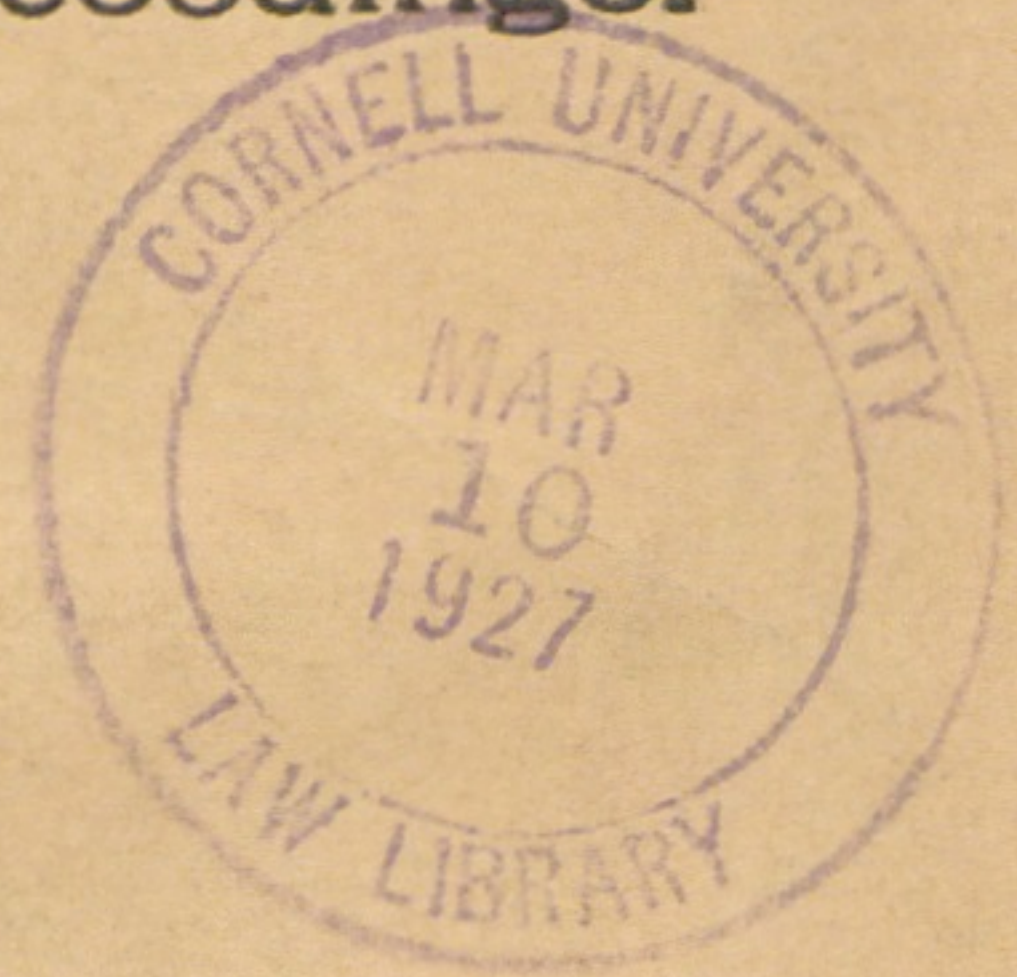


No. 4

THE
O'SHEA-PARNELL
DIVORCE CASE.

Full and Complete Proceedings.



Chas. S. Parnell

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THE O'SHEA-PARNELL DIVORCE CASE.

IN the Divorce Division, London, on Saturday, Nov. 15, 1890, Mr. Justice Butt and a special jury had before them the case of O'Shea *v.* O'Shea and Parnell. The petition was that of Captain William Henry O'Shea, a J.P. in County Clare, for a divorce by reason of the alleged adultery of his wife, Mrs. Catherine O'Shea, with Mr. Charles Stewart Parnell, M.P. Answers were filed denying the charge, and the respondent made counter allegations against her husband, which he denied. Mrs. Steele was an intervener in the case.

The Solicitor-General (Sir E. Clarke, Q.C.), Mr. Inderwick, Q.C., and Mr. Lewis Coward, appeared for Captain O'Shea; and Mr. Lockwood, Q.C., and Mr. Pritchard, for the respondent. Mr. Parnell was not represented by counsel, but Mr. George Lewis, his solicitor, was present.

Mr. Lockwood, Q.C., said that he was instructed on behalf

of Mrs. O'Shea, and he did not intend to cross-examine any of the witnesses.

The Solicitor-General said that the announcement of his learned friend had seriously altered the position of affairs.

MR. JUSTICE BUTT. — Is there any one appearing for Mr. Parnell?

There was no answer.

The Solicitor-General said that the petition was filed on the twenty-fourth of December last year, and in due time Mr. Parnell applied to put in a simple denial. Mrs. O'Shea did not content herself with the denial, but made counter-charges of adultery, in which she included the name of her own sister. She charged her husband with cruelty, and put on the record statements with regard to him, implying that he had connived at the adultery over a series of years. That almost amounted to a confession of adultery. Throughout the whole of the letters there was not a word which could, in the slightest degree, support any of the charges made against Captain O'Shea.

They were married in January, 1867.

Captain O'Shea belongs to an old Irish family, and had been an officer in the 18th Hussars; Mrs. O'Shea being the daughter of Sir John Page Wood, at one time Rector of St. Peter's, Cornhill. They were married quietly at Brighton soon after her father's death, Mrs. Steele, Mrs. O'Shea's sister, being present. From 1867 to 1880 the parties seemed to have lived a life of domestic happiness except in regard to pecuniary matters, the difficulty being caused by Captain O'Shea having stables at Bennington and Newmarket. In 1881, however, Captain O'Shea unfor-

tunately became known to Mr. Parnell. During the years of married happiness up to that time there were three children born. In 1874 Mrs. O'Shea went to reside at Wonersh Lodge, Eltham, in order to be near her aunt, Mrs. Wood, who regarded her as her favorite niece, and from that time Captain O'Shea lived there occasionally, he having business at Madrid and elsewhere.

In the year 1880 Captain O'Shea stood for Clare as a Parliamentary candidate in conjunction with the O'Gorman Mahon, who, at the Ennis Railway station, introduced him to Mr. Parnell. The consequence was that Captain O'Shea asked Mr. Parnell to dine with him, Mrs. O'Shea and Mrs. Steele being of the party; and after that, although Mr. Parnell was occasionally seen by Captain O'Shea, nothing occurred to excite his suspicions until the middle of May, 1881, when Mr. Parnell's visits to Mrs. O'Shea began. Captain O'Shea was entirely ignorant of these visits, but in the early part of July in that year he heard that they were taking place, and was furiously angry in consequence. He had a great scene with his wife, who left the Lodge late at night and walked to London, and on the following morning Captain O'Shea sent a letter to Mr. Parnell, in which he said, "Will you be so kind as to be in Lille, or any other town in the North of France which may suit your convenience, on Saturday next, the 16th inst.? Please let me know by one o'clock P.M. to-day where to expect you. I await your answer, and am arranging with a friend to accompany me."

This letter being sent, Mrs. Steele used her influence to prevent the contemplated duel, and saw Mr. Parnell at the

Westminster Hotel. He assured her there was no ground for Captain O'Shea's suspicions; and Mrs. Steele saw Captain O'Shea and persuaded him to go to Eltham, where he interviewed Mrs. O'Shea, and there was a stormy and terrible scene. The result, however, was that they resumed their former relations; but Captain O'Shea, going up to town, took a portmanteau belonging to Parnell, which he had found at the Lodge, and threw it out at Charing-cross station. He also wrote to Mr. Parnell telling him he had not replied to his letter, whereupon Mr. Parnell wrote to say that he had sent a letter by a careful messenger, and that Captain O'Shea's surmise that he refused to go abroad was incorrect.

After that the relations between Mr. Parnell and Captain O'Shea were resumed, and Mr. Parnell, when imprisoned at Kilmainham, was visited by Captain O'Shea, and consulted in regard to political questions. When, in May, 1882, Mr. Parnell was liberated from jail, notwithstanding the promise given to Captain O'Shea, and the assurances of Mrs. Steele, Mr. Parnell resumed his visits to Eltham, and did so to the extent which attracted the attention of the elder children and the servants. There was a bedroom in which Mrs. O'Shea slept, and next to that was a dressing-room which Captain O'Shea used when he was there. On the other side of Mrs. O'Shea's room was another dressing-room, which led to another bedroom. Mrs. O'Shea and Mr. Parnell had been talking to each other in their respective rooms; they had been heard speaking together in the same room; and there were other rooms in the house in which they were from time to time exceedingly late of an evening. Mr. Parnell was in Parliament, and he used to go down to

Eltham by different ways, sometimes driving, sometimes going to one railway station, sometimes another, getting to Eltham very late. Mrs. O'Shea used sometimes to go to bed, get up again when Mr. Parnell reached the house, and go down and be with him very late at night.

On some occasions Mrs. O'Shea left the house and was away all night, and on these occasions Mr. Parnell was not sleeping at Wonersh Lodge. That state of things went on during 1882, Captain O'Shea being entirely ignorant of any of these visits. In March, 1883, another child was born, Clara, and in April of that year Mrs. O'Shea and her family went to 39 Bedford Square, Brighton. When Captain O'Shea was not at 39 Bedford Square, there was another very constant and remarkable visitor at the house. This strange gentleman, who was there very constantly, was not mentioned by name.

One of the witnesses heard him mentioned as Mr. Smith. There is no doubt whatever that he was Mr. Parnell. While they were there the behavior of Mrs. O'Shea and Mr. Parnell attracted the attention of the servants. Rumors came to Captain O'Shea's ears, and when he came back a correspondence ensued. He mentioned to his wife personally the rumors he had heard about Mr. Parnell, and she strongly and specifically denied them. Captain O'Shea's suspicions were so lulled to sleep that Mr. Parnell and Mrs. O'Shea seem to have become more confident as to what they could do at Eltham, for in the month of February, 1885, Mr. Parnell's horses from Ireland were brought over to Euston Station — two horses in the first place, named President and Dictator. President was Mr. Parnell's hack; Dictator was

always given Mrs. O'Shea. They were followed in the early part of 1886 by another horse, called Home Rule (laughter), which was described in one of the proofs before him as being an old crock, and not fit to go in shafts. (Laughter.)

Jane Chapman was at Eltham in July and August, 1885, and would say that a new room had been built at Eltham apparently for Mr. Parnell's convenience of getting in. It was a room which was built out where the conservatory had been. It had a door to Mrs. O'Shea's boudoir. Mr. Parnell had a latch-key, and used to let himself in through this new room, and from time to time Mr. Parnell and Mrs. O'Shea were in that room, the door being locked. The son Gerard was in court, and prepared to give evidence with regard to this matter. The Solicitor-General then read some extensive correspondence, and concluded by observing that the co-respondent has practically made his own admission, for he dared not come into court, as the criminal law had terrors for some people whom no moral law could find.

Captain O'Shea, the petitioner, was then called and examined by Mr. Inderwick, Q.C. He said: I was married to the respondent, Miss Katherine Wood, on the twenty-fourth of January, 1867. I had known her and her family long before. Her brother, Sir Evelyn Wood, was a great friend of mine, and was in the service with me. He introduced me to the family about thirty years ago. After the marriage I stayed some time at Madrid. I had an interest in a bank there. I lived with my wife in different places. I had a stud farm in Hertfordshire, which was finally not a financial success. Mrs. Wood, an elderly lady,

was an aunt of Mrs. O'Shea. She lived at Eltham. In 1873 it was arranged that Mrs. O'Shea should live near Mrs. Wood, and be her companion. Mrs. Wood helped me in my difficulties, and provided a house and also chambers in London to enable me to attend to my Parliamentary duties. Those chambers were first in Charles Street, and afterwards, in 1881, in Victoria Street. I have continued to occupy those chambers, visiting my wife at Eltham, and she and the children visiting me in London constantly. I have property in County Clare, and in 1880 was elected a member for Clare, together with the O'Gorman Mahon. In July, 1881, it came to my knowledge that Mr. Parnell had been staying at Eltham in my absence, and I spoke to my wife on the subject. I was very angry, and the result was that I walked to London, and saw Mrs. Steele at St. James Street at three o'clock in the morning.

Q. Was that the same day upon which you came up from Eltham?

A. Yes.

Q. Did you go to Eltham with Mrs. Steele?

A. Mrs. Steele sent for me in the afternoon, and I found Mrs. O'Shea there, and we all three went to Eltham together.

Q. Did Mrs. O'Shea give you any assurances with regard to Mr. Parnell?

A. Yes, the strongest assurances.

Q. And did Mrs. Steele take part in the conversation?

A. Yes.

Q. In the result did you accept Mrs. O'Shea's assurances and those of Mrs. Steele?

A. Eventually.

Q. Did you at that time believe the suspicions you had formed with regard to Mr. Parnell and Mrs. O'Shea were without foundation?

A. Yes.

Q. In the autumn of 1881 were you in Ireland? And in the course of that autumn did Mr. Parnell go to Kilmainham?

A. Yes.

Q. In the early part of 1882, I think, Mr. Parnell was released on parole in order to attend the funeral of a nephew?

A. Yes.

Q. Did he see you on the way to Paris?

A. Yes.

Q. After his release from Kilmainham, did he go to Eltham and stay with you for a short time?

A. He came shortly afterwards.

Q. At that time was he in somewhat bad health?

A. He was in somewhat bad health.

Q. In the early part of 1883, the daughter Clara was born, after which you went to Bedford Square, Brighton?

A. Yes.

Q. Did your wife remain there some time?

A. She was there some time. I used to go backwards and forwards.

Q. Were you in Bedford Square, according to your recollection, when Mr. Parnell was there?

A. Oh, never.

Q. Is it within your knowledge that he was visiting your wife there?

A. No.

Q. During part of the time your wife was there, were you in Ireland, and on political business, and private affairs?

A. Yes.

Q. Was it within your knowledge that he slept in the house during your absence?

A. Never.

Q. Or that he was visiting in your absence?

A. Never.

Q. In the early part of 1884 were you obliged to go to Spain and Portugal?

A. Yes, in March.

Q. On your return in July or August did you hear rumors that Mr. Parnell had been seen at Eltham?

A. Yes; vague rumors.

Q. In consequence of that did you write to Mr. Parnell on the 4th August, 1884?

A. Yes.

Q. Is this the letter: "You have behaved very badly to me. While I have often told you that you were welcome to stay at Eltham whenever you liked, I beg of you not to do so during my absence, since it would be sure, at least, sooner or later, to cause scandal?"

A. Yes. In answer to that I got a letter dated 7th August, 1884, from Mr. Parnell:—

HOUSE OF COMMONS LIBRARY, 7th August, 1884.

DEAR SIR,— In reply to your letter, I do not know of any scandal, or any ground for one, and can only suppose that you have misunderstood the drift of some statements which may have been made to you.

Q. Then there is a letter dated April 23, 1886, from yourself to your wife. The last paragraph is (reading): "With regard to Mr. Parnell, I believe your assurance, but I have scores of times pointed out to you that, however innocent in themselves, frequent visits from a man to a woman during the absence of her husband must give rise to scandal." How did she take those remonstrances of yours?

A. She said that her acquaintance with Mr. Parnell was kept up for political purposes.

Q. Did she mention to you on one occasion that Mr. Parnell was married?

A. She said that she knew that he was secretly married.

Q. Did you on some occasions in 1886 invite Mr. Parnell down to Eltham on Sundays to dine with you?

A. Yes.

Q. Had you any knowledge at that time that he was staying in the house?

A. Not the slightest.

Q. In 1886 did you see a paragraph in the "Pall Mall Gazette"?

A. Yes. I wrote to her asking her what on earth the paragraph meant.

Q. What statement did she make in reference to the paragraph in the newspaper?

A. She spoke to me about the matter, and handed me the letter which has been read.

Q. Did you receive from Mr. Parnell a letter dated May 12 from the Irish Parliamentary offices in Bridge Street in these words: "Dear Mr. O'Shea, — Your telegram in reference to the paragraph in the papers has duly reached me.

I had two horses placed in the neighborhood of Bexley Heath and turned out to grass. I am very sorry that you should have any inconvenience about the matter." Did you at that time know about those horses?

A. No.

Q. In that year did you go to Carlsbad?

A. Yes, in June.

Q. While at Carlsbad had you read to you a paragraph from the newspaper with reference to Mr. Parnell being at Eltham?

A. Yes.

Q. Did you write a letter to your wife on the subject?

A. Yes.

Mr. Inderwick read the letter, which stated that while on a picnic some American friends opened their post, and a lady, taking up an American newspaper, remarked, "Oh, Captain O'Shea, here's your name in the paper!" The lady then proceeded to read the paragraph, but suddenly stammered, became as red as a peony, and tried to turn it off. He (Captain O'Shea) knew well enough what the paragraph was about. It was about Mr. Parnell's visits to Eltham and his suburban retreats in the absence of the husband. He pretended to know nothing about the matter.

Q. On September 13, 1886, did you write a letter repeating the condition that there should be no communication with Mr. Parnell, and that she should have a room prepared for you at Eltham in order that you might live in the house? The letter stated that the condition was suggested by her brother, Sir Evelyn Wood, as the only chance of mitigating the scandal?

A. Yes.

Q. Did you write other letters insisting upon her giving an undertaking to cease all correspondence with Mr. Parnell?

A. Of course.

Q. In December, 1886, was your son up in town with you, and did you take him to a boxing tournament at the Cannon-street Hotel for the benefit of Jem Mace?

A. Yes.

Q. In the course of the evening did you see an announcement in the "Pall Mall Gazette" that Mr. Parnell had been staying with you at Eltham?

A. Yes.

Q. Did you speak to your solicitor about it?

A. I showed him the paragraph, and expressed myself as extremely annoyed, and asked if it were true.

Q. Did you write a letter to "The Observer"?

A. I immediately telegraphed a denial to the "Pall Mall Gazette," hoping it would catch a later edition, and also to "The Observer," the next day being Sunday. They put in a paragraph denying the statement.

Q. Was the next thing you saw a paragraph in the "St. Stephen's Review" in the early part of 1887?

A. Yes.

Q. What was done with regard to that?

A. I wrote to Mrs. O'Shea.

Q. Did you get this letter: "I am glad you are feeling better; but sorry you are worried. I should not be, if I were you, if you refer—as I imagine you do—to the 'St. Stephen's Review.' It is evidently the old rumor again,

and I think you are unwise if you take any notice of it. If any one finds they are able to take a rise out of you they will go on forever. I thought of writing to the 'St. Stephen's' myself when I first saw the paragraph; but am sure it is not worth it, and have no doubt it was done to get a rise out of you"?

A. Yes.

Q. Now, in April, 1887, did you receive a communication from your son Gerard?

A. Yes.

Q. Up to that time had you heard anything from your son with regard to Mr. Parnell's visits or intimacy at Eltham?

A. No.

Q. In consequence of that did you see Mrs. O'Shea in Victoria Street?

A. I immediately sent for him. He communicated with me by letter in the first instance on the thirteenth of April.

Q. On the fifteenth did you see Mrs. O'Shea?

A. Yes.

Q. And you had a long and painful interview with her?

A. Very painful.

Q. Did you show your son's letter to her?

A. Yes.

Q. Did she read it?

A. No doubt.

Mr. Inderwick then read the letter, which ran: "North Park, Eltham, Kent, 13th April ('87).—My dearest father, —Although my news may not be very pleasing to you yet it must be told. On my return from London this evening

I came in by the back way, and as I came past the window of the new room that was built last year I heard the voice of that awful scoundrel Parnell talking to a dog — Grouse, I suppose. So I asked my mother if it were he, and she says that he has come to dine, and will go presently. Perhaps I ought to have gone in and kicked him — (laughter) ; but I am anxious to avoid unpleasant scenes with my mother, and I also think it is better for you to know about it before giving him a thrashing, as you, of course, understand more about these things than I do. However, if you wish me to kick him you have only to say so, and it shall be done on the first opportunity.” (Renewed laughter.)

Q. Did Mrs. O'Shea telegraph that she would see you in town on the following day?

A. Yes.

Q. It was on the day that you had the painful interview?

A. Yes.

Q. Did Mr. Pim, her solicitor, write to you on the twenty-second of April, saying that he had seen Mrs. O'Shea, who indignantly and emphatically denied that you had then or ever had the least ground for the very unworthy suspicions that you had affixed to her conduct. The particular friend you alluded to was and had been a rare visitor to the house, and went first on your introduction. She, therefore, although anxious to do nothing to cause you annoyance, must decline to peremptorily close her door on the few and far visits that he was likely to pay her. The letter concluded with a suggestion for some final adjustment of the difficulties between you and your wife?

A. Yes.

Q. Did you write to Mr. Pim declining to agree to that?

A. Yes.

Q. About this time, also, did you write to Mr. Parnell, in the House of Commons: "It has come to my knowledge that, in face of the scandal which has been so largely disseminated by your own associates, and which I have no reason to believe you have ever been heard to contradict, you continue to communicate and associate with Mrs. O'Shea. I now personally call on you to discontinue any communication, direct or indirect, with her?"

A. Yes.

Q. Did you know anything about the house at Brockley?

A. Not until I saw the paragraph in the paper to the effect that he was living at Brockley under the name of Preston.

Q. Do you know anything about the house at York Terrace?

A. Nothing until a year ago.

Q. In September, 1889, did you see two or three columns in a newspaper in reference to your wife and Mr. Parnell?

A. Yes; in September, 1889.

Q. And did you subsequently see a paragraph in the same paper purporting to come from Mrs. O'Shea denying the statement and demanding an apology?

A. Yes. In the meantime I had consulted a solicitor.

Q. Did you know of your wife living at Brighton at the end of the year 1889?

A. Yes.

Q. There is a serious charge of you having committed adultery with Mrs. Steele?

A. Yes.

Q. Is there any foundation for the charge?

A. No. It is absolutely false, as are the other charges.

Mr. M'CALL. — I appear for Mrs. Steele. May I ask the witness a question?

The JUDGE. — Yes.

Mr. M'CALL. — From 1881 was Mrs. Steele on affectionate terms with Mrs. O'Shea?

A. Yes.

Q. A short time before these particulars were given was there a good deal of ill-feeling with regard to a probate suit?

A. Yes.

Q. And it was after that that these charges were made?

Q. Yes.

HARRIET BULL. — *Examined by the Solicitor-General.*

Q. Were you formerly in the service of Mrs. Dawson, 39 Bedford Square, Brighton?

A. Yes.

Q. Do you remember Mrs. O'Shea staying there five or six years ago?

A. Yes.

Q. What family was with her then?

A. She had three children with her.

Q. Was there another gentleman than Captain O'Shea who used to visit Mrs. O'Shea at the house?

A. Yes.

Q. Did you at that time know his name?

A. I did not.

Q. Look at this photograph (producing a photograph of Mr. Parnell) and tell me if you recognize it?

A. Yes, it is the gentleman.

Q. How often did he come?

A. Every day.

Q. In what room would he be?

A. In the drawing-room, which was on the second floor.

Q. Was the room occupied by Mrs. O'Shea?

A. Yes.

Q. And how long would they be in the drawing-room together alone?

A. For hours.

Q. Did he stay late in the evening?

A. Yes, until eleven o'clock.

Q. Do you remember on one occasion Mrs. O'Shea going away and not coming back till a late train?

A. Yes.

Q. What time did she come back?

A. About twelve o'clock, I should think. I sat up for her.

Q. Who came back with her?

A. That gentleman (pointing to a photograph of Mr. Parnell).

Q. Did he sleep in the house while Mrs. O'Shea was there?

A. One night.

Q. Was Captain O'Shea there when he slept in the house?

A. No.

Q. On this night when she came home was there anything which attracted your attention?

A. Yes.

Q. What was it?

A. Her appearance was anything but that of a respectable woman,

Q. Did you notice anything about her hair?

A. Her hair was all flying.

Q. Do you remember on one occasion going up to Mrs. O'Shea's bedroom to speak to her?

A. Yes.

Q. Did you hear any voices?

A. Yes; I heard Mr. Parnell speaking.

HIS LORDSHIP. — At what time was that?

A. Between three and four in the afternoon.

Q. In what condition was the door?

A. Locked.

MRS. CAROLINE PETHERS. — *Examined by Mr. Coward.*

I am a widow, residing at Cheltenham, and I am a professed cook. Towards the end of the year 1883 I was put into the house No. 8 Medina Terrace, West Brighton, as caretaker. I was there all the time the O'Sheas had the place.

Q. Two or three days after Captain O'Shea and family had come did a gentleman appear?

A. Yes.

Q. Will you look at that photograph. Can you tell me who it was?

A. Yes; he went by the name of Mr. Charles Stuart at

that time. He generally called when Captain O'Shea was away.

Q. Do you remember on one occasion, after their coming back from a drive, they were in the dining-room for the greater part of the evening?

A. Yes; the whole of the evening.

Q. Do you know whether the door was locked on that occasion.

A. It was always locked when they were together — never open.

Q. On one occasion did Mr. O'Shea call when Mr. Parnell was in the drawing-room?

A. Yes.

Q. What took place?

A. I went up to light the gas and found the door locked. I heard Mr. Parnell in the room.

Q. Did you go in?

A. I did not.

Q. What happened afterwards?

A. Mrs. O'Shea went downstairs. The captain rang the front door bell. I went to answer the door. Ten minutes after that Mr. Parnell came to the door, rang the bell, and asked to see Mrs. O'Shea.

Q. Now, tell me, did Mr. Parnell go down by the stairs?

A. No.

Q. Are you quite sure of that?

A. Certainly. He could not have gone down the stairs, or I should have seen him.

The JUDGE. — You are quite sure of that?

WITNESS. — I am quite sure that he could not have come down the stairs.

Mr. COWARD (resuming). — Is there a balcony outside the room where they were in.

A. There is.

Q. Is there also a fire-escape accessible from the window?

A. Yes, there are two.

Q. Tell me, did this incident happen more than once?

A. Yes, three or four times.

Q. The case was then adjourned.

The hearing of the undefended suit of O'Shea *v.* O'Shea and Parnell was resumed on Monday, before Mr. Justice Butt and a special jury.

Punctually at eleven o'clock his Lordship took his seat, and at once, addressing the Solicitor-General, referred to the handing in of photographs on Saturday for the purpose of identification. He did not, he said, wish it to be assumed that the Court considered that a satisfactory mode of identification, as it was not the practice to rely on photographs alone.

The SOLICITOR GENERAL (SIR E. CLARKE) said that Mr. Parnell had been subpoenaed, but he thought he should be able to give evidence which would make it unnecessary for Mr. Parnell to be called into court for identification.

Jane Glenister was the first witness called. She said she was in the service of Mr. O'Shea at Wonersh Lodge, Eltham, from October, 1880, to October, 1882. Mr. Parnell used to visit Mrs. O'Shea at Eltham, and was in

the habit of visiting Wonersh Lodge a great deal. On one occasion Mrs. O'Shea and Mr. Parnell were in the drawing-room with the door locked, and Mrs. O'Shea explained to witness that it was essential to lock the door, "as secret societies were about." (Laughter.) She frequently posted letters addressed by Mrs. O'Shea to Mr. Parnell, and Mrs. O'Shea told her that if anybody asked whether Mr. Parnell had been there she should say "No."

Jane Chapman deposed that she was in the service of Mrs. O'Shea during July and August, 1885. Mr. Parnell stayed at Wonersh Lodge in the absence of Captain O'Shea, and she had seen Mrs. O'Shea and Mr. Parnell out together after twelve at night.

Richard Wise, who was coachman to the O'Sheas from the spring of 1885 to the end of 1888, spoke to driving Mr. Parnell on the 22d of May, 1886, from the Eltham Station to Wonersh Lodge after midnight. The brougham collided with a van, and the morning after the accident the three horses belonging to Mr. Parnell, called Dictator, President, and Home Rule (names which caused some amusement in court), were removed from Wonersh Lodge and taken to Messith Mews, a short distance away. Witness also deposed to taking horses to Eastbourne for Mr. Parnell at No. 2 St. John's Road, and seeing Mr. Parnell and Mrs. O'Shea walking out together.

Thomas Partridge, who assisted last witness in the stables, corroborated.

Thomas Kennett, originally a page, but who has since changed his calling for that of a soldier, deposed to living at Eastbourne with Mrs. O'Shea. He said Mr. Parnell used to live in the house.

Mr. Luck, residing at No. 3 St. John's Road, Eastbourne, said he owned No. 3 in the same road. The latter house was taken for nineteen weeks in May, 1886, by a lady who signed herself Katie O'Shea, and the rent was paid by checks signed by the same person. He knew Mr. Parnell used to stay at the house.

SAMUEL DRURY, whom the Solicitor-General described in his opening speech as the cabman who indulged in the peculiar habit of keeping a diary, next gave evidence, and proved from his diary having driven Mrs. O'Shea and Mr. Parnell to and from the house at Eastbourne.

Mr. VINALL, house agent, of Eastbourne, said he let a house there to Mrs. O'Shea, the correspondence being at first conducted in the name of Campbell, the name of Mr. Parnell's private secretary.

Mr. YEATES, a London solicitor, spoke to letting No. 34 York Terrace, Regent's Park, to Mrs. O'Shea, who gave as references Mr. Preston and Mr. Parnell, and the name of a bank. The reference from Mr. Parnell was quite satisfactory. (Laughter.)

ESTHER HARVEY, a servrnt, deposed to Mr. Parnell visiting 34 York Terrace as Mr. O'Shea.

CHARLES PORTER, house agent, spoke to letting a house at Tressilian Road to a Mr. Preston, whom he now knew as Mr. Parnell.

SUSAN HONEY said she was in the service of Mrs. O'Shea at Tressilian-road. Mr. Parnell used to live there, and she was given to understand that he was Mrs. O'Shea's brother.

This closed the case for the petitioner, and Mrs. Steele,

called by Mr. McCall, absolutely denied the charge of adultery against her.

A scene in court then followed.

A juryman rose and said in view of the counter charges he should like to have the petitioner cross-examined.

His Lordship pointed out that there was no counsel present to cross-examine.

The same juryman said he should like to ask a question as to neglect spoken to by petitioner.

The Solicitor-General intimated that he should prefer that the petitioner should be recalled.

Captain O'Shea then, in reply to the Solicitor-General, said he lived apart from his wife at her express desire and honest wish, and he had never treated her with unkindness. He was never away from his wife for a week without her consent.

In reply to the juryman, Captian O'Shea agreed that he was wholly responsible for the due maintenance of Wonersh Lodge, and stated that he saw to the proper education of his children.

Asked how he accounted for inviting Mr. Parnell to dine after having challenged him to a duel, Captian O'Shea said it had been made perfectly clear to his mind that there was no foundation for his suspicions. Mr. Parnell never told him that he had been to Wonersh Lodge in his absence.

In answer to another juryman Captian O'Shea said he last lived with his wife at Brighton in the autumn of 1886. He had frequently seen her since.

His Lordship then summed up. He said that they were all placed in some difficulty by reason of the fact that they

had only heard one side, neither the respondent nor the co-respondent having thought fit to appear, although the respondent did appear by counsel, but had taken no part in the proceedings. They had, however, to deal with the matter as best they might. The first question for the jury was whether those two people, Mrs. O'Shea and Mr. Parnell, had committed adultery. Now, on that there was a great mass of evidence which he did not think it necessary to call the jury's attention to in detail, because unless for some reason or other—which he could not imagine—the jury were prepared to say that every one of the witnesses had been speaking falsely, there could be no doubt of the adultery. There were defences raised which, if established by the respondent or co-respondent, would be a conclusive and absolute answer to the husband's petition. Those defences, summarily stated, were connivance and collusion. The defence of Captain O'Shea's neglecting his wife and of separating himself from her was what was called a discretionary defence. Now, the matter to which one of the jury had addressed himself, and with reference to which he had asked certain questions, was one of those discretionary defences, and was a matter which in the end must resolve itself into a question for him (the judge), because if there had been neglect on the husband's part such as was urged he should still have to consider whether he would allow that to debar the petitioner from the relief he asked. He did not think there was any evidence to go to the jury on that, and he should not allow any such defence, having regard to the evidence on that trial, to avail the defendants in this case. The questions of connivance, condonation, or collusion

were three matters which would prevent the granting of a decree if they found them against the petitioner. With regard to this they had the evidence of the petitioner, Captain O'Shea, and he had sworn on his oath that there was not the slightest pretence for the charge. There was no evidence to the contrary. In this case it did not rest on the evidence of Captain O'Shea alone, or anything like it. The facts proved there by documentary evidence, and evidence that did not depend upon Captain O'Shea's word were these : At the very outset, on the first occasion when Captain O'Shea appeared to have had any suspicion of his wife's misconduct, he wrote a challenge to Mr. Parnell to ask him to meet him at Lille or some other town in the North of France. He (the judge) said nothing as to the legality or the propriety of such a proceeding, but it did not look to him as if any connivance with the wife's adultery existed at that time. Again, if the husband was a conniving or consenting party, why all this disguise, or the assumption by Mr. Parnell of names which did not belong to him of Fox, Preston, Campbell, and a number of others? Above all, when the husband came to the door of one house at Brighton unexpectedly, why did Mr. Parnell, who was in the drawing-room with Mrs. O'Shea, escape by the balcony, and then present himself at the door as an ordinary visitor? He asked the jury, therefore, to say whether, on the whole of the evidence, they thought that petitioner had been accessory to or had connived at his wife's adultery. There the matter practically ended. There were other serious charges — one against the husband of adultery with Mrs. Steele, and the charge of cruelty ; but with respect to these

there was absolutely no evidence, and he therefore did not leave those issues to the jury. Mrs. Steele had, by leave of the Court, made herself a party to these proceedings, and where a charge of this kind had been made against her it was right she should have an opportunity of stating in the witness-box that there was no foundation for that charge. There was no evidence of it, and it was a lamentable thing that such a charge should ever have been made. Now, as to this charge of adultery brought forward by Mrs. O'Shea. It was simply shocking. There did not appear to be the slightest foundation for it. He should not trouble the jury with that; he should simply ask them to find — firstly, had the adultery, the charge of adultery, between the respondent and co-respondent been proved? Secondly, had there been any connivance in that adultery?

The jury, without leaving the box, and after consulting for two minutes, stated, in reply to the Clerk, that they found that the respondent, Mrs. O'Shea, had committed adultery with the co-respondent, Mr. Parnell. They also found that there had been no connivance on the part of Captain O'Shea.

HIS LORDSHIP. — I don't think it is necessary to put any other question to the jury. Therefore, on that finding, I pronounce a decree *nisi*.

THE SOLICITOR-GENERAL. — With custody of the children, as prayed in the petition?

HIS LORDSHIP. — There are two or three under sixteen?

THE SOLICITOR-GENERAL. — Two under sixteen. Your Lordship condemns the co-respondent in costs?

HIS LORDSHIP. — Yes.

THE SOLICITOR-GENERAL. — And the respondent, too?

HIS LORDSHIP. — I shall condemn the respondent as well as the co-respondent, if there is any evidence of her having a separate estate.

MR. LOCKWOOD asked his Lordship to reserve the question of the custody of the young children.

HIS LORDSHIP thought it had always been the practice, unless some reason was given to the contrary, to give the custody to the injured party.

MR. M'COLL, on behalf of the intervener, asked that her costs might be paid by the respondent. It was within the jurisdiction of the Court to make an order calling upon any person to pay the costs. He asked that the costs should be paid out of her separate estate.

HIS LORDSHIP. — I suppose that, in fact, there is such an estate?

MR. M'COLL. — Yes; I shall have no difficulty about that.

HIS LORDSHIP. — Very well.

MR. Inderwick said the usual practice was when the question of a separate estate was not disposed of at the trial to bring evidence before the judge in chambers, and upon that an order was made.

HIS LORDSHIP. — That is what I direct to be done in this case.