



Court Case



Thomas Duke v. the Magistrates of Hindon

This was an appeal against a conviction of the Petty Sessional Court at Hindon for permitting drunkenness on licensed premises.- Mr LOPES and Mr BOUVERIE were for the appellant, and Mr READ and Mr RADCLIFFE for the respondents.- It appeared that about two o'clock in the 6th June Sergt. Brinsden had occasion to go into the Wyndham Arms, Dinton, a public-house kept by the appellant, and there saw two men named Snook and Strong drinking. Later on, at about seven o'clock in the evening, one of them was found in a beastly state of intoxication lying in a field about 300 yards from the house, and the other was seen going away very drunk. It was ascertained that both these men left the house together at about five o'clock, and it was admitted that the man who was found lying in the field had had no liquor except what he obtained at the Wyndham Arms. The case rested mainly on admissions which had been obtained by Sergeant Brinsden, and the defence made before the magistrates was that both the men were sober when they left the house. The Bench however came to the conclusion that they must have been intoxicated before they went away from the appellant's premises, and convicted the appellant of permitting drunkenness. It was from this conviction that the appellant now appealed. The grounds upon which the appeal rested were that no witnesses were called to prove the state in which the men left the house, and that consequently there was no evidence to justify the conviction. In support of the appeal both the men, although called by the respondents, affirmed that it was not until they got into the open air they were overcome, and this statement was supported by several witnesses called by the appellant, who said they saw them leaving the house apparently sober.- Mr READ urged the fact that one of the men was found lying in a state of helpless intoxication in a field within 300 yards of the house, after having been served with a large quantity of beer by the appellant's wife and son, was sufficient evidence to support the conviction. He called attention to the man having admitted that he had not been to any other house, and put in a statement in writing which the police sergeant induced the man to sign directly after the occurrence, but which was not produced when the case was heard by the magistrates, in which the defendants admitted they were both drunk before they left the Wyndham Arms. After a long and patient hearing, lasting nearly three hours, the court decided to allow the appeal and quash the conviction, but refused to allow costs on either side.

(*Devizes and Wiltshire Gazette*, Thursday 18th October, 1883)