



Crime News - Assault & Wounding Little Hinton 1865

Assault by Thomas Adams

SWINDON POLICE COURT

Monday, June 12

Magistrates present: David Archer, and A.L. Goddard, Esq.

Thomas Adams, wheelwright, of Little Hinton, was brought up to custody, charged with wounding and doing grievous bodily harm to James Smith, labourer, of the same place, On the 8th inst.

James Smith, sworn, said: I live at Little Hinton. I work for Mr Thomas Anger, a farmer there. Last Thursday evening (8th June), about four o'clock, I went to the shop of the prisoner, who is a wheelwright at Little Hinton. I did not go for any particular purpose. I said, "Thomas, what are you trimming up a mowing stick," He said "Yes, and then he said "if ever your wife says a word to me again I'll smash her down the wall." I said, "No, Thomas, you mus'nt." He said "I will; and," he said, " I'll smash thee the same." I said "I an't xxxd, Thomas" He said, "I will," and so rammed his hands up in my face. Then he turned round and got the draw shave out of the shop, and chopped me with it. The last time I caught it by the handle as it was coming down over my head. The first time he hit at me with it, I put up my left arm to save myself, and he cut my arm, and the second time he chopped at me also cut the same arm, and I caught at it by the handle. My master, Mr Anger, came and pulled me away: then he kicked me twice, and I kicked him somewhere, I don't know where.

Cross examined by the Prisoner: I did not kick tou in your privates. I never went into your shop. I stood in the gutter.

By the Bench. I was handy the middle of the road when Adams rammed his fists in my face, and Adams turned round and went into his shop for the draw shave. I did'nt think then he was going to hit me, and I stood my ground, and he began to lay it on me directly. He hit at me three times. The shop door was about three yards from where I was standing in the road when Adams turned from me and went into the shop and got the shave. The shop is on the road. The road is not very wide there. I don't know what he meant by what he said about my wife. Neither he or she had complained to me before about it.

Thomas Anger said: I am a farmer at Little Hinton. Last Thursday, 8th June, between three and four o'clock, I was going down the road. I heard words. Heard Thomas say how he should serve a woman, and James Smith said he should serve Adams the same. Smith was then near Adam's shop. Smith went

into the road. Adams accused him of stealing something from his shop, and said Smith was the greatest rogue in Hinton. Smith said he was not a bigger rogue than Adams, who then ran out of his shop to Smith, and put his fist in his face, and said he would punch his b-----y head off. He did that once or twice afterwards, and threatened how he would serve him, and I then went into my yard. After I was in the yard I saw Adam's kick Smith and Smith kick Adams. I can't say whether that was the first of it. I saw Adams go into the shop after he had said he would punch his b----y head off. When I saw the kicking I saw a shave in Adam's hand. I ran out of the yard, and when I got up to them Adam's and Smith had both of them hold of the shave, and I got Smith to leave go, and I took him towards his house. Smith's arm was cut very badly, and was bleeding. Smith was in his shirt sleeves. Adams said Smith had kicked him first. Smith said Adams was going to chop him, and he put up his arm to save his head. Smith works for me. Adams had in his hand when I first saw him a scythe stick, and most likely he would be using such an instrument as the shave in making the stick. It was not in Adam's hand when I first came up. The mowing stick was not in his hand when Smith and Adams had hold of the shave. The middle of the road is about two yards from the shop door. Smith was in the middle of the road when he and Adams had hold of the shave.

Alfred Leete Griffiths said. I am a physician practising at Swindon. Last Thursday, 8th June, I found the witness, James Smith, in my surgery between 7 and 8 o'clock. I examined his left arm and found an incised wound. A triangular shape, about the middle of the arm on the under side, and another one about an inch long just at the point of the elbow. The last wound communicated with a fracture of one of the bones of the arm at the elbow joint. I dressed the wounds. The fracture was a serious wound. The first is a clean cut. There has been two cuts, and would have been done by a chop. Such an instrument as the shave which is produced would have caused such wounds. In consequence of a communication made to me by Supt. Haynes, on the following day (Friday) I examined the privates of the prisoner. There certainly was an abrasion of the skin – it looked more like that than a kick. It looked more like a rub. There was no discoloration as of a bruise.

Henry Haynes disposed: I am superintendent of police at Swindon. Last Thursday evening, 8th of June, the prosecutor (James Smith) came to me at Swindon. In consequence of his statement I sent him to Dr. Griffith's, and then went before a magistrate, and I received a warrant for the apprehension of Thomas Adams. The following morning, Friday, 9th June, I went to Little Hinton and saw Adams in a field. He came towards me and said, "I suppose you be come about this man kicking me?" I said, "Yes, Thomas, I am: he has been before Mr Goddard and told his story about it, and you must go and tell yours." We walked together to his workshop. On the road he said "James (Smith) kicked him on the private, and he gee'd him one across the head with a shave, and in trying to take it away from him he cut his arm." I went into the shop, and found this shave laying just inside the door, and Adams said, "That is the shave I hit 'un with." There were marks of blood on one side of the Shave, but none on the handle. I could see there were spots of blood on the road about two yards from the shop. On the day of the prisoner's apprehension I took him before Mr Goddard, a magistrate, to have him remanded. The prisoner complained that he had received a kick, and I caused him to be examined by Dr Griffith. He complained again the next day.

Adams, in answer to the charge said: All I have got to say is, a pretty deal of it ain't true what they have been saying. He kicked me first, and then I struck him with the shave, and it was with the back of the shave, and in his wringing and twisting about he got cut. If he hadnt kicked me I shouldn't have hit 'un, and if he had walked away when I told him this wouldnt have happened, for I shouldnt have touched him.

Rebecca Adams: I am a singlewoman, living at Little Hinton. Last Thursday, 8th June, I was at the bottom of my garden. I am no relation of the prisoner. I heard him say to Smith four times "Now, Jim, you go." before the row begun. I know nothing else. I couldnt see the; the hedge was very thick. Adams said, "Now thee go, Jim, I don't want no bother with thee."

The prisoner was committed to take his trial for the offence at the next Assizes, bail being accepted for his appearance.

The Swindon Advertiser 19 June 1865

WILTS SUMMER ASSIZES

The business of these assizes commenced this morning before Mr Justice Willes and Mr Justice Keating. The calendar contains the names of 18 prisoners for trial among them is :-
Thomas Adams is charged with feloniously wounding and causing bodily harm to James Smith, at Little Hinton

Devizes and Wiltshire Gazette 20 July 1865

WILTS SUMMER ASSIZES

The business of these Assizes commenced at 10 o'clock on Thursday morning. Thomas Adams was indicted for feloniously wounding and causing grievously bodily harm to Jas. Smith, at Little Hinton, on the 8th June. The Judge asked the prosecutor if he wanted to send the old man to gaol, the prosecutor said he only wanted him to keep the peace, and the old man's sons entered into the required recognizances, and he was discharged.

Sherborne Mercury 1 August 1865

OPC note:

Wounding and GBH S.20 & S.18 OAPA 1861

The offences of wounding and GBH are found under two separate sections of the Offences Against the Person Act 1861. GBH meaning grievous bodily harm. A conviction of wounding or GBH under S. 20 represents the lesser offence which carries a maximum penalty of 5 years imprisonment. Wounding and GBH under S.18 is a more serious offence and carries a maximum sentence of 25 years. There are common elements of the two offences. The main difference between the offences under s.18 and s.20 relate to the *mens rea*. Also the offence under s.20 is triable-either-way, whereas the offence of grievous bodily harm under s.18 is indictable.