

EBBESBOURNE WAKE NO. 24 - HISTORICAL EVIDENCE

Document	Date	Representation of route
Andrews' and Dury's Map of Wiltshire – two inches to one mile	1773	<p>Andrews' and Dury's map of Wiltshire is a commercial map based on original survey. Commercial maps were produced for profit and intended for sale to the whole of the travelling public of the time. It is therefore considered unlikely that private routes which were not open to all traffic would be shown as this would encourage trespass against landowners and cause difficulties for map users, which was not in the interests of the map maker.</p> <p>Small scale mapping also placed constraints upon the routes which could be shown and it is likely that only principle routes would be shown, i.e. those open to all forms of traffic.</p> <p>The claimed route is shown by double broken lines, which suggests that the way is not bounded on either side. The Wiltshire map does not have a key, but the Hertfordshire map does and according to this explanation the path is an "Open Road". It is unlikely that the Wiltshire map would have employed different map conventions.</p> <p>The route is not shown on the index page for the map, which shows the whole of the county at a smaller scale.</p>
Quarter Sessions Indictment	1779	<p>The Highways Act of 1555 required the appointment by all parishes of two surveyors with a duty to keep the condition of roads in that parish, under review. They were also required to secure from each inhabitant of the parish, four days labour per year, to work on the roads, (later increased to six). If the parish failed to fulfil its duty to maintain the public highways to a suitable standard, it could be indicted for non-repair of highways. The indictment was expressed as a grand jury presentment, drafted by the Clerk of the Peace and these indictments are believed to be particularly reliable, as much importance was placed on the precise wording of the documents. It was difficult to introduce changes to the standard form and if the Counsel for the defence could find the slightest flaw in the indictment, the action could fail.</p> <p>The 1779 indictment describes what is thought to be the path in question as a route for all the Kings subjects and their horses, coaches, carts and carriages, as follows: "<i>...from the Time, whereof the Memory of man is not to the contrary, there was, and yet is a certain common and ancient Kings Highway, leading from Ansty – in the County of Wilts – towards and unto Bowerchalke – in the County of Wilts– used for all the King's Subjects, with their Horses, Coaches, Carts and Carriages, to go, return, and pass at their Will; and that a certain Part of the said King's Common Highway, situate, lying and being in the Parish of – Ebbesbourne Wake in the said County of Wilts (that is to say) From Ebbesbourne Wake through a Lane Called a Sheep Drove to the Dwelling House of Babbcock – containing in Length Four – Hundred Yards - and in Breadth Twenty – Feet, on the Tenth-Day of July – in the nineteenth Year of the Reign of his said present Majesty, and continually afterwards, until the present Day, was and yet is very ruinous, deep, broken and in great Decay, for want of due Reparation and Amendment, so that the Subjects of the King, through the same way, with their Horses, Coaches, Carts and Carriages could not, during the time aforesaid, nor yet can go, return, or pass, as they ought and were wont to do, to the great Damage and common Nuisance of all the King's Subjects through the same Highway going, returning or passing,</i></p>

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		<p><i>and against the Peace of our said Lord the King, and that the inhabitants of the parish – Ebbesbourne Wake aforesaid in the County of Wilts – the said common Highway so in Decay – ought to repair and amend when and so often as it shall be necessary...</i></p> <p>It is considered that this refers to the claimed route as it seems to concur with later mapping evidence, but this is open to interpretation and this particular piece of evidence should be viewed with caution in this case. The claimed route could feasibly form part of a route between Ansty and Bowerchalke, passing through Ebbesbourne Wake. It is possible that the lane referred to as “<i>Sheep Drove</i>” is that leading from Lamb Down as shown in the Ebbesbourne Wake Inclosure Award which refers to the claimed route as a “<i>Public Carriage Road or Driftway</i>”, leading from the old inclosure called “<i>Lamb Down</i>”. I have been unable to locate the dwelling house referred to within the indictment.</p>
Ebbesbourne Wake Inclosure Award	1792	<p>Inclosure was a process by which lands which had previously been communally farmed by the inhabitants of the manor were redistributed amongst people having rights of common. By the eighteenth century new innovations in farming were increasing output, but where communal farming was in place, it was difficult to modernise without the agreement of all parties. Therefore the larger landowners, who wished to increase the productivity of their land, set about obtaining parliamentary authority to redistribute property rights.</p> <p>Prior to 1801 inclosure was dealt with by local acts for specific areas. As part of the Ebbesbourne Wake inclosure, the Commissioners were required to “<i>set out, ascertain, order and appoint both public and private Roads Highways Bridleways and Footways in over upon through and by the sides of the Lands and Grounds by the said Act directed to be divided and Allotted which are situate within the said parish of Ebesbourne-Wake...</i>”</p> <p>The route is referred to in the Ebbesbourne Wake Inclosure Award as “<i>...One other Public Carriage Road and Drift way of the breadth of thirty feet branching out of the last mentioned Road (the road from Ebbesbourne Wake to Sutton Mandeville) at the Distance of about twenty perches from the Northeast Corner of the Old Inclosure called Lamb Down aforesaid and from there extending Northwest in its usual Course and direction thro’ and over the Allotment of Down Land to the said William Coles Esquire unto the Northwest Corner of the said Allotment where it crosses the late Turnpike Road which leads from Shaftesbury to Salisbury and enters at its usual place into the parish of Swallowcliff the same being part of the Road which leads from the village of Ebesbourne-Wake to Swallowcliff aforesaid...</i>”.</p> <p>The route is set out as a public carriage road and it should be noted that the same document deals with public bridleways, footpaths and private roads, separately.</p> <p>The map accompanying the Inclosure Award (Plan C) shows the road coloured sienna, as are other known vehicular routes in the parish and labelled “<i>Carriage Road to Swallowcliff</i>”. The route is shown by double broken lines, suggesting that it is not bounded by any form of fencing or hedging. The footpath to the east of this route is shown in a different manner, i.e. narrower as a less substantial route.</p>

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		<p>The inclosure process had the power to change the road network of a parish, but it is clear that the claimed route pre-dates the inclosure process, as shown by Andrews' and Dury's map of 1773 and possibly the Quarter Sessions Indictment of 1779 and is set out within the award.</p> <p>Weight can be given to the routes included within an Inclosure Award as landowners had a strong influence over the inclosure process and wanted to minimise public highways over their land. Parishes also had motives to reduce the number of public highways in order to reduce repair costs. Therefore those routes included must be seriously considered. To balance this, the public nature of the inclosure process was clearly set out, as public notice was required at each stage and opportunity for objection given.</p>
Swallowcliffe Inclosure Award	1792	<p>Within this award the route is described as <i>"...One other Public Carriage Road and Drift way of the breadth of thirty feet branching out of the New Turnpike Road aforesaid opposite an Old Inclosure belonging to the Earl of Pembroke in possession called the London Elm and from there extending in a southward direction through and over an Allotment to the said Earl in a strait line to the bottom of the hill and from there continuing in its Ancient Course and direction Southeastwards to the usual place of its entrance into the parish of Ebesborne Wake the same being part of the Road leading from Swallowcliff to Ebesborne Wake aforesaid..."</i></p> <p>On the map (Plan B) there are three routes marked to Ebbesborne Wake. The claimed route is inscribed <i>"Road from Ebesborne Wake"</i>. It is interesting to note that this map differentiates between roads and footpaths, describing the adjacent route to the east as <i>"Footpath from Ebesborne Wake"</i>. The claimed route leading south is shown by double broken lines (suggesting that the path has no boundaries) and is coloured sienna, as are other known "roads" in the parish of Swallowcliffe. The footpath is not coloured and is shown by a different notation, i.e. narrower as a less substantial route.</p>
<i>"A Survey of the Parish of Ebesborne Wake In the County of Wilts Belonging to The Earl of Pembroke and Montgomery"</i>	1794	<p>Estate maps are not a primary source of evidence as it was not usually their purpose to show rights of way. Their purpose was to show an estate and in this particular case, types of land use on an estate. However, some useful information can be found on these maps, i.e. roads could help with orientation, and could sometimes form the boundary of a plot.</p> <p>The suggestion of the claimed route is shown on the main index plan showing the whole parish at a small scale <i>"General Plan of Ebesborne-Wake"</i>. On the larger scale plan, showing only part of the parish, <i>"Ebesborne Wake The North Part Plan A"</i>, the route is shown in full by double broken lines suggesting that it is not bounded in any way. The route is labelled <i>"To Swallowcliff"</i> suggesting that it is a long distance, well-used route. The explanation does not refer to roads.</p>
<i>"A Survey of the Parish of Swallowcliff In the County of Wilts The Property of The Earl of Pembroke and Montgomery"</i>	1797	<p>This estate map shows the suggestion of the continuation of the route into the parish of Swallowcliffe on the main index plan or General Plan. On Plan B, which shows part of the parish at a larger scale, the full continuation of the route in a north-westerly direction into Swallowcliffe, is shown. It is coloured sienna, as are other known vehicular routes in the parish, but the route is not inscribed and the explanation does not refer to roads.</p>

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Greenwoods Map	1820	Greenwoods map of Wiltshire is a <i>“Map of the County of Wilts from Actual Survey”</i> . Greenwood re-surveyed and produced a set of updated county maps between 1817 and 1939. He seems not to have used OS maps, but did advertise for local surveys and made use of local directories and printed sources. This is a commercial map produced for the travelling nobility who contributed to its production and the inscription reads <i>“To the Nobility, Clergy & Gentry of Wiltshire This Map of the County is most respectfully Dedicated by the Proprietors”</i> . The route is shown by double broken lines as an unenclosed way, as a <i>“Cross Roads”</i> , according to the Explanation, which refers only to <i>“roads”</i> . In this context <i>“cross roads”</i> is not necessarily the same as our modern understanding of this term. It would appear that the term <i>“cross roads”</i> was first mentioned in Ogilby’s <i>Britannia</i> of 1675, which used the term to distinguish secondary roads from primary roads (i.e. those originating in London). In the preface of the <i>Britannia</i> , Ogilby states: <i>“...having illustrated the principal roads in England and Wales by 85 several itineraries we have distinguished the same into direct and cross roads...and calling such cross as lead from some of the said lesser centres to another like capital town or place of eminency...”</i> It would appear that subsequent map makers consistently used this term to describe secondary roads until about 1912 and dictionaries still contain a reference to <i>“byway”</i> within the definition of <i>“cross road”</i> . The purpose of the commercial map and the constraints of a small scale mean that footpaths and bridleways are unlikely to be shown.
Greenwood’s Map of Wiltshire (revised and corrected)	1829	The route is shown by double broken lines, suggesting that the path is not bounded on either side, as a <i>“Cross Roads”</i> , according to the Explanation. The term <i>“cross roads”</i> is likely to refer to a secondary road and again the map is of a small scale so routes not available to all traffic are unlikely to be shown.
Murray’s Map of Wiltshire	1830	The route is shown by double broken lines, suggesting that the route is not bounded on either side. According to the Explanation the route is a <i>“Bye Road”</i> . Again it is a small scale map of the County of Wiltshire and it is unlikely that footpaths and bridleways have been recorded.
Cary’s Map	1832	Cary was another skilled and accurate cartographer of national renown, born in Warminster, Wiltshire in 1755. He was map maker for the Post Master General and his maps were produced from original survey. The route is shown by double broken lines as an unenclosed way. According to the Explanation the route is a <i>“Parochial Road”</i> .
<i>“The History of Modern Wiltshire – Hundred of Chalk”</i> – Sir Richard Colt Hoare	1833	This is a very small scale map which makes it significant that the route is represented, as it is unlikely that footpaths and bridleways would be shown. The claimed route is shown by double broken lines, suggesting that the path is not bounded on either side.
Duncan’s Map of the County of Wiltshire	1833	This is a small scale map of the County and again due to the small scale, only principal routes are likely to be shown. The route is shown by double broken lines, (unenclosed), as a <i>“Bye Road”</i> according to the Explanation. The Explanation refers only to <i>“Roads”</i> .
Walker’s Map of Wiltshire	1836	Another small scale map of the County of Wiltshire, whose purpose appears to be to show electoral divisions. The depiction of rights of way is therefore likely to be incidental to the main purpose of the map, but it can of course give useful information. It has no key, but due to the small scale, only significant routes are likely to be shown, i.e. vehicular routes. The claimed path is shown by double broken lines which suggests that it is not bounded on either side.

Document	Date	Representation of route
Swallowcliffe Tithe Award Map	1844	<p>Parishioners once paid tithes to the church and its clergy in the form of payment in kind, for example grain comprising an agreed proportion of the annual profits of cultivation or farming. Payment in kind gradually began to be replaced by monetary payment and this was formally recognised by the Tithe Commutation Act of 1836, which regularised this system.</p> <p>The Tithe Commissioners firstly has to ascertain to what extent commutation was already taking place and then by agreement commute tithes in the parish. The awards and maps produced are public documents, displayed in public for 21 days before confirmation by the Commissioners and since then they have been held in continuous public custody. It is this public provenance which adds weight to them as a source of evidence compared to private maps. The main purpose of the tithe award map was to serve as an official record of the boundaries of all tithe areas on which a tithe rent charge was apportioned in the schedule annexed to the award. The portrayal of a highway is usually a matter which is incidental to the main purpose of the map, but since the existence of a highway could affect the productivity of land, the Commissioners had an interest in recording them. They could also be useful for orientation, or where they formed the boundary of a plot.</p> <p>On the Swallowcliffe Tithe Award Map, the northern section of the route is shown by double broken lines, suggesting that the route is not bounded on either side. The route is not inscribed, but its representation suggests that the route does continue south from the parish of Swallowcliffe into Ebbesbourne Wake. It is shown in the same manner as other roads which form part of the parish road network. The map states <i>“We the undersigned Tithe Commissioners for England and Wales do hereby certify this to be the map or plan referred to in the Apportionment of the Rent charge in lieu of Tithes in the Parish of Swallowcliff in the County of Wilts”</i>.</p> <p>In the award itself plot 162, of which the route forms part (shown by the braces on the plan), is described as <i>“An Allotment of Down...Pasture”</i>. The British Parliamentary Paper 1837 XLI provides a list of conventional signs to be used in the plans made under the Act for the Commutation of Tithes in England and Wales. It shows the route to be an <i>“Open Road”</i> and it should be noted that <i>“Bridle Roads”</i> and <i>“Foot Paths”</i> are shown by different conventions.</p>
Direct London and Exeter Railway – Plan and Book of Reference	1845	<p>The plan shows the route numbered 18 and labelled <i>“To Swallowcliff”</i>. This refers to the book of reference which lists no.18 in the parish of Ebbesbourne as <i>“Public highway”</i>, the owners or reputed owners being the <i>“Surveyors of highways”</i>. The cross section of the area, giving technical details shows the route <i>“To Swallowcliff, level unaltered – to be passed under Railway Arch 43ft H 20ft”</i>. A bridge this wide suggests a substantial route and supports the two inclosure awards which set out the claimed byway as a public carriage road and drift way having a width of 30 feet.</p> <p>This map does only refer to the southern part of the path which presently forms Byway no.2 Ebbesbourne Wake, but we can conclude that it does continue northwards as the claimed route as it is inscribed <i>“To Swallowcliff”</i>. The route leading west, branching out of Byway no.2 Ebbesbourne Wake, does not lead to Swallowcliffe.</p>

Document	Date	Representation of route
Map of the Parish of Swallowcliffe	1845	This map is a copy of the tithe apportionment map. It covers the parish of Swallowcliffe and therefore only the northern section of the claimed route is shown, but it suggests that the path does continue southwards into the parish of Ebbesborne Wake. The route is shown coloured sienna and by double broken lines suggesting that it is not bounded.
Crutchleys Map – Index map contained within plans of the Salisbury, Poole and Dorset Junction Railway 1860-61	1860	The route is shown by double broken lines, which suggests that it is not bounded on either side. This map has no key, but it is of a small scale and its main purpose is to show railways. It is therefore unlikely that paths of a lesser status i.e. footpaths and bridleways would be shown.
Weller's Map of Wiltshire	1862	This is a very small scale map of Wiltshire and due to the constraints of scale, it is unlikely that footpaths and bridleways would be shown. The route is shown by double broken lines, suggesting that the path is not bounded on either side. The map does have a key which refers only to "Railways" and "Roads".
Ordnance Survey Map – 25 inches to 1 mile	1887	The Ordnance Survey was founded in 1791 due to demand from the military for accurate maps of Southern England, in preparation for the Napoleonic War. In time the Ordnance Survey developed a range of maps varying in scale and levels of detail to meet changing needs for accurate and updated maps of the country. The maps are produced from new surveys and are topographical, showing only physical features which are recorded by a particular surveyor at the time of survey, with place names and administrative boundaries added. On this particular edition the route is shown by a broken line to the west and a solid line to the east, which suggests that the path has a solid boundary on the eastern side.
Ordnance Survey Map – 6 inches to 1 mile	1890	The route is shown by a broken line on the west and a solid line on the east, suggesting that the path is bounded on the eastern side. According to the key the route is a fenced/unfenced "Minor Road".
Ordnance Survey Map – 25 inches to 1 mile	1901	The path is not shown on this map, only the field boundary is shown. The reason for this could be that the route had gone out of use and the Surveyor at that time, did not see evidence of this path on the ground.
Finance Act	1910	The 1910 Finance Act required the Valuation Department of the Inland Revenue to carry out a survey of all hereditaments, for the purposes of levying a tax upon the incremental value of a site. It has been referred to as the "Second Domesday" as it was such a comprehensive record of land and there were criminal sanctions for the falsification of evidence. Rights of Way across land could be excluded from the land as a tax benefit, in which case they could be shown uncoloured on the Finance Act plan. The plans were drawn onto the 1901 Ordnance Survey Map, which as we have already seen above, does not show the claimed route in any form. Therefore the route is not shown uncoloured on the plan. However, the reliability of this document can be questioned as the Herepath appears to be shown coloured, which suggests that there is no tax deduction for this particular path, but it is known to be a vehicular right of way (Byway no.15 Ebbesborne Wake).

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Ordnance Survey Map – 25 inches to 1 mile	1925	The route is not shown on this map, only the field boundary is shown. Again it is possible that the way was no longer used and there was no evidence of the paths existence visible on the ground, to the Surveyor at the time of survey.
Rural District Council Minutes	5 th July 1928	<p>A landowner had erected a gate on a right of way leading from the West End of Ebbesbourne Wake to the Ox Drove. On the plan attached to the minute, the claimed route is clearly shown between the public right of way marked in red and the Ox Drove. The continuation of the route north of the Ox Drove, is marked "<i>Foot Path</i>", but the claimed route, south of the Ox Drove, is not labelled in this way.</p> <p>Although the Ordnance Survey mapping does not record the path from 1901 onwards, this later evidence is possibly based on local knowledge of the existence of an ancient route, which may not have been available to the Ordnance Survey Surveyor. Also the nature of the Ordnance Survey maps, being topographical, meant that the Surveyor would only record features as they were seen on the ground.</p>
Rural District Council Minutes	24 th February 1929	The owner of Manor Farm had placed a gate on a right of way leading from Ebbesbourne Wake, to the Old Shaftesbury Road in the parish of Alvediston. On the map attached to the minute, the claimed route appears to be shown by double broken lines, suggesting that it is unbounded. Again this later evidence could be based upon local knowledge of an ancient route located here.
Wilton Rural District Council - Highways Takeover Map - 6 inches to 1 mile	1930	<p>Following the Local Government Act of 1929, responsibility for all rural roads was transferred from the Rural District Councils to the County Council, as the new Highway Authority. From information supplied by individual Rural District Surveyors, public highways which the Surveyors, at the time, considered to be publicly maintainable, or had a record of public maintenance, were recorded.</p> <p>The detail of the Highways Takeover Map is drawn onto the 1926 Ordnance Survey Map, which does not show the claimed route, only the field boundary is shown. The "Swallowcliffe Road" is therefore not shown on the map. However the reliability of these documents is questionable. They were prepared without public consultation and appear to be predominantly based upon the memory of the Rural District Council Surveyors and what they remembered, or had a record of maintaining, prior to 1930.</p>
The Victoria County History - Volume 13	1987	Contains a map of " <i>Ebbesborne Wake and Fifield Bavant c.1844</i> ". The "Swallowcliffe Road" is included on this small scale map.