

## **Hunting Damage**

Two extracts relating to damage cause by Charles Patrick whilst hunting. The first is longer and gives more detail, the second shorter but does identify the farm.

**Bury Times 12 March 1864**

### **THE ROSSENDALE HUNT**

*James Stott v Chas Patrick*

This was a case which occupied the court a considerable time, and excited much interest. The plaintiff is the occupier of a farm, of which his uncle (Mr. James Stott) is the owner, and complaints have been repeatedly made respecting the hunters leaping the fences and treading the herbage. Mr. Stott had previously brought cases before the County Court and had obtained a verdict in his favour. The present action was taken against Charles Patrick Esq., sub-inspector of factories for the district, the claim being for 10s. for alleged damage. Mr. Baldwin appeared for the plaintiff, and the defendant conducted his own case. Mr. Baldwin stated that two cases of a similar character had been entered in the Haslingden County Court, in one of which a verdict was obtained, and in the other damages were paid. The owner and occupier of the farm entertained strong objections to the hunters passing, and written notices had been sent to some of the members of the hunt, placards had also been issued and posted throughout the district, and an advertisement had also been inserted in the *Bury Times*, cautioning persons not to trespass on this land. The farm is about a mile in length, and there were about a dozen horsemen engaged in hunting, and an indefinite number of others, but there was a difficulty in finding them on the ground, but they could find from it being broken up that they had been there, and Mr. Stott know this also from what persons had said to him. It would be impossible to day precisely what was the amount of damage, and therefore this would be left to the decision of the court. He did not think it right for the gentlemen to indulge in the luxury od hunting, and then pay 2s 6d into court and get clear from any other payment, for the farmer ought to have a fair amount of damages allowed in such cases. He then called James Stott, the occupier of the farm, who said he knew Mr. Patrick, and saw him on the 30<sup>th</sup> December last in the hunt, along with five or six other horsemen, and a great many persons on foot. They broke down the fences and ploughed up the ground. He did not speak to Mr. Patrick at that time, and did not see him after. This was the only occasion when he saw him pass over the ground. Cross-examined: Witness's uncle had given him money at different times, which had been paid by Mr. Brooks on behalf of the Rossendale Hunt for damage which had been sustained. The last sum received was 5s., which he got about two months since. He saw Mr. Patrick ride over two fences, which he injured very much. James Stott, the owner of the farm, said he had given notice to Mr. Patrick not to hunt over his ground. He once issued a written document, intimating that he would prosecute parties who offended in that way, and many a time he had told the hunters he would summon them if they came on his ground. On the 30<sup>th</sup> December last, he saw Mr. Patrick hunting along with Dr. Wilson and other persons. He remonstrated that they

ought not to pass through his ground, but Mr. Patrick said that it was 'nice fun', and witness then said 'You men may think so, but it is not nice fun for the farmers to have their land cut up in this way,' and he wished that the hunters had to earn their bread in the same way that the farmers had to do. He had seen Mr. Patrick many a time, for he and Dr. Wilson were old offenders. There was damage done on the 30<sup>th</sup> of December, but whether they did it or somebody else he could not swear. The last time when at Haslingden they paid 5s into court, and if they had paid the same now he would have accepted it. The Judge intimated that it was the duty of Mr. Stott to prove that damage had been committed, and he ought not to make a charge simply because they were able to pay. Witness said that he could not swear positively as to the amount of damage. The Judge said that he had claimed 10s., and he ought to prove that that amount of damage had been done. Witness said he would be willing to state that the damage was 5s. Cross-examined: Mr. Patrick had crossed over three fences, and he heard the horses' feet knock against the wall. He would not swear that he knocked any stones off, but he would swear that he gathered stones up after Mr. Patrick had gone over. He told Mr. Patrick that he might have gone a little hither up. He did not see nor hear the hounds, but he saw Mr. Patrick and others going across Dearden land. He believed he said that the hunters were 'a set of lunatics.' Witness would not open the gate for the hunters to go through and Mr. Patrick said he would leap over. Mr. Brooks had not said that he would give him ample compensation, but he had sometimes given him money, and would have given him more if he had not said that that would suffice, and witness paid it to his nephew. He believed that Mr. Brooks had not said that he would compensate him for any damage which might be done by the hunt, but witness would not swear it. Mr. Brooks had not paid him anything for the damage done on the 30<sup>th</sup> December last. The last time he received anything was 5s, and Mr. Brooks offered more at the time. Mr. Patrick said he was very sorry to be brought before the court, and if any application had been made to him for the payment of damage he would have been happy to have paid it. He had paid 2s 6d into court, and he believed that that was enough to pay for the damage over and over again, for he did not believe that the whole damage would amount to 6d. The hunters avoided Mr. Stott's land as much as possible. Cross-examined: Witness was a member of the Rossendale Hunt, but had not been out with the hounds more than half a dozen times, and this was the only time he had been on Mr. Stott's land. They had sometimes had some 'laughing and chaffing about it' - The Judge remarked that he thought it was the 'laughing and chaffing' which had brought him into court - [Laughter] - Mr. Baldwin thought that what had been paid into court by Mr. Patrick might be sufficient to cover the damage which he as an individual had done, but he was liable to pay for the damage done by the rest. The Judge said that Mr. Patrick had been proceeded against separately. Mr. Baldwin said that if the hunters did not cease from such practices the case would have to be taken into a superior court, but Mr. Stott was not wishful to do this if reasonable damages were allowed. The Judge thought that 2s 6d was reasonable damages for one day, but if the plaintiff felt himself aggrieved he might take proceedings in a superior court. Mr. Patrick said that there were a great number of farmers over whose fields the hunters went, but Mr. Stott was the only person who complained, although he was treated just the same as the others. Mr. Stott had called the hunters 'lunatics', and said that they ought to be sent to an asylum. The

Judge said it was very likely that if a foreigner came into this country, and saw the hunters leaping over the fences, he would conclude that they were lunatics. He thought that the amount paid into court was amply sufficient for the damage, and the verdict would therefore be for the defendant.

### **THE ROSSENDALE HUNTERS AGAIN**

Another case of a similar character was brought on, in which the defendant was Mr. George Howarth, of Water. Defendant did not appear, but Mr. Patrick spoke on his behalf. The claim in this case was also for 10s, and the defendant had paid 2s 6d into court. The evidence was substantially similar to that which was given in the previous case, only it was said that Mr. Howarth had injured the fastening of a gate. Mr. Stott inquired why it was that Mr. Patrick was not as honourable as Mr. Brooks, and Mr. Patrick replied that if Mr. Stott had come to him for damage he would rather have given him a pound rather than he brought into court. Mr. Stott thought it was only reasonable that Mr. Patrick should go to him rather than he should go to Mr. Patrick. The Judge held that it was a person's duty to go to the individual from whom he intended to claim damage. He did not think that galloping over the ground in December would occasion much damage, and he thought that 2s 6d was quite sufficient. Mr. Baldwin said that in his neighbourhood he knew that the hunters religiously objected to go over land where the owner or occupier entertained an objection. The Judge thought it was not necessary to speak of religious observance with respect to hunters. Mr. Patrick said that the hunters had the kindest feeling towards Mr. Stott, and would be glad if he would get a horse and go along with them. He invited Mr. Stott to go and take dinner with him that day - [Laughter]. Mr. Stott said the Judge ought to have allowed him 5s. The Judge said that Mr. Stott would have been better pleased with 10s. Two other cases against Mr. Edw Ashworth of Rakehead and Dr Wilson of Newchurch, were not entered into.

### **Burnley Gazette 12 March 1864**

#### **The Rossendale Hunt**

James Stott, a farmer, at Hedge gate, in the township of Lower Booths, sued Charles Patrick Esq, a member of the Rossendale Hunt, for 10s. for damage done to a property occupied by him, while hunting on 30<sup>th</sup> December last. In cross-examination by Mr. Patrick: plaintiff said that his uncle (who is the owner of the property) had given him money at times; and gave him 5s about two years ago. James Stott, the landlord, said he had given defendant a written notice that he was not to travel on his land while hunting, and had also given notice upon the walls and in the newspaper. Defendant had paid 2s 6d into court which he thought was quite ample to cover any damage which he had done on the above day. His Honour was of the same opinion, and gave a verdict for the defendant. A similar action brought against Mr. George Howarth for a like offence, and in which 2s. 6d. had been paid into court, was disposed of in like manner. Mr. Baldwin of Clitheroe, appeared for the plaintiff in both cases.