



Intoxicated Father Injures Son

Benjamin Curtis was indicted for cutting and maiming John Curtis, his son, at Warminster, with intent to do him some grievous bodily harm.

Mr. Hodges defended the prisoner.

John Curtis – I am the son of the prisoner and live with him; I am between 18 and 19 years of age. On the 16th March last, I was in a field digging; my mother was there also; my father came into the field about four o'clock; he began cursing and swearing, and was very tipsy; I persuaded him to go home, and go to bed; he went a little way, and then came back, and took the spade my mother was using, and flung it at me, and cut my face, which bled very much; I went home, and left my father there; I was under a doctor three weeks or a month. Cross-examined – My father always behaved kindly towards me when not in liquor.

This statement was corroborated by another witness.

Mr. Bleek, a surgeon, stated that the witness John Curtis came to him with an incised wound on his cheek, and remained under his care between three weeks and a month.

Mr. Justice Coleridge, in summing up, remarked, that it appeared the prisoner was very drunk; and, as malice and intent were the very essence of the charge, if they found a man so drunk that he could have neither malice nor intent, then he ought to be acquitted; but he could not conceive any thing more injurious going abroad, than that a man when drunk might do as he pleased: there would be one law for the sober, and another for the drunken man; and a man would have nothing to do but to get drunk, and then go and carry out his malicious intent against any persons to whom he owed a grudge.

The jury found the prisoner guilty of the common assault only.

Mr. Justice Coleridge then passed sentence upon the prisoner. The Jury had considered his case with a natural disposition to make their verdict fall as lightly as possible upon him, and they had therefore acquitted him of the more serious part of the charge, which would have subjected him to transportation for many years. He exhorted him to consider of how serious an offence he had been guilty, and what it was owing to. He had in the first place allowed himself to become intoxicated, and in that intoxication he had become a perfect beast – deprived of all reason – unable to distinguish between right and wrong; and when his son advised him to go home, he turned upon him like a wild beast. Supposing he had struck his son in the temple, or in some other tender place, and had brought his days to an end (which might just as well have happened, if God had pleased, as the injury he had occasioned), what would have been his feelings for the rest of his days? If he had been the means of destroying his wife or his son – his days might have been few; but what must his reflection have been supposing he had ended those days on the

gallows as the murderer of his wife or son? The prisoner was then sentenced to be imprisoned for one year, and to be kept to hard labour.

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