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A NAVAL 'FRACAS': FROM BOAT RACE TO BOUNCE

Dale Teobald¹

In memory of

Janice Carol Teobald

16th December 1961 - 29th November 2015

Introduction

The Plymouth Crime History Project provides the chance to research historical crime as part of a work based learning module as an undergraduate law student. It develops research skills as well as enhancing a student's ability to source relevant law and cases for their degree. The opportunity to participate within a wider research project² within Plymouth University, looking into historical Plymouth Crime, nurtures an interest in history and provides an understanding of the city today. From my personal perspective as a second year student, the choice to research crime, namely military crime which is something I am particularly interested in, was obvious considering the social and economic importance Devonport had upon the three towns (Plymouth, Devonport and Stonehouse) and to this day still has. Newspaper databases formed the backbone of the research in order to find any reference to court-martials being held within Plymouth in the late nineteenth century.

I started off by focussing on court-martials taking place between 1882-1897. The most interesting case I came across involved a fracas between two naval officers, Major Woods and Lieutenant Urmston. A letter published in the *Hampshire Advertiser* stated that Urmston was punished too harshly and that the court should have taken notice of his 'gallantry in the Soudan', his involvement 'in saving a life at sea' as well as having 'twice gained the medal of the Humane Society'. This suggested that the case might be noteworthy and worthy of further investigation, originally due to Major Woods' distinctive military career, and later due to the historical context surrounding it. The case then gained further traction whilst working in conjunction with Professor Kim Stevenson and Dr Judith Rowbotham who are both involved with the Plymouth Crime History Project, and Ann Lyon, a Lecturer in Law at Plymouth University.

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² Channing, I., Stevenson, K., and Rowbotham, J., 'Research Project Report Everyday Offending in Plymouth 1880-1920', (2015) *Law, Crime and History* 2 pp.97-106,. Available at <http://www.pbs.plymouth.ac.uk/solon/journal/vol.5%20issue2%202015/Channing%20et%20al%20%20Research%20Project%20Report.pdf>

The case revolves around a court-martialing that took place in 1889 between Major Henry Byron Woods and Lieutenant Archibald George Brabazon Urmston, in relation to a 'fracas' between the two. The title of the article gains inspiration from the source of the disagreement between the two officers, a boat race, and an alleged insult that was exchanged between them with 'bounce', meaning someone who places a bet deliberately in order to influence the result.



Image of Royal Marines Light Infantry (c) www.royalnavy.mod.uk

1 Context

The court-martialing of Major Henry Bryon Woods of the Stonehouse Division³ of the Royal Marine Light Infantry (RMLI) and Lieutenant Archibald George Brabazon Urmston, Assistant Musketry Instructor, also of the Stonehouse Division of the RMLI commenced 14 October and concluded on 21 October 1889. Preceding this was a Court of Inquiry which was held in order to establish the facts; notably evidence given by a witness during this inquiry cannot be used in court-martial proceedings against them. The trial took place in the Lecture-hall at the Stonehouse Royal Marine Barracks⁴ by Order of the Admiralty, with Colonel, Second Commandant W.D. Welch, of the Royal Marine Artillery Division at Eastney, Portsmouth⁵ presiding as President. Alongside him sat the other members of the court: Lieutenant-Colonel F.H. Poore, Royal Marine Artillery; Lieutenant-Colonel H.R. Young, 2nd Dorsetshire Regiment; Lieutenant-Colonel A.N. Pearse, Royal Artillery; Major W. Wood, 1st Essex Regiment; Major C.P. Egerton, 2nd Dorsetshire Regiment; Major A.M. Bowles, 2nd North Stafford Regiment; Major D.A. Blest, 1st Essex Regiment; Major J.G. Sparkes, 1st Derbyshire Regiment (Sherwood Foresters); and Major J.W. Yerbury, Royal Artillery.⁶

³ *The York Herald*, 15 October 1889, pg. 5; Issue 11972.

⁴ *The Times* 18 October, pg. 8; Issue 32833.

⁵ *The Times* 15 October 1889, pg. 7; Issue 32830.

⁶ *Ibid.*

A court-martial, a military court which is established to find guilt in criminal matters, such as this one was an important event in maintaining military discipline, as the two officers' poor judgment in involving themselves in a fight could be seen to undermine the organisational structure of the military as an effective and resilient organisation. This incident in particular provides an interesting examination into maintaining that discipline at a time of high alert because of threatening tensions in southern Africa that autumn which were to eventually develop into the Boer War a decade later, along with the ongoing Mahdist War in North Africa. The decisive Battle of Toski which effectively ended the threat to Egypt from the Mahdists for example would not take place until 3rd August, nearly three weeks after the actual incident between the two officers, and the final battle of the war, Umm Diwaykarat, which established British supremacy within the Soudan, about two weeks after sentence had actually been passed. When imposing sentence the Admiralty must have taken the threat and associated heightened vigilance as an aggravating circumstance, to deter others from causing disturbance and affecting the structural integrity of the Navy.

2 The Fracas

Major Woods and Lieutenant Urmston, in conjunction with Lieutenant Huggins, RMLI and Superintendent of gymnasia, western district, had entered their boats into a race at Devonport Regatta on the 11 September 1889. At the last minute Urmston and Huggins withdrew their boat which frustrated Major Woods, presumably due to the likelihood of bets having been laid and competition between the officers at its height. Captain L. Hadler, giving his account to the court at the opening of Wood's trial, reported fully in *The Times* 15 October 1889, explained that at 23:30 on 11 September he was present in the smoking room of the officers' mess along with Lieutenants Urmston and Huggins when he heard them discussing a 'boat-race which was to have come off'.



Plymouth Regatta early Twentieth Century (c) Plymouth City Library

Major Woods then entered the mess and enquired as to why Urmston and Huggins had 'scratched' (removed) their boat. After they had given their reasons Woods said that he could 'beat them any day'. Lieutenant Urmston replied that 'he thought the boat was chiefly composed of gas' (meaning the crew was without any officer direction). Woods asked whether that was in reference to himself, to which Urmston replied he had been talking to Huggins, but that he 'still considered that the boat was composed of 'gas'. Woods warned Urmston that he had a good mind to place him under arrest for that comment, to which Urmston retorted that 'he did not think he had the power to do so, but that he would be very careful as he knew that Major Woods was looking for an opportunity'. Woods, according to Captain Hadler, responded with the most 'opprobrious terms', but he could only remember the words 'cur' (meaning an aggressive dog) and 'swob' (possibly an earlier version or alteration of the American term 'Swabbie', a lower member of the navy) being made use of. It was at this moment that Hadler intervened and asked them to stop and go back to their quarters. Lieutenant Urmston stated that because Woods had called him a 'swob' he was entitled to call him a liar, while at the same time Woods continued to 'make use of offensive expressions'. Urmston got up from the sofa he had been sitting on, made his way over to Major Woods, and 'struck him in the face'. Captain Hadler then ordered them to their rooms, but the two of them 'closed and together fell on the ground struggling'. They were eventually separated by Hadler, with the aid of Lieutenant Huggins, and were once again ordered to their rooms. Hadler reported the circumstances at 08:30 the following day and informed the commanding officer of the use of language by Major Woods.

Sergeant K.C. Smith, RMLI, sergeant of the barrack guard, when giving his evidence to the court⁷, explained that at 00:10 on 12 September Woods called the Sergeant of the Guard and at the same time Captain and Adjutant Swanton was requested. Significantly, Swanton was a military personal manager who had the responsibility for lower ranked officer such as Urmston, but not Woods. While awaiting the Adjutant, Woods told Sergeant Smith to stand 'witness that he gave Lieutenant Urmston a chance either to go up to the barrack room and fight it out, or else be placed under arrest'. Urmston, who was present, replied that 'it was no place to fight in front of the guard'. It was eventually reported that Captain and Adjutant Swanton was unable to come, to which Sergeant Smith gave another order to once again request Swanton's presence as Major Woods required him, and that this time to send for the provost-guard – the then equivalent of the Military/Naval Police. Whilst giving these orders a scuffle was heard, on turning around Smith witnessed Major Woods making 'a rush at Urmston'. Upon intervening and breaking them up, Woods 'went up to the vane tower,

⁷ Ibid.

opened the window of a room... and called out to Urmston, 'come up here, you mean cur, and fight it out like a man'. Lieutenant Urmston replied that he 'had no intention of making more disturbance'. Woods came back down and after some arguing both eventually went their separate ways.

3 The Trial of Major Henry Bryon Woods⁸

The trial of Major Henry Bryon Woods commenced 14 October 1889. Representing Woods was his 'friend', Major J.A. M'Kechnie, Plymouth Division of the RMLI, who was then in command of the Royal Marine detachment at the Royal Marine Barracks, Keyham. Assisting M'Kechnie was Mr T.W. Martyn, a solicitor from Devonport. The case for the prosecution was put forward by Lieutenant-Colonel Heseltine and the Judge-Advocate was Major C. H. Scafe, RMLI and barrister-at-law; whose role as a legal qualified individual was to inform the court-martial of the law which largely consisted of laymen. Woods was charged with four offences:⁹

1 Behaving in a scandalous manner unbecoming an officer and a gentleman, in that he at the officers' mess, Royal Marine Barracks, Plymouth, on the 11th September, 1889, in the presence of Lieutenant A.G.B. Urmston. R.M.L.I., and other officers, made use of foul expressions to Lieutenant Urmston, thereby causing a fray.

2 Conduct to the prejudice of a good order and military discipline, in that he made use of the expressions referred to.

3 Conduct to the prejudice of good order and military discipline, in that he at the Royal Marine Barracks on the 12th September was concerned in a fray with Lieutenant Urmston, Royal Marine Light Infantry, by fighting with him on the parade-ground in the vicinity of the guard.

4 Conduct to the prejudice of good order and military discipline, in that he at the place mentioned in the third charge he incited Lieutenant Urmston by entering an empty officer's quarters and calling Lieutenant Urmston to come up there as there was plenty of room to settle it, or words to that effect.

Woods pleaded not guilty to all charges.

The Case for the Prosecution

The first witness called by the prosecution was Captain Hadler. His account has been detailed above. He was questioned by the defence as to whether Urmston had made use of the insult 'bounce' in reference to Major Woods. He could not swear to this when giving his evidence. This was presumably so the defence could form some act of provocation which could justify Woods' actions. In an attempt to undermine the credibility of the witness the

⁸ Sources and further details: *The Times*, 15, 16, 18, 21, 22 October 1889.

⁹ *The Times*, 15 October 1889.

Captain was asked whether he had discussed the events of the alleged crimes with Urmston or anyone else. Hadler confirmed that he had only discussed the incident with Huggins when determining what course of action they should take. The next witness for the prosecution was Lieutenant Huggins who stated Major Woods had challenged Urmston to a fight in the barrack square, which Urmston rejected stating that he knew him 'too well'. Huggins was questioned as to why this had not been mentioned at the Court of Inquiry, upon which he replied that he had not remembered it. The Lieutenant was then asked whether he had seen Urmston since the 29 September (presumably the date of the hearing at the Court of Inquiry) and whether he had heard Urmston discuss 'with a sergeant, or anyone else, something connected with the case'. Huggins stated that he had seen Urmston many times 'sometimes alone, and sometimes with others', and that he had heard them discussing the case.

Following Hadler and Huggins, the next witness was Private H. Bence, the waiter in the officers' mess. He said that he had entered the smoking room at about 23:40 to put the lights out, where he saw Woods and Urmston 'struggling on the floor', and that after ten minutes the only individual present was Major Woods. Sergeant K. C. Smith (account also given above) was asked the same questions as Huggins about contradictory evidence and indicated that he had also seen Urmston since the last time he had appeared in court. The President enquired when this was and the circumstances of the encounter as he was concerned about possible tampering of evidence. Smith answered that he had told Urmston exactly what he had told the court.

Lieutenant-Colonel Heseltine called the next witness once the court had reassembled.¹⁰ Private Amor, Plymouth Division RMLI and one of the barrack guards on the night of the disturbance, told the court that he went off duty at midnight, but was requested back by Sergeant Smith. Amor said that he saw no actual fighting but witnessed the Sergeant separating Woods and Urmston. He stated that he had seen Urmston since the incident however the defence objected to the details of that encounter coming before the court. This was supported by the President. Private Felix Osborne, Plymouth Division RMLI and another member of the barrack guard, also witnessed Woods and Urmston being separated by the Sergeant. When asked why he had not mentioned certain facts in his summary of statement, the Private answered that he had not remembered them, and only 'first-recalled them' when he and Urmston discussed what had happened.

Following the Privates, Sergeant Richard Ellis, Provost-Sergeant, Plymouth Division RMLI,

¹⁰ *The Times* 16 October 1889; pg. 12; Issue 32831.

and in charge of the unit police was called by the prosecution. He witnessed Woods going towards the officers' quarters under the vane tower. Ellis told the court that Woods had gone into the printing room and challenged Urmston, adding that Woods also said that there was plenty of room up there to settle it. Corporal A. Crees, Plymouth Division RMLI, stated that when leaving work on 11 September he had locked the printing room but upon return the next day found the door 'had been burst open'. This concluded the case for the prosecution.

The Defence

Major M'Kechnie for the defence only called witnesses in reference to character. Captain Hadler was recalled and stated that on the night of the disturbance both Woods and Urmston were in plain clothes. Mr Martyn, the defence's legal adviser, read out the 'written defence' to each charge. To the first charge, behaving in a scandalous manner, it was argued that his actions were not scandalous, as they did not 'come within the spirit of the section', which was to deal with matters of the 'gravest possible nature'. For the second charge the defence acknowledged that he had used the expressions laid out but under 'most aggravating circumstances' i.e. Urmston's offensive manner. The defence also argued that when Woods was assaulted by Urmston, he did not fight back but acted purely in self- defence. In relation to the third charge, fighting upon the barrack parade, Woods stated that Urmston 'should be put under arrest'. Woods had been attacked by Urmston again and he needed to defend himself. The evidence given by Sergeant Smith and Privates Amor and Osborne was either denied or considered to be contradictory by the defence. Finally the fourth charge, Woods' only object for going into the printing office was because he wanted to come to some 'amicable arrangement'. It was argued by the defence that nobody would have gone into a heavily equipped room such as a printing press if a fight were to ensue. Major Woods expressed regret for the language he used, but claimed provocation.

The defence then submitted two personal matters which they wished the court to consider. These entailed the details of Woods' military service and career from joining the Royal Marines in 1867 and medals awarded. He was a 'married man with a family, who were entirely dependent on his only source of income. Woods also 'placed before the court verified copies of letters written by Admiral of the Fleet Lord John Hay, Major-General Sir John M'Neill, Major-General Howard Jones, D.A.G., R.M.L.I., Major-General Le Grand, R.M.L.I., Major General Walsh, R.M.L.I., Colonel Commandant Holmes, and Colonel H. M. Kay' who testified to his character. The defence then read out a letter 'testifying to conspicuous bravery displayed by him when serving in the Soudan'. The defence's case then terminated.

When the Court next reassembled the Judge-Advocate begun his summing-up.¹¹ The defence were criticised for attacking the credibility of 'certain witnesses' and therefore the court had to decide whether their testimony was credible or not. Major Scafe then informed the court that a crime cannot be justified by provocation; provocation can only be utilised as a mitigating circumstance. As to whether the actions came under the definition of 'scandalous manner' or not was up to the court to decide as it had no legal definition, but rather the court's knowledge of military life should clarify the categorisation of Woods' actions. Captain and Adjutant Swanton then testified to Woods' character, detailing the events of a court-martial on 6 June 1878 trialling Woods when he was a Lieutenant for disobedience. Woods was dismissed from his ship, a serious punishment, and deprived of two years' seniority. However, Queen Victoria downgraded the sentence to three months. The Court then adjourned to consider the sentence as Woods was found guilty of one or more offences, but the official finding along with the sentence was not to be known until confirmed by the Admiralty. It is nowhere stated the particular offence/s that Woods was found guilty of.

4 The Trial of Lieutenant Archibald George Brabazon Urmston

The trial of Lieutenant Archibald George Brabazon Urmston commenced 12:30 17 October 1889¹² immediately following the court finding Major Woods guilty. Major L. Edye, RMLI, barrister-at-law, and gymnastic instructor of the Royal Marine Depot at Walmer, was counsel for Lieutenant Urmston.¹³ Urmston was charged with two offences:¹⁴

1 Striking his superior officer, in that he at the officers' mess, Royal Marine Barracks, Plymouth, on the 11th day of September, 1889, struck Major Woods, Royal Marine Light Infantry, a blow in the face.

2 Conduct to the prejudice of good order and military discipline, in that he at the Royal Marine Barracks, Plymouth, on the 12th day of September, 1889, was concerned in a fray with Major Woods, R.M.L.I., by fighting him on the barrack parade in the vicinity of the guard-room until separated by the Sergeant of the guard.

Urmston pleaded not guilty to both charges.

The Case for the Prosecution

Before the prosecution began their case Major Edye, having consulted witnesses, stated that 'Lieutenant Urmston... had been only acting in accordance with legitimate rights and according to the customs of the service'.¹⁵ The prosecution's first witness, Captain Hadley,

¹¹ *The Times*, 18 October 1889.

¹² *Ibid.*

¹³ *The Times*, 15 October 1889.

¹⁴ *Ibid.*

¹⁵ *The Times*, 18 October 1889.

considered that Urmston 'had received great provocation, and behaved with more than an ordinary amount of forbearance'. Lieutenant Huggins gave similar evidence to Woods' trial, and like Hadley, indicated that Major Woods caused the fracas initially. Woods' apology to Urmston further strengthened this. Other witnesses' for the prosecution were Sergeant T. G. Smith, sergeant of the barrack guard, and Private Amor. Major Edye then began to prepare the defence.

The Defence

The court reassembled 19 October to hear Urmston's defence. It made consistent reference to the provocation made by Woods and Urmston's self-restraint. The incident was caused by the entrance of Major Woods. Furthermore the word 'gas' was aimed at Lieutenant Huggins not Woods and therefore there was no reason for his outburst. Urmston was eventually roused by Woods, but even then his use of offensive language went no further than 'liar'. The blow to the face only occurred after copious insults from Woods. The defence accepted that provocation was not a full and ample excuse but submitted that Urmston had no choice. Woods needed to either apologise for his comments or accept the consequences of them. The apology 'exonerated' Urmston and was evidence that Woods had not placed Urmston under arrest and why he consistently tried to challenge him to fight despite rejecting the offer. Woods should have known, after 20 years of service, that he had the power to arrest if he wished. Witnesses called to prove that Woods was the aggressor included Lance-corporal Knapman, RMLI, who testified that Urmston was only defending himself. Lieutenant F.W.A. Harvey told the court that Woods had threatened to place Urmston under arrest if he did not fight him and Captain Eagles witnessed Woods' apology. 'Evidence was also given showing that... Urmston... was a thoroughly honourable and straightforward officer and gentleman, and one not likely to have provided a quarrel'.¹⁶

When the Court next reassembled, Major Edye commented on Urmston's character and highlighted that despite the number of insults aimed at him he still reacted 'with the calmness of a lamb'¹⁷. It was argued that Urmston was provoked to such an extent that almost any action could have been justified; he acted purely in self-defence. The Judge-Advocate then summed-up and told the court that despite provocation no officer has the authority to personally administer the law. In striking Woods, Urmston had committed 'one of the highest acts of insubordination'.¹⁸ Lieutenant Urmston was found guilty, but like Major Woods, his sentence was not to be known until confirmed by the Admiralty. It is nowhere stated of what

¹⁶ *The Times*, 21 October 1889; pg. 7; Issue 32835.

¹⁷ *Hampshire Telegraph and Sussex Chronicle etc* 26 October 1889; Issue 5654.

¹⁸ *The Times* 22 October 1889, pg. 6; Issue 32836.

particular offence/s Urmston was found guilty of.

5 Outcome and Comment

Major Woods was dismissed from the Royal Marines and received a compassionate allowance of £72 a year¹⁹, which was roughly the equivalent of £4,312.08 in 2005.²⁰ Lieutenant Urmston meanwhile was later reduced in 'order of precedence' and reprimanded, although he was to be later promoted to the rank of Major and in 1901 commanded the Marines on the North-West Frontier. As mentioned in the Hampshire Advertiser²¹, within a 'gossip' column in what appears to be either a comment piece or letter, it makes note of the fact that Woods was dealt with rather harshly. In relation to Urmston it reads 'if he takes his light sentence in good part, he will live down the unfortunate notoriety which, by want of self-control, he brought upon himself'. In relation to Woods however it reads, 'I have no wish to defend his conduct, which was as bad as it could have been; but considering his conspicuous gallantry in the Soudan, and in saving life at sea – he has twice gained the medal of the Humane Society.' What is considerably interesting is that the court itself did actually give a more favourable recommendation to the Admiralty, but was rejected. Presumably this was down to the fact that Woods had already faced a court-martialing and found guilty in 1878, as well as him being the senior officer and therefore was held in a higher expectation than Urmston was. Noticeably Woods in his defence did not dispute the facts but rather called witnesses to testify as to his character, which highlighted the fact that in all likelihood he knew the absence of a proper defence and expected the probable outcome. Indeed officers within the forces are generally held to higher standards of behaviour and therefore had this fight occurred between two ordinary marines, the likely punishment would have been no more than a few days in the cells on the basis of the 'Commanding Officer's summary powers of punishment'.

¹⁹ *The Pall Mall Gazette* 13 November 1889; Issue 7693.

²⁰ The National Archives, n.d., Currency Converter (online) available at <http://www.nationalarchives.gov.uk/currency/> [20.11.15]

²¹ *The Hampshire Advertiser* 23 November 1889; pg. 2; Issue 4534.