

Mal.

No. 6.

A

CORRECT REPORT

OF

The Trial

OF

COWARD *versus* WELLINGTON,

FOR

SLANDER,

AT THE

Hereford Assizes, Aug. 1836,

BEFORE

Mr. JUSTICE LITTLEDALE AND A SPECIAL
JURY.

Damages were laid at £2000.

NAMES OF THE COUNSEL:

For Plaintiff.

Mr. Sergeant TALFOURD,
Mr. RICHARDS.

Attorneys.

Messrs. HOOPER and SON,
Ross.

For Defendant.

Mr. C. PHILLIPS,
Mr. BUSBY.

Attorney.

J. W. R. HALL, Esq.
Ross.

GLOUCESTER :

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WESTGATE STREET.—1836.

REPORT, &c.

Mr. Sergeant TALFOURD opened the case for the plaintiff, and regretted the absence of his learned friend, Mr. RICHARDS, whose assistance he stood so much in need of, particularly as he was opposed by his learned friend, Mr. C. PHILLIPS, whose high abilities were sounded trumpet-tongued throughout the county. The learned Sergeant proceeded to state this was an action for a libel, reflecting on the character of the plaintiff's wife, who had been the housekeeper of Sir Samuel Meyrick, but which situation she lost in consequence of the writing of the libel in question. It would appear that the nominal plaintiff was Mr. Coward, who filled the situation of a clerk in London; but the real plaintiff was his wife, Mrs. Mary Coward, who lived separate from him, and had been for many years the housekeeper of Sir Samuel Meyrick. It is curious that the name of *Wellington* should be so closely attached to that of *Coward*. Mrs. Coward was in the service of Sir Samuel Meyrick from the year 1819 till the year 1822, when she married; but as her husband and she could not agree, she, after giving birth to a child, was glad to find an asylum at the house of her former master. The earlier part of her service was in London. Sir Samuel Meyrick having built a castellated mansion on the banks of the Wye, where he had placed the finest collection of armour which was to be found in Europe. Mrs. Coward had come hither, and this collection Mrs. Coward had the privilege of showing to visitors, which (from the gratuities they gave her) was a source of considerable emolument to her. The defendant was a butcher, residing at Ross, who had supplied Sir Samuel Meyrick's establishment with meat; but in consequence of the bills being rather higher than Sir Samuel Meyrick liked, he desired the defendant to send his account.—

This annoyed the defendant, and, wishing to get re-instated, or at least to have his revenge on some one, by the letter which was the subject of the present action, he (the defendant) meant to insinuate that Mrs. Coward had sent meat from her master's house to the house of her brother, who resided in Alton-street, in the town of Ross. The letter, stating that the meat was delivered at Goodrich Court, and then sent by some person in Sir Samuel Meyrick's establishment to Alton-street—and that person, on reading the letter, Sir Samuel Meyrick at once concluded to be Mrs. Coward; and Sir Samuel Meyrick considered that when this charge was thus circumstantially made by a tradesman, it was his duty to put Mrs. Coward to clear her character, and he, therefore, gave her a month's notice, and at the end of that month he dismissed Mrs. Coward from his service; and now Mrs. Coward, for the vindication of her character, had brought an action in order to give the defendant an opportunity of proving his charges if he could. This challenge the defendant had declined, as there was no plea of justification placed upon the record. What the line of defence was to be, he (the Learned Sergeant) could not tell, but there were certain rumours which he had heard of, which had been buzzing round the whispering gallery of slander, and he did not know whether the Jury would hear them insinuated on this occasion or not, but certain it was that no such rumours, if they ever existed, had any thing to do with the present action, and, if adverted to, they would, he was quite sure, have no weight with the Jury.

Mr. C. PHILLIPS said that he knew of no defence of the kind alluded to.

Sir Samuel Rush Merrick, knight, sworn—In the year 1819, I lived in Cadogan Place, Chelsea; and, during that year, I took Mrs. Coward, then a single woman, into my service, as cook; she left my service about three years afterwards to be married. In a short time after her marriage, she gave birth to a son. Sometime after, she returned to my service. During the time of Mrs. C.'s absence from my house, she had been living in the service of an auctioneer, as cook. She requested me to take her again into my service, in consequence of her husband's inability to provide for her support. She was away

from my house about a year and a half. I never had the least fault to find with her. She requested to come back herself, and has continued in my service until March last. She has been my housekeeper ever since she returned until I dismissed her. I came down to Goodrich Court in 1830. I have a collection of ancient armour there—there are a great many respectable persons come to see it in the course of the year. I paid Mrs. C. twenty-four guineas a year—I do not know what she received for shewing the premises. Mr. Wellington is a butcher, in Ross; I dealt with him for meat before the year 1835, but, in consequence of something, I ceased to do so in 1836. The letter I hold in my hand, dated 16th of February, I received about that time—I presumed it came from Mr. Wellington—it enclosed a bill for £1. 3s. 4d. for meat up to that time. I never received any letter but that about this subject.

Mr. Powell Hooper stated—I have been concerned in partnership with my father, for Sir Samuel Meyrick for some years. By his, Sir Samuel's orders, I called on Mr. Wellington, on the 19th of Feb. to ask if he was the writer of that letter received by Sir S. M. which contained a bill for £1. 3s. 4d. for meat—he said, one was sent; that there was a dispute in the bill of 1835, which had been sent to Goodrich Court during Sir Samuel's absence, which the housekeeper had returned, but as the sum disputed was only £1. 3s. 4d. although Sir Samuel thought it of such consequence, he (Wellington) considered it so trifling that he would make Sir Samuel a present of it.

Cross-examined by Mr. C. PHILLIPS—I am a solicitor, in partnership with my father. I had some conversation with Mr. Wellington about the dispute. I did not tell him that what he said to me would be brought in evidence against him in court—I did not say any thing about that—I swear that I did not contemplate the action at that time. Mr. Wellington produced his ledger, and his wife endeavoured to find the account but she could not. I had an opportunity of looking over his ledger, but I did not. Mr. Phillips: Now, sir, when was the writ issued? Mr. Hooper: I don't know.—Mr. P. Will you swear that you don't know when the writ was issued? Mr. H. Yes: I will swear that I do not.—Mr. P. Will you swear that it was a week, or month, after your interview with Mr. Wellington, that the writ was sent for? Mr. H. No: I cannot.—Mr. P. Will you swear that it was not in the month of February? Mr. H. No: I cannot.—Mr. P. By whose orders was this action brought? Mr. H. I don't know.—Mr. P. Did you take the opinion of Counsel whether this action could be brought? Mr. H. An opinion was taken.—Mr. P. Was that before or after Mrs. Coward was dismissed? Mr. H. I don't know.—Mr. P. Will you swear that you don't know when the opinion was taken? Mr. H. I will swear that I don't know when it was.—Mr. P. Did you not, sir, go to Goodrich Court to consult Mrs. C. and Sir Samuel upon the subject of that opinion? Mr. H. No: I did not.—Mr. P. When *did* you see Mrs. Coward upon this subject? Mr. H. I have never seen her myself upon this subject.—Mr. P. Nor Sir Samuel Meyrick? Mr. H. No: nor Sir Samuel Meyrick, except as evidence.—Mr. P. Did you ever see Mr. James Coward, the nomi-

nal plaintiff in this action? Mr. H. No.—Mr. P. Did your father ever see Mr. Coward? Mr. H. Not to my knowledge.—Mr. P. how long have you been solicitors to Sir Samuel Meyrick? Mr. H. since 1830.—Mr. P. Has not Mrs. Coward a brother named Williams? Mr. H. Yes.—Mr. P. Have you seen him during the assizes? Mr. H. Yes.—Mr. P. Was it not Enoch Williams that advised this action? Mr. H. I don't know.—Mr. P. Did you personally never receive any instructions from Williams upon this suit? Mr. H. Never: my father might, I never have.—Mr. P. Pray who is this Williams—what is he—what is his profession? Mr. H. He is clerk in our office.—Mr. P. Oh! clerk in your office is he; very good, sir. Pray how long has he been there? Mr. H. About two or three years.—Mr. P. Now, Mr. Hooper, you have stated that you are in partnership with your father, acting as the plaintiff's attorneys, and that this action was not brought by Sir Samuel Meyrick's orders; that you have never seen Mrs. Coward upon this subject, that you have never seen Mr. James Coward in your life, and that you have never received any instructions from Enoch Williams about this business—pray allow me to ask you, to whom it is that you look for the costs? Mr. H. (hesitating) Why, I do not know, but I suppose to Mr. James Coward or Mrs. Coward.—Mr. P. But as you have never spoken to, or seen, the one or the other, why should you look to either of them for the costs? Mr. H. The fact is, I leave that part of the business relating to the costs entirely to my father.—Mr. P. Then I suppose you consider that it requires a full-grown attorney to manage the business of the costs? (*A laugh*) Can you swear, sir, that you never made any enquiry about the payment of the costs of this action? Mr. H. I leave that entirely to my father.—Mr. P. Then in point of fact you do not know who is to pay you—that was a matter of indifference to you; all that you attended to was bringing the action, is that not the case? Mr. H. hesitated. Mr. P. Answer my question, sir: Who did you expect would pay the costs of this action? Mr. H. Why, I have said before I supposed the plaintiff.—Mr. P. Who is the plaintiff, sir? Mr. H. Mr. James Coward.—Mr. P. But you have never seen Mr. Coward; how can you expect him to pay you; did your father ever see Mr. Coward? Mr. H. I believe my father never saw Mr. Coward?—Mr. P. Well then, Mr. Hooper, am I to understand that you are in partnership with your father; that you have brought this action; and, as far as you are concerned, you have never troubled yourself about the costs—that was a matter of perfect indifference to you, is it not so? Mr. H. I leave that entirely to my father.

Re-examined by Mr. Sergeant TALFOURD—My father chiefly attends to that part of the business. I cannot say that my father has never seen Mrs. Coward about this business. I received this paper, signed James Coward, authorizing the action to be brought. Sir Samuel Meyrick never gave me the least guarantee for the costs.

The letter of the defendant to Sir Samuel Meyrick was read. It was to the following effect:—

“Sir,—I have enclosed my bill of £1. 3s. 4d, delivered at the Court since you received for the year 1835, and under the circumstances of my dis-

charge without any explanation on my part, I shall expect immediate payment. In your letter of the 14th you state you have three servants who will swear that the meat charged to you on the 23rd of April was returned. It may be; but the same weight of other meat was sent back in its place. Your servants may swear what they will; but I will not put that to the test, as I don't value so paltry a sum,—therefore that you are quite welcome to. When last at the Court you were so irritated that you would hear nothing I had to say in my own defence. Now I shall take the liberty of explaining a little. In the first place you ask me if I thought you not master of your own house,—I say that you are, or ought to be. In the next—if I thought you biassed or influenced by any other person;—here let me observe, Sir, I think you are, or I am certain you would not have discharged me so abruptly—you would have given previous notice. In the next place, I think certain parties at Whitchurch have been instrumental in my removal,—but enough of that. Again—to account for my bill increasing in amount of late, my servant will swear to the weight and delivery of every weighing of meat charged to you,—but how much has come back to Alton-street I shall leave you to find out—and no doubt greater part in my cart; but without my knowledge until my bill had been sent in, as the party sending it desired secrecy in my boy, and that party I shall leave you to discover, but I dare say you can judge. Again, in your letter on the 14th, you say your opinion of me is not improved, in consequence of my seeing Mr. Hooper. On the other hand, my opinion of you is not improved by your showing my bills to different persons, and trying to injure me in the eyes of other customers (is that the conduct of a gentleman?); but I am perfectly easy on that score. I could not help smiling at the latter part of your last letter, when you ask what would a Jury think of my conduct. I will say what on earth can a Jury have to do in any shape between a tradesman and customer, especially in any connexion between you and I, as it is altogether foreign to the business, and I believe, on inspection, my character as a tradesman stands as high in the neighbourhood as that party by whom I am accused? Leaving you to form your own conclusions from above.—I remain, Sir, yours, &c. “JAMES WELLINGTON.

“To Sir Sam. R. Meyrick, Goodrich Court.”

Sir Samuel Rush Meyrick re-called and examined by Mr. Sergeant TALFOURD—When I read that part of the letter relating to the meat being sent back, &c. I judged it could only mean Mrs. Coward. It was my judgment then and is so now. I knew she had a brother living in Alton-street, a married man. The meat was brought from Ross to my house in a cart. Parcels and presents were frequently sent back by that cart to Williams. I inquired whether Mr. Wellington was the author of that letter, and Mr. Hooper by my orders called on him to ascertain that fact, and he acknowledged it. In consequence of the charges made in that letter, I gave Mrs. Coward one month's notice to quit my service. I did so the very day I received the letter. She left my house at the end of the month. I solemnly and distinctly swear, that I have nothing whatever to do with this action.

Cross-examined by Mr. PHILLIPS—So, Sir Samuel Meyrick, you gave your housekeeper a month's notice, to quit your service, on the very day you received this letter. Sir Samuel: Yes, I did.—Mr. P. And at the end of that month she left you, did she? Sir Samuel: Yes, she did.—Mr. P. And had you then quite done with her? Sir Samuel: Yes, I had quite done with her.—Mr. P. Quite done with her? Sir Samuel: Yes, quite done with her.—Mr. P. Have you ever seen her since? Sir Samuel: Yes, I have seen her several times: she has been to Goodrich Court to collect evidence for her case.—Mr. P. Did she

come to you to collect this evidence? Sir Sam: No, it was merely by chance that I saw her.—Mr. P. Where did you see her, in the house or out of doors? Sir Sam: I saw her on the premises and in the house.—Mr. P. Now, Sir Samuel, will you swear that you have not walked out with Mrs. Coward since she was dismissed from your service? Sir Sam: paused.—Mr. P. I must have an answer to that question. Sir Sam: I have walked with her in the shrubberies, and in different parts of the premises.—Mr. P. She was then of course collecting evidence, I suppose? (*a laugh*) Sir Sam: She was asking me questions relative to her case.—Mr. P. Oh! indeed, asking you questions relative to her case—what sort of questions were they? Sir Sam: I don't know.—Mr. P. Now, Sir Samuel Meyrick, on your oath, Sir, how many times have you walked with this woman, either on the public road or elsewhere, since you dismissed her from your service? Sir Sam: I have not walked with her more than once on the public road. Mr. P. You are sure of that? Sir Sam: Quite sure. Mr. P. And upon that particular occasion she asked you questions relative to her case; and you don't now know what those questions were; you are positive that is the truth? Sir Sam: Yes, I am.—Mr. P. Did you ever call at a house in Alton-steet? Sir Sam: Yes, I have.—Mr. P. At Williams's. Sir Sam: Yes.—Mr. P. How often have you seen Mrs. Coward at her brother's? Sir Sam: I saw her there once—only once at her brother's house.—Mr. P. Did you have any conversation with her at that time? Sir Sam: I merely asked her how she did.—Mr. P. When was that? Sir Sam: I don't know.—Mr. P. Will you swear that you don't know when it was? Sir Sam: I cannot say when it was—I positively don't know.—Mr. P. Had she been unwell—since your visit to her brother's house was merely to enquire after her health? Sir Samuel: Yes, she had been in an ill state, so much so that she had been obliged to sleep at Goodrich Court.—Mr. P. Oh! I presume you mean to say, that when she came to collect evidence her health did not, at all times, permit her to return to Ross, so that she was obliged to sleep at your house. Now how often did that occur? Sir Samuel: I cannot say how often.—Mr. P. Was it once or twice? Sir Samuel: I cannot say.—Mr. P. Can you swear that she has not slept there six times? Sir Samuel: No, I cannot.—Mr. P. Will you swear that she has not been there twelve times to collect evidence? Sir Samuel: No, I cannot.—Mr. P. Have you ever seen the Counsel's opinion relative to this case? Sir Samuel: I have.—Mr. P. When did you see it? Sir Samuel: I don't know how long it is since.—Mr. P. How long was it after you received the letter? Sir Samuel: I cannot say.—Mr. P. But you can say to within a week or a month? Sir Samuel: No, I cannot.—Mr. P. You can swear whether it was a fortnight or three months after. Sir Samuel: No, I cannot.—Mr. P. When you called on Mr. Williams, in Alton Street, it was on business I suppose? Sir Samuel: Yes, it was.—Mr. P. But of course nothing whatever to do with this business? Sir Samuel: Nothing whatever.—Mr. P. At the interview between you and Mr. W. Did you not tell him that his conduct was most shameful? Sir Samuel: Yes, I think I did.—Mr. P. You *think*, why you *know* you did; and did you not write several letters

to him charging him with dishonesty? Sir Samuel: I wrote three or four letters to him which I thought justifiable.—Mr. P. Is that letter your hand writing? Sir Samuel: Yes, it is.—Mr. P. Did you not tell him his conduct was most shameful before he wrote to you? Sir Samuel: I believe I did.—Mr. P. Do you remember his calling just after he received that letter? Sir Samuel: Yes, I do.—Mr. P. Did you not at that interview make a charge against him? Sir Samuel: I was out of temper—I told him he should not supply my house any longer.—Mr. P. What was his answer to that? Sir Samuel: He complained that I would not give him an opportunity of explaining the matter, and told me I was influenced by some person, that it was not my own doing.—Mr. P. But you were in a great passion? Sir Samuel: I was irritated.—Mr. P. Irritated! why you were in a great rage—did you not swear at the man? Sir Samuel: Perhaps I might—I was irritated in consequence of the bills increasing so much; my bills had increased near £50.—Mr. P. When did your bills begin to increase? Sir Samuel: From 1832; from 1833 very much.—Mr. P. Can you swear that the bill from 1831 to 1832, increased £22? Sir Samuel: No, I cannot.—Mr. P. Have you got the bill for 1831? Sir Samuel: No, I have not; I have got the others but not that one.—Mr. P. Why did you not bring that bill? Sir Samuel: I could not find it.—Mr. P. When the defendant told you it was not your doing, that you were influenced by some other person, what did you say to him? Sir Samuel: I asked him if I was not master of my own house; he said he supposed I was. I was very much irritated, and he begged my pardon.—Mr. P. Have you not ordered Mrs. Coward to purchase goods for you, in Ross, since she left your service? Sir Samuel: No, I have not.—Mr. P. Never upon any occasion whatever? Sir Samuel: No, I have not given her any more orders than I have to any other persons coming from Ross. I have ordered my servants to let me know whenever any person is going to Ross, from the court, so that if I should want any thing, I might direct them where to call and order such things that I required to be sent. Mrs. Coward has no doubt ordered goods for me in that manner, but in no other.—Mr. P. Mrs. Coward has a boy at school, has she not? Sir Samuel: Yes, I believe so.—Mr. P. Did you ever pay for that boy's schooling? Sir Samuel: No, I never did.—Mr. P. Have you never given any directions to the master about his schooling? Sir Samuel: No, never.—Mr. P. Will you swear that you never told the schoolmaster that the boy should want for nothing? Sir Samuel: Yes, I will.—Mr. P. Did you ever see the schoolmaster? Sir Samuel: Yes, once.—Mr. P. How long since? Sir Samuel: I cannot say.—Mr. P. Where did you see him? Sir Samuel: He came to see the court, and I saw him by chance in the grounds.—Mr. P. And you do not know when that was? Sir Samuel: No, I do not.—Mr. P. Do you recollect the conversation that took place upon that occasion? Sir Samuel: No, I do not.—Mr. P. Where was this boy born? Sir Samuel: He was born in London, before we came to Goodrich.—Mr. P. Did not Mr. and Mrs. Coward and their child, live under your roof? Sir Samuel: Yes, they did; but in consequence of his conduct becoming irksome to me, I was compelled to order his removal.—Mr. P. When did you make the first

complaint about the bills? Sir Samuel: Some time after the ninth of January, in this year.—Mr. P. Was that the first time? Sir Samuel: Yes, it was.—Mr. P. Although you were aware that your bills increased very considerably, still you made no complaint till last January—is it so? Sir Samuel: I made no complaint before.—Mr. P. Do you know whether Mr. Williams is a witness in this cause? Sir Samuel: Yes, I believe he is.—Mr. P. Did you bring any person to Hereford with you—how did you come? Sir Samuel: I came with my two servants, cook and housemaid.—Mr. P. How did you come? Sir Samuel: In a post-chaise.—Mr. P. All three? Sir Samuel: Yes.—Mr. P. In the inside? Sir Samuel: Yes, I brought them in a post-chaise.—Mr. P. Has your gardener any relation in Whitchurch? Sir Samuel: I don't know; he is an out-door servant.—Mr. P. Did you not call Mr. Wellington, at the last interview, a cheat? Sir Samuel: I do not know that I did.—Mr. P. Do you not know that you told him he had overcharged you; that the amount of his bill was more than it ought to be? Sir Samuel: I cannot say that I did.—Mr. P. Pray then what was the charge you made against him? Sir Samuel: I believe the charge I made against him was, that I knew he had sent much larger joints than he had been accustomed to do, and still they would not cover the amount of his bills.—Mr. P. What reply did Mr. Wellington make to that? Sir Samuel: He asked me if I intended to call him a cheat.—Mr. P. And what was your answer? Sir Samuel: I said I would not tell him. Mr. P. How long has Mr. Wellington lived in Ross? Sir Samuel: I do not know, I found him there established in business.

Re-examined by Mr. Sergeant TALFOURD—I knew Wellington a butcher's boy in London, and I believe he came to Ross some time before I did, but I cannot exactly say when. After I came to Goodrich, Mrs. Coward induced me to have my meat of him. Mr. Hooper is an established attorney in Ross, and has been my solicitor ever since I have been in that neighbourhood. Mrs. Coward has supported her child out of her own money. I don't know what she received for shewing the court. I do not know who Wellington referred to when he said I was influenced by some one—I was not influenced by any body.

The court rose at half-past seven, P. M. The next morning it was resumed at nine o'clock.

Enoch Williams examined by Mr. Sergeant TALFOURD—I am brother to Mrs. Coward. I am a married man, have been employed in Mr. Hooper's office, at Ross, about three years. I live in Alton-street, Ross. I know the defendant, Wellington; he is a butcher, at Ross; he used to supply Sir Samuel Meyrick with meat at Goodrich Court. The meat was conveyed in a cart, driven by a boy named Joseph Lewis. I have dealt with the defendant for meat, and had a weekly account. The boy has often driven the defendant's cart to my house, with parcels from my sister, and has, as frequently, taken things from my house to Goodrich Court. I have seen the letter that is the cause of this action. I consider my sister, Mrs. Coward, is the per-

son referred to. I know no one in Sir Samuel Meyrick's house who has relations living in Alton-street. Mrs. Coward had the whole superintendence of Sir Samuel Meyrick's household. I believe my house in Alton-street is the place referred to in that letter.

Cross-examined by Mr. PHILLIPS—What is Sir Samuel Meyrick's gardener's name? Williams, Hill.—Mr. P. Where do his father and mother live? Williams, In Alton-street.—Mr. P. How long have you been an attorney's clerk? Williams, Four or five years.—Mr. P. And you have been in your present situation about three years? Williams, (in a low tone) Yes, Sir.—Mr. P. Speak out, Sir, you have done growing: do speak out, I should be sorry to misunderstand you—I particularly wish you to understand me. How often has Sir Samuel Meyrick been to your house in Alton-street. Williams, He has been there frequently.—Mr. P. How often has he been there since your sister left Goodrich Court. Williams, (paused)—Mr. P. Come, sir, speak; and loud too, that I may hear you. Williams, Only once since.—Mr. P. How often has he been there within the last five or six months. Williams, I don't know, I believe only once.—Mr. P. What was the purport of his visit? Williams, I don't know, I did not want to see him.—Mr. P. How long did he stay? Williams, Not long.—Mr. P. Was it an hour, half an hour, ten or five minutes? Williams, I don't know, but I think about five minutes.—Mr. P. Oh! only five minutes, you are sure? Williams, Yes, I am.—Mr. P. What conversation took place during that time. Williams, I don't know, nothing particular.—Mr. P. Was it business that he called about? Williams, No, I had no business with him, I did not want to see him particularly. Mr. P. Why you do not mean to tell me that a gentleman, such as every one knows Sir Samuel Meyrick to be, would make you his associate, and pay you a morning visit; for notwithstanding you may be and are no doubt a respectable young man: still I should not suppose that Sir Samuel Meyrick would call upon you without having some business to transact. You were surprised when you saw him, were you not—pray what did you say to him? Williams, (hesitated) Why I don't know; I only told him I did not want to see him.—Mr. P. Oh! he was at your house five minutes and that is all that passed is it? Williams, That is all that passed.—Mr. P. Why then you stood and looked at each other. Why, were you five minutes telling him you did not want to see him? Williams, That is all I said to him—nothing more passed. I found out afterwards that some one by mistake had told Sir Samuel Meyrick that I wanted to see him.—Mr. P. How did he come, did he walk or did he drive? Williams, He drove, the gig waited at the door.—Mr. P. Now, Mr. Williams, can you swear that you did not speak about this action. Williams, No, I cannot.—Mr. P. Young man mind how you do swear. How long ago is it since this interview took place? Williams, I cannot say.—Mr. P. Was it a day, a week, or a month ago? Williams, I cannot say.—Mr. P. Was it since this action was brought? Williams, I believe it was. Mr. P. Did you not speak to Sir Samuel Meyrick about this action. Williams, He staid so short a time, I cannot swear that he did not speak about it.—Mr. P. Did you not know he was a witness, sir? Williams, I knew he was a witness.—Mr. P.

A witness, indeed, why you knew he was a principal witness, did you not? Williams, I did not know he was a principal witness.—Mr. P. Now, sir, did you see the opinion that was taken? Williams, I did.—Mr. P. And you knew the cause of the action? Williams, I did.—Mr. P. And did you not know Sir Samuel Meyrick was to prove the action? Williams, Yes, I knew he was to do so.—Mr. P. But I suppose it being merely a morning visit, you did give this subject the least consideration? Williams, No, I did not.—Mr. P. Was Mrs. Coward at your house at the time we have been speaking of? Williams, I think she was.—Mr. P. Where is she now, do you know? Williams, She is living with her father in the country.—Mr. P. In the country, where is that? Williams, At my father's in Shropshire.—Mr. P. How long has she been there? Williams, about two months.—Mr. P. Have the kindness to raise your voice. Now, how often have you been to Goodrich Court since the action has been brought? Williams, Only once,—last Sunday.—Mr. P. That was not a return visit was it? (a laugh) Williams, I went to examine him.—Mr. P. Did you draw up his deposition? Williams, I did; I made a sketch of his examination, and showed it to Sir Samuel Meyrick, and asked him if he could swear to it.—Mr. P. Why, did you not tell him it would suit the action? Williams, (hesitated) I took it before?—Mr. P. From whom? Williams, (paused) Mr. P. Why don't you speak out, sir, you are like one of Sir Samuel Meyrick's coats of armour? Williams, (raising his voice) I took the outlines of the evidence from himself.—Mr. P. And then you took the outlines or sketch, or whatever you call it, filled it up and showed it to Sir Samuel to know if he could swear to it; is that the case? Williams, Yes, that is the case.—Mr. P. Oh! that is two visits, how many more? The witness here covered his face, with a handkerchief, left the witness box, and was assisted out of court.—Mr. P. Oh! you are gone, are you?

Mr. William Morgan examined by Sergeant TALFOURD—I am an Auctioneer, at Ross. I know Mr. Wellington. I have spoken to him about the letter; but I do not recollect the conversation that occurred: it is so long ago that I have forgotten what passed. I know nothing about any person's name being mentioned in the letter.

Mrs. Anne Hart examined by Mr. RICHARDS—I am housemaid at Goodrich Court. I have been there two years next month. Before Mrs. Coward left, she used to show the armour. A great many people came to see the Court every week. I have shown it since March last. And have been allowed to receive the money that is given. I have received in that way about £30. There is a book to enter the names of the visitors. There is some thousands of names in that book; the principal part of the Nobility and Gentry who travel in the neighbourhood go to see the Court. I have seen the letter that is the subject of this action. I consider it refers to Mrs. Coward; and I consider the house in Alton-street refers to Mr. Williams. Hill lives in the Farm, he is an out-door servant, don't live in the house; has nothing whatever to do in-doors

Cross-examined by Mr. PHILLIPS—But he comes in-doors sometimes to eat and drink don't he? Mrs. H. Now and then he may, sir.—Mr. P. The cook gives him something now and then upon the sly you know, I dare say she is a civil sort of a body enough—come, Mrs. Hart, is not that the case now? Mrs. H. I don't know.—Mr. P. Why you know he dines in the kitchen sometimes, don't he. Mrs. H. Yes, sometimes.—Mr. P. When did you see Mrs. Coward last? Mrs. H. I don't know exactly, it may be about two months since.—Mr. P. How often have you seen her since February last? Mrs. H. I don't know.—Mr. P. Have you seen her two, three, or four times? Mrs. H. Perhaps I might, but I don't know.—Mr. P. Have the kindness to look at me and not at your master. Mrs. H. I was not looking at my master, sir.—Mr. P. Never mind, look this way and you will see what a wonderful effect it will have on your memory. Now, Mrs. Hart, I ask you, on your oath, whether you know how often Mrs. Coward has slept at Goodrich Court since March last? Mrs. H. (paused) She might have slept there two or three times.—Mr. P. Please to look at me, not that I particularly care about it, it will be as well I think. Will you swear she has not slept there six times. Mrs. H. I cannot, I do not know how often.—Mr. P. Very well, if you don't know you can't tell me. How many times has she dined there? Mrs. H. I don't know exactly, she has dined there sometimes.—Mr. P. How many times? Mrs. H. I cannot be positive.—Mr. P. Will you swear that she has not dined at the Court six times. Mrs. H. I cannot swear she has not.—Mr. P. How long is it since you saw her? Mrs. H. I have not seen her for two months.—Mr. P. Have you ever seen Sir Samuel and Mrs. Coward walking together? Mrs. H. (paused)—Mr. P. Do not look so much that way if you please. Have you seen them walking together? Mrs. H. I have seen them out together.—Mr. P. Where? Mrs. H. (paused)—Mr. P. Answer me, if you please—where? Mrs. H. In the road.—Mr. P. How often? Mrs. H. Not many times.—Mr. P. What where they doing? (a laugh) Mrs. H. Walking and talking.—Mr. P. What else? Mrs. H. I don't know, I minded my own business, I did not look after them.—Mr. P. Very well, you minded your own business did you. Pray, have you remained in this town during the assize? Mrs. H. Yes.—Mr. P. Have you not spoken to Sir Samuel about the evidence. Mrs. H. I don't know that I have.—Mr. P. Look this way, young woman, if you please. Will you swear you have never spoken to him about it? Mrs. H. (paused)—Mr. P. Come I must have an answer—recollect yourself. Mrs. H. I can't say but I might have named it.—Mr. P. Might, so might I: but can you swear you have not named it? Mrs. H. No, I cannot.—Mr. P. When was that? Mrs. H. The day before I came here.—Mr. P. Was that the last time? Mrs. H. Yes, that was the last time.—Mr. P. Will you swear you have not spoken to him since the day before you came here? Mrs. H. (paused)—Mr. P. Now, pray, do look at me and answer my question. Mrs. H. I have never spoken to him since.—Mr. P. You are quite sure of that? Mrs. H. Yes, sir.—Mr. P. How did you come here? Mrs. H. in a post-chaise.—Mr. P. Sir Samuel, you and your fellow servant, the cook, I think I am right? Mrs. H. Yes, sir.—Mr. P. Well, then I should not

think it very extraordinary if three people travelling in the inside of a carriage, concerned in the same business, should converse upon the subject of their journey: but, you are sure it has not been named since the day before? Mrs. H. Yes, I am.—Mr. P. Now, Mrs. Hart, attend to me. Will you swear you have not had some conversation relative to this business within these two days? Mrs. H. I might have spoken to him about it.—Mr. P. On your oath, have you not spoken to Sir Samuel Meyrick, about the evidence you were going to give, within the last two days—might won't do for me, I must have an answer? Mrs. H. Yes, I have.—Mr. P. Now, look at me Mrs. Hart, will you swear that you have not spoken to your master upon the same subject, on this very day of our Lord, Friday—this day. Mrs. H. paused for sometime.—Mr. P. Mrs. Hart, give me an answer. Mrs. H. Yes, I spoke to him to-day.—Mr. P. There I told you if you looked at me it would have a wonderful effect upon your memory.

Re-examined—I am in Sir Samuel's service. I was subpoenaed to attend at the assizes to give evidence upon this trial. I came in a carriage. I was examined by Mr. Hooper. I am staying at an inn. I spoke to Sir Samuel Meyrick about staying at Hereford.

Here the plaintiff's case closed.

Mr. C. PHILLIPS (with whom was Mr. BUSBY) addressed the Jury in the following terms:—May it please your Lordship, and gentlemen of the Jury—as my learned friend has closed his case, it becomes my duty to address you in behalf of the defendant, who has had, believe me, a great deal to contend with; namely, the superior means and high station of his actual opponent. But, gentlemen, since my learned friend has thought proper, for some reason or other unknown to me, to advert to my exertions in this county—aye, in this very hall; I most seriously assure you, that the sequel of those exertions has proved to me, beyond all doubt, that any man coming into this court, no matter how humble his station in life, is sure of having even-handed justice dealt out to him; this is not, gentlemen, the first that I have had the honour to contend in this court against wealth and rank: but, I am rejoiced to state that I have, at all times, left the bar fully satisfied that I have been fairly dealt with. Now, gentlemen, as my learned friend told you, in his opening speech, this action is brought to recover compensation in damages for the losses of services. He has also brought evidence to prove his case, the value of which I shall refer to by and bye. He also has

referred to certain insinuations being disseminated in the whispering gallery of slander. Now, gentlemen, I beg most unequivocally to acquit Sir Samuel Meyrick of any thing and every thing relating thereto. What? Did my learned friend wish you to suppose that it had been hinted, that a man, possessed of Sir Samuel Meyrick's taste, would by any means disgrace himself with his own domestic? No, gentlemen, thank God, there are no whispering galleries in this court. What could induce my learned friend to broach this subject I cannot conjecture; but, you may be assured, gentlemen, that it never was whispered. He told the Jury they must be satisfied that Sir Samuel Meyrick dismissed his housekeeper *bonâ fide*, and without any intention of taking her back again. He would say and he hoped to demonstrate that the dismissal of Mrs. Coward was not *bonâ fide*, and that the present action was brought from anger, induced by irritated self-sufficiency. He did not ask his Lordship for a nonsuit; he was content to stand or fall by the evidence. Believe me, gentlemen, no man on earth respects the due observance of the several grades of society more than I do; no one is more convinced of the necessity of their being upheld than I am. But I can tell Sir Samuel Meyrick that the way to protect rank and dignity is not by oppressing those whom Providence has unfortunately placed under him. He submitted that the letter of the defendant (insolent, perhaps, it might be) had annoyed Sir Samuel Meyrick, and that Sir Samuel Meyrick, no doubt, had said, "You shall pay for this." It was asked "Had Sir Samuel Meyrick a right to dismiss his butcher?" He had—but then had Sir Samuel Meyrick a right to say to his butcher, "You are a cheat?" The letter which was the subject of the present action was evidently an answer to a former letter; and when the tradesman had gone to Goodrich Court to seek an explanation of the charge of dishonesty which had been made against him, Sir Samuel Meyrick puts the oddest question in the world—"Do you think I am not master of my house?" This was certainly a strange question to be put by a gentleman of the taste, the rank, and the station of Sir

Samuel Meyrick, and was strange, considering the feelings, the manners, and state of behaviour that was usually found in the higher classes of society. But Sir Samuel Meyrick has said, gentlemen, that he did not accuse Mr. Wellington of dishonesty. I will ask you, gentlemen, if he did not charge him with gross dishonesty? Why, he has sworn that he told Mr. Wellington that he had sent much larger joints than he had been accustomed to do, but that even they would not cover the amount of his bills. Now, gentlemen, what do you call that—is it not accusing him with having sent more meat than was required, and with overcharging him? Why, if such had been the case, he could have been indicted for fraud. But mark what follows, “Mr. Wellington asked me if I intended to call him a cheat, I said I would not tell him.” It was an answer, gentlemen, ill-becoming the rank and station held by Sir Samuel Meyrick. It was an answer that inflicted a deep wound in the breast of the poor man, refusing him the opportunity of clearing up the matter; at the same time screening himself, he, Sir Samuel Meyrick, knowing an action would not stand for the assertion. Well, gentlemen, Mr. Wellington goes home, his feelings wounded, and deprived of the greatest right that belongs to every free-born Englishman; viz. the opportunity of clearing his character from an imputation of dishonesty. And what does he do?—why, does that which every other man in his situation would have done: he endeavours to do that upon paper which he was refused the opportunity of doing by word of mouth. He sits down, gentlemen, and writes that letter, and upon that the Jury would have to determine before they could find a verdict for the plaintiff. Sir Samuel Meyrick dismissed Mrs. Coward because of this letter, having no lurking intention of taking her back; and he, believing from the letter, that she was a thief, because he understood from the letter that the defendant had thus accused her of misconduct; and the Jury must be satisfied that the dismissal was not a precursor of this action brought merely to satisfy the haughtiness of Sir Samuel Meyrick’s temper, roused at the

insolence of an honest tradesman, for retorting on Sir Samuel Meyrick in a style of language which he himself had commenced. He (Mr. C. PHILLIPS) knew but little of Sir Samuel Meyrick; but the residents of the county must know his temper, and no doubt every man of rank had a character in his county in respect of the temper he possessed. No doubt Sir Samuel Meyrick was much irritated, and the next fact in the case was, that Mrs. Coward, who had served him for years with credit and with confidence, and who was intrusted to show the dead lumber which encumbered his house—(a laugh)—And Sir Samuel Meyrick himself tells you that Mrs. Coward has been in his service since the year 1819, with very little intermission, and that he never had any fault to find with her. But, that on the very day, mark that, gentlemen, on the very day he received that letter, he gave her warning to quit his service. Can you believe it, gentlemen? can it be imagined, that years of faithful servitude should, without the least inquiry, be obliterated in one moment—is this justice—is it reasonable—that, years of kindness, years of faithful obedience, shall be forgotten—shall be dispelled from the mind by a supposed insinuation. What, gentlemen, can it be believed that this took place in our day, in the year of our Lord 1836? No! Gentlemen, no! I do not believe it, I will not insult you by even supposing that you can, for one moment, entertain such a belief. There was a time when parties were punished without a trial,—there was a court that inflicted the punishment before the victim was apprised of his crime; but that was an infernal court, and, thank God, it is now annihilated. You know, gentlemen, that in no part of the civilized world a man is punished without a trial. But, gentlemen, we go much further than that, we say that every man is innocent until he is found guilty by a Jury of his own countrymen. If this had been an honest case Mrs. Coward would have made an appeal to Sir Samuel Meyrick, and would he not have inquired who was the person meant by the letter, and then have called on the defendant for proof? He had done no such thing; but, on the receipt

of this letter, Sir Samuel Meyrick, throwing aside years of faithful service and years of confidence, and without Mrs. Coward being even named in the letter, or called on for any defence, Sir Samuel Meyrick at once turned Mrs. Coward out of his house, and told her he did so in consequence of this letter. It was also worthy of remark that Sir Samuel Meyrick appeared all through the case from one end to the other. He sends his solicitor to the defendant to ask if he had sent the letter; his solicitor brings the action, and Sir Samuel Meyrick is the principal witness; and was it not a very strange circumstance that the solicitor did not, when he went to the defendant, ask him who he meant in Alton-street, more especially as it appeared that Mr. Hill, the gardener, had relations in that street, as well as Mrs. Coward? However, even taking it that Mrs. Coward was the person meant, still, as matter of law, he would submit to the learned Judge that this letter was, under all circumstances, a privileged communication. The defendant had been goaded on to write the letter in his own defence, and ought a man to be goaded to madness, and then punished for the insanity that was occasioned. Was the dismissal *bonâ fide*? If Sir Samuel Meyrick believed that Mrs. Coward was not a thief, he ought not to have dismissed her at all, and if he thought she was so, he should not have kept her for a month longer under his roof. There had been an opinion taken, and he (the learned counsel) did suspect that it was considered that the present action could not be maintained without special damage, and Sir Samuel Meyrick was not sure whether he did not see the opinion within the month. It might be asked, what business had he to see it at all? The question here was, whether the dismissal of Mrs. Coward was *bonâ fide*? He said broadly, and in the face of day, that it was not *bonâ fide*, and that Sir Samuel Meyrick's conduct proved it. Sir Samuel Meyrick, if it was *bonâ fide*, must have thought Mrs. Coward a thief, and yet he allows this thief to come to his house, as he says, to collect the evidence. He allows this thief to sleep in his house several times, and walks with her

in the bye-paths near Goodrich, for the purpose of enabling her to collect the evidence; and as Sir Samuel saw, no doubt, that she was ill in health, he recollected her faithful services, and took her out into the open air to revive her drooping spirits with his society—(a laugh). But, gentlemen, we are very ingeniously informed that this woman went to Goodrich Court to collect evidence. I don't doubt it, and we have had a very pretty sample of her choice collection. Now was it requisite in order to collect this important evidence that Mrs. Coward should be compelled to take twelve different journies to Goodrich Court: ridiculous! Why, is it not customary for the attorney's clerk to collect all the evidence relating to a cause? Twelve journies to collect evidence, and asked Sir Samuel Meyrick questions relative to her case. Monstrous!

Mr. Sergeant TALFOURD—I beg pardon, my learned friend, but I think you are going too far.

Mr. PHILLIPS—Indeed I am not, for Sir Samuel Meyrick in answer to my question said, he could not swear that Mrs. Coward had not been there twelve times. And then, gentlemen, we find that Mrs. Coward sleeps under Sir Samuel's roof, not only once or twice; but we have it from the housemaid, the best authority upon such matters, that she don't know how often Mrs. Coward slept there, it might be six times for ought she knew to the contrary. I naturally inferred that her sleeping at Goodrich Court was for the same purpose as her other visits, viz. collecting evidence; but, gentlemen, we are told that she slept at Goodrich Court because she was occasionally too ill to return to Ross the same night. And we are also told Sir Samuel Meyrick called at her brother's house to enquire after her health. Gentlemen, then we find Sir Samuel Meyrick walking about his grounds with her; no doubt, with the view, to invigorate her weak and languid frame with the enlivening prospects of the setting sun. What, gentlemen, are you to sit there and be insulted with the supposition that you can, for one moment, believe that this was an actual bonâ fide dismissal, and that too from no other cause

than a mere insinuation contained in the letter. And, then, to make the matter rather more complete, a piece of paper is handed in, upon which I am aware I have no right to make any comment, as my learned friend did not choose to put it in as evidence; but this, gentlemen, I have a right to say, that I firmly believe it to be a forgery: it was written God knows when—heaven knows where—and by whom I am sure I know not. And it ought not to be forgotten, that young Mr. Hooper had said that he did not know who had instructed his father to bring the action, and had shown a simplicity quite astonishing in the year 1836; for he was an attorney, and actually did not know who was to pay the costs—(a laugh). If we are to judge from the tenor of his evidence, it is very much to be feared that he never will be able to show that fine, fat, jolly, open, manly appearance that you see in his father—(a laugh). For, gentlemen, young Mr. Hooper don't know who is to pay the costs!—(a laugh)—a point which (as is very evident) his father has, no doubt, watched with the piercing glances of an hawk's eye—(laughter). Costs, gentlemen, are the very centre of attraction to an attorney—(laughter). It is by virtue of the costs that he rests his weary limbs after the fatigue of the day's labour—(laughter). The beginning of a lawyer is costs, the middle costs, and ending costs—(laughter). It was lucky for young Mr. Hooper that he had a father before him, who had made a large professional fortune; but if young Mr. Hooper did not improve upon this, he might be sure that after he should have the misfortune to be deprived of his venerable sire, he would have the fine fat old gentleman return in his winding-sheet and take the pen out of his hand—(laughter)—saying, “Oh! my son, my son,—is all my parental care lost? are all my most anxious endeavours, to make you a full-grown lawyer, proved useless? are all my most earnest instructions, (that you should always look after the main thing, viz. costs,) forgotten? (laughter). Is it thus you subvert the whole of my past labours.” “Degenerate boy,” would the poor ghost of the old gentleman say, “De-

generate boy, why did I destine you for an attorney from from your cradle? and why did I, instead of having you say papa and mamma, begin with teaching you to say 'costs, costs, costs,' before you learnt to say anything else?—(a laugh.) Degenerate son of a line of industrious ancestors, if you don't know who is to pay your costs you will never be fit for a full-grown attorney"—(laughter). Mr. Hooper, the father, was not called as a witness. He could have said who employed him to bring the action; and equally strange it was that the other side did not dare ask Sir Samuel Meyrick whether he had any intention of taking Mrs. Coward back again into his service. The Jury, however, had this fact, that she was not now in any service at all. He (the Learned Counsel) did not impute any wilful untruth to Sir Samuel Meyrick—he would no more do so than he would impute any matter of gallantry between him and Mrs. Coward; but still it was manifest that his feelings were angry, and, with feelings thus perverted, could any man act with justice? Here, then, was Sir Samuel Meyrick dooming a woman to be guilty even when she was but barely accused—he said barely, for the defendant was never asked who it was that he meant to accuse. It was clear that the special damage was concocted. He submitted that it was not sufficiently shown that the action was really brought by the nominal plaintiff on the record, and, further, that even if the Jury should be satisfied that the letter did impute dishonesty to Mrs. Coward, they must also be satisfied that Sir Samuel Meyrick had dismissed his housekeeper *bonâ fide*, and not intending to take her back, and that he had done so on account of this letter; and even then the plaintiff would not be entitled to a verdict, unless the Jury should further be satisfied that the defendant wrote the letter from malicious motives. The next point I shall draw your attention to, Gentlemen, is the evidence of Williams, the attorneys' clerk, brother-in-law to the nominal plaintiff. And I must here remark, Gentlemen, that my experience has taught me that the inward working of a corroded conscience will always exhibit itself in opposition

to the exertions of the most powerful nerves. And I will ask you, if that fact has not been proved beyond a doubt this day. I shall leave the evidence of this witness in your hands, feeling satisfied it will have just as much weight on your minds as it deserves. You have heard, gentlemen, the evidence of Mrs. Hart, the housemaid, and her cross-examination, and upon that I must tell Sir Samuel Meyrick that he ought to have known better than to have held a conversation with her upon the evidence. He had no right, being a witness himself, to speak to his servant (perhaps dictate to her) as to what she was to tell you to-day. It was to say the least of it derogatory to him, considering the high station he holds in his profession. Need I, gentlemen, tell you they have failed, entirely failed, to prove that this is a *bonâ fide* action, brought by the person whose name stands upon the record. The evidence of their own witnesses has, without my troubling you any further, clearly established that fact. And, gentlemen, you must be able to say, that you positively believe that Mrs. Coward is entirely discharged from Sir Samuel Meyrick's service—that she has actually sustained those losses that my learned friend elaborately described, before you can give them a verdict. But if, as I said before, you are of opinion that this was a colourable dismissal, your verdict must be for the defendant. There is one more point I wish to refer to, that is, in Sir Samuel Meyrick's re-examination; he told you, he knew my client a butcher's boy—the intent of that assertion is obvious, and instead of being angry with Sir Samuel Meyrick for the allusion, I am pleased with it; for it proves, in the first place, that he has risen by his own industry, and that he stands high in the opinion of his fellow-townsmen, and is respected as an honest tradesman by the gentry of the surrounding neighbourhood. I am pleased with the remark, inasmuch as it reminds me of a circumstance that occurred, in my own country, of a boy who used to walk the streets of Dublin, with a bag slung round his neck, offering small blue covered penny pamphlets for sale; this boy became a man, and was enabled to seat

himself and his three sons in the British house of commons, and died worth three millions!!! I speak facts, gentlemen; and, at his last election, I had the honour to be "Luke White's" counsel. His opponents, intending to reflect upon the origin of the old man, dressed up a boy precisely in the manner he had formerly been accustomed to dress, with the bag round his neck, and the inscription "LUKE WHITE" over his head, and placed him on a hovel directly in front of the hustings; and what do you suppose was the venerable old man's answer? Why he told his opponents that "he thanked them—heartily thanked them, for reminding him that he was risen from the people." And, gentlemen, I thank Sir Samuel Meyrick for having thrown it among you that my client has risen from poverty. I am obliged to him for the honour he has paid me, by informing you, that I am representing a man, who, by his honest endeavours, has raised himself to be a respectable tradesman. Gentlemen, I fear I have tired your patience, if not, I assure you I have tired myself. I shall therefore leave the case in your hands, trusting entirely to your judgement, whether this is bonâ fide the action of James Coward or not; and his lordship will, I have no doubt, tell you, that if that is not the case, it must fall to the ground; at the same time, I feel quite satisfied that my client will have his full share of justice.

Mr. Justice LITTLEDALE said that if this action had been brought from an injury to the feelings of Mrs. Coward, she ought to have been joined in the action as a plaintiff; but she was not so, this being an action for special damage for the injury done to the plaintiff by the dismissal of his wife from her situation. There were several questions for the Jury to consider, which were these:—Was the letter in question written by the defendant? Did it apply to Mrs. Coward? Did it impute dishonesty to her? Was it written maliciously? And was Mrs. Coward dismissed in consequence of the letter? It was admitted that the defendant had sent the letter: and that it applied to Mrs. Coward was pretty evident. Then, was it done maliciously? And on this

point the Jury must consider not only the letter itself, but the other evidence in the cause. If the defendant had named Mrs. Coward, the letter would have fallen more under the rules respecting privileged communications ; but instead of doing that, the attack was made on her in a covert sort of way ; and then came the question whether Sir Samuel Meyrick had dismissed Mrs. Coward on account of this letter, or was the dismissal only colourable ? The Jury would consider whether this was an action brought by Sir Samuel Meyrick, to punish the defendant, or was the dismissal of Mrs. Coward a bonâ fide dismissal from his service. If the dismissal of Mrs. Coward was only colourable, and she was all along intended to go back again into the service of Sir Samuel Meyrick, the present action was not maintainable, as the loss of her situation was the foundation of the action.

The Jury retired for about a quarter of an hour, and then returned a verdict for the **DEFENDANT**.

As soon as the verdict was given there was a strong disposition to applaud, but it was immediately checked.

