

**GORDON-CUMMING V.  
WILSON AND  
OTHERS: SPEECHES  
FOR THE PLAINTIFF**

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Gordon-Cumming V. Wilson and Others: Speeches for the Plaintiff by Sir Edward Clarke

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**SIR EDWARD CLARKE**

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FOR THE PLAINTIFF**



*Gordon-Cumming, Sir W. and Others*

GORDON-CUMMING v. WILSON AND OTHERS.

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G. G.

SPEECHES  
FOR  
THE PLAINTIFF

DELIVERED BY

SIR EDWARD CLARKE, Q.C., M.P.,

SOLICITOR-GENERAL.

LONDON:  
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1891.

IN reprinting these Speeches, I have left out from the Reply one adjective which was inadvertently used, and was quite inconsistent with other expressions in the Speech, and for the use of which I took the earliest opportunity of expressing my regret.

E. C.

## GORDON-CUMMING v. WILSON AND OTHERS.

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THIS action, in which Sir William Gordon-Cumming, Bart., was the plaintiff, and Mrs. Arthur Wilson, Mr. Arthur Stanley Wilson, Mr. C. Lycett Green, Mrs. Lycett Green, Mr. Berkeley Levett were the defendants, was tried at the Royal Courts upon the 1st June, 1891, and following days, before the Lord Chief Justice of England (Lord Coleridge) and a Special Jury. The action was for slander, in alleging that the Plaintiff cheated at cards, and the Defendants pleaded that the accusation was true. Sir Edward Clarke, Q.C., M.P. (Solicitor-General), and Mr. C. F. Gill were counsel for Sir William Gordon-Cumming; and the defendants were represented by Sir Charles Russell, Q.C., M.P., Mr. Asquith, Q.C., M.P., and Mr. C. W. Matthews. The trial concluded on the 9th June, and the jury found a verdict for the defendants. The following speeches were delivered on behalf of the Plaintiff:—

### *Opening Speech, Monday, 1st June, 1891.*

THE SOLICITOR-GENERAL.—May it please your Lordship, Gentlemen of the Jury, you heard from the statement of the pleadings which has just been made by my learned friend Mr. Gill who, with me, has the honour and responsibility of appearing for Sir William Gordon-Cumming in this matter, what is the question which you have to decide. It is a simple question, aye or no, did Sir William Gordon-Cumming cheat at cards. It is a serious question involving his honour, his reputation, his whole career. It is an interesting question, for, as you know, the interest of this case is not confined and could not be confined to those who are actually parties to it. The matter has been, as we know, discussed already in the press and elsewhere, and the persons whose names are mentioned in the case, some of whom will necessarily be called as witnesses before you are

persons of the highest station and consideration, and the circumstances out of which this accusation arose were circumstances of a character which have naturally made them a matter of great public interest. Comments have been made in the press upon the conduct of the gentleman whom I represent, and some of you gentlemen may have read those comments and may have been led already to form an impression it may be adverse to the Plaintiff in this matter. I am satisfied, however, Gentlemen, if any such opinion has suggested itself to your minds; if you have formed an imperfect judgment on imperfect information as to what the circumstances of this case have been, I am quite sure that I, as Sir William Gordon-Cumming's Counsel, can trust you at once to dismiss all such impressions from your mind, and to set yourself steadily to discharge the responsible duty of deciding upon this case determined to come to your decision guided simply by the evidence which is given before you, and by your conscientious judgment upon that evidence when you have thoroughly considered it. I have said, Gentlemen, it is a grave and important case; that it involves the honour and the future career of a gentleman and a soldier. Sir William Gordon-Cumming is not yet forty-three years of age, but for twenty-three years he has served his country in the Army, and served it with distinction. In 1879 he was in the Zulu War, and fought in the battle of Ulundi, and wears one clasp upon his medal for that war. In 1883 he was in the trenches of Tel-el-Kebir, and wears the Egyptian medal with one clasp for that engagement. In 1884 he was in the Camel Corps in Egypt, and for engagements at the wells at Gubat and at Abu Klea he has two clasps. He has risen in the Service which he has been in so long, till now he is Lieutenant-Colonel of the Scots Guards. He comes of an old family. He is not a man of scanty means. He is a Baronet, with a place in Scotland, and a residence in London, and he has for many years past appeared to enjoy everything that would make life happy and pleasant; with great reputation, serving in a profession to which he was devoted, and in which he had distinguished himself; with ample means, and enjoying the friendship of the most distinguished, most considered, most illustrious persons in the land; and he now finds himself in Court here to face an accusation that he, after a life hitherto so spent in the enjoyment of privileges and advantages such as those I have pointed to, suddenly descended to cheat at cards, to attempt to rob one or two of his oldest friends. Now, Gentlemen, it is a grave accusation and one that wants to be seriously considered. In opening this case to you I shall as far as possible avoid any comment upon the



conduct of those persons who have been concerned in the matter and through whom this accusation has arisen ; and if it be necessary to make comments, they must be made by me at a later stage of the case. In opening the case to you I desire to put, as simply as I possibly can, and without attempting to distribute blame amongst any of those who are mentioned, the circumstances out of which this accusation arose.

In the Leger Week in 1890, Sir William Gordon-Cumming was invited by Mr. and Mrs. Arthur Wilson to stay for a few days at their house at Tranby Croft for the Doncaster Races, Tranby Croft being situated not far from Doncaster. I have told you that Sir William Gordon-Cumming enjoyed the most distinguished friendships and acquaintances. He has been honoured with the acquaintance of the Prince of Wales for twenty years, and for ten years the Prince has honoured him by his personal and private friendship. As long ago as 1881 Sir William Gordon-Cumming was the guest of the Prince and Princess of Wales at Sandringham, and on two occasions since then he has been admitted to that honour, and up to the night of the 10th September, 1890, there had been upon the part of His Royal Highness towards Sir William Gordon-Cumming a constant and maintained friendship ; a friendship of personal intimacy, greatly honouring to, and greatly prized by Sir William Gordon-Cumming ; and there is no doubt that it was rather as a friend of His Royal Highness the Prince of Wales than as a personal friend of Mr. and Mrs. Arthur Wilson that Sir William Gordon-Cumming was invited to form one of the party at Tranby Croft in September, 1890. Sir William Gordon-Cumming had not known very much of the Wilsons. He had stayed at their house at Tranby Croft for two or three days in the year 1885 for the Doncaster Races, and he had the pleasure of dining at their house in London upon some few occasions, but that was all the knowledge he had of Mr. and Mrs. Arthur Wilson. You have heard the names of the defendants in this case ; Mrs. Arthur Wilson, her son, Arthur Stanley Wilson, Mr. and Mrs. Lycett Green, Mrs. Lycett Green having been a Miss Wilson. In the year 1885 Mr. Lycett Green married Miss Wilson. Sir William Gordon-Cumming's acquaintance with them was, therefore, of a very slender kind indeed. He met Mr. Lycett Green on one occasion in the year 1888, and dined at their house in York upon that occasion, but, with that exception, I believe he had not seen Mr. and Mrs. Lycett Green until he went to Tranby Croft in September, 1890. Mr. Arthur Stanley Wilson he had not seen and did not know at all at the time he went as a guest to Tranby Croft in 1890. Now, Gentlemen, the

party was made up in London, and on Monday, the 8th September, 1890, Sir William Gordon-Cumming travelled down to Tranby Croft with His Royal Highness the Prince of Wales and other members of the party who were assembling for the races. They arrived at Tranby Croft upon the afternoon of the 8th of September, and I suppose the first assembly at the house was when they met at dinner upon the evening of the 8th. I need not go through a list of those who formed the party assembled at Tranby Croft, though the names of some of them of course will have to be mentioned, but there is no necessity now for my going through a list of the names of those who had nothing whatever to do with the circumstances that afterwards took place; suffice it to say that amongst those who went down in this party were Lord Coventry, General Owen Williams, Mr. Berkeley Levett, who was a subaltern in the 1st Battalion Scots Guards, and known, of course, to Sir William Gordon-Cumming. The other names I need not trouble you with because I do not think they will be mentioned, or, at all events, many of them, in the course of the case. They dined at Tranby Croft upon the evening of the 8th of September, and after dinner there was music and conversation, and at about eleven o'clock some one suggested the playing of baccarat. It appears that Tranby Croft was not a place where baccarat had been played before. They had no proper table for playing baccarat, and it appears that upon this occasion, in the library of the house or in some room where there was a good deal of furniture, three whist tables were put together in order to form a baccarat table. Now, Gentlemen, I daresay I may assume that a good many of you are not acquainted at all with the game of baccarat, and it is necessary that I should explain to you how the game is played, and I think before you have mastered the game you will see how important it is to note with regard to any circumstances that took place at that game what the opinion and belief is of two persons who are sitting at the baccarat table. Now, let me tell you, Gentlemen, how the game of baccarat is played. At a place where this game is habitually played, the table intended for the purpose of playing baccarat has a line along it near the edge, behind which the players keep their stakes. A bank is kept and the banker and the croupier are, so to speak, partners in the bank. The banker says that he will make a bank of a particular sum, and the banker sits upon one side of the table, the croupier sitting opposite to him. Four packs of cards are taken—that is, 208 cards shuffled up together—and placed in front of the banker, slanting thus, forming a large heap of cards, from which the banker from time to time takes those he wants to use for

the immediate purpose of the game. The banker proceeds to deal, but he does not deal to all the players, but only two persons, besides the banker himself, receive any cards, the table being divided into what are called two tableaux. All the players upon the right of the bank make one tableau, and their success or loss depends upon the cards dealt to one of their number, and all the players upon the left form another tableau, there being one player sitting upon the left, to whom the cards are dealt. I am bound to say it seems to me to be about the most unintelligent mode of losing your own money, or getting somebody else's I ever heard of, because it appears that there is no room in any part of the game for anything like what may be called skill or judgment. However, it is a favourite game in some places, and I suppose has its attractions, and it is played in the way I am now describing. The dealer taking the cards proceeds to deal one card face downwards upon the right to the player there who represents that tableau ; he puts one card face downwards upon the left to the corresponding player for the left tableau, and one card face downwards to himself. He repeats that process by dealing another card face downwards to the player on the right, to the player on the left, and to himself. Then he looks at his cards, and unless he declares or shows his cards, he offers a card to the other two players. Either one of them may take one card and no more, and that card is laid down upon the table face upwards. The object is to get eight or nine. If a player receiving cards receives a three and a six, he has nine, which is a natural, or if he receives a three and a five that makes eight, which is also a natural. The player declares his cards, and if the dealer has not equally good cards, he loses the whole of that side of the table. Any player may stake, subject to conditions as to the amount of the bank, as much as he pleases. Except in the case of the player receiving the cards, the other players make their stakes without receiving any cards at all, trusting simply to what happens to the cards dealt to the player representing the tableau. The result is declared, and the banker wins or loses as the case may be, on the one side or the other, or both sides, and the croupier who sits opposite and takes care of the counters representing the amount of the bank, has the duty of paying to those who have won, and of receiving from those who have lost. In this game it would, of course, be troublesome to use coins and thereby have a great amount of coin upon the table, and it would be, I do not say impossible, but unsatisfactory to use pieces of paper with sums of money upon them for a reason which I will show you presently. It is important to the banker as well as the croupier to see what has been staked by each of the players