



Water Against Spirit

Malmesbury Petty Sessions, Jan 5. Before the Earl of Suffolk, Lord Andover, Rev. H. Wightwick, Clerk, and R.H. Pollan, Esq.

This case illustrated that the battle is not always to the strong, and that knight errantry is not extinct. The plaintiff was personated by Jacob Poole, of Crudwell, a Mason, and the defendant by George Baker, of the same place, a Carpenter. It appeared by the evidence of the plaintiff and his witness, Jacob Hinton, that the Teetotalers had been having a meeting at Oaksey, on the 26th ult., a party of whom were returning from thence towards Crudwell, between 10 and 11 o'clock at night; they had reached nearly opposite the defendant's house, and were on a public footpath going quietly towards their home, when the defendant who had ridden past them, and said something which they did not understand, presently returned on foot with a lantern, and abruptly held it up in the plaintiff's face, and because he enquired the reason for doing so, the defendant first began to abuse him and then struck him a violent blow in the face, which had inflicted on him two black eyes; He had not given the least provocation; the defendant did not appear to be tipsy. The defendant attempted a defence of two-fold character, which showed him to be under the influence of evil spirits: - The first was, that he had at sundry times lost things from his premises, and he thought that he had now successfully pounced upon the depredators, he however admitted his recognition of the plaintiff, and he had no reason for suspecting him; - The second was, that tricks had been of late played upon him by persons dressing themselves up as ghosts, and he apprehended these parties might have been on such an errand.

Earl of Suffolk.- " So to ascertain whether he was flesh and blood or not, you inflicted the blow."

The Bench considered the assault perfectly unprovoked and ordered the defendant to pay 7s 6d damages, and 7s 6d costs.

Joseph Weston, of Tetbury, Currier, then preferred a complaint against the same party, for conduct somewhat similar on the same night, but previously to the above rencontre. He and his wife were returning arm-in-arm

from the meeting, when the defendant rode up and rudely demanded who they were, and because they would not satisfy him, he turned his horse round and rode against them, and had nearly driven Mrs Weston into the ditch, and no doubt would have done them greater violence, had they not called out for assistance. Cornelius Mills proved that when he came to their assistance, the defendant was near them, in a menacing attitude, and was abusing them. Witness held the bridle, and prevented mischief. The defendant was strongly impressed with the ghost story, but promised the magistrates not to molest any person again until he was quite sure what they were. On this promise, he was ordered to pay Mr Weston 5s for his loss of time.

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