

Archæologia Cantiana

A SYDNEY LAWSUIT

By M. R. TOYNBEE, F.S.A.

THE case of the diamond jewel belonging to Princess Elizabeth, daughter of Charles I, cannot pretend to rival in dramatic excitement that of the celebrated Diamond Necklace which brought such undeserved odium upon Marie Antoinette. Nevertheless, this little history, which has never before been told in full detail,¹ possesses much human interest, and is also valuable for the light which it sheds upon the insecurity of private property under the Commonwealth.

The story begins in 1641. During the protracted negotiations which culminated in May of that year in the marriage of William, Prince of Orange, and Princess Mary, eldest daughter of Charles I, it had at one time been the hope of the King that the Stadtholder, Frederick Henry, might be induced to accept the second little girl, Elizabeth, as his son's bride. The documents printed in the *Archives ou Correspondance inédite de la Maison d'Orange-Nassau* furnish us with a detailed picture of the affair from the point of view of the Dutch ambassadors to the English Court, a picture which includes some fascinatingly intimate glimpses of the members of the Royal Family. Thus the reactions to the situation of the five-year-old Elizabeth herself have been preserved. "Il faut que je die, Messieurs," disoit S.M. "que ces jours passés ma jeune fille, voyant son pourtraict [the portrait of Prince William] et demandée ce que luy en sembloit et si elle en voudroit bien, respondit que il luy sembloit fort joly et beau, mais que, s'il n'en vient de meilleur, qu'il sera pour sa sœur aisnée."²

On 27th February (N.S.), when matters had at last been settled to his liking, Frederick Henry broached to the ambassadors the delicate topic of presents: "et vous prie de m'en dire vos sentiments,

¹ Arthur Collins in his *Letters and Memorials of State* ("Sydney Papers") (1746), Vol. I, pp. 132-5, printed certain of the documents preserved at Penshurst which bear on the case, of which he observed that "being remarkable, the Curious may be desirous of the Particulars." Documents from other sources have also been printed in various works, as will be indicated in the appropriate places.

² Deuxième Série, Tome III, p. 323. Lettre DCL.

A SYDNEY LAWSUIT

nommément de me spécifier par liste à qui il sera expédient d'en donner et jusques a quelle proportion, afin que mon fils venant la puisse faire donner les dits présents."¹ The ambassadors replied on 5th March (N.S.): "V.A. a raison de dire qu'il faudra faire des présens, mais nous dirons mieux a qui que quels. La Princesse mérite quelque chose de valeur; la jeune, pour la regagner, ne peut estre negligée, et seroit à propos de chercher quelque minuté [minutie, bagatelle] assortye à son aage . . ."² That it was politic to humour the susceptibilities of even infant royalty, was obviously the opinion of the Republican Dutch.

Judging by his ideas of what constituted a *minuté*, Frederick Henry must have been either very generous or very ostentatious. For from the description of this "bagatelle" recorded several years later, we learn that it was "a Jewell, made in the forme of a Pansy, consisting of foure great Dyamonds, & a little one in the middle of the sd: foure stones, & besett round with small Dyamonds & enambed on the backside."³ As will be seen, the monetary value put upon it was high. It is a pity that no record exists of William's presentation of his father's charming gift, though we have an account of his introduction to his future little sister-in-law at St. James's Palace. The child, like his *fiancée*, had been ill. "S.A. demanda après la Princess Elisabeth, laquelle il vit aussytot placée sur le liet, et par fois dressée sur ses piedz par quelque dame et la salua sans repartye."⁴

Rather surprisingly, Elizabeth is not depicted wearing the pansy jewel in any of her portraits, and there is nothing further to relate of it until August, 1650. On the 9th of that month the Princess (now aged fourteen) and her little brother, Henry, Duke of Gloucester, were removed by order of the Council of State to Carisbrooke Castle from Penshurst, where they had been living under the kindly care of Robert Sydney, second Earl of Leicester (1595-1677), and his wife since 14th June, 1649. Elizabeth, whose health was precarious and future residence uncertain, was not unnaturally anxious about the fate of her few possessions. Accordingly, previous to her departure, she turned for help to the Earl of Leicester. In his own words, written just over a year later:

"And in August 1650 when the said Ladie Elizabeth knew that (by order of y^o Counsell of State) she and her said Brother were to be removed from my house, She sent me two Jewells, The one of Perle, & the other of Diamants, with a letter in these very civill words [I Desire yo^r lor^p wilbe pleased to take into

¹ Deuxième Série, Tome III, p. 364. Lettre DCLXXII.

² *Ibid.*, p. 380. Lettre DCLXXVI.

³ University Library, Cambridge, MS. Mm.1.46 (Baker 35), p. 186. See later for a full account of the document.

⁴ *Archives ou Correspondance inédite de la Maison d'Orange-Nassau*, Deuxième Série, Tome III, p. 435. Lettre DCCIV.

A SYDNEY LAWSUIT

y^r Care & custodie my necklace of Pearle, and my Diamond Jewell, untill such tyme as I shall by a letter or other sure Token desire y^r lo^rſ^p to returne them to me] wch letter all written with her owne hand I am able to shew; I could not refuse so harmeles a request to an innocent person of her Sex & Quality, & soe I tooke the said Jewells into my custody. And soone after the said Ladie gaue me directions Signifying her pleasure how she wold haue the said Jewells disposed of; This was whilst she was in my house."¹

With the widowed Countess of Sunderland (Waller's "Sacharissa"), an inmate of her parents' home during the Royal children's stay there, Elizabeth "left some other little things . . . which she gaue to her in Case she shold dye."² The Princess must also have entrusted to her temporary guardians the three treasured notes written to his "dear daughter" by her father in 1647 and 1648, which, after having been preserved in the family of the Earl of Leicester, were presented to Sir Hans Sloane in 1733 and are now in the British Museum.³

Elizabeth's death on 8th September, 1650, within a month of her leaving Penshurst, proved only too tragic a justification of her forethoughtfulness. During her last illness, in which, right up to the moment when she died, all witnesses are agreed that she was "of very good Memory and understanding," the question of her will again exercised the poor girl's mind. Happily, in the Duke of Gloucester's tutor, the Rev. Richard Lovell, who had accompanied the Prince and Princess from Penshurst, she had a reliable friend to whom she could confide her dying wishes. From the contents of a legal memorandum signed by Lovell on 5th October, 1650, and from his evidence on the subject delivered on 28th January, 1651/2, we know exactly what these were. Her concern for her penniless young brother is most touching.

The first document runs:⁴

"Mem.^{dum} That on or aboute the Sixt day of September Anno Donj 1650 The Princesse Elizabeth lyeing Sicke but being of perfect vnderstanding and memory did Declare in the presence & hearing of me Richard Lovell, concerneing certaine Jewells of hers wch then were in the Custodye of the Earle of Leycester, That her former will should stand, only she appoynted that the Neckelace of Perle (by her formerly willed to her Sister the

¹ Bodleian Library, Tanner MS. 55, f. 68v. See later for a full account of the document.

² De L'Isle and Dudley (Penshurst) MSS., General Series No. 1114. See later for a full account of the document.

³ MS. Donat. 3299, arts. 83, 84, and 85.

⁴ De L'Isle and Dudley (Penshurst) MSS., General Series No. 1114. By kind permission of the owner I have been allowed to have a photostat made of this document, which is printed by Collins (p. 132) without a reference to its source.

A SYDNEY LAWSUIT

Princesse of Orange) or the worth thereof shold be to her Brother the Duke of Gloucester, in Case he shold haue neede thereof, wch she left to the consideration & iudgment of the said Earle of Leycester into whose custodie & possession she had voluntarily deliuered the same.

And that the said Earle of Leycester shold haue & detaine the Jewell of Diamonds wch she had alsoe voluntarily deliuered vnto him.

Some other little things alsoe the Princesse said she had left with my lady of Sunderland, wch she gaue to her in Case she shold dye. In witnes whereof I haue herevnto set my hand the 5th day of October Anno Donj 1650.

Ric. Lovell."

The second document,¹ to which we shall return later, tells the same story, but in greater detail. Thus we learn that the conversation between Elizabeth and Lovell took place "upon Friday before shee dyed" "about the fore parte of the night;" that "the Lady desired to be alone, & thereupon the persons that were there went out," and that in asking them to withdraw "she spoke alowde so that any in the Chamber might heare her." Lovell kept his own counsel, but "immediately after the death of the Lady, w^{ch} was upon the Lords day next after this discourse, betwixt him & the Lady, hee immediately went to London, where havinge made his Dispatches hee went down to Penshurst, to the Earle of Leicester, & there acquainted the Earle of Leicester, with that the Lady had said to him, about the Jewell." There is an indirect allusion to this visit in Lord Leicester's *Journal*, for, after entering the exact time of the Princess's death therein, he added the words: "(as Mr Lovell who was present told me)."² It was probably by the Earl's direction that the memorandum of 5th October was drawn up.

Little could Elizabeth have imagined that her bequest was to prove a source both of annoyance and contention. Yet so it was. Not for long were the Leicesters—the Earl was to maintain that the jewel had been left jointly to himself and his wife—permitted to enjoy it with untroubled minds. On 4th July, 1649, the House of Commons had passed a so-called Act for the Sale of the Goods and Personal Estate of the late King, Queen and Prince,³ thereby setting in motion a process of cool appropriation which in due course (by means of another "Act") would include the widespread disposal of the Crown lands. On the plea of possible embezzlement, the

¹ University Library, Cambridge, MS., Mm.1.46 (Baker 35), pp. 186-7.

² R. W. Blencowe, *Sydney Papers* (1825), p. 103.

³ *Acts and Ordinances of the Interregnum 1642-1660*, collected and edited by C. H. Firth and R. S. Rait (1911), Vol. II, pp. 160-8.

A SYDNEY LAWSUIT

trustees appointed to administer the business were empowered to enter private houses and compile inventories, either personally or through their accredited agents. About January, 1650/1, these trustees, according to their own account, wrote to Lady Leicester who had had the chief responsibility for the Prince and Princess, demanding to know what Royal jewels were in her custody. After a delay of three weeks she replied, requesting, on the grounds of indisposition, a respite of another three weeks before she returned her answer. But the trustees heard nothing further from the Countess,¹ a spirited woman who, in defiance of orders to the contrary, had insisted upon treating her charges with the deference due to their rank.

On 17th July, 1651, however, an additional "Act," to be enforced by severe penalties for concealing Crown goods, was promulgated.² This "Act" contained at its close the following clause :

"And be it further Enacted, and it is hereby Enacted and Declared, That the Goods or personal Estate of or belonging to any Childe or Children of the late King and Queen be, and are hereby Declared and Adjudged, to be within the intent and meaning of this and the said recited Act, to all intents and purposes, as if the same had been particularly named therein."

Well may men have recalled the prophetic utterance of King Charles at his trial : "If Power without Law may makes Lawes . . . I do not know what subject he is in England, that can be sure of his life or anything that he calls his own."

In August, their hands strengthened by this new "Act," the trustees again wrote to Lady Leicester, this time sending "an Inventory of the Jewells, wth they supposed to bee in her custody, & in September followinge, they wrote to the Earle of Leicester who returned an answer by letter, dated 27 Septemb: 51."³

This answer, from which quotation has already been made, dispatched by the Earl from Penshurst, is sorry reading.⁴ When every allowance has been made for ill-health, domestic sorrows, and the natural dread lest the sequestration of his estate which had been a threat in 1643 might one day become a reality, it is impossible to peruse the document without coming to understand what Clarendon meant when he wrote of the "staggering and irresolution" of its author. In the first place, in view of the letters which it seems clear had been received by the Leicesters, but to which the Earl never refers, it was surely disingenuous

¹ University Library, Cambridge, MS. Mm.1.46 (Baker 35), p. 187.

² *Acts and Ordinances*, Vol. II, pp. 546-8.

³ University Library, Cambridge, MS. Mm.1.46 (Baker 35), p. 187.

⁴ Tanner MS. 55, ff. 68-69v. Printed, with modernized spelling, in Henry Cary's *Memorials of the Great Civil War, 1646-1652* (1842), Vol. II, pp. 382-8. The original is endorsed "E of Leicester to Council of State", but in reality it would appear to have been addressed to the trustees.

A SYDNEY LAWSUIT

of him, to say the least, to pose as virtuously prompted to disclose on his own initiative the fact of his possession of the diamond pansy and the pearl necklace (which latter he was still holding in trust for the Duke of Gloucester) on learning of the provisions of the new "Act." He was obviously acutely dismayed at the thought of the extremely unpleasant consequences to which failure to own up by 1st October would render him liable, and which his wife's contumacy would have done nothing to avert or mitigate. Moreover, while going so far towards condemning the "Act" of 1651 as flagrantly unjust as to state that he was "tempted to thinke that there might possibly be some Error in the Printer," the Earl adopts a grovelling attitude to the self-constituted masters of England which is positively distressing. His very defence of Elizabeth's right as a "young innocent lady" "who . . . was never convicted of any Delinquency, nor charged with any Cryme," to dispose of her belongings, especially such as could not conceivably be included in the terms of the "Act" of 1649,¹ involves him in tamely acquiescing in the branding of Charles I, Henrietta Maria, and Prince Charles as persons who had "most iustly forfeited" their property "by their seuerall Delinquencies." Even his expressed determination to plead his lawful claim to the jewels on behalf of the Duke of Gloucester and himself and his wife, is qualified by a lengthy apologia in which he protests that "my affections haue ever adhered constantly to y^e Parliament"—his presence in Oxford from 1643 to 1644 was an awkward memory—and which concludes with the pitiful plea that "no rigour be vsed towards me." It would, nevertheless, be unfair to suggest that his wish to retain the Princess's jewel may have been due not merely to his appreciation of the "honor of that Testimony of the lady Elizabeths Satisfaction with our care of her," but also to a realization of its possible usefulness in the event of a restoration of the monarchy.

Leicester asked for a month's reprieve until 1st November when he expected to be in London, and he added that he could produce the jewels if required "vnlesse they bee taken away by authority or vyolence." During October he must have set to work feverishly to prove his case "legally if I can": "All Sovereaigne States Monarchicall or other," he had reminded the trustees, "allow to Subiects & private persons the liberty to shew & defend by ordinary & legall waies their rights and claimes to priuate possessions & inheritances though in opposition to y^e tytles & interest of y^e State it Selfe." For by order of the Prerogative Court of Canterbury:²

¹ From Lord Leicester's statement it sounds as if the pearls had come to Elizabeth from the same source as the diamonds, but there is no explicit evidence for this.

² Probate Acts 1650-1651. Grey 210. Printed, with modernized spelling, in Mrs. Everett Green's *Lives of the Princesses of England*, Vol. VI (1855), pp. 388-9.

A SYDNEY LAWSUIT

“The two and twentieth day of November in the yeare of our Lord God one thousand six hundred and fiftie one a commission issued fourth to the right honourable Dame Dorothy Countess of Leicester to administer of a Jewell given and bequeathed in and by the last will and testament of the Lady Elizabeth daughter of the late Kinge deceased to whom was committed administration of the said Jewell being first by vertue of a commission legally sworne well and truly to administer the same.”

Preceding the letters of administration (obtained by the Countess and not by the Earl, be it noted) were Princess Elizabeth's “will and mind” formed into a nuncupative will as follows :

“Bee it remembered that the Lady Elizabeth deceased daughter of the late king having whilst she lived deposited with the Earl of Lester a Jewell of Diamonds did in the month of August in the yeare of our Lord God one thousand six hundred and fifty being then in her perfecte minde and memorye with a strong purpose to dispose of the said Jewell by her last will nuncupative declare her minde and meaning therein as followeth to witt the Jewell of diamonds which I formerly delivered to the Earle of Leicester I give and bequeathe to the Countesse of Leicester his wife and my minde and will is when I die shee shall receive and enjoy the same or the said Lady Elizabeth did declare her will and minde touching the said Jewell in words to the effect and purpose afore mentioned In the presence of credible witnesses. Leicester D. Sunderland.”

Since the legal age at which females could make wills was then twelve, and Elizabeth was fourteen, this was perfectly in order, though the absence of exact dates and names of witnesses would appear to be quite irregular. However this may be, the production of probate under seal did not end the matter in favour of the Leicesters : we hear nothing of the Duke of Gloucester's pearls. On 23rd December, 1651, as we know from the petition which the Countess almost immediately addressed to Parliament,¹ “the Trustees, . . . (without hearing the right & title of your Petitioner, debated before them, as was desired), have entred the same at 2000^{lb}: being at least twice the value thereof, & ordered the Earle of Leycester, your Petitioners Husband, to pay the same, within 7 dayes, wth forceth your Petitioner to make this Address to this Hon:^{ble} House.”

Earlier in her petition Lady Leicester had maintained the fiction of herself and the Earl “takeing notice of the late Addicōnall Act

¹ Portland MSS., N. XXII, 126. Partially printed in H.M.C. Report on *Portland MSS.*, Vol. I, pp. 626-6. A complete transcript will be found in Baker 36, p. 185.

A SYDNEY LAWSUIT

of Parl.^t . . . & being both of them very scrupulous & fearfull of any failinge on their parts," but the chief interest of the appeal, as far as Elizabeth's diamond jewel is concerned, is the fact that it contains the explicit statement that this "was given unto her by the late Prince of Orange, at the time of his Marriage with her sister," thus irrefutably establishing its identity with the *minuté* presented in 1641. In conclusion the Countess "humbly prayes that her just Interest & right in the sd: Jewell may be considered by your selves & allowed, or that she may be admitted to make further prooffe thereof, before such persons, as you shall be pleased to appoint."

Lady Leicester's petition was read in the House of Commons on 8th January, 1651/2, whereupon it was :

"Ordered by the Parl.^t that this Petition be referred to the Committee for removing obstructions in the Sale of the Lands of the late King, Queen, & Prince, & to examine the busines, & to state the matter of fact, & to report it to the House, for y^e further consideration, & that in the meane tyme, the Trustees for sale of the goods of the late King, Queene, & Prince doe forbear all proceedings concerning the Jewell, mencōñed in the sd: Petition."¹

Accordingly, on 28th January, 1651/2, a most interesting examination was conducted before the Committee for Removing Obstructions—the name has an ominously Nazi ring about it—which, however, has never, to my knowledge, been printed nor its contents so much as quoted.² The names of the four witnesses called were Margaret Kilvert and Richard Lovell for the Leicesters, and Thomas Becham and Anthony Mildmay for the trustees. Margaret Kilvert (of whom I have published an account)³ had been in the service of Princess Elizabeth from at least as early as 1638 (possibly since the child's birth) until her dismissal in June, 1649, and as the little girl's "dresser" and later "chamber" would have been intimately acquainted with her young mistress's valuables. It is to Mrs. Kilvert's evidence that we owe the exact description of the diamond given earlier in this article, though her memory failed her when she said that the present had been made by the Prince of Orange "eight or nine yeeres since," unless of course she was reckoning back from 1650. The Committee accepted the statement that the Princess had received the jewel as a gift, and

¹ Portland MSS., N. XXII, 125. Calendared, but not printed, in Report, Vol. I, p. 626. Transcript in Baker 35, p. 185. See also *Journals of the House of Commons*, Vol. VII, p. 65.

² Portland MSS., N. XXII, 127. Calendared, but not printed, in Report, Vol. I, p. 626. Transcript in Baker 35, pp. 186-7. By courtesy of the University Library, Cambridge, I have been allowed to have a photostat made of this document, and to quote from it.

³ *Notes and Queries*, 2nd September, 1950, pp. 375-7.

A SYDNEY LAWSUIT

further acknowledged that the Orange pansy diamond was the same as that claimed by Lady Leicester. The substance of Lovell's deposition has already been dealt with. It may, however, perhaps be added that when his interrogators asked him why he had not summoned witnesses to her will into Elizabeth's sick-room at Carisbrooke on 6th September, 1650, he replied: "that he did not conceive, it would ever have bin questioned, & as he conceived, shee desired not to be troubled." The statement made by Becham, who would appear to have been one of the official agents in the employ of the trustees, is the source for our knowledge of their correspondence with Lord and Lady Leicester between January and September, 1651: it is so circumstantial that it is difficult to doubt its accuracy. Anthony Mildmay, brother of the turn-coat Sir Henry Mildmay, had been placed in charge of the Royal children at Carisbrooke in August, 1650, and he remained the Duke of Gloucester's gaoler until the boy was shipped abroad in February, 1653. He was himself a trustee. His evidence merely amounted to a protest that he had known nothing of Elizabeth's disposal of her jewels, but he confirmed that she had retained her faculties to the end.

The next document bearing on the case which we possess is a petition from Lord Leicester addressed to Cromwell ("his Excellency the Generall") on 2nd May, 1653. Its composition evidently cost the Earl some trouble, for the copy at Penshurst¹ bears the words "2d draught." From this we learn that, in spite of the order of 8th January, 1651/2, that a report of the examination should be presented to the House of Commons, a command which was intended to be observed by the Committee of Obstructions, "as by the Order & Certificate hereunto annexed doth appeare," no report had actually been made to Parliament, which accordingly had never pronounced judgment in the dispute. On 20th April, 1653, Cromwell dissolved Parliament, and the trustees growing restive and not surprisingly ignoring the injunctions of this defunct body to "forbeare all Proceedings concerning the Jewell," had now written again to Leicester "demanding the said Jewell & threatening in case it be not delivered vnto them this day to pceed agst yo:^r Petitioner according to the rules pscribed by the Acts for Sale of y^e goods belonging to the late King Queene & Prince." In his conclusion Leicester entreats Cromwell (now the supreme authority in the land) to consider the report or to appoint others to hear and determine it, and in the meantime to protect him from violence on the part of the trustees. To such a pass had "Power without Law" brought England only four years after the execution of King Charles.

¹ By kind permission of Lord De L'Isle and Dudley I have been allowed to have a photostat made of this document, which is not printed by Collins, and to quote from it.

A SYDNEY LAWSUIT

The later stages of the case are not altogether easy to follow. Collins prints a long document *ex Autog. apud Penshurst*:¹ "The following Case was delivered to *Oliver Cromwell*, Protector, which shews the Proceedings thereon. *Concerneing the Jewells deposited by the late Princesse Elizabeth, one of the late Kings Children, with the Earle of Leycester, and her Disposeall thereof.*" From this chronological summary we learn that the letters of administration and annexed nuncupative will were then "with other Papers, in Mr *Scobells* Custody, Clarke to the late Parliament."² The final dates in the case are wrongly given (probably Collins miscopied them) as 2nd May, 1652, for the trustees' renewed demand for the jewel, and 3rd May, 1652, for the Earl's reply: "to this he caused Returne to be made, and the said Order of Parliament to be deliuered vnto them." Moreover, it was not until further obduracy had been displayed by the trustees that, according to this digest, "the Earle addressed himselfe to the General, in whose Care it now rests to doe his Lordship Justice in the said Jewell." The document concludes with numbered "Observations upon the Earle and Countesses Tytle to the said Jewell" and "Observations upon the Case, as to the said 2 Acts of Parliament."

There the matter appears to have rested until 1659. Collins prints a "Certificate under the Earl of *Leicester's* Hand dated 15 May 1660" (this is also described as *ex Autog. apud Penshurst*),³ which carries the story a little further:

"The chief and most necessary Papers, concerning the Diamond Jewell, and the Necklace of Perle, which the Princesse left with me, & disposed of by her Will, are in the Hands of the Officers of the *Exchequer*, hauing bin brought thether, and remained there euer since the Information putt into that Court against me and my Wife, in the name of the Attorney Generall, for the Lord Protector, because no Iudgment was giuen in the Cause by the Court, as [*sic*] the Hearing thereof in *Easter Terme*, as I remember, 1659;⁴ or, if they were taken from the Officers, they are with *Mr. Robert Raworth* a Counsellor of *Grayes Inne. Leycester.*"

Collins asserts that the Earl was obliged to deliver the jewels in 1659, a statement in which he is followed by Mrs. Henry Ady in her

¹ *Sydney Papers*, Vol. I, pp. 133-5. The document does not appear to be among the De L'Isle and Dudley papers at the present time. I am greatly indebted to Mr. R. L. Atkinson, of the Public Record Office, where the manuscripts are deposited, for his assistance in searching for this and the document mentioned in note 3 below.

² Henry Scobell (died 1660).

³ *Sydney Papers*, Vol. I, p. 132. This certificate cannot be traced.

⁴ I have searched the Plea Roll for Easter Term 1659 (Public Record Office, E 13/635) in vain for any record of the case.

A SYDNEY LAWSUIT

Sacharissa.¹ Mrs. Ady further says that shortly before her death Lady Leicester bequeathed "Princess Elizabeth's diamond necklace [*sic*]" "as her most precious possession" to her youngest son, Henry Sydney (1641-1704), afterwards Earl of Romney.² The first of these statements, however, would appear to be disproved and the second is definitely contradicted by Lord Leicester's draft will dated 5th August, 1659,³ fifteen days before Lady Leicester's death :

"I give to my sonne Henry Sidney the dyamond jewell which the Lady Elizabeth daughter of the late Kinge Charles gave by will to my selfe and my wife as a testimony of her being well satisfied with the respect and entertaynement which shee had at my house whilst she lyved there by order and direcõn of the then parlyment."

From the fact that Lord Leicester says nothing about the jewel having been confiscated, it is to be presumed that it had never left his hands. Moreover, it was he, and not his wife, who actually made the bequest to their youngest son: it is not mentioned in any one of the three sources for our knowledge of Lady Leicester's last wishes.⁴ Nevertheless, as will shortly be seen, the diamond was clearly so devised at her request.

The bequest of the pansy jewel to Henry Sydney was repeated in Lord Leicester's will of 28th September, 1665, which was proved after his death on 2nd November, 1677.⁵

"I give to my son Henry my diamond Jewell which the Princess Elizabeth daughter of the said late King by her will gave to myself and my wife as a Testimony of her being well satisfied with the entertainment and service which she received in my house whilst shee lived therein by order and direction of the then Parliament."

That Henry Sydney actually received the diamond under the terms of

¹ 3rd ed. (1901), pp. 119 and 156.

² *Ibid.*

³ British Museum, Add. MS. 32, 683, ff. 55-70. This is one of the items in the collection of Henry Sydney's papers formerly in the possession of his collateral descendants, the Earls of Chichester.

⁴ In the same collection there is an undated draft will of Lady Leicester with a codicil dated 10th July, 1659 (Add. MS. 32, 680, ff. 1, 3). In the will she refers to a "writing under my owne hand and seale bearing date the 10 day of june 1659" in which she had dealt with her "lands and other estaite." It was doubtless from this document that Collins derived the detailed list of legacies left to Henry Sydney by his mother which he printed (Vol. I, p. 162). The will itself has never been printed, but the codicil (described as an "extract from her will") is printed by Blencowe in his *Diary of the Times of Charles II by the Honourable Henry Sidney* (1843), Vol. I, Introduction, pp. xiv-xv (note). An account of Lady Leicester's death is printed by Blencowe in his *Sydney Papers*, note E, pp. 271-5.

⁵ P.C.C., Hale 138.

A SYDNEY LAWSUIT

his father's will is certain, for his own draft will dated 16th May, 1678,¹ contains the following clause :

“ I give and bequeath unto E my great Jewell of four Diamonds which was left me by my late dear mother the Countesse of Leycester deceased and was given to her by the illustrious Princess the lady Elizabeth deceased one of the daughters of King Charles the first.”

Lord Leicester was thus fulfilling the wishes of his wife, whose favourite child Henry was. Moreover, there was an appropriateness in the legacy, since Henry Sydney, together with some of his sisters and their young Spencer nephew and nieces, had been the companions of the Royal children at Penshurst. .

So far I have failed to trace the history of the diamond pansy beyond the year 1678. It does not figure in Lord Romney's last will, and the presumption therefore is that he disposed of it during his lifetime, perhaps giving it to the tantalizingly elusive “ E ” mentioned in the early rough draft, where letters of the alphabet are largely employed in lieu of names. Neither Lord De L'Isle nor Earl Spencer knows to whom it passed or anything of its present whereabouts : and I am informed by Sir Owen Morshead that it is not among the Royal jewels at Windsor—it had occurred to me that at some point Sydney might have decided to present it to Charles II. It is possible that the relation or friend who received it from Sydney, or his or her heirs, may have sold the jewel, if indeed Sydney did not do so himself, in which case it might have been broken up. It would be sad indeed if such a fate had befallen so precious an heirloom, and we may still hope that it has not totally vanished : happily, its distinctive character should make it easy of identification if it is yet in existence.²

¹ British Museum, Add. MS. 32, 683, ff. 105-10.

² I am much indebted to Miss Yseulte Parnell for invaluable help in copying extracts for me from the various Sydney wills in Somerset House and the British Museum.