

**THE RIGHT HON. THE EARL OF ERNE, PLAINTIFF:
JOHN GREY VESEY PORTER, ESQ.,
DEFENDANT. REPORT OF THE TRIAL OF AN
ACTION FOR LIBEL, HAD, IN THIS CAUSE,
BEFORE THE LORD CHIEF
JUSTICE AND A SPECIAL JURY. ON THE 12TH
AND 14TH FEB., 1859**

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The Right Hon. The Earl of Erne, Plaintiff: John Grey Vesey Porter, Esq., Defendant. Report of the Trial of an Action for Libel, Had, in This Cause, before the Lord Chief Justice and a Special Jury. On the 12th and 14th Feb., 1859 by Court of Queen's Bench

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COURT OF QUEEN'S BENCH

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Court of Queen's Bench.

THE RIGHT HON. THE EARL OF ERNE,

Plaintiff :

JOHN GREY VESEY PORTER, ESQ.,

Defendant.

REPORT OF THE TRIAL

OF AN ACTION FOR LIBEL,

HAD, IN THIS CAUSE,

BEFORE THE LORD CHIEF JUSTICE AND A SPECIAL
JURY.

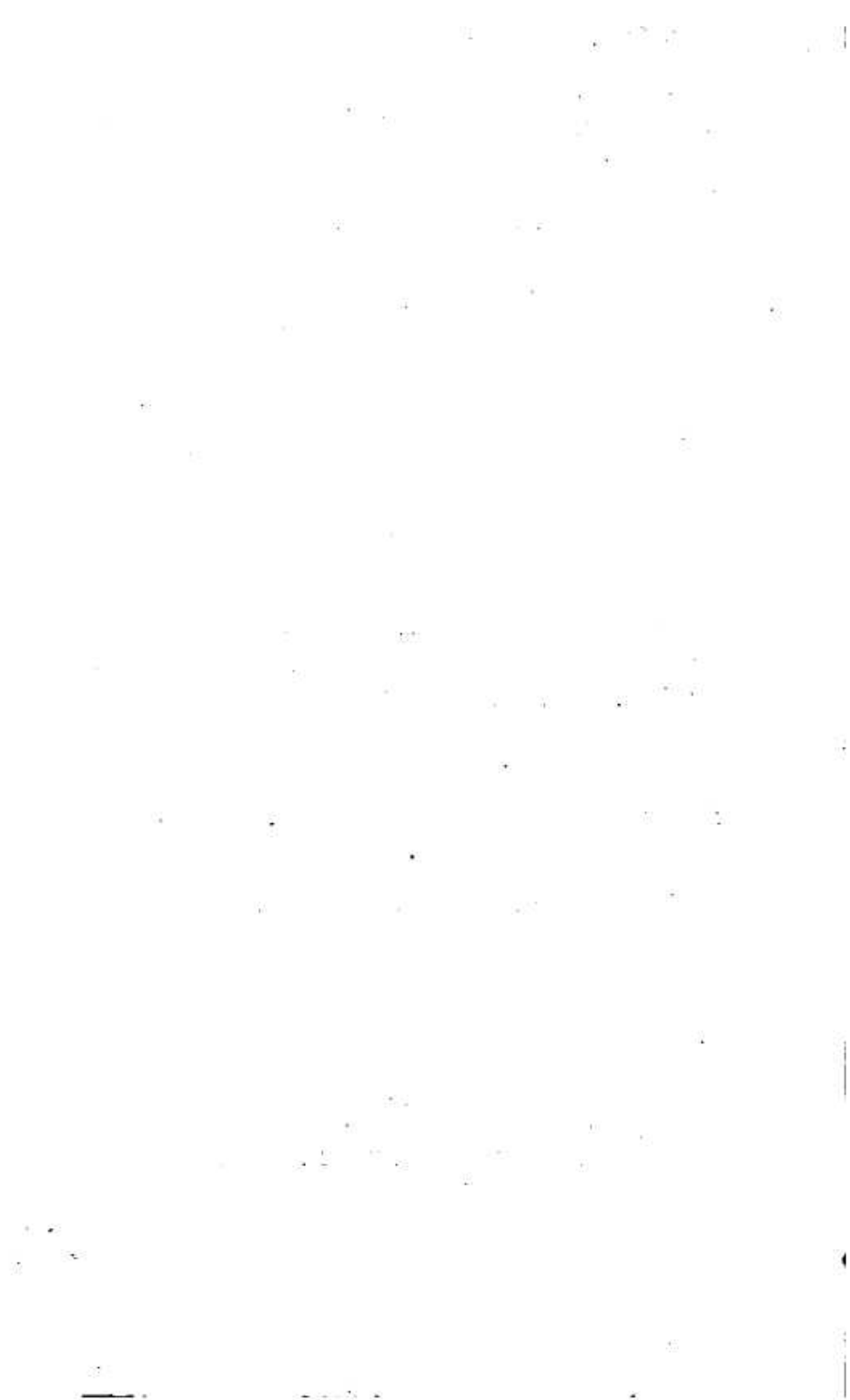
ON THE 12th AND 14th FEBRUARY, 1859.

BY AN EMINENT SHORT-HAND WRITER.

DUBLIN :

PRINTED BY GOODWIN, SON, AND NETHERCOTT,
79, MARLBOROUGH-STREET.

1859.

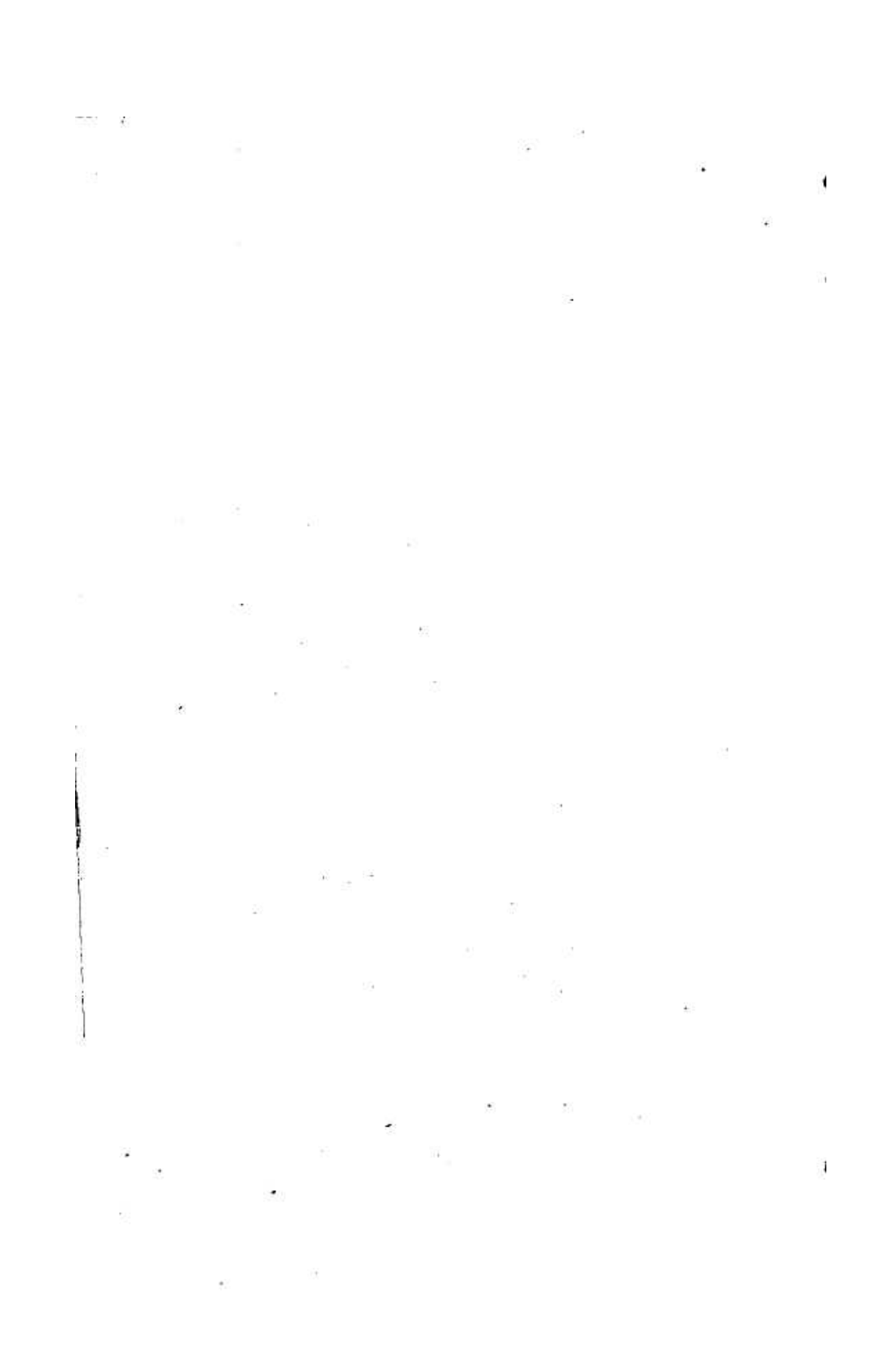


INTRODUCTION.

As few persons in the County of Fermanagh were disposed to invest even the small sum of *Six-pence* in purchase of the *malignant production* which gave rise to the action at law in this cause, the literary composition complained of was, *with extreme generosity*, transmitted (*free of all expense*) to private individuals, club-houses, news-rooms, and other public places, in *Ireland and elsewhere*, with a view to procure for same the publicity which the author *conceived* it required and deserved.

Desirous to *disabuse* the public mind, and to *remove* and *counteract* any erroneous or unfavourable impressions, which (possibly) the *insinuations* and *mis-statements* contained in *the work* were calculated to create, an *accurate* and *correct* report of the trial has been obtained, and will be found in the annexed pages.

DUBLIN, *March*, 1859.



COPY OF THE RECORD.

Court of Queen's Bench,

Wednesday, the 19th day of January, in the year of
Our Lord, 1859.

COUNTY OF DUBLIN,

To wit.

RIGHT HON. JOHN
CRICHTON, EARL
OF ERNE,

Plaintiff :

JOHN GREY VESEY
PORTER,

Defendant.

WHEREAS the Right Hon. John Crichton, Earl of Erne, the Plaintiff, on Monday the 13th day of December, 1858, sued John Grey Vesey Porter, the Defendant, and complained that the Plaintiff, being an Irish Representative Peer of the United Kingdom and Lord Lieutenant of the County of Fermanagh, and one of the Directors of the Dundalk and Enniskillen Railway Company, and the Chairman of the Board of Directors thereof, and esteemed and reputed in his said rank and station as an upright man of unblemished fame and reputation, and as a faithful and honest Director and Chairman of said Company ; and, as such, enjoying the esteem and good opinion of his neighbours and of the public, the Defendant well knowing the premises, but wickedly and maliciously intending to injure the Plaintiff in his good name, fame, and credit, and to bring him into public scandal, infamy and disgrace, on or about the 9th day of August, 1858, falsely, wickedly, and maliciously printed and published a certain book or pamphlet, in one part of which were printed and published of the Plaintiff, and of the Plaintiff as such Director and Chairman of the said Company as aforesaid, the false, scandalous, malicious and defamatory words following, that is to

say—" Still men often take different views of affairs, " and are liable to mistakes, let us therefore, in " charity, suppose Lord Erne and our Directors," (meaning the Plaintiff, as such Director and Chairman, and the persons who were the other Directors of said Company) " had our interests at heart. But " why have improper means, improper patronage, " improper political influence, been used to promote " views which have now failed, and with the most " grievous injury to our property?" (the Defendant meaning thereby that the Plaintiff, the Chairman, and others, who were Directors of said Dundalk and Enniskillen Railway Company, however charitably it might be supposed that the Plaintiff, so being Director and Chairman, and said other persons so being Directors of said Company, had the interests of the shareholders of the said Company at heart, yet that said Plaintiff, the Chairman, and said Directors of said Company had used improper means, improper patronage, and improper political influence to promote views which had failed, and had thereby caused grievous injury to the property of the shareholders.)

And that in another part of said pamphlet the said Defendant falsely and maliciously printed and published of the Plaintiff, and of the Plaintiff as such Director and Chairman of the said Company, as aforesaid, the false, scandalous and defamatory words following, that is to say—" Why has truth " been disregarded in our Director's statements? " Why did Lord Erne" (meaning the Plaintiff) " swear before Parliament, in 1855, that our " Directors" (meaning the Directors of said Company) " had then money enough to finish the line to Ennis- " killen, and £60,000 over and above towards " branches? I" (meaning the Defendant) " cannot " imagine why Lord Erne hit upon this moderate

“ sum of £60,000; when he once left the terra firma
 “ of plain truth he might just as well have said
 “ £100,000 or £200,000. A Company” (meaning
 the said Dundalk and Enniskillen Railway Company)
 “ in debt, with its shares at a discount, and that has
 “ twice since been obliged to go before Parliament to
 “ raise money, might, with equal truth, have laid
 “ claim to any sum, to any castle in the air;” (the
 Defendant meaning thereby that the Plaintiff, so being
 Chairman of the said Company, had disregarded
 truth, and that having abandoned the firm basis of
 truth, as a foundation for his statements the Plaintiff
 had indulged himself in false and visionary assertions
 and airy fictions, and had falsely sworn before Parlia-
 ment, in the year 1855, that the Directors of the
 said Company had then money enough to finish the
 line to Enniskillen, and £60,000 over and above
 towards Branches.)

And that in another part of said Pamphlet the
 Defendant falsely and maliciously printed and pub-
 lished of the Plaintiff, and of the Plaintiff as such
 Director and Chairman of said Company, as afore-
 said, the false, scandalous, and malicious words
 following, that is to say—“ Observe what a serious
 “ view the law takes of statements of this kind,”
 (meaning the aforesaid statements by the Defendant,
 attributed to the Plaintiff.) “ That disagreeable Act
 “ of Parliament, ‘ For the Punishment of Fraudulent
 “ ‘ Trustees,’ 20 & 21 Victoria, chap. 54, says, sec. 8,
 “ ‘ If any Director of any public company shall make,
 “ ‘ circulate, or publish, or concur in making, circu-
 “ ‘ lating, or publishing any written statement or
 “ ‘ account, which he shall know to be false in any
 “ ‘ material particular, with intent to deceive or
 “ ‘ defraud any member, shareholder, or creditor of
 “ ‘ such P. C.,’ ” (meaning such Public Company)