



Chandler Brothers Trespass in Pursuit of Game Charges

DEVIZES DISTRICT PETTY SESSIONS

Before Col. Olivier, Major Grubbe, Mr. Locke, and Mr. Colston

Monday, Sept. 28.

Mr. John Chandler of Devizes and Mr. Charles Chandler of Church Mill, were summoned by Mr. S. R. Neate, of Marden, for trespassing in pursuit of game upon property occupied by himself and others, and belonging to the Trustees of the Heytesbury almshouse, under whom Mr. Neate holds a deputation.

There were six difference charges against one or other of the defendants. In the first, Mr. Neate's servant deposed that on the 9th of September he saw Mr. John Chandler, with a pointer dog and gun, beating for game through some wheat stubble and turnips, on land occupied by his master at Chirton, and situated in a large open field called Chirton Clays, bounded by stones and a bank.

Mr. Wittey (who appeared on behalf of Mr. J. Chandler), said he would not attempt to deny the trespass, but he submitted that it had been committed under peculiar circumstances. The land occupied by Mr. Neate was a narrow piece running down a large open field, with ground on each side, over which Mr. Chandler had obtained leave to sport, and in crossing it he had done so unwittingly in going from one piece to another:- so much so, that he did it in Mr. Neate's presence, knowing at the same time that if he trespassed on any land belonging to Mr. Neate he would be summoned.

Mr. Neate said that both Mr. Chandler and his brother knew his land as well as he did himself. Both of them had previously been warned off, and their persisting in intruding themselves on his property must be for the mere purpose of annoyance.

The Bench decided that the charge had been proved.

The second charge was against the same defendant for sporting on land in the occupation of Mr. James Weeks.

In this case, also the trespass was admitted; but the question which arose was, whether a tenant had the power of granting permission to sport on land in his occupation, Mr. Neate being the holder of the deputation from the Trustees of a charity, as the landlords of the property, and therefore having a presumed exclusive right to all the game thereon? It appeared that the leases held under this charity contained no restrictions as to game, and it was contended on behalf of the defendants that in cases where special reservation had not been made in leases granted since the Act of 1831, the right of sporting was vested in the hands of the tenant. In answer to this, Mr. Neate produced letters from Col. Wroughton (the chairman of the Trustees) and Mr. Phelps of Warminster (the Steward of the Court), expressing a desire that no one besides himself should sport over their property. Mr. Neate also said, that hitherto no person had thought of sporting on the manor without his permission, and the right which Mr. Chandler now set up arose out of his indulgence to him in former seasons.

Mr. Chandler replied that his father had been in the habit of sporting over the property for 20 years, except when he was requested by Mr. Young (the former holder of the deputation) to refrain, on account of any friends who might be coming for a day's sport.

Mr. Neate said that Mr. Chandler's own statement went to show that Mr. Young had a right to prevent sporting when he pleased.

The bench were of the opinion that in order to support a case of this kind, the game should be reserved in the lease:- that where a lease had been entered into subsequently to the passing of the last Act, in which no notice was made of the game on his estate, the tenant had a right to dispose of it as he pleased.

The next charge was, that Mr. Charles Chandler had trespassed on land occupied by William Wells, without his permission. The evidence was, however, so contradictory, one son of the tenant stating one thing, another altogether the opposite, that the bench adjourned the case until the next Sessions, in order that Wells himself should be present.

Another case was heard, in which Mr. Charles Chandler was charged with sporting over land in the occupation of Mr. William Hayward of Chirton; but as Mr. Hayward stated that his lease contained no reservation as to game, and that he had given Mr. Chandler his permission, it was dismissed.

In the first case, the bench convicted Mr. John Chandler in the penalty of 10s. and costs, for the trespass on Mr. Neate's property.

The other two charges were not gone into.

Devizes and Wiltshire Gazette, October 1 1846