



Tiled wall at Shrewton (formerly thatched).

## Injuring a Wall

County Petty Sessions, Tuesday.

Before Viscount Folkestone, Sir E. Hulse, Bart., Mr. T. E. Fowle, Mr. E. Antrobus, M.P., Major Heathcote, Mr. R. A. Ferryman, Mr. C. Penruddocke, the Rev. E. Duke, Mr. James Hussey, Mr. W. Pinckney, and Mr. C. R. Smith.

Two respectably-dressed young men, named Joseph Leversuch and George Smith, were summoned upon charge of having, on the 8th inst., in the parish of Shrewton, unlawfully destroyed part of a wall belonging to Mr. Joseph Goddard Parsons, the damage being estimated at 15s. Mr. Whatman appeared for the prosecution, and Mr. George Chitty on behalf of the defendants. In opening the case, Mr. Whatman said he thought it right to state that the charge rested entirely upon circumstantial evidence. Of late, on several occasions, a very great deal of damage had been done by some person or persons in the parishes of Maddington and Shrewton, to the walls around the cottages and farmsteads, which were built chiefly of mud, with the usual coating of thatch on the top. Some persons had been in the habit of destroying the thatch and pushing down a portion of the walls, until he was told £30 or £40 would not replace the damage done. Inquiries had been made from time to time and it was now thought there was sufficient evidence, and that the police had really got hold of two persons who, at all events in this particular instance, did the damage. It would, of course, be up to the Bench to say whether the evidence was sufficient to convict the defendants.

It was purely circumstantial evidence that he should have to offer, though up to a certain point it was very strong. It appeared that on the night in question the defendants had been drinking together at a beerhouse called the Plume, in Shrewton, and then they left there about ten o'clock, and went to the George, where they remained until about 12 o'clock, when they were known to have left. There could be no doubt that the damage to the wall was done after half past 11 o'clock that night. Footmarks had been found on the ground, just opposite where the thatch had been pushed off, and upon a careful examination by the police-constable the footprints were found to correspond exactly with the boots of the defendants.

Police-Sergeant William Johnson (77) was then called, and he spoke to the exact resemblance of the footmarks to the nailing of the defendant's boots, and this evidence was supported by a bootmaker named James Dewey, who deposed to a peculiarity in the nailing of the boots of both the defendants. In cross-examination by Mr. Chitty, Sergeant Johnson admitted that, in addition to the defendants, he had also suspected a person named Dart, and Dewey also spoke to this suspicion against Dart by Johnson. He also stated that they succeeded in tracing the same footprints to four or five other places where mischief had been done.

Mr. Chitty contended, on behalf of the defendants, that the case had not been made out to the satisfaction of the court. There was not a particle of evidence that the wall itself had been injured; it was merely the thatch from the top which had been pushed off. There was no evidence at all that the defendants were at the place to do the damage, the only evidence being that of footmarks, and even that Mr. Chitty contended, was very doubtful evidence. He (Mr. Chitty) or the noble Chairman might just as well be charged with the offence, if a footprint resembling theirs chanced to be found near the spot. The evidence, to say the least of it, left the case in great doubt, and if so, surely in the name of justice they ought to give the defendants the benefit of that doubt. It was a question whether the bench, under all the circumstances, could bring their minds to believe upon such evidence that the defendants did commit the offence charged against them. He could not bring his mind to believe it; and even if he were going to call no evidence he thought he might confidently leave the case in the hands the bench. It was very well to insinuate offences, but it was very difficult to prove them; and he asked them whether upon their consciences they could lay their heads on their pillows and say the evidence would justify them in coming to the conclusion that the defendants pushed the thatch off the hedge? He would not stand before them in the case if he did not believe upon the representations he had got that the young men were innocent. If, he repeated, he left the case where it was, he should not be afraid of the verdict by gentlemen of the education of those the Bench. He would, however call witnesses who could satisfactorily establish the innocence of the accused.

John Dart, who was then called as a witness for the defence, said he was himself at first charged with pushing down the wall, but the charge was abandoned because he had two witnesses to prove that he was not at the place.

Arthur Mead said he lived at Shrewton, and on the 9th inst., Sergeant Johnson came to him, told him there was a reward of five guineas for the conviction of the parties who had damaged the wall, and asked him to go to the Plume after the defendants to see what he could get out of them, telling him that he would give him a shilling to spend there.

(Hisses.)

The charge against Leversuch being first gone into, Smith was called as a witness for the defence, and he said he was with Leversuch all the evening when the offence was alleged to have been committed, and the latter never touched the thatch or the wall.

In cross-examination he denied that either he or Leversuch went down Maddington-lane where the damage was done on the night in question, and he knew nothing of the footmarks said to have been found there by the police-sergeant. He and Leversuch went from the George together, and as they neither of them could get into their homes they went to the wheel public-house where they slept all night in the stable.

Mr. Chitty contended that at most the case was only one of suspicion, and the evidence was such that the bench ought to give the defendants the benefit of the doubt.

The Bench retired to consider their decision, and after being absent a few minutes they returned, when Lord Folkestone said they were unanimously of opinion that the defendants did do the mischief. They confessed having been out all night and the best part of two days in a public house, and there were no marks near the place except the marks which corresponded with the defendants' boots. The Bench were,

therefore, as he had said, unanimously of opinion that the defendants were the parties who did the mischief.

Mr. Whatman said of course the object of the prosecution was to punish these men, and to put a stop to such mischief for the future; and as that object would be served by the conviction for one offence, he would, with the permission of the Bench, withdraw the charges in the other cases.

Lord Folkestone said he thought that was very liberal on the part of the prosecution. Not a single magistrate seemed to have the smallest hesitation in convicting the defendants, and from what he had heard since their decision, he understood a great deal of the same sort of mischief had been going on in the place. He could not say the defendants in the present case had done it; there was no proof that they had; but it was strongly suspected that they were two of the parties who were in the habit of going about doing damage; and if the prosecution withdrew in the other cases, he thought it was very liberal of them. The defendants were then ordered to pay the amount of the damage done to the wall, 15s., together with a fine of £5 and costs, or in default a distress, to go to gaol for three months.

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