

Crime and Punishment

Hankerton



Damages for Assault

Trial of Lewin Vincent

William Hughes, hurdle maker and wood dealer, of Hankerton, v Lewin Vincent, blacksmith and farmer, of the same place. Claim, £50 damages for assault on 26th July last. Mr Boodle, solicitor, appeared for the plaintiff and Mr Bevir defended.

Plaintiff stated that on 26th July defendant hauled a load of faggots to Malmesbury for him as he was used to do. Plaintiff accompanied him, and they called, amongst other places, at Mr Duck's brewery, and had a glass of beer. Plaintiff went towards home and defendant ultimately picked him up in his cart. On the way defendant remarked, "It's a longish day for 3s a day, Mr Hughes!" Plaintiff said "Yes", and promised to treat defendant at the Duke of York Inn. Defendant refused to be treated, and struck the horse with his whip and the jolt threw a nine-gallon cask of beer belonging to plaintiff out into the road. Plaintiff got down and went for the beer, when defendant turned his horse round and went back after it also. On getting out defendant ran at him and said, "I'll have no more of this," and thereupon seized him by the collar, beat his head against the doors, and knocked him about shamefully. Plaintiff took off his coat in order to keep defendant from holding him. He struck him in self-defence. Some men arrived on the scene and the affair ended. Defendant then drove on about 15 yards (after inviting him to ride, which he refused) and then began throwing plaintiff's honey jars out of the cart into the road,., smashing them all. Plaintiff walked home, a distance of 4½ miles. He was 62 years of age and suffering from heart disease, and was also a cripple.

Later in the evening the defendant came to his cottage and without speaking rushed at him, struck him in the forehead and knocked him over two chairs, with the result that two of his ribs were broken. Defendant kept beating him until he was ultimately got away by two men, Henry Hatherall and Edmond Sparrow. He sent for Dr Kinnear on the 27th July and he stopped work for six weeks. Cross-examined by Mr Bevir--- He never challenged him to fight, and did not give Mr Grey money to hold while they fought.

Dr Kinnear gave evidence showing that two ribs were broken and plaintiff was bruised nearly all over the body. His bill for attendance was £1 10s and plaintiff was laid up for a month.

Thirza Law, of Malmesbury, Henry Smith, of Brokenborough, Eliza Hughes (plaintiff's wife), Wm F Hughes (grandson), Henry Hatherall and Emily Hatherall, and Edmond Sparrow, neighbours, all gave evidence in favour of plaintiff's case.

For the defence, Vincent (a man of 40) stated that the plaintiff several times challenged him to fight, and gave the landlord of the Duke of York money to hold. Plaintiff also was the cause of the affair at the cottage, and all the defendant did was in self-defence. He knew if it had not been for the drink the fight would not have taken place.

Mr John Grey, landlord of the Duke of York Inn, Malmesbury, proved that plaintiff gave him his purse and money to hold while they fought. They were then nearly drunk and as bad as one another.

His Honour, in summing up, remarked that he was sorry to have to decide such a case, but that it was without any reluctance that he should give his verdict. He was very sorry that neighbours should indulge in a common brawl after their day's work. Fortunately, although a great deal of the evidence had no very direct bearing on the case, it had an indirect bearing. The assault at the Duke of York was due to the drink on both sides, and if the case had ended there he should have given judgment for the defendant. But it showed afterwards that defendant was in a very bad temper by his willfully and improperly destroying the jars of the plaintiff. With regard to the second assault at the cottage, he had no reason to doubt the accuracy of the evidence of plaintiff's wife and grandson. He believed they were speaking with substantial accuracy, when they said that defendant came in and knocked plaintiff over two chairs. There was little doubt that the grave damage to the old man was really done by the defendant, who was a more vigorous man of 40.

If the plaintiff had been less seriously injured, he should have given very nominal damages. But he found the defendant guilty of very violent assault. He was responsible for all that took place after that, and it was lucky for him that he was not in a criminal court for manslaughter. He, however, took into consideration the probability of provocation, but courts of justice treated such cases with very great seriousness, and drink was no excuse at all.

The verdict he would give would be £6 10s, with costs, on account of defendant's station in life, which sum he thought he could afford.

Devizes and Wiltshire Gazette Thursday 7 November 1889