

Press cuttings about

Lancaster Footpath Protection Society 1831 - 1948

Taken from British Newspaper Archives (poor copy and poor OCR)

There are a few relevant maps at the end

Brian Jones

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NOTICE IS HEREBY GIVEN,

THAT on the twenty-ninth day of June last past, an ORDER was signed by the Reverend Thomas Butler and Thomas Yates Ridley, Clerke, two of his Majesty's Justices of the Peace for the County of Lancaster, acting within the Hundred of Lonsdale, South of the Sands, within the said County, for STOPPING UP an unnecessary FOOTWAY, situate, lying, and being in the Township of Lancaster, in the Parish of Lancaster, in the said Hundred of Lonsdale, South of the Sands, commencing at the North corner of Lands called Great Haverbrecks Close, now divided into Gardens, and belonging to Samuel Gregson, Esquire, in Ashton lane, near the Mansion-house, called Springfield, the residence of Henry Hargreaves, Esquire, and leading from thence towards and unto the Towing-path, near one of the Bridges over the Lancaster Canal Navigation, called Basin-bridge, containing in length eight hundred and ninety-six yards, or thereabouts, and passing through the Lands or Grounds of Jane Brathwaite, Hannah Braithwaite, and Emma Broster; also of the said Henry Hargreaves, and of Henry Lindow Lindow, Esquire, and more particularly described in the Plan set forth in the margin of the said Order; reserving, nevertheless, to the Owners and Occupiers of the several Lands and Grounds adjoining, that part of the said Footway described in the said Plan as lying between the letters A and B, to labour, pass and repass upon and over the same Footway or Road with their Horses, Carts, and Carriages, from time to time, and at all times for ever thereafter, for the necessary use, occupation, and enjoyment of their said respective Lands and Grounds; and also reserving to the Owners and Occupiers of the several Lands and Grounds adjoining that other part of the said Footway or Road, described in the said Plan as lying between the letters C and D, to labour, pass and repass upon and over the same last-mentioned Footway or Road with their Horses, Carts, and Carriages, from time to time, and at all times for ever thereafter, for the necessary use, occupation, and enjoyment of their said respective Lands and Grounds; and that the said Order will be lodged with the Clerk of the Peace for the said County, at the General Quarter Sessions of the Peace, to be holden at the Castle of Lancaster, in and for the said County, on the seventeenth day of October next ; and also that the said Order will, at the said Quarter Sessions, be confirmed and enrolled, unless upon an Appeal against the same to be then made it be otherwise determined. Dated this first day of July, one thousand eight hundred and thirty- one.

THOS. THOMPSON.

Clerk to the Magistrates.

HOUSE OF COMMONS.

Wednesday, Aug. 3.

PUBLIC FOOTWAYS.

Mr. John Wood presented a petition from Manchester, complaining of the present state, of the law, which authorises two magistrates to make an order for stopping up public footways, and the difficulty and expense of getting such an order rescinded, by the only mode now left by law,— that of appeal to the quarter sessions. The petitioners stated, that in one instance. an order of this kind was not set aside until after the parties opposing it had gone to £800 expense. They prayed that all appeals against such order of magistrates should be decided by a jury, and not by a bench of magistrates at quarter sessions. He would move that this petition be referred to the Committee on the Highways Bill.

Mr. Strickland cordially concurred in the prayer of the petition. The greatest public inconvenience was felt by the present state of the law.

Mr. Wilks also supported the petition. The public suffered much by the stopping up of footways across parks and fields, particularly in the neighbourhood of large and populous towns.

Mr. C. F. Palmer said, that the practice of closing up pathways by the order of two magistrates was quite a common one in the country. could state from his own knowledge, that it was a common thing for one magistrate to say to another, "Come and dine with me on such a day, and come an hour earlier, we want to shut up such and such a road or footway". The interest or convenience of the public was never thought of, and whether the shutting up of a road or pathway would oblige the public, who were in the habit of using it, to take a round of two miles, was never thought of, provided the convenience of one or two individuals was attended to. In that part of the country with which he was acquainted, not less than seven roads and five footways were shut up in the course of a very short period. He regretted that the bill [the Highways Bill] which stood for a Committee that day did not remedy the evil. On the contrary it would enable magistrates to get over some difficulties which now stood in their way, and thus magistrates would be enabled to shut up all the roads in the country.

The petition was ordered to lie on the table.

MEETING

RESPECTING THE STOPPING OF FOOTPATHS

On Monday last, a public meeting was held in the Town-hall, in this town, for the purpose of forming an association to resist attempts to stop up any of the footways in the neighbourhood of Lancaster. The Mayor in the chair.

Dr. Whalley explained the nature of the meeting, namely, that a requisition had been sent to the Mayor, in consequence of an attempt being made to stop up a footpath leading to Haverbreaks. He had been that way very often. It was a very beautiful walk, and he had never seen anything riotous or disorderly occur on it, so as to be a sufficient cause for stopping it up. Why it should be stopped up, therefore, he could not conceive, and certainly the private convenience or property of any individual ought not to be put in competition with public convenience.

The following resolutions were then adopted:

Resolved

That the Public Footways in the vicinity of Lancaster have long been, and are a great convenience and source of health and pleasure, to the inhabitants of Lancaster and its neighbourhood; and that every attempt to obstruct or stop up the same, or render them unsafe, or inconvenient, is highly reprehensible.

That there is now a notice given to stop up a public Footway, at Haverbreaks, signed by two Magistrates, residing at a considerable distance from the town, although there are several Magistrates living in or near it.

That in order, effectually, to check any such attempts to sacrifice public right to private interest, an association be now formed.

That Dr. Whalley, William Satterthwaite, Thomas Housman Higgin. Joseph Dockray, Robert Fletcher Housman, Joshua Hadwen, and William Jackson, be appointed a Committee, and Mr. Joshua Hadwen, Treasurer and Secretary, to the association, three of whom shall have power to act.

That a subscription be now entered into, and promoted in this town and its vicinity, for carrying into effect the object of this Association, and that every Subscriber of 2s. 6d. and upwards be considered as Members.

That the Committee shall have full power to adopt all such measures as they may deem expedient, for carrying the objects of the Association into execution; and the funds of the Association shall be placed at their disposal, subject to such orders as may from time to time be given by a general Meeting.

That the Committee be and they are hereby directed and authorised, to appeal against the order for stopping up the Footway, at Haverbrakes.

That a General Meeting of the Association be held annually, in the month of August, of which public notice shall be given; at which Meeting, a Committee and Treasurer shall be appointed, and the accounts of the Association, together with a report of the proceedings of the preceding year, shall be submitted to the Members.

That all applications claiming the interference of the Association, shall be made to the Treasurer, who, in conjunction with any two Members, shall be empowered to call a Meeting of the Committee.

That it appear, from the proceedings of the House of Commons, that there is an intention on the part of Government, to consolidate the Laws relative to Highways, and it is the opinion of this Meeting, that no public Footways ought to be diverted, or shut up, without the verdict of a Jury, and that the Members for this Borough be respectfully requested to support a clause to that effect.

That a copy of these Resolutions be printed, and sent by the Chairman to the Representatives of this Borough in Parliament.

T. Giles, Esq. Mr. W. Satterthwaite, and several others, expressed themselves strongly against attempts to stop up footways, and also against keeping them in such bad repair that no one could conveniently walk along them. The association being formed, the above gentlemen were appointed of the Committee.

A subscription was entered into, and Mr. Joshua Hadwen appointed treasurer.

It was stated that the society would oppose the present attempt to stop up the footway leading to Haverbreaks, should it be persevered in; but there was an intimation that the order would be abandoned.

Original Communications

FOOTPATH SOCIETY

TO THE EDITOR OF THE LANCASTER GAZETTE

Sir -- Two or three years ago, a meeting was held at the Town-Hall, and a Society with this title formed, to preserve, and as I suppose, to promote by all proper means, the use of footpaths in the neighbourhood, several sums of money were subscribed, officers appointed, and the proceedings regularly reported in the papers at the time. But whether some more powerful topic pushed this aside, and so consigned it to the waters of oblivion, or there was actually some progress in the cause, unknown to the public, cannot say, but should like to be informed how the money was expended, and what was done. Now, if the funds are yet in being, and there be others besides myself who enjoy an occasional walk brough the fields, surely there will be no harm in suggesting to those who have the power, the necessity of a little more superintendence and control, in order to a better state of repair of said pathways, stiles, &c., some of which I grieve to say, are sadly neglected.

Allow me also to observe, that a few more ways want opening, (to the needful expense whereof I would be glad to contribute a fair thing) such as a way down the New Ground in the Churchyard, into Marsh -lane, and a continuation of Milking Stile lane, by a path across the Marsh to the New Quay. Forbearing to mention any more just now, and having a tender regard to the rights and interests of owners and occupiers, as well as the healthful recreation of myself and others,

I remain, very respectfully, &c.

Peter Walker

Lancaster, April 19, 1836.

PUBLIC FOOTPATHS.

TO THE EDITOR OF THE LANCASTER GAZETTE

Sir,—I take leave through the medium of your widely circulating journal, again to call attention, to that much complained of abuse, the utterly abominable condition of the footway, leading from the end of the ladies' Walk, under the Aqueduct, towards Halton. The narrowness of the stiles, and the want of suitable crossings at the ditches, arising from the stepping-stones, either having been removed, or having slipped from their resting places, sadly incommode the pedestrian, and particularly, the absence of such crossings, calls for the exercise of more agility, than many of the aged or the infirm, or even some of the young, can command. These impediments and hindrances, I believe, deter many from using this footway, which is rivalled by none of our suburban walks in the beauty and charming variety and the surrounding scenery.

Some time ago, the Treasurer of the defunct Footpath Association had I believe, a balance remaining in his hands of the funds collected in aid of the objects of that society. I would, therefore, in conclusion, request some of the late members of that association, to ascertain whether there be at present, such a balance, and, if there be, to direct its application towards the improvement of that footway.

I am yours &c.,

A PEDESTRIAN.

Lancaster, Thursday, 12th Dec.

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THE FOOTPATHS

The readers of the Gazette will remember what took place at the previous monthly meeting, respecting the encroachment made by the Lancaster and Carlisle Railway company on one or more of the ancient footpaths leading from the town. A committee was appointed, and the members of it, having made due inspection, reported as follows :—

The Footpath Committee appointed at the meeting, of the Commissioners on Tuesday, the 2nd of March last, reported - That on the 8th ult. they inspected the several public footpaths intersected by the Lancaster and Carlisle Railway, corresponding with that leading from Meeting-house Lane across Kendal fields to Sunnyside Lane. The stile in Meeting-house lane is inconvenient; the hedges on each side of the footpath where the same is fenced off from the adjoining land want dressing and from the south end of this part of the footpath to the railway all trace of the footpath is lost, a fence by the side of which the footpath proceeded having been removed, and the ground ~~delged~~ over. Here the footpath is crossed by the railway, via an embankment of considerable height, and no provision made for carrying the footpath either under or over the line. The committee pursued the footpath from thence to Sunnyside lane where the same is open, the hedge which separates the footpath from the adjoining field near to the last mentioned lane also wants dressing.

The committee then returned as far as a field belonging to Carr-house Farm, on the west side of the railway, and proceeded by the footpath which passes through the farm-yard and communicates with a lane leading into Aldcliffe-lane, the railway crosses the first-mentioned lane by a bridge, and under this bridge a high gate is placed, which is locked, but in which is a small wicket, with a bolt on the side nearest to the farm house, and so placed that people approaching from Aldcliffe- lane can scarcely perceive the wicket, and cannot open it without difficulty, and provision seems to be made for hanging a lock upon it. Crossing Aldcliffe-lane and the canal, by the bridge near the Canal Company's Timber Yard, the footpath leading to Ashton-lane follows the line of the canal for about 70 yards, when it is crossed by the railway, which is here ~~a-1-~~ upon a high embankment the line is fenced off. and no provision made for the footpath. The line of the footpath leading towards the railway by the canal side is in very bad order, and nearly impassable, in consequence of the carting of materials to the railway; after crossing the railway the footpath ascends the rising ground in a southerly direction and there is a stile into a narrow lane which formerly led to Ashton-lane behind Springfield Hall, until the communication was cut off by the railway, which crosses here in a very deep cutting so as to render it utterly impossible to pursue the original line of the highway. Within a few yards from the line of road a bridge has been erected over the railway, connecting the land severed by such railway; and the committee, in furtherance of the directions received from the commissioners, finding that that was the nearest practicable road for joining the highway on the opposite side of the railway, passed over it, and again found the line of the highway on the opposite side, where they found the road blocked up by a strong staff and band fence, which they partially removed, and passed on to Ashton-lane. On the 25th of March, after the above inspection had taken place, actions at law, at the suit of Mr. Godson. were commenced against two of the committee, namely, Mr. Satterthwaite and Mr Jackson, for trespass, which the committee have authorised the clerk to appear to. The precise nature of the trespass complained of is not known to your committee, as no notice whatever was given to them or to the parties proceeded against previous to the service of the writs upon them, and this will not be disclosed until the plaintiff has filed his declarations. The committee therefore trust that the Police Commissioners will protect the committee in the discharge of their duty, and will authorise the clerk to defend such actions, under the directions and superintendence of the committee.

A conversation of a very desultory nature then took place, but what is material we here collect.— Mr. Jackson (one of the committee) observed that it was evident the railway company had no intention of using any means for the restoration of the footpath in question.— Mr. Sharpe enquired of the Town Clerk whether the action was brought really by Mr. Godson or the railway company.— The Town Clerk replied that he had heard nothing that should induce him to think the action was not, bona fide, Mr. Godson's.— The chairman said he

had reason to think it was entirely Mr. Godson's own act, and with regard to the legality of applying the rates to the defence of the threatened action, be apprehended it was competent to any absent rate-payer to resist any thing of the kind.— The Mayor observed that they were bound to act, in regard to the point raised by the chairman, by their regular law adviser, but had apprehended the single question they were then called on to decide was, whether their own committee was to be protected or not. — Mr. Hargreaves asked what use was it to appoint a committee unless the commissioners did protect them. — The Mayor expressed concurrence in this opinion. — In reply to a question by Mr. Sharpe, the Town Clerk said the report presented was not a final report upon the general question of the footpaths, but a passing one in reference to the particular matter under discussion. — The Mayor said the object of the report was simply to enable the commissioners to say what should be done in_ case these threatened actions were brought. — The Town Clerk (in answer to a question, we believe) said the railway crossed the footpath in three places.— The Mayor: " And there is not the slightest provision for a crossing."— The chairman said he thought they were going to involve the town in a good deal of unnecessary expense. He had reason to believe that litigation would not end here, and he advised caution. It was well known that, 15 years ago, the same parties who were moving in the matter now, originated an enquiry respecting these footpaths, and it was equally well known that no party was proceeded against on that occasion, simply because, as he presumed, there was no case. [The chairman made allusion to a particular footpath that crosses Miss Hinde's property, and as we understood, intimated that any attempts to enforce an assumed public right in that quarter would be resisted. He also jocosely adverted to the circumstance of the "sledge-hammer" remedy being recommended at the former meeting by a member of the Society of Friends]. — The Mayor observed that it would be time enough to talk about Miss Hind's footpath when that became a question. The question now was, would the Commissioners support the committee ?— Mr. Sharpe agreed that that was the question before the meeting, and he would move accordingly, that as the commissioners of police were bound to protect the public in the means of recreation, the Clerk to the Commissioners be directed to take such statements as he may think advisable, for the defence of the committee against the threatened action.— Mr Moss seconded the motion Mr Fearenside asked who had shut up the path: Mr Godson or the company?— The Mayor: "A little of both, I think.'" —The Mayor, in reference to an observation made by Mr Fearenside, respecting the local peculiarities of the matter, said the law was that when any public road, whether highway or footpath, was rendered impassable, the public had a right to avail themselves of the adjoining land. The public had no right in the soil of the road — that belonged to the adjoining land -they had only a right to pass over, and if the free passage was interrupted, they might go upon the adjoining land. And so in this case, the committee had passed over the nearest land to the footpath in question. — The Chairman and Mr Fearenside questioned the right to pass on the adjoining land, but the Mayor assured these gentlemen that such was the law. -Mr Sharpe would suggest that his motion should not prevent the committee from taking what steps they thought fitting in the matter. [We understood this to be said, in consequence of Mr Fearenside having suggested an amicable arrangement.] — The Mayor observed that there was really no aggression: not one farthing of damage had been committed. Mr. Sharpe's motion was put and carried unanimously.

COURT OF QUEENS BENCH
Westminster, Jan. 29.

(Sittings in Banco, before Lord Chief Justice Denman and Coleridge and Wightman, Justices.)

REGINA V. THE LANCASTER AND CARLISLE RAILWAY COMPANY.

Sir FITZROY KELLY with Mr. Crompton appeared to show cause against a rule obtained by the Commissioners of Police at Lancaster, for a mandamus to the Lancaster and Carlisle Railway Company, to make convenient ascents and descents where the railway crossed three public ways or footpaths within the Borough of Lancaster, and occupied the Court a considerable time, contending, as to the footpath from Meeting-house-lane to Sunnyside, that convenient ascents and descents had been made and completed some time before the application for the rule, in May, 1847. To shew this, he read from the affidavits filed on the part of the Railway Company —

And this deponent further saith that before the granting of the said rule, the Lancaster and Carlisle Railway had made an ascent and descent for one of the footways, described in the said rule as a certain public footway or highway within the Borough and Town of Lancaster, in the County of Lancaster, leading from a certain place called Meetinghouse Lane, through a certain place called Kendal Fields, by a certain lane called Sunnyside-lane, to a certain place called Abrams Heights, numbered 80, 74, and 72, on the plan of the Lancaster and Carlisle Railway (deviation line), deposited with the parish clerk of Lancaster, at the point where such footway is crossed by the said railway, and that such ascent and descent are sufficiently convenient by comparison with and having regard to the other portions of the said footpath.

And this deponent further saith that no complaint had ever been made to this deponent, or as he knows to any other officer of the said Company, prior to the granting of the said rule, although sufficient time for that purpose elapsed between the making of the said ascent and descent and the application for such rule, that the ascent and descent provided by the said Company were not sufficiently convenient. And this deponent further saith that such footway is very little used, and is very inconvenient, and that there is another road leading from and to Sunnyside, being the place to which such footway leads, and the distance by such footway, from its commencement to its termination near Sunnyside, is greater than the distance by the said other road, being the main road from the Town of Lancaster, across the bridge leading to the Lancaster station of the said railway, and that such last mentioned road to the termination of such footway is a cleaner and better road, and more commodious and convenient in every respect, as well as less dangerous than the said footway.

He then argued that the footpath near Carr house must have been included in the application by mistake, because the Act of Parliament only referred to paths where ascents or descents were necessary at the points crossed by the Railway. This path was on a level, and went under an arch. The railway went on the bridge and did not at all interfere with the footpath. A gate had certainly been put up under the arch by a neighbouring gentleman, who contended there was no public footpath, and the Company had nothing whatever to do with it.

As to a portion of the footpath from Aldcliffe Lane, (passing over the question whether it was a public footpath), the application for the mandamus was premature. It passed over a wharf which was now in use by the company for the construction of their works, as shown by the affidavits filed by the company.

And this deponent saith that the said Lancaster and Carlisle Railway was opened to the public in the month of September, 1846, but that the banks and many of the works of the railway were then in a very incomplete state, and that in some instances the same are still unfinished. And this deponent saith that ever since the opening of the said line in September, 1846, up to the present time, and for some time to come, -Messrs. Stephenson and Co., the contractors for the construction thereof have been and will be employed in the completion and maintenance of the railway and works. And this deponent saith that he knows the points where this railway crosses the third footway, or alleged footway, referred to in the said rule, and therein described as a certain other public footpath or highway, within the said borough, leading from Aldcliffe-lane aforesaid, across a certain canal, into, over, or through the several fields or closes, numbered respectively 42, 40, and 37 on the said plan, leading to a certain public lane or highway, numbered 36 on the said plan, leading to a certain lane called Ashton-lane, and that up to and including the month of June now last that portion of the said field numbered 42, which lies east of the said railway (being less than a quarter of an acre in extent), has been in constant use as a wharf, with a crane thereon, for landing from the canal materials of every description used on railways, such canal having a communication with the sea, and as such being the principal means of transit for a great portion of the materials used on the said railway; and that since the month of June last, and up to the

present time, the same has been frequently used for the like purposes, and still is and will be necessary for the completion of the said railway. And this deponent saith that the said piece of land so used as a wharf is, by reason of the line of railway not crossing the railway at any other point in the Lancaster district, the only place at which materials brought along the canal can be passed on the said line. And this deponent saith that the said piece of land so used as a wharf as aforesaid hath often, and so lately as July last, been so covered with railway materials as to render it impossible that any footpath could be made along it without danger to persons who might pass along it coming in contact with waggons and materials passing down the slopes of the embankment.

And this deponent saith that the bank of the said railway adjoining the said piece of land so used as a wharf afforded space barely sufficient for passing the said materials up and down the same, the end of the said wharf next the railway being only about twenty yards long, within which twenty yards the ascents and descents for any footpath when made must be placed, and that if any steps for ascents or descents had been put up they would have been crushed and destroyed by the waggons and materials necessarily passed along the said slopes, and that the said slopes have not been and could not be put into a proper state for receiving ascents or descents because of the use of the said banks for the purposes aforesaid; and that such use has prevented the forming and dressing of the slopes of the said bank up to the present time.

He then referred to clause 303 of the Lancaster and Carlisle Railway Act, giving the company seven years for the construction of their works.

The Court inquired if Sir F. Kelly could mention any time when the works would be completed.

Sir F. Kelly was not able to fix a time, but no unnecessary delay would take place; he then proceeded on the question of public right, and went on to shew that the wharf was necessary for the company's works. The Court observed, that the Company had refused the application of the Commissioners to make convenient ascents and descents on other grounds. Sir F. Kelly said that other grounds had been stated but that had taken place before the service of the last notice, upon which the rule had been applied for, and he then read an extract from the affidavits filed on behalf of the Police Commissioners, to the effect, that on the 10th day of April last, deponent attended, with several of the said Commissioners, upon the Secretary of the Railway Company, to urge upon him the necessity for making proper and convenient ascents and descents and other provision at the respective places where the said railway crosses the several footpaths, as required for the use thereof, and the Secretary then informed the said Commissioners, that with regard to the Carr house footpath which is crossed by the said railway by an arch over the same, in which arch is erected the gate mentioned in the notice therein referred to, that the owners of Carr house farm had paid the contractors of the said Railway Company an additional sum of money for making the said gate of different dimensions and form from those intended to be adopted by the said Company, and that the said Railway Company did not intend to interfere respecting such footpath.

And the Secretary then also informed the said Commissioners, with regard to the footpath leading from Aldcliffe-lane to Ashton-lane, referred to in the said notices, that Mr. ---, (the name of this gentleman did not transpire, through whose land the said footpath lies, had assured the said Company that such footpath was not a public roa, and the said Commissioners were also informed by the Secretary, that the said Company held a written indemnity from the said Mr----- against any proceedings that might be taken against the said Company for obstructing the said footpath, or refusing to make any provision for the use thereof by the public, and that therefore the said Company could not do anything in the matter.

The Court intimated that the necessity for the wharf might be stated in the return to the mandamus.

Sir F. Kelly proceeded, and argued as to the remaining portion of the footpath leading to Ashton-lane, that the Act did not apply to it. It was not a foot path, but a well known occupation carriage-road, leading from one farm to another.

Mr. Crompton followed, and contended that in the case in which ascents and descents had been made before the rule was obtained, the affidavit should have shewn that those ascents and descents were insufficient: that the railway passed over the footpath near Carr house without interfering with it; that the application was premature as to the other footpath near the Wharf, and that the remaining footpath was not sufficiently alleged in the affidavits for the Police Commissioners, to be a public path.

Mr. Martin, Q.C., with whom was Mr. Willes, on behalf of the Commissioners of Police, replied in support of the rule, and proceeded very briefly to answer the arguments of Sir F. Kelly, when

The Lord Chief Justice, with the concurrence of the other judges, (Sir T. Coleridge and Sir W. Wightman) expressed an opinion that the Commissioners of Police had made out a sufficient case for the mandamus to go as to all the footpaths, and ordered accordingly.

The rule was therefore made absolute.

ORIGINAL COMMUNICATIONS

TO THE EDITOR OF THE LANCASTER GAZETTE

Mr Editor,— I beg to call your attention to the reckless manner in which the North Western Company is injuring the footpaths. The Lancaster and Carlisle Company having been at great expense in making a footpath across the river, the North Western Railway have now rendered the footpath so dangerous, taking it across the railway on the level at the bottom of the steps through the boarding, in such a manner that you can hardly see a train approaching, that I am sure no prudent person will allow his nurse or children to make use of that footpath again. The Ladies' Walk, that most famed of the footpaths of Lancaster, is now entirely destroyed, as a pleasure promenade for ladies, by the same wreckless innovators. Cannot something be done to prevent this wholesale destruction to these walks which are a source of health and enjoyment to all, but especially to our poorer classes, certainly the railway company ought to make these crossings safer and more practicable, else we shall hemmed in on all sides by railways, and be cut off from all our country walks. Now that the public mind is awakened to study the means of health for the poorer classes, surely a hint will be all that is necessary on this point. Where are the sleepy conservators of these footpaths? Who are they? If they will not move in the matter, who must?

I hope these few remarks may be the means of inducing you to call the public attention to these matters. Hoping I have not taken up too much of your valuable time, I withdraw,

Yours,

A WELL WISHER.

BOARD OF HEALTH.

There was a full meeting of the Board on Monday last, the Mayor in the chair.

The minutes of the last meeting having been disposed of. a letter from Miss Middleton was read expressing her intention to leave the sanitary arrangements of her new houses entirely in the hands of the Surveyor to the Board, and to erect them in any way he may think best. The Surveyor said he would report on the subject at the next meeting.

Mr. RICHARDSON, according to notice, brought forward the subject of the road from the end of Water-street to the Quay, which is at present stopped up by the North Western Railway Company. At the former meetings the Clerk had been instructed to write to the Directors of the North Western Railway Company, on the subject, and no answer had been returned. He was not desirous of throwing any expense either on the Local Board of Health, or the North Western Company; he simply wished to know whether it was the intention of the Company to leave open a street from Water-street to Bridge Lane, and whether the public were to use the openings made by the railway to the river Lune. It was quite evident that the public had a right to approach the river Lune from Antigua- street, Barhadoes-street, and Jamaica-street, and also to approach Bridge Lane by passing over the Sandy-bed, the Police Commissioners having paid £25 in addition to many private subscriptions, towards making a road. He was not anxious to come in collision with the North Western Railway, but he thought it the duty of every member of that Board to protect the rights of the people of Lancaster, who formerly had an opportunity of taking a stroll to see the tide go in and out, and the people a-fishing, and so and so, but now in consequence of the railway they were deprived of those privileges. Mr. Richardson concluded by a motion, the exact words of which we lost, but it was to the effect that the level of Water-street should be raised as high as the top of the railway, so that the people of Lancaster maybe able to see over the railway into the river.

The CLERK here stated that a further letter had been received from the Company, which he read; it expressed the desire of the Directors scrupulously to observe the terms of their contract with the Corporation, and requested that the Board would point out the details of their claims, in order that they might be fully considered. Mr. C. T. CLARK observed, a remark had been made, that they should keep on good terms with the North Western Company, but he knew of no reason why they should not have kept on equally good terms with the Lancaster and Carlisle Company; nor why the North Western Company should be so tender, and take it as a personal matter, when no hesitation was shown about proceeding against the other Company respecting like footpaths. He could not see that they ought to sit there to attack the small fry, and let the larger trespassers escape. For his own part, he never would be deterred, by public or private means, from advocating the claims of the town. The committee had taken pains in the matter, had examined witnesses and collected evidence, and reported that a right of way did exist; and he had hoped that the North Western Company would have met them in a fair spirit, instead of which they now said, in effect, that when full details had been entered into, they would then consider whether they would consent or no. He recollected that the Corporation sold the land to the North Western Company, subject to the rights of the public, indeed they could not sell otherwise.

The MAYOR.—Do you mean that we should be able to go the river side? Mr. C. T. Clark replied No; to Bridge Lane. They ought to have a path at least. They need not go so far back as twenty years to prove a dedication to the public; but it could be carried back to nearly 1700 that the public had a right to go down to the river for all purposes. There had been a gradual accumulation of soil, till there was a smooth surface, and a good road to the quay, and there was no doubt that a right of road did exist from Water Street to Bridge Lane, a convenience that ought not to be given up without asserting the rights of the town. The committee who collected evidence had stated that rights did exist, and it would be paying a bad compliment to them to give up their rights. If the company was to be allowed to run a rail to the quay, and charge tonnage for carrying goods down, it would be an injury to the town. Now was the time to assert their rights, or by and by the company might say, why did you not make the claim before. Mr. Clark concluded by moving that the report of the committee be acted upon, and that steps be taken to compel the North Western Company to open the roads referred to in the report of the committee.

Mr. W. Jackson stated (as we understood) of his own knowledge, that within the last fifteen years there had been no such road as that spoken of by Mr Clark. He thought it would be taking a very hasty step to act as Mr. Clark proposed; it would surely be much better to give an answer to the letter that had been read from the Directors, and tell them what they really did want. He therefore moved that the committee reply to that letter, and afterwards report to the Board.

Mr. RICHARDSON agreed with Mr. Jackson's seasonable proposal, and seconded the motion.

Mr. C. T. CLARK had no objection to Mr. Jackson's motion; it would answer his object.

Mr. E. SHARPE said he was glad to hear that Mr. Clark's object would be answered by Mr. Jackson's proposition, for he must confess that he should have considered from the whole tenor of his remarks, that his object would not be so answered. He thought that a proper time to remind the Board of what had been done as to those streets, as they were called. But first, let him ask, what good was proposed to be secure for the public? A communication was demanded from Water-street to the quay, and he thought that was a desirable thing if it could be obtained. But he thought any member who could carry his memory back for a short period only, would bear him out in declaring that a communication never had existed, even for foot passengers, till the milldam was arched over down to its mouth. He happened to know that the corporation did intend a road from Water-street to the Quay, for he was on a committee which was anxious to obtain a road, and he proposed that it should be at once set out. but was in a minority, and it was not then set out, and never had been to that day, and the public had consequently to scramble up some broken stones to the Quay wall. If a pathway could be obtained, he thought that would be all. On the plan produced there were certainly three areas marked Antigua-street, Jamaica- street, and Barbadoes-street, and other areas were marked No. 1, 2, 3 4, &c.; but that plan was dated 1784, and was a plan of land belonging to the Corporation, set out in lots for sale. They marked certain areas as streets, but that did not make them streets, and from 1784 to 1849, with the exception of Mr. Batty 's lot and the plot adjoining, not one of them had been sold. Those parts marked as streets were no more streets than any other part could be called a street; and to suppose that the Corporation had not the right to sell the whole of it, was preposterous; and they did sell the whole of that land, liable to such rights as the public possessed on it. They sold every yard of it by measurement, under a measurement which was in existence, and the person who made it also in existence, every yard down to the river: the corporation sold every yard of that land without reservation, except that which the Town Clerk had just mentioned, the rights of the public; but the right of the public was just as great to any other of the lots as to those marked with the names of streets. Then what was the benefit sought to be obtained? What would have been the object of reserving streets not to go any where? The approach to the river was reserved by the North Western Company, the passage being left open by the side of the National School; and had the Company been tested by a request at any previous time they no doubt would have met the wishes of the town. The proper course now to take was that recommended by Mr Jackson, to state what they desired, a path way to the quay, and see whether the Directors had any strong objection to allow it; and if they had an objection, why were the Board to be hurried into legal proceedings ? He deprecated the spirit of approaching the question which tended to set two large Corporations in hostility. No feeling of animosity had been exhibited by the Company and it was therefore injudicious and premature to approach them in that manner. A pathway from Water-street to the Quay was a desirable thing, but the other streets could lead to no advantage to the public. Having sold as a Corporation the whole of the land at so much per yard, it was not their business as a Board of Health to turn round to the purchasers and say, You sha'nt have it.

Mr. J. SHARP said he had only one observation to add to what Mr. Edmund Sharpe had stated. He did not wish the matter to be discussed in a legal way, but he remembered that when Water- street was very much cut up by the carting of earth to be deposited at the end, Mr. Clark applied to the Police Commissioners to repair it, and they replied, It is not ours; and till Mr. Clark had had it put into a proper condition, they would have nothing to do with it. One observation had fallen from Mr. Clark, which he could not pass, although he was sorry that personalities should be introduced there; he had referred to certain persons using their influence at that Board in favour of the Railway, and as he and Mr. E. Sharpe were connected with the railway, he thought that insinuation illiberal and unfair. He had himself studiously avoided taking part in any matter in which the North Western Company was interested; and when he had the honour to hold the office of Mayor, and was

entitled to serve on every Committee, he purposely kept out of the way, in order that no such influence might be supposed to be used.

Mr. E. SHARPE begged to add a remark with respect to what had been said of the dispute with the Lancaster and Carlisle Railway Company; he considered it was an unfortunate contest they got involved in ; it had cost a considerable sum, and if that had been laid out in improving the top of Market-street, it would have been much better for the town. The town would have been in a much better position if it had accepted the offer made by the Company. As to the imputations thrown out, he believed they generally did more harm to the persons who made them than to those against whom they were directed. He had never spoken to any person connected with the Board one word concerning the Railway, and what he had to say he preferred saying in public.

After some observations by Mr. Richardson, which we did not catch,

Mr. C. T. CLARK complained that personal attacks had been made on him. Mr. Edmund Sharpe had charged him at a former meeting with wishing to make mischief; he now returned to Mr. Sharpe his remark that such imputations only injured those who made them, and he left the town to say which began. He declined to notice any remarks that fell from Mr. John Sharp—his object was well known. As to the agreement they need not discuss it, as it was in black and white, and could be produced. He remembered that Mr. Binns brought in his measurement, and they were hurried into a vote, and a sale, without due consideration, but the rights of the Corporation and the public were reserved. He was glad to hear that much of the difficulty would be saved. Mr. Edmund Sharpe had stated —

Alderman Bond here rose to order, (Mr. Clark's tone and manner displaying great irritation, if we may "take the liberty" to state what we could not help seeing.) The worthy Alderman said the time of the Board had been too much occupied with personalities, and their business would proceed more smoothly and more to the advantage of the public, if such discussions were avoided. The motion of Mr Jackson had been brought forward in a regular manner, and the matter seemed to be put on a footing that would lead to a conclusion; he therefore thought that what had been proposed and seconded should now go forward, and be conducted in a friendly manner.

Mr. C. T. CLARK.—But surely I may be allowed Mr. J. Greg thought it hard that the time of the Board should be uselessly taken up. Mr. Jackson had made a motion that seemed to go down with the majority, and he thought if they took it quietly the Company would meet them in a fair and handsome spirit. Mr. C. T. Clark, having succeeded in getting a hearing, expressed his concurrence in Mr. Jackson's motion, and a hope that the Company would meet them fairly.

Mr. HOWITT thought if they had the agreement before them they would have had a better chance of knowing what they were disputing about. If the Corporation had sold the land and neglected the rights of the town, their remedy would be against the Corporation, not against the Railway.

Mr Jackson's motion was then carried unanimously.

BOARD OF HEALTH

The board met on Monday. There were present the Mayor, Ald. Bond, Dunn, Robinson, and De Vitre; Councilmen-- Moss, Richardson, Wise, Coupland, and Dunn.

STATE OF THE STREET'S. — The Town Clerk read from the Surveyor's book of reports a long list of streets that require re-paving. — Mr. Ald Dunn thought a vast amount of paving would be required if the report was to be acted upon. He inquired whether repairs instead of re-paving were not meant. — The Surveyor replied that St. Leonard Gate and other streets required repaving altogether. To repair, he said, was of no use.-- The Mayor said the fact was that repairing had been postponed to await the issue of the water question, and every day the streets had been getting worse. — Mr. Richardson said Monmouth-street ought certainly to be repaved. — Mr. Wise would at once move that the surveyor's report be referred to the Committee of Works, in order that they might inspect the street and report. [It was proposed that the committee should have the power to order the necessary work at once, and Mr. Wise acceded. The motion, seconded by Mr. Ald. Dunn, was agreed to, and the committee arranged to meet in the afternoon of the same day to discharge the duty.]

THE STILES AND FOOTPATHS. --The Town Clerk next read the two following reports from the surveyor:

" Having examined the footpaths and stiles from Meeting House Lane, by the way of Abraham Heights to the township of Aldcliffe, I beg to report the stile entering to Abraham Heights is a half oval with a gate in the centre, so as just to prevent cattle from going through into the road from this stile to Sunny Side lane, there are three others all of which can be of no use to the public, being so very narrow and also very dirty on both sides, and not fit for any person to go through. There does not appear to be any footpath through any of the land, only seeing the stiles I should think from the dirty state which the land and the approach to the stiles are in at the present time, that the public seldom make use of those foot paths. From the road at the bottom of Abraham Heights to the township of Aldcliffe, the stiles are also very narrow, and dirty on both sides."

A conversation took place. The Mayor remarked that it was once decided that the footpath should run on the west side the railway to avoid crossing the line. — The Town Clerk, (allusion have been made to the matter) said Mr. Marton, the owner of the property, had at one time acceded to the diversion of the footpath, but finding that a fence was also required of him, withheld consent till £5 was allowed for the purpose —

[It was thought, as we understood, that Mr. Marton might be communicated with on the subject, which then dropped.] —

GALGATE, -- On Tuesday evening last, a public meeting was held in the large School Room, Galgate, to take into consideration, the propriety of establishing a "Public Footpath Protection Society."—The meeting came to the unanimous conclusion that such a Society was needed, especially at the present when some of the footpaths in the neighbourhood are in danger of being obliterated. A committee and suitable officers were chosen to carry out the objects of the Society.

NOTICE IS HEREBY GIVEN

THAT on the Seventeenth day of October next, application will be made to Her Majesty's Justices of the Peace assembled at Quarter Sessions in and for the County of Lancaster, at Lancaster, in the said County, for an order for turning diverting and stopping portions of a certain Public Footway situate in the Townships of Wennington and Melling with Wrayton, in the said County of Lancaster, and leading from Wennington to Wrayton; the portions such footway intended to be turned diverted and stopped up being as follows, that is say, commencing at a certain ancient Gateway leading out of the Highway between Wennington and Melling to certain Outbuildings attached to Wennington Hall, belonging to William Allen Francis Saunders, Esquire, and extending from such Gateway in a Northerly direction over certain Close Land called Wenning Sole, the said Township of Wennington, to a certain ancient stile the Northern corner of the same Close of land; thence in Northwesterly direction over other Inclosure called Rough Close, situate in the same Township of Wennington, to a certain other ancient Stile in the Fence the North-West side such last mentioned Close (such Fence being the boundary of the said Townships of Wennington and Melling with Wrayton); thence in a Northerly direction across another Inclosure called Stoneber Hill, situated in the said Township of Melling with Wrayton, to an ancient stile on the North side thereof, and thence over another Inclosure called Wrayton Close, situate in the last mentioned Township, by the side of the Fences the South and West sides of such Close another ancient stile leading into the Lane from Melling to Hill Top; all which above mentioned Closes of Land belong to the said William Allen Francis Saunders; and which portions of such Footway intended to be diverted and turned are as follow, that is to say, such diversion to commence (after passing for about the distance of eighty-nine yards along the said Highway from Wennington to Melling) the New Western Gateway, or entrance to Wennington Hall, and to extend in a Northerly direction over the said Inclosures called Wenning Sole and Rough Close till it shall reach the said ancient stile on the North-West side of such last mentioned Close; and thence (after passing along the said ancient Footpath over the Close called Stoneber Hill) in straight direction across the above mentioned Close, called Wrayton Close, to the said ancient stile leading out of such Close into the lane passing from Melling to Hill Top.

AND WE DO FURTHER GIVE NOTICE, that the Certificate of two Justices having viewed the same and found that the proposed new footway is nearer and more commodious to the public, with the Plan of the old and proposed new public footway, will be lodged with Clerk of the Peace for the said County on the Twelfth day of September next.

Dated this Eleventh day of August One Thousand Eight Hundred and Fifty-nine.

JOHN CARTER, Surveyor of the Township Wennington.

WILLIAM REMINGTON,

WILLIAM PARKER Surveyors of the Township of Melling with Wrayton

Local intelligence.

STOPPING UP AN ANCIENT FOOTPATH.—A short time ago, there existed an ancient footpath leading from the Furnace at Halton, passing Beaumont Cote, the residence of T. B Cole, Esq , and from thence to Bolton-le-Sands. The footpath though once much used, had now ceased be used by the public, and by resolutions of vestry meetings held in the parishes of Halton and Bolton-le-Sands, and in the township of Kellet, it was determined that the ancient footpath should be stopped up, it being more a nuisance than a benefit. This was done a few days ago, and to commemorate the event. T. B. Cole, Esq., invited the vestry in the several places named, on Thursday last.— Kellet at the house of Mr. James Townson; at Bolton-le-Sands. at the house of Mr Shaw, the Black Bull Inn: and at Halton, at the house of Mr. Robert Clark, the White Lion Inn. Here a most sumptuous dinner was provided, in the preparation of which Mrs. Clark's culinary skill was pre-eminently displayed, and the style of setting out the tables elicited the commendations of every one present. The guests numbered upwards of 50 and were presided over by Mr. Churchwarden Moore, the duties of the Viece- Chairman devolving upon Mr Walmsley. After the good things had been fully discussed, the usual loyal toasts were given from the chair, and several other complementary toasts followed interspersed with singing &c. A very pleasant evening was spent and the company broke up at an early hour. We ought to mention that John Swainson, Esq., of Halton Hall, attended the dinner, and though 82 years of age, carved one of the geese. Under the direction of Mr. Cole, the beef and soup which remained from the dinner were given to the poor of the parish, by them most thankfully received.

CORPORATE PROCEEDINGS

A quarterly meeting of the Town Council was held in the New Court Room, on Wednesday. Present: The Mayor (T. Storey, Esq.), Aldermen J. Greg, J. Williamson, H. Coupland, H. Welch, and T. Preston ; Councillors W. Bradshaw, W. Roper, S. W. Wearing, G. Cleminson, W. Towers, R Jackson, J. L. Bradshaw, T. Chippendall, T. Marshall, E. Clarke, C. Hartley, J. Williamson, jun , W. Hall, J. Fenton, and A. Seward.

The minutes of the previous meeting were read and confirmed, together with the , proceedings of committees, which included an increase of Is. per week to the wages of Police-constables Woodrow, Nevison, and Howson, on the score of merit, and in accordance with the recommendation of the Superintendent, Mr. Pye.

THE CONDITION OF "THE LADIES' WALK".

Mr Towers said he felt it his duty to bring under the notice of the Corporation the present state of the trees in the Ladies' Walk. He thought it was the duty of the Corporation to make this walk as attractive as possible, and, as the trees were altogether in a very dilapidated state. he should be glad to move it that the Corporation give power through some special committee to have the vacancies occasioned by the absence of trees where there ought to be some, filled up.

The Mayor quite agreed that it was very desirable to renew the planting of trees not only in the Ladies' Walk but in other places about Lancaster. Might he suggest, that a committee be formed, that they should rather enlarge than confine the operations of that committee, by giving them power to see to the planting of trees in other parts of the town site. He thought it might be done with very great advantage, whilst there could be no harm in attaching to that committee such powers of execution as he suggested.

Mr. Towers said he saw no reason why the committee should not extend their operations in that way, only there was the fact that time was pressing. If the Corporation agreed that it should be done, no time should be lost, and afterwards they might consider whether it was desirable to do like work anywhere else as well.

Mr. Bradshaw considered Mr. Towers was right in asking for a special committee for this work, because then it would get done, whereas, if powers were delegated to extend their operations to other places, the same promptitude of action would probably not be observed.

Mr. Ald. Greg thought that before they appointed any such committee it would be well to consider whether it was worth while doing the work at all. Was it not altogether in a ruinous and almost degenerate state, and not worth replacing; and again there was another consideration, that it was situated at the east end of the town, almost entirely populated by the working people, and used by them in passing to and fro to their work, so that it could hardly be made into a *ladies'* walk. Would it not be better to consider the desirability of making a walk at the south end, or south end or some other part of the town, which would be more acceptable to the public. Work of this character was expensive, and he was not at all sure that planting trees in the Ladies' Walk would be altogether satisfactory, for they would very probably be injured before they had stood long, and, in his opinion, in planting trees there they would not be performing an act acceptable to the public.

Mr. Towers said, it appeared to him that there was as much necessity, and more, for the cultivation of an attractive grove of trees as ever there was before.

Mr. W. Bradshaw said, in his childhood the Ladies' Walk was a favourite resort for nursemaids, ladies, and children, and families of every grade, but he quite agreed with Mr. Alderman Greg that the day had partially gone for a walk of that description in that neighbourhood. Since the establishment of the Wagon Works, that walk had ceased to be as attractive as before, and it was questionable whether there was the same desirability for its being made ornamental, especially as it could not be done without expense. If they appointed a committee, they would have to take into consideration the cost of the work, as well as what they proposed to do with it. He quite agreed with Mr. Ald. Greg that they could no longer call it a ladies' walk.

Mr. J L Bradshaw said that if the matter of embellishing the neighbourhood was to form part of the work of subcommittee, he should like to know if the Corporation had any power to deal with that piece of land opposite the workhouse and adjoining the late Ald. Brockbank's property. He thought it might be made very beautiful if it was laid out as a sort of park, and it would certainly be a preliminary step towards making the Moor into a

park as it was proposed to do eventually. Unfortunately, they had no power at present, but he thought it could be made into a Very attractive spot. As it was, it was very much frequented by the people of the town in summertime. [Mr. Bradshaw was informed that it was not their property to do what they liked with.] Mr. Towers said he thought it ought not to be lost sight of that the Ladies' Walk, so-called, was the property of the Corporation, and if the Corporation had duties devolving upon them more than others it was certainly their duty to look after their own property.

After a few remarks from Mr. Williamson, junr., as to other suggested improvements, and to the desirability of finishing one job at a time,

The Mayor said it was certainly a pity to see the old trees dying out without any effort being made to renew them.

Mr. Ald. Welch said the Ladies' Walk was in a condition that was a disgrace to the owners, and it wanted something setting right. It was unfortunate that it did not get the attention given to it that it deserved. It was called the Ladies' Walk, but were they to treat it as if it was only intended for ladies, and now that the ladies did not go there to utterly neglect it. A great many people walked there still, and if it was for nothing else but that, it was their own property and they ought to see it kept in a decent condition, and it was really desirable that it should be done. He had had his attention drawn to it, and it certainly was in such a disgraceful condition as to cast a reflection on the Corporation that they should allow such a nice walk to get into such a state without making some attempt to renew it. He would second Mr. Tower's proposition.

Mr. J. L. Bradshaw said, if a committee was formed, he would suggest that when they resolved to beautify the Ladies' Walk, they should continue the footpath similar to the one by the side of the river to the Aqueduct.

Mr. Bradshaw was reminded that the property he referred to did not belong to the Corporation.

Mr. Towers said the Corporation property ceased at the end of the Ladies' Walk.

Mr. W. Bradshaw said there was nothing to prevent Mr. Bradshaw continuing the walk if he chose to do so as a private enterprise. (Laughter.)

After some conversation as to whether it was desirable to appoint a special committee for the purpose,

Mr. Ald. Greg said, there were a certain number of trees in the Ladies' Walk which might be saved by care, and if protected now they would serve as monuments of former days to another generation, but the principal of them were so shabby that they ought to be removed. They no doubt ought to keep the walk in order, but they had an objection to planting trees, for to plant trees and protect them was expensive work, and a distressing process in the face of the wanton mischief which was constantly being done to trees. They could plant them, but they would have a deal of trouble and annoyance with them, and in twenty years their trees would be utterly destroyed. Besides, it could never again be regarded as a parade for the public, for what with the railway at one end and the Wagon Works at the other, anything like privacy or quietude was impossible. Any labour they might be disposed to exert in this direction had far better be expended on the Moor Road, or on the south and west sides of the town, the east end not being adapted for the requirements now demanded. He should certainly not advise the planting of trees at the east end for the reason that they would be injured and destroyed.

Mr. Ald. Williamson said if the body corporate was very rich they might be enabled to do many desirable things. but seeing that they were not, and moreover, contemplated great alterations and improvement in the interior of the town upon which a large amount of money must necessarily be expended in order to carry them out, he hardly thought the Corporation was in a position to take new work of this kind in hand. Of course it was very desirable that it should be attended to, and after the accomplishment of the work they were really bound to do in the town, they might then think of turning their attention to the suburbs, and so improve them in the way suggested by Mr. Towers, but until the town was put into a proper sanitary condition, and the contemplated new streets were formed, it would be quite as well he thought if they suspended any proposed operations in the suburbs of the town.

Mr. Ald. Preston thought this was a matter that required attention at once, and should not be put off to an indefinite period in any such way as seemed to be the wish of some of the Corporation. The very fact that it was their own property and constantly in use, even though it was principally used by the workmen of Wagon works, was sufficient to require that this walk should be kept in such order as to make it reasonably passable. If it was not thought desirable to plant a few trees, they ought, at any rate, attend to the walk itself. He should

move that the matter be referred to the Improvement Committee, with instructions to give it their immediate attention.

Mr Roper seconded the amendment, saying that he thought attention should be paid to matters of this description. As one of the proprietors of the gas works perhaps he ought not to suggest it, but still it seemed to him highly desirable that the Ladies' Walk should be lighted. A lamp would be some protection down there to the trees themselves; for he could very well imagine that the injury done to the trees was done in the dark, and it would not be amiss if a policeman would walk down occasionally of a dark evening, and see if he could not catch some of them at their wanton mischief.

Mr. W. Bradshaw said the trees that were so injured could easily be removed, and would pay for their removal.

Mr. Jackson said, having an eye to economy, he thought the alterations required in the Ladies' Walk might be made without any expence to the Corporation. There were several trees, which, if removed, would more than reimburse the Corporation for any expense they might be called upon to incur in respect to them, and a few trees might be planted in their stead which would not entail any very great cost or trouble to the Corporation. He was rather inclined to say that if the same committee would take into consideration the state of Castle Park, which was in the same category, and remove some of the trees there and plant a few shrubs, they would do work which was very desirable.

Mr. Towers said he confined himself to the Ladies' Walk, and one of the reasons why he had called attention to it was the fact that it was used by the working people. He could not admit that this was any reason why it should so neglected and left in a state that was no credit to the Corporation. His object in bringing the subject forward was that attention should be directed to it, and that it should be made as if it belonged to somebody. He would plant trees, and if they were destroyed by the boys, he would re-plant others.

Mr. Clark asked what would be the cost of a few trees.

Mr. W. Bradshaw said it was not first the cost they had to consider. The main cost was in protecting the trees from injury.

Mr. Ald. Greg said that they would be destroyed was certain if they were to judge by the fountains that had been placed in different parts of the town which had all been rendered useless. Could they expect trees which required from 20 to 50 years to arrive at maturity would be treated much better.

The Mayor said he was favourable to Mr. Towers motion, if it was only for the fact that some coercive measures might be adopted with respect to those mischievous boys. There was no reason why boys should mutilate trees or be allowed to do so. In London there were trees planted along the whole length of the new Thames Embankment, yet there was no such thing known as the trees being mutilated. In Manchester, Liverpool, and other large towns, but more particularly in the cities of the Continent, where there were large number of trees in public places, no such thing was heard of. Therefore as a matter of coercive education, he should like to see the experiment tried in Lancaster.

Mr. W. Bradshaw said they had tried it at St. Thomas', and they were not content with mutilating them they broke them down altogether.

Mr. J. L. Bradshaw gave another instance of some trees belonging to the Misses Chippendall, at Kellet Croft, being destroyed by having the boughs torn off.

The Mayor said if the attention of the public was directed to the matter, and everyone was to act as a policeman in this matter, bringing every such case to the magistrates, there would soon be an end put to that state of things.

Mr. Ald. Greg said there was a great deal of mischief always done in small towns, and particularly villages, whilst less was done to larger towns. There was twice as much mischief done in places like Lancaster than in Manchester, and still less in London. His conclusions upon this fact led him to believe that the police might be directed to exercise a much stronger coercion on the conduct of lads in Lancaster than was exercised at present. He had seen the children of the streets throw stones at a passing carriage with the intent either to injure the horses or carriage. This kind of thing ought to be stopped. If they looked at the water fountains in most towns they saw them protected and allowed to remain doing good and useful service. He believed there was not one

in Lancaster which had been allowed to remain, and it was a disgrace to the police and to our municipal management that it should be so.

The matter was referred to the Improvement Committee to consider the best mode of putting in better condition the Ladies' Walk.

CORRESPONDENCE.

A FOOTPATH PROTECTION ASSOCIATION.

To the Editor of the Lancaster Gazette.

Sir,— I was glad to see the article in the Gazette of Saturday respecting the preservation of the rights of the public in the ancient footpaths which run through some of the most pleasant spots to be found in this district. I hope your suggestion may take a practical shape, and that "A Footpath Protection Association" may be formed before many days are over. Let a requisition be got up to the Mayor, asking him to call a public meeting. A President and officers, with a strong committee could then be formed, and funds obtained wherewith to protect our rights. United we can maintain our rights. Without organisation we shall lose them for ourselves and our children after us.

—Yours faithfully,

A RAMBLER.

[Our correspondent will doubtless be glad to hear that preliminary steps are being taken with a view to the formation of such an association as the one suggested.]

PUBLIC FOOTPATHS.

To the Editor of The Lancaster Gazette.

Sir,—For many years past I have been in the habit of enjoying walks along the banks of the Lune, to Caton, and back by the road. I find now a notice put up on this way, threatening me with pains and penalties if I continue to do so and a gamekeeper to stop the way. There is also a footpath that used to be much used in old times from near the old toll-bar to Grassyard, another from Caton to the rifle butts on the Moor, both stopped, I believe, illegally. Can nothing be done to keep to me and the rest of the public our old rights? Yours faithfully,

PERAMBULATOR.

THE CROOK OF LUNE FOOTPATH

To the Editor of the Lancaster Gazette.

Dear Sir,---Several letters have appeared in your paper during the last few weeks on the subject of the attempted closing of the above-named footpath; and no doubt there is a very strong feeling aroused in Lancaster and the neighbourhood with a desire that steps should be taken for the purpose of maintaining what is undoubtedly a public right.

I am glad to see that such a feeling is invoked, as we have not so many footpaths left that we can afford to lose them—especially one of the loveliest.

Many less frequented ones have been closed simply for want of a little public spirit. There was a foot-path from a point near the old Race-course to the road near the residence of Mr. Garnett. I have used it frequently—but it is now several years ago—and I have no doubt that it was a public one. And it may become a question as to whether that right --(if it did belong to the public),—is completely lost.

I have been informed by several persons who know the neighbourhood well that there is a public bridle-path through the Quernmoor Park estate—from a point near the old Turnpike Gate at Bulk to the Quernmore high-road near Grassyard Hall: and that a gentleman in the neighbourhood has used it once annually—at least—to present its being lost. I cannot vouch for the correctness of this information. but it can, no doubt, be ascertained.

The right of the public to this —the Crook of Lune footpath,—has not been disputed by the former owners of Scarthwaite nor by Mr. Greg, who owns the land through which it passes in continuation to Penny Bridge road, and one is curious to know by what law—more or civil—Mr. Garnett has arrived at the conclusion that he can set aside what his predecessors in the ownership never dreamt of doing.

I have gone over frequently without interruption for nearly forty years, and it has been used by the public without let or hindrance within the memory of the oldest inhabitant.

It is pleasing to note that Mr Garnett's neighbour—Mr Greg—a gentleman who is justly held in honour-- has done by removing the fences. which surrounded his beautiful park and replacing them with iron hurdles—thus opened it out to the view of the public.

These are not times for restricting the freedom of the public in any sense. Do we not see our noblemen throwing open their parks and mansions to the artisans of our large towns; and have we not public parks provided in many instances by the liberality of our wealthy commoners?

One would fain hope that Mr Garnett. would graciously resign his proposed claim by taking down the obnoxious boards and restoring the stiles to their former state.

If not, I would propose that a committee be formed for the purpose of taking such steps as may be considered desirable for maintaining its use.

I enclose my card, and shall be glad to co-operate with any gentlemen who are willing, and anxious to see it.

IN STATU QUO.

---the use of ancient footpaths is just now attracting considerable attention in Lancaster. For several weeks past our correspondence column has afforded evidence of the interest taken in this question. Whether or not the claims set up on behalf of the public, in the particular cases referred to, can be substantiated, we do undertake to say, but of this there can be no doubt, that the law clearly defines and protects the right of the people to the free and uninterrupted use of footpaths where user from time immemorial can be established. But unhappily we have no legal or civic functionary delegated with authority to protect and maintain the people's rights, and they can only be upheld by the energetic and persistent action, of private persons. And we need hardly point out the fact that law is an expensive

luxury in which few people can afford to indulge. Neither can we expect private individuals to undertake the responsibility and risk of protecting the public rights at their sole cost, And hence it comes, in the matter of maintaining such rights as those to which we now refer, that what is everybody's business is left undone, and landowners are allowed to do pretty much as they wish. There is no disputing the fact that footpaths are frequently a nuisance and a source of much damage to land through which they pass. Thoughtless persons will wander off the paths and encroach upon private rights, but the owners have a remedy in the law, which shields alike public and individual interests. The landowner, however, has the advantage of position. He is personally and pecuniarily interested in the protection of his property, whereas the rights of the public are practically left uncared for, except in rare cases where associations exist for the purpose of preserving such rights. A suggestion has been made for the formation of a "Footpath Protection Association" in this town, and keeping in view the disputes now pending as to the rights of the public over certain land in the immediate vicinity of Lancaster, we cannot but think that such an organisation is highly desirable. A President and active committee are wanted to take the matter in hand. Where are they?

A FOOTPATH PROTECTION ASSOCIATION.

To the Editor of the Lancaster Gazette.

Sir,—I was glad to see the article in the Gazette of Saturday respecting to preservation of the rights of the public in the ancient footpaths which run through some of the most pleasant spots to be found in this district.

I hope your suggestion may take a practical shape, and that "A Footpath Protection Association" may be formed before, many days are over. Let a requisition be got up to the Mayor, asking him to call a public meeting. A President and officers, with a strong committee could then be formed and funds obtained wherewith to protect our rights. United we can maintain our rights. Without organization we shall lose them for ourselves and our children after us.

Yours faithfully,

A RAMBLER.

[Our correspondent will doubtless be glad to hear that preliminary steps are being taken with a view to the formation of such an association as the one suggested.]

THOMAS JOHNSON.

Lancaster, 13th May, 1878.

A FOOTPATH PROTECTION ASSOCIATION.

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A CORRECTION.

LOCAL INTELLIGENCE

THE PRESERVATION OF FOOTPATHS. — We understand that a preliminary committee has been formed, and that a meeting will be held early next week, with the object of forming an association for the preservation and protection of the rights of the public in the footpaths in the neighbourhood of Lancaster.

THE PRESERVATION OF FOOTPATHS
FORMATION OF A FOOTPATH PROTECTION SOCIETY.

On Monday evening, a meeting, convened by circular, was held in the Town Hall to consider the desirability of forming a Society for the Preservation and Protection of Footpaths. The meeting was large and representative in character, and was called by the Mayor (Mr. Seward) in compliance with a request from a numerous body, "comprising all ranks of the inhabitants of Lancaster and neighbourhood" who take an interest in the question, in the absence of the Mayor, Mr. Ald. Welch (deputy mayor) presided, and there were also present — the Rev. J. Francis, the Rev. D. Davis, the Rev. W. M. Ainsworth, Mr Cllr. Johnson, Dr. Harker, Mr Richard Hall, Mr Councillor Cleminson, Mr Councillor Jackson, Mr Councillor Towers, Mr Baker (Caton), Mr W. Barrow, Mr W. King, Mr W. Parker, Mr R. Cleminson, Mr N. Molyneux, Mr T. Bell, Mr R. Whiteside, Mr R. Parker, Mr J. Kitchen, Mr Foxcroft, Mr R. Baxter, Mr J Wells, Mr John Lamb, Mr Webster. &c.

THE CHAIRMAN, in opening the meeting, explained that the Mayor was unavoidably absent, and had delegated to him, as his deputy, the duty of presiding over the meeting. He expressed his sympathy with the objects of the promoters of the gathering, and said it was very important that the rights of the public with respect to the footpaths should be carefully preserved. He knows of no district in the country that was more interested in this question than Lancaster, seeing that there were so many delightful walks in the neighbourhood. He then called upon the Rev. D. Davis to explain the objects of the promoters of the proposed Association.

The Rev. D. Davis said the object which had called them together was set forth in the heading of the circular convening the meeting, and was the preservation of footpaths, in which the inhabitants of this ancient borough were interested. They had met in the interests of the community, and they could have no worthier object than the preservation of rights so conducive to the welfare of the population. There were so many unhealthy influences acting upon our town populations that it was of the utmost importance that those that were of a healthy and elevating character should be fostered and preserved to the utmost of their power. They had to treat the question that night in an abstract form. They were met together with the object of taking measures for the general preservation of footpaths. Unhappily, it was not without some scruples on the part of some members of the community that action was taken, because it was alleged that they were liable to trespass on the rights of property. Footpaths occupied a certain portion of ground, and as far as they crossed the property of private persons they did go upon private interests, but, inasmuch as these footpaths were public property, they whose lands they crossed were to a certain extent trustees to the public (Hear, hear.) Their object was to maintain and preserve this property to the public. There was no question that footpaths were a nuisance to the proprietors of lands "which they crossed, and there were some members of the community who did not respect the rights of landlords and trespassed unduly, but that fact should not prevent those who innocently exercised their privileges from the enjoyment of their rights over public footpaths. He did not know that he need enter more largely upon this part of the subject. There could be no doubt that the question was of great interest and affected the welfare of the community. Whoever shut out that community from the enjoyment of the delightful privilege of crossing a beautiful country and enjoying the beauties of nature upon his domains, when the privilege was exercised in a proper manner, committed a great wrong. Objection could only arise from the abuse of a public right by thoughtless persons, and he thought an association of the kind they proposed to establish would be a protection against such abuses and so far welcome to land-owners. There was another point should be borne in mind. If footpaths were detrimental they were taken along with the land, whether purchased or inherited. No doubt footpaths in the immediate neighbourhood of towns were a source of serious annoyance to owners and occupiers of land, but the object or the promoters of that meeting was not to encourage trespassers, but to secure the enjoyment of a country walk, in a reasonable and rational manner. It was a difficult thing to maintain these rights without some organisation. What was everybody's business was nobody's business, and it had been thought right to form a society to act wherever it was found necessary to defend and maintain the public rights. The Mayor had been memorialised to call a meeting on the subject, and the present gathering was

the result. Their object was — first, the preservation of existing footpaths in the neighbourhood of Lancaster; second, to use what influence they possessed in making those footpaths more convenient to the public; and the third to raise the necessary funds to carry out the purposes of the society. (Applause.)

THE MAYOR called upon Mr C. Johnson to move the first resolution.

MR JOHNSON said he had been requested to attend that night, by circular, in the same manner as most of these present and knew very little more about the proposed organisation. Mr Davis had gone very fully into the object of the proposed association, and it was not necessary for him to say much. He felt it a privilege to meet so many of his fellow-townsmen on an occasion like the present, when a certain amount of hostility was displayed and it was necessary to stand forward and defend the rights of the public. He was sorry there was a necessity for such an organisation as the one they proposed to establish. A certain stigma rested upon them if they failed in their duty in a matter of this kind. He considered the closing of footpaths was a retrograde movement. Instead of curtailing the rights of the public, gentlemen generally showed a disposition to give facilities to the public for reasonable enjoyment. No doubt the maintenance of public rights to footpaths was desirable on moral grounds. A walk in the open country rather than about the streets of towns was likely to be much more beneficial, and now that the hours of labour had been much curtailed, when the town was becoming more thickly populated, and the open spaces appropriated and filled up, it was more desirable than ever to prevent any encroachment on their rights to enjoy the open air and the pleasure of a walk in the open country. (Hear, hear.) He had on these grounds very great pleasure in proposing that it was desirable that an association for the protection of footpaths be formed. (Applause.)

MR TOWERS seconded the motion. He took a warm interest in the question. He thought if they submitted quietly to lose their privileges in respect to the use of footpaths they would not be doing their duty. He thought if they had an association it might result in not only preserving their rights but also in getting some of the footpaths put into better order. (Hear, hear) He was not prepared to define the rights and duties of property, but he believed one of the duties was to keep footpaths in a proper state.— The resolution was put and carried unanimously.

DR. HARKER proposed the next resolution, that the society be called "The Lancaster Footpaths Protection and Preservation Society." He said Mr. Davis had so fairly put before them the question as it affected the public and the landowner that he did not wish to add anything to the remarks made on that subject. The question should be looked upon at both sides, but it seemed to him that the public rights deserved their best attention, especially just now when they knew they had been invaded. He should be very sorry if this invasion of their rights led to legal proceedings, but, any gentleman who put impediments in the way of the public exercising their rights, put himself in the wrong, and if he persisted on depriving the public of their rights the question could only be settled by a legal decision. It would be much better that the question should be pressed upon the owner of the land with the view to induce him to acknowledge the public rights, but if this plan did not succeed there was no alternative but to have the question settled by recourse to law. He knew how much these rights was abused, but it was for the sake of the health of the people that they should sustain these rights. It was most grievous that the quiet enjoyment of their privileges should be interfered with, and the only course open to them was to unite for the protection of their rights. The fact that they had met together to discuss the question and had formed an association would go forth to the public through the newspapers and perhaps no further steps would be necessary. But if it were found necessary to take any further action in the matter it must be done with energy and spirit. Whatever was the immediate result such an association as they proposed to form would have a great moral influence. They might be quite sure that any man who did wrong and took away the privileges of the people would meet with retribution, and that it was quite certain that he would ultimately regret that he had done such an evil. He had great pleasure in proposing the resolution. Mr. Baker seconded, and the motion was carried unanimously.

THE REV J. FRANCIS said he had not come prepared to speak; he had come to listen and to learn. He had been aware for some time past, through the public newspapers, that the people of Lancaster and the neighbourhood had a grievance with respect to certain footpaths. He did not know who was the aggressor, but he concluded there was a grievance, because if there was a right of way through certain properties he felt it was altogether wrong to try and interfere with that right of way; and when he received the Mayor's request to be

present at that meeting he determined to attend, because he sympathised with the proposition and desired to know what was going on, what steps were to be taken to preserve the right the public to those footpaths. Mr. Davis had referral to trespassers. There was no doubt that was very common, but they had no sympathy with trespassers, and he thought if landowners stole public footpaths there would be still more trespassing. This was a question of right and wrong. The land's proprietor, whether he held his property by purchase or inheritance, held it with certain disadvantages when there was a right of footway to the public if he held it by purchase it was only fair to assume that he had examined it and ascertained the condition under which it was to be sold, and if there was a foot path he would consider it was not worth so much in that account, and he would get it at a lower price. If he afterwards tried to remove that detriment and to infringe on the rights of the public he committed wrong, and should be opposed. It was desirable that they should make a firm stand in this matter. If they lost their rights in one case they might not in another. Mr. Francis then referred to the care that was taken to prevent the public obtaining rights on private property, and expressed his hearty sympathy with the object of the meeting, and concluded by proposing that the Mayor be requested to fill the office of president of the society. (Applause.)

MR. GEO. CLEMINSON seconded the motion, which. was unanimously adopted.

THE REV. W. M. AINSWORTH proposed Christopher Johnson, Esq , be requested to fill the office and discharge the duties of vice-president

MR. MOLYNEAUX seconded the motion, and laid upon the meeting the necessity of taking a decided stand in maintaining the rights of the public, if it believed if only a strong committee with adequate funds raised, there would be no difficulty in protecting those rights. The motion was put and carried by acclamation.

MR. JOHNSON said he took great interest in the question and should be glad to give any aid in his power.

MR R. JACKSON proposed that Mr Cleminson be asked to undertake the duties of treasurer, and he took the opportunity of saying that he thought that wholesome pressure brought to bear upon the Lancaster Corporation in respect to footpaths about the town might have a good effect, and he referred to the condition of the path in Milking-stile Lane and the condition of the paths on the south-west side of the town.

MR WHITESIDE seconded the motion, which wasunanimously agreed to, and Mr. Cleminson undertook to accept the office of treasurer.

MR W. BARROW proposed that Mr Davis be appointed honorary secretary to the society.

MR T. WELCH seconded the motion, which was carried unanimously.

THE REV. D. DAVIS accepted the position, but said he would have much preferred that they had appointed a younger man.

MR RICHARD CLEMINSON proposed that the committee be constituted as follows, with power to add to their number :— Dr Harker, and Messrs. J. Kitehot Baker, X. Whiteside, F. G. Dale, J. Foxcroft, W Parker, Jos. Hemingway, and R. Parker. He said that he felt great interest in the question, and thought the present generation had hardly done their duty in protecting the rights of the public. The facilities he enjoyed as a boy were considerably curtailed for his boys, and it became a serious question what they were to do for recreation ground for children.

MR. S. SLINGER seconded the motion.

The meeting appeared to be of opinion that the committee was too small, and the following name, were added:— Messrs. R. Cleminson, R. Atkinson, W. King, Rev. J. Francis, Captain Briggs, W. Barrow, R. Hall, R. Baxter, R. Palmer, J. Watson, R. Satterthwaite, and Rev. W. M. Ainsworth.

On the motion of the Rev. D. Davis. Mr. Alderman Welch was appointed a vice-president, in conjunction with Mr. Christopher Johnson. In accepting the duties Mr, Welch urged the necessity of obtaining a good balance at the bank for supporting the objects of the association.

A vote of thanks to the Chairman for presiding brought the proceedings to a close.

THE LANCASTER PUBLIC FOOTPATH I PRESERVATION AND PROTECTION SOCIETY.

At a meeting called by the Mayor, in compliance with a numerously-supported requisition, and held at the Town Hall on Monday, May 20th, 1878, a society with the above title was formed to secure the following objects : —

1. The protection and preservation of existing footpaths in Lancaster and the neighbourhood.
2. To use its influence in making them more convenient to the public.
3. To raise the requisite funds for those purposes.

PRESIDENT :

The Worshipful the Mayor (A. Seward, Esq.)

VICE-PRESIDENTS :

Christopher Johnson. Esq., J.P. Mr. Alderman Welch.

Hon. Treasurer : Councillor George Cleminson.

Hon. Secretary : D. Davis.

COMMITTEE :

Ainsworth, Rev. W. M. Harker, Dr. Atkinson, R. Hemingway, G. Baker, E. M. King, W. Barrow, W. Kitchen, J. Baxter, R. Palmer, R. Briggs, Captain Parker, R. Cleminson, R. Parker, W. Dale, F. G. Satterthwaite. R. Foxcroft, Isaac Towers, Councillor Francis, Rev. James Watson, J. Hall, Richard Whiteside, R.

Subscriptions and Donations will be received by the several officers and members of Committee, or by either of the Lancaster Banks.

THE LANCASTER FOOTPATHS PROTECTION SOCIETY

A meeting of the members of the above society was held in the Mayor's Parlour, at the Town Hall, on Monday evening, to consider the rules prepared by the committee, and to decide whether legal proceedings should be taken for the maintenance of the public rights over the Crook-of-Lune footpath. It will be remembered that the society was formed in consequence of the agitation which arose on the stoppage of the footpath named. In the absence of the Mayor, who was engaged in another room on town's business, Cllr. Johnson, Esq., was voted to the chair. Mr. Tilly, solicitor to the society, was present.

The Chairman having briefly stated the objects of the meeting,

The Rev. D. Davis (hon. sec. of the society) explained the action of the committee since its formation. He said it would be remembered that the society was formed at a meeting held in the Town Hall on the 20th of May last. At that meeting a strong committee was formed and authorised to take measures for organising the society. That committee had met several times, and also as represented by sub-committees, one of which was appointed to draw up carefully a code of rules. The question had been elaborately gone into, and great pains had been taken in drawing up the rules, and they had been subsequently read to the full committee and passed after some slight modifications or alterations had been made in them. The first business that night was to lay those rules before the members for their approval. or modification as the case might be. —Mr. Davis then read the rules at length, one of which provided that, before any legal proceedings are taken in any matter affecting the objects of the society, the opinion of the members, regularly summoned for the purpose, shall be taken.

No objection was raised to any of the rules as submitted by the committee, and a resolution, moved by Mr. George Cleminson and seconded by Mr. Spears, was passed unanimously, approving and adopting the rules.

THE STOPPAGE OF THE CROOK-OF-LUNE FOOTPATH

The Honorary Secretary said there was another matter it was his duty to lay before the members of the society. He referred to the footpath along the bank of the Lune, the stoppage of which had been a source of disappointment and regret to many persons. The members of the committee were aware that there had been a strong desire on their part to avoid anything like a hostile attitude to Mr. Garnett, who was responsible for the stoppage of the footpath in question, and they opened communications with that gentleman and had a conference with him in that room, the society being represented by its two vice-presidents and himself (Mr., Davis) as secretary. They went over the matter very fully, and Mr. Garnett expressed himself as very unwilling to entrench upon any public rights, if there were any; and also, as equally unwilling to lose any right which might properly belong to the estate. He fully appreciated the motives of the committee as representatives of the public. The conference was very friendly, but did not lead to any result, because upon the fundamental point they were diametrically opposed. Mr. Garnett, however, expressed himself willing to cede any public right if it was clearly made out to him by proper means. In consequence of that decision they felt bound to take measures for procuring evidence to enable them to arrive at a conclusion which would be satisfactory to them as well as to Mr. Garnett, and Mr. Tilly was authorised by the committee to collect evidence on the point in dispute, and a sub-committee was appointed to co-operate with him. A considerable amount of evidence had been obtained which fully confirmed the view taken by the committee as to the existence of a public right over the footpath in question. Subsequently Mr. Tilly was authorised to take counsel's opinion on the matter at issue, and though the committee regretted to have to go to such an expenditure of trouble, and what trouble necessarily brings, yet they felt there was no other course open to them. The case and the evidence were laid before counsel, and the opinion given fully justified the position they had hitherto taken up in the matter.

The committee had authorised Mr. Tilly to communicate with Mr. Sharp, as Mr. Garnett's legal representative, informing him that the committee had satisfied themselves of the existence of a public right, and suggesting that a similar investigation on his part would lead to a like result. No answer had been received to that communication, and so the matter stood at present.

The Chairman explained that there had been a meeting of the committee that evening, when counsel's opinion was read and considered, and perhaps the secretary would read the resolution come to after hearing the opinion of counsel.

The Hon. Secretary read the resolution as follows: —

"That counsel's opinion upon the Scarthwaite footpath having been read by Mr. Tilly, the committee hereby recommend to the society that proceedings be taken for the maintenance of the public rights" — He added, that according to the rules which had been read and passed that evening, the committee had no power to take legal proceedings without the sanction of the members of the society, and it was therefore for that meeting to decide whether proceedings should be taken or not.

Mr. Spears asked what were the nature of the proceedings the committee proposed to take; whether it was intended to proceed by indictment or simply to remove the obstruction and leave Mr. Garnett to take his own course.

The Hon. Secretary explained that this part of the question had been fully considered, and counsel's opinion had been taken upon the point raised by Mr. Spears. It would be readily seen that it would be in-judicious to raise that question at that meeting, and he pointed out that the rules of the society conferred upon the committee full power to take whatever course they thought necessary, after the members had determined that legal proceedings should be taken. The point they had to consider was, whether the public rights were to be maintained by the society in this particular case, and as the committee could "not take any proceedings without the sanction of the society", be presumed the members would trust the committee not to do anything which would be a discredit to them or interfere with their rights or their pockets without proper consideration.

Mr. Spears then moved a resolution to the effect :

"That this meeting approves of the recommendation of the committee, and authorises the committee to take whatever legal proceedings they may consider necessary to maintain the public rights over the footpath in question."

Mr. Jas. Leak seconded the motion, which was carried unanimously.

The Secretary suggested that a Book of Records should be obtained for the use of members, in which might be recorded and certified from time to time, any user of footpaths coming within the limits of the society's operations. Such records might be of great use in the future. — The suggestion met with general approval.

Mr. R. Cleminson pointed out the necessity of obtaining the cooperation of persons residing in outlying townships, such as Galgate, Scotforth, and Morecambe.

On the proposal of Mr. Spears, it was agreed that a card of membership should be given to each subscriber, as a receipt and certificate of membership.

A vote of thanks to the chairman closed the proceedings.

A committee meeting was subsequently held to confer with the solicitor as to the next step to be taken.

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The Chairman- having briefly stated the object of the meeting,

The Rev. D. Davis (hon. sec. of the society explained the action of the committee since its formation. He said it would be remembered that the society was formed at a meeting held in the Town Hall on the 20th of May last. At that meeting a strong committee was formed and authorised to take measures for organising the society. That committee had met several times, and also as represented by sub- committees, one of which was appointed to draw up carefully a code of rules. The question had been elaborately gone into, and great pains had been taken in drawing up the rules, and they had been subsequently read to the full committee and passed after some slight modifications or alterations had been made in them. The first business that night was to lay those rules before the members for their approval or modification as the case might be. —Mr. Davis then read the rules at length, one of which provided that, before any legal proceedings are taken in any matter affecting the objects of the society, the opinion of the members, regularly summoned for the purpose, shall be taken.

No objection was raised to any of the rules as submitted by the committee, and a resolution, moved by Mr. George Cleminson and seconded by Mr. Spears, was passed unanimously, approving and adopting the rules.

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THE HON. SECRETARY read the resolution as follows : — "That counsel's opinion upon the Scarthwaite footpath having been read by Mr. Tilly, the committee hereby recommend to the society that proceedings be taken for the maintenance of the public rights" — He added, that according to the rules which had been read and passed that evening, the committee had no power to take legal proceedings without the sanction of the members of the society, and it was therefore for that meeting to decide whether proceedings should be taken or not.

Mr. Speaks asked what were the nature of the proceedings the committee proposed to take; whether it was intended to proceed by indictment or simply to remove the obstruction and leave Mr. Garnett to take his own counsel.

THE HON SECRETARY explained that this part of the question had been fully considered, and counsel's opinion had been taken upon the point raised by Mr. Spears. It would be readily seen that it would be injudicious to raise that question at that meeting, and he pointed out that the rules of the society conferred upon the committee full power to take whatever course they thought necessary, after the members had determined that legal proceedings should be taken. The point they had to consider was, whether the public rights were to be maintained by the society in this particular case, and as the committee could not take any proceedings without the sanction of the society, he presumed the members would trust the committee not to do anything which would be a dis- credit to them or interfere with their rights or their pockets without proper consideration.

MR. SPEARS then moved a resolution to the effect: " That this meeting approves of the recommendation of the committee, and authorises the committee to take whatever legal proceedings they may consider necessary to maintain the public rights over the foot- path in question."

MR. JAS. LEAK seconded the motion, which was carried unanimously.

THE SECRETARY suggested that a Book of Records should be obtained for the use of members, in which might be recorded and certified from time to time, any user of footpaths coming within the limits of the society's operations. Such records might be of great use in the future. — The suggestion met with general approval.

MR. R. CLEMINSON pointed out the necessity of obtaining the co operation of persons residing in out-lying townships, such as Galgate, Scotforth, and Morecambe.

On the proposal of Mr. Spears, it was agreed that a card of membership should be given to each subscriber, as a receipt and certificate of membership.

A vote of thanks to the chairman closed the proceedings.

A committee meeting was subsequently held to confer with the solicitor as to the next step to be taken.

FOOTPATH PROTECTION ASSOCIATION.

The first annual meeting of the Lancaster Public Footpath Protection and Preservation Society was held in the Town Hall on Wednesday evening. There were present— the Mayor, Rev. D. Davis, Rev. J. Francis, Messrs. A. Seward, G. Cleminson, R Palmer, R. Hall, R. Cleminson, G. Spear, W. H. Winder, R. Whiteside, W. King, E. Johnson, J. Atkinson, N. Molyneux, and J. Kitchen, Mr A. Seward occupied the chair. The Rev. D. Davis read the minutes of the last meeting, which were confirmed.

The Chairman said the first business before the meeting was the election of officers, and the first officer to be appointed was the president for the year. He should be glad to propose that the Mayor be the president of the society for the coming year.

Mr G. Cleminson seconded, and the motion was carried unanimously.

The Chairman said the next business was the election of vice-presidents. Those appointed last year were Mr C Johnson and Mr Ald. Welch. Mr R. Cleminson said although there was nothing said about the matter, he believed it was the wish of several members of the society that the ex-Mayor should be a vice-president.

The Rev. D. Davis said there was no limit to the number of vice-presidents, and he was sure that they would not be satisfied unless they had the Chairman in a responsible position in connection with the society, and if they would allow him he would propose that the present Chairman, along with Mr Johnson and Mr Ald. Welch, be appointed vice-presidents for the coming year. The Chairman said he should be glad to act in the best way he could in the matter, and if it was thought desirable to add another to the vice-presidents, he had no objection to that.

Mr G. Cleminson seconded, and the motion was carried. The Chairman said the next officer to appoint was the hon. treasurer, which last year was Mr G. Cleminson. There could only be one opinion as to who should be appointed to that office if Mr Cleminson would kindly accept that office again. There was also the appointment of the hon. secretary. The Rev. D. Davis was the present secretary, but he did not know whether that gentleman would again accept the office.

The Rev. D. Davis said he should be very glad to continue his services as far as he had been able in the same manner to serve the society hitherto. That was until a solicitor was appointed to act as secretary, a proceeding which he thought was quite essential on the part of the society, They ought to have a legal adviser as secretary. He (Mr Davis) felt himself in-competent to the duty, and was of opinion that a solicitor should be appointed, who should be paid a sufficient remuneration for his services, but until the society saw its way clearly to take the step he should be glad to give his services as hitherto.

Mr G. Cleminson said there had been no auditor appointed at the last meeting, but he had taken the books to Mr Molyneux. who had gone through them and found them correct.

The Chairman said the next business was the appointment of the committee, which now stood as follows: The Rev. W. M. Ainsworth, the Rev. J. Francis, Messrs W. Barrow, E. M. Baker, R. Hall, Flixcroft, R. Atkinson, R. Baxter, R Cleminson, Briggs, F. G. Dale, J. Hemingway, W. King, J. Kitchen, R. Palmer, R. Parker, W. Parker, R. Satterthwaite, Towers, J. Watson, R. Whiteside, and Dr Harker.

The Mayor asked if any gentleman had any change or addition to suggest to the names of the committee, if not the whole had better be re-appointed. He proposed that the committee be re-appointed. Mr. G. Cleminson seconded. The Rev. D. Davis said, according to the rules, one- half of the committee retired each year, but were eligible for re-election. That provision was put in in order to make sure that a certain portion of the committee should not be new to the work. The resolution was then carried unanimously. The Chairman then read the treasurer's balance sheet, which showed that the total amount of subscriptions paid in was ~~£54 14s.~~, the expenses so far being chiefly for printing and advertising. The Rev. D. Davis said as the matter of evidence was to be brought forward he had to say that the balance should be as large as possible, as this was only an initiatory stage. They had not had any great expenses hitherto, but he believed that if they were to be incurred, the society would be prepared to incur the requisite expenses which might be entailed. He believed he was not going too

far in saying that they hoped that the current expenses would be inconsiderable, there would be a small amount of annual expenditure, but if anything should be required he believed that it would soon be forthcoming. In the meantime, however, he might say that the public should take up the society if the public wished their rights to be attended to by the society. It was not to be expected that they should go and look after these footpaths without public assistance; it was not their business. They had taken up a certain position as a matter of duty, and it was for the public to come forward and join them, if the public thought they had taken a right step. He thought it would be well to say that they were in a certain sense taking up a duty which properly belonged to certain legally authorised powers in the district, and they came forward as private individuals, because it appeared that the "powers that be" required to be reminded of their duty, which properly speaking would be found to be practically the functions of the society. Footpaths being public property, they were held in trust by the authorised authorities of the several districts in which they were situated. In Lancaster, by law, the footpaths were until recently under the immediate supervision of their chairman, and were now under the immediate supervision of his successor, and as far as he had been able to learn, the paths around Lancaster would be in the keeping of the several local boards, whatever they might be, which had jurisdiction in the neighbourhood. So that ultimately the functions of the society would be simply keeping a look out for the existence of any footpath where the rights of the public have been trespassed upon, and referring those cases of trespass to the several local authorities for redress. He had obtained this information at the suggestion of a friend who had assisted him in drawing up the rules: the society had simply nothing to do but point out to the local authorities cases of trespass upon the public rights, then their duty was done, and they should never be called upon to prosecute, or to take any legal steps whatever. All the society had to do was to assert public right. He had been told by legal friends that the cheapest way to settle a dispute of that kind was at the assizes, and everybody knew that a case of that kind could not be taken to the assizes by means of scores of pounds, they must go into hundreds. As to the right of the public in the case before them, there could be no question as to the right. The evidence of the case was irrefragable, and so far they could be sure that the expenses would not fall upon them, but the delightful ingenuity of the law, with the help of some skilful brain that might snatch at a possible quibble, could not make them be too sure.

Mr. Barrow asked if, from the remarks of Mr. Davis, he understood the Corporation of Lancaster had the immediate supervision of any footpath in its neighbourhood.

Mr. G. Cleminson : That can only apply to the Borough.

Rev. D. Davis said of course they had only jurisdiction over the footpaths in the Borough, those outside would be under the immediate supervision of the several local boards.

Mr. R. Hall asked if any length of time elapsed, and a path was not used by the public, would it destroy the right of the public to the use of the path?

Rev. D. Davis : I believe not.

Mr. R. Hall said he mentioned that because many years ago there used to be a public footpath round Hay Carr.

Rev. D. Davis said he was reminded by the treasurer that the guarantee fund should be considerably augmented.

The Chairman : Do you consider that it is desirable at once to increase the guarantee fund?

Mr. Barrow : I should like to ask what is the amount of the fund?

The Chairman : £54.

The Chairman said there could be no doubt, he thought, that it was the duty of public bodies to protect the footpaths in their locality, and footpaths were a public good and a public convenience. At the same time they had not received that attention from the authorities that was due to them, hence that society had been formed for the purpose of protecting them. A similar society was formed about twenty years ago, and he thought they could not be too particular in protecting them, as they were a source of good to the public generally, and especially in these days of sanitary reformation were they productive of good. Yet the authorities were very reluctant to go into expenses of this nature.

Rev. J. Francis did not think the authorities should hesitate because of the expenses if it was their duty. They had a similar case in London, where the Epping forest was about to be closed. The authorities took up the case,

and the right had been ~~in de perfectly Hear~~ They did not hesitate, although the expenses in their case were very considerable.

The Mayor : Yes, but the resources there were different to those here.

Mr G. Cleminson : This is not a borough footpath.

Rev. D. Davis said it was not, the local board would have authority, and he believed that the local board were elected by the several townships or parishes.

Mr G. Cleminson asked if in the absence of a local board, the authority of looking after the footpaths would fall upon the overseers.

Rev. D. Davis : I can't say. I am not familiar with the legal details.

Rev. J. Francis said they would be depending upon a broken reed if they depended upon local boards. They had taken the matter up, and they ought to carry it forward. Rev. D. Davis said he understood that the committee had appointed a deputation to go over the footpath, consisting of Mr R. Cleminson and Mr. Whiteside, and he delivered them a notice.

Mr R. Cleminson said the question would be whether the report should be made public or as to how much of it should be made public. He did not know how far it was advisable that the proceedings should be made public at present, or whether it should be referred to committee.

The Rev. D. Davis said the substance of the proceedings were simply what took place at a meeting of the society which was reported a short time previous. Their solicitor had collected full evidence, very ample evidence, which had been presented to counsel and his opinion received, which was very satisfactory. There could be no question as to the legal bearings of the case: they had gathered already quite sufficient evidence. The preliminaries were taken in accordance with a resolution of the committee which was adopted at the last meeting a few weeks ago, and as nothing had transpired since that time except the visit to the footpath by the deputation, so that it was simply a matter of detail. The society had appointed the deputation, and in accordance with the resolution the deputation had gone over the footpath.

Mr R. Cleminson said they had no objection to the report being read at that meeting, but he did not know whether the council would think it desirable that all the facts should be made public at that stage.

The Rev. D. Davis said so far as he was concerned he should not have any objection to Mr Garnett reading every line of the evidence they had collected, and being acquainted with everything that had taken place. Their legal adviser, however, was not present, and he did not know whether, in his absence he would be justified in reading the report. The deputation had conferred with Mr Tilly and appointed a day for going over the path, and Mr Tilly sent notice of the fact to Mr Garnett. Mr Davis then read the report of the deputation, from which it appeared that they went over the path on Tuesday, the 26th ult. Entering at the western end of the path where the fence of the Midland Railway Company joins the Scarthwaite Estate, they proceeded along the path, through the three mile meadow and the Crook of Lune wood, over Mr Greg's land to the Penny Bridge. They found all the stiles and fences obstructed with bushes and furze, and carefully removed all the obstructions without doing any damage. They then returned the same way, and having gone some distance they met Mr Garnett, his steward (Mr Cranston), one of his tenants, and his gamekeeper. A conversation was begun by Mr Garnett, who remarked that they were rather late. The deputation replied that they had been over the path once. Mr Garnett said he was aware of that, but he would be greatly obliged if they would retrace their steps and show him how far they had gone and which way, but if they did so "it would be at their peril." The deputation at once complied with the request by going over the path again. On reaching the boundary of Mr Garnett's land — where it abuts on Mr Greg's — the deputation asked Mr Garnett if he wished them to go any further, or see which way they gained the road, but the latter replied that they had gone far enough, and he was quite satisfied, and seeing that the next land was not his he had nothing to do with what was done there. The deputation then informed Mr Garnett that they intended to return by the same way, and they did so, no obstruction being offered to them.— Mr Davis remarked that the words " at your peril" he supposed would be a legal protest.

The Mayor : It just amounts to this, that if you go over you run the risk of being prosecuted.

Mr Barrow : This subjects us to legal proceedings, I suppose.

Mr R. Cleminson : I may say that I was up that way yesterday in the train and found that all the stiles were stopped up again as they were previously.

The Rev. D. Davis said he had been instructed to procure maps for the purpose of having the walk marked upon them. He had them there, but he thought it was perhaps more a matter for committee.

Mr R. Cleminson said he might also remark that the fence which they had been in the habit of stopping up, did not belong to Mr Garnett at all, it belonged to the Midland Railway Company, and he thought it would be desirable to draw the attention of the Company to the fact.

The Chairman : I think that is a subject for committee only. The public business of the society having been transacted, the members resolved themselves into a committee.

THE FOOTPATH THROUGH THE SCARTHWAITE ESTATE.

The Secretary of the Lancaster Footpath Society will be obliged to the editor of the *Lancaster Gazette* to insert the
subjoined Letters:-----

(Copy)

Quernmore Park, Lancaster, •

March 17th, 1879

Dear Sir,—I beg to acknowledge the receipt of your letter of the 3rd inst, and must confess to a certain amount of astonishment at the further claim set up by the "Footpath Society." If you will inquire of the two representatives of the Association (Messrs Whiteside and Cleminson), you will learn from them that they never put forward a claim to the road which runs from the river side up to the high road. I *particularly* asked them on meeting them on Nov. 26th, 1878. In the wood below the railway bridge by the river side, to show me what it was they did claim they demurred at first, saying that they had already been along the path. I then told them that they must please go over the ground again, as that was just the thing for which I and my witnesses had come down to the river. Messrs Whiteside and Cleminson then retraced their steps along the river side right up to Mr Greg's meadow, and there stopped, saying that was what they claimed. They then walked back towards Halton along the river side, and we waited until they were out of sight among the trees. I and my witnesses then turned up the road which the society now claims as public, although its own representatives never made any claim to it, and this, be it remembered. in the presence of four witnesses who were there for the expressly known purpose of finding what it was the public did claim. If the representatives of the society say that they came down the road to start with, after coming by train from Lancaster to Caton, and then proceeded to walk along the river side until they met us, I can only infer from their not going up the road again to answer to my wish that they would show me what it was that they claimed, that they felt they had no right to the road.

I cannot but think that this claim has been an afterthought of the society, and if they intend to press it, they will find me equally as ready to protect myself. I am as determined to resist an unjust claim, as I am to acknowledge a just one, and in this case I am sure that the public, through your society, are intruding.

As regards the road on the higher side of the high road, through Queens Well Wood, and my park, I am quite prepared to meet the society's claim. I have abundance of evidence that it is private, and that it has ben so for over thirty years.

I must request the insertion of this letter in its entirety in the local press, lest the public should get a wrong impression from your 3rd inst., but I may say as far as I am concerned, that unless anything particular should call for correction, this will be my last letter that I shall publish in the papers. Absence from house has prevented me from answering your letter earlier—Yours very truly,

W. GARNETT

The Rev. D. Davis, Queen's Square, Lancaster
Queen's Square, Lancaster 21st, March, 1879

Dear Sir,----In acknowledgement of your letter of 17th inst., I regret that you should have drawn inferences therein expressed, from the traversing of the Scarthwaite portion of the Lunesdale footpath by the representatives of the society.

Messrs. Whiteside and Cleminson were not empowered, in their representative capacity, to moot any other point than the public right to that footpath. The objects of the society, in deputing them, was not to define the path, which was well known, but to claim it as public, and to give you the opportunity of either recognising the claim, or disputing it by legal process, and so bring the matter to an issue.

So far from the claim to the footpath from the Lune side to the main road near Queen's Well being an afterthought, as you suppose, it was a question fully discussed in committee, whether the right to this path should or should not be asserted in conjunction with the Luneside path. The evidence collected is also clear that I think I may say the general sense of the committee was at first in favour of an affirmative decision, but the negative was adopted, solely on the ground that it was desirable to go into court on the simplest possible issue, and it was concluded that a verdict favourable to the public in the case of one path would necessarily lead to a like result in the case of the other.

It is not for me to say anything further with respect to the road through Queen's Well Wood than I said in my last letter, viz. —"That it has been distinctly spoke of in committee as public, on the authority of those who have been intimately acquainted with the district for more than one generation."

I send, as you wish, a copy of your letter to the papers, accompanied by this reply, and remain, yours very truly,

DAVID DAVIS

W.Garnett, Esq., Quernmore Park.

THE FOOTPATH THROUGH THE SCARTHWAITE ESTATE.

The Secretary of the Lancaster Footpath Society will be obliged to the editor of the *Lancaster Gazette* to insert the following notice in the presence of four witnesses who were there for the expressly known purpose of finding what it was the public did claim. If the representatives of the society say that they came down that road to start with, after coming by train from Lancaster to Caton, and then proceeded to walk along the river side until they met us, I can only infer from their not going up the road again in answer to my wish that they would show me what it was they claimed, that they felt they had no right to the road.

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DAVID DAVIS.

W. Garnett, Esq., Quernmore Park.

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LANCASTER PUBLIC FOOTPATH SOCIETY

The annual meeting of the Lancaster Public Footpath Protection and Preservation Society was held at the Town Hall on Wednesday evening. Mr. Hall (the then President) occupied the chair. There were present: The Mayor (C. Cleminson, Esq.), Dr. Harker. Messrs C. Johnston, W. Barrow, R. Cleminson, W. King, N. Molyneux, R. Whiteside. J. Kitchen. H. King, M. Wilson, and the Rev. D. Davis (hon. Secretary).

Mr Davis explained that the annual meeting had been deferred until February, instead of holding it in September, for the sake of convenience. During the last year, the society had been engaged in important work, in securing the interests of the public in connection with a footpath at Scarthwaite. That was a subject with which they were all well acquainted and to which he need not refer particularly. There had been a dispute between Mr. Garnett and the public (as represented by the society) as to the right to the use of that footpath. Mr. Garnett had, however, acknowledged the right of the public to the footpath, and so the matter had ended. There were other matters which were still unsettled, but it was not necessary to go into details at that meeting. Those questions under the consideration of the committee, and in due course, he had no doubt they would be equally satisfactorily settled. The attention of the committee had been led to some other footpath which had been temporarily obstructed in the course of the year, and he thought it would be sufficient to say that those rights would be attended to. That was all he had to report as to the past year, and the future was yet before them. The Treasurer's account for the year ending 31st of December last was as follows: Receipts all in the bank as per last statement, £48 13s. 6d. ; cash in hand, ~~£14. 61.~~; subscriptions and donations, ~~£1. 10s. 4d.~~; bank interest, ~~£1 0s. 41.~~; total, ~~£67 7s. 10a.~~ — Expenditure: Advertising, printing, and stationary. £6 12s 1d. ; Postage, 1s. , box for secretary, ~~«**s i~~ : attendance at Town Hall (two years). ~~£1 10s ««.~~; legal expenses, £19 3s. 4d. ; cash in bank, ~~£31 1s.~~; ; in hand, ~~£2 1s 51.~~ ; total ~~£67 7s. 101.~~

The accounts, which had been examined by Mr Molyneux, were passed, upon the proposition of Mr. Whiteside, seconded by Mr. King.

The Chairman said he believed it was one of the standing orders of the society that the Mayor for the time being should be the president for the year. He therefore, had much pleasure in proposing that the Mayor be president.

Mr. C. Johnson seconded, and the motion was carried unanimously.

Mr. Davis said it would be necessary that the vice-President should be re-elected, with the addition of Dr Hall, the retiring president. Mr. Johnson said he would rather retire in favour of some other gentleman, he did not think it at all desirable in a society of this kind that honorary offices should be monopolised.

Mr. Davis explained that there was no limitation on the number of vice-presidents, and, seeing that Mr. Johnson had been connected with the society in that capacity since the commencement, he thought it would be well that his name should be retained in the list. The meeting generally adopted that view, and Mr. Johnson consented to remain a vice-president in conjunction with Mr. H. Welch, Mr. Seward, and Dr. Hall.

Upon the proposition of Mr. Whiteside, seconded by Dr. Harker the Mayor expressed his willingness to retain the office of treasurer whilst acting as president. Mr. Molyneux was appointed auditor.

The Chairman, in proposing the re-election of the Rev D. Davis as hon. secretary, said he had discharged his post hitherto most satisfactorily. He was deserving of their heartiest thanks for all the trouble he had taken. Heavy duties had devolved upon him -in fact he had had to " bear the burthen and heat of the day."

Mr. Molyneux seconded, and the proposition was duly adopted. Mr. Davis, in acknowledging the compliment, said he was simply an organ of society, but he should be happy to continue in office. There were some efficient workers connected with them, and the real work of the society had been done by others.

Upon the motion of Mr. King, seconded by Dr. Harker, Mr. Molyneux was requested to act as assistant secretary.

With two exceptions, the members of the committee were re-elected. Mr. Palmer had left the town, and Mr. Richard Hall had expressed a wish to withdraw. J. L Shaw and Mr. M. Wilson were chosen in their stead, and Mr. James Whiteside was added to the committee.

Mr. Whiteside drew attention to the bad condition of certain stiles in the neighbourhood of Beaumont Grange, and mentioned that all the local footpaths were now specified on a map, in possession of the society. Mr. Kitchen asked for some information a footpath near Black Castle, but it was thought that this matter and the one mentioned by M Whiteside had better be referred to the committee.

After it had been resolved to leave it to the committee to appoint someone to collect the annual subscriptions in future, a vote of thanks was passed to the Chairman, and the meeting terminated.

LANCASTER FOOTPATH ASSOCIATION.

The annual meeting of the Lancaster Public Footpath Protection and Preservation Society was held on Saturday evening in the Mayor's Parlour at the Town Hall. There were present the Mayor (Mr. E. Clark), Mr. G. Cleminson (president), Rev. D. Davis, (hon. sec.), Rev. W. M. Ainsworth, Rev. J. Frauds, and Messrs. Molyneux, W. King, J. Kitchen, R. Cleminson, and G. L. Shaw (members of the committee) and J. Heald. The business was entirely routine. The minutes of the last annual meeting having been read and confirmed.

The Secretary said the first business was the appointment of president for the ensuing year. It afforded him great pleasure in proposing that the Mayor should be requested to honour the society by being president during his year of office. (Hear, hear). They had been privileged to have the Mayor as president each year since the society came into existence, and thus they had had the advantage of having the highest public sanction to their proceedings. He felt sure the society, as well as the public in general, would value the services which the Mayor would render them if he would kindly undertake the office.

Mr. John Kitchen seconded, and the motion was carried unanimously,

The Mayor then took the chair, and in doing so said anything he could do for the benefit of the society he would do with pleasure. He did not know that there was anything particular to mention to the meeting. The question of that old footpath he supposed would come before the meeting that evening, he meant that what was formerly known as Singleton's farm, but beyond that he did not know of anything special to be brought forward.

Mr. G. Cleminson explained that the matter had been before the committee, which met prior to this meeting, and it had been decided to adjourn the subject till after the public meeting, when it would come for consideration again.

On the motion of Mr. Molyneux, seconded by the Rev. W. M. Ainsworth, the vice-presidents were re-elected with the addition of the retiring President: Mr. G. Cleminson. Mr. Davis was then re-elected as hon. secretary; Mr. Molyneux, assistant secretary and auditor, Mr. Cleminson, treasurer, and the committee re-elected, Mr. Heald taking the place of the late Mr. F. G. Dale.

The Secretary said he did not think there was anything definite to state to the meeting in regard to the proceedings of the past year.

The last annual meeting left them in a peculiar position as regard the old footpath, and the matter was still in abeyance. They knew the circumstance under which the correspondence came to a certain point, and could not go further than the report courteous when it was stopped, and was still in that position. A committee he believed had been appointed to go into the matter, and they were still in the same position as at the close of last year. There was nothing further to report to the meeting.

Mr. Shaw was asked what footpath Mr. Davis alluded to.

The Secretary replied the cross footpath from the road past Queen's Well and through the wood to Quernmore Park. They had reliable evidence to prove it had been a public footpath, but it was such a small bit by itself that the committee did not think it was desirable to go to extremes about the matter.

The Chairman asked if Mr. Garnett still disputed the right of the public to go over that portion

The Secretary replied that he had never altered his position with regard to that. The society was now investigating all the footpaths on Mr. Garnett's estate.

The Chairman thought it hardly necessary to persevere with that one alone without going into the whole of them.

The Secretary considered it would be better if Mr. Garnett would open it.

A Member remarked it was of no consequence to him.

The Secretary : That is not for us to say.

The Chairman : Does that interfere with the old footpath?

The Secretary : No; it runs along the river side uninterruptedly up to Penny bridge. The next business was to accept the treasurer's balance sheet for two years ending December 10th, which was as follows: Receipts : Cash in hand, £31 Is.; cash in hand, £8 ls. 0d; subscriptions and donations, £4 l0s. 6d. ; total, £13 17s. 11d. Expenditure: advertising, printing, and stationery, ~~125~~.; tin box for treasurer, 10s. 6d. ; cash in bank, £38 Is.; in hand, £4 14s. 0d. ; total, £43 17s 11d.— The balance sheet was adopted on the motion of Mr. Kitchen, seconded by Mr. Shaw.

Mr. Kitchen called attention to the fact that in the secretary's office there was a book for the purpose of members' entering the dates when they went over certain roads. He thought it advisable such a practice should be kept up.

Mr. King asked whether anything was being done, relative to getting out a plan of the footpaths in the neighbourhood, as was previously suggested.

Mr. R. Cleminson replied that nearly all the footpaths were marked and others would be added shortly. It was a question now whether they should not get some professional man to permanently mark them on the Ordnance Survey map.

The Secretary said one of the objects of having such a map would be as a Public record, and it might be kept in that building. The committee had been at work collecting data for it, and all they wanted now was professional assistance. That would be found to be a rather costly matter, but they should have it done completely, and it should not be published till all questionable points had been settled.

A slight discussion followed, and the meeting subsequently went into committee to consider the question of the footpath through Singleton's farm.

Public & Legal Notices.

LANCASTER PUBLIC FOOTPATH PRESER-
VATION AND PROTECTION SOCIETY.

THE ANNUAL MEETING will be held in the
TOWN HALL, on TUESDAY, the 13th instant, at
8 p.m.

D. DAVIS, Hon. Secretary.

Lancaster, 7th December, 1881.

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THE FOOTPATH THROUGH CARR HOUSE FARM

The Town Clerk read the following letter

Lancaster, 13th December, 1881

DEAR MR. TOWN CLERK,—Will you be good enough to lay the enclosed memorial before his Worship the Mayor and the Town Council at their next meeting on the 21st inst. —

Faithfully yours,

David Davis

Thomas Swainson, Esq., Town Clerk of Lancaster.

The memorial referred to in the letter was as follows:--

Memorial of the Committee of the Lancaster Public Footpath Protection and Preservation Society.

To the Mayor and the Town Council of Lancaster, respectfully notifies:-

- 1 That attempts more or less successful have been made to stop the footpath passing through the Carr House farm yard.
- 2 That there is strong evidence to show that the public have a right to the use of that path as witness the testimony of the following six old inhabitants of Lancaster, alphabetically arranged, which doubtless if need be can be indefinitely extended:-

Isaac Bradshaw, 10. Westbourne Terrace, remembers a road through, and never dreamt of such a thing as being turned back. Has gone over since he was a school boy—for about sixty years.

Edward Clark, ex Mayor of Lancaster, has known and used the footpath from boyhood, and testifies to its having been public as far back as 1828-9.

Richard Green, Aldcliffe Lane, remember as far back as 1827, when the farm was occupied by the Singletons, forty years or more, and they never stopped anyone from going.

Edmond Jackson, Castle Park, insists strongly that it is a public path which he has used from boyhood.

William Parker, blacksmith, Pothouses, aged 78, remembers using the footpath when a boy during his apprenticeship, and has used it occasionally since without interruption.

Christopher Smith, Rydal House, Freehold Park, always used to go through from 1812 to 1820, and never knew it stopped in that time.

On these grounds, your memorialists would most respectfully beg for the exercise of the authority vested in you as guardians of the public rights within the limits of the borough of Lancaster in maintaining those rights over the footpath in question.

signed on behalf of the committee.

David Davis, Hon. Secretary,

Mr. Davis did not know whether he would be in order in speaking on the memorial before the Council, but as the representative of that society, and independently of being a member of that Council, he might mention to then, what he knew had taken place in reference to the matter in order to put the question clearly before the Council and the public. The memorial specified distinctly the grounds on which it was maintained that the footpath in question was public. It was the opinion of many gentlemen, and also of the public at large, that the footpath referred to was the continuation of an old footpath which extended from Meetinghouse Lane and then branched off in two directions—one going towards Aldcliffe fields or Sunnyside, and the other across the canal and formally across the railway into Cockerham Road. Some little time ago, and during the occupancy of the late tenant, the footpath was stopped altogether to the great disadvantage of many of the inhabitants of the town who had been in the habit of using it, especially invalids and ladies who would go out in that direction in order to take the nearest step into green fields. There were other grounds on which it was not necessary he should enter upon. The Footpath Society had, precious to the death of Mrs Ripley, resolved that she should memorialise on the subject, in the assurance that her sense of justice to the public would lead her to give directions that no obstruction should be put in the way of the public use of that path. Mrs. Ripley's illness and her subsequent death, prevented that taking place, and the Society now felt that the grounds for the use of the path should be made certain, in order that there should be no future uncertainty in the matter. The Society considered themselves well advised in placing the matter before the Council as the guardians of the public rights, and they would not have taken that step without the full assurance that there was no uncertainty at all about the merits of the question. He believed, as a member of the Council, that a claim should be put forward by them for the public

use of that path, in order that there might be no further objection to the use of it, and begged to propose "that the Council take such steps as the Town Clerk shall advise to secure the public use of the footpath in question"

MR MILNER said it was the duty of the Council as the guardians of the public interest to see that public footpaths were not stopped, but he would suggest that the matter should be referred to the Footpath Committee of the Council.

MR DAVIS had not the slightest objection to that, the only difference between the two being his proposal was the shortest. If it was referred to a committee it would have to come before the Council again to be discussed. It was merely a question of whether they should take a direct or circuitous way to attain the same result.

The TOWN CLERK said that the proposition of Mr Davis went direct to the maintenance of the footpath, and without any investigation went headlong into it. On the other hand, if they wished to ascertain that they were on sure ground, the other was the better plan.

Mr Moser thought Mr Milner's suggestion a wise one. He had an idea that the same question had been tried before, but was not quite certain.

MR. DAVIS had not the slightest objection to modify his motion if it was the wish of the Council he should do so, but at the same time he must request permission to go more largely into the subject in order to justify him in moving the resolution he had done. The society had been content with the evidence already put forward as to the footpath being a public one, but if they were to enter on it again he would take that opportunity of appealing to the public and to the townspeople at large through the press to send in written records of all they knew about that footpath, in order that there might be an overwhelming amount of testimony in favour of it. They all knew that owners of property had strong objections to footpaths across their property, as they did not wish to be incommoded by the public going across their fields. During the time of the occupancy of a former tenant, the owner of the land put a stop to its use by placing locks on the gates so that no one could go through. No doubt that might be done in perfectly good faith, and under the sense that they were justified in taking such a step. It was in order to avoid a recurrence of such a state of things that action was taken by the committee which led to the memorial being laid before the Council. The public must send in their evidence of publicity; the public must take the trouble to produce overwhelming evidence that they have a perfect right to the use of this footpath, and not leave it for the Corporation to do. Having said that, he would withdraw his former motion, and had pleasure in proposing that the matter be referred to the Roads and Footpath Committee with power to take such action thereon as they may think advisable.

Mr. CLEMINSON seconded.

Mr. Ald. PRESTON said he gathered from the observations of Mr. Davis that it was the late tenant who resisted the use of the footpath: the inference being that the existing tenant did not do so. Had the locks been removed? Mr. DAVIS replied that they had, and a bolt substituted. A bolt, however, might be removed, but that was not giving to the public the full right to the path without obstruction.

Mr. CLARK said that during the last few days parties had been prohibited from going through.

Mr. FENTON considered that a bolt answered much the same purpose as a latch. The motion was then put and carried unanimously.

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Mr. FENTON considered that a bolt answered much the same purpose as a latch.

The motion was then put and carried unanimously.

AFFIXING THE COMMON SEAL.

It was then resolved that the Mayor be authorised to affix the common seal to Declaration of Trust of Maintenance Fund for Williamson Park; and for conveyance to the Clerk of the Peace of a portion of Lancaster Moor.—The Ex-Mayor (Mr. Councillor Clark) was authorised to affix the common seal to conveyance to Mr. S.J. Harris, and others, of land in Parliament street.

PRESERVATION OF PUBLIC FOOTPATHS.---At a meeting of the Roads and Footpaths Committee held on the 14th inst., a memorial was considered from the committee of the Lancaster Public Footpath Protection and Preservation Society with reference to maintaining the rights of the public over the footpath through Carr House farm yard, the memorial having been referred to this committee by the Council. Letters were also read from Messrs. Maxsted and Gibson, on behalf of the Ripley Hospital trustees, complaining of a trespass by the Corporation in making a new gate way into Usher's Meadow, and so approaching Aldcliffe-lane over the private property of their clients. Instructions were given to the Town Clerk on both questions.

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NOTES ON LOCAL TOPICS.

THE COUNCIL MEETING

The members of the Lancaster Town Council— or rather, the majority of them— had the privilege and pleasure of sitting three hours in the Council Chamber on Wednesday, discussing and transacting the town's business. Some credit, whatever may be the result of their deliberations, is due to men who thus devote their time and abilities to the public service. A variety of questions, as usual, came before the Council in the shape of "minutes of proceedings of committees," and which needed confirmation, but with two or three exceptions, the business was mainly of a routine nature. The bulk of matters dealt with may be "boiled down into a very small compass".

The Council declines to take any share of the responsibility of providing a map showing the public footpaths in the borough. The efforts of the Footpath Protection Society to obtain the co-operation of local governing bodies has not, so far, met with much success.

RURAL SANITATION AUTHORITY

Public Footpaths—want of funds

Chairman received a letter from Lancaster Footpath Protection Society....containing a resolution that the Corporation etc. be required to aid the efforts of the Society by marking a 6" OS map the footpaths included in their several districts.

Reply: Now, however much they sympathise with the objects of the Society the clerk informed him that they had no funds....

ROADS AND FOOTPATHS:—At a meeting of the Roads and Footpaths Committee, a letter was read from the Rev. D Davis, Secretary of the Lancaster Footpaths Protection and Preservation Society, calling attention to the memorial respecting the Carr House footpath presented to the Corporation in December 1881, and also enclosing a copy of a resolution of the society requesting the Corporation to mark on a six inch ordnance map the footpaths in the borough. It was resolved that the Town Clerk be requested to confer with the solicitor to the Ripley Hospital Trust with reference to the Carr House footpath, and that in the opinion of the committee any marking of footpaths should be done by the Footpaths Preservation Society rather than by the Corporation.

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MORCAMBE BOARD OF HEALTH

The footpaths in the District

A letter was read from Rev. D. Davis (Sec of the Public Footpath Protection Society) dated 7th inst. , thanking the surveyor and also the Board for the 6" OS map containing the footpaths in the Board's District, which he received this morning in reply to an application made by him on 11th April last.

The preservation of the public rights with respect to the use of ancient footpaths is just now attracting considerable attention in Lancaster. For several weeks past our correspondence column has afforded evidence of the interest taken in this question. Whether or not the claims set up on behalf of the public, in the particular cases referred to, can be substantiated, we do not undertake to say, but of this there can be no doubt, that the law clearly defines and protects the right of the people to the free and uninterrupted use of footpaths where user from time immemorial can be established. But unhappily we have no legal or civic functionary delegated with authority to protect and maintain the people's rights, and they can only be upheld by the energetic and persistent action of private persons. And we need hardly point out the fact that law is an expensive luxury in which few people can afford to indulge. Neither can we as private individuals undertake the responsibility and risk of protecting the public rights at their sole cost. And hence it comes, in the matter of maintaining such rights as those to which we now refer, that what is everybody's business is left undone, and landowners are allowed to do pretty much as they wish. There is no disputing the fact that footpaths are frequently a nuisance and a source of much damage to land through which they pass. Thoughtless persons will wander off the paths and encroach upon private rights, but the owners have a remedy in the law, which shields alike public and individual interests. The landowner, however, has the advantage of position. He is personally and pecuniary interested in the protection of his property, whereas the rights of the public are practically left uncared for, except in rare cases where associations exist for the purpose of preserving such rights. A suggestion has been made for the formation of a "Footpath Protection Association" in this town, and keeping in view the disputes now pending as to the rights of the public over certain land in the immediate vicinity of Lancaster, we cannot but think that such an organisation is highly desirable. A President and active committee are wanted to take the matter in hand. Where are they?

Lancaster, 17th July, 1888.

LANCASTER PUBLIC FOOTPATH PROTECTION AND PRESERVATION SOCIETY.

A MEETING of the Members will be held in the Town Hall, on WEDNESDAY, the 25th inst., at 7-30 p.m., to consider the following resolution of the Committee :—

“That Mr. Garnett having put up notices where the foot-road from Queen's Well to Postern Gate enters Quernmore Park estate, and having, in reply to a letter from the Secretary, said that he should not remove those notice-boards, thereby threatening the public right of footpath, this Committee recommends that immediate action be taken by the Society to maintain the public rights over the same.”

New subscriptions, entitling members to attend the meeting, will be received by the Treasurer, Mr. Councillor ROBERT BRASH, Cheapside.

D. DAVIS, Secretary.

Lancaster, 17th July, 1888.

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Lancaster Gazette Saturday 21 July 1888
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C o u n c i l l o r R O B E R T B R A S H ,
C h e a p s i d e .

D. DAVIS, Secretary.

LANCASTER FOOTPATH PROTECTION ASSOCIATION.

A meeting of the members of the Lancaster Public Footpath Protection and Preservation Society was held in the Town Hall, Lancaster, on Wednesday evening, for the purpose of considering the resolution of the Executive Committee: "That Mr. Garnett having put up notices where the footpath from Queen's Well to Postern Gate enters Quernmore Park Estate, and having, in reply to a letter from the secretary, said that he should not remove those notice boards, thereby threatening the public right of foot-path, this committee recommends that immediate action be taken by the society to maintain the public rights over the same." Mr. C. Johnson presided, in the absence of the Mayor, and there were also present; Rev. D. Davis (Hon. Sec), Mr. H. L. Storey, Mr. T. Barrow, Mr. W. Barrow, Mr. Jno. Watson, Mr. W. P. Bradshaw, Mr. A. Satterthwaite, Mr. Jas. Tilly, Mr. Jno. Kitchen, Mr. Robert Brash, Mr. N. Molyneaux, Mr. G. Barrow, Mr. R. Whiteside, Mr. H. Simpson, Mr. T. Bell (Cable street), Rev. H. W. Smith, etc.

The Secretary said the meeting was summoned by circular, which had been sent out to every member of the Association drawing attention to the advertisement of the meeting, and giving certain reasons for the action of the committee. Some portion of that circular had appeared in one of the local papers. That he thought was a little out of order, but he had no personal objection to anything of the kind appearing in print, though it might be of serious consequence for matter addressed to the members of the Society as such to appear in a paper. The circular also set forth the reasons why the members of the society had not been together at an earlier date. It was not necessary for him to enter into the grounds for not summoning a meeting because he thought it quite sufficient if the members of the society were satisfied on that point. He might say that he felt fully justified in abstaining from calling a meeting by the fact that he had not been asked by anyone to call the society together. Mr. Davis then read the minutes of the last meeting of the Society, held on the 13th December, 1881, which were confirmed.

On the motion of Mr. Watson, seconded by Mr. A. Satterthwaite, the action of the committee in filling up vacancies was confirmed, the committee being re-appointed as follows: — President, the Mayor of Lancaster (Mr. Ald. Blades); vice-presidents, Mr. Chr. Johnson, Mr. Ald. Welch, Mr. A. Seward, Mr. W. Hall, Mr. G. Cleminson, Mr. Councillor Clark, and Mr. Councillor Harris; treasurer, Councillor Brash; the secretary, D. Davis; assistant secretary, Councillor J Molyneux; committee. Mr. Joseph Albright, Mr. R. L Atkinson. Mr. E. M. Baker, Mr. A. Y. Barrow, Mr. J. I Birkett, Capt. Briggs, Dr. Harker, Mr. James Heald, Mr. Jowett, Mr. W. King, Mr. Councillor Kitchen, Mr. T. Lancaster, Mr. Councillor Molyneux, Mr. Marshall Satterthwaite, Mr. G. L. Shaw, Mr. H. L. Storey, Mr. Ald Towers, Mr. Councillor Watson, Mr. James Whiteside, Mr. Robert Whiteside, and Mr. M. Wilson. |

ALTERATION OF RULES.

At the request of several members the Secretary then read a brief summary of the rules of the society, which state that the "Lancaster Footpath Protection and Preservation Society is constituted with a view to preserve inviolate the right to use public footpaths within a radius of seven miles from the town, a district continuous with the old Parliamentary Borough of Lancaster. On the third rule which provides that a person may be admitted to membership of the society on the payment of ~~ss.~~ a year, some discussion took place.

Mr. Robert Brash said he approved of all the rules with the exception of the membership rule, and in that case he did not think they ought to fix the sum to be paid so high. At present it was out of the reach of many working people, who were the people most interested in the preservation of the footpaths. (Hear, hear.) He proposed that the rule should specify 1s. per year as the minimum subscription.

Mr. Molyneux seconded the motion, and said he thoroughly endorsed what Mr. Brash had said. The motion was agreed to.

THE WORK OF THE SOCIETY

The Secretary read the following summary of work done by the society since the last meeting:

Since the last annual meeting, Tuesday, December 13th. 1881, the committee has devoted its attention to these points among others, in addition to the main object for which this meeting of the society has been called. The public right to use the Carr House footpath was considered, and the memorial of the committee to the Mayor and Town Council of Lancaster on the subject presented. Various negotiations followed, including communication with the chairman of the Footpaths Committee of the Corporation, and, after interviews with the solicitor and trustees of the Ripley estate, who most courteously entered into the bearings of the subject, the arrangement was made with the civic authorities, of which the public of Lancaster have since had the benefit. The next case to which the attention of the committee was directed was the obstruction of the footpath from

Aldcliffe to the foreshore by the Glasson Railway, which Mr. Worthington, on behalf of the London and North Western Railway Company, undertook to remedy by the provision of gates for crossing the line. The attention of the Midland Railway Company was directed to the state of the footpath leading from the Ladies Walk to Halton. A further application to the company, at the instance of the secretary of the Rowing Club, produced a reply on the part of the company.

The particulars of a trial at the Lancaster Assizes relating to a right of carriage road through Quernmore Park, given in the Cumberland Packet of August 29, 1776, were investigated and a record procured of the case, Hon. E. Clifford v. Abraham Rawlinson."

A request tendered to the Lancaster Corporation, the Morecambe Board of Health, and the Rural Sanitary Authority of the Lancaster Union to aid the efforts of the society by marking on a ~~G~~in. ordnance map the footpaths included in their several districts, was courteously responded to by the Morecambe Board of Health, who kindly furnished the information asked for. The attention of the chairman of the Waterworks Committee of the Lancaster Corporation was called to a footpath leading from Brow Top past Tongue Moor to Castle O'Trim, and cutting through two arms of the projected Damas Gill Reservoir, accompanied by a request that provision be made for the least possible diversion of the same. The late Alderman Roper most kindly took up the matter, and was furnished with a map defining the particulars for his guidance.

The barring of the footpath extending from the promenade near Old Mill Inn, corner of Heysham Road, past the Moss House Farm into lane leading past White Lund to Lancaster, led to the appointment, by a meeting of Morecambe ratepayers, of a committee to sustain the public right. The committee of this society co-operated with that committee as represented by their chairman and secretary, evidence was collected, a case for counsel's opinion prepared by Mr. Tilly, and counsel's opinion obtained through the National Footpath Preservation Society defining who were the parties to be proceeded against in vindication of the right. The prospect of the path being opened by building operations led to the resolution that the matter be left over for the present. The balance of subscriptions raised for proceedings on the Moss Side case was paid into the bank to the credit of this society.

Attention was drawn to the blocking by a new plantation of a footpath leading from High Cross Moor road to Moorhead and Wyresdale Church. This was a matter of comparatively small importance, and an accidental oversight, but deserves note, that due acknowledgment may be made of the absent proprietor's prompt courtesy in sending his representative to explain an unintentional error; and also because that error, if passed over, might have been taken as a precedent for serious encroachments on the public rights in other cases. The removal of an obstruction by hedging of a stile in the footpath leading from the Galgate Road to the ?? of Bailrigg was recorded.

The Committee has authorised the annual subscription, through the Secretary, of one guinea to the National Footpath Preservation Society, thereby securing the advantage of counsel's opinion by virtue of membership. The Committee had to regret the resignation of his office as treasurer by Mr. Councillor George Cleminson through ill-health, from which he since recovered, and tendered their grateful acknowledgment of his valuable services from the origin of the Society. The vacancy thus caused was at once filled by the appointment of the present treasurer, Mr. Councillor Brash.

The motion was adopted,

The Chairman remarking that they must all be satisfied that the society had done some very good work.

THE FOOTPATH FROM QUEEN'S WELL TO POSTERN GATE.

The Secretary said he had received letters from three gentlemen, expressing cordial sympathy with the society, and regretting their failure to attend the meeting. Mr. Barton, referring to the footpath in respect to which the meeting had been summoned, said lapse of time had, he was afraid, been construed into a token of weakness and had acted prejudicially. He said further steps would be taken to bring the matter to an issue. A letter had also been received from Mr. Michael Wilson and Mr. E. M. Baker, both members of the society, the latter saying that he thought it would be advisable to wait upon Mr. Garnett and discuss the question amicably with him. He was to think that such a deputation would be able to present to Mr. Garnett a view of the position which would lead to his acknowledgement of the society's claim on behalf of the public to the right of way. Failing that, the committee should be empowered to send representatives on a given date, over the road, giving Mr. Garnett notice of the date and of the fact that it was being done in assertion of the public right.

The Chairman said the next question was whether the meeting would authorise the committee to proceed further in the matter of this road.

Mr. Storey: Has Mr. Garnett stopped anyone lately? Does anyone know of any person being stopped?

The Chairman: He has put up notices. Mr. Storey: Yes, I know. He has put up a good many notices, but no one seems to take much notice of them. At the request of Mr. Watson, the Secretary read the correspondence which had passed between Mr. Garnett and himself on the subject of this road.

Mr. Kitchen said it might be said and probably it had been said, that the Association had done very little in the past; but the outside public knew very little of what had been done. The committee had held meetings, evidence in regard to certain walks in which the public were interested, and they had been met with the sympathy of the parties they had had to approach. In some cases obstructions had been removed and steps taken which had resulted in opening out to the public or making more public some footpaths that were in danger of being closed. It was with regret that he moved that steps be taken to maintain the right of the public to use the footpath through Quernmore Park from Queen's Well to Postern Gate. He had been in hope, all along, that a satisfactory solution of the matter would be arrived at, and the society had done all that possibly could be done to arrive at a satisfactory settlement of their differences with Mr. Garnett in a manner that would put aside any ill-feeling ; but after the length of time they had waited and it appeared to him that Mr. Garnett would wait as long as they liked upon that question, providing they did not push matters to a conclusion. The letter read by the Secretary was sufficient to show that the matter could not be settled unless further steps were taken. It might be said that no person, or at any rate very few persons, had been stopped from going along that footpath, but still they had evidence that an attempt had been made to stop the footpath, and under those circumstances he thought it was their bounden duty to support the action of the sub-committee appointed to ~~??~~ evidence. Therefore he proposed that the Society take the necessary steps to protect the public right to use the footpath leading from Queen's Well to Postern Gate in Quernmore Park. He might say that he was in favour of the proceedings being carried on in the manner suggested by Mr. Baker, as he yet had great hope that Mr. Garnett would see the ~~??~~ of withdrawing his opposition.

Mr. Molyneux, in seconding the proposition, said as a member of the sub -committee appointed to ~~??~~ evidence, he had come to the conclusion that they had a very strong case, and if they were to justify their existence at all as a footpath protection society this was just the case they should take up and prosecute to the end as custodians of the rights of the public to these footpaths. He thought they would be remiss in their duty if they did not take the case up.

The following resolution was then submitted to the meeting and carried unanimously: "That the sub-committee be authorised to continue their efforts to maintain the public right over this road, and if they are not able to come to an amicable settlement, to take such steps as their legal adviser may suggest."

Some further discussion ensued as to the first measures to be adopted, and it was resolved that the Mayor, Mr. C Johnson, and the Rev. D. Davis be requested to wait upon Mr. Garnett and try to come to an amicable settlement. This concluded the business of the meeting, and a vote of thanks having been accorded to the Chairman, the proceedings terminated.

THE CLAIM TO A FOOTPATH THROUGH QUERNMORE PARK

GARNETT versus ALBRIGHT and OTHERS

SPECIAL JURY CASE.

This was an action brought to try a right of way through Quernmore Park, entering at a point known as Queen's Well, on the Caton Road and continuing across Quernmore went out at the Postern Gates on the Quernmore Road. The plaintiff is Mr. William Garnett, J.P., of Quernmore Park, and the defendants were Joseph Albright, Nathan Molyneux, Robert Brash, and John Kitchen, representatives of the Lancaster Footpath Protection Association.

Mr. Gully, Q.C., M.P., and Mr. Shee, instructed by Messrs. Sharp and Son, solicitors, Lancaster, appeared for the plaintiff; and Mr. Bigham, Q.C., and Mr. Stuart Moor, instructed by Messrs Johnson and Tilly, solicitors, Lancaster, represented the defendants.

Mr. Shee in opening the pleadings said, William Garnett was the plaintiff in this case and Joseph Albright, Nathan Molyneux, Joseph Albright, and John Kitchen, were defendants. The statement of claim alleged that the plaintiff William Garnett was the owner and occupier of Quernmore Park, and he was the owner also of an estate called Scarthwaite adjoining, of which James Douglas Kennedy was the occupier; and that on the 21st August, 1888, the defendants in the exercise of their rights, and which the plaintiff alleged was a private right of way, broke two gates — one on the Scarthwaite estate and the other on the Quernmore Park estate; they went through the property, broke two locks, and did other damage. The defendants justified their action by alleging that the way was one used by the public, over which they had a right of way, and on these proceedings issue was joined between the parties.

Mr. Gully said in that case the plaintiff claimed damages, and the only question was whether there was a public right of way.

Mr. Bigham, in opening the case for defendant, and addressing the jury, said in that case, contrary to general rule, the defendants began the case, because they justified the act of the alleged trespass by setting up a right of way across the ground on which the alleged trespass took place. The question they would have to try was this — Aye or no, is there a right in the public to a walk along the pathway across the Park belonging to and through certain other property, belonging to the plaintiff Mr. Garnett. The case, he was afraid, would occupy some time by reason of the number of witnesses that would have to be called on one side and the other, though he did not think it would be necessary for him to occupy their time at any length in opening the facts, and although the evidence in quantity was considerable, the facts themselves were short. It seemed that Quernmore Park was about three miles from Lancaster, and was probably well-known to most of the jury. It had erected upon it in the last century a mansion built by the then owner of the property, Mr. Gibson, who occupied it for some considerable time. From 1832 to 1842 the mansion was occupied by Lady Dallas, as a tenant of Mr. Gibson's. In 1842 the property known as Quernmore Park was purchased by the grandfather of the present plaintiff, and he owned and occupied it until 1863— about twenty-one years or thereabouts. He died, and then it was occupied by his son, Mr. William Garnett, father of the present plaintiff, who died in 1873, having occupied it ten years. Since then up to the present time it had been in the occupation of the present plaintiff. In the year 1876 Mr. Garnett, the present plaintiff, bought an adjoining estate called Scarthwaite, and the path in question passed both through Scarthwaite and Quernmore. Part of the Scarthwaite estate was let to the present tenant, Mr. Kennedy, and he was one of the plaintiffs his name having been added since that action commenced. Mr. Bigham then handed two maps to the jury, copied from the Ordnance maps, and by means of which he traced the footway in dispute from Queen's Well to the Postern Gates, which was marked by a dotted red line. They would notice that where the river Lune made a bend was a highway— the old Richmond and Lancaster turnpike road — and they would see marked a place called Queen's Well. The road the defendants claimed on behalf of

the public, crosses from that point to the Queen's Well and along the dotted line to a place called Postern Gates, where the dotted line ended. It was a road, as far as their description of it went, which was indicated by the remains of an old quickset fence from Queen's Well to some little distance south, where it entered Quernmore Park itself. The road was metalled as a road for carts and conveyances, but in that action it was not claimed by defendants as a public road for carts, but simply as a public footpath. From where the Scarthwaite estate ended down to Park Cottage there was no visible fence, the road being an open one, but it was a distinctly metalled road. Then going further south there was a wall which divided Quernmore Park from the road itself, and it then continued by a quickset hedge and along the back of Quernmore Park till they got down to Gate house, or as it was more generally known—the Postern Gates. On reaching the latter place the road opened out into Postern Gates road, and also into another road which went to Lancaster, Galgate, Scotforth, and a number of other places. He would now tell them two or three matters connected with it, and which it was as well that they should know. The road in question as it ran through the Park was crossed by two or three gates—ordinary farm gates, there being one of that description where the road was entered at the Queen's Well from the turnpike road, and there was also another where the carriage drive led up to the farm from the mansion house, but there was no lodge. The nature of the evidence which he would be able to lay before them would show that in the days of Lady Dallas, in the days of the grandfather of the present plaintiff and in the days of his father, this road was used as a public road for both pleasure and business. He was told that it was in itself a delightful walk, and as such was likely to attract and was used by the inhabitants round about; and in addition to that it served a useful purpose because it was the nearest way for all the district of Quernmore, which was south of the Postern Gates Littledale, and Wyresdale, and right away up to the other side of the river Lune and to Caton. It was also the route to a place called Kellet going by way of Caton Penny Bridge, and which served for business purposes because there were then, as he believed there was now, considerable lime kilns there. All who had business in Caton and vicinity came from Quernmore along that road. It was in fact the direct road from the Postern gates to the only bridge which in those days crossed the Lune. He (Mr. Bigham) had to satisfy them that until Mr. Garnett, the present plaintiff, purchased Scarthwaite there was a continuous uninterrupted use of this road, and his Lordship would tell them that when once they arrived at the conclusion that a road had been used by 'he public as a public highway—as a road which was as a right with the consent of the owner—when once they arrived at that conclusion it was a road for ever after and must be a highway—or as the saying “once a highway always a highway”. A man could dedicate a highway to the public in an instant of time; or if an owner said this way shall be a highway, it was a highway there and then and could not be withdrawn, it was a highway for ever. It would be for a jury to judge from the evidence which he would bring before them whether it was not reasonable to draw the conclusion from the conduct of previous owners of the land that they intended the public to do that when they undoubtedly did—walk across the footpath and use it for business and pleasure purposes, when it was used properly. He would call a mass of evidence to show that before the present plaintiff's time people continually went along that road, and were not interfered with, and it never entered the minds of anybody that it was not a public road over which the public had a right to walk, but when in 1876 Mr. Garnett purchased the Scarthwaite estate he had tried to close every bit of road possible against the public, and seemed determined to find out what his strict rights were. He did not blame Mr. Garnett for that. 1876 Mr. Garnett tried to stop up a road or footpath which ran along the left banks of the Lune, but after a time he gave way. From 1880 to 1886 the Public Footpath Association which he represented had been collecting such evidence as they could to defend the right of the public to in connection with that highway. From 1880 to 1888 Mr. Garnett had intimated that this was a private road, and had done everything to recover for himself that which his predecessors had given up. But he could not recover it if that road was once public, nor anything that any private individual could do, would deprive the public of their rights over the road. The question for them would be—were they satisfied that prior to the time when Mr. Garnett began to assert that right, that that road had been lawfully dedicated to the public: if they were, nothing that Mr. Garnett had done since could alter the state of things.

The following witnesses were then called : .

Robert Brash was the first witness who was examined by Mr. Bigham said— He was a hatter, and carried on business in Cheapside, Lancaster, having been in Quernmore, and lived there for several years. He was one of the defendants in this case, and he and other gentlemen formed the Lancaster Footpath Association. His father was a tradesman, and lived in Quernmore for many years. He became a member of the Association in 1884, but subscribed from 1878. He heard the description of the road by Mr. Bigham, but did not quite understand where he got out at the Postern Gate. The road when they left the cottage and garden and turned to the left across a small field, and then forward into the carriage drive, past the Hall front to the Postern Gate.

Mr. Bigham explained that Mr. Garnett's grandfather made a road that passed behind the Hall, instead of in front, and they were quite willing to accept that, but as the case stood they claimed the road in front as part of the original path.

Mr. Gully said there had been walls and hedges across the road for forty years. Witness continuing: The road, from south north-wards, was useful as a way to Kellet, Aughton, Gressingham, and the Carnforth district, all of which were across the river. In fact it was the only available way to Caton Penny Bridge. Going south, people coming from the places named could get to Scotforth Moor, and the villages of Scotforth, Galgate, and Langthwaite. On the 21st of August last he and the other defendants passed along the road to claim it. He had known that footpath for forty years, and had been in the habit of using it. He had not been frequently over it since he was a boy, but perhaps for four times a year. Until Mr. Garnett purchased Scarthwaite he never heard of any one being stopped. He used it openly and in the daytime. He passed Park Cottage, where the steward lived, and any one could see him from the house; but he had not been stopped. He had seen others use the footpath. Since 1878 there had been disputes, but he was speaking of the time prior to that.

Cross-examined by Mr. Gully: The Park was surrounded by an old wall. There was a good number of acres within it, and some farm-houses stood within it also. Besides this one road there were others leading to farms and other places. There was a road from Postern Gate which led to two farms and to Oak Cottage, where it crossed to Park boundary and went across to Grassyard, and then into the highway leading to the village of Caton. People might go that way and not have to go far short of five miles round; but it was a good deal longer than the way in question. He had timed it, but not measured it. He remembered it first in the time of Mr. Garnett's grandfather. The new road was made before he could remember. The way was now wholly stopped. Would have to go through a wicket gate into a meadow, over a wall, and through a plantation to follow the road. When he said he went along it, he meant he went to places in the Park and back again. There might be sixteen residences in the Park, most of which were there when he was a boy. His father was a shoemaker and did work for people living in the Park. What he meant when he said he went along the road, was that he went to places with his father. He left Quernmore when he was thirteen. Since then he had used the road three or four times a year, on Sunday afternoons chiefly. He knew Mr. I Cranston and was known to him, and he had never turned him back. He had not seen very many people on the road, and had always kept to it himself. He had been over another one called the high-style road, and he considered that a public road. He never wandered off the road.

Re-examined by Mr. Bigham: The road described by Mr. Gully was not so convenient as the one claimed. He had been through when not required by business. Since leaving his father he had been through for pleasure only.

Mr. Moore then put in the depositions of the following witnesses, who were unable to attend through infirmity :

—
Thomas Williamson, 85, knew the road, and had used it, but not very often. He used it for pleasure, and never heard of any being stopped until lately.

Robert Bradley, 83, was born in Quernmore and used the road regularly. Lately he had not had occasion to do so. He had never been stopped going that way, but was stopped one time going over the high style road as he had a gun with him.

James Stuart, 93, of Caton, knew the road very well, and had used it, though not often. He never asked leave, and had seen others on the road.

James Robinson, 88, used to know the road, and had used it, but did not think he could find it now. He had never asked leave and always regarded it as a public road. He knew that others used it.

Robert Murphy, 90, knew the road, and had used it many times. He went for pleasure and never asked leave. When he used the road it was a public one.

Cross-examined by Mr. Shee: —He used to sell coals, and had leave to take his cart down the road. He knew Mr. Garnett and his brother, and his grandfather. He also knew Mr. Gibson and his son. They went through the Park to the races at Lancaster Moor. Mr. Gibson never objected. He never told Mr. Garnett that people used to try to go through the Park to the races and Mr. Garnett stopped them.

Thomas Mason, 90, knew Queen's Well and Postern Gates. From one to the other there was a footpath and he had used it both ways. He was never stopped.

Henry Brogden, 73, of Caton, had used the road many a score of times. He had never been interfered with, and had seen other persons use the road, and had never asked leave to use it.

John Armistead, 77 years of age, farmer, examined by Mr. Bingham, said he was born at Gressingham. When he was nine years of age, he went over this road— going from Queen's Well to Postern Gates, in a cart, to Lancaster races. He went to live at Halton Green, when he was fourteen years of age. Went over Penny Bridge, across Quernmore Park, to see some oxen ploughing. Could not say how often he went though, but used to walk as a young man from Queen's Well out at Postern Gates. Went over that way courting, and after he was married took the same walk frequently. Never asked anyone's leave, and was never interfered with. Generally went at the back of the hall, but had gone both sides.— Cross-examined: thought he had a right to go in front of the hall as well as the back. The first time he went was in a cart, but did not suggest the road was a cartway. The next time he went was to the ploughing, and that was on Mr. Gibson's farm. There were three of them all lads working at Halton Green. Took a farm in 1835. Kept up an acquaintance with Mr. Eglin, who instructed him as to the price of cattle. Mr. Eglin never objected to me or my wife walking anywhere in the Park; gone with Mr. Eglin sometimes to look at cattle, could not say how often he had gone through since Mr. Bigham left. Had often talked with Mr Cranston about cattle. — Re-examined by Mr. Bigham: said he had gone through the Park on his own business.

John Armistead, 46, years of age, son of last witness, lived at Blackwood End, in Quernmore five or six years. Knew the road, and had been over it but very often. On several occasions he had taken cattle to Caton and returned through the Park. That might happen once or twice a year, or sometimes there might be two years interval. Once went with a message to the late Mr. Gregson, and he believed he went that way. Nobody ever interfered with him. He had no doubt he went and came back the same way. Had met people passing on the road, -but they might be farmers or people connected with the place. -Cross-examined: It would be about five years during which he took cattle to Caton-perhaps half a dozen times in all.

John Jenkinson, a "knocker up " at Preston, and a silk-spinner by trade, said he was 76 years of age and lived over: 26 years there from an infant. He used to work at Thompson's Mill at Caton. He knew Queen's Well road and had been over hundreds of times. He had been over it for pleasure and for shooting. He had shot hares and rabbits in the road. He had walked many times from Queen's Well to Postern Gates, and no one interfered with him or stopped him. Once a person stopped him-in the year 1828-and asked him where he was going. He said tp Postern Gates and a little further. The person then said "Did he know that it was a private road?" He said he did not, and he did not turn back because he was too ugly to turn bac (laughter). He and others were on their way to Lancaster to see Jane Scot executed. He was stopped, near the steward's cottage — Cross examined by Mr. Gully; He did not always use the road, but sometimes went by the proper turnpike road. He never thought whether he used it as a right or not. He was frequently there with a gun and if he saw a hare he shot iti if he could. (Laughter) Nearly everybody had a gun in those days. He used the road in the day time and had also shot hares in Queen's Well Wood hundreds of times during the day. He sometimes put the hare in his pocket and didn,t care who saw it. They used to go up the road and come back again to his house in Caton. They went into Queen's Well Wood through the proper gate. He used to walk in the Park just as he pleased, he did not stick to the road. If he saw a hare he would follow it, thinking' he had as much right to it as them. Re-examined by Mr. Bigham: He had used the road many a time when he had not a gun, and always considered it a public footway.

Ann Foster, 68 years of age, was born at Caton and lived there till twenty-eight years of age. She knew the road by Queen's Weft to Postern Gates, and it was twenty-years since she had been over it. On Sunday

afternoons her father used to take her for a walk over there. They went in at Queen's Well Gate through the Park and to the back of the house, and out by the Postern Gates, and past Heaton's and Barton's. That occurred once or twice a summer when she was a little one. No one ever stopped or interfered with her. Cross-examined: — I would be seven or eight years of age when my father took us walk round there. My father was a silk dresser at Caton Mill. I cannot say how old my father was then. He lived at Caton all his life, and his father before him. They were well known in Caton, but I cannot say whether they were connected with anyone in Quernmore or had leave from Mr. Gibson to walk through the park.

Ralph Hurling, overlooker, Rochdale, forty-seven years of age, was born at Caton, and left when nine years of age. His father was a Caton man and a silk dresser. As a lad witness had often walked on the road in question and seen other people walk on it. He was last over it about seventeen years ago with a friend of his named Wilkinson, from Rochdale. When living at Galgate he used to go to see his grandmother at Caton, and went by that road. No one ever interfered with him, and he had seen other people on the road.— Cross-examined by Mr. Gully: His father and grandfather lived at Caton, and knew all the people in the neighbourhood, and would be known by everybody. As lads we went into the Park same as lads will go to places. He used once a month from five years of age to nine to lead a blind man occasionally to the Park where Mr. Garnett gave him something. He would be known pretty well.

John Harling, born in Caton in 1831, and lived there for about twenty years, knew the road very well. He had often been through it, and no one interfered with him. He knew the gamekeepers very well, and had met them many times, but they never spoke to him nor he to them if they kept to the road. If they didn't they would run them off. — Cross-examined: As a boy he had gone "pace egging," and got eggs from the farm houses in the neighbourhood of the Park and went on this road. He used also to go "colloping" to the farm houses and get bacon. He had never gone into the covers, but he had been in the rookeries. He generally kept to the road, but as little lads they would ramble about. He was cousin to last witness. His father and grandfather were well known about Caton.

Wm. Harling, 60 years of age, was born at Caton and lived there till he was 26 years of age. Then went to live at Galgate, and afterwards to Rochdale for 25 years. Had sometimes been over it, the last time about 24 years ago. Generally went through by the road. Had gone through when he was courting. I was never interfered with and had seen other people on the road. — Cross-examined by Mr. Gully: Went by Queen's Well and Postern Gates; and sometimes went by Grassyard. There was no lodge at Queen's Well gate; did not remember seeing a stile anywhere. The road by Heaton's and Barton's was not described as the proper road. It was the proper road, but we did not know but the other was the proper road. — Re-examined by Mr. Bingham: The road mentioned by Mr. Gully was a cart road.

His Lordship here remarked that to a certain degree there was a monotony about this evidence. If the same kind of evidence was to be continued, he did not believe if the jury did not credit the ten or twelve witnesses who had been called they would believe fifty.

Mr. Bingham said he had a great mass of evidence of the class already given.

His Lordship said if they did not prove something different to what had been proved, it was no use calling them. The jury would probably hold that opinion. He had known days wasted with that kind of evidence, and the effect of it was to induce the other side to call a great number of witnesses.

Mr. Bingham: Our evidence consists to a great extent of the kind already given.

His Lordship: You have already given us some fair specimens.

Mr. Bingham: Our case must consist of this kind of evidence.

His Lordship: If you have nothing else I don't think the jury ought to be asked to hear it. If you can call any witnesses to prove a different kind of fact you have not yet proved, all very well, but we don't want a large number of people who on one or other occasion have used this road. So far, this kind of evidence was as clear as it could be made. If Mr. Gully chooses to give you notice of the kind of evidence he is going to prove that might help us.

Mr. Gully: I shall call witnesses to prove that they have been turned back, and people who have asked permission to go through the Park. I shall call keepers and others to prove that part of my case.

His Lordship : I don't say what the value of that evidence may be, but it ought to be given if it can be given. I don't pretend to say what the weight of it may be. You don't get rid of one turning back by calling five people to say they were not turned back.

Mr. Bigham: I propose to call witnesses who went through the Park in the presence of the steward, without being interfered with.

His Lordship: You will then strengthen your case. But what is the use of calling fifty more witnesses of the same kind as already called. What could they prove? I don't see you can make your case any stronger by calling more witnesses like those already called.

Mr. Bigham: I don't see how I can deal with the case in any other way.

His Lordship: Why can't you stop? You have put this part of your case before the jury, and I don't see that calling a number of witnesses like those already called will carry it any further.

Mr. Bigham asked for time to be allowed to look over his list of witnesses to ascertain who it was desirable to call.— After a short interval he said he would call two or three other witnesses.

John Dugdale, Carnforth; John Rawlinson, moulder; and Isaac Foxcroft, gave evidence in the support of the claim of the Association. Mr. Bigham then called Robert Holt, when his Lordship again suggested that no more evidence of the nature already heard should be given.

Mr. Bingham then closed his case, and Mr. Gully stated the case for Mr. Garnett, who was the first witness called.

After hearing the evidence of Mr. Garnett and Mr. Cranston, his steward, a consultation took place between the learned counsel and their clients, at the close of which

Mr. Bigham said he had advised his clients to consent to the injunction asked for, and on the question of costs they had been met in a generous spirit by Mr. Gully.

Mr. Gully concurred, and

His Lordship expressed his pleasure at the termination of the trial in such a way, and said the result would be a verdict for plaintiff — judgment for the injunction prayed for, and for a sum to be agreed upon as to costs.

[We propose to give a full report in Saturday's paper.]

THE CLAIM TO A FOOTPATH THROUGH QUERNMORE PARK.

Not for days, nor even weeks, but almost for twelve months the footpath dispute in Quernmore, on the estate of Mr. Garnett, has excited no ordinary amount of interest in the public mind in Lancaster and surrounding district. The delay consequent upon receiving the necessary evidence, pro and con in settling his *wxxxx quaestio* before a legal tribunal has rather tended to quicken than to diminish that interest. For the sake of refreshing the memories of many of our readers we may venture to give a *resume* of those proceedings which have led to the climax witnessed in our civil court on Tuesday. As it had long been felt by many members of the Lancaster and District Footpath Association that the path through Quernmore Park from Queen's Well to Postern Gates was a free and public footpath, it was determined to hold a meeting of the Association in the Town Hall on the 26th of July, of last year, and then and there discuss the subject and take the feeling of the majority thereon. The result of that meeting was the passing of a resolution authorising the committee to take certain steps and to "formally assert the claim of the public to a footpath through Quernmore Park from the Queen's Well entrance on the Caton road to the Postern Gates" as above indicated. On the strength of this resolution a sub-committee was appointed by the Association to make a claim, and arrangements having been made with Mr. Garnett, the afternoon of Tuesday, August 1st, 1888, was selected as the time for the deputation to carry out their object. The gentlemen forming the testing party were Mr. N. Molyneux, Mr. John Kitchen, Mr. Robert Brash, and Mr. Joseph Albright. When these gentlemen arrived at the gate leading to the Park, near Queen's Well, they were met by Mr. William Garnett, Mr. W. T. Sharp, (Mr. Garnett's solicitor), Mr. Cranston, the steward of the Quernmore Estate, and Mr. James Cranston. Son of the latter.

The only other persons present were Mr. T. Briggs Cross, then common law clerk to Mr. Sharp, a representative of the *Lancaster Gazette*, and a gamekeeper in Mr. Garnett's employ, viz., John Goth.

Fortunately a very amicable spirit, prevailed, complimentary greetings were exchanged, and both sides dealt as gentlemen should deal with each other. The business of the afternoon commenced by Mr. Sharp inquiring formally of the deputation what the nature of their visit consisted of, and in reply Mr. Brash stated that they "claimed a right of way through the gate" asking at the same time if they "were to understand that objection would be taken against their claim." Mr. Sharp in answer to this point, remarked that if they claimed the right intimated, he must have the names and addresses of the visitors. A reproduction of the principal questions and answers is alone essential in order to show the true position of both parties on the occasion of this test. On the one hand was an assumption of right to walk through a certain path, the same being deemed a public path; on the other the contention that no right existed, the said path being private. The *ipsissima verba* will at once evince the good spirit that prevailed during the proceedings of well nigh a year ago.

"Mr. Sharp: Now, gentlemen, we are very glad to see you, but we want to know where you are going?"

Mr. Brash: We wish to walk through the Park.

Mr. Sharp: There is no public road.

Mr. Brash: There is a difference of opinion upon that point.

Mr. Sharp: Do you come here on your own behalf?

Mr. Albright: No, we claim the right on behalf of the public.

Mr. Sharp: Do you represent the public? We say the public have no right to come through here. The gate is locked.

Mr. Kitchen: Is it usually locked, Mr. Sharp?

Mr. Sharp: We shall not unlock the gate, and if you break it open you do it on your own responsibility.

Mr. Brash: In that case, if you refuse to open the gate, we see no other way than breaking the chain. You don't intend to use any physical force? You have no reserve force among the trees?

Mr. Sharp: No we have dealt fairly and honestly with you, and expect you to do the same.

Mr. Kitchen: If we break open the gate and go through the Park, we do it in opposition to your wishes?

Mr. Sharp: Certainly. You say you come here claiming a right of way on behalf of the public?

A reply was given in the affirmative, and Mr. Sharp answered “there is the lock, proceed”.

After Mr. Kitchen had broken the lock of the entrance gate, Mr. Brash, who acted as pioneer, led the way past the farm buildings and then on to the back of the hall, and after arriving at a gate-way on his left he suddenly halted until the rest of the claimants came up to him.

From this point the road on which the party stood runs almost parallel with the carriage drive from the hall and in a straight line terminates near the Postern Gate. Waving his hand Mr. Brash said: “This road we make no claim upon. This is a private road, and was made by Mr. Garnett's grandfather about forty years ago, I believe. (Then, pointing to the gate opposite which he stood, he said): The original road turned through here, went on to the carriage drive, and out at the Postern Gate. We don't wish to break through here, or cause any damage or annoyance to Mr. Garnett, and we are prepared to accept the new road in place of the old one.”

Mr. Sharp: We concede nothing. You must show us what you claim.

An altercation followed, when the party had reached a gateway leading to the gardens, and Mr. Brash stated that they claimed “the right to go along there on to the carriage drive and out at the Postern Gates, and that they should be sorry to do any damage or break any fences.” Mr. Sharp refused to allow the party permission to go through the gateway, declared that he and those on whose behalf he acted should not yield an inch, that the claimants must exercise their own judgment, warning them that for all they did they would be held responsible.

Mr. Brash then appealed to his colleagues as to what course they would follow, and was told they must go on. He then walked down the road a distance of about forty yards, and on arriving at the gateway to a paddock, called out, “Gentlemen, this way.” The party proceeded towards the gate, and Mr. Brash was about to enter the field when he was stopped by

Mr. Sharp, who said: You repudiated this road and said it was a private road, and that the road you claimed went through the garden.

There was some altercation on this point, Mr. Brash saying that he did not mean to stand to a few yards.—

Mr. Sharp: You said the road was through the garden, and we must be very particular. What do you say?

Mr. Brash (pointing to the gate leading into the paddock): We intend to go through here. He further said that when he pulled up at the garden gate he was speaking to the three gentlemen who were with him.

Mr. Sharp: You said most distinctly that this road was a private road, and was made by Mr. Garnett's grandfather.

Mr. Garnett (who interposed for the first time): When you spoke at the garden gate, you waved your hand and said, “This road is private.”

Mr. Brash: : I did, sir. But not to press the point, we say that there is a right of way.

Mr. Molyneux interposed, and said he thought they were departing from the main question ~ the right of the public to a road.

Nothing was conceded by the defending party, and the result was that a plain understanding was given to the effect that all that was claimed was, as Mr. Molyneux had put it—“the right of the public to a road.”

It was agreed at the end of the peregrinations that Mr. Garnett should not be subjected to any annoyance with regard to persons going over his property while this dispute was pending. The contending forces if we may phrase it “differed amicably”, fought really in the interests of peace, and parted with mutual acknowledgments as regarded courtesy and strict honour.

THE TRIAL

On Tuesday morning the battle of the amiables commenced at the assizes. The scene in court was not very striking owing probably to a feeling of doubt among the public generally as to what cases might first be called. Outside was a large crowd assembled to “see the judges.” One by one well-known faces entered the fine Shire Hall, and a little while before the court opened many hoary headed persons appeared. Most of these men of silvergrey locks were reputed witnesses belonging to one side or the other; and some were present we hear, between eighty and ninety years of age. Presently barristers and solicitors entered the well of the court, then came Mr. Shee, Q.C. with Mr. Gully; while seating himself on the further side of the solicitors' table might be seen Mr. W. T. Sharp followed shortly by Mr. Tilly. Then came several clerks bearing in their hands or on their backs, sundry books, rolls, and the distinguishably dark green bags. Mr. Bigham entered at about fifteen

minutes past eleven carrying a long parcel of papers and plans. At exactly twenty-nine minutes past eleven Mr. Garnett appeared and took his seat immediately below the jury box and near to the solicitors. The more prominent defendants occupied seats behind the counsel for plaintiff and defendants, and one could hardly fancy that a case involving such momentous decision *sui generis*, and cost was about to begin. Directly after the jury had answered to their names, the blare of trumpets was heard and in a few more moments Mr. Justice Stephen had taken his seat. The leading counsel for the plaintiff announced that in this instance the usual rule would be reversed and that the defendant's counsel would open the case. Mr. Bigham, Q.C., then rose and lucidly and concisely addressed the jury explaining, the nature of the case, the points claimed, and handed to the judge and jury maps and plans of the locality and its surroundings concerning which litigation had arisen.

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As the case proceeded it became evident that a monotonous time of it was in store for both judge and jury if the evidence were to consist of each merely offering corroborations of his predecessor as to the using of the road. The learned judge therefore, with commendable promptness interposed, and his interposition led to the learned counsel for the plaintiff rising and intimating to his Lordship and the jury the basis or tenor of the rebutting evidence he would offer. The consequence was that Mr. Bigham shortly after closed the case for the defendants, and Mr. Gully rose and called his witnesses, Mr. Garnett, the plaintiff amongst them. The result was a consultation between counsel and their clients, as will be seen from our report, and ultimately a verdict for the plaintiff with an injunction, a sum to be agreed upon concerning costs.

THE CLAIM TO A FOOTPATH THROUGH QUERNMORE PARK.

Not for days, nor even weeks, but almost for twelve months the footpath dispute in Quernmore, on the estate of Mr. Garnett, has excited no ordinary amount of interest in the public mind in Lancaster and surrounding district. The delay consequent upon receiving the necessary evidence, pro and con in settling his *wxxxx quaestio* before a legal tribunal has rather tended to quicken than to diminish that interest. For the sake of refreshing the memories of many of our readers we may venture to give a *resume* of those proceedings which have led to the climax witnessed in our civil court on Tuesday. As it had long been felt by many members of the Lancaster and District Footpath Association that the path through Quernmore Park from Queen's Well to Postern Gates was a free and public footpath, it was determined to hold a meeting of the Association in the Town Hall on the 26th of July, of last year, and then and there discuss the subject and take the feeling of the majority thereon. The result of that meeting was the passing of a resolution authorising the committee to take certain steps and to "formally assert the claim of the public to a footpath through Quernmore Park from the Queen's Well entrance on the Caton road to the Postern Gates" as above indicated. On the strength of this resolution a sub-committee was appointed by the Association to make a claim, and arrangements having been made with Mr. Garnett, the afternoon of Tuesday, August 1st, 1888, was selected as the time for the deputation to carry out their object. The gentlemen forming the testing party were Mr. N. Molyneux, Mr. John Kitchen, Mr. Robert Brash, and Mr. Joseph Albright. When these gentlemen arrived at the gate leading to the Park, near Queen's Well, they were met by Mr. William Garnett, Mr. W. T. Sharp, (Mr. Garnett's solicitor), Mr. Cranston, the steward of the Quernmore Estate, and Mr. James Cranston. Son of the latter.

The only other persons present were Mr. T. Briggs Cross, then common law clerk to Mr. Sharp, a representative of the *Lancaster Gazette*, and a gamekeeper in Mr. Garnett's employ, viz., John Goth.

Fortunately a very amicable spirit, prevailed, complimentary greetings were exchanged, and both sides dealt as gentlemen should deal with each other. The business of the afternoon commenced by Mr. Sharp inquiring formally of the deputation what the nature of their visit consisted of, and in reply Mr. Brash stated that they "claimed a right of way through the gate" asking at the same time if they "were to understand that objection would be taken against their claim." Mr. Sharp in answer to this point, remarked that if they claimed the right intimated, he must have the names and addresses of the visitors. A reproduction of the principal questions and answers is alone essential in order to show the true position of both parties on the occasion of this test. On the one hand was an assumption of right to walk through a certain path, the same being deemed a public path; on the other the contention that no right existed, the said path being private. The *ipsissima verba* will at once evince the good spirit that prevailed during the proceedings of well nigh a year ago.

"Mr. Sharp: Now, gentlemen, we are very glad to see you, but we want to know where you are going?"

Mr. Brash: We wish to walk through the Park.

Mr. Sharp: There is no public road.

Mr. Brash: There is a difference of opinion upon that point.

Mr. Sharp: Do you come here on your own behalf?

Mr. Albright: No, we claim the right on behalf of the public.

Mr. Sharp: Do you represent the public? We say the public have no right to come through here. The gate is locked.

Mr. Kitchen: Is it usually locked, Mr. Sharp?

Mr. Sharp: We shall not unlock the gate, and if you break it open you do it on your own responsibility.

Mr. Brash: In that case, if you refuse to open the gate, we see no other way than breaking the chain. You don't intend to use any physical force? You have no reserve force among the trees?

Mr. Sharp: No we have dealt fairly and honestly with you, and expect you to do the same.

Mr. Kitchen: If we break open the gate and go through the Park, we do it in opposition to your wishes?

Mr. Sharp: Certainly. You say you come here claiming a right of way on behalf of the public?

A reply was given in the affirmative, and Mr. Sharp answered “there is the lock, proceed”.

After Mr. Kitchen had broken the lock of the entrance gate, Mr. Brash, who acted as pioneer, led the way past the farm buildings and then on to the back of the hall, and after arriving at a gate-way on his left he suddenly halted until the rest of the claimants came up to him.

From this point the road on which the party stood runs almost parallel with the carriage drive from the hall and in a straight line terminates near the Postern Gate. Waving his hand Mr. Brash said: “This road we make no claim upon. This is a private road, and was made by Mr. Garnett's grandfather about forty years ago, I believe. (Then, pointing to the gate opposite which he stood, he said): The original road turned through here, went on to the carriage drive, and out at the Postern Gate. We don't wish to break through here, or cause any damage or annoyance to Mr. Garnett, and we are prepared to accept the new road in place of the old one.”

Mr. Sharp: We concede nothing. You must show us what you claim.

An altercation followed, when the party had reached a gateway leading to the gardens, and Mr. Brash stated that they claimed “the right to go along there on to the carriage drive and out at the Postern Gates, and that they should be sorry to do any damage or break any fences.” Mr. Sharp refused to allow the party permission to go through the gateway, declared that he and those on whose behalf he acted should not yield an inch, that the claimants must exercise their own judgment, warning them that for all they did they would be held responsible.

Mr. Brash then appealed to his colleagues as to what course they would follow, and was told they must go on. He then walked down the road a distance of about forty yards, and on arriving at the gateway to a paddock, called out, “Gentlemen, this way.” The party proceeded towards the gate, and Mr. Brash was about to enter the field when he was stopped by

Mr. Sharp, who said: You repudiated this road and said it was a private road, and that the road you claimed went through the garden.

There was some altercation on this point, Mr. Brash saying that he did not mean to stand to a few yards.—

Mr. Sharp: You said the road was through the garden, and we must be very particular. What do you say?

Mr. Brash (pointing to the gate leading into the paddock): We intend to go through here. He further said that when he pulled up at the garden gate he was speaking to the three gentlemen who were with him.

Mr. Sharp: You said most distinctly that this road was a private road, and was made by Mr. Garnett's grandfather.

Mr. Garnett (who interposed for the first time): When you spoke at the garden gate, you waved your hand and said, “This road is private.”

Mr. Brash: : I did, sir. But not to press the point, we say that there is a right of way.

Mr. Molyneux interposed, and said he thought they were departing from the main question ~ the right of the public to a road.

Nothing was conceded by the defending party, and the result was that a plain understanding was given to the effect that all that was claimed was, as Mr. Molyneux had put it—“the right of the public to a road.”

It was agreed at the end of the peregrinations that Mr. Garnett should not be subjected to any annoyance with regard to persons going over his property while this dispute was pending. The contending forces if we may phrase it “differed amicably”, fought really in the interests of peace, and parted with mutual acknowledgments as regarded courtesy and strict honour.

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Nis prius Court.
(Before Mr. Justice Stephen)

THE CLAIM TO A FOOTPATH
THROUGH QUERNMORE PARK

GARNETT versus ALBRIGHT and OTHERS
SPECIAL JURY CASE

This was an action brought to try a right of way through Quernmore Park, entering at a point known as Queen's Well, on the Caton road and continuing across Quernmore went out at the Postern Gates on the Quernmore Road. The plaintiff is Mr. William Garnett, J. P., of Quernmore Park, and the defendants were Joseph Albright, Nathan Molyneux, Robert Brash, and John Kitohen, representatives of the Lancaster Footpath Protection Association.

Mr. Gully, Q.C., M.P., and Mr. Shee, instructed by Messrs. Sharp and Son, solicitors, Lancaster, appeared for the plaintiff; and Mr. Bigham, Q.C., and Mr. Stuart Moor, instructed by Messrs. Johnson and Tully, solicitors, Lancaster, represented the defendants.

The special jury was constituted of the following gentlemen: — John Sharp, manufacturer, Preston; William Saul, cotton spinner, Accrington; William Taylor, ironfounder, Barrow-in-Furness; Thomas Mercer, cotton manufacturer, Blackburn; J Richard Moir, madder dyer, Accrington; Thomas Appleton, merchant, Kirkham; Richard Ashburner, shipowner, Barrow-in-Furness; Henry Copeland Breakell, spirit merchant, Fishwick; Henry Gifford Bell, upholsterer, Preston; John Wilson Cunliffe, manufacturer, Accrington; Richard Henry Clayton, ironfounder, Blackburn; and Joseph Waddington, ironfounder, Barrow-in-Furness.

Mr. Shee in opening the pleadings said, William Garnett was the plaintiff in this case and Joseph Albright, Nathan Molyneux, Joseph Albright, and John Kitchen, were defendants. The statement of claim was that the plaintiff William Garnett was the owner and occupier of Quernmore Park, and he was the owner also of an estate, Scarthwaite, adjoining, of which James Douglas Kennedy was the occupier; and that on the 21st August, 1888, the defendants in the exercise of their rights, and which the plaintiff claims was a private right of way, broke two gates — one on the Scarthwaite estate and the other on the Quernmore Park estate; they went through the property, broke two locks, and did other damage. The defendants justified their action by alleging that the way was one used by the public, over which they had a right of way, and on those proceedings issue was joined between the parties.

Mr. Gully said in that case the plaintiff claimed no damages on the record, but the only question was whether there was a public right of way.

Mr. Bigham, in opening the case for defendant, and addressing the jury, said in that case, contrary to general rule, the defendants began the case, because they justified the act of the claimed trespass by setting up a right of way across the ground on which the alleged trespass took place. The question they would have to try was this — Aye or no, is there a right in the law to a walk along the pathway across the Park belonging to and through certain other property, belonging to the plaintiff Mr. Garnett. The case, he was afraid, would occupy some time by reason of the number of witnesses that would have to be called on one side and the other, though he did not think it would be necessary for him to occupy their time at any length in opening the facts, and although the evidence in quantity was considerable, the facts themselves were short. It seemed that Quernmore Park was about three miles from Lancaster, and was probably well-known to most of the jury. It had erected upon it in the last century a mansion by the then owner of the property, Mr. Gibson, who occupied it for some considerable time. From 1832 to 1842 the mansion was occupied by Lady Dallas, as a tenant of Mr. Gibson's. In 1842 the property known as Quernmore Park was purchased by the grandfather of the present plaintiff, and he owned and occupied it until 1863 — about twenty-one years or thereabouts. He died, and then it was

occupied by his son, Mr. William Garnett, father of the present plaintiff, who died in 1873, having occupied it ten years. Since then up to the present time it had been in the occupation of the present plaintiff. In the year 1876 Mr. Garnett, the present plaintiff, bought an adjoining estate, Scarthwaite, and the path in question passed both through Scarthwaite and Quernmore. Part of the Scarthwaite estate was let to the present tenant, Mr. Kennedy, and he was one of the plaintiffs, his name having been added since that action commenced. Mr. Bigham then handed two maps to the jury, copied from the Ordnance maps, and by means of which he traced the footway in dispute from Queen's Well to the Postern Gates, which was marked by a dotted red line. They would notice that where the river Lune made a bend was a highway — the old Richmond and Lancaster turnpike road— and they would see marked a place called Queen's Well. The road the defendants claimed on behalf of the public, crossed from that point to the Queen's Well and along the dotted line to a place Postern Gates, where the dotted line ended. It was a road, as far as their description of it went, which was indicated by the remains of an old quickset fence from Queen's Well, to some little distance south, where it entered Quernmore Park itself. The road was metalled as a road for carts and conveyances, but in that action it was not claimed by defendants as a public road for carts, but simply as a public footpath. From where the Scarthwaite estate ended down to Park Cottage there was no visible fence, the road being an open one, but it was a distinctly metalled road. Then going further south there was a wall which divided Quernmore Park from the road itself and it then continued by a quickset hedge and along the back of Quernmore Park till they got down to Gate house, or as it was more generally known — the Postern Gates. On reaching the latter place the road opened out into Postern Gates road, and also into another road which went to Lancaster, Galgate, Scotforth, and a number of other places. He would now tell them two or three matters connected with it, and which it was as well they should know. The road in question as it ran through the Park was crossed by two or three gates — ordinary form gates, there being one of that description where the road was entered at the Queen's Well from the turnpike road, and there was also another where the carriage drive led up to the farm from the mansion house, but there was no lodge. The nature of the evidence which he would be able to lay before them would show that in the days of Lady Dallas, in the days of the grandfather of the present plaintiff, and in the days of his father, this road was used as a public road for both pleasure and business. He was told that it was in itself a delightful walk, and as such was likely to attract and was used by the inhabitants round about and in addition to that it served a useful purpose because it was the nearest way for all the district of Quernmore, which was south of the Postern Gates, Littledale, and Wyresdale, and right away up to the other side of the river Lune and to Caton. It was also the route to a place called Kellet, going by way of Caton Penny Bridge, and which served for business purposes because there were then, as he believed there was now, considerable lime kilns there. All who had business in Caton and that vicinity came from Quernmore along that road. It was in fact the direct road from the Postern gates to the only bridge which in those days crossed the Lune. He (Mr. Bigham) had to satisfy them that until Mr. Garnett, the present plaintiff, purchased Scarthwaite there was a continuous uninterrupted use of this road, and his Lordship would tell them that when once they arrived at the conclusion that a road had been used by the public as a public highway — as a road which was used as a right with the consent of the owner — when once they arrived at that conclusion it was a road for ever after and must be a highway — or as the saying was, “once a highway always a highway”. A man could dedicate a highway to the public in an instant of time; for if an owner said this way shall be a highway, it was a highway there and then and could not be withdrawn, — it was an highway for ever. It would be for the jury to judge from the evidence which he would bring before them whether it was not reasonable to draw the conclusion from the conduct of previous owners of land that they intended the public to do that which they undoubtedly did — walk across the footpath and use it for business and pleasure purposes, when it was used properly. He would call a mass of evidence to show that before the present plaintiff's time people continually went along that road, and were not interfered with, and it never entered the minds of anybody that it was not a public road over which the public had a right to walk, but when in 1876 Mr. Garnett purchased the Scarthwaite estate he had tried to close every bit of road possible against the public, and seemed determined to find out what his strict rights were. He did not blame Mr. Garnett for that. In 1876 Mr. Garnett tried to stop up a road or footpath which ran along the left banks of the Lune, but after a time he gave way. From 1880 to 1888 the Public Footpath Association which he represented had been collecting such evidence as they could to defend the right of the public in connection with

that highway. From 1880 to 1888 Mr. Garnett had intimated that this was a private road, and had done everything to recover for himself that which his predecessors had given up. But he could not recover because if that road were once public nothing any private individual could do, would deprive the public of their rights over the road. The question for them would be — were they satisfied that prior to the time when Mr. Garnett began to assert that right, that that road had been lawfully dedicated to the public; if they were, nothing that Mr. Garnett had done since could alter the state of things.

The following witnesses were then called: —

Robert Brash was the first witness, who was examined by Mr. Bigham said — He was a hatter, and carried on business in Cheapside, Lancaster, having been born in Quernmore, and lived there for several years. He was one of the defendants in this case, and he and other gentlemen formed the Lancaster Footpath Association. His father was a tradesman, and lived in Quernmore for many years. He became a member of the Association in 1884, but subscribed from 1878. He heard the description of the road by Mr. Bigham, but did not quite understand where he got out at the Postern Gate. The road when they left the cottage and garden and turned to the left across a small field, and then forward into the carriage drive, past the Hall front to the Postern Gate. Mr. Bigham explained that Mr. Garnett's grandfather made a road that passed behind the Hall, instead of in front, and they were quite willing to accept that, but as the case stood they claimed the road in front as part of the original path.

Mr. Gully said there had been walls and hedges across the road for forty years.

Witness continuing: The roads from south north-wards, was useful as a way to Kellet, Aughton, Gressingham, and the Carnforth district, all of which were across the river. In fact it was the only available way to Caton Penny Bridge. Going south, people coming from the places named could get to Scotforth Moor, and the villages of Scotforth, Galgate, and Langthwaite. On the 21st of August last he and the other defendants passed along the road to claim it. He had known that footpath for forty years, and had been in the habit of using it. He had not been frequently over it since he was a boy, but perhaps for four times a year. Until Mr. Garnett purchased Scarthwaite he never heard of any one being stopped. He used it openly and in the daytime. He passed Park Cottage, where the steward lived, and anyone could see him from the house; but he had not been stopped. He had seen others use the footpath. Since 1878 there had been disputes, but he was speaking of the time prior to that.

Cross-examined by Mr. Gully: The Park was surrounded by an old wall. There was a good number of acres within it, and some farm-houses stood within also. Besides this one road there were others leading to farms and other places. There was a road from Postern Gate which led to two farms and to Oak Cottage, where it crossed to Park boundary and went across, to Grassyard, and then into the highway leading to the village of Caton. People might go that way and not have to go far short of five miles round; but it was a good deal longer than the way in question. He had timed it, but not measured it. He remembered it first in the time of Mr. Garnett's grandfather. The new road was made before he could remember. The way was now wholly stopped. Would have to go through a wicket gate into a meadow, over a wall, and through a plantation to follow the road. When he said he went along it, he meant he went to places in the Park and back again. There might be sixteen residences in the Park, most of which were there when he was a boy. His father was a shoemaker and did work for people living in the Park. What he meant when he said he went along the road, was that he went to places with his father. He left Quernmore when he was thirteen. Since then he had used the road three or four times a year, on Sunday afternoons chiefly. He knew Mr. Cranston and was known to him, and he had never turned him back. He had not seen very many people on the road, and had always kept to it himself. He had been over another one called the high-style road, and he considered that a public road. He never wandered off the road. Re-examined by Mr. Bigham: The road described by Mr. Gully was not so convenient as the one claimed. He had been through when not required by business. Since leaving his father he had been through for pleasure only.

Mr. Moore then put in the depositions of the following witnesses, who were unable to attend through infirmity. Thomas Williamson, of Brookhouse, near Caton, who states that he is in his 85th year, and has lived at Caton nearly all his life. He was the sexton of Brookhouse Church over 26 years, and used to be farm servant at New

Parkfield farm, but after leaving there had no connection with Quernmore Park. He knew the road between Postern Gates and Queen's Well, and had often used it to go to the Lancaster races, but turned off and over the high style. He never heard of any one being stopped until lately. When they went by the Queen's Well they passed behind the Hall, formerly the road went by the Hall end, but Mr. Gibson made the road behind. He had seen people who were strangers to him go. It would be seventy years since he first went along the road. Cross-examined by Mr. Shee : — He knew nothing about the road, only he went that way, and was never denied it. He did not know whether it was a public or private road. He had heard they wanted to stop it. For the tenant in the Park to go to the Cast Mill they were obliged to go by the Postern Gates.—Re- examined: When I was using the road after I had ceased to have any connection with the Park, I was not going to the farmers in the Park. Robert Bradley, of West View Cottage, Caton, aged 83, was born in Quernmore at Wasp's Nest, and went from there to Lancaster, afterwards going to Caton and lived there until he was 10 years old. He went to Lancaster and served his apprenticeship and then returned to Caton in 1827. He knew the road from Queen's Well to Postern Gate, and had been in the habit of using it as a footpath frequently. He used to live within a few hundred yards of Queen's Well, and at that time used the road very frequently. Since he went to live at West View he had not had occasion to use it. He was only interfered with once. He had been to a christening at Lancaster, and was coming back. It was at the time he was courting his first wife. As they were coming from behind the hall, a young man threw up his arms and shouted, "What ship," and the "Fearnought" or "Dreadnought" he wasn't sure which. He knew the young man. It was Robinson's son from the Old Hall. He said nothing about the road. He was once stopped coming by the high style. He had a gun with him, and Thomas Alderson the keeper called of him. He waited and the keeper came down he let him go forward. He had frequently seen others using the road, and had never heard of anyone being stopped. — Cross-examined by Mr. Shee: He was a shoemaker by trade, and his master did work for the farm people. He had friends living at Friars Moss, the other side of the Postern Gates. He knew most of the people in the Park. He had only once gone in front of the Hall.—Re- examined: I was bringing two ladies over to Caton from Mr. Pagett's and they wanted to see the Hall so he took them in front, but they went behind. There were plenty of people about to stop him if he was going wrong. It was midday.

Joseph Stewart, of Dunald Mill, Carnforth, said he was 93 years old, and had lived at Caton over 40 years. He went to Dunald Mill seven years ago. He had used the road from Queen's Well to Postern Gates. It was 20 years since he was over it. Mr. Gibson lived at the Hall. — Cross-examined by Mr. Shee: He worked as a silk dresser at the Caton Mill, and at Galgate. Both mills belonged to the same people. He began work at Galgate at six o'clock, and left off about seven in the evening. He did not know the farmer in the Park to speak to. He knew Joe Robinson at the Old Hall, and the keeper Alderson. He knew Elgin the steward, and was known to him. He went through the Queen's Well pleasuring.

James Robinson, of Caton, was turned eighty-eight years old, and used to know the road from Queen's Well to Postern Gate, but he did not think he could find it now. He had used the road both ways, and had never asked anybody's leave to use it. He had never been stopped. He had had mates who used the road, but they were all dead. He had met other people on the road, and had never been interfered with.. — Cross-examined by Mr. Shee: He knew Joe Robinson of the Old Hall Farm. They were relatives. He went to see him both when he lived at Carnforth and Littledale.

Robert Murphy, of Caton, said he would be ninety on June 12th. He had lived in Caton from 1810 up to now. He knew Queen's Well and Postern Gates, and the road between. He had used it many a time. Perhaps thirty or forty times. He went walking for pleasure that way and never asked leave of any one. When using the road he had seen other people on it, but had never taken any notice of them. Did not remember having heard that people had been stopped, and had not been over it for a long time. The gates were not locked, he had simply to open and shut them. He could not say whether other people from Caton used the road. — Cross-examined by Mr. Shee: I used to sell coals, and have sold coals to the tenants at Quernmore Park. I knew Mr. Garnett's father and grandfather. He never asked them if he could sell coals to the tenants, but he asked permission to come down the road with his empty carts, and it was given him. He remembered Quernmore in Mr. Gibson's time. Richard Eglin was steward there. He knew Mr. Eglin himself, and had talked to him, and always been kindly treated by him. He knew the present Mr. Garnett by sight, and had talked to him a little. They used to

go across the Park to the races on Lancaster Moor; he did not know that Mr. Gibson objected. He did not stop anyone to his knowledge. He had not told Mr. Sharp that there was no public road; he always used it as a public road. He never told Mr. Garnett that Mr. Gibson objected to people using the road. Mr. Gibson never owned Queen's Well, and he never knew that he stopped people going out at the Postern Gate.

Thomas Mason, of West View, Scotforth, was nearly 90 years of age, and was born at Fell End, Quernmore. He knew Postern Gates before Quernmore Moor was taken in, and he knew the Queen's Well; between the two places there is a cart road. He had walked on the road both ways. He never was stopped -and did not know that any one else was. When he used the road, he used it openly and did not sneak down it. He never thought of such a thing. He never asked anybody's leave to use it. — Cross-examined by Mr. Shee: He had lived in the neighbourhood all his life. He had been at the Park at times on business, but that had nothing to do with this concern. The business might be with the steward. When he went to Milnthorpe fair he walked all the way. It was twelve miles. When he went in at the Postern Gates he did not go in front of the house.— Re-examined : Milnthorpe fair was once a year, on the 20th of May. He did not always walk. He took some cattle but not through the Park, but he came back through the Park.

Henry Brogden, 11, Regent-street, Lancaster, said he would be 73 years of age in May. He lived at Caton all his life except for the last ten years. He knew the Postern Gates and Queen's Well, and he had used the road between them many a time. He had a sister who lived at Corney Hill Farm. My mother used to make cordings for making stockings, and I often used to take them to my sisters. He went up Queen's Well right up to the back of the hall. He was never interfered with, and had seen other persons using the road. I have not been over the road since I left Caton. — Cross-examined by Mr. Shee: He had worked at the Park Hall where the saw mill was, and also for the farmers. He lived at Brookhouse most of his time. He was a joiner. He never remembered the coach- man turning him and three others back.

The examination of witnesses was proceeded with as follows: —

John Armitstead, 77 years of age, farmer, examined by Mr. Bigham, said he was born at Gressingham. When he was nine years of age, he went over this road — going from Queen's Well to Postern Gates, in a cart, to Lancaster races. He went to live at Halton Green, when he was fourteen years of age. Went over Penny Bridge, across Quernmore Park, to see some oxen ploughing. Could not say how often he went though, but used to walk as a young man from Queen's Well out at Postern Gates. Went over that way courting, and after he was married took the same walk frequently. Never asked anyone's leave, and was never interfered with. Generally went at the back of the hall, but had gone both sides. — Cross-examined: Thought he had a right to go in front of the hall as well as the back. The first time he went was in a cart, but did not suggest the road was a cartway. The next time he went was to the ploughing, and that was on Mr. Gibson's farm. There were three of them, all lads working at Halton Green. Took a farm in 1835. Kept up an acquaintance with Mr. Eglin, who instructed him as to the price of cattle. Mr. Eglin never objected to me or my wife walking anywhere in the Park; gone with Mr. Eglin sometimes to look at cattle, could not say how often he had gone through since Mr. Bigham left. Had often talked with Mr. Cranston about cattle. — Re-examined by Mr. Bigham: Said he had gone through the Park on his own business.

John Armistead, 46, years of age, son of last witness, lived at Blackwood End, in Quernmore five or six years. Knew the road, and had been over it but not very often. On several occasions he had taken cattle to Caton and returned through the Park. That might happen once or twice a year, or sometimes there might be two years interval. Once went with a message to the late Mr. Gregson, and he believed he went that way. Nobody ever interfered with him. He had no doubt he went and came back the same way. Had met people passing on the road, but they might be farmers or people connected with the place.—Cross- examined : It would be about five years during which he took cattle to Caton — perhaps half a dozen times in all.

John Jenkinson, a " knocker up " at Preston, and a silk-spinner by trade, said he was 76 years of age, and lived over 26 years there from an infant. He used to work at Thompson's Mill at Caton. He knew Queen's Well road and had been over hundreds of times. He had been over it for pleasure and for shooting. He had shot hares and rabbits in the road. He had walked many times from Queen's Well to Postern Gates, and no one interfered with him or stopped him. Once a person stopped him — in the year 1828 — and asked him where he was going. He said to Postern Gates and a little further. The person then said " Did he know it was a private road." He said he

did not, and he did not turn back because he was too ugly to turn back (laughter). He and others were on their way to Lancaster to see Jane Scot executed. He was stopped near the steward's cottage. — Cross-examined by Mr. Gully: He did not always use the road, but sometimes went by the proper turnpike road. He never thought whether he used it as a right or not. He was frequently there with a gun and if he saw a hare he shot it if he could. (Laughter.) Nearly everybody had a gun in those days. He used the road in the day time and had shot hares in Queen's Well Wood hundreds of times during the day. He sometimes put the hare in his pocket and didn't care who saw it. They used to go up the road and come back again to his house at Caton. They went into Queen's Well Wood through the proper gate. He used to walk in the Park just as he pleased, he did not stick to the road. If he saw a hare he would shoot it, thinking he had as much right to it as them. Re-examined by Mr. Bigham: He had used the road many a time when he had not a gun, and always considered it a public footway.

Ann Foster, 58 years of age, was born at Caton, and lived there till twenty-eight years of age. She knew the road by Queen's Well to Postern Gates, and it was twenty years since she had been over it. On Sunday afternoons her father used to take her for a walk over there. They went in at Queen's Well Gate through the Park and to the back of the house, and out by the Postern Gates, and past Heaton's and Barton's. That occurred once or twice a summer when she was a little one. No one ever stopped or interfered with her. Cross-examined: — I would be seven or eight years of age when my father took us walks round there. My father was a silk dresser at Caton Mill. I cannot say how old my father was then. He lived at Caton all his life, and his father before him. They were well known in Caton, but I cannot say whether they were connected with anyone in Quernmore or had leave from Mr. Gibson to walk through the park.

Ralph Hurling, overlooker, Rochdale, forty-seven years of age, was born at Caton, and left when nine years of age. His father was a Caton man and a silk dresser. As a lad witness had often walked on the road in question and seen other people walk on it. He was last over it about seventeen years ago with a friend of his named Wilkinson, from Rochdale. When living at Galgate he used to go to see his grandmother at Caton, and went by that road. No one ever interfered with him, and he had seen other people on the road. — Cross-examined by Mr. Gully: His father and grandfather lived at Caton, and knew all the people in the neighbourhood, and would be known by everybody. As lads we went into the Park same as lads will go to places. He used once a month from five years of age to nine to lead a blind man occasionally to the Park where Mr. Garnett gave him something. He would be known pretty well.

John Harling, born in Caton in 1831, and lived there for about twenty years, knew the road very well. He had often been through it, and no one interfered with him. He knew the gamekeepers very well, and had met them many times, but they never spoke to him nor he to them if they kept to the road. If they didn't they would run them oft.— Cross-examined: As a boy he had gone "pace egging," and got eggs from the farm houses in the neighbourhood of the Park and went on this road. He used also to go "colloping" to the farm houses and get bacon. He had never gone into the covers, but he had been in the rookeries. He generally kept to the road, but as little lads they would ramble about. He was cousin to last witness. His father and grandfather were well known about Caton.

Wm. Harling, 60 year of age, was born at Caton, and lived there until he was 26 years of age. Then went to live at Galgate, and afterwards to Rochdale for 25 years. Had sometimes been over it, the last time about 24 years ago. Generally went through by the road. Had gone through when he was courting; was never interfered with, and had seen other people on the road. — Cross-examined by Mr. Gully: Went by Queen's Well and Postern Gates; and sometimes went by Grassyard. There was no lodge at Queen's Well gate. It was the proper road, but we did not know but the other was the proper road.—Re-examined by Mr. Bingham: The road mentioned by Mr. Gully was a cart road.

His Lordship here remarked that to a certain degree there was a monotony about this evidence. If the same kind of evidence was to be continued, he did not believe if the jury did not credit the ten or twelve witnesses who had been heard they would believe fifty.

Mr. Bigham said he had a great mass of evidence of the class already given.

His Lordship said if they did not prove something different to what had been proved, it was no use calling them. The jury would probably hold that opinion. He had known days wasted with that kind of evidence, and the effect of it was to induce the other side to call a great number of witnesses.

Mr. Bigham: Our evidence consists to a great extent of the kind already given.

His Lordship: You have already given us some fair specimens.

Mr. Bigham: Our case must consist of this kind of evidence.

His Lordship: If you have nothing else I don't think the jury ought to be asked to hear it. If you can call any witnesses to prove a different kind of fact you have not yet proved, all very well, but we don't want a large number of people who on one or other occasion have used this road. So far, this kind of evidence was as clear as it could be made. If Mr. Gully chooses to give you notice of the kind of evidence he is going to present that might help us.

Mr. Gully. I shall call witnesses to prove that they have been turned back, and people who have asked permission to go through the Park. I shall call keepers and others to prove that part of my case.

His Lordship: I don't say what the value of that evidence may be, but it ought to be given if it can be given. I don't pretend to say what the weight of it may be. You don't get rid of one turning back by calling five people to say they were not turned back.

Mr. Bigham: I propose to call witnesses who went through the Park in the presence of the steward, without being interfered with.

His Lordship: You will then strengthen your case. But what is the use of fifty more witnesses, if the same kind as already called. What could they prove? I don't see you can make your case any stronger by calling more witnesses like those already called.

Mr. Bigham: I don't see how I can deal with this case in any other way.

His Lordship: Why can't you stop? You have put this part of your case before the jury, and I don't see that calling a number of witnesses like those already called will carry it any further.

Mr. Bigham asked for time to be allowed to look over his list of witnesses to ascertain who it was desirable to call — After a short interval he said he would call two or three other witnesses.

John Dugdale, farmer, 67 years of age, said he went to his uncle's at Conder bottom when eleven years of age. He afterwards lived at Borwick, and then at Quernmore Park for twelve months. He knew the road in question. He became a local preacher forty years ago and held services at Conder Mill in Wyresdale. He used the road then on Sundays; he knew it well, and was never stopped and had no reason to suppose it was not a public road.—Cross-examined: He had bought cattle from Heaton's and Barton's. He was well known as buying cattle from farmers about. He was a butcher then. He lived at Hala Carr when he used the road as a local preacher. He was not a preacher when he lived in the Park and, it was forty-six years since he left it.

John Rowlandson, builder on the Furness Railway and sixty-one years of age, said he went apprentice when fourteen years of age to Priest Hutton. That was ten miles from Quernmore. He knew the road in question very well, having lived at Caton in 1847. He lived there for eight months. He used the road once a week in going from Priest Hutton to Quernmore—they went through Kellet and over Penny Bridge through Queen's Well Wood. They were building a barn at Appletree, in Quernmore. He went with other workmen one of them being a man named Ireland, but the others were dead. He was never interfered with and had seen other people on the road. — Cross-examined: The stones used for the barn were from Quernmore Moor. No stones were got from Quernmore Park. He had lived at Caton and did not know whether his master got leave for his workmen to go through Quernmore Park. He would be about seventeen years old then. They had to pay a penny in going over Penny Bridge at Caton.— Re-examined: The planks came round by Lancaster, but my master has walked with me through the park.

Isaac Benjamin Foxcroft said he was born in Caton in 1821, and lived there and at Lancaster till he was sixty. He knew the road in question and went over it in 1827. Mr. Gibson being high sheriff. He went over the road about once in three weeks to see his ~~trade~~ who lived at Galgate. He used it in that way for sixteen years and was never interfered with. He believed Mr. Eglin saw him once, and he did not stop him. He thought he had a right to go that road. He was last over it about fifteen years ago, when he went that way from Caton to Lancaster where he lived. David Gibson, David Milner, and George Strickland were with him at that time. —

Cross-examined: Gibson was gardener for Mr. Greg at Caton, and he called on that occasion to see the gardener at Quernmore Park. He meant to say he only saw Mr. Eglin once during the sixteen years he used the road, although he passed his cottage every time he went that way. He might have said to Mr. Bentley, who came to see him for plaintiff, that if he had met Mr. Garnett or the late Mr. Garnett's father and they had told him to go back he would have done so.

Robert Holt, burial club collector, Lancaster, was called, and was about to be sworn, when His Lordship again interposed and suggested that no more evidence of the nature already heard should be called.

Mr. Bigham said he had a number of other witnesses to call, if his friend Mr. Gully would take that assurance. His Lordship said Mr. Gully would be unreasonable if he did not.

Mr. Gully said if his friend told them he could bring a number of witnesses who would speak to the same thing and to whom his objections would apply one and all, he was ~~??~~ to accept it.

Mr. Bigham said he had seventy odd witnesses including those he had called, and substantially they would say the same thing.

His Lordship said it was for the jury to say what they thought about hearing any more witnesses similar to those already called.

Mr. Gully said he had 112 witnesses to call on his side, but he did not expect to exhaust the whole of that evidence.

His Lordship said he might have to make the same remark to him then, before he had called them all.

The jury then consulted, and after a short discussion the Foreman, addressing his Lordship, said they thought they had had sufficient evidence of that class.

Mr. Bigham said after that intimation from the jury he would not call any more evidence.

Mr. Gully then proceeded to address the jury for the plaintiff, and in so doing said his friend had stated that he had closed his case and he wished to deal with perfect fairness with him as regarded the course he had taken in not calling other witnesses. They might take it that he was prepared to call a considerable number of other witnesses, who would give very much the same sort of story, and subject to the same observations which the other evidence had been subject to. He would have something to say to them about the kind of case he would have to bring, and something to say about the kind of evidence he would bring. There was perhaps no class of case in which it was move necessary that they should hear both sides— that they should hear the other side alter they had heard one, than in a right way of dispute, and more especially was that the case when the claim was a right of way through a gentleman's park, because it always followed that where the gentleman had behaved with liberality to his neighbours and those resident in his neighbourhood, it was possible to call a great number of people to say that they were in the habit of walking along the road and through the Park, and not been interfered with. At the same time it was possible, as in that case— and it was a fact that a good deal of the enjoyment of the Park was by permission of the owner— that there might exist a careful watching by the owner lest that should grow up into a right. And if they found that an owner, whilst not unjust in allowing the public to use his park, yet at the same tune if he indicated by word or act that he was not intending that ever to grow into a right, they were bound in law to say that the rights in question of the gentleman who owned the park had not been invaded by what had happened. Mr. Garnett's predecessors—his father, grandfather, Mr. Gibson, and his father before him — had been owners of the Park; it was three or four miles from a moderate sized town; it had villages around it and farm houses within it; and it would have been taken as a somewhat unneighbourly act if the people had not been allowed to walk across the Park. He would remind them of the peculiar nature of Quernmore Park as compared to many other parks. It was not a park which merely contained a mansion house occupied by one family alone, and to which only that one family would have access, but it contained sixteen houses altogether—the mansion house, seven or eight farm-houses, and as many cottages. The farm-houses would have people going to them; and the right of access to people going to or from the farms, or going to work on the farms, or going to buy or sell cattle or other products, or going to talk about any other matter; and the people going to or from the cottages— all those people had a right of access to the Park, and it would be impossible, nay it would be unreasonable, for the owner of the Park to too minutely question everyone inside its walls and stop them. If he saw a respectable person and thought he was coming to see one of the farmers, or going through on some other purpose connected with the farms, why of course he did not interfere in the matter

at all. They knew that if there was a park with a convenient road across it, and although kept private, yet many people in the neighbourhood around— people of all classes— say those who had to send their children to school, or who wished for other purposes to go through the Park, would get from the landlord or his steward permission to make use of a road which was convenient for them, and it was impossible when so many years had gone by to know to whom that particular permission was granted; and they could find people like the witnesses who had been called— people who had been taken walks through the Park by their fathers or grandfathers— but they were not to assume that because they used the Park that therefore they used it as a matter of right. It was clear that not one of those witnesses — not one of those old people had said it was a public highway, nor had they heard from anyone evidence of that kind at all and such as they would have expected to find if it was an ancient repairable highway. Witnesses had been called who had used the road — some more frequently and some less frequently than others — but it was not sufficient to establish a right of way under such circumstances as that. They might have been visiting at the house, or had business with persons living at the house, or at one of the many houses inside the Park, and were people well- known to everybody in the neighbourhood — sons or the grandsons of old inhabitants — all of them known to the steward — known perhaps also to old Mr. Garnett himself, and it was impossible at this time of the day to know how many of these people when taking their walks through the Park and meeting old Mr. Garnett had asked " Do you object to our walking through the Park on Sundays." He, (Mr. Gully) was going to call a considerable body of evidence, and he would bear in mind what his lordship had said as to the bulk of it; but he would call a large body of evidence to show that that road was never a public way, that it was never used as a public way, but always as a private way it was so used by its successive owners, and they had stopped people going on it and asked them their business. If they had said they were going to the house or some of the farms they were let to go on; and he might say that if they were seen to be respectable persons they were allowed to go on: but on the other hand they were turned back if they were people whom they thought not likely to be trusted. He would call before them numbers of persons who had been turned back time after time by Mr. Gibson, Mr. Garnett, or their stewards for using this road. And there was this particular fact about the road, that for the last ten years it had been treated in the most open — he might say in the most aggressive — manner as a private road; and without wishing to be aggressive, yet the owner had been driven to, and had been doing, everything in his power to deny the public a right of way over it, and for ten years that challenge had not been taken up by the Footpath Association. In 1878 or 1879 they had some dispute with Mr. Garnett as to whether or no there was a right of way along the river side, and he was prepared to dispute that right, but when he had satisfied himself by documentary evidence that there was a fair case for the public using the footpath he gave way. Then the Footpath Association claimed to make use of a road across the Scarthwaite property from the river side to the highway, and opposite where the road now in dispute entered at Queen's Well Wood. Mr. Garnett denied that there was any right of way and was prepared to contest it at any moment, indeed he asked them to settle the matter at once by making a formal act of trespass so as to enable him to raise the point, but they declined the challenge. For ten years Mr. Garnett had been treating the public who went over that road as trespassers; he had treated it as a private way; once every year he locked the gates all through the Park; and had put up new notice boards in place of the old ones; and yet the other side had sat down with it and never once took up the challenge until last year. Another incidental fact in the case, and one which perhaps might go a long way to show that it was not a public right of way, was this. Some forty-five years ago — in 1844 or 1845 — Mr. Garnett made a complete alteration of the roads about his house, and instead of allowing foot passengers to go in front of the hall he made a new road. He did away with the road that went in front of the house, building a wall and making a plantation; and made a new back road in a different position and at a distance of some forty yards away from where the old one ran. Now if that had been a public road which the late Mr. Garnett had interfered with and stopped surely there would have been somebody to take notice of it — there would have been some one to have asked him what his intentions were — some one to have questioned him on the part of the public as to why he had stopped up that road. Certainly that other piece of road was never dedicated to the public, and when the people came in order to give rise to their action, it was admitted by them that this new back road was a private read, and they had no right of way over it. They claimed the way shown by the dotted line on the map, and would have to go through a meadow and plantation, and over a wall. What

they said was a highway over which the public had a right to travel, had for forty-five years been impassable to ordinary foot passengers. To be consistent in their claim, the Association in claiming that right of way would have to climb over a wall which had been built across the path forty-five years ago. The nature of the evidence he would call would be to show that the road had not been treated as a public one, but as a private road; and the jury must bear in mind that the one question they had to decide was — Has the owner dedicated this road to the public. If he had not dedicated it to the public, then the public had no sort of right whatever to go along it. The whole question was — what were his intentions. Although in the absence of any conduct on the part of the owner, the fact that he had permitted the public to use this right of way for a great number of years was not of itself evidence on which the jury could find that he intended to dedicate it to the public. And if they had to assume that his intention was to dedicate it to the public, that was rebutted at once if the owner acted as though his real intention was not to dedicate it to the public. They would find from the witnesses to be called that a considerable number had been turned back, and to others permission had been granted to go through; and if he proved that it would be conclusive that there never was any intention to dedicate the road to the public. There was evidence of user of a peculiar kind, arising from the owner not being anxious to be too inquisitive or too severe in excluding every person from going through the Park who might be coming on business to someone, and the evidence he would call before them would show that the intention of the owner had been from the beginning never to dedicate the road to the public. Mr. Gully concluded by calling and examining Mr. Wm. Garnett, who said: I am the plaintiff in this case and reside at Quernmore Park. My grandfather purchased the property in 1842: he died in 1863, and my father succeeded him, and I succeeded to the property on my father's death. My father was member for Lancaster from 1857 to 1864. Mr. Eglin was steward of the estate from 1793 to 1845; he was followed by Mr. Darling who occupied that position from 1843 to 1851, and Mr. Cranston has been steward since that time. I remember my grandfather living at Quernmore Park. Prior to 1863 I went there once or twice a year with my father and mother. My father has spoken to me about these roads; he certainly said they were private. During the time I have known the property. I have seen people go through the Park, who had business or dealings with persons on the estate. There are tenant farmers living on the estate, and there are also nine cottages on the property within a short distance of my house; sixteen residences in all, and about 100 residents, and they bring a good many other people to the place, who are friends or who have dealings with the residents. If I had reason to believe a person was going to one of the farms or the cottages I should not interfere with them, and I hope the day is far distant when I have to turn respectable people out of my Park. When I have seen strangers I have spoken to them and asked them where they were going, and in case they were going to any of the houses on the estate have told them to go on; if not I have told them it was a private road, and said I was very sorry to interfere with them, but they might go through that time. When people have asked me I have invariably given them permission to pass through the Park from Queen's well to Postern Gates until 1888. I had a letter from Mr. Davis, Secretary of the Footpath Association in 1878, stating that they were going to look into the question of footpaths over my property, but no particular road was named at that time. In 1870 there was a further correspondence, and a claim put forward to a path from the river side through Queen's Well Wood. I challenged them to come forward and assert their claim to this footpath, but got no reply. I asked for an answer to my letter, but the only answer I got was that " the matter was still under consideration. I heard nothing more until 1888, when the footpath now disputed was claimed.

Mr. Gully : What has been the state of things as regards notice boards?

Mr. Garnett: I recollect an old notice board on the Postern Gate. The words on it were: "Private. back way to the house." That notice has been well down about fourteen years. On the Queen's Well road, or rather on the boundary of Scarthwaite, there was a similar notice; that fell off from decay about fourteen years ago. Afterwards I got notices put up everywhere. After the claim put forward in 1879, I gave orders for all gates to be locked one day in each year and that has been done once every year since. I have given written passes to people to go through the Park—people who live in Caton and all round the neighbourhood. Ever since I have known the Park it has been the practice to stop people who had no business. ~~CVk*u~~ ~~e6late~~ ' X ?? been with the late Matt Dew . ~~o * TM~~ keeper, as a boy, when he stopped people and ~~s. t k~~ He had orders from my father to ~~—■—~~. I remember once when we were ferretting, he ~~—~~ ~~f Way~~ ~~d~~ left me to turn back ~~—* «*mem—r~~

Mr. Adams, vicar of Caton, I stopped him myself ~~«il the old hlli '?? w *»~~ before 1879. He was entering he Park and I asked him where he was going and he thought was a public road, and he left at once. "I am making a mistake I shall go back "~~?? ** w «Bt ?? * ?? *7 ! fi ?? .\ " tten ??~~ I have given, besides others, for ~~j [-?? J! " * ajkd~~ living. When I came into possession of the property in 1873, I asked people for their passes, and issued fresh ones. The late Mr. John Greg, of Escowbeck, asked me for a pass, which I at once gave him. Mr. John Sharp asked me for leave, same as my grandfather and father had given him. Mrs. Onion also asked me for a pass, and Mrs. Michaelson asked for a walking pass for herself and her daughters. I knew that my father had given them leave, and I had not the least hesitation in doing the same. I have known the place since 1863, and never heard it suggested that there was a public path in my Park until 1879, and received no intimation of a definite claim until 1888.

Cross-examined by Mr. Bigham, Mr. Garnett said: I replaced the notice boards in 1879. I commenced to lock the gates in 1879, and gave these eighty-seven passes since that date. I have a list of the persons to whom they were issued, but I have not copies of the passes here. The copies are at my solicitors' office, I believe.

Mr. Sharp here produced the copies which were handed to Mr. Bigham.

Mr. Bigham: These passes have been issued since the Footpath Association made a claim to the road.

Mr. Garnett: Yes, those have.

Mr. Bigham read a pass granted to Mr. Walker to pass over the roads, "the same being private," and the pass was to be renewed yearly. (To Mr. Garnett): This applies generally to roads on your estate. Is there any permission in writing to use this particular road?

Mr. Garnett: Yes, there is. You will find the copy of one issued to Mr. Wm. Parkinson, of Caton Mill. — In answer to further questions, witness said: I am 38 years of age. I have known Quernmore Park and remember it since 1863.

Mr. Bigham: This notice board that you say was up at Postern Gate. When did you last see it?

Mr. Garnett: About fourteen years ago.

Q.: Some of the witnesses I have called must have seen it. —

A.: I have noticed that some of my own friends cannot see these notice boards. They say they are short-sighted.

Q.: Am I not right in saying that the only words on the board were — "Back way to the house?" —

A.: No; there were the words "Private road." At the time I bought Scarthwaite the road was exactly where it is. A plan of Scarthwaite estate was produced, and Mr. Bigham drew attention to the fact that there were no gates shown on the plan.

Mr. Garnett: There were gates, I am sure. The omission from the plan is the fault of the Surveyor.

Mr. Bigham: It is not described here as a private road.

Mr. Garnett: No, nor as a public road either. Further questioned on this point, witness said: There is nothing on the plan to indicate that it was a private or a public road. I can swear there was a gate there many years ago.

His Lordship: It was not your Surveyor who made this plan?

Mr. Garnett: No, my lord. Mr. Bigham: It was the Surveyor to the seller of the property. (To Mr. Garnett): Will you tell me how you and your tenants get into the Richmond and Lancaster road?

Mr. Garnett: By Queen's Well Road. The owner of the Old Hall, I believe, had an easement through there.

Q.: Did you and your tenants use this road as your right? —

A.: Yes, and our right to do so was never disputed. I mean to say we used it, and the public did not.

Q.: Have you any document of any kind showing that you and your tenants had an easement? —

A.: None at all.

Q.: And on what do you base your claim to use the road? —

A.: I assume it was granted through the friendship of the owners lasting over many generations.

Q.: You said in one of your letters you had "a mass of documentary evidence" to support your case. What documents did you refer to? —

A.: The order of the justices and the old map of the estate. In further cross-examination Mr. Garnett said: Scarthwaite was not sold subject to such easement as I have named. At the sale the question was asked by a

man in the room, "Has the owner of Scarthwaite the right of way through the park?" I got up and said, "The owner has not got the right," and there was no answer to my statement by any one in the room.

Mr. Bigham : You were there to buy Scarthwaite?

Mr. Garnett (warmly) : Yes, but I would not tell a lie for that.

Mr. Bigham : No, no; I don't suggest you would. How long had Mr. Adams been vicar of Caton when you stopped him going through the Park?

Mr. Garnett : I cannot tell how long. It might be that he had only been vicar about a month. When Goth, the gamekeeper, turned a man back I was about fifteen yards distant. The man was walking along the road. Yes, I mean to say the gamekeeper turned the man back, who was a stranger, and he went back on the road. He was walking from Queen's Well to Postern Gates. He had walked a mile, and would have to walk back. He would be half a mile from Postern Gates. I have turned people back a hundred yards from the gates. I turned a man back in 1884 or 1885.

Mr. Bigham then referred to and quoted from letters which had passed between the secretary of the Footpath Association and Mr. Garnett in 1879, in reference to claims put forward by that body to foot-paths, and Mr. Garnett pointed out that they referred to the footpath on the river side, and to the path claimed through Queen's Well wood, and not to the road now in dispute. He explained with regard to the path along the river side, that he had consulted his ~~??~~ — the late Mr. Sharp — and was advised there was no public road. He afterwards found some plans, which satisfied his mind that there was a road, and he said, "I then gave way at once."

Mr. Bigham : You had given me the case of Mr. ~~HUI~~, who you turned back in 1884. That was after you had heard that certain claims were being made, and after you had taken the precaution to put up notice boards. —

Mr. Garnett : Yes it was.

Re-examined by Mr. Gully: The road the Footpath Association were claiming under the resolution passed on the 24th February, 1879, was a path from the Lancaster road down to the river. That claim has since been abandoned. I gave up contesting the footpath by the river in consequence of a plan which I saw at the Clerk of the Peace's office in Preston. The documentary evidence I referred to was in reference to the road in dispute. It consisted of the magistrates order and an old estate map which showed the Postern Gates and Queen's Well. It shows that a piece of the road now claimed by defendants as a public highway was part of an old highway running past the front of the house and going towards ~~CoUier~~ Gate and Barton's. I produce the order of the justices the deviation of a certain highway which existed in 1816. The application for the deviation was made in 1793, but the order of the justices was not granted till 1816. The order and the map are annexed to each other. The road on the map marked green shows the old highway which began close to the present Postern Grates entrance and then ran along a bit of the dotted red line which defendants claimed as the road and which to get at they had to climb over a wall and go through part of the garden, and then it goes to the east to ~~CoUier~~ Gate and Grassyard. The order of the justices was that that green piece of road should be closed without reservation, and the road marked yellow on the map was substituted by Mr. Gibson. That is the present existing road past Heaton's and Barton's. The defendant claimed as public a portion of the road inside Postern Gates for about 120 yards, but which was stopped at Mr. Gibson's request in 1816. The road past Heaton's and Barton's led to Caton village, and was the proper road. It was 197 yards longer than the old road, and was a road for foot and carriage.

By Mr. Bigham: The map you are looking at does not propose to show at all the road we now claim. In that map both roads are shown.

By Mr. Gully: Since 1817 they could not go over the road within the Postern Gates claimed by defendants because a portion of the road was stopped by order of the justices in 1816.

Thomas Cranston, examined by Mr. Shee, said : I live at Quernmore Park Cottage, and am steward for Mr. Garnett. I went in 1851, and was there in the late Mr. William Garnett's time. When I went there I was informed by him that the roads through the Park were private. I have been with the late Mr. William Garnett when he has seen people on the path in the Park and stopped them. It might have happened that they were going on business or pleasure; if the former then they were asked where they were going and then to go on. When they were not on business he did not turn them back in every case but sometimes let them go on. In consequence of instructions from Mr. Garnett I have stopped people and turned them back. I have sometimes

let them go on. If they asked me to let them go on, I generally let them go forward. Since 1879 I have locked the gates through the Park once every year. [Mr. Bigham: We do not dispute that part of the case.] I remember the old notice boards at the Postern Crates and Queen's Well gate. They were as Mr. Garnett has described them. — Cross-examined by Mr. Bigham : I saw the notice board at Postern Gates with the word "private" on it some fourteen or fifteen years ago. The notice at the Scarthwaite end was stuck against a tree, and was at the boundary between the Scarthwaite and Quernmore properties. The boundary was a stone wall with a gate in it, through which any one could go. He knew the occupier of Scarthwaite had permission to go through the Park, but he believed the owners of the Park went through Scarthwaite as a right. He thought the notice was up at Scarthwaite when he went to the place. Since Scarthwaite had been purchased they had been particular in turning people back. He had never been asked specially to recollect instances of turning people back before 1880. He had remonstrated with people going through the Park since he first knew it—thirty eight years ago, and could not give any idea as to how many people he had turned back in that time. He had not been asked about that by Mr. Garnett for the purposes of that trial, but had volunteered the information. He had certainly spoken to Mr. Garnett about it since the claim was made in 1879. He had heard the witnesses say they had seen dozens of people walking along the road without being interfered with, and during the thirty-eight years he had been steward there were a good many whom he had not remonstrated with, because he assumed they were on business. If he had reason to think they were going on business or had leave from Mr. Garnett he took no notice of them. He had no copies or any originals in writing of leave given to anybody to go through the Park before 1879. —

Re-examined by Mr. Gully: When I first came to Quernmore Park in 1851 there was no house on the Scarthwaite estate. The residence on the estate was built in 1858 by Mr. Hodgson who formerly lived there. He was a friend of the late Mr. W. J. Garnett and of his son after him. The Old Hall in Quernmore was a very old place and Lord Clifford used to live there in the last century. We kept the road to Queen's Well Gate in repair, and no one else ever repaired it.

At this stage, it being about a quarter-past five o'clock, Mr. Gully asked his Lordship if he would adjourn, as it would give him an opportunity of deciding what further evidence he would call on the morning.

His Lordship said he certainly could not think of adjourning then, and would not consider he was doing his duty to the public unless he sat till eight, and seeing they did not begin till half-past eleven. Mr. Gully contended that it would be greatly to his convenience if the adjournment could take place then, and His Lordship was about to fall in with the suggestion when

Mr. Bigham said if his Lordship would give them five minutes he thought at the end of that time he would be able to make a proposal that would be better than Mr. Gully's.

His Lordship assented, and thereupon a consultation took place between the learned counsel and their clients, and with each other. At the close of the conference,

Mr. Bigham, addressing his Lordship, said he had listened to his own evidence as far as it went, and to his Lordship's observations on it, which he appreciated; he had also heard what Mr. Gully had said about his case, and he concluded in the interests of his clients, and thought he might say, that he was fairly satisfied with the evidence as it stood, and which would probably be improved upon as the case went on by Mr. Gully. Therefore taking the case as it stood, he was satisfied that he ought not to occupy the time of his Lordship, the time of the jury, or the time of the Court in further litigation on the matter. Under those circumstances he had advised his clients to consent to the injunction asked for, and Mr. Gully, acting on behalf of his clients, had met him on the question of costs in a most generous spirit, and which his clients appreciated. He would also like to say this in addition. The gentlemen whom he represented had nothing at heart except the interests of the public, and they certainly thought that the public were entitled to this right of way. They were, however, satisfied by him, that they could not establish any such claim; and they were further satisfied that that was the strongest case they could make out of any public right of way through Mr. Garnett's grounds, and that they ought not to make any further claim on them. They therefore undertook, through him, not to raise any further question in reference to any other way through Mr. Garnett's property. The judgment would be in the terms prayed for, with costs as agreed upon between the parties.

Mr. Gully said Mr. Garnett was extremely glad to bring that case to a conclusion without pushing his rights to the uttermost, and he had been induced to come to that arrangement by a genuine desire to continue on good terms with his neighbours and the people around him. He had never desired to treat the public with too great strictness in the matter of access to his Park; but he did not feel justified, and felt he would not be doing his duty to himself or to his family, if he let his estate to be injured by a right of way being established which did not exist. His desire was to meet his friends in Lancaster and his neighbours on fair terms; and it was with the view of obviating any bad feeling that might exist that he had been induced to come to that conclusion.

His Lordship said he was very glad to hear the conclusion which had been come to, for it was a case which appeared certain to occupy a great length of time, and which must — like all law suites of a like nature — have left bitter taste behind it, if they had not come to a friendly settlement. He would first take the opportunity of saying that he felt very sure Mr. Garnett would never have cause to repent what he had done so justly, so honestly, and so straightforwardly. There was always a great deal of feeling in cases of that kind, nor was it to be wondered at. A person who was fortunate enough in life to possess an estate of this kind had every possible motive in not let his rights to be invaded, and for honestly standing up for that which he believed to be his. On the other hand there was no doubt that gentlemen, who saw in that what they conceived to be an act of oppression practised upon the public by depriving them of a great enjoyment, should stand up for the public rights, and take the opinion of the law on what they claimed to be their rights vigorously and freely, and for what he had always considered one of the greatest advantages which was open to the whole of the public. He thought if the public had a right to walk over that beautiful country, and to enjoy the alternations of hills and fields and wood and water, they would indeed be foolish not to hold on to it. At the same time he was very glad to say that he greatly sympathised with Mr. Garnett, and who seemed to have had no wish to deal in a niggardly spirit with his inheritance, by depriving people of the pleasure which they would derive from visiting the park. He (the Judge) would be glad if he possessed beautiful parks to see them enjoyed by everybody who would not abuse such a privilege. It had been one of his greatest pleasures to live in the immediate neighbourhood of parks, the owners of which considered him worthy to walk in them and admire that which pleased him and without any cost to them. He hoped that trial would have shown on the one hand that Mr. Garnett was not a man to abuse his lawful rights to be infringed upon; and on the other hand he hoped that Mr. Garnett would feel that though the path had been disputed, it constituted a claim on his good nature to any person who might be desirous of walking about his beautiful domain, more than anything else. He hoped too, indeed he had no doubt about it, that those parks which he always considered the most beautiful part of English scenery would long continue to be a source of great enjoyment to many persons who had not the advantage of owning any part of them, and that they would neither have the stupidity nor folly to do damage to the property of those who in so kind and generous a manner had placed it at their disposal. The result of the trial would be a verdict for the plaintiff, with judgment for an injunction as prayed, and costs as agreed between the parties. He thought the termination of the case was honourable to both parties.

Mr. Garnett asked if he might be allowed to say one word, but

His Lordship said he could not permit it. He would, however, say for Mr. Garnett what he thought it was very likely he meant to say, and that was that he felt agreed with his (the Judge's) remarks about the park and the way in which it ought to be used.

Mr. Gully said that was what Mr. Garnett wished; to say. |

His Lordship said he thought so, and if he would let him to say it, he appeared to him (the Judge) to have acted throughout in the spirit of a gentleman and a good natured man.

This concluded the Nisi Prius business, and the Court rose shortly before six o'clock.

Lancaster Summer Assizes

DISPUTE ABOUT A FOOTPATH—Mr W Garnett, of Quernmore Park, and Capt. Kennedy of Scarthwaite, brought an action against Messrs. R. Brook, J. Kitchen, J. Albright, and N. Molyneux as representatives of the Lancaster Footpath Protection Society for an injunction to restrain them from using a certain footpath on Mr. Garnett's land leading from Caton, round through Queen's Well Wood and the Postern Gates in Quernmore Road, near Lancaster. Mr. Garnett also sought to recover damages for trespass. Mr. Gully, Q.C., M.P. and Mr Shee were for the plaintiffs, and Mr. Bigham, Q.C. and Mr. Moore for the defendants. The defendants in the exercise of what they alleged to be the rights of the public broke down on the 21st of August last, two gates: one on the Scarthwaite estate and the other on the Quernmore estate. —Evidence was given at great length showing uninterrupted use on part of the old inhabitants without let or hindrance. On the other side, evidence was produced to show that the footpath was a private one, and in the end Mr. Bigham agreed to a verdict for plaintiffs and an injunction, the costs to be agreed upon on both sides.

A right of way case from Quernmore is another instance of a small beginning with a big ending. A dispute about a rabbit led to a contention about certain footpaths and then a right of way was claimed and resisted, culminating in an Asize trial. Cases such as this are most difficult to decide, for generally both sides can produce evidence in support of their contention, which until the other side is heard appears conclusive enough. In the dispute in question the jury decided in favour of the defendant, although another verdict might have been expected from the tenor of the Judge's summing up. All the same the verdict will be a popular one, for it establishes not only the right of Mr. Harrison to the use of the footpaths but it makes them accessible to the public as well. There is an inclination nowadays to stop up footpaths wherever possible. This is one of the matters that will shortly come under the jurisdictions of the Parish Councils, and we can reasonably expect that the local bodies will closely watch their own interests in this as in other matters.

RAMBLERS' MEET

Praise For Forestry Commission

DESPITE long-standing differences between the two organisations there was praise for the Forestry Commission at the annual general meeting of the Ramblers' Association (Cumberland and Lake District Federation) held at Lancaster Storey Institute Sunday afternoon.

One of the members pointed out that the Commission had a job to do and they (the Ramblers) did not have to condemn everything that transpired. Another speaker pointed out that the Commission were going to make "shelter belts" of trees in certain agricultural areas in order to protect those areas. The shelter belts would probably be fruit trees and this, said the speaker, would probably result in canning factories.

The meeting, which was the first to be held outside Cumberland since the inception of the Association, was of long duration, but the matters discussed were chiefly of a domestic nature. After lengthy discussion a resolution was passed "that the Federation Council meet in two sections, Lancashire and Cumberland, and that each section be responsible for its own finances," and the meeting unanimously agreed that the Federation should urge the Government to give immediate consideration to the adoption of the Lake District as a National Park.

The secretary, Mr. R. Taylor, said that letters had been sent to the 12 M.P.s of the district asking for their views on the Access to Mountains Bill, but only seven had replied and the replies had merely stated that the M.P.'s would give their full consideration to the matter. The meeting passed a resolution urging the Government to give the Bill favourable consideration at the next reading to-day (Friday).

CONSTITUTIONAL DIFFICULTIES

Reports of secretaries of the various sections of the Association were read. The general secretary made reference to recent constitutional changes and said that owing to the fact that large numbers of members lived in Lancaster and Preston districts and that it was difficult to fix a suitable meeting place in such a scattered area as the Lake District two committees had been formed, one in Lancashire and the other in Cumberland.

In the Footpaths' Secretary's report there was mention of an incident when a party of ramblers was stopped by a keeper on Burnmoor, who told them that they were trespassing and that the cairns marking the path were to be removed by order of "His lordship." The reason given was an attempt to breed grouse on the moor.

This information was passed on to the Federation who received many similar complaints," he said "inquiries were made at the office of the estate agent, but no satisfaction could be obtained. They would neither admit nor deny that orders to restrict access had been given to the keeper and they later attempted to place the blame on local farmers. When I later visited the moor there was no trace of keeper or grouse, and in fact there was hardly sufficient heather in which to breed grouse. The cairns were still intact." There was sequel to these unusual events, added the secretary, and a short note in "The Field" appears to clear up the mystery. The note stated "The attempt to breed grouse on Burnmoor has been a failure."

FINANCE

Mr. Haydn H. Hanna, hon. treasurer, presented the financial statement which showed a balance £1 13s. 1d., and it was decided that the Federation affiliated only to the Ramblers' Association, the Lake District Safeguarding Society, and the Footpaths Preservation Society; and that affiliation to other societies be discontinued until the Federation's financial position improved.

The meeting was presided over by Mr. P. Robinson, deputising for the president, Mr. W. Nunn, who was unable to attend. Mr. Robinson read a short address, written by the president who expressed the hope that there would be more interest shown in rambling during the year. In an attack on undisciplined and unorganised ramblers the president stated that the greatest obstacle to getting more freedom for rambling lay in the thoughtless actions and behaviour of "hikers" who, while often claiming doubtfully based rights, "paid no regard whatever to their duty not to infringe on the undoubted rights of others."

IRRESPONSIBLE HOOLIGANISM

"Organised rambling guarantees a proper standard conduct; disorganised and irresponsible hooliganism disgusts and antagonises people," he continued: "I think we shall gain nothing at all from the violent and not too well informed attacks made upon people from whom concessions and liberal treatment are sought."

Landowners and farmers can be persuaded and reasoned with, but am convinced that they cannot be dragooned," concluded the statement.

The question of constitution again arose and a member pointed out that the matter bristled with difficulties and he thought that the time had come for the formation of new federation to cover the area from Preston to Coniston. At present the Federation was too cumbersome.

Mr. Hanna pointed out that the Federation was not just huge rambling club, but the main abject he thought was to be in a position to organise a protest of sufficient volume to have some effect with the "confounded asses who run the County Councils" whenever there was occasion for such protest.

The discussion was not carried further.

The officers were re-elected and the meeting concluded with an expression of thanks to the Lancaster Storey Institute Students' Association Rambling Club for entertaining the visitors, and Mr. T. B. Clarke replied on behalf the Lancaster Club. Members were present from Lancaster, Morecambe, Preston, Blackpool, Whitehaven, Longridge, and other places.

Should Be Preserved

Frederick Hill, City Engineer for Lancaster, said in 1930 the Crook O' Lune was included in their scheme and was zoned as open space, a beauty spot, to be preserved. The area scheduled included this particular field and there was to be no building at all in the area. "I am still of the opinion as I was then that it ought to be preserved as an open space and if this field is not included the scheme will be spoiled."

Mr. Smith: Would you still say the area would be spoiled if this was the best building land Lancashire?

Mr. Hill: I still say if building was allowed on this land it would spoil the whole area.

"To my mind it would be unthinkable if any planning scheme contained a provision to allow development on such a spot. It is obvious that a building of any description would have a devastating effect on the whole area." said Mr. John T. Johnson, planning officer to the Lancaster and District Regional Planning Committee, who said that the whole area had been drafted as a public open space. 1934 the adjacent landowners wished to secure the area against development.

Mr. Smith: Would it concern you if this appeal is allowed and we are allowed to build, as to what class of house built there?—Yes.

Replying to the Inspector, Mr. Johnson said he thought that the draft scheme approved in principle by the constituent authorities would be finally adopted in January next. Warning of the proposed adoption of the scheme had already been given and it was the intention that the scheme should be administered a point board.

Coun. J. O. E. Clark, former Mayor of Lancaster and Chairman the Regional Planning Committee since 1933, said he had always taken a keen interest in the Committee's schemes. He was asked by the Inspector whether they would tackle the purchase of Patterdale estate and he replied, "We hope to eventually."

Further evidence was given by John Marcus Ray, chartered land agent and surveyor of Preston, and member of the Lancashire and Cheshire Council for the Preservation of Rural England, who said he was the agent for Mrs. Wright and Mr. Butler-Cole, adjacent landowners. He added that the Crook O' Lune was one of the first places to be taken in hand by the Town Planning Committee.

Of National Importance

Col. P. T. Denis de Vitre, of Gresgarth Hall, and a member the Lunesdale Rural District Council, said his opinion was that if they built on that particular field they would absolutely spoil the Crook O' Lune. The Crook O' Lune was only a label for a whole area of country. It did not just refer to a bend in the river.

If it is to be built I would have to give back all the subscriptions I have had for the idea is to preserve the whole of the scheme. If that field is built upon the whole Crook O' Lune will go," he added.

Replying to Mr. Stewart witness said he had had subscriptions from as far afield as Liverpool, Birmingham and Dorking. He added, in my opinion it is of almost national importance. The whole scheme must be preserved. It is absolutely essential. It would be a disaster if that field is built upon."

Mr. Smith: If I were prepared to say, we are prepared to sell this plot of land this inquiry would by the board? —You are talking on suppositious case, we are trying to deal with facts.

If this land offered for this particular purpose you or your committee would be prepared to purchase?—Now look here, you are getting on to very legal points, this land, if it is to be purchased has to be purchased on terms suitable to the County Council, the City of Lancaster, and, I am living in hopes, terms that will suit the Morecambe and Heysham Corporation.

And the District Valuer?—Yes.

Mr. Smith: I am told you have subscriptions from here, there and everywhere and from Timbuctoo but when I ask for information I am told it has got nothing to with me.

Mr. Stewart; That's right. (Laughter).

Further questioned Col. de Vitre said, "I think this should be preserved as an open space for all time.

Mr. Smith; By purchasing it.

Col de Vitre: By purchasing it, unless you are prepared to give it. (Laughter). In reply to further questions Col. de Vibe declared, there will be nothing but bungalows and hen-runs in Lancashire soon.

Landowners' Views

Noel T. Garnett, of Scarthwaite, and Mr. James Helme, of Beaumont Cote, Carnforth, gave evidence.

Mr. Garnett said if there was any building development in the area he would have to reconsider his position because the amenities would be spoiled.

Mr. Smith: But our plot of land does not affect you?—In my opinion it affects me considerably.

Mr. Stewart: In fact you are willing to give benefit to the public by sterilising your land?—Yes.

Mr. Helme said he was the Chairman of the Lancaster Regional Committee when the first efforts to protect this area were made by the Lancaster Corporation. He pointed out that there were two public footpaths on each side of the river and one went through his land and led to the field in question.

Mr. Stewart stated that he had had a letter from Mr. W. J. Garnett, owner of the Quemmore Park estate, who was unable to attend, but who was part the scheme and was willing to play his part in it.

RAMBLERS PLEAD FOR GOODWILL

Sir, —With the arrival of out-door holidays the Cumberland and Lake District Federation of Ramblers Association appeal to all who may be visiting the country to pay special attention to the following points;—

(1) Close all field gates, or straying cattle may cause the farmer much damage and inconvenience.

(2) Litter does not add to the beauty of the landscape, please burn, bury, or, better still, take any litter home with you. Before leaving a fire, see that it is extinguished and in no danger of spreading.

(3) The taking of birds' eggs and uprooting of any wild plant is an offence punishable by a fine. In any case, birds and flowers are part of the charms of the country, so please help to preserve them.

(4) Keep to footpaths on cultivated land and avoid trampling on and damaging any growing crops. Also beware of disturbing birds nesting on Grouse Moors.

(5) Remember that The Ramblers Association is out to gain the goodwill of the farmer and landowner towards the ramble. By membership and close observation of these points, ramblers can help the Association to achieve that object. If you respect the rights others, you can expect that they shall respect yours.—Yours etc..

W. NUNN,

President.

ROLAND TAYLOR,

Hon. Secretary.

Ramblers' Week

RAMBLING CLUBS in the Lancaster and district co-operating with the Ramblers' Association, which, in conjunction with the National Fitness Committee, are holding Ramblers' Week from June 18th to 25th. The objects of the Ramblers' Week are two-fold: Firstly the National Fitness Committee are anxious to encourage rambling as being the finest way to national fitness and, secondly, the Ramblers' Association desires to help all who ramble to get the most enjoyment and benefit from this recreation by encouraging ramblers to join a club or else district federation who will give its members expert advice on all matters relating to rambling.

The Association is also anxious to impress upon ramblers the importance proper respect for the countryside. All who visit the country, whether ramblers, cyclists or motorists, are requested to observe a code laid down by the Ramblers' Association.

This countryside code is: "Avoid causing fires. Leave no litter. Prevent damage to walls, fences, stiles and property. Close all gates behind you. Keep to the paths through meadows and cultivated land and keep to the right when road walking. Protect trees, shrubs and flowers. Preserve bird and animal life. Save footpaths frequent use. Pass quietly through villages. Consider the other fellow."

In connection with Ramblers' Week a number of organised rambles are to be held under the leadership of experienced Rambling Club leaders.

A FAVOURITE
WALK

Mr. Evan I. Rogcrson, Clerk to Halton Parish Council, writes:

Reference the query raised by "Skerton" in Reader's Views last week:—

It will no doubt be interesting to this person and to many others to learn that at meeting of my Council held on August 25th, 1947, the footpath in question, viz., on the western side of the River Lune from the Aqueduct to the low wall, Halton, which passes through the Halton Bridging Training Camp was discussed, following a report that the public were still being prevented by the War Department from using this long established right of way.

In view of the fact that the war was ended, the Council decided to enquire whether the public could once again be allowed access to this rather lovely walk.

Consequently, the District Council of Lunesdale requested the War Department Land Agent to make representations within the Department for the re-opening of the path.

On February 11th this year, my Council were Informed by the District Council that request had been received from the War Department for the Council's approval to the closure of the said length of footpath during bridging exercises. The Department desired to make a bye-law which would protect them against claims respect of injury to civilians caused by bridging exercises, and to erect notice boards at each end of the Camp site to warn the public that the path would be closed during training periods, these boards to be removed when training was not in progress.

As under the conditions stated the path might quite reasonably be closed for many weeks of the year. and presumably during the summer period when the use of the footpath by the public was the most value, both the District Council and my Parish Council have accordingly objected to the closure of the path in the manner concerned. and suggested that the War Department should provide some alternative means of access between the main road and the existing path along the eastern boundary of the War Department land, for use when the path proper is closed for training purposes.

Further developments in this matter are now awaited.

HALTON CAMP RIGHT-OF-WAY

The Public Relations Officer, Western Command, writes that some misunderstanding appears to have arisen regarding the right-of-way through the R.E. Bridging Camp at Halton.

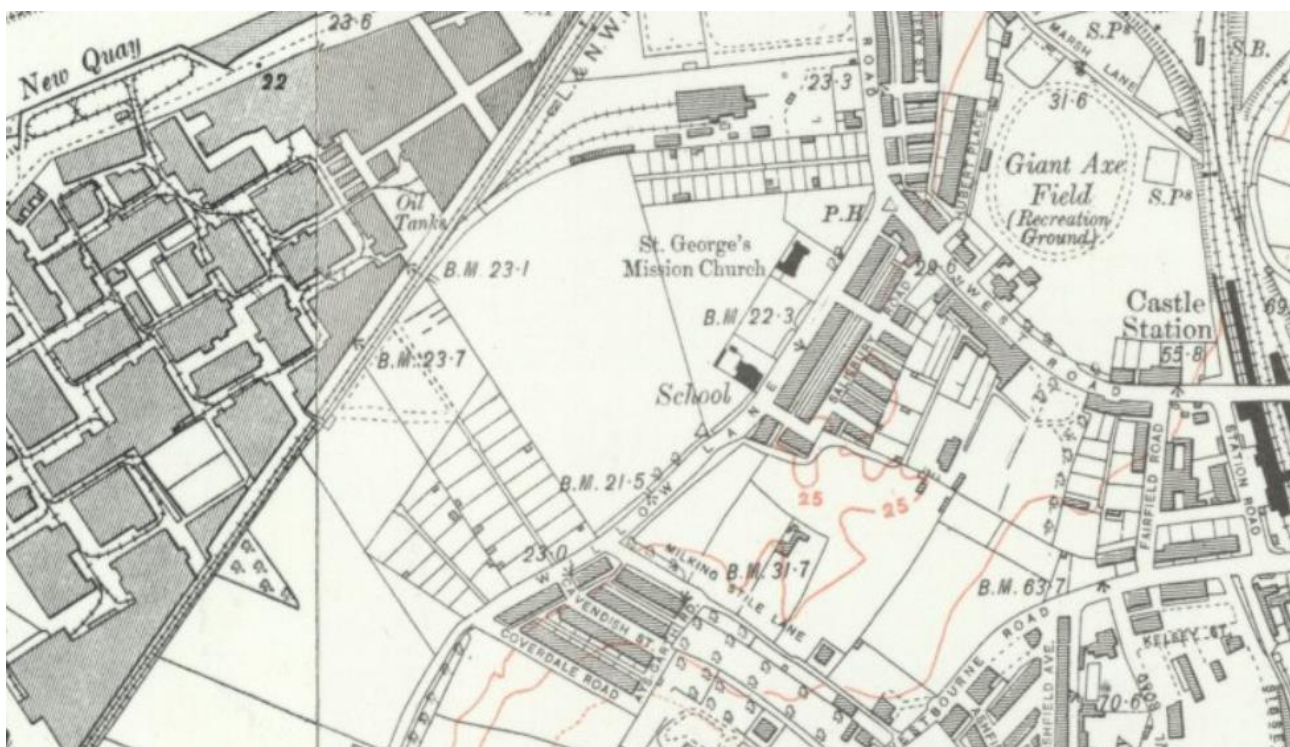
The footpath through the site runs along the western boundary of the River Lune and is open to the public and extensively used by them.

“Unfortunately several instances have occurred where civilians have been leaving the footpath and wandering among the large stores of bridging equipment”, he writes.

“Children too are greatly attracted by a Churchill tank. Since the camp stores are W.D. property and are signposted to that effect, it will be appreciated that civilian rights extend only to the footpath.

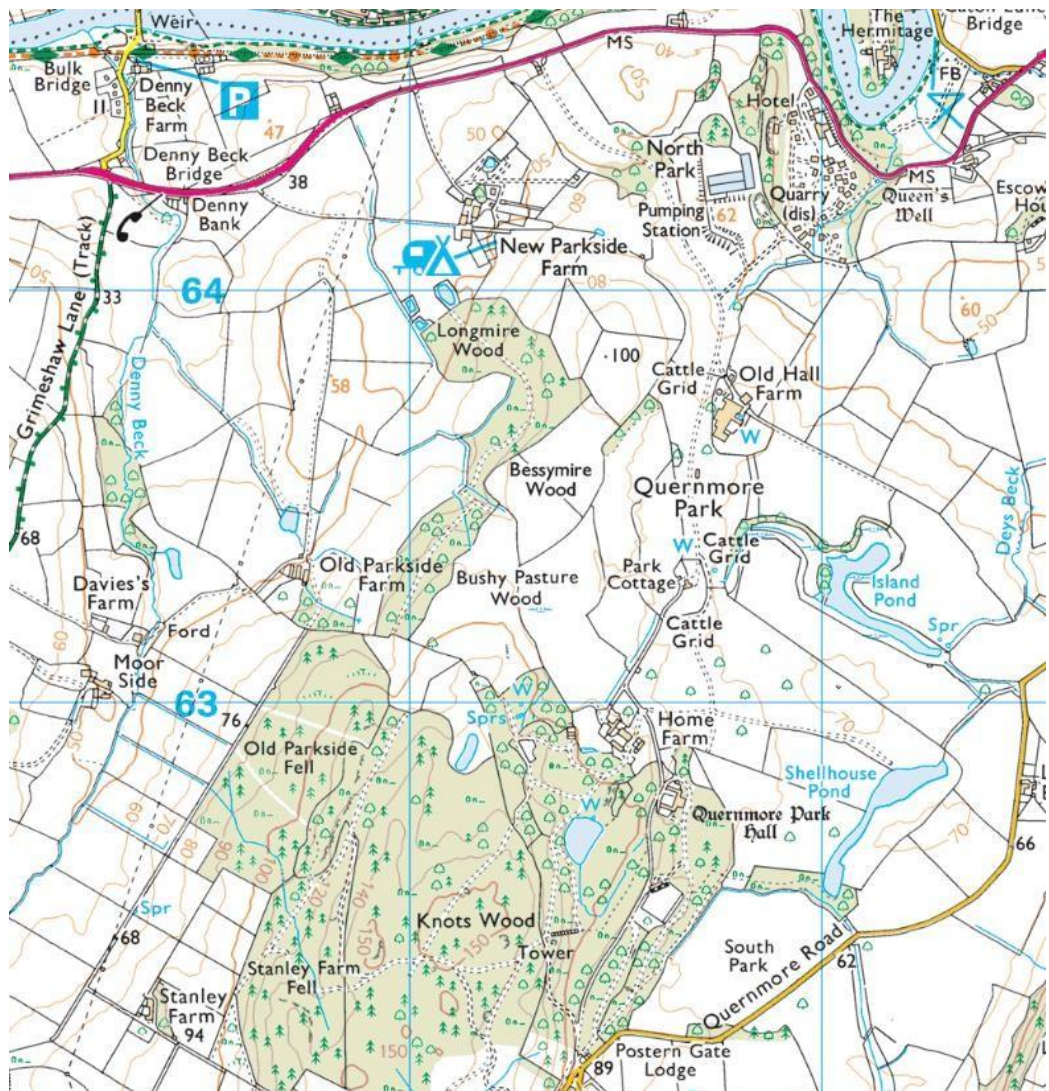
Maps relevant to Lancaster Footpath Protection Society disputes

OS six inch 1910 National Library of Scotland









Current OS 25k