

FOOTPATH PROTECTION SOCIETIES IN MID-NINETEENTH CENTURY TEXTILE LANCASHIRE

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Significant ideological and practical origins of the British outdoor movement which had emerged by the 1930s can be located in the defence of threatened public rights of way. This defence was orchestrated in central Scotland, Yorkshire, and, most notably, Lancashire from the 1820s. In formulating their initial campaigning agenda, the early footpath protection groups provided a unifying focus for the loosely constructed outdoor movement which can be linked directly to late twentieth century organised defence of the public right to walk on rural footpaths. The mid-nineteenth century conflict over rights of way around Lancashire mill towns occurred during the period when growing demand for access to open space and fresh air created by urban industrialism coincided with the trend towards exclusion which accompanied a process of capitalisation of the agrarian sector. Neither the early emphasis on the mundane and utilitarian function of footpaths, nor the ulterior political motives of the leading rights of way activists, detracts from the importance of footpath protection societies as the first countryside amenity associations. In the Burnley-Nelson district in particular, local municipal concern with the defence of rights of way was reinforced by an underlying socio-political struggle to confirm the dominance of a socially progressive doctrine which was rooted in nonconformist notions of individual and community improvement.

Defending Rights of Way

The use of footpaths for pleasure can be traced much earlier than the formation of recreational walking groups which characterised developments in open-air leisure during the last quarter of the nineteenth century. Prevalent perceptions of the development of recreational walking have generally located the earliest forms of the country ramble with the coterie of literary figures who sought poetic inspiration in wild landscapes during the Romantic period.¹ The emergence of leisure walking as a more popular pursuit is normally associated with broader responses to specific socio-economic developments which came into full play during the last two decades of the nineteenth century.² This *a priori* stems partly from misconceptions regarding demographic and popular cultural aspects of the process of industrialisation, exemplified by developments in Lancashire. In Lancashire especially there existed a longer tradition of escape from urban-industrial conditions situated within an independent autodidactic contribution to a diverse popular culture that included the field study of natural history.³ The influential Liberal Radical Manchester newspaper proprietor Archibald Prentice has also indicated the substantial numbers of factory workers who walked for pleasure during the early stages of industrial expansion in south-east Lancashire. The hyperbole of the campaigning Radical journalist may be evident in this reference to the 1820s, but an important leisure phenomenon is identified in Prentice's observation that:

*... thousands and tens of thousands whose avocations render fresh air and exercise an absolute necessity of life, avail themselves of the right of footway through the meadows and cornfields and parks of the immediate neighbourhood.*⁴

In the 1840s Dorothy Wordsworth's remark that 'a green field with buttercups would answer all the purposes of the Lancashire operatives'⁵ confirmed the perceived existence of a popular dimension to country walking during the first half of the nineteenth century. It was a comment made as part of a reaction against the construction of the rail link to Windermere⁶ from the main line at Oxenholme, which afforded relatively easy access to the Lake District from the expanding Lancashire cotton towns, thereby threatening the hitherto unchallenged exclusiveness of the sublime landscape. However, disputes over the 'right of footway' in 'the immediate neighbourhood' of Lancashire towns led to the establishment of footpath protection societies. Concerted campaigns to preserve the age old right to walk traditional routes were a reaction to the growing practice of excluding the public from landed estates around the expanding urban fringes. In industrialising Lancashire, where town versus country conflict was underpinned by wider struggles for local political hegemony, notices of footpath closures featured prominently in local newspapers from the 1820s. A closure order in the *Blackburn Mail* in 1825 was typical:

*... the Order was signed by Charles Whitaker and Lawrence Halsted, Esquires, two of his Majesty's Justices of the Peace for Stopping-Up a certain Foot-path or Foot-way in the township of Habersham Eaves.*⁷

The order stated that the right of way 'is become unnecessary and useless'.⁸ This was a direct reference to eighteenth-century highway legislation in which some landowners found dubious authorisation for their actions. The Highways Act of 1773 included a clause providing for the 'stopping up' of old rights of way, and for the sale to adjacent landowners of the land and its soil. The landowner was required to provide an alternative route, but, crucially, only if two magistrates "find it necessary".⁹ Squirearchical dominance, ensuring collaboration between landowners and magistrates, and the guaranteed co-operation of the local highways surveyor whose job it was to apply the practical provisions of the Act, thereby effectively gave landowners, including the assertive *parvenu* element of a protean landed class, the powers to close any right of way which interfered with their privacy and exclusive proprietorship. A pattern was therefore established for a conflict between the landowning interests and the public's right to use established footpaths. The cynical manipulation of legal forms was wholly consistent with the rural hierarchy's tenacious defence of the old order, and an abdication of duty by the governing class, particularly in areas where urban-industrial growth accentuated the underlying conflict of nascent class interests. Local ruling elites never really needed a repressive legal structure so long as they could assert a large

measure of control over interpretation and application of the law. Modernisation was the fundamental motive of the legislators, but the assertion of doctrines of absolute property rights contained ample scope for conservative retrenchment. Nonetheless, the legislation of 1773 was more of a straw in the wind, predictive of nineteenth-century rationalisation.¹⁰

It was in the early part of the nineteenth century that the ruling oligarchy embarked on a series of repressive measures that consolidated and legitimised landed interests within the structure of English law, including the sanctioning of footpath closure. In February 1815 an Act was passed which was consistent with the web of subsequent restrictive laws that gave authority to the post-revolutionary reaction. The Stopping Up of Unnecessary Roads Act complemented the Enclosure Acts in providing additional powers to resist the pressures for rural recreation in an urbanising society. Application of the 'Stopping Up' Act became particularly widespread around the industrial towns of Lancashire, where the practice of either closing or diverting long-established paths was on the increase by the 1820s, as one landowner followed another in confirming the exclusiveness of their estates. The vehemence with which the old routes were defended indicates their popular importance.

Successful campaigns to defend rights of way as a public amenity had been organised in Glasgow from 1822¹¹ and York from 1824, but the first development of long-term importance was the formation, in 1826, of the Manchester Society for the Preservation of Ancient Footpaths (Manchester Footpath Protection Society).¹² It seems, on the face of it, surprising that no really co-ordinated and enduring response to large-scale erosion of traditional rights should be devised until a decade after the 'Stopping Up' Act. What was needed to trigger an organised campaign was the combination of certain circumstances. That essential combination of factors occurred first in the mid-1820s around Manchester, where it manifested itself through the liberal caucus's reaction against local Tory landlords' policy of exclusion from the urban fringe landed estates.¹³ Footpaths became part of the conflict between new and old ideologies.

Although the defence of footpaths around the mill towns of Lancashire was not formally organised until the middle of the century, developments in the district were directly pertinent to a national debate which, from the 1830s, focused on the increasingly important agenda of open-air amenities and the recreational value of threatened commons. The underlying motive was characteristically utilitarian, emphasised by Edwin Chadwick's involvement in the debate.

*In the rural districts, as well as in the vicinities of some of the towns, I have heard very strong representations of the mischiefs of the stoppage of footpaths and ancient walks, as contributing, with the extensive and indiscriminate closure of commons which were play-grounds, to drive the labouring classes to the public house.*¹⁴

In 1833 a *Select Committee on Public Walks* was set up to investigate growing problems of access to open spaces and fresh air around the urban areas. Much of the evidence presented to the Committee came from the Lancashire cotton towns, from where the virtues of such convenient open areas as Oldham Edge were extolled. Particular emphasis was placed on the effects of substantial population expansion. Blackburn MP William Fielden reported considerable trespass, and the damage which could result from restricted access: "damage at harvest times due to residents confined to paths along turnpikes and from farm to farm and from village to village."¹⁵ There

were no common lands and nothing but private property around Blackburn, with its large and growing population of factory-operatives. From Bury it was reported that there was no open space, but there was "unclosed heath" two and a half miles away. Representatives from other towns confirmed the absence of recreational amenities. A traditionalist paternalistic interest in the issue is evident from the response of Bolton's Tory authoritarian MP, William Bolling to a question regarding open spaces to which people can resort.

*No, we have no part of the moor for that purpose, because all of it is inclosed, but still no person in the neighbourhood prevents them.*¹⁶

This concern amongst Tory factory paternalists to provide facilities for healthy recreation for their mill hands found practical expression in the Bolton district with the creation in the 1850s of a public walk in a pleasant rural environment close to Eagley Mills, where 'the art of man – effected a promenade for the working classes.'¹⁷ In the complex political structure of Lancashire the welfare of the workers and utilitarian concerns with early notions of 'rational' recreation were often conflated, and translated into an organic social relationship in which the great textile magnates sustained a pre-industrial concern with the overall welfare of the community. Such references to past rights and duties were as potent as any devised by the Liberal Radicals. P. A. Whittle, a local chronicler, and a supporter of Bolton's Tory MP, contrasted the town's paternalists, who had provided healthy recreational facilities for the workers, with greedy liberal capitalists.

*... the capitalists and manufacturers of England have not only not fulfilled the trust committed to them in any tolerable degree, but have rather acted with a deep unconsciousness that they had any duty to fulfil, beyond that of getting rich as fast as they could.*¹⁸

Following the radical reconstruction of the socio-economic system, which effectively removed large numbers of people from a natural environment, representatives of the employer class, led by Lancashire factory paternalists of varying ideological persuasions, set about reinstating a necessary degree of the former relationship between man and Nature in order to preserve the physical and psychological well-being of the operatives in the manufacturing districts.

A more distinctively Liberal Radical approach can be distinguished in the rationalising process which produced the 1835 General Highways Act, which replaced existing right of way legislation. This Act arose directly from that urban radicalism which had produced the Manchester Footpath Protection Society (MFPS). In 1831 a petition from Manchester had been presented 'against the present state of the law for stopping-up Footpaths.'¹⁹ Debates on both the petition and the bill emphasised strongly the restrictive costs involved in prosecuting footpath cases, and the corruption evident in the application of the law. Contributors to the debate pointed out that individuals were hardly likely to chance the costs of prosecution in courts which were often under the jurisdiction or influence of the same magistrates who had issued the original orders. Successful footpath defence had hitherto depended to a great extent on the financial capability to advance the case to a higher court. Other speakers confirmed the fashion for footpath closure and the jobbing and patronage that were essential to the maintenance of the rural order. Sir Oswald Mosley, a magistrate and owner of the manorial rights in Manchester, acknowledged 'the connivance between particular farmers and surveyors.'²⁰

The repeal of the 1815 rights of way legislation may theoretically have removed the original *raison d'être* of the

footpath societies. However, as recreational footpath use increased, and urban expansion exerted greater pressure, many landed proprietors gradually returned to the practice of applying autocratic rule within their own domains in pursuit of continuing exclusiveness, or, in the case of commercial encroachers, merely rode roughshod over both legal restraints and customary rights. Abuse of traditional rights was always easier where sympathetic local government chose to turn a blind eye. By the time that Manchester was incorporated in 1838 Liberal Radical hegemony was so well established that the MFPS and auxiliary branches in the district had become virtually redundant locally, but essential in an advisory capacity and as a model for similar groups elsewhere. Notwithstanding Tory paternalist interest in the provision of healthy leisure facilities, footpath protection had become embedded in the broadly progressive ideology which informed the evolution of municipal politics founded on civic pride. All-embracing local political rivalries continued to be the fundamental driving force, but the self-styled defenders of traditional rights nevertheless left no doubt as to the importance they attached to the preservation of footpaths as a recreational amenity.

Burnley Footpath Committee

It was during the 1850s that footpath protection entered the political agenda in Burnley, when several attempts were made to either close or divert popular rights of way. The continuing promotion of healthy pursuits for the factory operatives and the involvement of the local Liberal Radicals in the cause of open-air recreational amenity raised the profile of the issue in the grass roots politics of the district. The character of the conflict around Burnley was particularly influenced by fear of a substantial rougher and unruly social stratum, who were blamed for subverting the righteous and 'respectable' pursuit of working-class 'improvement', a notion which incorporated recreational activities perceived as 'rational'. Rapidly expanding Burnley was notorious as a centre of general disorder, and it was this much-publicised incidence of unruly behaviour that presented a welcome excuse for landowners to exclude the local population from their estates by invoking the spectre of widespread rowdyism in the district.²¹

The footpath issue in the Burnley area was contested vigorously between the entrenched landed establishment and an emerging civic oligarchy. In 1856 the Rector of Burnley, deciding to assert the privacy of a route across his estate at Royle Hall, had heavy doors erected under an archway on the right of way. Local radicals succeeded in mustering a large and vociferous crowd at the gates. Two local blacksmiths were hired to break down the obstruction with their heavy hammers, and the excited crowd rushed through the gap to reassert their right to walk the route. However, the old order maintained the advantage in these early stages, and the blacksmiths were gaoled by Preston Quarter Sessions, who also confirmed the closure of the route. In justifying the closure of the Royle footpath, which he and his family used on the way to church, the Rector's appeal to public decency succeeded in winning some local support.

*... a large sprinkling of Irish poor. . . were accustomed to take athletic exercise on Sundays along this road; . . . races by half-naked men were an outrage to decency.*²²

"Disgusting and revolting scenes" were reported from another threatened footpath, where "old men in sear (sic) and yellow leaf of life. . . men of depraved tastes and habits" were said to extort money from passers-by.²³ Such reasoning was, nonetheless, cleverly countered by another correspondent to the *Burnley Advertiser* who pointed out

that if the logic of the footpath closers was followed, 'every time a robbery or murder is committed on the Queen's highway we ought to stop it up.'²⁴

It was in response to such threats to public recreation and to the undermining of customary rights entrenched in selected elements of an idealised pre-industrial 'moral economy' that local radicals came to form a 'Footpath Committee', similar to the MFPS. But as in Manchester, the formation of the Burnley 'Committee', and its increasingly successful campaigns to preserve a pleasant leisure facility at a time of rapid urban-industrial expansion, was only one dimension to the wider political struggle evolving in the town. Organised right of way defence was one of the practical expressions of the intellectual ferment of Bradshaw's coffee house, where the local group of political radicals met to discuss the questions of the day, and to formulate their challenge to the status quo.²⁵

This intellectual circle had strong working-class connections which sustained a Chartist influence on the development of Burnley municipalism, thereby contributing an additional dimension to the general Liberal Radical disposition of footpath defence. Its ideology was embodied in the leader of the group, Charles Owen, a disciple of John Bright and accordingly a pacifist critic of the Crimean War. Owen's political doctrine demonstrated that the 'radical alliance' had, under certain localised circumstances, survived the Chartist period. His 'moral force' Chartism espoused the Anti-Corn Law campaign, while rejecting the regressive utopianism of O'Connor's Land Scheme. Charles Owen, a working currier, who had prospered after setting up his own business, had also rejected the 'communism' of Robert Owen, but was a powerful advocate of an early form of municipal socialism which developed in mid-nineteenth century Burnley hand in hand with the simultaneous agitation for the twin goals of Incorporation and separate representation in parliament.

The optimistic objective of improvement sustained the carefully concerted preservation of pleasant public walks in tandem with the creation of the Burnley Improvement Commission, which was originally set up to establish gasworks in the town, and to improve water supply and sanitation. The persistence of the Chartist strand reinforced campaigns for universal manhood suffrage, sustaining the impetus towards the Second Reform Act. The strength of the Burnley 'Footpath Committee' depended on its solid foundation on the essential principles of reform and community improvement. Its members were to assume growing influence as upholders of civic pride. For example, T. T. Wilkinson became an alderman when the town was incorporated in 1861. He was already a Director of the Burnley Mechanics' Institution, and became prominent in the Literary and Philosophical Society and the Burnley Literary and Scientific Association, as well as being a member of the Burnley Reform Association, and presiding over the formation of the local branch of the Y.M.C.A. The substantial influence of this respectable and politically motivated coterie of reformers had evolved during the political agitation of the 1850s through bodies like the 'Footpath Committee', which quickly developed into a dedicated organisation with the will, the ability and the financial means to both employ direct action and to fight in a court of law. Notwithstanding an evident propensity to take the law into their own hands in removing obstacles to footpath access, the members of the 'Committee' were either typical respectable middle-class Radicals, or fitted accurately into Bright's 'Rochdale model' of the respectable working man legitimately pursuing wider representation and participation in a progressive creed which was characterised by a 'retrospective radicalism' rooted in the rights of the free-born Englishman.

The crucial degree of sophistication achieved by organised rights of way defence in Victorian Lancashire is certainly evident from the notable successes which the Burnley group achieved against firmly established landed interests. The 'Footpath Committee' was formed in direct response to the closure of rights of way, known locally as the 'Rabbit Walks', which crossed the estate of major local landowner, Colonel Charles Towneley. These popular footpaths were blocked towards the end of 1857 by the construction of a substantial wall and a water-filled trench. There followed a battle of attrition, lasting several weeks, during which the obstacles were demolished and then replaced more than once, before Towneley gave up the contest and conceded the right of way. Towneley's somewhat ambiguous position during this period of change is in some respects indicative of the adaptability of the older landed elite, whose response to new challenges was generally more flexible than that of the *nouveaux riches* gentry who had purchased smaller estates around expanding urban areas. The Colonel had something of a reputation as a man of relatively liberal persuasion, and, during the episode of the 'Rabbit Walks', was said to have fallen amongst 'evil advisers'²⁶, although the history of footpath defence and access to the countryside is marked by landowners' deliberate delegation of awkward areas of estate administration. Towneley, a member of the Lancashire Roman Catholic aristocracy, did, nevertheless, become prominently involved in the democracy of Burnley civic affairs.

The need for a more formal organisation became more pressing when the Burnley activists set out to reinstate another footpath across Towneley Park. The right of way from Causeway End had been truncated a few years earlier by the deliberate removal of a footbridge and the erection of a wall to block a tributary of the Calder near Mere Clough. 'Footpath Committee' member John Pennington, who had been delegated the responsibility of removing the 'Rabbit Walks' obstructions, was called upon again to remove the wall. On this occasion, however, Pennington was arrested, convicted, and fined 4s. 6d., including costs. On repeating the action he was re-arrested, but this time the 'Committee' were well prepared for a protracted legal struggle, employing the services of a Yorkshire barrister. The Burnley 'Footpath Committee' were fully acquainted with their legal rights, confident that solidarity and sound organisation would produce ultimate success. During a long-running debate in the local press one correspondent, the pseudonymous 'Well-Wisher to Towneley' stressed that the footpath "cannot be stopped by any authority short of an Act of Parliament – all their walling and barricading and bridge-cutting will not avail."²⁷ Referring to alleged displays of indecency along the contested paths 'Well-Wisher' claimed that "one single policeman would clear the whole Park of such characters in a few minutes."²⁸ Another correspondent, a Mr Robson, felt that 'Well-Wisher' would be better employed trying to raise the standards of morality than writing anonymous letters.

When the dispute came to court one of the key prosecution witnesses, a local man called Redfern, claimed that no bridge had ever existed, and that he crossed the river using stones washed downstream during periods of flood. However, when pushed under cross-examination as to the whereabouts of the stones, he was reported to have said, "Well, they were just where the bridge used to be."²⁹ The prosecution against Pennington collapsed, a new footbridge was erected, and "this picturesque walk"³⁰ was saved for the public of the Burnley district. A more significant longer-term consequence of the Mere Clough case was the establishment of the principle locally that rights of way could not be disrupted with impunity. Collaborative protection of public amenity

was to become a feature of civic government during the second half of the nineteenth century.

Blackburn Footpaths

Similar associations of mutual interest took up the defence of rights of way in other cotton towns. Localised political nuances determined that the underlying conflict was never a straightforward clash between upholders of Liberal Radical civic pride and the old landed order, whether or not reinforced by a newer plutocracy of minor landowners. Lancashire Tory paternalism, which asserted its own idiosyncratic influence on the provision of public walks for operatives,³¹ was notably evident in Blackburn, where it continued to hold sway over submissive and often inept local administration. The formation of a footpath protection association in Blackburn was the product of conflict between defenders of local public rights and a particular form of factory paternalism.

In 1864 the Dickinson brothers, cotton spinners, had a new works built on land they had acquired at Bank Top, and a popular local footpath to Galligreaves was blocked by a high wall. The route was an important link from the urban area to several beautiful walks along the banks of the River Darwen. There had been no problem over right of way while the land traversed by the disputed path was owned by the stereotypical Lancashire Tory paternalist, the popular and charismatic local MP, W. H. Hornby. The initial dispute over the route came to a head in a violent confrontation which raged throughout the afternoon of Monday October 10th 1864, when a considerable crowd fought with Dickinson's employees who 'flocked to the barricade'. 'Volleys of stones were thrown . . .', and some of the operatives came over the wall on a 'sortie' during a struggle which had been triggered when the Borough Surveyor attempted to comply with his stated duty to demolish the obstructive wall.³² Throughout a three-year dispute the local Council equivocated and proved generally ineffectual.

The Dickinsons were a rarity amongst Victorian factory paternalists in that they came from a genuine working-class background, although their father had accumulated capital from his inventions with textile machinery. Their paternalist regime was, nonetheless, wholly consistent with the Blackburn area pattern in which factory owners influenced the culture and politics of the district in which most of their operatives and families were housed. In 1861 twenty-one of Blackburn's thirty-six town councillors were employers in cotton, iron, or engineering.³³ The successful paternalist had to be seen to protect the welfare of the community in his own particular domain, while simultaneously ensuring that law and order were maintained. The day after the disorder at Bank Top, James Dickinson took out summonses against '5 or 6 persons who had been conspicuous in the work of destruction.'³⁴ Eight people were charged a week later with riotous assembly and wilful damage, liable to sentences ranging from three years to life imprisonment. The subsequent episode indicates the pertinence of such issues as the defence of footpaths and recreational amenity to the machinations of grass roots politics. Dickinson shrewdly chose to apply his paternalistic prerogative in a public relations exercise aimed at achieving some of the kudos enjoyed by Hornby and Fielden, the town's MPs. The summonses were withdrawn, the defendants dismissed with a warning not to offend again, and Dickinson guaranteed the costs of the case.

James Dickinson later became Mayor of Blackburn, and, during the period of the right-of-way dispute, was returned unopposed as councillor for St Peter's Ward, where the 2-1 Tory majority was founded on the big Dickinson and

Duckworth mills.³⁵ The rancour of the Radicals was expressed in the *Blackburn Times*.

*... great indignation has been expressed, as many burgesses in St Peter's Ward wished for an opportunity of voting against Mr. Dickinson, owing to his having made himself very unpopular over the footpath question.*³⁶

Rights of way were thereby pushed into the political limelight in Blackburn. From April 1866, the Bank Top Footpath Association was established with the intention that:

*by its watchfulness and continued exertions, teach the tyrannical usurpers, who have risen from the people, that the rights and privileges of the public are not to be violated and trampled upon with impunity.*³⁷

As in other areas where radical groups disputed the closure or diversion of rights of way, the formation of an 'Association' in Blackburn produced the organisation and financial backing necessary to sustain effective campaigning. In June 1866 the Bank Top Footpath Association called on the services of the well-established MFPS in a development which contributed to the process through which a substantive and collaborative national footpath defence lobby evolved. The Manchester Society's solicitor Mr Fox was brought in to coordinate a campaign whose impetus was maintained through letters to the Dickinson's and the local press, petitions to the Council, and the collection of depositions from local people who had used the Bank Top right of way over periods of more than twenty years, including the affidavit of a ninety-three-year old man who claimed to have used the footpath for eighty years. Fox also asserted that 'the removal of the obstructions would be a lawful and justifiable act. . .'³⁸ although the committee of the 'Association' requested that no one should resort to violence. It took three years to regain access to the Bank Top to Galligreaves route, after which the 'Association' faded into obscurity. At the same time they challenged successfully other encroachments in the area, such as that on the footpath from Duke's Brow to Revidge, which was stopped up in the summer of 1866, and the closure of a scenic walk to Moor End near Accrington.

Preston and Nelson

Other footpath protection groups were established in north central Lancashire during the 1860s. The Preston Footpath Association arose out of a response in 1866 to the closure of a right of way from Wesham to Treales to the west of the town, and this group was called upon again in June of the same year when it unsuccessfully contested the stopping up of a path which crossed the land of Sir T. G. Hesketh MP, adjacent to Preston Cemetery. It was in a political climate more sympathetic to public rights than that which obtained in either Preston or Blackburn that the 'Carr Hill Road Defence Committee' was formed in Nelson in February, 1866. This association was 'entirely composed of working men',³⁹ although advice and assistance was provided by local middle-class radicals. Nelson was a smaller, more radical and homogeneous weaving town, where the successful defence of rights of way was always more likely once that resistance had been organised properly. The formation of the 'Committee' was triggered by the actions of substantial landowner, Captain Clayton. The courts up to the Assizes had confirmed Clayton's authority to close a footpath which was used as a regular route to work and church, but was also particularly popular for leisure, allowing open access to the countryside to the north west of Nelson. "On Sundays and summer evenings", it was

stated, "the inhabitants of Nelson, of all ages, were to be seen enjoying the shady lane, the refreshing breeze, the beautiful landscape, and the numerous other delightful pleasures which the use of the road afforded."⁴⁰

When the case was heard at Manchester Spring Assizes in 1865 no verdict was returned, but the Lancaster Assizes in July of the same year gave the verdict to Clayton and fined the seven appellants, against whom the original writs had been issued, one shilling each. However, the newly organised lobby succeeded in reopening the case, which was successfully prosecuted by the defence in a well-publicised hearing at Lancaster when the footpath campaigners produced witnesses to the lifelong use of the footpath, including the sworn statement of a ninety-eight year old man who had died the week before the hearing. Led by William Greenwood of Nelson and James Emmott of Lomeshaye, near Burnley, the Carr Hill Committee conformed to the general pattern of such associations, adopting the tactic of establishing their campaign in the context of the wider issue of public rights - 'other privileges we now enjoy'⁴¹ They also acknowledged the important precedent set by the MFPS.

*Many footpaths have been closed for want of an organisation formed to resist the imagined and apparent right of the owner of the property through which they led: hence the establishment of the Manchester Ancient Footpaths Association.*⁴²

Although Tory paternalistic concern with the provision of healthy open air facilities was always evident in nineteenth-century Lancashire, the body of organised and active rights of way campaigners was drawn almost exclusively from the rationalising local Liberal Radicals. From the 1890s, however, a further ideological influence was asserted when an emergent socialist involvement in grass roots issues presented new challenges to both the landed hierarchy and to capitalist urban oligarchies. Mainstream defence of rights of way did, nonetheless, continue to be led by the 'respectable' stratum who deliberately dissociated their cause from the culture of a less orderly element. Just as in the Burnley area in the 1850s, the landowners around other expanding cotton towns in the 1860s sought to justify the exclusion of the public from local rights of way by giving maximum exposure to the irresponsible actions of sections of the urban working classes. For example, it was claimed that disorderly behaviour was the real reason for the closure of footpaths in the Nelson area. The *Preston Guardian* countered that argument by pointing to the inevitability of an unruly element in the population of a growing industrial town, but, feeling that this factor could in no way exonerate Captain Clayton, stated the case for the respectable defenders of public rights: "we are therefore not disposed to let the innocent suffer for the guilty."⁴³ Defending the seven young men against whom the original writs had been served in the Carr Hill case, the 'Defence Committee' stressed the social standing of the defendants, who were: "respected and well-conducted young men who are teachers in our Sunday schools and much respected in the neighbourhood."⁴⁴

The credibility of the campaigns carried out by the footpath lobby in Blackburn was undoubtedly undermined by the involvement of the local rowdy element who took the opportunity to indulge in a bit of boisterousness during the events at Bank Top. The *Blackburn Standard* condemned the 'large crowd of idle and disorderly people'⁴⁵ who deserved punishment for taking the law into their own hands. General lawlessness did achieve wider publicity

during a number of noted footpath disputes, but also diverted the focus of attention away from the real issues, and from rational and orderly campaigns to reinstate rights of way as an essential public amenity. The publicity value of the threat to order was obvious, and Dickinson exploited the situation in Blackburn by portraying himself as the magnanimous upholder of social stability against the forces of chaos. However, the rational, respectable and disciplined pursuit of the right of way cause ensured that footpath protection societies attracted favourable publicity, and that their basic message was disseminated locally, for example, in regular correspondence to newspapers. Justifying the defence of the Moor End right of way near Accrington in 1866, and praising the general character of recreational footpath users, a correspondent to the *Blackburn Times* spoke of: "decent and respectable people- [who] have realised the benefits of a pleasant walk, and the salubrious air which is to be found in this locality."⁴⁶

Footpath campaigns did in fact feature prominently in the local press, particularly in the textile districts of Lancashire and the West Riding of Yorkshire. From the 1820s, when the *Manchester Gazette/Times*, under the control of Archibald Prentice and John Edward Taylor, pursued an effective advocacy for the Manchester Society, to the sustained conflict between the Tory *Bolton Chronicle* and the Liberal Radical *Bolton Journal and Guardian* over the battle for access to Winter Hill,⁴⁷ Radical proprietors and editors made a telling contribution to the development of a rights of way and countryside access lobby. From Colne to Preston the newspapers were involved strongly in the issue. The *Blackburn Times*, for example, condemned 'tyrannical usurpers [of] rights and privileges'⁴⁸ during the Bank Top dispute in 1866.

During the last quarter of the nineteenth century numerous rambling, natural history, and cycling clubs were formed in the cotton mill towns where urban-industrial pollution existed in close proximity to superb open countryside. Getting out into the open-air and enjoying a natural environment were only part of the response which helped to generate a collaborative movement of 'rational' recreational and countryside interests which is still strongly evident in the region today. It was within that important 'improving' element of the diverse local culture that the idea of the 'scientific ramble' was conceived by local field naturalists in Burnley, while Colne was the birthplace of the outdoor orientated Co-operative Holidays Association.

Consolidation

The development of organised defence of public footpaths in nineteenth-century Lancashire was fragmented, and the experience of the Burnley-Blackburn-Preston area was no exception. The episodic nature and fluctuating fortunes of an evolving movement were dependent to a great extent on particular local circumstances. The initial period of conflict stemming from mid-century urban-industrial expansion was followed by a relatively tranquil two decades interspersed by the occasional minor dispute such as that at Padiham in August 1876.⁴⁹ The re-emergence of the rights of way and, increasingly, the open access questions was linked directly to wider considerations of land use, which included the urgent need to reconcile the commercialisation of landed and sporting interests with ever increasing demands for access to the countryside at a time when more and more people were able to take the opportunity of a healthy respite from factory conditions. The footpath society was reformed in Blackburn in response to the larger-scale confrontation which developed between a greatly expanded demand for countryside amenity and the consolidated commercialised landed interests. With a much enlarged membership, the Blackburn and District Ancient Footpaths Association was set up in 1894 to co-ordinate the growing threat to public footpaths in the Ribble Valley. The new association proved extremely effective not only in challenging traditional and new commercial landowners, but also in bringing together in common interest a number of local open air recreational groups.

As the corollary of increased leisure and improved public transport towards the end of the nineteenth century rights of way campaigns were expanded further afield, into areas such as the Peak District, which was easily accessible from the industrial districts of Lancashire and Yorkshire. The transference of the funds of the MFPS to the Northern Counties and Peak District Footpath Protection Society in 1896 represented a crucial stage in a trend towards nationally orchestrated footpath defence.⁵⁰ The work of rights of way campaigners in mid-nineteenth century north central Lancashire, effectively organised through associational formation, provided an important stage in the development of an influential open-air recreational lobby, which was finally united as a recognisable national movement in the 1930s.

NOTES

- 1 See for example Hill, H., *Freedom to Roam* (Ashbourne, 1980); Marples, M., *Shanks' Pony* (London, 1959); Walker, H., 'The Outdoor Movement in England and Wales, 1900-1939', unpublished Ph.D thesis, University of Sussex, 1988.
- 2 See for example Walton, J. K., *Lancashire: A Social History* (Manchester, 1987); Walton, J. K., *The English Seaside Resort: A Social History, 1750-1914* (Leicester, 1983); Walton, J. K., and Walvin, J., *Leisure in Britain, 1780-1939*, (Manchester, 1983); Walvin, J., *Leisure and Society, 1830-1950* (London, 1978).
- 3 See Buxton, R., *A Botanical Guide to the Flowering Plants, Ferns, Mosses, and Algae, Found Indigenous Within Eighteen Miles of Manchester* (Manchester, 1859); Cash, J., *Where There's a Will There's a Way! or Science in the Cottage. An account of the labours of naturalists in humble life* (London, 1873); Garnett, H., 'Richard Buxton. An Old Time Manchester Botanist', *North West Naturalist*, No.6, 1931 (Manchester, 1931), p.18; Percy, J., 'Scientists in Humble Life: The Artisan Naturalists of South Lancashire', *Manchester Region History Review*, Vol.V, No.1, Spring/Summer 1991, pp.3-10.
- 4 Prentice, A., *Manchester Sketches and Personal Recollections* (London & Manchester, 1851), p.289.
- 5 Martineau, H., *Bibliographical Sketches, 1852-1875*, New Edition (London, 1885), p.404.
- 6 See Walton, J. K., 'The Windermere Tourist Trade in the Age of the Railway, 1847-1912', in Westall, O. M., ed., *Windermere in the Nineteenth Century* (University of Lancaster, 1991), pp.19-33.
- 7 *Blackburn Mail*, 21 September 1825, p.2.
- 8 *ibid*, p.2.
- 9 British Sessional Papers, 1731-1800, House of Commons, Bills Vol. vii, 1773, No. 229, para. 1.
- 10 *ibid*.
- 11 See Narrative of the Proceedings in the Case of Rodgers and Others versus Harvie for the Recovery of the Liberty of the Banks of the Clyde, (Glasgow, 1829); Adams, G., *A History of Bridgeton and Dalmarnock* (Glasgow, n.d.), p.23.
- 12 Wild, H., 'The Manchester Society for the Preservation of Ancient Footpaths', *Manchester Review*, Vol.10, Winter 1965-66, p.242.
- 13 See Langton, D. H., *A History of the Parish of Flixton* (Manchester, 1898); Lawson, R., *A History of Flixton. Urmston and Davvulme* (Manchester 1898) n.78.

- 14 Quoted in Cunningham, H., *Leisure in the Industrial Revolution, 1780-1880* (London, 1980), p.81.
 15 *Report of the Select Committee on Public Walks, 1833*, para.79.
 16 *ibid.*
 17 *ibid.*
 18 Whittle, P. A., *Bolton-Le-Moors and the Townships in the Parish* (Bolton, 1855), p.59.
 19 *ibid.*, p.59.
 20 Webb, S & B., *The Story of the King's Highway* (London, 1913), p.203.
 21 *Hansard*, 3rd Ser., Vol.15, 1833, col. 650.
 22 *ibid.*, 3rd Ser., Vol.19, 1833, col. 1104.
 23 See Bennett, W., *The History of Burnley*, Part 4 (Burnley, 1951), which links local footpath closure to the unruly reputation of an element of the expanding urban working-class of the district.
 24 *Scrapbook of Newspaper Cuttings, 1907-15*, p.42. Burnley Local Studies Library.
 25 *Burnley Advertiser*, 8 January 1859, p.2.
 26 *Burnley Men*, Scrapbook, p.75. Burnley Local Studies Library
 27 *Burnley Advertiser*, 8 January 1859, p.2.
 28 *ibid.*, p.2.
 29 *Scrapbook of Newspaper Cuttings, 1914-16*, p.II. Burnley Local Studies Library.
 30 *ibid.*
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 39 *Preston Guardian*, 28 February 1866, p.4.
 40 *ibid.*
 41 *ibid.*
 42 *ibid.*
 43 *ibid.*
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 45 *Blackburn Standard*, 12 October 1864, p.3.
 46 *Blackburn Times*, 30 June 1866, p.6.; this correspondent indicated his devotion to rigorous justice through the use of the pseudonym Rhadamanthus, the strict judge of the lower world in classical mythology.
 47 Salvesson, P., *Will yo come o Sunday morning* (Bolton, 1982).
 48 *Blackburn Times*, 28 April 1866, p.6.
 49 *Burnley Gazette*, 26 August 1876, p.8.
 50 See Holt, A., ed., *Making Tracks. A celebration of fifty years of the Ramblers' Association* (London, 1985).

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