



## COMMONS REGISTRATION ACT 1965

Reference Nos. 21 U/66  
21/U/72  
21/U/73  
21/U/74  
21/U/75  
21/U/76  
21/U/77  
21/U/78  
21/U/79  
21/U/80

In the Matter of ten plots of land at Seagrave numbered or called 46/412, 414 and 417/ Park Hill Lane/222, 222A and 223/224 and 225/227/ 426 and 429/Baulk Lane/208, 209, 212 and 214/ and 424, Barrow on Soar R.D., Leicestershire

DECISION

These ten references relate to the question of the ownership of lands at Seagrave being (i) O.S. plot 46 at the junction of Berrycott Lane with the road (Cl5) from Barrow to Six Hills and known as the "The Unowned Bit"; (ii) O.S. plots 412, 414 and 417 by the Chapel and School off Swan Street; (iii) Park Hill Lane from the Brook in Swan Street to the Parish boundary; (iv) O.S. plots 222, 222A and 223 adjoining the road from Seagrave to Walton on the Wolds; (v) O.S. plots 224 and 225 also adjoining the last mentioned road; (vi) O.S. plots 426 and 429 also adjoining the said road; (vii) Baulk Lane from its junction with Walton Brook to its junction with the road from Seagrave to Sibleby; (ix) O.S. plots 208, 209, 212 and 214 adjoining the road from Seagrave to Walton on the Wolds; (x) O.S. plot 424 adjoining the last mentioned road being the lands comprised in Land Section of Register Unit (i) No.CL.36 (ii) No.CL.35 (iii) No.CL.37 (iv) No.CL.38 (v) No.CL.39 (vi) No.CL.40 (vii) No.CL.41 (viii) No.CL.42 (ix) No.CL.51 and (x) No.CL.43 respectively in the Register of Common Land maintained by the Leicestershire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of these references no person claimed to be the freehold owner of any of the lands in question and no person claimed to have information as to ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Leicester on 26 July 1973. At the hearing Seagrave Parish Council were represented by Mr. J. E. C. Hardy and at his request I heard all these hearings together.

Mr. Hardy who is 53 years of age, has lived all his life in Seagrave, has been a member of the Parish Council from 1944 to 1967 and chairman since May 1973, gave evidence. He said generally that he and others now thought that some of these ten pieces of land may have been registered in error. As regards each of them I summarise his evidence as follows:-



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The piece CL.36 is always known as "The Unowned Bit", because it was left over when the Seagrave Inclosure Award 1761 was made. It has been fenced round by the Church Commissioners. It is now let to Mr. R. Goodacre (he farms Mount Pleasant Farm, a farm nearby) and for it he pays £1 annually to the Rector (the incumbent of all Saints Church Seagrave). The Rector (so Mr. Hardy understands) pays this £1 to the Sexton.

As regards all the nine other pieces, Mr. Hardy said that ever since he could remember the grass was let or offered for letting, as described by him in the evidence he gave at the previous hearing (21/U/62) relating to a piece of land now known as "the Banks" or as "the Village Green" (VG.46; see my decision dated 9 November 1973); a public meeting was held annually on 1 March; the chairman acted as auctioneer to receive bids for each parcel of grass; the custom was to treat as final the last bid received before the flame of a candle reached a pin.

The grazing on the piece (CL.35: "the by the Chapel and School piece") was treated as part of the Banks or Village Green (VG.46) letting. Neither the by the Chapel and School piece nor the piece nearby on the south west (CL.41: "the by the Cemetery piece") are dealt with in the 1761 Award, but "the Banks" is mentioned; it maybe that in 1761 all these pieces (VG.46, CL.35 and CL.41) were known as "the Banks".

CL.42 (the largest of the ten pieces, "the Big Lane piece", about  $1\frac{1}{2}$  miles long, on the Register map called "Big Lane" but in the Register called "Baulk Lane") is wide road verge suitable for grazing but not let out at the moment; Walton Brook mentioned in the Register is also called Fishpool Brook and is so marked on the Register map. The comparatively small pieces CL.38, CL.39, CL.40, CL.41, CL.43 and CL.51 are separated from the made up road (Big Lane, which runs along the south west side of CL.42) by hedges or fences; the piece CL.51 is enclosed wild land not at present let; the other five are allotment vegetable gardens which are or have been let by the Parish Council.

The second largest of the ten pieces, CL.37: "the Park Hill Lane piece" is roadside grass verge.

The lettings referred to up to 1950 were made annually; after 1950 in some cases as a result of tenders, lettings were made more permanently. The lettings have always been made by the Parish Council and the rent applied for the benefit of the poor of the Parish.

Mr. Hardy produced a copy of the Seagrave Inclosure Award which he had obtained from the County Record Office. The Award is dated 20 May 1761 and was made under the Seagrave Inclosure Act 1760 (33 Geo. 2 cap xxv). The 1761 Award is lengthy (14 large closely written skins): Mr. Hardy said that all the lands included in these references were allotted by or mentioned in it, but he could not (not being a lawyer) give me any guidance as to how I should read it.

Since the hearing I have read the 1760 Act and the 1761 Award, and I set out in the Appendix to this decision the parts which seem to me most relevant. Shortly after the hearing, I inspected all the lands, Mr. Hardy having agreed that I might do so unattended. After reading the Act and Award I inspected them (except CL.35) a second time. Mr. Hardy mentioned that some clarification of the legal position of all the lands would be an advantage to many in the Village; that this would be so, was obvious on my inspection.



These lands are for the most part surrounded by farm land (except the by the Chapel and School piece, CL.35 which is in or on the fringe of a residential area of the Village and the by the Cemetery piece CL.41 which has a cemetery on the south). Large parts of these lands appear to be little used and in their present state to be of little value. From the Register map I estimate the total area of all ten pieces at about 25 acres, and they (or some parts of them) must be of some importance and if they could be properly managed of considerable value both as an amenity to those living by and otherwise. It was said that the adjoining owners could use them advantageously for access or otherwise, and some appeared to be doing so now.

The Big Lane piece (CL.42) is bounded on its south west side and is at all points open to the metalled motor road (about 5 yards wide) leading from Seagrave north west to Walton-on-the-Wolds. The Big Lane piece as registered is for most of its north western half about 30-35 yards wide and for most of its south east half narrower; it contains according to the Register map about 11 acres. At its south west end on the same side of the metalled road the small piece CL.43 (.303 of an acre) on the opposite side of the metalled motor road, are pieces CL.51 (about  $\frac{2}{3}$  of an acre) CL.38 (about  $1\frac{1}{2}$  acres), CL.39 (about  $\frac{2}{3}$  of an acre) and CL.40 (about  $\frac{1}{4}$  of an acre). I feel no difficulty in identifying these six pieces and the said metalled motor road and some small roadside verges which have not been registered, as together being the same as the land described in the 1761 Award as "the one publick Carriage and Drift road leading from the Lordship of Walton ... until it enters the Town of Seagrave on the north west side thereof ... which said road shall be nowhere ... less than forty yards wide".

The next largest piece, Park Hill Lane (CL.37) is a strip between a  $\frac{1}{4}$  and  $\frac{1}{2}$  of a mile long and everywhere about 40 yards or a little more wide; the registered land includes the metalled motor road (about 5 yards wide which runs along its whole length leading from Seagrave southeast to the junction with Fosse Way (A.46) and across to Thrusington. According to the Register map it contains about 8 acres. The metalled motor road does not exactly follow the central line, being sometimes more or less on one side or the other. Apart from the metalled motor road, the registered land is scrub land or grass land with some trees; in places the grass land appears to have been tidied up to harmonize with the adjoining land, particularly near Parkleigh; at a number of points throughout its length there are some recently planted trees, apparently intended as an amenity. I feel no difficulty in identifying this piece of land (CL.37) with that described in the 1761 Award as the publick Carriage and Drift road ... from thence (the east side of the said Town) ... until it enters the Lordship of Cossington and which said road shall be nowhere less than 40 yards wide" (Cossington is south east of the Village).

The allotment made by the 1761 Award of the said seven pieces of land (Big Lane, Park Hill Lane etc.) as a "publick Carriage and Drift road", took effect under the 1760 Act; as regards the public roads so allotted the ownership of the "Herbage and Pasturage" was by the 1760 Act separated from the ownership of the "Right of Soil", see Appendix. This separation complicates the legal considerations applicable to these seven pieces; but for the separation, I could ascribe acts of ownership by the Parish Council and their predecessors in relation to grazing to the ownership of the soil (including the grazing); but because the 1760 Act has made this separation. I cannot do this.



Under the 1965 Act, I am concerned if I can to determine the ownership of the land, meaning (as I read the 1965 Act) the ownership of the soil, which may or may not, according to the circumstances, include the grazing, see subsection (2) of section 22 of the 1965 Act; the reference in subsection (1) to "Rights of sole or several ... herbage or of sole or several pasture" (which rights are expressly included in "rights of common") show I think that I am not on these references concerned (at any rate directly) with the ownership of the herbage.

Applying the considerations set out in the preceding two paragraphs to Big Lane (CL.42) and Park Hill Lane (CL.37):- Both these large areas are open to the public road. The procedure for the public lettings of the grass substantially accords with that prescribed by the 1760 Act for meetings of "the Freeholders and Occupiers of Lands within the said Manor or Lordship"; the application of the rents for the poor substantially accords with the order in the 1761 Award that the roads therein mentioned (which I identify with Big Lane and Park Hill Lane) "shall be for the poor of Seagrave", see Appendix. I cannot therefore regard such lettings as effectively dispossessing the title conferred by the 1760 Act on the Lord of the Manor of Seagrave and his successors. So as regards these two pieces of land, I conclude that the Parish Council are not the owners. This conclusion of course applies only to the ownership of the soil, being the ownership I am now considering. My conclusion does not apply to the ownership of the grazing, with which I am not concerned; so nothing in this decision should be taken as casting any doubt on the right of the Parish Council to let the grazing in the way in which they have (as described by Mr. Hardy) done in the past.

The five remaining pieces (CL.43, CL.51, CL.38, CL.39 and CL.40) which were by the 1761 Award allotted as a "publick Carriage and Drift road", are now (except as below mentioned) inclosed in a way inconsistent with their still being part of the public highway; their herbage has been destroyed and they are (or until recently were) cultivated as allotment gardens under lettings made by the Parish Council as described by Mr. Hardy. Although by the 1760 Act (as explained above) the ownership of the herbage of these five pieces was separated from the ownership of the soil, the lettings by the Parish Council and the destruction of this herbage has obliterated this separation. In my view by managing these pieces of land in this way, the Council have taken more than the herbage and have therefore taken possession adversely to the person who would otherwise be the owner of the soil as successor in title to the 1760 Lord of the Manor. In my view the title of such person has therefore been extinguished by the Limitation Act 1939, and it is now practically certain that the possession of the Parish Council will not be disturbed. As possession in such circumstances is equivalent to ownership, I conclude that the Parish Council has good possessory title to all these five pieces of land (except as next mentioned).

According to the description in the Register the lands registered under Register Unit Nos. CL.51, CL.38 and CL.39, include O.S. plots 214, 223 and 225 respectively; according to my copy of the Register map these plots are not marked thereon as surrounded by the green verge line which purports to show the lands registered. The plots are not inclosed; they provide access to the fields (O.S. plots 1, 2 and 12) at the back. In my view the description in the Register prevails over the marking on the Register map, so that these plots are each a subject of a reference to me. The cultivation and letting as described by Mr. Hardy cannot I think be regarded (he did not at the hearing particularly deal with this point) as including these plots. Accordingly for the



reasons given above with reference to Big Lane piece (CL.42) and Park Hill Lane (CL.37) I conclude that the Parish Council has no possessory title to and is not the owner of these three plots.

The by the Chapel and School piece (CL.35) contains about 1 acre and is bounded on the west by the metalled motor road which leads from the corner of Swan Street (a street on the same line as the before mentioned seven pieces of land) on the south to the Banks or Village Green (VG.46) on the north. The south part and most of the narrow central part is of the by the Chapel and School piece open to the motor road; the north part or most of it is an inclosed allotment. Near to the north end there is an electricity substation; on the east side of the central part there are four garages; I had no evidence about these and it maybe they are not included in the registered land; however if they are I see no reason as regards ownership for treating them differently.

The 1761 Award treats the highway now known as Swan Street and Butcher's Lane as being a road "through the said town" (Seagrave), and treats the Banks as "open" to the Walton Road", see Appendix. From this treatment and from the general appearance of the by the Chapel and School piece as it now is, I deduce that it was not one of the public roads dealt with by the 1761 Award and that accordingly the ownership of the grazing was not by the 1760 Act separated from the ownership of the soil. From the lettings of this piece as described by Mr. Hardy I conclude the Parish Council is now in possession of the by the Chapel and School piece and that is is practically certain that such possession will not be disturbed. As possession in such circumstance is equivalent to ownership, I conclude that the Parish Council has a good possessory title to this piece.

The Cemetery piece (CL.41) contains about  $\frac{3}{4}$  of an acre and is in two parts separated by an access track to the field at the back. I need not I think determine whether this piece when the 1761 Award was made either (i) was part of the Banks, and therefore not part of the "publick Carriage and Drift road" ("now known as Big Lane and Park Hill Lane) allotted as above mentioned, or was (ii) part of the "publick Carriage and Drift road" so allotted; because if (i) for the reasons set out above in relation to the by the Chapel and School piece (CL.35), or alternatively if (ii) for the reason set out above in relation to the five pieces (CL.43 etc.) I conclude that the Parish Council have a good possessory title to the Cemetery piece.

The Unowned Bit (CL.36) is about two miles north of the Village and is quite separate from the nine other pieces of land which I have been considering. From its present boundary, and from it being called "the Unowned Bit", I identify it with the land by the 1761 Award because "not as yet owned by any person" allotted "to and for the use of the Parish Clerk of Seagrave ... for ever". Although the description "Sibley Road on the South East" in the 1761 Award is not now apt because the road from Seagrave to Sibley (which is south of the Village) is a long way away, there are indications in the 1761 Award that the words "Sibley Road" were in 1761 used as meaning the road which leads from Sexhill (now the Six Hills; north of the Village) through the Village of Seagrave to Sibley; and with this meaning the description in the 1761 Award is entirely consistent with the description in the Register.



The 1760 Act does not authorize an allotment to the Parish Clerk. But a conveyance of land which purports to create a charitable trust and which is originally or become invalid, may if acted on be effective to bind the persons who have as trustees under the invalid conveyance taken possession of the land, see re Ingleton 1956 Ch.585. The office of parish clerk is temporal one, see Laurence v Edwards 1891 2Ch 72, and accordingly in my view, the holder is not a corporation sole (such as a rector) capable of taking a grant of land for himself and successors in office for ever. But the grant to the "Parish Clerk for the time being" was I think ineffective to define a public charitable trust because any supplement to the remuneration of a parish officer must incidentally be for the benefit of the inhabitants of the Parish. From the terms of the 1761 Award and from the evidence of Mr. Hardy outlined above, I conclude that this land has always been used for this public charitable purpose and that it is therefore now subject to a charitable trust for this purpose.

The information given to me by Mr. Hardy as to the activities of the Church Commissioners and of the Rector in relation to this land is I think insufficient to enable me to identify the present trustees. The Parish Council are concerned to support any local charity and Mr. Hardy has given evidence about it; I cannot treat this charity as non-existent merely because no person more directly concerned with it has come forward to support it. A charitable trust does not fail merely because the trustees cannot be identified or found or refuse to act; in such circumstances trustees can be appointed in appropriate proceedings (e.g. under the Trustee Act 1925 or under the Charities Act 1960). Accordingly I conclude that the owners of the Unowned Bit (CL.36) are the trustees of the charitable trust arising as a consequence of the allotment made by the Seagrave Inclosure Award 1761 of a piece of land to and for the use of the Parish Clerk of Seagrave for the time being forever and of the continuous application of the rents from the said piece of land for the benefit of the Parish of Seagrave.

For the above reasons, my decision stated shortly on all these references is as follows:- I am satisfied that the trustees as above defined are the owners of the Unowned Bit (CL.36) and I shall accordingly direct the Leicester County Council as registration authority to register the said trustees (defined as set out in the preceding paragraph) as owners of this land under section 8(2) of the 1965 Act. I am satisfied that the Parish Council are the owners of the by the Chapel and School piece (CL.35), of the Cemetery piece (CL.41) and of the pieces CL.38 (except O.S. plot 223), CL.39 (except O.S. plot 225) CL.40, CL.43 and CL.51 (except plot 214) and I shall accordingly direct the Leicestershire County Council as registration authority to register Seagrave Parish Council as owners of these lands (except as aforesaid) under section 8(2) of the 1965 Act. I am not satisfied that any person is the owner of the Big Lane piece (CL.42) or of Park Hill Lane (CL.37) or of the said excepted plots O.S. 223, 225 and 214 and these lands will therefore be subject to protection under section 9 of the 1965 Act.

It is with some regret that I cannot do more to clarify the legal position of Big Lane piece (CL.42) or of Park Hill Lane (CL.37). That this position is now obscure is I think primarily because those responsible for the 1760 Act thought that a 40 yard wide public road across the Parish would be advantageous country planning; subsequent events have (or may have) shown that to be mistaken. The position they have created is difficult to fit into the 1965 Act. These lands, although highway verges, look like Commons, as this word is understood by many. The Royal Commission on Commons



when reporting in 1958 included highway verges in their definition of common land, see paragraph 78; but the definition in the 1965 Act of common land does not include "any land which forms part of a highway", see section 22(1), so highway verges are excluded from the scope of registration. But many lands which are or may be wholly or in part highways have been registered as common land and by section 10 of the Act, the registration is conclusive evidence of the matters registered; although by section 21 this section does not apply for the purpose of deciding whether any land forms part of a highway, highway verges are therefore not automatically excluded altogether from the scope of the 1965 Act. Some parliamentary clarification of the position of highway verges may be needed, where as has happened in this Village, extensive highway verges, apparently not needed for highway purposes, have been registered under the 1965 Act. That I can decide that parts of the "publick Carriage and Drift road" allotted by the 1761 Award is in the ownership of the Parish Council is due to the circumstance that these parts have been inclosed, apparently with local acquiescence, and so enabling me to presume that this was done legally (although I cannot say by what authority it was done).

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

#### APPENDIX

##### I. The 1760 Act

WHEREAS within the Lordship, Township or Liberty of Seagrave in the County of Leicester there are several Open Fields and Meadows, called, known, or distinguished, by the several Names of the Brink Field, Ansley Field, the Over Field and Wether Field; and there are also several commons called the Hills, the Playne, the Wolds, the Course, the Slobbs, and Watering Leys;  
AND WHEREAS Leonard Fosbrooke Esquire is Lord of the Manor of Seagrave aforesaid; and

...  
\* \* \* \* \*  
PROVIDED ALSO, AND IT IS HEREBY FURTHER ENACTED, by the Authority aforesaid, that the Said Commissioners, or any three or more of them, shall and may, notwithstanding any Thing herein to the Contrary, ascertain, set out, and appoint such Public Roads, with the Assizes or Breadths thereof, and also such Public Bridges, Fords, Causeways, Sluice Cuts, Drains and Banks, and likewise such Private Ways, Hedges, Fences, Bridges, Fords, Sluices, Cuts, Drains, Banks, Ditches, Gates, and Stiles, in, through, or upon, the said Fields, Meadows and Commons, to be inclosed and allotted, by Virtue of this Act, and the ancient Inclosures within the said Parish, as they, the said Commissioners, or any three or more of them, shall think convenient; but so that the Public Roads leading from Walton Lordship through the said Lordship of Seagrave, unto Thrussington Lordship, shall not be less than forty Yards in Width; and which said Public Roads and Ways (except Bridle Roads and Foot-Ways, in Case such shall be set out by the said Commissioners, or any three or more of them) shall be ever afterwards amended and repaired at the general



Expense of the Inhabitants of Seagrave aforesaid, in the same Manner as the present Public Roads there are, or ought to be repaired; and that ...

... of the said Vestry Room of the said Parish Church of Seagrave aforesaid, on the First Day of March in each Year, shall, from Time to Time, direct and appoint; and, in Default thereof, in such Sort, Manner, and Form, for the respective Year, or Years, in which any such Default shall be made, as the said Commissioners, or any three or more of them shall think necessary, and expedient in that Behalf, and most for the Benefit of the said Poor. And as to the Residue thereof upon Trust that the Rents and Profits thereof shall be laid out and expended in the necessary repairs and Amendment of the said Public Roads, in such Manner in the Surveyor or Surveyors of the Highways, and the Constable, Churchwardens, and Overseers of the Poor, of the said Parish, for the time being, or the major Part of such of them as shall appear at any Meeting or Meetings to be held in the said Vestry Room, once or oftener in each Year for that Purpose, shall from Time to Time direct and appoint; and, in Default thereof, in such Sort, Manner, and Form, for the respective Year or Years, in which any such Default shall be made as the said Commissioners, or any three or more of them shall think necessary and expedient in that Behalf, and most for the Benefit of the said Parish; and that Publick Notice shall be given from Time to Time in the said Parish Church, on a Lord's Day, immediately after Divine Service, by the Space of one Week at least before ever such Meeting shall be held by the said Freeholders and Occupiers of Lands, and the said Surveyor or Surveyors, or the said Constable, Churchwardens, or Overseers of the Poor respectively; and the said Commissioners, or any three or more of them, shall, in their Award, or Instrument herein after mentioned, specify, and ascertain the Parts of the said Roads, which shall constitute respective Half Part as aforesaid. And the said Freeholders, and Occupiers of Lands, and the said Surveyor or Surveyors, and the said Constable, Churchwardens, and Overseers, or the Major Part of them to respectively assembled from Time to Time as aforesaid, or in Default of their acting therein respectively as aforesaid, the said Commissioners, or any three or more of them may, and are hereby empowered from Time to Time to lett such respective Half Part of the said Herbage and Pasturage of the said Roads for the best Rent that can be obtained for the same, so that the same shall not be lett at any one Time for any longer Term than one Year, and the Monies arising by such Rents shall be applied for the respective Purposes aforesaid. And it shall be lawful to set and maintain any Gate, or Gates, across any Part or Parts of the said Roads, for the Purpose of keeping the Half Part of the said Herbage and Pasturage separate and distinct, so that the Passage through the said Roads be not thereby prevented.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Herbage and Pasturage, which shall grow or arise upon any Part, of all, and every, the public Roads so to be ascertained, set out, and appointed by the said Commissioners, or any three or more of them shall be, and the same are hereby vested in the said Commissioners, their Heirs, and Assigns. But to this End, Intent and purpose, nevertheless; that the said Commissioners, their Heirs, and Assigns, shall stand seized, and possessed thereof, to the several Uses, and upon the Trusts hereafter mentioned, and declared of and concerning the same, that is to say, as to one Half Part of such Herbage and Pasturage upon Trust, to and for the Use and Benefit of such Poor of the said Parish of Seagrave as have no Lands, in such Sort, Manner, and Form, as the Freeholders and Occupiers of Lands within the said Manor or Lordship for the Time being, or the major Part of such of them as shall appear at a Public Meeting to be held for the Purpose once in every Year in the Vestry Room of the Parish Church of Seagrave aforesaid, on the First Day of March in each Year, shall, from Time to Time, direct and appoint; and, in Default thereof, in such Sort, Manner, and Form, for the respective Year, or Years, in which any such Default shall be made, as the said Commissioners, or any three or more of them shall think necessary, and expedient in that Behalf, and most for the Benefit of the said Poor. And as to the Residue thereof upon Trust that the Rents and Profits thereof shall be laid out and expended in the necessary repairs and Amendment of the said Public Roads, in such Manner in the Surveyor or Surveyors of the Highways, and the Constable, Churchwardens, and Overseers of the Poor, of the said Parish, for the time being, or the major Part of such of them as shall appear at any Meeting or Meetings to be held in the said Vestry Room, once or oftener in each Year for that Purpose, shall from Time to Time direct and appoint; and, in Default thereof, in such Sort, Manner, and Form, for the respective Year or Years, in which any such Default shall be made as the said Commissioners, or any three or more of them shall think necessary and expedient in that Behalf, and most for the Benefit of the said Parish; and that Publick Notice shall be given from Time to Time in the said Parish Church, on a Lord's Day, immediately after Divine Service, by the Space of one Week at least before ever such Meeting shall be held by the said Freeholders and Occupiers of Lands, and the said Surveyor or Surveyors, or the said Constable, Churchwardens, or Overseers of the Poor respectively; and the said Commissioners, or any three or more of them, shall, in their Award, or Instrument herein after mentioned, specify, and ascertain the Parts of the said Roads, which shall constitute respective Half Part as aforesaid. And the said Freeholders, and Occupiers of Lands, and the said Surveyor or Surveyors, and the said Constable, Churchwardens, and Overseers, or the Major Part of them to respectively assembled from Time to Time as aforesaid, or in Default of their acting therein respectively as aforesaid, the said Commissioners, or any three or more of them may, and are hereby empowered from Time to Time to lett such respective Half Part of the said Herbage and Pasturage of the said Roads for the best Rent that can be obtained for the same, so that the same shall not be lett at any one Time for any longer Term than one Year, and the Monies arising by such Rents shall be applied for the respective Purposes aforesaid. And it shall be lawful to set and maintain any Gate, or Gates, across any Part or Parts of the said Roads, for the Purpose of keeping the Half Part of the said Herbage and Pasturage separate and distinct, so that the Passage through the said Roads be not thereby prevented.





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AND BE IT FURTHER ENACTED, by the Authority aforesaid, That a Book shall be provided, from Time to Time, as there shall be Occasion, at the Costs and Charges of the said Parish, and kept in the Vestry-Room of the said Parish-Church of Seagrave for the Purposes of keeping the Accounts relating to the said Trust Estates and Premises in which said Book or Books ...

\* \* \*

PROVIDED ALWAYS AND IT IS HEREBY ENACTED, that the Right of Soil in and of all such public Roads, so to be set out and appointed, as aforesaid, shall remain, or be vested in the said Leonard Fosbrooke, and his Heirs and Assigns, as Lord or Lords of the Manor of Seagrave, aforesaid, forever, but without Prejudice to the Uses and Purposes herein before mentioned concerning the Herbage thereof, the sinking for and getting of all Minerals whatsoever, (Stone and Gravel only excepted).

## II The 1761 Award

AND WHEREAS certain lands within the said Lordship of Seagrave containing about three roods and six perches lying in the said Ansley Field have not as yet been owned by any person NOW WE do therefore set out and allot in lieu of the said three roods and six perches one piece or parcel of land or ground part of the said Common called the Gorce the said Barrow road on the North, the said Sibley Road on the South East and lands herein allotted to the said John Grundy on the South West containing one acre and seventeen perches or thereabouts to and for the use of the Parish Clerk of Seagrave aforesaid for the time being forever provided the right owner thereof shall not make a just title to the same ...

\* \* \*

AND WE do hereby award and order and appoint that there shall be one Publick Carriage and Drift road leading from the Lordship of Walton through the several Allotments of the said Leonard Fosbrooke in the said field called Brink Field until it enters the said town of Seagrave on the North West side thereof and so continued through the said Town of Seagrave to the South East side of the said Town and from thence to be continued between the several allotments of the said Leonard Fosbrooke in the Brink Field and the Lordship of Sibley on the South West side of the same and on the North East side of the allotments of the said Leonard Fosbrooke in the Mether Field until it enters the Lordship of Cossington and which said road shall be nowhere (except through the said Town of Seagrave) less than forty yards wide between the ditches as the same is now by us staked out AND WE hereby do award and direct that there shall be four gates first in the said road and proper fences across the same at four several places (and is to say) One at the North West end of the said road adjoining Walton Lordship, one other at the South East end of the said road against the Lordship of Cossington, one other at the North West end of the said Town of Seagrave and one other at the South East end of the said Town of Seagrave which said several Gates and fences and also the several other gates and fences in the public carriage roads hereinafter mentioned shall be made and put up by the said several Owners and Proprietors of lands in the said Township of Seagrave and be forever after maintained and repaired out of the rents and profits of the Herbage of the publick carriage road AND WE do order and appoint that a piece of land called the Banks shall lye open to the last mentioned Carriage and Drift road and that a Gate and Fence shall be put up across the same from the west entrance of the Allotment of the said William Hubbard to the Homestead of John Wilbourn to divide the said Banks from the Town Street of Seagrave aforesaid ALSO ...



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AND WHEREAS the said recited Act directs that the public roads within the said Lordship of Seagrave should be set out by us and one half part thereof be allotted for the use of the Poor the Freeholders and Occupiers of lands within the said Lordship of Seagrave or the major part of them shall at a publick meeting to be held for the purpose once in every year on the first day of March direct and appoint and as to the other half part thereof that the rents and profits shall be laid out in the necessary repairs to the said publick roads in such manner as the Surveyor or Surveyors of the Highways and the Constable Churchwardens and Overseers of the poor for the time being or major part of them as should appear at any public meeting to be held once or oftener and every year for that purpose should direct and appoint WE DO therefore hereby award order and appoint that the said publick road leading from Seagrave aforesaid to Walton aforesaid commonly called the Walton road with that part of the said road called the Banks lying open to it and the said road leading from Seagrave aforesaid towards Thrussington aforesaid and also the said road commonly called Sibley Road shall be for the poor of Seagrave aforesaid And as the said road commonly called Barrow road leading from the Lordship of Barrow aforesaid all the way to Sex Hill aforesaid and the said road called the Upper highway shall be for the use of and the rents thereof applied for the repair of the public roads AND WHEREAS ..."

Dated this 6<sup>th</sup> day of December 1973.

a. a. Baden Fuller

Commons Commissioner