American crew?—The style was formed on the American system of gross personalities.

The court adjourned for luncheon at this point. On resuming, Mr Gilbert's cross-examination was continued by Mr Carson. Questioned with regard to his expression "scoundrels of the worst" type, used in reference to critics, witness explained that it was a jocular extravagance, and was applied to the American type of critic. It did not at all refer to the men who wrote for the leading London papers. It was true that nine years ago he announced his intention of not writing any more for the stage. That was because of a criticism of a play of his by Mr Clement Scott. He knew Mr Scott, who was a friend of his, to a certain extent.

Mr Scott had the misfortune to write a criticism upon your play?—He had that misfortune.

And you became very much annoyed?—Yes.

You were in a temper over it?—Not in the least.

Then when you wrote to Mr Scott's employer complaining of the "savagery" of the criticism, you did it deliberately?—Yes.

Mr Justice Day—Who was his employer?

Mr Carson—The editor of the *Daily Telegraph*. (To witness)—Did you break off your friendship with Mr Scott?—Yes; because the criticism was unfair.

Then nine years ago you were of the same mind to give up writing that class of plays?—Yes.

You said, "I am determined not to expose myself again to your insulting jibes?"—Yes; no doubt I wrote that.

You were cool and calm?—Yes, calm and deliberate. I don't know my temperature at the time.

You object to criticism?—On the contrary; I think it most wholesome and most right and proper.

You refer to critics in one of your plays, and mete out very heavy penalties to them. I read in one of them, *Rosencrantz and Guildenstern*, this passage, "And when the play failed, didst thou not take steps to set thyself right with the world, Claudius?—I did. The acts were five, five too many, and so I wrote another act by way of epilogue—an act by which the penalty of death was meted out to all who sneered at it. The play was not good, but the punishment of those who laughed at it was capital."

Witness—I beg to observe that these are the remarks of Claudius, King of Denmark, not of myself.

And who composed them?—I did, but I do not hold myself responsible for all the sentiments expressed by all my characters.

There is a passage here in which you are described as Gilbert the Great, to which you take exception?—Yes; I do not feel that I deserve that compliment.

Witness proceeded to explain that he did not read many criticisms, but he would rather read unfavourable criticism, because he knew how good he was, but did not know how bad he was. He had had no quarrel with Sir Arthur Sullivan, but he had had a difference with Mr D'Oyly Carte, and Mr John Hare had also quarrelled with him (witness).

In respect of what passage did you make up your mind to bring this action?—No individual passage, but in respect of the article generally, and certain individual passages. The one that hurt me most was the charge that I had told a deliberate lie.

Mr Carson quoted several passages from *The Era* at various dates, to show that that paper was not actuated by special malice towards Mr Gilbert, and pointed out that the criticisms of Mr Gilbert's plays in it were almost invariably favourable.

Mr Gilbert, in reply to questions, said he knew Mr Ledger, the defendant, some years ago, but he did not know him now. He had no quarrel with him. Twenty years ago he had a controversy with Miss Henrietta Hodson (Mrs Labouchere) and wrote a pamphlet about it. He brought an action against the *Pall Mall Gazette* twenty years ago, and the jury found that the article complained of and the play to which it referred were both innocent.

Mr Carson—That was a verdict against you.

Witness, in reply to further cross examination, said he had a dispute with Sir Arthur Sullivan, but he did not cease speaking to him. He had a law-suit against Mr Horace Sedger, but he did not fall out with him.

Were you friendly with him afterwards?—I was not friendly with him before.

Did you fall out with Mr John Hare at the Garrick?—I am not on terms with John Hare just now, because he chose to quarrel with me over the manner in which I referred to his action in transferring the lease of the Garrick Theatre, which belongs to me, to a syndicate formed to exhibit a music hall dwarf.

It was all his fault?—There was no fault on either side.

But you are not on speaking terms with him in the meantime. How many libel actions have you brought?—Only that one, a quarter of a century ago.

Questioned as to what he thought the worst passage in the article, witness said that which referred to him as trying to water down his statements in the interview with reference to Mr Grundy. That imputed falsehood to him, and suggested that he was trying to explain away matters.

Mr Carson—As a matter of criticism, was not your denial of what you were alleged to have said about Mr Grundy a little late?—The opening paragraph of my letter showed that I knew nothing of the report of the interview until I saw the statement in the *World*. The statement in *The Era* that I was, by inference, telling a lie, when I denied having used the words attributed to me by the interviewer, touched me severely as a gentleman, and was the chief reason for my bringing this action.

Then you are spoken of as a sort of Grand Lama or sacred elephant. What damages do you expect for being called a Grand Lama?—I am not seeking heavy damages. I am bringing the action on the article as a whole.

In re-examination, witness said he spent about an hour and twenty minutes with the interviewer. He did not recognise the sequence of his replies in the article written. In speaking of the delivery of blank verse he only expressed a general view, and had no idea of reflecting upon the artistic eminence of any particular actors. It was utterly untrue that in anything he had said he intended any disrespect to Mr Sydney Grundy. He had never quarrelled with any dramatic authors, and with two exceptions he had never complained of criticism. These two cases were absolutely the only foundation for the allegation that he had been all his life quarrelling with those who criticised his plays.

Have you quarrelled with any actors?—Not for twenty years.

Mr Walton—I think we may invoke the Statute of Limitations. Have you ever brought actions for libel against newspapers?—Only on one occasion.

This concluded the plaintiff's case.

Mr Justice Day—The plaintiff writes to *The Era* on this matter, although the paragraph appeared in the *World*. What had *The Era* to do with the matter at that time?

Mr Walton—My lord, he wrote to both, but *The Era* appeared first. That paper did not reproduce the interview so that everyone might judge of it, but inserted the letter, and wrote the article complained of.

Mr Justice Day said the action seemed to have been brought in a most crooked and roundabout manner. At first he could not make out how *The Era* had got into the matter at all. The action against *The Era* at all seemed to him to be very abnormal.

Mr Carson—They did not dare to take an action against the Edinburgh paper.

Mr Lawson Walton—The Edinburgh paper did not publish this article.

Mr Carson then put in as evidence the interview published in Edinburgh.

Isaac Donald, examined by Mr Kisch, said he had been connected with journalism about seventeen years, and had considerable experience in interviewing. He remembered interviewing Mr Gilbert. He did not seek the interview. A gentleman called at the office, and said he was a friend of Mr Gilbert's. He asked witness to interview Mr Gilbert, and left a card of introduction to Mr Gilbert, which witness used. The interview, which took place on Oct. 4th, lasted about three quarters of an hour.

Did you take notes as the conversation proceeded?—Not at first; but afterwards, as the conversation went on, I thought it would be too bad to paraphrase the words of the librettist of the Savoy operas.

Mr Justice Day—Did you take notes in shorthand?—Yes.

Witness further stated that he took most of the interview down. He regretted he had not retained his notes. He did not hear from Mr Gilbert until twelve days afterwards, and he had thrown his notebook into the waste paper basket in the meantime. He looked for the book after Mr Gilbert's letter came, but he could not find it. The report which appeared was substantially accurate. The complaint from Mr Gilbert, twelve days afterwards, was a complaint to the editor of the *Dispatch*, but it was not for publication. Witness received no other letter from Mr Gilbert. A copy of the *Dispatch* containing the interview was sent to him. The names of the leading actors mentioned may have been suggested by witness, but Mr Gilbert adopted them.

In cross-examination, witness said that the letter written by Mr Gilbert to the editor of the *Evening Dispatch* was private, and not intended for publication. It only asked the editor to make a communication to witness. If Mr Gilbert had sent a communication for publication it would have been inserted.

Mr Walton—Did you understand that Mr Gilbert looked upon Mr Grundy as only a translator?—I did.

Did it not strike you as monstrously absurd?—It did; that is why I was particular to publish it.

Did you point out to Mr Gilbert that he had made a mistake?—I did not like to point out to a great playwright that some other writer might be as good as himself.

Did you think Mr Gilbert meant Mr Grundy was a mere translator?—He said so.

Did you think he meant to say that?—I could only take the man's words. I suppose he says what he means.

Is it the usual method in interviewing to try and get a startling statement, though it may be a mistake?—I did not try to get a startling statement. I did not want it. He sent for me to come and get it.

Witness further stated that he did not destroy his notes. He simply threw the book away when he had done with it. That was before he heard of Mr Gilbert's letter.

Sir Henry Irving was the next witness called. On his going into the witness box,

Mr Kisch asked him—Since you have been in management, which I believe is a great many years, has Mr Gilbert applied to you to produce any plays of his at the Lyceum?

Sir Henry—No.

Mr Walton objected to the question as not being relevant to the action.

Mr Justice Day ruled that the question could not be allowed. Fortunately, he said, the witness's answer had not reached him.

Mr Carson said he would put a question to the witness which he should not answer at once.

Has Mr Gilbert at any time asked you if you would produce a play if he adapted one?—Yes.

Mr Walton did not ask Sir Henry any questions.

This concluded the evidence for the defence, and the Court adjourned.

When the hearing was resumed on Tuesday, Mr Carson, in addressing the jury, said he hoped he would not have to take up any great portion of their time while he put before them some considerations with reference to the action. He must say that when he listened to the opening speech of his learned friend on Monday—an opening distinguished equally for its eloquence and extravagance—he thought it suitable to a serious case in which serious charges would require to be met. His learned friend told them that the editor of *The Era*, animated by the most malicious motives, had put the article into his paper solely for the purpose of swelling his revenue; and he told them that Mr Gilbert had rendered a public service by having the courage to bring that action before a jury. But they had to descend from those high flights of imagination and come down to the region of common-sense. What did the action come to? Where was the malice that was suggested on the part of Mr Ledger? Where was the idea that he put in that article solely for the purpose of swelling his revenue? Nothing of the kind had been proved in the case. The main burden of his speech would have to be to tell them the real history of the matter. So far from there being any malicious motive, the fact was that although *The Era* had been for sixty years the main theatrical journal in that city, and although Mr Gilbert had been before the public for many years—over thirty years, he believed—as a playwright, the counsel for the plaintiff had not been able to point during that long series of years to one word that had not reflected creditably upon the performances or productions of Mr Gilbert. He read to them on Monday statements published only a few months before that article, in which Mr Gilbert was characterised in the most flattering terms. He had read to them a statement of the year before in similar terms. He had asked Mr Gilbert whether, some years ago, when many papers were so hostile to him that he nearly retired from writing for the stage, if he could point to one article in *The Era* which would prove that Mr Ledger was animated with malice towards him. He was unable to point to a single line. The only small petty piece of malice introduced into the—he had almost said the play—into the case at all was, the statement ventured on by Mr Gilbert when he said that some years ago, having been a friend of Mr Ledger, somebody suggested that Mr Ledger was an undesirable acquaintance, and then, without knowing the reason why, he dropped Mr Ledger's acquaintance. That might be the kind of feeling that Mr Gilbert had towards Mr Ledger, but that gentleman's high position in journalism would prevent him, upon the mere *ipse dixit* of some one unknown, from not doing his duty in writing up Mr Gilbert's plays when they were before the public. He suggested to the jury, that so far from there being anything in the nature of malice shown, or personal spite, or vindictive feeling, the whole of these charges rested upon the introduction of his learned friend, who treated the matter as if *The Era* had intervened for some special purpose and written about the effect of the interview in the *Edinburgh Evening Dispatch*. The case presented some extraordinary features. Apparently, what happened was that Mr Gilbert produced a play—he thought it was called *The Fortune Hunter*—at Birmingham, and then in Edinburgh. The criticisms in the London papers were not favourable, and he (the learned counsel) did his best to make an excuse for Mr Gilbert in relation to the statements in the *Edinburgh Evening Dispatch* by suggesting that he was somewhat annoyed at the criticisms that had appeared. But plaintiff would not have that. He would rather that the opinions he gave the interviewer were his calm, deliberate opinions. If he had said, "I was annoyed. My play had not turned out as I thought. The criticisms were more unfavourable than they need have been, and I let out all round, and went for actors, critics, and the public at large," he could have understood. But no, plaintiff said, that was not so. The reason he (the learned counsel) was prepared to make that defence for Mr Gilbert was that almost the same thing happened with his last play, *Brantinghame Hall*, when he wrote to Sir Edward Lawson, of the *Daily Telegraph*, complaining of Mr Clement Scott's criticism, and also to Mr Scott, saying he would not write any more for the stage. When they compared the spirit of what he said to the interviewer with the criticisms in the present case, they would find they led him to an exactly similar determination. They need not consider how the interviewer was brought into the case. He came to see the plaintiff, who granted him an interview, and his case was that he expressed those opinions freely, knowing that they were to be published at the mercy of the interviewer anywhere that gentleman liked. The interviewer published these remarks, using, in many cases, the very phrases of Mr Gilbert. He (the learned counsel) had to ask the jury whether, having regard to that interview, and to the statements and criticisms put forward by Mr Gilbert in relation to everybody in the theatrical world, the article in *The Era* was in any way unworthy of the matter. As to what was published in the interview about Sir Henry Irving, Mr Tree, and Mr George Alexander, nothing could be more vindictive. Whether plaintiff put these statements forward with the view of being vindictive had nothing to do with the case; but no one could read the article through without saying that Mr Gilbert had made up his mind to let out all round. He went for the three actors named, he attacked the bad taste of the audiences and the public—and yet after all it was the public who made playwriters eminent—he attacked the Press and the critics who wrote on theatrical matters in the Press. Mr Gilbert, himself being the author of all these strictures, because Sir Henry Irving appeared to take up his own defence and the defence of the Press, told them that Sir Henry was angry and spiteful. He should think that Sir Henry Irving might be even above and beyond the criticism of Mr Gilbert, but he mentioned the matter because it might show how a great deal in the case had happened through Mr Gilbert getting easily offended when anything was said with which he disagreed. Because Sir Henry Irving ventured at the Sheffield Press Club to criticise what Mr Gilbert had said, and say a word in his own defence and that of the Press, they had heard the plaintiff describe the actor as being angry and spiteful. *The Era* said nothing about it. Nothing appeared in *The Era* till after a paragraph was published in the *World*, and up to that time Mr Gilbert had no quarrel with *The Era*. Instead, he selected that paper for writing the letter dealing with what appeared in the *World* about the interview. His view now was that *The Era* would be published before the next publication of the *World*, but if early publication was his idea he should have thought that it would have been better to have written to the *Edinburgh Evening Dispatch*, a daily paper, where Mr Gilbert's remarks first appeared. The truth was, plaintiff knew *The Era* had always been a paper friendly to him and friendly in its criticisms of his plays, and he invited *The Era* by writing that letter to take a part in the matter which he himself introduced by granting an interview in October. One golden rule about actions for libel was that when an individual set himself up in public as a critic or other public position, and thus descended into the arena for the purpose of giving opinion, he could not complain if others took up the challenge and combatted those opinions. In such a case as that the law did not allow a man who had himself entered the arena to complain of criticism. Mr Gilbert had himself brought these matters before the editor of *The Era*, and when that gentleman looked into things and saw the criticisms Mr Gilbert was alleged to have made in Edinburgh, the editor found that it was upon criticisms of a very different character that he had taken up the position and wanted to make *The Era* a medium for whitewashing himself. There was nothing improper, or in the least degree to be censured, in the editor taking up that matter and writing from his point of view. If there was any hard criticism Mr Gilbert was the last who ought to have complained, and especially against *The Era*. This letter appeared in the paper—Mr Ledger opened his columns, and at the same time put in the leading article as a criticism upon the interview. There was one part of the case which it was very difficult to understand. Mr Gilbert in the witness-box tried to suggest that the account of the interview in the Edinburgh paper was not substantially accurate. When taken through the various matters in cross-examination, he thought the jury would agree that there was no real difference between what he tried to make out and the interview. It was stated that the notes of the interview were written out that evening. He believed that Mr Gilbert himself almost saw that the matters mentioned in the interview were of an offensive character. Mr Gilbert said he never looked at any reference to the article from Oct. 8th to Oct. 12th. He then wrote to the paper. From that day to this there had not been a word of repudiation either in the Edinburgh paper or in any other from Mr Gilbert, and it had been allowed to go forth to the world. There was not a single word in the article in *The Era* which showed that it was not honestly written as an honest criticism upon the position Mr Gilbert had taken up. Mr Gilbert complained that the article accused him of lying, but was unable to point out where it did so. Mr Gilbert had made attacks on leading actors, and accused them of being unable to make a thirty-line speech interesting. Was such a man to get damages? Was he the man to rush into court with a libel action because Mr Ledger had taken up the other side? At all events, Mr Ledger had endeavoured to vindicate Sir H. Irving, Mr Beerbohm Tree, and Mr George Alexander. Nobody reading the criticism would imagine that Mr Gilbert was a very spiteful gentleman. The article said, "It is a great mistake to consider Mr Gilbert a cruel and spiteful man." Then Mr Gilbert went for the audience and the actors, some of whom he called "irresponsible comedians let loose upon the stage." He (the learned counsel) thought that that was certainly criticism of a kind which could hardly be considered fair. Then the plaintiff, when asked whether the theatre was falling off, said that the theatre was as strong as ever it was, but added that the Press was largely responsible for the fact that there were so many adaptations on the stage, because it drew no distinction between an original play and an adaptation. He (Mr Carson) drew the special attention of the jury to this, because it was this which gave rise to the article in *The Era*. Mr Gilbert appeared seriously to mean that the Press was to blame for the existence of so many adaptations. As to the interview, the plaintiff said that he was merely discussing the respective merits of original plays and adaptations. He put forward Mr Pinero as an exponent of the one, and Mr Grundy as the exponent of the other. Mr Gilbert was not at the time, he said, considering Mr Grundy's original work at all. The unfair part of the whole of his criticism was the contrast drawn between the original work of an author like Mr Pinero and the adapted work of Mr Grundy. When the plaintiff came to write his letter to *The Era* he was far from contradicting the statement alleged to have been made by him to the interviewer. Never, from beginning to end, did he say such a thing as that Mr Grundy was anything else than a translator. What Mr Ledger, therefore, thought it his duty to point out was that Mr Grundy had written a large number of original plays, whereas plaintiff had put him forward as a translator alone, without saying a single word about his original work. Mr Grundy's work was, in fact, bracketed with hack work. Having attacked Mr Grundy, the plaintiff went on to attack the critics, and finished by saying that he would write no more plays, but would retire. Further, the plaintiff went on to say that he was startled at the tone of much of the criticism written in London, that was to say, an Americanised tone. Then he asserted that he did not feel inclined to be made a "cock-shy" for such criticism. It would be for the jury to say whether he (the learned counsel) was right in alleging that, whether in cool or in hot blood, Mr Gilbert struck out all round. That was the cause which gave rise to the article in *The Era*. That newspaper drew attention to Mr Gilbert's letter, which they printed elsewhere, and said that the plaintiff's watering down of his original statement about Mr Grundy came a little too late. It also pointed out that Mr Grundy was spoken of merely as a translator, and that all Mr Gilbert had said on the matter in his letter to the *Edinburgh Evening Dispatch* was that there was a slight misunderstanding. He did not deny that, so far as the interview went, it contained the words he had used. He alleged that he was not discussing Mr Grundy's original work, and suggested that Mr Grundy was a gentleman who took too much credit for his translation, describing what *The Era* called "watering down" as merely a misunderstanding. If he could have denied that he used the words attributed to him, why did he not do so? He said also in his letter that there was a slight *mal-entendre*, but he did not say that there was any wrong statement put into his mouth. Really what it came to was this, that according to the plaintiff's statement to the interviewer, Mr Grundy was merely a translator, and not to be compared with Mr Pinero. Mr Gilbert never said one word about his original work as a playwright. The question was whether the plaintiff was or was not endeavouring to put forward Mr Grundy as having attained his position by work as a translator, and a translator only. After all, libel actions were instituted, and should be brought, to vindicate some real wrong, and it was not to vindicate imaginary wrongs that libel cases were intended at all. If a man's character was really attacked then he could come forward and claim damages. What he (Mr Carson) asked, from beginning to end, was, was the article in *The Era* but criticism upon the opinions put forward by Mr Gilbert himself? What was the article but criticism? severe criticism if they liked. It was a matter of opinion whether severe criticism was required, but he did say that there had been no attack made upon the personal or private character of Mr Gilbert. *The Era* had long admitted the high position which the plaintiff had attained, and nothing had been said to show malice on the part of Mr Ledger. Mr Gilbert came forward and seriously asked the jury for damages, and he (Mr Carson), on the other hand, said that Mr Ledger only intervened when the matter was brought to his attention, that he had only acted as an honest journalist, and that in his position he had a right to vindicate the character of eminent men who were attacked.

Mr Lawson Walton, in reply, said that if the law of libel were narrowed down many of them would receive no adequate protection. The object of the law of libel was to ensure that the peace should be kept between members of the same community, and that any writing by one of another, calculated to excite to ridicule, expose to odium, to defame or disparage, was rendered the subject of a civil action, because if under these circumstances no civil remedy were available the law would be taken into the hands of the persons offended. The question then in regard to that part of the case would be as to whether there was or was not a personal attack on Mr Gilbert—a reflection on his character and on his motives. The second point was whether a public newspaper was entitled to hold a public man responsible not only for the substance of an interviewer's article but for its very terms, and without reference to the public man who might have been interviewed, whether it was entitled to treat as his language the language which had been used by the interviewer, and to hold him responsible for all the expressions of opinion that had been coloured and qualified by passing through the medium of the interviewer's mind. It would be a most unfortunate state of the law if any such licence were given to the Press. They had had explained by Mr Donald what the process was. He said that ordinarily he made no notes at all. The interview in this case continued some time before he produced his note-book. Then he took a few notes and phrases here and there, because he was interviewing a gentleman who was a master of phrases. Therefore, they were asked to take a record of that sort which did not profess to be a literal account of all that Mr Gilbert said, and consisted of facts, some of which remained in the memory of the interviewer, some of which remained in his book, and which were weaved together. There was one course which a fair journal would adopt, anxious not to take unfair advantage. They would send a copy of the interview to the interviewed. The *Evening Dispatch*, by delaying the publication of the interview for a couple of days, would have given Mr Gilbert an opportunity of correcting such expressions as did not represent his views, and *The Era*, if it had not been so eager to give utterance to this diatribe, would have communicated with Mr Gilbert calling attention to the interview. What were the circumstances which led to the publication of the article? Mr Gilbert did not seek the interview, but avoided it. In the course of that interview he, no doubt, passed some strictures. From first to last, there was no comment of Mr Gilbert's which was personal in the sense that it reflected on a single person to whom reference was made. From beginning to end, there was a perfectly candid and fair criticism of the prevalent public taste with regard to the stage. In the interview Mr Grundy and Mr Pinero were referred to as the most prominent representatives of particular schools. There was no reflection on Mr Grundy's personal character, or a wish to disparage him as a writer of original plays. Mr Grundy's position as an original playwright never arose at all in the discussion. The difficulty of maintaining the interest of an audience in long speeches of blank verse was known by experience. The reporter rushed into print, and Mr Gilbert saw attributed to him in the *World* a statement which he knew to be false. He wrote three letters with the express object of disclaiming the reflection on Mr Grundy as being only a translator. The first letter was written to the *World*, the second to *The Era*, and the third letter to the *Evening Dispatch*. The conductors of *The Era* had before them the interview and the letter, and they proceeded to write the article of which complaint was made. The article was a personal attack, which could only be explained as that of ill-will on the part of the writer. Plaintiff was charged with abnormal self-esteem. What right had the conductors of *The Era* to judge between a reporter whom they had never seen and Mr Gilbert? Why had not the writer of the article gone into the witness-box and disclaimed any ill-feeling? Why had he not submitted to cross-examination? If the article had not been written in a spirit of ill-will, the newspaper would have inserted some disclaimer. Sir Henry Irving was called, although it was known that his evidence was inadmissible. *The Era* had indulged in a style of journalism from which Mr Gilbert was entitled to protection.

Mr Justice Day, in summing up, said the action was one for libel brought against a newspaper called *The Era*, a paper which, from what had been said during the trial, appeared to him to be devoted greatly to theatrical matters, and to be largely read by persons connected with the stage. Ordinarily speaking there was no necessity to discuss the history of a libel. A libel generally spoke for itself; it made a definitive specific charge which did not involve any long account of the antecedents or history of the proceedings. He found, however, that this libel, or alleged libel, required some introduction, because it varied very much from any other libels with which he had hitherto had experience. It was therefore very necessary to consider the circumstances which induced the libel, and the character of the person who brought the action and that of the person against whom it was brought. Generally speaking, an action was brought by a person against whom something had been written by the person who was the defendant in the action. In the present case the libel was brought about not by any design, as far as could be seen, on the part of the libeller, not by anything which was written by him without provocation or invitation, but by something about which the defendant had nothing to say or do in reference to the plaintiff. The defendant did not seem to be mixed up in any way with the dispute between the plaintiff and some other persons, or to have been in any way cognisant of the matter said to be the subject of the libel. He was a perfect stranger, as far as the libel was concerned, to either party. He was a newspaper editor carrying on his business in London, and he was invited by the plaintiff himself to take part in an altercation or misunderstanding in which the plaintiff found himself concerned, and with which the defendant had nothing to do. Generally speaking, there was a personal motive in a libel disclosing itself at once, and showing why the thing was written. That feature did not appear so plain in the present case, because Mr Ledger, the defendant, did not appear to be in any way connected with the original groundwork of the libel. The facts were these. Mr Gilbert had gone to see a play acted on the Birmingham stage, and was so satisfied with what took place that he went with the company that was producing the play to Edinburgh. He arrived in Edinburgh in the afternoon, and was at once put, or placed himself, in communication with a paper known as the *Evening Dispatch* in that city. The newspaper people sent somebody to interview Mr Gilbert. The jury might have had experience of what interviewing was, but an interview, as he gathered from the case, consisted in sending a shorthand writer to ask questions, and the answers were taken down by the interviewer and published to the world. Mr Gilbert agreed to be interviewed, if he did not invite the interviewer to interview him. He was a party to the transaction, for he knew what was being done, that he was expounding his views upon certain matters, and that the views so expounded would be published in a newspaper. The interview lasted about three-quarters of an hour. The first part of it consisted of a variety of inoffensive questions, intended, no doubt, to put the person interviewed at his ease during the operation, and put him in good humour with himself. He had the original publication of the interview before him. It was a very interesting report, and the interviewer had been examined and had sworn that it was substantially accurate. It certainly did seem a correct report of a connected conversation. It read like a very accurate account. The conversation was more or less connected, and in such a way as to suggest that there were no hiatuses or blanks left on purpose, and that the speaker was saying what was natural for him to say at the time. After the interview Mr Gilbert and the reporter seem to have gone to the theatre together, and next day the interview was published at one o'clock. Therefore Mr Gilbert had no cause of complaint against the newspaper for any impropriety of any sort or kind. The newspaper seemed to have sent an interviewer at the earliest possible moment to see Mr Gilbert, and they published the report of the interview in the very next number of the paper that was issued—next day. Mr Gilbert could not complain at not having had sent to him a copy of the paper containing the references to Mr Grundy which were complained of in his letter to *The Era*. On that point the whole question was as to who was right or wrong with regard to the use of the word "only." It was sufficient to say that what Mr Gilbert and the interviewer were talking about was "adaptors" of plays on the one hand and writers of original plays on the other, and Mr Grundy was being spoken of only as a translator. The interviewer swore that his report was substantially accurate, and in that Mr Grundy was spoken of as "only a translator." Another expression was used with reference to hacks. Mr Gilbert said he spoke of "hack-work." But they were talking of Mr Grundy in connection with what was termed hack-work, and it would be only natural that hacks should be in Mr Gilbert's mind. Because at the moment the whole question was not as to Mr Grundy's merits as an original writer, but whether he was a person who did hack-work and was in that sense a hack. It was, therefore, very likely and natural that the expression hack was used, and also that what was said was that he was a translator "only." It was very likely that a man in Mr Gilbert's position, speaking of Mr Grundy not as an original writer, but as an adaptor, should refer to him as "only a translator." What harm was in that his lordship could not see, and he could not see how the plaintiff could claim damages because the word "only" was omitted, if it was really omitted. The plaintiff had no ground of complaint on that. Mr Grundy seemed to be the only person who had reason to feel aggrieved. If the plaintiff did use the expression "only a translator" with regard to Mr Grundy, he could say to that gentleman that he was sorry, and that he knew, of course, that he was an original writer, and there the matter might have ended. He certainly did not see how the jury could award damages to Mr Gilbert because the word "only" was used in the reference to Mr Grundy as a translator. Mr Grundy had not come forward to claim any damages, and it seemed to him that the plaintiff had no claim for damages in respect to this point. In the letter which Mr Gilbert wrote to the editor of the Edinburgh paper this point, in regard to Mr Grundy, was the only complaint he made in reference to the whole report of the interview. But there was a great deal in the interview which had given offence to other people. Sir Henry Irving was said to have taken offence at it, and to have complained of it at a meeting of the Sheffield Press Club. It was said by Mr Walton that Sir Henry Irving had derived his information solely from the article in *The Era*. He could not agree in that, because Sir Henry Irving had too much good sense and self-respect and too much knowledge of the world to base an inportant statement upon some statement he sees in a newspaper article with reference to attacks made upon himself by a person in the same profession. But Sir Henry did complain of the passage in the interview which said that no living actor could speak thirty lines of blank verse so as to hold the attention of his audience. It seemed to him (his lordship) that that remark was much more likely to give offence than even the remark about Mr Grundy. When Mr Gilbert saw the note in the *World* he wrote to *The Era*, and his letter and the article complained of were published commenting on the Edinburgh interview to which Mr Gilbert's own letter had directed the editor's attention. The jury were asked to find that this comment was a libel, and was published maliciously to do an injury to Mr Gilbert. But it should be remembered that Mr Gilbert wrote a letter to *The Era*, a paper with which he had no concern. The editor saw that the matter was interesting to its readers. They were discussing things theatrical, and the article was written commenting on the interview containing the criticisms upon these matters of theatrical interest and upon the person who submitted to that interview. No doubt the plaintiff was not fond of critics. His lordship did not suppose many persons were, but some were more restive under the attacks than others. Some people were thinner skinned and more sensitive than others, but public personages were always criticised and must live in an atmosphere of criticism. Those who had the thickest skin or the best temper were not so restive with every sting that was administered to them. People had to submit to hostile criticism. *The Era* criticised Mr Gilbert in respect of his interview and of the letter, and it was for the jury to say whether those criticisms passed the bounds of fair comment. One of the things complained of was that Mr Gilbert was said to have an exaggerated bump of self-esteem. Well, self-esteem was one of the things which enabled some people to earn a living, and some others would not get along so well if they were without that quality. Whether it was a libel to say that a man had too much of it he did not know; but it certainly would not bring him into odium or contempt. On the contrary, it generally ensured respect from the people with whom he came in contact, and often obliged them to make way for him and give him room. The jury must decide that point for themselves. At the same time, they should bear in mind that the plaintiff, who objected to all these criticisms, had not been sparing in his own criticisms upon others. The reference to the thirty-line speeches, to his lordship, seemed to refer to thirty lines of the drama generally, though the plaintiff declared it only related to blank verse. It was for the jury to bear all these points in mind and take them into consideration. They must judge whether the article in *The Era* went beyond what was fair criticism, and was calculated to bring a man into odium or contempt. If they thought it was they should find a verdict for the plaintiff, but if, on the other hand, they thought it was fair criticism, even though it might be severe criticism, their verdict should be in favour of the defendant.

The jury retired at one o'clock, and, after an absence of two hours and a half, they returned to court with the statement that they could not agree. They were therefore discharged.

In the Duke's Saloon, at the Holborn Restaurant, on Tuesday, took place the first annual dinner of the working staff at Drury-lane Theatre. At eight o'clock the staff sat down to an excellent repast. Unfortunately, Mr Arthur Collins was not able to preside as had been arranged, being obliged to leave for Manchester, and Mr Sydney Smith, who was to have occupied the vice-chair, also wrote expressing his regret at his unavoidable absence, as did Mr Ernest D'Auban. Mr O. Sacks, the chief engineer of the theatre, presided, and Mr E. A. Taylor, the master-carpenter, occupied the vice-chair. The toasts of "The Queen," "The Theatre and Management," "The Visitors," and "The Chairman and Vice-Chairman" were drunk, and the following ladies and gentlemen contributed to the evening's entertainment:—Miss Gertie Taylor and Master C. Taylor, Mr J. Brettell, Mr Alec Thomas, Mr P. H. Knight, Mr J. Hughes, Mr H. T. Wood, Mr B. Ellis, Mr W. Skinner, Mr Collins, Mr E. A. Taylor, Mr Flack, Mr R. Jepp, Mr Alf Lenton, and the Melrose Trio. Mr Gilbert, of Daly's, officiated at the piano.

A Copy of "The Era" will be forwarded to any address in the United Kingdom for six stamps.

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