

*The Chap who thinks  
he can do as he likes  
with his wood is*

**BARKING**

**UP**

**THE**

**WRONG**

**TREE**

Says

**KEN**

**GEERING**



**I**T has been said that a night is bad indeed when it is not fit for a tree to be out. Unfortunately, upon just such a night, affronted by generations of unappreciated existence, trees choose to draw attention to themselves in no uncertain manner. A storm-ravaged tree can inflict extensive and not easily repaired damage, and because both trunk and branches are subject to complex tensions, clearing up is dangerous work.

Worse, if it can be shown that the owner knew, or ought to have known, that it was a menace and did nothing about it, his negligence may result in crippling damages being awarded against him. He can never rely upon a plea that "this was an act of God", because a court will decide that if a reasonable man would have felled or lopped the tree then he should have done so.

Again, if Farmer Heckmondwike runs over your favourite sheep-dog it is neither humane nor legally permissible to retaliate by planting yew, laburnum or other poisonous trees along your joint boundaries—if his cattle die so may your bank balance!

Before buying property, bear in mind the question of dangerous, poisonous, or overhanging trees: if such hazards are obvious it will be no good complaining afterwards.

### **Poplars Not Popular**

If your trees overhang a neighbour's property, or if their roots invade his kitchen, then they have committed trespass and unless you can persuade them to mend their ways they can be described as a "nuisance"; with or without adjectives.

Do not plant trees (especially poplars) close to buildings. Their roots spread alarmingly, and can drain thousands of gallons of water away from foundations—causing subsidence.

If your trees encroach upon your neighbour's land, he may abate the nuisance. But he must act reasonably, damaging the trees only to the extent necessary.

Trees, then, may cause feuds which last for years and begin to rival the Mafia vendettas of Sicily. If someone can prove that he has suffered hurt or

financial loss he may refer the matter to the courts without warning and with enough chance of success to make prevention far better than cure.

You may feel that if you wish to fell trees on your own land then that is up to you: not a bit of it! The Forestry Act of 1951 lays down that generally speaking timber trees may be felled without a Forestry Commission Licence only when they are dangerous, dead, a nuisance, interfere with electricity supply lines (the Electricity people may cut these free!), or when they are less than three inches in diameter measured at five feet above the ground.

Orchard or garden trees may be felled unless there is prior agreement not to, or local by-laws or acts of Parliament apply. The Town and Country Planning Act (1947) enables you to fell when permitted development requires it.

### Razing Regulations

You may also fell timber trees without a licence if the cubic measure of the trees felled does not exceed 825 Hoppus feet in a quarter; of which no more than 150 H/feet may be sold per quarter.

Although some land-owners pay little or no attention to these felling regulations they do exist and can be enforced.

When deciding upon tree work it is necessary to realise that all the legal requirements applicable to contractors who specialise in this work apply to you.

*If you undertake work for which you are not insured, or encourage farm workers to attempt tasks for which they were not trained, it is very probable that in the event of an accident you will be held responsible.*

Also, if you involve yourself or your employees in operations which could endanger the lives or property of members of the public, either on or off your land, then you should certainly obtain public liability cover.

### Hazardous Haul

When the trees are down the danger is not over. The haulage and loading of trees, some weighing many tons, is at the best of times a hazardous business. It should not be attempted with a tractor which does not have *at least* a seven-ton timber winch.

If an accident does occur, and negligence is proved, arising from inexperience or the use of incorrect methods or faulty or inadequate machinery, then the courts may grant substantial damages and costs to the injured person.

Many ancient common rights exist in the countryside, and the term "estovers" covers rights of taking "reasonable" amounts of timber and underwood from woods or waste lands belonging to another person. Beware of these "rights". So many changes are taking place in rural areas that only after the most searching enquiries should you take wood which does not belong to you.

In 1586 it was said that: "The tree is no sooner fallen downe to the ground, but everie one is readie to runne upon it with his Hatchette"—it is wise today, however, to be sparing with the hatchet—unless you are prepared to look as "old-fashioned" as this ancient "saw"!

*With grateful acknowledgments to the author and the "Farmer and Stock-breeder".*

AGENTS FOR  
CROYDEX  
PLASTIC  
HOSE &  
SPRINKLER  
HOSE  
GOODENOUGH  
PUMPS  
Pumping under  
all conditions

### CLYDE BUILT TRACTOR CABS

## A. C. BANKS & CO.

(LATE OF ALLAN TAYLOR (ENGINEERS) LTD.)  
149 COPSE HILL, WIMBLEDON, S.W.20  
TELEPHONE: WIMBLEDON 1768

TRACTORS FOR GOLF COURSES, SPORTS GROUNDS,  
PARKS, ETC., and ALL EQUIPMENT FOR MAINTENANCE

ALL MAKES OF  
MOWERS  
SUPPLIED AND  
REPAIRED  
SAWS  
CIRCULAR  
CROSS CUTS  
SHEARS  
Repairs and  
Grinding