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GREAT SPIRITUALISM CASE

LYON v HOME.

A FULL REPORT OF THE
EVIDENCE, LETTERS, AFFIDAVITS,
SPEECHES OF COUNSEL,
AND
JUDGMENT OF VICE-CHANCELLOR GIFFARD.

ALSO A
MEMOIR OF THE DEFENDANT.

WITH CORRECT PORTRAITS.

SYDNEY:

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PRICE ONE SHILLING.



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This suit was instituted in the Vice-Chancellor's Court by a lady named Lyon, the widow of a deceased merchant, against the well-known table-turner, table-rapper, and so-called "spiritualist," Daniel Douglas Home—who now calls himself Daniel Home Lyon, and claims to be a spiritual medium, with power to evoke the spirits of deceased persons—to compel the restoration of money and securities for money to the amount of £60,000, which the plaintiff gave to him and transferred for his benefit, when, as she alleges, she was subject to great influence and ascendancy by him, owing to her belief at the time in his pretended spiritual powers.

Mr. W. M. James, Q.C., opened the case by reading from the bill of complaint the substance of the plaintiff's case, and an affidavit of the plaintiff in substantiation of it. The plaintiff, Mrs. Lyon, is a lady advanced in life, whose husband died in 1859, leaving her the absolute control over a large fortune. She alleges in her affidavit that before dying her husband informed her that he believed a change would come in seven years from his death, and that they would meet. This she interpreted to mean that she would die in 1866, but in that year her views on the point changed in consequence of information received by her from a female photographer, to whom she had gone to have a photograph of her deceased husband copied. The photographer told her that death was unnecessary in order to meet him, and directed her to become a spiritualist. She also lent Mrs. Lyon books on the art of spiritualism, and directed her attention to the great head medium, Mr. Home, who had just opened an Athenæum for the encouragement of the belief. Mrs. Lyon was also advised to become a sub-

scriber to the institution. She immediately wrote to the defendant Home for a prospectus and particulars of the Athenæum, and offered to pay a subscription. Mr. Home having sent her no reply she stated that, on the 3rd of October, 1866, she went to where the Athenæum was, and where Mr. Home resided. She was shown upstairs into a room where Mr. Home was sitting in company with a table, which, directly after the plaintiff had stated the case, began to rap a message. Home said at once that "this was a call for the alphabet." Up to that time the plaintiff was ignorant that messages arrived from spirits through mediums only, and that an arrangement had been come to between the invisible world and the visible table that one rap should signify the negative, three raps the affirmative, and five raps a call for the alphabet. The *modus operandi* by the alphabet was that on each letter being pointed out or uttered the spirit rapped when he had got the letter he wanted, and so somewhat painfully the oracle was delivered. Home, then, by means of the alphabet, applied orally, developed the following message from the spirit of the deceased Mr. Lyon:—"My own beloved Jane,—I am Charles, your beloved husband. I live to bless you, my own precious darling; I am with you always. I love, love, love you." The spirit further added, "I have no power to speak more; but I will never leave you more, my own darling." The plaintiff, who was greatly cheered and comforted by this intelligence, proposed to reward Mr. Home by a handsome subscription, but having no cheque with her she postponed the donation till a second interview; when, amongst other things, the spirit—interpreted by Home—informed her, "I love, love, love you. Be very calm. I will touch you." The plaintiff had no child by the deceased spirit, but at a third interview between Home and the plaintiff at the plaintiff's house, the spirit communicated the tidings, "I love Daniel," meaning presumably the modern prophet, "he is to be your son; he is my son—therefore yours." The table then ecstasically kicked up its legs, and the spirit continued, "I am happy, happy. In a little time I will make myself visible to you. Oh, do not say that the light of other days is gone. I am with you," or words to that effect. The effect of this intelligence was overwhelming. The defendant Home further informed her that it was the will of the spirit that she should adopt him as her son, that a friend of Home's named Hall should be sent for, and that she should produce stock-receipts for the sum of about £24,000. Under the influence, as Mrs. Lyon alleges, of Home's spiritual powers and ascendancy, she went on the 10th of

October, 1866, to the Bank of England, and there transferred the sum of £24,000 stock to Home. Shortly after this, Home, at another spiritual interview, assured her that it was the spirit's will that she should destroy her existing will and make another will, bequeathing everything she possessed to Home. The will to this effect was soon afterwards prepared for the defendant by a solicitor, and was executed by the plaintiff. The plaintiff's property is said to be worth nearly £150,000. On the strength of these spiritual communications, Home enrolled a deed on the 3rd of December, 1866, by which he assumed the name of Lyon. On the 10th of the same December the plaintiff was again induced to go to the bank and transfer to Home £6,700 more stock. On the 12th of December she executed a deed-poll, which recited her intention to transfer the above sums of stock for the absolute benefit of Home, and she did thereby, in order to "remove all doubts, suspicions, and controversies, irrevocably declare that such gift was made of her own free will and pleasure, and without any influence or control" by the defendant Home. On the 19th of January, 1867, another deed was executed by her. By this deed, after a recital that she was entitled to £30,000 then out on mortgage, and that it was her intention to make further provision for her adopted son, she thereby declared that she had of her free will and pleasure, and without any influence, control, or interference by him, determined absolutely and irrevocably to settle the said sum for his benefit, retaining the interest only during her life. The deed then contained a settlement of the money and the securities for the same for Home's benefit, and a proviso and declaration by the defendant that such settlement was absolute and irrevocable, and should not be disputed by her or her representatives, and that what was thereby settled should be in addition to previous gifts. On the 21st of February, 1867, she was again induced to go to the bank and transfer £2,290 stock to Home's name. On the 13th of March, 1867, Home or Lyon sold out £20,000 stock, and advanced it on certain mortgage securities. The bill then concludes with a charge that the plaintiff discovered she had been imposed upon, and that the gifts had been made under the spiritual influence of the defendant, and submits that she is entitled to have the gifts set aside. The bill prays that the gifts may be declared void, and for a re-transfer of the funds, and a re-transfer and assignment of all securities for the same, and for a writ of *ne exeat regno*.

Mr. W. M. James, in concluding his opening speech for the plaintiff, cited cases showing that it is the practice of the Court to

set aside gifts made under the influence of delusion. The defendant himself admitted that, while the plaintiff was considering whether she should give him £24,000, she was under the impression that the defendant had received communications for her from the spirit of her deceased husband. The learned counsel asked for a decree setting aside the plaintiff's gift to the defendant, on the ground of imposition on his part.

Mr. Fisher read the affidavit of Mrs. Lyon, in which she deposed, amongst other things, that many of the letters which she had written for the purpose of transferring property to the defendant were written from drafts which he gave to her, and which he desired her to destroy after she had made use of them. She deposed that in all she did with reference to the making of gifts to the defendant she was swayed by the great influence which he exercised over her. She believed that in adopting the defendant as her son, and in making gifts to him, she was complying with the wishes of her deceased husband, as communicated by his spirit to the defendant. The defendant introduced her to several spiritualists in a good position in life, with whom she sometimes dined, and at whose houses there were spiritual *seances*. At a *seance* at which she was present before the institution of this suit, a communication—or sham communication—was made to her through a medium to the effect that she should not sit at the table until her trial was over, and since the institution of this suit she had not been present at any spiritual *seance*. One of the spiritual mediums informed her that she was deceived by the familiar spirit of Mr. Home. But, before making that communication to her, her eyes were opened by reading books on spiritualism. She, however, had not altogether renounced her belief in spiritualism, because she had seen very curious occurrences at spiritual *seances* which she was unable to explain, except on the theory of spiritual agency. But she did not consider herself competent to form an opinion on the subject, and she was determined to leave it alone for the future. She had always been superstitious, and her mind was peculiarly open to receive superstitious impressions from the defendant.

Mrs. Denison, the niece of Mrs. Lyon, was then cross-examined on her affidavit, in which she deposed to Mrs. Lyon having, in May, 1866, written to her, and asked her to come and see her. She went, and Mrs. Lyon showed her a document, which she said was her will, and in which she left Mrs. Denison her executrix. She said she never saw Mr. Lyon in his lifetime since his infancy.

She deposed to the fact that Mrs. Lyon had predicted her own death at the expiration of seven years from her husband's death. She thought it very funny, and mentioned it to her relatives. They thought it odd, but did not consider Mrs. Lyon insane.

Mrs. Susan Catherine Fellowes made an affidavit to the same effect, and further said that on a Sunday in October, 1866, she called with a young lady at Mrs. Lyon's lodgings, when, on going upstairs, she overheard the plaintiff (whose voice she knew) scream out, "Oh, my darling!" On this she paused, and then she heard a man's voice in the room saying, "Don't interrupt me, or I can't proceed." She then, upon inquiry, was told that the person with the plaintiff was "Mr. Home, the spirit-rapper." This story was confirmed by Daniel Phillips, assistant to Mrs. Key, the stationer at whose house Mrs. Lyon lodged. This witness and Mrs. Key also said that Mrs. Lyon showed them a knotted pocket-handkerchief, in which she said her husband's spirit had tied several knots. They deposed to many interviews between Mrs. Lyon and Home.

Mrs. Sim's evidence was read, and also Mrs. Pepper's. The latter deposed to conversation with Mrs. Lyon, in which she declared she was in communication with her husband's spirit, through Home's means. Mrs. Pepper deposes that, amongst other remarks Mrs. Lyon made to her, was this: "Mrs. Pepper, some people say I am God, and some say I am the Devil; but I say I am neither, for I am between." She asked Mrs. Lyon whether she meant to marry Home, at which Mrs. Lyon was very much annoyed. After a time Mrs. Lyon seemed to wake to her delusion, and after reading a particular book she said to Mrs. Pepper, "This book has finished the opening of my eyes." She further observed what a curse her husband's spirit had brought upon her by hanging that man Home on to her, and used similar expressions.

Mrs. Lyon was cross-examined by Mr. Matthews. She said she was married in 1823. During the married life she lived at Binchester, in the county of Durham. Latterly she and her husband lived at Wooth Grange, Bridport. Her husband had a great many relations besides Mrs. Tom Fellowes. Mrs. James Fellowes and Mrs. Denison had given evidence in this suit. There were unpleasant circumstances in the family about the Binchester property, which was sold in Chancery, to pay the brother's debts. The creditors of John Lyon brought the suit. The reason of the quarrel was that her husband felt himself aggrieved by being kept out of a mortgage. Her husband made over to her the great bulk of his property in his lifetime, and none of it ever

passed to any of his relations. He was a very sensible man. (Laughter.)

Mr. Matthews: And he had a very sensible wife. (Laughter.)

Mrs. Lyon: At any rate I have been a fool in this matter. (Laughter.)

Cross-examination continued: Before her husband's death they had a conversation about death. He said to her that after his death he should be just as he was. She asked whether he would sit there. He said, "No; but you will sit there—you will sit mostly in London." She asked, "Could you speak to me?" He replied, "Better not." She repeated the question, but she could not recollect getting any further answer. She would have lived at Wooth Grange, but she had a quarrel with Lady Barrington, who, instead of writing to her herself, wrote to her by her agent, and she went to London. She remembered her mortgages; the money was lent at 5 per cent., to be reduced to 4 per cent. on punctual payment. There were generally powers of sale in the deeds. She kept the deeds at her bankers at Bridport. The amount of her husband's property which passed to her was not £150,000. It was not even £100,000. She could not say how much; it had accumulated. She went to London, then to Yarmouth. She then went to live with Mrs. James Fellowes in May, 1866, meaning to stay. She left in September, because Mrs. Fellowes was going to paint her house. She was displeased with Mrs. Fellowes for painting her house then. She did not live with Mrs. Fellowes for nothing. She then went to Mrs. Key's. She was obliged to go back to Mrs. Fellowes to take some things from her boxes, for which there was no room at Mrs. Key's. She knew nothing about Mr. James Fellowes's will. Mrs. Davison knew better than she did. She did not recollect a story that Captain James Fellowes's will was obtained from him, in favour of his wife, through undue influence. She did not recollect about the lawsuit.

Mr. Matthews: I think I have refreshed your memory.

Mrs. Lyon: No, you haven't. (Laughter.)

Mr. Matthews: Let me try to influence you.

Mrs. Lyon: No, you can't; you are not a medium. (Laughter.)

Cross-examination continued: They never dared to dispute her husband's will. They never grumbled at his will. They were satisfied with nothing. The Hon. G. Liddell, who married her husband's sister, the dean, and all came to see her whilst she was at Mrs. Pepper's; also at Mrs. Key's. Her husband's grandfather

was the eighth Earl of Strathmore. His father lived at Lambert's Castle. The family were not proud of their rank. She and her husband spent their honeymoon at Lambert's Castle. None of the family invited them. At Mrs. Key's the rent was 30s. a week. She had no visiting acquaintances then, Mr. Tom Fellows used to come and see her when she came to town.

Mr. Matthews requested the witness to lift her veil.

Mrs. Lyon: I can't take it up, and I won't take it up.

Mr. Matthews: I should be sorry to have to appeal to his Honour on the subject.

Mrs. Lyon: I am sure his Honour will excuse me.

Cross-examination continued: She went more than once before she found the "Spiritual Athenæum in Sloane-street." Believed what she read in Mr. Home's book before she went there. Before going there she wrote to Mrs. Burns, saying that Mr. Home was not the first spiritualist. Supposed she was under some slight delusion when she wrote that letter. Knew Mrs. Berry as a medium. After writing she called upon Mrs. Burns. They talked about Mr. Home. Asked what sort of a man he was. Mrs. Burns gave her a photograph—no, she didn't, for she (Mrs. Lyon) had to pay a shilling for it. (Laughter.) No questions were asked about his character. Did not think, nor was it likely, she spoke to Mrs. Burns about her own visions. Had had something more than dreams—something that might be called visions. She went to the Athenæum on Tuesday, before getting an answer to her letter. Did not know the name of the servant. Being much pressed, she said she did not know any names. Never saw the same woman again. Did not recollect that Home was going to dress for dinner. Did not remember at that time seeing a photograph of the Grand Duchess Constantine. Was there not above a quarter of an hour; it might be more. Knew Miss Georgina Houghton. Have talked to her about that first visit. Could not remember what she told her. It was the truth. Told Miss Houghton that it was at Home's request that she went up from the Athenæum rooms to Mr. Home's rooms. Did not tell Miss Houghton that she had given money to Home, not because he was a spiritualist, but because she loved him. Did not on that occasion suggest marriage. Fancied it would come to an offer of marriage on Home's part, but she silenced him at once. Would not marry him nor any one else. Felt herself very much affronted; silenced him at once, and so she would any man on earth. This was on the third occasion. Saw Mr. Home on the 8th of October.

Did not go to Mr. Home's rooms on the 8th. Elinor Kingdon was the servant at Mrs. Key's. Did not go, and did not see any laces in Home's bedroom. "That's all bosh." (Laughter.) Did not go to the Athenæum again till after Home came back from Malvern. Never saw any laces till Home brought them. Saw Mr. Hall on one day only and believed it was Monday. Home came first, and raps came to the table. She was mistaken when she said Hall came first. Home came first, then came the raps, with the message, "Send for your friend, Mr. Hall." Then Mr. Hall came alone. There was a conversation with Hall alone. Did not say she wished to consult Hall—it was her husband who wished her to consult him. Did not tell Mr. Hall she intended to adopt Home. Did not make her will because Mr. Hall told her that adopting a person would not necessarily confer property upon the person adopted. Never had any warning from any one about the gifts to Mr. Home. Never told Mr. Hall that she wanted an adviser. Hall did not say, "Do not act in haste and repent at leisure." It was her husband's spirit that influenced her throughout. Mrs. Jane Fellows in November warned her to take care what she was about, but that was after the return from Malvern. Did not give an account of the conversation with Mr. Hall to Mrs. Hall at that time. Mrs. Hall was the first who saw her about the middle of October. She might have kissed Mrs. Hall the first time she saw her. Did not say that Mr. Hall was a noble man, nor that she wished to make Dan independent. May have told Mrs. Hall that she had very remarkable dreams, which some people might consider visions. Had never seen her husband since his death, except in dreams. She had never repeated what he had said about "the change." Lady Dunsany was the first person who induced her to revoke her will. Did not recollect any letter on the 10th of October. Did not recollect that she ever wrote to Home before he went to Brighton. Being shown the letter of the 10th of October, she admitted she had written it. She wrote it from another copy. Mr. Hall wished a copy of the letter to be written, because his character was at stake. Could not recollect when; it was the day that Dan brought the cab to go to the Bank. The draft was destroyed immediately after the copy was made. She did not write that letter from her own mind. Did not think the underlineations were hers. Being much pressed, she could not say, but thought the dashes had been put in since. Dan brought the draft on the day he brought the cab. Did not recollect writing the direction. Dan told her he considered it

necessary to clear Mr. Hall's character. Had no desire to make Dan independent of the world. She forgot all about the letter. She copied it before she went to the Bank. Dan was there—he tore up the copy himself. It made no impression on her mind. She was not herself; how should she be, when she had given so many thousand pounds to a stranger? What was there in him to make her do it? Did not remember whether the address was on the draft. Did not know whether there was a signature to the draft. Did pay sufficient attention to know what it was about. She never remembered kissing Mr. Home. (This was denied indignantly.) But there were two occasions; once she was very angry, and he said, "Dear mother, just put your lips to my forehead, or I shall not think you have forgiven me." The other time was when he was lying ill on a sofa, and it was thought he would die, Mr. Rudall being present. (The tone in which Mrs. Lyon mimicked Home's entreaties that she would kiss him seemed to create great amusement.)

It appears that I sent him a cheque for £20. I said in the letter that I should have put some money in it, but that when he left he was in such a hurry. He wrote to me for £20. In one letter, of the 24th of October, it appears that I said I was worrying about the state of his health. I wrote so, but I believe that I was not concerned respecting his health. I say that deliberately. I mean to say that I cannot understand why I wrote like this. He told me had continually suffered from inflammation, ulcers in the throat, and other maladies. He said he had gone through great distress owing to want of money. He had £3,000 or £4,000 worth of diamonds. He said that he would not sell them. He said that they were gifts from the Emperor of Russia and others.

Mr. Matthews: In the letter of the 24th of October why do you allude to the fact that he now had the "brightest prospects before him?"—Witness: I alluded to his spiritual power.

Mr. Matthews: Did you not allude to the change in his circumstances caused by your gifts?—Witness: No I spoke of his spiritual power.

Other letters were put in, in which the witness wrote respecting the child of the defendant, and spoke of the boy in very affectionate terms.

Witness said: It appears that I did use these terms. I did see a notice from a newspaper that I had given the defendant a sum of money. Mrs. Clutterbuck said she hoped that I was not the lady spoken of in the newspapers. Mrs. James Fellowes told me

that I was under an improper influence, but I was not displeased. I said that what I was doing was by the order of my husband. I saw several other friends, and I gave them the same account. I have always spoken the truth. As early as November I did not contemplate leaving Mrs. Key's lodging. [Letter handed in, dated November 1, 1866, addressed to Mrs. Hall, in which is stated that she meant to look out for apartments.] She did not know why she wrote that letter. In that letter she said she was looking out for pleasant lodgings for the defendant, as he was pale and thin. She was not doing so, and did not mean what she wrote.

Witness then proceeded to speak of what she called the "spiritual influence" of Mr. Home. With respect to some of the documents which she had written, and which had been put in with the affidavits, she said that Mr. Home dictated, and that she thought it was her husband's spirit that dictated them. It was dictated by trance to her.

Mr. Matthews then read the following correspondence, which was set forth in the affidavit of Mr. William Martin Wilkinson, one of the defendants. It was a letter sent by the plaintiff to Mr. Wilkinson.

(Strictly Private.)

"Dear Sir,—I wish you to draw up a will, in the name of Jane Lyon, widow of Charles Lyon, of Wooth Grange, Bridport, Dorset, making sole heir my adopted son, Daniel Douglas Home, son of William Home and Elizabeth M'Neil his wife, the said Daniel Douglas Home will take the name of Daniel Lyon and the arms of Lyon, quartered with the Gibsons of Northumberland, being my own armorial bearings, the said Daniel Lyon, my adopted son, to be as I said before, sole heir, residuary legatee, of all such estates, property, real and personal, I have or may become possessed of; you will have the kindness, dear sir, to make this my last will and testament, so binding and precise in all its legal formalities that there cannot be any possibility of disputing the claims of my adopted son as sole heir and executor. On Monday next, at half-past four, Monday being the twelfth of November, you will bring me the will, when, after reading, I will be prepared to sign it in the presence of witnesses.

"I am, dear sir, yours very faithfully,

"18, Westbourne-place, Nov. 9, 1866. JANE LYON."

On the same day I wrote her a letter, and received an answer in her handwriting, of which the following are copies:—

"44, Lincoln's Inn-fields, London, W.C., Nov. 9, 1866.

"Dear Madam,—I beg to acknowledge the receipt of your letter giving me instructions for your will; and I will have it prepared, and ready to submit to you for your approval on Monday at half-past four, as you request.

"I should have been glad to have seen you before completing the will, in order that I might have inquired of you the amount of the benefit you are giving by the will, and also whether there are not any relatives to whom you might think it right to give legacies.

"The will, however can at any time be revoked or added to by a codicil.—I am, dear Madam, yours faithfully,

"Mrs. Lyon, 18, Westbourne-place, W. W. M. WILKINSON."

"18, Westbourne-place, 10th November, '66.

"Dear Sir,—I beg to say as my husband did not mention any of his relations in his will, I can see no plausible reason why I should do so. Please to leave no blanks in the will you make, it is not requisite.—And am, yours faithfully,
JANE LYON."

Witness: As my husband did not mention any of his relatives I do not see why I should. I wrote everything under the magnetic influence of Mr. Home.

Mr. Matthews then read the will which the plaintiff had ordered the defendant Wilkinson to prepare.

"This is the last will and testament of me, Jane Lyon, of 18, Westbourne-place, in the county of Middlesex, widow of the late Charles Lyon, of Wooth Grange, Bridport, Dorset, Esquire. I devise and bequeath all the real and personal estate to which I shall be entitled at the time of my decease, or over which I shall at the time of my decease have a general power of appointment or disposition by will, unto my adopted son, Daniel Douglas Home, of 22, Sloane-street, Chelsea, Esquire, his heirs, executors, administrators, assigns respectively, for his and their own absolute use and benefit; nevertheless, as to estates vested in me upon trusts or by way of mortgage, subject to the trusts and equities affecting the same respectively; and I hereby declare it to be my wish that the said Daniel Douglas Home shall take upon himself and be called by the surname of Lyon, and shall thenceforth style and write himself in all letters, deeds, and instruments, and upon all occasions whatsoever, by that surname, and shall also use and bear the arms of Lyon, quartered as the same are now quartered with the arms of the Gibsons of Northumberland, as the same are now used and borne by me. I appoint the said Daniel Douglas

Home sole executor of this my will, and hereby revoke all other testamentary writings."

Witness: That was entirely under the dictation of Dan, in a trance.

Mr. Matthews: Did not his friends wish him to retain the name of Home?—Witness: Yes.

Mr. Matthews: You say that he desired to retain the name of Home, and yet you say he dictated this in the name of Lyon. How do you account for that?—Witness: I cannot tell; but he dictated it.

Mr. Matthews: Please explain this—why he gave instructions contrary to his wish?—Witness: I know nothing at all about it. The spirit of Alexander came and said that he wished to have the name of Home. Perhaps he (Home) had some scheme in his head. When he dictated the instructions for the will he tied a pocket-handkerchief about his eyes.

Mr. Matthews questioned the witness respecting a narrative of Home's life written by himself, and part of which she had destroyed, as she said that it was not true. She destroyed the leaves because the statement was untrue. He told her that he had written it thus as his father told him to do so, as there would be law some day after her death. Home said, "Don't destroy it, but keep it a little while." She wrote that which was true. The history that Home wrote was his adoption by her. She wrote a true account from scraps which she had kept. She copied it in the book (produced) from time to time. Mr. Home had not objected to Mrs. Pepper's lodgings, as he sought them out. There was a proposal or allusion that we should live in the same house. I treated it with contempt. I did not know what people might say. Mrs. Tom Fellowes might have said so, but I don't recollect whether it was Mrs. Tom Fellowes or Mrs. anybody else. (A laugh.) Don't know when Mr. Home changed his name to Lyon. All that she had done was under mediumistic power. Unless she was insane she could not have done as she had. If she was not insane, then she was under some extraordinary influence. She was under such strong power that she did not know what she did. It was spelt out by the spirit that she was to give the defendant £6,000. It said that the £24,000 was not respectable for "our son," and that he was to have £6,000 added, to make it £30,000. The £6,000 was to be a "surprise."

At this point the witness described the way in which "Dan" read the sign given by the spirits, which caused great amusement.

He read it off so fast that she said, "Don't go so fast." But Dan said, "I know what it is before it comes." (Laughter.) She said that he was not to go on so fast, and that there was not time given to the spirits. (Renewed laughter.) She told him that he did not give the spirits time to write, and added, "If you can tell what it is before it comes, what is the use of having any raps at all." (A laugh.)

Did you not caress Mr. Home in the office of Mr. Jones?—
Witness (with great indignation): Caress him? Certainly not.

It is in the affidavit.—Witness: I don't care what it is. It is a falsehood.

It is stated by Mr. Jones—Mr. Arthur Jones—in his affidavit.—
Witness: I don't care who it is. It is false. He is an author—a spiritual author.

Questions were put respecting several conversations between the witness and her man of business. The witness either denied that such conversations took place, or that, if she had said or written that which the learned counsel put, it was in consequence of the extraordinary influence she had been placed under. All her letters were written either by dictation from copies, or dictated by the spirit of her husband telling her what she must do.

The affidavit stated at length that Mr. Wilkinson had represented to her that she should duly consider the step she was taking, but that she persisted in acting in the way she did. The witness said that her husband's spirit told her that she was to employ Mr. Wilkinson, and no other solicitor. If she had been left alone she should not have acted as she did. She told Mr. Wilkinson that she was acting by the directions of the spirits, and he said he did not want to hear anything about the spirits. All he wanted to know—

Mr. James again objected to the line of cross-examination which was being adopted by Mr. Matthews.

The Vice-Chancellor said that it was a case in which great latitude should be allowed, and he did not think that the learned counsel had asked anything unfair.

Mr. Matthews thanked his Honour, as he had a very difficult task.

Mr. Matthews read extracts from the affidavit of Mr. Wilkinson, to show that he had particularly cautioned the plaintiff against disposing of her property by will without due consideration.

Witness (with great warmth): The 99th part of that is not true. (A laugh.) At a *seance*, the spirit of Dan's wife said that

Dan would never marry again, as Dan was married to her (the spirit). My husband's spirit spelt out that I was to have the interest for my life, and that Dan was to have the principal. (A laugh.)

In reply to Mr. Matthews, who read a letter written by Mr. Wilkinson, cautioning her as to the disposal of her property, the witness said Wilkinson wrote his letters with the idea that there was to be a trial after her death. Dan told her that there would be a trial after her death by her relatives—and very properly too

Mr. Matthews: Was the answer you sent to that letter dictated or drafted by the defendant?—Witness: I cannot tell. It was all the spirit at that time. (The witness repeated this again, and it was the answer which she gave to nearly every question.)

Mr. Matthews: Do leave the spirit of your husband alone.

Witness: If it was not dictated or drafted, it was written under the direction of the spirit. (A laugh.) All these letters of Wilkinson's were made up with the idea that there would be a trial after my death—that law would then commence.

Mr. Matthews: I call that fraud.

The learned counsel read other letters for the purpose of showing that they had been written by the plaintiff for the disposal of property of her own free will, and judging by the terms in which they were worded, could not have been dictated by the defendant.

The witness frequently said in reply that when she wrote these letters she was spiritually mad: that she was constantly under the influence of the spirit of her husband. She disliked the business the whole time, and always had apprehensions about it. Notwithstanding the high and affectionate terms in which she spoke about the defendant, she disliked him all the time. It appeared that she had confidence in Wilkinson, but not in Home. She thought he might go off to America with principal and interest.

Mr. Matthews, Q.C., counsel for the defendant, read the answer of the defendant Home, in which he strongly asserted his belief in spiritualism. From his earliest childhood he had been subjected to occasional happening of singular phenomena, which were most certainly not produced by him, or by any other person in connexion with him, nor had he any control over them, they occurring at irregular times, even when he was asleep. They would not happen when he wished, and his will had nothing to do with them. He could not account for them further than by supposing them to

be effected by intelligent beings or spirits. Similar phenomena occurred to many other persons: in the United States to about eleven millions of rational people, as well as to a large number in every country in Europe. Having referred to the spiritual manifestations which occurred whilst he was in various countries from exalted personages, from many of whom he had received presents, the answer went on to say that the first communication he had from the plaintiff was in October, 1866, asking to be admitted as a member of the Athenæum. On the following day the plaintiff visited him, and had some conversation with reference to his book, and upon leaving, she said, "Well, I expected to find you proud and stuck-up from knowing so many great folks, but I like you very much, and hope you will like me. I think of going to Paris next year; will you go with me?" On the following day he visited her, and she gave him a cheque for £30, which he at first refused, but which she pressed upon him, stating that she was very rich. She then asked him what he would say to being adopted by her as her son, remarking, "I will settle a very handsome fortune on you." After some further conversation, he said, "I fear you seek me for the strange gift I possess, and as that is not at my control I might lose it." She said, "Have I alluded to that? It is true that will bring people about you, and that is what I want. I always select my lodgings in a place where there is bustle and confusion, for I like it. So I like to see your friends, and nothing will spite my husband's family more than to see me amongst great folks. I always swore I would be even with them some day, and now I will." There were no spiritual manifestations whatever at this interview. On the 7th October he called upon the plaintiff, and she greeted him most warmly and affectionately, and told him that she had resolved to pay to his account £24,000. On the same day, whilst he was looking at a cheque-book of hers, she kissed him, and said, "Now for the first to you, from your adopted mother, who is this day a happy woman." Up to this time no spiritual manifestation had taken place, but as he rose to go there came a rapping. A call for the alphabet was made, and the following words spelled out: "Do not, my darling Jane, say alas! the light of other days for ever fled; the light is with you; Charles lives and loves you." Whether these sounds were produced by the plaintiff he could not say, but he solemnly swore they were not produced by him. He was not near the table when they occurred. The plaintiff alone was near the table. The answer then went at very great length into the

whole of the transactions between the plaintiff and himself, throughout denying that the plaintiff had been influenced in her conduct by any spiritual manifestations in his presence. He also said that he had never caused any spiritual manifestations or communications to be made to the plaintiff, and that all her gifts had been of her own free will. It appears that the friendship and adopted relationship continued until 1867, during which time it was alleged that she had *seances* with spiritual mediums. Up to June, 1867, letters of an affectionate character had passed between the parties, and the plaintiff had in a laughing way suggested that they should marry, and expressed a hope that they might become nearer related, to which he replied, "That can never be whilst God gives me reason." About the 11th of June there arose a sudden coldness on the part of the plaintiff, in consequence of which the defendant visited her, and his affidavit on the subject was as follows:—"I found her very pale, and she did not shake hands with me as I went in. She said, 'Are you going abroad at once?' I told her I was not as I could not do so before packing up all my pictures and things, and that would require some time, even after I had heard from the doctor, who had not yet given me his permission. She then said, 'Now, Daniel, I wish you to return me that trust-deed, as I wish to have it.' I said, 'Certainly, mother, and you know I never asked for it.' She said, 'It is just as well to do it quietly, for I have made up my mind to expose the whole swindle. You first sought me, and then surrounded me with a set of people whom I now find to be a pack of well-known swindlers, but I intend to expose the whole thing. I have written for Mr. Wilkinson to bring that deed, and I will burn it before his eyes. You may come with him if you like, and I will tell you both what I think of you, and you may bring all your friends, and I will tell them the same.'" The defendant ultimately refused to give up the papers, and from that time the acquaintance ceased, and gave place to the present litigation. The defendant stated also that since the institution of the present suit the plaintiff had attended *seances* of real or pretended mediums, and had tried to convert others to spiritualism, and yet the plaintiff speaks in her bill and affidavits as if she treated the whole of spiritualism as an imposture.

On the case being resumed on Wednesday, the evidence of Mrs. Fellowes, the widow of the plaintiff's nephew, was read. The plaintiff had told her that her husband's spirit had commanded her to adopt the defendant as her son. Whilst listening at the door of

the plaintiff's room, when the defendant was with the plaintiff, she heard rappings and the defendant repeating letters of the alphabet, and she heard the plaintiff say, "Oh, my dear Charles, in words so changed." On another occasion the defendant and another gentleman were in the room with the plaintiff, and she heard one of them say something about £500, £200, and £700; and she afterwards heard one of them say, "Thank you, dear spirit." The witness also spoke to the execution of the will, at which time she was also listening at the door. She had also heard the defendant urge the plaintiff to leave her apartments, as there were some evil influences there, which drove the spirits away.—Mrs. Lyon, the plaintiff, was called and examined. She said: I was married in August, 1823. In 1859 my husband died. Before his death my husband was separated from his family, owing to a little difficulty which arose over some property. After my husband's death I lived at Bridport for about a year and a half. It was my husband's wish that I should go to London. On one occasion we were sitting together, and he said something to the effect that he would be just the same as he was then. We were talking about death, and he said, "I shall be just the same as I am now." I said, "Will you be with me?" and he said, "Yes." I said, "Will you speak to me?" and he said, "Better not." I said, "Can you speak?" and he did not answer, I think.—Mr. Matthews, Q.C.: Are you sure he made no answer?—Plaintiff: Perhaps he did not.—Mr. Matthews: Perhaps he did not?—Plaintiff: Then perhaps you know better than I. I have told you once what I know, and I can say no more.—Mr. Matthews: Had you not heard that Captain James Fellowes' will was contested on the ground of the undue influence of his wife?—Plaintiff: I have heard something about it, but I don't know what.—Mr. Matthews: Try and remember.—Plaintiff: Am I obliged to remember?—Mr. Matthews: Tell us what you have heard about the will. Let me refresh your memory.—Plaintiff: Oh, no, you won't; I am not going to have it refreshed.—Mr. Matthews: Let me influence you.—Plaintiff: Oh, no, you can't influence me; you are not a medium. I had read several books on spiritualism, amongst which was Mr. Home's book. I had a photograph of Home from Mrs. Sims. She is a photographer, and sold me the portrait. I have had very extraordinary dreams for many years, and sometimes I might have had more than dreams—visions, in fact. I had heard such a great deal about spiritualism from Mrs. Sims that I was led to make inquiries. I told Mrs. Sims that I was going to my

husband's tomb. She said that he was not there, but thought if I became a spiritualist he would very likely come to me. I told Home at the Athenæum that in seven years a change was going to take place. He asked me to go up to his rooms. I did not go up at my own request. I did not tell Miss Houghton that I examined everything in his room, nor that I allowed him to go to my wardrobe or drawers. I did not tell her that I gave him money because I loved him. The second time I saw him I gave him £30. I fancied on one occasion that he was suggesting that I should marry, but I silenced him at once. I would not marry the best man alive. I will never marry. (A laugh.) It was at the third interview when he brought the spoon. I was not particularly irritated. I silenced him at once, for I saw what was coming. It was then the raps came upon the table.

On Thursday Mrs. Lyon's cross-examination was resumed. She said: I never was fond of Home. I was fond of my husband, and was pleased that he could bring him to converse with me.—Mr. Matthews: Do you mean to say you were not attached to the defendant?—Plaintiff: Certainly not. Never. I deliberately state that I never was attached to him.—Mr. Matthews: Did you not love him?—Plaintiff: No; I never loved him.—Mr. Matthews: Then why did you write "I am sure it is a mother's maternal love towards her beloved child."—Plaintiff: I cannot say why I wrote it. My husband's spirit spelt out, "Daniel is my son, and my son is your son, and therefore he is your son."—Mr. Matthews: What do you mean by subscribing yourself "Your Loving Mother, Jane Lyon," in your letter to him?—Plaintiff: I am sure I do not know.—Mr. Matthews then read a letter from the plaintiff to the defendant at a time when he was ill, in which she appeared to be particularly solicitous as to his health. In the same letter was the following:—"There is a great work for you to do. I am gifted with a knowledge which you have not."—Mr. Matthews: What do you mean by that last sentence?—Plaintiff: I am sure I cannot say.—Mr. Matthews: Had you any kindly affection to the defendant's son?—Plaintiff: I wished to do as my husband's spirit had commanded me.—Mr. Matthews: Do you mean by that that you had no affectionate feeling towards the boy?—Plaintiff: Yes; I don't see why I should have affection for him. Mrs. Lyon said that she had a dream, in which a boy with light hair appeared to her. He strongly resembled a likeness of her husband in her possession when he was six years old. He showed a lock which he said her husband was to unlock. She considered that she was

to give both to the boy, and she regarded him as her son; but she did not believe him to be a spiritual being. She told her dream to Daniel (defendant), and he said he was the party to undo the lock. She herself did not understand the meaning of the dream. She was under the impression that her husband wished her to have a son, and she regarded Daniel as her son in a spiritual sense. In respect to a letter of hers to the defendant, she explained a passage by stating that he had told her his suffering from bodily illness was increased by his want of means. She considered that throughout her intercourse with Daniel she was acting under the influence of her husband's spirit. She admitted having written different letters, which were read, in which she made tender inquiries respecting his health, and expressed her great regard for him. She remembered that Mrs. Fellowes told her on one occasion that she was under an improper influence in regard to Daniel, and she replied that what she was doing was under the advice of her husband's spirit. She never said that she intended to take a nice house and to have Daniel to live with her. Here a letter was read from the witness to Mrs. Hall, in which she said—"We shall look out for new apartments, as I like a lively situation." The letter was dated the 1st of November, 1866. She said that it was in her handwriting, but she could not account for that passage, as she had then no intention of leaving her apartments.—Ultimately the hearing of the case was again adjourned.

On Friday, in answer to further questions, Mrs. Lyon said she remembered that before she executed the mortgage-deed for £24,000, by which she constituted Mr. Home the owner of that amount, the deed was read over to her. While that was being done her arm was certainly not round Mr. Home's neck, but she remembered that one of his arms was round her waist, his other being over head, and he kept smoothing down her hair. She wrote a letter to Mr. Home, saying his people appeared to her and then vanished, but that must have been a delusion. In one of her letters to Mr. Home she probably subscribed herself as "Your mother." Mr. Home told her that he could not sleep because she had not written "Your affectionate mother," and she then altered the words to "Yours affectionately." At one time she was in the habit of addressing Mr. Home as her darling son, but she gradually left off addressing him in that style, as she also gradually left off calling herself his mother, and wrote instead "Yours affectionately." She attended spiritual *seances* in a house in Westbourne-place and elsewhere during Mr. Home's

absence. At one of these *seances* there was no communication, nothing but tilts and raps. At another the spirits walked about the floor. They were told to make a louder noise, and they stamped heavily about the floor. One of the things that first opened her eyes was Mr. Home's denial that there had been manifestations at *seances* at which she had been present, though there had been manifestations. He said, "We had to get control over your mind to make you think there were manifestations." She then said the spirit was a liar, and he said the spirits were not to be relied upon. It was true that before her eyes were opened she wrote in a memorandum-book that her life would not be safe if she went abroad with Mr. Home, that she would then soon be a free spirit, and that the spirit that had rapped out communications for her at Mr. Home's was not on the spirit of her husband, but "Dan Home's lying spirit." She never thought that that memorandum would be produced in court. In one of her memorandum-books Mr. Home wrote these words, "You are far happier as Jane Lyon, my wife, than if you were Duchess of Northumberland." She certainly did not dictate these words to him in the presence of Eliza Fuller.

Cross-examination continued: She went to the offices of Mr. Home at the Alhambra to get a letter she had sent him, and he came in while she was looking at his letters. Mr. Phillips was present. There was a mistake in the address and date, and she wished to correct them. That was the sole reason she wanted to see the letter. She took the trouble to go to his offices for that purpose. She did not ask Mr. Phillips to send her other letters, nor did he do so. Dan told her of it. She sent the letter in October, and this was in February. There was no other reason than to correct the address and date. She altered the date of the letter but she could not tell what the alteration was. (Letter handed to the witness.) She put "place" instead of "terrace," but the date was not altered. She did not do this in the offices, as they could not find the letter, but it was brought to her by Mr. Phillips. She looked at other letters out of curiosity. Did not recollect the last time she left off signing herself "affectionate mother;" but she did, and the defendant said "that he could not sleep or rest," and she put "affectionate" again. He said "that he had lost his appetite in consequence," and she put it in again out of pity. She wished to give up the terms of endearment by degrees. She deliberately left off "affectionate," &c. After she had left it off he begged she would "put it in

again." She did not wish to be on such intimate terms with the defendant. She believed that the letter of the 19th of March was the last time she signed "affectionate mother."

Mr. Matthews: Where is the letter in which the defendant makes the sentimental request, asking you to sign yourself "Dear mother" and affectionate mother?"—Witness said that she did not know where it was.

Mr. Matthews: I will take it that there is not such a letter.

The learned counsel for the plaintiff assented, and said that if it could be found it should be produced.

Witness: I didn't think it was worth keeping.

But you kept some letters?—Witness: Yes, but not all. I did not complain of the defendant's (Home's neglect of me or of his ill-health. You will see that I always said "that he was to keep away—further away—further away." Did not say that she gave the first £30,000 of her own free will; that was a statement concocted by the spiritualists. She thought that Sacha—the son of the defendant—was a "rude, impertinent, contradictory boy—an impertinent boy." (A laugh.) I don't know about his wickedness. On the 7th of May, 1867, I wrote the following letter (the witness insisted upon its being read):—

"7th May, 1867.

"My dear Daniel,—I am sorry I wrote to you in such a pet respecting the cheque-book. I certainly was greatly annoyed to find I could not make out when I wanted one so very particularly. I thought you had taken away mine instead of your own. However, I have been to the Bank to-day, and had it changed for one as I usually have. I know I wrote savagely. I do not recollect what I said. Destroy it. You say you are getting stronger; I am glad to hear it; but you know you are to get better. The spirit that you rely on says so; therefore that is proof. Your sister-in-law has, as you state, gone to live again with her husband, after a trial to divorce her. He must be a poor wretch to live with her after knowing her so well; but I suppose they are both alike, pot and kettle. But do not imagine you will ever get money from him to found promises upon an impossibility, which you will never succeed to obtain until the moon is made of cheese and come down upon earth to be eaten by men; therefore be at no expense on that business; for sooner will you get wings yourself and fly to him and bite off his nose. This is quite as likely, although they say cows may fly, but very unlikely. Mr. Hall called yesterday.

He and his wife goes to Paris Monday fortnight. I expect company to spend the day to-morrow; therefore I wrote to put off Mrs. Riche and your boy until you come here, and he will like it quite as well, and better, I know. Please present my regards to Dr. Gully and his sister Ellen, your dear respected friend, her sister, if at home.—And believe me, yours affectionately,

“JANE LYON.”

Witness: I put in “Yours affectionately” as he wished it.

Mr. Matthews: Did you ever destroy any letters sent you by Mr. Home?—Witness: Yes, they were not worth keeping. I did not tie them up in bundles. I did keep other letters in bundles, but not his. I have not made Eliza Climond sit down to listen to some of the “Darling’s beautiful writing.” Did not ask Elizabeth Fuller—a journeywoman of her dressmaker’s—to give evidence. Never spoke to her directly or indirectly about giving evidence. Had read the affidavit of Mrs. Fuller, and knew the “abominable stuff” that was in it. Had let Mr. Gibson have money since this suit began. One sum was £400. Thought the first was £30. Had her cheque-book if the learned counsel wanted it. Had never given him the money, but had lent it. She had his notes for it. There was a £400, £100, and £30 lent to Mr. Gibson, and £80. He said that Mr. Wilkinson had a bill of £75, and that Mr. Wilkinson was going to put him into very great distress if it were not paid. A counterfoil of the cheque was torn out, as the plaintiff did not wish to see what was on it. It was for £5 for Mrs. Fellowes, and on it were the words, “the last for ever.” After that she made it up with Mrs. Fellowes, and then she did not like to see those words. Knew that Eleanor Kingdom had a very bad memory. Had not seen her since she (the plaintiff) had left Mrs. Curtiss. Might have written to Mrs. Curtiss that Eleanor Kingdom might call upon her, but she did not see Kingdom. She expected Eleanor Kingdom to make an affidavit, but she did not know what she was going to prove.

Mr. Matthews drew attention to a passage in an affidavit, upon which the

Plaintiff said: These affidavits are made out by solicitors for what they want. They are totally untrue. (A laugh.)

Is this article in the *Spiritual Magazine*, called “A Freed Soul,” by you?—Witness: Well, yes; my husband wrote it out. I have the original.

You are a person of some literary taste?—Well, yes.

You have read Josephus?—Yes.

And Dr. Colenso?—Yes.

And other works of that class?—Well, perhaps I have.

Do you admire Dr. Colenso?

The Vice-Chancellor: That is certainly immaterial.

Mr. Matthews: I will read a paragraph from the affidavit of Mr. Wilkinson. Listen to this: "It is untrue that I was ever present when any instructions were received from her husband respecting such deeds." Is that true?—I don't wish to say anything against Mr. Wilkinson.

Is it true, or is it not true?—I don't wish to say anything that will injure Mr. Wilkinson.

I will not accept that answer. Is it true or not true?—There was no decided instruction. There certainly were raps and allusions to the deeds, but no instructions were given.

Were there instructions of any sort about the deeds?—I don't recollect.

Why did you swear in your affidavit that Mr. Wilkinson was present when instructions were so given?—It was wrong to say instructions were given. There were allusions made. There were no instructions.

Why did you swear in the affidavit that there were?—I consider Mr. Wilkinson is an honourable man.

That is not my question.—He had been under the same influence as I had been.

Why did you, on the 18th of July, swear what you now say is untrue—that instructions were given?—There were allusions.

Why did you call them instructions?—I don't know why I did. It is a mistake. I might have said instructions. I say there were allusions—spiritual allusions.

When were these spiritual allusions?—About the time that these deeds were going on.

Before or after?—About the time. I can't tell whether they were before or after.

Mr. Wilkinson says that the only occasion that he saw any phenomena in your presence was once when he had taken his hat to go, and there were raps, but that there were no allusions to the deeds. Is that so?—It may be so.

Mr. Wilkinson says that the only occasion "was one evening when I had taken my hat to go, and there were some raps on the table, but there was no allusion to the deeds."—Perhaps that is true, but I won't say one way or the other. I don't wish to say

anything against Mr. Wilkinson. I consider that he was under the influence of Mr. Home, because Home lived in his house. Mr. Wilkinson is a spiritualist, and has a very high opinion of Dan, I believe.

Why did you swear to this then in your affidavit?—I don't wish to say anything that will at all injure Mr. Wilkinson, as I have a very high opinion of him. It shows the strong influence upon me, that I had forgotten it.

Mr. Druce, Q.C., in proceeding with his reply, called attention to a letter dated the 2nd of October, in which she speaks of the £30,000 as her own free gift, and argued that the defendant himself felt that there was something in the transaction which required more than explanation, and he (the learned counsel) could not conceive it possible that the plaintiff should have written to the defendant that the gift was a free gift unless there had been something which led to that letter. With regard to the will, he called attention to the fact that the attesting witnesses were both strangers to the plaintiff and friends of the defendant, remarking that it was perfectly clear that plaintiff's version of that part of the case was perfectly accurate. He hoped to be able to show that, whilst on the one hand Mr. Wilkinson had done nothing inconsistent with his honour, the plaintiff's advisers had the gravest grounds for dissatisfaction at the course taken by him. Mr. Wilkinson was a strong believer in the powers of the defendant.

His Honour asked the learned counsel whether that fact had appeared in evidence.

The learned counsel said that it had appeared in the answer of Mr. Wilkinson and read the following extract:—

“The defendant Home is a person of very delicate constitution and extreme nervous sensibility. He has been I believe, all his life subject to the occasional occurrence of peculiar phenomena in his presence. Such phenomena have been carefully observed by several of the most powerful sovereigns of Europe, and by persons of eminence in the leading professions, and in literature and science, and by practical men of business, under conditions when anything like fraud or contrivance were impossible. Various theories have been suggested, by way of explanation, connected with the abstrusest problems in biology and metaphysics. My own views on this subject are probably unimportant, but as charges and insinuations are made against me, and the subject of spiritualism is so misunderstood by the public, I have the right to say

that, having had my attention drawn to certain remarkable occurrences about eighteen years ago in the house of a relative, and which continued for nearly twelve years, I have since that time occupied a portion of my leisure inquiring into the subject, and arranging the various phenomena, and comparing them with the historical statements of similar occurrences. I have very seldom been at any *seances*, and that not for many years, having entirely satisfied myself years ago of the truth of most of the phenomena—that is, of the actual happening; and I have at the same time, and for many years, formed and constantly expressed the opinion that it was wrong to believe in or act upon what might appear to be communications from the unseen on their own evidence merely. I have invariably inculcated that no such communication should be received as of so much value as if it were told by a friend in this world, inasmuch as you know something of your friend here, and cannot know the identity or origin of the communicant. I have frequently referred to the passages in the Old Testament, in which it is said that God sent a lying spirit; and to the directions given us in the New Testament to try or test the spirits. I have pursued the inquiry under great misrepresentations and obloquy, and I intend to continue it as long as I can; and I believe that the subjects of spiritual visions, trances, ecstasies, prophecies, angelic protection, and diabolic possession anciently recorded, have already had light thrown upon them, and will have much more. I submit that I have a right to pursue the inquiry into psychical laws without being subjected to ridicule or abuse, and that the proof of supernatural occurrences is valuable both in a scientific and religious point of view. The mere physical phenomena, which the public erroneously fancy to be the whole of spiritualism, and which, of course, afford room for spurious imitation and fraud, are, in my belief, the most unimportant part of the subject, and have not for many years engaged my attention. In this inquiry are also many persons of all professions, and of the highest literary and scientific attainments. The plaintiff told me that she was, and I am informed and believe that she is still greatly interested in this inquiry, although it appears she had conceived a dislike for the defendant Home, and has been, as I am informed and believe, induced by others to charge him with imposition to get back the money. The plaintiff told me that she was subject to supernatural occurrences herself, and she told me some most interesting anecdotes of what had happened to her." The learned counsel said under those circumstances it was most unfortunate

that the plaintiff selected for her personal adviser such a person as Mr. Wilkinson, not only on account of his being a friend of Home, but also on account of his entertaining such a belief. It was the duty of Mr. Wilkinson, in the position in which he was placed, to say to the plaintiff, "I am not contented merely with your telling me that you are not acting under spiritual influence, but I must ask you further whether spiritual manifestations are in any way connected with the extravagant disposition which you are making in favour of a stranger?" That question, according to Mr. Wilkinson's statement, never was put. A fact that had strong bearing on this part of the case was that the plaintiff, usually very communicative upon the communications made to her by her husband's spirit, never mentioned it to Mr. Wilkinson. For this he argued there must have been some strong reason. It was the defendant's object in obtaining Mr. Wilkinson as the plaintiff's adviser to manufacture evidence which would be material afterwards, when any proceedings might be taken to upset this deed. Home, in the 10th paragraph of his answer, admitted that spiritual manifestations did take place on the 7th of October, which was before the gifts were made; and then again, in another paragraph, he stated that he never caused any spiritual manifestations or communications to be made to the plaintiff, and that whatever communications or manifestations did take place were not caused by him but by the plaintiff herself. His (the learned counsel's) view of the case was this, that the defendant himself represented to the plaintiff that the adoption, so to speak, was the adoption of the spirit to be carried out by the plaintiff under the instructions of the spirit. In the 40th paragraph of the defendant's answer there was a long letter written, dated 17th of October, 1866, in which plaintiff referred to the "wonderful spiritual manifestations of the defendant," and he (defendant) went on to say, "She here alludes to what I had said—that her husband would be my spiritual father, as she was my mother." Then again, at page 7 of the answer, the defendant said, "She then went on to say that, previous to her late husband's death, he told her a change would come over her in seven years, and that she thought it meant her death, but that now she thought the event to occur was that she was to meet and adopt me. I said that in that case I should not only have an adopted mother, but that I would call her husband my spiritual adopted father, inasmuch as he had foretold such a thing." These two things, he contended, showed clearly the power the defendant had over the plaintiff. She was a lady who

had an unbounded affection for her husband whilst alive, and no less was her affection for his memory after his death, and believed, through the defendant's instrumentality, that she could again be brought into communication with her husband. The defendant, he argued, knew of this, and acted upon it, in order to possess himself of her property.

Mr. Fisher followed on the same side, directing attention to the defendant's answer as an evidence of the wholesale manner in which he swears, reading those portions where he states :—"In the United States of America, I believe, about eleven millions of rational people, as well as a very great number of every country in Europe, believe as I do, that spiritual beings of every grade—good and bad—can and do, at times, manifest their presence to us; and I conscientiously believe, as all the early Christians did, that man is continually surrounded and protected or tempted by good and evil spirits."

Mr. Matthews, Q.C., then opened the case for the defendant Home. He congratulated his Honour that they had arrived at the conclusion of the first stage of this long, anxious, and curious inquiry. The defendant, in his answer, page 4, said: "I do not profess, and never did profess, to have the power of evoking the spirits of deceased persons or of putting them in communication with them;" and Mr. Wilkinson, in his answer, page 44, says: "The defendant Home, has, I believe, always stated—and I believe he has no control over such phenomena—that he is perfectly passive when they occur, and does not consciously exercise any volition. He has, I believe, and so far as I know, always repudiated the notion that he possessed any power whatever of evoking the spirits of deceased persons or of putting other persons in communication with them." The question for his Honour was whether the plaintiff had satisfied him by her evidence, either that any undue influence was practised, or that she had been subject to some deception and scheming fraud on the part of the defendant, and that in so doing he had had the assistance of personal friends in practising a gross and clumsy deception, to the effect that the spirit of her husband was commanding her to perform certain acts. He should give the most unqualified contradiction to the evidence of the plaintiff. From the beginning to the end of her statement there was not anything that he could not disprove. Mr. Home had been and was a believer in spiritualism. But in this belief he was not singular. There were very many believers in America, Germany, France, and England. He

quoted part of the preface by Professor De Morgan to the work of Mrs. De Morgan. "From Matter to Spirit;" "I am satisfied by the evidence of my own senses of some of the facts narrated; of some others I have evidence, as good as testimony can give. I am perfectly convinced that I have both seen and heard, in a manner which should make unbelief impossible, things called spiritual which cannot be taken by a rational being to be capable of explanation by imposture, coincidence, or mistake. So far I feel the ground firm under me. But when it comes to what is the cause of these phenomena, I find I cannot adopt any explanation which has yet been suggested. If I were bound to choose among things which I can conceive, I should say that there is some sort of action of some combinations of will, intellect, and physical power, which is not that of the human beings present. But thinking it very unlikely that the universe may contain a few agencies—say half a million—about which no man knows anything, I cannot but suspect that a small proportion of these agencies—say five thousand—may be severally competent to the production of all the phenomena, or may be quite up to the task among them. The physical explanations which I have seen are easy, but miserably insufficient; the spiritual hypothesis is sufficient, but ponderously difficult. Time and thought will decide, the second asking the first for more results of trial." They knew what had taken place in the case of mesmerism, and had seen it adopted in the Indian hospitals with benefit to the patients. What amount of evidence spiritualism might obtain amongst educated men he knew not, but he thought that his Honour would be taking a leap in the dark if he acted upon the request of his learned friends, and said that it was all a fraud. He thought that it was very unnecessary that any such decision should be asked. The question was not whether these manifestations were really produced by some unknown force or agency which science had not discovered yet, or was the effect of her heated imagination bringing about the impression that she heard that which she desired to hear. The question was whether these particular gifts were made under the influence and by reason of any influence, natural, supernatural, or by fraud. Here were specific allegations of fraud, which, he admitted, if they were proved, were abundantly sufficient to set aside these donations. The question he proposed to address to his Honour was, without assuming anything about spiritualism, whether the plaintiff parted with her money in the way which she asserted she had. The learned counsel said that

he did not propose then to go further into his case, but to reserve other remarks upon the evidence until the evidence for the defendant should be placed before the Court. He then read long extracts from affidavits of Mr. C. F. Varley, electrician to the Atlantic Telegraph Company, Dr. Hawkins Simpson, Dr. J. M. Gully, Mr. Jencken, barrister, and others. These affidavits chiefly referred to the fact that the witnesses had investigated spiritualism with Mr. Home and that they could not attribute the manifestations to any known agency. The affidavits of several other witnesses were also read. Some of the affidavits set forth that the plaintiff was a very strong-minded woman, and that she was a most unlikely person to be influenced by the defendant. She was living a solitary and lonely life. Her associates were persons inferior to her—Mrs. Sims, Mrs. Berry, Mrs. Pryor, Mrs. Pepper. They found that she had read the book of Mr. Home. That book was certainly full of romantic incidents. It was full of great and titled names—a charm to which this lady was not insensible. It represented Mr. Home in a light not unattractive to her imagination. It was the book which led her to desire an acquaintanceship with Mr. Home. It was evident from the statements of the witnesses that she had had means of communicating with the spirit of her husband before she knew the defendant. In her letter to Mr. Burns she said that she was most anxious to see the defendant, as she was a firm believer in him. They found her, therefore, approaching Mr. Home in the spirit of inquiry and curiosity. It was admitted that it was she who sought him out, and not he her, and that without waiting for an answer she called upon him. Upon that first interview (the account of which the learned counsel read, and which has been published) her case, in a great measure, depended. In her first affidavit she described simply “raps,” but when she was casting about for corroboration of her story, and at a later period, in the affidavit of the 31st of March, she introduced for the first time the subject of the handkerchief, and said that at the interview her handkerchief was tied in knots. In her book there was not only this circumstance, but an additional circumstance, which she had not attempted to insert in any affidavit—that there was an accordion on the table, and that without any hand a tune was played upon it. His Honour knew the answer of the defendant respecting that interview, and would judge which of the two narratives was the most probable.

The defendant said—

She told me she had been a believer from her childhood in the

PORTRAIT

OF



MRS. LYON.

PORTRAIT

OF



MR. HOME.

occurrence of such phenomena as are therein mentioned, though she did not know them by the name of spiritualism. She also said she was a much more wonderful medium than I was. She appeared to me, however, to dwell much less upon spiritualism than on the fact of my knowing "them high folks," as she termed the royal and aristocratic personages mentioned in my book; and she asked me if they were still my friends, to which I answered that, having done nothing to forfeit their esteem, I believed they were. She avowed her disbelief in the Bible, at which I expressed my regret, and I told her (as the fact is) that there are very many Christians, of all denominations, and clergymen also, who are spiritualists. In fact, with many thousands of persons the Bible is the foundation of their belief in spiritualism, while spiritualism, on the other hand, strengthens their belief in the Bible as opposed to the prevailing materialism of the day. She asked to see my private rooms, and looked at various pictures which I had there. She was much struck by a family group of the Grand Duchess Constantine of Russia and her family, and asked how it came into my possession. I told her (as the fact was) that her Imperial Highness had presented it to me when I was last in Russia, staying at the palace of the Grand Duke. She said, "Did she really give it to you with her own hand?" I told her (as the fact was) that such was the case, and not only so, but that her Highness had even had the kindness to send to Warsaw for it. The plaintiff seemed much astonished, and said, "Well, you are a celebrity." Then she asked me if I had ever stayed at the palace of the Emperor. I told her (as the fact was) that I had done so. "Well," she said, "you are indeed a celebrity, and it is only a pity you should be poor." I told her it was well to be poor, and that I wanted for nothing; and also that I should be in a very comfortable position as soon as my affairs in Russia were settled. She said, "You may be comfortable even before that." I told her I was comfortable even now, and had no desire ungratified. She then asked me about my circle of friends in London, and whether it included any "great folk." I told her (as the fact was) that I was exceedingly fortunate in my circle of friends. She then inquired the terms of subscription to the Athenæum, and I told her it was a large sum—namely five guineas. She made no reply, but asked me to call on her on the following day to talk it over. I told her I could not do so until Thursday, the 4th instant. I was rather pleased with her homely kindness, and, as I had occasion to call in Westbourne-terrace, which was near her, I

thought I would gratify my curiosity by going to see her at home. She inquired if she might call on me again in the interval; but I told her it would be better to wait till the time fixed. On leaving she said, "Well, I had expected to find you proud and stuck-up, from knowing so many great folks; but I like you very much, and I hope you will like me. I think of going to Paris next year, to the Exhibition. Would you like to go with me?" I said, "Yes." She said "I hope we shall see a great deal of each other." She said she had one request to make—namely, that I would give her my portrait, saying she would prize it very highly. I gave her one; and thus ended my first interview with her.

Upon that first interview the plaintiff was contradicted by Emily Head and Miss Houghton. On the 4th of October, at the second interview, the plaintiff said that the raps came and a conversation took place. Against that he would set off the defendant's contemporaneous statement to Mrs. Hemmings, that a lady had given him £30 through reading his book. The third interview was on the 7th of October. The plaintiff said that at this the defendant proposed marriage, which was distasteful to her, and then a message came that he was the son of her husband, and that therefore he was to be her son, and to be made independent. If this proposal of marriage were true, how was it that the defendant, if he had the power, as she said he had, to compel her to make her will in his favour, did not compel her to marriage? If he really desired marriage, as she said, why did he not exercise the power which she said he had over her? Why did he not represent that it was the pleasure of the departed that she should have a second husband, and that it would be a displeasure to the departed that any settlement should be made and not marriage? Her representation was that when she rejected marriage the defendant suggested the alternative of a settlement. But this was not in the least corroborated by any of her witnesses or the statements that she made to them. He would read what the defendant stated of that interview in page 10 of his answer:—

On the 7th October, 1866, I called upon the plaintiff, and she greeted me most warmly and affectionately, and said she had now made up her mind to adopt me, and asked me if I had seen a lawyer about it. I said I had not, and that I did not like her to act thus hastily in a matter of such importance. She told me she had resolved to pay to my account £24,000 on the 11th of the month; that she had at first intended the sum to be £30,000; but

had now decided I should only have £700 a year to begin with, to see how we got on together; and that if she found me all she expected me to be, she would give me much more afterwards. She also told me she had watched with much interest the trial which had been going on relative to Bishop Colenzo, and that it had been her intention, had he been deprived of his income, to have given him a fortune, adding, "It is lucky for you I did not." She told me that her income was more than five thousand a year, and that her husband never saw any of his family, and that she had no feeling but that of distaste to them all, with the exception of Mrs. Clutterbuck, who was rich. I felt like one in a dream at this strange conversation, which I could not credit, and rising from where I was, seated myself at the piano. The plaintiff gave an exclamation of surprise, and said, "Turn your side face again, that I may see your profile." I did so, and the plaintiff came where I was seated, and said, "Why, I have seen you in visions these many years, and the only difference was that your hair was lighter, more of a golden yellow than it now is—many, many years ago, even before you could have been born." She went on to say, "Why, even my father, before he died, told me I should adopt a son, and I will have no one but you; and whether you will or no, I shall settle a fortune on you, and you will be obliged to accept it." I told her it was cruel to talk thus to a man who was poor, and she said, "It is the only means I have of binding you to me. I am alone. I have, and can have no relatives. I had a fortune of my own of £30,000, so surely I can do with that as I please. My husband's relatives look down on me, because I am the natural daughter of a Newcastle tradesman. So much the worse for them, for I will prove to them that I may sit up, if I please, and pitch my money pound after pound out of the window, and they—and indeed no one—has a right to interfere. You are a gentleman, and have friends in the best society. I will show them all that I can be received as well as they when the fancy takes me; for I shall go out with you, and your friends will come to us, and my old age will become a joy instead of a burthen." I said, "Well, I promise you I shall love you as a mother, and shall even call you mother if you like, for there are plenty of old ladies whom I address and write to as mother." She replied, in a very hasty manner, "Thank you, but the less of that kind of love the better. I shall love your son with a mother's love—he will be our darling." I did not then understand what she meant or thought about it. I now interpret it, by the light of subsequent

events, which will be related, to have meant that she was offended at the idea of my giving her only a divided homage, and that she even then contemplated the position of warmer relations between us. She asked me the day of the month, and I told her it was the 7th. She went to a box, and brought out her cheque book, and turning it, came to a blank, on which was written "Mrs. J. Fellowes," and, to the best of my belief, "£5"; but underneath was written, "the last to her for ever." While I was looking at it she kissed me on the brow, and said, "Now, for the first to you from your adopted mother, who is this day a happy woman." She said, "I asked the day of the month because a Sunday date is not legal." She then wrote out and handed me a cheque, and on looking at it I found it to be for £50. When she saw my surprise she came and kissed me on the brow, and said, "That is only a drop in the ocean." I placed the cheque on the table, and told her I must refuse it; for though I was poor, I was also proud, and had always refused thus to accept money; and (as the fact was) that during my last visit to Russia, in the year 1865, while I was on a visit to his Majesty the Emperor, he had offered me money, and I refused it. I told her I was sensitive, and (as the fact is) that though people wished to pay me for the strange gift I possessed, that I felt that I had no right to obtain money from such a source. She said, "Why, you foolish fellow, I've seen nothing of your strange gift, as you call it; and though it is through your being celebrated for that that I first heard of you, now that I know you I love you for yourself, and should not care if you never had anything singular occur to you again." She then took up the cheque and folded it with the printed side out, saying as she did so, "You must always fold bank notes and cheques with the printed side out, else you might throw them away as waste paper." I took the cheque and put it in my pocket. Up to this time no phenomena known as spiritual manifestations had taken place at any interview between plaintiff and myself.

The case was resumed on Tuesday, April 28, when the reading of the defendant's witnesses was resumed.

Mr. Rudall, one of the witnesses who attested the will, said: I saw Mrs. Lyon, the plaintiff, for the first time on the day of Mr. Home's return from the country, when I met him by appointment at her lodgings, at 18, Westbourne-place. I believe it was about the 1st of November last. On being introduced to her, I said, "I am sure, all Mr. Home's friends and well-wishers ought to thank you for what you have done for him, and I do so for one,"

to which she replied, "And I thank the Lord for having given me the opportunity of doing it." In this I refer to her gift to him of £24,000. I did not see or hear of Mrs. Lyon again before the receipt of a letter from her asking me to call on the 12th of November, at a quarter to five p.m., on some matters relating to her adopted son (Mr. Home). I was quite ignorant of the object of this summons. I found at Westbourne-place, besides Mrs. Lyon, Mr. Home, Mr. Wilkinson, and Dr. Hawksley. Mr. Home was not in the room, and Mrs. Lyon informed us that her motive in requesting us to be present was that we might attest her will. Mr. Wilkinson expressed his reluctance to act as her solicitor in the matter, and said he would much prefer that she should consult with some other lawyer. She answered that there was no necessity for anything of the kind, and requested him to proceed to business. He made many inquiries as to the propriety of her leaving her property as she had done, and made so many objections that at first I was under the suspicion that he was doing all he could to prevent her making her will. Before signing, she made a sort of little speech, and reiterated very solemnly and earnestly that the will she was about to sign expressed fully and satisfactorily her wishes, and she was in her right mind. Since that time I have visited her and Mr. Home on various occasions at her new lodgings, at Albert-terrace, and she never expressed anything but sincerest affection and respect for her adopted son. I have seen her go up to him when he was on the sofa, and kiss him with great affection. Her great desire seemed to be that he should recover his health and create a sensation in society by taking a more active and prominent part than his position had hitherto enabled him to do. The witness then went on to deny that he had ever influenced the plaintiff.

Dr. Hawksley, the other attesting witness, said that he had had ample opportunity of forming an estimate of the defendant's character, and it was only simple justice to him to say that he never found in him anything inconsistent with truth, honour, and perfect integrity. In consequence of a letter he received from the plaintiff, he went to her lodgings for the purpose of attesting a will. The witness corroborated the evidence of Mr. Rudall.

Mr. R. Chambers, Doctor of Civil Law, deposed to Mrs. Lyon's conduct to the defendant Home being inconsistent with the idea that he exercised any influence over her. He also said that she appeared to entertain the greatest affection for him.

M. Eugene Rimmel, of the Strand, also spoke to the affectionate

terms upon which the plaintiff always appeared to be with the defendant.

Mrs. Ellen Varley said that the plaintiff told her that the defendant had introduced her to a position in society which she had not before occupied, owing to his large circle of acquaintance.

Mrs. Nicol said that the plaintiff had often given the defendant money without solicitation from him.

Miss Elizabeth Fuller said that she never heard any mother speak more affectionately of her son than did the plaintiff of the defendant. The plaintiff said that she had given the defendant money, quite irrespective of his being a spiritualist. The plaintiff was a good business woman.

Mr. Gerald Massey, of Ward's Hurst, Herts, in his affidavit, said: On the 28th of December, 1866, I met Mr. Home and Mrs. Lyon for the first time. It was at the house of Mr. and Mrs. Samuel Carter Hall. Since that time I have seen a great deal of Mr. Home, and have never had the slightest reason to look upon him other than as a man of the most honourable character and kindest disposition; in fact, a gentleman whom I should judge to be quite incapable of any such business as had been laid to his charge. In company with Mr. Home I called twice on Mrs. Lyon, and once I called alone and breakfasted with her, at her lodgings at Knightsbridge, and sat alone with her for several hours afterwards, and on each occasion she went, more or less, over the story of her meeting with Home, and told me her motives in adopting him as her son and heir. She said that since the death of her husband she had been alone in the world, nobody to care for her. She had adopted Mr. Home as her child to have some one to love, some one to show her affection to. She had given him £30,000 right off, she said, to make him independent of everybody—independent even of herself, so that there should be nothing ambiguous in their relationship in the eyes of the world. I understood her also to say that she should make him the inheritor of her wealth. She stated that she had sought out Mr. Home, and not Mr. Home her. She had sought him out in the first instance, she observed, because she was a believer in what is called spiritualism. She had been a believer all her life, and accustomed to have visions from her childhood upwards. Of these she related several, being very anxious to impress me with her great natural gifts in this respect. Mr. Home had been shown to her in one of her visions, and that she had recognised him immediately they met. Indeed, she said that her husband, before his death, had

foretold her adopting a son. She stated the number of years she was to be after her husband's death and told me the time was up. She said she knew Mr. Home as the son of her adoption the moment she set eyes upon him. She was very open in speaking of what she had done for Mr. Home, and of what she intended yet to do. In regard to her gift of so large a sum, instead of making him depend on her for an allowance, she asked me if she had not done rightly. I replied that I thought she had done an uncommonly handsome thing. I inquired of Mrs. Lyon if she had acted from anything said or done at any of Mr. Home's *seances*. She assured me most emphatically that she had not, and that nothing of the sort had taken place at their early interviews beyond her personal liking. She took constant delight in hearing Mr. Home relate his astonishment at her proposals, her gifts being so unsought and unexpected; and, from what I saw of Mrs. Lyon, I should take her to be one of the last persons in the world to be influenced by any will save her own. For example, she had taken a dislike to something done by Mr. Home's son, and nothing could soften her feeling against the child, or bend her resolute will, although this was very painful to Mr. Home. Her mind was made up, and there was nothing more to be said. From all that I saw of Mrs. Lyon's relationship to Mr. Home, I should say that her will was the dominant one. She made him do pretty much as she pleased, even to the going on errands for her, and carrying home trivial articles for her. She called him her child and assuredly treated him as one. I saw him do very humiliating things, and put up with very strong displays of Mrs. Lyon's will. I once remarked to him, "I could not stand that for £30,000 a-year." His reply was, "Oh, you do not know mother; she likes to have her way, but she is kindness itself." I saw plainly enough that she liked to have her way, and I saw that she had it. My observations would lead me to assert that the charge of Mr. Home's power and ascendancy over Mrs. Lyon is the grossest fiction, and impudently absurd on the face of it. Why, in the charge of "undue influence" by spirit means, the falsehood to my mind stands already manifest, for Mrs. Lyon rated her own power of mediumship far above everything shown by Mr. Home. So far did she carry this, that I once told her I thought she was jealous of his alleged powers; but she soon demonstrated that she had no need to be, after such remarkable things as had occurred to her. She, indeed, even spoke with disapproval of Mr. Home's being sometimes in trances, and having *seances*, because she said it

weakened his natural power. So far from being easily swayed, I found that Mrs. Lyon would agree with nothing she did not like, or that did not suit her view. On the other hand so potent was Mrs. Lyon's power and ascendancy over Mr. Home, that I foresaw it would in all likelihood be fatal to one so frail in health as Mr. Home; and I was one of the first, I think, to advise that he should make an effort to gain a little more personal freedom. I saw that he had a great difficulty in getting away from her, and that she was very jealous of him going anywhere without her. I am aware of more than one engagement he was not able to keep on this account. Mrs. Lyon was very ambitious of meeting with and being recognised by the class of people amongst whom cases like Mr. Home's excite the largest amount of curiosity. I mean persons of title and members of the aristocracy. Mr. Home's acquaintanceship with such is large; and I found that Mrs. Lyon was irrepressibly anxious to meet with Lady —, or go to the house of Lord —. She was greatly gratified with any notice shown to her by a titled lady. I speak of what I saw. And she was proportionately disappointed if it happened that Mr. Home was invited where she could not go. Mrs. Lyon expressed herself as being made very happy by what she had done, and she was very lavish in her marks of affection towards him. He was once speaking of some hardship he had undergone in early life, whereupon Mrs. Lyon embraced him, and wept over him real tears, and said how glad she was to be the means of preventing anything of that kind ever again occurring. She was at times excessively affectionate. A more cynical looker-on might have surmised a something too fond and fervent. I only thought it rather an ostentatious exhibition of late motherhood.

Several other witnesses spoke to the business capacity of the plaintiff and her affection for the defendant.

Dr. James Gully, a gentleman who had known the defendant for some years, in his affidavit said that in June, 1867, after Mr. Home left him and he heard the cruel measures Mrs. Lyon was taking against him, he wrote to ask her what he had done that she should so unjustly seek to insult him, and in reply to that letter she said, "You have only heard an invented story from beginning to end. I would explain it to you, but truth is best spoken, not written, for then, if a person has judgment and common sense, he can at once discern for himself truth from falsehood. You have your eyes shut by the medium of falsehood; mine have been opened by the medium of truth. I shall be glad to see you

when you are in London, and am yours, etc." He had during the past seven years witnessed, both in his own house and elsewhere, in the presence of Mr. Home, many curious occurrences, which he was unable to explain. Home had often refused money for *seances*, and he had known him refuse twenty guineas for a *seance*.

Catherine Berry said: I am acquainted with the plaintiff, and have been so since the year 1847. I should hardly call myself a spiritual medium. My hand is used by some unknown power, and the result is a drawing with a pencil or crayon, or oils, which I do not draw myself. I have a niece, Emma Berry. She is a child eleven years old, but she has communications always when we are sitting for them, and frequently when we are not. I have had *seances* with the plaintiff. I was present at a *seance* held at my house on the 7th of June. Plaintiff, Emma, and Mr. Kent were present. Plaintiff asked all the questions. We were sitting round the table, placing our hands upon it, and in a few minutes "tilts" came, not "raps." We are not rapping mediums. The "tilts" denote that there is a spirit waiting to communicate. Plaintiff asked if it was the spirit of Mr. Lyon, her late husband. The table tilted three distinct times. Plaintiff then asked questions, relating entirely to the affair of herself and defendant. The spirit denied having given authority for any money belonging to plaintiff to be given to Dan. The conversation lasted about 40 minutes. The spirit then told us to move the table and make the room dark. In a few minutes a shower of sweet williams were thrown on the table, and then four moss roses, wrapped in tissue paper, were placed upon the table. I asked if they were for plaintiff, and the spirit answered one for her and the rest for yourself. I did not produce any of these things. I think I could swear that no mortal did. In fact I could swear so. The witness then spoke of a *seance* which she had in the presence of the plaintiff on the 14th of June, when similar manifestations occurred, but on that occasion the spirit was heard to walk heavily about the room. The plaintiff asked it the questions. She asked the spirit whether it approved of what she was doing, and the answer was, "Yes; go to law, and be firm." She then asked whether going to law would get her out of the difficulty, and the answer was, "Doubtful." The plaintiff also asked the spirit whether he approved of her lawyer, but the spirit judiciously refrained from answering.

Mrs. Hall, an authoress, said that the defendant had given his *seances* without payment, that he was an honourable man, and that

the plaintiff always regarded him with the greatest affection. The plaintiff said that before she had seen the defendant the spirit of her husband had told her that she should have a son.

Mr. S. C. Hall, F.S.A., deposed to a conversation with Home early in October, in reference to Mrs. Lyon's wish to adopt him and settle a fortune upon him. He said: The whole thing seemed so strange to me that I feared the woman must be insane or of weak mind to thus seek a man who a few days before was an entire stranger to her, and I told Mr. Home I must decline seeing her. Witness, though, "with a deep feeling of misgiving," was persuaded by Home to go and see Mrs. Lyon, and described his interview with her on the 9th of October, his saying that he thought £300 a-year was ample for his wants. She said, "I have resolved to make it more than that; I have determined to give him £500 a-year at least." Witness questioned her as to her relatives, advised her to take time; warned her that the world might "put a wrong—nay, an evil interpretation on your generosity to a young man of whom you have seen and know so little." She said, "That was a matter of perfect indifference to her; she was friendless, and desired to have a friend who would be her companion and protector in her advancing age, and she considered the money that was of no use to her would be well and wisely expended in making that friend prosperous and happy." Witness advised her to consult her friends, and at least to take time before doing anything, quoting the proverb, "Do not act in haste and repent at leisure." She said what she had resolved to do she would do at once, adding, "If you are Daniel's friend you will not strive to prevent my doing what is for the happiness of my own future as well as his." At this interview no word was spoken by her or by me that had any reference whatsoever to spiritualism. Witness next day (the 10th of October) met Home at plaintiff's lodgings, as she had appointed. It is utterly and entirely untrue, said the witness, that in my presence any such sentence was ever spelt out or communicated as to indicate that Mr. Home was to be her son, or "He is my son, therefore yours." Witness contradicted many of the statements made by the plaintiff as to what took place on this occasion, adding: The tissue of falsehoods contained in Mrs. Lyon's affidavit and statements only confuse me. I have heard Mr. Home several times in her presence relate the story of his adoption as the facts were, and as they are truthfully narrated in his answer, and Mrs. Lyon not only never contradicted him, but

That was called by the alphabet. Miss Ellen Gully spelt it out. The alphabet was called for before it began. Dr. Gully asked the question, and the answer given identified the spirit. I do not claim that because an affirmative answer is given the identity of the spirit is thereby established. Peculiarity of dress would identify the spirit. No, it would not be the ghost of a dress; but the dress as it was on earth, as it is mentioned in the Bible. I do not speak of feeling the dress. I have not seen a spirit for a very long time. I have had too much of material things to think of. Could not say what was the last spirit I was in communication with. Would rather not mention the spirit. It was the relative of some person here present. The name was spelt out by a medium. It is simply from a motive of delicacy that I decline to mention the name. I have been in communication with the spirit of my own wife—not in reference to this suit. I have never asked a question about it. When I first met the plaintiff I was secretary to the Spiritual Athenæum in Sloane-street. I was exceedingly poor, only receiving pay from the society. Had never been brought up to any profession or trade. I say I gave the plaintiff rank and position—rank to associate with my friends, some literary, others in high positions in society. I consider that rank. I have no rank, no position, only that which my friends give me. I was only for two months secretary to the Athenæum. I have travelled a good deal, visited Courts, and mixed in high circles. My friends very often provided for my travelling expenses, and I have had other assistance. I had some fortune by my wife. I had previously some money settled upon me by a friend. He was a member of the Romish Church. He believed in spiritualism. He had seen my gift. Anonymous gifts (presents) are very often sent to me. I married in 1858. The income from my wife was sufficient for us. It has ceased for the present, but I shall recover it next year. His Majesty the Emperor of Russia has promised to see to it. (Witness explained that certain proceedings were pending in the Russian Courts in reference to some invalidity in settlement or other documents on which his late wife's fortune depended.) The gifts were first developed in me, I believe, when I was six months old; not as they are now. In 1850 the first external manifestations were developed. There had been some talking of the Rochester rappings in America, and a clergyman I think it was who first gave the alphabet. I had no means of interpreting them at first. I did seek to influence the plaintiff against her own impulse to force upon me a position of

wealth. The whole that was done was forced upon me. I do not say but in my heart I was glad, but to her I sought to influence her against her own impulse. Mrs. Maurigy's account is perfectly true. On her part the position of wealth was forced upon me. I do not say I was not glad in my heart, but I wished her to let me go out of town first. I repeat, the position of wealth was forced upon me, as plaintiff knows. (Examined upon Mrs. James Fellowes' statement of her having overheard, on Sunday, Oct. 7, "Dont interrupt me," and other passages of her affidavit: I deny that statement.) I was introduced to Mrs. Fellowes in November, 1866. No such circumstance as that she mentions occurred. I have no remembrance of any such words. (Denied other statements of the interview made by Mrs. Fellowes.) I never heard plaintiff scream louder than she did here in the witness-box. Mrs. Lyon sat by the table on Monday, the 8th of October, held up a pocket-handkerchief, and said, "Look here, what has occurred!" I asked her if she had not knotted it before she left home to remind herself of something. On the 7th of October as I rose to leave the house sounds came, "Do not, my darling Jane, say, alas! the light of other days for ever fled; the light is with you; Charles lives and loves you." I could not say who the spirit was. I formed no opinion. Jane, I knew, was Mrs. Lyon's name, as she had signed it in writing to me. Did not know that Charles meant her husband. How could I? I did not then know that her husband's name was Charles. Mrs. Key's statement as to what she overheard is perfectly false. The words "Dear Spirit" may have been used. The other statements are perfectly false. I was in the house when Wilkinson came about the will. I was in the bedroom, separated by folding doors. I took Mrs. Tom Fellowes to her carriage that night. I did not remain a quarter of an hour afterwards. I never said "Let us consult father," or consult anyone. It is not a word I should have used. (Referred to Mrs. Tom Fellowes' affidavit, which he characterized as perfectly false.) I sat at the table. I did not refuse to have a *seance*. I recollect Mrs. Tom Fellowes was curious to see spiritual manifestations. She did often say she should like to be present at a *seance*. She could not have urged me to produce spirits, as she knew I had no such power. I did say, "Mother, you remember saying you have promised me that hour." Mrs. Fellowes was in town to get furniture and carpets, and plaintiff was afraid she would get her to go with her, and make her pay for them; so it was arranged that if their going out together was suggested, I was

to remind plaintiff that she was engaged. I distinctly deny having said "I cannot do it, mother; there is something in Mrs. Fellowes' presence that forbids it." When Mr. Rudall came on the 12th of November, I caught Mrs. Key on her knees listening at the door. What Mrs. Pepper says in her affidavit about my saying, "Mother and I are married to all eternity," etc., is perfectly untrue. I trust I am too much of a gentleman to use such an expression as "Death is all humbug," etc. It sounds well in the affidavit, but it is perfectly untrue. Admitted having recently written letters promising money for information. It was a trap laid for me. I received, about a fortnight ago, a letter. (Mr. Home read out some anonymous letters to him, and his replies.) I received the woman (Mrs. Bradshaw) on my return to town, and I at once saw through her. It was simply done to irritate me, your Honour. I have a very nervous organization. (Mr. Home went on to describe his interview with this Mrs. Bradshaw, whom he intimated was an emissary of the plaintiff.) I simply wished his Honour to see to what extent hatred could be carried. I wished the letter to be produced in court. I adhere to the statement that it was a trap laid for me, and I said so to my friends.

Re-examined by Mr. Matthews, Q.C.: The phenomena described by me have occurred to me in many countries, before many persons, in houses where I was a guest. I have had the honour to reside as a guest in the Emperor of Russia's Palace. I was there merely as a guest, certainly not in any paid capacity. My wife was a daughter of an aide-de-camp of the late Emperor Nicholas. She was god-daughter of the Emperor Nicholas. These phenomena have occurred in houses where there have been strangers. Scientific persons have often been present when they have occurred. I have invited scrutiny, so much so that my friends complain of me. I have also been a guest of the Emperor of the French. I have never claimed at any time or in any country the power of producing these manifestations. I have certainly never professed the power of calling up a spirit from the dead. There are several mediums besides myself. They are generally persons of a highly nervous temperament. They have been often of a superior class of life—persons who, from their position, cannot be suspected of making profit out of it. I have seen in Mr. Jencken's presence, and in his house, the displacement of material objects in violation of the laws of gravity which have been alluded to. I have no theory to account for that happening. I have never consulted spirits with regard to money, temporary or pecuniary affairs, for

myself or for other people—never. I have known Dr. and Miss Gully for seven years. If I had a motive for deceiving them, I had no power to do so. Miss Gully is sister of Dr. Gully, past forty. Mr. Ellis, from Cambridge (correcting himself, Oxford), the well-known classical scholar, has been present at a *seance*. He is a very candid investigator; I don't know if he is a believer. It is simply from motives of delicacy that I don't want to enter into that. The gentleman who settled money (£150 per annum) upon me had about £15,000 a-year; he was about forty-five years old, and I think he made this gift to me before he had seen any manifestations in my presence. I did not solicit it. He was too much of a gentleman to bring a Chancery suit against me. (The witness was understood to say that this annuity was not still continued to him.) America seems to be the land of these things. I had a father, sister's child, and two aged aunts, dependent on me when Mrs. Lyon first bestowed her gifts on me. Mrs. Ritchie takes care of my child without any remuneration from me. Most certainly no money was made out of the Spiritual Athenæum. Money was lost by it. No money was taken at the doors. Persons were not admitted except by introduction. Certainly I did not hold myself as ready to produce ghosts for people who wished to see them. When Mr. Wilkinson came Mrs. Lyon asked me to go into her bed-room. When she had business she never wished me to know anything about it. Before the 12th of November Mrs. Lyon had determined to leave Mrs. Key's lodgings. I had never before then spoken to Mr. Wilkinson about the will, nor he to me—never, nor any communication with him about other business matters of Mrs. Lyon. Mrs. Bradshaw lives at 17A, Albert-terrace, underneath Mrs. Lyon. I had two interviews with her. I called in Mrs. Cox, to have her as a witness for the person who had laid a trap for me.

Mr. Matthews, Q.C., on the part of the defendant Home, addressed his Honour. He said that in commenting upon the evidence, he should endeavour to bear these two points in mind—to try and establish that which did occur, and to ascertain whether anything that really did occur influenced Mrs. Lyon's mind improperly, or unduly, or fraudulently to make these gifts; which, it was admitted, she did make to Mr. Home, the defendant. His Honour had had the advantage of seeing the plaintiff in the box. She had been subjected to a very long cross-examination, and one that he endeavoured to make as severe as he could, without unfairness to the plaintiff. There was one advantage of the

cross-examination, and that was that it brought out the mental and moral qualities of the plaintiff. Mrs. Lyon, in the witness-box, exhibited singular vigour and shrewdness of understanding. Throughout that long cross-examination, even when his strength was failing, her mind remained vigilant, keenly alive to the effect of every question, and prompt and ready in suggesting some answer which should defeat the object that he had in view. She exhibited a keen sense of the ridiculous. His Honour would not have forgotten the little comedy which she enacted when she said that Mr. Home had pressed her to kiss him, and the way in which she did it. This was no invention of her own. She showed that she was warm and sudden in her feelings.

Mr. James, Q.C., summed up the case on the part of Mrs. Lyon, and, in doing so, said he did not propose to occupy the time of his Honour at any great length. The details had been so thrashed out, if he might so say, that it was quite unnecessary that he should do so. But before he drew the attention of the Court to certain passages in the evidence, he must express his great regret that the offensive topic which had been introduced into the defendant's answer, and supported by some singular evidence on the part of some of the witnesses for the defendant, was dropped by Mr. Matthews (counsel for the defendant), but made still more offensive by the way in which it was pressed by some of the other learned counsel for the defendant. The defendant was a young man, an adventurer, who had no trade or profession, who during some years had an income from his wife, but who had no means of living, as it appeared, except the possession of the singular gift which he claimed. And although it was made a boast that he never took money directly for his *seances*, it was quite clear that it was the possession of this singular gift which had procured for him the notoriety, the distinction, the position which he said he had obtained, of the society of emperors, of kings, of distinguished men, and of persons in courts, and of gifts of the most valuable kind. This was the means by which he was that which he was. The defendant said that he had no power of evoking spirits—that seemed to him (the learned counsel) a play of words—but that the spirits came when he was present; that they made themselves visible, or sensible, or audible; where he was they were. These spirits—some of them—indulged in all kinds of fantastic jokes and tricks; but some, also—as he said—gave serious advice, and made themselves the source of consolation to surviving relatives.

After some further observations, the learned gentleman con-

cluded by saying: Why was the familiar spirit—if there was a familiar spirit—brought at the moment that there was a talk of the adoption of Mr. Home? He said that that alone was conclusive to set aside everything that took place afterwards respecting the transfer of property. Mr. Matthews rather travestied the position, which he took at the opening of the case. He never said that a spiritualist could not give or take property. As the plaintiff put it, the adoption was the adoption of the husband. That was a question which was put beyond all doubt. The writing in the Red Book, which had been so frequently referred to during the progress of the case, was then alluded to, and the learned counsel argued that it was a point greatly in his favour. Having criticised the statements of certain of the defendant's witnesses, Mr. James again drew the attention of his Honour to the position of the plaintiff. She had an income of 5,000 a year; but, with a penurious parsimony, she was not living beyond £500 a year. Yet this woman suddenly gave away £24,000. Within a few days, almost within a few hours, she gave away this large sum. What was the influence under which she was acting? He said that these documents showed that it was that which she said—that she did it under the impression that she was complying with the wishes and directions of her deceased husband. He made no comment on the letter of the 10th of October, nor on the deed of gift. The £6,000 was clearly connected with the same sort of thing. It was part and parcel of the same endowment which she thought she was obliged to make in pursuance of the wish of her husband's spirit. The £24,000 and £6,000 were in the category. Then they came to the will, but that was not material now, because she had the power of revoking it. It was only material as part of the case. He never saw a will executed under such circumstances. There must have been some very strange influence at work. In these instructions to Mr. Wilkinson there was the greatest instance of shrewdness and folly. As to the deeds, of which they had heard so much, there was not the slightest necessity for them, as she had given everything before. The plaintiff objected to comply with that part of her husband's directions which would have made her an annuitant. She was determined to protect herself.

The documents having been referred to on both sides.

The Vice-Chancellor said: I shall not part with the case before reading over everything.

Mr. James wished to know why it should have been introduced at all if it had nothing to do with the case. He was not putting

it as evidence against Mr. Wilkinson, but he said that, while these things were in progress, the raps came to approve of that which she was doing. He did not say that Mr. Wilkinson, considered that they were instructions for the deeds, but he said that the plaintiff did. The case was now entirely in the hands of his Honour. He would not go into the supposed contradictions to her statements. He left that to the Court. But he did not think that it was extraordinary that the plaintiff, who had been living in this atmosphere of falsehood and fraud, should have her memory disturbed—that it was imperfect—that she imagined things to be true which were not true, and that she might have exaggerated. The question was not whether her memory was imperfect—nor whether her imagination had been distorted—nor whether she had exaggerated anything in her statement. That might have been a question on the bearing of costs, which in a matter like this was of trifling importance. But the question for his Honour was this—Upon the whole case presented to him, was this lady the subject of an influence unhallowedly obtained, and most unscrupulously exercised? He said upon the materials before the Court, his Honour could come to no other conclusion than that it was so; and, coming to that conclusion, his Honour would make a decree restoring to the lady the enormous amount of fortune of which she had been deprived, and which would tend to protect the public against this new and most dangerous fraud.

On the 22nd Vice-Chancellor Giffard gave judgment in this remarkable case. For an hour before the time appointed a small crowd assembled at the entrance to the court, and as soon as the doors were opened made an ugly rush for any sitting or standing room that could be secured. A considerable number of young and fashionably-dressed ladies, many of whom had driven up in broughams, had been favoured by earlier admission, and by taking possession of the benches usually occupied by the bar, gave the Court quite a gay and blooming appearance. Neither Mrs. Lyon nor Mr. Home were present. The Vice-Chancellor entered the court at eleven o'clock. On taking his seat, his lordship stated that he had received an anonymous letter, which he would cause to be handed to the counsel in the cause, adding that if the writer could be traced it would be a serious thing for him. Mr. Kay, Q.C., observed that several letters of that character had been received by the counsel on both sides.

Vice-Chancellor Giffard then entered on an elaborate judgment by saying that he should proceed without preface to notice the

facts and evidence, so far as it became material to do so. The object of the suit was to set aside a gift from the plaintiff to the defendant of about £30,000. She was about 70, he was 33. The plaintiff was a widow and childless, having lost her husband in 1859. Although she was possessed of a fortune of £80,000, she lived in lodgings at 30s. a week, without any relatives or society, or any friends about her to give her advice. According to the affidavit of Mrs. Pepper, when she first came to those lodgings, in 1861, she was in low spirits in consequence of the death of her husband; she was greatly affected, and shed tears very often. She was repeatedly heard to say that her husband had told her a change would take place in seven years from his death; she fully expected that change would be her own death, and that it would take place in August, 1866, and she hoped Mrs. Denison, whom she knew, would see her body properly buried, as she was afraid it would be laid outside the tomb. When she came to London, in July, 1861, she became acquainted with Mrs. Sims, to whom she repeated that a change would take place in seven years after her husband's death. Mrs. Sims told her it was not necessary she should die, for if she would become a spiritualist her husband would come to her. Mrs. Sims lent her a book on spiritualism, and suggested that she should write to Mr. Home, then secretary of the Spiritual Athenæum, in Sloane-street. In the meantime she made the acquaintance of Mr. and Mrs. Burns, to whom, having read the spiritual book, she wrote, saying that she was most anxious to see Mr. Home, that she was a firm believer in all he stated in his book, and she considered him most highly favoured by Almighty God. It was not until the 22nd of October that the plaintiff saw defendant at the Spiritual Athenæum, in Sloane-street. She had read his book, called "Incidents in my Life," and there could be no doubt as to what were the main causes which induced her to seek the defendant at this time. Home described himself as having been born in Scotland, and as having been from his earliest childhood subject to singular phenomena, not produced by himself or by any other person, and over which he had no control whatever. Sometimes he was many months, and sometimes a year, without them. These phenomena had shown themselves in many other persons, including some in arts, science, and literature. His powers were witnessed repeatedly in private apartments by the Emperor of the French, the Emperor of Russia, the Grand Duke and Grand Duchess Constantine, the King of Prussia, the King of Bavaria, the Queen of Wurtemberg, and many august personages who had received

him in their palaces as a gentleman and not as a paid person. He had not sought those distinguished persons; they had sought him. In 1858 he married a Russian lady of noble family, a goddaughter of the Emperor of Russia. She died, leaving one son, to whom the present Emperor of Russia became godfather. He did not profess to have the power to evoke spirits; he had no control to bring them or to send them away; but he had seen spirits, and had conversed with them orally. There were strange sounds like a rapping, sometimes near the medium, and sometimes at a distance from the medium. The alphabet was used, and when a letter was indicated the spirit would knock. They usually spelled their names—sometimes without any questions having been asked. He had seen a table moved bodily by spirits; he had floated in the air in violation of the law of gravity, and he was not the only person to whom these things had appeared. Brought up to no profession or trade, he was, before he became acquainted with the plaintiff, exceedingly poor. The first time he called on her she was in shabby lodgings, over a stationer's shop. She handed him a cheque for £30, which he immediately declined, saying that he was not in the habit of taking presents. She told him that she was the illegitimate daughter of a tradesman in Newcastle; that her husband was a man of good family; but not one of his relatives were mentioned in his will. At another interview she told him she had £5,000 a year; she could throw it out of the window if she liked, but she would settle her fortune on him and oblige him to accept it, and she could then be received in the best society, and could go out with him in her old age. He said, well, he would address her as mother; but he entreated her not to be hasty; and he had thought since that she even then contemplated the possibility of warmer relations. She told him that she had seen nothing of his strange gifts, but that she now loved him for himself. As he rose to go on that occasion, manifestations appeared, but he would solemnly swear that he did not seek to influence her in any way whatever, or induce her to believe that she was having communication with her husband's spirit. His lordship, from this point, read several of the affidavits given in the case, showing that Mrs. Fellowes and Daniel Phillips heard plaintiff on two different occasions, when in a room with defendant, screaming, "O my darling Charles!" and heard a man's voice say, "Don't interrupt me, or I cannot proceed." He further read the evidence on the drawing up of the deeds of gift, the remonstrances which were alleged to have been made to her,

the determination she expressed to give all to Mr. Home, who was to take the name of Lyon, of the manifestations at various *seances*, and of the endearing terms of parental and filial affection in which plaintiff and defendant corresponded with each other. Defendant believed that she turned against him because he refused to accept any other relation than that of mother and son. His lordship thought no one could have read the affidavits without coming to the conclusion that reliance could not be placed on her testimony, and it would be unjust to receive it except so far as it was corroborated by unimpeached witnesses. He must say, however, he did not believe the allegations made by the defendant that the plaintiff turned against him because he refused to accept any other engagement than that of mother and son. Having stated the purely technical bearings of the cause, the Vice-Chancellor cited cases in point, and proceeded to sum up the whole matter in the following terms: At the outset, the result of the evidence of Mrs. Pepper, Mrs. Sims, and Mrs. Denison, is that the plaintiff was greatly attached to her husband, that her husband had told her that a change would take place in seven years from his death, and that they would meet; that she consequently expected her own death in the autumn of 1866, and was told that if she became a spiritualist this need not be, but he would come to her; that she took to reading books on spiritualism, amongst others the incidents in defendant's life, and became desirous of meeting the defendant. Then Mrs. Burns proves the letter of September, 1866, in which she writes, with reference to the defendant, "I am a firm believer in all he states in his book, and consider him highly favoured by the Most High God." Besides this, the plaintiff is proved to have been superstitious, and eminently affected by dreams and visions, particularly by the vision of the golden-haired boy. I am satisfied, in spite of what she said on cross-examination, that she was deeply impressed by the vision, and felt it as a reality. Moreover, she had been told by her father that she would adopt a son, and it was with a mind saturated with this that she sought the defendant, because of that which he terms "his strange gift." I have read from his answer the defendant's account of himself. On the 22nd of October, according to the answer, the incidents in the defendant's life were alluded to. On the 14th he called on the plaintiff, and became acquainted with her antecedents, birth, parentage, marriage, wealth, and other circumstances. He was then told by the plaintiff that "previous to her late husband's death he told her

that a change would come over her in seven years, and that she thought it meant her death, but that now she thought the event to occur was that she was to meet and adopt the defendant." On the 7th the £30,000 was altered to £24,000, promised. The plaintiff is represented by the defendant as saying, "Why, I have seen you in visions these many years, and the only difference was that your hair was lighter, more of a golden-yellow than it now is—many years ago, even before you could have been born. Why, even my father before he died told me I should adopt a son." At this same interview, the defendant tells us, there came sounds known as rapping. A call for the alphabet was made, and the following sentence, or words nearly similar, spelled out, "Do not, my darling Jane, say 'Alas! the light of other days for ever fled.' The light is with you. Charles lives and loves you." This is the defendant's own account. Whether there were or were not manifestations before the 7th, there certainly were manifestations then and on the 8th, and manifestations far beyond any admitted by the defendant. "On the 11th," says the defendant, "I called at her request, and we went to the City in a cab. There were no manifestations. The plaintiff sat very near me, with my hands in hers, under her shawl, all the way to the City." On this occasion the £24,000 was transferred, and the defendant spoken of by the plaintiff at the banker's and broker's as her adopted son. This, without more, is, in my judgment, enough to throw on the defendant the onus of proving the plaintiff's acts were pure, voluntary, well-understood acts of her mind, unaffected by the least speck of imposition or undue influence; or, as Lord Eldon has expressed it, "acts of rational consideration, of pure volition, uninfluenced." But the case does not stop here. The defendant states himself to be what is called a medium. Mr. Wilkinson casually saw the plaintiff and defendant sitting at a table, and the defendant acting as a medium, and it is to be inferred that this was nothing unusual or uncommon, not only from these circumstances, but from Mrs. Thomas Fellowes' affidavit, in which she says she went by the plaintiff's appointment to meet defendant at plaintiff's lodgings, where they all three sat down at table for a *seance*, the plaintiff asking the defendant to seat himself in his own place at the table, and to begin to call the spirits; and from Mrs. James Fellowes' affidavit, in which she says, after alluding to her introduction to the defendant, the plaintiff said to him, "Let us have a manifestation;" but he said he could not as he had a headache, and must leave. I am aware that the defendant has been examined as to

these and other points of these affidavits, and of the extent to which he has contradicted them; but Mrs. James Fellowes and Mrs. Thomas Fellowes were examined, and I am satisfied they are both the witnesses of truth, and in every sense, as regards memory and otherwise, quite reliable. I am satisfied, too, that much more took place on Sunday, the 9th of October, 1866, in the shape of manifestations and communications, than the defendant admits. Even on his own admission what did take place had reference to the plaintiff's husband. I am satisfied that in the presence of Mrs. Fellowes plaintiff was communicative in telling her of the disposition of her property, and that defendant continually checked her, telling her it was unnecessary to go into minute particulars. Plaintiff said she wished Mrs. Fellowes to know exactly what she had done, as she had only obeyed her husband's commands as communicated by his spirit, through the mediumship of the defendant. He, however, then denied that he had anything to do with the matter. I cannot take the defendant's denial so referred to to mean more than that the communications from the plaintiff's husband were not caused by any act or violation of the defendant. They were, in truth, consistent with what he represents as his strange gift. Then the defendant, in his examination, swears that he has seen spirits, that he has conversed with them orally; that in his presence chairs and tables have been moved bodily, in violation of the ordinary rules of gravity, and that he himself has floated in the air; and on being asked how the spirits communicate to a medium when they communicate by knocking, he says, "Strange sounds are heard, like a rapped sound; the alphabet is called for, *pointed out* in some instances, and then a sound is given that indicates that the letter called orally or pointed out is to be written down. The knocks are both affirmative and negative; one signifies no, and three signify yes; but *you can arrange that as you please.*" Add to this the antecedents of the plaintiff and the defendant, the defendant's letters, from which I have read extracts, the page from the destroyed book, the book B, in his handwriting, then consider that a woman past seventy, within eleven days after first seeing the defendant, mentioned £30,000, and actually transferred £24,000 to him; followed this gift by a will in his favour, then with £6,000, and then with a reversionary interest in £30,000 more, and assuredly there is proof of a transaction which ought to be watched with what Lord Eldon termed a "jealousy almost invincible"—proof which throws on the defendant the whole onus of supporting such gifts. I am

altogether dissatisfied with the defendant's statements and explanations of the book. The contents of the book itself disprove them. His lordship then pointed out that the statement that plaintiff wished to get into the society in which defendant moved was not a sufficient inducement for her to make the gifts. She was aware of the danger of referring what she did to spiritualism. These circumstances and her peculiar character, and the knowledge or suspicion that her sanity might be questioned, sufficiently accounted for what she said and did as deposed to by the various witnesses; besides which, the defendant was generally present, and by no means unaware of the value of anything which might be deemed confirmatory. I am satisfied that the statements and admissions to the effect that the transactions had nothing to do with spiritualism, are not according to the facts. As to the plaintiff professing to be a "medium," she said this, and almost anything which occurred to her from time to time, as seemed likely to make her of importance to those with whom she was conversing; but the defendant has been proved to have been the person who acted as "medium." There is no proof of the plaintiff having ever so acted, nor do I believe she did. True it is that she has business habits and a knowledge of business, but obviously a limited capacity—very limited as compared with the defendant's; and, though I disregard her statements as to her letters, and think her quite able herself to have composed the letters she wrote to Mr. Wilkinson, the destroyed letter of the 10th of October, commencing "My dear Mr. Home," and ending "My dear sir, yours very truly and respectfully," is at singular variance with what she said at the banker's and the broker's the day after, with reference to her adoption of the defendant as her son, and with reference to what the defendant represents her to have said to himself, both on the 11th, and at the interview on the 7th. This letter has not been satisfactorily explained or accounted for. He was in constant communication with her. Both parties expected that what was being done would be questioned by the husband's relatives. Sanity was talked of; precautions were taken that questions of that kind might be met if raised. Nothing like a power of revocation was ever suggested, though this would have added much to the validity of the deeds, and to the control of the plaintiff over the defendant. I think it is a just and sound observation, that all that was done was much more by way of caution against what others might do than by way of protection to the plaintiff against her own folly and infatuation. Having cited the opinion of Lord Chief-Justice

Wilmot on a kindred question, his lordship continued : Here there was no suggestion of a power of revocation, or of communication with any of the husband's relations, or any question asked or inquiry made of the defendant ; and on the 19th of January, 1867, when the last of the deeds was being read and executed, the defendant says : " She afterwards called me to her, and, knocking a footstool from under the table, pointed for me to kneel there. I did so, close to her, and she put her left arm round my neck, and fondled my cheek, while they were reading the parchments." I have already said that, in my opinion, the onus of supporting the gifts and deeds rests entirely on the defendant. To this I now add, for the reasons I have given, and having regard to the facts and evidence I have gone through, that in my judgment he has not made or proved such a case as is requisite for their support. There must, therefore, be a declaration in the usual form that the gifts and deeds are fraudulent and void ; there must be the necessary transfers and assignments to the plaintiff, and an account against the defendant. There remain the costs to be disposed of. The plaintiff and her counsel agreed that they had no case against Mr. Wilkinson, and that his costs must be paid by her. This, of course, must be done. Under any but exceptional circumstances those costs would be recovered over against the defendant, and he would pay all the other costs of the suit. The expenses, however, have been very seriously increased, first by the unwarrantable attack in the plaintiff's affidavits on Mr. Wilkinson, and secondly by her innumerable misstatements, in many important particulars—misstatements on oath, perversely untrue, so that they have embarrassed the court to a great degree, and quite discredited the plaintiff's testimony. The plaintiff, therefore must bear Mr. Wilkinson's costs and her own. The defendant will escape those costs. I have now only a few words to say in conclusion. I know nothing of what is called spiritualism otherwise than from the evidence before me, nor would it be right that I should advert to it, except as portrayed by that evidence. It is not for me to conjecture what may or may not be the effect of a peculiar nervous organisation, or how far that effect may be commu-

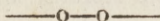
nicated to others, or how far some things may appear to some minds as supernatural realities, which appear to ordinary minds and senses are not real; but as regards the so-termed spiritual manifestations and communications referred to in this cause, I have to observe, in the first place, that they were brought about by some means or other after and in consequence of the defendant's presence—how, there is no proof to show; in the next, that they tended to give the defendant influence over the plaintiff, as well as to his pecuniary benefit; in the next, that the system, as presented in the evidence, is mischeivous nonsense, well calculated on the one hand to delude the vain, the weak, the foolish, and the superstitious, and on the other to assist the projects of the needy and of the adventurer; and, lastly, that, beyond all doubt there is plain law enough and plain sense enough to forbid and prevent the retention of acquisitions such as these by any "medium," whether with or without a strange gift, and that this should be so is of public concern, and, to use the words of Lord Hardwicke, "of the highest public utility."

Mr. Matthews applied that the jewels and lace might be restored.

The Vice-Chancellor said he could not interfere.

With that the case terminated, on the restoration of the money to Mrs. Lyon, and the condemnation of Mr. Home in the costs of his own side of the cause.

MEMOIR
OF
MR. HOME,
THE SPIRITUALIST.



DANIEL DOUGLAS HOME, or Hume, as the majority of persons persist in calling him (why or wherefore it would be difficult to determine), has been so far successful in his demonstrations of spirit rapping, table turning, etc., as to have been extensively patronized by the aristocracy, by men of science, of letters, and more than all, he has gone through his performances before crowned heads. Mr. Home has been fortunate enough to attach a certain amount of notoriety to his name, which appears to the majority of persons to be almost incredible. His personal appearance does not denote great physical strength, but suggests a highly sensitive and nervous organization. He has given illustrations or demonstrations of his wonderful powers to all sorts of people, and in all sorts of places, and according to his own statement made in open Court, he asks us to believe that he

can converse with the spirits of departed persons. Indeed it would appear (if we are to give credence to his evidence) that he has been in possession of this gift since childhood. Anyway, it is a remarkable fact, that in this nineteenth hundred year of Christian knowledge so many thousands, and, indeed, we may say millions, should be found to believe in mesmerism, spirit rapping, etc. In alluding to this subject, a daily paper says:—

“That in our time, with its achievements in science, its habits of scientific research, its high standard of intelligence, and its too widely prevailing scepticism as to all that lays beyond the sphere of material things, a Court of Law should, day after day, have had to investigate a case in which one of the parties claimed the power to hold communion with the dead, in which the other party was at least once a firm believer in that power, and in which several witnesses professed their firm faith in the possession of such endowments by feeble mortals, is one of the most extraordinary facts that recent years have placed on record. When the farm labourers of Essex stone or half-drown an old woman, because they fancy her to be a witch, and because they think that thus they can cast out devils, we set their conduct down to the score of ignorance. And when fortune-tellers fleece poor servant girls out of their hard-won earnings, by uplifting the veil of the matrimonial future, we again only lament that the schoolmaster has still so much to do. But it is not ignorant, poverty-stricken people who are concerned in the present case: it is people of education and intelligence; and incidentally we get glimpses of more distinguished ‘believers.’ It is a marvellous sight! Why don’t the TYNDALLS and HUXLEYS form themselves into a scientific jury to try the spirits, and to tell us all about them, and, if need be, to blow them into the air, instead of leaving the subject in the hands of credulous enthusiasts who do not know what scientific evidence means? Nor is it the “spiritual” side of the trial alone

that raises questions of public interest. The whole subject of gifts and bequests comes into court. Undoubtedly gifts may be dictated by any amount of eccentricity, and when merely passed from hand to hand, it is difficult to set any bounds to the extravagances of caprice. But when the solemn aid of the law is invoked to establish their validity, new responsibilities are incurred by all parties to the transaction, for the law will not lend its sanction without also endorsing its jurisdiction and the legitimate application of its powers. The mere act of giving will go for little, and the question at issue will have to be decided by considerations of the why and the wherefore. The law has to take care of those who cannot take care of themselves, and in deciding whether Mrs. Lyon is or is not entitled to revoke her property, the Court will determine broader issues than that involved in the present case; the decision will have an important bearing on the whole subjects of gifts and bequests, their motives, and their moral relations."

