Mr. Dyce Sombre's Refutation of the charge of lunacy brought against him in the court of Chancery / [David Ochterlony Dyce Sombre].

Contributors

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MR. DYCE SOMBRE'S

REFUTATION

OF THE CHARGE OF LUNACY

BROUGHT AGAINST HIM.

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OF THE CHARGE OF LUNACY

BROUGHT AGAINST HIM

IN THE

COURT OF CHANCERY.

PARIS

PUBLISHED BY MR. DYCE SOMBRE.

—

1849.

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MR. DYCE SOMBRE'S

REFUTATION.

The case of Lunacy *in Re Dyce Sombre* appearing in all the journals of Monday the 26th February 1839, I beg to offer my statements to the public for general information.

My Counsel opened the case by saying that "when a person "thought himself wronged by the East India Company, or "any other powerful Corporation or Body, while, in fact, he "never had any connection whatever with such corporation, "that being a delusion altogether, but having formed this no- "tion, he acts violently or threateningly to some of the Direc- "tors or other representatives of the Corporation he supposes "has injured him, etc." This would be a delusion; but in this instance there was nothing of the kind.

Every body who knew me, on my arrival in England in 1838, was aware, that I had large claims against the East India Company; and that I went to the first lawyers of the day, such as the late Sir William Follett was, Sir Thomas Wilde and others. But they had all been retained by the East India Company, and I had nothing else to do, but to wait until the arrival of my papers from India.

In its proper place I shall lay all the documents which relate to these claims, but here I shall only begin with the remarks of the two Counsels both for and against the Commission of Lu-

nacy. Strange to say, that my own Counsel begins by saying that my riches, having introduced me into high society in London on my arrival in 1838, I took a fancy to an English marriage, which was not suited at all to my habits in general. My history is plain. General Sombre, who was a German by birth, had become possessed of considerable landed estates in the East Indies, which the native Princes of the country had given him for the support of his disciplined battalions of infantry, with which he used to serve them in defending their rights, when opposed by their enemies. He died in 1762, leaving an only son of seven years of age; but the Begum, or as she was generally known by the title of Her Highness, the Begum Sombre, who was a remarkably talented person, and who had a masculine spirit of her own, succeeded to the command of this little army, which at that time was only composed of about 2,000 men.

They had performed some services before, with the Nawabs of Moorshedabad and Oude, and later with the Jauts of Bhurtpore, where these battalions, under the personal command of their Leader General Sombre had changed the face of the day in favour of the Jauts. And the Jeypore State, which was opposed to them, was a considerable loser by it. Later again however, while a partizan of Nujjef Khan and the Maharaja Scindiah, the battalions had been increased from 2 to 8, and other parts of the country given for their support. This son of General Sombre, whose name was Louis Balthazar Sombre, died in 1799 leaving an only daughter, named Juliana, who was married to the afterwards Colonel Dyce in the Begum's service in 1806.

These were my father and mother, as will be seen from the Affidavit below; and as the Begum had no children of her own, I was taken by her, soon after my birth. So when Mr. Rolt calls my mother to have been an immate of the Begum's Zenana only, he makes a false statement. It is true that I have been born and brought up in India, but I have received just as good an education, as can be given in any part of India. My contemporaries at school are now officers of rank, and occupy stations in Her Majesty's and the East India Company's services.

Affidavit of Lord Henry Gordon, as filed at the Court of Chancery, in 1844.

In the matter of David Ochterlony Dyce Sombre, Esq.

"Henry Gordon, commonly called the Right Honourable Lord Henry Gordon, now residing in St. George's Terrace, New-Kingston, in the County of Middlesex, a Captain in the military service of the East India Company on their Bengal Establishment, maketh oath and saith, that having been in the said military service of the East India Company, from upwards of twenty years, and having been during many years of that period the Paymaster of the Meerut division of the Bengal Army, he this deponent consequently resided at Meerut, in the Upper or Northern Provinces of India, and by reason of said and during such residence there he became acquainted with, and well knew Jaoana styled, as he believes Zebulnissa Begum Sombre, but who was more commonly called, and universally known throughout India, as Her Highness the Begum Sombre; but, who was the widow of General Sombre, having since deceased, and who after his death and during her life, and up to the time of her death, was in the uncontrolled possession and enjoyment of a very large territory; she exercised the rights of sovereignty. And this deponent further saith, that he was acquainted with George Alexander Dyce, late of the town of Calcutta, in the presidency of Fort William; aforesaid Esquire, deceased, who was formerly, as this deponent hath understood, and believes, in the military service of Her said Highness the Begum Sombre, who during life maintained a large standing army for the Government and protection of her said territory. And this deponent further saith,

that the said George Alexander Dyce (who, as this deponent has been informed and verily believes, died at Calcutta aforesaid, in on about the month of April, in the year 1838), and his late wife, Juliana Dyce, who died many years prior to her husband's death, and as this deponent has been informed and believes, *sometime in on about the year* 1820.

"And this deponent further saith, that it was a matter of general notoriety, and acknowledged fact, that the said Juliana Dyce was, as this deponent has always understood, and verily believes, the only child of the only son, and child of the said General Sombre, born of his first union, prior to that which was subsequently had with the Begum Sombre. And this deponent further saith, that he believes that the said David Ochterlony Dyce Sombre derived from the gift, or Will, or other dispositions of her said late Highness the Begum Sombre large possessions and real estates, and considerable property and effects."

And from my being about the person of Her Highness the Begum, ever since my return from school, I was invariably brought under the notice of the great public men of the day, such as Lord Amherst, the late Lord William Bentinck, Governor-Generals of India; Sir the Honourable Edward Paget, Viscount Combermere, the late Earl of Dalhousie, Sir Edward Barnes and others, who have held chief commands in the Indian army. I am specially indebted to Visct. Combermere, to whom I was first introduced at the siege of Bhurtpore, where the Begum had accompanied the British Resident, the late Lord Metcalfe; and it was very gratifying to me when I arrived in England to find his Lordship taking interest in my welfare; so it was not my riches that introduced me into society in England.

Here is a very extraordinary letter of Sir Charles Trevelyan's, dated Clapham, August 19, 1843, with the affidavit which follows. They run thus:

"Sir,

"The Honourable Court of Directors are aware that I served them for twelve years in India in the political department to

which belongs the management of our relations with the native chiefs and states.

" During the first six years I was attached in various capacities to the residency at Delhi, at which period I was in constant official and social communication with the late Begum Soomroo; and during the last six years I was deputy secretary to the Supreme Government, and was occasionally in charge of my department.

" My acquaintance, therefore, with the history and character of the Begum Soomroo and with the habits of her household was necessarily great, and I was for the same reason in frequent communication with the gentleman who is now known by the name of Dyce Sombre and his father; and the more so, because the quarrels of Mr. Dyce, senior, with the Begum, and the questions arising out of them connected with the disposal of the children and property, occupied no small portion of the time of the gentlemen connected with the residency.

" Mr. Dyce, junior, became the adopted son of the Begum Soomroo, and was for many years remarkable for the dutiful and exemplary manner in which he devoted himself to the care of the aged lady. He was a slow-minded, slow-speaking young man, but perfectly good natured, and possessed of sufficient sense to acquit himself well in the position in which he was then placed, and to conduct his private affairs with discretion, according to the modes in use in that country.

" The Begum Soomroo was a native Indian, and although she derived the profession of Christianity from her husband, her feelings and the habits of her household were regulated according to the strictest rules of native notions of propriety. The seclusion of the females of the family was complete. When it became a question, in consequence of the quarrel between the Begum and Mr. Dyce, senior, whether the two sisters of Mr. Dyce, junior, should remain at Delhi under their father's care or proceed to Sirdhana, to live there under the care of the Begum, I was sent by the resident to ascertain from the young women themselves what their own wishes were, and my communication with them was conducted according to the usual mode in which alone intercourse is permitted between native ladies and men who are neither

their husbands nor their nearest blood relations. Their brother, who was brought up from his earliest childhood in the Begum's family, was nurtured and trained in the same feelings and ideas.

" Mr. Dyce, jun., suddenly came into possession of the accumulated wealth of his adopted mother, and set out on a visit to England. I saw him on several occasions at Calcutta, on his way to England, and, although perfectly competent to live usefully and happily in his own country, among a people of similar feelings and habits, I was struck by his unfitness for living in English society, and I endeavoured to prepare him in some degree for the scenes on which he was to enter, by giving him some books descriptive of England to read.

" Again, at the time when reports began to be prevalent of his intended marriage, my opinion was asked upon the subject, and the answer I gave was, that there was no objection to the marriage on the ground on which apprehension appeared to be entertained. I said that Mr. Dyce was no charlatan, but a good-natured easy man, who would be likely to be a very indulgent husband to a wife brought up according to his own habits and states; but that his Asiatic manner of viewing things was so diametrically opposite to the manner in which the same things are viewed in European society, that it was impossible that he could live any length of time with a lady brought up in the first London circles, and that such an union would, in all probability, have some disastrous result.

" I also saw Mr. Dyce on several occasions in this country both before and after his marriage.

" Mr. Dyce never showed any symptoms of insanity in India, nor was he ever supposed to have done so, and, on the occasions on which I saw him in England, his manner and conversation were those of a perfectly sane man.

" He has now been declared by a judicial verdict to be of unsound mind, and, if this decision remain unimpeached, the management of his large income will be permanently entrusted to others — he will be condemned to an imprisonment for life of a most grievous and irritating kind, and he will probably soon really become what he has been judicially declared to be.

" I beg leave to submit to the Honourable Court of Directors that on the occasion of this inquiry, the object of which was to decide whether Mr. Dyce was to remain a free man or to be shut up, most probably for life, as a lunatic, that gentleman had no counsel, and the case was practically entirely in the hands of the parties who instituted proceedings against him. As far as I can judge from the printed reports of the proceedings on the inquiry, he appears to have repudiated the idea of the charge of insanity which had been brought against him requiring any serious defence; and acting in the same spirit, when he was asked whether he had any questions to put to Dr. Monro, he replied—' I have no question to ask, Dr. Monro has given his judgment as to my insanity, which I am ashamed to hear.'

" Mr. Dyce is quite unfit to plead his cause before an English tribunal, even in a less trying and difficult case. His habits of mind and views of things are, as before explained, entirely foreign, and, without being deficient in understanding, he has not such quick observation and clearness of perception as might have entitled him, during the short time he has been in England, in some degree to understand and enter into the class of feelings habitual to English society. He is also a foreigner by language — his native language is Hindostanee, and although he has learned, by mixing with English society, the common forms of conversation, the circumstance of his having to express his ideas in a foreign language gives to his speech an awkwardness and an oddity which, to persons before whom he appeared in the character of an alleged lunatic, was likely to confirm the idea, as it really appears to have done, that he was not of sane mind.

" Nevertheless, as far a I am able to judge from the reports given in the newspapers, the answers returned and the observations made by him during the inquiry, when they are interpreted by a reference to Asiatic feelings and modes of thought, are by no means indicative of unsound mind.

" It is also a point deserving of serious attention that, as far as can be ascertained from the printed reports of the proceedings on the inquiry, the counsel employed by the parties who brought forward the charge of lunacy against Mr. Dyce, stated that he

was educated in England and sent out to India at the age of nineteen, which, if true, would greatly alter the complexion of the case. The fact is, Mr. Dyce never was in England until he came to this country after the death of the Begum; and the only education he ever received at all, of an English character, was from the Rev. Mr. Fisher, chaplain to the East India Company, who was stationed at Meerut, in the immediate neighbourhood of the Begum's residence, and acted for a time as tutor to young Mr. Dyce; but, as was well known to the friends of the parties, without producing any essential change in the mental habits in which the young man had been brought up.

"I also beg leave to submit to the Honourable Court of Directors that the commissioner and jury who tried the case were, from their exclusively English feelings and habits, totally incompetent for the proper discharge of the extremely important duty which devolved upon them.

"I understand that it is usual for the Lord High Chancellor, as a matter of right, to grant permission to traverse verdicts under commissions of lunacy, and that far less weighty grounds than those above stated would justify an application to his lordship for this permission in the present case.

"But I also submit that the main ground on which Mr. Dyce has been adjudged to be a lunatic was, that he was actuated by a feeling with respect to the female sex which he has in common with all his countrymen. The point of honour among Asiatics rests on the habits and conduct of their women, as it does among Europeans upon the preservation of a character for truth and uprightness; and all their most sensitive feelings of delicacy and propriety, and personal reputation, may be said to be centred on this point. No person acquainted with native Indian society can entertain a doubt that this lady must, in the ordinary course of the usages of English society, have repeatedly been in situations which must have harrowed her husband's feelings to the quick, and have amply sufficed to make him lose his self possession. I do not hesitate to affirm that if, instead of the inquiry having taken place before an English commissioner and an English jury, it had taken place in Mr. Dyce's native country, before a Delhi

commissioner and a Delhi jury, Mr. Dyce would have been adjudged to have been a deeply injured husband; the line of conduct pursued by him would have been regarded as extremely moderate and humane; and his wife's conduct would have been considered so totally at variance with the most received and best established notions of female delicacy and propriety, that it would have been regarded as capable of being accounted for only on the supposition of her not being in a sound state of mind.

"The other point on which the verdict of the jury was principally grounded was what appeared to them to be Mr. Dyce's strange and insane conduct in respect to duelling. On this point I submit that the customs with respect to duelling which prevail in a certain portion of English society are not founded on the nature of things, but are the accidental result of barbarous institutions which have long ceased to exist. Although, therefore, these customs appear to us from long habit to be such as everybody must understand, yet a native of Asia, where these customs have never prevailed, is no more capable of understanding them, or of acting with propriety in accordance with them, than Julius Cæsar or Epaminondas would be if they were raised from the dead. This national habit is justly regarded by the inhabitants of our Indian dominions as the most strange and unaccountable part of our institutions, and what might appear to us to be very ridiculous questions have at different times been put to me about it. Mr. Dyce's conduct in this respect was a bad imitation of a bad artificial national custom, which is not always easy to be understood, even by the natives of the countries in which it prevails; but it nevertheless appears to me that Mr. Dyce's conduct in respect to duelling, when it is considered with reference to his previous habits of mind, to his want of acquaintance with the subject, and to the peculiar nature of the subject itself, is not more unreasonable than might have been expected from the generality of Asiatics if they had been placed in his situation; and it must also be remembered that as he never employed a "friend" on these occasions, the disadvantage he was under appeared in full relief. Other portions of the evidence allude to the belief in the efficacy of dreams, philters, etc., which is uni-

versal among the natives of India, and still lingers in country districts of England. In my own country, not many years ago, two respectable farmers' daughters were condemned to two years' imprisonment each, for drawing blood from an old woman, in order to disenchant their mother. Nothing can be more conceivable than that the reports which are circulated about mesmerism should take a strong hold on the imagination of a native of India who already believed, in common with all his countrymen, in the intervention of spiritual agency in human affairs, or that he should resort to the great professor of the mesmeric art to obtain relief in the strange circumstances in which he was placed. Mesmerism appeared so extraordinary to a distinguished clergyman of the Church of England, that he has been able to account for it only by supposing the intervention of evil spirits; and his publication on the subject has been answered by another publication, one of the disciples of Dr. Elliottson.

" It is well understood that the East India Company is the official guardian of all natives of the Britisth dominious in India, who happen to be sojourning in this country; and if this is so in ordinary cases, it is especially so in a case in which the representative of an Indian Princess, who, during the long period of her connection with the company, always acted with good faith, and evinced on every occasion the utmost readiness to support the government of the company with all her resources has, as it appears to me, most unjustly, had the reputation of a lunatic fixed upon him, and has been condemned to an imprisonment, which, if the proper authorities do not interfere, will most probably be perpetual. In short, I entertain a complete conviction, which is participated in by others, who have more or less the means of forming a correct judgment in the case, that a great national injustice is being perpetrated; and I hold in common with the same persons the opinion, that the East India Company is the authority on whom the import and duty of seeing justice done devolves.

" It is proper to add that the friends whom Mr. Dyce has left behind him in India, and, above all, the friends of the late Begum's family, and the hundreds of thousands of natives of India

who regard her memory with respect and affection, and who will see it outraged in the person of her representative, will take a very different view of this matter. It will be impossible to persuade them that a man whom they knew to be perfectly sane up to the moment of his leaving India, and who has been pronounced to be insane merely on the ground of peculiar feelings, which they hold in common with him, and in pursuance of which every honourable man among them is at all times ready to shed his blood, is really insane; and, taking all the circumstances together, of his coming as a stranger to our shores, of his great fortune, and of his ill-assorted marriage with a lady with many high and powerful connections, it will be difficult to prevent them from entertaining suspicions in the highest degree degrading to our national character.

" I beg, therefore, that you will with all respect submit my petition to the Honourable Court of Directors, that they will be pleased to take such steps as to them may appear fit and proper for the purpose of obtaining justice in this case; or, if it should prove, on a full and proper investigation, that, contrary to my belief justice has already been done—of satisfying the minds of all persons, both in this country and in India, and other parts of the world, who may take the same general view of the case which I have taken, and that you will add that, for obvious reasons, delay might be attended with very unhappy consequences.

" It can hardly be necessary for me to observe that I am ready to give any further explanations that may be required.

" I have, etc.,

" C. E. Trevelyan.

" J. C. Melville, Esq., *Secretary to the E. India House.*"

But here are two paragraphs which have been taken out of this letter, which was inserted in the report of the day, which I have

here given at length. It need not be told that they could have been suppressed by any one else, but by Messrs. Troup and Solaroli, or their solicitors employed by them and on their behalf. The suppressed paragraphs are these:

"I hope I may be pardoned if I add that the alleged circumstance of Mr. Dyce's sisters and their husbands having concurred in the proceedings which have taken place, will not in any degree release the East India Company from responsibility in the matter. I have already stated that Mr. Dyce's sisters were brought up in the seclusion of the Zenana, which in the East, where this custom prevails, is considered to disqualify females from taking an active part in the affairs of life; and with regard to their husbands, one of them was one of the numerous foreign Europeans who were supported by the bounty of the Begum; and this person happened to be selected by the Begum, according to the usual native custom, for the purpose of being united in mariage to one of these young ladies when they came to the age of puberty. The other brother-in-law was a British-officer who threw up His Majesty's and the East India Company's Commissions for the purpose of marrying the other Lady.

"I submit that these individuals, without supposing any bias derived from other considerations, would not be fit persons to be constituted judges in so grave a case even in India, and in this country, where they are under the influence of the prestige which attaches to the persons and character of our high Aristocracy, it would in my opinion, be altogether unsafe to trust to them for a correct and independent opinion."

Affidavit of Sir Charles Edward Trevelyan, sworn and filed, February 19, 1849.

"I say that I have been well acquainted with the above-named David Ochterlony Dyce Sombre, from the year 1827, and from the various opportunities I have had of judging of his hisposition and habits, having frequently associated with him in India, and

met him at the residence of the late Begum Sombre, I consider it due to the above-named David Ochterlony Dyce Sombre to state my firm belief and conviction that the said David Ochterlony Dyce Sombre never exhibited any symptom of insanity, nor did I ever hear that he committed any act betraying unsoundness of mind before his marriage.

"And I say and believe, that the painful circumstances which have since occurred are mainly to be attributed to the excitement caused by the remarkable contrast between his Asiatic habits of mind and the new situation in which he was placed.

"I say that I signed a document to this effect, with the names of Lords Combermere, Downshire, Shrewsbury, and other gentlemen thereto attached, and addressed to the Lord Chancellor on the 20th of January, 1849. For a more detailed explanation of the view which I take of this case I beg to refer to the draft copy of a letter or paper writing, marked L, written on 30 sides of paper, produced and shown to me at the time of making this affidavit, and purporting to be a copy of a letter signed and adressed by me to J. C. Melville, Esq., the Secretary of the East India Company, on the 19th of August, 1843 (except so much as has been struck through at pages 24, 25, and 26, which is requested to be omitted, as having no direct bearing on Dyce Sombre's case, while it involves third parties)[1], after reading the report published in the newspapers of the proceedings before the Commission of Lunacy in the above case.

"And I say that I have now again read the copy of the said letter, and I still entirely hold to the statements and opinions expressed therein.

"I further say, that I have reason to know that the said David Ochterlony Dyce Sombre had not proper legal advice in the arrangement of his marriage settlements, and that much of his subsequent irritation is to be attributed to his sense of the manner in which he was treated on that occasion. *From my knowledge of the customs and habits of Indian society, I do not consider the said David Ochterlony Dyce Sombre's doubts and assertions*

[1] The suppressed paragraphs are here alluded to.

as to Madam Solaroli's legitimacy to be an indication of insanity[1].

"And I say, lastly, that I believe the said David Ochterlony Dyce Sombre to be perfectly competent to manage himself and his own affairs."

To comment on sir Charles Trevelyan's letter, it is one of the most curious documents I have ever read in my life. I remember sir Charles Trevelyan in India, when he first arrived as an assistant at Delhi. I was with the Begum at Delhi at the time, and I soon became acquainted with him; we were about the same age, and naturally were more familiar than if there had been a great disparity of years between us. I found Mr. Trevelyan, as he then was, a well-read man; but what he means by my being a slow-minded and slow-speaking man, is more than I comprehend; not that I would despise a person, if he was so constituted for that alone; but it appears to me, on the contrary, that it was he himself who was considered, in spite of all his learning, a slow weak man, inasmuch that from his appointment of Assistant Resident in the Political Department, he was appointed Assistant Magistrate at Delhi, and would have never been allowed to re-enter that department, had he not taken the surveillance of watching the private life of an old official of the E. I. Company's service, members of whose family taking advantage of his advanced age, had conducted themselves for his official position rather strangely; and this Mr. Trevelyan undertook to watch, being a guest always at this gentleman's table, and taking notes and other memoranda for the sake of meeting his ends. He succeeded so far, that the old gentleman was dismissed from the service; but Mr. Trevelyan was not allowed to remain long in his comfortable position himself either, and though he had not served his time, which would have entitled him to retire on a pension, he was so disliked by the service for the part he had taken in this affair, that he was actually obliged to leave one of the best paid services in any part of the globe.

[1] Does not this show that Sir C. Trevelyan himself has doubts about her birth.

As for Sir Charles Trevelyan lending me any books to improve my mind with, as he says, I remember the only time I received any books from him was, when I was at Calcutta, and from ill health being obliged to make a sea-trip, I found Mr. Trevelyan in the same steamer with myself; being acquainted with him, we naturally saw a great deal of each other, and on leaving the boat, Mr. Trevelyan offered me the loan of a book, which had just been published; it was, I remember, "Glegg's Life of Warren Hastings." On arriving at Calcutta, I just glanced over the book, and returned it to him. What he means by saying that he endeavoured to prepare me in some degree for the scenes on which I was about to enter, Sir Ch. Trevelyan himself will be able to explain. Neither have I ever said: "I have no questions "to ask; Dr. Monro has given his judgment as to my insanity, "which I am *ashamed* to hear."

I might, however, have made a remark to some of my intimate friends, that having heard Dr. Monro say that he considered me insane, "I was *astonished* to hear it, since he accepted a large "fee for his attendence from a person of unsound mind."

As much as this relates to Sir Ch. Trevelyan and his statements. His calling me a native of India does not annoy me in the least, but I only wish it to be understood. I was certainly born in India, but I consider myself not Indian, which according to the late meaning of the word, required one of the parents of the party to have been entirely native of India. My grandfather was a Scotchman; my father, his son, was married to a lady whose grandfather was a German; her mother was half French; this therefore could not be taken either in law or in reality to be the case of a native of India. Whatever may be the decision of a jury in India, in such cases as mine, yet neither the Commissioner nor the Jury at Delhi could sit on my case, and pronounce judgment; however favourable it may be, I would not submit to it myself. Yet by this I do not mean to say that I am satisfied the decision given against me by the jury in England, which made a mock-trial of my case in July 1843, was a just one. For example read the following account of the mock trial.

COMMISSION OF LUNACY—EXTRAORDINARY CASE

2d August, 1843.

David Ochterlony Dyce Sombre, an ex-M.P.

On Monday [1] a Commission *de lunatico inquirendo* was opened before J. Barlow, Esq. and a special jury to inquire into the state of mind of David Ochterlony Dyce Sombre, formerly of Sirdhanah in the Upper Provinces of Bengal, and now of Hanover-Lodge, Park-road, Regent's-Park, in the drawing-room of which house the commission was held.

The alleged lunatic was formerly elected member for the borough of Sudbury, but was unseated by petition.

Mr. Calvert, of the Chancery bar, appeared in support of the commission, which was unopposed. The learned counsel stated to the jury that the unfortunate gentleman was a native of Hindostan. At an early age he came over to England, where he remained until the course of education laid down for him was finished, when, at the age of 19, he returned to India and remained at the residence of the Princess his mother until her death, which took place in 1836. Some time before her death she made a will, bequeathing to Mr. Dyce Sombre the whole of her landed and personal property, and this will she soon after confirmed by another document. Upon the will of the Princess becoming known, the East India Company claimed the lands left to Mr. Dyce Sombre, but allowed him to retain the personal property, which was enormous. He came to England in 1838, and in 1840 he became acquainted with Miss Jervis, the daughter of Earl St. Vincent, to whom he paid his addresses, and to whom he was married in September in the same year. It was shortly after his marriage that the first symptoms of mental aberration

[1] 31st July.

manifested themselves, and they gradually increased, until an inquiry was rendered imperatively necessary. The consent of his friends having been obtained, the present commission was instituted. He would call witnesses who would by their evidence place the state of mind of Mr. Dyce Sombre beyond a doubt, and it would then become their painful duty to declare him insane. The learned counsel then called

Sir James Clark, who, on being sworn, stated that he is physician to Her Majesty the Queen. He first saw Mr. Dyce Sombre in the beginning of the present year. He understood at the time that he was suspected to be of unsound mind. He asked him if he was aware that a commission had been issued to inquire into his state of mind? to which he made no reply. Witness asked him if he wished to have counsel? He at first said that he would, and mentioned the name of Mr. Cochrane, a gentleman then in India [1], but he afterwards said that he would have no counsel. Witness then told him that the commission was to be held at 11 in the morning, and he replied that it was an insult to him, and he would not get up to attend any court.

The jury here inquired if Mr. Dyce Sombre wished to be present? upon which the learned Commissioner left the room, and in a few minutes returned with Mr. Dyce Sombre, who took his seat in a corner of the room.

Dr. Drever was then sworn. He stated that he was a medical man in the service of the East India Company. He knew Mr. Dyce Sombre in India. He met him at the house of the Princess, his mother. He was then about 21 years of age. He has two sisters, one of whom is married to Captain Troup, and the other to an Italian gentleman. Both the sisters are in England, and have given their full consent to this commission. Mr. Dyce Sombre was educated under Mr. Fisher; when his mother died, she left him all her property both personal and landed. She made two wills in his favour before her death, which took place in the latter end of the year 1836. The East India Company claimed the lands

[1] He might have returned since I saw him, but I had seen him, just about six weeks before I was put under restraint.

of the Princess, but allowed Mr. Dyce Sombre to retain her personal property. He came to England in 1838, but witness did not return until the year 1840. He saw Mr. Dyce Sombre a day after his arrival, and he informed witness that he was about to be married to a Miss Jervis, to whom he was tenderly attached. He introduced witness to Miss Jervis, who was the daughter of Earl St. Vincent. The marriage took place in 1840, and Mr. and Mrs. Dyce Sombre retired to the continent to spend the honey-moon. While he was absent, witness used to hear from him frequently. His letters were written in a manner which showed that from some concealed cause his mind had become affected. In one of his letters he used the following expression: "If I am to tell you all my secrets, and you are to give me nothing but moral advice in return, I had better apply to a police-magistrate." This convinced witness that his mind was affected. In another letter he told witness that the Duchess of Leeds had insulted him (witness), although he (witness) was not aware of it[1]. Witness had frequently met the Duchess of Leeds at the house of Mr. Dyce Sombre, but she never offered witness any insult. (All the letters were read, but in so low a tone, that the reporter was unable to hear, and the parties declined giving copies.) In December 1840, Mr. Dyce Sombre and his lady returned to England. About this time he began to make strange accusations against his lady. He said that he suspected her of carrying on criminal intercourse with several persons. This delusion came at length so strongly upon him that he summoned several of his friends to consult about it. Witness was present at that meeting. The other persons present were Lord Combermere, Lord St. Vincent, Lord Lowther, Lord Marcus Hill, Sir W. Parker, and Mr. Jones[2]. Witness, together with Lords Combermere and Marcus Hill, were particularly selected as mutual friends of Mr. and Mrs. Dyce Sombre. At the meeting, Mr. Dyce Sombre accused his lady of an improper intimacy with a Mr. M. He offered no evidence to support this fact. A document was drawn up at that meeting by Lord Marcus Hill, which all the par-

[1] These are all fabrications.

[2] About the two latter the Doctor makes a mistake.

ties present agreed to sign. Witness signed his name to it, but he could not say whether any of the others did so or not, as he paid no attention. Witness considered at the time that the charges made by Mr. Dyce Sombre against his lady were the offspring of an unsound mind. The document produced is a copy of the document drawn up at that meeting. The document was then read aloud as follows : " We the undersigned, have come to the unanimous decision, that the statements made by Mr. Dyce Sombre against his wife have no foundation in fact. They seem to have arisen from feelings caused by ignorance of the manners of society in Europe, and we feel it to be due to the undoubtedly respectable character of his wife to declare that, by this investigation, we are convinced of her entire innocence and purity, and we feel entitled that the result of our deliberation should have the effect of dissipating all such illusions for the future; and we expect that the conduct of Mr. Dyce Sombre to his wife shall in future be in unison with that ardent affection he has always expressed towards her, and with that regard which is due to an innocent and devoted wife." (This document was signed by all the parties present.) While Mr. Dyce Sombre was on the continent, he wrote to witness, asking whether his (witness's) uncle had any thing to do with the family of Lord St. Vincent, stating that he would soon give his reason for asking. He afterwards made some insinuation against Lord St. Vincent's conduct with regard to his wife.

Dr. Chambers was then sworn. He was the medical attendant of Mrs. Dyce Sombre from the 10th. of January 1842. He was afterwards consulted as to Mr. Dyce Sombre's state of health. Witness heard a statement of his case from Mrs. Dyce Sombre, and from that statement he would have been justified in declaring him insane. He was desired only to attend to Mr. Dyce Sombre's bodily health. Upon examination, he found that his health was such that a considerable portion of mental excitement might arise from it. When he ventured to ask Mr. Dyce Sombre any question tending to show the state of his mind, he always declined to answer it, and called back his attention to his bodily health. When he had authority to examine into his mental condition, he

found that his violent conduct arose from points which he believed, but which were in reality without any foundation, viz the infidelity of his wife. When witness examined him, in company with Dr. Sutherland, they agreed that there were not sufficient grounds to warrant their signing a certificate of his insanity. They had several consultations on the subject, and always came to the same conclusion. On the 13th. of December 1842, witness and Dr. Sutherland declared that though there was at present no decisive symptom of mental aberration, yet in consequence of the suspicions he entertained, the presence of Mrs. Dyce Sombre kept him in a continual state of irritation, and advised Mrs. Dyce Sombre to separate from him, as if that were not done, his illness would terminate in substantial insanity. Witness never saw any thing but the greatest kindness and attachment evinced by Mrs. Dyce Sombre to her husband. In one of the consultations witness held with Dr. Sutherland, he came to the conclusion that their course of examination and their decision would have been different if Mr. Dyce Sombre had been referred to them by a magistrate for any overt act of insanity. Witness would not have signed a will as witness for Mr. Dyce Sombre, as he certainly did not think him in a fit state to execute any deed of importance, though he did not consider him positively insane.

Dr. Elliotson stated that he is a physician, living in Conduit-Street. He first saw Mr. Dyce Sombre about five months ago. He came in his carriage to witness's house. He sent up his card. When he came into the room, he said in a loud tone: "Are you Dr. Elliotson?" Witness said that he was. He then said in a still louder tone: "Are you Dr. Elliotson?" Witness again said he was. He then repeated the question in a tone still louder, and witness made the same reply. He then said: "Make me have more of my wife's company." Witness said that he did not understand him. He then said to witness: "You shall fight me." Witness moved towards the door, and he said: "You shall fight me, for I will insult you before your servants." After some altercation witness succeeded in pacifying him, and he left the house after inquiring of the servants if witness was really Dr. Elliotson? Witness believed him to be perfectly insane, and would have signed

a certificate of his insanity. He did not mean to say as to his general insanity, for he had no opportunity of observing his conduct upon other points; but he certainly seemed insane about his wife [1].

Mr. A. M. was then sworn.—He was at a dinner given by Mr. Quentin Dick in 1841. Mr. Dyce Sombre was there. Some quarrel took place between Mr. Dyce Sombre and Sir Charles Barrow, who is an old gentleman much afflicted with the gout. Mr. Dyce Sombre said that Sir Charles had poked him with his stick to remove him from his place [2]. Witness was slightly acquainted with Mrs. Dyce Sombre previously to her marriage with Mr. Dyce Sombre. In the course of the evening some arrangement was made by Mrs. Dyce Sombre to go to Covent Garden Theatre. Witness was invited along with his sister, and he accepted the invitation. He saw Mr. Dyce Sombre the day after in Hyde Park. The next evening they went to the theatre. Witness remained about half an hour in Mr. Dyce Sombre's box and then went to his own. At the termination of the performance they all left together. Witness conducted his sister down stairs, and Mrs. Dyce Sombre took the arm of Sir Willoughby Cotton. Witness and his sister went a part of their way in the carriage with Mr. and Mrs. Dyce Sombre. A few months after, as witness and his sister were driving in their cabriolet, Mr. Dyce Sombre saw them, and he ran in a most furious manner to seize the reins. Witness having heard something about his state of mind, drove on without further notice. In the beginning of the present year witness went to Edinburgh and returned in April. On his return he found that a letter had been left for him. On opening it he found that it was a challenge from Mr. Dyce Sombre, and it contained some allusion to witness's conduct with regard to Mrs. Dyce Sombre. Witness never by his conduct gave the slightest counte-

[1] The fact about my going to Dr. Elliotson, is strange in the extreme, and the conduct of the gentleman, who played the hoax, unpardonable. It was the late Hugh Fraser of the Civil service and Judge of Dehli, who told me, that my wife was in the habit of privately consulting Dr. Elliotson, upon which I went to ask him, if it was true; the rest is all a made up affair.

[2] False.

nance to any suspicion of an improper intimacy with Mrs. Dyce Sombre.

Mr. Dyce Sombre.—He says that he left the box in which we were at the theatre. He only left it because Mrs. Dyce Sombre and myself left for another box where he remained with us all the evening.

Mr. M. said, that Mr. and Mrs. Dyce Sombre certainly did change their box towards the close of the performance, but he was not with them. He remained nearly the whole of the evening in his sister's box.

Lord Marcus Hill was then sworn. He stated that in the early part of the year 1842 he was applied to with respect to the differences between Mr. Dyce Sombre and his wife. He heard Mr. Dyce Sombre express his conviction of the infidelity of his wife several times; he said that she had conducted herself improperly. Witness had frequently been in company with Mrs. Dyce Sombre. She was highly accomplished and used to sing delightfully such music as was then in vogue. Witness never heard a breath against her name. On one occasion Mr. Dyce Sombre said to witness: "I wish you to ask Mr. M. whether he ever had any criminal intercourse with my wife?" Witness asked him if he had any grounds for his suspicions—if Mr. M. frequented his wife's society?—He said that he did not. Witness asked him if he ever heard any public report? and he said no. Witness then inquired if the servants had reported any thing to him? and he said no. Witness said: "Then in God's name, what ground have you for these suspicions?" to which he replied that he had his own reasons for believing it, and that he did believe it. A meeting of his friends took place soon after that, at which witness was present. Mr. Dyce Sombre was there, and made certain charges against his wife. Witness was there as a friend both to Mr. and Mrs. Dyce Sombre. Mr. Dyce Sombre said to witness, "I requested you and Sir F. Burdett to be present at this meeting, because I think it fair to Mary Anne to have her friends as well as mine." Witness's impression at the time of the meeting was, that Mr. Dyce Sombre was labouring under a delusion. Witness had some communication after the meeting with Mr. Dyce Sombre with reference to Mr. M. The

daughter of Sir W. Parker has resided with Mrs. Dyce Sombre for some months past. Witness has never seen Mr Dyce Sombre violent. He is in general a man of a very quiet disposition. He has frequently spoken angrily of his wife, but witness never apprehended that he would inflict any personal injury on her. If Mr. Dyce Sombre had asked him to witness a will, witness would have refused, not on account of the insanity of Mr. Dyce Sombre, but because he was not sufficiently intimate with the family to do such a thing. His attention was first called to the differences between Mr. and Mrs. Dyce Sombre, in consequence of receiving a note from Mrs. Dyce Sombre, requesting him to see her husband. When he heard the charges made against Mrs. Dyce Sombre, he said that he thought them extremely improbable, as she had always borne the name of a dutiful and affectionate daughter before her marriage. Witness advised him to see Sir F. Burdett as he had had much experience in the world, and his advice would be more useful than any he could give. Mr. Dyce Sombre persisted in making these harsh accusations against his wife, and at length witness advised him to think no more upon the subject.

By Mr. Dyce Sombre.—Sir F. Burdett never advised a separation. It never came to a question about a duel.

Lord M. Hill continued.—He was returned member for Sudbury, but was unseated on petition. At the close of the meeting he gave us all to understand that we had acted very honourably, but had not removed his suspicions.

Mr. J. Lawford, solicitor to the East India Company, examined. —He produced a copy of a letter addressed by Mr. Dyce Sombre to Major General Sir J. Lushington, containing a Memorial to the Queen. It resigned his claim on the East India Company, and desired Sir J. Lushington to appoint a friend to arrange the preliminaries of a meeting. There was also a letter of similar import to Sir R. Jenkins, which also contained a challenge. A letter to General Ventura had been placed by Mr. Dyce Sombre in the hands of his solicitors, for the purpose of being forwarded. A fourth letter to Sir H. Campbell intimated that Mr. Dyce Sombre considered himself insulted, from the fact of his (Sir H. Campbell's)

looking into his hat, and desiring him to give him a meeting on that account.

Mr. Frere, the solicitor, identified Mr. Dyce Sombre's handwriting in all of these letters.

Edmund Ricketts, a clerk in the Treasury, was then sworn. He stated that he is a relative of Mrs. Dyce Sombre. He was summoned by her in order to give his advice as to how she had better act with respect to Mr. Dyce Sombre, as her father was then gone into the country, where he intended to remain for some time. Witness has heard several statements about Mr. Dyce Sombre, which certainly induced him to consider him perfectly insane.

William Sheriff stated, that in March, 1843, he saw Mr. Dyce Sombre. Witness was appointed to take care of him and to watch his actions as those of a lunatic. On the morning after he was installed in his office he went into Mr. Dyce Sombre's room, to assist him to dress. Mr. Dyce Sombre went to a drawer in the dressing-table and took out a pistol, which he cocked and presented at witness, who immediately wrenched it from his hand. He then drew another, which witness also seized. The pistols were cocked, but neither of them had percussion caps on them. They were both loaded with powder and ball. Mr. Dyce Sombre had not time to draw the trigger. He was not allowed to shave himself, but beyond this no personal restraint was imposed upon him. He was allowed to go where he liked [1], but all dangerous instruments were taken out of his way.

Mr. Dyce Sombre.—I merely presented the pistols to frighten him. It was not likely that pistols without caps could do any injury. I did not draw the trigger, although I had plenty of time to do so if I wished.

W. Sheriff.—When he first entered the room Mr. Dyce Sombre asked him if he was not afraid? Witness replied that he saw nothing to fear. Mr. Dyce Sombre then said : " You are not afraid of my shooting you? " and presented the pistol. He had it in his hand about a minute.

[1] It is not true; I was under the restraint of these very persons.

Dr. Monroe stated that he is a physician, residing in Harley street. He saw Mr. Dyce Sombre at the Clarendon Hôtel on the 24th. of February. He was much excited, and spoke of the infidelity of his wife. He said she was so given to improper conduct that he could not leave her alone for five minutes together. He said that ingredients had been put into his food to produce impotency. This was in the presence of his wife. Witness asked him what sort of a night he had passed? and he said that he had too good a night, as he slept so sound that his wife had introduced a man into her chamber [1]. He placed Mrs. Dyce Sombre on a stool and asked if she would deny it? she did so; and he then placed her on a chair and asked her would she now deny it? she did so; and he again altered her position and asked her if she still denied it? which she did. It is quite consistent with insanity to display uncommon acuteness, and it is also consistent for the party to be sometimes quite mild and quiet.

Dr. Conolly was then called, and corroborated Mr. Monroe's statements about insanity and its symptoms.

Sir James Clark re-examined.—He first visited Mr. Dyce Sombre on the 21th of February in the present year. He was then under some delusions about his wife's fidelity. He said that something had been put into his food to render him unwell. He saw him again on the 28th of February. (Mr. Dyce Sombre here remarked that Sir J. Clark was not sworn, and requested that he might be sworn at once, which was done.) When witness saw him on the 28th of February he repeated some indecent and extravagant expressions about his wife. He spoke of a challenge which he wished Mrs Dyce Sombre to send to another lady.

Mr. Dyce Sombre.—I wished her to challenge any lady she might select, because she might be jealous of the ladies as I am of the men, and I wished to afford every satisfaction [2].

The Commissioner.—But if the lady accepted the challenge, would you expose her to the risk of fighting?

Mr. Dyce Sombre.—Oh no; I should, of course, have taken all that part of the affair upon myself.

[1] False. [2] I did not say exactly all this.

Sir J. Clark then added that he visited Mr. Dyce Sombre again on the 30th of March, when he spoke of an imaginary ball which took place at the Clarendon hotel, where his wife was dancing with Mr. M. to a particular time. He stated that he intended to shoot her on her return from this ball after giving her an opportunity of shooting him. On the 18th of April he said that sspirits came to him in the night. He said he saw the heavens open, and a spirit came from the grave and commanded him to do three things. The first was too bad to mention; the second was to kill a cat in a particular way, and the third was to eat his own excrements [1]. On one occasion he beat Dr. Drever. He said that spirits had witnessed his marriage. He first saw these pirits when a boy in India in the form of a letter T. On the 10th of May he refused to take any thing but cold food, as he said it would show that he was a prisoner, and under restraint. He laboured under the delusion that Sir Willoughby Cotton and his wife had been conducting themselves improperly in Hyde Park [2]. He gave witness his will to give to Baron Aguilar.

Mr. Dyce Sombre.—I think not. I wrote to most of the Ministers, and I told you to give it to the American Minister for me —was my letter sent to him?

Sir James Clark.—I believe not.

Mr. Dyce Sombre.—I must protest before the jury against this advantage that has been taken of me. My letters have neither been delivered nor returned to me.

Sir James Clark resumed.—On the 17th of May he poured some brandy over an apple and ate it with some bread for dinner. He called it a letter, and said it would prevent Her Majesty's ball taking place next day. He afterwards expressed his astonishment that it had not had that effect. On the 21th of May he told witness that Mr. Dyce Sombre had been to Rome with Lord Cardigan before he married her. On the 29th of the same month he said he had visited a lunatic asylum and had seen several ladies, one of whom was dressed in an Indian costume. He also said that

[1] Sir James Clark forgets himself, when he says this, for it is all false.

[2] All false, from top to bottom.

he saw a stout man with a wooden leg, who struck him on the head and awoke him, and the spirit told him that it was George the Third. Another delusion that he laboured under was, that all the acts of the House of Commons were illegal.

Mr. Dyce Sombre. — It is no delusion. I merely told you that I applied it to the British Parliament. I thought the least it could do was to have an enquiry at once. Had I made an application in India, the sittings of the Supreme Court would have Been continued until something was done, and I should not have been confined for months [1].

The Commissioner. — That would not make the acts of Parliament illegal.

Mr. Dyce Sombre. — That is a question for the jury to decide.

Two letters were handed to Sir James Clark; one of them addressed to the Court of Directors of the East India Company, and the other to the Archbishop of Canterbury, which were of a most incoherent character; and.

Mr. Dyce Sombre having failed to give any explanation of them [2].

The jury expressed themselves satisfied, and declared him to have been " of unsound mind from the 27th of October, 1842. "

The room was crowded during the investigation by distinguished personages [3].

So much for the mock trial by jury.

I shall now pass over with *silence* and *contempt* the remark concerning my " neither having birth, nor commanding genius,

[1] There is not a particle of truth in all this.

[2] This is totally false, I wanted to call my witnesses in, when Mr. Commissioner Barlow said in a loud voice, " We have heard all, we have no further need of witnesses," and we were all sent out of the room, for about 10 minutes, when the doors were opened, and the verdict of insanity brought in, to the astonishment of many, who were not in the secret.

[3] It was quite a private meeting, there was no one there, beside the witnesses, excepting the Hon. Mr. Eden (the present Lord Auckland), and he was one of the astonished party.

" nor highly cultivated intellects in me." Such language, coming from a person who is supposed to be the guardian of your honour (for such Mr. Rolt ought to have been) is better passed over in silence. Although I may not have to boast of much, yet, considering the position of my mother, who was considered a relation of the Begum through general Sombre, and my father holding the rank of Commander in Chief in the Begum's service, it cannot be considered that my birth altogether was not of a certain position in life; as to the rest, I am pretty well known both in India as well as in Europe, to allow myself to be bullied by such silly remarks as those made by the Counsel. The only remark strikes me, as applicable to this, is that perhaps he is in the habit of receiving double fees and making such remarks.

I cannot make out what Mr. Rolt means by " my exhibiting " violence against Mrs. Dyce Sombre." He says : " He threw her " from a chair, seized her by the throat, and in various other " ways gave her great annoyance. " To this brutal and fabricated statement, I shall appeal to Mrs. Dyce Sombre herself, if such a thing ever occurred, during the time we lived together. We might have had differences, but it never came between us to such proceedings, and I never believed in ghosts, as stated by him.

Sir Ch. Trevelyan is wrong; he either forgets, or feigns to forget that the birth of the youngest daughter of Col. Dyce was not always a matter of question. Will either Sir Charles Trevelyan, or Mr. Glyn, who was in the Begum's confidence, and who held a high civil office in India—or will others, such as Mr. Ch. Elliott, who was the Governor General's Political Agent at Dehli, Mr. H. J. Middleton, Mr. A. Ross, who has been a member of the supreme Council of India, Mr. W. Byam Martin, who was Resident at Dehli (or the Representative of the Governor General of India), Mr. W. Gorton, Mr. R. H. Tulloh, Mr. F. C. Smith, all these having held high official offices in India, as well as others, will they, or any of them *deny on oath that* he or they never heard about the illegitimacy of the youngest daughter of Col. Dyce, who is at present Mme. Solaroli? Will officers of Her Majesty's and the East India Company's service,

who from their position had access into the Begum's presence, deny on oath that they never heard this?

But since the Begum considered the property left to me to be her own, entirely and freely, she thought proper to give it to me, and to me alone, for my private services in taking care of her rights. There was no question about Col. Dyce and his daughters and connections of the late Begum's husband; she left them legacies, as she did to many others; and the only person she owns in her will to be another adopted son of hers, has nothing to do with Col. Dyce's family; and if it could be proved that I was not entitled to leave my property to whom I liked, it would be this person, or his heir, who ought to inherit it after my death. But such was not Her Highness the Begum's meaning. She intended that I should be the sole possessor of her private property, and not Col. Dyce's family, who had lost all favour with her, and had been obliged to leave her service also.

But to narrate the whole circumstance of my confinement, and how it took place and under what circumstances, I must go back to the year 1843; for in March of that year, Sir James Clark, who had been attending me some time before (and which was done merely to pacify Mrs. Dyce Sombre's fears, who by advice of her officious friends, would wish me to see a medical man), came one evening about 11 o'clock (I remember it was on the 29th of March), and having told Mrs. Dyce Sombre to retire, he put me in charge of three keepers, who kept watch over me all night, and who would not let me go to bed. I sat up with them the whole of that night, and, about sun rise, next day Sir James Clark came to see me; upon addressing me, he said: "No sooner said than done." I thought my wife had gone to her father in the country, which she had said she would do. But on my enquiry of Sir James, if such was the case, he gave me an evasive sort of answer. Under the same keepers, I remained up to the 11th of April, at the Clarendon Hotel, under strict confinement, and was only allowed to go out to take air under charge of two of these keepers, and was then taken, under pretence of a drive, to Hanover Lodge, Regent's Park, where I was kept under strict solitary confinement for four months, only seeing Sir James Clark

for about a quarter of an hour each day ; but before the Commission sat, a box of paper, which I had always kept by me, containing some private letters, accounts, my Will, and some other papers was taken away from me by Sir James Clark, almost by force, and subsequently forced open by my own lawyer, Mr. B. J. Frere Junior, under pretence of seeking for a marriage certificate of my father's, of which there was no question then (nor is there is any now) pending, and of which I never took the trouble to bring a copy from the official documents in India, and when I did write to Sir James Clark to let me know why the Commission was going to sit, and what they were going to try me for, and at all events, to let me have the use of my papers, the following letters passed between my solicitor, Sir James Clark and myself.

Copy of a letter from Mr. Frere jun. to Sir J. Clark, Bart.
Lincoln's-Inn, July 27, 1843.

" My dear Sir,

" I have received your note in which you say, Mr. Dyce Sombre will not appoint any Counsel until he has the charges against him in writing.—It is quite clear from this that Mr. Dyce Sombre quite misunderstands the nature of the intended inquiry. There are no charges against him, and the object is to ascertain whether he is insane or not, and capable of managing his affairs. For enabling the jury to judge of this, the medical gentlemen, the servants and others who have had the opportunity of observing his conduct will be examined.—*It is not at all necessary to the enquiry that M. Dyce Sombre should have a counsel or a solicitor employed for him* [1]; but if he chooses to appoint one or both, the Commissioner will allow him to have them. I beg you will show this letter to Mr. Dyce Sombre, if I can do any thing to help him.....

" (*Signed*) B. Frere."

[1] Look at the advice given here.

From Sir J. Clark to Mr. Dyce Sombre.—Brook-street, July 29, 1843.

"My dear Sir,

"I am not permitted to open the sealed Box, which you delivered to me. The papers it contains, can have nothing to do with the trial, which refers to a period after these papers could have been written [1]; but at any rate they could be of no use to you on the trial.

"Yours truly,

"(*Signed*) JAMES CLARK."

To show that the box's contents were not a trifle on account of the numerous letters it contained, the following copy of a letter from my then solicitor, will at once show how Sir James Clark behavied in this affair [2].

[1] The box had been taken away from me, only about a week before, while I was under confinement since the 29th March; how then could Sir J. C. say that the papers "referred to a period after these papers could have been written."

[2] *Copy of a Memorandum and a Letterf rom Mr. James Leman of the firm of Vizard and Leman, Lincoln's-Inn.*

List of papers in a tin box deposited in the Office of the Commissioners in Lunacy on the 13th day of January 1844, belonging to David Ochterlony Dyce Sombre, Esq., and opened by me with the sanction of the Chancellor, and in the presence of John Pascal Larkins, the approved Committee of the Estate of the said D. O. Dyce Sombre, of Mr. Henderson his Solicitor, of John Rose Troup, Esq., the husband of Anne May Troup, one of the alleged next of

After the Jury had found me guilty, and the Doctor finding that my health began to fail, I was sent under Doctor Grant of the East India Company's service, who was selected by Doctor Martin who attended me, during the absence of Sir J. Clark, and

kin of the said D. O. Dyce Sombre, and Mr. Haverfield, Solicitor for the said J. R. Troup, and Anne May his wife, and for Peter Solaroli and Georgiana his wife, the said Georgiana Solaroli being the other alleged next of kin of the said D. O. Dyce Sombre, and in the presence of Mr. Frere, the Solicitor for the Hon. Mary Anne Dyce Sombre, the wife of the said D. O. Dyce Sombre, this 17th day of February 1844 :—

A sealed packet;
(In black ink) The last Will and Testament;

Tied up in a sheet of paper, and marked A,	A pocket handkerchief, Another handkerchief containing a mulberry-coloured muslin turban;
Enclosed in a sheet of paper marked B,	Letter from Lord St. Vincent to the Hon. Mr. Dyce Sombre, enclosing a certain document signed by Lord Combermere and others dated Jan. 31, 1842, and a copy of a letter signed by Lord Lowther, dated Feb. 16, 1842, and a copy of another letter signed by Lord Lowther, dated Feb. 28, 1842;
Enclosed in a paper marked C,	Letters and papers numbered 1 to 16 relating to meeting at the Clarendon;
Enclosed in a paper marked D,	Grants of titles of honour and Commissions;
Enclosed in a paper marked E,	A purse containing a gold locket with hair and some pieces of gold chain and seal, A silver card-case, A gold ring with crest;
Enclosed in a paper marked F,	A snuff-box containing a gold locket in which are enclosed some scraps of a French paper, also a large gold ring wrapped up in part of a newspaper with writing upon it, and some small scraps of a newspaper enclosed therein;
Tied up in a paper marked G,	A jeweller's box containing a crystal enclosing a horn;
Tied up	Packet of papers relating to question of his being an alien, and a certificate of his birth;
Tied up	Letters (4) from Mr. Rickets to Mr. D. O. D. S.;
do.	Letters (36) from Mrs. D. O. D. S. to Mr. D. O. D. S.;
do.	Letters (40) from Lord Combermere;

who had gone to Belgium or to France with Her Majesty, to travel with me to Bristol, and from thence to Liverpool. From the latter place I had the good chance to make my escape on the morning of the 21st September 1843, and coming through London, was fortunate enough to find a vessel, which was going to start the same evening from Southampton to Havre. I went by railway to Southampton, and from thence in a steamer, I arrived the next morning at Havre. There another difficulty

Marked H, (in paper)

Memorandum of propositions,
Letters (7) from Lady Combermere,
Letters (4) from Lord Marcus Hill,
Letters (14) relating to Monument,
Letters (3) from Mr. Freshfield,
Letters (5) from Coutts and Co.,
Letters (10) from Sir J. Clark,
Letters (38) from Lord and Lady St. Vincent,
Letters (12) from Dr. Drever,
Letters (5) from Sig. Solaroli,
Miscellaneous letters 1 to 50,
do. 51—103,
Letters (13) from Mr. Frere,
Roots of two cheque books,
2 Pocket books,
5 Memorandum-books,
Bundle of address cards,
A certificate in ihe German language with a French acknowledgement of a charity,
Duet à la Ruse by Miss Jervis,
A print of Miss Jervis,
Drawing of Mrs. Sombre,
5 Accounts and a receipt marked 1 to 6,
Paper endorsed: "Substance of the settlements on the marriage of Mr. and Mrs. D. Sombre."
Memorandum of investments made by Trustees of Mr. and Mrs. D. Sombre's marriage,
Settlement on account of Consols covenanted to be settled,
Bundle of papers in the handwriting of Mr. D. O. Dyce Sombre,
Bundle containing numerous documents, some in the Persian language, relating to his claims upon the East India Company,

arose about the passport, but I came on without one, and whether it was by oversight, or that the consul overlooked the case, however, I was not asked a single question about it. I arrived the same evening in Paris, and having laid the case before the Préfet of Police, I was advised to live quietly, until some one interfered with me. It was not long before Mr. Frere made his appearance and Sig. Solaroli followed next; when they having applied to the late Lord Cowley, who was the British Ambassador here at that time, the following enquiry took place.

Marked H, (in paper) Miscellaneous Enveloppes, Prescriptions, Seal, and Cushion,
9 Globe newspapers and 1 India paper.

"My dear Sir,

"I have at last obtained and send you as above a schedule of the papers found in the Box, which is still under seal, and kept with the Commissioner. Pray say which of any of these letters will bear on any of the points of discussion that arose prior to your marriage more particularly, or to the conduct to be adopted by Mrs. D. S. as your intended, and actual wife. Do those of the Viscount St. Vincent or his lady go into those questions, or those written by Mrs. Dyce Sombre to you?

"Yours very truly,

"Ap. 7, 1844." "James Leman."

HOME DEPARTEMENT.

Examination of Col. Dyce Sombre by Medical Doctors before the Prefect of Police.—Paris, December 28, 1843.

"Sir,

"In conformity with your request of the 18th inst., I have the honour of sending you the report of the medical men by whom you were heard, in presence of the Prefect of Police, on the 13th of October.

"Receive, Sir, the assurance of my high consideration,

"*For the Minister, and by authorisation,*

"The Under-Secretary of State for the Interior,

"A. PASSY.

"Mons. Dyce Sombre, *Boulevard des Capucines,* n° 23, *Paris.*"

The undersigned doctors, assembled at the request of the Prefect of Police, Councillor of state, in order to verify the mental condition of Mr. Dyce Sombre, proceeded to the Prefect's cabinet, and were present during the conversation, in which they took a part, in order to verify his state of mind. During this long examination, Mr. Dyce Sombre appeared altogether becoming, calm, and

moderate ; his features, at all times frank and open, never once betrayed the slightest emotion or embarrassment, however grave or delicate were the questions put to him.

With complete distinctness, he entered into all particulars relating to his confinement in England, the decision of the Commission of Lunacy, named for the enquiry into his mental condition, and his flight from Liverpool and arrival in France. The account, entirely related by Mr. Dyce Sombre, did not give rise to any incident which should induce the undersigned doctors to admit that want of lucidity existed in him.

On the termination of this statement, the Prefect was pleased to address Mr. Dyce Sombre in a long series of questions, and which, directed with great ability and good will, did not in the least appear to alarm the person to whom they were made. Unlike the generality of deranged subjects, who are reserved, anxious and suspicious, Mr. Dyce Sombre constantly spoke with ease, without any distrust or restriction, save that which the delicacy of a well-bred man required. Thus, in speaking to him of a challenge he had sent some person during his stay in London, he requested that the names of the party might be suppressed ; nevertheless, he entered into a full explanation of this affair, and with the exception of the name of the party, gave us communication of the letters relating to this incident.

The undersigned doctors, wishing to have some explanation as to the species of mental alienation by which Mr. Dyce Sombre was said to be affected, and in order to avoid the hesitation and delay generally presiding at the examination of an alienated person whose *côté faible* is not known, had communication of the documents which the Prefect was pleased to place at their disposal. The greater part, those particularly emanating from the English authorities, consisted in the mere expression of mental alienation, without detailing either its form, state, or particularities. But among them were : 1° a letter signed J. Clark, addressed to one of the undersigned, Sir A. Chermside, in which were enumerated the principal points constituting Mr. Dyce Sombre's madness ; 2° a species of memorandum in Mr. Dyce Sombre's own handwriting, written during his confinement, which, if really intend-

ed for a fixed purpose, would appear completely unreasonable. This document was exhibited on the Commission of Lunacy.

All the questions arising out of these two documents were put to Mr. Dyce Sombre by the Prefect with great ability and prudent perseverance. The undersigned doctors intend dwelling for a short time on these several points, which, to a certain degree, comprised the assertions presented as those demonstrating Mr. Dyce Sombre's mental alienation; this examination will allow them to show, in a more complete manner, his present mental state, which they had to examine.

And at the outset, the letter alluded to mentions " that it is " not difficult to discover Mr. Dyce Sombre's weakness of mind " on all things in general." The undersigned doctors declare, as they have done already, that on all things, generally, Mr. Dyce Sombre did not appear to them in any way weak in mind; they, on the contrary, remarked constant lucidity in the detail, and a firmness and precision in the statement, which produced a very different impression upon them.

According to the letter, " the real subject of his madness is " Mrs. Sombre's infidelity; and, on this head, the state of his " mind is clearly placed in evidence by his extravagant and absurd " ideas, as also by the supposed proofs of his wife's misconduct; " and, in order to instruct you more on this head, ask him what " are these proofs? When and where had he cause to complain? " How did he know the parties who were connected with Mrs. " Dyce Sombre? Urge him a little upon the proof."

These several rather delicate points, and which, according to the letter, constitute the subject of Mr. Dyce Sombre's madness, were all precisely entered upon, the questions all minute and direct, and the answers numerous and consistent, and given in the most open and natural manner. Nothing in these answers appears to the undersigned doctors as constituting, or to be considered as indications of madness.

Mr. Dyce Sombre has made no complaint as to his wife's misconduct; he related that being brought up in India, he had different and completely Indian notions, and which were diametrically opposed to our easy European manners, respecting the life married

women should lead; that he had communicated those ideas to Mrs. Sombre previous to their marriage, which had even been delayed by these species of conditions; that they had been faithfully observed for some time, but afterwards, through the intervention of indiscreet friends and relations, they had been less scrupulously kept. He even related that he was at a dinner with Mrs Sombre, who, with the lady of the house, were the only ladies present, whilst there were many more gentlemen. This appeared to him a great mark of disrespect which he would have wished to have resented. He consequently had for Mrs. Sombre that susceptible and even punctilious respect, which is not felt for a woman who deceives you. He expressed nothing to induce a supposition of Mrs. Sombre's *misconduct*, (the word was said and well explained) and consequently he is not called upon to furnish any proofs thereof. He even communicated a letter, adressed to him by this lady on the 6th of October 1843, which letter contains sentiments very little in harmony with those ideas said to be entertained by Mr. Dyce Sombre. All these questions have been thoroughly entered into. The letter continues : " Ask him on what conditions " he would take his wife back? Talk to him of religion, in order " to bring up she Archbishop of Canterbury's name; ask what he " thinks of him? " This passage most positively brings us back to the second document, the memoranda in Mr. Dyce Sombre's own hand writing, in which he alludes to him.

The questions specified were brought about in the easiest manner possible. Mr. Dyce-Sombre replied he had nothing to say against the Archbishop of Canterbury; that he had seen him on his arrival in England, and afterwards, as to the dispensation necessary to his marriage; perhaps even he mentioned having seen him once more, but he declared never having any disagreeable transaction with him. He added that, with reference to that name, he had to say that, in the Commission of Lunacy, a document was exhibited that was not the consequence that it was said to be (Mr. Dyce-Sombre was altogether ignorant that this document was in the Prefect's hand); that during his confinement, on one of those many days of idle leisure, and under the influence of ideas caused by his youth, the strength of his consti-

tution, and the abstinence of all sexual intercourse, he had mechanically written on a scrap of loose paper some disconnected phrases.—He also thought having added in his idle leisure in allusion to the Archbishop of Canterbury, several jokes dictated by a Catholic sectarian spirit, as also some few broken sentences, the result of ideas on his position with regard to his wife, and the reveries which it suggested to him in the midst of his solitude; that this paper had neither form of letter or note, that he never sent it to any one; that he only looked upon it as a thing to be burned, and that he attached so little importance to it, that he must have left it on a table from which Sir J. Clark had taken it the next day, without any opposition on his part. This document had afterwards figured in the Commission as a proof of his mental alienation.

These explanations, entirely spontaneous, were given with simplicity; continually questioned on this head, Mr. Dyce Sombre always explained the facts in like manner, almost laughing at the blunder which had transformed this frolic of a prisoner's imagination into a serious document, into conditions dictated by madness.

This explanation, with the form it assumed, completely convinced the undersigned Doctors. They can perfectly well understand the purely physical influence which dictated the first phrase; they also consider that reverie, those unmeaning passages, as very natural; but according to their ideas too great a distance exists between that state of reverie and mental alienation, to bring this document to bear against Mr. Dyce Sombre. They add that even the form of this document excludes all idea of a studied note of conditions summing up the wishes of Mr. Dyce Sombre. It is known that lunatics are rigid observers of form, in what affects their favourite ideas. A lunatic would not have failed in heading these notes with a title stating their object and general intention. The Archbishop of Canterbury's name, a hundred times repeated before Mr. Dyce Sombre, has not therefore given rise to any other incident than the explanation of those words traced by him on the paper communicated to the undersigned Doctors. They are completely satisfied with this

explanation, and as yet do not perceive any sign of mental alienation.

The letter further says. "Try and turn the conversation on "the subject of the East India Company. Ask him if it has not "ill-used him? Talk to him about the Government."

Mr. Dyce Sombre believes that by virtue of his grand-mother's Will, and an agreement entered into between her and the East India Company, the latter have grievously injured his interests, and committed most culpable abuses of which he has in vain demanded reparation from the competent tribunals, whether the Government were whig or tory. Besides this contestation, having given rise to legal proceedings, cannot be viewed as a sign of mental alienation. The abuses of which Mr. Dyce Sombre complains, are within the range of possibility, and probably not without precedent. Nothing, therefore, has resulted from these new questions, as to induce the undersigned doctors to believe in Mr. Sombre's mental alienation.

Further on, in the above letter, we find :—

"He fancies himself worried by ghosts, and on this head you "will at once discover the state of his mind." This subject was also introduced with all the care and pertinacity that the case required ; Mr. Dyce Sombre said that he had never been worried by any one else, but by the keepers who, very often, entering his room very abruptly at night, would awaken him suddenly, which would fatigue and annoy him ; he even complained to Sir James Clark on the subject. Is that what has been considered as hallucination? The undersigned doctors cannot be of that opinion. They consider that Mr. Dyce Sombre's explanation was very simple ; he was very precise and clear on this head, however repeated, direct or insidious, were the questions put to him. They beg to remark that madmen having certain hallucinations do not easily give up their opinion, but, on the contrary, sustain with great tenacity the pretended truth of their illusions.

The undersigned were moreover struck with the following circumstances : Mr. Dyce Sombre says that he is not aware who can

have directed this Commission of Lunacy against him; nevertheless, in the absence of other suspicion, would be inclined to throw it upon the India Company; but at the same time would not venture to affirm such suspicion, yet would wish to know by whom he is accused and confined. Where is the madman with so much reserve in his accusations? Generally, patients, in this case, are apt to accuse ten persons sooner than one; they always affirm the veracity of that which they advance, and have not that doubt, that reserve of a mind clearly appreciating what uncertainty there is from such a presumption which rather appears the suspicion of a man who has sought in vain for the motive and the author of the conduct observed towards him.

Mr. Dyce Sombre further spontaneously states that three days before the proceedings, he had an indisposition that lasted two days; that it began in the night, and was most particularly characterised by violent *étourdissement* (swimmings in the head); and, reflecting on this state, which appeared to him very unusual, he believed that some particular substance had been mixed up with his food; but that this supposition was the result of an explanation that had occurred to him during his confinement, and in presence of an indisposition, which he had never previously felt. They insisted upon knowing whether he ever had any vague suspicion of an attempt on his life. This idea he rejected with a smile; he had never (he said) supposed anything of the kind; he only imagined that they might have caused an indisposition; but this was only a vague suspicion, and not a certitude. Where is the lunatic, the undersigned Doctors further observe, who, after three hours conversation on subjects most irritating for him, after the most delicate and repeated questions, would have been so reserved in his accusation, would not affirm energetically that which Mr. Dyce Sombre presents as a suspicion, and the idea of an attempt against his life being once mentioned, would not dwell further upon that subject?

To sum up, the undersigned Doctors, during the long examination in which they were engaged with fixed attention, absolutely have not seen or discovered anything which can lead

them to recognise the least derangement in the mental faculties of Mr. Dyce Sombre, who appears to them as enjoying complete lucidity and clearness of understanding.

In testimony of which they have drawn up the present declaration, to be use to whom it may concern.

Paris, the 13th of October, 1843,

Signed : BEHIER, Quarterly Physician to the King;
BOURNEAU, Physician to the Hospitals of Paris;
R. C. CHERMSIDE, Physician to the British Embassy of Paris.

For conformable copy,

The Under-Secretary of State for the Minister of the Interior,

A. PASSY.

Affidavit of the Baron Félix Feuillet de Conches,

CHEF DU PROTOCOLE

IN THE DEPARTMENT FOR FOREIGN AFFAIRS OF FRANCE,

RESIDING AT PARIS, N° 17, RUE DE LA FERME.

This Affidavit of Monsieur Feuillet de Conches, of the French Foreign Department, is given here because this gentleman was one of the parties present at the Examination.

Sworn before the Consul of Great Britain, the 1st of February 1844.

Says that he has known the above named David Ochterlony Dyce Sombre for more than six years. That he was introduced and recommended to this Deponent from the East Indies by the friends of this Deponent Generals Allard and Ventura, who both entertained for the said D. O. Dyce Sombre strong feelings of regard. That since that time this Deponent has seen the said D. O. Dyce Sombre several times; first, during three journeys that the said D. O. Dyce Sombre made in France, which may altogether include a period of four months. Secondly, in England during two different journeys made by this Deponent, which journeys together may have covered a period of about six weeks. That in France as in England, but particularly in France, this Deponent saw him daily and at all hours under every circumstance at dinner, in the saloon and at the theatre, and that the said D. O. D. Sombre by his conversation as well as his conduct, always appeared to him to enjoy the full possession of his mental faculties. That this Deponent has been able to judge from ecah of these circum-

stances, that the said D. O. Dyce Sombre has shown himself skilful in managing his affairs, regulating them himself, and in not contracting debts to the knowledge of this Deponent. That when the said D. O. Dyce Sombre called on this deponent in the month of September last, after having fled from England, he, this Deponent found in him during the long interview which he then had with him, the calmness of mind, the sense, the order and resignation which a man of perfectly sane faculties would possess. That the said D. O. Dyce Sombre immediately placed himself under the protection of the French laws, and that (M. le Conseiller d'État, Préfet de Police) the Councillor of State and Prefect of Police, at whose residence the said D. O. Dyce Sombre presented himself with this Deponent for that purpose, promised him every assistance on the condition which the law of Nations prescribes in all countries, viz. so long as he should respect the laws, and did not commit any outrage against public order. That it is equally in the knowledge of this Deponent that in consequence of the facts that had occurred in England, and of the statements made by the newspapers of the Commission of Lunacy against the said D. O. Dyce Sombre (M. le Conseiller d'État, Préf. de Police) the Councillor of State and Prefect of Police thought it right to employ the means which his position afforded to keep a watch on (faire surveiller) the said D. O. Dyce Sombre, and that this active unremitting watchfulness (surveillance) which this Deponent has been able to observe with his own eyes, finally resulted in favour of the said D. O. Dyce Sombre, this fact having clearly proved that he had not afforded any outward symptom whatever of insanity and that there was no necessity to restrict his liberty in any way. That the said D. O. Dyce Sombre arrived in France without money and without any other things than what he carried on his person, not having then received any part of his income, and he was obliged to live on the advances of his friends. That the said D. O. Dyce Sombre to the knowledge of this Deponent limited with courage and good sense his expenses, and from that to the present day he has in all things, so far as it has come to the knowledge of Deponent, continued in the same spirit of order and skill in his affairs, personally to direct and manage his own interests. That the extradic-

tion of the said D. O. Dyce Sombre having been demanded by His Excellency the ambassador of England in the name of his Government, the Government of the king, desirous, without granting the extradiction, which was not in such a case as this provided by the treaties, to lend itself as much as possible to the desires of the British Government, and to prove under the eyes of the English subjects attached to the Embassy of the Queen, the mental state of the said D. O. Dyce Sombre, a solemn inquiry was ordered, and the said D. O. Dyce Sombre was called to the house of (M. le Conseiller d'État, Préfet de Police) the Councillor of State and Prefect of Police, where this deponent accompanied him as a friend, and in case of need as interpreter. That the said D. O. Dyce Sombre was totally ignorant, as well as this Deponent, what might be the object of this appeal, to what sort of examination he would have to submit, if there were to be any examination, what persons might be present, but that nevertheless the said D. O. Dyce Sombre declared that he would attend with pleasure, and was determined to tell the truth, and nothing but the truth, if questions were put to him. That at this meeting there were present under the presidency of (M. le Conseiller d'État, Préfet de Police) the Councillor of State and Prefect of Police assisted by a Commissary of Police, Secretary of Council, Messrs. the Doctors Béhier, Physician to the King; Bonneau, Physician to the Hospitals of Paris; sir R. C. Chermside, Physician to the English Embassy at Paris; Mr. Okey, Counsel of the same Embassy, the said D. O. Dyce Sombre, and finally this deponent, who declined then to act as interpreter, and begged the said Mr. Okey to take upon himself that office in his place. That the translation of the French questions and English answers of the said D. O. Dyce Sombre were made with perfect exactness by means of the said Mr. Okey. That to all questions the most pressing, the most clear, particularly to what had led to the Commission of Lunacy, the said D. O. Dyce Sombre replied with plainness, with candour, with firmness, with a clearness with which all present were struck. That Mr. le Préfet, who had, as he made known at the end of the sitting, an English document from whence he extracted the details which formed the foundation, pressed questions on the said

D. O. Dyce Sombre on the preceding subjects, on his travels, on his marriage, on the clouds that had overshadowed his conjugal life, on his projected duel, on his complaints against the East India Company, on his residence in Regent's Park, where he had been confined before the decision which had declared him afflicted with lunacy, on the bad treatment of which he complained that he had been subjected to by his keepers, on the notes found on his table by the Doctor Sir James Clark, and which made allusion to the Archbishop of Canterbury, towards whom the said D. O. Dyce Sombre professed his most profound respect, in a word, all that there was most delicate in these points relative to the person of the said D. O. Dyce Sombre was retraced in detail with perseverance, with force and firmness by (M. le Conseiller d'État, Préfet de Police) the Councillor of State and Prefect of Police, and the said D. O. Dyce Sombre replied to all the questions without difficulty, with a clearness of ideas and expression, and above all, with a circumspection or dignity and a steadiness which did honour to his good sense, although he was left for his replies entirely to himself, and was by no means laconic in giving them. That in conclusion, during this long examination, which lasted a little more than three hours, and which was of a nature to fatigue a man with the strongest head, the said D. O. Dyce Sombre suffered nothing to escape him, either directly or indirectly which could tell against him, and all present separated expressing their unanimous conviction of the sound state of mind of the said D. O. Dyce Sombre. That from the day of the examination which had only confirmed this deponent in the opinion he had of the mental condition of the said D. O. Dyce Sombre, he has not found the slightest alteration in the mind of the said D. O. Dyce Sombre, and that according to this deponent's judgment, the said D. O. Dyce Sombre is perfectly capable of being the manager of his own affairs and to govern his person.

Second Meeting of Doctors at my own lodging.

A Private Consultation.

CONSULTATIONS
DES MÉDECINS
POUR
M. LE COLONEL DYCE SOMBRE.

Les médecins soussignés, sans vouloir s'immiscer dans le jugement des faits antérieurs à leur consultation, et se bornant à l'appréciation de l'état actuel de M. David Ochterlony Dyce Sombre, exposent :

1° Qu'ils ont soumis M. Dyce Sombre à un examen approfondi, à plusieurs reprises et à des jours différents ;

2° Que de l'appréciation de tous les entretiens qu'ils ont eu avec M. Dyce Sombre, de tous ses actes dont ils ont eu connaissance, est résulté chez tous les médecins consultants la conviction intime que, dans le moment actuel, M. Dyce Sombre jouit de l'intégrité des facultés intellectuelles et affectives ;

3° Que les mouvements de jalousie,

CONSULTATIONS
OF MEDICAL DOCTORS
FOR
COLONEL DYCE SOMBRE.

The undersigned Doctors, without offering an opinion upon facts anterior to their consultation, and limiting themselves to the appreciation of the present state of Mr. David Ochterlony Dyce Sombre, declare :

1st. That they submitted Mr. Dyce Sombre to several deep investigations, and on different days ;

2nd. That from the appreciation of all the conversations they have held with Mr. Dyce Sombre, of all his acts which have come to their knowledge, they are all perfectly convinced that in the present time, Mr. Dyce Sombre is the full possession of his intellectual and affective qualities.

3rd. That the movements of jealousy,

dont plusieurs paroles de M. Dyce Sombre révèlent la persistance, ne paraissent pas dépasser les limites ordinaires chez un Européen, et, à plus forte raison, chez un Asiatique;

4° Que d'après tous les renseignements donnés par plusieurs personnes qui ont connu M. Dyce Sombre, dès son arrivée en France, l'intégrité de ses facultés intellectuelles et affectives ne s'est pas démentie depuis cette époque.

Délibéré à Paris, boulevard des Capucines, 23, ce 14 décembre 1843.

Signé : F. VOISIN, médecin en chef des Aliénés de Bicêtre (1re section), membre de la Légion d'honneur.

FALRET, médecin en chef à l'Hospice des Aliénés de la Salpétrière, M. D. P., membre de l'Académie royale de Médecine et de la Légion d'honneur.

J. FERRUS, médecin consultant du roi, inspecteur-général du service des Aliénés, membre de l'Académie royale de Médecine, officier de la Légion d'honneur.

E. BERTIN, late Physician of the French Embassy in London, and member of the Royal College of Surgeons in London.

ROBERT VERITY, M. D., late Physician to the British Embassy in Paris.

J. J. OLLIFFE, President of the Parisian Medical Society.

the tenacity of which is revealed in several expressions of Mr. Dyce Sombre, do not appear to exceed the ordinary limits in the feelings of an European, and with much more reason in those of an Oriental.

4th. That from all the information furnished by several persons who have known Mr. Dyce Sombre ever since his arrival in France, the full possession of his intellectual and affective faculties has not failed him since that period.

Deliberated and signed in Paris, boulevard des Capucines, n° 23, the 14th of December 1843.

Signed : F. VOISIN, principal Doctor of the Lunatic Hospital of Bicêtre (1st section), member of the Legion of Honour.

FALRET, principal Doctor of the Lunatic Hospital of the Salpétrière, D. M. P., member of the Royal Academy of Medicine and of the Legion of Honour.

J. FERRUS, consulting Doctor to the King, inspector general of the Lunatic Hospital, member of the Royal Academy of Medicine, officer of the Legion of Honour.

E. BERTIN, late Physician of the French Embassy in London, and member of the Royal College of Surgeons in London.

ROBERT VERITY, M. D., late Physician to the British Embassy in Paris.

J. J. OLLIFFE, President of the Parisian Medical Society.

Having in vain tried through Mr. Goldsmith to make amicable arrangements with Mrs. Dyce Sombre, even offering the full amount of 4,000*l.* a-year, if she consented to a divorce, but which her friends would not allow her to accept, and with the above documents in my possession, I of course thought no more of employing Messrs. Frere and Co., and got Messrs. Leman and Vizard, of Lincoln's-Inn-Fields, to supply their place;—they undertook it, but on applying to counsel, they met with great difficulties, from the false statements that had been circulcated about it. In fact, Sir Geo. Whetherall, after accepting the fees, returned them. However, in Sir T. Wilde, we found all that was necessary, though even he, from some etiquette or other, did not say all that he might have said, and said many things that were not intended but for his own information. Between this time and the time I was allowed to go over to England for examination, I had not a single sou given to me for pocket money for several weeks, and then only 100 francs a-week for several months; at last, which they considered a handsome allowance, my expenses were paid by the Embassy lawyer, and 100 fr. a-day given by way of pocket money—out of an income of some 20,000*l.* a-year, which will be shown hereafter.

In the meantime Mrs. Dyce Sombre succeeded in getting herself named Committee of the estate, which being opposed, she made the following affidavit.

Extract of Affidavit of Mrs. Dyce Sombre and Mr. Bartle John Laurie Frere.

In the matter of David Ochterlony Dyce Sombre, Esq.

And this deponent saith, that she has always understood, and verily believes, that John Rose Troup, who has proposed himself as Committee of the estate of the said David Ochterlony Dyce Sombre, has never had anything whatever to do with the management of the property of this deponent's husband, and has not, as this deponent verily believes, been accustomed to business. And this deponent saith, that she has received a letter from the said David Ochterlony Dyce Sombre, dated Paris, 28th October, 1843, which is in part in the words following, that is to say :—

"I have told you once that I will not allow those——of my brothers in law to have anything to do with my affairs, and, if it were not for certain transactions of late, I would have had no objection in naming you a trustee myself; I have protested to the Lord Chancellor against either Mr. Troup or signor Solaroli, either for their wives or themselves, having anything to do in naming a trustee, even for my property, as I inherited it from the Begum, and not derived either through my father or mother, whence my sister could have a claim upon it; you must not *give in there.*"

And this deponent has received another letter from her said husband, David Ochterlony Dyce Sombre, dated Paris 17th Octo-

ber 1843, which is in part in the words following, that is to say :—

" I have given signor Solaroli clearly to understand that, whatever may be the fate of my property hereafter, that I shall take care that neither he, nor the other man Troup, shall have anything to say to it ; he talked very broad as having refused bribes which he was offered in London."

And this deponent further saith, she has read the affidavit of the said John Rose Troup, sworn in this matter, on the 22d day of December 1843, and with reference to the passage wherein it is stated that, for many years, Peter Solaroli was in the management of the larger part of the estates and property which the said David Ochterlony Dyce Sombre inherited from her said late Highness the Begum, and that before the said David Ochterlony Dyce Sombre left Bengal for England, he executed a power of attorney, dated on or about the 10th day of February 1838, to enable the said Peter Solaroli to continue in such management, having always entertained, and still continuing to express the highest confidence in him, and in the integrity and prudence of his management; she, this deponent, states that the said D. O. Dyce Sombre, in a letter dated Paris, 18th November, 1843, saith as follows, that is to say :—

" The sisters lived with the Begum, from the day Mrs. Dyce died, up to the time of their marriage. They have received from Her Highness and myself 20,000*l*. each, in hard cash, out of which sum, 10,000*l*. each is at the disposal of their husbands, with their consent. They got besides between 10,000*l*. and 12,000*l*. each, in jewels, plate, house-furniture, etc.; so they can have no more claim upon me, as the next of kin, or supposed kin, or as the Begum's heir. Mr. Solaroli never had charge of the revenues of the Begum's territory ; I had management of all ; but I had a native deputy under me, for that department separately. Mr. Solaroli had at one time the charge of the Sirdhanna police; but some years before the Begum's death, both he and Mr. Troup were mere pensioners of her bounty."

And this deponent says, that the part before adverted to of the said affidavit of John Rose Troup is therefore incorrect, as the said Peter Solaroli had not the charge of Her Highness the Begum Sombre's property during her life-time, and the two years intervening between her said Highness's death and the departure of the said David Ochterlony Dyce Sombre from India cannot be called many years.

And this deponent, Bartle John Laurie Frere, saith that he has read the affidavit of John Rose Troup, the husband of the sister of the said David Ochterlony Dyce Sombre, sworn in this matter, on the 22d day of December 1843; and that since the said John Rose Troup has made mention in such affidavit of the settlements made upon the marriage of the said David Ochterlony Dyce Sombre with the deponent, the said Mary Anne Dyce Sombre, in a manner calculated to produce a wrong impression with respect to the same, this deponent thinks it necessary to state that the proposals for the said settlement were prepared by him, this deponent; and that he, this deponent, was at the time of such preparation the solicitor of the said David Ochterlony Dyce Sombre, and had then no acquaintance whatever with the deponent, Mary Anne Dyce Sombre, or the Viscount St. Vincent, her father, nor did he ever see the deponent, Mary Anne Dyce Sombre, excepting on the occasion of her signing the said settlements, until after the said David Ochterlony Dyce Sombre was placed under restraint. And this deponent, Bartle John Laurie Frere, saith the said proposals were prepared from instructions received from the said David Ochterlony Dyce Sombre himself, in the presence of the said Thomas Drever, and such proposals were submitted to the said David Ochterlony Dyce Sombre, and approved by him, subject to alteration made, as this deponent believes, with the said David Ochterlony Dyce Sombre's own hand; and this deponent saith, that the settlements were prepared in accordance with such proposals, except in one particular, in which they were altered for the advantage of the said David Ochterlony Dyce Sombre, of which he afterwards approved. And he, this deponent, also submitted the drafts themselves of the settlements to the said David Ochterlony Dyce Sombre, and the said David Ochterlony

Dyce Sombre expressly desired that the fortune of the deponent, Mary Anne Dyce Sombre, should be wholly settled on herself; and he objected to the settlement of it upon himself, in case of her death, allowing afterwards only a part thereof to be thus settled upon him, at the earnest request of the said Mary Anne Dyce Sombre, which was the alteration above referred to. And this deponent saith, that after referring to the settlements made previously to the marriage of the said David Ochterlony Dyce Sombre, the said affidavit of the said John Rose Troup proceeds to state that "in neither of the said deeds is there contained any stipulation that the settlements and provisions thereby made to, or in favour of, the said Mary Anne, the wife of the said David Ochterlony Dyce Sombre, were or should be accepted by her, in lieu or bar of her dower, or other rights as widow, in the event of her surviving her said husband, and of his dying intestate; and, in point of fact, this deponent, John Rose Troup, has been informed by Bartle John Laurie Frere, of Lincoln's Inn, the solicitor acting on the part of the said Mary Anne, the wife of the said David Ochterlony Dyce Sombre, that she is and will be entitled, in the event just mentioned, to her full right and claims as widow (exclusive of, and beyond the provisions made in her favour by the said marriage settlements) in all the property of which the said David Ochterlony Dyce Sombre is now or might die possessed." And this deponent, Bartle John Laurie Frere, saith, that this statement might be considered trivial, but is really important, as it was upon the discovery of what the said Mary Anne Dyce Sombre's rights would be, in the event of the said David Ochterlony Dyce Sombre's dying, in her life-time, intestate and without issue, that the said John Rose Troup and Peter Paul Marie Solaroli withdrew entirely from the friendly intercourse which had previously existed between them and the deponent, Mary Anne Dyce Sombre. And this deponent, Bartle John Laurie Frere, saith, that in the presence, as he verily believes, of the said Thomas Drever, he explained to the said David Ochterlony Dyce Sombre the state of the laws of England, with respect to the succession to his property, and urged upon him the propriety of making a will. And this deponent, Bartle John Laurie Frere,

saith, that the said David Ochterlony Dyce Sombre manifested an acute understanding, and, by his questions and observations, appeared to this deponent to understand the legal matters connected with the said settlements, and also the effect thereof.

And this deponent further saith, that the said David Ochterlony Dyce Sombre subsequently to, and, as this deponent believes in-consequence of his aforesaid recommendation, afterwards consulted this deponent on the subject of this will, for which he, the said David Ochterlony Dyce Sombre, had prepared blank instructions; but the said David Ochterlony Dyce Sombre did not give this deponent instruction to proceed in the preparation of any will. And this deponent, Bartle John Laurie Frere, saith, that the said John Rose Troup, and Peter Solaroli, called on this deponent, on or about the 29th of May, 1843, and, according to the best of his (this deponent's) recollection and belief, informed him that they had arrived the day before at Blackwall, and this deponent told them of the situation of the said David Ochterlony Dyce Sombre, and offered to give them an immediate opportunity of seeing the said David Ochterlony Dyce Sombre, which offer was accepted by the said Peter Solaroli, and an appointment was made for the next day, when it was arranged that the said Peter Solaroli should go to see the said David Ochterlony Dyce Sombre, in company with Sir James Clark, the attendant physician, on the following afternoon; the said Peter Solaroli, however, declared waiting for Sir James Clark, and, as this deponent was informed and believes, paid his visit alone to the said David Ochterlony Dyce Sombre, on the morning of the 30th of May, and the said David Ochterlony Dyce Sombre, as this deponent believes, refused to see the said Peter Solaroli, and the said Peter Solaroli, after sending to the said David Ochterlony Dyce Sombre several times, proceeded to his room, from whence he was ejected by the said David Ochterlony Dyce Sombre in a violent manner, and the said Peter Solaroli expressed to this deponent his entire conviction of the said David Ochterlony Dyce Sombre's insanity, from the result of this interview.

And these deponents, Mary Anne Dyce Sombre, and Bartle

John Laurie Frere, severally, say, that the said John Rose Troup, and Peter Solaroli, have both said, subsequently to this interview of the said Peter Solaroli with the said David Ochterlony Dyce Sombre, that the letters latterly received from the said David Ochterlony Dyce Sombre, before their departure from India, denoted insanity. And this deponent, Mary Anne Dyce Sombre, saith, that every facility was afforded to the said John Rose Troup, and Peter Solaroli, at all times, to visit the said David Ochterlony Dyce Sombre, whenever they wished to do so, either alone or otherwise, as they might prefer.

And this deponent, Bartle John Laurie Frere, saith, that from the time of the arrival of the said John Rose Troup, and Peter Solaroli, in England, up to the 27th day of July, when they discovered what the said Mary Anne Dyce Sombre would be entitled to, in the event of her said husband dying in her life-time, intestate and without issue, that they gave active assistance to this deponent, with reference to the affairs of the said David Ochterlony Dyce Sombre, and that nothing of consequence relating to the said affairs was done without their knowledge.

And this deponent, Mary Anne Dyce Sombre, saith she arrived in town, from Staffordshire, about the arrival of the said John Rose Troup, and Peter Solaroli, in England.

And this deponent, Bartle John Frere, saith, that the said John Rose Troup, and Peter Solaroli, urged upon this deponent, and as this deponent has been informed and believes, on the said Viscount St. Vincent, the necessity of hastening the Commission of Lunacy in this matter, and stated that they were detained in England solely for the affairs of the said David Ochterlony Dyce Sombre, and that they ought to be put on a regular footing immediately, and that it was mainly owing to their importunities that the said Commission was instituted in the month of July, contrary to the wishes of the said Mary Anne Dyce Sombre, who was most anxious for its postponement till November, hoping ere that time that her said husband would be recovered; and the said Mary Anne Dyce Sombre was only reconciled to giving her consent for its taking place earlier, on hearing, from the said Sir James Clark, that the said D. Ochterlony Dyce

Sombre was himself desirous, and had been for some time that it should take place. And this deponent, Bartle John Laurie Frere, saith, that on or about the 27th day of June, the said Mary Anne Dyce Sombre directed this deponent to prepare for the Commission; and upon the same day, this deponent saw the said John Rose Troup and Peter Solaroli at their lodgings, in Norfolk-street, Strand, and informed them of the intention of the said Mary Anne Dyce Sombre; and this deponent was then engaged for a considerable time with the said John Rose Troup, in taking notes of the said David Ochterlony Dyce Sombre's pedigree, and circumstances, and disposition in India, expressly by way instructions for the Brief. And these deponents say that the said John Rose Troup frequently asserted that a purgannah, or territory of great value, and which these deponents know is claimed by the said David Ochterlony Dyce Sombre, though now in the possession of the East India Company, belonged in part to the wives, and that the said David Ochterlony Dyce Sombre unlawfully kept from his said sisters the evidence of such their right contained in the original grant thereof, or that he had destroyed it, in order to further his, the said David Ochterlony Dyce Sombre's purpose of obtaining the whole for himself.

And this deponent, Mary Anne Dyce Sombre, saith, that the said David Ochterlony Dyce Sombre has denied to her that he ever had any such grant as aforesaid. And this deponent, the said Bartle John Laurie Frere, saith that, partly on the suggestion and with the entire approbation of the said John Rose Troup and Peter Solaroli, and with their assistance, a box containing private papers belonging to the said David Ochterlony Dyce Sombre was removed from his the said David Ochterlony Dyce Sombre's custody. And this deponent, Bartle John Laurie Frere, said that, being desirous of finding certain certificates to prove the pedigree of the said David Ochterlony Dyce Sombre, he, on or about the 18th day of July, 1843, in the presence of the said John Rose Troup and Peter Solaroli, opened the said box, at the chambers of this deponent, and examined the papers belonging to the said David Ochterlony Dyce Sombre contained in the said box,

and upon that occasion, one of them, the said John Rose Troup or Peter Solaroli, in the presence and hearing of the other, and of this deponent, stated that they expected to find the original grant under which the said purgannah would have belonged in part to the wives of the said John Rose Troup and Peter Solaroli. And this deponent saith that the said John Troup, and Peter Solaroli, continually made enquiries from this deponent, respecting the steps taken with reference to the aforesaid Commission of Lunacy, and received from him, the said Bartle John Laurie Frere, full information respecting these matters.

And this deponent, the said Bartle John Laurie Frere, saith that, on or about the 17th day of July, 1843, he introduced the said John Rose Troup and Peter Solaroli to Mr. Edward Moore, barrister at law, as their adviser in the capacity of husbands of the sisters or the said David Ochterlony Dyce Sombre; and, on or about the 26th day of July 1843, this deponent, for the information of the said John Rose Troup and Peter Solaroli, sent to the said Mr. Moore copies of the settlements on the marriage of the said David Ochterlony Dyce Sombre; and, to the best of this deponent's recollection and belief, the day following, the said Peter Solaroli called upon this deponent, and mentioned to him that he, the said Paul Solaroli, had been informed by Mr. Moore, that the said Mary Anne Dyce Sombre would be entitled to half of the said David Ochterlony Dyce Sombre residuary personal estate, in case of his death intestate without issue, in her life-time, and asked if that was the case; and the said Peter Solaroli was evidently very much surprised, and displeased.

And this deponent, Mary Anne Dyce Sombre, saith that the said John Rose Troup, and Peter Solaroli, were in the habit of visiting her, and dining with her, and were both kind and attentive to her; and when the time approached for the Commission to be held, this deponent begged of the said Thomas Drever to name to the said John Rose Troup, and Peter Solaroli, that she, this deponent, felt unequal on this account to receive them, or any one, and which the said Thomas Drever kindly undertook to do, he being on very intimate terms with the said John Rose Troup and Peter Solaroli. And this deponent also requested the

said Thomas Drever to name to the said John Rose Troup, and Peter Solaroli, that this deponent was anxious that the approaching inquisition should not be publicly talked of, as this deponent did not know whether her said husband David Ochterlony Dyce Sombre intended to be present at the proceedings, or not; and that if he was not present, it would be desirable that the said David Ochterlony Dyce Sombre should not read the said proceedings in the newspapers, as it would give him pain; in which, as this deponent believes, and so far as she recollects, the said Thomas Drever fully coincided with her. And this deponent thought that, by said Commission not being publicly spoken of beforehand, the newspaper's reporters might not hear of it. And this deponent, Mary Anne Dyce Sombre, saith that her desire for privacy was her own wish, but it was not acted upon. And this deponent, Bartle John Laurie Frere, saith he has been informed, and believes, that some days before the day of the said inquisition, Sir James Clark having been requested so to do by this deponent, gave notice to the said David Ochterlony Dyce Sombre, and requested to know if he would wish any solicitor or counsel to be engaged for him, and the said David Ochterlony Dyce Sombre, as this deponent was informed and believes, desired to have a Mr. Cochrane not to appear for him, but to be by and advise him. And this deponent having, on enquiry, found that Mr. Cochrane was in India communicated this fact to the said David Ochterlony Dyce Sombre, through the said Sir James Clark, and mentioned the names of four barristers at law, who appeared to this deponent suited to the employment; but, as this deponent was informed and believes, the said David Ochterlony Dyce Sombre said he should do nothing until he had the charges against him in writing; upon which this deponent wrote, and sent through the said Sir James Clark, an explanation of the nature of the inquiry, and, on or about the following day, that is to say, on the 28th day of July, 1843, went up to Hanover Lodge, to see if the said David Ochterlony Dyce Sombre had any instructions to give, and there met the said Sir James Clark by appointment; the said Peter Solaroli was also there, and had written a letter to the said David Ochterlony Dyce Sombre, offer-

ing his services. And, as this deponent verily believes, the said Sir James Clark, at that time, delivered the said letter of the said Peter Solaroli to the said David Ochterlony Dyce Sombre and also deponent's above mentioned letter; but, as this deponent has been informed, and believes, the said David Ochterlony Dyce Sombre peremptorily rejected the offer of assistance. And this deponent saith, that, on or about the 20th day of July, 1843, the said Peter Solaroli stated to this deponent, that he had thoughts of applying to have the inquisition postponed, in order to give time for opposing it, but on consideration as he was convinced that the said David Ochterlony Dyce Sombre was mad, it might as well go on. And this deponent saith, that, frequently since the said 27th day of July, but never before, to the best of this deponent's recollection and belief, the said Peter Solaroli avowed to this deponent his intention of withdrawing himself from all intercourse with the said Mary Anne Dyce Sombre, giving as a reason that she had been deceitful, and had shewn want of confidence, in endeavouring to conceal the Commission; and in reference to the Committeeship of the estate of the said David Ochterlony Dyce Sombre, the said Peter Solaroli said, that he did not see why he should take the trouble, now that the said Mary Anne Dyce Sombre would have all the benefit.

On the same day of the inquisition, this deponent, the said Bartle John Laurie Frere, called at the House of the said John Rose Troup, and Peter Solaroli, to communicate the result, and was informed that they were absent, but that the said Thomas Drever, who had been present at the proceedings, and had been examined as a witness, was then with them. And this deponent left a note for the said John Rose Troup, and Peter Solaroli, stating shortly the result. This deponent saith that the evidence relied on in support of the Commission embraced several points of delusion, besides those connected with the said Mary Anne Dyce Sombre; and as regarded her, it was not a morbid state of feeling and of sentiments, as expressed in the affidavit of the said John Rose Troup, but an actual belief of occurrences impossible, and contrary to the evidence of the senses of any one in a sound state of mind. And this deponent, Mary Anne Dyce Sombre,

saith that the affidavit of the said John Rose Troup proceeds to state as follows, that is to say :

"And this deponent further saith, that intimation of the last mentioned circumstances having been given to the said Peter Solaroli, who, with his said wife, were then at Boulogne, he, the said Peter Solaroli, at once proceeded to Paris, and there placed himself in communication with said David Ochterlony Dyce Sombre. And this deponent hath been informed by the said Peter Solaroli, and believes, that on that occasion the said David Ochterlony Dyce Sombre entered into much explanation with the said Peter Solaroli, and complained with great bitterness of the proceedings taken against him by the suing out the aforesaid Commission of Lunacy, and of the restraint under which he had been kept, and of the conduct pursued towards him, and that he would in future resist the same by legal means, and that, to shield himself against the renewal of these outrages, he had immediately on his arrival in Paris put himself under the protection of the French Police. And this deponent further saith, that he has been informed, and believes, that an official application having been made through Lord Cowley, at Paris, to the French Government, to deliver up the person of the said David Ochterlony Dyce Sombre, on the ground of his being found to be a lunatic, and of his having escaped from his keepers, the French Government thereupon directed that an official investigation into the fact of the said David Ochterlony Dyce Sombre's insanity should take place judicially before the Préfet. And this deponent further saith, that he was informed by the said Peter Solaroli, and has otherwise heard, and verily believes, that this investigation was conducted in regular form, before the Préfet, attended by eminent French lawyers, and other official persons, aided by the personal examination of the said David Ochterlony Dyce Sombre by and before some skilful French physicians. And this deponent understood, and verily believes, that the result of their united opinion was that they did not find him, the said David Ochterlony Dyce Sombre, to be of unsound mind. And this deponent understood that the French Government thereupon declined to inter-

fere in the business or with the said David Ochterlony Dyce Sombre himself, or to authorize any restraint upon his person or movements. And this deponent further saith that he has understood, and believes, that the said David Ochterlony Dyce Sombre has ever since been, and is now residing in Paris. And this deponent further saith Peter Solaroli, and Georgiana, his wife, having recently gone from Boulogne to Paris, the said Peter Solaroli, afterwards, and lately, apprised this deponent that they, the said Peter Solaroli, and Georgiana, his wife, had been and were then residing with the said David Ochterlony Dyce Sombre, in the same house or hotel, in Paris, and in constant daily intercourse with him."

And this deponent, the said Mary Anne Dyce Sombre, saith that she received a letter from the said David Ochterlony Dyce Sombre written the day after the arrival of the said Peter Solaroli in Paris, in which the said David Ochterlony Dyce Sombre writes as follows, that is to say:—"That rascal of Italian" (meaning the said Peter Solaroli) "has come, but I have refused to see him, excepting in the presence of a witness; he is very humble now, and says he is aware that he is under great obligations to me." And this deponent has also received from the said David Ochterlony Dyce Sombre another letter, dated Paris, 9th of October, 1843, which is in part in the words following, that is to say:— "Sig. S." (meaning the said Peter Solaroli) "came here on hearing that I was here; the first interview I had with him was in the presence of Captain Hill, of the Bengal Engineers, and it passed off merely as a common visit of courtesy; but the second day I was obliged to bring out the matter, as I had said to Sir James Clark I would, and this took place in the presence of Captain Fraser, of the eleventh Cavalry, and Sig. S. most solemny denied the charge of which I said I had suspicion of, and he said he was ready to take the most sacred oath on the Scriptures, if I so wished it. On his denying in so solemn a manner, before a witness, I could not ask for further satisfaction, but merely said that he would have to repeat the same in the presence of Sir James Clark, if we ever met in England again. He has been to me several

times since alone, and has told me many transactions that have passed between you and him since his arrival in England."

And this deponent, the said Bartle John Laurie Frere, saith that the said Peter Solaroli informed him, this deponent, on meeting him in Paris, in the first week of the said month of October, that he found the said David Ochterlony Dyce Sombre was insane upon two points : about himself, the said Peter Solaroli, and about his wife; and also, before the Préfet, in answer to a question put to him, the said Peter Solaroli, by this deponent, Bartle John Laurie Frere, the said Peter Solaroli stated that the said David Ochterlony Dyce Sombre was not altogether sane, but capable of managing his affairs. And this deponent saith that he left Paris before the said investigation took place; but he, this deponent, has examined the Procès-Verbal drawn up on the occasion, and from what is contained therein, and his knowledge of the case, this deponent believes that the result would probably have been different, had there been some one present able to give evidence on the subject of the said David Ochterlony Dyce Sombre.

And this deponent, Mary Anne Dyce Sombre, saith, that to the best of her knowledge, information, and belief, the said Peter Solaroli, and his wife, have never resided with the said David Ochterlony Dyce Sombre, in Paris, in the same house or hotel. And this deponent saith she has read the affidavits of Francis Thomas Gibb and William Tik, respectively sworn in this matter, on or about the 22d day of December, 1843, in which it is stated to the effect that the said Thomas Eld Baker, proposed as Committee of the person of the said David Ochterlony Dyce Sombre, is personally intimate with the said David Ochterlony Dyce Sombre, and his disposition and habits. And this deponent, Mary Anne Dyce Sombre, saith that her husband, the said David Ochterlony Dyce Sombre, has, since he married her, scarcely ever left her up to the time of his being placed under restraint, and that this deponent, to the best of her belief, never saw the said Thomas Eld Baker, or ever heard the said David Ochterlony Dyce Sombre name him. And this deponent saith she has observed that in the affidavits of Lord Henry Gordon, sworn in this matter, the 28th day of December, 1843, it is stated that the two sisters

of the said David Ochterlony Dyce Sombre are legatees under Her Highness the Begum Sombre's will. And this deponent saith she believes this statement to be an error. And this deponent saith she has thought it better to correct these inaccuracies, although they are very trifling. And this deponent saith that her said husband, David Ochterlony Dyce Sombre, has notwithstanding his extraordinary delusions respecting her, *evinced the utmost attachment to her from the time of her marriage to the time of his being placed under restraint.*

And this deponent, the said Bartle John Laurie Frere, saith that the proposal of a separation, mentioned in the last-mentioned letter, alludes to a suggestion made to him, this deponent, by Mr. James Leman, a solicitor employed by, or on behalf of, the said David Ochterlony Dyce Sombre, in the presence of Mr. Henderson, the solicitor of the said John Rose Troup and Peter Solaroli, that this was a proper case to be arranged by a separation, which suggestion this deponent communicated to the said Mary Anne Dyce Sombre. And these deponents, Mary Anne Dyce Sombre, and Bartle John Laurie Frere, say that the assertions in the last-mentioned letter, alleged to have been made by the said Peter Solaroli, with the concurrence of the said John Rose Troup, to the effect that an extravagant allowance was to be obtained, out of which bribes were to be given to the persons named in the affidavit referred to in the said letter, to keep them quiet, are totally untrue. And the items of the proposed allowance, which were contained in the paper alluded to in the said letter, are in the account given thereof by the said Peter Solaroli greatly exaggerated and mistated. And this deponent, the said Mary Anne Dyce Sombre, saith that it never has been her intention to place her said husband David Ochterlony Dyce Sombre in an asylum, although she was advised to do so by the said John Rose Troup and Peter Solaroli, and that she was much occupied, even to the time of her said husband's leaving town, in enquiring about houses which this deponent thought would be likely to suit him, as the said David Ochterlony Dyce Sombre wished to reside in London. And this deponent saith, that Stephen Reghellini, the person alluded to as young Reghellini in the said letter, was sent to India,

in conformity with the advice and counsel of the said John Rose Troup and Peter Solaroli to this deponent, who was at first adverse to this proceeding, the said John Rose Troup and Peter Solaroli having informed this deponent that the said Reghellini and his father, who has now the charge of the estates of the said David Ochterlony Dyce Sombre in India, were highly mischievous and dangerous persons. And this deponent saith, that (besides by means of the said last mentioned letter) she has been informed, and verily believes, that the said John Rose Troup has intimated his entire concurrence in the truth of the affidavit sworn to by the said Peter Solaroli in Paris. And this deponent saith that she, this deponent, never authorized the said Bartle John Laurie Frere to make any proposition whatever to the said John Rose Troup and Peter Solaroli, or to the said Thomas Drever, whose name is also therein mentioned, and that she, this deponent, believes the assertions contained in the said affidavit to be entirely devoid of truth, with the exception of the total amount of the allowances named in the said affidavit, which this deponent intended asking for, for her said husband and herself, this deponent. And this deponent saith, that she received a note from the said Thomas Drever, which is in the words or to the effect following, that is to say :—

"7, Little Argyll-street, Monday morning, 16th of August.

"My dear Mrs. Sombre,

"From letters which I received from Cheltenham, this morning, I find it absolutely necessary to go down there immediately, and hope to be able to return to-morrow. This will prevent me from having the pleasure of dining with you this evening; I shall however call so soon as I return to town. I met Mr. Troup and Sig. Solaroli this morning. They are both a good deal annoyed about not having been more consulted in regard to Mr. Dyce Sombre's affairs. I most earnestly trust no misunderstanding may arise; which I should much dread, if it was to be settled by having recourse to solicitors. They both this morning desired me

to say they should be most happy to agree to its being left to two friends on your part, and two on theirs, to choose their own umpire, and to be guided by what they should decide. This might prevent any kind of discussion; being most anxious to prevent any misunderstanding, I thought it was better that I should mention this to you.

"Believe me, my dear Mrs. Dyce Sombre, yours truly."

And the said letter is signed : "Thomas Drever."

And this deponent saith, the said Thomas Drever addressed a letter to this deponent's father, which is in the words or to the effect following (that is to say) :—

"Oriental Club, Hanover-square, 23d of August.

"Dear Lord St. Vincent.

"I did myself the honour of calling at the Grosvenor hotel today, in the hope of seeing your lordship, but was sorry to find you had left for Meaford. I was anxious to have seen your lordship, to have had some conversation regarding Mr. Dyce Sombre's affairs; but yet I know not how far you might have felt inclined to have entered on the subject, and perhaps it might have been considered an intrusion my alluding to it at all, still I can hardly think this, having been so much mixed up with his affairs. My sole inducement in coming to London, in the beginning of June, was thinking my presence, from being known to all parties, might have tended materially to prevent anything like a misunderstanding between Mrs. Dyce Sombre and Mr. Dyce Sombre's brother in law; but I regret to say it has not had that effect, as there appears to me now every likelihood of matters taking a very disagreable turn, which I was not all prepared for, or I should never have allowed myself to have been mixed up with the business. Mr. Dyce Sombre's brothers in law, on their arrival in London, had many kind friends who wished to impress them

with the idea that Mr. Dyce Sombre was insane prior to his marriage; their constant reply was, even if they had the power to prove this, they did not mean to go into it, as Mrs. Dyce Sombre had already suffered enough without having that superadded. Since the Commission of Lunacy has brought in the verdict, Dyce Sombre's brothers in law have been completely thrown on one side, and have not been consulted, and only accidentally heard that it was intended to try an experiment with Mr. Dyce Sombre by sending him to America, at which they were much surprised. Mrs. Dyce Sombre has never mentioned the subject to me, although I gave her the opportunity, if she felt so inclined, in a note which I wrote to her only a few days since; the reply was that all matters must be left to the proper authorities to decide, and that she left every thing in the hand of her lawyers. Be it so, it is a matter of moonshine to me. I only wished that those whom I liked, and respected, should not be brought into an angry discussion in a Court of law.

"I remain, dear Lord St. Vincent, yours truly.

"And the said letter is signed : "Th. Drever."

And this deponent, the said Mary Anne Dyce Sombre, saith she has been informed, and believes, the said Viscount St. Vincent replied to the said last mentioned letter as follows (that is to say) :

"Meaford, August 27th, 1843.

"Dear Dr. Drever,

"I am persuaded that from the time Mr. Dyce Sombre first introduced you to my daughter, previously to her marriage, it has been your study to act in the kindest and most disinterested manner in all matters where their mutual interests were concerned.—I am persuaded also that you are still actuated by the same feeling, and that this alone, with the friendship which you entertain for Mr. Dyce Sombre's brothers in law, has influenced

you in seeking to promote a good understanding between my daughter and them. I am fully sensible how desirable it is to prevent all angry discussion before a Court, both with reference to expence and the preservation of harmony amongst those nearly connected; and, if I had been aware that you were apprehensive of such a discussion, and that you wished to speak to me with a view of promoting it, I would undoubtedly have deferred my departure. Although I believe some difference of opinion exists between Mr. Dyce Sombre's relations and my daughter,— I cannot see how my interference can be advantageous. All facts which have any bearing on the point may surely be submitted to the Commissioner, without acrimony, and no one can be better fitted than he is to decide what should be done. With regard to what has been reported to the brothers in law of an intention to send Mr. Dyce Sombre to America, Mr. Dyce Sombre has usually felt better on the water, and his medical attendants thought that a sea voyage might be of service to him, and the scheme was discussed; but as there were many objections to it, the idea was relinquished; such a step could not of course be taken without the sanction of the Court, and the brothers in law must then have had timely notice of it. Indeed, I believe they, or their solicitor, were made aware that the scheme was in agitation.

"I am, my Dear Sir, very truly yours,

"St. Vincent."

And this deponent saith, that for some time after the transactions named in the affidavit of Peter Solaroli are stated to have taken place, the said John Rose Troup and Peter Solaroli continued to dine with her, and visit her as before. And this deponent saith that she transcribes the letters of the said Thomas Drever, solely because they shew a desire on the part of the said John Rose Troup and Peter Solaroli to have the affairs relating to this deponent's husband, the said David Ochterlony Dyce Sombre, privately settled, and a refusal on the part of this deponent

to comply, which conduct is incompatible with the accusations contained in the above-named affidavits. And this deponent saith that she never heard of the said affidavits, or of the accusations therein contained, until it was mentioned to her by her said husband, and that the said David Ochterlony Dyce Sombre sent this deponent a copy of the said affidavit, at this deponent's request. And this deponent further saith, that the said affidavit has greatly prejudiced her with her said husband, David Ochterlony Dyce Sombre, and has greatly diminished his attachment to her, which is alone obvious by the letters herein transcribed of the said David Ochterlony Dyce Sombre.

And this deponent, Bartle John Laurie Frere, saith that the statements contained in the said affidavit of the said Peter Solaroli are a wilful misrepresentation of certain communications which did take place between him, this deponent, and the said John Rose Troup and Peter Solaroli, on the subject of appointing a Committee of the estate of the said lunatic, and impute motives and designs to this deponent which the said Peter Solaroli and John Rose Troup know were not entertained by this deponent; and that neither the said Peter Solaroli or John Rose Troup ever complained to this deponent of the misconduct alleged in the said affidavit, to have been practised by him, or by their words or manner towards him, testified any disapprobation of his conduct; but, on the contrary, the said John Rose Troup and Peter Solaroli have frequently, since the time when such misconduct is alleged to have taken place, associated in a friendly manner with this deponent, and neither the said Peter Solaroli, nor the said John Rose Troup, communicated the said affidavit to this deponent.

And this deponent, Mary Anne Dyce Sombre, saith that the said David Ochterlony Dyce Sombre mentions a note of this deponent's, in the letter already transcribed, wherein he first speaks of the said affidavit. And this deponent saith that, at this deponent's express desire, her said husband, David Ochterlony Dyce Sombre, had been allowed to retain the possession of all his papers, from the time of the said David Ochterlony Dyce Sombre's being placed under restraint, on the 30th of March, 1843,

till this deponent's return to town, on the 12th of June following, in the same year. And this deponent saith that, on or about the thirteenth day of June, the said Bartle John Laurie Frere advised the removal of the boxes containing the papers of this deponent's husband, and he also informed this deponent *that the said John Rose Troup and Peter Solaroli were uneasy at the said David O. Dyce Sombre's having the possession of the said papers.* And this deponent, Mary Anne Dyce Sombre, saith that in consequence of this, this deponent consulted the said Sir James Clark, as to the removal of the same papers, and the said Sir James Clark advised this deponent that the said David Ochterlony Dyce Sombre had refused to give up his papers, unless the said Peter Solaroli did the same, and that to take them away by force might be attended with dangerous consequences, and he advised *that the said Peter Solaroli should be requested to put up a parcel representing papers, in order to induce the said David O. Dyce Sombre to part with his own peaceably.* And this deponent saith, that acting under the said advice, she wrote to the said Lord St. Vincent the note above alluded to, requesting him to arrange this with the said Peter Solaroli. And this deponent saith that the said Viscount St. Vincent took the note to the house of the said John Rose Troup and Peter Solaroli, and that the said Peter Solaroli sealed up a parcel containing, as she has been informed, and believes, the accounts of the estate of the said David Ochterlony Dyce Sombre, which the said Peter Solaroli had in his possession, and delivered the packet into the hands of the said Viscount St. Vincent. And this deponent saith that the said John Rose Troup wrote a letter, as suggested by Sir James Clark, and delivered the letter to the said Viscount St. Vincent, to be given to the said Sir James Clark with the packet, and which letter the said Sir James Clark said he should read to the said David Ochterlony Dyce Sombre; *but the said Sir James Clark, not being satisfied with the letter, wrote directions for another, gave the directions thereof to this deponent,* who called at the house of the said John Rose Troup and Peter Solaroli; and the said John Rose Troup and Peter Solaroli being out, this deponent left a note or message to request the said John

Rose Troup and Peter Solaroli would call upon her, which they did almost immediately after the return home of this deponent, and the said John Rose Troup wrote a letter, according to the directions of the said Sir James Clark, and this letter was signed by the said Peter Solaroli, and this deponent sent the letter to Sir James Clark, and the said Sir James Clark called a few minutes after, while the said John Rose Troup and Peter Solaroli were with this deponent, and expressed himself satisfied with the letter to this deponent; and the said David Ochterlony Dyce Sombre, as this deponent has been informed, and believes, gave up his papers to the said Sir James Clark.

And this deponent, Bartle John Laurie Frere, saith that the said Sir James Clark wrote to him to take away the said papers from his, the said Sir James Clark's residence; and this deponent removed from the said Sir James Clark's custody a box of papers belonging to the said David Ochterlony Dyce Sombre, and a bundle stated to contain the accounts of the said Peter Solaroli above-named. And this deponent Bartle John Laurie Frere placed the said box and bundle of papers under the charge of Messrs. Coutts and Co., where they remained until the box of papers belonging to the said David Ochterlony Dyce Sombre was opened, as before stated, at the chambers of this deponent, in the presence of the said John Rose Troup and Peter Solaroli.

And this deponent, the said Mary Anne Dyce Sombre, saith that her husband, the said David Ochterlony Dyce Sombre, has, in a letter written to this deponent, dated Paris, Christmas day, 1843, said the following words, with reference to the note from this deponent to the said Lord St. Vincent, that is to say: —

"Your note to your father bears no date, but Sig. Solaroli has had thus written at the bottom of it: '"This note was brought to me by Lord St. Vincent, one morning at breakfast, after we had been about ten days in London, when I told his lordship that I could not for an instant hear of such a proposal."'

"(*Signed*) P. Solaroli."

And this deponent saith that her father, the said Viscount St. Vincent, assured her, this deponent, that the said Peter Solaroli made no remark whatever of the kind; *but the said Peter Solaroli was very eager and anxious that the papers belonging to the said David Ochterlony Dyce Sombre should be removed from him, and having the accounts of the estate of the said David O. Dyce Sombre in his possession, said he would seal them up for the purpose required*[1]. And this deponent saith, that her husband, the said David Ochterlony Dyce Sombre, has recently sent this Deponent a letter from the said John Rose Troup, dated the 6th day of December, 1843, addressed to the said David Ochterlony Dyce Sombre, which contains (among other things) the words and figures following, that is to say: —

"No. 1. Bernard-street, Russell-square, 6th December, 1843.

"My dear Dyce,

"It is a pleasing task for me upon the first occasion of addressing you after a lapse of many years, to express how glad we are to hear that your health is improved, and I make little doubt but you will be quite yourself again by and by.

"Regarding your own business, I shall merely say that I, yesterday, in company with my solicitor, waited upon Mr. Trevelyan, at the Treasury, and told him all that had been done, and what we intended to do on Saturday, which is the day upon which we are obliged to file our statement. I of course will object to your wife having any thing to do in the matter, and have already offered to recede if she does. Mr. Trevelyan seems to think you would do well to put yourself in communication with your lawyers, and if I can be of any service in laying your views before them, I shall be happy to attend to your wishes. I fear, however, that it is not in our power to prevent Mr. Frere from acting as your wife's legal adviser. I will see what can be done. Drever shall have nothing to do in the business indeed; your wife had objected to him on the plea of his being too intimate

[1] Mark the italics, and see the deep conspiracy displayed in all this!

with us. I do not wish to tax any one concerned in the business with any thing like unfair means, but I must say there is much in your case that looks queer.

" Enough for the present, etc., etc.

" (*Signed*) J. Rose Troup.

" Adressed to David Ochterlony Dyce Sombre, Esq., etc., etc., Paris."

" Paris, Boulevard des Capucines, No. 23, 10th December, 1843.

" My dear Troup,

" I have had the pleasure of receiving your letter, and sorry to hear that you still have cause to complain of your health. A trip to the south, either Nice or Naples, would be beneficial to you I should say. I, thank God, am in very good health. I never was what they tried to make me out, a madman ; and nowhere else, I should think, such rascality could have been allowed to have taken place, under the very protection of the head of the law itself, the Lord Chancellor.

" S. is laid up with a large boil on some part of his body, and is unable to proceed on his journey for a day or two. My regards to Anne, and believe me yours very truly.

" (*Signed*) D. O. Dyce Sombre."

" Paris is a charming place. Perhaps we shall see you here some day or other.—Addressed to Captain John Rose Troup, No. 1, Bernard-street, Russell-square, London."

And this deponent, the said Mary Anne Dyce Sombre, positively denies that she, this deponent, hath ever directly or indirectly objected, or authorized any one to object on her behalf to the said Thomas Drever, as Committee of the person or the estate of the said David Ochterlony Dyce Sombre, on the plea stated in the

last mentioned letter, or as Committee of the estate, on that or any other plea whatsoever.

And this deponent, Bartle John Laurie Frere, for himself, saith that in a casual conversation with Mr. Henderson, the solicitor for the said John Rose Troup and Peter Solaroli, on the said Mr. Henderson pressing the appointment of the said John Rose Troup as Committee of the person of the said lunatic, jointly with the said Mary Anne Dyce Sombre, and offering to nominate the said Thomas Drever as a third person to mediate between them, if so appointed, in objecting to the appointment of any one with the said Mary Anne Dyce Sombre but a personal intimate friend of her own, he, this deponent, said that the said Thomas Drever was more connected with the said John Rose Troup and Peter Solaroli than with the said Mary Anne Dyce Sombre; but he, this deponent, never objected to the appointment of the said Thomas Drever as Committee of the estate of the said lunatic.

And this deponent, the said Mary Anne Dyce Sombre, saith that her said husband, David Ochterlony Dyce Sombre, has sent to her a letter which she verily believes to be in the handwriting of the said John Rose Troup, addressed by the said Rose Troup to the said David Ochterlony Dyce Sombre, and which, among other things, says: —

"No. 1, Bernard-street, Russell-square, 24th of December, 1843.

"My dear Dyce,

"Yesterday forenoon, your case was heard before Mr. Commissioner Barlow, and that officer decided that the custody of your person should be confided to your wife and Mr. Parker.— I now merely write to say that *my motives were to get some totally disinterested party nominated*, with a view that if such were done you could at once, and with perfect safety, come over here, and traverse the former decision; but as the case now stands it will be a matter for your legal advisers to point out what you ought to do. I enclose a note which I received from my solicitor

on the subject. You will perceive that Dr. Drever is now proposed as sole Committee of your property, and that my lawyer wished me to be joined with him, but I have instructed him to state, when the matter is again to be heard, that I have no wish to have any thing to do in the business, nor will I. In your last letter to me, you talk about not recognising the interference of any one with your affairs, and that you could not sanction Mr. Baker acting on behalf of your sisters. It seems to me that you are labouring under a mistake altogether, for I am not aware that either of your sisters or brothers in law ever asked or solicited the value of a four-penny piece from you, and our coming forward now was merely and purely to protect you, as it is clear from your present position you are entirely unable to do so. All that I shall say on the subject is that I hope you will find those in whose care your property will be placed will show as much disinterestedness as we have done. If they do, you will not have much cause to repent of their guardianship. Time, however, can only develop this. In your present position, you are not master of a single shilling of your fortune, or is any act of yours held valid. So, the sooner you try and upset this state of things, the better for yourself. Mr. Leman has no doubt communicated with you on the subject; but, from all I can learn, nothing will be done until you appear here. I imagine your wife will now send in her claim for her maintainance, of which I will let you know. I sincerely regret that you should be so fettered, and I did all that I could to prevent it, thinking I was imperatively called upon to do so. If I can be of any service to you, I will attend you in Paris, and be prepared to do any thing that you may think me able to do for your interests. Pray, let me hear from you soon. I wish you the compliments of the season. Anne unites with me in best wishes.

"I remain yours,

"(*Signed*) J. Rose Troup.

"Adressed to David Ochterlony Dyce Sombre, etc., etc., etc., Paris."

And this deponent, the said Mary Anne Dyce Sombre, saith that her said husband, David Ochterlony Dyce Sombre, has long entertained the most positive dislike to the said John Rose Troup and Peter Solaroli. And this deponent saith, that as part of the correspondence only appears of the said David Ochterlony Dyce Sombre, and that prejudicial to the next of kin, this deponent, the said Mary Anne Dyce Sombre, swears that there is nothing contained in the whole correspondence of the said David Ochterlony Dyce Sombre to her, the said Mary Anne Dyce Sombre, that is in favour of either the said John Troup or Peter Solaroli. And this deponent, the said Mary Anne Dyce Sombre, further saith and swears, that she has never, either by letter or word to the said David Ochterlony Dyce Sombre, or communication of any sort through others, endeavoured to prejudice the mind of her said husband, the said John Rose Troup and Peter Solaroli.

M. A. Dyce Sombre,

Bartle J. Frere,

Sworn at the Public Office, in Southampton Buildings, Chancery-Lane, in the county of Middlesex, by both the deponents, this 19th day of January 1844.

Before me,

S. DUCKWORTH.

Brief Affidavit of John Rose Troup, Esq.

In the matter of David Ochterlony Dyce Sombre, Esq.

Affidavit of John Rose Troup of Bernard-street, Russell-square, in the county of Middlesex, Esq., formerly in the military service of the East India Company, on their Bengal Establishment, and the husband of Anne Mary Troup,—Sworn, 25th January, 1844, and filed same day.

Saith that, on or about the 6th day of December, 1843, he, this deponent wrote and addressed to the said David Ochterlony Dyce Sombre, then residing in Paris, a letter in the words or figures, or to the purport or effect following (that is to say):—(*Here follows the letter already given at page* 75.)

Saith that, on or about the 12th day of December, 1843, he received by post the following answer from Paris, written and addressed to him, this deponent, by the said David Ochterlony Dyce Sombre, and being in the words or figures following (that is to say):—(*Here follows the letter already given at page* 76.)

Saith that, on about the 13th day of December, 1843, he wrote and addressed to the said David Ochterlony Dyce Sombre, residing in Paris, a further letter, being in part in the words or figures, or to the purport or effect following (that is to say):—

"No. 1, Bernard-street, Russell-square, 14th December, 1843.

"My dear Dyce,

"I had the pleasure to receive your letter of the 10th inst., for which accept my best thanks, and I am sincerely glad to find that your renewed health is such as I make no doubt will speed-

ily put you in possession of all your rights as heretofore. Yesterday, at two p.m., your solicitor, M. Leman, Mr. Henderson, our solicitor, and Mr. Frere, all appeared before Mr. Commissioner Barlow, when a great deal of discussion took place upon the subject of your affairs, and, as Mrs. Dyce Sombre had lodged the name of Mr. Parker to be appointed as Committee with her, I was perplexed what to do further than objecting to both ; but I said that if she receded altogether we were willing to do so too, and that, should the Commissioner still wish a Committee to be appointed, that I begged to name, instead of any of the relatives on either side, Mr. John Eld Baker, formerly of the 10th Cavalry, and with whom you are acquainted, but that I was aware that you were averse to any one being appointed, and only made the proposal in case it was called for by the Commissioner. Such was the substance of our proposal. Mr. Frere said that he doubted the fact of your being averse to the appointment of Mrs. Sombre and Mr. Parker, and said it was merely asserted by us, and not supported by the usual affidavits. Now it would be of great use to your case, were you to write to me and express your views on these points. Mr. Leman wished to stop all further proceedings, but in this I fear he will not succeed just yet. He will no doubt write to you as to what he would wish you to do in the matter. Pray, let me hear from you as soon as you possibly can. I am glad to say that my health is daily improving, and I hope, by care and attention, to get all right again. Anne is ailing a little. She unites with me in kind regards and all good wishes, and I remain.

" (*Signed*) J. Rose Troup.

" Addressed to David Ochterlony Dyce Sombre, Esq., Paris."

Saith that, on or about the 18th day of December 1843, he received by the post the following further letter from Paris, written and addressed to him, this deponent, by the said David Ochter-

lony Dyce Sombre, and being in the words or figures following (that is to say):—

"Paris, Boulevard des Capucines, No 23, December 16th, 1843.

"My dear Troup,

"In acknowledging your letter of the 14th, I can only say what I have repeated to S., and which letter I had sent under cover to you, that I cannot acknowledge either Mr. Baker, or any one else, acting on the part of Anne or Georgiana. You are well aware how the question of the property I possess was discussed in Her Highness's life time. I cannot acknowledge their right to any interference. S. went off yesterday for Italy, and I believe has sent you his address while he remains at Turin.

"And I remain yours very truly,

"(*Signed*) D. O. Dyce Sombre.

"Addressed to Captain J. Rose Troup, No. 1, Bernard-street, Russell-square, London."

Saith that, on or about the 24th day of December 1843, he wrote and addressed to the said David Ochterlony Dyce Sombre, residing in Paris, a further letter being in part in the words, or to the purport or effect following (that is to say):—

(*Here follows the letter already given at page* 77.)

Saith that, on or about the 31st day of December, 1843, he received by post the following further letter from Paris, written and addressed to him, this deponent, by the said David Ochter-

lony Dyce Sombre, and being in part in the words or figures, or to the purport or effect following (that is to say) : —

" Paris 30th December, 1843.

" My dear Troup,

" I am very much obliged to you for your letter of the 24th. I had witten to you my last with the intention of showing you how I looked upon the subject under discussion; for, in my opinion, it is much better that we should understand each other in our respective situations about family matters. I do not think your coming here on my account would do any good, though, in other respects, I should be delighted to see you and Anne both. I must candidly confess that what you have told your solicitor, Mr. Henderson, already, is every thing I would have wished you to say about my affairs, in which you do not wish to meddle. My best regards and wishes for the return of the new year to you both. Believe me yours very truly.

" (*Signed*) D. O. Dyce Sombre.

" Addressed to Captain John Rose Troup, No. 1, Bernard-street, Russell-square, London."

Copy of an Affidavit of Charles Henry Okey.

I here give Mr. Okey's Affidavit upon the subject of payments and other matters which it contains.

In the matter of David Ochterlony Dyce Sombre, Esq.

Saith that from the month of November last until the month of May last, when the above named D. Ochterlony Dyce Sombre quitted Paris, deponent has been engaged under the instructions of the Hon. Mrs. Dyce Sombre in forwarding to her the accounts of the expenditure of the said D. O. Dyce Sombre, in paying them with the money remitted to deponent, and in communicating with her respecting the health and manner of living of the said D. O. Dyce Sombre; that in the first letter deponent received from the Hon. Mrs. Dyce Sombre, dated the 4th of November last, this deponent was instructed to advance to said D. O. Dyce Sombre at the rate of 10*l.* a-week for pocket expenses, as being more agreeable to his feelings than to receive it from the landlord of the hotel, who had hitherto paid him; to caution him against borrowing money, to tell him he might purchase anything not higher than 10*l.*, but that anything above that sum deponent was not to pay till authorised; and with reference to a letter which said D. O. Dyce Sombre had written to Messrs. Coutts for 80*l.* the price of a watch he had just bought, and for 40*l.* for a chain, to tell him the articles were dear for Paris, and to see that he was not imposed upon; and with reference to his habit of riding, to see

that said D. O. Dyce Sombre was served with safe horses, and if a good horse could not be procured, to buy one for him, and to tell his servant to take a list of the instruments in his drawing-room and to put them out of his way in case said D. O. Dyce Sombre should shew any excitement; and in another letter to deponent, the Hon. Mrs. Dyce Sombre requested him to urge said D. O. Dyce Sombre to ride, as it was beneficial to him, and to see that he had every thing that could conduce to his comfort; and to said Sir Robert Chermside to talk to him about his bodily health, as he was very inattentive to it, and required watching like a child; and in another letter to deponent referring to the wish of said D. O. Dyce Sombre to have a larger weekly allowance for pocket expenses, and his intention to leave the Hôtel du Rhin, where he was living, and to go into an apartment in a private house, the Hon. Mrs. Dyce Sombre said that she had not power to increase the allowance, and that he would have more protection in an Hôtel than in a private house; referring to his wish to belong to the Jockey Club, that deponent should dissuade him from it, and urge him to live quietly, taking plenty of exercise, and to go to the Opera and respectable theatres for amusement; and in another letter to deponent from the Hon. Mrs. Dyce Sombre, and referring to her desire previously expressed to deponent, that said D. O. Dyce Sombre should be watched for the sake of his personal safety; and to deponent's reply that there should be invisible surveillance, the Hon. Mrs. Dyce Sombre said that deponent's suggestions of not hurting his feelings by any visible surveillance entirely accorded with her feelings, and that for the present it did not appear necessary, but that should it appear to be not so well, she would be very glad if any protection of that sort could be invisibly given; and in another letter dated the 16th of November last, the Honourable Mrs. Dyce Sombre suggested that said David Ochterlony Dyce Sombre should draw upon deponent for what money he required for pocket-expenses, and that deponent should tell him to be prudent, not to draw too largely, and to tell him that as his Hotel bills, etc., were paid, it would be naturally supposed, if he did draw too largely, he was applying the money improperly; and which

would therefore not only be stopped by the Court of Chancery, but his conduct would be viewed in not so favourable a light; and that the great thing for him to do was to live in such a manner that his acts would bear scrutiny, in order to regain his property.

Saith that in consequence of the last mentioned letter of the Honourable Mrs. Dyce Sombre, he paid him the first week 16*l.*, the second week 20*l.*, and the third week and thenceforth until the said D. O. Dyce Sombre quitted Paris, 28*l.* every week for pocket-expenses, and that his rent, the tradesmen's bills and all other expenses of which an account was sent (except the account of the Restaurant where he dined), were also regularly paid through deponent. And in a letter dated in December last, the Honourable Mrs. Dyce Sombre said that she feared said D. O. Dyce Sombre had many undesirable acquaintances in Paris, and that *she wished he would* travel on the Continent, as to Italy or Constantinople, and that deponent would accompany him, and that she would give deponent 1500*l.* out of her private property if he would *travel with said D. O. Dyce Sombre for* 6 *months,* and would add something handsome and be grateful to the end of her life if deponent brought him home well, and she urged deponent to dissuade him from returning to England at that time; but deponent declined to accept her offer; *and in another letter dated also in December last, having misunderstood a letter of deponent, and supposed that said D. O. Dyce Sombre had to pay his rent out of his weekly allowance, the Honourable Mrs. Dyce Sombre wrote to deponent that he must not be restricted, but made entirely comfortable in all ways not prejudicial to himself, but that designing greedy persons must not be encouraged to plunder him, and that she should deeply regret that said D. O. Dyce Sombre had not every thing he wished that was not calculated to hurt him, and that she ought to say that, for that no one knew how generous he had been to her.*

Saith that he has been in the habit of seeing and conversing with said D. O. Dyce Sombre during the whole period of his stay in Paris.

Saith that when he called upon deponent immediately on his arrival from England to ask deponent's advice as to his safety in Paris (on which occasion deponent told him he could not do anything for him, as he would probably be directed by the Ambassador to apply to the authorities to send him back to England) and when said D. O. Dyce Sombre called again on deponent and met Mr. Frere who had followed him to Paris, and when said D. O. Dyce Sombre appeared before the Prefect of Police and underwent examination by French Doctors in the presence of deponent, said D. O. Dyce Sombre did not betray any want of reason, but on the contrary he appeared to deponent to act in a difficult situation with great firmness and propriety, and for some time afterwards deponent did not perceive anything extraordinary or unusual in his manner or conversation.

Saith that during the last winter he has often called on said D. O. Dyce Sombre with communications from the Hon. Mrs. Dyce Sombre, and on these and other occasions he had conversed with the said D. O. Dyce Sombre on the conduct of the Hon. Mrs. Dyce Sombre, that he told deponent several times that his wife had had

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that he would refer her conduct to . . . . . and abide by its decision; and to deponent's observation, that he had no grounds for such accusation, he replied that he and every body knew it was so. . . . . .

Saith that he has been often instructed to obtain information from said D. O. Dyce Sombre respecting his property, and deponent has always found on these occasions, and whenever the conversation turned upon money-matters, that he was well-informed and intelligent; and deponent has always observed that said D. O. Dyce Sombre was careful to examine the tradesmen's bills, and to insist on a reduction when there was occasion, before he sent them to deponent for payment. And deponent has always found him amicable in disposition, fond of society, mild and pleasing in his manners, and his bearings towards others in all respects that of a gentleman. And deponent has always found him ra-

tional in all respects not connected with the Hon. Mrs. Dyce Sombre. But deponent has no reason to suspect that at any time during his residence in Paris he contemplated any violence against her. And deponent believes that his feeling towards the Hon. Mrs. Dyce Sombre was one of indifference rather than hatred.

Sworn at Paris, June 17th, 1844,

CHARLES HENRY OKEY.

I was then advised to send the following Affidavits by my Solicitor and through these means to apply for a Supersedeas.

Affidavit of Lewis Goldsmith

Of no. 15, rue de la Paix in the city of Paris, Notary public by Royal Authority, duly admitted and sworn in Doctor's Commons, now practising in the same capacity of Notary to the British Embassy in the said city of Paris.

Sworn at Paris, January 8th, 1844.—Filed, February 5th, 1844.

Saith that since the latter end of the month of October last, he this deponent has been in the constant daily habit of seeing the above-named D. Ochterlony Dyce Sombre at all times and at all hours, and of conversing with him on all subjects and that in the judgment of deponent said D. O. Dyce Sombre is of perfectly sound mind and understanding, and fully capable of the management of himself and his affairs.

Saith that he attended together with the Physicians hereinafter named, who visited said D. O. Dyce Sombre in consultation together on the days hereinafter mentioned, for the purpose of ascertaining the state of his mind.

Saith that such consultations took place respectively on the 9th, 12th and 14th days of December last, and that Drs. Oliffe and

Verity, English Physicians; Dr. Bertin, a French Physician, and Dr. Voisin, Head Physician of the Hospital of Lunatics of the Bicêtre attended all such consultations, and that Dr. Falret, Head Physician of the Hospital of Lunatics of the Salpétrière attended on two of the said consultations, and that at one of the said consultations, Dr. Ferrus, consulting Physician of the King of the French and Inspector General of the service of Lunatics was also present.

Saith that the answers (many of which deponent himself translated) made by said D. O. Dyce Sombre to the questions proposed to him by the said Physicians during the said visits or consultations were clear and pertinent, and that such answers and the observations made by said D. O. Dyce Sombre and his manner of conducting himself during the said consultations confirmed deponent in his opinion, which however did not need confirmation, that said D. O. Dyce Sombre was in the full enjoyment of his intellectual faculties.

Second Affidavit of Lewis Goldsmith

Of no. 15, *rue de la Paix in the city of Paris, Notary public by Royal Authority, duly admitted and sworn in Doctor's Commons, now practising in the same capacity as Notary to the British Embassy in the said city of Paris.*

Sworn at Paris, January 29*th,* 1844.—*Filed, February* 5*th,* 1844.

Saith that during the last three months deponent has daily been in company with the above-named David Ochterlony Dyce Sombre, and frequently been present, when he said D. O. Dyce Sombre was giving orders to his tradespeople, and that on such occasions said D. O. Dyce Sombre was careful to enquire and fix the price of the article or articles ordered by him; in many instances insisted on and obtained a diminution of the price, in the first instance asked for the same. That said D. O. Dyce Sombre's manner of dealing with his tradespeople denoted him to be a man who would have a full equivalent for his money and who would anxiously protect his own interests in any business transactions in which he might be engaged; that he, deponent, has introduced said D. O. Dyce Sombre to almost all his acquaintance in Paris, amongst others to Mr. le Chevalier Centrat, one of the Under-Secretaries of state at the Foreign department here; to Mr. le Chevalier Mercie Assistant Master of the ceremonies; to Major-General Sir Archibald Maclaine, all of whom met said D. O. Dyce Sombre at dinner at deponent's apartments, and entered into conversation with said D. O. Dyce Sombre in deponent's presence on general subjects; that this deponent himself heard many of the answers and observations made by said D. O. Dyce Sombre, and that such observations and answers were sensible and to the pur-

pose, and that the manner of the above-named gentlemen, whilst conversing with him said D. O. Dyce Sombre, indicated they were convinced of his sanity, and that they all expressed their opinions to that effect to deponent, and their surprise that he, said D. O. Dyce Sombre, had ever been declared to be insane; that said Mr. the Chevalier Centrat was so pleased with his, said D. O. Dyce Sombre's manners, that he invited him to a party at his house on the 14th of the present month of January, that at such party there were present amongst the guests the following gentlemen, viz. the Baron de Varennes, French Ambassador at Lisbon and member of the Chamber of Deputies; Baron Desaugiers, French Minister at several European Courts; the Abbé Étienne, Superior of the Lazarists; Count Zannoiska, Nephew of Prince Czartorinski; Vice-Admiral de la Bretonnière, Baron de Reyneval, Chief Clerk at the Foreign Office; that from the particular circumstances in which said D. O. Dyce Sombre was placed, he attracted general attention at such last mentioned party, and there all the Gentlemen last above-named conversed with said D. O. Dyce Sombre on ordinary topics, and expressed to deponent their conviction as to said D. O. Dyce Sombre being in the full enjoyment of his intellectual faculties, and their surprise that he should ever have been declared otherwise. That deponent hath been informed and believes, and it has been stated in the public papers, that said D. O. Dyce Sombre was introduced at Court to His Majesty the King of the French at a public levee on or about the 3d instant. And that deponent has also been informed that his said Majesty received him, said D. O. Dyce Sombre, well, and expressed his desire that he should take up his residence in France.

Affidavit of

SIR HENRY ROBARTES WYATT, *Knight, of no.* 3, *rue des Champs-Élysées, in the city of Paris, a Colonel unattached in Her Majesty's Army;*

HENRY COLLIER, *of no.* 12, *rue des Champs-Élysées, in the said city of Paris, a Captain in the Royal Navy;*

ALEXANDER ROPER, *of the Hôtel de la Terrasse, in the said city of Paris, Esq.;*

CARLOS ARTHUR HENRY RUMBOLT, *of no.* 30, *rue Godot, in the said city of Paris, a First Lieutenant in Her Majesty's* 21*st Regiment of Fusileers;*

FRANCIS WALSH, *of no.* 12, *rue Grammont, in the said city of Paris, and*

JAMES EDWARD JERNINGHAM, *of no.* 4, *Passage de la Madeleine, in the said city of Paris, Esq.*

Sworn, January 13*th,* 1844.—*Filed, February* 5*th,* 1844.

Say that during the last two months and up to the present time they have been in the habit of meeting the above-named David Ochterlony Dyce Sombre who resides at n° 23, Boulevard des Capucines, in the said city of Paris, both in public and private society, and that on all occasions when they have so met the said D. O. Dyce Sombre, they have observed his conduct to be most mild and gentlemanly, and he appeared to these deponents respectively to be in full possession of all his intellectual faculties and perfectly competent to the management of himself and his property.

And the deponents, the said Henry Collier, Alexander Roper, Carlos Arthur Henry Rumbolt, Francis Walsh and James Edward Jerningham severally further say, that they respectively have seen the said D. O. Dyce Sombre playing at Whist in society, and that he appeared to play the game remarkably well, and was attentive to, and appeared perfectly to understand the same and the rules thereof.

Affidavit of Warren Hastings Anderson

Of St. Germain's, near Edinburgh, but now residing, at no. 34, rue Miromesnil, in the city of Paris.

Sworn, January 27th, 1844.—Filed, February 5th, 1844.

Saith that about six weeks since he was introduced to the above-named David Ochterlony Dyce Sombre, and that since that time he has been in the habit of meeting the said D. O. Dyce Sombre in society, and has called on him and invited him to and received him at a party given by deponent at his own residence. That the deportment and manners of the said D. O. Dyce Sombre are exactly those of a well-bred gentleman accustomed to society. That deponent has at different times conversed with the said David Ochterlony Dyce Sombre on the ordinary topics of the day, and that the said D. O. Dyce Sombre always appeared to deponent to be in full possession of his intellectual faculties, and thoroughly capable of managing his own affairs.

That he has played at whist with the said D. O. Dyce Sombre two or three times, and that he found that he perfectly understood the game.

Affidavit of Thomas Farr.

Sworn at Paris, January 20th, 1844.—Filed, April 18th, 1844.

Thomas Farr of Beecles in the county of Suffolk, maketh oath and sayeth that he first became acquainted with the above-named D. O. Dyce Sombre in or about the month of March 1839, whilst at Rome in Italy. That he, this deponent, resided in the same hôtel with the said David O. Dyce Sombre at Rome for about 3 weeks. That he, this deponent, there travelled with the said D. O. Dyce Sombre to Florence, and was there with him also for about 3 weeks. That he, this deponent, then discovered from the conversation, manners and habits of the said D. O. Dyce Sombre, that his feelings as regarded females were Asiatic to a most extraordinary degree. That at that time the said D. O. Dyce Sombre referred to a correspondence which was then going on between himself and the Honourable Miss Jervis, the daughter of the Viscount St. Vincent, and he stated to this deponent his intention, if he married her, of insisting on her living as his wife after the manner in which Eastern wives are accustomed to live, and of obliging her in a great measure to conform to usages and customs quite unknown to Europeans, saying also that his wife should never go out in a carriage alone, nor go to the Opera without him. And this deponent saith that he and the said D. O. Dyce Sombre separated in Italy in the month of May, he the said D. O. Dyce Sombre wishing to return to Rome; and this deponent again met the said D. O. Dyce Sombre who had just returned to England from abroad in London. That this deponent remained in London for about a week and saw the said

D. O. Dyce Sombre daily during that week. That this deponent then went from London into the country and did not see the said D. O. Dyce Sombre till the month of April 1840 though they corresponded during that interval. That this deponent having previously learnt from the said D. O. Dyce Sombre that his marriage with the said Miss Jervis was likely to take place, he the said D. O. Dyce Sombre in the said month of April 1840 informed this deponent that discussions had arisen between him the said D. O. Dyce Sombre and the said Viscount St. Vincent relative to the conduct of the said Miss Jervis, and to the settlement to be executed on the intended marriage; the said D. O. Dyce Sombre having, as he informed this deponent, insisted on the said Miss Jervis conducting herself as his intended wife, according to his Asiatic notions. And this deponent further saith that the said D. O. Dyce Sombre at that time requested this deponent to interfere in these matters as his friend, and wished this deponent to take a challenge from him the said D. O. Dyce Sombre to the said Viscount; but this deponent declined to do so or otherwise interfere, as Viscount Combermere was, as this deponent understood, the then adviser of the said D. O. Dyce Sombre. And this deponent further saith that late in the said month of April 1840 this deponent learnt from the said D. O. Dyce Sombre that the said marriage was on the eve of being broken off; and he, this deponent, stated to the said D. O. Dyce Sombre, that he was going to Paris, and from thence to Vienna, and the said D. O. Dyce Sombre then expressed his wish to accompany deponent. And this deponent saith that the said D. O. Dyce Sombre did in fact join this deponent in the said month of April at Paris, and they afterwards travelled together to Vienna. That at Vienna the said D. O. Dyce Sombre received letters from the said Miss Jervis, which having been directed to the house of Messrs. Laffitte and Co., at Paris, had been forwarded by them to Vienna. That during the time the said D. O. Dyce Sombre and this deponent were so travelling together, the said D. O. Dyce Sombre was continually complaining of the conduct of the said Viscount St. Vincent with reference to his daughter and his wishing to accept him as his

son-in-law, and yet not sufficiently supporting him in his views with reference to the conduct of women previously to and after marriage and which views, he said, he had fully explained to the Viscount. And for these and other reasons the said D. O. Dyce Sombre continually expressed his anxiety to have personal satisfaction from the said Viscount. And this deponent saith that the said D. O. Dyce Sombre left this deponent at Vienna in May 1840, as deponent believes, and returned to England. And this deponent further saith that he has since that period and since the marriage of the said D. O. Dyce Sombre, constantly seen him at intervals, and been on terms of great intimacy with him, and in the month of November last this deponent met the said D. O. Dyce Sombre at Paris, and has been in the habit of seeing him almost daily for the last two months. And this deponent further saith that the intellect, manners, conduct and ideas of the said D. O. Dyce Sombre appear to him, this deponent, to be the same now that they were at the times hereinbefore stated of his, deponent's, former intimacy and acquaintance with the said D. O. Dyce Sombre, all the habits and ideas of the said D. O. Dyce Sombre, being now, as then, entirely Asiatic.

Second Affidavit
of the Baron Félix Feuillet de Conches.

Sworn, February 29th, 1844, before Her Britannic Majesty's Consul at Paris.

Declares that since the 1st February instant, the day on which he made a deposition on oath before the British Consul with reference to his intercourse with the above-named D. O. Dyce Sombre and up to the 24th day of the present month of February, the day on which he dined with him (the said D. O. Dyce Sombre) in company with ten other persons, he has frequently seen the said D. O. Dyce Sombre either in the course of the day at table, or in the evening at the Palace of the King, or at the houses of different persons, and at the house of this deponent himself, and he has not observed any alienation or alteration whatever of the mind of the said D. O. Dyce Sombre. And this deponent further saith (a circumstance which he omitted to mention in his said former affidavit) that at the reception of His Majesty the King of the French on the 3rd of January last, to which this deponent accompanied the said D. O. Dyce Sombre, remaining with him all the evening, towards the end of it the said D. O. Dyce Sombre was noticed by the King personally, and conducted himself towards His Majesty with all the propriety, manner, and respectful dignity of a perfect Gentleman. And this deponent further saith, that on the 16th day of the present month of February, he met at a ball at the Tuileries the said D. O. Dyce Sombre, and there passed with him several hours. And that this deponent, as well as all the groups of persons, who came into contact with

the said D. O. Dyce Sombre, amongst the immense concourse of persons assembled in the Royal saloons, was satisfied with the steadiness of the said D. O. Dyce Sombre ; that in fine, and to sum up all, on every occasion without exception, the said D. O. Dyce Sombre has appeared to this deponent to have the full enjoyment of his intellectual faculties ever since this deponent first made his acquaintance.

Affidavit of Jacques Eugène Lamy,

Judge of the Cour Royale of Paris, a Chevalier of the Legion of Honour, residing in the said city, no. 8 bis, *rue Duphot.*

Sworn at Paris, Febuary 29th, 1844.

Declares, that since the month of December, 1843, he has several times seen and conversed with the said D. O. Dyce Sombre, viz. 1st. In the house of this deponent, where the said D. O. Dyce Sombre came to pass the evening on the 4th of February inst. 2d. At the Palace of the Tuileries, where the said D. O. Dyce Sombre was present as well as this deponent, at a ball given by His Majesty on the 16th of the said month of February. 3rd. On the 24th of the same month of February, at a dinner at which this deponent was present with the said D. O. Dyce Sombre, and several friends ; that this deponent has never observed either in the actions or in the conversation of the said D. O. Dyce Sombre anything which betrayed the least derangement of his mental faculties ; that on the contrary he appeared to possess all his reasoning powers (l'intégrité de sa raison). Nevertheless knowing the previous result of the proceedings (procès) which had been carried on against him in England, this deponent applied himself to discover in what way the said D. O. Dyce Sombre had given cause for the sentence of interdiction pronounced against him; and in consequence this deponent is compelled from his own observations to conclude that if the English tribunals had decided that any alienation (altération) existed in the reason of the said D. O. Dyce

Sombre, his state of mind was completely changed since his arrival at Paris. That having had, when he was President of the First Chamber of the Civil Tribunal of Paris, many occasions to examine persons accused of insanity, he acquired a certain skill to discover the reality of that state of mind through the apparent lucidity which is often observed in the conversation of lunatics; and from this last circumstance this deponent declares with some confidence his opinion with reference to the said D. O. Dyce Sombre. That this deponent would not have admitted him into his family, if he had not been first convinced of the perfect state of the reason of the said D. O. Dyce Sombre, and of the propriety of his language and manners.

Affidavit of Henry Martin

Of the Hôtel du Rhin, Place Vendôme, in the city of Paris, in the kingdom of France.

Sworn at Paris, January 4th, 1844.—Filed, February 5th, 1844.

Saith that he is the Keeper of said Hôtel and that on the 21st of September last past, the above-named D. O. Dyce Sombre came to deponent's Hôtel; and as deponent believes, he had then just arrived at Paris from England. That said D. O. Dyce Sombre was without any change of linen or wearing-apparel, and without money to purchase either. That said D. O. Dyce Sombre stated to deponent all his difficulties with so much propriety and *exhibited such right* and *gentlemanly* feeling, that deponent was induced at once to assist him with an advance of money and provide him with such said means. That said D. O. Dyce Sombre remained at deponent's hotel from said 21st of September last, until the 25th of November last, and that during the whole of that time deponent was in the constant habit of seeing said D. O. Dyce Sombre, and that he never observed any act, conduct or manner on the part of the said D. O. Dyce Sombre, to lead deponent to suppose that he was of unsound mind or intellect; but on the contrary he appeared from first to last to be perfectly sane and perfectly competent to the management of himself and his affairs.

Second Affidavit of Henry Martin

Of the Hôtel du Rhin, Place Vendôme, in the city of Paris, in the kingdom of France.

Sworn at Paris, February 1st, 1844.—Filed, February 6th, 1844.

Saith that he is the Keeper of said Hôtel, and that as deponent hath already stated in an affidavit in the above matter sworn by him on the 5th January last past, the said D. O. Dyce Sombre resided in deponent's said hôtel from 25th September last past until the 25th November last past, and that during the whole of said time he, deponent, laid before the said D. O. Dyce Sombre every week an account of the meals and different things furnished or supplied by this deponent to the said D. O. Dyce Sombre; and of monies, if any, paid by deponent on his the said D. O. Dyce Sombre's account. That said D. O. Dyce Sombre always carefully examined such weekly accounts prior to allowing the same. That on one occasion the said D. O. Dyce Sombre in the first instance refused to allow a sum of 24 francs charged in one such account as having been paid for him, but for which the bill and receipt had been lost, and that he did not allow such payment until he was convinced by the explanations of deponent that he had had full value for the said sum. That before funds were transmitted from England for paying the bills of said D. O. Dyce Sombre at deponent's Hôtel, this deponent has heard that it was proposed to the said D. O. Dyce Sombre to have a friend to dine with him to break his solitude. That although deponent would

willingly have furnished and given the said D. O. Dyce Sombre credit for such extra dinners, he the said D. O. Dyce Sombre delicately declined until arrangements were made for paying his hôtel bills, to comply with such suggestion. That said D. O. Dyce Sombre, when he took a better set of apartments after arrangements were made for paying deponent, wished to pay the smallest possible price for them, and expressed it to be his intention in future during his stay in the Hôtel of deponent to pay a fixed monthly sum for his board and lodging instead of entering into detailed accounts, as he, the said D. O. Dyce Sombre calculated on effecting a diminution of his expenditure by such arrangement. That in the judgment of deponent, the said D. O. Dyce Sombre is a man who will have full value for his money, and who will direct his affairs with prudence.

Affidavit of Alexandre Marie Alfred Vallot.

Sworn at Paris, January 6th, 1844.

Alexandre Marie Alfred Vallot residing at Paris, 23, Rue Racine, near the Place de l'Odéon, having been sworn before Her Britannic Majesty's Consul, declares that he has been giving French lessons to the above-named D. O. Dyce Sombre six times a week during the present month. And this deponent has always found in him the most agreeable manners and the most perfect politeness. That he has observed that the said D. O. Dyce Sombre has an excellent memory for recollecting words he has seen for the first time, and this deponent has never perceived the least symptom which could have led him to suppose mental derangement in him, and that he has certainly made marked progress during the short space of time that this deponent has given him lessons.

Affidavit of Louis Lassieur Breguet,

A partner in the house of Breguet, Nephew, and Co., watchmakers, of no. 4, Place de la Bourse, and 79, Quai de l'Horloge.

Sworn at Paris, before Her Britannic Majesty's Consul, January 30th, 1844.

Saith that on the 31st of October last the above-named D. O. Dyce Sombre came to the shop of this deponent and his partners, on the Place de la Bourse, for the purpose of buying a watch. That he chose a *chronometer* with a gold face and a gold chain, the price of which was two thousand francs, but the said D. O. Dyce Sombre would not give that price, unless a discount of five per cent were allowed. That this deponent replied it was not the custom of his house to allow discount, but the said D. O. Dyce Sombre insisting on the deduction, this deponent ended by acquiescing in his demand. That on the 8th of November last this deponent took the said watch with the chain to the said D. O. Dyce Sombre, who asked what was the price of the chain annexed to the watch, and on learning that it was fifty francs, he told him to take away the chain and deduct the fifty francs from the price. That this deponent took the watch to his house in order to detach the chain, and the same day he sent back the watch alone by a messenger to whom the said David Ochterlony Dyce Sombre gave an order upon Mr. Okey, the Counsel of the English Embassy, for 1,850 francs, that is to say, the

amount of the price of the said watch after deducting the five per cent discount and the value of the chain. That when the said order was presented to Mr. Okey he said he could not pay it on account of the circumstance in which Mr. David Ochterlony Dyce Sombre was placed, without having instructions from England. That after some delay the said order was duly honoured by Mr. Okey. That the price asked for the watch, which was perfectly well made, and the gold case of which was strong, was proper and moderate. That this deponent in his dealings with the said D. O. Dyce Sombre had not the slightest suspicion that he was not in possession of all his intellectual faculties. That in his opinion the said D. O. Dyce Sombre conducted himself in this business like a man perfectly understanding how to make a purchase favourable to his own interests.

Affidavit of Antoine Bryard

Residing at Paris, no. 20, rue Neuve-Saint-Augustin, a person letting carriages out for hire.

Sworn at Paris, before Her Britannic Majesty's Consul, January 30th, 1844.

Saith that on or about the 3rd November last a person calling himself the servant of David Ochterlony Dyce Sombre came to the establishment of this deponent for the purpose of hiring a tilbury with a horse and servant for the service of the said D. O. Dyce Sombre, and in the first instance by the day, saying that if the said D. O. Dyce Sombre was satisfied, he would hire it by the month. That after having used the tilbury for two or three days, the said D. O. Dyce Sombre hired it altogether with the horse and servant at the rate of six hundred francs a month, a price which was not exorbitant as the tilbury was new and the horse valuable. That towards the middle of the said month of November, the said D. O. Dyce Sombre told this deponent that sometimes of an evening he would want a coupé with two horses and a coachman substituted for the tilbury. That this deponent said he could have it, but that the price agreed on for the hire of the tilbury ought to be increased; to which the said D. O. Dyce Sombre answered that he would not consent to pay more than the price agreed upon, and that if this deponent could not furnish him with the coupé without the increase of price

demanded, he the said D. O. Dyce Sombre would hire his carriages elsewhere; that this deponent, in order to keep the custom of the said D. O. Dyce Sombre, promised to acquiesce in his wish, and the said D. O. Dyce Sombre has since the last mentioned period frequently had in the same day the tilbury and horse in the morning, and a coupé with two horses and a coachman in the evening, without paying or without being asked to pay more than was agreed upon as the price per month for the tilbury. And this deponent saith that it is the custom for persons who hire carriages by the month, to pay about fifty francs per month in addition to the sum agreed upon for the hire of the vehicle for the man who acts as coachman or footman, and that in consequence of that custom, at the bottom of the two bills sent each month to the said D. O. Dyce Sombre the sum of fifty francs was added for the coachman, but the said D. O. Dyce Sombre struck out that sum from the bill and refused to allow any part of it. That this deponent considered from the dealings with the said D. O. Dyce Sombre that he was a man who clearly looked after his own interest, and according to the observation of this deponent is perfectly competent to manage his own affairs.

Affidavit of Louis François Schrader,

Foreman to his father Jean Schrader, of no. 93, rue Richelieu, in the city of Paris, in the kingdom of France, tailor.

Sworn at Paris, January 27th, 1844.—Filed, February 5th, 1844.

States that on or about the 19th day of December last past, he (deponent) by the direction of the said D. O. Dyce Sombre, called on him at his apartments, nº 23, Boulevard des Capucines, in the said city of Paris, with patterns of embroidery and other ornaments for a uniform, which he, said D. O. Dyce Sombre, had expressed the intention of having made for himself. That the said D. O. Dyce Sombre then chose the different ornaments, and gave all instructions for making the said uniform, but prohibited deponent from commencing the same until he had furnished him said D. O. Dyce Sombre with the prices of the several articles to be employed therein, and until he had signified his approval of such prices. That deponent, after returning to the said house of business and consulting his said father and a dealer in embroidery, made out and took to the said D. O. Dyce Sombre a list of the prices of the articles to be used in making said uniform and that such prices were fair and moderate and such as could not reasonably be objected to. That said D. O. Dyce Sombre, after having looked over the same list of prices very attentively, said that the said uniform might be made at the prices fixed. That from the care the said D. O. Dyce Sombre took not to be overcharged for the said uniform, he, deponent, considers him to be a prudent man, and capable of managing his own affairs.

Affidavit of John Newing,

Of no. 28, Boulevard des Capucines, in the city of Paris, in the kingdom of France.

Sworn at Paris, January 6th, 1844.—Filed, February 5th, 1844.

Saith that he his servant and valet to said D. O. Dyce Sombre. That since said D. O. Dyce Sombre's stay in Paris he has been with him in that capacity for about two months, having come from England at the request of Mrs. Dyce Sombre to live with his said master. That during all the period the deponent has been living with him at Paris, he has not observed the slightest symptoms of mental incapacity or intemperance of manner in said D. O. Dyce Sombre. That all his orders have been correct, rational and proper. That said D. O. Dyce Sombre has weekly examined the accounts of deponent, which said D. O. Dyce Sombre appeared perfectly to understand, and minutely enquired into the correctness of the same before he allowed or passed them.

Saith that he formerly lived with said D. O. Dyce Sombre whilst he was residing at Hanover Lodge, in the capacity of servant, and he there heard the reports and accounts of the mental incapacity of the said D. O. Dyce Sombre; but since he has been so residing as aforesaid with said D. O. Dyce Sombre in Paris, he has never seen anything in the conduct of said D. O. Dyce Sombre, which would lead him to suppose that he laboured under any mental incapacity whatever, all his messages and instructions to tradesmen and others through deponent having always been perfectly rational, consistent and proper.

With these Lord Lyndhurst allowed me to go over to England. I was tormented for more than two months, with examinations by at least twenty different Doctors, most of whom were in favour of sanity, and although he, the Lord Chancellor, allowed these examinations, yet he said : " let there be any number of Physicians in your favour, but until the Chancery Doctors (meaning Doctors Southey and Bright), are not in your favour, it shall be of no use." And they having, for purposes of their own, (for I believe they do not deny receiving overtures from Messrs. Troup and Solaroli, and others) made their report to the Chancellor against my sanity, the Lord Chancellor consequently gave the following judgment on my case :—

Court of Chancery.

Thursday, August 8th, 1844.

IN RE DYCE SOMBRE.—JUDGMENT.

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The Lord Chancellor said, this case had been argued at very great length at the bar, and a great quantity of evidence, consisting of affidavits and documents, had been laid before the Court in support of the allegations on the one side and on the other. He (the Lord Chancellor) had read and considered them with that attention which the importance of the subject had appeared to him to demand. It was a question with respect to which he had felt much interest and anxiety, not merely on account of its relation to the interests of the individual whose soundness of mind was the subject in question; but also because it had been supposed that the decision of this Court, or rather the verdict of the jury upon the commission issued under the authority of this Court, was at variance with the opinion expressed by those medical persons—men of great skill and science, who, under

the authority of the Prefect of Police, made a report with respect to the state of Mr. Dyce Sombre's mind, in the month of December, in Paris. Two questions, two main questions, had been argued, and he thought very properly argued, on this occasion. The first question was, whether Mr. Dyce Sombre ever had been of unsound mind—whether the finding of the jury upon the inquisition as to the unsoundness of his mind could, in fact, upon the evidence be supported—and, in the next place, the second and material question was, whether, supposing him to have been of unsound mind at that period, he had recovered his self-possession—whether at the present moment he was of unsound mind, or whether he was in a state fit to be instrusted with the management of his affairs and with the care of his own person. These were the two main questions which had been agitated and discussed in the course of the present extended inquiry. With respect to the first question, it was material, in consequence of the observations which had been made in the course of the argument at the bar, to advert for a few moments to the history of this gentleman. It appeared that he was of Asiatic origin, with a mixture of European blood in his veins. He was descended, he (the Lord Chancellor) thought, from a gentleman who was a German by birth, and a native Indian woman. He was either the grand-son or great-grand-son, as he (the Lord Chancellor) collected from the affidavit of Dr. Drever, of that gentleman. He was connected by marriage with the Begum Somroo, in consequence of which he was taken into her family, brought up in her Zenana, and became a favourite with her. At an early period of life he appeared to have been sent for the purposes of education to Meerut, a distance of a few miles from the residence of the Begum. He was there instrusted to the care of a Mr. Fisher, chaplain of the East India Company, and in their service. That gentleman had a wife and family of children, and Mr. Dyce Sombre lived with them for a period of about four years. He was educated by Mr. Fisher, and he appeared to have profited by that education, for he wrote English with great precision and accuracy, and although blunders might occasionally be detected, they were blunders resulting from the haste in which his letters had appa-

rently been written. The witnesses who had made affidavits in the matter had conversed with him. He (the Lord Chancellor) had himself conversed with him, and he had found that though there was a sort of hesitation in his manner, he spoke and understood the English language very accurately. Such, then, was the history of this gentleman up to a certain period. When he came to mature age, it appeared he had been intrusted by the Begum with considerable authority, and by her had ultimately been appointed her heir. During this period he had associated principally with Europeans, especially with the military and civil European officers resident at Meerut. It appears that he wore the English dress, and was familiar with European habits and manners. On the death of the Begum, in the year 1836, he removed to Calcutta, where he remained for 12 months, still continuing in the society of the European residents there. He came to England in 1838, and having passed some time in England he went to the Continent, and remained there till the year 1840, when he returned; and in the month of September in that year the marriage between him and Mrs. Dyce Sombre took place. It appeared, therefore, that he had been educated to a considerable extent in English manners and language, and was acquainted with the habits of English society; and that although an Asiatic by birth, and in a great degree by descent, he could not to any extent be considered as unacquainted with the character and manners of society in this country. Having stated thus much, he (the Lord Chancellor) must observe that, on the other side, it had been urged that it was clear that in the mind of Mr. Dyce Sombre the prejudices or class of opinions which existed in Asiatics appeared to have taken deep root, especially jealousy with regard to female connexions. This had displayed itself during the courtship in a very strong manner. It had displayed itself in a manner too clear to admit of dispute; in short, he had exhibited a strong and deep-rooted feeling of jealousy, which it would be impossible from his early habits and associations to get rid of. It was not for him (the Lord Chancellor) to say anything as to the prudence of the connexion which had been formed: that was not now a question before him. It appeared, however, that after a treaty

of marriage had gone on for a considerable time, Mrs. Dyce Sombre, who had originally rejected his offers, accepted him for her husband. After this he became dissatisfied with her conduct in going to parties with her father, unaccompanied by himself, and he evinced his feeling of jealousy in a variety of ways, so much so that the lady broke off the connexion. In consequence of this Mr. Dyce Sombre went to Vienna. The lady expected he would have returned; he did not do so, and she wrote to him a letter, which brought him back to this country. The negotiations were then renewed, and she again accepted him; but again some dispute arose on a point of great delicacy, namely, the education of the children which might be born of the marriage. It had been originally agreed that the boys should be brought up in the Roman Catholic, and the girls in the Protestant faith; but Mr. Dyce Sombre insisted upon another term, namely, that if there should be no male descendants, the girls should be educated and brought up as Roman Catholics. The lady considered this a breach of the original agreement, and in consequence the engagement was again broken off. Mr. Dyce Sombre was considerably irritated, he tore up the licence, expressed his sense and opinion as to the matter in strong terms, and sent a challenge to Lord St. Vincent, the lady's father. Two days afterwards, however, it appeared that he repented of what he had done; he sent a letter expressing his contrition and apologising for his conduct, and ultimately it was arranged that the marriage should take place. Such was the history of the case up to the formation of the matrimonial connexion. Almost immediately afterwards, Mr. and Mrs. Dyce Sombre went abroad with the intention of wintering in Italy. In the first instance they proceeded to Brussels, where Mrs. Dyce Sombre became extremely ill, and for eight weeks was unable to leave the house. During the whole of this time Mr. Dyce Sombre paid her the utmost attention, exhibited the greatest kindness and affection towards her, and from the time of the marriage up to that period he had been incessant in his attentions, and they had appeared to be strongly devoted and attached to each other. The state of the lady's health rendered it impossible to prosecute the intention of proceeding to Italy

—the physicians opposed the intention, and accordingly Mr. and Mrs. Dyce Sombre returned to London, and went to reside at the Clarendon Hotel. They visited with the first society during the winter they remained in London, and so continued up to the month of April. Up to this time Mrs. Dyce Sombre had discovered nothing that could lead her to suppose that anything of infirmity existed in her husband's mind. She knew of his jealous temperament before marriage, and found that the same feeling continued after marriage. She knew that it had been said there could be no love without a mixture or jealousy; but, neither before nor after her marriage, up to that time, had she observed the slightest indication, to her apprehension, of infirmity or unsoundness of mind. In April they left London and went first to Strathfieldsaye, thence to Meaford, Lord St. Vincent's seat, and afterwards to the Marchioness of H., at D. The first thing which invoked alarm on the part of Mrs. Dyce Sombre was a circumstance which she mentioned in her affidavit. While proceeding in the carriage on the journey she turned round to look for a volume of *Lodge's Peerage*. It could not be found, and Mr. Dyce Sombre said he had taken it with him into Bond-street, and had held it out to the passers by—that several persons had looked and laughed at him, and that at last a person took it and walked away with it. Mrs. Dyce Sombre made no remark, but was naturally much astonished at the statement, and was greatly alarmed. It made a deep impression on her mind. They went on to D. park, and were received there by the Marchioness of H. They stayed there two or three days, and on the day they quitted D. park, Mr. Dyce Sombre made what might be called a confidential communication to the Marchioness. He stated to her that his wife was a profligate woman, and that she had had intercourse with all kinds of persons. Lady H. was, of course, anxious to undeceive him, and told him that his wife was her intimate friend, that she had known her a very long time, and that there was not the slightest foundation for the imputation. Lady H. told Mrs. Dyce Sombre what had transpired, and this, of course, increased her alarm and anxiety. She, however, returned with her husband to Meaford (her father's), and there for a day or

two nothing particular passed. One day, however, after dinner, when the family were all assembled at table, Mr. Dyce Sombre repeated what he had said to the Marchioness of H., and added that both Lord and Lady St. Vincent knew it well, and had encouraged it. This led to great agitation, expostulation, and remonstrance, and eventually Mr. Dyce Sombre, with great reluctance, signed a paper stating that what he had said was incorrect. Soon after this, he was anxious to get to London, and they accordingly returned to town, when Dr. Chambers was sent for, and for a little time things went on as usual. In the course of the summer Mr. and Mrs. Dyce Sombre went to Worthing, and there at different periods he broke out with the same violence. His excitement became more intense, and he charged his wife with misconduct. They then again returned to London, and again mixed in society, though Mrs. Dyce Sombre's life was rendered unhappy by his continued acts of violence. Still they went on moving in the first ranks, and in the month of July they dined at Mr. Quintin Dick's. Mr. Dyce Sombre appeared much pleased, and told his wife to invite such of the company they had met at Mr. Dick's as she pleased, to meet her at her box at the theatre on the following night. Accordingly Mrs. Dyce Sombre invited several, and among them Mr. M., with whom she was but slightly acquainted, and whom she desired to bring his sister with him. Nothing further took place. He (the Lord Chancellor) mentioned this matter because it was an occurrence to which reference had afterwards been made. The party assembled at the theatre ; Mr. M., however, did not continue in the box the whole of the evening, but returned and handed Mrs. Dyce Sombre to her carriage. A short time after this Mr. and Mrs. Dyce Sombre received an invitation to dine with Captain and Mrs. Rous. They went there, and in passing near to the house of Captain Rous there was a hole made in the street in consequence of some repairs to the gas-pipes or the sewers. Mr. Dyce Sombre took some general notice of it, but nothing particular occurred at the time. They dined—the dinner went off as such things usually do, and they returned home. The autumn, or the season for quitting London, had now arrived, and

it was determined by Mr. and Mrs. Dyce Sombre to go abroad, first to Berlin, and then to pass the winter at Paris. Mr. Dyce Sombre was in good spirits at that time; he enjoyed the journey extremely, but, on approaching Berlin he suddenly said, "I feel I am going mad, and I shall die in a madhouse;" to the great alarm and dismay of the lady. When they arrived at Berlin he again behaved with extreme violence—again charged his wife with having had connexion with various persons of every description, both before and after her marriage. He said she had deceived him, that she had been an Opera dancer, and that he admired the skill and talent with which she had concealed that fact, and added, that considering the life she had led, he was surprised she possessed such ladylike manners. He further stated, that all this had been known to her father and mother, and that they had encouraged, abetted, and profited by it. These charges he over and over again had repeated with the greatest possible violence, and Mr. Dyce Sombre wished to have a physician called in; he refused, and would not have one until he got to Paris. The intended journey was then altered, and they went to Aix-la-Chapelle. Up to that period Mr. Dyce Sombre had never mentioned the name of any individual who was the particular object of his suspicion, but on arriving at Aix-la-Chapelle he exclaimed, "I have hit upon the man—it is either the Duke of Wellington or Mr. M. Tell me which it is, and I will fight him?" He (the Lord Chancellor) stated these facts as contained in the affidavit of Mrs. Dyce Sombre. They left Aix-la-Chapelle and proceeded on the road to Paris. On their arrival there they went about as strangers usually did; they dined at the Palais-Royal—they took a walk in the Rue Richelieu; and the next day Mr. Dyce Sombre charged her with having assignations at both places, and insisted upon immediately returning to London. He stated that somebody had opened an iron chest belonging to him at the Clarendon Hotel, and he wrote a letter and ordered a special messenger to convey it to London to Dr. Drever, a friend of his whom he had known in India. That letter requested Dr. Drever to go to the Clarendon Hotel, and unter the pretence of looking for a portrait of Lord Combermere, to examine the chest. He added, "Do not

think me suspicious, but do what I desire." Whether the Doctor had done so or not did not appear by the affidavits. They arrived in London. On their arrival in London Dr. Chambers was sent for, and it was during that journey up to London that Mr. Dyce Sombre on different occasions distinctly charged that Mrs. Dyce Sombre had been guilty of adultery with Mr. M. at the theatre; and that Mr. M. had on one occasion been concealed in the house in order to facilitate his criminality with Mrs. Dyce Sombre. Mr. Dyce Sombre also spoke at the same time of the hole which was made in the pavement, and alleged that it had been made for the purpose of catching him in; and it was to be remarked that on every occasion that Mr. Dyce Sombre spoke of these transactions, he spoke of them as of facts which had really occurred, and not as if he had merely been informed of them, and this too over and over again. The constant recurrence of these charges and accusations against Mrs. Dyce Sombre, and the visits of Dr. Chambers at last attracted the attention of Mr. and Mrs. Dyce Sombre's friends, and it was finally arranged that a meeting of such friends should take place, in order that Mr. Dyce Sombre might specifically state the grounds of his suspicious against his wife, with a view to the adjustment of their differences. Accordingly a meeting did take place at the Clarendon Hotel, which was attended by Lord Combermere, Lord Marcus Hill, Sir Francis Burdett, Lord St. Vincent, Dr. Drever, and others; and it was in the presence of those gentlemen that Mr. Dyce Sombre again charged his wife with the grossest acts of immorality and criminality; that she had had connexion with Mr. M. and her own father; that a meeting took place between his wife and Mr. M. at Captain Rous's house, which in fact never did; and when Mr. Dyce Sombre was asked to substantiate the various charges, and to give the reasons for the supposed unchastity of his wife, his statements were so vague and unsatisfactory that the gentlemen present felt there was no ground whatever for the accusations and signed the following report:—"We, the undersigned, "having given our patient attention to the various statements "this day brought before us by Mr. Dyce Sombre, as tending "in his mind to criminate his wife, have come to the un-

" animous decision that the statements have no foundation in " any fact whatever, but seem to have originated in mere " phantasm, arising, no doubt, from ignorance of the manners " and habits of European society. And we feel it due to the " conduct and character of his wife solemnly to declare, that " the investigation to which we have attended with the utmost " impartiality, has fully convinced us of her entire innocence " and purity. And we feel ourselves entitled to expect that the " results of our deliberation shall have the effect of dissipating " such illusions for the future, and that the conduct of Mr. Dyce " Sombre towards his wife shall be such, as shall be in unison " with that ardent affection admitted by himself to be entertain- " ed by him towards her, and with the regard and the respect " justly due to an innocent and devoted wife." This declaration, however, Dr. Drever and Sir Francis Burdett objected to sign, because they could not ascribe Mr. Dyce Sombre's delusions to his ignorance of European manners. Dr. Drever subsequently put his name to the document, in order, as he stated, to put an end to the unfortunate misunderstanding; but Sir Francis Burdett never signed it. Mr. Dyce Sombre on that occasion stated that he submitted to the decision arrived at by the meeting, and would abide by it; but at the same time said, that he was by no means satisfied that the conduct of his wife was correct. On a subsequent occasion Mr. Dyce Sombre met Mr. M. driving in his cab by the National Gallery, and rushed up to him for the purpose of insulting him, and it was after that transaction that Dr. Chambers, being called in to see Mr. Dyce Sombre, stated that it was a case of such difficulty and importance that he should not like to take the responsibility of it upon himself, and consequently another eminent medical gentleman was sent for, and eventually Dr. Sutherland. It was at this time in the autumn of the year that Mr. Dyce Sombre met his old friend General Ventura, a man well known in the world, and one who had arrived at an advanced period of life. Mr. and Mrs. Dyce Sombre were on the point of setting out for Dover, and Mr. Dyce Sombre left his wife at that place, in order to return to London to enjoy the society of General Ventura. He afterwards fetched his wife from Dover,

and they were in the constant society of General Ventura and his daughter for three or four days. At the expiration of that period Mrs. Dyce Sombre went on a visit to her father's estate in the country, when Mr. Dyce Sombre saw her as far as Stafford, and then returned to General Ventura, with whom and his daughter he remained until they started for India. During the whole of the time that Mr. Dyce Sombre and General Ventura were together they were on the very best of terms,—no differences, no disagreements,—and, in fact, seemed to live upon the nearest and most intimate friendship. Shortly after this, Mr. and Mrs. Dyce Sombre proposed to make a tour to the north of England and through Scotland, and accordingly started. Nothing of importance occurred before their arrival at Edinburgh; all had hitherto gone pleasantly; but at Edinburgh Mr. Dyce Sombre's delusions respecting the infidelity of his wife returned. He had seen the marriage of Mr. M. in the papers, and became very violent thereon. At Inverary he insisted that Mr. and Mrs. M. were staying there, although at that time they were abroad. It appeared that there was a remarkable echo at Inverary, and that a cannon was so placed as to try the echo; on that cannon being fired, Mr. Dyce Sombre insisted that it had been fired in honour of the marriage of Mr. M. From Inverary Mr. and Mrs. Dyce Sombre journeyed to Taymouth and Inverness, and during the whole time Mr. Dyce Sombre's conduct was very violent towards his wife, against whom be made repeated charges that she had been unfaithful to him. It was on this journey that Dr. Fraser was consulted, who expressed a most decided opinion that Mr. Dyce Sombre was not in his right frame of mind, and advised his speedy return to London. At Inverness Mr. Dyce Sombre made the extraordinary charge that his wife had been guilty of adultery with General Ventura; his statement was, that when he put his wife into the railway carriage at Stafford for her to proceed to her father's seat, General Ventura followed in the next carriage, and that at her fathers's house the criminality took place. In consequence of this delusion, Mr. Dyce Sombre wrote a letter to General Ventura, which he sent to his solicitor, Mr. Frere, with instructions to forward it to General Ventura at Paris; and if he had left, thence

to Marseilles; and if necessary to Malta, Egypt, and Bombay. This letter contained a challenge to General Ventura, calling upon him to return to England, to give Mr. Dyce Sombre satisfaction. Of course Mr. Frere very properly declined to forward this letter. In one of the streets of Inverness Mr. Dyce Sombre met Dr. Fraser, a gentleman with whom he had been upon intimate terms in India, and immediately afterwards he charged his wife with having been guilty of an intrigue with him. On Mr. Dyce Sombre's return to London, his conduct continued extremely violent, and Dr. Chambers was sent for to attend him. Dr. Chambers and Dr. S. continued to visit Mr. Dyce Sombre for a considerable time. It was about this time that Mr. Dyce Sombre sent a challenge to Mr. M. Mr. M. was at that time on the continent, and so the letter was sent to Colonel W. his father-in-law, to be forwarded. Mrs. Dyce Sombre wrote a letter to Colonel W., explaining the circumstances and the delusions under which Mr. Dyce Sombre was labouring, and prevented Colonel W. taking any proceedings against Mr. Dyce Sombre, which otherwise he would have done, and have placed Mr. Dyce Sombre under arrest. Mr. Dyce Sombre also sent a letter to the Queen, stating his determination to abandon his claim against the East India Company, the receipt of which was acknowledged by Lord Glenelg. He also sent a challenge to Sir James Lushington, the chairman of the East India Company, and another to Sir Richard Jenkins, one of the directors; and in reference to his conduct in sending these challenges, Mr. Dyce Sombre stated, that a regiment at Dublin had given a dinner in commemoration of it, and that a chair was always kept vacant for him at the Queen's table. The Lord Chancellor then proceeded to read from the affidavits the various portions which set forth the violent acts of Mr. Dyce Sombre towards his wife, such as his threats to kick her out of bed; the fact of his having held her against the wall, and made use of the most horrible epithets to her; at another time, he said that he must strangle her, at the same time adding, that he did not wish to kill her, but it was too strong for him. He also talked whether he should smother her with a pillow, or stop her mouth with his hand, in order that after her death there might be no marks of

violence. Mrs. Dyce Sombre was so alarmed at his violence that she gave orders for all the knives to be placed out of his reach, and told the servants to be upon the watch, in order to prevent any mischief. Mrs. Dyce Sombre had also desired the valet to be upon guard whenever she entered the dressing-room with Mr. Dyce Sombre, but upon one occasion Mr. Dyce Sombre immediately after coming into the room locked the door, and then with a grin looked significantly from Mrs. Dyce Sombre to the drawers where he kept his pistols. Mrs. Dyce Sombre, however, managed to escape, and in her affidavit stated her belief to be, that the only thing that overawed Mr. Dyce Sombre was her not showing any fear of him. He (the Lord Chancellor) would then allude to another delusion of Mr. Dyce Sombre, which he had hitherto omitted — it was his belief that he was visited by two spirits, on a benevolent one, and the other exactly the reverse. One night he had seized hold of Mrs. Dyce Sombre and alleged that it was the only way to get rid of the spirit, and on another night he woke Mrs. Dyce Sombre from her sleep to describe the other spirit which, he said he then saw, and again took hold of her, which practice he repeated for several nights after. He also said that one of the spirits had tried to persuade him to murder her, while the other had dissuaded him, and that one of them had told him to shave off his eyebrows. Mrs. Dyce Sombre said that perhaps the spirit might be satisfied if he were to shave off a part, which he did, but afterwards shaved off the remainder. Mr. Dyce Sombre sent a challenge to Sir Hugh Campbell because he had insulted him as he supposed by looking at his hat; and at the Clarendon he took up a knife, and threatened to cut off his wife's nose, and ran round the table after her; but on her crying out that she would ring the bell for the servants he had put the knife down. Now, this was the very conduct of a person of unsound mind, to be influenced by such a threat; and, in furtherance of the truth of the occurrence, Mr. Ricketts and Miss Parker, who were in the next room, heard a greater portion of it. Mr. Dyce Sombre, in another delusion, had been heard to assert that a lady of rank had taken him into her bed-room, and that two noblemen had offered him their wives. These were all facts that had been

deposed to in the various affidavits, and, if those statements were to be relied upon, there could be no question of the unsound state of Mr. Dyce Sombre's mind. Even if the case which had been made out had been far less than it was, he (the Lord Chancellor) should have had no hesitation whatever in stating his opinion to be, that at that time Mr. Dyce Sombre was insane. It was quite clear that Mrs. Dyce Sombre was attached to and fond of her husband; and why, then, should she have had any desire to make him out to be an insane person? But the matter did not depend upon her evidence alone, it was confirmed by the testimony of a geat variety of witnesses. The circumstances which had relation to the Marchioness of H. and the detail of what took place at D. Park were confirmed by the affidavit of Lady H. Dr. Drever saw what was going on at the Clarendon, and his affidavit was confirmatory of that of Mrs. Dyce Sombre. Again, Sarah Layton, who had been Mrs. Dyce Sombre's servant for several years during that very period, confirmed generally all that was stated in her mistress's affidavit. In stating the substance of Mrs. Dyce Sombre's affidavit he (the Lord Chancellor) had mentioned facts which were but feeble representations of the impression which the affidavit itself was calculated to create in the mind of any individual—indeed, full effect could not be given to that affidavit without reading it from beginning to end. He had, however, he believed, stated enough to convince every reasonable man as to what was the state of Mr. Dyce Sombre's mind during the whole of that period. Then Miss Parker, who had passed a long period of time with Mr. and Mrs. Dyce Sombre, went with them on the journey to the Lakes and to Edinburgh, and she confirmed the statements of Mrs. Dyce Sombre, but not in all the particulars, because she could not have been always present. She, however, confirmed it in the main. Miss Parker afterwards resided with them at the Clarendon Hotel, until Mr. Dyce Sombre was placed under restraint, and in her affidavit she stated the general character of his conduct in such a way, that it was impossible to doubt what was the state of his mind during the whole of that period. Mrs. Dyce Sombre was further confirmed by the affidavit of Dr. Drever. He had been the intimate friend of Mr. Dyce Sombre; he

had known him in India. Dr. Drever had held the office of physician to the household of the Begum. He was on intimate terms and had corresponded with him. He had received the letter from Paris, and stated there was not the slightest foundation for the suspicion as to the removal of the iron chest from the Clarendon Hotel. Dr. Drever in his affidavit stated, that Mr. Dyce Sombre had told him that his wife was a profligate woman, and that Lord St. Vincent knew and abetted it. He endeavoured to undeceive him, and said, "If you knew it, why did you marry her?" upon which Mr. Dyce Sombre replied, "It is not unusual for us in India to marry women of bad character, singers, and dancers." In fact, Drever's evidence went to confirm every other circumstance which he (the Lord Chancellor) had stated from the affidavit of Mrs. Dyce Sombre. So that the case did not rest upon that lady's testimony, even if it could be supposed she was so profligate a woman as to come to that court, and by a false affidavit seek to lock up her husband as a lunatic. But her evidence was fully confirmed by all the other witnesses who had been examined. It appeared upon the affidavits that a short time before this, Mr. Dyce Sombre used to watch her when she went to church—that he was in the habit of staying in the street to observe whether she came out, and for that purpose he went round first to one door and then to another. On one of these occasions he called on Dr. Elliotson, who resided in Conduit-street (the church being in George-street)—he had previously left his card. He went into the room and when the Doctor made his appearance he said, "Are you Dr. Elliotson?" He was answered in the affirmative; and then he said, "You know what I am come for?—you must give me more of the society of my wife —I know she is under your influence." He added something about mesmerism. Dr. Elliotson replied he did not know who the lady was, and asked her name before marriage. Mr. Dyce Sombre gave some vague reply, and at length burst out and said, "You must fight me or I will insult you before your servants," and then he left the house. Upon this Dr. Elliotson did that which every professional man would have done under the circumstances. He wrote to Captain Ricketts, a relation of Mr.

Dyce Sombre, and told him that unless that gentleman was placed under immediate restraint, he (Captain Ricketts) would incur a very great responsibility. He added, that that should be done without delay. Captain Ricketts at the same time received a letter from Miss Parker, announcing that Mr. Dyce Sombre had said, that the only way to avoid misery was to put his wife to death, and that he should load his pistols. Upon this Captain Ricketts went to Dr. Monro, who signed a certificate and sent it by Captain Ricketts to Mrs Dyce Sombre for her signature. She refused, observing that her husband had passed a quiet night, and that she hoped he was better. So matters went on from day to day for nearly a month in the hope that a favourable turn would take place; but, in consequence of the threats that were used, and the danger she incurred, and apprehending the most serious results, at the end of the month she signed the certificate, and he was put under restraint. Nothing, in fact, could exceed the forbearance which Mrs. Dyce Sombre had shown. It was sworn by Captain Ricketts that, though running the greatest possible personal hazard, she had abstained from putting her husband under restraint, in the hope that an amendment in his condition of mind would take place. And further, it was sworn that, when he was confined, she refused to allow the commission to be issued, for the same reason. At last, however, her husband's brother-in-law insisted, as necessary for the protection of the property, that the commission should issue, and then she gave way and yielded to the commission being taken out. So far, therefore, from being eager and anxious to have her husband declared a lunatic, or of enforcing the law or the protection of the law, she had abstained, at the most imminent hazard to her own life, from motives of affection and an anxious desire to prevent these proceedings. This was in evidence clearly beyond dispute. What ground, then, was there for supposing that Mrs. Dyce Sombre had any indirect motive in the conduct she had pursued? None whatever, as it struck his (the Lord Chancellor's) mind. Mr. Dyce Sombre was then removed to Hanover-cottage, in the Regent's Park, and while there a message had been communicated to his wife that he desired to see

her. She immediately went there. He entered into conversation with her, he was perfectly collected, and not the least symptom or trace of insanity at first manifested himself. He spoke upon general topics just like any other person, but at length a different turn took place, and he stated that the Queen had offered him a peerage if he would consent to "veil" his wife's irregularities, but that he had declined it. He then said in mild terms, "Are you still living with Sir F. B.? I saw you with him the other day in the carriage". He then said he would take her back to live with him, on certain conditions. Those conditions were not stated in the affidavit of Mrs. Dyce Sombre, bnt were referred to in the affidavit of Sir James Clark. On those conditions Mr. Dyce Sombre said he would take his wife back. He mentioned also, that in anticipation of a separation, some lady of high rank had offered him her daughter in marriage. Mrs. Dyce Sombre endeavoured to persuade him that these were delusions, and the conversation appeared to have been continued for some considerable time. Now, it was material that he (the Lord Chancellor) should direct the attention of the learned counsel to the evidence of the physicians and other medical men who had been examined. He (the Lord Chancellor) had so far stated the history of Mr. Dyce Sombre's early life, of his courtship, his marriage, the affection that subsisted between him and his wife for a time, of the tranquillity which prevailed in his mind until the journey to Meaford, of the progress of the disorder, and of the increase of its intensity up to the period when he was put under restraint. The medical gentlemen who had been examined were men of the first character in the country in point of skill, science, and general knowledge. They were Dr. Conolly, Dr. Monro, and Sir James Clark. He would read the affidavit of Sir James Clark, for the purpose of showing how confirmatory it was of the circumstances which he (the Lord Chancellor) had stated. He thought it necessary to go into these details in consequence of the nature of the case, and of what had taken place in reference to this matter in France. In an ordinary case he should not do this, but on account of the circumstance that there appeared some conflict of decisions be-

tween the tribunals of this country and the tribunal to which this matter was referred for inquiry in France, it was necessary that he should go through these details. The noble and learned lord here read at length the affidavit of Sir James Clark, but as its substance has so frequently appeared in the course of the arguments of counsel at the bar, and reported in *The Times,* its repetition is unnecessary; suffice it to say, the affidavit corroborated in the leading particulars those of the other witnesses, and was clear as to the unsoundness of mind of Mr. Dyce Sombre. Sir James Clark's affidavit, however, set forth the conditions upon which Mr. Dyce Sombre wrote at Hanover-lodge he would receive his wife back. The conditions were expressed in the following terms:—"First, let the Archbishop of Canterbury produce and furnish every requisite for passing a pleasant evening with a virgin of the same rank as the one now lost; second, let Mr. E. Jervis produce another lady to receive the extinguisher; third, let there be a duel of three fires at the place in Hyde-park; fourth, let the Viscount St. Vincent produce a roan horse, well broke for the occasion; and, fifth, when the ground has been consecrated by the duel, I shall reconsecrate it with Madam, and bring her back home on the horse." Sir James Clark concluded his affidavit by stating, that no amendment had taken place in the state of Mr. Dyce Sombre's mind up to the time when he (Sir J. Clark) was obliged to cease his attendance upon him in consequence of being required to wait upon Her Majesty. There were other affidavits of medical men of the greatest experience to the same effect, and therefore, looking at the whole of the medical affidavits, and the facts as deposed to up to that period, he (the Lord Chancellor) found it impossible to arrive at any other conclusion than that Mr. Dyce Sombre was of unsound mind at that time. He had considered the arguments of counsel, he had given them every weight that he possibly could, he had most anxiously pondered every atom of evidence that had been given in the voluminous affidavits; and, after the most careful consideration, he was bound to say that he entertained no doubt whatever of Mr. Dyce Sombre's insanity at that time, and, in the words of Dr. Drever, could also add, "that Mr. Dyce Sombre's

delusions were no more Asiatic than they were European," and therefore he had been unable to explain them in a rational way, by supposing them to arise from Mr. Dyce Sombre's early education, or Eastern habits and notions. The next affidavit he would allude to was that of Mr. Solaroli, because it had been made the subject of much comment at the bar. It appeared from something that had transpired before the Commission that he had supposed that a bribe had been offered him for the purpose of gaining his acquiescence to the Commission ; on reading the affidavits of Mr. Frere and Captain Troup, and also the statement of Mr. Moore at the bar, there could be no doubt whatever that Mr. Solaroli's supposition was an erroneous one. It must be borne in mind that it was always requisite before prosecuting a Commission to come to some estimate respecting the proposed allowance to the committee, which no doubt in this instance, from Mr. Solaroli's ignorance of the English language and matters of business, led him into the error which he had formed, for there was no ground whatever for the imputation against Mr. Frere, whose conduct he was well satisfied was entirely correct. He now came to the issuing of the Commission, and the manner in which that inquiry had been conducted. There had been a very full attendance of special jurymen, and the tribunal was presided over by Mr. Commissioner Barlow, a person fully competent to discharge the important duty of such a situation. It next appeared that the utmost caution had been exercised in the investigation, and that Mr. Dyce Sombre had himself been present at the inquiry; and to show that he was aware of the nature and object of the meeting, Mr. Dyce Sombre had on entering the room requested that Sir James Clark, who was under examination at the time of his coming in, should be re-sworn, which was immediately complied with. The first question, however, that Mr. Dyce Sombre put to Sir James Clark, proved that he was labouring under an insane delusion, for it referred to a ball which had taken place the day after Mr. Dyce Sombre had been conveyed to Hanover-lodge, and yet Mr. Dyce Sombre asked if Mrs. Dyce Sombre had been there, and spoke of it as if it had taken place only the evening before. The jury then put several questions to Mr. Dyce

Sombre, and, after hearing the rambling and incoherent nature of his answers, they came unanimously to the opinion that Mr. Dyce Sombre was of unsound mind. It was, however, urged by the counsel for Mr. Dyce Sombre, that he was not aware at the time of the nature of the inquiry, and moreover that he had not been fairly treated, as he was without professional advice; whereas Sir James Clark expressly declared that he tried over and over again to undeceive Mr. Dyce Sombre with respect to the erroneous conclusion which he had arrived at, that the proceedings had been instituted by the East India Company. Now, the very pertinacity with which Mr. Dyce Sombre had adhered to that fallacious opinion, was itself an evidence of a disordered intellect, otherwise he must have been convinced by what would have satisfied any well-organized mind. Sir J. Clark had asked Mr. Dyce Sombre whether he would like to have any counsel, and had himself suggested several of the most eminent to him, but in the absence of Mr. Cochrane, who was at that time in India, he declined to have any; and the letter of Mr. Frere to Mr. Dyce Sombre furnished him also the same explanation. How could it, therefore, be said that Mr. Dyce Sombre went to that inquiry in total ignorance of its nature and object? An unfounded charge had also been made against Mr. Frere for not having furnished Mr. Dyce Sombre with counsel, although he had expressly refused to have any. It was his (the Lord Chancellor's) opinion, that it was not the duty of Mr. Frere to provide counsel in the face of that refusal of Mr. Dyce Sombre, for it might possibly have laid his conduct open to the imputation of collusion. Many observations had been made about the box of papers taken by Mr. Dyce Sombre to Hanover-lodge, and it had been alleged that possession of it had been obtained by stratagem; and, in proof of such an accusation, a letter of Mrs. Dyce Sombre had been referred to. True it was, that the letter alluded to suggested the propriety of obtaining the box by a contrivance in order to avoid exciting Mr. Dyce Sombre's mind, which, as Mrs. Dyce Sombre at that time, of course, considered her husband insane, was a very proper and considerate precaution. That imputation, therefore, upon Mrs. Dyce Sombre's character was without foundation; and from the first he had never

supposed that she had been actuated by any improper motive in the writing of the letter in question, for the dealing with an ascertained lunatic was not like the dealing with a sane man. It had, however, been further charged that the box contained letters and papers, which, if produced at the inquiry under the commission, would in all probability have led the jury to come to a different conclusion from the one they came to. Now, Mr. Dyce Sombre ought unquestionably to have been permitted to use those papers, and it was much to be regretted that he had been deprived of them at the inquisition; but after a most careful perusal of them he (the Lord Chancellor) was of opinion that, taking them with the rest of the evidence laid before the jury, and also giving the fullest weight to all the arguments of counsel, the jury would have come to the same conclusion they did, even if these documents had been before them at the time they pronounced Mr. Dyce Sombre insane. It was, therefore, his settled and deliberate opinion, that at the time of issuing the Commission Mr. Dyce Sombre was of unsound mind; it was the irresistible conclusion that he had arrived at from the facts stated in detail by the different respectable witnesses, and from the affidavits of the various medical men, who had formed their determination from examination of the lunatic himself; and he should also have been of the same opinion even had the facts and the evidence been far short of the amount that it then was. The only other question he was then called upon to decide was, whether Mr. Dyce Sombre had so far recovered since, as to justify the Commission being superseded? The invariable principle and practice of that Court was, that when once a jury had pronounced a person to be insane, the clearest possible case must be made out of recovery before the Court could interfere to set aside the Commission. Several cases had come before him lately where the test of recovery had been most strict; in one instance an application had been made to him to supersede a Commission by a gentleman who alleged that he had recovered from the delusions under which he had formerly laboured. An examination took place at the instigation of him (the Lord Chancellor) by some eminent medical gentlemen, who reported that they considered the applicant to be perfectly sane. He had himself

then examined him with other medical men, and had a long conversation with the alleged lunatic upon the subject of his delusions, and he then admitted that he was fully conscious that he had been out of his mind, but that as his health became restored the delusions gradually left him; that was the proper state of things, that the person should be conscious of his previous delusions, and that they had left him; and not still adhere to them as if they were true. With respect to Mr. Dyce Sombre's conduct since the Commission, it appeared that he travelled with a Mr. Grant to Bath, Bristol, and other places, but contrived to make his escape to Paris, where he resided for eight months, and certainly during that residence in the French capital he seemed to have conducted himself with the utmost propriety. An application had been made to the French police, in order to have Mr. Dyce Sombre sent back to England, but they refused to interfere unless he were guilty of a breach of the peace. Some two months after Mr. Dyce Sombre had arrived in Paris, an inquiry had been instituted before some of the most eminent French physicians, one of them being the physician to the king. The investigation was conducted with the greatest fairness and care, Dr. Chermside, an Englishman by birth, and a most able physician, being one of the number. They had come to the conclusion that Mr. Dyce Sombre was perfectly sane, and had made a report in accordance with such an opinion. In this report they had stated their reasons for coming to the conclusion that they had, which showed their opinion to be that he never had been insane. It would be necessary to allude to that document, inasmuch as it was his (the Lord Chancellor's) decided opinion that had the French physicians had the facts of each of Mr. Dyce Sombre's delusions before them at the time they made their examination they would have come to a different conclusion, for the manner and deportment of Mr. Dyce Sombre evinced the utmost caution and reserve, and they therefore had never had the weak point in his mind properly probed. 1st, with respect to the challenges, the French physicians had stated their satisfaction at the explanation of Mr. Dyce Sombre respecting one challenge, but clearly had known nothing of his challenges to General Ventura, Mr. M., Sir James Lushington, Sir Robert Peel,

and many others; 2d, their knowledge about the various documents was manifestly incomplete. Then came their report about Mr. Dyce Sombre having made no complaint about his wife; that was clearly inconsistent with the fact, although they were in the dark upon the subject. What would have been their opinion had they been aware that Mr. Dyce Sombre was in the habit of charging his wife with having had connexion with her own father, and with persons of the lowest class of life, and also with having been an Opera dancer? Would they have said that such delusions were mere jealousy arising from his Oriental education and manners? Next, with respect to the document given to Sir James Clark, containing the conditions upon which he (Mr. Dyce Sombre) would take his wife home, the French physicians had declared that if it were written for a fixed purpose it would be evidence of insanity. Why, the evidence of Sir James Clark and Mr. Dyce Sombre clearly proved that it was written with such an object; and therefore the presumption was, that if that fact had been known to the French physicians, they would have drawn a different conclusion from the one stated in their report. So far, therefore, from the report of the French physicians being at variance with the decisions of the English medical gentlemen, his belief was that had they had the same evidence before them, they would have come to precisely the same opinion. Again, with respect to the delusion of Mr. Dyce Sombre about ghosts, with what skill Mr. Dyce Sombre alluded to that fact, and stated to the French physicians that he was only worried by the guardians entering his room at night abruptly, while they were in total ignorance of the many occasions in which he had stated that he had been visited by spirits. Could this examination be called a correct representation of the facts? or had not these French physicians come to an incorrect opinion from not having had the whole of the evidence placed in detail before them? from never having tried and tested the real seat of Mr. Dyce Sombre's insanity? With the greatest respect for the skill and ability of those medical gentlemen, he (the Lord Chancellor) was of opinion that they had come to a wrong conclusion respecting Mr. Dyce Sombre's state of mind—not an erroneous opinion from the facts brought under their notice, but from the want of suffi-

cient information upon the different heads of his disorder. But what placed the matter beyond a doubt, and proved to demonstration that Mr. Dyce Sombre was still labouring under the same delusions at Paris as in England, were the affidavits of Mr. Quintin Dick and Mr. Okey; those gentlemen spoke of his delusions respecting his wife's infidelity being as strong as ever, and that he talked of referring her conduct to the Jockey Club at Paris. A hundred men, therefore, of the greatest skill might examine and report a person to be sane, if they were not aware of the particular delusion; but could their evidence be put in competition with the direct testimony of Mr. Dick and Mr. Okey, who spoke to particular facts and acts of insanity, the more so as the conversations with Mr. Dyce Sombre about his wife's intrigues, and that he had several ladies of rank offered to him by their husbands, and that the Queen had promised him a peerage to hush it up, and other absurd declarations of the same kind, took place immediately after the examination by the French physicians? Under all the circumstances, he could by no means say with the French physicians that Mr. Dyce Sombre was at that time in a sound state of mind. He came next to the only other evidence, which was what had taken place since Mr. Dyce Sombre's return to England. Dr. Southey and Dr. Bright were medical gentlemen this Court had been in the habit of consulting, and he (the Lord Chancellor) had himself seen Mr. Dyce Sombre, and told him that those gentlemen would attend him for the purpose of protecting his interests. Dr. Conolly, Sir James Clark, and Dr. Monro had examined him for the purpose of ascertaining the state of his mind, and Sir J. Clark stated (and he was confirmed by the other two medical gentlemen) that on the 17th of June he had visited the lunatic in Halfmoon-street, and had found him still of unsound mind, labouring under the same delusions which existed before the issuing of the commission; that he again affirmed that Lord St. Vincent's servant had had connexion with his wife at Dover, and that she herself had told him she had received men from her father, down to the tradesmen. He added that his wife had before her marriage danced in the Opera ballet. He admitted the conditions he had written at Hanover-lodge. He repeated his statement of medicine being put

into his food, and his whole bearing and demeanour afforded ample proof that his mind was still possessed of all the old delusions. He was capable of dissembling those delusions, and inventing plausible stories to account for them. His manners were in general quiet and self-possessed, and were calculated to prepossess a stranger in his favour. But still, during the whole of the time deponent attended him, his mind had been, and still was, possessed by a continuous deep-rooted and dangerous delusion, such as to render him, notwithstanding the faculties he exhibited, decidedly incompetent for the management of himself or his affairs. Dr. Monro and Dr. Conolly had made affidavits the same almost in substance as the affidavit of Sir James Clark. On the other side there had been filed on behalf of Mr. Dyce Sombre, the affidavits of medical men, four or five in number—of Dr. Paris, the President of the College of Physicians; of Mr. Lawrence, a surgeon of great eminence; of Mr. Copland, a surgeon of great eminence; of Mr. Key, a surgeon of great eminence; and of a physician of the name of Dixon. The affidavit of Mr. Lawrence he would read. This affidavit in substance stated, that the deponent had visited Mr. Dyce Sombre on the 23d of June—that he had a conversation with him on various subjects—that his remarks and answers to questions put to him were perfectly rational and proper; that when his wife was mentioned, he appeared unwilling to enter upon that subject, saying that he had explained every thing to Dr. Southey, and that he would not go into that matter again, as it made his head ache. The affidavit of Mr. Lawrence went on to state that it did not appear that Mr. Dyce Sombre bore any ill-will towards his wife, but that he entertained a strong and unfounded impression as to her conduct; that the deponent could not ascertain the exact origin, the nature, or the extent of this impression, partly from the repugnance of Mr. Dyce Sombre to enter upon the subject, and partly from his want of quickness. The source of mischief, however, appeared to be jealousy operating upon the excitable character of an Asiatic. After alluding to his rationality during his late residence in France, the affidavit concluded by the expression of an opinion, that if placed under restraint he would really become deranged, but that with the

qualification of a doubt respecting the nature and origin of the impression entertained by Mr. Dyce Sombre on the subject of his wife, the deponent considered he was not of unsound mind; and that therefore he ought to be restored to his liberty. Now (proceeded the Lord Chancellor) no person could be more able than the gentleman who had made that affidavit, but it was impossible not to feel the doubt and hesitation which prevailed throughout the whole of it. It was, however, supported by the affidavits of the other medical gentlemen whose names he had mentioned, with the exception of Dr. Dixon; but they all appeared to have been drawn up with doubt and hesitation as to the real state of Mr. Dyce Sombre's mind. He (the Lord Chancellor) could not put those affidavits in competition with those on the other side, which were founded upon facts as to stated delusions corresponding with the delusions which formerly existed—delusions of so marked a character as to constitute, in his opinion, unsoundness and infirmity of mind. He had already stated it was the duty of that Court not to supersede a Commission once issued, on the supposed ground that the party had recovered, unless upon clear and satisfactory evidence. In a conflict of evidence, if this could be so considered, he (the Lord Chancellor) would not be justified in at present superseding the Commission. But the case did not rest here. He had felt it to be his duty to see Mr. Dyce Sombre personally, and to call in to his assistance Dr. Southey and Dr. Bright to take part in the examination. He had requested them to make to him a report which he had received. It was a faithful account of what had taken place, although it did not set forth to the full extent the delusions which at the time appeared to him (the Lord Chancellor) to exist. He would read that report.—

"July 24th 1844.

"My Lord,

"During our interview this morning with Mr. Dyce Sombre in your Lordship's presence, we were unable to discover any material abatement of the extraordinary delusions which have long

had possession of his mind. He still persists in the most unshaken belief in his wife's unchastily. He asserts that she unreservedly acknowledged her incestuous intercourse with her own father, and he alleges that on charging Lord St. Vincent with the heinous crime, he only hung down his head, but did not disavow the charge. He further stated, that by the admission of both the parents of Mrs. Dyce Sombre, she had illicit intercourse with various persons; and on being asked whether such disclosures were not calculated to make him shrink, he replied in the negative, remarking that it was not at all uncommon in India to marry dancers and persons of no reputation for chastity. Mr. Dyce Sombre afterwards avowed his determination never to be reunited to his wife, although he acknowledged that he was in earnest on a former occasion when he proposed certain conditions on the performance of which he was at that time willing to receive her again as his wife. He admitted that he entertained strong suspicions concerning Sir F. B., to whom he imputed an adulterous intercourse with his wife, and he would not allow that it was a hasty step, on mere suspicion, to send a hostile message to Sir F. B., with whom it appeared that he has very recently expostulated on the subject of this imputed infidelity of his wife. On being interrogated as to the introduction of deleterious drugs into his food, he expressed his conviction that such practices had taken place, and he described to us certain painful sensations in parts of his body which were intended to be injuriously affected thereby. Mr. Dyce Sombre did not conceal from us the fact of his having recommended his wife to send a challenge [1] to Lady—, on the ground that both that lady and Mrs. Dyce Sombre regarded favourably a particular individual, and he expressed his belief that such a step was natural and proper when the affections of two ladies happened to be directed towards the same person [2]. He told us further that he himself had proposed to his wife to fight a duel with her—she taking one pistol for that

[1] Not a challenge, but ask for an explanation for some words, which had been attributed to have been said by her.

[2] So the Reporters say.

purpose, and he the other [1]. Mr. Dyce Sombre also admitted, that on one occasion he was so irritated by her conduct, that he warned her to take care of what she said, as there were knives on the table, and he might not be able to restrain himself from cutting off her nose if she further provoked him. Concerning the visit which he paid to Dr. Elliotson, he informed us that he believed Dr. Elliotson to possess some extraordinary faculty by which he could greatly increase the sexual propensities of females, and this power he had exercised in the case of Mrs. Dyce Sombre. Mr. Dyce Sombre manifested in the whole course of our interview with him a familiar acquaintance with the English language; and indeed, it appeared from the history he gave us of his early education, that it was conducted by an English clergyman, and that from his youth he had been accustomed to the best English society; of this fact his language and deportment furnish ample evidence. The delusion, nevertheless, to which we have already adverted, appears to us to be so strongly rivetted in the mind of Mr. Dyce Sombre, that we cannot regard him otherwise than as a person of unsound mind, whose case still requires the care and protection of the Court.

" We remain, my Lord,

" Your Lordship's most faithful servants,

" H. H. Southey,

" J. Bright.

" To the Lord Chancellor, etc."

He (the Lord Chancellor) ought to have alluded to the letter written by Mrs. Dyce Sombre, and referred to in the report of the physicians. He had never seen that letter, but he had reason to know that it was a letter offering to go on to the continent for the purpose of travelling with and taking care of her husband. It had been suggested in the course of the argument, that this was inconsistent with her notions as to his insanity. Now, he (the

[1] Falsely stated.

Lord Chancellor) did not think, such an inference could or ought to be drawn. She had lived with him under his delusion at the imminent peril of her life. She had always been unwilling that he should be put under restraint. She had heard that while in Paris the delusions had ceased, and therefore what was there unnatural in an affectionate wife wishing to take her husband under her especial care, in the hope that by attention and vigilance he might be cured of the disorder under which he had laboured for so long a period of time? There was another observation which also he must make. It appeared to him most extraordinary that Mr. Frere (the solicitor to the commission) should have left Paris at the time he did. He knew that an inquiry was about to take place there—he knew that important facts might be given in proof before the parties to whom the inquiry was intrusted, and yet on the very eve of that inquiry he who was possessed of the most accurate information on the subject, left his post and the French authorities to grope their way in the dark. He (the Lord Chancellor) had heard no satisfactory explanation of that course of conduct, which had impressed itself strongly on his mind throughout the inquiry. He could not ascribe it to any cause, nor could he divine the motive. It had been said that Mr. Frere thought it unnecessary to attend because the French authorities had already made up their minds on the subject. He (the Lord Chancellor) would not allow such an imputation to be made, because he was sure those gentlemen had conducted their investigation in good faith, with perfect *bona fides,* and with a view to come to a proper result. Mr. Frere ought to have attended, and not have deserted his post on an occasion when his client was so deeply interested. The result of the whole case then was, that it was impossible for him (the Lord Chancellor) consistently with his duty, to supersede the Commission. Those who had attended to the detail of facts he had developed must be satisfied that for the present at least he must refuse to supersede the Commission. Another consideration was as to the course which was to be taken. The closing part of the affidavit of Mr. Lawrence, for whose judgment and skill he entertained the greatest possible respect, was well deserving attention. He stated that if Mr. Dyce Sombre was

treated as a lunatic (by which Mr. Lawrence meant, shut up in confinement), nothing would be more likely than that he might become deranged, while, if the great source of his present irritation were removed, he, no doubt, would become tranquil and rational. Now, during his residence in France, Mr. Dyce Sombre had conducted himself properly and well, and he (the Lord Chancellor) felt it his duty to take that circumstance into his consideration before he finally made any order on the subject. If Mr. Dyce Sombre was willing, under proper care, to return to France, there would be no difficulty on the part of the Court to adopt such a suggestion. At present, however, it was impossible for him (the Lord Chancellor), on the evidence to which he had adverted, under the circumstances, to supersede the Commission. He thought the wife, though continued as one of the committee of the person, should have as little interference as possible, as it might operate injuriously to the lunatic. On all these grounds, the only order he could at present make was to refuse the application.

(The judgment of his Lordship, which occupied upwards of three hours in its delivery, was marked by that perspicuity and logical skill which usually grace his speeches. His Lordship went through the long narrative, touching upon the various facts, and enumerating the different dates, with the greatest accuracy, without once referring to a single note to refresh his memory. After a short pause,)

The Lord Chancellor said, that in consequence of something which had been stated personal to himself, he must state what had taken place at the time he refused to hear the application to supersede the Commission until Mr. Dyce Sombre was present. He had made no positive order for his attendance, and he had been furnished by Mr. Cartledge, the secretary of bankrupts, with a minute of what had taken place on that occasion. That minute he would read :—" Mr. Bethell and Mr. Calvert, of counsel for the committee of the person, having taken a preliminary objection that this petition ought not to be entertained by the Court until Mr. Dyce Sombre came within its jurisdiction, the Lord Chancellor observed that Mr. Dyce Sombre, if he came to England, would be under his protection, and that his Lordship

would take care that he was properly treated, and that if his Lordship should be of opinion he was of sound mind Mr. Dyce Sombre would be at liberty to go were he pleased. Mr. Bethell then said he would undertake that the committees should not themselves, nor should any other person by their authority or direction, interfere with Mr. Dyce Sombre on his coming to England, without the sanction and direction of the Court. The Lord Chancellor observed that he understood Mr. Dyce Sombre had conducted himself properly in Paris, and would require no restraint here, and that he might safely confide in the protection of the Court.—Mr. Bethell accordingly gave the following undertaking :—'On the part of the committees of the person, I undertake, subject to and with the sanction of the Lord Chancellor, that if Mr. Dyce Sombre shall visit this country, the committees will not, either by themselves or any other person, in any way interfere with or seek to control the liberty or person of Mr. Dyce Sombre, unless directed so to do by the Lord Chancellor.'" It was not until he attempted to go away that any application was made to the police to watch and take care of him. He (the Lord Chancellor) directed that minute to be sent to Mr. Dyce Sombre by Mr. Leman, his solicitor, and he had done every thing in his power to make his residence in England as little unpleasant as under the circumstances was possible.

Mr. Leman, in answer to the Court, stated that he had forwarded a copy of the minute to Mr. Dyce Sombre at Paris.

A conversation then ensued between Mr. Wakefield, Sir Thomas Wilde, and Mr. Kelly, as to the disposition of Mr. Dyce Sombre for the present, and it was ultimately arranged that for a few days he should remain as he at present was placed, in order to give time to consider the best course ultimately to be adopted.

Upon this, the appointment of Committee of the Estate, was conferred on J. Larkins, late of the Bengal civil service, from the 8th of July last, and I after this judgment made my second escape into France, where the Lord Chancellor ordered the following enquiry :—

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August 9th, 1844.

In the Matter of David Ochterlony Dyce Sombre

A PERSON OF UNSOUND MIND.

To the Right Honourable the Lord High Chancellor of Great Britain.

In pursuance of your Lordship's order made in this matter and dated the 29th day of August 1844, whereby it was among other things referred to Commissioners in Lunacy jointly or severally to take an account and inventory of all jewels and ornaments of the person of or belonging to the said D. O. Dyce Sombre which were then in the possession of Mary Anne Dyce Sombre his wife or of any person or persons on her behalf or on behalf of the said D. O. Dyce Sombre ; and the said Commissioners were to be at liberty to state jointly or severally any circumstances specially touching the last mentioned inquiry ; and whereby it was also amongst other things ordered that the amount of such jewels and

ornaments should be excluded from the amount for which security was to be given by John Pascal Larkins as *ad interim* Committee of the Estate of the said D. O. Dyce Sombre, a state of facts and proposal of the said John Pascal Larkins, the Committee of the Estate *ad interim* of the said Lunatic, was left at my Office on the 3rd day of August instant, stating as therein set forth, and proposing as therein is proposed; and in support of such state of facts, the following evidence has been read before me, namely: Two several affidavits of the honourable Mary Anne Dyce Sombre the wife of the said D. O. Dyce Sombre, sworn respectively on the 21st day of January 1843, and on the 10th day of July 1845; an affidavit of the said John Pascal Larkins, sworn the 20th day of July 1845, and an affidavit of Edward Bullock of Holborn, Auctioneer, sworn the 26th day July 1845. And I have been attended by the solicitors for the said John Pascal Larkins as such Committee; and for the said Mary Anne, the wife of the said D. O. Dyce Sombre, and John Rose Troup and Anne May his wife, and Peter Baron Solaroli, and Georgiana his wife, which said Anne May Troup and Georgiana Solaroli, are, as is alleged, the only sisters and next of kin of the said D. O. Dyce Sombre. And I have, in the presence of the solicitors so attending, read and considered such evidence, and I do not find that there were, or was, at the date of the second Order any jewels and ornaments of the person of, or belonging to, the said D. O. Dyce Sombre in the possession of the said Mary Anne Dyce Sombre, or of any person, or persons on her behalf, or on behalf of the said D. O. Dyce Sombre, save and except that I find that there were then, and are now, in the custody of the said Mary Anne Dyce Sombre, three pearl studs, belonging to the said D. O. Dyce Sombre, given to him by her, and save and except that there was deposited in a tin box with papers belonging to the said D. O. Dyce Sombre, in the Office of the Commissioners in Lunacy, a small sealed packet containing a seal with a Persian inscription, belonging to the said D. O. Dyce Sombre, and which I find was received by the said Mary Anne Dyce Sombre, from the said John Rose Troup, and Peter Baron Solaroli, in the summer 1843, and sealed up by them. But I find that there was brought for the use of the said D. O. Dyce Sombre

whilst he was in Hanover Lodge, where he was at the time of the Inquisition in this matter, a small quantity of linen, which I find is now in the custody of the said Mary Anne Dyce Sombre, at the Clarendon Hotel, where I find she is now living, and the particulars of which linen I have set out in the first part of the Schedule hereto annexed. And I find that there are also now in the possession of the said Mary Anne Dyce Sombre belonging to the said D. O. Dyce Sombre certain carriages and harness, the particulars of which I have set out in the second part of the said Schedule hereto. And I find that there are also belonging to the said D. O. Dyce Sombre the several articles, and at such places as set out in the third part of the said Schedule hereto. And I find that the said last mentioned articles, except those which are mentioned to be deposited at the Pantechnicon, are in the custody of the said Mary Anne Dyce Sombre. And I find that the said articles therein mentioned, as being at the Pantechnicon were placed there by the said D. O. Dyce Sombre together with the articles in the Schedule hereto mentioned, as belonging to the said Mary Anne Dyce Sombre, at the Pantechnicon, because there was no private store-room at the Clarendon Hotel, where they could have been conveniently kept. And I find that the said Mary Anne Dyce Sombre has since the illness of the said D. O. Dyce Sombre been able to obtain a store-room at the said Hotel exclusively for the goods belonging to the said D. O. Dyce Sombre and herself, and capable of holding the several articles, now at the Pantechnicon. And I find that the said articles of the said D. O. Dyce Sombre, at the Pantechnicon, are of trifling nature, and that there is an additional expense incurred in keeping them there, and that the articles there deposited are in the opinion of the said Mary Anne Dyce Sombre likely to suffer injury, if not occasionally seen to. And I find that the said Mary Anne Dyce Sombre is desirous that the said articles at the Pantechnicon should be left under her care and be removed by her from thence to the said Clarendon Hotel. And I find that there is at Rome belonging to the said D. O. Dyce Sombre a bust of himself, but whether of marble or plaster is not known, and there is also there a monument making by his order in memory of her Highness the

Begum, and of which I find the said D. O. Dyce Sombre has requested the said Mary Anne Dyce Sombre to see to the completion[1]. And I find that the said D. O. Dyce Sombre gave to the said Mary Anne Dyce Sombre for her own especial use, and without any exception, restriction, or condition whatever, the several jewels and ornaments of the person set out in the 4th part of the Schedule hereto. And that they were at the date of the said order, and are now, as to the most part, in an iron box or chest, which I find was deposited with Messrs. Coutts the Bankers by and in the name of the said Mary Anne Dyce Sombre before she and the said D. O. Dyce Sombre quitted London, in August 1842; and as to the rest they are in the possession of the said Mary Anne Dyce Sombre for daily wear, or occasional use. And I find that the said D. O. Dyce Sombre also gave to said Mary Anne Dyce Sombre the several articles other than jewels and ornaments of the person which I have set out in the 5th part of the said Schedule hereto. And I find that such articles were at the date of the said order purchased out of her own monies, some articles of old fashioned plate and a small quantity of linen heretofore belonging to a relation of hers then dead, and the particulars of which articles of plate I have set out in the 6th part of the said Schedule hereto. And I find that no security was given by the said John Pascal Larkins as Committee *ad interim* in respect of all, or any of the articles in the said Schedule mentioned. And the said Mary Anne Dyce Sombre claims under the circumstances herein stated, to be entitled to the possession of the several articles set out in the said 2d, 4th, 5th and 6th parts of the said Schedule hereto.

All which I humbly certify to your Lordship,

FRANCIS BARLOW.

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[1] It was Lord Lyndhurst and not me, who wanted her to have charge of it.

The Schedule referred to in the foregoing Report.

First Part.

2 pairs best sheets 12 quarters;
2 do. do. 10 do.;
6 do. do. good upper servants;
4 do. do. maid servants;
4 do. do. men do.;
2 pairs of best square pillow-cases;
3 do. do. long do. both fine;
3 do. do. do. not so fine;
6 do. do. do. upper servants;
6 do. do. do. under do.;
4 doz. towels, patterns various;
2 do. do. not so fine;
2 do. do. coarse;
30 dinner napkins;
12 breakfast do.;
4 table cloths, house keepers' room;
4 do. servants hall dinner;
2 do. breakfast;
26 kitchen rubbers;
18 china cloths;
12 glass do.;
18 common knife cloths;
6 blue bordered do.;
12 check dusters;
6 white do.;
12 doyleys;
2 inlet covers;
3 napkins for ditto;
5 lamp cloths;
6 round towels.

2nd Part.

Carriages and Harness.

One town Chariot with a plain hammercloth;—One travelling chariot also fitted up to use as a second town carriage with hammercloth;—One fourgon for luggage;—One cabriolet;—One or-

namental set of carriage harnesss ;—One plain set of ditto;—One plain set of cab-harness;—A saddle and reins, etc., for riding and driving.

3rd Part.

List of things belonging to Mr. D. O. Dyce Sombre.

Uggeri Journées Pittoresques, 36 vols. (wanting vol. 35, which Mrs. Dyce Sombre states that she has), long-folio, in red morocco, and trunk for ditto to fit;—A packing case, supposed to contain a bust of the Begum Sombre;—A ditto, said to contain two pictures, one of Mr. Dyce Sombre, and the other of the Begum ;—Index to the Indian Atlas;—3 Plans of an Indian Palace.—Abridgment of the Siyar Mootakherin ;—2 prints of St. Mary's Cathedral at Sirdhanah ;—Copies of the Begum Sombre's picture ;—Copies of an engraving of Sancta Maria's Cathedral at Sirdhanah ;—An ivory topped Malacca cane ;—Siyar Mootakherin, 3 vols. 4to ;—A miniature of Gen. G. A. Dyce ;—A Persian MS., the Silavate Kamchund ;—Mohun Roy's Precepts of Jesus and final Appeal ;—The law relating to India;—Gilchrists Musnavi Benazir;—Hollinghery's History of the Nizam ;—Suba Sing's remonstrance ;—Hodge's Travels ;—Account of Jares in Persian ;—The Mogul Empire;—Buckingham J. S. works, 5 vols. ;—Niblock's Latin Dictionary ;—Vansittart's Narrative, 3 vols. ;—Brigg's Mahometan power ;—Hamilton's Gazetteer, 3 vols. ;—Dowe's History, 3 vols. ;—Bacon's First Impressions, 3 vols. ;—Simpson's Euclid ;—Babbage's Economy of Manufactures ;—Hutton's Mathematics, 2 vols ;—Dowling's treaty ditto ;—Butter's Mathematics, 2 vols. ;—Map of the Overland route to India ;—Hutton's recreations, 4 vols. ;—Bahar Danish, 3 vols. ;—Butler's book of the Roman Catholic church ;—Annals of the Emperor Schah Sahoon in Persian ;—Wellesley's History of India ;—The Reform Club book ;—Voltaire's Philoso-

phical Dictionary, 6 vols. ;—Notes of the late transactions of the Mahratta Empire;—Burmese Empire of the Mogul ;—Papers on Thuggee ;—Butler's Lives of the Saints, 3 vols. ;—Lord Amhersts Embassy to China ;—Babbage's Manufactures and Machinery ; —2 Maps of India in case;—Bridge's Mission to Persia. Kirkpatricks Tippoo's letters ;—Parliamentary Companion ;—Crauford's Embassy to the Court of Java ;—Gill's account of Palaces ; —Thomas's Military Memoirs ;—History of the Reign of Shah Aulum ;—Voltaire's prose works, 13 vols., and Dramatic works, 5 vols. ;—A brass-bound leathern trunk ;—125 Copies of the Correspondence relating to the Claims of Mr. Dyce Sombre. A large flat black leather trunk.

Plate stated by Mrs. Dyce Sombre to be her own property.

A Jelly-boat on feet;—2 Saucepans with handles ;—12 tea spoons ; —4 Salt spoons ;—A pair of high candlesticks with branch for two lights to each (3 nossels wanting) ;—A small round box ;—A caddy spoon ;—6 wine labels ;—4 ditto plated ;—A salad fork ;— A pair of asparagus tongs;—A salver on foot;—A small deal packing case.

Œuvres de Boufflers, MS. ; — Recueil de Lettres, MS. ;— Ditto, MS. Lettres de Voltaire et de madame du Deffand, MS. in case with lock and key ; — Recueil de divers ouvrages, MS. ; —French MS. Journal ;—18 parcels of French MS. Letters and papers ;—A Mahogany box lined with cedar.

At Meaford, in Staffordshire.

A large pair of Dumb-Bells made in a particular manner according to directions given by Mr. Dyce Sombre.

At the Clarendon Hotel, Bond-street, in the possession of the said Mary Anne Dyce Sombre.

A pair of opera Glasses ;—A copper plate for an Engraving of M. Dyce Sombre ;—3 Pictures in water colours, gilt frames, one

representing the Begum in council; the other, Her Highness going to meet the Governor General of India;—A Map of India in a maple-wood frame;—A fancy engraving in a carved oak frame called "Dolly varden;"—A water colour miniature of Her Highness the Begum, which Mr. Dyce Sombre bought of Sir Willoughby Cotton;—A large miniature of Mr. Dyce Sombre in a leather case;—A little pebble seal which she gave him;—A cane;—An iron box or chest, containing a black leather writing box in a leather case, containing a MS. Diary of the said D. O. Dyce Sombre on loose sheets of paper, and the particulars of which are set out in the schedule to the said Affidavit of the said John Pascal Larkins, and which iron box or chest also contained a painting of the said Mary Anne Dyce Sombre;—A travelling wine-bottle and leather case;—An exercising machine packed in a case, either made or ordered by Mahommed of the Bahts.

4th Part.

A diamond tiara made of moderate-sized, and small brilliants with a large round half pearl in centre. The tiara takes to pieces to make separate ornaments or broches. The tiara is higher in the centre and becomes narrow by degrees on the sides; in a case;—A diamond necklace made of moderate-sized and small brilliants like a fringe with spikes, the spikes being longer and larger in the centre than on the sides, that is to say, there are more diamonds and larger sized ones in the spikes towards the centre of the necklace; in a case;—4 diamond pins, 2 round, and 2 in the form of drops, all four large brilliants; in a case. The two in form of drops have gold rings to them, so can be worn as drops;—A row of small brilliants to go round the neck or head with drop pearls attached, each pearl having little diamonds at the top with gold hook to fasten with gold rings, which are in the diamond row. The centre pearl is large, the two next are good size, the others not

large; in a case;—A necklace of torquoise stones, each set round with moderate-sized brilliants; in a case;—An ornament of 5 very large cut emeralds in a row, the centre is the largest, and is oblong, set round with moderate-sized diamonds, the two next, in like manner and shape, and not so large. The two next are circular and not so large as the last named, and the diamonds round them are set like a serpent. One of the circular emeralds makes into a ring for the hand, for which I have the setting plain gold with a row of small diamonds to encircle the emerald. Those emeralds snap together, so can be worn separately; in a case; the emeralds are all cut. Two pieces of diamond chain-work of moderate sized brilliants to snap into the centre emerald of the above-named ornament, so as to wear it as a bracelet. The chain work pattern is very much in the form of circles, in a case;—A gold narrow strap to wear round the hair with 11 cut stones set in gold.—The stones are rubies, emeralds, and diamonds, the diamonds are all the same size, and small; the rubies and emeralds are good size, but not very large; in a case;—A very fine pearl necklace of 3 rows of large pearls. The bottom row is the finest of the two others; the centre row is of finer pearls than the top row (that is rather larger), the snap composed of a large cut brilliant surrounded by small diamonds in a pattern; in a case; 70 pearls in the bottom row, 69 in the second row, 71 in top row;—The Order of Her Highness the Begum given by her to Mr. Dyce Sombre, and which he had altered so, that Mrs. Dyce Sombre might wear it, and by adding diamond sprays or spikes to it of moderate and small sized brilliants to make it more complete. Her Highness's portrait is in the centre surrounded by good sized diamonds. This Order is composed of diamonds and emeralds; in a case;—The Order of Christ given to Mr. Dyce Sombre by His Holiness the Pope and given by Mr. Dyce Sombre to Mrs. Dyce Sombre, made of small and moderate sized brilliants and rubies; at top, the Papal crown; and under the cross, there was a silver star, and in the centre a little cross of diamonds and rubies; in a case;—A bracelet of dark blue or purple enamel with an ornament in the centre, which also makes into a brooch composed of a large cut circular ruby, with a small one in a long shape on each side;

each ruby surrounded by moderate-sized diamonds; under the three rubies a Garter in blue enamel with the word "Wellington;" over the rubies a ducal coronet in small diamonds; at the back the Duke of Wellington's hair; in a case;—A gold bracelet, flat, and in the centre a very large coal torquoise set with three moderate-sized diamonds at each end of it. This torquoise takes out and can be worn as a brooch; in a case;—A gold brooch set with small emeralds, and in the centre an ornament of a circular cut emerald of a large size, and a good sized diamond on each side. The centre part can be used as a brooch; in a case;—Three chains of small pearls, Mrs. Dyce Sombre usually wears as bracelets. They are of different lengths, also one of larger or what may be called moderate sized pearls. These four chains have all snaps composed of small pearls at top; in a case;—A drop of uncut emerald with an uncut ruby at top, which Mrs. Dyce Sombre usually wears on the largest of the pearl chains; it is in a case with them;—A diamond ring of 3 large brilliants, in a case;—A sapphire ring of a large cut sapphire set around with moderate-sized diamonds, in case;—A diamond half hoop ring of fine moderate-sized brilliants and a rim of purple enamel round the gold setting of them;—A ring with an uncut ruby in centre, good size, and a cut diamond, moderate-size, on each side;—Her Highness the Begum's signet ring, a large emerald engraved with her name in Persian characters, set in plain gold. The setting Mr. Dyce Sombre had altered; but the gold is the same, part of which Mr. D. Sombre took to make Mrs. Dyce Sombre's wedding-ring with;—A little gold ring with an engraved likeness of the Queen outside;—A gold repeating watch, set on one side with moderate and good sized cut diamonds, rubies, and emeralds, and on the other side with cut diamonds and torquoise;—A gold chain attached with sides of gold, set with torquoises, and a little seal set the same. A guard to it of gold set with diamonds and torquoises, in a case;—Two gold shawl pins set with small rubies, and a small chain to attach them set in like manner;—Two pearl pins not attached, of large and round pearls and a like pearl also hanging to each;—A large patent key, partly gold and partly silver gilt, with Mrs. Dyce Sombre's cipher at top M.S.;—A bracelet of square pieces threaded

together of gold, enamelled at back, with a red flower and green leaves, in each square piece is an uncut stone;—There are nine pieces; in one an emerald, ruby, yellow topaz, cat's eye, sapphire, pearl, coral, diamond, two emeralds; padlock with a ruby. There is a little stone, the same as one in centre, at each corner of the square pieces and also padlock. In the square piece containing two emeralds are four very small white stones with reddish tint.

5th Part.

List of Presents other than Jewels and Ornaments of the person received from Mr. Dyce Sombre.

A dressing case of rose-wood with brass rim, round bottles and boxes inside of thick glass not much cut, and silver gilt tops and covers;—A pincushion in silver gilt, ornamented satin with handles, in case;—A small silver gilt pen stick; a little figure at top;—A case of travelling universe, and forks, and spoons for two persons with agate handles;—A glass bottle and tumbler, in a case, for travelling;—Two easy leather chairs;—One travelling chair that shuts up;—Three large books with silver gilt patent locks to place prints in. They are quite empty as yet. A miniature picture of Mr. Dyce Sombre and the Begum;—Several Books (Annuals) with prints;—A few other books, such as Dictionaries, etc.;—A little set of breakfast China for one person, bought by Mr. Dyce Sombre for Mrs. Dyce Sombre at Amsterdam;—Some cups and saucers and other separate pieces of China, bought also there and at Dresden;—A painted work-box with or-moulu handles;—A little figure standing by a palm tree of or-moulu;—A water colour drawing of Mr. Dyce Sombre's house, at Sirdhanah, in a gilt frame;—A small table, painted at Spa;—The Begum's musnud, which Mr. Dyce Sombre sent for from India for Mrs. Dyce Sombre, but it arrived when Mr. Dyce Sombre was ill;—An India dress, and two

small pair of bracelets. A ring with a mirror in it, and a few ornaments not valuable belonging to dress;—Mr. Dyce Sombre's portrait at the Pantechnicon;—A box of plays printed, and manuscripts, mostly in French, at the Pantechnicon;—Two bronze figures, and two bronze branches for candles;—A small paint box;—A mother of pearl fan painted;—A paper weight of black marble, with mosaic;—A little miniature of the Begum;—Ditto of the Princesse Lamballe;—A small patent glass inkstand for travelling;—A little miniature of His Majesty the King of the French, no frame or case;—And a smelling-bottle with silver gilt top;—A fancy miniature frame in which Mrs. Dyce Sombre has placed her father's picture;—A French card-case with a picture let in;—A paper box painted;—A small gilt frame; nothing in it.

6th Part.

List of the Articles of Plate.

Round waiter;—Twelve tea spoons;—Four salt spoons;—One caddy ladle;—One salad fork;—Small pepper box (believe plated);—Asparagus tongs;—Two branches, each with two burners (one nossel missing);—Sauce-boat;—Two sauce-pans;—Five plated labels;—Five silver ditto.

(*Signed*)

FRANCIS BARLOW.

Out of these articles only some of them have been returned lately; as late as Dec. 1848, after repeatedly asking for them of the Lord Chancellor.

List of Articles sent to Mr. Dyce Sombre, December 14th, 1848, to Mivart's Hotel.

In the hand-writing of Mrs. Dyce Sombre.

Cabriolet with brown holland cover on. Lamps and wheel-wrench inside. These last are fixed in firmly for travelling, and it would be advisable therefore not to disturb them, until the cabriolet is required for use. The cover is placed over cabriolet, to prevent its being injured by dirt, etc., when on the railway.—It requires no further packing for taking abroad, as the order was given to make the lamps secure for that purpose inside the cabriolet.

Picture case containing the Begum Sombre's portrait in a gilt frame, fixed in the case for travelling.

Large leathern box containing 94 vols. of Mr. Dyce Sombre's books, one of which is wrapped in paper with some pepper, as it was found to be worm-eaten, after having been so long at the Pantechnicon.

40 prints of the Begum Sombre;
40 of the Cathedral at Sirdhana;
12 books of Mr. Dyce Sombre's claims;
40 of the Funeral Oration of the Begum;
Malacca Cane.—Tortoise-shell cane in a case;
A parcel containing some numbers of the Asiatic journal, and of the British Empire in India;
3 Packets of Gloves;
80 shirts, some marked. Many *not* marked;
1 pair new thin shoes.
1 velvet coat;
2 embroidered waistcoats;
1 small box of stockings;
Parcel of bands and traces.
Almond powder and small tin case in paper.
Curling tongs.

List of Articles sent to Mr. Dyce Sombre, Decembre 22nd, 1848, to Mivart's Hotel.

The cabriolet harness;

Twenty-one new linen shirts, omitted to be sent with the other things on the 14th inst. They do not appear to have been ever worn; and are all marked alike :—

21

D. O. D. S.

40

The following Statement is given by Mrs. Dyce Sombre, as to her appointment of being made a Committee.

"Clarendon Hotel, February 13th, 1844.

"Sir,

"I send the affidavits for Mr. Dyce Sombre's perusal. There are thirteen of them, and should be read in order, as I have named them :—

"My Proposal I had sent in on account of Dr. Drever being out of the jurisdiction. I have not got the Proposal of next of kin for Captain Troup's and Mr. Larkins appointment, which was sent in my third Proposal; therefore I cannot send it.

"The Commissioner did not appoint Captain Troup. The Commissioner could, I believe, certainly have appointed Dr. Drever, had he been within the jurisdiction; but it is against the rules to appoint any one out of it.

"The Commissioner appointed Mr. Larkins sole Committee ad interim, and gave the preference to him over Mr. Smith, proposed by me, as Mr. Larkins hed been in India, and understood Indian business.

"I never saw either Mr. Larkins or Mr. Smith, but I understand that both are respectable men of business, and would fulfil the duties properly. It was stated that Captain Troup was not acquainted with Mr. Larkins.

"There are some other small affidavits of various persons in support of the affidavits of the different persons; but as they are merely for this purpose, I have not sent them; I have sent all the others, excepting my own State of Facts, which being word for word the same as my affidavit, it was useless. I had no other State of Facts. The Commissioner said that Captain Troup had not answered my second affidavit; the Commissioner also said that Captain Troup was an improper person to be appointed, and that he and Mr. Solaroli had behaved very ill. You will observe that the several State of Facts of the next of kin, and Captain Troup's first affidavit, which is in support of it, differ very much. Mr. Henderson offered before the Commissioner, to alter any part that was incorrect, if Mr. Frere would tell him (Mr. Frere having said to Mr. Henderson that such was the case); but Mr. Frere declined doing this, as nothing ought to be named in a State of Facts that is not true. There are notes of Mr. Calvert's, the counsel, upon the margin of the affidavits, and also some of mine, which I made this day on reading them over. Mr. Calvert's, I suppose, are merely as memorandum for himself. Any pencil marks, please not to rub out. When Mr. Dyce Sombre has read them, please to send them back to me safely, in the same way you directed me to send them to you. I had the parcel booked. I hope you will ensure its not being lost, or getting injured by damp. Please to direct it to this hotel. You will observe that, notwithstanding the language held by Captain Troup of not

wishing to have any thing to do with Mr. Dyce Sombre's affairs, that he pushed and urged his appointment to both the Committee of the person and estate to the last minute. Captain Troup's second affidavit being in many parts irrelevant, I would, I believe have had it struck off the file, had I been inclined to do so. I have no hesitation in saying that I am convinced that *if M. Solaroli and Captain Troup could have had Mr. Dyce Sombre declared insane before his marriage, that they would have done so; but this they knew was impossible;* otherwise, when they were talked to in the way Dr. Drever names in one of his letters, which I have set forth in my second affidavit, they would not have spoken to various persons of these circumstances, who they knew would tell me again. It was, I know, done that it should come to my knowledge, and was intended as a threat that I might give in to their wishes. There is no doubt but that Mr. Solaroli and Captain Troup felt most acutely the disposition of the settlement; nothing can mark it more, than their never having been near me since that time; Captain Troup's naming the disposition in his first State of Facts and affidavits again shows this feeling, as it was quite irrelevant. I have proved that they visited me constantly after the *supposed bribes* were offered. This has never been given as a reason for the withdrawal, excepting to Mr. Dyce Sombre; indeed this reason could not be given, as they visited me constantly after, and never named any thing relative to bribes. Mr. Solaroli, as will be observed by my second affidavit, gave as a reason that I had been deceitful about the Commission, the very thing that he and Captain Troup had been so urgent and active about. *Afterwards, Dr. Drever said I had been misinformed, that they did not think me deceitful. Then I heard that they kept aloof because I intended asking for* 10,000*l. a-year for Mr. Dyce Sombre and myself, which Mr. Solaroli said Mr. Dyce Sombre's fortune could not afford.* You will observe that Captain Troup assigns a fresh reason, that I did not pay sufficient attention to Mrs. Troup; but he has put it so vaguely, it is difficult to make out what he means; however, which of these reasons am I to look upon as the right one? Or am I right about the reason I have assigned?

"I was informed that Mr. Solaroli said *he did not mind my having a large jointure; but that he did not like so much money going out of the family.* I am sorry to say all this, but I am compelled to refute the mischief they have endeavoured to do me with Mr. Dyce Sombre. Otherwise, I would not mind. With respect to this money, it is absurd; for how small the chances are that I shall ever have it after all, and how can I want it, with so large a jointure. That part of the schedule affixed to my first affidavit, that refers to the property in England, was detailed by Mr. Frere; the part detailing the account of the property in India was, I conclude, detailed by Mr. Solaroli, as Mr. Frere could not know about it. If any part of the schedule is wrong, perhaps you will get Mr. Dyce Sombre to explain it, and let me know, that I may have it rectified. I thought he had more money in India.—"I am, Sir, your obedient servant,

"M. A. Dyce Sombre.

"To W. H. Okey, Esq."

Affidavit of Mrs. Dyce Sombre and Mr. Bartle J. L. Frere.

Sworn, November, 1843.

In the matter of David Ochterlony Dyce Sombre, Esq.

The Honourable Mary Anne Dyce Sombre, the wife of the said David Ochterlony Dyce Sombre, now residing with her father, the Right Honourable Edward Jervis Jervis, Viscount St. Vincent, and Bartle John Laurie Frere, of Lincoln's Inn, in the county of Middlesex, Gent., make oath and say. And first the said deponent Mary Anne Dyce Sombre, for herself, and speaking to the best of her knowledge, information and belief, saith that the said David Ochterlony Dyce Sombre is the son of George Alexander Dyce, late of Calcutta, in the East Indies, deceased, by Juliana, his wife; and this deponent saith the said George Alexander Dyce was married to the said Juliana, his wife, then Juliana Sombre, spinster, in or about the year 1803, according to the rites of the Roman Catholic Church, of which they were communicants, and that there was issue of their marriage several children : that is to say, 1st George, who died in infancy; 2d, David Ochterlony, the lunatic, born in or about the year 1808. And this deponent saith the said Juliana Dyce, the mother of the lunatic, died at Delhi, in or about the year 1820. And this deponent saith that the said George Alexander David Dyce died without ever having been married again, in the month of April 1838, and was buried at Fort William, in the province of Bengal, leaving the said David Ochterlony Dyce, who had then assumed the surname of Sombre, in addition

to his own name, him surviving. And this deponent saith that the said Juliana Dyce was the grand daughter of Walter Reynard, commonly called General Sombre, and his wife an Indian lady; which said General Sombre was a German by birth, but had become possessed of considerable territory in the upper provinces of Hindostan, accompanied by rights of sovereignty. And this deponent saith that on General Sombre's death, he was succeeded in his property by his widow, Johanna, styled Zebulnissa Begum, or more commonly her Highness the Begum Sombre, who also herself acquired other valuable and extensive territories in addition to those of the said General Sombre, and she governed as an almost independent sovereign, and was acknowledged and treated as such by the honourable East India Company, from the time of the negotiation and conclusion of the treaty betwen them. And this deponent saith that her Highness the Begum Sombre adopted the said lunatic, and that, through her, the said lunatic received an European education, under the superintendance of the Rev. Mr. Fisher, and the sisters of the said lunatic were educated in the manners, language and customs of native ladies in that part of India. And this deponent saith, as the said lunatic grew up, he was admitted by her Highness to take part in the management of her affairs, he was considered the first person in her Court, and possessed almost unlimited power, and, on the death of her Highness, on the 27th of January, 1836, the said lunatic succeeded to the free and uncontrollable use of her disposable property. And this deponent saith that upon the death of her said Highness, the said East India Company claimed and took possession of her government, and of considerable property likewise, to which their right is extremely doubtful, leaving to the lunatic the principal part of her personal estate, and her palaces at Sirdhana, Delhi, and Meerut and other houses and gardens, which were in her own occupation, or in that of her immediate tenants or dependants. And this deponent saith that the said lunatic, after remaining in the East as long as his presence was required for settling his affairs there, came to England, in the year 1838, and has continued in Europe ever since. And this deponent saith that in the beginning of August 1838, very shortly after his arrival in England, the said lunatic

become acquainted with this deponent, the only daughter of the said Edward Jervis Jervis, Viscount St. Vincent, by his *second marriage with the daughter of the late Thos. Parker, Esq.*, of Parkhall, in the county of Stafford, and they were married two years afterwards, that is to say, on the 26th of September, 1840. And this deponent saith, that since the marriage, and up to the time of his confinement, he and this deponent, his wife, when not travelling about in England or the Continent, or visiting their friends, principally resided at the Clarendon hotel, Bond-street, in the county of Middlesex; and they were residing there, when it was found necessary to put the lunatic under restraint, on *the 29th day of March*, 1843. And, this deponent saith, on the 11th of April, the said lunatic was removed to Hanover Lodge, in the Regent's Park, in the county of Middlesex, where he was at the time of the Commission, and he there remained till the 9th of September, 1843. And this deponent saith that the said lunatic was daily visited at Hanover Lodge, by Sir James Clark, Bart., M.D., Physician to Her Majesty, and occasionally by Dr. Conolly, Physician to the Hanwell Lunatic Asylum; but although the latter was frequently written to for his opinion, and called up to town to give his advice, he but seldom saw the lunatic, the said lunatic having taken a dislike to him, believing him to be an agent of the East India Company; but the said Dr. Conolly entirely approved of the system laid down by Sir James Clark. And this deponent saith that, towards the autumn, no improvement having shown itself in the malady of the said lunatic, and the situation of Hanover Lodge being excessively damp, from which he suffered, it was considered very desirable to change his residence, and that at one time a house near the sea was thought of, and at another, a sea voyage, travelling by land, and almost every possible plan that could afford healthful exercise, a change of scene and pleasure, was deeply considered, but suspended on account of the great disinclination evinced by the lunatic, at the idea of leaving the Villa. And this deponent saith, that towards the end of August, the said Sir James Clark being about to leave town to attend Her Majesty the Queen, he took Dr. Forbes to Hanover Lodge, to introduce him to the said lunatic, as a proper person to

attend him during his absence. And this deponent saith the said lunatic refused to see Dr. Forbes the first day, but promised he would the next, which he did; and then having expressed a wish that James R. Martin, Esq., of Grosvenor-street, Grosvenor-square, should attend him instead, the request was complied with, and Sir James Clark referred the said James R. Martin for the particulars of the case to Dr. Forbes, to whom he was well known, as the said Sir James Clark was leaving town the following day. And this deponent saith the said James R. Martin was formerly a surgeon in the army, in the service of the Honourable East India Company, and a gentleman much known and respected in London by many persons who were previously acquainted with him in India, and the said lunatic knew him in Calcutta. And this deponent saith the said James R. Martin, a few days after the first, attended the said lunatic with a view to induce the said lunatic to travel, introduced to him a gentleman named *John Grant,* who had also been a medical officer in the service of the East India Company, and who was able to converse in the Eastern languages, in talking which the said lunatic had always much pleasure. And this deponent saith the said John Grant is a person of mature age, and was very highly recommended by the said James R. Martin, who stated that the said John Grant had been his intimate friend during five and twenty years, as a person in every way qualified to take charge of the said lunatic, if he could be induced to travel. And this deponent saith that the said lunatic having, on the seventh of September, consented to accompany the said John Grant, it was arranged that they should set out immediately, lest the lunatic should relapse into his former disinclination of not quitting the Regent's Park, which, as the season was now far advanced, would have created great embarrassment. And this deponent saith that the most minute instructions were given by herself to the said John Grant, for the comfort and security of the lunatic. And this deponent saith that, on the 9th of September, the lunatic quitted Hanover Lodge, in company with the said John Grant, a keeper and two servants, and proceeded to Bath, Bristol, Gloucester, Birmingham and Liverpool, from which last named place,

very early in the morning of the 21st of the same month, he effected his escape from the Adelphi hotel, *the aforesaid John Grant having exhibited throughout the excursion a total neglect of his charge, and an entire disobedience of instructions.* And this deponent saith notice was sent up by the said John Grant, from Liverpool to London, by the evening's post of the same day of the lunatic's escape, and information was given in London and at Liverpool, to the police, but nothing was heard of the said lunatic *till the 27th day of September,* when a letter was received from Lord Cowley, the British Ambassador in Paris, stating that the said lunatic was there. And this deponent saith that John Rose Troup and Peter Solaroli, with their wives, had arrived in England, at the end of May 1843; the said Peter Solaroli removed his wife and family to Boulogne, in or about the month of August, and *was residing there* at the time of the escape of the said lunatic. And this deponent, Bartle John Laurie Frere, for himself, saith that the fact of the escape of the said lunatic was communicated to the said John Rose Troup, and on the *said 27th day of September,* the intelligence that the said lunatic was in Paris was also communicated to the said John Rose Troup; and it was also resolved, with his concurrence, that this deponent, as the solicitor *in this matter, accompanied by Henry Harrison, a surgeon recommended by the said John Rose Troup,* should proceed to Paris, to arrange for supplying the immediate wants of the said lunatic, and to endeavour to recover possession of him, and such intention was, as this deponent was informed and believes, communicated by the said John Rose Troup to the said Peter Solaroli. And this deponent, Bartle John Laurie Frere, saith, that having provided himself with necessary letters to the said Lord Cowley, and with an official copy of the inquisition, and accompanied by the said Henry Harrison and a keeper, he, this deponent, left England on the evening of *the 28th day of September last,* and arrived in Paris, *on the last day of September,* and having delivered his credentials, and procured the requisite authority from the Ambassador, he, this deponent, applied to the Préfet of police, to have the said lunatic delivered into his hands. And this deponent saith, that this request was

denied, on the ground that the Préfet had no jurisdiction without an order from the minister of the Interior. And the deponent, John Bartle Laurie Frere, was informed that the said lunatic had already presented himself to the Préfet, and had explained his situation and claimed the protection of the French laws, and that the Préfet had directed a strict surveillance to be made over the said lunatic by the agents of the Police. And this deponent saith, upon this refusal, an application was made, the following day, by the said Lord Cowley, to the French minister for Foreign Affairs that the said lunatic should be delivered to him ; and this deponent saith, that the said minister for the interior directed the Préfet of police to institute an examination, by two physicians attached to his prefecture, into the said lunatic's state of mind ; and the Préfet having fixed such examination to take place on Monday *9th of october*, the following parties met at the Préfecture—: The Préfet of police, a commissary of police, the two French physicians, Sir Robert Chermside, the physician, and Henry Okey, the counsel to the British Embassy, and this deponent. And this deponent saith the said lunatic did not appear, but the said Peter Solaroli, shortly after the assembled parties were assembled, joined them, and inquired whether the Préfet had not received a letter from the said lunatic; and the Préfet having signified that he had, proceeded to inform the company of the nature of the inquiry, and lastly, that the said lunatic wishing to be accompained by his avocat, who could not attend that day, had written to request that the examination might be postponed ; and it was accordingly postponed till the following Wednesday. And this deponent, the said Bartle John Laurie Frere, saith, that being convinced from the very strong opinions expressed by the Préfet, in favour of the sanity of the said lunatic, and feeling that the result of such an imperfect inquiry, as the one proposed, could have but one result, and unwilling to delay his return to England unnecessarily, left Paris, on *Tuesday the 10th day of october*. And this deponent saith he has been informed, and believes, that the said meeting took place on the Wednesday, and the result has been that the French Government have not interfered. And this deponent saith the said lunatic

went, on his arrival in Paris, to the Hotel du Rhin, place Vendôme, and that, to the best of this deponent's knowledge, he has remained there to this time. And this deponent, the said Bartle John Laurie Frere, states that, before leaving Paris, he had an interview with the proprietor of the Hotel du Rhin, who agreed to advance what money was required for procuring for the said lunatic necessary food and clothing, and such small sums of money as might be needful for his pocket expenses. And this deponent, the said Mary Anne Dyce Sombre, saith, in respect of the said lunatic's conduct to his wife, notwithstanding his *delusions, it is observable that they co-existed with the greatest fondness to her, which he manifested in every possible way, up to the very day of his being placed under restraint, by his refusing to occupy the apartments, and drive in the carriages he had been accustomed to use with her, by his causing every thing to be put away for her that he fancied she would like to have, and by his evincing the most considerate wishes for her comfort.* And this deponent saith, that ever since her marriage, she, the said Mary Anne Dyce Sombre, has surrendered herself completely to the endeavour to make the happiness of the said lunatic, and she did her utmost to guard him to the last moment, entirely unassisted, in a situation surrounded by difficulties, where his acting upon his unfortunate delusions placed him, at different times, in situations of peril ; and that, since his confinement, it has been the only one thing which has occupied her mind, to contrive for his comfort, and devise plans for his recovery, overlook his household arrangements, and see that the medical and other attendants and servants did their duty by the said lunatic, and no regard for her own health, much less for ease and pleasure, has ever interfered with her exemplary performance of these her first duties. And this deponent saith, she is thirty years of age. And this deponent Bartle John Laurie Frere, for himself, saith that, since the confinement of the said lunatic, he, this deponent's employment has brought him into constant communication with the said Mary Anne Dyce Sombre, and has made him intimately acquainted with her views, and principles, and habits of business, and he is enabled to speak on this subject, and he, this

deponent, can fully confirm the statement hereinbefore contained, as to the anxious care and attention of the said Mary Anne Dyce Sombre, and as to the directions given to the said John Grant. And this deponent, Bartle J. L. Frere, saith that, to the best of his knowledge, information and belief, the income of the said lunatic, as far as at present ascertained, consists of the particulars mentioned in the schedule hereto annexed.

The Schedule to which the foregoing Affidavit refers.

1st. Under a certain indenture of settlement, bearing date the 8th day of September, 1840, and made between the said David Ochterlony Dyce Sombre, of the 1st part; the said Mary Anne Dyce Sombre, then Mary Anne Jervis, of the 2d part; Stapleton, Viscount Combermere, Thomas Drever, M.D., Thomas Hawe Parker, Esq., and the Honourable Edward Swynfen Jervis, of the 3d part; and Wm. Viscount Lowther, and Thos. Fitzherbert, Esq., of the 4th part.

The life interest in the following property now standing in the names of the said Stapleton, Viscount Combermere, Thomas Drever, Thos. Hawe Parker, and Edward Swynfen Jervis, viz.

	Capital.	Ann. income.
Seventy, shares in the Grand Junction Railway Company		
Fifty shares in the Great Western Railway Company, seventy-seven shares in the London and Birmingham Railway Company		
New 3 1/2 per Cent, Bank annuities.		
3 per Cent consolidated Bank annuities		
Subject to the payment to the said Mary Anne Dyce Sombre, during the life of the said lunatic, of an annuity of	300 » »	» »
Less income-tax	8 15 »	291 5

Under an indenture of settlement bearing date the said 8th day of September 1840 and made between the said David Ochterlony Dyce Sombre, of the 1st part; the said Mary Anne Jervis, of the 2d part; the said Viscount Saint-Vincent, of the 3d part; and the said Thos. Drever, Thos. Fitzherbert, Thos. Hawe Parker, and Edward Swynfen Jervis, of the 4th part.

The following property in the names of the said Thos. Drever, Thos. Fitzherbert, Thos. Hawe Parker, and Edward Swynfen Jervis.

	Capital.	Ann. income.
Ninety shares in the Great Western Railway Company		
New 3 1/2 per Cent Bank annuities		
3 per Cent consolidated Bank annuities.		
Under the same deed there is payable, to the separate use of the said Mary Anne Dyce Sombre, by the said Viscount St. Vincent, an annuity of	500 » »	
Less income-tax	14 11 8	
	*L*485 8 4	
In the name of the said D. O. Dyce Sombre, in the Stock of the East India Company		
In the Notes of the East India Company, in the hands of the Government agent at Calcutta. . . Cs. Rs.		
But this is subject to the payment of certain pensions to old servants of the late Begum, and other expenses in India, amounting to Cs. rupees 19,528 or thereabout		
The value of which sum in English money at 1/10 the rupee is about . .		

The total amount of the income arising from the above sources is as follows:—

In the name of Lord Combermere and others.	
In the name of Thos. Drever and others.	
In the name of the said David Ochterlony Dyce Sombre in England. . .	
	L
Do. In India.	
Deduct income-tax	
Total estimated income . .	*L*

The landed property in India consists of the following particulars; but owing to the expense of keeping up buildings in India, and other circumstances, exceed the income.

AT SIRDHANA.

Place of Sirdhana, with extensive garden, all in hand, containing about 60 acres.

The fort, called the Chonnie, containing about the same quantity of land, with a wall, and ditch, and laid out in houses with a small bazaar.

N. B. The houses belong to the tenants, and on the death of each, they are cleared away.

Another fort, called the Keelah, used for keeping stores, used much in the same manner as the last. At present, the cultivation in begun, but yields not above per annum.

Large house inhabited by servants of the late Begum, with a garden, let for . . . . . Cs. Rs.

The cantonment for the troops, with the market adjoining, now chiefly in cultivation, let at about. . . . . .

The office rented to government, let at about .

The house in cantonment, another piece of ground called Shechmaloo, garden called Noelakhar, containing about acres, let at . . .

Note. The Palace Garden produces for fruit, etc., but expenses more than produce. . . . . .

Piece of Land, with House thatched, close to village of Kherwa.

The Grass sold for about. . . . . .

But to be kept in repair.

AT MEERUT.

Large House in the town occupied by Commissioner George Fleming Francoe, Esq. . . . . .

Attached thereto large Garden, a native tenant . . . . . .

AT DELHI.

Two houses.

1st. Palace uninhabited.

Large Garden adjoining, let to John Thomas, tenant. . . . . .

2nd. House adjoining, with Garden called the Small Garden, let at . . . . . .

Piece of ground in the town, used for market, let to Motee Raum. . . . . .

N. B. The last is claimed by the King of Delhi.

AT AGRA.

Three Gardens.

Let, but the expenses of repairing the walls, etc., exceed the rent.

The said David Ochterlony Dyce Sombre also claims the province of Badshahpore, annual value about	Rs.	82,000
Also the village of Butgong.	Rs.	22,000
And other villages	Rs.	8,000
Besides the military stores of the Begum, value at.	Rs.	500,000

I then went to Russia, and while there, the following was decreed by the Lord Chancellor Lyndhurst:—

"December 19th, 1844.

"Whereas Francis Barlow, Esquire, one of the Commissioners in Lunacy, made his report to me in the above matter, bearing date the 23d day of October 1844, whereby the said Commissioner certified his opinion that under the circumstances in his Report sta-

ted, and having regard to the circumstances and estate, and to the education, station and habits of life of the said David Ochterlony Dyce Sombre, it was fit and proper that a sum of 5,000*l.* a year should be allowed for his maintenance and support ad interim, the same to be accounted for by the committees of his person, and that such allowance should commence from the 1st October 1844 and that the same should be paid by half-yearly payments of 2,500*l.* each, and that the same should be made in advance, and the first half-yearly payment be made forthwith, John Pascal Larkins the Committee of the estate having by his solicitor admitted monies of his the said David Ochterlony Dyce Sombre in his the said John Pascal Larkin's hands sufficient for that purpose. And he found that in the event of the death of the said David Ochterlony Dyce Sombre leaving the said Mary Anne Dyce Sombre his wife him surviving, she would become entitled for life to the interest of the consolidated Bank annuities embraced in the first mentioned indenture of settlement in his report stated, or of the funds representing the same, and also to the annuity of 500*l.* then payable by Edward Jervis Viscount St. Vincent under the second mentioned indenture of settlement in his report stated, and also to the annual income arising from the other property settled by her and by the said Edward Jervis Viscount St. Vincent under the second mentioned indenture of settlement, when such property should fall into possession, and he was of opinion that under the circumstances in his report stated, and having regard to the circumstances and estate of the said David Ochterlony Dyce Sombre, it was fit and proper there should be allowed for the maintenance and support ad interim of his wife the said Mary Anne Dyce Sombre an annual sum of 4000*l.* including therein the 300*l.* a-year pin-money under the first mentioned indenture of settlement; but over and above the income she was and would on the death of the said David Ochterlony Dyce Sombre in her lifetime continue to be entitled to under the second mentioned indentures of settlements, and that such allowance should commence from the 1st day of October 1844, and should be payable by half-yearly payments of 2000*l.* each, but

should be liable to the deduction thereout for property, or income-tax. And whereas the said Commissioner made a supplemental Report to me in the above matter, bearing date the 14th day of December 1844, whereby he certified his opinion that John Warwick[1] in his report named, was a fit and proper person to be employed at a salary of 350*l.*[2] a year, exclusive of the expenses of his board, lodging and travelling expenses for the purposes in his report mentioned. And whereas the Honourable Mary Anne Dyce Sombre and Thomas Hawe Parker did on the 17th day of December last prefer their petition to me, stating as therein is stated, and praying that the said Commissioner's said Report might be confirmed, and for directions consequent thereupon; and that it might be referred to the taxing Master in rotation to tax and settle the costs, charges and expenses of the petitioner the said Mary Anne Dyce Sombre, and of all the parties as in the petition mentioned and for payment thereof. Whereupon I ordered all parties concerned to attend me on the matter of the said petition on the then next day of petitions, whereof notice was to be given forthwith and the matter of the said petition coming on to be heard before me on this day in the presence of Mr. Bethell and Mr. Calvert of Counsel for the petitioners: of Mr. Tinney and Mr. Lloyd of Counsel for John Pascal Larkins the Committee ad interim of the estate of the said David Ochterlony Dyce Sombre, and of Mr. Romilly and Mr. Moore of Counsel for John Rose Troup, and Anne May his wife, and for Peter P. Solaroli and Georgiana his wife in the said petition named. Now upon hearing the said petition, the affidavit of the said petitioner Mary Anne Dyce Sombre sworn the 16th day of December instant, the report of Francis Barlow, Esquire, one of the said Commissioners in Lunacy, bearing date the 23rd day of October, 1844, and the further report of the said Commissioner, bearing date the 14th day of December 1844 read, and what was alleged by the Counsel

[1] It is said he is a connexion of Lord Lyndhurst's.

[2] But Mr. Warrick imposed upon me that he was to deduct 400*l.* per annum for his salary from my allowances.

aforesaid, *I do think fit and hereby order* that the said Commissioner's said Reports, bearing date respectively the 23d day of October 1844 and the 14th day of December 1844, be confirmed, except so far as relates to the allowance of 350*l.* in the said report of the 14th day of December mentioned. *And I do hereby direct* that until further orders the said petitioners are to render assistance to the said David Ochterlony Dyce Sombre should occasion so require, but not by himself or by any other person to intrude upon or interfere with the personal liberty of the said David Ochterlony Dyce Sombre unless so required by me or by the constituted Authorities of the country in which the said David Ochterlony Dyce Sombre may be so staying. *And I do hereby further order* that the said petitioners be at liberty with the approbation of the said Commissioner touching the removal or appointment of any such person, it shall not be necessary that notice shall be given to any other party in this matter, or that the said Commissioner shall be attended by any persons other than the petitioners or such Committees as aforesaid, unless he shall so direct. *And I do hereby further order* that John Warwick in the said petition named be the person first employed for the purposes aforesaid, the petitioners by their counsel undertaking to render half-yearly to the said Commissioner full and detailed statements of the state and condition and place of abode of the said David O. Dyce Sombre and of the acts, conduct and proceedings of the said John Warwick or such other person to be employed as aforesaid, together with all the reports and copies of reports made by him respecting the said David Ochterlony Dyce Sombre. *And I do hereby further order*, that such sums or sum of money as shall be from time to time expended by the said petitioners in the maintenance and support ad interim of the said David Ochterlony Dyce Sombre, not exceeding the sum of 5,000*l.* annually, the same to be annually accounted for to the said petitioners by the said John Pascal Larkins as the Committee of the Estate of the said David Ochterlony Dyce Sombre out of any monies in his hands. *And I do hereby further order* that the said allowance do commence from the first day of October 1844, and

that the same be paid quarterly and in advance, the petitioners by their Counsel undertaking to provide the said John Warwick or other person so employed as aforesaid, with the proper funds for the purpose, of duly maintaining the said David Ochterlony Dyce Sombre under the directions of the petitioners. *And I do hereby further order* that the said petitioners do allow to the said John Warwick or other the person so employed as aforesaid, a salary of 350*l.* per annum, and that such salary be considered as part of the allowance hereinbefore directed to be made for the maintenance of the said David Octherlony Dyce Sombre. *And I do hereby further order* that there be allowed for the maintenance and support ad interim of the petitioner Mary Anne Dyce Sombre an annual sum of 4000*l.* including therein the sum of 300*l.* a-year pin-money to which she is entitled under the first mentioned indenture of settlement in the petition set forth, but over and above the income to which she is entitled under the second mentioned indenture of settlement in the petition also set forth. *And I do hereby further order* that such allowance do commence from the 1st day of October 1844 and be paid by the said John Pascal Larkins as Committee of the estate out of any monies in his hands to the said petitioners, to be by them applied for the maintenance and support of the said Mary Anne Dyce Sombre, and that the same be payable by half-yearly payments of 2000*l.* each, but be liable to deduction thereout for property or Income-tax. *And I do hereby further order* that the first half-yearly payment of such allowance do begin and be made by the said John Pascal Larkins on the 1st day of April 1845. *And I do hereby further order* that the several payments hereinbefore directed to be made by the said John Pascal Larkins be from time to time allowed to him on his passing his accounts as Committee of the estate before the said Commissioner. *And I do hereby further order* that it be referred to the taxing Master in rotation of the High Court of Chancery to tax and certify the reasonable and proper costs, charges and expenses of the petitioner said Mary Anne Dyce Sombre, incurred in and about the suing out and prosecuting the Commission of Lunacy in this matter and of all proceedings therein or incidental thereto, or arising

therefrom, subsequent to the said Commission; and also of this application and consequent thereon, and also to tax the costs, charges and expenses of John Rose Troup and Anne May his wife and Peter P. Marie Solaroli and Georgiana his wife in the said petition named severally and respectively, incurred in and about this matter, and of all proceedings therein or incidental thereto or arising therefrom, and of this application and consequent thereon. *And I do hereby further order*, that in taxing the costs, charges and expenses of the said Mary Anne Dyce Sombre and Thomas Hawe Parker, four Counsel be allowed as proper to have been employed; and that the said Master do allow on such taxation any costs, charges and expenses properly incurred in the steps taken to procure the return of the said D. O. D. Sombre from Paris to England, or anywise incidental thereto, particularly the costs, charges and expenses of the journey of Mr. Bartle J. L. Frere, the solicitor for the petitioner Mary Anne Dyce Sombre and the medical man and attendant to and from Paris, and do also distinguish and certify the proportion of the costs, charges and expenses of the said John Rose Troup and Anne May his wife, and P. Solaroli and Georgiana his wife, properly payable to Mr. Henry James Henderson as their late solicitor, and the proportion of such costs, charges and expenses payable to Mr. Henry David Haverfield as their present solicitor. *And I do hereby further order* that the amount of such costs and expenses respectively when taxed and settled, be paid by the said John Pascal Larkins as such Committee of the Estate as aforesaid out of any monies in his hands belonging to the said D. O. Dyce Sombre, so far and to such extent as such monies shall be properly available; and in case the same shall not prove adequate to discharge the whole of such several taxed costs, charges and expenses. *Then I do hereby further declare* that the deficiency (the amount to be verified by affidavit) be raised by sale of a competent part of the 8,465*l.* 4.6. Bank 3*l.* per cent annuities now standing in the name of the Accountant-General of the Court of Chancery in trust in this matter, or by sale of any other sum in Bank 3 per cent annuities which may be remaining on the credit of this matter at the time of the said sale, and one of the Cashiers of the

Bank of England is to have notice to attend the said sale and receive the money to arise thereby, who upon receipt thereof is to pay the same into the Bank with the privity of the said Accountant-General to the credit of this matter. And he is to declare the trust thereof accordingly. *And I do hereby further order* that the money to arise from the said sale be paid by the said Accountant-General to the said John Pascal Larkins, who is thereout, and out of the monies so remaining in his hands, to pay the said respective costs, charges and expenses of the petitioners, the said Mary Anne Dyce Sombre and T. H. Parker, to Messrs. Frere and Co. their solicitors, the proportion of the costs, charges and expenses of the said John R. Troup and Anne May his wife, and P. Solaroli and Georgiana his wife, which may be certified to be due to Mr. H. D. Haverfield; and the costs, charges and expenses of the said J. P. Larkins as Committee of the estate of the said D. O. D. Sombre to the said J. H. Henderson his solicitor. *And I do hereby further order* that the several payments to be made by the said J. P. Larkins, pursuant to the directions aforesaid, be allowed to him in passing his accounts before the said Commissioners; and for the purposes aforesaid the said Accountant-General is to draw on the Bank according to the form prescribed by the Act of Parliament made for the relief of the suitors of the Court of Chancery, the general rules and orders of the said Court in that case made and provided, and let this order be drawn up and entered by the Registrar of the said Court.

Signed :

"Lyndhurst."

On arriving at St. Petersburg I asked for a public examination ; and being known to some authorities, it was granted to me. The following is the copy of the certificate given to me at St. Petersburg.

MINISTRY OF THE INTERIOR.

From the Medical Council, February 26th, 1845.—N° 98.

From the Journal of the Medical Council, February 20th, 1845.—N° 44. Confirmed by the Minister of the Interior.

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Having heard the proposal of the Minister of the Interior dated the 17th of December, 1844, N° 1108, regarding the state of mind of Mr. D. O. Dyce Sombre, by his own wish, stated in a letter to the Minister, which is as follows [1] :

" In England in the month of March 1843, by the intrigues of " my enemies, I was under the pretext of being insane, kept " under strict watch for four months ; during which time a bribed " Commission assembled, which declared me out of my mind, " and not in power of managing my own affairs. My things " were taken from me, trunks and boxes broken open, sealed " packets, letters, and even my *Will,* which is reckoned a sacred " thing in all parts of the world, was opened and read, and then " given into the hands of other persons to make whatever use " they pleased of them."

" At the expiration of two months more, I escaped, and went " to France, where I was twice examined, and declared in sound

[1] This being a translation from a translated letter of mine, into the Russian language, of course it is not quite literal.

"health and perfect state of mind, and able to rule my own "affairs."

"My intention is to endure a third examination, and through "the favour of the Russian authorities, to receive a certificate "from the medical men of the country, and with that document "to return to England, and reclaim the remnant of my once "brilliant fortune."

In the course of the above said proposal, Mr. D. O. Dyce Sombre was called by the Council of medical men, the second of January, 1845. Questions were put to him, regarding his letter, which he answered in a manner not to create the least suspicion of his being deranged; he related the details of his confinement, his escape to France, and the examination which he endured there, at which the Doctor of the English Embassy assisted; he remarked at the same time, that the above-mentioned examination was the only cause of the English authorities giving up demanding his return to England.

The Medical Council, finding it requisite to be made acquainted with the affair more particularly, Mr. Dyce Sombre was requested, if he had any documents, to deliver them to the Council, to assure them of his never having created any suspicion of derangement; therefore, to come to an arbitration, Mr. Dyce Sombre was given into the hands of Dr. Spanki, Dr. Salomon, and Dr. Nechaiff, appointed Councillors of state, to decide the question, and to give the Medical Council the resolution. At the following assembly, the president communicated to the Council a copy of the certificate, delivered by Mr. Dyce Sombre, which was given to him at Paris with the signatures of Dr. Behier, Dr. Baurpeau and Sir R. Chermside, Physician to the British Embassy, who examined him in the presence of the Prefect of Police. In this certificate there is a perfect detail of the examination he endured in that country. The inquisitors used all their power to discover the least sign of derangement; they put the most trying questions to him, which he answered clearly, solidly and accurately, without any hesitation, and was therefore acknowledged in perfect state of mind, and that it is altogether most

difficult to conclude that Mr. Dyce Sombre is deranged, and that the chief object of his derangement is the infidelity of Mrs. Sombre. To convince yourself, says Sir James Clark in his letter, ask him what proofs he can give you of his wife betraying him; when and what complaint he had against her, and how he discovered the individual that had any communication with his lady; ask him on what conditions he will take his wife back; speak to him about religion, to have an opportunity to name the Archbishop of Canterbury; ask him what he thinks of him. It is also mentioned in the letter to try and turn the conversation on the East India Company, to question Mr. Dyce Sombre regarding the reception he received. The letter also mentioned that he imagined himself annoyed by evil spirits. Through these questions, says Sir James Clark, you will see the state of his mind. These extracts being communicated to the Council, Mr. Sombre was put under the surveillance of Dr. Spanki, who visited him once, and sometimes twice a day, during a whole month, which gave him an opportunity of making himself fully acquainted with his behaviour. Dr. Spanki affirms to be convinced that Mr. Sombre has nothing in all his thoughts and manners, that denote his mind not having been in perfect order. It is well known that madmen have a very short memory; Mr. Sombre on the contrary possesses a very good one; he related to Dr. Spanki the biography of his youth, and even mentioned to him things that happened in the earliest part of his life. Dr. Spanki made him often answer the same questions two or three times over, but always received a direct and unhesitating answer; this Physician declared by word and oath, that Mr. D. O. Dyce Sombre is in his perfect senses. The private Physician of his Imperial Majesty, Dr. Arendt, who attended Mr. Sombre during four months, mentioned in a note to Dr. Spanki, that he is of the same opinion with him, and that during the time he visited him, he remarked nothing to create the least suspicion of his being deranged. Dr. Nechaiff communicated to the Council, that in the month of February he visited Mr. Sombre three times. The first time he was accompanied by the learned Secretary of the Council; their principal point was to find out the state of his memory. He was then

indisposed, and kept his bed, and notwithstanding this he dressed and came out. Mr. Dyce Sombre informed these gentlemen that he had been poorly for the last four months ; that he was attended by Dr. Arendt, and that Dr. Spanki frequently visited him ; they stopped with him for almost an hour, during which time they conversed about his youth, and enquired the reason of his leaving India ; they also questioned him about his journey through the Ganges and Calcutta, and from thence to England. They requested him to relate his travelling in Europe, and several other places ; they put questions to him about the East India Company, his confinement in England, his escape from Liverpool, and his journey from Hamburg to St. Petersburg. They also made inquiries about the Archbishop, and his behaviour towards Mrs. Dyce Sombre ; notwithstanding his illness, Mr. Sombre answered all the questions in a clear and straight-forward manner, without any hesitation or useless chatter. On leaving him, these two gentlemen were fully persuaded that he was not in the least deranged. The second and third time Dr. Nechaiff saw Mr. Sombre alone, the 12th and 13th of February, and stopped with him each time more than an hour. Dr. Nechaiff tried to have the conversations on articles mentioned in a certificate from Paris ; he spoke to him about the members of Lord St. Vincent's family ; about his Lordship's fortune, and the details of Mr. Dyce Sombre's acquaintance with his daughter, his courtship, domestic life, the confinement he suffered in his own house, his escape from Liverpool, and again questioned him about the Archbishop of Canterbury. The next day Dr. Nechaiff put the very same questions to Mr. Dyce Sombre, thinking that he might answer him contrary to the preceding day ; but finding them quite the same, and not observing anything remarkable whatever in his behaviour, he announced to the Medical Council, that Mr. Dyce Sombre was at present in his perfect state of mind. Dr. Salomon, member of the Council, was not able to attend Mr. Dyce Sombre on account of his illness. The Medical Council having received the above reports, found it requisite to request the presence of Mr. Dyce Sombre on the 20th of February 1845. The same questions were again put to him,

which he answered as before, in a clear, distinct, and accurate manner, without showing any marks of derangement. Consequently the Medical Council, after all the above-mentioned results and proofs, declared and acknowledged in the presence of Drs. Spanki, Nechaiff and the other members, that Mr. D. O. Dyce Sombre was in perfect state of mind.

This journal is signed by :

Dr. Markeu, *Physician to Her Imperial Majesty, Member of the Medical Council;*
Dr. J. Ruh, *private Physician;*
Dr. Jarasoff, *private Surgeon;*
A. Richter, *Director of the Med. Department under the Minister of Interior ;*
Dr. Spanki, *appointed Councillor of State ;*
Dr. Arendt, *appointed Councillor of State;*
Dr. Butkoff, *Councillor of State ;*
Dr. Otsolin, *Vice-Director of the Medical Department ;*
Dr. Nechaieff, *Physician to the Academy of St. Petersburg ;*
Dr. Gertsog, *Head Doctor of the Madhouse at St. Petersburg.*

I then returned to Brussels, and had two examinations in that city, of which the following are the copies:

" We, the undersigned, John Francis Vleminckx, Inspector General of the service of Health of the Belgian army, President of the Royal Academy of Medicine of Belgium, etc., etc.; Louis Seutin, Head Surgeon at the Hospital St. Pierre, Brussels, Physician to His Majesty the King of the Belgians, member of the Royal Academy of Medicine of Belgium, professor at the University of Brussels, President of the Medical Commission of Brabant, etc., etc.; Joseph Guislain, Director of the public Establishment for the Insane at Ghent, Professor at the Faculty of Medicine of the University of the same town, member of the Royal College of Medicine of Belgium, etc., etc.; Constant Crommelinck, Doctor of Medicine, Director and proprietor of an Invalid Establishment at Brussels, etc.; Pinkstan Blackwood, Surgeon of the Royal North Down regiment, now practising at Brussels; Anthony Mahon, M. D. late surgeon in the Royal Artillery, have assembled at the request of Mr. Dyce Sombre, at the Hôtel de Bellevue, Brussels, and after many repeated investigations we think and declare: That, whatever may have been the doubts that have been raised as to his sound state of mind, the said Mr. Dyce Sombre is in a state to manage his own affairs, and to enjoy his liberty.

" In witness whereof, we have delivered this certificate to be made use of as justice may require.

" Brussels, June 17th, 1845.

" (*Signed*) Dr. Vleminckx;
Dr. Crommelinck;
G. Seutin;
P. Blackwood;
Anthony Mahon;
Joseph Guislain.

"Examined by the College of the Burgomaster and magistrates of the town of Ghent for authenticating the signature of Mr. Joseph Guislain as signed above."

" Ghent, June 18th, 1845.

" (*Signed*) Van Pottelsberghe,
"*Secretary of the Council.*
" C. Avunbourg."

Second Certificate given at Brussels.

" We, the undersigned, being re-assembled for the purpose of continuing our investigations as to the soundness of mind of Mr. Dyce Sombre, declare that since our consultation with M. M. Guislain and Crommelinck, whose opinion we desired to have as being specially employed in cases of phrenopathy, we have become more and more convinced of the intellectual faculties of that Gentleman being in the very best state. We did not cease to address to him the most delicate questions, and never did we have to wait for the answers thereto, which were such as they ought to be; clear, artless, and to the point. We particularly directed our attention to the examination of the divers points in question in the Medico-legal consultations held at Paris and at St. Petersburg, and we have been satisfied that all that is related on those points concerning the sound state of Mr. Dyce Sombre's mind is entirely in conformity with the truth.

" We then entertain the same opinion, on all points, as our brethren of Paris and St. Petersburg, and we adhere to their conclusions. It is this reason alone that has induced us not to enter herein into more lengthened details, to the effect of justi-

fying our view of the case; such details having appeared to us useless, compared to those we have found in thea fore-named consultations.

" Brussels, June 21st, 1845.

" (*Signed*) Dr. Vleminckx, *Inspector General of the service of Health of the Army, President of the Royal Academy of Medicine,* etc.
Anthony Mahon, M. D. *late Royal Artillery.*
G. Seutin, *Professor of the University of Brussels, President of the Medical Committee of Brabant, Physician to His Majesty King Leopold.*
Pinkstan Blackwood, *Surgeon of the Royal North Down, now practising at Brussels.*"

With these I returned to Paris, and though I applied to Lord Lyndhurst for fresh examination, it was refused me, unless I came within his jurisdiction without any guarantee and threw myself entirely on his generosity. This I would not do, and he in consequence withheld the order, but, while at Brussels, I became acquainted with Mr. Mahon, whom I had slightly known before; he made offer of services to me, which I accepted, and he having advanced me some money, I paid my debts and went to Paris (not taking advantage of Lord Lyndhurst's offer of 5,000*l.* a-year through Mr. Warwick, whom I was to maintain out of this sum).

At this time, however, happening to go to see Viscount Combermere, who was at Kissingen, I heard from him that Gen. Ventura had received my letter which I had written to him on learning his arrival in Europe, and would find him at Baden. On leaving him, I went to Baden, but for several days I did not

fall in with the General. At last, about a week after, as I was walking before the public rooms, when it had become rather dark, I saw the General pass by ; and I had scarcely time to turn round, when he accosted me, by saying : "Did you see me?" I said "No, not before this," but I added "I suppose you received my letter." He said "Which?" I said, "Both the one I sent you to India, of which I have a receipt from Mr. Waghorn, whose agent delivered it to you at Bombay in your own hands ; and the other I sent you through the India House in London." He denied having received the first, but said the second he received but did not understand ; and then he put his cane on my hip, saying : "Do you know what I mean?" I said, if he meant to insult me, it was enough. I was in the act of collaring him, when the police came and interfered, and separated us ; and in the scuffle the General received a kick. The next morning we were called before the police, and had orders to quit Baden ; but as I was not in good health, I was allowed to remain through the kindness of Sir Alexander Mallet, Her Majesty's Minister at the Court of Baden. I made offers of satisfaction to the General on the French frontier of Strasburg, which he declined accepting ; but on my return to Belgium, about a month after, I found the General a few miles off from Brussels, as I was standing against a wall at one of the Railway-stations. His carriage drove up that way ; he saw me, and as soon as he recognised me, he exclaimed, and actually said : "Open your front, and shew your affairs." I was horribly struck, and could not make out what he meant, as he had his daughter and her governess with him. We of course proceeded on the journey ; but on arriving at the Railway-terminus at Brussels, I went up to the General's carriage, and wanted to ask him what he meant by his conduct ; but seeing him call a policeman to have me delivered, up, I naturally left him ; but before he got to his hotel, I drove up to him again, and wished to give him my address ; when he again looked for a policeman, and then I of course left him again for good. But he was not satisfied with this, but went to the French Minister, of whom he claimed protection ; and I had a visit from one of the Police functionaries, to demand my word of honour,

that I would not molest him, if I met him again anywhere in Belgium.

I lost sight of the General after that until my return to France, when I again met him one day near the English Embassy in Paris; and the next day I received a letter from a gentleman in the Foreign Office, saying that General Ventura had been complaining of me, and that I had better be on my guard. Finding him to be a man of such double dealings, I of course never took notice of him ever after that, though I often came in contact with him, both in the public streets and in some private houses, as well as the Tuileries.

Thus far General Ventura's case.—But to proceed with my own, I am ready to shew, that from the 1st of January, 1845, to the 31st of August of the same year, I did not receive a single sou of my private income from Chancery, though Mrs. Dyce Sombre by the same order was receiving her full allowance of 4,000*l.* a-year, a quarter in advance, which was settled on her, in case of my dying before her, and she surviving me; and I lived as well as I could, upon what had been left at my bankers, until it was all exhausted, when Mr. Mahon came forward, and lent me some money, and Mr. H. T. Prinsep hearing from Lord Combermere, that I actually had no resources; (for at this time, I actually was obliged to live upon 7*l.* a-week), he (Mr. Prinsep) represented my case to the Chancellor, who allowed 60*l.* a-week to be given to me out of my estates; it was better than nothing, and therefore I accepted it, otherwise I was entitled to more than five times as much, as will be shewn hereafter.

Affidavit of Mrs. Dyce Sombre

Made by her about that period.

In the matter of David Ochterlony Dyce Sombre, Esq.

I the honourable Mary Anne Dyce Sombre, the wife of the above-named David Ochterlony Dyce Sombre, now residing at the Clarendon Hotel, Bond-street, in the county of Middlesex, make oath, and say that I have read the Affidavit of Henry Thoby Prinsep, Esq., made in this matter, and I say that I am informed and believe that Mr. Warwick, the gentleman appointed by the Court of Chancery to supply my husband with funds for his maintenance, did all in his power to endeavour to reconcile my husband to the arrangement without effect, and I say, that in consequence of this I wrote to Mr. Barlow, the Master to whom this case is referred, to explain all the circumstances and to ascertain whether the said Mr. Barlow had any instructions to give, but I received none different from those contained in the Order of the late Lord Chancellor, and I say, that on or about the month of June, last year, I was informed and believe that said Mr. Prinsep had seen the late Lord Chancellor and had urged his Lordship to pay said David Ochterlony Dyce Sombre an allowance independently of the said Mr. Warwick; some weeks after this, I was informed by my Solicitor Mr. Frere that the late Lord Chancellor's Secretary Mr. Cartledge had waited upon him, with a request from his Lordship that the Committee of the person would authorize Mr. Dyce Sombre being paid a small weekly sum independently of said Mr. Warwick, which request of his Lordships was duly attended to by us. I say that no specific sum having been mentioned by said Mr.

Cartledge, I wrote to Mr. Clark, one of the secretaries of the late Lord Chancellor, who thereupon called upon me, and I further say that in conversing with Mr. Clark on the subject, I named as proper to be remitted to the said David Ochterlony Dyce Sombre a larger sum than sixty pounds a week as a reasonable sum that should be sent; and I say that some time after this occasion I was informed by the said Mr. Clark that the said weekly sum of sixty pounds might commence; whereupon Messrs. Coutts and Co. received instructions to that effect; and I say that in or about the month of Sept. last, I received a letter from the said Mr. Clark in the hand writing of my husband, addressed to the said Mr. Prinsep, and said Mr. Clark communicated to me that he had shewn it to the late Lord Chancellor and by his Lordship's desire he had informed Mr. Prinsep that the letter was of such a character that he, the Lord Chancellor, must in future refer said Mr. Prinsep to the committees of the person; and I say, that I am not acquainted with said Mr. Prinsep; and I say that part of the letter of the said D. Ochterlony Dyce Sombre is in the words or figures following, that is to say:—"As to the challenge which you say the Lord "Chancellor had shewn you, which I had sent in March last, "it must be the one I sent from Saint Petersburg to the "Honourable Mr. C., he is the person now fixed upon by every "body, to be the one who has been the cause of all this mischief; "for while at Saint Petersburg, Count Nesselrode, who had "just returned from London, confirmed the report which I had "heard in Paris respecting him, and of which he himself had "the blackguardism of speaking to me about, in the presence of "Captain Troup, while I was in London; but as at that time "I suspected Sir F. B. I paid very little attention to what he said. "If such is the case, of which I have not the least doubt left in "my mind now, I suppose you must, as a man of honour uphold "me in doing what I did, knowing the habits and sentiments and "customs in general upon that head." And I say that in consequence of the retired life I have for some time led, I have not seen the said Mr. F. to speak to for five years, and upwards; and I am informed and believe that the said Mr. F. sent the challenge he received from my husband to the Lord Chancellor; and I further

say that I am informed and believe that no conversation relating to me, as named in the letter of the said David Ochterlony Dyce Sombre to the said Mr. Prinsep, did take place between the said Dyce Sombre and Mr. F. and Captain Troup; and that the said Captain Troup is not acquainted with either said Mr. F. or Count Nesselrode; and I say that I have read a certificate of various medical Gentlemen sworn in this matter and bearing date the 19th day of June 1845, and amongst these Gentlemen who have signed the aforesaid certificate is Anthony Mahon Mr. D. late Surgeon Royal Artillery, and I say that I am informed and believe that said Mr. Mahon, who was then residing at Brussels, became acquainted with my said husband shortly after his arrival in that place in or about the month of June 1845, and I further say that I am informed and believe that said Mr. Mahon alleges that in or about the month of June or July, 1848, he lent my husband the sum of 500*l.* or 600*l.* and I am informed and believe that my said husband has engaged to give said Mr. Mahon a very considerable sum of money if the said Mr. Mahon should succeed in upsetting the present Commission of Lunacy; and I say that I have read the Affidavit of Viscount Combermere made in this matter; and I say that said Viscount Combermere made an Affidavit in the late proceedings in this matter sworn the 2nd of March 1844, in lord Combermere's first Affidavit, and I say that my father, Vt. St. Vincent also made an Affidavit, and I say that the said Mr. Frere made an Affidavit relative to a letter which he received from said Vt. Combermere in March 1843, of which the following is a correct copy:—"Combermere Abbey, March 29th, " 1843.—My dear Sir,—I have the pleasure to acknowledge the " receipt of your letter of the 27th instant, and lament to hear " that Colonel Dyce Sombre is in a state of mind to which I " thought him far approaching two months ago, which renders it " necessary that (for the poor wife's sake) immediate measures " should be taken, for placing him under restraint, and I have for- " warded your letter to Mrs. Dyce Sombre's father, Lord St. Vin- " cent, who will, no doubt, take proper measures for the security " of his daughter's person. I have for some time past declined " giving any opinion or advice to the Colonel, or acting for him

" in any respect except as trustee under the marriage settlement, " and I must decline on the present occasion interfering in the " management of Colonel Dyce Sombre, or of his affairs. I am, " my dear Sir, very faithfully, yours, Combermere." And I say, that considering Lord Combermere in the light of Mr. Dyce Sombre's friend, my father was at that time desirous that said Lord Combermere should be consulted about Mr. Dyce Sombre's affairs, and the management of them in like manner as he had advised me to employ in my own behalf my husband's solicitor, Mr. Frere, who was introduced to said Dyce Sombre, previous to his marriage, by said Viscount Combermere, as is named by said Mr. Frere, in his Affidavit aforesaid; and I say that upon Lord Combermere's refusal to have any thing to do with my said husband's affairs, my father wrote to him to request that he would re-consider this determination, whereupon, said Viscount Combermere consented to the wish so expressed of my father, who wrote to thank him for himself and for me; and I say, Viscount Combermere made a second Affidavit; and I say that said Lord Combermere wrote to Mr. Frere, in or about, to the best of my recollection, the month of March or April 1844, in the words and figures following, that is to say :—" B (mean- " ing Brunswick Hotel) Hanover-square, Friday 2nd of May :— " Dear Sir, I am only passing through London in my way to " Brighton to day, and have not time to call, but will do so next " Thursday, on my return, to talk to you about my friend Som- " bre, who it would appear is perfectly sane and will remain so, " I think, if a decided separation takes place. Yours very truly, " Combermere." And I say, that in or about the month of April, 1844, I received a letter from Viscount Strangford of which the following is a true and correct copy :—"Harley-street, " Tuesday :—My dear Mrs. Dyce Sombre, Will you allow me to " wait on you for a few moments, at any time you may be good " enough to appoint, and will you forgive this liberty on the " part of an old friend and sincere well-wisher. I have this " morning received a letter from Paris, which I am very anxious " to shew to you, ever dear Mrs. Dyce Sombre. Most truly " yours, Strangford." And I say that believing that said letter

from Paris related to my husband who was staying there, I wrote to Viscount Strangford, to request he would send the letter; as if it related to Mr. Dyce Sombre, as I conjectured it did, the talking about my said husband was painful to me; whereupon I received a further letter from said Lord Strangford in the words and figures following:—"Wednesday night. My dear Mrs. Dyce Som-" bre, here is the Paris letter; my only motive in asking to have " an opportunity of shewing instead of sending it to you was that " I might save both you and me the bore of letter-writing on the " subject, which is one that cannot but be painful to you, while " really it is one in which I have neither right nor pretence to " meddle. Mr. Goldsmith, Lady Lyndhurt's father, called on me " yesterday, and was the bearer of the enclosed. He seems to " be in Mr. Dyce Sombre confidence, and is come to this country " in the hope of being useful to him in matters to which I need " not more particularly allude, I knowing nothing more of him " than from meeting him at the Lyndhurst's at their house and " Mivart's Hotel, during his stay and former visits to England. " Mr. D. Sombre (as you will perceive from the enclosed) has writ-" ten to me to assist Mr. Goldsmith in procuring an interview " with you or Lord St. Vincent on this point; you must judge " for yourself and decide upon granting this interview or not; if " I had been so fortunate as to see you, I should have taken the " privilege of old friendship and great regard to have suggested " that you ought not to receive Mr. G., nor listen to any thing he " may have to propose except in the presence of a professional " friend; this was one of my motives for asking to wait upon " you instead of at once sending the enclosed to you, ever dear " Mrs. Dyce Sombre, most truly yours (Signed) Strangford." The letter referred to by said Vt. Strangford of Mr. Dyce Sombre's was a request from said Dyce Sombre's to said Vt. Strangford to introduce said Mr. Goldsmith to my father and myself, dated from Paris, April 13th 1843, and I say that to the best of my recollection and belief I did not answer this letter of Viscount Strangford, or if I did so, it was simply to acknowledge the receipt of it; and I say that the said Mr. Lewis Goldsmith in the years 1843 and 1844, in order to upset the Commission of Lunacy against my said

husband, did take means to effect his object unbecoming a gentleman of any honourable or right feeling; and I say that Mr. Okey, the Counsel to the British Embassy at Paris, who was instructed by me to supply my said husband with every thing that said Mr. Okey thought needful for his comfort, as will be seen by the affidavit of said Mr. Okey filed in the former proceedings in this matter, and by my affidavit also made during the late procedings, did, as I am informed and believe, explain to the said Mr. Lewis Goldsmith from kind motives towards him, many circumstances connected with the case of my husband in consequence of said Mr. Goldsmith apparently labouring under an error, that I was depriving him of his necessary comforts and enjoying his property myself; but I say that although, as I am informed and believe, the said Mr. Goldsmith affected surprise at the communication of Mr. Okey aforesaid, it had not the effect of causing him to desert from the objects he had in view; and I say that subsequently to what I have stated, the said Mr. Goldsmith, as I am informed and believe, had dinners at his house to which he invited people to meet my said husband; and I was informed by said Mr. Okey that a gentleman of station and consequence in society had told Mr. Okey that having met my said husband at dinner at said Mr. Goldsmith's, he was surprised on the following day by an attorney waiting upon him with an affidavit for him to sign to the effect that my husband was of sound mind; which this gentleman stated to Mr. Okey he refused to do, as I believe, from no disrespect to my said husband, but merely from the impossibility of judging of any person's mind in the manner aforesaid; and I say that I received a letter from said Mr. Okey bearing date "Paris, April 4th 1844," part of which is in the words and figures following, that is to say: "Mr. G's. (meaning Goldsmith's) patience is exhausted, but he will from "amour-propre" not allow that Mr. Dyce Sombre is insane after all he has done for him; he cannot but see, what I have always impressed upon Mr. G. the injury he was doing him by exciting him with hopes of his restoration; he has reproached me with keeping back what I knew of him, at length he said yesterday: "I got so tired of this and of "the outrageous conduct of my client, that I ask you about his

"wife."—I told him, when he said: "It is enough that alone if the "Lord Chancellor knew it, it would settle the case; there is no "doing any thing for him, his daily conduct to Etienne in parti- "cular who will go and report it to the police, the broils at his "own door with coachmen when he refuses their fare, his broil "yesterday with his own coachman, who refuses longer to drive "him, his mode of life, all satisfy me that there is nothing to be "done for him; he even said he challenged Mr. R. about his ball" so that Mr. G. now begins to find out what I told him the first day I went to Mr. Dyce Sombre." And I believe that the circumstance said Mr. Goldsmith requested said Mr. Okey to confide to him and which Mr. Okey informed said Mr. Goldsmith of, as aforesaid is the circumstance (since named in the affidavit of said Mr. Okey, aforesaid) of my said husband mentioning to said Mr. Okey that he had thoughts of putting me to a lingering death[1] naming what death; and I say that upon the only occasion of my seeing the said Mr. Okey, which was after the late proceedings aforesaid in this matter were concluded, I asked the said Mr. Okey what death my said husband had thoughts of putting me to, as named by him to said Mr. Okey; whereupon the said Mr. Okey mentioned that my said husband had named to him "that he had contemplated the placing me on his knee and breaking my back-bone with the but end of a pistol" and I say that notwithstanding all this the said Mr. Lewis Goldsmith subsequently came to England in order to prosecute his intention of superseding the Commission, as will be seen by the dates of the letters of my said husband to Lords Strangford and Combermere, and by the date of said Lord Combermere's letter to my father, enclosing the letter of my said husband to said Viscount Combermere. And I say that my said husband informed me either towards the end of the year 1843 or in the year 1844 that there were spies employed to watch my proceedings; and said Mr. Okey confirmed this statement to me without any reference to him on my part on the subject. And I say that long afterwards, when I saw said Mr. Okey, he told me that the said Mr. Lewis Goldsmith had informed the said Mr. Okey, the said Mr. Goldsmith had employed spies to watch my proceedings. And I say that this determined me, with the advice

[1] False—utterly false.

of my relations and friends, to reside when in London at the Clarendon Hotel, instead of a private house, for the sake of security; having always resided there with my husband; and also from its being so public a place that my actions must be well known; and I say that on or about the 25th day of April 1843 my father received a note from Viscount Combermere of which the following is a correct copy :—"48, Belgrave-square, 25th of April. My dear "Lord, I have been much disappointed at not having had the "pleasure of seeing you, I send the accompanying letter, received "yesterday, by which it appears to me that some arrangement "may be made, which will be most advantageous and desir-"able to all parties, inasmuch as it will accomplish all that "can be obtained by means, which must be attended with "public investigation and exposure. If I can in any way as-"sist in having all unpleasant differences adjusted, I beg you and "Mr. Dyce Sombre will command my services. I am my dear "Lord, very faithfully yours, Combermere." And I say that the letter referred to by said Viscount Combermere was a request from Mr. Dyce Sombre to said Viscount to introduce Mr. Lewis Goldsmith, whom he states he has consulted on his affairs, to my father and myself, dated Paris, April 13th, 1844. And I say that my father being at the time in Staffordshire, he wrote, as I am informed and believe, to Mr. Frere as follows :—"Meaford, "May 2nd, 1844. My dear Sir, I beg to enclose you a note I "have received from Lord Combermere, and which I think, under "all circumstances, had better be answered through you. His "Lordship having, I understand, voluntarily made an affidavit, "and subsequently to this proffered his services as a friend to adjust "matters relative to Mr. Dyce Sombre, adding at the same time "unpleasant expressions (although I hope they were not meant as "such) it would not do for me to have personal or other commu-"nication with his Lordship, which I exceedingly regret, and also "that he has mixed himself up with this matter any how; the "circumstance of Mr. Dyce Sombre having been found insane by "any British Jury would in my opinion render it quite impossible "that any private arrangement should be made. I remain faith-"fully yours, St. Vincent." And I say that a few days subsequently

to this, I am informed and believe that my father received a letter from said Vt. Combermere of which the following is a true copy :—
" 48, Belgrave-square. My dear Lord, having received from Mr.
" Frere a copy of a note from your Lordship to him in reply to one
" I took the liberty of writing to you lately, I take an early oppor-
" tunity of correcting the erroneous opinion you have formed as
" to my conduct and intention in respect to Mr. Dyce Sombre ;
" your Lordship has been misinformed as to my having voluntarily made an affidavit, and voluntarily offered to adjust matters, etc. The fact is this : a Mr. Leman (solicitor) wrote to me
" frequently (by desire of Mr. Dyce Sombre) requesting I would
" make affidavit as to all I knew of him, as well before, as since
" his marriage; which I declined doing, when Mr. Leman waited
" upon me in London, and I told him that I would, as I was
" bound to do, answer any question, and would state what I knew
" of Mr. Dyce Sombre from the year 1825, up to the present time.
" Mr. Leman went to Combermere Abbey afterwards, and the
" affidavit was then made and signed. This affidavit it appears
" is not satisfactory to you or to Mr. Dyce Sombre; and I am called
" upon by Mr. Frere on the part of your Lordship and by Mr. Dyce
" Sombre's friends to alter it, which I cannot do, but as I have
" been informed Mr. Frere and Mr. Dyce Sombre's friends object to
" it, I shall be happy to give any explanation that may he required.
" I do assure your Lordship you have also been misinformed as to
" my having volunteered my services to adjust matters relative to
" Mr. Dyce Sombre. It was in consequence of a letter, which I received from him, that I wrote upon the subject to your Lordship,
" and I further beg that you will not again accuse me of having
" mixed myself up with this matter. I have merely stated (when
" called upon) what I knew relative to Mr. Dyce Sombre; the circumstances relating to his marriage, etc., etc., having promised the late Begum Sombre to protect her adopted son, should
" he ever visit this country. I did so for some time after his arrival, but finding him so exceedingly obstinate, and upon every
" occasion after receiving my opinion and advice acting in direct
" opposition to both, (particularly in regard to the treatment,
" etc., of his wife) I long ago ceased communicating with him ex-

" cept as a trustee upon his marriage settlement. I do not write " this with a view to court personal or other communication " with your Lordship, my character as a public man as well as " my private capacity cannot he affected by any erroneous im- " pressions on your mind in respect to Mr. Dyce Sombre's affairs, " or by any opinion you may be pleased to give relative to my " conduct from the time you first asked my opinion, etc., of " Mr. Dyce Sombre up to the present moment. I am, my dear " Lord, faithfully yours, Combermere." And I say I am informed and believe that my father took no notice either directly or indirectly of this letter, and I am informed and believe that he never called on said Viscount either through said Mr. Frere or any other person to alter his affidavit aforesaid, or had any thing to do directly or indirectly with the further affidavit made by the said Viscount, and I say that on or about the same time said Viscount addressed a letter to said Mr. Frere of which the following is a correct copy :—" 48, Belgrave-square, May 9th, 1844.—My " dear Sir, I have just received your letter of the 18th, containing " a copy of one from Lord St. Vincent to you ; herewith I send " you a copy of my letter to Lord St. Vincent. I should like to see " my affidavit (or copy) in order that I may give any explanation " that Lord St. Vincent or Mr. Dyce Sombre may require ; for it " seems that there are statements or remarks not palatable to " either. I was pressed so hard by Mr. Leman, and so afraid of " having a journey to London in order to be personally exami- " ned that I answered Mr. Sombre's questions and signed the " affidavit alluded to. I have been much misrepresented to Lord " St. Vincent and Mr. Dyce Sombre, who imagine that I have as " Lord St. Vincent states, mixed myself up in this affair. If they " think proper to continue under that delusion, they are perfectly " at liberty to do so ; but the fact is, tho' I according to promise " endeavoured to befriend Mr. Dyce Sombre for some time after " his arrival in this country, his conduct towards Mrs. Dyce " Sombre and his disregard of all I said to him determined me " to have nothing more to do with him, and I informed him " more than two years ago that though as trustee I was bound to " act, I desired he would never consult or talk to me about his

"domestic concerns; and I had no communication with Mr. Dyce "Sombre till he wrote lately from Paris to beg I would see "Mr. Leman for him, and endeavour to have his business settled. "In respect to your having taken a part in Mr. Sombre's affairs "opposed (as you state) to my wishes I have only to observe that "you as a professional man had a right to act as you did; but per- "haps you have done well to have informed me of your inten- "tions. I do assure you it is a matter of indifference to me as "much as I have (for the reasons above stated) ceased to feel any "interest in Mr. Dyce Sombre's affairs. I am, my dear Sir, "very faithfully yours, Combermere." And I say that the following is a true copy of the letter detailed above;—"Lincoln's-Inn, May 8th, 1844. Dear Lord Combermere, I beg to send enclosed a copy of a letter I received from Lord St. Vincent in which he explains why he has not replied to your Lordship's letter himself (this is the letter of Lord Viscount Combermere, of the 25th of April, 1844, in which his Lordship offers deponent his services to adjust matters). My father informed me of your kind permission for me to mention to you any points in your affidavit (alluding to first affidavit of said Viscount Combermere respecting Mr. Dyce Sombre's business) which might seem to require explanation, and I am very much obliged to you for it; but as the day appointed for hearing the case was so close at hand, I could not avail myself of it; and the Lord Chancellor's decision that Mr. Sombre cannot be heard unless he comes over to this country, will probably make any further reference to the affidavits filed with a view of such hearing unnecessary. I was glad to learn from my father that he had an opportunity of expressing our regret at finding ourselves unexpectedly engaged in taking a part in Mr. Dyce Sombre's affairs, which seemed opposed your Lordship's opinion; and wishes that he had satisfied you, as he hopes that we have had every reason to suppose that the application for a Commission had your entire approbation, although you then declined any active interference; and I shall hope to be allowed to consult further with your Lordship if the altered state of affairs should appear to call upon you to depart any further from your original determination. I have the honour to be your Lordship's

faithful and obedient humble servant, Bartle J. L. Frere." And I say that in consequence of the expression in the said Viscount's letter to my father, viz. that the said Lord Combermere had been called upon by Mr. Frere to alter his affidavit on the part of my father and myself, I sent my brother to said M. Frere with a request that he would immediately write to said Viscount to state that such was not the case; and I further say that I was not aware of said Mr. Frere having seen said Viscount Combermere on the subject of his affidavit; and that he did so totally unknown to me; and I say that said Mr. Frere wrote to the effect requested by me in the clearest manner, and sent the letter by my brother who delivered it to said Viscount Combermere; and I say that subsequently to this, said Mr. Frere brought a sketch of the second affidavit of the said Viscount Combermere for me to look at; that no communication whatever had in the mean time taken place relative to this said second affidavit with my knowledge; and I say that I did not quite like being made a party to looking over said Viscount's affidavit; but it ended in my reading the sketch and objecting to the latter part of it because I believed that the main object said Viscount had in view, was to separate me from my husband; the part I objected to was as follows. "And I say that with these views he has been desirous of effecting a separation by voluntary agreement between the said D. O. Dyce Sombre and his wife, supposing the said D. O. Dyce Sombre to be competent to enter into such an agreement and to bind himself effectually to a due observance of the same; saith he deems such separation or some restraint voluntary or otherwise to be essential to the safety and happiness of the said D. O. Dyce Sombre as also for the safety of others who are or may become the objects of the jealousies and delusions aforesaid; saith he respectfully submits to the judgment of the Lord Chancellor, whether in this peculiar case such necessary restraint as aforesaid may or not be practicable, without subjecting the said D. O. Dyce Sombre to the said confinement, which is deemed necessary in ordinary cases of insanity; saith he verily believes that the said D. O. Dyce Sombre might be permitted with safety to himself and others to reside in foreign parts, and to have the whole of his income remitted to him

then to be at his own disposal, except such portion thereof as may be deemed proper to be allowed to his wife for her maintenance." And I say that in the margin of second affidavit of said Viscount, by the part which I objected to were placed the words as follows:— "Mrs. Dyce Sombre cannot approve of this suggestion or allow of "its being tendered to the Court by any one acting on her be- "half; she can never forego the hope she entertains of Mr. Dyce "Sombre's recovery and of her being enabled to live with him "again; and she is satisfied that if he were allowed to live abroad "where he pleases, and to have the whole or the greater part of "his income to spend as he pleases, he would be under the in- "fluence of designing and unprincipled people and would live "in a way to preclude all hope of his recovery." And I say that these words conveyed the same sense of what I said to Mr. Frere when I objected to the latter part of said Viscount's affidavit; and I say that in or about the month of July, 1844. I am informed and believe that my father on returning one afternoon to the Grosvenor Hotel park street, where he was at that time residing, found a paper in the hand-writing of Lord Combermere of which the following is a true copy:—"I called "to ask if I could have the pleasure of seeing you this evening, I "shall he happy to call upon you at any time you will fix after "9. Yours very faithfully, Combermere." And I say that I am informed, and believe that my father debated for some time, as to whether he had better see the said Viscount, but finally he decided on doing so, and wrote to the effect that he would call upon said Viscount, the following morning; and I say, that I am informed, and believe, that said Viscount's object in wishing to see my father, was for the purpose of proposing, and urging that I should separate from my husband; which my father told said Viscount, would he illegal and impossible; and I say, that in or about the month of July, 1845, I was informed that said Viscount had gone to Kissingen, had written to my said husband, who was at Brussels to go and see him there, which I believe said Dyce Sombre did; and I say that in the early part of the present year my father was informed, that the said Viscount had made another affidavit in this; whereupon, as I believe, he felt himself called

upon to avert, and prevent as far as lay in his power the mischief which said Viscount had made and was making with regard to myself and my husband. And shortly afterwards, he addressed a letter to Dr. Drever, the former intimate friend of my said husband, of which the following is a copy :—" Meaford, " February 21st, 1846. Dear Dr. Drever, as Lord Combermere " continues to be mischievous as regards Mr. Dyce Sombre, I " have made up my mind to expose his whole conduct throughout " this unhappy businesss. I do it with the greatest reluctance, " being naturally of a retired disposition; and I trust also a for- " giving one, for which reason I was willing to allow every false " assertion, so bitterly heaped upon me and mine to pass unno- " ticed and uncontradicted; but this forbearance on my part has " not been answered so far as regards Lord Combermere, and I " therefore feel myself called upon, in order to render him harm- " less, to make known circumstances, which appear to his ac- " ting in complete defiance and opposition to the letter he wrote to " his solicitor, Mr. Frere, and who was introduced by his Lord- " ship to Mr. Dyce Sombre, and acted for him in like capacity; " you may, perhaps, recollect that Mr. Frere, in an affidavit he " filed in the late proceedings in the Court of Chancery, introduced " this letter in which is the following expression or words to " that effect. That the Lord Combermere regretted to learn " from M. Frere, that his friend Sombre was in that state to " which he Lord Combermere thought him fast approaching " two months ago, and which rendered it necessary for some " measure to be taken for his protection, if only for the sake " of his unfortunate wife. You are aware that just twelve months " after this Lord Combermere filed an affidavit to the purport " that Mr. Dyce Sombre had never been insane, that the whole " thing was mere Indian fancy, which had ever existed, and " which Mr. Dyce Sombre only still retained, and his Lordship " went on to say, that he had endeavoured to dissuade me on " that account from allowing Mr. Dyce Sombre to intermarry in " my family, which I contradicted in the strongest terms in my " own affidavit at the time. But, if his Lordship ever did con- " sider, that Mr. Dyce Sombre was so entirely Indian in his

" ideas, how was it that according to Mr. Dyce Sombre's statement,
" yourself his most intimate friend and to my family also, that
" Lord Combermere was doing his utmost to promote a marriage
" between him and a near connection of his own? I wish you to
" write me an answer what Mr. Dyce Sombre said to you, on
" this subject, before his marriage. I am sorry to give you this
" trouble; but, I naturally attach weight to what you have told
" me relative to the opinion you have ever entertained of Lord
" Combermere's conduct, in reference to Mr. Dyce Sombre, because
" I am aware of the high respect and confidence Mr. Dyce Sombre
" had for you, which he displayed among other instances by re-
" questing you to take charge of his property in India, and which
" confidence I among many others know how well you merited,
" by endeavouring on every occasion after his marriage to reason
" him from those delusions, which I fear others attempted to
" foster, and which have terminated in so much misery to him-
" self, and those connected with him, and which repeated remon-
" strances on your part caused his quarrel with you. Believe me,
" dear Dr. Drever, yours, St. Vincent.—Thomas Drever, Esq.
" Jun., M. D." And I say that I am informed, and believe that my father received an answer to his letter from the said Doctor Drever, of which the following is a true copy :—" Hillswick, March 16th,
" 1846. Dear Lord St. Vincent, your letter of the 20th ditto, only
" reached me by last post, which will account for the delay. On
" my return from India, about the beginning of August, 1840.—
" I saw Mr. Dyce Sombre, at his new appartments, in Vere-street,
" when he mentioned that he was paying his addresses to his present
" wife, and asked me to accompany him to Park-street, that he
" might introduce me to Miss Jervis, which I did. He at this time
" mentioned, that Lord Combermere was most desirous to pro-
" mote a marriage between him and a near relation of his own.
" And when Lord Combermere in his affidavit states that he con-
" sidered Mr. Dyce Sombre so entirely Indian in his ideas, as
" to advise Lord St. Vincent against the match, it did appear to
" me most extraordinary, that he should still have wished such a
" connection for one of his own relations. Lord Combermere has
" been a considerable time in India, and in high situations, yet,

" his knowledge of Indian customs and manners could not be " considered great, as he is quite incapable of conversing with a " native, in the language of the country, and his opportunities of " knowing Mr. Dyce Sombre were but slight, for a short time " at the siege of Bhurtpore, in 1826, and two or three casual " visits. My own opportunities of knowing Mr. Dyce Sombre, " were much greater, being on terms of intimacy with him for " upwards of eight years, and for more than four years of this " period living in the same family with him. During the whole " of this time none of these, so called, Indian fancies, made their " appearance. Mr. Dyce Sombre lived for several years, at the " station of Meerut, in the family of a clergyman of the Church " of England (the Rev. H. Fisher), and was educated along " with his sons, who are now all either in the service of Her Ma- " jesty, or the East India Company. And on Mr. Dyce Som- " bre's leaving the family, he returned to the Begum's family, " where rarely a day passed that some of the servants of the " India Company, Civil or Military, were not at the Begum's " table. In November last I called with Captain Troup on a " Mr. Mahon, who I was given to understand, was a friend of " Mr. Dyce Sombre. On this occasion Mr. Mahon mentioned, " that all those in any way connected in Mr. Dyce Sombre's af- " fairs were to he served with notices in the course of two or " three days, that the whole business was to come on again, " before the Court of Chancery, that Mr. Dyce Sombre was com- " ing over immediately under the safeguard of the Lord Chan- " cellor, and that Lord Combermere was the guarantee to the " extent of 20,000*l*. or 30,000*l*., that Mr. Dyce Sombre should " conduct himself in a proper manner on this occasion. I men- " tioned to Mr. Mahon, that it did seem strange, Lord Com- " bermere should have stated in his affidavit that he had advised " Lord St. Vincent against allowing his daughter to marry Mr. " Dyce Sombre, on account of his being so entirely Indian in " his ideas, and yet be anxious that he should marry a con- " nection of his own; but, that if he mentioned the subject to " Mr. Dyce Sombre or Lord Combermere, they might be able to " explain it. On this same occasion, I mentioned to Mr. Mahon,

" that I had heard of the attack made on Mr. Dyce Sombre by " General Ventura, at Baden-Baden, which I regretted extre- " mely; but at the same time, it did seem extraordinary, that " Mr. Dyce Sombre should follow General Ventura from place to " place; and that Mr. Mahon might make enquiry of Mr. Dyce " Sombre, why he had taken such a dislike to General Ventura, " as the last time they parted in London, the General going to " the continent, and Mr. and Mrs. Dyce Sombre to the North, " they were on the best of terms, and yet Mr. Dyce Sombre had " no sooner got to Inverness, than he wrote to General Ventura to " call him to account for the attentions he had paid his wife in " London. This seemed rather to surprise Mr. Mahon. In the " affidavit which I made, in 1844, I was anxious to have men- " tioned the fact that Mr. Dyce Sombre had stated to me, that " Lord Combermere wished him to marry a near relation of his " own, but this was not considered necessary by the solicitor " Mr. Frere, whom I consulted on the occasion. Believe me, " dear Lord St. Vincent, yours sincerely, Thomas Drever." And I say that both before and after my marriage, my said husband was frequently with the said Viscount Combermere and his Lady. And I say that previous to my marriage my said husband David Ochterlony Dyce Sombre upon several occasions named to me, that said Viscount Combermere was desirous of promoting a marriage between said David Octherlony Dyce Sombre, and a near connection of said Viscount's. And upon one occasion, said David Ochterlony Dyce Sombre, informed me, that he had thought it right to put Lord Combermere on his guard on this account; (these were the very words said David Ochterlony Dyce Sombre made use of) and to tell said Viscount that whatever might be the issue of his courtship with me, he should try his chance. And I further say, that said David Ochterlony Dyce Sombre told me, said Viscount and Viscountess were not friendly to me for the reason aforesaid. And I say, that said Viscount was, as I believe, the last person my father would have consulted previous to my marriage, about said David Ochterlony Dyce Sombre, from his knowledge that said Viscount wished said Dyce Sombre to marry his own connection. And I say, that after my marriage

with said Dyce Sombre he was frequently with the Viscount and his lady, and invariably returned from his visits to them irritated and excited against me, and although he repeatedly made use of the expression that said Viscount and his lady were not my friends, still he would not refrain from going to them, and being affected, in the manner described by me, after his visits. And I say, that some of the things repeated by said Dyce Sombre to deponent, after his visits, were although trivial in themselves, and unworthy of notice, but upon a temperament so peculiarly sensitive as that of my husband, I have no hesitation in affirming that the effect they had upon him was to drive him to a state bordering upon madness, with excitement and irritation. Among the things asserted by said Dyce Sombre to have been named to him by the said Viscountess Combermere, were the following, that I had taken care to select; that I had a box at the Opera facing the Dandy box; that Lord Sandys had told her, the said Viscountess in confidence, he would rather have married the Devil than me, and that Lord Foley had also told her, the said Viscountess, the same. And I say, that I had no regular box at the Opera, but that before Easter, in 1841, in consequence of a death in the family, the Countess Dowager of Pembroke had given up her box, and I took it for a few nights before Easter. And I say that my father being on intimate terms with Lord Sandys, he named to him shortly afterwards what had been asserted by said Viscountess Combermere to said Dyce Sombre, whereupon said Lord Sandys denied in the strongest terms ever having said any thing of the sort to said Viscountess. And I say that my father did not speak to said Lord Foley upon the subject, and that all this caused me great unhappiness, and I named the cause of it to a few of my most intimate friends, among others to the Marchioness of Hastings, who spoke very seriously to said Dyce Sombre, and implored him not to continue the intimacy with said Viscount and Viscountess Combermere, as from the circumstance aforesaid it could be productive of no good results. And I say, that in reference to a portion of Lord Combermere's affidavit, I have only to refer to the affidavits of said Marchioness of Hastings, Miss Parker, Mr. Ricketts, and my own, to shew that to the utmost extent in my power I endeavoured to conform to the wishes of said hus-

band. And I say that I gave up my family, friends, and acquaintance, for this object alone, although remonstrated with by many of them, that it was injudicious and not likely to answer the desired end. And I further say, that a reference to my said husband's letters, after I was compelled to leave him, will shew any reasonable unprejudiced person, whether he was or was not attached to me. And I say, that I knew of many of the circumstances, detailed in this affidavit, at the time of the late proceedings in this matter, but I forebore to mention them, and regret very much the necessity of doing so now. And I say, that during the late proceedings in this matter in 1844, and before they took place, much was done by the party who conducted them, to endeavour to effect a separation between me and my said husband, both by threats and persuasions; but I hoped my said husband would recover, and we might be enabled again to live together, and feeling convinced that the object of those persons who at that time conducted the proceedings was to eternally separate me from my husband, I would not listen to it or to any thing which might tend to it. And I say, that two years have now elapsed, since the occurrence of the aforesaid circumstance, and I fear said Dyce Sombre has not had the good chance of recovery given to him, I had hoped would be the case, for although he has been travelling about, and varying the scene, he has been constantly engaged since the conclusion of the proceedings, in 1844, in preparing for another petition, which I fear, must necessarily cause his mind both excitement and irritation, very prejudicial to his recovery. And I say, that I have read the present petition of my said husband, and I wish to leave the whole matter in the hands of the Lord Chancellor, hoping that whatever His Lordship may decide upon, may be for the comfort, benefit, and happiness of my said husband.

M. A. Dyce Sombre.

Sworn at my house in John-street, Berkley-square, in the parish of St. George, Hanover-square, in the County of Middlesex this 29*th day of July,* 1846.

Before me,

J. W. Farrer.

At this time I received the following Communication from Mr. Mahon also.

"50, Grand Parade, Brighton.—August 23rd, 1846.

"My dear Sir,

"Having forwarded your letter to Lord Combermere, I received his Lordship's reply, giving me an interview at 10 o'clock on yesterday, so that I was obliged to leave this by 6 o'clock in the morning, and availed myself of it. I had the honour of *three hours'* discussion with his Lordship upon your affairs, fully entering into all points of your case; and I feel great satisfaction in informing you of the interest and great friendship his Lordship expressed for you, and his anxious hope that you would follow his advice. I will now endeavour to detail all the leading features of that conversation.

"When his Lordship came to speak of how he left you, he remarked: "We were in the constant habit of seeing Mr. Sombre "during our stay at Kissingen, he was frequently with us and "constantly accompanied Lady Combermere and myself in our "drives. I conversed with him freely upon different subjects, "and I have no hesitation in saying that I believe him fully "competent to manage his own affairs; and from all I have ob- "served and heard, I believe him to be most prudent in all his "pecuniary expenditure, and accurate in all his accounts and "dealings. *But* I must add with regret, that when his wife's "conduct is made the subject of conversation, he becomes very "much excited, and persists speaking of her in such a way, as "*even* to me appears foolish and inconsistent; as, he turned to

" me at one time, and said : My Lord, every one in London and " at all the clubs talk of her with C. F. I assured him that we " were a good deal out all last season, and that I never *heard* one " word against her; and if such were spoken of, I would have " heard it either at the clubs or in society, but such is not *believ-* " *ed* nor spoken of in London. And now, so long as Mr. Som- " bre persists in saying that his wife confessed to him that she " intrigued with her own father, no power will induce the Chan- " cellor to treat the matter but as a delusion."

" I replied : My Lord, may it not be possible that at one time Mrs. Sombre might have said to her husband, in order to vex and annoy him, and knowing his *disposition,* that she had intrigued with her own father? now if she had done so, it was for no other purpose; but surely such an explanation and construction would justify Mr. Sombre in saying so, who, I am sure, will see the necessity of putting such construction on it, by which he cannot nor will not compromise himself, and will say : " As I have no proof " against my wife, I am determined, constituted as the English " law is, not to enter upon the subject; but must think that no " woman can be so depraved, as to have incestuous intercourse " with her *own father,* and voluntarily confess it to her own " husband; so I think it must have been said for some purpose, " or to annoy me." " His Lordship replied that if you give such " answers, and were determined to keep yourself quiet for one " month in England, that the Commission would be *abolished.*" Lady Combermere and his Lordship promised to exert themselves, and prevail upon Mrs. Dyce Sombre to accept such an allowance, as the friends of each party should award her, upon her consent *to sign* a deed of separation. *I remarked* that it would be advisable *to make* the allowance which you *would* consent to give her, subject to a contingent *clause,* namely, that it should be continued so long as her moral character was unimpeachable, and that she was in no way to annoy you through herself or others on pain of forfeiture of said allowance.

" But bear in mind how greatly the alteration of your position would facilitate such an object; for those who are perhaps well paid for silence, would be glad to give their services, when they

find you in the country at the head of your fortune, whereas at present, even supposing her to be guilty, she will not come forward without being sure of protection. Remember we are without a shadow of proof of her guilt; so with this fact before us, I am in hopes you will not, contrary to the opinion of your sincere friend Lord Combermere, think it prudent to advance at present your *private* opinions; as possession of your rights must and ought to be your paramount object, to attain which you will see the necessity of sacrificing your own feelings a little; and depend upon it, that the time will soon arrive, when you must be placed in that position in which you may be enabled to collect *proof* to substantiate some of your assertions. But at present it is the firm opinion of Lord Combermere, that the Chancellor will do nothing while you adhere to such answers as you had given. Now I must tell you that *I myself* know from a certain quarter that the Chancellor is and will be kindly *disposed* to you; but he had a difficulty to contend with, which has been in a great measure removed by Lord Combermere, which was, that Mrs. Dyce Sombre having claimed the protection of the Court, and stating that she went in bodily fear of you, the Chancellor was obliged to give her his protection; but Lord Combermere has promised to remove this by pledging himself for you and entering into any security which the Chancellor may request to guarantee the Lady's safety. I am most anxious to hear from Lord Combermere, as he promised to inform me of the result of his interview with Madame; so I hope to receive it on Monday, when I'll forward it without delay. Major Mercer is not in town; he is a member of the *Junior* united club. I have written to him, and only wait his answer to effect your wishes. It is well understood that under *no* circumstances do we think it prudent for you to come to *England, unless* with the protection of the *Chancellor* allowing you the *option* of leaving England at any time pending the investigation and for some days after.

"I am happy to tell you, Lord Combermere fully approves of all I have done, and said he would write to you fully on the subject. He expressed a strong hope that you would be guided by his opinion and the line of conduct he has pointed out. He

promises to see Sir J. W. with me, and afterwards the Chancellor; but *now* all must depend upon you, and I am convinced your own judgment will coincide with that of your friend Lord Combermere.

"I hope I need not add that every exertion I can make has been and will be at your disposal.

"I have the honour to be,

Dear Sir,

Your most faithful Servant,

"A. S. Mahon."

A little before this, however, the Ministry changing, Lord Cottenham came to the Woolsack, and my petition for examination with the following affidavits coming before him, he first, before the Court rose for long vacations, granted me my application to be examined; and ordered Dover to be the place where Doctors Southey and Bright were to meet me. I repaired to Boulogne, and there waited for the Lord Chancellor's guarantee for my return, in case I were still found unfit to take charge of my property; and here the meeting between me and Mr. Mahon took place, where he made use of the language alluded to by Drs. Southey and Bright, in their Report of 1847. I had no alternative left, but to send Major M. White, late Political Assistant in Assam, to demand satisfaction of Mr. Mahon, who on his part appointed Colonel Douglas as his friend, and who fixed on Lord

Combermere, to be their umpire; these gentlemen decided that I should accept an apology, which is worded as follows:

—

Dover, September 11th, 1846.

"Sir,

"I beg you will on my part accept my deep regret and apology, that I did, while labouring under the impression that you rushed at me, and lifted your hands against me, and at the same time making use of certain offensive expressions in the presence of the ladies of my family, which induced me to strike you a blow—permit me to assure you, that under no other circumstances could I have done so, and *I do and did* deplore it more than words can convey and now beg to assure you the same feelings I ever entertained towards you and your interests still exist; and with a hope that they may be mutual

"I have the honour to be,

Sir,

Yours most obediently,

"(*Signed*) A. Mahon.

"Col. Dyce Sombre."

Now all this had been reported by me to the Lord Chancellor, whom I looked upon as my guardian before it took place. (See Doctors Southey and Bright's Report, of 1847.) Yet strange to say, though one word from his Lordship to his Secretary would have prevented all this, yet he never took any notice of it. This

is not all, but at Dover I had to wait about twenty days before the Doctors came; and in the meantime, though I wished to have payed a visit to Lord Metcalfe, who was on his death-bed, and who soon after died, the Lord Chancellor refused, nor would he allow my attendance at his funeral. In 1847 (for at Dover, the Doctors took no notice of the transaction), Drs. Southey and Bright asked me, why I had written to the Lord Chancellor what Mr. Mahon had told me at Boulogne. I said, as I was by the law considered a lunatic, and of course required his Lordship's protection. Dr. S., said : "But, what has the Lord Chancellor to do with such things." I said : "The Lord Chancellor seems to have every thing to do in taking away my property from me, but he has nothing to do in protecting me, for if I take notice of anything, of course, all acts of mine are those of a lunatic.

The following were the Affidavits sent to the Lord Chancellor, before he allowed another examination; remarkable however to say, that, though he had opened his Court, after the long vacations, in November, with my case, yet he did not give the order for my examination, but the very last thing before shutting the Court.

Affidavit of Pinkstan Blackwood

Of Brussels, in the kingdom of Belgium, Medical Doctor, aged upwards of fifty years.

Sworn before Her Majesty's Minister at Brussels, July 22nd, 1845. —Filed, January 22nd, 1846.

Say that having been requested on the 10th day of June last to visit professionally Mr. D. O. Dyce Sombre, and to give deponent's opinion on the then state of his health both bodily and

mental, deponent waited on and was introduced to him at the Hôtel de Belle-Vue.

Saith his bodily health required no attendance, having no complaint whatever, and in his mental state he was equally happy, being, according to deponent's judgment and from close examination and observation, as perfectly sane as any man could be under any circumstances whatever.

Saith that in conversation on general topics he the said D. O. Dyce Sombre was as lucid and clear as possible; and as to his own situation, he entered into the particulars freely, and explained to deponent the peculiar circumstances of his position with a clearness and precision quite remarkable, detailing to the present time his entire proceedings since he last left London, relating minutely his application to the Medical Commission at St. Petersburg to be examined touching the then state of his mind, reading over to deponent himself the Documents relating to that examination, and its result, which perfectly accords with deponent's own opinion, viz. that the said D. O. Dyce Sombre is perfectly sane and capable of managing his own affairs; his replies to any questions deponent put to him, were pertinent, clear and shrewd on any subject, and on the all-engrossing ones of his own case he was equally so, his memory was remarkably good; in short, he appeared to deponent, as before stated, as free from any appearances of mental alienation as any man deponent ever conversed with. Finding his object to be to obtain a medical certificate of the present state of his mental faculties, deponent recommended a more extended examination by an assembly of medical men of respectability at Brussels, which he cheerfully agreed to, and courted the most ample and searching examination; and accordingly it was arranged that deponent should meet Dr. Soutin, one of the king's physicians on the following day on consultation. Deponent saith, in the afternoon on the said 10th of June deponent dined with said Mr. Dyce Sombre at the house of a medical friend and remained in his society until 8 o'clock, when he retired to go to his Club. Deponent availed himself of this occasion to continue his scrutiny and observation; during, and after dinner, the said D. O. Dyce Sombre was very

temperate, eating sparingly and drinking only a few glasses of Champaign. His conversation and manner was as perfectly calm and self possessed as it was possible for that of any man to be, and altogether put out of the question any idea of mental alienation. *On the following day* deponent again saw said D. O. Dyce Sombre in company with Dr. Soutin. At this interview of two hours' duration deponent and said Dr. Soutin subjected and reiterated questions on a variety of subjects and especially in relation to his own affairs, *more particulary* those questions which had been suggested in the letter from Sir James Clark to Sir Robt. Chermside at Paris, on the occasion of the investigations which took place there, and which are set forth in that proceeding; the replies of the said D. O. Dyce Sombre to all which were given with the most perfect calm, self possession, and consistency; and were most satisfactory and convincing to deponent and said Dr. Soutin. Deponent afterwards put questions relative to Mrs. Sombre; he was not at all excited by them. On questioning the said D. O. Dyce Sombre relative to the Archbishop of Canterbury, he said he had been introduced to his Grace first by letter of introduction from the bishop of Calcutta; that he had afterwards seen him relative to his obtaining a dispensation for his marriage. At this period deponent and said Dr. Soutin questioned him on the subject of his having fancied himself to have been haunted by evil spirits, and also on the subject of the East India Company; his replies thereto were all most satisfactory and reasonable.

Saith the documents relative to the Commission at St. Petersburg were read over in his presence for the information of Dr. Soutin and deponent; in the course of the reading frequent pauses were made to put questions to him; to all of which and at each time he gave the most satisfactory and consistent replies; and in many instances the most convincing explanations on the points to which the questions related.

Saith the result of said interview was the joint conviction of Dr. Soutin and deponent, that the said D. O. Dyce Sombre was then possessed of a sound mind; but for their more perfect

satisfaction they recommended a more extended and repeated examination on the following day.

Saith that accordingly on the following day deponent met by appointment Dr. Soutin and Dr. Mahon, and remained with them two hours, during which period the said D. O. Dyce Sombre was present. All conversed with him separately and on a great variety of subjects, frequently and suddenly recurring to the incidents of his own case, questioning him again and again on those points on which it was considered heretofore he had a delusion. His replies thereto were always consistent and unchanged, and his whole demeanour such as to leave not a shadow of doubt on their minds of his perfect sanity and capability to manage his own affairs ; but to obtain still further proof at his own especial request, deponent and said other persons agreed to have a still more extended examination on the following day.

Deponent accordingly visited said D. O. Dyce Sombre on the following day, and met Dr. Soutin with the avocat Theyssen to take his instructions, and ascertain his wishes relative to the arrangements for the evening, and to advise the manner of legalizing the several documents according to the customs of this country. On this occasion the lucidity, perspicuity and tact of said D. O. Dyce Sombre were so manifest, as fully to confirm their former opinions of his perfect sanity and state of mind.

Saith that deponent believes and is firmly convinced that the said D. O. Dyce Sombre is now perfectly free from the slightest aberration of mind.

Saith that on the following day, viz. 14th June said deponent and other persons assembled again for the same purpose as at the former meetings. Said deponent and said other persons severally conversed with said D. O. Dyce Sombre on general subjects, and on some of the points of his own case. They found no change in his manner or demeanour or reason to change their former opinion. Mr. D. O. Dyce Sombre was prompt, clear, and lucid in his observations and replies to their questions, and they concluded to meet on Monday for the last time to terminate their enquiries and to form their certificate.

Saith they accordingly met on Monday the the 16th June, de-

ponent, the same gentlemen as before discussed the case carefully, and gave the certificate.

Saith that since said period deponent has been in the daily habit of seeing and conversing with said D. O. Dyce Sombre under every variety of circumstances, frequently dining with him at the table d'hôte, and in company with him at the house of a mutual friend at evening parties, playing cards with him both as a partner and adversary, frequently driving out with him in a carriage. In all and every of these situations deponent has observed him closely up to this day, and has not been able to detect any aberration of mind whatever.

Affidavit of the Rt. Hon. Viscount Combermere.

Sworn, January 23rd, 1846.—*Filed, January 23rd,* 1846.

Saith that in the month of August last he deponent was staying at Kissingen in Germany, where he met said D. O. Dyce Sombre, in whose society deponent frequently was, and with whom he had repeated conversations on various topics, and amongst them on that of his (said D. O. Dyce Sombre's) present unhappy condition, owing to the result of the enquiry that had taken place in England as to the soundness of his mind, now compelling him for his personal safety to reside abroad, and also on that of the several medical investigations or enquiries as to the real state of his mind, which he had since submitted to by the examinations of the most eminent physicians at St. Petersburg and afterwards by

physicians of the highest standing at Brussels, and also on that of his personal expenditure and accounts, as to which said D. O. Dyce Sombre invariably displayed great accuracy and acuteness.

Saith that at all times when he so saw and conversed with said D. O. Dyce Sombre, he, said D. O. Dyce Sombre showed no symptoms whatever of any unsoundness or irregularity of mind, but on the contrary invariably appeared to deponent to be in a perfectly sane state.

Saith that since his return to England he has written several times to said D. O. Dyce Sombre and received several answers from him in reply, from all which deponent hath every reason to think and believe that said D. O. Dyce Sombre's mind is now in the same sound state as in August last, and that he is perfectly capable of conducting himself as well as his affairs, safely, prudently and satisfactorily.

Affidavit of Richard Stegg

Of Bruges, in the kingdom of Belgium, formerly a Captain in the 22nd of Light Dragoons.

Sworn before Her Majesty's Minister, at Brussels, July 17th, 1845. —*Filed, January 22nd,* 1846.

Saith that he knows D. O. Dyce Sombre, and during said D. O. Dyce Sombre's residence in Brussels has met him frequently at dinner and other parties, as well as having visited him at his own Hôtel.

Saith that deponent has been much in his society and has conversed with him on various subjects and questioned him on the subject of his travels, etc.

Saith that he has invariably found said D. O. Dyce Sombre converse rationally without in any degree wandering from the subject, and upon subjects that he appeared not to be well acquainted with, he has asked the shrewdest questions with a view to information.

Saith that he recently accompanied Mr. Dyce Sombre on a visit, during which they inspected the arrangements of a Lunatic Asylum, on which occasion the conduct of said D. O. Dyce Sombre was rational and cool; he exhibited no excitement on the subject, and finally remarked, that however comfortable the arrangements might be, yet it was still a madhouse.

Saith that from his general observation in reference to D. O. Dyce Sombre, he is convinced that gentleman is now of sound mind and capable of managing his own affairs.

Affidavit of Henry Grove,

Late a Lieutenant-Colonel in Her Majesty's service.

Sworn, March 4th, 1846.—*Filed, March 9th, of the same year.*

Saith that in the month of October last he was staying at Baden-Baden in Germany, where during the period of three weeks he almost daily met the above-named D. O. Dyce Sombre at a public table d'hôte, at which he, said D. O. Dyce Sombre, and many

other persons of the first respectability in the place dined; and that he frequently sat next to and conversed with him (the said D. O. Dyce Sombre) as many visitors at the same table also did, upon a variety of topics, and that upon no such occasion whatever did the said D. O. Dyce Sombre ever betray the smallest symptom of insanity or the slightest aberration of mind. He deponent also was informed and believes that the said D. O. Dyce Sombre was at several evening parties given by Ladies and gentlemen as guests at the same table d'hôte, and that such parties of pleasure always passed off very agreeably and with much good humour, the said D. O. Dyce Sombre contributing his full share towards such amusements. Deponent has also danced in the same set with him at public balls, and has seen him whilst riding alone on horseback, treating his hired horse with great kindness, and invariably at all such meetings as aforesaid and upon all other occasions when deponent has been in his company, the said D. O. Dyce Sombre has conversed and conducted himself in the most gentlemanly, calm, correct and decorous manner possible.

Saith that since his, deponent's, return to England, and within the last three weeks he has had a friendly correspondence by letter with the said D. O. Dyce Sombre, which impresses him, deponent, with the opinion that he, the said D. O. Dyce Sombre, possesses a gentlemanly mind, much good sense, and a perfect understanding; and he, deponent, does not hesitate to say that in his judgment and belief, the said D. O. Dyce Sombre now enjoys a perfectly sound state of mind, and is fully capable of managing his own affairs.

Saith that he hath known and been well acquainted with D. O. Dyce Sombre for and during the period of several months and up to the present time.

Affidavit of the Honourable James Butler,

Of no. 23, rue Miromesnil, in the city of Paris, and now residing at Honfleur, in the Department of Calvados.

Sworn, July 11th, 1846.—Filed, July 16th, 1846.

Saith that he hath on several occasions during the time above mentioned met in society and visited the said D. O. Dyce Sombre, and that he hath had very frequent opportunities of remarking the conduct and manners displayed by the said D. O. Dyce Sombre, and that he the said D. O. Dyce Sombre hath always conducted himself with a scrupulous correctness and propriety of manners.

Saith that he hath frequently conversed with the said D. O. Dyce Sombre, and the said D. O. Dyce Sombre hath invariably displayed great soundness of judgment combined with a full and perfect activity of mind, and complete ability for matters of general business and affairs.

Saith that he believes the said D. O. Dyce Sombre to be of perfectly sound and reasoning mind, and that the deponent considers the said D. O. Dyce Sombre to be quite fit to be entrusted with the direction and control of his own property and capable of conducting and managing his own affairs both of a pecuniary and general nature.

Saith that in so far as his belief is concerned, the said D. O. Dyce Sombre hath been of regular and well-conducted habits of life during the period of deponent's acquaintance with him.

Affidavit of David M'Manus,

M. D., Aged fifty-three years, of no. 28, *Baker's-street, Portman-square, County of Middlesex.*

Sworn, January 22*nd*, 1846.—*Filed, January* 23*rd*, 1846.

Saith that in the month of January 1849, now instant, he was requested by the friends of said D. O. Dyce Sombre to see him professionally and to examine him, said D. O. Dyce Sombre, in Paris, as to soundness of mind generally, and also in particular upon all those points in which he, said D. O. Dyce Sombre, had been supposed and believed to labour under certain delusions, which caused the Court of Chancery to declare the said D. O. Dyce Sombre to be a lunatic.

Saith that deponent did previously to visiting said D. O. Dyce Sombre, carefully read the reports of all the former proceedings under the Commission in this matter, as reported in the *Times* newspaper of the following dates, viz. the 1st, 4th, 12th, 15th, 16th, 17th and 18th day of July and the 9th day of August, all in the year 1844, that last of which papers contained the Lord Chancellor's judgment in this matter, by which means he (deponent) made himself fully acquainted with all those points upon which the said D. O. Dyce Sombre had laboured under delusions.

Saith that during his, deponent's, sojourn in Paris from the 10th to the 15th days of January now instant inclusive, he frequently did see said D. O. Dyce Sombre and did examine him upon all those points; and deponent did put to the said D. O. Dyce Sombre divers different questions upon all those points, with a view of ascertaining whether he still laboured under delusion, viz. whe-

ther he, the said D. O. Dyce Sombre still suspected the infidelity of his wife? to which the said D. O. Dyce Sombre answered No,— that he had no such suspicions now. Whether the said D. O. Dyce Sombre supposed that holes were ever dug or made in the streets of London to upset him and his carriage? to which he answered that he (the said D. O. Dyce Sombre) felt convinced such never was the case [1].—And whether said D. O. Dyce Sombre supposed he was haunted by evil spirits or believed in them, to which he answered No.

Saith that having heard the answers of the said D. O. Dyce Sombre to all the questions so put to him by deponent, he deponent was convinced, and did declare it to be his belief that said D. O. Dyce Sombre was quite free from any such delusion as above referred to.

Saith that said D. O. Dyce Sombre laughed at the idea of his ever having supposed or recommended ladies to fight duels.

Saith that he (deponent) took frequent opportunities of examining said D. O. Dyce Sombre upon those points, and deponent found his answers clear and sensible.

Saith that he (deponent) also spoke to said D. O. Dyce Sombre upon several other subjects, such as the description and character of India, his travels to and from St. Petersburg, and deponent saith that his answers and the account which he gave were such as fully satisfied deponent that he is not a person labouring under a diseased mind or delusion of any kind.

Saith that said D. O. Dyce Sombre's general manner and behaviour, his quickness of perception and accurate memory are such as fully convinced deponent that said D. O. Dyce Sombre does not labour under any delusion whatsoever, and that he is fully capable of conducting his pecuniary and domestic affairs.

Saith that he, deponent, is fully convinced of the lucid state of mind of said D. O. Dyce Sombre, and that he is quite free from any delusion whatsoever for the following amongst other reasons, viz. that said D. O. Dyce Sombre has no *gloomy fear, suspicion or anxiety nor any false visionary ideas* (to drive him mad).

[1] I had never said it was.

That he is not dull of hearing nor talkative nor querulous. That his conversation is not irksome, nor the presence of friends disquieting to him, nor is solitude anxiously sought for by him. And that he has no absence or abstraction of mind whatsoever.

Affidavit of Stephen Hermann,

Of no. 2, rue Ponthieu, in the city of Paris.

Declared, and Subscribed before Her Britannic Majesty's Consul at Paris, July 13th, 1846.—Filed, July, 1846.

States that he declarant hath been in the service of the said David Ochterlony Dyce Sombre for the period of about four months up to the 6th day of this present month of July, but that he hath now left the service of the said D. O. Dyce Sombre.

That he hath during the whole of the above mentioned period been in personal attendance upon the said D. O. Dyce Sombre, and that declarant is perfectly acquainted with his private habits and conduct, and that the said D. O. Dyce has during the period above mentioned led a quiet and uniformly regular habit of life, and that the manners and personal bearing of the said D. O. Dyce Sombre have always been those of a gentleman possessing a perfectly sound state of mind.

Further distinctly saith that during the whole time declarant hath been in the service of the said D. O. Dyce Sombre; he the said D. O. Dyce Sombre has always shown a full and perfect pos-

session of all the powers of a well-regulated mind, and that he hath never displayed by any single action any incapacity whatever to conduct and manage his own pecuniary and general affairs.

That he makes this declaration, fully believing the said D. O. Dyce Sombre to be of perfectly sound mind, and capable of conducting and managing his own property.

Affidavit of Benjamin Gowen,

Of no. 2, rue Louis-le-Grand, in the city of Paris.

Sworn, July 8th, 1846.—Filed, July 14th, 1846.

Saith that he was formerly in the service of the said David Ochterlony Dyce Sombre from the 7th day of May to the 2nd day of June in this present year, and that he hath within the last few days again entered and now is in the service of the said D. O. Dyce Sombre.

Saith that he has during the whole of the above mentioned period been in constant attendance upon the said D. O. Dyce Sombre, and that he is well acquainted with his habits of life and general conduct.

Saith that the said D. O. Dyce Sombre has during the above mentioned period led a quiet and regular habit of life and that his conduct and personal bearing hath always been characterised by the perfect possession of a sound state of mind.

Saith that the said D. O. Dyce Sombre hath always displayed

during the period of deponent's attendance upon him the full and perfect powers of a sound mind, and hath always shewn a perfect capability of conducting, managing and directing his affairs.

Saith that he makes this declaration in the full belief that the said D. O. Dyce Sombre is capable of conducting and managing his own pecuniary and general affairs.

Copy of a Report by Drs. Southey and Bright.

"London, September 26th, 1846.

"My Lord,

"We beg leave to report to your Lordship the result of our examinations of Mr. Dyce Sombre, on the 21st, 22nd, 23rd and 24th of this month.

"During our first interview he manifested little reserve and entered readily into the history of his travels in Russia, Belgium and France after his escape from England in 1844. He spoke of his indisposition whilst at St. Petersburg, and stated that he had called in Dr. Handyside, a physician in that city; but nothing fell from him to evince his belief that the illness under which he laboured there had proceeded from deleterious ingredients put into his food. He said "there were causes enough" when he was in England, for his bad health, which arose entirely from the treatment he underwent with his wife and her family, and from the teazing examinations he went through. "Such treatment was

" enough to upset any mind, and he only wondered that his wife's " misconduct did not make him worse." He was quite well, he said, after his arrival at St. Petersburg, and, " he has been well " ever since." " He has now thrown the whole matter out of " his mind" and (to use his own expression), wonders " how he " put his foot in it." But it is quite impossible that he can live again with his wife. " She deceived him, and the Commission " which was taken out by her could not proceed from any good " intention on her part. She was ruining his health by her mis- " conduct." He then with some abruptness said : " But it seems " now to be another man." — " Both she and Mr. C. F. tried to " persuade him that it was Sir F. B." He afterwards said, that Mr. C. F. " gave him to understand, that he (Mr. C. F.) had " connexion with Mrs. Dyce Sombre." The Chancellor (Lord Lyndhurst) supported Mr. C. F., so that if he had taken any steps against Mr. C. F. they would have been of no use[1]. He suspected that General V. had followed him on the very night he escorted his wife to Stafford, and proceeded for improper purposes to the house of Lord St. Vincent with his Lordship's knowledge and sanction. Mr. Dyce Sombre afterwards challenged both Mr. C. F. and General V. Lord M. H. made him believe that he himself and others had illicit connexion with Mrs. Dyce Sombre. When pressed to say whether he still believed that Mrs. Dyce Sombre had been guilty with her own father, after some hesitation, and with an arch expression of countenance, he replied :—"I shall say *no* to that question." The peculiar look and manner with which that answer was conveyed, impressed us with a persuasion that his words were at some variance with his thoughts. With this exception, during the whole of our first interview, Mr. Dyce Sombre did not attempt to conceal his opinion of his wife's guilt. Our interview on the following day was of a different character. Mr. Dyce Sombre took an early opportunity somewhat abruptly to say " that his notions of Mrs. Dyce Sombre's infidelity were all delusions, and that he must say, that she is as virtuous and

[1] So says report; but steps were taken about him, but he proved himself a coward!

chaste a woman as ever lived." We are unwilling to lay much stress upon mere manner, but certainly there was something ironical in the tone in which these words were uttered, and Mr. Dyce Sombre seemed glad to have disburthened himself of a disagreable task. During the same visit he continued to talk of Mr. C. F. and General V. as persons who had deeply injured him. On the third examination he confirmed in most respects General V.'s narrative, but he stated that the General struck him at Baden-Baden without previous provocation at that time, and that instead of exposing his person to General V's. daughter, he himself was desired by General V. in the Hindostanee language, well understood by the young lady "to expose his person to her." He told us that Sir F. B. "had given him to understand that he had intrigued "with Mrs. Dyce Sombre," but he does not now believe that "Sir F. B. told him the truth, but that the Hon. C. F. was the "man." He added that "Count Nesselrode had told him that "every body talked of Mrs. Dyce Sombre's connexion with "Mr. C. F." At our last interview we thought it right to suggest to Mr. Dyce Sombre that convinced, as on a former occasion he alleged himself to be, that his former suspicions of his wife's infidelity were all delusions, it became his duty to express to Mrs. Dyce Sombre his deep regret that he had so seriously aspersed her character, to which he warmly replied: "How can I do so, "when she has often said in the presence of her father and "Lord M. H., that she was the greatest b.... in England.

"We do not think it necessary to dilate on the obvious contradictions, which every interview disclosed. Although Mr. Dyce Sombre may for a certain period suppress the latent delusion, yet when engaged in earnest conversation, its paramount possession of his mind betrays itself in spite of his efforts to conceal it. He is however much better on the whole than when he was last in England. Some of the delusions under which he then laboured, are no longer to be detected, such as his intercourse with spirits [1], and his belief that his food had been mixed with poison. His

[1] I never believed in spirits, Doctors Southey and Bright may say what they like,

manner is mild and gentlemanly, and he is more rarely excited. Nevertheless we are still convinced that his mind continues to be impressed with the notion of his wife's infidelity; and although for a time he has sufficient self-control to deny the existence of his delusion, he soon recurs to it, and reasons and acts upon that same delusion. There is indeed sufficient improvement to warrant the hope of his ultimate recovery; but he is still of unsound mind, and in our opinion it would be unsafe for himself and others to withdraw from him the protection of the Court of Chancery. He seems perfectly to understand the nature and extent of his property, and having been long accustomed to a large expenditure, he feels the inconvenience of an income comparatively contracted, which income, according to his statement, is not regularly paid. As it is desirable with a view to his ultimate recovery, that all cause of irritation should be as much as possible avoided, perhaps his allowance might be enlarged with advantage, and the payments made with greater punctuality; any small debts which he may have incurred should also be discharged.

"In forming our opinion in this case, we have had occasion to refer to the testimony of various medical men in this country and also on the Continent in favour of the sanity of Mr. Dyce Sombre, and we are disposed to attribute the different conclusion at which we reluctantly arrive, to the circumstance of their being ill furnished with the facts and early history of the case.

"We have the honour to be,

"My Lord,

"Your Lordship's faithful servants,

"H. H. Southey,

"J. Bright.

"To the Lord High Chancellor, etc., etc., etc."

Again time passed on, but in March following I wrote to the Lord Chancellor the following letter; but received no answer to it.

—

"Paris, March 9th, 1847.

"My Lord,

"My health suffers from remaining in Paris, and I cannot leave it for Spain, where I wish to go, on account of your Lordship not having given your judgment on my case yet, otherwise I would not be intruding on your Lordship's valuable time; but the facts are, my Lord, that I am so unfortunately situated from my property being all taken away from me under the plea of madness, and my circumstances reduced to 60*l.* a week, that I am even unable to pay my law expenses, otherwise Mr. Shadwell would not have been my man out of choice, for those that pretend to have claims on my property have said, or, at least, one of them has said, 'That if I employed Mr. Shadwell, they will ask from me nothing further.' This was said in the presence of Sir James Clark and others[1], and therefore it cannot be denied now, and your Lordship, from your superior experience, must know what that meant; for it must be recollected, my Lord, that Mr. Shadwell has been employed by Mr. Mahon, who had taken up my affairs in his hands; and since affidavits have been filed, and Mr. Mahon has himself declared that he did strike a blow at me, I have no hesitation in declaring that myself, that he not only struck me the blow, but, while partaking my hospitality at Boulogne, had declared that 'Troup (who must be recollected is one of those who claims the property in his wife's name) offers me 50*l.* for giving you a blow, but I will do it for nothing.' And of this I had informed your Lordship

[1] This was said by Mr. Solaroli in 1844.

before I left Boulogne for Dover.' Was that a gentlemanlike language, my Lord? and if I had taken it as an offence, would not there have been an affidavit filed against me as being mad? and I would not have been heard, and my own solicitor would have laughed at my face? which he has actually done, only in another case; for while at Dover waiting the examination of medical men, Mr. Shadwell came and told me to my face that Mr. Troup pays him to keep back my property being given to me. Who am I to trust to, my Lord, for it must be remembered that her late Highness the Begum, who left me her property, had satisfied all worldly demands in giving handsome legacies to those she thought had some right to expect, for she herself had no family; and when at her death I came into possession of the remainder, as a residuary legatee, I gave 20,000*l.* to each of my sisters, although in spite of the contrary advice of my friends, who knew that they would have paid even to get me confined either as a madman or a political offender, but, fortunately, I was known to the authorities in India, who had known me from my earliest infancy, and this could not be so easily accomplished. I consider, my Lord, that I am at liberty to dispose of my property as I like. They, I mean the present pretenders, cannot claim it in any way, for the Begum's will, which acknowledged me as her adopted son, acknowledges another person also in the same light, whose name was John Thomas; he himself is dead now, but he has left legitimate heirs[1]. I would not have entered in to all these details, but, my Lord, I am debarred from being rightly represented before your Lordship, and your Lordship cannot judge without knowing all truths.

"I have the honour to remain,

"D. O. Dyce Sombre."

[1] For if I have no power to make a will, the eldest of this family is the next heir.

Time again rolled on, until the Solicitor employed in this case, was to bring it on before the Lord Chancellor again; when he being asked for Affidavits, the following Affidavits were sent to him.

Joint Affidavit of

SIR ROB. A. CHERMSIDE, BÉHIER, J. F. OLLIFFE, AND DANIEL M'CARTHY, *Physicians, now residing, and practising in Paris.*

Sworn before Thomas Pickford, Her Britannic Majesty's Consul at Paris, May 15th, 1845.

States that they met in consultation on Wednesday the 12th May, 1847, and subsequently on Friday the 14th, at the request of Mr. Dyce Sombre, in order to enquire into his present state of mind, and to report thereon. Mr. Dyce Sombre stated that "he had been asked by his legal advisers to send affidavits to be presented to the Lord Chancellor; who had not yet given judgment in his case," and he directed their attention to a Report drawn up by Drs. Southey and Bright, bearing date the 26th Sept., 1846.

That they now proceed to give the result of their examination, which lasted two hours at each meeting. They first fully enquired into all the circumstances connected with the previous history of the case, and attentively discussed the points mentioned in the Report drawn up by two of them (Sir Robt. Chermside and Dr. Béhier), on the 13th October, 1843, in the presence of the Prefect of Police. They severally examined Mr. Dyce Sombre on those points, and then gave their serious attention to the conclusions of the Report of Drs. Southey and Bright, relating to the

impression, which seems to have been at one time so strong on Mr. Dyce Sombre's mind, of his wife's infidelity. Being closely questioned on this subject, he said that "he was ready to retract all the accusations he had made against her on this score; that now the question was to him of but little importance; that his feeling towards her was one of indifference, that the real subject of complaint he had against her proceeded from her having brought upon him all the evils consequent on the Commission of Lunacy; but that he could not consent to apologise to one who had so treated him; though he would clear her character, that he supposed he must have been labouring under a delusion when he accused her of misconduct with several persons."

On other subjects he answered most readily and willingly all the questions put to him. He acknowledged, for instance, that he was naturally of a jealous and irritable disposition, adding "that, in this respect, he partook of the character common to persons brought up in the East." He said that "of late and since he had been removed from the scene and causes of his troubles, he was less easily excited than formerly; that his feelings towards those whom he looked upon as adverse to his interests were not of an angry nature; they were rather marked by indifference; that he considered himself perfectly able to manage his property which was most unjustly withheld from him, etc. Respecting his intercourse with spirits, his explanations perfectly satisfied the deponents, that he was free from all the delusions on that head. With reference to his fears (to which the report above mentioned alludes) that poison had been mixed with his food, they were of opinion that these ideas (which he no longer entertained) originated in and were the traces of, the impressions so generally prevalent and accredited in India, of the existence and frequent employment of slow poisons and drugs producing deleterious effect on the animal system.

In conclusion, deponents consider Mr. Dyce Sombre of sound mind, and perfectly competent to manage his affairs; and they beg at the same time to point out the serious difference which must exist between a person reared like Mr. Dyce Sombre, in the midst of Eastern ideas and prejudices, and one who has been

from his childhood accustomed to the usages of European society.

Deponents cannot separate without expressing their surprise in perusing the last paragraph in the Report submitted to their notice, stating, that the physicians both in England and the Continent who had expressed an opinion favourable to Mr. Dyce Sombre's sanity had been "ill furnished with the facts and early history of the case."

Deponents feel themselves called upon to declare, that they have considered it their duty to enquire fully and minutely into all the facts connected with the early history of the case. In confirmation of their assertion they refer to the Report already mentioned signed by Sir Robert Chermside and Dr. Béhier in which, among other data, they were directed by a letter from Sir James Clark to Sir Robert Chermside, as well as by the evidence taken before the Commission of Lunacy.

Second joint Affidavit of

SIR R. A. CHERMSIDE, J. F. OLLIFFE, AND DANIEL M'CARTHY,
Physicians in Paris.

Sworn and Subscribed before Her Britannic Majesty's Consul at Paris, July 6th, 1847.—Filed, July 10th, 1847.

The undersigned Physicians were called in by Mr. Dyce Sombre on Monday July 5th, 1847, in order to enquire into his present state of mind, and to ascertain what change, if any, had

taken place in his mental faculties, since they reported on his case on the 15th May last.

They again examined Mr. Dyce Sombre on the various subjects canvassed in their former visits, and enumerated in the above-named Report, to which they refer for details. And they now, without hesitation, renew the declaration they made at that period, namely, that they are of opinion that Mr. Dyce Sombre is in the enjoyment of a sound state of mind, and perfectly competent to manage his affairs.

Mr. Dyce Sombre in the course of conversation with the undersigned, mentioned, that he was anxious to leave Paris, alleging that his health suffered from his continued sojourn there (a statement which was confirmed by Dr. Oliffe, his usual medical attendant). And he also expressed a wish to revisit India to look after his affairs and estates there.

Affidavit of Count Tabasz Krosnowski.

Sworn at Paris, July 9th, 1847.—Filed, July 13th, 1847.

I Count of Tabasz Krosnowski, a Lieutenant Colonel and a Chevalier, residing at Paris, Rue Basse-du-Rempart, n° 44, after having taken an oath before the Consul of Her Britannic Majesty, declare that I have known the above said D. O. Dyce Sombre for four years under the most favourable circumstances, having seen him on many occasions during that time at Lady Clavering's house, and met him in the best society of Paris, and especially I say that from the month of November last till the middle of the

following month of May, I have been habitually with him every week at Lady Clavering's house, and that since the month of June last I have habitually met him riding on horseback ; that the said D. O. Dyce Sombre has attended soirées at my wife's the Countess Krosnowski, in the year 1846 and 1847 ; that on his invitation I dined with him, that I have often played at whist with the said D. O. Dyce Sombre, a game the rules of which he seems to understand very well ; that on most occasions, when I met with him, we conversed on various subjects ; that I never perceived in the manners or observations of the said D. O. Dyce Sombre any thing that induced me to suppose that his reason was in the least injured ; that on the contrary my opinion is that he is a man of a sane judgment, who has the full use of his intellectual faculties, and in fine I must say that I have found his conduct perfectly proper.

Affidavit of Sophie de Grefeuille.

Sworn at Paris, July 10th, 1847.—Filed, July 13th, 1847.

I Sophie de Grefeuille the widow of Mr. Noirot, keeping the Hôtel "la Duchesse de Kent," rue de Rivoli, at Paris, and residing there, after having taken an oath before the Consul of Her Britannic Majesty, declare that the above said David Ochterlony Dyce Sombre arrived at my hôtel for the first time on the 31st of March 1845, and that he remained there till the 9th of June of the same year ; that he entered it again on the 1st of September next, and that he remained there till the 20th of June 1846 ; that he enter-

ed it again on the 10th of July of the same year, and that he left it again on the 28th of the same month; lastly that he returned to my said hotel in the month of September 1846, and that he has remained there to this day. And I declare that since the above said D. O. Dyce Sombre has been in my hotel I caused to be delivered to him habitually every fortnight his bills of meals, apartments and other expenses, and that before settling for those bills, he always examined them carefully, and that if there happened to be any error, as for instance if a single day too much was charged him for his apartments, he did not fail to perceive it, and to require that it should be rectified. And I declare besides that after all I have seen during all the time that the said David Ochterlony Dyce Sombre has lived in my house, I consider that he is by no means prodigal of his money, and that he is quite able to protect his pecuniary interests and to conduct his own affairs; and lastly I declare that neither in my conversation with the said D. O. Dyce Sombre, nor in his manner have I ever perceived the least symptom of mental aberration; on the contrary, I always considered him since I knew him, as a man enjoying quite fully his intellectual faculties.

And now nearly twelve months had elapsed, over the last examination, before the Lord Chancellor would allow another examination, although the law, I believe, allows a lunatic to be examined, if he wishes for a supersedeas, every three months. This time Brighton was selected for this examination, and as usual I had to wait several days, before the Doctors came, under pretence of one of them being absent from London; at last they made their appearance, and on the first day of examination, the Marquess of Downshire having gone with me to the hotel, where the Doctors were, he was told by the Doctors, that the Lord Chancellor's orders were, that there should be no one present at the examination. And he was obliged to go away; so when left alone

with them, I of course said, what they wished me to say, for they had often told me, in plain words both in London in 1844, and at Dover in 1846, that until I denied some facts, I should never be out of Chancery; however, in spite of all this, they sent the following report:

Copy of a Report by Drs. Southey and Bright.

"August 5th, 1847.

"My Lord,

"In obedience to your Lordship's orders we visited Mr. Dyce Sombre at Brighton.

"If on our last examination of this gentleman we found it difficult to make a satisfactory report, on the present occasion our difficulties are not diminished. We then stated that we found Mr. Dyce Sombre's mental condition much improved, and he has since that period acquired much more self-control. In our first interview at Brighton we examined him on the various affidavits filed in proof of the continuance of his malady, as well as on the letter addressed by him privately to your Lordship, bearing date March 9th [1].

"To some of the allegations contained in these affidavits he gave a positive denial, and others he endeavoured to explain away.

"He admitted substantially the whole of the statement made by the Baron Solaroli, and asserted positively that the Baroness, his reputed sister, was not born in wedlock, although believing her to be so, at the time when he attained possession of his pro-

[1] See page 229.

perty, he had given her 20,000*l.*; the fact of her illegitimacy, he said, was communicated to him by the late Lord Metcalfe, and was afterwards confirmed by Mr. Prinsep. We regret that we have no means of ascertaining this question of fact, as, if unfounded, it would throw much light upon the state of Mr. Dyce Sombre's mind.

"He afterwards told us that Messrs. Vizard and Leman, his former solicitors, had betrayed his cause, and that Mr. Shadwell, his present solicitor has been bribed by Captain Troup to defeat, by all the means in his power, his present application to the Court. Such groundless aspersions on the characters of gentlemen of unquestionable integrity and honour appear to us to be marks of the same mental disorder which led him to suspect the fidelity of his wife.

"In reference to the extraordinary letter addressed privately to your Lordship, he asserted that Mr. Mahon had tried to provoke him, and had told him that Captain Troup had offered him (Mr. Mahon) the sum of 50*l.* if he would knock his eye out, and that Mr. Mahon had said in reply, that he would do it for nothing, and had accordingly struck him with such violence, that one of his eyes was swollen and discoloured for some days afterwards. When he was asked what was his object in writing to your Lordship on such a subject, he stated that his wish was to obtain from the Court such a sum of money, as would take him out of Mr. Mahon's hands, and enable him to change his solicitor.

"Our enquiries at our next interview were directed to the subject of property, and he seemed to us to have very clear and distinct notions of the nature and extent of his own property, as well as of the value of money in general.

"He stated spontaneously that in September last, immediately after our visit to Dover, on thinking over the subjects of our conversation with him, he became convinced that he had until that moment laboured under delusions respecting his wife's infidelity, and that he had abandoned such notions from that time, and had moreover in the month of May last, signed a document, the purport of which was to exonerate her from all suspicion. When pressed by us, he maintained that the present statement was

not made at the suggestion or dictation of any professional or other adviser, but proceeded entirely from his own conviction. Still he would not allow that he entertains any affection for his wife, although he admires her beauty.

" He declared that he could not live with her again, assigning as a reason the incompatibility of their tempers. Being urged to express to her by letter the regret that he must feel at having by his unfounded accusations deeply injured the feelings of an amiable and innocent wife, he said he would not do so without consulting his lawyers; adding that if he were to act upon the impulse of his own heart, he should never obtain his freedom from the Court of Chancery.

" It is difficult to believe in the entire removal of the delusion in question, whilst any feeling hostile to Mrs. Dyce Sombre seems to subsist, and it appears natural to expect that some expression of sorrow should have been tendered towards those individuals whom he has accused of improper intimacy with his said wife during the many months that have elapsed since his alleged recovery.

" It is very satisfactory to us that Mr. Dyce Sombre has admitted that he laboured under delusions up to the time when we parted with him at Dover, thus proving the correctness of the opinion we formed of the then state of his mind, and at the same time removing the weight of the foreign and other medical opinions in his favour up to that period.

" In conclusion we are bound to admit that we were unable to elicit any positive delusion under which Mr. Dyce Sombre labours; though at the same time we regret to add that we feel no confidence that he is entirely free from such delusions. When we consider the length of time during which his malady has continued, and the self-command by which he has been enabled to deceive so many physicians both foreign and English, we cannot but hesitate in giving credence to his own statements, nor, because he tells us that in September last he became satisfied of the injustice of his notions respecting his wife, can we therefore conclude that he is now perfectly sane.

" So far as respects the management of property, we entertain

no doubt of his competency to take care of it, and we think that if he were entrusted with the surplus of his unappropriated income, one great cause of uneasiness would be removed; for there seems no doubt that much painful feeling has rankled in Mr. Dyce Sombre's mind from the reduction of his allowance to an amount so much below the rate of expenditure at which he formerly lived.

"We are of opinion that the tranquillizing influence of foreign travel on which his mind seems now bent, might operate favourably on his health; and we think the continuance of that source of irritation to which we have just adverted, must tend to retard a recovery towards which he seems already to have made some advance, although we are not enabled as yet to announce his perfect restoration to sanity.

"We have the honour to be,

"My Lord,

"Your Lordship's very humble and obedient servants,

"(*Signed*) J. Bright,

"H. H. Southey.

"To the Lord High Chancellor."

Copy of the Lord Chancellor's Order,

Dated, September 8th, 1847.

"Wednesday, the eighth day of September, in the eleventh year of the reign of Her Majesty Queen Victoria, and in the year one thousand eight hundred and forty-seven.

"In the Matter of David Ochterlony Dyce Sombre, Esq., a Person of Unsound Mind.

"Whereas the said D. O. Dyce Sombre did on the 17th day of June 1846 prefer his petition to me in the above matter, praying amongst other things that I would order an examination into the state of his mind, or that he might be restored to the management of his property, and that the masters in Lunacy might be directed to enquire and state what sum should be allowed for the suitable maintenance for the Honourable Mary Ann Dyce Sombre, and that such allowance might be paid to her, and that what should remain of the Petitioner's income after paying such allowance, and all the necessary costs and charges in this matter, might be paid to the said petitioner or as he should direct; and whereas the Honourable Mary Ann Dyce Sombre and Thomas Hawe Parker, the Committees ad interim of the person of the said D. O. Dyce Sombre did on the 9th day of February last prefer their petition to me, stating, as therein is stated, and praying amongst other things, that it might be referred to one of the Masters in Lunacy to enquire and certify, whether any and what course of treatment should be adopted, and any and what course of life was proper to be pursued by the said D. O. Dyce Sombre for the pur-

pose of promoting his recovery, and whether he should travel either in this country or in any and what part or parts abroad; and whether Mr. Warwick should be continued, or any and what other person be employed to reside with or accompany the said Mr. Dyce Sombre, and that the Master might enquire what allowance would be proper to be made for the maintenance of the said Mr. Dyce Sombre; and whereas the said D. O. Dyce Sombre did on the 6th day of July last prefer his further petition to me in the said matter, praying amongst other things, that the Commission of Lunacy which issued against him, might be superseded or that he might be restored to the management of his property, and in order thereto that he might be examined, if I thought it necessary, by physicians to be appointed by me touching the state of his mind; and whereas the said respective petitions having been several times in hearing before me, in the presence of Mr. Rolt and Mr. Shadwell, of Counsel for the said D. O. Dyce Sombre, of Mr. Bethell and Mr. Calvert of Counsel for the Honourable Mary Ann Dyce Sombre, and Thomas Hawe Parker, of Mr. Tinney and Mr. Lloyd of Counsel for John Pascal Larkins, the Committee of the Estate, and of Mr. James Parker and Mr. Moore of Counsel for the next of kin, and the said D. O. Dyce Sombre having pursuant to my directions been visited and personally examined by Dr. Bright and Dr. Southey; now upon reading and considering the report of the said Doctors, bearing date the fifth day of August one thousand eight hundred and forty-seven, and the several affidavits filed upon the said respective petitions, I do think fit and hereby order that John Warwick, who under the authority of the order in this matter bearing date the nineteenth day of December one thousand eight hundred and forty-four has been employed to attend the said D. O. Dyce Sombre for the purposes in such order mentioned, be forthwith discharged from such attendance, and that so much of the said order as relates to the employment of some person for the purpose of attending the said D. O. Dyce Sombre in manner therein mentioned, be now discharged. And I do think fit and hereby further order, that the whole of the clear available income to arise from time to time from the estate of the said D. O. Dyce Sombre, after defraying

all costs, charges, annuities, incumbrances and other outgoings to which his estate may be liable, and which may have been constituted under any orders or orders in this matter or otherwise, including the allowance of four thousand pounds per annum to the Honourable Mary Ann Dyce Sombre under the order in this matter bearing date nineteenth day of December one thousand eight hundred and forty-four be allowed and payed to the said D. O. Dyce Sombre for his maintenance and support for the time to come until further order. And I do hereby further order that after payment of, or making provision for the charges and incumbrances aforesaid, and the current outgoings incident to the management of the said D. O. Dyce Sombre's estate, the said Committee do from time to time, pay the surplus income which shall remain in his hands to the D. O. Dyce Sombre or as he shall direct, such payments to be made quaterly, commencing from the day of the date of this my order.

" (*Signed*)

" COTTENHAM."

While the examination at Brighton was going on, a lawyer from London came one afternoon to the Hotel where I was then residing, and showed me a summons desiring my attendance in town. I told him I would not go; in the first place, I did not recognise the debt, on account of Sudbury bills, which I had settled through Lord Marcus Hill, in the year 1843, and secondly, I could not leave Brighton, on account of the Lord Chancellor's orders, and I gave him back the paper which he had put in my hands, and which was taken out at the instance of Mr. Coppeck, of 3 Cleveland-Row, St. James's; a lawyer employed by certain parties at elections, but whose claims, if I had any remaining, I had already settled as stated before. The lawyer said: "Sir, this is quite enough, we only wanted to know whether you would wish to settle it yourself, or whether it should be paid out of your estates;" and left me. I was not a little

astonished, however, when I went to Rome, a few weeks after the occurrence, to see an account in the public prints one day of a claim of 900*l*. brought against me, by Mr. Coppeck, in the Court of Chancery, and as there had been two members for the borough of Sudbury, the Lord Chancellor very rashly disposed of it in a summary manner by ordering half of the amount, to be paid out of my estate, and when I wrote to my Solicitor, he sent me a very laconic answer, that, "he knew nothing about it," and when I appealed to the Lord Chancellor—of course, there was no answer. Dead men are never heard, otherwise they would be taken for ghosts; and such is the case with the Chancery Lunatics. I am a dead man, according to the existing law!

Hearing something in the papers, that the manager of my estate had drawn some money from the Court of Chancery, I asked him for an explanation through my Solicitor, and he received the following reply from Mr. Larkins's man of business :

—

"31, Bloomsbury-square, June 15th, 1848.

"Dear Sir,

"The objects of Mr. Larkins's petition, to day heard and granted, are :—

"1st. For an Order to the Accountant General to pay Mr. Larkins the dividends of the fund in Court since 8th Sept. 1847, and hereafter to arise, in order that Mr. Dyce Sombre may receive the surplus of this in addition to the other sources of income. Under former Orders these dividends had been directed to be accumulated and invested, and therefore an Order was necessary to enable them to be received by Mr. Larkins and applied under the Order of 8th September 1847. This Order of the day therefore adds between

1,100*l.* and 1,200*l.* a year to Mr. Dyce Sombre's surplus income.

"2nd. For an order to pay any debts received by Mr. Larkins into Court. This will thus form part of the fund in Court, and Mr. Dyce Sombre will receive the additional income arising from them.

"3rd. For an order for taxation and payment *out of income accrued before Sept. 8th.* 1847 of the costs as to Mr. Coppeck's claim and its being opposed and compromised, and of the petitions in the supersedeas matter of February and July 1847. As the greater part by far of these costs were incurred before the 8th Sept. 1847, it was not thought in accordance with that Order that they should fall on Mr. Dyce Sombre's surplus income of this year, and they have therefore been directed to be paid out of the income of the previous year.

"Mr. Dyce Sombre has drawn upon Mr. Larkins for 1,500*l.* due 8 inst. which Messrs. Coutts have been directed to pay.

"We are,

"Dear Sir,

"Yours truly,

"HENDERSON and HILLIARD.

"Charles Shadwell, Esq., Gray's-Inn."

We will now see how far the Lord Chancellor's order has been obeyed; for out of an income of more than 20,000*l.* a-year, I have only received, from the 8th of September, 1847, to the same date in 1848, 7,318*l.* 5*s.* 0*d.*; the 1,500*l.* that were paid in December 1848, were for the fifth quarter of the second year, and allowing the 4,000*l.*, which the Lord Chancellor unjustly directs should be paid to Mrs. Dyce Sombre, where does the rest of the money go? for according to the Chancellor's order of the 8th of September, 1847, quoted above, I was to receive the full amount of the surplus balance, and all my lawyer's bills have been paid by myself or by Mr. Mahon according to our agreement.

My income ought to be as follows:—

4,400,000 Rupees in the East India Company's Papers at Calcutta, giving 4 per 100 per annum (including the trust-money which has been sent to England, the accounts of which, as will be shown hereafter, have been taken away from me while I was confined at the Hanover Lodge, Regent's Park)	*L*17,600
Increase on 65,000*l*. invested in Railway-shares (difference between 6 and 4 per cent per annum)	1,700
Interests on 6,000 East India Stock	630
Increase, according to Mr. Henderson's letter just alluded to.	1,150
Total.	*L*21,080
Received through Mr. Larkins.	7,318
	*L*13,762
Giving 1,000*l*. a-year for expenditure in India (as ordered by Lord Lyndhurst) and 4,000*l*. for Mrs. Dyce Sombre, would make	5,000
Remain (Still due)	*L*8,762

Besides the accumulations of the last six years, for the first year I only received about 2,000*l*., the 2nd year only 400*l*., which was at St. Petersburg, an order from Messrs. Coutts for 10,000fr., the 3rd, and 4th year I got 60*l*. a-week, and the last year what the Chancery terms it, the whole of my remaining income which instead of being 16,000*l*.; as shown above, produced only a little more than 7,000*l*., the accumulation of these past years will of itself produce between 60 and 70,000*l*. more on the principal.

What becomes of this, no one will answer me; and when I

wish Mr. Larkins to show me the accounts, he writes as follows, and the Lord Chancellor, as usual, is deaf to my appeals.

—

"Upper Seymour-street, Portman-square, December 20th, 1848.

Sir,

"I have the pleasure of informing you, that the Master has now finally audited the account, and that in accordance with the request contained in your letter of 19th instant, I have paid to Messrs. Rothschild the sum of 478*l.* 5*s.* being the balance of the surplus income for the year ending 8th Sept. last.

"The following is a summary of the payments and remittances which have been made to you and on your behalf in respect of that year's income:—

		L.	*s.*	*d.*
September 14th, 1847 to Dec. 18th, inclusive,	Fourteen weekly payments of 60*l.* per week, remitted to you through Lafitte, and Co.	840	»	»
December 13th, 1848	Remitted to you through Lafitte, and Co.	1,500	»	»
May 26th,	Paid Amount of Bill drawn by you .	1,300	»	»
June 5th,	Paid do.	200	»	»
June 15th,	Paid do.	1,500	»	»
October 13th,	Paid do.	1,500	»	»
December 13th,	Paid Messrs. Rothschild from your Order	1,500	»	»
December	Paid do. Balance of the year's account	470	5	»
	Total amount paid in pursuance of the Lord Chancellor's Order for Surplus Income of the year ending the 8 of September, 1847.	8,818	5	»

Thus, after deducting the fifth quarter, as paid in December 1848, for the second year, the total sum thus reduced will only be 7,318*l.* 5*s.* 0*d.*

"With respect to your request to be furnished with a copy of the account, I have before explained to you, that although I am ready to give you every information which is consistent with my duty, I am advised by my Counsel, that I cannot with propriety comply with your wish, and that the Master will not sanction my doing so.

"I remain,

"Sir,

"Yours truly,

"J. P. LARKINS.

"D. O. Dyce Sombre, Esq."

An appeal to the Lord Chancellor, as it will be shewn hereafter, was made, but proved to be useless.

It is extraordinary, also, that the 6,000*l.* East India Stock, which I had in my name, disappeared after I was taken to Regents Park, Hanover Lodge, though I had vouchers for the same in my iron-box, which had been taken from me by Sir James Clark and made over to Mr. J. Frere. Although it would look to an ordinary reader that this sum is only 6,000*l.* it was worth more than 15,000*l.*, and gave three notes at the India House. Finding that my name had been struck out of the list of Proprietors, I wrote to the gentleman who is at the head of their Secretariat, and I received the following reply from him:

—

"East India House, April 1st, 1847.

"Sir,

"I have the honour to acknowledge the receipt of your letter of the 29th ult. enquiring why you do not see your name amongst the list of proprietors of East India Stock, in respect of the sum of 6,000*l.* of such stock which you very correctly state you pos-

sessed up to the end of March 1843, when you observe that the control of your property was taken from you.

"And I beg to inform you in reply, that under an Order of the Lord Chancellor, made on the 29th of March 1844, the 6,000*l.* East India Stock in question, which was then standing in your name, has been transferred into the name of the Accountant-General of the Court of Chancery to your credit.

"I have the honour to be

"Sir,

"Your most obedient humble servant,

"James C. Melvill.

"David Ochterlony Dyce Sombre, Esq."

Why this stock has not been made over to Mr. Larkins, who has charge of the other property, I cannot make out; and the vouchers which were in the iron-box and which was forced open, in the presence of Messrs. Troup and Solaroli, are still not to be found; at least Mr. Larkins has not got them; the latter of these gentlemen (Mr. S.) I presume, would have made a very little scruple about making away with them, had they lain in his way. It is a grave charge indeed against Sir James Clark, for while confined in the Hanover Lodge, he as usual brought me some opened letters one day (for they used all to be opened before given to me), and amongst the rest a letter from the Government-Agent in Calcutta, giving a detailed account of the monies sent over to this country, and what now remained in his hands. I inadvertently showed it to Sir James Clark. Not two days had passed, when Sir James Clark authoritatively demanded this account to be delivered to him, and when I was obliged to make it over, he brought me another account the next day which, however, must have come at the same time; (for no other Indian Mail had arrived

since then) but, which merely gave a detailed account of what was then in his hands, and left it with me. So to this day I cannot tell how much money has been remitted from India, for Mr. Frere, of 6, New-Square, Lincoln's-Inn, who was then my Solicitor, having turned against me, does not give up these accounts; and Mr. Shadwell, who is employed now, says it is not his business. The Lord Chancellor, as heretofore, is deaf to my applications. I do not know what excuse Sir James Clark can make to this, and to whom he made over the account which he so forcibly took from me, is for him to answer and show.

Some papers having been given by me to Dr. Drever, I desired Sir James Clark to write to Dr. Drever to send them to me; and the following letter will show that these papers are still in the hands of Dr. Drever; and why he does not make them over to Mr. Larkins, he ought to justify himself; for they would throw great light upon these transactions.

—

"January 24th, 1843.

"Dear Sir James,

"I am not aware that I have any papers of Mr. Dyce Sombre in my possession, with the exception of some notes[1] connected with the investment of the money of the marriage-settlement.

"I remain,

"Yours truly,

"F. Drever."

[1] He calls them notes, but they were letters received from Major Craigie, about these remittances.

Now comes the statement respecting Mme. Solaroli's birth, as the Doctor's report makes it a doubtful delusion on my part.

With respect to her birth the following letters, both from myself and others, will throw more light on the subject, than anything that could be said about it. Sir Charles Metcalfe never denied it, as stated by the Doctors; on the contrary, Mr. Prinsep writes to me on that subject, in his letter dated January 26th 1848, as follows:

—

" My dear Sir,

" You are quite right; Lord Metcalfe's observations as to the fact of you and your sister having always been looked upon as children of the marriage of Col. Dyce with the younger Begum applied only to Mrs. Troup. Of Madam Solaroli he could not speak with equal confidence. I myself had heard that she was not your full sister; but as this is the very first occurrence on which you have said anything on the subject to confirm or remove the impressions I had formed, I would not myself be the first to impute illegitimacy. This is the reason why in writing to you I have made no distinction when mentioning Mrs. Troup or Madam Solaroli with reference to their parentage. I did not know the fact, and have always felt that all depended upon your own declaration. Lord Metcalfe said he was not sure, and though he had doubts, he did not, I think, make any positive assertion; for if he had told me he knew Mrs. Solaroli was a daughter by a mistress, the impression would have remained, and I should not afterwards have written and spoken on the subject with doubt. It is a fact however of which you must be probably cognizant, and I am glad I know it now, etc.

" *Signed:*

" J. H. Prinsep."

Lord Metcalfe may not have wished to have told all particulars to Mr. Prinsep, which he did to me, as well as to Lord John Russell, and the late Lord Melbourne. Yet he did tell him, that he had his doubts about her. Here is a copy of my statement, sent to my Counsel :

Copy of my Statement to Mr. Rolt.

The facts of Madam Solaroli's birth are these. She was born in 1815, out of a mistress. As this child was good-looking, the father prevailed upon his wife to allow her to be brought up with her as one of their child's playmates, who is now Mrs. J. R. Troup, but who then was only three years of age. All that I know of the case is this, that having been separately brought up under the care of the late Begum, commonly known as Her Highness the Begum Sombre, that at the time of my mother's death, which happened in 1820, I was at school, but on my joining the Begum soon after, to pass a few weeks holidays, I remember seeing them both with her, and was told, that at my mother's death they were taken to the Begum, to be taken care of; and when the time came for their returning to their father he would not take them back.—Colonel Dyce Sombre lost the Begum's service in 1827, leaving these ladies under her charge; but in 1830, when the Begum wanted to bring them away from Dehli to Sirdhana, Col. Dyce objected to their removal, and a reference to the British Resident, as the Governor General's representative is called there, was the result; consequently Mr. William Byam Martin, of the Bengal civil service, who held this office at the time, was applied for to be the arbitrator.

Mr. Martin decided, that as the ladies were of a proper age to answer for themselves, that they should be asked what they wished themselves on the subject, and he desired his assistant Mr. C. Trevelyan, to call on them for that purpose. Mr. Trevelyan accordingly went, and had an interview with them; and on his putting them the question, he was answered, that they wished to go to the Begum.—This was accordingly allowed, and they joined her soon after that at Sirdhana; this took place in 1830.

Now Mr. W. B. Martin as well as Sir Charles Trevelyan, who is now an Assistant Secretary of the Treasury, are both living in London, and can speak to the facts as having come under their official investigation; and no one, as I understand now, doubted of the illegitimacy of Madam Solaroli's birth at any time. Another point also, is too glaring not to come under particular observation; namely, that while Col. and Mrs. Dyce's two children were baptized soon after their birth, this natural child of his was allowed to remain without baptism until within a few weeks of her marriage, when she was more than sixteen years of age.

Signed:

D. O. Dyce Sombre.

Here are two letters from Major Bere, late of Her Majesty's Lancers, addressed to me. Major Bere had drawn out the Begum's will, and was in the secret.

—

"Junior U. S. Club, Tuesday evening, 14th, half-past 4 o'clock.

"My dear Dyce,

"I have only this moment received your note:—"I have no "hesitation in saying that I always understood Mrs. Solaroli to "be a natural daughter, although brought up by the Begum.— "I had better call on your attorney and explain to him all I "know about it. If you will be home to-morrow between 2 and "3 o'clock, I will call upon you, and we can then go together "to your lawyer's if you think proper. Believe me,

"Yours ever,

"Edwd. Bere."

—

"Junior U. S. Club, Wednesday evening.

"My dear Dyce,

"I went to see your attorney, but he was from home, however I saw his clerk, and he agrees with you, that my affidavit would be of great use, if I could prove that Madam Solaroli was only half sister; he has taken my address, and thinks some of these days my evidence may be of use; but at present, until the result of the opinion of the Doctors is known, nothing can be done; and from all I hear, that is very likely to be favourable.

"How came Solaroli a Baron?

"I shall see you on Friday at 7 o'clock.

"Yours very truly,

"Edward Bere."

Here is an Affidavit of another Gentleman, who knew the parties in India.

—

Copy of an Affidavit of Dr. Brett.

Sworn and Filed at the Chancery Affidavit Office, Southampton-Buildings, in the County of Middlesex, February 20th, 1849.

In the matter of David Ochterlony Dyce Sombre, Esq.

"I Thomas Harrington Brett, of n° 75, York-Road, in the County of Surrey, M. D. Fellow of the Royal College of Surgeons, London, do make oath and say, that I resided in India for seventeen years, and upwards, as Surgeon of the Governor-General's Body Guards, of the Bengal Army, and that during my residence at different periods at Meerut and Delhi, I was introduced to the late Begum Sombre, whom I visited accompanied by my wife; and I also became intimate with Signor Solaroli, of whom I rented a house, and which residence adjoined that of Madam Solaroli. I also recollect that in the summer of the year 1839, during my residence at Moossoori, Signor Solaroli expressed a wish that my wife should visit his wife Madam Solaroli; which Mrs. Brett did from motives of curiosity, in a smuch as it was and is unusual for Europeans to visit native ladies. I further say that Mrs. Brett and myself were induced on the said visits,

through curiosity to gain as much information as possible concerning the customs and usages of the Zenana or Harem. And I further declare that I always heard there and firmly believe, that the said Madam Solaroli is the illegitimate daughter of a Circassian girl, who was brought up in the Zenana or Harem by the father of the above-named D. O. Dyce Sombre, and that she the said Madam Solaroli bears no resemblance whatever to the said D. O. Dyce Sombre. And I farther say, that I know the said D. O. Dyce Sombre personally, and always believed him to be a sensible and clever man. And I also say that many of the habits, customs and usages of Oriental life are so diametrically opposed to and different from those of Europeans, that Englishmen are sometimes induced, from being unacquainted with such customs and usuages, to attribute them to insanity which does not in reality exist. Also that the different ideas attached by an Englishman and an Oriental to the word "lawful" is often strangely overlooked, and that the reply given by the said D. O. Dyce Sombre to the examining physicians Drs. Bright, Southey, Sir Jas. Clark and Mr. Martin, namely that "in native families these things are considered nothing" is perfectly correct."

Lord Metcalfe, who had been Resident at Dehli, or the Representative of the Government for a great number of years, was very intimately acquainted with Her Highness the Begum, and my family, and before leaving England, in 1843, to fill his appointment of Governor-General of Canada, told me of the illegitimacy of Mme. Solaroli, and said the only way he could serve me in this, was to make an affidavit, but he said he could not leave it with me, for as my affairs would be given into other hands, it would share the same fate, but he would leave it with Lord John Russell; and accordingly, when this question about

her illegitimacy was brought forward, I wrote to Lord John Russell from Paris as follows :

—

"My Lord,

"I hope your Lordship will pardon me for intruding upon your Lordship's valuable time; but necessity compels, and trouble drives me to do so. Your Lordship is aware that in 1843, before Lord Metcalfe went to Canada, he left a document with you, with respect to the birth of Madam Solaroli, the natural daughter of my father by a mistress of his, at the death of Mrs. Dyce taken by her late Highness the Begum to reside with her and to receive an Hindostanee education. This document is of great importance to me, as the medical men sent to examine me by the Lord Chancellor, have stated this as another point on which I am out of my mind, which deprives me of having my rights made over to me, and would serve me in settling the several claims which her husband from time to time brings about. Poor Lord Metcalfe would have given it to me, but as I was not in good health, he thought it best to leave it in your Lordship's custody. I hope you will see the important necessity I have for preserving this document, in a legal point of view as well as for my peace of mind, and that your Lordship will send it to me, under cover for safety, to the British embassy.

"I have the honour to be, etc.,

"D. O. Dyce Sombre.

"Lord J. Russell, M. P., etc."

—

But Lord John Russell never sent me an answer; however I wrote to him again on my going to London in October following,

and he sent the following reply. It must be remarked here, that Lord John Russell does not deny having received the affidavit :

—

"Downing-street, October 30th, 1848.

"Sir,

"I have to acknowledge the receipt of your letter of 28th instant, and am very sorry that I cannot appoint any day for an interview.

"I am,

"Sir,

"Your most obedient servant,

"J. Russell.

"D. O. Dyce Sombre, Esq."

On the same subject, while I was confined at the Hanover Lodge, I thought proper to inquire through Sir James Clark what Signor Solaroli might have presumed to give out about his wife's pretentions since I was confined, to which he sent the following reply :

—

To Sir James Clark, Baronet.

"Sir,

"To a letter addressed to you by Mr. Dyce Sombre, I beg in reply to state for your information, that my sole motive in making over the papers alluded to, was from motives of delicacy

under existing circumstances, and I am anxious to make them over to him in the same way in which I received them, as there are many things that require explanation, which could only be understood by him.

"I further beg to assure you for Mr. Sombre's information, that I never made or intend to make any claim upon his property. The only claim which I could have, would be, should any deeds regarding the Pergunnah of Badshahpore be forthcoming; and that it belonged to General Sombre or his son the Nawaub[1]; but whether these deeds are in existence or not, it is quite impossible for me to say.

Mr. Sombre must be well aware, that from the day I first saw him up to the present date, I never made a claim of any kind whatever upon his property.

"I have the honour to remain,

"Sir,

"Your most obedient servant,

"P. Solaroli."

But here are the certificates given by the officiating Clergymen of the Sirdhana Church, and the persons, who have charge of its Registry—these were filed by Messrs. Solaroli and Troup themselves, in an Affidavit sworn by them in the month of December, 1843, when the Lord Chancellor had called on them to prove their right of interference; but remark! although there is a certificate of Mme. Solaroli's marriage, there is none of her birth and baptism.

[1] Even then what right could he, or his wife have had over the property?

Ex Libro Baptizatorum Sardhanæ fideliter extraxi quod sequitur:

Io Fr. Angelo, Prefetto della Missione del Tibet, certifico che nel primo di Marzo 1812, ho battezzato colle solite ceremonie di nostra Santa Chiesa Cattolica Romana, una figlia di Giorgio Dyce, e sua moglie, nata li 24 Febbrajo, 1812. E le fu dato il nome di Anna Maria. Padrino fu il Generale Marshall, Madrina fu Anna Le Fevre.

In quorum fide manu propria subscripsi.

Fr. A. Pezzoni,

Ep. E. Vic. Apostolicus Tibet et Indostan.

—

TRANSLATION.

I (the under-signed) have faithfully extracted from the Book of the Baptized of Sirdhana the following:

I Friar Angelo, Prefect of the Mission of Thibet, certify, that on the first of March, 1812, I baptized, with the usual ceremonies of Our Holy Roman Catholic Church, a daughter of George Dyce and his wife, born on the 24th of February, 1812. And the name of Ann Mary was bestowed upon her. Her Godfather was General Marshall, her Godmother was Ann Le Fevre.

On the faith of these (persons) I have signed (this) with my own hand.

Fr. A. Pezzoni,

Bishop, and Apostolical Vicar of Thibet and Hindostan.

Sardhana, A. D. 1831, die 3, Octobris.

Tribus denuntiationibus dispensatis ex rationabili causa, et ex facultate pontificia mihi concessa, inter Missarum solemnia habita, nulloque impedimento canonico detecto, Ego, Fr. Julius Cæsar, Miss. Apost., atque Sardanensis Ecclesiæ Vicarius, Joannem Rose Troup, Scotum, et Annam Mariam, in faciem Ecclesiæ interrogavi, eorumque mutuo consensu habito, solemniter per verba de præsenti matrimonio conjunxi. — Præsentibus testibus notis. Postea, ex ritu SS. Romanæ Ecclesiæ in celebratione Missæ benedixi.

TESTES FUERE :

Antonio Reghellini, atque Victoria Reghellini. In fide posui meum proprium sigillum.

Ego, Fr. Julius-Cæsar, Amatuthenus Episcopus, atque Sardanensis Ecclesiæ Vicarius Apostolicus, fideliter extraxi hoc matrimonium, ex libro matrimoniorum Sardanenses Ecclesiæ. Anno Domini 1836, die 11 Februarii.

—

TRANSLATION.

Sirdhana, A. D. 1831, on the 3rd of October.

Three publications of bans having been dispensed with on reasonable grounds, and in virtue of the Pontifical power which has been granted me, (one) having been effected between the solemnities of Mass, and having discovered no canonical impediment, I, Friar Julius Cæsar, Vicar of the Apostolical Mission and of the Church of Sirdhana, interrogated John Rose Troup, a native of Scotland, and Ann Mary in the face of the Church; and having

obtained their mutual consent, I united them solemnly in matrimony, verbally, (both being) present.—In the presence of well-known witnesses. Afterwards, according to the rite of the Holy Roman Church, I blessed them while celebrating Mass.

THE WITNESSES WERE :

Antonio Reghellini and Victoria Reghellini. In faith of which I have affixed my own seal.

I, Friar Julius Cæsar, Amathuthan Bishop and Apostolical Vicar of the Church of Sirdhana, have faithfully extracted this (certificate of) Marriage from the Book of Marriages of the Church of Sirdhana. In the year of Our Lord, 1836, February 11th.

Omnibus præsentes inspecturis, infra scriptus fidem facit atque attestator Dominum Petrum Solaroli, et Dominam Georgianam Dyce, legitime conjunctos esse in matrimonium a Reverendissimo D. D. Julio Cæsare Episcopo Bissentino, tunc temporis in minoribus constituto, die 3 octobris 1831.

Ita constat ex libris conjugatorum hujus Missionis Sardhanæ in Indostan.

In quorum fide,

Fr. Joannes Maria,
A Bione Miss. Apost. loci.

Datum Sardhanæ, die 27 Augusti, 1841.

—

TRANSLATION.

To all those who may inspect these presents, the undersigned certifies and attests that Signor Peter Solaroli et Miss Georgiana Dyce were legitimately united in matrimony by the Most Reverend Julius Cæsar, Bissentian Bishop, at that time belonging to the (Order of) Minors. 3rd day of Octobre, 1831.

This appears from the Book of Marriages of this Mission of Sirdhana in Indostan.

In faith of which,

Friar John Mary,

Of Bion Apostolical Missionary of this place
(have affixed my signature.)

At Sirdhana, August 2th, 1841.

Yet in July, 1844, these very gentlemen represent to the Master in Chancery, as will be seen below, that on account of their wives' births in India they can produce no certificates; because it now suits them to say this:—

—

In the Matter of David Ochterlony Dyce Sombre

A PERSON OF UNSOUND MIND.

October, 23rd 1844.

The Commissioner in Lunacy to whom this matter was referred by the Lord Chancellor's Order of the 20th August 1844, after stating (among other things) that he had been attended by the Solicitor for John Rose Troup of Bernard-street, Russel-square in the County of Middlesex, Esquire, and Ann May his wife, and Peter Solaroli then residing in Italy, and Georgiana his wife, and which said Ann May Troup and Georgiana Solaroli *had claimed* to be the co-heiresses at law, and to be together with the said Mary Ann Dyce Sombre the only next of kin of the said David Ochterlony Dyce Sombre, stated that by his former Report of the 5th of February 1844, he found that the said Mary Ann Dyce Sombre, the wife of the said David Ochterlony Dyce Sombre was one of the persons who would be entitled to a share of his estate under the Statute for the distribution of Intestates' Estates in case he was then dead intestate, and that it had *been alleged before* him that the said Ann May the wife of the said John Rose Troup and Georgiana the wife of the said Peter Solaroli were the sisters of the said D. O. Dyce Sombre and his co-heiresses at law, and his only next of kin, and the only persons besides the said Mary Ann Dyce Sombre who would be entitled to shares of his estate under the said statute in case he were then dead intestate, but the birth of

the said David Ochterlony Dyce Sombre, and the marriage of his alleged father and mother and the *birth of the said Ann May Troup and Georgiana Solaroli* having, as was alleged before him, taken place in the East Indies, *no evidence* had been laid before him as to the relationship of the said Ann May Troup and Georgiana Solaroli, or either of them. And that he by his said report certified his opinion that under the circumstances therein stated it was necessary that some fit and proper persons should be forthwith appointed Committees or Committee of the person and estate of the said David Ochterlony Dyce Sombre and under the circumstances thereas stated he approved of the said Mary Ann Dyce Sombre and Thomas Hawe Parker as the most fit and proper persons to be appointed Committees ad interim of the persons of the said D. O. Dyce Sombre, and approved of the said J. P. Larkins as the most fit and proper persons to be appointed Committees ad interim of the estate. And the said master found *that no further evidence* had been laid before him as to the heir of the said D. O. Dyce Sombre, *or as to his next of kin,* nor has any up to the present moment, as appears by search.

But here just to give a rough sketch of Signor Solaroli's doings in Europe and India, from a paper printed in 1847, and for which Signor Solaroli brought an action against the printer for 20,000 francs, but which only ended in his being fined 100 francs, for some informality or other, let the world judge for itself about his conduct.

—

Memoir.

In the year 1831, a person calling himself Peter Paul Murray Solaroli, (and he gave these names merely on account of an officer of the name of Murray, who had just died, and who had been

employed in the Political Department of the Honourable East India Company—for all of these are false names)—an Italian by birth, came with the intention of marrying a daughter of another Italian in her late Highness the Begum Sombre's service, in the upper provinces of India. The father of the girl, making interest for him, got him the promise of a place in the said Begum's service; but soon after, not being satisfied with his conduct, gave him a refusal as to the marriage. The mother of the girl begged for his being taken in the service, who, having some interest, succeeded. He then gave out that he was the son of a renowned General under Napoleon, gen. Leclerc, and, having become possessed of a small estate from a relation, had changed his name, and he himself had served under an English general in the late Spanish insurrections. He went so far as to draw over the said Begum's late physician, who corroborated his statements so far as names, dates, and events went; and, through this physician making his interest with other English visitors, he gained his object so far as to be allowed a seat at her Highness's table sometimes; and, having given out such names as the French Marechals of the Empire as his father and his own associates, he was appointed to do duty with her Highness's guards : but he showed such ignorance of military duties that he was selected for another appointment. The police regulations of the Begum's territories (for the Begum exercised regal power within her own dominions), about that time being remodelled, he was put over the district as superintendent. He showed activity and some ability in this department, and, having gained more interest, he was married to a natural daughter of Col. Dyce (who had asserted this himself), and who had formerly been in the Begum's service, and who had expectations of 8000 pounds at a future period. This marriage gave him some influence at the Begum's court, for his wife was a natural or an illegitimate connexion of the Begum's late husband. He soon after, upon the strength of his marriage, began to take bribes in settling disputes of an ordinary nature, which it was his duty to do. And he showed the meanness of his birth and education by having a robber flogged in his presence until he actually, from pain, had his excrements

brought out from his body, and for which purpose his breeches had been taken off from him before flogging commenced. Such a specimen he gave of his civilised ideas that his appointment was soon after given to another.

Thus Signor Solaroli was in a manner disgraced and put out of employ, but the public rumour stated that he had well filled his pockets in the meantine; and, to show the meanness of his spirit while he was in office, his boy's wetnurse received her salary as a convict employed in hard labour for punishment, and the provisions for his table were supplied, as far as the country produce went, from the purchases made for her Highness's household, the markets being under the superintendance of the police.

He behaved in the most rascally manner to the person whose daughter he had come to marry in the first instance : for, while exercising the police authority, he, upon a trifling cause, had the head of a maid-servant of the former's establishment shaved in his own presence, had her ridden on an ass, and sentenced to a long imprisonment, which, however, was remitted some time after, when it was brought to the notice of higher authorities.

In 1836 the Begum died, and left almost all her property to Mr. Dyce Sombre, who had most part of this property sold by auctioneers. As he intended coming to Europe, Signor Solaroli showed dexterity of a different nature in this affair, for on this occasion he bribed the servants, got some property stolen : and such other things as he could not easily take, he broke the sets thereof, taking a part of them only, and when the sets were put up for sale they were naturally sold cheap, and bought in by Signor Solaroli himself. One instance was notorious, for he carried away a volume of an Encyclopedia of great value at night; and when these works were put up for sale he bought them himself at one-eighth of their value. He then received charge of the remaining affairs from Mr. Dyce Sombre, who was coming to Europe, he robbed him of a quantity of wheat which had been stored by the late Begum for the use of her establishment, to the extent that it must have been enough for him and his family three years.

He also robbed him of the part of the armoury that was put up

for sale, of which he has carried away a large quantity, and has brought it to Europe with him.

He sold a market for Mr. Dyce Sombre, in the district of Agra, for 3000 rupees, and paid only 1800.

He played the same kind of tricks at the sale of a great quantity of goods of all kinds, held at Dehli for native articles. He bought a house, which he got knocked down by bribing the auctioneers, with whom he had been acquainted before he came to the Begum's service.

It is said he is a Piedmontese, and his original name is Jean Muscat, and he was obliged to quit the territories on account of his having joined with certain political parties who were opposed to the government of the country; others say, and which appears to be more correct, that he shot his own father on the bridge at Milan, but contrived to save himself from being in the service of a foreign Embassy : and so made his escape into Paris where he acted for some time as a common cook at one of the restaurants of that city : but this is certain, of which there are witnesses, and have served the same master in different capacities, who were his associates, that he was a footman to the late Marquis of Hertford, of whom he has boasted that he had such confidence in him that he used to rob his Lordship's provisions and money, and used to insinuate to his master that his valet, named Suisse, must have been the robber, who, in return, did not suspect him, but patronised and indulged him in his recreations. He has also served Mr. Croker, late M.P., in the capacity of a footman.

In the beginning of the year 1837 he went down to Calcuta on business for his patron, Mr. Dyce Sombre, and there actually saw his wife's father die before he would give him the annuity which he had settled upon him, and which was to be paid through him, for he would not make a will in favour of Signor Solaroli's wife, which he wished him to do, and so the poor old man died from a broken-heart more than anything else.

This very Signor Solaroli had the impudence to write to the King of Sardinia, stating that he was employed under the said Begum, and had a high military command and a high civil office, and sent the drawing of a church, built by another Italian, his

first intended father-in-law, of which he said he was the architect, and had drawn the sketch himself, by which means he was made a Colonel in the King of Sardinia's service, in the Corps of Engineers, while the facts are, that he is almost illiterate. As to the drawing, he does not even know how to hold a pencil, but he has been cunning enough to learn some technical words from the English sappers and miners, quartered at Dehli; for which purpose he gave the officers the loan of one of his employer's houses for their mess. He has been made a Baron or at least calls himself so, by representing that his wife was related to the Begum, which was not the case; the Begum never had a family of her own; he never had military charge under her more than his doing duty with her foot-guards for a few months, where he showed no capacity; and no more civil employ, excepting as supervisor or an overseer of the new police of one of her districts, where he robbed and oppressed the people so much that he was replaced soon after. Now he has taken up his residence with his ill-begotten wealth at or near Milan, and was last seen at Venice; and is trying his best endeavours to prove that his wife's family is insane; and that consequently, his children are heirs to all that they possess. Sometimes he says that his wife's half-sister is no relation of his wife's, but this he was obliged to disavow at the British Embassy two or three years ago, where there were witnesses to prove the falsehood. Her late Highness the Begum was so disgusted with his conduct that, in her will, where she remembered all her officers, and even domestics, she did not so much as mention his name. The reason why Captain Troup is not mentioned in her will is that he received a large compensation in lieu of it in her lifetime.

Will not the following letter prove that the authorities in India had some knowledge of Mme. Solaroli's birth being illegitimate

but since it was no affair of theirs to interfere in it, no one had taken any notice; for Lord Combermere had been a member of the Supreme Council, as well as Commander in chief in India.

—

Copy of a letter from Lord Combermere.

"Wynyard Park, September 5th, 1847.

"My dear Sombre,

"Your letter of the 30th ult. from Paris, I received two days ago. I have written to our friend Lord Shrewsbury (who is very intimate with Lord Cottenham) to beg he will as soon as he can, see the Lord Chancellor, and ask him what he decides upon doing in your case, in consequence of the favourable report of the two Doctors, and also when it will be made known to you. I have a letter from Lord Shrewsbury, in which he says he will see the Chancellor, and will let me know what Lord Cottenham says. The Accountant's Court was shut on the 5th, I think. Lord Shrewsbury informs me, that the Doctors have recommended that *all* your property be restored to you—and I hope if the Lord Chancellor will not immediately release you from the jurisdiction of the Court, that he will have you examined again in November and that he will then entirely release you from his control.

"I should recommend you to be at Paris at the end of October or beginning of November, and then send another petition.—In the mean time *be upon your guard*, and do not write or think about your (so called) sister—or upon any subject of an exciting nature. I am certain that had not you written to the parties respecting the illegitimacy of this lady, the Doctors must have

made the most favourable and satisfactory report upon you. But this they no doubt will do upon your next examination, if you remain *perfectly quiet*, and give your enemies no plea for opposing your total emancipation.

" I think you should not appeal to the Queen in Council till after your next examination, should that not have the effect we so much wish.

" I return home to-morrow.—Lady C. and my daughter unite in best wishes with,

"My dear friend,

" Yours ever most truly,

" COMBERMERE."

P. S. I send a letter of introduction to Lord Cowley.

On my return to Paris, from my travels, I thought it right to send the following letter to the Lord Chancellor :

—

" Paris, May 6th, 1848.

" My Lord,

" As my affairs lie under your Lordship's immediate orders, I again address you respecting them, though I am well aware that in doing so, I trespass too much on your Lordship's valuable time; but since I have no other redress, I trust your Lordship will hear me patienly.

" I have only just, within a few days, returned from a tour, which I commenced in September last, and in which I was encouraged by the physicians appointed by your Lordship's prede-

cessor, as well as by your Lordship, to examine as to the state of my health. I have made a tour of several thousand miles both by land and sea, unaccompanied by any person except a servant, having commenced my journey from Paris. I went to Geneva, and from thence crossing over the Simplon, I went to Milan, then taking Venice on my way, I embarked on a steamer for Greece, visited successively Athens, Constantinople, Syra, Alexandria and Cairo, and was obliged to make a circuit of several hundred miles to go to Marseilles, to pass the quarantine, which I dared not have done at Malta, but which would have been nearer to my place of destination, which was Rome. Here I wanted to see the monument I have caused to be erected by an Italian sculptor, in memory of her late Highness the Begum Sombre, and which has now been making for the last eight years; but more of this monument at the conclusion of this letter. But to conclude the narrative of my tour, after remaining some time at Rome, I went to Naples, and returning through central Italy, I arrived at Nice, where I waited to see the result of the recent events in France. Finding things were quiet, as far as the foreigners are concerned, I came back to France, taking Bordeaux on my way, I arrived in Paris, after nearly eight month's absence, in as sound a state of mind and body as I left it. I have gone into all these particulars, my Lord, to show you the utter falsehood of the statements made to your Lordship in the shape of affidavits by interested parties. Surely, my Lord, If I can take care of myself and property, which I have always done, I cannot be called a lunatic; and the only loss I have sustained since my arrival in France has been that of the 1500*l.* paid to Messrs. Laffitte and Blount by my desire by the trustee of the estate, as the first quarter became due, with the 3 or 400*l.*, I left remaining in their hands; but many others besides myself have been sufferers in the same way, on account of their failure. But this is not all that I have suffered in pecuniary losses; but your Lordship's order, of the 8th of September last, has been totally neglected; for you had ordered, my Lord, that I should receive the whole of my unappropriated income; but the trustee of the estate, as soon as the time came due for the first quarterly payments, stopped the

weekly allowance which I was in the habit of receiving through Messrs. Coutts and Co, and paid me only 1500*l.* for that instalment alone, thus reducing my income to 6000*l.* a-year. Certainly Mr. Larkins, the trustee of the estate, says that at the end of the year he will see what more I will be entitled to. But surely, My Lord, he has had the management of the estate for the last four years and more, and he must be aware what my estate produces. I am aware that by an arbitrary order of the late Lord Chancellor, Lord Lyndhurst, Mrs. Dyce Sombre receives 4000*l.* a-year quarterly in advance. But how is the rest disposed of? for my establishment in India has been reduced, and many old servants and pensioners have been discharged; and my income, according to the calculations made by Lord St. Vincent and Mr. Frere (for it was Lord St. Vincent who induced me to get the trust money over from India at a great loss) stood me clearly 18,000*l.* a-year, besides the six shares I had in the East India stock, which gave me 100 guineas each [1]. Where the remainder of this income goes, I am at a loss to guess; for I have repeatedly asked Mr. Larkins to furnish me with a copy of his past accounts; and although I believe he himself is willing to produce them, he writes me that the Master in Chancery is opposed to the measure; why this is done, is all a mystery to me, and nothing but your Lordship's direct order can procure me these accounts. I hope I shall be considered reasonable, My Lord, for asking to see these, as well as to know why I have been paid 400*l.* less in my weekly payments, which have been stopped since the commencement of the quarterly payments; for according to Mr. Clark's letter (Secretary to Lord Lyndhurst, addressed to Mr. H. T. Prinsep, dated the 31st of August 1845), I was to receive 60*l.* a-week; and as this sum was paid to the 14th of December last, it made 120 weeks, or the total amount of 7,200*l.* while the enclosed letter will shew you, my Lord (and which I beg should be returned to me after perusal), that I have only received 6800*l.* in all [2].

[1] This was written without calculating, as I have done since.

[2] This was a letter of Messrs. Ferrère Laffitte to me, inclosing the above statement of 6,800*l.*, but which letter the Lord Chancellor never returned.

"But the greatest of all evils through which I suffer, is the self-willedness of the solicitor I am compelled to employ; for your Lordship must remember, that before this I had not sufficient funds to pay my own law-charges; and therefore a gentleman had taken them up, and of course employed a solicitor of his own choice; but as it is, I am quite debarred from selecting one, not being permitted to visit London, where I could see my friends and consult them on my affairs.

"Lord Lyndhurst had said that 5 years would be the latest period that I would be kept deprived of my property. This expired last March; and while a man has been sentenced only to a year's imprisonment for taking another's life, and that of a near relative, here I am doomed to suffer like a felon, my character blasted, as it were, more than that of a murderer, and that only because I have persons opposed to me, who make use of the means I had allowed them out of the goodness of my heart[1]! Surely, My Lord, you must remember my representing you all this in person in 1838; and the only reparation which now lies in your Lordship's power, is to grant me that indulgence, which every unfortunate individual, placed under the same circumstances, can claim; and that is, to be examined by physicians, disinterested in the affair; whatever may be the professional skill of my late examiners, I am not a sufficient judge of their merits; but certainly, My Lord, their language is anything but that of gentlemen; for there is nothing left in their ingenuity, which is not brought into play, to vex and aggravate the malady, if there was any shadow or semblance of it in their patient. Surely, My Lord, this cannot be disinterestedness. At their earnest consideration in September 1846, I considered the matter well over, on which they had quite made up their minds, that I was under delusion, and that was the infidelity of my wife; and as I had no ocular proofs of her guilt, I had given her an

[1] For in taking leave of Sir Charles Metcalfe, in 1836, when he was Governor of Agra, he said to me, in presence of Signor Solaroli, that my goodness of heart in giving him on account of his wife 20,000*l.*, will be my ruin hereafter.

acquittal; but a fresh scene has started up, My Lord, and I am now called upon to state the birth of a natural child of my father's to be a legitimate one. There is no doubt that I myself had considered her a full sister, and treated her as such, until the beginning of the year 1843, when the late Lord Metcalfe disclosed me the secret on honour. All this I would wish myself to be examined into and investigated in your Lordship's presence, both for the satisfaction of myself as well as the other parties; for it was only last September, when I was at Venice, that the husband of this lady came into a public room, where I was then sitting, and throwing himself in my way, asked me in a very impertinent manner, if I was satisfied with the hints thrown out to me by the physicians who had examined me just before that, as to the legitimacy of the birth of his wife; while on the other hand he says, he himself is ready to disclose the secret of her birth, as he has heard stated by others, if *I gave him* 20,000*l.*; but this cannot be done until your Lordship gives me a safe guarantee of going to London, and seeing the professional gentlemen in whom I can trust, and who will bring them in due form before your Lordship's court. As it is, I am very indifferently represented; for while at Naples, I saw through the medium of the public papers, two very strange transactions decided by your Lordship against me. One was as to the unsettled bills of my election at Sudbury, in the year 1841. These charges had all been wound up by me through Lord Marcus Hill, and I heard nothing of them for several years afterwards. But what was my astonishment, My Lord, when I saw mentioned that I was to pay half of the demand made, viz. 450*l.*, (for there had been two members elected for that borough) without my being asked whether the demand was a just one or not; and when I wrote to my solicitor on the subject, his laconic answer was, that he was not called upon by your Lordship, and that he knows nothing of the matter; and a similar answer he gave to another order given by your Lordship, that I should pay 50 rupees a month to some claimant, who had petitioned you from India, and of whose claims I am totally ignorant to this day; and perhaps he has none.

"I can get no redress either for the things I left at the Clarendon

Hotel, when I was removed to Regent's Park, nor such things as I left at other places under the charge of others for the sake of being taken care of—they have all been taken possession of by Mrs. Dyce Sombre, and her solicitor will not let them be sent to me without a special order to that effect from your Lordship.

"In allusion to the Monument I have made at Rome, in memory to the late Begum, and for which I have already paid 3,000*l.*, I have to beg your Lordship's interference; for Lord Lyndhurst had placed the finishing of this into the hands of Mrs. Dyce Sombre and her father Lord St. Vincent. My agreement with the sculptor was, that he was to receive one hundred thousand francs for the work (4,000*l.*) when completed; but that it should be made of the best Carrara marble. Finding some errors, as the management of its execution is out of my hands, I could not expostulate with the sculptor on the subject. This I refer to your Lordship for decision; for if the finishing of the work is given back to me, I will make the sculptor responsible for his engagements; but as it is, I cannot interfere with it at all.—I trust your Lordship will pardon the length of this letter; but as my case is a hard one, and I cannot bring it in any other shape but this before your Lordship, I hope due allowance will be made for it; and all the different grievances I have stated in this, shall be by your Lordship's order removed.

"I have the honour, etc.

"(*Signed*)

"D. O. Dyce Sombre."

(Which was, of course, never answered as usual.)

While in Egypt I received the following communications from Mrs Dyce Sombre:

—

Copy of a Letter

Of the Hon. Mary Anne Dyce Sombre

To Colonel David Ochterlony Dyce Sombre.

"Clarendon Hotel, London, September 4th, 1347.

" My dearest friendy,

" It is a long time since we have written to one another. I heard the other day that you were going to Constantinople and other distant places, but I did not hear where, or any particulars. Perhaps you will go and visit your monument at Rome. You particularly requested me to arrange, if possible, that it should not be sent to India before you had seen it; this you mentioned so far back as Oct. 1845. I now write to you to say that it appears impossible to delay the sending it off any longer, and I believe it will without doubt be packed up at latest *in the end of next month*. The keeping it at Rome does not depend upon myself, as you must know (or I would keep it there as long as ever you wished) and it is a great inconvenience to Tadolini, on account of its size. I wish much you could see it before its departure. It would also be an advantage

to Tadolini, as regards your own statue, that he should be enabled to compare it with yourself. I hear it is a very fine work, and have had a model made for myself, which will give me an exact idea of the original. In the agreement it names that Tadolini was to include *the marble* bust in the sum to be paid him for the monument; but it does not state who the marble bust is to represent; I conclude either yourself or Her Highness, which perhaps you will explain.

" It is almost to a day 4 years since I have heard you speak, and rather more than three since I have seen you at all. I have never forgotten you, dear friendy, and 3 times a day I have offered up my prayers for your safety, and that I might see you once more, which I so much wish.

" From your affectionate wife,

" *(Signed)*

"M. A. Dyce Sombre."

"Clarendon Hotel, September 21st, 1847.

P. S. " Dearest Friendy,

" This letter has been returned to me from Paris, by your bankers to whom I had enclosed it, as they did not know your address. I have kept it by me some time, not knowing where to direct it, and have now decided upon enclosing it again to your bankers, and requesting them to send it to their correspondents at Constantinople, to deliver it to you on your arrival there. You will see I have done all I could in attending to your wishes about

your monument, and I hope this letter will reach you in time to go and see it, if you wish.

" Your affectionate,

" (*Signed*)

" Mary Ann Dyce Sombre.

" Bear in mind that nothing I can do will prevent its being packed up at the end of October. I have done all I could according to your wishes."

Copy of a 2nd Letter from the same to the same.

" Clarendon Hotel, October 2nd, 1847.

" Dearest Friendy,

" You desired me very particularly to arrange, if possible, that your monument at Rome should not be sent to India before you had seen it. This you wrote to me in October 1845. It is, I fear, not possible to delay the sending it off any longer; for you know it does not depend upon me, otherwise I would take care it should be done, and it is so very large, that Tadolini finds it most inconvenient to keep. I wish much you could see it before it leaves

Rome, for I understand it is so fine a work. I have had a model made for myself, which will give me a precise idea of the original. If you should go to see it, it might be an advantage to Tadolini, as regards your own statue, as he would be able to compare it with yourself. I wrote to you about this on the 4th Sept., but the letter was returned to me by your bankers in Paris, Messrs. Laffitte and Blount, as you had not left word where they were to forward your letters. I again sent my letter to them on the 21st and requested that it might be forwarded to their correspondents at Constantinople, as I understood you were gone there. Having heard nothing from them since, I do not know whether they have or have not sent the letter to you in the way I requested. I therefore shall endeavour to get this conveyed to you through the embassy in such a manner, that should you have quitted Constantinople, it may be forwarded to you, that is, if your destination is known. In my former letter I named that I believed the monument would be sent off and packed up at the end of this month of Oct. I will have a letter written to Rome to beg it may not be packed up before the end of November, so as to enable you to go and see it if you still wish to do so. You will see that I have done all in my power to meet your wishes with regard to your monument.

" Ever dearest Friendy, your affectionate wife.

" (*Signed*)

"M. A. Dyce Sombre.

" I never forget you, dear friendy, and I hope you will take care of yourself and that I may see you again, which I so much wish."

The following two letters are from Lord Combermere:

—

Copy of a Letter from Lord Combermere.

"Combermere Abbey, October 6th, 1847.

" My dear Sombre,

" Your letter from Venice I had the pleasure of receiving yesterday.—I shall be anxious to hear your account of what you see at Athens and Constantinople—and I hope to hear that you will not be out of the way in December—from which place I shall be anxious to hear from you.—A regular application must be made to the Lord Chancellor, to order the accumulated interest to be paid to you, after making deductions for all the (unnecessary) expenses that have been incurred since you have been under the jurisdiction of his court. Another examination should take place in December or January, and if the Doctors (as they must) pronounce you sane, the Lord Chancellor will then emancipate you.

" Wishing you health and happiness, and a pleasant tour, believe me,

" Ever my dear Sombre,

" Yours most truly,

" COMBERMERE."

Copy of a second Letter from the same.

"Combermere Abbey, April 2nd, 1848.

"My dear Friend,

"You will have heard from Mr. Prinsep, and will, I trust, have attended to the advice he gave, and what I have now to urge, namely, that you should lose no time in repairing to Paris, and obtaining all the certificates you can get from English medical men, as well as persons you have been in the habit of seeing, as to your conduct, etc., since your last examination.—You should have your petition sent in forthwith to the Lord Chancellor. There is no doubt of his being now satisfied as to your being perfectly sane, and he can no longer withhold from you your freedom.

"Your answer to Mrs. Dyce Sombre was very proper; she will not write to you again probably.—You will have been put to a great deal of unnecessary expense, no doubt, but I should recommend you to submit to the impositions you have been subject to; your first object must be to get your liberty, and to be able to enjoy unmolested the fine property you will have after paying all expenses, etc., which I should recommend you to do as soon as possible.

"Mr. Mahon has been most zealous and indefatigable in your cause. I am not aware of what agreement you made with him, or what promises, but I really think he is deserving of your most favourable consideration.

" I hope to hear from you soon. Lord and Lady Downshire are here; they and Lady Combermere and my daughter unite in best wishes with

" My dear Sombre,

" Yours most truly,

" COMBERMERE."

I was again obliged to send the Affidavits, before I could be heard; the Lord Chancellor, this year too, as he did the last year, gave the last order in his Court, which was on my case, before he shut the Court for long vacations[1]; but, this time, he ordered that I might be allowed to choose a Doctor myself, on my part, as Mrs. Dyce Sombre had done on hers. As I had employed Dr. Martin before, I wrote to him, and he agreed to my proposal. I sent the following Affidavits:

[1] Does not this show, that the Lord Chancellor keeps back my case and keeps it on hanging, as long as he can, without compromising himself?

Joint Affidavit of

DANIEL M'CARTHY, *M. D.*, **THOMAS DAVISON**, *M. D.*, *and* **CHARLES SHRIMPTON**, *M. D.*

Sworn at Paris before Her Britannic Majesty's Consul (*L. S.*) *Thomas Pickford, June 5th*, 1848.

In the matter of David Ochterlony Dyce Sombre, Esq.

The undersigned physicians having at the request of Mr. Dyce Sombre, consulted together for the purpose of ascertaining his present mental condition, and having taken into consideration a document purporting to be a copy of a report dated Brighton, August 5th 1847, and signed by Drs. Bright and Southey, have unanimously adopted the following conclusions.

1st. The statements relative to the illegitimacy of the Baroness Solaroli do not appear to have any bearing whatever upon the question of Mr. Dyce Sombre's state of mind, particularly if correct. Their truth, according to Mr. Dyce Sombre, can easily be ascertained by reference to Mr. Prinsep and others, to whom it is surprising that no application should have been made on the subject, previously to the drawing up of the Brighton report.

2nd. Mr. Dyce Sombre having been asked what are the grounds of his distrust of his solicitors, the answer was that it arose from his conversations with themselves. The undersigned physicians do not see in this distrust or in its alleged motive any argument unfavourable to Mr. Dyce Sombre's mental condition.

3rd. Putting aside the question of Mrs. Dyce Sombre's infidelity, which Mr. Dyce Sombre assures the undersigned physicians, he casts from his mind, he adds that the incompatibility of their tempers must still explain the cause of their future separation.

4th. "It is difficult" says the Brighton report "to believe in the entire removal of the delusion in question, whilst any feeling hostile to Mr. Dyce Sombre seems to subsist." Mr. Dyce Sombre has constantly expressed himself in the presence of the undersigned very moderately with regard to Mrs. Dyce Sombre, and he further asserts that he entertains towards her no hostile feeling.

5th. The undersigned are happy to say that it has not been more in their power than in that of Drs. Bright and Southey to detect any positive delusion in Mr. Dyce Sombre's mind, and they agree entirely with the above-named gentlemen in considering him fully competent to the management of himself and his property.

The undersigned think it right to add that since the end of the year 1843, Mr. Dyce Sombre has spent his time on the Continent, and a considerable portion of it in the city of Paris, where they have had occasion to meet him in society. His deportment has invariably been of a mild and gentlemanly character; he has given frequent proofs of an unimpaired memory, a fact which may be confirmed by a perhaps trivial but striking illustration, viz. his acknowledged superiority at whist, and he has not by his conduct confirmed the suspicious of insanity under which he is said to have laboured in England.

Daniel M'Carthy, *M. D. P.*

Thomas Davison, *M. D.*

Charles Shrimpton, *M. D.*

Affidavit of Count of Tabasz Krosnowsky,

Lieut. Col. Chevalier, residing at Paris, 44, rue Basse-du-Rempart.

Sworn at Paris before Her Britannic Majesty's Consul, June 9th, 1848. —Filed, June 17th, 1848.

That I have known the aforesaid D. O. Dyce Sombre under the most favourable colours, having seen him on several occasions during the last five years at Lady Claverings, and having met him in the best Parisian Society, and moreover I say that from the month of November 1846 up to the middle of the month of June 1847, I habitually met him every week at the said Lady Claverings and that from the said month of June up to the month of August last (the epoch when the said D. O. Dyce Sombre left Paris to travel) I met the aforesaid D. O. Dyce Sombre several times on horseback; that the said D. O. Dyce Sombre had attended evening parties at my wife's the Countess Krosnowski in the year 1847; that invited by him I dined with him; that I have often played at whist with the said D. O. Dyce Sombre, a game the rules of which he seems to know very well, and that he always preserved the very best temper, whether he lost or won; that since the month of April last, at which, or about which time the said D. O. Dyce Sombre had returned to the said town of Paris, I met him several times at the said Lady Claverings, and that on my invitation he came several times to my house, namely on Tuesdays; that every time I happened to be with the said D. O. Dyce Sombre, this year since his return to Paris on and most occasions when I met him the preceding years, I conversed with him on various subjects; that I never perceived in the manners and ob-

servations of the said D. O. Dyce Sombre anything that might induce me to suppose that his reason was at all affected ; that on the contrary it is my opinion that he is a man of sane judgment and in full possession of his intellectual faculties ; and lastly I must say that I have invariably found his conduct perfectly proper.

Affidavit of Sir Henry Robartes Wyatt, Knight,

Of no. 5, rue des Champs-Élysées, in the city of Paris.

Sworn at Paris before Her Britannic Majesty's Consul, June 8th, 1848.—Filed, June 17th, 1848.

Say that I became acquainted with the above-named D. O. Dyce Sombre at the latter end of the year 1843, or the commencement of the year 1844.

That I met him several times at parties in the early part of the said last mentioned year, and that I occasionally entered into conversation with him.

Say that during the last two months I have seen the said D. O. Dyce Sombre several times on different days, the 31st of the preceding month being the last of such days, and that on the said three last-mentioned occasions I conversed with the said D. O. Dyce Sombre on ordinary topics.

Say that I firmly believe that the said D. O. Dyce Sombre is in the full enjoyment of his intellectual faculties.

Affidavit of Charles Montauban Carmichael,

Lieut. Col., in the Hon. East India Company's service, residing at no. 81, *Champs-Élysées, in the city of Paris.*

Sworn at Paris before Her Britannic Majesty's Consul, June 3rd, 1848.—*Filed, June 17th,* 1848.

Say that I became acquainted with the said D. O. Dyce Sombre in the East Indies in the year 1836, and that I staid two days with him in that year at his palace at Sirdhana, and that I met him several times in the same or the following year in different parts of India. That I saw and conversed with the said D. O. Dyce Sombre several times in the said city of Paris during the months of June and July in the year 1847.

That I also saw the said D. O. Dyce Sombre about the beginning of the month of May last, and that since that period I have seen him several times on different days, and conversed with him on ordinary topics, and that I found him more cheerful than he was when I saw him last year.

Say that I do not perceive that any change has taken place in the general character of the said D. O. Dyce Sombre since I first saw him in India.

Say that I verily believe that the said D. O. Dyce Sombre is in the full enjoyment of his intellectual faculties.

Affidavit of Stephen Drake,

Horse-dealer, of no. 12, rue Duphot, in the city of Paris.

Sworn at Paris, before Her Britannic Majesty's Consul, June 19th, 1848.—Filed, June 23rd, 1848.

Say that in the summer of the year 1847 the said D. O. Dyce Sombre hired a horse of me for one month, for which he paid according to his agreement with me 250 fr.

Say that on or about 1st of May last past, the said D. O. Dyce Sombre hired of me a saddle-horse for one month at the same price as on the former occasion, that is to say 250 fr., the care and keep of the horse hired by the said D. O. Dyce Sombre being on each occasion at my charge.

Say that the charge made by me on each of the above-mentioned occasions for the hire of the horse was fair and reasonable, and such as I have usually made and obtained. And that if the said D. O. Dyce Sombre had asked for any diminution therefrom, I should have refused to have made it.

Say that on four days in the month of May last I paid one franc on each of such days to a commissionnaire for bringing the horse hired by the said D. O. Dyce Sombre from his residence in the rue des Pyramides in the said city of Paris to my stables.

Say that on my claiming, of the said D. O. Dyce Sombre the 4 fr., which I had so paid, he the said D. O. Dyce Sombre refused to reimburse the same to me, insisting that such payment ought to be borne by me.

Say that I have never remarked any thing in the language or manners of the said D. O. Dyce Sombre of a nature to cause me to suppose that he is not of perfectly sound mind.

Affidavit of

DENISE BOURDOIT, *Widow of Monsieur Francis Simon, and* **AUGUSTUS SIMON,** *Son of the aforesaid Dame Simon, Chef de Bureau d'Escompte du Comptoir National de France, residing respectively, Place de la Madeleine, no. 7, in the town of Paris.*

Sworn before Her Britannic Majesty's Consul, June 16th, 1848. — *Filed, June 2nd,* 1848.

Firstly, I the said Denise Bourdoit declare that towards the middle of April last I let to the aforesaid D. O. Dyce Sombre an apartment in the said house, place de la Madeleine, for a month, and that he entered the same apartment on the 19th of the aforesaid month of April, and that he resided in it till the 19th of the following month. I declare moreover that during that time I conversed several times on various days with the aforesaid D. O. Dyce Sombre on many subjects mostly connected with the relation between a lodger and a principal tenant, which existed between him and me. And I declare that when the said D. O. Dyce Sombre took the same apartment, he debated with me about the terms, and that he has shown himself in this respect, as well as in some others, where matters of money of trifling importance were concerned, by no means prodigal, and very well able to protect his pecuniary interest. Moreover I declare that I found the manners of the said D. O. Dyce Sombre quite polite and sociable, and that I have always found the aforesaid D. O. Dyce Sombre very lucid in his ideas, and that I have remarked nothing either in his

manners or in his temper which might make me suppose that his mind is not perfectly sane.

And I the aforesaid Auguste Simon for myself declare that I was present at many of the interviews which are here above mentioned, between the said Madame Simon my mother, and the said D. O. Dyce Sombre, and that according to my personal knowledge, the aforesaid D. O. Dyce Sombre has proved that he is economical, and that concerning his manners and temper I share the favourable opinion which my mother has here above expressed. And I declare moreover that I believe that the said D. O. Dyce Sombre is in the full enjoyment of his intellectual faculties.

Affidavit of Auguste Kastenbein,

Residing at no. 2, rue des Pyramides, in the town of Paris.

Sworn before Her Britannic Majesty's Consul, June 17th, 1848. —*Filed, June 23rd,* 1848.

I declare that I have been in the service of the said D. O. Dyce Sombre from the 1st. of the month of September last as his *valet de chambre,* and that I am still with him in that capacity, and I declare moreover that during all the time I have been in the service of the said D. O. Dyce Sombre, all the instructions and all the orders that the said D. O. Dyce Sombre has given me have been perfectly reasonable, and such as any master of a perfect judgment might have given in the same circumstances, and I declare besides

that since I have been in the service of D. O. Dyce Sombre, I have presented to him from time to time, that is to say every fortnight or every three weeks my account for the small articles I had purchased for him, and that the said D. O. Dyce Sombre, before paying me for those accounts has always examined them with a scrupulous attention, and often asked me for particulars on some articles among them. And I declare moreover that I have often been present when the tradesmen of the said D. O. Dyce Sombre called to receive what was due to them, and that the said D. O. Dyce Sombre, before paying them, has always examined with care their respective bills, and that several times he has complained that the price marked for certain objects was too high, and that he has sometimes obtained a diminution of price, and I declare besides that the said D. O. Dyce Sombre has never settled either with me, or to my knowledge with any person except on receiving a receipt. And I declare besides that I firmly believe that the said D. O. Dyce Sombre's mind is sane.

But on going to London I had again to wait for several days, before the physicians met, and as I had a short-hand-writer allowed me, this time, me to take notes, and as I myself wrote down too, the following Memoranda will show what passed between them and myself at our meeting.

In Re David Ochterlony Dyce Sombre.

Examination of Mr. Dyce Sombre, by Sir James Clark, Dr. Southey, Dr. Bright, and Mr. Martin [1].

Mivart's Hotel, November 1st, 1848.

Q. *By Dr. Southey.* Up to the period when we saw you at Dover, you were labouring under certain delusions?

A. I had not long been returned from St. Petersburg, where I had been reflecting on those things. On my return from St. Pe-

[1] The following are extracts from my own notes which I had made after each examination. I have omitted such things, as have already been mentioned by the short hand-writer.

In reply to a question from Dr. Southey, if since the last examination, I had received my full income? I said that although such was the direction of the Lord Chancellor, still as yet I had not.—To this both Drs. Southey and Bright said, they were surprised to hear it, as they had themselves seen the Lord Chancellor give the order.—This I told them, I was aware of; but that I had received only 6000*l*. although a year had already elapsed; that after paying Mrs. Dyce Sombre her allowance of 4000*l*., as the order directs, there must be a considerable surplus left in Mr. Larkins' hands to be made over to me. I also added that I was not satisfied with the Lord Chancellor's order, for the management still remained in the hands of Mr. Larkins, who has lately had a house pulled down, which was quite new, and which he was well aware I wanted to keep up.

At this stage of the examination, the medical gentlemen desired that I

tersburg, I remained some time at Brussels, and I thought a great deal about them. I went to Paris and from there I came to meet you at Dover. The first day I saw you, I stated that having reflected upon the disinterested opinions which you gave on the subject, my mind was quite clearly made up, that whatever I might have thought before, I must have been labouring under delusions, and acting upon them accordingly.

Q. Therefore I wanted you to state that in the presence of Sir James Clark, because that completely exonerates sir James Clark and all the medical men who saw you in 1843—it exonerates them from the opinion you supposed you gave?

A. Yes.

Q. And it is your own conviction that the Jury were justified in coming to the conclusion that you were of unsound mind when they did come to that conclusion?

A. As far as concerned Mrs. Dyce Sombre's conduct.

Q. *By Dr. Bright.* There was ground enough at that time to

should retire for a few minutes; and when, after a lapse of about 10 minutes, I was recalled, I was then told by them, that should it be my wish to have a short-hand writer, they would not object to it. I said I was very desirous to have one, since some mistakes had occurred, especially in the last report, when I was made to say in an answer to a question put by Drs. Southey and Bright, that if I acted on the impulse of the moment, I would never be out of Chancery. The Doctors said: this is not in the report; but as I had no copy by me, it was arranged that a reference should be made to the said report, made in 1847.

On the arrival of the short-hand writer, the examination was resumed by Dr. Southey asking me, if I could recollect the time since when the accusations I had made against Mrs. Dyce Sombre had disappeared. I replied, that ever since my return to Dover, for the purpose of being examined, in September 1846, I had thought a good deal about them, and having since the Examination of 1844 travelled a good deal in Russia, and on my way back having resided some time at Berlin, and Brussels, as well as on my return to Paris, I had resolved in my mind, after mature consideration, that having no proof as to the results of what I thought I had sufficient reason to complain, and having the innocence of her conduct pronounced again and again by such disenterested persons as Dr. Southey and Bright were, I had determined to cast off every-thing of that kind from my mind, and that I had said the same at Brighton when we met last.

suppose that you were of unsound mind, at the time when the Jury found that verdict?

A. Yes, I suppose.

Q. Therefore you do not entertain any hostile feeling towards the persons who sued out that commission?

A. I have none, only it would have been better if I had not been so much worried and annoyed about those things. If it had been left to one or two physicians I should not perhaps have had my mind so much annoyed and worried about these different things, but there were too many examinations, I thought, and there were not only you who examined me in 1844, but there were not less than ten or twelve other doctors who examined me at different periods.

Q. That was after the commission?

A. Yes.

Q. It was after the Jury had found their verdict?

A. Yes, some months after.

Q. It was your own wish to have that done to get the commission done away with that you called in so many medical men?

A. You mean in Paris.

Q. No, here?

A. No, nor at Hanover Lodge I called any myself. I was subjected to very strict treatment from the end of March to about the end of September, and the commissioner of Lunacy did not sit till the end of July; so that I was there four months by myself, locked up by myself, without seeing any other man than Sir James Clark.

Q. But you saw several visitors; at that time you saw Lord Combermere?

A. He only called in one day for a few minutes; only once I believe.

Q. Sir Charles Trevelyan went there once?

A. Yes he came there one afternoon also. With these two exceptions, no one else did.

Q. But you were not locked up; you had full liberty to walk about in the garden whenever you liked?

A. I was locked up at night in a room whilst the keepers slept

in the neat room. They were next to my door and have done things that would have turned any man mad.

Q. Such as what?

A. They have slept with maid servants in the house.

Q. Close to your door?

A. Close to my door, and mine locked.

Q. That fact was known to you?

A. It could not be hid, because when I got up to ask for something I tried to open the door, and I found it was locked and I then heard them laugh and talk to each other.

Q. Did you see them in any improper condition?

A. No, I could not, because the door was locked.

Q. Were there any women with them when the door was opened?

A. Yes.

Q. You saw some female forms?

A. Yes.

Q. Did you mention that at the time to anybody?

A. Yes I believe to you, Sir James Clark.

—*Sir James Clark.* Yes, he did.

Q. Did you see any improprieties in the garden around the house?

A. No.

Q. Now about the period when you felt conscious that you were labouring under these delusions, when did you feel that they were passing away? Was it a gradual impression?

A. You may call it gradual. When I came up to Dover in September 1846, these were my impressions at the time.

Q. When you came to Dover?

A. Yes.

Q. And you stated it at once to me and Dr. Bright at Dover?

A. Yes that these were my impressions.

Q. *By Dr. Bright.* They were effaced somewhat during our interview; they were not in full existence at the time of our first interview?

A. That is your report.

Q. *By Dr. Southey.* At the first interview you did not seem to be fully convinced of Mrs. Dyce Sombre's purity?

A. That was in 1844.

Q. Did you see Count Nesselrode at St. Petersburg?

A. Yes.

Q. Had you any communication with him?

A. I was on board the same steamer with him; we used to talk on indifferent subjects.

Q. Concerning Mrs. Dyce Sombre amongst others?

A. He made some allusions to what the report was at the time. One day when we were alone, I encouraged him to say what he had heard about her.

Q. Did he mention any particular person to you at the time?

A. Not that I remember now.

Q. Has that impression remained firmly on your mind ever since?

A. Not since 1846.

Q. It has not remained?

A. No.

Q. You are not satisfied that it was a delusion before that period that you were labouring under?

A. Certainly what I have been already saying is that when I came to Dover it was with a firm mind to tell you and Dr. Bright that after consideration I had come to the determination that I think I might have acted under delusions, that as I had no proof the best thing for me was to consider it so; there was no proof of any guilt; but since then, as we are not of the same way of thinking, as our characters are the same, why it is much better that there should be no talk or proposal of our living together again.

Q. Still your mind continues satisfied, since 1846 you have not changed your mind?

A. No.

Q. You are satisfied that the concession on the part of Mrs. Dyce Sombre of her guilt, you are satisfied that that was a delusion and that she never did make such a confession?

A. I believe she denies that.

Q. *By Dr. Bright.* Because she has denied it you disbelieve it? You have that confidence in her veracity that you disbelieve it because she denies it?

A. Yes just so.

Q. You think that you must have been mistaken and that she was right?

A. Yes.

Q. To whom was the denial made?

A. I suppose to you; for you are the most disinterested of her supporters[1].

Q. Do you remember the confession having been made to you?

A. I remember something of the kind.

Q. Would it not be more satisfactory to your mind, if the denial were made also in your presence and not to a second or third party?

A. As far as I am concerned I am quite satisfied; I would not wish to hear anything more.

Q. You would not wish to see her to hear her denial?

A. It would be of no use.

Q. Up to this time you are quite satisfied that Mrs. Dyce Sombre is quite innocent of all these charges?

A. Yes; you also say this.

Q. And that it was all delusion your speaking of her before?

A. Yes.

Q. And you were mistaken in supposing that she did confess?

A. The impression on you and Dr. Bright was that she was innocent, and I have no reason to disbelieve it. I have not seen any of these persons who ought to be informed on the subject for some years now, and therefore I only go by what I hear.

Q. Still it is one of those important points that you would not take any body else's opinion upon, unless you had some conception of your own that they were right?

A. I have heard it by so many and so often that it is not the case, I suppose she would not confess herself now.

Q. Did she or not?

A. You have told me that those were delusions and I am satisfied with your opinion.

Q. You would rather take that than your own impression?

[1] From my Notes.

A. After mature consideration I think so. Incompatibility of temper is the only fault between us now.

Q. Do you think that will prevent your being together again in the event of the Commission being superseded? Incompatibility of temper alone will prevent it?

A. Yes.

Q. Would you not be glad that Mrs. Dyce Sombre should be informed that you acquit her of all these suspicions?

A. I thought she was alrealy informed.

Q. Did you write to her?

A. No. I was ready to do anything that you proposed at Brighton.

Q. We did not press that upon you?

A. No. I think that had better be left with the lawyers.

Q. *By Dr. Bright.* It is an affair rather of the heart and feeling. There is Lord St. Vincent; it was a terrible imputation upon him, a father having had incestuous intercourse with his daughter; that I should think you would be glad of having an opportunity of relieving him from as soon as you can?

A. We have dropped all connection.

Q. Does it not pain you to have made such an atrocious accusation against your own father in law?

A. I have no objection to saying that under the circumstances in which I was placed at the time I am sorry that I accused him of this.

Q. *Knowing* it to be unfounded?

A. *Hearing* it to be unfounded.

Q. I think you must know that it is unfounded; you must be satisfied that it was a perfect delusion?

A. Of course.

Q. One is anxious for their sakes that there should be as unequivocal a refutation as possible of such a charge; there ought to be a solemn disavowal?

A. I do not know what I can say more than I have said.

Q. Put it down on paper, you can do it when we are gone, you can say that you have a feeling of regret in having injured the feelings of Mrs. Dyce Sombre and Lord St. Vincent?

A. I think it better not to mix Mrs. Dyce Sombre's affairs with her father's.

Q. But they are mixed in the accusation?

A. I am ready to express my sorrow. Lord St. Vincent can see that I am sorry for what I said at the time. As for my writing anything to Mrs. Dyce Sombre, that had better be left to the lawyers: there is Mr. Frere on her part and Mr. Shadwell on mine.

Q. It is necessary to state on paper your conviction; which you may do in your own way at your leisure?

A. Any of you gentlemen can propose anything you like.

Q. If I understand you your impression is founded upon the assertion of other people, the opinions of Dr. Bright and others that they are satisfied you were under a delusion; and you are satisfied of it in consequence of this assurance being given you by other people?

A. Yes.

Q. It did not occur to your own mind that such accusations were unfounded? It did not strike you as a thing out of all possibility that a well-educated young lady should be the victim of her own father? Did it come up in your own mind?

A. No.

Q. You would not have come to that conclusion, if you had never heard others say anything about it?

A. No. I should never have thought of such a thing occurring in good society.

Q. It would not have occurred to you when you were in the state of mind in which you now are? Your would not have dreamt of such a thing as a father having incestuous intercourse with his own daughter?

A. No.

Q. As to incompatibility of temper at the time you parted from Mrs. Dyce Sombre, you wrote some kind letters to her after you had parted from her?

A. I do not know what I might have done between that time and 1846.

Q. When you were first under restraint you wrote some kind notes to her?

A. I might have done so.

Q. It did not seem at that time that you were suffering from incompatibility of temper?

A. We were not separated.

Q. You were restrained against your will?

A. Yes. I was.

Q. You never wished to be separated until your were separated almost by force?

A. Yes.

Q. So that that feeling of incompatibility of temper did not cross your mind till your illness?

A. It may have been before that, but I did not come to any determination about it.

Q. It is curious that after you were thoroughly satisfied that all these were delusions that you should still perceive an impossibility of ever being reconciled to Mrs. Dyce Sombre after the delusions had vanished from your mind?

A. I think, I have turned over and over again the same subject since we met at Dover, and I do not think it could ever answer.

Q. You do not think kindly enough towards her so as to live with her again?

A. I could not.

Q. Is there any other cause beyond incompatibility of temper that has arisen why you should not again he united?

A. No.

Q. No, other cause than that?

A. No; I think not.

Q. You feel no anger towards any of those persons whom you thought had been connected with Mr. Dyce Sombre?

A. I have thrown off all that from my mind.

Q. *By Sir James Clark.* You have not fallen in with General Ventura abroad?

A. Not lately.

Q. You have never met with him of late?

A. No, he has gone to India I believe.

Q. And Sir F. B.?

A. I did not know him at all.

Q. And Mr. C. F.?

A. I have only met hime once or twice in my life.

Q. Since that encounter in the street with him?

A. Which encounter.

Q. You have not seen him since when?

A. No: I mean altogether my knowledge of him was very slight.

Q. *By Dr. S.* You are sorry for all these accusations that you made against these gentlemen.—You feel regret at it?

A. I scarcely recollect what they were.

Q. When we parted at Brighton I remember there were put into our hands some papers. When at Brighton you got into some scrapes there; have you seen the affidavits that were made against you?

A. What scrapes?

Q. *By Sir James Clark.* You do not remember anything happening at the hotel?

A. The day I wanted to leave Brighton, I remember I had not received my money, and I took a drive before I left it. I expected money the same afternoon, and in my absence the people of the hotel locked up my boxes in a room; they thought I was going to run away with them I suppose. When they did that, I was rather annoyed; I explained to them what I intended doing, and I paid their bills, and then left the hotel.

Q. Did you ever lock any person up in your room at Brighton?

A. No.

Q. You never locked up any of the chambermaids?

A. No.

Q. You have been very amorous there?

A. I have seen affidavits made since; there is an affidavit of a woman who is made to say that I slept with her at her house, and the next morning I left her without paying her, under some pretence or other. I can take my oath that this never happened, but there were persons there who told me that such things were getting up, and they told me the name of the person who was getting them up.

Q. Who was the person?

A. Lord Combermere told me that Sir Richard Jenkins was getting up these affidavits.

Q. Lord Combermere said so?

A. Yes.

Q. There is a statement about your being in the habit of sitting in the water-closet with the door open?

A. They may exaggerate the thing, but sometimes it may have happened that it was dark and I left the doer of the water-closet open, but I knew that no ladies were in the habit of visiting that part where this water-closet was situated. There were two ladies situate nearly opposite me, but they were never in the habit of going to that water-closet. There is another accusation—a woman came with a letter, wanted to see me, and it is said that I turned her out or did something very extraordinary with her. I can swear that such a thing never happened.

Q. We do not mean to say that it is a proof of unsoundness of mind when a man takes a woman into his room, but still it would he unwise to act so in an hotel?

A. I will shew your the absurdity of the accusation. Mr. Mahon who is connected with this affair—he is a friend of mine and had a great deal to do in this affair,—he was sitting in the room just opposite to the bed room where this could have been done, and he surely could have heard the noise or the knocking.

Q. With regard to the getting up of these accusations, have you ever had reason to suppose that any of the other Directors of the East India Company besides Sir Richard Jenkins were instrumental in getting them up? I think there was a former occasion on which Sir Richard Jenkins made himself obnoxious to you?

A. I had same claims against the India Company, and most of them opposed it.

Q. And he supported it?

A. No; he was the leading character in resisting it.

Q. It was Lord Combermere who told you that Sir Richard Jenkins was getting up this?

A. He said that Sir Richard Jenkins was at Brighton and getting up some affidavits against me.

Q. Did Mr. Mahon live with you?

A. No, he used to come after dinner, and was sitting in the room with me at the time.

Q. If I remember rightly, this locking up of the chambermaid is stated to have taken place after breakfast or certainly early in the forenoon?

A. I understood the day I was told at Brighton that such an accusation had been made. This was said to have occurred at night.

Q. There is another absurd accusation that while the landlord's wife was at one water-closet you were at the next, and kept watch so as not to let her escape?

A. I remember seeing the mistress of the hotel, and I am sure if you were to be the judges, you would not suspect that I could have much wish to interpose with her in any way.

Q. You do not remember her being imprisoned in the water-closet and not being able to escape?

A. I recollect there were two water-closets near each other; I have heard people enough; they may have been servants or the landlady of the hotel.

Q. It is curious that Sir Richard Jenkins should take the trouble to get up such sort of things?

A. It is very extraordinary.

Q. He was very much opposed to the restitution of your rights?

A. Yes he was.

Q. Are you certain that he was opposed to it at the time?

A. I thought he took the leading part in it.

Q. You thought at the time he was opposed; do you think so still?

A. I am led to believe that from 1843 to 1846 I have been under delusions, and that might be another.

Q. Then you see the circumstance that Lord Combermere stated to you was in 1847?

A. Yes.

Q. It is a fact that Lord Combermere told you that?

A. He told me so in the presence of Lord Downshire.

In Re David Ochterlony Dyce Sombre.

Continuation of Examination of Mr. Dyce Sombre by Sir J. Clark, Dr. Southey, Dr. Bright, and Dr. Martin.

Mivart's Hotel, November 2nd, 1848.

Q. The last place you visited was Spain [1] ?

A. Yes.

Q. Was there any difficulty in getting into Spain with your carriage?

A. No. I employed a person who told me that I could take the carriage to a place where by the late orders of the Spanish Government the carriage could pass into Spain by paying a trifling duty and he made arrangements with a banker for the purpose.

[1] *From my notes.*—This part about spain occurred in the first day's examination. However as the short-hand writer misses the part relating to Mr. Pedal. I will put it down here: at the conclusion Sir James Clark took a small scrap of paper from his pocket and read me an account of what was said about my arrival at Madrid, about my sending away Mr. Pedal the Spanish Minister, when he came to call upon me; and Sir J. C. asked me as to the truth of that statement. I told him that it was false, and that as I did not know Mr. Pedal he could not have called on me Mr. Martin having produced the two copies of Doctors Bright and Southeys reports of 1846 and 1847, Mr. Dyce Sombre pointed out one mistake in the latter about which they had some discussion yesterday. Dr. Southey owned that it was a mistake and that he had put it in inadvertently.

Q. And you accordingly took your carriage?

A. Yes.

Q. You have also been in Italy I believe?

A. Yes I have.

Q. The last time you told me you wanted to go to see the monument of the Begum?

A. Yes to Rome.

Q. You have seen that?

A. Yes.

Q. Were you quite satisfied with it?

A. I thought it had been neglected; but I found that the instructions which I had given, were followed up not quite in the way that I wished, but still it was better than I expected to have seen it.

Q. Had you any difficulty in settling the matter with Tadolini the sculptor?

A. There was a great deal of useless trouble, because when in came to the point, it seemed that I had no power to settle it.

Q. The contract had been made?

A. Yes. The contract had been made by me some years ago, but as to the settlement about sending it off to India it appeared that I could not interfere in it.

Q. Did you meet Lord Ward at all at Rome?

A. I thought so, but his Lordship says that it was not him. I may he mistaken. I was told it was Lord Ward.

Q. Had you not been previously acquainted with him so as to be able to identify him?

A. I have seen the very same person at Lord Shrewsbury's as Lord Ward.

Q. Did he make some settlement for you with Tadolini?

A. Before I left France I heard that if there should be any difficulty in getting the monument out of Tadolini's hands, that Lord Ward would undertake it.

Q. That Lord Ward would assist you in any difficulty that might occur?

A. Yes.

Q. Do you remember who told you?

A. No.

Q. Had you any idea why Lord Ward should do it[1]?

A. I was told that his Lordship was not very rich, and that he would undertake it.

Q. For a commission?

A. Yes.

Q. For a consideration?

A. Of course.

Q. Do you recollect what you offered him?

A. I believe I offered him 200*l*.

Q. What did he say?

A. He said that he could not, but that if I wrote to England and they wished him to undertake it, he would do so.

Q. For that sum?

A. He said the sum was very handsome.

Q. He said that if they wished him in England to undertake it, he would do so?

A. Yes.

Q. But that he would not do it on his own responsibility?

A. He said that he would not do it upon my offer; he was aware that my affairs were in the Court of Chancery; perhaps he knew that I had no authority over it, which was more than I did.

Q. How did you make this communication? was it directly in conversation with Lord Ward or how was it?

A. Yes. I met him at the library and there spoke to him on the subject.

Q. The library at Rome?

A. The library at Rome.

Q. It appears doubtful whether this was Lord Ward?

A. I have seen a statement in an affidavit where it is mentioned

[1] *From my notes.*—A. Before I answer this question I must explain myself as to the circumstance which made me speak to a person whom I addressed as Lord Ward. In Paris, before I went to Italy, I was told that Lord Ward, who was not in very good circumstances just now, undertook commissions and if I found any difficulties in sending the monument to India, that his Lordship would undertake it. Therefore when I went to Rome, I certainly found a gentleman who had been introduced to me as Lord Ward.

that Lord Ward on being asked said that he was not aware of it, and that he never saw me.

Q. How do you explain it?

A. Only that I was told that this was Lord Ward.

Q. Were you introduced to him as such?

A. The first time I met him at Lord Shrewsbury's; that was many years ago, that was in the year 1838.

Q. When you met him at the library did you recognize him as an old acquaintance?

A. I immediately knew him.

Q. And you seemed to recognize him?

A. It was not the first time that I saw him at the library. I met him out driving before.

Q. And you recognized each other in passing?

A. No. I merely thought that this was the same person I had seen before.

Q. And you thought that because Lord Ward had rather a small income he might undertake it?

A. Of course I did, or else I would not have asked him to do it.

Q. It was a very handsome offer?

A. I think that it would not have taken him a week to settle it.

Q. Lord Ward had a house at Rome, had he not?

A. Not that I am aware of.

Q. The person whom you addressed as Lord Ward answered you as if he was Lord Ward, he did not seem to be surprised at your calling him Lord Ward?

A. He did not wish that I should know that he was Lord Ward.

Q. He wished to remain incognito?

A. Yes.

Q. And you humoured the incognito?

A. Yes, just so.

Q. You had no hesitation or doubt that it was the same Lord Ward that you met at Lord Shrewsbury's?

A. There was no hesitation on my part that it was the same person.

Q. You had no doubt that it was the same person that was introduced to you as Lord Ward at Lord Shrewsbury's?

A. No.

Q. Did you not think it rather extraodinary that a person like Lord Ward should undertake a thing of that kind?

A. No; I thought he was in low circumstances.

Q. Did you hear that Lord Ward was a necessitous man?

A. I have heard since that he is a very rich man, and not in want.

Q. You were not aware of that when you asked him to do that little matter?

A. No.

Q. He did not seem offended at the proposition you made?

A. No.

Q. Or at the amount which you offered?

A. No, he thought it very handsome.

Q. Is the monument gone now?

A. No; there is some difficulty about it yet.

Q. There has been a good deal of doubt started upon the subject of the legitimacy of your sister; after considering the point we should be glad to hear you explain yourself[1]?

[1] *From my notes.*—The next point introduced was the illegitimacy of Madam Solaroli, alias Baroness Solaroli.

I said, her history was so plain, that the more simply I related her case, the more clear it would appear before impartial eyes.—I began by saying, that why I did not know much of Madam Solaroli's birth was owing to this, that I was taken by the Begum soon after my birth; perhaps I was not more than forty days old, or somewhere about that, and having been with her for some years, I was sent to school, at which period my mother died. This occurred in 1820, and according to the custom of the country, the children were taken away from the house where the corpse was lying, by the Begum; but when the period for their removal came, the Begum wanted to send the two children away (these being the present Mrs. J. R. Troup and Madam Solaroli).—The father interceded and did not wish their removal, so they remained with the Begum until their father retired from her service, after which a suitable establishment was given to them, and they resided at Dehli till the latter part of 1831, when the Begum having sent for them to Sirdhana, the father interfered about their removal; but the matter being referred to Mr. William Byam Martin, the resident at Dehli, and he having sent his assistant to enquire of the ladies them-

A. It is a very simple narrative.

Q. Because it is very important to have it cleared up?

A. I was taken away by the Begum while I was very young,

selves what their wishes were as to going, they said they wished to return to the Begum, which was allowed them; but hints had always been thrown out, not only by the Begum about the illegitimacy of the latter's birth, but the Begum being a native of India, though a Christian, did not attach so much importance to the fact, as Europeans do, and therefore treated the matter very lightly;—but, as I said, not only she, but others, high civilians holding the first appointments in the districts of Dehli and Meerut (the two districts adjoining her territories) as well as military Gentlemen of rank at these stations, were aware that one of them was born of a mistress, though brought up together according to native usage with her half-sister.—This was known to many, and to no one better than to Lord Metcalfe, who had been several years the representative of the British Government at Dehli, and who was on the most intimate terms with the Begum, and who, as the last favour before his death, just before he went to Canada, in 1843 (in a dreadful state of health, and from whence he only returned to lay his bones in England) declared to me of his own accord, that Madam Solaroli was only my half-sister, being born of a mistress.—This had been told me by some others before, besides Her Highness the Begum, but it never struck me so forcibly as at this time, even when my father declared to me this before I left India; but as I had settled upon the two ladies what I had wished to give them, I thought it a matter of not much importance now; for as my fortune had been given to me by the Begum, not as heir to General Sombre or her nearest of kin, but for my own peculiar services to her, consequently I was free master over whatever she gave me; and this had been distinctly told to the ladies as well as to their husbands, before their marriage took place, as well as to the late Lord William Bentinck, Governor General of India, and the other high persons of rank and distinction.

Sir James Clark said: So you really think that Sir C. Metcalfe or rather Lord Metcalfe told you this as the last favour he could do you?—I said; yes Sir James; I take it as a great favour; and his making me that declaration has made such an impression on my mind, which he could only make; for I would scarcely have believed any other in this affair; for Her Highness the Begum herself was not very sure about it.

The next question was: How was it I had allowed them to be described as my lawful sisters in the settlement of the 20,000*l*. I had given to each of them? My answer was a very simple one; that I was not convinced of Madam Solaroli's illegitimacy at that time, or else I would not have given her the same as to the other sister.—Being asked if I could name any who could give evidence here as to those statements, I said: Mr. W. B. Martin, the late resident of Delhi; Sir Charles Trevelyan, his assistant; Mr. R. C. Glynn, the late judge of Meerut; Mr. F. C. Smith, who filled the same office before him; Mr. Tulloh,

perhaps not forty days old, and I was with her till I was sent to school, but these two ladies daughters of my father lived about a mile from the Begum's palace in a house given to Colonel Dyce

formerly collector of Meerut; Capt. Lord Henry Gordon, son of the Marquis of Huntly; Major Bere, formerly of the 16th Lancers, and many others, could speak in confirmation of this.

Sir James Clark's remark was, that Mr. Martin *, who has been applied to by them, does not say that.—I said, that it is impossible that he could have forgotten it, and I was certain that Mr. Martin would not deny that on oath.

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* I had read an affidavit of Mr. Haverfield on the subject of Mme Solaroli's birth, sworn by him, as Captain Troup's Solicitor, with some quotations from Mr. Martin. I wrote to Mr. Shadwell to know when this affidavit had been sworn and he sent me the following reply:

"Gray's-Inn, November 6th, 1848.

"Dear Sir,

"I have ascertained at the proper office, that no Affidavit or Declaration by Mr. W. B. Martin, or any other person, has been recently filed in your case, and I am,

"Dear Sir,

"Very faithfully yours,

"CHARLES SHADWELL.

"To Mr. D. O. Dyce Sombre, etc. etc."

But not being satisfied with this alone, I wrote to Mr. Martin himself, and I directed to Grove Lodge, where he resided, but strange to say, that this letter was opened in the "Dead Letter's Office," and returned to my hotel after a few days.

I also wanted to see Sir Charles Trevelyan myself on the subject, but was prevented by Mr. Mahon who persuaded me to write to him, and I wrote a few questions for him to answer, and which Mr. Mahon took, Sir Charles wrote the answers himself; but strange to say, the most important of all the questions, the last one, he gave no reply to:—

Q. Does Sir Charles Trevelyan remember his going to Meerut in 1827, and putting up at Col. Baumgardt's?

A. I once went to Col. Baumgardts at Meerut; probably in 1827.

and his wife by the Begum, and they were brought up under the care of the father while his wife was yet alive; his wife died in 1820 at Dehli, the Begum was there also, and it is the custom amongst the natives of India that when a death occurs, the children are not left in the house for some days, they are taken away by relations or friends, and such was the case with these two young girls, they were very young at that time I was at school, and when the time came for their departure the father interceded

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Q. Does he remember going to Her Highness the Begum?

A. I frequently called on the Begum and probably did so on this occasion.

Q. And entering into conversation with her about Colonel Dyce's Sombre two daughters?

A. I do not recollect this.

Q. Does he remember Her Highness telling him that one of these was a natural daughter of his?

A. No.

Q. Does he remember which of these was the natural daughter of his? the eldest, or the youngest? Does he remember them by their names? or whatever they were called by?

A. No, I knew them only as Col. Dyce's two daughters. I did not know their names. I never heard that either was illegitimate.

Q. Does he remember his hearing one of them to be a natural daughter, from any one else, besides Her Highness the Begum?

A. No.

Q. Does he remember his hearing anything about them from Davie Singh, Her Highness's Vakeel, or agent at the Residency?

A. No.

Q. Or from the other Vakeels who came in succession?

A. No.

Q. What did they say about their birth?

A. *See the answers to the two preceding questions.*

Q. Has he had any confidential conversations with Col. Dyce their father? What did he say of them?

A. He complained that the Begum was going to send them to Sirdhana against his will, beyond which I have no recollection.

Q. Has he had any conversation with Major Reghellini? What did he say of them?

A. No.

Q. Does he remember hearing anything from Mr. Hawkins, who acted as Resident, about them? Either confidentially, or otherwise? From Mr. Fraser, who succeeded Mr. Hawkins? Or from Sir Theophilus Metcalfe? Did

and would not take them away; so that they were left with the Begum.

Q. Your father would not take them from the Begum?

A. No.

Q. When they were to have been taken home again?

A. He would not take them back.

Q. Was it a wish of their own?

A. They had no wish of their own; they were too young.

Q. What age were they?

A. This happened in 1820, Mr. Troup was born in 1812, and must have been eight years old, and the other was born in 1815, and must have been five, and so they remained with Her Highness the Begum till 1826 or 1827, but in 1827 the Begum and the father could not agree upon some matters, therefore she wanted to pension him, and send him away from her service; she offered these ladies to be sent to the father and would have given him some pensions for them also; but he would not take them and there they remained till the time of their marriage.

Q. With the Begum?

A. Under the Begum's care, but the Begum lived either at Sir-

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they not all say the same, that they were well aware that one of them was illegitimate?

A. No.

Q. Will Sir Charles Trevelyan say all this on oath before a Magistrate?

D. O. Dyce Sombre.

The same thing may be said of Mr. Charles Elliott when appealing to him, he denied his ever being in the Court of Chancery, in 1844, while I could swear to his having been there, in my case, on the day the first judgment was given, with his son Mr. C. Boileau Elliott, both of the Bengal civil service:

—

"Portland Place, December 9th, 1848.

"Mr. Elliott has the pleasure to return the report which he received with Mr. Dyce Sombre's note last night, and regrets his inability to supply any information on the subject of Mr. Glynn's supposed assertion in the Court of Chancery; as Mr. Elliott certainly was not there in the year of 1844; and indeed he does not recollect having *ever* been in that Court."

dhana or Meerut and they lived at Dehli, with a suitable establishment that was allowed to them.

Q. The two young ladies lived at Dehli?

A. Yes; until the time they were married, when the Begum sent for them at Sirdhana; the father interfered again and would not let them come, so that their case had to go before Mr. Byam Martin who was resident at Dehli at the time. Sir Charles Trevelyan was his assistant; this question was brought before him, and he sent Sir Charles Trevelyan to enquire of these ladies whether they would wish to go to the Begum, or to their father, they said they wished to go to the Begum, and so it was decided.

Q. According to their wishes?

A. According to their wishes, so this matter of legitimacy was brought to the notice of Mr. Martin. I have not the least doubt, perhaps he enquired into it more out of curiosity than any reference to their birth. I have been told lately by a very great authority who is no more now; Lord Metcalfe. But I am sure that Mr. Martin knows as much or nearly as much as Lord Metcalfe did.

Q. Mr. Martin has declared that he has no knowledge of it, and that he never heard the question started.

A. Has Mr. Martin said that?

Q. Yes?

A. To whom has he said so? I should like to put the question to him. Will he say that on his oath?

Q. In the papers that have been furnished to the members of this Commission he so writes, he says that he has no knowledge of it?[1]

A. Was it ever put before him to swear it?

Q. It would seem not.

A. I used to be with the Begum when Mr. Martin's letters were read to her on the subject.

Q. Did the Begum have any notion of the illegitimacy?

A. She was well aware of many things, but she did not wish to speak on the subject.

[1] See Mr. Shadwell's note to me on the subject, page 311.

Q. She made no difference between them?

A. She made very little difference between them; she often wished to say things, but somehow or other from some promise she had made she would not disclose them.

Q. That was your conjecture, because she never told you so. You say she would not disclose?

A. I have heard her throw out many hints that Madam Solaroli was born out of a mistress.

Q. You say that she threw out hints. What sort of hints were they?

A. Why she had not only told me, but Mr. Glyn is now alive who was a very intimate friend of the Begum's, and I have heard him speak on the subject, and he has said that he had heard the father say that she was out of a mistress.

Q. Did he say that to Mr. Glyn?

A. Yes I am sure Mr. Glyn cannot deny it.

Q. Do you know where Mr. Glyn is now, is he in England?

A. Yes he is now at Brighton.

Q. That is Mr. Glyn of the civil service?

A. Yes.

Q. If it was true, the Begum must have known it very well?

A. Yes, but the Begum had many affairs of her own to manage. In India in fact such children are brought up in the family, in the same way as the other children are, and it is considered nothing, therefore the Begum did not look into it in the same light as European would.

Q. But a great difference exists in families in India between those parties that are known to be legitimate, and those that are not so, a great difference?

A. Not much I believe.

Q. I believe a great difference exists between them?

A. I think not.

Q. Even amongst the natives it is so?

A. At Dehli there is not much difference. I believe they are brought up in the same family.

Q. But this was a christian family?

A. Yes.

Q. And the Begum had herself become a convert to Christianity?

A. Yes, but they kept up the native manners. She was a sort of a Sovereign; that was a different thing, but all the rest of the ladies of the family never appeared in public or dressed like Europeans.

Q. I am speaking of the estimation in which children are held among families in India that there is a great difference made between those who are known to be legitimate, and those who are not?

A. No. I believe among the Mahometans they make very little difference [1].

Q. Between the children of the betrothed wife and the children of a mistress there is a difference?

A. No. I believe not much difference in bringing them up together.

Q. When did it occur to you, when were you first informed that your sister was illegitimate?

A. There was always some kind of mystery, and hints were thrown out about her that she was not really the child of my father's wife; and Lord Metcalfe put it all to an end, he said to me when he was going away to America "The last proof "I can give you of my regard for you is to tell you what I know "about her."

Q. He said it expressly?

A. Yes.

Q. What did he say, do you recollect the words that he used?

A. He said "you seem to be always in doubt whether she is "really your whole sister or your half sister." And then he told me that Sir David Ochterlony who was Resident at Dehli before him had advised the Begum to settle 10,000*l*. on this girl, because when this proposal was first brought before the Begum, she was very young. I do not think she was more than two years old and he wished the Begum to settle 10,000*l*. upon her, which somehow or other did not take place at the time.

[1] *From my notes.*—Excepting inheritance

Q. Was that because she was illegitimate, was it to get rid of her?

A. I do not know, they seemed to think that the Begum was rich enough to do such things.

Q. Do you speak of Sir David Ochterlony or Lord Metcalfe?

A. Sir David Ochterlony.

Q. He told this to Lord Metcalfe?

A. He advised this to the Begum.

Q. How did you ascertain that?

A. It was known to all the establishments about the Begum, her native secretaries and ministers, and all those persons about her [1].

Q. Lord Metcalfe told you positively that she was illegitimate before he went to America?

A. Yes, he did.

Q. As a matter of great importance did he communicate it to you?

A. Yes, he said that it was the last favour that he could shew me.

Q. Do you know Mr. Prinsep?

A. Yes.

Q. Was any body present when Lord Metcalfe told you this?

A. No, but he has repeated this in the presence of Mrs. Dyce Sombre at my own desire.

Q. Lord Metcalfe did?

A. Yes.

Q. Where did he meet her?

A. He came to the Clarendon Hotel where we lived, and I wished him to say what he had been telling me some time before alone, and he did so.

Q. This was just before he went to America?

A. Yes.

Q. Had you any communication with Lord Metcalfe after he returned from America?

A. Yes.

Q. Upon that subject?

[1] *From my notes.*—Who have thrown hints as well, and latterly Lord Metcalfe confirmed it.

A. No. Not upon that subject.

Q. Are you aware that Mr. Prinsep applied to Lord Metcalfe to know something on the subject?

A. Yes.

Q. Did he do so?

A. He did so, and Mr. Prinsep says that Lord Metcalfe told him that he could not speak so positively about the birth of Madam Solaroli as he could about the other.

Q. But he spoke positively to you about it before that time?

A. Yes, but he did not wish to enter into my affairs in that manner so publicly with another.

Q. He thought that it would be very essential to your comfort and prosperity that you should be put in possession of this fact, why did he withhold it from your friend Mr. Prinsep?

A. It was natural enough.

Q. You were very intimate?

A. I have known Mr. Prinsep for many years and I had also known Lord Metcalfe many years.

Q. You have known them very intimately?

A. Yes, but we do not like to talk of other persons affairs to a third party.

Q. Lord Metcalfe told you all this without your asking him, he though it so important to you that he volunteered to tell it to you without your asking him about it?

A. Yes, he told it to me as a last act of kindness, he said probably he would never see me again [1].

Q. You had suspicions about it before that yourself?

A. Yes, I always have had.

Q. You always had a suspicion?

A. When Colonel Dyce their father left the Begum, Mr. Glynn

[1] *From my notes.*—Q. By Sir J. Clark. So you really think that Sir C. Metcalfe, or rather Lord Metcalfe told you this as the last favour he could do you?

A. Yes, Sir James, I take it as a great favour, and his making me that declaration has made such an impression on my mind, which he could only make, for I would scarcely have believed any other in this affair; for the Begum herself was not always very sure about it.

had several conferences with him on matters of business, and he has acknowledged to him about the illegitimacy of this daughter.

Q. He acknowledged to whom?

A. To Mr. Glynn.

Q. Mr. Glynn told you that?

A. Yes, Mr. Glynn told me that.

Q. The only two proofs that you have as to the illegitimacy of your sister are Lord Metcalfe and Mr. Glynn?

A. There are many others; there was Mr. Scott, but he is dead, but there is Mr. Tulloh, there is Mr. Hamilton, Mr. Francs, Mr. Metcalfe, now Sir Theophilus Metcalfe and other military gentlemen as well, of rank and position.

Q. What does Mr. Tulloh say?

A. I have not seen him.

Q. Then the only proof that you have about the illegitimacy of your sister is what Lord Metcalfe has told you, and what Mr. Glynn has told you?

A. There is Mr. Smith also. F. C. Smith, besides others.

Q. He is at Hampstead, he knows it well?

A. He knows it very well, and there is Mr. Charles Elliot whom I had forgot.

Q. He is also in this country. He is in Portland place, he knows it well?

A. Yes.

Q. Then it is a fact of general notoriety?

A. Not the least doubt about it.

Q. There is no question about it?

A. No, there is no question about it.

Q. How do you account for the fact that Dr. Drever who states himself to have lived four years in the family never heard it from any member of the family, or from any of the oldest persons resident with or about the family?

A. I know that he has made affidavits to that effect, but they are all false, he knows that perfectly well.

Q. Notwithstanding his affidavit?

A. Yes.

Q. What was your father's object in making her out illegitimate? Do you know what motive he could have had in doing so?

A. No, he was obliged to confess it. His object was that he should have the Begum's property in the first instance, and then he would give it to me and the real sister, and what I had got in the Begum's lifetime, that I should settle part of it upon this one.

Q. The illegitimate one?

A. Yes, that was his object at first.

Q. But did he admit to you that she was illegitimate himself?

A. Yes, before leaving Calcutta he did himself in the presence of Sig. Solaroli her husband.

Q. Any body else?

A. No.

Q. Your father was in Calcutta at the time?

A. Yes.

Q. And he told you before Sig. Solaroli that his wife was illegitimate?

A. Yes.

Q. Did you make any communication about this time to her?

A. No.

Q. Did you make over any money to her?

A. Just before this I had settled 20,000*l.* on each of them not knowing that she was illegitimate.

Q. You did not know it at that time?

A. No.

Q. What date was that?

A. In 1836.

Q. All these hints that the Begum had thrown out you did not put any confidence in them?

A. After all they were hints.

Q. The common reports upon the subject had not impressed your mind with any such notion?

A. No.

Q. Although the Begum had frequently hinted at it?

A. Yes.

Q. The father told you after you had made the settlement?

A. Yes; some months after.

Q. Up to that time you were not impressed with any notion of its being the case?

A. No, this was just before I left Calcutta.

Q. Although hints had been thrown out from various quarters, they had not made that impression on your mind?

A. No.

Q. You told me that they were your sisters?

A. I think that I explained to you about the doubts of Madam Solaroli.

Q. I never heard of it until now, until this month [1].

A. I thought I had always stated it, and your report of 1847 makes mention of it as well.

Q. I think you said you never thought of it till lately?

A. I brought this subject forward in 1844 when the examinations took place for the first time publicly.

Q. In reply to a question of mine just now you said that you had always suspected it, strongly suspected it, is not that the case?

A. Yes.

Q. But you nevertheless settled 20,000*l.* on each?

A. Yes.

Q. Your suspicions made no difference in your intentions?

A. No.

Q. Your father said nothing to you about it till that was done?

A. I never saw him in fact. He had a suit against me in the Supreme Court of Calcutta, and I did not see him.

Q. Was he not there?

A. Yes.

Q. I thought you said that he told you in Calcutta?

A. I saw him before leaving Calcutta.

Q. And you say that he expressed that to you before Sig. Solaroli?

A. Yes.

Q. What did Sig. Solaroli say?

[1] Vide Report of August 5th, 1847, p.237, signed by the same Dr. Southey, who examines me here.

A. He said that he was well aware of it.

Q. Was he aware of it when he married her?

A. He was well aware of it even before he married her.

Q. It is a question of fact, you cannot be mistaken in your recollection about it?

A. Not about what has passed in my own presence.

Q. Did you ask your father on the subject, or did he volunteer to tell it you?

A. He volunteered it himself.

Q. Lord Metcalfe seemed to be impressed with the great importance of it and he made a direct communication. It was not from any doubt that you expressed to either of them that they communicated this?

A. No.

Q. They volunteered to tell you this fact both of them without your enquiring?

A. Without my enquiring.

Q. In the face of those suspicions so long held by you, how was it that in the instrument formally drawn up by lawyers in Calcutta settling those 20,000*l.* on each of the sisters, how comes it that in that instrument you permitted them with those suspicions still in your mind to call her your lawful sister?

A. I had suspicions, but those were all[1].

Q. I thought just now you declared that you always had suspicions from the hints that were thrown out?

A. There were hints thrown out that she was not a full sister. I never could make out how she was not.

Q. Till your father told you?

A. Yes; and others. In native families, in fact, these things are considered nothing, though the Begum knew it. She did not lay that importance to it which you seem to imagine she ought[2].

Q. When was it that Mr. Glynn served in the Dehli District?

A. He was never in the Dehli District. He was at Meerut, he

[1] *From my notes.*—A. If I was convinced of her illegitimacy I would not have given her as much as the other sister.

[2] *From my notes.*—And Indians do not pay much importance to such affairs.

was about 20 years till he resigned, but I remember it was in 1827 and 1828 that the Begum consulted him in this matter.

Q. And informed him of it?

A. Yes.

Q. Has Mr. Glynn told you that?

A. He has not only told it to me, but he has told it before the whole Court of Chancery.

Q. The Court in Calcutta?

A. No, here in London in 1844.

Q. Before the Court of Chancery?

A. Yes.

Q. He stated that Madam Solaroli was illegitimate to his knowledge?

A. To his knowledge, and from the father's confession; it was from the father's confession and the Begum's information.

Q. He had no reason to doubt it?

A. No.

Q. He declared it in open Court?

A. Yes.

Q. In our Court of Chancery?

A. Yes, *in the Court* of Chancery.

Q. You do not recollect when that was, do you?

A. In 1844.

Q. Were you present in the Court of Chancery?

A. I was present.

Q. What is Mr. Troup's opinion?

A. He knows it perfectly well, but I have seen his affidavits, and he denies it also.

Q. Do you know or have you any idea what his motive can be in denying it?

A. His motives are said to be that in case of my death his wife would get half the property and Mr. Solaroli for his wife's part will be satisfied with 10,000*l*.

Q. And what is to become of the rest?

A. That I do not know.

Q. If he could prove the illegitimacy he would get the whole?

A. Is not that getting the whole?

Q. It is getting the half minus 10,000*l.*

A. Yes but if 10,000*l.* would settle all, this it is much better than going to law : if he can compromise for 10,000*l.* it is much better than going to law about it.

Q. How do you know this?

A. Such hints were thrown out in India before I left it.

Q. Of this arrangement?

A. Yes.

Q. At one time I think you had some notion about communication with spirits in India?

A. Have I ever said that I had communication with spirits?

Q. Yes, that was during your illness.

A. I do not remember it[1].

Q. Of course you do not remember all that passed during your illness?

A. No.

Q. You heard this in the ordinary course of conversation?

A. Yes.

Q. Before you left India?

A. Yes.

Q. What did you hear?

A. That Mr. Troup would be quite satisfied with half.

Q. Do you recollect who told you.

A. There were so many, there is Lord Henry Gordon; I do not know what he may say now, but he has told me this; there is Major Bere of the 16th Lancers, he told me this also.

Q. Before you left India?

A. Before I left India.

Q. They have told you that Mr. Troup would be satisfied with half the fortune?

A. Before he married, he made that agreement with some one or other, that he would be satisfied with half and Solaroli would be satisfied with 10,000*l.*

Q. That was arranged between Mr. Troup and Solaroli?

A. Yes.

[1] I was obliged to say that.

Q. And Lord Henry Gordon told you this?

A. I mention his name in particular because he is known here, but I have heard it from several others as well.

Q. Is Lord Henry Gordon in England?

A. I do not know.

Q. Do you recollect when he told you that?

A. It was after the Begum's death.

Q. Before or after you made out that document?

A. Before.

Q. Did not that affect your calling her your lawful sister?

A. I thought they wanted to make a joke of it; I did not attach that importance to it I ought to have done.

Q. You did not believe it?

A. I did not pay any attention to it.

Q. Did you believe it after your father told you?

A. Yes.

Q. You began to believe it then?

A. Yes, but as I had already given her 20,000*l*. I did not make any further enquiries, and as the Begum had given me her fortune for my particular services to her, it signified very little whether she was legitimate or illegitimate.

Q. You never were quite satisfied till Lord Metcalfe told you?

A. Yes, he confirmed it, he said he was aware that his days were over in this world, and he was going to tell me this as a last act of favour.

Q. He did not wish you to keep it a secret?

A. He said he would be glad if I remained quiet till it was actually necessary, he knew that he had not long to live.

Q. This was before he went to America?

A. Just before.

Q. He was not very ill?

A. He had a cancer in his face.

Q. His cheek was quite healed over at that time.

A. No, he pulled the bandage off and shewed it me.

Q. You must be mistaken in the period?

A. I saw him in 1843 for the last time before he went to Canada in February 1843. He then came home and died here in 1846.

Q. In regard to this proposed arrangement of Mr. Troup's, do you think that in the event of your death such an arrangement will hold in respect to your property?

A. I hope not; I have laid it before the Ministers and I have spoken to eminent authorities about it. I hope it cannot be so now, but such was the idea that was entertained by Captain Troup.

Q. You probably made a will by which you could more effectually settle it?

A. Just so.

Q. You made a marriage settlement which would interfere with this arrangement?

A. That part of it would be accounted for, if it was to be divided.

Q. I have understood that in the settlement that you made previously, you settled 20,000*l.* on Madam Dyce Sombre in the event of your death?

A. No, those were not my instructions to the lawyer; when this settlement was ordered to be drawn I had Dr. Drever with me as my friend whom I had asked to superintend over this, and look over every thing that was to be in the trust deeds; when the papers were brought, there were so many that I could not go over them; I could have gone over them but I did not. I looked over some of the sheets of the marriage settlement; it was 4,000*l.* a year in case of my death.

Q. That was what you intended?

A. That was what I intended; but I hear that according to law the lawyers, or whoever made out the settlement ought to have said "in consideration of the widow's share" it ought to have been put in, that I gave 4,000*l.* a year in consideration of her share as a widow, and this I am told has not been inserted.

Q. And the other has been inserted instead?

A. What other?

Q. The 20,000*l.*?

A. No, not that I am aware of.

Q. Have you not settled something besides the 4,000*l.* a year on Mrs. Dyce Sombre?

A. No, though it was Lord St. Vincent's wish; he said that

some provision is always made for younger children. It is not 200,000*l*., it is 200,000 rupees or 20,000*l*.

Q. That makes a difference?

A. That makes a very great difference, it is 200,000 rupees, but as I left every thing to Dr. Drever's inspection, I did not go through it myself. It is not the Dr. Drever who practiced in London, but a relation of his who was in the East India Company's service.

Q. You do not seem to be quite clear about the settlements at this moment; how they are made out?

A. No. I know very little about them.

Q. You never read the settlements?

A. Not all.

Q. Does not your lawyer know all about it?

A. He knows every thing about it of course, but that lawyer is no more my lawyer, he has turned against me,—Mr. Frere.

Q. He was your lawyer at the time?

A. Yes.

Q. But he could not alter the deeds after they had once been completed?

A. No.

Q. You do not know what they are?

A. No, I do not know what they are.

Q. I thought you said just now that what you desired to be inserted was omitted?

A. I am told by friends of mine that this part has been omitted, about the widow's share.

Q. But that it should have been put in?

A. Yes.

Q. Does not Mr. Shadwell know it?

A. No, he has never seen it.

Q. Who was the trustee on your behalf, or was there more than one trustee?

A. There were several.

Q. Personal friends of your own?

A. Yes; Dr. Drever was one of them whom I trusted the most, he had been with the Begum four years.

Q. And you no longer trust him now?

A. No, I cannot after his affidavit.

Q. He has turned against you?

A. He has not only turned against me, but I know that he has perjured himself.

Q. Your impression is that Mr. Frere cheated you in not making out this property; what motive could he have?

A. It could not have been from any good motive.

Q. Have you had any reason to find fault with any of your other lawyers, have they cheated you?

A. Latterly since 1843 my property has not been in my hands, so that they could have cheated me very little, but I have reason to believe that they have not acted fairly.

Q. Had you any transactions with any lawyers in Rome while you were there?

A. No.

Q. Had you any business with a Mr. Plowden?

A. He is not a lawyer, he is a banker.

Q. How did you find him?

A. I have some complaints against him about money matters, I am not satisfied with him, in the manner he conducted my pecuniary transactions, he has paid me less money. Then I have drawn from him as full amount.

Q. What offence did Prince Doria give you? I find according to some of these statements that you appear to have taken offence at something done by Prince Doria?

A. It is not fair, I think, to enter into these transactions [1].

Q. These things are stated as a proof that you are rather hasty, we should like to clear it up for you?

A. It has no reference to this affair.

[1] *From my notes.*—Q. By Dr. Southey. Had you not any communications with Prince Doria?

A. I do not think that I am obliged to enter into any transactions I may have had abroad. Has Prince Doria made any complaints on the subject?

Q. No.

A. Then I decline answering this question.

Q. It is put forward as a statement to prove that you are not of sane mind; we have it submitted to us and we are called upon to mention it to you, we want to find out that your conduct was reasonable?

A. It is entering into private affairs more than is necessary.

Q. It is very painful to us to discuss any of your private affairs, but it is a part of the statements which are for our consideration and for your explanation. You cannot tell us the nature of the offence?

A. I think that it is not necessary to enter into that. I can only say so far, that I thought it necessary to ask some explanation of Prince Doria.

Q. In short that is a subject that you would rather not disclose?

A. Just so.

In Re David Ochterlony Dyce Sombre.

THIRD DAY.

Continuation of Examination of Mr. Dyce Sombre by Sir J. Clark, Dr. Southey, Dr. Bright, and Dr. Martin[1].

—

Mivart's Hotel, November 6th, 1848.

Q. Now I think we have nothing further to ask; we have gone over the old ground till you are, no doubt, sick of it; it must be as hurtful to you as it is to us; therefore we will not go over the old ground again; we have merely a few common place remarks

[1] *From my notes.*—Feeling unwell, on Friday, I wrote to my Solicitor to say that I should be obliged if the examination would be put off its meeting to Monday. They met to-day at half past 3. On my entering the room, and before the short-hand-writer had time to come and take his notes, they said: "Of course, the short-hand-writer is employed for the benefit of us all, and will be paid by the Court of Chancery out of your estate, and we want to keep a copy of it for ourselves as well as you." I said it was quite a mistake; that the short-hand-writer had been employed by me to take notes for myself alone, as the reports of the Doctors did not correspond with what they asked, and said, and what they did put down in their reports. Dr. Southey said: "This was allowed as a particular favour to help our memories as well as your own." I said: "It was not said so at the time, or else I would not have had him. You always took notes of what you wanted, though you would not allow me to take any, and I, therefore, cannot allow you to have copies of them."

to make; you were annoyed when I asked you about Prince Doria. I must apologize if I have given any offence, but you see these facts have been alleged by persons who consider you to be of unsound mind, they bring forward these facts.

A. These are interested persons. I have seen Mr. Frere's affidavit on that subject, of course Mr. Frere is an interested party. If Prince Doria had complained and thought me of unsound mind, that would be a different question. Mr. Frere of course will say anything.

Q. I mentioned it in order that you might explain anything on the subject.

A. I have nothing more to explain than what I said before, that I thought I had some reason to ask for an explanation of Prince Doria.

Q. And you did so ask for an explanation?

A. I did, and he did not give me a satisfactory answer, but I could not help that.

Q. It was with no wish to annoy or pry into your private concerns that I asked you, but merely that anything that came into the shape of an affidavit might be stated for the sake of explanation. I thought you might like to have an opportunity of explaining it?

A. I did explain it the first day.

Q. I thought you rather shrank from the enquiry?

A. I said I had some reason to ask for an explanation of what I had done, and then I said I declined entering into the subject more particularly.

Q. Leaving it just as it is, in fact you do not wish to offer any explanation about it?

A. I have explained it as far as I can.

Q. There are no points brought forward in the hostile affidavits which you would like to address yourself to, you have seen them all?

A. Yes, but there are so many that I did not think it worth while to have copies of them by me.

Q. In fact there are no allegations that you think it worth while to refute or to say any thing about?

A. They are all false and I have addressed the Lord Chancellor upon them several times, but since they were not taken notice of I have expressly for that reason (though I have not entered into the particulars of the affidavits, but about other matters I think myself aggrieved in) I have addressed a letter which I wish you to deliver to the Lord Chancellor. I have left it open for you to make any remarks you please [1].

"Mivart's Hotel, 6th November, 1848.

"My Lord,

"The Physicians appointed by your Lordship having seen me, and the examination being about to close, I take this opportunity of transmitting through them this letter with such facts as I feel myself grieved with, and which you will be pleased to redress.

"1st. At the time I was confined at the Hanover Lodge, Regent's Park, I had left some of my things at the Clarendon hotel where I lodged, and other things were locked up at the Pantechnicon; but on my applying for them in 1843, I got a part of them only sent to me in Paris, and the rest are still out of my possession; and when my solicitor applies for them, he is told that Mrs. Dyce Sombre has got them, and that your Lordship will be applied for to decide which things are hers, and which are mine.—This was told to my solicitor in 1845; but since if I apply for them through my solicitor, whom your Lordship must remember I am obliged to employ the same person, about whom I have complained, he takes very little notice of it, and keeps me out of them from one day to another on frivolous pretences.—Amongst other things which are with Mrs. Dyce Sombre belonging to me, there is a cab and harness, which under any circumstances can be of no use to a lady.

"2ndly. Your Lordship by your order of the 8th September 1847, had directed that all the surplus income, arising from my estate, after deducting Mrs. Dyce Sombre's allowance, and Mr. Larkins, who is manager of the estate, his legal charges (should there be any) were to be paid to me, but Mr. Larkins, though twelve months have expired, has only paid 6000*l*., and hints that there will be only about 1700*l*. given to me in about a month more, as the remaining balance in his hands for this year, while I reckon that, after paying me the 6000, and deducting Mrs. Dyce Sombre's allowance of 4000, there ought to be considerably more for me to receive; for while the management remained in my hands, I received 16,000*l*. per annum clear, when all the income was derived only from Indian Government securities, and not any part of it was invested in Railway shares, which has been done since, as well as the savings of the last six years.

"3rdly. I have applied to Mr. Larkins to be furnished with the accounts of each current year, since he had the management of my estate, which was

Q. Do you wish that to be conveyed to the Lord Chancellor?
A. Yes, to be sent with your report.

made over to him in February 1844, as well as the account rendered by Mrs. Dyce Sombre from the time of my confinement in March 1843 to the time they were made over to Mr. Larkins; and although the latter tells me that he has no objection to his furnishing them, but that the master in Chancery will not permit him to do so, such being the case, I trust your Lordship will desire that both accounts shall be furnished.

"4thly. By an order of Lord Lyndhurst, 60*l.* a week had been given to me from the 1st of September 1845 to the 15th December last year, thus making 120 weeks in all; yet I have received a lesser sum by 400*l.* from the accounts furnished to me by Mons. Ferrère Laffitte, and which I sent for your Lordship's inspection some time back.

"5thly. Before the management of my estate had been taken away from my hands, I had 6000*l.* worth of Indian stock in my name in the Company's books; but on reference to the list of proprietors, I find my name does not stand amongst them; and though on enquiry I am told that it is in Chancery, yet I cannot get any authentic accounts of it, with whom it is lodged, and why it has not been deposited with the manager of the estate, who has every thing else under his custody.

"6thly. At the time I was confined in 1843, I had a large sum of money in the Indian Government securities, the accounts of which each year ought to have been furnished to the manager of the estate, and if he has received them, I beg your Lordship's order that they should be sent to me forthwith.

"7thly. Amongst the things Mrs. Dyce Sombre has possession of, there are two signet rings, one of which belonged to Her late Highness the Begum, which, though of itself of no great value, yet is one I would not like to part with, and although I never gave it to her, yet if she thinks it is valuable, I am ready to have it shewn to an auctioneer and abide by his estimation. There are also some Indian drawings with her, and a marble bust, besides some chests of books, which can be of no use to her, and which your Lordship will be pleased to have made over to me.

"8thly. The monument for the late Begum had been getting made at Rome. —I went to see it last year, and though I found it in a better state than I expected to have seen it, for its superintendence had been taken away from my hands, yet I found that though my design had been followed to a great extent, yet when I was willing to dispatch it, that I had no power to have it removed. This I felt as a great grievance, and crave your Lordship's order that its final settlement and dispatch should be left to me without any other interference of another person.

"9thly. It has been your Lordship's express order that I should receive the whole surplus of my income, after deducting the charges I have above detailed; yet it is strange that Mr. Larkins thinks proper to pay Mr. Shadwell's

Q. I will give it to the Secretary. Do you wish us to look at it?

A. Yes you may.

Q. Because without your permission we should not look at it.

A. You may do so.

Q. And I am responsible for its going into the hands of the Chancellor's Secretary?

A. Not to the Secretary. I wish it to be delivered to the Lord Chancellor himself.

Q. We are not in the habit of seeing him.

A. If it is under cover with your report to the Lord Chancellor that would be sufficient.

accounts without referring them to me, as well as the solicitor's I employ in Paris, without my desire, which Mr. Larkins must be called upon to account to me, for the same.

"10thly. In 1845, when Lord Lyndhurst had entirely stopped my allowance, I had to borrow money from a Mr. Mahon, who advanced me 600*l*.—This sum I repaid him last year, but I am told that your Lordship, hearing that I was in debt, had ordered that it should be paid out of my estates as well as what was due to my solicitors. If such has been the case, I have been strangely deceived, for I in this manner have paid him twice, and he yet claims some lawyer's bills, which he says have not been settled.

"11thly. In the beginning of this year, I saw by the reports made in the public prints that your Lordship had desired 450*l*. to be paid out of my estate to a Mr. Coppeck for some claims of his for some bills I contracted at my election at Sudbury; but this, My Lord, had been all finally settled by me through Lord Marcus Hill in the year 1842, some months previous to my confinement; yet my solicitor says, that though he had been present at Court, he was never referred to on the subject!

"12thly. Amongst the houses I have in India, I had one at a place called Khirwa, within three or four miles of the Begum's principal residence, which she was in the habit of going to for change of air. It was quite a new house, and one which I would have wished to have kept up; but I hear now from one of undisputed authority that it has by your Lordship's order been levelled to the ground. This, however, I am sure, can only have been done by some misrepresentation of the manager of the estate, and I look to your Lordship for redress under that head.

"Lastly. Some notes I had made of Her late Highness the Begum's memoirs with some intention of publishing them hereafter, and which I had collected with great care; but unfortunately they were taken away from me with some

Q. You wish this to go under cover to the Lord Chancellor?

A. Yes.

Q. I believe that you have not been quite well since you came to London [1]?

A. I had some little complaint, I suppose from change of air, but I am better now.

other papers locked up in an iron case, by Sir James Clark; since which I have no knowledge of them; and it is with the view of obtaining them, that I address your Lordship in order that you may be pleased to have them restored to me before I leave London.

"Trusting also that your Lordship will be pleased to permit me to wait upon you, and that your Lordship will send an answer to all the grievances I have laid before you.

"I have the honour to remain, your Lordship's,

"Most obedient humble servant,

"(*Signed*) D. O. Dyce Sombre.

"*P. S.* The accounts, My Lord, will all be destroyed, if they are not made over to me now; for Mr. Larkins says he cannot keep them beyond five years, which will terminate February next."

The next day I wrote to Dr. Southey as follows:

"Mivart's Hotel, November 7th, 1848.

"Mr. Dyce Sombre presents his compliments to Dr. Southey, and begs to remind him, that he has told him, when he gave him the letter for the Lord Chancellor, that as he did not receive any answer from his Lordship to his complaints, he had no other alternative left to him, but to send it through him; and that he requests this will be mentioned in the report, with which the letter is to be sent.

Answer.

"1, Harley-street, November 8th.

"Dr. Southey presents his compliments to Mr. Dyce Sombre, and begs to inform him it is not in his power to introduce any thing into this report without the consent of his colleagues.

"Dr. Southey can promise Mr. Dyce Sombre, that not only his letter to the Lord Chancellor, but also the one addressed to himself shall be forwarded with the report."

[1] *From my notes.*—Dr. Martin.—Were you not very ill when you were at Brussels?

A. Yes, in 1845, on my return from Russia I was very ill.

Q. By Dr. Bright. You did not find the change of water disagree with you, because sometimes it does?

A. Yes it does.

Q. I know in Paris, I have always had a diarrhea from the waters.

A. But I do not make use of much water; I drink Eau de Vichy.

Q. Did you not suppose that something had been put into your food?

A. No, I thought it was from change of diet.

Q. And again in Paris?

A. I was very ill in Paris in 1846.—The Doctors bled me often, and I was not allowed to take food for eight or nine days.—I had pains between the liver and chest, and I could not breathe well.

Q. Did you think that some one who was there at the time had made you ill?

A. No.

Q. When did you return from Madrid?

A. I arrived on the 1st of October last in Paris, in order that there might be no mistake or any excuse made about my examination, for my Solicitor had apprized me that the examination would take place in October; and I took care to be in Paris on the 1st.—For I remember when I wished to be examined in 1845, I was told it was too late in the season, for the Court of Chancery was going to close, and I was not examined at all that year, though I had applied for it in July.

Q. Have you not been speaking something to Mr. Mivart about your dinner in this hotel?

A. Yes. I thought the dinner was not served in the proper way, and I called Mr. Mivart, and I told him, that I should be obliged to him, if he would tell his servants to be particular about it.

Q. In what way could they be particular?

A. I thought the dinner had been left some time in the passage, and was not brought in from the kitchen at once to the table.

Q. Did you not give a dinner at Brighton?

A. Yes. I remember Lord and Lady Downshire and some other friends dining with me last year.

Q. Was not Lord Combermere of the party?

A. No. I think his Lordship had left Brighton.

Q. Who else was there?

A. So long a time has elapsed, that I cannot remember now.

Q. Where there any ladies?

A. Yes, and also Mr. R. C. Glynn, the late judge of Meerut of whom I have already spoken.

Q. For a long time you have taken it?

A. Yes, I was advised by a French Doctor to make use of that, and I found it agreed with me so well that I continue it.

Q. On your return from Russia at Brussels you were dangerously ill?

A. And after that again in Paris.

Q. In Brussels you had reason to suppose that it was the food that disagreed with you?

A. It was something of the kind.

Q. Something in the food?

A. No, not in the food exactly. I thought coming from Russia, perhaps change of food had disagreed.

Q. Difference of cooking perhaps?

A. Yes.

Q. *By Dr. Martin.* Were you ever ill at Brussels?

A. I was more ill in Paris.

Q. Were there any persons in Brussels or Paris about the time that these illnesses took place whom you might have suspected?

A. No.

Q. No, persons were there at the time whom you suspected?

A. No.

Q. In Paris what was the cause of your illness?

A. Pain.

Q. Pain in your stomach or bowels?

A. No, in the liver I thought, but it extended higher up than the liver.

Q. You were alarmingly ill for some time in Paris?

A. I thought I was very ill, and so did the Doctors.

Q. What did the Doctors attribute it to? Did they attribute it to any particular cause?

A. They described it in their way, they described the internal part of the body, the division between the chest and the liver had been affected.

Q. Did they suggest any caution to you as to diet and so on?

A. They kept me without food for eight or nine days and they bled and blistered me.

Q. The food has agreed with you very well here?

A. Yes.

Q. Had you reason to speak to Mr. Mivart or any of the persons in the Hotel about the diet when you arrived here?

A. I merely said as they had so many persons to attend to, that if he gave a general order that my dinner was to be looked after, I would he obliged to him.

Q. You said that to Mr. Mivart?

A. Yes.

Q. You did not like the cookery probably; did you?

A. They were in the habit of cooking not quite so fresh as I wished.

Q. They might put something improper if they were not cautioned. Some of the seasonings are not always the most wholesome. You cautioned Mr. Mivart to take care that nothing was put into the food to disagree with you, no condiments?

A. I have had nothing to complain of yet.

Q. I thought you said you gave him a general caution?

A. That it was to be conveyed to me properly, not cold.

Q. Merely with regard to heat or cold, but not with regard to any sauces that they might put into it?

A. No, in English cookery there are not many sauces.

Q. I dare say there is a French cook here?

A. No. They put down for me plain English fare. In fact it is my wish.

Q. You like that best, it agrees with you better?

A. It agrees with me better.

Q. Did you not talk once of a desire to go to India?

A. Yes.

Q. Have you given up that idea?

A. No.

Q. Why don't you go?

A. If I cannot get leave I cannot go.

Q. But abroad you take leave, you do not wait till it is given you?

A. I do not know whether without the Lord Chancellor's order I could go.

Q. We thought when we last parted from you that you had an intention to go to India?

A. I could not have gone.

Q. You got as far as Egypt?

A. Yes, but Egypt is not India [1].

Q. You could go if you chose?

A. I would not run the chance without the Lord Chancellor's permission.

Q. If you wished to go to morrow you might go; your allowance is always paid to you?

A. When I come here I am obliged to get the special order of the Chancellor; and I suppose that India being under the English Government, I should require the same.

Q. You have the Chancellor's order in your pocket?

A. That is for coming here.

Q. For going any where?

A. No, if he gave me a general order I would go.

Q. I no not think there is any limitation?

A. There is a limitation in this as well as when he authorised me to do to Dover and Brighton; they expressly name the places.

Q. When you left England last you were not bound by any limitation.

A. I was bound to Brighton only.

Q. You were afraid your person might be seized in India?

A. It might.

Q. I thought you expressed a wish to go to India?

A. Not without guarantee.

Q. It was an understanding that you might go if you wished. I do not suppose the Lord Chancellor would make any objection to your going to India if you wished it?

A. Then I had better apply to him for leave.

Q. I believe there has been every disposition on the part of the Chancellor to give you every facility, while you remain under his guardianship.

A. I should be fearful to venture without his permission within his juridiction.

[1] *From my notes.*—Nor I ever said I was going to India.

Q. But as to licence with regard to the whole of Europe that you take for yourself?

A. That I do. It is for this very reason that in coming from Egypt I would not undergo the quarantine when I touched at Malta. I was obliged to go to Marseilles and then return back to Italy. I made a circuit of several hundred leagues.

Q. Rather than go to Malta?

A. Yes, though I touched there, I would not undergo my quarantine there.

Q. Where did you undergo quarantine!

A. At Marseilles.

Q. It was possible the committees of the person might have seized you at Malta?

A. Yes.

Q. Your coming here was in order to meet certain persons, and it was necessary that a place should he specified.

A. I am not at liberty to come here without that.

Q. Dr. Southey does not think the Chancellor would refuse you leave to go to India.

A. I will apply to him.

Q. It was part of our recommendation that you should have every thing you wished, short of complete emancipation at that moment.

A. If I am found to be of sound mind, then I do not require any order of the Lord Chancellor.

Q. Then you will be as free as any body else?

A. Yes[1].

Q. Then all the affidavits that have been placed before us on the part of these several gentlemen Mr. Frere, Dr. Drever, Captain Troup and Mr. Solaroli, you would declare them to be entirely false?

A. Mr. Frere speaks to my disagreement with Prince Doria I believe. The other gentlemen to the delusion of my fancies res-

[1] *From my notes.*—Then, said Dr. Southey, we shall apply to the Lord Chancellor in our own way?

A. You can.

pecting Madam Solaroli's birth, but they are all interested parties.

Q. And what motives do you ascribe to them for originating those falsehoods?

A. As to their being false, there can be no doubt; as to the motives of others I cannot say.

Q. We do not understand what the motives of Mr. Frere can be?

A. Is he not employed against me?

Q. He is employed by the committee of the person.

A. Not at all, he is employed by Mrs. Dyce Sombre who, I did not know, still continues committee of the person.

Q. He is employed by Mrs. Dyce Sombre against you?

A. Yes.

Q. In order to injure you?

A. I do not know about that, he defends her.

Q. And that by falsehood you think?

A. If not by falsehood by insinuations. If I asked Prince Doria for an explanation for some misconduct of his, that is my affair, he must not attribute that to madness, which he does.

Q. Indeed we are in the dark about it.

A. We cannot enter into private affairs so publicly.

Q. We are all sworn to secrecy; till we are called upon by the Chancellor we do not divulge anything that passes.

A. The best thing would be to call on Prince Doria for an answer.

Q. That would be inconvenient in consequence of distance and time.

A. He has some friends and relations here.

Q. Are they in possession of it?

A. I do not know, it is likely.

Q. The offence was given at Rome?

A. Which offence?

Q. The offence of Prince Doria.

A. I did not say that there was any offence given at Rome. I merely said that if I had reasons to ask for some explanation of his conduct towards me I thought I was justified in asking him.

Q. We think ourselves justified in asking what the nature of the offence was which he gave to you.

A. I have never said whether it was an offence or not an offence given at Rome, it may be an explanation of something.

Q. There must have been some substantive cause?

A. Of course there was.

Q. You do not object to mention it?

A. I have an objection.

Q. You were kind enough formerly to explain to us quarrels you have had with General Ventura and so on?

A. Those occurred in England.

Q. You wish to seal up all that has taken place on the continent?

A. Yes; I have my reasons.

Q. Was it in England or Rome that Prince Doria gave you offence?

A. I merely said that I asked some explanation of his conduct at Rome.

Q. Where did that conduct take place, was it in England or Italy?

A. In England.

Q. Before you went to Italy?

A. Yes.

Q. I thought it was in Hyde-Park?

A. No, this took place in Regent's-Park. When I asked for his explanation, that was in Rome.

Q. The offence was given in London?

A. Reasons were given in London.

Q. It was something that required explanation?

A. Yes.

Q. And you demanded the explanation in Rome?

A. Yes, the first time I ever saw him after that occurrence.

Q. Had you seen him often before, were you acquainted with him?

A. I was very well acquainted with him at Rome when I was there formerly.

Q. On the former occasion when you had been at Rome?

A. Yes.

Q. He refused to give the explanation?

A. I thought he did not behave like a gentleman; he did not tell the truth.

Q. That was quite a sufficient reason for demanding an explanation certainly. He did not tell the truth though you demanded the explanation?

A. No, he sent me an Abbé, a friend of his who told a falsehood on his part. It was altogether a strange affair.

Q. It was quite plain he did not mean to fight, from the ambassador he sent?

A. I do not know whether an explanation would not have been enough. I did not want him to fight.

Q. The explanation was not satisfactory, and there the thing ended I suppose?

A. Yes.

Q. Did you ever meet him afterwards?

A. No.

Q. Was there any interference on the part of the Pope on that occasion. Did the authorities in Rome at all interfere to prevent bloodshed?

A. I believe the Abbé went to the Cardinal Secretary of State and he wrote to the British Consul there.

Q. Was any communication made to you?

A. Yes, he wrote to me.

Q. The British Consul?

A. Yes.

Q. What was the nature of the communication?

A. He merely explained that the Abbé had gone on the part of Prince Doria to the Secretary of State to lay that before him, demanding his protection, and the Secretary wrote to the Consul warning him, and he advised me to be on my guard.

Q. Not to give further offence?

A. I suppose so.

Q. Did he threaten to send you out of Rome if you did anything of that kind again?

A. No.

Q. Did the warning refer to any personal threat against yourself?

A. I suppose to any personal combat we might come to, he might have thought that having told a falsehood I would take the law in my own hand.

Q. I suppose it is very much like an information before a magistrate in this country?

A. Just so.

Q. They did not bind you to keep the peace, but they gave you a broad hint that if you did not take care they would send you out of Rome?

A. Not exactly, but nearly so.

Q. The Prince was peaceful.

A. Yes.

Q. He was not disposed to fight?

A. No.

Q. There is nothing more that you feel enclined to say about the affidavits, except that they are generally false?

A. All that have been put against me are all false.

Q. All those facts of extraordinary conduct?

A. All false. I have read the affidavits that were made by persons while I was living at Brighton; I cannot speak to their names.

Q. Is Mr. Pegg one of them?

A. He is the hotel-keeper. I know him, but the other women who gave their evidence I can swear that they are false.

Q. The motive for getting up all those stories is what we would like to arrive at?

A. I suppose to keep me in Chancery.

Q. By some interested or hostile persons?

A. Yes.

Q. You mentioned a dinner, who was at dinner with you? You mentioned Lord Combermere and Mr. Mahon?

A. No, I never mentioned either of them; Lord Combermere had left, but Mr. Mahon used to come in the evening to sit a few minutes.

Q. With Lord Combermere?

A. No, with me alone, and he was there that evening they

accused me about the chambermaids, because the next day I was told by my friend, that there was a report of my doing such a thing the night before.

Q. Was that the affair of the chambermaid?

A. Yes.

Q. It was said you locked her up in your room?

A. It was said that I locked her up in my room; but as soon as I returned from my drive I had my dinner; after dinner Mr. Mahon came and we went out together for a few minutes; and after that I returned home and went to bed, so that it could not have happened then; I did not even go to Lady Downshire that evening.

Q. You had a large dinner party one day; who dined with you?

A. Lord Downshire.

Q. Who else?

A. Lady Downshire.

Q. Who else?

A. I do not remember.

Q. Lord Combermere?

A. No, he had left.

Q. There were some other ladies?

A. There was his sister.

Q. Who is that?

A. Lady Charlotte Chetwynd.

Q. Was Mr. Mahon of the party?

A. No, but there was Mr. Glynn whom I was talking of at the last examination; he was there.

Q. That is the gentleman who was in India?

A. Yes.

Q. When did the Begum die?

A. In 1836.

Q. How long was that before you came to this country?

A. I arrived here in June 1838. But I was kept more than twelve months in Calcutta by a law-suit.

Q. That was with your father?

A. Yes.

Q. What we call in England an amicable suit, was it not?

A. It was something like this, it was got up against me.

Q. Some sort of conspiracy?

A. No, he demanded his arrears of pay for nine years.

Q. How could you be answerable?

A. Only I was the Begum's heir, and a joint Executor.

Q. He wanted to make you pay that?

A. He wanted me to pay that.

Q. How was it settled?

A. It was compromised.

Q. But it was an affair got up very much as this affair in England has been done?

A. Very like it, because he sometimes has said he wanted his pay for nine years, sometimes he said he had a claim against the estate which the East India Company had at that time.

Q. Was it the Begum's estate, or was it his own estate?

A. He called it his own estate, but he never had possession of it.

Q. It was a conspiracy in fact?

A. No, not altogether, he fancied that he had claim on it and he was supported by some.

Q. The East India Company were never friendly to you[1]?

[1] *From my notes.*—Q. What was the nature of your quarrel with the East India Company? Have they not done you great injustice?

A. I have always considered that they had not acted honourably, and after trying my suit against them I gave it up entirely to the Queen.

Q. Queen Victoria?

A. Yes.

Q. Did you make it formally over to Her by any deed or other instrument?

A. As far as I am concerned I made them over in a letter addressed to Her Majesty.

Q. And what was Her Majesty's reply?

A. I received a written communication in which Her Majesty said that she could not interfere in it much.

Q. Do you know any of the Directors of the East India Company?

A. I know several of them.

Q. Did you know any of them in India?

A. I knew some who had been on the Bengal side of India.

Q. Is any of them more opposed to you than another?

A. I think not.

Q. Was not Sir Richard Jenkins more opposed to you than the rest of them?

A. I think they have not behaved well in the demands that I had against them.

Q. Has any one of them more than another behaved ill?

A. I think Sir Richard Jenkins used to take a very leading part in it.

A. I thought he took the most leading part in this affair.

Q. Did you know him in India?

A. No.

Q. What year did the Begum die?

A. In 1836.

Q. Was Sir Richard Jenkins in London at the time?

A. I cannot say exactly whether he was in London at the time or not.

Q. When did you come?

A. In June 1838.

Q. Was Sir Richard Jenkins a Director then?

A. He was, and Deputy Chairman of the East India Company.

Q. Then you do not think that you have any friends amongst the Directors?

A. Certainly not.

Q. You have said just now that you had given up your claims to Her Majesty, what was the nature of your claims?

A. I had three distinct claims against them. I had an estate given to me by Her Highness the late Begum two years before Her death, yielding 10,000*l.* a-year clear, and which I enjoyed during her life, but no sooner was she dead, than this estate was taken away from me by officers of the East India Company, along with the other territory and although I protested against the injustice of it, I could not get redress.

Q. And what other claims had you against them?

A. I ought to have had all the Begum's military stores, or the value of them, which were taken from me without my having their value given, although some part of these stores had been purchased from the Company's magazines, and though I have sent in an estimate of what they were worth; yet I have received no remuneration for them, although the Company's Officers say they are worth more than I value them at.

Q. How much is that?

A. 70,000*l.* and the third claim was that the Governor-General had promised 9,000*l.* a-year to the old servants and dependents of the Begum, while they only allow 2,000*l.* a-year now.

Q. Did you find some personal opposition made to you by the East India Directors?

A. I saw from the commencement a personal hostility against the claim even in India, and though I did all that a gentleman could do under such circumstances, yet I could get no favourable answer.

Q. He was more hostile to you than the other Directors?

A. I thought he took on himself more than the other Directors.

Q. They kept back your property?

A. I have had three distinct claims, but I made them over to the Queen of England when I could not get them myself.

Q. Three claims which they have defrauded you of?

A. Yes.

Q. Have you conveyed your right over to the Queen.

A. Yes.

Q. By a formal deed?

A. By a letter of my own.

Q. Is that recently?

A. No.

Q. To whom was the letter addressed?

A. To her Majesty, but I received an answer from Mr. Anson in which Her Majesty said she could not interfere much in it.

Q. *By Sir James Clark.* That she would interfere a little, but not much?

A. I did not take it in that light, I thought she would consult her Ministers.

Q. And they would make some compromise?

A. Yes.

Q. Was the sum a large one?

A. Yes very large, the estate yielded 10,000*l*. a year from the time the Begum died.

Q. And they defrauded you out of that?

A. Yes, that is one, and then the military stores that they

Q. Could you tell us who the parties were, who were against you?

A. I could only say in general terms that they were the authorities.

Q. Could you give us their names?

A. I could not, for if I had any thing to ask of them by way of explanation I had already done that.

Q. Did they pay your claims?

A. No, they made a full avowal of them, but still they would not give any satisfactory replies.

Q. In that case you will not hesitate to mention their names?

A. I cannot.

have taken away without paying for them, there was some part of them bought from their own magazines.

Q. When the Begum died they took them away?—A. Yes.

Q. They were her private property?

A. Yes. I sent a valuation of them which amounted to 49,000*l*., but the company's Officers say they are worth 70,000*l*., and the old servants were guaranteed to have pensions given to them after her death, which they have not done either.

Q. That is not fair.—A. No.

Q. Pensions that were guaranteed to the Begum's servants?

A. Yes, amounting to 9,000*l*. a year to the public servants.

Q. And which you believe the Company were bound to pay, and they believed you were bound to pay?

A. They refused, they said that the Begum was rich enough to have satisfied them.

Q. They set you at defiance?

A. Yes, but I believe they pay about 2,000*l*. a-year in pensions.

Q. To the servants?

A. Yes, the publics servants.

Q. The publics servants of the Begum?—A. Yes.

Q. The company seem to have driven a very hard bargain, for they seem to have taken possession of a great deal of property which belonged to you or the Begum, property which under the Begum's Will belongs to you?

A. Yes the estate and the military stores.

Q. Upon what grounds did they take possessions of the estate?

A. They could not give me any explanation; I have all the correspondence, they merely say that I have received an answer in India by the Indian government; the Indian government do not enter into it, but refer me to the home authorities.

Q. It is the right of the strongest in short?

A. Certainly, about the military stores there can be no doubt as well as about the rest [1].

[1] By a raugh calculation, the amounts due to me, from the Honourable East India Company at the time I gave up my claims to the Queen, were as

Q. The Begum used to receive the rents from this estate, which you do not receive any from now?

A. The Begum gave me the estate in her own lifetime, which she thought she had a right to give away.

Q. 10,000*l.* a-year?

A. Yes, she gave it away in her lifetime to me.

Q. Did you ever receive any thing from it?

A. For two years and upwards I received that sum.

Q. Upon her death the Company took it away from you?

A. Yes, as well as the rest of her territory.

Q. You have remonstrated?—A. Yes.

Q. And made appeals without success!—A. Yes.

Q. You think that if they had done you justice you ought to have had it?—A. Yes.

Q. You think you had personal enemies amongst the Directors who would interfere to prevent your having justice done you?

A. It was in India that the suit commenced.

Q. The suit commenced on your part for restitution?

A. Yes, you may call it a suit, but I merely presented my case to the Agra government, and there it was I thought that the hostile feelings existed.

Q. In India?—A. Yes.

Q. Was Sir Richard Jenkins out there at that time?—A. No.

Q. He was at home at that time?

A. I believe he was, I will not be sure.

Q. But the hostile feeling existed on the part of the same persons?

A. Some of the authorities I thought.

Q. Did you speak to any individual among them?

A. I know the parties.

Q. You know the parties who were hostile to you?—A. Yes.

follows:—

For the Jaghire, at Compound Interest, from February 1st, 1836 to January 31st, 1843	78,982*l.*
For Military Stores, to the same period, at Compound Interest.	65,796*l.*
Total	144,778*l.*

Q. They ought to be held up to public execration?

A. Yes.

Q. You will not have any objection to mention them?

A. I have very great objection.

Q. You are more considerate and kind than I should be under the circumstances.

A. Such things have never any proof.

Q. They do not admit of full proof?

A. No.

Q. But still your suspicions have been so grounded as to amount to it?

A. I have heard avowals of them made.

Q. Did any of these parties afterwards come to this country and get into the direction here?

A. I know several of the Directors who have been in India.

Q. Who were there at that time?

A. There was Sir Archibald Galloway, Mr. E. Mac Naghten, General Caulfield the late, Sir Jermiah Bryant, and others.

Q. Were they all mixed up in this?

A. No.

Q. Do they know the circumstances?

A. I do not think they are aware of all the circumstances; at least in India they were not, because some of them are military men.

Q. It would be among the civilians that it would be known?

A. Yes.

Q. You are not rich in friends at the India House?

A. No.

Here the examination ceased, and I approaching Sir James Clark asked if this had was last consultation they were going to hold, he replied that it was enough, that they would require no more. Addressing them all I said, then I was at liberty to return abroad? Answer, Whenever you like, today if you choose,

or remain here longer. I said I would require a week at least to stay for some business of my own. Answer : It will take us at least that time to make up our report.

As there has been a great discussion about my claims, against the East India Company, I here shall lay all the documents I have in my possession relating to them.

I have had three principal, distinct, and legal claims on the East India Company.

The first relates to the private domain of her Highness the Begum, which yielded an income to the amount of 10,000*l*. a year; and which she gave me, two years before her death;

The second was, that all her military stores, such as arms, accoutrements for the soldiers, guns and other military appointments, magazine stores, powder, shot and shells, were her own private property, and that some of these things had even been purchased from the Honourable East India Company's establishments and stores; and which the East India Company's government claimed and took away at her death;

The third related to what the English government had agreed to pay to the old servants of the Begum from the time of her death, which agreement was entered into by the late Lord Minto as late as the year 1807, according to a communication made on the subject by the representative of the British government to the Governor General in Council of India, and the answer received from his Lordship, confirming it, and which are transcribed below; as well as other papers and documents connected with these claims.

The first is my letter to the Honourable the Lieutenant-Governor of the North Western Provinces.

—

To the Hon. Sir C. T. METCALFE, G. C. B.

Lieutenant-Governor, North Western Provinces.

"Sirdhanah, July 4th, 1836.

"Honourable Sir,

"All questions connected with her late Higness, the Begum Sombre, are so very definitely and familiary known to your Honour, that I need note dilate much upon them in urging my claim to the Purgunnah of Badshahpore [1], etc., and as it has been the distinguishing characteristic of your Honour's administration to convince the people that the British Government considers it alike its duty and interest to secure their liberty and happiness on a lasting foundation by the impartial and equal dispensation of law and equity, and also as it is to the establishment of this great point, and the accomplishment of this noble object, that all the measures of your Honour's administration seem to have been, and are now generally directed, I am emboldened to submit my case

[1] The name of the estate.

for your consideration, satisfied of the result, that you will gain the confirmation of the Government of India to my rights being restored to me.

" Considering, first, Her late Highness's connexion with the Scindias [1] Government, her independent situation previous to her alliance with the British power, her attachment and her extravagant and willing services towards them when in secure enjoyment of all her possessions, when no question called for the interference of this power in her affairs, or any public or national offence rendered her rights or possessions subject to the hostile intervention of the British Government in India,—she, under the existing policy of that period, the urbanity and condescension of Lord Lake, and his representative, Mr. Guthrie, was induced to enter upon terms, which only by an unjust power could otherwise have been accomplished; but trusting to the faith, honour, spirit and character of the British nation, she concluded the " deed of agreement" to secure, against a power then gaining ascendancy in India, her Jageer [2] in the Dooab. To the feelings of that very Government now existing, and whose representative you are, which dictated the terms of the deed, the policy which sought the alliance, and the terms under which it was executed, I now appeal to my right as successor to the Purgunnah of Badshahpore, etc., *out of the Dooab* [3], confirmed by the deed of gift, executed by Her late Highness in my favour.

" The deed of agreement runs thus : " *Those places in the* " *Dooab* which have formed the Jaidads of Zeeboonissa Begum " shall remain to her (as before) from the Company *as long as she* " *may live*. The troops of the Begum shall, according to custom,

[1] Former ruler of Hindoostan, under whom Her Highness the Begum's military forces, had been serving before She had any connection with the British Government.

[2] Jagheer means a private estate. The latter word signifies, *between the two rivers*, where it is situated.

[3] The *italics* and capital lines are made by Mr. Dyce Sombre to mark where he considers himself to have been unjustly dealt with; for the agreement was only for the revenues of land within the Dooab.

" be always ready in the service of the East India Company.
" The Begum, in every instance, considering herself a faithful
" friend of the Company, shall perform all the duties required
" from a friend, and shall not hold any intercourse, either by
" agent or by letter, with any state or power, or with the friends
" and dependents of any states or power, or with the enemies or
" refractory subjects of the Company, or with any state or
" power whatsoever, but that of the Honourable the East India
" Company."

" From the above it will evidently be proved that all places lying within the Dooab formed the *estates out of* which were to be maintained the troops required for the Honourable the East India Company, and by implication, the proceeds of the estates, *within the Dooab only*, comprehended the "*public revenue*" and this revenue was treated for and allowed to be held on a life tenure.

" The Purgunnah of Badshahpore, etc., is now my right, the same being considered a private possession. The " deed of agreement " just adverted to, does not include the estates and places *out of the Dooab* held by Her late Highness, and consequently does not come under the expressed or implied provision of its tenor. Besides the letters of directions and consequent correspondence on the subject of this deed of agreement as noted in the margin, communicated by Mr. Guthrie to the Begum, clearly identify the Jageer of Sirdhana and its dependencies in the Dooab, as treated for, which necessarily excludes all places out of the Dooab to descend to its heir. No arrangement or agreement exists to deny that right, and the Purgunnah of Badshahpore, etc., did not appertain to the Jageer of Sirdhanah, which is notoriously understood. From the above, it will also appear that the conditions of the treaty were mutually agreed to, though in reality the Government were more earnest and importunate owing to the state of general affairs in the Dooab, and the existing hostilities with the Indian chiefs. That policy which dictated the much wished for alliance of Her late Highness with the British Government, and proposed first by them, apparently long ceased to exist, and their increased power has caused to be overlooked

those obligations which were strenuously negotiated for by the Government, and completed in 1805. The right of no one single individual is subject to the will of the paramount Government, but based on usage and law; I therefore possess a claim on the consideration of Government, through Her late Highness, instead of which I am deprived of what is my due. On the principle of the self same policy, which, in their power and superiority, the Government had exercised towards Her late Highness, in directing the restoration of the Bala Baee's Jageer, which was in the possession of Her late Highness the Begum Sombre before the British Government had jurisdiction in these parts [1], I claim my right from the British Government, as having been assumed by them in error, and, therefore, ought to be restored.

"The following extract of a letter from Lord William Bentinck to the address of Her late Highness, dated 26th September 1832, has been most seriously disregarded in the assumption of Badshahpore and other places out of the Dooab, as well as military stores which are not comprised as lands yielding "Public Revenue;" the Public Revenue being the proceeds of those lands receivable for public service, rendered to the paramount Government, and which is specifically treated for in the said "Deed of agreement." This communication, from its authenticity, was noticed by Her late Highness in a subsequent reference, but never satisfactorily discussed, except that the exercise of supreme power must be considered to be set at rest the point at issue. The extract alluded to is thus :—"You may rest assured that all your pos-"sessions which are of the nature of private property will be "*religiously respected,* and the demands of the State will be "strictly confined to what comes under the head of Public Re-"venue."

"The foregoing statements have been submitted to your Honour

[1] Some villages out of the lands held by Her Highness the Begum, were given by Scindiah to his aunt Bala Bae, after whose death, instead of reverting to the Begum, they were taken possession of by the East India Company, and though the Begum remonstrated, they were never restored to her again.

as the agent between the people and the Government, between the governing and the governed. I dispute most respectfully the right of Government to assume Badshahpoor and other places out of the Dooab. My claim, your Honour is well aware, is placed beyond a shadow of doubt; my right recognized and recommended to Government by Her late Highness the Begum, long before her demise, and subsequently confirmed in the deed of gift executed by her.

"I trust I have satisfied your Honour that the deed of agreement between Her late Highness the Begum Sombre and Government, only treated for places within the Dooab, and the Public Revenues derivable from them, were to lapse to the East India Company on her demise. Her previous correspondence and last deed of gift recommend and substantiate my claim in the most plain and decided terms. Her Highness possessed many more lands than the treaty specifies, and does it follow that all lands out of the Dooab were held on a life tenure also? Where lies the truth of this proposition? Surely not in the 'Deed of agreement' which specifically limits the tenure for life only to the lands within the Dooab, and which deed alone can prove or show the right of Governement to assume the place under dispute.

"Should the Government deny my right, they immediately cancel by implication the terms of the treaty with Her late Highness the Begum as being under disputation, and publicly nullify their acts exercised under a posthumous species of policy at that period towards Her late Highness, and under which now they have presumptively assumed other places than agreed for.

"Her late Highness foresaw prospective benefits resulting from her alliance with an honourable nation, and entered on terms. Now, why should those benefits be cancelled, independent of the 'Deed of agreement' which guaranteed under a positive inference all places out of the Dooab as her private possessions willed over to me?—I was put in possession of these places long before her demise, and from me they were wrested by the officers of Government, when I did not fail to protest against it. In justice or fairness the Deed or its tenour cannot be misinterpreted or can-

celled when one of the parties is defunct; and this, I am confident, the Crown of Great Britain would not acknowledge either as honourable or just.

"I have the honour to be,

"Honourable Sir,

"Your most obedient servant,

"(*Signed*) D. O. Dyce Sombre."

From Sir John SHORE, Governor-General of India,

To Her Highness the BEGUM SOMBRE.

"(Dated, 1797).

"To the very kind and dear Lady, may the Great God bless Her!

"Your agreeable letter has been received, and it has gladdened and informed me of your attachment and good will, and the knowledge of it has been the cause of augmenting my joy and expanding my heart. The gentlemen of this Government have often been pleased with the perception of your good will and good wishes to this Government. I have also been much pleased by

learning your kind endeavours for the release of Colonel Stewart, who was made a prisoner by the Sikhs, by his evil destiny. And the gentlemen of this Government have often communicated to you their pleasure and satisfaction upon this matter; and I mention it now, merely that you should know that I am well acquainted with your friendship and good will to this Government, and that it is very certain that you will always walk on this agreeable path. I shall also always observe the duties of kindness and friendship towards you, and I shall certainly not fail to do (in return) for your kind endeavours and good will, every thing that friendship requires, whenever opportunity may offer. You may also be certain there cannot be a better proof of improving (our) friendship than that, whenever any soldiers of the armies of the English Company's Government should desert from Cawnpoor and Futtehgurdh, in your direction, you will give them no place, but seize them in any manner, and send them to the commanders of those armies.

"What more can be written?

"(*Signed*) J. Shore;

"(At the back)

"N. B. Edmonstone,

"*Persian Secretary to Government.*"

From the most Noble the Marquis WELLESLEY,

Governor-General of India,

To Her Highness the BEGUM SOMBRE.

"July 22nd, 1803.

"To the very kind and dear Lady, may the Great God bless Her!

"Formerly on the twentieth (20th) of the month of May, the year of Christ 1803, corresponding with the twenty-seventh, 27th of the month of Mohorum, 1218 Hijree (or the year of the Flight) a letter, stating that the good will and good intentions which you have always shown towards this Government were engraven on the heart, was written and sent in reply to two friendly letters. In that letter it was mentioned that, by the blessing of God, and at a proper time, your good will towards the affairs of the English Government would be shown in the manner that you had mentioned, and would be the cause of much pleasure (to me) which now appears by the kind compliance with your friendly requests, and it has been much pleasure to my friendly heart. It is certain from these circumstances, that you will not neglect any thing in your endeavours for the good of the affairs of this Government; the particulars of the conditions of your connexion with the English Company's Government, which are founded on it, will be clearly made known to you through the most noble General of the English armies, who is

acquainted with all the particulars of my mind and whatever relates to this matter. Your well proved good disposition towards this Government is quite evident to the aforesaid noble (person). It is very proper you should appoint a confidential person to discuss with the said gentleman, and to mature the arrangement for the establishment of friendship between you and the honourable English Company's Government, and to direct your endeavours in such a manner as may be beneficial to both parties. It is hoped that you will consider me as always wishing for your good and welfare, and gladden me with the favourable letters of friendship.—What more can be written ?

" (*Signed*)

" WELLESLEY ;

" (At the back)

" N. B. EDMONSTONE,

"*Persian Secretary to Government.*"

From His Excellency General LAKE,

To Her Highness the BEGUM.

"Twentieth Junmadilunvul, 1218, Hijree.

"To the dear and honoured Lady, may She be blessed!

"The favourable letter of the most Noble Nawaub Governor-General Marquis Wellesley, Bahadoor, has now been received; its contents are these: that your friend writes to you, that if you are desirous of (our) former bonds (of friendship) you will send for your battalions, which are attached to the army of Maharajah Dowlut Row Scindiah, Bahadoor, to your presence, or that you will write a letter of (your) co-operation with the victorious army of General Wellesley, which is now opposed to the said Maharajah, and that your battalions will be in obedience to the orders of the said general. You are informed, therefore, according to the letter of the said Nawaub [1]—and it will be good to conceal this secret from others as much as possible,—it has been heard that there are some boats of the Dongah kind ready prepared at Sirdhana; in consideration of (our) friendship and union, the trouble is (given to you) to have those boats sent on carts to my army, and it will be a kindness to have as many of those boats as may be possible, to reach me speedily. Inform (me) of the order which you may write to the commandant of your battalions, that I may accordingly write to the presence of the said Nawaub. Gladden me always with the tidings of your good health.—What more can be written?

"(*Signed*) G. Lake."

[1] One of the titles of the Governor-General.

From the most Noble the Marquis of CORNWALLIS,

To Her Highness the BEGUM SOMBRE.

"Written, August 5th, 1805.

"You will have heard of the Marquis Wellesley's resignation of the government, and of my return to this country in charge of the affairs of the Honourable Company, and in the command of the King's and Company's forces in India. Since my arrival, my attention has been directed to the circumstances of your situation, and I am apprized of the communications and the correspondence which has passed, upon the subject of your affairs with the late Governor-General, and with the Right Honourable Lord Lake, and of the arrangement to which you assented for the transfer of your Jagheer in the Doab to the Honourable Company for an equivalent on the other side of the Jumna. I have had the satisfaction to learn that the general tenor of your conduct since you were placed under the protection of the British power, has been consistent with the duties of fidelity, and I have been peculiarly gratified by the information of your prompt and successful exertions in rescuing Mr. Guthrie, the collector of Seharunpoor, from a situation of imminent danger by the aid of your troops, and of your kind and liberal treatment of that gentleman, after his arrival at Sirdhana. These circumstances, added to my recollection of your uniform friendly conduct towards the British Government, and towards British subjects, render me desirous of promoting your comfort and satisfaction by every means in my power. I have reason to believe that the late Governor-General, aware of your attachment to the territory, which during so long a course of years has been

in your possession, had it in contemplation to refrain from taking advantage of your consent to the transfer of your Jagheer. At all events, I have great pleasure in apprizing you, that reposing entire confidence in your disposition to maintain the obligations of attachment and fidelity to the British Government, *I have resolved to leave you in the unmolested possession of your Jagheer, with all the rights and privileges which you have hitherto enjoyed.* As the condition of this indulgence, I have a right to expect that you will not only abstain from affording encouragement to those turbulent persons who are disposed to excite confusion and promote disorder, but that you will cordially assist in preventing their attempts to disturb the tranquillity of the Company's territories.

" I have directed Mr. Guthrie to proceed to Sirdhana for the express purpose of communicating, in further detail, the sentiments and intentions expressed in this letter, a duplicate of which will be delivered to you by that gentleman.

" Being on my voyage to the Upper Provinces, I shall shortly have the means of a nearer communication with you.

" Believe me, etc., etc.

" (*Signed*)

" Cornwallis ;

" (A true copy.)"

" N. B. Edmonstone,

" *Persian Secretary to the Governor-General.*

From Colonel MALCOLN,

Civil Commissioner with His Excellency the Right Hon. Lord **LAKE,**
Commander in Chief of the British Army.

To G. D. GUTHRIE, Esq.,

Civil Comm. deputed to Her Highness the **BEGUM SOMBRE'S** *Camp.*

"Head-Quarters, Muttra, August 16th, 1804.

"Sir,

"As His Excellency, the Right Hon. the Commander in Chief, considers it of importance at the present moment to adopt every measure that can tend to the complete preservation of the tranquillity of the Dooab, and secure that province against foreign invasion, he is of opinion that it is particularly necessary to conciliate the Begum Sumroo [1], and to inspire her with a just confidence in the favour and protection of the British Government.

"Adverting to the reasons which are supposed to have chiefly caused the Begum to behave in the equivocal manner she has lately done, His Excellency is of opinion that the most likely means of retaining her in her attachment to the British State, will be to give her a most positive assurance that she shall during life remain

[1] Indian way of writing Her name.

in the possession of the JAGHEER in the Dooab on the same terms she now holds it.

"His Lordship understands that the Begum advances some claims of a pecuniary nature; these His Excellency desires you will investigate and report upon. You may satisfy the Begum they will be attended to, if just and admissible [1].

"His Lordship is of opinion that useful service might be derived from the Begum's troops in the event of any incursion of the Seikhs, and he directs your attention to some arrangement for their being eventually employed on this service.

"I enclose a letter from His Excellency to the Begum, with a copy for your own information. It is His Excellency's wish that you should proceed, as soon as you can, to Sirdhana, and endeavour to effect a settlement upon the principles above stated.

"It will be necessary, his Lordship thinks, when you give the assurances above directed to the Begum of her retaining her Jagheer in the Dooab (which his Lordship authorises you to do in writing should she desire it) to inform her that this favour and indulgence must be understood to be upon the express condition of her renouncing every description of intercourse with other states, whether enemies or in alliance with the British Government, and of her conducting herself in every respect like a good subject and dependant.

"I have, etc.,

"(*Signed*)

"J. MALCOLM, *Resident.*"

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[1] This related to a claim of 900,000 rupees, or about 90,000*l*., which the Begum had to relinquish to Scindiah when Her troops joined the British Army, and for which She never was remunerated by the British Government.

From His Excellency Lord LAKE,

Commander in Chief of British Army in India,

To Her Highness the BEGUM SOMBRE.

"August 16th, 1805.

"To the dear and honoured Lady, may She be blessed!

"Your sincere friendship and great attachment have been made known by the Minister of state, the Guardian of the Kingdom, the brave and honourable Mr. George Guthrie, and have afforded much pleasure and joy of heart. That gentleman has been written to in a proper manner with regard to the arrangement of your affairs, and he will proceed to you and settle all your affairs in the best manner. Be assured that the Honourable English Company's Government will arrange matters for your perpetual prosperity. Gladden me with tidings of your good health.—What more can be written?

"(*Signed*)

LAKE."

To Colonel MALCOLM, etc., etc., etc.

"Camp, Sirdhanah, September 22nd, 1805.

"Sir,

"I have the honour to report, for the information of His Excellency the Right Honourable the Commander in Chief, that I proceeded to Sirdhana on the 17th instant, for the purpose of effecting a settlement with the Begum Sumroo upon the principles prescribed in your letter of the 16th ultimo.

"I have now the honour to inform you that the Begum has agreed to the terms proposed to her in every particular, and has sealed the written agreement herewith enclosed, which I trust will appear to comprehend fully the terms dictated in his Lordship's letter of instructions. The counterpart of this writing is in the Begum's hands, which she is desirous to exchange for one of similar import, but with his Lordship's seal and signature attached to it, and I have assured her that her request will be complied with.

"I shall have the honour, on an early occasion, to reply fully to that part of his Lordship's instructions which directs my attention to such an arrangement of the Begum's troops as may protect this frontier against Seikh incursion. In the mean time, the Begum requests me to express, that if it is his Lordship's pleasure to employ her in this service, she feels entirely competent to its execution, as she is confident that her battalions are sufficient to protect the Dooab against these banditti.

"I have, etc.,

"(*Signed*) G. D. Guthrie, *Com.*"

An Agreement

Between George DEMPSTER GUTHRIE, *Esq.*,

On the part of the Honourable East India Company,

and the BEGUM SOMBRE.

Whereas his Excellency Lord Lake, etc., etc., sent an order to George Dempster Guthrie, Esquire, to the following import :—

"Those places in the *Dooab which have formed the* JAIDADS of Zeboon Nissa Begum, shall remain to her as before from the Company as long as she may live. The troops of the Begum shall, according to custom, be always ready in the service of the East India Company. The Begum in every instance, considering herself a faithful friend of the Company, shall perform all the duties required from a friend, and shall not hold any intercourse whatever, either by agent or by letter, with any state or power, or with the friends or dependants of any state or power, or with the enemies or refractory subjects of the Company, or with any state or power whatsoever but that of the Honourable the East India Company."

Mr. Guthrie explained the above mentioned terms to the Begum, who received and ratified them with every demonstration of joy and satisfaction, and considered them as conditions permanently to be established.

Mr. Guthrie, therefore, being ordered by his Excellency General Lord Lake to act on the part of the Company, signed and

ratified the above agreement with the Begum, to whom he delivered a counterpart under his signature, Begum Sombre having in return given him also one under her signature.

(A true translation.)

(*Signed*) A. H. Cole,

Assistant Governor-General's Office.

(A true copy.)

(*Signed*) G. D. Guthrie.

(A true copy.)

(*Signed*) W. B. Martin, *Resident.*

From G. D. GUTHRIE, Esq.,

To Her Highness the BEGUM.

"Fourth of the month of September, 1805, English year.

"The kind and noble Lady, may the Great God bless her!

"After (the expression of) humble compliments, and the desire of obtaining the honour of a joyful meeting, which are the desires of (all) hearts, it is made known to (your) enlightened mind (that) a letter of his Excellency, the most noble Marquis Cornwallis,

Governor-General, may his good fortune be prolonged, to your noble address, has been now received, communicating the ratification of the Treaty, which had been made by your sincere friend (me) and yourself, according to the instructions of the most noble Nawaub, the sword of the state, the bravest of the kingdom, Khan Dawrun, Khan General Gerard, Lord Lake Bahadoor, the victorious General, and a Treaty under the seal of the said noble general, similar to your Treaty, from the flowers of whose letters (words) the scent of the stability of your friendship has reached the friendly hearts of the most noble gentlemen, and the garden of my satisfaction, who am zealously occupied with promoting the success of your affairs, has bloomed with flowers which proceeded from the good of your noble service. As this circumstance has appeared in the visible world by the great vigour of your good fortune, and it is certain that your noble disposition will be much pleased with the occurrence of an event that rarely happens to every one, and as my heart is sincerely occupied at all times for the good of (you who are) the support of dignity, and as the evidence of real attention is connected with the success of every affair, it involuntarily springs from my heart to inform you of it, that you may always sow the seeds of the friendship of the Honourable English Company, may whose fortune be prolonged, in the field of your faithful heart, and refreshen the garden of desires with streams of the waters of letters and communications, which will under such circumstances daily improve by the auspices of Divine favour, further may you be happy!

"(*Signed*)

"G. D. Guthrie."

(This other document is also very valuable, as a Memorandum sent by Her Highness the Begum's Vakeel, to the new Scindiah, succeeding his uncle, and the answer he gave to each of the articles presented in the Petition.)

—

Memoranda

Of the Petition of RAJAH MUNNOO LOLL. Vakeel.

Or Agent of the Affairs of Her Highness the Begum, to His Presence the Maharajah Allejah Dowlut Row Scindia Behadoor.

"5th article. The Mehals of the Jagheer, comprising the property that has been fixed during the lifetime of the late Maharajah (whose seat is in Elysium) let the same be preserved and continued in the manner heretofore, which Jagheer consists of the Purgunnah of Sirdhana, together with Kurnawol. The Purgunnah of Boorhannah, the Purgunnah of Burnawah, the Purgunnah of Burrowt, the Purgunnah of Kotannah, the Purgunnah of Tuppul, the Purgunnah of Jawor, and the Monzahs of Bhutgow, of Bhogheepoorah and of Shahgunge.

"6th article. Let the Altumga of the Purgunnahs of Jhaursah and Badshapoor be preserved.

"Answers [1]. The Melahs that have descended from the time of

[1] The answers to each article being given, and written by order of His Highness the Maharajah, when he succeeded his uncle, the late Scindiah, shews the importance of the document, as coming immediately from Scindiah himself, and confirming the grant.

the Maharajah, let those be continued, consisting of the Purgunnahs of Sirdhana Kurnawol, the Purgunnah of Boorhannah, the Purgunnah of Burnawah, the Purgunnah of Burrowt, the Purgunnah of Kotannah, the Purgunnah of Tuppul, the Purgunnah of Jawor, and the Monzahs of Bhutgow, of Bhogheepoorah, and of Shahgunge, let these Mehals be preserved to you as heretofore.

"Let the Altumgha of the Purgunnahs of Jhaursah Badshahpoor be continued to you as they have been all along. In the manner that the late Maharajah (whose seat is in Elysium) acted, I will tread in his steps."

Extracts from the Will

Of Her late Highness the BEGUM SOMBRE.

"And I give and bequeath the sum of seventy thousand Sonat Rupees to the said Clemence Brown, a Brigadier General in the service of the Honourable East India Company on their Bengal Establishment; and one of my Executors hereinafter named.—And it is my will and I hereby declare that the said last mentioned legacy shall be in lieu and satisfaction of all commission or other profit or advantage whatever, which the said Clemence Brown might have been otherwise entitled to as an Executor of this my will by any custom or law whatsoever. And I further declare that the appointment of the said Clemence Brown to be one of my Executors is made on the condition that the said Clemence Brown shall waive all claims or right whatsoever which he might otherwise have had to any such commission or profit as

aforesaid, and shall accept the said legacy hereby bequeathed to him in lieu and satisfaction thereof. And I also give and bequeath to all and every of my servants, whether public or private, who shall happen to be in my service at the time of my death, one month's pay or salary in addition to any arrears which may be due to them. And I give and devise unto the said Clemence Brown and David Ochterlony Dyce all that my messuage, tenement, or dwelling-house, called Choorie Walloon, the Havalee or house lying situate and being at Dehli in the town of Dehli. And the piece or parcel of Land or ground belonging to the said messuage, tenement or dwelling-house, and on part whereof the same is erected and built. To hold the same with the appurtenances unto and to the use of them, the said Clemence Brown and David Ochterlony Dyce, their heirs and assignees. In trust to permit the same to be used and employed for all public Assemblies of Natives. *And as to and in respect of all and singular my lands, tenements and hereditaments situate at Agra, Dehli, Bhurtpoor, Meerut and Sirdhana or any place, and all that the province called Badshahpoor Jhaursah and all and singular other my lands, messuages, tenements, provinces, districts, Zumindaries and hereditaments whatsoever, and wheresoever the same may happen to be situated, and whereof I may have power to dispose of at the time of my death with their and every of their rights, members and appurtenances in possession, reversion, remainder and expectancy, I give and devise the same unto the said David Ochterlony Dyce. To hold the same messuages, lands, hereditaments, provinces, districts and other the premises aforesaid unto and to the use of him the said David Ochterlony Dyce, his heirs and assignees for ever. And I further give and bequeath unto the said David Ochterlony Dyce all and singular my jewels of every description, household furniture, wearing and other apparel, plate, china, glass, tents, and marching equipage of every kind, guns, cannon, muskets, powder and shot and other military stores and ammunition, and all elephants, horses, bullocks, buffaloes and other cattle, goats, sheep, and stock of every description, and all cash, debts, monies, bonds, bills, notes and other securities for money and all arrears of revenue,*

customs and profits whatsoever, which shall be due and owing to me at the time of my death; and whether the same shall or may be collected by the British Government or otherwise, howsoever and all and singular other the rest, residue and remainder of my real and personal estate with all and singular their rights, members and appurtenances, to the said David Ochterlony Dyce, whom I hereby declare my sole residuary devisee and legatee for the use, benefit and behalf of him the said D. Ochterlony Dyce, his heirs, executors and assignees for ever. And it is my particular wish, and I hereby request that the said David Ochterlony Dyce may assume the name of David Ochterlony Dyce Sombre. And lastly I do hereby appoint the said Clemence Brown and David Ochterlony Dyce (but subject nevertheless as to the appointment of the said Clemence Brown to the conditions hereinbefore mentioned with respect to Commission) to be the Executors of this my will. And hereby revoking all other Wills and Codicils by me at any time heretofore made, I hereby declare this to be my last Will and Testament. In Witness whereof I have to this my last Will and Testament and to three other copies thereof of the same tenor and date set my hand and seal this 16th day of December in the year of Our Lord 1831.

(L. S.) Signed with Her Highness's seal.

Signed, sealed, published and declared by the within named Joanna Sombre as and for her last Will and Testament in the presence of who at her request and in her presence, and in the presence of each other have hereunto subscribed our names as witnesses thereto."

"Explained by us:

"L. R. Stacy, *Major 32nd Bengal Native Infantry;*

"Edward B. Bere, *Lieutenant 16th Lancers;*

"Pater Julius Cæsar a Caravaggio, *Missionary Apost.*"

Her Highness did not think the Will, which was in the English language, sufficient, but she desired Mr. Dyce Sombre to write to the General Officer commanding the Meerut Division, as well as to the Civil authority, next or nearest to her place of residence, and invited them to come over to Sirdhanah, for the express purpose of attesting a Deed of Gift, which She had prepared in the Persian language, which was familiar to her, and having publicly declared Her intentions before witnesses, most of whom signed the Deed at Her Highness's request, and which is as follows :

—

THE DEED OF GIFT.

JOHN RAMSAY, Major General, witnessed this day, April 17th, 1834, at Sirdhanah ;

J. S. MARSHALL, Captain, 71st Regiment ;

T. DREVER ;

J. ROGER, 26th Cameronians;

HOR. NELSON, R. N., Survey Dept. ;

FERDENZE AZIZAH

ZEBOOL NESSA

BEGUM

OOMDUT OOL

ARAKEEN.

L. N. HULL, Captain, D. A. Adjutant Gen., witnessed this day, April 17th, 1834, at Sirdhanah ;

S. REID, Lieutenant Colonel, 1st Regiment, Light Cav. ;

J. M'KENZIE, Captain, 3rd Regiment, Light Cav. ;

E. WILMOT, Assistant Col. at Meerut.

(COPY.)

" I, Joana Sombre, entitled Oomdut ool Arakeen Ferdenze Azizah Zebool Nessa Begum, proprietress of the district of Sirdhanah, and so forth, being in a sound state of body and mind, in full possession of my five senses, and competent to perform all

acts and deeds dependant on the faculties of speech and action, of my own free will and accord, without aversion or coercion on the part of others, thereby engage and declare that I give unto the fortunate illustrious light of my eyes, auspicious, the emblem of good fortune and nobility, Mr. David Ochterlony Dyce, whom I have adopted as my son, the whole of my real and personal estate, consisting of effects, cash forthcoming in my treasury or due to me on loans, effects, castle, *cannon, muskets, and other military stores, messuages, gardens,* lands, and gunjes [1] wheresoever and in whatever place, station or province the same may be situated, and so forth; and the whole of my wealth, consisting of dead and live stocks of every description, and the Purgunnah *Jharsa Badshahpore, with the Mal* [2] *and Sayer* [3] *and the profits* arising on the Melahs or assemblies in the said Purgunnah, *which stand recorded in my name as an Altumgah,* the Deehee [4] called Nugla, and the Monzah [5] called Bhugipoora Shahgunge, which is *my Jaghir* of long standing, as also the Monzahs which are Kharij, or distinct from the Dooab, *and distinct and separate from the Treaty,* with the exalted Circar of the English Governement, and free from the participation of others held by me in my own proprietory right and use, with all the rights and perquisites contained therein and appertaining thereto, whether large or small, with the exception of three lakhs and fifty-seven thousand Sicca Kuldar Furruckabad rupees, without interest, the particulars and subdivision of which are set fort in four engagements or wills, written in the English language, of the same purport and tenour, dated the sixteenth of the month of December, of the year one thousand eight hundred ant thirty-one of the Christian era, directed to the Executors therein named; and deduction from the above excepted sum of one item, which was given to the legatee on the 15th of the month of February of the year 1832, of the Christian era, on his or her receipt, leaving the sum of three lakhs, thirty seven thousand rupees in trust. And also, with the exception

[1] Markets.

[2] Land revenue. [3] Customs. [4] Village. [5] Town.

of a messuage described in the before-mentioned English writing, and also after the deduction of one month's pay of the whole of the servants of my Circar, who may at that time be in attendance in the discharge of their duty, and living in addition to the pay which may be due to them after making out accounts of what they have received, and have alienated the same from my own possession and use of the said donee, and the said donee has accepted the whole of the said gift, and taken the same into his own possession and use, and after the execution of this instrument, neither I nor my representatives will have any claim or demand against the said donee, for, or on account of the property above mentioned, or the amount excepted, which remains a trust in the hands of the said donee, and appointed the donee and another person, whose name is also inserted in the said English writing, for the purpose of subdividing the same agreeably to the allotments made by me, as set forth in the said writing, without the power of increasing or diminishing the same, under condition that in the event of any of the legatees to whom legacies have been allotted as specified in the said paper, dying before the receipt of the legacies respectively allotted to them, the share of such legatee shall also devolve on the above-named donee from among the said legatees. And it behoves the said donee to make his name public from this present day, in conformity with the before-mentioned English writing in such a manner as will identify him as one of the family of the Sombre Sahab.

"The above mentioned will, which is in the English language, setting forth in detail all matters and points, is final and conclusive to all intents and purposes; and in the event of any person producing any other former deed or writing repugnant to the contents of the said will, the same will be void and unworthy of credit.

"These few words are therefore written by way of a deed of gift to serve hereafter as a voucher, and be used when occasion requires.

"Written on the 17th day of the month of April, in the year one thousand eight hundred and thirty four of the Christian era, corresponding with the sixth of the month of Zelliejja of the year

1249, of the Hijera, at the palace of the garden called Baghe Delkosha, at Sirdhanah."

Seal and Signature of the Begum:—

RAO DEWAUN SING 1218.	GOCUL CHUND.	NURSING ROY, SON OF JYE SINGH ROY, 1243.	ZE MUSSIEHA NIZZERAI MEHER ARVANIS DARED.

"Signed, sealed, and delivered, before me, this 17th day of April, 1834, in the presence of the subscribing witnesses, and passed by the within-named, Her Highness the BEGUM SOMBRE, as Her Deed, and Act at Sirdhanah;

"E. W. BUTLER, *Orderlies;*

"W. SPENCER;

"R. W. DUBIGNON;

"J. ROSE TROUP;

"(*Signed*)

"R. N. C. HAMILTON,

"Acting Magistrate Zillah Meerut."

From R. N. C. HAMILTON, Esq.,

To W. H. MACNAGHTEN, Esq.,

Secretary to the Government of India.

"Zillah Meerut, Magistrate-Office, April 18th, 1834.

"Sir,

"I think it my duty to report for the information of Government, that I was requested by Her Highness the Begum Sombre, to attest a deed she had prepared, nominating Mr. D. O. Dyce her heir by adoption, and placing him in possession of her property according to certain agreement, and in conformity to the intent of a will made and written in English some time since (to which Brigadier Brown is executor) provided he, Mr. Dyce, assumed the name of Sombre.

"This deed was yesterday signed at Sirdhanah in the presence of a large party, and sealed by me according to Her Highness's direction, she having had the whole read over to her, and explained her intention publicly.

"Her Highness expressed a hope, that through consideration of her, her adopted heir might be favourably looked upon by Government, she having duly constituted him through her affection and confidence in his integrity and honour.

"After the deed was witnessed, I affixed the usual official record, purporting that it had been signed, sealed, and delivered in my presence.

"I have the honour to be, Sir,

"Your most obedient servant,

"(*Signed*) R. N. C. Hamilton, *Acting Magistrate.*"

To these representations, and their enclosures, I received the following reply from the Lieutenant-Governor of the North Western Provinces :

—

To D. O. DYCE SOMBRE, Esq.

"Sirdhanah, Agra, July 16th, 1836.

"Sir,

"I am directed by the Honourable the Lieutenant-Governor of the North Western Provinces to acknowledge the receipt of your letter dated the 4th instant, appealing against the assumption by the Honourable Company of the Pergunnah of Badshapore, etc., as not being included in the Jaidad of the late Begum Sombre in the Dooab, which according to the agreement of 1805, lapsed to the British Government at her demise.

"2nd. In reply, I am directed to inform you, that the possessions which you wished to be considered exempt from the terms of the above agreement, were conquered by the arms of the Honourable Company, and the Begum was allowed to hold them precisely on the same footing as the Jaidad [1], in the Dooab, which did not lapse by agreement, but must have lapsed under any circumstances whenever the permission to the Begum to hold it, ceased. It was a portion of Scindiah's territories conquered

[1] Where lies the truth of this statement, see the grant of a Jaidad land, how widely it differs, from the Jaghire one, they both follow each other, after this.

by the British Government [1]. It might have been resumed at will; but it was by the agreement alluded to secured to the Begum for her life. All other territory which she was allowed to retain, whether specified in that agreement or not, was held under the same permission and lapsed at her death as a matter of course.

"3rd. Your claim is not to private property, but to public revenue which the Begum enjoyed during her life, and which has now been resumed in consequence of the death of the life tenant, for the benefit of the Crown of Great Britain, as Sovereign of the Country, represented by the East India Company.

"4th. The Lieutenant-Governor cannot recognize a claim of private property to any part of the territory of which the Begum was allowed during her life to receive the state revenue, and the claim submitted in your letter under reply is accordingly considered to be inadmissible.

"I have the honour to be,

"Sir,

"Your most obedient servant,

"G. A. Bushby,

"*Secretary to the Lieutenant-Governor,*

"*N. W. P.*"

[1] But guaranteed to the Begum under the agreement which only specified the lands *within* the Dooab, as reverting to Government.

(**State Seal.**)

TO THE CHOWDRIES[1], THE CANONGOES[2], THE ZEMINDARS[3], AND THE CULTIVATORS OF THE PURGUNNAH OF BADSHAPORE JHAURSAH[4].]

"Know ye,

"That whereas the aforesaid Mehal[5] is in the former manner and the ancient usage preserved and maintained as the Altumgah Jagheer[6] of the Baigum Sahibah, the obliging and courteous Zaiboonissa Baigum, agreeably to the grant from the presence[7], and the same are now in like manner confirmed.

"It is incumbent that being present and in attendance, agreeably to the ancient practice, ye go on to render in the land revenue, and do not in any way deviate or turn aside; and considering this matter very imperative, act conformably to this writing.

"Written on the 2nd day of Suffur, year 37 of the lofty occasion, corresponding with the Fuslee year 1203. Miltee, the second day of the light side of the Bhadon Moon. Sumbut, 1852[8]."

1 Heads of villages.
2 The Lawyers.
3 Land-holders.
4 Name of the Estate.
5 Town-ship.
6 An Estate that can be made over to another. Literally, an Estate that has passed through the Great Seal, free of tax.
7 That is from the King.
8 About the year 1793, long before the East India Company had possession of this part of India.

See the difference now of the Jaidad grant; a land given for maintenance of Troops only:

—

(**State Seal.**)

TO THE CHOWDRIES, THE CANONGOES, AND CULTIVATORS, AND TAKERS OF THE GROUND OF THE PROVINCE OF BOODHANAH.

"Written this day, the 2nd of Suffur, in the thirty-seventh year of our auspicious reign [1].

"Know ye,

"That the said province, according to the former usage, is for support and maintenance of the battalions of the exalted Begum, my friend Zaibul Nissa Begum, is to be continued as heretofore. You are therefore ordered to attend before the Collector or the Governor of the said exalted Begum before named, and with due observations to his orders and advice, cultivate, improve and pay the just dues of Government to the said Collector or Governor, whom you are to consider as permanent and not temporary, and in no way to deviate from his lawful will; and considering this our order as imperative and binding, you are desired to obey it as such.

N. B. Seven others similar, for other seven districts, which were in the Begum's possession, were of the same tenor.

About the year 1793.

Her Highness after making Her Will, wrote a letter to Lord William Bentinck, who was Governor-General of India at the time, and the following is His Lordship's answer :

—

To Her Highness ZEBOONISSA BEGUM.

"Simlah, September 26th, 1832.

"My much esteemed friend,

"I have had the honour of receiving your Highness's letter on the subject of Mr. Dyce [1].

"You may rest assured that all your possessions, which are of the nature of private property, will be religiously respected [2], and the demand of the State will be strictly confined to what comes under the head of Public Revenue.

"My fervent wish, however, is that your Highness may still live many years to enjoy your ample possessions, and to be a comfort and source of benefit to all those whom Providence has intrusted to your care.

"I have thought it necessary to address your Highness on this occasion in the English language, in order to satisfy myself that my real sentiments are conveyed to you in terms which admit of no misconstruction. Being unacquainted with the Persian lan-

[1] The present Mr. Dyce Sombre.

[2] How far they have been religiously respected, will be shown by this book.

guage, I could not so well satisfy myself on this point, were that medium alone adopted. Your Highness has probably near your person more than one individual to whom the English language is familiar, but I shall direct that a Persian translation of this letter may accompany it.

"I remain,

"With much consideration,

"Your Highness's attached friend,

"(*Signed*) W. BENTINCK."

From the unfavourable decision of the Governor-General, I appealed to the late Lord Auckland, who was Governor-General of India at the time:

—

To the Right Hon. Lord George AUCKLAND, G. C. B.

Governor-General of British India, Fort William.

"Sirdhanah, August 23rd, 1836.

"My Lord,

"I have the honour to submit my case in appeal to your Lordship from the unfavourable decision of the Honourable the Lieutenant-Governor of the North-Western Provinces. In annexing a copy of the letter addressed to His Honour, I have only to add a few observations touching the policy under which the

alliance between Her late Highness, Zeboonissa Begum, and the Honourable the East India Company, was treated for, and as much of the treaty, confirmatory of my claims to the Altumgha Jagheer of Badshahpoor, *alias* Jhaursa and other places out of the Dooab bestowed on me by deed of gift executed by Her late Highness in my favour.

"I shall therefore take the liberty of replying distinctly to the several objections urged by His Honour, the Lieutenant-Governor, in a letter addressed to me by Mr. Secretary Bushby, dated 30th July 1836. The Treaty alluded to therein being embodied in my letter to the address of His Honour, it may conveniently be referred to :—

Par. 2nd. In reply I am directed to inform you that the possessions which you wish to be considered exempt from the terms of the above agreement, were conquered by the arms of the Honourable Company, and the Begum was allowed to hold them precisely on the same footing as the Jaidad in the Dooab, which did not lapse by agreement, but must have lapsed under any circumstances, whenever the permission to the Begum to hold it ceased. It was a portion of Scindia's territories, conquered by the British Government. It might have been resumed at will, but it was by the agreement alluded to secured to the Begum for her life; all other territory which she was allowed to retain, whether specified in that agreement or not, was held under the same permission, and lapsed at her death as a matter of course.

It will immediately strike your Lordship that no agreement exists relative to the places out of the Dooab; therefore the permission of the Begum to hold them cannot with any fairness be assumed. If might is right, the Honourable Company may resume, independent of those engagements of public faith and mutual obligation which they held out in 1806, as an ensnaring bait, proclaimed to all the States in India, "as the principles of "policy which the Governor-General, "on the part of the Honourable the "East India Company, has resolved "to pursue with regard to the States "of India." A transcript of the Proclamation, issued by Sir D. Ochterlony, is the following :

"The States which are disposed to "remain upon terms of amity with the "British Government, and to abstain "from the prosecution of designs in-"jurious to its interests, will have no "cause to apprehend any design on "our part to establish over them any "degree of control, or to interfere "in any manner in their internal "concerns."

3rd. Your claim is not to private property, but to public revenue, which the Begum enjoyed during her life, and which has now been resumed, in consequence of the death of the life-tenant, for the benefit of the Crown of Great Britain, as Sovereign of the country, represented by the East India Company.

4th. The Lieutenant-Governor cannot recognize a claim of private property to any part of the territory of which the Begum was allowed during her life to receive the State revenue, and the claim submitted in your letter under reply is accordingly considered to be totally inadmissible.

The above, My Lord, solemnly and positively guarantees all possessions on the same footing as they stood previous to any treaty entered upon with the British Government; and when treaties were concluded, they were undoubtedly based upon the immutable profession of public faith and mutual obligations. Can it, My Lord, be presumed on the same principle, as observed in Par. 2, cited in the margin, that, but for these professions, Her late Highness would not have entered on the treaty she so favourably accepted, and remained entire and independent of Government, without any offensive operations towards any party? But, however, My Lord, as the question now stands on the Treaty with Her late Highness for places only within the Dooab, those places out of the Dooab held as Altumgha Jagheers, as per translation of Sununds of Maha-Rajah Madho Rao Scindia, dated on the 2nd of Suffer, corresponding with 1203, Fuslee, and others, fall to their legitimate heir on the demise of the incumbent; therefore in the present instance my claims are fairly urged and borne out by the Deed of gift confirming my rights. The grant will show that even by the Deed of Agreement with Her late Highness and even upon the construction given by his Honour the Lieutenant-Governor "that she was allowed to hold all "her places (as before) from the Com-"pany," and that, as Sirdhanah was only for her life time, it was properly assumed the places out of it, under Altumgha grants, should therefore descend to me as her heir general.

"It will be necessary, My Lord, to draw your attention very

particularly to the policy under which the treaty with Her late Highness was concluded; and let your Lordship's decision be compatible with those principles which characterized the declarations and professions of the British Government at that period.

"According to the Altumgha grants, my right as heir to Her late Highness the Begum Sombre's property is placed beyond a doubt; I was put in possession of Badshahpoor, etc., long before Her Highness's demise. The Treaty clearly shows that Her Highness was allowed to hold the places in the Dooab, (as before) as she held before her treaty, and even upon the presumed construction of the Lieutenant-Governor of the North-Western Provinces, Badshahpore and other places out of the Dooab were held in Altumgha grant; and will it be asked, My Lord, if I, who am heir to Her late Highness, have not a legitimate right to the Altumgha possessions of Badshahpore, etc.? the Government can only assume them by dissolving forcibly their treaty, dishonourably cancelling the professions of faith and honour made under the ostensible reason of bringing about an alliance, and afterwards treacherously depriving heirs and incumbents of their possessions and heritages! Is this the policy pursuant to that nominally vouchsafed in 1806? Are the recorded obligations due to the Begum by the Government to be thus imperiously superseded by a desire to acquire additional possessions and aggrandizements? If the sacred pledges of faith and honour will not guard the weak against the ambitious power of a strong and paramount government, what can be performed to secure the foundation of original contracts and engagements?

"This assumption is unparalleled, My Lord; the observance of faith and honour, pledged in 1806 by the East India Company, will alone reflect credit on a Christian Government, cementing the bands of obligation and friendship (merely loosened by the demise of Her Highness the Begum Sombre) and will awaken the confidence of those states which were contemporary with her and still continue in alliance.

"I have the honour, etc.

"*(Signed)* D. O. Dyce Sombre."

To D. O. DYCE SOMBRE, Esq. Sirdhana.

"Fort William, November 21st, 1836.

"Sir,

"I am directed by the Right Honourable the Governor-General of India in Council to acknowledge the receipt of your letter dated the 23d. of August last, submitting a letter to the address of the Governor-General, and its enclosure, appealing against the decision of the Honourable the Lieutenant-Governor of the North-Western Provinces, on the subject of your claim as heir to Her late Highness the Begum Sombre, to the Altumgha Jagheer of Badshahpore and other places out of the Dooab.

"2nd. In reply, I am desired to acquaint you, that having maturely considered the circumstances stated in your representation, the Governor-General in Council can discover no sufficient ground for questioning the propriety of the decision which has been given on your case by the Honourable the Lieutenant-Governor of the North-Western Provinces.

"I have the honour to be,

"Sir,

"Your most obedient servant,

"(*Signed*) W. H. MACNAGHTEN.

"*Secretary to the Government of India.*"

Now comes the question about the arms or military stores, etc. The following is my letter to the Governor-General :

—

To the Right Hon. Lord AUCKLAND, G. C. B.

Governor-General of India, in Council.

The Memorial of David O. Dyce Sombre.

" My Lord,

" Your Memorialist is one of the Executors, and the sole residuary legatee named in the Will of Her late Highness Zeboonissa Begum, usually styled the Begum Sombre.

" That by a clause of Her late Highness's Will, all her arms, accoutrements, guns, military stores and appurtenances, were expressly bequeathed among other property to your Memorialist, but soon after Her late Highness's death, your Memorialist was called upon by Mr. R. C. Hamilton, officiating magistrate of Meerut, acting under order from His Excellency the Lieutenant-Governor of the North-Western Provinces, to deliver up the said arms, accoutrements, and military stores and appurtenances, as state property claimed by the British Government. In compliance with Mr. Hamilton's demand, your Memorialist immediately placed the said arms and military stores and accoutrements under his control, respectfully stating, at the same time, that he claimed them under Her late Highness's Will, and would afterwards send a detailed statement of their value. On the 17th of May last, your Memo-

rialist received a communication from Mr. T. C. Plowden, then officiating magistrate of Meerut, forwarding copies of some correspondence relating to his claim for remuneration; and again, on the 18th of August, another letter from the same gentleman, forwarding copies of further correspondence on the same subject, and intimating the final decision of the Supreme Government, that "the arms and military equipments of the late Begum Sombre belong to the Government and not to the estate of the deceased Begum." It would appear from the copy of Mr. Secretary Bushby's letter of the 13th of August 1836, that the question has been already submitted to your Lordship in Council; but your Memorialist had no opportunity of stating at any length the grounds of his claim to the property, and he trusts that he may therefore be permitted to bring the matter in this form before your Lordship in Council for reconsideration and a revision of judgment.

"Your Memorialist believes that it has never been questioned that Her late Highness had not only the use of the military stores and accoutrements, but also the power of disposing of them during her life. They were purchased at various times, as required, with her money, from the savings, it is true, of the revenues of her Jagheer; but still, savings which she might or might not, at her pleasure, have appropriated to this or any other purpose; and there was never, so far as your Memorialist is aware, any attempt on the part of the British Government to regulate, or in any way to interfere with her use of this any more than of her other property. She was not only entitled to use it in the largest and freest acceptation of the term, but also, if she were so minded, to abuse it; to commit what in English law is termed waste; and the British Government could not, consistently with the relation which so long happily subsisted between them, have stayed her from doing so.

"Your Memorialist considers himself justified in taking all this for granted, as from the great length of Her late Highness's rule, during the whole of which there was not so much as an enquiry, so far as he is aware, as to what she was doing with her military stores, and more particularly if her equipments were always kept up to the full war establishment; a point of great

importance, if the British Government supposed that it had any interest in the reversion of them. Here then is a kind of property, of which one may have the most absolute enjoyment and power of disposal during life, may use, may abuse, may sell, may give, may waste, may destroy, and yet may not bequeath at death. Your Memorialist, since his arrival in Calcutta, has conversed with several gentlemen of the law, and he is informed that in neither of the sister kingdoms of Great Britain is there any public or private property of this description. To both the law of England and Scotland, property of which a person has only the use for life, is familiar. But such property is usually land, and though chattels are occasionally settled in the same manner, yet, in all cases of the kind, the power of the occupant is limited to a mere enjoyment, and any attempt to dispose of such property or to waste it in the use would be restrained by the courts of law.

" But it may be said that this question is not to be determined by any laws applicable to private property, and a distinction has been indicated between the property of the State (it is presumed of Sirdhanah), and the private estate of Her Highness the Begum. Of this distinction your Memorialist would beg leave to remark, that however just it may be in the case of independent sovereignties, it is hardly applicable to the case of an Indian Jagheer such as Sirdhanah; and the distinction in fact was never made by Her late Highness in the distribution of her Jaidad revenue. The whole income of the Jaidad was collected by her, as her own absolute property. Part of it was of course appropriated to her private expenses, but a very large portion of it went for the purposes of her government. Nothing can be a stronger evidence, My Lord, of her own belief that there was no substantial difference between the things appropriated to Government uses and the rest of her estate, than that she bequeathed the whole, without distinction, as private property, by her Will.

" State property, your Memorialist submits, is never treated in this manner; even under absolute governments it is kept quite distinct from the private property of the sovereign; and if sold, its proceeds are placed to a separate account; and not even the

Autocrat of Russia, or the Grand Signior would ever think of bequeathing the military equipments of their respective armies by Will, or using or appropriating their proceeds, if disposed of, for any other but state purposes. Of state property, property so called, the reigning Sovereign has only the use; and in countries where there is a separation between the legislative and the executive government, the former would doubtless interpose to prevent any waste or absolute disposal by the Crown of such property, as occurred frequently in the past history of Britain in cases of improvident grants, by the sovereign, of Crown lands. It is true there was no separation between legislative and executive at Sirdhanah, the whole power, such as it was, being centred in Her late Highness, the Begum; but there were your Lordship's predecessors in the government of India, who could have interfered more effectually than any legislative body, and would have hardly refrained from doing so, unless they had felt that Her late Highness had something more than the mere use of the military stores and equipments of her soldiery, and was absolute mistress of them in a sense that could not be predicated of any sovereign whatever.

" The only other ground alleged for considering the military stores and equipments not to be private property is, that they were " purchased out of the resources of her Jaidad" and " paid for by an assignment of public revenue". This argument, if good, would extend much further than the military stores and equipments, for it would equally embrace what is admitted to have been Her Highness's personal property; inasmuch as every thing she had, her jewels and wearing apparel, and even her daily food, and that of her numerous dependants, were all purchased out of these resources, and may therefore be said to have been " paid for by an assignment of public revenue." But your Memorialist humbly submits that this is not the view which ought to be taken of an Indian Jagheer; it is an assignment of public revenue, it is true, and usually made for the performance of a public duty; but so long as the duty is performed, there is no account demandable of the revenue. There may or may not be a surplus according to the economy or otherwise of the Jagheerdar, but with that surplus the paramount state has nothing to do. The Jagheerdar cannot, ac-

cording to the custom of such tenures, be ejected, because he does not so manage his Jaidad as to produce a large surplus revenue; nor can the surplus be required of him if it exists. He holds his tenure so long as the condition is faithfully performed. It has never been said that Her late Highness did not maintain a sufficient military establishment. That was the condition on which she held her Jaidad; and how she performed it, provided it was well done, the paramount state had no right to enquire. She might have hired troops, ready equipped is she pleased, from any one capable of furnishing them, or she might have given her soldiers a larger pay, and required of them to equip themselves; and in either of these cases, there would probably at her death have been no stores or equipments which could be called either state or private property; and it ought surely to make no difference to her heir, that she adopted the different plan, of giving her soldiers merely their pay, and equipping them herself out of her own resources, because, perhaps, she considered it more economical, and wished to make a larger surplus for this very purpose.

"Your Memorialist has already trespassed too long on your Lordship in Council's valuable time, and will only further beg leave to refer you to the accompanying letters to Her late Highness,—one in Persian, by the late Sir D. Ochterlony dated July, 1819, and one by your Lordship's predecessor, Lord Wm. Bentinck[1]. The first serves to show that *a part*[2] of the stores in question were purchased so far back as the year 1819, from the British Government, for the sum of one hundred and thirty two thousand eight hundred and ninety five rupees; and if the same stores are now resumed, the Government will in fact be paid doubly for the same things. The other letter from your Lordship's predecessor your Memorialist deems of the highest importance, and earnestly solicits your Lordship's particular attention to it, as it contains an explicit assurance, that "all Her late

[1] See page 385.

[1] I say a part, because the arms of six battalions in Her Highness's service were purchased from the Honourable Company's magazines; but besides these, there were found in the stores at Sirdhanah arms for 8,000 men complete.

" Highness's possessions, which are of the nature of private pro-
" perty, will be religiously respected, and the demands of the
" State will be strictly confined to what comes under the head of
" public revenue [1]."

" Your Memorialist submits, that from the use of the term " possessions" in this and the following paragraph of the letter, his Lordship had in view only the territorial possessions of Her Highness, " Jaidad", and that in no allowable sense of the words " public revenue" which imply a yearly or other issue, proceed, or income, can they be held to comprehend actual chattels, such as the military stores and equipments in question.

" With these remarks, your Memorialist submits his case to the favourable consideration of your Lordship in Council, and humbly prays that you will be graciously pleased to direct that the value of the military stores and equipments surrendered by him to the acting magistrate of Meerut may be paid to him [2].

" And your Memorialist, etc.

" (*Signed*)

" D. O. Dyce Sombre."

[1] See page 385.

[2] Valued by me at 492,092 rupees.

Copy of a Letter

From Major-General Sir D. Ochterlony, Bart.

"Written on the 9th, ninth, of July, year 1819.

"To the Baigum Sahebah, courteous and obliging (may her favors be extended) after observance of the rules of etiquette incumbent upon me, I communicate to your mind, which is the treasury of kindness,—That your letter, bearing the traces of friendship, together with the sum of one lac, thirty two thousand eight hundred and ninety five rupees, two annas (Rs. 132,895. 2) on account of the price of muskets, have been received through Fyaz Hosain Soobadar and Maegrauj Purkhiya; and I am become acquainted with the matters written therein. The said sum has been paid into the treasury of Government, and the letter that you had transmitted to the address of the gentleman of high rank, Mr. Charles Theophilus Metcalfe Saiheb Behadoor, has been received, and whenever an answer to that arrives, it will be despatched to you. This has been indited with the pen of friendship, for your information. Further—there is safety—may your happiness endure.

"(*Signed*)

"D. Ochterlony, *Resdt.*

"(A true translation of the annexed Paper, n° 13,221.)

"W. D. S. Smith, *Translator.*"

The third claim relates to the Pensions guaranteed by the British Government, in 1807, and which they subsequently refused to give.

—

To the Right Hon. Lord AUCKLAND, G. C. B.

Governor-General of India, in Council.

The Memorial of David O. Dyce Sombre,

Executor of the last Will and Testament of Her late Highness the BEGUM SOMBRE.

" My Lord,

" In the year 1807, Her late Highness being desirous to secure some provision, after her death, for several of her dependants, addressed a letter to His Excellency Sir George Barlow, then the Governor-General, soliciting the assurance of provisions in their favour, amounting to the monthly sum of sicca rupees seven thousand and five hundred. The Right Honourable Lord Minto, Governor-General in Council, deeming this application to be in all respects just and reasonable, and the general tenour of her conduct to merit every practicable degree of favour and indulgence on the part of the British Government, was graciously pleased to comply with her request. A letter was accordingly addressed by

His Lordship to Her late Highness, conveying to her the resolution of the Government in terms expressive of His Lordship's consideration and regard for the distinguished merits of her character and conduct. In this letter, and in the corresponding letter from the Secretary to Government in the Political department to the Resident at Dehli, Her late Highness was requested to furnish a detailed statement of the names of the pensioners for whom she solicited a provision, and of the amounts to be respectively assigned to each. No time was limited, and Her Highness does not appear to have considered it necessary to furnish such statement until the state of her health, or advancing age and infirmities, might warn her of the propriety of settling this with the rest of her worldly affairs. Whatever may have been the motive of her conduct, the matter does not seem again to have occurred to her until some time in the year 1832, when she wrote to the late Mr. William Fraser, the agent to the Right Honourable the Governor-General at Dehli, to inquire if there was any list in his office of the names of the intended pensioners. Receiving an answer in the negative, she again requested the favour of his writing to Calcutta to ascertain if any such list had been forwarded to the Supreme Government. The result of this enquiry being the same, her late Highness then prepared a list of the names of the persons whom she wished to receive pensions, and the sums she designated for each, placing it among her other papers. In the month of December 1831 she had made her will, and in the year 1834, desiring to anticipate the provisions thereby made for your Memorialist, whom she designed her heir and residuary legatee, she formally invested him in her lifetime with the great bulk of her property, having adopted him as her son, and given him the name of Sombre. Being also desirous to place the provisions to her pensioners beyond all doubt, she directed your Memorialist to inquire of Mr. Hamilton, the acting Magistrate of Meerut, whether it were necessary or not to forward the list of their names to the British Government during her lifetime. Mr. Hamilton was good enough to refer the question to Mr. William Hay Macnaghten, Secretary to the Government of India in the Political department, from whom he received an assurance in reply "that any well authenticated testamentary

" expression of Her Highness's wishes would meet with equal " attention after, as if they had been made known during her life- " time [1]."

" Mr. Macnaghten's letter is dated 12th of January 1835, nearly a year after Her late Highness had invested your Memorialist, as her adopted son, with the whole of her property; a fact which had been duly intimated to the Right Honourable Lord William Bentinck, as appears from Mr. Hamilton's letter of the 18th of April, 1834 [2]. The assurance contained in Mr. Macnaghten's letter, written as it was by the desire of the Governor-General, your Memoralist respectfully submits, could have reference only to the pension list referred to by Mr. Hamilton, and was a direct recognition and confirmation of the previous grant by Lord Minto.

" Her late Highness died on the 27th of January 1836, and your Memorialist, as the executor of her Will, forwarded the list of pensioners to Mr. Hamilton, by whom he believes it was sent, through Mr. John Ross Hutchinson, the Commissioner of the first or Meerut division to his Honour the Lieutenant-Governor of the North-Western Provinces. But no order, so far as your Memorialist is aware, was given on the subject.

" Your Memorialist's name is inserted in the list for a monthly pension of 2,500 rupees, and a farther sum of the same amount is also left at his disposal for such persons as he may consider have a claim, from their connexion with Her late Highness, on the British Government. He does not, however, come forward on that account, *and would willingly waive all interest in the personal allowance to himself,* if he could thereby secure the recognition of the remaining pensions on the list; but he considers it his duty as Executor of the Will of Her late Highness, to submit the matter for the favourable consideration of your Lordship in Council.

" It is not your Memorialist's intention to notice particularly the reason adduced by Mr. Secretary Bushby for the determination of His Honour the Lieutenant-Governor of the North-Western

[1] See page 408. [2] See page 380.

provinces. He would merely beg leave to refer your Lordship in Council to the very strong terms of your predecessor's letter to Her late Highness, and the corresponding letter of the Political Secretary to Mr. Seton, with the letter from Mr. Seton, dated the 4th of August 1807. From the documents it will be seen that the compliance with Her late Highness's request, though certainly a matter of favour and indulgence, was yet placed on the ground of her distinguished merits and services to the British Government. These services are matters of record, and it is not necessary that your Memorialist should trouble your Lordship in Council with a detailed statement of them; but he respectfully submits that, as they formed the ground of the original grant by your Lordship's predecessors, they are still a sufficient reason for a liberal construction of it. All that your Memorialist would ask, is that the grant be construed in the same liberal spirit with which it was originally made. There is only one other remark which your Memorialist begs leave to make, and a mere allusion is all that the subject admits of or requires. Her late Highness's beneficence is well known. A short time before her death, the large sum of sonat rupees 750,000 [1] was placed by her in the Government Treasury at Meerut for charitable and pious purposes, of which sum 502,000 rupees were appropriated to objects within the British dominions in India; and it is not conceivable, your Memorialist submits, that Her Highness would have disposed of so

[1] *Viz.*

For the Roman Catholic Church at Sirdhanah . .	Rs.	100,000
For the Poor of Sirdhanah.	»	50,000
For a College at Sirdhanah.	»	100,000
For the Catholic Churches of Calcutta, Madras, and Bombay	»	100,000
For the Catholic Church at Agra	»	30,000
For the Catholic Chapel at Meerut	»	12,500
To the Pope at Rome	»	150,000
To the Archbishop of Canterbury	»	50,000
To the Bishop of Calcutta.	»	100,000
For the Poor in Calcutta	»	50,000
Total	Rs.	742,500

large a sum of money on general charities, and left her immediate dependants destitute, unless she had believed that the faith of the British Government was pledged to provide for them.

"Your Memorialist, therefore, humbly prays that your Lordship in Council will be graciously pleased to grant the pensions mentioned in the list prepared by Her late Highness and

"Your Memorialist, etc.,

"(*Signed*)

"D. O. Dyce Sombre."

To N. B. EDMONDSTONE, Esq.

Secretary to the Government in the Political Department, Fort William.

"Dehli, July 9th, 1807.

"Sir,

"For some time past Zebool Nissa Begum, commonly called the Begum Sombre, has resided at Dehli, and during the course of our conversation, has frequently alluded with much feeling to the helpless situation in which many of her dependents would find themselves after her death, unless some provision for their maintenance were made by the British Government. In discussing the

subject the other day, she expressed herself nearly in the following words: "Of the persons of this description, many have strong "claims upon me in consequence of their having attached themselves to my fortunes, at a time when my situation was precarious, and from their being the relatives of those who have "fallen in my service, and the loss of whom deprives them of all "support but what must be derived from me; and as some of "them have been accustomed to comfort, and even to affluence, "their distress, if left in a destitute state, would be the more "severely felt. I must therefore hope, and in my last moments "that hope will be my consolation, that when I am no more, "the British Government will take them under its protection; "and that, before my death, I may be relieved and gratified by "an assurance to that effect."

"2nd. The above is a faithful translation of the Begum's declaration to me during our last conversation upon this subject. On her concluding, I observed to her, that although upon such an occasion it would ill become me to venture to anticipate the resolutions of Government, yet, from what I knew of the favourable disposition of the Honourable the Governor-General towards her, I was persuaded he would always be gratified by having it in his power to meet her wishes, as far as it could be done with propriety—and I advised her to address Government directly upon the subject, and to state in her own way the nature of the object which was evidently so near her heart. After an interval of two days, she transmitted to me a letter to the Honourable the Governor-General, and one to my address, both of which I have the honour to transmit enclosed. From the latter it appears, that the sum, the appropriation of which she wished to have the disposal of, in life-rents, to commence from the time of *Her decease* is rupees 7500 per month.

3rd. Although, as already observed, I did not deem myself authorised to communicate to the Begum my ideas as to the probable result of the application, I trust I shall be pardoned if I take the liberty to remark that the character of that lady for beneficence is justly great, and that the number of the persons of all descriptions and religious persuasions who are the pensioners

of her bounty at Sirdhanah, and who, but for her charity, would be reduced to the utmost distress, is almost incredible. Of her claims, founded upon the nature of her political relations with the British Government, I presume not to speak. To hazard an opinion upon that subject, would be unbecoming and disrespectful. It is to the private merits only of the Begum that I now mean to advert. In doing this, it is impossible for me, as a Briton, to withhold the tribute of gratitude so justly due to her successful endeavours to effect the delivery of General (then Col.) Stuart from the Seiks, and at a later period, to her seasonable exertions in favour of Mr. Guthrie when in danger of falling into the hands of that ferocious people.

"I have, etc.,

"(*Signed*)

"ARCHD. SETON, *Resident.*"

To ARCHIBALD SETON, Esq.

Résident at Dehli.

"Fort William, August 4th, 1807.

"Sir,

"I am directed to acknowledge the receipt of your dispatch under date the 9th ultimo, enclosing an English letter to your

address, and a Persian letter to the address of the late Governor-General, from Zeboonissa Begum, soliciting the assurance of a provision in favour of certain of her dependants after her decease, and stating the substance of your communications with the Begum upon that subject, and to inform you that the Right Honourable the Governor-General in Council deeming the Begum's application to be, in all respects, just and reasonable, and the general tenour of her conduct to merit every practicable degree of favour and indulgence, on the part of the British Government, has resolved to comply with her request.

"2nd. You will receive from the Persian departement a reply to the Begum's letter, prepared in conformity to the enclosed English draft, apprizing her of this resolution; you will be pleased to accompany the delivery of the letter with a verbal communication to the Begum, conformable to the spirit of its contents.

"3nd. You will of course transmit to Government the detailed statement of the proposed provisions amounting to sicca rupees 7500 per Mensem, which the Begum has been requested to deliver.

"I have, etc.,

"*(Signed)*

"N. B. Edmondstone,

"*Secretary to Government Political Department.*"

From Earl MINTO,

Governor-General of India,

To Her Highness the BEGUM SOMBRE.

"Written, August 4th, 1807.

"You will have been apprized by Mr. Seton, the Resident at Delhi of my appointment to the charge of the Hon. Company's affairs, of my arrival in Bengal, and of my assumption of the duties of Governor-General of the Company's dominious in India.

"All the circumstances of your situation, and of your uniform attachment and fidelity to the British Government are well known to me, and I avail myself with satisfaction of the present opportunity of expressing those sentiments of respect and regard which the distinguished merits of your character and conduct have justly excited in my mind.

"My predecessor, the Hon. Sir G. Barlow, has communicated to me a letter which you lately addressed to him, referring to an application received from you by the Resident at Dehli on the subject of securing a provision in favour of several of your dependants, for whose future welfare and prosperity you are generally interested. The Resident has transmitted to this Government the original of that application, together with a statement of the verbal communications which he has received from you upon the subject of it.

"The solicitude which you have manifested for the future welfare of your dependants is consistent with that spirit of libe-

rality and justice which distinguishes your character, and has hitherto rendered them the objects of your bounty. I have great satisfaction in communicating to you my compliance with your wishes as described in your letter to Mr. Seton. It will be necessary that you should deliver to Mr. Seton a detailed statement of the names of the persons for whom you have solicited a provision, and of the amount to be respectively *assigned to them* out of the sum total which *has been specified in your request.* I trust, however, that you will continue during a long course of years, in the enjoyment of health and happiness, the agent of your own liberality.

"It is a source of peculiar satisfaction to me that the first occurrence of addressing you by letter should involve the opportunity of communicating my concurrence in an arrangement so essential to the tranquillity of your mind.

"(*Signed*)

"MINTO.

"(A true copy.)

"(*Signed*)

"N. B. EDMONSTONE,

"*Secretary to Government.*"

Extract of a Letter

From Mr. Secretary William Hay MACNAGHTEN,

To Mr. HAMILTON.

"Dated Calcutta, Meerut, January 12th, 1835.

"We consider the Begum to be entirely under the Lieutenant-Governor; but I mentioned to Lord William Bentinck the subject of your letter, and he desired me to say there could be no impropriety in assuring Her Highness that any well-authenticated testamentary expression of her wishes will meet with equal attention after, as if they had been made known during her life-time.

"(A true extract.)

"(*Signed*)

"W. H. Macnaghten.

"(True copy.)

"(*Signed*)

"R. N. C. Hamilton,

"*Magistrate of Meerut.*"

Now these letters, according to the understood laws of nations, are considered sacred bindings on the existing Government; had there been an entire change of Government, that would have materially altered the meaning and the intent of what had been agreed; but since it has not, all these transactions will show,

1st., that the private domain of the Begum was her private property, which she could have given away or left to any one whom she pleased; the Government in India had no more right to it, than the English Government would have power over another person's estate, in any part of the United Kingdom;

2ndly., that the military stores of the Begum, some parts of which had been purchased from the Hon. E. I. Company's stores, were as much her private property, as any other article she left at her death; and

3rdly, that the Hon. E. I. Company had bound itself to pay to the dependents of the Begum, provided the stipends did not exceed the monthly sum of 7,500 Rs., an engagement as binding on them as any other they might have entered into with any other constituted power, who contracted an alliance with another power.

The following correspondence after some notes, will show more fully how far the E. I. Company has compromised itself, and was more anxious for her alliance with the British Government, than anything more I can say.

Extract from the Political Survey of the Northern Circars, by J. Grant, Esq.

(*Appendix to the fifth Report, p.* 939.)

"An Altumgah according to the literal signification of the two Arabic terms, of which this technical one is composed, conveyed gratuitously from the Sovereign to a few of the most favoured of his servants, a small heritable grant of territorial property, perhaps then and since the only one of the kind in the whole system of Musulman jurisprudence."

Extract of a Letter

From Mr. RUMBOLD at Patna,

To the Governor of Bengal, in the 4th Report from the Committee of Secrecy on the state of the East India Company.

"March 24th, 1778.

"Altumgha, a grant of land bestowed by the king as a gift, and descending to the heirs of a person possessing it; whereas Jagheer at the death of a Jagheerdar returns to the king."

From His Excellency General LAKE,

Commander in Chief of the English Army,

To Her Highness the BEGUM SOMBRE.

"To the dear and honoured Lady, may She be blessed!

"(Your) agreeable letter containing your congratulations (for the victory) which has been obtained by the Divine favour, has been received at a most pleasant time. All that (your) friendly pen has expressed of (your) great joy, proceeds in reality from (your) long attachment. The order which you have sent, prohibiting any war and battle with the army (English) in the Deccan, addressed to Col. Saleur, is considered as proceeding from the excess of your sincere friendship; it is certain that the said Colonel will act accordingly.

"As the improvement of this country and ease of the people are the objects of (my) heart, it wishes that all the officers of the country should remain in peace and quiet—and that no disputes should arise among them. As the path of communications has been long trodden between you and Maharajah Runjeet Singh Bahadoor (Ruler of Lahore), write on your own part to the said Maharajah in a friendly and favourable manner, that peace with the Honourable English Gentlemen will bestow every kind of ease —that those Gentlemen have no other object but friendship, and do not at all interfere with the rights and property of others— and that they make war with none. When these communications are made, it is proper that the Maharajah should send an agent to this presence, that, by the Divine favour, whatever convention may be made between (us), may be perpetually observed and never be transgressed.

"It is the object of my heart to settle the districts of Seharunpoor, Bodeeah, and others; and any persons of the enemy's army, who may be in those parts, will be expelled, that no injury may be done to the inhabitants.

"The kind Doctor Hakkeem Jaffer has communicated to me the particulars of your friendly disposition, and he will inform you of the answer which I have given him.

"(*Signed*) G. Lake."

From the same, to the same.

"October 29th, 1803.

"The dear and honored Lady, may She be blessed!

The kindness and attention which were formerly shown by you to the officers of the Honourable English Company are well known and quite clear from former writings, and the deeds confirming (your) Jagheer, *and the assignments for the troops* with you[1]. It is therefore written, that immediately on receiving this letter, and in accordance with the tenour of the deeds which were granted to you by the present (Government) you will come alone to my presence, as some matters are to be verbally mentioned to you; and keep your troops ready prepared forward, that there may be no confusion when an order is received. It will be considered a favour if you come as speedily as possible. Consider this as a positive injunction, and act according to what has been written. —What more can be written but to urge you?

"(*Signed*) G. Lake."

[1] Mark the difference made between the two grants.

From His Excellency the General LAKE.

To Her Highness the BEGUM.

"November 17th, 1803.

"The obliging and courteous Begum Sahaibah, may you continue in safety!

"Your letter productive of gladness containing congratulations for the victory obtained by the blessings of God, and by the aid, energy, and good fortune (that levels the enemy to the dust) of the Ruler of the opulent Government of the English Company Behaidoor (may whose prosperity ever endure) which victory showed her countenance attired like a bride, intimating that in consequence of the happening of this event, you (my friend) had obtained the treasure of gladness and joy, came to hand associated with pleasure, and rendered me happy and joyful. It must in reality be so, because as you, my friend, are among the well-wishers of this powerful Government, how could the bud of your mind not expand upon the breathing of news like this? The minds of friends in following the luminous path of friendship assimilate in various ways, and whereas news arrive in succession of the defeat of Dowlut Rao Scindiah and the other rulers of the South, and it is clearly manifest that such occurrences cannot happen without battle, and contest and bloodshed, and slaughter, therefore it cannot be discovered in what state the forces of you, my friend, are, who were stationed among these in the south. I am fully persuaded that your writing must have reached them,

touching their defection from the Rebels, but it is astonishing that it cannot be discovered whether they were along with the troops of reprobates in the battles, or had turned away from them. Wherefore you are written to that you will now write to them in the most imperative manner, that having fallen back from them, they join the brave troops belonging to this prosperous government.—What more shall I write?

"G. Lake."

From the most noble Marquis WELLESLEY,

Governor-General of India,

To Her Highness the BEGUM SOMBRE.

"December 22nd, 1803.

"To the dear and very kind Lady, the favourer of friends, may the Great God bless Her!

"Your friendly letter has been joyfully received, stating that you had arrived on the 12th of November of this year at Dehli, and that you had an interview with the brave and noble Colonel

Ochterlony—that you had written repeated injunctions to Colonel Saleur, the Commander of your battalions in the army of Dowlut Row Scindiah, to separate from the said Dowlut Row—that you had voluntarily given up the Jagheer lands which you had possessed in the Doabah (between the rivers) when you ascertained the wishes of the aforesaid Colonel, and you request to have a Jagheer to the west of the Jumna, in lieu of the relinquished Jagheer, and other matters relating to your friendship and good will, which have given (me) much pleasure. The friendship and good will expressed in that letter, and your walking on the path of attachment and friendship at this time, from your greater care and attention than heretofore to the affairs of the Honourable English Company, have made a deep impression on my heart.

"The orders which yo have written and issued to Colonel Saleur, the Commander of your battalions under the government of Dowlut Row Scindhiah, to separate from the said Dowlut Row with his corps, proceed entirely from your good will and good disposition.

"Your compliance with the request of the most noble General Gerard Lake, Commander of the English forces, to send for your battalions from the army of Dowlut Row Scindhiah, and the sanction of the Jagheer lands to the west of the Jumna by the Honourable English Company, in lieu of the Jagheer lands possessed by you in the Dooab (between the two rivers) agreeably to my directions, have given much pleasure to my friendly heart.

"To show my satisfaction with your good conduct, and in consideration of (your) relinquishing (your) Jagheer, *it has been so determined, that according to the present arrangement the lands which may be granted in Jagheer to you shall be entirely under your authority, without the interference of this Government, and without any conditions but that, whenever it may be required by the Honourable English Company, your troops should be ready prepared for the service of this Government, and that if any dispute arise between you and any other chieftains, they should be settled through the means of the officers of the Honourable English Government and (the settlement) secured and maintained by that Governement.* The aforesaid Commander of

the forces has therefore been directed by me to enter into a treaty with you to that effect, and it is certain that according to this mode of management, you will consider all the wishes complied with which you may entertain from the justice and liberality of the officers of the Honourable English Government. The assignment of the lands situated to the west of the Jumna to you in lieu of the Jagheer lands relinquished by you in the Doab, will be made according to its value, by the noble General, in a short time. I am therefore sure that no delay will be made by you in transferring the authority and possession of the relinquished lands to the officers of the Honourable English Governement until Jagheer lands be appointed for you, which will necessarily require a delay of some time; and a proper requital will be given by the Honourable English Government for any injury which your revenues may receive until Jagheer lands be assigned to you to the west of the Jumna. All other matters will be communicated to you by the aforesaid general.—What more can be written?

" (*Signed*)

WELLESLEY.

" (At the back.)

" (*Signed*)

" N. B. EDMONSTONE,

" *Persian Secretary to Government.*"

From His Excellency Lord LAKE,

To Her Highness the BEGUM.

"October 29th, 1804.

"To the dear and honoured Lady, may She be blessed!

"Your agreeable letter has been kindly received containing the affair of Rajah Nien Singh, the Tulookdar of Preejutnuggur, and an account of your Altumgha Jagheer, which is the Purgunnah of Badshahpoor [1], and some villages of that Purgunnah, the village of Juneed Bodhrah, Raee Alah Verdee, and others which were separated from the Purgunnah by the incapacity of some managers, and the contents have been clearly understood. I cannot grant a sunnud (or deed) for the villages which have not been heretofore under the management of any of the officers; but as this matter depends on the presence of the Nawaub Governor-General Bahadoor, I shall inform (him) of it, and I consider your affairs in every respect (as) mine. As Colonel David Ochterlony has become the commissioner of the affairs of Dehli and other places, he will communicate whatever may be proper with regard to the affair of Preejutnuggur.—What more can be written?

"(*Signed*)

"LAKE."

[1] Can anything be more clear?

From Major-General OCHTERLONY,

To Her Highness the BEGUM.

"Written the 16th of the month of Shuwul, year 1218 of the Hijree.

"To my honoured Sister, may the Great God bless Her!

"Your agreeable letter has been received, stating that Colonel Jean Saleur is to be relieved on account of ill health, and that Colonel Pœthod is to come with a battalion in his place, and that he will soon proceed; that you also require drafts to be made of letters according to my advice to the most noble the Lord Governor Bahadoor, may his good fortune be prolonged! in which are really comprised the care and good of your affairs, and your sincere friendship has increased the good will and confidence of the Honourable English Company, and accordingly two drafts of replies, one to the most noble the Lord Governor Bahadoor, may his good fortune be prolonged! and another to the General Bahadoor, may his shadow be continued! are written and sent enclosed in a friendly letter, to the effect that the best impressions may be made on their minds for the good of your affairs. Read them, and take care that it be prepared by a moonshee with due care of the words and substance, and of your private affairs, with regard to the nine lakhs of rupees which are due for the pay of the troops in the Deccan[1]; annex a true and correct amount of this statement after inquiry; it is probable that if the Great God pleases, your affairs will, by your attention, improve more than heretofore with the Honourable English Company.—What more can be written?

"(*Signed*) D. O. Dyce Sombre."

[1] This money due by the English Governor was never paid to her.

From the Hon. Sir George H. BARLOW, Bart.,

Governor-General,

To Her Highness the BEGUM.

"October 19th, 1805.

"Most obliging and courteous Baigum Saihibah, may God preserve You in safety!

"Before this letter reaches you, your Eminence will have certainly heard of the alarming and grievous news of the departure to the seat of mercy, of the chief among the nobility of highest rank, the greatest among the great, the Naibob of high dignity, his eminent and elevated Highness the marquis of Cornwallis Behadoor, arranger and settler of the countries protected by the Government, and of His Majesty the King, within the country of India. And upon the happening of the lamentable and afflicting occurrence, and the publication thereof replete with regret, the duty of the Rule and Government of this region has devolved upon me, conformably to the precautionary law heretofore enacted by the personages who direct the affairs of the Kingdom of England. I am confident that being yourself well aware of his merits and virtues, his habits and amiable qualities, his acknowledged good disposition (all which were natural and inherent in the person of the said essence of nobility and leader of gentility) and especially from the time that you came to the knowledge of

the great desire and solicitude that he had to effect and accomplish the objects of your desires and wishes, and to leave firm and fixed the means of your comfort and ease, by preserving the Jagheer of you, my obliging friend, which at that time became known and public, the happening of this casuality to him, which is the occasion of grief of mind, and the occurring of this event, which is a waster of life, must have occasioned a greater degree of grief and sorrow to the *mind* of you, my friend (which is enveloped in love, affection, friendship, and benevolence) than it could to that of others. Under every circumstance, whatever is determined and fixed by the fiat of the Almighty Actor, to submit, yeld obedience, and to be resigned to that, is conformably to the precepts of wisdom and becoming humanity; but you, my obliging friend, will rest assured that owing to the happening of this grievous and lamentable event, the regard and attention that has been hitherto shown towards you by this Government, cannot in any way be altered or changed. And the covenants and engagements that have prior to this been entered into with you, my courteous friend, in the manner that those were observed whilst the government was in the hands of him who has taken his departure to the world of eternity, the observance thereof, in like manner, will be evinced on this side by good faith and constancy. And the exertions and the endeavours that you use in preserving peace and tranquillity in the country between the Dooab, having learnt the particulars thereof from the writings of his Eminence Mr. Guthrie Saiheb Behadoor, the same has been the occasion of extreme satisfaction to the mind of me, your friend; and I am firmly persuaded, that you will in the like manner always preserve and display your faith and adherence to the government. And as long as you tread in this way in the commendable path of attachment, and remain firm and unshaken, you will be the object of the favour and protection of this government, of which you will keep your mind, in every respect, assured and confident. I have lately, for the purpose of adjusting and arranging the affairs of the West (having proceeded towards that direction), arrived at the station of Benares, which I have inserted in this, my letter of friendship, for your information. I am in hopes, that

considering me as anxious at all times to hear of the glad tidings of your welfare, you will constantly write letters of your good health and render me glad and joyful.—What more shall I write?

"(*Signed*)

"G. H. BARLOW;

"(At the back)

"N. B. EDMONSTONE,

"*Persian Secretary to Government.*"

From His Excellency Lord LAKE,

To Her Highness the BEGUM.

"October 9th, 1805.

"The obliging and courteous Baigum Saihabah, may
You continue in safety!

"Having from the writings of Mr. *Guthrie* Saiheb Bahadoor, learnt the circumstance of your good wishes, and your solicitude for the prosperity, and your devotion with your wealth, your forces, and the whole extent of your abilities for the prosperity of the

opulent Government of the English Bahadoor, the same has become the occasion of increase of pleasure and satisfaction to my mind. This matter will certainly be fully communicated to the presence of the Governor-General Bahadoor, and I am well assured, that upon the said Honourable Governor-General becoming acquainted with this matter, he will become extremely pleased and gratified; and this will conduce to a thousand advantages and benefits in return to you.—What more can be written?

"*(Signed)* LAKE."

Copy of certain Paragraphs

Of the Marquis of Wellesley's (Governor-General of India) Despatches to the Secret Committee of the Honourable Court of Directors.—Dated, April 12th, 1804.

"*Par.* 340. The Governor-General then proceeded to make known his views and intentions with regard to Zeiboo Nissa Begum, commonly called the Begum Sumroo, the Begum's Jagheer being situated in the Dooab; the Governor-General expressed his desire to insert, in every engagement agreed on by the British Government, articles which might facilitate the introduction of British rules in this Jagheer, in case the circumjacent parts of the Dooab should pursue the system of Government adopted in the British possessions.

"*Par.* 341. The Governor-General had at different periods received letters from the Begum Sumroo, containing expressions of her desire to place herself under the immediate protection of the British Government; but with regard to the situation in which the Begum Sumroo stood, relative to Scindiah, her proposition, however desirable it might be, was unacceptable by reason of the peace and amity at that time subsisting between us and Scindiah.

"That he might not violate public faith, the Governor-General had always refused her propositions; however, apprizing the Begum, that if an opportunity presented itself, the Governor-General should be happy to have it in his power to accept the proofs of her attachment to the British Government.

"*Par.* 342. But Scindiah's late conduct, setting aside all the objections stated against accepting the Begum's propositions, the Governor-General wrote her a letter, in which he invited her to address herself to the Commander in Chief, to adopt measures for concluding an arrangement, and connecting her interests with those of the British Government; the Governor-General at the same time engaged to send a confidential agent to the camp of the Commander in Chief to confer with him on these objects. A copy of this letter was transmitted to the Commander in Chief with separate instructions, the tenor of which will be found in the sequel of this despatch.

"*Par.* 343. The Governor-General thought that it was of the greatest importance, that the detail of the measures prescribed by the instructions above cited, should be conducted under the inspection of His Excellency the Commander in Chief. Mr. Mercer in consequence received an order to repair to the head-quarters of the Commander in Chief, when he should judge the negotiations relating to Bundlekind sufficiently advanced to permit him to join his Excellency, and confide its continuation to the Collector at Jellahabad. Mr. Mercer was to receive from the Commander in Chief instructions for his further conduct.

* * *

"*Par.* 367. The attention of the Commander in Chief was, in the fourth place, directed towards the arrangement which the Governor-General proposed to negotiate relative to the Jagheer of the

Begum Sumroo. A copy of the letters written by her to the Governor-General, expressing her desire of placing herself under the protection of the British Government; and the answers of the Governor-General, of which mention is made in paragraphs nos 340 and 341 of this Despatch, were sent to the Commander in Chief.

"*Par.* 368. The Governor-General communicated to the Commander in Chief the contents of his letter to the Begum; that letter included His Excellency's acceptance of the offers made to him by the Begum, and is mentioned in the 342d and following paragraphs of this Despatch.

"The Governor-General recommended the Commander in Chief to direct the negotiation he might undertake with the Begum, towards the end of facilitating the introduction of British rules in her Jagheer, in the manner prescribed in Mr. Mercer's instructions.

* * *

"*Par.* 549. The instructions of the Governor-General given to the Commander in Chief with regard to Zeiboo-Nissa-Begum, commonly called the Begum Sumroo, who possesses a considerable Jagheer under the Mahratta Government, in the Dooab of the Jumna and the Ganges, and in the centre of the territory before occupied by Mons. Perron, have already been completely reported to your Honourable Committee in the preceding part of the Despatch.

"*Par.* 550. In these instructions the Governor-General expressed to the Commander in Chief his wish to acquire the Begum's Jagheer, by means a suitable indemnity, seeing that the transfer of her Jagheer to the Company was an object of great importance to the British Government for re-establishing tranquillity in the Dooab, and for completing the introduction of the English system of laws and regulations into that country.

"*Par.* 551. The territory placed at the disposal of the British Government by the glorious success of our arms at the battle of Dehli, furnished us with the means of assigning to the Begum a territory on the Western part of the Jumna instead of the Jagheer which she possessed in the Dooab.

"The Governor-General consequently, in a letter containing instructions given by the Governor-General to Mr. Mercer, upon

different details relative to the duties of his mission, authorized His Excellency the Commander in Chief to propose to the Begum to remove her establishment to the opposite bank of the Jumna.

"*Par.* 552. The Governor-General, on the 5th of Dec., received despatches from the Commander in Chief, by which he learned the Begum's consent to the proposed change of her establishment, and the orders given by her for recalling her battalions from the service of Dowlat Row Scindiah.

"The Begum at the same time assured His Excellency the Commander in Chief, through the officer left at Dehli near the person of His Majesty Shah Aulum, that she had given the orders in question immediately after the requisition had reached her from the Commander in Chief, when his Excellency had sent her the letter of the Governor-General. The Despatches from the Commander in Chief contained also a letter from the Begum, addressed to the Governor-General, and enclosing her consent to the arrangement proposed.

"*Par.* 553. The Governor-General, thinking that the Begum's conduct on that occasion was deserving of the approbation of the British Government, adopted the proposition which the Commander in Chief had submitted to her in his Despatches (Consultations, 2nd March, n° 184) relative to the guarantee which should be accorded to the Begum for the independent possessions of the territory to be assigned as an indemnity for her Jagheer, upon the ordinary condition of Military Service, and required the Commander in Chief to take the necessary measures for making over the territories which should be ceded to the Begum on the western bank of the Jumna.

"His Excellency at the same time received the order for adopting immediate dispositions to introduce the British authority into the Begum's first Jagheer, and to press its renunciation without waiting for the actual cession for the territory situate on the western bank of the Jumna, an arrangement to which she gave her consent. Divers circumstances have, however, hitherto prevented the choice and cession of the territory to be assigned in exchange for her Jagheer; but it is the intention of the Governor-General to hold himself accountable to the Begum for the revenues

arising from her Jagheer, during the whole time which shall have elapsed since the British Government took possession, until the occupation by the Begum of an equivalent territory upon the western bank of the Jumna.

"The Begum's troops joined the Commander in Chief in the month of December, after a long and a difficult march, which they made in coming from the Deccan. (Consultations, 2nd March, nos. 287,288.)"

The following Memorial was forwarded for the Court of Directors through the Government of India :

—

To the Honourable the Chairman and Directors of the Honourable East India Company.

The Memorial of David O. Dyce Sombre.

"Calcutta, April 6th, 1838.

"That your Memorialist is the general donee, and also the executor and residuary legatee, and constituted general heir of the late Begum Sombre, of Sirdhana in Hindoostan, deceased, who departed this life at Sirdhana aforesaid, on the 27th day of January 1836.

"That the Begum Sombre, before her connexion with the British Government of India, was possessed of the Purgunnahs of Badshahpore in Upper Hindoostan, under an Altumgha, or royal grant in hereditary right from the Emperor of Dehli Shah Allam, and which royal grant was afterwards confirmed by Madhoo Rao Scindiah Behadoor, bearing date the 2nd day of Suffur, the

Fuzlee year 1203, corresponding with the 18th day of August in the Christian year 1795, a copy of which with translation is hereto annexed [1].

" That she was also possessed of a valuable grant in Jaidad, or life tenure of territories within the Dooab in the Upper Hindoostan, yielding a revenue of eight lakhs of rupees per annum, under a sunnud or grant from the said Emperor, dated the 2nd day of Suffur, in the Fuzlee year 1203, a copy of which with translation is hereto also annexed [2], which Jagheer was granted expressly as a Jaidad or assignment for the support of the four battalions by her maintained for the service of the said Madhoo Rao Scindiah Behadoor.

" That the Begum Sombre having already established friendly relations with the British authorities by services performed to the British Government and its officers, as will appear by the correspondence hereto annexed [3],

" A treaty was opened with her in the month of July 1803, by the most noble the Marquis of Wellesley, the Governor-General, and also by His Excellency Lord Lake, Commander in Chief, then in the field, for attaching her altogether to the British interests ; and after some correspondence, George Dempster Guthrie, Esquire, was deputed to Sirdhana for that express purpose, and terms of agreement were by him concluded with the said Begum Sombre, bearing date August 1805, which terms being approved by the said Lord Lake, then acting commander in the field, were afterwards ratified by the most noble the Marquis Cornwallis, then Governor-General of India, and subsequently confirmed and carried into effect by Sir George Barlow, his immediate successor in the British Government of India, as appears by the correspondence; and that, from the date of the said arrangement, the said Begum Sombre was under the terms of it recognized and confirmed by the British authorities in the full possession of her said territorial grants respectively in like manner as she had held the same under the said grants respectively, and that she continued thenceforth to hold the same accordingly as to the said territory

[1] Vide page 383. [2] Vide page 384. [3] Vide pages 363, 414.

held under Altumgha grant, until he assignment thereof to your Memorialist, as hereinafter mentioned, and as to the said territory held in Jaidad for the support of her battalions, until the time of her death, in 1836.

"That about four years before her death, and on the 16th of December 1831, the said Begum Sombre having made her Will in due form, bearing date the 16th of December 1831, whereby she constituted your Memorialist and Clement Brown then a Colonel of Artillery, but now a Major-General in the service of the Honourable East India Company, on their Bengal Establishment, to be her executors; and after various legacies and bequets in favour as well of individuals as of charitable purposes, she constituted your Memorialist to be her general residuary legatee.

"That afterwards, being desirous of seeing her intentions in favour of her legatees carried into effect in her life-time, she made over to and in favour of the several charities in her said Will, mentioned in full, of her intended legacies to them, several large sums amounting altogether to the sum of about sonat rupees seven lakhs and a half, and also set apart some other of the legacies to individuals in her said Will mentioned; after which, with a view to carry into effect in her life-time her intentions in favour of your Memorialist, she caused a deed of gift, in the Persian language, of the whole of her property, in favour of your Memorialist, to be prepared; and invited over to Sirdhanah, Robert North Collie Hamilton, Esquire, magistrate of the neighbouring station of Meerut, together with several of the principal military officers and European residents of that station, to witness her execution of it; and that accordingly on the 17th day of April 1834, she publicly at her palace of Sirdhanah aforesaid, in presence of the said Robert North Collie Hamilton, and of a numerous attendance of European officers and gentlemen, and also of her own principal officers, Europeans as well as natives, executed and delivered to and in favour of your Memorialist, the said deed of gift so prepared, a copy of which, with translation, is hereto annexed [1], and caused the same to be witnessed by the said Ro-

[1] Vide page 376.

bert North Collie Hamilton, and by several of the military officers and gentlemen, who attended at her invitations as aforesaid, and also by four of her own principal native officers, all of whose names appear as witnesses thereto; and by way of further solemnity and authentication thereof, caused the same to be notified by the said Robert North Collie Hamilton, Esquire, to the supreme Goverment at Calcutta, which was accordingly done by letter of that gentleman, dated the 18th of April 1834, a copy of which is hereto annexed [1].

"That the Begum Sombre, in pursuance of the said deed of gift; immediately delivered over to your Memorialist the territory of Badshahpoor (and other villages out of the Dooab, by her held under the said Altumgha grant or hereditary and alienable tenure) which thenceforth were held and enjoyed by your Memorialist under such deed of gift until the time of the death of the said Begum Sombre as aforesaid, and that she also delivered over to your Memorialist the bulk of her treasure and personal property, reserving only in her own hands such articles as were requisite for personal ornment or use, and also reserving her said Jaidad lands, which she thenceforth continued to apply as before, towards the support of the military and civil establishment of the territory, which for the rest of her life she continued to rule and administer, chiefly with the aid of your Memorialist.

"That upon the decease of the said Begum Sombre which happened at such time as aforesaid, your Memorialist gave immediate notice to the said Robert North Collie Hamilton, a civil officer of the British Government at Meerut aforesaid, who on the same day *repaired to Sirdhanah,* and there *formally took possession, on the part of the supreme Government of India, of the said territories* held in Jaidad by the said Begum Sombre as aforesaid, and *of the said lands of Badshahpoor* held under Altumgha or hereditary and alienable grant as aforesaid, and which had already been alienated, and made over to your Memorialist as above mentioned, and had been for nearly two years then in his actual possession and enjoyment.

[1] See page 380.

"That your Memorialist thereupon addressed to the Honourable Sir Charles Theophilus Metcalfe, Lieutenant-Governor of the North Western Provinces, within whose political control the Purgunnahs in question were situated, a letter of complaint and remonstrance under date the 4th of July 1836, to which an unfavourable reply was received from the Secretary to the Government, in the North Western Provinces, bearing date the 13th of July 1836.

"That your Petitioner appealed, from the refusal of his application by the Lieutenant-Governor of the North Western Provinces, to the Right Honourable Lord Auckland, the Governor-General, by letter bearing date the 23rd of August 1836, and received a reply from the Secretary to the Government of India in the political department, bearing date the 21st of November 1836.

"That his claims having thus been rejected successively by the English authorities in India, your Memorialist is compelled to appeal to your Hon. Court for the restitution of the above mentioned Altumgha lands, of which, as he humbly submits, he has been wrongfully deprived, and your Memorialist in support of his claim, humbly submits the following grounds :

"1st. That Altumgha grants like the one in question are both inheritable[1] and alienable, and have all along been recognized by the British Government of India so to be as well in practice as by frequent regulations, having the force of law promulgated for their better security.

"2ndly. That according to the spirit of the agreement between the British Government and the Begum Sombre, the latter was to be left in the same position in regard to her territorial possessions respectively, as she held under Scindiah, in whose stead the British authorities had been substituted by conquest; and that if under Scindiah the land she held on Altumgha grant were hereditary and alienable, so were they under the terms of her contract with the British Government.

"3rdly. That if the Altumgha lands in question had formed part

[1] Altumgha—a Royal Grant *in perpetuity, descending to posterity*, etc.—Vide "Shakspeare's Dictionary," page 128.

of the Jaidad's in the agreement specified, her tenure in them would by the express terms of the agreement with Mr. George Dempster Guthrie have been for her own life only. But that agreement related to no other lands than the Jaidads, lands assigned specifically for the maintenance of her battalions, as will be evident by the proviso respecting them. And what makes that construction the more inevitable, is that the agreement makes mention of no other lands but those " in the Dooab" within which the Purgunnahs comprised in the Altumgha grant are not situate.

" 4thly. That consistently with the avowed intention of the British Government announced in the letter of the Right Hon. Lord William Bentinck, of the 26th of September 1832, referred to in your Memorialist's representation to the Lieutenant-Governor of the North Western Provinces above referred to, " all possessions which were in the nature of private property should have been religiously respected." And if the British Government had any claim to the Altumgha lands in question, by reason of any alleged invalidity in the grant itself, it should have proceeded to enforce that claim, not by assumption of the lands as part of the Jaidad of the late Begum Sombre, but by the mode prescribed in its own regulations in that behalf.

" 5thly. That, if the British Government had proceeded in such a manner as last suggested, your Memorialist, even if the grant had been pronounced invalid, would at least have been entitled to the benefit of such new engagement with the Government as provided by regulation on that behalf, in which he is entirely precluded from the course of proceeding adopted by the Government officers.

" 6thly. That the late Begum Sombre, shortly before the execution of her deed of gift in favour of your memorialist above mentioned, whereby the Purgunnahs in question were by her made over to your Memorialist, did by letter of the 11th of Aug. 1833, inform the Right Honourable Lord William Bentinck, then Governor-General, of her intention to make such alienation; grounded chiefly on a letter from the Begum Sombre to Mr. Seton, dated the 8th day of July 1807; whereof your Memorialist has since applied for a copy, which was officially refused. Your Memorialist is there-

fore wholly unable to judge of the contents or purport of that communication of the late Begum, to which he begs your particular attention. But he believes and humbly submits, that the letter, when produced, will not bear out the construction put upon it by his Lordship, and that it will be found to have no relation whatever to any of her territorial possessions other than the Jaidads in the Dooab, assigned as above mentioned for the keeping up of her battalions.

"7thly. Your Memorialist thereby humbly submits, that under the circumstances, and for the reasons above stated, your Memorialist was improperly dispossessed of the Purgunnahs of Badshahpoor and Jhaurshah comprised in the above mentioned Altumgha grant, and that restitution ought to be made of them, the same having been granted in Altumgha, or hereditary and alienable tenure, and duly made over to your Memorialist by the grantee in her life-time, and having been in the actual tenure and enjoyment of your Memorialist at the time of her death. And that if the Government had any claim thereto on the ground of the alleged invalidity of the grant to bar the rights of the Government, that claim ought to have been investigated and enforced like that against any other holder of lands under similar tenure.

"8thly. Your Memorialist further humbly shows that besides the dispossession of the Altumgha lands, above complained of, the said Robert North Collie Hamilton, upon taking charge of the territory of Sirdhana on the part of the British Government, as above mentioned, acting under the orders of the Lieutenant-Governor of the North Western Provinces, called upon your Memorialist, as such donee, heir, and residuary legatee, as above mentioned, to deliver up all arms, accoutrements, military stores, and the like, within the territory, as being state-property, belonging to the British Government.

"9thly. That in compliance with such requisition, your Memorialist immediately delivered up the whole of the articles required, urging at the same-time his claim thereto as executor and divisee, under the terms of the Will of the late Begum Sombre, whereby the same were bequeathed specifically to your Memorialist, and giving notice that the particulars of their value would be subsequently

delivered over, which was afterwards done by a detailed statement showing a total value of sonat rupees 492,092.

"10thly. That a correspondence thereupon ensued between the said R. North Collie Hamilton, and his successor in office, Trevor John Chichely Plowden, Esquire, with the Lieutenant-Governor of the North Western Provinces, and between that Government and the Supreme Government, which has been communicated to your Memorialist, and that the final determination of the Supreme Government to retain the whole of the arms, stores, etc., as state-property, was intimated to your Memorialist by letter of Mr. Trevor Chicheley Plowden, under date August 18th 1836.

"11thly. That your petitioner thereupon presented his Memorial to the Supreme Government, submitting his rights as Executor, devisee, and heir, as above mentioned, and praying for payment of the value of the stores, etc., so demanded and appropriated, which application was ultimately rejected.

"12thly. Your Memorialist humbly submits an appeal to your Hon. Court against that determination of the Supreme Government for the first time as a reversion falling to it upon the death of the late Begum Sombre, under the treaty or agreement with George Dempster Guthrie, Esquire, above mentioned.

"13thly. That it is the invariable rule upon territorial cessions that in the absence of any express stipulation to the contrary, works annexed to the land as buildings, forts, and the like, are part of the territory; but that arms, communication, stores and other moveables, are either removed by the outgoing, or taken over at a valuation by the incoming Government.

"14thly. That in the case in question there was no express stipulation on this behalf, consequently that the general rule took effect.

"15thly. That the whole of the arms, etc., in question had been actually provided by the Begum Sombre in her life-time at her own charge, and many of them purchased from the British Government itself, which could hardly be entitled both to the price in the first instance and afterwards to the articles themselves.

"16thly. That the basis of the arrangement with the said George Dempster Guthrie, Esquire, under which the Begum Sombre held the territory, was that she was to be left undisturbed, and in

possession of all the rights and privileges held by her under Maha Rajah Madhoo Rao Scindiah, her former immediate superior.

"17thly. That if the territory had, by her death, devolved upon the Scindiah, the arms, etc., in question could never been *justly* claimed by that chief, who had assigned the territory as a Jagheer, originally to General Sombre, for the support of battalions he had already armed and equiped at his own expense and risk, and offered out to the Mahratta prince as mercenaries on the usual terms.

"18thly. That the Begum Sombre was at liberty to enlist the men of her battalions on the terms of finding their own arms and accoutrements; and such has been the frequent practice of India Governments, and still is observed in respect to horse and other corps of irregular horse in the service even of the British Government of India. Had she done so, it will hardly be contended that the arms and accoutrements could have been claimed by the Government on which the principality devolved. How then is the right altered by the circumstance of the Begum having taken upon herself the providing of arms and accoutrements, or rather of the keeping in a state of efficiency those which had been originally found by General Sombre at his own charge upon his first raising the battalions?

"19thly. That if the stores, etc., in question be claimed on the ground of their having been purchased by means of the revenue of the Jaidad, or savings of that revenue, the same argument would apply to nearly all that the late Begum was possessed of in money, jewels, or other valuables; yet it is admitted that so long as she performed her part in maintaining her battalions in efficiency, the British Government had no claim upon whatever surplus the Jaidad may have yielded to her. That on those grounds your Memorialist is fully confident that your Honourable Court will disavow the act of the Supreme Government in stripping your Memorialist of this part of the late Begum's undoubted property without either equivalent or indemnity, and will pronounce your Memorialist to be entitled to a full equivalent.

"20thly. That your Memorialist feels it to be his duty, as the heir executor and representative of the late Begum Sombre, to press

upon the justice and consideration of your Honourable Court a further claim of the following nature, viz.

"That the late Begum Sombre, a few years after contracting the above engagement with the British Government, being desirous to secure to the dependents of herself some provision upon the lapse of her own life, addressed in July 1807, a letter to His Honour Sir George H. Barlow, then Governor-General, of which your Memorialist is unable to annex a copy, having applied for and been refused by the authorities of Bengal, soliciting the assurance of some provision by way of pension to the amount of 7,500 rupees per month.

"This application being referred to his successor, the Right Honourable Lord Minto, Governor-General in Council, was complied with in terms of the highest recommendation and approval of her conduct, as will appear by His Lordship's letter to her address of date the 4th of August 1807, transmitted, together with a letter from the Secretary in the Political Department to the resident at Dehli, with directions to deliver the same personally to the Begum Sombre, and at the same time to request of her a detailed statement of the names of the persons intended to be provided for as pensioners, and of the portions of the total monthly sum above mentioned to be assigned to each respectively. No time was prescribed for furnishing such detailed statement, which indeed could only have been contingent. And the Begum appears not to have considered herself called upon to make any communication on the subject until age should render it prudent or necessary so to do. Thus none was made until the year 1833, when being occupied in making her testamentary arrangements, and finding on reference in the first instance to the late William Fraser, Esquire, then agent to the Governor-General at Dehli, and afterwards to the Political Secretary at Calcutta, that no detailed list of intended pensioners appeared to have been furnished to either of their offices, she caused a list to be prepared in due form, specifying the names and employments of the said intended pensioners, and the amount to be apportioned to each out of monthly total of rupees 7,500, which she authorised as above mentioned. This document was, after its being made, depo-

sited with her testamentary papers, but subsequently, with a view to its future effect, she instructed your Memorialist then avowed and publicly recognized as her intended heir of adoption, and confidentially employed in all her affairs, to ascertain through the said Robert North Collie Hamilton, Esquire, from the proper authorities, whether it would be necessary to forward the list so prepared to the British Government in her own lifetime; and such inquiry being accordingly made by your Memorialist, and forwarded by the said Robert North Collie Hamilton to William Hay Macnaghten, Esquire, the Secretary to Government in the Political Department, a reply was received from that officer, under date the 12th of January 1835, and which, as your Memorialist submits, have direct reference to the previous communications of the Supreme Government to the Begum Sombre in 1807, and was intended to express the continued sanction of Government to the provision for dependants thereby authorized.

"That upon the receipt of the communications last mentioned, the Begum Sombre deemed it unnecessary to forward in her own lifetime the list of pensioners above mentioned, which was suffered to remain with her testamentary papers, and upon her death came together with them into the hands of your Memorialist as her executor and residuary legatee, and having been by your Memorialist delivered over to the said Robert North Collie Hamilton, Esquire, for transmission to the proper authorities, was, as your Memorialist believes, forwarded through John Ross Hutchinson, Esquire, the Commissioner of then Meerut division, to the Lieutenant-Governor of the North Western Provinces.

"That upon being informed of this result, your Memorialist, although content for his own part to forego the intended provision for himself, specified in the above list, felt it due to the other intended pensioners, as representative of the late said Begum Sombre, to urge their claims; and accordingly, on the first day of June last, presented to the Supreme Government of India a Memorial on the subject of it, to which a reply was received by letter from the Secretary to Government in the Political Department, confirming the rejection of the application.

"Your Memorialist humbly submits that such rejection is

wholly inconsistent with the prior assurances given to the Begum Sombre in her lifetime, and subsequently confirmed, as above-mentioned, shortly before her death. Many of those set down by her as participators in the pension fund, she conceived herself authorized to allot on persons who were in her service, and now in old age are left wholly destitute; others, whose claims upon her consideration were undeniable, are bereft of nearly all her intended provision. All of them feel most acutely the disappointment of expectations founded on official assurances of the Government for the time being, without which in prospect it is probable that their services would either not have been given at all, or not have been so long continued [1].

"That such disallowance of the pension list, prepared by the said Begum in pursuance of the supposed sanction of the Government, appears to your Memorialist to be grounded either upon the neglect to present it in 1807, when originally authorized, or upon some supposed want of authentication, or upon that of the Begum's death. But your Memorialist humbly submits that a pension list to take effect after her death was necessarily of a testamentary nature, and even if delivered in at the time must have been open and variable up to the time of her death. That the document produced contains all the precision and formality that could have been required, if delivered in when first sanctioned, that its authenticity, if questioned, should have been submitted to proof, and can now be established beyond all cavil, and that a sanction officially given to a pension list of a specified amount to take effect upon the death of the Begum Sombre could not, with justice either to the intended pensioners, or even to the Begum herself, be cancelled by a mere change in the pecuniary circumstances of the Begum Sombre, or be withdrawn without adequate cause of demerits or without formal notice to the party interested.

"Your Memorialist having been denied a copy of the letter of the Begum Sombre to Mr. Seton of the 8th of July 1807, upon the expressions of which the late Governor-General Lord William

[1] In consequence, Mr. Dyce Sombre has been obliged to pension persons out of his private income to the amount of nearly 2,000*l.* per annum.

Bentinck mainly grounded the denial of her right to alienate the Altumgha lands of Badshahpoor Jhaursah, as above mentioned, he is unable to urge with confidence any argument arising upon the contents of it.

" Your Memorialist humbly submits these several claims relative to the estate of the late Begum Sombre of Sirdhanah to the favourable consideration of your Honourable Court, and humbly prays that such order may be therein made respectively, as may accord with its known justice and liberality, and as the acknowledged merits of the late Begum Sombre as a faithful and zealous partisan of the British interest in India, entitle her representative to expect at your hands.

" (*Signed*)

" D. O. Dyce Sombre."

On arriving in England, the copy of the Memorial, which was sent through the Government was so incomplete, that I applied to the Secretary of the India House to be furnished with a copy for correction, to which the following answer was received:

—

From the Secretary of the East India House,

To D. O. DYCE SOMBRE, Esq.

" East India House, March 20th, 1839.

" Sir,

" I have laid before the Court of Directors of the East India Company, your letter dated the 1st of September last, in which

you request that so soon as a memorial which was addressed by your agent in Calcutta to the President of the Council of India in April last may be received in this country, a copy thereof may be forwarded to you for correction.

" In reply, I am commanded to inform you, that it is contrary to the practice of the Court to furnish copies of documents of this description, but that you are of course at liberty to submit any further representations on the subject of your Memorial which you may deem expedient.

" I am,

" Sir,

" Your most obedient humble servant,

" *(Signed)*

" James C. Melville.

" D. O. Dyce Sombre, Esq."

To James COSMO MELVILLE, Esq.,

Secretary to the Honourable East India Company.

Sir,

" I have the honour to acknowledge the receipt of your letter of the 20th of March, in reply to my application to be furnished with a copy for correction of the Memorial which was forwarded

by my agent in Calcutta to the Honourable Court, praying the restitution of certain property bequeathed to me by Her Highness the late Begum Sombre.

" As it is contrary to practice to comply with such a request, I avail myself of an imperfect copy which I have received from Calcutta, to correct those inaccuracies which arise from my having left India previous to its preparation, and which are calculated to create erroneous impressions regarding the nature of my claims, and of some of the grounds upon which they are based.

" Throughout the whole document, the terms Jaidad and Jagheer are most erroneously employed as synonymous; whereas, in fact, the former signifies lands held in tenure of military terms, while the latter is applicable to a free grant of land for services performed, and when accompanied by the word Altumgha, signifies a Royal grant in perpetuity, and of this description is the Purgunnah of Badshahpoor conferred by the Emperor Shah Allum, and confirmed by Scindiah [1] long before any connexion between the Honourable Company and the late Begum.

" Paragraph 2nd in the Memorial is erroneous, in stating Badshahpore and Jhaursa as separate lands; both names are applicable to the same Purgunnah, which forms the grant distinctly described at page 410, as Altumgha, and therefore I respectfully contend that it is heritable property conveyed to me by the deed of gift of the late Begum two years previous to her decease, and totally distinct from those lands held by her as Jaidad for the payment of troops maintained by Her Highness agreeable to treaty. (Page 384.)

" Paragraph 3rd, describing lands held in Jaidad, erroneously designates them Jagheer, and incorrectly refers to the grant which relates to another portion of property held as Jagheer, and not included in the lands described as within the Dooab which reverted to the Honourable Company upon the death of the Begum agreeable to the treaty of 1805, and the distinct character of those tenures, viz.—Altumgha and Jaidad is marked by the letter of Lord Lake of the 29th of October 1803 [2], while the treaty itself indicates the locality of the Jaidad lands, as within

[1] Vide page 383.

[2] Vide page 412.

the Dooab. Whereas the Purgunnah of Badshahpore is in the southern division of the Delhi territory.

"With reference to my claim to the value of military stores alluded to in paragraph 20th, I may, in addition to the arguments advanced in the Memorial addressed to the letter of the late Sir David Ochterlony, by which it will appear that a portion of the arms in question had been purchased from the Government of India and paid for by the late Begum [1]. A copy of a letter from Colonel Levassoult, in the service of the Begum, of the 2nd of April 1795, to Lieut.-Col. M'Gowan, states the right of the Begum to the military equipments, while a partisan of Scindiah [2] and the late Lord Wm. Bentinck, in his letter of 26th of September 1832, distinctly stated to the Begum, "that all "your possessions which are of the nature of private property, "shall be religiously respected, and the demands of the State "will be strictly confined to what comes under the head of "'Public Revenue.'"

"With respect to the pension-list alluded to in paragraph 32nd, I cannot doubt that on a consideration of the whole case, the Honourable Court will see the justice of granting the amount specified, viz. rupees 7,500 monthly, from the revenue of the resumed Jaidad lands, divided proportionably amongst the oldest of the Begum's adherents, as it will be borne in mind that out of nearly 8,000 public servants, some of them of fifty years standing, a small number only are in receipt of pensions to the aggregate amount of rupees 1,500 monthly, and it will no doubt be remembered, that the military portion of these servants readily laid down their arms and submitted to the Government authorities. While on the subject of the pensions, I should be guilty of disrespect to the memory of the late Begum, if I did not in justice to her well-known character for benevolence and good faith, disclaim the interference contained in paragraph 36th, viz. that if Her Highness had doubted the acquiescence of the British Government in the pensions she had proposed, she would have bestowed upon the intended pensioners of her nomination, a part

[1] See page 397.

[2] See page 443.

at least of what she had settled on public charities and institutions. Had the Begum entertained any doubt of the good faith of the Government in India, pledged in a letter from Mr. Secretary Macnaghten [1], she would have undoubtedly made some other provision for those dependants who have such strong claims upon her; but from any other source than those which she had consecrated to the support of religious and charitable institutions, to the amount of nearly eight lacs (800,000 rs.) during her life.

"In paragraph 38th, it might be inferred, that I could compromise my claim to the Jagheer provided the pension list were conceded; but I beg distinctly to state that such is not my meaning. The grounds on which I make each claim are clear and distinct, and the validity of each is perfectly independent of that of the others. In conclusion, I beg to state my firm reliance on the justice of the Honourable Court, and my conviction that the claims which I have had the honour to advance will have their mature and favourable consideration.

"I have the honour to be,

"*(Signed)*

"D. O. Dyce Sombre."

[1] See page 408.

Copy of Colonel Levassoult's Letter,

To Lieutenant-Colonel J. M'GOWAN,

Commanding at Anoopshair.

"Sirdhanah, April 2nd, 1795.

"Sir,

"The letter you have been pleased to honour me with has reached this day, and in conformity to the desire and direction of the Begum, I beg leave to trouble you once more on the same subject.

"The sole views and motive of the Begum are confined at her strong desire for retirement. Should it have been the same in this country as in Europe, her resignation would have been effected without any bad consequences in asking simply for it; but you cannot but know perfectly well that a Chief in Hindoostan keeps difficulty to himself when he is without soldiers or attendants; hence the danger to let his intention be made public, should it be to retire and serve no more.

"Mahratta amity cannot be hurt by the removal of the Begum in British possessions, should they have not the unjust and illegal scheme of spoiling her of her property. *The arms, the guns, the whole of the furniture and armament for* 5,000 *men, are the property not of the Government, but of the Begum* [1]. Her wages

[1] Here, even in the time of the Mahrattas, whose Government was arbitrary, the Begum considered the arms, etc., to have been her private property, they amounted to 5,000 stand of arms in 1797, but at the time of her death, they had increased nearly 12,000 stands of arms with the Sufekets, and in her Magazines.

as a partisan, are fixed lastly by Scindiah at 50,000 rupees by the month, or six laks for a year; the payment of that allowance is fixed on Eight provinces or Purgunnahs, which have been delivered for the purpose of receiving it.

"Now the Begum, by her removal, pure and simple, substracts nothing at the authority or at the property of the Mahrattas Government. Her party is paid regurlarly each month the recolt is ready; her battalions are upon duty, and the whole are in the best order.

"Her property on the vow of a man of honour amounts only at one lac in ready cash. She has but very little of jewels; her meuble cannot be either carried away with her or sold; therefore you may judge yourself whether, after a command of eighteen years, the Begum can be called rich; with a capital or property so mediocre, of having frustrated either the Government or any people whatsoever.

"She is absolutely fatigued by the duties and cares of the military possession which has been the object of her attendance for a space of eighteen years. She resorts at your friendship, because she cannot by any way whatsoever make her intention known either to the Government to which she is subordinate, or to her own soldiers, without exposing herself to many dangers.

"She cannot employ a Persian writer for the same reason, but if you may be desirous to have the matter plainly and more properly explained, she will do herself the pleasure to send to you a gentleman who shall give you all satisfactory answers you may ask. I cannot myself have this honour, for the place committed to my charges permit not my being absent; and although my writing bad English, I am not able to speak or understand a word of it in conversation, by my being perfectly unacquainted with pronunciation. Were you so good to command him, the above mentioned gentleman shall be ordered at you from Tuppul, where he is upon a command, and as your friendship towards the Begum, contrive some means of serving her desire for retirement. She flatters herself that you will be so kind to communicate the same, and to indicate the measure which shall be taken

and the proper persons to which the Begum shall address herself by your friendly assistance and medium. I have the honour to be with respect.

"Sir,

"Your most humble and obedient servant,

"(*Signed*) A. LEVASSOULT."

From the Secretary of the East India House,

To D. O. DYCE SOMBRE, Esq.

"East India House, October 17th, 1839.

"Sir,

"With reference to your letter dated 15th of July 1839, relating to a Memorial submitted by you through the Government of India, I am commanded by the Court of Directors to inform you of the decision which has been passed by the Court on the several points embraced in your Memorial.

"Those points are three in number: first, your claim as residuary legatee of the late Begum Sombre to the value of certain military stores in the possession of the Begum at the time of her death; secondly, your claim to hold the Pergunnahs of Badshahpore and Jhaursah on hereditary right, free tenure, by deed of gift from the Begum; thirdly, the claims of sundry persons to a pensionary provision of the total amount of 7,500 rupees per month, founded on a promise made to the Begum by the British

Government in 1807, that she should be allowed to charge the estate after her death with pensions to that amount.

"On the first point I am directed to inform you that military stores belonging to a Government, being by the public law of all nations [1], and by the usages of India, public property, and not the private property of the individual carrying on the Government, all articles of that description necessarily lapsed to the British Government with the territorial possessions of the Begum.

"On the second point, I am commanded to state that your claims to the Purgunnahs of Badshahpore and Jhaursah, underwent the most minute and deliberate investigation in India, and that on a full consideration of the report of that investigation it appears to the Court that your claim is utterly unsupported either by historical facts or documentary evidence, and that on the contrary it is conclusively disproved by both.

"The remaining point, that of the pensions, has already been a subject of correspondence between the Court and the Government of India; and I am instructed to apprize you, that while the Court cannot admit that the list which has been produced since the Begum's death, of persons on whom she desired pensions to be conferred, is binding on the British Government, that list not being duly authenticated, the Court have already issued such instructions to the Governor-General in Council, as they considered best calculated to meet the peculiar circumstances of the case [2].

"I am, Sir,

"Your most obedient humble servant,

"(*Signed*) JAMES C. MELVILLE.

[1] Should Her Majesty's Government not grant the next Charter to the East India Company, will the Honourable Company give up their claims to the military stores, which the Indian Army possesses, and will the magazine stores, which they have, be not paid for? It is said they will, and that even public buildings, both belonging to Military and Civil Departments will have to be paid for, but in my case I have not asked for the value of the buildings, such as Forts, offices, etc.

[2] Which gave them an increase of about 500 rupees a-year more, making a total of 2,000 rupees, while the Government had bound itself to give 9,000*l*. a-year, or a monthly allowance of 7,500 rupees; see page 404.

After this answer I appealed :

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To the Honourable the Board of Commissioners

For the Affairs of India.

The Memorial of David O. Dyce Sombre.

"Clarendon Hotel, Bond Street, December 24th, 1841.

"Showeth,

"That your Memorialist is heir of Her late Highness Zeboonissa Begum, called the Begum Sombre, of Sirdhana, in Hindostan, and by a deed of gift dated the 17th of April 1834 [1], the said Begum made over to your Memorialist absolutely the Purgunnah of Badshahpoor, or Jhaursah, in Upper Hindostan, which she held in perpetuity, and other lands in the Dooab, which she held only for life.

"That on the decease of the Begum, which took place in the year 1836, the local Government of India assumed possession not only of the lands in the Dooab which the Begum held for life, but also the lands constituting the Purgunnah of Badshahpoor, which she held in perpetuity, and your Memorialist having in vain urged his claims to restitution upon Sir Charles Metcalfe, then Lieutenant-Governor of the North-Western Provinces, upon the Right Honourable the Governor-General of India, and upon the Court of Directors of the Honourable East India Company,

[1] Vide page 376.

approaches your Honourable Board in full confidence that his claims will receive the just consideration they are entitled to.

"The facts in support of your Memorialist's claim are so fully detailed in the Memorials submitted on his behalf to the Governor-General, and to the Honourable the Court of Directors of the East India Company, that it would be inexcusable were your Memorialist to recapitulate them at length here. He will therefore briefly advert to the grounds on which he relies for your favourable determination.

"The Purgunnahs of Badshahpoor and Jhaursah consisted of about 70 villages, distant about 14 miles from Delhi and were held by the Begum under an Altumgha grant of Shah Allum, Emperor of Dehli, dated prior to the year 1790, and when Madhoo Rao Scindiah, chief of the Mahratta territories, became virtual sovereign of Delhi, this grant was, on the 18th of August 1795, confirmed by him.

"There is no doubt on the nature of the grant in question. The original grant by Shah Allum is not in your Memorialist's possession, but he has submitted to the Honourable Court a copy of the confirmation by Scindiah, in which the tenure is expressly declared to be in the nature of an Altumgha, a word which implies a grant in perpetuity, and is so recognized in the regulations of the Government of India, to which your Memorialist claims especial reference.

1793.—EXTRACT FROM REGULATION 38, No. 15.

Entitled : "A regulation for re-enacting, with modifications, the Rules passed on the 23th of April 1788, and subsequent dates, for trying the validity of the titles of persons holding, or claiming a right to hold, Altumgha Jagheer and other lands exempt from the payment of public revenue, under grants termed Badshahi or Royal, and for determining when certain grants of that description shall be considered to have expired, and for fixing the amount of the public revenue to be assessed upon the lands, the grants of which may expire or be adjudged invalid." Passed by the Governor-General in Council on the 1st of May,

1793. Altumgah Aymah and Muddudmaash grants are to be considered as hereditary tenures. These and other grants from which terms or nature of them may be hereditary and declared valid by this regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferable by gift, sale or otherwise; and all persons succeeding to such grants, by whatever mode, are required to register their names in the office of the collector, within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser, and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue. Under this regulation Jagheers are to be considered as life tenures only, and with all other life tenures are to expire with the life of the grantee, unless otherwise expressed in the grant.

1828.—EXTRACT FROM REGULATION.

"Extract from Regulation III of 1828, entitled: 'A Regulation for the appointment of special commissioners for the more speedy hearing and determination of appeals from the decisions of the revenue authorities in regard to lands or rents occupied or collected by individuals, without payment of revenue demandable by Government, under the general law of the country, and for otherwise more effectually securing the realization of the public dues.' Passed by the Governor-General in Council on the 12th of June, 1828.

"Provided further that the nature and extent of the interest "vested in the holders of lands and rents exempted from assess- "ments shall, when the title-deeds are forthcoming, and their "authenticity recognized, be construed and defined with reference "to the whole of the matter contained in such deeds, and not "merely by the designation of the tenure Jagheers, consequently "shall not be held to be life tenures in cases in which the recital

"of the grant shall be such as clearly to convey an hereditary "interest, nor shall any tenures, however designated, be con- "sidered to be hereditary and perpetual, if the grants under "which they are held, shall not convey in express terms an he- "reditary or perpetual interest."

"It would appear by the above regulation that grants in Altumgha are recognized as being perpetual in their nature, and are by the regulation declared to be assignable. It is true that certain writers have contended that Altumgha grants were by the law of India capable of resumption by the supreme power, and it would be idle to dispute that under a system of Government absolute and arbitrary such has not been the case. The late Sir Thomas Munro has left on record a very elaborate note to establish that such grants ought to be liable to resumption, because being grants to the public revenue they tend to impair the resources of the country; a proposition, however, founded on consideration of expediency, not of justice; and which can have no support from the laws or usages of this country. Your Memorialist refrains from entering into a discussion of such a nature. The doctrine contended for is abhorrent from the principles on which the British Government rules India; and even were it clearly shown to be supported, your Memorialist would equally apply to your Honourable Board to interfere and prevent an oppressive exercise of arbitrary power. The grant under which the Begum held the Purgunnahs in question being hereditary, and under the regulations in question entitled to be treated as perpetual and assignable, your Memorialist claiming as her assignee, submits that the character of the tenure cannot have been altered but by some solemn and deliberate act of the Begum.

"It remains to call attention to the transactions which took place in regard to her other lands which have been supposed to affect the Altumgha lands in question.

"The Begum had been a faithful friend and supporter of the Mogul Sovereign of Dehli, and maintained a large military force for his service, in recompense of which she held a grant of lands in the Dooab, that is the territory between the river Ganges and

Jumna, upon a tenure called Jaidad. These lands were situated far distant from the Purgunnah of Badshahpoor, held in Altumgha, which latter were not in the Dooab.

"The Jaidad tenure is only in respect of military service, and the grant is made on the calculation of the number of troops to be maintained, their pay, and the allowance of the commander, and from its nature it does not extend beyond the life of the grantee, and has always been so treated.

"It was the object of the British Government in India, at an early period, to attach the Begum, and before any direct relations were established, she had performed acts of friendship and kindness towards them. It appears that as early as the year 1791, by her personal exertions she procured the release of a field officer, Colonel Stewart, from some native powers by whom he was imprisoned, and forwarded him to the Presidency, a service which was recognized by the Governor-General in a letter of thanks, and a correspondence was kept up, in the course of which the Begum expressed her willingness to disconnect herself from Scindiah, and unite her forces to the British.

"The British Government of India did not at first think this measure necessary; but in the year 1803, war having broken out with the Mahratta powers, the assistance of the Begum became more important. The troops of the Begum, consisting of four battalions, with a park of artillery, disciplined according to the European form, were then serving with Scindiah, and the Governor-General (Lord Wellesley) wrote to her and invited her to put herself in communication with Lord Lake, the General in command of the British forces [1].

"By a dispatch of the Governor-General to the Court of Directors, dated 12th April 1804, it appears that Lord Wellesley had two objects, one to obtain the assistance of the Begum's troops, and the other to obtain possession of the lands in the Dooab held by the Begum on military service, which, being in the heart

[1] Vide Lord Wellesley's Desp3tches to the Secret Committee of the Court of Directors of the East India Company, and other correspondence, pages 360, 362, and 414.

of a territory recently taken possession of by the British, interfered with the introduction of that improved system of administration they were desirous to establish. These considerations did not apply to the Purgunnah of Badshahpoor held in Altumgha, because it was out of the Dooab.

"It appears that the Begum paid a visit to the head-quarters of the British General in September or October 1803, and entered into arrangements to withdraw her battalions from the army of Scindiah, and unite them to the British forces, and she consented on the application of Lord Lake to give up the lands she held in the Dooab, in exchange for others to be assigned to her west of the Jumna. The troops of the Begum did in fact withdraw from Scindiah, and after a very long and difficult march joined the British army.

"It does not appear that any new lands were assigned to the Begum, but in the month of August 1805, it was again thought an essential object to secure the cordial assistance of the Begum; and the Commander in Chief, in writing to the British resident at Dehli, states that he thinks the most effectual means will be to assure her of the possession of the lands in the Dooab which she had before agreed to surrender. Accordingly the Resident entered into a treaty with the Begum, by which she was assured of the possession of the lands for her life. The words are as follows:

"Those places in the Dooab, which have formed the Jaidads "of Zeboon Nissa Begum, shall remain to her as before from the "Company as long as she may live."

"Your Memorialist has entered into more details on this transaction, because it is now contended that under this agreement the Begum is precluded from claiming to hold any lands in perpetuity; and it was therefore necessary to show, and which the facts clearly establish, that this agreement had reference only to the lands which the Begum held in the Dooab, and had reference only to the previous treaty for their surrender.

"Under the regulations of 1793, all prior grants were to be respected according to their nature, and therefore the Begum required no confirmation of the Altumgha grant, nor, as it is

conceived, of the grant of lands in Jaidad, but the Company having desired that the Begum would give up these latter lands on an exchange, and no new lands having been assigned to her, it was thought the Begum's mind was unsettled, and to reassure her, a distinct promise was given her that she should be allowed to retain these lands for her life. This view is confirmed by a letter written to the Begum by the Governor-General under date 16th August 1805, in which he says : "I am apprized of the communications "and the correspondence which has passed upon the subject of "your affairs with the late Governor-General, and with the Right "Honourable Lord Lake, and of the arrangement to which you "assented for the transfer of your Jagheer in the Dooab to the "Honourable Company, for an equivalent on the other side of "the Jumna. I have reason to believe that the late Governor-"General, aware of your attachment to the territory, which, "during so long a course of years, has been in your possession, "had it in contemplation to refrain from taking advantage of "your consent to the transfer of your Jagheer. At all events, "I have great pleasure in apprizing you, that reposing entire "confidence in your disposition to maintain the obligations of "attachment and fidelity to the British Government, *I have "resolved to leave you in the unmolested possession of your "Jagheer, with all the rights and privileges which you have "hitherto enjoyed.*"

"It is not here necessary to recapitulate the services performed by the Begum in early years, or the claims she established to consideration by her unbounded liberality and charity in later times. It suffices to say, that she fulfilled all her engagements to the East India Company, and remained in possession of the lands in the Dooab, and of those held in Altumgha, until she ceded them to your Memorialist as before stated.

"Your Memorialist will hereafter have to submit to your Honourable Board two other claims connected with the affairs of the late Begum, as referable to military stores and pensions, which are included in the correspondence above alluded to with the Bengal Government and the Court of Directors; but as in the discussion of the question of the Pensions, an assumption has

been made to the prejudice of the Begum's right to the Altumgha lands, he deems it necessary on this occasion to state, that in the year 1807, the Begum addressed an application to the Governor-General, to grant pensions to such persons as she should name, to take effect from her decease, to an amount not exceeding in the whole 7,500 rupees per month. To this application the Government of India acceded, and the Begum shortly before her death appointed pensions to be paid by the Government of India to various persons to this amount.

" It is now urged, in answer to your Memorialist's claim to the Altumgha grant, that in the letter written by her in 1807, to the Governor-General, the Begum Sumroo admitted that she had no hereditary lands, and that all her property would cease [1] on her death. Your Memorialist has no copy of this letter, and hitherto the Honourable Company have declined to furnish him with a copy. He has therefore only to submit that the expressions in a letter of that nature cannot affect the legal rights of the Begum, or deprive her of any title she might otherwise have had; and it would be the more hard if such could be its effects in this case, inasmuch as the Government of India have since repudiated the obligation they came under to pay the pensions in question.

" Your Memorialist has already stated that he has submitted his claim to the Altumgha lands, first to the Governor of the North Western Provinces of India, then to the Governor-General, and lastly, to the Honourable the Court of Directors, by each of whom it has been rejected [2].

" The first of these only assigned any grounds for his decision on your Memorialist's application, and the ground alleged by him is, " That the possessions now in question were conquered by the " arms of the Honourable Company, and the Begum was allowed " to hold them precisely on the same footing as the Jaidad in the " Dooab, which did not lapse by agreement, but must have lapsed, " under any circumstances, whenever the permission to the Begum

[1] On the contrary, the Begum claimed these lands as hereditary, as early as 1804.—Vide C. no. 7, and C. no. 10.

[2] See the answers, pages 381, 390, 445.

"to hold it ceased. It was a portion of Scindiah's territories, "conquered by the British Government. It might have been "resumed at will, but it was, by the agreement alluded to, "secured to the Begum for life. All other territory which she "was allowed to retain, whether specified in that agreement or "not, was held under the same permission, and lapsed at her "death as a matter of course." The letter of the Lieutenant-Governor proceeds as follows:

"3rd. Your claim is not to private property, but to public re-"venue which the Begum enjoyed during her life, and which "has now been resumed in consequence of the death of the life "tenant, for the benefit of the Crown of Great Britain, as Sover-"eign of the country, represented by the East India Company.

"4th. The Lieutenant-Governor cannot recognize a claim of "private property to any part of the territory of which the Be-"gum was allowed during her life to receive the State revenue, "and the claim submitted in your letter under reply is accord-"ingly considered to be inadmissible."

"Your Memorialist confidently submits that the claim put forth by Sir Charles Metcalfe, to deprive your Memorialist of his rights on the ground of conquest, is altogether untenable. The right of a conqueror to assume and take possession of private property, on the ground of conquest, is not sanctioned by the modern usages of civilized states; but your Memorialist confidently submits, that if such a right is to be exercised, it must be immediately upon the conquest; and that it is not competent, after a lapse of thirty years, for the conqueror to assume possession, for the first time, on the allegation that the party had hitherto held upon sufferance. Whatever, moreover, may be the general rights of a conqueror, the Begum was not in a position to be affected by them; for she was a friendly partisan of the British arms, and her troops were concurring in the very conquests, which it is alleged, deprived her of her rights. But then it is said by Sir Charles Metcalfe, that the property in question is public revenue, and not private property. Your Memorialist submits that this is an unfounded distinction. The property granted had been public revenue when held by the supreme power for public purposes; but when granted to an

individual for her absolute enjoyment, it became private property.

"If it is intended to be asserted that the Governors of India had no right to alienate public revenue, then the right of resumption is independent of any effect of conquest; but it is submitted that the conqueror acquires no additional right to seize property vested in an individual for his private purposes, because that property had formerly belonged to the State.

In reply to your Memorialist's appeal against the views taken by Sir Charles Metcalfe, the Supreme Government of Bengal content themselves with stating that they can discover no sufficient ground for questioning the propriety of the decision which has been come to by the Lieutenant-Governor of the North Western Provinces.

The answer of the Honourable Court of Directors is as follows:

"On the second point I am commanded to state, that your "claims to the Purgunnahs of Badshahpoor, Jhaursah, etc., under- "went the most minute and deliberate investigation in India; "and that, on a full consideration of the report of that investi- "gation, it appears to the Court that your claim is utterly un- "supported either by historical facts, or documentary evidence; "and that on the contrary, it is conclusively disproved by "both."

"Adverting to the above communication, it is obvious that your Memorialist is placed in a great disadvantage; inasmuch as he has not seen the report which the Honourable Court of Directors had before them of the investigation that took place in India; and your Memorialist regrets that the Honourable Court have not felt it consistent with their duty to furnish him with a copy of it, particularly considering that the lapse of time and the position of the parties (a native lady dealing with the Supreme Government) have necessarily deprived him of much of the information which the Directors are in possession of. In a

question between the Government and an individual, your Memorialist submits that at least the facts should be considered common to both parties. In the absence therefore, of any information but that submitted by him, he is compelled to regard the statement of the Honourable Court that his claim is unsupported either by historical facts or documentary evidence, as contrary to justice, and to that high principle of policy and generosity, which should always govern the conduct of the East India Company in its intercourse and relations with the natives of all classes.

"Your Memorialist has shown a grant of the land he claims, in its nature perpetual, and so construed by the regulations of the British Government of India; and he has shown an uninterrupted possession of forty five years under this grant; and he has further to add, in proof of the Begum's confidence in her right to this property, that she ceded it in perpetuity to your Memorialist, as her adopted heir two years before her demise, and she did so formally, and with the full knowledge of the constituted authorities of the Bengal Government. Such are the documentary evidence and historical facts ordinarily adduced in support of such claims, and held to be conclusive. If other facts or documents exist, your Memorialist trusts that your Honourable Board will put him in possession of them and will not allow a question so grave, and of such deep importance to him, to be disposed of without communicating to him such circumstances as appear in your Lordship's judgment to bear upon the decision of it.

"Your Memorialist confidently believes that the statement made by him is substantially correct, and that the case will resolve itself simply into the consideration of the nature of the grant in question; and your Memorialist trusts that your Honourable Board will be of opinion that this was perpetual, and not susceptible of resumption by any just exercise of legal right.

"Your Memorialist therefore humbly prays that your Right Honourable Board will be pleased to take his case into their consideration, and to direct the East India Company to reinstate him in

possession of the lands constituting the Purgunnah of Badshahpoor Jhaursah, and to account to him for the revenue received therefrom since the death of the Begum; and in case your Right Honourable Board shall entertain any doubt of his title, your Memorialist humbly prays that he may be furnished with copies of the documents affecting the same.

"And your Memorialist, etc.

"(*Signed*)

"D. O. DYCE SOMBRE."

To D. O. DYCE SOMBRE, Esq., M. P.

"India Board, January 12th, 1842.

"Sir,

"The Commissioners for the affairs of India have taken into their consideration the Memorial which you placed in the hands of their Secretary on the 24th ultimo, claiming the Purgunnah of Badshahpoor in Upper Hindoostan, formerly held by the Begum Sombre.

"In reply, I am desired to inform you, that it appears that on the 23rd of January 1838, the Commissioners concurred in the approbation which was expressed by the Court of Directors of the East India Company, with regard to the proceedings of the Government of India, in the decision on your claim.

"I am desired to add, that the letter which was addressed to

you, by order of the Court of Directors, on the 17th of October 1839, could not be sent without the previous knowledge and sanction of this Board.

"The Commissioners are not prepared to take any step to disturb the decision of their predecessors. At the same time if you conceive that you can adduce any arguments in support of your claim, which have not yet been brought to the notice of the Government of India, you should address yourself to that Government, who will doubtless give you all due consideration to your statement, and will communicate to the authorities in England the opinion which may have been formed in India on your renewed application.

"I am, Sir,

"Your obedient humble servant,

"(*Signed*)

"W. H. Baring."

To the Honourable W. H. BARING, M. P.

"Clarendon Hotel, Bond Street, June, 1842.

"Sir,

"Referring to the letter I had the honour to receive from you, dated the 12th of January last, on the subject of my claims to the Purgunnah of Badshahpoor in Upper Hindoostan, in which you suggest that I should address to the Government of India

any arguments in support of my claim not yet brought to the notice of that Government, I trust that the magnitude of the interest I have in the question, will excuse my again addressing myself to the Commissioners on the subject.

"Before leaving India, I was told by the late Governor-General, that that Government could take no further cognizance of the question, and that I must henceforth address myself to the authorities in this country, and I fear that a renewed application to the Government of India would be useless. On the other hand, I have a conviction that my case has not been fairly considered here. I have successively memorialized the Lieutenant-Governor of the North Western Provinces of India, the Governor-General of India, the Court of Directors, and the Honourable Board of Commissioners for the Affairs of India.

"The Governor of the North Western Provinces assigned reasons for his refusal to accede to my application, which I humbly conceive to be altogether untenable, viz., that the Company had acquired the land in question by right of conquest, and had thereby put an end to the individual rights of the Begum Sombre. The Governor-General assigned no reasons. The Court of Directors founded themselves on a private report made to them by the Government of India which has not been communicated to me; and the Honourable Board of Commissioners have not entertained my application, conceiving the question to have been considered by their predecessors, to whom, however, I had made no application. Under such circumstances I trust I shall not be thought obtrusive in again bringing the subject under consideration, and asking the favour of an interview.

"In my application to the Honourable Board of Commissioners, I requested in particular to be furnished with the statement on which the Court of Directors, and as it now appears, the predecessors of the present Board of Commissioners came to their conclusion.

"In every case of dealing with a Government, individuals have a claim to a candid communication of the facts and documents, more particularly where the transactions have passed

between the Supreme Government and a native lady, during a course of nearly half a century, and the claim necessarily arises after her death. I confidently hope, under the directions of the Honourable Board, to be put in possession of the documents bearing on the question, and while you may rest assured I shall not vexatiously persevere in the claim against evidence, I shall hope the assistance of the Honourable Board in bringing to a just and legal decision in this country, any point affecting my rights, on which there may be a difference.

"I have the honour to be, etc.,

"*(Signed)*

"D. O. DYCE SOMBRE."

To D. O. DYCE SOMBRE, Esq.

"India Board, June 14th, 1842.

"Sir,

"I am directed by the Commissioners for the affairs of India to acknowledge the receipt of your letter of the 10th instant, in which you desire to have an interview with the Secretary of this Board, and to be put in possession of the document bearing on the claim which you have brought forward against the Government of India.

"In reply to your first request, I am commanded to state, that

the Board is of opinion that no advantage could arise from the proposed interview, as they could only authorize me to repeat the communication made to you in the letter of the 12th of January.

"In reply to the second request, the Board must refer you to the Court of Directors of the East India Company, to whom all such applications should be addressed.

"I have the honour to be,

"Sir,

"Your obedient humble servant,

"W. H. Baring."

"D. O. Dyce Sombre, Esq., Clarendon Hotel."

With this ended my appeal to the Home authorities, as they are called; it would have been for vain in me to have referred to the Court of Directors again, when they had once decided against me; nor would it have answered my purposes, to have brought it again before the notice of the Indian Government, for the same reasons, though both courses had been recommended to me by the Secretary of the India Board, one in his first letter and the other in his second. Therefore I had no other alternative than a final appeal to write to Sir Robert Peel, who, at that time, was at the head of Her Majesty's Ministry, and consequently Her Majesty's responsible adviser. I sent him a printed copy of all my claims, but he answered me that he could not interfere. I have not his letter by me now, for it was [in the box of papers, which was taken away from me by Sir James Clark, when I was confined at the Hanover Lodge, Regent's Park, and I have already given detailed accounts of all transactions connected with these

claims. So I had no other alternative left, than to make over my claims to Her Majesty the Queen, as Sovereign of India, represented by the Honourable East India Company, and consequently having more right over the soil than any one else.

The following Report, however, after all these explanations, was sent by the Doctors :

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Copy of a Report of

Drs. Bright, Southey, Clark, and Martin.

"Dated London, November 18th, 1848.

"My Lord,

"In obedience to your Lordship's order, the undersigned have had three long interviews with Mr. Dyce Sombre, in order to ascertain his present state of mind.

"On the first day, Mr. Sombre having expressed a wish that a short-hand-writer should be present at our examinations, as he entertained doubts of the accuracy of some statements in the last report of Drs. Southey and Bright, it was thought advisable to acquiesce in his wishes.

"Mr. Sombre admitted that he had been under a delusion respecting his wife's conduct, and stated that he had changed his opinion in consequence of the assurance of so many persons that there were no grounds for his suspicions. He gave a different date to this change of opinion from that which he named in his examination at Brighton, and his manner in making this admission was by no means calculated to impress us with a conviction of his sincerity.—But giving him the full benefit of his

own statement, we have had abundant proof that on other subjects his mind is far from being in a sound state. He mistakes the creations of his own fancy for facts, and reasons upon them accordingly. For example, when asked to explain certain allegations made in the affidavits from Brighton, he stated that Sir Richard Jenkins was employed there to collect evidence of his insanity, and that Lord Combermere had told him so in the presence of the Marquis of Downshire.

"His conduct with respect to Lord Ward is most extraordinary. He told us that he had been introduced to Lord Ward, in 1838, at Lord Shrewsbury's; that he afterwards met him at Rome several times, that he had then no doubt of his identity, and that he offered him a gratuity of 200*l*. if he would undertake to arrange with Tadolini for the Begum's monument.—He added that Lord Ward thought the offer a very handsome one, and only refused it, because he doubted his having the power to give it. As Lord Ward has denied all knowledge of Mr. Dyce Sombre, it is clear that Mr. Sombre must have mistaken him for some other person, or that the whole transaction is a matter of imagination.

"When asked for the grounds of his belief that his sister Madam Solaroli was illegitimate, his answers were very characteristic of his state of mind. At first he said that it was a matter of notoriety at the Court of the Begum, that she used to hint at it, and that every body knew it. Yet afterwards he allowed that this common report had not impressed his own mind, and that when he settled 20,000*l*. upon her, he considered her to be his legitimate sister. Some months after this settlement his father told him (as he says) in the presence of Mr. Solaroli at Calcutta, that Madam Solaroli was illegitimate.

"It might be supposed after this declaration, that Mr. Sombre could have entertained no further doubt upon the subject; but he afterwards said that he was never quite satisfied till the late Lord Metcalfe, just before he went to Canada, made a solemn communication to him, not to be divulged till after his (Lord M's. death) that Madam Solaroli was not legitimate. From the Affidavits it appears that Lord Metcalfe denied all knowledge of

the subject to Mr. Prinsep. But the most remarkable assertion of Mr. Sombre is yet to come.

"He told us that in 1844 he had heard Mr. Glynn of the E. I. Civil Service declare in the open Court of Chancery here that Madam Solaroli was illegitimate. The Affidavits filed in this case prove clearly that Mr. Sombre has no ground for doubting the legitimacy of his sister, and the assertion respecting Mr. Glynn must be altogether a delusion.

"On the subject of his quarrel with Prince Doria, Mr. Sombre would give us no explanation, and in the third examination he was much more guarded in his answers, which we ascribed to his having procured a copy of the short-hand-writer's notes of his former examinations.

"From the whole tenor of his conversation and manner we regret to find that no improvement appears to have taken place since Mr. Dyce Sombre was last in England. On the contrary Drs. Bright and Southey think that he is more obviously unsound in mind than when they last examined him, and the undersigned are all of opinion that he is quite unfit to be trusted with the management of his own affairs,

"We have the honour to be,

"My Lord,

"Your Lordship's faithful servants,

"(*Signed*)

"F. Bright;

"H. H. Southey;

"James Clark;

"James R. Martin.

"To the Lord High Chancellor, etc., etc."

Finding no mention made about my remarks in the Report sent me by the Doctors, I wrote to Dr. Southey as follows:

—

Copy of a Letter to Dr. Southey.

"Mivart's Hotel, November 21st, 1848.

"Sir,

"Having seen your report dated the 18th instant to the Lord Chancellor, I find you have made no mention of the letter I had given to you for His Lordship. Will you have the goodness to state whether that letter has been forwarded to His Lordship or not?

"Secondly, As I had prefaced my answer as to the identity of Lord Ward, by saying, that since my arrival this time in London, I had been told that his Lordship was quite a different person from the one I had taken for at Rome, but who, I still persist, had been shewn to me as such by Lord Shrewsbury in 1838, I wish to know from you why this has not been stated in your Report; for if there was any necessity of mentioning this, it ought to have been fully reported, and not partially stated, as it is. I beg your answer as soon as convenient; for after such a report, it cannot be very comfortable for me to stay here longer.

"I have addressed you personally, but of course this letter relates to all the gentlemen who formed the Committee.

"I have the honour to remain,

"Sir,

"Your most obedient servant,

"D. O. Dyce Sombre."

Answer:

"Harley Street, November 22nd, 1848.

"Sir,

"I have the pleasure to inform you that your letter to the Lord Chancellor was forwarded to him with the report, and also the last letter with which you favoured me.

"I have the honour to be,

"Your very obedient servant,

"(*Signed*)

"H. H. Southey."

Dr. Southey's answer, however, makes no mention about the part alluded to in my letter to him, concerning Lord Ward.

Not being satisfied with the last Report, I applied to six of the first-rate Physicians in town, to meet at my hotel, as many times as they thought proper, and to re-examine me on those parts that the Report finds me under delusion.

The following is their Report:

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Joint Report of

JOHN AYRTON PARIS, *M. D., President of the Royal College of Physicians;* **THOMAS MAYO**, *M. D.;* **ALEXANDER MORISON**, *Physician to Bethlem Hospital;* **JAMES COPLAND**, *M. D.;* **ROBERT FERGUSON**, *M. D.;* **WILLIAM B. COSTELLO**, *M. D., Principal of Wyke House Asylum.*

"Mivart's Hotel, December 24th, 1848.

" My Lord,

" We, the undersigned, have been called upon to examine the present state of Colonel Dyce Sombre with respect to the soundness or unsoundness of his mind. We have had repeated interviews with him and five consultations with each other.

" The decided impressions produced on our minds, by these interviews, is that they have not furnished us with any evidence whatever, that he labours under unsoundness of mind. We have, each of us, been struck with the remarkable calmness, self possession, and consistency with which he has undergone our scrutiny though evidently fatigued and pained by the repeated visits and cross-questionings to which he has been subjected. These qualities, as exhibited by Colonel Dyce Sombre, have strengthened the above conviction, aware as we are of the occasional power of insane persons to elude and baffle enquiry.

" We have examined the grounds afforded us for arriving at a conclusion on this subject by the reports presented to your Lordship August 5th, 1847, and November 18th, 1848, the first by Doctors Bright and Southey, the second by Doctors Bright and Southey, Sir James Clark and Dr. Martin, and we have carefully perused the depositions taken by a short-hand-writer of conversations with Colonel Dyce Sombre on which the latter report is founded.

" We notice and entirely concur with these gentlemen in their admissions of the competency displayed by Colonel Dyce Sombre to manage his property. It is indeed admitted in the report of your Referees in 1847 that " they entertain no doubt of this competency and that if he were entrusted with the surplus of his unappropriated income, one great source of uneasiness would be removed." And the report of November 1848 does not afford any evidence to invalidate that prior opinion of your Lordship's referees.

" It is however stated in the report of November 1848 that " the Colonel is now obviously more unsound in mind than when your Referees examined him in 1847." The first thing that strikes us in the opinion thus expressed in that report is that it is founded on his entertaining certain questionable notions and having committed certain irregularities, all of which, we contend, might be admitted without justifying the conclusion that he is insane. While we feel that these opinions of your Referees might be put aside on the ground that they do not involve any proof of insanity, we have nevertheless examined the principal circumstances on which they are founded in reference to the question, how far they may indicate immoral habits and an ill-regulated mind. Something of this kind may doubtless be expected in Colonel Dyce Sombre considering the influence of his early education, of his Asiatic prejudices, and the peculiar circumstances with which he has been encompassed from his infancy. The points however, on which we have thus examined the conduct and expressions of Colonel Dyce Sombre, admit of an interpretation which might rescue him from the charge of insanity, even with those who consider inaccuracy and indelicacy to be incompatible with mental soundness.

" The circumstances to which we have given our attention in the above point of view are as follows :—

" First. The commission given by Colonel Dyce Sombre to Lord Ward at Rome. Secondly the opinions entertained by him respecting Madam Solaroli. Thirdly his quarrel with Prince Doria. Fourthly his suspicions of conspiracies and designs against him. Fifthly, Indecency. Sixthly, Jealousy.

" First : with regard to the affair of Lord Ward our opinion is that a hoax was played upon Colonel Dyce Sombre, which would not have deceived an English gentleman, but might easily deceive a foreigner unacquainted with the high standard of English Nobility. It is to be observed that on arriving in England and being shown the veritable Lord Ward, Colonel Dyce Sombre at once renounced the belief which he had entertained.

" Secondly : with respect to Colonel Dyce Sombre's notions on the illegitimacy of Madam Solaroli, that they have some foundation in fact has been variously proved to us. First we have a letter by Major Bere of Her Majesty's 16th Lancers in which it is affirmed that the illegitimacy of Madam Solaroli was an admitted and known fact. Secondly we have a letter from Mr. Prinsep which makes it clear that whereas your Lordship's referees impugn the veracity of Colonel Dyce Sombre on this point, his accuracy alone is in question. Mr. Prinsep states in that letter that your Lordship's referees report the substance of what passed between him and Lord Metcalfe on this subject to use his own terms " very unfairly. " With respect to the following question put to Colonel Dyce Sombre by one of the referees on this subject : " In the face of your suspicions how came it that in the instrument settling 20,000*l*. you permitted her to be called your lawful sister? " the different ideas attached by an Englishman and an Asiatic to the word lawful is strangely overlooked. " In native families " Colonel Dyce Sombre answers " these things are considered nothing."

" Thirdly. The quarrel with Prince Doria : We learn from Colonel Dyce Sombre that, when under restraint, he rode in Hyde Park in a carriage with a keeper; and that a person whom he recognized as Prince Doria treated him with derision and evinced a

menacing manner towards the carriage with a whip, an insult for which he afterwards called the Prince to account in Rome, when he was assured that the Prince was not in England at the time of his supposed assault. That some one *did* stare and laugh at seeing Colonel Dyce Sombre with his keeper is by no means improbable; and that Colonel Dyce Sombre should have thought he recognized the said party as Prince Doria can be regarded, if the Prince's statement he received as true, as only a mistake; the referees indeed admit somewhat singularly that "this was either an hallucination or a mistake."

"Fourthly. It is not unnatural that Colonel Dyce Sombre should consider himself the object of a conspiracy and constantly watched for the purpose of detecting unsoundness of mind seeing that he was apprized of this fact by his friends. For instance in a letter from Lord Combermere to Mr. Mahon, the following passage occurs. "Colonel Dyce Sombre is quite correct in saying that at Brighton, and he might state upon other occasions, I strongly recommended him to be very circumspect in his conduct, for that he was watched by the opposite party, who employed people for that purpose, by whom the slightest indiscretion would be exaggerated and brought against him." The letter from which this is an extract, dates from Combermere-Abbey, December 10th 1848. Again, with respect to his suspicions of the hostility of the East India Company on the ground of his presumed pecuniary claims, we are satisfied from documents we have examined, that these suspicions might from the circumstances of the case arise in a very sound mind.

"Fifthly. The charge of indecency connected with General Ventura was entered into by us minutely in a conversation with Colonel Dyce Sombre, and we have read the copy of a letter from Mr. Prinsep on this subject. It appears to have originated in a fracas arising out of antecedent matters, and conducted in gross and indelicate language, but not unconformably with Eastern manners. The Referees state that M. Dyce Sombre affirms he was invited by General Ventura to expose his person to his daughter. The Referees have thus given undue weight to a common and very gross Hindostance phrase used by

General Ventura as expressive of his contempt, and by accepting a literal translation have unwittingly distorted the true meaning. The collision was carried on, and mutual recriminations were resorted to, in Asiatic slang. The Brighton stories of a water-closet door left open, and maids shut up in a bed-room, we dismiss as unworthy of the grave question before us.

Sixthly. "Jealousy. In order to arrive to a just conclusion as to the present condition of his mental faculties, on this point we are bound to consider the influence of early education, of his Asiatic prejudices, and the peculiar circumstances by which he has been encompassed from his infancy, born in a harem[1] and accustomed to its habits up to his thirtieth year. Jealousy of women is an overwhelming passion of the Oriental mind and seems in a high degree to have existed in his. This fact, as well as some other circumstances tending to excuse and explain the jealousy of Colonel Dyce Sombre, are conveyed in a letter from Lord Combermere, to which we feel it necessary to refer your Lordship. With the strong opinion expressed in this letter and the other antecedents, our task in explaining the jealousy of Colonel Dyce Sombre into the ordinary operation of the human mind, becomes an easy one.

"Thus far we have proceeded under an assumption against which, however, we protest, that the mistakes and acts of indelicacy imputed to Colonel Dyce Sombre might, if unexplained, be a ground-work for an imputation of insanity. But, my Lord, error and insanity are not convertible terms, and those presumed mistakes and errors on which, in the absence of appropriate proof your Referees have relied as establishing his insanity, have either been divested of their character as mistakes and errors, or placed in the ordinary category of human weaknesses. The appropriate proof of insanity consists of very different materials, and these we have been unable to discover either in the reports of your Referees or the depositions on which the last one is founded. True, it is averred that he suspects a conspiracy, and this kind of

[1] *Harem*, means an apartment where the ladies of the family live together without seeing any one else but their husbands or nearest relations.

suspicion is undoubtedly often observable in the insane. In his case, as we have pointed out, the suspicions are neither unnatural nor unsupported. There is however another suspicion entertained by him which has demanded and received our serious consideration in reference to the question before us. We allude to his charge against the East India Company of tampering with his wife and her father with a view to the infidelity of the former. The following is the result of our consideration. If suspicions to this effect and extent had obtained and kept possession of the mind of a person educated exclusively in European notions and habits, we might perhaps have given them some weight as evidence of insanity, even in the absence of all other proof. If they sprung up in the mind of one born and bred in countries in which incest is common and treachery habitual, in the mind of one having special grounds of irritation, and the most intense dislike to the parties against whom he entertains the suspicions,— if these suspicions should spring up and take root in a mind thus constituted, we should view them as harmonizing with it completely and in strict conformity to its laws. Such, my Lord, is the case and such the character of Colonel Dyce Sombre. The impression, no doubt a delusive one, to which we are referring, arose in his mind during the period in which he was treated as insane. It entirely falls in with our experience that delusive opinions thus formed and thus strengthened may survive the insane state, and we are of opinion that we should act with very great injustice if we should consign a patient to a mad-house on the ground of his continuing to assert one morbid impression when the entire context of his character indicates sanity. In proof that the context of his character bears this interpretation, we may allege that your Lordship has allowed him an uncontrolled use of the surplus of his income, and that he has not abused the permission. That your Lordship has given him full liberty of action abroad, which he has exercised for three years without any imputation of insanity, as proved by certificates of the leading physicians in Saint-Petersburg and at Paris and Brussels. That at this moment the same freedom of action is accorded to him here, both as to person and property, which again he has not

abused. That we have taken opportunities of strictly and repeatedly ascertaining whether his conduct is likely to be dangerous to himself or others, and can discover no grounds for such an apprehension. On the contrary we find him fully aware of the consequences of his actions and very careful how they affect himself.

"Having thus considered the evidence on which the mental sanity of Colonel Dyce Sombre is questioned, we must call your Lordship's attention to its effects on his present state and future prospects.

"The present position of Colonel Dyce Sombre is strangely unreasonable. He is supplied with every liberty and pecuniary means to do harm, if so inclined, to himself and others, but he is deprived of that complete command over his fortune which he feels and justly feels to be his right. Nor are the restrictions which have been imposed on him in regard to place, less onerous and incongruous; as if he were less capable of regulating his own conduct in England than in Italy or France.

"It is indeed to all of us most surprising that he continues so calm and collected and reasonable as he is, considering the long continued and vexatious examinations to which he is subjected, the unavoidable irritation of his mind under a conviction of unreasonable privation and the ample grounds that he has for suspecting that he is constantly watched, and that his conduct even in the most trifling affairs is liable to be misrepresented.

"But human endurance has its limits, and we fear that the pressures and annoyances to which Colonel Dyce Sombre is subjected, may ultimately if persisted in, lead to mental aberration and bodily infirmity.

"Such, my Lord, are our reasons for affirming that the Commission under which Colonel Dyce Sombre is controlled, ought to be immediately superseded.

"(*Signed*) JOHN AYRTON PARIS, *M. D., President of the Royal College of Physicians;*

"THOMAS MAYO, *M. D.;*

"ALEXANDER MORISON, *Physician to Bethlem Hospital;*

"JAMES COPLAND, *M. D.;*

"ROBERT FERGUSON, *M. D.;*

"WILLIAM B. COSTELLO, *M. D.; Principal of Wyke House Asylum.*

Affidavit of John Ayrton Paris, M. D.

President of the Royal College of Physicians.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton-Buildings, in the County of Middlesex, Jan. 6th, 1824.

I John Ayrton Paris, M. D., President of the Royal College of Physicians, and residing at 27, Dover-street, Piccadilly, make Oath and Say, that having been called to examine the mental state of David Ochterlony Dyce Sombre, Esquire, on or about the 8th day of December last, and having previously heard that the said David Ochterlony Dyce Sombre had been found of unsound mind by a Commission of Lunacy in the year 1843, and had since that period undergone many examinations by medical men on the Continent and in England, whose opinions were divided as to his sanity, I entered upon his examination with the greatest scrutiny and circumspection, and I say that I have read the short-hand-writer's notes of the three days' examinations of the said David Ochterlony Dyce Sombre by Drs. Bright and Southey, Sir James Clark and Dr. Martin on the 1st, 2d and 6th days of November 1848, also the reports of Drs. Bright and Southey, of September 26th 1846 and August 5th 1847, and the report of Drs. Bright and Southey, Sir James Clark and Dr. Martin, of November 18th 1848, addressed to the Lord Chancellor. And I say that I feel myself compelled by a sense of justice solemnly to state my belief and conviction founded upon several interviews with, and examinations of, the said David Ochterlony

Dyce Sombre, and after five consultations with Dr. Mayo, Dr. Morison, Dr. Copland, Dr. R. Ferguson and Dr. Costello, as stated in our joint report or letter bearing date December 24th 1848 and addressed to the Lord Chancellor, that I have been unable to detect the existence of any insane delusion whatsoever in the mind of the said David Ochterlony Dyce Sombre. And I further say that I am of opinion, that unless the present Commission of Lunacy against the said David Ochterlony Dyce Sombre be superseded, and the various restrictions under which he now labours be removed, the most pernicious results both mentally and bodily with regard to the future state and prospects of the said David Ochterlony Dyce Sombre must be apprehended. And I say that I am able to arrive at that opinion from various opportunities afforded me during a long and extensive professional practice as Commissioner of Lunacy under the late Act of Parliament, in which capacity I have had the investigation of numerous cases of insanity both at the public insane institutions and in private practice, as also in very general consultations. And lastly I refer to the said joint report or letter addressed to the Lord Chancellor of December 24th 1848, in which I have stated my reasons were fully for my firm belief, that the said David Ochterlony Dyce Sombre is perfectly sane and fully capable to conduct himself and his pecuniary affairs, and ought as a matter of justice to be restored to his property and liberty.

" (*Signed*)

" John Ayrton Paris, *M. D.*,

" *President of the Royal College of Physicians.*"

Affidavit of Thomas Mayo, M. D.

Of 26, Wimpole-street, in the County of Middlesex.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, Jan. 4th, 1849.

"I, the undersigned, Thomas Mayo, M. D., of 56 Wimpole-street, in the County of Middlesex, having had seven interviews with the above named David Ochterlony Dyce Sombre and four consultations with my colleagues, and having carefully read over the reports of Drs. Bright and Southey, bearing date the 26th day of September 1846 and the 2nd day of August 1847, together with the one bearing date the 18th day of November 1848, as also the short-hand-writer's notes of the three days examinations bearing date the 1rst, 2nd and 6th days of November 1848 inclusive as carried on by Drs. Bright and Southey, Sir James Clark and Dr. Martin, in order to become fully acquainted with the insane delusions under which it is alleged the said David Ochterlony Dyce Sombre laboured, do hereby make Oath and Say, that it is my belief and conviction that the actions and remarks of the said David Ochterlony Dyce Sombre, on which these allegations are founded, would, even if substantiated, tend to the proof, not of insanity, but only of immoral habits and an ill-regulated mind. That I have examined these imputed actions and remarks in detail under six heads, as exposed in the joint report of Dr. Paris myself and others, bearing date the 24th day of December 1848, and have carefully examined the said David Ochterlony Dyce Sombre him-

self in reference to them. And I find this conviction strengthened by such scrutiny, and I say that I moreover find the above mentioned allegations are not substantiated, for that the actions and opinions imputed to the said David Ochterlony Dyce Sombre admit of explanation perfectly different from that on which the reports of Drs. Bright and Southey, Sir James Clark and Dr. Martin are founded. And I say that I have in the course of my enquiries found no evidence of the existence of any such delusive opinion as would imply, under the circumstances of the said David Ochterlony Dyce Sombre described in the last mentioned report, an unsound mind. That in all points my interviews with the said David Ochterlony Dyce Sombre strongly impressed on me a firm conviction that he is sound in mind and competent to manage his person and property. That I am also impressed with the belief that the singular position in which he remains at present, the privations which he undergoes, and his strong sense of injustice as involved in these privations, are calculated to produce a very dangerous effect upon the bodily and mental health of the said David Ochterlony Dyce Sombre; and that this effect ought to be anticipated by his immediate restoration to his liberty and to the full enjoyment of his property. And I further make Oath and Say, that I have arrived at the above conclusions, having had the advantage of experience in mental diseases during my whole professional life, having held the appointment of visitor at a very large lunatic Asylum in Sussex for 15 years and having been appointed in the year one thousand eight hundred and forty by the Marquis of Normanby to conduct with Dr. Southey an enquiry into the state and management of the Hospital at Bethlem."

" (*Signed*)

" Thomas Mayo, *M. D.*"

Affidavit of Alexander Morison, M. D.

Of 26, Cavendish-square, in the County of Middlesex.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, Jan. 4th, 1849.

"I, the undersigned, Alexander Morison, M. D., of N° 26, Cavendish-square, in the County of Middlesex, having had several interviews with the above named David Ochterlony Dyce Sombre, and four consultations with my colleagues, and having carefully read over the reports of Drs. Bright and Southey, bearing date respectively the 26th day of September 1846 and the 5th day of August 1847, together with the report bearing date the 18th day of November 1848, as also the short-hand-writer's notes of the three days' examinations bearing date November 1st, 2nd and 6th 1848 inclusive as carried on by Drs. Bright, Southey, Sir J. Clark and Martin, in order to become fully acquainted with the insane delusions under which it was alleged the said David Ochterlony Dyce Sombre laboured. Do hereby make Oath and Say that it is my belief and conviction that the actions and remarks of the said David Ochterlony Dyce Sombre, on which these allegations are founded would, if substantiated, tend to the proof, not of insanity, but only of immoral habits and an ill-regulated mind. That I have examined the imputed actions and remarks in detail under six heads, as expressed in the joint report of Dr. Paris, myself and others bearing date the 24th day of December 1848, and I have carefully examined the said David Ochterlony Dyce Sombre

himself in reference to them, and that I find this conviction strengthened by the scrutiny. And I say that I moreover find the above mentioned allegations are not substantiated, for that the actions and opinions imputed to the said David Ochterlony Dyce Sombre, admit of explanation perfectly different from that on which the reports of Drs. Bright, Southey, Sir James Clark and Dr. Martin are founded. And I say that I have in the course of my enquiries found no evidence of the existence of any such delusive opinions as would imply, under the circumstances of the said David Ochterlony Dyce Sombre described in the last mentioned report, an unsound mind. That in all points my interviews with the said David Ochterlony Dyce Sombre strongly impressed on me a firm conviction that he is sound in mind and competent to manage his person and property. That I am also impressed with the belief that the singular position in which he remains at present, the privations which he undergoes, and his strong sense of injustice as involved in these privations, are calculated to produce a very dangerous effect upon the bodily and mental health of the said David Ochterlony Dyce Sombre, and that this effect ought to be anticipated by his immediate restoration to his liberty and to the full enjoyment of his property. And I hereby make Oath and Say that I have arrived at the above conclusions, having had the advantage of long and extensive experience in mental diseases as physician to Bethlem Hospital, to the Surrey County Lunatic Asylum as Visitor of the private Lunatic houses in the County of Surrey, and consulting physician in cases of great difficulty and emergency of the Middlesex County Lunatic Asylum at Hanwell.

" (*Signed*)

" Alexander Morison, *M. D.*"

Affidavit of James Copland, M. D.

Of no. 5, Old Burlington-street, in the County of Middlesex.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, Jan. 10th, 1849.

I, the undersigned, James Copland, M. D., of N° 5, Old Burlington-street, in the county of Middlesex, have had six private interviews with the above mentioned David Ochterlony Dyce Sombre, and four consultations with the other physicians, viz. Drs. Paris, Mayo, Sir Alexander Morison, Ferguson and Costello whom he has consulted, and having carefully read over the reports of Doctors Bright and Southey, bearing date respectively the 26th of September 1846 and the 5th August 1847, together with the report bearing date the 18th November 1848, and having perused also the short-hand-writer's notes of the three days' examination, bearing date the 1st, 2nd and 6th of November 1848, as carried on by Doctors Bright and Southey, Sir James Clark and Mr. Martin, in order to become fully acquainted with the insane delusions under which the said David Ochterlony Dyce Sombre was alleged to be labouring, do hereby make Oath and Say, that it is my belief and conviction that the remarks and the actions of the said David Ochterlony Dyce Sombre on which these allegations are based, would, even if fully substantiated, not tend to the proof of insanity, but only of an ill-regulated mind and immoral habits. That I have examined these imputed actions and remarks in detail under the six heads stated in

the joint report of Doctor Paris, Doctor Mayo, myself and others, bearing date the 24th December 1848, and I have carefully examined the said David Ochterlony Dyce Sombre himself with strict reference to them, and that I find this conviction strengthened by the scrutiny. And I say that I moreover find the above mentioned allegations are not substantiated, for the actions and opinions imputed to the said David Ochterlony Dyce Sombre admit of obvious explanation perfectly different from that on which the reports of Drs. Bright and Southey, Sir James Clark and Mr. Martin are founded. And I say that I have in the course of my enquiries found no evidence of the existence of any such delusive opinions as would imply in the circumstances of the said David Ochterlony Dyce Sombre described in the last mentioned report an unsound mind. That in all points my interviews with the said David Ochterlony Dyce Sombre impressed on me the firm conviction that he is sound in mind and quite competent to manage his person and property. That I am also impressed with the belief, that the singular position in which the said David Ochterlony Dyce Sombre is at present placed, the privations to which he is subjected, and his strong sense of injustice as involved in his position and prospects, are calculated to produce very dangerous effects upon the bodily and mental health of the said David Ochterlony Dyce Sombre, and that these effects ought to be prevented by his immediate restoration to his liberty and to the full enjoyment of his property. And I lastly make Oath and Say that I have arrived at the above conclusions, having had considerable experience in mental disorders and having devoted much time to the study of them during my professional life, and having written and published extensively on the nature and treatment of their several forms and states.

"*(Signed)*

"James Copland."

Affidavit of Robert Ferguson, M. D.

Of 125, Park-street, Grosvenor-square, in the County of Middlesex.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, Jan. 8th, 1849.

I, the undersigned, Robert Ferguson, M. D., of no. 124, Park-street, Grosvenor-square, in the county of Middlesex, having been called upon to give my opinion as to the mental condition of sanity or insanity of David Ochterlony Dyce Sombre, had for that purpose four lengthened interviews with him in private, and four consultations with Drs. Paris, Mayo, Alexander Morison, Copland and Costello who were appointed jointly with me to examine him with that object. Moreover I have carefully read over sundry reports and documents alleging proofs or presumptions of the insanity of the said David Ochterlony Dyce Sombre, namely a report of Drs. Bright and Southey, dated the 26th September 1846, a second report dated 5th August 1847, a third report dated November 18th 1848, also the short-hand-writer's notes of examinations of the said David Ochterlony Dyce Sombre carried on for three days, the 1st, 2nd and 6th November 1848, by Drs. Bright and Southey, Sir James Clark and Mr. Martin. And I do hereby make Oath and Say that I believe the said David Ochterlony Dyce Sombre to be quite competent to manage his affairs, and that therefore the documents above referred to have entirely failed to establish in my mind any proof of the insanity of the said David Ochterlony Dyce Sombre. And I say that the grounds of this my conviction are more fully stated and detailed in a report signed by Dr. Paris, myself and the other medical

gentlemen before mentioned, bearing date the 24 December 1848, in which report it is unanimously declared to be our opinion that the continuance of the present Commission of Lunacy against the said David Ochterlony Dyce Sombre must be productive of dangerous consequences affecting his mental and bodily health, and ought therefore to be superseded.

"*(Signed)*

"R. Ferguson."

Affidavit of William B. Costello, M. D.

Principal of Wyke House Asylum.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, Jan. 10th, 1849.

I, the undersigned, William B. Costello, M. D., Principal of Wyke House Asylum, Brentford, being one of the physicians invited to examine David Ochterlony Dyce Sombre in the month of December last past, make Oath and Declare, that I had eight successive interviews on different days with him, three of which took place apart from my colleagues, namely Dr. Paris, Dr. Mayo, Sir Alexander Morison, M. D., Dr. Copland and Dr. Ferguson, and the five others conjointly with them, and I say that I have carefully read the reports of Drs. Bright and Southey, dated September 26th 1846 and August 5th 1847, as also the reports of Drs. Bright and Southey, Sir James Clark and Mr. Martin, dated December 18th 1848, together with the short-hand-

writer's notes of the examinations held for three days, November 1st, 2nd and 6th 1848, at Mivart's-Hotel, with various other papers bearing on the case of the said David Ochterlony Dyce Sombre. And I say that having maturely considered the foregoing documents both separately and conjointly with my colleagues, in a series of searching interrogatories of the said David Ochterlony Dyce Sombre, held at Mivart's-Hotel and continued at several times between the 6th and 24th of December inclusive, both by day and night, I have had the most ample facility for becoming acquainted with all the delusions (if any such exist at the present time) under which, it was alleged, he still laboured. And I say that it does not consist with experience that persons labouring under delusions of the intellect should be able to conceal such delusions for a length of time under harassing, frequent, and protracted examinations, the delusionist being in fact incapacitated for such an effort by the very nature of his mental affection. That it is quite true, however, that persons labouring under that form of cerebral irritation called by our Pritchard Moral Insanity, and Esquirol, Manie Raisonnante, the perversion of the sentiments, when complicated with delusions, have the full power of concealing them, excepting at the times (often far between) when the perversion is exalted to the pitch of maniacal intensity, but that none of the Referees or Reporters have at any time alleged that the said David Ochterlony Dyce Sombre was labouring under this form of insanity. And I further declare that I was unable to detect any kind of delusion, hallucination or mental aberration whatsoever, and that the grounds of this declaration are set forth more fully and minutely in a joint report or letter, bearing date the 24th day of December 1848, addressed to the Lord Chancellor, and signed by my colleagues and myself, affirming for each and all of us our entire belief and conviction that the said David Ochterlony Dyce Sombre is quite sane of mind and fully competent to the management of himself and his affairs, and consequently that the Commission of Lunacy affecting him, should immediately be suspended; inasmuch as its continuance must in the end be dangerous to his mental and bodily health. And lastly I say, that if the said David Och-

terlony Dyce Sombre were now detained in any licensed house, it would be the duty of the Commissioners of Lunacy to order his instant discharge.

"(*Signed*)

"W. B. Costello."

Lord Combermere, through kind motives, having suggested the following substance of a letter to be sent by my friends to the Lord Chancellor, the following was sent in consequence.

"That Colonel Dyce Sombre never showed the least symptoms of insanity before his marriage; that he is, like most natives of Hindoostan, of a very jealous disposition, and also, though naturally a good-natured and quiet man, passionate when roused, and treated Mrs. Dyce Sombre in a manner quite un-English, though justifiable in Hindoostan when a woman is suspected of infidelity. Some of the under-signed, who are acquainted with Mrs. Dyce Sombre, are of opinion that her manner is, with men, such as to kindle unpleasant feelings in a breast less susceptible than that of the Colonel's.

"The Lord Chancellor is implored by the friends of Colonel Dyce Sombre to make allowance for his conduct towards Mrs. Dyce Sombre, which never could be experienced again by her, inasmuch as the Colonel is determined never to cohabit with her. The object in keeping Colonel Dyce Sombre within the juridiction of the Court of Chancery was (so Lord Lyndhurst informed Lord Combermere) the protection of Mrs. Dyce Sombre—this is obtained by a deed of separation, which the Colonel will at any time sign, and will find security for his abstaining from in any way molesting Mrs. Dyce Sombre, to whom a liberal allowance would be given. As to the competency of Colonel Dyce Sombre to manage

his own affairs, the undersigned know of no person more careful of his money, and more capable of managing his affairs than Colonel Dyce Sombre."

The following Affidavits were filed in the Court of Chancery :

—

Joint Affidavit of

LORD COMBERMERE; LORD DOWNSHIRE; LORD SHREWSBURY; FRANCIS CHARLES KNOWLES, *Bart.*; **V. F. HATTON,** *Vice-Admiral, R. N.*; **EDWARD BERE,** *Major, h. p. 15th Hussars, late 16th Lancers*; **HENRY A. SMYTH.**

Filed at the Chancery Court, London, January 18th, 1849.

" My Lord,

" The undersigned noblemen and gentlemen having heard of your Lordship's order dismissing the petition of Colonel Dyce Sombre for a *supersedeas* of the Commission of Lunacy against him, beg to state that they are informed that the Counsel of Colonel Dyce Sombre were not in possession of most important and material evidence upon that occasion, viz., the unanimous medical report accompanying this letter of the following distinguished medical gentlemen :—' John Ayrton Paris, President of the College of Physicians; Thomas Mayo, M. D.; Alexander Morison, Physician, of Bethlem Hospital; James Copland, M. D.; Robert

Ferguson, M. D.; Wm. B. Costello, M. D., and to that report we implore your Lordship's attention and judgment.

" We positively affirm that Colonel Dyce Sombre never showed the least symptoms of insanity before his marriage; that he is, like most natives of Hindostan, of a very jealous disposition, and also (though naturally a goodnatured and quiet man) passionate when roused, and treated Mrs. Dyce Sombre in a manner quite un-English, though justifiable in Hindostan, when a woman is suspected of infidelity. Some of the undersigned, who are acquainted with Mrs. Dyce Sombre, are of opinion that her manners are such, as to kindle unpleasant feelings in a breast less susceptible than that of Colonel Dyce Sombre's, and should make allowance for conduct towards Mrs. Dyce Sombre, which, in all probability, may never be experienced again, inasmuch as he is determined never to cohabit with her. The object in keeping him under the special control of the Court of Chancery was (so Lord Lyndhurst informed Lord Combermere) the protection of Mrs. Dyce Sombre. This might be obtained by a deed of separation, which Colonel Dyce Sombre would at any time sign, and find security for his abstaining from in any way molesting Mrs. Dyce Sombre, to whom a liberal allowance would be given.

" As to the competency of Colonel Dyce Sombre to manage himself and his own affairs, we do not only refer your Lordship to the accompanying medical report, but we would also respectfully refer you to affidavits filed within the last few days, and assure your Lordship of our firm conviction of his ability to conduct all his pecuniary matters with as much care and discretion as any acquaintance of ours.

" As the friends of Colonel Dyce Sombre and advocates of public justice we should (but for their great length) also beseech your Lordship to peruse the short-hand-writer's notes of the examinations of the 1st, 2nd and 6th of November last, under which the report of your Lordship's medical advisers was made, and by which they affirm the insanity of Colonel Dyce Sombre; and we should trust that in your wisdom and kindness you would contrast those notes with the medical report of Dr. Paris and the others physicians, accompanying this letter, who, your Lordship

will see, are unanimous in affirming their conviction of Colonel Dyce Sombre's sanity and capacity to manage his affairs.

"(*Signed*)

"Lord Combermere;
"Lord Downshire;
"Lord Shrewsbury;
"F. C. Knowles, *Bart.*;
"V. F. Hatton, *V.-A.*, *R. N.*;
"Ed. Bere;
"H. A. Smyth, *Major.*"

The following was enclosed:

—

To the Right Honourable the Lord Chancellor, etc.

"Treasury, Whitehall, January 26th, 1849.

"Sir,

"I consider it due to Mr. Dyce Sombre to state my belief that he never exhibited any symptoms of insanity before he married, and that the painful circumstances which have since occurred, are mainly to be attributed to the excitement caused by the remarkable contrast between his Asiatic habits of mind and the new situation in which he was placed. I entertain no doubt of his being perfectly competent to the management of his affairs.

"C. E. Trevelyan."

Affidavit of Edward Mivart,

The Proprietor of Mivart's Hotel, Brook-street, Grosvenor-square.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, Jan. 8th, 1849.

" I, James Edwards Mivart, the proprietor of Mivart's Hotel, Brook-street, Grosvenor-square, in the county of Middlesex, make Oath and Say, that I knew the above named David Ochterlony Dyce Sombre several years, and that on the eighteenth day of October last he came to reside at my Hotel and has remained there up to the present time. And I further say that from what I had previously heard respecting the said David Ochterlony Dyce Sombre, I was induced to pay particular attention to his habits and demeanour and that from such observation I am enabled to state that from the day of his arrival at my Hotel, as before stated, his manners have been quite orderly and gentlemanly, his address easy and polite, and nothing whatever has occurred during his residence at my Hotel to warrant me in entertaining the slightest suspicion of his being in any way incapable of managing his own affairs. And I further say, that with reference to matters of finance the said David Ochterlony Dyce Sombre has always seemed to be unusually exact, strict and observant, and in the settlement of his accounts with me he has always been minutely attentive to the various items of which they were composed, closely scrutinizing he amount, and with perfect accuracy. And I have had frequent communications with him on different subjects, and on all occasions

he has seemed to me to be clear and collected, expressing his opinions with freedom and candour, and in language indicating the educated man and the gentleman. And I further say that I have not on any of the occasions above referred to had any reason to remark in his looks or manner anything that would denote a wandering of mind or aberration of any kind. And I further say that the said David Ochterlony Dyce Sombre, since his arrival at my hotel, has been very regular in his mode of living and temperate in his habits. And I further say that my attention was especially drawn to the before-mentioned facts relating to the habits of the said David Ochterlony Dyce Sombre, on account of the current rumours respecting him, and my observation from the arrival of the said David Ochterlony Dyce Sombre up to the present time has been such as to leave no doubt on my mind that the said David Ochterlony Dyce Sombre is perfectly competent to the control of his own actions, and possessed of a sound judgment in his own affairs and in the ordinary business of life.

"*(Signed)*

"Ed. Mivart."

Affidavit of Edward Bere,

Late Brevet Major, of the sixteenth Regiment of Lancers, and now on the half-pay of the fifteenth Hussars, residing at Holcroft Lodge, Fulham, in the County of Middlesex.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, Jan. 29th, 1849.

I, Edward Baker Bere, late Brevet Major of the sixteenth Regiment of Lancers, and now on half-pay of the fifteenth Hussars,

residing at Holcroft Lodge, Fulham, in the county of Middlesex, make Oath and Say, that I knew the late Begum Sombre of Sirdhanah intimately during my residence in India, and that I was a personal friend of the late Major General Brown of the Bengal Horse Artillery, and I assisted him in preparing the said late Begum's Will, of which the said Major General Brown was one of the Executors. And I further say that after the Begum's death I acted for Major General Brown in conjunction with the above named David Ochterlony Dyce Somhre as executors to the Will of the said Begum, and that whilst I was so engaged, I paid off many legacies jointly with the said David Ochterlony Dyce Sombre, and had many transactions of business with him, and I always found him a person fully capable of managing his own affairs with prudence and propriety, and in all the conversations and interviews which I had with him, he invariably evinced great clearness of intellect and self-control. And I further say that I have seen the said David Ochterlony Dyce Sombre several times since his return to England in October last, and I have dined with him at Mivart's Hotel in Brook-street, and upon all those occasions I observed no difference whatever in his manners, conversation and deportment from what I observed when I was intimately acquainted with him in India; which acquaintance commenced in the year one thousand eight hundred and twenty eight. And I further say, that judging from my long intimacy with the said David Ochterlony Dyce Sombre, and the observation I have from time to time made of his conduct and sentiments, I decidedly consider him to be a man in the full possession of his mental powers, and in every respect capable of managing himself and his affairs. And I further say that I am aware of the said David Ochterlony Dyce Sombre having been born and bred in India, and that he lived at Dehli, Meerut and Sirdhanah and in the Provinces of Dehli for thirty years and upwards, during all which time he was under the influence of the manners and customs of the East, and he lived according to the habits of the country, where he met with no European society whatever, except with such few persons as happened to be in those parts. And I confidently affirm that no person acquainted with the manners or customs of the East, and

knowing the said David Ochterlony Dyce Sombre as I have seen him from time to time as aforesaid, would for one moment entertain a doubt regarding his perfect capacity to manage his person and affairs.

"(*Signed*)

"Ed. Bere."

Affidavit of

George Augustus Hamilton Chichester, Esq.

Aged 26, Son of Lord Edward Chichester, Dean of Raphoe, and Nephew of the Marquis of Donegal.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, Jan. 3rd, 1849.

I, George Augustus Hamilton, Chichester, Esquire, aged 26, son of Lord Edward Chichester, Dean of Raphoe, and nephew of the Marquis of Donegal, do make Oath and Say, that I met the above named David Ochterlony Dyce Sombre at Naples, in the year 1839, and travelled in his company for a considerable time afterwards all over Italy, Malta and Sicily, during which

time I was almost in hourly conversation with him. And I say that since that period I have been in very frequent communication with the said David Ochterlony Dyce Sombre, and whenever he has been in London I have been on terms of perfect intimacy with him, dining, driving and walking with him frequently and constantly in his society, and during all such periods I have had numerous conversations with him on his pecuniary and family affairs, and likewise on general topics. And I have every reason to believe that I have seen him under every kind of circumstance and have always found him in every way in full possession of his mental powers with perfect self-control over all his actions. And I further say that I am fully satisfied that comparing him with the generality of persons, he is possessed of a larger share of common sense and penetration than commonly falls to the lot of most other men. And I say that at the various hotels and other public places of resort at which the said David Ochterlony Dyce Sombre resided during the periods above referred to, I have always found him most attentive to the hotel charges and able on many occasions to detect various overcharges and attempts at extortion. And I further say that I have also known the said David Ochterlony Dyce Sombre to perform many acts of charity, and before doing so he has requested me to make the necessary enquiries as to the worthiness of the object and the proper employment of the money; and in all his pecuniary transactions, at the same time that I have found him in all respects liberal, I have likewise observed that he displayed much prudence and carefulness in all his expenditure. And I further say that since the return of the said David Ochterlony Dyce Sombre to London in October last, I have been very frequently in his society at Mivart's Hotel, dining with him at different times, and seeing him under various circumstances both alone and in the company of others. And I have made it my particular business to converse with him on all subjects, and more especially on those on which I have heard that the said David Ochterlony Dyce Sombre entertained peculiar opinions; and upon all such occasions I have invariably found him extremely clear and explicit, and manifesting in every respect great control

over his actions and feelings. And I lastly say that judging from the long and extensive knowledge which I have had of the said David Ochterlony Dyce Sombre, I am thoroughly satisfied and convinced that he is in the full possession of a sound mind, and perfectly fit to have the entire management of his own affairs.

"(*Signed*)

"George A. H. Chichester."

Affidavit of Charles Frederick Hancock,

Of no. 39, Mornington-Road, Regent's-Park, and one of the partners of the House of Storr and Mortimer, of 156, New-Bond-street, London, Goldsmiths and Silversmiths to Her Majesty the Queen.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, Dec. 15th, 1848.

I, Charles Frederick Hancock, of no. 39, Mornington-Road, Regent's-Park, and one of the partners of the House of Storr and Mortimer, of 156, New-Bond-street, London, Goldsmiths and Silversmiths to Her Majesty the Queen, do make Oath and Say, that I first became acquainted with the said David Ochterlony

Dyce Sombre, in the year 1840, in my capacity of jeweller and silversmith; and that the first order of dealings between the said David Ochterlony Dyce Sombre and myself, was an order for various wedding presents previous to the marriage of the said David Ochterlony Dyce Sombre with the daughter of Viscount St. Vincent, and that I have heard and believe that a statute of Lunacy was taken out against the said David Ochterlony Dyce Sombre in the year 1843, which induced him to leave this country. And I further say that I again met the said David Ochterlony Dyce Sombre at Saint-Petersburg in the year 1843, at or about which period I had several fresh dealings and transactions with him, connected with my business, in all of which I was unable to detect any act of his, which could create in my mind the remotest suspicion of insanity or weakness of intellect of the said David Ochterlony Dyce Sombre. And I further say that the next meeting between him and me took place in August 1845, at Baden-Baden, the circumstances of which more fully convinced me of the clearness of his intellect and capacity with respect to all business-transactions; and have again seen him at Brussels at the end of that year; and that my next interview with the said David Ochterlony Dyce Sombre was at Mivart's Hotel, in Brook-street, London, in November last, when he made several trifling purchases at our establishment, and also gave several further orders which afforded me frequent and almost daily interviews with him up to the present time; during all of which I anxiously watched and carefully observed every act of the said David Ochterlony Dyce Sombre, when in the act of accepting more important orders which the said David Ochterlony Dyce Sombre spoke of giving, and which I would not have accepted or executed had I entertained the slightest grounds of suspicion of his unsoundness of mind and of his incapacity to conduct or manage himself or his pecuniary affairs with discretion and judgment. And I further say that I am the travelling partner of the house aforesaid, and in that capacity I have visited different countries in Europe, also Turkey and Egypt, in all which I have had mercantile transactions with the people of those countries, and from my various opportunities of observing their manners and cus-

toms I have never detected in the said David Ochterlony Dyce Sombre any peculiarities different from those of the inhabitants of the several countries referred to. And I lastly say that judging from my entire knowledge of and acquaintance with the said David Ochterlony Dyce Sombre in matters of business, I am firmly convinced that he is fully capable of managing himself and his affairs.

"(*Signed*)

"C. F. Hancock."

Affidavit of David Reid,

Late a Captain in the first Regiment of the Bengal Cavalry.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, Dec. 20th, 1848.

I, David Reid, late a Captain in the first Regiment of the Bengal Cavalry, do make Oath and Say, that I have resided for many years in India, where I acted as interpreter to the said Regiment, and that I have been acquainted for some time past with the said David Ochterlony Dyce Sombre, with whom I have been in constant communication from the 21st day of October last up to the present day. And I further say that I have daily passed several hours in the company of the said David Ochterlony Dyce Sombre, at times when he was entirely and altogether off his guard, during which he spoke to me freely and

unreservedly upon his pecuniary transactions, and also on his very painful position, concerning which he evinced a great degree of feeling and sensibility, as will appear by the following circumstance; for I say that having seen the said David Ochterlony Dyce Sombre shortly after he had read the Medical Report, in which it was stated that he "was quite unfit to be trusted with the management of his affairs," he the said David Ochterlony Dyce Sombre evinced a deep sense of disappointment at the nature of the Report, but without any display of anger or passion, and observed coolly and collectedly that "it was now "incumbent on him not to allow himself to be carried away by "his feelings; as what in others would not be considered "insanity would be thought or looked upon as insanity in him." And I further say that I have had various opportunities of witnessing the demeanour of the said David Ochterlony Dyce Sombre, whilst he was investigating and examining lengthened accounts, in which calculation and memory were essential for the arrangement of the same, and on all such occasions the said David Ochterlony Dyce Sombre displayed great perspicacity and mental control as well as in other matters, as appeared by certain deductions made and mistakes detected by him in the settlement of the said accounts. And I further say that I have several times met the said David Ochterlony Dyce Sombre at dinner in society, and am enabled to bear testimony to his gentlemanly and correct conduct and demeanour, which has been in no way different from the behaviour of other gentlemen in the same class of society in which he moved. And I further say that from every conversation that I have had with the said David Ochterlony Dyce Sombre, I have invariably remarked his great retentiveness of memory, and particularly his accuracy in dates, and from these and other numerous circumstances, I am fully convinced that the said David Ochterlony Dyce Sombre is perfectly able to manage himself and his pecuniary affairs.

"*(Signed)*

"David Reid."

I had applied to the President of the Board of Control, who sent no answer; so after receiving the Doctors' Report, I applied to the Premier, to Lord Auckland, who had been Governor-General of India, and to Major-General Galloway, Chairman of the East India Company, for their advice, but they all refused to interfere as the following letters will show.

—

"Downing-street, December 6th, 1848.

"Sir,

"I am desired by Lord John Russell to return to you the report which accompanied your letter of the 1st inst., and to acquaint you, that it is wholly out of his power to interfere with the decision of the Medical Board, which recently enquired into your case.

"I have the honour to be, Sir,

"Your most obedient servant,

"R. H. Grey.

"D. O. Dyce Sombre, Esq."

—

"Admiralty, November 1st, 1848.

"Sir,

"I have to acknowledge the receipt of your letter, and I am sorry that I am obliged to decline to take any part in the matters to which it refers. I could not with propriety interfere in a question which rests upon the authority of the Head of the Court of Chancery.

"I am your faithful servant,

"Auckland.

"D. O. Dyce Sombre, Esq."

"18, Upper Harley-street, November 18th, 1848.

"General Galloway presents his compliments to Mr. D. O. Dyce Sombre.—He thinks that Mr. Dyce Sombre must be mistaken, as General Galloway has not been in Dehli for a great many years, and never commanded a regiment there.—Neither has he any recollection of ever having had the pleasure of seeing Mr. Dyce Sombre in India."

General Galloway commanded one of the Infantry Regiments at Dehli in the year 1831; but since he denies it, it is of very little consequence for me to say anything further on the subject.

On my arriving in Paris I wrote the following letter to the Lord Chancellor:

—

To the Right Honourable the Lord Chancellor.

"Paris, Hotel Normanby, 323, rue St. Honoré,
January 12th, 1849.

"My Lord,

"I have the honour to enclose Your Lordship a copy of a letter of mine to Your Lordship's address, dated 6th of November last, while I was yet in London.—I entrusted it to the hands of the examining Physicians for the sake of delivery, in order that they should send it with their report; but since the report makes no

mention of it, I, to satisfy myself, send your Lordship a copy marked no. 1[1].

"To begin with the report, dated November 18th, 1848[2]. The Physicians first remark: "He gave a different date to this change of opinion from that which he named at Brighton."

"Now, my Lord, this is utterly false. I related this fact in my examinations at Dover in 1846, and not at Brighton, which was the year following; but they (Drs. Southey and Bright) having kept back from their report the statement, they assert here now, that this was first communicated to the Physicians I had called in Paris last year. Will any of these gentlemen deny this? If he does, he must have a brazen face to shew to the world.

"The Physicians further proceed in their reports: "When asked to explain certain allegations made in the affidavits from Brighton, etc."

"Will not the following letter from Lord Combermere prove, that by what I have stated, I had sufficient ground for asserting this, and not what they say, "He mistakes the creation of his own fancy for facts, and acts upon them."

"This letter is to Mr. Mahon, who, your Lordship knows, had charge of my affairs in England.

"His Lordship says, that "if any names were mentioned, they were told in strict confidence;" but having heard this mentioned in the presence of several parties, I never thought, My Lord, that this was said in confidence.—But to come to the point. In either case it cannot be called what these gentlemen wish it to appear, "a delusion which originated from my own brain."

"It would be a grave charge for me to bring against Sir Richard Jenkins for I have no proof of what I am going to state, beyond what I say. It is very strange I should have met Sir Richard Jenkins the very day I was leaving England, after a stay of ten weeks, and that he should have come in the same steamer to Boulogne with myself. We had not met for a number of years, and I thought he made advances for me to speak to him; I avoided; but still, if he wanted only to refute what I have here established,

[1] Vide page 332. [2] Vide page 463.

which he must have seen in the public prints, he could have contradicted it in the same manner or spoken to his friends on the subject, who were on board the same steamer with him.—But this is not all, My Lord, I remained two days at Boulogne, and although my servants had strict orders to guard my baggage, yet in changing the rail-way-carriages, two of my boxes were sent on in a different train, one of them containing some jewellery to the value of several thousand francs, and I have heard nothing of them since. I impute nothing in this against Sir Richard Jenkins than this, that I would not be surprised to hear if he had been the cause of my losing them. I hope the boxes are not lost altogether, but still the circumstances have given me a great deal of annoyance [1].

" The Report further adds, " His conduct with respect towards Lord Ward is most extraordinary."

" Although before entering into answers required by the examining Physicians, I had stated how this occurred, yet I see in their report they have left the explanation out, and have treated the transaction as a piece of hallucination on my part. I shall therefore briefly lay all the particulars of the case before your Lordship for your judgment; which the short-hand-writer's notes will also corroborate, and of which Dr. Southey has a copy, which he took from the short-hand-writer in your Lordship's name."

" In the early part of 1847, while in Paris, I was told that when at Rome, I would meet with the same Lord Ward whom I had known there before; and that I was sure to find difficulties in having the Begum's monument removed, which was now nearly finished; and if so, I could not do better than to employ Lord Ward in having it removed to its destination; which he would undertake, if I made it worth his while, as he was in very low circumstances just then. I went to Rome in December following, and I certainly found difficulties in coming to some settlement

[1] The boxes have never been recovered, though the Police had been informed of the robbery the same day it occurred, and money uselessly spent. I was told of this that it will occur in December last. While I was yet in England, so I cannot say this was accidental, nor there was no one who had not a secret hand in it.

with Tadolini, the Sculptor, about the monument; and also saw the same Lord Ward, or rather, him whom I had taken for Lord Ward some years before; but as I had lost sight of him for years, I waited, until I found him one day alone at a library, when I spoke to him on the subject of the monument. He kept on the incognito, for I had addressed him as Lord Ward; but he considered the offer I had made to him a handsome one, viz. 200*l.*; but observed, since I had no power over these affairs, he would only undertake it, if your Lordship authorized him, or the mannager of the Estate did so. This I did, and Mr. Larkins communicated it to Mrs. Dyce Sombre through her solicitor, Mr. Frere; for Lord Lyndhurst, for some cause or other, had entrusted the finishing of this monument to her care; and this remained in statu quo, until I went over to England in October last; and whilst one day walking in Hyde-Park with a friend to whom I had related this story, he pointed out to me the veritable Lord Ward, and asked me if this was him? I immediately said "No; he is quite of a different make."

"This awakened my suspicions; and when under examination by the Physicians, I related them this story, which also can be testified by the short-hand-writer's notes. Nothing can be more probable than that this might have occurred; but still these gentlemen persist in their grave report, and have made it out a decided delusion. Such are the facts, My Lord, and such were the Physicians, who have reported on my case. Can any of these gentlemen deny that I had not mentioned the whole of this statement before them all? If they can do that, they must have a strange conscience to answer with."

"The Physicians next proceed: "When asked for the ground of his belief, that his sister Mme. S. was illegitimate, his answer was very characteristic of his state of mind."

"There can be no doubt as to the notoriety of this subject, which I shall lay before your Lordship for your consideration.

"It is well-known to many, now living and residing in town and several other parts of England, that Her Highness the Begum Sombre had taken me soon after my birth to reside with her at her palace; and that the two Misses Dyce, who lived with the father,

only came under her care after my mother's death. This occurred in 1820, while I was at school. The Begum gave them a palace to resides in, when their father lost her service; and they were not called into the place where she resided herself, until within a few weeks of their marriage. True it is that she was allowed to remain with the real Miss Dyce as her companion; yet the extraordinary fact of her not being baptized, will throw a great light on the difference of their treatment; this was done within a few days of her marriage; and while both myself and Mrs. Troup were baptized within a few days after our births, yet she was not.

"But all these facts, My Lord, are put beyond a dispute; for in 1843, Sir Charles Metcalfe (who became soon after Lord Metcalfe) who had known our family upwards of 30 years, voluntarily told me, as the last favour he could do as to putting my mind at rest with respect to Mad. Solaroli's birth, that she was an illegitimate child of my father's out of a mistress, and consequently that neither she nor her children could ever be considered, even in case of the other sister's death, either my heirs or next of kin, by our laws of Christianity. Nor does Mr. Prinsep deny this, though stated so in the report; but on the contrary, he asserted the other day in my presence, as well as in the presence of Dr. Paris, President of the Royal College of Physicians, as well as the other five doctors, who have made a second report on my case, and which ere long must have been presented to your Lordship 'that he himself had no doubt of Mad. Solaroli's illegitimacy, as to what he bad heard stated from Lord Metcalfe and others, about my allowing her to be called my sister in the settlement of the 20,000*l*. I had given her. It is true enough, that up to that period, and even later, as just explained, I might have had doubts from the manner in which the illegitimate children are brought up even of some of the European families. I may mention a case of a Col. L..... whose natural children were brought up with the children of his wife, and under her own charge, and of whose respectability there could be no question. But since no positive proof of Mad. Solaroli's illegitimate birth I could come to; but some time after my father told me that she was only a natural

child of his by another mother. It was then too late; for as I had myself been separated for years, I did not take much trouble about it, and thought of it no more, until it became a matter of question, in case I died intestate, who would inherit the property? The above declaration of my father was made in the presence of Sig. Solaroli at Calcutta. Such being the case, it became a very serious question; for it not only throws doubts on my sanity, if not explained as above, but involves the serious question of inheritance. This of course lies heavy on my mind. I implore your Lordship that you will have this thoroughly investigated before yourself, as an act of justice which I am bound to expect from your Lordship's impartiality.'

"For instance, My Lord, I do not see the justice of the proceedings in this; surely there are letters both from Mr. William Byam Martin as well as from Sir Charles Trevelyan, his late assistant, on the subject, but neither of them appear to be in the form of affidavits, and consequently not sworn to. As this is a case of some magnitude, these letters in their present state ought not to be taken as evidence.

"It is a source of great grievance, which I have greatly to deplore, that the solicitor in the case does not produce me all the papers connected with it. He produces me such papers as he thinks proper, and the rest he keeps away. Such being the case, My Lord, I have been obliged to resort to Mr. Mahon again, since the 13th of December last; and therefore I have to beg of your Lordship, that you will be pleased to order that no bills whatever, either for payment of Mr. Rolt, or any other barrister or solicitor (Mr. C. Shadwell as well) should be paid out of my Estate.

"One more observation on the report, and then I have done with it. In the course of their examinations Dr. Southey asked why I did not go to India, and whether I wished to go there at all? I replied that having been now some time in Europe, I should very much wish to revisit India, but that it would be very awkward as well as disagreable to me to go there, with no control over my property; and that if I am not to be heard by the authorities, as the case is here, it would be still more disagreeable.

"To this Dr. Southey said that he would report to your Lordship 'in his way'; what this meant, I could scarcely understand. Dr. Southey prohibited the short-hand-writer from making his notes of this latter part of our conversation, though he allowed the other part to be noted down.

"Such is the Report, My Lord, and such were the Physicians appointed by your Lordship to examine me.

"Thus far, My Lord, the report of November 1848.—I now come to lay some other facts before your Lordship, which you ought to be made aware of.

"First of these, is a meeting which took place between myself and Mrs. Dyce Sombre, at Dr. Martin's in Grosvenor-street, in the presence of Dr. Martin and Sir James Clark. This meeting took place at the earnest request of Mrs. Dyce Sombre herself; and as I took notes of it, soon after my return home, I send them for your Lordship's perusal—(marked no. 2).

"Secondly. I proceed to the partial accounts presented to me by Mr. Larkins. He merely states, that from the 13th of September 1847, to the 13th of December 1848, I had received 8,818*l.* 5s. 0d.; but he forgets that out of this sum 1,500*l.* have been paid in this year's account commencing from the 8th of September last.—But this is not all, My Lord; I have greatly to complain and protest against the accounts not being furnished to me; thus for instance: 8,318*l.* 5s. 0d. as the balance of my unappropriated income; Mrs. Dyce Sombre, by your Lordship's predecessor's order, receives 4,000*l.* more; say 1,000 more spent in pensions and estates in India. Where does the rest go?—My income was 16,000*l.* per annum clear, before any part of my property was invested in Railway shares; since it has, to the extent of 65,000*l.*, been put in Railway shares, they ought to give me an increase of 1,300*l.* more per annum, thus leaving a balance of 4,981*l.* 15. 0 yet to be accounted for.

"This, I trust your Lordship will order, that they should be furnished with all the particulars, and that there should be no deductions on account of any bills, either on account of Mr. Shadwell or Mr. Rolt, or a solicitor of the name of Smyth, whom I employed here, whenever there has been need of affidavits, but

who, instead of settling with me, sends them to Mr. Shadwell for payment.

"Thirdly. The same thing occurred the other day in London. I was ready to pay Dr. Martin's fees, for his attendance at the consultation at the same rate, as your Lordship allowed the other two physicians; for I presume that Sir James Clark is paid by Mrs. Dyce Sombre; but Mr. Shadwell interfered, and the fees were paid out of my estate; what they were, I have never been told. Now, My Lord, your Lordship's orders were, that I was to receive the whole of my surplus income, without any deductions whatsoever, excepting the charges for looking after the property. This is not acting up to the wording of your Lordship's order, dated the 8th of September 1847[1]; for I am thus a loser to the amount of nearly 5,000*l*., without knowing what they are for; nor can they be all for law-expenses[2].

"Fourthly. In order to show your Lordship the encumbrances I lie under, on account of these inquisitions, I send you a copy of an agreement entered into by me with Mr. Mahon, marked no. 3, and an award given by mutual friends, marked no. 4. The agreement will at once show that I had nothing to pay to Mr. Mahon, yet that I thought as he had worked for me, I was ready to pay his actual expenses, and was ready to abide by the judgment of the arbitrators; but strange to say, that though they looked into all the documents, yet they do not give any potent reason for awarding the sum of 2,100*l*. to be paid by instalments to Mr. Mahon out of my curtailed allowances.

"I call them curtailed, for though they may appear large on paper, yet if I am entitled to all, why should I receive a part only?

"Fifthly. Though I have trespassed already too long on your Lordship's valuable time, I have only just one more observation to make. That is, that while I was in London last month, I received some linen, a box of books and a cabriolet sent to me from Mrs. Dyce Sombre's custody; yet I have not received the marble bust of the Begum, nor the signet-ring, nor the two pictures I so

[1] See page 241.

[2] See my explanation at page 245.

much value; out of the rest of the things she has of mine; a list from a copy of an inventary has been furnished her; and your Lordship will be pleased to pass an order on it, as well as give your orders on all the grievances I complain of in this letter, as well as in the one I sent last.

"I have the honour, etc.

"(*Signed*) D. O. Dyce Sombre."

But, of course, as usual there was no answer to it. In fact, the Lord Chancellor said in his recent remarks on my case, that "he never reads my letters," so how I am ever to get justice done to my case, is a mystery that I cannot solve.

PAPER no. 1.

—

Meeting of Mr. and Mrs. Dyce Sombre at Dr. Martin's.

No. 71, A, Grosvenor-street, November 10th, 1848.

Dr. Martin having called for Mr. Dyce Sombre, they both proceeded in his carriage to Grosvenor-street, when we found Sir James Clark waiting for us. On arriving,

Dr. Martin said "Mr. Dyce Sombre has been complaining that he is not well."

Mr. Dyce Sombre—Yes, Sir James; something or other has disagreed with me. I did not sleep the whole of the night after

getting into bed, and after trying to go to sleep. I kept on dragging; my blood felt as if it were on fire, and I was very feverish.

Sir James said, " Do you attribute it to change of air, Mr. Dyce Sombre? Or, as Dr. Bright remarked the other day, it may be from change of fare? "

We then went with Sir James to the room where Mrs. Dyce Sombre was. They were going to retire, when I said, " Now come, come Sir James Clark, this will not do; you and Dr. Martin cannot leave the room until the meeting is finished. " To this Sir James Clark replied, " We will not; we will be in the other room. "

Mr. Dyce Sombre—No, this cannot be; such was not the agreement.

Mrs. Dyce Sombre—Well, I thought you would have been glad to see me after such an absence; come near : be seated closer.

Mr. Dyce Sombre—At your earnest request, Madam, I have come here to meet you, and if you could say anything which would bring matters to an end, I have no doubt it would be agreeable to us both to put a finishing stroke to this disagreeable affair.

Mrs. Dyce Sombre—But I cannot speak so freely as if I were alone with you.

Mr. Dyce Sombre—I do not know why you should not. Sir James Clark and Dr. Martin are, you know, our mutual friends, and there is scarcely anything hid from them.

Mrs. Dyce Sombre—But I cannot : I would rather speak to you alone.

Mr. Dyce Sombre—Well, I dare say Sir James Clark and Dr. Martin will not have any objection to go into the next room, which is an open one, and I will sit so as to be seen by them both, and then you can tell me what you have to say.

Sir James Clark and Dr. Martin having gone into the next room, I took may chair in front of them, Mrs. Dyce Sombre remaining where she was, which just hid her face from their view. She began to talk indifferently about the length of time we had been separated, how I had been, and other little affairs. At last I

broke off the conversation, by saying, " That since at her desire I had come to see her, how comfortable it would be to our own peace of mind if we could come to some terms which would put an end to this disagreeable affair." Mrs. Dyce Sombre asked, " In what manner can it be? I would rather you got better, and that we lived together again. "

I replied, " Do you still expect that? I thought six years' experience would have proved to you the impossibility of such an arrangement. "

Mrs. Dyce Sombre—Are you quite sure?

I said, " Quite sure; I will be here a few days longer; and if you were to turn the subject over in your mind for the last time, it would be of great relief to your own self as it would be to me. We are separated, and therefore you cannot be very happy to be known as a separated woman; could we not come to some understanding about a divorce? "

Mrs. Sombre remarked, " But you are a Catholic? "

I said, " I dare say I could get a dispensation for such an act. "

Mrs. Dyce Sombre—But you ought to see me made comfortable first.

I replied " I thought you were so—the Lord Chancellor had made you so. "

Mrs. Dyce Sombre—I have some things of yours by me; would you like to have them?—I answered, " I should like to have them very much; in fact I have been writing to the Lord Chancellor about them; I am much in want of them. "

Mrs. Dyce Sombre—I have kept them all very carefully, as you will see. I have also your cane, which you got at Berlin.

I said, " Oh, you have got that cane I got at Berlin? I am so glad to hear it: I thought it was lost. "

Mrs. Dyce Sombre—Mr. Clark has sent it to me. I had to advertise for it.

Mr. Dyce Sombre—But you have got it?

Mrs. Dyce Sombre—Oh yes, I have it.

I then said to Mrs. Dyce Sombre, " Since we have met, pray may I ask you, do you remember Lord Metcalfe, Sir Charles Metcalfe as he then was, calling at the Clarendon Hotel where we

were then living?" to which Mrs. Dyce Sombre said "Perfectly well."

I asked her then, "Do you remember my asking Sir Charles to repeat before you what he had told me some days before at Mivart's, about a half-sister of mine, Madam S.[1]?"

Mrs. Dyce Sombre answered, "I do not recollect that, you were talking generally on indifferent subjects with him."

I then said, "But do you not recollect my asking Sir Charles to repeat in your presence what he had stated before to me, alone, at Mivart's?"

Mrs. Dyce Sombre answered, "No, I do not recollect that."

I again said, "Do you not recollect his saying that Madam S. was only a half-sister of mine and not a full one?"

Mrs. Dyce Sombre answered, "He might have said so, but I do not remember."

I said, "Will you take your oath about it that you did not hear him?"

Mrs. Dyce Sombre answered, "No. I will say, that in his general conversation I do not remember hearing him say that."

I then said, "But you will take your oath? that will be sufficient."

Mrs. Dyce Sombre replied, "But I will say that I have heard others say that of her, that she is only half-sister."

I then again reminded her as to the absolute necessity of her coming to some conclusion, and that if she wished to combine Sir J. Clark's name with that of her solicitor I would have no objection to do the same with Dr. Martin and with Mr. Shadwell; and if she could not bring herself to speak to them herself, if she would write out her wishes on paper they would be properly attended to.

Mrs. Dyce Sombre asked me, "What time do you take your walk into Bond-street?" I said, "I generally pass that way, going to Hyde-Park, about this time."

Mrs. Dyce Sombre asked, "If you meet me will you know me?"

I said, "I think it would be better if we avoided such meetings,

[1] On my asking her that question, she said in the hearing of Sir James Clark and Dr. Martin, that she was obliged to deny this.

for if we met and I did not recognize you, it would be an awkward scene.

Mrs. Dyce Sombre said, "But if I only saw you from my window?" I said, "You would make a very ridiculous scene, and therefore you ought to avoid it."

Mrs. Dyce Sombre—But why would you not come and see me yourself, in my apartments?

I answered, "Under the present circumstances I could not; ask these gentlemen, if men and women living separated as we have been for years could do such a thing."

Mrs. Dyce Sombre then said, "I saw Mrs. A. Do you know who I mean?" I answered, "Oh, you mean the person who sold the Valenciennes lace. I remember her asking me, when she was going to London, to give her a note for the purpose of selling her lace; and as I was sitting at a writing table, I remember scribbling a note about her to Miss C. B., merely telling her that if she wanted anything of the kind herself, she had very good things about her, or if she could recommend her to any of her friends."

Mrs. Dyce Sombre said, "I bought myself a bonnet of her."

I then said, "Well Sir James, I think I have heard all that Mrs. Dyce Sombre has to say, and I have given all the advice I could give her, and once more I implore her to give due reflection to the importance of her decision as to us both situated as we are. I must now retire."

Mrs. Dyce Sombre said, "I will reflect, my dear, but I hope you will do the same. You are not kind to me as you used to be."

"(*Signed*)

"D. O. Dyce Sombre."

PAPER no. 2.

—

Copy of Mr. Mahon's Agreement.

"6, Sloane-street, July 29th, 1845.

"My dear Sir,

"In compliance with your wishes, I write an explanation of our agreement and of my acceptance of your voluntary and reiterated proposal, namely, that you will pay me the sum of ten thousand pounds, stating as compensation for all my exertions, trouble and expenses incurred in your affairs; and that same sum of ten thousand pound shall only be payable to me, in case the Commission of Lunacy against you shall be superseded through my instrumentatily and exertions, or that you shall be placed in the uncontrolled possession of your property, and the proceedings already had annulled within or about the 31st of December 1845. And in the course of the proceedings you continue to give me all the assistance in your power. The foregoing is critically the terms of our agreement; and to prevent any mis-understanding, I am of opinion that reducing it to writing will be more satisfactory to both.

"I have the honour to be,

"My dear Sir,

"Your most obedient servant,

"Anthony S. Mahon."

Question from the same.

" In consequence of Colonel Dyce Sombre having in April, 1848, put an end to the agreement of July, 1845, whereby Dr. Mahon was entitled to claim 10,000*l*. as the compensation for his services, risks, responsibilities, and expenses upon the *supersedeas* of the Commission of Lunacy against Colonel Sombre, Dr. Mahon proposes to the arbitrators to estimate the compensation that he is entitled to for his services from July, 1846, to April, 1848, in either of the manners following ;—

" 1. What proportion of the 10,000*l*. is Dr. Mahon entitled to for the increase of income, the re-opening the Commission and the standing obtained in the Court of Chancery, whereby Colonel David Ochterlony Dyce Sombre may, within a short period, supersede the Commission—has Dr. Mahon done one-third, on-half, or three-fourths of the work ?

" 2. What per annum, for three years, are entire services of a Physician or Surgeon of twenty years' standing worth, who devotes himself solely to conduct and manage a suit in Chancery upon which 500,000*l*. depend; to manage, conduct, and obtain the favourable reports of medical men of the first eminence in favour of the party entitled to the said 500,000*l*., against whom a Commission of Lunacy is in force; who has succeeded in obtaining a *locus standi* in the Court of Chancery to supersede the said Commission; and who has succeeded in augmenting Colonel Sombre's income from 60*l*. per week to the entire surplus of his income, after deducting 4,000*l*. per annum, paid to Mrs. Dyce Sombre ?

" A. S. Mahon. "

PAPER no. 3.

—

Copy of Award of the Arbritrators.

Col. D. O. DYCE SOMBRE, and A. S. MAHON, Esq.

Signed and published in the presence of **T. S. BURTON**, *Solicitor*, 10, *Salisbury-street, Strand.*

TO ALL TO WHOM these presents shall come, We Henry Thoby Prinsep of Hyde-Park Gardens in the County of Middlesex, Esquire, and William John Richardson of 68, Gloucester Place in the County of Middlesex, Esquire, send greeting. Whereas by a certain agreement, bearing date the first day of December instant under the hands of Colonel David Ochterlony Dyce Sombre and Anthony Staughton Mahon respectively, after reciting or stating to the effect that the said D. Ochterlony Dyce Sombre and Anthony Staughton Mahon having agreed to abide by the arbitration of mutual friends and to submit to their award for the settlement of all the claims of the said Anthony Staughton Mahon on account

of the proceeding commenced in the summer of one thousand eight hundred and forty-five, and according to the letter of agreement or contract, bearing date the twenty-ninth day of July one thousand eight hundred and forty-five, and all letters written by the said Colonel D. Ochterlony Dyce Sombre subsequent thereto, together with the power of Attorney given by the said David Ochterlony Dyce Sombre to the said Anthony Staughton Mahon, the said David Ochterlony Dyce Sombre thereby named me, the said Henry Thoby Prinsep, as Arbitrator on his part, and the said Anthony Staughton Mahon named me, the said William John Richardson, to act on his behalf, to be the arbitrators of all matters in dispute, while the said David Ochterlony Dyce Sombre agreed to do the same on his part; and if we the said Arbitrators did not come to any final agreement, then they agreed to our calling in a third party, first submitting his name to them, that they might state any reasonable objections they might have to our nomination for their consideration and decision, they the said David Ochterlony Dyce Sombre and Anthony Staughton Mahon agreeing to be bound by the final award of such Umpire upon all points in dispute not previously adjusted and settled; and by such agreement we are bound to make our award upon the claims of the said Anthony Staughton Mahon on or before the twenty-fourth day of December now instant, upon the evidence that might be brought before us by the parties thereto at the several meetings appointed by us; and should either of the parties thereto absent themselves from such meetings, or refuse to attend them, the said arbitrators were nevertheless bound to give their award within the time named upon the evidence which might be brought before them. Now know ye that we, the said arbitrators, having taken upon ourselves the burthen of the said reference, and having been attended by the said parties, and having examined them respectively, heard their respective allegations, and having maturely weighed all the proofs and vouchers made and produced before us, Do award, order and adjudge, that there was at the date of the said agreement of reference due from the said David Ochterlony Dyce Sombre to the said Anthony Staughton Mahon for monies paid and expenses in

bringing the petition and case of the said David Ochterlony Dyce Sombre to a hearing before the Lord Chancellor, and in the course of the proceedings had thereon the sum of six hundred and forty pounds, seven shillings and sixpence, and for services performed by the said Anthony Staughton Mahon for the said Ochterlony Dyce Sombre, including compensation for losses, and all liabilities incurred up to the day of the date of the said agreement, the further sum of one thousand five hundred pounds, making together the sum of two thousand one hundred and forty pounds, seven shilling and sixpence. And we do further award, order and adjudge, that the said David Ochterlony Dyce Sombre shall on the day of the date of this our award pay the said sum of six hundred and forty pounds, seven shillings and sixpence to the said Anthony Staughton Mahon, and that he shall pay or secure to the said Anthony Staughton Mahon the said sum of one thousand five hundred pounds in manner and form following: that is to say, that immediately after the publication of this award, he shall make and deliver to the said Anthony Staughton Mahon six promissory notes or notes of hand for the sum of two hundred and fifty pounds each, and respectively bearing even date herewith, and payable respectively at Messieurs Rothschild and Company's, or at such others Bankers or Agents, as the said David Ochterlony Dyce Sombre may appoint to the said Anthony Staughton Mahon, or order the first of such notes to be payable three months after date, the second at six months after date, the third at nine months after date, the fourth at twelve months after date, the fifth at fifteen months after date, and the sixth at eighteen months after date. Provided always, and we do further award, order and adjudge, that if the said David Ochterlony Dyce Sombre shall neglect or refuse to make and deliver the said several promissory notes, in manner and at the time hereinbefore directed or ordered, then and in such case, the said sum of one thousand five hundred pounds shall be paid by the said Ochterlony Dyce Sombre to the said Anthony Staughton Mahon on the day and at the time on or at which the said sum of six hundred and forty pounds, seven shillings and sixpence is hereinbefore ordered to be paid,

anything hereinbefore contained to the contrary notwithstanding. As witness our hands, the eleventh day of December one thousand eight hundred and forty-eight.

" (*Signed*)

" A. S. PRINSEP;

" W. S. RICHARDSON.

Mr. Mahon's Bill of costs certainly contained some strange items, viz.:—

" To Dr. Mac Manus, on going to Paris, 100*l.*; to Dr. Mac Manus, on his return from Paris, 70*l.* (this gentleman was one of those who went to examine Mr. Dyce Sombre, and made an affidavit in an early application for *supersedeas*); expenses of consultations, preparing petition, amending petition, and number of consultations with Lord Combermere, expenses attending the Court of Chancery, two days' loss of time, fee to counsel; Dr. Copland, 70*l.*; Mr. Shadwell, 20*l.*, and so on. Then, under the head "liabilities," were, " losses upon sale of house property at Brussels, 200*l.*; interest upon loan of 600*l.* for two and a quarter years, 67*l.* 10*s.*; total, errors and omissions excepted, 1,107*l.*, 7s. 6d.

" London, December 6th, 1848."

And the following letter was sent by me from Paris :

—

To Her most Gracious Majesty

THE QUEEN VICTORIA,

ETC., ETC., ETC.

"Paris, Hotel Normanby, 323, rue St. Honoré,
January 24th, 1849.

"May it please Your Majesty,

"Reduced by the extreme severity of the law which precludes my being heard in the Court of Chancery, excepting through interested parties, I claim, as the last resource, Your Majesty's gracious protection on my behalf.

"It is more than five years, and nearly six now, viz., since July 1843, that a statute of lunacy has been taken out against me, and I have been treated as insane, and although I have given repeated proofs of the falsity of these charges, yet neither the late Lord Chancellor Lord Lyndhurst, nor Lord Cottenham, will listen to my just and reasonable petitions.

"I was confined at the Hanover-Lodge, Regent's-Park, for nearly six months, undergoing a very painful and solitary confinement; and after my escape abroad, I was kept 8 months without receiving a single sou out of my income for my support; and what I did receive, was from a person comparatively unknown to me; and even now, though the Lord Chancellor ostensibly allows me the whole of my unappropriated income, after giving Mrs. Dyce Sombre her full allowance of 4000*l.* a-year, being nearly one-fourth of my whole income, and that without any

control of mine over her, yet under the pretence of law charges, there is not less a sum than 5000*l* [1], more that have been deducted from me this last year just now passed.

"Another false accusation, of a fresh delusion has been lately got up since 1847, which, though it has no grounds to be supported by itself, yet as the law is deaf to my complaints, false statements without being on oaths are taken as evidence in the case of Madam Solaroli, who from a notorious fact of being a natural child of my father's, has become all at once a confirmed lawful sister of mine.

"The last report of the Physicians which appeared in the public prints, is at such variance with the one I have obtained since, that I have taken the liberty of enclosing it for Your Majesty's consideration, trusting that Your Majesty will condescend to read it, as a document given by the first physicians in London in my favour, and in contradiction to the statements made by the examining Physicians in November 1848, hoping that it will have its due force and not compel me to acts of desperation under the pressure of which I suffer.

"I have also to beg Your Majesty's attention to the following fact, which has been taken up by Mr. Larkins, the manager of my Estates, without my previous consent, on the claims I had against the East India Company, and which I humbly made over to Your Majesty; he, Mr. Larkins, has sued the Company in their own courts in India in my name, though I have given him notice through Mr. H. T. Prinsep, that I do not consider myself entitled to those claims now, as having been made over to Your Majesty by me.

"Trusting to Your Majesty's gracious consideration to my humble prayer.

"I remain,

"Your Majesty's,

"Most faithful and obedient, humble subject and servant,

"D. O. Dyce Sombre."

[1] Vide page 245.

Her Majesty's Reply.

"Windsor Castle, January 29th, 1849.

"Mr. Anson presents his compliments to Mr. Dyce Sombre, and is commanded by Her Majesty to inform him, that Her Majesty has forwarded to the Lord Chancellor Mr. Dyce Sombre's communication of the 24th inst."

In consequence of my sending the account of my meeting with Mrs. Dyce Sombre, to the Lord Chancellor, she made the following affidavits:

—

Copy of the Affidavit

Of the Honourable Mary Anne Dyce Sombre,

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office in Southampton Buildings, in the County of Middlesex, February 20th, 1849.—Filed, February 21st, 1849.

"In the Matter of David Ochterlony Dyce Sombre, Esq.

"I the Honourable Mary Anne Dyce Sombre, the wife of the said David Ochterlony Dyce Sombre, make Oath and Say I have read an office copy of a statement sent to the Lord Chancellor by

my said husband, purporting to be an account of an interview between us on the 10th of November 1848, at Mr. Martin's. And I say I sought that interview because I love my said husband, and because I longed to see him again, not having seen him to speak to since the month of September 1843. I hoped also that when he saw me after so long a separation, that it might bring him back to what he used to be, and revive the former great affection which he entertained for me before he was placed under restraint, and which he continued to evince afterwards by several of his letters which are set forth in my last affidavit in this matter, and at the last meeting I had with him aforesaid at Hannover Lodge in the month of September 1843. I hoped if I could bring back his former feelings for me, that I might be the means of happily disengaging him from his enemies and my enemies, who have for so many years been making a prey of him and causing his destruction both of body and mind. I was bitterly disappointed indeed, but I had no idea that the particulars of that meeting (which took place with the sanction of all the physicians appointed to examine him after they had concluded the examination of my said husband) would be made public as it has been, by means of my said husband's memorandum of it sent by him to the Lord Chancellor, and which demands some remarks from me. That memorandum is incorrect in several particulars, but I shall only mention such as appear to me important.—When my said husband came into the room, I went up and endeavoured to take hold of his hand, and said "Friendy, ain't you glad to see me?" He said "No" and pushed me away[1]. When I asked my said husband to come closer, it was because he had placed himself so far off; I only asked him to come within convenient speaking distance. In reply to the question by my said husband, as to whether I remembered his asking Sir Charles Metcalfe to repeat before me what he had told my said husband some days before at Mivart's, and whether I recollected Sir Charles saying that Madam Solaroli was only a half-sister of my said husband's, I say I did not answer in the evasive manner imputed to me in

[1] I refer to Dr. Martin and Sir James Clark for the truth of this.

the said Memorandum ; I answered both questions distinctly and decidedly in the negative ; and my said husband seemed quite content and said after each answer "that will do" "that's sufficient ; and to the best of my recollection and belief he put no further question on the subject beside the two I have referred to. He did not ask me whether "I would take my oath". And I say that Sir Charles Metcalfe never did on any occasion in my hearing state anything whatever with respect to Madam Solaroli's being only a half sister of my said husband's, or anything of the like purport or kind whatever. And my said husband frequently conversed with me on the subject of his family, and I never before the occasion of this meeting heard from him one word which could lead me to suppose that he believed Madam Solaroli was not his full sister, or was illegitimate, or that either sister was in any respect differently circumstanced in point of relationship to the other, and my opinion is, that if he had entertained such belief whilst with me, he would have named it. I never said in reply to my said husband's proposition of a divorce : "But you ought to see me made comfortable first" because I never entertained the idea of a divorce. One material circumstance my said husband has omitted altogether. In the course of conversation I said "Friendy, some one has been making mischief between us or has endeavoured to prejudice you against me" or words to that effect. He said "you might have known that when we were together, or when I was with you" or words to that effect. I said "The Combermeres" to which he made no reply. And I further say I have read the office copy of a document purporting to be a letter addressed by several noblemen and gentlemen to the Lord Chancellor on the subject of the Commission upon my said husband, which letter is dated the 18th day of January 1849, and mentions some very injurious opinions as to my behaviour entertained by some, but not stating which, of these noblemen and gentlemen ; and some remarks upon the supposed nature of my husband's mental state and his conduct towards me, founded upon an assumed knowledge of the disposition of the natives of Hindoostan, justifiable when a woman is suspected of infidelity, and volunteering some advice to the Lord Chancellor as to the treat-

ment of Mr. Dyce Sombre. This letter was sent privately to the Lord Chancellor without notice to me or my advisers. The noblemen and gentlemen by whom it appears to be signed, are : first Lord Combermere—second Lord Downshire—third Lord Shrewsbury—fourth Sir Francis Charles Knowles—fifth Major Edward Bere—sixth Henry A. Smyth—seventh Vice-Admiral Hatton ; and a post-script is added, signed by eighth Sir C. Trevelyan—Sir Charles Trevelyan apparently does not coincide in the statements of the other noblemen and gentlemen ; he merely repeats an opinion which he entertained several years ago and relinquished, as I and others believed after having had occular proof of my poor husband's delusion. Of the other seven, Lords Donwshire and Shrewsbury have certainly never been in India, I believe, and can personally know nothing about the Indian disposition which they treat of so confidently except from hearsay. I have no means of ascertaining who Henry A. Smyth is. I have learnt that my husband employed an attorney named Smyth in Paris, and there is a brother of the Princess of Capua and Lady Dinorben named Smyth, who had, I believe, some slight acquaintance with my said husband, but I do not know either of these persons, nor any one of the name of Henry A. Smyth myself, and I feel sure no person of that name knows me. I have not the least personal acquaintance with Major Bere, Admiral Hatton or Sir Francis Knowles, and never heard of the two latter at all, or the former, excepting by seeing his name attached to a letter addressed to my husband, which appears in the *Globe* paper of the 20th of December last, and can very safely affirm that they know nothing personally of me. Whether Lord Shrewsbury's signature refers to the remarks upon the disposition of the natives of Hindoostan, or the imputation upon my manner, I do not know. The acquaintance I have had with Lord Shrewsbury and his family, though slight, has been of such a kind, that I can hardly believe it should have existed if His Lordship held the opinion of me this letter implies. The last time we met, was in 1844 when Lady Shrewsbury being at the Clarendon Hotel, asked me to spend the evening with Lord Shrewsbury and herself alone. Since that time I have lived

in such complete seclusion, that His Lordship (no more than people in general) can have had no opportunity of forming an opinion about my manner. Lord Downshire I saw once when he was Lord Hillsborough many years ago, and I found him sitting in the drawing-room of Mrs. Watt Smyth with her and her daughter on occasion of a morning call; he was the only gentleman in the room. I remember it perfectly, and am pretty certain we were not even introduced. Since that time I have not seen him to the best of my recollection and belief.—It is possible I may have been in the room with him without seeing him; but I am not aware of it. And in the firm conviction supported by these facts, that six out of these seven noblemen and gentlemen cannot for a moment pretend to know anything personally of me, good or bad, I am justified in affirming that Lord Combermere who, in the letter addressed by him on the eighth Dec. 1848 to Mr. Mahon, suggested this aspersion on my character, is the sole authority for the opinion said to be entertained by some of them to my disadvantage. As to the opinion itself, I can only say that I have neither in thought or intention nor knowingly in manner offended against the strictest rules of propriety. I must leave it to others who are better judges than myself, to speak as to my manner. But that Lord Combermere has misrepresented me from interested motives and personal hatred, is undoubted. Lord Combermere's family and my father's were never intimate; it has been already stated in a previous affidavit, and never contradicted, that His Lordship wished Mr. Dyce Sombre to marry a relative of His Lordship's own. And that Mr. Dyce Sombre's intimacy with Lord and Lady Combermere was a source of great unhappiness to me after my marriage, as he generally returned home irritated and excited against me after being with them, and which I have detailed more fully in my affidavit of July 31st 1846. And I solemnly believe that the said Lord and Lady Combermere hastened on and have materially assisted in confirming his insanity. Lord Combermere advocated and sanctioned my husband's being put under restraint; on my said husband's escape abroad, he turned round and swore solemnly to his complete sanity; he endea-

voured to bring about a separation by means of threats and other inducements; he has calumniated and misrepresented me wherever he could gain a listener, whilst he carefully avoided in affidavits any direct appearance of hostility; and now at last he invents, and in concert with Mr. Mahon executes a private suggestion to the Lord Chancellor, having the appearance but not the substance of authority, to the effect that my manners justify the horrible suspicions of my husband against me, which by decision after decision of two successive Lord Chancellors, after the fullest investigation and the testimony of so many physicians of eminence in this country, have been decided to be the pure result of insanity, and without any foundation in truth; and of this most unmanly attack no trace whatever appeared on any of the affidavits filed in the Court; it was discovered, by an accidental application for other papers which had been sent privately to the Lord Chancellor. I conclude by stating that the following is a true copy of a letter in the hand-writing of Lord Combermere, addressed to and received by my said husband:

"20, Cumberland-street, July 7th.—My dear Sumroo.—I have just made a purchase of an estate (within mine) at Combermere, and wish to know if you can accommodate me with a loan (on my bond) until my Indigo is disposed of.—The loan I require is a lakh of rupees (10,000*l.*) for which I will give the interest which you receive for money in the funds; you can let me know to-morrow if it will be convenient to you to accommodate me. — Believe me ever very sincerely yours— Combermere."

And that Lord Combermere has benefitted largely by presents from my husband[1]. And I entreat due consideration to the character and avowed objects of Mr. Mahon, the Correspondent of, and instrument used by Lord Combermere; to whom also in the said letter of Lord Combermere dated the 8th December 1848, is addressed this passage: "I am glad to find you are likely to

[1] I have never made any presents to Lord Combermere. If there have been any, they have been more in the nature of curiosities, than things of intrinsic value.

have your just claims settled" alluding doubtless to large sums of money which my husband has been induced to promise this Mr. Mahon if he succeeded in an object which he must have known, could only be successful through fraud and misrepresentation.

"(*Signed*)

"M. A. Dyce Sombre."

Declaration of Lord Combermere.

"Combermere Abbey, February 27th, 1849."

"Having received by this day's post a copy of an affidavit of the Honourable Mrs. Dyce Sombre, in which she states that in the year 1839 I asked Mr. Dyce Sombre for a loan of 10,000*l*. I reply that in the year 1839, prior to Mrs. Dyce Sombre's marriage —having purchased a small farm, and being at that time raising money at 4 per cent. to pay off mortgages bearing 5 per cent. interest—I wrote to Mr. Dyce Sombre to ask if he could advance 10,000*l*. Mr. Dyce Sombre informed me he could not do so, having no money in England at that time, and there the thing ended. I never had, either before or after that period, any money transaction with Mr. Dyce Sombre; my solicitors, Messrs. Frere, of Lincoln's Inn, raised for me that and further sums, which enabled me to reduce the interest of all the mortgages upon all my

Cheshire estates from 5 per cent. to 3 3/4 per cent. per annum."

"2. I deny having ever prejudiced Mr. Dyce Sombre against his wife. Upon that gentleman consulting me prior to his marriage, and having requested me to give him Miss Jervis's character, etc., I told him that I knew Miss Jervis, having met her at the Dowager Lady Coote's; that I thought her a very talented and a most agreeable person; and that I believed her to be a young lady of unblemished character; but at the same time I strongly recommended him not to think of proposing marriage to Miss Jervis or to any other young lady in London until he had been some time in England and had got rid of all his Asiatic notions, etc., respecting women and the treatement of wives—and further, that he should wait until he had learned the English custom of considering and treating the fair sex. After Mr. Dyce Sombre's marriage with Miss Jervis, I gave him (whenever he consulted me) the best advice as to the treatment of his wife, and repeated upon those occasions what I said to him before his marriage, namely, that he must conform to the customs of this country, and treat his wife according to them.

"3. It is stated (I am given to understand) in one of Mrs. Dyce Sombre's affidavits, that I was anxious that Mr. Dyce Sombre should marry one of my daughters. My eldest daughter was then married to Lord Hillsborough, and the other was a child.

"(*Signed*)

"COMBERMERE."

Copy of an Affidavit of the Honourable Mary Ann Dyce Sombre.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, March 2nd, 1849.—Filed, March 3rd, 1849.

In the Matter of David Ochterlony Dyce Sombre.

I, the Honourable Mary Ann Dyce Sombre, the wife of the said David Ochterlony Dyce Sombre, make Oath and Say that shortly after the Commission of Lunacy had been issued against my said husband, and the Inquisition had taken place, that Lord Marcus Hill called upon me at the Clarendon Hotel, and he informed me that Mr. Trevelyan, now Sir Charles Trevelyan, one of the Secretaries of the Treasury, had spoken to him upon the subject of Mr. Dyce Sombre's state of mind; that Mr. Trevelyan said that Mr. Dyce Sombre was not insane, and that what had been mistaken for insanity was in fact mere Indian fancy or Indian prejudice arising from Mr. Dyce Sombre's Asiatic birth and education. I say that Mr. Trevelyan and Mr. Dyce Sombre, however intimate they may have been in India, of which I am unable to give an opinion, were decidedly not upon intimate terms in this country. I never saw Mr. Trevelyan in my life, and to the best of my belief I never heard Mr. Dyce Sombre mention his name, excepting with regard to his election at Sudbury, when I understood from Mr. Dyce Sombre, that Mr. Trevelyan was one of the persons who assisted him in getting into Parliament. It is impossible that Mr. Trevelyan could have often seen Mr. Dyce Sombre since my

marriage, that is to say during the time we were together, as I must have been aware of it, from the fact of Mr. Dyce Sombre being almost always with me. I referred Mr. Trevelyan through Lord Marcus Hill to Sir James Clark, who was then attending Mr. Dyce Sombre; and also to Mr. Frere, at the same time assuring Lord Marcus Hill that these gentlemen would afford every facility for Mr. Trevelyan's seeing Mr. Dyce Sombre. We were indeed very desirous that Mr. Dyce Sombre's friends should visit him, believing that the seeing him might be of service to him; and several of them had at my request called among them Lord Marcus Hill himself; but with the exception of two or three persons, Mr. Dyce Sombre refused to admit any one. I was afterwards informed (I believe by Lord Marcus Hill), that Mr. Trevelyan declined the offer I had made him, of visiting Mr. Dyce Sombre. I heard no more of Mr. Trevelyan until three or four weeks afterwards, when Mr. Martin (who was attending Mr. Dyce Sombre at his own request in the absence of Sir James Clark, who was out of town) called upon me, and stated that Mr. Trevelyan had been with him that morning to consult with him about, or to read to him a Memorial which he had presented to the Court of Directors calling upon the said Honourable Court to interfere on Mr. Dyce Sombre's behalf, who was, as Mr. Trevelyan alleged, unjustly placed under restraint. To the best of my recollection I believe that Mr. Trevelyan was not aware that Mr. Martin was attending Mr. Dyce Sombre when he called upon him. Mr. Martin informed me that he invited Mr. Trevelyan to accompany him to Hanover Lodge, where Mr. Dyce Sombre was living; that Mr. Trevelyan saw Mr. Dyce Sombre, and was so entirely convinced of his insanity, that he expressed his thanks to Mr. Martin in warm terms, for having (as I understood Mr. Martin) saved him [1] from exposing himself. Mr. Martin informed me that Mr. Trevelyan said he should immediately withdraw the Memorial he had presented. Mr. Trevelyan was afterwards desirous of obtaining a copy

[1] I remember Mr. Trevelyan proposing to me to withdraw some assertions I had made against Lord St. Vincent; and on this he said he would withdraw his letter to the Court of Directors, which he had written in my favour.

of the said Memorial and has applied for it to Mr. Melville, the Secretary of the Court of Directors, but Mr. Melville declined giving a copy of it. I heard no more of Mr. Trevelyan until after Mr. Dyce Sombre's escape to Paris; and I then was informed that he was again interfering in Mr. Dyce Sombre's affairs. About the same time, which must have been late in the year 1843 or early in the year 1844, I was waited upon by a cousin of mine, Mr. Rickets of the Treasury, who stated to me, that Mr. Trevelyan had been speaking to him about Mr. Dyce Sombre's affairs, and in particular about the marriage settlements, of which he, Mr. Trevelyan, appeared to entertain some strange notions; among others, that he understood there was a clause in the said settlements in case of separation, by which a large allowance was settled upon me in case of such separation. I referred Mr. Trevelyan through Mr. Rickets to Mr. Frere, who drew the settlement for Mr. Dyce Sombre, in order that Mr. Trevelyan's misapprehension upon this subject should be dispelled. I understood from Mr. Frere, that Mr. Trevelyan did call upon him. I some time after this heard from Mr. Frere, that Mr. Trevelyan had sent his solicitor's bills to him for payment for the expenses incurred by Mr. Trevelyan in his interference in this suit. Mr. Frere at the same time informed me that he at once returned the said bill to Mr. Trevelyan, with an intimation that if he (Mr. Trevelyan) considered anything to be due to him, that he must apply to the Lord Chancellor for the settlement of his bill. I never heard anything farther of Mr. Trevelyan, until I saw his affidavit of February last, to which is appended the Memorial he had presented to the Court of Directors, before he had given himself the opportunity of seeing Mr. Dyce Sombre, and withdrawn it after he had seen him, and brought it forward again on the present occasion with the admission (after an explanation had been called for by the Lord Chancellor) that he had never seen Mr. Dyce Sombre since he paid him the visit at Hanover Lodge, which was the occasion of the Memorial in question being withdrawn.

"*(Signed)*

"M. A. Dyce Sombre."

The statement given by Mrs. Dyce Sombre in her affidavit, where she says: "When my husband came into the room, I "went up and endeavoured to lay hold of his hand, and said: "Friendy, a'nt you glad to see me?" He said 'no' and push- "ed me away" is utterly false. After what has already been stated, it strikes me that it is of no importance to take notice of such a transaction; yet for the sake of truth, and the ill-feeling with which it has been dictated by those who have taken part in these proceedings, I appeal to Sir James Clark and Dr. Martin, who were present all the time, if such was the case. On entering the room, I took Mrs. Dyce Sombre for Mrs. Martin, and I approached her with the intention of shaking her by the hand. Mrs. Dyce Sombre remained seated on her chair, but extended her hand towards me, when finding my mistake, I explained it to her, and took my seat next hers. So when she is reported to have said, that I pushed her away, it is quite false.

The Lord Chancellor in his remarks says, my friends ought to have had some persons with them in the same room with me, when I was examined. His expression was when the Counsel argued "that His Lordship thought that Mr. Dyce Sombre's "advisers would have acted with more judgment, if instead of "procuring these affidavits (of medical men it is presumed) they "had applied to have other gentlemen present at the original "examination, or asked for a new one at which some of the "referees might have been present." How could this have been known to us, except to professional men? In 1847, when I was examined at Brighton, the Marquess of Downshire went with me, one day when the examination was opened, he was distincly told by Drs. Bright and Southey, that he could not stay there, on account of the Lord Chancellor's special orders to the contrary effect.

Then come the speculations, as they are styled, of Mr. Goldsmith's. These in reality are nothing; the man is dead, and his father-in-law, Lord Lyndhurst, is no friend of mine; so it cannot be said that I speak from interested motives. On my arrival in Paris in 1843, I found him a very obliging man. I saw

him frequently, and he once went for me to England; I of course paid his expenses, but beyond this I never gave him a sixpence in my life, nor, I suppose, would he have expected it.

I never knew Mr. Frere until he was introduced to me by Lord Combermere, and I certainly was very much deceived in him; it was he who drew out the marriage settlement. My instructions were in the presence of Dr. Drever, that in case of my dying before my wife, she was to receive 4000*l.* a-year, barring her other claims as a widow, and 300*l.* during my life for pin-money. When the papers were brought to me, they were so voluminous, that I asked my friend, Dr. Drever to look them over. He said he would; and when he had done that, I first looked over a few pages, and then they were signed in the presence of Lord and Lady Saint-Vincent. But now I am told, that instead of barring her from a widow's share, for which she had received the handsome sum of 4000*l.* a-year, Mr. Frere has left out that passage completely; in this case, both he and Dr. Drever have deceived me throughout. But this is not all. I having appointed Lord Combermere, Dr. Drever and Mr. T. Fitzherbert on my part, as trustees of this settlement, and Mrs. Dyce Sombre having Lord Lonsdale (then Lord Lowther), Mr. T. H. Parker, her uncle and her brother Edward S. Jervis on her part, it was decided that the investment of the settlement should be left in the hands of Messrs. Coutts and Co., London bankers. —Of course I fulfilled my part of the agreement in signing letters for the Government agent, and wrote private letters besides to Major P. Craigie, the Deputy Adjutant-General at Calcutta, who was a friend of mine, to superintend the transferring of this—and so did Dr. Drever write to his friend Mr. Finden, superintending surgeon at Calcutta also. But by some means or other, not less a sum than 8,000*l.*[1] were wanting, when

[1] A Bill on London was dishonoured for 3,000*l.*;—Kept by Major Craigie, and Mr. Finden, 4,000*l.*;—In the hands of Mr. Finden exclusively, 700*l.*;—Beside other little items, and loss of interest on upwards of 140,000*l.* for several months.

I was put under restraint, and since that I am not allowed even to look into the accounts, and Major Craigie unfortunately is dead.

But the reports are, that large sums out of this settlement have been lent to different parties by Messrs. Frere and Messrs. Coutts and Co. How far they are true, I have no means of ascertaining; for if I write to any of them, they tell me that they left it in the hands of Messrs. Coutts, while I was my own free agent; but that since the Commission of Lunacy sat, the Lord Chancellor has put it into the hands of Mr. Larkins, late of the Bengal Civil Service to whom I have several times applied, and the letter inserted at page 96 is his last answer:

It is not true that when I returned from Lord and Lady Combermere, I used to show uneasiness to my wife; for they never persuaded me to leave her, or gave any advice, one way or the other. It is impossible to understand Mr. Bethell's motives in saying that no woman would have done more for me, than my wife had done. It is false, and I give it as a falsehood. I have never said so, nor could I have meant it. I say the same, of the imputation thrown on me by the Counsel, who has no reason to believe it so, that I have gone on my knees to beg her pardon. For what? It may all sound very well in Mr. Bethell's mouth, before those who are unacquainted with the case, but I appeal to Lord St.-Vincent and Lord Marcus Hill, who know every circumstance connected with this case, during the whole period of our being together, if such a thing ever occurred.

What has been stated in the papers, that Mr. Goldsmith used to give large parties to meet me at his house, is also totally false. When I have dined with him, it has been invariably alone; and if he has sent in bills for such false parties to be paid out of my Estate, they could not have been paid without the sanction of Lord Lyndhurst, who was Chancellor at the time, and Mr. Goldsmith's father-in-law.

In what way does Lord Shrewsbury deny the statement he has been signing? This has not been made out either by Mr.

Bethell or Mr. Rolt. Then there is a curious letter of his Lordship to Lord St.-Vincent, which is as follows:

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Copy of a Letter

From the Earl of SHREWSBURY,

To Lord St.-VINCENT.

"Torquay, February 20th, 1849.

"My dear Lord,

"In reply to your favour of the 18th, I beg to say that a document was sent to me, as it now appears, by the Solicitor engaged by Mr. Sombre, without any notification of its purport. It came with attestation of five or six physicians in favour of Mr. Dyce Sombre's sanity. It bore the signature of Lords Combermere and Downshire. After an interval of some weeks, not having paid any attention to it, I received a note from a Solicitor engaged on the part of Mr. Dyce Sombre requesting me to sign it. I read it over in great haste, and seeing the signatures already attached to it, I signed it, with far less attention than I should otherwise have done, and forwarded it to its destination. I can most safely say that I have no recollection whatever of the expressions you now quote, nor had I any other idea but that I was acting in the usual course of things and merely requesting the more particular attention of the Lord Chancellor to the document which accom-

panied it and which was to be the *Evidence* on which Mr. Dyce Sombre's Counsel relied. Having known Mr. Dyce Sombre at Rome, and having frequently met him in society there, having often received him at our own house, having had him on a visit to us at Alton Towers, and having *subsequently* received acts of especial kindness from him, I thought I could not do less than recommend this certificate of the Physicians to the especial consideration of the Lord Chancellor when requested to do so on his part, and, my dear Lord, I beg to repeat, this was the *sole* object I had in view, nor would I have signed it at all, had I have known it to have been out of the ordinary course of things; still less had I noticed the expression you name, for the last thing I should have thought of denying was to give *Evidence* either one way or the other in this very delicate matter. I well knew that the question at last would be decided by the Chancellor without bias or party consideration of any sort, and therefore it was also that I was the less particular than I might otherwise have been in signing a Document which I considered to bear so distinctly upon the real merits of the case, and which must at last be governed by a scrutiny with evidence and opinions of the medical men.

"I trust your Lordship will be satisfied by this explanation, that I had not the most distant idea of casting the slightest reflection upon Mrs. Dyce Sombre, and of whose manners in society, as you justly observe, we have had so little opportunity of judging, more especially in reference to her husband, never having once seen them together.

"Pray excuse the haste in which this note has been written, but your messenger waits to return by the Express Train, and which is very shortly starting.

"Believe me,

"My dear Lord,

"Very truly and faithfully Yours,

"(*Signed*)

"SHREWSBURY."

It is strange, that Lord Shrewsbury should have written this letter after signing the statement sent to him by Lord Combermere, the same occurs in a communication made to him by Lady Cottenham, wherein she told Lord Shrewsbury in speaking of me that "surely he must be mad to write to me a letter, offering "to settle 1,500*l.* a-year on me, if the Chancellor gave a favour-"able verdict." I am sure Lady Cottenham believes this letter to be true, or she would not have made this remark, but I can say on oath, that I never sent to Lady Cottenham any letter.

As to my acquaintance with Dr. Martin, it has been very slight, though I had great confidence in him, for on staying in Calcutta, in 1836, on my way to Europe, I had a letter from General Cartwright to his address; but being in good health, I never had occasion to employ him in his profession, but on Sir James Clark leaving me to accompany Her Majesty, I asked him to supply Sir James Clark's place in 1843, which he did for a few days, as he used to be put on railways committees, but on my making choice of him, in 1848, I was quite deceived—How far he acted up to what he undertook, will be best shown by his affidavit; how he has betrayed my confidence will be best shown by what he says.

However, before I left London, I asked him, how he came to act in the strange manner he had done and deceived me; he wrote the following note:

—

"Grosvenor-street, November 23rd, 1848.

"Sir,

"In reference to your note of yesterday's date, I have to say, that it is not my habit to prefer claims against any person for professional services.

"On the other part of your note I have only to observe that under your present legal disabilities, I am precluded from hold-

ing you responsible for your words or acts.—Any further communication you may think proper to make to me must therefore be through and by your solicitor.

"I have the honour to be,

"Sir,

"Your obedient humble servant,

"J. R. Martin."

Affidavit of James Ranald Martin, Esq.,

Of Lower Grosvenor-street, in the County of Middlesex.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton Buildings, in the County of Middlesex, Feb. 20th, 1849.

In the matter of David Ochterlony Dyce Sombre, Esq.

I, James Ranald Martin of Lower Grosvenor-street, in the County of Middlesex, Esquire, make Oath and Say that I was up to the year one thousand eight hundred and forty, and for twenty-two years and upwards preceding, a medical officer in the Bengal army, during twelve years of which time I was in private and public practice in Calcutta, in the East-Indies, and during ten years of

that time I filled the situation of Presidency surgeon and surgeon to the native Hospital at Calcutta, and during the whole of my residence in India I was extensively employed both among the European residents and natives, and since my return to England I have been in extensive practice as a consulting surgeon in London. And I say that very few European men have had the same opportunities I have had of becoming acquainted with the interior of the native houses as well those of Mahomedans, Hindoos and Christians. And I say that I am the consulting surgeon appointed by the order of the Lord Chancellor in this matter, dated the ninth day of August one thousand eight hundred and forty-eight, in the nomination of the said David Ochterlony Dyce Sombre to attend on his behalf the examination as to his state of mind by Drs. Southey, Bright and Sir James Clark. And I say that the said David Ochterlony Dyce Sombre in the month of November one thousand eight hundred and forty-eight before such examination, consulted me professionally for a derangement in his bowels, and on my questioning him as to the probable cause he hinted in a mysterious way that much disorder was caused by something injurious put into his food, and stated that he had mentioned it to Mr. Mivart, the master of the hotel in Brook-street where he then resided. And I say that on my questioning the said David Ochterlony Dyce Sombre on the improbability of his food being drugged, he said: "You know how easy it is to put Datoora and other things into food, you must know these things are done in India," or words to that effect, and at the same time extending his arm as if in the act of dropping something from his hand into some vessel. And I say that Datoora is a species of Stramonium, a narcotic poison used by the natives of India to intoxicate and to poison. And I say that on my further reasoning with the said David Ochterlony Dyce Sombre that there was no one likely to do such an act, he mentioned Captain Troup and Signor Solaroli, and Mr. Frere as persons likely enough to do it. And further on my asking if anything of the kind had ever happened to him before, the said David Ochterlony Dyce Sombre stated that he had been ill at Brussels on his return from Russia, and

attributed it to his food having been poisoned, and mentioned Mr. Frere, Captain Troup and Signor Solaroli as having of themselves, or through their emissaries, who were always following him, caused this drugging of his food. And I say that I considered this interview as very material for the consideration of Drs. Southey, Bright and Sir James Clark, and mentioned it to them, but upon our examination of the said David Ochterlony Dyce Sombre, he would say nothing about it, and therefore at the request of my said colleagues I saw the said Mr. Mivart to question him thereon, and the said Mr. Mivart informed me that the said David Ochterlony Dyce Sombre was immoderate in his eating, taking animal food largely at dinner, and also late at night, turtle soup, etc., and also in drinking, consuming much brandy in the course of each day and night, besides wine, and the said Mr. Mivart admitted that the said David Ochterlony Dyce Sombre had questioned him Mr. Mivart about his food, and had cautioned Mr. Mivart to be particular in the preparation of his food. And I say that I have read the office copies of a paper purporting to be a report on Mr. Dyce Sombre's state of mind by Drs. Paris, Mayo, Morison, Copland, Ferguson and Costello, dated the twenty-fourth of December one thousand eight hundred and forty-eight, and a paper purporting to be copies of three letters referred to in the said report, two from Lord Combermere to Mr. Mahon, dated the 20th day of December, 1848, and the said report appears mainly to have relied on these letters. And I say that the said report and letters appear to me such as may be set aside as groundless. They are founded on misapprehension of facts, as appears from the affidavits, and an unacquaintance with the Asiatic character. On the subject of his sister Madam Solaroli's legitimacy no such mistake could arise from the domestic arrangements of an Indian family any more than in an English family. The natives of India[1] do not live in such a state of promiscuous concubinage in their own homes as to render the parentage of the children a matter

[1] But ours was not a native family. Dr. Martin appears to speak more of the Bengalese in Calcutta, than of those I have been explaining.

of doubt; on the contrary, their homes are regulated with a strict and most decent etiquette. The wives, like women in general, are jealous of their marital privileges. They have their separate apartments and maintain a pretty strict watch over their slaves, towards whom the husband is obliged to practice great reserve. The children of the dancing girls (who are as it were the licenced common prostitutes and not the domestic servants or slaves) are looked upon with great scorn, and commonly called by an opprobrious name, meaning child of a prostitute, though some (as have bastards in Europe) may have held respectable or eminent positions in the world. Concubines are little different from wives, and cannot be taken and repudiated at pleasure, but even their children are treated on a different footing from the issue of the lawful wife in Mahomedan and Hindoo families. The real difference as respects children is in the law and not in the domestic habits or customs. In Christian families there are no such things; one remarkable instance of this unacquaintance appears in the said report, wherein it is incidentally mentioned that incest is common in India. This is notoriously not the case. The greatest constraint is observed in the intercourse between the nearest blood, relatives of different sexes. Incest is universally considered among the respectable natives as a crime of the most shocking and detestable kind, is forbidden by their laws, and is as rare among the well conducted, whether Hindoos or Mahomedans, as in Europe. Indeed in the matter of chastity and personal purity the respectable natives of India are equal to the same class in European countries. Again on the subject of Mr. Dyce Sombre's jealousy, the Indian character in this respect is altogether mistaken by the said report. The natives of India are a remarkably reasonable, placid, temperate people, and not at all liable to furious excesses of jealousy or other passion. Neither are they so foolish as to apply the same rules of conduct to women in totally different circumstances. The women of the lower class go about with their faces uncovered and mix with the men, but a native gentleman does not suppose all these women unchaste, as he would probably be very right in thinking his own wife, if she so far forgot all the rules and decencies of her station. In the same

manner they feel towards our women great respect and treat them accordingly, perfectly well able to allow for the difference of customs and rules of conduct and to distinguish between the liberty arising from European habits and because the result of mind and wantonness. I never witnessed in a native Indian any operations of jealousy which would serve as a parallel to explain or justify Mr. Dyce Sombre's suspicions against his wife, such as I have witnessed myself in him, and such as he exhibited to Sir Charles Trevelyan in or about the year one thousand eight hundred and forty three, when in consequence of what Sir Charles Trevelyan then said, he withdrew from his intention of advocating the superseding the Commission.

" (*Signed*)

" J. R. MARTIN."

It is stated that in 1846 " I threatened persons; I took up a knife to a waiter, I wore singular dresses, etc." I should like to know how this could be proved? I know affidavits have been made to this effect; but by whom? They have been made by persons, whom no one is acquainted with, and they are all utterly false. I never wore strange dresses; I have always dressed as I do now.

Before the Lord Chancellor would listen to my last petition, my Solicitor had to make the following affidavit:

—

Affidavit of Charles Shadwell,

Solicitor of the Court of Chancery.

Sworn before Mr. S. Anderson, at the Chancery Affidavit Office, in Southampton-Buildings, in the County of Middlesex, Jan. 16th, 1849.

I, Charles Shadwell, of Gray's Inn in the County of Middlesex, Solicitor of the Court of Chancery, make Oath and Say, that in the month of May 1848 I received a letter from the said David Ochterlony Dyce Sombre, which letter was dated at Paris on the 20th day of May 1848, and in which letter he desired me to petition the Lord Chancellor to have him re-examined, and his other grievances rectified thereby, meaning the Commission of Lunacy then and now in force against him. And I say that in pursuance of that letter alone, and without receiving any further or other instructions from any other person, I did in the month of June 1848 prepare the draft of a Petition in this matter for superseding the said Commission, and I say that I did on the 12th day of June 1848 write and send a letter to the said David Ochterlony Dyce Sombre at Paris, in which letter I enclosed a copy of the said Pe-

tition, and I did by the same letter request the said David Ochterlony Dyce Sombre to peruse the said Petition, and if he approved thereof, to sign the same and return it to me. And I say that in a few days afterwards, namely on the 16th day of June 1848, as I best recollect and believe, I did receive a letter by post from the said David Ochterlony Dyce Sombre dated at Paris on the 15th day of June 1848, and enclosing the said Petition signed by himself, and attested by a witness. And I say that by that letter the said David Ochterlony Dyce Sombre requested me to lose no time in presenting the said Petition to the Lord Chancellor. And I say that immediately after receiving the said last mentioned letter, to wit: on the 16th day of June 1848, I did accordingly lodge the said Petition having the signature of the said David Ochterlony Dyce Sombre at the Office of the Lord Chancellor's Secretary of Lunatics, in order that the same might be presented to the Lord Chancellor; and the same was presented accordingly. And I say that since the presentation of the said Petition, I have been in continuous communication with the said David Ochterlony Dyce Sombre himself, and that I have frequently seen him and that he has personally attended and been present at a consultation; and on another occasion at a conference which I have appointed with my Counsel in this matter. And I say that in the preparing of the said Petition, in the presenting of the same and in every other proceeding consequent thereon, I have been wholly instructed by the said David Ochterlony Dyce Sombre himself, and not by any other Counsel acting on his behalf, except the Counsel whom I have consulted in this matter.

"(*Signed*)

"C. Shadwell."

Mr. Bethel having remarked in his speeches, that at Dover a medical gentleman had declined giving me a certificate to whom I had applied, I wrote to Dr. Sankey, the only medical man I

ever employed at Dover; the following is his reply, as well as the certificate he enclosed in his letter:

—

Letter from Mr. W. Sankey, M.D.

"Dover, March 18th.

"My dear Sir,

"I have great pleasure in enclosing you a certificate, and had I not been very busy, intended writing to the editor of the *Morning Post,* requesting him to contradict what was stated about my having refused to give you a certificate of your sanity. You will, I think, remember that I did prepare a statement of your case in most decided terms, expressive of my conviction of your sanity and capability of managing your own affairs, and offered to be examined by Drs. Southey and Bright at the Ship Hotel, but they declined doing so. Make any use you please of the enclosed certificate or this note, and rely upon my best exertions to get justice rendered you and the stigma of insanity removed.

"I am, my dear Sir,

"Faithfully yours,

"W. Sankey."

Certificate from the same.

"Dover, April 1st, 1849.

I, hereby certify that in September 1846, I was consulted by Colonel Dyce Sombre for a slight ailment, and during the period

of my attendance I had ample opportunity of seeing his conduct and conversing with him on various subjects; that I then gave him a certificate which I now repeat as nearly as possible, to the purport that 'Having carefully watched the conduct and conversation of Colonel Dyce Sombre during my professional attendance on him, I am decidedly of opinion, that he is not labouring under insanity, and perfectly capable of managing his own affairs.

"(*Signed*)

"W. Sankey,

"*Fellow of the Royal College of Surgeons in England.*"

Copy of a Letter of Mr. Prinsep.

"6, Great Cumberland-street, February 17th, 1849.

"My dear Dyce Sombre,

"I was yesterday at the Chancery, expecting to hear your case fully argued; but Bethell got up, and said it had been agreed by the opposite Counsel to allow it to be put off, because Calvert the junior Counsel's sister had died within a day or two. Bethell had made his statement, when Rolt was not in court to reply. But Rolt, who was in an adjoining Court, being sent for, flared up at this, and declared he had never assented, and should not even in courtesy, except upon condition that a very early day were fixed for final settlement of the case, and that they allowed it to go forward as it stood, without putting in fresh affidavits. This after some palaver was assented to, and Wednesday next fixed for conclusive hearing. Bethell then asked for copies of

all your letters to the Lord Chancellor; which Lord Cottenham declared he had not, and should not allow to influence him, and therefore seldom read. He agreed to give copies to *both* parties. I have no fear that they will find in any of your letters, to whomsoever addressed, anything upon which to build a solid argument; but you see how unsafe it is to write; for your opponents are looking out for ground of cavil, wherever they can find it; being driven to their wits' ends, especially just now, by not knowing how to meet the report and affidavits of the six first-rate physicians who have certified in your favour. They will take hold of your letter to the *Globe* newspaper in this spirit; and though I think you were right in sending the *report* to be published, I wish you had done so with a single line, instead of making the declaration that you had no wish to come to England, etc., because they will argue that this is a disavowal of your petition and of what your counsel says in your behalf. Your application is for an entire supersedeas; and it is only on the ground or rather in the supposition that the Lord Chancellor may hesitate to give this immediately, that the petition asks at any rate for the other privileges and facilities for the time that the supersedeas may remain in suspense or be held on. At the consultation on Thursday both Rolt and Palmer were strong for going for the entire supersedeas as borne out by, and the only thing to be asked upon, the report and evidence, and the case will be argued on that ground next Wednesday. Let me beg of you not to do anything until then, lest it be got hold of to be made a ground for fresh cavil. You owe it to Mr. Mahon, who has worked and is working with great zeal and effort, to let him do every thing his own way, and to give him every help at Court till April or May, by which time he has engaged to carry half, if not the whole of his points; and I think he will, in the way he is proceeding. You are bound in honour therefore to do nothing except in concert with him, till he fails, which I hope he won't. I went after the Court's proceeding was over, to Trevelyan, who says he owes it to you to do all in his power to aid you in obtaining the supersedeas. He said in respect to Madam Solaroli, that though it had never fallen to him to have to enquire about

her mother, his only question having referred to Colonel Dyce, and whether she was his daughter, still he could say that he knows nothing whatever to make him disbelieve your account of her birth, which from his knowledge of the ways and habits of families in the position of that of the Begum Sumroo he could say was exceedingly probable. He will give an affidavit, which may be very useful, though it is too late, I fear, to have it filed. Mr. D. will, I presume, have written to you directly. He told me that your will would be a perpetual one, that required great care in preparing, and he would not for his credit's sake have it done in a way to be set aside afterwards for informality. I told him to write to you direct on the subject, for I did not wish him to consult with me about the preparation of your will, nor have I read the sketch you sent him.

"Yours very sincerely,

"(*Signed*)

"H. T. Prinsep."

However the Lord Chancellor, in spite of everything being laid before him, came to the following conclusions, as his judgement will show :—

Court of Chancery.

Friday, April, 20th.

IN RE DYCE SOMBRE.—JUDGMENT.

—

His Lordship said :—

The circumstances under which this case comes before me might have raised some difficulty as to the course I ought t

pursue; but although I owe a most important duty towards the party in whose name the petition is presented, I also owe a duty to the Court over which I preside, in which all those who are under the necessity of resorting to it are interested. In the case of infants it is the habit of the Court, in some respects, to disregard forms, in order to protect their interests the better; and in some respects lunatics may be supposed to be entitled to the same privilege. But a party who applies to supersede a Commission can hardly be considered as entitled to any such indulgence. He comes here asserting he is of sound mind, and he cannot at the same time claim the benefit of any relaxation in the practice of the Court made in the case of those of unsound mind. This distinction ought not to be carried too far; but the history of this petition will, I think, demonstrate that it would be most injurious to the interests of the class of persons who resort hither, if it were disregarded altogether in this case. This is the fifth petition for a *supersedeas* which has been presented since the Commission of 1843, under which the petitioner was found to be of unsound mind. The fourth petition was presented in June, 1848, and it was supported by the affidavits, among others, of three physicians in Paris, who asserted that they had examined Mr. Dyce Sombre, that they were satisfied he was of sane mind, and that they considered him fully competent to the management of himself and his property. There were also the affidavits of many persons of station, both in France and England, who spoke to the general propriety of his conduct in Paris, and their belief that he was in the full possession of his intellect. The petition, so supported, prayed that the Commission might be superseded, and that, in order thereto, he might be examined, if I should think it necessary, by such physicians as I might appoint, touching the state of his mind. The course of my duty was very clear. On the 9th of August, 1848, I directed that he should attend in London to be examined by Dr. Bright and Dr. Southey, who were the physicians usually consulted by the Great Seal upon such occasions, and also by Sir James Clark, who was named by the Committee of the person, and Dr. Martin, who was named by Mr. Dyce Sombre himself. Both had had opportunities of being

acquainted with the cause of the malady, and therefore were very well qualified to give a competent opinion whether he was or was not of sound mind. All the evidence that, up to that time, had been adduced, was, as a matter of course, laid before them ; but no application was made for any special directions as to the manner in which the examination was to be conducted, or as to laying any new evidence before them, or as to supplying any supposed deficiencies there might be in the affidavits. The conclusion of the report made to me by these four gentlemen, signed by them all, and dated the 18th of November, 1848, was that they found "no improvement appeared to have taken place since Mr. Dyce Sombre was last in England ;" but, on the contrary, Drs. Bright and Southey thought he was more obviously unsound in mind than when they last examined him ; and they added, " the undersigned are all of opinion that he is quite unfit to be intrusted with the management of his own affairs." The short-hand-writer's notes of what passed at the examination accompanied, and were referred to in the report of the Commission. The petition came on again on the 22d of December, 1848, and the Counsel for the petitioner then stated that he could not upon that report ask for a *supersedeas*, and thereupon the application for that purpose was refused, although no order appears to have been drawn up. A question being raised as to costs, the respondents contended that a dismissal with costs was necessary to protect them against petitions of a similar nature. I declined at that time making any order as to costs. I directed the application to stand over, thinking that if the question of costs were left in abeyance it would be a sufficient security against any unnecessary and, therefore, improper repetition of applications without sufficient cause to support them. Nothing was then said or attempted to be said disputing the accuracy of the report that had been made by the Commission ; no proposition was made for any further investigation or inquiry ; and it appeared that the matter was set at rest unless some new circumstances should arise to vary the case. Not long after this I received two communications, of a character unexampled, I hope, in the history of this Court. The first was dated the 24th of December, 1848, two days after

the former petition had been dismissed, signed by Drs. Paris, Mayo, Morison, Copeland, and Costello. The other was dated the 18th of January, 1849, and signed by Lords Combermere, Downshire, Shrewsbury, and four other gentlemen, to which was added a note from Sir Charles Trevelyan, of the Treasury. This latter document appeared to be intended principally to introduce the former. The whole of this proceeding was most irregular and improper, as every private communication addressed to a judge for the purpose of influencing his decision upon matters before him, always is, and ever ought to be, reprobated. It is a practice calculated to divert the course of justice, and ought to be more frequently treated than it is as a high contempt of Court. It is too often excused on account of the station and condition in life of the parties guilty of it, who are supposed to be ignorant of what is due to the Court. No such excuse can be made in this case. If this were not intended as a private communication, why was it made in that form? Why was it not brought before the Court in the usual manner, through the Solicitor and Counsel of the Lunatic, who alone could be recognized as his representatives? I have received from two of the subscribers to that letter, Lords Combermere and Shrewsbury, an assurance that nothing disrespectful to myself was intended by that communication. I never considered it in that light; but, as judge of the Court against which this contempt has been committed, I am bound to express my high reprobation of the course pursued, not only on account of the letter itself, but also on account of the rank and station of the parties implicated. I cannot, however, doubt, from the explanation given to me by Lord Shrewsbury of the manner in which the letter was submitted to him, and his signature obtained, that he was not aware at the time of the nature of the transaction, or of the purpose for which it was intended to be used. This is no more than I should have expected, and I am ready to believe, from the high character deservedly borne by that noble Lord, and high principle with which, from personal knowledge, I am aware he is actuated, that he is incapable of it knowingly. Having said so much upon the subject of this high contempt of the Court, I have now to see how it should influence my conduct in reference

to the petition since presented—the fifth petition. I do not find any statement as to the time at which Mr. Dyce Sombre left this country after the examination in November, 1848; but as, by my order, his protection was to continue until the report of the physicians was made, and as that report was dated the 18th of November, 1848, I must assume that he left this country soon after that time, and I cannot, therefore, suppose him to have been here after the 22d of December, when my order dismissing the former petition was made. This is of some importance in the consideration of how far I am to consider the petition presented on the 29th of January as the act of Mr. Dyce Sombre, whose former petition for the same purpose was by his own concurrence, expressed through his counsel, dismissed upon the 22d of December. Upon this subject most important evidence is contained in a letter from Mr. Dyce Sombre to myself, dated Paris, January 12, 1849, containing several enclosures, one of which, No. 3, is a letter purporting to be signed by Anthony Mahon, called in other places Dr. Mahon, and addressed to Colonel Dyce Sombre, reciting an agreement under which Dyce Sombre—then a lunatic under the protection of the Court—agrees to pay Dr. Mahon 10,000*l.* in case the Commission of Lunacy should be superseded through his instrumentality and exertions; Mr. Dyce Sombre placed in the uncontrolled possession of his property; and the proceedings annulled within or before the 31st of December, 1845. It also states that, pursuant to this letter, a contract, bearing date July, 1845, was made, and a power of attorney, bearing date the 21th of August, 1845, was given, by which Dr. Mahon was appointed Mr. Dyce Sombre's agent, and received full power and authority to act on his behalf. This agreement appears to have remained in force until April, 1848. The petition, therefore, of June, 1846, and that of July, 1847, must be referred to this agreement, but both having failed, all title to the 10,000*l.*, or any part of it, also failed. Another enclosure, also signed Anthony Mahon, was as follows:—

"In consequence of Colonel Dyce Sombre having in April, 1848, put an end to the agreement of July, 1845, whereby Dr.

Mahon was entitled to claim 10,000*l.* as the compensation for his services, risks, responsibilities, and expenses upon the *supersedeas* of the Commission of Lunacy against Colonel Sombre, Dr. Mahon proposes to the arbitrators to estimate the compensation that he is entitled to for his services from July, 1845, to April, 1848, in either of the manners following :—

"1. What proportion of the 10,000*l.* is Dr. Mahon entitled to for the increase of income, the re-opening the Commission, and the standing obtained in the Court of Chancery, whereby Colonel D. O. Dyce Sombre may, within a short period, supersede the Commission—has Dr. Mahon done one-third, one half, or three-fourths of the work?

"2. What per annum, for three years, are the entire services of a physician or surgeon of twenty years' standing worth, who devotes himself solely to conduct and manage a suit in Chancery—upon which 500,000*l.* depends?" (What follows next is the most important.) "To manage, conduct, and obtain the favourable reports of medical men of the first eminence in favour of the party entitled to the said 500,000*l.*, against whom a Commission of Lunacy is in force; who has succeeded in obtaining a *locus standi* in the Court of Chancery to supersede the said Commission; and who has succeeded in augmenting Colonel Sombre's income from 60*l.* per week to the entire surplus of his income, after deducting 4,000*l.* per annum, paid to Mrs. Dyce Sombre."

By another paper, purporting to be a copy of an award signed by Mr. Prinsep and another person, 640*l.* 7s. 6d. is awarded to Dr. Mahon for moneys paid and expenses incurred, and 1,500*l.* for various losses and liabilities, incurred by Dr. Mahon: making together 2,140*l.* 7s. 6d.—the 640*l.* to be paid immediately, and the 1,500*l.* in notes at various times, the last being payable 18 months after date. Mr. Dyce Sombre, in his letter to me on the 12th of January, 1849, complains of this, and well he may, for Dr. Mahon, who was to receive 10,000*l.* if he succeeded, and in that case only, had obtained 2,140*l.* upon an acknowledged

failure. Language adopted in the ordinary intercourse of mankind would be found wanting to express the opinion of every honest mind at such a transaction as this. Whilst plundering Mr. Dyce Sombre in a manner and by means which would not be practicable with any man of sound mind, Dr. Mahon represents him as competent to manage his own affairs, but thinks 10,000*l.* not too large a sum for inducing me to adopt that opinion, and for "managing, conducting, and obtaining favourable reports from medical men of the first eminence." Unfortunately for Mr. Dyce Sombre, notwithstanding his expressions of dissatisfaction, it appears that he is again in the hands of Dr. Mahon—whether under the old or under some new agreement, does not appear—and I strongly suspect that Dr. Mahon is as much the author of this petition of January, 1849, as he was of the former, and that Mr. Dyce Sombre knew nothing of it until some time after preparations had been made for its presentation. I have said that it did not appear at what time Mr. Dyce Sombre left England; but if he left soon after the report of the 18th November, 1848, he could not be a party to the proceedings I am about to refer to; and if he were in England, it is clear that the actors in these proceedings did not think it necessary to consult or communicate with him, although the object was to have it believed that he was a person of sound mind, and capable of managing his own affairs. The first document in reference to this part of the subject is the letter from Lord Combermere to Mr. Mahon, dated 8th of December, 1848, which seems to contain the first suggestion of the letter to me, and written, I apprehend, after the examination of the five physicians had taken place. The petition stated that that examination took place between the 18th of November and the 22d of December, and this letter, dated the 8th of December, contains this passage:—

"Dear Sir—I was much afraid that our friend would not stand a good examination; he is sane, but so exceedingly imprudent and obstinate that I really see no prospect of his emancipation.

"A paper, to the following effect, and signed by Lord Downshire, Mr. Prinsep, myself, and many others, might have some weight with the Chancellor."

It then suggest what was adopted in the letter sent to me, and concludes thus :—

"I wish you would see Mr. Prinsep and any other friends of the Colonel, and state my opinion as to what is best to be done for the Colonel. I am glad to hear you (that is Dr. Mahon) are likely to have your just claims settled satisfactorily."

In this letter there is no allusion to any further medical investigation, and no suggestion of any communication with Mr. Dyce Sombre, but in a subsequent letter, dated the 10th of December, 1848, Lord Combermere says—"The suggestion I wrote in a hurried manner two days ago, may be shown, as also my letter to the medical men," and he concludes, "I shall be in town for a day or two in January, and shall be glad to inform the medical men of my opinion respecting the Colonel." It seems that Dr. Mahon must have suggested something as to further medical investigation. This is not surprising, as it was part of his former contract, in consideration of the 10,000*l*., "to manage, conduct, and obtain a favourable report from medical men of the first eminence." Mr. Dyce Sombre was examined by the physicians selected, I presume, by Dr. Mahon ; but when the examination took place, I have no information, except that it was between the 8th of November and the 22d of December. I cannot suppose that Mr. Dyce Sombre submitted himself to them with any view of applying for the *supersedeas*, because, in his letter to me of the 12th of January, he not only makes no allusion to any such intention, but suggests and prays that some arrangements may be made respecting his property, which would be perfectly useless if there were any possibility of a *supersedeas*. The petition itself was not presented until the 29th of January, 1849, and I am ready to believe, from the character of the solicitor, Mr. Shadwell, that, from the time he had the matter in his hands, it was regularly conducted. Mr. Shadwell made two affidavits, one on the 16th of January, and the second on the 3d of March, 1849. In the first, he satisfactorily explains his part in the petition of 1848 : but he is utterly silent as to the part he has taken in the petition of 1849 ; and, what is most material, the

measures which preceded it. But this is not all, for he says, in his last affidavit, that he was no party to the writing or sending to me of the letter of the 18th of January, 1849—that it was done entirely without his knowledge, advice, or direction; that he never read the contents of the letter until he received a copy of it from the Lord Chancellor's secretary; and he declares that every petition has been done under the direction and in compliance with the importunate entreaties of Mr. Dyce Sombre himself; and he states that he has from time to time received numerous letters from Mr. Dyce Sombre, and instructions, and that he acted throughout under those instructions, and by the advice of counsel. This, however, leaves untouched the question whether this petition is one of those alluded to. Assuming that it was so, it remains to be shown who got up the medical opinions in pursuance of which the petition was presented, for it was not to be supposed that Mr. Dyce Sombre would withhold his consent from the presentation of any petition. But I cannot believe that he knew anything of it at an earlier period, or that he or the solicitor had anything to do with it, until it became necessary that the proceedings should assume a regular form. Here, again, this petition, which was not presented until the 29th of January, must have been contemplated early in December, as it was on the 22nd of that month that the former petition was dismissed, with the concurrence of the solicitor and counsel of the petitioner. The legal advisers of Mr. Dyce Sombre were not parties to the getting up of this case; but I must presume that, as on the former occasion, it was got up by Dr. Mahon, who had been promised 10,000*l.* if he succeeded, by "managing, conducting, and obtaining the favourable reports of medical men of the first eminence," in getting a *supersedeas*, but who, having received 2,140*l.* for having failed in his expectations, thought the best way to obtain "some weight" with me was to send to me privately the letter signed by several noblemen and gentlemen and the certificate of the five medical men. I do not think I should be doing my duty, or be protecting the interests of the many unfortunate persons under the jurisdiction of this Court, if after such proceedings I should give effect to any favourable opinion I might have formed

on the real merits of the case. I am not, however, under the necessity of coming to any conclusion on that point, because the weight of the evidence convinces me that I ought not to supersede the Commission. Before I enter into this part of the case, I beg that I may not be understood to attribute to the physicians who sent that letter any intention to deceive me, or that they were not respectively honest in the opinion they expressed. I have no doubt they were so; but I have seen enough of professional opinions to be aware that in matters of doubt, on which the best constituted and most informed minds may differ, there is no difficulty in obtaining medical opinions on either side of the question. If, however, the point be one of theory alone, on which the members of the profession are divided, the course is obvious; but in any other subject of practice or detail any person seeking pecuniary advantage to himself or to attain an object by "managing, conducting, and obtaining favourable reports from professional men of the first eminence," will find no difficulty in procuring such opinions. I have no information in what manner or by whom these five physicians were selected, or what was their previous knowledge or opinion in respect to this particular case. From anything that appears it may be that others were applied to whose opinions were not taken, or if taken, suppressed, because they were not favourable. There is no evidence that it was so: but there is no proof or even assertion to the contrary; and the whole having been conducted privately, and without the knowledge of the parties who professionally support the petition, very little reliance can be placed upon opinions taken under such circumstances. But I must look to the report itself, and coming from five physicians, I should at least have expected a medical opinion as to the state of mind of the party examined. But this forms a very small part of their report. They say they have seen the reports of 1847 and 1848, and the short-hand-writer's notes taken during the latter inquiry; but they say nothing of the many affidavits that constitute a most important part of the evidence. It appears, however, that they did not confine their inquiries to what was already in evidence; but in order to explain away acts and opinions which had been treated as de-

lusions, and as proofs of unsoundness of mind, there was brought before them evidence of various kinds in respect to matters of which they could have no knowledge, and which, besides being wholly *ex parte*, there was no means of testing, and which, therefore, could not be trusted. On the subject of the legitimacy of Madam Solaroli, they refer to letters from Major Bere and Mr. Prinsep, which they think explain the delusion. So with the imaginary conspiracy against him by the East India Company, they assume as a fact the statement of Lord Combermere, and say they are satisfied, from documents they have examined that these suspicions are such as might have arisen, under, the circumstances of the case, in every sound mind. As to General Ventura, they dispose of his case by reference to a letter from Mr. Prinsep, as to the meaning of a Hindostanee phrase, which was understood differently, they say, by the petitioner himself. So with regard to Mr. Dyce Sombre's unfounded jealousy of his wife; they dispose of that by referring to a letter from Lord Combermere to Dr. Mahon, dated the 8th of December, 1848, in which he suggests the letter to me, and says :—

"Some of the undersigned, who are acquainted with Mrs. Dyce Sombre, are of opinion that her manner is such as to kindle unpleasant feelings in a breast less susceptible than that of the Colonel's."

This passage, which was copied into the letter to me on the 18th of January, 1849, has produced contradictions which have left no doubt on my mind of its being wholly unfounded. It has been disclaimed by Lord Shrewsbury, and although taken to himself by Lord Combermere in his affidavit, it is in a very different form to that in the letter, for he there says—"I am acquainted with Mrs. Dyce Sombre, whom I always considered a person of unblemished character; *but I have heard* that her manners are such as might be likely to kindle unpleasant feelings in breasts less susceptible of jealousy than that of Mr. Dyce Sombre." This from Lord Combermere, stating *what he had heard*, the five physicians must have assumed to be a fact resting upon the personal knowledge and observations of his Lordship. This is suf-

ficient of itself to destroy the value of their conclusions. I cannot pass over this part of the case without expressing my clear and decided opinion that there is not the slightest foundation for what Lord Combermere says he has heard. After repeated examination and anxious consideration of all the facts of the case, I must say I think that not only the conduct and manner of Mrs. Dyce Sombre appear to be irreproachable, but her demeanour under the most painful circumstances exhibited more patience, courage, affection, and devotion to her husband than the most ardent admirer of female character could have supposed possible. This document, thus founded upon statements not proved, and assumptions, some of which are proved to be false, would be valueless for any conclusion, but it contains other matters and observations which I cannot pass over. It states that the report of November, 1848, was founded upon grounds which might be admitted without justifying the conclusion that Mr. Dyce Sombre is insane, and that it is the opinion of these five medical men it might be put aside upon the plea that they do not involve any proof of insanity : and they state that the appropriate proof of insanity consists of very different materials, which they have been unable to discover either in the report of the referees or in the examination upon which it was founded. After alluding to what they admit an existing delusion—namely, the conspiracy of the East India Company—they say :—

"The impression, no doubt a delusive one, to which we are referring, arose in his mind during the period in which he was treated as insane. It entirely falls in with our experience that delusive opinions thus formed and thus strengthened may survive the insane state, and we are of opinion that we should act with very great injustice if we should consign a patient to a madhouse on the ground of his continuing to assert one morbid impression, when the entire context of his character indicates sanity."

They then state that I have given Mr. Dyce Sombre full liberty of action abroad, which is directly contrary to the fact, and conclude thus :—

"But human endurance has its limits, and we fear that the

pressures and annoyances to which Colonel Dyce Sombre is subjected may ultimately lead, if persisted in, to mental aberration and bodily infirmity.

"Such are our reasons for affirming that the Commission under which Colonel Dyce Sombre is controlled ought to be immediately superseded."

It must be recollected that they had but a few lines before stated that Mr. Dyce Sombre had been allowed uncontrolled use of his surplus income, and full liberty of action abroad. Such are the opinions to which all the five physicians have affixed their names. In their affidavits, some of them, particularly Drs. Paris and Morison, do not go quite so far, but the others go further. Dr. Costello says that it is not consistent with experience that persons labouring under delusions would be able to conceal those delusions for any length of time under harassing, frequent, and protracted examinations, the delusions being, in fact, the result of the incapacity of mind for such an effort. It is not easy from this opinion, thus expressed, to ascertain what is really the delusion that is capable of explanation ; and it would seem that an opinion is intended to be expressed that Mr. Dyce Sombre never was a proper subject for a commission. If they had known something more of what had taken place, and particularly if they had read the judgment of Lord Lyndhurst in August, 1844, in which the facts are put together with the greatest care, and with his Lordship's characteristic clearness and precision, such an opinion could not have been ventured. In now admitting the existence of delusion, namely, the supposed Conspiracy of the East India Company, it must, by their arguments, be treated as an evidence of soundness, because they say it falls within their experience, that "the delusion thus formed and strengthened may survive the insane state." If such be the opinion intended to be expressed, there can be no wonder as to their belief in the absence of all unsoundness. But such being their opinion, we have no facts in support of the advice which those gentlemen give me at the close of their letter, that the Commission ought to by superseded. There is often great difficulty in ascertaining whether there exists unsoundness of mind, bnt when a jury has affirmed the proposition

by a verdict, unquestionably the Great Seal has been most cautious in superseding Commissions. Cases continually arise in which there is but one delusion, and the Great Seal has sometimes withheld the issuing of a Commission under circumstances where it did not appear to be required; but in applications for a *supersedeas* very different considerations must influence the Court. There may be no proof of disease at the time, or any appearance of its being likely to recur; but it may still exist, and the petitioner for a time have the power of concealing it. The permanence of the delusion may be doubtful, and it may be difficult to decide what ought to be done, but I have no recollection of any case in which the Commission has been superseded while any distinct delusion has continued. But when Physicians tell me that delusion is not inconsistent with a sound state of mind, I cannot help believing that they regard delusion as a separate disease, whereas it has always been held to be the result of unsoundness of mind—the symptom merely of disease and not disease itself. The delusion may exhibit itself more or less, but so long as it exists at all, there must be unsoundness of mind. When they tell me that notwithstanding there is delusion, the mind is sound, they appear to involve themselves in a contradiction; and I think they overstepped the duty they understook when they presumed to give advice to me on such a ground. But what is the existing delusion which is supposed by these Physicians to be consistent with a sound mind? Why, that Mr. Dyce Sombre, having certain real or supposed claims upon the E. India Company, imagines that they have conspired against him —for what? for the purpose of inducing an incestuous intercourse between his father-in-law and his wife, of whose purity and virtue he is supposed now to be convinced. This delusion led to challenges being sent by Mr. Dyce Sombre to several of the Directors of the Company; and his letter to me, dated the 12th of January, 1849, clearly proves that at that recent period he was under the same delusion, as he then alleged that Sir Richard Jenkins (whom he had formerly connected with the prosecution of the supposed conspiracy) had abstracted from him two boxes in furtherance of that conspiracy. There is also before me new evidence of a most important character as to the present position of Mr. Dyce Som-

bre's mind, in reference to the imagined infidelity of his faithful and virtuous wife. The most satisfactory evidence of recovery is a conviction of the non-reality of former delusions. A denial, or an attempt to explain them as not unreasonable, must be looked upon with the greatest suspicion, unless it be very satisfactorily made out, as, generally, it is only an evidence of the ingenuity very often displayed by insane persons in the concealment of their infirmity—an ingenuity which, notwithstanding the report of the Physicians, is certainly possessed and exercised by Mr. Dyce Sombre in a remarkable degree. In his letter to me, dated the 12th of January, 1849, he attempts to explain and justify his delusions, but he does not express any conviction that they are delusions. If, then, they were delusions, they still remain the same. So with regard to Lord Ward, whom he says he saw in a library at Rome, went up to him, and entered into a conversation about the Begum's monument, and offered 200*l.* for his assistance in respect to its removals, Lord Ward at that time being in England. In his letter to me he still says that he is certain it was the same Lord Ward that he had met before in England; and the creation of his own disordered imagination he still believes to be real. A similar observation will apply in reference to his challenge to Prince Doria for an affront supposed to be offered him in London at a time when Prince Doria was not in this country. But I most particularly allude to his delusion respecting Mrs. Dyce Sombre. It is true that he has not of late persevered in his opinion upon this subject, but this may have arisen from two causes. He may have been told, or he may have discovered himself, that this was a point most relied on in support of his supposed unsoundness of mind, and in this case he might be expected to disclaim his delusions, though he would scarcely fail to justify them. This is what he has done. He says, in reference to his wife's alleged infidelity, "You tell me it is not so, and therefore I have done thinking about it." But he is far from saying that there is no real foundation for his belief, although, beyond all doubt, this is a delusion of the most extravagant kind. In the second place, he may be convinced it is a delusion; but, with the facts before me, it appears to be proved that he is not so convinced, and that

his professions are assumed because he thinks it will facilitate his obtaining a *supersedeas*. He has the *supersedeas* in view; but, according to the language he now uses, he is influenced in disclaiming this delusion by the opinion of others, and not by his own. In his letter to me of the 12th of January he disputes the accuracy of the report of the 18th of November, as to the time at which he is attributed to have said what he calls a change in his opinion took place on this subject; but he does not use any expression which shows that he is really convinced that his previous opinion was a delusion. But what strikes me most is the meeting with Mrs. Dyce Sombre on the 10th of November. If the delusion was then really in existence, Mr. Dyce Sombre went to that meeting with the feeling that he was about to see once more, and, perhaps, for the last time, a guilty wife, for whom he had once entertained the tenderest affection, to make arrangements for their final separation. But, if the delusion had ceased, and he was of sound mind, what circumstance could more have touched his heart than the meeting, for the first time, a wife devotedly attached to him—a wife whom he had tenderly loved; but whom (when under the influence of disease) he had most cruelly treated, whose life he had attempted, and whose reputation he had laboured to destroy by accusing her openly of crimes of the most odious description, for which he must have felt there was not the slightest foundation? Let any one consider for a moment what must have been the feelings of any man of right mind under such circumstances, and then read the account of the meeting, and it will be impossible to come to any other conclusion but that the delusion continued in full force, and that motives of policy prevented the unfortunate lunatic from exhibiting it. Such is the new evidence now before me, and which was also before the medical referees, gentlemen well acquainted with all the circumstances of Mr. Dyce Sombre's life from the commencement of his malady and before that period; and I perfectly agree with the conclusions to which they came. I shall abstain from making any further comments on the manner in which this petition has been brought before me, and from making any observation which might arise

from the papers now submitted to my consideration. I have no difficulty in abiding by the report of Nov. 18, 1848, for what has since taken place has most strongly confirmed it. I shall, therefore, dismiss the petition, and if I had the power to make those pay the costs from whom it originated. I would dismiss it with costs; but as the matter stands, I shall say nothing about costs. I have, however, one piece of advice to give Mr. Dyce Sombre: he must not think the door is shut against him because this petition is dismissed. Any application made by himself shall be carefully attended to, and as soon as it can safely be done, the Commission shall be superseded. The only operation of the Commission now is to protect the capital of his property, the whole surplus income being ordered to be paid to him. If there be any irregularity in such payments, or anything improper in the management of his property, upon an application in a regular manner that shall be at once remedied. I am sorry to say that these recent discussions have brought out instances of such reckless expenditure of his income that it may be a matter for consideration whether I have not gone too far in ordering that the whole surplus income shall be paid to him. When we find contracts to pay 10,000*l.* in the event of success, and 2,000*l.* paid upon a failure, with offers of various sums as bribes to judges, physicians, and others, the only possible excuse that can be received must be made on the ground of insanity. But I cannot help doubting whether I ought not to establish a more vigilant control over the expenditure of the lunatic. I am very unwilling to do so, and hope that I shall not find reason hereafter to regret that I did not. But I strongly recommend Mr. Dyce Sombre in future to act only under the advice of proper professional advisers. He could not be in better hands than in those of the gentlemen who now serve him. If he confide his affairs to them he will obtain all that he can obtain under the circumstances; all, in short, that is consistent with his own interests, and that at an expense much less than he will incur if he continues in the hands of his present advisers.

The petition was accordingly dismissed.

The Lord Chancellor having advised me to keep to my present legal advisers, and not to consider the door of justice to be shut against me, I wrote to my Solicitor on the 1st of May 1849, and the following is his reply :

—

Letter from Mr. Shadwell,

To D. O. DYCE SOMBRE, Esq.

"Gray's Inn, May 4th, 1849.

"Sir,

"I am favoured with your letter of the 1st instant, applying to me to petition the Lord Chancellor to allow you to come to England for examination, and requesting some more copies of affidavits, etc., to be sent to you.

Now I do not think it would be *prudent*, so *immediately* after the Lord Chancellor has upon mature consideration *dismissed* your last petition, for you to present another petition for examination ; it would hardly be respectful to his Lordship, and I cannot but think that so untimed a measure would be productive only of farther disappointment, and injure you in his Lordship's estimation. For these reasons do allow me to entreat, that for the present, *no further petition* may be brought under the Lord Chancellor's consideration; I am quite confident that neither Mr. Rolt, nor either of your other Counsel would approve of so hazardous a measure ; some time hence, it may, and I sincerely trust, will be resorted to with *complete success;* only live quietly and respectably for a few months, and we shall

all be glad to give our best support to another application on your behalf to the Lord Chancellor.

"I will look out the papers you require and transmit them to you as soon as possible, etc.

"I remain, dear Sir,

"Very faithfully Yours,

"(*Signed*)

"C. SHADWELL.

"Col. D. O. Dyce Sombre, etc., etc."

I then wrote to the Lord Chancellor, but of course, as his Lordship never reads my letters I never received any reply.

—

Letter from David O. Dyce Sombre,

To the Right Hon. Lord Chancellor.

"Paris, 2, rue des Pyramides, May 6th, 1849.

"My Lord,

"According to your Lordship's advice in giving the judgment in my case, wherein I am desired to keep on with my present legal advisers, and not to think that the door of justice is shut

against me, but that if I applied through the proper channel, whatever I might have to bring to your Lordship's notice, that it will be attended to—the following copies of the letter I wrote to my solicitor on the subject, and his reply, will show the hardness of my case, and I shall feel greatly indebted to your Lordship for further advice.

"I have the honour, etc.,

"D. O. Dyce Sombre."

I then was advised to ask to be allowed to go and inspect the accounts of my estates only if an examination was not to be granted; the following is my Solicitor's letter on the subject:

—

Letter from Mr. Shadwell,

To D. O. DYCE SOMBRE, Esq.

"Gray's Inn, May 30th, 1849.

"Sir,

"I have been favoured with your letter of the 25th instant.

"It is the decided opinion of your Counsel and myself that *no* petition by you to the Lord Chancellor *just now* for liberty to come to England in order to examine your accounts, would be attended with success. One of the objects sought for and prayed

by the Petition just dismissed, was that you might be furnished from time to time with the accounts relating to your estates, and attend to all enquiries regarding them, and it therefore would certainly be imprudent, and occasion only disappointment, so immediately after the Lord Chancellor's decision adverse to that object, to petition for the very same liberty; the other side would oppose it, and the Lord Chancellor would most assuredly reject it.—The Lord Chancellor cannot prevent you from travelling as you please upon the Continent, nor in Scotland, I think—his juridiction not extending thereto.

"I have made diligent search after the affidavit which you are led to believe was made in Baden-Baden in 1845, but I cannot find any such document; I have no copy of it, nor has Mr. Frere, nor was any such affidavit ever filed in the proper office, where I have caused a search to be made for it. Some persons may have sworn such an affidavit, but it does not, as far as my enquiry goes, appear to have been filed and made use of in the proceedings.

"I remain, dear Sir,

"Very faithfully Yours,

"*(Signed)*

"C. SHADWELL.

"Col. D. O. Dyce Sombre, etc., etc."

The following letters from India will show what are the sentiments entertained there about my case :

—

To D. O. DYCE SOMBRE, Esq.

"May 1st.

"My dear Dyce,

"I have had the pleasure to receive all your three dispatches with their different enclosures.

"I delivered such you wished to Sir T. M. and gave your message. I tried Mr. P., the editor here, and also the editor of Meerut; but they won't publish the papers you sent, although they all agree that you have been infamously dealt with, and that the transaction is a *disgrace* to the *law* of England.

"There is this one opinion in all India.

"You never answer my question about coming out? Do so for God's sake. It is the only thing that will be beneficial to you. Answer me this time. I wonder if all my letters reach you safely? write *every month*. I inclose two letters from A. V. Poor fellow! He is on his last legs!

"All your friends recollect you and talk about you. So do the others and all wish you to come back.

"Poor H. O. H. is dead. My friend H. R. talks about you *daily*.

"April 15th, 1849.

"My dear Sir,

"I owe you many apologies for not having replied to your letter before this, acknowledging the receipt of Mr. Dyce Sombre's letters. The truth is, I have had my hands so full of business of various kinds, I have not had time to do justice to one tittle of it.

"The course of conduct pursued by the family of Mr. Dyce

Sombre's wifes has been disgraceful in the extreme. For my part I am perfectly satisfied that they know well what were Mr. Dyce Sombre's peculiarities long before the performance of the nuptial ceremony, and I have no sort of doubt that all the subsequent proceedings were premeditated before the event took place. The object *evidently* was to marry Mr. Dyce Sombre and then set about the taking of his property out of his contract with the hope that he would either be *driven* mad, or else that in a fit of desperation he would put an end to his existence, when his vast fortune would fall into the hands of his widow, and his relations.

"In my opinion I believe Mr. Dyce Sombre is as sane as the Lord Chancellor himself, or any other person who sits in judgment upon him.

"I observe that they have brought forward as *evidence* of his insanity the fact of his having offered bribes to the Premier, and the Lord Chancellor, I look upon his attempt to bribe them as a strong proof of his reason. He has had some ground for coming to the conclusion that corruption on the wife's side had been resorted to. And that according to the Eastern fashion prevailing in 'Courts of Justice the only way was to out-bid the enemy.'

"Nevertheless, I do not think it would serve Mr. Dyce Sombre to make his case the theme of Newspaper discussion, in India. All his friends in this country are already perfectly satisfied that he is of sound mind, while the strictures of the Indian press would have no effect on his enemies in Europe.

"The only hope that I could hold out to Mr. Dyce Sombre would be this—to return to India—to live for several years in its society—to make a point of associating with the heads of the Government and his former acquaintances—and then present such a case, backed by strong certificates as would *ensure* to him the restoration of his now lost fortune. So long as he stirs the matter in Europe *just now,* so long quite trumped up 'instances' of his 'insanity' go on accumulating.

"I have not leisure to dwell further on the matter; but I think, in the above, I have given you the substance of my thoughts thereto relating.

Let me now, in conclusion, make a few observations on the English law of Lunacy, and on the reports of the Physicians already inserted in this Refutation.

My own painful example must convince every impartial mind, that personal liberty, so jealously guarded in England by the law, is liable to be infringed with the greatest ease on the mere plea of lunacy. By the English law the Lord High Chancellor, upon petition supported by affidavits, grants a commission to enquire into the state of mind of the party. But can this seriously be considered a sufficient guarantee against erroneous opinions, misrepresentations, or conspiracies? In my case, for example, a physician, as already stated, broke into my apartment, and put me in charge of three keepers, without my having the power either to claim to be heard, or to have recourse to the intervention of a magistrate. More than sixteen weeks was I retained in captivity, before a commission sat in my case; I have already related *how* it sat. The mere word of a physician, supported no doubt by petitions and affidavits, was sufficient to restrain me from the exercise of my liberty, me, who had committed no crime nor illegality, without so much as a question being addressed to me by any responsible person in office, while a thief, a pickpocket or a burglar cannot be kept 24 hours in custody, even when caught in the act, without being examined by a magistrate!

While, in France, the greatest formalities are observed in laying restraint on a man's liberty on the charge of lunacy, an act which cannot be effected without an examination by the tribunal in the presence of the

Procureur du Roi, (*Code Civil, art.* 496) in England, it is not even thought necessary to ascertain *prima facie* the patient's state of mind by a public officer previously to his being placed under control!

Let us suppose, for instance, that a wife, tired of her husband's presence, and desirous of enjoying her liberty with the command of an easy income, hits upon the plan of making out a case of lunacy against him. She knows all his peculiarities and weaknesses; she possesses the art of vexing him, putting him into a passion, and inducing him to commit himself by some unguarded threat, which she takes care shall be heard by the menials of the family. This will give her an opportunity of instilling into their credulous minds the discovery she has made, that her husband, poor dear creature, is mad! He never was so cruel, so violent before; oh no! he is mad.

The stroke takes effect. From this moment all the doomed man's actions are spied and commented upon; his most innocent and plainest words distorted from their real meaning. An officious doctor is drawn into the secret, he watches like the rest, he registers the fables that are whispered to him about his patient's acts and words; a well-authenticated threat can be sworn to; perhaps the lady's promises prompt his zeal. The victim's temper is carefully soured and maliciously excited, his knowledge of family or other affairs cunningly deceived by falsehoods of every shape, and each deception thus imbibed is destined to count fearfully against him on the day of judgment.

At last the day arrives. The petition and affidavits have had their effect; the physician enters with three keepers, and the devoted man is henceforward a lunatic. He is taken to an asylum, in which the chief doctor, and a brother practitioner who has obsequiously signed the certificate, *have no interest,* as the law directs. From that moment he is as good as in his grave; his papers are taken from him, his money and property removed, his room is inaccessible to the visits of a friend, save the benign household god of the place, who is delighted at the capital prize his friend Dr. N. has procured him. Meanwhile, care is taken to provide further evidence of the patient's state of mind. Loss of liberty and anxiety are excellent prescriptions to make a man mad, if he is not; but they may not be enough. New annoyances must therefore be invented; his sleep must be often disturbed by the keepers; if he complain, it is clear that he believes in ghosts. His food may be so regulated as to produce dyspepsia, a complaint likely enough to arise from mere confinement, and no less likely to produce unfavourable effects on the brain. Paper and writing-materials are freely left in the power of the victim; for it is ten to

one that ennui and seclusion will dictate to him some nonsense which may be brought in evidence against him. At last however, after sixteen week's schooling in the art of running mad, the commission-day draws near. Then comes the triumph of the mad-doctor; for if he be not an arrant dunce, and if he understand to turn an honest penny, he will just mix the slightest possible dose of henbane or any other stupefying substance with the food of the pretended lunatic during the last few days, a process which will greatly contribute to make him unfit to defend his case before the commission.

Meantime the lady will have taken the utmost pains to lament her hard fate in every body's presence. The news flies from mouth to mouth: Mr. Such-a-one is mad! and by the time the case is to come on, there is little necessity of using much ingenuity in packing a jury, the public mind being sufficiently prejudiced already to render that precaution unnecessary.

The victim is called in; the mass of false or adulterated evidence collected in all this time is laid before the commission, who see all through the magnifying-glass of pre-conceived prejudices; and should the patient attempt to defend himself, the foreman of the commission perhaps will answer: "Oh we want to hear no more, we have heard enough!"

Though in drawing this picture, I have made allusion here and there to circumstances that actually existed in my case, I may confidently state that such proceedings are not unfrequent; nay I might quote an instance of an English lady of high descent, who in 1843 attempted thus to rid herself in the manner here described of her husband in a provincial town of Italy; which attempt was fortunately averted by the bold interference of a gentleman who was little better than a stranger to the family. This very distant allusion would suffice to recal the fact to the memory of the parties in question.

The sentence of lunacy once pronounced, the doomed man becomes the doctor's slave. He has no hopes of being freed from his meshes. All he says or does, is dictated by lunacy; if a reasonable act is admitted, it is attributed to a lucid interval; in short, unless the patient succeed in making his escape, he runs a very good chance of losing his reason in good earnest, to the no small triumph of the honest practitioner.

But if he effects his escape, he will follow my example, and apply his first moments of liberty to prove by the testimony of other physicians how wronged he has been. But what are the most eminent physicians of Paris, Petersburgh or Brussels to Sir J. Clark, Drs. Southey and Bright? Mere school-boys of course; for have they not dared to question upon

scientific grounds as well as matter of fact, the validity of the sentence of those three great men, whose opinion has been so logically set forth in the numerous reports already given, and which for the sake the reader's complete edification, I will just examine a little more nearly.

It is a singular fact, that whereas generally the hallucinations of a lunatic are clearly defined, my doctors have never been able to give a well-defined name to mine. I am accused of excess of jealousy, of suspicions against innocent persons, of violence, want of memory, and what not. But even supposing all these accusations to be true, can they possibly constitute lunacy? A lunatic will think he sees, or hears, or knows, or is, something that cannot be seen, or heard, or known, or be, on account of some *physical* impossibility; but if suspicions of things *physically possible* are classed as hallucinations, where in the name of Heaven can you draw a line between *sanity* and *insanity?* Again, if I were accused of admitting *incompatible* things as *compatible*, or declaring the contrary, I might be guilty; but are the imputations I formerly brought against Mrs. D. S. of that nature? If I was mistaken in the facts, was that a reason for declaring me mad? were those imputations *impossible?* Nay, more, could the doctors, who are so positive in pronouncing my lunacy, *prove* by substantial facts, that such imputations were really *false?*—They might *judge* them false; but as to proofs, though I might be at a loss to prove my allegations, I suspect they would be equally puzzled to prove the contrary.

If jealousy be madness, if those who doubt a woman's virtue are to be considered lunatics, then either England is the chastest country in the world, or else I would recommend that the whole face of the country be covered with madhouses

"Thick as the leaves of Vallombrosa."

Drs. Southey and Bright in their report of July 24th, 1844, gravely enumerate all the heinous offences I am accused of. The first and principal one I have just disposed of. Next comes my threat that I would cut off Mrs. Dyce Sombre's nose. The charitable doctors do not attempt to suppose that such a threat might possibly have escaped me in a moment of passion, caused by the superabundant and probably sharp eloquence of my partner; they seem to forget that such threats generally fall thick as hail-stones in matrimonial squabbles, without the remotest intention on either side of ever putting them into execution. Oh no, that does not

strike them; pronouncing me a lunatic is by far the easier course of the two.

My determination never to be re-united to my wife, though on a former occasion I had proposed certain conditions on the performance of which I would consent to receive her again, is considered a proof of lunacy. None but a lunatic, according to Drs. Southey and Bright, can change his mind. For them the proverb "*Second thoughts are best*" is lunacy. My not thinking it a hasty step to send a challenge to Sir F. B. upon mere suspicion, is lunacy. Were Drs. Southey and Bright to read the papers, they would find, however, that almost all duels fought on account of ladies are owing to mere suspicions.

Though not mentioned in the present report, I may here advert to the strange accusation Sir J. Clark brought against me before the commission of lunacy, namely that I believed in ghosts. I have already flatly denied this idle imputation. But what if it were true? Would that prove my insanity? How many devout persons there are—not to mention the peasantry of almost every country in the world,—how many well-educated persons believe in visible spirits, in visions of saints, in second-sight, somnambulism, prophecies and such like, while nobody in his senses would dream of calling them mad? The ghosts *I* did see, were of flesh and blood, none else but the keepers, who out of extraordinary regard for my welfare, for which I am profoundly grateful, used to come and startle me from my sleep. So much for the veracity of the "reports."

Next comes the imputation that I imagined my food had been drugged. Lunacy again! incorrigible lunacy! When a man who generally feels himself well, one day feels on rising from dinner, certain unusual symptoms unlike what he ever felt before, is it surprising that he should believe that something he has eaten has disagreed with him? And when he finds himself unjustly under restraint on a pretext of lunacy, surrounded by persons whose behaviour to him has been anything but prepossessing, is it strange that he should suspect them of foul play? My surmises may have been wrong; I may have been mistaken; but is a mistake a hallucination? is it lunacy? Let the impartial public answer.

I now come to the report of September 26th, 1846. The doctors are happy to find that my food was *not* drugged at Brussels, but to their utter mortification they find that I will *not* live again with my wife, that I still believe in her misconduct, and even name the persons on whom my suspicions rest, and my reasons for them. Now I humbly submit that the best course to cure me of my inveterate lunacy on this tick-

lish subject, would have been to convince me by some substantial proof or other, that my suspicions were not borne out by appearances. The persons I accused might not have been in the country at the time, or they might have avoided the society of my wife, or my informants might have been maliciously intent upon deceiving me? Nothing of the kind however the sapient doctors attempted to prove or even to inquire about; they did not fail however to notice " my peculiar look and manner" with which I answered *no* to their question concerning the illicit intercourse between Lord St. Vincent and his daughter, and to decide that " my words were at some variance with my thoughts." What penetration to be sure!—But on the following day they are surprised to hear that I admit " that my notions of Mrs. Dyce Sombre's infidelity were all delusions" and that " she is as virtuous and chaste a woman as ever lived." With the same wonderful penetration they are so conspicuous for, they find that I " seemed glad to have disburthened myself of a disagreeable task." I am rather surprised they did not in this instance express a suspicion that I had been in the interval advised by somebody to take that course, or that I might myself have thought it advisable to cut the matter short at once by doing so. But they remark that I still continue " to talk of Mr. C. F. and Gen. V. as persons who had deeply injured me." I have already mentioned the facts relating to the latter, and shall not therefore return to the subject. But as to what I said of the former, what does that prove, except that I am a bad adept in dissimulation, and that the suspicions I then entertained were sufficiently strong to throw me off my guard, when the legitimate jealousy of a husband was distorted by evil-intentioned persons into a proof of lunacy? Did the French physicians, did the Prefect of Paris consider jealousy, even though unfounded, a sufficient reason for locking up a person in a lunatic asylum, or even depriving him of the control of his property?

The doctors indeed attribute my contradictory answers to an attempt to " suppress the latent delusion;" but the question is : can it be called a delusion at all? Can an unfounded suspicion be called a delusion in the sense in which it is applied, to establish lunacy? If it can, then the number of lunatics must comprise the immense majority of the nation!

But luckily for me, the doctors admit that I no longer believe in ghosts, nor that my food is mixed with poison!

They conclude with a modest insinuation, that their opinion is at variance with the " testimony of various medical men in this country and also on the continent" owing to their being ill-furnished with the

facts and early history of the case; or in plain English, that Drs. Southey and Bright are the only persons in the world able to judge of the state of mind of Mr. Dyce Sombre. There is but one God, and Drs. Southey and Bright are his prophets!

I shall refer the reader to the French report, where it will be seen that Sir J. Clark had kindly volunteered every possible information on the subject, including the East India Company, the Archbishop of Canterbury and all the vile trash concocted against me, not omitting the very conclusive notes written in my own hand. The physicians of St. Petersburg had the benefit of the same facts from the French report.

The report of August 5th, 1847, begins with a rich specimen of logic. The doctors set out with a statement that the difficulty of making a satisfactory report of my case is "not diminished." Still in the next sentence they admit that I have "acquired much more self-control." In that case I humbly submit, there must have been *some* diminution in the alleged difficulty.

But the reason why the difficulty still subsists, is probably that "to some of the allegations contained in the affidavits I gave a positive denial, others I endeavoured to explain away."

A great proof of lunacy certainly! here are affidavits regularly signed and sworn, to which I give a flat denial! Of course, being a lunatic, I *must* be wrong; the doctors do not hesitate about whom they have to believe; false, mistaken or ungrounded affidavits are quite an impossibility!

But "others I endeavoured to explain away!" Now, is not that a proof of that peculiar cunning so frequently met with in such confirmed lunatics as I am? But I did not succeed in my attempt; no, the doctors tell you, I only "endeavoured." Whether the grounds upon which I "endeavoured" were good or bad, the doctors took no trouble to ascertain; for am I not a lunatic?

I admitted however "substantially the whole of the statement made by Signor Solaroli." The doctors do not think it worth while to remark that that was a proof of memory. I further "asserted positively" the illegitimacy of Madam Solaroli, quoting Lord Metcalfe's and Mr. Prinsep's authorities. Now mark the doctors:

"We regret that we have no means af ascertaining this question of "fact, as, IF UNFOUNDED, it would throw much light upon the 'state "of Mr. Dyce Sombre's mind.'"

How candid! IF UNFOUNDED, I should still be a lunatic, of course;—

ah, but IF FOUNDED? The doctors do not venture to contemplate such a possibility as a lunatic being right in spite of the Faculty!

The reader has already seen, that if I had not positive direct proofs on the subject of Madam Solaroli's illegitimacy, I have pretty substantially established that the matter was generally suspected, independently of my personal knowledge of the matter, which is considered of no value, because "I am of unsound mind."

The doctors then proceed to state that "such groundless aspersions "(upon Messrs. Vizard, Leman, etc.) on the characters of gentlemen of "unquestionable integrity and honour appear to us to be marks of the "same mental disorder which led him to suspect the fidelity of his "wife."

We have the Doctors' word for it, that "such aspersions" are groundless; of course they have minutely examined the persons in question, or witnesses to the subject; else how could they know that they are groundless? Have not we seen men of immense respectability hanged for forgery, nay, murder? a Bishop forced to fly from Ireland under the conviction of an unnatural crime, members of parliament convicted of bribery? Do we not daily see in the papers men of rank or property in every station of life called before the justice of the country to purge themselves of accusations of seduction, rape, embezzlement, breach of trust, Crim. Con. perjury, calumny, and every item almost of the catalogue of crimes and misdemeanours, and do we not almost always see verdicts of "Guilty" recorded against them? And is it not generally felt and known that the number of treacherous, dishonourable and shameful acts which the arm of the law is by far too short to reach or to punish, is infinitely greater than those offences which come to light?—And with such facts staring you in the face, you, Doctors Southey and Bright, find it in your consciences to declare a man a lunatic, because, betrayed, cheated, swindled and persecuted as he has been for the last twelve years, as proved by facts and documents, he has learnt to suspect the motives and actions of those with whom he has to do, till he has some direct proof of their honesty? And if, as you pretend, suspicion be a mental malady, who, I ask, has fomented mine more than you, who have tasked your ingenuity to the utmost, in order to represent my simplest words or actions as symptoms of a diseased intellect?

The doctors then proceed to state that having made a written declaration to exonerate my wife from all suspiscion, I had confirmed it in their presence, but refused to live again with my wife, on account of her

temper. Upon which my wise examiners give birth to the two following sentences, which I beg to put face to face :

"It is difficult to believe in the entire removal of the delusion in question whilst any feeling hostile to Mrs. Dyce Sombre seems to subsist, etc."	"It is very satisfactory to us, that Mr. Dyce Sombre has admitted that he laboured under delusions up to the time when we parted with him at Dover, thus proving the correctness of the opinion we formed, etc."

Now if, as the Doctors insinuate, my admission that I was wrong in my surmises concerning my wife's infidelity, was insincere, if it was an effort to deceive them, what on earth can that prove as to the correctness of their opinion? How can a falsehood be adduced in evidence of a truth? But if on the contrary, my admission was sincere, and corroborates their former opinion, it is unwise in them to invalidate such testimony by throwing a doubt on its sincerity ; while at the same time it is ungenerous to deprive me of the benefit of it, as a proof that the capital charge against me, stupid as it is, is removed.

Let me now compare the three following passages :

REPORT Of September 26th, 1846.	REPORT Of August 5th, 1847.	
"We are still convinced, that his mind continues to be impressed with the notion of his wife's infidelity, etc."	"If on our last examination of this gentleman we found it difficult to make a satisfactory report, on the present occasion our difficulties are not diminished."	"In conclusion we are bound to admit, that we were unable to elicit any positive delusion under which Mr. Dyce Sombre labours."

After perusing the first passage, the reader must think that the delusion complained of in 1846, has been found equally strong in 1847, since the doctors' "difficulties are not diminished." Still the third passage

denies the latter assertion, since it contains a reluctant avowal that that they "were unable to elicit any positive delusion." Now which of the two declarations are we to believe? One thing is certain in my opinion; that is, that neither Locke nor Harris presided over the framing of the Doctors' reports.

But the scrupulous practitioners add immediately after, that they "feel no confidence that he is entirely free from such delusions." Therefore, because Drs. Southey and Bright, although confessedly upon no positive grounds whatever, "feel no confidence," a man is to be kept from his property, an outlaw from his kingdom, debarred from the redress the meanest subject of the British empire has a right to demand! What would the public say if a jury in a case of burglary or murder, were to frame a verdict as follows: "We cannot find the prisoner guilty although we have no confidence in his innocence?" Him the judge would instantly acquit; but I, a presumed lunatic, am still an exile, with the prospect of a prison, if ever I set foot without permission within the jurisdiction of the Lord High Chancellor, and merely because two doctors, in the teeth of evidence, declare they have no proofs, but still can have "no confidence!"

The next passage is remarkable:

"When we consider the length of time during which his malady has "continued, and the self-command by which he has been enabled to "deceive so many physicians both foreign and English, wo cannot but "hesitate in giving credence to his own statements; nor, because he "tells us that in September last he became satisfied of the injustice of "his notions respecting his wife, can we therefore conclude that he is "now perfectly sane."

This is rich; I will but call it self-conceit; the dictionary might furnish me with a much more appropriate term. Here are two men calling themselves sane, who, after having but a moment before confessed they had no proofs, sweepingly declare in the face of the world that the most eminent Physicians of the continent specially entrusted with the cure of mental disorders, and many eminent men of their own country were all duped, and by whom? by a lunatic, whom they alone, H. H. Southey, and J. Bright are competent to fathom! Waiving all considerations of the futility of the symptoms on which my lunacy is supposed to rest, surely my madness, if capable of deceiving so many learned men of four countries, must be infinitely preferable to the sanity of my doctors!

I now come to the report of November 18th, 1848, signed by Drs. Southey, Bright, Clark and Martin.

Here a mistake concerning the date of my change of opinion respecting my wife's virtue is maliciously pointed out as a mark of insanity, and my sincerity is again questioned. Next follows this remarkable passage :

" He mistakes the creations of his own fancy for facts, and reasons " upon them accordingly."

Here I will just ask the following question :

Is a man who labours under a mistake, a lunatic?—If so, I venture to say there is not a man in the world who is not, or has not been a lunatic.

If not, then pray what does a man do when he labours under a mistake? Does not he take it for a fact, " and reason upon it accordingly?"

Nay, what have my doctors done? Have they not mistaken the " creation of *their own* fancy," my lunacy namely, for " a fact," and have they not " reasoned upon it accordingly?"

As to whether what they call the " creations of my own fancy" are facts or not, the doctors have not taken the trouble to enquire. I have given sufficient explanations in former parts of this Refutation respecting the circumstances they adduce as proofs of my insanity; but the manner in which they expose the affair of Lord Ward, nothwithstanding the very clear explanation I gave them of the matter, and which I have already given here, is a clear act of downright malevolence. The matter is maliciously related, my explanation completely suppressed, and a hint cleverly thrown in, that perhaps " the whole transaction is a matter of imagination!"

The same may be said of the manner in which they give an account of our conversation respecting Madam Solaroli's illegitimacy. I have given so much evidence on the subject in this Refutation in the shape of argument, letters and affidavits, that I need only advert to the impudence with which my assertion respecting Mr. Glynn is declared to be a delusion.

The rest of the report is of the same character as the preceding ones, with this difference, that whereas the latter seem rather dictated by conceited self-importance, spite and dishonesty appear to have had a great share in this,

When we compare the dignified, precise and scientific character of

the reports of Paris, St. Petersburg and Brussels with the shuffling, uncertain, prejudiced and malicious tone of the reports of these English physicians, we cannot help entertaining the idea, erroneous as it may be, that the latter have been prompted by some secret motive, which however in the present state is not worth enquiry.

The reports I have here examined may be condensed as follows :

I believe in the unchastity of my wife, therefore I am lunatic.

I believe in the illegitimacy of Madam Solaroli, therefore I am a lunatic.

I was from ignorance of the worldly station of Lord Ward, led into a mistake, therefore I am more a lunatic than ever.

Thus it is, that by the combined efforts of intrigue, ignorance and misrepresentation, and by the defective state of the English law as regards lunatics, I am debarred from personal liberty in my mother-country ; the management of my property is withheld from me, while it is wasted through negligence or cupidity, and myself cast out as far as practicable from the society of reasonable men, a lunatic among the sane, by the mere dictum of a few men, who openly profess to set their own wisdom against that of the rest of the world.

And all this in a country which prides itself upon being the only one in the world, where personal liberty is fairly understood, where a pick-pocket or a murderer will meet with all the tenderness of the law, but where, alas ! there is no law for a presumed lunatic, when there are interested parties, whose wishes are that he should remain so.

With these, I conclude, and leave the public, to form their own opinions on my said case ; and whether such persons as the Chancery Doctors have proved themselves to be, are worthy of the trust, the Lord Chancellor reposes in them, and whether the Lord Chancellor ought not at once to annul, and crush the Commission of Lunacy under which I now labour.

D. O. Dyce Sombre.

Paris, rue des Pyramides, 2.

August 52th, 1849.

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ERRATA.

Page	Line	For	Read
5	11 from top	this would be a delusion; but in this instance	this would certainly be a delusion; but in my case
—	6 from bottom	But they had all	But they, that is to say, these gentlemen had all
6	14 from do.	country given	Country had been given
8	14 from do.	Sir the Hon. Ed. Paget,	the Hon. Sir Ed. Paget,
16	1 from top	they could have	they could not have
19	4 from bottom	I am satisfied the decision	I am satisfied with the decision
145	last line	who wanted her to have	who wished her to have
189	16 from bottom	Hon. Mr. C.,	Hon. Mr. F.,
226	last but one	So says report;	So says the report;
274	2 from top	self-willedness	self-willingness
292	3 from bottom	thistime, me to take notes,	this time, to take notes,
295	44 from do.	Commissioner of Lunacy	Commission of Lunacy
297	12 do.	as our characters are the same,	as our characters are not the same,
312	11 from top	Col. Dyce's Sombre two daughters?	Colonel Dyce's two daughters?
315	12 from bottom	as European would.	as an European would.
319	11 from top	Mr. Francs,	Mr. Franco,
324	2 do.	this it is much better	thus it is much better
351	4 from bottom	if this had was last	if this was their last
386	10 from top	of the Governor-General,	of the Lieut.-Governor,
395	9 do.	equipped is she pleased,	equipped if she pleased,
401	14 from bottom	of which sum 502,000 rs.	of which sum 542,000 rs.
418	last line	by the English Governor	by the English Government
454	last line	Vide C. no.7 and C. no. 10.	Vide page 412 and 417.
462	14 from top	have been for vain in me	have been in vain for me
479	1st do.	Affidavit of A. MORISON,	Affidt. of Sir A. MORISON,
487	7 do.	F. C. KNOWLES,	Sir F. C. KNOWLES,
499	1st do	I had applied	I had already applied
504	3 do.	to resides in,	to reside in,
511	last line	was obliged to deny this.	was obliged to deny it.

J. PRIVITERA,
Imprimerie BAILLY, DIVRY et COMP., place Sorbonne, 2.