



## Court Case

### Doughty v. Pearce

There was an action brought to recover the sum of 18 s. 16 d., damage done to the plaintiff's cart through the negligence of the defendant's son, who acted as servant to his father.

Mr PULLEN attorney for the plaintiff. The plaintiff stated that he was a carrier residing at Langford, and on January 16<sup>th</sup>, 1847, he was delivering some goods at Mr Fitz's at Codford. His horse and cart were close to the paling. He was at the tail part. It was a tilted cart, therefore he did not see defendant's horse coming, but it ran against his cart, threw down his horse and broke off both shafts.

The evidence was corroborated by a passenger that was in plaintiff's cart, who further stated that there was no one with defendant's horse and cart; that some time after defendant's son came up and said he was sorry for the accident and no doubt his father would pay for the damage, and that it was his father's cart. That his father lived at Corsley. Both plaintiff and his witness distinctly swore that "James Pearce, Corsley, Wilts," was marked on the cart.

The defendant denied that the cart belonged to him, or that he had had any cart marked in his name for 4 years past, until within the last two months. This evidence was supported by the testimony of the party who made the cart and painted the name on it, and he further stated that the name on the cart was not the father's name but the son's.

Mr PULLEN begged his Honor to take notes of the defendant's evidence and applied for an adjournment saying that he had not the least doubt but he should be able to contradict the statements made by the defendant and his witness by additional testimony to that now produced. – Case adjourned accordingly.

(*Devizes and Wiltshire Gazette*, Thursday 20<sup>th</sup> April, 1848)

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### William or James ?

An action (Doughty v. Pearce) was brought at the Warminster April County Court, to recover the sum of 18s. 6d. as a compensation for injury sustained by the negligent driving of defendant's son. The point to be determined turned upon the fact whether the cart which the son was driving belonged to him or to his father. It was sworn, for the plaintiff, that at the time of the accident, the son expressed regret and said that his father, *to whom the cart belonged*, would readily pay the expense. It was also sworn that the father's name "James Pearce" was painted on the cart. The father (the defendant) on the other hand swore, that the cart belonged to his son and that his son's name (*William*) was painted on it – that he had not a cart mark'd in his name for 4 years. – The case was adjourned for further evidence. – On Monday last other witnesses for the plaintiff swore that the cart was the defendant's and that the defendant's name *James* was painted on it. The defendant persisted in his original statement and a witness for him said he read the name by candle light and it was *William*.- His Honour, however, said it was a scandalous defence and gave judgment for the plaintiff with costs.

(*Devizes and Wiltshire Gazette*, 18<sup>th</sup> May, 1848)