



Court Case - John Eyres v Edward Doel

Salisbury County Court
10 September 1883 (retrial)

Plaintiff: John Eyers, farmer, Yarnbrook
Defendant: Edward Doel, farmer, Hawkeridge
Mr. Charles Jones represented the plaintiff
Mr. J. J. Sims represented the defendant

At Salisbury County Court, before the judge, Mr. Sergeant Tindal Atkinson, the case of John Eyers v Edward Doel was heard. This was mainly a dispute concerning a rick of hay, and was a complicated and troublesome matter, occupying a considerable time. Mr. Charles Jones, of Trowbridge, appeared for the plaintiff, a farmer and dealer, residing at Yarnbrook, near Trowbridge; and Mr. J. J. Sims, barrister of the south eastern circuit, instructed by Mr. Gray, attended for the defendant, a farmer of Westbury. The action was brought to recover £10 9s. balance due on account. The defendant raised a counter claim arising out of an account for £42. There had been £2 11s. paid into court. In July 1881, the plaintiff sold to the defendant eight pigs at 31s. 6d. each, amounting to 12 guineas. On August 10th of the same year plaintiff paid to the defendant £30 on account for the rick - the rick out of which the counter claim arose. On December 17th seven other pigs were sold to defendant at 23s. each which brought the total up to

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£50 13s. The delivery of the pigs and the cheque for £30 were admitted by the defendant, the real question, as we have said, being whether the rick was sold as a whole or whether, as the plaintiff maintained, by weight. Credit was given for the various weights at 70s. per ton, making a total of £33 12s., but it was alleged that the rick was sold at £42, and the defendant claimed £8 8s. - the difference between these amounts. Plaintiff owed to defendant £5 10d. on account of some grazers sold. After an exhaustive hearing to the Westbury County Court in June, before Mr. Callard, the judge, and a jury, a verdict was found for the defendant. At the August sitting Mr. Jones applied on behalf of the plaintiff for a new trial on the grounds that the verdict was against of evidence. The application was granted and the venue was moved to Salisbury, and His Honour now had before him the notes of Judge Callard. Plaintiff now swore positively that he brought the hay at £3 10s. per ton. Evidence of this theory was called. This was the plaintiff's case. For the defence rebutting evidence was produced. Defendant said he was never personally present, nor was he represented at the weighings; he treated it all along as a rick sold by hand - £42 for it `as it was`. Several witnesses bore out plaintiff's evidence. For the defence Mr. Sims suggested perjury on the part of the plaintiff and his witnesses, while Mr. Jones indignantly repudiated this and urged that the entries in the pocket book produced by the defendant had been `cooked`. His Honour summed up, pointing out that the issue was whether the rick was sold by weight or by bulk. He carefully analysed the evidence, pointing out the contradictions.

The jury gave a verdict for the defendant.

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