



Breach of Promise of Marriage Case Gardener v Pike

Salisbury, Nisi Prius Court, (Before Mr Justice Denman.)

Breach of Promise Case

Gardener v. Pike.

Mr Bullen was counsel for the plaintiff; Mr Pitt-Lewis appeared for the defendant.

This was an action for breach of promise of marriage, but the case was not of a very romantic character, no letters having passed between the parties. The plaintiff is a dressmaker, living at North Bradley, near Trowbridge, and the defendant is employed as a clerk in a cloth factory at Trowbridge. The allegations for the plaintiff were as follow:

At the time of the alleged promise the defendant was a widower, with five children. The plaintiff was his cousin, and as they lived within 100 yards of each other, he paid frequent visits to her house. On the 26th September 1874, he made her a formal proposal of marriage, which she accepted, and they were looked upon as engaged people, and the defendant introduced plaintiff to several of his friends. Early in 1875, the defendant pressed her to fix the date of the marriage, and it was arranged that they should be married at Christmas. The defendant had previously presented her with his photograph, and also a brooch containing a lock of his hair taken from his whiskers. He also offered to give her an engaged ring, but she

declined to receive it, saying that owing to the nature of her business she would be unable to wear it. He took her on various excursions to Bath, Portsmouth, the Isle of Wight, and other places, and treated her in every respect as an accepted lover. Christmas passed, however, without him fulfilling his engagement, nor indeed was the marriage day ever actually fixed. Finding that the defendant was growing cool, and that his visits were becoming less frequent, she asked him for an explanation, but he did not appear to have given any. In August 1877, she heard he had just buried his mother, and on her complaining of his not having informed her of the death some words passed, which, it was contended for the defence, amounted to an exoneration. It was stated, however, that everything was made up before they parted, although the defendant did not appear to have visited her house again. Early in March, this year, he married a daughter of a publican at Trowbridge.

Mr Pitt-Lewis, for the defence, ridiculed the idea that the plaintiff had sustained any serious injury. He rather congratulated her on having lost the privilege of becoming step-mother to five grown-up children, and the wife of an old man of 50. He did not know that he could deny the promise or prove exoneration, but, looking at all the circumstances, he submitted that if the jury gave the plaintiff merely nominal damages, the justice of the case would be entirely satisfied. He was convinced from the demeanour and personal appearance of the plaintiff, that she would find a younger and more eligible husband. The jury found for the plaintiff – damages , £50.

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