



[1970] AC 652, [1969] 2 WLR 1437, [1969] 2 All ER 576

What's in a number? In this instance it is the reference for *Morris v. Redland Bricks Limited*, which was ultimately heard in the House of Lords in 1969. It was a four day hearing in February with their Lordships delivering their judgement on 13th May 1969.

Mr Morris owned a small holding to the north of the pits. Redland had dug out to a point 60 feet away from their boundary with Mr. Morris' land. Late in 1964 Morris' land started to slip into their pit. He ended up with a clay-pit of his own with a depth of 8 or 9 feet filled with water. Mr. Morris was not amused by the formation of this unwanted feature. He was a market gardener and was naturally upset by the loss of his land.

He sued Redland Bricks limited, was awarded £325 damages. An injunction order was placed on Redland which restrained them from "interfering with the support" of Mr. Morris' land "by further excavations and directing them to take all necessary steps to restore support" to his land "within six months".

Redlands appealed against the injunction on the grounds "that the form of the injunction was contrary to established practice in that it failed to inform them precisely what they were ordered to do".

Their Lordships decided that the injunction "offended a basic principle in the grant of equitable relief of this nature, and that, accordingly it, would be discharged".

Their Lordships did say in their judgement "that albeit there was a strong probability of grave danger to" Mr Morris' "land in the future and that damages

were not a sufficient remedy in the circumstances, it was a factor to be taken into consideration that” Redlands “had not behaved unreasonably but only wrongly”.

There was no provision in the original judgement relating to what Redlands should do to restore support to Morris’ land. The estimated costs to make the restoration were £35,000 and the value of the land to be supported was £1,500 to £1,600. Was it fair on Redlands to have to spend so much to save so little? If Morris’ land was further damaged he could make further application for damages.

Thanks to Ann Ailes of the Sarisbury, Swanwick & Burrigge Local History Group who drew my attention to this judgement.

The picture is a view from reception looking towards Swanwick Lane about 1972 when they were just starting to build the motorway. It is held by Hampshire Archives and their assistance is gratefully acknowledged. (You can skip this legal bit if it takes up too much room)

In coming to their judgement their Lordships referred to a previous case *Darley Main Colliery Co v. Mitchell (1886)* 11 App.Cas. 127, of a similar nature known as “citing precedent”.

Morris v. Redland Bricks Limited is now cited as a precedent in itself.

It has also been quoted in legal journals Q.v.

Lord Cairns' Act in the County Court: A Supplementary Note

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