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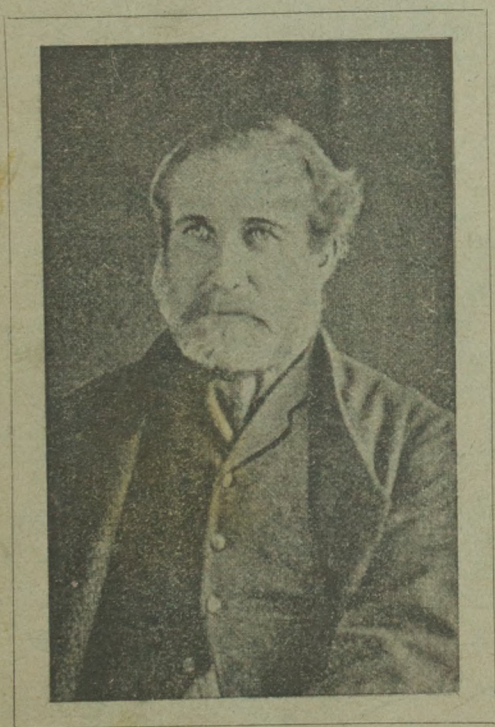
The TICHBORNE



MYSTERY.

BY

EDWARD PRIESTMAN.



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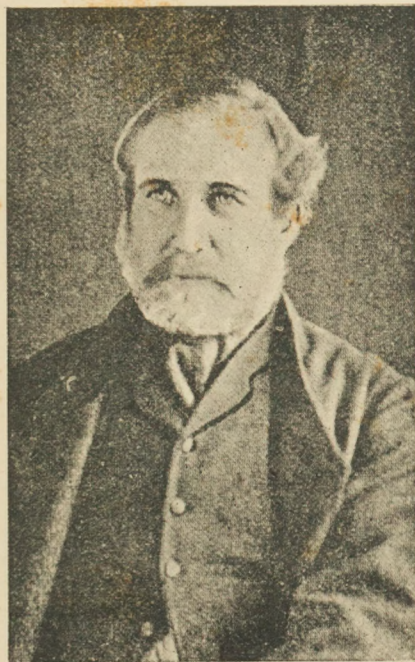
BOOK ARCADE, 428 GEORGE STREET, SYDNEY.

June, 1899.

The Tichborne Mystery.

ON THE VERGE OF SOLUTION,
MIDST THE ASHES OF A DEAD PAST.

BY
EDWARD PRIESTMAN.



PORTRAIT OF ROGER TICHBORNE'S FATHER
(THE LATE SIR JAMES TICHBORNE),

RECOGNISED BY MANY AS AN EXCELLENT LIKENESS OF WILLIAM CRESSWELL

W. DYMCK,
BOOK ARCADE, 428 GEORGE STREET, SYDNEY.

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1899.

THE TICHBORNE MYSTERY

ON THE VERGE OF SOLUTION

MIDST THE ASHES OF A DEAD PAST.

A COMPLETE HISTORY OF A WORLD-FAMOUS CASE—ROGER TICHBORNE'S ROMANTIC CAREER FROM HIS BIRTH TO DATE—THE SECRET OF HIS MYSTERIOUS LIFE—HOW HE ARRIVED IN AUSTRALIA DETERMINED TO LOSE HIS IDENTITY—BECAME FRIENDLY WITH ARTHUR ORTON—WHO LEARNED ENOUGH FROM HIM TO CLAIM THE ESTATES—A MASS OF TESTIMONY NEVER BEFORE PUBLISHED—FACSIMILE OF THE WRITING OF WILLIAM CRESSWELL, OTHERWISE ROGER TICHBORNE—COMPARED WITH THAT OF THE CRESSWELL FAMILY—ALSO PHOTOGRAPH OF THE REAL WILLIAM CRESSWELL—AND PHOTO. OF ROGER TICHBORNE'S FATHER—DECLARED TO BE THE IMAGE OF THE PARRAMATTA PATIENT.

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INTRODUCTION.

BEFORE entering on my task I may, I trust, be pardoned for expressing a few words indicative of the feeling which has actuated me all through so far, and which will, I hope, actuate me to the end in this case.

My object has not been the gaining of notoriety or the morbid lust after gold, as has been suggested by worldly-wise critics. My motives have all through been different and wide apart from this.

I should be sorry to attach any credit to myself for simply acting as I thought God and my own conscience directed me. The feeling that a great trust had been placed in my hands at a certain period some four or five years ago, when I saw Cresswell in the Parramatta Asylum, has alone prompted me to act fearlessly, and I sincerely hope blamelessly, in endeavouring to the best of my poor ability to fulfil that trust worthily.

I knew the late Sir Alfred Tichborne, the brother of the unfortunate and mysterious Roger, in my youth, not perhaps so well as one or two other members of my family may have done, but sufficiently well to warrant my desire to befriend and succour a brother who was most dear to him, should it ever lie in my power in after years.

I was in England when Sir Alfred purchased a handsome yacht and set out with the determination to find his brother Roger, were it within the bounds of possibility. Unfortunately, before going further than the "Lizard," sickness overtook Sir Alfred, and, returning to England, death put an untimely end to his existence.

Whether I have acted rightly in doing my best to befriend one who is friendless the near future must reveal. But even were it possible that I have made a mistake in the correctness of my surmises as to the truth or otherwise of my own judgment, yet still I trust that every reader of this will give me credit for honesty of intention.

Like others, when I first came to Australia, I believed Roger Tichborne dead; but the evidence of my own senses, after seeing and talking with William Cresswell for over an hour and a half on one memorable occasion, convinced me that he was undoubtedly the long-lost Baronet, lost now for forty odd years.

Nothing has occurred since to weaken that conviction; in fact, each obstacle placed in my path, and additional evidence coming to hand from time to time, have only served to intensify my belief.

Readers can judge for themselves, on the evidence of affidavits and otherwise, as to the marks on Cresswell, which others and I myself have sworn to (and these affidavits are produced in full in this volume) whether I have a good or a bad case.

In concluding this introduction, I would like to say that I wish to dedicate this work, with all its

faults, and I fear they will be many, to a gentleman in England, the Rev. Edward Williams, of Isleworth, who, all through my laborious task, has never once faltered in his encouragement to me to fight bravely on. An old man of seventy years, yet has he the vigour and intellect of a man in his prime. Faithful to the trust I have reposed in him, he has stood my rock of strength and comfort all through the trying ordeal, and my fight for justice to Roger Tichborne.

EDWARD PRIESTMAN.

Sydney, June, 1899.

THE TICHBORNE MYSTERY.

PART I.

BRIEF HISTORY OF THE ORTON TRIALS— THE CLAIMANT SENT TO GAOL.

The proceedings of the notorious Arthur Orton some thirty odd years ago, when he fruitlessly endeavoured to establish his claim to the Tichborne-Doughty estates, are matters of history to many. Yet there are thousands and hundreds of thousands who will recollect, as well as though it were yesterday, his determined and frantic efforts to establish a claim which was entirely without basis. The writer of this recalls the man well—in fact, breakfasted one morning with him and one of his chief supporters, the late Mr. Guildford Onslow, at the Great Western Hotel, in Paddington, London.

This was at the time when the late Claimant was out on bail in the year 1871. He, with Mr. Onslow, went down to Reading, in Berkshire, on this day, and happened to travel in the same train as the narrator. Arthur Orton was then on one of the stumping expeditions for which he afterwards became famous.

The meeting, though purely accidental, had an effect on the writer which was lasting. It proved to him absolutely that Arthur Orton's was a very

spurious claim, as affecting his identity with the missing Roger Tichborne. Not a single feature or characteristic was there noticeable to warrant a serious thought on the matter. Here was a man, too, putting forth his pretensions to be one whose greatest characteristic was an absolute love of solitude and retirement.

The lost Baronet was one who from his youth onwards would never have come forward to make a claim, even did that claim involve his own estates. The very nature of the Claimant was the greatest argument against his pretensions.

Roger Tichborne, as has been said before, loved solitude, and he loved something else almost as much, if not more—mystery. His aunt, Lady Doughty, said of him at the trial, "It was part of his nature to make mysteries out of nothing."

The case of *Tichborne v. Lushington* commenced on the 10th of May, 1871, before Lord Chief Justice Bovill and a special jury. The counsel for the plaintiff, Tichborne (Arthur Orton), consisted of Mr. Sargeant Ballantyne, Q.C., Mr. Hardinge Giffard, Q.C., Mr. Pollard, of the Australian bar, Mr. Jeune, and Mr. W. B. Rose. For the defendant, Lushington, and for the Trustees of the Doughty Estate, there appeared the Solicitor-General (Sir John Coleridge), Mr. Hawkins, Q.C., Sir George Honeyman, Q.C., Mr. Chapman Barber, of the Chancery Bar, Mr. Bowen, Mr. Henry Matthews, Q.C., and Mr. Purcell.

Proceedings opened in the Court of Common Pleas, were continued afterwards in the Court of Queen's

ench and the Sessions House, Westminster, and again and finally in the second-named Court

Seldom has such an array of talent appeared in any case, and it was perhaps never equalled except in the trial at Bar of Arthur Orton for perjury.

The proceedings throughout were characterised on the part of the Claimant by gross ignorance of many important facts which had occurred in the life of Roger Tichborne and the most unbounded amount of impudence.

Arthur Orton's lack of ability to answer one single question correctly regarding Tichborne's life at Stonyhurst was alone sufficient to stamp him as an impostor. Then again, on looking over the report of the trial, we find that the Claimant answered questions correctly regarding facts which could have been known to Roger Tichborne alone. This circumstance was convincing proof that the two had met, and yet the question at the time was never raised. Had the question been raised, and search been at once instituted for the lost heir in the colonies, what a world of trouble might have been saved!

That Arthur Orton was clever, few persons will admit, but he certainly had an excellent memory, and was possessed of more than a fair share of brazen effrontery, together with an enormous amount of luck. Whenever any question was asked him whilst under cross-examination, and of the correctness of the answer to which he was not certain, he almost invariably had some plausible excuse ready for deferring his reply. He then, in private,

refreshed his memory by consulting the diaries of the lost heir, which he had purloined, and answered the questions correctly in a great number of instances on returning to Court after an adjournment.

The following, whilst it throws considerable light on the subsequent career of Roger Tichborne, as evidencing his peculiar inclinations, may interest the reader.

On the 19th day of the trial, *Tichborne v. Lushington*, Arthur Orton was under cross-examination by Sir John Coleridge.

Sir John: "Can you tell me any of the books you read with M. Chatillon, your tutor?"

The Claimant: "I can't."

Sir John: "Look at that piece of paper (produced) and tell me whether it is the handwriting of Roger Charles Tichborne?"

The Claimant: "Yes, it is."

It read thus: "I enjoy the life of René. He knew how to take his sorrows with courage and keep them to himself, retired from all his friends to be more at liberty to think about his sorrows and misfortunes and bury them in himself. I admire that man for his courage; that is to say, the courage to carry those sorrows to the grave which drove him to solitude."

Sir John: "Who was René?"

The Claimant: "That is an extract from 'St Nicholas.'"

Sir John: "St. Nicholas of what?"

The Claimant: "It is a religious book."

Sir John: "Who was St. Nicholas?"

The Claimant: "He was one of the Saints."

Sir John: "What sort of a man was St. Nicholas?
When did he live?"

The Claimant: "I said it was an extract from a
book called 'St. Nicholas.'"

Sir John: "Who wrote it?"

The Claimant: "I don't know."

Sir John: "You say in the piece of paper, 'I
admire that man for his courage;' is that an extract
from 'St. Nicholas'?"

The Claimant: "The first part is evidently in my
own words."

Sir John: "Which part is an extract from 'St.
Nicholas'?"

The Claimant: "When I say an extract, I mean it
is written from reading 'St. Nicholas.'"

Sir John: "In what language is 'St. Nicholas'
written?"

The Claimant: "It is written both in French and
English."

Sir John: "Is it a tale or what?"

The Claimant: "It is a life of St. Nicholas the
Saint."

Sir John: "How came René to come into it?"

The Claimant: "I don't know, I'm sure."

Sir John: "Who was René?"

The Claimant: "He was King of France at one
time."

Sir John: "Was he one of the recent kings of France?"

The Claimant: "No, he was not."

Sir John: "One of the witnesses from Australia has said that you were very fond of reading novels."

The Claimant: "It does not follow that it is true because he says so."

Sir John: "Were you?"

The Claimant: "No."

Sir John: "Perhaps you know the history of Margaret of Anjou, the daughter of René?"

The Claimant: "I don't remember what it is."

Sir John: "Who was the René you so much admired?"

The Claimant: "How is it possible for me to tell you."

Sir John: "Then you don't know?"

The Claimant: "I don't."

Sir John: "To the best of your belief, this piece of paper is an extract from 'The Life of St. Nicholas,' with some bit of your own added?"

The Claimant: "No; the paper is evidently written from something I have read."

Sir John: "That is very plain. What I want to know is, what is the allusion? You say it is an extract from 'St. Nicholas.' Which is Roger Charles Tichborne's own composition"?

The Claimant: "I decline to answer a foolish question of that kind."

The Chief Justice: "Answer the question."

The Claimant: "I have explained as well as I can. I said it was written from a book I have read."

Sir John: "Where was it that you were reading 'The Life of St. Nicholas'?"

The Claimant: "I can't tell you."

Sir John: "Look at that book (produced) and tell me whether the handwriting in it is Roger Tichborne's."

The Claimant: "I don't think it is. I don't think it is my handwriting."

Sir John: "Have you ever seen the book before?"

The Claimant: "I believe I have."

Sir John: "Where?"

The Claimant: "I can't say."

Sir John: "Assuming, for the purpose of the question, that you are Roger Charles Tichborne, is this your book?"

The Claimant: "I believe it is."

Sir John: "It is a volume of Chateaubriand relating to René. Look at the handwriting again and see if it is yours."

The Claimant: "I don't know."

Sir John: "You know you admired 'The Life of René,' and admired the man. Do you think you could read the last page of 'René'?"

The Claimant: "I don't profess to do it."

The Chief Justice: "Do you mean to say you could not read it in French?"

The Claimant: "Yes, my Lord."

The Chief Justice: "You don't mean the translation?"

The Claimant: "No, my Lord."

Sir John: "You cannot read French at all?"

The Claimant: "I cannot. I have entirely forgotten it. I cannot even read my own letters written in French."

Sir John: "Is that so?"

The Claimant: "It is."

Sir John: "Did you send the piece of paper I have read and produced to Lady Doughty so late as 1852?"

The Claimant: "I can't answer."

Sir John: "Have you any doubt that you were reading Chateaubriand's 'Réné' in Canterbury in 1852, and that you wrote on this piece of paper in that year?"

The Claimant: "If Lady Doughty says so, I know it must be true."

Sir John: "I don't care what Lady Doughty says. Is it true?"

The Claimant: "I don't remember."

Sir John: "Do you mean to say that you cannot read one line of Chateaubriand's 'Réné'?"

The Claimant: "No, I can't."

Sir John: "Look at that book and tell me have you any doubt that the Réné you alluded to was the Réné about whom Chateaubriand wrote a tale. Do you recollect the story of Réné?"

The Claimant: "No."

Sir John: "You don't know that he was a man who went to the desert to escape the sorrows of an unfortunate life and to die there?"

The Claimant: "No, I don't. I don't remember the contents of the book."

Sir John : " Assuming the general purport of the story by Chateaubriand, have you any doubt that the René mentioned in the piece of paper is that René ? "

The Claimant : " It is so difficult to answer the questions ; you ask me about things I have no recollection of. "

Sir John : " To the best of your belief, what do you think about it ? "

The Claimant : " Possibly it might have been. "

Sir John : " What on earth made you say it was the ' Life of St. Nicholas ' ? "

The Claimant : " I was under that impression. "

Sir John : " You say you cannot read any French. Have you forgotten everything about your French ? "

The Claimant : " Entirely. "

Sir John : " What, even the alphabet ? "

The Claimant : " Yes, everything. "

The Chief Justice : " Do you know the pronunciation of any of the letters ? "

The Claimant : " No, my Lord. "

We have in the foregoing the very keynote of Roger Tichborne's life in after years, his admiration for the life of King René, whose retirement into solitude was the result of an unhappy life. At the same time, the preposterous impudence of Arthur Orton is fully exposed. French was the lost Baronet's mother tongue (he was born and reared in France till he was seventeen years of age) ; and yet the

Claimant, assuming that his pretensions to be Roger Tichborne were just ones, had utterly forgotten his own language!

Amongst the witnesses who gave evidence at this trial was a Dr. Lipscombe, and as it is important it may be as well to give it here in part. He testified as follows :—

“I live at New Alresford, and am by profession a surgeon. I have practised at Alresford for thirty-three years, and am one of the medical officers of the Poor Law Board. Tichborne Park, the family seat of the Tichbornes, is within three miles of my residence. I have been acquainted with them, and attended the family for years. I was acquainted with Mr. Roger C. Tichborne. I became acquainted with him on his visit to Tichborne Park during the lifetime of Sir Edward Doughty. I saw him occasionally. I saw him in the hunting field with the Hampshire hounds and during his visit to the house on the occasion of Sir Edward’s illness; I frequently saw him, and I sometimes slept at the house.

“On one occasion I attended Mr. R. C. Tichborne. There were two attendances, one of which I had forgotten, and the other during Sir Edward’s illness when Lady Doughty asked me to prescribe for him. On that occasion I put him to his room, and got him quiet and left him. *He was a very heavy smoker.*

“I saw him about August, 1852, just about the time he sold out of the army. I saw him almost daily at Tichborne House for a week. He told me that

he was tired of being dressed up in fine clothes and having nothing to do, and that if the march of the regiment to India had not been countermanded he would not have sold out of the army. He said he intended to go abroad for sport. He talked about what would be the most enjoyable sport to follow, and he at last said to me one evening: 'Well, I have determined to go to South America and catch wild horses and shoot black panthers.' He had got the idea from some book he had been reading. He told me *that he should not return as long as his father lived, as he could not get on with him.* I don't remember whether I saw him again or not. I had a distinct recollection of the expression of countenance of Mr. Roger Tichborne. It was impressed on my memory from several circumstances, such as his eccentric behaviour, his riding, and wild, careless manner. *He had a heavy brow, which he used to elevate in a very peculiar manner, and at times a twitching of the eyebrows, &c."*

There is much more of interest contained in the report of the famous trial of Tichborne *v.* Lushington, but the farce of the whole proceedings was so obviously patent to the jury, the absolute ignorance of the Claimant, amongst many other things, of Roger Tichborne's life in France and his life at Stonyhurst, that on the 103rd day they interposed and declared themselves satisfied that he was not the missing Baronet.

Arthur Orton was, therefore, committed for trial for perjury by Lord Chief Justice Bovill before Sir Alex-

ander Cockburn, Mr. Justice Lush, and Mr. Justice Mellor.

The trial of the Claimant for perjury began on the 23rd April, 1872, and was concluded on the 28th February, 1874, and resulted in his being found guilty and sentenced to fourteen years with hard labour.

An application for a new trial was at once lodged. The judges, however, refused it on the 29th April, and Orton went to gaol. An appeal was made on the 10th and 11th March, 1881, but the sentence was affirmed by the House of Lords. Orton was released after serving ten years, on ticket-of-leave, on the 20th October, 1884.

Subsequently he was aided by his brothers, Charles and Edmond Orton, in an attempt to prove that the patient, William Cresswell, in the Parramatta Asylum, was really Arthur Orton, but the attempt proved abortive. The Claimant then earned a precarious livelihood by exhibiting his colossal figure at various places of entertainment in London and the Provinces. Then, in May, 1895, he startled the world by confessing publicly that he was really and in truth the man whom the jury in the criminal trial had said he was.

In his confession he stated that he had gleaned all the evidence, which enabled him for so long to hoodwink a portion of the public, from friends and servants of the Tichborne family.

That this statement was without foundation will, the writer trusts, be proved before long.

That the Claimant obtained the greater part of all he knew from Roger Tichborne and the unfortunate

man's diaries is the only means of accounting for the large amount of information he undoubtedly possessed. The near future will disclose much that is at present hidden in obscurity.

Arthur Orton finally paid the last debt of nature on the 1st April, 1898.

PART II.

THE EARLY LIFE OF ROGER TICHBORNE—
WHY HE LEFT ENGLAND.

In tracing the life of Roger Tichborne up to a certain period, the writer would ask the indulgence of any readers of this work, inasmuch as there may possibly be some small inaccuracies which may have crept in owing to the considerable lapse of time. In the main, the information supplied may be relied on, and in no way can these little inaccuracies mentioned affect the chief points.

Roger Charles Tichborne was born in Paris on the 5th January, 1829, in the Rue Madeleine.

His early childhood was similar to that of most children, and nothing of any moment occurred which is worth mention.

At the age of seven his mother took him to Rome. Pope Pius the Ninth, who then occupied the Pontifical Chair, gave audience to Lady Tichborne and her son, and at the hands of His Holiness Roger received a locket containing a small particle of the "*Vera Cruæ*," or True Cross. This the Pope suspended round the boy's neck attached to a small gold chain. He also gave Roger a gold ring with a certain inscription chased on the inside.

After spending some time in Rome, mother and son returned to Paris, and at the age of nine years Roger Tichborne paid a visit to England.

Roger subsequently returned to Paris, and at ten years of age a tutor named Chatillon was engaged for him. The engagement lasted until the year 1845, when young Tichborne was sixteen.

A memorable incident occurred during this period. When he was thirteen years of age, Roger went with his father and M. Chatillon on a trip into Brittany, and whilst bathing at Ponc the former fell. The fall was a heavy one, and striking a dull-pointed fragment of rock with the back of his head, he was rendered insensible. When picked up it was found that the force of the blow had, without breaking the skin, dented the bone of the skull just behind the left ear.

From the effects of this, Roger Tichborne remained insensible for nearly two days, after which he recovered sufficiently to return to Paris.

It was about the period of his trip to Brittany that a sailor, whom Roger met casually, tattooed, at the latter's request, the emblems of Faith, Hope, and Charity in red ink on young Tichborne's forearm. The exact locality of this mark has never been proved.

At the trial of Arthur Orton for perjury, many, and to every appearance reliable, witnesses swore that Roger Tichborne never was tattooed. Others again, no less reliable, swore to the mark being close to the elbow; others, that it was almost on the wrist joint.

Miss Kate Doughty, Roger's cousin, testified that she first observed the mark when he turned up his sleeves to pick forget-me-nots and lilies for her at Tichborne Park.

Again, Miss Mostyn, another cousin, swore that directly Roger Tichborne turned back his shirt cuff the tattoo mark was visible; that it was, in fact, on the wrist of his left arm. It is only fair, then, to surmise that this mark was on the back of his wrist, not on the front where the pulse beats. However, the testimony at the trial was so very contradictory that the only fact which was really established was that Roger Tichborne had this mark on his left forearm somewhere or other.

To proceed, after this digression, the young heir remained in Paris until he was seventeen years of age, when he returned again to England.

Arrived in England, at his father's expressed wish he went to Stonyhurst College, in Lancashire, to complete his education. Previous to this he met and became acquainted with Lord Bellew, and this nobleman tattooed the initials "R. C. T.," in blue Indian ink, on Roger Tichborne's left forearm. They became great friends, and remained so up to the time of Roger's departure from England.

The young heir's life at Stonyhurst was similar to that of most college youths, with this exception, that, though it was a Jesuit college, he was more or less under the special tuition of one of the Christian Brothers. Here he was prepared and received instructions which were to fit him for a military life.

He was more than an average cricketer, and *was left-handed* with both the bat and ball.

Early in his 21st year he entered the 6th Dragoon Guards Carabineers, but on account of his eccentricities his life was by no means a happy one. He was often made the subject of practical jokes amongst his brother officers. On one occasion, whilst absent, his comrades caught a young donkey and placed it in his bed. When Roger came back to the barracks and retired to his quarters, he found this forced intruder on his privacy, mistook the donkey for the devil, and rushed yelling out of his room. It was some time before he could be induced to return, after the matter was explained to him.

Being essentially a Frenchman, his English was not good, and the men of his troop often jeered at him when giving the word of command. In addition, he had an awkward knee, and this caused a slight limp, or halt, in his walk.

To any person of a sensitive disposition, these practical jokes and jeering comments would be a species of torture, and Roger Tichborne, in the writer's opinion, sought some certain amount of relief in strong drink.

His love for his cousin, Miss Kate Doughty, was likewise a source of great mental worry and distress to him, the parents on both sides opposing a marriage between them.

In any case, life in England seems to have become so utterly distasteful to him that he resolved to sell out of his regiment and seek some sort of relief in travel.

In 1853 he left Southampton for Valparaiso in a vessel called the *Pauline*.

On the voyage, amongst other incidents which befel young Tichborne, whilst skinning an albatross which he had shot, he slipped, and, in falling, the right upper eyelid caught on the fishhook to which the bird was suspended.

In order to extricate the hook the top of the shank was filed off and it was then drawn through, leaving a mark which would be lifelong.

Another incident occurred, too, during the voyage. This was the shooting of an albatross overhead by Roger Tichborne. The bird, in falling, struck him with the point of its wing on the eyebrow and dented the bone. This mark would also be lifelong.

Arrived in South America, young Roger started on his travels, and after many adventures reached Rio de Janeiro early in 1854.

It may be mentioned here that, during his travels in South America, he fell in with a gentleman named Tomas de Castro, a ranche-owner or squatter. Roger stayed with de Castro for some time, and they became very friendly.

Shortly after his arrival at Rio, young Tichborne heard some bad news from England, and although he had been very steady up to that time, since he had left home, he entered upon a course of dissipation. Ultimately, he was induced to embark in a ship called the *Bella*, bound ostensibly for New York, *en route*

to England, and his departure from Rio in that vessel is the last known to the world of Roger Charles Tichborne.

Before bringing this part to a conclusion, the writer proposes to give a list of the marks and peculiarities, which, although they were *not all* admitted to have been proved to have existed on and in Roger Tichborne by Sir Alexander Cockburn at the great trial in London, yet it is so well known that all did exist, that the writer will quote every particular that was sworn to by all credible witnesses at that trial. The marks and peculiarities are as follow :—

- 1.—Mark of a fishhook through the right upper eyelid.
- 2.—Dent in the centre of left eyebrow.
- 3.—Odd ears ; one larger and fatter in the lobe than the other.
- 4.—Striking light grey-blue eyes.
- 5.—One shoulder longer than the other.
- 6.—Tattoo mark of “ Faith, Hope, and Charity,” with the initials “ R.C.T.,” on left forearm.
- 7.—Small mark, size of fourpenny-piece, on inside of left wrist.
- 8.—Mark of an issue on left upper arm.
- 9.—Mark of a lancet cut on left temporal artery.
- 10.—Lump on right instep.
- 11.—Small feet.
- 12.—Height, 5 feet 8½ inches.

- 13.—Nail on thumb of right hand only growing half-way.
 - 14.—Slight limp or halt in walk, caused by an awkward knee.
 - 15.—Peculiar way of twitching the eyebrows.
 - 16.—Cut in the top of third finger of right hand.
 - 17.—Lancet cuts in ankles.
 - 18.—Dent in back of head just behind the left ear.
 - 19.—Peculiar manner of sitting sideways on a chair, arm thrown over the back.
 - 20.—Peculiar manner of muttering before framing his words, and pronouncing many words with a French accent.
-

PART III.

THE MYSTERY OF THE *BELLA*—ARRIVAL AND
EARLY CAREER OF TICHBORNE IN
AUSTRALIA.

Roger Tichborne left Rio in the *Bella* on the 26th April, 1854. The ship's crew consisted of Captain Birkett; Jarvis, mate; and several others whom it is unnecessary to mention. It may be said, however, that when clearing port the captain found he was shorthanded, and engaged several seamen from amongst what were in those days called "packet-rats."

The gist of what follows is mostly gleaned from the lips of Carl Petterson, who was one of the seamen mentioned above, but who, upon the death of the cook during the voyage, was appointed to fulfil that position. As the celebrated Jean Luie has attained such unenviable notoriety—and justly so—in the case, the writer thinks it better to discard his evidence entirely.

According, then, to accounts gleaned from Petterson, after being some few days at sea, the captain aided by the crew, nefariously determined to pirate the *Bella*, and in pursuance of this scheme the long boat of the ship was cast adrift, bottom up, with a cask of water and a bag of biscuits lashed in her.

Orders were then given to have all the masts barque-rigged, and the ship's course steered for the South Sea Islands.

The winds, however, proving unfavourable, that course was altered for New Zealand.

Arrived in the Auckland Roads, a boat was sent ashore, and a man, a painter by trade, was brought on board the barque, obliterated the name *Bella* and substituted in its stead that of *Osprey*.

The vessel's colour had during the voyage previously been altered from buff to black.

After leaving New Zealand, the barque's course was shaped for Port Phillip, where she arrived early in July, 1854.

The reader will very naturally ask what had become of Tichborne during all this time.

When he was carried on board the *Bella* he was in a state of intoxication, but when two or three days of the voyage had passed over, he became again sensible of his surroundings.

When told of the intentions of the captain and crew, he said—no doubt having no alternative but to submit—that he would be well pleased to go to the South Sea Islands.

All this has been told to the writer by a man who was on board the *Bella-Osprey*. But there is even stronger proof of the correctness of this theory.

As an instance, Mr. Donnelly, the late member for Cowra, called on the writer and informed him that he (Mr. Donnelly) remembered the barque *Osprey* in Port

Phillip, and that he was present when that vessel, together with two others, was ballasted and sunk to serve as a foundation for the pier at Sandridge, Melbourne.

Again, a Herr Stephens communicated with the writer some time ago, from Oregon, U.S.A. His information was, to all appearances, thoroughly reliable.

He said that early in July, 1854, he was a clerk in the employment of a firm of ship chandlers in Melbourne.

His duties combined, amongst other things, the visiting of recent shipping arrivals, and during the early part of the month he boarded a black barque of about 300 tons, called the *Osprey*.

When he arrived on deck he found that there was only one man on the vessel.

Herr Stephens entered into conversation with this man, and gleaned from him that the barque had just arrived from Rio Janeiro with a cargo of log-wood and coffee in bags; that the captain and the rest of the crew had all deserted and gone to the gold diggings. (The gold fever was then raging.)

The harbour was at the time crowded with shipping of various nationalities, so Herr Stephens informed the writer, and he troubled himself no more about the matter.

However, he further said that shortly after the *Osprey's* arrival, he was one day accosted in the street

by a young gentleman, evidently an Englishman, with whom Herr Stephens struck up an acquaintance.

He saw the gentleman several times after, and upon one occasion made him remain at his house all night, the stranger being a little the worse for liquor.

On this occasion Herr Stephens' guest told him that he wished to gain some colonial experience, that his father was an English Baronet, and that he had left home owing to family trouble.

This was the last occasion upon which Herr Stephens saw the stranger.

A Mrs. Amelia Hatton, a resident of Sydney, also called upon the writer some time ago and informed him that she was, in 1854, a resident in Melbourne. About July in that year, a friend of hers pointed out to her a man who wore a blue cloth jacket and a straw hat. This was at the corner of Bourke and Elizabeth streets, and her friend told her that the man was Sir Roger Tichborne, who had just landed from the *Osprey*. As she was a native, Mrs. Hatton said she had a good look at the "first live lord" she had ever seen, and would know his features again if she saw them.

The writer had by him several photographs of different young gentlemen, and produced them for Mrs. Hatton's inspection. Three or four of these were shown to her, but without her manifesting any sign of recognition. But when the photograph of Roger Tichborne was produced, she at once identified it as that of the "real live lord" mentioned.

It is as well to remark here that the photograph of Tichborne, in the writer's possession, was taken in Chili in 1853, the year before Mrs. Hatton saw him.

Petterson, the cook on board the *Bella-Osprey*, swore an affidavit in April, 1897. It is as follows:—

“I, Carl Hampus Petterson, make oath and swear as follows:—I am a native of Sweden, and am now in my sixty-fourth year. I served my apprenticeship to the building and bricklaying trade under Mr. P. C. Sorensen in the city of Lund, Sweden. On the twenty-third day of June, 1853, I went to Hamburg, where I worked in trade until the twenty-third day of November, when I left Hamburg for Rio de Janeiro. I arrived in Rio early in March, 1854, and at once engaged as bricklayer with a countryman in buildings in the suburb St. Stephano. I used to call twice a week at Arendt and Blad's, ship chandlers, the latter gentleman being a Russian Finn with whom I spoke Swedish.

“In consequence of the increasing severity of the fever, vast numbers dying daily in the houses, and likewise amongst the shipping, I engaged to go in a vessel called *Bella*, bound to America, about the middle of April, year aforesaid. The crew consisted of all sorts of nationalities, and I could with the greatest difficulty understand what was told me to do.

“The ship's cook died at sea, and I undertook that duty. After a deal of manœuvring and alterations on board the vessel during the voyage had been going on, I was told that we were not going to America, that the vessel had changed owners, and that it was then an American vessel named *Osprey*. We came ultimately, after tedious sailing,

“to New Zealand, and dropped anchor in a wild place for
“a couple of days or more, where some portion of the
“cargo was discharged in big boats. Having left New
“Zealand, we arrived with the *Bella-Osprey* in Melbourne
“in July, aforesaid year. After all hands had left the
“vessel, I remained on board alone for more than a week,
“when I received for my wages from Captain Birkett
“£8 10s. I left Melbourne 22nd July, same year, to get
“home to Sweden, and, in the years 1855 and 1856, worked
“at my trade in Gothenburg and Lund, also at same towns
“in 1866 and 1867 worked as my own master. In the
“year 1883, on the 2nd of August, I arrived in Brisbane,
“Australia. I came to Sydney, 25th December, 1884, and
“have been residing in different localities ever since, in the
“avocation of basket-maker.

“When I was on board the *Bella* at Rio, there came on
“board, as a passenger, a young man about my own age.
“I understood that the young man was an English lord,
“and I used to speak to him in broken English. I had
“also seen him before in the ship chandlers’ at Rio.
“About the year 1887, I accidentally met the acting
“second mate of the *Bella-Osprey* in Sydney; his name was
“Jarvis. I had not seen him since parting in Melbourne.
“When, in 1873, I was reading in the Swedish newspapers,
“about the Tichborne trial, and the vessel *Bella* or *Osprey*
“had foundered at sea, I told people in Lund and Malmo
“that, if that vessel was lost, I must have been drowned;
“but I was always told not to have dealing in the Tich-
“borne Case, and it was only after I met Jarvis here in
“Sydney that the *Bella-Osprey* recalled my memory in
“that matter, because I know perfectly well that the young
“man who was an English lord was actually safely landed
“in Melbourne.

“The several statements herein contained are within my own knowledge, believed by me to be true.

“(Signed) CARL HAMPUS PETTERSON.

“Sworn by the deponent on this third

“day of April, 1897, at Sydney, in

“the Colony of New South Wales.

“Before me, ALFRED GODFREY,

“A Commissioner for Affidavits.”

Previous to the December, 1897, proceedings, before the late Mr. Justice Manning, Petterson entrusted the writer with the care of a diary, a very old, threadbare and dilapidated-looking document, and amongst a number of entries in ink, grown pale and indistinct with age, was the following in Swedish, the translation running thus:—

19th July, 1854. Received from Captain Birkett, £8 9s., for wages due.

Also, in corroboration of this entry, and of the veracity of Petterson's affidavit, was a discharge between the leaves in the diary. This discharge proved that he had left Melbourne on the 22nd July, 1854, some ten or twelve days after the arrival of the *Bella-Osprey*. It was in Swedish, and the following is a translation:—

Hamburg,

20th December, 1854.

The youth Carl Hampus Petterson sailed with me from Melbourne, the 22nd July, this year 1854, as able seamen. He was diligent and quick, and can be highly recommended.

C. RICHTER,

Captain.

As lending additional weight to the evidence regarding the *Bella-Osprey*, the writer received the subjoined letter from Mr. Laurence Tiernan, proprietor of the Royal Oak Hotel, Parramatta. Mr. Tiernan was at one time a warder in the asylum.

Royal Oak Hotel,
Church-street,
Parramatta.

Sir,—I acknowledge the receipt of your letter. In reply thereto, I may state, in course of conversation with your friend, Mr. Forbes, on last Saturday morning, about the Tichborne Case, he said a man named Jarvis turned up in Melbourne who could throw a new light on the case. Hearing Jarvis' name mentioned, I said that I heard a patient in the Parramatta Asylum, named William Cresswell, often speak of Jarvis. I am positive I also heard Cresswell speak of the ship *Osprey*; also of his being at the Ballarat and Bendigo diggings. Had I known that a statement from me would be ever required, I could have heard from Cresswell his life's history. You will please understand that I was an attendant at the asylum when all this was spoken of by Cresswell.

I beg to subscribe myself, yours respectfully,

LAURENCE TIERNAN.

To trace Roger Tichborne's wanderings up to the time of his first meeting with Mr. William E. Forbes, at Araluen, is a task, which, considering the mystery the missing Baronet has always adopted regarding himself, from his very youth upwards, is almost impossible of execution.

But the writer will submit the following narrative from a prominent Victorian M.P., Mr. Graves, which, so far as it goes, has been verified in many particulars, from enquiries made and information volunteered.

Amongst those who gave the writer corroboration of what Mr. Graves relates was the late Under-Secretary for Justice in this colony, Mr. A. C. Fraser. The narrative above referred to is as follows:—

STATEMENT OF MR. GRAVES, M.P. (PUBLISHED IN SYDNEY
Daily Telegraph, JANUARY, 1895).

“I visited Cresswell twice at the time the Ortons from
“South America were brought over in the case by an
“hotelkeeper in Wynyard-square, Sydney. At the time of
“the first Tichborne trial an attorney’s clerk named
“Mackenzie, and a detective from London, came to Aus-
“tralia adverse to the case of any Australian claimant.
“This Mackenzie took up the case of Orton, who was called
“de Castro. He followed his career from the time he left
“his father, the Wapping butcher, to his final butcher’s shop
“in Wagga. He traced him, without a check, from
“London to South America, back to London; then out to
“Tasmania, from there to Gippsland, in Mr. Johnson’s
“cattle ships, to Port Albert; thence to Johnson’s cattle
“stations, then round Sale (Gippsland); from there to an
“hotel at Sale, where he was ostler; then charcoal-burning
“near Sale. From charcoal-burning to horse-breaking,
“still in the vicinity of Sale, for Messrs. McLeod; and
“subsequently horse-stealing, and selling the horses at
“Bendigo and Castlemaine diggings. His movements
“were followed from there to Echuca, thence to Deniliquin,
“where he acted for a long time as pound-keeper for Mr.

“Robertson. He was, after that, in the employment of Mr. Heindt, an hotelkeeper, the Deniliquin pound being sold by Mr. Robertson to a Mr. Monk. From there he went to Wagga, as a butcher, and finally to England. All these years he was off and on engaged in butchering as a sheep-butcher. His favourite feat, when he was half-drunk, was to get a knife and a sheep, and for any wager he could get he would kill and dress the sheep in the London market manner in the shortest time on record. Mackenzie and his detective next turned their attention to the ‘Swell,’ as Tichborne, when on Boisdale station, was called. He took up his career in Victoria, and followed it out as he had done Orton’s, from the day he landed from the *Osprey* at Liardet’s stage at Sandridge. His first new acquaintance was Captain Chessel, who went down to repair the *Osprey*, and Tichborne was afterwards introduced to Captain Crawford, the police magistrate, who conversed with him in French. Captain Chessel got up a subscription for him, bought him an outfit, and sent him to board at the ‘Highlander Hotel,’ Flinders-street, where he met a lot of Gippsland drovers. He was in the habit of going each evening with these drovers to Kirk’s Bazaar. He also went one or two short trips round Melbourne with the drovers, and made the acquaintance of a stockman employed by Mr. Foster, of Boisdale. This man, ‘Bill,’ asked Mr. Foster to take the ‘Swell’ to Gippsland, and two days before Mr. Foster left Melbourne, after the sale of some cattle, ‘Bill,’ the stockman, started back to Gippsland with five horses. He took the ‘Swell’ down on one of these. On the third day on the road, Mr. Foster overtook the men, and rode down the rest of the way with them.

“The ‘Swell’ told him his history, and when they arrived at a public house, Mr. Foster would take him into the

“parlour with him for a drink, giving ‘Bill,’ the stockman, his drink in the bar. Foster and the ‘Swell’ talked a good deal about France. They went on to Boisdale station, and the ‘Swell’ helped ‘Bill’ to muster cattle. They used to kill for the station, and the ‘Swell’ had not the most distant idea of any kind of butcher’s work. He could not even cut up meat to salt. When they had been at the station for some weeks, ‘Bill,’ at Mr. Foster’s direction, took the ‘Swell’ out with a mob of yearling weaners to an out-station, and he remained there for some months. He then came back to the home station, at Boisdale, and Mr. Foster paid him £5 by cheque on a Melbourne agent. The ‘Swell’ had small feet, and was most particular to keep his boots clean, polishing them every morning. This was a most unusual proceeding for a station hand. One day Mr. Johnson, of Tasmania, who lived on the next station, came over to Boisdale to look for some of his missing cattle, and de Castro (Orton) and two other stockmen came with him. This was the first time that Orton and the ‘Swell’ ever met. They seemed to chum in together. Orton had a most untidy way of dressing. He wore a red handkerchief round his neck, a dirty jumper, and moleskin trousers, and had been in Gippsland about six or seven months before the ‘Swell’ came down. The ‘Swell’ could speak French, and rode with long stirrup-leathers like a trooper. He was very quiet and mysterious at times. Orton, or de Castro, as he was called, then took to frequenting Sale, and became ostler at an hotel there. He made the acquaintance of squatters, and was known as a skilful butcher and charcoal-burner. At the time the ‘Swell’ was about Mr. Foster’s station, he had a great fancy for horses. He occasionally went into Sale, and was very thick with de Castro. Then he and Orton

“took to breaking-in horses, and selling them. After
“staying at this business for a while, they cleared out of
“Sale, the ‘Swell’ going towards the Upper Murray and
“Monaro, and Orton to the Bendigo and Castlemaine dis-
“trict. Orton then went to Deniliquin, from there to
“Wagga, and thence to England.

“The ‘Swell,’ on his travels, fell in with a lady, who was a
“nursery governess at some station. She had lived with a
“family in England, where she had met the ‘Swell,’ when he
“was a cavalry officer. She used to speak French with
“him, and it was said they were very good friends. This
“lady was alive a few years ago. I do not know if she is
“now. I have met her, and if anyone alive could identify
“the English cavalry officer, the Gippsland horse-breaker,
“and the Parramatta lunatic, as one and the same person,
“that lady could. I used a French expression twice at
“Parramatta in the presence of the lunatic. He looked at
“me very furtively, and he certainly understood what I
“said. Years ago, in consequence of the information I
“possessed, I came to the conclusion that the man at
“Parramatta was, first, a gentleman by birth; secondly, he
“never had been a butcher; he was not a brother of the
“Ortons; that, although not set up like a cavalry officer, he
“had been drilled; that he had some innate fear of punish-
“ment; that he had a Frenchman’s knowledge of French
“expressions never used by Englishmen; that he had not,
“in early life, earned his bread by manual labour.”

Mr. Graves adds in his narrative, that “Bill,” the
stockman, of Boisdale, was in his employ in 1873 and
1874, and he was, through him, able to verify the
particulars of the life of the “Swell” given above.

PART IV.

CRESSWELL'S LIFE IN NEW SOUTH WALES—REMARK-
 ABLE AFFIDAVITS AS TO HIS IDENTITY
 WITH ROGER TICHBORNE.

Mr. Graves' narrative deals with the adventures of Roger Tichborne up to the time of his wanderings in the region of the Upper Murray. This would be about the years 1859-60, and at this period it is probable that he stayed for some days with the late Mr. J. S. T. Le Clerc, in his hut on the Murray. In the year 1860 Mr. W. E. Forbes met the "Swell," under another name, that of George F. Smith, in Araluen, as the following affidavit shows:—

AFFIDAVIT OF WILLIAM FORBES. } States:—
 SWORN 21ST APRIL, 1897. }

"1. I first met the person known by the name of "William Cresswell, at present an inmate of the Parramatta Lunatic Asylum, at Araluen, in a butcher's shop conducted by a Mr. Edward Smith. He had just arrived from Gippsland, Victoria, *via* Omeo. Cresswell was then going under the name of George F. Smith. He stayed in Araluen till the end of 1860, when he entered the service of Mr. William Davis, of Ginninderra, as groom and coachman.

"2. In the year 1861 I often met him when playing cricket at Ginninderra. He was a good cricketer, being a

“fair medium-paced underhand bowler. In batting he
“was noted for hitting from the knee to leg (termed a leg-
“hit), and we used to give it the name of the bandy hit.
“I noticed about this time a tattoo mark on the back of
“his left wrist. Being about eighteen years of age at the
“time, and never having seen a tattoo previously, it
“impressed itself on my mind very strongly, and I can
“describe it now perfectly. It consisted of a heart inter-
“woven with a cross and anchor, was about two and a half
“inches long, and underneath were the initials ‘R.C.T.’
“All the tattoo was in blue ink, with the exception of the
“heart, which was in red.

“3. On or about the 20th day of October, in the year
“1862, the said William Cresswell, then known by the
“name of George F. Smith, went from Goulburn to Braid-
“wood in James Waterworth’s coach, driven by John
“Pallier. He got out of the coach at Braidwood, at
“‘Darke’s Royal Hotel.’ Waterworth’s coach used to stay
“at the ‘Doncaster,’ kept by Mrs. Badgery. I went up in
“the coach from Darke’s to the ‘Doncaster,’ and Pallier, in
“taking the things out of the coach, picked up a collar
“with the initials ‘R.C.T.’ on it. I remarked that that
“did not tally with Smith’s initials, and said to the driver
“that it perhaps belonged to some other passenger. He
“said, ‘No; he was the only passenger I had to-day.’
“Pallier is since dead. Nothing had been then heard of
“the Tichborne Case. On the day of the marriage of the
“said William Cresswell, in the month of April, 1863, I
“was going to Queanbeyan in the morning, and I called in
“at the hotel kept by Mrs. Clarke (whom he married), and,
“being an old friend, he asked me to call as I came back
“in the evening. I did so, and while there Mrs. Knight
“(who was one of the witnesses to the marriage), in the

“presence of Cresswell, made the remark, ‘How strange that people’s names should change so quickly. This morning it was Mrs. Clarke, to-night it is Mrs. Cresswell; this morning it was Smith, to-night it is Mr. Cresswell.’ Cresswell then said, ‘Had I never changed my name she would be a lady somebody now; in fact, she is entitled to it still.’ After this marriage I lost sight of William Cresswell.

“5. Towards the end of the year 1865 I was driving a mob of cattle from Cowra, when I again met Cresswell in that town going under the name of Roger Leslie. I induced him to join me in driving the cattle to Wagga. On the road I noticed that he kept a diary in which he used to write in French every night an account of the day’s proceedings, and I feel sure that if Arthur Orton’s effects were searched this diary would be found. On the fly leaf of the diary were the words ‘R. C. Tichborne.’

“6. When we arrived at Wagga, he told me he was going to stay with an old chum of his named Tom Castro. I subsequently met him on two or three occasions while in Wagga, and, on my asking him if he would go another droving trip with me, as there was good money in it, he said, ‘No; he was going to have a rest, and he did not care a fig about money, that he could have plenty of it if he wanted it; that, in fact, he was an English Baronet in his own right.’

“7. I left Cresswell, who then went under the name of Leslie, with Tom Castro, otherwise Orton, and did not see him again.

“8. I have seen the photograph of William Cresswell, at present in the asylum at Parramatta, and I identify it as the likeness of the George F. Smith I knew in Araluen,

“the William Cresswell I knew in Gundaroo, and the Roger Leslie I knew in Cowra and Wagga.

“9. Whilst in Wagga, Tom Castro, otherwise Orton, Leslie, and myself were frequently together, and Leslie used to address Castro as Arthur, and Castro, or Orton, used to address him as Roger, and at times ‘Sir Roger.’ Castro on one occasion told me his (Leslie’s) real name was Tichborne. The said Tom Castro, otherwise Orton, is identical with the Arthur Orton who subsequently in England made claim to the Tichborne estates, and was finally convicted of perjury.”

In perusing Mr. Forbes’ affidavit, the reader can easily imagine the friendly footing on which Arthur Orton and Roger Tichborne were. And in this there is nothing strange. They were two Englishmen, thrown together in a strange country, and what more likely than that a species of Bohemian good-fellowship should spring up between them.

Mr. Forbes has described to the writer how, when Leslie accompanied him on his droving expedition, the latter always, when indulging in a weed, smoked a pipe on which were carved the initials “R.C.T.”

Many readers will recollect that Orton exhibited a similar pipe at the trial in London, and made great capital out of it in endeavouring to establish his claim to the Tichborne Baronetcy.

It may be said : “How could a Tichborne associate with and make a boon companion of Arthur Orton ?” The question is a natural one, but the missing Baronet was an eccentric man. Even apart from this, how

often do the sons of gentlemen in England make confidants of their father's gamekeepers and other dependants? The writer has seen instances of this scores of times.

To follow Roger Tichborne's wanderings up to the time when he was incarcerated in the Parramatta Asylum is perhaps best left to the reader's imagination, but the affidavits submitted herewith will be of great assistance. These sworn testimonies have, all of them, been placed at the disposal of the writer in the interests of justice, and in no single instance has a request been proffered for any remuneration. They comprise amongst them affidavits from magistrates of this colony, and are all from men of undoubted integrity.

It may be argued that Arthur Orton produced wonderful, nay, convincing, testimony as to the validity of his claim. But let the reader pause and consider the different surroundings of William Cresswell and Arthur Orton. The latter, primed to the muzzle with all the important facts he had gleaned from the former, helped by the possession of his duped friend's diaries, and by a continued study of his victim's traits of character during many years; on the other hand, poor, unfortunate Cresswell, longing for his freedom, yet bound down by a sense of honour, and a mistaken and eccentric notion to conceal his identity, a notion which he had formed in his early youth in imitation of his ancestor, King René. This sense of honour is the sole cause of his silence. He is longing, praying for freedom. That freedom once accorded, his erra-

tically-formed resolution would give way under the influence of true friendship and affection.

Again, in comparing the affidavits sworn in support of Arthur Orton and of William Cresswell, let the reader note that in the former instance they were given on behalf of a man who knew so much of the life of the missing Roger, and who was in consequence able to completely hoodwink the witnesses; whilst in the latter, they are given in support of a man who absolutely denies his identity, with one or two exceptions.

When the writer says "with one or two exceptions" he speaks advisedly, for to him Cresswell was more open, and acknowledged, in a manner known only to the writer, who he really was; not certainly in words to the effect that he was Roger Tichborne, but by very broad hints and other means. The writer will now give his own and his wife's affidavits regarding the marks and peculiarities which they noticed on Cresswell:—

AFFIDAVIT OF EDWARD PRIESTMAN. } States:—
 SWORN 15TH APRIL. }

"1. I am the applicant herein.

"2. Sir Roger Charles Doughty Tichborne, I verily believe, had on his body the following marks, viz. :—

"(a) The mark of an issue on his left arm.

"(b) A tattoo mark on his left arm just above the wrist.

"(c) A lancet cut on the temporal artery.

"(d) A lump on his instep.

"Sir Roger had also large grey-blue eyes; he had odd ears; limped in a peculiar manner when walking; and when

“interested used to raise his eyebrows in a very marked manner. His height was five (5) feet $8\frac{1}{2}$ inches.

“3. All the above marks and peculiarities are described and referred to by the Lord Chief Justice of England in his summing-up to the jury in the case of *Regina v. de Castro*. This summing-up was reported, and the report, after being I believe revised by the Lord Chief Justice, was published in two volumes by the law publishers, Messrs. Maxwell and Sweet. A copy of this book is in the New South Wales Free Public Library, number F5, V21, and the marks and peculiarities referred to in paragraph 3 of this affidavit are referred to in the second volume of that report on the pages following, viz. :—

“The mark of the issue on	pp. 682 and 813
“The tattoo mark on	pp. 718 and 813
“The cut on the temple on	pp. 697 and 813
“Lump on instep on	p. 675
“Colour of eyes on	p. 671
“Odd ears on	p. 672
“Limp on	p. 670
“Habit of raising the eyebrows on	p. 670
“Height on	p. 673

“4. I visited the Parramatta Asylum for the Insane in the year 1895, and I saw and conversed with the patient therein confined under the name of William Cresswell, and I saw on him all the marks and peculiarities described in paragraph 2 of this affidavit, save and except the tattoo mark and the issue. In place of the tattoo mark there is a large scar like a burn, and I am informed, and verily believe, that the mark of an issue is also present on Cresswell’s arm.”

AFFIDAVIT OF CLARA THERESA PRIEST-
 MAN. SWORN THE 12TH DAY OF }
 OCTOBER, 1897. FILED 2ND } States:—
 NOVEMBER, 1897.

“1. Early in the year 1895, in company of my husband,
 “I visited the Parramatta Lunatic Asylum.

“2. We were shown into a room, and William Cresswell
 “was brought in, escorted by two warders.

“3. As he entered, I immediately noticed his limp,
 “military bearing, and his remarkably light blue eyes.

“4. When he was seated I noticed that throughout the
 “interview, which lasted an hour and a half, he sat side-
 “ways on the chair, with his arm thrown over the back.

“5. The patient, Cresswell, did not talk much during
 “the interview, but when he became animated he moved
 “his eyebrows up and down in a very noticeable manner.
 “He muttered a great deal to himself and spoke with a
 “foreign accent.

“6. I noticed that the thumb-nail of his right hand
 “grew in a peculiar manner, not more than half way up,
 “and also that his ears were odd, one being conspicuously
 “larger than the other.

“7. I saw a mark on the temporal artery like two
 “threads of cotton crossing each other.

“8. There was also a wound on the back of his left
 “wrist about two inches long.

“9. My husband took Cresswell's left hand and said:
 “‘Poor fellow; what a nasty wound you have here!’ One
 “of the warders said: ‘Yes, sir; and there is another
 “higher up on his arm.’ My husband said: ‘Oh, that
 “must be the mark of the issue,’ and the warder nodded
 “his head.

“10. Mr. Priestman looked at Cresswell's feet, and made

“the remark: ‘What small feet your patient has got, warder,’ and stooping down he touched the right foot, and said: ‘What a lump he has got on his right instep!’ The warder replied: ‘Yes, sir; his boots have to be specially made for him on that account.’

“11. During this conversation I noticed Cresswell gazing intently at my husband, and he at last caught his eye. Cresswell then shook his head, glanced at the warders, back to my husband, and put his finger on his lips.

“12. Mr. Priestman asked: ‘How would you like to go to England, Cresswell?’ He replied: ‘Oh, I shall go some day.’ Mr. Priestman continued: ‘Have you estates in England?’ ‘Yes,’ replied Cresswell, ‘I have estates in Hampshire and,’ he stopped short there and my husband pressed him to go on, and Cresswell said: ‘I have estates in several places.’

“13. When leaving the asylum my husband stood up close to Cresswell to say good-bye; Mr. Priestman is 5 feet 10½ inches high, and I noticed particularly that Cresswell was very little shorter than my husband.

“14. Mr. Priestman asked the warder what height Cresswell was, and the warder replied: ‘Five feet eight and a half (5ft. 8½in.), sir.’”

Sworn, &c.

The rest of the affidavits which were read in support of the application, before the late Mr. Justice Manning, in the Equity Court in December, 1897, are those of the following gentlemen:—Mr. John Hands, store-keeper, late of Auburn; Mr. Robert Dear, J.P., Tumut; Mr. John Gale, J.P., of the *Queanbeyan Observer*, Queanbeyan; Mr. James Menzies, cordial manufacturer, Gundagai; Mr. John J. Wright, J.P.,

Queanbeyan; Mr. John T. Walker, saddler, Goulburn; Mr. Luke Cullen, ex-police-constable, Parramatta; Mr. Walter Watson, ex-senior-constable, Wombat, near Young; Mr. Michael Lennane, farmer, Tumut; Mr. Patrick Harlowe, settler, Tarrabandra; Mr. Francis Devlin, wholesale butcher, Temora; Mr. Harold M. Davis, J.P., licensed surveyor, Bungendore.

There are also statements, too late to be sworn, from Messrs. John Perrin, formerly an hotelkeeper at Urana, and Mr. William Marshall, house and estate agent, of King-street, Newtown, Sydney.

And finally, there is the affidavit of Mr. John Perrin as to the death of William Cresswell by lightning at or near Urana. The writer obtained the depositions from the Justice Department in this case, and the name of Mr. John Perrin is included in the list of the jury which sat at the inquest.

AFFIDAVIT OF JOHN HANDS.
 SWORN THE 30TH DAY OF SEPTEMBER, 1897. } States:—
 FILED 2ND NOVEMBER, 1897.

“1. I knew William Cresswell during the years 1863 to 1867.

“2. In 1864 or 1865 Cresswell married a Mrs. Clarke.

“3. Previous to his marriage I knew him by the name of Smith. After his marriage he was known as Cresswell.

“4. About this time I was selling him some sugar, and remarked: ‘It’s Cresswell now I see, some relation to Baron Cresswell.’ He said: ‘Mind your own business; I may be a Baronet for all that.’

“5. Later, I sold him a drab buckskin suit. It was on account of his wearing this suit that he was called ‘Leather-jacket.’

“6. When at my uncle’s station, ‘Woodbury,’ I often used to go shooting with Cresswell; he was a good shot, and a man of military bearing. I imagined he had been an officer. He was more than an ordinary linguist.

“7. I have not seen Cresswell since 1867 or 1868.

“8. I have seen a photograph purporting to be the portrait of William Cresswell, now confined in the Parramatta Lunatic Asylum, and identify it as the portrait of the man whom I knew as Smith and William Cresswell in the years 1863 to 1867.”

Sworn, &c.

AFFIDAVIT OF ROBERT DEAR.

SWORN THE 20TH DAY OF OCTOBER, 1897. } States:—
FILED 2ND NOVEMBER, 1897.

“1. The William Cresswell, who is at present confined in the Parramatta Lunatic Asylum, was about the year 1867 or 1868 in my employment for nearly twelve months.

“2. Whilst in my employ he frequently wrote letters to members of the Tichborne family, to Lord Mildmay, to the Bishop of Winchester, and to other persons, but these letters were never forwarded, and were ultimately torn up.

“3. The said William Cresswell while in my employment frequently told me that his right name was not Cresswell.”

Sworn, &c.

AFFIDAVIT OF JOHN GALE.

SWORN 5TH APRIL, 1897.

} States:—

“1. I reside at Queanbeyan, and am a Magistrate of the colony of New South Wales.

“ 2. In the year 1860, and thenceforward for many years, I was the proprietor and manager of the *Queanbeyan Age* newspaper.

“ 3. I then knew a man who called himself William Cresswell; I was very familiar with his handwriting through receiving business communications from him, as he was a subscriber to the *Age*.

“ 4. I have frequently seen handwriting said to be that of the missing Roger Tichborne, and have been struck with the great similarity it bears to what I recollect of William Cresswell's writing, especially as regards the capital letters.

“ 5. When I first knew the said William Cresswell he was employed by William Davis, Esq., J.P., of Ginninderra, as a groom and coachman.

“ 6. The said William Cresswell was then a man of fine stature, and had the peculiar walk of a cavalry man. I lived for many years at Newport, England, a town where a cavalry regiment was stationed in barracks.

“ 7. I recollect the said William Cresswell's marriage with a widow named Ellen Clarke, who kept a licensed public-house at Jerrabiggery, near Gundaroo. The said William Cresswell and his wife left this district a year or two after their marriage.

“ 8. Cresswell had, on many occasions in conversations, hinted that he was not the man he appeared to be.

“ 9. Shortly after their departure the Tichborne Case attracted a great deal of attention, and a stool, or form, was found at the hotel at Jerrabiggery, formerly kept by Mrs. Clarke, and on the seat of this form there had been cut the initials ‘R.C.D.T.’ and this circumstance became a matter of common talk and observation in the place.”

AFFIDAVIT OF JAMES MENZIES. } States :—
 SWORN 3RD APRIL, 1897. }

“ 1. I knew William Cresswell, who is now confined in the Parramatta Lunatic Asylum, intimately 30 years ago, and stayed with him at the same hotel in Gundagai.

“ 2. During my acquaintance with him I had many conversations with him, and on more than one occasion he informed me that his name was not Cresswell, but Tichborne. He was a keen sportsman, and wore a buckskin jacket and leggings.

“ 3. On one occasion he showed me a silver snuff box bearing the initials ‘ R.C.T.’ or ‘ R.D.T.,’ and he also had a locket round his neck which he said he would never part with till he saw his mother again.

“ 4. About the year 1865 or 1866 I lent him some money, and he told me confidentially that his name was not Cresswell but Tichborne, and that he would remember me when he came into his estates.

“ 5. He always gave me the impression of being a gentleman of education and address, and walked with a military gait.

“ 6. I am quite confident that I could, even at this date, identify the person whom I knew as Cresswell, and who informed me his real name was Tichborne.”

AFFIDAVIT OF JOHN J. WRIGHT. } States :—
 SWORN 3RD APRIL, 1897. }

“ 1. I have known William Cresswell between 25 and 30 years.

“ 2. The said William Cresswell was engaged by George Campbell, at Duntroon, as stud groom. This was about 25 years ago.

“3. While so engaged Cresswell used to deal at my store in that town, and I had opportunities of obtaining ample knowledge of him.

“4. During this time I met him at the Queanbeyan Commercial Bank, where he was presenting a cheque drawn by Mr. Campbell on the Bank of Australasia, Sydney. The manager not knowing him asked him to put his name on it. He did so. I then jokingly asked him if he was any connection of Sir Cresswell Cresswell the English judge. He said ‘No, I am not; but you may yet hear something that will astonish you.’

“5. I noticed that he had tattoo marks in blue and red, I think on one of his arms, but I cannot now say positively on which arm. He also wore in each ear earrings such as I have observed sailors wearing.

“6. After he left Mr. Campbell’s employ, the said William Cresswell entered the service of Mr. William Davis, of Ginninderra, as coachman and groom. He was a man of good address, and as far as I could judge, fairly educated.

“7. Subsequently William Cresswell married a Mrs. Clarke, from whom he separated.”

AFFIDAVIT OF JOHN THOMAS WALKER. }

SWORN 3RD APRIL, 1897. }

States:—

“1. I knew William Cresswell over 30 years ago, at Tumut, and before there was any talk about the Tichborne Case.

“2. I knew him then as Smith and Cresswell, and by the nickname of ‘Leather-jacket.’ He had in his possession a hunting suit of clothes made of English basil in a first-class style which I do not believe was made in the colony.

“ 3. He often showed me the sword drill, and acted like
“ a soldier.

“ 4. The year he was put in the asylum he was working
“ for a butcher, and I asked him how he came to be a
“ butcher ; he said he picked up the business on a station.

“ 5. About that time he made a deep cut in one of his
“ hands, the left one I believe, when cutting a round of
“ beef, and he came to my shop and my apprentices and I
“ bound it up.

“ 6. Then his master, the person in whose employment
“ Cresswell was, discontinued business, and Cresswell then
“ went as a groom to Mr. R. Dear, a hotelkeeper. About
“ this time a pigeon match took place in which Cresswell
“ and myself took part.

“ 7. He often indulged freely in intoxicating liquors, and
“ on one occasion, while somewhat the worse for liquor, he
“ picked up the saddlers' knives and was drilling my men
“ and boys, thus keeping them from their work. I ordered
“ him out, and he went indignantly.

“ 8. Before he had been away an hour, a boy came from
“ him with a letter for me. On opening it I could not read
“ it, as it was in French, but as I knew a little French I
“ went to Mr. Dear and asked him if he could read French,
“ and he said ' No.'

“ 9. I handed this letter to the Clerk of Petty Sessions
“ at Tumut the day Cresswell was tried there.

“ 10. The next morning I saw him at the 'Woolpack
“ Hotel.' I told a police sergeant about the letter, and he
“ said he would arrest him if I would appear against him.
“ He was arrested, and sent to Gundagai for medical treat-
“ ment. He afterwards wrote to me to sell his horse, saddle,
“ and bridle at auction. I did so, and forwarded him the
“ money.

“ 11. About four years ago I went to see Cresswell in the asylum, but I was not allowed to speak to him. I knew him and picked him out from twenty persons.

“ 12. I always believed he was a gentleman. From what he told me I understood that he had been in the army. He said he was a gentleman born, and I would know it in time.

“ 13. I remember he told me he would have gone to England years ago only he was married to a woman beneath him.

“ 14. He was very reserved about himself, and would rarely say anything of his affairs unless he had a little drink.”

AFFIDAVIT OF LUKE CULLEN.

SWORN 27TH APRIL, 1897.

}

States:—

“ 1. In the year 1862 I was a member of the police force of New South Wales, and was stationed at Gundagai, and in that year or the following year I had occasion to visit Wagga Wagga.

“ 2. While there, I met in the ‘Criterion Hotel’ two men. One was Orton, *alias* Tom Castro, the late Tichborne Claimant; the other was William Cresswell, now an inmate of the Parramatta Lunatic Asylum. Cresswell went out of the hotel for a short time, and during his absence Orton told me that Cresswell owned large estates in England, and was a fool not to claim them.

“ 3. The said William Cresswell afterwards came to Tumut, and started butchering. That was about 1869.

“ 4. I often saw and spoke to him. He told me several times he belonged to the best blood in England.

“ 5. After this, Orton went home to England to claim the Tichborne estates.

“ 6. In consequence of what Orton told me, I communi-

“cated what I had learnt to the Inspector-General of
 “Police, and informed him that Orton was not the real Sir
 “R. Tichborne, but that this man Cresswell was Sir Roger.
 “In my letter I made claim to the reward which had been
 “offered for the discovery of Sir Roger Tichborne.

“7. I never received any reply to my claim from Mr.
 “Fosbery, though he sent me some correspondence to read.

“8. I arrested Cresswell at Tumut, in 1869, as being of
 “unsound mind.”

AFFIDAVIT OF WALTER WATSON. } States:—
 SWORN THE 13TH DAY OF NOVEMBER, 1897. }

“1. In the year 1862 I was a senior constable in charge
 “at Queanbeyan, and in that year was present at a cricket
 “match played there.

“2. One of the players came up to me and said: ‘I
 “should judge from your appearance you have served in
 “the army.’ I said I had done so, and he replied: ‘I
 “should say in the cavalry from your appearance.’ I said:
 “‘I have been in the cavalry.’ He said: ‘I have served in
 “the Sixth Carabineers.’ ‘What was your corps?’ I said:
 “‘Do you know any regiment without a number?’ After
 “a pause he answered, ‘Yes, the Royal Horse Guards.’ I
 “said: ‘That was my corps.’ He told me his name was
 “William Smith.

“3. After that, the aforesaid William Smith always
 “called to see me when he came to town. Our talk was
 “mostly about the army, and he appeared to have a very
 “good knowledge of a cavalry soldier’s life.

“4. He married a Mrs. Clarke, and afterwards assumed
 “the name of Cresswell.

“5. I believe that he had, at that time, a tattoo mark on
 “his wrist, but I do not remember what it was.”

Sworn, &c.

AFFIDAVIT OF MICHAEL LENNANE. } States:—
 SWORN THE 24TH DAY OF NOVEMBER, 1897. }

“1. I knew Cresswell in the years 1867 and 1868.

“2. In the Tumut district, New South Wales, he worked
 “for nearly two years in the butcher’s shop kept by Arthur
 “Orton (the Tichborne Claimant).

“3. On one occasion in the year 1868, while travelling
 “with me from Gundagai to Tumut, he took me into his
 “confidence, and told me that his real name was Sir Roger
 “Tichborne.

“4. He was, as a rule, a very reserved man.

“5. He always led me to believe that he was a man of
 “good family, and well connected in England.

“6. I have seen what purports to be a photograph of the
 “William Cresswell now confined in the Parramatta
 “Asylum, and recognised it as the likeness of the William
 “Cresswell I knew at Tumut, who told me he was Sir
 “Roger Tichborne.”

AFFIDAVIT OF PATRICK HARLOW. } States:—
 SWORN THE 26TH DAY OF OCTOBER, 1897. }

“1. I first became acquainted with William Cresswell,
 “who is now confined in the Parramatta Lunatic Asylum,
 “in 1866, when I was residing at Tarrabandra. He was
 “engaged in October, 1866, by a Mr. James McEvoy, to do
 “some fencing. He had a mate working with him named
 “James Buchanan.

“2. He was engaged six months, and I often had con-
 “versations with him. Speaking one day of rank wheat,
 “he told me that his people put their sheep on it to graze it
 “down.

“3. On one occasion he complained of his wrist. He

“ said it was a cutlass wound. He wore a leather strap
“ over it when lifting logs.

“ 4. When the fence was finished Cresswell was engaged
“ by McEvoy as a boundary rider.

“ 5. Soon after this Cresswell, while in my yard, received
“ a kick from his horse which nearly killed him. He stayed
“ in his own cabin for a week and then was taken to the
“ Gundagai Hospital, which was about ten miles away.

“ 6. I went to see him at the hospital when he had been
“ there a fortnight. He was very ill indeed. The nurse
“ would only allow me to see him on condition that I should
“ only say a few words to him. He did not recognise me at
“ first, but afterwards asked me to get some clothes of his
“ washed. I never expected to see him again.

“ 7. About three weeks afterwards I saw him sitting on
“ the bridge over the Murrumbidgee at Gundagai. He told
“ me he was staying there at ‘The Bridge Inn Hotel’ to recruit
“ his strength. We drank together, and he gave me a receipt
“ for his horse, which was in my paddock. I had never
“ seen his writing before. I was surprised that a man in
“ his position could write so well. I have since lost the
“ receipt.

“ 8. When I knew him he went by the name of George
“ Cresswell, not William, as he is called in the Lunatic
“ Asylum.”

Sworn, &c.

AFFIDAVIT OF FRANCIS DEVLIN. } States:—
SWORN THE 1ST DAY OF NOVEMBER, 1897. }

“ 1. I first became acquainted with William Cresswell in
“ Queanbeyan in the year 1861 or 1862.

“ 2. In 1864 Cresswell often used to visit the butcher’s
“ shop I then kept, and he frequently said to me ‘I am Sir

“Roger. You will hear of me in future days,’ and ‘I am
“Cresswell and I am Sir Roger.’ I did not then know
“what he meant.

“3. On various occasions I saw tattoo marks on his arm.
“To the best of my recollection they were on the back of
“the left wrist.

“4. He frequently, when in my company, naturally
“addressed me in a foreign language, which I believe was
“French.

“5. I always knew him to be eccentric, and rather given
“to drink, but a thorough gentleman.

“6. I visited Cresswell at the Parramatta Asylum in
“1884, and he after a short time recognised me and we
“spoke of old times. He seemed down-spirited, and several
“times repeated the words ‘Devlin, butcher.’ I tried
“to cheer him up, and said: ‘You will soon be out of this.’
“He replied: ‘Well, I really don’t know what they are
“keeping me here for.’

“7. Cresswell also asked me about Mr. J. J. Wright,
“of Queanbeyan, and also the Messrs. Hunt, publicans.

“8. In 1884 I was introduced in Sydney to a man
“named Thomas Cresswell. I was told he claimed William
“Cresswell as his brother. I conversed with him for some
“time, and came to the conclusion that he was no relation,
“whatever to William Cresswell.”

Sworn, &c.

AFFIDAVIT OF HAROLD MAPLETOFT }
DAVIS. SWORN THE 21ST DAY }
OF OCTOBER, 1897. FILED }
2ND NOVEMBER 1897. }

States :—

“1. I first became acquainted with William Cresswell
“in the latter part of the year 1859, or early in 1860.

“ 2. Cresswell was then employed in the stables of the late George Campbell, of Duntroon, near Queanbeyan.

“ 3. I knew him then and for some time after by the name of Smith.

“ 4. My brother, William Davis, had a station at Ginninderra, and I often met Smith (or Cresswell) there, for he used to come there with the Duntroon Club to play cricket against the Ginninderra team.

“ 5. Subsequently the said Smith was discharged by Mr. Campbell for being too fond of drink.

“ 6. My brother then engaged him as groom at Ginninderra, and I then became intimately acquainted with Smith, who spoke to me often of his early life.

“ 7. He often told me that he was born, or when young lived, at or near the Duke of Wellington's place, 'Strathfieldsaye,' and described the Duke's charger, which he had often seen.

“ 8. He often used to speak some French and also, I think, some Spanish words.

“ 9. On one occasion he showed me a scar on his leg, which he said was from a bullet.

“ 10. Once when he brought my horse for me I noticed the straps rolled up in military fashion, and I said: 'Why, Smith, you have been in the army.' He turned on me in a very excited manner and exclaimed: 'Who told you? How do you know?' I pointed to the straps and said I had seen enough of soldiers to know a sign like that. He laughed it off, but did not deny it. In his saddle room he was military in his habits.

“ 11. Some time after his engagement by my brother, Smith met Mrs. Clarke, who kept a public-house at Gundaroo.

“12. Later on I was engaged on a survey near Mrs. Clarke’s, and my camp was pitched close to her house. I used to ride home to Ginninderra every Saturday and return on Monday. On these occasions I used to take tender messages to and from Mrs. Clarke and Smith, and considered the whole affair a joke till one day Smith gave me a letter to take to Mrs. Clarke and told me it was an offer of marriage. On receiving it Mrs. Clarke consulted me. Mrs. Clarke accepted the offer.

“13. One Monday morning I drove him to Gundaroo to see Mrs. Clarke, fix the wedding day, and see the clergyman, the Rev. Pierce Galliard Smith, about a license. When the clergyman made the usual enquiries before giving the license, Smith gave his name as William Cresswell. This was the first occasion on which he assumed the name of Cresswell.

“14. During this ride down to Gundaroo, Smith was in great spirits and talked unceasingly. He repeated many things he had told me before about the Duke of Wellington, his charger, ‘Strathfieldsaye,’ &c., and then suddenly relapsed into silence, which he kept up for about three miles. Suddenly he asked me: ‘Must a man be married in his true name?’ I said: ‘Yes, decidedly.’ ‘Are you sure?’ said he. I replied: ‘I don’t know that the marriage would be illegal if you married under a false name; but, since you have to make a declaration to the parson that the information you give him in order to get the license is correct, you must swear a lie if you say your name is Smith when it is not.’ He said: ‘That’s very awkward.’ After some time he said: ‘Smith is only an assumed name, and if I must give my own I’ll be Sir William Cresswell Cresswell, Baronet, for I ought to be one if I’m not.’

“ 15. I drove Smith (or Cresswell) to Mrs. Clarke’s on the wedding day. I drove Mrs. Clarke to church and gave her away.

“ 16. I saw very little of them after this. I went to Queanbeyan to live. I generally saw Cresswell when he came there on business. When he appeared in Queanbeyan he used to wear a calfskin coat and waistcoat, and, I think, a pair of calfskin breeches. He soon took to drink again.

“ 17. After living some time at Queanbeyan I was employed measuring boundaries of runs between the Murrumbidgee and Lachlan Rivers. I was there about ten years.

“ 18. I heard Mrs. Cresswell had obtained a separation from her husband and that he had left for Wagga.

“ 19. I was in Wagga a year or two after this, and I made enquiries and found Cresswell had stayed there with the Tichborne Claimant (Castro, the butcher), and, further, that he had left there for Tumut, where he was nearly killed by a fall from his horse that he was breaking in.

“ 20. I also heard he had never recovered his senses and was a confirmed lunatic.

“ 21. I have seen a portrait purporting to be a photograph of the William Cresswell now confined in the Parramatta Lunatic Asylum, and identify it as the photograph of the man Smith (or William Cresswell), who was in my brother’s employ, and who married Mrs. Clarke, and whom I knew as Smith and William Cresswell.”

Sworn, &c.

Mr. John Perrin states :—

“I knew a man who went by the name of Tom Castro, in Wagga Wagga, and at the same time I also knew his mate, who was known by the name of Cresswell, as also by the name of Arthur Orton. This latter was often called by the name of ‘Leather-jacket,’ because he used to wear a leather jacket well made, like a man would wear in hunting through the scrub. These two men were, what we call in the bush, mates, and used to knock about together.

“I have often seen the man known as Cresswell playing billiards in the old ‘Prince of Wales Hotel,’ kept by a man named Charles Simpson, and when he was playing billiards, I have seen a tattoo mark on his left forearm consisting of a heart, cross, and anchor, with the initials ‘R.C.T.’ underneath. I noticed the tattoo mark on his arm when he placed it on the table. Some time after Cresswell, *alias* Orton, had gone away, Tom Castro used to do a little work for me, and in conversation he found that I was an English Roman Catholic, and he made a confidential friend of me. He told me that he belonged to a very old Catholic family at home, and that he would soon be going there to lay claim to his estates.”

Mr. William Marshall states :—

“Sydney, 14th December, 1897.

“I first met Cresswell in 1864, when I was a storekeeper at Gundagai. He came to the store very frequently.

“On several occasions Cresswell when short of money borrowed some from me, and left with me a handsome gold watch, with the initials ‘R.T.’ chased on and beautifully worked, also a fob chain and seal with the initials ‘R.T.’ on it.

“I have seen the photograph of Cresswell, now confined

in the Parramatta Asylum, and unhesitatingly recognise it as that of the Cresswell I knew at Gundagai. I have also seen the photograph of Sir James Tichborne, and notice a strong resemblance, particularly about the mouth, eyes, and forehead, between him and Cresswell. I remember a tattoo mark on the back of Cresswell's left wrist, and the mark was emblematic of some motto or other, as far as I can recollect.

"I always found Cresswell particularly refined in his manner and well spoken, a fact which strangely singled him out amongst all the men in Gundagai. Cresswell showed signs of good military training, and often showed the men in the bar the use of singlesticks.

"He gave me the impression of being an English gentleman, a thorough judge of horses, and well able to handle them."

THE REAL WILLIAM CRESSWELL KILLED BY LIGHTNING.

AFFIDAVIT OF JOHN PERRIN.

SWORN THE 22ND DAY OF OCTOBER, 1897. }

States :—

"1. In the years 1871 and 1872 I kept an hotel at
"Urana, in New South Wales.

"2. A frequent visitor to the hotel was one Charles or
"William Cresswell. He was at times called 'Charles,' at
"others 'Bill.'

"3. The said Charles or William Cresswell often told me
"that he came from Berkshire, in England.

"4. The said Cresswell had brown hair, brown eyes, an
"aquiline nose, and was about five feet ten inches in
"height. At the time I knew him he was a man about
"forty-five (45) years of age.

“5. Towards the end of January, 1872, the said Cresswell came to my hotel and said he had had a row with the contractor of the station on which he worked, and that he hoped that he would be struck dead if he worked for him again. A day or two after this he told me he was going back to work at the station. I reminded him of his wish to be struck dead. He replied that he would not bother his head about that, and went off to work.

“6. Within a week afterwards his body was brought back to Urana. He had been struck dead by lightning.

“7. I was one of the jury at the inquest on his body. Coroner Armstrong held the inquest, and the verdict returned was that his death had been caused by his being struck by lightning.”

Sworn, &c.

Regarding the foregoing affidavits and statements, the writer would like to call the reader's attention to several points which may escape notice, and which very much strengthen the conviction that Cresswell is undoubtedly Roger Tichborne.

Take Mr. Robert Dear's affidavit, for instance. What object would the man, if he were Cresswell, have in writing to members of the Tichborne family? Does it not imply a resolution on his part, suddenly conceived, to let his relatives know that he was still alive, and then, after reflection, a contra determination? The Bishop of Winchester, too. The cathedral city is within a few miles of Tichborne Park.

Then we have Mr. Walter Watson's testimony. Smith (or Cresswell) tells him that he has served in the Sixth Carabineers. This was the Dragoon regiment in

which Roger Tichborne was an officer, and from which he sold out in 1852. From inquiries made by the writer, Roger Tichborne is the only officer unaccounted for in that regiment during the last fifty years.

Mr. Harlowe says in his affidavit that Cresswell told him that the wound on the back of his left wrist was caused by a cutlass—an entirely different version to that given as the cause of the wound to the asylum doctors. The reader will also note that Mr. Harlowe knew the asylum patient as “George” Cresswell.

Regarding Mr. Harold M. Davis’ testimony, there is one point to be specially commented upon. At the trial in London evidence was forthcoming that in the year 1851 Roger Tichborne was in London; that there he saw and admired the white charger of the Duke of Wellington. The horse was a splendid animal, and the sight of it made a great impression on Roger, so much so that he continually raved about it in after years.

It has always been admitted that if the lost Baronet had a hobby it was a love of horses, and several of the witnesses mention this love of horses as inherent in Cresswell.

PART V.

ASYLUM AUTHORITIES' AFFIDAVITS—ARE THE TICHBORNE MARKS ON CRESSWELL?—EXTRAORDINARY LETTERS FROM ALLEGED RELATIVES—FAC-SIMILE OF THE PATIENT'S HANDWRITING.

The writer will now refer to three affidavits which were put in by the Crown in the late proceedings in the Equity Court when opposing the Rev. E. Williams' application. They are those of Drs. Manning and Godson, and are as follow :—

AFFIDAVIT OF FREDERICK NORTON
MANNING.
SWORN 26TH APRIL, 1897.

} States :—

“1. I am the Inspector-General of the Insane for the colony of New South Wales.

“2. I have read what purports to be a copy of the affidavit of Edward Priestman, sworn herein on the 15th day of April instant.

“3. With reference to paragraph 6 of such affidavit, I say that visits of the nature mentioned therein greatly irritate and annoy the patient, the said William Cresswell, and that as the said Edward Priestman was not a relative or friend of the said patient, nor the authorised agent either of the patient's relations, or of the Tichborne family, I declined to subject the said patient to the annoyance of a further examination by him or any one on his behalf.

“4. Such an examination would not be productive of any advantage, as the said William Cresswell was some time ago examined by the medical officers of the asylum and a complete record kept of all marks on his body.

“5. The said William Cresswell has been fully examined on many occasions at the asylum, and in 1884 before his Honor Sir William Manning, then Primary Judge in Equity, when his identity was clearly established, and the Medical Superintendent of the hospital at Parramatta has been for years past in communication with the relations in England of the said William Cresswell.

“6. The said William Cresswell would not be in any way benefited by his removal to England, but, on the contrary, would probably become worse in mind by reason of the excitement and annoyance to which he would necessarily be subjected, both on the voyage and after his arrival in England.”

AFFIDAVIT OF FREDERICK NORTON
MANNING.

} States:—

SWORN THE 11TH DAY OF AUGUST, 1897. }

“1. I have read what purports to be a copy of the affidavit of Edward Priestman, sworn herein on the 15th day of April last.

“2. In the year 1884 an application was made to this Honorable Court by Edmund Orton and Charles Orton, of London, England, that William Cresswell, then confined in the lunatic asylum, Parramatta, in the colony aforesaid, might be delivered to the said Edmund Orton and Charles Orton, to be conveyed to London aforesaid, on the ground that the said lunatic was Arthur Orton, a brother of the said applicants.

“3. The said lunatic, William Cresswell, is still an inmate of the Asylum for the Insane, Parramatta, aforesaid, and is the same person as the William Cresswell with respect to whom the present application is made on the ground that he is Sir Roger Tichborne.

“4. The said William Cresswell was admitted to the Gladesville Asylum on the 13th day of January, 1871, and was discharged therefrom on the 27th day of April, 1871. He was re-admitted to the said asylum on the 15th day of August, 1871, and was transferred to the Hospital for the Insane, Parramatta, aforesaid, on the 16th day of April, 1872, and has been an inmate thereof without interruption up to the date hereof.

“5. While an inmate of the said Gladesville Asylum on the first occasion the said William Cresswell wrote one letter, and prior to his discharge on the 27th day of April, 1871, he informed me that he was born at Mortimer, in Berkshire, England, and that his property was at Strathfieldsaye, and was part of the estate owned by the Duke of Wellington.

“6. After his re-admission to Gladesville Asylum aforesaid, the said William Cresswell wrote two letters to his brother and sister, which it was my duty to examine, and I distinctly remember that they were on family affairs. Since the re-admission of the said William Cresswell to Gladesville aforesaid, the Medical Superintendent of the Asylum and the Medical Superintendent of the Hospital for the Insane have been in communication with the relatives of the said William Cresswell.

“7. On the occasion of the removal of the said William Cresswell to the Hospital for the Insane at Parramatta aforesaid, he took with him two letters from

“ his brother, Thomas Cresswell, and his sister, Ellen West,
“ respectively, which fact is recorded in the ‘ case-book ’ of
“ the said Hospital for the Insane, and copies of which
“ letters are in the words and figures following :—

“ 5 Lambeth-road, opposite the Blind School,
“ Southwark, November 29, 1871.

“ Long Lost and Very Dear Brother,—

“ It will be useless to attempt the delight to
“ describe my poor dear mother and brother felt when we
“ once found you. What a merciful Providence once more
“ to know where we all are. You appear, dear William, to
“ have been misinformed as to my death ; I have had some
“ very severe illnesses, but have been spared. On the 11th
“ of July, in the present year, I married George John
“ West, after being a widow twenty years ; he is a very old
“ gentleman—eighty years on the 13th of next month—a
“ broker and rent collector. I have a very comfortable
“ home, and he is very kind. I am as happy, dear William,
“ as I can expect. My two daughters, Nellie and Bessie,
“ were both married last year. They have not married so
“ well as I would wish ; they are commercial men. Poor
“ Nellie has just lost her baby, five weeks old, and Bessie
“ is expecting every day. I must now tell you how we got
“ your letter. Howitt had been trying to find Tom every-
“ where, but could not ; they sent to Mr. Stamp’s, and he
“ went to Mrs. Sinclair. She came over to me last Sunday.
“ I went on Monday to Mr. Howitt and got your letter. He
“ behaved very, very kind, and promised me he would write
“ to you. Your letter, dear William, was greatly shown,
“ first to one and the other ; it contained some important
“ news. *One thing, I think, if Sergeant Ballantyne knew*
“ *you were with Sir Roger Tichborne in Australia he would*

“ *like to see you.* Tom is going to see him. I hope you
“ will come home. Poor dear mother prays to see you.
“ Tom will write more particulars. I am just writing this
“ to catch the Australian mail, as I am sure you are anxious
“ to hear. True it is, dear father and dear Emily are gone.
“ All the rest are living, but I am afraid poor Louis Gough
“ will be the next. He is in deep consumption, and gone as
“ the last resource to Ventnor, Isle of Wight. When poor dear
“ Ann and Henry went to America, they took their youngest
“ son with them ; left Louis with Grandpa Gough. We had
“ a letter from dear Ann yesterday, 28th November. Thank
“ God, they are all saved from the terrible fire. Henry is
“ not getting on at all well. I wish old Mr. Gough would
“ send for him to come home. Poor dear mother looks,
“ dear William, very careworn and old. Tom has four
“ little children, one son and three daughters. He is now
“ farm bailiff at East End Farm, Fulham, getting on better.
“ His wife behaves pretty well to dear mother. Of course,
“ she is fidgety, and, being wholly dependent on him, makes
“ them at times a little snubby. I go as often as I can to
“ see her, but I cannot leave old Mr. West beyond the
“ house. I was best off as a widow. When you write,
“ which I hope will be as soon as you get this, tell me who
“ you married, and how long you have been left. Should
“ you see Mrs. Haigh, tell her I will write to her. No
“ doubt, my dear brother, you have had to rough it, indeed
“ we all have had to ; but when we are all together we can
“ share each—a kind word, even in trouble, consoles one ;
“ when away in a foreign land it is hard. Dear mother
“ and I often talk of dear Ann and you. God send us all
“ once more to meet. This is dear Ann’s address : ‘ Mrs.
“ Henry Gough, 407 Halstead-street, Chicago, United
“ States.’ I dare say you will have a letter from Tom, but

“I would lose no time in sending. Why did you turn Catholic? Let me know. I am afraid we should never recover the lost property, but you are the only one that could claim it of our family. I hope we may all see better days. *You must not let anyone see this.* It is late at night and the shops are closed. Excuse the paper.

“With the sincere love of everyone, my dear brother, accept the fond affection of your absent and sincere sister,

“ELLEN WEST.

“Good-night, God bless you. Send me your likeness.”

MEMO.—On this letter the following remarks are made, evidently by, and in the handwriting of, the patient Cresswell :—

“I am sound and hope to keep so. I will give you the original. For the Queen of England—from Sir A. Stephen to Lady Belmore—and do as you think proper with it after. Delivered to her, she is very likely to let Lord Belmore see it, no doubt. My sister wished me not to show it to anyone, and I have done so.

“WILLIAM CRESSWELL.

“January 26th, 1872.”

“East End Farm, December 1, 1871.

“My Dear Brother,—

“We are all delighted to hear you are in the land of the living, and shall be pleased to see you home again. I am happy to tell you I am married, and one son twelve years old, and three daughters, ten years, seven years, five years, and a good big wife, and my own weight about 14 stone, and my profession is bailiff to Captain Ewen, of the Raleigh Club, of Regent-street. I am poor, but I am happy. I have had a hard struggle to get on, but

“that is nothing for good pluck people like you and me. I
“have got a nice little house to live in and a very pleasant
“place, no rent to pay, which is a good thing, and very
“nice people I live with. I have got about 120 pigs and
“about 400 fowls and poultry of all kinds to see to, it
“is just my handwriting. I am pleased to tell you
“mother is living with me, and has been with me nearly
“since you left. She was pleased to hear from you, and
“hopes to live to see you home again. She carries her age
“well. Father and Emily I buried. Ellen has been
“married about six months to a nice old gent., so you see
“she is not dead yet ; worth a dozen dead ones yet. Ann
“and Henry Gough are in America, which I will send you
“her address. *I was pleased to hear you have heard about*
“*the Tichborne Case.* I think we stand a good chance yet
“to be better off some day, and be able to go down to our
“old country once more together. Young Tubbs’ are still
“at Sheffield Farm and Butters’ at Bullsdawn. Henry
“Welch has a good shop in High-street, St. John’s Wood,
“still, and Lawrence Welch is living with him. I suppose
“you remember riding the grey horse round Gifford’s block
“at the shop in High-street. I have not seen Mr. or Mrs.
“Palmer for some time, but they are still living in St.
“John’s Wood. *I hope you will endeavour to come home*
“*as soon as you can,* and please to bring, if possible, a
“parrot for me, if it will not be much trouble to you, as
“I should like one very much. Please give my best
“respects to Mrs. Haigh, and I should like to see her if
“ever she comes to London. I am pig-killing to-day ; we
“kill all our own pork and poultry, &c., on the premises,
“and cure our own bacon. I have no doubt you are fond
“of the gun still. Mr. Stiles often asks about you. I have
“had a great many changes since you left. I have been

“ draper, cheesemonger, poulterer, cattle salesman, butcher, milkman, pig-jobber, horse-dealer, and I am happy to say I can turn my hand to anything on the board, and work is no trouble to me. I cannot tell you about how many letters were sent to you, but we had them returned. I should not trouble about them, as we have found each other again. I only received your letter on November 27th, 1871, and then I wrote this short note, but will write again soon. I have sent you Ann’s address—‘ Mrs. H. Gough, 407 South Halstead-street, Chicago, Illinois, America.’ *Please let me know when you will come home* and I will come and meet you. You must please excuse this paper. All send their fondest love, and are pleased to have heard from you.

“ From your affectionate brother,

“ THOMAS CRESSWELL.

“ My address—‘ Mr. T. Cresswell, East End Farm, Parson’s Green, Fulham, London.’

“ 8. I was present on the 25th day of September, 1884, at the chambers of His Honor Sir William Manning, before whom the application mentioned in paragraph 2 of this, my affidavit, was then part heard, when his Honor conducted, with the assistance of Sir Alfred Roberts, Dr. Goode, and me, this deponent, an examination of the said William Cresswell *during a lucid interval*, when the said William Cresswell was more communicative than I had previously known him to be since his re-admission to Gladesville Asylum as above mentioned.

“ 9. The said William Cresswell, upon being questioned by His Honor, said that the wound on the back of his wrist had been caused by a butcher’s course which he was using with both hands to cut the scrag of a bullock’s

“ neck ; that he slipped, and in trying to save himself the
 “ course slipped round his hand and inflicted the injury ;
 “ that he was taken to St. Mary’s Hospital, in London,
 “ where he was treated by Dr. Coulson, who made a very
 “ handsome job of the arm ; he was a fortnight in the
 “ hospital—the wound was bandaged without a splint and
 “ caustic was used ; that the other wound on the back of
 “ the hand was done by a butcher’s knife at Tumut ; that
 “ he had another mark on one of his fingers which had been
 “ caused by a cricket ball. He further said that his father
 “ was *supposed to be* Cresswell, a good agriculturalist,
 “ who was born at Strathfieldsaye ; that he (the lunatic)
 “ was born at Mortimer, in Berkshire, and came out to this
 “ colony in the ship *Maid of Judah*, and that he had
 “ never been bitten by a ferret ; that his name was William
 “ Cresswell, and he had never gone by the name of Arthur
 “ Orton, but had gone by that of Smith some years ago.
 “ At first he (the lunatic) said he could not say he had
 “ known Arthur Orton, but subsequently he said he had
 “ known a man of that name at Wagga, who was a
 “ butcher, and had racehorses, *and that he was heavy with*
 “ *crime* ; that he (Cresswell) was a butcher at Wagga. He
 “ could not say that silver wire had been used to stitch the
 “ wound on his arm.

“ 10. Upon the termination of this examination the hear-
 “ ing of the said application by Edmund and Charles Orton
 “ was proceeded with. I was present in Court, and heard
 “ the evidence given by Sir Alfred Roberts and Dr. Goode.
 “ Both witnesses stated that the scars on the arms of the
 “ said William Cresswell corresponded with the injuries
 “ described by the said William Cresswell, and that as
 “ medical men they were of opinion that he was speaking
 “ from a recollection of the circumstances he described, and

“ that he was to be relied upon as to the matter of his
“ birth, his father, and his injuries, and that the statement
“ made that morning was from memory of what had actually
“ happened, and was not the result of recent inspiration
“ or delusion.

“ 11. I had formed the same opinion, and gave similar
“ evidence, and this view was adopted by His Honor, who,
“ in the course of his judgment on the application, said :
“ ‘ The medical gentlemen have stated that the lunatic
“ appears to have been speaking from memory, and he must
“ say that he was of the same opinion—*i.e.*, that the man
“ was speaking from actual memory, and was telling the
“ truth. Of course, *it was possible that the man may have*
“ *known something of the Cresswell family and had called*
“ *himself Cresswell.* The matter unfortunately might still
“ be open for inquiry, although it would not be likely to
“ come before him unless the lunatic, in another lucid
“ interval, turned round and said he is Arthur Orton, or
“ it was shown that he had been tampered with, and had
“ had facts brought to his mind so that he might appear to
“ be speaking from memory. He did not think the officers
“ would give any dishonest person an opportunity to tutor
“ the lunatic into a false memory. This being so, he would
“ leave the matter *in statu quo.*’

“ 12. Since the said application of Edmund and Charles
“ Orton was dismissed by His Honor Sir William Manning
“ I have, in the course of my official duties, had many
“ interviews with the said William Cresswell, and he has
“ not on any occasion varied the account of himself and his
“ injuries set forth in paragraph 9 of this my affidavit.

“ 13. With reference to the pages in Volume II. of the
“ summing up of the Lord Chief Justice of England in the
“ case of *Regina v. de Castro*, referred to in paragraph 3 of

“ the said affidavit of the said Edward Priestman, I say
 “ that, having examined the body of the said William
 “ Cresswell, he has not the mark of an issue *on his left*
 “ *shoulder*, nor has he a tattoo mark on the inner side of
 “ the left forearm, nor any scar which could have obliterated a tattoo mark had such existed in the position
 “ mentioned.

“ 14. I crave leave to refer to such portion of the said
 “ book mentioned, and referred to in the said affidavit of
 “ the said Edward Priestman, as relates to the distinguishing marks and peculiarities of Sir Roger Tichborne.”

Sworn, &c.

AFFIDAVIT OF EDWIN GODSON. } States:—
 SWORN THE 17TH DAY OF AUGUST, 1897. }

“ 1. I am the Medical Superintendent of the Hospital for
 “ the Insane at Parramatta, aforesaid, of which institution
 “ William Cresswell is an inmate.

“ 2. On the 4th day of May last I forwarded to the
 “ Crown Solicitor a duly certified extract from the ‘case-
 “ book’ of the said institution, containing a report of an
 “ examination of the said William Cresswell.

“ 3. The said William Cresswell is *five feet seven inches*
 “ in height; his ears are of unequal size (the right being
 “ larger than the left, with a well-defined lobe); on his left
 “ arm near the vaccination mark *there is a small ordinary*
 “ *scar*, but the said William Cresswell has not the mark of
 “ an issue on his left shoulder.

“ 4. The said William Cresswell has no tattoo mark on
 “ any part of his body or limbs, nor has he any scar on the
 “ inner side of the left forearm, which, in my opinion, could
 “ have obliterated a tattoo such as Sir Roger Tichborne is
 “ said to have had in the position mentioned.

“ 5. The feet of the said William Cresswell are of equal length, namely, ten and a half inches, and of ordinary size for a man of his height.

“ I received a letter, dated the 23rd day of August, 1895, from Mrs. Ellen West, a sister of the said William Cresswell, informing me of the death of her brother, Thomas Cresswell, on the 16th day of August, 1895.

“ 7. I last wrote to the said Ellen West on the 9th day of October, 1896, in reply to a letter from her, inquiring as to the condition of her brother, the said William Cresswell.” Sworn, &c.

It will be readily noticed in the foregoing affidavits that Dr. Manning refutes the writer's testimony as regards any mark on Cresswell's left forearm suggestive of the removal of a tattoo mark, although there is ample evidence of such in the asylum “case-book” report, published later on in this volume. Again, Dr. Manning states that there is no mark of an issue on his left shoulder.

Now, the first refutation is rendered entirely valueless when compared with the “case book” report, and as regards the refutation of the issue mark, the writer will simply turn to the report of the trial, *Tichborne v. Lushington*. On the 22nd day Sir John Coleridge, the Solicitor-General, in cross-examination of Arthur Orton, says: “Would it surprise you to hear that the real Roger Tichborne had not a seton at all on his shoulder, but a sore in his arm which was kept open with peas and covered with silver, and that on account of the arm wasting, Lady Doughty closed it up herself.”

To anyone at all versed in the life of Roger Tichborne, it is a well-known fact that the issue was on the upper part of the left arm, not on the shoulder. As the obliteration of the tattoo and the seton mark are neither of them disproved by Dr. Manning, and as no attempt is made by him to refute the writer's sworn testimony as to the several other marks known to exist on Roger Tichborne being on Cresswell, it is only fair to presume that they exist.

Dr. Godson, in his affidavit, falls into the same fatal mistake regarding the mark of the issue. He says there is no such mark on Cresswell's left shoulder, but he makes matters still worse by testifying to the fact that there is a small scar near the vaccination mark on the left arm. This is just where the remains of the issue should be.

Regarding the obliteration of the tattoo mark, the same remark applies to the two doctors. A point which must be noticed in the two affidavits is this: the writer and Mrs. Priestman have sworn to the following marks and peculiarities on and in Cresswell:

Cut on the temple artery.

Lump on the instep of right foot.

Colour of the eyes: light grey-blue.

Odd ears.

Limp or halt in the walk.

Habit of twitching the eyebrows.

Peculiar thumb-nail on right hand.

Not one of these have Drs. Manning and Godson refuted, although evidently only too ready to refute in the one or two instances mentioned.

The next thing to be observed is the letter of Thomas Cresswell and that of Mrs. West, reputed brother and sister of the patient, as quoted in Dr. Manning's affidavit. The writer has made full inquiries into this matter, and finds that both parties have been dead for some years, and their ideas as to any relationship at all have been very hazy indeed. Thomas Cresswell will be dealt with later on in this book, but the writer will give a *facsimile* of a letter written by William Cresswell to his lawyer, Mr. Freestone, in 1864, for comparison between it and the letters as produced in Dr. Manning's affidavit. It will then be at once noticed that William Cresswell's letter is that of a gentleman, whilst those of Thomas Cresswell and Mrs. West are the letters of people very far below the level of the asylum patient.

Strange, too, but suggestive of much, is the fact that both these alleged relatives mention the Tichborne Case in their letters, and that they write to their reputed brother as though he were the same as other men, possessed of all his senses!

William Cresswell's letter to his solicitor was written at a time when he was in trouble over an assault case. The Vernon mentioned had, the writer understands, grossly insulted Cresswell, and the latter knocked him down. In falling, Vernon broke his arm, and for this the present inmate of the asylum was brought up.

before a magistrate and committed for trial. Whilst under committal, he wrote the letter to his solicitor as follows:—

Lucanby and,
22nd June

Dear Sir

Sir

I thought likely
to be too much engaged
before the Sessions, and
tacitly very anxious
since of my Court
to send you the
suggestions, leaving it
to your judgment as to
you think it necessary to
in the first place this man
I dreamt when I struck
as I before told you
the Jender, Mr. C. Hunt
his evidence, That when

Cresswell

22 June 1864

Vermon.
To defend for
assault with intent

Christie & Co.
Solicitors
Cumbly

71

Quartermaster,
22nd June

To - Quartermaster Regt

Sir

I thought likely
you might be too much engaged to
see me again before the Sessions, and
feeling naturally very anxious
about the issue of my case I
have presumed to send you the
following suggestions, leaving it
to your better judgement as to
what course you think it necessary to
take. In the first place this man
Vermon was drunk when I struck
him, and as I before told you he
fell upon the fender, Mr. C. Smith
states in his evidence, that when

for payment, and 73
sr. in fact my
have been very great
I think it would be
some Gentlemen to
Character; if so
St D^r Morton and
avis will have no
do so if applied to
kind enough to
I would be better
see Gentlemen, or if
them for me, however
possibly spare time
and to see you at your
convenience. Gates was
yesterday
I remain Dear
your Obedt^t Servt
Wm Cresswell

72
Vernon fell he saw my foot come
from where he "Vernon" lay; now
from the positions in which Mr.
Hunt and myself was placed
this was impossible, nor did I
kick him, whatever injury Vernon
received about the body was
from the fall on the gender -

Vernon had been following
me about challenging me to fight
taunting me about my wife and
my affairs. I had repeatedly requested
him to leave me or he would have
to put up with the consequences.

Vernon is considerably in my
debt, he obtained credit from me
by representing Mr Sutton my
neighbour owed him money
this I afterwards ascertained to
be false. I have applied to him

73
many times for payment, and
received abuse, in fact my
provocations have been very great.

Do you think it would be
better to have some Gentlemen to
speak to my Character, if so I
have no doubt Dr Norton and
Mr. H. M. Davis will have no
objection to do so if applied to.
Will you be kind enough to let
me know if it would be better
to write to these Gentlemen, or if
you will see them for me. However
if you can possibly spare time
I should be glad to see you at your
earliest convenience. Gates was
here to see me yesterday.

W. HALL
PHOTO

I remain Dear
Your Obedt Servt
Wm Crosswell

The letter, a *facsimile* of which has just been given, is evidently that of a man of character, and the few mistakes noticeable in its composition and spelling are those a man more French than English would make. For instance, we have the word judgment spelt *judgement* (French, *jugement*). Again, the word gentlemen occurs twice, spelt *gentilmen* (French, *gentilhomme*). The placing the letter *t* at the end of Queanbeyan is also essentially French.

The writer has had the writing compared with Roger Tichborne's by more than a dozen gentlemen skilled in caligraphy, and in only one instance has their opinion been unfavourable. It may be remarked, however, that it must be a very hard matter to arrive at a correct conclusion on account of the lengthened period which had elapsed—ten or eleven years—and the rough life led by Cresswell during the interval.

One sentence in the letter is as follows: "Now, from the position in which Mr. Hunt and myself *was* placed, this was impossible." The writer has before him a letter written by Roger Tichborne to his aunt, Lady Doughty, from the Cavalry Barracks, Canterbury, dated 28th July, 1852, and, *inter alia*, the following occurs: "I supposed that my father and Alfred *was* to have arrived at Tichborne by this day." Thus the two men have made exactly the same mistake in grammar.

So much for Cresswell's letter.

PART VI.

ATTEMPTS TO MAKE THE PATIENT ORTON OR CRESSWELL—BOTH FAILURES—TRENCHANT REMARKS BY THE JUDGE—THE MAN OUGHT TO BE RELEASED TO HIS FRIENDS.

On carefully perusing the affidavits of Drs. Manning and Godson, in that of the former, sworn on the 26th April, 1897, the following paragraph appears :—

The said William Cresswell has been fully examined on many occasions at the asylum, and in 1884, before His Honor Sir William Manning, then Primary Judge in Equity, when his identity was clearly established, and the Medical Superintendent of the Hospital at Parramatta has been for years past in communication with the relatives in England of the said William Cresswell.

In Dr. Godson's affidavit is also a paragraph as follows :—

The said William Cresswell is 5ft. 7in. in height, &c.

The writer asks the reader's attention to the two sentences just quoted, as he now proposes to deal with them both, not on mere hearsay evidence, but on simple facts sworn to in the application by the Orton Brothers for the custody of Cresswell in 1884.

This application came before the late Sir William Manning in June, 1884, was ultimately adjourned pending the arrival of Thomas Cresswell, and was finally dismissed at the end of September of that year.

In the June proceedings there is not much of importance to chronicle, with the exception of the circumstance that His Honor severely criticised several of the witnesses' evidence, and although their testimony was utterly disregarded and rejected by Sir William Manning, yet did three or four of these same witnesses give affidavits on behalf of the Crown in the late application of the Rev. E. Williams. The following is an extract of the further proceedings, as copied from *The Sydney Morning Herald* of the 20th September, 1884:—

EXTRACT FROM *Sydney Morning Herald* OF 20TH SEPTEMBER, 1884. IN LUNACY (BEFORE HIS HONOR THE PRIMARY JUDGE). *In re* WILLIAM CRESSWELL.

Mr. E. Barton, instructed by Mr. R. B. Smith, for the applicants; Mr. Owen, Q.C., and Mr. Wise, instructed by the Crown Solicitor, for the Crown.

The application of Charles and Edmund Orton to have the lunatic, William Cresswell, at present an inmate of Parramatta Asylum, released to them, on the ground that he is their brother, Arthur Orton, was called on for further hearing.

Mr. Barton said that he was told that the man, Thomas Cresswell, for whom the application was adjourned, was in Sydney, but he *had not reported himself to Mr. Smith, the solicitor*, nor did they know whether he could give any evidence at all.

His Honor: So much the better. Perhaps he has seen neither party.

Mr. Barton said the witness had better be examined by the Court.

Thomas Cresswell then came forward, and said that he wished to explain that when he sent out the description of his brother he said his eyes were dark. He had only spoken from memory.

His Honor said the man had better be sworn.

Thomas Cresswell, sworn, stated that he resided at Usher-road, Roman-road, London ; he had just left Reading to go to London to reside with his sister ; he had been staying at "Eckford's Hotel" when he first came out, but he had left there to reside opposite.

Examined by His Honor : Witness said he had been a publican, and had sold out his business at a sacrifice to come out here at the instance of Miss Baring ; he *desired to find his brother, because he was entitled to some of the Strathfieldsaye property, claimed by the Duke of Wellington, who had died whilst witness was at sea ; if his brother died intestate witness understood that his interest would come to him ;* he had a brother named William Cresswell, who was engaged in 1854 by Mr. Brooks, through Mr. Palmer, to bring out prize bulls for Mr. Kite, at Bathurst ; they heard he arrived safe, with the bulls in good order, and of his going up to Mr. Kite ; he heard nothing of him for seventeen years, when he wrote to Mr. Hewitt, in 1871, to whom his sister was apprenticed, and asked him to find witness ; the original of this letter, and another one, had been sold by witness to Mr. Grey, of Southampton Docks, for £10 ; they were to be used in connection with the Tichborne Case ; Mr. Grey gave him an indemnity that these letters would be produced in any lawsuit when required ; witness had an exact copy of these two letters, dated respectively 1871 and 1872—the second letter was in reply to one witness had sent to him ; witness had seen other letters at the office of Messrs. Rose, Baxter,

and Norton, who were solicitors for the Claimant in the first instance, and they said the letters they had obtained in Australia corresponded as to the handwriting with those witness had; this was before witness sold the letters to Mr. Grey; witness did not know what side Mr. Grey took in the trial; he was not a solicitor, but he believed he was interested for the Claimant; witness did not go to see Mr. Grey before he left.

His Honor said it was very doubtful whether the copies of these letters could be received.

Witness obtained the certificates of the birth of his brother and of himself personally from the Registrar of Mortimer, in Hampshire, about eight miles from Reading. Copies of these had been sent through Miss Baring to Mr. Eckford. (Certificates of baptism of William Cresswell in 1827 and Thomas Cresswell in 1833 were admitted by counsel and put in as exhibits.) Witness had gone on board the ship with his brother in 1854. He had seen a lunatic who passed by the name of Cresswell at Parramatta. *He had gone there first with Mr. Eckford on Monday week*, and the patient was brought into a room by a keeper, in the presence of the doctor and Mr. Eckford. Witness refused to give any opinion, as he did not feel inclined to give any answer until he had seen him again by himself. His brother had met with an accident before he came out by being caught through the ligaments of the left forearm upon a hook whilst hanging a quarter of beef; he was attended at St. Mary's Hospital. On the first day he saw him at the asylum he formed an opinion that he was his brother; he would swear that. He was asked by Mr. Eckford to make an affidavit, and he objected to do so. Witness went again to Parramatta on the following Thursday, the day after the Ortons had gone up to have a

photograph taken of themselves with the lunatic in a group. Witness had applied to the Inspector-General of Lunatics to have the patient photographed, and had received permission. Witness had not had time to get the photograph taken. On the Thursday witness saw the patient with his keeper and the doctor. Witness asked the patient about several persons, and he replied, "Yes, yes," but did not seem to understand. Witness asked him whether he wanted to go home, and he said, "Yes." He would not sign his name because he said he did not want his name forged. The result of that second interview, though it was not a long one, convinced him that he was his brother. Witness had seen two signatures in the Gladesville Asylum, and had identified the writing as that of his brother. On the Thursday witness had found the mark of the injury caused by the hook. When he left England the fingers had been drawn, through the sinews having been tied with silver wire. The fingers were getting straight in the hospital. There was now a little ridge on the wrist where the hook went in and out. Thirty years was a long time for a man to speak positively as to another man's identity, but he could do so. There was no other mark witness could swear to. His eyes and nose were like his father's. *Witness used to consider him 5ft. 9½in. high*, but he used to wear high-heeled boots, and was very fond of hunting. Mrs. Haigh knew William Cresswell quite well, as she was apprenticed with witness' sister in London. What she had stated about the family was quite correct. *y as in*

Cross-examined by Mr. Barton: The witness *own and* answered certain questions put to him by Miss *Baring* to his brother's height. The description *roduced* was in witness' handwriting. Witness' father's eyes *were lig*. He stood corrected as to the statement that W. Cresswell's

eyes were dark. Witness had enquired amongst the relations, who told him the eyes were dark, and that was why he had made the statement. He was not aware that the matter was coming into Court then. *The lunatic's height was now about 5ft. 8½in.*, but he was wearing different boots. Miss Baring sent out the description from the hospital books (produced) of the particulars of his injury in London. The document was as follows :—

“ William Cresswell, aged 26 years, single man, by occupation a butcher, residing at 84 High-street, St. John's Wood, Marylebone, admitted to Thistlewayte Ward, under the care of Mr. Coulson, on the 20th August, 1852, suffering from inflammation of absorbents of the arm, caused by a punctured wound 24 hours previously. The treatment was incision and poultice, and the patient was discharged cured on the 24th September following, having been in the hospital 35 days.”

When his brother left England two out of the three of the bent fingers had got right; there is a slight mark higher up his arm than the one he had spoken of; *he had not told Mr. Eckford that his brother's arm was torn right up*; there was a hole made in the arm—a piece of flesh had to be taken out and another piece put in; it was a most wonderful cure; his brother was to have had his arm off; when witness arrived he was met by Mr. Eckford; he had gone to his hotel; witness had called on Mr. Rush, of all sweatshops, and had asked for his sister, Mrs. Haigh, merely as *she* old, was in Newcastle; witness had got some to *ask* about his brother from Mr. Rush; witness had spoken to several *agents* in Sydney before going to the *Anglo-Sydney* to get information of his brother; he saw that there was a mark on the back of his hand;

there were marks on him which he had not when he left England; he had read the questions put to him at the instance of Miss Baring before he had written the answers; he noticed he had said that his brother had two of his fingers right, but the third was crooked and likely to remain so. (Description put in.) He could not say that the patient recognised him as his brother. The eyes of the lunatic are a light blue. He had not noticed that the lunatic's nose had been broken, but all he knew was that he was his brother.

Mr. Barton said it was now more necessary than ever that His Honor should see the lunatic.

His Honor said he would certainly require more evidence. He would require to have medical men examined as to whether the cicatrice on the lunatic's arm corresponded with such a wound as that described by the witness. He would have this done by an officer of the Government on public grounds. He would like to see the lunatic with the Ortons and the witness just examined. The photograph he had seen showed that there was a strong likeness between the Ortons and the lunatic, though Thomas Cresswell was a man of the same character. He could not say that he was very much impressed with the evidence given by Thomas Cresswell, and especially that part wherein he said that he had not noticed whether his nose was broken, but all that he knew was that he was his brother. His confidence in evidence had long been shaken, but never so rudely as in this case. He would have the lunatic brought down and examined by medical men, and he would ask Professor Anderson Stuart, of the University, to be present to examine the scars and also the colour of the eyes of the patient.

After having William Cresswell brought into Court and examined by Drs. Goode, Manning, and Sir Alfred Roberts, His Honor dismissed the application.

The late Sir William Manning's judgment, as copied from the *Sydney Morning Herald*, of 26th September, 1884, is as follows:—

His Honor, in giving judgment, *said he was satisfied that the lunatic, being harmless, would be as safe out of an asylum as he would be in one*; in fact, he was just the kind of person who ought to be released to persons who are his relatives. It was not necessary that he should be satisfied beyond all doubt as to identity, and if the balance of testimony had been in favour of the lunatic being the brother of the Ortons, he would have ordered his discharge to them on their giving proper security. Even if a doubt still lingered in his mind on this point he would have released him to the applicants, because no harm could have been done, seeing that upon any proceedings being taken in England as to whether the Claimant is or is not Arthur Orton, there would be far more persons in England who could identify the lunatic than there are out here. *In the face of such a wonderful amount of evidence, he was not prepared to say that the lunatic is not Arthur Orton.* There were there two Ortons, whose honesty he had no reason to doubt, besides a number of other witnesses, who, as far as he could judge, were highly respectable persons, all swearing that they knew him as Arthur Orton, not merely as coming to Sydney as William Cresswell appeared to have come, but as arriving at Hobart in a different ship altogether. He was not prepared to say that the balance of the evidence was sufficiently strong to induce him to make this order. When the matter was last before

him, he had said that he was not impressed by the evidence given by Thomas Cresswell, nor was he then in some respect, seeing that in the description he had sent out from England *he had made his brother out to be an inch taller, with dark hair and eyes*, whereas there was now other evidence that William Cresswell's hair was light, whilst there was certainly abundant proof that his eyes were light. The statement made by Thomas Cresswell differed from that of the lunatic as to the manner in which the wound on the arm was caused, though they agreed that it was done when cutting up a bullock, and also as to the fact that the injured man was sent to St. Mary's Hospital. As far as Thomas Cresswell's evidence was concerned, he was still left in a difficulty, and if it had not been for the examination of the lunatic, conducted by the help of the medical men in his Chambers that morning during a lucid interval, he would have preferred the evidence of the two Ortons to that of Thomas Cresswell. Merely looking at the physiognomy of the four men, he was disposed as a bystander to think the lunatic more like the Ortons than Thomas Cresswell, though the medical gentlemen, who were perhaps more in the habit of making strict examinations than he was, were of a different opinion. After all, this did not prove much, because there must be a remarkable resemblance lying at the bottom of this matter when so many witnesses came forward to swear that the lunatic was one person, whilst almost as many more said he was another. There was no doubt that this case had caused a great deal of interest, and that was, perhaps, sufficient to make some people apt to give play to their imaginations. In addition to the evidence, he had had letters from different parts of the country, one of which was from a person living at Balaclava, Melbourne, who went so far as to say that the

lunatic was not Orton, because he knew where Orton was. The writer also explained that he had been in correspondence with a very dear friend of the Claimant, and had sent him a photograph of the lunatic, whereupon this friend had told him that the other man was prepared to go to England to be identified for £1000. The result of the evidence was that his mind would have been left in a very great difficulty but for the examination that day. If the case had rested where it was on the last occasion he would have granted the application on proper security being given. The examination had been conducted in a thoroughly impartial way, and it had resulted in more than a counterbalance of the preponderance which the Ortons previously had. The medical gentlemen had stated that the lunatic appeared to be speaking from memory, and he must say that he was of the same opinion—*i.e.*, that the man was speaking from actual memory and was telling the truth. *Of course, it was possible that the man may have known something of the Cresswell family and had called himself Cresswell.* Of course, the matter unfortunately might still be open for enquiry, although it would not be likely to come before him unless the lunatic in another lucid interval turned round and said he is Arthur Orton, or it was shown that he had been tampered with and had had facts brought to his mind so that he might appear to be speaking from memory. He did not think the officers would give any dishonest person an opportunity to tutor the lunatic into a false memory. *This being so, he would have to leave the matter in statu quo.* He had not allowed the position of the Claimant to operate upon his mind at all, nor had he taken into account the convenience or inconvenience which the discharge of the lunatic might be to suitors or parties elsewhere. Although in the earlier part of the case he had

animadverted strongly upon the conduct of an officer of the police in preparing documents in a way which he thought would be agreeable to those instructing him, he was quite sure no high officer would do such a thing. He thought that the Crown had taken a proper position in this matter, because it was, so to speak, the parent of infants and lunatics. It was the duty of the Crown to see that the lunatic was not handed over to the applicants wrongfully to be possibly deserted when he had served their purpose. On the other hand, if the Ortons believed the lunatic to be their brother, they were quite right to try and get him out. If Miss Baring, the lady whose name had been mentioned, believed the person in England to have been wrongfully convicted, spent a considerable part of her fortune in this manner, she was doing a conscientious, benevolent, and generous duty in endeavouring to set the wrong right. He had no idea to impute to the applicants that they had made a false claim. *He would have been very much better satisfied if he could have seen his way distinctly and clearly to say whether or not the lunatic was Arthur Orton.*

The reading of the foregoing proceedings in the Equity Court, in 1884, proves two points—viz., that William Cresswell's height was at that time 5ft. 8½in., and that his identity as the real William Cresswell was by no means clearly established in the eyes of the Chief Judge, and in these two particulars Drs. Manning's and Godson's evidence is completely refuted. When Thomas Cresswell gave Miss Baring, in England, the description of his brother, he handed her at the same time a photograph purporting to be that of the said brother. This photograph the

writer produces in this book, and it as much resembles William Cresswell as the latter resembles an aboriginal.

It is rather amusing to call to mind the words of Mr. D. Davis, Member of Parliament for Shoalhaven, when the Estimates were under discussion in the House, on the 15th December last. Mr. E. M. Clark had moved a reduction in the vote for provisions, medical comforts, &c., in connection with the Hospital for Insane, and took occasion to refer to the case of William Cresswell's sanity or otherwise.

Mr. Davis, in replying to the motion, said he was surprised at the remark of the hon. member for Rylstone (Mr. J. C. L. Fitzpatrick), that Cresswell was no more a lunatic than many of the people who walked the streets of Sydney. From 1884 to 1886 he had opportunities of seeing Cresswell nearly every day, and if such a man were loose in the streets of Sydney, he would very soon be handed over to the police.

It was in the latter end of 1884 that Sir William Manning said :—

William Cresswell, being harmless, would be as safe out of an asylum as he would be in one.

In the face of this judicial opinion and of the evidence which is to follow regarding Cresswell's sanity in this publication, Mr. Davis' remarks savour of recklessness.

Mr. Garland, too, member for Woollahra, is evidently imbued with a strong idea of the late

Thomas Cresswell's untruthfulness. In his evidence before Sir William Manning, as quoted in the *Herald* of the 20th September, 1884 (see the report in the earlier part of this chapter), Thomas Cresswell says:—

He desired to find his brother because he was entitled to some of the Strathfieldsaye property, claimed by the Duke of Wellington, who had died whilst witness was at sea. If his brother died intestate witness understood that his interest would come to him.

Yet Mr. Garland, according to *Hansard*, on the 15th December last, said:—

From his own knowledge of the case he absolutely denied that Cresswell was entitled to an estate.

It may be mentioned that Thomas Cresswell, immediately the proceedings ended, started back to England, and never even called at the asylum to take leave of his reputed brother.

But now comes the more serious part of the late Thomas Cresswell's actions in this 1884 movement, and the whole history of the supposed identity of the Parramatta patient with this man's brother rests purely on the evidence which was produced in that year, and in the production of which evidence Thomas Cresswell was the chief agent.

Some months after the latter's arrival in London, the late Miss Baring, who had remitted large sums to Sydney for the use of those who were to prove that the patient was Arthur Orton, wrote to a lady in this city, and forwarded to her a photograph which

she told this lady Thomas Cresswell and a man in Reading, Berkshire, England, named William Carter, a saddler by trade, had sworn to be that of the brother of Thomas Cresswell—viz., William Cresswell.

Miss Baring further told this lady that she had begun to entertain serious suspicions concerning this Thomas Cresswell, and she begged of her as a particular favour that she would, if possible, have the photograph compared with the asylum patient. The writer has had the likeness reproduced on the opposite page, and can state positively that there is not a single feature in common with the William Cresswell at Parramatta. Any reader who has seen the latter will readily admit this, and it must not be overlooked that the photograph of the man whom Thomas Cresswell in England swore was his brother William fits in with his description of that brother—namely, brown hair and eyes, as reproduced here and as described in Mr. John Perrin's affidavit.

The members of the Select Committee which will no doubt be shortly appointed by Parliament will be able to judge better of the result of this 1884 movement, when they have the asylum patient before them and compare the living man with this photograph.

The writer could say much more on the subject, but prefers to bide his time. Meanwhile, no one can say, after reading the foregoing, that the Parramatta patient was proved to be either Arthur Orton or William Cresswell.

PART VII.

APPLICATION FOR THE CUSTODY OF CRESSWELL—THE CASE IN THE EQUITY COURT—EVIDENCE TO PROVE HE IS TICHBORNE—OPPOSITION BY THE CROWN—PECULIAR ATTITUDE OF THE JUDGE—HIS SUMMING-UP AND REFUSAL OF THE ORDER—INTERVIEW WITH AN EX-ASSISTANT SUPERINTENDENT OF PARRAMATTA ASYLUM—WHO RELATES WHAT HE KNOWS OF CRESSWELL AND HIS SANITY—AND DECLARES HE IS TICHBORNE.

We now come to the application made on behalf of the Rev. Edward Williams to have Roger Charles Doughty Tichborne, otherwise known as William Cresswell, handed over to his (Williams') attorney for safe custody and transmission to England. The following account, copied from the *Sydney Daily Telegraph*, of the 16th December, 1897, gives the medical evidence and the late Mr. Justice Manning's decision. The affidavits in support of the application have already been given:—

THE TICHBORNE CASE.

THE CLAIM FOR WILLIAM CRÉSSWELL.

ALLEGED IDENTITY WITH SIR ROGER.

AN ADVERSE DECISION BY MR. JUSTICE MANNING.

Interest in the celebrated Tichborne Case was revived yesterday morning, when a quantity of evidence was adduced before the Chief Judge in Equity, with the object of showing that the man William Cresswell, who is now an inmate of the lunatic asylum at Parramatta, is identical with Sir Roger Tichborne. The evidence was taken in support of an application made by Mr. E. Priestman, on behalf of a friend of relatives of Sir Roger Tichborne, who desires to have Cresswell handed over to his custody to be sent to England.

Mr. Langer Owen and Mr. Wallace (instructed by Messrs. Wallace and Robson) appeared in support of the application, and Mr. Simpson and Mr. Garland (instructed by the Crown Solicitor) for the Crown.

It will be remembered that when the application was last before the Court, Mr. Justice Manning authorised the examination of Cresswell by Dr. McCormick and Dr. Fiaschi. The effect of this report was published in the *Daily Telegraph* a day or two after it had been presented to the Master in Lunacy.

The following is the full list of the questions which were submitted to the doctors, with their answers. The figures refer to the pages in the official report of the trial of the Queen against Castro, Vol. II. :—

1. Is there the mark of an issue on any part of Cress-

well's body as described on pp. 682-83-13?—We found no mark of an issue on his shoulder or upper arms.

2. Are there lancet cuts for bleeding on both arms (pp. 696-813)?—We found no scars of lancet cuts for bleeding on the arms. We found one small scar on the inner side of left forearm, but not on the line of any vein.

3. Are there lancet cuts for bleeding on both ankles (pp. 696-813)?—There are no lancet cuts for bleeding on either ankle. Below the right internal malleolus there is a small scar, but not on the situation of any vein.

4. Are there lancet cuts for bleeding on the temporal artery (pp. 696-813)?—There are no lancet cuts for bleeding over the situation of the temporal arteries.

5. Is there visible upon any part of the arms of Cresswell any of the tattoo marks such as are described at (718-719-720)?—There are no tattoo marks whatever on the arms.

6. If not, is there any mark or scar on his arms indicating that such tattoo marks have been removed or obliterated, and if so, on what part of the arm?—There are no marks or scars indicating the obliteration of tattoo marks.

7. If there are any marks or scars on the arms, can they fairly be accounted for in the manner described by Cresswell to Sir William Manning in September, 1884?—There is a broad scar on the back of the left hand and wrist. This Cresswell told us was cut by a butcher's crop, and was treated in St. Mary's Hospital. There is another linear scar on the inside of left wrist done by a knife, the result of a kick from a sheep whilst slaughtering it. *This occurred at Tumut.* These scars can be accounted for in the manner described by Cresswell to Sir William Manning.

8. Is there a slight blotch about the size of a fourpenny

piece near the left wrist (pp. 719-726)?—There is no blotch to be seen near the left wrist.

9. Do his ears correspond with the description of Sir Roger Tichborne (at p. 672)?—No. We found lobule of right ear markedly pendant, and the lobule of left ear pendant, but not in the same degree.

10. Is there a lump on the instep (p. 675)?—There is no abnormal lump on the instep.

11. Are the feet of equal length ; if not, what difference is there (p. 675)?—The difference in length between the two feet is hardly appreciable. The right foot measures 10 inches and a half, and the left 10 inches and five-eighths of an inch.

12. Has he large grey-blue eyes, with a pensive expression (p. 671)?—Cresswell has marked blue eyes, large, but not particularly pensive.

13. Has he an ample but flat forehead and heavy brows (p. 671)?—Yes ; the forehead is fairly ample, but not particularly flat. The eyebrows are heavy and bushy.

14. What is his height (p. 673)?—His height, measured with bare feet, is 5ft. 7in.

15. Is there any appearance of Cresswell being in-kneed when walking (pp. 262-309-310-813)?—There is no appearance of Cresswell being in-kneed when walking. He walks very well.

16. Has he the habit of twitching or raising the eyebrows (pp. 263-812-813)?—Cresswell has a habit of occasionally twitching and raising the eyebrows.

17. Is there any mark on the eyelid which could have been caused by the insertion of a fish-hook (p. 517)?—We found no marks on the eyelids suggestive of an injury by a fish-hook.

An extract from the "case-book" at the Parramatta Asylum, referring to Cresswell, was also put in. It reads as follows :—

Head.—Faint linear scar near anterior frontanelle ; slight depression, size of finger tip, near the junction of frontal parietal and temporal bones. Slight linear scar, half an inch long, on centre of forehead ; *slight circular scar on bridge of nose, stated by patient to have been caused by a wasp sting at Bullsdown Farm, England.* Small pigmented papule near inner canthus of right eye. Over right molar bone three small pigmental points, very slight linear scar, an inch and a quarter long, below outer canthus of right eye. Traces on cuticle of nose, temples, and forehead of some previous eruption, which had caused loss of substance. A small fleshy mole on outside of left upper eyelid.

Ears.—Left, $2\frac{1}{10}$ in. long ; right, $3\frac{1}{8}$ in. The whole right ear much bigger in proportion ; lobule left ear smaller and more normal than the right.

Neck.—Slight irregular scar, one-third of an inch in diameter, on left side, about 2 in. left side of middle line (back of neck).

Arms.—On left arm, *well-marked linear scar, $\frac{5}{8}$ in. long, on front of wrist (long axis of limb) below ; above scar, and nearly at right angles to it, another scar, $2\frac{1}{8}$ in. long, said by patient to be caused by a wound sustained while sticking a sheep before he left England.* On the back of same wrist a large puckered elliptical scar (long axis nearly vertical) $2\frac{1}{4}$ in. long, lin. in widest part. Appearances point to some of the carpal bones having been fractured at some time. *One vaccination mark ; near it another small scar.*

On right arm, *three vaccination scars.*

On various parts of the body, especially on back, sides, and back of neck, numerous small scars, evidently from some eruption which caused loss of substance in true skin.

On the back a number of pigmented warts, one large one near angle of left scapula. On outside of left thigh a small, faint, linear scar, half an inch long.

His Honor pointed out that in the report of the great trial a number of marks natural and accidental were proved to have been on Sir Roger Tichborne. If they eliminated the natural marks they might find the accidental on anybody. But there were certain natural marks which it was impossible to change. Take the matter of the ears, for instance. Sir Roger Tichborne had no lobe to his ears, which were fastened close to his cheek. Cresswell, according to the reports of the doctors, had long pendant ears. By what process of nature could the ears have become elongated? Supposing Cresswell had twenty accidental marks which appeared to be the same as those on Tichborne, how was it possible to establish his identity with Sir Roger, in the face of the difference of that one natural mark? It seemed to him that the doctors did not find any of the marks on Cresswell which were on Tichborne. Then, with regard to the feet; the left foot of nearly every person was a little longer than the right. Cresswell's left foot is one-eighth of an inch longer than his right. That was normal. Tichborne's left foot was three-quarters of an inch longer than his right. That was abnormal. Tichborne had also a tattoo mark on the inside of the wrist, representing a crown, harp, and anchor, and the letters "R.C.T." The doctors said they saw no tattoo, and no indication of a tattoo mark on the wrist.

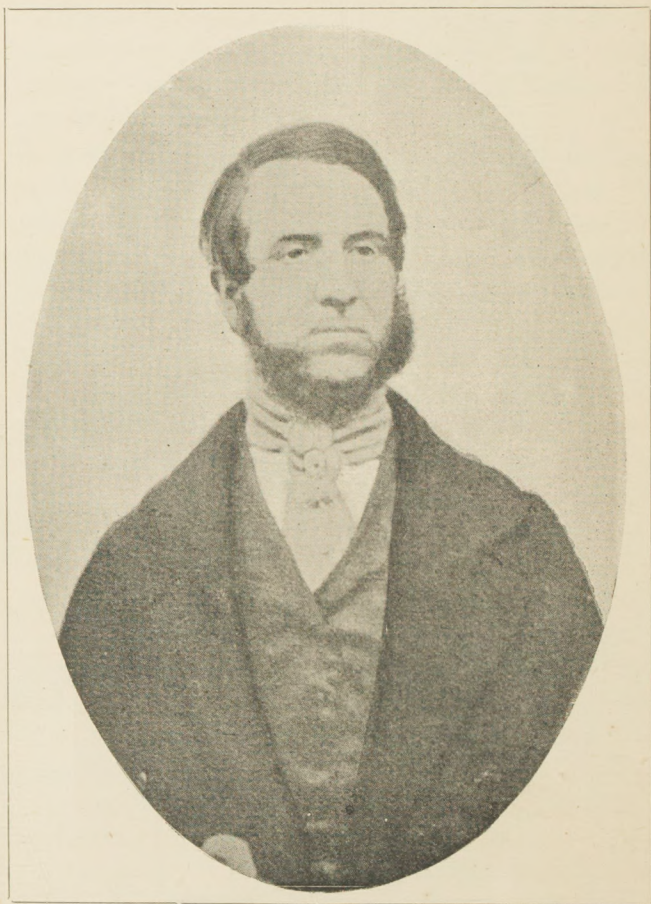
Mr. Owen said he had a number of affidavits which threw a good deal of light on the identity of these two persons,

apart altogether from any effect which the doctors might have. He had witnesses present who could speak definitely with regard to the different marks on Cresswell. While he fully admitted the strength of the report of the doctors against his application, he had very strong evidence, both oral and by affidavit, in favour of it.

His Honor intimated that he did not wish to stop the case, but he had thought the report of the doctors would put an end to the matter, one way or the other. The applicant might have a very strong case based on what people said, did, and thought, but that would not necessarily be sufficient. Arthur Orton had a very strong case in support of his claim to be Tichborne.

Mr. Owen said there was no doubt the case was a most extraordinary one. There could be no doubt, whatever, that Cresswell was Tichborne, or that he had been with him a good deal, and knew a very great deal about him. This matter was one of very great importance to his clients.

His Honor said he was bound to say he could not see of what importance it was to Mr. Owen's clients at all. This man was hopelessly mad, and it would make no difference to him whether he was in the Parramatta Asylum or in Windsor Castle. He understood this man was passionately fond of tobacco. *If he were lodged in Parramatta Asylum with tobacco he would be perfectly happy, but if he were confined in Windsor Castle without tobacco he would become a violent lunatic, and would probably die in a week.* Supposing he was proved to be Sir Roger, and was taken to England, a certain allowance would be made him by the Lord Chancellor, and he would be still kept under surveillance.



Portrait of the real William Cresswell, sworn to by Thomas Cresswell and William Carter, in London in 1884, to be that of the former's brother William.

Mr. Owen replied that he was not speaking of financial considerations. His clients, however, had gone to a great deal of trouble and expense in collecting evidence, and he would like his Honor to hear it.

His Honor : I don't wish to stop your case ; I only put it to you, if as a matter of fact these natural marks are not on Cresswell, what is the value of any other evidence ?

Mr. Owen : I would rather your Honor should hear the evidence.

Mr. Simpson : Before any order is made your Honor must be satisfied this man is Tichborne. His relations are not willing to receive Cresswell. They want Tichborne. What is the use of going into the evidence when, in the face of this report from the doctors, your Honor could not possibly be satisfied that Cresswell is Tichborne ?

His Honor : Mr. Owen says I can. I only authorised the examination by the doctors because I thought it desirable that the matter should be set at rest. My only duty is to hear the case.

Mr. Owen : I ask your Honor to hear the evidence.

Mr. Simpson : Supposing he is Tichborne, your Honor has to consider whether it would be to his advantage to send him to England.

His Honor : I will not go into that question now.

Mr. Simpson : Assuming he is Tichborne, he has concealed his identity for forty years, and he must have had strong motives for doing that. *If he is Tichborne, it would not be a good thing to establish his identity now. It might make him worse than he is.*

His Honor : I will decide first of all whether this man is Tichborne or not. After that I will take other matters into consideration.

A large number of affidavits were read, the deponents stating that they knew Cresswell many years ago. He frequently stated in the course of conversation with them that he was Sir Roger Tichborne, and he was known to have books and clothing marked "R. C. Tichborne." He also had a tattoo mark on the upper part of the left forearm. An affidavit by Dr. Kesteven, setting forth the inconsistencies between the report of the doctors and the entries in the "case-book" at the asylum, was also read.

Several affidavits were read in reply, the deponents setting forth that they knew William Cresswell, and that the man they knew was identical with the man who is now confined at Parramatta.

William E. Forbes stated that he had played cricket with Cresswell for two or three seasons. He had a tattoo mark on the upper part of the left forearm similar to that described as being on Tichborne's arm, the letters "R.C.T." being part of the tattoo. The man went by the name of G. F. Smith.

In the course of a long judgment his Honor said: "It would be quite sufficient for him to say that he was not satisfied that the identity of Cresswell with Sir Roger Tichborne had been established by the evidence before him. He would not be justified in making the order unless he was satisfied beyond all reasonable doubt that Cresswell was Tichborne. It seemed impossible to convince some people with regard to the facts in this case. The other day he had received a letter bearing on this case, signed by 'Wellwisher.' He usually instantly destroyed anonymous letters sent to him, more especially if they bore on a case before him; but in this case an expression caught his eye which had induced him to read the communication. The writer gently rebuked him for

having made an order for Cresswell to be examined by doctors because it had been clearly proved in 1884 before Sir William Manning that the man was Cresswell, and because it 'was proved to the satisfaction of every reasonable man that Thomas Castro was Sir Roger Tichborne.' Considering that Thomas Castro, or Arthur Orton, had failed to prove he was Sir Roger Tichborne, that he had received a sentence of 14 years for perjury for swearing that he was Sir Roger, and that he had afterwards made a confession that he was Orton, and his claim to be Sir Roger was a conspiracy, he (his Honor) was justified in saying, when he was told that a 'reasonable man' ought to be satisfied, that some delusions die hard. After stating that some years ago the world was startled by the production of the most outrageous impostor of modern times, and that the claim by Arthur Orton to be Sir Roger Tichborne had cost the Tichborne family upwards of £100,000 in defending their rights, his Honor went into the history of that celebrated trial. He then pointed out that in 1884 an attempt was made before Sir William Manning, who then presided over that court, to prove that this man Cresswell was Arthur Orton. There was no doubt that this application was made in the interests of the person who was poetically described as 'a nobleman languishing at Dartmoor.' The object was to throw a bombshell into the enemy's camp by producing the real Arthur Orton. A lot of evidence was taken in that application, and the judge was much impressed with the evidence which was adduced to show that he was Orton. The attempt failed, however, and then when Orton was released from gaol he found it to his interest to make out a long confession of his crime; and he described in detail how he was induced to make the claim. Now, after the lapse of a further period, an application was made

to prove that this man is Sir Roger Tichborne. What was the object of this application, he could not imagine. After all the litigation which had taken place, the Tichborne estates were settled by Act of Parliament. The Doughty estates, of which Sir Roger knew nothing when he came to this colony, and which probably came into existence after Sir Roger died, were unfortunately in chancery; but they would be available to any person who could prove that he was absolutely entitled to them; and probably an Act of Parliament could be procured to set aside the settlement already made. But Cresswell had no children; and, as he would not be allowed to marry, he could have no children. If he died to-morrow his proper heir would be the one upon whom the estates had been settled by Act of Parliament. So that even if Cresswell were Sir Roger, it would be only a case of a life interest in the property, and this would be subject to the control of the Lord Chancellor, who would simply allow sufficient to keep the lunatic in comfort. This man had now been insane for 26 years, and how could he be advantaged in any way, even if he were lodged in Windsor Castle? What possible good could be done to him or to any other person? It would be almost impossible to raise money to carry this case to the end. In the Orton case the money was raised by what were called Tichborne bonds, and the people who took up the bonds were to be paid back out of the estates when Castro got them. That could not be done in this case, because no person out of a lunatic asylum would advance a penny, because nothing could be got out of it. At any rate, he could not imagine that anything could be got out of it. He had no doubt Mr. Priestman was acting in a perfectly *bonâ-fide* manner in this application. Referring, then, to the report of the doctors, he said that they found not a single natural mark existing

upon the body of William Cresswell which had been proved to exist upon Sir Roger Tichborne. With regard to the eyes Sir Roger was said to have grey eyes, with a pensive expression. The doctors say that Cresswell has marked blue eyes, which are not particularly pensive. Sir Roger had an ample but flat forehead and heavy eyebrows. Cresswell's forehead is described as being fairly ample, but not particularly flat, and the eyebrows are heavy. Cresswell, like Sir Roger, had a habit of twitching and raising his eyebrows, but then it was clearly shown that Orton did the same. So that that peculiarity was not confined to Sir Roger. Take other things. It was clearly shown that Sir Roger had practically no lobes to his ears, which grew quite close to the side of the face. Cresswell had lobes to both ears, and one a bit larger than the other. In view of these facts, what was the value of what a man may have said many years ago to people who may after this lapse of time not remember accurately what they were told? How could testimony like that avail against even only one natural mark which was non-existent? There was the further peculiarity about the feet, the difference between Sir Roger's being abnormal. Sir Roger was 5ft. 8½in. high, and might be even higher, whereas Cresswell was only 5ft. 7in. Then coming to the tattoo mark. The mark on Tichborne was on the inside of the left arm. Beyond all question there is not and never was a tattoo mark on the inside of the left arm of Cresswell. A certain number of witnesses had spoken to having seen on the outside of Cresswell's left arm a tattoo mark. If, therefore, they found a man with a tattoo mark on the outside part of the arm, and not on the inside, unquestionably he was not Sir Roger. If Cresswell ever was tattooed it was done in the wrong place, and therefore he could not be Sir

Roger. The evidence of the doctors with regard to the issue mark and the lancet cut was all against Cresswell being Sir Roger. If ever there was a case in which it had been successfully proved that the man in the asylum was the man he himself said he was, and had always maintained himself to be, this case was that one. He was as satisfied as he possibly could be, and he wished to express himself strongly on the point in order that there might be an end to this matter for ever, that the man in the asylum at Parramatta was William Cresswell, who had been a tenant of the Duke of Wellington at Strathfieldsaye. The only thing that followed then was for him to dismiss the application with costs. His Honor cordially acknowledged the readiness with which Dr. McCormick and Dr. Fiaschi had undertaken to make this examination. He had been quite prepared to be told that they were too busy to undertake the work, but they no doubt recognised that by their acceptance of the duties they would be assisting in the administration of justice."

In dealing with the asylum "case-book" report, the writer would call attention to the following paragraph :—

Slight circular scar on bridge of nose stated by patient to have been caused by a wasp sting at Bullsdown Farm, England.

Now, this Bullsdown Farm was at one time on and formed part of the Tichborne Estates in Hampshire. It was the only fee-simple farm on the estate, and was sold some years ago to the late Miss Baring, of Surbiton, near London.

It is fairly well known that Roger Tichborne was stung on the bridge of the nose when a youth by a wasp at Bullsdown.

Regarding the ears, according to the "case-book" report, they are undoubtedly odd ones, one nearly an inch longer than the other, with a larger lobe.

Whilst on this subject, the writer would like to mention that he has had the photograph of Roger Tichborne, taken in Chili, enlarged. This photograph shows out the right ear prominently, and the lobe is very distinct, and certainly pendant. This completely upsets the theory which Sir Alexander Cockburn at the great trial in London adopted. In his address to the jury he laid it down as proved that Roger Tichborne had no lobes to his ears.

With reference to the arms, the "case-book" says: "On left arm, well-marked linear scar, $\frac{5}{8}$ in. long, on front of wrist; above scar, and at nearly right angles to it, another scar, $2\frac{1}{8}$ in. long, said by patient to have been caused by a wound sustained while sticking a sheep before he left England."

According to Drs. Fiaschi and McCormick, Cresswell told them this was done by a knife, the result of a kick from a sheep whilst slaughtering it at Tumut.

To go on with the arms: "*On left arm, one vaccination mark, near it another small scar. On right arm, three vaccination marks.*" Now, it was clearly stated at the trial in London that Roger Tichborne was vaccinated three times on the right arm without effect, the vaccine not taking, and that then the left arm was operated upon with the desired result.

This "case-book" report, to conclude, is most imperfect; for instance, where is Cresswell's height, where the colour of his eyes, hair? &c., &c.

To attempt to enter into a controversy with two well-known and respected doctors regarding their answers to the questions asked them would be foolish and useless; but the writer, having *seen* Cresswell, and testified to certain marks and peculiarities observed by him, *on oath*, will now give his answers to the same questions, and may say that he is perfectly willing to put these answers in the form of an affidavit and swear to their correctness, as regards the man who was produced to him as Cresswell in 1895. These answers are as follow:—

No. 1 question: Is there the mark of an issue on any part of Cresswell's body?—Cannot say, as Cresswell was fully dressed, but would refer to "case-book" report—"Scar on left arm near vaccination mark."

No. 2: Are there lancet cuts for bleeding on both arms?—Cannot say; did not see arms bared.

No. 3: Are there lancet cuts for bleeding on both ankles?—Cannot say; ankles covered.

No. 4: Are there lancet cuts for bleeding on the temporal artery?—Close to, if not right over, the left temporal artery, there is the mark of a lance in the shape of a Maltese cross.

No. 5: Is there visible upon any part of the arms of Cresswell any tattoo marks?—Cannot say; did not see his arms bared.

No. 6: If not, is there any mark or scar on his arms indicating that such tattoo marks have been removed or obliterated, and, if so, on what part of the arm?—Saw large scar just above left wrist.

No. 7: If there are any marks or scars on the arms can they be fairly accounted for in the manner described by Cresswell to Sir William Manning in September, 1884?—Will venture no opinion.

No. 8: Is there a slight blotch about the size of a fourpenny piece near the left wrist?—Yes, a small scar.

No. 9: Do his ears correspond with the description of Sir Roger Tichborne's?—This question has a wider scope than is permitted Drs. Fiaschi and McCormick, and is answered by the writer in a previous paragraph.

No. 10: Is there a lump on the instep?—Yes, a lump half the size of a pigeon's egg on the right instep.

No. 11: Are the feet of equal length; if not, what difference is there?—Cannot say; Cresswell's boots were on him.

No. 12: Has he large grey-blue eyes with a pensive expression?—Most decidedly, yes.

No. 13: Has he an ample but flat forehead and heavy brows?—Yes, markedly so in both instances.

No. 14: What is his height?—The warder told the writer unhesitatingly that Cresswell was 5ft. 8½in. in height.

No. 15: Is there any appearance of Cresswell being in-kneed when walking?—Yes, he has a decided limp or halt in his walk.

No. 16: Has he the habit of twitching or raising the eyebrows?—Yes, in a very marked degree.

No. 17: Is there any mark on the eyelid which could have been caused by the insertion of a fish-hook?—Yes, most decidedly; just the mark a fish-hook, if passed through the eyelid, would leave.

This brings the questions to an end, and the writer will now submit the affidavit of Dr. Leighton Kesteven, which was put in and read. It is as follows:—

AFFIDAVIT OF LEIGHTON KESTEVEN, }
 SWORN THE 9TH DAY OF } States:—
 DECEMBER, 1897. }

“1. I have seen and perused the report of Doctors McCormick and Fiaschi.

“2. I have also perused the report of the examination of William Cresswell, as extracted from the asylum ‘case-book.’

“3. I have made a careful comparison between the two, and find considerable discrepancies in the two reports which I will indicate in the order of the questions, namely:—

“As to question 1. Doctors McCormick and Fiaschi say: ‘We found no mark of issue on shoulder or upper arm.’

“Asylum report says: ‘Slight irregular scar one-third of an inch in diameter on left side neck,’ also ‘one vaccination mark, near it another small ordinary scar.’

“As to question 2. Doctors McCormick and Fiaschi say: ‘No scar of lancet cuts for bleeding on arms. We found one small scar on inner side of left forearm.’

“This may probably have been caused by an unskilful attempt at bleeding.

“3. The same applies to the cut described by Doctors McCormick and Fiaschi below right internal malleolus.

“As to question 4. Doctors McCormick and Fiaschi report : ‘There are no lancet cuts for bleeding over the situation of the temporal arteries.’ The asylum report mentions ‘a slight depression’ on or about that spot which may be the remnant of a scar.

“As to question 5. Doctors McCormick and Fiaschi say there are no tattoo marks on the arm, but the scar described in answer seven by them would be sufficient to account for obliteration of the tattoo marks as asked in question six. ‘A large puckered elliptical scar,’ as described in asylum report, might well be caused by a burn.

“As to question 8. Of course, the ‘blotch’ described in this question may have been burnt off and left a scar.

“As to question 9. Doctors McCormick and Fiaschi’s report is entirely different from the asylum report, which minutely describes the difference (marked) in size and shape of the two ears.

“As to question 10. The asylum report is silent on this point as on number eleven.

“As to question 17. Doctors McCormick and Fiaschi report no marks on eyelids suggestive of injury by fish-hook, but asylum report mentions a scar below outer canthus of right eye.

“The other questions and answers agree.”

Sworn, &c.

The writer is loth to criticise the late Mr. Justice Manning's action in delivering the judgment which he did, especially under the circumstances of his late lamentable death. Yet, still, there are one or two matters which, though casting no reflection on the late Judge, may be dealt with as affecting the fate of one whom the writer thinks it his duty to befriend. For instance, it seems hard that the Chief Judge in Equity should decide the matter on evidence which was put before him in the shape of a simple statement as against the voluminous quantity of sworn evidence.

There is this to be said, too, that the writer's efforts to procure the attendance of a medical man, who should represent him at the examination, were unavailing. Then the writer urged that he himself should be present; this failing, that Doctors Fiaschi and McCormick should be handed a photograph of Cresswell, and one of the late Sir James Tichborne, Roger's father, to take with them. All this was refused, and upon what ground it is hard to conceive.

Then again, the writer wished to have Drs. Fiaschi and McCormick cross-examined in the witness box, and finally that Cresswell should be produced in court. It was all of no avail.

The late Judge certainly allowed one of the writer's witnesses, Mr. Forbes, to give evidence before the court. This gentleman had sworn to the tattoo mark on Cresswell's left forearm. He repeated this evidence in the box, but because Mr. Forbes swore

that it was on the outer side or back of the left forearm, he was told that if it was there Cresswell was not Roger Tichborne ; that it should have been on the inside of the forearm.

Mr. Justice Manning, in delivering judgment, said *that Cresswell would be happier in the asylum with tobacco than he would be in Windsor Castle without it!* Strange reasoning, but yet how the cap fitted Roger Tichborne in his inveterate love of smoking. And it must be remembered that the late Sir William Manning said he was the sort of man who ought not to be in an asylum! However, the question to be decided was, "Is Cresswell the missing Baronet or is he not?" Remarks as to what was good for him, what was not, formed no part of the matter at issue.

The learned Judge, too, decided that the asylum patient was William Cresswell, pure and simple. Drs. Fiaschi and McCormick had just told His Honor that the patient was 5ft. 7in. in height. Thomas Cresswell swore before the late Sir William Manning that his brother William's height was 5ft. 9½ inches!

Regarding Mr. Justice Manning's reference to the Tichborne-Doughty estates, the writer knows probably better than anyone else in this colony, in what position the missing Roger would stand in regard to them. Roger Tichborne alone can amalgamate in his own person the Tichborne-Doughty estates. Failing his discovery, the Doughty estates go to

another branch of the family. But that, at present, is not the question. The question is justice to an individual.

With regard to Cresswell's insanity, the following letter from Mr. J. C. L. Fitzpatrick, M.P., to the writer, may be of interest:—

“Parliament House,
“June 10th, 1897.

“DEAR MR. PRIESTMAN,—

“Anent the Tichborne Case, in which you know I have taken considerable interest, I have been making enquiries in Parramatta, with a view to discover whether Cresswell is sane or insane. I have interviewed several old-time warders—men who once occupied, and others who still retain, places in the asylum—and the general concensus of opinion is that he is in his proper senses, albeit at all times moody and eccentric. One and all admit that he is a man of a superior caste of character, quiet, and undemonstrative. In his habits he is cleanly in the extreme, and he has, by his general bearing, induced a belief in the minds of most of those charged with his safety to the effect that he is a most superior type of man. Eccentric he naturally is; if he were mad would it be any wonder, seeing that for 26 years he has been incarcerated in one lunatic asylum and another? That his mind has not lost its balance is a tribute to its strength and vitality. The warders, generally, speak of him in terms of the deepest respect, and the more intelligent and observant amongst their number are strongest in their belief that Cresswell—or, to speak more correctly, Tichborne—is sound of mind, as of body. He has never given any trouble, and for the life of me I cannot fathom the

reasons which induce the authorities to offer objections to his being seen. I will take good care that the matter is further ventilated in Parliament.

“I am,

“Yours truly,

“J. C. L. FITZPATRICK.”

Whilst on this subject of Cresswell's sanity, the following statement of Mr. Firth, an independent gentleman living at Randwick, may be of interest. It appeared in the *Sunday Times* of the 15th January, 1899 :—

THE CRESSWELL-TICHBORNE MYSTERY.

AN EX-ASYLUM OFFICIAL SAYS HE IS TICHBORNE, AND TAKES SIR JAMES TICHBORNE'S PHOTO. FOR CRESSWELL'S.

CRESSWELL AN EXPERT BUTCHER—ALLOWED TO SLAUGHTER THE PIGS.—MR. FIRTH SAW NO INDICATION OF LUNACY.

Despite all that has been positively asserted, officially and otherwise, the Cresswell-Tichborne mystery is still unsolved. It is not absolutely settled who the man known as Cresswell really is. The *Sunday Times* has contended that every opportunity should be given by the authorities to have doubts cleared up, and with that object has given publicity to statements likely to lead to that consummation. The alleged lunatic in the Parramatta Asylum may be Cresswell, or he may be Tichborne, or he may be someone else. But in view of all that has gone before, and of the remarkable desire of the authorities to for ever hold Cresswell to their bosoms—though only too glad to discharge other lunatics

to anyone who undertakes to care for them—it seems desirable to endeavour to remove the mystery which has been largely contributed to by the said authorities.

It was intimated that a gentleman at Randwick could throw some light on the matter, and he was seen by a representative of this journal accordingly. He is an elderly gentleman, Mr. Firth, of Dutruc-street, who, besides forty years' colonial experience, on the goldfields and otherwise, was in the Government service, has also travelled the world (his father was Court Physician to the King of the Belgians), so that he has seen some life.

Mr. Firth, who expressed himself as only too pleased to afford any information, said :

“ During the seventies I was employed in Parramatta Asylum. At first my position was clerk and storekeeper, then I was classed assistant superintendent, though the duties were practically the same. If I recollect rightly, I admitted the man Cresswell when he was transferred from Gladesville Asylum.”

“ Did you see him often afterwards ? ”

“ Yes, constantly—every day during the several years I was there. He was the most reticent man I ever met in the asylum. A lady once called to question him, but he turned his back upon her.”

“ Any marks or peculiarities that you noticed ? ”

“ As to marks, it is a good while ago, and from memory I can't say exactly ; but he had either a tattoo mark or a scar from a burn or scald on his left wrist, and a mark or something about his left eye. But I jotted down all the peculiarities I noticed about him in a book which I kept for the purpose, and which the late Dr. Taylor, then medical superintendent, obtained from me, and I have not seen it since.”

“Did you hear it said that Dr. Taylor would have taken Cresswell to England if he could have found the tattoo mark?”

“He did not say that, to my knowledge; *but I know he was very anxious for the chance of going home with Cresswell.*”

“What about the nature of Cresswell’s insanity or otherwise?”

“I often thought he was not mad. Of course, a sane man can very easily pass himself off as mad if he wants to. He always answered any questions I put to him (unless he thought I wanted to pump him, when he would be as close as an oyster) rationally enough, was quiet, well-behaved, exceedingly clean in all his habits, and, in fact, never did anything to require restraint or reprimand. He always walked very upright, and, when I knew him, though grey, was a man of fine physique. I would not have liked a blow from his hand.”

“And who do you think he is?”

“Well, the asylum book had him entered as ‘Arthur Orton, *alias* Cresswell.’ Orton is dead, and the man is not of the stamp of Cresswell, and I strongly believe he is Roger Tichborne.”

“Why?”

“From talks I had with him at various times. He did not say he was Tichborne, but he let me know that he was well acquainted with the south of England, *that he left home in consequence of a family disagreement* (there was a girl or woman in the case), and I am sure, though he avoided it, he can speak French, for when I addressed him in that language, he said: ‘I can’t speak French.’ I took particular notice of him at the time, as I did of all others, with the view of having information which would let us

know where to find him in case he escaped. From the first I believed there was something mysterious about him, that he was not the man he was said to be, and gradually it was borne on me that he was Tichborne."

Mr. Firth was here handed a photograph and asked if he recognised it.

"Yes; that's Cresswell—the man in the asylum—but a rather flattering likeness. He used to wear his beard longer, and was not so particular about his hair as this. He (with only one other) was allowed to wear his hair long owing to his extreme cleanliness. I'd guarantee to pick him at once out of a thousand, unless he was shaved or otherwise disguised."

The photo., it may be remarked, *was not one of the patient Cresswell, but one of the late Sir Jas. Tichborne, Roger's father*, and has, it is said, before been taken for Cresswell by those who knew him years ago. Mr. Firth was surprised when he learnt it.

"What I can't understand," he said, "is why they don't allow the man to be seen. Another thing surprised me was that he was such a splendid butcher—the finest hand and judge of a beast that I have met, and I know something about it. He used to do the pig-killing when I was there."

Cresswell and Orton were butchers together for years in this colony.

"Then he was not very dangerous, if allowed to have knives?"

"No."

"If your book of notes could be found it would probably throw a good deal of light on the man?"

"Yes; he spoke like a gentleman, and was no common man. *He was much taller than you fully 5ft. 8½in.*

On the occasion of the writer's visit to the asylum in 1895, the alleged William Cresswell, during the entire interview, which lasted over an hour and a half, was most sensible and collected. In his manner he was courteous in the extreme. A man must have a mind of very strong calibre to go through twenty odd years in a lunatic asylum unscathed. One would expect to meet with a violent lunatic. But far from it; one meets, in the person of the alleged Cresswell, with a man whose every action is dignified. Winning in his manner, an air of quiet resignation in his demeanour, a soft pleading in his face, he is the embodiment of the power of mind over its surroundings. One could not look at him, knowing his history, without a great pity, a well of sympathy, springing up for him in his long years of uncomplaining suffering. An unhappy youth, a reckless and wild manhood, and a dreary old age; none of his old and loved companions to befriend him in his loneliness.

PART VIII.

THE WRITER'S INTERVIEW WITH CRESSWELL —
DETAILS OF THE CONVERSATION—THE MARKS AND
PECULIARITIES DESCRIBED—WHAT THE DOCTORS
AND WARDERS SAID — CRESSWELL'S PATHETIC
APPEAL FOR FRIENDSHIP.

The reader may well imagine the stunning blow that had to be endured when the doctors' replies to the questions asked them, and the judge's decision, had been given. That the unfortunate inmate of the asylum was still doomed to endure his enforced retirement was the first thought to mould itself into tangible form. The labour of three years had been thus cast to the winds at one fell stroke. But that Roger Tichborne, whom the writer is absolutely and firmly convinced William Cresswell is, must ultimately regain his freedom and the loving companionship of his brother men, has been for so long a firm conviction with him, that even in the dark hour which forced upon the writer's mind the fact that there must be further delay, the hope that Parliament would yet come to the rescue was some sort of Balm in Gilead.

“To be up and doing” was at once a duty not to be neglected, and the following letter appeared in the *Sunday Times* of the 26th December, some ten days after the decision had been given:—

THE TICHBORNE CASE.

MR. PRIESTMAN IN REPLY.

IS THE CASE OVER ?

DETAILS OF A REMARKABLE INTERVIEW WITH CRESSWELL.

(TO THE EDITOR.)

SIR,—I notice in your last issue a letter from Mr. R. Scott Ross headed "The Tichborne Bubble Burst." Where this derisive expression comes in I fail to see. There has not been any bubble about the matter, and, there being no bubble, it cannot have burst.

Mr. Ross gives me credit, I am happy to say, for having acted in a thoroughly *bonâ-fide* manner, but can anyone who has followed my conduct right through for the last three and a quarter years say otherwise ? I promised poor unfortunate Cresswell, when I saw him early in 1895, to fight for him to the death, if need be, and I have tried to act up to that promise to the best of my ability, and still intend to go on doing so.

The case is now well advertised all over the civilised world ; the seed is sown, and I can now patiently abide the result. Many people may say the case is now over. Is it ? Wait and see. As far as the Courts only are concerned it is over. Before I finally lay down my pen, I will, with your kind permission, give through your valued paper a few little particulars which may, or may not, interest some of your numerous readers.

In the first place I have been acting, to a certain extent, in a false position all through. I have, as it were, been placed between two fires. And in this way : When

endeavouring to procure a power of attorney, according to the Lunacy Act, on which to base my claims to have Cresswell delivered up to me, I had to be most careful in writing to England not to mention the fact of funds being necessary in order to conduct the case, as had I done so anyone at home inclined to lend an ear to my story would have at once said: "If there is any possible chance of Cresswell being the missing Sir Roger, people in the colonies will readily supply funds."

Then again, as regards the residents here, had I made it an open secret that a certain amount of money was wanted in order to carry on the case, they would have naturally said: "Surely if those in England who are inclined to believe Mr. Priestman, and assist in a just cause, have not the means to help him to the desired end, they are not in a position to take charge of Cresswell." And so I have had to go on doing my best under the circumstances, and though I have had to contrive in one way or another to keep up a bold front, yet many a time my heart has almost failed me, and but for my desire to see justice done it would have failed. That will give you some faint idea of one of the greatest difficulties I have had to face all through.

I will now recount my chief reasons for the position I have taken up by relating an interview, lasting for fully two hours, which I had with Cresswell early in 1895 at the asylum, and a subsequent interview I had with the medical superintendent, Dr. Godson. I feel that I am fully justified in making public these two interviews, as I was denied the privilege of any access to Cresswell ever since. I must state that the missing Roger Tichborne was known to be possessed of many marks and

peculiarities by which he could be identified, as disclosed at the great trial some eighteen or twenty years after his disappearance. Of course it is only natural to presume that now, after Roger Tichborne has been missing for 44 years, many of the marks laid down by Chief Justice Cockburn as necessary to identify the missing man would now be totally effaced through lapse of time. But in any case the birthmarks would be there.

The following were the chief items admitted as proved by Sir A. Cockburn:—Odd ears, lump on the instep, large grey-blue eyes with pensive expression, ample but flat forehead with heavy eyebrows, height 5ft. 8½ in., halt or limp in his walk, habit of twitching or raising the eyebrows, mark of an issue, lancet cut for bleeding on arms, lancet cuts for bleeding on ankles, lancet cut for bleeding on temporal artery, tattoo mark of Faith, Hope, and Charity, with “R.C.T.” underneath on left forearm, small blotch size of a fourpenny piece on inside of left wrist, difference of ¾ in. between the length of feet, mark of a wound caused by a fishhook through eyelid.

The following marks were said to exist on Roger Tichborne, but there was so much conflicting testimony at the trial concerning them, that Sir A. Cockburn did not admit them as proved, although the very fact of the Claimant, Arthur Orton, trying to imitate them, and in some cases causing himself much bodily pain in endeavouring to do so, justifies one in the belief that they also existed in the missing Baronet:—Dent in the left eyebrow through being struck by an albatross' wing on the *Pauline*; peculiar nail on thumb of right hand; dent in the bone of skull just behind the left ear through a fall from the rocks in Brittany when a youth; mark in top of third finger of right hand,

the result of the finger being caught in a vice when a youth; peculiar manner of pronouncing many English words, amongst others *fiffy* (fifty), *fen* (friend), *sou* (south), *sune* pronounced with a thoroughly French accent for soon, and so on.

I will ask your readers to bear all these peculiarities of pronunciation, marks, &c., in mind whilst I now describe my first and only interview with Cresswell. I was on that occasion accompanied by my wife, Mrs. Jenkins, and another gentleman. We were ushered into a large room, and Cresswell shortly afterwards entered accompanied by two warders.

The two first things that struck me when Cresswell walked in were the limp or halt in his gait, and his exact likeness to the late Sir James Tichborne, Roger's father. He advanced towards us and shook hands with Mrs. Jenkins, who introduced him to the rest of the party; then he sat down, and, in doing so, placed himself sideways on the chair, with his arm thrown over the back (this manner of seating himself was a well-known characteristic of Roger Tichborne).

After a few desultory remarks on both sides, I handed him a box of cigars, which I had brought with me. He seemed very much pleased and said, "Are these all for me?" "Yes," I returned, "and you must smoke every one of them yourself." He replied, "Oh, sank you very much." (Roger Tichborne invariably pronounced "thank," *sank*.)

Mrs. Jenkins, whom he seemed to recognise (she called him Roger all through the interview), then engaged him in conversation. I, being seated very close to him, had every opportunity of observing any marks and peculiarities.

The first thing to attract my attention was a small white scar in the very centre of the right upper eyelid. It stood out very plain against the darker skin, and appeared to me just such a mark as would be left by a darning needle if passed through the eyelid. While observing this intently, I was struck by his remarkably light grey-blue eyes. They were just what Roger Tichborne's eyes were described by his aunt, Lady Doughty—the colour of English forget-me-nots. They had a calm, clear look in them, no sign, so far as my observation could guide me, of any insanity; but yet so sad, so plaintive in their expression, so thoughtful and pensive, too.

Turning from his eyes, I noticed the hair on his left eyebrow tufted in the middle, and Cresswell good-naturedly allowing me to put my finger to the place, I found the bone underneath was dented in.

Having seen so far that several marks and characteristics on Cresswell tallied so perfectly with those known to exist in the missing Sir Roger, I began to look closely at the region of the temporal artery. At first the wrinkles, common to a man of his age, precluded any possibility of seeing anything like a lance cut. At last, growing somewhat impatient, I leant over, and saying to Cresswell, "Excuse me, will you?" I stretched the skin on his temple between my thumb and forefinger, and there sure enough was a mark like a Maltese cross on the temple between the eye and the top of the ear. (I find that I said in my affidavit that Cresswell had a lancet cut on the temporal artery; I should have said *close to* the temporal artery.) The mark as I saw it was plain enough, and was just like a lancet cut.

I had seen by this time as much as I wished about Cresswell's head, and I then turned my attention to his right

hand, his left being thrown over the back of his chair, and the latter resting on his thigh. On the top of the third finger I saw very plainly a cut evidently healed over. I also noticed the peculiar nail on the thumb. It grows not much more than half-way up.

Whilst I was observing this he moved his hand and I then looked down at Cresswell's feet. To my mind they appeared small, and I said to the warder who was standing beside my chair, "What small feet your patient has," and bending down I noticed very distinctly a lump on the instep of his right foot. I put my hand down and felt it, and it appeared to me to be about half the size of a pigeon's egg. Turning to the warder I remarked, "He has a lump on his instep." "Yes," replied the warder, "his boots have to be made specially for him on that account."

I had previously noted the very marked peculiarity he has of continually raising the eyebrows, and thinking I had seen enough to convince any ordinary person of his identity, I turned to observe Cresswell's immediate surroundings.

Whilst thus occupied Mrs. Jenkins rose from her chair and went to the back of Cresswell. She said to me: "Come here, Mr. Priestman, and feel the dent in his head." He looked at me with a smile on his face and said: "She won't find it there." She was feeling his head behind the right ear. "Oh, no," exclaimed Mrs. Jenkins; "it is on the other side. Ah, here it is." I rose from my chair, and had no difficulty in finding the dent in the skull. It is just behind Cresswell's left ear. I put the tip of my little finger into it.

On resuming my seat I took hold of Cresswell's left hand and noticed a large scar, described in the asylum "case-book" report as a puckered elliptical scar. I have always under-

stood puckered to mean shrivelled or burnt. I had to push back a leather wristband which he wore in order to gauge the full dimensions of this wound.

"Poor fellow," I said. "What a nasty wound this has been." "Yes," Cresswell replied, "I slipped on a butcher's corse and it penetrated the flesh. But it is all right now. I was treated for it in St. Mary's Hospital, and they made a splendid job of it. You see (bending his fingers backwards and forwards) the sinews are not injured, and I can use my hand freely."

He spoke all this very rapidly, and it struck me at once that he was repeating a lesson he had learnt somewhere.

As he finished speaking, Mrs. Jenkins looked at him and shook her head. "Ah, Roger," she cried, "where is the tattoo mark you had there?"

I can never forget the expression of his face when he heard this. He looked absolutely startled, and glanced at Mrs. Jenkins and myself, his eyebrows working up and down in a remarkable manner. He then looked for a moment at the warders, then back at me, put his finger to his lips, and shook his head as though to enjoin silence.

I took particular notice of his ears during this interview, going from one side to the other in order to make a good comparison. What struck me most was that one was considerably larger than the other, and fatter in the lobe. They were unmistakably odd ears.

During the visit I conversed with Cresswell on several subjects. I asked him if he would like to go to England, and he at once rejoined: "Oh, I shall go some day." He also said: "I have an estate in Hampshire;" and when pressed further added: "I have estates in several places." As he finished saying this I noticed a peculiar twitching start in

the right-hand corner of his mouth, spread gradually over the right side of his face, into his right arm, down the side into his right leg, and finally ended in the foot, causing it to make a tapping sound on the floor. I may say here that the lost Sir Roger was known to have this peculiarity at times, and it was in marked contrast to the St. Vitus' dance possessed by Arthur Orton.

Towards the end of our interview I was so struck with the marvellous similarity in every particular between Cresswell and the missing Baronet that I turned to the warder beside me and said: "There is not the slightest doubt, warder, this is the long-lost Sir Roger Tichborne." As I said this Cresswell's hand stole gently over to mine, and he pressed it very warmly. The warder replied: "Well, sir, I do not know who he is; but he is a perfect gentleman in every way."

Cresswell, when addressing me, invariably called me his fen (friend). Asked when he came out to the colonies, he replied: "In fifty-four" (fifty-four). I presume he had one of his lucid intervals during the whole of the interview.

When leaving, Cresswell seemed loth to part with me. He said: "Do come again soon to see me." I replied: "I will if they will let me, only too gladly, my friend." And as I again shook hands with him, he said: "Ah! do try and come next week." And so I left him.

Before, however, I passed out I turned and said to the warder who accompanied us to the door: "What height is Cresswell, warder?" The answer came prompt, without the slightest hesitation, "Five feet eight and a half, sir."

I noticed that Cresswell was standing on the verandah watching us as we came out. When he saw me looking at

him he waved his hand to me, and then I noticed more than ever his marvellous likeness to the late Sir James Tichborne.

My next visit to the asylum was made some few months later on the off-chance of being able to see Cresswell, but I was not allowed to do so. I was accompanied on this occasion by my wife only. I took with me some tobacco for the asylum patient. I had previously sent the medical superintendent, Dr. Godson, a likeness of the late Sir James Tichborne, which I have in my possession, in order that he might compare it with Cresswell. My wife and I had a long conversation with Dr. Godson. I asked after his patient, and begged of him to give Cresswell the tobacco I had brought with me. This he promised to do. Amongst other things I said to him: "Did you compare that likeness of Sir James Tichborne with Cresswell, Doctor?" "Yes," he replied, "I did. I had him brought into this room, and he sat on that sofa where you are sitting."

"Well," I said, "did you notice any resemblance?"

Dr. Godson seemed unwilling to reply at first, but, on my pressing him, he said: "Yes, the resemblance is simply marvellous."

We then discussed the marks and peculiarities I had noticed on Cresswell. I enumerated each one, and as I did so the superintendent repeated, "Yes, that is right." He then said: "But where do you say the tattoo mark was, Mr. Priestman?" "On the back of Cresswell's left wrist, where the burn is now," I replied.

Dr. Godson then said: "Well, Mr. Priestman, if my predecessor, Dr. Taylor, could have accounted for the tattoo mark, he would have taken Cresswell home to England long ago."

My wife, who was present, heard all this.

Before I finish I ought to mention that when I was examining the scar on the back of Cresswell's left wrist the warder said: "He has another scar higher up, sir." "Oh, that must be the mark of the issue?" The warder nodded his head.

As regards Cresswell's height I am told that it is entered in the Receiving House books, which I was not allowed to look at, at Darlinghurst, in 1871, as 5ft. 8½in.; and further, he was measured during the Orton-Cresswell trial of 1884, and his height was then stated as 5ft. 8½in. According to the doctors' report he is now 5ft. 7in.

I had looked upon the result of the late medical examination of Cresswell as a foregone conclusion, and from the foregoing you may well understand that on my learning the result my feelings were better imagined than described.

My affidavit describing many of the marks was not rebutted in the affidavits put in by Drs. Manning and Godson, and I am utterly at a loss to understand the result of the late examination. I have the greatest respect for Drs. Fiaschi and McCormick, both as regards their integrity and ability, and this being so, I am left like one groping in the dark.

Time will reveal all, and though I must perforce reconcile myself to the fact that the Courts are closed against me, yet there is still a Parliament left to appeal to.

Apologising for this trespass on your valuable columns.

I am, &c.,

EDWARD PRIESTMAN.

That a Select Committee of Parliament is the proper body to deal with this case must be patent to every just-minded man. In the first place, the committee, once appointed, would, it is to be presumed, have Cresswell in attendance. The writer would also suggest that he might be present, together with one or two witnesses whose affidavits appear in a previous part of this volume. Then, if those marks which have been sworn to are not to be found on the person of the asylum patient, the labours of the committee need go no further. If the marks and other peculiarities are there, then is Sir Roger Tichborne discovered to the world, for it must be admitted by all that where a certain person is lost, and he has not only one or two, but fully a dozen marks, birth and accidental, by which, if found, he may be identified, and if another is found, in after years, bearing on his person every one of these marks, they are one and the same individual. Not only this, but we have in Cresswell a perfect resemblance to Sir James Tichborne, the father of the missing Roger. There is also his knowledge of French, Tichborne's mother tongue, and above all, in the writer's mind, Cresswell's greatest characteristic—mystery. The whole question of identity can be solved in less than an hour once a Select Committee of Parliament is appointed.

To those conversant with the life of Roger Tichborne up to the time of his leaving Rio, the life of Cresswell is but a continuation of such in its entirety. In fact, were he not "Cresswell," he would not be Tichborne. It seems strange logic, but it is so.

Look, too, at Cresswell's chequered career since he landed at Liardet's Stairs from the *Osprey*. Always a mystery surrounding the man, and thus bearing out the words of Roger Tichborne's aunt, Lady Doughty, quoted in the early part of this book.

Mr. Marshall, of Newtown, whose statement appears elsewhere, informed the writer that when he knew Cresswell in Gundagai, scores of times has he seen him traversing a pathway in the neighbourhood of the town, backwards and forwards, for hours at a time, engaged in deep thought, and lost, as it were, to all surroundings. Upon one occasion Cresswell was in Mr. Marshall's store when a young lady came in to make some purchases. Cresswell looked long and fixedly at the lady, muttered for some time to himself (a noted characteristic of Roger Tichborne), heaved a deep sigh, and left the store with his head bent as though in deep sorrow.

Little incidents of this description would appear as not worth mentioning to anyone who had not studied the character of the missing Baronet, but to those who have done so they serve as important links in a long chain of established facts.

Another great point to be considered is—what was the object of the Ortons in trying to get possession of the Parramatta patient? The confession of the late Claimant is absolute proof that they knew Cresswell was not Orton; then, being Cresswell, what did they want with him? The answer is so very palpable that it were superfluous to give it.

Several witnesses speak as to Cresswell's efficiency as a butcher, and one, Mr. Harlowe, of Tarrabandra, mentions the fact of his erecting a fence for him (Mr. Harlowe). Even these little matters are links in the chain. For instance, it was brought out in evidence at the great trial that Roger Tichborne was continually skinning and dissecting birds and animals which he had shot. He took great interest in this occupation, and it was the first step towards his afterwards becoming an expert butcher, such as many of the witnesses describe Cresswell. Arthur Orton completed his education in this direction at Boisdale and other places.

Then, again, we have it on the evidence of Lady Doughty that her nephew was, as a youth, very fond of carpentering; that boxes of tools were bought for him; and that he became quite a proficient in the trade. No doubt, this early inclination for the work was the foundation of the knowledge which Cresswell must naturally possess in erecting a fence.

The evidence of the various witnesses, which appears elsewhere, almost invariably speaks of the asylum patient's military bearing. This soldier-like air in Cresswell strikes one the moment one sees him, despite his slight limp or halt. By-the-bye, the counsel for the Crown, when this defect in Cresswell's walk was mentioned, during the late proceedings in the Equity Court, made the sneering remark "that this was probably another instance of Cresswell's military bearing"—a remark which might well have been left unsaid. Everyone conversant with the life

of young Tichborne knows that he possessed this slight defect, and Cresswell has it most undoubtedly.

Regarding the asylum patient's silence as to his identity, he is only pursuing the course in the Parramatta Hospital for Insane which he pursued previously in this colony and Victoria. Doubtless he never bargained for being kept, as it were, a close prisoner, yet still, in the asylum, he will never tell who he really is, but outside those walls he will. On this latter point the writer is confident, and once the Select Committee of Parliament is appointed (for his friends are kept from him), so soon is the Tichborne mystery solved. Justice will be meted out at the eleventh hour to the long-lost Roger, and justice, too, to many others who have been maligned by the wrong doing that has been practised in this wonderful case.

Another point to be considered is this: The missing Baronet must have landed in Australia, otherwise had there been no celebrated Tichborne Case. That Arthur Orton obtained all his information from friends and dependants of the family is unworthy and impossible of a moment's credence. He could answer questions put to him, which the lost heir alone could answer, and he could relate incidents of which Roger Tichborne alone could have been cognisant. Then comes the question—where did the Wapping butcher obtain his information? The answer is easily given when one knows that Orton and Cresswell were continually together for years, and that the former obtained possession of all the latter's diaries.

One question was asked the Claimant by Dowager Lady Tichborne in England relative to Roger Tichborne having sent to his mother a box from South America. Arthur Orton was able to answer the question to the effect that the box contained, among other things, a pair of stirrup-irons and an albatross' wing. This circumstance could have been known only to Roger and his mother, or someone who met Roger in Australia, yet the Claimant answered it correctly. It was owing to Orton's being able to answer questions of this description correctly that the Dowager, in her feeble old age, recognised him as her son. Then the question arises—where did Orton obtain his information? The answer is very simple. From his mate, now incarcerated in Parramatta.

All the witnesses who espoused Orton's case were led astray in every instance by the same means, but the Dowager found out her mistake when too late, and the blow caused her death. The revulsion of feeling which the discovery produced broke her heart, it is said. She was found dead in her arm-chair. Her decease was so sudden that suspicions were aroused and an inquest held, but the villain who had usurped her son's place was proved at the time not to be quite so utterly bereft of all humanity as to have directly caused the poor old lady's death.

So much might be written as to Arthur Orton's evidently having been on very intimate terms with the missing Baronet, that the subject alone would fill a book. The writer prefers to await the issue of the next motion for a Select Committee in Parliament.

Then, when the truth is laid bare, the enormous amount of correspondence which he has received from all parts of the world in connection with the case will form volumes of very interesting reading, and the newly-discovered Roger Tichborne will also be enabled to tell, with his own lips, the full particulars of his companionship with the Wapping butcher, and be able to explain, too, his reason for telling Dr. Manning and the writer "that Arthur Orton was heavy with crime."

PART IX.

AFFIDAVITS IGNORED IN THE 1884 TRIAL REPRODUCED
BY THE CROWN—SOME OTHERS ABOUT "SOUPER"
REFUTED.

The affidavits filed in the recent proceedings in the Equity Court, before the late Mr. Justice Manning, on behalf of the Crown, were those of Messrs. W. C. Rush, William Kite, Jno. A. McDonald, Mrs. Mary Clay Haigh, Mr. John D. D. Jackson, and Mrs. Annie Shillington. With all but the two latter of these the late Sir William Manning dealt in the Orton application of 1884. With the last-mentioned two the writer will deal himself.

They are as follow:—

AFFIDAVIT OF JOHN DETTMER DODDS JACKSON, DATED THE 12TH DAY OF JULY, 1897.	}	States:—
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"1. In the early part of the year 1855 I was living in
"Hobart Town, Tasmania, and I distinctly remember a
"butcher's shop in the market buildings, then recently
"opened, which was kept by a man whom I afterwards
"knew as Arthur Orton. The name Arthur Orton was
"painted in large letters on the front of the shop.

"2. I removed to Launceston, in Tasmania, aforesaid,
"during the year 1855, and was in business there as a
"pianoforte maker and a dealer in musical instruments.

“3. Some time before September, 1855, I saw in Bransgrove’s butcher’s shop, in George-street, Launceston, aforesaid, the man who had kept the butcher’s shop in Hobart Town, as mentioned in paragraph one of this, my affidavit.

“4. During the latter part of the year 1855, and the early part of the year 1856, I occasionally visited with a friend, Robert Clabburn, a public-house situated at the corner of Brisbane and Tamar streets, Launceston, aforesaid, and known as ‘The Royal Oak.’ This public-house was kept by one Mary Ann Tredgett, and I remember her name being painted up over the entrance in place of that of the former licensee, Mrs. Hedger.

“5. The said Mary Ann Tredgett was said to be a widow, and the sister of the said Arthur Orton, who was commonly called ‘Arthur Orton the Sailor,’ because of the way in which he usually dressed, and who acted as barman for her at ‘The Royal Oak.’

“6. On one occasion the said Arthur Orton brought to my house in Patterson-street, Launceston, for repairs a musical box, which he said belonged to Mrs. Tredgett. On his calling for the box later on I entered into conversation with him, and he then told me that he had been in Valparaiso in a store there, and I observed, as he stood near the shop door, a piece or strip of lead through the lobe of his left ear, which he said he wore because he had something the matter with his eyes.

“7. About a month after I had repaired the musical box, as aforesaid, I went at the request of the said Arthur Orton to tune Mrs. Tredgett’s piano, and on arriving at ‘The Royal Oak’ I found a man whom I then knew by the name of Edward Souper playing the piano.

“ 8. The so-called Edward Souper was a tall, dark, slight man, who spoke English, with a foreign, I think French, accent, and could speak French and a little Spanish.

“ 9 Early in the year 1856 the man whom I had until that time known as Edward Souper was introduced to me by the said Robert Clabburn as Sir Roger Tichborne, in consequence of some statements made by Souper during the course of a quarrel with Clabburn the previous evening. From that time onward the said Souper was known to our acquaintances as Sir Roger Tichborne, and I used to address him sometimes as Sir Roger, and at others as Tichborne.

“ 10. I was an intimate friend of the said Edward Souper, otherwise known to me as Sir Roger Tichborne, and he frequently visited my house in Launceston aforesaid. I was struck on many occasions by the peculiar shape of his ears, the bottom part of each being closely attached to the cheek, and there being no detached lobes.

“ 11. On one occasion the said Edward Souper, who was also known to me as Sir Roger Tichborne, slept in my house in Patterson-street, Launceston, and on the following morning, as he was preparing to wash himself, I distinctly observed deeply tattooed marks, consisting of an anchor, a cross, and a heart, with the initials ‘R.C.T.’ lengthwise between such marks and the wrist. The tattoo was on the inner surface of the left forearm, and the letter ‘T,’ which was furthest from the elbow, was about three or four inches from the wrist. There was also a tattooed blotch about one inch above the wrist on the inner surface of the left forearm, and none of the tattoo marks were visible unless the sleeve of the coat and shirt were pulled up.

“12. That on another occasion I had in my hands a small piece of substance which he (Souper) wore under his shirt, suspended round his neck, and which he told me was given to him in Paris. I afterwards heard that this was a piece of Jesus’ Cross.

“13. Souper (or Tichborne), in conversation with me, said he had been in Valparaiso, Buenos Ayres, Monte Video, and Rio de Janeiro, and that he came from South America to Perth (Swan River), and either in going to Adelaide, or off the coast near Adelaide, the vessel on which he was caught fire, and that he had thus lost all he possessed.

“14. I lost sight of the so-called Edward Souper, or Sir Roger Tichborne, on his leaving Launceston in 1856 for Port Sorell, in Tasmania, aforesaid, where he had obtained the position of tutor to the family of Mr. Hall, and I have never seen him since.

“15. In the year 1877 I visited the Hospital for the Insane at Parramatta, in company with the then medical superintendent, Dr. Taylor, and there saw the person confined in such asylum under the name of William Cresswell. I also saw the same patient in the year 1884, when he was in attendance at the Supreme Court on the hearing of the application by Edmund and Charles Orton for the release of the said William Cresswell, on the ground that he was Arthur Orton.

“16. The said William Cresswell is not the man I knew in Launceston as Edward Souper or Sir Roger Tichborne, nor is he the man I knew as Arthur Orton. I never saw him, as far as I am aware, until I saw him when I visited the Hospital for Insane as hereinbefore mentioned.”

Sworn, &c.

AFFIDAVIT OF ANNIE SHILLINGTON. }
 SWORN THE 29TH DAY OF JULY, 1897. } States:—

“1. I am the person referred to as the wife of Robert Clabburn.

“2. In the year 1856 I was living in Launceston, Tasmania, and became acquainted with Robert Clabburn and Edward Souper, through meeting them on many occasions at socials.

“3. In the same year I married Robert Clabburn in Launceston, in Tasmania, who was a dentist.

“4. For the following two years Edward Souper was a constant visitor at our house, and became acquainted with my sister, Elizabeth Bland.

“5. When I first became acquainted with Edward Souper I knew him by no other name, and shortly after I was married my husband always addressed him as ‘Sir Roger’ and ‘Sir Roger Tichborne.’

“6. He often washed his hands at our house, and used to turn his shirt sleeves up to his elbows, and on several occasions I noticed tattooed marks on his left arm on the inner surface. I cannot remember what they represented. One mark was below the elbow and the other just above wrist, and I said to him, ‘What did you put those marks on your arm for?’ and he replied, ‘Only for mischief.’ He seemed ashamed of them.

“7. He was a tall man, sallow complexion, slight build, dark skin, prominent nose, black whiskers, well educated, of good address, could speak several languages, was fond of talking about astronomy, fond of piano-playing and singing, addicted to drink.

“8. He was in the habit of receiving remittances of money out from England, and said it was a Lady Ogilvy sent it out. I do not know Lady Ogilvy’s address.

“9. He often told us about his travels to different parts of the world, and on one occasion the ship he was on caught fire and all his things burnt.

“10. He had peculiar-shaped ears; the bottom part seemed to be close in to his cheek.

“11. About the year 1858 he left Launceston for Port Sorell as tutor to a Mr. Hall there, and afterwards married my sister, who only lived seven or eight months and died.

“12. He then left and went to Melbourne, and I received a letter from him stating he was going to sail for England. That was the last I heard from him.

“13. If I could see his photo. I feel sure I could recognise him.

“14 He was a Roman Catholic.”

Sworn.

In dealing with the first of these two affidavits, one is struck with the remarkable evidence of identity as to this man Souper with the missing Roger Tichborne, almost sufficient for the uninitiated reader to set at rest all doubts, but in paragraphs 7 and 8 two points creep in which are fatal to the theory. They are these: “I found a man whom I then knew by the name of Edward Souper playing the piano;” and “The so-called Edward Souper was a *tall, dark, slight man.*”

Now, although Mr. Jackson would lead one to suppose that Roger Tichborne was a pianist, yet it is a well-known fact that he did not know a note on the instrument. The only instrument on which Roger Tichborne was ever known to play was the French horn.

The following letter, received by the writer in 1895, firmly establishes the fact that Souper was a skilled pianist and taught music:—

“DEAR SIR,—

“Castro, the butcher, and ‘Sir Roger’ were in Launceston, Tasmania, about 1854 or 1855, and stayed there a few months. Castro was a ‘loafer,’ and ‘Sir Roger’ gave lessons in French to some young people, *inter alia*, to the Misses Smith (2), daughters of ‘Boco’ (*sic*) Smith, an undertaker; Miss Walsh, daughter of Paddy Walsh, a publican. He also gave some lessons on the pianoforte to a Miss Williams, another publican’s daughter. I knew Castro by sight, but ‘Sir Roger’ only by report. I might have seen him, but was not acquainted with him. The man in Launceston more intimate with both *at that time* than any other was a Mr. Jackson, pianofortē-tuner and repairer.

“Castro and ‘Sir Roger’ went by their own names; there was not much secrecy about their identity, and were known to many.

“I was then teller in the branch bank of the Union Bank of Australia, and from my position knew most of the Launceston people of that generation.

“Subsequently I went to Victoria, and was manager of the W.B. Co. for a time at Ballarat. Afterwards transferred to Castlemaine, with charge of N.W. Province goldfields as superintendent of agencies. Thence I was promoted to take general charge of all the goldfields’ business for the W.B. Co. in New Zealand, and resigned the management of the Nelson branch ten years later on account of ill-health.

“ There must be many old people now in Launceston who could identify both men if the chain of evidence were properly joined, and facts or incidents of the period, partially forgotten, recalled to their minds.

“ Mr. Priestman should try to find out Mr. Jackson ; if alive, he can tell more about ‘ Sir Roger ’ than anyone, as they often came in contact professionally and in friendly intercourse.

“ If I can help in any way I shall be glad to do so.

“ P. McTAVISH.

“ ‘ Tavistock,’

“ Torrington P.O.,

“ 10th November, 1895.

“ P.S.—If I saw ‘ Sir Roger ’ it is possible I might identify him (although it is more likely I would not) as ‘ Sir Roger,’ the French teacher of Launceston in 1854 or 1855, or thereabouts.”

With regard to the second paragraph in Mr. Jackson’s affidavit, Roger Tichborne was a man of medium height, 5ft. 8½ inches, by no means what one would call tall ; and further, he was not dark. The missing Baronet was a genuine Saxon, brownish hair, with light blue eyes. In addition to the two sentences commented upon, the writer may say that, from his own personal knowledge, Mrs. Mary Ann Tredgett, Arthur Orton’s sister, was never out of England in her life. This was proved conclusively at the trial in London.

As Mrs. Shillington’s affidavit is more or less a repetition of Mr. Jackson’s, as regards the main issues, it is hardly necessary to notice it, with the

exception of the fact that the lady describes Edward Souper as a "tall, dark man with black whiskers!"

In dismissing Mr. Edward Souper's name, the writer may say that long ago he made full enquiries into the matter, and into Souper's antecedents. And further, he can tell where Mr. Souper is at the present time.

During the years 1855 and 1856, Roger Tichborne, otherwise known at the time as "the Swell," never left Boisdale station, in Gippsland, but in 1857 and onwards he wandered further afield with Orton, visiting the Castlemaine and Bendigo diggings about this period. It was in 1855 that the lady named by Mr. Graves in his narrative in the early part of this book met Roger Tichborne at or near Boisdale, as the following declaration shows:—

"I, Anna Maria Alexander, wife of Booth Alexander, declare that in the years 1847-8 I was well acquainted with Roger Tichborne; that in the year 1855 I met a man in the colony of Victoria named Thomas Castro, the identical person I had known in England as Roger Tichborne. I told him that Castro was a false or assumed name, and then the said Castro owned that his right name was Tichborne, and that for family reasons he intended to be known in Australia as Castro."

From this latter evidence it will be seen that even then Tichborne and Orton had started the exchange of names. This it is that has led up to all the baffling mystery which has surrounded the missing Baronet's after life.

PART X.

CONCLUSION--A WORD ABOUT THE NOTORIOUS JEAN
LUIE--AND HIS CONFESSION OF CONSPIRACY.

The writer has said in an earlier part of this book that on account of the unenviable notoriety obtained by the late Jean Luie, he had discarded any information with which Luie, during the last few years, had furnished him. That this has been done advisedly, the following facts should prove.

Jean Luie was born in the island of Bornholm, a dependency of the Kingdom of Denmark, on the 29th July, 1819. His father, Lieutenant-General Luie, served in the armies of Napoleon at the same battles with Marshall Bernadott. The Danish allies, with Napoleon, brought General Luie to Copenhagen *incognito* to direct the Danish movements, and but for a mistaken signal there was a great possibility of Admiral Nelson's fleet being destroyed. After Napoleon's surrender, General Luie remained for some years in Denmark, and fell in love with Jungfrau Letitia Rasmussen. Afterwards the General and his wife settled in the Province of Normandy.

Their only child, Jean, took to sea, and up to the year 1857 he went through many vicissitudes in different parts of the world; and finally, in the year

1874, found himself in prison, the result of his adherence to, and false testimony on behalf of, the late Arthur Orton.

This short account of Luie's life was sent down by the man himself to the writer just prior to his death in the Liverpool Asylum.

The sorry part which Jean Luie played in the Tichborne Case is a matter of history known to most people, but his subsequent doings, as related by himself, after serving the term of his imprisonment, may interest the reader, although it is to be feared that the unfortunate man's well-known and shifty nature will prompt little sympathy for him in his miserable end. The reader can believe Luie's own account of his subsequent doings, or not, as he or she thinks fit.

Shortly after Luie's release, about the year 1881, he came again into communication with several of Arthur Orton's strongest supporters, including the late Miss Baring, Lord Rivers, Mr. Guildford Onslow, Mr. Quarterman East, &c. About this period a photograph of William Cresswell, procured in 1879, was taken down to the Claimant at Dartmoor prison, and when shown it by Lord Rivers, Arthur Orton exclaimed: "Have you that man alive in Australia? If so, you have the real Arthur Orton; by that I will stand or fall." Now this has been related to the writer by Jean Luie, who, together with Mr. Guildford Onslow, accompanied Lord Rivers.

Luie, in his voluntary information, goes on to say that after the interview with Orton at Dartmoor,

active steps were taken to procure the release of Cresswell in order that he might be taken to England by the Orton party. How the Ortons and others failed in their efforts to get Cresswell out of the asylum, either as William Cresswell or Arthur Orton, are matters of history now.

The Parramatta patient virtually has no name, and, judging by precedent, never will have until Parliament steps in to the rescue.

Regarding Luie, Lady Radcliffe, *née* Miss Kate Doughty, forwarded a letter to a very dear friend of the writer's in England. It had been written to Lady Radcliffe in 1875 by the Rev. W. Strickland, S.J., a brother of Sir Edward Strickland, who died here some years ago. The letter reads as follows:—

(Copy of a letter from Rev. William Strickland, S.J., to
Lady Radcliffe.)

Buxton, August 30, 1875.

My dear Lady Radcliffe,

You remember being so good as to call upon me at Bournemouth, with Sir Percy and Mrs. Jas. Nield. Some few weeks after I went down to Plymouth to visit Bishop Vaughan, and amongst other work he gave me to do, I went to get the poor convicts at Portland through their jubilee. Amongst others who passed through my hands was Jean Luie; after some conversation with me, during which he stated to me that he was once a Lutheran, but had deliberately, and of his own free will, become a Catholic some years ago, and intended to live and die one. He said he had now no hope of getting out of his penal

servitude, but whether any remission or not was granted him, he begged your forgiveness for the wrong he had done you in abetting the party which had so cruelly wronged you. He had said nothing against you, but your figure in the witness-box was before him night and day, and he wished only to live to proclaim the villainy of those who swore against you. He is ready to give all the information in his power, though he knows his testimony will not be believed. He can tell what steps might be taken to corroborate his statements, and prove the falsity and complicity of all those who managed the Claimant's case. The mania for betting and the excitement about the case was like an epidemic, and ran immensely high, and those who had heavy bets used as many dodges to win as in the racing fraternity, and sought out apt fellows, and primed them, and paid them, and passed them off as genuine witnesses to both sides, but most especially to Keneally, to whom every witness that could say anything was of importance. Bogle was quite deceived at first, and had he not been cast off so severely by the family would, when he saw his error which he did not see at all at first, have fully recanted and withdrawn his evidence; but he was entirely penniless, and ruined by the mistake he made in allowing himself to be so completely deceived in Australia. He was to the last in some doubt, but he was most skilfully managed and very kindly dealt with by the Claimant, who saw his importance. He was weak, and old, and puzzled. He says the Claimant is not Arthur Orton any more than he is Sir Roger, and he can put people on the track to know who he really is, which will, he says, help to unravel the mystery which seems to puzzle people in the trial. (After my seeing Mr. Cullington here, I am sure the convict is Orton and no other.)

This information I was to give you, and the assurance that he (Luie) would do all in his power to show up the trickery of the party he joined. He begs your forgiveness, and says he needs it for his soul's sake. I did not sift or examine him, as it was useless for anything but curiosity, yet I think some good result might come from getting a full detailed account of all he knows from Luie, if for nothing but as a family record.

With most kind regards to Sir Percy and yourself,
Ever yours most sincerely,

W. STRICKLAND, S.J.

Now, the Rev. W. Strickland is a great personal friend of the writer's, and after the receipt of this letter he asked Jean Luie's attendance at his house, when the following conversation took place:—

The Writer: "Luie, tell me candidly, was the Arthur Orton of the Tichborne Case really Arthur Orton of Wapping?"

Luie: "Most decidedly he was."

The Writer: "Are you positive on this point?"

Luie: "Yes, certainly; when I had my suspicions about him in London, I taxed him with his being Arthur Orton and no one else."

The Writer: "And did he deny it?"

Luie: "He did at first, but he afterwards acknowledged it to me."

The Writer: "Then if ever you said he was not Arthur Orton, son of George Orton, of Wapping, it is not true?"

Luie: "I never did say so; I never could have done, for I knew he was Orton."

The Writer: "Did you ever meet a Father Strickland in England?"

Luie: "No, not to my knowledge."

The Writer: "Then this letter is not true?" (reading the letter).

Luie: "Yes, now I recollect, I did meet a Father Strickland, but I could never have said that the Claimant was not Arthur Orton, for I knew he was."

From that day to this the writer placed no trust in Jean Luie's sayings or doings, for he has known Father Strickland from his boyhood, and he is a man of strict integrity.

On many occasions poor old Luie has been caught red-handed in the act of deceiving the writer, but a gentle reminder has made him aware that it was a useless proceeding. It was the man's nature, and now he is dead and gone, one can only feel a great pity for him, in that his nature was so warped in this respect.

The writer will now conclude, well pleased if he has interested the reader, but still better pleased if he has succeeded in convincing a majority of members in the Assembly that a strict and searching inquiry into the whole circumstances of Cresswell's incarceration is absolutely necessary in the interests of justice.

"Magna est veritas, et prævalebit."

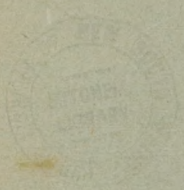
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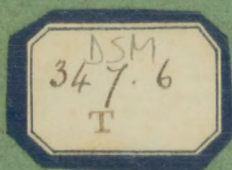


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the ashes of a dead past

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