

THE PEAK DISTRICT AND NORTHERN COUNTIES  
FOOTPATHS  
PRESERVATION SOCIETY.

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REPORT

OF THE

COUNCIL

*FOR THE YEAR ENDED 31st DECEMBER, 1907.*

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MANCHESTER:  
ABEL HEYWOOD & SON, 56 & 58 OLDHAM STREET.

1908.

**THE PEAK DISTRICT AND NORTHERN COUNTIES  
FOOTPATHS PRESERVATION SOCIETY,**

1907

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**President :**

SIR WILLIAM H. BAILEY, Sale Hall, Cheshire.

**Vice-Presidents :**

P. H. ASHBERRY, Goldthorpe, Sheffield.

W. P. BYLES, M.P., 3 Northumberland Street, Higher  
Broughton.

T. CARR, Atherton, Manchester.

Colonel CANDLIN, Heaton Chapel.

T. SKELTON COLE, Sheffield.

ABEL HEYWOOD, J.P., Manchester.

Rev. Canon HICKS, M.A., Salford.

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J. H. NODAL, Heaton Chapel.

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HAROLD ELVERSTON, Cheadle Hulme.

**Council :**

WILLIAM BROOKES, Holmside, Altrincham.  
 ROBERT BURN, 1a Charlotte Street, Manchester. †  
 LUKE GARSIDE, Hayfield. †  
 ABEL HEYWOOD, J.P., Oldham Street, Manchester (Chairman). †  
 EDWARD G. HILLER, 22 St. Ann's Square, Manchester. ✓  
 T. A. LEONARD, Park Hall, Hayfield. †  
 A. W. MASSEY, 33 Dale Street, Manchester.  
 THOMAS MOWER, Market Street, New Mills. ✓  
 WILLIAM TATTERSALL, Manchester. †  
 J. H. WRIGLEY, 23 St. Clement's Rd., Chorlton-cum-Hardy.  
 WM. INGHAM, Cromwell Buildings, Blackfriars Street,  
 Manchester.

Together with the Honorary Officers of the Society.

**Hon. Solicitor :**

L. CARADOC EVANS, Town Hall, Salford.

**Hon. Treasurer :**

J. B. ELVERSTON, St. Albans Villa, Heaton Chapel.

**Assistant Hon. Treasurer :**

F. W. WIGELSWORTH, Langford Road, Heaton Chapel.

**Hon. Surveyor :**

Col. H. T. CROOK, M.Inst.C.E., J.P., Albert Square Manchester.

**Hon. Auditor :**

WILLIAM GREGSON, Edge Lane, Stretford.

**Hon. Secretary :**

J. OGDEN HARDICKER, Solicitor, Northern Assurance Buildings,  
 Albert Square, Manchester.

**Assistant Hon. Secretary :**

ALFRED E. HANSON, Solicitor, c/o J. Ogden Hardicker,  
 Northern Assurance Buildings, Manchester.

**Inspector of Footpaths :**

THOMAS MOWER, Market Street, New Mills.

# REPORT

FOR THE YEAR ENDING DECEMBER 31ST, 1907.

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The Council of the Society beg to submit to the Members the report for the year ending 31st December, 1907.

The work of the Society continues to show its usefulness and necessity. In all cases brought to their notice the Council and officials have made every effort to protect public rights of way where the circumstances appeared to justify their intervention.

During the year Members of the Society have had the advantage of the Council's advice on matters which have from time to time come under their notice.

## Inspector of Footpaths.

The Council regret to report that Mr. Thomas Mower, who is an old member of the Society, and who was appointed Inspector of Footpaths a few years ago, has been seriously indisposed during the past year, and they express the hope that he may make a speedy recovery. On account of his illness, Mr. Mower has been unable to give the time and attention to the inspection of footpaths and to the superintendence of the erection of guide-posts on public footpaths as formerly. Careful oversight over the numerous footpaths in the Derbyshire district is very much needed in order that cases of obstruction may be detected, for it is frequently found that the continued existence of locked gates or obstructed stiles leads to the loss of undoubted rights of way.

The Council appeal to the Members of the Society to assist them in detecting cases of this kind.

### Guide-Plates and Signboards.

During the years 1905 and 1906 the Society has selected positions and erected 30 guide-plates and signboards on public footpaths in Derbyshire for the guidance and assistance of the public.

This work the Council believe to be of great utility in the preservation of public footpaths, as it removes the possibility of claims being made which might otherwise at some time in the future be urged against the public rights.

The notices are of cast iron, with iron letterings in strong relief, and they are mounted on good wooden posts sunk well into the ground.

The following are the guide-posts erected during the past year :—

- No. 31. Public Footpath. To Dove Dale, *via* Beresford and Wolfscote Dales. Altitude 785 feet. At Hartington.
- No. 32. Public Footpath, *via* The Stepping Stones to Stratton, Offerton, Abney, Great Hucklow, Tideswell, and Miller's Dale. Altitude 504 feet. Near Hathersage.

### Doctor's Gate.

In connection with this ancient bridleway, which is a Roman Road, and down to the time of the construction of the new turnpike road from Manchester to Sheffield was the highway from Glossop to the Midlands, the Council have been in communication with Lord Howard of Glossop, who has caused a number of obstructions to be erected right across the road.

Lord Howard does not deny that he has obstructed the roadway, nor does he attempt to deny that it is a public bridleway across the moor.

It is alleged, however, that the river has from time to time changed its course and rendered it impossible for anyone to make use of the roadway.

The Society have been unable to induce Lord Howard to remove the obstructions. It is hoped, however, that his Lordship will be induced to recognise the rights of the public over this undoubted public footpath without the necessity of extreme measures being adopted.

### Ashton-under-Lyne, Stalybridge, and Dukinfield Waterworks Bill.

The Ashton-under-Lyne, Stalybridge, and Dukinfield Joint Waterworks Board lodged a Bill in the last session of Parliament seeking powers that would (*inter alia*) obliterate about three-quarters of a mile of the old Chew Brook Path leading from Greenclough to Crowden.

A Petition against the Bill on its merits, and asking that the Society be heard by Counsel, was signed on behalf of the Society by the President, Chairman, Hon. Treasurer, and Hon. Secretary, and presented to the House of Lords. The demand was granted, and the Society were thus given a *locus standi* to negotiate with the Waterworks Board for the provision by them of a substituted path in place of the one intended to be destroyed.

Considerable correspondence took place, and Messrs. Lees & Butterworth (Parliamentary Agents) were employed on behalf of the Society. The Secretary also journeyed to London, and there met the representatives of the Joint Waterworks Board and the Local Authorities concerned, and, after considerable discussion and negotiation, it was agreed by all parties that the following clause should be inserted in the Bill and that the further opposition of this Society should be withdrawn:—

- (1) The Committee may stop up the footpath situate between the points marked "A" and "B" on the deposited plans but subject as hereinafter provided such stopping up shall not take place until two justices shall have certified that a new footpath has been completed to their satisfaction in accordance

with the plan signed in triplicate by  
 the Chairman of the Committee of the  
 House of Lords to whom the Bill for this Act was  
 referred and that such footpath is open for public  
 use: Provided that pending the construction of the  
 Chew Reservoir the Committee may stop up the said  
 footpath between the points aforesaid upon providing  
 a temporary footpath in substitution therefor but  
 such temporary footpath shall cease to be a highway  
 as from the date of the certificate of the said justices.

- (2) Before applying to the justices for their certificate the Committee shall give to the road authority of the district in which the existing footpath is situate seven days' notice in writing of their intention to apply for the same.
- (3) As from the date of the stopping up of the said footpath all rights of way over or along the footpath shall be extinguished and the Committee may appropriate and use for the purposes of their undertaking the site of the highway stopped up as far as the same is bounded on both sides by lands of the Committee:
- (4) Provided that the Committee shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

It will thus be seen that the action taken by the Society was successful and entirely justified by the results. The path thus preserved is about five miles in length.

The expenses incidental to the opposition amount only to the sum of £22 5s. 4d., made up, as will be seen by the balance sheet, as follows:—

Parliamentary Agents' (Messrs. Lees and Butterworth) charges and payments...	£	s.	d.
Expenses of Hon. Secretary attending Conference in London ... ..	19	5	4
		3	0
		0	0
	£	22	5
			4

The Council have great pleasure in acknowledging the kindness and generosity of Messrs. Lees & Butterworth in contributing £9 5s. 4d. (out of their Bill of Costs, amounting to £19 5s. 4d.) as a donation towards the funds of the Society.

### Walshaw Dean Footpath from Blake Dean to Stanbury.

The Members of the Society will remember that this footpath has been partially obliterated by the construction of reservoirs by the Halifax Corporation, although the Corporation promised in 1902 to provide a new road in the place of the one destroyed. The Corporation have, however, declined, and still resolutely decline, to carry out their promise, notwithstanding the efforts of the Society and of the representatives of the numerous Local Authorities interested to induce them to do so. Their contention is that as Lord Saville (who is the owner of the Moorlands beyond the reservoir) declines to recognise the footpath in question as a public one, they themselves cannot carry out their promise, which they say was made upon the presumption that the footpath was in fact a public one.

The Corporation in question have already got Parliamentary powers to obliterate the path, and consequently the public have lost whatever rights they had over it. On the other hand, the Halifax Corporation are under a distinct and definite promise to provide a substituted road across the embankment of their reservoir.

A considerable amount of correspondence has taken place between this Society and the Halifax Corporation, and the



Hon. Secretary has had an interview with the Town Clerk of the Corporation, but nothing definite has yet been arrived at.

A Conference is to be held of representatives of certain Local Authorities and Lord Saville's Agent, and although efforts have been put forward to obtain permission for delegates from this Society to attend the Conference, the granting of the permission was opposed by Lord Saville's Agent on the ground that the object of this Society is the preservation of *public* footpaths, and for Lord Saville to consent would be liable to be interpreted as an admission that the footpath in question was a public one, and not, as his Lordship contends, a private one.

This Society will therefore not be represented at the Conference, but it is hoped that Lord Saville will ultimately be induced to recognise the rights of the public over this moorland footpath and allow the Halifax Corporation to carry out their promise to provide a substituted road over the embankment of the reservoir.

### **Ancient Moorland Roads to the West and North-West of Bolton.**

The attention of the Society has again been called to these footpaths by the Commons and Footpaths Preservation Society, and it was pointed out that more than a year ago a Sub-Committee visited Bolton and went over the footpath at Ancient Lomax Wives Road and reported thereon, and the Society had come to the conclusion that nothing could be done by them. The matter has been brought to the notice of the Bolton Corporation, and if anything is done it should be by them.

### **Footpath over Kinder Scout.**

On the 29th May last this path had been open for the public use for ten years. Proposals were made to the

Council for organising a celebration of this event, but it was decided to postpone the celebration to some later date.

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Not many cases of obstructions have come to the notice of the Council during the past year, and consequently their labours have been light, but a number of letters have been received seeking advice and information relative to rights of way, and have been dealt with by the Honorary Secretary. Your Council desire to state that they are always anxious and willing to render whatever assistance they can in order to protect public rights of way, and at all times anxious and willing to render advice without fee or reward.

The Council will also be pleased to take into consideration suggestions which any member may have to make for the erection of guide-posts and notice boards where public footpaths exist, but which are not generally known.

The members of the Society and the public generally should be careful to bear in mind the importance of exercising their rights over public footpaths strictly, as complaints are often made by landowners that the public do not limit themselves to the public rights of way, but trespass over adjoining lands.

The Council desire to acknowledge the kindly spirit in which owners of land have generally treated the Society. Experience has shewn that owners recognise the fact that no complaints are made by the Society without foundation, and its representations generally receive gratifying attention.

### Finances.

There is a credit balance shewn by the Balance Sheet annexed hereto, but this should not be regarded as a sufficient reason for members withholding any part of their subscriptions, for at any time the Society may be involved in great expense in resisting interference with public rights

of way over footpaths and preserving the right to traverse the beautiful dales and valleys of the Peak and other districts, which rights may be lost for ever unless the Society is in a financial condition to offer strong opposition.

A case in point is the Chew Brook Path hereinbefore mentioned. If the promoters of that Bill had not chosen to meet the wishes of this Society in a reasonable spirit and to agree to provide a substituted path, the matter would have had to be fought out and Counsel would have had to be engaged to appear and argue the case before the House of Lords' Committee. This would have entailed great expense, and instead of a small credit balance the Society would have had a considerable deficit. As it is, the credit balance this year is less than it has been for the past six years.

The Footpaths Society is greatly indebted to Mr. Ogden Hardicker for allowing the use of his rooms in Albert Square for a number of years free of charge, where the Council of the Society has met for the despatch of its business, to the great saving of expense to the Society.

# The Peak District and Northern Counties Footpaths Preservation Society.

*Balance Sheet for the Year Ending December 31st, 1907.*

RECEIPTS.	PAYMENTS.																																																																																				
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Hon. Treasurer—J. B. ELVERSTON,  
ST. ALBANS VILLA,  
HEATON CHAPEL.

*Audited and found correct,*  
WM. GREGSON, *Hon. Auditor.*