

## Alleged Poaching Affray 1919

### Gamekeeper Shoots at Trespasser Conflicting Evidence



A poaching affray at Fonthill Gifford on October 24<sup>th</sup> led to two charges of shooting with intent to do grievous bodily harm, held on Thursday by the Tisbury Magistrates.

The Bench first dealt with summonses against the alleged poachers, William Sheen and Eli Sheen, two well-known members of a Romany tribe, living at Fonthill Gifford.

Arising from this case, Edward Hughes, gamekeeper, of Tisbury, was charged with feloniously shooting at William Sheen, and Wm. Sheen was charged with shooting at Edward Hughes with intent to disable him or do him some grievous bodily harm.

Mr. Symonds (from Messrs. Wilson & Sons, Salisbury) prosecuted in the poaching case and represented Hughes, and Mr. Martin of Southampton, represented the brothers Sheen.

Mr. Symonds said the keepers on Lady Octavia Shaw-Stewart's estate were on their rounds just before dusk on October 24<sup>th</sup>, when the head-keeper and Edward Hughes saw two men at a coppice called Terraces. One was a civilian, carrying a gun, and the other was in khaki. The keepers separated to cut off the supposed poachers. Approaching them from the left, Edward Hughes saw William Sheen put a gun to his shoulder and shoot a pheasant. The bird fell from the tree. Hughes made a dash to catch the shooter, who picked up the bird and ran away. The keeper gave chase to the two men, and overtook them. He captured the civilian, but there was nothing on him, and he went for the soldier, but he disappeared in the thick undergrowth.

Next day William Sheen came to see the keepers, and he admitted that the man who was with him on the previous evening was his brother, Eli Sheen.

Cross-examined, Hughes said he could not identify Eli Sheen, who was not present when William Sheen made the statement.

Mr. Martin: When you saw the two men, did you shout out "Stop, or I shall fire?"

Witness: I did not.

But you did shoot?

I did, sir.

Before either had time to look round, did you shoot one of them?

When he fired at me, I replied with fire for fire.

Was the man shot?

He appeared to be. He afterwards showed me some pellets in the wrist.

Did he say "Do you think you are shooting Germans?"

I did not hear any statement to that effect.

Did you say you had a written agreement to shoot anyone in the wood?

I said no such thing. The witness added that at the interview next day William Sheen said witness was the man who shot him, and witness replied "After you shot at me."

Oliver Sheen said William had no gun. Witness left the matter in the hands of the head-keeper.

Mr Martin: And it was not till after the summons against you for shooting Sheen that you commenced proceedings against Wm. Sheen for shooting at you?

Witness: I left it to the head-keeper.

Walter Paxman, the head-keeper, also gave evidence. He heard the shot fired at the pheasant, and afterwards a double report, all from the same direction. He could not identify defendants as the two men he saw in the wood.

P.C. Hill stated that on October 25<sup>th</sup> he went with William Sheen and Oliver Sheen to see Hughes. He heard William Sheen say that Hughes was the man who shot him, and Hughes replied "I did."

Mr. Martin: Did Sheen say he had the shots in him then?

Witness: Yes, sir. I saw the pellets in his legs and back.

Mr. Martin submitted that there was no evidence against Eli Sheen, and the summons against that defendant was dismissed.

William Sheen immediately went into the witness-box, and in his first sentence admitted that Eli was with him at the Terraces. They were out for a walk. He had no gun, and Eli had no gun. The statement that he shot at a pheasant was not true. He did not see a pheasant there. He heard a keeper shout "Stop or I will shoot," and the keeper fired at him.

Witness stopped and showed him what he had done, and asked him if he thought he was shooting Germans. He said he had a written agreement to shoot anyone in the wood, and he added "Get away and it will be all right." Witness told him it would not be all right.

In cross-examination. Sheen said his father owned a gun. He denied that he was in the wood for poaching, but said he knew he was trespassing.

Mr. Symonds: Being a nice wet day you went for a walk in Lady Shaw-Stewart's wood.

Re-called by the Bench, the head-keeper said they found pheasant's feathers next morning where the shot was fired. They did not find a cartridge case on the ground.

The bench decided to convict William Sheen on the poaching charge and he was fined £2.

#### The Charge Against Hughes

In the shooting case against the keeper, William Sheen said Hughes fired at him as soon as he called out "Stop, Oliver, or I will shoot," and he was struck in the back, in the arm, and on the bend of the left leg. Sheen produced the clothes he was wearing at the time. He said he showed the keeper the wounds, and subsequently he walked home as well as he could. Some of the shots were taken out of him three days afterwards.

On Oct. 25<sup>th</sup> witness went with his father, Oliver Sheen, to see P.C. Hill, and made a statement to him. They accompanied the constable to Hughes' house. Hughes admitted that he was the man who shot at witness. The keeper said he (Sheen) shot a pheasant. Witness told him he hadn't gun at the time, and his father said "I have only one gun in my house, and I don't allow any of my sons to carry it."

Cross-examined by Mr. Symonds, Sheen said he was 40 yards from the keeper when the latter called out "Stop, or I will fire." He could offer no explanation why the keeper called out "Stop." Witness was only walking slowly.

Mr. Symonds: Did you before that threaten to shoot Hughes.

Witness: No

Did you actually shoot at Hughes?

How could I if I had no gun.

Have you ever used a gun?

Only in the war. (Laughter.)

You have never used a shot-gun in your life? - No

The witness was cross-examined as to a further interview between his father and Hughes when he was present. He said he did not hear what his father said to Hughes.

Mr. Symonds: Did your father offer to settle the matter for £10?

Witness: Yes, sir; he told me so afterwards.

Supt. Underwood: This is a police prosecution.

Eli Sheen said he was with his brother on October 24<sup>th</sup>. Neither of them had a gun. He heard a voice behind say "Stop, Oliver, or I will fire," and looking round saw someone fire a gun. He could not say who fired the gun. He ran away because he feared he would be shot. Two shots were fired, one directly after the other.

In reply to Mr. Symonds, Eli said he could give no reason why they were walking in the wood on a wet night. When he ran away he thought his brother had been struck. He thought he would be shot and he ran for half a mile, although he saw nobody coming after him. He was about three yard from his brother when the gun was fired. As he ran by his brother, William held up his arm and indicated he had been shot.

Martha Sheen said her sons went out on the 24th without a gun. Her husband's gun was at the house, and was not taken out that day. Eli came home first, and William arrived half-an-hour later. William's hand was covered with blood. He took off his clothes, and witness saw shot marks, which were bleeding all down his back and legs. She saw the shots in the skin, and on the following Sunday she removed three of the pellets. She took out two more on the Tuesday.

P.C. Hill repeated the conversation between the parties, when Hughes admitted he was the man who shot Sheen. The keeper said "I saw Sheen put a gun to his shoulder and shoot a pheasant." William Sheen made no reply to that, but Oliver said "He had no gun."

The witness said there was another interview on the Sunday, when P.S. Randolph said to Hughes "Is it right that William Sheen shot first?" Hughes replied "That is quite right, sergeant. He put the gun facing at me. I fell to the ground, and heard shots going over me. I got up and thought it was my time." William Sheen heard this statement, but made no comment. Hughes made no complaint of having been fired at by Sheen on the morning after the shooting.

Mr. Symonds: When did you first hear that Sheen had fired at the keeper?

Witness: We heard it from Paxman on Sunday afternoon.

Mr. Martin: But Hughes had made no comment on the Saturday.

Witness: That is so.

The defendant, Edward Hughes, said he got within twenty yards of the two men in the wood when the one in civilian clothes shot the pheasant. He reloaded the gun as he was going to pick up the pheasant. They ran away when witness rushed towards them. After going ten yards the civilian turned round and pointed his gun at witness. He threw himself to the ground, and the shots went over him. Both the men turned and ran off again, and witness chased them. He lost them for a few seconds. When he next saw them they were 70 yards off. The civilian handled his gun as though he was going to fire again. Witness thought it was quite time to defend himself, and he fired at them. They ran off towards the Old Barn. He followed and captured William Sheen, the man in civilian clothes. William had nothing on him, and witness went for the other man, but did not catch him.

Next day the constable came to his house with William and Oliver Sheen. P.C. Hill said to William, "Is this the man?" William replied "Yes," and witness said "And are you the man who shot at me?"

On Sunday he met William and Oliver Sheen on the road. Oliver asked him what he was going to do about the case, and asked witness to pay £10 to settle it. Witness told him it would be settled in Court.

Mr. Martin: You have heard the constable say you did not make a complaint of being shot at on Saturday. Is that untrue?  
Witness: I made the complaint. Whether he heard it or not I cannot say.

I suggest that it is only since you knew that proceedings were being taken against you that you made the allegation that you were shot at.

It was not in my hands.

You deliberately aimed at the man?

At his feet.

You have told us he was about to fire at you again?

I expected another one. He was looking over his shoulder with his gun in his hands.

Re-examined: Witness said both barrels went off, but he did not fire the second barrel intentionally

Walter Paxman, the head-keeper, said he heard four shots fired. All the shots came from one spot, and he was about 70 yards away.

Mr. Martin: Why didn't you go to the police and say your keeper had been shot at?

Witness: I told them on the Sunday.

Mr. Martin: From Friday to Sunday you said nothing about it.

The magistrates considered that a prima facie case had been made out, and Hughes was committed for trial to Wilts Assizes. He was admitted to bail.

The shooting charge against Sheen was not proceeded with, the magistrates having intimated that to hear it would mean that they were trying the case also committed to the Assizes.

Mr Symonds said he would withdraw the summons, and reserve the right to commence new proceedings.

Western Gazette Friday 21 November 1919