

## A TREE FELLING DISPUTE.

An action brought by the Earl of Aylesford, against one Turner, in the English courts recently, to recover damages for injury done to farm buildings by the felling of a tree, possesses some points of interest. There was no dispute as to the facts, but some points of law arose. It appears that Lord Aylesford was the owner of a field at Meriden, Coventry, and the Coventry Clothiers' Company were the owners of an adjoining field, the latter being on a higher level than Lord Aylesford's field. A tree in the hedge belonging to the Company was purchased by the defendant, and he employed one Smith to fell it. It was essentially a case where great care was necessary to prevent it falling on plaintiff's land, but that was just what did happen. The tree, in falling, struck some farm buildings belonging to Lord Aylesford, and damage was done to the extent of £26. The first point for the judge's consideration was

that of negligence, and the second was whether the defendant was liable for the acts of the man who cut the tree. On the latter point the defendant's contention was that Smith was an independent contractor, and that defendant was not therefore liable for his acts.

After hearing the evidence, which went to show that due precautions had been taken, and that the rope which held the tree had been broken, judgment was given for the defendant, chiefly on the ground that the man who felled the tree was an independent contractor, though the judge thought it doubtful if there was negligence. It is likely the case will be taken to a higher court.

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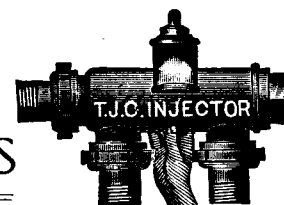
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