



# Crime and Punishment

*Minety*

## Court Case

### Abraham Brown

Petty Sessions, Dec 12<sup>th</sup>. Present: Major Prower, Perry Keene Esq., and Rev F Dyson.

Abraham Brown, of Minety, farmer, was summoned on the information of James Wheeler, for having on the 2<sup>nd</sup> of December, trespassed upon land at Ashton Keynes, in the occupation of Mr Josh. Freeth, in search of game. Mr J S Lovett appeared for defendant.

James Wheeler, labourer, being about to be sworn, Mr Lovett objected to his evidence being taken, as he could not be informer and witness too. After some discussion, the objection was overruled upon the authority of an Act passed in the 14<sup>th</sup> and 15<sup>th</sup> years of Victoria. Wheeler was then sworn, and stated that at about 12 o'clock on the day of 2<sup>nd</sup> December he was at work in his master's ground, belonging to Lord Vane, and saw three persons standing in a ground called "Parson's Ground." He heard a signal and immediately saw a hare, followed by a greyhound, come through the hedge from Mr Freeth's little ground, and pass some ricks and stalls into the road, where the greyhound seemed to lose the hare.

Wheeler followed, and when he returned he found defendant on Mr Freeth's land, who asked witness if the greyhound had caught the hare. (Witness's attention was here called by the Justices to a plan of the grounds and course put in by defendant, and, as regarded the point where he first saw the hare come through the hedge, confirmed the plan.)

Cross-examined: I do not know of any reward having been offered by Mr Lysley to informers. We get 10s a year from Mr Lysley to look after the game. I have heard he has offered a reward of £1 to informers. I have never stated that if I could get 5s I would tell of this case. I have talked about it to several. There were three persons standing in Parson's Ground besides defendant. The little ground of Mr Freeth's, from where the hare came through the hedge, is about 5 acres. The ground next to it, at the end, is also in the occupation of Mr Freeth, but belongs to Sir Geo. Jenkins. "Parson's Ground," where the three persons were standing, belongs to Mr Pitt, and is occupied by Mr Hiscock. It was after the dog had lost the hare that I saw defendant on Mr Freeth's land.

Mr Lysley's gamekeeper proved the right to the game on the land occupied by Mr Freeth. Being cross-examined, he stated that he did not know that Sir G Jenkins had any land there, but thought it belonged to Lord H Vane, and that Mr Freeth had given him permission to shoot over all his lands.

This concluding the informant's case, Mr Lovett addressed the Bench, asking the magistrates not to look upon his client in the character of a poacher or wilful trespasser. He had lived at Minety all his life time, had always been accustomed to shooting, and took out his game certificate as a gentleman; he was never known to step out of his boundary, and had never been charged before. He (Mr Lovett) called upon the Bench to regard Wheeler's evidence with great mistrust, as he was evidently actuated by the reward offered to informers by Mr Lysley, which was a great temptation to such men as Wheeler, and as long as such rewards were held out it would be dangerous to venture out to shoot a sparrow.

With regard to the evidence of the gamekeeper, he had come with the old tale over again that, he had a right to shoot over all the land in the parish, there was a direct contradiction between Wheeler and the gamekeeper, one having sworn that the land next to Mr Freeth's little ground, towards the point where the hare and greyhound first came through the hedge, belonging to Lord Vane, and the other that it belonged to Sir G Jenkins. Wheeler, who had been longer in the place than the gamekeeper, and who said it belonged to Sir G Jenkins, ought to know best. Defendant had permission to sport over Mr Freeth's land belonging to Sir G Jenkins, and as the point where Wheeler first saw the hare and greyhound come through the hedge was close to Sir George's land, the hare might, upon Wheeler's showing, possibly have started from Sir George Jenkin's land just before the witness heard the signal. The evidence of Wheeler however was merely circumstantial as to from whence the hare started; but he (Mr Lovett) was enabled to show by facts that the hare was put up in "Parson's Ground," over which Mr Brown had a right to sport, which would entitle the defendant to have the summons dismissed under the 35th section of the Game Trespass Act.

He called Mr Robert Arkell, a Canadian gentleman, who proved that he was in company with defendant and his brother on the day in question in "Parson's Ground," and saw a hare put up there, which the greyhound took after. The plan of the ground produced, and of the course the hare took, was correct. He kept his eye on the course, and saw the hare and greyhound go over the stile on the land described as Sir G Jenkins's, and through the hedge at the point described by Wheeler.

By the Bench: It was between 11 and 12 o'clock, there was no other course had that day.

Upon hearing Mr Arkell's evidence, the Bench, who had previously examined the 35 sec. of the Game Trespass Act, dismissed the summons, without waiting to hear other evidence of a similar nature, but refused costs. Mr Keene withdrew from his seat during the hearing of this case, and took no part in it except as against allowing costs.

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