

The Building of New Road

By JULIAN MUNBY and HUGH WALTON

SUMMARY

New Road was the first addition to Oxford's medieval street plan, but precisely when it was constructed and by whom has remained uncertain. A reassessment of the evidence shows that it was built by the Trustees of the Botley Turnpike probably in late 1769 or early 1770, on a line deviating from that originally devised.

It is generally recognized that the first addition to the medieval street plan of Oxford was the building of New Road in about 1770, but exactly when the road was built, and by whom has always been something of a mystery. A major source of confusion has been the 1771 'Mileways Act',¹ which brought so many changes to the streets of Oxford, and has often been assumed to be the genesis of the New Road, though by the time that act was passed New Road was already in existence. A further difficulty is the scarcity of surviving conveyances of land for building the road, though some of the evidence for this was known to H.E. Salter and has been in print for many years. In the course of a recent investigation of the topography of Oxford Castle (by JM) the problem of New Road has again been considered, and since one of us (HW) had for many years been aware of the difficulty in work on the history of County Hall, it seemed appropriate to try and settle the matter once and for all.

THE ORIGINS OF THE ROAD

The first move in the improvement of the western approach to Oxford was the creation of a new turnpike road on the ancient route from Witney to Oxford over a ferry in the Thames at Swinford, across Wytham Hill and along Botley Causeway. The old horse-road was improved by Act of Parliament in 1751,² being given a surface eight feet wide, but it remained a horse-road and was insufficient for coach traffic. A new turnpike was planned in 1766 with the encouragement of William Blackstone, recently retired as Vinerian Professor of Law at All Souls, an M.P. and legal adviser to the impoverished Earl of Abingdon, besides being an active promoter of turnpikes.³ In December 1766 Oxford

¹ An Act for amending certain of the Mile-ways leading to Oxford, 11 Geo. III, c. 19: passed March 1771; L.S. Sutherland and L.G. Mitchell, *History of the University of Oxford, v: The Eighteenth Century* (1986), 223-5.

² An Act for repairing the Road from the Top of Crickley Hill . . .; and also the Road from Witney, through Ensham, Cumner, and Botley, to the City of Oxford, 24 Geo. II, c.28.

³ E. de Villiers, *Swinford Toll Bridge 1769-1969* (Eynsham History Group, 1969).

City Council petitioned Parliament for a public carriage way over Botley Causeway,⁴ and with the encouragement of the City and University, two Acts were steered through Parliament by Blackstone, receiving the Royal assent in February 1767. One was 'for building a Bridge cross the River Thames from Swynford . . . to Eynsham';⁵ the other 'for repairing and widening the Road from the West End of Thames Street, in the City of Oxford, over Botley Causeway, to the Turnpike Road near Fifield in the County of Berks'.⁶ Although Public Acts, these were not printed in the annual volumes issued by the king's printers, and copies only exist in Oxford as separate unbound prints.⁷

According to the terms of the Act, the turnpike road was to be brought across the new tollbridge and over Wytham Hill, along Botley causeway, and into Oxford at Thames (George) Street, that is by turning into Hythe Bridge Street on the final approach to Oxford. Immediately subscriptions were being raised,⁸ and building work on the bridge at Swinford was begun. The improvement of the road to Oxford raised several problems, including the fixed term of the Trustees' powers, the siting of the tollgates on the old and new roads, and the route of the final entry to Oxford. For these reasons the Trustees petitioned Parliament on 26 November 1767 for additional powers; the matter was referred to a committee of which Blackstone appears to have been chairman. He reported back to the House of Commons on 28 November and 15 December, and a committee of the House of Lords considered it on 18 December.⁹ Thus a third act was passed early in 1768, being:

'An act to enlarge and vary the Term and Powers of an Act for repairing and widening the Road from the West End of Thames Street, in the City of Oxford, over Botley Causeway, to the Turnpike Road near Fifield, in the County of Berks.; and to provide more effectually for repairing and widening the ancient Horse Road from the West End of Botley Causeway to Witney, in the County of Oxford'.¹⁰

This also was omitted from the official volume of public acts, and there does not appear to be a copy in Oxford, though we have been supplied with a copy from the House of Lords Record Office. It contains a full explanation of the origins of New Road:

'And whereas it would be much more commodious to Passengers, and less expensive to the Trust, if the Road leading from the West End of the Butcher Row [i.e. Queen Street], in the City of Oxford, over or near the Castle Hill, to Botley Causeway, was directed to be repaired, instead of the Road leading from the West End of Thames Street to Botley Causeway, directed to be repaired by the said Act: . . . And be it further enacted, That the Road . . . shall, from and after the passing of this Act, be deemed and taken to commence at the West End of the Butcher Row in the City of Oxford, and shall pass over or near the Castle Hill in the said City to Botley Causeway aforesaid, in as straight a Line as the Nature of the Ground will permit: and that the Trustees appointed by the said Act and this Act, or any Nine or more of them, shall, by virtue of this Act, have full and sole Power and Authority to take down, throw open, and remove, any Houses, Buildings, Courts, Yards, Orchards, or Gardens, in or near any Part of the said intended Road from the West End of the Butcher Row to the West End of the Town of Botley, or in or near any Avenue leading to the same, within the City of Oxford aforesaid, or the Suburbs of the same; making full Satisfaction to all Persons interested in the same. . . .'¹¹

⁴ *Oxford Council Acts 1752-1801*, ed. M.G. Hobson (Oxf. Hist. Soc. n.s. xv), 67.

⁵ 7 Geo. III, c.63.

⁶ 7 Geo. III, c.66; Sutherland and Mitchell, *The Eighteenth Century*, 222-3.

⁷ A copy of the second act is in Oxon. R.O. (Acts - Roads etc., Box 3/5).

⁸ *Jackson's Oxford Journal*, 7 March 1767; Villiers, *Swinford Toll Bridge*, 15ff.

⁹ *House of Commons Journals*, xxxi, 429-30, 433-4, 477, 488; House of Lords Committee Minute Book, 18 Dec. 1767 (copy of MS. kindly supplied by House of Lords Record Office).

¹⁰ 8 Geo. III, c.34, printed 1768; E.H. Cordeaux and D.H. Merry, *Bibliography of Printed Works Relating to Oxfordshire* (Oxf. Hist. Soc. n.s. xi), no. 512, list only British Library copy; idem, *Bibliography . . . City of Oxford* (Oxf. Hist. Soc. n.s. xxv), no. 352, record a ghost 8 Geo. III, c.81, in error.

¹¹ 8 Geo. III, c.34, pp. 4, 6.

This establishes beyond doubt that the road was planned by the Trustees of the Botley Turnpike, and cannot have been begun before 1768. The House of Commons Committee which examined the bill heard evidence that the original route would have cost some £9,000, and that the new road would not exceed £8,000. This is somewhat curious in view of the difference between repairing an existing road and purchasing land for a new one, though the reference to repairing the road through the castle implies the previous existence of one there, unless this refers only to the route over the castle bridge and through the yard. The detailed evidence is not recorded in the minutes, and perhaps there would have been a greater cost if Hythe Bridge had needed rebuilding. The Committee was also told that the new route would be 'much more commodious for Travellers, being in a strait Line, and communicating better with the principal Streets of Oxford'; only with increased income from the altered arrangements for collecting tolls would it be possible to complete the road, and 'when the Causeway is widened, and Swinford Bridge (which is now building) is finished, it will be a very great Carriage Road, especially from Wales and Gloucestershire, to London'.¹²

THE ROUTE OF THE ROAD

Further evidence for the building of the road can be found along its route, as it passed through a number of properties belonging to different owners, and these will now be considered in order from east to west.

I. St. Peter-le-Bailey Church

The medieval church of St. Peter's had been rebuilt in 1728, standing out into the road at what is now Bonn Square.¹³ A building adjoining the west end of the church was pulled down 'in 1770', and the land sold to the Botley Turnpike Trustees, for £80, secured on mortgage of the tolls, with the parish receiving the interest. When redeemed in 1792, the proceeds were spent by the parishioners on a bell, clock, and chandelier, for the church.¹⁴

II. City Property

The houses built round the outer perimeter of the castle ditch, in Bullocks Lane, belonged to the City. In May 1769 the City agreed to accept a 28-year purchase by the Botley Turnpike Trustees of land they needed 'for the use of the road', and in July they accepted 'the proposal made by the trustees of Botley Causeway of payment of £178 10s. to the City for the purchase of Mason's Garden, Briscoe's ditto and 9 tenements in St. Peter le Bailey called the Flying Horse let at £8 p.a.'. ¹⁵ This transaction cannot be traced in the printed leases of the Castle Street properties, though no doubt the evidence could

¹² *Commons Journals*, xxxi, 434.

¹³ *V.C.H. Oxon.* iv, 403.

¹⁴ *6th Report of the Charity Commissioners* (Parl. Pprs. H.C. 12 (1822) IX), 445; H.E. Salter, *Survey of Oxford* (Oxf. Hist. Soc. n.s. xx), ii, 136 = SW(5) for a medieval tenement here; and for land recovered by the churchwardens in 1727, having been leased in 1720, see *Oxon. R.O.*, MS. dd Par. Oxf. S.P.B. c.8, item 3.

¹⁵ Hobson, *O.C.A.* 77.

be found in the City Archives.¹⁶ The building of the road bisected Bullocks Lane, of which a portion remained on the south of New Road until the Westgate Centre was built. Small pieces of land remaining after the road was built were sold off by the City in December 1773.¹⁷

III. The Castle

Crossing the ditch into the outer bailey of the castle the road entered land belonging to Christ Church, partly purchased in 1613 from two persons to whom it had been sold by the Crown in 1611, and let on successive forty-year leases to the Etty family for much of the 18th century.¹⁸ No conveyance to the Trustees appears to survive in the Christ Church archives, and the castle lease of 1775 makes no mention of the road,¹⁹ but a memorandum drawn up by Dr. [?Edward] Bentham in June 1776, apparently in answer to claims made by the Trustees, explains some of the circumstances of the grant, which appears to have been made by the lessees rather than the Dean and Chapter.²⁰ A problem seems to have arisen over the boundaries of the land remaining to the Dean and Chapter after the conveyance to the Trustees:

'The Castle Green being laid open in order to form the road leading to Botley Causey, it seems proper to have the Limits of the land remaining to the D & C^r distinctly settled & marked out. The Commissioners have made a merit of not demolishing the Castle Hill – if the D & C^r had attended to their own immediate interest, they would have acquiesced & would have been benefited thereby. The trees being expressly reserved would have accrued to their own profit & the Ground itself, or an equivalent spot, would have been brought into culture. But the D & C^r considered the Hill as an Ornament to that district, & as a venerable Monument of Antiquity – And that the Commissioners might not be disappointed of the Materials of which the Hill was composed, they agreed to give them the free use of what should be found in the Eastern Rampart in order to form & compleat the road then making. But surely they could not be understood to debar themselves & their lessee from the free use of the remainder. The D & C^r likewise testified a readiness to allow whatever stone should be found, towards forming a fence or wall, But in consequence of the Ground being laid open, it is well known that many stones not only of the Rampart & Shire house, but also of the Southern Wall have been pillaged & stolen.

The D & C^r in their Leases have always reserved expressly to their own use the stones of the shire house. And therefore can not easily be conceived to have granted them away to the Commissioners. But if the Commissioners insist upon it, let it be observed that a very few Load thereof have actually been removed'.

It is interesting to note the continued existence of the ruins of the County Hall at this date, as well as the concern for the preservation of the motte. Bentham went on to consider whether more land had been conveyed by the Dean and Chapter than the 30 ft sufficient for the road as permitted by the Act (allowing for fence and footpath).. No mention had been made by the Dean and Chapter of the land north of the road, who

'cannot be conceived to have included it in their Grant that the Commissioners might sell it in order to its being inclosed & thereby rendered a Nuisance',

¹⁶ H.E. Salter, *O[xford] C[ity] P[roperties]* (Oxf. Hist. Soc. lxxxiii), 228–33 for Castle Street houses (omitting Bullocks Lane properties); Briscoe occupied part of Jews Mount, *ibid.* 209, and the sign of the Flying Horse was licensed in 1647, *ibid.* 340.

¹⁷ Hobson, *O.C.A.* 101.

¹⁸ H.E. Salter, *Cart. Oseney*, iii (Oxf. Hist. Soc. xci), 15–22.

¹⁹ *Ibid.* 22; the original lease is I.St.G.30 in Christ Church archives.

²⁰ Christ Church, MS. Estates 77/400; see also 1776 lease, below.

though it was not worth contesting if the Commissioners said it was in their grant. There was the possibility of preemption by the Dean and Chapter or their lessees, and the nuisance that might arise from the construction of walls alongside the road,

'But in every point of view it seems highly expedient to prevent all further Disputes by staking out the Limits of the Land confessedly belonging to the D & C'.

Following this report, a 40-year lease was made by the Dean and Chapter in December 1776, to William Jackson, printer, of

a strip of ground being on the north east side of the new Turnpike Road leading from the west end of the Butcher Row to Witney, containing in length from a garden of George Badcock on the south west to the north west end where it terminates in a point 126 yds, being formerly part of and adjoining to the Castle Ditch and demised [by D & C^r with the castle to A. & J. Etty], and part of one acre of Ground by them sold during the remainder of their term unto the Trustees of the said Turnpike for making the said Road and since purchased by the said William Jackson of the said Trustees, [part of which] William Jackson hath lately fenced in and with a new wall on the road and raised and added to other ground purchased of the City of Oxford and others to form or make a close and which part so inclosed contains in length 208 ft and in breadth at the south west end [next George Badcock] 70 ft and in breadth at the north west end 60 ft.²¹

By 1796 the land leased by the City to Jackson could not be distinguished from the Christ Church property, and they were conveyed together and the proceeds divided equally between the City and Christ Church.²² But shortly before this, most of the remaining land north of the road must have been sold to the Canal Company for the Canal basin (now under Nuffield College),²³ whilst the Castle itself was sold to the County in 1785.²⁴ On the south of the road one small plot was sold to the City by the Trustees in November 1779 for half a guinea: 'a piece of ground adjoining Tidmarsh's Lane on which to build a pound'.²⁵ This was later a school, and then had the new County Offices built on it in 1911. The plans for these make no special provision for the foundations, but it is recorded that they had to be dug deep over the castle ditch.²⁶

IV. Oriel College

Outside the castle on the west, near where the castle ditch joined the river, was a property of Oriel College. Described in 1232/3 as being by the 'outer drawbridge' of the castle, it was granted to St. Bartholomew's Hospital in 1270/1 by Nicholas Franceis 'de la Barbekane',²⁷ and passed with the other Hospital properties to Oriel on its foundation. The last college lease was renewed in 1764, and the rent was paid until the rental for the year ending Michaelmas 1770, where a note records that no payment was made since 'this house was sold to the Commissioners of the Botley Turnpike for the sum of £39.0.0. by

²¹ Christ Church Leases I.St.G.31; for sketch-plan of site in 1776, *ibid.* Estate Maps, St. Thos.3.

²² Salter, *O.C.P.* 207.

²³ *V.C.H. Oxon.* iv, 293-4. Christ Church sold land to the west of the wharf to the Canal Company in 1793, Salter, *Cart. Osen.* iii, 374-5; it has not been possible yet to trace any relevant transactions in the records of British Waterways; the grant to St. Peter's College in 1949/50 of the Wharf House was accompanied solely by statutory declarations rather than recitation of deeds (St. Peter's Archives Box A, No. 5).

²⁴ Salter, *Cart. Osen.* ii, 22.

²⁵ Hobson, *O.C.A.* 136.

²⁶ Westgate Library, City Engineer's Plans, No. 1738 (NS).

²⁷ C.L. Shadwell and H.E. Salter, *Oriel College Records* (Oxf. Hist. Soc. lxxxv), 328.

virtue of the powers contained in the Act of Parliament for that purpose in the year 1769'.²⁸ The full extent of this property is not precisely known, but it was presumably on the site and north of Pacey's Bridge (the property south of the bridge belonged to University College).²⁹ Again, there was some spare left over after the road had been made, and in March 1770 the Trustees advertised the sale of two freehold tenements 'very conveniently situated at the Foot of the New Bridge over the Mill Stream [i.e. Pacey's Bridge], in St. Thomas's Parish, Oxford'.³⁰ The occupier north of the road in the 1772 Survey was Mr. Pacey, and in a mortgage dated 1785 Pacey's land is described with the same bounds as the Oriel property had before the road was built; his son mortgaged the land to the Morrells and it is now the Queen's Arms Public House.³¹ The old bridge, illustrated by Malchair, was demolished when widened on the north side in 1922.³²

V. Fisher Row

As with the site of the castle, the leases of his part of Fisher Row make no mention of the road, though it passed over the narrowest part of Waram Bank, next to a lasher connecting the mill stream to the old course of the river. A contemporary but undated plan at Christ Church showing the land taken by the road indicates a small portion of Mrs Coe's tenement taken by the new bridge.³³

VI. Hollybush Row/Rewley Lane

Beyond this, the part of the new road now known as Park End Street passed over a close or meadow, held with the third and fourth houses in Rewley Lane belonging to Christ Church. The above-mentioned plan shows the meadow bisected by the road, and all the fourth tenement with part of its garden taken into the new road; the remainder was combined with the third tenement, and leased in April 1771, where it is described as 'a newly erected messuage called the Holly Bush, on the north side of the new turnpike road'. No fine was paid on renewal, in consideration of the lessee having built a new house.³⁴ The road also took land from the property between the fourth and fifth tenements, which did not belong to Christ Church, and is shown as belonging to Hale and Ashley in Badcock's survey of 1829.³⁵

THE DATE OF THE ROAD

If the authorship of New Road is thus clearly established, the date of its completion is less certain. On 4 August 1769 the Stroud-Water coach went over Botley Causeway

²⁸ Oriel Archives I.E.2.; Salter, *Oriel Records*, 329 gives the date as 1770, but it must have been sold between Sept. and Dec. 1769.

²⁹ The Univ. land is mentioned as the southern limit of the Oriel land from 1564; Salter, *Oriel Records*, 329.

³⁰ *J.O.J.* 31 March 1770, p. 3.

³¹ H.E. Salter, *Surveys and Tokens* (Oxf. Hist. Soc. lxxv), 35; deeds of Queen's Arms *penes* Morrell's Brewery, dated 1813 (citing 1785) and 1815.

³² H. Minn, 'Drawings by J.B. Malchair in Corpus Christie College,' *Oxoniensia* viii/ix (1943-4), Pl. xviii. A for the old bridge; M. Prior, *Fisher Row* (1982), 325-6.

³³ Christ Church Estate Maps, St. Thos. 5; Salter, *Cart. Osen.* ii, 504.

³⁴ *Ibid.* 545; plans pp. 618-9.

³⁵ *Ibid.* 617.

'and along the New Turnpike Road from hence to Witney. This is the first Coach that has passed the magnificent new Bridge. . . The Road is not yet totally compleated, but . . . in two or three Weeks time is great Reason to believe the Gravel will be every where pretty well settled.'³⁶

Since the land for New Road had not been purchased at this time it is likely that the coach went by way of Hythe Bridge Street. The most necessary purchases were from the City and Christ Church, the first certainly in train by the summer of 1769, and the second undated. The Oriel property seems to have been acquired at the end of 1769, the small parcel belonging to St. Peter-le-Bailey not until 1770 (though this was hardly vital and may possibly have been required for a small adjustment to the line of the road), and the Rewley Road part before April 1771, when a house had been built by the new road. The sale of spare land adjacent to Pacey's Bridge in March 1770 suggests that the road was already in existence then, as bridge and road were interdependent. A notice in *Jackson's Oxford Journal* on 20 January 1770 reports damage to pitching and bridge works on Botley Causeway, implying that work was still in progress.³⁷ Some visual evidence is provided in a drawing by J.B. Malchair, a view of 'Castle Hill Oxford Oct. 25 1769'.³⁸ The scene is an unusual one, looking south-east up towards the church of St. Peter-le-Bailey, across the base of the castle mound; much of the foreground is taken up by trees in the ditch, and whilst there is a road or track approaching the artist it is hardly of a size or regularity to be the new turnpike. By contrast, a view of the castle 'from Bullock's lane' in 1772, looking south-west towards St. George's Tower and chapel over the flattened ramparts, clearly shows New Road in the foreground, sloping past the mound.³⁹ The evidence of these drawings would suggest that work had not begun here until late in 1769. More detailed information could only be found in the account books of the Turnpike Trust, which were seen in 1969, but cannot now be traced, or the Minute Books if they still existed and could be found.⁴⁰ The 'Mileways' Act passed in March 1771 refers in its first schedule to Butcher Row as leading from Carfax 'to the new Turnpike Road to Witney',⁴¹ and the Survey of Oxford made for the new Paving Commissioners in 1772 gave the frontage measurements along both sides of New Road, so the whole road must certainly have been in use by then.⁴²

In conclusion, New Road was built by the Trustees of the Botley Turnpike as part of the route from Oxford to Witney and Fifield, on a line deviating from that originally devised. It was probably built in late 1769 and early 1770. It is perhaps curious that the traces of the activities of the Trustees have been hard to find, mostly occurring in indirect references rather than surviving conveyances. But perhaps the most interesting fact to emerge, and one which has escaped previous historians of Oxford Castle, is how near the castle mound came to being destroyed by the building of the road, being saved only on the insistence of Christ Church, whilst the destruction of the northern rampart and its walls went into the making up of the road, and no doubt the filling of the castle ditch. The castle

³⁶ *J.O.J.* 5 Aug. 1769; Villiers, *Swinford Toll Bridge*, 17.

³⁷ *J.O.J.* 20 Jan. 1770, p.2

³⁸ Corpus Christi College, Malchair drawings vol. V, 21; Bodl. G.A. Oxon a.63, p. 15; H. Minn, *Oxoniensia* viii/ix (1943-4), 161.

³⁹ Bodl. MS Top. Oxon b.93, no. 34; T. Squires, *In West Oxford* (1928), Pl. xlii.

⁴⁰ Villiers, *Swinford Toll Bridge*, n.31: 'in possession of Morrell Peel and Gamlen'; the Bodleian part of the M.P.G. archive is now with the remainder of the Morrell papers in the Oxon. R.O., but the account book does not appear to be amongst them.

⁴¹ 11 Geo. III, c.19, Schedule 1, p. 531.

⁴² Salter, *Surveys and Tokens*, 31.

mound was again to be threatened in 1848 when the railway contractors offered to remove it for the sake of its soil, though the offer was rejected, and on this occasion the proposal excited a certain amount of public opposition and resulted in the first attempts to improve the appearance of the mound.⁴³

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⁴³ Oxon. R.O., Quarter Sessions Minute Book, Epiphany 1848; [Hugh Walton] *Oxon. County Council, Oxford Castle 900th Anniversary Exhibition* (1971), Catalogue, pp. 7 and 14.