



Crime and Punishment

Minety

Court Case

John Westmacott and Thomas Coole

Messrs John Westmacott and Thomas Coole, the surveyors of the highways of the parish of Minety, were summoned by Wm. Thomas Keene Perry Keene, Esq., for the non-repair of a certain highway, called Woodward's lane, situate in Minety, leading from the turnpike road from Malmesbury to Minety aforesaid, into the turnpike road leading from Minety aforesaid to Eastcourt.

Mr Jones, of the firm of Messrs Jones and Forrester, appeared in support of the summons; and Mr Chubb, of the firm of Messrs Chubb and Son, for the defence.

Mr Chubb pleaded, 1st, that the lane in question was not a highway; 2nd, that if a highway, the owners and occupiers of the adjoining lands were liable to repair; and 3rd, that the defendants were not liable to repair.

After hearing the evidence of Mr Perry Keene, and after some discussion between the respective attorneys and the Bench, an order was made directing a bill of indictment to be preferred at the next assizes to be holden at Salisbury on the 20th July instant.

Swindon Advertiser and North Wilts Chronicle 18 July 1859

OPC Note: The following appears to be the continuation of the above case.

The Queen v Inhabitants of Minety

In this case, which related to the repair of a highway in the parish of Minety, Mr Coleridge said he was happy to state that the Jury would be relieved from any investigation, inasmuch as, since the indictment had been preferred, several meetings in vestry had been held, and the matter in dispute had undergone a sifting examination; the result of which was that the vestry had agreed to repair the highway, and had refused to authorise the Surveyors to proceed with the indictment.

No evidence therefore was offered, but a long discussion took place between the contending counsel, on an application by Mr Coleridge for an order for costs, which he contended he was entitled to ask, as all the parish had done was to withdraw from the defence.

His Lordship said he would look into the authorities, and give his decision upon the point in the morning. If he found he was obliged to make the order asked for he must of course do so; but if the point was left to his discretion, he had no hesitation in saying at once that he should not exercise it.

Devizes and Wiltshire Gazette 29 March 1860