



WHAT IS A TRAP? – Devizes Magistrates sit to set definition

“What is a trap – my trap?” aye that’s the question, and a very puzzling question it is, for there is not a man in Devizes or the neighbourhood, who has been enabled to answer it satisfactorily. The Lessee of the Devizes turnpike toll pronounces it to be a cart; but he is a very interested, as well as an unfashionable lexicographer. Let the tolls payable at his gates be 3d for a cart and 6d for a chaise, instead of 3d for a chaise and 6d for a cart, and our lessee would no doubt give a different definition. The question has been referred to the Magistrates, and the Bench has received the opinion of their legal adviser, and heard learned argument pro and con, and determined that it is a *chaise*. Another Bench after hearing the same arguments, without the slightest compunction, insists that it is a *cart* – thus telling their brethren who composed the former Bench, that they did not understand the matter. Ask the learned Clerk to the Trust, and, with a very grave countenance, he will cite to you all the great law authorities, for the mere purpose of telling you that they did not say a word on the subject. He has referred to the general turnpike act, and to the local turnpike act, you are told, and there is no mention of the term there. Finally he will impress upon you that, where the law gives no directions, you must be governed by precedent. In vain you reply that there is no precedent – or if precedent, it was made to be avoided not followed – that the Magistrates had set all precedent at defiance. “That is their affair, not mine,” the learned gentleman will simply retort, and then pocketing his 6s. 8d. he resumes his books and parchments, and you will leave the office as wise as you entered it – the question still remaining – “*What is a trap?*” – The whole body of the Commissioners were summoned on Monday last to settle the matter – and to be a Commissioner, you must be a man of wealth as well as of lore. Well the Commissioners have met, and the question is as much unsettled as ever. We had present, Mr Sotheron, Admiral Bouverie, Mr Armstrong, Mr Chandler, Mr Stobbert, and others. Some of them referred to Dr. Johnson, and this great lexicographer defines a trap to be “a snare set for thieves or vermin” – “a stratagem to betray,” &c.;- but then it was said, the Doctor simply referred to a trap, not to my trap. Mr Sotheron appeared desirous to follow the directions given to the revising barristers- “in all cases of doubt put a liberal construction;” and Mr Sotheron was ably supported by Mr Armstrong and the Admiral – the two latter gentlemen giving as a reason, that if they had traps they would much rather pay 3d than 6d for the toll. This was held to be conclusive; but then they were at issue with the lessee, and the lessee required a good round sum to surrender his opinion: so it was ultimately referred to a Committee, to report at a future meeting. And the question still is “What is a trap – my trap?”

Devizes & Wiltshire Gazette, September 23rd 1847