



Crime and Punishment

ALVEDISTON

King v Gould in the County Court

In this action the plaintiff was represented by Mr Lambert, who stated that it was brought to recover compensation for trespass on and damage done to a piece of land in the plaintiff's occupation at Alvediston, upon which defendant was alleged to have entered, and to have sown wheat upon 2½ acres of ground which had been previously intended for a barley crop, and to have also cut some weed from one of the hedges. Plaintiff is both occupier and owner of the land in question, of which his family have held undisturbed possession for upwards of 60 years.

On behalf of defendant it was sought to be shown that he had a claim to the estate, that he had served plaintiff with notice of ejectment, and that an action was now pending in the superior courts, with a view to the establishment of his claim, the amount of which he believed to be £40,000. Much amusement was caused by the naïve answers given by defendant in the course of his cross-examination, in which he stated he expected counsel's opinion respecting his claim in about a fortnight.

His Honour adjourned the case to allow time for the production of such opinion.

At a Second Hearing

This plaint was brought under similar circumstances to the last, the defendant in this case being the brother of the defendant in the previous one. The damages were laid at £3.

His Honour said, actions could not be brought against them both for the same case. If they sought £5 from one brother they could not sue the other for £3. He should recommend them to take a nonsuit in the present case, and rely on the other for their verdict, as it was the more important one.

As the parties were leaving the court, his Honour addressed John Gould, and recommended him when he got home to give his brother a little advice, as to carrying on the action, as if they failed they would be in a very awkward position. If his brother meant to prefer a claim to the property, occupied by Mr King of course he could do so, but if, when they came before him again, he found that they had abandoned the contemplated action, and if a verdict should be given against them in the present, they would find themselves in a very unpleasant predicament.

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