

*Judgment of the Lords of the Judicial  
Committee of the Privy Council on the  
Appeal of Reid v. Burch, from the Court of  
Arches ; delivered the 12th May, 1874.* [A]

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Present :

ARCHBISHOP OF YORK.

SIR JAMES W. COLVILLE.

SIR BARNES PEACOCK.

SIR MONTAGUE SMITH.

SIR ROBERT P. COLLIER.

IN this case a Commission appointed by the Bishop of Exeter, under the Church Discipline Act, reported, after hearing evidence on both sides, that there was *prima facie* ground for instituting proceedings against the Rev. John Reid, Vicar of Tregony, in his diocese. The case was sent by the Bishop to the Court of Arches, by letters of request, whereupon articles were exhibited against the Defendant. The Court pronounced five of these articles to be proved, and sentenced the Defendant to three years' suspension *ab officio et beneficio*. From this Judgment the present Appeal has been preferred.

Three of the articles found by the Court of Arches to be proved, charge solicitation of the chastity of Ellen Marks, a female servant of the Defendant. One charges solicitation of chastity, coupled with an assault upon Mary Jane Teague, another female servant, and one charges solicitation of chastity coupled with an assault on Elizabeth Jane, a third female servant.

The Dean of Arches treats the last case as the most clearly established, and examines the evidence in relation to it with some minuteness. In the other cases he records only a general finding, giving no analysis of the evidence. Their Lordships think

it convenient to deal with the charges in the order which he has adopted.

The 8th article is as follows :—

“That, on a certain Sunday evening in the month of November 1872, being the day before Elizabeth Jane, one of your domestic servants, hereinafter in this Article mentioned, left your service, you, in the back kitchen of your vicarage-house aforesaid, touched the thigh of the said Elizabeth Jane in an indecent manner, and afterwards followed her into the bedroom of your wife, and there caught hold of her and solicited her chastity by asking her when she was going to let you have what you wanted, and by afterwards telling her that, if she would let you have what you wanted, she should have a new dress and five pounds in money to put in the bank.”

The case of the prosecution was, in outline, as follows :—

Shortly after Elizabeth Jane (now Elizabeth Odgers) came into his service, Mr. Reid, on his return from London, made her a present of two brooches—a circumstance admitted to have been immaterial if it had stood alone, but relied upon as significant when coupled with Mr. Reid's subsequent conduct. About a month after, on a Sunday evening, going to the back kitchen to fetch wood, he requested Elizabeth Jane to bring him a candle, and on that occasion laid his hand upon her in an indecent manner; whereupon she ran upstairs with the candle, leaving him in the dark. She proceeded to light the fire in the bedroom of Mrs. Reid (Mr. and Mrs. Reid occupying separate bedrooms). While she was lighting the fire he came into the room, put both his arms round her, “pulled her back,” and asked her whether “she was going to let him have what he wanted or Beard” (a man against whom she had been warned on entering the service). She asked him what he meant, whereupon he repeated, “Are you going to let me have what I want,” and “pulled her again.” She angrily desired him to leave the room. He did leave the room, but almost immediately returned, and said “if she would let him have what he wanted he would give her a present.” He reminded her that she had got the brooches, and said “she would have to pay for them, not in money but on conditions.” He promised her a new dress and 5*l.* in money to put into the bank, if she would comply with his wishes. She told him to go off, which he

did, but on going told her that "if she did not come to his proposals she would have to leave the house." Her sister (who was also living as a servant in the house) coming in almost immediately, she told her of what had taken place. The next morning, as soon as she saw Mrs. Reid, she informed her of Mr. Reid's conduct, and of her determination to leave at once in consequence of it. Sometime later in the day, being confronted with her master, she repeated her story in the face of his denial of it. She did return to her home on that day, in spite of attempts on the part of Mr. Reid to detain her, and told her story to her parents. She was confirmed by her sister, who spoke to finding her in tears on the Sunday evening, and who gave such evidence as the law allows of the communication then made by her. Her father also spoke of her return home, and the communication she made to him and her mother, and further stated that, on the Wednesday, the day but one after she left, he went to see Mr. Reid, and indignantly taxed him with his conduct: that although Mr. Reid repeated many times, "Don't ye believe it," yet his manner indicated guilt, and that Mr. and Mrs. Reid desired that the girl should return, which he said he did not think she would do.

This case of the prosecution was thus met on the part of the defence:—

In the first place it was sought to impugn the girl's character, on the ground of her having been dismissed from her last situation for misconduct, but their Lordships agree with the Dean of Arches that the levity of conduct proved, though a ground for carefully scrutinizing her evidence, is not such as to lead to the conclusion that she cannot be a witness of truth, or to make it improbable that she would resent such conduct as she describes on the part of Mr. Reid.

Mr. and Mrs. Reid were then examined. With respect to the former, the Dean of Arches, who had the great advantage of seeing and hearing the witnesses, observes that the manner in which he gave his evidence was extremely unsatisfactory. Their Lordships have to add, with deep regret, that his evidence, as taken down in writing, appears to them to support this observation.

Mr. Reid thus explains his giving the brooches:

he represents that, on his way—on foot—to the Paddington Station, he was overtaken by a shower and took shelter in a shop where articles of that sort were sold; that he was induced to buy the brooches, for which he gave about 2s., intending to give one of them to each of his female servants; that, on his return to Tregony, finding that the other servant was about to leave, he gave them both to Jane; he also assigns as a reason for his giving her both, that he happened to see her first; he states that he did not tell his wife of the gift until some days after, when Jane had said that one of the brooches which Mrs. Reid had observed, had been given her by a young man from Plymouth. It would appear, however, from his statement that he informed his wife of the gift of one brooch only. His motive for making this present to a girl who had not been in his service long enough to earn a reward for good conduct, is not explained. With respect to the occurrences on the Sunday evening before Jane left, the version given by Mr. and Mrs. Reid is as follows:—

Mrs. Reid says she blamed her for not going to Church, to which the girl replied that she was afraid, if she had gone, she would have seen the man "Absalom Beard," before referred to (who was continually lying in wait for Mr. Reid's maid servants), and "that would have got her into a row." Jane having been often before warned against this man, apparently without effect, Mrs. Reid treated this statement as indicating a resolution to give him up, and communicated it in this sense to her husband.

Mr. Reid, after denying that he took any liberty with the girl in the back kitchen, admitted that he was subsequently with her in his wife's bed-room, but explained that, on his going up stairs for another purpose, and happening to see her in the bed-room, it occurred to him to go in and praise her for her good resolution. His account of what took place is as follows:—

"A. I went forward about, I should think, a yard, not more, into the room, with a lighted candle in my hand.

"Q. Will you tell us exactly what passed between you?—

A. I praised her for her conduct in having remained at home. We were previously about to censure her for having kept away from church.

"Q. *Mr. Lopes.* I must ask the witness to give us the words.

"Q. *By Mr. Charles.* If you can, give us the words.—

*A.* I will as far as I can. Saying that she was a good girl. Mrs. Reid and myself had found fault with her for not going to church, but we were very glad to find the cause of it, a good resolution with regard to giving up Absalom Beard.

“*Q.* *The Dean of Arches.* She had so good a reason for not going to church?—*A.* That reason had reference to this man Beard.

“*Q.* I want the words that you said: ‘I said my wife and I had been about to blame you for not going to church’?—*A.* Yes.

“*Q.* By *Mr. Charles.* When you said the good reason, did you tell her to what you referred?—*A.* Yes; I said ‘for giving up the connection with Absalom Beard.’

“*Q.* Do I understand you to say that the good reason was the giving up the connection with Absalom Beard?—*A.* Yes.

“*Q.* Will you explain to his Lordship how that was mixed up with not going to church in the afternoon, because there is a link wanting there?—*A.* Well, I should have to go through the whole circumstances of Absalom Beard.

“*Q.* Was Absalom Beard at church that afternoon?—*A.* I do not know whether he was at church, but Absalom Beard always met her—laid wait for her—not only for her but all the other servants.

“*Q.* By *The Dean of Arches.* Absalom Beard laid wait for her and all the other servants at evening service, do you mean?—*A.* Evening or morning, because they went alternately, some in the afternoon and some in the morning, as the case may be. He made their acquaintance in that way, by their going to the church.

“*Q.* By *Mr. Charles.* Now confine your attention to what passed between you and Elizabeth Jane in the room on that Sunday evening. What did she say when you said that?—*A.* She said she did not know that she had given him up, ‘nor shall I give him up.’

“*Q.* What did you say to that?—*A.* She became very much excited, and in a great passion. I have no doubt she was disappointed, and I said, ‘you must either give up Absalom Beard or my service.’

“*Q.* Do you remember the expression. Did you use the expression, ‘give up my service,’ or did you say, ‘give up me’?—*A.* No; ‘Give up me,’ implying service, of course. I said, ‘you must either give up Absalom Beard or me.’

“*Q.* What happened then?—*A.* I left her there, and solemnly swear I never touched her. I was not within more than a yard of her all the time.”

It would not appear that Mr. Reid made any communication of what had taken place to his wife.

Mrs. Reid asserts that the next morning on her going into the kitchen, and renewing her admonitions on the subject of this man, the girl replied that there were others as bad as he, and made the accusation which she repeated on oath against Mr. Reid, and that, later in the day, on her husband, who had been out of the house, returning, the girl

repeated the accusation in his presence, when he denied it.

Both Mr. and Mrs. Reid represent her to have been in a violent passion, and to have insisted on going away, which she did in the afternoon as soon as she could get a conveyance to her home. And Mr. Reid admits, after some cross-examination, that he endeavoured to induce her to stay, directing her box to be taken out of the conveyance, but that she persisted in going.

Mr. Reid's version of what took place on the Wednesday with her father, is altogether at variance with the statement of the father, and in one material respect with that of Mrs. Reid.

It appears that Mr. Jane had some conversation first with Mr. Reid alone, afterwards with Mr. and Mrs. Reid. Mr. Reid denies that, in the conversation with him alone, anything whatever was said about the charge which, beyond all question, Elizabeth Jane had made against him, and had assigned as her reason for quitting his service. He asserts that Mr. Jane came for the purpose of inquiring why his daughter had left so suddenly, to which he (Mr. Reid) replied, that "it was in consequence of her conduct with regard to Absalom Beard, the pledge he had made, and she also, that there should be no communication between them being broken," an answer which, to say the least, involved a suppression of the truth. Mr. Reid then represents the conversation to have turned upon mining and farming. On being pressed why he did not refer to the charge, which, according to his account, the girl had falsely preferred against him, he stated that he wished this subject to be referred to in the presence of his wife, and that afterwards, when Mrs. Reid was present, it was referred to by her. That she informed Mr. Jane, in answer to the question which he repeated, why his daughter had left, that she had made a charge against Mr. Reid, and that on Mr. Jane requesting that she might be taken back, Mrs. Reid refused to do so except upon the condition of her retracting the charge against Mr. Reid, as well as giving up Beard. Mrs. Reid, however, denied, repeatedly and emphatically, that anything whatever relating to this charge was said in her presence. That the charge was on that day the subject of discussion

between the father and Mr. Reid, either when they were alone, or in the presence of Mrs. Reid; that, notwithstanding the charge, the Reids were not indisposed to take the girl back on some conditions, are indisputable facts.

On reviewing this evidence it appears that the story of the girl is consistent with itself—that her conduct is consistent with her story—and that she is to some extent corroborated by other witnesses, whereas the story of Mr. and Mrs. Reid is neither consistent with itself, nor with some of the admitted facts.

What Mr. Reid represents to have passed between himself and Elizabeth Jane on the Sunday evening seems wholly inadequate to produce the effect assigned to it by the defence, of so exciting and exasperating her as not merely to throw her into tears at the time (as deposed to by her sister) but to cause her to determine instantly to quit her master's service—a determination which she persisted in the next day (being still, as Mr. Reid represents, in a state of violent passion), in spite of entreaties and remonstrances—and further, to avenge herself by fabricating an infamous charge against him. Again, it is almost incredible that, if the charge were false, Mr. Reid should have desired to retain her in his service, and even been willing to take her back after she had left it.

Further, the testimony of her father, to whom Mr. Reid, according to his own showing, gave a very inaccurate version of the cause of her leaving his service, appears to their Lordships far more credible than that of Mr. Reid. Elizabeth Jane had charged Mr. Reid openly, and in his presence, with improper conduct, and had assigned this charge as the reason of her departure. It is difficult to suppose that she maintained total silence before her parents as to this, the only justification—whether true or false—of her sudden return to them. It is difficult to conceive that, if she did communicate it to them, her father should not have referred to it in his interview with Mr. Reid; or that, if she did not communicate it and it was false, Mr. Reid should not have himself referred to it. Such are the difficulties involved in the case for the defence. On the hypothesis of Mr. Reid's guilt, the anger and excitement of the girl, the charge which she

made, her determination to quit his service, his attempt to detain her, and her father's indignation, are all explained.

For these reasons their Lordships concur with the Dean of Arches in thinking that this charge has been proved.

The charges of misconduct with Ellen Marks consist of repeated alleged solicitations of chastity, coupled with one act of kissing and embracing.

Ellen Marks deposes to Mr. Reid having repeatedly solicited her to come to his bedroom, or to permit her to come to his, and further speaks to an occasion when, on going to her bedroom, she found Mr. Reid removing the lock; that on her inquiring what he was doing he desisted, but that the lock was afterwards removed; that soon after, on an occasion when she was sleeping alone, in the absence of the other servant, and had secured the door with a cord and nails, she heard in the night an attempt of some one to open it; that, some months after, the servants having been removed to another room which also had no lock, being alone in the house with Mr. Reid, she induced her sister to come and sleep with her, and fastened the door with a pair of scissors, whereupon in the night there was a knocking at her door. This statement was confirmed by her sister. She also speaks of Mr. Reid having promised her a dress and money. It is observable that, notwithstanding these repeated alleged solicitations, Ellen Marks remained for many months in Mr. Reid's service—nay, that having left it for a short time she returned to it, and that, although she represents herself to have finally quitted it at her own desire, there is evidence that representations were made to her master and mistress of misconduct on her part, for which, according to the statement of Mr. and Mrs. Reid, she was discharged. Had this case stood alone, their Lordships would have been disposed to give effect to Mr. Reid's positive denial of the accusations; but the decision to which they have felt themselves constrained to come in the case of Elizabeth Jane, very much impairs the credit which might otherwise have been given to Mr. Reid's denial, and they do not feel that sufficient grounds have been shown for reversing the decision of the Den of Arches on this head of accusation.



There remains the 6th article, which is thus expressed—

“That, on Monday the 12th day of February, 1872, you, without any just cause, and without knocking at the door, entered the servants’ bedroom in your said vicarage-house. That at such time Mary Jane Teague, one of your domestic servants, was in the said bedroom partially undressed and washing herself. That after entering the said bedroom on such occasion you shut the door of the said room, and, standing with your back against it, caught hold of the said Mary Jane Teague by her bare shoulders, and kept your hands on her shoulders for two or three minutes, and until the said Mary Jane Teague got away from you and left the room.”

Mary Jane Teague was in Mr. Reid’s service for a week only; her suspicions of him, for some reason, appear to have been so excited, that she attributed to an improper motive his coming into the servants’ bedroom in the daytime to examine a leak which had been reported to him, and was alarmed at his entering his wife’s bedroom when she (Teague) was there, and, on her preparing to go out of it, asking her why she was afraid of him. It seems that Teague had determined to leave the service almost as soon as she entered it, because she was required by Mrs. Reid to do sewing, to which she objected, and that she sent some message to this effect to her mother.

The girl, however, and her mother are contradicted by the carrier as to time when the message was said to have been sent, and to the purport of it. It is further to be observed that, the mother gives two contradictory versions of a letter which she says that she received from her daughter. The one act of impropriety deposed to by Teague she asserts to have taken place on the morning of Monday February 12, 1872, an admitted date, when she alleges that Mr. Reid came into her room without knocking while she was washing with a portion of her dress taken off, and laid his hands on her bare shoulders, whereupon she screamed; that he told her if she did not make any alarm he would let her out; that she then rushed down the back stairs in the state in which she then was, and called out “the old rogue has been in my bedroom.”

Another servant, and a man named Joseph Marks, who was then working for Mr. Reid, depose to her having used an expression to this effect, but not to her having said anything as to Mr. Reid having

laid his hands upon her, or to having heard her scream in her bedroom.

The time at which she fixes this assault, appears from these questions and answers :—

“ Q. When did you see him on Monday?—A. Between half-past twelve and one o'clock. I went to my bedroom to clean, I think, to get in lunch.

“ Q. By the *Dean of Arches*. What time?—A. Between half-past one and two, to carry in lunch.”

The other female servant, Dorothy Ann Burse, puts the time “ between one and two.”

Joseph Marks, “ between one and two. Somewhere about two.”

An application was made to their Lordships to receive evidence which had not been given in the Court of Arches, to prove that, at this time, Mr. Reid was absent from his house. The ground of the application, to which, after some hesitation, their Lordships acceded, was that Mr. Reid only became cognizant very shortly before his examination in the Arches Court, of an entry in his wife's diary, showing that he had been in Truro on February 12, and too late to ascertain for the purposes of that trial whether witnesses in Truro could prove at what time of the day he was in that town.

Upon the evidence adduced their Lordships are satisfied that Mr. Reid must have been in Truro at 2 o'clock, or a few minutes past 2, on Monday, February 12.

Considering that an hour and a-half may be fairly allowed Mr. Reid for driving to Truro without stoppages—that he did stop some considerable time at Probus to conclude a bargain for the sale of hay with a Mr. Dumbell, (according to his own account, which may be taken to be correct, inasmuch as Mr. Dumbell was not called for the prosecution, although an application for leave to call him had been made and granted,) their Lordships think it established that the assault could not have been committed at the time alleged. On the whole, in their opinion, too much doubt rests upon this last charge to enable them to declare it proved. The other two charges, however, which have been proved, are, in their Lordship's judgment, sufficient to sustain the sentence which has been passed by the Court of Arches. Their Lordships will, therefore, humbly

advise Her Majesty that the Judgment of the Court of Arches on the charge of improper conduct towards Mary Jane Teague be reversed, and that the Judgment on the other charges, together with the sentence pronounced, be affirmed. The Appellant will pay the costs of this Appeal.

