

(Adultery)

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**CASE OF DIVORCE**

**OF**

***ANDREW URE, M. D. v. CATHARINE URE.***

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V45  
1821

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## PREFACE.

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**CONSIDERING** it wholly unsuited to my character and station to maintain, on any terms, a controversy with Mr. Pattison, I at once resolved, on the appearance of his publication against me, as a summary mode of ending it, to procure, though I was in possession of all the material facts, in order to remove every pretext for cavil or dispute, an official transcript of the documents in the affair of Mrs. Ure. The entire proceedings of the Court, duly authenticated, which convicted that unhappy lady of an adulterous intercourse with Granville Sharpe Pattison, being received, I have caused the same to be faithfully printed for distribution. But previously to taking this step, the papers were submitted to three of our eminent lawyers, who, after a careful examination, have pronounced the chain of evidence to be without a flaw, and it is deemed, by them, in every respect, sound, complete, and satisfactory. The question, therefore, may now be decided, whether I am, as I have been represented, the wanton calumniator of the reputation of an innocent and honourable man, or whether he is not, as I have alleged, the most atrocious malefactor in his particular line, who, driven from his native land, has ever sought refuge among us.

It will be perceived, that the charge which I preferred against him is fully sustained by the solemn adjudication of a tribunal regularly constituted—impeached neither in puri-

ty nor ability—acting under the usual responsibility in a case of extreme delicacy—in a country too, emphatically of laws,—where guilt must be proved by legal evidence, and which in this instance particularly, seems to have been very severely scrutinized, and most scrupulously admitted.

Of the many falsehoods in which Mr. Pattison has indulged, none, perhaps, have been more fully detected than those now to be exposed. It is within the recollection of hundreds, that he constantly represented the tribunal that entertained the present case, as clerical in its nature, and entirely informal in its proceedings. Being regulated by no legal or established maxims, its decisions, he has studiously endeavoured to show, are not at all to be respected, and with equal confidence averring, that in Scotland, the same facility exists in the dissolution as the contraction of marriage. Let us now see what are the facts as stated in a late work, of the highest authority, in the history which is given of this Court, and of the policy regarding divorces.

“When the judicial power which came to be vested in the Roman Catholic clergy was, in common with the other privileges which they held under authority of the Pope, abolished at the time of the Reformation, there would have been either a general failure of justice, or an assumption of jurisdiction by some other tribunal, in those causes and matters of which the bishops and their officials had gradually acquired an exclusive cognizance, if an immediate provision had not been made for the dispatch of such cases. This was accordingly done in Scotland under royal authority; first, by the new nomination of Commissaries, one for each diocese; and again, soon after, by the establishment of a Commissary (or Consistorial) Court at Edinburgh, consisting of four judges, with more ample powers, which were defined by subsequent instructions or ordinances, and ratified by various acts of the legislature. To this court in particular was committed, in 1666, the power of deciding in all suits for declaring nullity of marriage, and in all actions of divorcement, to the exclusion not only of other civil courts in the first instance, but also of the inferior or provincial

commissaries by whom that jurisdiction had been possessed during the papal government. And further, by their original constitution, in 1563, the commissaries of Edinburgh were authorized to review the sentences of all other commissaries within Scotland. These powers they have possessed ever since. Again, when the right, or practice rather, of taking appeals to the Bishop of Rome was prohibited at the Reformation, all parties engaged in such appeals were, by act of parliament, in 1560, authorised to sue or defend the same before the Court of Session, or other temporal judges of the realm: and by a later statute, in the reign of James VI. (1609. chap. 6.) it was provided that the Court of Session should have power to judge of all decrees and sentences of the Commissaries of Edinburgh, 'alleged to have been wrongously pronounced by them;' and his majesty grants them a supreme commission for this purpose, authorizing them to advocate causes to themselves, (assume jurisdiction,) from any of the Commissaries, on lawful complaint made to them, but not otherwise. On this footing the jurisdiction still continues."

"*Divorce is not a favourite of the Scotch policy*; nor is the English altogether abhorrent from it. It is no doctrine of the Scotch code that marriage is a temporary compact, or that it depends for its duration in any respect on the contractors; that it is a yoke which can be taken off at the pleasure of either party, or of both. That code acknowledges to the fullest extent the peculiar nature of this sacred and primæval engagement;

'Sole property

In Paradise, of all things common else;'

it recognizes the union as irrevocable, as a contract between the two spouses for life, constituting between them a relation absolute and exclusive. But the most important obligations and conditions of the conjugal state may be infringed by one of the parties; and the law, considering human infirmity, as well as the danger of contamination, has, in certain grievous cases of this description, interfered of its own authority, not indeed by at once annulling the marriage,

but by allowing the other party, if innocent and desirous of using the privilege, to sue for an entire separation from the offender, and a dissolution of the state by which they were connected. Such is the Scotch law.”\*

In opposition to a decision in every respect so authoritative, it is replied, and on this much reliance is placed in his defence, that Mr. Pattison was not a party in the suit of Dr. Ure against his wife, and therefore was precluded from the introduction of evidence, which, had it been received, could not have failed to have secured his acquittal.†

Technically considered, Mr. Pattison was no party in the case. But he stood precisely on the same footing, as the paramour in all prosecutions of this nature, and to resort to such a subterfuge, shews how penurious are the materials of his vindication, and the desperate character of his cause. To commit the crime of which he is accused, requires two individuals, and the conviction of one concerned in the act, is equally a condemnation of both.

No one denies that Mrs. Ure was regularly a *party in court*, on trial for a criminal intercourse with Mr. Pattison, and can it be suspected, that she could be indifferent to so serious a proceeding? Lost to every sense of shame, the ordinary motives of interest and policy must have conspired to induce her to resist a conviction, and the consequent decree of separation, by which she was to be deprived of her share of the worldly goods, and endowments, of her husband.

We look in vain for proof of collusion between the hus-

\* Review of Ferguson, on the Consistorial Court of Scotland, p. 282, and p. 271. London Quarterly Review, No. XLIX.

† There is here an inconsistency which cannot escape notice. The decision of the Scotch court, it is said, has no validity against him, since it was made on an *ex parte* statement. But in nearly the same breath, it is declared that the opinion of the Baltimore gentlemen, who “looked over my papers,” is conclusive of my innocence.\*

\* Vide Mr. Pattison’s pamphlet, p. 38.

band and wife, and none indeed, on the trial was insinuated. Why then was not Mrs. Ure supplied by Mr. Pattison, and particularly, since, as it appears, she lived from the time the divorce was instituted, under his protection and entire control, with all his weighty documents and cogent reasoning, which it is alleged must inevitably have produced an opposite result, or in other words, a triumphant assertion of his innocence? Confessedly they were alike implicated in the matter, and the fate of the one was decisive of that of the other. But, this course being objectionable, on any account, why not sue Dr. Ure for defamation, an action readily to be sustained, and in which, the case would have been reviewed by another court, and all the facts fairly brought forward and discussed? Conscious of innocence, and willing to bring the matter to a legal investigation, by which only, he could be honourably acquitted, we might suppose, he would at once have commenced a prosecution against those by whom the charges have been so unreservedly repeated in this country, and more especially, as he has been challenged by a public advertisement in the papers to do so? But instead of adopting this decisive measure, he recurs to the loose statements of his friends, and seems content to seek refuge exclusively, in compurgatory expedients.

We would further ask the reason of his withholding the testimony, which so entirely exculpates him? To this call, so generally made, he answers, that from the "*peculiar character* of my documents," \* they cannot be published. But did this *peculiar* character prevent his printing them in Scotland, disseminating the pamphlet till suppressed by order of Court, and even reading it to his class? thus confessing what is too obscene for the public, is quite fit to be addressed to an assemblage of youth, whose morals were committed to his care!

The true reason for hitherto withholding the publication in this country, I am now to assign. The pamphlet containing his defence is made up principally of allegations that were

\* Vide Mr. Pattison's pamphlet.

preferred against Mrs. Ure and himself, with a commentary on the evidence, forming a laboured answer to the prosecution, so that had it come out, we should have been possessed of so much of the facts of the case, as to allow of a just decision, which of all things, he most fearfully deprecated and avoided.

An opinion however may be formed of this notable production from the following incident. As soon as a knowledge of the publication of it came to the municipal court of Glasgow, an *Interdict*, to use the Scotch term, a legal process, analogous to an injunction from a court of Chancery, is issued, forbidding the sale of it, on the ground of its containing a tissue of falsehoods, and *particularly* on account of the letter purporting to be from Dr. Ure to his wife.\*

That this pamphlet was suppressed by a legal decree, is not denied. When asked at an interview with Dr. Physick, Dr. Dewees, and myself, for copies of it, he tells us that through the influence of Dr. Ure and his friends, the work had been seized by an order of court. This is fully confirmed in the letter from his friend Mr. Walker, who says: "Being prevented by some LEGAL RESTRAINT on the part of his adversaries from publishing it, I attended and heard it read, *as far as was permitted.*"†

The effect indeed, of this event, was most fatal. Even his best friends abandon him,—recall the testimonials they had previously granted, and with the denunciations of an incensed community, he precipitately retreats from Glasgow.

To the gentlemen of Baltimore, who rather incautiously,

\* I assert this on the authority of a Scotch gentleman, who communicated it to General Cadwalader and myself. The fact however is now so generally known as not to be questioned.

† This alludes to an interruption which he experienced from the audience. It has been stated here by several gentlemen, and by one particularly, who on the occasion, was seated only a few feet from Mr. Pattison, that after a short time a scene of great confusion took place, which ended in the dispersal of the company, before one third of the defence was read.

on a statement entirely *EX PARTE*, vindicated, by a certificate, the innocence of Mr. Pattison, I now address myself, and call on them by all those high obligations, of which I will not permit myself to doubt they entertain a proper sense, to review the case—to mark the perfidy practiced on them in the suppression of every tittle of criminatory evidence, and to counteract, by some efficient measure, the great and flagrant injustice which has been done, by the weight of their authority.

Circumstanced as I am, it may be conceived, how painfully I must have engaged in a controversy of this nature, so inconsistent with my principles, and the tenor of my conduct. The views of Mr. Pattison have already, in part, been attained by it. He has made himself known—an aim from which he never for a moment deviated,—though I am persuaded he will, henceforward, have to boast only of an infamous notoriety.

That I have not been actuated by any vindictive motives, in this case, my heart assures me. The controversy was of his own seeking, and most reluctantly did I approach this huge mass of moral putrefaction—being fully aware, that it was not to be stirred without contamination. Could I have discerned, even with the strong provocations I had received, a spirit of contrition, or of ordinary decency and moderation, in the habits and deportment of that individual, I think I should have remained silent. But in place of this, finding that his insolence increased in proportion to my forbearance, and that an immunity from punishment seemed to promise only a repetition of crime, I felt it incumbent on me to act as I have done.

Every system of ethics, as well as our own religion, imposes the duty alike of protecting virtue and repressing vice. An example, such as that of Mr. Pattison, is most pernicious in all its bearings. Exiled, according to the best testimony, by the frowns of the offended community in which he lived, is it fit that he should be here cordially received—polluting by his presence the purest society, and permitted

in full confidence, to practice among us a profession, which, of all others, exacts the greatest delicacy of feeling, and the highest sense of honour? These things are surely wrong, and cannot be endured.

To the American public, whose judgment is as correct, when duly enlightened, as its sentence is heavily penal, the whole matter is now laid open—with a pledge on my part that the hateful subject, as regards myself, is for ever dismissed.

N. CHAPMAN.

*Philadelphia, September 1, 1821.*

The succeeding pages have been carefully examined and collated by me, with the Transcript of the Record, duly authenticated, with the seal of office, and signature of the clerk of the Consistorial Court at Edinburgh.

WILLIAM FRY,

*Printer.*

*Philadelphia, Sept. 1, 1821.*

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clerk of the Consistorial Court at Edinburgh.

WILLIAM FRY,

Printer.

Edinburgh, Sept. 1, 1831.

THE WHOLE

OF THE

PROCEEDINGS,

*Duly authenticated,*

IN THE

CASE OF DIVORCE

OF

*ANDREW URE, M. D. v. CATHARINE URE,*

FOR ADULTERY WITH

GRANVILLE SHARPE PATTISON.

*TRIED IN THE CONSISTORY COURT*

AT

EDINBURGH,

*On the 30th of January, 1819.*



## EXTRACT.

# DECREET OF DIVORCE.

*Doctor Andrew Ure against Catharine Monteath.*

1819.

AT EDINBURGH, the fifth day of February, and twenty-sixth day of March, one thousand eight hundred and nineteen years, anent the action and cause for divorce raised, intended, and pursued before the Commissaries of Edinburgh, at the instance of Doctor Andrew Ure, physician in Glasgow, with concurrence of Mr. Patrick Wishart, Writer to the Signet, Procurator Fiscal of Court, for his interest, against Catharine Monteath, daughter of the late Gavin Monteath, sometime merchant in Greenock, and afterwards in the West Indies, and wife of the said Doctor Andrew Ure. By virtue of the said Commissaries there libelled, summons raised thereanent which maketh mention, that whereupon the twenty-eighth day of December, eighteen hundred seven, the private pursuer was regularly married at Woodfoot, parish of Houston, by the Reverend John Monteath, Minister of Houston, to Catharine Monteath, daughter of the late Gavin Monteath, sometime merchant in Greenock, and afterwards in the West Indies; and in consequence of their marriage they cohabited together as husband and wife, and acknowledged each other as such, and were holden and reputed married persons by all their friends, neighbours and acquaintances, and although by the laws of God, as well as by the mutual vows and faith, plighted to each other upon their entering into the aforesaid marriage, the pursuer, and the said Catharine Mon-

teath, were reciprocally bound to a strict adherence to each other, and to that constancy and chastity which ought to be inseparable from the married state,—yet true it was, and of verity, that the said Catharine Monteath, casting off the fear of God, and disregarding her matrimonial vows and engagements, whereby she stood bound and obliged to preserve the marriage bed, had, during the latter part of the year eighteen hundred and seventeen, and since the month of January last, eighteen hundred and eighteen, given herself up at many different times and places to adulterous practices, fellowship, and correspondence, with lewd and wicked men, one or more known not to be the pursuer, and to the having carnal adulterous intercourse, and dealing with the said lewd and wicked men, one or more of them, in several different houses and places in the cities of Glasgow and Edinburgh, and at Fairlie, near Largs and Falkirk, and suburbs of these different places, and in other places yet to the private pursuer unknown. And more particularly, the said Catharine Monteath, after living happily as the wife of the pursuer, after their marriage did form, during the years eighteen hundred and seventeen, and eighteen hundred and eighteen, a most unlawful and unvirtuous intimacy and connexion with a man or men, known not to be the private pursuer, and whom he expected to be able to condescend upon in the course of the procedure or action to follow hereon, in consequence whereof, she became pregnant, and after confessing her guilt, and stating that the child was in consequence of an adulterous intercourse, she was dismissed from the society of the pursuer and family, and had since been secretly supported and maintained under false names and in obscure lodgings, in an adulterous manner at Falkirk and Edinburgh by said man or men not the pursuer, or others by his or their direction and authority, at his or their expense, since the beginning of August last, when she was so dismissed; at least during the year eighteen hundred and fourteen, and particularly in the months of January, February, March, April, May, June, July, August, September, October, and the month of November, eighteen

hundred and eighteen, the said Catharine Monteath had carnal and adulterous intercourse and connexion with a man or men known not to be the pursuer, and had been living under his or their protection, and at his or their expense, since August last, at the places foresaid, and which she had acknowledged in different ways and upon sundry occasions. From all which it was evident, that the said Catharine Monteath had been guilty of the crime of adultery, and therefore concluding that the said Dr. Andrew Ure, pursuer, ought, and should to have the said Commissaries, their sentence and decree, finding and decerning, that the said Catharine Monteath had been guilty of adultery, and divorcing and separating her from the pursuer, his society, fellowship and company, and finding, declaring and decerning, the said Catharine Monteath to have forfeited all the rights and privileges of a lawful wife, and finding, declaring and decerning, that the said pursuer is entitled to marry any free woman, as if he had never been married to her, or as if she the defender was naturally dead. Herefore, &c. and anent the charge and citation lawfully given to the said Catharine Monteath, defender, by John Ferrier, Macer of Court, who, upon the second day of December, one thousand eight hundred and eighteen years, by virtue of the foresaid libelled summons passed, and in his majesty's name and authority lawfully summoned, warned and charged, the said Catharine Monteath, defender, to have appeared before the said Commissaries at Edinburgh, upon the eighteenth and twenty-fifth days of December, then current for first and second diets, in the hour of cause to have answered at the instance of the said pursuer, Dr. Andrew Ure, in the matter libelled, and the said Macer made certification as effered. *This he did, by delivering to the said Catharine Monteath, defender, personally apprehended a full double of the said summons, to the will with a citation thereto subjoined to the effect foresaid, which citation was subscribed by the said Macer, and did bear the date of his execution, date of said summons, with the names and designations of the witnesses present at the premises.* As the said libelled sum-

mons, dated the second day of December, one thousand eight hundred and eighteen years, and execution thereof, of the date foresaid in themselves more fully bear, which action being called in presence of the said Commissaries, the said Dr. Andrew Ure, pursuer, compeared, by Richard Prentice, Solicitor at Law in Edinburgh, his procurator, who for him produced the foresaid libelled summons, and execution thereof, and the said Catharine Monteath failing to appear, but afterwards appearing, as after mentioned. The before written libelled summons, execution thereof, condescendence for the pursuer, pursuer's oath of calumny, minute for him, writings produced, oaths and depositions of the witnesses, petitions for the defender, answers for the pursuer, surgeon's certificate, and affidavit of the defender after engrossed, and whole process having been at length heard, read, seen and considered, by the said Commissaries, and they being therewith and with the hail steps of procedure had in the cause, well and ripely advised, *they, by their decreet found, and hereby find, facts, circumstances, and qualifications, proved relevant to infer the defender's guilt of adultery with Granville Sharpe Pattison, mentioned in the proof found, and hereby find, the said Catharine Monteath, defender, guilty of adultery with the said Granville Sharpe Pattison;* accordingly, therefore, divorced and separated, and hereby divorce and separate, the said Catharine Monteath, defender, from the said Doctor Andrew Ure, pursuer, his society, fellowship, and company, found and declared, and hereby find and declare the said Catharine Monteath, to have forfeited all the rights and privileges of a lawful wife, found and declared, and hereby find and declare, that the said Doctor Andrew Ure, pursuer, is entitled to marry any free woman as if he had never been married to the said Catharine Monteath, defender, or as if she was naturally dead, and decerned and hereby decern. Because at first calling of the said action, which was in presence of the said Commissaries, upon the first day of January, one thousand eight hundred and nineteen years, the said Doctor Andrew Ure, compearing as aforesaid, by the said Richard Prentice, his procurator, who

for him, produced the foresaid libelled summons and execution, thereof, and the said Catharine Monteath, defender, though oft times called, failing to appear, the Commissaries made avizandum, and having considered the libel and execution, they, by their Interlocutor, dated the eighth day of January, one thousand eight hundred and nineteen, before further proceedure, appointed the pursuer to lodge a special condescendence, and therein to state the name of the person with whom it was alleged the defender had been guilty of adultery, in terms of the regulations of Court, as the said Interlocutor reported in Court on the date thereof bears, and at a calling of the cause, the same day, the said Richard Prentice gave in the following condescendence for the pursuer, bearing: That since this action was raised and called in Court, the pursuer had been confirmed in his suspicions as to the person guilty with his wife, and now knew and verily believed, the adulterer to be Granville Sharpe Pattison, Surgeon in Glasgow. The pursuer also, in addition to the very special statement in his libel, now farther condescended, and said, that his wife, the defender, had adulterous intercourse and connexion with the said Granville Sharpe Pattison, or other man or men, known not to be the pursuer, in the pursuer's house at Glasgow, and other places there, during the months of January, February, March and April, eighteen hundred and eighteen—at the pursuer's sea bathing quarters at Fairlie, near Largs, in June or July same year—at Falkirk, in the house of William Mitchell, weaver, there during the months of August, September, and October, same year, and during the period thereafter, and until the raising of the present divorce, in the house of Douglas, tailor, in Carnegie Street, Edinburgh, and other places there.

Of these facts, and of all others, tending to support the same and guilt of the defender, and the regular marriage of the parties, the pursuer craved a proof, in respect whereof, and as the said condescendence, signed by the said Richard Prentice bears, to which the following list of witnesses were subjoined. List of Witnesses' names: Jean Lindsay,

wife of ——— Dykes, blockcutter, Bonhill, near Dum-  
 barton; Agnes or Nanny Sydeserf, residing in Glasgow;  
 Mrs. ——— Park, keeper of lodgings there; James Mon-  
 teath, writer there; George Monteath, surgeon there; Mary  
 M'Donald, residing there; Catharine —, late servant of  
 the pursuer, now residing at Anderston, near Glasgow;  
 Agnes Blair, wife of William Mitchell, weaver, in Falkirk;  
 Ann Simpson, residing in Falkirk, servant, or lately servant  
 of the said William Mitchell; Christian Sterling, wife of  
 James Baird, residing in Falkirk; ——— Douglas, tailor,  
 Carnegia Street, Edinburgh; ——— wife of  
 the said ——— Douglas; ——— servant or  
 inmate of the said ——— Douglas; ———  
 keeper of lodgings, Arthur Street, Edinburgh; ———  
 ——— servant or lately servant in said lodgings; James  
 Gemmell, writer in Edinburgh; Dr. John Thatcher, there;  
 James Burn, writer to the signet, Edinburgh; Andrew  
 Burn, Windmill Street, there; Miss Margaret Pattison,  
 daughter of the late John Pattison, cotton spinner, Glasgow;  
 with which the said Commissaries made avizandum, and  
 having considered the condescence for the pursuer,  
 they, by their Interlocutor, dated the said eighth day of  
 January, appointed the pursuer to appear in Court and  
 depone *de calumnia*, as the said Interlocutor bears. Accord-  
 ingly compeared the pursuer, Doctor Andrew Ure, who  
 being solemnly sworn, kneeling with his right hand on the  
 holy Evangel and examined *de calumnia*, depones, that he  
 has just cause to insist on the present action of divorce  
 against the defender, Catharine Monteath, his wife, because  
 he believes she has been guilty of Adultery, and that the  
 facts stated in his libel and condescence, which have  
 been read over to him are true,—*depones, that there has been*  
*no concert or collusion between him and the said defender in*  
*raising this action in order to obtain a divorce against her;*  
*nor does he know, believe, or suspect, that there has been any*  
*concert or agreement between any other person on his behalf*  
*and the said defender, or any other person, on her behalf,*  
*with a view, or for the purpose of obtaining such divorce, all*

*which, is truth, as the deponent shall answer to GOD,—as the said oath of calumny, dated said eighth day of January, signed by the pursuer, and by one of the said Commissaries bears—with which the Commissaries made avizandum, and having considered the pursuer's oath of calumny, and resumed consideration of the libel and condescendence, they, by their Interlocutor, dated the 15th day of the said month of January, allowed the pursuer a proof thereof, and granted diligence, the proof to be led and concluded within two months from that date, as the said Interlocutor reported in Court, on the date thereof bears. On the nineteenth day of the said month of January, the said Richard Prentice gave in the following minute for the pursuer, bearing.*

Prentice, for the pursuer, stated, that since lodging the condescendence, he had received from the pursuer, copy of a letter written by the defender, from Falkirk, upon the fourteenth of August, eighteen hundred and eighteen, to the adulterer, then at Paris, a copy of which the pursuer had received in the following manner.

After the defender had left the pursuer's house, she went to Falkirk, and being in an unhappy state, she made a full declaration of her guilt by said letter, to the adulterer, and calling on him to support her, and she sent the pursuer a copy of said letter, being that now produced, which it would be proved, was of the defender's hand-writing, as the said minute signed by the said Richard Prentice bears.

Follows the copy of the letter referred to in said minute.

Falkirk, 14th August, 1818. With a mind overwhelmed with grief, and a breaking heart, I again sit down to address you. It is to me a task of the most painful kind, but my forlorn and destitute situation, calls loudly for you to come and give me relief. *Oh! Granville, will nothing awaken your feelings or compassion towards me. Must I die here in misery and want, without one consoling word from you, the author of all my misfortunes. These dreadful misfortunes, I say, have been the cause of much sorrow to me; yes, it has separated me from one of the best and most indulgent husbands, and from my dear, dear children. What*

do you think my sufferings must have been upon such an awful occasion? Oh God! when I yet recall that sad, sad scene, to memory, my heart fainteth within me. Great is my distress indeed, and not one friend to heave a sigh for me. My health is fast declining. It is almost impossible I can long survive in this state. Though sinful I know is the thought, but often, when I am laid upon my bed at night, I wish I may not see the light of another morning. Would to God, I were prepared for such an important change. It would be relieving a poor sufferer from many cares and sorrows, that she is at present ill able to bear. I am living here in obscure lodgings, and in perfect retirement, hiding myself from my friends—concealing the situation I am in. I have no claim upon my husband—that is now over, and what am I to do? Am I to be allowed to starve here to death, and not a creature to look to me? And allow me to ask you, what is to become of the innocent offspring that may be looked for in a short time? *I am now five months and a half gone with child to you.*—I therefore request, that you will instantly write to me, and say what provision you are to make for the child and me. By return of post I will expect to hear from you. I must have relief in some way or other, and if you neglect this, I will instantly write to your sister, and lay the whole before her, and at the same time inform her, of your sending to me *a writer to the signet while I was at Fairlie. This I thought, a very cruel thing. I did not suppose you could have been capable of it. How do you think I could feel upon seeing such a person? I think you might have had more delicacy in giving up my name to such a fellow.* He is truly a writer. I wrote him three letters without receiving any satisfaction. The third I sent by a confidential friend, without giving up your name, nor have I yet done so. My situation is by no means an ordinary one. Your agent said, he had never seen a person that interested him more than I did, and that surely, when you saw me, you would feel very different. You need not suppose you can escape from this; your frequent visits were taken notice of by the servants at my house. The child

you must take, *as you well know that you are the undoubted father of it.* I think it would be very proper for you to come home soon, and make such arrangements as will be found necessary for me. You have brought me into this awful state, and it is to you alone, that I can look to for support, and to relieve me as far as you can in a time of such distress. You may write to me with perfect safety here. I am an entire stranger, not a soul knows me, and not a friend near me. I take the name of Mrs. Campbell : address to me by that name, at William Mitchell's, Vicar Lane, Falkirk.

N. B. I will wait with patience for a fortnight, in that time a letter can arrive. I therefore again entreat you, to write me, and relieve the mind of her who is the most wretched of all human beings.

And the said Richard Prentice having procured the said Commissaries their precept and diligence for summoning witnesses, for proving the pursuer's libel and condescendence, caused, summon and did lead and adduce, several witnesses, who being received, solemnly sworn, and examined, as after mentioned, did severally depone as follows, viz.

Agnes Sydeserf, servant to the pursuer, aged forty-three years, and not married, who being solemnly sworn, kneeling with the right hand on the Holy Evangel, and purged of malice, partial counsel, and good deed and reward, and interrogated depones :

That the deponent was servant in the family of Dr. and Mrs. Ure, the parties in this cause, at their house in the city of Glasgow, from Martinmas eighteen hundred and seventeen, to the term of Whitsunday last,—depones, that Dr. and Mrs. Ure were known to be married persons, and lived together as husband and wife, and had three children then alive in family with them, and acknowledged as their lawful offspring. Depones,—that during her service aforesaid, Mr. Granville Sharpe Pattison, Surgeon in Glasgow, *often visited in Dr. Ure's house.* Depones,—that from the commencement of his course, which was about Martinmas eighteen hundred and seventeen, as she thinks, Dr. Ure lec-

tured as professor of the Glasgow or Andersonian Institution, from three to four in the afternoon, and from seven to eight in the evening, upon all the lawful days in the week, except Saturday, between eight and nine in the evening. Upon Monday, Wednesday and Friday, weekly, and upon the Saturdays, to a mechanical class between eight and ten in the evening. Depones,—that the lectures were at the Doctor's own house, till about the first of January, and were afterwards delivered at the hall of the Institution, which may be distant a gun shot from the Doctor's house, till the course closed at the Sacrament time in April following, except the lectures which were given between eight and nine in the evening, as aforesaid, which continued to be given at his own house, from the beginning to the end of the course.

Interrogated,—whether there was any circumstance which led her to suspect improper intimacy between Mrs. Ure and Mr. Pattison during her service? Depones and answers, his visits were frequent, and Mrs. Ure shewed pleasure in seeing him, and in speaking of him; but I paid no particular attention, till my fellow-servant Jean Lindsay, told me one day, after the new year, as I think, that she had happened to go into the dining room where Mr. Pattison and Mrs. Ure were alone together, to get something that was wanted from a press in that room, and had found *Mr. Pattison and Mrs. Ure standing close together in a way that made her suspect something wrong between them.* Depones and adds, Jean Lindsay and I were in the kitchen together, when Jean went into the dining room: on that occasion the bell had not rung, and she went off herself into the room for what was wanted. Interrogated,—was Dr. Ure in the house? Depones and answers, “no sir, he was out. I think it was in the forenoon, and not at lecture time, but the Doctor was out.” Interrogated. Did Mr. Pattison upon that occasion call for Dr. or Mrs. Ure? Depones and answers, I do not recollect, nor do I recollect, whether I, or my fellow-servant, answered when he called. Interrogated,—what she observed in particular between Mr. Pattison and Mrs. Ure after this occasion? Depones and answers, Mrs. Ure often showed Mr.

Pattison out herself when he called at the house, and took the candle for that purpose herself in the evenings, without calling me or my fellow-servant. About a fortnight before Dr. Ure's lecture closed, the Doctor went several times to Greenock, and as I understood, to collect preparations for lectures. At one of these times, when he was at Greenock, and as I think on the Friday before the Sabbath of the preparation sermon, which is delivered a week before the Sacrament, I happened to be out in the forenoon. When I came back, I rang the house bell—Mrs. Ure herself opened the door to me—*she looked flurried, and not as usual*—she said hastily to me, I have been looking long for the keys for Dr. Pattison, and have not got them. Depones and adds, Mrs. Ure immediately turned away her face from me, and left me. I then thought she was angry with me: she went into the dining room immediately, and did not ask or receive from me, the answer to several messages with which she had sent me out. I went into the kitchen, and my fellow-servant was not there—she was out with the children. I did not go into the dining room, or see Mr. Pattison or hear him speaking to Mrs. Ure. If he was not there, there was no other person in the house but myself, and I did not let him out, or see him go out. Not long after Mrs. Ure let me in, perhaps about twenty minutes, she looked into the kitchen and said to me, I have got the keys and am going over to the Institution with them, and I heard her go out. A good while afterwards, not so long as an hour, perhaps more than twenty-minutes, Mrs. Ure came back again to the house, and said the keys did not fit, and desired me to take over to the Institution some other inner keys of locked up places there, which she gave me, and if Mr. Pattison was not at the Institution, to look for him at the paint shop adjoining, or wait for him at the Institution. I went accordingly, and could not find Dr. Pattison, nor did he ever appear to me there. Interrogated. Depones and answers, my fellow-servant was not come back with the children, when I was sent out with the keys to the Institution, nor was she come back when I returned from the Institution. I saw nobody in the house

when I came back from the Institution but my mistress. She told me there were some things of Dr. Pattison's locked up in the Institution, which he wanted. We knew that *Dr. Pattison had a key of his own to the outer door of the Institution*, as one of the *surgeons who attended there*. Interrogated,—if she rang more than once, when she came back with the answers to the messages, as aforesaid, before she got in. Depones and answers, I think I did. I waited for some time before my mistress let me in. Interrogated. Is there a book room in Dr. Ure's house, which is separated from the kitchen by a thin partition of wood? Depones and answers, “yes, a very thin partition, through which we could hear quite well what was said in the book room. Interrogated. Does she remember Mrs. Ure and Mr. Pattison being alone together upon any occasion in that book room, and did she then observe any thing suspicious or particular? Depones and answers. On the Friday night before the *Sacrament*, as I think, Dr. Ure was again at Greenock—A Mrs. Cameron drunk tea that evening with my mistress. About eight o'clock that evening, when Mrs. Cameron was with my mistress, in the dining room, Dr. Pattison called. When he was pretty far in the lobby, I told him that Mrs. Cameron was with my mistress. It was I that let him in—he went into the dining room—I saw my mistress come out of the dining room soon afterwards with Dr. Pattison, and go with him into the book room,—she had a candle in her hand: she and Mr. Pattison remained together sometime in the book room. I listened and could not hear them speaking in the book room. Interrogated. Did you hear any thing at all in the book room while they were there? Depones and answers, I listened first in the lobby a little, and heard nothing—then I checked myself, and went into the kitchen. When I checked myself, I heard something stirring, which rather seemed to be in the lobby up stairs. I did not like to be observed, in case my mistress should come out again” Interrogated. How long did she and Mr. Pattison then remain together alone in the book room? Depones and answers, I cannot say how long it was—aye, ten

minutes? Depones and answers, I understood that Mr. Pattison was to set out next day for Paris and that he did so. Interrogated—whether she has observed Mr. Pattison call twice in one day at Dr. Ure's house, and any thing particular upon that occasion? Depones and answers, I remember on the Wednesday of the week after the preparation Sabbath, Dr. Ure lectured from eight to ten at his mechanical class that night—this was the day before the fast. The lecture was an extra lecture. *Dr. and Mrs. Ure were engaged that night to tea and supper at the house of a friend of Mr. Pattison in York Street.* I forget the name of the family. There was to be a party there, *upon account of Dr. Pattison's going away to Paris,*—it was a very rough day. *Mrs. Ure was to go with Dr. Pattison in a carriage called a noddy.* The party broke up owing to excuses on account of the weather, and Dr. Pattison came to our house and drank tea to Dr. and Mrs. Ure. He went away after tea, but came back after eight o'clock, *when Dr. Ure was gone to lecture, and Mrs. Ure was alone in the dining room.* I let him in, he said he had left his handkerchief—he went himself, and lifted it up from below the lobby table, as if he knew where he had left it. He then went into the dining room to Mrs. Ure—he staid with her there *about half an hour or more*: when he came out, Mrs. Ure, herself, came out with him, and showed him down stairs with a candle herself. Mrs. Ure after she came back, said to me as making a joke of it, that Dr. Pattison was gone to supper at York Street, and that he was very angry about the excuse which had not been sent to him or his sister, and was sent to Mrs. Ure after she had been dressed, and too late, that is to say, he was angry because his friends at York Street had *prevented Dr. and Mrs. Ure from going there* by the excuse." Interrogated. If she remembers any other occasion when Mr. Pattison called a second time in one day as for his handkerchief, and what then happened. Depones and answers, about the same time Dr. Pattison called for Mrs. Ure one night, and was with her in the dining room. After he went away, his handkerchief was found in the lobby and given to Mrs. Ure.

He called next forenoon for it, and went in to Mrs. Ure, who was in the dining room, to get it. Interrogated. Depones and answers, I think she was then alone with him in the dining room, but am not certain. Interrogated, if there was a bed closet with a bed in it, which entered from the dining room, and of which the deponent had the charge, and if she observed any thing particular in the appearance of the bed after Dr. Pattison had been with her mistress in the dining room? Depones and answers, I will not take it upon me to say so upon oath; that bed was often disordered, and the children often played upon it—once in particular, I had dressed it up as some visitors were expected—I found it disordered, but I am not certain at this distance of time, that Dr. Pattison had been alone with my mistress before I made this observation. Interrogated. Depones—that Dr. Pattison got the keys of the Institution and brought them back to Dr. Ure's house on the forenoon of the day aforesaid, but the deponent cannot remember who gave them to him, or how he then got them. *Causa scientia patet*, all which, is truth, as she shall answer to God. Depones—she cannot write.

Farther interrogated. Depones—that Mrs. Ure herself showed Mr. Pattison out, and down stairs that night he was with her in the book room, as aforesaid, and this also is truth, as she shall answer to God.

Jean Lindsay, wife of James Dykes, blockcutter at Bonhill, near Dumbarton, aged twenty-three years, who being solemnly sworn, kneeling and purged &c. *ut supra*, and examined, depones, that the deponent was servant to Dr. and Mrs. Ure, for twelve months preceding Whitsunday last, and during the last six months of her service, took care of their children. Interrogated. Did you during the last half year of your service, at any time, observe any improper or suspicious behaviour between Dr. Pattison and Mrs. Ure? Depones and answers, one day in winter, I cannot say exactly in what time of the season, I came in with the youngest child from a walk, and went for a spoon to the dining room to give the youngest child her lunch. As I opened the door, I observed *Dr. Pattison and my mistress standing face to*

face, and close together, at the brace piece, one of his arms was about her. When I opened the door, his arm fell down from her shoulder, her face dyed up red—she was in confusion, and stooped, as if to lift (some) something. I took the spoon and went away, as fast as I could.

Interrogated. Were they alone together, in the dining room? Depones and answers,—they were. Interrogated. Depones and answers, I mentioned this circumstance afterwards to my fellow Agnes Sydeserf. Interrogated, if she ever at any other time, observed any suspicious or improper behaviour between Mrs. Ure and Mr. Pattison? Depones and answers,—I never afterwards went into the room when they were together, unless when I was called by the bell to take away the children, or for some other purpose. Farther interrogated. Depones and answers,—one day when I was out with the little child, I learnt upon my return, that my mistress had been searching for the keys of the Institution to Dr. Pattison, and had been out with him, at the Institution. In the afternoon, as I suppose, of that day, Dr. Pattison rung at the door, which I answered. He gave me the keys of the Institution, and went away. My mistress, when I laid them into the sideboard drawer of the dining room, where they commonly lay, said to me, is that Dr. Pattison? I answered it was. She sent me to call him back to speak to her; I did so—he came back and went with my mistress into the dining room where she was alone. Interrogated. Depones and answers, this was in the after part of the day,—I cannot remember whether it was before or after dinner,—the candles were not lighted. Interrogated. Depones and answers, I cannot say how long he remained with my mistress on this occasion, perhaps a quarter of an hour,—I cannot recollect whether she showed him out herself, or one of us, the servants. Interrogated. If Mr. Pattison sometimes called on Mrs. Ure oftener than once in one day? Depones and answers, from what I heard, and what I saw together, I understood *that he sometimes called for her twice or thrice in one day, and twice the apology was, that he had left his handkerchief.* On one of these occasions, I opened the door

to him myself, and told him his handkerchief had been given to my mistress. He then went into the dining room to my mistress to get it. Interrogated. Depones and answers, to the best of my knowledge she was then alone. Interrogated. Depones and answers, *Dr. Pattison's calls for Mrs. Ure were frequent, and very often made at the hours when Dr. Ure was lecturing at the Institution, and were also made on the days when he was absent at Greenock.* Interrogated. Depones, upon coming down stairs from the children one night, my fellow servant Agnes Sydeserf told me Dr. Pattison and my mistress had been alone together in the book room, she Agnes Sydeserf said, she had not heard them either speaking or moving in that room. Interrogated. Depones and answers, when Mr. Pattison and my mistress were alone together, it was generally in the dining room. Interrogated. Depones and answers, *there was a small bed room or closet with a bed in it off the dining room, and which entered from the dining room.* Interrogated. Depones and answers, Dr. Pattison left Glasgow to go to Paris in April last—he was at our house the night before—Dr. Ure was then at Greenock. Interrogated. If after Pattison went away on that or any other occasion, she has seen her mistress *confused and in tears?* Depones and answers, I have seen *her confused and in tears after he had left her*, but I cannot say for what cause, or that it was because he had left her. Interrogated. Depones and answers, Dr. and Mrs. Ure lived as husband and wife, and were held to be married persons, and their children to be lawful children. Causa scientia patet,—all which is truth, as the deponent shall answer to God.

Mrs. Mary Park, wife of Robert Park, deceased, lodging keeper, in Glasgow, aged forty, and upwards, who being solemnly sworn, kneeling, &c. purged, &c. ut supra—and interrogated. Depones and answers,—I have known long the parties and their families. My husband and I were neighbours of Mrs. Ure's family before her marriage, and I have continued to be intimate with them since they were married. Interrogated. Depones and answers,—I received a letter from the defender by post in October last, which I now produce.

I am certain that letter is of Mrs. Ure's hand writing, with which I am perfectly familiar. The letter produced by the deponent, being subscribed by the deponent, and judge examiner, as relative hereto; and the other letter produced in process, with a minute of this date, being exhibited to the deponent, and she having examined it, and being interrogated, depones and answers, "Oh yes, that also is her hand writing, the ink only is fainter in the one than in the other of these letters," and this letter likewise being subscribed by the deponent and judge examiner as relative hereto. Interrogated, if the deponent saw the defender Mrs. Ure in Edinburgh, after she received the letter which the deponent has produced? Depones and answers, I saw her twice in Edinburgh after receiving it, first on the fifth of November, and secondly, on the second of December last, at Edinburgh. Interrogated, if she *then confessed* to the deponent, that she had been *guilty of adultery with Granville Sharpe Pattison, surgeon in Glasgow*. Depones and answers, she was in great distress on account of her situation, and always acknowledged her guilt, but on the first occasion, she would by no means tell with whom she had been guilty. On the second occasion, she had been *newly delivered of her child*; I asked if he, *Granville Sharpe Pattison, was the father of it*? She answered me "yes." *She was so much agitated and distressed, that I could not press her farther on the subject.* At her desire, I staid with her all night, and I did ask what was to be done with the child? She answered, that it was intended to be given out to nurse, but she did not know how to part with it. Interrogated. Depones and answers, Mrs. Ure latterly lived at Edinburgh, under the name of Mrs. Thompson. Interrogated. Depones and answers, she bore this name at Edinburgh when she was delivered—she had before lived at Falkirk, under the name of Mrs. Campbell. I think she left her husband's house at Glasgow in August or September before her delivery, and lived at Falkirk separated from him. *Causa scientia patet*, all which is truth as she shall answer to God.

James Gemmell, writer in Edinburgh, aged twenty-eight

years, and not married, who being solemnly sworn, kneeling and purged, &c. ut antea, and interrogated, in initialibus, by the judge examiner, whether he has had any employment or communication with either of the parties as a man of business, in relation to this cause? Depones and answers, I was acquainted with them, when they lived together as husband and wife. The pursuer Dr. Ure, came to me before instituting any action against his wife, the defender, and laid before me a declaration in writing, which Mrs. Ure had made and which was written with her own hand, as he said, although not otherwise addressed, except by the words *Oh! Granville*, with which an appeal in the body of that writing commences. I believe he intended to consult me as a man of business; but I told him, I was not an agent before the Commissary Court, and could not accept any employment there. He had two interviews with me upon this subject, at my house, upon the same day. In the first, he stated the case to me, not as his own, but as the case of a friend. In the second, he acknowledged the case to be his own, and said he was most anxious to ascertain what really was the truth, and was extremely agitated. He, therefore, requested me to see Mrs. Ure, his wife, and learn from her, if she would state to me how the fact really stood. He told me that she was in this city, and that Mrs. Park, the preceding witness, was with her, and would procure an interview for me. Interrogated. Did you go accordingly to Mrs. Ure's lodgings, and hold an interview with her, and report to her husband what passed at that interview? Depones and answers, "yes, I did." The judge examiner, makes a vizandum with this examination, in initialibus, and in the mean time, allows the witness to withdraw, and appoints the examination to proceed no farther.

James Monteath, writer in Glasgow, aged twenty-eight years, and not married, who being solemnly sworn, kneeling &c. purged, &c. ut supra, and interrogated in initialibus, by the judge examiner, whether he had been in any way consulted by either of the parties relative to the cause? Depones and answers, I certainly was, being a second cousin of Mrs.

Ure's, and intimate with her for eighteen or twenty years, and with Doctor Ure and her, since their marriage. He did lay before me a state of the case in November last, and asked my opinion, whether he ought to institute legal proceedings, which I gave to him, and I also wrote twice or oftener to Mr. Gemmell, the preceding witness, upon the subject, and for information from Mr. Gemmell. The judge examiner, makes avizandum with the above deposition in initialibus.

Prentice for the pursuer, stated, that it was intended to examine Mr. Monteath in causa merely, for the purpose of identifying the two writings under the hand of Mrs. Ure, the defender, which had been produced in process, and of proving further by the testimony of Mr. Monteath, that these were of her writing. The judge examiner, in respect, that the writings in question are not to be regarded as documents, to which an agent falls to bear testimony, as executed or attested by him in his professional or official capacity, but as ordinary written evidence, produced by a party pursuer against a party defender, and which it is incumbent upon the pursuer to authenticate by the ordinary modes of probation, and subject to the common rules of law, declines to proceed further, at present, in the examination of Mr. Monteath, and makes avizandum, likewise with this minute. Edinburgh, twenty-second of January, eighteen hundred and nineteen.

The Commissaries having considered the depositions of James Gemmell, and James Monteath, in initialibus, find they are inadmissible witnesses for the pursuer in this action. Edinburgh, twenty-sixth day of January, one thousand eight hundred and nineteen.

Prentice for the pursuer stated, that since last diet of proof, the pursuer had discovered amongst some papers belonging to the defender in a trunk, in his house, a note holograph of the defender, and addressed to the sister of Granville Sharpe Pattison, inquiring Pattison's address at Paris, and with Miss Pattison's answer, containing the address, written in

pencil thereon, and he now produces the same, to be verified as the defender's hand writing.

Follows the letters. Edinburgh, October 23, 1818. You must let me know if my sister is at home or in Glasgow, for I must write to her to go to look after the children. My Dear Friend, I arrived here in safety upon Wednesday evening, and would have written to you yesterday, but my fatigue was so great that I was unable to do it. I came in a post chaise to the end of Prince's Street; I shifted my trunk into a coach which I got on the stand, paid the driver and returned him. This is all for safety. I then drove to number 8, Windmill Street, where Mr. B. was waiting for me, to accompany me to my lodgings, which he had procured in number 2, Arthur Street. The situation is a most desirable one, the house is perfectly new, and stands at the foot of Salisbury Craigs, and is in the midst of gardens. The view is almost as fine a one as you could wish for, and very well aired. I may think myself fortunate in having got such a place, for they are not to be had. Students coming to town, makes them very ill at present to get, to a person that is not to keep them for the winter. The landlady of this house is an unmarried woman, middle aged, who has been an upper servant in the best houses for sixteen years. Her furniture is all new, and very good, and she herself most obliging. She brings every thing to me in the neatest way; my breakfast is brought in upon a tray, with a damask cloth upon it, and every thing in the same way. You can have an idea from the houses she has lived in, how she will conduct herself. I have a parlour and a very good bed room. I am now become Mrs. Thompson, a lady from the country, in bad health, come to be near medical assistance. I trust every thing will be kept snug. She had some hesitation about the lying business. It was only this morning, that she made up her mind to let me remain till that time. Great caution is now required about my letters—she must see the Glasgow post mark, and that will never do. It will be best, perhaps, to address them to Mr. B.'s care, and he will send them enclosed to me. He is most attentive, and says I must want

for nothing to make me comfortable. He has brought me a supply of books to amuse me, so the time will wear on. I think him a very gentlemanny lad—he seems to feel for me like a brother. It is now more than *ten long weeks* since I left my beloved family. *How many days and nights have I spent since that time of the most poignant sorrow—but through the strength of God, I trust, I may yet be invited to them. What would I give to see them : they are never from my mind, day nor night, and my dear boy to be ill, how unfortunate when I was from home.* I dare ask nothing, I tremble even to think, but I have been at a loss to know the cause of your silence. I trust, however, that it may not be bad health, that prevents you from writing. I also hope that I have done nothing that has given you offence, or I should never forgive myself. Since I came to town, I have heard the melancholy accounts of your worthy pastor's death, Dr. Balfour. I was told he was taken ill upon the street, and never reached his home till he died. I would fain hope that it may not be true : it has given me much concern. Would to God I was as well fitted for this important change. I think, if there ever was a saint upon earth, he was one, and his loss will be a most unspeakable one. He has left few to equal him. My lumber would arrive this morning. I did not write, for I was not able, having been in bed almost all the day before I left that vile house. You cannot imagine the insolence I received from these two wretches. I suppose, had I been confined in their house, I would have been ruined by them. They were both alike, the man and the woman. When I got a little bit of meat, they both instantly examined it, and would have taken as much of it as they thought decency would admit, and every thing in the same way. I would have known nothing at all of this, had it not been for the servant girl—she was the most faithful, fine girl, I have seen for a long time. She came flying to me with a little bit of beef she had bought, to me, and desired me to keep it by me, for they would have part of it, and the maule also every thing in that they could lay their hands upon. Was it any wonder, that I wished to be from among them. My heart was

like to break, to think of all the distress I was suffering, and these brutes destroying any thing they could lay their hands upon. The poor girl was in great distress at my going away—she cried for three days\*

although I were her mother she could not

me I did not fail to remind her

will you my dear friend write me

you receive this, I would wish if possible to hear of my dear children once a week at least. I know not how I am to write to my husband. There is no servant in the house that I could send to the post-office. The woman has a sister who lives with her, but I should not like them to see my letters. I shall write no more till I hear from you. Be so kind as to let my friends know of me. God bless you, farewell. If it is thought safe to address my letters to the house, there is a woman of the same name upon this stair, and a great work has been about her letters. But address to Mrs. Thompson at Mr. James Browns Wright, 2, Arthur Street. This is the husband of the sister who lives in the house, will you address to me, but to Mr. B. in the blank cover, and he will forward it.

Ed. 19 Jan. 1819. Referred to in my deposition of this date (signed) Mary Park. Ja. Fergusson. Ed. 26 Jan. 1819. Referred to in my deposition of this date (signed) Geo. C. Monteath, Ja. Fergusson.

*Dear Miss Pattison*, I was very sorry to hear of your indisposition, I beg therefore to know how you feel yourself to day. The gentleman who wanted your brother's address wishes to know when you expect to hear from him, as he would wish a more direct one. I go out of town this afternoon, but will be home in a few days. Believe me yours ever truly, (signed) C. Ure. Wednesday morning.

*Dear Mrs. U.*—Granville's address is Avec Madame Arnhuter, No. 17 Rue d'Enfer, Fauxburgh St. Germans à Paris. In great haste, (Signed) M. P. Ed. 26 Jan. 1819. Referred to in my deposition of this date. (Signed) Geo. C. Monteath, Ja. Fergusson.

\* Letter here torn.

Compeared, George C. Monteath, Surgeon in Glasgow, aged twenty-nine years, not married, who being solemnly sworn kneeling, &c. purged, &c. ut supra, and interrogated, depones, that for at least fifteen years past, the deponent has been upon terms of intimacy with the defender, who is his second cousin, and being shewn the letter No. 7 of process produced by Mary Park, a preceding witness, and interrogated, depones and answers. *"I am quite certain that letter is of the hand writing of the defender, with which I am well acquainted, and being also shewn another letter, No. 6 of process, and dated Falkirk, 14 August 1818, and interrogated, depones and answers, I am also certain that this letter is of the hand writing of the defender, and being likewise shewn a note addressed Miss Pattison, Carlton Place, subscribed, C. Ure, and dated Wednesday morning, and interrogated, depones and answers, that note also is of the hand writing of the defender, and subscribed by her."*

Miss Pattison, the sister of Mr. Granville Sharpe Pattison, Surgeon in Glasgow, lived in Carlton Place of that city before the Whitsunday eighteen hundred and eighteen, and now in George's Square, of that city. I am not perfectly certain of the date when she, with her family, left Carlton Place and removed to George's Square. I speak from general recollection. Interrogated, depones and answers, I know both from his own information and from others, that Mr. Granville Sharpe Pattison went from Glasgow for Paris in April or May last, and remained in Paris during the greater part of the summer; and these letters and note foresaid, are accordingly subscribed by the deponent, and judge examiner, as relative hereto.

Interrogated, depones and answers. I did not see Mr. Pattison after he went away from Glasgow to go to Paris, as aforesaid, till October last, when I again saw him in Glasgow. I heard he had been in Britain for some time before, but I did not know this from my own knowledge. The report of his return reached me as a piece of professional news, and in reference to the circumstances, that he was a

lecturer on anatomy." *Causa scientia patet.* All which is truth, as the deponent shall answer to God.

As the said oaths and depositions, dated the nineteenth, twentieth, and twenty-sixth days of January, one thousand eight hundred and nineteen, signed by such of the witnesses as could write, and by one of the said commissaries, bears.

At a calling of the cause, on the twenty-ninth day of the said month of January, the said Commissaries appointed the proof to proceed on the day following at eleven o'clock, and the said Richard Prentice, craved the Commissaries would grant diligence for citing the defender, and the Commissaries granted diligence accordingly. On the thirtieth day of the said month of January, at a quarter past eleven o'clock, the pursuer and his solicitor having both failed to attend or to give notice, the Commissaries discharged the diet, and fined the pursuer in five pounds sterling for this contempt of court, and prohibited the clerk from receiving any motion or paper which might be offered to be lodged in process on the part of the pursuer, till the fine should be paid to him, to be afterwards disposed of as the court should direct, as an interlocutor on the roll of process, signed by one of the said Commissaries bears.

The said Richard Prentice, while the said interlocutor was ingrossing, having appeared and stated, that he had been expecting the witnesses on the part of his client, the pursuer, and was himself in waiting to bring them forward upon their arrival, the Commissaries found that Mr. Prentice was in no respect personally to blame, and recalled the censure contained in the said interlocutor, in so far, as regarded him—and on the same day, the said Richard Prentice, for the pursuer, paid to the clerk, the fine of five pounds, and produced the following petition for the pursuer.

Humbly shewing, that in the action of divorce, at the pursuer's instance, against Catharine Monteath, his wife, this day, at eleven o'clock, was appointed for examining witnesses. But owing to the witnesses having to come from

Falkirk, they did not get forward in time to attend at the hour appointed, and the court having met agreeably to the appointment, and the witnesses not present, the pursuer was fined in the sum of five pounds, for contempt of court, and the receiving of any motion or paper on the part of the pursuer prohibited, till the fine was paid—that the witnesses have now arrived, and are in attendance, and the five pounds of fine had been paid,—wherefore, the pursuer prayed, it might please the Commissaries to recall the prohibition against receiving any motion or paper from the pursuer, and appoint the examination of the witnesses to proceed, and in respect of the circumstances, to ordain the fine to be repaid to the pursuer, or to do otherways as to this, as the Commissaries should think right, according to justice, and as the said petition, signed by the said Richard Prentice, bears: with which, the Commissaries made avizandum, and having considered the petition for the pursuer, they, by their interlocutor, dated the said thirtieth day of January, in respect that the witnesses had not been in fault, and that their detention in town, might be attended with injury to them, of new appoint, the proof to proceed at half past twelve this day, and reserve consideration of the petition, quoad ultra, as the said interlocutor bears.

Compeared Agnes Blair, spouse of William Mitchell, weaver, in Falkirk, aged thirty years, who being solemnly sworn kneeling and purged &c. ut supra, and interrogated, depones, that the defender Mrs. Ure, whom she knows by that name, and sees in court, came upon the twelfth of August last, to the deponent's house accompanied by Dr. Ure, (the pursuer) and he then took lodgings for her under the name of Mrs. Campbell, and she remained in these lodgings till about the middle of October last, and continued to bear the same name of Mrs. Campbell. Depones that he brought her to the deponent's house by the boat, and arrived about one o'clock, as she thinks, and left her, and returned by the boat that same afternoon, at four o'clock, for Glasgow—and the pursuer never afterwards came to the deponent's lodgings, while the defender staid there. Depones, that some

short time after the defender's departure, and as the deponent thinks, rather more than a week, and perhaps some weeks, the pursuer did return to the deponent's lodgings, for the purpose of asking the deponent to go to Glasgow, with her servant, in order to ascertain whether a gentleman who had visited the defender, at the deponent's lodgings, about six days before she left these lodgings, was Dr. Granville Sharpe Pattison, Surgeon in Glasgow, depones, that she thinks that the defender left her lodgings in the deponent's house, upon the eighteenth or nineteenth of October, and she went away upon Wednesday, and the gentleman as to whom this enquiry was to be made, had visited the defender at the deponent's house on the Thursday before she went away. Interrogated. Depones and answers, "my servant Ann Simpson and I, did agree to go to Glasgow to ascertain this: my neighbour Mrs. Baird also went with us. According to Dr. Ure's direction we went to a house in George's Square, upon the door of which we found Dr. Pattison's name—we rung, and the servant answered, and we asked for Dr. Pattison:—we were told he was at home, and a gentleman who seemed to me the same I had seen at my house, visiting the defender, came to us as Dr. Pattison; Mrs. Baird in my presence then consulted him as Dr. Pattison upon a complaint she had in her breast, after which was over, we all went away. I do not mean to say, that from recollection of his appearance, without seeing him again, I could now swear that this gentleman whom we then saw as Dr. Pattison, at Glasgow, was the same person who had visited the defender in my house as aforesaid. But he was like, and I had no reason then to doubt, that he was the same person, and I still believe him to have been the same person. Interrogated—depones and answers—The gentleman above described as Dr. Pattison, came to my house about twelve o'clock of the day, and went into the kitchen where I was, and asked me for Mrs. Campbell,—he asked me first is this Mrs. Mitchell's house? I answered it was—he then said, is there one Mrs. Campbell here? I answered yes. He next inquired, is she at home? I answered she

is. Upon my saying so, he next asked me, is there any person with her? I replied, nobody but the servant cleaning the room.—*He then went to her room without my showing him, as if he had been there before.* I did not go to the defender's room while he staid. The servant came down immediately, having left the room before it was cleaned, when he went there. I cannot say how long he staid, but I think it was about an hour afterwards, that my servant Ann Simpson, went up again to the room, and when she came back, she told me that he was away. Interrogated. Depones and answers, this gentleman gave himself no name, at this time, nor did I ask his name—I am certain he never had been in my house before. Interrogated. Depones and answers, When Dr. Ure came to my house, after the defender had left it, as aforesaid, he inquired if any person had been calling upon her, while she staid? I told him a lady whose name I did not know, and whom I described, and he called her Mrs. Park: a young gentleman whom she called her cousin, but whose name I did not then know, and have never heard—and the other gentleman whom I described to him, and from my description, he desired me to go to Glasgow, as aforesaid, with my servant and Mrs. Baird, to see if it was Dr. Pattison. These three were the only persons I remember, who visited the defender at my house, and they came to see her not together, but singly, and at different times. Interrogated. Depones and answers, “the defender's lodgings at my house consisted of a parlour and bedroom behind entering from the parlour, in which she slept. It was the parlour my servant was cleaning when Dr. Pattison called for the defender as aforesaid.” Interrogated. Depones and answers, the stair to the defender's lodging is in the middle of my house, I mean the front stair, the lowest step of that stair is just at the kitchen door. I was keeping my child in the kitchen and the door of the kitchen was open from the time that Mr. Pattison went up to the defender's room, to the time that my servant went up to that room again, and came down, and told me that he was gone, as aforesaid. I am certain he did not come down by the front

stair, and go by the front door, otherwise I must have seen him. But there was a back stair, entering to the same story, in which the defender lodged, from the outside of the house; and he must have gone away by that back stair. Interrogated. Depones and answers, a few days after the defender came to lodge at my house, Ann Simpson, my servant, went with her to the post office to dispatch a letter, when they came back they told me that the letter was to Paris, and the defender not having money enough of her own to pay the postage of the letter to Dover, as demanded by the post master, got some money of mine from my servant to make up the postage; I think it was two shillings and two-pence half-penny in all. They were laughing and talking of the defender's quarrelling with the post master about the postage, which she thought was too much. I did not hear to whom the defender's letter was addressed, nor did I ask, my servant could not read writing. Interrogated. Depones and answers, the young gentleman whom the defender called her cousin, came to my house to see her about two weeks after this letter was dispatched. I never asked, nor heard his name. I think I would know him again. Interrogated. Depones and answers, the defender said she had paid letters to the same place (Paris) both from Glasgow, and Edinburgh, and the postage never was so much as two shillings and two-pence half-penny, *causa scientia patet*, all which, is truth as the deponent shall answer to God.

Ann Simpson, servant to the preceding witness, aged sixteen years, and not married, who being solemnly sworn kneeling and purged, &c. *ut supra*, and interrogated, depones and answers, while the lady whom I have now seen in Court, as the defender Mrs. Ure, staid in the house of my mistress Mrs. Mitchell, at Falkirk, last harvest; she was called Mrs. Campbell. Interrogated, depones and answers, she took me with her one day soon after she came, to show her the post office—she had a letter to France, and the post master asked more for the postage than she had to pay in her pocket. I think it was about two shillings and two-pence half-penny. I had some money of my mistresses and lent her

the rest. We told my mistress when we came back. I do not know to whom the letter was addressed, and cannot read writing. Interrogated, depones and answers, about a week before she went away, I was in Mrs. Ure's room to clean it, when a gentleman came in to see her—he said how do you do to-day ma'am. They shook hands and seemed glad to see each other. I do not remember what she said. I went down stairs, and as I came away from the room, she and the gentleman went out by the back stair towards the garden: some time afterwards, she chapped for me on the floor, of her room, I went up, she and the gentleman were then standing at the window; she bade me set by the things, I put two chairs in their places, that were standing on the floor and went down again, leaving them together. I went up again, after one o'clock with the things for her dinner which she commonly got at that hour, and dressed for herself. She was not in—I supposed she had gone out with the gentleman—I went down again, and when I came up in a little afterwards to her room she was there alone. Interrogated, depones and answers, I did not then know who that gentleman was, but I went some time afterwards with my mistress and Mrs. Baird, to see. We went to Dr. Pattison's at Glasgow, and called for him. He came to us, and told Mrs. Baird what to do with the breast which was sore. Dr. Pattison was the gentleman who had come into Mrs. Ure's room when I was cleaning it. I am quite certain she was the same person.—Interrogated, depones and answers, Mrs. Ure had a closet with a bed entering from her parlour, and in which she slept.—Interrogated, depones and answers, Dr. Pattison must have gone away by the back door from Mrs. Ure's lodging at Falkirk, otherwise I must have seen him go away. *Causa scientia patet.*—All which is truth, as the deponent shall answer to God. Depones she cannot write.

Christian Sterling, wife of James Baird, residing in Falkirk, aged forty years, who being solemnly sworn kneeling, &c. and purged, &c. ut supra, and interrogated, depones and answers, while the defender whom I have seen this day in court, lived at Mrs. Mitchell's lodgings in Falkirk, last harvest, her parlour and bed closet were on the same floor

with my house. I remember one day seeing a gentleman with her: I had gone to wash the back stair. From the stair head I saw her in the garden, with this gentleman. I was astonished. I had never seen her with a gentleman before: she called up to me, and asked, if the servant had cleaned out her room. I looked, and told her it was not cleaned out. The gentleman took her by the shoulders, and said to her, never heed. He opened the garden gate, and she went up the stair, and he after her to her room. All I heard of their conversation was, him saying to her, I saw your sister yesterday, and her answering, is she well, to which he replied, yes.—Interrogated, depones and answers, I saw no more of them while they were together. About one hour after this, I was at the back of the town, and I saw him coming as from the back of our house, and go to the boat for Glasgow.—Interrogated, depones and answers, after the defender left Mrs. Mitchell's lodgings, Dr. Ure applied to me to go with Mrs. Mitchell, and her servant Ann Simpson, to Glasgow, in order to ascertain if Dr. Granville Sharpe Pattison was the same person I had seen with the defender as aforesaid. I agreed to do so, and to consult Dr. Pattison about a complaint I had in my breast. We went to Dr. Pattison's house in George's Square, Glasgow. His mother answered the door, and told us he was at home, and showed us into the room where he was. I consulted him as Dr. Pattison—he answered to that name—and gave me his advice, before Mrs. Mitchell and Ann Simpson. He also prescribed for me in writing. I am certain, both from his speech and appearance, that he was the very same person I had seen with the defender at Falkirk as aforesaid.—Interrogated, depones and exhibits the written prescription, which is subscribed by the Judge Examiner as relative hereto.—Interrogated, depones and answers, I saw him write that prescription. Interrogated, depones and answers, Dr. Pattison and Mrs. Ure were standing very close together, and face to face, upon the walk of the garden when I saw them from the stair head as aforesaid. Causa scientia patet—all which is the truth as the deponent shall answer to God.—Depones she cannot write.

As the said oaths and depositions, dated the thirtieth day of January, one thousand eight hundred and nineteen, and signed by such of the witnesses as could write, and by one of the said Commissaries bears.

Follows the written prescription referred to in Christian Sterling's deposition: R Pelut. assafæted. No. xxiv Signa. Two to be taken every night at bed time. R Super Carbon Potass  $\frac{z}{3}$  Tere et divide in dozes ag xx Signa. *Stomachic powders*, one to be taken every morning 1-2 hour after breakfast, and another as long before dinner.

The Commissaries, on the said thirtieth day of January, held the proof as concluded, and made avizandum, and having resumed consideration of the petition for the pursuer, they by their interlocutor, dated the fifth day of February, one thousand eight hundred and nineteen, in respect of the explanation therein, recalled the interlocutor imposing a fine of five pounds on the pursuer, and authorized the clerk to return the same to the pursuer or his solicitor, as said interlocutor bears: and having considered the *proof adduced, writings produced, and whole process, they, by their other interlocutor, dated the said fifth day of February one thousand eight hundred and nineteen, found facts, circumstances and qualifications proved, relevant to infer, the defender's guilt of Adultery with Granville Sharpe Pattison, mentioned in the proof, found her guilty of Adultery with him accordingly, therefore, divorced and separated, found and declared in terms of the conclusion of the libel, and decerned. As the said interlocutor, reported in court, on the day of the date thereof extant in process bears.*

At a calling of the cause, on the twelfth day of February one thousand eight hundred and nineteen, Archibald Scott and Thomas Rymer, solicitors at law in Edinburgh, produced mandate from the said Catharine Monteath, defender, dated the said fifth day of February, whereby she appointed them her agents to defend her in an action of divorce then depending in the Commissary Court, at the instance of Dr. Andrew Ure, of Glasgow, her husband, against her, and authorized them to take such steps therein, as they should see cause, and the said Archibald Scott at

the same time produced the two following petitions for the said Catharine Monteath, the one humbly showing, That in an action of divorce at the instance of the said Dr. Andrew Ure, against the defender, the Commissaries upon the fifth of February current, pronounced the following interlocutor: the Commissaries having considered the proof adduced, writings produced, and whole process, find facts, circumstances and qualifications proved, relevant to infer, the defender's guilt of Adultery, with Granville Sharpe Pattison, mentioned in the proof—finds her guilty of Adultery with him accordingly, therefore, divorce, separate, find and declare, in terms of the conclusion of the libel and decern. That this decree was pronounced in the absence of the defender, and without any compearance having been made for her, she having been studiously kept in ignorance of the nature of the proceedings, that were instituted against her—that from motives which would be brought to light by the result of the present action, the pursuer and his agents, by falsehood and artifice, excluded her from the benefit of professional assistance, and induced her to believe, that arrangements were making for her advantage, and that if she followed her advice, she should soon be restored to her husband, and her children—that under their assurances she was restrained from communicating with any individual, upon the subject of the domestic quarrel between herself and the pursuer, and was even induced to appear before the Commissaries for the purpose, as she had since been informed, of being identified by certain witnesses who were examined at the instance of her husband—That the defender, thus led to confide in the pursuer's agents, was totally ignorant of the highly injurious proceedings that were carried on against her, until she was informed that the Commissaries had pronounced the interlocutor above quoted—That, conscious of her innocence, she was determined to resist to the utmost an action in itself unfounded, and in its conduct so injurious and illegal. For this purpose, she craved to be reponed against the decree, and to be allowed a proof of all facts and circumstances,

that may tend to exculpate her from the crime of which she was accused.

But as preliminary to, and exclusive of any inquiry into the merits of her general defence, the defender stated, as a sufficient ground of *absolvitor*, in the present action of divorce, the plea of *remissio injuriæ*.

The defender averred, and craved the Commissaries' permission to prove, that for a considerable period after the pursuer accused her of the acts of adultery, and after he was in possession of the whole evidence on which he founds in his action of divorce, he continued to cohabit with her, and more particularly, that he slept with her on more than on one occasion, after having expressed his firm belief of her alleged criminality, and after having testified this pretended conviction, by taking measures for her removal from his family. The defender, confident that the pursuer would not venture to deny the truth of this statement, craved, that before entering upon the proof of it, the Commissaries should order him to be judicially examined upon the point, and therefore praying it might please the Commissaries to recal the interlocutor complained of, and to repon the defender against the same, and the whole proceedings in absence;—to allow her to prove all facts and circumstances, that may tend to exculpate her from the crimes with which she was charged—to find her allegation as to the *remissio injuriæ* relevant *perse*, to elide the conclusions of the libel—to allow her a proof of the same, and *primo loco*, to order the said pursuer to appear and be judicially examined before the Commissaries, as to whether after being in the knowledge of her pretended guilt he continued to cohabit with the defender, and other facts pertinent to that point, according to justice, &c. as the said petition, bearing to be drawn by Mr. Alexander Monteath, Advocate, and signed by the defender and the said Thomas Rymer, bears.

The other of the said petitions humbly shewing, that the petitioner's husband had thought proper to raise a process of divorce on the head of adultery against her, and which is presently depending before the Commissaries. That this ac-

tion was ill founded, and the defender had good grounds of defence, which were submitted to the Commissaries in the petition for her lodged this day. That the pursuer separated from the defender on the twelfth of August last, and has not supplied her with money for her support. That on the second of December last, the defender was delivered of a female child to the pursuer, but he had not paid the expense attending her accouchement, or for the nursing of the child, &c. That by the law of this country, the pursuer of a divorce against his wife, was not only bound to supply the defender with aliment, but also, money to defray the expense of her defence against such action, and the Commissaries were uniformly in the practice of ordaining sufficient sums to be paid for these purposes. The pursuer has an income of five hundred pounds sterling per annum, and the defender humbly craved, that the Commissaries would ordain him to pay her an aliment for herself, at the rate of one hundred pounds per annum, payable half yearly per advance; also twenty pounds as inlying charges, and thirty pounds sterling per annum of aliment to the child, payable half yearly, per advance,—likewise, to decern him to pay fifty pounds sterling to the defender or her solicitor, towards defraying the expense of her defence, and therefore, praying it might please the Commissaries to take the premises under consideration, and decern and ordain the pursuer to pay to the defender an yearly aliment of one hundred pounds, payable half yearly, per advance, commencing the first half year's payment, as on the said twelfth August last, and so on half yearly till the issue of this cause, with the lawful interest of each half year's aliment, from the time it falls due, and till paid,—also, to decern and ordain him to pay her the sum of twenty pounds, as inlying expences, and thirty pounds sterling of aliment to the said child, payable half yearly, per advance, commencing the first half yearly payment as on the said second of December last, and so on, half yearly thereafter, aye, and until he shall receive the said child into his own proper family, with the lawful interest of each half year's aliment, from the time it falls due, and till

paid: and further, to decern and ordain him to make payment to the defender, or her solicitors, the sum of fifty pounds sterling, towards defraying the expense of her defence, besides the dues of extracting a decret or decreets, or to decern for such other sums as to the Commissaries may seem meet, according to justice, and as the said petition, signed by the said defender, and by the said Thomas Rymer, bears: which petition, the said Richard Prentice received to see.

At another calling of the cause, on the fifth day of March one thousand eight hundred and nineteen, the said Richard Prentice gave in the following answers for the said Dr. Andrew Ure, pursuer, to the petitions for the said Catharine Monteath, defender, bearing: That the tardy appearance of the defender in the present divorce where the proof had been concluded, and found sufficient by the Commissaries, required explanation, and would no doubt be strictly investigated by the Commissaries, before they allowed the unfortunate defender to state a defence, which there was no room to doubt she was compelled to make by the most improper means and undue influence. The fact was, that no sooner was the interlocutor of divorce pronounced, and known in Glasgow, than the person with whom the adultery had been found proved by the Commissaries, came to Edinburgh, where the defender, through his influence, and that of others acting with him, and under whose care and protection she was living, was beset and forced to go into all his views and measures, and in order to this, the mandate was dictated to her, and allowance given, to state whatever defence, and take whatever steps which might suit her views: and the commencement of the procedure plainly showed, that one, not the least of the objects intended, was to create a ruinous expense, and a procrastinated discussion. The pursuer could easily prove this statement of undue influence by an examination of Mr. Pattison, and those who acted for him, as well as the fact, that they instantly removed the defender from the place where she had resided under their charge, and refused to communicate to her anxious friends the retreat which they

*had provided for her*, no doubt an excusable alarm, that she would avow at once their interference, and expose the means adopted to make her subservient to the purposes intended; when her paternal uncle, Doctor Monteath, a most respectable gentleman in Glasgow, after decree of divorce had been pronounced, came to Edinburgh to the defender, and after several days search and every attempt was unsuccessful, two ladies, her only maternal relations, after many days, importunately, with those, who had, or were in the knowledge of her removal, at length recovered her, only by a regular but improper capitulation, in which the terms imposed were, that none of her relations should be permitted to see her without her own previous consent; during the period of her confinement and concealment, the petitions now under answer were prepared—and how opposite to her real wishes and sentiments, was evident from the fact, that *the moment she recovered her liberty*, she made a full confession to these ladies, of her *guilty intercourse with the person referred to in the proof, and of the child born in Edinburgh, not being her husband's*.—The defender herself, would, no doubt, ante omnia, be ordained to appear before the Commissaries, in order to explain the matter in which she gave the mandate, which had been produced, and to say whether her appearance be voluntary, and such, as she abided by. The pursuer was assured from most respectable information, that her declaration upon this point would not only be most interesting, but would expose the most *reprehensible artifices to influence an unfortunate victim to make an unfounded defence and aggravate the sufferings of her injured husband*. The pursuer had heard from the defender's own relations, that she was ignorant of the contents of the petitions now under answer, and that she signed the same as a matter of course, by the directions of those under whose control she was, and without knowing what she was about, and that she would admit this when judicially examined. It would be premature for the pursuer, in these circumstances, now to enter into the merits of the case—he would be most ready to do so, as soon as he was sensible, that the defender, uninfluenced, and of her own

free will and accord, wished to defend the action, but he would content himself, at present, with denying the plea of remissio, and when the Commissaries recollected that the proof referred to dates subsequent to his separation from the defender, it was thought they would not be inclined to attach much credit to the allegation on this head, nor would they be induced to regard the statement made against the pursuer, and his agents, when they considered, *that the defender for long before, and ever since the divorce was instituted, had lived under the protection and entire control of her seducer, and those employed by him.* Neither need the pursuer, it was presumed, speak to the absurd and extravagant demands for aliment, &c. until the preliminary objection to the defender's appearance be disposed of, and her examination takes place. On the whole, therefore, the pursuer humbly submitted, that before farther procedure, the Commissaries ought to probe to the bottom, this improper and undue influence, by a judicial examination of the defender, and those upon whom she should in her declaration condescend, as having influenced her from improper purposes, now to state a defence in this action, which it was too apparent, she never otherwise would have done,—and must be satisfied, there was no ground for. In respect whereof and as the said answer signed by the said Richard Prentice bear with which the Commissaries made avizandum, and having considered the petition for the defender first, herein engrossed, with the answers thereto, they by their interlocutor, dated the twelfth day of the said month of March, before farther procedure, appointed the defender to appear in court to be judicially examined, whether she of her own free will granted the mandate in process, and whether, or not, she now authorised the appearance made for her in this action, as the said interlocutor bears : and the Commissaries by minute on the roll of process of the same date, assigned the then next court-day, for the defender to appear and be judicially examined.

At another calling of the cause, on the nineteenth day of the said month of March, the defender was called, and fail-

ed to appear,—when William Pollock, Solicitor at Law, in Edinburgh, appeared and stated : That he had received a letter from the defender, enclosing a certificate, under the hands of a surgeon, of her being indisposed, and not able to attend in court that day,—also an affidavit by the defender, emitted before a justice of the peace, which he produced, and are of the following tenor.

Port Glasgow, 17 March, 1819.—This is to certify, that I have attended Mrs. Ure for the last four weeks, and that her present state of health is not such, as to render it prudent or safe to travel to Edinburgh. On soul and conscience, (Signed) W. Crawford, Surgeon.

Port Glasgow, 9 March, 1819.—Messrs. Scott and Rymer, Solicitors, Edin. Gentlemen,—*I was sometime induced at the solicitation of Mr. Burn, acting as agent for Mr. Granville Sharpe Pattison, to sign a mandate addressed to you, authorizing opposition to be made in my name, to a decree of divorce obtained against me by my husband, Dr. Ure. I was induced to do so under assurances, that it was for my interest in the way of obtaining an aliment and permission to see my children at pleasure. But I now find that I have been deceived, and I accordingly hereby recall every mandate I may have granted, authorizing you to present a petition in my name, opposing the divorce obtained by my husband, or for aliment to myself, or my child, or for a sum to defray expenses, and I solemnly disavow and retract the injurious and unfounded expressions contained in the petitions presented to the Commissaries of Edinburgh in my name, many of which expressions, I was unconscious of from not having read the petitions, and I do therefore hereby require, that the petitions presented in my name be instantly withdrawn from the process and cancelled. I am, &c.*

At Port Glasgow, the seventeenth day of March, eighteen hundred and nineteen years, in presence of Robert Mc Lauchlan, esquire, one of his Majesty's Justices of the Peace, for the County of Renfrew, compeared Mrs. Catharine Monteath, spouse of Dr. Andrew Ure, of Glasgow, who being solemnly sworn and examined, depones, that she, on the

ninth day of March current, wrote and addressed a letter of which the prefixed is a true copy, to Messrs. Scott and Rymer, Solicitors, Edinburgh; that the deponent did *so of her own free will and motive*, and was *in no wise seduced, or compelled to do so by her husband or any of his friends, nor was the same done from any collusion*, that on the contrary, the deponent did so, from a conviction, *that truth and justice required*, that she should write such a letter, and she now accordingly *upon oath*, adhered to it: all which is truth as the deponent shall answer to God, signed, Catharine Ure, Rob Mc Lauchlan, J. P.

With which the Commissaries made avizandum, and having considered the Surgeon's certificate, and affidavit of the defender, in which she withdrew her appearance in this action, they, by their interlocutor, dated the twenty-sixth day of March, one thousand eight hundred and nineteen years, the last date hereof, recalled the order for the defender's judicial examination, and dispensed with her attendance,—and having resumed consideration of both petitions for her, with answers thereto, and whole process, refused the desire of the said petitions, and adhered to the interlocutor of the fifth of February last, as the said interlocutor duly reported in court, on the day of the date thereof bears: and so, the said Commissaries gave and pronounced their sentence and decret in the aforesaid matter, finding, divorcing, separating, declaring, and decerning, in manner at length before written.

Extracted, upon this, and the one hundred and fourteen preceding pages, by

GEORGE CARPHIN, Jun. *Subs't.*



*As an Analysis may be useful in bringing distinctly into view the more important matters spread through these documents, the following is submitted.*

I. DR. ANDREW URE, a physician of Glasgow, intermarried with Catharine Monteath, in the month of December, 1807—and from that period, until the year 1818, they lived together as man and wife, in perfect harmony with each other, and in good estimation with their neighbours—he holding a distinguished rank in his profession. These facts appear, not only from the negative evidence of there being no allegation or proof to the contrary, but from positive and uncontradicted testimony. They had several children. The time of the marriage is stated on the first page of the documents, and the earliest suspicion he appears to have had of the infidelity of his wife, occurred (p. 2.) in the latter part of the year 1818.

That Mrs. Ure had a kind husband and a happy home, is proved by her own declaration, (p. 7.) that her misfortunes, that is, her connexion with Mr. Pattison, had separated her “from one of the best and most indulgent husbands, and from her dear, dear children.”—And also (p. 21.) by her letter of the 23d October, 1818, in which she speaks with agony of the time since she left “her family.”—The estimation in which Dr. Ure stood as a physician and a man in Glasgow, may be justly inferred, from the professorship he held in a respectable medical establishment, (p. 9, 10.)—the lectures he delivered there, and the income derived (p. 34.) from his professional labours.

II. It is shown, (p. 9, 10.) that in the year 1817, and how much earlier does not appear, Mr. Pattison “often visited in Dr. Ure’s house”—and we may safely aver, that

he visited as a friend and intimate of the Doctor's—and that this intimacy was of more than ordinary kindness, may also be inferred from the circumstance, (p. 13.) that when a party was given by a friend of Mr. Pattison, upon account of his going to Paris, Dr. and Mrs. Ure were of the party, and Mrs. Ure was to go in Mr. Pattison's carriage.

III. It appears, that Mr. Pattison made his visits to Mrs. Ure, when her husband was out—and particularly when it was known he would be lecturing—making pretences for coming oftener than might otherwise seem proper to the servants; and it is clear, that on these visits, he was engaged in some sort of conversation or intercourse with Mrs. Ure, which made her face “dyed up red” when discovered—and caused her to look “flurried and not as usual.”—See pages 10, 11, 13, 14, 15. “He sometimes called twice or thrice in one day, and twice the apology was, that he had left his handkerchief,” (p. 15.) “His calls for Mrs. Ure were frequent, and very often made at the hours, when Dr. Ure was lecturing at the Institution—and were also made on the days when he was absent at Greenock,” (p. 16.) In all this evidence, there can be clearly seen a deliberate, cautious and persevering system of seduction, practiced upon the wife of his friend, until the object was accomplished, the victim ruined, and the friend dishonoured.

IV. That this object was finally accomplished, and an adulterous intercourse kept up between Mr. Pattison and Mrs. Ure, in the house of her husband, as well as at other places, is put beyond all question, not only by the strongest circumstantial evidence, but by the unequivocal declarations of Mrs. Ure herself, in a letter addressed to Mr. Pattison, (p. 7.) intended for his perusal only, with no view either to his condemnation or her's. The sole object is to awaken his compassion for the victim he had destroyed, and to implore “the author of all her misfortunes,” to relieve her from “misery and want.” The authenticity of this letter is directly proved, and no where questioned—and it exhibits the shocking spectacle of the wife of a respectable man, the

mother of "dear, dear children," seduced from her husband and family—lost even in her own estimation—and then abandoned to the sufferings of actual want—and fearful of being "allowed to starve to death, and not a creature to look on her." To add to the horror and disgust of the picture, the poor, guilty, deserted creature is at that moment pregnant by the man she thus beseeches to save her from starvation. (p. 8.)

V. There is no evidence from which it can be, even remotely, inferred, that Mrs. Ure, prior to her connexion with Mr. Pattison, had stepped from the path of virtue—or brought a stain upon her reputation. The contrary appears in several ways.

1. From her being of a select party to tea and supper (p. 13.) given by a friend of Mr. Pattison, whose respectability, it is presumed, he will not impeach, and who would not thus receive and entertain a woman of tainted character.

2. From the very great intimacy which existed between her and the whole of his family, and with Miss Pattison especially, an *unmarried sister*, the endearing epithets of "My dear Miss Pattison," and "My dear Mrs. Ure," being employed in the letters which passed between them. (p. 22.)

3. Her previous purity may, in a considerable degree, be assumed from the agitation and confusion she betrayed when discovered in some of her familiarities with Mr. Pattison—and which would hardly be found in an abandoned woman. But the evidence that she was not a shameless and hardened creature, is especially to be found in her two letters, (p. 7. 20.) in which she poured out the whole flood of her feelings—and in which there is a tone of remaining delicacy, and a spirit of repentance and agony, (p. 8.) wholly inconsistent with careless and hardened guilt.

VI. The documents show undeniably, that the case was not secretly or hastily examined, or decided—but with ample caution and deliberation, by a highly respectable tribu-

nal, whose impartiality and ability cannot be impeached. The proceedings commenced on the second of December, on which day the defender, Mrs. Ure, had full notice of the charge, and was duly summoned to appear and answer it. With this summons she also received "the names and designation of the witnesses" (p. 3.) to be produced against her. Dr. Ure is compelled to make oath, (p. 6.) "that there has been no concert or collusion between him and the said defender, in raising this action in order to obtain a divorce against her." The evidence produced is carefully and scrupulously examined—and if confidence and faith are to be given to the proceedings and judgment of any court, this seems to be entitled to them. On the 30th of January, 1819, (p. 31.) the proof is concluded—and on the fifth of February, more than two months from the commencement of the process, the Court "having considered the proof adduced, writings produced, and whole process," find and pronounce Mrs. Ure guilty of adultery with Granville Sharpe Pattison. (p. 31.)

VII. A few days after the decree, to wit, on the twelfth day of February, certain solicitors at law produce a mandate from Mrs. Ure, dated on the day of the decree, appointing them agents to defend her—(p. 31.) and present two petitions from her. (p. 32.) In one of them she alleges the decree was pronounced in her absence, she having been kept in ignorance of the nature of the proceedings—accuses her husband of falsehood and artifice in relation to them—averts her innocence, and prays to be allowed to make proof to exculpate herself. She then charges her husband with having cohabited with her after he had accused her of adultery. The other petition demands alimony and support from her husband—although in her letter (p. 8.) she says, "I have no claim upon my husband: that is now over." On the fifth of March following, (p. 35.) the cause is called again—when Dr. Ure's solicitor gives in his answer to these petitions—in which he expressly charges Mr. Pattison with having, by himself and his agents, influenced and

forced Mrs. Ure, she being under their care and protection, to give the mandate, (p. 35.) and allow of the defence and steps taken in her name. Dr. Ure offers to prove this "statement of under influence by *an examination of Mr. Pattison and those who acted for him.*" He charges, that they removed her from her friends, so that they could not communicate with her, lest she should expose their conduct—and that the moment she recovered her liberty, she made a full confession of her guilt with Mr. Pattison. (p. 36.) He wishes Mrs. Ure to be examined on this point. He accuses Mr. Pattison of having used the "most reprehensible artifices to influence an unfortunate victim to make an unfounded defence, and aggravate the sufferings of an injured husband." And further, "that the defender, for a long time before, and ever since the divorce was instituted, had lived under the protection and entire control of her seducer and those employed by him." (p. 37.) For the truth of all this, he puts himself upon the examinations of Mr. Pattison and Mrs. Ure. *No such examinations were ever tendered by them.* But on the 19th of March, a letter is produced in court, (p. 38.) written by Mrs. Ure, in which she fully confirms the statement made by Dr. Ure—and exposes the artifices and deceptions used by Mr. Burn, acting as agent for Mr. Pattison, to induce her to sign the mandate. This letter is addressed to the solicitors to whom the mandate had been directed. The truth of the charges contained against Mr. Pattison, in this letter, nor of those made by Dr. Ure, appears never afterwards to have been denied or questioned. Neither Mr. Pattison, nor his agent Mr. Burn, have ever given any explanation or contradiction of those accusations of fraud, falsehood, and force. They have never called upon Dr. Ure to answer for them as slanderous and unfounded. They have not even, by a voluntary examination, appealed to by Dr. Ure, denied their guilt—but have silently retreated from the controversy, and submitted to the charge. The letter of Mrs. Ure was accompanied by her oath—that it was written

by herself, of her own free will and motive—being neither seduced nor compelled by her husband or his friends. The fraudulent petitions were dismissed—and the decree which pronounced Mrs. Ure guilty of adultery with Granville Sharpe Pattison, remains in full force.