



Sheetlines

The journal of
THE CHARLES CLOSE SOCIETY
for the Study of Ordnance Survey Maps

“Surveying the administrative
boundaries of Lancs and Yorks after
1841 OS Act”

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Sheetlines, 92 (December 2011), pp.6-23

Stable URL:

<http://www.charlesclosesociety.org/files/Issue92page6.pdf>

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Published by
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Surveying the administrative boundaries of Lancashire and Yorkshire after the 1841 Ordnance Survey Act

John L Cruickshank

In *Sheetlines* 91 Richard Oliver showed (once more) that the commonly asserted obligation on the OS under the 1841 Ordnance Survey Act to record public boundaries is complete bunkum.¹ In so doing he has slaughtered a sacred cow that had lived far too long. His article is welcome indeed. One simply hopes the cow stays dead!

However, perhaps because of his desire to achieve clarity, and also because he wished to focus on the mapping of tidelines, he has understated some of the legal difficulties inherent in a boundary survey carried out under the provisions of the 1841 Act. He has also glossed over the complexity of the situation encountered by the Ordnance surveyors when they first set to work recording administrative boundaries on the six-inch survey of Lancashire and Yorkshire. Richard does point out that while the 1825 Acts for the Irish survey had enacted that the various boundaries recorded there would thenceforth be the legal boundaries, the 1841 Act for the survey of Great Britain did not give the boundaries recorded by the OS any legal status. He did not however emphasise that the OS was explicitly not authorised to settle the position of any disputed or uncertain boundary.²

Furthermore Richard mentions that from 1849 the OS established a separate department for boundary work in England located in London where it was able to use the tithe surveys of 1836-1850. He also subsequently mentions the campaign for the rationalisation of administrative boundaries during the 1870s and 1880s and the fact that the OS at that time worked closely with the Local Government Board both to ensure that rationalisations took place before the OS carried out large-scale surveys, and to ensure that the OS did not attempt to record the full complexity of administrative boundaries as they existed before legislation of 1876. He does not however spell out why these interactions with other bodies about boundaries were so important to the OS. To understand the consequences of the 1841 Act fully it is necessary to look at all these matters in more detail.

Nevertheless before considering details of administrative boundaries in Lancashire and Yorkshire it is worth pointing out that the history of local administration in England has been complex, in part because England as a country was only created well after many of its local administrative structures. Structures in northern England in particular were often quite different to those familiar to Westminster lawyers and administrators. Over the centuries there have been many attempts to standardise and rationalise English local administration. Much sixteenth-century legislation for example attempted to do this, but with

¹ Richard Oliver, 'The Ordnance Survey Act, tidelines and the growth of a myth', *Sheetlines* 91, 36. See also his short note: 'The Ordnance Survey Act 1841', *Sheetlines* 23, 24.

² Richard does quote the relevant part of the 1841 Act (4 & 5 Victoria, c. 30) in the appendix to his paper.

limited success in practice. Richard has cited some of the torrent of nineteenth-century legislation that aimed to achieve rationalisation, but nevertheless only when the 1925 property legislation had come into full force (after a significant transition period),³ as well as the 1929 Local Government Act cited by Richard, could the process be regarded as in any way complete. And the successive changes to the names, functions, powers and areas of local authorities made later in the twentieth century might suggest that even the present arrangements should only be regarded as an interim condition.

To understand the complexity encountered in the 1840s we need to review how the medieval and early-modern system worked, particularly in the counties north of the Humber and Mersey. Local administration in medieval England was carried out through three parallel hierarchical systems of courts. The smallest element of what might now be called the civil administrative structure is usually referred to as the vill (from the Latin word *villa* used in medieval records). Villages were aggregated into groups usually called wapentakes or hundreds (depending on the county and period) and in some counties these might be further aggregated into ridings, parts, or other structures below the county itself. In principle, courts would be held at each level of this hierarchy, and official representatives from each court would be required to attend the superior court. In practice there was much diversity and considerable change with time, but the basic system remained in existence, if only because it provided an important structure for the collection of various taxes and for enforcement of the criminal law. In the northern counties during the post-medieval centuries the vill would usually be referred to as a 'township', or sometimes as a 'constabulary' because the township constable was the individual who was required to collect taxes and to report to and attend at the superior court. In Yorkshire the pattern of townships seems to have become fixed long before the Norman conquest. For some townships the Roman road network provides boundaries, while others are thought to have had stable boundaries since the bronze age.⁴ The grouping of townships into wapentakes was still evolving at the time of Domesday Book (1086), but at least one of these clearly corresponds to one of the principalities of post-Roman Britain before the Anglian conquest.⁵

³ A group of Acts of Parliament, of which the 1925 Law of Property Act is only one, substantially changed English land law and legal procedure thereafter. In particular the surviving copyholds and all military tenures were assimilated to freehold, and manorial lordship was left effectively empty of practical functions: 15 & 16 George V, cc. 20, 18, 23, 22, 19 and 21.

⁴ For a series of articles on the subject see H E Jean Le Patourel, Moira H Long & May F Pickles (eds), *Yorkshire Boundaries*, Leeds; Yorkshire Archaeological Society, 1993. And also see M L Faul & SA Moorhouse (eds), *West Yorkshire: an Archaeological Survey to AD 1500*, Wakefield: West Yorkshire Metropolitan County Council, 1981, especially vol. 2, p 231 and 265-289.

⁵ P N Wood, 'On the Little British Kingdom of Craven', *Northern History* 32 (1996), 1-20. Craven is thought to have fallen to Anglian Northumbria in the seventh century. At a date between 1086 and 1166 it was renamed Staincliffe Wapentake, but the corresponding rural deanery retained the name of Craven (and almost identical boundaries) into the nineteenth century. In the 1970s the name of Craven was once more applied to a local government area, although

The ecclesiastical system of parishes, rural deaneries and dioceses (and the associated system of courts) was superimposed on this system at a relatively late date. Although Yorkshire had been Christianised well before the time of Bede in the 730s, the subsequent Danish invasions and the establishment of the (initially pagan) Viking kingdom of York in the southern half of Northumbria seem to have set back the process of founding local churches. Thus when the parish structure became fixed by the progressive imposition of the tithe system between the tenth and twelfth centuries, only in the East Riding did the distribution of parishes correspond to the distribution of townships in a one-to-one manner. Elsewhere in Yorkshire, and in all the other northern counties, parishes varied hugely in size. The norm was for one parish to cover the area of several townships. For example, the parish of Leeds covered the area of eleven and a half townships (so note that parish boundaries did not always follow township boundaries). Parishes such as Halifax and Ecclesfield in Yorkshire, or Kendal in Westmorland were far bigger than Leeds.⁶

By stating that townships are subdivisions of parishes Richard Oliver is thus in error. He is by no means the first, nor probably the last. Westminster lawyers have, for centuries, tended to be unaware of the distinction between northern parishes and townships, and when framing legislation to have assumed that the coincidence of these institutions in southern counties was universal throughout England. Thus the 1552 Act of Parliament that established the basis of what became the Poor Law made the parish responsible for poor relief.⁷ In southern England this was workable, but in the north it was completely impractical. In practice poor relief had to be organised (and funded) at township level, yet only after the Restoration was amending legislation passed to formalise what actually happened.⁸ Similarly when the Royal charter creating the new Borough of Leeds

the simultaneous transfer of much of the old wapentake to Lancashire meant that it was now rather smaller than formerly. Domesday Book (1086) records hundreds in the East Riding that were subsequently reorganised into larger wapentakes, however the Domesday hundreds of south Lancashire were reorganised into larger hundreds.

⁶ That the establishment of local churches and parishes was often late is shown for example by the continuing obligations of many widely scattered townships to pay tithes and pensions to Dewsbury Minster, despite the subsequent creation of individual parishes (many themselves large) within the extensive territory of this mother church: M L Faul & S A Moorhouse (eds), *West Yorkshire: an Archaeological Survey to AD 1500*, Wakefield: West Yorkshire Metropolitan County Council, 1981, vol 1, 216-218, and vol. 4, map 15. The history of the establishment of tithe and the development of parishes in England is however complex and in many parts unclear. Lord Ernle's chapter on tithe remains a useful introduction but does not specifically consider northern England: R E Prothero (Lord Ernle), *English Farming Past and Present*, fifth edition revised by AD Hall, 1936; reprinted with new introductions by G E Fussell and O R McGregor, London, 1961, chapter XVI. For the nineteenth-century tithe surveys see Roger Kain and Richard Oliver, *Tithe maps of England and Wales: Cartographic analysis and county by county catalogue*, Cambridge University Press, 1994. Rural Deaneries were created by the Normans between 1066 and 1108: F Barlow, *The English Church 1066-1154*, London: Longman, 1979, 48-50.

⁷ 5 & 6 Edward VI, c. 2.

⁸ 13 & 14 Charles II, c. 12.

was issued in 1625 the borough was made coterminous with the parish of Leeds. The then urban area of Leeds was only about ten percent of Leeds township, which in turn was just one of eleven and a half townships in the parish. Many of the inhabitants of the other townships were thus both surprised by, and resentful of, their subjection to this unexpected and unwanted new authority.

The third administrative hierarchy was the feudal system of land-holding (land-ownership) introduced at the Norman conquest. This was imposed from top down through the process of subinfeudation. Thus in return for military services the King awarded large land-holdings in his newly conquered realm to tenants-in-chief. These in turn awarded parts of their lands to their supporters in return for their services. In turn these could (and did) subinfeud estates to others. In theory each military tenant had a feudal superior at whose Honour Court he was bound to appear, and could create further sub-tenants, each with the right to hold a manorial court. However subinfeudation progressively snowballed as a market in land developed and progressively smaller holdings were created. The right to subinfeud, and thus the right to create new manors, was eventually abolished in 1290 by the Statute of *Quia Emptores*.⁹ Nevertheless by this time an impossibly complex feudal hierarchy had been created. Lordships and landholdings could be bought and sold, and although Royal bureaucrats valiantly tried to keep track of changes in lordship, by the late middle-ages all sorts of topsy-turvy feudal relationships had developed. The system of superior courts largely fell into disuse, except where the Crown itself held the Honour. For example the Honours of Pontefract, Knaresborough, and Pickering (all in Yorkshire) were parcels of the Duchy of Lancaster, and thus even in the nineteenth century litigation concerning (amongst other things) the often valuable feudal rights to mills in these areas of Yorkshire continued to be heard in the Lancaster Court of Duchy Chamber. At the bottom level, particularly where copyhold land tenure or common use-rights to land persisted, many manorial courts continued to have public administrative functions into the twentieth century.¹⁰

The early Ordnance Survey one-inch sheets of England south of the Preston to Hull line with few exceptions did not record administrative boundaries except those of counties. When, following the Irish survey, the OS began to survey Lancashire and Yorkshire at the six-inch scale it attempted to record all civil boundaries and parochial boundaries, but not those of individual properties,

⁹ 18 Edward I, c.1.

¹⁰ Those familiar with manorial court records should bear in mind the difference between Courts Leet and Courts Baron. In theory, a Court Leet was convened by the lord for the administration of the township, while a Court Baron was the personal court of the lord convened to administer matters of landholding, inheritance and land transfer within his lordship. In practice, particularly when township and manor coincided (as was routine in medieval times and common even after the changes to many manors in the sixteenth and seventeenth century) these functions were often not clearly distinguished. Where manors covered more than one township (and some manors like Wakefield and Almondbury in the West Riding, and High Furness in Lancashire North of the Sands included many townships) customary procedure varied but was necessarily rather more complex in order, for example, to ensure that each township had the necessary office-holders appointed.

manors, or any other feudal entities, nor those of rural deaneries, dioceses or ecclesiastical provinces. In Southampton this had no doubt seemed a simple enough proposition. In particular the Irish requirement to record manorial boundaries had been dropped. The complexities that the surveyors actually encountered on the ground must soon have dismayed and disheartened both the surveyors and their Director.

Let us consider the situation in a single Yorkshire township, that of Headingley-cum-Burley in Skyrack Wapentake of the West Riding.¹¹ This was one of the eleven and a half townships within the parish and Borough of Leeds. In the 1840s it was still largely rural and strongly maintained its considerable independence from the adjacent town. Thus, to minimise the cost of poor relief and so keep its poor rates below those of urban Leeds, for poor-law purposes the township had joined in a Union of similar largely-rural townships that excluded Leeds township.¹²

The original boundaries of Headingley-cum-Burley had probably been fairly simple and conventional, in that they had followed a succession of well-defined watercourses. Only two short stretches had originally had to be defined across dry land. However by the nineteenth century the accepted boundaries had departed from these watercourses to follow property boundaries at several points. The northern boundary of the township (and thus of the parish and the borough) in particular had changed to follow a series of property boundaries well to the north of the original watercourses, and one section of this northern boundary was disputed.

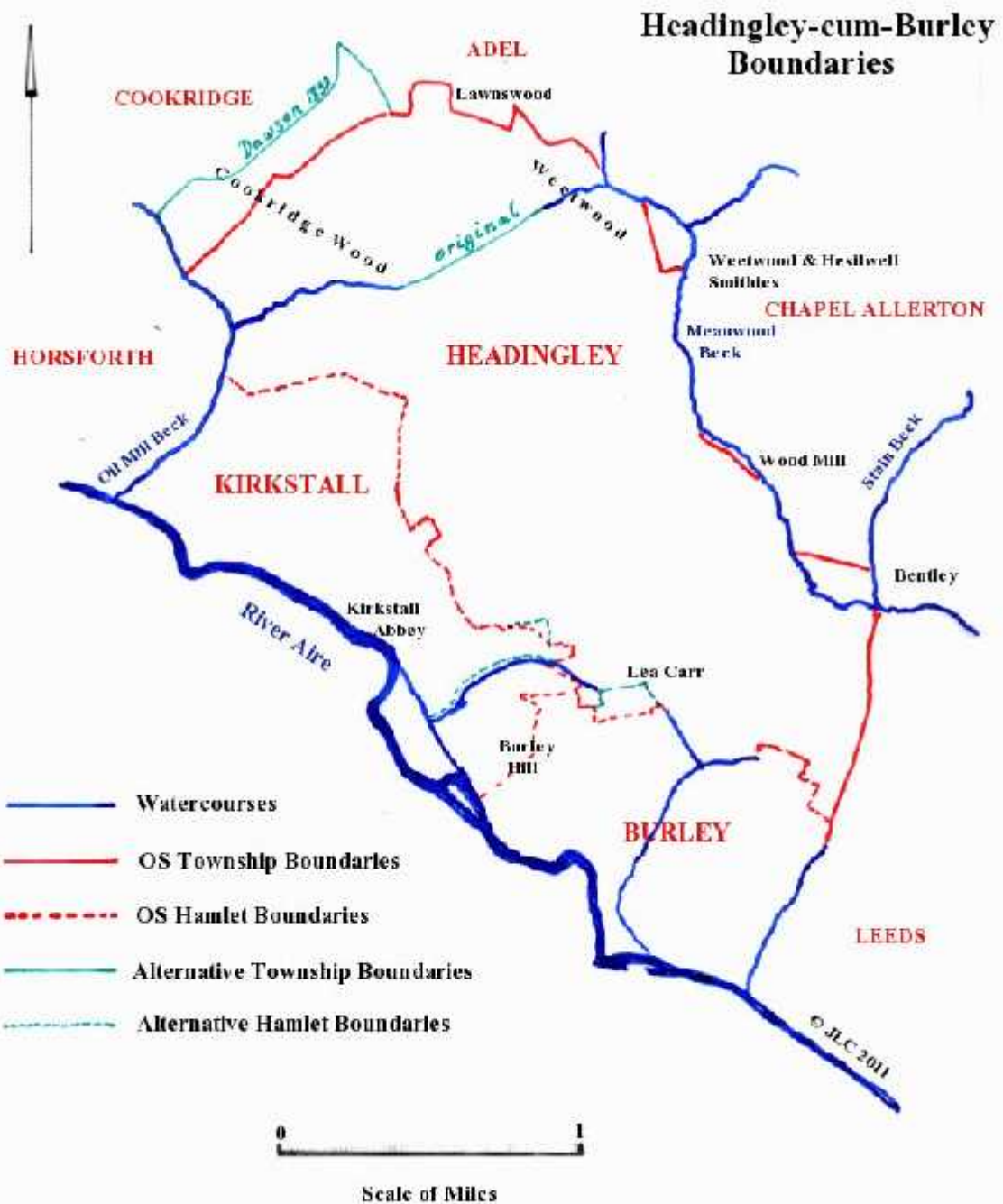
How had this seemingly impossible situation come about?

The original boundaries had probably continued to be recognised until after the Dissolution of Kirkstall Abbey in 1539. The abbey had owned the manor of Headingley *cum membris* and all the tenements within the township with the exception of one. Similarly it had also owned the manors and almost all the land in the adjacent townships of Bramley, Chapel Allerton, Horsforth, and Cookridge. The abbey had administered each of these manors separately, and thus had an interest in maintaining the manorial boundaries which coincided with the township boundaries. However the various water-driven mills that it owned were conversely often recorded with the manor on the opposite side of the watercourse from the mill's site,¹³ and the major commercial woodlands that

¹¹ J L Cruickshank, *Headingley-cum-Burley c1540 to c1784*, unpublished PhD thesis; University of Leeds, 2003, contains additional detail and fuller references to historical sources for this township.

¹² To minimise its poor-rates the township of Headingley-cum-Burley had traditionally adopted policies exactly like those of a 'close parish' as described by B A Holderness for areas where the parish was the area of poor-law administration. See: B A Holderness, "'Open" and "Close" Parishes in England in the Eighteenth and Nineteenth Centuries', *Agricultural History Review*, 20 (1972), 126-139.

¹³ Thus at the Dissolution Armley Mill (in Armley township) was included in the records of Headingley manor, but Wood Mill (once the manorial mill of Headingley) was included in the records of Chapel Allerton manor. The fulling mill that would later become the site of Kirkstall Forge (in Headingley-cum-Burley) was recorded with Bramley manor.



extensively overlapped the township boundaries were managed entirely outside the manorial framework. Collection of the great tithes of Leeds, which before the Dissolution were owned by Holy Trinity, York, and thereafter by Christ Church, Oxford, had in practice been leased to separate contractors for each township both before and after the Dissolution. However while this should have provided a continuing reason for boundaries to be remembered, the Lateran Concordat of 1215 had established that the demesne lands of Cistercian abbeys would be exempt from tithe. In England this exemption was continued for the new secular purchasers of such land after the Dissolution. And because Kirkstall Abbey itself stood within Headingley-cum-Burley, a substantial part of the township had been retained in demesne until immediately before the Dissolution. Furthermore this

demesne land had included the extensive commercial woodlands crossing the northern boundaries of the township. Woodlands (while still wooded) were also not liable to tithe. The subsequent piecemeal nature of the sales of former monastic land by the Crown thus allowed much confusion, some of which was used by the new owners to their advantage.

Nevertheless, the north-west, south-west and south-east boundaries of the township remained unchanged and unchallenged despite a number of land-holdings extending across them. The first two of these were marked by substantial watercourses (Oil Mill Beck in its deep gorge and the River Aire), and the third, the boundary with Leeds township, had been fixed and marked following litigation when Burley was enclosed in the twelfth century.

The north-east boundary had also followed a quite substantial watercourse, now called Meanwood Beck. However by the nineteenth century three deviations from this had become established. Firstly, just before the Dissolution, the Abbey had leased a triangular area of demesne land called Bentley, which lay on the opposite side of Meanwood Beck from Headingley in the angle between that beck and its tributary Stain Beck, to their tenant of nearby Headingley Hall.¹⁴ After the Dissolution (and until the nineteenth century) Bentley continued to remain part of the Headingley Hall tenancy. It was thus sold with it by the Crown as a part of Headingley, so diverting the line of the boundary. Secondly, soon after the Dissolution, the former Headingley manorial mill on this beck (already listed with Chapel Allerton manor in the Dissolution accounts) was sold by the Crown (without soke rights) with lands in the adjacent Chapel Allerton township, and as a result that mill came to be seen as being in that township and the township boundary came to be regarded as following this mill's long header goit rather than the beck itself. Thirdly, at the north-north-eastern corner of the township the site of a monastic ironworks (Weetwood and Hesilwell Smithies) had straddled the boundary beck. Although the early-eighteenth-century property deeds of this land continued to express some ambiguity about which township it stood in, by the nineteenth century all of the site of the former ironworks was regarded as being in Chapel Allerton, including the part on the Headingley side of the beck, and it was so recorded both on the Chapel Allerton inclosure award map of 1814 and on the Headingley-cum-Burley inclosure award map of 1834.¹⁵

For the surveyors of the Ordnance Survey these deviations from the obvious

¹⁴ Stain Beck also formed part of the boundary between Chapel Allerton and Potternewton townships.

¹⁵ The Parliamentary inclosure of Headingley Moor took place under an Act of 1829: 10 George IV, c. 17. This Act permitted the commissioners to define the township boundary, but only where it passed alongside the (relatively small) area to be inclosed. In the event this power proved unnecessary. The details of how this inclosure was carried out have recently been reviewed in E Bradford, 'The Enclosure of Common Land in Headingley-cum-Burley, 1828-34; Conflicts of Interest', *Publications of the Thoresby Society*, second series 18 (2008), 63-87. The Chapel Allerton inclosure acts were 48 George III, c.6 (1808) and 51 George III, c.15 (1811). These Acts gave no formal powers to define township boundaries. The deposited copies of the enclosure awards and maps are now at the West Yorkshire Archive Service (Leeds).

original line were no great problem. By 1847 they were long established and undisputed. In particular their having been accepted and recorded without challenge by the Parliamentary inclosure commissioners of both Headingley-cum-Burley (1834) and Chapel Allerton (1814) gave them a clear standing. They simply had to be recorded on the new maps in conformity with the inclosure-award maps.

The northern boundary was rather different, in that the whole of it had been altered as a result of the changes in land-ownership after the Dissolution and part of it was disputed. This was important since this was also the northern boundary of the parish of Leeds and thus of the borough of Leeds. English law at the time gave very few options for resolving disputed boundaries which therefore might remain in dispute for very long periods.¹⁶ This dispute can be traced to 1609, when Sir John Savile (the then owner of most of Headingley-cum-Burley) claimed that following previous litigation originally begun by his father he should be the owner of Cookridge Wood. His justification was that since the monastic leaseholder of Moor Grange in Headingley had had use-rights in Cookridge Wood at the time the freehold of Moor Grange had been sold by the Crown to Sir John's father, possession of the wood was implicit in the purchase. Sir John claimed that he had previously been unaware of any claim that Cookridge Wood (like the rest of Cookridge township) lay in Adel-cum-Eccup parish and not in Leeds.¹⁷ Sir John clearly wanted the wood in order to provide charcoal for the new iron-forge he was about to construct on the site of a monastic fulling mill in Headingley, on the River Aire north of the abbey site. The claim should have been thrown out as nonsense, but perhaps because Sir John was a rising political power in the county (and would eventually be raised to the peerage) he seems not only to have been able to force a sale of the wood by the rightful owners to himself, but also to establish legal doubt about what parish it lay in. In this he was no doubt helped by the wood having been part of the monastic demesne and therefore having been exempt from tithe. There were therefore no tithe documents to confirm what would have been obvious to any local person – that Cookridge Wood lay in Cookridge township, and so in Adel-cum-Eccup parish. But once legal doubt about the course of the boundary had been established, unless a local consensus could be achieved, there was no legal mechanism for removing the doubt. And subsequently the situation was further complicated by the division of Cookridge Wood between four landowners, one of whom was an alderman of Leeds, during the eighteenth century.

The adjacent length of the northern boundary of Headingley had originally passed through the northern part of another abbey-demesne wood, Weetwood, which had straddled the boundary between Headingley-cum-Burley and Adel townships. This had formed part of the estate (which also included the site of

¹⁶ See Arthur Joseph Hunt, *The Law Relating to Boundaries and Fences and to the Rights of Property on the Sea Shore and in the Beds of Public Rivers and Other Waters*, London; Butterworths, 2nd edition, 1870 for a useful description of the nineteenth-century law relating to both private and public boundaries immediately before rationalisation began.

¹⁷ TNA SP 14/49 23.

Kirkstall Abbey itself) granted by the Crown to Archbishop Cranmer before the death of Edward VI and Cranmer's consequent attainder and execution. The subsequent litigation about this estate was extremely complex, long-lasting and expensive, and so in 1583 Sir Thomas Cecil (elder son of Sir William Cecil, Lord Burghley, Chief Minister to Elizabeth I) was able to buy it from the bankrupt son of the Archbishop for immediate resale in smaller chunks. Nevertheless, when he gained permission to sell Weetwood it was correctly described as being in Leeds and Adel parishes.¹⁸ However at some later date it became accepted that Weetwood was wholly in Headingley, but that a small piece of woodland within its edge, called Lawnswood, was in Adel township. This had the effect of causing a small, almost rectangular, deviation from an otherwise smooth new boundary line.¹⁹ Nevertheless, despite the shift in this part of the boundary, by the nineteenth century there was no dispute about where its course should run and so the OS could simply record this stretch of the boundary where everybody agreed that it was.

So while part of the new northern boundary was uncontroversial, part still remained legally uncertain in the nineteenth century, with no local consensus about where it should run. This can be demonstrated by comparing the two-inch map of the proposed boundaries of the Borough of Leeds made in 1832 by Lieutenant Robert Kearsley Dawson RE with the later OS maps.²⁰ The Dawson map shows a much more northerly line through Cookridge Wood than the OS one. Dawson's map reproduces the line shown on Joshua Thorpe's *Map of the Country extending Ten Miles round Leeds* originally surveyed in 1819-1821, published in 1821 and republished with revisions in 1831. A further revision of Thorpe's map published in 1849 would still show the same northern course for this boundary.²¹

The survey of OS six-inch sheets 202, 203, 217 and 218 of Yorkshire took place in 1847 and 1848 under Captain Tucker, although contouring and publication was delayed until 1851. Until 1849 the Royal Engineer officer in charge of the division was responsible for establishing where boundaries were. So how did Tucker resolve this problem in order to draw the clear boundary line shown on sheets 202 and 203 of the new six-inch map of Yorkshire?

The answer seems to be that by 1848 he was able to accept a legally more binding claim than the one chosen by Dawson. Two separate, but

¹⁸ TNA C 66/1250 m2. *List and Index Society*. 287, no 1261.

¹⁹ Lawnswood was eventually to be bought by Leeds Borough Corporation for use as a burial ground in replacement for that of Leeds parish church which had become scandalously overfull. Considerable controversy then arose about the idea of Leeds burying its dead outside the borough boundary.

²⁰ Boundary Commission (Parliamentary) 1832. *Plans of the cities and boroughs of England and Wales: showing their boundaries as established by the Boundaries Act passed 11 July 1832* [&c](vol. 2). A reduced copy of the Dawson map showing the more northerly line of the boundary was published by J & C Walker on plate CXII of their atlas of the new boroughs. Many copies of this map survive.

²¹ For descriptions of Thorpe's 1:25,344 map see KJ Bonser and H Nichols, 'Printed Maps and Plans of Leeds', *Publications of the Thoresby Society* 106 (1960), nos. 44, 68 & 119.

cartographically linked events made this possible. While Cookridge township had been fully enclosed by agreement in the seventeenth century with little if any surviving documentation, and little need for subsequent surveys, Headingley had retained a small area of common pasture into the nineteenth century which had then been subjected to Parliamentary enclosure. The enclosure commissioners made their award in 1834 using a map of the whole township that was an updated version of an existing older survey of the township. This most likely derived ultimately from a survey commissioned by Leeds Quarter Sessions for township rating purposes in 1784 for which the schedule of lands, owners and occupiers still exists, but for which the map itself is sadly untraceable.²² The enclosure map, almost incidentally, shows the northern boundary of the township as following exactly the line later recorded on the OS six-inch maps.

The second event was the survey of Headingley-cum-Burley for the tithe commutation commissioners in 1846, ie immediately before the six-inch survey. As was standard practice, the tithe commissioners did not resurvey the township from scratch; they simply updated the same existing map as had been used by the enclosure commissioners. Not surprisingly, the boundary shown also follows the same line as shown on the 1834 map.²³

While the Ordnance Survey did not have the power to settle disputed boundaries by establishing a definitive line, the tithe commissioners did.²⁴ This was obviously intended to enable tithe liabilities from land to be correctly attributed so that the subsequent rent charges could then be calculated. However since the land in question along the northern boundary of Headingley-cum-Burley was formerly abbey demesne, and thus exempt from tithe, the precise line was in fact unimportant for tithe purposes. Nevertheless the fact that they (following the Headingley enclosure commissioners and the earlier survey) had drawn a boundary line on their maps could be taken by Captain Tucker as giving him a legally valid line for the township boundary. How much time and effort he expended before achieving this solution to his problem is now unknown. It does however seem obvious that during his survey he must have made (at the very least) some contact with the tithe commissioners to establish what their policy on the boundary had been. That his survey took place after that of the tithe commissioners was also highly convenient.

Having established where the northern boundary line was to be drawn, which

²² Although the 1784 map seems not to have survived, John Tuke's *Map of the Parish or Borough of Leeds* of 1781 shows the same line as the enclosure map, the tithe map and the OS map: see Bonsor & Nichols (op. cit.) no. 27.

²³ For the inclosure see above. Richard Brooke, Nathaniel Jowett and John Gott, *A particular Survey and Valuation of all the Houses, Woods, Lands, Tythes, Mills, Forges &c., &c. within the Township of Headingley Taken Spring 1784*, MS Box XVI, Thoresby Society Library, Leeds. The Tithe Commission File on Headingley-cum-Burley is TNA IR 18/12594; the tithe map is TNA IR 130-43-203; the apportionment is TNA IR 29-43-203. Although the ownership of tithes was obviously parochial, the administration and collection of tithe had been based on the township structure since medieval times. Hence Headingley-cum-Burley had its own tithe survey and apportionment.

²⁴ 2 & 3 Victoria c. 62, s. 34, and 3 & 4 Victoria c. 15, s. 28.

was actually along the property boundary between the eighteenth-century divisions of Cookridge Wood, Captain Tucker made a further significant decision. The name of Cookridge Wood, which until then had been in general use to refer to the woodland on both sides of the boundary line, and which had been included on Dawson's two-inch map, was omitted from the Ordnance Survey map. Instead, individual names for the four divisions were given. These names had not previously been in common use (and at least one, Clayton Wood, may even have been newly coined), but these are the names that now survive in use, while the name of Cookridge Wood is now forgotten.²⁵

The northern boundary of the township was however not the most difficult boundary problem facing Captain Tucker in Headingley-cum-Burley. His instructions were to record the boundaries of any sub-divisions of townships. And indeed Headingley-cum-Burley was subdivided, in that while it was considered to be a single township for almost all purposes, for the purposes of highway maintenance it was considered to be three separate townships called Headingley, Burley and Kirkstall. This had been the case since the assumption of powers to direct township highway maintenance by Leeds Borough Quarter Sessions at the very beginning of the eighteenth century, although the custom may well have been no older than that. In establishing the boundaries of these three areas Tucker was on uncertain, because poorly recorded, ground.²⁶

Headingley and Burley had been separate entities before the Norman conquest, but had been united by the time of the making of Domesday Book in 1086. Nevertheless a definite distinction between these two had been maintained until the Dissolution when holdings in the two villages were listed separately and slightly different conditions of landholding could still be recognised. Even after these tenurial differences were abolished, Burley remained a physically distinct settlement with its own inhabitants occupying their own fields. The Cardigan estate records continued to differentiate tenancies in Headingley from those in Burley throughout the eighteenth century. Only in one area called Lea Carr was there any lack of clarity. This was beside an area called Burley Hill that until the early seventeenth century had been Burley's common grazing and had then been inclosed with the creation of a new farmstead and a number of closes. Burley Hill had thus belonged to Burley alone and was delimited from Headingley by a pair of small becks and the wetland area, Lea Carr, that was the source of both becks. The situation after inclosure is shown on the earliest known estate map of the area surveyed in 1711; this groups both Burley Hill and the 'Leaker' (Lea Carr) closes with the other Burley farms.²⁷ Nevertheless there was clearly some

²⁵ The Headingley-cum-Burley tithe survey uses Cookridge Wood as the name for what the OS two years later called Clayton Wood. The name Iveson Wood was however used both in the tithe survey and by the OS for that part of Cookridge Wood that had been owned by Alderman Iveson and his family in the eighteenth century.

²⁶ As Richard Oliver points out, subdivisions of townships were formally referred to by the OS as hamlets. While this terminology is logical and correct, I shall follow the illogical local practice of referring to these subdivisions as 'townships for highways purposes'.

²⁷ John Dickinson, *Maps of the Cardigan Estate in Yorkshire (1711)*, Northamptonshire Record

continuing ambiguity about the attribution of the closes formed from the former Lea Carr. A small group of these recorded with Burley in 1711 were listed as part of Headingley in a 1798 estate survey, and by the time of the Ordnance survey a further close had been reassigned from Burley to Headingley.²⁸

Medieval Headingley had itself once been subdivided into West Headingley and East Headingley, but following its acquisition by Kirkstall Abbey in the twelfth century the settlement of West Headingley seems to have been replaced by their New Grange. By the time of the Dissolution only a handful of monastic leases of pasture closes contained any mention of West Headingley, and the former East Headingley was by then simply called Headingley. Furthermore it is clear that before the Dissolution the name Kirkstall referred simply to the monastery itself and its site. It was not a subdivision of the township. It is also notable that the 1784 rating survey commissioned by the Quarter Sessions for the Borough of Leeds does not mention Kirkstall (or Burley) as separate units, and thus does not define their boundaries (or rateable values).²⁹

So how had a new division of the township arisen, why was it called Kirkstall, and how had its boundaries been decided? Since Captain Tucker and the OS appear to have made the only complete record of its boundaries to have survived, we can only work from the OS maps to find explanations. However the boundaries then recorded seem to have arisen in three different ways.

Part of the explanation is that when the Cranmer estate was created from the abbey's demesne lands in 1542-1547 manorial rights to the estate were granted by the Crown even though there had not previously been a specific manor corresponding to this rather fragmented property (various elements of the abbey demesne had originally been part of several different manors). When this estate was broken up and sold by Sir Thomas Cecil in 1583 the individual components were therefore sold with their manorial rights. Thus when Sir Thomas Savile (by then owner of much of the rest of the township) bought the part of the former Cranmer estate in Headingley-cum-Burley that included the site of Kirkstall Abbey he felt entitled to call this 'the Manor of the former Monastery of Kirkstall'. His legal justification for this may have been a little shaky, but a manorial court for this new manor seems to have been established even though there were no manorial tenures within the property but only leaseholders. The northern boundary recorded by Tucker for Kirkstall corresponds to the northern boundary of this reputed manor.

The eastern boundary of Kirkstall also derives from this reputed manor, in that it follows the boundary between the former Savile property (which by the nineteenth century had become part of the Earl of Cardigan's estate) and some land sold separately by Cecil in 1584 which subsequently formed the New Grange estate. However not all of the line recorded by Tucker here was ancient. This

Office, BD Maps 37-42.

²⁸ John Bainbridge, *A Particular and Valuation of the Estates of the Right Hon. James Earl of Cardigan in the County of York, (1798)*, Northamptonshire Record Office, BD ASR 559. A level area beside the former wetland is now the site of Headingley Cricket Ground.

²⁹ See note 23 above.

property boundary had been shifted by exchange as part of the 1834 Headingley-cum-Burley enclosure award and Tucker followed the post-1834 property boundary.

The southern boundary of 'Kirkstall' was quite different, in that the southern boundary of Kirkstall recorded by the Ordnance Survey was substantially further south than the southern boundary of the reputed Manor of the Former Monastery of Kirkstall. The line recorded by Tucker included a substantial part of Burley Hill, hitherto part of Burley, within Kirkstall.

Progressively, from the late sixteenth century onwards, a substantial leasehold estate had been assembled piecemeal on both sides of the River Aire, with its centre at the former monastic mill complex on the Aire immediately downstream of the Kirkstall Abbey site in Headingley. Although the leaseholder of this industrial, commercial and agricultural business became sufficiently wealthy to be appointed an assistant member of Leeds Borough Council, he continued to hold these properties under conventional twenty-one year leases until after the Civil War. However during that war he had provided substantial finance for his landlord Thomas Viscount Savile (a prominent but controversial Royalist) that could not be repaid following the Parliamentary victory. To cancel the debts his twenty-one year leases were replaced by a group of 500-year leases to this large estate, which thus became almost (but not quite) a freehold. Although centred on the Kirkstall Abbey Mills, the largest part of the long leasehold within Headingley-cum-Burley lay to the south of these mills in Burley, and included most of Burley Hill. In 1781 this long-leasehold was acquired in marriage by a London barrister who in 1808 was raised to the baronetcy as Sir James Graham 'of Kirkstall'. By the time of the OS six-inch survey in 1847-8 the property and the baronetcy had been inherited by Sir Sandford Graham, the second baronet 'of Kirkstall'.

When his baronetcy was conferred, James Graham clearly regarded Kirkstall as a desirable appellation; the name of an ancient abbey perhaps provided his title with an air of venerable antiquity. Yet he, and subsequently his son, clearly seem to have felt that their entitlement to the name was weak, because the bulk of the Graham estate in Headingley-cum-Burley was in areas originally regarded as being in Burley, and not in areas that were part of the Manor of the Former Monastery of Kirkstall. This is made absolutely clear by the 1784 rating survey which recorded which lands were tithe-free (as former abbey demesne) and which were titheable. Only about fifty acres of the Graham land (out of over two hundred and seventy in the township) were tithe-free and had thus been part of this manor. However between 1792 and 1798 the Cardigan estates in Yorkshire were resurveyed by John Bainbridge. In the *Particular and Valuation* of this survey the individual fields and houses of the township are listed within three so-called manors, Headingley, Burley and Kirkstall. These were not legal manors, but were simply convenient subdivisions of the whole. In this survey the size of Kirkstall had been expanded at the expense of Burley, in that several low-lying closes near the River Aire had been reassigned, and thus about eighty acres of James Graham's land was listed as being in Kirkstall. No explanation appears for the transfer of these lands into the Manor of Kirkstall and the resultant

enlargement of that manor. One is left with a suspicion that James Graham had somehow persuaded the surveyor to ignore the evidence of tithe liability recorded in the previous survey (which was clearly available because all the same field names and area values are given), and to reclassify some of Graham's land as he wished. Nevertheless, in the 1798 survey all of Burley Hill remained in Burley, and even according to this reclassification (which was only recorded in a private estate document) there was still very little of the Graham estate listed within Kirkstall.

The arrival of Captain Tucker and the Ordnance surveyors in 1847 provided Sir Sandford Graham with a golden opportunity to correct this. How the line printed on the maps for the southern boundary of Kirkstall was chosen is now unknown, but this new line had the effect of adding a substantial chunk of the Graham estate, hitherto unquestionably part of Burley, to Kirkstall. The only discernable motive for doing this was to improve Sir Sandford Graham's public face. Given the very limited documentation for the subdivision of the township (and perhaps also the limited practical importance of the issue since an Act of 1835 had abolished statute labour and regularised the levying of rates for highway maintenance),³⁰ Captain Tucker was probably happy enough to accept the word of a baronet about where this obscure boundary should be drawn across his own land.

As to why Kirkstall had come to be treated as a separate township for highway purposes, it seems likely that the division of responsibility had begun in the late seventeenth century, quite possibly as an informal way of resolving a local spat between individual land-owners as to which roads should be repaired at whose expense. The assumption of responsibility for the supervision of highway repairs by Leeds Borough Quarter Sessions (in place of the West Riding Sessions) at the beginning of the eighteenth century then provided an opportunity to formalise the division. Who actually gained and who lost by this division of the township is now completely forgotten.

We do not now know how much of the historical background to all these peculiarities of the Headingley-cum-Burley boundaries Captain Tucker was aware of in 1847-48, but it seems obvious that he was unaware that tithe records could have provided him with a different southern boundary for Kirkstall. What we can be quite certain about is that by the time he had established all these boundaries and plotted them on his survey he must have been heartily fed up of the whole issue. And as we have seen, while he was not supposed to be mapping property boundaries, in practice many of the administrative boundaries he did map had become dependent on property boundaries which he therefore found himself having to record. Furthermore he must have been acutely aware that Headingley-cum-Burley was just one fairly unremarkable township out of several hundred in Yorkshire alone. Because there had been many Cistercian and other abbeys in Yorkshire, which between them had owned large areas of the county, the confusion of boundaries as areas of land adjacent to or crossing township

³⁰ 5 & 6 William IV, c 50.

boundaries were sold by the Crown in the sixteenth century must have been repeated in many other townships. And also it should be noted that Headingley-cum-Burley's boundaries were less complex than those of some other townships.³¹ For Captain Tucker and all his colleagues the recording of administrative boundaries on the six-inch surveys of Lancashire and Yorkshire must have been both difficult and hugely time-consuming.

For the Director of the Ordnance Survey it must very soon have become clear that if the OS was to continue to record administrative boundaries on the new large-scale surveys, every possible means of having them defined (and, if possible, simplified) before a survey took place had to be found. This is why close communication with the tithe commissioners (who alone had a general power to fix the line of boundaries) was found to be essential, and this is why a department for boundary work was formed in London from 1849. Furthermore southern England had its own boundary complexities.³² When the rationalisation of boundaries by statute became possible later in the century it is thus abundantly clear why the OS was keen to follow on after such changes had been made, and why it avoided trying to record the complex boundaries existing before rationalisation. It is certainly no surprise that the OS abandoned recording subdivisions of townships in 1854; unless the tithe surveyors had also recorded them they were inevitably open to challenge, even when the surveyor had not been bamboozled by a baronet into recording a completely novel line. And indeed it now seems surprising that the decision to abandon mapping the boundaries of wapentakes and of Church of England parishes was left as late as 1878.

It is however a measure of the continuing importance of these structures for administration and taxation even in the mid-nineteenth century that mapping them had been considered at all. However once tithes had been commuted to fixed money rents, the registration of vital events had been made a civil matter, and the church itself, in an attempt to Christianise an uncaring (or even Methodist) working population, had initiated the creation of innumerable new and frequently changing parochial church districts, the parish structure of the Anglican church became irrelevant for civil administration and could then be

³¹ The highly interlocking boundary between Cumberworth Half and Cumberworth townships (the one including parts of the parishes of Emley and Kirkburton, and the other including parts of the parishes of High Hoyland and Silkstone) was particularly complex; it was also a wapentake boundary. See M L Faull and S A Moorhouse, *op cit.*, vol. 2, 353-356, and vol. 4, map 1 and map 15. And see OS six-inch sheets Yorkshire 261 and 273.

³² The parochial structure outside the City of Gloucester was, for example, extremely tangled. There, a number of intra-urban parishes included extensive areas outside the city's boundary (and jurisdiction) which were interlocked with each other and with several extra-parochial areas and an extra-parochial vill. For a written description see C R Elrington (ed.), *The Victoria County History of the County of Gloucester, vol. IV (City of Gloucester)*, London, 1988, 382-4. It is significant that even the VCH avoided attempting to map this complexity. An earlier historical atlas of Gloucester gives an entirely misleading picture by only mapping the intra-urban parts of the city's parishes: M D Lobel and J Tann, 'Gloucester', (in) M D Lobel, *Historic Towns*, volume one, London: Lovell Johns-Cook, Hammond & Kell Organisation, 1969.

deleted from what were seen as purely civil administrative maps.

So thus far it might seem that the OS had achieved an understanding of the essentials of the administrative boundaries in Yorkshire. However in 1889-1890 a series of maps appeared that make clear that the senior officers of the OS still retained the inability to learn from history and experience for which nineteenth-century military officers have become famous. At this date the townships remained legally and practically the building blocks of local administration in the county. They had not been re-titled, although the Borough of Leeds (under its 1866 Act of Parliament) had been able to assume most of the functions of those within the borough.³³ The 1892 local government reforms which (we are told) established the tautology of the 'civil parish' were still in the future. Yet when the newly-surveyed ten-foot (1:500) plans of the urban part of Leeds were published in 1890 and 1891, the township boundaries within Leeds were indicated, and the names of the townships were given, but instead of being called townships they were called parishes. Nor was the word parish qualified by the word 'civil' or anything else. This demonstrates a wilful disregard of the then legal, administrative and practical reality. They were still townships, even if most of their functions had been abolished, and while several of them had (many decades previously) been perpetual curacies, none of them had ever had parochial status. In any case by the time of publication of these maps the evolving Anglican parochial structure of Leeds had long-since broken free of any reliance on the township structure. By calling them parishes the OS may have been trying to anticipate the 1892 changes in local government organisation. However by recording them but giving them an entirely wrong status the OS simply made it clear that it was completely out of touch with reality.

Furthermore, even after the 1892 legislation, and despite what was printed on OS maps, the designation 'civil parish' was very slow to be accepted, both by officialdom and in common use. All the formal submissions by Leeds City Council concerning proposed boundary extensions before the First World War, and even in the 1920s, used the word township to describe the areas to be added to the City, as did the witnesses to the corresponding public enquiries.³⁴

For the Ordnance Survey it seems it was all much too complicated to get a grip on. Using the justification of the 1892 legislation, it decided to stop recording the many Yorkshire township boundaries within boroughs (and cities) and so

³³ Nevertheless responsibility for burials remained with separate Burial Boards for each township into the twentieth century.

³⁴ The following are examples from a number of similar and related documents held in Leeds Local and Family History Library at case mark LQ 352 L517: The City of Leeds, *Representation to the Local Government Board (under section 54 of the Local Government Act, 1888) as to an alteration of the Boundary of the City*, (Jeeves, Town Clerk, Leeds and Sharpe, Parker, Pritchards, Barham & Lawford, Parliamentary Agents, Westminster, 30 November 1903); The City of Leeds, *Representation to the Minister of Health (under section 54 of the Local Government Act, 1888) as to an alteration of the Boundary of the City*, (Sir Robert Fox, Town Clerk, Leeds and Sharpe, Pritchard & Co., Parliamentary Agents, Westminster, 1920). A similar representation was made in 1911. Transcripts of each of the corresponding public enquiries are shelved (and in some case bound) with the Representations.

save itself time and mental effort. Accordingly the new 1:2500 plans of Leeds that appeared very shortly afterwards only record the newly chartered city's wards (which grouped townships together) and their boundaries.

In conclusion, we tend to think of the nineteenth century as a time of increasing scientific enquiry and of increasing precision and content of topographic mapping. Perhaps however we should regard the history of boundary survey by the nineteenth-century OS as a slow but inexorable retreat from the (quite modest) aspirations of the 1840s. But perhaps it is unfair to lay all the blame on the OS itself. Just as it had not the resources to keep up with the pace of building and industrial development during the nineteenth century, equally it could not keep up with the associated torrent of local and national administrative change. Put simply, even the modest aspirations of the 1840s turned out to be unsustainable.