnestness. There was a great gathering of the wandering clan from all parts of the world, but there was no word of kindness or feeling for any one. All my life has been made up of violent contrasts; until mamma's death it was pure and unalloyed sunshine—everything that love and wealth could procure was lavished on me; then came the night of utter misery that no pen can describe. Human nature at length could bear no more, and we sought refuge where you saw us, alike concealed from friends and foes; then two years in Italy, where all was sunshine again. Now the shadow of solemn events still lingers round me, and I feel as dismal as everything about me. The married people have all paired off, and left Jock and myself to what is called *settle affairs*. So here we are like two lonely sparrows, in this sad melancholy place, where the people are all barbarians, speak an unknown tongue, and call us 'foryneers.' Then there are lawyers, executors, proctors, actuaries, and incomprehensible men of all kinds, and I have a new language to learn, which I never dreamt of in my philosophy, which always begins "whereas," and ends "heretofore" or "aforesaid," and the principal words are leasehold, mortgage, freehold, testator's funds, chancery estates, diables, and swearing to be done everywhere. Lawyers, with long heads covered with real wool, are always *proceeding*, and never come to an end. I am nearly distracted, and far more miserable than when I had not a penny of my own. I wonder what is the actual use of money if one is to be harassed in this way; I would rather have a few thousands in positive money, which I could go and spend, than all the deeds of leasehold and freehold in the world. You'll say that's just like a woman! but I just wished you had assisted at the torture of reading through piles of dusty paper, from the time of Noah, with which the house was crammed, and Monsieur the red wig's solemn caution not to destroy any paper, not even a deed of gift of land in the time of Charles I. Then the house is sepulchral, and the furniture looks mysterious, and as if it knew more than it liked to say; it is infested with rats and mice, and the ghost of nine cats, which spring out from behind any object one may have taken a fancy to inspect. In the garden the trees all nod and point in a certain direction, as if there was a treasure buried there; ivy runs along the walks, and grass in the chinks of the walls; all the windows shake, and no door can be made fast. Oh, I am very dreary; and the reason I tell you all this is because you are naturally uncommunicative, and I am the reverse, so it is a relief to me and quite safe with you. I want to hear from you, and then perhaps I will tell you a secret. Addio, Caro mio. I wish you all happiness you would wish for yourself; but, as I don't know in what it consists, I form no definite desires for you on the point.—Ever sincerely yours,

"THERESA."

"My dear Captain Yelverton—I start afresh, for the above was written about a month ago, before I received your very scrimpy note, which, however, had gained much in importance by having travelled half round creation. It was very wicked of you not to tell me when you went to England, for I expected to see you by every Malta packet for an age—always disappointed, and hope deferred, &c., though I might have known from previous experience that you are generally at the antipodes of the place where you said you would be, so pray don't give it as your intention to come by Naples on your return, or by some circuitous route you will contrive to reach Malta from the other side. I did not go to Malta as was my intention, having received a letter from Alcide, telling me of his speedy return to England, taking Naples and myself *en route*, in consequence of the death of an old man, a relation, by which he expected to come into about a thousand a year, but, unfortunately, old Nick (not his Satanic Majesty, but he of Russia), and papa played into each other's hands. Alcide was prevented leaving his post by the suspicious proceeding of the former, and deprived of his just right by the machinations of the latter. Papa put in a claim, threatened to throw the whole into chancery, until Alcide compromised by giving him a third. Is it not a mysterious thing that unbounded passion for wealth, but all his riches, will not keep him alive. My sister writes me he is dangerously ill, and has begged one of us to go to him, and the reason

he assigns is, that the servants rob him—so she is gone. It is very frightful, a man who believes in neither God nor devil—*mais retournons a nos moutons*. I don't know why I flew off in such a tangent, so I passed the whole summer here in a state of petrification, if the heat had allowed of that; however, in a state of trance all the yachts went off, and are just returned; every one left Naples, and I did not like any one sufficiently to wish to be domiciled with them, so I remained in the most utter state of solitude conceivable, it may have been for weeks, months, or years for all I know about time; moreover, every one else like you took a fit of silence. Madame Lefebvre was ill. Sara was too busy arranging matters for her approaching marriage. Alcide had *sans doute*, a fit of the ruminations which he is subject to every now and then. My unfortunate brother who went out to Australia has not been heard off for two months. I felt all alone in the world—dead alive—a first object to no one, so having plenty of time for reflection I came to a wonderfully grand plan of action for the future, which is to be carried out, *tout a l'heure*, after Sara is married. Would you believe it, she has *lachement* abandoned the Turkish expedition, and now she has found her man gone to settle down in Wales!! I am sorry Alcide is no longer at Monastir, or you might have paid him a visit for the shooting when you go into Albania; *perhaps* I might have been so kind as to offer myself as pour *escort!!* been very polite, watched the sun rise for you, and given you a part of my *plaidie*, if you had been very good *as I was*. How could Mr. Roe say I was a prude? *Au contraire*, I am not sufficiently so as times go, but *trop au naturel* and people understand me. You don't think me a prude, do you?"

"Cara Theresa mia,—Your last form of address is better; don't be selfish to change it, if you don't see why, never mind; if we all stopped to see our way clearly we should all obviously take root. What place would you like to be? You seem by your last to be in great danger. There is nothing to equal the pleasures of locomotion, and nothing so destructive to that pleasure as the sort of slough by which you are threatened to be surrounded. Who would not prefer the fate of the Wandering Jew to that self-imposed by Diogenes. I am on board ship, almost becalmed, 100 miles south-west of Malta. I was interrupted in my intended animadversion on the tub philosopher by a call to sketch a magnificent waterspout, and my wretched pictorial imitation of nature having been most undeservedly applauded by my fellow-passengers, you may thank them for any irregularities contained in this my epistle from Palmyra. I received yours at Varna, where, 'thanks I give to St. Anthony,' it arrived a little before I did myself. I stayed there a week, and at Constantinople altogether about ten days. Our army at Varna is dreadfully weakened by cholera and other sicknesses. The French are worse; and both fleets nearly as bad. Verily, he of Russia must be assisted by his namesake. Nothing of importance can be done against him this year, on this side, I fear. How beautiful these places are, and the contrast to that arid rock made them doubly so to me. I expect to pass next winter in Turkey, probably in the neighbourhood of Scutari, as I presume our artillery must be wintered thereabouts, and I have prospects of joining the army. Shall, or will, or can you leave all these shadowy undefinables, and wander sunwards this winter? Leave parchments to those that understand them. Sign nothing that you do not understand. Try and make it the interest of some of the learned in deeds to be honest to you. Pack up your trunks, and give time and space an opportunity to assist you in packing solemn remembrances into their proper receptacle, which must be a net woven by our will, and perfected gradually, so as to bring its contents under control. 'Not to come forth unbidden,' is the motto on the opening of this receptacle, and we all carry one, God knows where. There is advice for you. I did not mean to do so purposeless a thing, but, as it is written, I commend it to its patron saint. Listening to contents of deeds, &c., always gives me the same feelings that it does to hear a child speak fluently a language I may be learning. When the lawyer explains, you know that he, like the child, knows nothing else; but, somehow, both positions make me feel a distrust of my own mental powers—a highly disagreeable sensation, is it not? However, it is one I am not likely to experience much of in my own affairs; and so much the better. You see I just know enough about it to have an indefinite pity for you. Does that satisfy you? A curious thought has been hunting me: it is this:—Suppose we were to meet, be shuffled together in the pack, come into contact in this ever trembling kaleidescope, do you think we should recognise one another in substance, or would a sort of mesmeric sympathy cause recognition; or should we each pass on unknowing and unknown, and resume a distant correspondence. Which do you think? Now, there is a beautiful sunset, and nothing will satisfy my boring friends but I must join them in a jump overboard and swim about our stationary craft. Addio. I hope you may have your wishes before they are defined to yourself.—Ever yours truly,

"W. Charles Yelverton.

"I am curious about the secret—don't forget it."

(Envelope addressed), via Marseilles.

"Miss Longworth, care of Mrs. Bellamy, Abergavenny, Wales."

(Postmarks of 18th and 19th September, 1854.)

(In the inside of the envelope is the following:—)

"I arrived at Malta on the 4th of September, and expect to leave for the army in the East daily. Addio. Sept. 11."

"Dear Carlo—I know it is not your fault, but I am in the most frightful dilemma. That note, care of Major Chirnside, has been opened and read—scandalous tongues have coupled our names together, and made the very worst of it—so far that some one wrote to the superieure to warn her. I am nearly crazy; it has taken so little to dash one's fair fame, and yet what harm have I done?

Both my sister and my brother (not Alcide) knew of my correspondence with you, and everything that has ever passed between us; and if it had been wrong they certainly would have disapproved. Oh, if my dear Sarah were only here, she would soon put a stop to it. She would very soon make Bellamy shoot any one who dared to say a word against me. What a foolish thing to trust myself in a place without a friend, without a creature to care for me. Now I must either give you up, or explain to the superieure our relative position. In the first place, I should become a sister directly; in the latter, I fear she will not keep me; and where on earth to go to I don't know until Alcide comes; and he will get such a version of the affair from Madame, that he will think I have been dreadfully imprudent; and yet if we are ever to be all to each other, and fate keeps us apart, we must have some means of knowing each other. I never could write you again with any degree of confidence—I tremble at every word. However, I can trust you, come what may. Pray write me directly, and tell what you think I had better do—find out the author of the mischief, or treat the matter with the contempt it deserves; for when the person is base enough to open and read a letter, in my opinion they would be guilty of anythin g bad enough. I never could sufficiently express my contempt for such meanness. I cannot in the least remember what I wrote—but I suppose the usual amount of unreflected nonsense. Pray excuse this, I am really wretched about it; a woman is so totally at the mercy of any wretch who chooses to be base enough to calumniate her. Addio."

"Carrissima Theresa mia—I am so sorry you are in a dilemma, if you dislike it, but I have been in one ever since I can recollect. If you can find out one of the male sex who calls himself gentleman, and who has given you any pain by any conjunction of our names, I'll make a point of getting leave to go down and fight him, as we are quite idle in that way here. I had received one note that had been in the care of Major Chirnside when I went off to the ship. Did you write two? I fancy you could not have made any very dreadful disclosures in the one supposed to have been violated. As I conceive it would be quite an impossibility to define our indefinable relative position, I see nothing you can do better than ask who wrote to the superieure, and demand explanation from that individual; if anonymous, it can safely be treated with contempt. I do not profess to be a good guide as to right and wrong, as so called in the parlance of a scandalous society, but I will break a lance or argue with (part of letter cut out here) any reasonable individual—upholding against all comers or challengers that you and I (as concerns you) have done no wrong. Still, if there be that in your position that causes these lies to give you more pain than a cessation of our correspondence, I say with pain (cut out.) Neither dilemma nor puzzle was ever sooner solved by haste or force, always excepting the Alexandrian solution. I am very sorry you have been ill too. I hope your recovery has been as speedy as mine. I am only now suffering from idleness. Why try the winter at Constantinople, if you do not feel strong. How I envy your brother in Australia, from your description. I think I must end on the Rocky Mountains. I never shall get respectable and (cut out) enough for this very old state of society. I am really very sorry for it, but amendment on that point won't come; so don't trust me more than is the due of, I hope, a chivalrous savage.—Addio,

"Carlo."

"Write soon, write boldly all you think or feel."

"December 10th.

"Cara Theresa mia—You are discontented, and cannot minister to your content. You've left the lazaretto, and I am still in quarantine. 'Take care,' if you touch me, back you come for the full term of the infected; we must only look at, and talk to one another through the bars. The fear of contagion is as much a disease as any one of nature's ailings, and all fears are infectious. You have caught this one and social caution, 'vigilant sentry,' stands between us, staying your approach me-wards, with grave advice, and friendly-seeming forewarnings, and mine thee-wards, with loaded arms and stern command, 'stand back.' Shall I arm? *cui bono*, the victory gained on my side, you, fear-infected, fled beyond pursuit.

"Clara Theresa mia—I should have answer you before, but was in hopes I could send the drawing you want in a short time. I find now that it will be some days before I shall be able to find time for the sketch, as we are very busy just now; some of the siege train are going home, and we have been changing men, and all sorts of materiel of war, and we are to move our camp, which always entails a few days' labour to settle in the new residences, making them waterproof, and otherwise habitable. I was not far from the truth in my guess as to what was, or was not your little Carlo, but must have expressed myself badly in my last letter, which was like this, written hurriedly. You say you do not complain because I said I was inconsistent—who is consistent? If you are, and know what it is, you can amuse yourself throwing stones as long as it pleases you—you will have plenty of marks, and I surrender myself as your best. I fear you are indeed mistaken in your estimate of me. I suppose I am not honest in many mind dictionaries, and have no heart in others—my own against them. Some when they will have a rose snatch at it; of these some scratch their fingers and get the rose, some don't get the rose, being stopped by the first pain of the thorns (with these I have no more to do). Of those that get the rose some forgot the rose, and think only of the paining fingers. Some forget the fingers and think only of the rose. Besides thee, there are some who, with ceremonies and precautions, remove first all the thorns they can see, and thus save their fingers to a great extent. Tell me which class do you belong to, for I too am puzzled. I hope to the same that I do, or the dilemma will remain unsolved in this planet. To avoid alterations from hot to cold requires a very well regulated system, and at best what is to

THE HON. W. CHARLES YELVERTON DECLARES HIS AFFECTION.

be lukewarm. We are amusing ourselves here blowing up everything we can get powder to explode under, or in making occasionally a very pretty *feu d'artifice.*

"Addio Cara."

"CARLO.

Another letter runs thus :—

"Although you are a lover of the indefinite, others, I assure you, are not so fond of the mystical. The *superieure* very soon *en de deux mots* defined our relative position. *Ou c'est telle chose? c'est a vous a dire laquelle?* Of course I chose the one which cleared my character, as any indefiniteness on my part would have confirmed the evil suspicions already infused into her mind by the malicious interpreter of the note. To have spoken to her of her congeniality of mind, similitude of thought, sympathy of idea; natural communion of spirit, would have been algebra to her. The French have no imagination, and condemn or do not believe in it in others; they have a set formal rule for these sort of affairs, and deviation from this rule they call by a very ugly name. A French girl is never trusted an instant until she is regularly *financee*, and all money difficulties are settled. (I wonder if they are any better for all these precautions)? It was my object, then, to retain my present asylum, not only because I have nowhere else to go to, but also the withdrawal of the protection at the present moment would give a shadow of truth to any rumours that may be afloat, and I perceived that unless I could explain the matter to the satisfaction of the *superieure*, she would have withdrawn it. Tell me, have I done right? They are deeply disappointed to discover that I have *une attache mondaine*—they had set their hearts upon turning me into a *Sœur de Charite*—and no argument or inducement will be spared to tempt me to give it up, so the *superieure* who is one of the cleverest women I have ever met) began by thoroughly frightening me on the point where she guessed I should prove most weak and sensitive—my good name; so I was dreadfully nervous when last I wrote, but your letter set me all to right again; If you will be my champion I do not care a fig for any one; no, I do not want you to shoot my one for me, thank you, recollect get shot yourself! and I am so determined about it. she will try to get the note. I just remember that I did say something very shocking in it—"In case you cannot find the house, whistle

and I'll come to thee, my lad." Do you think that I ought to feel contrite for that? Pray tell me some of your dilemmas, they must be amusing—what is your *present one?* Have I any concern in it? Do tell me. I do feel very uneasy about something Mrs. S. told me, not so much about you, but about your father which, if true, would decidedly place you in a dilemma; I have not the courage to write it; I wish I had told you when you were sitting on my divan—I could have told you anything then. Oh, when is there the smallest hope of meeting again? I have had, and still have, a sort of fierce intermitante; it reduces me dreadfully; and I shall not be fit to be seen when you do come; it is really provoking. And so you are a 'chivalrous savage,' are you? *j'en suis enchante;* pray hear my definition of one—a man who has a sound mind and warm heart, unclouded by sophism and subtle refinement, who sees the naked truth by the pure light God has given him, nor seeks to pervert it by false logic and time-serving philosophy—who is bold, and brave, and gentle, and kind, stooping on the earth to none but the weak and helpless—who knows no other bonds but those of honour and affection—the protector of the feeble, and the guardian of justice and honesty—too noble for a tyrant, too generous to be selfish—a man realising the intentions of the Creator, and worthy the glorious gifts bestowed upon him. There is a chivalrous savage for you! Oh, it is a good joke: I have been in love with such one from the age of ten years, when I formed my first conception of an ideal man from Scott and Cowper. I need not say how much I have had to unlearn those days; still I think over refinement, and the conventional trammels of etiquette, and over scrupulously *d'etre comme il faut*, checks many a bright idea and generous impulse, whilst I fear it is no preventative to secret evil, for whilst the outward form is maintained with rigidity, the reality is despised; so, if you're savage, so you shall remain for me."

Counsel also read the following:—

"This time last Saturday night Carlo mio was our *second* steamer scene. God grant the third be not far distant—and the consummation of all. What a most eccentric phenomenon that our destiny should hang by a steamboat. Did I go to sleep and dream it—that you watched over me all night, for in the grey dawn I woke and thought I saw you? Nay, more! Or did you wake me as did Diana Endymion in the grove? Things have turned out differently from what I anticipated; you would never find me now though you hunted the world over for me. I arrived safely at Galata—the good Sœurs were delighted to see me. *Notre* were much surprised and overjoyed; she had heard I was gone to the Crimea, and of course had given me up as a lost sheep. She was very affectionate, we conversed for a little while, when suddenly a thought struck her—(the clever little thing)—she guessed you would know where I was coming to, and might follow me, so she said, "*Oh ma chere enfant, vous ne pouvez pas rester ici un instant!* What is the matter? I said; we have got the pest in the house, as in all the hospitals, and I will not sacrifice your young life, you have been so devoted, and of whom we have such great hopes. I replied—But you know I don't fear infection in the least, and don't care a fig for my life—it is a burden to me. I felt at the moment that the plague would be a blessing to make a *finale*. She read my wretched thought, and said anxiously—You have given him up? I wanted to say *yes*, but the word seemed to choke me—my teeth got very fast together, and I could not utter a syllable. She then sent for Le Pere Bore, who is the head of all—a species of Jesuit, who has never ceased to endeavour to get an influence over me, which, I suppose, he will eventually succeed in, as he is very clever and very kind to me. To his charge I was committed, and he has placed me here in a kind of little Eden—the loveliest spot in the world, shut in by mountains on every side, except where I just got a beautiful peep of the Bosphorus—such a delicious little nook never was, and only wants *somebody* to make it *Paradise*. Eve herself could not enjoy it alone—but here it is *solitudono*—no one but the padre, who, when he does lecture me is very agreeable. Why should he always be scolding, and yet ever so kind and thoughtful to me? He is a very superior man—a good man, but frightfully strict and severe; perhaps he feels sorry for me, that he takes so much interest in me. Oh, if the Pole only knew of my retreat, wouldn't he steal me away? I saw him for a minute only—he was under the impression that I was going to Monastir, and was much inclined to go, *too—for the shooting, no doubt*. Well, if he goes now he will miss his mark, I think. I sleep under the plaid every night—it gives me pleasant dreams, and makes me so happy; but I am quite afraid of your being without it. How stupid of me not to think of giving you mine to replace it. I do not know in the least how I am to get this to you, but I cannot help writing *et je guetterai pour une occasion*. I shall always be looking out for your ship. I fancy I can distinguish artillery even at such a distance. You must pass, *mon petit nid*, on your road to Constan. It is on the European side of the Bosphorus, some little way from an old castle, and is called Bebek. Such lovely walks, and quiet nooks and corners—such picturesque bits for sketching, and such a romantic *well* to drown one's self if necessary. I am getting quite sanguine about the money difficulty, if you will only trust me, far less than I have and am willing to trust you; I feel persuaded I can manage it, women have far more ingenuity and resource than men. I have written to my sister all about it, and I am sure she will find a way out of the labyrinth for us, when she finds that I will not go alone; besides, by Mr. Bellamy's last accounts, there is every prospect of our doubling our income in two or three years. In the mean time, Alcide, who was here still when I arrived, offers me £100 a year, if I would go with him and be his secretary, write his despatches, and read up the Blue Book. This occupation would just suit me, and there I should not *be able* to spend [illegible] to Now, supposing you break through your bond with your uncle, which he has no more right to impose upon you, for it's tantamount to placing you on the high road to ruin, any just man would pronounce it unrighteous and iniquitous, and the non-fulfilment can leave no stain on your honour

or conscience. Nevertheless, you are bound to pay your just debt to him, which we could do in time. I suppose there would be the original debt, the yearly premium on the life policy, and the interest on the premium. The policy could be sold, if he does not wish to keep it; and had this been done before the peace would have brought much more. We could soon pay the original debt —and surely he would wait a little, and not proceed to extremities? But even in that case you would only have to keep out of the country—they would stop your pay. I should go and live with my friends, and require *no funds*. After all it would come nearly to the same thing, whether you lived on your own and gave up mine, or lived on mine and gave up your own; both would entail temporary separation; but I would teach you to trust me, and then we should not be too unhappy. That you will think seriously of this I know; but I want to ask you, Carlo mio, in the name of the few, short, happy hours we have spent together, to make me the confidante of your thoughts, as you would were I *assez heureuse* to be near enough to read in your heart. Then you have appeared to be frank enough, and the delight of sympathy is to share everything, good or bad, and as I know the length, depth, and breadth of your wickedness now, you need have no fear of losing my good opinion—*comprenez vous?* To-day I have been running about, and have found the *bank of violettes* you were sighing for the other night entirely closed in by verdure; it overhangs the sea, impervious to human eye or ear; only the nightingale above would melodise our thoughts, too deep and sacred for mortal words to tell. I send you some of the violets charged with much that you might that you might claim, if in their native bower; *ne quanto fludi ha il mare im tanto baci baci arresti viene tortto a prato.* I cannot at all imagine by what strange transaction you have arrived at your present state of feeling towards me. It is the very last that I should ever have contemplated inspiring, and so opposite to my idealisation of you. The glimpse you had of me four years ago could not have produced such an effect; or supposing it did so, it must have long since died a natural death. Our correspondence ought to have generated in you, as in me, esteem, admiration, affectionate trust, and confidence—*idealised ethereal love*—a love to live or to die for—a little Platonic at first, but finally becoming the elixir *par excellence* of life. You might be in love with a *Turkess*, instead of an over spiritualised Englishwoman. I could easily comprehend that great external attractions might have operated on your sense of the beautiful, &c.; and being of an inflammable temperament (which, in spite of your apparent coldness and stoicism, I think you must be) you might take fire. But nature has not endowed me with a single physical beauty calculated to excite such sentiment. I have not a feature that will bear inspection—no eyes, but when the soul speaks through them—and no one could ever look at me a second time, were it not for the contents, not the casket itself. On this I rely, not only to gain (if I have a chance) but to keep your affections. However, by this time, you have no doubt come to your more sober senses, and I must forgive you your madness and folly this time, aye, a thousand times, if necessary, but you must, *you will* eventually, become all my heart's desire. The strongest and most prominent point of my character is the extreme tenacity of purpose—and I may say the incapacity to relinquish an object once fairly sought. No obstacle daunts—no sacrifice appals me—no means, however trivial, escape me, and struggle only augments my courage. When animated by one idea, I can win my way with any one, and have, under these circumstances, made the most unpromising people do the most unlikely things; but it is seldom I get roused to this energy—I am usually very quiet and harmless, and too yielding. When you write me, will you *je t'emprie* write from your heart, and not those indifferent icicle letters which have cost me such bitter moments, and utterly failed in their purpose of alienating me. I can never feel indifferently towards *you*, so you might as well be a little kind, and now you have betrayed yourself too far, ever to think of cheating me again. Will you ever have patience to wade through all this? I lost my knife in the Crimea, and cannot mend my pen. Your letters are unfortunate love tokens."

The witness, in reply to questions, said:—Major Yelverton came to visit me at the convent and hospital at Galata, and proposed for me. I said I would not be married until after the war. That until that time I would remain with the nuns. He kissed me on that occasion. That was the second occasion on which we met. When I went to the camp I had no intention of seeing the defendant. I was there about fourteen days before he saw me. He was invited by General Straubenzie. I had informed Mrs. Straubenzie that I was engaged to him. We could see the defendant's hut from General Straubenzie's quarters. Mrs. Straubenzie was anxious to forward my views. The defendant came almost every day. Whilst we were there he asked me how I should like to be an officer's wife, and live as Mrs. Straubenzie did. I said I should rather like it. He said one day that he was deeply in debt, and could not marry unless he found a lady to pay his debts. He said he was a few thousand pounds in debt. I said I had only my income of £200 a year, and he said he would remain single until something favourable occurred, and that he would marry no one but me. I said the same to him, and he said he would not pledge me. He said there was no chance of retrieving his difficulties. He took an affectionate leave of me on that occasion. He came afterwards several times, and said he could not keep away from the general's house, and that he should have me. He proposed a secret marriage, and I refused. I will swear that he never said—"There is one word, and that is 'marriage' which must never be mentioned between us." When leaving General Straubenzie's, Captain Yelverton asked me to go on shore out of the vessel and get married in the Greek church, which he pointed out to me. Next morning I awoke in my cabin suddenly. The vessel was about to start as I awoke. I saw the door of my cabin closing, and it occurred to me that he had taken that means of taking a last farewell of me. I did not actually see him. I got the old plaid from him when I went on board on that occasion. He went down on his knees several times, imploring me to go on shore with him, and each time a

sailor came the way and he had to get up. No act of any improper character took place on that occasion. I never asked Mrs. Straubenzie what the defendant's religion was. My impression was that he was a Catholic. I first conceived that idea in Naples. After he had told me himself he was a Catholic, I had no doubt about it. Previously I had no distinct idea what he was. The period when he told me he was a Catholic was in 1857, in Edinburgh. I did not tell the Rev. Mr. Mooney he was a Protestant.

Did you ever tell the Rev. Mr. Mooney at Rostrevor that Major Yelverton was a Protestant? No.

Now, I put it to you, did you ever tell him so under the seal of confession (great expression of disapprobation and hisses and groans in which nearly every person present appeared to join).

Serjeant Sullivan—That is a most extraordinary question. We said we would produce the Rev. Mr. Mooney.

The Chief Justice—She may decline to answer it; but she is at liberty to answer if she pleases.

Witness—I will answer the question if your lordship wishes.

Chief Justice—I have no wish on the subject. You may answer it if you please.

Mr. Brewster pressed the question.

Serjeant Sullivan—The question is now pressed, my lord. I will release the seal as far as I can.

Witness—I have no objection to answer the question. I never did say so, in confession or otherwise. (Here there was a loud and prolonged applause in court).

Mr. Brewster—Well, my lord, if this a court of justice—

Serjeant Sullivan—But when such a question as that is put—

Chief Justice—I confess I have never before heard that question put.

Mr. Brewster—I admit that; but in a desperate case—

Chief Justice—It may be a desperate case; but I never heard such a question put.

Mr. Brewster—I would not ask such a question of a clergyman.

Chief Justice—If a clergyman is asked what was told him under the seal of confession, the rule is that he is not pressed if he declines to answer; and I think the same rule applies to penitents.

The Witness in reply to Mr. Brewster, said—Mrs. Straubenzie was very much attached to me; but I do not think she liked Major Yelverton. I wrote in one of my letters, that she was disappointed at his "not coming to the finale"—that means that I was not married. I was not married because I did not accept his proposal to get married in the Greek Church at Balaklava.

At this stage of the proceedings the case was adjourned. The cross-examination occupied nearly six hours, and had not nearly terminated, Mr. Brewster stated, when the court rose at half-past five.

The witness, during the long period she was answering the questions of the counsel preserved a demeanour which excited for her the liveliest interest of the crowded audience. When counsel read the passage from one of her letters discribing "the chivalrous savage," loud applause was evoked, and on several other occasions, passages read from her letters caused audible expressions of approbation. Outside the court a large crowd collected to catch a glimpse at the lady as she came forth, and when she did they gave expression to their feelings in bursts of cheering, which were repeated several times, until she drove away in her carriage.

THIRD DAY.

The trial of this extraordinary case was resumed on Saturday, at eleven o'clock. The interest felt in the case appeared to have greatly increased, and long before the door of the court was opened a large crowd had assembled in the hall outside waiting for admission. The moment the door was opened a rush was made into the court, and the galleries and every available space were filled immediately.

The cross-examination of Mrs. Yelverton was resumed by Mr. Brewster, Q.C.—I cannot tell at what time the troops left the Crimea; by my letter, written in July, I find that the troops were then gone. Major Yelverton had asked me to wait three months for him, and that he would join me at Belbec, on his way to England; it was not decided whether he was to come with the troops or alone; he said he could take me as his sister to Monastir, where Alcide was. I do not know whose plan this was—it was talked over between us.

Counsel then read the following letter from Major Yelverton:—

"Cara Theresa mia—The fraternal scheme was a physical impossibility. I dreamt it, and waking, found that the chivalry was not departed, but superseded. Therefore, as I could not be what you wished, I determined not to persist or continue in a course which must end either in converting me into a modern Tantalus (reading woman for water, and thereby making the necessary step from the sublime), or, but I need not (repeat), (cut or turn off) the alternative; so much for cause; the effect is that I am here; having come (cut off) *via* Odessa and the Danube. Pray write if I can be any use to you at a distance, or if it afford you any satisfaction to express your thoughts.

Witness—There has been a passage torn out in that letter, but not by me. I don't know whether it was torn out when I gave it to the Procurator Fiscal for the case in Scotland.

Counsel then read the following letter from Major Yelverton to the witness:—

"Cara Theresa mia—I came by the Danube. I wrote to you from Vienna. One letter of yours, directed to the Crimea, reached me here, also one directed to London. I hope you received mine from Vienna. I am sorry I made a false promise, though I meant fully to keep it when it was made. The Head became irresistible, and it was broken. Listen to the dialogue:—(Brain)—Why are you going? (Self)—I promised. (B)—Why did you promise? (Self)—We wished to meet again. (B)—What for? To make a beginning to the end or add to the endless. (Self)—For my part the former. (B)—Fool, then the end will be all of your making. (Self)—True, if there be one. (B)—That must not be. (Self)—No, I'll go by the Danube or Moscow. (B)—A steamer goes to Odessa to-morrow. (Self)—H'm, a steamer to Odessa to-morrow. So you see, Carissima, I cannot go more than half way, and if any force, odylic or magnetic, pull you the other half we shall meet; if not, not. None of your letters showed such a force when I was at the Crimea. Your own actions there did not show it, and therefore I went the other way. If I understand your last letter to London right, we may meet again. I shall be in or close to London about the end of September or beginning of October and tolerably free. Write what you wish; you cannot read this without knowing what I do. Where two opposing forces act, there must be a vibration; but that is *not* aberration of mind, only fluctuation of the current purpose. I now know mine. *Circumstances, will, and inclination* have determined its direction. Try and know yours, and communicate it; and then if there be an end we shall see it. I purposely avoid now, as much as I can, any attempt to influence your decision. Let them persuade you to go the other way, if they can convince you. May you be happy. *Addio Penso a te.* "CARLO.

"Miltown, near Dublin, August 16th."

The witness gave the following explanation:—The promise which he made was to come to meet me and to make arrangements for our marriage. I don't remember when or where I received that letter. The expression in the letter to make "a beginning of an end" meant to make an end of the correspondence that had subsisted between us for some time, and to begin a new life by our marriage. He says his heart's wish was to begin a new life—that is, to begin the end. The metaphorical conversation in his letter refers to this; he says his brain told him to be prudent and not to marry, whilst his heart and soul attracted him to me; finally the brain triumphed. He goes by the Danube, and says—"if force pull you half way, then we shall meet"—that was an intimation to me that if I agreed to a secret marriage we should meet and be united. He tells me also where I will find and meet him in September, if I chose. "Write what you wish," he says; "you cannot read this without knowing what I do"; what he wished was to make a beginning of the end—that is, to begin our married life. Whilst I was at Belbec, I heard a report that he had gone by the Danube.

Counsel next read the following letter written by the witness to the defendant:—

"Caro mio Carlo—You ask me to write what I wish! Could anything be so tantalizing? Have you not made me endure the torments of Tantalus over and over again? Have I not expressed to you that I had but one *wish*—that if you would gratify that one I would never trouble you to all time and eternity with another, "only to see you once." You know all about that Odessa, &c., &c. Again I repeat the wish, it is the only one that actuates me—it has been disappointed, but not given up—it is not in my nature to give a thing up, but I this time propose milder conditions. Your comparing yourself and your lukewarm feelings to the ardent flame and consequent misery of Tantalus is rather a good joke. All I wish from you now is your *exact address*, where you are to be quartered, and the sort of house you are living in, that I may not go hunting a whole town over for you, and committing inconvenient blunders. You tell me that circumstances and inclination have decided your course. I had hitherto lulled myself in the happy delusion that it was the former alone which had dominated. I believe that inclination inclined to, not from me. Oh, when will you learn to consider me as something more impressionable than adamant? When will you feel that you have entangled your fingers in the vital threads of my existence, and that it is wanton cruelty to keep pulling them a tort and a travers, winding me up to a third heaven or suddenly letting me down to Tophet? You know perfectly well that be my resolution what it may I cannot execute it if you oppose it. You knew I should not succeed in getting into the convent—you do know that you have striven to gain an ascendency over me—that you have infatuated, enthralled, bewitched, maddened me—that I have no more command over myself—that I may struggle and writhe, weep and pray, and play "such pranks before high Heaven as make the angels weep" in vain, in vain; and now that your triumph is complete—and that you have obtained boundless empire over me, are you satisfied? Was that all you desired? If so, you may rest upon your oars, cut the strings, let me go adrift, *quid prodest*, where I find anchor again. Never can I meet with a more reckless steersman, than the one who would *bongre malgre* possess himself of my helm. Perhaps by some fatal attraction I may still continue to float around your bark—heed me not—I shall die some day, or be swallowed up by the sharks. If for yourself you have any definite wishes with regard to me, one desire might have been fulfilled which would have been a gleam of sunshine on my dismal life, and would not have interfered with your liberty, present position, or future prospects; but unfortunately my marvellous and ingenious discovery was of no avail—time is past, and you do not love me as you

could love, as I have dreamt of being loved, and still even that thought does not cure me. Life's torrent boiling, toiling, goes rushing on—scenes and people glide before me like a panorama. I have nothing in common with them, they are an empty pageant. I am possessed with but one feeling, one thought, one desire. I cannot live without the performance of it. I cannot die until it is accomplished. You tell me to discover my tendency—it has been manifest to me, but has ever been frustrated by you. My kismet at present is to float around you in ambient air—to hover near you unfelt, unseen, to rehearse Diana and Endymion—to kiss the closed eyes of one who slumbering lies as, sleeping in the grove, he dreamt not of her love! but your waking sight will not behold me, because it is only love that can penetrate through every disguise, and you feel but apathy, you say, and have proved it. Oh! the very thought makes my heart leap—some few moments of happiness will at least be mine—there can be no harm in breathing the same air, in viewing the same scenes, in treading in your footsteps, in haunting you like a shadow, and clinging around your heart insensibly, for you must not feel me. You have placed 3,000 miles between us—appear before you again I dare not; and though to touch you will be a most fearful temptation, yet it must be resisted, for your odic force to me is like opium to the dervish, the more dangerous it becomes the more sweet; but I will be content with half—to look only—and this will repay me for my desolate, lonely life, and exclusion from the sympathy of those who love me; but *coute qui coute*, I must do it. Through forest I'll follow, and where the sea flows—through dangers, through whole legions of foes—with no hope, no home, no refuge on earth but that ill-requited love. Perhaps now you will reproach me with expressing too much what I feel. It would be quite as consistent as your complaining of my want of magnetic attraction when in the Crimea. It is useless to tell you what attracted me to the Crimea at the risk of being frozen to death. It is to no purpose recapitulating what secret instinct pointed out to me your little hut—how in spirit I begged and prayed to be let in for mercy's sake, for pity's sake. No, you were invulnerable for a whol fortnight; you resisted the small plaintive voice, and you must recollect, Carlo mio, that one sad morning, forcibly withdrawing your hand from me when my heart was bursting with love and grief—and the touch of that hand was my only strength through that fearful trial, when with one fell swoop you tore down the cherished dream of my life. Did I murmur at my fate whilst your love sustained me, but when you threatened and punished me in the most cruel manner. Oh, Carlo mio, it is no use thinking of all this; no use telling you; you know it all, and would at any time repeat it, and had you done ten times as bad I should forgive you; for I cannot be angry, or cease to love you for a minute. But I must try not to let you drive me quite mad, so I must keep out of your way—not that I cannot trust you, or that I think the fraternal scheme infeasible. You have never given me any proof of violent attraction, neither is there in me beauty or fascination (which is worse) to be very dangerous. I am very sceptical, I must own, upon that point; but I do fear, and have a wholesome dread of cold words and looks of freezing indifference, besides being just possible that you would reproach me for having come. *Comprenez vous? Quand un homme commince a raisonner il cesse de sentir.* The truth of the matter is, I am perfectly wretched, body and mind. Whether it is fatigue I underwent last year, or anxiety this, I don't know—no one can tell what to do with me. 'Doctor, cans't thou minister to a mind diseased?' I am crazy for want of sympathy. I have never heard from either of my sisters since you wrote to one, and I have not had the courage to tell them of my weakness, in not being able to give you up, or the tenacity with which I cling to my dream; and they have no idea what has become of me, nor have they made any inquiry. You could comfort me with a word of kindness, and you refuse it. God, too, must have abandoned me, or I never could feel so utterly desolate—*Sempre a te.* "THERESA."

The witness made the following observations respecting the above letter:—At the time I wrote this letter I was labouring under an intermittent fever, and was very ill in body as well as in mind. My sister had told me that if the marriage were not to take place I must give Yelverton up, and I had not courage to tell her that I could not give him up. The previous letter of Yelverton, in '53, was a very cold way of expressing what he did wish. That was the letter in which he told me he would be tolerably free in October; and then I told him in my letter that I had but one wish, and that was to see him. I had got a feeling that I must see him again once—that I could not give him up until I had seen him again once—that there should be a last chance to see if there was any arrangement that we could make that would be suitable to us both. Therefore, I wished him to give me his exact address, that I might go to the place and look at him—only to see him. I did not even intend to speak to him. I merely intended to look at him. I thought he might speak to me, or that possibly something might be brought about, but I had no intention of doing anything more than is strictly mentioned in that letter. If he had said he could not marry me, I would have gone into a convent; but he does not say so—he leaves the matter in a vague state, in an indefinite way, that I did not know whether he meant to marry me or not. If he would have decided and said we must part for ever, then I would at once go into a convent; but until he said these words I did not feel courage to do so. Therefore, all those expressions in my letter that "I may struggle, writhe, weep and play such pranks before high Heaven as to make the angels weep—in vain, in vain." The expression in my letter, that if he had any definite wishes with regard to me, a gleam of sunshine would have come across my dreary life—alluded to this. I had been living previously under the care of Bishop Borey. I had told him the whole of my affair with Yelverton on the occasion when the letter was opened and sent to the Superior, and he knew all my feelings on the subject. The bishop said I must either decide to marry him or to become a sister—that there was no alternative for me, and he said if I really decided to marry

Yelverton, and if he came to Constantinople, he (the bishop) would marry us privately in his own chapel, and that after our marriage we might either remain there or part, according to circumstances. The bishop said he would keep the marriage secret, and would allow Yelverton to live in a sort of seminary or college, that he might make a retreat there, or return to England as we might arrange. When I left Belbec I went on board Sir James Close's yacht in the Bosphorus. There was a large party of ladies and gentlemen on board. I left the yacht to embark in a steamer for Alexandria. I went from there to Cairo, up the Nile, and as far as the first cataract. I was at Thebes, in Egypt. I don't think we went as far as Nubia. I think we joined the ship at Rosetta. I came back in the same ship in which I went. I think there was some arrangement by which the steamer was hired, not expressly for us, but that it should wait some time for us. There were no persons on board but our own party, which was composed of about fifteen. There was a Mr. Shears of the party. He made me an offer of marriage during that trip. He was a lieutenant in the navy. I had not known him before I went to the Crimea. Mr. Gisborne was also amongst the party. He was a private gentleman. I cannot remember the names of any others who were of the party.

Mr. Brewster read a letter from the witness to Major Yelverton, containing the following passages:—"Every day Carlo seems to sink deeper into the mystic future to which I never see an end until it makes an end of me. Must I go wandering over the world to search him there? * * If ever you did anything charitable, do it now and send me three lines of address in pity. My letters disappeared between this and the Pyramids. I hope some of the Arabs may get them, that they may never be read. My sister is in a dreadful way, and I dare not go near her. The interpretation of your note is deeply grieving to me * * I have only one wish, to see you; is this to be gratified now or at any other time? * * You need not see me if it is not agreeable to you."

The witness in explanation said—My sister spoke very severely of him and said he was not straightforward. The letters were lost in a carpet bag. I think it was Mr. Gisborne who recovered them for me. I got them back in the same bag in which they were. It was returned to me unlocked. I missed them in Malta, when I was in the Sybille, Mr. Close's yacht.

Mr. Brewster read another letter from the witness:—

"Sybille Yacht, Valetta.

"One whole month I have spent hunting Malta for news without success. I have tried everything and everybody, but you are out of the pale of human information. I know by heart the *Army List*, but there is nothing satisfactory there. Artillery seems to bid defiance to all rules of arithmetic. There is evidently nothing more to be learnt in Malta, so I must try elsewhere. Now, do you not think in your judgment that if he were not a melange of the queerest material that angels ever made up in the vast laboratory of humans (they must, at his creation, have been trying a new invention, which was not answering their expectations, was given up and only one of that sort was produced), he would say at once, either "I am quartered so and so, or don't trouble yourself?" This places me very dreamy, worse than dreamy—it approaches within a hair's breadth of reality; he not only haunts me, but I feel sometimes, through my whole system, a thrill as from a palpable touch. About the harbours, at the corners of every street, in the salons, and military affairs everywhere, high and low; a row of bright tiny buttons are ever appearing before me, they messmerised me the first time I ever saw them, and I do believe they act as small galvanic batteries; but my fate seems dawning upon me. I am ever to pursue a shadow—no reality—a phantasmagoria luring me on. The ancients did not know of the Syrens, did they?—dreadful to be reserved for such a discovery. The last letter of August 15 was a *chef d' œuvre* of diplomatic diction; the thing must *be* but it must come to *pass*, he wills it so; yet interferes with no one's arrangement—no force, no persuasion is used—nothing—only it *must be* Sophist that thou art. "I purposely refrain from influencing you!" he says—how kindly considerate, when I can neither call body or soul my own. If I were tied up by our hawser, I were not half as fast and firm—but it is clever *de separt n' est pas*. I leave here in the Stromboli, man-of-war, which is to transport me to Spithead, I shall then go on to the Marchioness's, where you might send a note if you are still in the land of the living, not that you need trouble; if you can send me any paper or book with it in, it will answer the same purpose. You can be spared the Tantalus, though I do not believe a word about that. I want very much to see if you have cut off your moustache, and I have got a glass in which I can see round the corner—no Irishism. I wish you would be a little more generous towards me, and let me confide in you implicity—not to oblige me to keep certain thoughts and feelings *in petto*. I am so situated now in the game, that you are the only person to whom, as the law says, I can speak the truth and the whole truth. Do not forbid me *anything*. You, on your part, ought to be man enough to resist when necessary, but you must let me talk—it is a woman's privilege, *et da vera*. I only know one legitimate mode of stopping her mouth, and that you cannot practise by letter, Sir. I obey you more *au pied de la lettre* than *de facto de vero*. A clever metaphysical writer says that "some anxiety invigorates and elevates the mind, others to depress" (nothing depresses me except the trial to be reasonable). The first principle of intellectual advancement is that in which it is most active—the great secret of developing the faculties is to give them much to do—and much inducement to do it—all the deepest thinkers whom I have conversed with have agreed in this axiom—where there is a will, &c. I say nothing of what circuitous or irksome way this may be through trials and dangers, rocks and quicksands, life must become as a feather in the balance where there is an object to be gained! and what is life without an object? I for one do not value it. I must have intenser joys

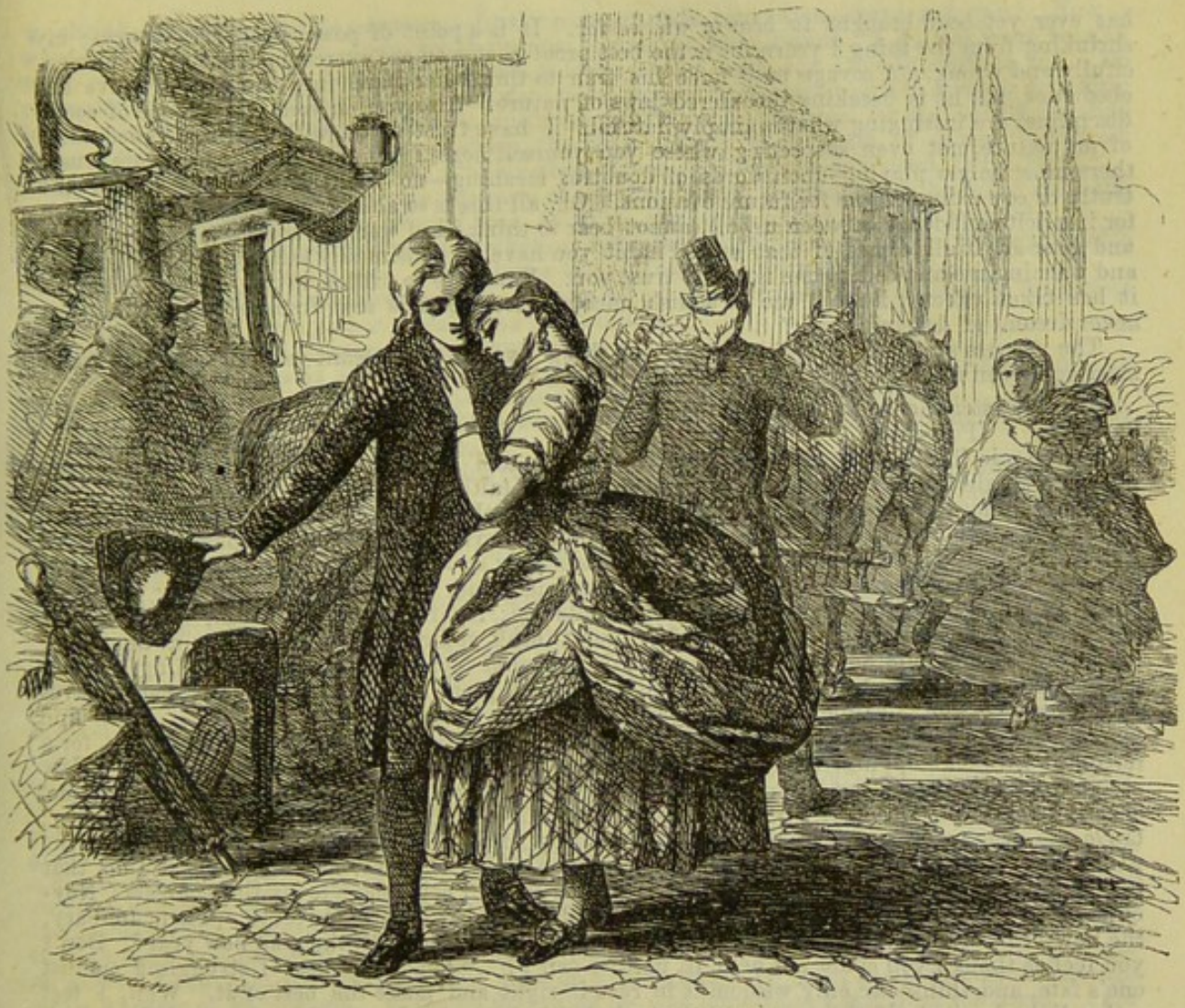
than the mere fact of eating, drinking, and sleeping. The anxiety I feel and the apparently hopeless position I have got into only serve to excite my imagination and rouse every faculty of my mind. I have but one object in view, and that has taken full and entire possession of me—every day it grows stronger, and who knows that this event—the unlooked-for difficulty—is the very thing to develope every resource of my character which else might have lain dormant, perhaps hopeless dilemma may be the moral salvation of us both—for you, too, are prone to be lazy—but if you ever feel as intensely as I do you will wake up, and with such an ally *je rirai au nez de mille diables;* neither is feeling wanting in you, but it is a mighty deep down, and like gold ore, is difficult to bring to bring the surface and transpose into practical use. In your character there is an immense amount of latent power and energy which you do not often trouble yourself to bring forth, and, therefore, your faculties are not developed and strengthened—mental superiority is attained by work—strength of mind is *power*—power over yourself—power over those around you—power to influence and control the will of others silently but irresistibly. I never met one so innately imbued with this as you; I do not mean in my own case exactly, as that might possibly occur by accident, but no one ever had such influence over me, but I have observed it over others, and in a remarkable manner. I wish still farther to observe this process—to see the extent to which it might be carried—the amount of superiority you might acquire—in fine, to see what manner of man you might become. Is love pride? Oh, dear me, what is the use of all this philosophy when you teaze me by not letting me know where you are until you have made me quite *pazza*. I must eventually find out, and could now in two seconds if I dared mention your name—but I have not yet forgotten Major Dewar—he found out. I fell into another man-trap at the Pyramids, a navy officer, he is mad, madder, madderest. I feel so sorry for him, tell me what is the best way to cure a man, pray what do you do—to become so supremely indifferent every now and then, your's is a sort of intermittent fever. That unfortunate Stuart persists in making his proposal in each letter, which is about once a fortnight." "TERESA."

The witness, in explanation of this letter, said—I meant that the difficulties with which we had to contend must develope our character and make us superior to what we should be if there were no difficulties to contend with. I considered he had great power in his character which required developing, and that I should be the means of doing so. In that letter I say "Is love pride?" I had a pride in him, and I wished to see him rise to the greatest power I knew he had in him. By the "man-trap at the Pyramids" I mearly mean that Mr. Shears, to whom I alluded, wished to marry me. He was so sure that he could persuade me that when we reached Malta he spoke to a friend of his, and asked if he could get a clergyman to marry us.

Mr. Brewster read the following letter:—

"Stromboli.

"Caro Carlo mio—Yours was just thrust into my hand as the Stromboli was getting up her anchor—I put it in my breast by way of conciliating it; but all in vain, no coaxing would do, it came out inexorable, cold, cruel as ever. Nor'-east again. I do not think there is a man on board knows how to box the compass so well as you do—your letters run north, nor'-east, south-east and south, due south is warm and kind, but somehow or other you often contrive to skip the latter and get round north-east—which is the worst. Your last but one letter has brought me three thousand miles according to your implied wish—at the end of this journey and within one step of the goal—halt! you exclaim. Now it so happens that I cannot halt or stop—must either go forward or recede—there is no medium course—no choice between Scylla and Charybdis—into the yawning gulph of one or the other I must go—a melancholy fate, but it cannot be averted now—and if you are determined to yield me to the latter, *alias Rue du Bac*, you might have saved me one year's misery by leaving me there in my whitewashed den—to return there is but to commence the whole process over again. On the other hand, do not suppose that I wish to persuade or induce you to do anything dishonourable or to make any sacrifice of yourself or others on my account. I should never feel happy to be the cause of misery to any one voluntarily. I think I now thoroughly understand your position and my own—you may trust me, and had you done so thoroughly at the commencement you would have found me worthy of your confidence. You bid me take my sister's view of the case—firstly, you do not wish me to go; secondly, I can't; thirdly, if you were a convict and going to a penal settlement I would go with you, and if you choose to get hung I would stand under the gallows. Therefore you may be a diable; but it is too late to find it out now. If it is on account of disappointment to me that the plaid is not to be reunited you are mistaken—it is the counter marching which distresses me—to the rest I have made up my mind, and to scold you is not in my heart. Your name will never pass again between myself and sister or brother—they must give me up in any case, and must consider me as one once loved but dead. It is bitter to give up all those we love and who have ever proved themselves true friends, but if there is one left to love me it will compensate me for every other ill. You say, "If I am not cased in armour beyond your strength." My armour, Carlo mio, *is* your strength, and my shield your affection. Moreover, I don't want to *go*, only to *come;* when I tire of you I will tell you. You are right, the dear dreaming days are over, but there can be no reality unless we are together that I can comprehend. You know your favourite motto, "*che sara, sara.*" We are just in sight of land, after twenty days from Malta, blowing a terrific gale all the way. Three days we lay rolling in the Bay of Biscay, one day going forward, the next back, and so on; it was the *ne plus ultra* of physical wretchedness, and did not care very much whether we went down or no. We brought home the Clinker, she broke three cables as thick as me, and an anchor chain got away, and we had to seek her. I feel like a chiffon, do you know what that is? A bit of



PARTING SCENE AT BORDEAUX.

washed out anything, very limp, useless, and good for nothing but a rubbish bag. I have been with you the whole journey. Did you know it? And will you come to me again to see the new year in as you did last year? Exactly, just the same—you know how I mean; and will wait for you just before the old year goes out—and I am about to work some spell with the half plaid that will ensure its being made one before we see another new year in together. It is no use our writing any longer. I quote your own words, "The next act cannot be written, it must be played out, and the actors must e'en make the best of it." Besides, what on earth are we to write about? You will not write what you feel, neither will you let me. By the way, the letters *are come back again!* What do you think of that omen? They had got to Gibraltar. I prayed to St. Antony, and you know he always patronised us and connived at our getting together; he it was who helped us to find each other in the dark that first night, who made me want letters posting in Malta; he who made somebody find out that dark hole in Galata; who made the general's *hut* have a peculiar attraction; was it not? We had offended him somehow when somebody went off by the Danube. I am in the humour for a chat. I have never flirted a bit since I came on board; but you don't like cross, and have no more paper, this, as you may guess, is out of my journal. I shall go to the marchioness's until I hear from you. Don't forget New Year's Eve. *Scordati di me.*

"TERESA.

"Monday—Arrived at Portsmouth."

The witness in reference to these passages, said—Feeling that my sister had misunderstood him I felt that there was no use in speaking of him, because when she takes an idea she generally adheres to it; therefore, I had resolved not to mention the subject again to her. We had divided the plaid—he taking one half, and I the other; and I meant, in alluding to it, that I should make some arrangement by which the plaid should be joined before the year was out.

Mr. Brewster read a letter from witness to Major Yelverton, in which she mentioned that she was obliged to answer three letters at once. And asked the witness where were two of the three letters mentioned, as he found only one letter from the defendant, in the printed book, to which the answer referred.

Mr. Brewster read the following letter:—

"Conventionality is *not* the question between us—I dislike every shadow of it as much as yourself. My whole life you know has been a protest against it; and in my relations with you it

has ever yet been brought to bear or wished for. It is a point of power over helplessness; my shrinking from the thing I yearn for is the best proof that you are exercising that power unmercifully and wrong. A savage may force his frau to thrust her hand into the fire to prove her obedience, but he is breaking the sacred laws of nature. Also you, in your abhorrence of social discipline, are infringing what is simply natural. I have trusted you with the unbounded faith of my nature, not even suspecting where you yourself *hope* I should, but to perpetrate trust; there must be no playing upon words of doubtful meaning—no mysterious suppressions of the truth, or cowardly designs for future evasions. Oh, all this is so abhorrent to me. I do so yearn for implicit confidence between us. I cannot bear to think ill of you; it makes me quite crazy; and after all it all comes of that stupid habit you have of continually talking evil of yourself, and warning me and telling me never to trust you. You have so drilled it into me that at length it has taken effect. Do tell me to banish once and for ever this stuff from my mind, that you never dreamt of deceiving me."

The witness said the "shrinking from that thing I yearn for" meant her rejection of a secret marriage, even although she wished to be married to Yelverton.

Mr. Brewster then read the following letter:—

(Post-mark.) January 15th, 1857, Abergavenny.

"Caro mio Carlo—You like the laconic. So you told Mrs. Van S. when you answered her note in a single word; certainly you are never diffuse (although not always quite to the point). That is fortunate; for I recollect one of my numerous soubriquets was 'Muggy Chatterum,' and you have signed my charter to that effect. You deny having any power of diplomacy. Bravo! I know you had not, and would commit yourself someday or other, and step quietly into my little net as soon as I could prevail upon myself to leave it alone, and not keep twitching it about. Now you told me a great fib, which quite enchants me; for it proves I was right, and you were wrong, and new nothing about yourself. I don't think you really know why you do anything, except that you cannot help it. It is no earthly use your trying to deceive me—telling me that you are this and that. I don't believe it, although I am prone to take all you do say, yet it leaves no impression, and I cannot act upon it as I should were it truth, and sooner or later I will find you out. You shall go on your trial if you like, and I shall be judge and jury. I can talk for a fortnight without stopping, and then if you are not tired you can enter on your defence. Now are you not afraid, and don't you wish you had said *candate via* or *haidy!* Now for your last letter but one, only think of my having to answer three letters at once, and one due south too! *Carlo mio*, what a blessed state of mind you must be in; I wish I could only arrive while the wind lasts. Oh, I wish I could. I dread to find you a kind of moral iceberg; well if I do, that is better than nothing, so I don't grumble. Let me see if I can calculate by the compass: November 9th, wind S.E.; December 4th, S.W.; and December 29th, due south. Then January, the new year, did you not go off into a nice, quiet, lethargic sleep with the glad new year? Don't you feel as though you could not help it, neither can I? What is the use of struggling against one's fate, and think the only wisdom is to read it right and make the best of it. Well, I feel rather light-hearted, if there was not so much fog to keep me down, and a few undefined fears about Persia. Well, I should go to Kismet. Bellamy says he will have a new wing built to the asylum for my special benefit. Why I came down here was because my sister was too unwell to come to town, of course under protest, which has been religiously kept, so much so that Bell, speaking of your namesake, styled him "the man who commanded the Arrogant." They are killing me with kindness, but I am dying with impatience, *sei la ben venula* is turning itself into a thousand summer dreams. Bell says I have been wool gathering enough since here to make a scarlet petticoat (no impropriety in this, since they stalk abroad in open day) I wonder what you look like now, a civilized animal, and whether I shall like you as well, and whether you'll know me in a French bonnet. If you have cut off the moustache I shan't want to speak to you, and retract all I said in a previous letter, about legitimate ways, &c., &c. You tell me my best chance was lost at Balaklava—good gracious, had I ever the shadow of a chance? I thought impossibility began and was to end our story about reclaiming you, *soyez tranquille*. I do not intend undertaking any such Herculean labour, besides which, since your last note, I feel very touched myself; it is an awful fact, but I always do so soon as I am not miserable. I am afraid it requires the discipline of misfortune to prevent me from becoming outrageously mischievous. Now, however bad you were, you must have some redeeming point, and it is my business to find out that and make the most of it, perhaps I have done *qui sa*, but it does not and will not come into my head to associate any harm from you to me; neither does your periodical indifference produce any other effect than of making me miserable, and wondering how long it will last. If you allow that you have dissevered my machinery, either by breaking or *n' import quoi*, why it is clear. you must mend it. If you have no radical cure, you must effect a partial one. So long as you are the practitioner I shall submit to any operation; but I vow no other hand shall touch me. If I could get fairly clear of you—chalk you out—disperse you into air—or by any means annihilate you, body and soul, I should go on my way rejoicing, singing, 'oh, be joyful all ye lands,' and if you could blot me out, why, no doubt, you would do the same, but you can't, for there is a power stronger than either of us, that rules all things—a hand twining together both our threads of life, and though they are knotted, and we should prefer them smooth and even, we have no time to chose our steps, but are hurried through rough and rocky paths; and though I sigh and rave, and you are stubborn and swear, it is of no utility—away we go. There is a line cut out which we must follow, though

we shrink and curse our fate never so. I have come to this conviction—have not you? Now want to talk all night to you—here are those men coming up from dinner. I do not want to stay were, or, if it pleases them to have me, I wish to leave myself here, and come in spirit to you. Do not write here for fear of accident. Oh! I want to see you, and dare not begin to arrange anything lest it should all go wrong. I begin to anticipate I am quite prepared for any possible mishap before I get my wish. Write to Canterbury, the Dane belongs to the gate, of course. (Address on back of letter, Major the Hon. W. C. Yelverton, Royal Artillery—re-addressed, Leith Fort)."

Mr. Brewster asked witness where were two of the three letters mentioned, as he found only one letter from the defendant in the printed book, to which the letter he had just read referred.

Mr. Whiteside said he wished to know whether the defendant had served notice on the plaintiff's attorney to produce these letters. Every letter that witness had were given up.

The witness said she found from a memorandum which she had made that several of the letters were displaced from their proper place in the printed book.

Mr. Whiteside said that was an important fact.

The Chief Justice said the witness could that evening refer to the memorandum, and on Monday morning she might make any observations she deemed right on the letters.

Mr. Brewster read from the letter of the witness previously referred to this passage—"You tell me my best chance was lost at Balaklava."

Witness—The meaning of that is, his offer to get married in the Greek Church at Balaklava. But I considered that no chance at all. I wish to observe, too, that wrong interpretations have been given to some of the passages in my letters and the emphasis put on the wrong words.

Mr. Whiteside—That complaint is very true, but depend upon it I will put the emphasis on the right words (laughter.)

Cross examination resumed—The last letter is written from my brother-in-law's (Bellamy) in Wales. I went from thence to London, Miss M'Farland was in London; she had recently come from Paris, and was stopping in London at a friend's place. I don't know the name of the friend. Mr. M'Farland's father fell into difficulties and went into the Charter-house, and she had no home of her own in London. I met her at the Marchioness de la Vienne's. We went straight from London to Edinburgh, and stopped at the Ship Hotel. I do not recollect how long we remained there. Yelverton visited me at the hotel. I sent him word that I had arrived, but did not tell him where I was. He, however, asked the messenger where I was stopping. I expected to have found Mrs. M'Kye in Edinburgh, but she was not there. We had letters of introduction to other persons in Edinburgh. The last time I saw Mrs. M'Kye was at Malta, but I thought she had gone home to Edinburgh where she always resided. We went to Mrs. Gamble's at Edinburgh and lived on the third flat. Mrs. M'Farland had not changed her religion until this period. She was received into the Catholic church at a convent in Edinburgh after I left that place. I placed her in the convent to receive instructions before she became a Catholic. It was early in February that we came to Edinburgh. When Yelverton visited me the marriage was alluded to. It was alluded to, I think, in some way the first time he visited me. He went to his brother's marriage while we were at Edinburgh. When he first came he was lame from a fall from his horse. I am not aware that he was suffering from any other illness. I had a letter from him from London the postmark on which is the 16th February, 1857. He returned to Edinburgh on the 25th. Up to the time of his return there had been no fixed arrangement between us as to a marriage. He invited Miss MacFarland and I to take tea with him in Edinburgh, he being then an invalid, and we went. He sent his carriage for us. We also dined with him by his invitation.

Counsel read several brief letters which had been written by the defendant to the lady on the occasion. Three of them were as follows:—

"Carissima—I did not receive your note until last night, or would have sent the dirty lace with the other stuff. Did either of you leave a thimble, as I found one and do not know whether it belongs to my gaudy housewife or no. You did not do me any very great harm on Monday, and I am getting slowly but steadily sound again, and that dreadful man at the library never has the books I mark off, but sends me novels of the most bread and butter, milk and luke warm water description. There are three volumes in as many corners of the room, ugh. I'll give you a call to-morrow about 3, and we'll drive down to see the horses; I'll bring my servant and send him up the stairs. *Addio.* CARLO.

"Carrissima—I cannot get up to see you, so you must come and see me. Tell Crosby to order the Edinburgh carriage at whatever time you like. You shall have some dinner, if the last did not frighten you from making such an attempt again. We shall improve, I dare say with practice. I expect to go to Edinburgh on Monday. *Addio. Penso a te.*" CARLO.

"Carrissima—I had forgotten the photograph. I depart to the other side of the water to-morrow, D.V. I hope you had a pleasant passage and dreams. I am sulky, hate uncertainties, and believe in nothing. *Addio. Penso a te.*"

Cross-examination resumed—I received this last letter from him in Hull after I had left Edinburgh. I cannot tell the date of it, but Mr. Thelwall can. There was a little sketch attached to the letter (produced). This was a sketch portraying the positions in which we stood to each other. one represented him as approaching me, and I was pushing him away. In the other sketch he was represented as suffering dreadful misery whilst I was going calmly to a convent. I did not like a Scotch marriage, such as he proposed, without a clergyman. It was in consequence of my objections that it did not take place earlier. I saw him twice in chapel in Edinburgh. He did not join me there. He might have seen me in chapel, but I cannot say whether he did or not.

He was in uniform once when I saw him in the chapel. I did not see any soldiers there on that occasion. I never saw any artillery soldiers in the chapel at Edinburgh. I believe Major Yelverton was stationed at Leith all that time, and that the artillery soldiers went to the chapel at Leith, and not in Edinburgh. I believe firmly in the doctrines of the Catholic church, and as marriage is regarded by the church as a sacrament, I objected to any other form of marriage than one according to the rights and ceremonies of that church. I proposed in Edinburgh that we should be married according to the rites of the Catholic church. He said he would not object if it could be effected with perfect safety, but he declined, as he thought it could not be done without getting publicity. Up to that time I had not thought much on the subject of his religion, but about that time I asked him what was his religious belief. I had been told previously by some of his friends that he was a Roman Catholic. I knew that his father was a peer, and a member of the Protestant church, and that his mother was also a Protestant. I understood from him that some of his relations were Catholics. He said, "some of my people are Catholics." He told me he was a Catholic and I believed him. Indeed I entertained no doubt as to his religious belief up to the time of the marriage in Ireland. What religion did he professs?—As to his profession he was so very vague and indefinite that I cannot give you an answer. I consider that I am a professing Catholic, because I go to church every Sunday and attend to the other duties of my religion. If you mean professions of this sort, then he did not profess, to my knowledge, except by going to church in Edinburgh, as I have mentioned. But there is another kind of profession—namely, by direct assertion, and if you mean that then, he did profess to be a Roman Catholic (applause).

The Chief Justice—I shall be obliged to have the court cleared if there is any more of this noise indulged in.

Cross-examination resumed—Did you ask him in what religion he had been baptized?—I did, and he said he did not recollect. (Laughter). I told him that if he had a doubt about it he ought to be baptized again. I asked him if he had been confirmed, and he said not. I then said to him, "If you are not confirmed in the Protestant religion you are not a Protestant, if you do not believe in it." He replied, "I do not believe in it, and I never did." He told me he believed in the doctrine of confession and absolution. I thought he would have to confess in order to receive the sacrament before marriage, and I spoke to the Rev. Mr. Mooney about it, and said "Well, we must pass it over," or something to that effect, meaning that his not going to confession would not prevent the marriage. I did not receive communion until the day after the marriage. In going from Edinburgh to Hull by the steamer I was alone with the defendant for a short time in the ladies' cabin. Nothing improper took place between us, either then or in Edinburgh. So far as the law of Scotland was concerned, I thought we were mutually bound to each other as man and wife, by the marriage ceremony which he read to me in Edinburgh, but I had religious scruples on the subject. He said that I had no reason for those scruples—that the act of marriage in itself conferred the sacrament, and that the clergyman was only present to see that all was right. He insisted, after that ceremony, on enjoying the rights of a husband, and I rejected him. I considered it would have been a sin to have lived with him as his wife unless we were married according to the rites of the Catholic Church. If I had the information then which I have now I would not have hesitated to live with him as his wife after the Scotch marriage, for I have been informed since by a Catholic clergyman that it would not have been a mortal sin to do so. I consider that the fact of his having read the ceremony from a Protestant Prayer-book was merely accidental, that book happening to be on the table at the time. As the marriage was according to the Scotch law, I considered it immaterial what book the words were read from—it was to satisfy the law and not religion.

Counsel then read the following letter from the witness to the defendant:—

"Friday.

"I am like unto the woman in the Gospel, 'troubled about many things'—troubled not to see you with the unspeakable longings for an absent loved one—doubts and fears about the durability of requitement—misgivings lest the ardency of attachment was merely the effect of proximity, lest a two months' trial will not prove it emptiness—doubts of myself, of my state of health. Quiet, quiet, says every one with solemn faces—repose and perfect tranquility, says the doctor—excitement most pernicious and dangerous. My dear friend Anne, who is a doctor in herself, will not lose sight of me lest I should think of anything too exciting, for that brings on an attack; nights I could not sleep, my heart going too quick, then too slow—just because I could not tear my thoughts away from you. She is going to take me to London, where I am to wait for my sister. Had I even succeeded in reaching Liverpool, you might possibly have had to bury me there, and it would not have been called manslaughter. Oh! for those blessed days when I could trust you; when I deemed myself the object of your inmost thoughts and desires, that my life and happiness was synonymous with your own, aye, more than your own. Who so fit to care for me as that—one who so able to give me that peace, repose, happy tranquility so essential to me now! What is the use of their saying you must keep quiet when I cannot trust, when, by trusting, I may lose both life and life hereafter (or at least the fruits of a life of patient suffering), for if you did deceive me again in that last not to be remedied point the physical part would give way. On the other hand, my whole nature demands the risk, the trial to be made; it has wound itself too closely about you to give you up now. Even writing about it I have little sharp, nipping pains at my heart; if I made my hand write a farewell I should have a palpitation there and then; I shall die without you—is it worse to die by you? I am in a bad state of mind, I am afraid, or I should

not be seriously weighing which death I should like best, or is it that my fate is looming over me, so near as to force itself on my contemplation? Sometimes in fancy I do trust you and feel so happy, then comes reaction—doubtful words and actions of yours occur to me; and oh! if you did love me, surely you would help me. Anne says, 'the one to help you does not seem to be at hand;' she thinks I had better try my sister; but in her heart she knows—she can read every look of my face—and she sees every time I speak to you, as well as I do myself—and I am too weak now to disguise it under any cloak. I wish you would tell me you burn all these letters—please do. Write to me here for a week or two—for though we leave to-morrow they will be forwarded. I shall not be able to write you after I join my sister. But if I get well enough to come to you, I will find means; and if I die, I have told Arra to write and tell you all about it. Good bye, I do pray for you, but it does not seem to have any result. In a morning you recollect I always come, and always will.'"

The witness gave the following explanation of the above letter:—Owing to my being half married, and not married, I was in a very miserable state of mind. My impression was that the Scotch marriage ceremony extended only to Scotland, and that it had this effect, that if he met me there he could claim me as his wife. He importuned me so very much to live with him after the Scotch marriage, that I had to leave Edinburgh to avoid his importunities; and when I wrote that letter, I felt that if he forced me to commit what I considered a mortal sin, and brought shame upon me, I could not survive it. [Letter produced]. I believe half of this letter now handed to me was destroyed by my husband and myself at Rostrevor. This half commences—"You shall have a lump of sugar after it, especially if you do not make too many faces, and cry for it like a naughty little girl."

Counsel then read the following letter:—

"Could not finish my last letter, was so shaky. Anne made me give it up, so slipped in the cards instead. Are men deceivers ever, or did he suddenly feel himself bound to marry the girl he had promised five years ago? *Allah behir*. I am writing in bed after dreams; such another dream will make me well in a day or two. Two warm days have decided my cough to a final move. Are you still sulky, or fallen into the old slough of do nothingness? Do you not believe in the mossy violet bank? That is to be reserved for my special delectations when my turn comes. You can make out your commonplaceism whenever you think proper, but I can give you no *couleur de rose* or violet scent—those are sacred to my dream. Don't come begging to me for sunrays to light up your dark, miserable constructions, if you will build up every day a disagreeable, angular, uncomfortable fabric under the plea of desirability, advisable expediency, with the view to its turning out useful at some far off period—don't expect any of my moss or flowers to cover and disguise it with—don't try to pass it off on me as a fairy palace or a bower of bliss; it is a stronghold in which you intend to secure yourself. I will have no more to do with it than I am *bound to*, as they say in Germany, and always under protest that it is a cold, calculated, dismal affair. There is a French proverb, "*on recule pour mieux sauter*." Can you apply it in this case? It is said that a thing to be worth having must be worth sacrificing for. At that rate your worth is incalculable, considering what you have cost for the last five years. Calculating reminds me to tell you that I have the necessary—shall I send you some? How teasing of you not to write when every day is of consequence now, and when the least blundering may mar our whole plan. Supposing my sister, not hearing from day to day, knowing that I am ill here, should take it into her head to come to me, where are the dreams then? If you wish for a certainty, take your measure accordingly. This I was just going to post to you. I want to see you; I must. I have been dreaming ever since; I cannot bear it. You know it is not in nature, and you swore before God, and you will not perjure yourself; but I'll go if you wish it, and remain ever "THERESA LONGWORTH."

"Carlo, Carlo—come to me and comfort me with your spiritual presence."

The witness said, in reference to the above letter:—I wrote that letter in Hull. By the words "the stronghold in which you intend to secure yourself," I referred to the precautions he was taking to gratify his own desire for secrecy, and to serve his own purposes, whilst in not having married me in an open and straightforward manner he had sacrificed my feelings, and rendered me miserable. By the "necessary" I meant money. I think I sent him some money on that occasion. I certainly did send him money, but whether it was then or at another time I am not quite certain.

Counsel then read the two following letters:—

"Cara Theresa—Excuse me for continuing (for this one time more) the old style of address in part. I congratulate you on the step you have taken most sincerely, as the most likely course to render your future life a contented one; and if ever a remembrance of me crosses your mind in your new sphere of duties and pleasures, spare me a place in your prayers, and believe in me as one always ready to act towards you as a sincere and respectful friend; and permit me to add, as you will perhaps be pleased to hear, that such is really the case—that by your marriage you have earned my lasting gratitude—as, on reflection, I found that I had placed myself in a false position with regard to you, and one of all others the most painful to me—viz., that I had promised to you to do more than I could have performed when the time came. You may think this declaration a new example of the truth of the old fable, but it is not so. I have passed that weakness. Forgive me that I still retain that of addressing you on the outside of this by your maiden name, and believe me ever yours to command, "CARLO."

"Caro mio—Are you mad or am I? The first reading of your letter brought me to a stop, mental and physical—my present weakness could not stand such a shock, my heart went still; now on recovery I begin to see how it is. Those cards, I was going to tell you all I knew about it, but I got so faint my friend made me give it up. So I slipped the cards in. Oh, Carlo, to suspect me of such a thing—I whose very life is ebbing away for you—I who have sacrificed all but God to you. I who have lain at your heart, and in the sight of heaven been called yours. I, whose very soul is yours, to be so mistaken. Oh, Carlo, what could she be to do such a thing? The vilest hypocrite, the most sensual wanton. Carlo, I must go mad. Oh, for you not to know me better, for it never to enter your head that Mr. Shears should be false; and what became of my letter enclosed with the cards, perhaps you burnt it in disgust at me—did it never occur to you that he could marry any one else? Why, I remember that he had been engaged to that lady, a Miss Richards, for five years. I was neither shocked, and but little surprised; he was weak, and has yielded to her friends. That you should judge me guilty of such an infamous thing—God help me—I do not know how to bear this last blow. Oh, that he would take me, and you seem to be glad of it. Oh, no, no, don't say that, don't say it is a comfort for you to be rid of me. If it is, you know you are, you have always been, free. You know there is a refuge for the wretched, broken spirit. You know where. But you told me I might have you, that you would go headlong to perdition if I ceased to love you. Oh, Carlo, we have been too dear to part now—we must try and make the best of our lot; all I have borne, all I must still bear—God knows best how much I can;—but be you a very devil, I feel I am fast to you, for some good end, no doubt, in the far off future. I cannot have an answer for three days. Oh, me, those red-hot ploughshares in anticipation cannot be worse—how little you must know of my devotedness to you. What can have made you my ruling star for four years if it was not love? I never for one moment in my life ever dreamt of marrying Mr. Shears—then to imagine I could have carried on such a deception, and not utterly to loath me. Caro mio, you must love me, or you certainly must have hated me; but what became of the letter? I told you in that how I was going on—how ill I had been, but you are over hasty and reckless in your passion of any one, and in spite of your calm letter you must have been horribly disgusted at first. Write me directly, or I must certainly come and find you it is too late to take you at your cruel word."

The witness said, in explanation of these letters:—The cards to which I referred were the wedding cards of Mr. Shears, who had got married since I was in Egypt. Mr. Shears sent me cards, and I enclosed them in one of my letters to Yelverton, who took it into his head that I had married Shears, and that I had gone to Hull for that purpose, as it is a shipping town, and he thought Mr. Shears's vessel was lying there. I never imagined for an instant that such an idea could have occurred to Yelverton. He wrote me a letter under that misapprehension, to which I replied in the letter commencing "Are you mad, or am I?" The expression "I who have lain at your heart, and, in the sight heaven, been called yours," refers to this, that after the reading of the marriage ceremony in Edinburgh he took me in his arms and embraced me. I was two days at Waterford before Major Yelverton arrived. I continued all the time at Cummins's Hotel. I remained one night after he came to Waterford. We stopped one or two nights at Thomastown, near Waterford. We went there to seek for the clergyman. We went to the chapel together. We did not see a priest in Thomastown. We were told the priest was from home. I saw a priest in Waterford before Major Yelverton arrived there. We came to Dublin and went on through to Malahide. We did not go on direct by rail to Malahide I think the name used in the course of the journey was "Power." He had his letters addressed to Mr. Power. We remained two or three days in Malahide In the house we occupied at Malahide there were two bedrooms and a sitting-room. We did not sleep in the same bed. I have never seen a woman named Rose Fagan. Whilst in Malahide we visited Dublin. I recollect going to Westland-row chapel. Major Yelverton came into Dublin with me, but he did not go to the chapel. From Malahide we went to Newry. I don't know the name of the person at whose house we stopped at there. We remained a day and a night there. We had there two bedrooms also. There the bedrooms went one through the other. They opened into one another. He never went into my bedroom. We did not sleep in the same bedroom. I may as well state now, once for all, if that is what you mean, that I never did consent to be Major Yelverton's wife until after the Irish marriage ceremony. Major Yelverton went from Warrenpoint to Rostrevor to engage rooms. We left Newry in an open car. There was a dispute about a bill there. Langster was the name of the person in whose hotel I stopped at Rostrevor. The marriage ceremony was performed on the 15th of August. Major Yelverton did not stop at Rostrevor. He came to Dublin on account of his health, and to look for a clergyman, for the clergyman in the country said we should have the banns published. We remained three days in Rostrevor after the marriage. I went to Warrenpoint to mass with Major Yelverton before the ceremony. The Rev. Mr. Mooney brought me to the bishop, whom I saw in his own house at Newry on the Friday before the marriage. We were married on the following Saturday. After Major Yelverton's marriage ceremony in August, 1858, with Mrs. Forbes, I passed through Newry. I did not go to any hotel on that occasion. I called on the bishop. When I came over in 1858, I went to the woman who was witness to the marriage, Betty Brennan.

A woman was here introduced to court, and placed near the witness, who was asked if she had ever seen her before. The witness replied that she never saw that woman before to her knowledge.

Cross-examination resumed—I never asked that woman had she seen me before; I never asked her to go to London, and that I would get her a situation.

Mr Brewster then asked that a woman named Biddy Cole should be introduced. This woman

was accordingly placed in view of the witness, who was asked by Mr. Brewster, if she had ever seen her before.—Witness replied that she had never seen that woman before.

Did you ever ask her to go to London, and that you would get her a situation?—I did not.

Mr. Brewster then asked to have Mr. Langster, who, he said, was the proprietor of the hotel at Rostrevor, introduced.

Mr. Langster was placed near the witness, who was asked if she recognised in this person the proprietor of the hotel in Rostrevor, where she had stayed.

Witness—I cannot say whether I have ever seen him. I could recognise Mrs. Langster, but I am not sure whether he is or is not the proprietor of the hotel.

In reply to Mr. Brewster, Mr. Langster said that Mrs. Langster was not in town.

Mr. Whiteside submitted that Mr. Langster, not being sworn, should not be asked any questions, and he suggested that Mr. Langster, having been exhibited, should now follow the two others who had been exposed, and withdraw, which Mr. Langster accordingly did.

Mr. Brewster then asked to have a Mr. Transfield confronted with the witness.

Mr. Whiteside objected to his manner of proceeding with the cross-examination.

The Chief Justice said he thought Mr. Brewster should question the witness in the usual way.

Mr. Brewster said he wanted to prove what occurred at the hotels, and to ask the witness whether she knew these persons, so that there might be no dispute hereafrer as to whether they were speaking of her.

Chief Justice—You want them to indemnify her, and not her to indemnify them.

Cross-examination resumed—I don't know the name of the hotel keeper at Newry. Was it with the waiter there that the dispute you mentioned took place?—I don't know with whom it took place.

Mr. Brewster—Now I want to produce him.

Mr. Whiteside—And that is what we say is quite irregular.

Witness—They took a lock of my hair to all those different persons; said they would know me by it, and asked them what they could prove against me.

Mr. Brewster—How do you know?

Chief Justice—What reason have you for saying that?

Witness—A person went there, and they told him that a lock of hair was brought, which after all was not mine.

Mr. Brewster—This is perfectly illegal.

The Chief Justice said what had been told to her by other persons could not be evidence.

Cross-examination resumed—I went to Boulogne the first week in May; I sent a letter to the Rev. Mr. Mooney.

Had you ever a child born alive?—No.

Mr. Brewster then read the following letter:—

"TO THE VERY REV. FATHER MOONEY.

"Dear and Rev. Father—I trust that you, have not forgetten the lady who, last autumn, had the pleasure of making your acquaintance, and to whom you rendered such inestimable service and deeply valued kindness. I can never forget you, my dear sir, for in you I recognise one of those true ministers of the Almighty, who tread in the ever charitable, kind, and merciful steps of our Saviour, rejecting none who come with a sorrowing heart. You made mine a happy one in your little church of Kilone, last 15th August, the Feast of Our Lady. In our rambles on the continent, how often we have thought and spoken of that day! I have now the arrival of a little stranger to look forward to, and finding some little difficulties about the baptism abroad—they requiring a certificate from the priest who united the parents—I wish to take my precautions in advance, feeling sure that you will rejoice to bring another lamb to the sheepfold, which, but for your kindly help last year, would otherwise have gone astray. I must now confide to you my husband's surname, which I was only allowed to do under the seal of confession (though I never doubted for a moment that a secret was and is perfectly safe with you). My maiden name was Marie Teresa Longworth. My husband's name is William Charles Yelverton. You will please to add the surname to your own private register, as, of course, the child must be registered under the father's name. But I need not entreat you to allow no one to see it but yourself, unless you had a witness to the marriage, However, I rely implicitly on you, and you will find when the time comes to proclaim this marriage, that you have not only saved two individual souls, but rendered an incalculable service to the Catholic church. I dare not tell you more at present, but some day I shall come to see you and tell you all. You will be glad to hear that I have much hopes of my husband. With the most grateful remembrance accept the expression of my perfect esteem, and believe me ever dutifully yours,

"M. T. YELVERTON.

"Please address to Miss Longworth, 30, Spring-street, Hull, Yorkshire. It will be forwarded to me at Lunenbach, Germany."

[The post marks on these letters were Hull, June, '58; Dublin, June 11, '58; Rostrevor, June 12, '58.]

Mr. Whiteside—I think the answer of the rev. gentleman and the certificate of the marriage should be read. As a general rule, you cannot give in part of a correspondence.

Chief Justice—As yet the time has not come.

Mr. Brewster—I'm told in the progress of the case an undertaking was given to produce the Rev. Mr. Mooney.

MISS LONGWORTH VISITS THE WOUNDED.

Mr. Whiteside—I will do what I like when I hear you.

Sergeant Sullivan—I stated what I intended to do, and there it is.

Cross-examination resumed—I wrote that letter. Major Yelverton was not married to Mrs. Forbes when I wrote it. It was not written in Boulogne; it was written first in Bordeaux. I left Bordeaux in May.

Mr. Brewster—I have no more to ask you.

Mr. Whiteside—Very good. (To witness)—Did you get an answer from the Rev. Mr. Mooney by return of post, with the certificate enclosed?

Mr. Brewster—I object to the question and to any answer that may be given.

Mr. Whiteside—Of course you do.

Chief Justice (to witness)—First of all, did you get an answer to the letter?

Witness—I did.

Mr. Whiteside (putting letter in witness's hand)—Is that the answer? Witness—It is.

Mr. Whiteside—Was your letter written before you heard of the defendant's second marriage?

Witness—It was. I did not hear of the second marriage till I got to Edinburgh. The second marriage, in fact, only took place the day after I got to Edinburgh.

Mr. Whiteside—Did the reply of the Rev. Mr. Mooney contain anything?

Witness—It did, the marriage certificate. (Identifies the document as being the marriage certificate).

Mr. Whiteside—You wrote a number of letters to Major Yelverton after your marriage?

Witness—I did.

Mr. Whiteside—Have they been shown to you? Witness—Not one.

Mr. Whiteside—How many letters did you write to him after your marriage

Witness—About twenty-four letters in Ireland.

MISS LONGWORTH IN THE HOSPITAL AT GALATA.

Mr. Whiteside—None of these letters have been produced?
Witness—None, except one at the end of the book.
Mr. Whiteside—Did you knowingly destroy any of the letters he sent to you?
Witness—None, except those which he destroyed at Rostrevor.
Mr. Whiteside said it might be well to adjourn the re-examination of the witness, as it then five o'clock.
The Court was then adjourned till this morning.
As on the previous day, a large crowd collected outside the court, and when Mrs. Yelverton came forth she was greeted with loud cheers.

FOURTH DAY.

The interest and excitement caused by this extraordinary case increased as the trial advanced. This morning, for more than an hour before the opening of the court, the space in front of the doors was blocked up by a dense crowd, who waited impatiently for the moment which would decide their chance of witnessing the proceedings. Meanwhile a large number of ladies, the fortunate possessors of tickets of admission, were allowed to pass through a private entrance, and, by this means, the side galleries became completely filled. The Chief Justice came on the bench at half-past ten o'clock, and an order was then given to open the doors. The scene which then ensued was, for a time, of the most alarming character. The policemen, whose duty it was to see that the court should not become overcrowded, were pushed aside by the in-rushing crowd. Several people were dashed down and trampled on. The bursting of wooden railings, and the smashing of glass, increased the apprehension of those who were safely seated inside, that loss of life would be the result of the maddened efforts of thousands of people to crush into a small court, not capable of holding one-twentieth of the number who were struggling to get in. The Chief Justice in vain called on the constables to close the doors and clear the passages; and the confusion and uproar continuing, his Lordship adjourned the court for half an hour, in the hope that order would be by that time restored.

When his Lordship again took his seat, the excitement had in some measure calmed down, and the trial was then proceeded with. Several persons of distinction were accommodated with seats on

the bench, amongst whom were—The Earl of Mountcashel, Lord Talbot de Malahide, Lord Viscount Avonmore, and Lord Viscount Monck.

Mrs. Yelverton re-examined by Mr. Whiteside—I attended on my father when he was dying. I was with him for a fortnight, and for ten nights never changed my dress. On one occasion I attended him, and his ailment was erysipelas of the foot. I observed a black spot on his foot, and the thought came into my mind that it was mortification. I told him what I thought, and he said it was not. When he was asleep, I ran miles for a doctor, and when the doctor came he said my father would have been dead in four hours. With respect to what I stated as to my father, I lament that I should ever, even in confidence, have stated that he was an atheist. No odium attaches to my father's name on that account, because his views have been held by great and good men, and I take this public opportunity of making the *amende honorable* to his name. I regret at the same time that I ever mentioned it, even in confidence, to Mr. Yelverton. Mr. Bellamy, my brother-in-law, died the first day of this trial. He knew of my engagement with Mr. Yelverton. He was acting executor in my father's will, and knew all my affairs. I have been asked as to gentlemen who proposed for me. Mr. Stuart and Mr. Shears did so. My husband was always kind to me. He never said a disrespectful word to me. He is not the man he has been represented here. He has been painted in the blackest colours, and called the brutal destroyer of a woman who devoted her whole life to him. He did not do so. The injury that has been fixed on him with respect to me is not so fearful as it has been pictured—in the light it has been represented here. My sister, Sarah, knew of my engagement with Mr. Yelverton, and she approved of it until the money difficulties arose. She showed me a letter which Yelverton had written to her, stating that his intentions were honourable, but that there were obstacles which he could not conveniently explain. I asked him why he wrote such a letter, and he said, "Confound people who keep letters to make mischief!" He also said, "We are now married. It is no matter now; let it rest." Some letters were destroyed in part at Rostrevor, but I kept the parts that remained, as I had a feeling for them. I have handed in every scrap of writing relating to the matter. About twenty-four letters that I wrote to my husband after our marriage have not been produced. It was by his invitation I came to Ireland to be married. The letter in which Major Yelverton speaks about a guitar was written by him from Dublin after we both left Edinburgh. The words in the letter, "What and when is reality to be?" mean when were we to be really united as we afterwards were? He also says, "I must see my French sister,—is it to be before or after?" that means "before or after" our marriage by a priest. After the Scotch ceremony, when I refused to live with him as his wife, he said he would never call me "mia" until after we were married by the priest; and accordingly, in all our letters from that time until we were married, the word "mia" is not used. But immediately after our marriage in Ireland he resumed calling me "mia," and I called myself "tua." In Edinburgh Major Yelverton had a bad fall from a horse, and was ill, and therefore Miss M'Farland and I visited him, by his invitation. We went from Waterford to Thomastown looking for a priest. At Rostrevor, the Rev. Mr. Mooney took me twice to the bishop. Major Yelverton, after our marriage, always came to church with me,—to chapel I mean: it is called church in France—and he said his prayers with me at home at night. He said he had never said prayers before in his life (laughter). We did not kneel together—we read prayers. By the phrase in my letter to Mr. Mooney—"I have great hopes of my husband,"—I meant that I had hopes of his becoming a religious man. Mr. Mooney had told me that I should not press my husband too much to attend to his religious duties at first, but to do so gradually. I had told Mr. Mooney that Major Yelverton was not very careful about his religious duties—that he was not a religious man, and that I was anxious to make him so. All that was contained in my letter to the Rev. Mr. Mooney was true. A little stranger was expected by me, and continued to be so up to the middle of June. I got my marriage certificate from Mr. Mooney. I offered him no consideration for sending it to me. I gave the certificate to Mr. Thelwall about a year ago. I had no particular object in doing so. While we were at Mr. Thelwall's after our marriage, Major Yelverton received a letter from his sister, inquiring whether it was true he had become a Roman Catholic, and saying she had it on good authority that he had, and he said it must have been the priest who told it. At Leith, on the 24th of June, 1858, on the day before his marriage with Mrs. Forbes, my husband told me his family had heard of our marriage. They found it out by the opening of a letter of mine to him by some of the family. I had written it to him from Bordeaux, and signed myself his wife. That was in May or June, 1858. When the letter was afterwards forwarded to him, he said, "This has evidently been opened, and they know all now." I wrote to Lady Avonmore on the 20th of June. In the last note I ever got from Major Yelverton he says he will send his brother to me at four o'clock. My husband's last interview with me was on the 24th of June. It was as kindly as usual. He told me he was a ruined man. He did not tell me he was about to be married. His elder brother, who is now dead, came to me. He was about a quarter of an hour unable to explain what he had to say, and he then told me he came to make an arrangement about Major Yelverton's affairs. He said nothing to me about Major Yelverton's marriage. I never saw that gentleman again, but he wrote to me. (Letter produced.)

Sergeant Armstrong objected to the letter being read.

Objection allowed.

Examination continued—I refused to accept a stipend and go to New Zealand. The morning that Major Yelverton started to Dublin, from Rostrevor, before the marriage, to consult a doctor about asthma, from which he suffered, I took him coffee to his bed-room. I knocked at the door, and he was dressed and came to the sitting-room, where he took the coffee. The first day of this

trial I saw two women brought in under the gallery, and I saw them peeping at me from a form. The "fraternal scheme" referred to in some of the letters was, that Major Yelverton and I should go abroad, to Monastir, and be married by Mr. Longworth, who was called my brother, although he was only a cousin, and who was a consul, and by law could have married us. After our marriage in Edinburgh, in the absence of Major Yelverton, Miss M'Farland and I were searching in a press, and we found a MS. law book, and in looking over it saw a marriage exactly like ours, and we said, 'It is a marriage after all." When Major Yelverton came in we read it over together, and he said, 'Well, you see I know law better than you.' I asked him afterwards which of our marriages would be published, and he said either would do.

Mr. Whiteside—But both's best. (Laughter.)

To Serjeant Armstrong—Mr. Stuart, who proposed for me after my return from the Crimea, and while on board Sir James Close's yacht in the Bosphorus, is a captain in the French army. Major Yelverton did not, in his letter to my sister, say that marriage could not be thought of between us, or had not been spoken of. What he said was, that there was no engagement between us, that obstacles existed to our union, but that he meant no disrespect to me or my family. At Rostrevor some of Major Yelverton's letters were brought out of my pocket with my pocket-handkerchief, and portions of them, which referred to our marriage, were destroyed at Major Yelverton's request. While at Abergavenny, I had a large pocket made expressly, and carried all his letters about in it, for this reason, that my sister and I were on such affectionate terms that I had no box or desk locked. She had access to everything, and would have read the letters if she saw them, without meaning any harm. The "fraternal scheme" may have referred not only to the marriage by my cousin, the consul, who was usually called my brother, but also to the fact that Major Yelverton said if we travelled for that purpose he would care me like a brother. There had been a previously expected little stranger in February or March of the same year, 1858. I was disappointed with respect to it at Bordeaux. Two months after that event I left Bordeaux. (The witness was applauded on leaving the box.)

Mr. John Thelwall examined by Mr. Townsend—I am the plaintiff in this action. I live in Hull, and am an iron-master. I know Major and Mrs. Yelverton. I knew her twelve or thirteen years ago. Mrs. Thelwall is now ill. She is unable to travel. She knows Mrs. Yelverton as long as I do. In July or August, 1857, Mrs. Thelwall and myself were in Edinburgh We saw Mrs. Yelverton there at the house of Mrs. Stock, in Albany-street, where we lodged. She was then called Miss Longworth. I saw Major Yelverton in Edinburgh then for the first time. He came to Mrs. Stock's, where we were staying the night before we returned to Hull. Mrs. Yelverton introduced us to him, but he was not named. We knew who he was. She introduced me by name, and my wife as her sister, meaning an intimate friend. Mrs. Thelwall was not her sister, but was many years intimately acquainted. I knew that Major Yelverton was expected before he came. Mrs. Yelverton went and met him in the passage. He was then brought in and introduced, but his name was not mentioned. We all had coffee together. Nothing passed of importance. I had noticed a wedding-ring on Mrs. Yelverton's finger. On a subsequent occasion, in my house in Hull, in presence of my wife, Mrs. Yelverton, and the Major, something was said about that ring. Mrs. Yelverton came to Hull about the beginning of November or December that year, and was on a visit at my house until about the beginning of July in the year after. Major Yelverton came to my house about six weeks after. Major and Mrs. Yelverton were received in my house as a married couple. He remained a week or ten days, until his leave expired, and he afterwards came back again for a few days, after being two or three weeks away. He stayed about a week on the second occasion. His first visit began on the 31st of December. They occupied the same bed-room. She wore the same wedding ring. They spoke of a Continental journey. Mrs. Yelverton wore several rings on the wedding finger to hide the wedding-ring. She was not satisfied with that, but was in doubt lest her friends on the Continent should see the wedding-ring. She asked me to get a stone fixed to her wedding-ring, which she could remove and replace at pleasure. I discussed the mode of doing so, and said I would do as she desired. Major Yelverton was present and took part in the conversation. I got a small stone which fastened on the ring with a small hook. The ring was always spoken of as a wedding-ring. I went to the office of the French consul in Hull for a passport. No passport was obtained there. Major Yelverton was with me at the Consul's, and the Consul told me that, on account of the then late attempt on the life of the Emperor of the French, no passports could be granted from Hull, and that the application should be made in London, through a banker or a magistrate. We were shown a copy of the *Times*, in which directions were given as to the mode of proceeding to obtain a passport. Major Yelerton took a copy of the directions in pencilling, and we then went to a station and got paper, which I wrote on. I asked him how I should name Mrs. Yelverton, and he said, do so in full, "Mrs. Theresa Yelverton." I did so, and we went together to the magistrate's office. The clerk said it was not right. The office was crowded, owing to a trial that was going on, and we did not wait, but went to Messrs. Smith's, bankers, and saw Mr. Cooke, one of the partners, who asked Major Yelverton the name of the party requiring the passport. He had previously said it was for a relative, but he then said, in reply to Mr. Cooke, "Mrs. Theresa Yelverton." The banker said he would write to his London correspondents about the passport. (Passport produced and identified; it was filled in the name of Mrs. Theresa Yelverton.) I remember a conversation about the possibility of Mrs. Yelverton dying abroad, and Major Yelverton said, in that event he would have her taken away from wherever she might be buried, and brought to England. She remarked—"Then, having been twice christened and twice married, I would be

twice buried." Mrs. Yelverton went abroad early in February. (Letter produced.) I received this letter from Major Yelverton, from Edinburgh Castle :—

"My Dear Thelwall,—Pray smoke the accompanying cheroots, and make my mind easy as to the number of cigars of yours I have consumed.—Yours sincerely,

"W. C. YELVERTON.

"On second thoughts I send the box by rail."

Examination resumed—I received the following letter also from Major Yelverton :—

"Carlisle, July 2.

"My Dear Thelwall,—I delayed answering your note until I knew with some kind of certainty where the fates would project me. I am happy to inform you that I shall be in Hull at 6.45, or 11.45 p.m. to-morrow, and in Spring-street soon after. Future movements to be there developed.

Yours sincerely,

"W. C. YELVERTON."

Examination resumed—I had no conversation with Major Yelverton as to religion; as to Protestant missionaries we had. He said he believed they were the authors of a great deal of mischief. We also had a conversation about a Protestant insurance office (laughter). The official heading of it was an open Bible. He said with respect to it—"I should most carefully have avoided it."

Did he say anything in reference to his being a Roman Catholic?—He said he had received a letter from his sister stating that she had heard he had become a Roman Catholic, and he said "I must have been seen at the chapel."

What religion are you, Mr. Thelwall?—I am a Protestant.

Examination resumed—Mrs. Yelverton came again to my house in the early part of 1859. She boarded and lodged there, occupying one bed-room and a drawing-room. She had a female servant with her. Mrs. Yelverton took horse exercise while at my house, having been ordered it by her medical adviser. Sometimes she used my horse; sometimes I hired one for her. I paid the medical gentleman. (Bill of particulars produced.) The prices charged in the bill of particulars are fair and reasonable. The items are correct. I paid bills to silk-mercers for Mrs. Yelverton. Major and Mrs. Yelverton had peen married in Ireland before they stopped together at my house. They were always received and treated as husband and wife at my house. They were not introduced to any of my friends as such, as Major Yelverton wished the marriage to be kept secret. Mrs. Thelwall and myself have always preserved our intimacy with Mrs. Yelverton. She gave the certificate of her marriage to me for safe custody.

Cross-examined by Sergeant Armstrong—Mrs. Thelwall was introduced to Major Yelverton as Mrs. Yelverton's sister. It was Mrs. Yelverton proposed the disguise of the wedding ring. They did not leave my house together for their Continental trip. She remained a day after him. The observation about being twice buried was a jocular remark after dinner, at which we all laughed. The insurance office spoken of that had an open Bible at the head of the prospectus had failed at the time. The bubble had burst. He did not call it a humbug. He said he should have avoided it. He did not say what chapel he must have been seen at after he referred to his sister's letter.

Mr. John Goodliffe examined by Mr. Sergeant Sullivan—I live in London, and am a merchant, a member of the firm of Goodliffe and Smart. I remember being on the Continent, at Dunkirk, in the beginning of 1848. I stopped at the Hotel "Chapeau Rouge." Major Yelverton arrived at the same hotel. I had a conversation with him there. He told me he was expecting some one to arrive,—a "relative," or "his wife," or "a lady,"—I am not sure which expression he used, but I was sure it was a lady he expected. I saw him next day, and a lady was with him. He said she was the lady he expected. They dined together at the *table d'hote*. I sat next him. He introduced her to me specifically as his wife, as any gentleman would introduce his wife to another gentleman. I walked about Dunkirk next day with him. I knew the town well. She remained at the hotel. I said to him, in the course of a long desultory conversation, "Well,—you know, Yelverton,—is it all right—eh? Is it all on the square?" (laughter)—using a laconic expression to convey an idea which he quite appreciated. (Laughter.) He understood me well. He replied, "It really is."

Mr. Sergeant Sullivan—Meaning it was "all on the square—all right?"—Just so.

Counsel—That he was, in fact, a married man?—Yes; no doubt about it. He said, "It really is. She really is my wife, and we have been married secretly, or privately,"—either word he certainly used,—"and I have been obliged to do that with a view to conceal the fact from my family." He went on to speak about his family arrangements, and he said it was specially to conceal the fact from his uncle he was anxious. He begged of me, as I moved in society in London where we had many mutual friends, not to say anything about having met him, or that he was married. The lady that was examined here is the lady I speak of. They were at the hotel about three days. They lived there as husband and wife. I visited them in their room. I had been staying some time, and, as I was a tolerably good customer, I had the best room in the house. I proposed that he should change to my room, but he said he would not, as there was so much trouble in moving baggage, &c. That was in February, 1858, I am sure, as it was at the end of the Carnival.

Cross-examined by Mr. Ball, Q.C.—In knocking about the world have you not met with some cases that were not all on the square? (Laughter.

Witness—Well, I may have.

Counsel—You may have; but have you not met with several such cases?

Witness—Well, I have.

Sergeant Sullivan—Did you ever meet a case "not on the square," in which the lady was introduced as the gentleman's wife?

Witness (emphatically)—Never, sir (applause).

Arabella Emily M'Farland examined by Mr. Whiteside, Q.C.—I am the daughter of a Scotch author named M'Farland. My father was a long time acquainted with the family of the Longworths. In February, 1857, my father allowed me to accompany Miss Longworth (the present Mrs. Yelverton) to Edinburgh. We lodged at Mrs. Gamble's. We had but one bed-room, which I shared with her the whole time we were at Mrs. Gamble's. We went into society there amongst my father's friends. We visited Lady Murray and Mr. Robert Chambers, to whom we had letters of introduction. We remained in Edinburgh until April. I read French with Miss Longworth, and practised music. Major Yelverton visited almost daily, as a suitor. He never was there at night. He was most polite, attentive, and reserved. Miss Longworth and he rode out together. There was a Prayer-book of mine lying on the table. I was then a member of the Church of England. I recollect Mrs. Yelverton saying, with respect to that Prayer-book——

Mr. Brewster objected. Objection allowed, Major Yelverton not having been present.

Examination resumed—The Prayer-book contained the marriage service. I changed my religion. I am at present a Roman Catholic, and belong to the Sisters of Mercy, Blandford-square, London. I went into the convent of St. Margaret, Morningside. It is two miles from Edinburgh. Major Yelverton knew I was there. Mrs. Yelverton went from Edinburgh to Hull. She took me to the convent in the morning, and she went to Hull the same day. I had conversations with Major Yelverton on the subject of religion. He always appeared to have a leaning towards Catholicity. I saw Mrs. Yelverton after her marriage. I came out of the convent to reside with her. I was not then a nun. I was only receiving instruction in the Catholic religion in the convent then. I went to Albany-street with Mrs. Yelverton. I saw a wedding-ring on her finger. She told me she was married. Major Yelverton wrote to her under cover to me. I handed her the letters unopened. We had two bed-rooms and a dining-room there. One of the bed-rooms was occupied by Mr. and Mrs. Thelwall; Mrs. Yelverton and I had the other. Major Yelverton came there one evening after dinner. She went out to meet him, and brought him in. He was introduced, but I do not know whether by name, to Mr. and Mrs. Thelwall. He remained that night, and afterwards, after the Thelwalls went Mr. and Mrs. Yelverton occupied the larger bed-room. I associated with them as husband and wife. He wished the marriage to be kept secret. I found a law book in Mrs. Yelverton's bed-room. There was something in it about Scotch marriages. I do not remember whether it was produced to Major Yelverton. I remember Mrs. Yelverton being ill. Major Yelverton carried her into her own room. He was lame when we first went to Scotland, and Mrs. Yelverton and I visited him once. I was present during the whole of the visit. Miss Longworth was a sincere Roman Catholic.

Cross-examined by Mr. Brewster, Q.C.—It was from Mrs. Yelverton that I understood the marriage was to be kept secret. She told me so.

Did she not tell you that the marriage was to be kept secret because she was a Catholic and he was not?—Yes. (Sensation.)

Was not that after she came to Edinburgh the second time?—It was.

Did they not at that time go by the name of M'Farland?—They did.

Mr. Brewster—You may retire.

Witness—(To Mr. Whiteside)- As to the fact of the marriage, and as to its being kept secret, whatever the cause was, there was no doubt.

Mr. Joseph Martin examined by Sergeant Sullivan—I am a goldsmith and jeweller in Dublin. (Ring produced). This is a wedding ring. I saw the ring before. The size is peculiar, and there is a mark on the inside. It is extremely small, and the mark is solder mark. I cannot swear that I sold this ring, but I have a strong impression of having sold a similar ring on the 25th of July, 1857. I was first asked about the ring two years ago. I sold it to a gentleman like Major Yelverton. His photograph was shown to me. I had some trouble to get a ring to answer, the size was so small. I have lately seen the defendant, and I feel just as satisfied he is the party I sold it to. I would not swear positively. I remember his appearance, and the trouble I had in getting so small a ring fastens the circumstance on my mind. He said at last that any ring would do. The ring was second-hand, and not the finest gold.

(Not cross-examined.)

Mr. Whiteside—I must ask your lordship's permission to recall that young lady, the nun (Miss M'Farland), to ask her one question.

The Chief Justice—Certainly.

Miss M'Farland was recalled.

Mr. Whiteside—Tell me this. When you said, a while ago——

Mr. Brewster—I beg your pardon. I must insist on asking one question before the witness says a word. Pray have you been speaking to any person since you left that box?

Witness—I have.

To whom?—To Mrs. Yelverton.

Mr. Brewster—Now say whatever you like.

Witness—In my agitation I find I made a mistake, because I said it was in reference to

Major's religion the marriage was to be kept secret. It was not. Mrs. Yelverton told me it was on account of his family, and not on account of the Major.

The Chief Justice—Are you positive of that, young woman?—I am, my lord.

What did she tell you?—She said it was because they were Protestants, and she was a Catholic.

Mr. Brewster—You say now that the only reason the marriage was to be kept secret was that his family were Protestants?

Witness—Yes.

And you told me a few minutes ago that the reason was because she was a Catholic, and he was not.

Witness—Yes.

The Chief Justice—So she stated on the former occasion.

Witness—I did, but I made a mistake.

Mr. Whiteside—It arose from the form of the question; the words were put into her mouth.

The Chief Justice—Witness, can you account for what you stated—honestly and fairly, on your oath, and before your God?

Witness—I misconstrued what the gentleman stated. I ought to have said that it was on account of Major Yelverton's family, and not on account of himself. I say that before God.

And how do you misconstrue what he said?—I was not thinking. I should have said the family and not the Major. It was not Major Yelverton, but his family.

Mr. Brewster—You say you saw Major Yelverton at chapel?—Yes.

Were there not concerts at the chapel on these occasions?—Not concerts—High Mass.

Sacred music?—Yes.

Did not Mrs. Yelverton sing there?—She did, at High Mass.

Mr. Whiteside—She sings beautifully; as I hear—divinely.

The Rev. Patrick Lavelle, R.C.A., of Partry, was then sworn as an interpreter of the evidence of the next witness.

M. Cyprian Loppe examined—I have known Mrs. Yelverton for seventeen or eighteen years The sister of Mrs. Yelverton is my sister-in-law. She received her education at the Ursuline Convent, Bolougne-sur-Mer. The superioress is my sister. I remember the time she became a Sister of Mercy; it was in 1854 or 1855. I do not know precisely the year. She was at Boulogne at that time. I saw her there several times. She was educated in the tenets of the Catholic faith. She was staying at Boulogne with Madame Lefebre, her sister. I have been at Bordeaux. Madame Lefebre was with me. That was about the 28th or 29th of April, 1858. We found Mrs. Yelverton there. We went to the address pointed out to Madame Lefebre in a letter to her from Mrs. Yelverton. I saw Mrs. Yelverton the day after our arrival. She was very ill. We removed her from Madame Audrè's to the Hôtel Richelieu. On the 5th of May I left Bordeaux for Boulogne. During the time I was at Bordeaux, Madame Lefebre was in attendance on her sister constantly. I went to the post-office for a letter for Mrs. Yelverton, and received one. It was addressed to "Madame Yelverton, at Madame Audrè's." It bore the post mark of Edinburgh. I gave it to her. She was in her bed in the hotel. It was at that time I first heard her called "Madame Yelverton." She spoke to me of her marriage. The letter was read before me and placed before my eyes by Madame Yelverton. In that letter were two English words which I well knew, namely, "secret marriage." I can read English a very little. I believe the letter was dated from Edinburgh Castle. The letter recommended that it should be burned. Madame Lefebre, Mrs. Yelverton, and I returned together. We went first to Tours, and next to Paris, where I parted company with the ladies. I left them at the station of the Northern Railway. Mrs. Yelverton was so weak she could not walk. I afterwards, in five or six weeks, accompanied Mrs. Yelverton from Boulogne to London. She was then better, but still very weak. We stopped at a hotel in St. Paul's Churchyard. I left her there next day at eight o'clock. At ten o'clock she went to Edinburgh. Madame Lefebre is now in London, very sick. It was impossible for her to come here. She would have come if her health allowed her.

Cross-examined by Sergeant Armstrong—Madame Lefebre is an English lady. She speaks and reads English well. She is staying now with her aunt, Miss Fox. She is two months now in England. I came to Ireland through London, but did not see Madame Lefebre since the 6th of December, 1859. I read English writing a little. About twenty-five years ago I learned some English. [Letter handed to witness to turn a sentence into French; he did so with some difficulty.] I did not read the entire letter which I brought to Mrs. Yelverton. Madame Lefebre read it for me in French. It was about the month of July I was with Mrs. Yelverton in London. I knew her a little when she was at school, but knew her better when her sister married my brother-in-law. That is seventeen or eighteen years ago. I was at the marriage feast. Mrs. Yelverton was not there. She was in the school at the time. There is no other relationship between us than what I have stated.

Re-examined—Ever since Mrs. Yelverton's marriage became known she was received by me as the wife of Major Yelverton.

Count Louis Prinssay (who spoke English) examined by Mr. Sergeant Sullivan—My wife is Mrs. Yelverton's aunt. I often heard of her from my wife, but never saw her until July last. I know Madame Lefebre well. She is ill in London, incapable of being transported (loud laughter).

[The witness seemed astounded at the laughing, and standing up, bowed to the clerk and said—]

You will excuse me—I mean she cannot be removed. She has never been well since her visit to England. We left France in June last. She is dangerously ill.

The Rev. Dr. O'Connell, P.P., sworn.

Mr. Whiteside handed witness the certificate of marriage. Are you acquainted with the form of certificate given to parties who are married in the Roman Catholic Church?—I am. This is a very correct certificate (evidence objected to; objection allowed).

The Rev. Mr. Mooney was then called. On being sworn he said:- My lord, I beg leave, before I give my evidence in this case to state——

Mr. Whiteside—See, sir: you are there to answer my questions, and for no other purpose.

Witness—I only want to say——

Mr. Sergeant Sullivan—You are not there, sir, to make speeches.

Witness—I am not going to make a speech.

Mr. Brewster—This is my learned friend's own witness!

Mr. Whiteside—Is he? We will see that

Witness—My lord, will I not be allowed——

The Chief Justice—Attend to me, if you please. You are sworn, and your duty is to answer such questions as may be put to you. You will have an opportunity of explaining your answers.

Mr. Whiteside—What are you by profession?—I am a Catholic clergyman, parish priest of the parish of Kilone, near Rostrevor.

Do you officiate in the parish?—I do.

Who is your bishop?—The Right Rev. Dr. Leahy is bishop of the diocese.

Is he here in court?—He is.

Did you get this letter (produced) from Mrs. Yelverton?—I did, sir.

Did you send the documents in course of post—the certificate and reply?—I did.

Pray, sir, do you remember the lady who was examined here—Mrs. Yelverton?—I do.

Do you know Major Yelverton?—I do?

How long is it since you saw him last?—The last time I saw him was at Edinburgh, some time in August, 1858, when he was brought before me to be identified.

Had you seen him before?—I had.

When before?—I saw him on the first occasion when he and Mrs. Yelverton came before me in the chapel.

When after that?—I saw him in a carriage at Warrenpoint, with Mr. Denvir, the attorney, in May or June, 1858, and the next time I saw him was when I identified him.

Did not Denvir and Major Yelverton come to you?—No but a brother of Mr. Denvir came the night before. It was not in consequence of anything that passed between us that I saw Major Yelverton. I saw him next day with Mr. Denvir.

Did you sign any document for him?—No.

Did you ever sign a document for Major Yelverton?—I never did.

When did you see him the second time?—At a hotel. Mr. Denvir was present, and no one else. I signed nothing there, or anywhere else, for them.

What was the first day you saw Mrs. Yelverton?—It was some time previous to August, 1857. do not know what day it was.

Did you go with her to the bishop?—I went with her once. I am not able to say the day.

Did you see the lady who went with you to the bishop and Major Yelverton, on the day of the Festival of the Assumption, in your chapel?—I did.

What day was that?—It was on a Saturday.

You were after having High Mass?—No, Low Mass.

Did you expect those two parties?—They appeared before me.

Were you at the altar?—I was inside the rails of the altar.

Did they kneel before you?—They did.

Did they consent to be man and wife in your presence?—

Mr. Brewster objected

Mr. Whiteside—Did you ask the man would he have the woman to be his wife, and the woman would she have the man to be her husband?—I asked first with respect to his religion———

Mr. Whiteside—See, sir, I will come to that presently. (Question repeated.) Did they agree before you to become man and wife?—Yes.

Was there according to usage, a piece of money produced?—I have no knowledge of a piece of of money being produced.

Was there a ring?—I have no knowledge of seeing a ring, more than that I saw one when I was giving him a short exhortation after they had renewed their consent. When I looked down I saw him having his hand upon her finger.

Putting a ring on her finger?—No.

Did you ever see a ring put on a finger before?—I did, often and often.

Did you pronounce an exhortation and benediction?—I pronounced no benediction (hisses).

Did you give an exhortation?—I did, before and after.

Had you conversed with the lady several times before you saw her kneel at the altar that day?—I conversed with her on two previous occasions, and on the first occasion she told me——

Content yourself with answering my question, sir. Did you converse with her?—I did.

Did you ascertain that she was a Roman Catholic?—I did.

Did she go to confession?—That I will not answer.

I do not want you to answer as to anything she said then. I do not inquire into that.

The Chief Justice—You are not asked what she said in confession.

Witness—I will not answer anything with respect to confession.

Mr. Whiteside—It is immaterial. Before Major Yelverton knelt at the altar, before he agreed to be her husband, and put the ring on her finger as you describe, did you ask either of them any questions?

Witness—May I explain?

Answer first. Did you ask him was he there to be married?—I did not ask him that.

Did you ask him any question?—I asked him as to his religious belief, and he said, "I am not "much of anything."

Well—anything after that?—I asked him what he meant by that. "Are you a Roman Catholic?" I asked, and he said, "I am not" (sensation). I asked him, "What are you?" and the lady said, "Don't mind, don't mind; he is not confirmed yet. He went with me frequently to places of Catholic worship, but he is not yet confirmed." I asked him then, "What are you?" and said, "I am a Protestant Catholic" (laughter).

The Court—Was that before or after she said he was not confirmed?

Witness—It was just after it, my lord.

Mr. Whiteside—But you are sure the word "Catholic" was used?—I am sure of that.

Mr. Whiteside—So am I (applause). You are sure that word was spoken by him?—I am.

And you are sure it was spoken by her also, that she was a Catholic?—Oh! I had not the least doubt that she was.

Was it after they had knelt down that you put the question?—Oh! I put another question also.

Was it after they agreed to be husband and wife you put that question?—They agreed to be husband and wife at the altar after that.

And you are a priest?—Yes.

This took place in your parish church?—Yes.

Mrs. Yelverton was standing by when the words "Protestant-Catholic" were used?—Yes

The Court—And could hear what passed?—Oh! yes my lord

Mr. Whiteside—In the course of your extensive reading, may I ask you did you ever come across the words "Protestant-Catholic" before?—No

What is the meaning of that mongrel thing? Have you anything like it in your part of the country?

Dr. Ball, Q.C.—You will find a pretty good number of the kind in Oxford (laughter)

Mr. Whiteside—Did you ever meet a man of that particular religion before?—I heard———

I am not asking you what you heard, nor do I care. Did you ever see a "Protestant-Catholic" before?—I never did

Mr. Whiteside—Nor anybody else (laughter). Did you get your fee—quite right and proper—no harm in that you know?—I did. When the lady was going, she came and gave me two notes, and said, "These are for you"

Two notes. Pray for what amount each?—£5 each note

Was not one for the Bishop?—Not at all (laughter)

And I suppose in that case the Bishop got nothing?—He did not. She said nothing about it

You took your fee, as you had a right to do? I did

Quite right, sir. Did Mr. Yelverton appear to be a military gentleman?—He was in plain clothes

Did he speak audibly and distinctly after you?—He did—audibly and distinctly

He recited after you as you proceeded?—He did. I recited the words of the ritual from memory

He repeated the words of the ritual of your church distinctly?—He did

Kneeling at the altar?—Yes

And she by his side?—Yes

Both kneeling in your parish church?—Yes, both kneeling at the rails of the altar

And you married them?—I did not marry them (sensation). I did not (hisses). I renewed the consent that was given in a Scotch marriage. It was solely to renew———

Mr. Whiteside—Stop, sir; I must protest against this. I object to priest or bishop—to the Archbishop of Canterbury himself—telling us what is and what is not a marriage. Tell us what form was used; the effect is for his lordship and the jury (suppressed applause). You know Mr. M'Farland?—I do not

You remember Mr. Bellamy?—Yes

Did you tell that gentleman and another gentleman, Mr. M'Farland, that you married two Roman Catholics on the 15th of August?—I told him I had not done so.

Did you tell them the two persons appeared as Roman Catholics on that occasion?—I did not I said they appeared before me as man and wife, owing to a previous marriage in Scotland, to renew the consent then given.

On your oath, sir, did you not tell those two gentlemen that the parties appeared before you as Roman Catholics?—I do not remember any such thing.

Will you swear you did not?—I swear I have no knowledge of it.

Will you swear distinctly you did not?—I do not remember it.

Will you swear you did not?—Sure I have said so.

Will you swear you did not?—I swear positively I do not remember.

ATTENTIONS THAT ATTRACT NOTICE.

And you will go no farther?—I say that I do not remember.

Do you know Mr. Waldron Burroughs, a magistrate in your neighbourhood?—Yes.

Did you state in his presence that no trouble could come upon you, for that the two persons came before you and declared themselves to be Roman Catholics?—I do not remember having stated that to Mr. Waldron Burroughs.

Did you converse in his presence on the subject?—I do not remember.

Will you swear you did not?—I have no recollection of having done so.

Suppose he swears you did, would you believe him?—I would certainly say I have no recollection of having told him (hisses).

Did anybody ever speak to you about a prosecution?—Yes.

Did Mr. Denvir, the attorney?—No, he did not.

Did you ever say to anybody that no prosecution could be taken, as the two persons were Roman Catholics?

Witness—To any one?

Mr. Whiteside—Did you say it first?—I did not say it to any one that I remember.

But you will not swear you did not?—Not that I remember (hisses).

You sent that certificate (produced), according to the directions given by Mrs. Yelverton in her letter?—I did, but, my lord, neither the certificate nor the letter was written by me (sensation).

Mr. Whiteside—Oh! oh! Were they written by your directions?—Yes.

By whom?—By my curate.

With your knowledge and consent?—Yes.

Cross-examined by Mr. Brewster, Q.C.—The first time I saw Mr. Yelverton was in Edinburgh. An officer of the court was sent over for me as a witness for a criminal prosecution. He was produced before me to be identified. It was before the Procurator-Fiscal. I was examined as a witness. There was no one present but myself, Mr. Yelverton, the Procurator-Fiscal, and his clerk.

Was not Mr. Yelverton then a prisoner?—I do not know.

Did you not see the lady in Ireland before you saw Mr. Yelverton at all?—Yes.

How many days was that before they came to the chapel?—I cannot say the precise number of days. It was not a week. I went with her to the bishop.

When you first saw her did she produce any paper?—She did not.

Did she ever?—She did not produce any to me. She produced no document at all.

Did she tell you she came for the purpose of marriage?—She told me that she had directed——

Mr. Whiteside objected.

The Court—It is not evidence unless she has been interrogated as to it, and that it is brought forward to contradict her.

Mr. Brewster—That is my object, my lord,—to contradict her directly. (To the witness—

Upon your oath did she not tell you that the gentleman was a Protestant?—She told me that she had directed——

Mr. Brewster—Answer the question. Upon your oath did she not tell you that the gentleman was a Protestant?—She did (sensation).

Mr. Brewster—Now I am done with you. Stay; one question more. In reference to the ceremony of marriage, according to the rule of your church, is there not a particular dress to be worn by the priest?

Mr. Whiteside—I must interpose here. I do not care a farthing what he wears. Marriage is marriage, if the priest wore a sack on his head (laughter and suppressed applause).

The Chief Justice—That is not the question that was asked.

Mr. Whiteside—My lord, does the validity of the marriage depend upon the cut of his coat? (Laughter.)

The Chief Justice—That is another thing. (To the witness)—In what way were you dressed, sir, on the occasion of this ceremony?—I wore on that occasion a soutane.

Mr. Brewster—Was that the clerical dress you had on?—Yes.

Mr. Brewster—Was there any one else in the chapel but you and the two when this ceremony was performed?—No one else. Betty Brennan was in the vestry, but was not a witness, to my knowledge.

Mr. Whiteside—Do not tell anything you are not aware of.

The Chief Justice—Who is Betty Brennan?—She has charge of the chapel. [Certificate produced.]

Mr. Brewster—Was Richard Sloane in the chapel?—He was not, to my knowledge. It was expressly agreed upon between Mr. Yelverton and myself that no person was to be present, lest the secret should be exposed.

Mr. Whiteside—The secret marriage?

Witness—The secret.

A Juror—The secret what, sir? (No answer.)

Mr. Whiteside—Are you deaf, sir?

The Juror—The secret what?

Witness—The secret was that the family were Protestants (hisses and groans).

Mr. Brewster—My lord, if the witnesses are to be hissed in this way it is time for us to leave, and I, for one, will leave if it goes on. I very distinctly state that.

The Chief Justice (to the witness)—You say that it was agreed that there should be no person in the chapel, and you said something about a secret. A juror asks you what the secret was.

Witness—That the secret should not be exposed.

The Chief Justice—Yes; but what was the secret that was not to be exposed?

The Juror—That is what we want to know, my lord.

Witness—That it should not come to the knowledge of the family, who were Protestants, lest his father might hear it and disinherit him.

Another Juror—Was it a marriage?

Witness—A renewal of consent (hisses).

Another Juror—What did you take the £10 for?—She gave it to me, as I said, in the vestry.

The Juror—What was your idea? What did you think she gave it to you for?—For being present on the occasion.

On what occasion?—The occasion of the renewal of consent (hisses).

Another Juror—Was that the usual fee for renewing consent?—It was not.

What is the usual fee?—The usual fee is £1.

Is that the fee for a marriage?—Yes, for a marriage.

Another Juror—Did you ever tell any one you got £10?—I did.

Did you say for what?—I said I got £10 from the lady when she was about leaving the church, and that I believed it was for being present at the renewal of the consent (hisses).

Another Juror—Was that entered in the registry book? (No answer.)

The Chief Justice—Gentlemen, perhaps you had better leave the witness in the hands of counsel.

Mr. Brewster, Q.C.—Do you keep a registry of the marriages of the parish?—I do, sir.

Did you make an entry in it of this ceremony?

Mr. Whiteside objected, and a lengthened discussion ensued, after which the registry-book was produced.

Mr. Brewster—Is there an entry of this marriage in the book in your hands?

Objection renewed, and overruled.

Witness—There is no entry of what took place on that day.

Mr. Brewster—No entry of it of any kind?—No; and the lady would not allow me to make an entry. She told me to make an entry of it in a private registry-book, and I told her I had none except the public registry, and she said that that would expose the secret.

Mr. Whiteside—The lady told you to enter it in a private book?—Yes.

That is, to enter the secret marriage?—She requested me to enter that in a private book, and I told her I had none.

Where did that take place?—In the chapel at Kilone.

When?—After the ceremony.

Was the gentleman standing beside her?—He was.

She told you that the gentleman was a Protestant?—She did.

And after she told you that, you asked him, and he told you that he was a Protestant Catholic?—She told me——

Stay, sir. Did you not ask him what he was after that? Answer the question.—I beg leave to explain——

Not until you answer "Yes" or "No." Did you? She told you he was a Protestant?—Yes.

After that you asked him what religion he was of. Is not that the fact?—Yes.

Mr. Brewster—Was not that some days after her statement?—Yes.

Mr. Whiteside—On your oath, did she not, in the presence of the bishop, who is now sitting listening to you, state that he was a Catholic?—No; before we went to the bishop she told me he was a Protestant.

Did she not say to you he was a Catholic in the presence of the bishop?—I never heard her say he was a Catholic until she said so in the presence of the bishop (hisses).

The witness was about leaving the box, when

Mr. Whitesaide said—Stay, sir; you are doing very well (laughter). In the presence of the bishop she told you he was a Catholic, and the bishop gave you authority to marry them. On your solemn oath, sir, did he not?—He said——

On your oath, sir, did he not?—He gave me authority to renew (hisses)

Mr. Whiteside—To marry them?—No; to renew the consent to marry previously given in Scotland

Does not this certificate from under your hands contain the words, "legitime matrimonio?"—The words are in the certificate. Am I not, my lord, at liberty to explain why I gave it?

Mr. Whiteside—The fact is evidence—your motives are not

Witness—I insist on my right to explain

Mr. Whiteside—I object to any gentleman in the church or out of it, priest or anybody else, trying to explain away the effect of a solemn document, by stating his motives

Mr. Brewster—That is from first to last what has been done in this case; Mrs. Yelverton spending hours explaining away her own letters

Mr. Sergeant Sullivan—Doing so in reply to you

Mr. Whiteside—She said nothing of her motives in writing them

The Chief Justice—The witness is at liberty to explain the words he used, but not his motives

Mr. Brewster—The lady got greater latitude

Mr. Whiteside—I deny that

The Chief Justice—Probably the witness will say he only wrote it in consequence of getting the lady's letter

Witness—That is the fact, my lord

Mr. Sergeant Sullivan—You had no right to give an answer when the question was objected to

Witness—I beg your pardon, sir

Mr. Sergeant Sullivan—So you ought

The Chief Justice—He has done so, Sergeant (laughter)

Mr. Sergeant Sullivan—Yes, my lord, when his object was gained

Mr. Whiteside (to witness)—Did you tell the Bishop that you got the £10?—I did

When?—I cannot say when, precisely

Mr. Whiteside—That will do, sir

Mr. Sergeant Armstrong—My lord, the witness wishes to make some explanation

The Chief Justice—Is it as to why he did not give the Bishop the £10? (laughter)

Mr. Whiteside—Only £5, my lord; £5 we say was the Bishop's share (renewed laughter)

The Chief Justice—Well, Mr. Mooney, what do you desire to say?

Witness—I gave the certificate, my lord, to prove that she was validly married, and that the child might be baptized legitimately, and that is the reason. But if I had known that it would be used for any other purpose than the purpose for which I gave it—to satisfy the foreign priest who would have to baptize the child—if I thought it would be used for the present purpose, I would have cut off this right hand sooner than have given it (laughter)

Mr. Whiteside—Before you go, answer me this question, sir:—Are priests of the Roman Catholic Church in the habit of giving false certificates under their hands?

Witness—No

Mr. Whiteside—You may go down

The witness withdrew amid hisses from the occupants of the gallery, and the court adjourned.

FIFTH DAY.

THE hearing of this extraordinary case was resumed. The interest in it continues to increase in intensity every day, and the greatest anxiety was manifested by all classes in the community to be present at the proceedings. For fully an hour before the Chief Justice took his seat on the bench, the galleries were filled with ladies and gentlemen, who had obtained admission by ticket, and when the door was opened a rush was made by the crowd assembled in the hall, and every available space was immediately occupied. It would, in fact, be impossible by any description to give an adequate idea of the unusual appearance of the court, or of the deep interest taken by all present in every stage of the case, which developed new and more singular features as it proceeded. The Chief Justice entered the court at half-past ten.

The same counsel attended as on the previous days.

The Very Rev. Dr. O'Connell, P.P., was recalled and examined by Mr. Whiteside—Were you in court yesterday when the Rev. Mr. Mooney was examined, and did you hear him describe the ceremony which he performed in the church of Killowen?

The Very Rev. Dr. O'Connell—Yes.

Was that a valid marriage according to the doctrines of the Roman Catholic Church as between Catholics?—It was a perfectly valid marriage; she is irrevocably bound to him by the law of the church.

Sergeant Armstrong objected to this evidence.

The Chief Justice said he conceived the objection was not well founded.

Mr. Whiteside—The evidence is perfectly legal, but I don't want to have a bill of exceptions, and I will withdraw it (laughter).

The Rev. Robert Vincent Molloy, examined by Sergeant Sullivan—I am a priest of the Roman Catholic Church; I was an apostolic missionary in Constantinople during the whole of the Russian war; I know the convent and hospital of St. Benoit at Galata; I knew Teresa Longworth, now called Mrs. Yelverton; my first acquaintance with her was in August, 1855, and it continued down to November; she was a postulant with the sisters of the Lazarus community, or of St. Vincent de Paul, whose duty is to attend to the sick in the hospitals; the convent and hospital in Galata were a collection of the ordinary houses in that place, and appropriated to those purposes; the hospital was under proper control; Miss Longworth did not wear the exact dress of the Sisters, but wore a distinctive dress.

Mr. Waldron Burrowes, examined by Mr. Whiteside—I reside in the county Down, and am a magistrate of that county; I am a Catholic; I know the Rev. Mr. Mooney; I had a conversation with him some time ago about this marriage; the conversation took place at his own house, where I dined with him in March, 1859. I began to banter the rev. gentleman respecting the scrape he had got himself into, and he earnestly assured me that he had incurred no ecclesiastical censure, and he intimated to me in a very significant and playful manner that he had made them man and wife. In order to take a rise out of him (laughter), I told him that he would be transported if he celebrated a marriage between a Protestant and a Roman Catholic; he assured me that he completed a perfectly valid marriage, and volunteered some observations very complimentary to the lady respecting her deportment.

Henry Hill Lancaster, examined by Sergeant Sullivan—I am a member of the bar of Scotland; I have made the marriage law of that country a subject of study.

Mr. Sergeant Sullivan—What is necessary to constitute a valid marriage in Scotland?

Mr. Lancaster—Consent alone is necessary; no form is required, no ceremony, no cohabitation, not even witnesses; perfect matrimonial consent may be interchange without the presence of any third party; there is no particular way in which this consent must be proved; it may be proved by subsequent acknowledgments, written or verbal, or by oath of party, or, in fact, by any evidence that can prove any fact.

Mr. Sergeant Sullivan—Now if a man consents to take a woman to be his wife, and the woman consents to take the man for her husband, is that a valid marriage by the law of Scotland?

Mr. Lancaster—Certainly. The man has no power afterwards to revoke it; cohabitation is in no way necessary to strengthen the consent; I have heard the evidence given in this case; I heard the Rev. Mr. Mooney state that Mrs. Yelverton and Major Yelverton knelt at the altar; I heard him state that they agreed to be husband and wife in his presence; I saw the book in which it appears that Major Yelverton wrote at Doune Castle, in Scotland, the names "Mr. and Mrs. Yelverton." I heard it proved by Miss McFarlane that they lived as man and wife in Scotland; I heard it also proved by Mr. Thelwall that they lived as man and wife, and were recognised as such; I heard the letters read which were written by Major Yelverton to her and by her to him; I heard the courtship at Mrs. Gamble's proved.

Having heard that evidence, is it your opinion that Major Yelverton and Mrs. Yelverton are man and wife?

Mr. Ball, Q.C., objected to the question, and it was overruled by the court. His lordship said it would be for him and the jury to apply the law.

Examination resumed—Subsequent acknowledgment of a prior consent in Scotland is unquestionably evidence of the marriage; it is not necessary that a particular prior consent should be established; my explanation is, that a particular course of conduct and a series of letters between the parties would justify a Scotch court and a jury in inferring a marriage.

To the Court—If two parties agreed to live together in a state of concubinage, with an understanding that they would pass as man and wife, but that the woman should in reality be only the mistress of the man, that would not constitute a valid marriage.

Mr. Whiteside—But the immoral agreement must be proved, not inferred.

Cross-examined by Dr. Ball—There are three modes of constituting an irregular marriage in Scotland—habit and repute, promise followed by *copula*, and acknowledgment *per verba de presenti*. The latter, without a third person present, will undoubtedly constitute a valid

PROPOSALS OF MARRIAGE CONSIDERED.

marriage. It will not do if it is proved that the parties had not a deliberate intention not to marry, but used the ceremony as a cover for another purpose; such has been held not to be a marriage; if it is done with the intent of marrying, that consent would constitute a marriage.—Are you aware that that is contrary to the opinion of Sir J. Campbell as expressed in the Dalrymple case?—I am; but I know there is a good deal of questionable law laid down in that case.—Are you aware that it has been laid down by the House of Lords, in the case of Beamish *v.* Beamish, that under the common law there must be a third person present at a marriage?

Sergeant Sullivan—What they are reported to have decided is, that a clergyman cannot marry himself.

Witness—Most lawyers are of opinion that the canon law is the foundation of our marriage, and some are of the contrary opinion.

Dr. Ball—Is there any case in which persons, not domiciled Scotch, were ever held in Scotland to be married merely by habit and repute in Scotland?—I should think not. My opinion is, that to establish marriage by habit and repute there must be no conflicting testimony whatever. You cannot use habit and repute if the ceremony is proved involving consent. If a perfect marriage *per verba de presenti* takes place in Ireland, such as would be valid in Scotland had it taken place there, but which is void according to the law of Ireland, and that there was a subsequent living in Scotland as man and wife, in pursuance of the marriage void in Ireland, I think the parties would be man and wife in Scotland. The court, looking at the acts in Scotland as having taken place in pursuance of the ceremony in Ireland, would hold, in my opinion, that there was sufficient to enable them to rule that consent had taken place between these parties at some time and in some place, and that they would not inquire where. If cohabitation takes place in Scotland as man and wife for a certain period, in pursuance of a consent in Ireland, though void according to the law of Ireland, the judges, according to my opinion, would presume, as a matter of law from cohabitation in Scotland, that there had been a subsequent consent in Scotland by the parties to take one another as man and wife. I am one of Mr. Yelverton's counsel, temporarily, during the illness of a learned friend: I have not been quite three years called to the bar.

To Sergeant Sullivan—In the case of Mitchell *v.* Leslie it is laid down by the Supreme Court of Scotland that matrimonial consent may be interchanged without the presence of a third party.

To the Court—The consent *per verba de presenti* must be a serious consent to make it valid.

Chief Justice—If where two parties take each other for man and wife, in the solemn way you describe, and if either the man or the woman says, "Though it may be a law according to the law of Scotland, I would consider cohabitation after such a ceremony as living in a state of sin," would such a contract be a valid marriage by the law of Scotland?—My opinion is that it would have no effect in invalidating the marriage in the slightest. There is a case in my mind in which several of the judges expressed their opinion that though the woman had no idea of the legal effect of what she was doing, that the marriage was good because there was a deliberate consent.

Mr. Whiteside asked his lordship whether he would take in evidence in this case the judgment against Major Yelverton in a former case?

The Chief Justice refused to admit it as evidence.

Mr. Whiteside then proposed to read in evidence the marriage certificate from the Rev. Mr. Mooney, and after some discussion his lordship said he would receive it.

Mr. Whiteside said he wished to have his lordship's opinion on a matter mentioned yesterday—namely, the correspondence between Mrs. Yelverton and the brother of the defendant.

The Chief Justice said he did not conceive the correspondence was evidence at this stage of the case. It might become so afterwards.

Sergeant Sullivan said he would now read the certificate sent to Mrs. Yelverton by the Rev. Mr. Mooney.

Mr. Brewster objected to the reception of the certificate.

The Chief Justice said he would receive the certificate for the purpose of affording a contradiction to the rev. gentleman's statement that he did not marry the parties.

Sergeant Sullivan then read the certificate, which was in Latin, and gave the translation thus:—

"From the book of marriages of the parish church of Kilbrony, in the diocese of Dromore, in Ireland, it appears that William Charles William Yelverton was lawfully joined in matrimony with Maria Teresa Longworth, according to the rites of the Holy Roman Catholic Church, on the 15th August, 1857, the witnesses being Richard Sloane and Elizabeth Brennan. This I testify.—Bernard Mooney, P.P. Given at Rostrevor, 15th June, 1858."

Sergeant Sullivan said he would read the letter of the rev. gentleman accompanying the certificate:—

"Rostrevor, 15th June, 1858. Dear Madam,—I had great pleasure in receiving your long expected letter, communicating the good news of the expected arrival of a young stranger. You exactly state the truth when you say I took a great interest in your spiritual welfare, and I assure you I shall always do so when any opportunity may occur. I feel very great pleasure in forwarding to you the enclosed certificate of your marriage, and I need not assure you that your secret is quite safe in my hands. Faithfully yours, in Jesus Christ, Bernard Mooney."

The formal documents in proof having been handed in, Mr. Whiteside said the case for the plaintiff had closed.

THE DEFENCE.

Mr. Brewster, Q.C., then proceeded to address the jury for the defendant. He said—May it please your lordship and gentlemen of the jury, I have now to perform the duty of laying before you the case of the defendant, and I dare say you will be rejoiced to hear that it is not my intention to occupy your attention at any great length. The matters, in truth, to which your attention will have to be directed are but few indeed—I mean the exact points, although no doubt there is a great body of evidence to bear upon them. In dealing with this case, gentlemen, which is, perhaps, one of the most interesting, as well as one of the most extraordinary that ever came before a court of justice, I cannot but feel that the prepossessions of yourselves as well as those of the audience would in all cases be in favour of the woman and against the man. I would be extremely sorry that it were otherwise. I have no doubt it will always be so, and I am fully conscious of the disadvantages under which the advocate of any man must labour before a court of justice to defend him under circumstances such as those in which my client is placed. Gentlemen, I never conceal from myself, nor do I ever attempt to conceal from others, the opinions I entertain in reference to any matter whatever, and I make it a rule, which I shall adhere to for, perhaps, the very short time I will be performing my part on the stage, never to lay down a proposition in public, either upon fact or morals, that I do not entertain in private. I don't sell myself for money. Gentlemen, I, in this case—disastrous as it must be to either party, whether it succeeds or fails—I am particularly under the obligation I have stated. I cannot imagine anything more erroneous, if you will excuse me for saying it, in reference to the real truth of the matter, than if you look upon this case as a case between Mrs. Yelverton and Major Yelverton. To think so is absurd, ridiculous nonsense. Mr. Thelwall is a mere stalking horse for, I admit, a perfect legitimate purpose. You are not to understand me as casting the slightest imputation on him. He has put himself forward as the champion of Mrs. Yelverton, which gives her an advantage such as nobody ever had before in a court of justice. I would begin by directing your attention to the difference in the case owing to the way it comes before you. Gentlemen, if she had been a party herself in a case, she could not, in the present state of the law, have been examined as a witness. The law does not allow a woman to bring an action against her husband, and therefore in this case she is constituted a witness, instead of being party and witness. If she had been party and witness it would not have been necessary for me to put a single letter of all of those she had written into her hands, nor would it have been competent for her to have offered explanations as to any of them. But being a witness technically, she was enabled to have the letters placed in her hands, and particularly she had the opportunity of telling you what she meant by the expressions used in the letters. Now, with respect to the letters, the whole of her long cross-examination had but one object and one motive, and that was, if possible, to place before you the relative condition and position of these two parties, how they were circumstanced to each other before any of the events took place upon which an adjudication is now to be come to. I think I will have the sanction of his lordship in telling you that if there was clear, precise, and positive legal evidence in reference to the transactions that occurred, or are alleged to have occurred, in Edinburgh, in April, 1857, it would have been unnecessary to do more in the case. If it were perfectly clear that, on the 15th of August, 1857, Major and Mrs. Yelverton were Roman Catholics, and that on that day the Rev. Mr. Mooney joined them in holy wedlock according to the rites of the Roman Catholic Church, there would be no further question in the case; but, as the evidence on these points is by no means clear or satisfactory, as these things are—as I hope to be able to satisfy you they are—in the greatest possible doubt, it was necessary to bring before you the previous circumstances of the parties, in order to account for what happened, and in order to present to you a solution of the case. It was for that purpose only she was examined with respect to the letters. And now, as to herself, I wish to say that, with the exception of the absolute, indispensable, inevitable necessity I am under, in treating of her credit as a witness, I do not mean to say a single word of her in general disparagement. Gentlemen, I mean to present her to you as she presented herself to us all. I mean, in calling attention to her position and circumstances, not to add anything to her language, but endeavour to put together the account she has given of herself from time to time in her own letters. Of course, gentlemen, everybody must see that she is a woman of most extraordinary talents—perhaps of greater talent than you ever had an opportunity of seeing before. For my part, I never saw her like. But she is more than a woman of talent—she is a woman who has had that talent cultivated to the highest possible pitch. Whether or not it has been cultivated in the best school is a question everybody must determine for himself upon a consideration of what she has placed under her own hand. I presume from the noises that I heard from time to time during the progress of this trial, and from none more than my young friends behind me (the junior bar) that if she should be disappointed on this occasion she will not be disappointed long; for, if

I don't mistake, no person since the beginning of time has ever enlisted a greater number of ardent sympathisers and admirers, and I am not sure, when we come to consider the nature of the case, that the very best thing for her, in every respect but one, would be that she were dissevered from Yelverton. In saying that, don't suppose I overlook the great motive with which she comes here—the motive beyond all motives in the breast of a woman who comes here to assert her virtue and honour. There is no doubt that that is, in her eyes, the motive above all others, although her success will ruin him utterly and entirely extinguish him, and so far ruin herself, for every woman must fall with her husband. Let no one suppose that I blame her. It is natural, it is laudable, and the only consideration in the case is whether she is not prepared to go a little further than she ought to maintain the first principle of her life. Gentlemen, if she had no consideration of that kind, the greatest mercy that could be conferred on her would be that she were free, and entirely free from the defendant. That she became attached to him I must endeavour to prove was her own act, and, notwithstanding my unwillingness to say one harsh or disagreeable word, I must also say, her own fault. Gentlemen, if I don't mistake this case, he was not the wooer from the beginning. If I don't mistake this case, the defendant frequently, constantly, and determinedly endeavoured to avoid her. It appears to me that her determination was clear to pursue him to the last. The best notion I can form of the case, from the letter under her own hand, is that she was determined to pursue him to the last. I may be wrong in that. It is for you to consider and decide upon it. It is only material in one view, namely to what lengths she was prepared to go to attain that object, and what you may expect when she attained it. In the first instance she has given under her own hand a sufficient indication of what was her leading principle. We have her own representations at a time when she had no motive whatever to misrepresent herself—that she was a woman of determination, the like of which was never seen—a woman who, having determined upon doing a thing, would accomplish it, whether by legitimate means is quite another question. Can any language be stronger than that in which she describes herself in a letter at the beginning of the intimacy between herself and Yelverton? "The strongest and most prominent part of my character," she writes, "is extreme tenacity of purpose; no obstacles daunt, no sacrifice appals me, no means, however trivial, escape me, and struggle only augments my courage when animated by one idea." In the progress of the case I venture to think you will come to the conclusion, that if ever a woman entertained a purpose with all her heart, and soul, and strength, this lady entertained the purpose of uniting herself to Yelverton. Gentlemen, don't misunderstand me; I am far from saying her original purpose, long continued and persevered in, was not to unite herself to him as his lawful wife. I admit that that may have been what she wished; but it will be a question to be considered whether she did not wind herself up to a sort of craze and frenzy that would make her stop at nothing for the purpose of obtaining her object. She has given us light into her character in many other particulars; and it is enough for me to call attention to some of the descriptions that she has given of herself. I undoubtedly was very much surprised at many things that took place in the progress of this case. She was described in the opening statement of my friend, Sergeant Sullivan, as a woman of great piety and strictness in respect to her religious opinions, and that this was a circumstance which must be taken into account in considering some portions of the case. He told you that in consequence of that you were to believe that some strange circumstances were not so strange, bearing in mind that such were her principles. Gentlemen, I was not, therefore, at all surprised when I read twice over in one of these letters the awful description she gives of her father. If any one supposes that I read these letters to her for the purpose of annoying her, he does me wrong. I read them for a very different purpose. The first of them was written when he was suffering under his last illness, and when she was on her way to join him. The second of them was written, I might almost say, as he was lying dead; and it is a letter which struck me as one of greater ability than any other portion of her correspondence, though by no means of so great beauty. It is the one in which, after her description of the dying atheist, she indulges in an amount of coolness and of humorous description, which, under the circumstances, was calculated to make one's blood curdle It is that in which she gives a description of the lawyers, with wool on their heads, evincing extraordinary powers of humour and talent for description; but for a woman, an educated, pious woman, to sit down at such a moment, and write such a letter, entirely passes my comprehension; but, moreover, that she should have written it to a man that she had never seen but once in her life before, and whom she had met under circumstances which in real life not unfrequently occur, must greatly surprise any one. But, gentlemen, I cannot believe myself that any man, having that letter in his pocket, would ever think of the writer of it as his wife. I may admit, though, that if a man were about forming a connection not so pure and so holy—if he were not going to have a companion to comfort him in sickness, and be a joy to him in health—if he were only going to get a companion for lighter moments, that letter would only have the influence of making him think that he had a good chance of getting the person who wrote it to be his mistress, not to be his wife. But, be that as it may, it was one of the earliest communications she made to him. I am endeavouring, as well as I can, to put before you the characters of these people. I forbear to read the letter in full—

nobody that ever heard it can forget it, because it is one of the most striking documents that ever was penned by a woman's hand. Gentlemen, fancy a child, and that child a daughter, writing thus of the parent who, with her notions, she must have looked on as having gone to his great account in a terrible frame of mind. I am told she was brought here yesterday—and I most deeply lament it—for the purpose of making what she called an *amende* to the memory of her father. Gentlemen, I am sorry that she made that *amende*, and I am sorry for the grounds on which she put it. I am told she said that the letter was written before she had so much experience of the world as she has now, but that she had just learned that many good and virtuous men were atheists and infidels. I am sorry for it. I don't want to go into any discussion on any topic connected with our hopes hereafter. All I will say is, that I had rather she remained in the frame of mind in which she was previously, and my only wish is that she should not have written a light, frivolous, clever, witty, humorous letter while her father was lying dead. Gentlemen, that there is a mixture—I use no stronger term—of vivacity in her character, without which, in fact, she could not be what she is, she also has told us. She says in an early part of her correspondence, "It is just

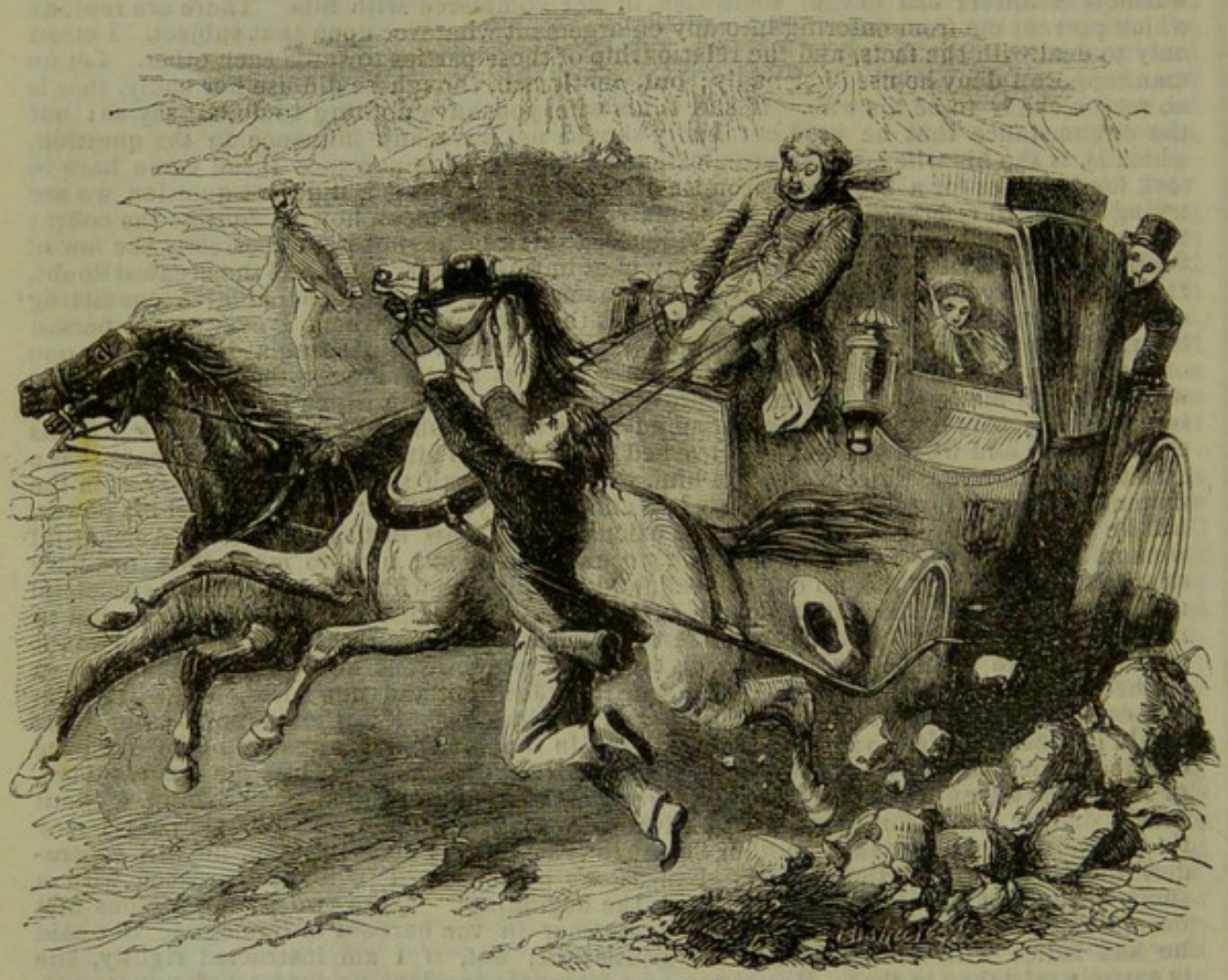
THE AFTERNOON STROLL.

possible that Alcide may throw up his civil and take a military position. In that case I would have a wish to go with him. I had some thoughts of devoting myself to humanity as a sister of charity. I think it is a sort of vagabond life that would suit me; but a vivandiere, I think, would be a little more exciting." Gentlemen, you all know what a vivandiere is, and she gives a most graphic account of what her appearance would be, and no doubt it would have been extremely charming, with a little barrel round her neck, and marching at the head of a regiment with short petticoats and red stockings, which are worn by the young women who usually march at the head of the French regiments. You heard a good deal, in the progress of the case, of a gentleman of the name of Roe, who happened to be a friend of Yelverton. In reference to this gentleman she makes a statement, which, considering she was making it to a man, I confess did surprise me. First, she begins by saying, "I wish Mr. Roe would come here. I have yet a big brother to take care of me." Then, reverting back to Roe, she says, "he was very amusing, and kept me in a nervous fever all the time he remained in Naples, and if I

had got into a scrape you would have sent me your indefinite pity." Gentlemen, of cours we must make large allowances—and in the progress of the case she called on you to do so—for her French education. Her expressions in French and Italian are stronger than the usual expressions of English people. There is nothing, I think, more unworthy or more unwarrantable than national reflections, or than the people of one country supposing that they are superior to those of another. We have different tastes and different habits; but no one can be ignorant of an essential difference in one respect between modern France and our own country. In this country we have had in the present century a race of authors the most remarkable for brilliancy of fancy and eloquence, who displayed their genius in romances and novels. I look on Sir Walter Scott to have been one of the greatest benefactors of the human race. He has, I believe, calmed more grief and given more legitimate amusement—he has elevated and exalted the thoughts of his readers more than any other writer since the time of Shakspeare. He has had a host of imitators in France, which has now become the great nation of novels that were previously almost unknown there. For the last fifteen or twenty years—just at the time that this young woman was likely to have books of amusement put into her hands—the French press has teemed with novels written with all the brilliancy of Scott, but in which one would suppose the whole effort of the authors was to turn everything glorious in our nature into contempt and derision, and to advance, as it were, the cause of vice and of the devil. These books are published for profit, and there can be no doubt that if there were not a ready sale for them they would not be so extensively published. There is always a danger of young people, without any evil intention on their part, having their minds tainted if books of this description, written with a talent and an eloquence not to be surpassed, happen to fall into their hands. Whether or not this lady has had the misfortune, in the course of the vast reading which she has manifestly indulged in, to have fallen on this kind of books, and that things and scenes have been made more familiar to her than they would have been if she had had a different education, it is not for me to say. I take her character from her own lips; but this I will say, that in the novels to which I have referred, the cause of truth, and, above all, the truth as between man and woman in their relations to each other, is the thing that is most discountenanced and ridiculed. Don't understand me as thinking that a woman should be a prude. Far from it. I believe there is much greater innocence in persons who have no prudery about them; and indeed in prudery there is something, I think, not quite consistent with complete ignorance and innocence of mind; but, nevertheless, in considering the case of these parties it is necessary to bear steadily in mind her views about the general conduct of a woman moving in society. Gentlemen, she tells him in one of these letters, if he was disposed to go to Alabama, perhaps she might be so kind as to offer herself as his companion—that she would watch the sunrise for him, and would give him part of her plaidie if he would be as good as she was. It could not be pretended that when she wrote that letter he had dropped one word of marriage or of love. He had, no doubt, expressed his admiration of her. I hesitate not to say that no man could speak of that lady at all, if he ventured to offer an opinion of herself, that it would not be in language of admiration; but she was accustomed to such language, for it appeared from her own letters that she had worshippers too many, and that her only difficulty was to select the man who had the magnetic influence that would suit her purpose. In another letter she complains of her writing to him and his not answering, and her determination to be sulky, and then she says she wanted to see him. That is, she invited him time after time to come and see her, to renew her first impressions, because she always returned to her first love. Again, she says, "she can't imagine him looking love-sick or being in love at all," and she adds, "don't be offended; it is, perhaps, my want of imagination, but I am open to conviction." Now, gentlemen, I don't know what your modes or habits of thinking are, but it does appear to me that these were invitations which might as well have been spared from a young lady, very charming and of great talent, and who understood the use of language as well as anyone that ever lived. Can there be plainer English than that? I hope I shall not incur the censure of a great many of the possessors of the bright eyes about me, when I say that though I don't deny the fair sex the privilege of becoming wooers if they think fit, it is not the habit in this country, and I am not aware of any instance in which it might be charged. I have an opinion, which, however, may be very little thought of by those to whom I allude—but I have an opinion that I should rather, considering how well it has worked up to the present in this country, that the gentleman should follow the lady, and not the lady follow the gentleman. However, there is no accounting for tastes. I only want to present to you the lady and the position in which the parties were placed, and it is important to be satisfied of the nature of the relationship when you consider the doubtful part of the case as to how they have deported themselves in matters of great seriousness and importance. She gives a description of herself applicable to the relationship of these parties to each other. She says after the lapse of four years, after they had seen each other three times—"why did I place confidence in you in the first ten minutes of an acquaintance—why in the first ten hours did I tell you my great secret?" I asked her about the great secret; but so far as I know, there never was any such thing. She told a comical story in explanation of it about her father—that he was fond of farinaceous food. It will be for men who have to make up their minds dispassionately to say

whether they can consider that any such thing could represent the "great secret." My solution of that is, that she wanted to pursue him, that he had wormed himself into her affections in such a way that on the first ten minutes of their acquaintance she was lost body and soul to him—that it was all for the sake of carrying on this sort of romance life which she seems to have indulged in for two or three years. I have not read to you her description of her personal appearance, because I am persuaded if I did there would be an exclamation against my availing myself of the opportunity of attempting to lower her in the estimation of her admirers, which I could not do; for anything so modest as she is in reference to her own personal charms I never read. She relies, with great wisdom, not upon her personal charms, but upon what was "within the casket." Such was the woman, and now what was the man? He was an officer in the army—young—I cannot say whether good-looking or not, for I have never seen him; but I take it for granted that he must not be bad-looking, for if he was bad-looking, a lady with such good taste as she has would not have been captivated by him. That he was not at all scrupulous in reference to ladies no person can venture to doubt, and that she was not ignorant of that circumstance; and she, therefore, must have known that there was (I will put it as delicately as her warmest admirers can desire) some risk in her commerce with him. There are reasons which prevent me from entering into any enlargement whatever upon that subject. I mean only to deal with the facts, and the relationship of those parties towards each other. Let no man suppose I deny he used her badly; but, gentlemen, though he did use her badly, that is no reason she is to be his wife. If she is his wife, you have nothing to do but say so; but the circumstance that he used her badly should not have any influence in the question, which is, is she his wife? That circumstance might be of importance if she came here to seek for damages for a breach of promise of marriage; but it is a different question we are trying now. In reference to the law of marriage, I do not mean now to address the court; but with reference to Mr. Lancaster's evidence, I think he has not stated correctly the law of Scotland. It is a subject upon which every man in this country must feel the greatest doubt. It has been my lot to hear the greatest ornaments of the Scottish bar give conflicting opinions in reference to it; but the present is the first case in which I ever saw a person brought over to prove the law of Scotland, who was an advocate acting at the time for one of the parties in the cause; and all I will say is, that all the money that ever was coined would not get me to go to Scotland to prove the law in a case in which I was an advocate. It is a necessary part of the character of an advocate that he should take a partial view of his client's case; and when you hear my learned friend (Mr. Whiteside), you will suppose that a direct inspiration has descended upon him, as he pours forth the spirit of prophesy with the animation of a Pythoness, and delivers law and fact to you. That is the secret of his power, and he will not fail to use it. It is a case calculated to draw forth his powers. A beautiful woman is his client—he has everything to excite and stir him to more than ordinary exertions—a case in which no one can fail, and in which he will, perhaps, be more successful than he ever was in the whole course of his life. You must be prepared for it, and to resist it so far as it does not meet your sense of what is just and right; but I have no doubt you will admire it in so far as he will lay down propositions and truisms which, when clothed in his gorgeous language, will appear to be brilliant and new ideas, and will charm and delight and invigorate everybody. It is inevitable that it should be so; but what would my learned friend say if he found himself in the witness box about to give evidence on the law in a case in which he was an advocate? Mr. Lancaster has also the disadvantage, or rather the advantage, of being only three years at the bar, which enables him, without much danger to his reputation, to give full vent and vein to his views. I say this, because we will produce another Scotch lawyer, and, if I don't mistake, he will contradict the important portions of Mr Lancaster's evidence. I will now proceed with a short outline of the case, beginning at the beginning. These two young persons met on a summer evening on the deck of a steamer in the harbour of Boulogne. She said he had ladies with him, and another gentleman; but, if I am instructed rightly, she is entirely mistaken in that. Her sister, by a fortunate accident, or a most unfortunate one, flung a shawl to her from the quay, which Major Yelverton, as any gentleman might do, picked up and placed on her shoulders, and thus the acquaintanceship began. The night wore on; it was warm, and these two, at all events, preferred sitting all night on the deck, and that plaid, which seems to be the author of all the subsequent misfortunes, was brought up from the cabin in order to make a temporary shelter by being spread over her knees and those of Yelverton. I make no observation on that. I don't know whether it is customary for ladies who have never seen a certain gentleman before, especially if he be young and apparently gallant, to sit under the same plaid (certainly only over their knees), and to spend the whole livelong night in that manner. She says that when they came to London Wharf he got a cab for her, and sent her home, she leaving her address. I am instructed that that is not a correct account of what occurred. I am instructed that he had no ladies with him on board to take care of; that he was what is called a "loose fish," travelling by himself; that he did get a cab and got into it with her, and drove to the place he supposed to be her lodgings, there dressed himself, and that he spent some time there. Don't misunderstand me. Don't suppose that I mean to convey that the slightest impropriety occurred on that occasion. Far from it. It is the beginning, however, of the acquaintance, and

the whole acquaintance of a personal nature that ever occurred between them from the summer of 1852 down to 1855, when they were together for about an hour at Galeta. A sheaf of letters passed upon the strength of that acquaintance with the man of whom she could know no more than what she saw upon that occasion. During the time the correspondence continued she saw as much life as most people. One can scarcely imagine more curious scenes than she detailed. In the first place there was the danger of getting into a scrape with Mr. Roe, and then there was the incident with the two Italian noblemen who were going to fight about her. She says she did flirt with Roe, like Topsy, because she was so wicked. That is perfectly innocent and good fun. But she must have been perfectly heart-whole, though no doubt she wished to exercise that magnetic influence and odic force against Yelverton. She sent him invitations to come to her, but he always took care that the steamer should not be convenient for the purpose. When this trial, which, from the interest it has excited, will go in a perfect form to all ends of the earth, is read by the Cardinal, if he is still alive, what will he say when he reads how she showed him the pocket pistols, and announced to him that rather than go into a convent she



THE CARRIAGE DRIVE AT GIANT'S CAUSEWAY.

would put the contents of them through him—how he fled, though assured by her there was no danger, because the pistols were not capped. There is one thing certain, namely, that she had the lowest possible opinion of the courage of the Italians. In March, 1854, he wrote to her stating that he would call to see her at Naples on her way home. But he did not, and after a time she went to Rome. The Russian war broke out, and Yelverton joined the forces and went to the Crimea. It was plain that from the moment she heard he went to the Crimea, she determined to go out there, whether solely from a desire to become a Sister of Charity it was not for him (Mr. Brewster) to say. He returned to England for promotion; while at Alderney he received a letter from her asking to see him on his way out, and he did see her at Constantinople. The interview lasted about an hour, and she described it in her letter as the interview while he was sitting in her divan. He (Mr. Brewster) was forced by his duty to ask her what passed at that interview, and her account of it might be stated in two sentences—that he proposed marriage to her, and that she accepted the offer, and thenceforward she said they were *fiance* to each other. Now, if

the correspondence before the interview was remarkable for being more free than is usual between strangers, the subsequent correspondence was ten times more remarkable in being as unlike what would pass between two persons mutually engaged to each other, to enter into the most sacred relations of life together. His (Mr. Brewster's) credulity was great, but there were some things which he could not believe. It was contrary to nature that any man who asked a woman to be his wife would write to that woman one line or use one word that would have the slightest tendency to lower her in her own estimation. But while that was so, it was equally unnatural that he would never by any accident drop an expression calculated to show that they were in the position of engaged parties. One would have supposed, if this engagement had taken place, that the defendant, who was with the army in the Crimea, sharing in the dangers of the terrible scenes there enacting, would have, in some of his letters to the woman who was to be his wife, referred to the happiness in store for him if he escaped with his life. Strange to say, not one single word of the kind occurred in any of Yelverton's letters—and, stranger still, there was not a word in any of the letters that appeared to him (Mr. Brewster) by any just interpretation to refer to a marriage engagement. In the face of the correspondence it would be nothing less than a miracle if an engagement existed. But he was instructed to say that it was utterly and absolutely untrue that any marriage engagement was entered into, or that the word "marriage" was mentioned at all during that interview at Galata. The first letter to be referred to after that interview was this:—

"Dear Carlo—I know it is not your fault, but I am in the most frightful dilemma. That note, care of Major Chirnside, has been opened and read—scandalous tongues have coupled our names together, and made the very worst of it—so far that some one wrote to the superieure to warn her. I am nearly crazy; it takes so little to dash one's fair fame, and yet what harm have I done? Both my sister and my brother (not Alcide) knew of my correspondence with you, and everything that has ever passed between us; and if it had been wrong they certainly would have disapproved. Oh, if my dear Sara were only here, she would soon put a stop to it. She would very soon make Bellamy shoot any one who dared to say a word against me. What a foolish thing to trust myself in a place without a friend, without a creature to care for me!"

Was that the letter of a woman engaged to be married to the man she was writing to? Would an engaged woman talk of her "fair fame" in that manner to her future husband? And now for his reply:—

"Carrissima Teresa mia—I'm so sorry you are in a dilemma, if you dislike it, but I've been in one ever since I can recollect. If you can find out one of the male sex who calls himself a gentleman, and who has given you any pain by any conjunction of our names, I'll make a point of getting leave to go down and fight him, as we are quite idle in that way here. I had received one note that had been in the care of Major Chirnside when I went off to the ship. Did you write two? I fancy you could not have made any very dreadful disclosures in the one supposed to have been violated. As I conceive it would be quite an impossibility to define our indefinable relative positions, I see nothing you can do better than ask who wrote to the superieure, and demand explanation from that individual; if anonymous it can safely be treated with contempt. I do not profess to be a good guide as to right and wrong, as so called in the parlance of a scandalous society, but I will break a lance or argue with [part of letter cut out here] any reasonable individual—upholding against all comers or challengers that you and I (as concerns you) have done no wrong. Still, if there be that in your position that causes these lies to give you more pain than a cessation of our correspondence, I say with pain, [cut out.]
Neither dilemma nor puzzle was ever sooner solved by haste or force, always excepting the Alexandrian solution. I am very sorry you have been ill too. I hope your recovery has been as speedy as mine. I am only now suffering from idleness. Why try the winter at Constantinople, if you do not feel strong? How I envy your brother in Australia, from your description! I think I must end on the Rocky Mountains I never shall get respectable and [cut out] enough for this very old state of society. I am really very sorry for it, but amendment on that point won't come; so don't trust me more than is the due of, I hope, a chivalrous savage.—Addio, CARLO.

"Write soon, write boldly, all you think or feel."

Again, he (Mr. Brewster) asked, could the jury believe that that was the letter of an engaged man writing to the woman he was to be married to? Passing one or two letters, merely stating that, for a period of five months, Yelverton never wrote at all to the lady, a letter was now to be read which was of the greatest importance in the case. It was a letter which the jury could not by possibility believe was written by a man to a woman with whom he contemplated marriage. He did not justify Major Yelverton for writing this letter. No such thing. But he said it was a letter, the import of which could not be mistaken by any woman, much less by one so intelligent, and who possessed such powers of understanding language as this lady. When she was first asked what she understood by the letter he (Mr. Brewster) was about to read, she answered that she did not understand it; afterwards she attempted an explanation, and the jury would remember what that explanation was. He writes as follows:—

"December 10th.

"Cara Teresa mia,—You are discontented, and cannot minister to your content. You've

left the lazaretto, and I am still in quarantine. 'Take care;' if you touch me, back you come for the full term of the infected: we must only look and talk to one another through the bars."

Now, what was the meaning of Yelverton in using the word 'infected' there? It was clear that he there suggested something that was not right—suggested it, no doubt, in language that would not shock her. Did this refined and intellectual woman mistake his meaning? As he said before, he did not justify that letter of Yelverton, but did the lady know its meaning? The history of our times afforded abundant proofs that the most intellectual and accomplished persons were not the most scrupulous, particularly among the gentler sex; and while a plain honest woman would never go astray, many an over-refined one, from excess of imagination, was precipitated to ruin. The letter proceeded—

"The fear of contagion is as much a disease as any one of nature's ailings, and all fears are infectious. You have caught this one, and social caution, 'vigilant sentry,' stands between us, staying your approach me-wards with grave advice, and friendly-seeming forewarnings, and mine thee-wards, with loaded arms, and stern command, 'stand-back.' Shall I arm? *cui bono*, the victory gained on my side, you, fear-infected, fled beyond pursuit."

That was not plain English, he admitted, but it was too bad that while the lady should on the one hand be held up to the jury as a wonder, for her powers of language, her perception of the meaning of words—she should on the other be regarded as a simpleton incapable of understanding the sentences just read. And this was the letter of a man to the woman to whom he had made a solemn promise of marriage. The thing was incredible. But now came her answer—"I quote your own words—if you touch me you are sure of infection. You prefer standing shivering outside the bars. I never turned my back on danger, but met the foe which I had to contend with. I hate to be in the dark. If you have the courage to knock down the sentry with loaded arms, you may safely trust me to *illude* or *delude* my cautious friendly advisers, and in spite of all their power I repeat, whistle, &c. I never followed any one's advice yet, and it is too late to begin now." This was the writing of a woman to a man who was, according to her story, under a solemn engagement to marry her. That the lady intended to yield to the intentions of Yelverton at that time he (Mr. Brewster) did not mean to say. The view he took of the case was this. The lady believed she had acquired an ascendancy over Yelverton, but that her influence required her personal presence to accomplish its effect—to accomplish what was her heart's desire; but although she worked with energy and determination to get married to him, he had no such intention in his mind at all. He (Mr. Brewster) repeated that he did not seek to justify Yelverton in the slightest degree for his violation either of the moral or any other law; all he said was that it must be perfectly plain to any one who read the correspondence that Yelverton had in his mind all through a determination not to marry her. That he was enthralled by her notwithstanding, there was no doubt, and very probably he did think that they might live together and enjoy each other's society, he remaining free. To be sure it was a dreadful thing to conceive such a thing for the woman. Every one must know the dangers which a woman living in that state was exposed to, although it was not uncommon that such concoctions, after a long term, were merged into the sacred relations of lawful married life. The lady's case was that, during all the time covered by this extraordinary correspondence, she was engaged to be married. Nowhere in these letters was the word marriage mentioned. The word "marriage" in any of these letters would be worth a Jew's eye in the case, but the only letter in the whole correspondence in which it occurred was that written by her from Bordeaux, when she was beginning to doubt her condition, and when she wrote to Father Mooney. After some further observations on the letters, which have already been furnished, the learned gentleman alluded to the occurrences in the Crimea. The lady went there, but although stopping at General Straubenzie's quarters, which were in sight of Yelverton's hut, she did not see him for a whole fortnight. It was right to add that she stated in explanation, that Yelverton was away during the time training for a race. He met her, however, at General Straubenzie's, and the lady stated that Mrs. Straubenzie made opportunities for leaving them alone. Here occurred a curious discrepancy in the lady's statement. She told his lordship that Mrs. Straubenzie was dissatisfied with Yelverton for not, as he (Mr Brewster) supposed, "popping the question," yet she also stated that Mrs. Straubenzie would sooner she had married some person else. He now came to the scene on board the steamer at Balaklava, in reference to which he had asked the lady a question, to which she gave a distinct and unequivocal answer. The jury would have a different account of what occurred at the parting at Balaklava. It was not right that he should repeat there the details which the jury had better hear in evidence. He would only say that when they had heard those details they would be better able to form a correct estimate of two or three passages in the letter, which he would now read, and which was written a week after the scene described:—

"This time last Saturday night, Carlo mio, was our *second* steamer scene. God grant the third be not far distant—and the consummation of all. What a most eccentric phenomenon that our destiny should hang by a steamboat! Did I go to sleep and dream it, that you watched over me all night? for in the grey dawn I woke and thought I saw you. Nay, more! Or did you wake me as did Diana Endymion in the grove?"

The letter contained references to a number of things—his liabilities, prospects, &c., in reference to which the word "we" was used by her. There was no doubt of that, but he submitted that it could be properly used under the circumstances in which the letter was

written. He did not deny that it was contemplated, and perhaps arranged, that they should live together to a certain extent. The nature of that connection was to be determined upon the evidence. Well, the letter went on:—

"That you will think seriously of this I know; but I want to ask you, Carlo mio, in the name of the few, short, happy hours we have spent together, to make me the confidant of your thoughts, as you would were I *assez neureuse* to be near enough to read in your heart. Then you have appeared to be frank enough, and the delight of sympathy is to share everything, good or bad; and as I know the length, depth, and breadth of your wickedness now, you need have no fear of losing my good opinion—*comprenez vous?* To-day I have been running about, and have found the *bank of violettes* you were sighing for the other night, entirely closed in by verdure; it overhangs the sea, impervious to human eye or ear; only the nightingale above would melodise our thoughts, too deep and sacred for mortal words to tell. I send you some of the violettes, charged with much that you might claim, if in their native bower; *ne quanto fludi ha il mare im tanto baci arresti viene tortto a prato.* I cannot at all imagine by what strange transaction you have arrived at your present state of feeling towards me. It is the very last that I should ever have contemplated, inspiring and so opposite to my idealisation of you. The glimpse you had of me four years ago could not have produced such an effect; or supposing it did so, it must have long since died a natural death. Our correspondence ought to have generated in you, as in me, esteem, admiration, affectionate trust and confidence, *idealised ethereal love* —a love to live or to die for—a little Platonic at first, but finally becoming the elixir *par excellence* of life. You might be in love with a *Turkess*, instead of an over spiritualised Englishwoman. I could easily comprehend that great external attractions might have operated on your sense of the beautiful, &c.; and being of an inflammable temperament (which, in spite of your apparent coldness and stoicism, I think you must be), you might take fire. But Nature has not endowed me with a single physical beauty calculated to excite such sentiment. I have not a feature that will bear inspection—no eyes, but when the soul speaks through them; and no one could ever look at me a second time, were it not for the contents, not the casket itself. On this I rely, not only to gain (if I have a chance), but to keep your affections. However, by this time you have no doubt come to your more sober senses, and I must forgive you your madness and folly this time, aye, a thousand times, if necessary, but you must, *you will* eventually, become all my heart's desire."

He paused there to ask again, was that the language of a woman who was engaged to the man she was writing to? If ever there was a period in which reserve should be maintained between parties, it was the interval that elapsed between the acceptance and the celebration of marriage. Was the language in which the lady referred to the "scene" on the steamboat the language of an honouarbly engaged woman? She tells Yelverton that she knew "the length, depth, and breadth of his wickedness." She tells him of the violet bank for which he sighed the other night—she tells him to come at once, and that as many "waves as had the sea there were kisses for him." The point he (Mr. Brewster) was endeavouring to prove was—that there had been no agreement to marry between the parties at this time. He conceived that the jury should come to the conclusion, on that letter, that there was not; and if they came to that conclusion they would then ask themselves what credit they could attach to the testimony of the lady who swore there was. Contemporaneous with these transactions Yelverton received a letter from Mrs. Bellamy, which he answered. That letter had come into Mrs. Yelverton's hands. What it contained might be surmised, considering that the writer strongly disapproved of the connexion between her sister and this gentleman. If it contained a word of marriage it would have been produced, and its non-production was a matter for the consideration of the jury. No doubt, Yelverton had promised to go to Belbec to see her. The explanation she gave was, that his promise was to go to marry her, and that Bishop Bore, to whom she had told everything, was willing to celebrate a secret marriage between them, so that they would be united and he still at liberty. All this occurred at the time the letter to which he was about to refer was written. These letters had all been produced as a preliminary step in the Scotch cause, now in progress. The parties were compelled on oath to bring in all the letters in their possession, and Mrs. Yelverton had accordingly lodged a number of letters; but the most important of them, namely, those that were written about the time of which he was now speaking, were not forthcoming. One letter written at this period was, indeed, produced, but it had been mutilated. The most important half of it was missing, and the half which was produced commenced with these words—"Without offending you by a word you should not hear, and propriety's false tongue will be struck dumb by the majesty of truth." Whether or not that referred to the letter of Mrs. Bellamy it was impossible to say, but if that lady had written to him, complaining of his conduct, and if he had written to Mrs. Yelverton, telling her the answer he returned, those words would be a most appesite conclusion to what he might have said. The letter contained this very significant passage—"I still cannot counsel you to wait for me if any opportunity should offer which you may wish to embrace, for I fear my self-command, when we do meet, will almost annoy you as much as my want of it when we last met did then." For a man to write a letter of that kind to his betrothed wife passed all human comprehension. He referred to something which had happened when he had lost his self-command, and then he proceeded to put upon her a most flagrant insult. He could not imagine a woman receiving such a letter without experiencing most lively feelings of indignation. He was not instructed to say

more than that on the occasion referred to in this letter the defendant had offered a very great insult to this lady—a grievous insult to an unmarried woman, and what no man with a spark of propriety would have offered to the woman he intended to make his wife, but which many, too many, would offer to a woman of great attractions with whom they did not mean to form a lawful connection. In her reply to that letter she truly called it a "cruel, ferocious piece of diction," and she then went on to say—"If you can't manage any reality that you are always harping about, shall we go back to the ideal?" She said, on cross-examination, that this meant the reality of marriage; but what stood in the way of that reality? Major Yelverton could have had it at any time he wished; and therefore he submitted that was not the reality to which she referred. Major Yelverton at this time resolved that he would run no further risk in coming into that "dangerous proximity" of which she spoke with this fascinating woman; and although he had promised to visit her at Belbec, he changed his route and came home by Vienna, in order to avoid her. The letter in which

AN EVENING PARTY AT THE GENERAL'S

he announced this change of plan to her was not like the letter of a man engaged to be married; and it was followed by a letter so plain as to admit of no controversy or mistake. This was the letter written from his father's house at Miltown, in which he detailed the figurative colloquy between the "brain" and "self." The learned counsel made some very pointed comments on this letter, dwelling strongly on the fact that it contained no reference to a marriage, which would naturally have been mentioned if the lady's explanation of the matter were correct. In Mrs. Yelverton's reply she said—"You ask me to write what I wish. Have I not expressed to you that I had but one *wish*—that if you would gratify that one I would never trouble you to all time and eternity with another, 'only to see you once.'" This letter evidently referred to an occasion on which he told her there was one thing that was never to be mentioned between them, and that was marriage. She went on to say, "Perhaps, now you will reproach me with expressing too much what I feel. It would be quite as consistent as your complaining of my want of magnetic attraction when in the Crimea. It is useless to tell you what attracted me to the Crimea at the risk of being frozen to death. It is to no purpose recapitulating what natural instinct pointed out to me your little hut—how in spirit I begged and prayed to be

let in for mercy sake, for pity sake; no, you were invulnerable for a whole fortnight, you resisted the small plaintive voice, and you must recollect, Carlo mio, that one sad morning, forcibly withdrawing your hand from me when my heart was bursting with love and grief, and the touch of that hand was my only strength through that fearful trial, when, with one fell swoop, you tore down the cherished dream of my life—did I murmur at my fate whilst your love sustained me, but when you threatened, and punished me in the most cruel manner—oh, Carlo mio, there is no use of thinking of all this; no use telling you, you know it all, and would at any time repeat it, and had you done ten times as bad I should forgive you, for I cannot be angry or cease to love you for a minute." It was a most touching letter; no one was better entitled to sympathy and to pity than the writer of it; but he submitted that it was quite inconsistent with Yelverton having engaged himself to marry her. After this she came to England, and went to live with her sister, the lady who had received a letter from Yelverton that was so deeply grieving to her. Was it conceivable that Mrs. Bellamy, who entertained an unfavourable opinion of Yelverton, would not have shown that letter to her sister with a view to disenchant her, and cure her of a passion that had been misplaced? Mrs. Yelverton, however, said that she did not see this letter until a much later period; and in considering what credit she was entitled to, the jury would take this as well as other matters into consideration. He then came to her visit to Edinburgh, when Major Yelverton was stationed at Leith. She was not invited by him to come there; but when she did come, and apprised him of her arrival, they saw one another frequently, and resumed their habits of former intercourse. Her story was, that while in Edinburgh, she being an earnest Catholic, and he a professing one, he took up the Protestant prayer-book on one occasion and read over the marriage ceremony between them. He (Mr. Brewster) was instructed to say that this was a simple untruth from beginning to end. He was instructed that things did happen in Edinburgh different from what had ever taken place elsewhere between them; but on this matter he would not dwell. But if there was any wish on the part of the defendant to enter into a marriage according to the law of Scotland, why was not Miss MacFarlane present as a witness? She was in the confidence of both parties—she was to be trusted—there was no need of concealment from her. The circumstance that no ceremony of the kind ever took place in her presence was a strong proof that it did not occur at all. Mrs. Yelverton then left Edinburgh and proceeded to Hull, and three weeks after the alleged marriage she wrote a letter to Yelverton commencing, "I am like unto the woman in the Gospel, troubled about many things"—which contained a variety of expressions that no married woman would have written to her husband. "Oh," she says, "for those blessed days when I could trust you, when I deemed myself the object of your innermost thoughts and desires, that my life and happiness was synonymous with your own, aye, more than your own. . . . . What is the use of their saying you must keep quiet, when I cannot trust, when by trusting I may lose both life and life hereafter (or at least the fruits of a life of patient suffering)? for if you did deceive me again in that last not to be remedied point, the physical part would give way. On the other hand, my whole nature demands the risk, the trial to be made; it has wound itself too closely about you to give you up now. Even writing about it I have little sharp nipping pains at my heart; if I made my hand write a farewell I should have a palpitation there and then; I shall die without you—is it worse to die by you?" Write a farewell! Why, she had been married, according to her own story, three weeks before. In another letter she said, "I wish you would tell me you burn all these letters—please do." Who ever heard of a wife asking her husband to burn her letters? That was a request often made by persons who were not in the position of wives, and, in too many instances, it was a request that was most religiously disregarded. In that state of things he admitted that the lady's conscience was not satisfied or lulled. God forbid that he should attribute to her, in the general sense of the word, anything like impurity. She was carried away by a passion which had taken possession of her mind, and she must have felt that from what had occurred between them she was placed in a position of the most shocking and distressing nature. He distinctly repudiated the notion of a marriage. She endeavoured to compel him to yield to her love. He (Mr. Brewster) had no doubt that that was done in the purest spirit; but she was dragged forward, perhaps, because she indulged too much in her early youth in the species of reading to which he alluded; but she did allow herself some way to be dragged into the vortex. The defendant was inexorable about the marriage, and a mode was suggested to reconcile her scruples and his obstinacy to a marriage. She knew that he was a Protestant, and that a marriage could not be celebrated, so as to compel him to be her husband, but she felt that it would be satisfactory in the eye of God, and hapless woman that she was, she thought to live this fast and loose sort of life with him. He (Mr. Brewster) did not intend to say a word in defendant's favour, for having disappointed her; but, be that as it might, it was in that hope, and under that influence, she proposed to him a meeting in the Cathedral, in Manchester, where he was unknown. The lady had given a character of the defendant in her re-examination which did not agree very well with the way the case had been opened. He (Mr. Brewster) never knew a slighted woman who could forgive, but he was told that, in his absence from court, this lady had justified the defendant—not his conduct in leaving her, but in his general conduct. He (Mr. Brewster) believed there would be a strong discrepancy between her and her counsel in that respect.

The Chief Justice said what he understood the lady to mean was, that she wanted to vindicate him from being as bad as the questions put would seem to imply.

A Juror said that what the jury understood was that she meant to say that he was made a bad man, for the purpose of injuring her character.

Mr. Brewster said in that case he would withdraw the observation. He then proceeded to say that the defendant and the lady arrived in Waterford on the 28th July, and that they remained a couple of days in Thomastown. It would be proved, he said, that they came to Malahide on the 3rd August; the apartments they occupied would be described. They were in rooms reserved for particular occasions, and these apartments consisted of but one sitting room and one bedroom, and it would be proved, as he was instructed, that they both slept there every night; it would be proved that on the 3rd they left Malahide and proceeded to Newry, and remained from the 3rd to the 5th; and if he (Mr. Brewster) was not misinformed, it would be proved that there again they slept in one room. Whilst at Newry they went to Rostrevor to procure accommodation for the accomplishment of the purpose for which she came to Ireland. They remained there from the 5th to the 15th, and it would be proved that whilst there they occupied but one bedroom. If her case were true in every respect but one there could be no imputation on her for that. If she came to complete a ceremony, good in the eye of the law, it would be too much to expect that two young people, such as they were, should not have lived in accordance with the relation they held towards one another. But her case was that she was determined that no intercourse should take place between them until the marriage was solemnised according to the rites of the Catholic church. If she was wrong in that, it would go to the very root of the credit that should be attached to her testimony in every part of the case. Whatever happened in Scotland it was obvious that the intention was to satisfy her conscience, and the defendant, in the most improper manner, consented to gratify her. And now he came to the distressing part of the case. No condemnation that any man, of any religious persuasion, thought proper to bestow on the defendant, for his conduct in trifling with a holy ceremony, could be too strong. His client, in that particular, could not be justified nor excused; and though they might be satisfied he did it for the purpose of reconciling her to her unhappy condition, he did an act which was as bad as man could do. He might have thought that the ceremony was not of any value. His (Mr Brewster's) belief was that, according to the rites of all churches, it would be as good a marriage as ever was solemnised by any bishop, if it were not that, by a positive statute, it is declared to be unlawful, but that, in the eye of God, and as a pledge in the presence of the Almighty, he (Mr. Brewster) would not only admit, but always maintain. There were many opinions as to the nature of the ceremony of marriage, but in the matter of conscience it should be the same, though he admitted, in point of law, they should be essentially different. The question they had to try was, whether this contract was entered into in fact, and under circumstances which made it, according to the law, an invalid ceremony. That depended not upon whether the defendant told the lady he was a Protestant or Catholic, but whether he was, and had been for twelve months previous, a professing Catholic, and it was next to impossible to get out of the fact that he was not a Roman Catholic. Everybody knew that the Yelvertons were Protestants. Everybody knew that Barry Yelverton could not at the period have filled the office which led to the title unless he was a Protestant. The lady said she saw him a few times in chapel, but that was no proof of his religion. There was nothing surprising in a man going to the chapel where the lady sang upon whom (according to the case of the other side) he had designs, and he (Mr. Brewster) very much feared that many persons went both to the chapel and the church for other purposes than to pray. It would be proved that the defendant went to church as regular as any officer in his regiment (laughter). Those who laughed showed their ignorance in the matter, for it was a fact that there was no duty in the British army so strictly enforced as church parade. The clergyman of the defendant's father's church would prove that the defendant was in attendance at that church within a fortnight of the alleged marriage ceremony, and that he was always known as a Protestant. Within his own experience no witness was allowed to come back. He put the question fairly to the witness—"Was not the reason why the marriage was kept secret this—she was a Roman Catholic and he was not?" and she answered, "It was." His lordship repeated the question, and the answer was the same. He (Mr. Brewster) asked her no more. As to the Rev. Mr. Mooney, it was all very well to fly at the reverend gentleman, and endeavour to upset his testimony by a sort of cross-examination. The defendant's side would have known nothing at all about the reverend gentleman only he was a witness when Yelverton stood at the bar as a criminal to be prosecuted for bigamy. That prosecution was not proceeded with after the evidence in the matter was given. The persons in Scotland who managed that prosecution no doubt consulted the highest authorities in Ireland upon the law of Ireland as it bore on the question at issue. The eminent persons who were then the law officers of Ireland happened to be appointed by Lord Derby, the principal one being Mr. Whiteside himself; and he (Mr. Brewster) could not imagine that they had not all put their heads together, and come to a determination on the case which led to the result he had mentioned. Yelverton knew in his heart that he never represented himself to be a Roman Catholic. It could not be denied that Yelverton said that he was a "Protestant Catholic." He would not enter upon any discussion as to whether "Catholic" and "Protestant" were not the same. Much learning had been

displayed upon the point; but, in his judgment, it was not worth the time spent in recording the controversy. He conceived himself that they all could worship God according to their particular views; and it was not necessary for any one to entertain either ill-will or disrespect towards the tenets of another. But it was absurd to contend that Yelverton saying he was a "Protestant Catholic" was not in fact a Protestant. Did any one ever hear of a Roman Catholic calling himself a "Protestant Catholic?" It was somewhat singular that the lady, in the whole course of her evidence, speaks of her belief that Yelverton was a "Catholic," not a "Roman Catholic."

The Chief Justice said he was not sure of that.

Mr. Brewster said he believed it was the case; and although the circumstance was a small one, it was not to be passed over in the case. But the jury had the distinct evidence of the Rev. Mr. Mooney that Yelverton told him he was a Protestant. Upon that part of the case he (Mr. Brewster) had pressed the lady strongly—perhaps too strongly, indeed, when he asked her as to her confession. If he did press the matter too strongly, nobody regretted the circumstance more than he did. It had struck him on reading her letter to the Rev. Mr. Mooney that she was not telling the truth when she said that she never told him that Yelverton was a Protestant, and the matter in issue was now placed beyond all doubt by the positive evidence of the rev. gentleman himself, and there was internal evidence in her letter that she told him of that fact. In the first place there was no witness. The learned gentlemen on the other side would say, no doubt, that they may use the certificate of the Rev. Mr. Mooney to prove that witnesses were present, but would his lordship allow that?

Mr. Brewster said he would demonstrate, from evidence under the hand of the lady herself, that no witness was present; the fact was proved too by the very circumstances of the case. The Rev. Mr. Mooney knew as well as any man that if he solemnised a lawful marriage on the occasion, he would be exposing himself to penalties of a very serious character. For his own protection, therefore, the last thing he would think of would be to have a witness who would be a witness against himself. But in the letter of the 10th of June, 1858, the lady herself placed the matter beyond doubt. She says:—"I must now confide to you my husband's surname, which I was only allowed to do under seal of confession, although I never for a moment doubted that our secret was and is perfectly safe in your hands. My maiden name was Maria Teresa Longworth. My husband's name is William Charles Yelverton. You will please add the surname to your own private register, as, of course, the child must be registered under the father's name. But I need not entreat you to allow no one to see it but yourself, unless you had a witness to the marriage." Did not that expression plainly prove that she had no notion that any person was present when the transaction occurred? Well, but was the Rev. Mr. Mooney telling the truth when he said that she told him Yelverton was a Protestant? The letter proceeds—"However, I rely implicitly upon you; and you will find when the time comes that you have not only saved two individual souls, but rendered an incalculable service to the Catholic church. I dare not tell you more at present, but some day I shall come to see you, and tell you all. You will be glad to hear I have much hopes of my husband." Could the jury for an instant doubt that she meant by having much hopes of her husband that she expected to make him a Catholic?

Mr. Whiteside observed that defendant's side got the letter from the Rev. Mr. Mooney.

Mr. Brewster said—Suppose that was so, could any one be heard saying that the Rev. Mr. Mooney should be stigmatised for giving up that which manifested the truth? Was he not bound to come forward and tell the truth? Ought he not to do so in a country of which it was often said that where thousands knew the truth not one could be got to come forward to state it? Did the jury for a moment doubt that "the incalculable service to the Catholic church," mentioned in her letter, meant the concession of her husband to that church? But did the matter rest there? He had mentioned that to the lady was committed the carrying out of the project intended to ease her own conscience; and her first idea was that this could be effected in Manchester, where Yelverton was wholly unknown, and where their plan could be brought into operation without risk of discovery. In the letter which she wrote to him, suggesting a meeting in the cathedral of Manchester, she said that he would have nothing to do or say, and that he would be no more affected by it than his going to mass once or twice would make him a Catholic. Was it not clear from this expression that she never could have believed him to be other than a Protestant? It could not be denied that he travelled with her in Scotland as his wife, and wrote both their names in the book which had been produced, but it was remarkable that he never wrote their full title, if they were really married—namely, "the Honourable Mr. and Mrs. Yelverton." It was an absolute necessity that he should have represented her as his wife, for they would never have been received in the hotels, or anywhere in Scotland, if it was supposed that they were not married people. A letter had been relied on in which it was said that he called her his "spouse;" but he submitted that this document had been tampered with, and that adding a "by" to one of the Italian words it had been changed into spouse. Having commented on some other matters the learned counsel proceeded as follows:—Gentlemen, I have now brought this most melancholy case to an end. I can say with truth that if I had the slightest idea of what was before me I would never have undertaken the task, for circumstanced as I am I have found it utterly impossible to prepare myself in such a way as would

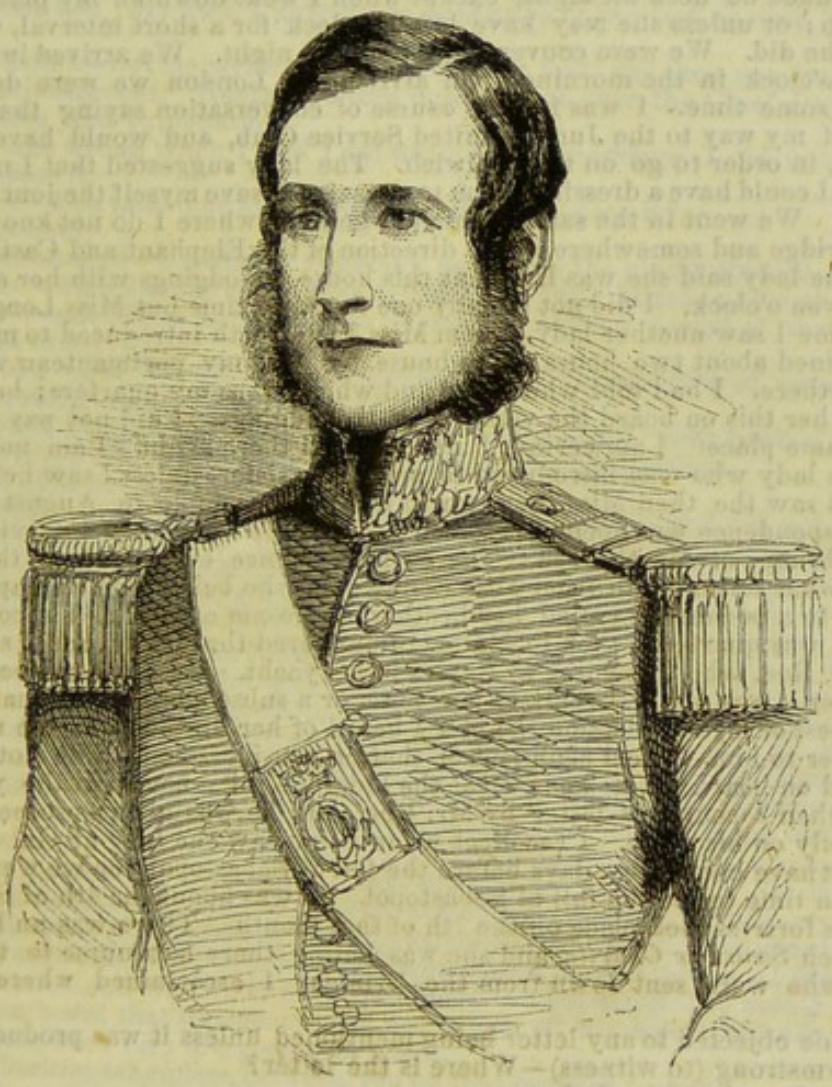
have enabled me to discharge the duty which every advocate owes to the client that he represents in a court of justice. These parties lived together in that most extraordinary position in which, if our case be true, they were thus placed for a few months. After some time that which any friend this lady consulted would probably have told her she might expect did take place. Yelverton deserted her. I do not mince the matter—there is no other word for it; he did more; he married a woman of station and respectability publicly, and in the face of the church, they being both Protestants of the Established Church. If you suppose I am here to justify him for that act you do me a grievous wrong. I am not called upon—I dare not trust myself—to express the opinions I entertain upon the subject. If he were forty times my client they would not be changed. I entertain them as a man. He had contracted an obligation in honour to the other lady, which, in my judgment, he had no right to recede from. The circumstances in which he is placed now render it impossible for him to retract or retrace his steps; and this is one of many instances which are constantly occurring in human life of the enormous danger of the ruin that must befal those who do not keep on the broad, straight, even track. Gentlemen, everybody, I think, must feel that if people will contract secret and clandestine marriages they leave it in the power of the parties with whom they have thus contracted to enter into engagements openly with others—to inflict wrongs as grievous as their own—to extend the evil consequences to society—to destroy the peace and happiness of families. And Yelverton is now himself placed in this most frightful position, that he has contracted a marriage with a woman, in the eyes of the church, and with all the solemnities of the law, who has given birth to children who, if his case be true, are heirs to a peerage, which was won by the honourable exercise of the highest abilities, but who, if the case put forward on the part of the plaintiff be established, will be bastardised and ruined. All those terrible consequences he has brought upon them and upon himself. For him, I tell you, I care but little—for the unhappy lady to whom he has united himself, I cannot but feel the deepest commiseration. However, gentlemen, that is not to influence you. If he did bind himself in marriage to the lady who has been a witness before you—if that marriage were solemnised according to the law of the land, and in such a way as the law will recognise, she is entitled to have all the benefit of it. But, in coming to a conclusion on that point, it is an element for your consideration that, no doubt, if he did enter into that contract, he knew he was not free to enter into the other—he must have known the effect of what he was doing; and you will say, is it likely that, under such circumstances, he would have contracted a second marriage? Gentlemen, he may have acted dishonourably, and done wrong in every respect; but if he were not married in the first instance, however dishonourable you may think his conduct, however culpable you may believe him to be, however you may brand him with shame and disgrace,—if, in fact and in truth, and on your oaths, you believe he was not a Roman Catholic, you cannot find, under the direction of his lordship, in favour of the Irish marriage. I say nothing about the Scotch law, except to tell you that you will hear more about it before we have done with the case; and in reference to that matter, I have suggested topics that appear to me as convincing as could be found in any case, to show that no Scotch marriage, in fact, did take place. This, gentlemen, has been the unhappy case which it has been my most miserable duty to lay before you. I have done it as best I could. I have endeavoured, from the beginning to the end, not to say one word to wound the feelings of the lady, whom I compassionate as much as any man that ever lived could do; but still I have a duty to perform, and that duty is to elicit the truth in reference to these two marriages. Were they celebrated, or were they not, in such a way as, according to the law of the land, renders them binding and valid? If they were not so celebrated, then, gentlemen, no matter what your compassion for this lady may be—no matter what your sense of her sufferings and her grievances may be—no matter what your pity for her ought to be—no matter what your indignation against him may justly be,—you must perform your duty according to the truth; and in your hands I now leave the case.

At the conclusion of Mr. Brewster's speech, the delivery of which occupied about four hours, the court adjourned.

SIXTH DAY.

On Wednesday the hearing of this case was resumed at the sitting of the court, which, as on the previous days, was crowded to excess. Indeed the interest taken by the public in this romantic and exciting trial appeared to reach its greatest intensity yesterday. It was generally understood that the defendant would appear in the witness box to sustain his own case, and give his version of the relations which he alleged had subsisted between him and the young lady for whom such universal sympathy is felt. This fact, doubtless, increased the public curiosity, and the most eager anxiety was naturally evinced to see and hear the examination of the Honourable Major Yelverton. From an early hour an immense crowd had assembled in the hall and the vicinity of the court. In consequence, however, of the con-

fusion which had been caused on the earlier days of the trial by the extraordinary overcrowding of the galleries, where the people had scarcely standing room, and the constant noise kept up by the struggling, shuffling, and swaying to and fro of the immense multitude, arrangements were made to prevent a similar overcrowding, and the recurrence of such a state of things. A wooden barrier had, therefore, been erected at the entrances to the court, and policemen were stationed there during the day, whose duty it was to prevent the indiscriminate entrance of the eager public, after the galleries had been fully occupied. The result of this arrangement was that yesterday's proceedings were carried on with less of interruption than of the previous days. There was a large attendance of ladies in the galleries, and the members of the bar mustered in extraordinary force. Indeed the bar benches were so thronged that many learned gentlemen who could not otherwise obtain accommodation perched themselves on the narrow ledge which runs along the galleries at either side, and sustained themselves in this elevated but rather uncomfortable position by resting their feet on the balustrades of the benches beneath.



PORTRAIT OF CAPTAIN YELVERTON.

The Chief Justice took his seat on the bench at half-past ten o'clock.

The same counsel were in attendance (with one exception, Mr. Brewster, Q.C.), viz:—For the plaintiff—Mr. Sergeant Sullivan, Mr. Whiteside, Q.C.; and Dr. Townsend. For the defendant—Mr. Sergeant Armstrong, Dr. Ball, Q.C., and Mr. Jellett.

EXAMINATION OF THE DEFENDANT.

Major Yelverton, the defendant, was called and sworn. He repeated the last words of the oath, "So help me God," in a very emphatic manner. The defendant is about 36 or 37 years of age. He is a little over the middle height, and is a tolerably good-looking and gentlemanly, but by no means a very handsome man. His hair is of a dark brown colour, his eyes deeply set, and the expression of his countenance rather careworn and anxious. He

wore large whiskers and a moustache. He gave his evidence with great deliberation and decision. When the witness was sworn, the Chief Justice said, if any disturbance took place in the galleries during the examination, he would certainly have them cleared.

Major Yelverton, in reply to Mr. Sergeant Armstrong, said—I am the defendant. I am a captain in the artillery and brevet major in the army. I first became personally acquainted with Miss Longworth in the summer or autumn of 1852. I first saw her on board a steamer in Boulogne harbour plying to London. I was alone on that occasion. I saw a lady coming on board the steamer from the shore, her foot became entangled on the gangway, and her shawl fell off. I stepped forward and put it on her, at the same time saying that I hoped it was no inconvenience to her, or some casual observation of the kind. This was about seven in the afternoon. I got into conversation with her in the course of the voyage. We were on deck at the stern of the vessel—what is commonly called the quarter deck. I should mention that a great crowd came on board the vsssel just before we started. An excursion train had come from Paris, and it crowded the vessel very much, and all the cabinsw ere full. We continued on deck all night, except when I went down for my plaid, which I had left in the cabin; or unless she may have left the deck for a short interval, which I do not recollect that she did. We were conversing almost all night. We arrived in London about eight or nine o'clock in the morning. On arriving in London we were detained at the Custom-house some time. I was in the course of conversation saying that I had to go a long way out of my way to the Junior United Service Club, and would have to return to London-bridge, in order to go on to Woolwich. The lady suggested that I might go to her lodging, where I could have a dressing-room to dress in, to save myself the journey. I accepted that invitation. We went in the same vehicle together—where I do not know. We went over London-bridge and somewhere in the direction of the Elephant and Castle as well as I remember. The lady said she was living at this house or lodgings with her sister. We got there about eleven o'clock. I did not see any one for some time but Miss Longworth herself. After a short time I saw another lady, whom Miss Longworth introduced to me as her sister. I think I remained about two hours at the house. I had my portmanteau with me, and I dressed myself there. I had told who I was and where were my quarters; but I cannot say whether I told her this on board the vessel or at the lodgings. I did not pay any visit afterwards at the same place. I am certain I never called there again. I am not sure whether I saw again the lady who was introduced to me as her sister, unless I saw her in Edinburgh in 1858. I next saw the then Miss Longworth in Constantinople in August or September, 1855. A correspondence was opened between her and me after that interview in London. It began in February or March, 1853. The correspondence originated in this way. I received a somewhat formal note from Miss Longworth, she being then at Naples, asking me to post a letter to a person she called her brother, at Bosnia as well as I recollect the name of the place. I was quartered then in Malta. I answered that letter, and I sent my answer by a friend, Mr. Roe, who was going to Naples in his yacht. I wish to correct myself—I am not sure whether it was my first reply to her note, or a subsequent letter that I sent by Mr. Roe. To the best of my recollection the first I heard of her brother was the note asking me to post the letter to him. I feel confident of that on consideration. I do not recollect anything being said on board the steamer, or at the lodgings, of a cousin of the young lady. I was at Malta when I sent this letter by Mr. Roe, and he was about proceeding to Naples. He went to Sicily on his route. I recollect when I first saw the lady at Galata, in Constantinople—it must have been a few days before the fall of Sebastopol, for we went direct there, and were just in time to see the fall of Sebastopol. It was about the 4th of September, 1855—the fall of the fortress took place on the 7th of that month. There was an hospital belonging to the French *Sœurs de Charite*, and she was acting there as a nurse to the French sick and wounded who were sent down from the Crimea. I ascertained where she was by a letter——

Mr. Whiteside objected to any letter being mentioned unless it was produced.

Sergeant Armstrong (to witness)—Where is the letter?

Witness—In the printed book there.

Mr. Whiteside—That won't do; produce the original.

Sergeant Armstrong—We'll get the letter, and, in the meantime, we will go on.

Examination continued—It was about midday when I first saw her at Galata. I saw her alone, and was in her company on that occasion about a couple of hours. She was dressed in the *Sœur de Charite* dress—a black gown, with a white collar. She also wore a cap. She took off the cap. We sat in the private room, and talked for some time. I embraced her, and kissed her two or three times. I did not refer in the course of our conversations to any intentions of any description.

Sergeant Sullivan—That is not a way to give evidence. State what occurred, sir.

Chief Justice—State the subject of your conversation—what you stated to her as your design or object, and everything connected with it.

Witness—We referred to the probability of our meeting again if she came to the Crimea. We referred also to our former correspondence, and I made some love, my lord. I cannot put it into other words.

The Chief Justice—We want to know of what sort or description.

Witness—I stated before that I never mentioned intentions of any description whatever.

Chief Justice—Tell us what you did. It is an unpleasant subject, but it must be dealt with. Did you make dishonourable advances to her?

Witness—No; in words, I did not. (To Sergeant Armstrong). I did not tell her I had come from England purposely to find her. I was going to the Crimea at that time I was in command of a battery of siege artillery then on board the Transit steamer, and destined for the Crimea. I did not, on that occasion, make the lady a promise to marry her. I went to the Crimea. The Transit was then lying out of the harbour when I was at Galeta. In the beginning of 1856, in February I think, I next saw the lady at General Straubenzie's hut in the Crimea. I was aware of her arrival there about ten days before I visited her.

Did you make or renew any offer of marriage there?

Witness—I did not. I did not tell her I was under a promise to my family not to marry any lady who could not pay my debts I told her I was under considerable pecuniary difficulties, but I made no statement at the time that I was not able to marry then more than at any other time—I mean that I did not say that I was not able to marry in two years, or three years, or five years hence. I did not mention any time at all, nor did I mention marriage on that occasion. My lord, I have made a mistake in my last answer, which I wish to correct.

The Chief Justice—Let me write down your answer first, and then you may make any explanation you think proper. Having written down the answer, the Chief Justice said—Now sir, you may give your explanation.

Witness—I was wrong when I said I did not speak of marriage. I did mention marriage, but did not propose it.

Chief Justice—You talked of marriage, but did not propose it?

Witness—Precisely.

Examination resumed—I spoke of marriage as, under the circumstances in which I was placed, a thing in which I could not engage or enter into with Miss Longworth: she remained three or four weeks at Major Straubenzie's; I did not at any period of that time make an offer of marriage to her.

Mr. Armstrong—Did you make the statement that the condition of your circumstances prevented you getting married more than once?

Witness (after a long pause)—It is a long time ago; I never went back of it ——

Mr. Whiteside—That is no answer to my learned friend's question.

Witness—I left it upon the one statement.

Mr. Armstrong—You told her once that you could not marry, and did not repeat it?

Witness—I did not repeat it. I made the statement once, and followed it up.

Examination resumed—I did not absent myself any day from the time I went first to visit at General Straubenzie's; I did not propose to her there a secret marriage; I did not propose I should get married to her in the Greek church in Balaklava; there was no talk, that I recollect, about Greek Catholics and Roman Catholics; I left the Crimea after she left General Straubenzie's quarters; the letter of 15th August, 1855, from the lady, now produced, I received in the Bosphorus; another letter directed to me at the Bosphorus did not reach me; before parting with her at General Straubenzie's there was an arrangement that she was to go on the Bosphorus, and that I was to go to see her there on my way back; I left the Crimea on Waterloo day, 18th June, 1856, and I came home by Odessa and the Danube, by Vienna; the troops of which I was in command came home a few days after; I did not come home with my troop; I came home on leave of absence and by myself; I went to London first on coming to England, and then went to Edinburgh, after which I was ordered to Leith Fort, Scotland; after the parting at General Straubenzie's I saw the lady at Leith in January or February, 1857; I took her down to the steamer when she was leaving General Straubenzie's; I returned to the steamer after General Straubenzie, who, with his son, accompanied us, went away; I did not go on my knees on that occasion and implore of her to go ashore and get married to me; I did not go on my knees at all on board that steamer; I had not to get off my knees because sailors crossed where I was; there were very few people on board.

Did any familiarities take place between you on that occasion?—Yes

What were they, and where?—Sitting on the raised poop of the vessel. I put my arm round her waist, and kissed her, and attempted to take further liberties with her.

Chief Justice—Of what description? Witness—I attempted to take possession of her.

Chief Justice—In other words you attempted her virtue?

Witness—I did (after a pause), but I should explain that the attempt did not go to a very great extent.

Chief Justice—Explain how far it went——

Chief Justice—If ladies wish to remain in court during this examination I cannot help them.

Dr. Ball—Mr. Brewster's statement yesterday was a sufficient intimation to them that they ought not to be present.

Sergeant Sullivan—Indeed it was not.

Chief Justice—If ladies choose to remain they must expose themselves to a very unpleasant scene.

Several ladies who were present then rose to depart.

Dr. Ball said he thought the evidence which had been given on this point was sufficient.

The Chief Justice said that Dr. Ball knew very well that in several portions of the examination, as well as of the cross-examination, it would be absolutely necessary to put questions of a nature which it would not be fit for females to hear. His lordship said his observations did not apply to ladies who were relatives of the parties.

All the ladies present, with the exception of two or three, then withdrew. To those who did not exhibit any intention of retiring his lordship addressed himself specially, in reference to the propriety of their withdrawing, which they then did.

The jury expressed their satisfaction that his lordship had taken this course.

The examination of the defendant was then resumed. He stated that whilst sitting on the poop of the steamer, with his hands round her waist, with the lady, he became very excited, and that she did also; he then described certain liberties which he said he took with her on that occasion, the details of which are unfit for publication. He stated that he was interrupted by sailors coming on the poop.

He then continued—We then went down to the cabin, where there were two gentlemen; the lady after a while went into the inner cabin in the stern of the vessel; I saw the captain go into the cabin next to it, and as I knew the partition between the cabins was very thin, I went

MAJOR YELVERTON'S FIRST THOUGHT OF DISHONOUR.

on deck, and remained there until it was time to return to the camp, having previously gone into her cabin, and kissed her two or three times; so we parted; that occurred on a Saturday; I received the letter containing the following passages shortly after this occurrence:—

"This time last Saturday night, Carlo mio, was our *second* steamer scene. God grant the third be not far distant—and the consummation of all. What a most eccentric phenomenon that our destiny should hang by a steamboat! Did I go to sleep and dream it—that you watched over me all night, for in the grey dawn I woke and thought I saw you? Nay, more; or did you wake me as did Diana Endymion in the grove? That you will think seriously of this I know; but I want to ask you, Carlo mio, in the name of the few, short, happy hours we have spent together, to make me the confidant of your thoughts, as you would were I *assez neureuse* to be near enough to read in your heart. Then you have appeared to be frank enough, and the delight of sympathy is to share everything, good or bad; and as I know the length, depth, and breadth of your wickedness now, you need have no fear of losing my good opinion—*comprenez vous?* To-day I have been running about, and have found the *bank of violettes* you you were sighing for the other night entirely closed in by verdure; it overhangs the sea, imper-

vious to human eye or ear; only the nightingale above would melodise our thoughts, too deep and sacred for mortal words to tell."

I saw the lady after that in Leith, in January or February, at the Ship Hotel; I was quartered at Leith Fort then; Miss McFarlane was with her at the hotel; I received a note from Miss Longworth.

Mr. Whiteside—I object to the letter unless it is produced.

Examination resumed—I saw her for some little time alone before I saw Miss McFarlane, whom I then met for the first time; I was with Miss Longworth for about an hour before Miss McFarlane appeared; we three of us were a few hours together on that occasion; I saw her next in lodgings she had taken in Edinburgh, at Mrs. Gamble's; her apartments were very high up, the top storey; I saw her there very often; I went out riding with her in Edinburgh; she remained about two months at these lodgings; I did not, at any time in Edinburgh, propose a Scotch marriage to her; I did not say that a marriage in Scotland could be constituted by mutual consent and then going to an hotel, without any ceremony; she did not say that she should be married by a Catholic priest, and that she would think it a sin unless she was married in a church; I did not say that the parties and not the priest conferred the sacrament of matrimony in themselves; I did not at any time get her to read the marriage ceremony with me from the Church of England Prayer-book, and I did not say this makes us husband and wife by the law of Scotland; I did not hear her say to Miss McFarlane, "We have married

PORTRAIT OF MRS. YELVERTON'S FATHER.

one another." I did not ask her to go to some hotel to introduce her to the landlord, and I did not say that would be enough; I was never during that interval at the Catholic Cathedral of Edinburgh; I remember her going to Hull from Edinburgh; saw her at Waterford on the 27th or 28th of July, 1857; I received the letter produced at the post-office in Waterford; I saw her at the hotel after that; she did not tell me that she had been looking for a priest; I did not tell her I could get a priest at once at Waterford, but it was better not to stay there lest Mr. Bellamy should follow her; we went to Thomastown from Waterford; we remained one or two nights, I am not sure which, in Thomastown; we were one night at Cummin's Hotel in Waterford; I slept with her there; I slept with her at Thomastown; from Thomastown we went to Malahide, where we remained about five nights at Shaw's hotel; at Waterford I gave no name at the hotel; at Thomastown I think I gave the name of "Power" if I gave any name, of which I am not sure; at Malahide we gave the name of "Stewart," "Mr. and Mrs. Stewart;" at Malahide we occupied the first sitting room and bedroom on the left hand on the hall floor side facing the estuary; we slept together there; we went from Malahide to Newry, where we put up at Dransfield's Hotel, and remained there for two nights; I think I gave the name of "Power" there, but I don't recollect accurately; we occupied a single bedroom there and slept together; from Newry we went to Rostrevor, where we stopped at Langster's Hotel; I cannot remember

how long we remained there; I recollect the first Sunday after we got there; I went to Warrenpoint one Sunday, but I don't know whether it was the first or not; I went to the door of the Catholic church with the lady on that Sunday, but I did not attend service; I have some recollection of her speaking to a clerk or some person about the chapel whilst she was on my arm; I came to Dublin from Rostrevor about the 11th of August, and remained one night in Dublin; I did not say that I was going to Dublin for a priest, and that I could get one for £50, but that I thought it too much to pay for one.

When you returned from Dublin, did she tell you that she knew a priest who would marry you, but that a dispensation was necessary?—She did not.

Did she tell you that she had seen the bishop; that he granted the dispensation, and you could be married the next morning?—She did not.

Did you tell her that the dispensation fee ought to be sent to the bishop?—I did not.

Was it arranged that you and she were to go to high mass the next day?—It was not.

Did you go to high mass?—I did not.

Did you go to chapel with her after you returned from Dublin?—I did.

Did you go into the chapel?—I did

Who did you see?—The Rev. Mr. Mooney.

Had you seen or known him before?—No.

Do you recollect what the Rev. Mr. Mooney said—in the first instance, where was he?—He was standing at the right hand upper end of the chapel as you enter; he was standing at the left of the altar, outside the altar rails.

What did he say?—Some conversation about our being late. He said that he expected us sooner, and had nearly given us up.

What next occurred?—We gave an explanation, that the chapel was farther from the shore where we landed to his chapel than we expected. We had come by boat, and walked to the chapel.

State anything Father Moony said in the order in which it occurred.—He spoke to us both as we stood in front of him; he said he understood that we came there to give our consent to one another; I said I wished him to understand that I was not there for any purpose of my own, but "for this lady's conscience sake," or words to that effect. He asked me what my religion was. I replied, "I am not bigotted." He asked me again, "Are you a Catholic?" I replied, "I am a Protestant; but you Roman Catholics don't seem to know that we Protestants call ourselves Catholics." He then, and during this conversation, was moving round, placing himself inside the altar rails. He bade us kneel down before him. I rather hesitated and looked round, and listened, and said, "There must be no witnesses to this." He replied, "There are none." He then went and locked the door of the chapel.

A Juror—Who locked the door?

Witness—Mr. Mooney.

Examination resumed—Miss Longworth, while he was locking the door, entreated me at different times to say nothing more, but to do only what I had arranged to do. Mr. Mooney came back from the door and placed himself within the altar rails. We knelt down before him then, and went through a portion of a marriage service; it was not the same as the Protestant service, which I knew; I do not know the Roman Catholic ritual.

Was any money given on the occasion?

Mr. Whiteside—I understood he was to state the whole of what passed. He should not be questioned in this leading way by my learned friend.

Chief Justice—State all that occurred in reference to the ceremony.

Witness—I recollect taking her for my wife, and she taking me for her husband; I recollect joining hands; I recollect touching a ring she had on her finger, and I recollect nothing else.

Had you given her that ring?—I had (sensation).

Where did you give it to her?—At Malahide, to the very best of my recollection.

Had she worn it before the day of the ceremony?—She had.

Do you recollect whether the ring was taken off her finger on that occasion?—To the best of my ——— it was not.

Do you state it was not positively, or to the best of your recollection?

Mr. Whiteside—I object altogether to this mode of conducting the examination. The witness gave his answer.

Mr. Armstrong—I will not be lectured by Mr. Whiteside. I am putting the question for the purpose of getting a distinct answer. The witness said, "to the best of my—," and then he said "it was not." I want to know what his answer is.

Do you state positively, or according to the best of your recollection, that the ring was not taken off the lady's finger on the occasion of the ceremony before the Rev. Mr. Mooney?

Witness—On several details I may be a little inaccurate. I speak to the best of my recollection at this time, founded on an endeavour to fairly and honestly recollect everything that took place.

Chief Justice—Making that explanation, are you now able to state, as a matter of fact, whether or not the ring was taken off the lady's finger at the ceremony before the Rev. Mr. Mooney Was it taken off, or did you only fiddle with it?

Witness—To the best of my recollection I merely fiddled with it in that way.

Chief Justice—But you are asked positively?

Witness—To the best of my recollection the ring was not moved off her finger; it was only shoved up and down, if it was moved at all.

Examination by Mr. Armstrong resumed—Did you tell this lady that you were not a Protestant?—I never did

Were you in the habit in her presence and to her of making fun of the Protestant religion and its doctrines?—I was not.

What is your father's religion—Lord Aovnmore's?

Mr. Whiteside—I submit that it is not a question that should be put. We have nothing to do with his father's or his grandfather's religion. It is his own we want to know. There are many sons who don't agree with their fathers in religious views.

Examination resumed—The religion of Lord Avonmore is a Protestant, Lady Avonmore is a Protestant, and my religion is Protestant.

Were you at any time a Roman Catholic?—Never.

Did you ever tell this lady you were?—I did not.

Did you attend mass with her the Tuesday after the ceremony?—I did not. I don't recollect going to the chapel the Sunday after the ceremony.

Do you ever recollect ever attending a Roman Catholic place of worship with her?—At what time?

At any time?—I went to chapel with her at Bordeaux. I also recollect in the autumn of 1857, going with her, but when at a chapel in Edinburgh where she was singing.

Up to the time of the ceremony before the Rev. Mr. Mooney, had you attended a Catholic chapel with her, and gone through the Catholic service?—Never.

Did you attend the Church of England service while on duty in the Crimea?—I did.

To what place did you proceed after you left Rostrevor?—To Belfast.

She was with you?—Yes.

How long did you stay in Belfast?—One night.

Did you part at Belfast?—Not at that time.

Where did you go to next?—To the Giant's Causeway.

Did you return to Belfast?—We did.

Did you then part company with her?—I did.

Where did she go?—In the steamer to Glasgow.

And you?—Back to Dublin.

Where next did you meet her?—At Mrs. Stalker's house in Edinburgh.

Examination continued—Mrs. Stalker's house is in Albany-street; I went there first at six o'clock in the evening; Mr. Thelwall, Mrs. Thelwall, and Miss M'Farlane were there; before I went into the room I met Miss Longworth in the passage; I was introduced by Miss Longworth as a friend of hers; I speak on these details to the best of my recollection; I think Miss Longworth called Mrs. Thelwall her sister; I had known the Thelwalls before that; I remained on that first visit about an hour; on the former visit to Edinburgh there was an improper intercourse between Miss Longworth and me, and also on board the steamer when she was going to Hull on the visit at Mrs. Salter's which I have just mentioned; I did not pass the night in the house; Miss Longworth remained in Edinburgh about six weeks from the time I went there; during that six weeks we occupied the same bedroom; the Thelwalls went away the day after I arrived; Miss M'Farlane was in the house during the whole six weeks; I made excursions in the neighbourhood (visitors' book of Downe Castle handed to witness); I wrote in that book; I see the dates; it was between the 6th and 9th of November; I was there at that time with her. We were at Linlithgow, at Dumblain, at Calender, at Dunfermline. We were about twelve days on this tour. We returned together to Edinburgh. While at Mrs. Stalker's I went by the name of M'Farlane, and she was called M'Farlane too. She was part of the time called Miss M'Farlane and part of the time Mrs. M'Farlane.

The Chief Justice—At what time was she called Miss M'Farlane?

Witness—At the first time, my lord. She was called Mrs. M'Farlane as soon as the disguise we had assumed became known to the landlady. I can hardly recollect when. She went to Hull after her second visit to Edinburgh, leaving me behind in Edinburgh. I next saw her at the railway station in Hull about six weeks after. I went after her to Hull from Edinburgh. We stayed together at Mr. and Mrs. Thelwalls' on that occasion. As well as I know she had been staying at Mr. Thelwall's since she arrived at Hull. We remained at Thelwall's on that occasion about nine or ten days. Mr. Thelwall was at the railway station with her, and until that time I had never seen him. I went back to Edinburgh, leaving her at the Thelwalls'. I next met her at the Thelwalls' when I returned after an interval of three weeks. We remained there about six or seven days on the second occasion; I should have mentioned that I had been in Carlisle in the interval, by myself. I then went to London, leaving her with the Thelwalls. I next met her at Dunkirk, in February, 1858. I had been at Dunkirk before her, and received her on board the steamer in which she came from Hull. We remained at Dunkirk a couple of days, and then went to Bordeaux, passing through Paris on our way. We went first to an hotel, and afterwards got apartments. We boarded at Madame Andre's, a few yards from the house where we had apartments. We remained at Bordeaux five or six weeks. I was on leave of absence at the time. My leave expired on the 10th of April. I did not state to her at Bordeaux that I would communicate our marriage to my mother, and ask her to keep it a secret. I left Bordeaux in the beginning of April, about ter

days before my leave expired. I next saw her at the Ship Hotel, Leith, on the 24th or 25th of June, 1858. To the best of my recollection I was shown into a room first, having gone down there to ask for her, in compliance with a note received from her. She came into the room. I asked her why she had come there back to me in spite of what I had written to her. She replied that she wanted to see why I had so written. I said it was because, for reasons which she knew perfectly well, I could not live with her any longer, and it was better for both of us that it should be so. She taxed me with going to be married. I told her I thought it was the best thing I could do, and I asked her whether she would marry too, captivating some rich man, or whether she would prefer going either abroad or to New Zealand—the proposal to go to New Zealand having been previously suggested by herself.

The Chief Justice—Did you say to her—"Will you go to New Zealand, as you have yourself previously suggested?"

Witness—Precisely, my lord. She did not actually accede to either proposition, but seemed to entertain the one of going to New Zealand. I told her that I would send my brother to arrange matters with her, but that I could not see her again myself. I asked her if she would go to Glasgow on her way to New Zealand, in order that my brother might arrange with her there. I gave her the address of a man in Glasgow, "Mr. Gilligan," and told her to allow my brother to hear of her at Mr. Gilligan's,—to leave her Glasgow address there. I see the letter commencing, "Do not forget Gilligan's livery stables." That is the address which I gave her.

Have you any children by your present wife?

Witness—I have two.

Mr. Whiteside—I object to your taking that answer, my lord. It is nothing to this case whether this gentleman has as many children as King Priam.

Chief Justice—How can this be evidence, Sergeant Armstrong?

Sergeant Armstrong—I think it is, my lord.

Chief Justice—Tell me on whatgrounds.

Sergeant Armstrong—Perhaps my learned friends will say on what grounds they think it is not evidence (loud laughter).

The Chief Justice—Gentlemen of the bar, I am endeavouring to discharge a very important and a very difficult and unpleasant duty, and I must beg of you not to turn my court into a bear garden.

Sergeant Armstrong said he thought the evidence was admissible to show the position of this gentleman—that he had married and had a family—these being circumstances from which the jury might infer whether it was likely he would have entered into a second marriage, if he had been really married to Miss Longworth.

Mr. Whiteside—It cannot possibly be evidence in this case. If he lived with three women in succession it could not affect the question.

[Whilst the legal arguments were proceeding the defendant became much affected. He placed his hands across his face and wept for some time.]

Examination resumed—I understood from Miss Longworth at the time that she had a brother in New Zealand. I received a letter from Mrs. Bellamy in reference to her sister. I have not that letter, and do not know what has become of it. I replied to that letter. Miss Longworth and I did not at any time read that reply together. I did not give my reply to Mrs. Bellamy to Miss Longworth. I never saw it in her possession.

Sergeant Armstrong—I ask you to state the substance of that letter———

Mr. Whiteside objected.

Sergeant Armstrong submitted that the evidence was admissible, inasmuch as Miss Longworth had given what purported to be the substance of that letter.

Sergeant Sullivan observed that she did not purport to give the subsrance of the letter, but that, on the contrary, she said she had never read it.

The Chief Justice referred to his notes, and, after some discussion, ruled that the evidence was not legally receivable. He would, however, receive it if counsel pressed it, subject to a bill of exceptions, which, in his opinion, would be perfectly well founded.

Sergeant Armstrong said that after so strong an expression of opinion from the court he would not press the evidence.

Examination resumed—I recollect the name of Alcide, which occurs in the letters. The lady told me he was her brother at first, and then that he was her cousin. She spoke of him as a brother when she was in the Crimea, and spoke of him as a cousin in Edinburgh on the occasion of the first visit to that place. I have no recollection of her speaking of Alcide at the house in London to which I drove with her after our arrival from Boulogne. She did not tell me he was not her brother.

Several portions of letters were produced, which the witness swore were only parts of the letters which he addressed to Miss Longworth. In some instances he said there was a half sheet of note paper missing.

Sergeant Armstrong—One of these letters commences, "I will give you an account of my travels on Friday night *D. v.*, and"—what is the word that you wrote after "and?"

Witness—The word I wrote was "*possiblemente*"—the meaning of which is "possibly."

What is it now? It is *sposa bella mia*. Those words were not originally written by me I see that the word *possiblemente* which I wrote has been very considerably operated on. I see

that an *s* has been put before the *p*. The second *s* in *possible* has been changed and joined on to the *i* following it, and made an *a*, so that it reads "*sposa*," only that there is a long *s* in *sposa*. The letter *e* has been put after *b* over the top. The letter *i*, which ought to follow *b* has been lengthened and made an *l*, and the "*te*" has been turned into a "*mia*," and huddled altogether, so that it is quite destroyed. It now purports to read "*spo a bella mia.*" I never made that alteration; these changes are not in my handwriting; I received the letter produced from Miss Longworth.

Mr. Whiteside objected to the witness being asked any question as to this letter, because the lady had not been asked about it.

Sergeant Armstrong—I admit that it was not put into her hand, and I will, therefore, ask your lordship to allow me to do so, and to ask her about it.

Mr. Whiteside—Not now, certainly.

Mr. Armstrong—Oh, of course not; I mean at another stage of the case.

Examination resumed—No letters were burned or destroyed at Rostrevor; I lodged in the courts in Scotland on oath every letter connected with this matter which I had from this lady; I did not underscore any passages in her letters; I never touched them, but gave them just as I received them.

Did the lady in conversations you had with her on board the steamer from Boulogne, when you first met, make you aware of any secret affecting her life, character, or happiness, or anything of that sort?

Witness—No, I recollect nothing of the kind. Before I met the lady at Waterford I had been at Belle Isle, my brother's place. I was at Belle Isle from May up to the end of June, 1857. This was after she had gone to Hull. I had been in Ireland on leave of absence, three months and a half nearly before I met her at Waterford. My brother referred to is dead. He was married in February, '57, and I was at Belle Isle a few months afterwards. Previous to that, and before I saw her at Waterford, I had been at my father's house near Dublin. Whilst I was at Belle Isle on that occasion I attended the Protestant Church. In the spring of '57, when quartered at Leith, I attended the Episcopalian Church there. I attended church pretty regularly when at Leith. I have no recollection of asking her when at General Straubenzie's, in the Crimea, whether she would like to be an officer's wife, and that she said she would rather like it. We did not, when at General Straubenzie's, always speak together like *fiancees* and refer to marriage. I did not tell her at General Straubenzie's that there was one word that must never be mentioned between us. I do not recollect a conversation between us with respect to a "fraternal scheme."

Was there a verbal proposition from her to you or from you to her that she was to pass as your sister for a time? No.

Did she ever say anything to you about Bishop Bore? She did not.

Did she propose to you at Edinburgh that she should be married according to the rites of the Catholic church there? No.

Did you say that you would have no objection if it could be done with perfect safety? No.

Did she ask you whether you had ever been confirmed? I don't recollect.

Did she ask you if you believed in the doctrines of confession and absolution? No.

You have already said that you did not read the marriage ceremony from the prayer-book. Did you take her in your arms, embrace her, and say "by the laws of Scotland you are my wife?" I did not.

This concluded the direct examination of the defendant, and the court then adjourned for about twenty minutes.

CROSS-EXAMINATION OF MAJOR YELVERTON.

On the court resuming, the defendant was

Cross-examined by Sergeant Sullivan—Major Yelverton, did you ever love Teresa Longworth? I did.

Did you ever love her purely and honourably? (After a considerable pause) Not entirely, Sir.

I will repeat my question—did you ever love Teresa Longworth purely and honourably? No.

Then your love for her was always founded on dishonour? (After another pause. Yes, Sir.

With the determination from the first to seduce her? (Emphatically). No.

Explain me that? When I began to correspond with her I had no object either dishonourable or honourable.

And you continued that correspondence with her without object? When I met her at Galeta I was carried away by passion, and then first conceived the desire of making her my mistress.

In the convent at Galeta?—In the convent.

She wearing the habit of a Sister of Mercy?—True, Sir.

Attending the sick and wounded soldiers of the Crimea?—True, Sir.

And you conceived the intention then of taking her from that holy work, and of making her your mistress?—I conceived the notion of making her my mistress, but not from that holy place.

I suppose you thought, as your mistress, she could as well perform the work of charity in which she was engaged—did you?—The most kind-hearted women in the world are sometimes mistresses.

To be sure, Sir; that is your notion upon the subject. Did you intend to make her your mistress on that occasion, and to dishonour her in that convent?—No.

But you formed the design of making her your mistress? Formed the desire.

And not the design—what do you say to that? Design is a strong word.

And desire is a weak one, is it? The idea was the word I used

I ask you, did you form the design? I cannot call it design.

But you conceived the idea of making her your mistress? I did, Sir.

And you determined from that moment to carry it out? I determined from that moment nothing, Sir.

You had no determination from that moment? Determination and desire are very nearly the same as idea.

Did the idea continue? With proximity, yes.

And vanished with distance, and was reconceived by proximity? Yes, very nearly so.

Did you sit with her in the little room at Galeta, she wearing the robes of a Sister of Charity? Yes, Sir.

Did you talk to her? I did.

Was marriage mentioned? No, Sir.

Do you swear that? I do.

On that occasion? No.

Did you not swear on this table a while ago that you did talk of marriage on that occasion? I did not, Sir

Sergeant Sullivan—I refer to your lordship's notes. He said, "I talked of marriage, but I did not propose it."

Is that true? It did not refer to that occasion.

Very well. Did you talk of your pecuniary difficulties on that occasion? I did not, Sir.

What did you talk about for the two hours you were there? Our previous correspondence, and divers other subjects, which I find it hard to bring to mind at present.

Did you speak a little of love? What sort of love? I did not give it that name, Sir.

Did you make love to her? Well, I kissed her, and passed my arm round her waist.

You were in correspondence with her for two or three years? Two or three years; not quite so much, was it?"

How long was it? Beginning in 1853 and ending in the autumn of 1855.

Did you receive many letters? A great many.

And you wrote a great many? Several.

You spoke to her for two hours in Galeta? About that time.

You spoke of love to her, you say? Yes.

Tell me what you said.—I said I found something very loveable in her; that she was very attractive.

Well? That is about all.

During the two hours? Yes; but I was not talking all the two hours about love.

About what else? About our previous correspondence, where we had been, and all about since we first met.

You referred to the probability of again meeting in the Crimea? We did.

And that you would see her there? I rather dissuaded myself from coming, if I think right. I cannot swear exactly now, it is so long ago.

Then how can you swear you did not mention marriage? Because it is an important thing.

Is seducing a woman an important thing in your opinion? What is seduction?

Is seducing a woman—a gentlewoman—an important thing? That depends upon the nature of the seduction, Sir.

I understand you. Did you not tell me you formed the idea of making her your mistress? Yes, Sir, I did.

Was that an important thing? The idea was of no great importance.

To her? If I did not follow it up.

To her? Not without being followed up.

Was the idea an important thing in your opinion? Not without being followed up.

Is that your answer? Yes.

Was it important that you should come near her, having that idea? That depends upon what followed.

Do you think it is a laudable thing to seduce a woman? Upon my honour I do not.

Upon your oath—I don't want your notions of honour—is it laudable? I do not think it is.

Are you perfectly satisfied of that? I am now.

When did that satisfaction come over your mind? When I married, sir, on 26th June, 1858.

It was then you got a proper notion on the subject? It was.

But up to that, perhaps, it was a laudable thing in your opinion? No, it was not laudable.

What was it? Well, that depends upon whether it was found out or not (sensation in court).

So, up to June, 1858, your notions as to the culpability of seducing women were confined to the consideration whether it was discovered or not? You asked me the same question tiwce, and I repeat the two answers.

Now you put them both together?

Chief Justice—What are the two answers?

Witness—I said first that it depends upon the nature of the seduction, by which I mean the means a man takes, the trouble he gives himself, the positions into which he puts a woman—whether it was all upon his part or all upon hers—I think that makes a great difference in the laudability or otherwise of a seduction.

Sergeant Sullivan—I see. Do you think the laudability of it is favoured if the woman seduced is an orphan? I don't say it is laudable under any circumstances.

Do you say that now? I do.

Did you not say that its laudability depended upon whether discovered or not? I say its laudability or otherwise depends upon that.

Is whether it is found out or not a material element in its laudability? No, sir.

In what, then? In the blame it meets with.

Had you known, in the convent at Galata, that Teresa Longworth was an orphan? (After a pause). She had told me.

That her mother died in early life—that her father was dead? The atheist.

Chief Justice—Who said that?

Sergeant Sullivan—The witness adds that, my lord. You wrote her letters—you knew she was an orphan and a lady—a gentlewoman? I don't know, sir, what your definition of a gentlewoman is exactly.

Tell me what your own is? A woman of gentle blood.

Has education nothing to say to it, think you? Making a lady—yes, Sir.

Have manners nothing to say to it, think you? They have, Sir.

Have accomplishments nothing to say to it? They have, Sir.

Belief in religion? It has, Sir.

Did you know that Teresa Longworth was an accomplished woman? I thought so from her letters, Sir.

Was her manner that of a lady? (After a long pause, and with a degree of hesitation)—Tolerably so, Sir.

Had she told you who she was? She had told me that her father had been a silk merchant in Manchester, that her mother had been many years dead; that she and her family had quarrelled with her father, and never lived with him for many years, and that she and her sister were living concealed from everybody in the place in which I saw them in London.

You know all about her? What she told me.

Was she a gentlewoman in your opinion? I think, Sir, that accomplishments, religion, and everything else, must be added to gentle blood, to give a proper definition of a gentlewoman.

You must have gentle blood, at all events, according to your definition? Exactly.

And, perhaps, it is no harm to seduce a woman who has not that qualification? I did not say that.

Well, what is your opinion? Before 1858 did you think the element of gentle blood material in reference to seduction? I think I had better give you my idea of seduction, Sir.

Sergeant Sullivan—I should very much like to hear it.

Witness—Seduction is where a man follows a woman persistently and perseveringly, and with intent throughout to make her his mistress and dishonour her.

Very good, Sir—that was your idea of seduction then? It was.

Do you think that the fact of the lady not having gentle blood makes seduction better or worse? I don't think it makes any great difference.

Does it make any in your opinion? (After a pause.) Well, it does, and my reason for saying so is, that one has more to lose than the other.

And that, as regards the woman herself, makes the seduction better or worse as the case may be; is that so? As regards the woman's own feelings, is it?

As regards herself and her position. There is a greater loss of position in one case than in another.

I see. Did you believe Teresa Longworth to be a gentlewoman, as she said that day in the convent of Galata? (After a pause). Not according to my definition.

What part of the character did she lack? Gentle blood, Sir.

Gentle blood! She had all but that, had she not? There was something about her manner not quite——

Yes; you said the manner was tolerable? I think so.

But with the exception of the "tolerable manner," and the want of gentle blood, she was a gentlewoman, was she not? With those exceptions, Sir.

Yes; we must be particular, you see? Yes.

And you believed her to be so? Yes, Sir.

And you there formed the idea of seducing her, or of making her your mistress, as you say? Yes, Sir.

Do you know General Straubenzie? I have that honour.

Is he a man of honour and a gentleman? I believe so.

THE FIRST CALL.

He was a General in the British army in the Crimea? He was Brigadier-General.
Do you know his lady? I do, Sir.
A lady of accomplishments? Yes.
Of virtue? I don't know, Sir; I fully believe so, Sir. I beg to explain——
What is your opinion? I fully believe that she is one of the best wives in the world.
An excellent protectress of an orphan? An excellent protectress of an orphan.
And General Straubenzie an excellent protector? Yes, Sir.
Was her name mentioned in the convent at Galata? It was, Sir. To the best of my recollection Miss Longworth told me she was in the convent at the time.
Did she tell you she was going with her to the Crimea? I don't recollect that; I think she spoke of paying her a visit.
Was anything said about making her a *confidante?* No; I recollect nothing of it.
Nothing as to her being trusted with a secret? No; I recollect nothing of the sort.
Do you remember nothing of that sort on reading a letter from Teresa Longworth to you? Assisting my memory with these letters, I do.
Before she went to the Crimea? Yes.
You have been refreshing your memory with these letters? Yes.
Did you lately go over the evidence to-day? No, not at all.
She went to the Crimea afterwards to Lady Straubenzie? She did.
You visited the general's hut whilst she was there? Yes.
Constantly? Frequently.
Did you go there from day to day? So long ago I cannot recollect.
But you won't swear you did not? I will swear neither one way nor the other.
Did you see her at Lady Straubenzie's? I did.
As a guest at Lady Straubenzie's table? Yes.
Did you dine at the same table with her as Lady Straubenzie's guest? I did.

Had you a private conversation with her at Lady Straubenzie's hut I had.
Over and over again? Several.
Over and over again? I say several.
You will only say several? It is too long ago.
Had you thirty interviews with her? No.
Twenty? No.
Fifteen? No.
Ten? Ten private conversations do you mean? No.
Five? Perhaps.
Can you tell me how often you saw her at Lady Straubenzie's hut? I cannot say.
In the course of any of these conversations at Lady Straubenzie's hut was marriage mentioned between you? Yes, Sir, for the purpose of declaring its impossibility on my part.
Was it mentioned? For that purpose it was.
Were your pecuniary circumstances spoken of as an excuse for not marrying? Yes, sir.
As an excuse for not marrying whom? For the impossibility of it——
As an excuse for not marrying whom? I should have said——
Come, Sir, as an excuse for not marrying whom? May I correct my——
Answer me first and correct afterwards. As an excuse for not marrying whom? May I correct, my lord, what I said——
Chief Justice—Answer first.
Cross-examination resumed—As an excuse for not marrying whom? Come, out with it? As an excuse for not marrying one who would not be approved of by my family.
Upon your oath did "Teresa Longworth" hover on your lips when you said "as an excuse for not marrying?" What do you mean by hovering?
By your oath, I ask you, did the name of "Theresa Longworth" hover on your lips when you uttered the words "as an excuse for not marrying?" Do you mean to ask me if I thought of Theresa Longworth when——
No, Sir—I ask you again upon your oath did the name of Theresa Longworth hover on your lips when you used the words "as an excuse for not marrying?" It did not.
She was not the person whom you meant in your excuse for not marrying? I beg leave to correct——
Sergeant Armstrong—And so you can.
Sergeant Sullivan—I object to the cross-examination being interrupted. The witness is in my hands.
Sergeant Armstrong—I don't want to interrupt unnecessarily, but the witness answered the question fully, and he now has a right to correct or explain.
Sergeant Sullivan—To escape interruption let him explain what he likes.
Chief Justice (to witness)—What is your explanation?
Witness—It was one of the great reasons for the impossibility of my marrying without some fortune on the part of my wife, my pecuniary circumstances. It was not as an excuse, I just now used a false word, it was more a reason——
Chief Justice—For what?
Witness—For the purpose to make, that is, to show that marriage was an impossibility, I suggested another sort of connexion.
Chief Justice—With Teresa Longworth?
Witness—I did, my lord.
Cross-examination resumed—In the house of the lady of an officer in the British army at the Crimea, suggested this connexion to Teresa Longworth?
Chief Justice—Is that what you say?
Witness—That is my answer to it.
Chief Justice—Marriage being impossible, you proposed that she should become your mistress?
Witness—Very nearly that (sensation).
Cross-examination resumed—Your answer is, that you spoke of marriage to Teresa Longworth as being a thing you could not enter into? I did.
Why, then, did you not mention the name of Teresa Longworth a while ago, when I asked, "As an excuse for not entering into marriage with whom?" Because it was equally an explanation for any one in the same particular.
And therefore you suppressed her name? I gave this excuse, Sir.
Yes, "excuse" again? Or explanation.
You withdraw excuse? It was "explanation," Sir.
Your pecuniary circumstances were spoken of? Yes.
And your family? Yes.
And I suppose all this more than once? It is a long time ago to recollect the exact terms of a conversation. Its general tendency and meaning I can give you.
You cannot tell me whether you spoke more than once of your pecuniary circumstances, your family, and marriage? That is what took place, Sir, in that one interview; and I have no doubt that we reverted to the same subject afterwards twice, or three times, perhaps.
Your circumstances, family, marriage, and its impossibility? Yes, Sir.
And you have no doubt that you reverted to these topics several times? Two or three times.
Alone? Alone.

Sitting with Teresa Longworth alone? Sitting with her alone.

Sitting with her alone to the knowledge of Lady Straubenzie? Lady Straubenzie knew we were alone.

In her house? In her house.

Do you consider it any profanation of the house where you were a visitor to propose to seduce a woman that was there the guest of that lady—do you? Yes, Sir.

When did you find it out—was it since your marriage in June, 1858? No; I always thought it a very wrong thing to do.

Were you invited to dine at General Straubenzie's? I dined there very often.

Did you get invitations to dinner from Lady Straubenzie? Yes, Sir.

You dined at Lady Straubenzie's table under these circumstances? Yes, Sir.

And all the while you were plotting to make Teresa Longworth your mistress? Plotting is a hard word.

I ask you were you or were you not plotting to make Teresa Longworth your mistress? Plotting is a hard word.

Hard or soft, you will answer it? I was carried away by my feelings.

You were plotting; look up, Sir, to the jury—were you? I would not call it by so hard a word.

Were you planning? I was not planning.

Were you plotting? No, Sir; find me a better word.

Will you find me a better or a worse one, I give you the whole vocabulary? I was thinking of the thing; but, Sir, without any fixed intention of carrying it out, and always with the idea in my mind that this young lady was very well able to take care of herself (sensation).

Was that the reason why you stole back to the steamer at Balaklava when General and Captain Straubenzie had left her, because you thought she was able to take care of herself? It was arranged between us that I was to go back. I went back to the steamer to see her.

Was it because she was able to take care of herself? Because I wanted to see her—to speak to her.

It was arranged you should see her there? It was.

Where? Going there on the car.

With General and Captain Straubenzie on the car? To the best of my recollection it was then.

What was said? I cannot recollect the exact words.

Did the general and the captain see her on board the steamer? We all saw her on board.

Did they bid her an affectionate farewell, as friends parting with a lady who was dear to them Yes, Sir.

As a soldier would bid good by to a lady who was his guest? Yes.

The general and the captain left? Yes.

Did you go with them? I went ashore with them.

You waited until they went away? To the best of my recollection I did until they started, for it was my own car.

Having started them, you went back to the steamer? I did.

To attempt the virtue of Teresa Longworth? No answer.

Well, Sir? I did not go back for that purpose.

But the attempt followed pretty quickly? It followed that evening, certainly.

Now, answer me this; did you make Teresa Longworth any promise while she sat as a Sister of Charity by your side? Promise of what?

Of anything? Of nothing important.

Did anything pass between you? I made no promise of marriage.

Did you make any promise? I can recollect no promise.

But you must have made some promise? Of what nature?

Of any nature? To lend her a horse to ride if she came to the Crimea.

Was such a thing spoken of? I think it is quite possible.

But nothing of more importance than that? I don't recollect anything.

You saw her on board the steamer? I did.

Where did you see her when you went on board the steamer? On the deck.

What part of it? The poop; I recollect we sat on the poop, but where I saw her first I don't recollect.

You sat on the poop? Yes.

You attempted her virtue, as you described it? I commenced such an attempt.

Did you attempt her virtue on that poop? I would not by forcing it. I would have gone to that, no doubt.

Did you attempt her virtue or not upon that poop? Yes.

And you had told her before that marriage was impossible? I had, Sir.

And you proposed, at Straubenzie's, that she should be your mistress? It is too true, Sir.

You stated in your direct examination that you attempted to take possession of her person, but it did not go very far—were not those your words? When the ladies withdrew these were my words.

But the exact words—"I attempted to take possession of her person, but it did not go very far"—do you stand by that, Sir? "It did not go far"—yes, but the ladies were present at the time.

And you were so modest, is not that it? (a laugh).

Did you use the words I mentioned? I don't recollect—I recollect saying something to the effect that I did not proceed to extremities.

You exposed your person? It was dark.

And it made no matter therefore—did it? It was not so bad as if it was light. I could not have done it if it was light.

But you took the opportunity of the darkness to do it? Do you make no allowance for a passionate man and a passionate woman together. Is that your question to me? Very much that, Sir.

Do you think it more honourable for a man having such a design to keep away from a woman than to go to her; is it not more honourable to keep away? True, Sir.

And you went on board that vessel with the intention of making her your mistress? I went on board to see her and to talk with her, but I was led away afterwards by my feelings.

Is that what you swear? By my passion.

Were you led away by your passion when you proposed on the steamer to make her your mistress? I was, Sir.

You appear to me very cool? Not in bed (hisses).

Sergeant Armstrong—He says, "Not in that."

Sergeant Sullivan—He did not, Sergeant Armstrong, he said, "Not in bed."

The Chief Justice—There is no mistake about it.

Sergeant Sullivan—Repeat the word you used? Witness—Not in bed, Sir.

Sergeant Sullivan—Your counsel said, "Not in that."

Sergeant Armstrong—There was a suppressed murmur when the answer was given, and I was not sure about it.

Witness—I want to explain. Sergeant Sullivan thinks me cool, now, but I wish to explain that my passion is very strong as regards women, and I inconsiderately used the expression "not in bed."

Sergeant Sullivan—Your passion is strong; is your feeling of honour as strong? Come, answer that?

Witness—Not so strong as it ought to be, it was not then.

You did not succeed? I did not; the sailors intervened, or at least were about the place.

Were you on your knees at all? No, Sir.

Upon your oath, were you upon your knees at all on the poop? Not to my knowledge.

Will you swear you were not on your knees? To the best of my recollection.

Will you swear? To the best of my recollection.

You won't go further? No.

Did she send you a sketch of you on your knees, she pushing you away? I don't recollect any sketch, now.

A letter was handed to witness on which was the sketch mentioned by counsel.

You see yourself on your knees there, and she pushing you away? She is holding up her hands and deprecating it.

The sailors were about the place on deck? They were about the place.

Did a sailor keep his eye on you? No, he did not.

You did not accomplish your purpose? I did not.

She went down to her cabin? She did.

You pursued her down? I went down with her, not into her cabin.

You said something about the partition being thin? The partition was thin.

Between her cabin and the captain's, and you did not go in on that account? I think but for that I should have gone in.

You would have gone in but for the partition? But for the danger of detection.

For her had you any feeling? For the protection of her as well as myself.

It was not for her sake you refrained from going in? I could gain very little discredit, for the sailors would not know me. It was more for her sake than my own that I did not pursue her into the cabin.

Do you swear that you would get no discredit? I mean that I would get no discredit—that I was unknown on board the vessel. She was going down in the vessel to Constantinople, and therefore it was her character that would be involved by any indiscretions on my part in Balaklava harbour.

And not yours? I should have gone on shore.

And dismissed her from your memory, and let her care for herself the best way she could; is not that it? Very much so.

Did you go to a berth? I beg to explain I should be obliged to go on shore, for I was on duty.

Did you go into her cabin in the morning? Yes. She went into her cabin and lay down on the top berth.

Away from you? Yes. Because I found her there the next morning.

You went to her berth in the morning, and kissed her? I did.

You took your leave of her? Yes.

You went away from her? Yes.

With the idea that you made the attempt to secure her as your mistress, but failed? I did.

And you kissed her—an unholy kiss?

Witness (after a pause)—An unholy kiss.

You wrote to her after that? I did. The next letter was from her.

Don't be fencing with me, Sir. Did you write to her? Yes.

Many letters? Yes.

How many, do you know, until you saw her next? I don't know.

You saw her next at Leith? Yes.

Did you make her any promise, in the interval, between the time she left Balaklava and the time you saw her in Leith? A promise that I would go see her in the Bosphorus.

Did you get this letter from her—"In truth I am not friends with you Mr. Carlo; and you never shall sit on my divan again until you fulfil the promise better that you made there?" I have no doubt that I did.

What does the divan refer to? Hand me the letter (witness reads the letter.)

What does the divan refer to there? No answer.

Did you ever sit on a divan in the convent of Galata with Teresa Longworth? It was a sofa she sat upon.

Is it called a divan? The Turks call a thing they sit upon a divan.

Well, did you sit with her on something at Galata? On a sofa.

What the Turks call a divan? No answer.

Why don't you answer? Because I don't know—that is my reason.

Didn't you swear that the Turks call what they sit upon a divan? Yes, but that was not a Turkish place at all—it is a French place.

Is Galata in France? It was in a French convent, but it is in Turkey.

Did you sit at Galata on a divan or sofa? I sat on a sofa.

Upon your oath does not "divan" in that letter refer to that sofa? I think it does, Sir; the letter is written figuratively.

Take it again in your hand. "You shall never sit on my divan again till you fulfil the promise you made to me"—what does that promise refer to? I recollect no promise. It is my opinion that was written in a figurative manner.

Turn to page 89 of the book. In the letter beginning Cara Teresa you will find these words,—"If, on reflection, I find that I had placed myself in a false position with regard to you, one of all others the most painful to me—namely, that I had promised to you to do more than I could have performed when the time came"—what was that promise, upon your oath?

Witness (after some hesitation)—It was a promise to live a good deal with her, and the whole of our future connection was pointed at. It had been arranged that we were to go abroad and to live together, but we were not to be married. I had promised to do more than I could perform when the time came. I had promised to spend more time with her than I found I could do, as it would involve too much absence from my friends and from my duty.

"When the time came"—what did that mean? When she could come to live with me.

When was that letter written? The letter was written some time in May or June, 1857.

Look now at her letter where she says "I have been dreaming ever since. I cannot bear it. You know it is not in nature, and you swore before God, and you will not perjure yourself." What does that mean? It is a very strong expression on the part of Miss Longworth. I have no recollection of swearing with any solemnity before God, anything.

Anything at all? Anything at all.

You never swore anything before God with her? I have no recollection of doing so.

At any time? Except it be to protect and love her under the unfortunate circumstance of the impossibility of our having any better connection.

Do you think the way to protect and love a woman is to hold her as your mistress, and throw her off when you like—is that your protection and love? The protection and love that I meditated at that time.

Then call it by some other name, and do not degrade those words by attaching to them so vile a meaning—find me some other name for your design? Passion.

She says "You swore before God, and you will not perjure yourself." You say that this is a figurative expression, and that you never swore solemnly—did you swear at all? I have no recollection of swearing at all.

But you might have done so? No; I do not think I might.

And this promise of yours—"that you had promised to do more than you could perform when the time came"—was the protection and love you would give to this lady as your mistress, so that you could fling her off whenever you liked. Is that so? I had no intention of throwing her off.

But intentions are dangerous things. You know you did so? True.

Can you tell how many letters passed between you and Teresa Longworth from the time she escaped from you in Balaklava till you saw her again at Leith? I can't tell.

Were there fifty, do you think? No, I don't think so.

Well, there is a good large bundle of them there. What time did you first see her in Leith, in 1857, after she had left Balaklava? At the end of January or the beginning of February.

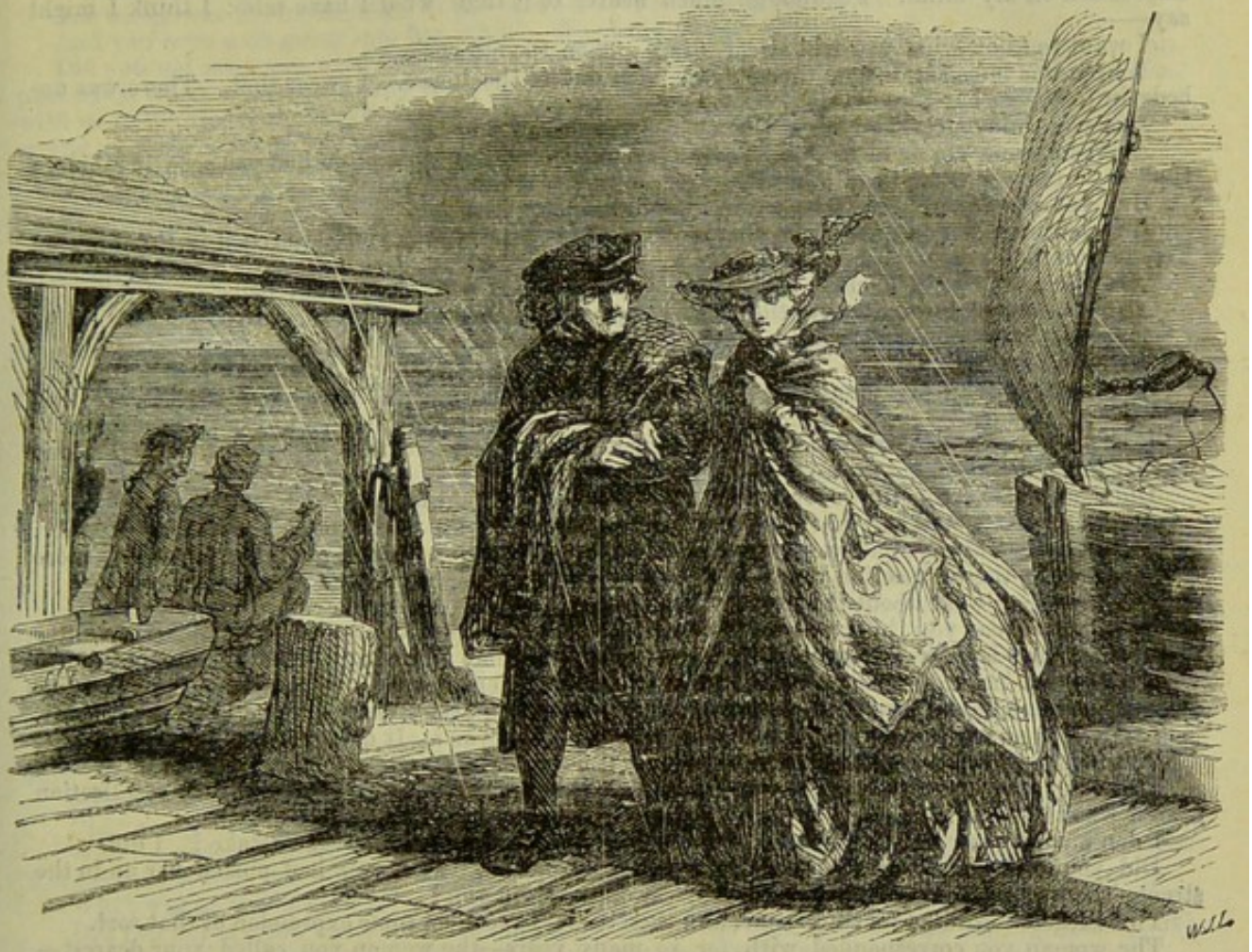
Had you told her before that, or written to her, that she would be welcome in Edinburgh if she came? I had written a small sentence to her in Italian to that effect.

Did you write these words to her—"Sei la ben venuta"—before she came to Edinburgh? I wrote that to her, to the best of my recollection, on her coming to England.

What is the translation of "Sei la ben venuta?" It is the ordinary expression of welcome in Italian.

Is it not "Be thou the welcome one?" It is a familiar welcome.

Again, I ask you, is not "Be thou the welcome one" a fair translation of it? It means "Be



LANDING FROM A DAY'S YACHTING.

thou well come." I wrote her this when I heard of her arrival in England. I wrote it from Edinburgh Castle, where I was then stationed.

And so far as you were concerned at that time the woman was pure, at all events from your assaults? She was.

She was living at Edinburgh with Miss M'Farlane? She came to Edinburgh with Miss M'Farlane.

Was not Miss M'Farlane living with her? She was.

They had one room for a sitting-room, and another for their bedroom—is not that so? True.

You have sworn you had improper intercourse with Teresa Longworth in Edinburgh? Yes.

Will you tell me where that first took place? On the sofa in Mrs. Gamble's sitting-room.

On what day? I can't tell.

It made no impression on you? The day made no impression.

Will you tell me the month in which this took place? March.

What time in March? In the latter end of March.

Have you any doubt about that? No; I have none.

Had you ever any doubt about it? No.

You were always of the same opinion? Yes.

Always clear about it? As clear as I am now.

And always as distinct? Yes, as to the fact, not as to the date.

Have you not sworn it was in the latter end of March? To the best of my recolletion. Yes.

Now I want to try your memory about this. Can you give me the week or the day in March on which it happened? No.

The day made no impression on you? No.

You don't make entries of these things in your diary? No.

Are they so numerous that you don't recollect them? No.

Does the frequency of these events cause them to be the less impressed on your mind? No.

Again, I ask you can you give me the week, the day, or the hour of the day in March on which this happened? I have answered to the best of my ability. I said the latter end of March.

What time of the day? The afternoon.

What time do you call the afternoon? After *noon*—after twelve o'clock.

Come as close as you can to it—what time of the day? I cannot swear positively. It made no

impression on my mind. I cannot go much nearer to it than what I have said: I think I might say——

I want to know what you will swear, Sir? Then I can't swear.

Where was Miss M'Farlane then? She was out of the house. I swear that. There was nobody in the room but ourselves.

And you cannot tell the hour of the day, or the day of the week? No.

And can go no closer to it than the latter end of March. How often had you seen her before that day after she came to Edinburgh? A great many times.

Had you attempted her virtue before in Edinburgh? No.

Had you seen her frequently in the interval between that day and her arrival in Edinburgh? Yes, frequently.

Had she and Miss M'Farlane been to see you when you were ill? They had.

And you first attempted her virtue on this day as you have sworn? Yes.

A Juror—Was it dark at the time?

Witness—Light.

Sergeant Sullivan—Did you wait till Miss M'Farlane came in? We did. I recollect her coming back.

How long was Miss M'Farlane out? I cannot say. I very often did not see Miss M'Farlane when I first went there.

Did you ever say this improper connection took place in February? No.

Anybody that would say that would say what is false? To the best of my recollection, certainly.

And you have always had as strong a recollection of it as you have now? I am speaking more carefully about the transaction than ever I did before.

Did you ever swear about it before? No.

Now let me read you this passage—"deponent had at one period previous to his marriage after mentioned (that is your marriage with the widow of the late Professor Forbes) illicit intercourse with the person named Maria Teresa Longworth; and as deponent best recollects such intercourse first commenced in the month of February, 1857." Did you ever swear that? I don't recollect it.

An oath is no matter to you—it makes no impression on you? It does, Sir.

It is impossible you could have sworn that, is it not? I made a great mistake if I did.

There is no doubt of that, Sir—you did make a great mistake? To the best of my recollection March was the time.

I don't want your recollection—if you swear that you made a very great mistake? I did.

Did you ever speak of Teresa Longworth as "a person," as if you had picked her up in the street—the woman you protected and loved, you know—did you?

The witness hesitated for some time, and then said—I recollect some expression of that sort.

The woman you corresponded with for so many years—the woman you called your dearest—is this the woman you spoke of as a person? Yes.

Is that protection? No, indeed.

But if you ever said that you had connection with her in February you made a great mistake? I did as to the time.

Do you think the time of no importance where a woman's virtue is concerned—is it of no importance that she shall have an opportunity of knowing the time and the place? If I could have sworn distinctly to the time, I would.

You have sworn one thing here and another thing somewhere else? I hope not.

Well, you will be convinced of it by and by? I trust not.

Now, in the interval between the end of March and your going to the steamer with her when she started for Hull, had you any intercourse with her? No.

Then you had intercourse with her once and once only in Edinburgh before she left in the steamer? Once only.

What day did she leave in the steamer? I think it was about the middle of April, about the 15th as well as I remember.

I believe you are wrong there—it was on the 25th? I only speak from the fact that I got leave of absence from the 18th, and I saw her on board before I went away.

You have sworn that while at Edinburgh there was but one occasion on which this intercourse took place before she went on board the steamer? That was all.

Did you call every day to see her in the interval? Very often.

Did you go out riding with her? I did.

Did you send a carriage for her? Yes.

And for Miss M'Farlane? And for Miss M'Farlane sometimes.

Did you send a carriage for her during the interval between the end of March and her going away? Oh, I am speaking of the whole visit.

I repeat, did you send your carriage for her and were you in the habit of walking and riding with her? Yes.

Did that continue until the time she went on board the steamer? Yes.

It appears steamers have a wonderful effect on your temper? No, Sir.

Where was the steamer lying? At Leith. I don't recollect her name.

You say you had intercourse with her on board the steamer? Yes.

Was it on the poop? No.

Where was it? In a small cabin down below.

Was any one there to see you going in? I don't recollect.

For whom was the berth taken in the steamer? For Miss Longworth.

And you were seen going into her cabin? No, I did not say that.

Did you not state you were shown in? No, I was shown into the main cabin. There were no passengers when we came in, only the people belonging to the ship. Miss M'Farlane did not come with us to the steamer. She had been put into the convent before that. I don't recollect any one seeing us going into the inner cabin.

Were you very anxious to get possession of her in Edinburgh? Yes.

Had this idea been dwelling in your mind? I was very anxious.

Did you ever speak to her of how people were married in Scotland? No.

On any occasion? I recollect on one occasion speaking of what I had seen at a railway station in coming up to London—I mean a notice—to the effect that border marriages were done away with; and I had a recollection then of an act of parliament which had passed in the session before, and my belief was—and I recollect a conversation in which I told that belief to Miss Longworth—that these marriages were not done away with, and that Scotland and England were more assimilated with regard to marriages.

You had this conversation with her about Scotch marriages? Yes, naming that fact.

Where did that conversation take place? In Mr. Gamble's house.

In the little room? Yes.

Was there ever a prayer-book there? Yes, Miss M'Farlane's prayer-book; I have a recollection of Miss M'Farlane having a prayer book there.

Did you ever open it? No.

How did you know what it was? By the outside.

Did you ever take it into your hand? Never, to the best of my recollection.

Will you swear you did not? I cannot swear it; I may have moved it from one table to another; I did not take it with an intention into my hand.

I don't want your intentions. On your oath, Sir, did you take that prayer book into your hand? On my oath, I have no recollection of taking it.

I don't want your recollection. Did you take it? You can't make me recollect it.

Yes, Sir, because you don't wish to do so? I do wish to tell you the whole truth, and I am sure I have not spared myself.

I ask you again, did you take it in your hand? I have no recollection.

Did you open it? I did not.

Will you swear positively you did not? I can't say I did not take it up. It is possible I might have moved it from one table to another.

What was on the back of it? I have no recollection.

Did you not say you knew it by reading what was on the back? I did not say by reading it; I said I knew it by the outside. It was a stout little book of the usual shape.

Whose was the book? I suppose it was Miss M'Farlane's. I imagined it to have been hers of course, because it was there. I had every reason to believe it was Miss M'Farlane's.

How long wass Miss Longworth in Edinburgh before this occurrence in March which you have described? Six or seven weeks.

You were anxious to have possession of her person? Yes.

Your mind was on it? Yes.

Had you the idea constantly before you? Yes.

Would you have stopped at anything to realize it? [The witness did not answer.] Come, Sir, answer my question—would you? I would not have committed a rape to do it.

But anything short of a rape you would have resorted to, to realize your design? No, Sir. I would not have taken possession of her person without her consent.

But would you have used any means to get that consent—anything short of rape? What sort of means do you mean?

Anything whatever—arguments, persuasions, endearments? Endearments, yes.

Arguments? No.

This idea was haunting you constantly day and night for seven weeks? No. I was away part of the time.

But did it follow you where you went? Yes.

How large was this room of Mrs. Gamble's? It was a small room, about 14 or 15 feet wide, or thereabouts, and I should think 20 feet or so the other way.

Did the bedroom open into it? It did.

Did you know that Miss M'Farlane sat in the bedroom? She did sometimes.

When you were in the other room? Yes.

You said that about the 15th of April she left in the steamer for Hull. Where did she go to from that? To Abergavenny, in Wales.

Did you write to her that when she was a week in Abergavenny you would like her to write to you. Did you not say in one of your letters "I shall be anxious to hear from you when you have been about a week at Aberg——y? That is my letter.

Had you, before she left Edinburgh, spoke of a marriage at all besides the conversation you have said about Border marriages? No, unless I spoke the same thing over again.

But you might have spoken about that several times? I only recollect one conversation. I cannot be positive about it.

Did you write this letter?—"Carissima, I had forgotten the photograph. I depart to the other side of the water to-morrow, D.V. I hope you had a pleasant passage and dreams. I am sulky, hate uncertainties, and believe in nothing. Addio. Penso a te." Is not that the first letter you wrote to her after she left Edinburgh in the steamer? I believe it was. This is the original letter in my hand.

Do you see at the bottom of it a hand pointing as it were to something on the other side? I do. [After some hesitation]—I don't think I drew that hand.

Do you swear it? Having looked at the paper for several minutes, the witness said—I cannot swear.

Look at this sketch—Did that go with this letter, upon your oath? Yes, I think that is my touch—that is one of my sketches.

Did it go with that letter? I can't remember.

Is not that what the hand refers to? Upon my oath I cannot recollect. I won't swear the hand was drawn by me. The sketch is mine.

Is not that a sketch of a woman rejecting the advances of a man—refusing him? She seems to be running away from him.

And he imploring—is that not what it is intended to portray—a woman rejecting the advances of a man pressing on her? Yes. There is some writing on this which I never wrote. I cannot make out what it is.

Do you see the last few words in the letter now produced from the lady to you?—"I will give you timely notice of my approach. The excursion in the autumn will be just the thing when we come back from our ——" What would read after that? I cannot read it.

You know her writing well. Is that letter an "h" which you see? I think it is.

Do you see a space after that, and then do you see an "m"? Yes.

What would you read that? "When we come back from our h——m." It is h——m.

What does it mean? I don't know.

What, it reads h——m? It is a very bad "h."

Good or bad, what does it stand for? I do not know.

Do you swear that? How can you swear what it stands for?

Do you form any opinion what it is intendedfor? What it is intended for?

Ay. Well, with an explanation I can.

Answer me first. What is it intended for

I think she intended it for "honeymoon."

And why did you not say so? I am going to explain. I have seen these printed letters; I have been examined on them before, and I have seen the word "honeymoon" put in by Miss Longworth or her agents, as the reading of the h—m, and to the very best of my recollection I never discovered it before.

Will you swear when you got the letter you did not know what it meant? I am afraid I never took the trouble to guess at it.

Is that your answer? That is all.

Had you an autumnal trip after your Irish marriage? That never took place you know.

That is not my question; had you an autumnal trip in the Highlands after your marriage in Ireland? Yes; only you call that a marriage in Ireland which I do not.

Don't be too sure of that; we shall see. But you never took the trouble to guess at this? I saw this letter, and I saw this explanation of it, and accepted it as the right one.

And it is the right one, of that you have no doubt now? Now I have no doubt.

The letter of yours I now place in your hand was written after Mrs. Yelverton left Edinburgh? Yes.

In it you say, "How are you getting on in health, carissima? * * * What and when is reality to be?" What is that? When was she to come to live with me entirely as my mistress, and give herself up to me completely and entirely.

I believe in the same letter you have some mention of sending a prayer-book? There is, Miss Longworth gave me a commission to send a prayer-book to Miss M'Farland; it was to be a Roman Catholic prayer-book, which could be got in Dublin better than where she was going.

The court was then adjourned to this morning, when the cross-examination will be resumed.

The bearing of the defendant during the exceedingly severe cross-examination of Sergeant Sullivan was very cool and collected. Frequently he paused for a considerable time before answering the question put to him, and many of his replies were characterised by caution.

When the court adjourned there was assembled in the Hall, outside the court, a large crowd of persons, who, unable to obtain admittance into the court during the day, were most anxious to hear how the trial was proceeding. Those who had been in, and who now came pouring out, were everywhere met with inquiries as to what the defendant was like, what he swore, and how he got on generally, and any one who was obliging and communicative enough to stop to answer these questions, found himself immediately surrounded by a numerous auditory, who listened with the greatest eagerness whilst the proceedings of the day were detailed to them.

THE STREET IN CONSTANTINOPLE.

SEVENTH DAY.

The hearing of this case was resumed. It is needless to say that the public interest in a trial which must ever hold a prominent place amongst the *causes célèbres* of this country, continues with unabated intensity. The court and all the avenues leading thereto were, as on all previous days, crowded to excess, long before the proceedings commenced. His lordship having taken his seat on the bench, and the jury having been sworn,

THE CROSS-EXAMINATION OF MAJOR YELVERTON WAS CONTINUED.

The Hon. Major Yelverton entered the witness box, and his cross-examination by Mr. Sergeant Sullivan was resumed. Before you went to the church at Kilone, where the ceremony took place, a good many letters passed between you and Mrs. Yelverton? Altogether, yes.

I mean in the interval between April, '57, when she left Edinburgh, up to the beginning of August, 1857—did not a good many letters pass between you during that interval? There were a good many.

Now, look at this letter (original letter handed to witness). Is not that one of hers? Yes.

That I believe is a letter which was written by her to you after she had left Edinburgh in April, 1857? It was, Sir.

It commences "Caro Mio." Now, look at this passage in it. "Oh, Carlo, to suspect me of such a thing. I whose very life is ebbing away for you. I have sacrificed all but God to you." Do you see that passage? Yes.

Was that true? (After a long pause, during which he appeared to be examining the letter), I would rather look at the printed book.

Come, Sir, you ought to know her writing well? Yes.

Look at it, and read it from the beginning down to the passage I have mentioned—"I who have sacrificed all but God to you"—is that true? (After a long hesitation). It is an exaggerated expression.

Is it true? (No answer.)
Come, Sir, is it true that she had sacrificed all but God to you? (No answer.)
Come, answer, Sir, answer. Well, Sir, it is more than true.
It is true? True, yes.
It is true, then, that she sacrificed all but God to you. When did you buy the wedding ring, and where? I bought the wedding ring in August, 1857, to the best of my recollection.
Come, now, where did you get it? In a shop on the quay.
On Aston's-quay? I don't know; it was a shop at the other side of the water.
Was it not at Mr. Martin's shop on Aston's-quay? I looked at the shop the other day, and I don't think it was Martin's.
Do you swear that, Sir? I think Mr. Martin has changed his shop.
Oh! Mr. Martin has changed his shop—do you say that? I don't want to fence, Sir. I bought the ring, and bought it in one of the shops on the quay, but I looked at Mr. Martin's shop the other day, and I don't think it was in Martin's I bought it.
But you won't swear it was not? No.
Did you ask for a small ring? I did ask for a small ring.
Was the man some time looking for it? Yes, he was some time.
And you got it. How much did you pay for it? I can't recollect.
Was it for Theresa Longworth it was bought? It was, Sir, for Theresa Longworth I bought it.
A wedding ring? Yes, a wedding ring, Sir; but I must explain that that ring was bought for a particular purpose. Theresa Longworth, up to that time, had this ring which I have on my finger (pointing to a small ring which he wore.) She wore it with the seal turned inwards, so as to avoid calling attention to it; and either when I was stopping at Malahide or Rostrevor I came to Dublin and bought a plain gold ring and substituted it for this, which she then wore.
Was it bought for the ceremony at Kilone? It was not.
Was it used for the ceremony at Kilone? It was on her finger before that time.
That is the ring you fiddled with, as you said? (No answer.)
Come, Sir, is not that the ring you fiddled with? I did not say that.
You did, Sir, it is your word. No, Sir, I did not use the word.
Sergeant Armstrong—He did not. He took it from the Lord Chief Justice.
The Chief Justice—It was my description of what he said he did.
Sergeant Sullivan (to the witness)—But you adopted it. Is not that the ring you fiddled with? I fiddled with it, subject to this explanation, that I was speaking to the best of my memory of what happened, of details of which I have no very accurate recollection.
You have not an accurate recollection, then, of what took place in the chapel on that occasion? I was taken by surprise.
You were taken by surprise? You are a gentleman that was very likely to be taken by surprise (laughter). I was on that occasion.
Look at the Italian words in this letter, in page 92. Was that written by you? Yes.
It was written before she left for Ireland? To the best of my recollection it was a letter written from Leith fort, on her arrival at Leith.
Do you swear that? I swear that was the place I wrote it from, as well as I can recollect. At this distance of time I cannot say accurately.
Translate it now for me. "To-morrow I will tell you what I wish. Tell me where and when."
Is this a letter of hers at page 95? It is.
Sergeant Sullivan then read the following extract:—"*Caro mio Carlo*—I have said the word; will do all you ask me, and name the time and place as soon as I am able." On your oath, is not that the answer to the letter which you have just translated? No; that is not the answer.
Do you swear that, Sir? Yes.
What became of the letter to which it was an answer? (No reply.)
Did you ask her to name a time and place before she came to Ireland? No, Sir.
Then she was dreaming when she wrote this? There was a correspondence about this, Sir; and, first, it was proposed we should meet at Chester. Then it was proposed we should meet at Liverpool.
Who proposed all this—what place did you propose? I proposed Liverpool, I think.
For what? For the purpose of meeting her.
For what—to take her under your protection? To take her under my protection.
To make her your permanent mistress, as you said yesterday? Yes.
And you proposed Liverpool for that purpose? Yes, certainly.
She was then under the shelter of her sister's house in Wales? Yes, so far as I knew.
Come, Sir, did you not know it well? Yes; I was receiving letters from her from Abergavenny, in Wales.
From the house of Mr. and Mrs. Bellamy? Yes.
And you proposed that you should meet her at Liverpool to become your permanent mistress? I proposed to meet her at Liverpool. Yes.
Did you ask her to name the time and place? Yes. Allow me to explain. It was arranged before she left Edinburgh for Hull that we were to meet again in about a couple of months.
To be married? No.
Again, Sir, I ask you was it not to be married? No.

Then for the purpose of her becoming your permanent mistress? In law, yes. [This answer, given with great coolness and deliberation, elicited some murmurs of disapprobation.]

Will you tell me the meaning of that? I will tell you how I explain it, Sir. When we were together the impossibility of my marrying her was often talked of, and was well understood between us.

The impossibility of your marrying her? Yes, my marrying her now at this time; and, therefore, she suggested in the first instance that something should be done to save her conscience, which should leave me free; and I refer to one of her letters showing that, and I undertook, on my part, to protect her and love her. That is what I call her "conscience saving ceremony" (sensation).

Then it was arranged before she left Scotland that there should be some such ceremony? Yes, as well as I recollect it was arranged that it should be done abroad.

It was arranged before she left Edinburgh that there was to be some ceremony? Yes, Sir; but we had arranged that it should be done abroad—that it was to be of a very informal nature, and by a minister of her church, and was by no means to be as solemn a thing as was subsequently done (sensation).

And there is no doubt it was all arranged before she left Edinburgh? Yes.

Then, when you came with her to Ireland, was it not for the purpose of carrying out that ceremony? I did not come with her to Ireland, Sir.

Well, Sir, you were with her in Ireland? I met her here, Sir. I don't want to fence. She came to Waterford to meet me. It was our final arrangement that she was to come to Waterford, and that I would meet her there.

Was it not that ceremony she had settled to take place in Ireland? No; we were to go abroad at first.

I repeat, was not that the ceremony you had settled to take place in Ireland?—It was not; as I have explained, we were to go abroad as soon as I was able to go, and it was to take place there.

And this was to be a marriage where she was to be bound, and you free?—No, Sir; neither of us was to be bound.

And this is what you call making her your mistress in law?—That was our arrangement.

Did you tell her you would make her your mistress in law?—The proposition of such a thing came from herself.

Did you tell her she was to be your "mistress in law" by the ceremony, whatever it was? Yes; adopting your words; but I don't acknowledge to having used these words.

But it is certain there was to be a ceremony of some character? Yes.

And before a clergyman of her own religion? That is true.

That is, a Catholic priest? Yes; a foreign one.

Was the foreign priest determined on to make the marriage ceremony more secret? Well, yes; partly for that reason; that it should not ooze out to any of our friends that we had done such a thing.

That there had been a religious ceremony between you? Yes.

A religious ceremony? It was to have been a blessing, as I understood it.

Or a curse, which? (After some hesitation). It proved a curse, Sir.

What? When we did more, even, it proved a curse.

Which do you think you proved, a blessing or a curse to her? A curse.

I believe so. I wish to explain, Sir.

You are fond of explanations this morning; however, go on. This arrangement was Miss Longworth's own suggestion. I acceded to it, and the minister to perform the ceremony was not to be of my own religion. She perfectly well knew that.

Are you done? That is all.

In the course of the many conversations you had in Edinburgh with Miss Longworth, was religion often spoken of? Not very often.

Was it at all? It was, Sir.

Several times? It may have been. I will explain.

If you think it necessary do so.

Religion was spoken of principally with regard to Miss M'Farlane, who was then a Protestant; she was going to the convent, and speaking to her, I said, "They will convert you if you go there." Miss Longworth laughed and said, "Oh no, they won't." I recollect that conversation, because afterwards I was asked to get a prayer-book for Miss M'Farlane, when she had turned convert.

Was religion spoken of between you and her in Edinburgh? I have no recollection of any particular conversation except that. I think it is very likely some such conversations did occur.

Several times? Yes.

You say you went to mass at Edinburgh? Yes, Sir; that was in the autumn of 1857.

Do you mean after you came back from Ireland? I do.

Were you there in the spring of that year? I was not.

Do you swear that? I do.

At all? At all.

You say you attended Protestant places of worship? Pretty regularly, to the best of my recollection.

What do you mean by "pretty regularly?" Will you swear you attended it all, once even, 1853? Yes, I will, or twice.

Will you swear three times? Yes, I can swear three times.
Can you swear four times? I begin to be doubtful now.
And do you mean that "pretty regularly" is three times? Well, Sir, the whole course of this case shows I was not a religious man.
You say "pretty regularly?" Yes, Sir.
You now say you were three times? I say that is all I can swear positively. I must explain (I am sorry to explain so much). The reason I say three times is because we used to take it in turns to take the soldiers to church.
And that was the only time you were there when on duty?—I was there sometimes beside that
Upon your oath, were you any of the three times there except with soldiers? Come, during the whole time in 1757 in Scotland? The spring of 1857
Yes; were you any of these three times there without soldiers?—Yes, I recollect once
Where was that?—In Edinburgh. I went in Leith, with soldiers
Are you certain you were four times?—I was there about four times
Will you swear you were?—No, Sir
You won't swear you were there four times, and three times were with soldiers?—I did not say the three were absolutely with soldiers
Will you swear they were not?—I will not, it is so long ago
Then what did you mean by saying you attended Protestant worship "pretty regularly?" On this question of religion you said your father and mother were Protestants?—Yes
Are any of your family Catholics?—My grandmother
When did she die?—Last year
Was it on the day twelvemonths before this trial commenced?—Just about that
Where was she buried?—At Rathfarnham, I think
Was she buried as a Catholic?—Yes
With the priest of her church attending her funeral?—Yes
With all the rites of the Catholic church?—Yes; I believe so. I don't know to the contrary
Were any other members of your family Catholics?—My grand-aunt, sir, has turned Catholic
What is her name?—Lady Bond
Was she ever at Naples?—Not to my knowledge
Were any other members of your family Catholics?—I can't call to mind any other
Is there a burying place for your family at Meelick Abbey, near Belleisle?—I never was there
Is there a graveyard there?—I am not aware of it
Have you a sister buried there?—No; I have no recollection
Now, this is a matter you must know if it is the case. Had you a sister who is now dead?—Yes
How long is she dead?—I have three sisters dead
Was there one of them buried at Meelick?—It must have been long before I recollect, if there was
Did you ever hear she was there?—No
Were any of your sisters Catholics?—No
Did you ever hear that one of them was?—No
You swear that?—I never heard that one of my sisters was a Catholic
Or died a Catholic?—I never heard it
And you don't know whether one of your sisters is buried at Meelick?—No; give me my sister's name
I will give you your whole family. Have you ever heard of any of your sisters being a Catholic, or being buried a Catholic?—I have not, sir
Do you know is there a vault of your family at Meelick?—No, sir
Lady Bond is living?—She is
Were you at Naples?—I was
Did you dine there with Mr. Turner, the banker?—Yes; I think I did dine with him
And you knew him?—Yes
In the autumn of 1857 you went to the Catholic chapel of Edinburgh?—I went once, and I must explain that I went there for the purpose of hearing Miss Longworth sing
Was mass going on at the time? It was
Did you improve your attendance at Protestant worship then?—In the autumn of 1857?
Yes; did you darken the door of a Protestant church at all during that time?—Yes, at Leith
With the men?—Yes
But without the men?—I don't recollect
An officer must go with his men to church?—A Catholic need not do it, there is a Protestant one there
But officers must go to some place of worship in turn of duty?—Yes; if there is a Catholic officer he goes with the men to chapel
But with the exception of taking the men to church, you won't swear you were at any place of Protestant worship in that year in Edinburgh?—Yes
And Leith?—Yes. I cannot call to mind going without the men
Chief Justice—Do I understand you to say that during '57, either at Leith or Edinburgh, you were not in church, except with your men?—I recollect going in spring once with the men in Edinburgh
Cross-examination resumed—Do you swear that you went once without the men?—Yes, without the men

I bring you back again—Upon your oath, during the whole time you were in Leith and Edinburgh, before you came to Ireland, did you ever go to a Protestant place of worship?—I said three or four times

Will you swear you went four times?—I cannot recollect

Will you swear that you did not go three times with the men?—I cannot swear either way; I cannot recollect

You went to Ireland and met her in Waterford?—Yes, sir

Before you left Scotland did you want Mrs. Yelverton to go by Bristol and Dublin to Abergavenny, in Wales?—No answer

Did you propose that to her, sir?—I have no recollection of making such a proposal

Will you swear you didn't?—I won't swear either way

Did you tell her it was shorter to go to Wales by Bristol and Dublin, upon your oath?—I cannot recollect

Do you remember any conversation as to the shortest way to Wales?—No, I only remember the arrangement that was carried out

Mr. Whiteside, addressing his lordship, said—I understand there are witnesses here from Waterford, and I don't think they ought to be here during the evidence of this witness

Sergeant Armstrong—There has been no arrangement of the kind during the case

Chief Justice—I have no power if they wish to remain

Sergeant Sullivan—Let them remain, and they will hear more about it

Sergeant Armstrong—I don't care about it. I don't know anything about the witnesses mentioned, and I leave the matter in the hands of his lordship

Chief Justice—I have no power. I won't interfere

Sergeant Armstrong—There was no such arrangement during any part of the trial

Chief Justice—It is no business of mine. It will be altogether for the jury by and bye

Sergeant Sullivan—Just so

Sergeant Armstrong—Oh, my Lord, there is no suggestion of any kind

Chief Justice—There is no suggestion. It is a matter of delicacy

Sergeant Armstrong—I don't know anything at all about the witnesses, but if it is a matter of delicacy let them go. I don't want to keep them

Chief Justice—It is a matter for the attorney and the counsel

Sergeant Armstrong—I know nothing at all about it

Chief Justice—But surely, Sergeant Armstrong, you know now

Sergeant Armstroug—Upon my word I don't. I say now let them go out if they are here

Chief Justice—I don't care whether they do or not

Cross-examination resumed—You went to Waterford and stopped at Cummins' Hotel?—Yes

What day of the week did you arrive at Waterford?—On a Wednesday

You swear it was on a Wednesday?—I am speaking from memory, from a letter which I have seen since, to fix a date.

What day of the week was it?—The last Wednesday in July

You swear that?—No answer

Will you swear it was not the first Wednesday in August?—I swear it was the last Wednesday in July, subject to my statement of a reference to the letter

Had you two bed-rooms at Cummins' Hotel in Waterford?—We had, sir

You stayed there one night?—One night

You went on to Thomastown?—I wish to explain my answer about Cummins' Hotel. The reason we had two bedrooms was ——

I don't want to know your reasons ——

Chief Justice—What explanation do you give of having two bedrooms?

Witness—I wish to say in getting two bedrooms our object was ——

Mr. Whiteside—I object to his object. We have the fact

Sergeant Armstrong—I wish to state, my lord, that no such thing, in fact, took place. Witnesses from Waterford being in court, the attorney went out and ascertained the fact, and I say that such a thing should not have been stated.

Chief Justice—I thought when that matter was mentioned it was a very improper thing that the witnesses should not be withdrawn at once.

Sergeant Armstrong—But they were not there at all

Sergeant Sullivan—You will hear more about it before the case is over

Sergeant Armstrong—I said I knew nothing of witnesses being in court, and it turned out that there were none

Chief Justice—I thought you did

Sergeant Armstrong—Oh, my lord, there was a certain warmth ——

Chief Justice—Let the examination go on. To witness—You said you had two bedrooms, but that you slept with the lady, is that true?—That is true

Chief Justice—Do I understand you to say now that you slept in the same bed with the lady?—Yes

Cross-examination resumed—You went to Thomastown; had you two bed-rooms there?—We had two bedrooms off the sitting room

You had two bedrooms?—I will explain ——

You had two bedrooms?—Yes

Opening into the same sitting room ?—Yes

How long were you in Thomastown ?—Either one or two nights, I am not sure which. I never have been able to recollect

You have not an accurate recollection of all these things ?—Not about the time.

You cannot say whether you stopped one or two nights ?—No, Sir. I recollect going to see a castle there, and I think it took one day

On either of the nights did you stop up, or sit up, the greater part of it ? Were you suffering from asthma ?—I was suffering from asthma a great many times

But that night, at Thomastown, do you remember sitting up on the sofa the greater part of the night ?—I won't swear

Will you swear you did not ? Will you swear you did not sit up the whole or the greater part of that night at Thomastown ?—Yes

Will you swear you did not sit up the greater part of the night ?—Yes, I will swear I did not sit up the greater part of the night

Half the night ?—Not half of the night

Part of the night ?—I won't swear

Do you remember sitting up at all ?—I don't. I may tell you that I cannot answer distinctly, because I have been subject to asthma for many years, and I would have to sit up three or four hours so long that the particular time escaped my memory

And it is perfectly possible that you sat up that night, at Thomastown, for three or four hours ?—It is quite possible

Where did you go to from Thomastown ?—To Malahide

Did you see a doctor in Dublin ?—Yes, I saw Dr. Rynd several times about this time

Did you see the doctor on your way through ?—I cannot swear to the month

You said to Sergeant Armstrong yesterday that you had one bedroom and one sitting room at Malahide ?—Yes

Will you swear that you had not three rooms ?—No answer

Will you swear you had not—answer that, yes or no ?—No. Wait, I will swear it, subject to my explanation, that if there were three rooms, one was a bath room used as a dressing room.

Were you not asked what rooms you had at Malahide by Sergeant Armstrong, and did you not say you had a sitting room and a bedroom ? Is not that what you swore ?—I did not use the third room

But you had at the time three rooms ?—The third room was a bath room

Why did you not tell Sergeant Armstrong you had three rooms ?—I did not think he meant a bedroom

Was it furnished as a sitting room, independent of the bed ?—No, I don't think it was

Will you swear it was not ; will you swear that there were not two sitting rooms, with a bed in one, and a sofa in the others ?—There was a bed in one room

That I call a bedroom—was there not a sofa in the other ?—I don't recollect that there was a sofa in the other

Will you tell me the numbers of them, or what they were called ?—I can't tell you the numbers or the letters.

Were there letters on the two rooms you had ?—I believe there were.

Are you aware that all the sitting-rooms in the hotel are lettered, and the bedrooms numbered ?—I don't know

Did you ever ask ?—No, I never asked

Did you ever ask whether you had three rooms when you stopped there ?—I did not

Upon your oath did you ever send to ask whether you had three rooms at Malahide ?—I sent to have inquiries made as to what rooms we occupied, and I went there myself

When did you go ?—I went there in the autumn of 1858. I went with my attorney, Mr. Dwyer.

Making inquiries as to what rooms you occupied there ?—Making the necessary inquiries

Were you satisfied with what rooms you had there ?—Yes

You pointed them out ?—Yes, sir. I recollect using the bath room as a sitting room—I mean a dressing room

Did you not say you used it as a sitting room ?—It slipped out.

Sergeant Sullivan—Oh, we know it slipped out !

Witness—It slipped out ; but I beg to say not in the way you wish people to understand. The room was used as a dressing room

Was there a sofa in the bedroom you occupied ?—To the best of my recollection there was not

But you won't swear there was not ?—No

Were you ailing at that time from this asthma ?—At Malahide, I think not

Will you swear you were not ? I won't swear I was not ailing. I don't remember being so

Did you give a name at Waterford ?—I don't recollect it

Did you give a name at Thomastown ?—I don't recollect giving a name at Thomastown

Did you give a name at Malahide ?—Yes, I recollect giving a name at Malahide ; I always recollected having given a name there

Are you sure you always remembered it ?—Yes

There can be no mistake about that ?—No

Then you always remembered the name you gave there ? Consider the question before you answer it.—I did, and I will explain my reason

Sergeant Sullivan—I don't want your explanation. You have given me your answer, and that will do

Sergeant Armstrong—He is entitled to explain if he thinks it necessary to do so

The Chief Justice—To explain what? He says he has a perfect recollection of having given a name at Malahide. How does that require explanation?

Sergeant Armstrong—Because this answer has been followed up by an observation from the counsel in a tone of voice suggesting a suspicion of the truth of what he said. Surely he has a right to explain.

The Chief Justice—What explanation can he give? (To the witness)—You say you have a perfect recollection of the name you gave at Malahide, and you say you always recollected it: Does it occur to you that this requires explanation?

The Witness—Not having recollected the name given at the other places, it occurs to me that I could give a reason for my perfect recollection of the name at Malahide, which might strengthen my evidence on that matter

The Chief Justice—Then do so

Witness—The reason was because it was the name of Stewart, and I recollect when going out one day saying to her "Mind you spell Stewart the way I do," because it is a name that people spell in two different ways, and we accordingly arranged in what way it was to be spelt.

Sergeant Sullivan—Did you give the name of Power on this journey?—At Rostrevor the name of Power was given.

Or before it?—I am not sure whether it was given at Newry or not. I am not sure that any name was given there.

Will you swear it was not used at Malahide, or that you did not say you were staying there with a friend named Power?—I said I was travelling with a man of the name of Power, and I left Power as my address.

Did you say you were staying at Malahide with a person of the name of Power?—I don't recollect

Did you get a letter at Thomastown addressed to the name of Power?—I don't recollect. I will not swear that I did not

Did Mrs. Yelverton come in with you from Malahide to attend mass at Westland-row?—I can't recollect having come in. I saw her evidence to the fact, but I have no recollection of it

Then you have read over her evidence?—Yes, in the newspaper

Do you remember coming in from Malahide to Dublin with her to mass?—I did not go to mass

I did not say yod did, did I?—You implied it

Did she come into mass at Westland-row?—I don't recollect

Did she come to Dublin at all when you were there?—I don't recollect

Was there any talk at Malahide about the ceremony you promised her before she left Edinburgh?—There was

Did you speak of the danger of having the ceremony in the diocese of Dublin?—I don't recollect

But will you swear you did not?—I will not swear

Did you say that it would be dangerous to have any banns dispensed with in Dublin?—I have no recollection of banns being spoken of

Or of a dispensation being spoken of?—I will swear we never talked of a dispensation

Was the ceremony spoken of?—Yes

The danger of having it in Dublin?—Very likely

Your family living there?—Yes

That it might become known to them?—Yes, I must explain, that it might be known through the priest

You went from Malahide to where?—To Newry

Had you two bedrooms at Newry?—No

Do you swear that?—There was a little room inside the bedroom I had (suppressed murmurs)

Was it a bedroom?—I used it as a dressing-room

Was it a bedroom, Sir, answer me?—Yes

What was the use of fencing with my question?—I was not fencing with the question

There were three rooms, a dressing-room, a bedroom, and a sitting-room: will you swear there was not a bed in the dressing-room?—I won't swear there was not a bed in it

What day did you get to Newry?—I have to count days. Five days at Malahide, one or two at Thomastown, and one at Waterford. That would make it about Tuesday, sir

How long did you stop at Newry?—Two nights. We went on to Rostrevor from Newry

How many rooms had you there?—A sitting-room, a dressing-room, and a bedroom

A dressing-room again! Had that dressing-room a bed in it?—The dressing-room had a bed

Why do you not call it a bedroom, sir?—Because I did not so use it

You had a sitting-room and two bedrooms?—Yes, with that explanation.

Did you not swear to Sergeant Armstrong that you had at Newry but one sitting-room and one bedroom, and at Rostrevor but a sitting-room and a bedroom?—To the best of my recollection I swore we occupied one sitting-room and one bedroom; if there was a second bedroom we did not occupy it.

I am not asking you that, but you had them there, sir?—There they were, sir

And from the day you went to Malahide to Rostrevor you had three rooms wherever you went?—If you like

You say you left Rostrevor—how many days were you away?—I was away one night

Will you swear you were not away two?—No; I can't swear

Will you swear you were not away three nights?—I swear, to the best of my belief, I was not away three nights. To the best of my belief I was not away more than two days and nights, at he outside

Will you swear it was not four days and nights?—Yes, I will swear

But you will not swear you were not away three?—No

Did you go with Mrs. Yelverton to the Roman Catholic chapel at Warrenpoint on the Sunday before you were married? I recollect going to the chapel door at Warrenpoint

Again I ask, did you go to the chapel door with her on your arm?—Yes

Was mass going on at the time?—It was to service she was going

Was the chapel crowded?—Yes

Did you go to the door of it with her?—Yes, I went to the door

Was it crowded up to the door?—Yes, I have some recollection of that

You could scarcely get in?—I did not try

She could scarcely get inside the door?—Just so, the crowd was so great

Did you stop with her at the door?—Not long

By your oath did you stop at the door while she was there?—To the best of my belief I went away

On your oath did you not stop there while mass was going on?—I am speaking of details which occurred a long time ago—

But these are very important details, and you should try to recollect?—My memory is not good enough

Then you might have stopped at the door while the whole of the service was going on?—No, sir; I should have recollected stopping there during the whole service

You came to the door, and the chapel was crowded so that a person could scarcely get in?—I left her there

Will you swear you stirred a yard from her till she came back from the mass?—To the best of my recollection I went away. I cannot at this time go further, to speak conscientiously

Did you wait at the door until the congregation separated?—I have no recollection

Were you in the church when the congregation separated?—No

But you won't swear it?—I will not

Did you see a clerk there that day in the church?—I have some recollection of her going to see a clerk. It was after the people went away

Did you go with her to see the clerk?—I have a recollection of seeing a person, I don't know who he was, I suppose some one belonging to the church

Did she speak to him?—At this distance of time I can't say whether it was a him or a her. I recollect she went to ask for the priest she expected to meet there, or whom she had made some appointment to meet there

She was on your arm?—Well, I think so

On your oath, was she not to see the priest for the purpose of the ceremony that you had arranged before you left Scotland?—I think she was going to him for that purpose

Did you hear her asking for the priest?—Yes

In the body of the chapel?—I can't recollect where. I recollect the people were all gone. It was somebody belonging to the church that she spoke to

And it was for the purpose of the ceremony that you spoke about before that you want to the clerk?—I recollect her asking for the priest for the purpose of asking him to do this

To perform the ceremony?—To perform the ceremony, yes; always understanding my explanations of what that ceremony was

Oh! yes; always, of course, recollecting the "mistress in law" (laughter). Did she see the priest?—I am not sure whether she did or not

Did you see him?—No, I did not

How did you go to Warrenpoint that day?—I think we went by car and came back by boat. I recollect doing that one day

That was the Sunday after you arrived at Rostrevor, and you arrived there on a Saturday?—I cannot recollect what day we arrived

Was it not the Sunday after you arrived, whenever that was, that you went to Warrenpoint?—I am not sure

The Chief Justice—Do you recollect whether it was a Sunday at all, for you speak of mass and a crowd of people?

Witness—It must have been a Sunday, unless it was a saint's day or a holiday

You say you went back to Dublin—was that after you had been at the chapel in Warrenpoint?—That I cannot recollect

Do you remember asking her for some money when going to Dublin?—No, I don't recollect

Do you recollect getting £50 from her as a wife would give money to her husband?—I swear I did not get £50 from her

Did you get any money from her?—If I did it was of so small an amount that I do not recollect it

What would be small to you might not be so to me?—I speak of £1 or so

Did you bring money which she gave you up to Dublin, and bring it back and give it to her again? I did not

Did you get any money at all?—If you speak of £30 or upwards, I did not

Did you get £10?—No

I repeat, have you any recollection of getting money from her, of taking it to Dublin and bringing it back and returning it to her?—I have no recollection of it

Had she money with her?—She had

Did you see it?—Not then, Sir

When did you see it?—That morning before we went to Mr. Mooney

How much did you see?—I said that I thought it was £20, but I saw the evidence, and I am not quite sure of the sum now

Did you take that money at any time to keep for her?—No, I don't recollect it

Before you went to the ceremony at Kilone, you did see the money, and were looking at it?—That is my recollection

Was there any mention of the fee the priest was to get before you went to chapel?—Yes, my impression always was that he was to get £20

And that was before you went to the chapel?—That was before we went to the chapel

What did you mean by telling me that you were surprised into the ceremony at the chapel of Kilone?—I did not say I was surprised into the ceremony

What did you say?—I said I was surprised into the nature of it, but not into the ceremony

You knew there was to be a ceremony?—A benediction, I believe

In a Roman Catholic place of worship? True, Sir

Which, I suppose, you believe is a temple dedicated to the service of the Almighty?—True, Sir

And you knew Mr. Mooney was a priest of that religion?—True, Sir

And that this ceremony was to be performed at the altar of that church?—I did not quite meditate the altar. I had not gone into the details Sir

You knew that the priest was to get £20 for what he was to do?—Yes, Sir

And that was settled between you before you went to chapel?—That is my impression. I don't speak positively as to £20. We went part of the way to the chapel by water, and we walked from the shore to it

And you explained to the clergyman that you were late, because you thought you had a shorter way to walk than it turned out you had?—Yes. He was there expecting us. Miss Longworth had made the arrangements with him, and told me of it

Had she told you he had been with the bishop in reference to the ceremony?—Yes

And that the bishop had given permission to Mr. Mooney to perform the ceremony?—I think she told me that it had been arranged between the three that Mr. Mooney was to perform this blessing for us

On your oath was that what she said?—That is what she gave me to understand; I can't recollect her words, I only know the meaning

And that is your meaning?—That is the meaning I believed

But she told you Mr. Mooney had been with the bishop, and he had allowed him to perform the ceremony?—Yes

You had arranged the fee for the work?—She had arranged the fee herself

Did you not tell me that it was arranged between you that the priest was to get £20?—No, I did not. I said my impression was that that was what the priest was to get

You went into the church?—Yes

I suppose you have some respect for it as the house of God?—Yes

Had you any respect for it, then?—I am afraid I did not prove it

Had you any respect for the house of God?—I had, Sir

And for the minister of his religion?—I had, Sir

Of which religion your grandmother and some others of your family were members?—Yes

What did the priest wear on that day?—He wore a black gown

You went to the altar?—Yes

And the priest went inside?—Yes

And stood before you?—Yes

And you and she knelt down?—We did

Side by side?—Yes

Listen to me. Did you, at the altar, before that priest, take her to be your wedded wife?—I did

Did she take you to be her wedded husband?—She did

Did you take her "for better for worse?"—(After a pause.) I don't recollect these words

Did you not take her "for better for worse" upon your oath. (No answer)

"For richer for poorer?"—I don't recollect

"In sickness or in health?"—I don't recollect these words

What do you say? Did you repeat the words after the priest?—We did

You repeated them? Yes

What did you repeat after the priest?—"I, William Charles, take thee, Maria Theresa, to be"—what is it—"wedded wife"

Well, what are the words?—I cannot recollect them

Perhaps I could remind you; listen—the priest said, "I, William Charles, take thee, Maria Theresa, to be my wedded wife?"—Yes

"To have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, till death us do part, if Holy Church will permit, and thereto I pledge thee

my troth." By the virtue of your oath did you not say that at the altar?—I cannot recollect whether all these words were used

But the substance of them?—The worst part of them, at any rate

And the best too. You said these words kneeling at the altar before the priest? She took you to be her wedded husband, "to have and to hold, for better, for worse, in sickness and in health,' and did she pledge you her troth?—I can't speak to the words

But did she in substance?—Something of that sort. I recollect her taking me for her wedded husband at any rate

And you took her to be your wedded wife?—Yes

Upon your knees?—Yes

Are you acquainted with the marriage ceremony of the Church of England?—Well, I am

Did you say yesterday it was a very different ceremony from that you went through?—I said it was not the same

Tell me the points in which they differ?—I cannot tell the exact points, because I could not tell you the Protestant form now, although I know it if I were to read it

Listen to this—"I take thee, ——— ———, to be my wedded wife, to have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, to love and to cherish, until death do us part, according to God's holy ordinance, and thereto I pledge thee my troth." Is that the Protestant ritual?—(After looking at the book from which counsel read)—It is

Now listen to this—"I take thee, ——— ———, to be my wedded wife, to have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health"—Are the words the same up to that?—Yes

"Till death us do part, to love and to cherish if holy Church will permit; according to God's holy ordinance, and thereto I pledge thee my troth." Now are not the two rituals the same in substance, spirit and language?—I never denied the substance or spirit

Did you not say it was a very different ceremony from that of the Church of England?—Not the same, I said

Had you ever read the ceremony in the Catholic ritual?—No

Or in the Protestant?—Yes

Did you know the meaning of the language you were using?—Yes

And you vowed before the altar to take her as your wedded wife?—Yes

Did you mean that to be a mere mockery, Sir?—No, Sir, I did not, at all

Did you mean it to be mockery?—I meant to sustain and protect her to the end of my days

Did you mean it to be a mockery?—No

Did you mean to fulfil that obligation you had contracted on your knees in that house of God?—So far as it was arranged between us there

That you should not keep it except when you liked?—No; that was not it exactly

What else—that you should be free?—It was to be observed, I thought, and she always expressed the same belief, that it was not good in the legal form of marriage

She always thought that?—She expressed it to me

Did you mean to keep that obligation which you swore before your God at that altar?—Up to that time

Did you mean to keep it?—At that time, and so far as we had previously arranged

You will give me a direct answer, Major Yelverton, if you stopped there all night—did you mean to keep the obligation you swore to her at that altar?—I did, subject to that explanation

After you had taken her to be your wedded wife you joined her hands with yours?—I recollect only holding one hand of hers in mine

Well, you held one hand of hers?—I think so

You put your finger on the ring?—That is my recollection of the act

Was that meant as a mockery?—Not altogether

Will you tell me how much of it was a mockery, and how much was not?—I will tell you, Sir. We had promised each other. The arrangement between us was that she was to accept this, which we believed, as she expressed to me, not to be good in law, that we were to be bound in conscience and I so intended it to be

To be sure, you have an easy conscience (laughter)?—I have not now, Sir

I believe not. Was that ring out of her possession from the time you gave it at Malahide, or showed it—had you got it back?—No

On your oath had you got the ring back before you went to the chapel at Rostrevor?—On my oath, to the best of my recollection the ring was on in the way I have described

Did you go to mass on Sunday?—I did not

Did you go to chapel with her?—I cannot recollect

Do you know that she received the sacrament of her religion on the next day—the communion of her church?—I do not know

Did she tell you she was going to receive the sacrament?—She told me she was going to Mr. Mooney

For what?—I don't think she told me what for

On your oath didn't she tell you she was going to receive the communion of her church?—I don't recollect that. I recollect she said she was going to Mr. Mooney

Your anxiety to keep this ceremony secret was great?—Certainly, Sir

You looked round for fear there should be anybody in the church?—I did
It was arranged it should be kept secret?—It was
That your family should not know it?—Yes
That your uncle should not hear of it? That none of the family should knew of it? But that your uncle should not hear of it?—If my uncle heard of it everybody would hear of it
The priest locked the door?—That is my recollection
Will you swear he ever left the altar to lock the door?—I cannot conscientiously swear more than what I remember
To the best of your recollection?—To the best of my recollection he locked the door
It is perfectly possible he did not?—Hardly.
Will you swear he did?—My recollection is that he did
Was that the door you entered by?—Yes, the door I entered by
Was there another door near the altar?—There was another door at the other side of the altar
Exactly. From which the altar and the people standing and kneeling at it could be seen?—No; I don't think so
Do you swear that?—No; I don't swear it. I am swearing to the best of my memory
Didn't you see the door from the altar?—I don't recollect
Didn't you swear there was a door beside the altar?—Yes. (The witness here illustrated the relative positions of the altar and the door)
Could not a person see from that door to the altar, as you could see from the altar to the door?—I do not recollect seeing the door from the altar. I recollect seeing the door when I was in the chapel. I suppose you could see the door from the altar
Before you knelt down at the altar had you a conversation with the Rev. Mr. Mooney?—I had
When he asked you what religion you were did you tell him you were not much of anything?—I don't recollect telling him that
Will you swear you didn't?—No, I won't
In the answers you gave him you used the word "Protestant"?—I did
And the word "Catholic"?—I did
There is no mistake about that?—I recollect that
You recollect distinctly that you used both words?—Yes
No doubt of that whatever?—I recollect using both words. I almost recollect the phrase I made use of
How soon after that marriage did you see the Rev. Mr. Mooney to speak to him?—I saw him at the railway station at Warrenpoint, but I did not speak to him
When was that?—That was in the beginning of July, 1858, I think
It was after your marriage with Mrs. Forbes?—After my marriage with my wife
Who was with you?—Mr. Denvir
Is he an attorney?—Yes
How long were you with him (your attorney)?—About five or ten minutes
Did you speak to him again in Ireland after that interview?—I cannot recollect
Was there anything said between you and Mr. Mooney, or between you and Mrs. Yelverton, at Rostrevor about a prior marriage in Scotland?—Not with Mr. Mooney
Or between you and Teresa Longworth, as you say she was then?—No. I recollect no such thing
Will you swear there was nothing about a prior marriage in Scotland, or about something that amounted to a marriage with Mrs. Yelverton there?—No
Will you swear you had no conversation about a prior marriage having taken place in Scotland —a conversation with either Mr. Mooney or Mrs. Yelverton before your marriage at Rostrevor?—No
Then, according to your statement, this was to be an original ceremony between you and her?—Certainly
Did you send any one on your behalf to Mr. Mooney after you saw him in Ireland?—I put myself in the hands of my legal advisers, and they took measures according to their own judgment
Did you send any one to Mr. Mooney after you saw him in Ireland, in July, 1858—did you?—I believe my solicitor went to him. I beg to explain: it was necessary for me about October, 1858, to take measures to defend myself against a charge of bigamy; therefore these proceedings were taken about that time
Did you ever state to anyone that there was a marriage, or what amounted to a marriage, between you and Mrs. Yelverton in Scotland?—No, I don't recollect
Will you swear you didn't—Some sort of a marriage?" No, I recollect doing nothing of the kind. I was at Mr. Thelwall's after, but not immediately after. The first time I saw them was in Edinburgh. On the 31st of December I went on a visit to the Thelwall's at Hull, not immediately after. I knew Mr. Thelwall. I was projecting at Thelwall's a trip on the continent. I think that was on the second visit. Prior to that we had a trip in the Highlands
And there wrote this woman as your wife. Is that your handwriting? (The Visitor's Book at Roon Castle handed to witness)—Yes. I wrote "Mr. and Mrs. Yelverton"
Was that written of her as your wife?—(After a pause)—It might be taken so
Is that your writing in that book?—It is my writing, certainly
Is that your writing of her as your wife?—I was not practising a disguise—I would have written "Major and Mrs. Yelverton"

You would have put a glossary below it, that Mrs. meant Mrs. in conscience, and Mistress in law. If you were not practising a disguise, you would have written Major and Mrs. Yelverton?—Yes

Is that a proper description of your wedded wife?—I might have prefixed "The Honourable" (derisive laughter)

I ask you is that entry a proper description of you and your wife?—Oh, yes, subject to the explanation I am going to give. When I was at this castle, whatever the name of it is, "Doon Castle," I think, this book was put into my hand suddenly by the man who kept this book at the castle. He came and said, "Sir, we have a visitor's book, will you write down your's and lady's name." Without reflecting a moment I wrote down this

You were surprised into this as into every other thing?—I did not do it anywhere else

Do you swear you didn't address this lady anywhere else as Mrs. Yelverton?—Not in Scotland

A point of law, Major. Is that what you have in your mind for me, a point of law?—And fact

Did you address her anywhere else as Mrs. Yelverton?—I addressed her as Madame Yelverton

Is that a good description of the lady as your wife, "Madame Yelverton?"—Yes

That is proper and correct?—Yes

Is that a proper description of your wedded wife?—I would not write to my wife abroad as 'Madame Yelverton." I would write to the "Hon. Mrs. William Yelverton." Which do you think a letter would be more likely to reach your wife at Bordeaux, in France, addressed "Madame Yelverton" or "The Hon. Mrs. Wm. Yelverton?"—Both would reach

Is that entry a description of a wife?—I wrote that and it may be a description of a wife

Is that a description of a wife?—It is a description of a wife, and of a person also to whom you gave your name, and whom you allow to pass under your name

Of a mistress?—A mistress

A mistress?—Yes, who was passing by your name

Keep that book before you. Did you, when you wrote that entry, mean to keep the obligation you swore to her before your God in the chapel?—Yes, subject to the explanation I gave (laughter)

When you were at Thelwall's you were meditating a trip abroad?—Yes

Do you recollect any conversation about her concealing a wedding ring abroad by an ornament?—There was no wedding ring to be concealed abroad. If a wedding ring was to be concealed anywhere, it should be where she or we would be known

Were there friends of yours abroad at that time?—Not where we were going

Where there friends of yours on the continent?—Yes, there were

Were they in France?—I think my uncle's family were at Boulogne

Where her sister lived?—Madame Febvre

Do you recollect some conversation about getting an ornament for the wedding ring?—I recollect a conversation about the ring

Was it about getting an ornament on the ring?—I think it was a ring that was broken, to the best of my recollection

Was it about putting an ornament on the wedding ring?—At this distance of time, I can only speak from recollection

Do you recollect Mrs. Yelverton stating that if she died abroad, you would have to come and take her up and bury her here?—I don't recollect it

Do you swear it did not happen?—No

Do you remember her stating to Mr. Thelwall, in your presence, that having been twice baptized, and twice married, she should be twice buried?—No, I do not

Did you hear Mr. Thelwall swear it?—He swore what he believed

You won't contradict him?—I won't contradict him; I only swear according to my conscience

Is it not a strange expression "twice married?"—I don't recollect hearing it

Is it not a strange expression?—Twice married?

Serjeant Sullivan—Yes. Is it not. Would it not have been a strange expression for her to have used?—Yes

Upon your story, it would have been a strange expression?—Yes

If she had been married in Scotland, and again in Ireland, would it have been strange?—If the one was to complete the other, it would

Have you been round to all the places you visited in Ireland with Mrs. Yelverton since your marriage in Scotland?—I have been round them with my attorney, Mr. Dwyer, for the purpose before stated

When?—About 1858

Have you heard of any emissary of yours being round since, supplied with hair—somebody going with a lock of hair?—I carried a lock of hair round myself

Was it a lock of Teresa Longworth's hair?—It was not

Was it like it?—Yes

For the purpose of getting people to swear to the colour of her hair, here?—It was not, I believe, for that purpose. It was for the purpose of pointing out to people what sort of person they had to describe (sensation)

You had it?—I am speaking of my solicitor's proceedings

Whose was the lock of hair?—I got it off a child's head

Whose was the child?—My brother-in-law's child (sensation)

What is his name?—Major Hawes

How old is the child?—Six years

You cut the child's hair off to carry round in order to get witnesses to swear by it?—It was absolutely necessary for the trial; I was about to protect myself against a charge of bigamy

The lock of hair was taken?—Yes

And by you?—Yes; I recollect taking a lock of hair

Where is it?—I don't know, unless Mr. Dwyer has it

When did you see it last?—I don't recollect seeing it since that time

You gave it to Mr. Dwyer?—I cannot recollect

Didn't you say you supposed he had it now?—I said unless he had it

What became of it?—I cannot recollect

Did you see Rose Fagan?—I believe we saw a woman of that name

The woman who was produced here?—I should not know her from Adam—Eve—I beg pardon

Did you produce the child's hair to her?—I forget

You know it—did you produce it to her?—I forget, most likely I did

Did you tell her the woman you wanted to speak about had the same colour hair?—Yes. And there was a piece of a gown, too.

Whose was the gown?—A piece Miss Longworth left behind her at Thomastown.

Where is that piece of gown?—I don't know.

Upon your oath, what did you do with that and the lock of hair—I must have that from you?—I don't recollect.

What did you do with them?—You will have to get them from Mr. Dwyer

Do you mean to say he has them?—I do not

What did you do with the lock of hair and the piece of gown?—I cannot recollect

Did you journey round with them to all the places, from Waterford to Rostrevor?—I don't recollect going to Rostrevor

You don't?—Oh, yes, I did

Did you see the woman they call Bridget Cole?—I don't recollect

Will you swear you did not?—No

If you saw her I presume you showed her the piece of gown and the lock of hair?—I have no recollection of that

I ask you again, upon the virtue of your oath, what has become of that lock of hair?—I don't know

Nor do you know what became of it?—Unless Mr. Dwyer has it amongst his notes taken at that time

Did you go to Thomastown?—Yes

Did you see a little girl there?—I did

Have you her here?—I don't know

Did you go to Waterford?—We did

Whom did you see there?—The people of the hotel

Have you them here?—I don't know

You went to Mr. Thelwall a second time?—Yes

You met at Dunkirk?—Yes

Did you read Mr. Goodliffe's evidence given here?—I did

Did you produce Mrs. Yelverton as your wife to him?—I produced her in that position—yes

"In that position"—I don't want these equivocal words from you sir. I know of no position other than being a man's wife or not

Did you introduce her as your wife?—I introduced her ——

As your wife?—As my wife, subject to the explanation (great laughter). I made no special allusion to the word wife that I remember

But you had an explanation for it?—All her own arrangement, sir, Miss Longworth's as much as mine

Where did you go from Dunkirk?—Amiens

What hotel did you stop at there?—I don't recollect

Did you go to the Roman Catholic church at Amiens with her?—I don't recollect

You won't swear you didn't?—There is a fine cathedral there

There is a good service too, according to the Roman Catholic church. Were you at one of the Roman Catholic churches there with her?—I don't recollect

You don't recollect, *non mi recordo*. Where did you go to from Amiens?—By easy stages to Bordeaux

Where did you stop first?—I cannot recollect

Where second?—I cannot recollect. Show me a map, and I will tell you

You had not a map before you when you were telling the places you stopped at in Ireland. I know Ireland and I don't know France

How long were you going to Bordeaux?—Three or four days, I dare say, or four or five days

Did you stop at Tours?—I don't know

Did you stop at Orleans?—Yes

Did you go to mass with her there?—No, I have no recollection of going to mass with her. You will come presently to what I recollect

You went to Bordeaux?—We did

In December, 1857, had you reason to think that Mrs. Yelverton was in the family way?—December, 1857—yes, I recollect her writing to me

In December, 1857?—That is about the time

Did you yourself calculate that child would be born about June, 1858?—No, sir, I made no such calculation.

Listen to this—"You must not be low spirited. What is the necessity of letting the mine explode. Can you not get abroad? I have every reason to believe that next June will see you through the scrape." On the virtue of your oath what does that refer to?—No answer

Listen. "But of that more when we meet?"—It referred to her having informed me that she was in the family way

Exactly. And your calculation that "next June would see her through the scrape?"—That was according to her calculation. I forgot that altogether

Did you suggest to her anything about the child?—No answer

Did you suggest to her anything about the child?—After a pause) Well, I suggested to her, in consequence of some alarm she had about her danger, if she bore a child, that there was danger for her in the usual course of things (sensation in court)

Was the child to be born alive?—Certainly, sir

To be sure. And that is what you meant?—Certainly, sir

You believed her statement that she was in the family way?—I believed her statement. I had some doubt, I think, for a reason

Listen. "I have every reason to believe that next June will get you through the scrape?"—That is supposing her idea was correct. It was in reply to her letter

Where is her letter?—Is it not there, sir. No; or where it is

Where are the letters she wrote to you after the Irish marriage?—The letters she wrote to me?

Yes; on this very subject?—I think there were letters from her about that time

Where are they?—I produced all I had

How many did you destroy?—None

You destroyed none?—I mean I did not destroy any with a purpose

How many did you destroy without a purpose?—I did not preserve them, simply

You preserved a great many letters of hers?—I did, and lost nearly as many more

But you have not produced a single letter of hers after the Irish marriage, with the exception of two, and there are twenty-four letters of yours to her.—I did not preserve them

Attend to this—"I think there would be an advantage in remaining until the time I said (the first week in January), as the fact is, that there will be no certainty of an enemy until that time,"—that is the child, I presume? The witness took the letter and read it, and, after a long pause, said—This is my letter

Listen—"As false alarms often don't declare their falsehood before a period which, as I calculated in your case, about that time,"—then did you calculate her time?—Yes, upon her letter.

Where is that letter?—I have it not, Sir

Listen—"I cannot quite comprehend your wish to be alone. The fact of an unexpected responsibility, and the chance of a row, do not make me wish to be away from you, but more anxious to stand by and assist you through the emergency. The cat must be kept in the bag just now,"—that is, the secret marriage?—The ceremony

I call it the marriage, Sir. Attend—"for if the fiery devil gets out now she will explode the precious mine, and blow us all to the devil. In the future there is hope of being able to loosen the strings. If there is danger to you in the natural course of things, that course must be hastened."

Tell me the duty of a mistress to *her* keeper?

Witness—(After a long pause)—To be honest and true to him

What is the duty of a wife towards her husband?—Very much the same, with some additional duties

What are they?—I believe it is the duty of a wife to "love and obey"

Which she swore to do to you. (No answer)

Is obedience one of the duties of a wife to a husband?—Yes; but let me explain. In the ordinary case of a mistress kept by a man nothing of the kind could be expected; but in taking one another in this way we believed we were performing a conscience-saving ceremony, and a ceremony binding on the consciences of both; and to the best of my recollection at that time I proposed to follow it. On the other hand, the lady engaged that she would keep it perfectly secret and never divulge it without my permission

Exactly. Did you regard her as your wife?

Witness (after a long pause)—No; not in law

Did you regard her as your mistress?—Well, Sir, as a mistress, but with the qualification that it was not the ordinary case of mistress and man. It was not the ordinary case of a paid mistress—it was not for money

Chief Justice—You mean you did not pay her for her services?—No

Cross-examination resumed—You have some respect for Christmas Day, I suppose.—Yes, Sir

Listen to this—"Christmas Day, 1857—*Carissimia mia*,—I fear it is not a reservation of *bon bons* that have caused my silence this time, but what you write in your last letter but one. You say, "I told you my resolution in case certain events did occur, you were very angry, but it would be my duty, and if I live I must do it"

Where is the last letter but one referred to there?—I don't know where it is, unless it is in the print

It is not in the print, where is it, I ask you?—I don't know. I did not preserve it

Attend—"Now the fact is that it is not a question of mere anger on my part, but your resolution is founded on false views. Where is your duty of keeping faith with me?" Does not that refer to the secret marriage? To the ceremony

I call it marriage, sir. "I never intentionally deceived you, and have done more than I promised (at great risk). I told you the event we feared could be avoided, and you cannot doubt that it is equally unwelcome to me as it is to you." What does that mean?—I think it meant the birth of a child

How was it to be avoided?—(No answer)

How was it to be avoided? Answer the question?—(No answer)

Is that your letter?—It is

Tell me upon your oath what it means?

Witness (after much deliberation), I wanted to soothe her—to quiet her

How was "the event we fear" to be avoided?—(No answer)

How was "the event we fear" to be avoided on your oath?—(No answer)

Was it the birth of a child?—The birth of a child

How could it be avoided?—Its coming to maturity

Chief Justice—Procuring an abortion, in fact?

Witness—No

Chief Justice—What else do you mean?—(No answer)

Chief Justice—How could the birth be avoided?—(No answer)

Chief Justice—What do you mean, Sir?

Witness (slowly)—I understood that if a woman was in great danger from childbirth that the doctor would manage—would manage to get the child born alive without letting it go to its full time

Chief Justice—His answer is, the child could be born alive without going its full time

Sergeant Sullivan—Very good. To Witness—Attend again to your letter:—"But if the future proves that I have been deceived by others, that will not absolve you from your faith, the which if you break with me you will never from that moment have one of even tolerable content during the rest of your life." What does that mean?—Pledging her to secrecy——

What secret was she to keep when she was only your mistress?—She was engaged—bound in this arrangement

Sergeant Sullivan—Listen. "If you do feel any love for me you must change that resolution"—Did you believe she loved you?—I did

Truly?—Yes, Sir

Entirely?—Certainly, Sir

As a wife might love her husband?

Witness (after some hesitation)—There must have been some little want of respect between us in the course we had taken

Sergeant Sullivan—Listen. "If I depart this life you may speak, or if you do, you may leave a legacy of all the facts." What facts?—The facts that had taken place

Showing that you had made her your mistress "in law," is that it?—Very true, Sir

And that is the legacy you wished her to leave after she was in her grave?—Yes, Sir

Leave the legacy to the world that she was your mistress?—Leave that legacy to posterity

Upon your oath was not the legacy the marriage with William Charles Yelverton?—The legacy was the ceremony

Was not the true legacy—that you knelt down with her at the altar and swore to God to take her as your wife?

Witness—Yes, Sir (sensation in court).

And that she took you as her husband? Yes.

And in the presence of the priest?

Witness—Subject to arrangement——

"Subject to arrangement," that was to be the codicil to her will—was it? No, Sir.

Listen again—"But whilst we both live you must trust me and I must trust you. When I find my trust misplaced, if you have any affection for me, I do not envy you the future—your duty lies this way and not that." What is the meaning of that? (No answer.)

What was her duty, Major Yelverton? Keeping faith with me.

As your wife, Major Yelverton?

Witness (after a long pause)—As she engaged to do.

As your wife? As she engaged to do.

"Your duty"—as a wife—upon your oath was not that what you meant? No, her duty to me was to keep faith with me.

Is that the duty of a mistress—is not obedience the duty of a wife? She was bound to keep the engagement we entered into (a laugh).

Did you keep the engagement you entered into, Major Yelverton? I was not the first to break it.

You were not the first to break it? No; the engagement—the arrangement—the ceremony we entered into—she broke it.

Did she break the ceremony? No, I believe not, but the engagement.

What engagement? To keep it secret.

PORTRAIT OF LEADING COUNSEL.

Was not that when she told your family? No, she broke it immediately.

To whom? To Mrs. Stalker and to Mr. Thelwall.

Did you not live in Thelwall's house as husband and wife? There was a flimsy sort of veil kept up. There were two bedrooms, and so long as Mr. Thelwall appeared to believe it, and never asked me a question, I let him go on.

Did you live with her as your wife, and meet her at table there as your wife, and get the name "Teresa Yelverton" put in the passport? As well as I recollect it was written in it.

Why was the passport got? Because we were to go abroad, but it was never used.

Attend to this—"If you wish to be my dearest little Tooi-tooi, write quickly and say so." Is not that that you should keep the secret? She told me that she would declare it to the world. I do not mean she told me at that time she would.

She told you that in case of a certain event—the birth of her child—she would take a certain course? Yes, from her letter.

Where is her letter? It is not preserved.

Did you get a letter at Carlisle for her? I don't recollect that letter.

You took her to Bordeaux? I did.

She was ill then? She was.

You wrote in a letter that "you are devoured by anxiety" to see her. You left her in a strange place? Bordeaux was not a strange place; she had been there a month, and the woman of the house was very kind, and she expected to be kindly treated by her.

Did you leave her at Bordeaux with the notion of deserting her? No, Sir, no, I don't think I had. I think my intention was formed afterwards.

But up to that time you had not an intention of deserting her? Well, I think so, Sir.

Your marriage in Scotland, you told us, took place on the 26th of June? Yes, Sir

You cried in the railway carriage—you were overcome by your feelings on leaving Teresa Longworth? Yes, Sir

And you wrote her a letter telling her this? You have it, Sir

And when you got down to Edinburgh you formed the idea of deserting her for the first time, is that so? I think so

Is it not so? I think so. I wish to explain, Sir. Although I nursed her as carefully as I could during her illness, and, although I was talking of going back to her in the autumn, and writing frequent letters to her, still there were some things which we had differed about. She was ot contented with her position that she had herself selected, as being not an open acknowledgment. There were some quarrels in Scotland before she left

DEPARTURE FROM BOULOGNE.

Oh, I am talking of Bordeaux now. Was there a word of quarrelling at Bordeaux? She was too ill to think of it

And you were very kind? Quite so

But the resolution of breaking your vow made in the chapel had not occurred to your mind until you came back to Edinburgh? I believe so.

Do you ever feign your feelings? I do, sometimes.

Listen to this letter—

"Carissima Mia—Fancy my disgust; I have had to wait here 24 hours for an answer to my letter to Edinburgh, and I have been refused a few days more, so cannot go to Wales, but must go back direct. I hope you are getting better, like a good tooi tooi. I must hear of you very often, do not forget that, and do not fancy that I do not care, for I never feign a feeling, though I sometimes do the want of it; and what I do feel, if it does not equal in intensity your wishes and expectations, is perhaps all the more lasting on that account. Recollect, that the hardest substances, when impressed, keep the most lasting impressions."

Was not that intended to convey to her that your affection was to be lasting? Yes, Sir, she was very ill, and I was obliged to write very soothing, quiet letters, to her for some time.

But you had not formed the intention of deserting her then, I believe? I had not.

But in two months after you went through another marriage ceremony in Edinburgh? Yes, Sir, in two months and a half.

The 26th of June was the date of the marriage in Scotland—did you not write on the 26th of April to Madame Andre, asking her to write to you about Mrs. Yelverton, and enclosing her a note? The date will speak for itself.

You wrote to Madame Andre telling her that you were greatly afflicted at not getting an answer to your last letter, and begging her to give to Mrs. Yelverton the enclosed letter. That is dated the 26th of April, from Edinburgh Castle; and in it you ask Madame Andre to write to you to let you know how your dear Teresa was? Yes, I was very much alarmed at the time.

Did you ever write this to her on the 12th of May, from Edinburgh Castle?—"Carissa Mia—I am so sorry I cannot help to nurse you, and very glad that you have got a better nurse than I could possibly be. . . . Give my regards to your sister (Mme. L—bvre)?" I wrote that letter.

Madame Lefebvre was her sister who was attending to, her and from whom you got bulletins of her health? Yes.

Listen to this—

"Tell her I have received her two kind letters, and anxiously watch for a third. As I am not sure whether this can be forwarded to you, I will not write more now. I am weighed down with

the load of suspense. I have to hear, and live only in hope of a better future. *Sempre penso a te. Carissima mia*—Addio."

What is the meaning of those Italian words? "I always think of thee, my dearest lady."

[The witness here appeared to be reading the letter very attentively.]

Yes, look at it. I don't wonder at your being astonished—was it not written on the 12th of May? Yes, Sir, it was.

And on the 26th of May you went through a marriage ceremony in Scotland again? Yes. (sensation.)

Did you propose to her that you would tell your mother of this secret marriage, and acknowledge it? Never.

You never told her that? I swear it.

Was there any talk about your mother, and about telling her the whole thing? She might have proposed such a thing, Sir; but I never admitted it, or said I would do it.

Did you discuss it with her? She may have written or spoken to me, suggesting that I should acknowledge her before the world as if there was a regular marriage.

By your oath, did she speak to you about consulting your mother? I can't recollect, Sir. I may have heard from her or spoken to her on the matter.

This is the last letter you received from her? "Dear Carlo—You asked my forgiveness, and received it without a word of reproach. There is no need of excuses or disguising of facts, which medical men who have attended me have confirmed. Neither was the malady a slight one, as you are trying to persuade yourself. My sister is witness, and you may be convinced by coming to see the wreck I now am. I shall not *die* as you say. She has saved me; but it is somewhat hard to lose health, eyesight, and every beauty in the prime of life. *Du resto*, if these my sufferings for your sake have not endeared me more, do not think there is any more obligation imposed on you. Let it be forgotten—*requiescat in pace*. (It will be remembered in both our days of reckoning, and that is enough. ' As to the other business, I do not see any other course than to tell your mother the truth, as you had proposed doing. Surely she will forgive you—.

"As to the other business"—what is that? A proposal that she should be acknowledged openly.

Is it openly as your mistress? Oh no, Sir.

Is it openly as your wife? That we should be publicly married.

Did you not tell me that it meant that she should be acknowledged by you in public? That is what I mean, Sir.

"As to the other business, I do not see any other course than to tell your mother the truth as you had proposed doing"—What was it you proposed doing? I had not proposed doing anything.

But it was discussed, and she says in that letter you had proposed telling your mother? I suppose it was discussed. She probably proposed it herself.

The letter goes on—"Do not, in the hope of patching matters up, throw away our last chance of united happiness; events have rushed so quick to a crisis, it is not possible to stem the tide; we must cling fast together, or we shall be lost to each other. Our past cannot be reached in the future. Do not, for the sake of a mere chimera, give up a real life-long enjoyment. You have already broken the spirit of your promise; what is the bare letter good for? I do not ask you to rush on to immediate ruin, but your mother will keep the secret for your sake, and through my friends he can never hear. I care not about the honour of seeing your family, but I must be protected from all possibili y of another Bordeaux exposure. Imputations in open courts upon my fair fame as a woman are not to be borne. I need not quote 'Cæsar's wife. Every man must feel the same; and I am sure that were there a man in the case you would not let him go unpunished. You will recollect that I told you before I consented keeping the marriage secret, that this, and this alone, was the only sacrifice I could not willingly make for you." Now, Sir, did she tell you that? She did not.

Then she dreamed all this? She stated it falsely, Sir, in her letter.

Will you swear she never told you she unwillingly consented to keep the marriage secret? I swear that she never told me that anything whatever would induce her to disclose the ceremony.

Did she tell you that that was the only sacrifice she could not willingly make for you—suffering imputations on her fair fame? No; there was no sacrifice she was not to make for me (sensation).

No sacrifice that she ought not to make for you—even to blast herself before the world as having lived with you as your mistress, and not your wife? There was no necessity for that, Sir. You are putting it in a strong point of view.

Well, Sir, it is your own view. Did you not write to her—"If I depart this life you may speak, or if you do you may leave a legacy of the facts." Was the legacy that she was to leave behind her the fact, that she had lived with you as your mistress? Yes, Sir, that was written angrily.

Is not that the letter you wrote to soothe her, as you say? No, Sir; it is another.

It is not, Sir; it is the same letter? This letter was written to reassure her. The one meant to soothe her was written from Southampton.

On what day had you arranged for the marriage ceremony that took place on the 26th of June? [The witness put his hand to his forehead and seemed to reflect deeply for some minutes.] It was definitively arranged a very short time before. I think it was definitely arranged about the 15th—about the middle of June.

When had you been accepted? I had been accepted in May.

What time in May? About the latter end, I think.
Mrs. Yelverton came to Edinburgh? To Leith. I saw her there.
Is that the last letter you wrote to her (letter produced)? Yes, that is the last letter.
Counsel read the letter—"Poor little tooi-tooi—I cannot go and see you any more just now You must go to Glasgow, as I asked you. Do not forget the man's name, Gilligan's livery stables. My brother has come; I will send him to see you this afternoon about four o'clock. Addio." Had you told her then why you could not go to see her? The exact why, no, Sir.
That you kept concealed? The immediate step I was going to take I did.
You prevented her having the opportunity of preventing your marriage if she could—she was not on the spot? She was, Sir.
You concealed that you were about to be married to another lady? That I was going to be married so immediately, Sir, yes, I said I was going to be married. She taxed me about going to be married. There were letters of mine to her previously, which she does not produce, that would elucidate the matter very much.
Written from what place to what place? Written from Edinburgh Castle to Boulogne or Bordeaux.
Take this letter in your hand. [The letter already referred to, beginning "Dear Carlo, you asked my forgiveness, and received it without a word of reproach."] By your oath, Sir, were there any letters written by you to her at Bordeaux that are not in this printed book? There were.
How many? There is only a portion of one produced.
Was it in that one you told her of your intended marriage? It was not.
No, for on the 12th of May you told her you were sorry you could not help to nurse her? There must have been one very important letter, for I recollect the terms of it—if not two letters.
To Boulogne or Bordeaux? I don't know which.
But you did not tell her at your last interview that you were to be married on the 26th to another lady? I did not tell her that fact; but I told her she and I must separate. My letters would explain very much how that came about.
I would like that you should first produce the letters that she wrote to you at Bordeaux? I should wish very much I could, Sir. I produced the worst of them. I produced all I could.
She could have gone and forbade your banns, Sir, if she knew you were going to be married? She might have postponed it.
But, Sir, you denied her the opportunity? Well, Sir, I really thought she would go.
To New Zealand? Anywhere you please, Sir.
Or to captivate some rich man? I admit I said that to her, Sir.
Then you proposed that your mistress should go off to be the wife of somebody else; is this your honour, Sir? I did say it to her (sensation). I don't know that it could be taken as a very serious proposal.
Major Yelverton, answer me this—Did you believe your interview with her a serious interview? Well, yes, Sir.
Did you believe your position was a serious one? Yes.
Did you believe you were about violating the oath you made at the altar? I did, Sir.
To break your oath? Yes, Sir. You must recollect that was taken——
Sergeant Sullivan—Subject to the explanation, of course (laughter)?
Witness—Subject to the reservation. I beg to say, Sir, that Teresa Longworth, at that time and at her age, was capable of making her own position, and she accepted that position with me. I only say this in extenuation, but not in any way to justify my conduct. I was going to take care of her in pecuniary matters still.
Do you think that any compensation to the woman you had treated in this way? You say she was not satisfied with the position she occupied? Yes
And you proposed one of two alternatives—either to accept some rich gentleman, or to go to New Zealand. Did you send your brother to her? Yes
He is in his grave? Poor fellow! yes
Were you at his death-bed? I was
Did he say anything to you about this matter? Do you mean at any time? He died very suddenly at last, poor fellow!
Did he say anything about it before he died? (No answer)
Did he say anything about the interview he had with her, and the part he took in it? He described it—he described two or three interviews
You sent him on your behalf? I did
Did you authorise him to act as your agent? I think yes, Sir, partially, always referring to me.
He did not go to Glasgow? I believe not.
Did your brother tell you before he died that he regretted this act of his—his intervening in this matter? He did not tell me so.
Did he say it? I don't know he said it
Did you ever hear that he said it was the only act of his life he regretted? I never heard that.
Or anything like that? I never heard it
Do you believe it? I dare say he did (sensation). He did not say so to me.
Well, on the 26th of June, you had a mariage ceremony performed at Edinburgh? Yes, near Edinburgh.

At what place? At a church near the sea, about two miles from Edinburgh. The name has slipped out of my head.

It appears that these marriage ceremonies make no impression on you? It is not that, Sir, but I have a very bad memory for names. If you prompted me, I dare say I could tell you.

Has the lady with whom you contracted a second ceremony of marriage a large fortune? No, Sir, a moderate fortune.

Sergeant Armstrong submitted that this had nothing to do with the case?

Sergeant Sullivan—Very well. Were you sued by Grant, a tradesman, for goods supplied by him to Mrs. Yelverton?

Sergeant Armstrong objected to this question

Did you pay a tradesman for goods supplied to her after you had repudiated her as your wife? I was sued for goods sold and delivered, in order to enable her to bring an action similar to the present

Did you pay for the goods? I paid the cost, whatever it was

That won't do. You can't fence with me? I don't want to fence with you.

Did you know that Grant, a tradesman, sued you for goods supplied to Mrs. Yelverton after you repudiated her as your wife? Yes, I did. My counsel informed me that I should pay it, and that we should put in a notice that it was to be no acknowledgment on my part, and that this might be done without entering into the marriage question at all

But was it to avoid entering into that question you paid the money? No, Sir; because it was cheaper. I believe I was told a verdict might be had against me without entering into the marriage question

Did you not tell me that you knew the action was brought for the purpose of trying the marriage and nothing else? Do you swear it was to try the marriage and nothing else?

Dr. Ball objected to this question

Sergeant Sullivan—Did you know before you paid that the goods were supplied to Mrs. Yelverton? I did not know it of my own knowledge

Do you swear it? It is a long time ago

Did you not tell me yesterday that what you had sworn in your affidavit about the illicit intercourse in February was a mistake? You said "in February"

Did you swear this: "That by the indorsement of particulars, it appears that the goods in respect of which the action is brought, are all articles of female dress, and are stated to be supplied in February, 1860?" Did you know these goods were supplied by Grant after the lady was repudiated by you as your wife? I believe so

Did you ever authorise Grant to supply them? No

Did you ever hold yourself out to him as her husband? Not precisely, to him

And you paid the money? By advice.

And you paid it, as you say, under protest that she was not your wife? That is the way I understood it.

Though you had given no authority to supply the goods, you paid the money under protest? With the explanation that I was told a verdict might be had against me in that case without entering into the marriage question at all.

Did I read this portion of your affidavit yesterday for you, "That deponent had at one period previous to his said marriage illicit intercourse with a person named Maria Teresa Longworth, and as deponent best recollects such intercourse commenced about Feb., 1857," and did you swear that this was a mistake? As to time you read "in February?"

Do you swear that? I understood you so.

Is it now a mistake? It is about February.

Did you not tell me yesterday that you remembered March all through? I shall explain that very easily. I made this affidavit in a great hurry. I was on the march and I was called up to Dublin, where I made this affidavit, and carried it down from Mr. Dwyer's office to fill it in in a great hurry. It was made with imperfect information, however it was put safely "about February" in order to include the whole time. I had not then the advantage of the letters which Miss Longworth has now produced, and as I then recollected I could not fix the date more.

Is this an inaccurate statement that it was "about February?" It is very wide.

Did you state in Scotland, with all the documents before you, that it was in February or about that time? You must find a document to which I can refer before I can answer that question.

The nearest you can go to it now is the latter end of March? With these letters.

Was it on the day Miss M'Farlane left Edinburgh you took Miss M'Farlane to the convent? I don't know.

Will you answer it was not? I will not, because I don't know.

I am done, Sir.

Re-examined by Mr. Sergeant Armstrong—Was your recollection as to the period of the illicit conversation such as you stated in the affidavit at the time you swore it? It was.

Explain the source under which you acted in Grant's action? I was at Athlone, and it was at the time fully determined to contend the action, but counsel was of opinion that the best course I could pursue was to act as has been done, and they told me that a verdict could be had against me without entering into the question of marriage.

Was it to avoid this lady that you came home by the Danube?

Mr. Whiteside objected to the question, which was allowed to be put, subject to the objection.

THE PASSAGE FROM BOULOGNE.

Why did you come home by the Danube? I came home—or rather I did not go by the Bosphorus, in order not to thrust myself into the danger of proximity with Miss Longworth, fearing I should be led on by my passions as I had been before.

Explain as far as you can the meaning of this sketch by you which has been already produced? It is so long ago I cannot recollect.

What is the building represented in the corner?

Chief Justice—The lady thinks it is a convent.

Witness—Somebody has written "convent" under it, but it is not in my handwriting. It might be a convent or an hospital. There is a lady gliding down on a sunbeam into the hospital or convent, and the gentleman is taking a "header" into all sorts of trouble.

Are you able to say when or where you made that sketch? I am not.

Do you recognise it at all as sketched by yourself? Yes.

Were you at Leith Fort before January, 1857? I went there in October, 1856.

In reference to your attendance at public worship—Mr. Whiteside objected, that this was repeating evidence.

Were you unwell?

Mr. Whiteside—A good Protestant won't allow a slight cold to prevent him from going to church.

The court allowed the question to be put.

Were you unwell in the spring of 1857, so as to be prevented from attending at public worship? I was ill.

Was your illness such as to keep you from church? I was on the sick list.

On the Sunday on which you went to the door of the chapel at Rostrevor, did you join in the service or worship? I did not join in any service or worship at Warrenpoint, at all.

Do you know where you gave her the new ring you spoke about? I do not.

Chief Justice—You say she wore a ring previously, which you now bear on your finger; d you say you gave her that ring? It was only lent.

Sergeant Armstrong—When did you lend it? I cannot recollect.

Did she wear it on any part of the tour from Waterford to Rostrevor? I recollect the substit tion of one ring for the other on that tour.

Did she wear your ring, so as to show the stone? The stone was turned in.

You said the priest locked the door of the chapel; what door was that?

Mr. Whiteside objected to a repetition of evidence.

Chief Justice—He stated he locked the front door through which they entered, and that the was, in addition to that, a small door in the vestry.

Re-examination continued—Was the indictment for bigamy pending against you when y went with the lock of hair? It was.

To the Court—The direction I gave my brother was, to see her, and speak to her, and try a make an arrangement that would satisfy her, and report to me what he had done. I expected hear from him from time to time, and, before any arrangement was concluded, to know of it.

To Mr. Sergeant Armstrong—I have a recollection of using a bath-room at Malahide as dressing-room. To the best of my recollection there was no bed or means of sleeping in it. I not sleep in it. Geale and Dwyer are the family solicitors. This lady did not sleep in that bat room at Malahide.

This concluded the examination of the witness.

Captain Herbert Purviss examined by Dr. Ball—I am second captain in the Royal Artillery; was at Malta from April, '51, to October '54; Major Yelverton was quartered there a few mont before he went to the Crimea; I saw him in the Protestant church at Valetta; I saw the Catho soldiers go to the Catholic chapels in Malta.

Was Major Yelverton reputed to be a Protestant?

Mr. Whiteside said that such a question could not be put. Let the witness be asked wh particular acts he did at Malta.

The Chief Justice said he did not think the question could be put.

Dr. Ball submitted that it could, and referred to the statute of George the Second to suppo his views.

Witness—Am I to answer the question?

Mr. Whiteside—If you please, don't till you hear the argument (laughter.)

Dr. Ball said the questions he proposed to put were these—At the time you were at Malta wi Major Yelverton was there any reputaiion as to his religion—and to your knowledge what w that reputation? Evidence of reputation was given to sustain legitimacy, and could clearly applied here.

Mr. Whiteside said that reputation of legitimacy was quite a different thing from the matt sought to be put in here by Dr. Ball.

The Chief Justice said he was clearly of opinion the evidence was not legal, but he would recei it subject to a bill of exceptions at the peril of the defendant.

Dr. Ball said he would put the question subject to the exception. He then asked the witness what religion was Major Yelverton by repute when he was quartered at Malta?—A Protestant.

Cross-examined by Mr. Whiteside—I saw Major Yelverton this afternoon.

Did he mention to you that he was a sincere Protestant? (laughter.) No he did not.

Anything said about your remembering his going to the Protestant church at Malta? Nothin

Nothing to that effect?—To what effect?

To what effect? To that effect (laughter.)

To some effect? (loud laughter.) I don't know to what effect you allude.

What is the evidence you have been giving? (laughter) What evidence?

I don't know (laughter.) What is it? That I knew Major Yelverton at Malta.

We agree on that important fact (laughter.) Do I understand you to convey anything furthe I knew he was a Protestant.

How did you know it? It was in the quarterly returns.

Because it was in the quarterly returns he was a Protestant? When did you see the quarter returns? I cannot say when I saw the list.

Try—do try? (loud laughter.) I don't know anything about them.

Do you know what you are talking about yourself? (Laughter.) I think it is the quarter returns.

Very good. It is the quarterly returns you are alluding to. He might be returned in t quarterly list? So he might—I don't say whether he is or not.

Who keeps the returns? The officer commanding the company sends them in.

If he is put down a Protestant he must be one; that is your argument? No, the return mig be wrong.

Suppose he was put down as a Protestant in one return and a Roman Catholic in anothe would the return that he is a Protestant be wrong? No; unless I had clear proof that he change

The return would not satisfy a scrupulous captain? I am not a scrupulous captain (laughter

What is the general scope of the evidence you would require in a case of that kind? (laughte (No answer.)

Have you ever heard of a person changing his religion? I have.

You are a Protestant? I am.
You don't go to mass? No.
Do you believe in auricular confession Certainly not.
You don't believe in absolution? No.
Reverting to my first question, when did you see Major Yelverton? This afternoon.
You saw him lately very often? No
Upon your oath has he been talking to you on the subject of religion —On my oath he said to to-day that I was to recollect the dates of our going to church
The dates of the great war?—What great war? (laughter)
The Crimean war. Was it not a great war?—It was
Were you there?—No
I am sorry for it, but perhaps if you were there you might not be here (laughter). What day Major Yelverton go to church?—I won't swear to any day. I saw him on Sunday
On what Sunday?—I cannot say any particular Sunday
Between '51 and '54 how often did you see him at church? Will you swear to four times?—I swear to three times
Do you think a man going three times to church in three years is a reputed Protestant? Supng now he went to mass ten times, what would you say?—(No answer)
Chief Justice—Do I understand you to say that you saw him three times during three years?—ear to three times. It might be three dozen
Supposing a man went to church three times, and to mass six times, what would you make of ?—I would not call him anything. I would make no remark about him
You would say he was not bigoted?—I don't know
You have not been quartered with him lately?—Not for two or three years
Archdeacon Knox examined by Sergeant Armstrong—I know Belle Isle, Lord Avonmore's ntry seat I am the rector of the parish of Laura, in which it is situated, and have been so e 1834. I knew Major Yelverton when a boy, in 1838, during the time he was at school. I llect him being at home during one vacation. To the best of my belief he then came to ch with his mother and sisters. I have seen him at the parish church in his manhood, when was at home on leave of absence. I recollect his brother's marriage in 1857. I saw Major erton at my church in that year. Belle Isle is about three miles from the church. Sometimes ode and sometimes he drove in a pony phaeton to church. His horse used to be put up at my e. During the year 1857 I saw him more than once at my church.
Do you know the reputation as to his religious faith?
[This question was objected to, and permitted to be put, subject to an exception.]
Witness—He was a Protestant by repute.
Cross-examined by Sergeant Sullivan—I am positive I saw him twice at my church in 1857. of those occasions was not when his brother was married. The principal evidence I have as is religion is having seen him go to my church. I am not aware that there is a burying-nd at Melleek. Major Yelverton was on a visit at Belle Isle in April, May, and June, 1857. ard that his grandmother was a Roman Catholic.
ohn De Burgh Dwyer examined by Mr. Ball, Q.C.—My uncle, General Dwyer, resides at yquirk Castle, county Tipperary, about five miles from Belle Isle. I have lived with my e for a period of 20 years. We are intimate with the Avonmore family. I have known or Yelverton since 1839. In that year he came home from Woolwich. He attended the ch at Laura. I have seen him there on subsequent occasions. Twelve years ago, when he ned from New Zealand, I remember seeing him attend in Laura church. In 1857 Major erton's eldest brother and his wife came to reside at Belle Isle. I remember Major Yelverton g on a visit with his brother in May and June. He attended the same church there. There a Catholic church in the neighbourhood. He was a Protestant by repute
ross-examined by Mr. Whiteside—I do not keep a record of all the persons who attend the ch. It is a small church, and strangers are particularly remarked. I remember he praised Zealand very much; he said he had great enjoyment there. He never told me it was a nice for a lady. He never told me that it would be a nice thing to have one wife in New Zealand nother at home here (laughter)
Then you talk of him as a reputed Protestant, did you believe him to be a religious man?
Witness—I did not believe him to be an irreligious man. I have formed no opinion on that at present. I am not married
Mr. Whiteside—Then, Sir, your religious character is not equal to that of your friend (laughter)
William Shaw examined by Mr. Brewster, Q.C.—I keep the hotel at Malahide, and I did so in ear 1857.
Do you recollect a young couple coming to live at your house?
Witness—Not unless I refer to your book
The book was then produced. Mr. Shaw said the entries in it during 1857 were partly in his handwriting; that some of them were made by his barmaid, and that he was in the habit oking at the entries daily. Mr. Whiteside objected to witness being allowed to look in the because the entries were not all made by himself; and, after a lengthened argument, the ruled that he might look at the entries to refresh his memory. His lordship took a note of bjection.]
Examination resumed—Having refreshed my memory by looking at the book, I am able to say

that two rooms upon my ground floor were let to two persons from the 30th July to the 3rd August. The rooms were a sitting room and a bedroom, next to each other, on what I call t north corridor on the ground floor. There is a bath room at the end of the passage unconnect with these rooms. There was no bed in the bath room. I don't remember, independently of t book, by what name these people went. These two parties had not a second bedroom. T rooms were described by the letters R and N. They were taken on Thursday, the 30th July. T parties came in the afternoon, and they went away early on Monday, the 3rd of August, and h an early dinner before they went. I had a chamber-maid of the name of Fegan at that tir They were young people. They passed as man and wife, and lived as such while they remai in my house

Cross-examined by Sergeant Sullivan—We have a great many bridal parties at my house. I not remember the casual visitors at the hotel. The entries were made in the book by Fan Walsh. She is not here to my knowledge. I have heard that she is in the country. As far as knowledge goes these two persons had only the two rooms, and no bath room. The bath room separated from the two rooms of which I speak by two other rooms. The bath room looks on the estuary. All the bedrooms in my house but one are numbered, and the sitting roo lettered. N was a sitting room. Rose Fegan left my service at the latter end of '57. I never s her since until the other day in this court. In July and August, 1857, my hotel was very full visitors—we were much pressed for room. It was the only vacant suite of rooms in the house wh the couple went.

Re-examined by Mr. Brewster—The sitting room which was between these two apartments the bath room was a small dining room used for casual parties. The bedroom was for a sin gentleman, and was occupied by one during that time. No couple in my house had two bed ro and a sitting room during that period.

To a Juror—I cannot swear there was a sofa in the sitting room; neither can I swear th was not.

To another Juror—There was not a sofa or a bed in the bath room

Rose Fegan examined by Sergeant Armstrong—Were you a chambermaid or housemaid in Malahide hotel in 1857?—I was

How long had you been living there at the time?—About four months

About what time did you go there?—In May

Do you know the rooms on the ground floor known by the letters R and U?—Yes

How was the room known as R furnished?—As a sitting room

What was the room U?—A bedroom

Do you recollect a lady and gentleman occupying these rooms whilst you were there?—I do

Had they any other rooms besides this sitting room and bedroom?—No other room

Did you attend to that bedroom as a servant?—I did

Did you see the lady who, with the gentleman, occupied these rooms in court the other day I did.

Are you able to say from what you observed and of your knowledge that they slept in same bed?

Mr. Whiteside—We have not heard who the other person is yet

Sergeant Armstrong—The lady and the gentleman who was with her. Did they occupy same bed?—They occupied the same bed

Do you know what name they went by?—Not that time

Do you recollect how long they stayed on that occasion?—Three nights

And did they on each night occupy one and the same bed—did they sleep together?—Yes

When did you leave Mr. Shaw's employment?—On the 22nd October in the same year, w the season was over

Where did you go to?—The Shelbourne hotel

Did the lady you saw the other day call on you at any time afterwards?—She did

Where were you when she called on you?—At home at Rathcoffey, near Kildare, my brot place

About what time did she call on you?—Last August two years

Were you living with your brother?—Yes

Have you been living there since, and do you come from Kildare to give evidence?—Yes

What did that lady say to you on that occasion, and what did you say to her?—She aske if any gentleman had come to me to offer me money. I told her not. I asked her what she m and she said she was afraid that her husband might be going to give me money as a l I said nobody came to offer me a bribe, nor would I accept of it. She said she was about goi law with her husband. I asked her when she expected the law to take place, and she sa October, and that she had been with the lawyer the day before

Anything more?—Nothing further

Did she go away then?—She did

Was there anybody with her?—Only the man who drove her on the hackney car

Can you say whether it was a common hackney car?—It was a Maynooth car she had

Do you recollect anything else she said in reference to the gentleman she said was her husb —Nothing else

Cross-examined by Mr. Whiteside—What year was that you were at the hotel?—1857

Was there a waiter there at the time?—There was

What is his name?—Henry Willis
Were you at his funeral?—I was not
Is he alive?—He is dead, I think
Dead—will you swear that?—I can't swear it
Do you swear he is dead?—I heard he was
Who brought in the dinner to the lady and gentleman?—The waiter
When did you see him last?—He went to the hospital after I left Malahide
What was the name of the barmaid?—Fanny Walshe
Did she die, too, and did you bury her with the waiter?—I don't know
Is she alive?—I can't tell
Were there many people going to the Malahide Hotel in your time?—A great number
Did you keep any book at all?—No, sir
Are you a scholar?—Yes, sir (laughter)
You can read and write, but you kept no books?—Not required, sir
Oh! of course not. Your memory—your memory. Would you know, Rose, a grown up person by the hair of a child of four years old? Would you be able to say what sort of person a grown up woman was, by the hair of a child—just as you would judge of the cow by the calf? Did you ever see a lock of hair, Rose?—I did
That's right, Rose. When did you see it?—Two years ago, in the winter
What time?—I cannot exactly say
By the virtue of your oath, when did you see the lock of hair?—I cannot swear
Was it in December?—I have no recollection
November?—I have no recollection of the day
September—you are a scholar, you know, so come?—I have no recollection
August, July, June—where was it?—In Rathcoffey
Was that the first person that called on you?—It was
How many persons were there?—Two men
Had one of them a moustache?—I cannot say
Do you swear that? Would you know Major Yelverton?—I would
Was he one of them?—I can't say
Out with it?—I can't swear
On your oath was not Major Yelverton one of them?—I can't swear
You won't swear it was not?—I can't swear
That is only two years ago, and does your memory improve as you go back, for three years you know are farther off?—I took no notice
Don't you know, as well as you are sitting there, that it was Major Yelverton who showed you the lock of hair?—I can't swear
Did you see him lately?—Not until I saw him in court
Will you not swear that was the person who showed you the hair?—I can't
You swear you cannot identify the person who showed you the lock of hair?—No
Can you identify the man who was with him?—I can
Who was it?—Mr. Dwyer
The attorney?—Yes
Which of them had the hair?—Mr. Dwyer
Did the other gentleman with the moustache speak to you?—I am not quite sure
Now, as you expect to be believed, was not that other gentleman Major Yelverton?—I did not know him at the time
And up to this moment you are not sure whether you know him as the man that went to you with the lock of hair. You could not identify him?—I could not
Did they talk much with you?—Not a great deal
I'll tell you what they said to you, although I was not there. Here's what they said, "Rose, there's a lock of hair; do you remember seeing a couple in the month of August, 1857, at the hotel at Malahide? the lady had hair of the colour of that lock." Did they say that?—Yes, Sir. (When the witness gave this answer the people in the front gallery gave a loud cheer.)
The Chief Justice said he could not permit such conduct, and he directed the police to clear the gallery.
Mr. Whiteside—Allow them to remain there a while, my lord, I'll instruct them just now.
The Chief Justice said he should have the gallery cleared.
A juror observed to his Lordship that it would occupy too much time to clear the gallery
The Chief Justice did not enforce his order then, but directed the police to take into custody any person who should in future create a similar disturbance.
Cross-examination resumed—Did you not say you could, looking at that lock of hair, identify the lady that was with the gentleman at Malahide Hotel?—I did
Were you placed on a form over there whilst Mrs. Yelverton was giving her evidence the othe day?—Yes
Was there a form placed there to enable you to stand upon it and look at her?—There was
Who brought you in to look at her, on your oath?—Mr. Dwyer
Who was with you?—No person
Was Biddy Cole with you?—She did not come in with me; she came in after I went out

On your oath did you know the person of Mrs. Yelverton till you were put there to look at her
As soon as I saw her, I knew her
Did you know her as the lady that called upon you at your brother's place?—The moment saw her
And you swear she is the same person?—I am sure of it
You will stake your conscience upon it?—I will
Very good. Now, did the lady that called upon you on the Maynooth car (and you are rig there, it was a Maynooth car) ask you whether any persons had been looking for evidence fro you?—She asked me if I had seen them
You told her that two gentlemen had been with you?—I did
You told her they asked you what you could prove?—I did not
Did you not tell her they asked you what you could prove about the young couple? did yo not tell her that one of them had shown you a lock of air?—I did
And the lady who spoke to you is Mrs. Yelverton?—It is
Mr. Whiteside—Now bring that woman in. [A young woman of prepossessing appearanc was then produced, and placed beside the witness.]
Mr. Whiteside—On your oath is not that the person who called on you?
Witness (after gazing intently for some time at the young woman)—No
You swear that; look steadily; is not that the woman who called on you?
The witness looked again for a long time at the young woman in apparently a bewildered sta of mind, and at length said hesitatingly—I can't swear
Mr Whiteside—Don't you know that is the person who came from Maynooth on the c to you?
Witness (after another long pause, and with the same bewildered look upon her)—I cannot swe
Will you swear it is not the person who called on you?—I will not
She may be the person who called upon you, eh?
Witness—She may
Mr. Whiteside—Is she not the person who called on you, come?
Witness—(still gazing at the young woman)—I can't say
Mr. Whiteside—Look at her again steadily.
The witness did look at her again steadily, and after another pause repeated, "I can't swear
Mr. Whiteside—You can't swear she is not the person who called on you?
Witness (evidently breaking up fast in her mind on the point)—No
Mr. Whiteside—She may be the person whom you told about the lock of hair
The witness looked again at the young woman, and then at Mr. Whiteside, and then again the young woman, and after gazing at the latter for some time admitted that "she might be"
[It would be impossible to give any adequate idea of the scene which was presented in cou when this young woman was confronted with the witness. The court was hushed in expectatio as Mr. Whiteside triumphantly called for the production of the party; and when the witness an she were placed face to face with each other, every eye was fixed on them. Mr. Whiteside, wh had poured his questions on this point in quick succession, and with that vehemence and vigour f which he is celebrated, threw himself back, and gazed at the witness as he paused for her repl The witness, pressed by his questions, hesitated, wavered, doubted, and at length admitted, above stated, that the young woman now quietly looking at her might be the person who h visited her as she had detailed. Then a buzz went through the court as everybody remarked everybody else how singular it was; and, in truth, a more exciting scene has rarely been witness in a court of justice.]
Mr. Whiteside, Q.C.—We mean to examine this young woman, my lord
Sergeant Armstrong—And we will cross-examine her. (To the witness, Rose Fagan)—Wh the two gentlemen called on you state what they said to you, and you said to them? They ask me was I the person who lived at the Malahide Hotel—was I the person, and I told them I was
Chief Justice—Well, go on. They asked me if I had any recollection of the parties
Chief Justice—Tell us what they said. Surely, they did not say, "Have you a recollection the parties?" No. They asked me had I any recollection of a lady and gentleman stoppi there, a lady with fair hair
Well, and what did you say? I could not for a long time recollect
Chief Justice—Go on. I seen the lady's hair. When I seen her hair produced, and a piece her dress, I got some recollection of her
Chief Justice—Speak up
A Juror—We cannot hear her
Another Juror—Speak up, Rose
Sergeant Sullivan—The last answer is very important, gentlemen. Repeat the last answer
The Chief Justice—She said, gentlemen, that when she saw the lock of hair, and the piece her dress, she got some recollection of the lady. (To the witness)—What further—what did the say? They asked me how many nights she stopped there. I took some time to recollect ho many. They showed me a piece of the lady's dress, and asked me did I know it and I told the I did
Anything else? I cannot recollect
Sergeant Armstrong—Do you know who this young lady is, or anything about her (referring

the lady who had been brought into court, and was still confronting the witness, who appeared to regard her with great anxiety)? I don't know the young lady

Was the lady who called on you alone or accompanied by any one? She was alone

This concluded the examination of Rose Fagan. It was now six o'clock.

Mr. Whiteside—Your lordships will not go farther?

Chief Justice—Gentlemen, I must go circuit on Monday.

EIGHTH DAY.

The hearing of this case was resumed at the sitting of the court. The intense interest which had been manifested in the proceedings from day to day as the trial advanced still continued, and was exhibited throughout the day by the crowded state of the court, and by the multitude that besieged the doors.

The Chief Justice took his seat on the bench at ten o'clock precisely. The full bar at each side were in attendance. The case was then proceeded with, the jurors having answered to their names, as follows:—

John Grattan, foreman; Bernard Martin, Charles Stephens, Robert Long, Caleb Palmer, George O'Neill, Hugh Maguire, Patrick Langan, John Ord, Trevor Hamilton, Patrick Barden, William Allen.

John Erskine Dransfield examined by Mr. Sergeant Armstrong—You keep a hotel in Newry?—I do

Did you keep a hotel there in 1857?—I did

Was there a book kept in the hotel at the time to record the arrival of persons?—There is a book kept, but we don't enter every name in it

Have you the book with you?—I have

The book that was kept at that time?—Yes, sir

Just open the passage——

Mr. Whiteside—I object to this. Is it in your handwriting, sir?

Mr. Sergeant Armstrong—It is not

Mr. Whiteside—Then do not read one word of it

The Chief Justice—(To witness, who was about to open the book)—Do not look at it at all, sir

Mr. Sergeant Armstrong—In whose handwriting is it?—It is in my wife's, sir

Mr. Whiteside—That won't do

Mr. Sergeant Armstrong—Where is your wife?—She is an invalid. I have a certificate from a doctor. She is not able to walk: she is on crutches

Mr. Whiteside—Distressing!

Mr. Sergeant Armstrong—Well, it is, certainly. Did you see the entries in that book from day to day in the year 1857, August?—I did

Was that book kept for the purpose of your business in that establishment?—Yes

Have you seen Major Yelverton in town?—Yes

Do you know his person?—I do, perfectly well

Mr. Sergeant Sullivan—My lord, I must ask your permission to have Major Yelverton recalled

The Chief Justice—Let him be sent for

Mr. Sergeant Armstrong—And I have a question to ask Mrs. Yelverton about some letters

The Chief Justice—Very good

Mr. Sergeant Armstrong (to witness)—Are you able to say, from anything that occurred——

Mr. Whiteside—That is not evidence—his inference from facts! I must be on my guard

Mr. Sergeant Armstrong—You are more than on your guard

Mr. Whiteside—I am as much alive as ever I was (laughter.)

Examination continued—Was Major Yelverton a guest at your house?—He was

Have you seen Mrs. Yelverton?—I have

Was she with Major Yelverton, at your house, at the time you speak of?—Yes

Are you able to say what apartments they occupied?—They occupied the apartments that barrister Jones and barrister Tickell were in the habit of occupying

Mr. Tickell was chairman of the County of Armagh, and Mr. Jones Chairman of the County of Down?—Yes

The Chief Justice—Then they had a double set of apartments?—No, my lord

The Chief Justice—What then? What were they?—A drawing-room and a large bedroom, with a small one off that again

Mr. Sergeant Armstrong—How many beds were in the large bedroom?—One

Was there a bed in the inner room?—A small bed

Do you know how long they continued in your house?—Two nights

Were you in these apartments during their sojourn there at any time?—I was, one day they were out

Mr. Whiteside—They went out and you popped in? (laughter)

Mr. Sergeant Armstrong—Is your daughter, Miss Dransfield, here?—She is

Was she in the habit, at that time, of superintending the house?—She was, when she was home from school. She was at a boarding-school.

Did she, at that time, occasionally assist in the making up of the rooms?—She did

Mr. Whiteside—Did you see her with your own eyes?—I did, sir.

Mr. Whiteside—That is the way she employed her holidays (laughter). Very good

Mr. Sergeant Armstrong—Are you able to say whether Mr. and Mrs. Yelverton occupied the same bed?

Mr. Whiteside—I object to that question, unless he went in expressly to see them to bed (laughter). It is a most unjustifiable question

Mr. Sergeant Armstrong—I think it is not

Mr. Whiteside—I say distinctly it is. It is a thing that, in common justice, should be proved directly, and not by guess or inference. Any one's character could be taken away in that way

The Chief Justice—You must ask as to some matter of fact

Mr. Sergeant Armstrong—I ask him is he able to say they occupied the same bed. He is a respectable man, and would not say he was able, if he was not

The Chief Justice—I cannot permit the question to be put in that way.

Mr. Sergeant Armstrong—Were the two beds occupied?

Mr. Whiteside (to witness)—Stop, sir. Were you there while they were in bed?—No. To my knowledge they did not occupy the second bed

Mr. Sergeant Armstrong—You say that one is a large room?—Yes, a very large one

Were you, during their sojourn, in the large room before the bed was made up?—No

Do you know where they proceeded to from your establishment?—To Rostrevor

Were you there at the time of their departure?—Well, I cannot say

Cross-examined by Mr. Whiteside, Q.C.—You live in Newry?—Yes

What day is this you are talking of?—The 3rd and 4th of August

Who was in that room on the 5th and 6th of August, on your oath?—Well, I could not say

Who was there on the 7th and 8th?—I do not know

Who was there on the 1st and 2nd?—I do not recollect

When first did you see the gentleman with the moustache after that?—He called one time afterwards

I knew that, and when?—I cannot tell

Was it two or three years ago?—I could not tell. I did not put it in

I did not say you did. Witness—I made no remark upon it

You must give the best answer you can. When next did you see him?—I cannot, and will not swear

Did you ever see him after?—Yes

Who came with him?—There was a lady with him

But I am asking you about the second time you saw him. Who was with him?—A gentleman

Who was he?—I do not know

Was he like an attorney?—How do I know?

Would you not know the cut of the jib of an attorney? (Laughter)—No

Happy man! Is there an attorney at all down in your part of the country?—Oh, plenty of them (laughter).

Did you see him there with Mr. Denvir?—Not to my knowledge

Will you swear you did not?—I cannot recollect

Was there more than one with him?—No; not that I saw.

When was that, by the same token?—I told you before

That is just the thing you did not tell me. When was it?—I told you I could not tell you (laughter).

When were you in that mysterious bedroom last?

Witness—When was I in it?

Yes, by the virtue of your oath.—I was in it last Sunday week

You ventured in in broad daylight (laughter). What did you see? Think—think!—I saw the furniture (laughter).

You are sure of that?—I am.

When were you in it before that?—I am generally in it every day

You go in there?—Yes, and through the whole house

Your wife is taken ill?—Yes

I am sorry for it. When was she taken ill?—She is confined for six years

God bless us! And she keeps the books, of course? (laughter)—She does

She is on crutches?—Yes

When did you see her last?—I saw her last Monday morning week

Did you breakfast with her?—No

Why?—if it is a fair question. You are not bound to answer (laughter).—Why? Because she was not able to be up to breakfast

On your oath, was she not able to be up to breakfast the day before?—Of course she was

Of course she was! That is what I want you to say. What had you for dinner? (Laughter)—I don't know

What is the age of your daughter?—Seventeen

OMAR'S MOSQUE, CONSTANTINOPLE.

Where does she go to school?—Nowhere now
Where then?—Near Newry
And she came home to amuse herself during the holidays?—Yes
Quite right, sir. Did you ever give a copy of the entry in that book before you?—*I* did not
You lay an emphasis on the word "I." Did your wife?—Not to my knowledge
Do you swear that positively?—I swear not, to my knowledge
What do you believe, on your oath?
Witness—What do I believe?
Mr. Whiteside—Yes, do you hear me?—Oh! indeed I do,—that is true. You speak loud enough (laughter)
What do you believe?—I am as sure of it as if I was looking over you. Was a copy given?—I do not know
What do you believe?
Witness—What do I believe?
Mr. Whiteside—Yes. Have you any belief?—Yes
Then what do you believe?—It was not given, to my knowledge
Well, did the attorney take it?—Not to my knowledge
What do you believe, sir?—I believe he did not get it
You swear that?—Yes
You swear now that Sergeant Armstrong asked you to turn to that book, and yet had no knowledge or notice through his attorney of what was in it? Do you swear that, sir?—You are not far enough north for me yet (laughter). Do you swear that?—(No answer)
You never showed the book to any person?—I might have shown it to a person
Come, come; did you?—I did
Did you show it to the man with the moustache?—No
Who did you show it to?—I cannot recollect

Pray did anybody ever call upon you on Mrs. Yelverton's behalf? Come, fair play is a jewel; answer

Witness—On her behalf?

Ay, and did you not refuse?

Witness—Refuse what?

Refuse to give any information; did you not?—Eh? (No answer)

Did anybody call on you?—Yes; a lady called upon me

Did you refuse, on your oath, to give information?—I should say——

Did you refuse?—I did

Then you may walk down

A Juror—Tell me, sir, what conversation had you with those two gentlemen that called upon you?—They asked me did I not recollect their living in the house, and had they not apartments at the other side of the house

Anything else?—That was all; and I then brought them and showed them the apartments (hisses)

Anna Maria Dransfield sworn, and examined by Mr. Brewster—I am daughter of the last witness. (Hotel book produced)

Mr. Whiteside—I object to her looking at it; it is not in her handwriting, and the person who made the entry is not here

Did you ever make entries in that book at all?—Yes, sir

Mr. Whiteside—I object to her looking at it unless the entries in that part of the book are in her handwriting

Court—Let her father look at it

Mr. Dransfield (referring to book)—The date "August 3" is in her handwriting

Mr. Brewster—Show that book to the witness

Sergeant Sullivan—I submit that the rest of the book ought to be covered, all except the date

Court—When did you last see that book, my young lady?

Witness—Two or three minutes ago (laughter)

Court—Oh! then, she has read it all (laughter)

Witness—I was told to look at it

Examination resumed—Do you recollect, at the time you made that entry, a gentleman and a lady stopping at your hotel?—I do not (laughter)

Do you know Mr. Jones, the barrister?—I do

Does he stop at your house when at Newry?—He does. I know the rooms he occupies in the house—a large drawing-room, a large bed-room, and a dressing-room

Is there a bed in the dressing-room?—There is

Do you know anything yourself of your own knowledge about the people that were there on the 3rd of August?—No

The witness was not cross-examined

Samuel Hoey examined—I was waiter at Dransfield's hotel, Newry, in August, 1857. I know Major Yelverton's appearance. I also know Mrs. Yelverton's appearance

Do you recollect their being at Mr. Dransfield's together in that year?—I do, sir; but I did not know their names when they came in

Do you recollect the apartments they had?—I do. They had a sitting-room, bed-room, and dressing-room

Is there a way of getting into the dressing-room except through the bed-room?—You enter the bed-room from the sitting-room. I was in the sitting-room during their stay in the house

Did they live there as man and wife?

Mr. Whiteside—I object to that question. How can he tell? Ask him did he bring in the dinner (laughter)

Court—There should be some other course to prove whether they lived as man and wife. Suppose a man and his sister were together

Mr. Whiteside—Ay, or a man and his grandmother (laughter)

Do you recollect whether they gave any name?—No name, sir

Mr. Whiteside—"What's in a name?" (Laughter)

Examination resumed—Do you remember his having ever called her anything in your presence?—He never did

Who was housemaid at that time?—Margaret Fagan

Do you recollect on the occasion of going away any little matter occurring in reference to the bill?—There was a little rough talk about change, sir

Was the lady present?—Yes, sir, they were both sitting on the car

Mrs. Catherine Sangster sworn

A Juror—That lady did not kiss the book

Sergeant Sullivan—Swear her again. (The oath was repeated). Kiss the book, ma'am; put it to your mouth

The witness kissed the book

Examined by Mr. Brewster—Does your husband keep the hotel at Rostrevor?—He does

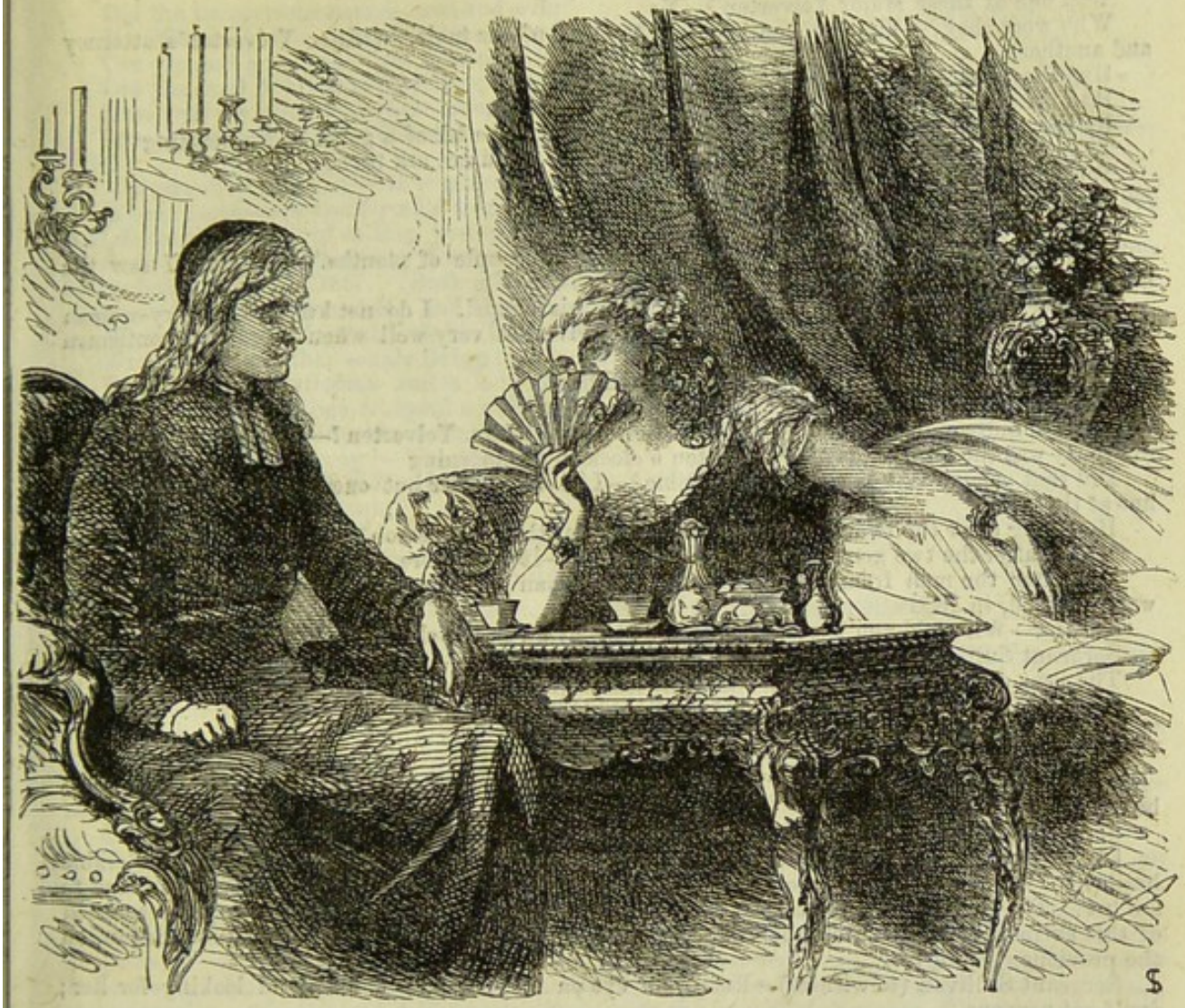
Do you remember a gentleman coming there to take apartments three years ago?—I do

Was he alone?—He was

Did he return again?—He did, next day

Did anybody come with him?—A lady
Did they give any names?—No
How long did they stop?—Ten days
What apartments did they occupy?—A drawing-room, bed-room, and dressing-room
Was there a bed in the dressing-room?—There was
Were you in the habit of examining the rooms after they left them?—Not until after the chambermaid had done them up in the morning
Were you often in their company, or did you often speak to them whilst they were there?—I did not
Did you ever go into the room to them whilst they were there?—No
Who was the housemaid at the time?—Bridget Cole
Are you able to say, of your own knowledge, whether or not the little bed-room was occupied?
Mr. Whiteside objected to this question
Mr. Brewster—Whose duty is it to give out the sheets for the beds in the hotel?—The housemaid's.
Did you superintend them?—I keep them myself
Can you tell me what sheets you gave out when these guests came to your house?—No
Have you seen the lady since?—Yes
Where?—At Rostrevor
When was that?—She called at the hotel in 1858
Was there anybody with her?—No
Did she ask you any questions when she came in 1858?—No
Mr. Whiteside—Mrs. Yelverton was not asked whether she had any conversation with this lady, and I wish to save this witness, who is a very respectable woman, from falling into a mistake. Bring in that person
Mr. Brewster—But you say she did call again; are you sure whether she did call again?—She did
Did you address her when she called again?—I did
Did you recognize her?—I did at the time
And spoke to her as the person who had been at your house before?—Yes
Mr. Whitside said—Mrs. Sangster should be required to wait in court a few minutes
The Chief Justice directed Mrs. Sangster to remain in court
Bridget Cole examined by Sergeant Armstrong—Were you the housemaid at Mr. Sangster' hotel in Rostrevor?—I was
Were you there in 1857?—Yes
Are you there yet?—No
How long did you remain there?—I lived there eight years
Do you know Major Yelverton's appearance?—Yes
Do you know Mrs. Yelverton's appearance?—Yes
Do you recollect seeing them together in that year 1857, in the hotel, while you were housemaid there?—Yes
What rooms had they?—A private sitting room, a bedroom, and a dressing room
Was there a bed in what you call the dressing room?—There was
During their stay in the hotel did you make up their apartments and attend as housemaid?—Yes
Was the bed in the dressing room made up at all, during the time they were there, for sleeping in?—No
Did you make up the bed in the bedroom every day?—Yes
In making up that bed did you see any marks that would enable you to say that more persons than one slept in it?—No, I don't remember passing any remarks on the bed.
Was the bed in the dressing room sheeted at all while they were there?—No, but there was bed and bedding in it
A Juror—Were there blankets on it?—Yes
Chief Justice—She means that there were blankets and a quilt on the bed, but no sheets
Examination resumed—Was the bed in the dressing room used at all while they were there?—I could not say
Did you ever make it up?—I never made it up——
Mr. Whiteside—You were about to say something else
A Juror—Could not the lady make up the bed herself?—It might be made up without my knowing it
Did they give any name to you?—No
Did you see a pocket handkerchief in the room at any time?
Mr. Whiteside—Produce the handkerchief
Sergeant Armstrong—Produce the handkerchief—a handkerchief that was seen in the hotel years ago!
Mr. Whiteside—Important cases have often turned on such things
Sergeant Armstrong—In *Othello* a good deal depended on a handkerchief. (Laughter)
Mr. Whiteside—Just so. If this handkerchief is to affect the lady in any way, it ought to be produced. I don't know what has become of the handkerchief, but I can say that when I am at hotels I am generally under a difficulty in finding my handkerchief. (A laugh)

Chief Justice—Strictly speaking, the evidence could not be given; but let it go on
Examination resumed—What was the name on the handkerchief?—I don't know. (A laugh)
Sergeant Sullivan—What was the colour of the handkerchief?
Witness—It was white
Sergeant Sullivan—Emblematical of purity
Sergeant Armstrong—The first emblem of purity in the case from the beginning
Sergeant Sullivan—On your side, certainly
Examination resumed—Were there two pillows on the bed in the bedroom?—There were
Mr. Whiteside—Yes. You are always ready. (A laugh). It is a beautiful place!
Examination resumed—Did you see that lady at any time since?—Yes
When?—Last June
Where?—At the quay, half a mile from the village of Rostrevor. I was living then in the house of Mr. Clarke
What did the lady say to you?—She knocked at the door, and asked me if I was Bridget Cole; I said "Yes." She then put the veil off her face, and asked me if I recollected her. I said "Yes; are not you Mrs. Yelverton?" I had heard her name in the mean time. She said she was, and she asked me to allow her to come in and warm her feet at the fire, and she came in and warmed her feet. She asked me if I had made up the two beds every day. I said I only made up one
Chief Justice—What did she say then?
Witness—She said that the gentleman was subject to some illness, which I cannot recollect, and that he generally sat up in a chair a great part of the night
Is that all she said?—She asked me to go to London, and said she would get me a situation. I said I was quite comfortable in the situation I had at present
Did she say anything else, or make any other proposition to you?—She left me her address, if I would change my mind
Mr. Whiteside—Was it in writing?—Yes
Mr. Whiteside—Where is it?—At Rostrevor
Mr. Whiteside—So I thought; with the lock of hair, most likely
Sergeant Armstrong—What did she say about changing your mind?—She said, if I changed my mind, she would send me my expenses to London
Have you seen her since?—Not until I saw her in this court
Have you told all that passed between you and her?—Yes
Cross-examined by Sergeant Sullivan—Do you remember all the people who came to the hotel in Rostrevor all the eight years you were there?—I do not
Do you remember the ladies who were there in September, 1857?—I do not
Or in October, or November, or December?—I do not
And if I took you through the whole year you would say the same, except as to this lady?—Yes
You saw her in court, you say; was that when you were put there (pointing to the seat under the bench) to see her?—I saw her before that
Were you brought in before that to look at her?—No
On your oath, were you put up on a form to look at her?—(After some hesitation)—I saw her from the gallery. I was not brought up
Were you told to come to look at her?—No, I was in here
Sergeant Sullivan repeated the question several times, and finally
The witness answered—I was in the place (murmurs)
Were you told to come in and look at her. Answer that, and remember you are on your oath—I heard a person say, "Is that Mrs. Yelverton?"
Who was that person?—I don't know where the voice came from
Whose voice was it, do you think?—I could not say
Was it that gentleman opposite you (Mr. Dwyer)?—It was not.
Again I ask who was it told you to come in and look at her?—I did not see the man. I only heard the voice. He asked me, "Was that Mrs. Yelverton?"
Was Rose Fagan with you?"—She was
And you were brought in together, were you?—We were in
By the virtue of your solemn oath, were you brought into court to see her?—I was not. I was up in the gallery—the upper gallery
Did you come into that passage during the trial?—I never did
Again I ask who told you to look at her?—(No answer)
Chief Justice—Answer the question at once
Witness—I heard the voice. I could not say who it was
Sergeant Sullivan—Can you form an opinion?—I could not think who told me
Did he tell you to look at her?—He did
By virtue of your oath, who was the person who told you to look at her?—I could not say
Was it a clerk of Mr. Dwyer?—No answer)
On your oath, was it Mr. Dwyer's clerk?
(The witness shifted uneasily in the box, but made no reply)
Court—Did you see the person since?—(No answer)
Sergeant Armstrong—Let her think
Sergeant Sullivan—Did you see him since?—It might be him



CONFIDENCE IS GIVEN AND ADVICE TAKEN.

Was it a clerk of Mr. Dwyer?—It might be him

On your oath, was it not the clerk of Mr. Dwyer? Come answer.—(No reply)

A Juror—Were you brought up to the gallery by any person to look at this lady?—I was up in the gallery before that, and some person asked was not that Mrs. Yelverton, and I said "Yes"

Sergeant Sullivan—Was not that the clerk?—I did not see the man. I have seen Mr. Dwyer's clerk since. He may have been the man

A Juror—Had you any conversation with Rose Fagan last night?—I had not

Sergeant Sullivan—Did any one tell you what happened here last night?—No. I did not hear what happened last night; but I have heard what happened yesterday

The Chief Justice—What did you hear that happened last night?

Witness—I could not tell particularly

A Juror—Did you see Rose Fagan this morning?—No

Sergeant Sullivan—Were you not in the court last night when Rose Fagan was examined?—I was in court, but did not hear her. I was standing in the passage near the door

Did two gentlemen ever call on you about this case before this lady called on you at Rostrevor?—Not two gentlemen. One gentleman called on me in September, 1858

Had he a moustache?—No

Who was he?—He came from Scotland. I did not know his name

Do you know who he was?—I do not

Was it for Major Yelverton he called?—He did not say

Do you swear that?—I do

On whose behalf do you think he called?—I could not tell

Had he the lock of hair with him?—He had not

Or a piece of a gown?—No

Did anybody else ever call on you about this matter?—Two gentlemen afterwards called on me last summer.

Was one of these Major Yelverton?—No

Who were they?—The two gentlemen at the end of the table. (Major Yelverton's attorney and another)

Had they anything with them?—No

Had they a lock of hair?—No

By the virtue of your oath, had they a lock of hair and a bit of a gown?—No, nothing

They came to you on behalf of Major Yelverton?—I did not ask them

What did you think?—Why, I thought since it was

But they did not tell you?—No

Where were you when they called?—At Mr. Clarke's

How long after you saw the lady at the hotel?—A couple of months. Oh! after I saw the lady at the hotel it was three years

Do you know Priest Mooney?—Yes, I attend his chapel. I do not know the vestry-woman who attended Killowen chapel. I knew Mrs. Yelverton very well when these two gentlemen called on me

Did they remind you of her?—I remembered her

Always?—Yes

You are quite sure the woman who called on you was Mrs. Yelverton?—Perfectly sure

What was the time of day?—About ten o'clock in the morning

Did that woman call on you a second time?—I never saw her but once, except the time I saw her at the hotel

How long after the two gentlemen came?—It was the same season

Was it after the two gentlemen called, or before?—It was before

But after the man from Scotland came?—The man from Scotland came the year after they were married, in 1858

A Juror—Who told you they were married?—I heard in the chapel they were married

Sergeant Sullivan—To be sure you did

The year after they were married the gentleman from Scotland came?—Yes

Did Mrs. Yelverton come before either of these two gentlemen?—Yes

Do you swear that positively?—I do

No mistake?—No

And the woman you saw at the hotel was the same who called on you?—Yes. No person came but the one

Sergeant Sullivan—Bring that lady here now

[At this stage of the proceedings the witness appeared to give her evidence with considerable hesitation, and as the lady alluded to was being brought into court, she turned anxiously round to see her. The interest of the scene at that moment was, perhaps, greater than at any other period of this extraordinary trial, except during the cross-examination of the witness, Rose Fagan, on the previous evening]

Sergeant Sullivan (to witness)—Keep your eye on me, ma'am; don't stand looking for her; don't get nervous

Sergeant Armstrong—She is not getting nervous

Sergeant Sullivan—I am just calming her

The lady who had been confronted with Rose Fagan the previous evening was now brought into the court and confronted with the witness. The entire body of spectators in the gallery stood up to observe the demeanour of the witness, whose agitation increased every moment

Sergeant Sullivan—Pray, is that the lady? (To witness)—Look at that lady now; look at her, ma'am

The Chief Justice (to the spectators in the gallery, almost the entire of whom were standing)—Sit down, gentlemen—sit down. (To the assemblage in the body of the court)—Gentlemen, turn the other way. This lady is not brought in to be stared at by a lot of idle people.

Sergeant Sullivan (to witness)—Is that the lady?—That is the lady. (Sensation, and a cheer and clapping of hands in the gallery.)

Sergeant Sullivan—You may go down

Sergeant Armstrong (to the witness)—Stay, I have to ask you a question. Bridget, is that the lady who told you she was Mrs. Yelverton?

Witness—Yes

Sergeant Sullivan—But she has also sworn she was the same woman who was at the hotel

William Sangster examined by Mr. Brewster—Do you keep the hotel in Rostrevor?—I do

Did you ever see the lady whom you saw in court, in the witness box the other day, at your hotel?—Yes

Do you keep books at your hotel?—Yes; I have them here now

Do you know the appearance of Major Yelverton?—Yes

Was he at your hotel in August, 1857?—He was

Was the lady you saw in the witness box the other day with him?—She was

Do you know by what name they passed?—There was no name given

How long did they stay?—About ten days

Whilst they were there did you drive them out?—I did

Where to?—To Warrenpoint

Did the lady call at the post-office?—She did

Did the two persons pass as man and wife?
Mr. Whiteside objected, and the question was overruled
Can you tell how many beds were paid for?—(Objected to)
Did you send in a bill to these people?—No; my daughter did
Does your daughter keep your accounts?—She does
Cross-examined by Mr. Whiteside—Did you drive the lady more than once to Warrenpoint?—I did
A pretty drive, isn't it?—It is generally considered a beautiful drive
Is your house more comfortable than it was when I went down there last?—Well, Sir, if you will do me the honour of calling, you will find out (laughter)
Anne Sangster, examined by Sergeant Armstrong—Is daughter of last witness. Kept the books of my father's hotel in 1857. (Book produced.) The entry in this book is in my writing. I do not know the appearance of Mr. and Mrs. Yelverton
What is the entry in that book?—(Objected to)
Were there any other couple living together in the hotel at that time?—I do not know
Were there a gentleman and a lady together in the hotel from the 5th to the 15th August, 1857?—There were; they occupied a sitting room, a bed-room, and a dressing-room
Did you hear them say where they came from?—No, sir
When did they go away?—The 15th, sir
Did you prepare their bill?—I did, sir
Were you paid the account?
Mr. Whiteside—I object to the question
Witness—I was paid the account
How many rooms were you paid for?—For the three rooms
What names did they go by at the hotel?—They did not give any names
Were they called by any names?—No, sir
Were you in their apartments during their stay in the hotel?—I was in the sitting-room and in the bed-room
Were you in the dressing-room?—The third room was not off the bed-room
Were the sitting-room and bed-room in direct communication with each other?—No, sir, we entered them by separate doors. There was a separate door to each from the passage.
You say you were in the bed-room on one occasion. Were you in what you call the dressing-room while they were there?—I do not remember
Cross-examined by Mr. Whiteside—The three rooms open on the passage
George Handiside Patterson examined by Dr. Ball—I am more than twenty-six years an advocate at the Scotch bar. I was called to the bar in the summer of the year 1834. I am not counsel for any of the parties in the suit of Yelverton *v.* Yelverton, now pending in Scotland
State to the Chief Justice the various modes by which parties can contract irregular marriages in Scotland?—I am afraid I must state first the distinction between regular and irregular marriages in Scotland. Marriage is contracted in Scotland by the interchange of mutual consent, freely, unequivocally, seriously, and deliberately given, with the immediate purpose of becoming husband and wife, without reference to any further ceremony, and so expressed by evidence as will be recognised by the law. When such consent is given, after the proclamation of banns, and before a clergyman, it is called a regular marriage. An irregular marriage may be contracted by mutual written acceptance of the parties as husband and wife, mutual writings accepting each other, or mutual written declarations or acknowledgments of marriage, or by a series of letters passing between them, which from their own contents, as well as from the mode in which the parties address each other in the letters and subscribe themselves, will create a clear and unequivocal acknowledgment of a marriage then subsisting between them. Supposing the gentleman addresses the lady "my dear wife," or "my wife."
Mr. Whiteside—That would be a clear case
Mr. Patterson (rising)—Not altogether, sir; and you will have the goodness not to interrupt me (laughter)
The Chief Justice—I want information on this subject too
Mr Patterson—Your lordship's interruptions are not at all to be deprecated. Marriage is also expressed by verbal declaration—mutual declarations or acknowledgments before witnesses called in for the purpose, such declarations not being casual or transitory. There is also a third mode
The Chief Justice—I wonder you are not all married there (loud laughter.)
Mr. Patterson—Well, my lord, I am not saying it is a good law, I am only stating what the law is. The third mode is writing, followed up by copula. The copula must be expressed in writing, or proved by reference to the oath of the party, exclusive of all other reference. There is a mode also which is sanctioned by statute passed in 1503 (laughter), by open and public cohabitation for a series of years, such as to create a universal reputation of marriage; but it cannot be divided reputation; it must be universal. It was so decided by the House of Lords in a very celebrated case.
Dr. Ball, Q.C.—Is there any case in Scotland in which a marriage per *verba de præsenti* was ever held to be constituted without a writing or the presence of witnesses? There is no case i which such a marriage has been held good.
Is there any decision on that point? Yes, there is a case in 1766.

Mr. Whiteside, Q.C.—Is that case reported? It is.

Have you the report there? No, but I have read it, and know it well. It is amongst the reports by Lord Monboddo.

Dr. Ball—What was that case? It was a case where a marriage was attempted to be made out by evidence of two persons who said they overheard a man with a woman in a room declaring her to be his wife. The judges, as reported, held that that was not a marriage, as the witnesses were not present. The witness mentioned the case of Dalrymple *v.* Dalrymple. In the case of irregular marriages, the whole conduct of the parties, all the facts and circumstances relative to the parties from the beginning to the end of the period that is brought under the notice of the court, are to be taken into view; and there are many cases in our books where explicit writing at the time, declaring parties to be husband and wife, has been held not to constitute a marriage, in consequence of the conduct of the parties being opposed to the inference that might otherwise be drawn, that there was a consent to marry.

Dr. Ball—Supposing an interchange of the matrimonial consent in words, would it form a material element, in considering whether that was a final and absolute marriage such as you describe, that one of the parties refused cohabitation immediately after? It would be material in considering whether there was a consent necessary to form a valid matrimonial contract.

Chief Justice—Is it more than evidence—is the refusal of cohabitation conclusive? It would be a very strong fact against the idea that the consent had passed.

Suppose two parties went through a ceremony of marriage before a clergyman, no matter whether valid or invalid in the country where it was performed; to what would subsequent declarations as to the status of the parties be referred?

Mr. Whiteside objected. It was the power of the judge to apply the facts to the law, and the law to the facts. The witness should merely be questioned as to what the law actually was

After a lengthened discussion, the following question was put in writing, subject to an exception:—Whether, according to the law of Scotland, if an actual ceremony of marriage, valid or invalid, be proved to have been celebrated between two parties before a clergyman, the subsequent acts and declarations of the parties as to their status will be referred to that ceremony?

Mr. Whiteside—What do you say to that, my lord. Can it be put?

The Chief Justice—I have no wish on the subject

Mr. Whiteside—We are reciprocal in our feelings about it, so let it go on. Hand in the essay (laughter). I advise your lordship not to write it down, but put a pin in your note-book (laughter)

Dr. Ball then read the question

Witness—I would make a distinction between acts and declarations. I take it that the rule of law is, that cohabitation open and public, as man and wife, for a series of years, affords a presumption that the matrimonial consent has passed, but a presumption only; and if it be proved in such a case that there was a ceremony, valid or invalid, gone through, then those acts of cohabitation in Scotland would not be of any avail. The question would then be whether the ceremony was valid or invalid, according to its own circumstances. The declarations might be received in aid of the ceremony if it was doubtful if they were of the kind I have expressed, declarations made in Scotland deliberately and seriously, and not of a casual or transitory nature

Chief Justice—Of what?—Of a supposed ceremony, if it was doubtful

If there be an invalid ceremony proved, the declaration or acts would help it. Is that so?—The act of cohabitation would not. The declaration that they were married might help it

How?—As we only require consent it might supply the consent necessary

Mr. Ball—Take this case—Two persons are shown to be married before a clergyman out of Scotland, the ceremony is invalid on account of positive law of the country where it is celebrated, will, in Scotland, subsequent acts and declarations be referred to that ceremony?—Certainly, and would not be of the least effect to create a marriage in Scotland by the Scotch law. The question would be ruled by the law of the country where the ceremony took place.

Cross-examined by Mr. Whiteside—Do you mean by the last answer to say that where there has been an invalid marriage in England, or any other part of the world, there never can be an invalid marriage in Scotland?—I do not understand the question. If you speak in a lower tone of voice I may (laughter).

See, Mr. Patterson, you are there to answer me, and not to lecture me. Pray are you the gentleman that is called in your own country Preliminary Patterson? (loud laughter). Eh? Always beating about the point and never coming to it?—No; at least I never heard it.

You never heard it said that you were given to make preliminary observations, instead of coming to the point, and hence were called Preliminary Patterson?—No, sir, I never did.

By the law of the country that you affect to communicate to us, if there has been an invalid ceremony of marriage in any part of the world, can there ever be an irregular marriage in Scotland between the same parties?—It depends upon how it is to be constituted.

Suppose two persons in any part of the world, Ireland, England, Holland, Switzerland, contract a marriage, invalid according to the *lex loci*, could the same parties, if they have the good fortune to go into Scotland, have an irregular one there? They may have an irregular marriage

The nature of the contract is to be decided by the law of the place? Yes

You were shown the papers in this case? Yes

To prepare yourself? I saw the pleadings in the Scotch case

Who sent them to you? The agent of the party

When? Three or four weeks ago

The papers in the Scotch case were laid before you in order to enable you to give an opinion on the general law of the country? (Laughter.) No

But the papers were laid before you? Yes

Have you sent them back? Not yet, I believe

Would an irregular marriage in Scotland be less capable of proof if the parties declared themselves to be husband and wife elsewhere? No

Do you agree with the judgment of Lord Stowel in Dalrymple *v.* Dalrymple? I would say that his judgment was not binding in the courts of law in Scotland

Do you differ from him? I don't say that I differ from him

I believe Lord Stowel heard sixteen advocates on one side and thirty-two on the other, and then endeavoured to make out as best he could the law of Scotland? (A laugh.) I must say that you misrepresent the case

How many lawyers did he hear on each side? I think five or six

Don't you think he must have been an able man to see his way to the truth amongst them? (Laughter). He was a very able man

Was not Dalrymple *v.* Dalrymple the case of a young English officer who wrote his love-letters to a lady in Scotland, and then came to England and married again? If you wish I will give you my account of the case. I will not answer a question of that kind which is not a correct representation of the case

Do you mean to say, Mr. Patterson, that I am not correctly representing the case when I say that it was one of a young English officer coming to Scotland and falling in love with a lady there, and writing to her letters of love? He wrote, first of all, promising marriage, which was accepted, and consummation immediately followed.

Do you state now that consummation followed immediately in that case? Was it not in great doubt? Well, within a few days

Do you mean that Lord Stowel's judgment turned on the question of whether there had been cohabitation at all? There was no cohabitation, but consummation

Do you mean to say that the judgment turned on the question of whether there had been cohabitation or not? Partly on it

Do you agree with Lord Stowel that the contract of marriage is to be proved like any other contract? It is to be made out from the writings and the whole conduct of the parties that there was a deliberate serious consent given to marry

Do you agree with Lord Stowel's judgment? I do

Don't you differ with him in his general exposition of principles? I did not say that

Do you mean to say that the contract of marriage is not to be proved like any other contract? —Certainly not, by the law of Scotland. All the facts and circumstances antecedent to, attendant on, and subsequent to the alleged contract, will be taken into account in considering the writings exhibited; whereas, in an ordinary written contract between merchants, no evidence can be given to explain it away

I now refer you to a case of Hoggin *v.* Cragie, in which Lord Cottenham defines the law of marriage *per verba de presenti*. He says it is not necessary to prove the contract itself. It is sufficient if the facts of the case are such as to furnish evidence of such a contract having taken place. The acknowledgment and contract of the parties, and repute, are sufficient. Is that so?—Certainly.

And the Lord Chancellor says—"It seems he intended so to manage his correspondence as to satisfy her conscience and to stop her importunities, but at the same time to keep the means open to himself to escape from his contract." That is English law, sir—sound in its principles and direct in its application. What do you think of it?—It is most correct law

"But this will not avail him," says the Lord Chancellor, "if there be proof of a pending contract, and if the respondent"—the lady—"understood it to be such"—is that right?—Quite right.

And that, though the man there, as here, insisted that the intimacy between them was illicit. Do you agree with that law?—It is a single passage taken from a large judgment

Do you agree with it?—It is exactly what I said

Do you mean to say, or to intimate, that a man who practises a fraud upon a woman can by the law of Scotland escape?—Certainly not

If it can be shown by all the circumstances that marriage was the thing impressed upon the woman's mind—will he not be bound by it?—Yes, if clearly made out

Did you not say that it was no marriage if he did not intend it to be one?—In that case to which you refer, it was shown that the man had given her letters which were held to amount to a consent to marry, and destroyed them. From the whole circumstances, and, from the consent of the parties, it was a necessary inference that promise was given, upon which intercourse had taken place between them

He wished to take possession of her?—Yes

He destroyed letters?—Yes, I am only speaking from my recollection of the case

Was not a marriage contract spelled out from the letters, though, as the Chancellor said, they were written most vaguely, artfully, craftily, so as to leave a loophole for his escape?—Yes, and from the conduct of the parties

Did he not want the illicit intimacy, as he called it, to be secret?—Yes, after he had given an actual promise to marry

It is exactly this case. Does not that decision bind your country?—Yes

Do you mean to represent to the court and jury that if two persons came together and consented in words to be married—the man not intending to be married, but leading the woman to suppose the contrary—do you mean to say that that would not be a valid marriage in Scotland?—If that could be proved by the man's oath, by whom it could only be proved—

I ask you the general principles of the law. Suppose it were proved that there were two persons sitting at a table, a man and a woman; that the man said to the woman, "I take you for my wife;" and the woman to the man, "I take you for my husband;" and that the man did not intend it at all, though he said it, would that be a valid marriage?—I can only say this: we can only judge of the law by the cases decided, and no such case could arise if they were by themselves.

(Question repeated)—If that were proved in writing, or if witnesses had been present, and that the words were distinct words, no mental reservation in the man's mind would be of any consequence whatever. (Suppressed applause.)

It would be a marriage?—Certainly; but as you put it first, it is impossible to arise.

Do you mean to say that if a man writes or says that he takes a woman to be his wife, and that he does not mean it, but she does, the contract is not binding on him?—It must be made out, and I have mentioned the only way it could be made out.

If he writes, and that she does not write a line, do you mean to represent that that will not bind him?—She must consent in some way or other.

Suppose a man writes, "You are my wife," and that she does not write a word; that he deposits that writing with an agent of his, and says, "Now don't show that to any one until after I am dead," and that when he is dead it is produced, would that give the woman the position and right of his widow?—You are referring to Hamilton's case now (laughter).

Yes; you have me (laughter). Is that good law?—If she has knowledge of it and acts upon it, even though she does not write a word, it is binding. (Suppressed applause.)

In that case the man had written this letter to the lady:—"My dearest Mary, I solemnly declare you are my lawful wife, and I am your affianced husband;" he wishing it to be kept secret for the present. He deposited the note with his law agent, saying it would please and satisfy her; but he always represented himself to his relations to be a single man. When he died, the note was produced, and he was held to have been married to the lady.

He was held to have been married?—Yes, because the agent was held to be her agent as well as his, and the letter was held to have been deposited with him for her behoof; but I think that, in that case, she was proved to have had knowledge of the letter.

Mr. Whiteside—No, Sir, it was not. It was held by the House of Lords that the words of the paper were sufficient for the purpose of establishing a marriage, and that the circumstance of her living with him was evidence of her knowing it. Here is the judgment of the Lord Chancellor in that case. Listen to the words:—"If a man says to a woman, 'I take you for my wife,' and she assents, and says, 'I take you for my husband,' she really intending to take him for her husband, though he may all the while only intend to deceive her, and deceive the world by the fraud, he shall not be heard to say that he did not mean what he said." Is that right?—Quite so; quite right.

Would it diminish the value of these words if he said so to her on his knees?—No, certainly not; but that was in writing.

Is there anything about writing in that statement of the law by Lord Brougham? No, but I take it the opinion is applicable to the case in which it was given.

Will you allow the Lord Chancellor to speak for himself? Quite so.

"It is perfectly clear—I hold it to be past doubt, in Scotland at least—that if a man says that to a woman, he has contracted a marriage with her as fully as if he had intended to contract it, and not merely attempted to compass a fraud." Do you subscribe to that? Every word of it, certainly, with a qualification.

What bnsiness have you, Sir, qualifying the statement of the law laid down by the highest authority. If a man in Scotland describes a lady as his wife, is that not evidence that she is so?—It would depend on circumstances.

Are you married?—Yes.

Suppose you go to a place in Scotland, and say of anybody there "This is my wife," and if you are serious in what you say, is that no evidence that she is your wife?—If I go to a place in Scotland, suppose to visit a friend at his house, and seriously mention a lady as my wife, that would be evidence.

I think it would be great disrespect to your friend to bring any lady to him that was not your wife?—Certainly (laughter).

Suppose he dines with his friends and her friends at table, and she is called by his name, is that evidence in Scotland?—It is evidence. It is a fact that would be received in evidence.

And the more of such facts the better?—Undoubtedly.

Would it lessen the value of that evidence in Scotland that she had been called his wife through England, Ireland, France, or America. Would it lessen the value of that evidence in Scotland that he had called her his wife out of Scotland?—I do not think that is a question of Scotch law.

It is, Sir. I want to know would it diminish the force of the case I put to you?—I think it would be taken as evidence, but of very little importance.

Would it be taken into account?—I am not sure that it would.

Witness—Declarations *per verba de presenti* of that kind made within Scotland are received in Scotland, but statements of that kind made out of Scotland would not be received as evidence in Scotland to constitute a marriage.

Mr. Whiteside—Now, Mr. Preliminary Patterson, that was not the question I asked you, and, with deference to you, you never yet gave me a direct answer to any question I put. I ask you whether the fact of the man and woman, concerning whom I before questioned you, being received and addressed as husband and wife in Ireland, France, Belgium, or Switzerland, would diminish the force of the testimony in Scotland?—The circumstances would be received in evidence. It would be taken as an item of the evidence.

Listen, Sir. Would letters addressed by the woman in Scotland, received by him, and calling him husband—would they be evidence in your law to assist?—Undoubtedly. If there were such letters it would be evidence.

A strong fact? It would be an item in the evidence against him. No doubt of it.

And all these facts would go to prove marriage Yes.

Now, listen, Sir. Do you approve of this one decision before you go? [Case of Honeyman *v.* Campbell, reported in 5 Wilson Shaw, 148.]

"The Lord Chancellor—I desire to be distinctly understood as acceding to the doctrine that where two persons are proved to have been in courtship, and, though no distinct promise was made, yet where ambiguous expressions were used from which a promise might be inferred to have been made on the one hand and accepted on the other, and if there is great probability of a promise having taken place, that promise will be turned into a certainty by the copula which follows." Is that good law? Certainly; no doubt.

"And for this plain and obvious reason, that the woman under these circumstances does not yield her virtue for nothing, I assume that she gets that consideration for it, precisely as I would assume if I had a doubt about the evidence of a common contract for the purchase or sale of merchandise. When I see one party paying a price, if there were ambiguity as to the bargain stipulated, I should consider the ambiguity removed by the fact of that price having been paid." Do you approve of that as good law? I do; it is good law.

Court—You say that, however solemn be a contract of marriage, *per verba de presenti*, between two persons in a room alone—however solemn, if there are no witnesses to the exchange of the words, even though followed by cohabitation, it is not a marriage by the law of Scotland? No, my lord; I did not say that. What I say is this: These words passing between two parties in a room without witnesses, and followed by nothing else, would not, *per se*, constitute marriage.

I asked you, if followed by cupola? That would be a material fact to constitute marriage.]

Were you present in court during the examination of another advocate? I was.

You are aware his opinion is at right angles with yours? I think not, my lord.

What he said was: "If there be in Scotland a solemn contract, *per verba de presenti*, though no witnesses are present, and no writing given, still, if that arises in a case in which evidence can be given, and if the fact be proved, the fact of the absence of witnesses while the contract was made constitutes no objection." Do you agree in that? I do not.

Is that the effect of the statute law or of the common law of Scotland? Partly both, my lord. In the first place, neither of the parties can give evidence of the contract.

Court—That is another matter. Neither of the parties, in a suit *inter se*, can be witnesses, and, therefore, when the thing arises *inter se*, there cannot be evidence of it? No, my lord.

I know; but supposing there be a man in Scotland who performs that contract *per verba de presenti* with a woman, he and she being alone; suppose that that man dies, and a question then arises as to the legitimacy of a child: Is the mother of the child, in a suit between that child and a third person, a competent witness to prove the legitimacy of the child? I am not aware of any case of the kind being decided.

Has no such case arisen? I have no recollection of any such case, my lord.

Therefore, it remains yet to be decided, according to the law of Scotland. In a case in which a woman is a competent witness, if she proves having performed that contract with a man, and if that evidence is believed, is there any decision in Scotland that her son will not get the inheritable property? There is no such decision. The case could not arise, my lord.

Why not? For this reason, my lord: I think they would hold that, a party contracting in such a way being interested in proving the fact of the contract, her evidence would require corroboration.

That is, that she would not be believed? Yes, my lord.

I am putting the case of her evidence being believed. If I, as an honest man, am satisfied in my conscience that this man took this woman for his wife, had cohabitation with her, and died in the course of the next night, before any opportunity was given of the publication of the marriage, that a son is born, and that a question arives between that son and a brother who otherwise would inherit the property,—if, notwithstanding the improbabilities of the case, the judge in his conscience believes the facts, I ask you who would be entitled to the property, according to the law of Scotland? Undoubtedly, if the facts were proved, the son would be entitled.

Is there any law of Scotland, as between third parties, enabling the wife or husband to be a witness to prove the marriage? There could not be any such case in Scotland.

I am putting now the case of an inheritor. I assure you I put these questions to you honestly, in the discharge of my duty, to get information. Supposing a man in Scotland dies seized of fee-simple property, without making any will, who is entitled to it? His eldest lawful son.

And if he was unmarried? His brother; his next elder brother in some cases, and in others his next younger.

Well, supposing it arises under such circumstances that the wife is not entitled to a dower out of the property, what I want to know is this: in the case I have mentioned, supposing a suit arises in Scotland, in relation to the title to the property, between the infant child and the uncle, and that on the part of the child the case is put forward of a contract of marriage *per verba de præsenti*, and that there is no evidence whatever of the contract except the evidence of the woman—her evidence being that on a certain day the father said to her, "I now take you for my lawful wedded wife," and that she said to him, "I now take you for my lawful wedded husband,"—is there any case decided by the law of Scotland laying it down as a definite rule that such evidence would be rejected?

But is there any case where such evidence has been rejected, where the effect would be to legitimize the child? So far as I can recollect, I do not remember any case in which the question has arisen; but I do not think the court would receive such evidence nakedly, and unsupported by other facts and instances.

Frances Walsh sworn, and examined by Sergeant Armstrong —I was barmaid at the Malahide Hotel in August, 1857. I kept a book in the bar for entering the orders of the house. [Book produced.] The entries are in my handwriting. It was my habit to enter the matters as they were ordered. I do not know Major Yelverton's appearance, or that of Mrs. Yelverton. I know the rooms lettered R and U off the north corridor; the first is a sitting-room, and the other a bed-room.

Do you remember a gentleman and a lady occupying these rooms in August, 1857? I don't recollect their appearance.

From your recollection, are you able to say whether a gentleman and lady had those rooms in August, 1857? Yes, Sir.

Were they young people or old people? I have no recollection.

Did they tell you any name? No.

How many bed-rooms had they? I think only one.

Were you ever in those rooms while they were staying in the house? I was.

Were you ever in the bed-room? I was.

Were you ever in the bed-room while they were in it together? I was not.

Were you ever in it before the bed was made up? I was not.

Were you paid the bill? Was it you received the money? I am not sure.

This closed the evidence for the defendant.

Court—Well, now, Sergeant Armstrong, are you ready?

Sergeant Armstrong—Oh! my lord, I expect to have a little more before I am called on to speak. We must see this young lady that has been going to all these places.

Court—[To counsel for plaintiff]—Are you going into a rebutting case, gentlemen?

Mr. Whiteside—We shall tell you in one moment, my lord.

Sergeant Armstrong tendered several letters, which were in the printed book.

Mr. Whiteside objected to those letters being now given in evidence. They had not been put into Miss Longworth's hands during the whole of that long cross-examination which occupied two days.

Sergeant Armstrong—The letter I refer to is letter No. 100 in the printed book. It is a letter from Miss Longworth to Major Yelverton, explanatory of a letter (No. 99) from defendant to Miss Longworth. Major Yelverton was cross-examined in reference to that letter, and stated that it had been tampered with. That is the letter terminating in those words—"petting possiblemente," and which have been mutilated into "sposa bella mia." I desire to put in evidence letter No. 100, explanatory of that letter.

After a lengthened argument, the letter was allowed to be given in evidence, counsel for the defendant having admitted that it was written after the alleged marriage.

The following letters were then handed in.

100.—Miss Longworth to Major Yelverton.

"CARO MIO,—Arra woke me this morning by inserting your letter under my pillow. How I longed that the spiritual essence of persons contained in a letter could, on opening, be reproduced into corporeal development. I am getting very material, and enjoy solids and substance. I have only eight days now to wait, but every hour seems an age. I never did feel in such a queer state. I cannot curb my impatience and recklessness. Nothing can distract my attention. Even my finger-ends tingle to touch you. It is very absurd, is it not? but time and I can't help it. Your plan of sending me off to Abergavenny, to remain two or three months, would have nothing short of actual fiendism. All that has been ever written about the pain of separation is quite tame compared with reality.

'Time, when I pass it with thy sweetness,
Flies like the courser to the goal;
Where, alas! will be its fleetness,
When thou art parted from my soul?'

PORTRAIT SKETCH BY A LADY SCHOOLFELLOW.

"Mrs. M'Lean is very mild indeed. Summer flowers enclosed in sunless bowers pine in delicious tranquillity in comparison as I pine for thee: every sense of soul and body pine every instant of the long day. From the top of the head downwards is one absorbing desire. Every shining hair longs individually to be stroked. The eyes yearn to see you; the ears are distended to catch the first sound of your voice or footfall; the hands throb and tingle to touch you, and feel you once more safe within their grasp. So on I could enumerate; but I come to the little feet which are kicking and stamping to have their boots laced. I want you!!—want you!!—want you!!! As to there being any conditions about the arrears of petting, I am crazy. I must have it, or I shall hate you. The Red Sea between us is an impossibility. I would rather be a boy blower. My hand and arm have been in a shocking state, but are mending, and inflammation gone, but I can scarcely write, as you perceive. The Rifles are quartered here. The one here is the doctor. Do not know if he goes to the club; but we have not seen anything of him here, so do not think there is much danger. Write and say what hour you will arrive. I must meet you. I see you can only leave Liverpool on the 15th, at night. That will make you a day late. You might leave on the 12th; but I suppose you won't. You stingy thing! say am I to have the arrears then, cento mille baccia, mia vota, mia gioia, mia tutte; but not without the payment.

"La tua, "THERESA."

"Monday."

(Letter 48.—Miss Longworth to Major Yelverton.)

"I have just read yours, and now only know what has been the mainspring of my existence. I feel utterly incapable of doing anything—of taking a decision. I ought to go straight off to that place. I feel that is the thing to do, but have not the strength to do it. I can only feel one overpowering anxiety to see you. I felt that once before, when my best-loved brother was drowned, and when they could not find the body I lost my senses; if I could have seen him I should have suffered less. I am on board my old friend the Sybilla, and every time I tell myself that I am not to write to you—never to see you again, I approach instinctively the gangway, and there comes a swiming in the head, and a violent impulse, as though some mighty force were impelling me to go overboard. . . . . I am a weak, helpless woman, and God knows I have done my best not to yield, neither have I forgotten to ask for strength from whence alone it comes. . . . If I go back to Belbek, I feel that I shall walk mechanically down that green well. God help me! I wonder if it would be a sin. No one would ever know what had become of me to the end of time; it is deep and disused. You must come, and that quickly, or write and say when. You are the only one in the world who has any influence over me. Perhaps you can bring me back my scattered senses. I am quite terrified of becoming delirious, and telling every one all about it. Before the Closes found me out at Belbek I used to get up at night, and could not by any effort prevent

myself talking out loud. . . . It is dreadful to have to confess myself such a child, but it is true. You told me I might tell my sister, or I should not have done so. You may rely on my never telling anybody against your wish. . . . You must at least lend me a helping hand, and I'll still trust and bless that hand, though it is my . . kesmet. . . .

"I have a letter from my sister for you,—she is very excited. I could never return to her. I could not bear to hear a word said against you, and as I could not explain what I now half guess, it would make a barrier between us, which there never has been; so now we must remain apart. . . . Above all, don't keep me in suspense,—don't, dear Carlo; pray, don't. If, before you arrive, I feel I can do without you, I'll leave word at the post office. Oh, I know it is wretchedly weak of me, but I cannot help it now; *so you must be my friend.* In case you cannot find the house, ask for the French College—they know me."

The following witnesses were then examined, on the rebutting case, for the plaintiff:—

Patrick Comyns examined by Mr. Whiteside.

Are you the proprietor of the hotel at Waterford? I am.

Do you remember the 28th of July, 1857? I cannot say I do.

Have you your hotel-book? I have, Sir. Here is the book.

Mr. Brewster—Is that in your handwriting? It is not.

Mr. Whiteside—I will produce the writer. Call Alice Walsh.

Alice Walsh was sworn, and both witnesses remained in the box together.

Are you housekeeper to Mr. Comyns? I am.

Did you keep that book? It is in my handwriting.

Did you make those entries in it at the time? I did.

Is it all true? It is.

Mr. Comyns, are you in the habit of seeing that book every day? Mr. Comyns—I am, Sir.

On the 28th July did a lady come to your house, and what apartments had she?

Mr. Brewster—I beg your pardon. Do you remember the fact independent of the book? No, Sir.

Mr. Brewster—Now, my lord, I submit they cannot give the evidence. What is sauce for the goose is sauce for the gander (laughter). The point was raised against us awhile ago.

Mr. Whiteside—It was ruled in your favour. Are the apartments that that party had entered in your book? They are, Sir.

Was a copy of that entry given to any one afterwards? Yes, Sir; two gentlemen called on me and produced, I think, the bill of the hotel.

Did they get a copy of the entry from you? They did, on a sheet of paper.

Mr. Whiteside—They got the document, and they did not produce it.

Mr. Comyns—They first got the book for 1858, and took it into a room and examined it. They then came back and said it was the wrong book, and what they wanted was 1857. They then got 1857.

Sergeant Armstrong—Who were they?

Witness—I did not know them.

Had one of them a moustache? Yes, Sir, one of the gentlemen had a moustache (applause.)

Sergeant Sullivan—I know who that was (laughter.)

Mr. Whiteside (to counsel for the defendant)—Is Major Yelverton here? Produce him.

Mr. Comyns—I cannot say whether I would know the gentleman again.

Mr. Whiteside—At all events they got a copy of the entry? They had the books. The copy of the entry was written on a half sheet.

Mr. Brewster—I object to the whole of this.

Sergeant Sullivan—Of course you do.

Mr. Whiteside—Well, gentlemen, will you have Major Yelverton in?

Major Yelverton was here introduced into the court and confronted with the witness. His face was pale, and evinced considerable agitation. The excitement in the court, as the witness scanned his features, was wound up to the highest pitch.

Mr. Comyns—I cannot swear to him, Sir.

Mr. Whiteside—Mrs. Walsh, can you tell me, did one person come first to the hotel on that 28th July?

Mrs. Walsh—One person came first, Sir. I recollect that.

Do you remember the person at all? No, Sir, I do not.

Emma Firdland Cramp, the young lady who had been confronted with the witnesses Rose Fagan and Bridget Cole yesterday, and again to-day, was then placed in the witness box and sworn. She bears a very strong resemblance to Mrs. Yelverton, but is rather younger, and her hair is a little darker. Very great interest was manifested during her examination by the spectators in court.

Mr. Whiteside—Are you a native of England? I am.

Are you acquainted with Mrs. Yelverton? Yes, Sir.

Have you been acquainted with her for some years? Yes.

Do you recollect coming at any time to Ireland for Mrs. Yelverton? Yes.

Are you the lady who called upon Rose Fagan? Yes.

How did you go down to her place? I went from Dublin to Maynooth by rail, and from Maynooth to Rathcoffey by car.

Did Mrs. Yelverton accompany you? No; I went alone.

Did you ascertain before that persons, on the part of Major Yelverton, had been searching for evidence? Yes.

Did you ever see Rose Fagan?—Yes

Tell us exactly what took place between you.—I asked Rose Fagan if any one had been there inquiring about the Yelverton case. She said that two persons had been there, and showed her a lock of golden hair, asking her did she know, or could she remember, a lady and gentleman being at the Malahide hotel in the month of August, 1857. They asked her if she could recollect a young bride being there, with fair hair, who wore it off her face in the French style. They also showed her a piece of a dress which they said she wore at that time. She told me that she had told them she had not any recollection whatever of the parties,—she could not recollect or recall to mind any lady of that description. They then told her that it would be greatly to her advantage if she could recollect a young bride being there, who shared a bed-room with her husband. She then said that she could not amongst the many that went there. She could not remember. They then told her again that it would be greatly to her advantage if she could remember, and she said she could not, but believed they had some rascality in wishing her to remember (sensation). She told me that she told them so.

Are you the lady who communicated to Mrs. Yelverton the fact about the lock of hair and the piece of dress?—Yes

Did you afterwards go to Rostrevor to see Bridget Cole?—Yes, and saw her at the place where she was, in a situation at the house of a gentleman named Clarke

Was Mrs. Yelverton with you?—No, I was alone

What did she say to you?—as shortly and as clearly as you have told us in the first instance.—I asked her was she Bridget Cole; she said she was, and asked me into her room. I then raised my veil, and asked her did she see me before. She said she knew me by my voice before I raised my veil. I said, "Are you sure you know me?" "Oh!" she said, "I am quite sure I know you." "You are quite sure of that?" I said. "Yes," she answered, "I remember you being at the hotel at Rostrevor." I then asked her had any one been to see her.

That is, looking for evidence for Major Yelverton?—Yes. She said two gentlemen had been there asking her if she remembered a lady and a gentleman being there as man and wife, and what room they occupied. She said she remembered that there had been two rooms taken, and one bed was slept in; but she said the other bed looked as if it had been slept upon, but not in

What else?—She said they asked her if she had ever seen Major Yelverton in the lady's room. She said no; she had never seen him in her bedroom, but she had seen him once near the door in the passage; but could not remember what bedroom that was

Is that the substance of what was said then?—Yes

Did you offer any situation to her?—No

Do you swear that?—I swear it; I never did

Or any employment in England?—No

Or to Rose Fagan?—No; I had none to offer

Cross-examined by Mr. Brewster—When did you first become acquainted with Mrs. Yelverton? In the early part of 1859

Where did you stop when you came to Ireland?—At the Gresham Hotel.

How long were you there before you went to see Rose Fagan?—A few days

Had you been to the Malahide Hotel before that?—No

Did you ever go there?—Never

Who desired you to go to Rose Fagan?—Mrs. Yelverton

Did she tell you the name of the person you went to find out?—Yes

Did she tell you where she lived?—Yes; she gave me her address

Did she tell you she lived at Rathcoffey, near Maynooth?—Yes

And you went down to see her?—Yes

When you said you did, did you tell her who you were?—No

You are sure of that?—I am

Not a word?—No

I am sure Mrs. Yelverton is a very kind person to you?—She is most agreeable.

Is she not kind to you?—Extremely kind

You were very fond of her?—I am very fond of her

Have you ever been a wearer of her bonnets?—I might have done so

Have you not done it?—Once or twice I have

Have you not worn other portions of her dress?—Yes

Upon your oath, did you not go down to Rostrevor in some portion of her clothes?—No

You swear that positively?—I swear it

Not any portion?—No; none whatever

Was it the same bonnet you have now on that you had on then?

Witness (emphatically)—No, it was the same sort of a bonnet, but it was worn out long ago (laughter)

Did you and she ever deal in the same milliner's since you went into her employment?—No

Never bought bonnets of the same description?—No

She has very good taste in dress, has she not?—I am aware of it

And you approve of her taste in dress?—Very much

And, approving of her taste in dress, you, of course, sometimes have clothes not unlike her's?—I am not able to have clothes like hers

But now, with respect to the bonnet; for, you know, if there is anything an English young lady likes, it is a love of a bonnet (laughter)

Sergeant Sullivan—And do you not think that is a love of a bonnet the young lady has on? (Laughter)

Mr. Brewster—I do (laughter)

To the witness—Do you mean to tell me you never had a bonnet like hers?—I had one of hers once

She made you a present of a bonnet?—No, she did not; but I wore one of her's once. I had only taken one with me, and it met with an accident; and it was so very shabby that I did not like to go out with it (laughter).

Then you only wore it until you got a new one?—Yes.

You went down to Rostrevor, and saw this woman?—Yes.

And you swear you did not tell her who you were at all?—No.

And she at once freely entered into conversation with you?—She did.

Did you ask her had any one made her an offer of a bribe?—No, I did not.

You swear that positively?—I do.

How long did you stay with Mrs. Yelverton in London? Have you ever left her service since you joined? Have you always been with her except when she sent you on these messages?—Not always.

Where else have you been?—At home.

Have you left her at intervals?—I have left her, but not for the purpose of remaining away from her entirely.

You went to her in January, 1859? How long did you stay with her then?—I was with her four months.

Was it during those four months you went to Edinburgh?—Yes.

Then am I to understand that, at the end of the four months, you left her service or her companionship?—For the first time I did.

How long?—I do not know, but I think it was about three months.

Was it only just before she came to Ireland?—Yes.

Did you visit any place in Scotland in the same way you visited this woman in Ireland?—No.

Had you ever been in Scotland before that occasion?—No.

When you went to Scotland where did you stop?—At Miss Miller's

How long did you stop there?—A month

Was Major Yelverton in Scotland when you were there?—Yes

Did you go down to Leith to look at him?—Yes: several times

I suppose you never addressed him?—The first time I saw him I bowed to him

Upon your oath, did you intend to pass yourself upon him as his wife?—No; certainly not

Why did you bow to him?—Because I wanted to speak to him

Had you ever been introduced to him?—No

Had you ever seen him before?—No

Did he recognise you?—He bowed to me from his horse

Oh! he was on horseback?—Yes

Did he stop?—No; he led his company in, and came out

Then he was at the head of his company?—Yes

Did you ever go to see him again?—Yes

How many times?—Three times I saw him

At what intervals were these views you took of him? What time elapsed between them?—Different times; the first time a week elapsed

Between the first and second time you went down to Leith a week elapsed?—Yes

Did aybody go down with you when you went down?—No

That was the first time you had ever been in Scotland?—Yes

Have you ever been there since?—No

Now, then, we will come, if you please, to Ireland back again. You went to Rostrevor?—Yes

Did you knock at the door, at Mr. Clarke's?—Yes

And did a woman come to the door?—She did

And you had your veil down?—Yes

You were dressed in the same clothes that you were in when you paid your visit to Rathcoffey?—No

Then you had changed your dress?—Yes; for when I went there it was summer, and then it was winter (Applause.)

You had your veil down, I understand?—Yes

And when you knocked at the door, a woman came to you?—Yes

Did you say you were Mrs. Yelverton?—No

Do you swear that positively?—Yes

You are quite sure you did not say that, or anything to that effect?—No

Did you ever use the words, "my husband" while you were talking to her?—No

Did you tell her who you were? No.

And you say you did not say a word about husband? You did not call yourself Mrs. Yelverton, or as being the wfie of Major Yelverton? No.

Did you ask her when the door was opened, did she know you? No.

Not a word of that? No.

How did she come to say she knew you? By my voice. I asked her was she Bridget Cole, and she said "Yes." I went into the kitchen by her invitation, and I asked her did she know me. When I raised up my veil she said, "Yes, ma'am, I knew you before by your voice."

Did she tell you she was mistaken? No.

You knew she was mistaken? I had a doubt.

What doubt? A doubt that she could remember.

When she said to you—"I knew you by your voice before you lifted your veil," had you any doubt that she meant by that that she knew you to be Mrs. Yelverton? I believe she thought I was.

And you, believing that, left her under that misapprehension? I did not undeceive her—(suppressed applause).

And then you entered into conversation with her as Mrs. Yelverton? I asked her who had been there, and if any one had been there speaking to her relative to the Yelverton case?

In that room did you write upon any paper? I wrote the address of Mrs. Yelverton's aunt in London.

As a place for her to write to? A place for her to address a letter. I wanted the address of another servant who had been at the Rostrevor Hotel, to be sent there.

And was it with that view that you wrote the address of the aunt of Mrs. Yelverton? It was with a view for her to send the address, if she found it, of a girl named Mary Conolly

That is, to send a letter to Mrs. Yelverton's aunt? Not a letter, but to send the address there.

Where did you get paper for the purpose? She gave it to me herself.

Did you ask her for it? I said to her—"If you give me a piece of paper I will write the address."

Did you say it was to Mrs. Yelverton's aunt? Yes.

Did you tell her that Mrs. Yelverton lived there? I said it would be forwarded to Mrs. Yelverton if it was sent there.

Does Mrs. Yelverton live there? Yes; when in London she does.

Upon your oath did you not say that any letter forwarded to that address would be received No.

She had mistaken you for Mrs. Yelverton? Yes.

And you did not at any time undeceive her? No.

And she was speaking to you as if you were Mrs. Yelverton? Yes.

Upon your oath did you not say, "Any letter to me will reach me if it is sent there?" No; I did not.

This is the third time you have been in Ireland? Yes.

Have you been oftener here? No.

Before you went to Rathcoffey did you speak to any professional gentleman? No.

Had you never spoken to any one upon the subject of your going there but to Mrs. Yelverton? Not one.

I suppose you acted exactly according to her instructions? I did.

Did you speak to a professional man before you went to Rostrevor?—No

On each occasion did you travel by yourself?—By myself

To and fro?—Yes

Did you go to the hotel in Newry?—Not to stay. I went to Dransfield's Hotel. Mrs. Yelverton directed me to call there. She did not tell me the name of the hotel. She said ten hotel at Newry. I went there, but did not stop any time. I went into the bar, and stopped a few minutes. I asked had anybody been there

Did you ask did anybody know you?—No; I did not

Before you went there, on your oath, had you seen any professional man?—No.

Did you, with reference to any of your own visits?—Not any.

In that October visit to Ireland, how long did you remain?—About six weeks.

Were you all the time at the Gresham?—No.

Where else?—We went to Cork.

Was Major Yelverton quartered at Ballincollig then?—No; he was quartered at Cork.

How long did you remain there?—Nearly five weeks.

Did you return to England straight from Cork, or come through Dublin?—We returned to London by steamer from Cork.

When you went to London, did you continue in the employment of Mrs. Yelverton?—I was obliged to go home, because I was unwell. I did not continue in her employment.

Did you leave her directly?—Yes. I remained at home about a month.

What month was it in which you went to Edinburgh?—February, 1859.

That is, you went there a month after you became companion?—Oh, yes, in about three weeks, I think.

You stayed there a month? Are you sure it was not more?—Yes.

When did you return to London with her?—In April. I had left her at Hull on my way to Edinburgh, and going back to Edinburgh, I called at Hull for her, and we returned to London in the latter end of April.

And then you went home to your father?—Yes.

She was about coming to Ireland in the middle of October?—Yes.

And applied to you then to join her?—Yes.

And you came?—Yes.
You remained six weeks in Ireland?—Yes.
And you and she went to London, by Loughrea?—Yes.
The day after you got to London you went home?—Yes.
How long did you remain with your family? A month or five weeks.
Did you return at the end of that period? Yes.
How long did you remain with her? Six or seven weeks—months.
Did you leave London during the whole of that period? No.
Did she? No.
Were you staying at her aunt's house? Yes.
When you rejoined her from your father's house, was she at her aunt's house? No.
Where did you rejoin her? At Cork.
Oh! then, that was your second visit to Ireland? Yes.
I think I asked you were there more than two visits? This is my third visit.
You came from London to Cork to join her? Yes.
In what month? In June, 1860.
How long were you in Cork? Nearly three months.
That brings you down to May, 1860? Yes.
It was not during that residence you went to Rostrevor? No.
Where did you go to from Cork? To Dublin.
To the Gresham? No.
To Kingstown? To Mr. Goodsir's. We were on a visit there until we got apartments. He is a confectioner and a friend of Mrs. Yelverton's. We were there two nights, and we stayed until he recommended us apartments.
Is he English or Irish?—Neither; he is Scotch (laughter). He got us lodgings in Kingstown, where we stayed a week. We then went to Glengage, and then had lodgings in Westland-row. We afterwards returned to Cork, and remained four months, when we came to Dublin. But we were a month of that time in Dublin. We left Cork in May, and came to Dublin, and had lodgings in Westland-row for about ten days. We then went to the Gresham, where we remained a fortnight. Then we went to Kingstown, and remained a fortnight
Where did you go then?—Home to London
When you went home, did you return to your father's house? Yes; and I have remained there ever since.
You originally agreed for £50 a year to be paid you as her companion? Yes.
And you never spent an entire year with her? No.
Then, of course, you never got the £50? I never got anything.
Re-examined by Mr. Whiteside.—You have been asked about Cork; pray is this respectable gentleman, Mr. Parker, a solicitor residing in Cork? Yes.
Was he conducting the former and present proceedings? Yes.
Have you been often in his office with him? Yes.
Do you know that he was managing matters in Cork for this lady? Yes.
Mr. Sergeant Armstrong, Q.C., then spoke to evidence on the part of the defendant. He said: May it please your Lordship,—Gentlemen of the jury, in proceeding to address you on behalf of the defendant, and in relation to the evidence which you have heard, I think you may readily give me credit for sincerity when I assure you that I feel profoundly the responsibility of my position; for, gentlemen, this is not in any sense an ordinary case. But, independent of interest in it, and of consequences involved in the result, having regard to the course of conduct which has been pursued in the course of this trial in this court, and to observations which have been made on the case during its progress, out of court, the difficulty in which I feel myself is immeasurably enhanced beyond that I have felt on any occasion I ever addressed a jury of my countrymen. Gentlemen, the manifestations from time to time in court were such as I do believe it was impossible to repress, consistently with having this court, as it should be, and as I hope every court of justice in this country will continue to be, an open court, in which the public can attend, and be accommodated so far as circumstances will permit. But, gentlemen, notwithstanding all that, and fully admitting that principle, it is idle to deny that the manifestations which have taken place are very much calculated to affect the mind and the spirit of an advocate who has an independent duty to discharge. Passing by that observation, gentlemen, and merely glancing at the other matters on which I venture to touch, namely, the notoriety which this case has acquired, through the public press, during its progress, and the fact that it has elicited not merely a report of its evidence day by day, but leading articles, written according to the passions, the prejudice, or the ignorance of the writers, and their views of the matter we have to decide upon, I tell you honestly—as honest and sincere words as I ever spoke—I rely on your firmness, and on your determination to see justice done in the case, notwithstanding every representation or misrepresentation; but I rely still more upon that overruling Providence who controls the heart and the intelligence of men; and I address you as men who I know feel the sacred sanction of the obligation into which you have entered, and who will discharge your duty with independence and firmness, in the presence of that Almighty Being on whose Gospel you have sworn to decide according to the evidence. I have the honour to address a tribunal in both its constituent parts, to which nothing is dearer than the law and justice. Gentlemen, this is the action of a lady who comes here claiming to be the wife of Major Yelverton; and this action is, I may say confessedly, brought for

the purpose of having this claim of hers investigated and decided. You heard her own evidence on that subject, and after that there can be no doubt or question that the action is mainly instituted with a view to the public discussion of that question. Not that the decision of it now could directly affect the only proceedings in which a conclusive result could be arrived at; but in order, if possible, to anticipate proceedings elsewhere, and, through the instrumentality of this verdict to work, at all events, some small effect upon the public mind. Now, gentlemen of the jury, the action proceeds upon the allegation that this lady is the wife of the defendant, and I think before I shall have concluded my observations it will be perfectly apparent to you that unless you are prepared to arrive at a conclusion that she is so, the plaintiff here is disentitled to a verdict, and that my client must succeed. Gentlemen of the jury, I will say at the very threshold of these observations, that there is a vast deal in the conduct of my client, the defendant in this case, which I will not hesitate to deprecate and to condemn as I proceed; but, at the same time, I know enough of the world and of its history to be aware that many a man has been guilty of conduct very much resembling his in many material points, and who, simply from the fact that he has not been discovered, or the matter been investigated in public, retains his position, and passes through the world untouched, and as a man of honour. And I know also this, that notwithstanding all the excitement, and sometimes the disapprobation, if any man in this crowded court were driven to review his own past life,—I do not speak, of course, of matters in some respects of, I will say, even the enormity of Major Yelverton's misconduct in this instance,—if any man in this court were driven calmly to review his own life, his early history, when passion was strong, when the influence of youth and warm blood predominated, perhaps he might, when called on to cast a stone at this gentleman, find himself more disposed to slink out of court and settle affairs between his conscience and his God. Now, let no man misunderstand me. I would not condescend to stand at any bar for one moment, and seek even to extenuate the conduct of a deliberate seducer, nor can I find language strong enough to express my humble condemnation of a certain portion of Major Yelverton's conduct,—that in which in an evil hour, and under the influence of one of the most artful women that ever captivated and enslaved a man, who tried to flee from her,—he entered into that chapel at Killone, and became a party to the profanation that there took place. The pretence here is, that there was a marriage. Sacred name! sacred and blessed relation! Gentlemen, I shall have to call your attention to the incidents of the case, to the career of this erratic adventuress, to the circumstances under which she forced herself on this man, upon whom she exercised much of the enchantment which she appears to have flung about her here; for who could remain unmoved by her address—who, at some part of her statement, could forbear to drop a tear of sympathy—who could restrain the impulse to applaud when, parrying the cross-examination of Mr. Brewster, she exhibited those great talents which, alas, have been misdirected and turned aside from purity and from truth, but which startled, astonished, and delighted the audience—who, I say, could be a witness of these things and not feel deeply impressed by the genius of that artful woman? She is playing for a great stake here. The coronet of Avonmore is necessary to satisfy the ambition of this adventuress. And I am told that my honest and lawful wife—your honest and lawful wives—the honest and lawful wives of my friends around me, and of those who hear me, are henceforth to take this woman by the hand, notwithstanding the conduct of which she was guilty, and which I shall prove, and elevate her to the blessed rank of a married woman. God forbid! I care not about demonstrations in this place, or attempts outside to carry the case by storm. I say again, I rely on Him who has the hearts of men under his control, and reins them in, to direct you to justice and to truth. In every part of the case, gentlemen, I will show you facts demonstrating this: that until that scene at the chapel, which I do not justify, which, on the contrary, I condemn—by the conduct of this woman—persevered in and persisted in—unblushing—immodest—forcing—this man was more sinned against than sinning. What was the origin of this unhappy acquaintance? A steam-boat accident; a night spent upon the deck of a steamer with this, then a young man, and still a young man; then nine years younger than he is now. In the very warmth and heyday of his youth he met this girl. A night is spent upon the deck of the packet together. Has any man of experience in the world ever happened upon such an adventure as this, or heard of such a thing? That under these circumstances, an attractive, talented, clever, artful girl, travelling by herself, upon scarcely the suggestion of an occasion for it, volunteers, and is willing to sit *tête-à-tête* with a stranger—a man whom she never saw before—during an entire night; and, furthermore, that upon arriving at that labyrinth and Babylon, London, without a friend to meet her, or any person to receive her, she invites him to her lodgings and offers him a room in which he might dress himself. Gentlemen, when you come hereafter to consider whether you will trust to the version of this transaction given by Major Yelverton, or to that which this woman, in the desperation of her condition, has chosen to swear to, you will have to ask yourselves this question:—When there exists a written record—a concurrent and contemporaneous narrative—whether you will adopt the version of the man who swears consistently with that, and with the instincts and dictates of our common nature, or whether you will believe the lady who seeks to explain away, and to tergiversate and quibble, who, directly charged yesterday with altering a letter in a material way for the purpose of a base fabrication, has not been put into the box to-day to offer an explanation or give a denial?

Mr. Whiteside—I must interpose here, although unwilling to interrupt my learned friend. My lord, Mrs. Yelverton was asked as to this matter, on cross examination, distinctly.

Mr. Sergeant Armstrong—If so, you have the benefit of it. I do not think she was.

Mr. Whiteside—I am sure of it.

AN EVENING AT THE GENERAL'S.

Mr. Sergeant Armstrong—Take it so. The jury will have the document, and it will speak for itself. Gentlemen, Major Yelverton has given his version of this case. Character, talent, art, motive, the power of the inventive faculty, in the one and in the other, are all most material for your consideration. In this case, therefore, I feel it to be my imperative duty to invite your attention closely to the correspondence from first to last, so far as it is in evidence, and to ask you confidently upon that, and upon the whole facts of the case, to answer me each of these questions. And I respectfully demand a verdict in my favour on each of them. First, whether there ever was a Scotch marriage; and, secondly, whether for twelve months before the ceremony in the chapel, this gentleman was a professed Roman Catholic; because, talk as we may, and reason as we will, to these two main questions the case must resolve itself at last; and now it is of the last importance that you should bear with me while I call your attention to this extraordinary correspondence. I scruple not to say, and I hope I will demonstrate to you, that. if ever a woman was fairly warned, and yet rushed upon destruction, that woman was Maria Theresa Longworth. Not that I justify the man who was weak enough, or wicked enough to co-operate in such a catastrophe. God forbid I should! But that she persuaded him—courted him—followed him—made suggestions that will bring a blush when I read them to every modest cheek of man or woman, I will demonstrate upon those letters. It is idle to allow our feelings to be carried away by a syren of that sort. We would not be fit to conduct the tribunals of this country and see justice done, if feeling is to be allowed to sway us in the face of the plain facts and truth of the case.

The learned gentleman then referred to, and commented upon, several of the earlier letters from Mrs. Yelverton to the defendant.

At half-past six o'clock,

Mr. Sergeant Armstrong said—At this stage of the proceedings it might be convenient to adjourn.

His Lordship—I have not the slightest objection; but I wish now to apprize you of the arrangement I intend making. You have been speaking now for three hours. I shall sit at ten to-morrow, and will give you until half-past twelve to finish your speech, after which I will allow six hours to Mr. Whiteside for his. That will be, I think, a fair division of the time.

Sergeant Armstrong—I am quite satisfied, my lord.

Mr. Whiteside—So am I.

NINTH DAY.

THE extraordinary interest which this romantic case has excited in the public mind, and which has gone on increasing as the trial proceeded, rose to a degree of intensity on Saturday which has never been paralleled within our recollection. It was to have been expected that an immense audience would assemble on the day on which Mr. Whiteside would address thejury. The well-known eloquence of the learned gentleman always attracts a crowded court when the case in which he appears is one even of ordinary and trivial interest, and the desire to hear so distinguished an orator was, therefore, naturally enhanced to an immeasurable extent when the cause in which he was to exert his brilliant powers of eloquence was one which possessed so many features of deep and thrilling interest. But the anxiety to hear Mr. Whiteside far surpassed anything which we could have imagined. For upwards of one hour before the proceedings commenced, the doors leading into the court were besieged by crowds of people pressing and clamouring for admission. When the doors were opened, a rush was made into the court, and every available spot was immediately occupied. There was a very large attendance of ladies, and several noblemen occupied seats upon the bench. The bar benches were crowded to excess, and sitting modestly amongst the juniors we observed the eminent lawyer, Mr. Jonathan Henn, whose presence on such an occasion, and in such a place, was one of the strongest testimonies that could be offered to the surpassing interest of this case.

THE SUMMER DAY'S RAMBLE.

The Chief Justice took his seat on the bench shortly after ten o'clock, and the jury having answered to their names,

MR. SERGEANT ARMSTRONG'S ADDRESS.

Mr. Sergeant Armstrong resumed his address on the part of the defendant. He reminded them that the last letter to which he had called their attention on the previous evening was the first letter written by this lady to Major Yelverton after what she designated the steamboat scene, and in which she made overtures to the effect that any money difficulties might, by her superior cleverness and sagacity, be arranged so as to get rid of any difficulties in that respect pressing on Major Yelverton's mind. It would be said that this pointed to an apology from him in reference to his inability to marry her, arising from pecuniary difficulties. No such thing. He denied it, and whatever might be said of Major Yelverton's subsequent conduct, he (Sergeant Armstrong) would fearlessly contrast his credit with hers, and call on the jury to believe his version of the conversation—that seeing the manner of this woman, and observing what she was driving at, he told her—not that he could not marry her, but that he could not marry any one under the peculiar circumstances in which he was then placed. That was sufficient to explain the language which she had artfully introduced into her letter. Major Yelverton returned no reply, and she wrote to him again. This next letter was that of a woman who had returned from Straubenzee's hut, baffled and disappointed in the end she had proposed to herself, to ensnare this man by the fascinations and blandishments which she had at her command. In this letter she said, "Why in the first ten hours did I tell you my great secret, which I had concealed from all the world beside." Mere flash talk! There was no secret, except that her father wished them all to live on farinacious food—absurd and ridiculous—one of her arts early employed to entrap him and make him believe that he was bound to her in honour. Then she touched him on another point—jealousy. "I have received (she says) within the last three days two letters, very different in style, but the same purport—the one from our friend Silver and Blue, the most perfect specimen of amatory diction I ever read—any woman must feel delighted—and does me good. After the humiliation received from you I was feeling quite unworthy of any one." Where was the humiliation, if not that which he had explained himself—namely, the insult which he had offered to her in the steamer at Balaklava. What humiliation would there have been in his asking her to become his wife, and to wait for him until circumstances would enable him to marry? The learned sergeant commented with great force on other expressions in her letters, as confirming the statements of the defendant. She repeatedly asked him to come to see her. The man had repented of his conduct to her—he had recoiled from her—he had endeavoured to avoid her; but she had sought him, solicited him, and in her letters pointed out with minute particularity the house in which she lived at Belbec, so that if he responded to her invitations he could easily find her. And this was the person who was represented as a virtuous and confiding woman, a paragon of simplicity and innocence. He asked them to look at the crafty inconsistency of these letters—"Come and show me which way the compass points and I will go, but don't keep me in suspense." She says, "Oh! I know it is wretchedly weak of me, but I can't help it now, so you must be my friend." What was the meaning of that? It was vain to attempt to explain away language so suggestive as that. On the 25th of May, he having received this invitation, which was of such a nature that it was a miracle he did not by some means obtain leave of absence and rush to her, wrote—"I still cannot counsel you to wait for me—if any opportunity should offer, which you may wish to embrace, for I fear my self-command when we do meet will almost annoy you as much as my want of it did before." What was the want of self-command? Did ever woman receive such a warning? In that letter he gave as distinct a warning as he could, and pointed out to her the sin of which he had been guilty on a former occasion. The defendant had said on his oath that he came home by the Danube, in order to avoid this temptress, and was he to get no credit for that? He (Sergeant Armstrong) said that some virtuous twitchings of conscience which he possessed brought him by the Danube to keep away from her. And yet an excited audience—he would not say a prepared audience—was gulled by a representation that this lady, a Sister of Charity, was insulted and violated by this British officer, when it now turned out that she used the office of a Sister of Charity as a mere cloak to enable her to hunt and pursue him. The court was imposed on, and the public ear gulled and deluded for four days, in the absence of the entire correspondence, which, if it had been opened, no man could have the face to ask a verdict. An excited crowd swallowed all this delusion, which it was left to him now to dissipate, as he undoubtedly would. Her letter proved that this lady was well aware of all the defendant's movements. She said in one of her letters—"We cannot do as other people do; but are we like other people that we should follow to the letter the same rule. . . . Your fate, and mine in connexion with you, must be out of the beaten track; and as we can't get it straight, would it not be wisdom to enjoy it crookedly?" He (Sergeant Armstrong) spoke in the presence of ladies; but he should ask what was the meaning of "enjoying it crookedly?" "I shall ask no further apart from you. I have but one intention, and you know it." She wished to give him all. "All is ready," she said, and the "violet beds" into the bargain. "Let me remind you that your last was a most cruel, ferocious piece of diction." That was the letter in which he told her not to wait for him. "If you care not to enjoy any of the reality that you are harping about, shall we go back to the ideal? . . . . We will avoid that dangerous proximity, or odic force, which made us both feel so crazy, and produced a physiological phenomenon I never before realized." Had that nothing to say to the steamboat scene? It was waste of time to reason with men of sense on a matter so apparent. In one of her letters she tells him to direct his letters to her, "care of Miss M'Farlane, Dean's-gate, Canterbury," and she adds, alluding to the M'Farlanes, "these people are very much dependent on me in a pecuniary way, and

are therefore to be trusted." That was most significant, he asserted. On the 16th August, 1853, he wrote her a plain letter to say that he had come home by the Danube to avoid her. He said, "I am sorry I made a false promise"—that was the promise to go see her. He tells her the dialogue which he imagines to have taken place between his head and his brain as to how he should come home, and he said "the head became irresistible:" that was, that his good sense triumphed. He (Sergeant Armstrong) asked the jury to say was this the courtship of an honourable man and virtuous woman? The defendant said, "I purposely avoid now, as much as I can, any attempt to influence your decision." If ever an overture was made to woman to accept a position wholly irreconcilable with the idea of marriage, that passage conveyed it. The jury would be asked by the counsel on the other side in matters where the testimony conflicted, to discredit the oath of Yelverton because he acted badly. He (Sergeant Armstrong) denied that proposition altogether, and contended that bad and sinful as was the conduct of Yelverton, he was not in this case to be discredited in a court of justice. It was manifest that, notwithstanding the temptation he was subjected to, he avoided the Siren. She says in the next letter, "You have placed 3000 miles between us; appear before you again I dare not, and though to touch you will be a most fearful temptation, yet it must be resisted, for your odic force to me is like opium to the dervish, the more dangerous it becomes the more sweet; but I will be content with half." What did that point to? In that very letter she wrote also, "I am possessed with but one feeling, one thought, one desire—I cannot live without the performance of it—I cannot die until it is accomplished." What did that mean? Was it French diction? He asked them as men of common sense to put their interpretation on that passage? Was it conceivable that any counsel could, after opening this correspondence, ask a verdict for the plaintiff? It was impossible. The next letter to be referred to was one from Yelverton to her; a fragment of which was only produced, and the residue entirely unaccounted for in the evidence. It commenced—"Circumstances and you want to know how I make myself at times indifferent. I'll tell you. You mistake an effort of the will for indifference; it is that knowing I cannot gain on that terms, I will not try on yours (necessity made). *Addio carissima sempre a te.*" What was that passage but a statement that he knew her object, but as he could not comply, he would not try to "gain on hers." Yet this was the man who was to be humbled down in a court of justice. He arrived in England in October, '56, and he writes this short letter—"Dearest, what do you want? I think of thee. You be welcome." She writes on the 15th of January, 1857, to him from her sister's place, Abergavanny—"I shall want to speak to you, and retract all I said about legitimate ways." The jury would recollect that in an early letter she told this deluded young man that it was a pity people could not go "on trial in married life." Let the jury read these letters together, and it was impossible to escape their meaning. In the same letter she writes, "You tell me I lost my best chance at Balaklava—good gracious, had I ever the shadow of a chance." Where was the letter in which he told her of her "best chance" being lost at Balaklava. It must have been told by letter. Did the jury believe the nonsense that Yelverton proposed a marriage by Bishop Bore at Balaklava? The lady trumped up a story to that effect, but the jury, as men of common sense, would say whether that girl, only too anxious to be in Yelverton's arms, would refuse a distinct marriage by a Catholic bishop.

Mr. Whiteside said the learned counsel was not stating the evidence. What the lady said was that there was a proposition at Balaklava that she should be married in the Greek church.

Sergeant Armstrong said he did not care. Let the jury take it to be a proposition to get married in the Greek church, and ask themselves was that proposition made and rejected. It was arrant nonsense to suppose such a thing. In the same letter he was quoting from she says, "If you allow that you have disordered my machinery either by breaking or, *n'importe quoi*, why, it is clear you must mend it. If you have no radical cure you must effect a partial one. So long as you are the practitioner I would submit to any operation, but I vow no other hand shall touch me." What did that mean? He left it to the jury to say. Again she says, "dream of me, it is pleasant if not practical." What did that mean? During the months of January and February Yelverton was unwell, which fully accounted in his (Sergeant Armstrong's) mind that there was delayed till February the "consummation of all," which she declared in a former letter. She wanted to come. Did ever woman so fling herself into the arms of a man as the woman who in this case had been paraded before a crowded court as a paragon of purity and excellence? In the name of God, what could be expected upon any ordinary principle of human conduct, to be the result upon a young officer receiving these suggestive, these burning letters. What could be expected but the sin and misery they caused. On the 9th of March, 1857, he wrote to her not to come to his quarters at Leith, unless she was well. Was anything ever plainer than this—"As to whether you can come is certain—as to whether you ought"—he (Sergeant Armstrong) supposed was equally certain the other way. Imagine any wild young fellow in Portobello Barracks receiving such a series of letters, and then writing such an invitation to the lady. Were they men with the passions of men, or were they etherealized beings without feelings, emotions, or passions. "However, I will take care that no character suffers except mine, which is utterly unimportant." They all knew what would be thought of the officer, and the woman who visited that officer in barracks. Having regard to a portion of the audience, he would not refer to occurrences in relation to this point further than to tell them to recal the evidence as to what took place between him and her on the first visit at Edinburgh, and what occurred on board the steamer on the morning she was going to Hull. If his learned friend said it was odd the thing was not more frequent, or was so long delayed, but the man was unwell, and there was no opportunity. Was that a story any man would tell of himself otherwise than under the obligation of an oath? She said that before that letter was written the ceremony was gone through of reading the service from a Protestant prayer-book. That she fixed in April, 1857. She said he read the marriage

service from Miss M'Farlane's prayer-book, and said they took each other for man and wife. No human ear heard the words, no human eye witnessed the proceeding. He (Sergeant Armstrong) told them, under his lordship's correction, the law of Scotland did not permit that to be a marriage, and a miserable thing it would be if it did. She swore to this proceeding, and he contradicted her. Who was to decide between them? What misery and confusion in society would arise if she was to be declared a wife upon such an allegation. In every Christian country, if a marriage was intended, it was celebrated in the presence of witnesses, who could afterwards, if necessary, prove it. For the first time in the history of the world it was to be said that, according to Scotch law, a man and a woman might be in a room alone, and, upon the uncorroborated, contradicted swearing of the woman, a marriage was to be established. What reason was there, or could there be, for concealing the thing from the *confidante*, Miss M'Farlane, who was actually in the next room, and who was under pecuniary obligations to this lady, and one who could be trusted. Why was she not brought into the room if there was the slightest intention of marriage. The lady said she opened the door, and said to Miss M'Farlane they had married one another; but Miss M'Farlane could not bring it to her conscience to swear that anything of the kind occurred. So that the whole story rested upon the sole uncorroborated testimony of this temptress, who tempted this sinful young man farther than man was ever tempted. Turn over the pages of romance—look to the history of Abelard and Heloise, and they would nowhere find any sentiments so passionate, so strong, so ardent, and so exciting, as were contained in the letters of this woman. Was Major Yelverton flesh and blood, with the passions and instincts of a man?—or was he to be trusted as if he were not such? He was wrong, no doubt, and he (Sergeant Armstrong) was there to defend him, this much abused, much assailed, and justly assailed man; but he did not stand there to vindicate any immorality, or to palliate it. God forbid. But he did insist that in crimes of this sort, as in all other, there were degrees of guilt. That he scrupled not to assert the considerations that existed in cases of murder and manslaughter were also to be regarded in dealing with assaults upon the virtue and faithfulness of the sex. He acted wrongfully, sinfully, and wickedly; but apart from his conduct in this case, what was there to disentitle him to belief upon oath or to induce them to believe he would commit abominable perjury, though he fell a victim to the allurements and snares of this most persevering and artful woman? These were his observations upon the pretended Scotch marriage, which he utterly denied, or any other marriage. To be told that was an honest marriage, or a marriage at all, would be a blow to virtue, to the security of families, to the peace, and honour, and tranquillity of married life greater than ever had been inflicted upon that sacred connexion. God forbid that such a transaction, even if it occurred, would receive the stamp of approbation from an honest jury. This woman represented herself as a strict Roman Catholic, and that nothing would satisfy her conscience but a ceremony by a priest, which, according to her account, was a mere matter of time and arrangement. In a letter of the 5th of May, 1857, after the Hull steamer transaction, she spoke of her "doubts and fears about the durability of requitement." What was to be requited? He could understand if a woman had shown a favour to a man, that she expected a requitement; but if there had been a marriage followed by nothing more than talk, he was at a loss to know what was the "requitement." Could they solve it? Were they there, like children, to swallow this woman's assertion? She spoke of "misgivings as to the endurance of attachment merely the effect of proximity," and feared "lest two months' trial would prove its emptiness," and complained of excitement, both pernicious and dangerous. She was, then, evidently in an agitated state of mind. She goes on to say—"If you did not deceive me again in that last not to be remedied point." What was that last not to be remedied point? And then she said her "nature demanded the trial should be made." Having read other passages, the learned Sergeant demanded to know, was there a syllable calculated to show that she ever believed or regarded herself to be a married woman?—"I shall die without you. Is it worse to die by you?" What was all this about? Was this the language of a woman who had been betrayed? Was it not the language of a committed woman, of a woman who had given complete possession of herself to this man? There was one character in history, who, and who alone, could have withstood this temptation, and his name was Joseph, and the woman was the wife of Potiphar. There was no after case of the kind in history, and this virtuous example was recorded because it was without parallel. That there was some secret between them which they did not wish human eye to detect he would demonstrate. Why did she suggest a peculiar alphabet that no one but themselves could decipher? To men of sense there was nothing more natural in the world than that a man who had been received into the embraces of a woman should have intercourse with her afterwards, and yet that was denounced as the most atrocious conduct. He did not understand the outcry raised upon this part of the case. In May, 1857, she wrote to him "Do you not still believe in the mossy violet bank? That is to be reserved for my special delectation when my turn comes." They recollected where the defendant said this sinful intimacy took place. The "special delectation" was to be on the "mossy violet bank." Carrying the imagination back to the overpainted scene referred to in the letters, was that the language of a married woman writing to her husband, or was it the language of a woman who felt that she was committed, and who still wished to keep her hold on the man whom she allured and inveigled? The letter went on—"This I was just going to post to you. I want to see you—I must—I have been dreaming ever since. I cannot bear it—you know it is not in nature, and you swore before God, and you will not perjure yourself." What was that promise? Was it to marry her? It was not, but to keep it a secret. The other sentence in the letter harmonized with that conclusion, "But, I'll go, if you wish it." How could they reconcile this passage with her statement? Could it mean that he "swore before God" to marry her? No, that would not do when put in juxtaposition with the other sentence. If she meant that he was to marry her, would she not say, "The time is coming when our

wishes are to be consummated under the sanction of religion; I am delighted to hear it." That would have been her language if she thought she was going to be married; but she said, "I will go if you wish." Study that sentence, and what did it imply? Look on it in this way, "You swore before God never to ask a similar favour until we were married." That was the meaning of the passage. In letter 79 she wrote, enclosing "Shear's cards." The defendant really thought at the time that those cards came from herself, and that she was married to Mr. Shears, and there was nothing strange in that, knowing the extraordinary erratic person she was. In answer to that he wrote a letter commencing "Cara Theresa—excuse my continuing this old style of address." Was not that natural on his assumption that he believed she was married to another man? He wrote that letter believing her to be married, but believing that notwithstanding she would follow him, knowing the love she had for him. He wrote, "I congratulate you on the step you have taken most sincerely, as the most likely course to render your future life a contented one. . . By your marriage you have earned my lasting gratitude." That was his gratitude for her taking herself off his hands. In May, 1857, she wrote the letter "Carlo mio, are you mad, or am I? The first reading of your letter brought me to a stop, mental and physical. . . Oh, Carlo, to suspect me of such a thing. I, whose very life was ebbing away for you—I, who have sacrificed all but God for you—I, who have lain at your heart." In that letter there occurred not a line of the marriage in Scotland. Those letters were irreconcilable with the notion of any marriage whatever. She also said, "you know you always were free." What was the meaning of those passages. What does she mean by saying that he was free. That was not the language of a married woman. In letter 82 she said, "It is bad for one to forget one is flesh and blood; don't you think you cured me of that, but the cure rendered me helpless without the constant care of the physician—it is applicable here to say that a little knowledge is too dangerous." Those letters were not opened at the beginning of the case, but were kept back, in order that the public mind might be affected and the public ears abused. The letter then went on to say "We are making in the sunshine a place for a Highland equestrian expedition in the autumn. I think we could contrive for you to join us, in which case I should not take Arra —we should then be *une partie de quatre, comprenez-vous.* My friend never judges rashly, is rue and silent. Moreover, they live entirely out of the world, and know no person belonging to either of us." Who was there at the house of the Thelwalls when the defendant was introduced there without a name? He believed that they had not as correct notions in England as in Ireland. He feared there was a good deal of winking and conniving there. Why was not he introduced in an honest manner? In the postscript to that letter she said, "How I do long, Caro mio to . . . . (oh, we must have an alphabet) to do—you can guess, you know, what I used to like." What was the meaning of that? Something then occurred to her mind that she did not write, but there was a blank. An expression in one of her letters explained what he alluded to when he wrote "when is reality to be?" She said there could be no reality unless they were both living together, and he wrote to ask when could that be, and he had sworn distinctly that it referred to the time when she would come to live with him permanently. In another letter she said, "Caro Mio Carlo, I have said the *word*—will do all you ask me, and name the time and place as soon as I am able. In another passage of the same letter she said, "your master passion is expediency—mine love. Of course, the latter must yield; and, oh God! how I have prayed to thee that I might be only permitted to *give*—give everything; heart and soul; every thought, hope, desire, my life's devotion, and the burning love I feel, to give, give it all. . . . Write by return, and tell me if it must be before the end of this month, or if you have obtained fresh leave, and until when? I must see my French sister—is it to be before or after? My ears ache to hear the *mia*, though I am convinced you might say it with perfect truth now, and for exactly three months past. This conviction decides me. I cannot be worse off." This was not the language of a woman going to be married, but of one who knew she had surrendered her virtue three months ago, and was prepared to give herself wholly up to him—"This conviction decides me—I cannot be worse off." That her mind and conscience became disturbed was apparent; and she wished that some ceremony might take place which would be a *salvo* to her conscience. She accordingly wrote to him proposing a meeting in the old cathedral of Manchester, as it would be without a particle of risk to him. "You are unknown (she said) and have nothing to say or do; my purpose is and will be ignored by mortal creature. If safety is your object, what I suggest is merely the same as being present at mass making you a Catholic." The idea was to get Yelverton into a Catholic chapel, where some ceremony might be gone through which might soothe her conscience, elevate her possibly in his estimation, and lay a foundation on which she might be able to build in future. Again, she told him that she had got another *attaché*, "an ineffable spooney," once more trying to excite his jealousy. Talking of spooneyism, he never saw such an exhibition of it as occurred in that court—sensation and weeping whilst the artful siren was displaying her fascinations in the witness box. Why, when he remembered the sensibility evinced by his young friends with wigs on them, he could not look on them as erring men, but as angels. They never thought a wrong thing in their lives; and as for the immaculate gallery, they were all pure, and it was impossible that there could be a nasty thought in that region of sensibility and of virtue. He now came to a letter in which a word had been tampered with, and a piece of vile fabrication attempted. It was evidently suggested by an opinion which had probably been given by a Scotch advocate, that if there were any letters in which Yelverton called her his wife, there would be evidence to prove that an irregular marriage had taken place. In the whole of this multitudinous correspondence there existed but one opportunity of fabrication, and this had been taken advantage of with remarkable tenacity of purpose. No peril daunted this woman, nothing affrighted her; there was no sacrifice which she was not prepared to make to effect her object; and this woman, capable of moving heaven by her attractions and hell

by her wickedness, carried out the fabrication of which he would now convict her. He was not to be deluded with French bonnets or the best-dressed actress. They would get better any day in the theatre for 3s. 6d. Let spooneys be deluded by her—but let the jury deal with her like men. He would show them how the opinion of the Scotch advocate had been taken advantage of to carry out this artful fabrication—

The Chief Justice observed that he did not see anything in the case to suggest that there had been a fabrication under the advice of the Scotch advocate.

Sergeant Armstrong said he did not at all mean to convey that it had been made by anybody but herself. It would be important to have a written communication in which the female was called wife, in order to establish a marriage by the Scotch law, and he found a fabrication made to meet that case in the only thing in which it could be attempted. He wrote this letter to her:—

"Carissima mia,—It is between one and two o'clock in the morning, and I wish I was with you, but you are a very nice little girl, and I am sleepy—so good night. I purpose to arrive on Tuesday, 15th, at either ten minutes or half-past eight o'clock in the evening, as I shall go *vid* Carlisle; but you had better not come to that cold station to meet me, but prepare your landlady for another lodger, and I will go straight to you, and show myself in Leith the next morning. If you write before three in the afternoon I shall get your letter if directed to care of W. Featherstone H., Esq., Staffield Hall, Penrith, Cumberland. I'll give you an account of my travels (D.V.) on Tuesday night, and many baccie, and some —— . . ."

Here there followed what he charged was a fabrication. Major Yelverton swore the words which were there originally were "*petting, possiblemente*," meaning, "some petting, possibly." The words as they were read were *petting Sposa bella mea*. That was, "my pretty wife." He charged that alteration to have been made for the purpose he had stated. He would now call their attention to another letter, in which she said, "I *cannot* curb my impatience and restlessness—nothing can distract my attention. Even my fingers' ends tingle to touch you. It is very absurd, is it not? but I cannot help it. . . . . Every sense of soul and body pines every instant of the long day—from the top of the head downward is one absorbing desire, every shining hair longs individually to be stroked—the eyes yearn to see you, the ears are distended to catch the first sound of your voice or footfall; the hands throb and tingle to touch you and feel you once more safe within their grasp. So on, I could enumerate, but I come to the little feet which are kicking and stamping to have their boots laced. I want you! want you!! want you!!! As to there being any conditions about the arrears of petting I am crazy. I must have it, or I shall hate you."

Mr. Whiteside.—That is no answer to the former letter at all.

The Chief Justice said Sergeant Armstrong had a right to make the suggestion.

Sergeant Armstrong said he challenged his learned friends at the other side to show to what letter it was an answer, if it was not to the letter to which he had referred. They would hear an eloquent speech from his friend Mr. Whiteside, but he asked the jury to look for facts and not eloquence. He asserted that it was after the Irish ceremony at Kilone, and that therefore there was some arrear of "petting." Did the word "petting" occur in any other letter? It was an answer to that letter, and the word "*possiblemente*" had been deliberately altered to suit the purposes of a hopeless case, and to assist in carrying a marriage by it. He challenged the other side to explain the letter in any other way. The fact of the case was, that the woman was an erratic adventuress, hunting down this young man to her own purpose and her own passions, and not as she had been represented at the opening of the case, an innocent, spotless woman. The defendant yielded to temptation at length; he profaned the altar it was true, but that was not the reason a woman such as this was upon the evidence in this case, supported by artifice and suppression, to rank with honourable married women who thronged the court that day. Wretched would be that result—shameful in his mind, unsatisfactory to the public, when the aspect of the case was known, and he felt morally persuaded that the coronet of Avonmore never would decorate the brows of this temptress. He believed Rose Fagan and the woman Cole to be honest women. Mrs. Yelverton swore that she never heard of Rose Fagan in her life, yet Miss Crabbe received Rose Fagan's address from Mrs. Yelverton; and how or where did Mrs. Yelverton know the name? Mrs. Yelverton knew that Rose Fagan was conversant with a dangerous point in the case. They had the same sleeping apartments, and it was attempted, by the flimsy veil of getting proof of a third apartment, to suggest to the jury that this was a case where virtue struggled against temptation. What was the conduct of this crafty woman on that part of the case? She was advised, that to prove purity up to the period of the ceremony at Kilone chapel, she knew that the chambermaids at the hotels could prove she and Yelverton slept in the same bed, and being well read in French novels and full of French inventions, she conceived the plan of entrapping the necessary witnesses. For that purpose she found out and trained Miss Crabbe, who so resembled her in face, voice, and general appearance, that being dressed up as the real party, she did succeed in trapping the witnesses. Miss Crabbe was produced. The defendant knew nothing of her, they were obliged to take her own account of what she was; but any one who attended to her cross-examination by Mr Brewster, who witnessed her compressed lip and scornful eye, saw how she was made up, and well she could impose upon the humble women who mistook her for the party who was at the hotels with Yelverton. She admitted that Bridget Cole and Rose Fagan mistook her, and that she did not undeceive them, and the evidence that this poor woman gave should be credited by the jury. Rose Fagan told the exact truth, and nothing more. If she was corrupt, and intended to give false testimony, all she had to do was to swear that the two parties slept in the same bed. But she did not; she only stated what she did not remark whether the bed had been slept in by two persons. He now came to the transaction in the chapel of Kilone. He

Sergeant Armstrong) had no language adequate to express his condemnation of the man who allowed himself to be led into sin and profanity. But that Yelverton went into that chapel under any other expectation than that of getting a blessing or a benediction consolatory to her own conscience, it was impossible to hold upon the evidence in the case. It was the woman herself who managed the business; it was she who saw Father Mooney and the bishop. She told Father Mooney what she dared not assert in the presence of Yelverton, that there had been a Scotch ceremony; and it might easily be conceived how Father Mooney, led away by her plausibilities, agreed to do what she asked. There ought not to be the slightest imputation on Father Mooney, who told the truth and nothing but the truth in the matter. No doubt what occurred in the chapel constituted a binding marriage if Yelverton had been a professing Roman Catholic for twelve months previously, which it was demonstrated he was not. The law in this case should be administered, and although a marriage was celebrated to the surprise of the man who intended there should only be a blessing, it was fortunate for the ends of justice that that marriage was invalid by law. The Rev. Mr. Mooney swore—and why should not his oath be credited?—that she told him Yelverton was a Protestant. What reason was there for doubting the sworn testimony of that venerable and respectable man? Very probably he forgot the act of parliament, or, perhaps, never knew of it; but at any rate he had pledged his oath to facts which should not be disregarded. There was no reason whatever for suspecting the evidence of the Rev. Mr. Mooney. He left it to the other side to abuse the priest; such an office was congenial to his learned friend (Mr. Whiteside), but he wished him joy of his task. It was true that a certificate was obtained by this crafty woman; but the reverend gentleman had sworn that if he knew the purpose for which it was to be used, he would have put his right hand into the fire before he would have written it. It was clear from her letter to the reverend gentleman asking for the certificate that she knew Yelverton would be surprised at the nature of the ceremony that had been performed. She spoke in the letter of the certificate being required for the purpose of the baptism of a child—she gave her own name and that of Yelverton—said she had "great hopes of her husband," and she said that when the time came for making known the marriage the reverend gentleman would find that he had rendered an "incalculable service to the Catholic church." Perhaps the reverend gentleman believed her to the extent that another name, that of Yelverton, would be added to the list of the Catholic nobility of Ireland. The marriage was never entered in Father Mooney's register. There was a ring. She wore a ring of Yelverton's before that upon her marriage finger. She wore it on the journey with him. Every human being who saw them on that journey from Waterford to Rostrevor must have believed them to be man and wife. At the hotels, the proprietors, waiters, and chambermaids it was plain received and attended upon them as man and wife. No man could doubt that they were living together then as man and wife. The learned counsel proceeded to refer to the evidence as to Major Yelverton's religion, and insisted that it was proved he was always a professing Protestant, and never a professing Catholic. He went to church in the year—he went through the ceremony in the chapel. God forbid he (Sergeant Armstrong) would attempt to justify his conduct on that occasion. It was weak and wicked to a degree, but he acquitted him of knowing all the solemnity of the step about to be practised upon him. He believed it was to be a mere salvo for her conscience, but he did not believe he was about to commit the profanation which was then perpetrated. Referring to the law bearing upon the question of marriage, he said that he would not occupy time by fully entering into the subject, or citing a number of cases, but referred his lordship to two cases, Molone and O'Connor in the Irish Law Recorder, new series, page 200, and the case of Davy's Minors, in which his lordship himself gave a very elaborate judgment, a most satisfactory exposition of the law on the subject of marriage under the penal acts. It was to be found in the "Irish Jurist," of the 15th of December, 1860. Having referred to the case of Grant *v.* Yelverton, and stated that Major Yelverton paid the 20*l.* sued for in that case because—and only because—he feared the question of the marriage would not be fairly tried, the learned sergeant said he had come to a close. He said—I thank you very cordially and sincerely for the marked attention which you have paid to my observations. I invite to this case, in all its parts, your serious, dispassionate, manly, independent consideration. You are presided over by an eminent lawyer and an impartial judge. You will take from his respected lips the law applicable to this case, and I doubt not you will hear from the same lips the declaration that upon the facts the responsibility rests with you. It is not a case in which any attempt will be made in the slightest degree to influence your own independent, impartial, and manly judgments. I ask you now, did you understand this case when my learned friend Sergeant Sullivan sat down the other day? Does it not now present a very different aspect? Has the point been turned? Are you looking on the other side of the canvass? You saw painted by his graphic pencil the innocent, victimised, injured nun, struggling against temptation, and yielding to the artifice of Major Yelverton. Do you now understand why it was attempted to carry the case by storm—why my learned friend indulged in a threat such as I never heard before in a court of justice, "Woe betide him if he appears here? This miscreant must feel the terrors of Heaven hanging over him if he came," a threat enough to frighten any man from appearing to defend himself, and to deter his advisers. This statement was re-echoed by the gallery, who thought this was a victimised nun. What turned out to be the case? The temptress—an erratic, clever adventuress, a bold, crafty, wayward, unscrupulous woman, who followed this man, who missed him on the Danube, and went to his quarters at Leith, still pursued him, inveigled him into the chapel, cast her toils and charms round him, and, relying upon the same talents and fascinations which served her well before, she attempted here to carry everything by her charms, her witcheries, and her falsehoods. I, gentlemen, have consummate reliance in the force of truth. That is what this court is called on to investigate. We live in a world where immorality is rampant, crime common,

seduction, unhappily, too frequent. This is not a case of seduction; I deny it. If there was seduction it was in the artifices of this woman herself. Read the letters. Good Heaven, was any young and ardent man ever in this world subjected to such temptation, and was there man could do more than he did to avoid and escape from this siren? Did he not struggle against the temptress to the last, but in vain? Did she not endeavour to carry with her the public voice by deluding the public eye and ear, and did she not labour to excite that sympathy, which, if it were to continue after the defence, and the full investigation of the whole case, would, I believe, inflict a deadly blow upon the public morality and virtue of this country. I have done my duty feebly, but to the best of my ability—fearing nothing, relying upon God. To Him—to you, under Him—I confide this case; and may God defend the right. At the close of the learned gentleman's bold and powerful speech there was applause for its ability.

MR. WHITESIDE'S SPEECH.

Mr. Whiteside, Q.C., then proceeded to reply on the part of the plaintiff. He said—Gentlemen of the jury, it now becomes my duty, at the end of this protracted trial, to endeavour, to the best of my humble ability, to review the evidence that you have heard—to ask you to consider and contrast that evidence with the impartiality of honest minds, and to pronounce that verdict which will be received with joy by every honest man in the land. Gentlemen of the jury, vast as the questions are involved in the issue—surprising as are the incidents that have been thrown into the trial, it is well to call your attention to the principles of the action that you are now invited to try. This is an action brought by Mr. Thelwall, an English gentleman, whose character has been spared, to my surprise, by the counsel for the defendant—who swears to you that he has brought this action because he knew Teresa Longworth was the wife of the defendant—because she had been introduced to him as the wife of the defendant—because they associated with him and his wife as such, and, believing that she was the wife of the defendant, he had given her that support to which she was entitled as his wife, and no one word that Mr. Thelwall proved has been disproved or contradicted. It is one of the remarkable facts of this case that while the testimony of Mrs. Yelverton has been impeached, the rest of the evidence in the case stands unimpeached. It is unquestionable, gentlemen, that the law of this country, as was truly stated by my friend, Dr. Ball, enables a jury to give damages even in the case where a female might have been represented to have been the wife of the defendant; because if he represented her as his wife, and held her out as such, and then exposes her to misery and to destitution, the law in its wisdom interposes, and says, "You must support the woman whose peace and happiness you have destroyed." That is not the present case. Here the action is grounded on the very fact that this lady is the wife of the defendant, and the law says to the defendant, "There are limits to your depravity, and if you have married two wives, at least you shall support the one that is yours in the sight of God and of the law of this country." That is our proposition. And, now, what are you empanelled to try? There is no such case, my lord, in the annals of the law. Actions have been brought to prove that people were married. This is the first trial to un-marry a man and woman who have been married in the face of the church. This is not an inquiry, as it has been conducted on the part of the defendant, to show that a marriage never took place, but having taken place, to prove it not to have its legitimate, natural, and legal effect. Now, gentlemen, to the right of a woman such as this lady there is an exception, and that exception is founded on her misconduct. You have been told, in tones of virtuous indignation; by the learned counsel who spoke on the part of Major Yelverton, most properly appealing to virtue and an overruling Providence, and in the hurry of the moment he made his exit with the words of virtue and morality on his lips—you have been told by him of virtue and morality; and I tell you now that if this lady, Teresa Longworth, was shown to be a profligate woman in regard to the defendant, whom we say is her husband, you would not be bound to give her a farthing damages—not to her—when I use that expression it is a mere slip of the tongue—I mean to any tradesman who might have supplied her with goods, or any private gentleman, like Mr. Thelwall, who might have given her sustenance and support; because the law has engrafted an exception on the general principle I have stated—that if a woman elopes from her husband, or misconducts herself while she lives with him, she is not entitled to one shilling of the support which he refuses to her on account of her misconduct. Gentlemen, the character of the witnesses in a case of this kind must naturally attract the attention of the jury when they come to consider and to balance the evidence at the one side and at the other. I most respectfully request of you to ask yourselves upon what grounds you are to question the evidence given by any single witness we have produced. I except for the present the evidence of Mrs. Yelverton. Do you disbelieve Mr. Thelwall? I apprehend not; because if audacity could carry the opinion of a jury, the learned sergeant who has just spoken would have called on you to disbelieve that gentleman. Do you disbelieve Mr. Goodliffe? Do you disbelieve Miss M'Farlane? And I speak it of course with apprehension, do you disbelieve that interesting Englishwoman who tracked and exposed the corruptest, the meanest, the most wretched device that ever was concocted by a gallant soldier to prove an honest woman guilty. Do you disbelieve any one of these witnesses? No, gentlemen, I flatter myself you do not. We shall see presently what they prove. Do you disbelieve the defendant himself before he came into this court? He is an honourable man we are told, for both his counsel have appealed on his behalf to religion, and I must confess that, my lord, is what has surprised me most in this case. Do you believe his own handwriting, his own declarations, his own solemn acts reiterated over and over again? Then, if you do, there never was since the beginning of the world a clearer case of marriage in Scotland, despite the obscurity attempted to be thrown on the law of that country by a fluent metaphysician. There never was a clearer case since the beginning of the world of a marriage in Scotland

according to the law of Scotland, and, notwithstanding the threat of my learned friends. I hope to satisfy his lordship and you, gentlemen, and the public virtue of the country, there was a marriage by the law of Ireland. The learned counsel who has last addressed you told you that you had no notion of the case until he rose. How astonishing is that! How sublime the genius of the man who has thrown a new light upon the question, considering that an eminent counsel, now our senior, and who ought to be, perhaps, upon the bench, had cross-examined the leading witness in the case for three days, and spoke a whole day, and left the subject-matter untouched and your judgment unconvinced. It required the eloquence of Sergeant Armstrong, and his bold denunciations on the side of public morality to convince an Irish jury to find against truth and against justice. Gentlemen of the jury, he said that you did not understand the case before—do you think, having heard my learned friend,

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that you understand it better now? He told you that my learned friend (the Sergeant) did not open her letters to you when stating the plaintiff's case. I invite your attention to that observation—a daring observation, considering that it was spoken by the spoliator of evidence, by the shuffling, equivocating, prevaricating defendant, who destroyed the documents that established the case against him, and instructs his counsel to cast imputations on honest people. The correspondence may be divided into three parts. The first part of the correspondence is that which all parties admit to be innocent—that which took place before this lady went to Galata. The second part of the correspondence is that which occurred after the promise of marriage made to her by the words and the conduct of the defendant at the house of a general officer of the British army, whose hospitality the defendant accepted in order that he might seduce his guest. The third part of the correspondence is—what? The

correspondence that ensued after the ceremony which they do not dare to deny took place in the presence of a priest in holy orders, in a church recognised by law. Four-and-twenty letters, addressed by the wife to her husband, that would prove forty marriages in Scotland, have disappeared with the exception of one only, which has been produced for a purpose. Thus the matter stands. The correspondence of years ago is all ticketed and labelled for your consideration—the correspondence in the interval between the visit to Constantinople and the return to England, is all ready for your particular inspection; but, gentlemen, when you want to find out whether the man was married, in point of fact the correspondence between husband and wife which would have put it beyond dispute, is suppressed and destroyed; and the learned counsel, who compensates by the violence of his language for the want of wit or delicacy, or just and judicious criticism upon books, and men, and women—upon the bar, whose opinions he misrepresents, and the public, whose feelings he misunderstands—that learned counsel calls on you to say, there is a word in some particular letter which has been altered, whilst the persons who have had the custody of the letters have a bag full of them going directly to the point, but which they have suppressed, destroyed, spoliated, or burned. I call on you to recollect that fact. Oh, how wretched the speech spoken to you by the learned counsel for the defendant. I find love-letters laid before a special pleader. He gets a bag full of love-letters written by a poetical, romantic, brilliant creature—don't judge of them by her feelings, for those the learned counsel could not feel—don't judge of them by her talents, those he does not possess—don't judge of them by her romantic spirit, her enthusiastic nature, or her poetic fancy—oh, no! but he says, "I will pick out a word here and a word there; and, with the perverted mind of a special pleader, I will endeavour to pervert the facts and the truth." That is a wretched course to be taken on the part of the learned counsel. And now, gentlemen, another preliminary observation; for it is my duty to follow him step by step, and to track him through his speech—not for the purpose of establishing my case, which can be established without it, but for the purpose of proving to you, to his lordship, and to the world, that matrimony was in the heart of this lady from first to last, and that nobody knew it better than the defendant. You have observed the difference between the conduct of the case by Mr. Brewster and the speech of Mr. Sergeant Armstrong. Mr. Brewster met in this court with a signal failure. He cross-examined a lady who was more than a match for him. He tried her temper, he proved her talents, he impeached her honour, he sifted her every act, every word, every letter, and what did he make of it? Nothing. I verily believe—and I mean no disrespect to my learned friend, whose eminent abilities no one respects more than I do—that there has never been seen in a court of justice a failure so complete, so unequivocal, so overwhelming as that which he has met with during his three days' cross-examination of this lady. You saw what happened as she appeared on the second day of that cross-examination, when, with bold effrontery, there stood before her the man who was the author of her ruin. You saw the start she gave—the start of convulsive terror and of horror. You interposed yourselves to save her from the influence which he still, perhaps, possesses over her mind, her feelings and her heart. You saw her sit there, racked and tortured by the counsel for the defendant—you saw the brain operating on the stomach—you saw the unfortunate but gifted creature rallying when her virtue was assailed, confronting the counsel when he dared to impeach her innocence, crushing his calumnies, and dissipating to the wind every imputation on her honour, her character, and virtue (applause). You heard the speech of Mr. Brewster. His cross-examination was unmerciful—it was relentless, it was insulting, it was cruel. His speech was calm, politic, and cautious. She was a very clever woman. She was a cultivated woman. He had a high respect for her, only he could not believe one word she said upon her oath. Such was the way Mr. Brewster treated the witness. What did Sergeant Armstrong do, acting on the same side? Having heard the speech of his leader—having heard all the letters relating to the subject discussed and considered—he turns round and does that which Mr. Brewster never ventured to do—impeaches her virtue—questions her chastity—assails her honour, and I stand up to defend them all. Did you hear when Mr. Brewster, as a legal anatomist, was dissecting the witness, the names of one gentleman after another poured out, and you heard the witness questioned in reference to each. "With whom did you stay in Italy, Naples, and Rome? With whom did you go to Egypt? With whom did you admire the Pyramids? When did you write this letter or that?" What is the meaning of that cross-examination? It was an attempt to assail the virtue and asperse the honour of the witness. And what is the result? I appeal to his lordship and to you. The result is what every honest man in the community appreciates, that she has come out unscathed from the inquiry—clear she is of every imputation upon her honour. She may have erred with the defendant, but in reference to no other mortal can an imputation be made on her. Why dare the learned sergeant use that word "courtesan"—by what degree of professional audacity did he make use of that word, which I fling back to him with the indignation, scorn, and contempt I cannot express; that imputation coming from a man who vowed himself in that box to be the systematic seducer—who has studied, considered, and found out the different degrees of seduction, where it becomes justifiable to seduce the vulgar, but where aristocratic ladies should be spared. Coming back again to the cross-examination of this lady. There is nothing like beginning at the beginning. There is a curious custom, my lord, in some countries, of asking every witness—"who is your father?"—which I thought sometimes not relevant to the point; but Mr. Brewster commenced to ask this lady all about the family—her brothers, sisters, brothers-in-law, aunts, uncles, and cousins. Her mother and father had been commenced with; but unfortunately the same exact history of her grandfather and grandmother has not been laid before us (laughter). Her father's character is stated to you; and then, that we might save the Court of Probate some of its onerous duties, we have an account of his assets taken, and this for the purpose of, in some way or other, bringing some mark of ignominy and disgrace upon the family, and thereby of reflecting on the character of the witness.

One good effect at least has come out of this course of proceeding, for we have plunged the family estate into Chancery, it is therefore proved that the stipend of this lady will be no longer paid (laughter), and a satisfactory reason accordingly given why you, gentlemen, should give her that support which she wont obtain from her own resources. Then we reverted to the family. Mr. Bellamy is dead, then there was Mrs. Bellamy's visit to this country, when the last action was expected to be tried. Well, we were then entertained by a long inquiry why the cousin called Alcide was sometimes called the brother of the witness. That was a grand discovery. She gives the simple explanation that he was brought up in her father's house, and that she always regarded him as her brother. And so we dismiss him. He happens to hold a high and honourable post in a distant part of the kingdom. He is a man of honour, and a gentleman, entitled to the respect of society. Then we have all about the birth and education of the unfortunate but brilliant lady who appeared as a witness before you. "Where were you educated?" "I was educated amongst or by my relations in a foreign country, in the Ursuline Convent of Bologne." "Ah, were you ?" said the legal anatomist; "then I have found you out." Gentlemen, this question suggests to you an important thing to keep in your consideration from this moment to the hour that she knelt before the priest at the chapel of Kilone. Before she understood them she recited the prayers that venerable men taught her. She listened to the lessons of holy women, and endeavoured to repeat them with the lisping accents of childhood. As she was taught the principles of religion and morality when she was an infant, was she likely to forget them in her old age. Her faith to the defendant has only been second to her faith in her religion. During her whole life she adhered to it with fidelity and example; and I ask you, are you to believe that every principle of truth and morality has been erased from the breast of that girl because she was brought up from her childhood in the maxims of morality and religion? We come next to the conduct of the witness to her father. Now judge of the defendant. He is a gentleman; he is descended from a noble ancestor who won his way to the bench by his talents, and nothing can be more honourable than his descent in that respect; but what do you think of the defence whereby this gallant officer turned back upon the woman who wrote a particular letter six or seven years ago, in all her ardour and young confidence—what do you think of the honest and manly defence which preserves that letter, and destroyed every letter that was written by him to her as her dear and loving husband? But what have they made of this letter? She describes her father to him in a letter which she never expected would see the light. She was obliged to differ from her father on his religious principles, but her duty to him as a child was unremitting. She stood by his bedside—she could not give him the consolations of a religion in which he did not believe—but her filial piety was always strong for that deceased parent, who remembered her in his will, and made her the principal manager of his property. No woman could in fairness be impeached because she might have the misfortune to possess for a father a learned sceptic. The last of the matters on which Mr. Brewster examined the plaintiff with great force was as to whose action this was. What right, Mr. Brewster said, had the plaintiff to bring this action? He had a right to bring the action because he believed it to be well founded. She says she consulted Mr. Stephens, in London, and that he advised the thing that has been done. She says, "I have been sustained by Mr. Thelwall;" and, therefore, the action is *bonâ fide*, brought by a *bonâ fide* plaintiff, and it now only awaits your *bonâ fide* verdict. The first point made—and I wish to get rid of it, because it was a shabby point—was in reference to the lady's acquaintance with Mr. Roe—and it was a legitimate one—because I have stated to you that if there was any clear evidence to show that this lady was immoral in her conduct she was entitled to nothing. The plan of attempting to blacken an author or a witness who has written many letters has been pushed here with amazing skill. Pick out a line here and there—leave out the context—put a colour upon what you read—misconstrue the English tongue—don't read what goes before, don't read what follows—and you can make out the Bible to be an Atheistical work, and that is the system which has been adopted here. Why did they ask this question about Mr. Roe? They did it to impeach the virtue of the lady. Who introduced Mr. Roe to her? I have not yet satisfied myself whether there was any motive in that—any intention on the part of the gallant defendant to introduce a gentleman of questionable habits to a lady he respected—I hope not. There are half a dozen letters about Mr. Roe, of whom she gives an admirable sketch. Allow me now to call your attention to what he himself says:—"I was not sufficiently explicit in my request for the book or books; I wanted them as one seeks out these dear friends of an absent friend, as I should seek your brother. 'Twas some such feeling that led me to send Mr. Roe to you at Naples. I knew him, and I knew you better after you had met him and written of him." What does that mean but this—"You have given me a true account of his character; if there was any design upon your honour you resisted it. I am impressed with the virtue of your character, and with your discrimination of the character of my friend?" What do you think now of three hours' cross-examination by Mr. Brewster about Mr. Roe, and what think you, after half a dozen letters, which I will not weary you by reading, that he wrote in February, 1855—what think you of the conduct of the defendant? Is it manly—is it proper—is it not, I ask, an infamous attempt at perverting truth? Well, what is the next thing upon which they seek to impeach this lady? It is a sad truth that it appears on the document, she had suitor after suitor, each eager to gain her hand in honourable wedlock—each a gentleman of character, although perhaps not of the engaging personal appearance of the defendant—each one of them thinking her a seductive creature, which she is; but what think you of the case of the defendant, who says, "I exceeded them all, I filled your heart, I engaged your affections," and now I ask you "whom you flirted with at the Pyramids—who is Mr. Stuart—who is Mr. Sheares?" "and I endeavour to insinuate, through the lips of my counsel who last spoke, and who was the only man who dared to do it, that this lady was a courtesan" (applause). That is a charge which I publicly proclaim

to be utterly, absolutely, meanly, and malignantly false. Well, they say, "What is the origin of this case—why did you not begin at the beginning?" And upon the question whether these people were publicly married, they think it is necessary to begin with the love letters written ten years ago in order to prove that fact. I never heard the like of that before. The love letters are written, received kept, replied to, acted upon by the defendant, and then he says—in order to save myself—in order to prove that I did not do the very thing I did, and could not help doing, for I had no other way of accomplishing my object—I ask you to special plead on all the letters written in '52 and '53; in order to decide whether I went with you, in '57, into the chapel at Kilone, and was there married by the parish priest, or whether before that day I was married by the law of Scotland—which he as clearly was as that I now stand before you in this court. Gentlemen, since I am doomed to the task, I must glance at these letters, and in the presence of this intelligent audience I ask, whether anything could be more miserable than the criticism pronounced upon them by Sergeant Armstrong? What right had Sergeant Armstrong to speak for the bar of Ireland—what business had he to speak for the public of this country? He complains that these generous men, accustomed to reason, but at the same time with hearts to feel as they have heads to think, show what they think of this audacious and desperate case. He complains that amongst the people of this country, to whom this unhappy lady came unknown, she has found thousands to befriend her, because she has been injured—because she has been oppressed—because she has been most violently, most cruelly treated by the defendant, whom we now drag to the bar of justice, demanding for her that final consummation of her rights which it will be your pride and privilege to give. Gentlemen, the counsel who undertook to criticise the lady for several expressions in her letters ought to understand the language in which she writes, and the literature of the country which she is familiar with. Here is a lady that speaks French, Italian, German—she indites her notes in these as easily as in English; and let me tell the learned counsel that he has been reading the letters the wrong way. "She quotes from French novels," said the learned gentleman. No, my lord, she quotes from Coleridge, from Shakspeare, from Lambe, from Scott, and from a poet few Englishwomen read or understand, but a poet of true genius—Burns. She does use French phrases. Writing from Naples, June 22nd, she says, "and although sometimes obliged to change my opinion, still nearly, invariably *je retourne toujours à mes premier amours*, which meant return "to my first impressions." "Ha," said Mr. Brewster, "I am told that means love. I have you now. What do you say to that?" She looked down upon him with ineffable disdain, and said, "It seems to me that the gentleman does not understand the meaning of the phrase"—a phrase which is perfectly understood by anybody familiar with the language she uses; and it was attempted to make a point against her because she is unfortunately superior in that respect to the learned counsel who cross-examined her, and the learned counsel who calumniated her. I am reminded, gentlemen, that it is a great ground of impeachment against this lady—namely, that she met the defendant on the steam-boat. Suppose you were to take up the Peerage Book—"that well-thumbed book," as Mr. Brewster said—it must be by him and not by me (a laugh)—and inquired how many of the aristocracy have got their wives, I am sure you would think it a very lucky thing that they always got them on board steam-boats. They found them on the stage—they found them in the streets before now—a duchess was previously a cabbage-woman—they have found them wherever fancy or caprice tempted them. What is the meaning of asking the lady questions as to her acquaintance with the defendant on board the steamer? Was it a matter of surprise that such an acquaintance should take place between the "siren," as Mr. Brewster called her, the lady of ability, and the gentleman, who, by her wondrous conversational powers, was saved during that night from the horrors of sea-sickness, and kept in health and freshness till morning (laughter)? The defendant impeached the lady's case because he met her on board the steamer, and had a soul for brilliant conversation—for just remark—a soul to appreciate one who admired the heavens, and things that adorned the heavens—all that is beautiful and true—because he had a heart to admire that splendid creature whose language and discourse was such as might be appreciated by any gallant officer who ever shone in the service of his country. Just think of this case. The defendant converses with this lady on board the steamer—he lends her a shawl during the coldness of the night—the ladies and gentlemen preferred remaining on deck to going down into the cabin, which was hot and crowded, and after that, are the couple married both in Scotland and Ireland. The learned counsel denounces the case because the gentleman paid the attention which any gentleman was bound to pay to the lady under the circumstances, and she accepted them. "Did you marry me?" is the question in this case. "I met you seven years ago in a steamer," is the answer. "I stayed up with you till morning, conversing with you—and here is the point of the case—nobody met you on your arrival in the morning, and where did you go to? Was it to the residence of your sister or to that of the old marchioness, and did you ask the defendant to accompany you?" That is the turning point of the case (laughter). I don't care whether the defendant did go home with this lady or not; if she did ask him it was an act that any generous lady would do under the circumstances, believing she had been conversing with a soldier and a gentleman, and treating him as such. What is the meaning of this wretched defence? Is it why did you not suspect me from the beginning, why did you not doubt me, why did you not detect under the garb of a British officer an unprincipled and profligate seducer? Our answer is, I believed you to be what you were, a gentleman, what your conduct entitled you to be considered. You told me who you were, you were courteous and polite, and I say whether he accompanied her or not to her sister's does not weigh the hundredth part of a farthing in the iniquity that is here. I only draw your attention to it to show the wretched condition of the defendant that resorts to such a point as that to blacken the character of the woman whom he married and seeks to make his victim. "What business," says the defendant after he is married, "to write to me,"—I went to Malta, you went to

Italy—"why did you write to me?" The first letter in the printed book was written by him, and not by her, and was a letter of introduction brought to Mr. Roe. She did not write to him, but wanting to send a letter to her brother at Monastir, and being told by her banker at Naples that she could not do so except it was re-posted and post-paid at Malta—she knew no one at that place but Captain Yelverton, she asked him in a short note, enclosing the letter of her brother, to forward that letter to Monastir. The defendant does that act of kindness, and writes to her a polite letter; one or two letters passed, and he tells her to call him by his Christian name. He implores of her to do it. She does not quite understand that way of addressing her letter to Captain Yelverton, but he will have himself addressed by his Christian name and no other. He tells her in a letter of the 2nd of March, directed to Rome, where she then was, "I told you repeatedly that I don't like being called Mr. Yelverton by you; and I am not going to analyse that or anything else, but give you your choice between either of my other godfather and godmother's bestowed appellations;" and in reply to that she says "William" is out of the question. I abound with brother Williams, and could never recognise you under that title. Charles is *un peu mieux*, nevertheless it does not recal your image—image do I say? I cannot recal your appearance in the least. You are to me quite a myth: I almost doubt I ever did see you." By the bye, we were abused very much for using the word "crazy." Now that occurs in a letter of Mrs. Yelverton's, dated 27th January, where she says that she has "a crazy old fiddle" with which she diverts herself by driving her neighbours wild; and in a letter of March, Major Yelverton says, "I commend you to the company of the crazy old fiddle, but don't forget my crazy self." But, said Sergeant Armstrong, what business had she, in her letter from Rome, to speak of "eagles, bears, and bulls?" Well, I answer that the learned Sergeant has never been in Rome; if he was there he would not know what to do with himself (a laugh), and, therefore, he is not aware that it is impossible to avoid writing about such matters as there are to be seen in every quarter you may go. But, gentlemen, what can you think of the case that is supported by an argument that under that passage is a covert indecency? What humbug is this—what absurdity to address to men of common sense! Well, we next find this lady at Cheshire, and on the 19th July she writes to him a letter which begins thus:—"*Carlo, Mio Carlo*—I do not know if this form of address pleases you, you are so fastidious in the matter, but I do not like it; it is too familiar—more than I can feel for such a myth as you are to me. You are a sort of pet phantom of mine, and it is pure faith alone which makes me believe in your existence, as I do in that of the Emperor of China." You heard Mr. Armstrong say that it was the lady who pursued the gentleman. You heard him describe Major Yelverton as a soft, innocent, gentle, loveable, young man, just let loose from his mother's apron-strings, and unable to conduct himself with such a siren, such an enchantress—such a temptress—as the lady who was examined, when she happened to fall in his way. The gentleman is described as a loveable young man just let loose from his mother's apron-strings, and who did not know how to conduct himself in the presence of such a siren, an enchantress, and a temptress, as Sergeant Armstrong said she was, and who, he said, followed him everywhere. In page 17 of the printed correspondence the defendant says, "I am on board ship; shall, or will, or can you leave all those shadowy indefinables and wander sunward this winter?" So much for the truth of the assertion that she first suggested meeting him. He goes on, and gives her this sound advice, showing that, notwithstanding his military genius, he has a taste for the law:—

"Leave parchments to those that understand them. Sign nothing that you do not understand. Try and make it the interest of some one of the learned in deeds to be honest to you. Pack up your trunks and give time and space an opportunity to assist you in packing solemn remembrances into their proper receptacle, which must be a net woven by your will, and perfected gradually so as to bring its contents under control. Not to come forth unbidden (and this is quoted), is the motto on the opening of this receptacle, and we all carry one, God knows where."

At the end of it he says:—"A curious thought has been haunting me. Suppose we were to meet—(now this is the way when a man wants a lady to meet him, he puts it)—be shuffled together in the pack, come into contact in this ever-trembling kaleidoscope, do you think we should recognise one another in substance, or would a sort of mesmeric sympathy cause recognition?" What do you think of the counsel who puts into the mouth of this lady the words "mesmeric sympathy," and says she first used them, when they were first adopted by the defendant? He used them for the purpose of asking her, in a poetical and figurative way, what would be the result if they were to meet, showing plainly a desire that they should meet again. Sergeant Armstrong says that one passage in her letter, at page 19, was indelicate. She said—"I consider that the fact of my writing to you this day does not originate, as might be supposed, from the accidental cause of your once having been on board a steamer with me, but from the natural cause of effect of influence of one person on another. I have been in steamers scores of times before and since—so have you—in my own case I can positively say without similar results. . . . If you ever meet with Alcide in those latitudes, pray make yourself known to him, you will find him the nicest fellow in the world; at least I think so." What could be more innocent than that? But they say that she followed him to the East, and not he her, and that is a matter they dwelt on so much. I say it is directly contrary to the truth, and I am sure, gentlemen, you will allow me to explain it. Major Yelverton is ordered home from the East on the 8th of March, 1855. The facts are the converse of what Sergeant Armstrong stated. You are not surprised that the Sergeant—unintentionally no doubt—stated the converse of what took place. On the 8th of March he wrote to her:—"I am promoted, and consequently ordered home." He was ordered home on the 5th of March. He arrived at Portsmouth on the 4th of April, 1855. On that she got a letter from him at Boulogne, and left Marseilles on the 10th of May. She wrote to him—"Caro mio Carlo—Where in the wide world are you? . . . What could induce them to send you home, just when I wanted you to stay? . . I am going out in the suite of the Impératrice. Now

I shall go with a batch of Sœurs de Charité. No poetising—no sitting on deck all night—no——." That letter had been commented on by the other side. I appeal for justice to this lady, which, until your lordship charge and the jury give their verdict, she has never got. Is it to be said that she followed him when she tells him to go back? The other letters, which have been most unjustly twisted and perverted by Serjeant Armstrong, prove what the truth is. In another letter she writes—"Thank God for your safe return." That is the woman who planned and desired that he should go out to the East, in order that she might entrap him in the convent at Galata and swindle at the table of General Straubenzee. I will shiver their case to atoms as I proceed by the power of truth, and nothing else. I do not want to represent anything in fine words, but to represent the truth to the world and to you. Another infamous matter is, that there is a blank at the bottom of one of her letters; and the argument of Sergeant Armstrong, when she said in her letter that she was going to the East with the Sisters of Charity, was, that the blank that followed represented something that should not be written. The usual spirit of charity characterized the defence when they assailed that unfortunate, but brilliant and intellectual woman, and called on the jury to believe the improper suggestion of counsel. The blank in that letter was one referring to "magnetic influences" sitting on deck, and I find the same blank in a letter by him to her. That is a ground upon which her honour is to be impeached, and her character and reputation blackened. I listened to those statements and accusations, but I knew that my time would come to speak in her vindication. All that Mr. Brewster and Sergeant Armstrong could do was, like two Chancery barristers, to come into court and call for proofs from the written documents. Here is an attack on the character of a lady on a blank left in a letter written seven years before she was married. Then, gentlemen, the learned counsel says, "There was a letter written by her when on board the steamer." Why, that referred to the description given by her when she was on board the Great Britain steamer. He had said to her, "Write to me I beg of you; your letters revive me. I do not meet in society with language and thoughts like yours. I am unaccustomed to such." She does write to him, and when she does so her letter is ticketed and labelled for the defence. That is the letter written on board the Great Britain, in which she gives such a graphic and lively sketch of those on board. She said that the captain was a man of sixty years of age, but nothing the worse for that. I beg leave to differ from her on that point. (Laughter.) She says she played for the officers, and that they admired her. I have no doubt that she did captivate them all, and I am sure that not one of them but would be quite ready to enter the lists against this defendant and maintain her honour against his contemptible aspersions (applause.) Would you believe that in those early letters which he wrote he asked her would she send him out such books as he would like to read, but not such books as she thought he would like, but what she most admired herself? He said, "send me the oldest book you have, if it be yours." She wrote to her sister, and the Bellamys pack up books, which were sent out to him to Sebastopol. He wrote to her asking her judgment about the books he should read. I admit he wrote to her, because she was most capable of forming a judgment from her education, her superior intellectual capacity, and her knowledge of classics. This is the way he is writing to her, and inducing in her mind a respect for him, because every educated man likes a woman who displays an intellectual and literary taste and a superior education. He wrote:—"Your oldest favourite, which, if it were the oldest book of all, would better meet my requirements than the cleverest or best written book of the time." He then goes on about the plaid—the guilty plaid. He says:—"It is tapestry on the walls of the hut, as it was a respirator over the chink and the drafts on board the steamer. It shall be sacred since your superstitions would like it to be so." All these and like expressions are very creditable to Major Yelverton when writing to the woman he should be glad and proud to make his wife. If I were asked why should he fall in love with this lady, I would look to their early correspondence. He is a soldier, and invites her, by his letter, to give her thoughts upon the character of a soldier. All this, I maintain, is a correspondence of which any two persons in the world might be proud. Listen to her character of a soldier:—"It may be some consolation to you to know that you have the deep, earnest sympathy of every true English heart; that there are thousands who, if individual exertion or sacrifice could redeem the past or save the future, would, like Curtius of old, nobly fling themselves into the yawning gulf. It is a great and noble cause you are engaged in—a momentous, solemn crisis, where every man may prove and know himself—a time to feel what sterling qualities he has within him, what moral as well as physical courage—a time when he may claim, if he choose, worthily to be a man, when he may claim the honour, respect, and gratitude of his fellow-men—a 'time and tide,' as Shakspeare has it, 'on which a man may float on to posterity.' If a man have any character it will evince itself at this time, and he will rise on the wings of mighty events, or fall crushed for ever beneath their glorious flight. Not that every man is born what is vulgarly considered a hero. Some men have more common sense and less rashness than poor Captain Nolan (who was well known and deeply lamented by a dear friend of mine); but there is, in my opinion, far more heroism required to bear with quiet, manly fortitude, the exhausting, painful demands of nature, the sudden destruction of life-long contracted habits and comforts, the insidious ravages of the two most positive evils, cold and hunger, to contemplate with stoic self-possession the sudden dissolution of one's being any moment, any hour—to be playing the frightful hazard of *rouge et noir*, with life for the stake, for months together, in support of a principle held to be noble. Such a man, in my humble estimation, is a hero. Oh, what a glorious day it will be when these men return to their country; deep, heartfelt welcome will greet them on every side; strangers hitherto will regard them as tried friends; and oh, the happy moment when, once more among your own friends and family, the hearts that have loved you, that have suffered with, and watched, aye, and prayed for you (for be the ultimate good what it may, it is natural to human nature), shall gladden at your safe return, a better, nobler being than you left."

She has sketched in that a Havelock—she has sketched in that a moral as well as a military hero. She has sketched a man who has a heart to feel, who understood the true genial dictates of our nature, and felt them, and when the right moment came, stepped out from the ranks of mediocrity. She described no less than that character, or mayhap she described one who is our countryman, Pennefather, who, on the great day of Inkerman, showed the noble qualities of a brave and skilful soldier. She showed Yelverton how he might ascend to the pinnacle of fame, serve his country well, and earn imperishable renown by his glorious achievements. It was, I say, impossible not to love her upon that correspondence. I turn now to another letter, in which she described nature, and another of the letters which Sergeant Armstrong has attempted to pervert. It is the letter from Boulogne, in which she speaks of two acts of their drama having passed, and that ten months elapsed before the third act commenced:—"If the drop-scene ever rises again, you, Carlo, must do it. I give you twice the time *en attendant*." The chorus strikes up and sings:—

Thro' the world, thro' the world
Follow and find me,
Search where affliction and misery dwell;
I leave but a trace to affection behind me,
And he who would find me
Must first love me well.

Thro' the world, thro' the world,
Hope still remaining,
The fond heart and true no danger can quell;
And the prize if't be worthy a victor's obtaining,
For labour and care
Will repay him full well.

A beautiful hint it may be; but she tells him that whoever wants her love must prove himself worthy of that love, and she points out the character she admires—the character of a hero. In this same letter is a picture which, I confess frankly, I would have advised Sergeant Armstrong to pass by, at least in silence, and not spoil by his misconstructions. I want to give you this picture of nature by her, and ask you whether any man competent to think or feel could do otherwise than admire the writer? "I want," she says, "to pull you down from your pedestal in my imagination, and pluck you to pieces—to find out the secret mechanism and the idiosyncrasies of your inmost character—the charm of your interior existence—whether you have"——What? Is it whether he is sensual, corrupt, or immodest? No—"whether you have any community with all that is beautiful in nature, with the bright sunlight and the solemn shade! Whether you sympathize with Burns' "wee, modest flower" —on summer's morning going forth, your heart expands, and you feel a spiritual congeniality with all nature—with the soft music of the fluttering leaves and the bird that woos his mate—with the bright, glad insects and the mellow light caressing the flowers. If these things speak not to your soul in language no lips could repeat—if you do not feel that God's mercy lies not out of reach, the moss we crush beneath our feet, the pebbles on the wet sea-beach, have solemn meanings, strong and sweet. Tell me, do you not return a wiser, happier man? These solemn voices are not lost upon you. There is no monotony in nature—ever varied, ever new. Oh, for one congenial spirit and a ramble through the wild woods. Let me into your soul. It is only now and then I get a sly peep. You ought to know me better than I know you; but I fancy women have more intuitive perception than men, and are quicker to take advantage of any unprotected nook or corner to slip in and take a survey. You will not turn me out—will you, Carlo?—if I am clever enough to creep in, *bon gré, mal gré*, all your precautions." Was not the mind of the woman who wrote thus capable of appreciating and describing whatever is most pure and beautiful in nature? Serjeant Armstrong asked, why should the younger son of Lord Avonmore fall in love with her? I answer, because the woman with whom he did fall in love was every way worthy of a higher and better man (applause). And here let me say a word for the defendant. I deny that at this time he had done anything, or written or said a word to this lady, of which, as a gentleman, and a man of honour, he need be ashamed. Now, it has been pressed upon you, and this is a cardinal point in the case, that the correspondence from first to last proves matrimony was not in the mind of the parties, but that another and improper connexion was. I meet them, meet them at once, and undertake to prove that from first to last matrimony was in the contemplation of the parties. I am obliged to explain first how a man falls into love—if anybody could explain that satisfactorily, and secondly, what he did in love, in order to justify the fact that he went and got married to the lady he loved. Mr. Brewster said, and so did Serjeant Armstrong, that the word "marriage" was never used by Major Yelverton. I have to inform you, my lord, it was Major Yelverton first alluded to the subject. This I wish to make plain. Writing from the camp before Sebastopol, in January, 1855, he says in his letter—"By the bye, I suppose it is this very simple argument of monotony that makes it impossible for a man and woman, being married, to continue acting in the same manner towards one another." He then goes on to describe the married state, and continues—"Why are you not to call me Mr. Yelverton, you ask. Hibernice, I answer, where is your boasted lucidity, &c.?" And we are to be told he was not in love with her then, when he objected to HER calling HIM Mr. Yelverton instead of "Carlo." You are older than I take you to be, if you believe that statement. Now he turns to the jury by his counsel, and says—"Why did you not call me 'My dear Carlo,' when I desired you to do so. The affair was becoming rather critical, and the answer she gives is, I say, as good an answer as could be given by any lady under all the circumstances. She says—"People do not sufficiently consider each other's dispositions. Men marry

for money or beauty. So long as the exterior is beautiful they care little how it is furnished within. The next great fallacy is the expectation of changing each other after marriage. A wonderful source of disappointment—I will give you a case in point of my recent experience of a really kind-hearted, worthy man, conceiving himself attached to me, at the same time positively disapproving nearly every point in my character, yet sincerely believing that after marriage he could metamorphose me into a rather silly, very ignorant, amiable, country-made person—this was his beau ideale; he did not approve of women travelling, thought it spoiled them, &c. Now if I had given him a chance, trying his false system, he would have gone mad—there could have been no other termination to such a menage. Now, don't you think it a great act of philanthropy on my part to have saved him from such a calamity? Well, then—contracting parties imagine they are going at once to find an Elysium!! Pas du tout, it is quite a mistake. Everything which before formed their amusement and occupation is cast on one side; there can exist in the mighty world to them but one object of interest. Is it, then, to be a matter of surprise they should weary of it, however good? They

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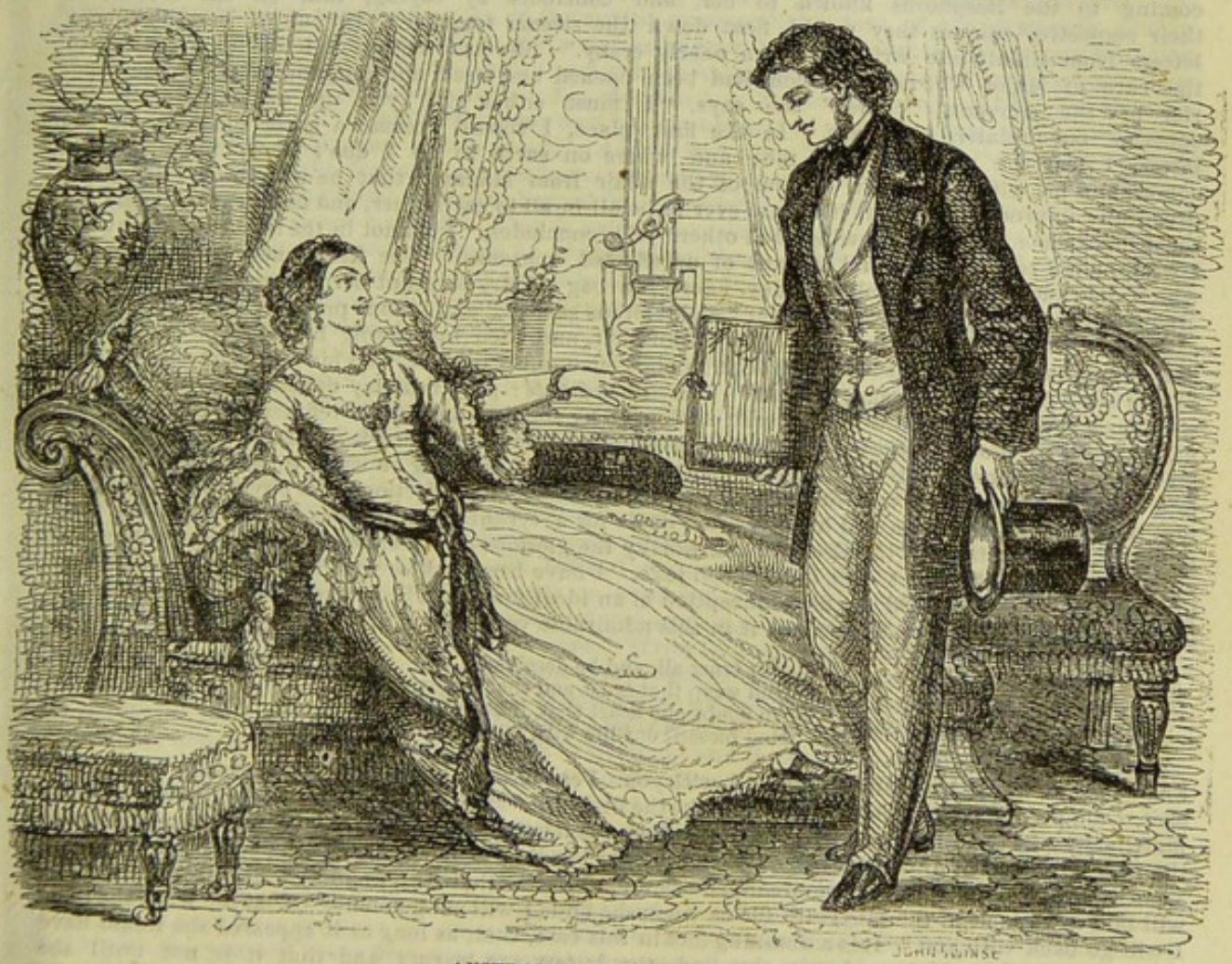
imagine they have each been so clever as to find a perfect individual; yet if we are to believe 'the just man falls seven times a-day,' anything approaching perfection must be all delusion—consequently more disappointment. Economy, which is one of the great principles of life—economy of the affections, is never dreamed of. The affection which ought to extend over so many years is exhausted in so many months—satiety follows. 'Perdrix toujours perdrix," as that old sinner Louis XV. remarked, would soon lose their excellence, and, as a rule, over-indulgence in anything is bad. I should speedily write a volume on this topic; however, when you marry, I hope you will give my theory a fair trial; and if it succeeds, you will have something to remember of me. I think it a great pity one cannot go on a trial with this as with other things—it is such a formidable affair for life. I for one am a great coward." These passages Serjeant Armstrong denounced. There is not to be found in the annals of perversion a more stupid attempt than that made to pervert the meaning of this lady, and to represent clear, virtuous observations upon matrimony as having a meaning directly the reverse. I will mention other instances to show how often the subject

of matrimony was referred to, and I hope it will not be displeasing to your lordship's legal mind. It is said matrimony was never contemplated. I will show you that from the first matrimony was contemplated till it was consummated. In the letter written on board the Great Britain she says, "Ha, ha, that flirtation was clearly and positively your doing—it has made me laugh for a week, but from what I heard at Malta I have not the remotest doubt, that although unaware of the fact at the moment, I was flirting with the uncle solely because you were doing so with the niece! Now, tell me, is not this a very singular effect of magnetism? Now, if you had married the lady, as they went on to say you were or are to do—it will follow that I must share the same fate with the uncle. Pray, is that the change that you desire in our respective relative positions, Carlo mio? I think I understand you better than that, do I not?" The expression, "our respective relative positions," was a quotation from a letter of Major Yelverton, of February the 16th, in which he says, "What curtain is going to fall over our scene of action? Tell me, is it one of the painted ones, which, rising again, discloses the same actors in new, respective relationship?" Is it not monstrous to suggest that this points to anything of an objectionable nature? Did you ever hear of the legal relationship of a gentleman with his mistress? Such a tie is illegal, and it is sinful; therefore, I am sure you will reject



AUSTRALIA IS DECLINED.

with indignation the interpretation sought to be put on this passage by the defendant's counsel. No, gentlemen, it is clear they were writing on the subject of matrimony, and he was speaking of the relationship that would exist between them as affianced lovers, or as man and wife when the curtain should next be drawn up. "This that you call indefinite (he says) has more reality than all the possible dance talk we might have exchanged, and when it ends will leave footprints on the sands of time far above the high-water marks of our lives: but there will come a conclusion or gradual natural change, and then—Jupiter for ever." I say, gentlemen, that points distinctly and unequivocally to matrimony and nothing else. In one of Mrs. Yelverton's letters, addressed to the defendant, who was then quartered at Alderney, she says—"I will never discourage you in anything, but do not come and shake me out of my pleasant dreams to a *semblance* only of reality"—the same expression manifestly pointing to the same object, an honourable marriage. Passing over for the present what occurred at Galata, I call your attention to a letter written by Mrs. Yelverton on the 15th August, 1855, in which there is an expression exactly in keeping with those before referred to when she says—"How little I expected that the next act was to be played in a convent hospital." He had asked her where the next act would take place, and her reply was that she little thought it would take place in Galata. Mrs. Yelverton had playfully remarked that she would marry a three-tailed pasha, and Major Yelver-

ton, in his reply, says—"Will you postpone the pasha until I assist?" and, after requesting her to let him know where she was to be found when he arrived in the Bosphorus, he said, poetically enough —"Then, let no desponding backward glance or hasty curse at fate proclaim disappointment or discontent; 'tis but a rock, and the ocean is not distant, and both streams must end there, and the occupants of both caiques may be again fellow-passengers." Taking up this figure of speech, she says, in her letter of the 15th of August—"If ever we get into caiques together in the Bosphorus the current will do the rest, and we may repent or no, as we feel disposed afterwards;" and this is the innocent figurative language used in the first instance by the defendant himself, to which his counsel now intends to attach an infamous meaning—a suggestion which I reject with indignation, and which I am satisfied you will treat with the contempt it merits. Having referred to other passages in the letters of Mrs. Yelverton, the learned counsel proceeded;—In truth he was at this moment her accepted lover—her future husband. The interview at Galata had taken place, and she tells you that he there made love to her, and offered her marriage. You heard it said that she sought him out, but in that statement there is not a word of truth; for in his letter to which I have already referred, he asked her to let him know her whereabouts—told her that he would endeavour to make his coming to the Bosphorus known to her, and concludes by saying, that on the couches of their respective caiques they would float down the stream together. In one of her subsequent letters from Galata she writes, "I am nearly crazy." She had written a letter to Yelverton to the care of Major Chirnside, which had been opened and read and communicated to the superior of the convent. "Now," she says, "I must either give you up or explain to the superior our relative positions. In the first place, I should become a sister directly; in the latter, I fear she will not keep me; and where on earth to go I don't know until Alcide comes, and he will get such a version of the affair from Madame, that he will think I have been dreadfully imprudent; and yet if we are ever to be all in all to each other, and fate keeps us apart, we must have some means of knowing each other." She concludes, "I cannot in the least remember what I wrote, but I suppose the usual amount of unreflected nonsense." She little knew that the letters which she thus described would one day adorn the bag of Mr. Sergeant Armstrong (laughter). In Major Yelverton's reply he calls himself "a chivalrous savage," and he has proved his chivalry by first calling on her to write boldly all she thought and felt, and then instructing his counsel to denounce and calumniate her for what she had done in obedience to his request. In his reply she says—"And so you are a chivalrous savage, are you? *J'en suis enchanté;* pray hear my definition of one. A man who has a sound mind and a warm heart, unclouded by sophism and subtle refinement—who sees the naked truth by the pure light God has given him, nor seeks to pervert it by false logic and time-serving philosophy—who is bold and brave, gentle and kind, stooping on earth to none but the weak and helpless—who knows no other bonds but those of honour and affection—the protector of the feeble and the guardian of justice and honesty—too noble for a tyrant, too generous to be selfish—a man realizing the intentions of the Creator, and worthy the glorious gifts bestowed upon him—there is a chivalrous savage for you! Oh, it is a good joke. I have been in love with such a one from the age of ten years, when I formed my first conception of an ideal man from Scott and Cooper." And then she says she will trust him, and expresses it in this admirable verse—

Better trust all, and be deceived,
And weep that trust and that deceiving,
Than doubt one heart that, if believed,
Had blessed our life with true believing.

She adds—"I must trust all, or not at all, with you. I can have no half measures; and, come weal or woe of it, I am prepared to meet it, and will make the best of it." I say, gentlemen of the jury, that points to matrimony and to nothing else. At the conclusion of that letter she said, "I have got quite sanguine about the money difficulty; and if you will only trust me, far less than I am willing to trust you, I feel persuaded I can solve it. Women have far more ingenuity and resources than men; and by writing to my sister she will find a way out of the labyrinth for us when she finds I will not go alone." That is "when she finds I will go back with you." It is a damning fact in this case, that, as long as it appeared she would have more money than it turned out she had, the letters are warm; and that it is not until she tells him to the contrary that he forms the infamous project he was obliged to avow in that box. In this letter she speaks of "the bond to his uncle;" therefore he must have explained to her his position with respect to his uncle and his difficulties with his family, otherwise how could she know about it? She says, "nevertheless, you are bound to pay your just debt to him, which we could do in time." And this is the mistress paying the debts of her seducer! Did mortal man ever hear of such a case? There is no need for argument. I feel I have only to expose the misrepresentations of my adversary. In that very letter in which she proposes a scheme to get him out of his difficulties is to be found the passage about the bank of violets, which was referable to the time when they might justly and lawfully embrace each other; but the context of the letter was dropped, which referred distinctly to honourable, industrious, virtuous matrimony; and by a degree of perversion, more daring than I have ever seen attempted by counsel, this passage is construed with a meaning to sustain the cause of a profligate seducer. She says in another letter, "I conclude you will not entertain any of my plans. I have another which might gratify your wishes and satisfy my conscience, but I have not the courage to propose it." They want to impute to her that she then desired to make the proposition of being his mistress, but the plan was the private marriage which she afterwards insisted upon. I am not sure there was anything more ridiculous in the speech of Sergeant Armstrong, than the attempt to divert from its purpose the important letter of May, 1857, which was written by the defendant to the lady when

he took into his head that she had married another. After asking her to "spare him a place in her prayers, if she ever thought of him in her new sphere," he says—"Believe in me as one always ready to act towards you as a sincere and respectful friend. Permit me to add, that by your marriage you have earned my lasting gratitude, as, on reflection I find I placed myself in a false position as regards you. I had promised you to do more than I could have performed when the time came"—that was to go by the Rhine, Mr. Armstrong said—amidst universal derision. Did any one ever hear such a criticism as that? "You may think," the writer says, "this a delusion, and a new example of the truth of the old fable, but it is not so." What old fable? The Fox and the Grapes. "I have lost the grapes, and then I say they were sour—I have lost you, and now I say, pray for me; I am your respected friend." Do they mean to say that he would write as if he considered that the woman who had lost her honour was a person who might be married with honour to another man, and who might sometimes whisper in her prayers the name of her old friend, and ask, with a pure heart, on bended knees, from an overruling Power, that mercy which, perhaps, the defendant feared to ask himself? What is the answer of this "courtesan?" "The first reading of your letter brought me to a stop, mental and physical. . . Oh! to suspect me of such a thing! I, whose very life-blood is ebbing away for you. I, who have sacrificed all but God to you; I, whose very soul is yours." He accepts that letter—he does not repudiate that noble expression of the ardent, uncontrollable love of a woman such as this. He does not deny that he feels the force of it; and he answers by saying that when he meets her again he will imprint upon her lips what he feels; and yet the writer of that letter now says that marriage was not in the mind of Teresa Longworth. Let me pass on. Sergeant Armstrong told you that she said she wanted to have "an alphabet of our own" at that time, but it was because, as she said, "you have a bad habit of leaving my letters about." And in that same letter she says, "You sign yourself 'yours to command.' Oh, bravo, when you know yourself to be a frightful old tyrant, with whom I never did get one single thing I ever even begged for, and who, I earnestly believe, would continue to tyrannise were I fifty times married." That is before the celebration of the ceremony in Ireland. I now come to a passage in a letter at page 92 of the printed book. Did you see Major Yelverton when the letter was put into his hand, and he was asked to look into the corner and state what did the letters "H.M." stand for? The letter said—"The excursion in the autumn will be just the thing when we come back from our 'H. M.'" What does the "H. M." mean, Major Yelverton? He looked at it carefully, to be sure, but frankly admitted the truth, that the letters meant "honey-moon." That very autumn excursions afterwards did take place in the Highlands after the honeymoon mentioned there, and in face of that you, grave men, are appealed to to say that matrimony was not in the contemplation of the party who wrote that letter, and the party to whom it was written. Again, when sending her a guitar from Dublin, he says, "How are you getting on in health, *carissima*? And how do the dreams progress? What and when is the reality to be?" "Reality"—that is the phrase used in several of the prior letters, and it came to pass when the marriage ceremony was performed in Ireland. "What and when is the reality to be?" And he adds what a religious man would say—"I am ashamed to say I have not sent the prayer book to Morningside yet, but will before I go down to the country." He speaks, according to Sergeant Armstrong, of his intent to commit an infamous crime under the sanction of religion, he mentions the prayer book at the moment when he was seducing the guest of his friend. I pass on to her letter of the 10th of March, in which she says, "Write by return, and tell me if it must be before the end of this month, or if you have obtained fresh leave, and until when. I must see my French sister. Is it to be before or after? My ears ache to hear the *mia*, though I am convinced you might say it with perfect truth now and for exactly three months past." Gentlemen, remember the evidence of the lady, that between the time of the affair in Scotland and the marriage in Ireland the word *mia* was dropped, but as soon as the ceremony was celebrated in the presence of the priest, the ceremony which she believed to be a full and complete ceremony, she resumed the expression *mia*, and it is as plain as light that we have there a direct reference to matrimony. Again, in another page, matrimony is pointed at. Sergeant Armstrong did not find it convenient to open this letter, if he did, his case would be shivered to pieces. Major Yelverton writes, "I told you the event we feared could be avoided, and you certainly cannot doubt that it is equally unwelcome to me as it can be to you, but if the future proves that I have been deceived by others, that will not absolve you from your faith, the which, if you break with me, you will never from that moment have one of even tolerable content during the rest of your life. If you do feel any love for me you must change that resolution. If I depart this life, you may speak, or if you do, you may leave a legacy of its facts; but whilst we both live you must trust me and I must trust you. When I find my trust misplaced, if you have any affection for me, I do not envy you the future. Your duty lies this way, not that." What was the legacy but the history of the marriage? In page 105 he writes that he is "devoured by anxiety to see her," and in the same page he adds as a postscript to a short letter, "I forgot to mention that I wanted you to be with me once since we parted and that once was ever since. Kind regards to the Thelwalls." I say all these are referable to matrimony and nothing else. Again I say that the subsequent letters in which he tells her to send for the doctor and for her sister, and with which he sends her the parcel, are to the same effect. I now come to the last of her letters to him, the only letter of the 24 which she wrote after the Irish marriage that has not been suppressed. In this letter she says, "You asked my forgiveness and received it without a word of reproach. There is no need of excuses or disguising of facts. Neither was my malady a slight one, as you are striving to persuade yourself. My sister is witness, and you may be convinced by coming to see the wreck I now am. I shall not *die*, as you say. She has saved me, but it is somewhat hard to lose health, eyesight, and every beauty in the prime of life. *Du reste*, if these sufferings for your sake have not endeared me more. Do not think that there is any more obligation imposed upon you, but let it be forgotten—*requiescat in pace*. It will be remembered in

both our days of reckoning, and that is enough." It was for that last line the letter—the only letter of the twenty-four written by this lady after her marriage—was not suppressed, and the wretched, flimsy suggestion was, that something wrong had occurred between them for which they were to account in the great day of reckoning. But look at the context. The letter proceeds—"As to the other business, I do not see any other course than to tell your mother, as you had proposed doing. Surely she will forgive and help you. She has a mother's heart, and a clever head. Do not in the hope of patching up matters throw away our last chance of united happiness. Events have rushed so quickly to a crisis it is not possible to stem the tide. We must cling fast together or we shall be lost to each other. Do not for the sake of a mere chimera give up a real life-long enjoyment. You have already broken the spirit of your promise; what is the bare letter good for? I do not ask you to rush on to immediate ruin—but your mother will keep the secret for your sake, and through my friends he can never hear. I care not about the honour of seeing your family, but I must be protected from the possibility of another Bourdeau *exposé*. Imputations in open court upon my fair fame as a woman are not to be borne. I need not quote Cæsar's wife—every man must feel the same, and I am sure that were there a man in the case you would not let him go unpunished. You recollect that I told you before I consented to keep the marriage secret, that this alone was the only sacrifice I could not willingly make for you." That letter is the letter of a wife. What, then, I ask, becomes of the case of the defendant? I have shown you that matrimony was the idea in the whole of the correspondence from the beginning to the end—not by quibbling on words, but by appealing to the sense, the clear, distinct words that came from her heart, and went to the heart of the defendant; and I dare say it is his unhappy position, and not his own inclinations, that induced him to instruct his counsel to put forward the rash case made here to-day. Gentlemen, there are two things trumped up in this case against the lady, the first being her conduct in the convent hospital at Galata. We have it by the letter referring to the superioress of that institution that this intellectual girl had no fear of the pestilence or the plague, and that, in accordance with her duty, she was at all times prepared to face either or both. Well, the defendant finds her out there. The pretence is, that the gallant defendant, bewitched by the enchantress who is locked up in the convent, is actually seduced within its walls. He admits that he was smitten with her personal charms: that he passed his arm round her waist, and pressed his lips to hers. She swears that he made love to her and offered marriage. He admits, I say, the endearments, and I have already shown you that the first letter written after that refers to a variety of plans for maintaining themselves under the difficulties of their position in honest wedded life. The next stage of the transaction is that where he is invited to the house of General and Lady Straubenzee. We hear a great deal about the indiscretions of the British Army. Well, I say that where a general invites to his table an officer and a gentleman, the latter is at least entitled to the respect that he came there not to pollute the ears of his guest. I stand here to vindicate Major Yelverton from the charge that he insulted General Straubenzee or his lady. I deny that charge against him. I deny that he polluted the ears of their guest. I maintain that he was there accepted as the honourable suitor of this lady. I say he made love to her as such—that he talked of his pecuniary difficulties—and of his family. I say that she entered into plans with him by which those difficulties could be avoided; and I call upon you to disbelieve him if he swore it twenty times over, that while this lady was under the protection of a distinguished general officer and his wife, he made the infamous proposal to her which he mentioned in the box. I have very little to say to the scene that occurred on the Balaklava steamer, or to the vile use that has been made of that letter to build up an argument fatal to the honour and character of my client. She has stated that her friends took for her a berth on board the steamer leaving Balaklava — that General Straubenzee, Captain Straubenzee, and Major Yelverton accompanied her to the steamer, and took leave of her. Her friends believed she was safe under the protection of a British officer, and they returned to their quarters. Major Yelverton stole back in the dead hour of the night; he got again into the ship, and had an interview with this ardent, imaginative, and splendid creature. He says, "I am filled with love for you," he clasps her hand, and presses his lips to her. She trusts in him, and in the dark they sit down on the poop of the vessel. He comes here to tell his own conduct; to build his defence upon that conduct by which he is eternally disgraced (applause). Is there any officer or gentleman who dares to say that he is not bound by religion and morals? What do they mean by applying to each other the term "gentleman?" Were these the morals of the great and famous captains who have led our armies to triumph and to glory, showing themselves all the while as conspicuous for their private virtues as for their military qualities? The defendant says, "I corresponded with you; I pressed upon you; you accepted me in your letters; you allowed me those endearments, and now, after a lapse of six or seven years—after I took you to be my wife in Scotland—after I have been married to you in church by the priest, I turn round upon you and assert that what I did that night disentitles you to be heard in a court of justice. A more unmanly, disreputable, and base defence was never made by any defendant (applause). If ever there was a defence unmanly, ungenerous, and discreditable, it is this portion of the defence. She told you what he told you, that she believed in the morning when she awoke that she saw him gliding out of her cabin. He swore the same thing, and this letter, which I may rely on, she begins by saying—"Did I go to sleep and dream it—that you watched over me all night—for in the grey dawn I woke and thought I saw you? Nay, more! Or, did you wake me as did Diana Endymion in the grove?" Beautiful and poetical idea is that contained in that letter. She compares herself in it to Diana. You know the fable of Diana and Endymion. Diana was herself the goddess of chastity. For daring to watch to discover the motions of the moon he was thrown into a sleep. Diana descended upon the earth, and finding Endymion sleeping in the grove she imprinted on his lips a token of her chaste love. So Mrs. Yelver-

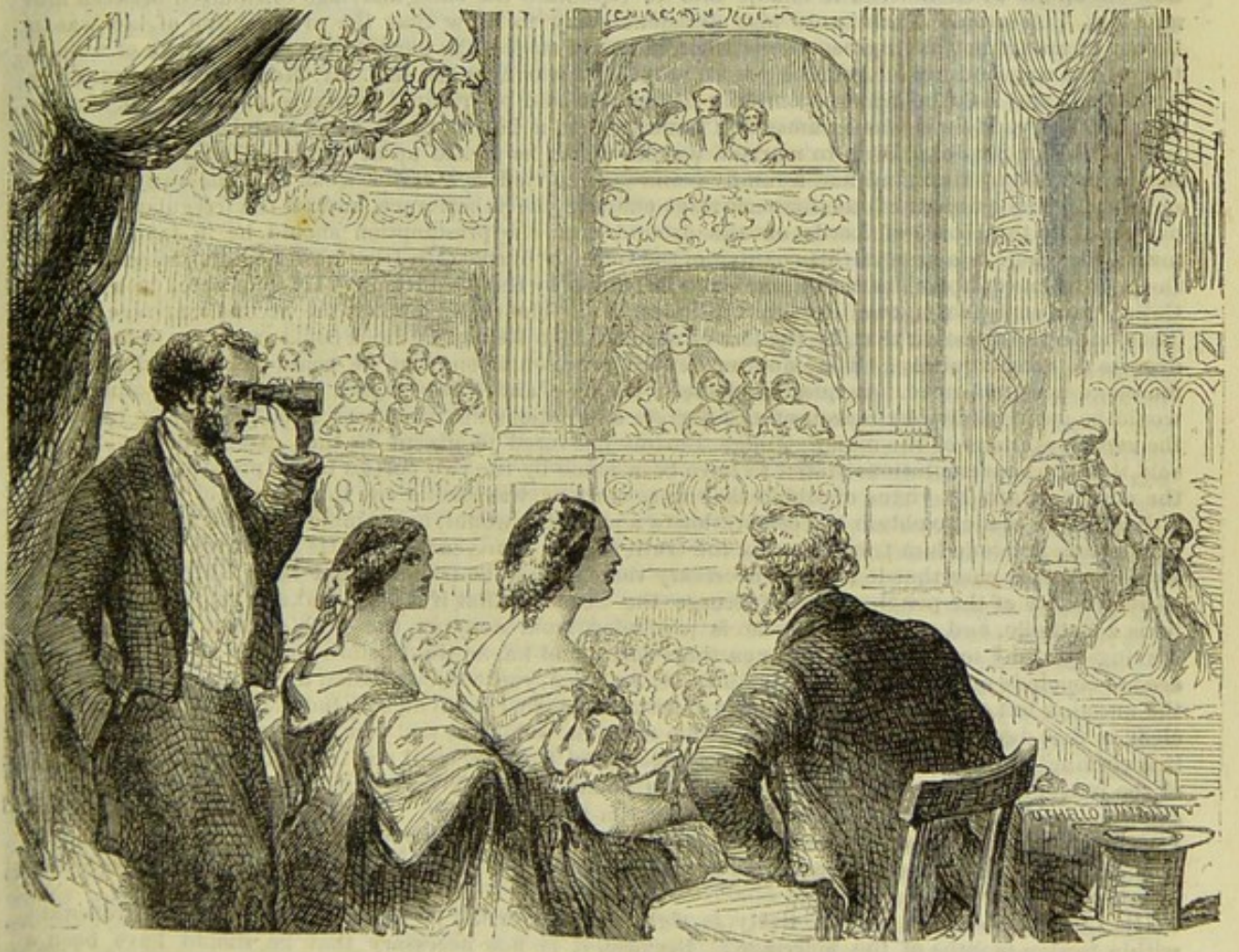
ton applies that to her own case, and that is brought up as a proof of her guilt, whereas, applicable and elegant as it is, it proves the poetry of her heart, and the chastity of her disposition (suppressed applause). I pass by the remainder of that letter. I pass by that letter which she swore on the table to me that when she was writing she was bursting with affliction. I pass by the scene at Galata—the steamer; I pass them all by, and bring you back to England. A great deal was made of an allusion to his sister. She writes, "I never could have believed you guilty of an untruth." That is, I never could believe that you stated to your sister that you were not engaged to me. And he afterwards explained that to her himself. It is said over and over again that she wished to entrap him into a dishonourable connexion or an imprudent marriage. At page 79 she says that she was ready to love but one man, and that if that were broken off she would enter a convent. She says, "on the other hand, do not suppose that I wish to persuade any sacrifice of yourself or others on my account. I should never feel happy to be the cause of misery to any one voluntarily." She says, "if we are to separate, your name will never pass between us." She would be the last person living to draw him into an imprudent, much less a dishonourable connexion. When I heard first about the plaid I felt a pang at my heart that I cannot describe. "Did you use the plaid?" said the counsel for Major Yelverton. "Did it cover both your knees, and was it on the first night you met?" She told you upon her oath that that plaid was for ever held sacred between them; that when they subsequently contemplated marriage, they divided that plaid, each taking half, which they were to preserve until matrimony was to unite them, and that when marriage did take place that same plaid was forthcoming. He then said, "I will not allow you to take this half. I will cut a hole through it to enable me to throw it over my shoulders, and wear it for your sake for ever." They say, gentlemen, that his letters to her show that, after he discovered her position as to many matters, he was not disposed to form a matrimonial connexion. With all deference to my learned friends, there is one letter fatal to their case, saying—"As I cannot get you upon your terms, I will not ask you upon mine." What were her terms? Matrimony. And that is said to be the proof of her guilt, whereas it is the most clear and positive proof of her inexorable virtue. She goes to Edinburgh, and that introduces Miss M'Farlane, the daughter of a gentleman, a scholar, and an author. You saw her, and you heard her swear that she lived in the apartments with her friend during all the visit at Edinburgh. They slept together in the same bedroom, and the very letters written by the defendant from the barrack concluded with the words "kind regards to Miss M'Farlane; when I invited you I invited her." That is the evidence of a corrupt connexion. The witness swore that she never at any time knew Mrs. Yelverton to go to the barrack that she did not accompany her. They asked Miss M'Farlane no question of an indelicate nature. She left the table unscathed and untouched, and her evidence is conclusive. She described that in the room of Mrs. Gamble he argued on what would make a Scotch marriage with her. He admits that he had conversations with her on the subject of border marriages. Why did he tell her of the recent act of parliament? Why reason what would constitute a Scotch marriage? Because he wanted to effect his purpose, and he thought, as there was no witness present—perhaps having been informed by some meddling, oily person that he could evade the marriage. Did he take up the prayer-book from the table? He said, "I may have removed the prayer-book from one table to another. Why was that? She has sworn, and sworn so particularly and positively as to disperse all notions of invention as to what occurred, that he opened the book and read the service, and when he read it, clasped her to his heart, saying, "now we are man and wife." But then said Sergeant Armstrong, "Miss M'Farlane would not let you prove it." It so happened that when Miss M'Farlane had a conversation with Mrs. Yelverton, the defendant was going downstairs, so that when Miss M'Farlane came to that portion of her evidence Sergeant Armstrong stopped us, as, according to the rules of evidence she could not state a conversation that took place in the absence of the defendant. "So," said the learned sergeant, "she did not prove that which I myself prevented her from proving." That is a specimen of his reasoning. I can conceive that Yelverton may have thought, when talking about the Scotch Border marriages, "If I can get my object secured, and induce her to be satisfied with the Scotch marriage, I will get herself, what I want, and she will never be able to prove that marriage." Accordingly he goes to work, reads the service, and tells the lady, a strict Catholic, "Now we are married, come to Loch Lomond." "No," said she, "I will not, "you were drilling me into the Border marriages and the recent Act of Parliament." That referred to the Act regulating the time persons should reside in Scotland in order to constitute a marriage. At the same time there is nothing wrong in a Scotch marriage. Many excellent and respectable people have made runaway matches. I would not be surprised if there was a runaway match in the noble family of Avonmore. I do not think the worse of them for it. A runaway match, at all events, is a proof that a man loves the woman with whom he runs away. A man never goes to the trouble of running away across the Border to Gretna Green unless he is in love with a woman. It does not follow that because of such a marriage a woman loses any of her respect.—Why, God bless me, my Lord, did not Lord Eldon, the High Chancellor of England, run away with his wife? He proposed, and was rejected. He made arrangements to run away with the lady. Some kind barrister—like Sergeant Armstrong—was ready to assist them, and they fled across the Border. He was not married by the blacksmith, but got a Scotch parson. Lord Campbell, in giving judgment in a case, said that Lord Eldon's wife, after her return, was called by her maiden name; and long afterwards, when re-married in the parish church, she signed her maiden name, although having been previously married. How do I prove that there was a Scotch marriage? She had said she would not be satisfied with that kind of marriage, and that she would go to a convent unless she were married by a priest. It is absolutely impossible that a strict Catholic could say or do otherwise. Sergeant Armstrong moralized about the English Divorce Court. The Protestants did not want it.

The Catholics would not have it. In England, married people are divorcing themselves before Sir Cresswell Cresswell, while, in this country, we are striving to be satisfied with our wives (laughter). The Catholic church elevates matrimony into a sacrament. We do not; but both agree that there should be superadded the sanctification of a religious ceremony. We are fond of pointing out our difference in the two churches, but you will see that the marriage service of both are almost identical. Investigating for another case I traced the marriage ceremony back for 1500 years. That it has been a sacred ceremony from the earliest ages of the Christian church we believe; and that a marriage feast was consecrated by our Saviour Himself we know and rejoice at. Therefore, it is impossible for a strict Catholic to believe in a marriage like that of Scotland. Major Yelverton, she says, argued with her that the sacrament of marriage was not conferred by the priest, but by the parties themselves upon themselves, and there are theologians who hold that. This is the man who is not a Catholic. He had enough of Catholicity to get this lady, and, please God, you will find he had enough of it to bind him by this marriage. If you believe her, he agreed to take her, and she agreed to take him. She did no more; and I can well conceive a gentleman of Captain Yelverton's metal being—as he writes he then was—angry, discontented, and sulky—when she said, "if this matter is to go on in this way I shall leave Edinburgh," and she resolved to leave Edinburgh accordingly. "I will either go into a convent or have a perfect marriage;" and he says, "I will go to perdition if you do." Mr. Whiteside read the letters of Major Yelverton, in which he spoke of being dissatisfied and sulky, and continued—Is that the letter of a man just parted from a woman who had surrendered to him her virtue? In this same letter he sends her this invaluable sketch, which is a demonstrative proof of the truth of my case, and the falsehood of his. Look at that sketch, gentlemen, drawn by himself, after this affair at Edinburgh. There he is, down on his marrow-bones—(laughter)—to this beautiful woman. There she is, as she herself swore truly and distinctly, pushing back his advances, resisting his importunities, and inexorable to his entreaties. He then places her, as you will see, where her beauty and spiritual nature may properly, in poetic fancy, be placed, upon a rainbow; she is gliding to the convent in the distance, and where is Major Yelverton? There he is, going headlong to perdition. I rely upon that to sustain the swearing of my client, which it establishes beyond doubt. That is the first letter he wrote after the Scotch marriage. All that is inconsistent with his hypothesis, and only intelligible upon my hypothesis. Why do I say they were married in Scotland? The learned gentleman proceeded to recapitulate all the portions of the evidence upon which he relied to sustain the case of the Scotch marriage—the evidence of Mrs. Yelverton, which was admissible in the present action, to prove that marriage contract, which was to be proved like any other contract—the letter of May, 1857, from the defendant, admitted by him to contain the word "honeymoon," a piece of evidence from which marriage might be inferred —the entry by defendant in the book at Doon Castle, in Scotland, "Mr. and Mrs. Yelverton"—the passport sent by him with the name "Mrs. Yelverton," sent to Mr. Thelwall, clear evidence that he held her out to be his wife—three envelopes of letters written by the defendant in Scotland, addressed to "Madame Yelverton, Bordeaux"—the letter proved by the unimpeached witness, M. Loppe, from the defendant in Scotland, addressed to "Madame Yelverton," and stating to her inside that she might communicate their marriage to her sister, who was also to keep it secret; and furthermore, the twenty-four letters written to him in Scotland, in which she addressed and described him as her husband, and which he received from her as his wife. There was also the letter of Mrs. Yelverton, signed "Teresa Yelverton," to the defendant, advising him to submit the whole matter to his mother—to throw himself upon her generosity. "She has a feeling heart and clever head, and she will take you out of the difficulty." Where, gentlemen, let me ask, is that lady—where are the family of Avonmore to disprove our case as to that letter? Where is the witness who could have described the truth of that statement in that closing letter, that she (the mother) knew of the marriage? That she disapproved of it I can well believe; that she is incapable of perverting the words I also believe; for she ranks high, indeed, in the opinion of all who know her—higher than the accidental circumstances of her title could place her. Every word from her would have been implicitly believed. Where is she to prove who opened the letter addressed to her son, in which letter he was claimed as the husband of this unfortunate lady? But this is not all. We have a series of acknowledgments in Scotland. We have the passport, never used, sent by him to Mr. Thelwall, who asked him what name was to be written down, and the defendant said, "Write down Teresa Yelverton." Major Yelverton sends to her a letter with the passport, by means of which she is discovered at Dunkirk, "The Hon. Teresa Yelverton." If that be not recognition ample to enable you to find a Scotch marriage, nothing in the world could satisfy you. He called her his wife at various places in Scotland—at Linlithgow, Craighill Castle, before Miss M'Farlane, before the Thelwalls, before the stewardess of the Hull steamer—he travelled with her as his wife when spending the honeymoon. Then there are countless recognitions out of Scotland, which are fairly receivable to add to the force of the testimony respecting recognitions in Scotland. But you have still more, you have that marvellous piece of evidence given by Mr. Thelwall, which proves also that this lady was a poet in her nature and always expresses herself forcibly. She says, "if when I am away separated from you I should die, you will have to come out and take me up and see me properly interred, for, I have been twice baptized, and twice married, I must be twice buried." That was said to Yelverton in the presence of Thelwall, and it is not contradicted. And with all this before you, you are to believe there was not a Scotch marriage. If all the loquacious Scotch lawyers that ever studied perverted metaphysics came here to say "no," I would still say "yes," according to their own law. After some further remarks upon this point the learned counsel said—I come now to Ireland. I am told there is no Irish marriage. I am strong and confident upon my Scotch marriage; but am I as strong upon my Irish marriage?

As she was but half married in one sense, though entirely married according to the Scotch law, yet not married according to the law of her conscience and her church, she resolved to risk all and confide herself and her fortunes to the man she loved. He wrote, "I have said the word, I will do all that you ask me." That correspondence brings her to Waterford. Do you believe that this handsome, brave, and experienced man of the world was searching in Dublin for a wedding ring for his wife? Her hand is the hand of a gentlewoman; it is small and delicate, and well formed. It would require a very small ring to fit her finger, and it was the duty of the lover to find a ring that would fit the finger of his bride. He visits the jeweller; the jeweller is perplexed. Get me a ring, says the major, it is no matter, provided it be gold, whether it is second-hand or new. He gets the ring and puts it next his heart—quite right, gentlemen, for the ring was intended for his wedded wife; and then he proceeds to Waterford to meet the girl of his affections. She had abandoned her home, her country, her sister's protection; she had given up all for him, and she was there waiting the man that she expected to be hers for ever. Why go there at all if there were to be no marriage but a poor wretched imposture? Why not carry out that wretched imposture elsewhere; but no, gentlemen, it was because a Catholic priest could be got more easily in Ireland than in Scotland that they agreed to come to Ireland; and in that box Major Yelverton was obliged to admit that before he left Edinburgh it was arranged between him and this lady that they would meet in Ireland to have a marriage—subject of course to explanation (laughter)—celebrated between them by a priest of the Roman Catholic church. That is admitted by the defendant himself; it was sworn to by Mrs. Yelverton, and it is confirmed by every fact in the case. She swears that she went to Waterford to see a priest, and that when she went to Thomastown they went together in quest of a priest. They then went to Rostrevor; and here I may remark that in one of his own letters he describes how he suffered from asthma, which sometimes obliged him, he said, to sit bolt upright all night. He leaves Rostrevor, and is absent two days. On his return she tells him all that had passed in his absence; and what was that? She visits Priest Mooney, and tells him that there had been a Scotch ceremony of marriage between herself and another, and that she had never lived with the gentleman who had thus made her his wife, because there was no ceremony of a religious nature. Mr. Mooney commended her for her adherence to the law of the church, but said he could not marry her without submitting the question to the bishop. They accordingly go to the bishop twice, and the bishop gave the priest permission to marry them. As what? As Catholics, and as nothing else. Mooney was asked, Did you hear it stated to the bishop in your presence that the contracting parties were Catholics, and he replied, "I did," distinctly and emphatically. The bishop gave him permission to marry them the next day, and the priest undertook to do all that was necessary for the purposes of the ceremony. This innocent young man, who is led and surprised into a marriage with this lady, arranged with her the fees that were to be paid to the priest, namely—two five-pound notes; and he gets back from her the ring that he had given her in Waterford before they proceeded to the chapel to have the ceremony performed. The fact that this was to be a secret marriage explains much that appears strange in this case. The arrangement was, that the fact of the marriage was not to be disclosed to the family of the defendant, because she had no wealth and he was encumbered by debt. To that arrangement she entirely subscribed. They had a long way to go to the church; they go partly by water, and this innocent youth hires a boat, places the lady of his love in it and pays the boatman. They land about half a mile from the church, and when they walk up to it they find Father Mooney waiting there in expectation of their arrival. Father Mooney chides them for being late. He understood what they were about. He never swore that he locked the door, nor did he swear that the door was locked either; and it is a very significant fact that the priest did not bring up Biddy Brennan, who I shrewdly suspect was in the vestry all the time, nor that other person whose name was mentioned in his certificate as a witness, Richard Sloan, one of the servants at the chapel. Be that as it may, Father Mooney proceeds to execute the direction he had received from the lawful ecclesiastical superior. Now, gentlemen, on this part of the case there is a question of fact founded on the law, of which I will speak presently to his lordship—what did Major Yelverton at this moment represent himself to be? My argument is this, and justice demands that it should be so—that if a man represent himself to be a Catholic, and effects a marriage on the faith that he is a Catholic, and that the ceremony has been gone through for his own purposes, the law of this country as against him does not enable him—and I rejoice in the belief of it, I delight in the belief that I will prove it to be so, because the universal voice of this country expects that it is so—the law of the land, I say, does not enable that miscreant to escape from the consequences of that solemn act (applause). What, then, does Major Yelverton represent himself to be? I got the fact from Major Yelverton that he went deliberately to get the ceremony performed—subject to explanation, no doubt. I have the next fact that an explanation was made to the Bishop by Mooney, and that he permitted him to celebrate the marriage on the representation that they were Catholics. I have got the fact that one of these told the other of the contracting parties of what had happened, and that having heard it he consents to go to church to be married. What brought him into the church on that day? What is the meaning of the jargon talked by the counsel for the defendant? I disapprove, says one, of his conduct. I disapprove mightily of it, says another; but all the time they are trying to wriggle out of the marriage. What brought him into the church if the representation of his counsel be true? for they say he already had possession of this fascinating and beautiful woman—a woman who, it is said, was a siren, and had bewitched him by her charms. What is her narrative? The priest steps forward and asks, What is your religion? Now, if this were what Major Yelverton called a "conscience-saving ceremony"—but there is no such nonsense in either the Catholic or Protestant church—there is no ceremony of the kind but that of marriage, which is a definite, important, and solemn ceremony superadded to a civil

contract—if it were merely to give the ratifications of the church to a pre-existing connexion and not a marriage, would the priest have asked Major Yelverton what was his religion? I would like to ask Major Yelverton's counsel if there were no Scotch marriage in Edinburgh, why go to the church at Kilone to ratify what had never taken place? It is because there was a Scotch marriage—a thing which was not satisfactory to Mrs. Yelverton, that they went to have something better, to obtain the sanction of her church to their legal union, and not to enable her to be that of which we have never yet heard—a moral, religious prostitute. What does Mrs. Yelverton swear? He said, in reply to the priest, "I am a Catholic, but not a good one." If he said that, I shall call on his lordship to tell you to find a verdict on the legal ground, which I will presently submit to him. If he spoke those words, and having spoken them, the priest proceeded to perform a marriage ceremony founded on his representation—I say that representation binds him. Did that occur? Mrs. Yelverton has curiously enough sworn that when he answered "I am a Catholic, but not a good one," the priest again asked what his religion was, and he replied, "I am no Protestant;" so that, according to her, both words were used—the word "Catholic" as an affirmation of his religion as a Roman Catholic—the word Protestant, "no" as a negation of his being a member of the established church. The priest desires them to approach the altar; they do so; he goes within the rails and proceeds as in an original marriage from the beginning; he asks the defendant, "Wilt thou take this woman to be your wedded wife?" and he answers "Yes;" he puts the same question to the lady, and she also replies in the affirmative; they are kneeling before him, and in the face of God, and in the temple of the Christian religion, the marriage was performed; and I, a Protestant, representing an important portion of that Christian church which it is the pride of my life to do—I say it is a disgrace to the law, a disgrace to a Christian country, an intolerable stigma on a great body of the community if that is not a marriage (applause). The priest who marries two persons, not Catholics, is liable to a criminal prosecution. It is a sacred principle of law that where a person is liable to a penalty if he does a certain thing in a particular way, you are not at liberty to presume he committed that crime, but you are to assume that he avoided it. If Mooney were told that one of these parties was a Protestant, and, notwithstanding, proceeded to marry them, he might be put into the dock the next morning. Do you believe, contrary to every legal and reasonable presumption, that Mr. Mooney, being distinctly informed one of these persons was a Protestant, would yet expose himself to the penalties of the law by celebrating a marriage between them? That is not to be believed. He proceeds, therefore, with the ceremony; the ring is put on the finger of the lady, and a benediction is pronounced. Mrs. Yelverton asks Mooney to record the marriage in his private register, and he replies that he has none. He takes his fee—for what? For the marriage. He gets ten pounds, five of which were for the bishop, which the bishop never got (laughter); the ten pounds remain in the pocket of the priest, and I don't grudge it to him, for the ceremony he performed that day was worth more than £10 to Teresa Longworth. What is the allegation of Major Yelverton? I consider the answer he gave the priest when asked what was his religion to be decisive in the case. To escape he ought to have answered "I am a Protestant," distinctly and emphatically. Does he say he is a Protestant? According to his statement he says I am a Protestant Catholic; but, most curiously, he admits the same two words that are proved by Mrs. Yelverton to have been spoken—the words Catholic and Protestant. He alleges that he said the two words together; but if you take her interpretation of his words, you have an affirmance from his lips that he was a Catholic, and a denial that he was a Protestant. There is a marriage sustained on that assertion. But there is more than that in this case. That has occurred on this trial which has not occurred in any instance since I came to the bar, and I have been in many strange and extraordinary trials—trials political and religious, involving considerations that might have justified the question; but the sacred privilege of the confessional was never broken through by any counsel until it was violated on this trial by the counsel for the defendant. Not satisfied with torturing the witness for three days by questioning her on the whole history of her life—questions which she answered with the calm dignity of a virtuous woman—not satisfied with racking her mind with these insulting questions, probing to the utmost depth her character and her conduct, he suddenly demands whether in the confessional she told Mr. Mooney that this gentleman was a Protestant. There was an exclamation in the court, which might naturally have been expected, when such a question was put. He persevered, and you have heard forced from her what she declared in the confessional when she was confessing the inmost secrets of her heart before her God. She had sworn that Yelverton always told her he was a Catholic, and led her by his conduct to believe he was so by accompanying her on several occasions to mass; whilst to refute her testimony you have four or five soldiers called who prove absolutely nothing. You are called on to believe that the Rev. Mr. Mooney was told by the lady before the marriage that her husband was a Protestant, and that he was a "Protestant-Catholic," at the marriage; and he told me himself that he did not marry them at all. I don't say the certificate is evidence in the case, but it will assist you in estimating the value of the evidence of the Rev. Mr. Mooney, and in deciding the question whether you believe the lady is corroborated by all the facts and circumstances of the case. As to the observation that she desired to obtain the coronet of Avonmore when she entered into her engagement with the defendant, an elder brother of his was then alive, married to a young, amiable, accomplished person. There was every hope of a long and happy life. He was taken away suddenly; but when she gave her heart, and offered all she possessed in the world to the defendant, he was the younger son of an Irish viscount, without any particular fortune, or any great expectations in the world. (The learned counsel then read the letter of the Rev. Mr. Mooney, and the marriage certificate.) If all the divines of the church to which the Rev. Mr. Mooney belongs had that certificate submitted to them, they would tell you it is a perfect certificate of a perfect marriage according to the Church of Rome; and, if they were all

assembled in this court, and had heard the evidence, every man of them would have told you that the ceremony was a complete and perfect marriage. How is this to be met? By an act of parliament in the reign of George II., forbidding a priest from marrying any couple, one of whom professes the Protestant religion at the time of the marriage, or for twelve months before. Now, what they want to prove is, that for twelve months before that time Major Yelverton was a professing Protestant. I say, if a man declares to a woman "I am a Catholic"—if he attends mass repeatedly—if he reasons and argues with her on the doctrines of the church—if he accompanies her to church at home and abroad—if he enters for the purpose of marriage a Catholic church—if there he says "I am a Catholic," I say, for the purpose of making his marriage good, he is a Catholic, and I say there is no satisfactory evidence that for twelve months previous to the marriage the defendant in this case was a Protestant. The sister of the defendant, who wrote him the letter stating that it was rumoured he had become a Catholic, was not produced; no member of his family is produced. Some members of that family have been and are Catholics. Miss M'Farlane and Major Yelverton always leaned to Catholicity; and he went to the chapel of Warrenpoint before the marriage, and the lady went to confession after it. It is an extraordinary fact that there is no evidence of his having taken the sacrament in his own church for I know not how long. There is evidence that he went to church once, when he could not



SCENE AT THE OPERA HOUSE.

help it, in Alderney; that when going to Balaklava he heard prayers for Protestants and Catholics, both together; that he read prayers himself once, according to the regulations, for his men (who must have been very edified thereby)—that he marched the troops once or twice to church, and that he was seen once at church by a brother officer at a period of time which does not touch the question. Therefore, upon that obnoxious statute, there is a balance of evidence upon one side, and the weight of that evidence is in favour of his being a Catholic for twelve months before the marriage. Counsel here cited a case reported in M'Dermott's "Criminal Law," 389, before Chief Baron O'Grady. A person who was charged with bigamy, was married by a Catholic priest to his first wife, representing himself as a Catholic, and by a Protestant clergyman to his second wife, representing himself on this occasion as a Protestant. The prisoner's counsel contended that, as the prisoner was a Protestant at the time of the first marriage, it was void, as every marriage of a Catholic and Protestant by a Catholic priest must be, and evidence was given, that up to the time of the first marriage the prisoner went to church, and was always considered a Protestant. The judge left it to the jury to say whether they considered him to be a Catholic at the time of the first marriage, and the jury found that he was, because he said he was. He also referred to the case of Price *v.* Burke, 2nd Adams, 471.

The Chief Justice said he had no doubt that there was evidence that at the time of the marriage the defendant was a Catholic; but that the point was, as to how he was to put the twelve months' profession.

Mr. Whiteside said the onus of proof of the fact of his being a Protestant was on the defendant.

The Chief Justice observed that this was so, and that all the presumption was in favour of the validity of the marriage.

Mr. Whiteside continued—The fact of his being a Protestant against his own profession, contrary to much of his own conduct, as well prior as subsequent to the marriage, he must prove by evidence most satisfactory; and, looking at the evidence, I hold that where he went sometimes to chapel and sometimes to church, the balance of testimony is against him by reason of the important act he did at the time of the marriage. In the case of Smyth v. Kelly, 3rd Knapps Privy Council Cases, 259, it is laid down that all acts done by a person competent to contract, are to be presumed to intend to what they appear to do, unless there was most overwhelming evidence of fraud. Counsel cited several other cases where it had been decided that parties were bound by the declarations they made at the time of their marriage, and that they could not afterwards, by professing another religion, get rid of the solemn engagements into which they had entered. So in this case, he said, the defendant could not now set up his Protestantism to enable him to repudiate the valid marriage solemnized between him and Mrs. Yelverton. There were also decisions going to show that the presumption of law was in favour of an act not having been done when it would subject the party to the consequences of a violation of the criminal law. And the presumption here was, that the Rev. Mr. Mooney did not marry a Protestant and a Catholic, when in point of fact it would be criminal in him to have done so. In the case of Piers v. Piers it was assumed in Chancery that a bishop could not remember the licence; it was illegal for Sir John Piers to marry a woman whom he picked up at Astley's Theatre. He married her in the Isle of Man, and had a family; and he married her again when he came away, and had children. The children of the first marriage claimed the inheritance, and all the irregularities were overruled by the House of Lords, on the ground that the presumption should be in favour of the marriage. There is a case in this country of the Queen v. Burke (5th Irish Law Reports), which touches the present case. It decides that a marriage forbidden by the 33rd Henry VIII. celebrated by a Roman Catholic priest between two Roman Catholics, is sufficient, and makes the second marriage felony. Then came the question that, by the law of the church, a Roman Catholic could marry within certain degrees of consanguinity. The man made the representation that he could be married, and the marriage was performed. A question arose in the case, and it was argued that, even supposing there would be an invalidity by reason of the degrees of relationship, what was to be the case by reason of the representations of the man? Judge Burton delivered judgment in that case, at page 553. He said that the representations stated to have been made by the two parties to the priest who celebrated the marriage, and by virtue of which they were married, was such a one that he would hold that such a declaration made to obtain the celebration of a marriage would, in an indictment for bigamy against the person, preclude him from denying the truth of that representation. He concurred with the decision in another case that it was not necessary there should be fraud. That is an authority to prove —irrespective of the penal statute of George the Second—that if a man makes a representation that he is a Catholic, and gets a licence, he is precluded from denying the truth of that representation. Having now, my lord, submitted to you these cases, and having laid before you my views, I now proceed to conclude my observations to the jury. Gentlemen, you will be assisted by his lordship in deciding the question left to you upon the Scotch marriage, which I hold myself individually to be proved as clear as the daylight. It will be put by him upon the evidence, and you will give your decision upon it accordingly. On the Irish marriage, you understand I do not want you to run counter to the opinion of the judge, because on matters of law you are bound to take it from the judge, who has authority to declare it. I have mentioned the ruling in the case of Batty. Now, gentlemen, if this were a case put according to that decision, the question would be put to you to say of what religious profession, according to the evidence, was the defendant for twelve months before the celebration of the marriage?

His Lordship—If the law in Batty is right, was he, or did he profess himself to be, a Protestant within twelve months of the marriage? Because, it is not necessary that he should have been a Catholic. The only question is, was he a professed Catholic within the twelve months, assuming that law is right? I will state my opinion to the jury in such a way that there can be no difficulty.

Mr. Whiteside—First, on the Scotch marriage?

His Lordship—Certainly.

Mr. Whiteside—And then on the other question, which, for the sake of morals and justice, I trust will be decided in my favour. First, what religion was the gentleman for twelve months before the marriage? I ask you to decide that. I wish I could bring you into the solitary chamber of Teresa Longworth, where he impressed on her religious mind that he sympathized with her and her religion—when he stood beside her at the mass, when he argued with her upon the nature of the sacrament that contracting parties might confer upon themselves—when he went with her, at Warrenpoint and Rostrevor, to the service of the church—when he seemed to understand as well as herself, where he prayed with her in the ritual of the church after he gained her by the marriage at Rostrevor—and, above all, when he heard of his sister's letter, in which she asked him if it were true he had embraced the Roman Catholic religion, which was distinctly stated in his presence, and admitted by his own conduct. After all these facts you have the crowning act of his entering a Roman Catholic church to be married by a Roman Catholic priest, whose questions, even on his own evidence, he answered in a prevaricating way that he was a Roman Catholic, but, upon the evidence of the woman who stood beside him,

and whose fate in life depended upon the validity of the marriage, he answered that he was a Catholic, and no Protestant. Combine these facts together—unite them all. I submit they are not contravened by the doubtful evidence given on the other side—of sergeants and corporals—who go to church only to go asleep (laughter)—of them who saw him in church once in three years, and that evidence unaccompanied with the performance of any one solemn rite, such as the acceptance of the sacrament, which, in a sense, binds a man to his religion. Lastly, I submit that if you come to the conclusion that the day he knelt down before Priest Mooney, and clasped the hand of the woman who knelt by his side, he then and there represented by his language, conduct, and demeanour, that he was of the Roman Catholic religion, law, reason, justice, morality, and that religion which has been degraded by the argument on the part of the defendant—all unite to induce you find a verdict that will bind him by the marriage—a marriage good, according to the argument of his own counsel, as good as if performed by the Archbishop of Canterbury, good in conscience, good in the sight of God, good in the face of the church, good in the face of the world, if it were not for a penal statute of the time of George the Second, that, in my opinion, was never passed to meet such a case as this (loud applause). The great question in the case is whether you believe Maria Longworth. In order to damage her character, to assail her virtue—in order to destroy her love for truth, they say that before she was wedded to this defendant she spoiled herself of the rich jewel of her virtue. How is that proved? Look at the reason of the thing. First look at the facts. He says he admired her, he says she was agreeable—he says in this evidence of his, which I cannot stop to read—indignation, if I did, might prevent my proceeding—that, as he sat beholding her, young and beautiful, in the Convent of Galata, then it was he formed the design of making her his mistress. If that was his design—it was not her design that she should be so. He wishes still to be near her. He is found with her at Edinburgh and at Rostrevor. I ask you, do you believe that if he had attained the grand object of his desires, if he had gained possession of her person, was master of the great secret of her life—do you believe he would have gone to that church and put himself into the predicament in which he stands to-day by becoming her wedded husband? Do you believe that this man, who has been represented to you by his counsel as a skilful seducer—do you believe that this man, who planned her ruin, who pursued his object persistently for a long period of time, who travelled with her from Waterford to Rostrevor, and who has studied and learned the various degrees of the great crime of seduction, that he, if he had gained his object, would ever have married her in the church of Kilone? Impossible! To weaken the force of her testimony, he tells you of occurrences at Edinburgh and in the Hull steamer, which you will not believe, which are contradicted by everything in the case, by all his own acts. He got the bill from Cummins's Hotel at Waterford, and would not produce it, nor allow us to give evidence about it. He went everywhere to get every bit and scrap of evidence upon which he could rely. He produces from the Rostrevor Hotel a bill dated the 15th, the fact being that he was married on the 15th, and did not leave the hotel till the 18th; and with all this inquiring and searching, there is not a solitary fact established against her. But, says the defendant—"You artful woman, you temptress, you enchantress, why did you dare to send anybody round the different hotels to ascertain what could be proved against you?" Who is it puts that question? The defendant. And what is he detected in having done? He cut a lock of hair from the head of a child seven years old, that he thought was like the hair on the head of the woman he had deceived, and that he intended to marry, and not to marry, and that he wants now to unmarry. He gets a piece of a gown he says she wore, and he places before his witnesses what is not the hair of his wife, and a piece of a dress that may not have been the dress of that injured woman, and endeavours to fabricate evidence to destroy her character, as he had destroyed her happiness; and when by accident we learned it—for we knew it not, I aver, until the lady in the box told you the story of the lock of hair, which her counsel heard then for the first time, we asked how it was discovered, the young woman, Miss Crabbe, was telegraphed for, and now that she has arrived, why are you not to believe her? Sergeant Armstrong talked of murder. What would be your feelings if you had been on the point of sending to the gallows a fellow-being upon the evidence of Bridget Cole and Rose Fagan, that the woman who sat in the witness-box was the woman who called on them, a statement falsified before your own eyes? Would you ever enjoy a happy hour?—would you ever fail to deplore the rash act you had done as jurors in being persuaded by rash evidence of identity to take away the life of your innocent fellow-creature? Honour and virtue are as dear to a woman as life. Why should you rob her of her honour, all that is left her, upon the rotten testimony that has been concocted against her (applause)? Why did we do what we did in this respect? Because we found what was being fabricated against us. That young woman told you the truth, the whole truth, and nothing but the truth, and she has demonstrated that what was sworn by Cole and the other woman is entirely and absolutely false. What, therefore, becomes of that portion of the case? It has vanished. It is gone. What is the remainder of this case on the correspondence? I pray attention to it. The correspondence read by my learned friend (Sergeant Sullivan), who, like a lawyer, commenced where he ought to commence, and gave it from the date of the marriage to the closing awful scene that took place at Leith—is all through, I say, the correspondence of married people. Love and anxiety on his part. On her part a statement of all the difficulties and embarrassments to which, as his wife, she was subjected in a distant country—letters addressed to her as his wife, letters from her to him as her husband—all things clear, intelligible and distinct, until at last there is a letter—glided over by Sergeant Armstrong, which I call the Christmas-day letters and if there is one of you has a doubt that there was a secret, lawful marriage, I beg you to hear what Major Yelverton himself has written on the subject. "I have every reason," he says, "to believe that next June will see you through the scrape." No one denies that tallies with the date of the marriage. He writes—"Carissima mia—I fear it is not a

reservation of *bon-bons* that have caused my silence this time, but what you wrote in your last letter but one. You say I told you my resolution in case certain events did occur. You were very angry, but it would be my duty, and if I love I must do it. Your resolution is founded on false views. Where is your duty of keeping faith with me? I have never intentionally deceived you, and have done more than I promised at great risk." Was that a voyage up the Rhine, gentlemen? No. I call on you to believe that what he there refers to was the marriage ceremony in the church at Rostrevor. "I told you the event we fear could be avoided, and you certainly cannot doubt that it is equally unwelcome to me as it can be to you; but, if the future proves that I have been deceived by others, that will not absolve you from your faith, the which if you break with me, you will never from that moment have even one of tolerable content during the rest of your life. If you do feel any love for me you must change that resolution. *If I depart this life you may speak; or, if you do, you may make a legacy of the facts;* but whilst we both live you must trust me and I must trust you. When I find my trust misplaced, if you have any affection for me, I do not envy you the future. Your *duty* lies this way, not that." Gentlemen of the jury, what does that letter mean? What, I again ask you, does it mean? It means this—I, your inexorable master, warn you that you must not disclose our marriage. I care not for the birth of a child. Secrecy is the bond. No matter how you are exposed, no matter how you are degraded, I have made a sacrifice for you, and whatever may be your feelings as a gentlewoman, a wife, and a mother, you must endure the disgrace, or else you shall never have one happy hour for the rest of our life. What is the argument of his counsel? That from the day he was at Galata, he was her deliberate, skilful, scientific, and unconscionable seducer. Though, says the defendant (by his argument) I have added hypocrisy, profanity, deception, and blasphemy, I am not bound to pay for the sustenance of this woman. I am not her wedded husband. I stand before you her profligate and unprincipled seducer. I found her young. I found her virtuous. I found her beautiful. What is she now? Innocence defiled, virtue lost, beauty spoiled, and hopes of life fled for ever. Better the hand of death had swept her to an early grave; it would have been consecrated by the tears of maternal affection—gentle tears, recalling happy memories of the past, assuaged and checked by blessed hopes of a bright, immortal future. He has blasted her happiness in this life, he has endangered it in the life to come, according to his own argument. Save him from the consequences of that argument, and do not brand him as his counsel do, as a scientific, deliberate, unprincipled seducer (applause). How stands the question now that the whole of this great trial is before you—now that you have all these facts—and I cannot dwell at this hour minutely upon each particular circumstance as I might have done if I had gained you at an earlier hour of the day, in endeavouring to reason it step by step. I ask you to judge of that woman as she has appeared before you; and then say do you believe her? Trace her life up from the first hour that she stood within the walls of the convent until the day she sat in that box to tell the story of her multitudinous sorrows. Ask yourselves what fact has been proved against her with any living man save this defendant? Her crime is she loved him too dearly and too well. Had she possessed millions, she would have flung them at his feet. Had she a throne to bestow, she would have placed him on that throne. She gave him the kingdom of her heart, and made him sovereign of her affections. There he reigned with undisputed sway. Great the gift! Our affections were by an Almighty hand planted in the human heart. They have survived the fall, and repaired the ravages of sin and death. They dignify, exalt, and inspire our existence here below, which, without them, were cold, monotonous, and dull. They unite heart to heart by adamantine links. Nor are their uses limited to this life. We may well believe that when the mysterious union between soul and body is dissolved, the high affections of our nature, purified, spiritualized, immortalized, may add to the felicity unspeakable reserved for the spirits of the just made perfect, through the countless ages of eternity (loud applause). She gave him her affections—she gave him her love—a woman's love! Who can fathom its depths? Who can measure its intensity? Who can describe its devotion? She told you herself what that love was when she wrote to him, "If you were to be executed as a convict I would stand beneath the gallows." If he had taken that woman for his wife, misery would have endeared him to her, poverty she would have shared, from sickness and misfortune she would never have fled; she would have been his constant companion, his guide, his friend—his polluted mistress never! Therefore, I now call on you to do justice to that injured woman. You cannot restore her to the husband she adored or to the happiness she enjoyed. You cannot give colour to that faded cheek, or lustre to that eye that has been dimmed by many a tear. You cannot relieve the sorrows of her bursting heart, but you may restore her to her place in society. You may, by your verdict, enable her to say—"Rash I have been, indiscreet I may have been through excess of my affection for you, but guilty never!" You may replace her in the rank which she would never disgrace—you may restore her to that society in which she is qualified to shine, and has ever adorned. To you I commit this great cause. I am not able longer to address you. Would to God I had talents or physical energy to exert either or both longer on the part of this injured, insulted woman. She finds an advocate in you—she finds it in the respected judge on the bench—she finds it in every heart that beats within this court and in every honest man throughout the country. (Mr. Whiteside resumed his seat amidst loud demonstrations of applause, which were continued unchecked for several minutes. Cheers were also given for Mrs. Yelverton.)

TENTH DAY.

Although the proceedings to-day were not so attractive as those of Saturday, yet the fact that the trial had at length reached the critical period when the issue should be determined by the verdict of the jury, attached to them proportionate importance, and the desire of the public to be present was almost as great as on any previous day. Admission was obtained at nine o'clock by those who had tickets, and shortly after that hour the court began to fill, but when the door was open to the public the benches and passages were quickly occupied. The side galleries and vacant jury box were, as they have been throughout the trial, occupied by ladies.

At ten o'clock precisely the Lord Chief Justice took his seat on the bench. Lord Talbot de Malahide had the privilege of a place beside his lordship.

The names of the jury having been called over,

His Lordship said:—Gentlemen, before I commence the observations which it is my duty to make, I wish to mention a circumstance which has occurred since I came into chamber. I found before me a communication, signed "A Juror." In the abstract, nothing can be more improper, under any circumstances, than to address to a judge any private communication. Any communication that should be made to a judge should be made openly and publicly. At the same time, I believe in my conscience that nothing disrespectful or improper has been intended by this communication. The nature of this communication is substantially this, that a certain letter, which is referred to by date in this communication, contains certain expressions, and that the jury feel a difficulty in quite knowing what was intended by them; that the description and words used in it seem to some of the jury to be capable of a particular meaning, and others of the jury doubt the propriety of that interpretation, or something to this effect; but the particular letter and particular expressions used are certainly such as could scarcely be repeated before a crowded court where ladies choose to attend; and therefore it is that I do honestly and conscientiously believe that any approach to disrespect to the court was not intended by the communication. I mention the circumstance, however, lest it should be supposed for one moment that under any circumstances I would sanction or approve of such a step having been taken. At the same time, as I have mentioned, there is no name signed to the communication.

Mr. Long (a Juror).—My lord, I am not aware of it.

Another juror.—I don't think that any of the jurors was authorized to write such a letter. For my part I must say I know nothing of it, and I am much astonished that anything of the kind should have emanated from this box.

Mr. Long.—It was a very improper thing to send such a letter to the judge without consulting the jury.

Foreman.—I think it is a false document, and did not emanate from the jury at all.

Mr. Long.—We distinctly deny it.

Foreman.—It never was mentioned.

Another Juror.—Each man ought to take his oath that it did not emanate from him.

A Juror.—It is utterly false; we never heard of such a thing.

Another Juror.—My lord, I think we ought to be sworn.

Chief Justice.—There is no necessity, gentlemen. I will hand the letter up to you, and you may look over it.

Mr. Long.—We will not look through it.

Juror.—It is a very unpleasant thing that any one in the box should rest under this aspersion. I think we should be sworn as to whether any of us wrote this letter. I feel it to be due to myself and the public.

Chief Justice.—Without any further swearing, gentlemen, I will ask you the question.

His Lordship then, commencing with the foreman, asked each juror individually, did he know anything of the letter, and was answered successively as follows:—"Certainly not," "Nothing of the kind," "No, my lord," "Not a word," "Never heard of it," "No, no," "Never," every juror emphatically and indignantly repudiating it.

Chief Justice.—I can only direct you, gentlemen, to tear it in pieces. Gentlemen, I must apologize to you for the observations I have made.

Jurors.—No, no, my lord.

Chief Justice.—It struck me upon reading this letter that it must have emanated from some one of the jury. I said, however, and I repeat it, that I did not think any disrespect was intended; and therefore I found it right to make those few observations that I have made.

Jurors.—We thank your lordship for giving us an opportunity of repelling the imputation. We are much obliged to your lordship.

THE JUDGE'S CHARGE.

Chief Justice.—Well, gentlemen, on this, the tenth day of this protracted trial, I may congratulate you on the termination that we are about to arrive at. I must, in the first instance, thank you for the great attention that you appear to have paid during the whole of this investigation; and I must say for myself, that as long as I have the honour of occupying the place I now hold, I never did in the whole course of those ten years pay such undivided attention to any case that ever was investigated before. I do say, gentlemen, because I feel that the investigation is one of the greatest possible importance—I do say, because I feel that I am called upon to assist in the investigation of truth, and to

arrive at the truth in a case involving questions of vast importance to the parties concerned,—I do say further, because, from the opening of the case to its conclusion, I felt and feel that it requires the greatest effort of a man's mind to divest himself of feelings that ought not to be entertained upon the judicial bench,—I can only say, for myself, that my efforts have been, in looking over the evidence in this case, to endeavour to impress upon my mind a feeling that my judgment should not be in the slightest degree influenced by any feelings; and I only beg and trust, that if in the course of the observations that I make I should in any way betray my feelings, it will be attributed to human nature, and to no desire or wish to express them. The action, as you are aware, is simple in its form. It is an action brought by Mr. Thelwall against the defendant, the Hon. W. C. Yelverton, for the recovery of a sum of 259*l.* 17*s.* 3*d.* The allegation is, that this man, Mr. Thelwall, supplied goods to that amount, consisting of necessaries and other things, to a lady who is the wife, as he alleges, of the defendant. He does not allege that at the time he supplied the goods to the lady, he was not aware that her husband, Major Yelverton, had married another woman; and therefore he rests his case on this:—"You, Major Yelverton, were previously the lawful wedded husband of Maria Theresa Yelverton. Being her lawful wedded husband, you had no right, authority, or power to cast her off, an outcast, on the world. You having not that power, I, influenced by feelings of humanity, took upon myself the risk of supplying to that woman the care and protection which, in my conscience, I believe was due from you. I incurred the risk, in a court of justice, of exposing myself and my property to the heavy expense to which I shall be liable, should I fail in this action; but still, so strong is the opinion that I entertain of the truth and justice of the case of this unfortunate woman, that I am prepared to incur that risk, in order that justice may be done to her through me." That, gentlemen, is the case shortly of Mr. Thelwall. The case of the defendant, the Hon. Wm. Charles Yelverton, is this:—"Great as my delinquencies have been, dishonourably as I have acted,—though I have acted a part that any man with a particle of feeling should blush to have exposed in a public court of justice,—yet the woman was not my wife; she was my mistress. She served my purpose, and I am justified, if not by the law of the Almighty God, yet in the eyes of the law, to cast her upon the world; and, therefore, I am not responsible for the debt, which you chose blindly, with a knowledge of the circumstances, to have allowed her to incur." That, gentlemen, being the case, the plaintiff undertook, and is bound to prove it to your satisfaction; because the same principle that is applicable to every other civil action is applicable to this. The plaintiff who seeks to establish a pecuniary demand of any description is bound to do so to the satisfaction of the jury. If the plaintiff fails in establishing his case he cannot be entitled to a verdict. But the plaintiff says, "I am prepared for the task." He says, by the learned counsel—the eloquent counsel—who last addressed you, "I have done it," and saying that, it is for you, gentlemen of the jury, with the little assistance that I shall be able to give you in the progress of the case, to say, Has or has not the plaintiff established the case which he undertook to do in this country. I need not say, gentlemen, to men of your experience, and to men of your intelligence, that our duty is, both to the plaintiff and to the defendant, to be utterly regardless of consequences. Your duty and mine is to investigate the case in the best way we can. My duty is to lay down—which I hope to be able to do, at all events, intelligibly—what I believe to be the law applicable to the case. It will be yours to apply the law to the evidence that has been given; and however injurious or however prejudicial this may be to either Maria Theresa Yelverton or to the defendant, from my experience of you, I believe of all, certainly of many, I entertain not one particle or shadow of doubt that, conscientiously and honourably, you will discharge that duty to the best of your judgment—as I am perfectly sure I will myself, however feebly I may be able to discharge it. Now, gentlemen, the plaintiff says, and undertakes to establish, that the lady, Maria Theresa Yelverton, is the wife of this man. He says, I have done it, and the way he says he has done it is this. First, that a legal, valid marriage, and binding according to the law of Scotland, was contracted between these parties in March, 1857; and if that is proved to your satisfaction, there is an end of the question; because, if you should come to the conclusion that a valid marriage according to the law of Scotland took place, however different the law may be from your own, it is your duty, at once, if fully satisfied of that, to find a verdict for the plaintiff. The plaintiff further says, still relying on the Scotch marriage, that on the 15th of August, 1857, a ceremony, valid by the law of the land, was celebrated between this lady and Major Yelverton, by the Rev. Mr. Mooney, in the parish chapel of Killowen. "I say," continues the plaintiff, "that by that marriage she became the wife of the defendant, and that, therefore, even though no Scotch marriage took place, there is a perfectly valid marriage in Ireland; and I further say the converse, that even if no Irish marriage took place, the Scotch marriage is good. Your inquiry, gentlemen, will be, is either of these marriages sufficient? for nothing is better established, or more consistent with common sense, than that, it one marriage be good, the fact of afterwards celebrating another will not void the one previously celebrated; on the other hand, if a void and improper marriage has been celebrated between parties, and that doubt arises about it, the circumstance of the subsequent marriage cannot in the slightest degree detract from the validity of the second profession of it. Well, gentlemen, that being the inquiry you have to make, it is at once apparent that in considering the question of each marriage separately you are to consider two things: first, Was there a marriage in fact in Scotland?—next, Was that marriage valid according to the law of Scotland? Generally speaking, where a matter of law arises, it is the judge who is to tell you the law, and it is you who are to ascertain the facts. But there is a peculiarity in a case in which it becomes material to ascertain what is the law of a foreign country; and in this respect the law of Scotland differs from that of England. The laws of England and Ireland are the same, and it is my duty to know, tolerably well at least, these laws, and to inform you, if any question of law should arise, what that law is, to the best of my ability. Such is not the case where

the question is of the law of Scotland. We are bound to take our information as to what is the law o Scotland from the evidence produced before us; and it will ultimately be the duty of the jury to determine, from the evidence they have heard, with such assistance as the court can give them, what that law is. Therefore, in relation to the Scotch marriage, you will first have to ascertain, was there in fact a marriage? and next, Was that according to the law of Scotland? In the same way you will have to ascertain whether there was or was not a valid marriage in Ireland. As to there being a marriage in fact in Ireland there is no dispute, because all the evidence, both for the plaintiff and the defendant, proves that the ceremony was gone through in the temple of the living God, in which ceremony that Almighty Being was called on to witness the proceeding that took place. There is no doubt that, in the temple of the living God, before His altar, in the presence of an ordained minister of that God, this man took this woman, in words at least, for his lawful wedded wife; and that alone, without one particle more, makes them man and wife, provided only that there was no impediment, or no circumstance extraneous or connected with the parties, that would render them incapable of being married in a Roman Catholic church by a Roman Catholic priest. I have told you that you are trying whether any legal, binding marriage took place, and that, I rather think, is the only question in the case; for, with respect to the demand for 259*l*., I believe it is not disputed that Mr. Thelwall maintained her to that amount, and that, if she is the defendant's wife, he is bound to maintain her. If you find she is his wife according to the law of Scotland, you may or may not go farther. If you find she is his wife according to the Scotch law, it will be altogether unnecessary to consider whether she is his wife according to the law of this country. If you find she is his wife by the Irish marriage, it is equally unnecessary to consider whether she is his wife by the Scotch marriage. As the Scotch marriage is alleged to have been first performed, and as the evidence in relation to it is smaller in compass and simpler in character than that in relation to the Irish marriage, I will first call your attention to that branch of the case. All these letters, of which I hold a printed copy in my hand, and all the statements made in these letters, one way or the other, are material only for this purpose—first, to assist you in arriving at a conclusion as to the truth or falsehood of the statements made by this lady, Mrs. Yelverton, on the one side, and the defendant, Major W. C. Yelverton, on the other. No matter who or what this woman was—if instead of being, as she was when first she was met by this man, a young and attractive woman, and, as far as any evidence appears in the case, an honourable and a virtuous woman,—suppose that, instead of being all that, she were the commonest outcast of society,—suppose she had been the mistress of many, a common street-walker—yet, if a man will enter into a marriage with a woman of that description, there is not the least doubt that she is as much his wife as the purest and most virtuous woman that ever entered into such holy bonds. But, on the other hand, there is no doubt whatever that, having regard to the peculiar circumstances under which these marriages are alleged to have taken place, the correspondence which passed between the parties, from which you may be able to discover the inmost workings of their hearts, may be all-important evidence to satisfy you upon which side truth lies, where these parties contradict each other in the most material points that arise in the case. Now, gentlemen, bearing that in mind, and bearing in mind that it is with that object, and for that purpose only, these letters can be properly the subject of your consideration, I shall now proceed to state, as well as I can, from the evidence and the letters, the occurrences that took place between the parties, in the order in which they occur. There is no doubt that in the autumn of 1852, this girl, so far as one can judge from appearances and from her statements, was probably some nineteen or twenty years of age. It appears Major Yelverton was coming from Boulogne to London by the same packet in which she was a passenger. She states that her friends had some acquaintance with the captain of the packet. He says she was alone. The packet was to sail about nine o'clock at night. She says she thought Major Yelverton was in company with another gentleman and two ladies who were on board. Major Yelverton, however, says he was travelling alone. It appears a shawl, or something of the sort, was thrown to her from the shore, that it became disarranged, and Major Yelverton offered his services to arrange the shawl. She states that some friends of hers on board gave something like an introduction. But, gentlemen, whether that was the case or not can be a very trifling circumstance, because any of us who are in the habit of travelling must know that nothing is more usual, or of more frequent occurrence, than that a young man of gentlemanly appearance, in meeting a young lady of attractive appearance, whether travelling alone, or under the protection of her dearest and most respected friends, should form a slight acquaintance; and no one doubts that any woman, the most virtuous and honourable that ever lived, will receive, and not only will receive, but feel flattered at trifling attentions by any gentleman whom she may happen to meet in the course of a journey or passage. Well, it appears, according to the statement of Major Yelverton, and also of the lady herself, that a great crowd came on board, the result of which was that the cabin became utterly suffocating; and it appears that this lady and Major Yelverton, and about nine or ten others of the passengers, instead of sitting in a close crowded cabin downstairs, where there may have been a difficulty in obtaining berths, preferred sitting on deck. It appears that they remained on deck the whole of the night, and that the lady and Major Yelverton spent the night in conversation. No suggestion has been made that anything improper then took place. This lady says that Major Yelverton's conduct on that occasion was respectful and that of a gentleman. Major Yelverton himself says such was his conduct on that occasion: some questions were asked about a plaid, and it appears simply that a plaid had been used in common between them. She says:—"We were not sitting side by side; we sat opposite each other on a chair, and the plaid was used as a covering for both of us, on his knees and mine." But no improper familiarity, nor the slightest approach to anything indelicate or improper, then occurred, that the most virtuous girl that ever travelled on board a steamer could have possibly the least objection to. Well, the vessel arrived

at London on the following morning at about nine or ten o'clock. Here a difference of recollection exists, which, however, is really a matter of very slight consequence. This lady says:—"Major Yelverton good-naturedly called a cab, put me into it, wished me good morning, and asked might he call upon me; I said he might, and drove off, and he called upon me on the following day." She says further:—"My recollection is that this visit was paid at the house of an aunt, or other relative in Nottingham-place, but I cannot be quite positive of that, because though that is my own recollection, my sister Sarah's recollection is that it was at another house where we were staying, and in consequence of her recollection being so strong on that subject, I am loth to place my recollection against hers; still I believe I am right and that she is mistaken, but this visit certainly was at either of these two houses." But she says positively, according to my note of the evidence, that she came home by herself, and that Major Yelverton called in the course of the day. Major Yelverton's account, however, of the transaction is this:—He says "That is not exactly the true state of the case. The true circumstances are these:—During the voyage, or while we were nearing the dock, I mentioned to her that I had to go to a club at the West-end of the town, and to go back to Woolwich, and she kindly said, if it would be any convenience to me to come to her house or lodgings, where herself and her sister were, 'You can have a dressing-room there, and that will save you a drive

THE YELVERTON MARRIAGE DISCUSSED IN THE SMITHY.

to the West-end.'" And he says, "I accepted that proffered civility on her part, and I went to the house, was introduced to the sister, dressed, and remained there a couple of hours." But it is not suggested that during the period from the previous evening to eleven or twelve o'clock on this day, anything happened which might not occur to the wife or daughter of every one here, or ever entered into the imagination of any of them. Whether a woman would ask a gentleman whom she had met for the first time, to go home with her in a cab, is really a matter of taste, but of no importance in the present inquiry. As I understand, this interview took place in the autumn of 1852, and it would appear that nothing further occurred until March, 1853. It next appears that this lady, having gone in the meantime to Naples, was anxious to forward a letter to a cousin of hers who was at Monastir, and she says that, it being necessary, according to the post-office regulations at the time, that a letter forwarded there should be post-paid by somebody in some British possession, it therefore became necessary for her to send the letter either to Corfu or Malta, or back to England; and she says that, having heard that her friend, Major Yelverton, was in Malta, and that he would forward this letter for her, accordingly she enclosed to him the letter, with a request that he would forward it through the post-office at Malta to her brother, as she said, but he was only her cousin. That letter has not

been put in evidence; but it would appear that immediately after that occurrence Major Yelverton wrote to her, on the 22nd of March, 1853, and he sent that letter to her by a friend of his, Mr. Roe. Some observations have been made on the style of the address in some of the subsequent letters, and I may as well, in passing, state to you, as far as I judge from this correspondence, how that change occurred. The first letter of his was addressed "My dear Miss Longworth." In that letter he says:—"I hope you will write to let me know how you have been and are, and whither your future wanderings may be. I sent the letter to Corfu for Monastir. I think, if you have room for another acquaintance, that you will like Mr. Roe after a little time." The next letter given in evidence is also addressed "My dear Miss Longworth," and was evidently written after she had written to him something about Mr. Roe, for he says:—"I did not know Mr. Roe was so dangerous; I hope you are not scorched." Then he says:—"I told Mr. Roe that we travelled together in the steamer, that I liked your conversation, and wished to know you better." He then desires to know her whereabouts, and she writes an answer, in which she says:—"I shall trouble you to forward the enclosed." This is evidently another letter for her cousin; and she says, "What shall I do when you leave Malta?"—that is, who is then to be her postman; but there is nothing of any importance in it. Then there

AN "ORDERLEY" MAKES INQUIRY.

comes the letter of 20th August, 1853, written from Belleisle, the family residence of the defendant's family, and instead of addressing her as "My dear Miss Longworth," he calls her "My dear Theresa." There is nothing in that letter; it is the plain small talk between a young lady and a young gentleman, except that, instead of addressing her in his usual way, he commences by saying "My dear Theresa;" she, in answer to that, calls him "My dear Mr. Yelverton." She gives him an account of an excursion she had up to Mount St. Nicholas, and she writes about coffee and other matters. She writes another letter which she begins "My dear Captain Yelverton." He writes to her again, "My dear Theresa," in answer to this one of hers, in which there is nothing except at the conclusion, in which he says, "My future intended is like this," and here there is a circle of some kind, and her whereabouts is likewise expressed and defined. "That pictorial effort I favoured you with was meant to have a deprecatory attitude and expression, fearing your anger at my mode of address, which you have evinced by captaining and mistering me." That is, by calling her Theresa instead of Miss Longworth. The letter goes on "Which you have evinced by captaining and mistering me, because I suppose you recollect that I have an objection to that form and fashion; so the figure failed in its object, as much at it could fail to represent my imaginary Theresa." There he expressed anger at her

captaining and mistering him. Then she got another letter from him, in which he wrote to her, "My dear Theresa—the fates are unpropitious to a nearly miraculous extent." That is the letter dated Marseilles, in which he states he is going to Malta. She writes again, "My dear Mr. Yelverton," still calling him Mr. Yelverton. You must recollect that this letter from Naples on the 22nd December was, probably, written by her before she got his letter from Belleisle. She says in that letter:—"I am sorry you did not come to Naples. I wanted to see how you looked under such interesting circumstances. To tell you the truth, I cannot imagine your looking lovesick, or, in fine, being in love at all." That alludes to one of his previously-written letters complaining of not writing more frequently, but says that she knew the cause, that he had fallen in love with some lovely woman, whom he met during his excursions. She says:—"Do not be offended; it is my want of imagination, but I am open to conviction. I am going to Rome on my way home, where I am only to arrive in the spring." Then, gentlemen, the correspondence goes on, and he writes another letter commencing, "My dear Miss Longworth." In answer to her letter taxing him with forgetting her, and taking up with another, he says—"I am *fiancé* to an arm-chair at the United Service Club. You are deceived in your clairvoyante vision, probably by the influence exercised by some magnetizer near you." In other words, "The reason you thought I was in love with some one is, that you are disposed that way by some one you met. You thought that I had fallen into the same snare as yourself." That, gentlemen, is merely playful badinage between those who meant, at this time at least, honourable conduct the one towards the other. "I was delighted by the receipt of your letter," she says; and then there is another part to which I wish to call your attention. She says; "By the way, by what mischance or misdeed have I become Miss Longworth again?" Then in some three or four letters again he called her Miss Longworth. He had originally done so, but then used to call her "My dear Theresa," until the letter to which she now refers. She goes on:—"I never grumbled at being addressed by my own name, and only thought that, having known me for one year, you had exalted me from a mere acquaintance to a certain degree of friendship." That is that she felt annoyed, he, after calling her Theresa, addressed her as Miss Longworth, and she wanted to know what she had done. Well, gentlemen, he answers that; and it is really most natural: "Dear Theresa,—I told you repeatedly that I do not like being called Major Yelverton by you; and I give you your choice of my two godfather-and-godmother appellations—that is, I will call you nothing but Miss Longworth as long as you be captaining or mistering me. I give you your choice of my two Christian names, William or Charles; but as long as you call me Captain or Mr. Yelverton I will call you nothing but the respectful Miss Longworth; and, therefore, if there is to be a change in the mode by which we address each other, you must change as well as I." I really refer only to those letters because I have persuaded myself that, whatever afterwards occurred, during this early correspondence—I believe the defendant himself says so—vice, or anything approaching to it, at this period, did not enter into his imagination. Here is a curious letter in answer to his in which he said, "You must call me by either of my names, Charles or William." She says, "Carlo mio carissima"—that is 'my dearest Carlo,'—does not that suit you?" The letter goes on to refer to the Eastern question being too provoking. She speaks of having a wish to become a Sister of Charity or a *vivandière*, and there is a good deal of badinage. One may approve or disapprove of a girl before marriage keeping up a correspondence with a man with whom she was so shortly acquainted, but there is nothing in it to lead one to the conclusion that at that time there was anything but badinage passing between those parties. The matter goes on, and he continues to call her Cara Theresa, and from calling him Captain, or "Carlo carissimo mio," she goes on in the more sober address of "Caro Carlo mio," that is, instead of "dearest," "my dear Carlo." There is not much in this correspondence. There are here and there expressions that were relied on, and I will call your attention to them, giving such weight as they deserve. He asks in one letter if they were tossed about in the kaleidoscope would they recognise each other. Her answer is:—"With regard to our not knowing each other, that I hold, upon a hypothesis of mine (which I will treat you to), to be impossible. I consider that the fact of my writing to you this day does not originate, as might be supposed, from the accidental cause of your once having been on a steamer with me, but from the natural cause of effect of influence of one person upon another." It is not necessary to refer to this letter any more. She took it into her head to go to Constantinople. I do not think it necessary to refer to the letters which passed in the interval. The substance of them is this. There is no doubt she formed the idea of going out to the East with the Sisters of Charity. A suggestion was made—and I confess I do not know whether or not it was the case—possibly it may be—that one of the lurking motives that brought her out was a desire of a wish to meet in the course of casual acquaintance her former correspondent. That may or may not be. Whether it was or was not is not material, but it is certain, whether she did or did not, that at the time she was going out to Constantinople he was coming home, and they crossed each other in their voyages. He had been in the Crimea, and he went home. In one letter, written afterwards to him, she says she was happy to hear that he was gone home, that she was glad to hear that by his being sent home he would be saved from the dangers to which he would be naturally exposed in the Crimea. Gentlemen, if you wish, you will have those letters to look at, and you may find something in them; but I confess I am not aware of anything very important in them to which it is necessary for me to call your attention. The reason that I have done so at any length at all is because some observations were made—and, no doubt, taking up a single letter would give rise to a question—on the conduct of this young lady, for which, possibly, no reasons may be found to exist when you go a little farther. Well, gentlemen, at last it appears that he was approaching her. She was at Galata, and he had written to know her whereabouts. He requested that she would write a letter stating where she was to be found. He arrived at Galata on the 4th September, 1855, just three years after their first interview. A year and a half was occupied by the correspondence to which I have already

directed your attention. Now, gentlemen, we come more nearly to the parts upon which there is a great divergence in their evidence. Both agree that Major Yelverton called upon this lady at the convent. Major Yelverton says that he talked to her for an hour or two, and that she was dressed in the habit of the order, and was not in the convent, but in the hospital. It was superintended by a number of French Sisters of Charity, who wore a peculiar habit or robe. He says he spoke of love, but not of marriage; that he took off her bonnet, and embraced her. He says he talked of love, but he says he only spoke of love and affection, and that then, for the first time, he formed the idea in his own mind to dishonour her, and make her his mistress. I am not surprised, much as I deprecate exhibitions of feeling in a court of justice, at the expression of indignation the avowal of this man must have excited in the breast of any man with a particle of honour or virtue in his composition. This girl, who underwent one of the most searching cross-examinations I ever witnessed, and in whose conduct up to this moment there does not appear to have been anything to justify any person in imputing to her anything that would be discreditable or improper to any woman, excited the admiration, love, and affection of this man, as he tells us. But, my God! should not the garb in which she appeared, and the work of charity in which she was engaged, have had some influence on this man, and driven from his mind the idea which he says he entertained at that time? My God! gentlemen, all of us see in this city numbers of young and beautiful women who have engaged in this holy work of charity, and though men may entertain different opinions as to the prudence and propriety of a conventual life, there is not a man among us who would be capable of offering an insult to those young and devoted women as they go to and fro in their mission of charity, visiting the haunts of suffering and misery. That, gentlemen, is the account this man gives of himself, and the idea he entertained at that time. He says he loved and admired her, but that she was not of gentle blood, and that, therefore, he formed the idea or desire of obtaining possession of her person, not in an honourable manner, but by dishonouring her. That is his declaration. However, gentlemen, whatever may be the feelings of indignation which such a declaration naturally excites in the mind, we must endeavour to get rid of them here, and consider the case, not as a matter of feeling, but as one on which we have a duty to discharge according to the principles of law and justice. We must, as far as we can, endeavour to ascertain what was really the nature of this interview at Galata. You will inquire whether his declarations and conduct towards her then were such as to lead her to believe that his intentions were honourable. This lady was not of a noble family, it is true, nor in the same position as Major Yelverton; but still she was of a respectable family, and known to, and associating with, respectable people. Whatever else she was, there can be no doubt that she was in every respect as attractive a girl as ever fell to the lot of any man; and no one can doubt that, if she continued to be what she then was, virtuous and honourable, she was one who, in manner, demeanour, appearance, intelligence, and talents would do honour to any station to which any man, however high or well-born his position, could raise her (suppressed applause). Well, gentlemen, as to what passed on that occasion, his own declaration is that, though he entertained the idea of dishonouring her, nothing improper was suggested, but that he spoke of love and affection, and that he kissed her. We know, gentlemen, that if a woman has not fallen, so long as she retains the priceless jewel of female virtue and modesty, she does not suppose that the man who approaches her, and speaks of love, means anything but honourable, virtuous love. You will ask yourselves, gentlemen, whether a lady who yields to the embraces of a man who spoke of honourable love, and with whom she had been in correspondence, even if marriage was not, as he says, spoken of, might not think that the man who approached her as he did, and spoke of love and affection, did intend marriage. Gentlemen, it is all-important that when there is a conflict of evidence, we should look at the contemporaneous documents that are available in the case, to ascertain if we can, what was passing in their minds at the time The first letter after that interview was one written by Major Yelverton who was at the time about to return home from the Crimea. In that letter he addresses her as "My dear Theresa," and gives her a description of the movements of the war. He says—

"CARISSIMA THERESA MIA,—I have not even been sufficiently in danger of wounds, &c., to gain any more of the bubble reputation. I only just arrived in camp in time to see the French flag hoisted on what the Russians acknowledged as the key of the long-disputed south side, by burning, blowing up, and departing that night; and a grand scene they made for us, become spectators by the failure of our troops on the Redan. Our engineers had not kept pace with the French, and were not ready for the assault, there still remaining 100 yards of open ground which ought to have been traversed in safety by help of a ditch. All the honour and glory is therefore to the French and Russians. We have therefore lost our occupation, as our duty was to have been entirely in the trenches, and have been sent down to Balaklava to put on board ship all that remains serviceable of our guns, shot, &c. No attempt is intended, evidently, on the north side, this year, and we shall probably winter where we are. I have managed to get the ague, and feel as weak, helpless, and irritable as a baby might; but I am getting well, and am sorry the post goes to-day, and I must write to you, as next mail my letter would be all different. I have already missed two mails, one by our change down here, and the last by this most exasperating shivering complaint. I only received one of your letters in the care of Major Chernside, and one when I came here. It was a curious mistake about the Transit steamer. She and her bad machinery have exercised an influence on my fate and future, either in retarding my advance in *reputation*, or in saving my limbs of life—who knows which? Who cares? Addio Carissima. Penso a te.

"CARLO."

Then follows a letter from her, in which she speaks of one from him having been opened and read by some person, and that scandalous tongues had coupled their names together, and made the most of it,

so far that some one wrote to the supérieure to warn her, and that she must either give him up or explain to the supérieure their relative position. She goes on:—"Now, I must either give you up or explain to the supérieure our relative position. In the first place, I should become a Sister directly; in the latter, I fear she will not keep me, and where on earth to go to I do not know, until Alcide comes, and he will get such a version of the affair from Madame, that he will think I have been dreadfully imprudent; and yet, if we are ever to be all to each other, and fate keeps us apart, we must have some means of knowing each other. I never could write to you again with any degree of confidence. I tremble at every word. However, I can trust you, come what may. Pray, write me directly, and tell what you think I had better do,—find out the author of the mischief, or treat the matter with the contempt it deserves; for when the person is base enough to open and read a letter, in my opinion they would be guilty of anything bad enough. I never could sufficiently express my contempt of such meanness. I cannot in the least remember what I wrote, but I suppose the usual amount of unreflected nonsense. Pray excuse this. I am really wretched about it; a woman is so totally at the mercy of any wretch who chooses to be base enough to calumniate her. Addio." As I understand the sense of this letter, she alludes to the engagement which had taken place between them—that he had declared his love, his honourable attachment to her, and proposed marriage, but that no definite time had been fixed for it. His answer to that letter is this:—"Carissima Theresa mia,—I'm so sorry you are in a dilemma, if you dislike it, but I've been in one ever since I can recollect. If you can find out one of the male sex who has given you pain by any conjunction of our names, I'll make a point of getting leave to go down and fight him, as we are quite idle in that way here. . . . . As I conceive it would be quite an impossibility to define our indefinable relative position, I see nothing you can do better than ask who wrote to the superioress and demand explanation from that individual; if anonymous, it can be safely treated with contempt. I do not promise to be a good guide as to the right and wrong, as so called in the parlance of a scandalous society; but I will break a lance or argue with [part of the letter cut out here] any reasonable individual—upholding against all comers or challengers that you (or I, as concerns you) have done no wrong." He concludes by saying, "So don't trust me more than is the due, I hope, of a chivalrous savage. Addio—Write soon; write boldly all you think or feel. *Penso à te.*"

Then, there are other letters, but these, I believe, are all that it is necessary to refer to on this part of the case. These are, in fact, all the letters that passed between them at that period, with the exception of one, in which she writes, "In truth, I am not friends with you, Mr. Carlo, and you shall never sit on my divan again until you fulfil the promise better that you made there. I don't care so much about you now, for I have got another!—a little Carlo with whom I am quite enchanted. It required all my diplomacy to get it—such an unlocking and locking up every night—such long happy chats until my lamp goes out! I hope that fellow standing up in top boots will not betray us." The meaning of this, one would have thought, was that she had got a new lover, but the explanation she gave is, that it was a photographic likeness of the man she loved. This correspondence is only material as showing what was passing in the mind of Yelverton himself, that she considered him in the light of an honourable accepted lover, though no time was fixed for their marriage. It is for you to say whether those letters bear out the view of the case that has been presented on her behalf. The correspondence goes on in this way for some time, and I think it was in the month of February, 1856, that this lady went from Galata to the house of Madame Straubenzee, the previous interview having taken place in October, an interval of four months. The parties differ very much in their account of the relationship that existed between them during that visit at Madame Straubenzee's. It appears that General Straubenzee commanded a brigade in the Crimea. He was a man whom Major Yelverton says it was his honour to be acquainted with. He had a wife—a woman, as far as we can judge from the evidence here, which, of course, is the only thing that we can take into consideration, for we are not at liberty to refer to our personal knowledge or recollection of that lady—but she was, at all events, a devoted wife and an honourable woman. She was a woman who followed her husband,—her honourable and her loved husband,—through the dangers of that campaign; she was a woman, who, during a portion of that campaign, and at the very time, I believe, that this gentleman paid his first visit to Galata, was an inmate of the hospital, as appears from some of the letters; but it appears that her desire and her wish was, that if her husband should be in danger, his wife should be his nurse, and accordingly she followed him to the camp, and became the respected inmate of her husband's hut. It appears that Mrs. Straubenzee had formed an acquaintance with Miss Longworth. It appears, also, from some of the letters, that Mrs. Straubenzee was in some way or other—though not, perhaps to the full extent that Miss Longworth represented—aware of the acquaintance between her and Major Yelverton; and there can be no doubt that she invited this young lady to visit her at her hut. Perhaps we might not be very far wrong in believing that Mrs. Straubenzee may have been in some degree influenced in giving that invitation by a belief that an honourable attachment existed between the parties; for I believe that if an honourable attachment exists between a young woman and a man who is looked upon as her future husband, there is no objection or unwillingness displayed on the part of the young lady to go under honourable and safe protection into the neighbourhood of that young man. Therefore I do not doubt that in her visit to the Crimea this young lady was influenced by the wish of meeting there the object of her love; and up to that time there can be no doubt that nothing had passed between this couple that could have induced the lady to have looked on him in any light except that of an honourable admirer and an honourable lover. That she loved him as women, honourable women, love the objects of their choice, I believe this correspondence shows. I believe, whatever change may have come over this woman afterwards—it will be altogether for you to say whether there did or not—at this time she was influenced by as pure

a flame as ever existed in the mind of a woman. It appears that, from some cause or other, if we are to give credit to his own evidence, he at that time harboured with respect to her a dishonourable design, I hope it was a sense of virtue that kept him from visiting this lady for a fortnight after her arrival at Mrs. Straubenzee's; and I wish, if his purpose was what he has avowed, that he had continued to abstain from visiting her. However, it appears that after ten days or a fortnight he became a constant visitor at the hut of General Straubenzee. The inmates were Mrs. Straubenzee and Maria Theresa Longworth. Maria Theresa Longworth says: "He visited as my accepted lover. Madame Straubenzee was perfectly aware of all this, and she made opportunities for our being alone, which she would not have done if she did not know the relation in which we stood." But she says that during this interval he told her such were his circumstances, and such his position, particularly in relation to his uncle, to whom he was under many compliments, that he could not marry unless he got a fortune to pay his debts, and that, therefore, the undefined relation that had previously existed between them should cease. She says "I told him if that were so, we should part," and that aught dishonourable during these visits or conversations was never suggested. She says he was her honourable accepted lover, but still that his circumstances were such that marriage could not then take place. That when he told her about his circumstances she said, "There, in God's name, let us part—visit me no more;" but that, to her great surprise, he visited her the same evening. At that time, in consequence of the presence of the General, she had no opportunity of speaking to him; but he continued his visits, and in some few days after she asked him why he continued to come. According to her evidence he said:—"Because I cannot help it; because I cannot stay away; because I must be alongside you." But she says a dishonourable, or any proposition that would disgrace this man, or that would make his conduct, not merely towards her, but towards a virtuous married woman, an insult, never escaped the defendant's lips. But, gentlemen, that is not the account Major Yelverton gives of this interview. He says he explained to her plainly and distinctly that such was his situation, marriage was out of the question either then or at any other time; that he was aware of her property being merely an annuity, and that she had no bulk sum, and therefore told her marriage was out of the question. But he has sworn, and, therefore, it is evidence for you, that he violated the house of a general officer, that he abused the liberty he got of entering that house by in express terms proposing to this woman to become his mistress. This is not the case of a man being near a woman, and being suddenly carried away by passion, and taking liberties with her. But, upon his evidence, this case is that of a man coolly and deliberately, as a matter of bargain, proposing to a woman who had not fallen to become his mistress. It appears to me, though sworn to, a matter that one can scarcely conceive to occur. We are all, unfortunately, accustomed to what occurs here and elsewhere. We preside at trials—we hear and read of miserable, miserable outcasts of society. We hear and know how they become so—by yielding, in an unguarded moment, to the illicit embraces of a man who either professes or feels love. But that to a virtuous, honourable woman a man should bring himself to make such a proposition in cool, calculating blood and mind, I cannot understand. However, that is the case of the defendant, and it is a case which I feel it my bounden duty to leave to you upon all the evidence of the man himself, because there is no doubt that if this woman, with her eyes open, no matter by what feeling or passion she was influenced—no matter how pure and uncontaminated she had been before—if she, in cool blood, chose to accept, as a matter of contract and bargain, the proposal of the man that she was to become his mistress, and if, in pursuance of that vile bargain, all the other matters stated in this case occurred, that fact will very materially influence your verdict. Therefore, of course, I leave it to you upon the positive evidence of Major Yelverton that such was his proposition—not at all implied, not at all, but his plain deliberate proposition to the woman, and a proposition to which she, if not verbally, virtually assented. Upon this part of the case we are confined to the oral evidence of the parties themselves, for while both were in the Crimea there were no letters. But what subsequently occurred may afford some clue as to the nature of that interview at General Straubenzee's, and assist us in deciding where truth or falsehood was in the evidence on the subject. It appears that on a Saturday at the latter end of March, or probably very early in April, 1853, this lady was returning to Constantinople by steamer from Balaklava, and that General Straubenzee and his relative Captain Straubenzee accompanied her on a car from the general's hut, some seven or eight miles, to the steamer. I think it appears from subsequent letters, that during that excursion or short journey to Balaklava, Major Yelverton sat on the side of the car with Miss Longworth; and Major Yelverton says that it was arranged between them that as soon as they got rid of the Straubenzees, after leaving her aboard, he was to return to the vessel. No doubt, he says that, and I am not aware that she was asked about the matter.

Sergeant Sullivan—She says, my lord, that he came back unexpectedly, pretending that he forgot something.

Chief Justice—At all events, there is no doubt that she took leave of him and the two Straubenzees, and that having deposited her there, he returned on board. It was then about eight or nine o'clock in the evening. The vessel was not to sail until daybreak the following morning. There were very few passengers on board, and when he returned they sat together on the poop of the vessel, which, to a certain extent, was a private place, there not being many people going backward or forward. He says he put his arm round her waist. She says he sat beside her, that he went upon his knees to her, and urged her to consent to a marriage in the church of Balaklava, which was then in their view, and that he made similar propositions to her within sight of Constantinople; but she says that she rejected them, and refused him, and, as I understand, that nothing would suit her ideas of a marriage unless a regular one, celebrated at a church belonging to the communion of which she was a member, the Roman Catholic Church; but she also swears that no indelicate proceeding took place.

He says that then a scene occurred, which I shall not advert to further than to say that it was of as indecent a character as one could well conceive. At the same time he swears positively that it did occur, and that, as well as I could understand, there was no unwillingness on the part of the lady, but that it was interrupted by one of the sailors, and that it was for want of opportunity he did not effect his object. There can be no doubt, if that be true, if this woman was a willing party to the proceeding on that occasion, and that that proceeding occurred, it would be very strong evidence to show that there was some foundation for the assertion that she had previously consented to become on a future occasion his mistress. She, however, says on her oath that no such thing occurred. She says he went on his knees to her, not for a dishonourable, but for an honourable purpose—to endeavour to persuade her to become his wife, and be married by a priest of the Greek Church; that she refused; that they went to the cabin, where she left him chatting with the captain and the doctor; that she retired to her own cabin; and that in the morning she saw his figure in the cabin, she being then half asleep, and that he kissed her, but that most positively nothing of an immodest or indecent character occurred between them. She went to Galata, and it is said she wrote a certain letter, and, no doubt, that letter is a matter for your careful consideration, relied on, as it has been, by the able counsel for Major Yelverton. Whether it corroborates his or her statement of the transaction it is for you to say. I will not take a single passage of that letter. I think it fairer to both parties to read it fully for you. She has sworn here that marriage was fixed on between them, but that owing to his pecuniary difficulties it was postponed, and no time fixed for it to take place. He said—"True, I spoke to her of my affairs, but it was only with a view to show that marriage was an impossibility," and that the relationship proposed was that of keeper, or protector, to use a more polished phrase, and mistress; and that as protector he endeavoured, though ineffectually, to have a part performance of the engagement that was entered into between them. Now this is the letter, all of which I think it right to read to you:—

"This time last Saturday night, Carlo mio, was our *second* steamer scene. God grant the third be not far distant, and the consummation of all! What a most eccentric phenomenon that our destiny should hang by a steamboat. Did I go to sleep and dream it—that you watched over me all night, for in the grey dawn I woke and thought I saw you? Nay, more! Or did you wake me as did Diana Endymion in the grove? Things have turned out different from what I anticipated; you would never find me now though you hunted the world over for me. I arrived safely at Galata; the good Sœurs were delighted to see me—notre mère much surprised (and overjoyed; she had heard that I was gone to the Crimea, and of course had given me up as a lost sheep. She was very affectionate; we conversed for a little while, when suddenly a thought struck her (the clever little thing)—she guessed you would know where I was coming to, and might follow me; so she said, 'Oh! ma chere enfant, vous ne pouvez pas rester ici un instant!' 'What is the matter?' I said. 'We have got the peste in the house, as in all the hospitals, and I will not sacrifice your young life, you who have been so devoted, and of whom we have such great hopes.' I replied, 'But you know I don't fear infection in the least, and don't care a fig for my life—it is a burden to me.' I felt at the moment that the plague would be a blessing to make a finale. She read my wretched thought, and said anxiously, 'You have given him up?' I wanted to say *yes*, but the word seemed to choke me—my teeth got very fast together, and I could not utter a syllable. She then sent for le Père Borè, who is the head of all—a species of Jesuit, who has never ceased to endeavour to get an influence over me, which, I suppose, he will eventually succeed in, as he is very clever and very kind to me. To his charge I was committed, and he has placed me here in a kind of little Eden—the loveliest spot in the world, shut in by mountains on every side, except where I just get a beautiful peep of the Bosphorus. Such a delicious little nook never was, and only wants *somebody* to make it *paradise*. Eve herself could not enjoy it alone, but here it is solitudino; no one but the Padre, who, when he does not lecture me, is very agreeable. Why should he always be scolding, and yet ever so kind and thoughtful to me? He is a very superior man—a good man, but frightfully strict and severe; perhaps he feels sorry for me, that he takes so much interest in me. Oh! if the Pole only knew of my retreat, wouldn't he steal me away? I saw him for a minute only; he was under the impression that I was going to Monastir, and was much inclined to go *too,—for the shooting, no doubt.* Well, if he goes now, he will miss his mark, I think. I sleep under the plaid every night—it gives me pleasant dreams, and makes me so happy; but I am quite afraid of your being without it. How stupid of me not to think of giving you mine to replace it. I do not know in the least how I am to get this to you, but I cannot help writing, *et je guetterai pour une occasion.* I shall always be looking out for your ship. I fancy I can distinguish artillery even at such a distance. You must pass *mon petit nid* on your road to Constan. It is on the European side of the Bosphorus, some little way from an old castle, and is called Bebek. Such lovely walks, and quiet nooks and corners!—such picturesque bits for sketching, and such a romantic *well* to drown one's self, if necessary! I am getting quite sanguine about the money difficulty, if you will only trust me, far less than I have been and am willing to trust you; I feel persuaded I can manage it; women have far more ingenuity and resource than men. I have written to my sister all about it, and I am sure she will find a way out of the labyrinth for us, when she finds I will not go alone; besides, by Bellamy's last accounts, there is every prospect of our doubling our income in two or three years. In the meantime, Alcide, who was here still when I arrived, offered me £100 a-year if I would go with him and be his secretary, write his despatches, and read up the Blue Book. This occupation would just suit me, and there I should not *be able* to spend sixpence. Now, supposing you break through your bond with your uncle, which he has no moral right to impose upon you, for it is tantamount to placing you on the high road to ruin. Any just man would pronounce it unrighteous and iniquitous, and the non-fulfilment can leave no stain on your honour or conscience.

Nevertheless, you are bound to pay your just debt to him, which we could do in time. I suppose there would be the original debt, the yearly premium on the life policy, and the interest on the premium. The policy could be sold, if he does not wish to keep it, and, had this been done before the peace, would have brought much more. We could soon pay the original debt—and surely he would wait a little, and not proceed to extremities? But even in that case, you would only have to go out of the country—they would stop your pay. I should go and live with my friends, and require no funds. After all, it would come nearly to the same, whether you lived on your own and gave up mine, or lived on mine and gave up your own; both would entail temporary separation; but I would teach you to trust me, and then we should not be too unhappy. That you will think seriously of this I know; but I want to ask you, Carlo mio, in the name of the few short, happy hours we have spent together, to make me the confidante of your thoughts, as you would were I *assez heureuse* to be near enough to read in your heart. Then you have appeared to be frank enough, and the delight of sympathy is to share everything good or bad; and as I know the length, depth, and breadth of your wickedness now, you need have no fear of losing my good opinion—*comprenez-vous?* To-day I have been running about, and have found the bank of violettes you were sighing for the other night, entirely closed in by verdure; it overhangs the sea, impervious to human eye or ear; only the nightingale above would melodise our thoughts, too deep and sacred for mortal words to tell. I send you some of the violettes, charged with much that you might claim, if in their native bower; nequanto fludi ha il mare im tanto baci baci arresti vi che tertto a prato.

"I cannot at all imagine by what strange transition you have arrived at your present state of feeling towards me. It is the very last that I should ever have contemplated inspiring, and so opposite to my idealization of you. The glimpse you had of me four years ago could not have produced such an effect; or supposing it to be so, it must have long since died a natural death. Our correspondence ought to have generated in you, as in me, esteem, admiration, affectionate trust and confidence, idealized ethereal love,—a love to live or to die for,—a little Platonic at first, but finally becoming the elixir par excellence of life. You might be in love with a Turkess, instead of an over-spiritualized Englishwoman. I could easily comprehend that great external attractions might have operated on your sense of the beautiful, &c.; and being of inflammable temperament (which, in spite of your apparent coldness and stoicism, I think you must be), you might take fire. But nature has not endowed me with physical beauty calculated to excite such sentiments. I have not a feature that will bear inspection,—no eyes, but when the soul speaks through them—and no one would ever look at me a second time, were it not for the contents,—not the casket itself. On this I rely, not only to gain (if I have a chance), but to keep your affections. However, by this time, you have, no doubt, come to your more sober senses, and I must forgive you your madness and folly this time, aye, a thousand times, if necessary, but you must,—you will eventually,—become all my heart's desire. The strongest and most prominent point of my character is the extreme tenacity of purpose,—and I may say the incapacity to relinquish an object once fairly sought. No obstacle daunts—no sacrifice appals me—no means, however trivial, escape me, and struggle only augments my courage. When animated by a one idea, I can win my way with any one, and have, under these circumstances, made the most unpromising people do the most unlikely things; but it is seldom I get roused to this energy; I am usually very quiet and harmless, and too yielding.

"When you write me, will you, je t'en prie, write from your heart, and not those indifferent icicle letters which have cost me such bitter moments, and utterly failed in their purpose of alienating me? I can never feel indifferently towards you, so you might as well be a little kind, and now you have betrayed yourself too far ever to think of cheating me again. Will you ever have patience to wade through all this? I lost my knife in the Crimea, and cannot mend my pen. Your letters are unfortuuate love tokens."

Her construction of it is, that it is a figurative and fanciful expression, pointing to the joy in store for them when they were honourably married. You will have to consider which construction is the more natural one. Not but that, supposing you should come to the conclusion that after she had accepted his proposition to marry, he, relying on that acceptance, had attempted to take a liberty and degrade his wife, there is nothing in that which would disqualify them afterwards from honourably contracting marriage, though in that case there would be a good deal in it to take away from the veracity of the lady, and to set up his veracity in contradiction of hers. However, gentlemen, of that important letter you are better judges than I am, and I leave it for you to say which of the constructions you are disposed to adopt. There are other letters which I think very material, immediately following her return from the Crimea, because, of course, if this engagement for marriage took place, as she says, it did so in the Crimea. If, on the contrary, it was the other proposition that was made, it was made there also; and, therefore, it is most material to see the other letters that passed immediately after. I now ask your attention to letter No. 45. In it she says:—I brought away your *why* with me,—it suggests a great many *whys* to my mind. Why do I feel an absolute necessity to communicate to you all that happens to me. I have heard of such circumstances having occurred as Major Yelverton states, but I do not know whether he spoke from the personal experience of himself or his friends, when he said that often the kindest and most tender-hearted women are mistresses. There is nothing impossible in the statement that, though such was the relationship which, as he says, was to subsist between them, she was also to give him, as she proposed, all her property to pay off his debts so far as it would go. You will, on the other hand, have to consider whether the relationship was not to be that of man and wife, and whether such is not more consistent with the proposition to give up her all. If the proposition was to become his mistress, it was to be carried out by a separation in the first instance, in order that she might earn a salary of 100*l.* a year in writing up the blue books. One

can understand the possibility, but at least the improbability of such an arrangement. Now, gentlemen, that is for you and not for me. The learned and able counsel who last addressed you for the defendant insists that the allusion to Major Yelverton sighing for the bank of violets is an allusion to the indecent attempt to take improper liberties with her on board the Balaklava steamer. That is, "there may be some family considerations to prevent you from taking me as your wife," as the one party represents, or, as the other party says, "to prevent you from becoming my mistress." There is another letter, written on the 6th of May, in which she writes to him in these terms:—

"You are like a child who has pulled a watch to pieces and cannot put it together again, and, fearing to ask assistance, throws it away and tries to forget the mischief done. You meddle with the human heart without knowing the depth, strength, or the complicated machinery contained therein,—you pull out feelings which your utmost endeavour cannot replace. You did not know the strength of hope or the length of patience of a woman's heart, and now you want to throw it away and forget you ever played with it. Do so, mio bene, if you think you can forget; believe me, it would be no pleasure to me to know you miserable if I may not make you happy. Sometimes I feel quite resigned to my fate. God knows best, but I have always been unfortunate—always a hard suffering life. I dreamed it was about to change, but it is only for another form of suffering. I trust, dear Carlo, that this little experience will not tend to make you reckless or hardened—but, on the contrary, more charitable and compassionate; and if you become a better and a wiser man, I shall not regret what it has cost me. Your silence causes me the deepest pain. I know why you do it—you think to estrange yourself from me by degrees, but that is useless. It does not answer me: it must be done d'un seul coup. Tell me not to write you any more; that will be sufficient. I conclude you will not entertain any of my plans. I have another which may gratify your wishes and satisfy my conscience; but, I have not now the courage to propose it. Do not keep me in this death struggle—put an end to it at once. I cannot bear to give you an instant's pain unnecessarily, or I should leave Paris now, je suis à tel point." The portion of that which has been relied on by Sergeant Armstrong and Mr. Brewster is:—"I conclude you will not entertain any of my plans. I have another, but I have not now the courage to propose it." Of course the suggestion is, that that means that her conscience would be satisfied without marriage, and that she would grant his wishes without binding him. The suggestion on the other side is, as I understand it, that what she means to propose is a private marriage,—one which would have the sanction of Almighty God, and bind them both, while it exposed her to the consequences of not being before the public his acknowledged wife. It is, of course, for you to say which of the two constructions is the more natural, having regard to the whole context; and whether either of them is consistent with the statement that she was a woman who wanted not a marriage at all,—who, in fact, at that time had submitted to certain liberties, and had, in fact, agreed to be the man's mistress without any ceremony whatever. In the same letter she says:—"I have received a letter from Bellamy which made me laugh. He is a regular lawyer; he argues both sides of the question—he abuses us both—me for thinking that happiness depends upon a certain amount of money, and you for not having that certain amount. He is a sort of Mr. Jarndice, who growls when the wind is in the East—is always doing kind and generous actions, but terribly afraid any one should think so. He says I shall have to become vivandière and you A. D. C., then we shall be provided for by Her Majesty, and he will give me something!! to *wear* (I cannot tell you what), si vous me laisseriez les porter. Finally, he thinks you had better take me to Abergavenny—where Sara will solve the most difficult anti-matrimonial problem ever proposed. Since her own marriage, Bellamy says she cannot rest until she gets every one else into the same scrape. Out of three young ladies staying with them on a visit she has married *two!!* He wants to know if he is to write to ask you to take charge of me home—not telling you, of course, of the man-traps and steel-guns. If you will not go, why then I am to return alone, and as he elegantly expresses, 'be turned off' with some one else instanter,—an Adonis whom he undertakes to produce, with every needful qualification, not omitting craziness, without which he opines I should not consent. 'The best way to get rid of an old love is just to get on with a new.' That is B.'s plan, not mine, I alluded to above." Therefore, it is perfectly plain, whether she was right or wrong, or whether she had mistaken Major Yelverton's intention, that she had communicated something on the subject to Mr. Bellamy. One can hardly say that she would have communicated to him that she was going to be his mistress. The next letter to which I shall refer is one dated Bebek, 20th of July. "In this she says:—"I almost regret that I did not take you at (one) of your words at Balaklava. I was pestered on all sides with half circles—they will not fit—it is of no use, and I shall seek no farther apart from you. I have but one intention—you know it." The question is, what is the meaning of the expression "I regret I did not take you at one of your words?" The meaning put on it by Major Yelverton's counsel is, that she was to go as his mistress. The construction put on it by the other side is, that she regretted that she did not get married in the Greek Church to satisfy her scruples. The next letter is one that has been greatly and very properly relied upon; it is one from him to her, in which he says:—"Cara Teresa mia, the fraternal scheme was a physical impossibility. I dreamed it, and waking found the chivalry was not departed, but superseded. Therefore, as I could not be what you wished, I determined not to persist or continue in a course, &c. . . The effect is that I am here, having come viâ Odessa and the Danube." That is followed by a letter in which there is a dialogue between him and his brain, the substance of which was that he himself was anxious to go to see the lady as he had promised, but that his good sense told him not. Whether that was to avoid a preconceived marriage, or getting into another arrangement which would embarrass him, it will be for you to say when you read the letter. I do not think it necessary to go through other letters at this period, unless counsel require it. There are other letters expressing her anxiety to see him and meet

him. As to this woman being at the time desperately in love with this man, no human being can doubt. As to whether it was an honest, honourable, virtuous flame, or whether it was an unholy one, of course is the matter you are called upon to inquire into. In one of her letters there is a passage in which she says, "My sister is in a dreadful way, and the interpretation of your note is deeply grievous to us." She was asked whether that was not a letter of his in which he said that the idea of marriage should be blotted out. She says not; that the letter was one saying that they were not engaged. In another letter she says—"They are killing me with kindness, but I am only dying of impatience. 'Sei la ben venuta' is turning itself into a thousand summer dreams. Bell says I have been wool-gathering enough since I came here to make a scarlet petticoat. (No impropriety in this since they stalk abroad in open day.) I wonder what you look like now—a civilized animal—and whether I shall like you as well, and whether you will know me in a French bonnet. If you have cut off the moustache, I shan't want to speak to you, and retract all I said in a previous letter about legitimate ways, &c. You tell me my best chance was lost at Balaklava. Good gracious! had I ever a shadow of a chance?" The same question arises as to what was meant by losing the best chance. Observations have been made about letters of his which have not

A DRAWING-ROOM EVENT.

been produced, and which, his counsel say, contain expressions showing at different times kindness and unkindness. I do not believe there are any other letters of any consequence until the arrival of this lady in Edinburgh. Gentlemen, I have referred at very considerable length to the correspondence, because I consider it, as it has been relied upon, as very important. As the key to the transaction which took place at Edinburgh, of course these letters are all-important in the present case. I said before that, as the key to the understanding, or applying, or believing the evidence of what took place in the Crimea, it was necessary to consider the letters that passed between Galata and the Crimea; so as a key to the probability or improbability of the transactions that are said to have occurred in Edinburgh, it is necessary to have the key of the previous correspondence. This gentleman was stationed at Leith. As I have already said, there is no doubt, in my mind at least, that it was because he was stationed at Leith that she went in February, 1857, to pay a visit to Edinburgh. Of that there can be no doubt. Well, then, the question is,—In what relation did they stand immediately before and at that period? Major Yelverton says—"We stood in this relation: the woman had agreed to become my mistress," and, I suppose, had come, in the fulfilment of that contract, to become his mistress in Edinburgh. She, on the contrary, says—"I was at that time an honest, virtuous woman. I had received the honourable addresses of that man. I was aware that there were difficulties of a pecuniary

nature that stood as an obstacle to his marriage with me; but as these obstacles could not be by him removed, we had agreed to a private marriage, which might be kept concealed from his friends, and that therefore we might enjoy the happiness of husband and wife, though keeping it private for the time; and in that position I went to him." Because there is no doubt that there was on the evidence no possible inducement or motive for going except to see Major Yelverton. She had introductions, but no friends in Edinburgh. Do not for a moment think I say, or suggest for a moment, that it necessarily follows that she went because she was anxious to be near a man to whom she expected to be married, and in whom she certainly had centred all her hopes of happiness. You are not to suppose that, if that was the relationship that existed between them, you are necessarily to come to the conclusion that because she went there, I may say alone, she went there for a bad or immoral purpose. Gentlemen, it is of great importance you should consider attentively what did occur in Edinburgh. Upon this part of the case there is very little difference in the parole testimony, except as to one or two matters of enormous importance. There is no doubt she went to Leith, accompanied by Miss M'Farlane, by the consent of her father. Neither is there any doubt that that girl (Miss M'Farlane) was young, honest, honourable, and virtuous. There is no doubt that on Mrs. Yelverton's arrival in Leith she saw Major Yelverton, and was with him for a couple of hours. On the next day she and Miss M'Farlane went to Edinburgh, and took lodgings in the house of a Mrs. Gamble. She had in that house two sitting-rooms and one bed-room, which were jointly occupied by Mrs. Yelverton and Miss M'Farlane. In that house they remained for a period of eight or nine weeks, probably more. Now, what occurred during that period? Except upon two or three occasions that they went out on horseback together, no going about occurred between them, and nothing dishonourable occurred between them, certainly not to the knowledge of Miss M'Farlane. You are to consider whether the conduct of the parties during those seven or eight weeks is consistent with the case of the lady or of Major Yelverton here. His statement is that there had been an agreement, either expressed or implied, entered into in the Crimea, that she should come and throw herself as a wanton into his arms. If that were so, there was no use in bringing with her the witness Miss M'Farlane. On the other hand, it may be said that, though a woman may be willing to intrigue, she will have regard to decency, and not do so publicly. We all know there are women who will intrigue in the darkness and secrecy of vice, but who will not intrude themselves in their true character in public, as they would then become the outcasts of society. Major Yelverton's case is, that for that purpose she came to Scotland, and that she did so in order that he might carry out a design he first conceived in the convent or hospital of Galata, under the roof of a house dedicated to charity. That was his object, he says, in the intercourse he had with her. It may have been his object. He was a daily visitor, and that he had an object, honourable or dishonourable, is plain. He told us here that the reason he went home from the Crimea by the *Danube* was, that he feared proximity with her; but in Edinburgh he saw her from day to day. That the woman who wrote these letters was also anxious to have her desire, whatever it was, attained, there can be no doubt; but the question is, what were those desires? Were they the desires of an unfortunate woman who, though originally virtuous, had allowed this man to attain such an influence over her as to make her ready to sacrifice position, station, honour, life here, and, possibly, life hereafter, for his sake? The question is, With the representation of which of the parties is their conduct in Edinburgh most consistent? What occurred? He daily visited at the house, except during the few days that he was ill. Miss M'Farlane says that his conduct was that of a suitor—a lover as honourable and respectful as the conduct of a man could be—that, so far as she could perceive, nought but honour escaped his lips, or was to be seen in his conduct. Then the question of course is, was that assumed? It could not be; for the statement of Major Yelverton is, that up to a certain period, the last week of her stay in Edinburgh, nought but honour passed between these parties. If both had concurred at that time in dishonour, if this woman had agreed in the Crimea to become the mistress of this man, unless that Heaven suggested to her in the mean time to falter in the resolution she had taken, then, even though Miss M'Farlane was there, they could have made opportunity for carrying on their purpose day after day during the entire of that period. There being but three in the party, there would not have been the least difficulty, for they could easily have got Miss M'Farlane away for a couple of hours. It would be totally different if Miss Longworth was a young girl stopping with her mother or her aunt, or any other protectress. Of course, while stopping with Lady Straubenzee, no matter how bad their intentions, they could have had no opportunity of gratifying their criminal desires. It was, however, very different during her visit to Edinburgh; but there a transaction occurred, and it appears to me to be a singular and extraordinary coincidence that the date she lays for the ceremony he lays for a very different proceeding. The lady, Miss Longworth, as she then was, alleges that about the 10th or 11th of April, eight or ten days before she left Edinburgh, the gentleman, in following up a course which he had frequently pursued previously, was anxious that they should celebrate a Scotch marriage. She says that frequently before, while in Edinburgh, he had pressed the same thing; that he told her that, according to the law of Scotland, all that was required to constitute a marriage was to take each other as man and wife, and to go to a hotel and live as such; that on one of those occasions he took up a prayer-book belonging to Miss M'Farlane, who was not in the room at the time, and read the marriage service according to the ritual of the Church of England; that she also repeated it, and having done so, he embraced her, kissed her, took her in his arms, and said, "Now you are my wife, and I am your husband." She says that that ceremony having been performed, he wanted to enjoy the rights that it conferred upon him, but that she refused, saying that, whatever the law of Scotland might be, she considered marriage a sacrament, that to yield would be to live in a state of sin, and, therefore, that she declined. That is the substance of the account she gave of the transaction. She says that just upon the occasion of this being done, she said to Miss M'Farlane, who was in the adjoining room,

—the bed-room, I suppose—"We have married each other." Miss M'Farlane does not corroborate that statement, because she was asked was Major Yelverton present at whatever was said, and as he was not, it could not be received in evidence; and, therefore, this statement, if there be nothing else in the case, is merely dependent upon the evidence of the lady herself. On the other hand, Major Yelverton says that no such thing occurred. "It is true," he says, "we may have been talking, and on one occasion did talk, about a Scotch marriage, and that an Act of Parliament had been recently introduced for the purpose of doing away with Border marriages." No doubt they did talk on the subject of Scotch marriages, but he says that he never intended to go through such a ceremony, and, that he ever read the service, as alleged by her, is utterly untrue. Instead of that, he says that a scene very different indeed did occur between them at the time she says the marriage took place. He says that one day Miss M'Farlane was out, and that sitting together on the sofa, he for the first time effected the object of his wishes conceived in Galata; and he says that she was an unobjecting, consenting, and willing party. It does not appear according to his evidence that anything further occurred during the week or ten days that she remained. She says that one reason and the principal reason she left Edinburgh was that this gentleman, in consequence of the Scotch marriage, whenever an opportunity offered, was always teasing her to live with him as his wife, and that she considered it would be sinful. That, of course, directly contradicts everything that this man has said about her. Of course, gentlemen, it will be for you to say upon this all-important part of the case, which of these parties you believe, and you will have to ask yourselves whether this improper intercourse, as spoken of by him, or this ceremony, as spoken of by her—and which of them—took place. On this part you have no evidence except her statement as to the actual occurrence within the room. You will next ask yourselves whether these circumstances deposed to took place in that room. I need not tell you that, if it so happened that both parties were telling the truth on this occasion to this extent, that the ceremony took place, and that the purity of that ceremony was afterwards conceded, though it would detract from the veracity of Major Yelverton and not Miss Longworth, it would not, in the slightest degree, detract from the validity of the ceremony, provided it occurred. It would rather be corroborative of it. But of course there is this difficulty in the case, that if you come to the conclusion that Theresa Longworth has sworn falsely when she swore that she left Edinburgh a virtuous, undefiled woman, it would be very hard for you to believe any portion of her statement. On the other hand, if you disbelieve this man, Major Yelverton, that he defiled her upon that occasion, and if you come to the conclusion that he did not, and that he has deliberately and wilfully sworn falsely, upon the same ground of argument that would make you disbelieve him in the one way, equally if you disbelieve him in the other. Therefore, it is in the consideration of the evidence you will have to determine in your mind from all the facts and circumstances of the case which of the two you believe. However, gentlemen, that is all for you; it is not for me, nor do I mean, in any observations that I may make on this part of the case, when we come to contradictions in the parole evidence, to suggest to you what is passing in my mind. That would be, in a case like this, utterly inconsistent with the duty which, whatever my feelings are, I trust I shall discharge to the best of my ability. I believe that it would not be my duty, as a matter of fact, where witnesses contradict each other, to endeavour in the slightest degree to influence the opinion of the jury. I disdain it, and beg of you, as many of you know me in the discharge of the duty which I fulfil here, that if you think you can detect the slightest expression of opinion on my part on a matter of fact, you will attribute it altogether to an inability to use proper language, because I declare most solemnly my desire is to leave the matter of fact in this case to you, the only legitimate and constitutional tribunal in such cases. (*Murmurs of applause*). Major Yelverton says that, during the ten days she remained in Edinburgh after this occurrence, a repetition of it took place. One certainly can hardly doubt that if the occurrence took place as described by him, and if opportunity offered, and she were a consenting party, it would not be human nature if it were not repeated. It may be said that no opportunity did offer, Miss M'Farlane being in the way; but, on the other hand, if this woman were a consenting party, and if it was a part of the original contract, agreement, and understanding, one can hardly doubt that some opportunity would have been made. However, be that as it may, the case they make is this—that this woman once fell in Edinburgh. It appears, then, upon the evidence, that on the morning that she was about returning to Hull, from Edinburgh, Miss M'Farlane was left in a convent in the neighbourhood of Edinburgh,—some two or three miles,—and that Major Yelverton met her at the steamer. He says he then went with her into the ladies' cabin, and that there was there a repetition of the Edinburgh scene. This lady, on the contrary, says that no such thing occurred, nor any matter at all approaching to it,—that he came into the cabin and chatted with her on the same terms that he had in Edinburgh, as an honourable man. Of course, as I observed, the question for you will be—Whether a Scotch marriage did, in fact, take place. It appears that this lady, within ten days after her alleged defilement, entered into a correspondence, extending from the middle of April to the latter end of July, and that, in pursuance of an arrangement between them, she arrived in Waterford, for the purpose and with the intent of being married by a Roman Catholic priest. In fifteen or sixteen days afterwards a ceremony of marriage in fact took place, performed by a Roman Catholic priest. It appeared that upon that occasion she had communications with the priest; that she conversed with him; and prior to her first marriage she went to what in the Roman Catholic Church is considered a sacrament—she went to confession. After the ceremony in the Roman Catholic church, or chapel, of Kilone, those people went together and lived as man and wife. It appears that after that ceremony they went to the house of the present plaintiff and his wife, Mr. and Mrs. Thelwall. To be sure they are not of gentle blood. They are mere tradespeople, he being an iron-master. He is a respectable man; he is not a man, nor his wife a woman, of gentle blood; but still they are near and dear relatives of this woman. The parties are

THE HOUR OF SUPPLICATION IN BORDEAUX.

received there as man and wife. This is after the Irish marriage, and, therefore, if it stood there and then on nothing else in the case, it would refer probably to the Irish marriage; but this appears not upon the evidence of the woman, but upon the evidence of Mr. Thelwall, the plaintiff here, that in a conversation which Major Yelverton does not recollect, but does not contradict, they were talking of this woman travelling alone on the Continent, and they talked of the possibility, or probability, or danger of her meeting with an accident and losing her life. She said, playfully, on that occasion, in presence of Mr. Thelwall and this man;—"If I should be killed, and if I should die during this journey, I shall be buried where I die, but, of course, you shall come to look after my remains; you will bury me again; you will bury your wife again." I do not know whether she supposed that she would be buried at the burial-place of this man's family, but she said, "You surely will bury me again, and then when this extraordinary circumstance will occur, I shall have been twice baptized, I shall have been *twice married*, and I shall have been twice buried." Did that occur? It depends not upon the evidence of this lady alone, but is also sworn to by Mr. Thelwall. That statement, trivial as it was at that time, is one not unlikely to impress itself upon the memory of a man. Did it occur? Of course it is possible that Mr. Thelwall, the friend of this lady, may have come forward here to depose to that which is not true. But if he deposes to what is true—when was she twice married? Where did the second marriage occur? One marriage took place in the chapel of Kilone. Where did the second marriage occur? Where did this woman get this chimera into her mind? Had she not gone through the marriage for which she had been looking for years—a marriage in her own church in the presence of God and in the presence of a minister of that God? If so, what other marriage did she refer to in that observation made in the presence of the defendant and Mr. Thelwall? If you believe that evidence, it is for you to say what other marriage was alluded to. Was it possible both parties were telling truth, each as to some of the occurrences? Was it possible that the marriage took place as deposed to by the lady, and that in consequence of that marriage, he—partly against the lady's will, enjoyed the rights of a husband on the occasion he alleges? I am aware she swears to the contrary. He says he enjoyed her without any marriage ceremony. You are to inquire did a marriage ceremony take place in April, 1857? If you should come to the conclusion that this is no fancy or delusion, but that a marriage in fact then took place, the next matter for your consideration is whether it was according to the law of Scotland. Upon this part of the case you have to exercise your judgment. I would really wish, as we are so intimately connected with Scotland, that the *onus*

of stating what was the law of Scotland lay upon the judge. But that is not so, and we are obliged to take the Scotch law as we learn it from the advocates examined here. If the ceremony did not take place, there is no question of law, but if it did take place as a matter of fact—if this man took this woman to be his lawful wedded wife, and she accepted him as her husband—if he told her, "Now you are mine in the sight of the living God," who witnesses all our actions—then comes the question, Is she his wife according to the law of Scotland? I confess, as far as I am able to form a very uncertain opinion myself as to the law of Scotland, I rather think there are materials for you to come to a correct conclusion upon that subject. A young man of three years' standing at the bar, but a man of extraordinary cleverness and extraordinary intelligence, and, as far as I can judge, of very great ability (Mr. Lancaster), has been examined for the plantiff, and has given all his evidence with great clearness and precision. He says that, according to the law of Scotland, there are various ways of contracting an irregular marriage. You must know that the only regular marriages celebrated in Scotland are those before clergymen—*in foro ecclesiæ*. According to the common law both of England and Ireland it is necessary, and it is all that is necessary in marriages between Roman Catholics, that a marriage should be celebrated by or with the intervention of a priest in orders. Such is not the law of Scotland.

BIDDING ADIEU IN ITALY.

And when I use the words, "such is not the law of Scotland," I am not to be taken as giving you, from my own judgment, an account of the Scotch law. I am giving it to you from the evidence. Both the advocates agree that the intervention of a clergyman is not necessary in Scotland. They both agree in this, that what is necessary is that there should be a full, perfect, clear, unequivocal—I don't know how many expressions were used (laughter)—but the whole amount of it is this—a clear unambiguous consent of the parties, without reference to a future ceremony, to take each other for man and wife at once. According to Mr. Lancaster, that is all that is required to constitute the parties man and wife in the eye of God, and also in the eye of the Scotch law. But there is this difference between the two advocates. Mr. Pattison says it is necessary that the fact should be proved by one or more witnesses, or by an interchange of writing, showing the taking each other as man and wife. I am not quite certain he went the length of saying that a witness was absolutely necessary.

Mr. Ball, Q.C.—He did say it.

Sergeant Sullivan.—Not ultimately.

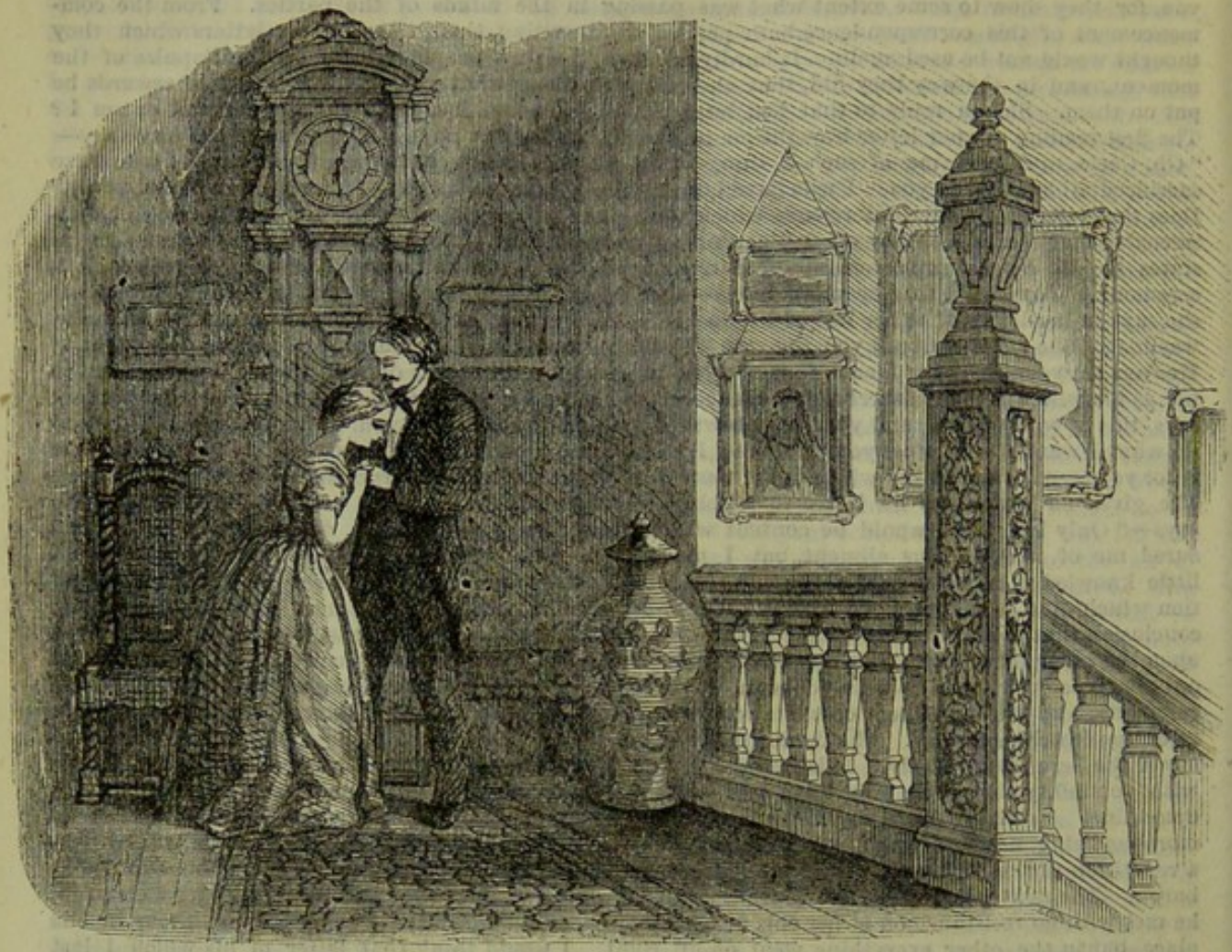
Chief Justice—He did say it was essential there should be a witness actually present. Mr. Lancaster says his senior is mistaken in that. He says, "All that is required is an unequivocal, clear consent, but I deny that if the consent be given and proved, that it is necessary for the validity of the mar-

riage there should be a witness present at the moment the consent is given." His lordship read other passages of Mr. Lancaster's evidence, and continued. It did occur to me that I might give some little assistance on this part of the case, and I asked Mr. Pattison—suppose a man and woman are married by a contract, *per verba de presenti*, that no eye but the eye of God has witnessed the proceeding, that the man dies before he has an opportunity of denying or admitting the marriage, that he dies the day after, intestate, that there is a child, and that the question is between that child and his father's brother as to who is to inherit the property—it occurred to me as pertinent to ask, in such a case, would the evidence of the lady be received to prove that the plaintiff was the born issue of a lawful marriage? In answer to that question which I put to Mr. Pattison, he says he has no recollection of such a case arising, but that it was his opinion that, according to the principles of the Scotch law, if it did arise as to the legitimacy of the child, the wife would be allowed to prove her marriage with the child's father. I also asked both gentlemen whether the fact of the woman refusing *copula* after the marriage would prevent the ceremony being considered a marriage, and they both said not; so he was sure, if the refusal of the *copula* meant that the party did not intend marriage, it would have that effect. One of these learned advocates—Mr. Lancaster—happens to be in some way the counsel for one of the parties; but, as I understand, what he says was, that he was not the permanent counsel, but that he merely held a brief temporarily during the illness of a friend, who is counsel in the case. Perhaps, it would have been just as well if he was not engaged in the case at all; but I confess I cannot think that a young man who, I hope and trust, is in the way of advancement in his profession, would be influenced by any considerations of that sort in giving evidence which he did not believe to be true. But, like everything else that is to be taken by you into your consideration, you will tell me whether, in this case, you are of opinion that the marriage was celebrated according to the law of Scotland or not—that is, of course, assuming you believe the lady, that it was in fact celebrated. You must decide as to the existence of the Scotch marriage upon the credit you give to the lady herself. I really wish the Legislature would interfere to regulate these Scotch marriages, because they certainly leave us here in a great mess of confusion. We really don't know what to make of them. But then it may be said, if persons don't take the trouble of having witnesses, it is their own fault. It may be asked why Miss M'Farlane was not asked to be present at this Scotch marriage. No doubt, it is a very fair observation to be made, and it is a matter for your consideration; because there is no doubt, if the parties chose they might have had her as a witness to the ceremony, and the only answer that could be given to that observation is, that Major Yelverton did not want a witness—that he had been inquiring into Scotch law—that he knew something about it, and that if the witness was not had it was merely for the purpose of having the ceremony a marriage or not, just as he liked. On the other hand, it may be said, "It is a very odd thing that you had not your friend present at the ceremony if you wished to contract a marriage." It is for you, on the evidence, to say whether there was or was not a ceremony of marriage in Scotland. And now we must consider what occurred subsequently to the period of her leaving Scotland and going to Hull, when a large number of letters passed between them. There is this letter, not in pencil:—"*Carissima*—I had forgotten the photograph. I depart to the other side of the water to-morrow, *D. v.* I hope you had a pleasant passage and dreams. I am sulky, hate uncertainties, and believe in nothing—*Addio, penso a te.*" There is a little hand put here which he says he does not think is his. Her evidence is, that it came with the letter, and also a sketch. Well, then, gentlemen, be that as it may, the letter was received on a Thursday, and then she writes:—"I am like unto the woman in the Gospel, troubled about many things, troubled not to see you with the unspeakable longings for an absent loved one, in doubts and fears about the durability of requitement." It is suggested by Mr. Armstrong that this meant requitement for lost honour and virtue. She says, "Having bound myself to you by a Scotch marriage, which though it binds me to you, does not bind my conscience." The letter goes on to say—"Misgivings lest the ardency of attachment was merely the effect of proximity—lest a two months' trial will not prove it emptiness." It was in this letter that she spoke about his deceiving her again, that her physical power would give way. Does that mean that she was deceived by his taking possession of her honour? She says not, that what she alluded to was her marriage. Then there comes a portion of a letter from Major Yelverton to her. There is some doubt between the parties as to what part of the correspondence this belongs to. He says—"You shall have a lump of sugar after it, especially if you do not make too many ugly faces, and cry for it like a naughty little girl." In answering this letter, she says—"Conventionality is *not* the question between us. I dislike every shadow of it as much as yourself—my whole life, you know, has been a protest against it, and in my relations with you it has never yet been brought to bear or wished for." I now come to the letter in which she enclosed the cards of Mr. and Mrs. Shears. He wrote to her, "Cara Teresa—Excuse me for continuing (for this one time more) the old style of address in part. I congratulate you on the step you have taken most sincerely as the most likely course to render your future life a contented one." When he wrote that letter he must, I suppose, have believed that she had married Mr. Shears; and he asks her to give him a place in her prayers—that he would always act towards her as a sincere friend—that he rejoiced to hear of the marriage, because he found himself in a false position, namely, that he promised to do more than he could perform when the time came. On the intention meant in this letter there is a controversy between the parties. It is suggested on his behalf that he believed she was married, and that he rejoiced at it, because he had made her a promise that he could not perform, namely, to take her under his protection as his mistress, or, as she says, to marry her in the Roman Catholic church. The question for you to consider is, what was his intention as shown by that letter; but it has not much to say to the matter, as, if they were married in Edinburgh, this letter could not unmarry them. It is very legitimate for you to consider whether or not the marriage took place in Edinburgh. In doing this these letters will assist

you, for they show to some extent what was passing in the minds of the parties. From the commencement of this correspondence both parties were writing their thoughts in letters which they thought would not be used again. It hardly occurs to me that people writing on the impulse of the moment, and in the way they did, that they were thinking what construction would afterwards be put on them. She, in reply to that last letter which I read of his, says—"Are you mad or am I? The first reading of your letter brought me to a stop mental and physical," and she goes on to say—"Oh, Carlo, to suspect me of such a thing—I whose very life is ebbing away for you—I who have sacrificed all but God to you. I who have lain at your heart and in sight of heaven been called yours." Does that refer to an illicit intercourse which took place either on board the steamer, to an illicit intercourse that occurred in any other place, or is it possible that if this man defiled this woman, as he states he did before any ceremony of marriage, that he would subsequently have gone through a ceremony. Would not this be more likely—that he referred to marriage, taking into account what she says in her letter, that her locked her to his heart, and that he called Heaven to witness that she was his? She says—"Could you imagine it—I who have lain at your heart and in the sight of Heaven am yours." That means that everything which occurred was done in the sight of Heaven to her as his wife. She says there was a Scotch marriage, and it was to this she referred. She further says, this is your promise and your duty towards me—this binds me to you, but if you do not wish to do what I want, I will press you no more; I will go into a convent and never trouble you more." It is for you, gentlemen, to say which is the more forcible, or natural construction to put on the matter. She gives an answer to his letter in which he says he will become her respectful friend, and she says—"Only imagine I would be content with Shears after loving such a dear Carlo as you. You cured me of a dangerous ailment, but I must know whether it is applicable to this matter. A little knowledge is a dangerous thing." No doubt the expression there is open to the construction which has been put upon it. A little knowledge of sexual intercourse. If you come to the conclusion that is so, you must make your mind clear that such intercourse had taken place, or if, upon the other hand, you think there is clear evidence of the existence of such a ceremony, you must only balance both sides as best you can. You must say whether both of these things—namely, the ceremony, and the subsequent cohabitation took place—whether he had intercourse with this woman after the Scotch ceremony. She denies that she has placed herself in this position. It is for you to say if she here swore falsely. It is impossible that both have sworn the entire truth. It is consistent with possibility that each may have told some truth—how much it is for you, and you alone, to determine. You have heard Sergeant Armstrong's comments on the letter, where she speaks of no more poetizing, no more walking on the deck, no——. He contends that what she then wanted was a repetition of this intimacy, which, he says, occurred both on board the steamer and once in Edinburgh. The next point is relative to what occurred on the steamboat. According to Major Yelverton, he met with no resistance on either this or the other occasion. He says a sailor stopped them in one place, but in the other everything went on all right. I would think that letter of his which I last read was written in reference to the first steamboat scene, not the second. I must now refer to the sketch which he sent in a letter. It may be a fancy sketch that will state the whole of his advances up to that time, but it does not appear to be a sketch that would come from a man who had at that time gained his object.

A Juror.—I don't think that sketch refers to the second steamboat scene.

The next letter which it is material to call your attention to is one written by Major Yelverton, in which he says, "How are you getting on in health, Carissima? and how do the dreams progress? What and when is reality to be? I have been dragged out to several midnight crushes—misnamed balls. There are a great many pretty girls here, and two heiresses, who have been pointed out to me with the usual recommendation. I am ashamed to say I have not sent the prayer-book to Morningside yet, but will before I go down to the country." This is followed by a letter from Miss Longworth, in June, 1857, as follows:—"Carlo mio—Your silence works me up to the highest state of alarm; have you found out that in some natures fear increases desire. Oh, no, I cannot help fearing that you are ill? You said you were in your last—ague is ever accompanied by fever—and no one to nurse you, perhaps. Do let me come. Could I see you or remain near you, if I did find my way there—I could get a S. de C. costume. You might say you preferred a regular nurse. Besides, I cannot bear this suspense, and I have said what you wished now, and I want the *bon-bons* you promised when I submitted. Oh, do write a line if you are ill, and let me come. I have returned to Aberg—, that place was so damp, Write direct, so that there may be no delay. Think of that little room, five stories high, where we have been so happy, and don't feel so apathetic." Another letter, dated July 10th, is as follows:—"Dear Carlo—We are going to Manchester in a week or ten days, and shall probably remain there about that time to see about the property. You can fetch me from there if you choose after they return home here. Perhaps you would prefer meeting me in the old cathedral (where my forefathers lie) to another project, as it would be without any particle of risk to you. You are unknown and have nothing to say or do, my purpose is and will be ignored by mortal creature. If safety is your object, what I suggest is merely the same as being present at mass, making you a Catholic." In another letter she said—"Caro mio Carlo—I have said the *word*—will do all you ask me, and name the time and place as soon as I am able. . . . . Write by return, and tell me if it must be before the end of this month, or if you have obtained fresh leave, and until when. I must see my French sister—is it to be before or after? My ears ache to hear the *mia*, though I am convinced you might say it with perfect truth now, and for exactly three months past. This conviction decides me. I cannot be worse off." Gentlemen, it is for you to say what interpretation ought to be put on the various expressions in these letters, on which the counsel for the defendant have so



LEAVE TAKING IN EDINBURGH.

strongly relied. They contend that when she says—"You may say *mia* with perfect truth now, and for exactly three months past," she refers to the occurrence that had taken place in Edinburgh, if you believe the evidence of Major Yelverton. On the other hand, they say that she referred to the marriage which was said to have taken place according to the law of Scotland, and that she meant this:—"I am yours in the eye of God and of the law, though my conscience requires a ceremony according to the rites of the church to which I belong." It has been observed that, from the time of the marriage, in all the letters of this lady she addressed the defendant as "Mia Carlo."

Mr. Brewster.—That is not the case. The expression Carlo mia occurs frequently in all the letters from the beginning of this correspondence.

Mr. Whiteside.—We say that she dropped using the "mia" for some time, and did not resume it until the marriage was celebrated.

The Chief Justice.—At all events, gentlemen, however this may be, it is not on little matters of this description that the question must be ultimately decided. There can be no doubt that an understanding subsisted between them that she was to come to Ireland for the purpose of having a ceremony of marriage celebrated. In pursuance of that arrangement she found her way alone to Milford-Haven, and arrived in Waterford on the 27th or 28th of July. She states in her evidence that on her arrival in Waterford she found that Major Yelverton had provided himself with a ring, and that he presented it to her there, but afterwards got it back from her for the purpose of the marriage ceremony. Major Yelverton says that it is a mistake or an untruth, for that he did not get the ring until after their arrival at Malahide, and that he then substituted it for one he had previously given her, and which he now wears. On this point the evidence of the lady is very curiously corroborated, because we have the statement of Mr. Joseph Martin, a jeweller, living on Aston's-quay, who says that on the 25th of July a gentleman, whom he believes, though he cannot be positive, was Major Yelverton, purchased a ring from him, and that the circumstance made a strong impression on his mind, because he had some difficulty in finding a ring small enough for the purpose. The ring produced by Mrs. Yelverton was, he believed, the ring which he had sold on that occasion. The ring, however, was purchased—whether before Mrs. Yelverton's arrival at Waterford or after the visit to Malahide, is a matter of but little consequence, except that if bought at the former time, it would prove that the marriage ceremony had been determined on before she arrived in Ireland. It is alleged by the defendant, and denied by Mrs. Yelverton, that at Waterford, Malahide, Newry, and Rostrevor, certain matters took place between them; but these matters are of importance only with a view to test the truthfulness of

the witnesses.—There is no doubt they were received in the Malahide Hotel on the supposition that they were man and wife. There is no doubt that she came over to this country to have her conscience satisfied by some sort of a religious ceremony in her own church; and travelling together as they did, it is no wonder they were understood to be man and wife. But she says, that though they travelled apparently as such, she, in point of fact, persisted in her determination of not granting him the rights of a husband until the ceremony was performed in the church of Kilone. His lordship recapitulated the evidence of the hotel people examined on the part of the defendant, and having observed upon it, said they at length came to Rostrevor. Arrangements were made for the ceremony, and on the day it was to be celebrated they arrived at the church after the congregation had separated. The Rev. Mr. Mooney was in waiting for them, and having expressed his surprise that they did not come sooner, they explained the cause of the delay. Major Yelverton says the door was locked, and it is very much to be regretted that neither the Rev. Mr. Mooney nor Mrs. Yelverton was asked any questions on this subject. They proceeded to the altar steps, they knelt down in the presence of the priest; the priest asked Major Yelverton was he, William Charles, willing to take this woman here, Maria Teresa, as his lawful, wedded wife, for better for worse, and William Charles in an audible and

DEPARTURE FROM ROSTREVOR.

distinct voice says, "I will." "Maria Teresa, will you take this man, William Charles, for your lawful, wedded husband, for better for worse?" "I will." Major Yelverton says with regard to the ring that it was on her finger, and that what he did was to move it up and down the finger. The lady says money was produced, and that he said, "I do endow thee with all my worldly goods and chattels." Major Yelverton says that was not the case. Mr. Mooney has no recollection of money or the endowment, but he recollects that they accepted each other as man and wife, for better for worse, in the presence of the minister of God, and they joined hands. There is no doubt whatever that, according to the law of England and Ireland, and according to the law of all civilized countries, that constitutes a marriage in the face of the living God. That a marriage in fact took place in the chapel of Kilone no one can doubt. I entertain no doubt whatever, notwithstanding that the Rev. Mr. Mooney swore he was under the impression he was not marrying them—I have no doubt that if we were at liberty to ask any Catholic or Protestant divine versed in matters of this description, he would tell us that in either church such a ceremony constituted a valid marriage, and that it did not depend upon any particular part being omitted, as Mr. Mooney supposes. He says he was not marrying them, but merely enabling them to renew a marriage consent previously entered into between them in Scotland. With regard to religion, if one of the parties be a Roman Catholic and the other

not a Protestant, or had not professed himself a Protestant within twelve months before—for it is not absolutely necessary that they should be both Roman Catholics—all that is necessary is that the one being a Roman Catholic the other should not be a professing Protestant at any time within twelve months before—these are the words of the act. This lady says that after they entered the church, the Rev. Mr. Mooney having asked Major Yelverton was he free to marry, asked him what religion he was of, and that on his hesitating for a moment, the clergyman asked him "Are you a Roman Catholic?" and she says the answer was "I am, but a bad one; but I am no Protestant." The evidence of the Rev. Mr. Mooney as to this was, that, in answer to his question, What religion are you of? Major Yelverton said "I am a Protestant-Catholic." Major Yelverton's statement (and this was one of the cases in which none of the witnesses agreed) was, that he said "I am a Protestant; but you Catholics don't seem to know or understand that we Protestants consider that we are also Catholics." That a marriage, in fact, took place, no one can doubt. It is the judge and not the witness who is to state what amounts to a marriage; and I have no hesitation in saying that what occurred on that occasion does amount to a marriage in fact; it is another matter, whether it is a marriage in law. The next question is, assuming it to be, as no doubt it is, a marriage in fact, is it a marriage valid and binding upon the parties? No doubt it would be valid and binding upon both parties if they were Catholics; but it is enacted by an Irish statute, 19th Geo. II., cap. 13, that a marriage between a Catholic and a Protestant, or a person professing himself to be a Protestant, within twelve months prior to the celebration of the marriage, or between two Catholics, if celebrated by a Roman Catholic priest, shall be deemed to be null and void; therefore, whether we approve of it or not, I have not the least hesitation in telling you that by the law of the land (so long as it remains the law) it is my duty to tell you that it is your duty not to find a marriage valid according to law if it comes within the category declared here to be null and void to all intents and purposes. The question, accordingly, in that statute is, was Major Yelverton a Protestant at the time of the celebration of the marriage, or had he professed himself to be so twelve months before its celebration? The evidence upon that subject is this. It appeared that his father and mother are of the Established Church; that he attended Protestant worship while a boy at school, and whilst a cadet. It also appears that, from the evidence of three or four sergeants of artillery, that whilst with the regiment at Alderney and the Crimea, whenever he attended any place of worship, it was that of the Established Church, but as to the number of times he did so, there is not much evidence. There is evidence that on one occasion, at the Windmill Battery in the Crimea, he read prayers according to the ritual of the Established Church in the absence of the chaplain. That evidence brought us down to June, 1856, when he left the Crimea. In addition to this evidence there is that of Mr. Dwyer and of Archdeacon Knox, to the effect that when the defendant was a boy, and after joining the army, he attended the parish church of Lorrah, on his father's estate in the county Tipperary. There is no evidence whatever that, up to August, 1857, he received the sacrament according to the rites of the Church of England. There is a blank in the evidence as to the practices of religion from the time of his return from the Crimea until he rejoined his regiment in Edinburgh, in October, 1856. His own evidence as to the subsequent period was, that he attended church as often as it was his duty to do so with the men, but he could not swear to more than two or three times. There is no evidence that up to this period he attended Catholic worship. The lady says that during the interview she had with him in Edinburgh he told her he was not a Protestant, that he did not believe in the Protestant doctrines, that he did believe in confession and absolution; but that he certainly was not a Protestant. Miss M'Farlane also swore that he leaned towards Catholicity, and there is evidence that on two Sundays he attended Catholic worship in Edinburgh. That I believe is the only evidence of religion, with the exception of what is stated to have occurred in Warrenpoint church on the Sunday before. She states that she went with him to the Catholic Church at Warrenpoint. He says that is not so. There is evidence that immediately after the lady left Edinburgh and went to Hull, that he went to pay a visit of some six or eight weeks' duration to his brother, who was recently married, and who resided in the family residence at Belleisle, given by Lord Avonmore to the new married couple. There is the evidence of Archdeacon Knox, that at that time the defendant attended worship according to the Church of England. If the matter were to rest merely upon attendance at the Established Church in October, 1856, and in 1857, that at Belleisle, Leith, and Edinburgh, in point of number, was more frequent than any evidence of attendance elsewhere, and if nothing else occurred in the case, there was in addition to this evidence of attendance in the Established Church, the presumption derived from his original education and religion. Therefore, though no one could say he was a strict member of any church, certainly, so far as the attendance goes, if one were to give him a religion between Protestantism and Catholicity, there is nothing to prevent the continuance of the presumption arising from his birth and education. But it is said and suggested, and if that question arose, that if he told the woman he was about marrying that he was at that time a Protestant—I am not talking of a Protestant-Catholic or vague expression of that description—I mean if he represented to them that he was a Roman Catholic, at that time, and if he induced the woman to marry him by that representation, because I need not mention to you what we all know, that under the Act of Parliament I mentioned that marriages between Catholics and Protestants are null and void. Also the priest who celebrates such a marriage commits what was formerly felony or transportation, and which is now punishable by indictment.

A Juror (Mr. Long)—If the party were of no religion, how would it be then?

His Lordship—If he was of no religion, and had not pursued any, I really do not know—

Mr. Whiteside—The Act does not apply (laughter).

The Chief Justice—My opinion is that the presumption is that he was a Protestant.

Mr. Whiteside—I wish to draw attention to two points of evidence in this case—that he always went to the Roman Catholic Church with her to prayers after they were married, that he always went with her in France, and that he used to pray with her at home, at which time he said, "I never in my life prayed before." You have also the letter of his sister, in which she asks if he has become a Roman Catholic, stating that she has heard it on good authority. His answer to that was, they must have seen me in chapel.

Mr. Brewster—This is not evidence.

Mr. Whiteside—I beg your pardon, it is.

The Chief Justice—She said she had good authority for knowing of his change of religion, and the defendant said that some one must have seen him in chapel. If he represented himself as a Roman Catholic, it is strong evidence such was his religion. My opinion is that that does not amount to an estoppal. My opinion is, that on the construction of this Act of Parliament, that if a man comes here to-morrow, introduces himself to me as the suitor of my daughter—representing himself to be a Roman Catholic, though I act on the faith of that representation, I do not think in point of law there is an estoppal for the purpose of showing in point of fact all that was presumed, and that in point of fact he had been a believer in and practiser of the tenets of the Established Church up to the moment before. I am aware I may differ from others on that point, but I say, according to my construction of the Act of Parliament, what I believe to be law. I may further say, that if a man does represent himself solemnly before the priest and before the woman, and induces the priest and woman to believe him to be a Roman Catholic—I do not mean to say that the jury ought to require the most convincing evidence that could be possibly received, and that the jury ought to take the man's own statement of what he says almost against other evidence. But, in my opinion, the law of estoppal is not applicable to such a case. But, whether the law of estoppal is applicable to this portion of the case you must consider whether you are satisfied. But this man made the representations stated by Mrs. Yelverton to Mr. Mooney——

Mr. Whiteside—Does your lordship remember that she was asked what she said in confession?

Chief Justice—Yes; and that she said in confession that her husband was not a Protestant.

Mr. Brewster—She did not say that he was not a Protestant.

Chief Justice—She did not at confession or otherwise, or ever inform Mr. Mooney that her husband was a Protestant. Well, gentlemen, of course, as an humble member of the Church of Rome, I regretted to see the account given by Mr. Mooney of this transaction, because, I confess, I do not understand, according to the doctrines of that church, what he meant by not describing as a marriage what did occur. At the same time, I am one of those who are most unwilling that the jury or myself should unnecessarily run away with the truth of any witness, much less a witness of any position, and of a minister of that living God whom we all differently and unworthily adore. I am most unwilling to do so; but I care not what is the position of the witness, I make the observations which occur to me at the time. I am unwilling to run away with the honesty or the truth of any man, particularly a minister of the living God, without the jury fairly, and fully, and patiently considering the letter deposed to by himself. Mr. Mooney says—and here I have no doubt at all that he is at right angles with Mrs. Yelverton—there is no doubt Mr. Mooney says that Mrs. Yelverton informed him before they went to the bishop that he was a Protestant, and that, notwithstanding that, that she wanted to have a marriage or a consent renewed. There is no doubt, if Mr. Mooney's evidence be true, that what was passing in his mind was this, that he thought he would be exposing himself to some pains and penalties if he celebrated a marriage in the church between a Roman Catholic and a Protestant. But, on the other hand, there is a matter in which I cannot follow him—namely, in his theology—how he makes out what he did on that occasion was not conferring a marriage. Whether that was ignorance on his part (I do not like using those expressions), I do not know. I entertain not a shadow of a doubt that, according not merely to the law of the land, but the law of the Roman Catholic Church, that every well educated Roman Catholic divine would state what he did there was a marriage, not only in law, but in the eye of the Church. We can assume what may have been passing in his mind. I am quite aware of this. It is quite possible that Mr. Mooney may have married those people, as he did marry them, if you believe Mrs. Yelverton's statement, conscientiously believing they were both Roman Catholics. Mrs. Yelverton says that is the representation which was made. It is right here to mention that Mr. Mooney's certificate is not a particle of evidence, in the present case, of his having married these people according to the laws of the Church. It is evidence that there is a document under his hand and seal as a clergyman that he married them, and there is no doubt but that he made that statement; and there is no doubt that any man who, under the circumstances, puts falsehood on paper under his hand has only himself to blame if, when he comes to tell the truth, he may find it difficult to get credence given to a statement different from what he on another occasion had stated. It does appear that some time after the second marriage of Major Yelverton to Mrs. Forbes, he and his solicitor, Mr. Denvir, went to the Rev. Mr. Mooney, and there is no doubt Mr. Mooney has been under the impression that he got into a scrape by incautiously marrying a Protestant and Roman Catholic, notwithstanding the representations made to him. And I can understand why, having done that, it might occur to him it would be better for me not to prove my own liability to punishment—I mean his liability to punishment—and, if necessary, to swear in point of fact I did not marry this couple at all, but I performed a ceremony between them. As I understand the arguments of counsel, the suggestion is that you should not believe Mr. Mooney. He says he did not marry them—he certainly did say he did so at one time, and you should not now believe him when he says the words "Protestant Catholic" were used by Major Yelverton on that occasion, because Mr. Mooney has since found he was in a scrape, and that he might be prosecuted for marrying a Protestant

to a Roman Catholic. If she told the priest that Major Yelverton was a Protestant, that will be a matter for your consideration in weighing the evidence. No doubt the Rev. Mr. Mooney stated that in the presence of the bishop she said both were Roman Catholics, and no doubt it was the duty of the Rev. Mr. Mooney to have interposed then. I regret we have not the evidence of the bishop on the subject. Mr. Mooney says that the dispensation from the bishop was not a dispensation to marry, but to renew a previous marriage consent given in Scotland. It will be for you to say what representation he made at the time of the celebration of the marriage, and what representation he made before that to her. If you come to the conclusion, from the written evidence between April and July, and before she left Scotland, that all she wanted was not a legal, valid, binding marriage, but a marriage to satisfy her conscience, and that would not be binding upon him, of course you will treat with very little attention the parole evidence differing from that written evidence. If that written evidence bears the construction put upon it by Major Yelverton, it would no doubt affect her statement that he represented himself to be a Catholic, or that she believed it. And whatever my impression on the point may be, I don't feel at liberty to withdraw the question from your consideration; for, if you believe that he did make the representation, the evidence is for you to form your opinion on it. If he did make that declaration it is for you, on all the evidence of the case, to say whether or not he was a Catholic, or whether he did at any time within twelve months before the marriage profess himself to be a Protestant of the Church of England. As to what constitutes a profession of Protestantism, I take it to be the doing of any unequivocal religious act inconsistent with his being of a different religion. Gentlemen, I have occupied a great deal of your time, but I hope I have been sufficiently explicit on the three questions you will have to consider. First, Was there a marriage valid according to the law of Scotland. If you find that there was, and that you tell me so, you need not, if you don't choose, trouble yourselves with any other inquiry, but may find your verdict on that—that there was a marriage celebrated in Scotland, and valid according to the law of Scotland. If that be your opinion, you will find a verdict for the plaintiff, and need not consider the other questions. But if you should not find that there was a marriage celebrated in Scotland, according to the law of Scotland, you will then consider whether there was a marriage according to the law of Ireland. I have omitted all the evidence in reference to subsequent recognition, and the letters, showing the relation of man and wife, as I did not consider them important. We have here what might not be available in other proceedings elsewhere, the evidence of the parties themselves, and I confess that this is the first time that I have rejoiced at the recent change in the law of evidence. I have been sitting here for a number of years trying cases between parties, and I have over and over again regretted that the law permitted them to be witnesses for themselves. But I confess that in this case, however it may result, whether in a verdict for the plaintiff, establishing the validity of one or other of these marriages, or in a verdict for the defendant, declaring the nullity of both marriages, still it is a blessing that the parties have been enabled to appear in a court of justice, and before the court, the jury, and the country have had an opportunity of giving on oath their own account of the several transactions. Gentlemen, it is for you now to consider the matter, and inform me of the conclusion which you come to on the questions I have submitted to you.

The Foreman asked if there was to be an issue paper sent to them.

Chief Justice—The issue is whether the money sought to be recovered is due to the plaintiff; but it will be better that you should give me your opinion on the questions I have put to you. First, Whether there was a valid marriage in Scotland; and next, Whether there was a valid marriage in Ireland. The marriage in Scotland involves two questions—one of law and another of fact; but in reference to the first marriage there is but one question, a question of fact. That question is, Was Major Yelverton a Protestant at the time, or within twelve months before. If you find for the Scotch marriage, you need not take any further trouble.

The letters and other documents were then handed up to the jury.

Mr. Brewster asked that the letter from the defendant containing the word *posiblemente*, and which was alleged to have been altered, should be sent to the jury.

Mr. Whiteside said that he forgot to allude to that letter.

Chief Justice—I also intended to mention it.

Mr. Brewster—Let all go before the jury.

The jury then, at a quarter-past five o'clock, retired to consider their verdict.

Mr. Brewster—In reference to the Irish marriage, your lordship told the jury that the profession of Protestantism was the doing of any unequivocal religious act that would be inconsistent with the defendant being a Roman Catholic.

Chief Justice—Yes; what do you want me to tell them.

Mr. Brewster—We say that if he held himself out as a Protestant within twelve months of the marriage, he was a professing Protestant within the meaning of the statute.

Mr. Whiteside—We say that the matter was put too mildly, and that such profession of Protestantism must be a decidedly unequivocal one—attending at the sacrament, or doing other acts such as a Roman Catholic would not do.

Mr. Brewster said in reference to the Scotch marriage, that his client wished for an opportunity to take the opinion of a higher tribunal on the question.

Court—How can you do that?

Mr. Brewster—We cannot put it that your lordship gave a direction to the jury.

Chief Justice—Certainly not.

Mr. Brewster said it was a great anomaly in the law, that the questions raised here, and which had never been decided, could not be brought before another tribunal.

Chief Justice—What do you propose to do?

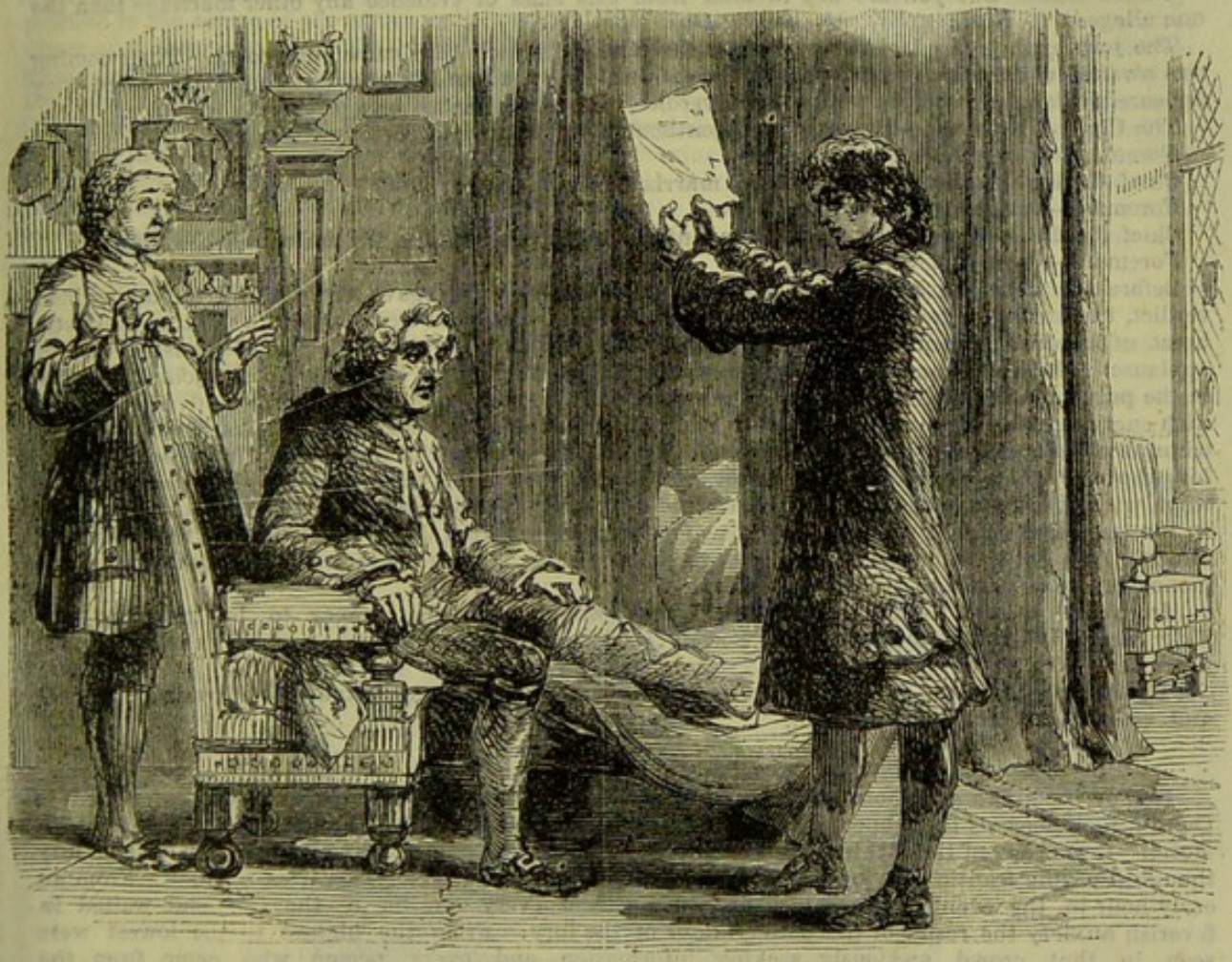
Mr. Brewster—We say that the marriage contract was not in writing, and that reading the marriage service of the Church of England without the presence of a third person as a witness, does not constitute a valid marriage according to the law of Scotland.

Chief Justice—I will take that as an exception.

Mr. Brewster—We say also that this lady did not consider herself the wife of Major Yelverton, though married, as it is contended, according to the law of Scotland; that she required to be married by a Roman Catholic priest after, and that such alleged marriage in Scotland did not therefore constitute a valid marriage.

Chief Justice—My recollection of what she said was that though she considered that they were married according to the law of Scotland, she believed that if she lived with him as her husband she would be living in sin.

Mr. Whiteside—She did not state that she did not consider herself as his wife after the Scotch marriage.



THE VERDICT EXCITES CONSTERNATION AT LORD AVONMORE'S.

The Chief Justice referred to his notes, and said the evidence of Mrs. Yelverton was as follows: "I considered myself his wife as far as the law of Scotland was concerned, but not in fact, as I had scruples of a religious nature. He insisted that we were rightly married, and had conferred the sacrament upon one another."

An exception founded on this evidence was taken by the defendant's counsel to the judge's charge.

They also took the two following exceptions:—First with reference to the Scotch marriage. That in order to constitute a marriage by the law of Scotland *per verba de presenti* the matrimonial interchange of consent should be final, absolute, and unconditional, and with the intention of their becoming husband and wife without relation to any further ceremony, and that, therefore, if the jury believed that the alleged matrimonial consent between the defendant and Maria Theresa Longworth was relative to and depended upon a further ceremony to be performed by a Roman Catholic priest, such alleged matrimonial consent did not constitute a marriage according to the law of Scotland.

Second—In reference to the Irish marriage. That to constitute a ceremony of marriage celebrated in Ireland by a Catholic priest a valid marriage, it was necessary that both parties should for twelve months previously to said ceremony have uniformly, uninterruptedly, and publicly professed the

Roman Catholic faith, and if there was no evidence of such profession of Catholicism by Major Yelverton, the ceremony performed by the Rev. Mr. Mooney did not constitute a valid marriage.

Mr. Whiteside said his lordship had told the jury that they were at liberty to take into consideration the letters which the defendant had written in Scotland, and the letters addressed to him there, in which he accepted the title of husband as evidence of the prior consent. He feared the jury were of opinion that they were not at liberty to take these letters into consideration, and he wished his lordship to put this to them more distinctly.

The Chief Justice said he would do so.

The jury were called out, and the Chief Justice said that, with reference to the question of a marriage in Scotland, he wished them clearly to understand that he never intended to exclude from their consideration the evidence of subsequent recognition of that alleged marriage, such as was contained in the letters—the writing "Mr. and Mrs. Yelverton" in the visitors' book at Doon Castle, &c., so far as that class of evidence would, in their judgment, corroborate the evidence of the lady. Several jurors said they had understood that, and knew the letters referred to.

Chief Justice—But you are not to infer from this class of evidence any other marriage than the one alleged.

The jury again retired. At twenty minutes past six o'clock they came into court. Their coming was awaited with intense excitement and great anxiety by a densely crowded court, and when they appeared, evidently bringing with them a verdict, all became hushed into profound silence.

The Chief Justice said—How say you, gentlemen. Was there a Scotch marriage?

Foreman—Yes, my lord.

Chief Justice—And was there an Irish marriage?

Foreman—Yes, my lord.

Chief Justice—Then you find the defendant was a Roman Catholic for twelve months before?

Foreman—So we believe, my lord.

Before the Foreman had spoken the last of his words, which gave the plaintiff an unqualified verdict, the universal joy and approval of all within hearing found expression in a most enthusiastic burst of cheering, again and again renewed, accompanied by various other demonstrations of applause. Hats and handkerchiefs were waved, the members of the bar stood up and joined heartily in the public manifestations of delight; many of them actually took off their wigs and waved them with energy. Men of all ranks seemed to vie with one another in testifying their gratification at this triumph of morality and justice, and the vindication of the honour of their sex. Ladies seemed at a loss how to show their feelings; they waved handkerchiefs, then clapped their hands, then wept with joy, and looked a world of gratitude at the jurors whose proud privilege it was to right an innocent and injured woman. The fees for the jurors having been handed up by the plaintiff's attorney, the Foreman handed them back to the Registrar, stating the jury did not wish to take any money in the case, but to give it for charity.

In reply to the Registrar, they said they would wish the money to be given to the Sick and Indigent Room-keepers' Society. This incident evoked another cheer for the jury.

The cheering in court for the verdict had been caught up by the multitude who thronged the hall and vehemently reiterated by them.

One of the greatest demonstrations of popular enthusiasm that perhaps ever was witnessed in Dublin, took place as the Honourable Mrs. Yelverton proceeded from the Four Courts to the Gresham Hotel. It was one of those things that should be seen, as it is impossible to be described. Over fifty thousand people frantic with joy proceeded to bid her welcome as she issued from the hall. From an early hour in the evening thousands flocked in from every quarter of the city, and waited in feverish anxiety the result of the deliberations of the jury. From the highest to the lowest were seen in that crowd anxiously seeking information, and every person who came from the courts was warmly solicited to tell how "the trial was going on." As the evening advanced the rush became so great that it was found necessary to close the outer gates of the court-yards. When it was known that the jury had retired to consider their verdict, the crowds, which extended along the entire of Inns-quay, and over the bridge in the direction of Winetavern-street, became feverish with excitement, and there was not one in the vast multitude that did not hope and, fear for the issue of the great trial, as if they had a personal and individual interest in it. Shortly after six o'clock, the cheering in the interior of the court was taken up outside, and when it was known that the Hon. Mrs. Yelverton had triumphed, one loud cheer burst from every mouth, and was again and again repeated. Hats were thrown into the air, and every external demonstration of delight was evidenced by all present. Men shook hands with people they did not know, save by the fact that they looked as glad as themselves. Cars were to be seen rushing in every direction, bearing persons anxious to carry the news to distant parts of the city and to the telegraph offices, that the whole empire may be made aware of the result of a trial which had been read with such intense interest. It was when the gates were thrown open that the enthusiasm of the people rose to its height. One mass of waving heads was to be seen in the distance, and in the vicinity of the gates. Crowd crushed after crowd to obtain a look at the great woman who had fought so nobly for her honour and her sex, and who had won the fight. The people insisted that they should draw her in triumph to her hotel. Many sought to have the honour of saying that they assisted in drawing home the Hon. Mrs. Yelverton after she had gained the victory, but they were crushed off by the masses of people who were pushing their way to

the chariot, which stood in the western court-yard.—About seven o'clock, the Hon. Mrs. Yelverton, on issuing from the court to take her place in the carriage, was received with vehement cheering. Every window of the offices of the courts was crowded, and, 'mid a storm of applause, the carriage occupied by the Hon. Mrs. Yelverton and her friends slowly proceeded through the court-yard to the quay. On issuing from the gateway on the western side the scene was most exciting. The joy of everybody was to be seen and heard everywhere. In the centre of a great moving multitude was to be observed the Honourable Mrs. Yelverton's carriage borne along by the people. The procession turned down Capel-street into Mary-street, and it would beggar all experience to give an adequate idea of the vast body of enthusiastic people that preceded and followed the carriage as it passed through Henry-street. In anticipation of the arrival of the Hon. Mrs. Yelverton, the space in front of the Gresham Hotel was crowded to such an extent that it was almost impossible for horses or vehicles to pass the street. The bases of Nelson's Pillar were fully occupied by persons who joined in the cheering of the thousands who were now approaching, who surrounded the carriage of a great and brave woman who had suffered much and had conquered in the end. The flag ways at both sides of Upper Sackville-street became densely crowded. Cars containing persons who sought to be in time took up position in the centre of the street, and now came the great crowd, with the carriage in the centre. Cheer after cheer came from the hearts of the people, and mid a scene of perhaps unsurpassed excitement, the carriage, which was rolled up the left-hand side of Sackville-street until it came in front of the hotel, crossed the street, and drew up at the centre entrance. The warmth of the enthusiasm of the people knew no bounds, and a considerable time elapsed before space could be made for the lady to pass into the hotel. The people, amidst tremendous cheering, waving of hats and handkerchiefs, called loudly for the Hon. Mrs. Yelverton. In compliance with the universal call of the vast multitude, numbering many thousands, she presented herself at one of the drawing-room windows. When the enthusiastic applause which her presence excited had subsided, she came forward on the balcony and said :—

"My noble-hearted friends, you have made me this day an Irishwoman, by the verdict that I am the wife of an Irishman (vehement cheering).

"I glory to belong to such a noble-hearted nation (great cheering). You will live in my heart for ever, as I have lived in your hearts this day (tremendous applause).

"I am too weak to say all that my heart desires, but you will accept the gratitude of a heart that was made sad, and is now made glad (loud cheers).

"Farewell for the present, but for ever I belong in heart and soul to the people of Dublin."

The Hon. Mrs. Yelverton then withdrew, amidst loud and long-continued cheering. The people slowly retired, and many of them observed that Sergeant Armstrong's prayer has been heard, as "God had defended the right."

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TIGHT GUTTER