ESTABLISHED JUNE, 1850.

DESERET EVENING NEWS.

THE OLDEST NEWSPAPER IN THE ROCKY MOUNTAINS.

TRUTH AND LIBERTY.

NO. 165. WEDNESDAY, JUNE 10, 1891, SALT LAKE CITY, UTAH TERRITORY. VOL. XXIV

LORD COLERIDGE,

The Chief Justice, Addresses the Jury in the Famous Baccarat Scandal.

SYMPATHY EXPRESSED FOR SIR GORDON CUMMING.

Comments on the Case by the London Press: Coleridge's Partiality Condemned.

By Telegraph to the News.

THE BACCARAT CASE.

The Lord Chief Justice Charges the Jury.

LONDON, June 9.—Lord Coleridge called the attention of the jury to one particular observation which was made on behalf of plaintiff in the course of the trial. It was to the effect that there was more in the case than appeared on the surface. Against this the lord chief justice remarked: "It most emphatically protest. The jury have nothing to do with things which are not on the surface. You have to confine yourself to the single issue and what you heard and what has been proved during the trial."

When the chief justice defined the law of libel so different from the law of slander, and when he gave special instructions in regard to the amount of damages which the jury should, if they so desired, assess, in the event that they found a case for the plaintiff, it was evident that Lord Coleridge's instructions, decidedly favored Sir William Gordon Cumming. But when the chief justice analyzed the evidence of scandalous and that given by Sir Edward, the Prince of Wales and Lord Coventry, it was judged this was, in effect, an endorsement of their evidence. In short, it somewhat lost Lord Coleridge and Cumming did not come there to make a fortune and that his character would be sufficiently cleared by a verdict of nominal damages. If the evidence warrant it, a good amount of damage, Lord Coleridge has described as length the high position and leave cause of Sir William Gordon Cumming, saying the latter went to Tranby Croft as an honored guest "and if I might be permitted to say so, as an honored guest of whom the nation might be proud." Referring to the Prince of Wales' connection with the case, Lord Coleridge said: "People may say what they like, but they are very much pleased to have such guests as the Prince of Wales, Lord Coventry and Lord this and that at their parties. (Laughter.) Then as to the position of the Prince of Wales and as to the course for accusing manifested by the party at Tranby Croft, was it not natural that with such memories and institutions as ours such a wish should have existed? It must be remembered that instances were brought before a hard judging world, not the loyal and sacrificial world of the Tudors, but before a world which, when and judgment told to be consulted. Surely it was not to be set against a man that under such circumstances he was anxious to keep the secret close."

When Lord Coleridge had proceeded thus far with his charge to the jury the hour of noon had arrived and the court was, as usual, adjourned for lunch.

After luncheon the lord chief justice resumed his summing up. While admitting the indisputable fact that Sir William Gordon Cumming's position and wealth lowering himself to cheat and to cheat a friend, that friend the Prince of Wales, too, Lord Coleridge made a strong point against plaintiff in calling the jury's attention to his failure to face his accusers. Lord Coleridge then said: "We have now come to a very important point, in my mind. I have carefully searched for but have been unable to find and cannot find any of the statements that Sir Williams Gordon Cumming was in terrorem of Lycett Green's desire to be confronted with him. If I am wrong, I asked the lord chief justice, turning to Sir Edward Clarke, "I desire to be corrected."

Sir Edward, for plaintiff, said there was no evidence that Sir William was informed of Lycett Green's desire to be confronted with the plaintiff.

Thompson Sir Charles Russell, for defendants, promptly rose and said: "Mr. General Williams' testimony that the latter had said to court he had informed Sir William Gordon Cumming of Lycett Green's desire to be confronted with him.

Continuing his reference to the Prince of Wales, Lord Coleridge said the prince, in spite of his position, was a good man, and the instant of an honorable man was to range himself on the side of his friends. If the prince did not believe the story of his friend, it was his duty to show the world he did not. A military tribunal, the chief justice added, would judge if the prince's ways with which Lord Williams and Lord Coventry were concerned formed an infraction of the rules and regulations governing the army, as with that point the jury need not trouble themselves. He said he did not know why the jury had been informed it was impossible for the name of the Prince of Wales and Lord Orran Williams to remain in the same list if the name of Sir William Gordon Cumming were included therein. The jury had nothing to do with the case the jury's verdict would not have the slightest effect upon the military authorities one way or the other, so far as the evidence mentioned were concerned. Lord Coleridge then turned his attention to Sir William Gordon Cumming. He severely criticised the baccarat contest after leaving Tranby Croft. His conduct then, according to the chief justice, was not of a nature tending to induce the plaintiff was innocent of the charges brought against him.

In another and later portion of his charge, Lord Coleridge, referring to the evidence which had been heard upon the Prince of Wales' share in the affair became public for the share the lord chief justice had taken in the episode, said, in the main, that England was not a free country, but a monarchy. The life of the Prince of Wales, the chief of every other person of rank, was continually made the subject of public comment. "The Prince of Wales" Lord Coleridge stood somewhat pointedly, "goes through many boring ceremonies, and what if he did intrusion became into that great house?" In the absence of any petition of the counsel being directly connected with the Prince of Wales, Lord Coleridge could not imagine how any harm could be done to the monarchy, to the prince, or to anything else, by asking the question, for some people might have stood when they heard of the trouble at Tranby Croft. Why did he not read his finding? "Had I not read it," said the judge, "my duty was the worse for a man wanting man saying his pleasure among his friends. Did the jury believe the plaintiff had shown the indisputable statement in which he stated he had cheated at cards? And did this save the Prince of Wales? Was not the company done his great for the cause?" Lord Coleridge said, in addition, that he "could not understand how a man could quit of the affair, which his was valued and all which made life worth living." The lord chief justice wound up his charge with the following emphatic remarks: "It is my great pleasure, as the jury, to do your duty and adopting the noble words of a great man to the occasion, when you pass your judgment upon Sir William Gordon Cumming's honor, I pray you remember your oaths."

Lord Coleridge, when both had said all that they wished to say on this above point, dwelt at length upon it. His remarks not being in favor of the plaintiff, the audience, especially the ladies, paid the closest attention to the retiring up and charge of the lord chief justice. The other hand Cumming and all the witnesses paid the undivided attention to every word uttered by the lord chief justice. When the jury was finally given to the jury everybody remained seated. Even the time the jury retired to deliberate on their verdict until they returned to the court room, only fifteen minutes elapsed, showing apparently they were of one opinion as to the merits of the case. When the clerk of court had asked the usual questions of the jury, the foreman of the jury was ready to return their verdict, a movement of surprise throughout the assemblage, the chief absence of the jury be taken to be a decision adverse to the plaintiff. Everybody may be said to have been in a breathless state when the jury entered their box, looking rather frightened and very serious. The announcement of a verdict for the defendants was greeted with a shrill hissing from the gallery where the ladies were congregated and upon the part of some of those in the body of the court, which was quickly stifled by the plaintiff. The court officers had some difficulty for some time in suppressing these marks of, principally feminine, disapprobation of the verdict. They were, however, eventually suppressed and the court adjourned.

When the verdict was announced Sir William Gordon Cumming, to all appearances, was the most unnerved man in court. He folded his arms and looked straight at the jury, but otherwise did not move a muscle. His face not showing the slightest trace of emotion. Lord Maidstone, his blood relative, however, flushed scarlet and looked somewhat pale. Mr. Arthur Wilson and Mr. Tyrell Green were evidently badly frightened when they heard the verdict which greeted the verdict. The two ladies stood for several minutes whispering earnestly with their counsel, and then, accompanied by their respective husbands, passed slowly out of court with bowed heads, not by speaking to them, and in all appearance the objects of much dislike. The witness was, as if by magic, spread from the court room to the crowds outside, and from there all over London, and it was again made evident to the defendants that away, by the chilling manner in which they were regarded, that popular sympathy was with the plaintiff.

In the meantime how different was the greeting extended to the defeated litigant, to the unsuccessful plaintiff, Sir William Gordon Cumming. While the defendants were with sinking hearts leaving the court room, he remained calmly seated in his usual place. When the Wilsons had disappeared the barrister stood up and gravely, smilingly shook hands with Sir Edward Clarke and with others who pressed forward to him with many cheering words of sympathy for the man whose career was thus brighted beyond hope. Then, accompanied by Lord Middleton, he walked out of court by a private exit, followed by the pitying glances of the ladies, who still remained in the gallery, and who in their sympathy for the victim of the Tranby Croft contest playing. As the proud looking baronet and Lord Middleton left the court room an enthusiastic outburst of cheers from those who had congregated in the Strand immediately in front of the court room, which the general public looked upon the victorious defendants and upon the defeated plaintiff, Sir William and Lord Middleton were so sooner recognized as they entered the latter's carriage, then they were loudly, repeatedly and enthusiastically cheered by the dense excited crowds. The effect of the verdict on military circles, it is generally understood, is that Sir William Gordon Cumming, notwithstanding of the finding, will be promptly cashiered from the army and justly quickly expelled from the Marlborough club, Gordon club, Turf club and any other social organizations to which he may belong.

The sweating up of the lord chief justice during the afternoon was not generally more strongly against Sir William Gordon Cumming than were the chief justice's remarks made during the morning. The effect of the charge of Lord Coleridge may be said to have amounted practically to find a verdict against the plaintiff.

One of the jurymen, who was interviewed after court adjourned, said there was no doubt from the first moment the jury retired as to how the verdict would go. Each of the jurymen was asked, as soon as they were alone, whether he was for plaintiff or for defendants, and each reply was given without hesitation and immediately, "for the defendants." The jurymen finally admitted to sympathized with the plaintiff, but although he would have liked to have found for plaintiff, he could not conscientiously do so in face of the evidence. It appeared to him the chief justice had by his action helped the lord chief justice summed up and made his charge.

SOURED FEELINGS.

Commenting here a consultation with Sir Edward Clarke, Mr. Gill said his advice to the course of the evening before proceeding home, where he denied himself to all comers. Tonight members of the Turf club seemed undecided how to act. Personally Cumming is liked and many are averse to his expulsion. The division of public feeling upon the verdict will be largely a class division, the aristocratic circle siding with the defendants, while those of the public sympathies with Cumming and against the judge of great partiality. The feeling with which the gallery of the court adjoined the verdict expressed contrasted the earlier cheer throughout the morning, insulting allusions were addressed to the defendants. Mr. Lewis, their solicitor, had to fly for safety to his carriage. Cumming and another