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#### Hercules "Arti" Smith 01 Senior 1779-1871

1779 Hercules was baptised as "Hercules, son of Jasper & Sarah," on Dec 26 1779 at Bletchington/Bletchingdon, Oxon.

The relationships between Hercules and his relatives are explored in the Gypsy Lore Society Journal - based on evidence given by Nanny, the wife of Hercules' Grandson, Au/Gustin Smith. <sup>1</sup>

"Her father in law (Nanny), Wisdom, who was a son of a Jasper Smith, had two brothers (or two half-brothers as his father had two wives and I do not know which was his mother) Arkless "Old Arti" who settled with some of his family at Tadmarton, and Tom, who founded the Gypsy Colony at Headington, who had already been there for some 15 years when Groome discovered it as an undergraduate in 1872.. and both of these were reputed centenarians."

This may be a little doubtful, as Hercules' Mother is indeed listed as Sarah, but his brother Thomas' Mother is listed as Catherine, the mother of all the other siblings. This makes him the only "half" brother.

1803 Nov 22 joined the 52nd Regt of foot (Oxfordshire Light Infantry Regt..) at Silver Hill, in Sussex & recruited by Lord William Bentinck.

"5 foot eight and half inches tall, aged 24, dark complexion, long visage, dark eyes, black hair, born Bletchington, Oxfordshire. A labourer, previously served for three months."

Lord Bentinck, who had recruited him in November 1803, was appointed Governor General of Madras in 1803. It may be probable that Bentinck's link to India is the reason why Hercules, by his own words, travelled there – giving him time to learn to play the fiddle which was to feature quite largely in his life:

"At any rate, he told his great-grandson, Frank Biddle<sup>2</sup>, that he was taught to play after he had entered the army by the officer to whom he was attached as a servant on the voyage to India. He soon surpassed his Master and was reckoned the best fiddler in India. But, as he used to add: "I came back thinking I was the best fiddler in the world, but when I got home I found lots of men who could CIV a bow up their BUL and fiddle better than I could. "It would appear then that he did not consider himself a "deadly fine fiddler..." 3

Bentinck returned in disgrace to Britain after a mishandled mutiny at Vellore in 1806 - is this what caused Hercules' return?

1806 Hercules is listed as "Deserted Sept 13." The desertion coincided neatly with the Regiment moving on from several years at Hythe to service in Sicily from September.

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<sup>&</sup>lt;sup>1</sup> Journal of the Gypsy Lore Society 3<sup>rd</sup> Series, January April 1946 - Vol 25, nos 1-2 Page 56/57 "Some Gypsy Centenarians" E.O. Windstedt

<sup>&</sup>lt;sup>2</sup> Who was he? Ed.

<sup>&</sup>lt;sup>3</sup> Journal of the Gypsy Lore Society 3<sup>rd</sup> Series, January April 1946 – Vol 25, nos 1-2 Page 56/57 "Some Gypsy Centenarians" E.O.Windstedt

1810 – son Joseph, supposedly born about 1810 in Tadmarton. Baptism not yet found. He, in his turn, married Susannah Wood in 1832 in Banbury - and had a large family on the road including a son, Hercules (born 1833 Banbury) See below.

1814 - son Henry, bapt 6 Nov, at Little <u>Lemmington, Gloucestershire</u> "Henry, son of Hercules and Charlotte Smith, travellers"

According to the Journal of Gypsy Lore, Henry was married to Priscilla Bagley.<sup>4</sup> Priscilla and Henry had one son Au/GUSTUN Smith (baptised 1838) who lived at Headington. (Gustin bpt 1838, md Sarah Tolley, 12/II/1860 at Headington, witnesses, Wisdom Smith and Ellen Tolley.)

1827 October 22 - Hercules acted as witness at the marriage of Harriet, the daughter of his brother Wisdom in Chipping Norton:

Charles Hodghirs Extraparochisal Parith
and Harriet Smith Extraparochial Parith
were married in this Thurch by Banns with Consent of
Cotober in the Year One thousand eight hundred and Twenty seven
By me George Saunder Afrikant Juran This Marriage was folemnized between us Tharter Hodging That In the Presence of Fercules Smith
In the Presence of Hercules Smith No. 154. William Beford Clark

#### 1841 Census not yet found.

Figure 1: 1851 Wiggington Census Hercules Smith (73 yrs)

1851 Wiggington					
Hercules Smith	Head	Married	73	Gypsy Fiddler	Bn Bletchington
Charlotte Smith	Wife	Married	78		Bn Slaughter

1852 Oct 21 Wigginton - Hercules and Charlotte were finally married - in their 70s and 80s!

"Archelaus Smith (x), 74 years, bachelor, traveller of this parish, son of Jasper Smith, traveller and Charlotte Bagley (x), 80 years, spinster, daughter of Robert Bagley, sailor; were married by Banns October 21, 1852. Witnesses: Charles William Moffat,"

Charlotte Smith was buried 4 months after her marriage, on the 5<sup>th</sup> of February 1853, in Wiggington, aged about 80.

Figure 2: 1861 Hook Norton Census,- Hercules Smith (79 yrs)

1861 Census Hook Norton – Main Street						
Hercules Smith	Н	W	79		Bletchington	

<sup>&</sup>lt;sup>4</sup> After Henry's death she married Henry's cousin Wisdom, the son of Thomas Smith of Headington Quarry. (Priscilla is discussed in full in the section on Wisdom and Priscilla's children below.)

Notes by Kevin J. Norman

Joseph Smith	S	M	54	Drover	Tadmarton
Susan Smith	DinL	M	48		Banbury
Joseph Smith	GS	U	24	Drover	Woodstock
Silvey Smith	GD	U	16		Tadmarton
James Smith	GS		14		Tadmarton
John Smith	GS		IO	Scholar	Tadmarton
Job Smith	GS		6	Scholar	Tadmarton

1861 - The Banbury Guardian of 24<sup>th</sup> October 1861 recorded the 79 year old Hercules' involvement in a Court Case - someone stole his Father's fiddle. His father, of course, being Jasper, "the King of the Gypsy Fiddlers."

1861 "Stealing a violin: George Harrington was charged with stealing a fiddle from Hercules Smith, of Neithorp, on Friday. Prosecutor stated that he went to the Rose and Crown, Calthorpe Lane, and the Company asked him to play a tune on his fiddle. He did so, and while he was subsequently in the act of lighting his pipe, the prisoner walked off with the violin. The instrument had not since en found. Remanded till the Petty Sessions to-day."

The Jackson's Oxford Journal of 26th October 1861 records again:

"24 October. BANBURY TOWN HALL COURT. "Banbury Division – Banbury, (Case heard) October 24<sup>th</sup> (1861) A man, named George Harrington, was charged with stealing a violin belonging to an old man named Hercules Smith, from a beer-house in Calthorpe Lane, Banbury. Two months imprisonment." 5

The Banbury Guardian of 31st October 1861 records in fuller detail:

"Case Heard 1861 24 October BANBURY TOWN HALL COURT. Stealing a fiddle. George Harrison was brought up on the remanded charge of stealing a fiddle, the property of Hercules Smith, on the Fair Day. Hercules Smith, a venerable looking old gypsy, went to the Rose and Crown, Calthorpe Lane, with his fiddle, and the defendant stole it whilst he was lighting his pipe. The fiddle had been the property of the prosecutor's father before him, and he would not have parted with it for any money. He had been offered £2.00 for it. George Holloway (sic) was in the Rose and Crown tap room when the prisoner took the fiddle away. He had previously wanted the prosecutor to lend the fiddle to him, offering two pence to have it for a little time. Mr. Rann, the landlord, said the prisoner brought him the fiddle, which he wished to leave as security for sixpence for a quart of ale he ordered without having the money to pay for it. Witness refused to take it and the defendant went out. P.S. Fry took the prisoner into custody at the bottom of the lane. Prisoner, who pleaded guilty, was sentenced to three month's hard labour."

Figure 3: 1871 Tadmarden Census - Hercules Smith (91yrs)

1871 Census Tadmarden					
Joseph Smith	Н	M	65	Drover	Tadmarton
Susanna Smith	W	M	66	Hawker	Banbury
John Smith	S	U	18	Drover	Tadmarton
Susannah Smith	GD		8		Hook Norton
Hercules Smith	Father	W	91		Bletchington

1871 Nov 29 - Tadmarton burial "Hercules Smith, 92 of Tadmarton"

1871 30 Nov Banbury Advertiser - death notice of Hercules:

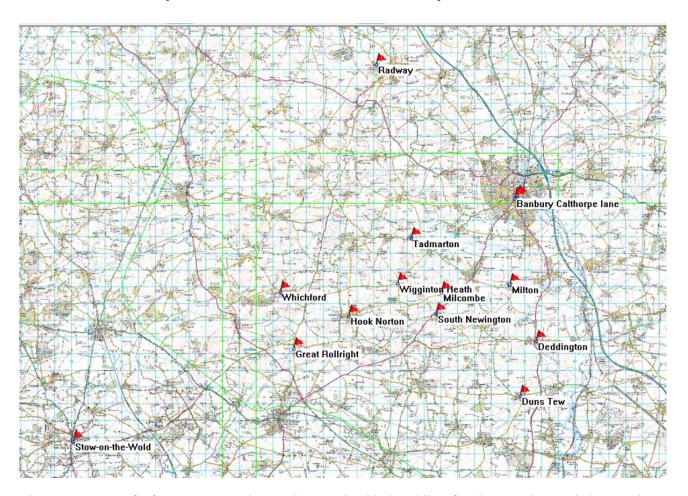
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<sup>&</sup>lt;sup>5</sup> Reference in Jackson's Oxford Journal of 26 October 1861, page 8, provided by Keith Chandler – May 2001.

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Nov. 25, at Crouch Street, Banbury, Mrs. Sarah Brownsill, aged 68 years.
Nov. 25, at New Grimsbury, Jane King, aged 52 years.
Nov. 26, at Tadmarton, Hercules Smith, aged 92 years.
Nov. 29, at Corn Hill, Banbury, Gertrude Mary, daughter of Mr. William George Luker, aged 5 months.
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#### Hercules "Hearty" Smith 02 Junior (1833-1901)

Grandson Hercules, however, had a far more entertaining career, as recorded in the newspaper court proceedings of the SW "Banbury-shire" area.



There are two sets of references to Hercules Smith. One, the elderly Fiddler of Tadmarton discussed above, and the other, the far greater scoundrel - his grandson.

A series of Hercules references in court cases in Oxfordshire first came to light when Keith Chandler was researching for his book "Gypsies, Hawkers and other travellers" <sup>6</sup>

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Notes by Kevin J. Norman

<sup>&</sup>lt;sup>6</sup> He emailed me some of the original material that later appeared in the published version by the Romany and Traveller Family History Society in 2005.

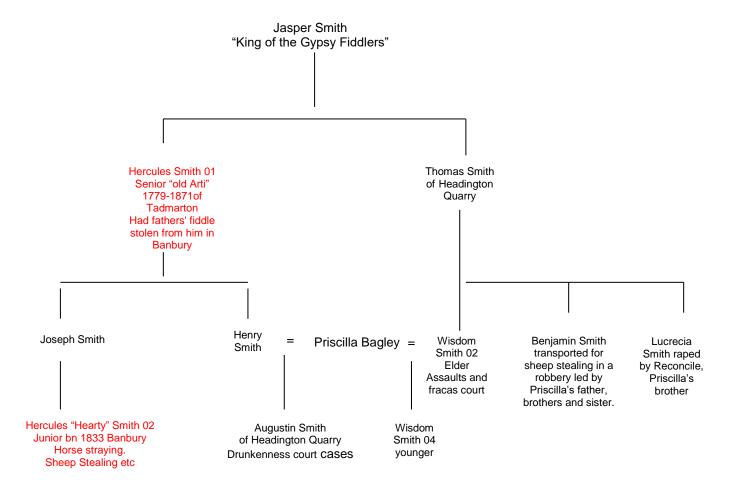


Figure 4: Family tree for criminal cases - Hercules Smith &c.

1833 Hercules (Hartles) was born in Banbury according to Censuses. Baptised January 10th.

Anceany 10 th 10 t	Hartles,	Joseph Susanna	Smith	A Gipsey, without	Shukich Kashtor, Curate
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1841 census the family was in tents at Tadmarton, but with no sign of Hercules.

Joseph Smith	31	Hawker	Yes
Susannah	23		Yes
Frances	12,		Yes
HERCULES MISSING	c. 8		
Henry	6		Yes
Joseph	4		Yes
Register (female)	6m		Yes

Figure 5: 1851 Tadmarton Census - Hercules Smith (aged 17)

1851 Tadmarden Census					
Joseph Smith	Н	M	4I	Drover	Tadmarden
Susannah Smith	W	M	40		Banbury
Francis Smith	S	U	20	Ag Lab	Banbury
Arkliss (Hercules) Smith	S	U	17	Ag Lab	Banbury
Henry Smith	S		16	Ag Lab	Chastleton ?
Joseph Smith	S		13	Ag LAb	Tackley
Register Smith	D		II		Cherrington
Silvey Smith	D		9		Tadmarden
James Smith	S		5		Tadmarden
Richard Smith	S		2,		Tadmarden
Thomas W.??	Nephew		14		Banbury

1854 Hercules' theft of a gelding at Stow- on-the-Wold Horse Fair. This is known today as a gypsy horse fair and was held at that time on the nearest Thursday to May 12 in the town square.  $^7$ 

<sup>&</sup>lt;sup>7</sup>; "the gypsies always come to Stow-on-the-Wold on the **nearest Thursday to May 12th** and **October 24th**. Often it's easy to see which Thursday that will be after checking the calendar, but sometimes it could be the Thursday before or after the charter day." http://www.cotswolds.info/blogs/gypsy-horse-fair.shtml

A TARTAR CAUGHT .- At a recent fair at Stow-on-the now removed. Wold, a man giving his name as Hercules Smith, o TRIALS OF THE PRISONERS. Todmorton, Oxon, entered a stable belonging to Edward IMPRISONMENT, Twelve Months.—William Henry Cole, for stealing seven opoons from Wm. Bariton, his master, at Cheltenham: Heroules Smith, for stealing a gelding from Isaao Castle, at Stow-on-the-Wold.

See Months—Binab, Burnt, for stealing 2s. 6d. from Martha Durham, in Stow, where there were a number of horses standing. Mr. Isaac Castle, of Milton, Oxon, observed the fellow enter the stable, and believing him to be a sharper, watched him through the stable windows, and saw him examine several horses. At last he came to a brown gelding, the property of Mr. Castle, and after examining him began to until him. Mr. Castle, on examining him began to untile bim. Mr. Castle, on this, walked into the stable, and said,—" Hallo, my friend, what are you at?" The fellow replied.—" I am just going to take my horse out for half an hour." Mr. Castle said, "I think I shall take my pony too," and began to untile his pony, which stood next to the brown gelding. The follow began the horse out of the stable. The fellow backed the horse out of the stable, and took it up the passage into the street, closely follow-ed by Mr. Castle, who collared him and said "You have got my horse." The fellow denied it, and a struggle took place, but a blow from Mr. Castle, as he was endeavouring to escape, sent him reeling to the ground, and two policemen coming up, he was delivered into custody, and has been subsequently committed for trial.

OPERATIONS UPON HORSES UNDER CHLOROFORM. 1854 May 23 the Cheltenham Chronicle 1854 27 May the Worcester Journal reported: reported: and discharged. the younger, Gent., to be Eusign. A TARTAR CAUGHT.—At a recent fair at Stow-onthe-Wold, a man giving his name as Hercules Smith, of
Todmorton, Oxon, entered a stable belonging to Edward
Durham, in Stow, where there were a number of horses
standing. Mr. Isaac Castle, of Milton, Oxon, observed
the fellow enter the stable, and believing him to be a
sharper, watched him through the stable windows, and
saw him examine several horses. At last he came to a
brown gelding, the property of Mr. Castle, and after
examining him began to untie him. Mr. Castle, on this,
walked into the stable, and said,—"Hallo, my friend,
what are you at?" The fellow replied—"I am just
going to take my horse out for half an hour." Mr.
Castle said, "I think I shall take my pony too," and began
to untie his pony, which stood next to the brown gelding.
The fellow backed the horse out of the stable, and took it
up the passage into the street, closely followed by Mr. A TARTAR CAUGHT .- At a recent fair at Stow-on A TARTAR CAUGHT,-A MAN WHO GIVES HIS name as Hercules Smith, of Todmorton, Oson, entered a stable about two o'clock in the afternoon of Friday (Stow fair day) belonging to Edward Durham, in Stow, where there were a number of horses standing. Mr. Isaac Castal, of Milton, Oxon, observed the fellow go into the stable, and believing him to be a sharper, watched him through the stable windows, and saw him examine several horses; at last he came to a brown gelding, the property of Mr. Castal, and after examining him began to until him. Mr Castal entered the stable, and said—"Hallo, my friend, what are you at?" The tellow replied—"I om just going to take my horse out for a half an hour." Mr. Castle to take my horse out for a half an hour." Mr. Castle said I think I shall take my pony out too, and began to untie his pony, which stood next to the brown gelding. The fellow backed the horse out of the stable, and took it up the passage into the street, closely followed by Mr. Castle, who collared him in the street, and said - "You have got my horse." The fellow denied it, and said it was his own horse, and a struggle ensued, the rascal endeavouring to escape, but a blow from Mr. Castle sent him reeling to the ground, and by this time two policemen came up. Ine fellow backed the horse out of the stable, and took it up the passage into the street, closely followed by Mr. Castle, who collared him and said "You have got my horse." The fellow denied it, and a struggle took place, but a blow from Mr. Castle, as he was endeavouring to escape sent him reeling to the ground, and two policemen coming up, he was delivered into custody, and has been subsequently committed for trial.

A May Russer of Denies of the stable, and took it. ground, and by this time two policemen came up, and he was delivered into custody.-On Saturday morning he was taken up before the Rev. F. E. Witte MAN BURNT TO DEATH IN A LIME KILN. at Upper Slaughter, and committed to take his trial at the next assizes.

"1860 23 November. Oxford Chronicle, 1860 1<sup>st</sup> December. James Smith may have been his brother aged 13.

DEDDINGTON Police Office, November 23<sup>rd</sup>. Zachariah Davis, Hercules Smith and James Smith of Hook Norton were charged by Inspector Thorogood with having no visible means of subsistence and wandering abroad, and lodging in an outhouse in the parish of Deddington the same morning. James Smith and Davis were discharged and Hercules Smith was committed for 21 days hard labour."

1861 Census shows him in close proximity to possible members of the Sherrif family of his future wife, and members of the Mole family who may yet prove to be related to her own marriage before she eventually married Hercules.

1861 census - Hook	ι Norton, Sch	edule 79 & 80.			
William Moles	Head	Wid	65	Chair-bottomer	Bn Deddington
John Mole	Son	Unmarried	35	Chair-bottomer	

Eliza Sherrif	Visitor	Unmarried	23		Bn Newbold
John Mole	55555		2 m		Bn Stow
Urcles Smith	Head	Unmarried	23	Drover	Bn Tadmarton

Hercules and Esther had their own daughter Susannah in 1862, born November 19<sup>th</sup> in Hook Norton, a couple of days before their own marriage:

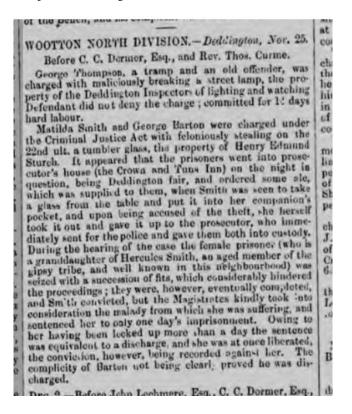
1862 MARRIAGE 23 Nov 1862 at Hook Norton.

"ARCULES Smith (so pronounced by the man who is illiterate), 27, Bachelor, Labourer (Gypsy) of Southrop, Hook Norton, of Joseph a Gypsy Cattle Driver TO Esther Mole, 28, Widow, of Southrop, of Isaac Sherriff, itinerant.

Esther had been married twice before, to Edward Gregory in March 1852 (died 1855) and to Thomas Moles in 1861 (died after about 6 months). She had certainly had three children: Ellen Gregory at Hook Norton, William Gregory at Shutford, and Thomas (perhaps Moles) Gregory at Hook Norton. These children were called Moles after their stepfather in 1861 and Smith after their next step-father Hercules in 1871.

Susannah was baptised there at Hook Norton on the 26th December.

1864 December 10 – the Oxford Journal reported a hitherto unknown grand-child of Hercules Senior, named Matilda, stealing a glass from a pub in Deddington:



1865 May 6<sup>th</sup>, Oxford Chronicle reported - case heard 3<sup>rd</sup> May, CHIPPING NORTON PETTY SESSIONS. Hercules Smith, a gipsy, allowing horses to stray, and was fined 3s. and 8s. costs.

George and James Phipps, market gardeners, of Hook Norton, were charged, under the new Highway Act, by George Bayliss, district surveyor, with allowing two horses and a donkey to depasture on the sides of the highway in the township of Hook Norton aforesaid.— Fined 3s. each and costs. Hercules Smith, a gipsy, was charged with a similar offence to the above, and was also fined 3s. and costs 8s.

Jackson's Oxford Journal of 26 October 1867:

1867 Case Heard 24<sup>th</sup> October - BANBURY Petty Sessions, Banbury Division – Banbury - Hercules Smith, of Tadmarton, for a similar offence (drunkenness) was fined 5s. and costs 10s."

Oxford Times 18 April 1868, he was given 14 days imprisonment for his horses straying onto Mr Garrett's land at Tadmarton on the 3<sup>rd</sup> and 4<sup>th</sup> of April – and then for taking them back:

COUNTY POLICE STATION, NEITHROP.

DIVISION PETTY SESSIONS, APRIL 9TH.

Before the Rev. F. Wyatt (chairman), Col. North,
M.P., A. R. Tawney, Esq., H. Norris, Esq., R. A.
Cartwright, Esq., and Major-Goddard.

Hercules Smith, of Tadmarton, was charged with
allowing some horses to stray on land occupied by
John Garrett at Tadmarton, on the 3rd and 4th of
April.

John Garrett deposed that he was joint occupier of
the land with his brother Thomas, and on April 3rd
he was asked whose horses those were on his land.
He started with his carter to take them to the pound,
and when doing so he met the defendant, who asked
him where he was taking them to? Witness told him
to the pound. Defendant said he would not have
them impounded, and offered witness 5s. not to take
them. Witness said he was determined to do away
with the nuisance, and should charge him 15s. Defendant said he would not pay that, and took the
horses away by force. They did as much damage
with their feet as with their mouths. It had become
a great nuisance.

H. Norris, Esq., said that the defendant's
were continually on the roads, and he had no place
to keep them—not a single foot of ground.

The Chairman said defendant was liable to a
penalty of £15, but the Bench had ordered him to pay
a penalty of £15, but the Bench had ordered him to pay
a penalty of £11 and costs, or 14 days' imprisonment.

John Taylor and James Giles, who were remanded
on April 6th on the charge of assaulting P.C. Robin-

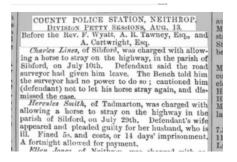
1868 Oxford Journal, 18th April

BANBURY DIVISION.—Banbury, April 9.

Before the Rev. C. F. Wyatt, H. Norris, A. R. Tawney, and A. Cartwright, Esqrs., Col. North, M.P., and Major Goddard.

Heroules Smith, of Tadmarton, higgler, was charged with releasing horses which had been seized for the purpose of being impounded, in consequence of being found trespassing in a field of Mr. Garrett's. It appeared that the defendant keeps three old horses perpetually upon the roads, from which they stray into the fields adjacent. Fined 11. and costs, or 11 days' imprisonment; committed.

1868 Oxford Times, of August 22<sup>nd-</sup> Offence of July 10<sup>th</sup> -, straying horse at Sibford. Wife appeared, husband Ill. 5/- fine.



1868 November 14<sup>th</sup> - Oxford Journal reported that on October 1<sup>st</sup>, Hercules' horses wandered in Great Tew and that he was sleeping under the cart with a woman!

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Hercules Smith was also charged with allowing a horse to stray on the highway in the parish of Dun's Tew, on the 1st of October. P.C. Horne deposed that on the day named, on going from Worton Heath to Dun's Tew, he saw defendant's horse grazing; and, on looking round for the owner, saw him sleeping under the cart on the opposite is de of the road, with a woman. Fined 3s., with 10s. costs, and 3s. police fees.
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1869. Hercules let his horses stray on the highway at Tadmarton on the 5<sup>th</sup> of February. The case was heard at Neithorp Police Station on the 11<sup>th</sup>, where his wife represented him – and he was then summoned by a warrant. The case was reported in the Banbury Guardian on the 18<sup>th</sup> of February.

Banbury Guardian 18 Feb 1869:

1869 Case Heard February 11<sup>th</sup>. NEITHROP POLICE STATION Horse on the Highway. Hercules Smith, Tadmarden, was charged with allowing his horse to stray on the highway on the 5<sup>th</sup> of February. Hercules did not appear, but his wife did. When asked why her husband did not appear, she said that he had some thing else to do than always to be coming there. She wondered what they meant all by bringing him there so often. He was away trying to get bread for his family. Mrs Smith was told that her husband should have appeared and that a warrant would be issued for him.

1869. On April 12<sup>th</sup> he finally appeared personally in court at the Banbury Magistrates, where he was fined a pound, failed to pay, and was sent to prison for 14 days. This was reported in the Banbury Guardian of 15<sup>th</sup> April 1869.

1869 April 12th BANBURY MAGISTRATES Brought up on a warrant. Hercules Smith, Tadmarden, was brought up on a warrant charged with allowing a horse to stray on the highway there on the 11<sup>th</sup> of February, and also failing to appear when summoned on the 11<sup>th</sup> of that month. P.C. Aspin proved the case. Smith, who is a very old offender on this score, was fined 5s with 15s expenses, and in default went to prison for 14 days.

1869 April 17<sup>th</sup> - the Oxford Chronicle reported the same case on the 12<sup>th</sup>:

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a furious rate. Ordered to pay 5s., and 7s. costs.

COUNTY POLICE.—On Monday last Hercules Smith, of
Tadmarton, was brought up under a warrant, at the
Magistrates' Clerk's Office, charged with allowing his
horse to stray on the highway, on the 7th of February.

Fined 5s., and 15s. costs, or 14 days at Oxford.
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1869 15 May the Oxford Journal reported a May 12<sup>th</sup> case at Chadlington Chipping Norton Division about more horse straying at Great Rollright on 26<sup>th</sup> April.

CHADLINGTON DIVISION.—Chipping-Norton, May 12.

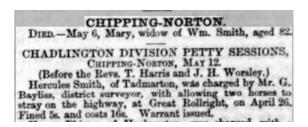
Before the Revs. Thos. Harris and J. H. Worsley.

Henry Eeles, of Leafield, was charged by Mr. George
Bayliss, of Chadlington, district surveyor, with allowing
his horse to stray on the highway, at Leafield, on the 24th
ult.; dismissed on payment of costs, 5s.

Samuel Owen, of Chipping-Norton, was convicted of a
like offence at Over-Norton, on the 28th ult.; penalty and
costs, 12s.; in default, 7 days; paid.

Hercules Smith, of Tadmarton, was convicted of a like
offence at Great Rollright, on the 26th ult.; penalty and
costs, 1l. 1s.; in default, 7 days.

The Oxford Chronicle of the same day did the same, with a mention of a warrant.



#### 1870 Jan 20th the Banbury Advertiser reported: INDEXED BUT NOT FOUND

In June and July of 1870 there came an amazingly detailed coverage of yet another one of his horse strayings – this time at a new home in South Newington.

1870 23<sup>rd</sup> June Banbury Guardian reported Hercules

June 17th 1870 DEDDINGTON Petty Sessions - Straying Horses at South Newington. Hercules Smith, South Newington. Was charged with allowing a horse to stray on the highway there on the 10th of June. Sergeant Barton asked for an adjournment, as Mr Bennett, the highway surveyor, was not present to prove the charge. Adjourned till next meeting.

24th June 1870 Banbury Beacon reported him being represented by his wife:

June 17<sup>th</sup> 1870 DEDDINGTON A horse straying. Hercules Smith, South Newington, was charged with having a horse straying on the Highway, on the 10<sup>th</sup> of June, in the Parish of South Newington. Defendant was represented by his better half, but the case was adjourned to the next court.

1870 June 25<sup>th</sup> the Oxford Chronicle (and Oxford Times) reported the same meeting on June 17<sup>th</sup> at Deddington,

apprehension.

Hercules Smith, of Tadmarton, was summoned for allowing his horse to stray.—Adjourned for a fortnight.

William Allison and Geo. Parsons, both of Barton,

7 July 1870 Banbury Guardian, his eventual appearance at Deddington on July 1st was reported

I July 1870 DEDDINGTON PETTY SESSIONS STRAYING HORSES AT SOUTH NEWINGTON. Hercules Smith, higgler, was summoned for allowing his horses to stray on the highway at South Newington on the 10<sup>th</sup> of June. Mr Bennet, surveyor of the Highway board, said he say a horse on the road the above day. Defendant said it was his horse. There was no one with it. It was a quarter of a mile from the defendant's home. Defendant now said the horse was just outside the stable. He was going with his horse to get an honest living, as near as he could, (a laugh) Mr Curme asked – has the defendant been seen here before? Mr Bennet, he is a stranger to our district. He was once convicted here for the same offence committed at Duns Tew. Mr Risley asked – how do you get a living? –by ragging and boning. I have 5 children, and nobody earning anything but myself. I had no wish to turn the horse out. Defendant was fined £1 with 10s costs and 4s police fees and was allowed a month to pay.

8th July 1870 Banbury Beacon

2<sup>nd</sup> July 1870 DEDDINGTON POLICE COURT

A HORSE ASTRAY. Hercules Smith was charged with allowing his horse to stray on the Highway at South Newington on the 10<sup>th</sup> of June, The animal was a quarter of a mile from him and out of his sight. Defendant said the horse got out of the stable, while he went from the house for a sack, when he came back from ragging and boning. In which business he tried to get an honest a living as he could. He was fined £1 14s, including costs, or in default of payment, one month imprisonment. A month was allowed to pay in.

1870 July 9th in the Oxford Times

COUNTY POLICE COURT, FREDAY, JULY 2ND.
Before C. C. Dormer, Esq. (Chairman), Lieut.-Col. Bowyer,
Dr. Guest. T. Curme, Esq., nad H. C. Ri-ley. Esq.
Hercules Smith was charged with sllowing his horse to
stray on the highway, in South Newington, on the 10th
June. The aximal was a quarter of a mile from him and
out of his sight.—Defendant said the horse had not out of
the stable, while he went to the home for a sack, when he
had came back from "ranging and homeing" in which
business he tried to get as honest a living as the could.—He
was fined 21 Ms. including costs, or in default of payment,
one month's imprisonment.—A month was allowed to pay
in.

1870, July 9th, the Oxford Journal reported the same case as being July 1st:

WOOTTON NORTH DIVISION.—Deddington, July 1.

Present, Charles Cottrell Dormer, Esq., Rev. T. Curme,
H. C. Risley, Esq., Colonel Bowyer, and Dr. Guest.

Hercules Smith, a Gipsy, was charged with allowing a
horse to stray on the highway at South Newington on the
10th of June. Mr. Peter Bennett, the District Surveyor,
proved finding the horse with no one in charge of it, and
the defendant acknowledged that the horse belonged to
him. Fine 1t., costs 14s., or in default of payment to be
committed for one calendar month; allowed a month.

Hency Mann. of Bishon's Itchington, labourer, was

1870 9th July Reading and Abingdon Herald.

1870 July 2<sup>nd</sup> DEDDINGTON-COUNTY POLICE COURT, FRIDAY, JULY 2ND. Hercules Smith was charged with allowing his horse to stray on the highway, in South Newington, on the 10 June. The animal was a quarter of a mile from him and out of his sight. - Defendant said the horse had got out of the stable, while he went to the house for a sack, when he had come back from "ragging and boning" in which business he tried to get as honest a living as he could. - He was fined £1 14s. Including costs, or in default of payment, one month's imprisonment. - A month was allowed to pay in."

Quite a coverage for a simple horse straying!

Table 1- South Newington: 1871 Census - Hercules Smith (aged 43yrs)

South Newington, Charles Lane, 1871 Census, No 10 Cottage							
Hercules Smith	Н	M	43	Gypsy Land Man	Banbury		
Esther Smith	W	M	30	Gypsy Sand Man	Glympton		
Ellen G(?regory) Smith	D	U	18	Gypsy Sand Man	Hook Norton		
William G(?regory) Smith	S	U	16	Gypsy Sand Man	Shutford		
Thomas M(?oles) Smith	S		12,	Gypsy Sand Man	Stansfield		
Naomi Smith	Vis		I	Gypsy Sand Man	Banbury		
Isaac Sherrif	Vis	W	71	Gypsy Sand Man	Brafield		
George Davis	Vis	M	62	Razor Grinder	Badby		
Rebecca Davis	Vis	M	60		Not stated.		
Jonah Boswell	Vis		30	Tinker	Tachbrook		
Mary Boswell	Vis		27	Gypsy	Stretton on Fosse.		
Armandine Boswell	Vis		I		Northam		

Catherine Boswell	Vis	IO	Gypsy	Spilsby
Henry Boswell	Vis	7	Gypsy	Bloxham
Frances Boswell	Vis	12,	Gypsy	Chippenham

1871 July 29<sup>th</sup> Warwick Advertiser and Leamington Spa Courier: Horse straying in Radway, before the famous Warwickshire politician, Mr Bolton King.



in that parish. He did not appear, but the case was proved by P.C. Robinson. Fined 10s. and costs, 14s. 6d. — Hercules Smith, of Wiggington Heath, appeared in answer to a charge of having allowed his horse to stray on the highways of Radway, on the 27th of May. The Rev. G. Miller said he saw defendant and party encamping by the road side, and the horse grazing at some little distance. Defendant denied the ownership of the horse, but was fined 5s. and costs, 17s. 6d, which he paid.—

John Phillins, of Oxhill, was supmoned for having on

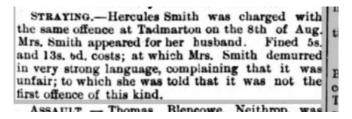
1872 April 29, daughter Esther baptism at Wigginton. "Arkles & Esther, labourer of the Heath"

25 June 1872 Oxford Chronicle.

5<sup>th</sup> June 1872 CHIPPING NORTON PETTY SESSIONS

Hercules Smith, of Wiggington Heath, was charged by Thomas Sellars, with trespassing in the day time in search of game, at Great Rollright, on May 24th. Fined 1s and costs 12s.

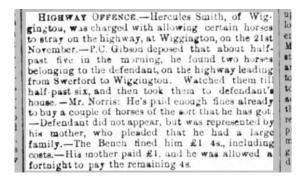
1873 21 August - Banbury Advertiser - horse straying at Tadmarton. Mrs Smith replied in "very strong language" - another case where Hercules failed to turn up.



1873 August 16th Oxford Journal straying as above at Tadmarton - "good plain English."

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Hercules Smith, for a similar offence, was fined 5s., and costs 13s. 6d. Mrs. Smith appeared for her hustand, and expressed her surprise at having so much more to pay than her neighbour, but it was explained to her that her husband had been over and over again summoned for the same thing, while in Morrey's case it was the first appearance before the Bench. This did not appear quite to satisfy her, and she gave vent to her feelings in good plain granglish.
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1874 December 10<sup>th</sup> in the Banbury Advertiser: straying horses at Wiggington. This time, he was represented by his mother:



1874 March 22 - baptism of Mozella at Wigginton "Hercules and Esther, labourer of Wiggington"

1876 October 12 an article in the Banbury Advertiser discussed a traumatic case where "Hearty Smith, a Sand Man" was prosecuted for causing the death, in a fight, of a Tinker, William Booth, at Wigginton. Not guilty after detailed description of the fight and the death declared to be from apoplexy and exposure. Also the Banbury Guardian on the same day, and on the 14<sup>th</sup> the Buckingham Advertiser gave a summary with the same details.

1876 October 12th, the Banbury Advertiser with the 1876 October 12th, the Banbury Advertiser with the following witnesses: following witnesses: Josiah Boswell, a travelling tinker and brother of the deceased - William Booth. George Burgess, "horse keeper" on the Cheltenham and Banbury Railway; Joseph Cross, "excavator" on the Banbury and Cheltenham railway. William Derby Hyde, surgeon of Bloxham. call DEATH OF A MAN FROM EXPOSURE AT WIGGINTON. £56 SINGULAR AFFAIR. acti ditt The fact of a man having been found in a dying ince state on the highway near Wigginton on Sunday mornwor ing gave colour to various rumours that were affoat in Banbury on Monday morning to the effect that a mur-423, der had been committed there-the victim, it was said. wer being a tinker named William Booth, and his assailant a man named Hercules Smith, better known by his soubriquet of "Harty" Smith, a gipsy, residing at Wigginton Heath. Happily, the case did not turn out one of murder, but undoubtedly Booth met his death Ban hold in a very singular manner, and the circumstances relating to it are not at all clear. Booth was a man Gar about fifty years of age, and was a travelling tinker. He was at Hook Norton on Saturday, and there met bala his brother, another travelling tinker. Deceased and his brother (who goes by the name of Josiah Boswell) left Hook Norton on Saturday evening for Wigginton, whi and Boswell called at a hut, in which lives a man named Board, a navvy on the Banbury and Cheltenham Railway. Deceased, it appeared, wanted to go into M the hut, but Mrs. Board would not allow him, and used language more forcible than polite to him. It the M agra M would seem there was some altercation between the deceased and Mrs. Board, for Hercules Smith, who wa

#### MYSTERIOUS OCCURRENCE AT WIGGINTON

#### GIPSY FIGHT.

Su day morning last was ushered in in the neighbourhood of Wigginton-a desolate looking spot some six miles on the west of Banbury-by a very sail event, which deprived one William Booth, a linker, of his existence. As won as the poor fellow was dead the widest rumours were affect regarding the nature of his death, and it was solemnly asserted that he had been bruially kicked to death by a local celebrity styled Hearty Smith," also of the tinkering persuasion. Happily, however, this proved exaggeration, and the coroner's jury, who have since sat on the body, find that he died from natural causes. This affords considerable consolation, but the circumstances of the deceased man's death are very mysterious. It would seem that on Saturday afternoon he was at Hook Norton, and 'eft in the evening for Wigginton. When he got near this latter place, it was observed that he was very drunk, and a fight ensued between himse f and a woman who refused him admission to her hut. This was taken up by the man Smith, but the fight does not appear to have lasted long Smith and his party went on towards Wigginton, followed by the deceased, and when near the second hut the man fought again. Three or four navvies, we are told, were present at this encounter, but no one comes forward to speak definitely as to the fight, though one witness—the man's brother—said that both men "hit as hard as one another," and the deceased got the wurst of it. This was between ten and eleven o'clock at night, and at the close of the fight the deceased was left lying on the ground, having only his trousers No one appears to have looked after

deceased and Mrs. Board, for Hercules Smith, who was in the late, said he would not see Mrs. Board "put upon," to use the language of Boswell. Thereupon Smith and the deceased had a fight, but how long it lasted we are unable to say. After the fight was over, the combatants and their friends left Board's but and went to another one occupied by a man named Burgess, near which the hostilities were again commenced, and ultimately the deceased gave in to the su-perior fighting ability of Smith, and shook hands with him. Although the fight appears to have been witnessed by some navvies, by Boswell, and others, there is no more seen or heard of the deceased till Sunday morning, when he was found half-naked near where the fight had occurred, in an unconscious and dying state. Both of the men were, it is said, the worse for beer, pulled off their coats and shirts to fight, "struck one another very hard," and yet there were no marks of external violence on the deceased, who was found with his head on the grass and his feet on the bank. After shaking hands with Smith, the deceased went away, and although some of those who witnessed the fight, must, from the evidence at the inquest, have passed the place where the deceased was found, they do not appear to have noticed him, or if they did they made no effort to see to him. The evidence of Boswell, who was the principal witness at the inquest, was of a confused nature, as might be expected from a man of his calling, and it was with difficulty he could be understood, owing to what we suppose is the a man of his calling, and it was with difficulty he could be understood, owing to what we suppose is the gipsy patois. When the deceased was found, he was put in a cart, and taken to the Swan public-house at Wigginton. Smith had decamped, so that we had not his version of the affair at the inquest. A post-mortem examination of the body of the deceased was made by Mr. W. D. Hyde, of Bloxham, and he found an extravasation of blood on the brain, which he said might have caused death, but added that it was possible

#### He, however, gave it as his opinion that the deceased died from natural causes, accelerated by exposure. THE INQUEST.

deceased might have died from exposure or apoplexy.

The inquest was held at the Swan public-house on Monday afternoon at two o'clock, before C. D. Fanlkner, Esq. Mr. Slatter was foreman of the jury, the other juryman being Messrs. W. Coles, T. Coles, C. Shirley, S. Stanbra, W. H. Stanbra, E. Wyatt, A. Stanbra, E. Stanbra, M. Sharman, W. Simms, and W. Warmington.

Josiah Boswell deposed—I have no regular residence, being a travelling tinker. I have known the deceased, William Booth, since childhood. He was my brother, and was the eldest of nine children. I was with him when he died on Sunday morning between eight and nine o'clock. He died on the road at Wigginton, near Mr. W. Stanbra's field. On Saturday I was at Hook Norton with the deceased. We were in the Bell

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and boots on. No one appears to have looked after possion him during the night, and it was not till seven o'clock having the next morning as a navvy-or an "excavator," as station they o he chose to call himself-was passing along the road that he found the poor fellow in the position in which men his companions, it must be inferred, had left him. was attended to as best as he could be, but he died in had re less than an hour afterwards. Mr. Hyde, who made a post-mortem examination of the body, declined to say that there was any trace of illusage, and it only detent to the additi remained for the jury to return a verdict of natural by the death. The man Smith, upon hearing of the death of Booth, immediately left the neighbourhood, and the It was police, who naturally suspected that the deceased met a furi Was it with his death through violence, were aiert on Sunday and Monday for his apprehension. The verdict of the fears. jury, however, exonerates him from all blame. jury, however, exonerates him from all blame.
The inquest was held on Monday afternoon, before C.
D. Faulkner, asq., coroner, at the Swan Inn,
Wiggington, at which place the body was lying. The
following were sworn on the jury:—Messrs. A. Slatter
(foreman). T. Coles, W. Coles, C. Shirley, S. Stanbra,
W. H. Stanbra, E. Wyatt, A. Stanbra, E. Stanbra,
M. Sharman, W. Simms, and W. Warmington. "The body
having been viewed, the following evidence was taken: OCCULT WAS Z of the hours,

having been viewed, the following evidence was taken stated Josiah Foswell, sworn, deposed: I have no permanent residence, but travel the country as a tinker. I am about forty years of age. I knew the deceased, William Booth, from a chile. He was my brother, and mistoc impres was the eldest of nine of our family. My wife and myself were with him when he died, between eight and mine o'clock yesterday morning, on the side of the road opposite Mr. W. Stanbra's field. On Saturday night I was at Hook Norton, in company with the deceased. At the Bell Inn, we had some beer. We left Hook Norton between seven and eight o'clock, and came Cheste towards Wigginton. When we came to a hut occupied by a man named Board, about half-i-mile from Hook

Norton, were found my wife, Hercules Smith (a sand man), and his wife there. They let me in. The deceased wanted to go in too, but Mrs. Board would not let him go in. She doubled her fists at him, and said she would fight Hercules Smith then went out and said he would not see a woman put upon. At the same time he fought with the deceased. I did not go out, as I thought it best to keep away. This was about nine o'clock. Shortly afterwards, we left this hut. Smith and his wife, my wife and myself, came on towards Wigginton. when we got to Burgess' hut, Smith and Booth (who had followed us) commenced fighting again. both pulled their shirts off. I could not tell which commenced the row this time. They were both as bad ver as one another. It was an old grievance. Both had hod beer, but Booth had had the most. They were fighting for about half an hour. Four or five navvies were dr there at this time. I got a blow on the side of the bead, and went back to burgess' hut. The deceased gave in having got the worst of the fight, and went away. I don't know what became of the deceased fol when he gave in fighting. I saw no more of him till

Hook Norton with the deceased. We were in the Bell Inn, and had some beer. I left Hook Norton between seven and eight o'clock and deceased followed me towards Wigginton. When I got to Board's railway hut, about half a mile from Hook Norton, I went up to it and found my wife and Hercules Smith (a sand-man), and his wife. The deceased wanted to go into the hut, but Mrs. Board would not let him in. She doubled her fists at him, and with an oath said she would fight him. She went out, and Hercules Smith said he would not see a woman "put upon," and he went out and "fit" (fought) Booth. I heard the noise outside the hut, but I did not go out, as I thought I was better away. This took place after 9 o'clock. After then, I, Hercules Smith, his wife, and my wife, came out of the hut, and went on the road towards Wigginton. Booth followed us. We went to "Curley" Burgess' hut, and Booth and Hercules Smith began fighting again on the road, pulling their shirts off. I don't know who struck first. They both began fighting at once, and there was an old "disturbance" between them. Both of the men were in beer, and Booth seemed to have had most. They fought for about half an hour. There were four or five navvies there, and I was struck by some one on the side of the head. I did not interfere any further, and went back to the hut. The deceased gave in to Smith, who gave him "the best of it," and then went away. He shook hands with Smith when he gave in. The next time I saw deceased He was in Smith's cart, and was on Sunday morning. was being taken towards Wigginton Heath. He was

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dead. Smith was the biggest man, and "they both struck one another very hard." I saw deceased die. He gave a gasp, and died at once. He could not speak, and could hardly open his mouth. There seemed to be something in his throat. I did not see the deceased from Saturday night at ten o'clock fav

until Sunday morning at eight. George Burgess, a horse-keeper on the Banbury and Cheitenham Railway, deposed—I live in the Quarry Hut, on the Hook Norton Road. I was at home at ten pla o'clock on Saturday night, when Hercules Smith's wife came and asked to remain in my but all night, as she thi was afraid to go home. She afterwards went home. Before this I had seen two men fighting on the road for Mr about ten minutes. I do not know who they were. On staday morning, about half-past seven, a man named Joseph Cross came to my hut, and told me that there was a man dangerously ill up the road. I went to see, and about 300 yards up the road, I found the deceased lying. He was nearly dead. I got him a glass of hot beer, a little of which he swallowed. Smith's cart and ry. pony were in the yard at my but, and Cross and I put the deceased into it, and started the cart towards Smith's house at Wigginton Heath, but well brought do int him here. Ellen Gregory would not have him at Smith's house. Deceased was cold as clay, and his eyes were closed. He had nothing on but his trousers and boots, and a handkerchief round his neck. I did

did not see any bruises on him; there were some scratches on his body. I do not know where Smith was all Saturday night. Where I found the deceased was very near the place where I saw the two men fighting on the Saturday night. There were no marks of a scuille on the road and there was no marks of blood. scuffle on the road, and there was no marks of blood. Joseph Cross, who said he was an "excavator"

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yesterday morning, about eight o'clock, when he was in a cart, in charge of a man named Cross. I can't say what caused his death. Smith is the heaviest man, but I think they both hit as hard as one another. The deceased did not say anything to me when he was dying. He appeared to have something in his throat, and could not speak.

to l George Burgess deposed: I work on the Banbury and car Cheltenham Railway, and live at the Quarry hut. On Saturday night my wife and myself went to Hook Norton, having borrowed Hercules Smith's pony and you the wo cart. After we had returned, about ten o'clock, I heard somebody fighting, but did not know who it was. They appeared to be fighting for about ten minutes, and then went away. Neither Smith or the deceased had any beer at my hut. I did not hear any more fighting that night. I got up about half-past five yesterday morning and attended to my horses in the stable. Joseph Cross came to my hut about half past it t car chi seven, and said there was a man dangerously ill up the road, about 300 yards from my house. I went to the place, in company with wh to sut Cross. The deceased was not then dead, I got a glass hu

of beer, made it warm, and put some ginger in it. He swallowed a little of it. He did not speak to me I got Hercules Smith's cart (which was in my yard), and started with it towards Smith's house, in charge of Cross. He was breathing very slightly at that time, but he was very cold. He had nothing on but his trousers and boots, and a handkerchief and belt round his waist. I only noticed a little scratch on one slbow. I cannot say where Hercules Smith was on Saturday night. I found the deceased near to the spot where I saw and heard the fighting the previous night. I noticed neither blood nor marks on the road.

Joseph Cross deposed: I am an excavator on the Banbury and Cheltenham Railway. On Sunday morning, about seven o'clock, I found the deceased about 1:0 yards from the Quarry hut, on the side of the road. I tried to get him to speak, but failed. I went to Burgess' hut and told him what I had seen. We went back to the spot, and took a pony and cart with us, which I believe belonged to Hercules Smith. I brought the deceased to Wigginton, but he died on the road. I got to the Swan about a quarter past eight. He had nothing but his trousers and boots on He was lying with his head on the grass. His head was much lower than his feet, and the water was running under his borly. I first of all started to take the deceased to Hercules Smith, shouse, on Wigginton in his

the Banbury and Cheltenham Railway, deposed—I found the deceased yesterday morning a short distance (about 150 yards) from the Quarry Hut. There was nothing on him but his trousers. I went to the last witness' hut, where there was a horse and cart, and we put the deceased into the cart, and brought him to this house. He died on the road. When I found the deceased his feet were on the bank, and his head on the road, and the water ran underneath the body. I started at first to take the deceased to Hercules Smith's house at Wigginton Heath, but Ellen Gregory said that she dare not have the body there. They would kill her if she took it in. I found a jacket with an empty purse in one of the pockets by the side of the road. I also found a portion of a soldering bolt on the road. The handle of the bolt is gone. I was about all day yesterday seeking for "Harty" Smith.

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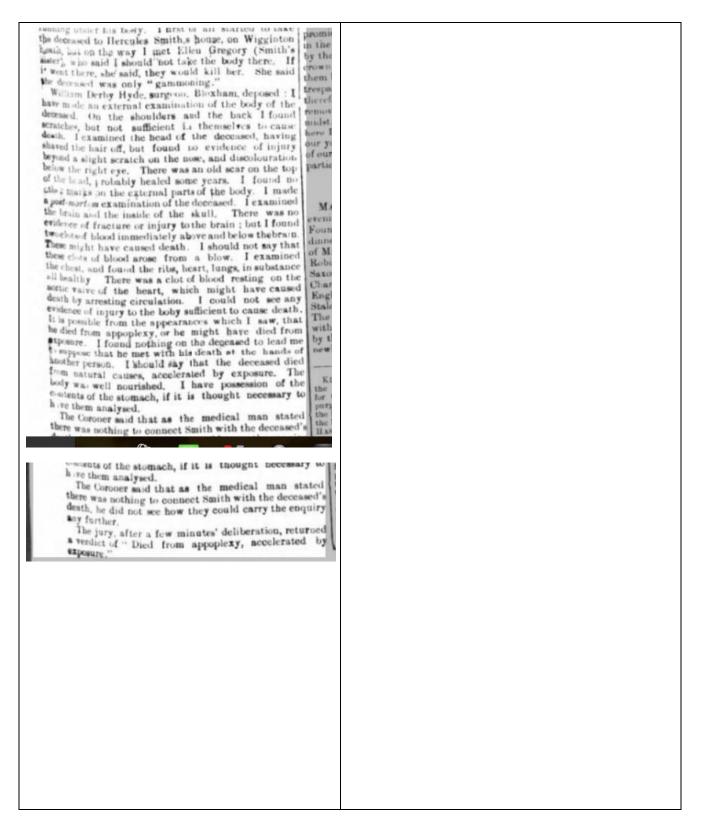
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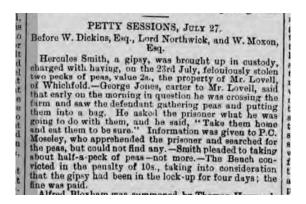
William Derby Hyde, surgeon, Bloxham, deposed—I have made a post-mortem examination of the body, and I find some scratches on the shoulders and back caused apparently by falling on the hedge or on the ground. I have examined the head of the deceased, having shaved the hair off, and there is no evidence of injury beyond a slight scrath on the nose and discoloration below the right eye. There is an old scar on the top of the head, which had been healed up for some years. There were no other marks on the surface of the body. I have examined the brain and the inside of the skull, and there is no evidence of fracture or injury

to the brain, but there were two clots of blood immediately above and below the brain, and they might have caused death. I will not say the clots arose from a blow. I have examined the chest, and found the ribs, heart, lungs, and substance all healthy. There was a clot of blood resting on the aortic valve of the heart, which might have caused death by arresting circulation. The abdomen and vicera were healthy. Found no evidence of injury to the body sufficient to cause death. It is possible that deceased might have died from exposure or apoplexy. The clots of blood on the brain had not existed long, or the man would have been dead before now. Violence might have accelerated the extravasation of blood, but there was no evidence of a blow. I should say that deceased died from natural causes accelerated by exposure. The body was well nourished.

The jury returned a verdict to the effect that the deceased died from apoplexy accelerated by exposure.



1878 August 3<sup>rd</sup> - The Oxford Journal reported stealing peat from Miss Cobb of Wigginton on July 23<sup>rd</sup> - 4 days locked up and 10/- fine after a hearing at Shipston Petty Sessions.



1878 August 27<sup>th</sup> - stealing half a peck of peas at Wigginton Heath from Miss Cobb and fined 28/-. Reported in the Banbury Advertiser (Beacon) 12/14 December 1878 and the Oxford Journal of the 14th December.



Table 2: Wiggington: 1881 Census - Hercules Smith (aged 50)

Wiggington, 1881 Census						
Hercules Smith	Н	M	50	Agricultural Labourer	Banbury	
Esther Smith	W	M	47	Ag Labourer's wife	Glympton	
Esther Smith	D		9	Scholar	Wigginton	
Mozilla Smith	D		7	Scholar	Wigginton	

1881 Oxford Journal reported on 20<sup>th</sup> August a Banbury court-case of the 16<sup>th</sup> where Hercules was in a dispute over 6/- and a pair of boots:

March, 1879.

Joseph Smith, Wigginton, v. Hercules Smith, of the same place. Claim for 3s. for money lent, and 3s. the value of a pair of boots. Plaintiff and his wife were called, and deposed to the money being owing, but the defendant's wife stoutly denied that such was the case. A severe altercation thercupon took place between the parties.—Judgment was given for the plaintiff, whereupon the defendant's wife became very violent, and declared she would never pay it.

Thomas Smith, South Newington, v. Edward Orgill.

1881 20 October the Banbury Guardian printed a report of a dispute over 6,000 skewers in Banbury County Court – again with J. Smith, of Wigginton

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HERCULES SMITH, v. J. SMITH, Wigginton,—Claim for 9s., for 6,000 skewers. The Judge did not think the plaintiff had made out his case, and dismissed it.

Bell & Co., Liverpool, v. M. Morgan, Banbury.—
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1884 June 21<sup>st</sup>, Hercules arrested for being drunk and disorderly in Hook Norton, according to the Oxford Journal of 5 July 1884.

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to pay 14s. 6d., fine and costs.

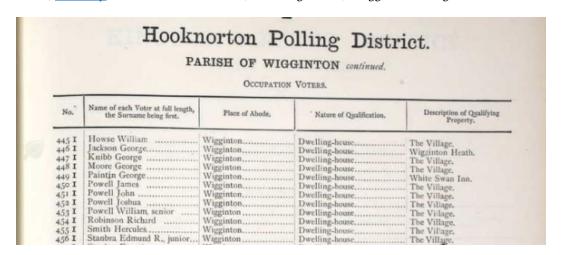
Hercules Smith, of Wigginton Heath, a gipsy, was charged with being drunk and disorderly in the public streets at Hook-Norton, on June 21.—After hearing the evidence of P.C. Quarterman, the defendant, who did not appear, was fined (inclusive of costs) 15s.; in default to be committed for 14 days' hard labour.

James Collier, a young man of Oxford, but recently ye hard on the Banbury and Cheltenham Railway at to
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1885 the Banbury Advertiser reported on the 18<sup>th</sup> of June a case on at Banbury Police Court on Thursday June 11<sup>th</sup> that on May 29th:

Anorner.—Hercules Smith, labourer, Wigginton, was charged with allowing a horse to stray at Milcombe, on May 29.—Defendant did not appear.—P.C. Hope proved the case and defendant was fined 5s. and 12s. costs.

1885 Poll Book, Ancestry shows a Hercules Smith, Dwelling House, Wigginton Village.



1886 24<sup>th</sup> November – Hercules' step-grandaughter, Naomi Gregory, stole some jewellery in Cadoxton, South wales, and the ensuing courtcases involved Hercules' mother, Susannah as a witness, Esther's sister Eliza Biddell, as a witness and "receiving" charges against his wife, Esther, and her daughter, Ellen Gregory Eatwell.

Cases took place in Penarth Police Court, Banbury Police Court and the Oxford Quarter Sessions- the only sentence being 1 month's hard labour for Naomi. 8

1887 June 2 Banbury Advertiser reported his horse straying (again!) at Wigginton for which he was fined 17/-

Horse Straying.—Hercules Smith, Wigginton, was charged with allowing a horse to stray on the highway at Wigginton, on May 20th.—P.C. England proved the case, and defendant, who did not deny the offence, was fined 5s. and 12s. costs.

1889 straying horses at Wigginton on April 28<sup>th</sup>. Reported in the Banbury Advertiser of May 16<sup>th</sup> - a case in Banbury Police Court:

Horse Straying at Wiggington, was summoned for allowing a horse to stray, at Wiggington, on April 28th.—Defendant said he left the horse in a close he rented of Mr. Stanbra, and it could not have strayed far from the gateway.—P.C. Justice deposed that on Sunday evening, April 28th, about eight o'clock, he found the defendant's horse straying in the road leading from Wiggington to Swerford. Witness afterwards met the defendant about a mile and a half from the horse, and said he was going to put the animal in the field. The horse was on the highway for three-quarters of an hour, to witness's knowledge. Witness added that he had several times cautioned the defendant about the same thing.—Defendant, who said he did not know that the horse was straying, was fined 5s. and 12s. costs; in default of distress, fourteen days' imprisonment.

1889 Banbury Advertiser 24 December, given a month for stealing 6d of hay at Wigginton from Mr Stanbra.

Heavy Sentence for Stealing Sixpennyworth of Hay.—Hercules Smith, hawker, Wigginton, was charged with stealing about twelve pounds of hey, value 61., the property of Stephen Stanbra, farmer, Wigginton, on December 12th.—The prosecutor deposed that on Thursday night, December 12th, between eight and nine o'clock, P.C. Justice took the prisocer to witness's house, and charged him with stealing a quantity of hay, produced, from the Rectory Farm, which was situated in Wigginton parish, and in witness's occupation. Defendant said he had been having some of witness's offal hay. He valued the hay at sixpence. Witness had not suthorized defendant to have the hay, and he had no right on the land.—P.C. Justice stated that on the evening in question, at ten minutes past eight, he saw defendant's cart standing on the road near Mr. Stanbra's risk. Witness went to the rick, and saw defendant pulling the hay produced from a cut near the bottom of the rick. Defendant put the hay into the bag produced, and took it to the cart. Witness then charged him with stealing the hay. Defendant raid Mr. Stenbra shad given him permission to have a bit of offal hay any time he wanted it. Witness said he did not believe him, and they went to Mr. Stanbra.—The prosecutor, re-called, said he had never given the defendant permission to have any hay, or to go on the land.—Defendant pleaded guilty, and elected to have the case settled by the Bench, saking them to impose's fine upon him.—Defendant was committed for a month without the option of a fine.

<sup>&</sup>lt;sup>8</sup> South Wales Echo 31 Jan 1887 South Wales Daily News 1<sup>st</sup> Feb 1887 Western Mail Feb 1 1887 Banbury Advertiser 3<sup>rd</sup> Feb 1887 Cardiff Times 5<sup>th</sup> Feb 1887 Banbury Advertiser 7<sup>th</sup> April 1887 Oxford Journal 9 April 1887

1889 Banbury Guardian of 6th December, more details given a month for stealing the 6d of hay at Wigginton from Mr Stanbra.



1890 Banbury Advertiser on 13<sup>th</sup> of November reported, yet again, a horse straying – this time at Milton on October 25<sup>th</sup>: He was arrested at the Black Boy pub.<sup>9</sup>

An old Offender.—Hercules Smith, of Wigginton, labourer, was charged with allowing a horse and cart to stray on the highway, in the parish of Milton, on October 25th.—Defendant did not appear.—P.S. Wright proved service of summons, and stated that on Thursday, Oct. 25th, when on duty in the parish of Milton, at 8.15 p.m., he saw the defendant's horse and cart standing across the road. He waited about a quarter of an hour, and then went to the Black Boy public house, about one hundred yards distance, and found the defendant there. He owned the horse was his property. The night was rather cloudy.—The Bench inflicted a fine of 5s. and 12s. costs, in default fourteen days' labour.

1891 census of Wigginton - in a two room cottage in the village:

Hercules Smith	Head	Married	60	Agricultural labourer	Employed	Bn Banbury
Esther Smith	Wife	Married	58			Bn Glympton
Esther Smith	Daughter	Single	20			Bn Wigginton
Thomas Smith	Grandson 10		6 wks			Bn Wigginton

1893 13 April - Banbury Advertiser & 15 April 1893 and the same text in the Banbury Beacon – cruelty to a horse at Wigginton on March  $16^{th}$ . Fined £2 1s.

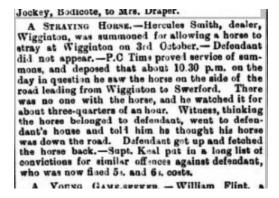
<sup>&</sup>lt;sup>9</sup> "Milton has one public house, the Black Boy Inn, that was a gastropub, <sup>[4]</sup> owned by chef <u>Marco Pierre White</u>, who now no longer owns it. The public house has an outdoor garden and children's climbing equipment." Wikipedia. <sup>10</sup> One presumes this is the bastard child of daughter Esther.



1895, January 3<sup>rd</sup> the Banbury Advertiser reported the death of Esther, at Wigginton, 1895. (Also Oxford Journal Jan 5<sup>th</sup> 1895).

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Smith—December 28, at Wigginton, Esther, wife
of Hercules Smith, aged 54 years.
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1895 October 25<sup>th</sup> Banbury Advertiser (Banbury Beacon, 26 October) for yet another straying horse, on the Wigginton to Swerford Road:



1901 Census Banbury in Tobin's Lodging House in <u>Calthorpe Street</u>, shows Hercules Smith aged 65, a single man and a general hawker, bn Banbury. Is this him?

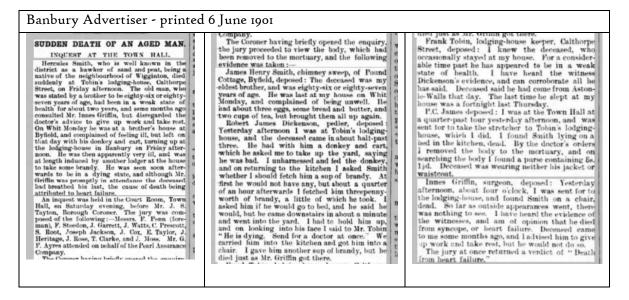


1901 May 31 - sudden death of Hercules in Calthorpe Street, Banbury,

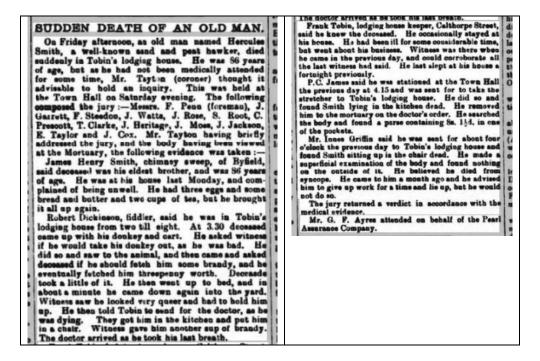
Banbury Advertiser printed 6 June 1901

years.
Smith—May 31, at Calthorpe Street, Banbury,
Hercules Smith, aged 68 years.
Taylor—May 28, at 71, East Street, Grimsbury,

Also in the same edition the Inquest was reported, with witnesses being: his Brother James Henry Smith, a chimney sweep of Byfield; Robert James Dickinson, a fiddler/pedler; Frank Tobin, lodging house keeper of Calthorpe Street; P.C. James and finally Innes Griffin, a Surgeon. The case was observed by a representative of the Pearl Assurance Company.



In slightly different details in the Banbury Guardian 6 June 1901



No present present reference to a burial.

The descendants of Hercules Smith 01 "Old Arti" of Tadmarton 1779 - 1871.

#### **Outline Descendant Report for Hercules Smith 01**

Hercules Smith 01 (1779 - 1871) b: 1779 in Bletchington; Hercules Smith son of Jasper & Sarah, d: 29 Nov 1871 in Tadr DATA (1970) 1861 in Banbury Calthorpe NAME 1895, and Crown.; Hercules Smith's father Jaspers' fiddle stolen in the Father in Wigginton, Oxfordshire, England; Hercules Smith, aged 73, Gypsy Fiddler. of Wigginton living with Charlotte Smith.

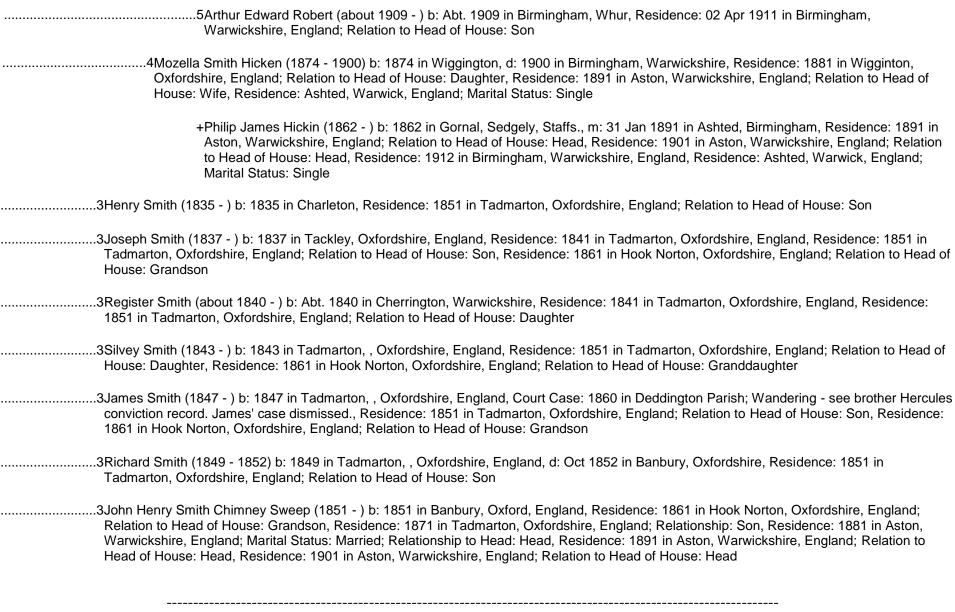
- +Charlotte Bagley Smith "Traveller" (1772 1853) b: 1772 in Slaughter, Oxford, England, m: 1852 in Wiggington; traveller of this parish, son of Jasper Smith, traveller and Charlotte Bagley (x), 80 years, spinster, daughter of Ro Banns October 21, 1852. Witnesses: Charles William Moffat, E, d: 1853 in Oxfordshire, United Kingdom, Reside England; Relation to Head of House: Wife
- .......2Joseph Smith a Higgler (about 1810 1892) b: Abt. 1810 in Tadmarton, , Oxfordshire, England, d: 1892 in Oxfordshire, In In Tents, Tadmarton, Oxfordshire, England; In Tents Joseph 31 hawker Y Susannah 23 Y Frances 12 Y Y, Residence: 1851 in Tadmarton, Oxfordshire, England; Joseph 41 Drover, Susanna 40, Francis 20, Arkliss 17 Silvey 9, James 5, Richard 2, nephew Tom Ward., Residence: 1861 in Main Street, Hook Norton, Oxfordshire, E 48, Joseph 24, Silvey 16, James 14, John 10, Job 6., Residence: 1871 in Tadmarton, Oxfordshire, England; Joseph 79, support Interval 1991 in Tadmarton, Oxfordshire, England; Joseph 28.
  - +Susannah Ward Smith (1811 1890) b: 1811 in Banbury, Oxford, England, m: 03 Dec 1832 in Banbury, Oxfordshire, United Kingdom, Court Case: 1887; Acquitted in prosecution of daughter-in-law Esther Sn woman of Tadmarton, Residence: 1851 in Tadmarton, Oxfordshire, England; Relation to Head of House: Sons Wife, Residence: 1871 in Tadmarton, Oxfordshire, England; Relation to Head of House: Wife; Marital Status:
- ........................3Francis Smith (1831 ) b: 1831 in Banbury, Oxford, England, Residence: 1851 in Tadmarton, Oxfordshi Son

.3Hercules Smith 02 a sand merchant (1834 - 1901) b: Jan 1834 in Banbury, Oxfordshire, England, d: 05 Jul 1901 in Calthorpe Street, Banbury; Death from heart failure in Calthorpe Street. Full Inquest descriptions Banbury Advertiser & Banbury Guardian 6 June 1901. SEE ATTACHED MEDIA, Court Case: May 1854 in Stow on the Wold, Gloucestershire, England; Bristol Mercury 1 July, Coventry Standard 2 June, Cheltenham Chronicle 23 May, Worcester Journal 27 May - Gloucester sessions giving Hercules Offence on 27th May. Smith receiving 12 months for stealing a gelding from Isaac Castle, at Stow on the Wold., Court Case At Chaddlington Sessions: 21 Jun 1884 in Chipping Norton Magistrates; Hercules Smith fined 15s. for being drunk in the streets of Hook Norton on 21 June 1884. Oxford Journal 5 July., Court Case At Deddington: 01 Jul 1870 in Deddington Police Court.; Adjourned form 17 June. On June 10 his horse straying on Highway whilst Hercules was "ragging and boning" with his sack. Fined £1.14s. BAnbury Guardian 23 June et al., Court Case At Deddington:. Oct 1868 in Deddington Police Court.; Prosecution for Horse straying on the Highway on 1 Oct. . Hercules sleeping under the cart with a woman. Dun's Tew Rd to Worton. Flned 20/Oxford Journal Oct 1 1868., Residence: 1851 in Tadmarton, Oxfordshire, England; Arkliss (Hercules) Smith S U 17 Ag Lab, Residence: 1861 in Hook Norton, Oxfordshire, England; Urcles Smith, Head, unmarried, 23 Drover born TAdmarton, Residence: 1871 in Charles Lane, South Newington, Oxfordshire, England; Hercules Smith, 43 Gypsy Sand Man., Residence: 1881 in Wigginton, Oxfordshire, England; Relation to Head of House: Head; Marital Status: Married, Residence: 1885 in Wigginton, Oxfordshire, England; Relation to Head of House: Head, Residence: 1901 in Lodging Hse, 37 Calthorpe St., Banbury, Oxfordshire, England; Aged 65, General Hawker, bn Banbury.

+Esther Sherrif Gregory Moles Smith (about 1833 - 1895) b: Abt. 1833 in Glympton, m: 23 Nov 1862 in Hook Norton PArish Church; ARCULES Smith (so pronounced by the man who is illiterate), 27, Bachelor, Labourer (Gypsy) of Southrop, Hook Norton, of Joseph a Gypsy Cattle Driver TO Esther Mole, 28, Widow, of Southorp, of Isaac Sherrif, itinerant., d: 28 Dec 1895 in Wigginton, Oxfordshire; Death in 3 Jan 1895 Banbury Advertiser., Court Case: 1887 in Banbury Police Court.; Indicted for stealing and receiving jewellery stolen by her daughter in south Wales. Aged 56, a labourer. Acquitted, Residence: 1841 in Tysoe, Warwickshire, England; Esther aged 8, daughter of Isaac., Residence: 07 Apr 1861 in Park Gate, Hook Norton, Oxfordshire, England; Thomas MOLE, 28 chairbottomer, birth N/K, Esther 26, Glympton, Ellen 7 Hook Norton, William 5, Shutford, Thomas 2 Hook Norton, Mary Sherrif Sister in Law 21 of ? Stratton and nephew Frank Smith of Chipping Norton, aged 2, Residence: 1871 in Cottage, Charles Lane, South Newington, Oxfordshire, England; Hercules, Esther, Ellen G Smith, William G. Smith, Thomas M Smith and 10 visiting gypsies - Davis and Boswell families., Residence: 1891 in Wigginton, Oxfordshire, England; Relation to Head of House: Wife Esther Smith

.4Esther Smith Roberts (1871 - ) b: 1871 in Wiggington, Residence: 1881 in Wigginton, Oxfordshire, England; Relation to Head of House: Daughter, Residence: 1891 in Wigginton, Oxfordshire, England; Resident with parents and with a 6 weeks old child. Presumably her illegitimate son, Thomas., Residence: 02 Apr 1911 in Birmingham, Warwickshire, England; Marital Status: Married; Relation to Head of House: Wife, Residence: Ashted, Warwick, England; Marital Status: Single

+Thomas Arthur Roberts (1881 - ) b: 1881 in Birmingham, Whur, m: 29 Apr 1906 in Ashted, Warwick, England; Daughter of Hercules Smith, a sand merchant, Residence: 02 Apr 1911 in Birmingham, Warwickshire, England; Marital Status: Married; Relation to Head of House: Head, Residence: Ashted, Warwick, England; Marital Status: Single



+Ellen Beebee Smith (1854 - 1928) b: 17 Sep 1854 in Birmingham, Warwickshire, m: 1873 in Bishop Ryder, Birmingham, d: 1928 in Sparkbrook, Residence: 1881 in Aston, Warwickshire, England; Marital Status: Married; Relationship to Head: Wife, Residence: 190°
Aston, Warwickshire, England; Relation to Head of House: Wife
+Arthur Bloxham
4Sylvia Smith Emigrant To Usa (1876 - 1966) b: 1876 in Birmingham, Warwickshire, d: 1966, Residence: 1891 in Aston, Warwickshire England; Relation to Head of House: Daughter
+Joseph Smith (1870 - ) b: 1870, m: 1895 in Aston Juxta Birmingham, Warwick, England
4Emily Smith (about 1876 - ) b: Abt. 1876 in Birmingham, Warwickshire, England, Residence: 1881 in Aston, Warwickshire, England; Relationship to Head: Daughter
4Ellen Smith (about 1877 - ) b: Abt. 1877 in Birmingham, Warwickshire, England, Residence: 1881 in Aston, Warwickshire, England; Relationship to Head: Daughter
4Ellen Smith (1877 - 1953) b: 21 Sep 1877 in Duddeston, Birm., d: 1953 in Alameda, California
+Henry Dixon (1873 - 1938) b: 03 Dec 1873 in Aston Juxta Birmingham, Warwick, England, d: 1938 in Utah
+Ernest Young m: 1908 in Birm.
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California, Resid		nire, England; Relation to Head o	, England, d: 1969 in Los Angeles, Los Angeles Co., of House: Daughter, Residence: 1901 in Aston,
+Charles	Rogers m: 1904 in Birmingham	Registry Office.	
	h (1883 - 1965) b: 1883 in Birm ′arwickshire, England; Relation		d: 1965 in Birmingham, Warwickshire, Residence:
	out 1886 - ) b: Abt. 1886 in Birr of House: Daughter	ningham, Warwickshire, England	l, Residence: 1901 in Aston, Warwickshire, England;
			1969, Residence: 1891 in Aston, Warwickshire, rickshire, England; Relation to Head of House:
	ngland; Relation to Head of Hoບ		rton, California, USA, Residence: 1891 in Aston, in Aston, Warwickshire, England; Relation to Head o
+Ernest M	lorson m: 1910 in Birmingham,	Warwickshire	
		964 in Birm., Residence: 1891 in arwickshire, England; Relation to	Aston, Warwickshire, England; Relation to Head of Head of House: Daughter
+George	Sydney m: Abt. 1920		
4Daisy Smith (189 Head of House: I		931 in Vermont, USA, Residence	e: 1901 in Aston, Warwickshire, England; Relation to
+[unknown spouse 4Harry Smith (abo Relation to Head	out 1884 - ) b: Abt. 1884 in Birm	ingham, Warwickshire, England,	Residence: 1891 in Aston, Warwickshire, England;
4Anon Smith			
+[unknow	n spouse]		
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5Anon Smith
+[unknown spouse]6Sue Stevens
+Martha Ann Vickers (about 1863 - ) b: Abt. 1863, m: 01 Sep 1884 in Tadmarton, Oxfordshire, England
2Henry Smith (1814 - 1857) b: 1814, d: Oct 1857 in HEadington, Oxfordshire, England; SPECULATIVE
+Priscilla Bagley Smith (about 1819 - 1884) b: Abt. 1819 in Brackley, Northamptonshire, England, d: 03 Sep 1884 in HEadington, Oxfordshire, England; Littlemore asylum, Court Case: 01 Feb 1862 in HEadington, Oxfordshire, England; Priscilla in a fight with her daughter in law.
+Sarah Ann Tolley Smith (1841 - 1923) b: 1841 in HEadington, Oxfordshire, England, m: 12 Nov 1860 in HEadington, Oxfordshire, England; Is this Sarah related to Harriet Tolley, who married half brother Wisdom Smith?, d: Sep 1923 in Headington, Oxfordshire, England, Court: 1875 in HEadington, Oxfordshire, England; Drunkeness with husband., Court Case: 01 Feb 1862 in HEadington, Oxfordshire, England; Fight with her Mother in law, Priscilla, Residence: 1841 in Headington, Oxfordshire, England, Residence: 1851 in Headington, Oxfordshire, England; Age: 10; Relation to Head of House: Daughter, Residence: 1871 in Headington, Oxfordshire, England; Relation to Head of House: Wife; Marital Status: Married, Residence: 1891 in Headington, Oxfordshire, England; Relation to Head of House: Wife, Residence: 02 Apr 1911 in Headington, Oxfordshire, England; Marital Status: Married; Relation to Head of House: Wife



# The descendants of Hercules Smith of "Old Arti" of Tadmarton 1779 - 1871. ......5Frank Warland (about 1903 - 1996) b: Abt. 1903 in Barton Headington, Oxfordshire, Ei Oxfordshire, England, Residence: 02 Apr 1911 in Headington, Oxfordshire, England; N of House: Son ......5Emily Sarah Warland (about 1906 - ) b: Abt. 1906 in Barton Headington, Oxfordshire, I Headington, Oxfordshire, England; Marital Status: Single; Relation to Head of House: I ......4Charles Samuel Smith (1885 - ) b: 1885 in Barton Headington, Oxfordshire, England, Residenc England; Relation to Head of House: Son, Residence: 1901 in Headington, Oxfordshire, Englar Residence: 02 Apr 1911 in Headington, Oxfordshire, England; Marital Status: Single; Relation t ......4Sarah Smith b: HEadington, Oxfordshire, England .....2unknown Smith +[unknown spouse] Hercules Smith, an aged member of the Gypsy tribe and well known in this neighbourhood"... stealing a Deddington Fair.


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