



Crime and Punishment

Bishops Cannings - Bourton

Action for Slander

On Saturday before the Under Sheriff (Mr C M Lee) the case of Clark v Taylor was heard for the purpose of assessing damages, the defendant having allowed judgment to go by default at the Assizes. Mr Cole and Mr Pinder were counsel for the plaintiff, and Mr Prideaux for the defence.

Mr Cole in opening the case said the plaintiff was Mr William Clark, of Seend, a very respectable gentleman formerly living at Corsham, and keeping the Methuen Arms Inn, then residing at Bourton, near Devizes, and subsequently and at the present time living at Seend.

The defendant was a miller, also living at Seend, and was the son of a highly respectable and wealthy man.

The plaintiff had unfortunately suffered in his pecuniary affairs while living at Bourton, and he was now carrying on business as a commission agent and horse dealer. He had been on friendly terms with the defendant and his family until a dispute arose, in November last, between them respecting a stable which the plaintiff was renting, and which the defendant was anxious to obtain possession of. The latter, instead of waiting for Mr Clark's tenancy to expire, put his horse and harness into the stable, and on the plaintiff discovering that, he broke off the lock and sent the horse, &c away. An altercation ensued between them in consequence, and on the very same evening the defendant went round Seend and the neighbourhood to different persons to whom the plaintiff was indebted and made statements to the effect that the plaintiff was insolvent; that he (Taylor) was going to manage his affairs, and to sell everything, that he could offer them 10s or 15s in the pound for their debts, and if they did not take that they would get nothing. He also went to several tradesmen at Devizes and other places, and said the man was insolvent, and could not pay his creditors; that he intended to buy up his debts, so as to make himself the principal creditor, and then he would ruin him and sell his bed from under him. He then went to his solicitor, Mr Wittey, and got him to write a letter saying he had been requested to apply to him for the payments of the amounts due to a number of persons thereafter mentioned, and threatened legal proceedings if they were not paid. On the same day he himself wrote to the plaintiff, requesting him to pay the amounts which he (Taylor) had paid for him to the persons thereafter named, to Mr Wittey by 12 o'clock on the following day, and adding in a postscript that if he did not agree to his terms immediate proceedings would be taken against him. The result of all this to Mr Clark had been very serious; his creditors had pressed him for their money, and he had been obliged to raise some money on his reversionary interest in some property in order to maintain his position.

Mr Clark was then called, and he deposed to the circumstances related by Mr Cole. In cross-examination he said it was true that he had been short of funds, and had been unable to pay many of his debts, but that arose out of the expense he had been put to in a Chancery suit, which had now terminated in his favour.

Mr Flower, of Seend, Mr Cripps, chemist, Mr Sly, saddler, Mr Allwood, draper and James Gilbert, ostler, of Devizes, were then called to prove that the defendant came to them and paid the debts that were due by Mr Clark, and that he used the expressions alleged in the declaration.

No justification of the slander was offered by the defendant, and the only question for the jury to decide was the amount of damages. The learned counsel on each side having addressed the jury. And the Under Sheriff having briefly summed up, the jury, after a short consultation, gave a verdict of £100 damages.

Salisbury and Winchester Journal Saturday 7 April 1866