

30th October 1875 – Article in Evesham Journal

EVESHAM DISTRICT HIGHWAY BOARD

A meeting of this Board was held at the Town Hall on Monday last, present: Mr Isaac Averill, Chairman; Mr John Ashmore, Vice-Chairman; Messrs O J Morris, F Ashwin, Ernest Bomford, J Wadams, F Taylor, J S Holtom, W Coldicott, J Phipps and J Lidsey.

The Clerk (Mr George H Garrard) read the following memorial to the Board, forwarded by the Vicar of Badsey:

To the Chairman and Waywardens of the Evesham Highway Board,

We, the parishioners and ratepayers of the parish of Badsey, in vestry assembled, this 20th of October 1875, do hereby respectfully beg to offer our protest against the order made in April last to the surveyor of the Highway District, viz, “to metal the Pear Tree Lane 10 feet wide, and the remainder of the road leading therefrom to Allen’s Gage.” We protest for the following, as we think, cogent reasons:

- I. Because it has never, in the memory of the oldest inhabitant, either before or since the award (date, 1812) been repaired by the parish.*
- II. Because in the Enclosure Award (date 1812) the aforesaid road is awarded as a private carriage road.*
- III. That the precedent of the adjoining parish, Bretforton, as alleged by Mr Robert Castle, agent for Christ Church, in letter, date 25 June 1875, viz, “That the continuation of this same road in the adjoining parish awarded as a bridge and occupation road in a precisely similar manner has, I am informed, been repaired and maintained in a proper manner by the parish,” is not necessarily a precedent or an authority or guide, inasmuch as the Bretforton award was made about the year 1775, whereas the Badsey award was made in 1812, about 37 years later.*
- IV. Neither is it, as alleged by Mr Castle, “awarded in a precisely similar manner”, vide extract in Mr Phipps’ possession. For that the Bretforton road (by the award of 1775), being of the breadth of 60 feet, shall be continued and used as a “public road and common highway for ever to the entrance of the common fields of Badsey, at or near a place called Allen’s Corner”. Whereas the Badsey road is awarded as a public bridge road (a very different affair) and a private carriage road, and the width of driftway 20 feet – not 60 feet. Mr Robert Castle has, therefore, been misinformed. The cases are not parallel.*
- V. That about the year 1835, the Bretfordians, taking Mr Castle’s view of the case, possibly, resolved in a lawsuit between Dr Timbrell and others, to test the right of the public as to the use of such (Badsey private) road as a public thoroughfare. After a full hearing in Court, it was decided that the said road was a private road; and the gate, called Allen’s Gate at the east entrance of the road, was, by order of the lessees of the Dean and Chapter of Christ Church, locked, in consequence of such lawsuit, and was kept locked for many years.*
- VI. That about the year 1838, the late Mr Joseph Jones, father of the present Guardian, occupying the lands adjoining the said road under the lessees, and being also the surveyor of Badsey parish, did gravel the said Pear Tree Lane, debiting the parish with the cost thereof. The parish protesting against the same, the magistrate in Petty Sessions disallowed the account, and the surveyor was ordered to, and did, refund the same, as being illegally expended, as may be seen in the Parish Surveyor’s book, now in the possession of the Clerk of the Evesham Highway Board.*
- VII. That we acknowledge our responsibility for the maintenance of a public bridle road, which we are willing to maintain and keep in sufficient repair for the purposes of such traffic, but we do not acknowledge a claim for repairing with metal, for use of carts, a private carriage road.*
- VIII. Because three other private carriage roads, similarly described in the Badsey Enclosure Award, and similarly marked in the Badsey enclosure map, as private carriage roads, have never been repaired by the parish, but by the private expense of each individual owner. Moreover, that to test this point, within the last ten years, the then road surveyor, Mr William Parker, was summoned by the present Guardian, Mr Joseph Jones, to repair one of such “private carriage roads” at the expense of the parish; and that such summons was dismissed by the magistrates in Petty Sessions as being untenable because of its being a private carriage road.*

- IX. *That the private carriage road now in question is precisely similar (except that it is at the extreme end of Badsey parish where there are no habitations and can be of no earthly use to any of the parishioners and ratepayers of Badsey, except to the allotment tenants under the College), and stands or falls by the same measure, the same reasoning, and authority.*
- X. *That an intimation of this order came but very shortly before the dispersion of the College for the long vacation, so that Mr Lawrence, the College solicitor, was unable, on that account, to confer with the Dean and Chapter on a matter of such grave importance to us, the ratepayers.*
- XI. *That, moreover, we are sure that the College authorities, being a rich and powerful ecclesiastic corporate body, have yet no wish to do or enforce anything which might have the appearance of being harsh, exacting, or arbitrary, and, as we feel we have a strong case, and good grounds for protesting, we would ask for time and opportunity to bring this weighty matter before the Dean and Chapter of Christ Church, the patrons of this parish, in chapter assembled, being confident that they will give us a full, patient and considerate hearing.*

*Signed, T H Hunt,
Chairman of the meeting.*

After some discussion, it was resolved that the matter should stand over till the next meeting to enable the parishioners to bring the question again before the Dean and Chapter of Christ Church.