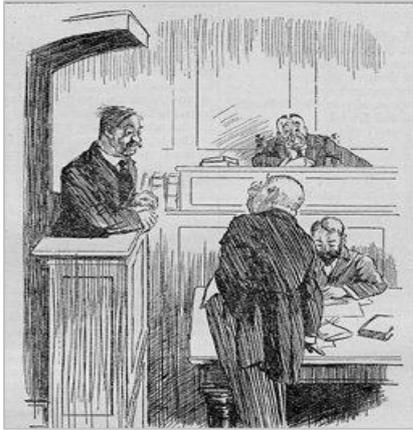


Neighbours' Dispute 1934



Two Tisbury neighbours were parties in an action at Shaftesbury County Court on Wednesday, in which damages were sought for the alleged obstruction of a window.

Plaintiff was Lieut-Comdr Robert George Aland Wiltshire, of Cross Close, Tisbury, manager of the Labour Exchange, and the defendant was Frederick G Rixon, of The Quarry, Tisbury, works manager.

Mr Leopold Lush, for the plaintiff, said that the window was in a small lobby, which joined the kitchen to the scullery, and had been there for 30 years, and probably longer. It had been obstructed by a screen erected by the defendant.

Mr Lush said that defendant contended that the screen had been there for many years, but was blown down. He promised to remove it a little.

Later defendant declined to remove it, stating that the plaintiff was relying on his ignorance of such matters to take advantage of him.

In reply to Mr J Trethowan (Messrs Trethowan & Vincent, Salisbury), who appeared for the defendant, plaintiff said he had heard that the original purpose of the window was that the occupant of the house could call out and speak to the lady on the adjoining property. He had offered to paint the window where it was worn.

His Honour: Why shouldn't you paint the window, and he remove the screen? You gentlemen seem to be on friendly terms, and should be able to settle a thing like this.

Mr Trethowan was questioning plaintiff about the amount of light that got into the lobby, when His Honour remarked that it was a pity the case was not tried in the lobby (Laughter.)

Mrs Florence Angela Wiltshire gave evidence, and said she had "frightful colds" through standing in the draughts, because when she was cooking she had to have the doors open to get light.

Mrs Ann Mould, who stated that she had known the house for 35 years, and at one time worked there for Mr Henry Ford, said the window had always been there. There had not been a screen all the time she had known it.

George Lever, of The Quarry, Tisbury, said the window appeared always to be frosted, and there were currant bushes outside, which seemed to stop some of the light.

For the defence, Mrs Helen Maidment said that the window was put into the house to enable Mrs Rogers and Mrs Ford to talk to each other more easily.

Charles E Creed, of Otterbourne, Hants, a retired carpenter, who was tenant of defendant's house from June, 1929, to October, 1933, said the screen was there in his time, but it was blown down by the wind. He did not replace it because he knew he was leaving.

Defendant said when he bought the house, the plaintiff's window was painted over, but it was now clear. As he did not want people staring in at them, he erected the screen. He did not ask plaintiff to re-paint the window. He did lower the screen about six inches. He had offered to take the screen back if the action was withdrawn.

Mr Lush said with regard to defendant's offer it should be stated that the summons had then been issued, and as plaintiff had been put to considerable expense, he was not prepared to withdraw the action unless defendant paid the costs.

Defendant, in further evidence, said it was only a matter of decency to put the screen up. In cross-examination, defendant contended that Mr Wiltshire rubbed the paint from the window deliberately.

His Honour said it was really a very lamentable case to come to trial. He was satisfied that the screen had been there for a number of years, and had been blown down in Mr Creed's time. Whether it was put back in the same spot or not he was not prepared to say, but it was in such a position that it made no difference to the plaintiff's light. On the whole of the facts, he found that plaintiff had not gained a right not to have this window interfered with, but he had also come to the conclusion that, with the screen as put up, the loss of light to plaintiff was trivial and practically nothing.

Plaintiff's case failed, and there would be judgement for the defendant, with costs on Scale B.

Western Gazette Friday 05 October 1934