



# Crime and Punishment

## *Minety*

### Claims Court

Thomas Hall v Great Western Railway

Swindon County Court, March 9, before J G Smith, Esq., Judge.

Liability of Railway Companies as to Maintaining Fences.

Claim £2 2s, value of a pig killed on the line.

Mr W F Platt for plaintiff, and Mr J W Browne for defendant.

The plaintiff in this case is a farmer living at Minety, the Great Western Railway running through his farm. In October last he had some pigs fattening in a sty near the house, and they were all safe and secure in the morning when fed, but in the afternoon one of them was brought to the house dead, having been run over by a train on the railway. The fences parting plaintiff's fields from the railway were in a very imperfect state, and insufficient for the purpose of keeping cattle off the line.

For the defence, Mr Browne cross-examined the witnesses for the plaintiff for the purpose of showing that the pig had got on to the line from a field in the occupation of Mr Burrows, and not from the plaintiff's field, and that before getting on the line the pig must have trespassed over a third party's land, from which it got on to the line. He contended that this being the case the defendants were not liable, they not being forced to maintain the fences of Mr Burrows to keep Mr Hall's cattle from trespassing on to the line, although they were responsible for keeping Mr Hall's fences against a trespass direct from his fields on to the line.

In support of this view, Mr Browne quoted a case, *Ricketts v The Eastern and West India Dock Company*. Mr Browne then called several witnesses, who deposed to having tracked the pig through a gap in the hedge parting Mr Burrow's field from the railway to the place where it was killed.

His Honour decided that Mr Browne's objection held good, and the plaintiff must therefore be nonsuited.

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