



## **Assault Convictions Quashed 1949**

At Wilts Quarter Sessions Appeals Committee on Monday, Lieut-Col. Stephen Ernest Scammell, of Clouds Cottage, East Knoyle, appealed against conviction and sentence by Tisbury Magistrates for two alleged offences - the first under the Post-office Act of unlawfully and willfully molesting Ronald Stanley Bennett of 245 Devizes Road, Salisbury, an officer of the Post-office, in the execution of his duty; and the second of common assault on Mr. Bennett.

Mr. Raymond Stock, for respondent, said Col. Scammell found it necessary to put a gate across a lane which led to his house, and that seemed to have caused some ill-feeling among his neighbours because the gate several times got pulled down. Mr. Bennett, who delivered mail in the East Knoyle district, would tell the Court that he had taken no part in that at all. On January 3rd or 4th of this year, Bennett and a local lady seemed to have been having a conversation about Col. Scammell, who was in a 'phone box near by. He apparently thought he heard the postman making some derogatory remarks about him. The postman denied making any such remarks. Col. Scammell came out and spoke rather sharply to the postman about it.

### **Stupid Vendetta**

From then on, he (Mr. Stock) suggested that appellant had been pursuing really "a rather stupid vendetta" against the postman. There was considerable correspondence between appellant and the Head Postmaster at Salisbury (Mr. S. T. Crook) in which appellant asked that Bennett should not deliver his mail, and an interview also took place between them. On January 17th Bennett had had occasion to deliver a parcel to Col. Scammell, and the latter told him to take the mail back; he would not accept it from him, but would call for it. On the same date Col. Scammell wrote to Mr. Burton, sub-postmaster at East Knoyle, to the effect that until a written withdrawal of his statement was given by Bennett, he (Col. Scammell) had warned him off his premises. That was, he wrote, in his (Bennett's) own interests; he had come up his stairs that morning and could regard himself as fortunate that he was not thrown down them. On January 20th, Mr. Crook wrote to Col. Scammell that Bennett denied all his allegations, and under the circumstances there appeared to be insufficient grounds for taking any official action against Bennett, and he had restored him to the East Knoyle post from the next day.

### **The Alleged Assault**

On the following morning, Bennett, delivering at East Knoyle, had two packages for Col. Scammell. Col. Scammell then lived in a flat over the stables, and Bennett had gone up some steps to the flat and knocked at the door. Appellant opened the door and asked Bennett what he was doing on his premises when he had told him to keep away. Col. Scammell, it was alleged, raised his right arm as if to strike him and told him to get down the steps before he knocked him down. Bennett turned to retrace his steps and it was alleged that appellant raised his knee and apparently struck Bennett with his knee in his buttocks.

Respondent, in evidence, said after the conversation complained of, he offered to confront Col. Scammell with the lady with whom he had been conversing, but Col. Scammell refused the offer. Under cross-examination he agreed that at the Christmas before the incident, Col. Scammell had given him some cigarettes, but emphatically denied making any derogatory remarks whatever about Col. Scammell or interfering with the gate. Under pressure from Mr. Seymour Collins (for appellant) he said the lady with whom he had the conversation which appellant overheard was Mrs. Butler, of 13 East Knoyle. It was Mrs. Butler, he declared, who had made a remark that Col. Scammell "looked like a German."

Appellant said he served in the Army from 1939-46, originally in the B.E.F., and later in South East Asia Command and was invalided home from Burma. He suffered from neuritis and certain valvular disease of the heart and had a 50 per cent disability pension. He was a land agent and a B.Sc. Col. Scammell said after the erection of the gate, he saw Bennett pull out a pole which flanked the gate and drive the P.O. van through the gap.

Col. Scammell said that subsequently he was in the 'phone box and saw Bennett and a lady in conversation. He heard Bennett say "He is a German, he spent his war in an internment camp". He had no doubt it was Bennett who uttered the words.

### **Behaving Like a Fool**

After he had finished his 'phone call, he went to Bennett and asked him if he did not think he was "behaving like a fool" making up all that stuff about Germans, and Bennett replied "Whatever you heard me say, I did not call you a German." He (appellant) told him to stay off his premises.

Coming to the alleged assault, Col. Scammell said when he asked Bennett what he was doing there after he had told him to keep off, Bennett, instead of obeying his order to get off, began to argue that he had a right there and said something about his union. He (appellant) took hold of his jacket and turned him round to face the steps. Bennett was more or less passive but was leaning all his weight on him, and as he (appellant) was unable to use his left arm much, he "nudged" him twice with his knee. That brought Bennett to the top of the steps. "The steps are steep" said Col. Scammell. "I could see I could not 'frog march' him all the way down. I also remembered my solicitors had told me not to use more than the minimum necessary force and at the top of the steps I released my grip to see if he would carry on under his own power. I found that he did, and I let him go and stood at the top and watched him go down the steps."

Col. Scammell said there was no truth at all in the suggestion that he was conducting a vendetta against Bennett, but under cross-examination he agreed that he disliked Bennett intensely.

Mr. Seymour Collins said a postman only went on to a householders' property as a licensee; he had no right to enter on to premises which he had been told not to enter. Once he had been ordered off, Bennett was a trespasser and if he did not go straight way, it was open to appellant to use such force as was reasonably necessary.

After a brief retirement, the Chairman (Mr. A. W. Northey) said the committee in that "somewhat odd case" felt that neither of the parties had very much upon which to be pleased with themselves. The whole dispute seemed to be very much exaggerated. The Committee felt that undoubtedly there was a certain amount of "tittle tattle" in that small village but they could not help feeling that appellant took a "rather desperate" view of the situation which hardly seemed to justify the statement which he (the Chairman) thought he made, that he "hated" the postman. At the same time the Committee felt that respondent's case had not been made out; they were not satisfied as regard those assaults and consequently they proposed to allow the appeal in each case. The convictions would be quashed but in view of the circumstances of the case, they did not propose to make any order as to costs.

(Mr. Scammell afterwards said that although counsel had used his wartime rank, he had been a civilian for three years).

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