



# Crime and Punishment

## *Minety*

### **Claims Court**

John Ody v Jacob Andrews

Mr Millward, instructed by Mr Lovett, for plaintiff. Defendant conducted his own case.

Some time previous to May 1856, Ody, a farmer living at Wootton Bassett, bought of Andrews, a dealer living at Minety, a heifer, at Cricklade market, which heifer, directly after the deal between Ody and Andrews, was claimed by a man named Drury as his property and denied any right on the part of Andrews to sell the same.

The heifer not being given up, Drury brought an action in trover against Ody for the recovery of the heifer, at the May 1856 court, and obtained a verdict in his favour. Affidavits were afterwards filed in the court, and an application made for a new trial, which was granted, and upon the case being again tried by a jury, the former verdict was reversed, being this time against Drury and in favour of Ody.

Previous to the first hearing of the case, it appears Andrews and Ody met at Mr Lovett's offices, Cricklade, to consult with him about the defence, when Ody said it was nothing to him, and he therefore should have nothing to do with it. Andrews replied that it was everything to him, and that he would defend the action; and that it was now urged that in consequence of this defence to the first trial was persevered in. Previous to the making the application for a new trial, Andrews wrote Ody a note urging him to proceed with the application, and engaging to hold him harmless with respect to all expenses. The consequence was the case was persevered in, and in doing so expenses to the amount of £16 14s 7d, part of which had been since paid by Drury, leaving a balance of £9 1s 10d, and to recover this sum from Andrews the present action was brought.

Defendant's answer to the case was that he was not liable; that, instead of having promised to bear Ody harmless of expense, he had recommended him not to entrust his defence to Mr Lovett, and that he had nothing to do with the case throughout other than being one of Ody's chief witnesses.

His Honour having briefly charged the jury, which had been summoned by the defendant to try the case, a verdict for the plaintiff was returned. Payment on Wednesday week.

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