

*A GRIFFYDAM HAYSTACK -
THE CENTRE OF A COURT TRIAL*



SAMUEL T STEWART - December 2020

Joseph Lager, the landlord of the Traveller's Rest absconded with debts. His creditors went to court and authorised bailiffs to seize property to recover the debt. They went to Griffydam and seized a haystack which they believed to be Lager's property but which in fact belonged to Sidney Heywood. Read on to find out what happened as a result of the Bailiffs seizing the haystack.

ASHBY DE LA ZOUCH PETTY SESSIONS
Before Major Mowbray (chairman), and H.E. Smith, Esq.

EXTRAORDINARY CHARGE AGAINST A FARMER AND OTHERS

RESCUING A STACK FROM BAILIFFS

Sidney Heywood, farmer Griffydam; Oliver, his brother, Griffydam; William Hodges, labourer Griffydam; Arthur Draper, labourer, Griffydam; John Curtis, labourer and Thomas Haynes, Clerk, Ashby de la Zouch, were severally charged with unlawfully removing a stack of hay, at Griffydam, on the 12th inst., whilst the bailiffs of the County Court were in possession of the same. Each of the defendants pleaded not guilty to the charge.

The court was densely crowded, and the case was evidently watched with much interest. Mr. Musson, Deputy Registrar of the Ashby County Court, appeared to prosecute, and Mr. F. Stroud, of Nottingham, for defendants.

Mr. Musson briefly stated the facts of the case, which are these - On the 11th inst., the bailiffs of the Ashby County Court were sent to Griffydam, in pursuance of a judgment of the County Court, to take possession of a stack of hay belonging to Joseph Lager. On the 12th inst., the defendant Sidney Heywood went and said the hay belonged to him, and he should take it away. Notwithstanding the caution given him by the bailiff then in possession, the defendant Sidney Heywood, assisted by the other defendants, did remove the hay. In closing his remarks, Mr. Musson said it was a serious case, and he asked for heavy penalties in the cases of Sidney and Oliver Heywood, as he (Mr. Musson) believed that they were the ring leaders of the party.

Nathaniel Timms deposed, I am a bailiff of the Ashby County Court. I had a warrant of execution put into my hands against Joseph Lager of Griffydam. The warrant was dated August 9th, and the amount was £17 12s. I and Thompson, the other bailiff, executed the warrant on the 11th inst. I remained there until August 13th. A regular distress notice was pinned on to the stack. Mrs. Heywood (Lager's daughter) refused to take it at the door. On Thursday, the defendant, Sidney Heywood, came into Chamber's public house, where I was staying, and said to me, "Nat, you're here, are you ; and have come to seize that hay, which is my property, and stands on my premises, and I shall take it away". I said "I hope you will not, for we have legally seized it, and if you do I think you will get into trouble ; if it belongs to you, there is a course of law for you to pursue. We have legally seized it and mean to keep it". He replied "I shall not interplead". Between five and six o'clock on the same evening, I saw Sidney Heywood and a man in the yard. Hurst did not stay. The other

defendants came shortly after with a wagon ; Hodges mounted the stack, and began to throw the hay into the wagon. I requested them to leave the stack alone, and cautioned them. I can swear that the whole of the defendants assisted in removing the hay, and they entirely removed it away. They were at it during the night. I was watching them through a bedroom window in Chamber's public house. On the following Saturday, I and Thompson and P.C. Hancock saw the defendant Draper, and he admitted being there.

By Mr. Stroud : I got to the stack about three o'clock in the afternoon, and went into Chamber's public house ; I afterwards went to Sidney Heywood's, and saw Mrs. Heywood. I saw Thompson pin the paper on the stack while Mrs. Heywood was there. I swear I saw the paper on the stack. - In reply to Mr. Stroud, witness said he was not there whilst the hay was being removed. - John Chambers, landlord of the "Traveller's Rest", Griffydam, said he had lately taken to the house recently occupied by Joseph Lager.



He remembered the bailiffs Thomson and Timms coming to his house on the 11th inst. They asked him if Lager was there? He replied "No". They asked him where he lived, and he said next door. He then saw them talking to Mrs. Heywood. Timms remained at his house, and witness found food for him. He saw a party of men removing the hay, but did not see Draper there. Mrs. Heywood offered to sell witness the hay on Thursday morning. It was standing on the same land as that Lager occupied before him.

By Mr. Stroud : When he took the public house, Sidney Heywood came and asked him to allow the stack to remain, saying it was his. He consented and intended to buy it. He did not see Sidney Heywood take any part in removing the hay. He was there ; but he did not see him touch it. - William Platts, jun., a pork butcher, residing at Griffydam, spoke as to seeing the defendants Sidney Heywood and Arthur Draper with a load of hay on the day in question. - By Mr. Stroud : His father owned some land at Griffydam. Sidney Heywood rented a field of his father. Witness saw the grass cut, and it was stacked close to Sidney Heywood's house. It was the stack in question. -

John King, Clerk at the County Court Office, said, on Friday the 13th inst., he went to Griffydam to see the bailiff in possession. He saw Sidney Heywood, and, calling him on one side, asked him how it was he had removed the stack of hay? He replied "it was mine".

Witness said "if it was yours, why did you not interplead ; you knew how to proceed"? He replied, yes I knew how to proceed ; but have been robbed enough, lately". Witness said "You'll get into bother". He relied "I don't care ; the hay was mine, and I meant having it".

John Bailey, another bailiff of the Ashby County Court, said on the 14th inst, he saw Oliver Heywood at the "New Inn", Ashby. He said "We've beat the Bums". Witness got 3s. 6d. for his days work.

This being the case for the prosecution, Mr. Stroud briefly addressed the Bench on behalf of the defendants. He admitted that the hay had been removed ; but contended that it was not so serious offence as Mr. Musson had represented. The stack of hay, undoubtedly, was the property of Sidney Heywood, and he thought the defendant was under the impression that he had a right to remove it. He (Mr. Stroud) hoped the Bench would deal as lightly as possible with the defendants.

William Platts, sen., farmer, Griffydam, was called for the defence. He said that Sidney Heywood was a tenant of his, and had been for four or five years. The stack in question was Sidney Heywood's property. He (witness) had known the defendant (Sidney Heywood) as a respectable man. He always paid his rent.

Elizabeth Eaglefield, cowkeeper, Worthington, said that she bought the stack of hay in question from Sidney Heywood on the 5th inst., for £14.

This was the case. The Bench retired to consult, and on returning into court, the Chairman said the Bench had found all the defendants guilty of the charge and that they were liable to a heavy penalty, but they had decided to take a lenient view of the case. Sidney Heywood who appeared to be the chief offender, would have to pay a fine of £2 10s. and 11s. costs, or one month ; the other defendants would be fined 1s. each and 11s. costs or seven days. The defendants were some little time in deciding whether to pay or go below, but eventually the cash was paid.

CONCLUSION

Heywood was found guilty, because whilst he understood he should have the possession order removed by proving he was the rightful owner of the Haystack, he took the law into his own hands by removing his property from the Bailiffs.