

# THE DIAMOND NECKLACE

Robert Sidney (1595–1677), Earl of Leicester  
to the Council of State

Penshurst (Kent), 27 September 1651

As it is necessary for every man to know the laws under which he lives that he may render the obedience which is due to his superiors, so many times it happens, by several accidents, that a man does ignorantly fall into danger, especially when the law prescribes a time wherein notice is to be taken of it, and obedience paid unto it.

This might have been my case; for although I had seen an Act of Parliament, of 26 June 1649, entitled “An Act for Sale of the Goods and personal Estate of the late King, Queen, and Prince,” wherein I thought myself very free from being concerned, having, to my knowledge, no part or parcel of the said goods or personal estate in my custody; yet I have lately seen another Act, of 17 July 1651, entitled “An additional Act for Sale of the Goods belonging to the late King, Queen, and Prince,” the persons only which are mentioned in the former Act, and enjoining (upon greater penalties than those of the former, as I conceive) all persons that knowingly have in their custody, or have fraudulently conveyed away any of the goods belonging to the late King, Queen, or Prince to make known the same to you, the trustees, or to some of you, before the first day of October 1651; in the end of which Act also is added a clause that “the goods or personal estate of or belonging to any child or children of the late King and Queen be, and are hereby declared and adjudged to be, within the intent and meaning of this and the said recited Act, to all intents and purposes, as if the same had been particularly named therein.”

This is an addition, indeed, which (seeming to conclude the goods of the innocent together with those of the delinquent) might surprise one that has more and better sentinels than I have; therefore I confess that I was tempted to think that there might possibly have been some error in the printer, or some other mistaking, because the ground of the former Act aforesaid seems (by the beginning thereof) to be that the goods and personal estate belonging to the late King, and to his wife and eldest son, have been and are justly forfeited by them for their several delinquencies; which seems to imply a difference from them who have never been judged delinquents, nor to have forfeited their goods. But howsoever, without leaning to my poor judgment, I thought myself obliged to give you notice, in obedience and according to the said late act, as follows.

In June 1649, it pleased the Parliament to command my wife to take the charge of the late Lady Elizabeth and the Duke of Gloucester;<sup>1</sup> wherewith (because I thought it an argument of the Parliament’s trust and confidence in my wife and me) I was very well contented, though I expected no other advantage, but rather trouble and inconvenience by it.

I also conceived it to be the Parliament’s pleasure that care should be taken of them, and that to do so would be an acceptable service to the Parliament; which therefore, on my part, accordingly I endeavored to perform for the time that they were in my house: with which, I think, they were not unsatisfied. And in August 1650, when the said Lady Elizabeth knew that (by order of the Council of State) she and her said brother were to be removed from my house, she sent me two jewels, the one of pearl and the other of diamonds, with a letter in these very civil words:

I desire your Lordship will be pleased to take into your care and custody my necklace of pearl and my diamond jewel until such time as I shall, by a letter or some other sure token, desire your Lordship to return them to me.

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<sup>1</sup> Princess Elizabeth (1635–1650), second daughter of Charles I, and her brother, Henry (1640–1660), Duke of Gloucester, lived with Leicester at Penshurst (June 1649–June 1650)

Which letter, all written with her own hand, I am able to show. I could not refuse so harmless a request to an innocent person of her sex and quality, and so I took the said jewels into my custody; and soon after, the said lady gave me directions, signifying her pleasure how she would have the said jewels disposed of.

This was whilst she was in my house. And afterwards, upon her death-bed, she declared her will to be that her brother, the Duke of Gloucester, should have the said pearls, or the value of them; and that the said diamond jewel should remain (as she had formerly directed) to my wife and to me, as (I think) I shall be able to prove.

And I hope the Parliament will not deny a young innocent lady the liberty, which every subject has, to dispose of her goods, especially such goods as never belonged to the late King, Queen, or Prince (nor to the Crown, which is considered in the former Act), but were given to her by a stranger. And if they were so given to her, it is likely that they might be given by her, unless she had forfeited her right and property in them. But I know that if the Parliament, or you, by authority thereof, will command the said jewels from me, it is not for me to keep them. Yet I humbly desire that this may be remembered, that all sovereign states, monarchical or other, allow to subjects and private persons the liberty to show and defend, by ordinary and legal ways, their rights and claims to private possessions and inheritances, though in opposition to the titles and interest of the state itself.

Thus I have made known unto you what has been or is in my custody, and how it came to be so. And I conceive that I cannot be thought to conceal the same, for the Duke of Gloucester knows, and I have acknowledged it to him, that his said sister committed to my custody the said pearls, and had given them to him. Neither have I embezzled or fraudulently conveyed away anything; for whatsoever of that kind was in my custody is still in my power to produce, which very readily I shall do when it is required of me; but I thought it an impertinent officiousness for me to give an account (which I could not imagine you expected of me, till lately that I saw the additional Act aforesaid) of those things which were in my custody, whereof the Parliament had never taken notice, nor comprehended them (for aught that I ever heard) in any former court, but belonged to the said lady Elizabeth, who (as I think) was never convicted of any delinquency, nor charged with any crime.

And now I humbly desire leave to make claim unto the said two jewels; to the pearls, by interest of trust of the Duke of Gloucester, to whom (I conceive) his sister deceased, by her last will, has bequeathed the same. And to the other of diamonds, in behalf of my wife and myself, to whom she gave it, as I doubt not but your justice will give me leave to prove legally, if I can. And I hope the Parliament will not deny my wife and me the honor of that testimony of the said Lady Elizabeth's satisfaction with our care of her in the time that, as the Parliament's servants, she was received and entertained by us in our house. But now that I have made my claim, I humbly submit it to the judgment of the Parliament, and of those that are or shall be appointed by the Parliament to judge of it, as they shall think most agreeable to law, justice, and honor.

This only at the present I humbly desire of you, in respect of my indisposition of health at this time, and of some occasions here in the country, that you will dispense with me, and not require mine attendance, nor further account of the things aforesaid, until the first week of November, which is now near at hand; and then (God willing) I intend to be in London, and to attend you with all readiness, to give you satisfaction, and with due submission to your authority.

In the meantime, I engage myself to you that the jewels aforesaid shall be secure and forthcoming, unless they be taken away by authority or violence. And this request I am the more hopeful to obtain, because whatsoever may have been through ignorance or malice reported of me, I can, with a true heart and good conscience, say that my affections have ever adhered constantly to the Parliament; and that I have never knowingly and willingly done or advised anything to the dis-service or dis-honor of the Parliament; no, not though I were unfortunately or forcibly in the power of the adverse party. Into which, by the way, I never put myself fugitively nor voluntarily; but even there I was known to be, and suffered greatly for being that which I was and am, an affectionate and faithful servant to the Parliament and commonwealth of England.

So, humbly entreating your favorable construction of what I have written, and that no rigor be used towards me, I rest your humble servant.

Henry Cary, *Memorials of the Great Civil War in England* (London: Henry Colburn, 1842), II:382–388.