

The Right-of-Way Dispute

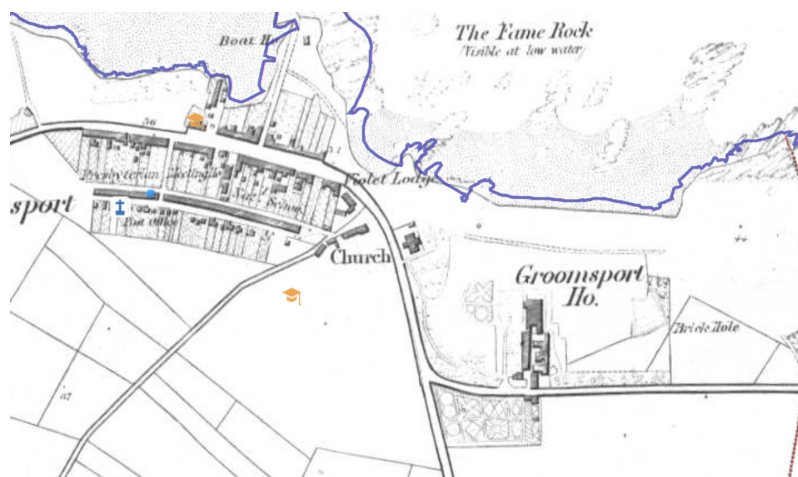
Until the 1840s the road from Groomsport to Donaghadee ran close to the coastline and it is shown on the first Ordnance Survey map (below) which was published in 1834.



Ordnance Survey map first edition 1834-1846

At the meeting of the Grand Jury of County Down (the local government of the day) in March 1848 it was reported that *“a very nice line of road [was] nearly finished, from the village of Groomsport towards Portavo and Donaghadee... This road has cost the public a mere nominal sum... The expense has been borne by the two great landed proprietors, whose estates will be much benefited by this great road.”* *Newry Telegraph* 7th March 1848.

It is almost certain that John Waring Maxwell, of Finnebrogue, was one of the landowners referred to in the newspaper report.



Ordnance Survey map second edition 1846-1862

The new road is shown on the second edition of the Ordnance Survey map (above). This map shows Groomsport House, the building of which started in 1844 and was completed

in about 1848. The map also shows the vestiges of the old road between Groomsport House and the coast.

In May 1848, Robert Perceval-Maxwell and his family moved from his wife's family's estate in Waterford to Finnebrogue, en route to live permanently at Groomsport House, which had been built for him by his uncle, John Waring Maxwell.

In 1856 Robert Perceval-Maxwell decided to build a new wall from the Church along Main street and then out onto the rocks that separate James Bay from Cove Bay. This increased the Perceval-Maxwell family's privacy and prevented villagers from accessing Cove Bay. This proposal started what has come to be known as the "right-of-way dispute".

David Irwin, in his book, relates the version of the story that he inherited from his predecessor – Rev Walter Nelson. This version is that the Rev Walter Mack, the Presbyterian minister in Groomsport, protested about Perceval-Maxwell's proposals and, after a court case in the High Court in Dublin, Perceval-Maxwell was prevented from blocking the access to Cove Bay.

PRONI holds a bundle of the Perceval-Maxwell Papers (D3244/E/42) which contains what they describe as "acrimonious correspondence" about the right-of-way dispute. A study of these papers suggest that the inherited version of events may not be accurate.

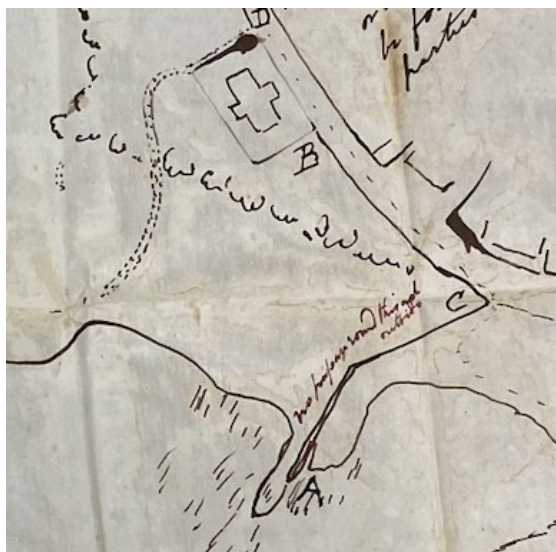
The first of the papers is indeed a letter, dated 09 August 1856, from Rev Mack to Robert Perceval-Maxwell. He writes, "in language most respectful but at the same time in terms that cannot be misunderstood", asking him not to block access to the beach and suggesting that it might be illegal to do so.

On 26 August 1856 the News Letter carried a report of a meeting held in Belfast by the Association for the Protection of Public Rights of Way. The main item of the meeting was Robert Perceval-Maxwell's proposal to block access to the beach at Groomsport. The meeting resolved to attempt to send a delegation to Perceval-Maxwell, to ask him to desist, or, failing that, they would write to him. In September the Association wrote to the Admiralty about the matter.

On 05 September, Robert Perceval-Maxwell received a letter, dated 30 August from the Admiralty in London. The Admiralty had instructed a solicitor "to call upon you to restore the right of way along the shore to its former state and on your failing to do so to take legal steps for such purpose" The letter referred to legislation that provided for a fine of £200 if such structures were built "in or adjoining any public harbour" without giving the Admiralty one month's previous notice of the intention to build such a structure.

On 19 September, the Inspecting Commander of the Coast Guard, based in Donaghadee, wrote to Robert Perceval-Maxwell to inform him that the night patrols of the Coast Guard, in order to continue to access the beach at Cove Bay, would require a gate or stile at two different places on his property. (Note: In 1856 the Coast Guard became the responsibility of the Admiralty.)

On 26 September, Robert Perceval-Maxwell submitted a large tracing of a map to the Comptroller General of the Coast Guard in Somerset House in London. This tracing proposed an alternative route for the nightly patrols – a route that would oblige the patrols to divert away from the coast and leave his wall in place. It would seem that Perceval-Maxwell's proposal was not accepted.



Part of Robert Perceval-Maxwell's map

The new wall ran from point B, beside the Church, along Main Street to point C and then to point A on the rocks between James Bay and Cove Bay

In October and November 1856, Robert Perceval-Maxwell spent some time in London and received a number of letters at his hotel. These letters gave notice of legal proceedings and, later, at his request, confirmed that the proceedings were to be paused, because Perceval-Maxwell was seeking an interview with the Admiralty to attempt to resolve the matter.

The last paper in the PRONI bundle is a letter, written by Robert Perceval-Maxwell, from Groomsport House on 02 February 1857. It is addressed to Samuel W Reeves, who may have been an Admiralty official, who Perceval-Maxwell had met in London.

The letter refers to “the covenant between me and the Admiralty relation to the shore at Groomsport”. Robert Perceval-Maxwell states that his uncle—John Waring Maxwell (who was the owner of the land) – had given his approval to the covenant.

Perceval-Maxwell says that he had “already broken the wall...for the purpose of erecting a style”. He continued: “I hope I may be permitted to put a door where the wall is already broken”.

Conclusion

The PRONI papers suggest that Robert Perceval-Maxwell had to re-open the path along the coast after a threat of legal proceedings by the Admiralty in London – not following a court case in the High Court in Dublin.

Peter Gibson
January 2023

Sources:

Perceval-Maxwell Papers (D3244/E/42), PRONI

“Tides and Times at the Port” by Rev Dr David Irwin

Newspaper reports accessed at the Irish Newspaper Archive of www.findmypast.co.uk