

PEAK AND NORTHERN FOOTPATHS SOCIETY

1894 - 1977

ANNUAL REPORT 1976-77



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27 10.11.76

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Cover photograph: The unveiling of the plaque which took place on the 150th Anniversary walk along the Bottoms path at Flixton on November 14th 1976. The plaque commemorates the Flixton Footpath Battle of 1926 which resulted in the formation of the Manchester Association for the Preservation of Ancient Footpaths. From left to right: Donald Lee, the author of the commemorative booklet, Councillor Norman Weall, chairman of GMC Highways Committee, Mr. D. Ward, a local member and Mr. Harold Wild one of the oldest members of the Peak and Northern Footpaths Society.

This photograph is reproduced by courtesy of the Stretford and Urmston Journal.

PEAK AND NORTHERN FOOTPATHS SOCIETY

Founded in 1894; Manchester Association Founded 1826

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61 Freemantle Street, Edgeley, Stockport. Tel. 061-480 6993.

Closure and Diversion Secretary: D. W. Lee

7 Mossway, Alkrington, Middleton M24 1WR.

Signpost Supervisor: F. R. Mason

86 Gibb Lane, Mellor, Stockport. Tel. 061-427 3264.

Footpaths Inspection Scheme Secretary: H. Lees, B.A.

32 Ashley Road, Stockport SK2 5BH. Tel. 061-480 2961.

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FOREWORD

Among the watchwords of the present age informality and expediency must rank high. Permissiveness, triumphant over the oldest taboos, now extends into wider fields of human behaviour. Established rules of conduct are often disregarded and replaced by an empirical approach and even the law looks less secure than it did. Which brings me to my point, the code of laws intended to protect the rights of the public on footpaths and bridleways, and the difficulty of getting it enforced by authorities, central or local.

Footpaths are increasingly treated as ephemeral tracks to be shifted about without formality to suit private or alleged public interests, and at times there seems a danger that the real law may be replaced by a sort of informal folk law. During the year we have come across a number of instances where well-meaning officials have waymarked alternative permissive routes at the request of householders and farmers, and in one case, at least, people were subsequently reprimanded for using the legal route.

Of course, there is a place for common sense in solving footpath disputes and where there are good grounds for diversions the Society is ready to agree to reasonable alternatives, but we do not favour concessions to people who have defied the law, nor widespread and unnecessarily permissive changes which could lead to confusion and difficulties for map users.

The most surprising instance of informal action during the year was the closure of a large number of paths during the drought by Derbyshire County Council because of the fire hazard. When we asked for the authority on which this was done their reply was:—

“The normal statutory procedure was not appropriate for the situation which prevailed at the time and it was considered that in view of the emergency the C.C. would be failing in its overall duty towards the public if it did not take the action which was taken and which was, I am convinced, fully justified.”

No doubt they acted with the best of intentions and many people would applaud them, but an arbitrary exercise of power even for good reasons sets a dangerous precedent. One wonders what the reactions of the motorists' organisations would have been if roads and lanes, which also present fire hazards, had been included in the closures.

Recent issues of “Footpath Worker” contain many instances of unwillingness by highway authorities to deal with obstructions, etc., and of trivial fines imposed when offenders are prosecuted. In the realm of diversion and closure orders the Secretary of State and his

inspectors, though sometimes very firm, quite often seem to disregard the legal requirements, or give weight to others that are not legally relevant, and there is an overall absence of consistency in arriving at decisions.

There are signs too of a disposition to weaken the legal framework itself when opportunity arises, as with Section 23 of the New Towns Act, 1965, under which no grounds of closure need be specified, there is no provision for diversions, and no requirement to hold an inquiry or hear objections. Under this enactment the Central Lancashire Development Corporation secured the closure of eighteen paths at Walton Summit without an inquiry. An appeal for Section 23 to be repealed has been rejected.

Similarly, the Coal Industry Act, 1975, modified the requirements of the Opencast Coal Act, 1958, so as to eliminate the need for an inquiry if objections were received from private individuals only. On the other hand, the DOE official principally concerned with footpaths advised the House of Commons Environmental Subcommittee against making the procedures for diversions more flexible. He said that where people's established rights were affected everyone concerned should have a fair opportunity to state his case.

Against this general background the future of the traditional footpaths system seems none too hopeful, but we have no intention of giving up the struggle to keep it.

FRANK HEAD

NEW SUBSCRIPTIONS

Please note that subscriptions were all increased last year. See application forms at end of booklet.

COMMENTARY

Derbyshire Definitive at Last

The main local news item this year is that Derbyshire has at long last completed the definitive map of the old county area, leaving Bedfordshire and Gloucestershire to compete for the booby prize. That Derbyshire should have taken so long is all the more surprising, since overall they have been the most helpful of our counties and more favourable to footpaths than most in the country as a whole. Part of the explanation, at least, is that at the outset they aimed at securing a maximum of agreement between landowners and the public. This proved to be a time consuming business, but it is fair to say that in the end relatively few cases reached the courts, and we may possibly have finished up with more paths on the map.

Arthur Smith

We hope soon to be able to erect a memorial plaque to Arthur Smith near the summit of Shutlingslow, now that a new right of way to it has been agreed (see Donald Lee's article). The subscription list will be closed at the Annual General Meeting.

Charles Evison

We are very sorry to record the death of Mr. C. Evison of Sheffield, our Inspector for part of the High Peak Area, and husband of Mrs. E. Evison, until recently an Inspector also. We are deeply indebted to Mr. and Mrs. Evison for their enthusiastic support of our work and tender our sympathy to Mrs. Evison, who has kindly offered to become the Inspector of part of her husband's area.

The Holly and the Ivy

Having long been under the impression that the gathering of small quantities of holly came into the category of common law rights, such as the picking of blackberries and mushrooms, I was surprised to hear that some local farmers were claiming that the police said the right did not extend to holly and other foliage from trees. At about the same time a friend was told that she ought not to be picking trailing ivy and laurel in a lane. It therefore seems worthwhile to print the following extract from Section 4(3) of the Theft Act, 1969:—

“A person who picks mushrooms growing wild on any land, or who picks flowers, fruit or foliage from a plant growing wild on any land does not (although not in possession of the land) steal what he picks, unless he does it for reward or for sale or other commercial purpose. For the purpose of this subsection “mushroom” includes any fungus, and “plant” includes any shrub or tree.”

So we can still pick the holly and the ivy, but it should be noted that digging up plants with their roots might amount to theft. It would also be undesirable and inadvisable to damage trees or take so much holly as to arouse suspicions of commercial motivation.

“Footpath Worker”

This useful publication, which failed to appear last year because of financial difficulties, is now available once more and what follows is mostly taken from Nos. 1 and 2 of Volume 3. Michael Holroyd and John Trevelyan are the editors of “F.W.” and Volume 3 may be obtained from the Ramblers’ Association, 1-4 Crawford Mews, York Street, London W.1., price £1 for four issues (two ready now).

HA signifies the Highways Act, 1959, DOE, the Department of the Environment, SOS the Secretary of State, and S, Section.

The Newman Case

We reported fully in our last two Reports on Mr. P. J. Newman’s attempt to use HA.S.59 to force his local authority to remove obstructions. The final position as seen by FW is that natural obstructions affecting the surface of a path (e.g. wild bushes growing in it) can be dealt with under S.59, but that man-made barriers not affecting the surface, such as barbed wire, cannot be. Less certainly, there are indications that the judges would have ruled that the section could be applied also to natural obstructions not affecting the surface (e.g. side growth) and to man-made obstructions affecting the surface (a ditch or planted hedge). It seems therefore that the section is probably applicable to all natural obstructions, but not to man-made barriers unless they affect the *surface* of the path.

Under S.59 individuals can force a highway authority to maintain any public highway, and it would have been very useful if it could have been used in ordinary obstruction cases, but clearly it cannot be. Its main usefulness to us is in securing the replacement of bridges.

Secretary of State’s Orders

Under HA.S.112(5) the SOS has powers like those of the local authorities under S.110 and 111, for the diversion or closure of path. Similarly he can make a creation order under S.29(3). In 1972 the DOE said that these reserve powers were used very rarely, and “only in case of exceptional difficulty”. FW had not heard of any such use before November 1974, but in the following year there were no less than eight, including one rejected creation order. The Department has denied any deliberate change of policy, but it looks as though the “exceptional difficulty” arose from the refusal of the local authorities concerned to make the orders requested by the applicants. One such case, Brough and Shatton F.P.8 was mentioned in our last Report, p.15.

Conjoint Creation and Extinguishment Orders

Diversions under HA.S.111 can only be made on the application of a landowner, but local councils can achieve similar results by simultaneous Creation and Extinguishment Orders under S.28 and S.110 respectively, and these orders can be considered at a joint inquiry under S.110(5). The creation of the new path can be taken into account in deciding whether the old one is not necessary, but not *vice versa*, so it follows that consideration of the creation order should precede the closure order.

In relation to a proposed rationalisation scheme covering Abbotsbury and Portesham parishes in Dorset, it was held that an extinguishment order could not be made in exchange for a voluntary creation *agreement*, the execution of which could not be enforced. On some previous occasions the SOS had done just this and FW had questioned its propriety.

Fencing of New Paths

In 1972 the SOS refused to confirm a creation order at Baker's Hill on the Offa's Dyke path because the highway authority would not agree to meet the cost of fencing the new path. He attached a similar condition to a proposed confirmation of a creation order at Hartland, Devon, but the county council rejected it and claimed that he was acting *ultra vires*. The DOE apparently accepted this contention and the order was confirmed without the condition.

Planning Orders; Incomplete Development

A local planning authority may make a diversion or closure order under S.210 of the Town and Country Planning Act, 1971, if "it is necessary to do so in order to enable development to be carried out in accordance with planning permission". This calls for two main requirements to be met:—

- (1) the development must be of such a nature and in such a position as to be incompatible with the continued existence of the path on its present line.
- (2) that part of the development which is incompatible with the existing path must not have been carried out when the SOS decides whether to confirm the order.

Even when these requirements are met the SOS may still refuse confirmation if a suitable alternative route could be, but has not been, offered. However it appears that orders are sometimes confirmed when the main requirements have not been satisfied and on the basis of *legally* irrelevant reasons, such as inconvenience to householders. It seems to be generally accepted that the SOS has no power to confirm an order if that part of the development which requires the diversion or closure is complete when he considers the order, but this requirement, too, is sometimes honoured in the breach.

Unopposed Orders

In our 1972-3 Report we mentioned that about two-thirds of all diversion and closure orders go through without opposition, but that the local authorities abandon about three-quarters of the remaining opposed third, leaving less than 10% for determination by the SOS. Recently however the DOE has reversed its former ruling and claims that all opposed orders must go to the SOS for decision. The local authority cannot withdraw them, even if they change their minds. No legal basis for this ruling has been found and it is under discussion with the DOE, but if it is fully implemented, a larger number of orders will be confirmed, and the DOE will have a lot more work to do. We can hope however that highway authorities who do not want to bother with opposed orders may be less willing to make them in the first place if there is no chance of withdrawal.

An Appalling Decision

The Local Government Act, 1974, abolished the SOS's power to extend the time limit for removal of obstructions after the highway authority had served a notice to do so on a landowner. Shortly before the Act came into force the SOS granted a three year extension starting from 31/5/74 to an owner who had been obstructing a right of way at Binfield, Berks., since 1967, and had been given six weeks notice by the county council on 7/9/73.

Cartographical Errors on Revised Draft Maps

In the course of a quinquennial review of their definitive map, carried out under the original 1949 Act procedure, Oxfordshire published a revised draft map followed by a modified draft map incorporating their determinations in respect of applications for deletions or additions. At this second stage of the review the Oxfordshire Fieldpaths Society discovered a number of serious copying errors, but as they had not objected at the first (revised draft map) stage it was ruled by the County and confirmed by the DOE that none of the errors could be corrected until the next review! Consequently the errors, including path omissions, will remain for at least five years. Inspection of all revised draft maps at the earliest opportunity is thus essential.

Diagonal Paths

About a quarter of the orders made under HA.S.111 are for the diversion on to field boundaries of paths running across fields, in order to "secure efficient use of the land". FW says it is usually argued that the field is to be ploughed, and that the diversion will remove the need to restore the path and increase the area available for crops. Apparently these claims are seldom challenged by objectors and it is taken for granted that a headland path is to the farmer's advantage.

Yet there is plenty of scope for argument. The law allows diagonal paths to be ploughed, provided they are rolled out again, but forbids the ploughing of headland paths. Thus, if the law is obeyed, the amount of land available for crops is *reduced*, since field-edge paths are longer than diagonal ones. On the other hand, if the law is ignored as usually happens, the path is ploughed but not restored even on the headland, so the diversion makes no difference. Where ploughing occurs infrequently, or not at all, there seems little justification for such diversions and the DOE acknowledged this in a case at Owermoigne, Dorset, Their decision letter said:—

“It is noted that at present the land traversed by the existing footpath is not used to grow arable crops but is down to pasture. Furthermore, there was no sign of wear in either of the fields affected by the path at the time of the inspection. It is not therefore considered that the present agricultural use of the land is impaired by the limited use made of the existing footpath.”

F.H.

HARRY GILLIAT

We deeply regret to record the loss of our respected Vice-Chairman, Harry Gilliat, who died at home in his sleep on 26th January, 1977, aged 78. Harry was one of the best known and best liked figures among Manchester ramblers and youth hostellers and will be mourned by a wide circle of friends. Until his retirement he had worked for S. and J. Watts in Manchester, where Tom Arnfield, a member of our Society and the Ramblers' Federation who took part in the opening walk over the Snake path in 1897, guided his feet on to the moors. As a trespasser on Kinder, Harry was in an embarrassing position, since one of his employers was perhaps the most restrictive of the moorland owners, but he is said to have overcome this difficulty with his customary tact. He became involved with rambling and footpaths work in 1920 and was a member of the Rucksack Club from 1922 onwards.

In his youth Harry Gilliat was a prodigious walker. In 1925 he and the late Fred Heardman climbed the Scottish 4,000 ft. tops, including Aonach Mor (3,999 ft.) in the record walking time of 11 hours 8 minutes, and Harry was wearing a rather large left-foot boot borrowed from Eustace Thomas and padded out with an extra sock. He had arrived at Fort William with two right-foot boots! In 1927, with other members of the Rucksack Club he pioneered the marathon walk from Colne to Rowsley. Arriving there ahead of his friends, and feeling in good form, he carried on to Matlock, having completed 75 miles in just under 24 hours. Perhaps being a teetotaler and non-smoker helped.

One of his oldest friends, Donald Berwick, says that he was a delightful companion to walk with and had a kind word and a smile for everybody. But he loved the wide open spaces and solitary tramping over Kinder and Bleaklow. He was unsparing in his help to Youth Hostelling, Mountain Rescue, the Warden Guides, the Ramblers' Association and our Society. Whenever there was work to be done in the field, repairing a foot bridge or the like, he was sure to be there. He was Chairman of the Warden Guides for several years and also served a term as President of the R.A., Manchester Area. At the time of his death he was Joint President of the Peak Region of the Y.H.A.

When Harry succeeded the late Edwin Ambler as our Vice-Chairman in 1966 he had already been a Council member for very many years, and it was soon observed that he was a most competent chairman who handled meetings with firmness, fairness and unfailing tact and good humour. He was at all times modest and unassuming, a man we shall remember with gratitude and greatly miss. His funeral at Cheadle Church was attended by well over a hundred friends from organisations all over the Peak and further afield.

FRANK HEAD

CREDIT WHERE IT'S DUE

Our review of 1976's more interesting cases highlights for a change some welcome positive trends shown by the authorities over footpaths and it is certainly a pleasant change to pay credit where it is due.

For instance at long last Cheshire County Council, in conjunction with the Peak Park Planning Board, finally took steps to arrange the dedication of a new right of way over Shutlingsloe Cheshire's Matterhorn—something for which our late Vice-President Arthur Smith, had for so long campaigned. The new path will run from the well-known Wildboarclough—Macclesfield Forest footpath (Definitive No. Wildboarclough 23) at O.S. reference 982.693 to the summit (977.696) to rejoin the main path at 976.699. At the same time opportunity is being taken to divert the main path in the vicinity of Shutlingsloe Farm from its present rather confusing route to a new way just above the intake walls. These routes will, of course, be fully signposted and waymarked and I have no doubt that we shall make a special point of walking them when the dedication ceremony of the Arthur Smith memorial takes place near the summit of Shutlingsloe during 1977.

Maybe there will be surprise that as an environmental organisation we can find anything to praise in the decision to build the M67 Denton By-Pass motorway, which (despite official assurances to the contrary) many remain convinced is the start of an intended Manchester-Sheffield motorway through the Peak Park. Be that as it may, in the original proposals it was not intended to provide a crossing for pedestrians across the by-pass in the vicinity of Denton Station (O.S. 914.956) in order to link two popular semi-urban footpaths. After the Society made appropriate representations at the Inquiry the Secretary of State has directed that the Road Construction Unit must provide a pedestrian underpass beside the railway. This provision will not only mean the long-term survival of both tracks (Definitive Nos. 8 and 10 Denton) as a link towards Reddish Vale, but there will be a distinct safety improvement for pedestrians into the bargain.

Another positive example of central government thinking manifested itself over a proposal to divert part of footpath 22 Royton in the vicinity of Denbydale Way (912.080) for housing development. The Thorp path, as footpath 22 was known locally, is part of a traditional route from Royton to Tandle Hill and though its character has changed from rural to urban, a footpath way has been provided through most of the development. Oldham Council, acting with the developers, Haughton & Kershaw, and without at any stage consulting us, proposed what was an unnecessarily devious line. We

exposed this at the Public Inquiry and put forward an alternative suggestion. Not only did the Department of the Environment accept our solution in preference to Oldham Council's line, but they took over the case and readvertised the Order, incorporating our suggestions. The new Order was later confirmed so now, not only do we have a better path, but Oldham Council have learned their lesson and realise that it is as well to consult us on all their footpath alteration proposals, well in advance of any official advertising. I am glad to report that the new system with Oldham works very well.

An interesting situation arose over a footpath on the outskirts of Chesterfield concerning Hasland footpath 4 (O.S. reference 399.688 to 404.689)—an important rural path linking Hasland Green with Grassmoor and Calow. Here we worked closely with Chesterfield R.A. to oppose North East Derbyshire District Council's scheme to virtually close the path (they called it a "diversion") and make ramblers use the busy parallel A617 road that acts as a motorway feeder from Chesterfield. The District Council's argument in justification of their proposals was that the alteration would ensure that a new link path was provided to a Council playing field from a nearby estate. However, what they needed there was a new creation and not the sacrifice of an important, through walkers' route as they envisaged. The deal was, of course, supported by the landowner since the original path down for closure was four times as long as the one that was being offered in return. However, like us, the Derbyshire County Council, as Highway Authority, saw the shortsightedness of the District Council's proposals and at the Public Inquiry objected alongside us. The Secretary of State agreed with us and the path will stay in its existing position. In the decision letter no bones were made about its importance and the Department, like us, found it hard to understand the attitude of the District Council in proposing such a scheme in the first place. This case is not only of importance in itself, but was notable as being the first occasion in our area when one of the new post-local government reorganisation County Councils were alert enough in footpath matters to oppose publicly one of their District Councils—and for this we applaud them.

Lest it be thought that this review is becoming a hymn of praise to officialdom, I shall conclude with the most contentious case of 1974-75 which even yet is not finalised due to some stubbornness on the part of Warrington New Town Corporation. The affair is of great importance since it illustrates how unfair New Town footpath legislation can be. In May, 1976 I wrote an item for Signpost No. 7, the *Northern Footpath Journal* (which appears bi-monthly, subscription £1 per annum to D. Cossar, 27 Cookridge Avenue, Leeds) and since this contrasts two New Town cases and gives general background information to the problem of paths in New Towns, it is re-produced here in full.

"New Town Blues"

One of the less acceptable dodges used to get rid of footpaths is Section 23 of the New Towns Act, 1965, and as only a minority of footpath enthusiasts have any experience of this Act, it may be worth setting down what has happened over two recent examples in which the Peak and Northern was jointly involved with the R.A. (Warrington and Preston Groups).

The Act only comes into force when a designated New Town Authority owns the land over which a path runs and, should they want to meddle with paths on land outside their grasp, the normal procedures apply. However, as it is the policy of New Towns to gather up land and parcel it out for a variety of uses, readers will quickly realise that the longer a New Town is in existence, the more powerful a landowner it becomes and the more dangerous is the threat of Section 23 Orders.

Section 23 allows closure of any footpath for "development" and "development" is conveniently not specified. In our two cases, the one at Warrington concerned a proposed golf course over which one path ran, whilst the Preston case concerned 18 paths over a proposed industrial estate. Under Section 23, Closure Orders are advertised only in a local paper and not in the London Gazette. This has meant in the past that where there has not been a group of the R.A. or a local footpath society, the chances were that most Section 23 Orders went through "on the nod" simply because the Central Rights of Way Committee (which at the moment controls the issue of London Gazette Closure and Diversion notices) would not receive them in the first place. A New Town Authority does not have to get the agreement of the Local Council to its Section 23 closures and, therefore, it helps materially if Councils can be persuaded to object. This happened at Warrington but not at Preston. Then the Department of the Environment, to which objection is made direct, is more likely to hold a Public Inquiry, for one of the two very strange quirks concerning Section 23 is that the Secretary of State for the Environment can dispense with a Public Inquiry should he think fit. This means, in effect, if the number of objections is substantial enough. The message, therefore, is to beat the publicity drum as soon as the Order is advertised. This was what occurred at Warrington, but not at Preston. The final peculiarity of Section 23 is that under it, a New Town Authority can close paths but has no power to create them. Whether this is due to faulty statute drafting, or something more sinister, I don't know.

Just briefly, I shall now describe the circumstances of the two cases we handled. Croft No. 7 (O.S. Ref. 644.923-649.930) is a potentially useful north/south path that can be used as part of an inter-urban route between Warrington and Leigh. Its strategic importance is demonstrated by two things—when the M.62 was built

nearby, a footbridge was provided for it; also Warrington New Town Corporation themselves, when drawing up a broad plan for recreational pedestrian ways, included it in their publicity handouts. Nevertheless, big business triumphs over little things like footpaths and, when the New Town Council decided to develop a private golf course, together with an adjacent hotel near to the footpath, they heard from the proposed tenants (a large hotel group the name of which was pathetically kept secret throughout the affair) that they didn't want a footpath anywhere near their up-market project. Hence the closure application on the pretext of "development".

The New Town Corporation, confident of their success, anticipated the Order and blocked the footpaths with mounds, channels and barbed wire. All this provided good copy for the local press and, when a public walk was arranged over the path, they had to eat humble pie by reinstating the path in the full glare of the media. As I said previously, we managed to get a Public Inquiry and, if nothing else, this was remarkable for the stone-walling, backs-to-wall attitude taken by the New Town Council in trying to justify their anti-social closure application. Six months later, we heard that the Department of the Environment had thrown out the application, so the path remains as a useful link to ramblers and as a lesson to an Authority which bit off more than it could chew.

Much sadder is the problem of the 18 footpaths at Walton Summit, Preston, all of which were lumped together for a Section 23 Order so that they could lay out an industrial estate. If there were alternatives they were beside estate roads, and the whole scheme resembled something out of the 1950's, with its bad planning rather than the 1970's, when there should be complete pedestrian/traffic segregation on planning matters, especially in a New Town. I don't want to go into the whys and wherefores of this case at the moment except to say that in the middle of correspondence between the R.A. and ourselves on one side, and the New Town Council with the Department of the Environment on the other side, without any chance of a Public Inquiry, or even dealing with the matter on a written representation basis, the Secretary of State made his decision to close all the paths in spite of the fact that we were still awaiting information on the closure!

If ever we needed a case to demonstrate how bad Section 23 can be to objectors, this is undoubtedly it, and readers may rest assured that in due course the Walton Summit affair will be raised in the highest quarters. We shall not rest until we get rid of Section 23 and have it replaced by the more natural Town and Country Planning Act Orders which give adequate safeguards for objectors.

Since the above was written the situation in Preston has been raised in Parliament and assurances have been given that footpath legislation in New Towns will be reviewed. So at least Parliament

knows our feelings on the undemocratic activities of New Town authorities. In the Warrington case, the New Town Council, annoyed at the decision, has persisted in their efforts to remove parts of footpath no. 7. They want to divert the path where it will cross the new golf course, and this much is acceptable to us, but where it enters what they term a development area they want to close it now and substitute in its place a permissive path for a few years until such times as they can lay out an estate road pattern. They will not—indeed cannot—give any assurance that we shall have a new path away from estate roads and consequently we are objecting again, more especially since there is adequate proposed open space on the edge of the golf course which they could use for a new path. Hence, I don't think we have heard the last of Croft No. 7 and the outcome will be reported next year.

DONALD W. LEE

OUR ANNUAL DINNER

Our Fourteenth Annual Dinner was held on the 21st May at the New Albion Restaurant when our Guest Speaker was the National Park Officer for the Lake District National Park, Mr. K. S. Himsworth, C.B.E., accompanied by Mrs. Himsworth.

After partaking of an excellent meal, we were able to relax in our chairs and listen to an extremely interesting address by Mr. Himsworth who kept an enraptured audience for some forty minutes.

It was a pity that our attendance that evening was not greater in numbers, and for the 1977 event, we are proposing to hold it earlier in the year as suggested by several members and so the date this year will be April 22nd.

L.G.M.

OUR ANNIVERSARY

One hundred and fifty years existence as a footpath society were celebrated on the 14th November 1976 by a large scale public walk over The Bottom's Path at Flixton, the controversial footpath which brought about the formation of our forerunner—The Manchester Association for the Protection of Ancient Footpaths, and of whom we are the successors.

Some five hundred people assembled at Flixton Railway Station, and were led by Donald Berwick, one of our oldest active members, to a point along with the path where an inscribed plaque commemorating the event was unveiled by the Chairman of Greater Manchester's Highway Committee, Councillor Norman Weall, this was followed by two short speeches, one of which was by Harold Wild, a previous secretary of many years service, and whom we were very glad to have with us on this occasion. After the ceremony the walk was continued and finally completed by ending at a local hall where refreshments were available for all who had participated.

On the Monday following, nearly 70 members attended the Anniversary Dinner which was held at the New Albion Restaurant, and at which our Guest of Honour was our old friend Tom Stephenson who had travelled from Aylesbury especially for this event, and we all awaited the speeches that were to follow from Tom and our President, Frank H. Read, both of whom had gone to considerable lengths to present their addresses.

A feature of the evening was the cutting of the Anniversary Gateau, a symbolic presentation of the Society created by the Head Chef of the Restaurant.

Unfortunately we were not able to accommodate all of our members who wished to attend, as we were restricted by the seating capacity of the largest room, and even this was exceeded to a degree.

This was a memorable evening and will live long in the minds of those members who were able to attend.

Another feature of our celebration was the holding of a Footpath Exhibition in the Manchester Central Library during the first three weeks of November and which was visited by a number of people. We are indebted to the Librarian and his staff for their co-operation with this event.

The full story of the inauguration of the Society is given in our anniversary booklet "The Flixton Footpath Battle" which can be obtained from our Hon. General Secretary whose address is given in the inside cover of this report. The price of the book is 50p plus 8p postage.

L.G.M.

150th ANNIVERSARY DINNER

Text of President's Address

Mr. Stephenson, Ladies and Gentlemen,

Soon after I became the Society's President in 1954, I was called upon to preside at the 60th Anniversary celebrations at Lyme Park. Tom Stephenson was also present on that occasion. Now here we both are again, not looking more than twenty years older I hope, celebrating the 150th Anniversary. How time flies! But of course we are not celebrating the same birthday. Since 1954 we have found that the Society's birth certificate is dated 15th November 1826 instead of 16th August 1894, and we are 68 years older than we thought. You may think this a rather careless error, especially as we have no London Office to blame for it. Well, of course, we did know about the 1826 Society back in 1954, but at that time it was generally supposed that it had functioned effectively for about forty years only and had nearly died out after that. Thanks to Harold Wild's researches in 1965, however, we now know that it operated more or less actively for about seventy years, and was still in existence when the Peak and Northern was founded in 1894. Mr. Wild's article, published in the *Manchester Review* for Winter 1965-6 reveals that there was a great deal of activity until 1876 at least, and there is no reason to suppose that it did not continue, though probably at a lower level, until the merger with the Peak and Northern in 1896. So, as the birthday cards say "Now you are 150".

We are commemorating 150 years of work for footpaths carried out by two successive societies operating from the City of Manchester, and that is something to be more than a little proud of, both as footpaths enthusiasts and Mancunians. When Harold Wild claimed that ours was the oldest amenity society in Britain, and obviously much older than the London Commons Society of 1865, Tom Stephenson rather irritatingly dug out an even older body, the "Association for the Protection of Ancient Footpaths in the Vicinity of York" founded in 1824, two years before the "Manchester Association for the Preservation of Ancient Footpaths". . . and with an even longer title. Though not a Lancastrian by birth, I cannot help wishing it had been somewhere other than York, but there it is, and it is only fair to say that the Manchester Association obtained advice from, and was modelled upon, the York society. The York people, indeed, expressed pride in the part they had played in helping the Manchester Association, and I am sure they would have felt even prouder if they had foreseen that it would still be in existence now, 150 years to the very day from its inauguration. Whether the York Association, or any successor body, still exists I very much doubt, but we of the Peak and Northern are clearly the successors in title to the 1826 Association. Unless Tom Stephenson has some further

evidence up his sleeve, I am going to claim boldly that our Society is almost certainly the oldest surviving amenity society in Britain today. It is not only a matter for pride, but places us under a heavy responsibility to carry the work forward into the future.

When I outlined the history of the Peak and Northern back in 1954 someone said it sounded as if I had been in at the start myself, but I am not going to try to do the same thing again. 1826 is much too long ago and I am going to leave you to read the history for yourselves in Donald Lee's excellent little book—how he found the time to write it and dig out more information, I really don't know. The old Association was formed because a landowner named Wright tried to secure privacy by closing two footpaths near his house, and nearly got away with it because legal closures were much easier to get then. But Wright was wrong and right prevailed in the end. The law today is very different, but human nature remains much the same. We are still frequently confronted by people who think that because they have bought an old house in the country they are entitled to a higher degree of privacy than its former occupants enjoyed, or the public generally can expect. Having escaped from town streets thronged with cars they cannot even endure to see the occasional rambler passing at the weekend. Fortunately we have in our Diversion and Closure Secretary, Donald Lee, a man as resolute in opposing them as the Manchester Association's founders of 150 years ago.

Before concluding, I want to make honourable mention of the name of Cottam. The old Association was founded by S. E. Cottam, whose son Samuel Cottam became its Hon Secretary and was responsible for most of its successes. These must have attracted a lot of attention, as he received enquiries about footpaths problems from many parts of England. I should like to quote what he wrote to a man at Redhill, Surrey: "My advice is to stir up your neighbours to a full sense of the injustice they suffer in being deprived of the rights of the public walks in your neighbourhood. Then call a meeting and organise a society for carrying out the powers and provisions of the Highway Act. The moral force of such a society is very great and will probably effect more than the strong arm of the law; nevertheless it is essential to take up a strong position, which the law if desirable can defend. Avoid all hostile, and seek all conciliatory means of effecting the end in view, and doubtless there will soon be fewer causes of complaint."

By and large that is how we still tackle footpath problems, and it only remains for me to say that I hope this Ancient Society will long continue to do so in the resolute spirit of its founders in 1826 and with the renascent enthusiasm of the men of the Peak District and Northern Counties Footpaths Preservation Society in 1894. Long live the Manchester Association for the Preservation of Ancient Footpaths in the Peak District and Northern Counties—Peak and Northern for short.

FOOTPATHS REPORT FOR 1976

Cheshire

Bollington F.P. 13. Objection sustained. Inquiry scheduled for Jan. 77.

Bollington F.P. 42. Objection lodged to this anticipated closure by builders. New path requested.

Bunbury F.P. 8. The proposed closure was rejected by the DOE following written representation.

Chelford F.P.S. 3 and 8. (Carter Lane.) Objection lodged as this diversion proposes the replacement of paths by estate roads.

Congleton F.P. 62 (Hollybush Farm). The alternative path has not yet been created in accordance with the agreement.

Disley F.P. 40. Fresh objection lodged to this readvertised order following DOE rejection because of incorrect advertising.

Macclesfield F.P. 18. Objection lodged to this anticipated diversion.

Peover F.P. 27. The re-routing of this footpath in the vicinity of Radbrooke Hall was considered an improvement and no objection was lodged.

Poynton F.P. 38. Holding objection lodged as only 25 days notice given in the Gazette. An apology was received from the Chief Executive and assurance that adequate notice would be given in future.

Poynton F.P. 71. Despite this order being readvertised under the TCPA, Barratts have continued to build over a path. The Society reaffirmed its objection and the builders were fined the maximum £50. The order was later confirmed and a new length of path added.

Poynton F.P. 77/78 (Midway/Fleetbank Farm). Objection lodged to this anticipated diversion by builders. Prosecution sought.

Poulton-with-Fearnhead F.P. 6. Objection lodged but the Society was opposed by locals who wanted the path incorporated into gardens and closure was confirmed.

Rainow F.P. 42. This diversion proposed by C.C.C. is considered unsuitable and alternative suggestions have been made.

Sandbach, Foundry Lane. Closure upheld but D.O.E. have stated that this track will not actually close until the factory is extended.

Wildboarclough F.P. 23 (Shutlingsloe). Following the revised plan both the created footpath and the diversion were accepted.

Wilmslow F.P. 57. The public inquiry scheduled for 11.1.77 was cancelled by D.O.E. as a result of various irregularities. The order has since been readvertised.

Wilmslow F.P. 83. Anticipated order by industrial development. Technical objection lodged and prosecution requested.

Wincle F.P. 33. The Society refused to accept this diversion and requested that the original path be reopened with stiles and waymarking.

Derbyshire

Castleton F.Ps. 16 and 20 (Only Grange). A meeting with the Peak Park Planning Board took place in 22.1.77 to discuss the proposed alteration to paths around this farm.

Chesterfield F.Ps. 59, 61, 63, 65. Objection lodged and a more reasonable diversion suggested.

Chinley F.P. 32. Lower Ashen Clough). Objection lodged as this diversion would result in the fragmentation of a path and the use of a road.

Dronfield F.Ps. 13 and 18. Objection lodged to this anticipated order by building development.

Flagg F.P. 7. This diversion was accepted although the Society objected to the way in which the Peak Park Planning Board had authorized the diversion without prior consultation.

Hasland F.P. 4. Case won by the Society following Inquiry.

Hayfield F.P. 61. The barbed wire has been removed and a stile provided by the Council.

High Peak F.P. 44 (Grin Row to Turncliffe). Stile now constructed in the new fence.

Litton Mill to Upperdale. Trespass notice removed from the permissive path. Possibility of a through right-of-way and the path being included on the map at the review stage.

New Mills F.P. 88 (Beardhough Farm). D.O.E. allowed the diversion but stipulated certain resurfacing work.

North Wingfield F.P. 23. Objection lodged to this proposed extinguishment order.

Outseats F.P. 22. The Society has suggested that this extinguishment order be reactivated so that a public inquiry can be held.

Greater Manchester

Blackrod F.P. 46. The Society supported local opposition to the Council's proposed diversion. Proposals now withdrawn.

Bolton F.P. 359 (Ten Acres Farm, Wingates). Public inquiry held 14.12.76.

Bramhall F.P. 27. Objection lodged by both Society and GMC to the proposed diversion of this path and its absorption into gardens.

Bramhall F.P. 48. Following a letter from the Society Wimpey removed the obstruction and defined the footpath with post and wire fencing.

Bramhall F.P. 50. Objection lodged to the proposed diversion of this favourite footpath through Ladybrook Valley. Inquiry scheduled for Jan. 77.

Cheadle F.P. 62 (Bradshaw Hall). Objection lodged to the proposed incorporation of this footpath into gardens.

F.P. between Rochdale Road and Dalton Street, Collyhurst. Objection and appeal lodged to this closure for the benefit of British Rail when a simple diversion would have sufficed.

Denton By-pass, .M67. Pedestrian underpass obtained near Denton Station connecting F.P. 8 and B.W. 10 and also a further footbridge obtained near Denton.

Dunham Massey F.P. 13. A new stile has been built and a gap cut in the hedge.

Egerton F.P. 24. Objection lodged to this extinguishment order near the Egerton House Hotel. Public inquiry scheduled for Jan. 77.

Egerton F.P. 32. Objection lodged to this anticipated development. Turton UD were warned in 1972 of the danger but it took four years for the retrospective order to be advertised.

Farnworth F.P. 19. Objection lodged to this anticipated order.

Leigh F.Ps. 16-122. The Magistrates refused to consider the order due to an omission by the Council. A victory "on points" for the Society. Wigan F.P. Society later prosecuted—the developers were fined £50.

Little Hulton F.P. (Merefold). As the proposed closure on account of building may already be legal the Society requested the creation of a footpath nearby.

Marple F.P. 112. Objection lodged to the proposed closure. Question of slight diversion under consideration.

Middleton F.P. 75. Objection lodged to the proposed closure by Barretts, the builders. Inquiry held Sept. 76, result awaited.

Reddish F.P. 11 (Mill Lane). Negotiations are under way to prevent closure. Stockport Council accept the arguments of the Society and a diversion has been accepted.

Ringway—Second runway. The Society has asked the D.O.E. to hold a Planning Inquiry Commission, not a public inquiry. Planning permission opposed but we have asked what new paths would be offered should permission be granted.

Rochdale F.P. 36 (Full Pot Lane). Application to the Magistrates Court prevented and an inquiry held Jan. '77.

Rochdale F.P. 42 (Spring Mill). ICI's proposed diversion accepted. D.O.E. consulted about the re-instatement of a footbridge.

Romiley and Bredbury F.Ps. 5 and 6. The Council have been requested to clear the obstruction and erect signposts.

Royton F.P. 22. D.O.E. preferred the Society's plans for diversion to both the Council's and the builder's and confirmed the order, amended in accordance with the Society's wishes.

Saddleworth F.P. 249. Oldham M.B. promised that the farmer will remove the obstruction and a signpost will be erected.

Shevington F.P. 8C. This application was rejected by D.O.E. in accordance with the Society's recommendations following a public inquiry.

Stockport—Underbank Farm. Inquiry held Jan. 76. Result still awaited. This is the house-on-path case which achieved national publicity and was featured on the cover of last years' Annual Report.

Turton F.P. 47. Objection lodged to the closure of this footpath beside playing fields. Possible diversion being explored.

Westhoughton F.P. 176. Objection lodged to this anticipated order.

Lancashire

Coppul F.P. 26. Objection lodged to this proposal to replace a footpath by an estate road. Acceptable compromise likely.

Darwen F.P. 76. An anticipated order where a 6 ft. wall was built across the path and two garages erected. Objection lodged to the proposed diversion.

Eccleston F.P. 16. As the two offending garages and two fences were removed from this footpath, the objection was withdrawn to the otherwise acceptable diversion.

Edgeworth F.P. 126. A case where the path goes at the front of the house and the owner prefers to divert it round the back. The Society is objecting.

Walton Summit, Central Lancs. New Town. The question of the summary closure of all 18 footpaths without public inquiry or representation was raised in Parliament via a written answer which intimated that the use of S.23 for footpath enclosure was under review.

Withnell F.P. 29. Objection lodged to the proposed closure because of building.

Merseyside

Newton-le-Willows F.P. 25. Objection lodged to the proposed level crossing closure and its replacement by a new footbridge on a different alignment.

Staffordshire Moorlands

Forsbrook F.P. 20. Objection lodged to this anticipated closure where D.O.E. called a public inquiry without notifying the Society. This inquiry to be re-opened in 1977.

Leek F.P. 29 (Ladydale). The Council are readvertising and the Society has reaffirmed its objection along with that of the R.A. Inquiry scheduled for Jan. 77.

Kingsley F.P. 4. Objection lodged to this unnecessary closure and although diversion suggested closure upheld following inquiry.

Rushton Spencer F.P. 4. An objection has been lodged to the proposed diversion and negotiations are taking place to explore a better line.

Yorkshire

Cantley F.P. 8. Objection lodged to the diversion of this well-used footpath for the sake of a golf club.

Ecclesfield F.P. 3. Objection lodged to the proposed closure by the Council in order to extend school premises.

Todmorden Bridleway 9. D.O.E. refused to sanction closure of Eastwood level crossing by British Rail.

Wickersley, Goose Lane/Morthern Road. Objection lodged to the proposed incorporation of this footpath into gardens.

(Compiled by M.F. from the Society's Council Minutes)

MID-WEEK WALKS—1977 SUMMER PROGRAMME

The mid-week walks are in conjunction with the footpath survey conducted by Mr. H. Lees. All the walks are of a moderate nature, and further details can be obtained from Mr. H. Lees, 32 Ashley Road, Stockport SK2 5BH.

April 13—GLOSSOP. 10.12 No. 125 bus Piccadilly. *Leader:* N. Ings.

May 11—ALTRINCHAM. 10.04 No. 263 bus Piccadilly. Alight at Altrincham Railway Station. *Leader:* D. Chapman.

June 8—HIGH LANE. 10.30 No. 3 Trent bus ex Mersey Square, Stockport. (Alight at Alders Road.) *Leader:* J. Matthews.

July 13—NEW HEY. 10.10 No. 181 bus Stevenson Square. *Leader:* T. E. Jessop.

Aug. 10—BAMFORD. 10.10 No. 167 bus Cannon Street. (Alight at Burns Inn.) *Leader:* D. Haigh.

Sept. 14—HINDLEY. 9.55 No. 32 bus Victoria. *Leader:* A. Eaton.

Times of trains and buses should be checked. They may have been altered since the above list was printed.

SIGNPOST SUPERVISOR'S REPORT

Despite being in poor mechanical condition myself for a large part of the year we did achieve a fair amount of work, largely due to the manual and organisational assistance given by Louise Mason, Ron Booth, John Houfe and Walter Brookfield, not to mention our revered Chairman who is always around.

After a somewhat slow start with the work of producing and assembling signposts and, in some cases, obtaining authority for erection, we erected the following signposts:—

1. Brushes Farm signpost on 28.2.76.
2. Jimmy Bramwell's Memorial signpost. This was assembled and erected by Louise and myself in June, not without some difficulty. We attended the dedication at Brushes Farm but unfortunately were not able to attend the dedication ceremony for Jimmy Bramwell's signpost.

From the beginning of July I was completely laid up for over two months but the getting together of bits and pieces for the Nash memorial signpost and the Bellhouse post continued so that when I became partially mobile again I was able to assemble the following:—

3. The Nash 4-plate signpost. This was particularly difficult. I have no love for these vertical plates and to fix four of them round one circular section post was no fun. However we finally delivered the assembled post to Jack Baker for erection by the Mid-Cheshire F.P. Society on 26.11.76.
4. The Frank Bellhouse signpost. This was a simpler task to produce and was erected by a small working party on a fine morning in December.
5. The Sale Memorial signpost. The replacement of this signpost was finally completed and transported to Ilam YHA to be erected by Harry Gilliat and Leslie Meadowcroft.
6. The signpost at Dissop Head. This was a quick job with Leslie's help involving high speed assembly in Leslie's garage and transportation of the post for erection all in one evening—that was about a week before my stupid back finally gave up.

There have been odd problems with plaque removals and complaints about a damaged bridge at Alport which have been dealt with satisfactorily.

FRANK MASON

PEAK AND NORTHERN FOOTPATHS SOCIETY
INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31st DECEMBER, 1976

EXPENDITURE					INCOME				
1975 £			£	£	1975 £		£	£	
257·00	Annual Report:—				112·00	Subscriptions—			
62·19	Printing ..		290·00		70·75	Ordinary Members	116·90		
	Distribution		56·78		34·71	Husband and Wife Members	72·25		
				346·78	0·50	Transfer from 10 year Subscriptions A/c. ..	42·94		
30·00	Honorarium—Secretary			143·34	120·73	Junior Members	1·00		
26·00	Secretarial Assistance			—		Affiliated Societies	133·76		
140·50	Postages, Telephones			137·27	33·30	Donations		366·85	
156·29	Stationery, Typing, Duplicating			130·19	779·92	Interest on Investments and Deposits	883·50	182·06	
	Travelling Expenses—				55·04	Share of Income on P.M. Oliver Trust Fund .. (a)	115·00		
38·27	Inspectors		60·53			150th Anniversary Books—Profit on sales ..		998·50	
10·32	Secretary		7·71		4·19	Sundries		18·80	
40·43	Others		13·60						
	Literature, News			81·84					
28·40	Hire of Rooms			58·51					
9·10	Subscriptions to Kindred Societies			32·20					
8·00	Hire of Room for A.G.M.			12·00					
1·18	Maps, Plans			10·00					
1·78	Insurance			6·53					
13·40	Advertising			5·00					
25·98	Sundries			—					
	Annual Dinner		99·08						
	Less Income		65·70						
	150th Anniversary Dinner		249·65	33·38					
	Less Income		230·50	19·15					
	Presentation to retiring Hon. General Secretary ..		100·00						
	Less Contributions		49·75	50·25					
848·84				1066·44					
362·30	Balance being excess of Income over Expenditure carried to Accumulated Fund			499·77					
£1211·14				£1566·21					£1566·21

(a) Includes income tax recovered for 2 years.

FUND BALANCES

	Balance at 1st Jan. 1976 £	Income during year £	Expenditure during year £	Balance at 31st Dec., 1976 £
General Fund—Accumulated balance	6220.38			
General Fund—Accumulated invested	1193.75			
	7414.13	499.77 (a)		
		161.11 (b)		
		1122.43 (c)		
		1783.31		9197.44
Defence Fund	1984.41	21.80	18.00	1988.21
Survey Account	219.98	9.25	—	229.23
Signpost Account	178.28	19.90	68.17	130.01
Arthur Smith Memorial Fund	—	151.96	—	151.96
Edwin Royce Memorial Fund	79.66	—	—	79.66
	£9876.46	£1986.22	£86.17	£11776.51

- (a) £499.77 Excess of income over expenditure—General Account.
(b) £161.11 Profit on sale of investments during 1976.
(c) £1122.43 Increase in the value of the fund to correct an error in the accounts for the year ended 31st December, 1975.

The balance of the General Fund held in investments was shown in the "Investment Reserve Account" in the published accounts for the year ended 31st December, 1975. There were two errors in this account which resulted in the Investment Reserve (part of the General Fund) and the value of investments held being understated in the Balance Sheet as at 31st December, 1975.

The balance of investments held at 31st December, 1974 was brought forward at cost price £4412.37. From this was deducted (1) Cost price of investments sold 2096.19

(2) Profit on sale of investments 104.12

Realisation of investments 2200.31

(3) Depreciation in value of investments held at 31st December, 1975 1018.31

3218.62

Balance shown as invested at 31st December, 1975 .. £1193.75

Items (2) and (3) (£1,122.43) were deducted in error. £1,018.31—Depreciation in value arose because investments held at 31st December, 1975 were incorrectly valued at their nominal value instead of at cost. See footnote on Balance Sheet for cost price of investments held at 31st December, 1976.

BALANCE SHEET AS AT 31st DECEMBER, 1976

1975 £		£	£	1975 £		£	£
6220.38	FUNDS—			1693.75	DEPOSITS AND INVESTMENTS—		
1193.75	General Fund Accumulated Balance ..	} 9197.44		2501.33	Investments at cost	(a) 9222.06	
	General Fund Accumulated (invested) ..			5698.52	Bank Deposit	2919.74	
7414.13					Trustee Savings Bank Deposit		
1984.41	Defence Fund	1988.21		9893.60		12141.80	
219.98	Survey Account	229.23			CURRENT ASSETS—		
178.28	Signpost Account	130.01			Stock of 150th Anniversary Books	308.85	
	Arthur Smith Memorial Fund	151.96		110.77	Debtors—Inland Revenue	243.82	
79.66	Edwin Royce Memorial Fund	79.66		50.00	Other	50.00	
9876.46		11776.51		274.82	Cash at Bank	85.28	
				50.00	Cash held on Petty Cash Imprest A/c. ..	65.00	
	LIABILITIES—			485.59		752.95	
188.85	Creditors	731.80					
312.38	10 year Subscription Suspense A/c... ..	386.44					
1.50	Subscriptions in Advance						
502.73		1118.24					
£10379.19		£12894.75		£10379.19		£12894.75	

	£
(a) INVESTMENTS at Cost—	
Treasury Stock	990.33
Local Authority Stocks and Loans	3401.12
Public Corporation Debenture Stocks	2792.07
Ordinary Shares	2038.54
	£9222.06

R. WALSH, *Honorary Treasurer.*