



# *Highway Repair Case*

## *Little Hinton*

### **Repair Highway Between Little Hinton and Bourton**

The Highway Board for the District of Swindon, and Thomas Anger, waywarden for the parish of Little Hinton, were summoned by Mr. H. Kinneir, solicitor, of Swindon, to show cause why they should not be called upon to repair certain highway leading from Little Hinton to Bourton. The summons was taken under the 18th sec of 25 and 26 Vic, c61. Mr Jones (Jones and Forrester, Malmesbury) appeared in support of the summons, and Mr. W. Foote, magistrates clerk, clerk to the Highway Board, defended, his place being taken by Mr. S. B. Dixon of Pewsey. Mr. A. D. Hussey-Freke retired from the Bench on the case being called on. After the case had opened briefly by Mr. Jones, Mr. Foote said he was prepared to undertake on behalf of the Highway Board that the road should be repaired as a bridle way to the satisfaction of the justices.

Mr Jones said that was all he wanted, but he thought the best course would be to adjourn the case for three months to see what was done.

This was, after some further arguments agreed to.

The length of road in question was stated to be 22 chains. Mr. Foote said it would require £800 to repair it, but Mr. Kinneir said he would be happy to do the work himself if the Board would give him £200. A number of surveyors and other skilled witnesses were in court to give evidence if required.

**Swindon Advertiser and North Wilts Chronicle, 25 March 1882**

### **HIGHWAY REPAIR CASE**

Some months since Mr. H. Kinneir (Kinneir and Tombs) made application to the Bench for an order on the Swindon District Highway Board to repair a road leading from Wanborough to Bourton through a small portion of the parish of Little Hinton, which road, Mr. Kinneir said, had been allowed to get out of repair to such an extent that it was almost impassible. Mr. Kinneir is the owner of a farm, the only road to which is the one in question. His contention was that he had a right of use over it for waggons, &c., under an old award, the name having been specially reserved to the farm, whilst the Highway Authorities contended that it was only a bridle way, and as such was in fair repair.

When the case was first before the Bench a number of professional witnesses were in attendance to give evidence, but after the opening statement of Mr. W. S. Jones, who appeared for Mr. Kinneir, and the admission by Mr. Foote, who appeared for the Highway Board, that it was not in repair, it was agreed that the road should be repaired by the Board to the satisfaction of the Bench, who arranged to view it with the parties interested. The Bench, however, exercising their power in the matter, referred the inspection to Mr. H. Weaver, the county surveyor, and requested him to report on the state of the road, after the promised repairs had been carried out by the surveyor to the Highway Board.

A month ago, at this Court, a report of Mr. Weaver was produced, and Mr. Foote, the Magistrates' Clerk, was about to read it, when Mr. Kinneir, who happened to be in Court on other business, protested against anything of the kind being done, contending that the arrangement previously made that the Bench should inspect the road in company if the parties interested, had not been carried out, that being the first intimation he (Mr. Kinneir) had had that the inspection had been made by the County Surveyor, or of any order of the Magistrates being applied for. Getting a perusal of Mr. Weaver's report, Mr. Kinneir further stated that the portion of road complained of was not mentioned therein, and he asked the Bench to carry out the arrangement to inspect in the presence of the parties interested. This was agreed to, and to-day Mr. Archer made a report on the part of himself and Mr. Codrington, who attended to make the inspections. He said since the matter of the bridle road leading from Wanborough to Bourton was brought before the Bench, and Mr. Foote, on the part of the Highway Board, undertook that the road should be repaired to the satisfaction of the Justices, the waywardens had done to the road all that they considered was necessary, and Mr. Codrington and himself had since then inspected it. As Mr. Kinneir knew, a portion of this bridle road passes over several pasture fields. In one of them, which is now in the occupation of Mr. Anger, the road had a few years ago been divided from the field by two ditches one on each side of the road.

"These ditches have now been lately filled in, throwing the road open again to the field, as it originally was, but this work has been improperly done, as the ground is left in some places unlevel, and with holes in it. When this work is properly finished off we shall have no hesitation in saying that the road is repaired to our satisfaction. When the case was brought before the magistrates it appeared to us that Mr. Jones, who represented Mr. Kinneir, considered that the Highway Board could be required to make a hard stone road across these pasture fields, the same as is now made where the road is enclosed by hedges on each side of it, but, as the road appears to be very little used by the public as a bridle-road, we think that the waywardens cannot be required to make a hard road over these fields by stoning or staking it, if their surveyor can keep the bridle-road in such a reasonable state of repair for those few who use it, that they may ride over it without difficulty or danger. No general rule can be laid down as to the amount or the nature of the repairs that may hereafter be necessary to keep it in such a state, but this will depend on the wear and tear of the road, and also in a general measure on the judgement exercised by the surveyor". Mr. Tombs asked for a copy of the magistrates' report, but Mr. Archer said that there was no written one, but that Mr. Kinneir could have a copy of Mr. Foote's notes.

Mr. Tombs asked if he was to understand that the magistrates reported that the road was not in repair when they viewed it.

Mr. Foote said he understood the work suggested by the magistrates had since been done.

Mr. Archer replied that it would only take a man two or three days to fill up the holes, which were not about two feet deep. No one would pretend to say that a man could drive along a road in the present state without fear of his horses stepping in these holes. Of course the little required would be done at once, and, if necessary, the magistrates will go over and view it again.

**Wilts and Gloucestershire Standard, 16 September 1882**

## **HIGHWAY CASE**

Mr. W. S. Jones, of Malmesbury, applied for an order for costs against the Swindon Highway Board in the case about a road at Little Hinton, in which Mr. H. Kinneir complained that the Board was in default for not repairing the same.

Mr. Archer thought as no application was made for costs at the time the case was heard he was of opinion that they could not legally be allowed now, but at the meeting of the Highway Board on Monday he understood that there would be no objection to the usual costs being allowed. This was agreed to.

**Wilts and Gloucestershire Standard, 25 November 1882**