



Crime and Punishment

Oaksey

Court Case

Thursday, Sept 5, 1844.

Before the Right Hon. the Earl of Suffolk and Berks, Viscount Andover,
and the Rev Henry Wightwick

Daniel Rose

Daniel Rose, in the employ of Mr Cole, butcher, of Oaksey, was charged by Mr Collard, superintendent of the Great Western Railway Police, with having, on the 24th day of August, maliciously placed a stone upon the rails of the Great Western Railway at Oaksey.

Policeman GWR No 88, Henry Street, stated that on the day in question he was talking to a man at a short distance from the spot where the footpath crosses the line. He saw Rose go down the slope; saw him stoop down and place something upon the rails, but could not see what. He then saw him come up the slope, and look both ways, and when he saw the policeman, went back and removed what he had placed upon the rails. Witness went to the spot and picked up two large rough stones, about four inches in diameter, which he found on the spot, and which he produced in court. The policeman produced a witness, who corroborated the circumstances he had stated, with the exception of having seen him stoop down to place the stones upon the rail, which he accounted for by stating that a "bit of a skew" in the hedge obstructed his view of the spot where the man was standing, but, he saw him run up the slope, look both ways, and when he saw the policeman ran back to the rails. The train was a mile off at the time the man ran up the slope, but when he came away the last time it was not more than half a mile.

Rose stated that he was going from his master's to Mr Stone's, and that he picked up nothing but a piece of coke which was lying in his path, to look at it, and then threw it down again. He also said that the policeman did not pick up the stones he produced at the time, but only fetched them the day before the presentation.

Inspector Rogers, GWR, said they had been extremely unfortunate in the neighbourhood of Oaksey, as stones had upon many occasions been placed upon the rails, and it had been reported to the Directors, but they had never in one instance been able to bring it home to anyone. On inquiry he found the defendant had been in the habit of placing penny pieces on the line to see the effect the wheels would have upon them in flattening them.

Mr Collard, superintendent of the GWR Police, said it was a common, although a very improper practice, in all parts of the country to place farthings, sixpences, and other coins on the rails to try the effect.

The magistrates consulted together for some time, and then informed the defendant that in consequence of the good character he bore they should mitigate the penalty to the lowest sum it was in their power,

namely, £5. Defendant asked how long he should be allowed to pay it in. He was told three months, and requested to leave the room.

After a consultation between the magistrates and Mr Collard, defendant was recalled, when the Earl of Suffolk made a paternal address to him, and said he wished it to be understood that they were determined to punish most severely the offenders in all cases of this kind, and the accused party himself must be aware that it was the bounden duty of gentlemen in their situation to protect the lives of her Majesty's subjects. The policeman had, however, given him a good character; he had been some time with his late, and three years with his present master. They would also bear in mind the circumstances of his having removed the stone after he had placed it there. £5 was the lowest fine they could inflict; he would have three months to pay it in, and in the meantime he trusted Mr Collard would represent the case to the Board of Directors, yet he could not hold out any hope of the fine being mitigated. On being asked, Rose said he received £4 a year, but he would endeavour, if he worked night and day, to raise the fine within the time prescribed.

Mr Collard said, taking into consideration the previously good character of the youth, he felt himself justified in recommending the magistrates to forego the fine, stating that he thought the merits of the case would be entirely met, if the defendant paid the costs. The Earl of Suffolk complimented Mr Collard upon the kindness he had evidenced, which he very much approved of.

Fined £1 11s 6d.

Devizes and Wiltshire Gazette Thursday 12 September 1844