



Three Men Found Guilty of Assault on Gamekeeper

March 1841, Salisbury Assizes

Isaiah Snook, Robert Sheppard, and Thomas Gray were charged with being in enclosed land at night, armed with bludgeons and other offensive weapons, for the purpose of taking game. They were also charged with a common assault on Henry Good, a gamekeeper.

Mr. Slade conducted the case for the prosecution, and Mr. Cockburn defended the prisoners.

Mr. Cockburn took an objection to the first count of the indictment, on the ground that the purpose necessary to bring the case within the statute was incorrectly stated, the allegation being that the prisoners were on the land in question armed "for the purpose taking game by night," omitting the word "of," so that there was no distinct and definite statement of any purpose, and insomuch as the purpose was an essential ingredient in the offence, this omission the learned Counsel submitted was fatal.

Mr. Justice Erskine concurred in this view of the case, and directed the trial to proceed on the count of having committed a common assault.

From the statement of the Counsel, confirmed by the evidence of the witnesses, it appeared that Good was gamekeeper to Henry Seymour, Esq., of West Knoyle, and that on the night between the 3rd and 4th of October, Good, with several others, was watching for poachers in Mr. Seymour's preserves. Good had parted from his companions, and had gone into a field called John's Field, occupied by Mr. White Rumsey, when he saw two men there. He ran up to them, and gave a whoop, that being a pre-concerted signal for assistance, when the two men ran away, and were followed by two others, who suddenly jumped up from behind a hedge. Good pursued them, calling upon them to stop, which they did, and turned round and faced him. He then recognised the prisoners, and while attempting to recognise a fourth man, he received from Snook and Gray (who had bludgeons, or swingles), a tremendous blow over the head, which felled him to the ground. Repeated blows were then inflicted upon his head and body, and he became senseless. The assistants came up immediately, and found him on the ground bleeding and insensible. In the mean time the four men had made off. The blows were of a most serious character, and Good was confined to his bed for many days under the care of a medical man. The beating had been so severe, that a powder-flask, which was in Good's pocket, was completely flattened by the blows.

On his cross-examination, which was of the most rigid description, Good admitted that he had never seen Snook more than once before; he had seen the others two or three times, and he had been in the habit of treating men who had been in gaol for poaching with drink.

Mr. Cockburn made an eloquent appeal to the jury, and urged upon them that the evidence of the identity was most defective and unsatisfactory, and that the evidence of a gamekeeper who treated poachers could not be relied on.

The learned Judge, having summed up, the jury found the prisoners guilty of the common assault, and they were sentenced to be imprisoned for twelve months.

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