



Crime and Punishment

Minety

Claims Court

Westmacott v Clark

Mr Hodges appeared for the plaintiff: Mr Slade and Mr Cole for the defendant.

The plaintiff in this case was a person who goes by the name of "Farmer Muckett" of Minety; the defendant, a cattle dealer; and the question in dispute between them, which involved a sum of £12 only, was the identity of two cows which plaintiff had bought of defendant in Wootton Bassett market, on the 14th of Nov last.

It appeared that a man named Ind had, in the presence of the plaintiff, "chop'd" to the defendant two cows (which he described as cows of a particular kind) for 20 sheep and £10. The cows were not at hand at the time; but they seem to have been well known to the parties concerned in "the deal," and upon the assurance that they were the same animals as they were said to be -- "the two last cows of Mr Yarrington's dairy" -- one a light coloured cow, and the other a cow with a "sparkled" face -- plaintiff afterwards bought them of defendant for £12.

They were at the time grazing in the field of a person named Ody, at Ashton Keynes; and as defendant lived at Hillmarton, (some distance off), it was arranged that plaintiff should go and get them himself on the following day. He accordingly went to Ody's field for that purpose, but instead of finding, as he expected, a light coloured cow and a "sparkled" face cow, he had handed to him a "red" cow and a little "blue" cow. These he refused to take; and being unable to obtain a return of the £12 he had paid to the defendant, he brought the present action.

For the defence it was contended that Clark knew nothing about the cows; that he had never seen them; that as he bought them, so he sold them, "unsight and unseen." All he wanted to do was to dispose of his 20 sheep, and as the most ready means of doing this, he chop'd them away for two cows, which "Farmer Muckett" had agreed to purchase of him for £12.

Ind, however, deposed that they were the two last cows in Mr Yarrington's dairy; he knew them, because he had bid money for them three weeks before at Cirencester; one of them (he said) was a red cow, with white down its face, the other a "blue-vinney" cow.

The Jury, however, considered that they were not the two cows which the plaintiff had agreed to purchase, and accordingly gave a verdict for the amount claimed (£12).

Devizes and Wiltshire Gazette 9 August 1855