



# *Legal Case* *- Throwing Trees* *Chiseldon* *1878*

**John Waldron**, labourer, of Chiseldon, v. **Adam Twine**, of Wootton Bassett; claim 10s. for throwing timber. The plaintiff agreed to throw 27 trees for defendant at 10s. per tree, which he said he threw, but only received £13, and now sued for the balance of 10s.

The defence was that defendant only purchased 26 trees, and if plaintiff threw 27 he threw one for someone else, for which he (defendant) did not feel disposed to pay. He produced the account paid the auctioneer at the sale, which showed only 26 paid for, but plaintiff pointed out that lots 11 to 21 were put down as one lot of ten instead of eleven, and he had thrown the eleven, defendant taking away all the bark.

His Honour said there appeared to be a mistake somewhere which the auctioneer only could clear up. He, however, living at Newbury, would be an expensive witness to produce. As the agreement mentioned 26 trees he thought the plaintiff had been somewhat misled, and he therefore directed a non-suit, not on the merits, and without costs.

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