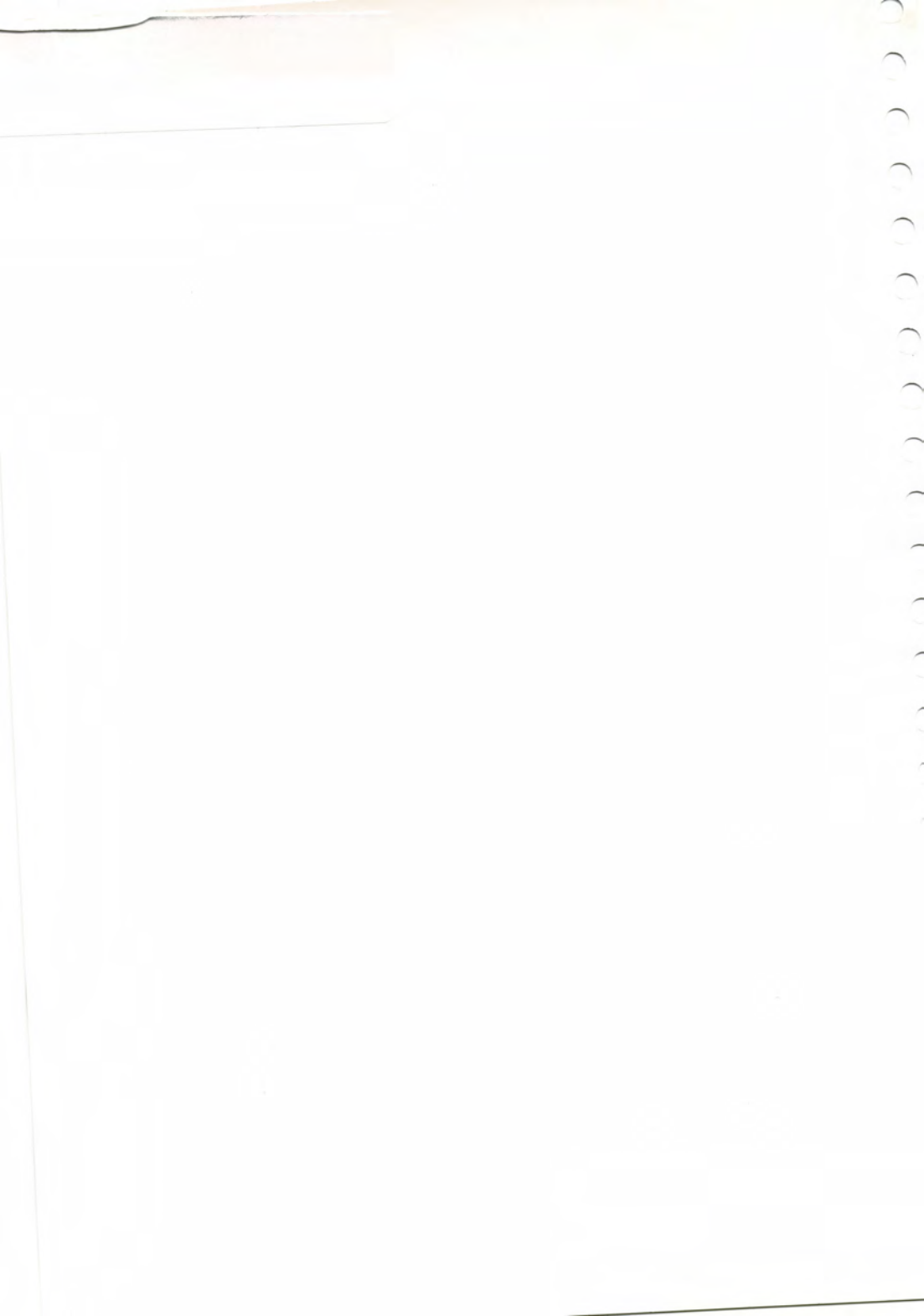


# *What Is a Cross Road?*

Susan Taylor



**South Pennine Packhorse Trails Trust**



# *What Is a Cross Road?*

Susan Taylor

*Edited by Sue Hogg*



**South Pennine Packhorse Trails Trust**

First published 1997

Original material copyright © South Pennine Packhorse Trails Trust  
1997

All rights reserved

No part of this work may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photographic, electrostatic, recorded or otherwise, without the prior written permission of the publisher and copyright holders

**Copyright rules do not apply to any person using this material  
in support of a Definitive Map Modification Order  
for a tribunal, inquiry or court hearing to record,  
or in defence of, a public right of way**

---

Published by the South Pennine Packhorse Trails Trust

South Pennine Packhorse Trails Trust  
The Barn, Mankinholes, Todmorden OL14 6HR  
A registered charity no. 1001929

Printed in Great Britain by Pennine Printing Services Ltd  
Thornton Terrace, off Wainhouse Road, King Cross, Halifax  
West Yorkshire HX1 3SG

ISBN 0 9530573 0 5

British Library Cataloguing in Publication Data.  
A catalogue record for this book is available from the British Library.

More Case Law which binds the Decisions of Pins' Inspectors when deliberating on a "cross road" for a Definitive Map Modification Order.

Please add the following important **Appeal Court** decision to other case law at Para 44 (see page S10)

**Fortune -v- Wiltshire Council** [2012] EWCA Civ 334

(Before Lady Justice Arden, Lord Justice Longmore and Lord Justice Lewison)

*"The judge moved on to consider Greenwood's map of Wiltshire, produced in 1829. Greenwood was a well-known commercial map-maker who produced maps of many English counties. The judge considered that this map also showed a thoroughfare. The legend of the map showed that the colouring...meant that it was a "cross road". As the judge pointed out, in 1829 the expression "cross road" did not have its modern meaning of a point at which two roads cross. Rather in old maps and documents a "cross road" included a highway running between, and joining other, regional centres. Indeed that is the first meaning given to the expression in the Oxford English Dictionary (A road crossing another, or running across between two main roads; a by-road"). Prof Williamson agreed in cross-examination that a "cross road" was a reference to a road forming part of a thoroughfare. The judge gave a further explanation of the significance of the expression later in his judgment (para 733) by reference to guidance given by the Planning Inspectorate."*

*"The judge concluded that Greenwood's map supported "the emerging picture" of an established thoroughfare. In our judgment the label "cross road" added further support".*

The author wishes to acknowledge the generous support of Kirklees Bridleways Group and The British Horse Society in the production of this updated, on-line version of "What is a Cross Road?"



*“You only get the justice you have the power to make happen”*

Matthew Bolton “How to Resist” 2017

Our power lies in the law

“Many an old waggon and cart would crack on for years but for the jogs, jounces and  
slaunches of our mismanaged cross roads, the wheelwright’s best friend”

“Roads and their Traffic 1750-1850”

*John Copeland*

D&C, Newton Abbot, 1968, pp 62,63

## What happened to Consistency?

1. What will it take for the Planning Inspectorate to return to their previously held position – that the convention of British road classification shows that a *cross road*, recorded on an old map or document should, *prima facie*, be recorded as a restricted byway or byway open to all traffic on the definitive map? (see para 28 below)
2. It’s been written down often. With pictures. And corroborated in diverse, authoritative and innumerable sources since the 1600’s.
3. Since 1997 some important decisions have been made concerning *cross roads* by good Inspectors acting with integrity and rigour. They understood the evidence and did the right thing when they confirmed and saved these old and precious public cart and carriageways as byways on the Definitive Map for all time.
4. Some 23 years ago, the overwhelming totality of evidence in the first edition of this little book, explained this archaic term and demonstrated that *cross road* defines, *prima facie*, a public carriageway and byway for horses and wheeled vehicles.
5. Inspector Ronald Holley wrote, in the case of highways in Suffolk, “*County Maps: there is no dissent that cross roads were probably public roads*” FPS/ V3500/7/156 12.6.1998 Suffolk County Council: Bacton and Cotton. That was clear and determinative. Sadly, there has since been much dissent, no clarity and no consistency of good reasoning whatsoever. And there should be.



## Same facts – same decision? Not always

6. Lindblom LJ held: *“that the Secretary of State had erred in law in failing to take account of a recent appeal decision of his own [with similar characteristics between them] even though he had not been asked to do so...it can only undermine public confidence in the operation of the development control system for there to be two decisions of the Secretary of State himself, issued from the same unit of his department reaching a different conclusion”* DLA Delivery Ltd -v- Baroness Cumberlege of Newick (2018) EWCA Civ 1305.

7. The Hon Mrs Justice Thornton QC said *“The principal of consistency is not limited to the formal decision but extends to the reasoning underlying the decision”*. oxlibguides.com

8. The Planning Inspectorate’s Director, Highways and Transport, Brian Dodd, in his letter to me of 2 May 1997, said: *“At the User Group Meeting on 19 March 1997, I undertook to draw the question of the meaning of “cross road” to Inspectors undertaking Rights of Way Inquiries. I have now done so, in the following terms:*

*...“there is an archaic meaning of “cross road” denoting a road running across between two main roads or a by-road...”* and he then recited Mr Justice Howarth’s ruling in *Hollins -v- Oldham* (pp 39) who said that a *cross road* *“must mean a public road in respect of which no toll was payable”*.

9. So everyone at PINS, from the Director downwards, has known that a *cross road* is a public carriageway since May 1997. But they still don’t act on this knowledge. And that is inconsistent, potentially unlawful and a manifest injustice.

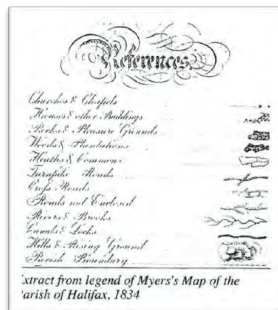
## Old Maps

10. There is undoubtedly an “old map” virus at work diminishing their value and afflicting the field of public rights of way and it must be eradicated before it’s too late. Like any virus it has spread and is killing our cherished byways stone dead!

11. Some *cross roads* are not recorded at all. Some are wrongly recorded at a lesser status while others are gated or fenced off. Users are deterred and the land is subsumed into private property to become gardens, gentrified driveways, grazing land and even building plots.

12. All too often the evidential value of 18<sup>th</sup> and 19<sup>th</sup> century maps showing roads depicted as *cross roads* in their key or legend have been given minimal weight, or none at all, in the balancing of evidence to confirm a Definitive Map Modification Order at byway status. In every case where that has happened there sits an unsafe decision.

13. But please, do not believe published or government “authorities” that tell you that the value of old maps is only proof of what’s on the ground but never highway status. That is not true.





14. Do not believe reports that because one judge found some old maps unhelpful, they are all unhelpful. A judge may not have seen the *Oxford English Dictionary* definition of *cross road* or even been told that there is a *cross road* classification of a public carriageway in the key to the map in question.

15. And do not believe, without proof, that a map may have just been a copy of an earlier map with no actual survey having ever taken place. Authors make unedifying mistakes sometimes.

### **Case law is gold dust**

16. In *Trafford -v- St Faith's Rural District Council* Neville J held that “*old county maps (showing the way) published, one in 1797 by the King's geographer and the other in 1826 by Andrew Bryant (a well known country surveyor), and produced from the British Museum by the proper official*” were admissible as some evidence of reputation.

17. In *Attorney General (at rel. of Hastie) -v- Woolwich MBC* Shearman J. said “*a number of maps were put in, including county maps dating from about 1775, the earliest brought from the British Museum and the earliest Ordnance map...which are publications of different origin, the evidence to my mind is overwhelming that this was a very ancient highway.*”

18. And in *Commission for New Towns and another -v- J J Gallagher Ltd* the judge, referring to the disclaimer on Bartholomew's map that “*the representation of a road or footpath is not evidence of the existence of a right of way*” held that “*the disclaimer underlines the fact that one cannot place much weight on Bartholomew's Maps, or indeed on any map which does not have the positive function of identifying public carriageways*”.

19. The ‘*Gallagher*’ decision is a big boost for our case for *cross roads* because our argument is totally based on the fact that the “*positive function of identifying public carriageways*” is embedded in the depiction of *cross roads* recorded in the keys or legends of many of the old maps that we find and present with our evidence.

20. It follows that it is also right to argue that, since *cross roads* being public will have been repairable by forced statute labour right up to 1835, and following that by the Surveyor of Highways spending public funds, the public have an inalienable right to use them.

21. On this question of publicly funded maintenance in *Attorney General -v- Antrobus* Farewell J conceded “*I venture to think that this expenditure of public money is the important consideration and that in such a case the land-owner, who has permitted the expenditure, cannot be heard to say that a roadway on which he has allowed public money to be spent is his private road.*”

## Repeal the “Cut-off”

22. Now the 2026 “cut-off” date looms large. Countryside and Rights of Way Act 2000 s.53-56.

23. Our rights to travel on ancient byways with horses and horse drawn vehicles and bicycles will be extinguished forever if they are not claimed by a DMMO or exempted. If they are lost it would be a mass scrapping of our heritage – a desecration far worse than throwing the Crown Jewels into the River Thames!



24. It would also exacerbate the appalling effects of an earlier injustice – the mass under recording of higher rights of way on the first Definitive Maps in the 1950’s and 60’s.

25. I haven’t been monitoring PI decisions for that last 15 years. I took my eye off the ball. But now I’m out of retirement because of the 2026 “cut-off” threat. The injustices we can prove regarding Inspectors non-compliance with PINS guidance on *cross roads* are grounds for repealing the “cut-off” part of the CROW Act. The government is not keeping its half of the bargain...to correctly record restricted byways by weighing all the evidence. And I am writing this because, if I didn’t try to put a stop to this inconsistent practice at PINS, I would absolutely regret it.

26. So I am submitting claims again – but that’s not enough. In fact it’s akin to fiddling while Rome burns. It’s just a charade unless The Planning Inspectorate and highway authorities wake up to the simple *cross road* truth. *Cross roads* are *prima facie* public roads, like it or not! It’s a fact. And we must keep asserting it. And loudly! It’s up to me. It’s up to you.

27. As I write this in the closing weeks of 2020 we have only a limited time left to get the research done and written up, the forms filled in and the DMMO applications submitted to the local highway authority.

28. So, for consistency’s sake, and for the survival of our threatened byways, we must all strongly and firmly argue and assert the proper legal position on *cross roads* which is:-

- i that Brian Dodd, Director, Highways and Transport issued guidance to inspectors on 7 May 1997 to apply the *Hollins -v Oldham* judgment to evidence in every *cross road* case (see pp 39-42)
- ii that PINS’ Advice Note No 4 (1999) and Consistency Guidelines (2016) reiterated Brian Dodd’s 1997 guidance
- iii that in *Trafford -v- St Faith’s RDC 1910* a second decision, in a court of record, it was held that *cross roads* shown on Bryant’s 1826 Map of Norfolk were public roads

iv that, in addition to the Suffolk case quoted above (para, 5) Inspectors' decisions have recorded the following favourable and consistent *cross road* findings:-

***“Cross roads were a clearly defined subordinate class of public road”***,  
(Myers' Map of Halifax) David Woodrow, 7<sup>th</sup> August 2000, Jay Nest, Halifax  
(FPS/A4710/7/50), Calderdale MBC.

***“I incline to the BDS (British Driving Society) view. It is a matter of fact that the majority of cross roads depicted on 19<sup>th</sup> Century (ie post OS involvement) commercial maps were public carriageways...always depending on the provenance test it would seem not unfair to weigh the term lightly on the vehicular side of the balance of probability unless convincing rebuttal evidence dictates otherwise.”*** Inspector Bryant:  
FPS/Z1700/8/45M 2000 . Candovers, Hampshire

***“The Secretary of State considers the Greenwood's Map of 1818 provides proof that the appeal route had public vehicular status at that time”***. Page 9 of the Secretary of State's decision under the Wildlife & Countryside Act 1981 (Schedule 14) Appeal, 4 March 1999, Well Head Road, Winewall, Lincs). But the Inspector conducting the Inquiry, typically, did not decide for byway but merely bridleway status so public rights for carriage drivers on Well Head Road remain unrecorded and at risk of extinguishment on 1<sup>st</sup> January 2026.

And since its discovery we can now add the strongest and most compelling evidence possible that Pins rejected as being irrelevant in 1999:-

29. **Crosse High-ways –An Act for enlarging Comon High-ways 1696-7** *House of Lords Record Office and [www.british-history.ac.uk](http://www.british-history.ac.uk)*



Just 21 years after John Ogilby published his road itinerary *Britannia* (pp 11, 20-33) in 1675 in which he introduced *cross roads* to travellers, and the country generally, Parliament introduced: *An Act for enlarging Comon High-ways* which has two important paragraphs to support our argument:-

*“and in such places as they shall think necessary to direct their Precept to the Surveyors of the High-Ways in any Parish or Place where Two or more **Crosse High-ways** meet requiring them forthwith to cause to be erected and in the most convenient Place where such Ways joyn a stone or Post with an Inscription thereon in large letters containing the Name of the next Market Towne...”*

*“...and in case any part of the said sum shall remaine after such Stone or Post erected then to imploy such remaining Sum in repairing the same **crosse High-Ways** and not otherwise.”*

30. It's hardly a leap at all to conclude, in the 17<sup>th</sup> century, that *crosse High-Ways* were the same as *cross roads* since *cross roads* are clearly *highways* and *High-Ways* are clearly roads.

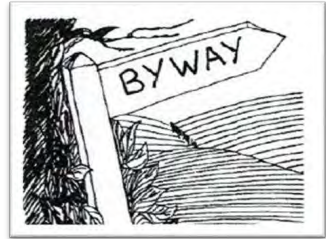
31. And if *crosse high-ways/cross roads* were being signposted to market towns and repaired with funds from the highway surveyors' precept in 1696-7, as is clear in this public Act, then they were, always have been and still are, *prima facie* public carriageways.

32. Crucially this Act provides us with a ‘legal definition’ - defined by Act of Parliament - for the term *cross road*, the lack of which the Planning Inspectorate has been using for 23 years to bolster its denial of the veracity of this term and, thereby, water down its acceptance of it and weakening its bite. But no longer. We must collectively hold their feet to the fire with this statute which has the highest provenance.

33. After the “cut-off” date it will not be possible to “go round again” and re-claim byways to correct their historical status. It will be game over.

### **A bad decision – a byway lost!**

34. Despite Pins’ clear directions on *Hollins -v- Oldham*, and their full knowledge of the 1696 Act and the *Trafford -v- St Faith*’s 1910 ruling, I have just read one of the worst examples of a PI decision that I have ever seen. And I’m horrified. The Greenwoods’ map of the county was submitted to the inspector depicting the entire claimed route as a *cross road*.



35. But the experienced Inspector managed to write the decision letter without ever mentioning the key to the map, this term of highway status or making any effort to measure the map against the “*provenance test*” enacted in the *Highways Act 1980 s.32* by weighing any of these facts on the balance of probability:-

i) **The map’s age:**1828 – which puts it right in context of its time in history; **and purpose of the map:** *to show public roads and other landscape features to travellers, the Post Office, the military, judiciary, highway surveyors, manufacturers, merchants, shipping and the general public etc.*

ii) **The significance of the routes depicted:** *cross roads - which were in 1828 and, therefore remain, public carriageways or by-roads open to horse riders and horse drawn carriages and coaches* [‘*Oxford English Dictionary*’ and 16 other dictionaries pp 9-10].

iii) **The status of the Greenwood Brothers:** *prolific and respected cartographers producing important, valued and rare maps which were bought, or consulted by, libraries and people who travelled, and all people who wanted and needed to understand and communicate with the world around them. The Greenwoods’ maps were amongst those judged ‘outstanding for accuracy, content and reliability’* [quoted from “*Maps and Plans for the local historian and collector*” pp 80: David Smith, Batsford, London].

iv) **The custody from which it has been kept and from which it was produced:** *County Library, County Archives, National Archives, British Library, Royal Geographical Society Map Library* – amongst the highest ranked custodians in the country.

36. All of this kind of detail should be presented by applicants to be weighed according to law. But even if it isn’t it is an inspector’s job to be familiar with the meaning of *cross roads*, enquire as to provenance and act on PINS Guidelines especially Section 2, page 4. It’s all in there under the heading “*Identification of Fact*”.

## Plans, Histories and other relevant documents

37. The “*provenance test*” of the *Highways Act 1980 s.32*, doesn’t only apply to maps. The legislation is clear - it also applies to plans, histories and other relevant documents which means that all the facts from dictionaries, other cartographers, the Post Office, Acts of Parliament and literature contained in the main body of the first edition of this book, and this supplement, fall into that category because it’s a history of road nomenclature – and all these facts must be weighed on the balance of probability and not ignored as they repeatedly have been. In law, context is everything.

38. Now that we have the marvellous invention of the PDF file it is a simple matter to download all of this valuable evidence, now free of copyright, and attach it to a Definitive Map Modification Order application to help secure ‘restricted byway’ status for an unrecorded *cross road*. [see the BHS 2026 toolkit](#)

## More on Case Law – The Doctrine of Precedent

39. Being a common-law-country the importance of previous court judgments cannot be overstated as the doctrine of precedent applies to highway authorities and public inquiries as well as courts. The judgment of each case can be binding on all subsequent cases with the same or very similar circumstances.



40. So case law is a strong ally in proving legal points which support evidence: don’t underestimate it in public rights of way work. It’s up to you. Find it. Understand it. Own it! Include it in your DMMO applications. Highway Authorities and PI inspectors should be aware of relevant case law and, if parties do not introduce it in evidence, then inspectors should. Pins Consistency Guidelines 2016, point 3.10.

41. But do not leave it to them because they repeatedly fall down on this where *cross roads* are concerned. If they didn’t there would be no need for me to be writing this twenty three years after Brian Dodd’s promise.

42. Not only that, they don’t always deal with case law in their decision letters at all. This omission is inexcusable because it is their job. But omitting appropriate case law leaves Inspectors free to ignore sound legal points which carry weight and enables inconsistency to flourish at the expense of our freedom to travel and enjoy our amazing and irreplaceable network of public rights of way.

43. If a legal precedent put forward is not applicable to a question on the table then the inspector should listen, understand, question and then explain the differences that render it inappropriate in the decision letter. Judges do this and for good reason – professionalism, clarity, truth - and the avoidance of doubt.

**44.1 If you have a route or way shown as a *cross road* on a map or document then please copy the following case law – or this entire publication - into your DMMO application to support it:-**

**44.2 *Homer -v- Cadman*: (1886) 50 JP 455**

*“The appellant had come with a band to the bull ring in Sedgley, a **cross-road**. A crowd formed for about an hour to listen to him. The magistrate found there was an obstruction of the highway. The appellant contended that there was still space outside the crowd and between it and the footpaths for vehicles and passengers to pass. Held: There was evidence on which the magistrate could convict the appellant of obstructing the highway under Highway Act 1835 s.72.*

**44.3 *Trafford -v- St Faith’s Rural District Council* : (1910) JP 297**

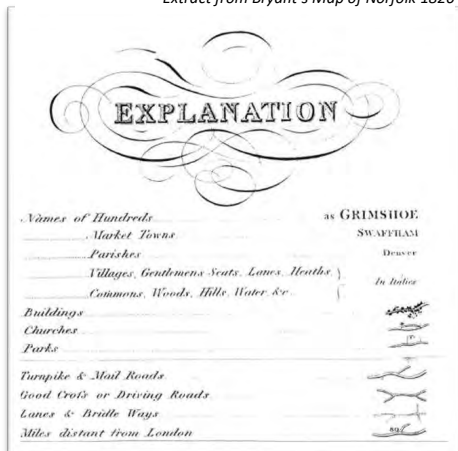
Speaking of Andrew Bryant’s Map of Norfolk Neville J said *“In the next map of 1826, Bryant’s Map, I think we have some indication of reputation, inasmuch as it is indicated on that map by the sign which we are told is meant to indicate a good **cross or driving road**.“*

*“That the map is some evidence of reputation is, I think, obvious, because, although the person who was responsible for the drawing of the map may not have been an inhabitant of the immediate locality, no doubt he must have had such information as he possessed with regard to the character of the roads from persons in the vicinity, and therefore I think that is a little bit of evidence to indicate that as early as 1826 this road was considered to be a public road....”*

**44.4 *Hollins -v- Oldham* (1995) High Court of Justice Chancery.** His Honour Judge Howarth sitting as a Judge of the High Court found that a portion of the way in dispute described on Burdett’s Map of Cheshire of 1777 as a cross road, was a public vehicular highway.

*“This latter category, [cross road] it seems to me, must mean a public road in respect of which no toll was payable... there is no point in showing a road to such a purchaser [wealthy] that he did not have the right to use”. This case was unreported but took place in Manchester Crown Court: Case S/5453.C94/0206 27 October 1995. (see pp 39 “What is a Cross Road?” and Parts 2 and 3 of PINS Consistency Guidelines 2016 although this latter*

Extract from Bryant’s Map of Norfolk 1826



guidance is, I believe, deliberately strained and obtuse and strong representations are now being made to strengthen and clarify it).

44.5 **Commission for New Towns and another -v- J. J. Gallagher Ltd** [2002] EWHC 2668 (Ch)

Referring to the disclaimer on Bartholomew’s map that “*the representation of a road or footpath is not evidence of the existence of a right of way*” the judge held that “*the disclaimer underlines the fact that one cannot place much weight on Bartholomew’s Maps, or indeed on any map which does not have the positive function of identifying public carriageways.*”

44.6 Luckily for us our argument begins with the “**positive function of identifying public carriageways**” ie the depiction of *cross roads* in the keys or legends of the old maps that we find and present in our claims. So we can rightly and soundly argue that this case binds highway authorities and inspectors in their decisions relative to this term.

44.7 **DLA Delivery Ltd -v- Baroness Cumberledge of Newick** [2018] EWCA Civ 1305

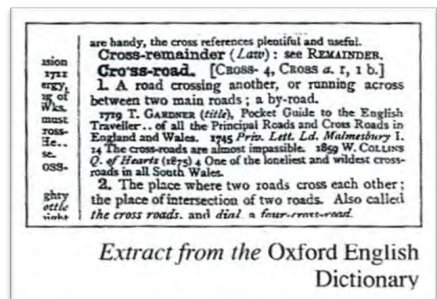
This case addressed the question of inconsistency between two similar decisions by the Department of Environment, the very problem that we have. At (34) the judge held “*the Secretary of State and his inspectors can normally rely on...participants to draw attention to any relevant decisions [but] that does not mean that they are never required to make enquiries about any matter, including about other decisions, that may be significant...*”

44.8 **Dunlop -v- Secretary of State for the Environment and Cambridgeshire County Council** (1995)

Two points are surprisingly helpful to us in this (unpopular) decision by His Hon Mr Justice Sedley;-

i) **Dictionary Definition:** Searching for the proper meaning of the word “*private*” to assist his deliberations on the question of a private carriage road, Sedley J consulted the ‘*Oxford English Dictionary*’ just as I did when seeking a definition for *cross road* (pp 9-10). His Hon accepted the definition given ‘*In general, the opposite of the word public*’. So *OED* definitions carry some weight which must be added to the column of evidence for confirming a byway order.

ii) **Road Names:** The DoE’s own barrister pleaded “*The fact that the routes had names indicates that the use was public*” and the judge responded “*While the fact that the two ways had names and between them ran between a village and a mill is certainly of relevance it cannot be decisive*”. So road names also carry some weight, at least, and many *cross roads* are named. So add this to your column of evidence since every little helps.





45. The whole point of naming a road is to identify it for those who live or work on it, want and need to use it, refer to it or repair it. It is such a vital tool that society can't be imagined without road names.

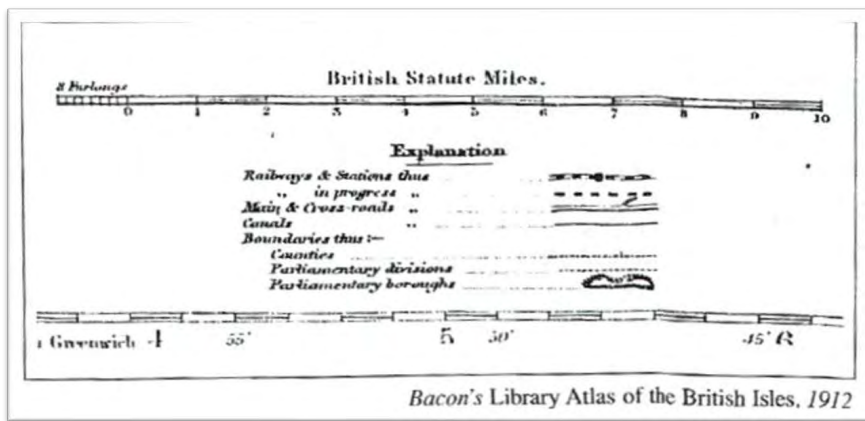
46. Pins advise that “s.69 of the 1773 Highway Act enacted that all “common highways” had to be named before indictment for obstruction or disrepair could take place. This requirement continued in the Highway Act 1835. As private roads were not liable in this way they did not need to be named.” It follows, therefore, that “it is reasonably alleged” that a named way is probably a public carriageway. PINS Consistency Guidelines 2016 (S.2 pp8).

### **Cross Roads crop up everywhere**

47. **The Literature of Political Economy** by J R McCulloch. Roads, Canals, Railways &c. 1848 (British Library)

*“down to the latter part of the seventeenth century, highways of all kinds were constructed and kept in repair by annual assessments of six days’ compulsory labour of the inhabitants...the contributions of compulsory labour being thenceforth appropriated to the **cross** or country **roads**; and it is a curious fact that these contributions continued to be rendered in England down to 1835, when they were commuted for an equivalent county rate....”*

48. This paper was written only 13 years after the end of statutory forced labour on road repairs, within easy memory of it when surveyors’ records would have still existed. It admirably passes the “*provenance test*” required by s.32 of the *Highway Act 1980*. And if the public were physically repairing the *cross roads* for six days every year, they could most certainly use them with horses and vehicles at will.



49. **Daniel Defoe 'An Essay on Projects' 1692-93 Of the Highways...** "the Parish of Islington... There lies through this large parish the greatest road in England, and the most frequented, especially by cattle for Smithfield Market... the parish is not able to keep it in repair; by which means several 'cross-roads' in the parish [which fed it] lie wholly unpassable... and carts and horses (and men too) have been almost buried in holes and sloughs... 'Cross Roads' to be twenty feet broad.... there are cross-roads, bye-roads and lanes which must also be looked after: ... others may be shut up or made drift-ways, bridle-ways or foot-ways... For the 140 miles of cross-road a like cause-way to be made... This is what I propose to do to them [by Act of Parliament] and what, if once performed... all people would own to be an undertaking both useful and honourable."

50. **A New and Accurate Description of all the Direct and the Principal Cross Roads in Great Britain by Daniel Paterson, London 1778.** "The Utility of an Accurate Description of the Roads, so obvious to every Person who travels, as not to require any laboured Proof... contains all the new roads down to the present time.

51. According to the preface page this work was entered, on the authority of Act of Parliament, in the *Register Book of the Stationers Company* so it must have passed a rigorous test of qualification for such a formal and prestigious listing. The *Stationers' Company* is a City of London Livery Company for the Communications and Content industries which received its Royal Charter in the 16<sup>th</sup> century. This is top drawer provenance.

52. **Rudiments of the Art of Constructing and Repairing Common Roads** by Henry Law, Civil Engineer (Kingsmead Reprints, Bath) Essay on road-Making pp 155. "A width of forty or even sixty feet may be given near cities, where the greater part of the transportation is effected by land. For cross roads, and others of minor importance, the width may be reduced according to the nature of the case."

***Provenance for ‘What is a Cross Road?’ and the author***

***‘What is a Cross Road?’ by Susan Taylor, published by the South Pennine Packhorse Trails Trust, qualifies under the Highways Act 1980 s.32 as a ‘history’ of the term ‘cross road’ and, in 1997, was accepted for permanent deposit by the following libraries which keep it in their protective custody under the reference numbers quoted below:***

<i>British Library, St Pancras, London</i>	<i>[0-9530573-0-5]</i>
<i>Bodleian Library, Oxford University</i>	<i>M98.E13766 (Books 752193961 Aleph System No: 012701048</i>
<i>Cambridge University Library</i>	<i>1999.8.2454</i>
<i>National Library of Scotland</i>	<i>Maps Reading Room Map Ref Misc.2.T.MMSID 9928138903804341</i>
<i>Trinity College Library Dublin</i>	<i>PL-282-276=09530 57305</i>
<i>Post Office Archives and Records Centre Freeling House London</i>	

*The author has researched many DMMO’s and represented horse riders and carriage drivers at numerous public inquiries into Definitive Map Modification Orders in Yorkshire and Lancashire. She is a member of the British Horse Society and Moorlands Riding Group, a former Bridleways Officer of Calderdale Saddle Club, formerly a researcher for the South Pennine Packhorse Trails Trust and associate member of the Institute of Public Rights of Way Officers.*

*She has also served on the Access Committee of the British Driving Society representing carriage drivers on the Rights of Way Review Committee at Westminster.*

*Sue Hogg, Editor of “What is a Cross Road?” was the Founder and Research Project Coordinator of the South Pennine Packhorse Trails Trust and has been responsible for researching and presenting countless definitive map modification orders at public inquiries securing bridleway or byway status to wrongly recorded minor highways on the Definitive Map throughout the South Pennine region.*

They hang the man and flog the woman  
That steals the goose from off the common  
But let the greater villain loose  
That steals the common from off the goose

The law demands that we atone  
When we take things we do not own  
But leaves the lords and ladies fine  
Who take things that are yours and mine

Old English nursery rhyme

# Contents

<i>Acknowledgements</i>	4
<i>Foreword by Lord Hugh Russell</i>	5
<i>Introduction</i>	6
Chapter One <i>What Was a Cross Road?</i>	7
Chapter Two <i>Cross Road - A Definition</i>	9
Chapter Three <i>Map-Makers Who Used the Term 'Cross Road'</i>	11
Chapter Four <i>The Cross-Road Post</i>	21
Chapter Five <i>Government and Parliamentary Evidence</i>	23
Chapter Six <i>Historians' Views</i>	29
Chapter Seven <i>The Cross Road to the High Court</i>	39
Chapter Eight <i>Conclusion</i>	41
<i>Appendices</i>	43
1 John Ogilby's Warrant of Appointment	
2 Prospectus for John Myers's Map of the Parish of Halifax, 1834-35	
3 List of Subscribers to John Myers's Map of the Parish of Halifax	
4 Extract from Ralph Allen's narrative	
5 Certified copy of the British Parliamentary Paper, 1837 XLI 405	
6 Letter from the Ordnance Survey regarding 'cross road'	
7 Letter from the Royal Geographical Society regarding 'cross road'	

# *Acknowledgements*

The research for this book has been very generously sponsored by Lord Hugh Russell and the Woburn Trust. I should also like to thank the British Driving Society, Calderdale Saddle Club and the Federation of Pennine Bridleway Associations for their financial support.

Editorial contributions are gratefully acknowledged from Derrick Hasted, Sue Hogg, Alan Kind, Michael Morgan, Bill Riley, Tim Stevens and John Sugden.

*Susan Taylor*  
1997

## **Illustration acknowledgements**

The publishers gratefully acknowledge permission to reproduce the following illustrations: extract from the *Oxford English Dictionary*, 1989, edited by J. A. Simpson and E. S. C. Weiner, by courtesy of Oxford University Press; portrait of Ralph Allen courtesy of Haringey Museum and Archives Services; portrait of John Ogilby courtesy of the Mansell Collection; engraving of post boys on horseback courtesy of the Post Office Archives and Records Centre.

## *Foreword*

With the ever increasing volume of traffic on modern roads, I feel it is vital to record and define all the old rights of way which will help to give horseriders and carriage drivers safe off-road routes, many of the old tracks having already been lost due to lack of use. I certainly thought of the term 'cross road' as being simply an intersection, and Ms Taylor's detailed and painstaking research into its earlier meaning will be of great value to those seeking to preserve former rights of way for horses all over the country. An immense debt of gratitude is owed to the people who give up so much of their time voluntarily to maintaining access to the countryside for everyone.

*Lord Hugh Russell*  
*May 1997*

# *Introduction*

The term 'cross road' in modern English now implies only a place where two roads cross. But this is not the whole truth. Its earlier meaning, that of a byway or secondary or minor road, appears to have become obscure and lost from our everyday language even though it is still recorded in dictionaries.

In this, the late twentieth century, changes in methods of transport, the increased speed of travel, the vast reduction in the number of driving horses and radically altered life styles have conspired to limit the use and recognition of the public status of many of the roads which on early maps and documents were defined as 'cross roads'.

As a result, some have been abandoned and fallen derelict. Others have been obstructed by development or by landowners who mistakenly believe (or hope) that the public rights over them do not exist, other than on foot.

Since the 1950s many local authorities have fostered this misconception by under-recording the public's rights on the definitive map in order to limit their own maintenance liability.

But the growing need for leisure facilities and the reversal in the decline of horse ownership, with the consequent growth in horseriding and horsedrawn carriage driving, have focused attention once more on these minor highways.

Fortunately the Wildlife and Countryside Act 1981, section 53, allows the public to bring forward evidence and reclaim these ancient rights of way by applying for definitive map modification orders. The legal test rests on whether, on the balance of probability, these higher rights once existed.

*What Is a Cross Road?* provides vital pieces in the historical jigsaw of evidence to support such claims.

If all the cross roads that were ever mapped were recognized today as public byways, the number of miles of country lanes which would be reopened for the public to enjoy on bicycles, with horses, both ridden and driven, and with other means of transport, would more than double.



## What Was a Cross Road?

To clarify the true meaning of 'cross road' and to understand the status it conveys, we must look back into history and examine how this term was used to record on road maps the byways or minor roads which connected other roads to from a web of highways available to the public.

The earliest mention of a 'cross road' so far discovered is found in John Ogilby's famous road book, *Britannia*, published in 1675. Ogilby chose this term to distinguish secondary roads, which ran across country from one provincial settlement to another, from primary roads (which he called 'direct roads') which began in London and led to a provincial town or city (Yarmouth, York, Bristol, etc.).

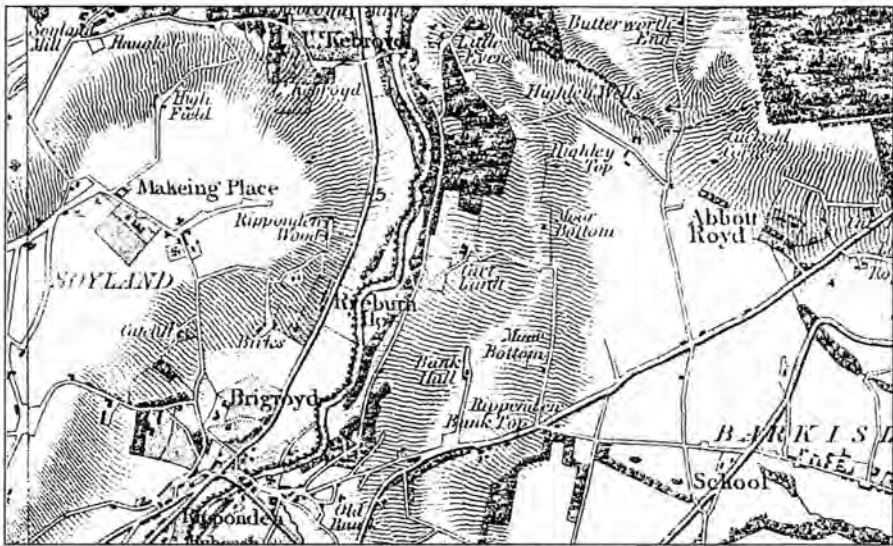


Over the next 237 years Britain's main map-makers (I have discovered thirty one) consistently used the term 'cross road' almost exclusively to describe roads which ran across country and which were neither direct roads (starting in London) nor turnpike (toll) roads; the latter were usually classified separately on maps of the time.



Extract from legend of Myers's Map of the Parish of Halifax, 1834

It appears that cross roads were mapped and presented to readers as part of the public highway and byway network and were promoted as being available for travellers on horseback and in horsedrawn vehicles. For more than two centuries 'cross road' was the



*Myers's Map of the Parish of Halifax, 1834*

principal term used for depicting and defining a second-class public carriageway. No other term emerges so consistently.

To the critics who might claim that some cross roads are so narrow as to render them impassable with a horsedrawn cart, I would remind them that, like tarmac motor roads today, cross roads would have varied in width and surface condition and, again like tarmac roads today, not all sizes of wheeled vehicle may have been able to use all cross roads in the 17th, 18th and 19th centuries.

The following chapters explain how this definition has been used in British parliamentary history, cartography and literature. The examples build into a compelling case for claiming that this term conveys the status of public vehicular highways under English common law, the unwritten law, based on ancient and universal usage.

It is hoped that this evidence will be of value to public rights of way campaigners, local authorities, public inquiries or courts where the legal status of a 'cross road' is being determined.

# *Cross Road - A Definition*

Since reliable definitions usually start with dictionaries, here are those offered by seventeen commonly used dictionaries, including five foreign-language dictionaries:

1. *Oxford English Dictionary*: 'A road running across between two main roads - a by-road'
2. *Collins New English Dictionary*: 'A road which crosses another - a by-road'
3. *Collins English Dictionary*: 'A road that crosses from one main road to another'
4. *Modern Library Dictionary of the English Language*: 'A road that crosses another road or one that runs transversely to main roads. A by-road'
5. *Universal English Dictionary*: 'A smaller road joining two main roads'
6. *Webster's New World Dictionary*, Second College Edition: 'A road that connects two or more main roads'
7. *Longman Dictionary of the English Language*: 'b) a road . . . that runs transversely between main roads (i.e. the cross road connects the motorway with the A10)'
8. *Hamlyn Encyclopedic World Dictionary*: '1) a road that crosses another road or one that runs transversely to main roads; 2) a by-road'
9. *Heritage Illustrated Dictionary of the English Language*: 'A road that intersects another road'
10. *English Dialect Dictionary* (Oxford University Press): 'Crossgate: a cross road, field track, cross way'

<small>           asion            1711            1727,            17 of            Wks.            must            cross-            He...            sc.            ORS-            ghly            1711            1727         </small>	<p>are handy, the cross references plentiful and useful.</p> <p><b>Cross-remainder</b> (<i>Latt</i>): see REMAINDER.</p> <p><b>Cross-road.</b> [Cross- 4, CROSS a. 1, 1 b.]</p> <p>1. A road crossing another, or running across between two main roads; a by-road.</p> <p>1719 T. GARDNER (<i>1719</i>), Pocket Guide to the English Traveller... of all the Principal Roads and Cross Roads in England and Wales. 1745 <i>Prin. Lett. Ld. Malmesbury</i> 1.</p> <p>14 The cross-roads are almost impassible. 1899 W. COLLINS <i>Q. of Heats</i> (1893) 1. One of the loneliest and wildest cross-roads in all South Wales.</p> <p>2. The place where two roads cross each other; the place of intersection of two roads. Also called <i>the cross roads</i>, and <i>dist. a four-roads-road</i>.</p>
--	--

*Extract from the Oxford English Dictionary*

11. *Chambers Twentieth Century Dictionary*: 'A road crossing the principal road; a by-path; a road joining main roads'
12. *Worcester's Dictionary* (1859): 'A road which crosses the country or which crosses other roads'
13. *Sansoni-Harrap Standard Italian and English Dictionary*: 'strada secondaria (by-road)'
14. *Harrap's French-English Dictionary*: '(between main roads) route secondaire'
15. *Cassell's English-Dutch Dictionary*: 'crossway, cross road - dwarsweg, twee, vierspring (transverse road). Cross street - Dwarstraat'
16. *Bellow's French Dictionary* (4th edn, 1951): 'Cross-road - chemin de travers; cross-roads - carrefour'
17. *German-English Technical and Engineering Dictionary* (McGraw Hill, 1965): 'Querstrasse - side street, crossroad; Querweg - by-road, crossroad, cross-country road'

As well as being consistent with each other, the above definitions are all consistent with the body of evidence presented here - that, in the singular form, a 'cross road' is a secondary road or a byroad. This is compelling evidence that map-makers knew that they were depicting a byway when they showed a road as a cross road on their map. They didn't pluck the term out of thin air; it was part of their ordinary everyday language, as confirmed by the dictionary definitions listed above.

Most dictionaries also give the definition of a 'cross roads' (plural) in common use today, i.e.: the point at which two roads intersect.

The *Oxford Dictionary of English Etymology*, edited by Dr C. T. Onions, confirms that the word 'cross' is the aphetic of 'across' (i.e. the word has lost its opening vowel) and that 'by' or 'bye' means 'second' or 'subsidiary'. This is yet further support for the above definitions.

## *Map-Makers Who Used the Term 'Cross Road'*

### **John Ogilby (1600-1675)**

The term 'cross road' seems to have been so readily taken for granted as meaning a general-purpose secondary road or byroad that perhaps no one bothered to define it in writing as 'a public road for horses and horsedrawn vehicles'. After all, in 1675 what other forms of transport were there?

However, John Ogilby came close in his famous book of strip maps, *Britannia*, England's first road itinerary, published in 1675 and subsequently revised by other surveyors many times over.

Ogilby's *Britannia* can be found in the British Library. There is a facsimile copy in Leeds City Library, so it is worth looking for a copy in your nearest central reference library.



*John Ogilby*



*King Charles II*

Ogilby prepared his road book under the patronage of King Charles II and was His Majesty's cosmographer and geographic printer. A copy of his warrant of appointment is held at the Public Record Office, Chancery Lane, London (reference no. LC3/24; see Appendix 1).

In his preface to *Britannia* Ogilby explains that the book contains 'An ichnographical and historical description of all the principal road-ways in England and Wales' and that he classes his roads

into 'direct roads, i.e.: those which lead from London, and cross roads, i.e.: those which lead from one great town or place of eminence to another.'

He then goes on to explain that, '. . . having illustrated the principal roads of England and Wales by 85 several itineraries we have distinguished the same into direct roads and cross roads, calling such direct as proceed directly from our prime centre and grand metropolis, London, to the less central cities, capital towns or other eminent places in the kingdom; and calling such cross as lead from some of the said lesser centres to another like capital town or place of eminency. . . .'

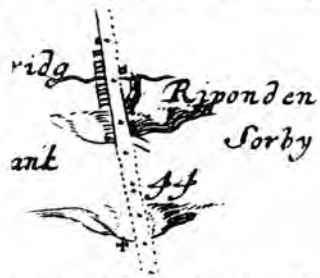


Extract from Ogilby's *Britannia*, 1675

Better yet, as the frontispiece to *Britannia* Ogilby has a beautiful engraving of two riders on horseback reading his strip map or itinerary with the road stretching out before them (see front cover). On the road can be clearly seen more riders and a horsedrawn vehicle. This implies public rights of way for both classes of traffic on the roads included in Ogilby's itinerary, i.e. direct and cross roads.

This was not so surprising as *Britannia* would have had no market had it not been of use as a reliable road map for travellers and merchants wanting to travel around the country.

Branch roads, according to Ogilby, were shown in the following way: 'the several deviations or turnings out of the road to adjacent places on either hand are express by a short double line and are generally inscribed to such a place. . . .'



The turning at Ripponden branching east to Sorby out of the York to Chester Road. *Britannia*, 1675

## Other map-makers' use of 'cross road'

Ogilby's maps became very popular and, according to Harold Whitaker's *Descriptive List of the Printed Maps of Yorkshire and its Ridings between 1577 and 1900* (Yorkshire Archaeological Society, Leeds City Library), *Britannia* was reprinted in 1721, 1723, 1724, 1730, 1731, 1734, 1736, 1749,

1751, 1753, 1759 and 1764. Other map-makers followed Ogilby's style of description and freely used the term 'cross road' in their legends to describe or classify a secondary road. Examples include:

1705: Henry Overton, *A New Map of Yorkshire with the Post and Cross Roads* (Leeds City Library)

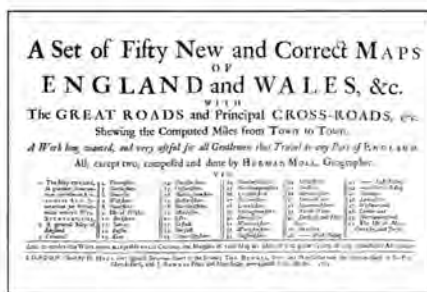
1711: Sutton Nichols, *New Map of Yorkshire with the Post and Cross Roads* (location unknown, but quoted by Arthur Raistrick in *Yorkshire Maps and Mapmakers*)



Henry Overton, 1705

1720: Emanuel Bowen, *Britannia Depicta with All the Direct & Principal Cross Roads in England and Wales* (Leeds City Library)

1724: Herman Moll, *A Set of Fifty New and Correct Maps of England and Wales with the Great Roads and Principal Cross Roads (a work long wanted and very useful for all gentlemen that travel to any part of England)* (Public Record Office, Kew)



1742: Thomas Badeslade, *Chorographia Britannia or A set of Maps of all the Counties of England and Wales including a map of all the cross roads from one great town to another* (taken from *Antique Maps of Yorkshire and their Makers* by John E. Rawnsley, AMIEE, FRSA)

1749: Thomas Kitchen, *Map of Yorkshire showing Cross Roads and Principal Cross Roads* (seen on sale at Antique Maps & Engravings, Covent Garden, London)

1761: J. Rocque, *A Topographical Survey of the County of Berks, . . . with the Main and Cross Roads, Bridle Ways, . . .* (Berkshire Record Office)

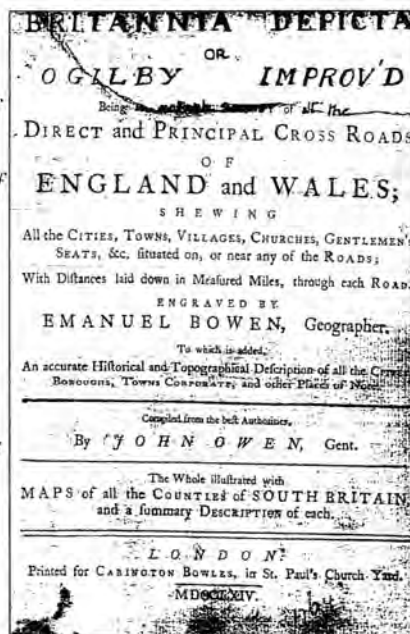
1761: Emanuel Bowen, *Bowen's English Atlas - The English Traveller through England and Wales showing direct and principal cross roads* (Public Record Office, Kew). This has an engraving of a horsedrawn vehicle on the imprint



Emanuel Bowen, 1761

1762: Emanuel Bowen and Thomas Kitchen, *The Royal English Atlas. A general map of England and Wales comprehending all the direct and principal cross roads* (Leeds City Library)

1764: John Owen/Emanuel Bowen, *Britannia Depicta or Ogilby Improved, including a table of the cross roads with the distances in measured miles of the several cities, towns and villages thereon from whence the road begins* (Leeds City Library)



Britannia Depicta, 1764

1772: Daniel Paterson, *A New and Accurate Description of all the Direct and principal Cross Roads in Great Britain. Containing . . . III. The Cross Roads of England and Wales. IV. The Principal Direct and Cross Roads of Scotland* (private collection)



1775: William Yates, *Staffordshire*, ed. Faden, 1799, showing turnpike and cross roads added (reproduced in Paul Hindle, *Maps for Local History*, Batsford Local History Series)

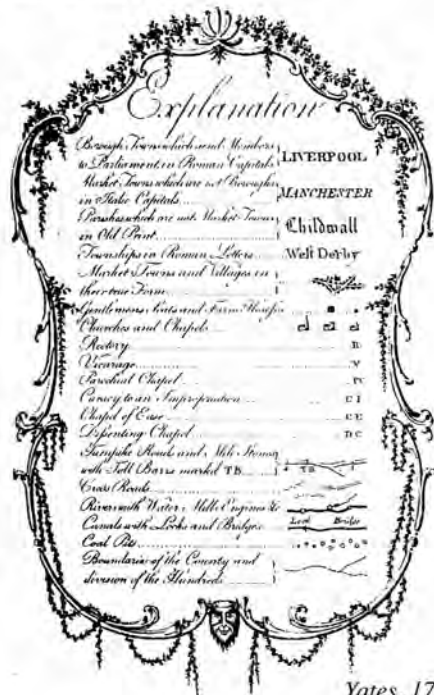


Yates, 1775

1777: Owen's *Book of Roads - containing I, a list of cities, etc., II the distances from London, etc., III the Cross Roads, IV, the High Roads and principal cross roads in Scotland, Judges' circuits, etc.'* The map included claims to show 'all the direct and principal cross roads in England and Wales' (British Library)

1785: *Paterson's British Itinerary, being a new and accurate delineation and description of the direct and principal cross roads of Great Britain* (British Library)

1786: William Yates, *Map of the County Palatine of Lancaster*, showing turnpike roads and milestones with toll bars and cross roads (reproduced in Paul Hindle, *Maps for Local History*)

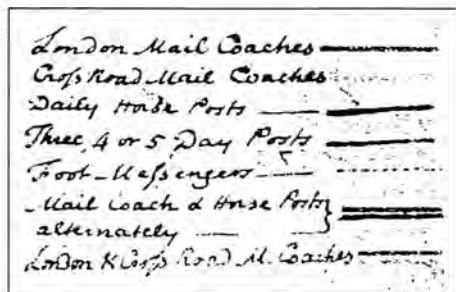


Yates, 1786

1787: *Cary's English County Atlas*, showing cross roads and cross posts (Public Record Office, Kew)

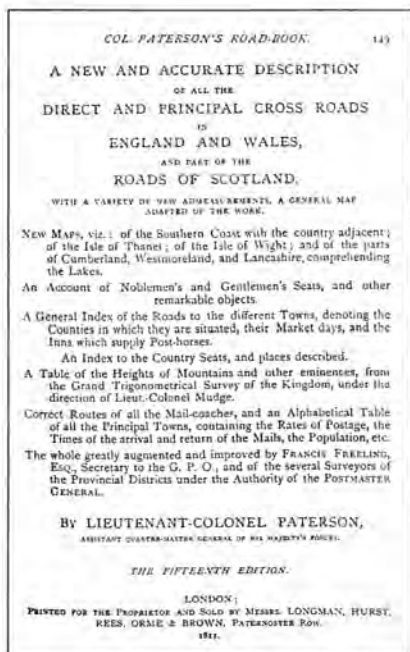
1804: Charles Smith, *New English Atlas*, showing all the direct and cross roads (British Library Map Library)

- 1807: Post Office, A  
Circulation Map showing  
London Mail Coach  
routes, Cross Road Mail  
Coach routes, Daily  
Horse Post routes and  
London & Cross Road  
Mail Coach routes,



drawn by Mr Tucker, a senior clerk at the Post Office  
(reproduced in *Coaching Days of England*, Halifax Central  
Library)

- 1808: *Paterson's Road Book* - A  
new and accurate description  
of all the direct and principal  
cross roads in England and  
Wales (Guildhall Library)



- 1809: *Cary's New English Atlas*  
showing roads measured by  
*Order of the Right*  
*Honourable the Postmaster*  
*General by John Cary, both*  
*direct and cross* (British  
Library)

- 1810: *John Andrews and Andrew*  
*Dury, Map of the County of*  
*Wiltshire describing the*  
*turnpike and cross roads*  
(Wiltshire Record Office)

- 1815: *Cary's New Itinerary* - An  
*accurate delineation of the Great*  
*Roads, both direct and cross.* The map distinguishes direct, mail  
coach and cross roads (private collection)

- 1816: Thomas Dix, *A new map of the County of Wiltshire*, published in  
*A Complete Atlas of the English Counties*, by William Darton Jr,  
1822. Shows the principal roads and cross roads (British Library  
Map Library)

- 1819: William Lewis, *New Travellers' Guide or a Pocket Edition of the English Counties containing all the Direct and Cross Roads in England and Wales* (British Museum)
- 1820: C. Greenwood, *Map of the County of Wilts.* Shows turnpike roads and cross roads (Wiltshire Record Office)
- 1822: Edward Baines, *Map of the West Riding & Ainsty of the County of York showing Turnpike Roads, Mail Roads and Cross Roads* (Halifax Central Reference Library)
- 1829: *Paterson's Roads*, ed. Mogg, showing 'Direct and Principal Cross Roads'. 'The cross roads branching from particular places are arranged alphabetically as Bath to Bridgwater, etc.' (private collection)
- 1829: G. Hennet, *A Map of the County Palantine of Lancaster with Turnpike Roads and Cross Roads* (private collection)
- c. 1833: G. A. Cooke, *A Topographical and Statistical Description of the County of Wilts; . . . To which is prefixed a copious travelling guide, Exhibiting the Direct and Principal Cross Roads . . .* (private collection)

1834: C. & J. Greenwood, *Atlas of the Counties of England and Wales.* Forty-five pages with turnpike roads, toll bars, cross roads and houses on every page (Public Record Office)

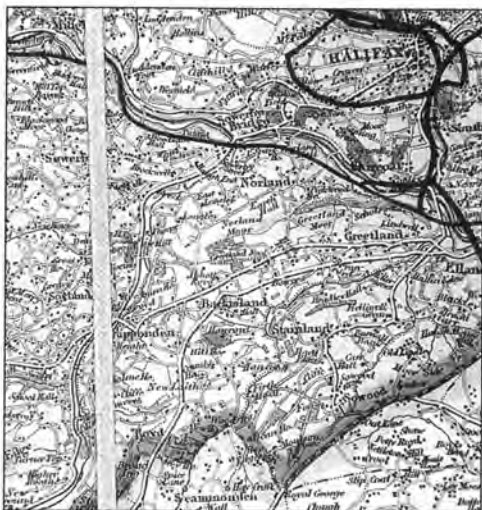
1834-35: John Myers, *Map of the Parish of Halifax*, showing turnpike roads and cross roads (Halifax Central Reference Library). For the prospectus giving a detailed description of this map's purpose, see Appendix 2

<i>Explanation.</i>	
<i>Boundaries of Counties</i>	
<i>Boundaries of Hundreds &amp; Liberties</i>	
<i>Market Towns as</i>	
<i>Parishes as</i>	
<i>Villages &amp; other Places</i>	
<i>Places that send Members to Parl<sup>t</sup></i>	
<i>Turnpike Roads &amp; Toll Bars</i>	
<i>Cross Roads &amp; Houses</i>	
<i>Churches &amp; Chapels</i>	
<i>Castles &amp; Towers</i>	
<i>Heaths Commons &amp; open Roads</i>	
<i>Cannals</i>	
<i>Railways</i>	
<i>Roads</i>	
<i>Parks &amp; Pleasure Grounds</i>	
<i>Hills &amp; rising Grounds</i>	
<i>Rivers &amp; Water Mills</i>	
<i>Acres &amp; Brooks</i>	

Greenwood, 1834

1838: *Wiltshire*, published by Pigot & Co. Shows mail roads, principal roads and cross roads (British Library Map Library)

1847: William Colling Hobson, *Map of Yorkshire*, showing turnpike roads and cross roads (Public Record Office, Kew, and Leeds City Library)



1858: *Wiltshire*. Drawn and engraved by J. Archer. Shows turnpike roads and cross roads (British Library Map Library)

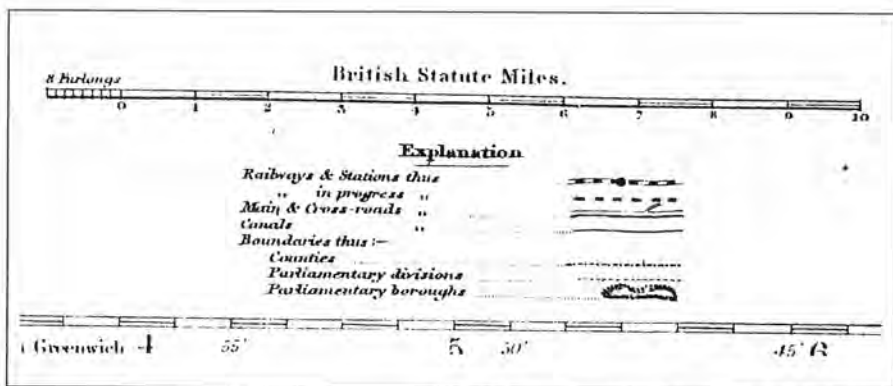
1890: *Bacon's Wiltshire*, showing main roads coloured brown, cross roads, railways (private collection)

Hobson, 1847

1895: *Bacon's Commercial Library Atlas of the British Isles*, showing main and cross roads (private collection)

1900: *Bacon's Commercial and Library Atlas of the British Isles from the new Ordnance Survey with the Index Gazeteer*, with main and cross roads on almost every page (Public Record Office, Kew)

1912: *Bacon's Library Atlas of the British Isles*, with 40 pages of maps showing main and cross roads (Public Record Office, Kew)



*Bacon's Library Atlas of the British Isles, 1912*

## Who were the map-makers?

John Ogilby's entry in the *New Encyclopaedia Britannica* (vol. 8, 15th edition) describes him as 'a pioneer in the making of road atlases. His *Britannia*, published in 1675, was part of a projected world atlas and a landmark in accurate road description.'

Lieutenant-Colonel Daniel Paterson was Assistant Quartermaster General of his Majesty's Forces.

John Cary (c.1754-1835) was described by cartographic historian Sir H. G. Fordham as 'the most representative, able and prolific of English cartographers.' 'Cary was appointed to survey some 9000 miles of road for the General Post Office. . . . The first edition of his *Itinerary* (1798) was based on this "Actual Admeasurement". A further 1000 miles were measured for its second edition (1802)' (David Smith, *Maps and Plans for the Local Historian and Collector*, Batsford, 1988, p. 118).



John Myers, surveyor, land agent and valuer, who produced his *Map of the Parish of Halifax* in 1834-35, claimed to be working under the immediate patronage of King William IV. He published a prospectus for his map which is kept in Calderdale Archives (reference no. SH:4/T HX/1834) and this is headed with the Royal Coat of Arms (Appendix 2).

The prospectus claims that the map is being produced 'from a conviction that a correct map of this interesting district be drawn up to delineate with precision every object of consequence . . . and the turnpike and bye-roads be accurately laid down.' Myers did not use the term 'bye-road' on the map itself; instead he chose the term 'cross road', which was preferred by contemporary cartographers.

Attached to the prospectus is a list of subscribers (see Appendix 3). The list, which is headed by the King and the then Member of Parliament for Yorkshire West, the Right Hon. Lord Viscount Morpeth, shows that, in advance of publication, 152 subscribers paid between £1 1s and £1 16s for a copy of the map. At the foot of the page is a testimonial signed by three people who had examined the map and had the 'satisfaction to state that we have the highest opinion of the accuracy and fidelity of the work'. This may be the result of an advertisement which Myers placed in the *Halifax Guardian* on 1 December 1832, two years before the map was published, appealing for documentary information:

'It having been suggested that if Access could be had to Parochial and Private Documents (particularly those relating to Antiquities) the Accuracy - and Interest of the MAP in its details - would be greatly increased, MR. MARTIN and MR. MYERS, with this in View, will wait upon the Gentlemen in the District; and they respectfully request that those who are in Possession of such Documents will permit them to be Inspected.

'. . . Mr Myers having established himself in business in Halifax will thankfully receive any communications which may add to the Interest or Utility of the Work.'

## *The Cross-Road Post*

A cross-reference in the *Oxford English Dictionary* points the way to a treasure trove of evidence for cross roads at the Post Office Archives and Records Centre, Freeling House, London.

The *OED* offers the following examples of everyday usage:

'1720 [see Cross-post] Cross-road letters. 1725 *Lond. Gaz.* No. 6415/2 "The Cross-Road Mail which . . . goes between Chester and Exeter."

The *OED* entry under 'Cross-post' reads:

'The post which carried letters on cross-country routes. 1720 *Lond. Gaz.* 16 Apr., General Post Office, London, Vol. II: "April 12 1720 . . . His Majesty's Attorney-General, having granted to Ralph Allen . . . a Farm of all the Bye-Way or Cross-Road Letters throughout England."

### **Ralph Allen's cross-road posts**

Ralph Allen was an 18th-century entrepreneur who made a fortune from farming (or acting as a contractor on) a cross-country postal service.

The Post Office Archives and Records Centre keeps a copy of his records, bound under the title of *Ralph Allen's Bye, Way & Cross Road Posts* (ref: 1 61A), which tell the whole story.

Born about 1693, the son of a Cornish innkeeper, Allen became postmaster of Bath in 1712. He developed the system of by- and



*Ralph Allen*

cross-road posts to carry letters across country. Previously letters had to be taken down to London then delivered to their destination, using the direct roads. This meant that, before Allen set up his cross-road post, a letter from Plymouth to Bristol would have been carried on the Plymouth Road to London and then from London down the Bristol Road to Bristol, travelling many more miles than necessary. Using Allen's cross-post service, letters could be taken from Plymouth to Bristol directly.



Allen's cross-country service, which he operated under a contract from the Postmaster General, largely contributed to the increase and expansion of the postal system of England from 1720 to 1764. Allen died in 1764 and his system of posts, from which he had become quite wealthy, was taken over by the Post Office.



*Post boy on horseback*

The value of these records is enormous. They confirm that a commercial postal service was being operated for financial gain using post boys, on horseback, upon England's cross roads. Therefore they provide solid evidence that the term 'cross road' was used and widely recognized to identify cross-country routes available to the population at large; it could not, in any sense, have been taken to mean roads upon which the public and local postmasters had no business and over which there was no right of way with horses and horsedrawn vehicles.



# *Government and Parliamentary Evidence*

## **The Lords of the Treasury**

The Post Office Archives offer ample evidence that the Government recognized a cross road as a public byroad, i.e. a secondary public carriageway. For example, on 5 December 1761 the then Postmaster General, Robert Hampden Bessborough, promoted Ralph Allen's application to the Lords of the Treasury for a seventh contract to farm the cross posts using post boys on horseback. Bessborough's letter and Allen's petition for this renewal are faithfully reproduced in Allen's narrative (see Appendix 4).

## **Queen Anne's Post Office Act, 1711**

This Act empowered the Post Office to 'erect and set up cross stages' or cross-road posts connecting one main post road with another, enabling letters to be transported directly across country. Letters distributed in this way were known as 'cross-road letters'.

Alan W. Robertson, writing on the horse posts in Great Britain (*Post Roads, Post Towns and Postal Rates 1635-1839*), states that the horse continued as the means of transporting the mails where road and economic conditions permitted until the coming of the mail-coach era in 1784.



*Queen Anne*

The existence of the cross-road mail coach, which ran on the cross roads between Exeter and Chester, supplies cogent evidence that wheeled vehicles, as well as ridden horses, used cross roads - a fact already

established by Ogilby's frontispiece to *Britannia* engraved a hundred years before the mail-coach era began.

Queen Anne's Act further confirms that horseriders used cross roads for it specified that no person, other than the Postmaster General, should provide horses for riding post.



And it also confirms that cross roads were included in the postal service rationalization when it stipulated that, in order to achieve 'one and the same measure and standard' all roads where stages were not already settled had to be measured by a wheel. Roads which were 'private' in today's sense of the word, and which were therefore not available to the public, are highly unlikely to have been included in this measuring exercise.

## The Commutation of Tithes Act 1836

In British Parliamentary Paper 1837 XLI 405, the Government gave guidance on how landscape features were to be indicated on tithe maps. The Parliamentary Paper is headed 'Conventional signs to be used in the plans made under the Act for the Commutation of Tithes in England and Wales'. Second only to the symbol for turnpike roads is the following symbol:



The other categories of road mentioned are 'bridleroads', 'open roads', 'sunk roads' and 'raised roads'. All roads are coloured terracotta.

A certified copy of the paper from the House of Lords Record Office is reproduced in Appendix 5.

### A conventional sign

From this it is clear that 'cross road' was a conventional term for a byroad and was to be indicated on tithe maps by a conventional sign. Parliament's

intent was that this should be the standard way of indicating a class of road which was second only to turnpike roads, the highest class of road shown on tithe maps. There was no conventional sign for an occupation road.

If a cross road was not a general-purpose road for the public, two questions must be asked: first, why is it even mentioned in the Parliamentary Paper?; and, second, how else were secondary routes shown on tithe maps and road maps?

Not all roads in a parish could possibly have been turnpike roads. And it is very easy to discover which roads were turnpiked and which were not as each turnpike road had to have its own enabling Act of Parliament (there were 1514 turnpike acts passed between 1760 and 1809).

So what classification did the secondary roads in the road network have if not 'byroad' or 'cross road', terms which the *Oxford English Dictionary* and the Parliamentary Paper tell us are the same thing?

None of the map-makers listed in Chapter 3 offers any other term. They all chose to use this 'conventional sign', as can be seen on their maps from 1675 onwards. By stipulating 'cross road' as a conventional sign in 1837, Parliament confirmed that this meaning had become established by convention and encouraged its continued use. The list of map-makers shows that it continued in popular use until 1912.

## **A description of the Parish of Grittleton**

An example of how 'cross road' was used and understood in the 19th century in line with the definition laid down by the Parliamentary Paper of 1837 is contained in the following book: *The History of the Parish of Grittleton, in the County of Wilts.*, by the Rev. J. E. Jackson, M.A. (published by the Wiltshire Topographical Society, 1843).

In his book the Rev. Jackson includes a map of the parish 'reduced from the *Tithe Commisioners' Survey*, (1840)' which 'displays at once the boundaries, general forms and arrangement of the inclosed fields, the turnpike and parish roads. . . . This original document, with the Terrier accompanying it, is an interesting and valuable topographical record, as it is calculated to settle those questions which often have occasioned local disputes, litigations, and personal animosities. . . .'

The Rev. Jackson goes on to describe the various roads of the parish as shown on the tithe plan:

'A turnpike road extends through the middle of the parish, from east to west, and it is intersected by a good parish road from north to south. Other cross roads are marked on the map, all of which are kept in good travelling order. . . . In the last twenty years the entire parish has undergone many improvements in the condition of its roads. . . . Remembering what the parish was more than 60 years ago, when the roads were almost impassable for carriages in the winter months . . . I cannot but hail with much gratification the greatly improved state of all these at the present time. The farm houses, with their appendages, are calculated to afford comforts, almost luxuries, to their occupants, who are also provided with good and sound roads for the conveyance of produce to the neighbouring markets. . . . The high-way rates for [1842] amounted to 40*l.*, *i.e.* the rate-payers contributed that sum to the lord of the manor, who undertook the reparation of the parochial roads.'

This makes it clear that a 'parish road' and a 'cross road' was one and the same thing, and that they were the next stage down from turnpike roads. They were used by the inhabitants of the parish with carriages and carts, and were maintained out of the parish highway rate. In other words, they were general-purpose secondary roads.

## Ordnance Survey



A study of Ordnance Survey documents has so far only turned up one reference to cross roads and that is contained in a document entitled 'Characters of Writing and the Characteristics of the Photozincographed Maps of the Ordnance Survey with instructions as to their use'. The document is part of a 1909 reprint of an 1897 original in the British Library Map Library at Ref.: C. 7a(1). On p. 7 are shown 'main roads' and 'minor roads' both fenced and unfenced. On p. 8 are shown 'Turnpike roads. The side from the light shaded', followed by 'Cross roads. Narrower and both sides alike'.

Although the Ordnance Survey did not make extensive use of the term 'cross road', they have confirmed that they understand that it was the

name given in the 17th century to a road which crossed from one coach road to another and cite Owen/Bowen, John Senex, Mogg and *Paterson's Itinerary* as their sources (see Appendix 6).

A possible explanation why the Ordnance Survey did not use 'cross road' may be the fact that, prior to 1884, they did not attempt to classify roads. Their maps were a record of permanent topographical features, hence they show a whole variety of roads, not all of which were public rights of way. Whereas the earlier map-makers were concerned to show roads over which the public might travel, the Ordnance Survey seems to have been more concerned with the state (physical condition) rather than the status of roads.

In his *Instructions to Field Examiners* of 1907 the Director General of the Ordnance Survey lists the types of roads to be shown. These include the following:

*'First Class Roads, viz.:* Main roads, generally leading from town to town, metalled and kept in good repair, and with a minimum width of metalled roadway, exclusive of edges or footpaths, of 14 feet.

*'Second Class Roads, viz.:* Metalled roads in good repair, fit for fast traffic at all seasons, i.e., it should be possible to drive carriages and light carts over them at a trot. This class will, as a rule, include roads between villages, or between villages and towns, or between one first class road and another, and approaches to railway stations.

*'Carriage Drives, Second Class, viz.:* Carriage drives, up to the standard of second class roads.

*'Public Roads, Metalled, viz.:* Those other than first and second class.

*'Carriage Drives, Metalled, viz.:* Those not up to second class.

*'Occupation Roads, Metalled.*

*'Public Roads, Mud.*

*'Occupation Roads, Mud.*

*'Cart Tracks.*

*'Bridle Roads.*

*'Footpaths.*

'Roads should be classified according to their general character, and not with reference to their best or worst portions; but no road should be shown as second class unless throughout the part so shown it is fit for fast wheeled traffic at all seasons' (para. 85).

From 1884 'All metalled public roads for wheeled traffic kept in good repair by highway authority will in future be shaded' (quoted by Richard Oliver, *Ordnance Survey Maps: A Concise Guide for Historians*, Charles Close Society, p. 67).

The 1907 Instructions state quite firmly: 'The Ordnance Survey does not concern itself with rights of way, and Survey employees are not to enquire into them' (para. 96).

Thus, if the term 'cross road' was understood to mean a general-purpose public road, it would have been an inappropriate category for early Ordnance Survey maps. Modern OS maps use the term 'minor road'.

## Royal Geographical Society



The Royal Geographical Society believes that the term 'cross road' was introduced into our language by Ogilby in *Britannia* as a convenient term for describing roads which did not start in London (see Appendix 7).

## Historians' Views

Historians have used the term 'cross road' in their own works. Here are some extracts which add weight to our case:

### On Ogilby

'Ogilby classified his roads into Direct Roads (out of London) and cross roads' (W. B. Crump, 'Ancient Highways of the Parish of Halifax', *Halifax Antiquarian Society Transactions*, 1925-29).



Extract from *The Road Goes On: A Literary and Historical Account of the Highways, Byways and Bridges of Great Britain*, compiled by C. W. Scott-Giles MA, Secretary of the Institution of Municipal and County Engineers, Epworth Press, 1946

Describing a cross road just before St George's Church in Sowerby Street, Sowerby Bridge, Crump goes on to say:

'This point is important and is the only one in the township where an old milestone has been left standing. It is a slab and not a stoop and the face reads: 'To Elland 4 M to Sowerby 1 M'. It refers to the cross road which, on the left by the steep descent of Jerry Lane, leads to a bridge across the Ryburn at Watson Mill and thence to Norland.'



❖  
'The statute mile had been defined since 1593 but was first put, quite literally, on the map by John Ogilby's *Britannia* in 1675' (Christopher Morris, Introduction to *The Journeys of Celia Fiennes*, Cresset Press, 1949).

❖  
'Ogilby was keenly aware of travellers' need for improved delineation of roads and he conceived the revolutionary idea of making up a road book, to be based on original survey, which would present the roads on a series of strips or scrolls. He received the royal approval from Charles II and was given a royal warrant commanding that he be given free access to church books and public records and be informed about significant features in each locality' (A. G. Hodgkiss, *Discovering Antique Maps*, Shire Publications, 1971 - see Appendix 1).

❖





'John Ogilby's *Britannia* (1675) undertook to illustrate the country. Two hundred pages of text were interleaved with the hundred road maps, based on surveys carried out over the previous six years. It was a pioneering work. Ogilby's road maps are an invaluable source, giving great detail of the main roads as well as many minor roads. . . . Numerous features on or near the roads such as bridges, rivers, castles, woods and churches are shown, all intended to help the traveller on his way. . . . In effect he shows a network which consists of eleven main roads leading from London to the provinces, linked by many cross-roads. . . . Ogilby's work was much copied, both in strip form and by adding his roads to county maps' (Brian Paul Hindle, *Know the Landscape: Roads, Tracks and Their Interpretation*, Batsford, 1993).



'Charles II realised the urgent need of better roads. As a first step he requested John Ogilby to survey all the main roads and his maps were published in 1675 as a book called *Britannia*. . . These were the first road maps to be based on accurate surveys. The King's interest reflected the opinion of merchants and others that many improvements were urgently needed. Transport mattered to a trading country' (Hugh Bodey, *Roads*, Batsford, 1971).



'When the first detailed cartographic depiction of English and Welsh roads did finally appear, just a hundred years after Saxton's maps, it is hardly surprising that it was in a form resembling a written itinerary. . . . Ogilby's volume was intended to illustrate England and Wales "By a Geographical and Historical description of the principal roads thereof". Two hundred pages of text were interleaved with a hundred road

maps based on surveys carried out over the previous six years. There had been nothing like it before (either in detail or presentation). The demand for road maps continued to grow, principally as a result of the vast growth of coach travel from the 1780s until the arrival of the railways after 1830' (Brian Paul Hindle, *Maps for Local History*, Batsford).



'In this country the road books were lifted into prominence and new dignity and significance were bestowed upon them by Ogilby. . . . At some period Ogilby conceived the idea of a new kind of road book which would depict the roads of the kingdom in pictorial form and, for this purpose, he employed surveyors to traverse the various roads to make careful measurements of all distances, note all branch roads and road junctions and all features of interest near the road. His scheme had the approval of Charles II. . . . thus every road described has been walked throughout and the information about cross roads, bridges, junctions and all the other incidental information was based upon accurate observation. In 1711, however, the old tradition was continued by Sutton Nichols with his *New Map of Yorkshire with the Post and Cross Roads*. This was actually a copy of Janssen's map of 1646 with Ogilby's roads inserted on it' (Arthur Raistrick, *Yorkshire Maps and Map-Makers*).



' . . . Ogilby's *Britannia Depicta*, the traveller's ordinary guide-book between 1675 and 1717, [was used] as *Bradshaw's Railway Timebook* is now . . . ' (Samuel Smiles, *Lives of the Engineers*, 1861-2; John Murray, 1904).



'[In road books by Ogilby, Owen, Paterson and Cary] Cross roads were indexed separately. These were the cross-country routes such as Bath to Bridport; Longtown to Berwick; Reading to Cambridge. Today this term has been given an entirely different meaning' (Derrick Hasted, 'Driving by the Road Book', *Carriage Driving Magazine*, October/November 1994).

## On Cross Posts

‘For it was set forth that they were “to survey through the six main Post Roads in England and all the Cross Roads and Branches through which the Post Letters of this Kingdom are conveyed . . .”’ (J. T. Foxell and A. O. Spafford, *Monarchs of All They Surveyed: The Story of the Post Office Surveyors*, HMSO, 1952).



‘Letters from London, together with Bye, Cross Post and Ship Letters, were forwarded or retained for delivery or collection. Expresses and post-horses were provided. Local offices, originally confined to the Six Roads, spread throughout the country with the growth of Cross and Branch posts, linking post towns with neighbouring centres. By the end of the farming era, regular services covered most sizeable market towns, the postal network resembling a wheel with London as the hub, the Six Roads as spokes and cross posts as the rim’ (Kenneth Ellis, *The Post Office in the Eighteenth Century: A Study in Administrative History*, Oxford University Press, 1958).



‘The mails were carried on horseback. The disasters which history refers to this period as illustrating the difficulties of travelling, occurred generally on the cross roads and always with wheel traffic. . . Now and again, indeed, some postmaster, pleading for the remission of his debt to the Crown, would urge the losses he had sustained in horse-flesh by reason of the badness of the roads: but these roads were always cross roads . . .’ (Herbert Joyce C.B., *The History of the Post Office from Its Establishment down to 1836*, 1893; Post Office Archives and Records Centre, ref. 54A).



*'The Great Roads and Principal Cross Roads in 1756', from Alan W. Robertson, Great Britain: Post Routes, Post Towns and Postal Rates, 1635-1839 (Post Office Archives)*

Herbert Joyce was an expert on Post Office history. Between 1889 and 1896 he was the third secretary to the Post Office, a position third in line to the Postmaster General, and he also worked in the Muniment Room where the bulk of the Post Office Archives were kept. His account very nicely puts cross roads firmly in the public arena and offers evidence that the public was using them with horses and horsedrawn wheeled vehicles. This adds greatly to our claim that a recorded cross road should today be elevated at least to byway status on definitive maps. His book goes on:

'During the twelve years which had elapsed since Palmer's plan [for the mail-coach system] was established there had not been one single instance in which a mail-coach had been molested by highwaymen. Far otherwise was it with the horse and cross-post mails. . . . [Post Office Secretary] Freeling



proposed that the horse and cross-post mails should be guarded. To supply the existing post-boys, or riders, with firearms would have been worse than useless. They were mere boys - many of them not yet fourteen years of age - and with

firearms in their possession they would have been more likely to shoot themselves than their assailants. Accordingly, Freeling proposed that no riders should be employed who, besides being of approved character, were not between the ages of eighteen and forty five; that they should each be furnished with a brace of pistols, a cutlass and a strong cap for the defence of the head.'



'It was suggested that returns of such letters [bye-post letters] should be made under oath by the postmasters, accounts of such letters should be kept at the Bye and Cross Post Office, and salaries paid to the postmasters for this duty. . . . On 25 November [1799] he [the postmaster of Canterbury] was complaining of the large number of [military] letters that had come back from Holland and "are continually travelling from one town to another after their respective regiments - our Cross Road Bags are consequently very heavy" ' (Brian Austen, *English Provincial Posts 1633-1840*, Phillimore, 1978).

## General references

'From thence he rode cross the County of Essex, thro' Tilbury, Hornden, and Bilerecay to Chelmsford: Here he stopp'd about half an hour to refresh his horse, and gave him some balls;

from thence to Braintre, Bocking, Wethersfield; then over the downs to Cambridge, and from thence keeping still the cross roads, he went by Fenny Stanton to Godmanchester and Huntingdon . . .’ (Daniel Defoe, *A Tour through England and Wales*, 1724-26, on the highwayman Mr Nicks’s ride from Kent to York).



‘August 30th 1823 - [From Worth to Tunbridge Wells] . . . these are cross-roads, mere parish roads; but they are very good’ (William Cobbett, *Rural Rides*, 1830).



‘. . . but, though the law relating to tolls was in existence, it did not come into positive effect until 1767 when it included all the great highways throughout the kingdom, whilst Mary’s Act, as to the supply of labour, applied only to the cross or by-roads’ (Athol Maudsley, *Highways and Horses*, Chapman & Hall, 1888).



‘A few of the coaches were horsed from this house [Red House Inn on the Doncaster to Ferrybridge Road] but the number could not have been very great as there was only standing room for about a score of horses, which probably plied principally on the cross roads’ (Tom Bradley, *The Old Coaching Days in Yorkshire*, Yorkshire Post, 1889).



‘When the adoption of the turnpike system became more general, . . . about the year 1767, the turnpike roads were maintained - or were supposed to be maintained - by tolls, and the statute labour and contributions in lieu thereof were mainly appropriated to the cross roads constituting the parish highways . . .’ (Edwin A. Pratt, *A History of Inland Transport and Communication in England*, Kegan Paul, Trench, Trubner & Co., 1912).



‘No other route of equal importance with the Bath Road crosses our map [Sheet 112 of the 1-inch OS map of 1919/26], for the main lines of traffic converge of necessity upon

London. In early times . . . the case was somewhat different, but for the most part the cross-roads have served a purely local traffic, a fact readily understood when we remember the forbidding gradients of the chalk escarpments' (H. C. Brentnall and C. C. Carter, *The Marlborough Country*, Oxford University Press, 1932).



'This cross road comes from Fountains Abbey by Pately Bridge and Grassington, by Bordley and on to Malham Moor and links up in its length many of the Fountains Abbey properties' (Aurthur Raistrick, *Green Roads in the Mid-Pennines*, 1978; Moorland Publishing Company, 1991).



## *The Cross Road to the High Court*

Michael Morgan, a Bolton solicitor who specializes in rights-of-way matters, was called as an expert witness to a trial of an issue in the High Court of Justice Chancery Division, Manchester Crown Court, Case S/5453.C94/0206.

At issue was whether a certain portion of Pingot Lane, Mottram, was an old public vehicular highway. Amongst the evidence considered by the trial judge were the following maps, together with extracts from the 'Explanation' from each map of the nature of the roads that were represented thereon. In each of the following cases the map made a distinction between 'turnpike roads' and 'cross roads'.

*Burdett's Map of Cheshire, 1777*

*Environs of Mottram in Longendale by John Stockdale, from Aitken's Description of the Country for 30 to 40 miles around Manchester, 1794*

*Greenwood and Company's Map of Cheshire, 1819*

*Greenwood and Company's Map of Cheshire, 1830*

*Bryant's Map of Cheshire, 1829, 1830 and 1831*

*Swire and Hutching's Map of Cheshire, 1830*

The road in question was shown on each of these maps as a cross road.

His Honour Judge Howarth, sitting as a Judge of the High Court, in his judgment given on 27 October 1995, found that a portion of the way the subject of the dispute was a public vehicular highway. In his judgment he said (at p. 19):

'Burdett's Map of 1777 identifies two types of roads on its key: firstly turnpike roads, that is to say roads which could only be used upon payment of a toll and, secondly, other types of roads which are called cross roads. That does not mean a place where two roads cross (as one would understand it to be in this case) but a road called a cross road. This latter category, it seems to me, must mean a public road in respect of which no toll was payable. This map was probably produced for the benefit of wealthy people who wished to travel either on horseback or by means of horse and carriage. The cost of such plans when they were produced would have been so expensive that no other kind of purchaser could be envisaged. There is no point, it seems to me, in showing a road to such a purchaser that he did not have the right to use.'

This judgment bolsters the view that a cross road should be defined as a byway open to all traffic.

## *Conclusion*

### **DoE Guidance Notes to Inspectors**



Inspectors at public inquiries are guided by notes issued by the Department of the Environment. These state:

'Various maps depicting the claimed route are often produced in evidence. Without an authoritative explanation of the map's purpose or, more importantly, the significance of the routes depicted, these merely indicate the existence of the route and are not conclusive as to status.'

Considering the above guideline, the combined evidence of the seventy four mutually corroborative examples of the use of the term 'cross road' contained in *What Is a Cross Road?* clearly add up to an authoritative explanation of the significance of any highway so described.

So there is a clear case for arguing that a cross road, marked on an authentic map drawn up to be mass produced and sold commercially and intended to be used by the public at large may be considered cogent evidence of a general-purpose public carriageway secondary only to a direct, main or turnpike road. It certainly meets both the 'reasonably alleged' and 'ought to be' tests laid down in the Wildlife and Countryside Act, 1981 (see below).

*What Is a Cross Road?* also demonstrates the absence of any other commonly used term for a secondary road (and one would certainly have been needed) until the Ordnance Survey introduced 'minor road' on their maps in the mid-19th century.

The DoE has, at last, acknowledged this evidence and has agreed to inform all inspectors that the meaning of 'cross road' could be 'byway'.



When weighing evidence for Definitive Map Modification Orders, local highway authorities and the Department of the Environment are bound by the Wildlife and Countryside Act 1981, Section 53(3)(c)(i) and (ii).

Applicants need not prove their case beyond reasonable doubt, as in criminal cases, but must bring evidence to the authority 'which (when considered with all other relevant evidence available to them) shows:

'(i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates. . . .

'(ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description. . . .'

So the important words when trying to show a previously unrecorded right of way are that it 'is reasonably alleged to subsist', whilst the important words for an upgrading claim are 'ought to be' Qualified by the preamble ('when considered with all other relevant evidence') the implication is that the test in the latter case is 'on balance'.

## **Common Law**

Although the term 'cross road' may not have been legally defined by Act of Parliament, in the way that the Wildlife and Countryside Act 1981, s. 60(1) defines 'footpath', 'bridleway' and 'byway open to all traffic', it is possible to argue that it has acquired legal status under common law by virtue of established usage, extensive examples of which are illustrated in this book.

*What Is a Cross Road?* should strengthen claims to record byway status on definitive maps where a 'cross road' forms part of the supporting evidence.


# Appendices

*Cosmographer, William Russell,  
Geographical John Ogilby Esq,  
Printer &c. Street 2 Aug 1744.*

## 1 John Ogilby's Warrant of Appointment

AS, CALDERDALE  
SH. 4/T. Hx 1834  
This document may not be copied  
published without permission.

SH. 4/T. Hx 1834



UNDER THE IMMEDIATE PATRONAGE OF  
HIS MOST GRACIOUS MAJESTY, WILLIAM THE FOURTH.

**PUBLISHED BY SUBSCRIPTION.**

**A MAP OF THE PARISH OF HALIFAX: -**

INCLUDING THE TOWNSHIPS OF

HALIFAX, SAIRCOAT, SOUTHBRAM, EASTRICK, FIBBY, ELLAND-CUS-GREENTLAND, STAINLAND, NORLAND, BARRKISLAND,  
BIRNTHORPE, BOVLAND, SOWERBY, WARLEY, NIDOLAY, WADSWORTH, HEPTONSTALL, ERKINGEND, STANFIELD,  
LANGFIELD, SPENDEN, NORTHBRAM, SHELF, AND HIPPERHOLME-CUS-BREIDHOUGH.

SHOWING

THE BOUNDARIES OF THE PARISH AND OF THE SEVERAL TOWNSHIPS,  
Distinguishing those which are within the Limits of Electorates and Parishes;  
And Defining the Limits of the Elective Franchise.

PROJECTED ON THE BASIS OF THE TRIGONOMETRICAL SURVEYS MADE BY ORDER OF THE HONOURABLE THE  
BOARD OF ORDNANCE.

By **J. F. MYERS**, LATE OF BROAD STREET, HALIFAX,  
SURVEYOR, LAND AGENT, AND VALUER.

The PUBLISHER has engaged in this undertaking from a conviction that a correct MAP of this interesting District (which contains a Population of 100,000 Persons) drawn upon a Scale commensurate with its Importance, and which would enable him to delineate with precision every Object of Consequence or Interest, within its Limits, would be a Publication of such essential and manifest Utility as to ensure general Patronage, and be especially an Acquisition to the Land Owners, and the Professional and Private Gentlemen, as well as to every Public Office and Institution.

In this MAP the Seats of the Nobility and Gentry are inserted; Parks, Pleasure Grounds, Woods, and Plantations are clearly described; and the Turnpike and Bye-Roads, Rivers, Brooks, Canals, Bridges, and Railways, accurately laid down. The several Towns, Villages, and Hamlets, are carefully delineated; and the Names of Farm Houses, and other Places of Note particularized. The Position of the principal Coal Mines, and of such Pits and Stone Quarries as are sufficiently important to deserve Notice, in this Work, are also shown. The Places at which the Harriers usually meet are also indicated.

The GRAPHIC DEPARTMENT is elegantly executed, and the MAP handsomely printed on *Four large Sheets*.

THE SCALE NEARLY THREE INCHES TO A MILE.

PRICES.

	To Subscribers	To Non-Subscribers
In Sheets, Plain, (to be paid for on delivery).....	£1 14 0d.	£1 16 0d.
Print Coloured.....	£2 7s 0d.	£1 10s 0d.
Print, Mounted on Canvas and Rollers, Plain.....	£1 11s 6d.	£1 16s 0d.
Print, Ditto, Coloured and Varmined, or handsomely Bound in Half Leather Case.....	£1 16s 0d.	£2 2s 0d.

The Subscription List will remain open during the delivery of the Work, but on no account can it be had for less than the advanced Price, after the delivery is completed.

£3-12-  
Printed and Sold by J. F. Myers, Halifax.

## 2 Prospectus for John Myers's Map of the Parish of Halifax, 1834-35

## NAMES OF SUBSCRIBERS.

HIS MOST GRACIOUS MAJESTY, THE KING.

The Right Hon. Lord Viscount MORPETH, M.P.

Edw. Protheroe, Esq. *London*  
 J. Richardson, Esq. *Ditto*  
 Francis Wishaw, Esq. *Ditto*  
 R. D. Chantrell, Esq. *Leeds*  
 Messrs. John Baines and Co. *Ditto*  
 Mr. George Hayward, *Ditto*  
 Thomas Blayds, Esq. *Ditto*  
 Mr. George Nelson, *Ditto*

William Beckett, Esq. *Gledhow*  
 Edwin Smith, Esq. *Roundhay*  
 Henry Harris, Esq. *Broadford*  
 Samuel Hailstone, Esq. *Ditto*  
 Mr. Richard Nicholls, *Wakefield*  
 Mr. John Walker, *Ditto*  
 Rev. J. A. Rhodes, *Horsforth*  
 Rev. Joseph Cowell, *Todmorden*

### HALIFAX.

Christopher Rawson, Esq.  
 John Waterhouse, Esq.  
 George Stansfeld, Esq.  
 J. Cockroft, M. D.  
 M. S. Kenny, M. D.  
 Rev. C. Musgrave  
 Rev. W. Wilmott  
 Rev. W. M. Bunting  
 Mr. C. Saltmarsh  
 Mr. Sharpe Browne  
 Mr. J. D. Tweedy  
 Mr. W. Rothwell  
 Mr. Samuel Hodgson  
 Mr. Jeremiah Rawson  
 Mr. G. B. Browne  
 Mr. John Sunderland  
 Mr. W. J. Norris  
 Messrs. R. Briggs and Sons  
 Mr. John Milner  
 Mr. Joseph Whiteley  
 Mr. J. W. Lonsdale  
 Mr. George Kershaw  
 Mr. William Bates  
 Mr. F. H. Nicholson  
 Mr. William Emmett  
 Mr. J. H. Mitchell  
 Mr. W. Hoyland  
 Messrs. Joseph Smith & Sons  
 Miss Watkinson  
 Mr. F. C. Spencer  
 Mr. Charles Whiteley  
 Mr. S. Thompson  
 Mr. Hopkinson  
 Mr. John Sutcliffe  
 Mr. A. Jubb  
 Mr. M. Paterson  
 Mr. M. Garlick  
 Mr. W. Craven  
 Mr. John Hirst  
 Mr. Samuel Thwaite  
 Messrs. L. & E. N. Alexander  
 Mr. Job Brooke  
 Mr. John Hutchinson  
 Mr. Thomas Adam  
 Mr. J. W. Cadney  
 Mr. J. E. Norris  
 Mr. F. E. Maseulay  
 Mr. W. B. Thompson  
 Mr. Charles Barstow

Mr. H. B. Bennett  
 Mr. E. N. Alexander  
 Mr. James Eastwood  
 Mr. John Walton Wright  
 Mr. Thomas Bland  
 Mrs. L. Hanson  
 Mr. James Clarkson  
 Messrs. Whitley & Booth  
 Mr. Joshua Stansfield  
 Mr. Leonard Duncan  
 Mr. Samuel Denton  
 Mr. Bernard Hartley  
 Mr. John Metcalfe  
 Mr. Thomas Turner  
 Mr. A. E. Royston  
 Mr. W. Heap  
 Mr. Henry Martin  
 Mr. E. M. Wavell  
 Mr. S. Brown  
 Mr. Richard Sharp  
 Mr. Thomas Simpson  
 Mr. A. G. Suter  
 Mr. Peter Suter  
 Mr. James Stansfield  
 Mr. James Haigh  
 Mr. Joshua Appleyard  
 Mr. William Hatton  
 Mr. John William Garlick  
 Mr. A. Inglis  
 Mr. G. Pollard, junr.

### SKIRCOAT.

Messrs. John Edwards & Son  
 Mr. Addison Duncan  
 Mr. William Bates  
 Messrs. J. Goodall and Sons  
 Mr. George Kitson  
 Mr. Thomas E. Dyson  
 Mr. John Swallow  
 Mr. Robert Wainhouse  
 Mr. John Emmett  
 Mr. Goodall  
 Mr. James Crossley  
 Col. Ramsden  
 Mr. G. Edwards  
 Mr. J. F. Sutcliffe

### WARLEY.

Mr. Charles Norris  
 Mr. George Greenup  
 Mr. James Walton

Mr. Samuel Wood  
 Mr. Strudford  
 Rev. R. Jarrett  
 Col. Dearden  
 Mr. Thomas Milne  
 Mr. Thomas Milne, junr.

### WADSWORTH.

Messrs. J. & J. P. Sutcliffe  
 Mr. Henry Foster  
 Mr. John Mitchell

### OVENDEN.

Mr. James Greenwood  
 Mr. Peter Bould  
 Messrs. James Akroyd & Sons  
 Mr. John Crossley  
 Mr. Thomas Sutcliffe  
 Mrs. Wadsworth  
 Mr. W. Johnson  
 Mr. George Wilcock  
 Mr. Thomas Turney

### NORTHOVRAM.

Mr. James Anderton  
 Mr. John Wilson  
 Messrs. Watts Wrigley & Sons  
 Mr. Samuel Holdsworth

### SOUTHOVRAM.

Mrs. Lister  
 Miss Patchett  
 Mr. Joshua Haigh  
 Mr. Edward Aspinall  
 Mr. Samuel Freeman  
 Miss Lister  
 Miss Walker

### HIPPERHOLME-cum-BRIG-HOUSE.

Rev. J. Warburton  
 Rev. R. Hudson  
 Mr. William Priestley  
 Mr. J. Holroyd  
 Mr. John Holland, junr.  
 Mr. George Higham

### MIDDLEY.

Rev. J. Fawcett

### NORLAND.

Mr. George Binns  
**SHELF.**  
 Mr. Moses Bottomley

### TESTIMONIAL.

We, the undersigned, having had the opportunity of examining the Map of the Parish of Halifax, as prepared by Mr. MYERS, for the Engraver, have the satisfaction to state that we have the highest opinion of the accuracy and fidelity of the Work.

E. N. ALEXANDER,  
 J. D. TWEDDY,  
 W. CRAVEN.

*Halifax, November 24, 1834.*

THE POSTMASTER GENERAL'S REPORT TO THE  
LORDS OF THE TREASURY.

To the Right Hon<sup>ble</sup> the Lords Commissioners of His  
Majesty's Treasury.

May it please your Lordships

In obedience to your Lordship's order of Reference of the 19<sup>th</sup> of last month directed to us Upon a Petition of Ralph Allen Esq<sup>r</sup> craving a renewal of his late lease or contract for the management and farm of those Branches of the Post Office Revenue, which arises from the Bye Way & Crofs Road Lett<sup>r</sup> we have now the honour to acquaint your Lordships, that in order to inform ourselves the more fully of the true state of the matters so referred to us, and the better to enable us to report our humble opinion to your Lordships of what may be fit to be done therein, We have thought it our Duty, in the first place to require the said M<sup>r</sup> Allen, to furnish us, pursuant to the Tenor of his last Contract, with a full and true state of all his annual Receipts, and Disbursements, on account of the above mentioned Farm, and that in return, we have received the strongest assurance from him of his ready & punctual compliance with this our Request as soon as ever the extensive, and intricate nature of such an Account (for which at present he finds himself not sufficiently prepared) will allow him to collect, digest & methodise, the several materials requisite to the compiling and perfecting the same, The experience which we, our Predecessors, and the public have long had of M<sup>r</sup> Allen's great candor, and exactness, does not allow us to entertain the least suspicion of any unnecessary delay on his part in the completion of his promise and covenant, and we are therefore humbly of opinion, that for the consideration hereunto subjoined, as well as for the sake of several fresh advantages now offered by your Petitioner, and, in regard to the Proviso hereafter suggested, it may be adviseable in the meantime to proceed to grant your Petitioner a renewal of his last contract accommodated to the present circumstances, and to the purport of this report.

The first consideration we have to offer to your Lordships is, that by the sudden and unforeseen determination of M<sup>r</sup> Allen's last lease, those two very diffusive intricate and important Branches of this Office, namely the Bye Way & Crofs Road Lett<sup>r</sup> are at present, properly speaking, under no direction at all, so that His Majesty's and the Public Service seems absolutely to require, that the great inconvenience which may soon grow from hence be prevented with as little loss of time as possible, by the immediate revival of that authority and management, under which they have hitherto been so long and so well conducted. ....  
the same, all which we submit to your Lordships, and are with great respect My Lords Your Lordships most Humble Serv<sup>ts</sup>.

General Post Office,  
Dec<sup>r</sup> 5<sup>th</sup> 1761.

BESSBOROUGH,  
ROB<sup>t</sup> HAMPDEN.

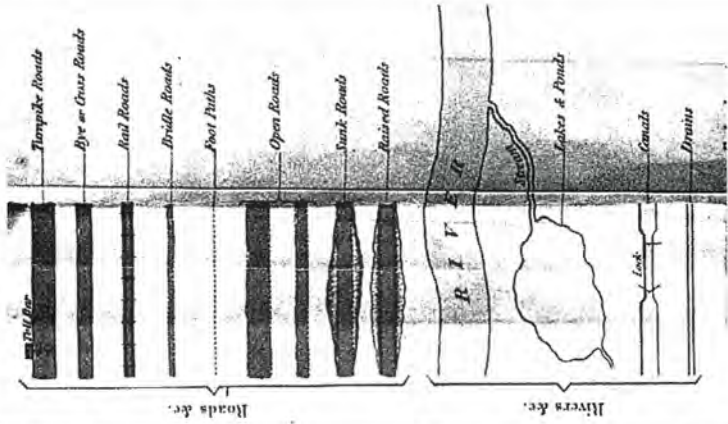
CONVENTIONAL SIGNS TO BE USED IN  
 COMMUTATION OF TITHES

PLANS made under the ACT for the  
 ENGLAND & WALES.

PLATE II

1865

Arable Land	Meadow & Pasture Land	Common Land
Wood Land	Coppice Woods	Heath, Furze, Fern, &c
Plantations	Coppice with Timber	Rabbit Warrens & Sand Hills
Parks	Ozier Beds	Undrained Marshes







# Ordnance Survey

Romsey Road, SOUTHAMPTON,  
United Kingdom, SO16 4GU  
Tel: Dial direct or Switchboard 01703 792000  
Fax: 01703 792404 Minicom: 01703 792045

Mrs Susan Taylor  
Calderdale Saddle Club  
5 Lower Swift Place  
Bar Lane  
Ripponden  
WEST YORKSHIRE HX6 4HA

EF 17/32/17 Pt 2

4 May 1995

Dear Mrs Taylor

Further to our telephone conversation earlier today, I am writing to confirm that, as we understand it, 'cross road' was the name given in the 17th century to a road which crossed from one 'coach' road to another. That said, there have been no such annotations on Ordnance Survey maps in this context.

Our understanding of the situation derives from the memories of a declining number of staff who, over a period of many years, needed to research such terminology, particularly in relation to their work on administrative boundaries. Although terms such as 'cross road', 'turnpike', 'coach road' and 'by way' were ancillary to the main purpose of their research, it was important that they gained an overall understanding of documents and Acts of Parliament to which they referred. That type of requirement has long since passed in Ordnance Survey. The source of much information included Owen & Bowen strip maps of the 1600s, John Senex maps of the same period and Mogg maps of the early 1800s. Perhaps the most helpful publication though was Patterson's Itinerary of 1770. The first part of this publication deals with 'main roads', the second part with 'cross roads'. Unfortunately, we no longer hold a copy of the publication but we feel sure that the British Library would be able to assist.

As David Rhind said in his letter to Sir Donald, we cannot offer you official help in any legal or quasi-legal action but we wish you well in your endeavours.

Yours sincerely

**R D Budden**  
Corporate Secretary

Ordnance Survey and the OS logo are registered trade marks of Ordnance Survey,  
the National Mapping Agency of Great Britain.

Awarded for excellence in delivering public services



6 Letter from the Ordnance Survey regarding 'cross road'



ROYAL GEOGRAPHICAL SOCIETY  
1 KENSINGTON GORE LONDON SW7 2AR

Telephone 071-589 5466

Fax 071-584 4447

*President* The Rt. Hon. the EARL JELlicoe, KBE, DSO, MC, FRS, PC

*Director and Secretary* DR JOHN HEMMING, CMG

Map Room  
19th December 1994

Ms S. Taylor  
Bridleways Officer  
Calderdale Saddle Club  
5 Lower Swift Place  
Bar Lane  
Ripponden HX6 4HA

Dear Ms Taylor

Thank you for your letter regarding the use of the term "cross road" on early maps, passed to me by Mr McNeill. I am afraid that we cannot be of any further assistance. As you have already researched the subject thoroughly, and obtained both a definition of the term and numerous examples of its use, there would appear to be little that we can add. It seems that the main question now does not concern the meaning or use of the term so much as the legal status of the "cross road" as a right of way, and this is a subject on which we are unable to comment. As far as we can tell the term was simply a convenient method of describing these roads which was introduced by Ogilby; we are not aware of its having any legal status. I am sorry that we can be of so little help.

Yours sincerely

Debbie Hall  
Map Room Assistant

VAT Reg. No. 239 5327 46



Corporate Patrons

BRITISH AIRWAYS



Reg. Charity No. 208791

The term 'cross road', which appears in the legends of many historical maps, is obscure and much misunderstood. Yet there is a wealth of evidence to show what the term means and how it has been used from 1675, when John Ogilby published *Britannia*, England's first book of road maps, to the present day.

The author, Susan Taylor, has searched through dictionaries, map libraries, cartographic reference works, Post Office archives, government documents and historical writings to bring together numerous examples of the common usage of the term 'cross road' over a period of 300 years.

Her research includes a High Court judgment which supports her conclusion that the depiction of a cross road on early county and parish maps indicated a road available for the public to use on horseback and, possibly, with wheeled vehicles.

The facts presented in *What Is a Cross Road?* are invaluable to everyone attempting to recover bridleway or byway status and to local authorities responsible for weighing evidence for definitive map modification orders.

Susan Taylor is Senior Researcher with the South Pennine Packhorse Trails Trust. A horserider and carriage driver, she also serves on the Access and Rights of Way Committee of the British Driving Society.



*Susan Taylor, on her four-footed friend Jacob, with Sue Hogg, Research Projects Coordinator of the South Pennine Packhorse Trails Trust*

*Front cover: The title page to Ogilby's Britannia (1675) engraved by Wenceslaus Hollar*

**South Pennine Packhorse Trails Trust**

**ISBN 0 9530573 0 5**

