

# THE BIBURY TURNPIKE TRUST

## THE FIRST FIFTY YEARS

NEVILLE CRAWFORD ©

The route from Cirencester to Burford has always been important and the preamble to the first turnpike act stated that it was part of the great road from diverse parts of the West of England, including the counties of Devon, Somerset and Gloucester and the cities of Bristol and Bath, to the city of Oxford and the towns of Buckingham, Northampton and Banbury. Rudder added that a stagecoach plied between Bath and Oxford.

The first act, dated May 21st 1753 was for repairing and widening the road from the Hand and Post, Upton Fields in the parish of Burford, Oxfordshire, to Dancy's Fancy in the parish of Preston, Gloucestershire, a distance of 21.8 kilometres (13½ miles). According to later statistics the average length of road supervised by a turnpike trust was approximately 30 kilometres (19 miles) and Gloucestershire had more trusts than all other counties except four.

All aspects of a trust were covered by this act including clauses relating to trustees, officers, tolls, loans, road repairs, toll houses, milestones, statute duty, penalties etc. This act of thirty-one pages, though a pocket version was published for local use, would have expired in the Parliament ending in 1775 but an act in 1774 gave five years extension to turnpike acts. So on March 21st 1780 it was renewed for 21 years and, towards the end of the fifty years being considered, in May 1801, the act was extended yet again.

Compared with the trust's income, salaries and wages, the act and its renewals proved very expensive, the original act costing £262 and the renewals £240 and £337 respectively. However, on this latter occasion the solicitor concerned, John Coxwell, said that he was necessarily detained thirty-nine days in London owing to a change in administration delaying proceedings. This was the time when George III was anxious for Henry Addington, the Speaker, to form a government in place of Pitt, but this stay in London cost the trust approximately £120 extra.

In addition to these local acts there were general acts relating to the turnpike roads and, in 1767, the Clerk was ordered to give

abstracts to Thomas Tempany, the toll collector, so that he could 'collect the proper tolls made payable thereby'.

At the start the trust had no income but there were many items for which money was required; for example the financing of the first act which incidentally included a clause limiting sums borrowed to £2000 and the interest not to exceed  $4\frac{1}{2}\%$ . Money was also required for the repair of the road and the building of a toll house and gate. Thus two mortgages of £600 and £400 were arranged and the annual interest on these two loans took a large slice out of the trust's income every year. For instance, thirty years later it was minuted that Mr T Bush was to be paid £45, a year's interest on his loan, though the income from the auctioning of the tolls that year was only £114.

### THE TRUSTEES

The original 1753 Act listed no fewer than one hundred and fifty Trustees starting with Viscounts Tracy and Gage and including three baronets and twenty clergymen; for comparison the Gloucester Northgate Act only mentioned forty six Trustees. It was thought that the larger the number the greater was the chance of the act passing through Parliament.

The meetings held to run the Trust attracted an average of 8.4 Trustees over the first ten years and all those present signed the minutes. The mortality rate was high and the election of new trustees was mentioned in many minutes, when the newly elected had to swear that they were receiving at least £40 in rents, or that their own estate was valued at over £1,000. A penalty of £50 was to be imposed if they acted when not qualified.

The trustees of many turnpike trusts, such as the Newent and the Gloucester and Hereford, held their meetings in many different inns but with the Bibury Trust every meeting took place in the Swan Hotel at Bibury, or as the minutes record it: 'at the dwelling house of William Skute called the Swan Inn.' Bibury and Arlington together in the middle of the period had a population of 562 and was thus by far the largest centre of population along the road.

In February 1756 the earliest newspaper advertisement stated that 'the next meeting will be held at Eleven of the Clock in the forenoon; at which meeting the said Trustees would proceed to nominate, elect and appoint, fit and proper persons to be Trustees in the room and place of such as are dead.'

At one meeting in 1766, at which six trustees were present, it was noted that three were clergymen and in fact the clergy were responsible for much of the running of the Trust. Many of the other Trustees were noted as 'gentlemen' and thus it was different from the usual practice that in 1770 William Wilkin, an edge tool maker of Cirencester, was elected.

From the Minutes Book it was found that 205 meetings were held during the fifty years so the average number of meetings a year was four. In the 1770's the number of meetings was usually five

but by the 1790's it had been reduced to three. Only sixteen had to be adjourned due to the quorum of five not being reached, which compared very favourably with the nearby Cirencester-Lechlade Trust where during two periods there were thirteen and fifteen consecutive adjournments. The Northgate Trust also required a quorum of five but the larger Chepstow Trust needed nine.

#### THE OFFICERS

Elected by the Trustees the three Officers of the Trust were the Clerk, Treasurer and Surveyor. Throughout the whole fifty years the Clerk was paid a guinea a meeting, though the Chepstow Trust, admittedly larger, gave theirs ten pounds a year. The Surveyor was paid 10/6 a week, compared to 9/- at Chepstow and the Treasurership appeared to be an honorary post as no payments were recorded in the accounts; Chepstow paid their Treasurer fifteen pounds a year.

These three often remained in office for long periods; the Clerk Maurice Vincent, with an ostentatious signature, served the trust twenty years and the Rev. Charles Coxwell, descended from a well-known Cirencester family, was Treasurer for twelve. Finally the William Durhams, father and son, were Surveyors for the whole period, except for the first three years when William Durham senior was Surveyor of Barnsley, Arlington, Bibury and Aldsworth, also for 10/6 a week.

Occasional mistakes occur in the dating of the minutes but one other mistake in May 1756 must have caused considerable friction. Then the Clerk minuted that the Rev. Charles Page was nominated, elected and appointed Treasurer in the room (place) of the Rev. Dr Leybourne who was incapable of attending meetings because of his ill health. Another meeting was held the following month, an unusual occurrence, when it was resolved that the resolutions of the last meeting were confirmed except that order which appointed Mr Page Treasurer, which arose from a mistake. It was resolved that the Rev. Leybourne was to continue as Treasurer, which he did until he died in 1759. He was the Trust's first Treasurer.

There was also trouble in August 1760 when it was ordered that Mrs Rogers, the widow of Mr James Rogers who was Clerk from the beginning, was to pay the Treasurer £27. This money that the Clerk had received from the Collector of Tolls before he died, was to be paid on or before the 18th November or, in default, the Treasurer was to order an Attorney to sue Mrs Rogers for its recovery. Five years later a Clerk was disqualified from office because he had moved away from the area just after he had been appointed.

Also on the payroll between 1753 and 1768, before the auctions of tolls started, was the Collector of Tolls who was paid 6/- a week, better than those in the Chepstow Trust who received 5/- and a toll-keeper of the Nailsworth trust 4/-. In addition, in 1755 a toll collector was appointed for the Ablington check gate.

#### THE ROAD

One would have expected the Bibury turnpike (now A 433) to have started at its western boundary where the Foss Way (A 429) forked northwards just east of the 1 mile stone from Cirencester.

However, the Enclosure Commissioner's working map of 1770 for Preston parish clearly shows the field name Dancy's Fancy marked east of the 2 mile stone where Akeman Street forked right. Thus the last two miles into Cirencester were part of the Akeman Street turnpike from Ready Token, a staging post from Gloucester to London, and this road formed part of the Cirencester - St. Johns' Bridge, Lechlade Trust. This trust, formed in 1727, amalgamated with three other trusts into the Cirencester United Roads in 1825 and the 2 mile stone still has a plate on it inscribed 'Cirencester District'. The Bibury turnpike did not in fact join the Cirencester United Roads Trust.

Later the first 1.3 kilometres ( approximately  $\frac{3}{4}$  mile) of Akeman Street, east of Dancy's Fancy, fell into disuse and the draft 2" Ordnance Survey map shows approximately 225 metres (250 yards) of disconnected road in the middle of a field. Today occasional hedges and banks show the former route of the Roman road.

From Dancy's Fancy the old Burford road to the Hand in Post on the Oxford-Cheltenham road (A40) was remade and small improvements to the alignment carried out where necessary. The eastern part was left until last and in 1756 the surveyor was ordered to lay the remainder of the road in Upton Field where the stones had already been dug. Twelve years later the Trustees were worried regarding the state of the side roads to Little Barrington and Westwell. Towards the end of the fifty years, in 1790, the road through Bibury was diverted along the stream side from the churchyard gate to the Swan Hotel, at a cost of £50. A subscription was opened and six people contributed £44.3s, the remainder being paid out of the tolls.

In 1769 the Trust took over the repairs of a minor road, which was under the jurisdiction of the St John's Bridge Trust, from the Stone Bridge in Ampney Crucis parish to their turnpike, but this was the cause of friction between the two trusts. The annual sum to be paid by the St. John's Bridge Trust was £2.10s but by 1772 the money had never been paid and the Bibury Trust were also asking for the sum to be increased due to damage caused to the road. In the following year it was therefore decided that the amount be increased by 10/-.

The Act allowed the Trustees to contact people for the purchase of land, so that re-alignments of the road could be made and, if there was no agreement on the value, then the dispute could be settled by a jury. The accounts list small sums paid annually for the rent of land, for instance 5/- agreed in 1784. Likewise the Trust must pay for stone for repairs when dug from private land but the sum agreed,  $\frac{1}{2}$ d or 1d a load, did not seem very generous. The Newent Trust used to pay 1d to 2d.

The actual stone pits caused problems and in 1789 it was reported that several pits between Bibury and Aldsworth were dangerous to travellers, so the surveyor was ordered to slope or fence them. Again in 1792 10/- was to be paid to a man for repairing walls damaged by pits being sunk too near them.

Naturally the minutes and accounts are mainly concerned with repairs to the road and the subsequent bills. At practically every meeting the Surveyor is 'empowered to employ labour' to repair a certain section of the road; for example in 1764 he was allowed two labourers to fill up quick sands and hollows and in 1775 one hundred yards over Windrush Downs was 'reputed to be most founderies in water'. This cost £17.12.5d to repair. Also the actual width of the road must have been minimal as in 1765 the road was ordered to be widened for waggons with broad wheels.

Under statute duty each surveyor was responsible for providing lists of inhabitants and teams of horses liable for between one and four days work on the road. There were penalties if this was not done and in 1757 seven inhabitants of Barnsley were fined 10/- each for refusing to do their statute duty; the statute labour system was of course not popular. There was also trouble in 1761 with the part of the road in Oxfordshire and the Treasurer and Clerk had to 'wait upon' Justices in that County to obtain a warrant in order to call the Statute Duty.

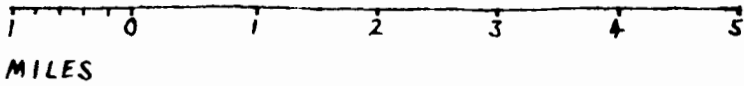
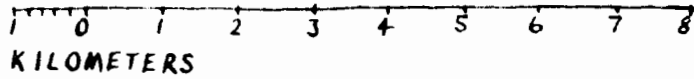
By paying an annual composition sum, the Act allowed parishes to opt out of providing statute labour; in 1776 the parishes of Preston, who did a days' statute duty with one team and three labourers repairing the road between Dancy's Fancy and the Gap, were told that if they paid £1.11.6 every year they would be discharged from duty. Those parishes who agreed to this did not always pay promptly and in 1779 the Trust Surveyor had to summon the parish surveyors, who had not paid, to bring their money to the next meeting.

Bridges caused trouble even though the turnpike only went over the rivers Coln and Leach, and two small streams, and most of the road lies on the Cotswold plateau at least 125 metres (406') above sea level. In 1768, for instance, the surveyor of Arlington was told to erect proper rails on both sides of the bridge over the mill stream, for the security of travellers, otherwise 'the said bridge will be indicted'!

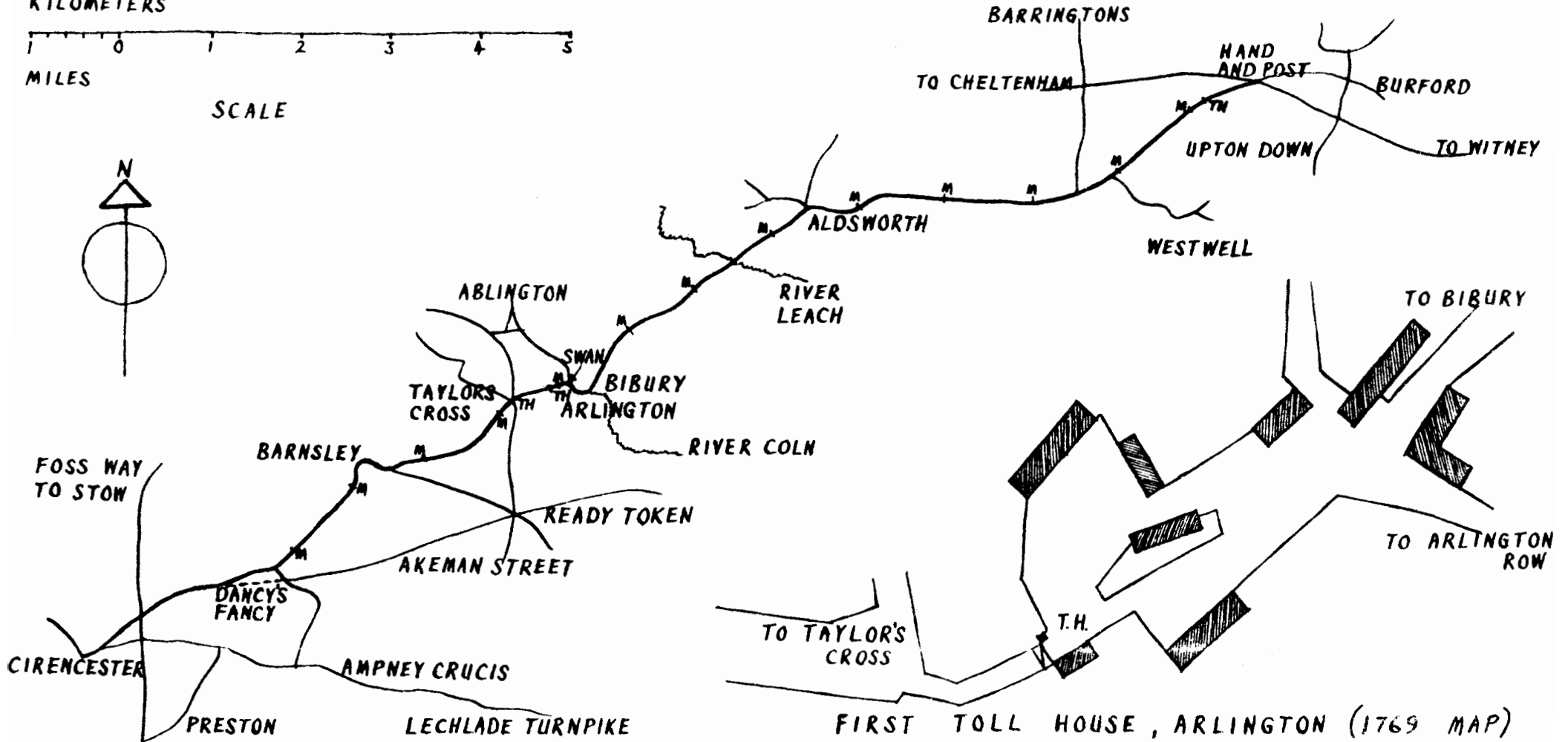
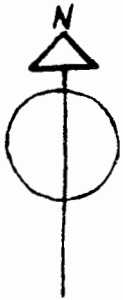
It was the proposed bridge at Winterwell Bottom, for which Samuel Herbert was paid 2/6 in 1791 for an estimate, that caused the most reports in the minutes and correspondence. Here the turnpike used to flood due, it was recorded in 1798, to Richard Selfe having dammed up the water to flood his meadows, and therefore the Trustees said a bridge was not necessary if the obstruction was removed. In a letter to the Treasurer Mr. Selfe said he would remove the obstruction at the first sign of a rise in the water, but in 1791 there was a meeting reminder note written by the Treasurer 'to ask Mr. Selfe whether I did not put into his hands the estimate for the bridge at Winterwell'. Another note considered that it would probably be worth while for Mr. Selfe to build the bridge at his own expense rather than be deprived of the benefit of flooding his meadow.

Also in 1791 the Surveyor was asked 'to turn an arch' at Hamer Bridge and, if it encroached on William Hale's land, to pay him a yearly sum, but normally the Trustees tried to avoid paying for bridges, a costly item. For a new bridge at Letchbrook

# THE BIBURY ROAD 1753-1803



SCALE



(Leachbrook) an estimate excluding carriage was for £38 in 1811, later however than the period being considered.

The removal of annoyances, nuisances and obstructions was allowed by the Act and in 1791 several landowners whose hedges and fences shaded and enroached on the road were given notice to immediately cut and prune them, the Surveyor to report the names of those who did not conform to the next meeting. More trouble occurred in 1770 when John Bridle of Arlington was burning pigs and causing a nuisance to travellers. Also the inhabitants of Barnsley were warned not to make bonfires or let off any squib or firework within 24 metres (80') of the centre of the turnpike with a penalty of £5, a large sum at that time.

THE TOLLS In the original Act the tolls were laid down and briefly were as follows:-

(1)	Every animal drawing any carriage	3d
(2)	Every animal not drawing	1d
(3)	Every drove of large animals	10d per
(4)	Every drove of small animals	5d score

However in the 1801 revision, these tolls were doubled with the exception of (1) which was increased to 5d and a new clause was added when waggons and carts with wheels less than 150mm (6") wide were charged 7½d. If the tolls were not paid the Trustees were empowered to impound goods or chattels which could be sold after four days.

Exempt from the beginning were :-

- (a) Carts carrying stone for building or for repairing the road.
- (b) Loads of manure.
- (c) Those concerned with voting on election days.
- (d) Straw for flooring.
- (e) Agricultural implements going for repair.
- (f) Animals being taken to water or pasture.
- (g) Horses for shoeing.
- (h) Animals carrying grist to and from mills.
- (i) Horses and waggons used in the passing of vagrants with lawful passes.
- (j) Posthorses carrying mail.
- (k) Animals and carts moving soldiers and their baggage.

Tolls and exemptions were clearly granted to avoid undue 'taxation' of agriculture.

Tolls were to be paid once a day, from midnight to midnight, but in 1755 it was agreed that waggons going to Cirencester and returning empty before noon the following day need not pay toll again.

In the original act the people of Bibury and Arlington were allowed to pay only half the toll for their carriages and cattle, and Ablington was added in the 1780 renewal. This original clause led to a dispute regarding tolls for waggons and in 1758 these were ordered to pay full tolls. However a note indicates that the Treasurer privately thought that these villages should pay all tolls in full and Mr Stevens was asked to find out the

position in Cirencester.

A reduction was made for regular movements of sheep and a composition toll of 5/- was paid for three months.

During the first fifteen years the tolls were collected by a paid collector, Richard Westmacott, and during that period the average amount obtained yearly was £81. Set against that figure the average expenditure during the last eight years of that period was £76.

Then in December 1768 the collection system was altered and the tolls were put up for auction for a period of a year, a quarter of the sum obtained being collected every three months with the highest bidder providing sureties to the Trustees. At £98 John Cherrington of Cirencester, an ironmonger, was the highest bidder at the first auction, which can be compared with the £93 collected during the year.

From 1768 until 1776 the auction bids rose to £154, William Holtham, a labourer, being successful for four of the years, but for 1776 he was allowed £5 for his loss due to the deep snow. The auctions had to be advertised at least one month before the event and in November 1774 an advertisement stated that the auction was to be held at the Swan, Bibury, between two and five in the afternoon on the 20th December.

There was no bidder for the following year, 1777, when the toll-house was moved to a more remote place, and in 1780 and 1781 the amounts dropped to £106 and £100 as the stage coaches ceased to travel regularly along the turnpike .

Over the following seventeen years 1782 to 1798, the tolls averaged out at £124 with seven different collectors involved. The Rev. William Sommerville, Rector of Bibury from 1757 to 1790, was successful from 1783 to 1785 which indicates that the highest bidder did not necessarily collect the tolls but rather sub-let the post for a small profit.

Another collector was Charles Slatter, a cordwainer originally from Bladon in Oxfordshire, who collected the tolls for no less than seven years.

During the last five years being considered the average increased considerably to £168 and Charles Slatter was defeated only once at the yearly auctions. In the last year, 1803, he also paid £45 for a new gate just established at Upton Fields.

In common with all other trusts evasion of paying tolls was always a problem and the act stated that a penalty of 20/- was payable by persons permitting or going through private passage, in other words going through land to avoid the toll house. In 1769 John Cherrington was ordered to attend the next meeting to make his complaints against such person or persons going over private ground to evade the Arlington gate.

#### TOLL HOUSES AND GATES

The Act permitted the Trustees to erect turnpikes and toll-houses along the road and also across any



lane leading to the road, except within five miles of Cirencester, so at the first meeting in June 1753 it was agreed that gates or chains be put up at Upper End, Arlington and at Ablington. An estate map of 1769 shows the Arlington gate up the hill leading S.W. from Bibury bridge and in November 1753 it was minuted that John Simm's was to be paid £21.1.9 for erecting the turnpike house and gate, very similar to the £20 allowed at this time by the Chepstow Trust. The road to Ablington goes N.W. from Bibury bridge but it was not until May 1755 that it was ordered that this check gate be erected.

In June 1774 the Trustees decided to move the toll-house from Upper End to a crossroads called Taylor's Cross, along the Barnsley road, to stop avoidance of tolls, a movement of 0.8 kilometre ( $\frac{1}{2}$  mile). However, there was no action on this minute and in December the Treasurer was to arrange for erecting a temporary house at Taylor's Cross 'in the most frugal manner he conveniently can'. The following meeting in March 1775 the Treasurer produced a plan for a proper house but this was not approved as it was thought too expensive. The Trustees themselves were now to produce plans but there must have been a considerable delay because it was not until August 1777 that it was ordered that £34.15.3 be paid for erecting the house and also that a new gate be put up in place of the old decayed one. For comparison, the Chepstow trust now allowed £30 for a toll-house.

John Simm's detailed accounts for the house survive, although the house itself does not, and the total cost of the carpentry and joinery amounted to £12.15.7, one of the more expensive items being an oak door and frame for 18/-. Another bill this time from mason Dunn, included  $2\frac{1}{2}$  days work in June taking down the old turnpike house for 4/2d. In this connection, T. Tibbald, in his estimate for erecting the new house, stated that the timber of the old house was not worth more than £2 and the stone not worth the carriage. His estimate was particularly interesting as it included a plan showing his proposed house and gate, in relation to the crossroads, and room sizes were all indicated. The main room with fireplace, door and adjacent window was dimensioned 10'X10' (3X3m) and off it were two smaller rooms, one 6'X4' (1.8X1.2m) with window and the other 3'X4' (0.9X 1.2m). Other documents in the Rev. Coxwell's papers include further plans and elevations for a single story toll-house estimated at £33 and a two-storey at £43.10s.

In February 1777 it was agreed to erect a check gate or set up a chain across the road from Arlington Down to Ablington, near the river, as tollgate evasion was taking place. In August J. Hinks, carpenter, was paid £6.0.11 $\frac{1}{2}$  for erecting a wooden house at this place.

It was not until towards the end of the fifty years, in 1801, that the Trustees started to consider the erection of another toll-house. The Treasurer's notes state that Messrs Musgrave and Beach were asked to find the best position, but that Mr Beach strongly objected to having it south of Aldsworth, where the Surveyor wanted it, as this would intercept the teams going to Coln and his mills.

Two years later it was agreed that this gate should be near Upton Fields, shown on the 2" draft O.S. map of 1811/16 as 0.8 kilometre ( $\frac{1}{2}$  mile) S.W. of the junction with the Crickley Hill to Campsfield Trust (A40) of 1750/1. The account of Thomas Tempany, mason, for this house amounted to £18.18.0 and the new gate by Thomas Simms cost £5.2.0. The O.S. draft map also shows a toll-house at the junction with the main road (A40) but this no doubt belonged to the Crickley Hill Trust.

Throughout the minutes constant references were made to repairs to the gate including sums of 3/6, 8/-, 6/6, 3/8, 12/4, 1/- and 2/6, as well as alterations, improvements and repairs to the toll-house. This work included white-washing for 7/- in 1757, painting in 1778 for £1.18.6 and painting the door and gate in the same year for 12/6.

In 1781 the collector complained that the window in the N.E. part of the house was too small to command views of both gates and 3/6 was paid to a mason for enlarging it, with 4/6 for the glazier. A pool was ordered to be dug in 1787 for 50/- to provide a water supply and two years later a wood shed was ordered at a cost of £13.14.1; this seems expensive so perhaps the sum included house repairs.

Later again, this time in 1795, wooden shutters were requested and finally a new floor was ordered to be laid in 1801. In addition, the check turnpike had to have a new door costing 4/- in 1799 and the gate itself had to be renewed for £1.2.0 in 1796.

#### MILESTONES AND HILL MARKERS

One section of the Act stated that the road was to be measured and milestones erected and another clause added that the penalty for breaking or defacing a stone was forty shillings. Three years after the first meeting, in May 1756, it was resolved that the road was to be measured, staked out and mile-stones were to be erected with proper engraved inscriptions, mentioning the distances from Burford and Cirencester.

In the following month it was agreed that Joseph Brindle was to be paid nine shillings for measuring and staking out the road and then, in March 1757 he was paid 7/6 each for seven milestones which were erected and set up. There were eventually thirteen stones between Dancey's Fancy and Hand in Post but in 1756 it was recorded that the eastern end of the road across Upton Fields had still to be laid and this may account for the discrepancy in the number originally erected.

Nearly thirty years later, in 1785, the Surveyor reported that the the milestones were much defaced and wanted new lettering and it was ordered that they were to be re-lettered. However the work does not appear to have been carried out as in April 1788 there was another order to face the stones and paint in legible characters and figures. In November Thomas Brindle was paid £1.11.6 for this work.

At the same meeting the Clerk was ordered to give notice that if any persons defaced any of the milestones or direction posts,

they would be prosecuted and parents were desired to caution their children not to be guilty of this offence. In addition any person giving information so that offenders would be brought to justice, would be rewarded for their trouble by applying to the Treasurer. Any person convicted of this offence would forfeit a sum not exceeding £5, a sum which incidentally exceeds the 40/- mentioned in the original act.

Today a typical surviving milestone is 850mm (34") high, with the top rounded 50mm (2") to throw off rain water. The width tapers from 450mm (18") at ground level to 375 (15") and the depth also decreases from 200mm (8") to 125mm (5"). Although the stones survive, unfortunately none of them by now has any evidence of an inscription.

Associated with milestones were hill markers. In December 1770 the Surveyor, William Dunham, was asked to survey in furlongs and perches five hills along the road i.e. Leachbrook Hill, Quarry Hill near Barnsley, White Hill, the hill at Bibury and finally Vens Blow Hill, so that posts could be erected where additional horses were required. Broad-wheeled waggons, those with wheels 225mm (9") girth or over, required ten horses and those between 225 and 150mm five.

In March 1771, the Trustees sent this order for extra horses to the Quarter Sessions, but unfortunately it was not passed as it was said that the boundaries of the hills were insufficiently described. So in June a revised statement was submitted and at the Trinity Sessions meeting at the Boothall, Gloucester, on Tuesday in the weeknext after the feast of Thomas a Beckett, it was proved upon the oath of two credible witnesses to the satisfaction of the court and the order was confirmed.

As a result, in September 1771, it was ordered that stones should be erected at the boundaries of the hills mentioned. Here it is interesting to note that at the top of Quarry Hill there was a stone pillar, 700mm (28") high and approximately 250mm (10") square, which was in the correct position to have been one of those markers. Unfortunately it was knocked over in February 1977.

CONCLUSION During these fifty years the Trustees and Officers seem to have managed the Trust reasonably efficiently, with one exception, and considering the limited income, the road, toll houses and milestones appear to have been kept in good condition if one can rely on the lack of recorded complaints.

The exception was the faulty positioning of the toll-houses. The first one at Bibury was in the wrong position to collect the maximum tolls and also situated on a hill which made it difficult for waggons to start up again, likewise the one eventually established at Upton Fields would have been preferable at or near Aldsworth. Minutes and notes indicate that a considerable amount of traffic must have been avoiding the toll-houses and check gates at Bibury, Arlington and Ablington and it seems strange that it took fifty years to erect a gate on the eastern part of the road, albeit even then in the wrong position.

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