



A Wiltshire Gentleman and the Sheriff's Officers

On Thursday, two cases that had excited a deal of interest in the neighbourhood of Warminster were heard in the Townhall of the town, when James Raxworthy, a gentleman, George Norton, Henry Whatley, James Bendall, James Everley, tradesmen and Thomas Wilton, servant of Mr. Raxworthy, all of the parish of Codford St. Peter, were summoned for unlawfully attempting to make rescue of certain goods then before duly levied by one John Atkins, a bailiff acting under the process of the County Court of Wiltshire, holden at Warminster. Upon the bench were the Marquis of Bath (chairman), the Rev. G. Powell and Mr. W. Temple. Mr. J. H. Clifton, of Bristol, appeared to prosecute and Mr. Ponting, of the firm of Messrs. Chapman and Ponting, defended the accused, one of whom (Norton) was further charged with assaulting Butcher. The latter charge, after a discussion, was allowed by the bench to be heard first.

James Butcher said that he was put in possession at Mr. Raxworthy's house on Saturday morning by Mr. Atkins, bailiff. He was there all night and at five o'clock in the morning he left the house for a purpose, and he saw four men, of whom the defendant was one and Mr. Raxworthy.

Defendant said that the complainant should not return to the house, and if he did not leave he would make him, as he was a constable. He then caught hold of complainant by the coat and pulled him off the lawn into the coach-road.

Some other evidence having been adduced, Mr. Ponting said that his answer to the charge was that Mr. Norton and others had been away from the house for a while, and Mr. Raxworthy, who was in a very excited state, came and told them that if they saw anyone about his premises they were to turn him out. At that time Mr. Raxworthy was not responsible for his actions as he was suffering from an attack of the brain. Norton and the others were in the house, not for the purpose of removing goods, as had been suggested, but to prevent a disturbance and to save the life of the men in possession, for Mr. Raxworthy was extremely violent. The learned advocate called several witnesses in support of his statement.

The bench, after retiring for a short time, returned into court, and stated that they believed an assault had been committed, but they would defer the infliction of a penalty until the next case was heard.

Mr. Clifton then proceeded to open the case against the other defendants, observing that Mr. Raxworthy, who had evaded the service of the summons, did not appear before the bench that day, and the charge, as it affected Whatley, had been withdrawn. The learned advocate proceeded to examine his witnesses. Mr. John Atkins, bailiff for Warminster, said that in the course of his official duty he received two documents for levying executions at the house of Mr. Raxworthy, Codford, on the 19th of May, and he proceeded to execute his duty in the company of his son. They entered the breakfast room and Mr. Raxworthy was outside the window with a drawn sword, and he swore that he would kill them. Mrs. Raxworthy was inside, and she did all she could to keep him out; and after a long time, witness, expecting that he would get in, armed himself with a poker and his son armed himself likewise. Mr. Raxworthy stood flourishing his sword for a long time and after a while Mr. Wightwick came and said to them that they ought to thank Mrs.

Raxworthy, as if it not been for her they would have been dead men. In a little time Mr. Raxworthy was removed and witness did not see him afterwards. About one or two o'clock in the morning the Rev. Mr. Wightwick, after having been in and out a great many times, came into the room with four more gentleman and two of them he said were a lawyer and a barrister. They asked for the authority which witness had and he showed it and said that both debts were only £22 or £23 and if they were paid, he would go about his business. The Rev. Mr. Wightwick said that he should not pay it. Witness had sent his son home about ten o'clock and had told Mrs. Raxworthy that he did not want a strange man to sit up with him that night. He accordingly got a man at his own expense and directly he had done so Mr. Wightwick came in and called the man a "traitor" and said he should not stay in the house and he further said, "As a man of honour, and as a clergyman of the Church of England, if you will send that man away, I'll see that you have a proper man and not a traitor. Mr. Raxworthy was a maniac and if he were to kill you, he would not be done anything to" (laughter). Witness gave his man a shilling and sent him away, and the other man came and stopped about ten minutes or a quarter of an hour. On the following morning, Butcher was put in possession, with a boy. The Rev. Wightwick told witness that the goods in Mr. Raxworthy's house were his; but it was not his name on the paper sent from London.

James Butcher, the officer who was complainant in the first case, said that when he went into possession he saw Mrs. Raxworthy, who said that her husband was sharpening up two case knives and a sword that night (laughter). She brought in a case that pistols had been in and showed it to him. Between eleven and twelve o'clock that night Mr. Raxworthy came to witness and said that if he did not leave in twenty minutes he would put him out and he took out his watch and looked at it. The defendants were all there and Norton said, "If I was Mr. Raxworthy, and you didn't go, I would kick you out." The others did not meddle with him. At five in the morning Norton pulled him off the lawn and said that he was a constable. Everley then held the window so that he should not return to the house.

Withers, the other officer in possession, stated that the defendants persuaded Mr. Raxworthy to turn him and Butcher out of the house. Mr. Raxworthy threatened to get his rifle and blow their brains out.

Mr. Ponting addressed the bench for the defendants and then examined Mrs. Raxworthy, who said that at the time the officers were in possession her husband was in a very excited state; and that the defendants came to prevent any disturbance. When the officers came to take possession they were foolish enough to say that the papers they had with them were not their proper papers. Her husband upon this said "what prevents me from turning you out?" and they replied "Nothing."

The Rev G. Powell pronounced the decision of the bench, and said that Norton, for the assault on Butcher – which he aggravated by representing himself to be a constable - would be fined 20s. and costs. In the second case, Norton Bendall and Everley would be fined 20s. and costs; and Wilton, appeared to have acted under the direction of his master, Mr. Raxworthy, would be discharged. His worship regretted that persons whose names had not been included in the information should have their names introduced into the case without their having any power to explain their conduct.

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