

21097

7<sup>th</sup> November 1894

BURLTONS,  
DONHEAD,  
SALISBURY.

Sir I beg to acknowledge the receipt of your letter of this morning addressed to the Prison's Magistrate - Salisbury which was handed to me at the Prison's Hall this afternoon -

I agree with you in thinking that if the young men could have been charged with a misdemeanour only, substantial justice might have been done. But - as I read the Act 24 & 25 Vict c. 97 - the Section (16) which makes it a felony to freeze a felony, includes the offence from the Category of misdemeanour. I should be glad to find myself mistaken on this point - but I entertain no doubt that the law is as I have stated.

I am your obedient Servant  
J. Dunston

for I think you  
will be interested  
in observing how  
exactly in shape they  
follow the old lines:  
but <sup>are</sup> improved by using  
hard steel, & have  
a barb on each tang.

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I hope soon to be  
going out to Fündelwald

if there were any  
Swiss implements  
you desire to have  
it would give me  
pleasure to try &  
obtain them for the  
Museum.

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A year ago we laid  
water mains along the  
streets of this village.  
The main street is, as  
you are aware, the  
Roman road from

Salisbury,  
Wiltshire, Wills.

(L1097)

Rushmore,  
Salisbury.

Nov 7. 94.

a defect in the case if an offence of  
this sort is bound to be sent for trial  
as arson. For such a serious offence  
a Judge & Jury will not convict &  
evidence is very difficult to be obtained.  
The punishment should be proportionate  
to the offence. If a conviction for a  
misdemeanour with a proportionate punishment  
cannot be obtained. It is virtually  
turning the common law into a mere law  
upon which anybody can do as they  
please. I very much hope therefore  
that if ~~you~~ these men are convicted  
you will be able to deal with the  
case & not send it on for trial.

Dear Col Beck

Your young man was  
apprehended by the Tollard policeman  
for setting fire to the Green in Tollard  
Green on the 5th Nov. I was repeatedly  
for years past, given notice that persons  
so doing would be prosecuted. It is  
very dangerous and in dry weather  
might do a great deal of mischief  
My kennels on Woodcote common were  
burnt to the ground a year or two  
ago with the dogs in them & they  
were rescued with great difficulty. It

was evidently an incendiary. My  
tenant's books have also been burnt  
some time ago by an incendiary. It  
would be absurd after all this, when  
the police do their duty to prosecute  
the men, as they could not be relied  
upon to do their duty in future. I am  
therefore bound to send the case on.  
but it is simply a case on the 5<sup>th</sup>  
of November & ought not to be treated  
as a case of arson. The policeman  
tells me he has good evidence against  
all four. There can be no doubt  
I think that the graving gorse was  
piled that they took great trouble  
to set it on fire and one of them had  
a box of fat for the purpose as it was  
very difficult to light, in this damp  
weather. Three of them on being searched

had lucifer match boxes on them  
and one, Prince, had a rabbit net  
in his pocket. So poaching may have  
had something to do with it. I  
am now told that Arnold came  
up to me of his own accord to  
apologise which I was not told at  
the time. I believe he is a  
respectable boy & I should like to  
get him off if possible.  
Several men were prosecuted for the  
same offence last year, but the  
Magistrates would not settle the case &  
they were sent for trial on a charge  
of arson. The evidence against them was  
of the dearest possible character, but the  
Judge charged the jury to let them off  
if they could find any excuse for doing  
so, and they were acquitted. It is reported