



# *Legal News - Watercress Beds Bishopstone 1879*

IMPORTANT ACTION – At the Wilts. Summer Assizes at Salisbury, on Saturday last, before Lord Chief Justice Cockburn, the following case was heard.

## SAWYER v. WENTWORTH

This was an action to recover damages for cutting and carrying away watercress which the plaintiff alleged to belong to him..

Mr. Kingdon, Q.C., and Mr. Pryor Goldney appeared for the plaintiff; Mr. Pitt-Lewis, with Mr. Lopes, for the defendant.

Plaintiff was a watercress grower, at Bishopstone, near Swindon, and the action was to recover damages for trespass and carrying away watercress from some beds of which the plaintiff was the tenant. He had been the tenant since 1868, and had till within the last few years paid his rent regularly. Last year he was two years in arrears, but the past two years had been extremely bad for watercress growers. And his landlord did not press him for it. He prepared his bed for the present season. It was not the practice to plant the whole of the plants at one time, so that the whole of the crop should not be destroyed by the weather. He accordingly planted about one third of the whole of the beds, intending to plant the remainder later on. This occurred in the early part of last autumn, and on Sept. 23rd plaintiff, finding no work in the parish, went elsewhere and got work until Nov. 19th. He then returned to his beds and found to his surprise the defendant had taken possession of them and also of a shed and withey bed. Wentworth, a few days afterwards called to see the plaintiff, and demanded the key to the shed, but he refused to give it him, and also told him he was trespassing and had no business on the beds. However, the defendant took no notice and continued on the land for a month. Sawyer then consulted a lawyer, who wrote to the defendant, asking for damages, but of this no notice was taken, as he continued on the beds during the present year, cutting and carrying away the cress. In January the plaintiff sued him in the County Court, and the judge took time to consider his decision. Defendant continued cutting, and sending away the cress. In all, he sent away 76 hampers, which might be placed at the usual rate of 10s. per hamper. The Judge's decision was that the defendant was a trespasser. That the plaintiff was a tenant, and that the defendant had no right on the beds, and ordered to pay £10 damages. That judgment was only for January. This action was for subsequent damage, and was of a serious nature. It was alleged that if allowed to grow to maturity, 200 hampers of cress would have been cut, which at 10s. a hamper would have produced £100, instead of £38, the amount received. The defence to the action was that the plaintiff

had relinquished possession of the beds, and that they had been properly let by the Landlord to Wentworth, and this defence was maintained to the satisfaction of the jury, the Judge remarking that he thought the action ought never to have been brought.  
Judgment for defendant.

~~~~~

On Wednesday last, Mr. Wentworth, the defendant in the above case, gave a capital dinner to his friends and workmen in a barn which Mr. Cousin lent for the occasion. Between 30 and 40 sat down to the good things provided. Upon the table being cleared and the usual loyal and patriotic toasts given, Mr. Wentworth replied to the toast of his health. He hoped they had all thoroughly well enjoyed themselves. This dinner was not got up because of any person's downfall, but it was more of a thanksgiving to God for the help He had given him. He had been, he thought they were aware, trying through his lifetime to get things in a honest and upright way; to earn a shilling straightforward. Still he had lately, as they were aware, been driven to protect himself in a court of law, but he was thankful to say that he had not the least trouble in finding every assistance from his friends to help him protect his rights in an upright and straightforward way, and could only now most humbly thank God for upholding and protecting him in the recent law suit. A friend then responded and returned thanks for the way in which Mr. Wentworth had spoken of the assistance he received. xx had himself assisted in the law-suit, and was perfectly satisfied that everything was done in a straightforward and honourable manner.

After several other gentlemen had given short addresses, the proceedings were enlivened with songs &c. The health of Mr. and Mrs. Wentworth and family was rapturously received, and altogether a very enjoyable time was spent.

**Swindon Advertiser and North Wilts Chronicle, 21 July 1879**