





The Daily Tribune.

ST. JOHN, N. B., JANUARY 30, 1872.

THE TIEBORNE CASE REVIEWED.

THE ACTORS, THE EVIDENCE, AND THE OBJECTS OF THE SUIT.

A brief sketch of the history and leading points of this extraordinary case, may not be uninteresting to our readers. The singular circumstances of its origin, the enormous mass of evidence, in many respects strangely conflicting, and the length of its course hitherto and to come, together with the personal peculiarities of Roger Charles Tieborme and the claimant, be they one or two, mark this as the most extraordinary case that has ever come before a Jury. More than seventy days have already been devoted to its hearing, but the end is not yet, nor even at hand, the evidence in support of the claim being only just concluded and the case for the defence opened; and we should think Judge, Jury, Counsel and all concerned have had more than enough of the feat, to the lawyers engaged therein actual, to the claimant prospective. The interest in the case, which can scarcely be said to have flagged from the commencement of the trial, has been still further deepened by the speech which the Attorney General of England opened for the Defence, and the bold and defiant tone adopted in the interests of his clients. A review of the History of the suit may therefore not be inappropriate at the present moment.

THE REAL SIR ROGER; HIS DEATH. In the year 1850 there was born to Sir James Tieborme, Baronet, the representative of an old Hampshire family, and to his wife Felicie (name of happy omen!) a son who received the name Roger Charles. Exactly ten years later, viz., on the 25th of August, 1860, he was born their only child, Alfred James. The career of Roger Charles presents little interest until the year 1849, unless some of his education and abundance of stupidity are interesting. Such as it was, his education was conducted mainly at home and at Stonyhurst Roman Catholic College under the auspices of Priests of that faith to which the Tieborme family belongs. In that year he received a Commission in the Cavalry, and we find him shortly afterwards with his regiment at Caher, in Ireland, and elsewhere. Conspicuous for little beyond being the butt of the regiment, our subaltern remained in the service until 1855, when, his reckless and extravagant habits, having incurred the wrath of Sir James, he sold out, and left home for foreign parts, father and son parting in anger. From this time nothing was heard from him, and the certainty of his death, and eventually his relatives accepted the belief that he had gone down with a sailing ship wrecked off the coast of South Africa in 1854. In this belief Sir James Tieborme died in 1859, and was immediately succeeded in the title and estates by his son Alfred, who had recently married a daughter of Lord Arundel of Wardour, the head of one of the oldest and most influential Roman Catholic families in England.

SIR ROGER REAPERS HIS OWN SEED. This marriage was disastrous to the Dowager Lady Tieborme, who, distrusting the story of the lost and favorite son's death, from time to time inserted in Australian papers advertisements which resulted in "The Claimant's" arrival in England, in 1867, and in the legal drama, of which he is the prominent person. The Dowager was at this time in Paris, in what proved to be her last illness; and thither her son immediately hastened. The dying lady acknowledged him as her son, but her death, which occurred shortly after this meeting, even in the face of her affidavit of acknowledgment of identity, has strongly militated against the substantiation of the claim. About the same time Sir Alfred died, leaving no issue, his only son having predeceased in infancy. The succession, however, remained in abeyance, pending the delivery of his widow, then *enclive*, until, in due time, she gave birth to a posthumous son, who, as heir of his father, at once stepped into the family honours and estates, and is known as Sir Henry Alfred James Tieborme, now in the fourth year of his age. Despite his and unsubstantiated reputation of the claimant's pretensions on the part of the Trustees, he assumed and has ever since borne the style and title of Sir Roger Charles Tieborme, under which he is wont to figure in the Gun Club, of which he is a prominent member, and has more than once passed through the Bankruptcy Court.

THE LEGAL TALENT ENGAGED. The preparation of the claim, entrusted to lawyers of high standing and acumen, involved the consumption of years before the mass of evidence, which has been obtained, could be gathered, and a firm basis of operations established. This done, the ponderous machine was set agoing which bids fair to solve the vexed problem of perpetual motion. The leading Counsel for the plaintiff are Sergeant Ballantine and Mr. Giffard, Q. C., both first-rate men, the former, in some respects, unrivalled at the bar; while the defence is supported by the great ability and legal learning of the Attorney General, Sir John Duke Coleridge, and Mr. Hawkins, Q. C., one of the ablest lawyers of his time. It is, perhaps, not much to be wondered at that unusual scrutiny has been displayed, and not infrequent openings have occurred between the leaders, while the patience of Lord Chief Justice Sir William Bovill has been pretty sorely tried. Great men are after all but men, and even high legal dignities may lose their temper.

THE CLAIMANT'S CASE. The Plaintiff's story is that, the ship in which he sailed from England being wrecked, he was picked up by another vessel bound for South America; that there in various places he followed a menial calling for some time under more than one alias;

and that eventually going to Australia he remained there, in the Bush, until an assumed name, until his attention being directed to one of Lady Tieborme's advertisements, he made known to various people his identity with her son, and notably to Mr. Gibbs who acted as the medium of communication between him and her ladyship. What appears the weak part of this story is that which relates to the "Bella" and the "Osprey," the wrecked and the saving ships, and the evidence on this point is somewhat conflicting and unsatisfactorily incomplete.

RECOGNITION OF THE DEFENCE. The defence is that the claimant is not Roger Charles Tieborme at all, who was actually drowned in 1854, but an impostor who, presuming on likeness to the deceased, and "coached" and "posted" in his family and other matters by a black man named Moore, long in the Tieborme service and an important witness in the case, has conspired with Moore and others to represent the defunct, and to perpetrate one of the most gigantic frauds the world has ever seen.

IN SUPPORT OF THE CLAIM. In support of the claim the most important elements are the acknowledgment of the claimant by Lady Tieborme—his familiarity with facts and circumstances which the real Tieborme alone could in all probability know—personal peculiarities such as, *inter alia*, a twitching of the eye, a malformation of the thumb of one hand, and scars on the head and other parts of the body, all of which are proved to have existed in Roger Charles Tieborme, and are found in the plaintiff—and the strong phalanx of evidence, to a great extent free from the charge of interest or complicity, corroborative of identity. Fellow travellers and others of unimpeachable integrity pronounce him Simon Pure—and among these notably and oddly enough is Colonel Lushington, the nominal defendant in the suit as lessee of a portion of the Tieborme property. Despite the change from a slight strippling to a corporation no mean rival of the Captain Van Buren Bates, recognition, if not immediate, speedily followed "reviewing," being based on the personal peculiarities and familiarity with circumstances and events, often insignificant, already alluded to.

THE DEFENCE'S THEORY. On the other hand the defence denies Lady Tieborme's acknowledgments, with the allegation of her dislike for Sir Alfred and his wife, and on this ground of *motives* strives to annul the force of one strong element of claim. The plaintiff's utter ignorance of the handwriting and signature of the real Tieborme, which he has been wholly lost, much stress is laid on plaintiff's lively remembrance of certain facts and events, albeit often of no great importance, contrasted with the utter blank which his mind presents on subjects of at least equal consequence and of more recent occurrence. Great weight is attached to the identity of various photographs, as also to the similarity existing between the claimant's handwriting and that of one Arthur Orton, the son of a butcher in Wapping, London, and with whom the former admits having been on terms of intimacy and implicated in certain nefarious transactions.

THE LATEST THEORY. That the claimant and this Orton are one and the same is the theory which has most widely obtained, and on which the defence has based itself. It is now, however, appears to have given place to another theory mentioned lightly before, but now confidently asserted to be capable of irrefragable proof, viz., that the claimant is the son of a woman, *illegitimate*, and has conspired with Moore, Baigent (whose cross-examination lasted eleven days) and others to represent his deceased *legitimate* brother Roger Charles Tieborme. By this solution of the mystery some of the personal peculiarities referred to would seem accountable and natural. In anticipation of leading evidence to establish this position, it is presumed, the Attorney General in the opening sentences of his speech on 15th inst branded the claim as an imposture of unexampled audacity.

INCIDENTS OF THE TRIAL. Some elements in the case remain to be noticed. In its early stages great stress was laid on a packet of papers left by young Tieborme in the custody of one Gouffard, a friend of the family, at the date of his leaving England, and whose contents the claimant was alleged to be able to describe minutely. Such description has not been given, and the point seems to be tacitly dropped on both sides. It is possible, however, that this may be a good trump for the odd trick.

THE CLAIMANT'S DEPOSITION ON OATH AS TO HIS (TIEBORNE'S) IMPROPER INTIMACY WITH HIS COUSIN, MISS KATE DOUGHTY, NOW MRS. RADCLIFFE, WHO, WITH HER HUSBAND, WAS PRESENT IN COURT, IS DOUBTLESS REMEMBERED; NOR IS IT FORGOTTEN WITH HOW GREAT RETICENCE, REAL OR ADULTERALLY AIDED, THE STATEMENT WAS WORMED OUT OF HIM BY THE PERTINACITY OF THE ATTORNEY GENERAL. Sympathy cannot, in the circumstances of difficulty of relation, be withheld from Mrs. Radcliffe and her husband; but the fact remains of the deposition being made, not only unwillingly but under compulsion.

PERSONAL. The plaintiff was married in Australia, and has several children. His enormous bulk has been adverted to, and his freckling, and, in the less invidious sense, sponging attributes are generally known. We have occasion to mention one circumstance which is viewed with jealous suspicion by the defence. We refer to the coincidence of the meeting between the plaintiff and the man Moore at the door of an hotel in Melbourne. The smartness of the claimant's answers during his long and trying examination, and his manner and tone throughout, occasionally amounting to dignity, elicited remark, sometimes admiration—and did not seem to indicate the degree of stupidity attributed to Roger Tieborme. At the same time it is hard to reconcile these with the large and indelic-

rous display of ignorance on many points. THE DEFENCE'S CONCLUSION. The cost of the trial is estimated at £250,000 sterling, equal to one half of the entire value of the estates. The Tieborme Promotion Company and Tieborme Bonds are sufficiently familiar to the public to render nothing beyond passing mention necessary.

We have thus placed before our readers the main features of this extraordinary case, and in doing so we have been careful to observe the recent dictum of the presiding Lord Chief Justice that "the law is that, while a matter is under discussion in Court, parties outside are not at liberty to discuss it. The best thing for us all is that we should observe the law—the newspapers and everybody else." If the claimant be really Roger Charles Tieborme, then his story surpasses anything in fiction: if he be an impostor, the perjurer has been committed to a swiftness to contemplate, while his audacity and ingenuity entitle him almost to be accredited with genius, albeit perverted and misapplied.

Sleighing in Saint John.

Current Events for the week—Matches made and talked of.

The present week has been an eventful one amongst the supporters of the trot. The thaw adverted to in our article of Saturday last "used up" the sleighing until Wednesday, when there was a plentiful fall of snow. While the trotters were idle their owners and trainers were busy discussing their comparative merits, and a number of gentlemen who dispute the supremacy of Mr. Barker's famous horse "Crown Prince" to the title of best and fastest trotter have finally mastered sufficient courage to back Mr. Furlong's son gelding "Andy Johnson" against him. The latter horse is the hero of many victories and defeats in Boston and New York, but "Crown Prince" is as yet unbeaten, having won both the races in which he took part with ridiculous ease, viz., at the Exhibition race, Fredericton, in October, 1870, and the \$500 purse at Moosepath Park last season, beating "Eastern Boy" and "Natie Locke," the "Boy" having previously obtained a record of 2:32 at Mystic Park, Boston, equal to "Andy Johnson's" best time, which was made on the same course also. But it is quite probable "Andy Johnson" would beat "Eastern Boy" on the Moosepath course, as he trots fast and works well in making the 3:30 on a half mile track at Troy, New York, last season, which is in our judgment his best public performance, taking precedence of his second heat in 2:38 later in the season at Mystic Park, which is perhaps the best and fastest trotting course in the United States. With these particulars the public will be able to arrive at some thing like a fair estimate of the respective horses. But to come back to the PROPOSED MATCH, which did not emanate from Mr. Furlong, who, however, was willing to let his horse, having won both the races in which he took part, rest. The friends of "Andy Johnson" wished to make a race of mile heats on the ice, for \$500 a side. The owners of "Crown Prince" declined to make a public race of a mile on the ice, although he expressed his willingness to make a series of matches for \$1,000 a side, or one match of \$2,000 a side, mile heats, best three in five, to harness (which is the general mode of racing on the ice) to be trotted next season in St. John, Woodstock, or any other good track mutually chosen. This seems to be a reasonable and fair answer, and if the gentlemen who have interested themselves in the matter rest, the friends of "Andy Johnson" wished to make a race of mile heats on the ice, for \$500 a side. 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