

Edward Garnet Man's Letters and Court Cases

Appearing in or Reported by

The London Times (Mostly).

The following articles are extracted from The Times of London (for the most part) and are divided into two parts. The first consists of letters to the editor written by E. Garnet Man and the second consists of court cases in which EGM appeared either as a barrister defending or prosecuting. Also, a review (scathing) of EGM's book 'Papal Aims and Papal Claims' can be found at the end of this document.

PART I. LETTERS

Burmah, China, And Dacoities. E. GARNET MAN. The Times (London), Monday, Jan 11, 1886; pg. 4; Issue 31653.

BURMAH, CHINA, AND DACOITIES.

TO THE EDITOR OF THE TIMES.

Sir,—The present Ministry have carried out in a businesslike manner the policy suggested by Sir Arthur Phayre seven days before his death. He then wrote—“There is now nothing to be done but to annex Upper Burmah. We must not allow our French friends to have a tip of their little finger in our pie.” Sir Arthur Phayre moulded British Burmah into shape and rough hewed what Sir Ashley Eden afterwards polished.

There are some Anglo-Burmans who fear that annexation will give us greater frontier responsibilities. At the worst we can only have China as our neighbour on the one hand, and Siam and the Shan States on the other.

The former has been thrown into our arms by the action of the French in Tonquin, and the virtual annexation of Cambodia by the same power during the late Liberal Administration has further cemented our understanding with Siam. But Siam has formed our frontier on the

frontier line easily defined without our resigning our hold on Bhamo, and which might be drawn satisfactorily to China.

The Kachyens have gradually worked south, driving the Shans before them, who in their turn seem to have driven the Burmese; so that Upper Burmah at present has a large population of hardy Shans, who do the manual labour that the Burmese despise.

The majority of the Shan States were formerly tributary to the King of Burmah, but it was lately reported that the weak rule of Thebaw had encouraged them to throw off the yoke. If they were for so long a time passive under the Burmese, why should they be different under the stronger grasp of the British?

It is remarkable that the Burmese have offered no organized resistance to the English since Thebaw's dethronement. If the nation as a whole were inimical, General Prendergast's force would have been engaged in fighting armies directed against the British instead of having to detach troops to protect Burmese villages and hunt down dacoits. We hear of nothing but dacoits plundering their own countrymen, and not marching against the English. It is true that now reports are circulated that some thousands of men are being collected under two rival princes to attack the British. But those acquainted with Eastern nations will take with great reserve information as to numbers. Thousands dwindle to tens under investigation, and your correspondent's admirable picture of the Burmese children playing at the feet of the British soldier gives a better idea of the feeling of the Burmese towards the English than any reports of large armies being collected can convey. A country peopled by such as the Burmese suddenly deprived of all safeguards against robbery and violence naturally becomes a prey to the lawless, who seek the opportunity to plunder, and we may expect for the next two years to hear of large bands parading the country. But so it was in British Burmah after annexation, and dacoity is still prevalent there.

Colonel Street's action in shooting a number of dacoits in British Burmah will act as a deterrent to dacoity. It will be a mistake to hand over the rule of British Burmah too soon to the civil power. Soldier administrators are necessary under the circumstances, and martial law requisite. In the end it is more merciful than a refined

... But Shan has formed our frontier on the Moulmein side for many years, and no complications need be expected from that quarter.

We have only China and the Shan States to deal with. It is true that Chinese troops have taken Bhamo two or three times, but the Burmese have always retaken it. Whenever there was a strong Governor at Yunnan and the Burmese looted near the borders he would send a rabble to capture the place, and then the compliment would be soon repaid by the Burmese. But this action never necessarily involved a war between Burmah and China. A regiment stationed at Bhamo would guard that frontier and keep the road open towards Momein. One of your correspondents asserts that Burmah has paid tribute to China, and consequently we should hand over Bhamo to that power. But although I recollect the Chinese Embassy arriving at Mandalay, I never heard it whispered that they came with any other intent than that of interchanging presents, and I think the Burmese would have repudiated any idea of their King being tributary to China. Again, if we wish to open the trade route we shall have to guard the road for about 40 miles between Bhamo and the Chinese frontier; for it is in that portion that caravans are often plundered by the Kachyens. This tribe resembles the Highlanders of years ago. There might be a

civil process. If those taken in arms plundering were led to their own villages and publicly shot there, dacoity would be the sooner stamped out, for the bands are generally formed from the young men living in adjacent hamlets, who are induced to join by some lawless "looby," who uses his personal influence on each recruit. A family party thus collected sets out to plunder, and if the villagers were to witness one or two of the same family brought home to be shot opposite their own doors we should find that recruiting would be checked, and the severe punishment of the few save the future executions of many.

Yours faithfully,
E. GARNET MAN, late Legal Adviser to Her Majesty's Government in Burmah.

Administration In Burmah. E. GARNET MAN. The Times (London), Monday, Sep 13, 1886; pg. 4; Issue 31863.

ADMINISTRATION IN BURMAH.

TO THE EDITOR OF THE TIMES.

Sir,—The charges made against Captain Adamson, the Deputy Commissioner of Mandalay, mentioned in your report of questions asked in the House of Commons on the 4th inst., afford but another instance of the ignorance displayed by members of the House on matters affecting far off countries.

Great stress appears to be laid on the fact that he tried a case in his private house. His private house is probably a thatched hut, which is used as a court in the daytime and a sleeping room at night. District officers in the East have often to try cases on the spot, where the offence was committed. There is no accommodation set apart for a court, and justice can be as fairly and well administered under a tree, in a hut, or on the side of a hedge as in the palatial buildings in Europe. Captain Adamson's task has been a most difficult one. He has had to combat against the mistakes made by those in power since the annexation. That annexation was undertaken with the general concurrence of the bulk of the people. But no allowance was made for the risk of allowing a number of unscrupulous men, hangers on of the Court and the different Governors of the districts, and a disbanded army to wander loose about the country without subsistence. We too soon attempted to govern by means of the civil power and the police, instead of by martial law and the military. No allowance was made for the sudden change from the merciless Burmese penal code to the more civilized punishments under our procedure, and we drafted a half-drilled or newly recruited police to keep down dacoities, which wanted to be stamped out by a military organization. We are now paying the penalty of our mistakes. It is but natural that in a change of Government lawless spirits should seek their opportunity. The bulk of the people will follow those they think the strongest. If they have an idea the dacoits are getting the upper hand they will join them, for very peace and quiet. Severity in the first instance is more merciful than a shilly-shallying, weak administration, which by its very dilatoriness offers incentives to crime.

Captain Adamson's record of good and tried service for many years deserves that some confidence should be placed in him, even by those who do not know him. I do know him, and the fact that he heard a case in his private house (a hut) and gave a judgment to which there was no appeal would, even if corroborated, not shake my trust in his honest and fearless administration of justice in its true sense.

Yours faithfully,

Temple.

E. GARNET MAN.

The Times (London), Thursday, Mar 26, 1885

BRITISH RELATIONS WITH BURMAH.

Yesterday a deputation from the London Chamber of Commerce had an interview with Earl Kimberley at the India Office to urge, in the interest of the trade of British Burmah, that the Government should take steps for establishing more satisfactory relations with the Burmese Government. The deputation was accompanied by Sir William M'Arthur, M.P., Mr. Samuel Morley, M.P., Mr. Orr-Ewing, M.P., Mr. S. Smith, M.P., and Mr. R. Fowler, M.P. A memorial set forth that there had been a serious diminution of trade in Burmah since the withdrawal of the British Residents at Mandalay and Bhamo, and the abolition of the Mixed Court for the trial of causes between natives and Europeans. This decrease of trade was also largely due to the fact that King Thebaw had committed such atrocities and had allowed his kingdom to lapse into such a state of lawlessness that most of the tributary States had declared themselves independent, while his subjects on our frontier had caused disturbance and dread among British subjects by crossing the boundary and plundering the villages. It was pointed out that King Thebaw had violated his treaties with England by granting monopolies to traders, and by not preserving the Mixed Courts. Attention was also called to the French operations at Tonquin and to the designs of France upon Siam and the Shan States, which, in the opinion of the memorialists, made it more than ever desirable and necessary to retain our influence in Upper Burmah. It was further urged that a Resident and an Assistant Resident, with a sufficient military force as guards, should be established at Mandalay and Bhamo respectively; that the Mixed Court should be restored; that a British station should be established at Meingyan and other important trading places on the Irrawaddy; and that restrictions on the inland transport of goods should be removed and all possible facilities obtained for freedom of commerce.

Sir William M'Arthur introduced the deputation, and Mr. Garnet Man, Mr. Paterson, Mr. R. Gladstone, Mr. S. S. Gladstone, Mr. C. W. Anderson, and Mr. Holt Hallett spoke in support of the memorial. Most of the speakers advocated annexation as the best means of solving the difficulty.

The Volunteer Ambulance Corps. E. GARNET MAN. The Times (London), Saturday, Jun 25, 1887; pg. 17; Issue 32108.

THE VOLUNTEER AMBULANCE CORPS.

TO THE EDITOR OF THE TIMES.

Sir,—As one of the public who witnessed the good service done by the Volunteer Ambulance Corps during the procession yesterday, I would ask space in your columns to mention it. About six men with a stretcher took up their position between some lamp posts facing Westminster-bridge and hung out their Red Cross flag. At first there was some banter about their holiday playing, but as the crowd increased and an immense stream of people became wedged from one end of the bridge to the other their services were needed incessantly. Many times the crowd attempted to break through, and a second squadron of Guards had to be sent for to aid the endeavours of the police to keep the surging mass back. As some of those in it fainted or were hurt these useful amateurs rescued and carried them to their improvised hospital, where they were all attended to by the assistant surgeon in charge. The smartness of the men and the scientific manner in which they handled the patients repeatedly called forth the applause of the crowd.

Probably many a life was saved by their timely aid, and a good deal of suffering alleviated. As cheer after cheer broke forth at every fresh display of their energy and care they must have felt their good services were appreciated, and, presuming them to be a fair specimen of their brethren, the country can be congratulated upon the Volunteer system having evolved such an able, active, and intelligent body of men.

Yours faithfully.

Temple, E.C., June 22.

E. GARNET MAN.

Burmah. E. GARNET MAN. The Times (London), Saturday, Sep 01, 1888; pg. 3; Issue 32480.

BURMAH.

TO THE EDITOR OF THE TIMES.

Sir,—Mr. Chan Toon's letters on Burmah strikingly illustrate one phase of Burmese feeling—their intense pride. He only endorses that which all who know Burmah must admit. The Burmese, as a rule, hate and despise the natives of India, and, while they appear to have something in common with Europeans, they look down upon Eastern nations. It is to be regretted that the pacification of Burmah was so soon placed in the hands of a hastily levied and therefore badly drilled and incompetent police.

The natives of India lack that independence of character and geniality which characterize the Burmese. During a lengthened stay in both India and Burmah, while in the former country I saw and heard of many instances of natives of India being beaten or assaulted by Europeans; I never saw or heard of a case of a European maltreating a Burman. The latter is a type of what I gather the Scotch were some 200 years ago.

Mr. Chan Toon's brilliant career hitherto gives his words weight, as he enjoys the advantages of the education of an English prizeman, with the intimate knowledge of Burmah acquired by his Burmese birth. I presume that when he referred to Indian officers "as one of the great evils of governing Burmah" he did not allude to those who had served in Burmah from early in their career.

Sir Arthur Phayre, Generals Fytche, Davies, Duncan, and many others went young to Burmah, and their names are now household words with the Burmese. But he is correct if he infers that experience of the natives of India is useless when an officer is brought into contact with or has to govern natives of Burmah.

Your correspondent's assertion that India is the milch cow for Burmah is incorrect. Before the annexation Burmah was the milch cow for India. Of course, the expenses of annexation have now to be taken into account. But so it was when Lower Burmah was annexed. Immediately the country becomes settled Burmah will be the milch cow again, as she has been in the past.

The Straits Settlements were once under Indian government. The change does not seem to have retarded their prosperity.

Yours faithfully,

Temple, Aug. 28.

E. GARNET MAN.

To The Editor Of The Times. E. GARNET MAN. The Times (London), Thursday, Aug 08, 1895; pg. 12; Issue 34650.

TO THE EDITOR OF THE TIMES.

Sir,—In your issue of August 1 you publish a minute of the Liberation Society in which is recorded the following :—

“ The unprecedented exertions of those engaged in the production of intoxicating liquors, aided by the supporters of national establishments of religion . . . have destroyed the majority in favour of religious equality,” &c.

As one actively engaged in speaking and canvassing at Walsall, South Derby, and Alnwick, and in close contact with the electors of those districts, might I be allowed to question in your columns the accuracy of the impression under which the framers of that minute appear to be labouring ?

I can rely on no better *data* than the result of conversations between myself and the poorer class of electors with whom only my intercourse was held. I have no hesitation in recording that the “ parson and beer ” had not so much to do with the result as the framers of the minute would appear to presume. At Walsall there was a publichouse said to be the stronghold of Radicalism, and I spent some time in it.

The landlord was a strong supporter of Sir Arthur Hayter, and when I entered nothing but politics were being discussed. One man was hotly abused for being a turncoat and supporting the Conservatives, as he had always voted before with the Radicals. But his retort was, “ England for the English.” He was not going to stand 80 Irish members coming over here to be in our Parliament, while we had nothing to do with theirs. One was asked the landlord when his house was going to be shut up without compensation. The answer was, the Liberals would never touch him. The chances of the rival candidates were talked over ; one man stated that Sir A. Hayter had never been in the borough since he was elected, while Mr. Gedge had been with them weekly for 18 months.

I attended a Separatist meeting which was addressed by a local Nonconformist minister. I noticed at all these meetings Home Rule was tabooed. This gentleman confined himself to the Local Veto, and shortly put it thus :—“ My intelligent friends and brother workers, the Liberals do not want to stop your beer. We only give each of you the key of the cellar, so that you may drink or not as you like.” This statement was received with loud cheers ; a voice from the crowd cried, “ but you give to two who don’t want to drink

a key each, while you don't give a key to a third who likes his glass of beer." This remark was hooted down.

It was pitiable to hear the complaints of short work amongst the miners. The Church or beer question did not appear to affect them. Their only anxiety was to keep their families from want, which was staring them in the face. At the last election promises had been made that if Sir A. Hayter were elected they would get better wages, instead of which times were getting harder. They had heard that their mining agent had received about £18 for speaking for the Liberals, and had boasted at a meeting that he would bring his miners "up in a lumpy to vote for Hayter." This appears to have offended them, and they voted accordingly.

The Walsall election was not won by a coalition between "Bung and the Church." It was won because there was a general disgust with the whole Separatist programme—with promises broken; a general feeling against Home Rule; a feeling that it was unfair to ruin a poor man's trade and not give him compensation; a feeling, fostered by the Roman Catholic priesthood, that it was unjust to ruin voluntary schools; and last, and most important, Mr. Gedge's careful and judicial candidature. For 18 months before the election he had held conversational ward meetings in which he conversed with the electors, who were all invited, and he thoroughly ventilated the various political questions at issue. The organization at the head office under Mr. Middleton was also superb. A long placard was published by the Separatists on the Friday before the election charging Mr. Gedge with having voted against the good of the people in 18 different Parliamentary divisions. It was most important to have this placard answered before the following Tuesday. I was asked to take it to London to the head office to have all Mr. Gedge's votes looked up, and all the *data* obtained from Hansard, ranging as it did through some years; this involved immense labour. But, although Mr. Middleton was engaged with many other elections, the machinery of the office was in such good order that by Saturday night a full *précis* of his votes was *en route* to Walsall, and a placard from his agent on Monday triumphantly refuted the placard upon which the Separatists had relied as their last *coup*. Thus was the election won.

Yours faithfully,

E. GARNET MAN.

Some Election Experiences. E. GARNET MAN. The Times (London), Tuesday, Aug 13, 1895; pg. 4; Issue 34654.

SOME ELECTION EXPERIENCES.

TO THE EDITOR OF THE TIMES.

Sir,—In your issue of August 8 you were good enough to publish my experiences at Walsall. The impression obtained there that the Liberationist minute was hardly fair to the clergy was further intensified by my subsequent experience with the electors in South Derbyshire and Berwick.

I arrived at Derby on the Sunday after Sir William Harcourt's defeat, and was informed by a Nonconformist minister that he was told that the London brewers had sent down a train laden with beer, which was distributed with a free hand (which is absurd), and that on the day of the election the town was in a disgraceful state of drunkenness. This tale was repeated more than once, but against the charge of general drunkenness I hear there appeared a statement from the chief constable, to the effect that there were only three men in the lock-up on the day of the election, and that the town was remarkably sober. The main reason for Sir William Harcourt's rejection was generally asserted to be the fact that a large majority of railway and other employes were disgusted at the Commons throwing out the Lords' Amendment to the Liability Bill, and interfering with their liberty in the Railway Servants Bill. They therefore sided with the House of Lords in the controversy. This alone would suffice to sweep away his former majority, and there was no alliance between Bung and the parson here.

In South Derbyshire Mr. Gretton had to remove a majority of over 1,200, and his attempt was considered hopeless. I travelled through the hotbed of Radicalism in this division, Swadlincote and Church-Gresley. Here I found the miners in a wretched plight. They were making but two days a week and could hardly keep body and soul together. Trade had left them—some attributed their evil plight to the strikes, some that bad trade had flooded the mines with agricultural labourers driven from the farms. I found but little abuse of the masters; many were spoken of very highly, particularly Hall and Drage. Moving freely amongst them, I received no discourtesy. They seemed to have a distrust of Radical promises made by the friends of Mr. Broad, the sitting member, and which had never been performed. As the bills were announced that Sir William Harcourt would address the miners on Gresley-common, I waited to hear him, but at 3 p.m. a landau drove up with the Radical candidate and his wife, followed by a wagonette containing some gentlemen, one of whom informed the crowd that the fatigues of the Derby election had acted upon Sir W. Harcourt, at his advanced age, in such a manner as to compel him to seek repose.

A Nonconformist minister, with others, addressed the meeting. They abused the officers of the Army, the House of Lords, and the Church, but avoided carefully all reference to Home Rule. Unfortunately for them, four gentlemen, sent from Manchester by the Irish Union, appeared and commenced distributing leaflets

against Home Rule. This seemed to exasperate the speaker, and, goaded on by his words, the crowd hustled, dragged, and assaulted, not only the four gentlemen, but also Mr. Gretton's local agent, who had to flee for his life and to seek police protection. In only one instance in this division did I hear of any Established Church minister taking active part in the elections, while I attribute the attack above mentioned and a subsequent attack made on Mr. Gretton and myself, when we were stoned and hustled and our meeting broken up at Church Gresley and Swadlincote, entirely to the inflammatory harangues of the Nonconformist minister aforesaid. A lurking distrust of the mining agents (who were all Radicals, and who by advising strikes had driven trade elsewhere), disgust at bad trade, at interference "all over the shop," as one miner graphically put it, was the groundwork upon which a majority of over 1,200 for Mr. Broad was turned into a majority of over 800 for Mr. Gretton. I left Derby before the declaration of the poll, and arrived at Altwick in the evening. Here a different state of affairs existed. The miners were working full time, and did not appear to have any special grievance.

From what I gathered they were not favourable to the proposed Eight Hours Bill. One said, "It takes us sometimes an hour to get from bank to bank, and when a mine is once started the works can't be shut off in a moment." This eight hours arrangement "won't help us." It seems that where there is a foreign export trade the eight-hour clause is not so popular. It is only in the inland collieries that the desire for the restriction of labour is prevalent.

Both candidates for the Berwick Division were deservedly popular. Sir E. Grey, the sitting member, does not appear to have actively identified himself with any Radical fads, and the impression was prevalent that he was not much in favour of local option without compensation. Lord Warkworth was an eloquent speaker, but the Conservative organization was so defective that a fair chance was not given him. For instance, we hear of his appearing to speak at a country meeting just half an hour after the bills were posted announcing that meeting, and in consequence no one appeared to listen to him.

It is quite evident that the Conservative and Unionist machinery was out of order, and success could hardly have been expected.

The Church of England, so far as I could gather, took no prominent part in this election, but I was surprised to hear that the country was overrun by itinerant preachers, who visited the different villages and spoke against the "world, the flesh, and the drink," including in that category all the rich, the Established Church, the House of Lords, and every one who was above them. Pull them all down was their cry. At Emblington, as it was Saturday night, many of the crowd were gone in liquor and were howling against local option. "Then you cannot support Sir Edward Grey," I remarked. The answer I received was, "But he will never allow us to be done out of our beer. Hurrah for Sir E. Grey!"

The minute issued by the Liberation Society does not grasp the real facts, as far as my experience goes. There has been no active alliance between "Bung and the parson," but wherever I have gone I have seen a Nonconformist minister promulgating Radical views of a very pronounced character. This active partisanship is somewhat neutralized by the impression conveyed to me by a respectable bystander at one of the meetings (unjust though it may perhaps be) that their activity is to some extent attributable to a desire to share the plunder of the Church.

Mr. Atherley-Jones, in his letter to *The Times* of August 8, seems to have had a different experience, but I can safely say that in the three constituencies coming under my direct observation the Nonconformist ministers took a most active and prominent part, both in speaking and canvassing, for the Separatists, while the clergy were conspicuous by their absence.

I am, Sir, yours faithfully,

August 9.

E. GARNET MAN.

To The Editor Of The Times. E. GARNET MAN. The Times (London), Tuesday, Sep 04, 1900; pg. 5; Issue 36238.

TO THE EDITOR OF THE TIMES.

Sir,—As one of the original members on the council of the Church Reform League, I wish to correct a misapprehension under which Mr. Radcliffe Cooke labours regarding the objects of the league.

In his letter of the 31st ult., he writes that the league desires “the reintroduction of the ecclesiastical element into the Courts of law, and to take away from Parliament the control over ecclesiastical matters.”

I joined the league because I thought it a means by which a gross anomaly might be remedied. Mr. Cooke writes that “Parliament represents the laity,” but he omits to state that Parliament also represents the most deadly enemies of the Anglican Church. His statement might have held good when all members were of her persuasion, but now Romanists and Nonconformists have equal power with her lay members to legislate for her or against her. Is not this an anomaly? Is there any other religious body that would allow it? Moreover, I have read in a report of the Liberation Society that “the time of the House of Commons should not be taken up with attempts to reform the Church!” So the poor Church lies at the feet of her enemies.

The great object of the league is to remove the anomaly of other than Churchmen having a voice in her legislation—a voice which has been raised against her welfare whenever opportunity has offered.

Give to the laity such a representation as the league desires and such a scandal would be no more.

I agree with Mr. Cooke that the comparison of the conditions of life is much more favourable in Protestant than in Roman Catholic countries, for there seems to be a blight pervading those over which the latter religion is dominant. Also that 90 per cent. of English laymen are staunchly Protestant. It is for these very reasons that I wish success to the Reform League, for it will help to counteract the insidious approach of Papal dominion, aided as the league would be by a majority of 90 per cent. of staunch Protestant laymen, who would have a voice in the government of their own Protestant Church.

I beg to remain your obedient servant,

E. GARNET MAN.

Walton-on-Thames, Sept. 2.

The Times (London), Tuesday, Apr 12, 1904; pg. 5; Issue 37366.

ECCLESIASTICAL INTELLIGENCE.

The Bishop of Winchester has nominated the following to serve on the Diocesan Lay Readers' Board, and they have signified their willingness to do so :—The Bishop of Southampton (chairman), the Archdeacon of Winchester, Canon Valpy, Mr. S. Bostock, Mr. Lionel Herbert, Mr. E. Garnet Man, Mr. W. H. Myers, M.P., Mr. M. J. Rendall, of Winchester College, and the Rev. A. E. Daldy (secretary).

The Times (London), Saturday, Apr 22, 1905; pg. 9; Issue 37688.

"Bengal Civilian" writes :—"The dangers of relying on the memory or on recollections of events which occurred 40 or 50 years ago, without reference to history or to the correspondence of the time, are clearly shown in the letter of Mr. E. Garnet Man, which appeared in your issue of March 16. This gentleman, in alluding to the disastrous retreat from Arrah, when our first attempt to relieve the heroic garrison failed, tells us that he was in the neighbourhood at the time—July, 1857—and then he mentions two gallant actions, the particulars of which he had from 'an eye-witness' 'two days afterwards.' Briefly stated, your correspondent credits the late Mr. Ross Mangles, V.C., not only with the fine feat of carrying a wounded soldier on his back for three or four miles under fire till he rejoined his own party, but also with cutting the rope or hawser of a boat and enabling the retreating party to steer it across a river and get away. Your correspondent has mixed up two different incidents. Mr. Ross Mangles certainly carried the wounded soldier. It was Mr. W. F. McDonnell who cut the rope, held the boat, and saved the lives of more than 30 Englishmen. Both feats are described at length by Kaye, in his best style (*vide* that historian's 'History of the Sepoy War,' vol. III., pages 117 to 121). The coveted distinction of the V.C. has never been more nobly earned by two civilians. My friend Mr. Ross Mangles has followed his brother civilian to the grave, but I feel certain that it would have distressed him had he, in his lifetime, been credited with the heroic act of his colleague. Kaye gives the particulars of the boat incident in a letter written at the time by an officer of the Sixtieth Rifles (see note on page 121, vol. III.). He witnessed the deed."

The Victoria Cross Given To Civilians. E. GARNET MAN. The Times (London), Wednesday, Apr 26, 1905; pg. 8; Issue 37691.

THE VICTORIA CROSS GIVEN TO CIVILIANS.

TO THE EDITOR OF THE TIMES.

Sir,—“Bengal Civilian,” in his laudable desire to give the credit justly due to McDonell for his gallant action in cutting the rope of the last boat in the disastrous Arrah retreat, has unwittingly mixed up two incidents.

He assumes that the boat in which Mangles placed his wounded soldier, and to which I referred, was the same boat whose painter McDonell so gallantly cut. In this he erred. The incidents occurred on two different boats, of which McDonell's was the last. The word “cut” which he attributes to me does not appear in my letter.

Mr. Haggard's quotation from Kaye, in his letter of the 24th inst., supports my contention as to there being more boats than one.

Such being the case, the details of the one incident do not affect those of the other. They are both separate. I knew McDonell well. He was a splendid rider, and I have often ridden against him as a “light weight.” I would be the last to wish to depreciate his most noble heroism. Both richly deserved the honour they obtained, and the deeds of both shine in “the blazing scroll of fame” with equal lustre.

Yours faithfully, E. GARNET MAN.

The Representation Of The City Of London. E. GARNET MAN The Times (London), Saturday, Dec 23, 1905; pg. 6; Issue 37898.

TO THE EDITOR OF THE TIMES.

Sir,—Mr. Faithfull Begg's letter in your issue of the 18th regarding Sir Edward Clarke has caused some surprise amongst his friends in the City.

When Sir Edward's name was first suggested I, with others, sounded the feeling amongst the liverymen with regard to his candidature, and the result was quite different to that obtained by Mr. Begg. There was a unanimous feeling in his favour.

There is an impression prevailing that personal and not political feeling pervades amongst a few of his opponents. Whether such impression be correct or otherwise I know not, but it is an influence in his favour.

Yours faithfully,

Hythe, Dec. 21.

E. GARNET MAN.

Woolwich Discharges. E. GARNET MAN. The Times (London), Tuesday, Sep 22, 1908; pg. 4; Issue 38758.

WOOLWICH DISCHARGES.

TO THE EDITOR OF THE TIMES.

Sir,—The Woolwich meeting on Thursday last protesting against the War Office regulation discharging loads from the Arsenal at the age of 21 was crowded by a large number of relatives interested in the question. It was stated that 500 were immediately and 2,000 would be ultimately affected. Mr. Hart, the chairman, said that many were the only support of their parents and once discharged, with unemployment so prevalent, they would have no chance of getting work.

I happened to be at Woolwich shortly after the discharge of the workmen from the Arsenal and Government works last year. Two thousands of skilled mechanics then turned adrift had gone to seek work elsewhere, leaving their wives and families to stay at Woolwich until they could send for them. One woman told me how her husband was tramping the country to find work. Until his discharge they had been living in comparative comfort. They had been able to buy their cottage, but now were unable to sell it as the population had so decreased and there were no buyers. Starvation stared them in the face. These discharges have occurred in all the Government centres of industry. Thousands have been thrown out of work since the advent of the present Government to power. When it is considered that if an ironclad costs one million in building, £800,000 is spent on labour, an idea may be formed of the loss to working men the present policy has caused.

More than 30,000 have been discharged from the Army; these are forced to seek work elsewhere, to the detriment of those already at work.

The Government plea that these reductions have been made to reduce taxation is a false one. Is it not wiser to spend our money on the Navy and the Army, which is really money spent as an insurance, rather than on relief works for the unemployed?—schemes which are too often merely makeshifts to disguise the fact of the whole being nothing but charity in disguise.

Taking the average of five to each family, and not counting military discharges, it may be calculated that over 150,000 have been thrown into poverty by official false economy. The remark of a labourer seeking employment when asked "what he thought of old-age pensions" is instructive. He replied, "As work is getting scarcer, in a few years all the labourers will have died from starvation before they get to the right age."

Yours faithfully,

E. GARNET MAN.

Sandgate, Sept. 14.

To The Editor Of The Times. E. GARNET MAN. The Times (London), Friday, Jul 28, 1911; pg. 4; Issue 39649.

TO THE EDITOR OF THE TIMES.

Sir,—As a local secretary for the Soldiers' and Sailors' Help Society my duty is to try and find work for those who have been discharged with good characters, but lately all my endeavours have been frustrated by the answers from employers, "We cannot help you, for the Insurance Bill will make it impossible." A bootmaker told me that he calculated it would impose a tax on him of nearly £18 per annum, and a local builder calculated it would mulct him in nearly £30 per annum. These men were both in a small way of business. The builder stated that in the winter to keep his men employed he used to give them three to four days a week, but now instead of entertaining my application for another workman to be placed on his staff, he was thinking of curtailing his present number. I merely state the result of my endeavours. Whether they were justified in their conclusions I leave to others to argue.

Yours faithfully,

E. GARNET MAN, Local Secretary Soldiers'
and Sailors' Help Society, Sandgate, Kent.

Sandgate, July 24.

PART 2: COURT CASES

Queen's Bench Division. The Times (London), Saturday, Jul 23, 1881; pg. 6; Issue 30254.

(Sittings at Nisi Prius, before MR. BARON HUDDLESTON and a Common Jury.)

SQUIRES V. STURMAN.

Mr. Garnet Man and Mr. Morton Brown were counsel for the plaintiff; Mr. Jarvis and Mr. Frankerd for the defendant.

This was a somewhat curious case. It was an action for a breach of contract and to recover damages for the wrongful dismissal of the plaintiff's daughter, Miss Florence Squires, £15 premium, paid and £12 10s. six months' salary. The defendant denied the dismissal, said that if he did contract with the plaintiff, Miss Squires absented herself without reasonable cause from her employment, misconducted herself, and refused to obey his lawful orders, which justified him in dismissing her, and he counter-claimed for a false and fraudulent misrepresentation by the plaintiff that her daughter was competent to fulfil the duties of assistant-secretary, and for £3 16s. 4d. for necessaries, tea, ale, &c., supplied to Miss Squires while at his establishment, and this the plaintiff admitted to be due. The plaintiff is a widow lady, lately residing at Dalston, and she said she saw an advertisement in April, 1880, for an assistant-secretary at the defendant's ladies' school, then carried on at 44, Renshaw-road, Finsbury, by Dr. and Mrs. Sturman. The salary was to be £25 a year, increasing £5 half-yearly up to £30. She accordingly called with her daughter, and offered a trial of the girl, then 16 years old; but this was declined and her services were accepted. She paid £15 premium and got a receipt with a note at the bottom that the service was to be for not less than two years. In August she saw another advertisement for another secretary; and she called on Mrs. Sturman to ask what this meant, and if they wished to turn her daughter off. But she was informed that there was plenty of work for two secretaries. Her daughter's salary was to be paid quarterly, and the girl left on October 15 after receiving a note on the 14th headed "Important notice to Miss Florence Squires," which had upset her greatly and caused her to go home for that day. She, however, returned next morning when Dr. Sturman dismissed her. She had not been paid either the premium or the salary, and this writ was issued on October 23, 1880.

In cross-examination, the witness said she had not told the defendant her daughter was in the 1st class at the Haberdashers' School, or that she had only just left school; her daughter had said she hoped she was sure of her spelling. There might have been complaints about the spelling, and about her having mislaid a register of pupils' addresses, just before the end of the vacation, when it was necessary to summon the pupils back.

Miss Florence Squires was called and corroborated these facts. She had been dismissed by a note on the 15th of October. The "notice" ran:—"So much work being practically spoiled through your wilful carelessness and negligence, you are requested to give your thoughts to the business in hand and not dream, &c., while writing &c. I shall charge you for all the work you have spoiled and destroyed. -E. Albert Sturman."

Cross-examined.—Miss Squires admitted there had been complaints as to her spelling and that she had spoiled many sheets of "headed" note-paper. She was confronted with several sheets of a library catalogue in which the following errors occurred—"calender" and "callender," for "calendar," "directorys" for "directories," "abroard" for "abroad," "manual" for "manual," "miscellaneous" for "miscellaneous" and "Yorkshire Duddin," for "Yorkshire Pudding." But this, his Lordship said, might arise from the vagueness of the initial letter on the book itself. Mrs. Sturman had said she thought she ought to receive back either the premium, or her six months' salary.

This closed the plaintiff's case, and Mr. JARVIS having opened the defence, called Dr. Sturman. He said he had been assured that Miss Squires could write and spell well and had been in the 1st class at the Haberdashers' School. She gave him a great deal of trouble, and nothing was properly done. She could not write straight, and he had taught her pot-hooks and hangers, and she improved very much. He had cautioned her about mislaying the book of addresses, which was found in a desk which he never used.

To his LORDSHIP.—He had never complained of her to her mother about this, and he never intended to discharge her. Her inattention was not enough to warrant him in his dismissing her. He had never suggested it, because he could teach her. There was no misconduct on her part, and he would take her back if she would apologize for rudeness to his wife.

Mrs. Sturman was called and said her husband had not wished to dismiss Miss Squires, but had told her after absenting herself without leave she had better fetch her mother, and come to some amicable arrangement. She had not kept the letter which contained this proposal. She did not wish to discharge her, though her conduct might have justified her in so doing. Asked by his Lordship to specify what this was, witness said Miss Squires had refused to come into the schoolroom on several occasions; once she had broken her watch glass by sitting on it, and having left the room, could not be induced to return to it again. She would not go into the algebra class when told, or bring a basin of paste when ordered to do so. She had complained four times to the plaintiff about her daughter.

Jane Turner, a servant girl, described the giving of the "notice" on October 14. The plaintiff's daughter when offered the key of her office by the witness, had said "I don't want it; I'm going away, and shan't come back." Dr. Sturman had read the notice to her, witness saying it would make Miss Squires more cautious. Miss Squires spoiled a good deal of paper. She had not been dismissed, though if she had it would not be more than, in her (witness's) opinion, she deserved. She was on friendly terms with Miss Squires.

Mrs. Squires and her daughter were then recalled to contradict the defendant and his wife on the points as to the complaints and dismissal.

After the addresses of counsel,

MR. BARON HUDDLESTON summed up. The learned Baron said the case was not without difficulties, and both counsel had ignored the issues and the pleadings, which he would endeavour to lay before the jury clearly. His lordship then briefly sketched the history of the case, saying the charge of carelessness and bad spelling against Miss Squires seemed comparatively trifling, and misconduct there was none. He dared say there was some discontent at her incompetency; but was the "important notice" written with the object of getting her to go of her own accord, and so relieve the defendant of liability? Why read it to the servant girl, who was evidently a warm partisan? The following were the questions he should leave to the jury:—1. Was there a contract with the plaintiff by the defendant, as proved by the receipt of £15 premium?

Answer.—Yes.

2. Did the defendant dismiss Miss Squires?—Yes.

3. If he did, then, according to the words of the pleadings, did she absent herself without reasonable cause and refuse to perform her duties?—No.

4. Did Miss Squires misconduct herself, refusing to obey the defendant's lawful orders? If she did he would be perfectly justified in discharging her.—No.

As to the counter-claim, did the plaintiff falsely and fraudulently represent that her daughter was competent to fulfil the office of assistant secretary?—No.

Then as to damages the jury ought to be careful; the plaintiff was entitled to reasonable damages for her daughter being dismissed so early in a two years' engagement. It would not be right to give her the whole £60, as if she had served her full time. They would give her such

temperate damages as they thought fit, being guided by the likelihood of her getting another situation.

The jury found £32 10s. damages; but

Mr. JARVIS pointed out this was more than the sum claimed. Thereupon

His LORDSHIP said he would amend the claim; but perhaps the jury had better give £50, the sum named on the writ, which they accordingly did. The learned Baron then entered a verdict and judgment for the plaintiff on the claim for £50 and for the plaintiff on the first part of the counter-claim as to the false representation; as to the latter part of it for necessaries, &c., a verdict and judgment for the defendant for £3 16s. 4d.

The Times (London), Monday, Apr 19, 1886; pg. 10; Issue 31737.

At CROYDON, Mr. FREDERICK BENNETT, a stockbroker, of 21, Birchin-lane, City, and living at Wallington, was summoned by Inspector Turpin for having on the 11th inst. travelled in a certain carriage on the London, Brighton, and South Coast Railway without having previously paid his fare and with intent to avoid payment thereof. Mr. Brewer appeared for the prosecution; and Mr. E. Garnet Man, barrister, defended. Cuthbert Clarke, booking clerk at Wallington Station, deposed that he had known the defendant as a first-class season-ticket holder, but his ticket expired on March 31, and he was informed of this fact. On Sunday night he arrived by the train leaving London-bridge at 9 35 in company with two ladies, for whom he gave up two single tickets. Witness asked him for his own ticket, and he replied, "Season," and upon being requested to show it, said "Season ticket on a Sunday night; why it is absurd," and explained that he had not got it with him. With that he gave his name and address, and left the station. For the defence, Mr. Man said no doubt the defendant should have renewed his ticket on April 1, but being very busy he gave it to a friend to renew, and he was perfectly justified in presuming that he had done so. Mr. Charles Stewart, the gentleman referred to, said it was true that Mr. Bennett asked him to renew the ticket, but he did not intend to do so until he got the money for it. Mr. Brewer informed the Bench that, as a matter of fact, the new ticket was not applied for until the 12th inst., the day after this offence was alleged to have been committed. Mr. Man contended that there was no fraudulent intent, inasmuch as the company held a deposit of 10s. The Bench said if the defendant had acted honestly in the broad sense of the word, and explained the exact circumstances of the case to the ticket collector, probably nothing more would have been heard of the matter. Instead of that he said what was untrue. The case would be dismissed, but they would advise the defendant not to act in a similar manner again. The company were quite right in bringing the case before the Court.

The Times (London), Tuesday, Jul 27, 1886; pg. 3; Issue 31822

(Before MR. JUSTICE A. L. SMITH.)

CLARKE V. BRADFORD.

This was an action to recover the price of 20 shares in

the Milford Haven Railway and Estate Company (Limited) under the following circumstances. In 1882 the plaintiff, Mr. George J. Clarke, applied for ten preference shares in the above-named company, which were allotted to him, and by virtue of them he also became entitled to the same number of ordinary shares. In due course the plaintiff paid up all the instalments which became due on the shares. In August, 1884, in consequence of what he saw in the report of the company, he called on the defendant, who was a solicitor and chairman of the company, and, according to his own evidence, told him he had seen that, in consequence of matters connected with the promotion of the company, some of the shareholders had got their money refunded, and that he should claim a return of his own money. The defendant advised him not to do so, and said that he would himself purchase the shares if the plaintiff would forego taking proceedings. The plaintiff assented to this arrangement, and by way of putting it in writing wrote to the defendant asking whether he would give him the option of selling to him the shares in question within 12 months. On October 7 the defendant replied, "I agree to purchase at the price and on the terms mentioned, you having the option to sell or not at the end of the 12 months as you may think fit." On this agreement the plaintiff now sued. In July, 1885, the plaintiff wrote to the defendant, accepting his offer to purchase the shares on the terms of the letter of October 7, and after some delay on the defendant's part the plaintiff's solicitor applied to him on October 7 to purchase the shares, when he finally refused to do so, and the present action was brought. The case now put forward for the defence was that there was no complete contract to purchase, but only an option offered to the plaintiff, that there was no consideration for the alleged agreement, and that the plaintiff never was in a position to hand over the shares. In support of this case, the defendant gave evidence denying that there had been any agreement that the plaintiff should forego litigation, which was the consideration relied on by the plaintiff; while it further appeared that the plaintiff had assigned the shares by way of mortgage to the United Securities Society, by whom notice had been given of a lien on the shares which still remained upon the register. On the other hand, it appeared that the mortgage debt had been paid to the assignee of the Securities Society before Mr. Plews, the plaintiff's solicitor, offered the shares to the defendant, and that Mr. Plews actually had the certificates with him. After hearing the evidence,

MR. JUSTICE A. L. SMITH, who, by consent of the parties, had tried this case without a jury, gave judgment for the plaintiff for the amount claimed (£200) with costs, and ordered the plaintiff to hand over the shares to the defendant.

Mr. Murphy, Q.C., and Mr. Bray appeared for the plaintiff; Mr. Kemp, Q.C., and Mr. E. Garnet Man for the defendant.

The Times (London), Monday, Nov 08, 1886; pg. 3; Issue 31911.

ASHMORE V. MR. ALGERNON BORTHWICK.

This was an action against the proprietor of the *Morning Post* to recover damages for an alleged libel. The statement of claim alleged that "on November 2, 1882, the defendant falsely and maliciously printed and published of and concerning the plaintiff the words following. She (meaning the plaintiff's wife) had, however, been frequently beaten by him (meaning the plaintiff) black and blue, and there were witnesses present to prove it. On the 26th ultimo he (meaning the plaintiff) beat her unmercifully because she had pawned not only her wedding ring, but her clothes and articles of furniture to support the home on account of his (meaning the plaintiff's) lazy and drunken habits, and not giving her a farthing to keep house and home together." The statement then went on to allege that in consequence of the publication the plaintiff was injured in his reputation and prevented from getting employment. The defence was a denial of the publication, and, moreover, that the defendant was a public journalist, and that the alleged publication was made *bona fide*, without malice, and for the public benefit.

Mr. Kemp, Q.C., and Mr. Garnet Man were counsel for the plaintiff; and the Solicitor-General (Sir Edward Clarke, Q.C.) and Mr. Lewis Coward for the defendant.

Mr. KEMP, Q.C., said, on behalf of the plaintiff, that the publication complained of appeared in the *Morning Post* in the form of the report of proceedings in a police-court against the plaintiff. Plaintiff, a person in somewhat humble circumstances, had been married some years before. The marriage turned out very unhappily, and on the 30th of October, 1882, the wife summoned her husband for an assault. He was remanded, and on a second occasion he was bound over to keep the peace. In the report of the proceedings in the *Morning Post* it was stated that "it appeared from the evidence," and then the account was given which was the libel now complained of. The learned counsel said that the account did not appear from the evidence, and that he should prove that no evidence was given at all of the acts alleged in the account.

The depositions taken before the magistrate were put in and read.

The plaintiff, James Ashmore, was called, and said he had been an auctioneer's clerk. He had been married in 1875 and led an unhappy life. He and his wife quarrelled in consequence of what he discovered of her previous life. She summoned him to Westminster Police-court on the 30th of October, 1882, for assault, and the case was remanded. On the next occasion a solicitor, Mr. Dutton, appeared for his wife, and said that for certain reasons she only wished her husband to be bound over to keep the peace. Witness said his wife did not swear the acts as alleged against him in the *Morning Post*. Other local papers had copied the report, and the consequence was he was much injured in character and unable to obtain employment, and was obliged to leave London and seek work elsewhere.

Other evidence was also given as to the relations between plaintiff and his wife and what took place in the police-court.

No evidence was called on behalf of the defendant, and the learned SOLICITOR-GENERAL, in addressing the jury on his behalf, said he could not ask a verdict from them for the defendant, because in fact the report had not been strictly accurate; but he said, taking the circumstances of plaintiff's general conduct into account and that he had not showed that he had suffered any real injuries, the damages against his client ought to be very small.

MR. JUSTICE DENMAN then summed up. He told the jury the case had been tried before, when some evidence had been given which had led the Judge who tried it to direct the jury to find a verdict for the defendant, which they did. On appeal the Divisional Court granted a new trial. His Lordship then told them that in estimating the damages they should take into consideration the circumstances as elucidated by the evidence and the conduct of the plaintiff.

The jury found a verdict for the plaintiff for £40, and judgment was given accordingly, but his Lordship refused to certify for a special jury.

The Times Thursday, January 13, 1887 E. MAN – v- Ward Queen’s Bench Division.

Action for libel — E. MAN – v – Ward Queen’s Bench Division

Mr. Crump, Q. C. and Mr. Reginald Brown appeared for the plaintiff; Mr. Lockwood, Q. C. and Mr. Firth were for the defendant.

The plaintiff is a well known member of the common law Bar, who takes an active part in politics on the Conservative side, is the vice-chairman of a voluntary society for the relief of the poor at Croydon, where he lives, known as the Croydon Resident Unemployed Relief Fund. He brought this action to recover damages for libel from the defendant, the proprietor of the Croydon Advertiser under the following circumstances. Last winter a sum of £300 out of the Mansion-house fund for the relief of great distress then prevalent among the unemployed was sent to the Mayor and Vicar of Croydon, £30 of which had been apportioned to the relief fund in which the plaintiff was interested and the same amount to a society at Croydon of a similar character but of longer standing. The society in which the plaintiff was interested would appear to have been somewhat dissatisfied with this arrangement, and at the close of one of its meetings, held in March last, a resolution had been carried that the minutes then passed should be forwarded to the local Press. The plaintiff sent a report of the meeting, including some remarks he had made at it, to the defendant among others, and thinking that it was right to offer some remuneration for its insertion sent a guinea with it. The defendant did not publish the report, but inserted an article in which the plaintiff was spoken of as having been successful in smuggling into some of the local Press ‘a garbled report of a slanderous speech’ which he had made in the previous November, and in which the society was spoken of as the ‘artful creation of the Primrose League’.

There was also the following in this article:- ‘The minutes are practically devoted to Mr. Garnet Man’s defence of himself, with insulting observations respecting several of his superiors in good manners. The report is ‘dressed up’ from beginning to end, and is a woeful exhibition of sham consideration with the poor. There being no more elections imminent, the funds of the Croydon Resident Unemployed Relief Fund have been run out, and it is only in rage that he cannot replenish its coffers with the Lord Mayor’s money that Mr. Garnet Man speaks with his customary want of courtesy. Croydon has every reason to be proud of a Mayor who is superior to the blarney even of so experienced a professor as Mr. Garnet Man, and who has wisely kept from a Tory faction what was meant for all the Croydon poor. We observe that several passages reported where Mr. Man’s volubility got the better of his reason have been struck out, showing that in his ‘saner moments’ (vide E.G.M) he was ashamed of what he said. Mr. Man says that his society has distributed its funds without regard to party or creed. But who will believe anything that he says after the many times he has proved unworthy of credence?’

After the present action had been commenced and the plaintiff had declared his willingness to accept an apology, a further article appeared in the defendant’s paper with these words:-

‘A few weeks ago he (the plaintiff) insulted us greatly by offering us a guinea as a bribe to insert under the guise of the minutes of a politically benevolent relief fund with which he was

connected a garbled report of his own speech. He has been led into an attempt first to hoodwink the Press by a garbled report and then to hobble it by an appeal to law. We have no apologies to make to Mr. Garnet Man. Throughout the two recent elections there was no man who spoke so rashly, so libelously of his neighbours; no man who so embittered the political strife with vulgar personalities. One of his speeches was so bad, so abusive, so ungentlemanly, that the next morning, so anxious was he that a correct report of what he had actually said should not appear, that he went to one of the Croydon newspaper offices before its doors were open for the day.'

This second article was used by the learned counsel for the learned plaintiff to show that the defendant had acted maliciously in the matter. The defence was simply that the article complained of was a fair comment on a matter of public interest, no justification being relied upon, and it being fully admitted that the allegations as to the plaintiff's untruthfulness were absolutely withdrawn.

The plaintiff was the only witness called upon in the case, and he was cross-examined at some length to show that he, in November 1885, made a somewhat violent attack on Mr. Spencer Balfour, the liberal candidate at Croydon, and upon another occasion had charged Sir Sydney Buxton with having been mixed up with bribery which had led to the disenfranchisement for a time of Boston.

LORD COLERIDGE, in summing up the case told the jury that he should hold the occasion of the publication of the matter complained of to have been privileged, and that therefore the only question for them would be whether or not such privilege had been exceeded.

The jury found, on their return into Court after an absence of 25 minutes, a verdict for the plaintiff — damages one farthing.

HIS LORDSHIP thereupon gave judgment for the plaintiff and a certificate for a special jury, but on the application of the learned counsel for the defendant he gave a certificate depriving the plaintiff of costs, intimating that he took that course, as he could not seriously differ in the matter from the jury, who he supposed to wish that each party should be left to pay his own costs.

Several of the jurors thereupon assured the learned Judge that he had rightly understood the true purport of their verdict.

The Court then adjourned.

Below EGM as Counsel for the Plaintiff in a case reported Jan 2 1888.

School—Outbreak of Illness—Children sent Home—Quarter's Notice—Removal of Children without Notice—Action by Schoolmaster—Measure of Damages.—The plaintiff sued the defendant to recover school fees in lieu of a term's notice and expenses. The defendant had sent his children to the plaintiff's school in consequence of his having seen the plaintiff's advertisement, one of the paragraphs of which was that a term's notice was required prior to the removal of a pupil. The children were removed from the school in the middle of the September to December term with the consent of the plaintiff, in consequence of the outbreak of scarlet fever at the school. Payment was made by the defendant for the whole of that term, but the defendant did not send his children back to the school the next term, although all fear of infection had by then disappeared. The defendant did not give a term's notice as required by the prospectus. The plaintiff therefore brought an action in the Clerkenwell County Court for the whole of the ensuing term's fees and expenses, and the learned County Court judge gave judgment for the whole amount claimed. The defendant now appealed from such decision. It was contended on behalf of the appellant that, where a parent removes a child from school on account of illness with the consent of the master, the contract is put an end to, and notice becomes unnecessary. Held, that, upon the facts of the case, it was for the County Court judge to say whether, when the children were removed, the contract and mutual obligations between the master and the parents were put an end to. The judge had found that a quarter's notice was necessary, and judgment must therefore be for the plaintiff. Held also, that in such a case the damages were not liquidated, but that the proper balance of damages was loss of profits, and that such amount only was recoverable as a penalty. Judgment for the plaintiff; damages reduced by consent: (*Denman v. Winstanley*. Q. B. Div.: Wills and Grantham, JJ. Dec. 1.)—Counsel: for the appellant, *Willis*, Q.C. and *Garnet Man*; for the respondent, *Raven*. Solicitors: for the appellant, *A. J. Oliver*; for the respondent, *J. Haines*.

The Times (London), Friday, Jan 27, 1888; pg. 6; Issue 32293. (719 words)
Category: News

COMPANY PROMOTING.—Yesterday in the Lord Mayor's Court the case of "Cramer v. Elborough" came on for trial before the Recorder (Sir T. Chambers, Q.C.) and a special jury. The plaintiff, Mr. B. F. Cramer, an accountant and member of the firm of Brett and Cramer, Suffolk-house, E.C., sued the defendants, Messrs. Elborough and Co., financial agents and company promoters, of Lombard-street, to recover £5,000 under an agreement in connexion with the converting of the Metropolitan and South London Music-halls into limited liability companies. The plaintiff also claimed under a *quantum meruit* for work and labour done, while the defendants pleaded that they never were indebted as alleged, and that whatever services were rendered by the plaintiff were made null and void by his conduct. Mr. A. Cock, Q.C., and Mr. Newson were counsel for the plaintiff; and Mr. Littler, Q.C., and Mr. E. Garnet Man for the defendants. Mr. Cock, in opening the case, said that the proprietors of the Metropolitan Music-hall and the South London Music-hall were anxious to launch them as limited liability companies, and they communicated with a Mr. Shum, who in turn went to the plaintiff with a view to floating the companies. The plaintiff not being conversant with that kind of business, went to the defendants, and an arrangement was come to and put into writing, by which the defendants undertook to pay to the plaintiff £5,000 upon the launching of the company. The negotiations went on, and the Metropolitan-hall Company was duly launched, but in consequence of the inability or indisposition of the defendants to pay £1,500 as a deposit, as required by the proprietors of the South London Music-hall, the arrangements for that company did not succeed and no company was floated. Under those circumstances the plaintiff considered that as he had done all that he could to complete the negotiations he was entitled to the full amount as specified in the agreement. But, in case the opinion of the Court should be against him on that point, the plaintiff had claimed upon a *quantum meruit* for that part of the arrangement which had actually been completed—namely, the floating of the Metropolitan Music-hall as a company. The plaintiff was called, and bore out this statement. Mr. Littler asked leave to reserve his cross-examination, which was granted. Mr. Biggould, solicitor to the plaintiff, was called to prove that he had had conversations with Mr. Hill, the defendant's solicitor, and that that gentleman had admitted that the London Scottish Investment Company (Limited) was really the same as the defendants. That company had a capital of £1,000, and only had seven shares allotted. According to the defendants' contention it was that company, and not themselves, which had floated the Metropolitan Music-hall. Mr. Littler submitted that the plaintiff could not recover on several grounds, among them being that there was no evidence that the defendants had been paid any money, and according to the commission note given by the defendants that would be necessary before the plaintiff could recover; that the contract was a whole contract and could not be fulfilled in part (it being admitted that the second company was not floated); and, further, that the failure of the floating of the South London Company had not been shown to be in consequence of the conduct of the defendants. The Recorder ruled that the case must go to the jury, although there was weight in the objections raised, but they could be reserved. Mr. Littler then said he would re-call the plaintiff for cross-examination, but Mr. Cock objected on the ground that it was too late. The plaintiff could be called as a witness for the defendants, but could not be cross-examined now, as the plaintiff's case had closed. The Recorder upheld this view, and Mr. Littler intimating that he did not propose to call witnesses, Mr. Cock addressed the jury. Mr. Littler, following, said that the plaintiff was seeking here to recover £5,000 for work which was done in two interviews of about two and a-half minutes each, £1,000 a minute. It made one's mouth water. He had heard of eminent men in the law Courts costing £1 a minute, but never of £1,000 a minute. The jury found for the plaintiff for £2,500.

The Times (London), Saturday, Dec 16, 1899; pg. 4; Issue 36014

COUNTY OF LONDON SESSIONS.

(Before MR. McCONNELL, Q.C., Chairman, sitting
at Newington.)

ALEXANDER BECKMANN, 29, watchmaker; MAX RATTMANN, 21, waiter; and JOSEPH DOLLNER, 19, waiter, were indicted for committing burglary in the house of Alfred Duché, in Alleyne-park, Dulwich, and stealing a quantity of plate and other property, worth £80; and LIZZIE RATTMANN, 20, and JOSEPHINE NINK, 21, were indicted for feloniously receiving part of the stolen property. Mr. Garnet Man was for the prosecution. On the morning of November 9 it was found that the prosecutor's house had been broken into during the night, the thieves having got in by forcing the catch of the dining-room window, and a quantity of property had been stolen. The same day the two female prisoners went to a pawnbroker's shop kept by a Mr. Bingham, in London-road, and offered a number of knives and forks in pledge. Mr. Bingham questioned them, and, not being satisfied with their answers, sent for a constable, who took them into custody. The knives and forks were afterwards identified by Mr. Duché as his property, and the two women then made statements implicating the other prisoners. It was found that all the prisoners except Dollner lodged in a house in Commercial-road, Lambeth, where Dollner constantly visited them. Detective-sergeants Oxley and Hancock went to the house, where they found the three male prisoners. On searching a room occupied by Beckmann and Nink Oxley found, concealed under the bed-clothes, two silver mugs, which were afterwards identified as having been stolen in a burglary committed at the house of Mr. Xavier Costelli, in Streatham, on the night of November 12. When Oxley found them Beckmann said, "I'm done," knocked Oxley down over the bed, and rushed downstairs. He was, however, caught by Hancock, who was engaged in searching a room below occupied by the two Rattmanns. In that room Hancock found a brass cup, stolen from the house of Mr. Frank Hadden, in Alleyne-park, a few doors from Mr. Duché's on the night of September 28. The jury *Acquitted* Dollner, but found the other prisoners *Guilty*. Detective Inspector Fox said that Beckmann escaped from prison in Germany in 1897, and would be extradited in due course. The girl Rattmann, whose real name was Deimer, was respectable until lately, when she went to live with the male prisoner Rattmann. Her relations were anxious to send her back to her mother in Germany. Mr. McConnell sentenced Beckmann to 21 months' hard labour, Max Rattmann to 18 months', and Nink to three months', and postponed sentence on Lizzie Rattmann until arrangements could be made for sending her to Germany.

BRADBURNE V. MAN. City of London Court 'His Honour Judge Rentoul, K.C. 1902, July 21.] ["Estates Gazette," July 26. 1902.]

Landlord and tenant Furnished house Alleged warranty as to sanitary condition Counterclaim for damage to furniture, etc.

Mr. Edward Bradburne, Dover Street, Piccadilly, sued Mr. E. Garnet Man, barrister, Cambridge House, Walton-on-Thames, to recover 100 pounds as damages for breach of warranty in letting a furnished house.

Mr. Morris was counsel for the plaintiff, and Mr. Clarke Williams for the defendant.

In October the plaintiff agreed to take the defendants furnished house at Walton for the four winter months. He and his wife, together with two children and four servants, took up their residence at the house. After being there for a few weeks they developed sore throats, tonsillitis, diarrhoea, etc. That was attributed to bad drainage. Tests were applied, it was said, and it was found that the drains were defective. After the plaintiff had been in the place for two months he felt compelled to leave and take his family to Shanklin and Southampton to recuperate. He now sued the defendant for the damages which he had suffered in consequence of the drains being out of order.

The defendant denied that there was anything the matter with the drains. He deposed that he had lived in the house for years before he let it to the plaintiff, and that since the plaintiff had left he (defendant) had gone again into possession. His nine children, as well as grandchildren, had been living in the place ever since, and there had been no complaint about the house being insanitary. He counterclaimed for damage done to a sideboard, for gas used by the plaintiff, and for other damages. The Judge said he could not hold that the drains were defective, and he must find for the defendant on the claim. On the counterclaim he gave judgment for the defendant for 25 pounds.

Below, review of ‘Papal Aims and Papal Claims’

Other New Books.

Papal Aims and Papal Claims, with Remarks on the Apostolic Succession. By E. Garnet Man, Barrister-at-Law. (Swan Sonnenschein. 5s. net.)

ONE does not easily understand why this book should ever have been written; unless for the formation of the author's conscience: in order that a retired Indian official (that is a conjecture) may be quite clear as to his reasons for not submitting himself to the authority of the Catholic and Roman Church. Every man is competent to form his own conscience—even if it be only by submission to direction—but of a writer of controversial books it is required that he should at least offer aid to others bent on a similar task. For such an office Mr. Man is by temperament hopelessly unfit. He hustles up and down the tritest of garden walks, stumbling at every pebble. He piles up quotations from historians and fathers of the Church of whose writings he knows so little that he cannot even approximately transcribe the references from the text books he has studied. “Origen writes,” he tells us, “in Joan's *Comments*, Migne Series, Græca, Tom. xiv., Origen iv., p. 187 . . .” In another place we discover that Migne is supposed to be something English; and on page 79 a passage is quoted from Origen in the three lines of which occur eighteen errors. The Vatican definition of Papal Infallibility appears in so grotesque a mistranslation as to be perfectly unintelligible. All the old hobbies are trotted out afresh: the forged Decretals, “our Lord [God] the Pope” (how would Mr. Man like to be judged by his misprints?), the iniquities of Jesuit morality and of the author of Probabilism (known to Mr. Man as Lignori). Mr. Man's attitude is fairly indicated by this passage from his Introduction:—

A Protestant might reasonably fear exposing a young inexperienced girl to the ordeal of consulting a Jesuit priest, when it is recollected that the platform upon which a Jesuit might attack her religion is touched upon by Dr. Newman and put into more brutal English by the Romanist Ward, who writes: “Make yourself clear that you are justified in deception, and then lie like a trooper” (quoted in *Con. Rev.*, p. 94, January 7, 1899).

That “Romanist Ward” did write the words assigned to him in *Con. Rev.*, p. 94, is likely enough: even good Mr. Man, you see, has written them. The point for inquiry was whether Romanist Ward used them to embody a principle which he judged to be in accordance with sound morality, and as to that *Con. Rev.* (which we have been at fruitless pains to consult) leaves us in the dark: the words are given, but no reference. And as Dr. Ward knew something of theology, and the principle they express has never been maintained even as probable by the least of Catholic teachers, well! . . . The truth is that Mr. Man's book is almost enough to send one forthwith bowling along to Farm Street.

Brief mention of EGM Dec 6 1884.

The Archbishop of Canterbury presided on Monday at the annual distribution of prizes and certificates to the children in the public Elementary schools of the Croydon School Board. Among those present were the Rev. J. M. Braithwaite, vicar of Croydon; Mr. J. W. Mallison, Chairman of the Board; Mr. Barrow Rule, the clerk and inspector; Dr. Lanchester, and Mr. E. Garnet Man. The Archbishop of Canterbury said there was an interesting point in the education of children which he thought required some watching, but he did not know whether it was to be regarded as a source of danger, or whether it was something for which they ought to congratulate themselves. Observers told them that standards were being passed gradually at lower and lower ages, and little boys were running through schools and passing the standards in a much shorter period than was formerly the case. But there was a serious question to be considered, and that was whether that rapidity in education was not attained at the expense of its permanence. His Grace advocated the allowance of longer intervals of time in addition to the holidays, to allow for what he described as the "soaking process."