

THE BRIDGE BOOK 1752

OPINION

Prepared For The Crown Court At Leeds

BY COLIN SEYMOUR MA BA(Hons) Cert. Ed.

THAT THE BRIDGE BOOK PRODUCED IN 1752 BY ORDER OF THE WEST RIDING OF YORK QUARTER SESSIONS IS GOOD EVIDENCE OF REPUTE THAT ALL THE BRIDGES DESCRIBED THEREIN AND SHOWN ON THE MAP WHICH WAS MADE TO ACCOMPANY THE BOOK WERE BRIDGES WHICH CARRIED PUBLIC HIGHWAYS AND AS SUCH WERE USED BY THE PUBLIC AS OF RIGHT EVEN THOUGH THE BOOK DIFFERENTIATES FOR REPAIR PURPOSES BETWEEN THOSE BRIDGES WHICH WERE 'RIDING BRIDGES' (REPAIRED BY THE COUNTY) AND THOSE BRIDGES WHICH WERE 'PRIVATE BRIDGES' (REPAIRED BY WAPENTAKES, PARISHES OR PARTICULAR PERSONS)

SEYMOUR v NORTH YORKSHIRE COUNTY COUNCIL

HEARING INTO PRELIMINARY POINT OF LAW

EVIDENCE : COLIN SEYMOUR : COMPLAINANT

THE BRIDGE BOOK 1752 : GOOD EVIDENCE
.....

- 1 Your Honour - the first part of this preliminary issue, is whether or not the Bridge Book is good evidence of repute that the Bridge (and the river crossing) is a public highway.
- 2 The Bridge Book is described at length in my opinion dated June 1986, this document forms the main plank of my case.
- 3 A Certified Copy of the Bridge Book and the accompanying Plan, held by the County Record Office at Wakefield, as part of the former Quarter Sessions records, are also presented.
- 4 I can only describe the Bridge Book as the most remarkable and exciting document, regarding public rights of way, that I have ever read. It forms a correct and true record of all the bridges in the West Riding of Yorkshire, used by the public, in 1752. It also shows the true status of those roads leading to the bridges described - as such it should save long hours of research where that status is doubted.
- 5 All the bridges in the Bridge Book are described by name. These are public names, used by the public at the time to describe bridges which they used, or which they knew of. Private estate bridges did not have public names, because the public did not use them, and in many cases would not even be aware of them. If the Bridge Book also contained all the bridges in all the private estates that had a stream running through them, or crossed ornamental fish ponds - then the Book would have run into many hundreds more - and these bridges would have been identifiable from the public ones.
- 6 The Quarter Sessions were only concerned with public matters - they were not concerned with private benefits or disputes. It is therefore inconceivable that this list is any other than a list of public bridges

DOC.1

DOC.2

7 In order to show the existence of the Bridge before 1752 I present to the Court an extract from another ancient and classical work which was commenced in 1714 : Francis Drake "EBORACUM or the History and Antiquities of the City of York" - published 1736, at page 398 :- "What else remains to compleat this chapter are the high-ways, bridges, etc the former of which will be best understood by the map of this district. . . . Over the Nid is also Hamerton-bridge and Cattal -bridge"

8 Drake was only concerned with the public highways and bridges. The very clear map contained within his book, shows "Hamerton bridge". Books and maps of this period , had as their main purpose, a provision of information to the reading public. The map showed the reader where the river Nidd could be crossed - and the book set this out more explicitly. There would have been no purpose, in showing a private bridge, barred to public user.

9 Your Honour - this concludes my evidence on this point - with the Court's permission I will now examine in detail the three exhibits.

AN OPINION :-

BRIDGE BOOK : EVIDENCE THAT CHURCH HAMMERTON BRIDGE WAS A HIGHWAY IN 1752
.....

1 The Bridge Book is acceptable evidence of repute, that in 1752 a common highway crossed the river Nidd at Church Hammerton Bridge, and the bridge was repaired by the Owners of Church Hammerton Mill.

2 Kirk Hammerton Mill was a corn mill from 1086 to 1890, and was recorded as such in the Domesday Book. All maps covering the period 1736 to 1969 show the mill and the bridge in the same positions. In 1736 the bridge was known as Hammerton Bridge; in 1752 as Church Hammerton Bridge ; and in 1909 as Skewkirk Bridge. Up to 1974 the bridge and mill were in the West Riding of Yorkshire, today they fall within North Yorkshire. The bridge carried the road which connected (in a direct north/south line) the three townships of Kirk Hammerton, Tockwith and Bilton.

Title : "For
Bridges and
High-ways"

3 Under the Statute of Bridges 1530¹ (22 Hen 8 c 5) the West Riding were responsible for the repair of all bridges in the County used by the public. This responsibility could be placed upon others, if it could be shown that they were responsible for the repair of the particular bridge which was the subject of the presentment or indictment. In the strict sense of the word, all bridges were 'County' bridges - in the usual sense of the word only those bridges which the County were responsible for were called 'County' or 'Riding' bridges.

4 The County could be presented or indicted, at the Quarter Sessions, whenever any public bridge was out of repair. Once presented, the onus lay with the County, to show just who was responsible to repair, if they were not. If the County could not prove who should repair, they had to repair the bridge out of County funds as soon as possible. For the 1530 Act required "such decayed bridges" (might not) "lie long without any amendment, to the great annoyance of the King's subjects".

5 It was important for the Quarter Sessions (inter alia The Surveyors) to have a full and comprehensive list of all the bridges in the West Riding, their situation, and just who was responsible for keeping them

5cont. repaired, County or Others. Hence the need for the making of the 'Bridge Book' and 'The Bridges Book'. Prior to the existence of the Bridge Book, whenever there was doubt as to who should repair a broken bridge, the Quarter Sessions ordered either a 'View' of the Bridge, or an 'Inquisition', or a 'Search' of the old Order Books - in order to ascertain where the responsibility lay.

6 The usual practice in the West Riding, before 1738, was for money to be spent on bridge repairs whether or not that bridge had been presented as being out of repair. Following the County Rates Act 1738 (12 Geo 2 c.29 section 13) no money could be spent on the repair of a bridge unless that bridge had first been presented to the Quarter Sessions as being out of repair.

7 Once presented, the Quarter Sessions then ordered the bridge to be viewed by Justices. If repairs were needed, the work was given to certain 'Undertakers' who repaired the bridge under the supervision of 'The Surveyors of the Repairs of the Bridges'. The Undertakers were given a 'Contract' to "support and keep in repair" certain bridges - for this they received a 'salary' which was subject to deductions whenever they were found to be negligent.

8 It was also the usual practice, before 1748, for Wapentakes, Parishes, Townships, or other people and places, to apply to the County Fund for a 'Gratuity' whenever a bridge needed repairs or needed improving for the benefit of the public who used it. Gratuity's were granted by the Quarter Sessions without the bridge being presented first. Such was the case, on the 11th January 1743, when the Inhabitants of Glusburne were given a gratuity out of Riding Stock to replace the ancient footbridge over Glusburne Beck (on road from Otley to Colne) with a cart bridge. And so began, the most famous bridge case before or since : REX v YORKSHIRE W.R. 1770 5 BURR 2594.

9 Mindful of the County Rates Act of 1738, the West Riding Quarter Sessions on the 19th April 1748 (Pontefract) and again on the 7th April

See page 10
for full
transcript
of court
order from
the QS Order
Book p 257/8
7.4.1755.

9cont. 1755 (Pontefract) ordered that no Gratuities be given to "Private Bridges" (i.e. all those not repaired by the County but the responsibility of a Wapentake, Parish, Township, Place, or persons.) until those applying for the Gratuity had first been indicted, and had submitted, pleaded guilty, and confessed upon record to being legally chargeable with the repairs of that particular bridge - and had also, if the Court saw fit, offered security for keeping the bridge in repair for all time to come. Only matters concerning the public were indictable.

10 These bridges became known as 'Gratuity Bridges'. The happenings in the West Riding were typical of the position throughout the country, especially those counties containing many rivers, streams and hills. The Webbs' tell us ("The Story of the King's Highway" 1913 ch.6 'The Maintenance of Bridges') that during the early 1700's the repair of more and more bridges became thrust upon the County in which they were situated. In order to protect their position, some counties drew up lists of bridges for which they were responsible : a forerunner of today's List of Streets (s.36 H.A. 1960) . Essex in 1720 ordered 'Inquiry Juries' to ascertain who was legally liable to maintain bridges and causeways (Webbs' page 93) . As the century progressed concern grew about the amount of money being spent on the repairs to bridges, the result of this outcry being the County Rates Act of 1738 - and the later use of the powers of presentment and indictment, reflected by the W.R. Quarter Sessions for 1748 and 1755. The need for a public record of all county bridges, and those responsible for their repair, became more pressing, and in 1752 the West Riding Quarter Sessions ordered the Bridge Book and the Bridges Book to be made.

11 At the General Sessions, held at Pontefract on 21st April 1752, it was ordered "That John Watson and Robert Carr the Surveyors of the Repairs of the Bridges repairable and amendable by and at the general charge of the Inhabitants of the Said Riding commonly called Riding Bridges do take and draw plans and representations or figures of all the said bridges upon vellum in a neat and exact and descriptive manner"

12 The following year, 1st May 1753, the Pontefract Sessions "Ordered that the Treasurer of the said Riding do on Notice and Order pay or cause to be paid unto John Watson and Robert Carr the sum of fifty pounds in part of their contract for drawing plans of the Riding Bridges made with the Court at the last General Quarter Sessions of the Peace held for the said Riding at Pontefract And it is further ordered . . . the said plans . . . be neatly bound up and then to be lodged and remain in the Clerk of the Peace's Office"

13 The 'Book of Bridges' as it became called, was therefore drawn up under statutory provision, on the orders of the Quarter Sessions. Once made it was kept in a safe and proper place, as a document of public record and reference. It appears clear, that as part of the preparation for the making of the 'Bridges' book, it became necessary to make first a list of all the public bridges in the West Riding. This initial book was called the 'Bridge Book' - its cover states that it is "An Account of All the Bridges in the West Riding of York in 1752"

14 The Bridge Book set out two lists of bridges, in both numerical and alphabetical order; the first being those bridges repaired by Wapentakes, Parishes and Particular Persons, and the second, those bridges repaired by the West Riding. There were 308 public bridges repaired by Wapentakes, Parishes, Townships, and Other Persons. There were 129 bridges repairable by the Riding. This Bridge Book was also a document of public record and reference, and was kept in the office of the West Riding Surveyors (which may also have been the same office as the Clerk of Peace) which was a safe and proper place for the keeping of an important public reference book.

15 Of the 308 bridges not repaired by the Riding, 25 were repaired by particular persons. Of these 25 bridges, several spanned important main highways - for example, No. 66 Fox Bridge repaired by Sir John Savile, took the Wakefield to Doncaster Road over the stream below Heath Common - and No. 62 Nostall Bridge repaired by Sir Rowland Winn took the same road over Nostell Dam (see below re Gratuity paid to owner - para. 23)

16 The Bridge Book contains 22 and possibly 26 Mill Bridges (probably all Corn Mills) of these only 3 were Riding Bridges. Three Mill Bridges were repaired by Individuals and are therefore significant to this examination. No. 244 Church Hammerton Bridge was repaired by "The Owners of Church Hammerton Mill". No 104 Boy Bridge was repaired by "The Occupiers of Boy Mill". No 34 Grange Mill Bridge was repaired by "The Occupiers of the Mill"

17 The distinction between owners and occupiers regarding repair is important. The law in 1752 held that where an obligation existed by reason of tenure the occupier was liable, but could recover from owner. But when that obligation was of ancient origin, and was founded on prescription, then the owner was liable. Clearly, the Surveyors and their Undertakers were men of their time, and were familiar with the existing Common Law and Statute Law as applied to bridges and their repair, and particularly with the repair of Mill Bridges. The Surveyors were also in a position to ascertain by direct questions and observations, just who was admitted or reputed to repair the non-county bridges - such knowledge denied us today. The Surveyors had also the power and the backing of the Quarter Sessions behind them - enough to ensure that all was properly done and carried out. The Bridge Book must be regarded today as a correct record for the year 1752.

18 The Bridge Book lists 19 bridges spanning the river Nidd. Of these 10 were Riding bridges (Skip, Cattall, Walshforth, Grimball, Knaresborough Lower, Knaresborough Upper, Killinghall, Summer, Pateley, Ramsgill) The other 9 bridges were repaired by either Claro Wapentake, Parishes, Towns, or Individuals (Church Hammerton, Hampsthwaite, Haxby or New Bridge, New, Loftus, New House, Woogill, Scarhouse, Studfield) All 19 bridges were used by the public: all were part of the highway network of the West Riding - and indeed are today with the exception of the bridge called 'Scarhouse' which appears to have been lost to the Scarhouse Reservoir.

19 It is inconceivable, and contrary to common sense, that of these 19 bridges Church Hammerton Bridge was not used by the public as of right.

19cont. The bridge was part of a common highway which connected three townships in virtually a straight line. Without the bridge the round trip from Tockwith to Kirk Hammerton was increased by some five miles. The bridge occupied a position on a difficult section of river to cross at times of flood - and was the last but one bridge on the river Nidd before it reached the river Ouse. The section of river from the bridge to the river Ouse being navigable, and therefore, itself being a public highway which ended at the Humber.

20 On the 8th September 1750 the Knaresborough Quarter Sessions record "Cattal Bridge . . . is intirely broke down so that passengers and travellers cannot pass or travel over it" . The bridge was not in repair again until 1753. On the 1st May 1753 at the Pontefract Sessions it was reported that "Skip Bridge . . . (be viewed) .. in order to make it safe and commodious for travellers and passengers in times of flood". If, in 1752/3, Church Hammerton Bridge was not used by the public, the only other bridge available to passengers (with Skip and Cattal unusable) was upstream at Walshforth Bridge : a detour of some 20 miles. It would be flying in the face of commonsense, if Church Hammerton Bridge was not used by the public as of right, both in circumstances as described, and at every other time. Even if the normal passage over the river Nidd at Kirk Hammerton Mill was by means of the Ford, when the ford became unsafe at times of flood, the public had a customary right to use a bridge if a bridge existed nearby, notwithstanding that at all other times that bridge may be barred to all, or to sections, of the travelling public. This right of deviation being well tried law in 1752.¹

¹ "If a highway be impassable the public are entitled to pass in another line"
Dougl.744

21 It is important to remember, that the 'Bridge Book and the Map of the rivers in the West Riding', was made "by actual survey in 1752". The Surveyors would note from their presence at the bridge that it was a public bridge. The Quarter Sessions, by their statutory powers (f.n.p.9) regarding Highways and Bridges, were only concerned with matters which could be the subject of an indictment : "the known rule of law being, that those matters only which concern the public were the subject of an indictment" (Shelford 1862 page 9 'The Law of Highways') It follows therefore, that all the bridges in the Bridge Book were public to user, and all could be the subject of an indictment or repaired by public funds.

22 In 1755 the Quarter Sessions referred to all those bridges repaired by Wapentakes, Parishes, Townships and Particular Persons as "private bridges", as against those repaired by the West Riding which were called Riding Bridges. This use of the word 'private' also applied to some common highways and roads which were repairable by parishes, townships, and private persons, such highways being the lanes and byways rather than 'The Highroad'. All such private bridges were public to user, otherwise, they were of no concern to the Quarter Sessions, and could not qualify for Gratuities out of the Public Stock.

23 The Quarter Session Order Books for the West Riding, for the period 1740 to 1790, show that Gratuities were given at nearly every Session. At Pontefract on 23rd April 1759, Sir Rowland Winn Baronet, was granted a Gratuity of Four Hundred Pounds, to make a new bridge over Nostell Dam, which carried the Doncaster to Wakefield Road. The Bridge Book shows (No 72) that an earlier Gratuity was given to Sir Rowland Winn in 1717. Whilst making the new bridge, the Baronet was ordered to "make a safe and convenient road and passage through the grounds adjacent for the use of the Country" He was also ordered to lay out £800 at least towards the total cost, and to undertake "for ever hereafter" to maintain the new bridge without seeking any further help from the County.

24 On the 10th July of 1759 at the Skipton Sessions, three more Gratuities were ordered, two to the Trustees of Turnpike Roads: which indicates that even though tolls for the road were charged, public money could be sought and granted from the Quarter Sessions to keep in repair the bridges, which ultimately the County were responsible for.

25 It is quite clear that although there were 'public' and 'private' bridges, the difference was one of repair, not of usage - both were common highways. And of course, there was no one with the authority to stop or prevent public user. Whilst the Wapentake, Parish, Town, or Particular Person might be responsible for the repair of these 'private' bridges - they could not stop passengers from outside the area using the bridge and way, ^{but} they could charge tolls for the upkeep of the bridge, as indeed did the West Riding at Castleford and Ferrybridge, eg 1752-1756.

26 If the Bridge Book was merely to help implement the making of the Bridges Book why wasn't it then thrown away, instead of being carefully looked after in the Surveyor's Office? The Surveyors knew very well that under the County Rates Act the Quarter Sessions had to decide who was responsible for the repair of the bridges which were presented to them. No money could be allocated and raised from a County Rate until that responsibility was fixed. And where the matter was in doubt, the Riding had to pay. It was not enough for the Surveyors to claim, in defence to an indictment - "the Riding are not responsible" . It was also necessary to say just who was and why. This longer list in the Bridge Book therefore became of great importance to the Sessions in making their decisions.

27 The Surveyors, in 1752, must also have been mindful of the Order of the Quarter Sessions of 1748. This complete Bridge Book would also help the Justices, whenever a Gratuity was sought, or whenever a Gratuity (or 'Private') Bridge was the subject of an indictment - because it was an up-to-date record of the very information which they required in making their decision. Likewise, the Plan accompanying the Book would be of immense value to the Justices, because of its beautiful logic and simplicity, as it traced every river system from the Humber westwards, showing every stream and beck as they joined the main rivers, and each and every place where Riding and Other bridges spanned these waters. The Plan alone reflects the care and craftsmanship which J. Westerman and John Gott exercised in its preparation. At Pontefract in 1755 the Quarter Sessions appointed John Gott of Otley as Chief Constable for the Wapentake of Skyrack.

28 In conclusion, the Bridge Book was only concerned with those bridges used by the public - bridges which were part of the common highway network of the West Riding. It is good evidence that any bridge set out within it was a public bridge in 1752 - and that the highways leading to that bridge were common highways.

29 Unless it can be shown that Church Hammerton Bridge was closed

29cont. by statutory process, the bridge remains a highway today. By reason of section 36(5)(a) Highways Act 1980 and by reason of section 328(3) the bridge is a highway maintainable at public expense. As such the bridge falls within sections 56 and 57 for the purpose of ensuring repair.

Colin Seymour
Shann House Methley Leeds

June 1986

This opinion was written and researched, using original West Riding Quarter Sessions Order Books, for the period 1740 to 1790, at the County Record Office Wakefield. Copies were taken of every entry mentioned within this opinion.

NOT TO BE REPRODUCED WITHOUT THE AUTHOR'S CONSENT
.....

Above
Para 21 : Acts relevant to Bridges and Highways : Quarter Sessions 1752
.....

- | | | | | | | |
|----------------------|------|-------|-----------|-------|-------------------------------|-------------------|
| Magna Carta 1297 | 25 | Edw.1 | 1555 | 2 & 3 | Philip & Mary | c.8 |
| The Bridges Act | 1530 | 22 | Hen 8 | c.5 | 1562 | 5 Eliz. c.13 |
| The Bridges Act | 1670 | 22 | Car 2 | c.12 | 1575 | 18 Eliz c.10 |
| Highways Act ? | 1691 | 3 | Wm & Mary | c.12 | 1662 | 14 Charles 2 c.6 |
| The Bridges Act | 1702 | 1 | Anne | c.12 | 1695 | 7 Wm & Mary c.29 |
| Highways Act ? | 1714 | 1 | Geo 1 | c.52 | 1697 | 8 & 9 Will 3 c.16 |
| The County Rates Act | 1738 | 12 | Geo 2 | c.29 | Above,taken from Webbs' p.24. | |
| The Bridges Act | 1740 | 14 | Geo 2 | c.33 | | |
- Taken from W.R.Q.S.Order Books, Pratt & Mackenzie, Webb's and others.

Appendix A

Transcript of pages 257/8 West Riding Quarter Sessions Order Book
7th April 1755 at Pontefract.

"Gratuities to
private Bridges"

"Whereas by order of the General Quarter Sessions of the Peace held at Pontefract in and for the said Riding the nineteenth day of April one thousand seven hundred and forty eight for avoiding the inconveniences therein mentioned It was ordered that no gratuity whatsoever should thenceafter be given or granted by this Riding out of the Public Stock towards the making building rebuilding repairing or maintaining of Bridges Causeys Banks Highways or other works belonging to Wapentakes Parishes Townships or other particular persons or places within this Riding until the inhabitants of such Wapentake Parish Township or Place or such particular person or persons petitioning or applying for such gratuity should have been indicted and have submitted and pleaded guilty to such indictment and confessed upon record him her or themselves to be legally charged and chargeable with the reparation of such bridge or other works solely and exclusively and that such indictment and submission should be made and done at the time and upon the very occasion and for the purpose of establishing the right of repairing the said bridge or other work for ever after and should be repeated as often as any application should be made for any gratuity notwithstanding any former convictions or submissions in the court and the court to which such application should be made was desired to take security if they thought fit for the due laying out and amounting for the money granted and for keeping such bridge or other work in repair for all time to come And whereas notwithstanding the recommendations given by the said recited order for taking security for the due application of such gratuities the taking of such security has oftentimes been neglected and the gratuities granted many times misapplied for remedying whereof and making the said recited order more effectual. It is now by this Court Ordered that besides the Requisites above specified no such gratuity shall hereafter be given or granted till the Bridge or other work for which the same shall be asked shall be built repaired done and affected and the charge thereof proved to the satisfaction of the court to which such application shall be made."

"Austwick Bridge"

This Court recommends it to the next General Quarter Sessions of the Peace to be holden for the said Riding at Pontefract to give unto the Inhabitants of Austwick in the said Riding such Gratuity as that court shall think fit for or towards building a Carriage Bridge over Austwick Beck in the Highway between Clapham and Settle for which an indictment was preferred and found against and submitted to by the Sd. Inhabitants at the last general Quarter Sessions of the Peace for the said Riding at Skipton Upon the said Inhabitants application to the same next Pontefract Sessions for that purpose and proving to the satisfaction of the court that such bridgeshall be then built & what sum of money the same shall have"

Colin Seymour

June 1986

AN OPINION (continued)

BRIDGE BOOK : EVIDENCE THAT ALL BRIDGES IN THE BOOK WERE HIGHWAYS IN 1752
.....

30 Every bridge listed in the Bridge Book in 1752 was a public highway. The only bridges which appear in the Book are ones used by the public. If every bridge, in every private estate had been included, along with those crossing canals for private purposes, or carrying waggonways for the transportation of coal, plus those spanning the hundreds of becks, gills and dykes in the Pennines, Dales and Drained Marshlands - the Book would have exceeded a thousand bridges more.

31 The remarkable thing about this Book is - just how few public bridges existed in 1752 - when the size of the County is considered, along with its topography. In the mid 18th century a bridge was a rare and valued public benefit whose maintenance was closely watched and guarded. All the bridges in the Book are described by name. These are public names, used by the public at the time, to refer to bridges which they used, or knew of by repute. Private estate bridges did not have public names, because the public did not have cause to use them, and in many cases would not even be aware of them. Today many of these names remain the same, but some have changed, and a few have been lost with time.

32 As mentioned in para.9 above, the Quarter Sessions were only concerned with matters which concerned the public. They were not concerned with private benefits or disputes. It is therefore inconceivable that the Book is any other than a true list of public bridges. It is possible however, to demonstrate that this is more than just an opinion : evidence shows that it is a fact.

33 The Bridge Book contains 437 bridges. Of these 129 were repaired by the West Riding. And 308 were repaired by Wapentakes, Parishes, Townships, Navigation Companies and Private Persons. Of the 308 bridges, 277 were repaired by Wapentakes, Parishes and Townships - these are clearly public highways because public money could only be spent when the public received some benefit. This leaves 31 bridges repaired by Private Persons and Others.

34 Of these 31, 4 were repaired by Navigation Companies (55,56,63,64) by reason of Statute. Haddlesey and Beal bridges (63 and 64) were to be maintained by the Aire and Calder Navigation by reason of an Act passed in 1698/9 (10 & 11 Will 3 c.19 s.1) later confirmed by the 1774 Act (14 Geo 3 c.96 ss 15-17). Rawcliff and New Bridge (55 and 56) had likewise to be maintained under the particular Act for that canal.

35 Of the remaining 27 bridges, Holmerhead (No 47) was repaired either by the Parish of Hampsall or by The Heirs of Richard Washington. I cannot trace the location of this bridge. The presumption must be that it was used by the public - otherwise, even though the matter was in doubt, the Parish would not have been named as possible repairers.

36 Nostall bridge (No 62) the responsibility of Wragby Parish, appears to have been maintained by Sir Rowland Winn, who received Gratuity's for its repair in 1717 and 1759. This dual responsibility had arisen because Sir Rowland Winn had interfered with the Wakefield to Doncaster Road by constructing a huge dam across the highway, which had then to be bridged.

37 The remaining 25 bridges, repaired by private persons, all bridged highways :-

No.	Name	Highway	Reason of Obligation ?
4	Thundercliffe Grange	Rd crossing Rotherham Rd	Ratione Tenurae ?
31	Dykeside	Barnsley to Bretton Rd	Manorial Prescription ?
34	Grange Mill	Opposite County Bridge No.10	Altered course of river
48	Ladys	Great North Rd, Doncaster	Altered course of river
51	Old Built Bridge	Rd leading to Rotherham Rd	
52	Kilnhurst	Hooton Roberts to Wentworth Rd	River interference (Mill)
66	Fox	Wakefield to Doncaster Rd	Coal Waggonway ?
76	Bradley	Rd leading to todays A62	Bradley Mills
84	Kirklees or Clifton	Rd Kirklees Priory to A641	Manorial Prescription ?
90	Bradfield & Ellandford	Brighouse to Elland Rd	
104	Boy	Halifax to Burnley Rd	Mill
108	Honghoyl (Today: Hoo Hole)	Mytholmroyd to Littleborough Rd	
110	Foster	Heptonstall to Haworth Rd	

37cont.

151	Rushworth	Morton to Micklethwaite Rd	River interference(Mill)
158	Calverley Mill	Horsforth to Armley Rd,Leeds	Mill ?
185	Berwick Moor	Garforth to Barwick-in-Elmet Rd	Ancient coal waggonway
190	Holmfild	Road running NE from Bramley Head (60/30 Sheet 96 1" OS) Inc.?	
201	Hartlington	Burnsall to Appletreewick Rd	Manorial Prescription ?
213	Beggarmans	Ribblesdale to Buckden Rd through hamlet of Beckermonds	M.P.?
244	Church Hammerton	Kirk Hammerton to Tockwith Rd	River interference(Mill)
266	Gisburn New Bridge	Gisburn to Bolton Rd	Manorial Prescription ?
292	Studley Garth	Sedbergh to Hawes Rd	Ancient Inclosure ?
293	Wareseal	Sedbergh to Hawes Rd	Ancient Inclosure ?
295	Cow Dubb	Sedbergh to Hawes Rd	Ancient Inclosure ?
303	Inman	Richmond to Sedbergh Rd	Ancient Inclosure ?

38 The ancient obligation, which resulted in a private person being liable for the upkeep of the public bridge, is clearly apparent in many cases. For example, nos. 34 and 48, arose because the owner created a loop in the river for his own purpose, and the highway at that point then needed two bridges (to cross the same river twice) one maintainable as before by the West Riding and the new bridge by the particular owner. Other obligations arose when the river or stream was altered in order to supply water to a mill, or a forge, or private estate. Certain obligations arose, as at Barwick-in-Elmet, where the Lord of the Manor had interfered with the stream by constructing a waggonroad for the carrying of coal (Barwick-in-Elmet Award 1804 "Sir Thomas Gascoigne's Ancient Coal Road") Other obligations can only be presumed i.e. that they followed ancient inclosures which interfered with the highway rights of the user, such as the right to deviate.

39 Where the highway followed a narrow valley, occupied by a stream, and leapfrogged its way upwards, several interesting situations arose. For example, at Cowgill on the Sedburgh to Hawes road, there is listed in the Book 7 bridges along the course of the highway. Of these No. 105 was a County bridge, three (291, 294, 296) were Parish or Wapentake bridges, and three were maintained by private persons (292, 293, 295), the only explanation seems to be one of *ratione tenurae* because of ancient inclosure.

40 Similar instances occurred on the Sedburgh to Richmond Road, where out of six bridges crossing Carsdale Beck, as the highway crossed from side to side of the valley, the middle bridge was repaired by a private person : clearly a public bridge which carried an ancient private obligation.

41 The narrow valleys in the Pennines also showed privately maintained bridges sandwiched between public bridges along the same stretch of highway, for example, no.108 was one of four bridges along the Mytholmroyd to Littleborough road. And no.110 was one of four public bridges on the ancient way from Heptonstall to Haworth.

42 As every bridge within the Bridge Book carried a public highway, then it follows that every bridge was itself a public bridge, whether or not it was repaired by the County, a Wapentake, a Parish, a Township, or private person.

43 Church Hammerton Bridge, when compared to the other 24 bridges repaired by private persons, occupied a unique position, it was the only bridge situated near the outlet of a major river. All the other bridges either crossed small becks or streams, or crossed major rivers in their upper reaches - only Calverley Mill bridge over the middle reaches of the River Aire presented a similar situation to Church Hammerton. It would be unthinkable, taking account of the position of Church Hammerton Bridge, that it was not public to user. And it would be contrary to the evidence presented above regarding all the other 436 bridges within the Bridge Book.

44 This further research took account of ancient documents, ~~statutes~~, ancient and modern maps, evidence on the ground, and ancient highway law.

Colin Seymour

12th October 1986

Colin Seymour