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The Tichborne Case—A Further Anecdote

EDITOR, AMERICAN BAR ASSOCIATION JOURNAL:

Your February 1935 article upon the Tichborne Case (p. 107) followed by Mr. Dillon's reminiscences in March (p. 187) stimulate me to add an anecdote which I believe to be new.

There were two Tichborne trials. The first, an action to recover the estates, was tried before Sir William Bovill, Chief Justice of the Common Pleas; the second, the perjury case, was tried in Queen's Bench. The civil case began May 10, 1871, and adjourned for the imperative "Long Vacation" on July 7th, resumed in the autumn, and broke down March 5, 1872, because the jury couldn't face one hundred or so witnesses waiting to testify against the claimant. The story of the claim had been so riddled that no sane man thereafter believed it.

Now please observe that that trial took place before the occupation of the great law courts in the Strand. It was held in what Mr. Sergeant Ballantine calls, when writing about it, "one of those holes situated at Westminster in which so many legal tournaments have taken place." Let us call it a lean-to or shack off Westminster Hall, but hoary with antiquity.

Only a short walk from the trial scene, at the sign of the Coffee Mill at 3, St. James's Street, there was in existence some very interesting evidence that never came out at the trial and was probably unknown to both sides. Perhaps it was inadmissible!

Be that as it may my story is that Mr. Chief Justice Bovill during the trial suspected the existence of this evidence,—so one afternoon he left the Bench when the Court rose, walked for a few minutes to St. James's Street and there called for and examined the documents. They were authentic contemporary records of the weights of the father and grandfather of the heir who was lost at sea and they were wanted for comparison with the enormous bulk and weight of the claimant,—who was really a butcher from Wapping.

At 3, St. James's Street, at the sign of the Coffee Mill they do not now sell coffee. At all times material to the case under consideration and commencing hundreds of years ago their vocation was and is in the line of good wines and liquors. Their extraordinary and extensive cellars are such as the late Pro-

fessor Barrett Wendell once compared to the basement of heaven. Their side line is their famous Weighing Scales, from the use of which they have records since 1765, entering the weight of each customer each time he was weighed. Previous records of earlier weights have unfortunately been lost. Here may be seen the weights of six or seven generations of the Dukes of Manchester. As I remember it I was shown many years ago all seven of these records then ending with the weight of a small child. And also on a Visitors Book his childish autograph. This was the present peer. In these records you may also see the weights and records of Philippe Egalite the Orleans Duke who went back from the scales to the guillotine. On the page which records the weights of this Royal Prince, the entries are closed with the terse remark, "Obit. '93." And there any one of the readers of your Journal even if a prohibitionist will be welcomed today to sit in a comfortable armchair at one end of the steel yard scales and see weights equal to his own placed on the opposite side until he swings in air.

And there, probably on a spring day about the moment the writer was born, Judge Bovill called upon Mr. Henry Berry, the senior partner of the three hundred year old firm of Berry Brothers & Company. They took over to the window the books of record which showed the visits and weights of the father and grandfather. Sir William Bovill studied them most carefully to guard against possibility of erasure or alteration. And this is what he read of the grandfather, the seventh baronet:

"Sir Henry Tichborne, Bt.
9th of February 1788
9 stone 11½ lbs. boots"

We would say one hundred and thirty-seven and one half pounds. Ending the entry I observe that significant word "boots." When a visitor of today asks for an explanation of such a succinct entry he is shown the caricature of the Duke of Wellington in boots which were undoubtedly "wellingtons." It hangs on the wall near by. Then, perhaps, the ledger will be opened to the records of the Duke's weights; with and without the boots named after him. They made a substantial difference. The picture represents the boots as extending up to the ducal ears.

And as to the father, the tenth baronet, Judge Bovill read:

"Sir James Francis Tichborne, Bt.
12th June 1822
10 stone 8 lbs., boots."

I observe that the father was weighed at the age of thirty-eight and the grandfather at the age of thirty-two. Now the claimant was claiming to be the next heir and if that were true he was at the moment of the trial forty-two years of age.

Lady Tichborne (who was the claimant's mother only if he were genuine), came of French stock. It is often stated that she was a French woman. One infers the French blood from those statements and from her name and from the names given to her children. But she was Henriette Felicite Seymour, daughter of Henry Seymour of Knoyle, Wilts. The pictures of her make it plain that there was no bulk in that line.

Now imagine yourself Judge Bovill resuming the Bench the next morning! In the language of Mr. Sergeant Ballantine "he saw the claimant rolling into court." Or we can put it in the language of my friend Judge Parry, whose father prosecuted at the criminal trial and who says that the claimant was "a man-mountain of enormous bulk, weighing over twenty-four stone (three hundred and thirty-six pounds) big framed." An English friend once summed this matter up to me, saying:—"Everyone knows that the Tichbornes were hunting people always and that sort of size, and the claimant was a butcher's boy and that sort of size."

I cannot agree with those who say that the claimant's printed confession was a fake. We needn't debate here whether it was "ghost written." Let us agree that it was. But anybody who will read the confession will be convinced that the claimant helped the ghost-writer by talking out the true story.

And I conclude by pointing out that any one who gets as far as 3, St. James's Street on this pleasant errand will have an interesting experience much broader than merely looking at the Tichborne weights. He can probably pick any favourite judge or statesman or lawyer and follow him from weight to weight through his career, pausing occasionally for refreshment.

RICHARD W. HALE.

60 State Street, Boston,

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