

Hedge Caused Trouble 1949

Neighbours Accept Judge's Advice



A hedge, between two properties which were formerly part of the Wardour Castle Estate at Tisbury, was the subject of a dispute at Shaftesbury County Court on Monday.

Francis Benedict Ridley, the owner of one of the properties, Ansty Water Farm, for which Mr A B Lemon appeared, sought an injunction to restrain Alfred Jay, owner of an adjoining cottage and garden, at Ansty Water, from cutting the hedge which he claimed belonged to his farm, and from entering up his land for that purpose. He also asked for £5 damages.

Jay, who claimed that the hedge was on his property, was represented by Mr W Farley Rutter.

Mr Lemon said the top of the hedge was on a bank eight or ten feet above defendant's garden. Defendant had come into plaintiff's field and cut the hedge and had made gaps in it with the result that on one occasion, one of the plaintiff's heifers got through into defendant's garden. Defendant was very abusive about it and struck the plaintiff.

Ridley, in evidence, said when he first went to the farm in 1943, Jay worked part time for him and he gave him permission to trim the hedge. He made no gaps in it, and cut it satisfactorily. Some time later defendant complained that a heifer had got through into his garden and witness told him he had better stop cutting the hedge. He stopped up the hole with thorns. Eighteen months after, he found defendant had cut the hedge again and he continued to cut it.

Ernest Parsons, of Wardour, said his father and he farmed Ansty Water Farm for 50 years. He used to lay the hedge and Mr Jay trimmed it on his side and topped the hedge by the cottage. Jay never claimed that the hedge was his, and there was never any trouble.

Jay told His Honour that he was 74 and had lived in the cottage for 50 years. In Mr Parsons' time he had always thought the hedge was his. He used to cut the hedge off while Mr Parsons was there to let the light into his cottage. He had always trimmed the whole of the hedge. After a cow had got through a gap in the hedge, witness's son put some barbed wire up, but Ridley pulled it down. He denied striking Ridley with a stick.

His Honour, Judge A H Armstrong, suggested that it might be possible for the parties to come to an agreement in view of the fact that Jay was willing to keep the hedge in order. 'These people are neighbours and they will find life much happier if they are good neighbours' he said. After discussing the matter privately, Mr Lemon said the parties had reached a friendly agreement. Mr Ridley was prepared to give up his claim to the hedge providing Mr Jay entered into a covenant to fence.

Costs of the hearing fee would be divided between the parties and the parties would pay their own solicitors and witness costs.

His Honour said the case would be adjourned for a month to enable the covenant to be drawn up.

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