



Crime and Punishment

Minety

Claims Court

Hannah Tidmarsh v Richard Price

Hannah Tidmarsh, of Minety, farmer, v Richard Price, of same place, labourer.

This action was brought by the plaintiff to recover from the defendant the sum of £2 2s, for damages sustained by the plaintiff, by reason of the defendant unlawfully distraining and impounding six cows belonging to the plaintiff, and also to recover the sum of 12 s for monies received by the defendant to the plaintiff's use.

Mr Jones appeared for the plaintiff, and Mr Bakewell, of Chippenham, for the defence. Mr Bakewell pleaded not guilty.

In support of the plaintiff's case, it was elicited that on the morning of the 5th July last, the plaintiff's cows, whilst being driven from a field called Whitings to the plaintiff's house (about half a mile), for the purpose of being milked, were seized on the turnpike road by the defendant, under the authority of Mr Masters, the surveyor, and that they were driven to the pound and the sum of 12 s demanded of and paid by the plaintiff to the defendant as his fees.

It was also proved that the plaintiff's girl did not leave her mistress's house till a quarter past six o'clock that morning, and that she returned a quarter before seven, and the cows were in the girl's care when the defendant leaped over the hedge into the road and seized them.

For the defence it was sworn that as soon as the plaintiff's servant got on to the turnpike road with the cattle she allowed them to feed at least 20 minutes before Price seized them. Mr Jonathan Cole, of Minety, also proved that the cattle were grazing when the defendant seized them, and that he saw the girl standing still at least five minutes to allow the cows to feed on the side of the road.

His Honour, after reviewing the evidence, said he was of opinion that the cows were neither tethered, wandering, nor straying on the turnpike road. They were in charge of the servant of the owner, and although they may have trespassed on the sides of the road, or have taken a bite as they went along, he did not think the Act of Parliament provided for this, and he was therefore bound to decide in favour of the plaintiff. Judgement for plaintiff, 13 s.

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