APPENDIX K

IN THE MATTER OF THE PROPOSED FOOTPATH FROM STRETTON TO THE HIGHWAY EAST OF BICKFORD GRANGE FARM

AN APPLICATION FOR THE ADDITION OF A FOOTPATH TO THE DEFINITIVE MAP

GROUNDS OF OBJECTION

Introduction

1. Mr Piers Alastair Carlos Monckton and the Somerford Home Farm partnership (together "the Objectors"), as landowner and occupier of the majority of land over which the footpath is proposed, herein object to the addition of a footpath to the Definitive Map.

2. These grounds of objection are prepared in response to Staffordshire County Council's ("the Council") letter dated 23 May 2018 and the original application of Mr Reay ("the Applicant") for addition of the footpath ("the Route") dated 23 June 1997 based mainly upon information connected with the Finance Act of 1910, and information emanating from a decision of the Justices of the Quarter Sessions in 1828 ("the Application"), together with the Council's accompanying letter dated 11 July 1997.

3. These grounds of objection are intended to be read in conjunction with and are supplemental to the three letters of objection submitted by Mr Monckton and his father, dated 17 July 1997, 22 July 1997, and 6 August 1997.

4. These grounds of objection are accompanied by a tabbed bundle of documents, with references below following the format |tab/page number|.

Objections in summary

5. The Objectors contend that the Finance Act information has been misinterpreted by the Applicant, and far from supporting the Application, it supports these Objections,

mainly on the basis that the public right of way claimed for is not the Northern section of the Route, but a public right of way which already existed then over a separate part of the hereditament, and still does now.

6. The Objectors have found documents in the local archives which show that the decision of the Justices of the Quarter Sessions relied upon by the Applicant was subject to an appeal resulting in a different decision, conflicting with the Application, and will otherwise object.

Factual Background

7. The Route crosses three registered freehold titles owned by Mr Monckton, and a fourth title owned by a Mr Giles; the locations of the titles are roughly marked on the plan supplied [1/1].

8. The Application appears to have originally been supported by only the following documentary evidence:

    a. Highway Order 1828;

    b. Ordnance Survey Maps;

    c. Inclosure Award 1862;

    d. Tithe Maps 1838 and 1841; and

    e. Various other maps dated 1840, 1766 and 1801.

9. Although not listed in the supporting documents, it appears the Application was also accompanied by a Finance Act 1910 Plan and accompanying Field Book Entry, or that the Applicant has supplied them since.

10. The Application in 1997 did not at the time lead the Council to make a modification order.

11. The Council reopened the matter in May 2018 and wrote to Mr Monckton on 23 May 2018 asking for his comments on the proposed addition.

12. It is emphasised at this stage that the Route as proposed would have a seriously detrimental impact on the occupation of the affected land. As proposed, the Route crosses significant areas of arable land, a working farm, a private garden and a (temporarily) empty moat.

13. The addition of the Route to the Definitive Map would require significant reconfiguration of the built structures and other physical features of the land, thereby causing serious disruption and harm to the owners and occupants. It would also present a serious security threat to the occupants of Stretton Lodge and the farm.

14. The Objectors have supplied annotated photographs and maps showing the impact of the proposed Footpath on the land as it is today [2/2]. The Council's attention is drawn to the depth of the moat, the difficulty of access from the road to the Footpath and the proximity of the Footpath to Stretton Lodge and its private garden. All these features originate from around 1870.

Legal framework

15. The Applicant's evidence appears to be focussed upon section 53(3)(c)(i) of the Wildlife and Countryside Act 1981:

(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—

> *(i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path a restricted byway or, subject to section 54A, a byway open to all traffic*

16. To make the Modification Order, the Council needs to be satisfied that a right of way *"subsists or is reasonably alleged to subsist"*. This test has been interpreted by the Courts to mean whether a reasonable person, having considered all the relevant evidence available, could reasonably allege a right of way to exist: R v Secretary of State ex p Bagshaw and Norton.[1]

[1] (1994) 68 P&CR 402.

17. A wide range of evidence can be considered in reaching a conclusion, including the history of the locality see s.32 of the Highways Act 1980:

A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

18. Although the Application does not set out the Applicant's case, it is assumed that the Applicant is relying upon the common law test for dedication (rather than the statutory test based upon user), namely that there is evidence from which it may be inferred that a landowner has dedicated a right of way and that the public has accepted the dedication.

19. Kim Lewison QC (as he then was), considered the requirements of dedication and of acceptance in *Secretary of State for the Environment, Transport and the Regions v Baylis (Gloucester) Ltd* (2000),[2]

He held at p.328:

Before 1835, when the modern law of highways begins, all highways were repairable at the public expense. This expense fell on the parish. The imposition on the inhabitants of the parish of what could, potentially, be an onerous obligation led to the requirement of the common law that the existence of a highway could only be established by proving both dedication by the owner and acceptance by the public. Acceptance by the public demonstrated that there was a public benefit which justified the public assumption of liability to repair. Although the Highways Act 1835 abolished the universal rule that any highway was repairable at the public expense, it did not do away with the twin requirements of dedication and acceptance. It

[2] 80 P&CR 324.

introduced a second stage, namely adoption, before a highway became maintainable at the public expense. That remains the position today.

At p.328-29, he held:

Dedication is primarily a question of intention of the dedicator, although there are some cases where the dedicator lacks the legal capacity to dedicate. The intention may be proved by the express words or conduct of the dedicator, or by inference from his acquiescence in public use of the way...

In relation to acceptance, he held at p.330:

As I have said, however, dedication does not create a highway without acceptance. What amounts to acceptance? The usual evidence relied on to establish acceptance is use by the public. Mr Harbottle and Mr Hill-Smith both contend that actual use by the public is the only way in which acceptance can be proved. In other words, actual use by the public is not merely a sufficient condition for establishing acceptance; it is a necessary condition. Actual use for this purpose, they say, means actual exercise by the public of their right to pass and repass.

In many, if not most, cases there is no express dedication. The dedication has to be inferred from other evidence. The usual form of evidence is use by the public. But it is important to remember that in such cases evidence of public use serves a dual function. On the one hand it is evidence from which the factual inference may be drawn that the landowner has dedicated the land as a highway. If long use by the public as of right has been proved, why has the landowner permitted such use to continue unless he intended the land to be dedicated for use as a highway? On the other hand, the self-same evidence is used to prove acceptance by the public.

20. It is said that the dedicator has to have sufficient *animus dedicandi* in order to actually dedicate the land as a highway, as opposed to recognising what they thought the status was.

21. Of *animus dedicandi* Parke B in *Poole v Huskinson* (1843) 11 M&W 827 says:

in order to constitute a valid dedication to the public of a highway by the owner of the soil, it is clearly settled that there must be an intention to dedicate there must be an animus dedicandi, of which user by the public is evidence, and no more; and a single act of interruption by the owner is of much more weight on a question of intention, than many acts of enjoyment.

22. In the New Zealand case *Echolands Farms Ltd v Powell* [1976] 1 NZLR 750, Moller J said at p. 757 that the *animus dedicandi*:

...may be openly expressed in words or writing, but, as a rule, it is a matter of inferences from evidence as to the acts and behaviour of the person concerned when viewed in the light of all the surrounding circumstances.

Grounds of Objection

23. The Applicant does not provide any evidence of dedication, acceptance, or use, of the Route, nor does he identify:

    a. any particular act at any particular time by the Objectors' predecessors which amounts to dedication;

    b. any evidence of acceptance by the public at large of a public right of way; or

    c. any evidence of actual use of the Route.

24. More significantly, the allegedly supporting evidence is severely lacking and does not meet the relevant threshold to justify a modification order, when considered separately or as a whole.

25. Each piece of allegedly supporting evidence will be considered in turn.

Finance Act Documents

26. The Objectors have undertaken a detailed analysis of the Finance Act documents available, which has shown that the Applicant has misinterpreted the Finance Act documents, which in fact plainly refer to a different public right of way in a different part of the hereditament.

27. The Route crosses hereditaments 1268 to the South, and 610 to the North, it is solely the information which relates to 610 which the Applicant relies upon.

28. Hereditaments 586 and 605 adjoin. High quality photographs of the Finance Act Plans showing all hereditaments are supplied at [3/26].

29. The Field book for 1268 states under the heading: **"Charges, Easement, and Restrictions affecting market value of fee simple"**, *'public path as on ordinance'*, but no deduction is ascribed to: **"Rights of Way or User"** or otherwise [4/37].

30. The Field book for 610 (as relied upon by the Applicant) states:

    a. under the heading: **"Fixed Charges, Easements, Common Rights and Restrictions"**, *'Public right of road over 3* [illegible] *fields use for surface water from road with drains* [illegible] [illegible] *at Bickford'*;

    b. under the heading: **"Fixed Charges, Easements, and Restrictions affecting market value of fee simple"**, states: *'public path across fields as on ord. map'*; and

    c. under the headings: **"Public Rights of Way or User"**, and **"Restrictions"**, *'£20'* is ascribed [5/39].

31. The Field book for 586 does not include any reference to rights of way under: **"Public Rights of Way or User"**, or **"Fixed Charges, Easements, and Restrictions affecting market value of fee simple"**; but under **"Restrictions"**, *'footpaths £50'* is ascribed [6/41].

32. The Field book for 605 does not include any reference to rights of way under: **"Fixed Charges, Easements, and Restrictions affecting market value of fee simple"**; but under: **"Public Rights of Way or User"**, *'£20'*; and **"Restrictions"**, *'footpaths £20'* is ascribed [7/43].

33. Hereditaments 586, 610, and 605 are all crossed by the already existing public rights of way from Bickford to Mitton Manor and Whiston Hall; 586 is also crossed by the existing public right of way running east-west across Bickford Grange Farm (as well as - incidentally - various paths which are also not public rights of way) [8/45].

34. Accordingly it is submitted that the £20 deduction relied upon by the Applicant is much more likely to relate to the currently existing public rights of way crossing hereditament 610, not any of the other paths marked upon the ordinance plans.

35. Further, given the extent of the Route crossing 610, a £20 deduction (for its inclusion) would not be sufficient, not least where the deduction applied to 586 (where the paths are far more extensive, but not as extensive as the Route) is £50. This is also borne out by the fact that a deduction of £20 was applied to 605, for around the same length as that crossing 610.

36. It follows that when the Finance Act documents are construed correctly, they are in fact supportive of the Objectors' position, given that no public right of way was claimed for by either of the owners of the two hereditaments crossed by the Route.

37. Further, the fact that the Finance Act material covering the Northern part of the Route is not probative removes the only remotely plausible evidence the Applicant relies upon to justify the part of the Route from up to where the word "Oak" appears East of Lapley Gorse ("the Oak Point") to the North; thus accepting for one moment the remainder of the Application as probative, at most the Route terminates at Oak Point.

38. The Objectors ask the Council to take into account the Planning Inspectorate Consistency Guidelines at paragraph 11.5:

However, evidence of the existence of a public way across a hereditament may be deduced from, for example, a Field Book entry showing a deduction under 'public rights of way or user', with further clear hand-written details, such as use of the words 'public footpath'. ***The position of such a way may be shown by annotations on the working plans or written information in the Field Book. But where hereditaments were large and crossed by numerous paths it may not be possible to conclude from written information that a particular route was referred to. Even where field plans are annotated, and paths marked as 'public', it may be unclear when and by whom annotations were made.*** *Evidence from Field Books and plans may provide good evidence of the reputation of a way as public, but care should be exercised when drawing conclusions from material not known to be provided directly by or on the authority of the landowner.*

[Emphasis added.]

Highway Order 1827

39. The Applicant relies upon an order made by clerks of His Majesty's Justice of the Peace (a transcribed version is provided at [9/46], the original at [9/47]) which had a twofold effect: (1) stopping up a number of highways in the Parish of Stretton and (2) retaining the existence of a "right of footway" from the point marked C to the point marked K on a plan attached to the same order ("the HW Order").

40. The HW Order itself appears to have been made on 3 December 1827.

41. The accompanying map records:

"Those parts coloured Blue are intended to be discontinued and those coloured Brown & Red are intended to remain open."

42. That same map shows the route from C to K coloured brown. This equates to the lower part of the Route, as shown on the Section 53 Application Map, reaching from Stretton up to the Oak Point.

43. The Objectors have discovered that HW Order was appealed, with the appeal heard by the Quarter Sessions in Epiphany 1828, with a written order supplied by the visiting Justices (a transcribed version at [10/51] and a copy of the original is at [10/52] ("the QS Order").

44. The QS Order records that it is made on appeal, and is intended to replace the HW Order, save that the plan used is the same.

45. The QS Order upholds the majority of the matters in the HW Order, save that (very significantly) the reference to the *"...footway from the point marked C to the point marked K on the said plan..."* has been removed from the Order.

46. The Objectors' dispute that this information is sufficient for the Application to succeed for the following reasons:

47. **First**, the HW Order was clearly appealed and only upheld in part (otherwise the reference to *"... footway from the point marked C to the point marked K on the said*

plan..." would have been retained, thus the effect of this documentation is to demonstrate that the Quarter Sessions overturned the HW Order relied upon by the Applicant.

48. Taken at its lowest, the QS Order clearly extinguishes all and any public rights of way between points C, B, and F; which, when combined with the Finance Act material means that the remainder of the Route running from point K on the HW Order plan to Oak Point has no public access to its beginning or end.

49. However the QS Order and HW Orders are construed, they do not amount to evidence which would lead a reasonable person to the view that the Route was public.

50. **Second,** and further, the HW Order does not on its face anywhere indicate that any of the roads/bridleways/footways were, or are public, nor does it purport to grant or designate those routes as such.

51. The active statute in force at that time would have been the Highways Act 1773, and yet the HW Order does not indicate that the Justices were exercising that jurisdiction (to confirm a route).

52. The Court was focussed upon considering an application to stop up rights of way, and not whether or not they were public rights of way; the inclusion in the RW Order may well have been made in order to please one particular party, as a result of an abundance of caution, and without prejudice to a contention that the way or ways were private.

53. Speculating, it may have been that the Route was considered private, but those who used it (with permission) were concerned to ensure that it remained accessible to them (hence the appearance of the reference to the Route as an afterthought, and its exclusion upon appeal); alternatively, it may have been the intention of the Court to leave the matter open and undecided (hence the complete lack of any reference to public rights of way in the HW Order).

54. In the 1800s the Quarter Sessions operated a very broad jurisdiction, covering all manner of legal matters from landlord and tenant, to church, to Inclosure, to

Arbitration;[3] thus it is not a foregone conclusion that because the Quarter Sessions ruled upon a matter, it could only have been exercising a public right of way jurisdiction.

55. Further, whether, in reality, the Quarter Sessions could deliberate upon only Highway matters or not, there are plenty of examples of the Quarter Sessions dealing with private rights of way, whether as an appellate body following Inclosure Commissioner's decisions, or otherwise with a less clear mandate.[4]

56. Either one of these factors might be the reason for the appeal, but they also demonstrate that the IIW Order and QS Order do not amount to evidence of dedication, acceptance, or use, of the Route.

57. **Third**, in the alternative, the Objectors maintain that if such a public path existed in 1828, as apparently recognised by the HW Order, any such path was extinguished during the significant realignment and restructuring work to the land at Stretton between the years of 1854 and 1865 ("the Remodelling Process").

58. There is precedent for this; in *Yarmouth Corpn v Simmons*,[5] the deposited plans for a pier provisional order showed that the extinction of a highway must have been contemplated, and as such its stopping up was not considered to be unlawful.

59. The Objectors have provided annotated plans and photos of the relevant points of interest along the Route [2/2].

60. The Objectors rely on the following facts in support of this limb of objection:

(1) Between the 1830s and the 1870s, the area of land crossed by the Southern part of the Route was significantly remodelled to create Stretton Park;

(2) In particular, a moat, lodge, and bridge were constructed on the land [2/5-13];

(3) Since its construction, the bridge has been secured by a lockable gate [2/4-5];

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[3] See Quarter Sessions Practice: A *Vade Mecum* of General Practice in Appellate and Civil Cases at Quarter Sessions, Frederick Smith, 1882, Part II.

[4] See Hodson, Y, *Footpaths and bridleways in inclosure Acts 1801-1845* Rights of Way Law Review, September 2011, 179 – 197.

[5] (1878) 10 ChD 518.

(4) A sewage system was installed, involving installation of the Upper Pool and The Pool, following extensive drainage of the malarial marshes. This system provided the sewage scheme for the entire village of Stretton and would undoubtedly have been introduced with the cooperation and support of the relevant authorities due to the public health aspects of such an operation (extracts from various sources, including family memoirs provided [11/53], timeline provided [11/55]);

(5) The bridge crossed over the moat and formed the main drive to Stretton Park, the moat was (and is) connected to the Upper Pool [2/10];

(6) The roads in the Stretton Lodge area were significantly realigned.

61. The Objectors aver that it is inconceivable that the Remodelling Process was undertaken without any public footpaths over such land being formally extinguished. The western part of the Upper Pool connecting to the moat would have coincided with the Footpath and therefore an extinguishment would have been necessary. The Council cannot have confidence that the relevant authorities in 1860 would have permitted and cooperated with such a significant Remodelling Process without duly extinguishing and/or diverting any footpath that coincided with a body of water, a sewage system and a private garden.

62. Even if the consequence of the Remodelling Process was that any previous public footpath was diverted, rather than extinguished, this is sufficient to warrant not making the proposed Modification Order. The Footpath as proposed crosses the moat and private garden of Stretton Lodge. Therefore, a public footpath cannot possibly be in the same position as it was in 1828. Any alternative route caused by a diversion is not known to either the Applicant, the Objectors or the Council and has not been proposed.

63. Although no documentary evidence is currently available to support either of these formal processes (extinguishment or diversion), the alternative is so inherently unlikely that it cannot be reasonably alleged that the Footpath existed in this position after 1865.

64. This account of the history of the locality is consistent with the absence of any maps after 1865 which demonstrate the existence of a footpath in this area, let alone a

public footpath, over the proposed route. The evidence is unable to support the proposition that the Footpath, as proposed, survived the Remodelling Process.

65. **Fourth**, in the further alternative, it is disputed that the Objectors' predecessors in title even had the legal capacity to dedicate the Route as a public right of way, either prior to, or as a part of the HW Order.

66. The Stretton Estate is understood to have been held by the Congreve family from 1381, and is recorded as being held by Mr Congreve up to 1733, then Mr Connolly, up to when Mr Monckton's family first acquired it in around 1790, with first Registration in 2003.

67. The extent of the Estate during the Congreve years is shown on the estate map dated 1766 [12/57] and includes the majority of the land covered by the Route.[6]

68. During the Congreve ownership up to at least 1925 the Estate was copyhold in tenure, and held entail. All entails exist as equitable interests behind trusts. This means that the legal estate must be vested in trust for the life tenant and any others.

69. In *R v Leake* 110 ER 863, Parke J held that where, as a matter of law, land could only be used in a certain way, which was incompatible with public use as a highway, it would not be possible for trustees holding that land to dedicate such a right.

70. In *Bristol City Council v University of Bristol* the Inspector heard argument that a University was unable to dedicate land, as inconsistent with its status as a charity under the Charities Act and as a result of its Royal Charter; although the argument was unsuccessful on the facts, the principle was accepted by the Inspector.[7]

71. By way of example, in *Paterson v St Andrews* 6 App Cas 833, the relevant party was holding land from time immemorial for the purposes of entertainment and recreation.

72. Given that the Applicant relies upon the common law test for dedication, the common law on legal capacity to cede rights must apply. In *Oakley v Boston*, a case on the acquisition of private rights by prescription, Goulding J pointed out that:

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[6] Incidentally the Map of 1766 shows a completely different private footpath in the approximate area of the Route.

[7] [2002] PAD 38, paras 3.14-3.17.

There are considerable difficulties in applying a doctrine of acquiescence to persons in a fiduciary position who have an active duty to others to fulfil before they can exercise their powers. [8]

73. In *Bradbury v Grinsell* 2 Wms. Saund. 1871 edn, also on the topic of the acquisition of private rights by prescription the rule was stated as:

Though an uninterrupted possession for twenty years or upwards should be sufficient evidence to be left to a jury to presume a grant; yet the rule must ever be taken with this qualification, that the possession was with the acquiescence of him who was seised of an estate of inheritance: for a tenant for life or years has no power to grant such a right for a longer period than during the continuance of his particular estate. If such a tenant permits another to enjoy an easement on his estate for twenty years or upwards without interruption, and then the particular estate determines, such user will not affect him who has the inheritance in reversion or remainder; but when it vests in possession the reversioner may dispute the right to the easement, and the length of possession will be no answer to his claim.

74. The leading textbook on private rights of way, *Gale on Easements* (in considering Prescription Act claims), summarises the position on competent grantors:

It will have been seen that as a general rule the enjoyment of an easement as against an owner of the servient tenement who is unable to dispose of the fee is not sufficient to give rise to a prescriptive title, and that the ordinary cause of such an inability arises from a deficiency of estate, as where a servient owner is tenant for life or tenant for years. The inability to dispose of the fee may, however, arise from other causes, for instance by reason of the doctrine of ultra vires or where the owner of the servient tenement is restrained from alienation.[9]

75. Accordingly, it is submitted that whilst the Justices' decisions to stop up or divert in the HW Order and QS Order will not be affected, to the extent that it is suggested new routes are dedicated or recognised in the HW Order, that would not be possible as a matter of law.

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[8] [1976] Q.B. at 285; [1975] 3 W.L.R. 478, 285D-E.
[9] 20th edn, 4-94.

76. **Fifth,** and as outlined further above, it must be emphasised that the QS Order is only supportive of *part* of the Route, and not its entirety. The QS Order provides no support for the Footpath north of Oak Point.

Tithe maps

77. The Applicant appears to rely upon Tithe maps dated 1838 and 1841 but the Objectors appear not to have been provided with copies of these documents.

78. The Objectors have uncovered a further Tithe map and award dated 1847 [13/62], which does depict the stopped up road marked I,B,K,F on the HA Order, but does not indicate any continuation to the North from point K.

79. The general value of tithe maps in showing the existence of a public right of way is limited. Roads were not tithable and therefore the indication of a road on a tithe map is indicative only of its physical existence, but not of its status as either private or public.

80. The exception to this, as explained in *Malthridge Island Management Co v Secretary of State for the Environment*,[10] is when it can be discerned that the maker of the map has distinguished, using colours or markings, between the public and private roads.

81. No such approach to markings and colours can be discerned from the Tithe Map the Objectors have seen.

82. Therefore, the tithe maps do not support the existence of a public footpath because tithe maps are of general limited value in this regard and these particular maps do not identify a path. The Tithe Maps do not support the existence of the Footpath as a public right of way.

83. Further, neither of the Tithe Maps available here post-date the Remodelling Process and therefore neither provide evidence of the physical existence of a footpath or its public status after 1865.

Ordnance Survey / commercial maps

[10] [1998] EG 134.

84. The Applicant appears to rely upon an "Early 2" OS Map", an "Early 1" OS Map", a WSL 51915 Map (1840)", a "WSL FAC22 (1766)" map, and a "Smiths County Map (1801)".

85. The Objectors have seen the Ordinance Survey maps and the 1766 map (referred to further above) [12/57], and have seen the annotations made by the Applicant in respect of the 1840 and 1801 maps but not what they are said to show.

86. The Objectors also have an estate map as mentioned further above, dating from 1721 [14/68], and a further estate map dated 1833 [14/71].

87. The Ordnance Survey maps relied upon by the Applicant are of very limited value for two reasons. First, neither of them clearly depicts the existence of a footpath per se along the proposed route. No annotations refer to the route of the Route as a footpath nor do they show the route as a dotted line, but rather a solid black line. Therefore, it is not possible to even conclude the physical existence of a path across that route.

88. It is appropriate to apply caution when interpreting commercial maps such as those relied on by the Applicant. Such maps do not often distinguish between the public and private status of paths and therefore cannot be safely relied upon for this purpose.

89. Second, and more fundamentally, OS and commercial maps are not evidence of the status of a path, but only of its physical existence such maps do not distinguish between public and private roads. As such, these maps provide no support for the existence of the Route as public right of way.

90. Further, none of these maps post-date the Remodelling Process. It follows that none of them provide support to the proposition that the Route survived the Remodelling Process.

91. More specifically, neither the 1721 map nor the 1766 map nor the 1833 map support the Modification Order but in fact undermine it by showing either no route or a different route to 'the Route' and not as proposed. In particular, on the 1766 map, a footpath is <u>not</u> denoted crossing plot number 165 in a north easterly direction as the Route does.

Inclosure Award 1862 Q/ROC98

92. The Applicant relies upon an Inclosure Award of 1862 relating to the Whiston Beacon Hill Common area [15/75], the plan supplied does not depict the area covered by the Route, save that the Route is not shown (and would in theory be) joining the highway running SSW from Whiston as claimed, which features at the Western limit of the plan.

93. There do not appear to be any mentions of any public rights of way, or any rights of way at all in the Award itself, and as such there would appear to be no reason to go into the reasons why Inclosure Act documents might not be probative in these sorts of applications.

94. The Applicant has annotated a plan indicating that the path running parallel to the Route, but some way to the South might be relied upon, but given it is in a different location, does not lead anywhere, and features on a plan where no references to public rights of way are made, there appears to be no force at all in the documents.

95. Accordingly, and on the face of it, if anything the Award supports the Objectors position.

Conclusion

96. For the reasons given, it is plain that the documentary evidence does not meet the threshold for inclusion of the Route in the Definitive Map.

97. It follows that a Modification Order should not be made to include the Route in the Definitive Map because it cannot be said that the Footpath is reasonably alleged to subsist.

ADAM CORBIN

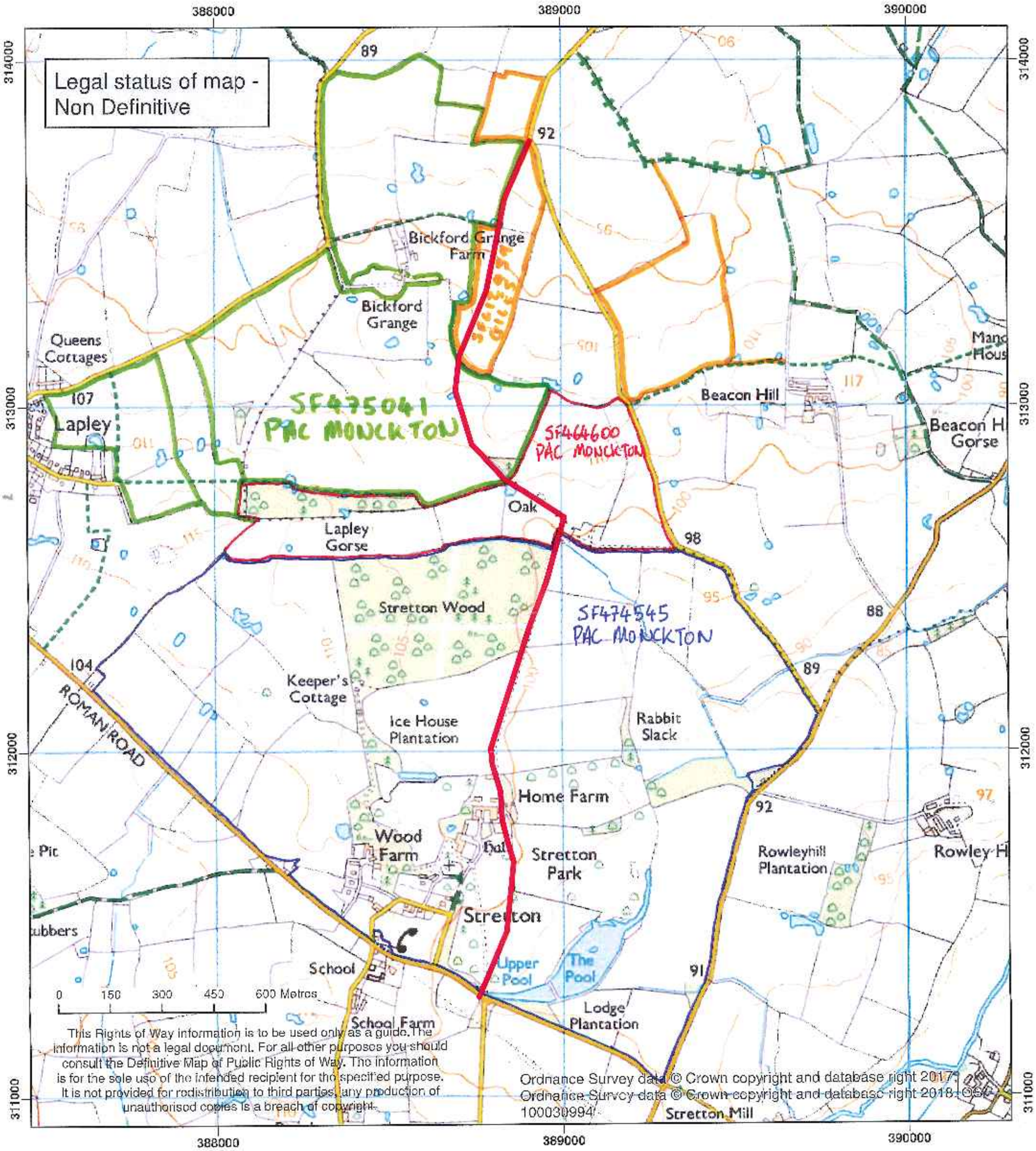
BARRISTER

MICHELMORES LLP

19 JULY 2018

Section 53 Application - Information interpreted from the Quarter Session map and the 1910 Finance Act map.

Staffordshire County Council



Map created at the scale of 1:15,000 (facsimiles may vary)

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Interpreted line

Footpath Claim

Stretton to Bickford

Footpath – claimed routing

The following slides show some of the ground features along the track of the claimed footpath. The data used to identify the claimed route is a 1.5m wide path based on the centreline of the route contained in the mapping file stretforddxf.dxf provided to Piers Monckton on 21st June 2018 by Amy Wilde on behalf of the council.

This data is compatible with the electronic OS map products which have been used to accurately overlay the route of the claimed path onto OS maps as well as Google Earth.

The following are sections from the OS map with photographs.

Lapley Road – looking North

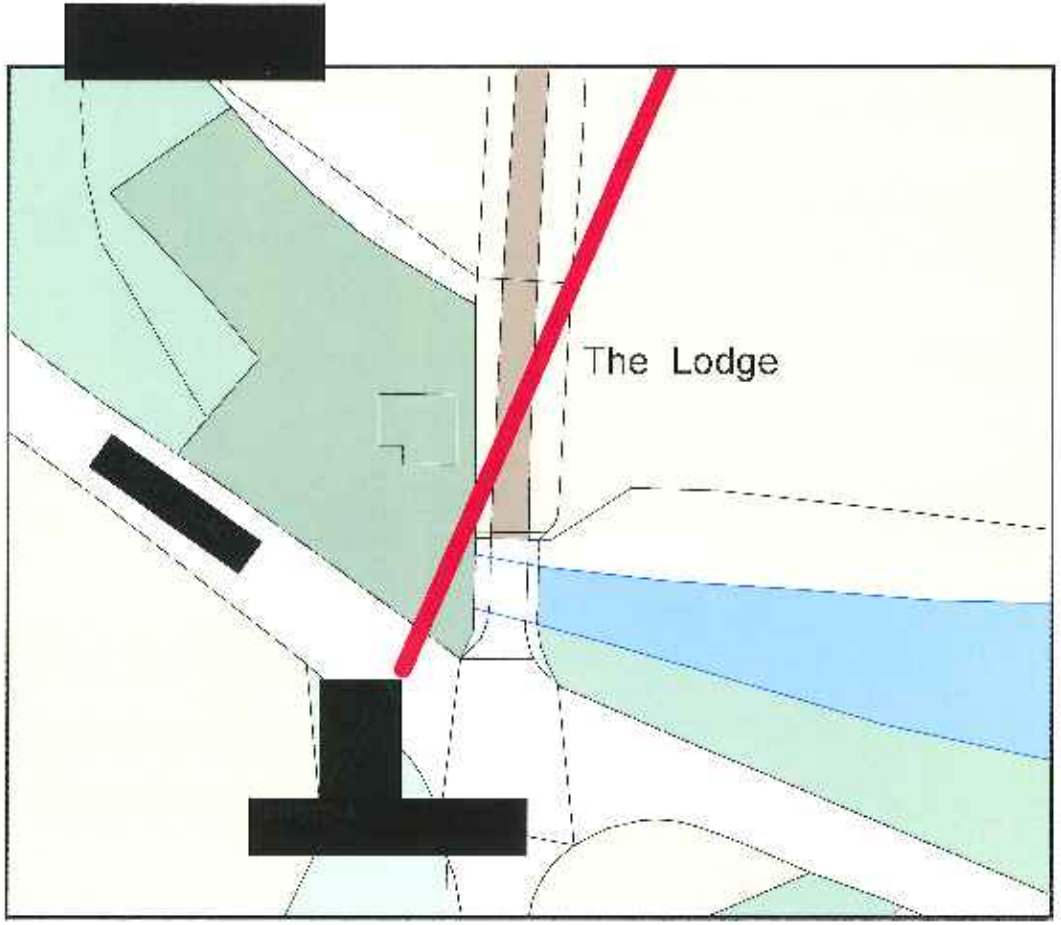
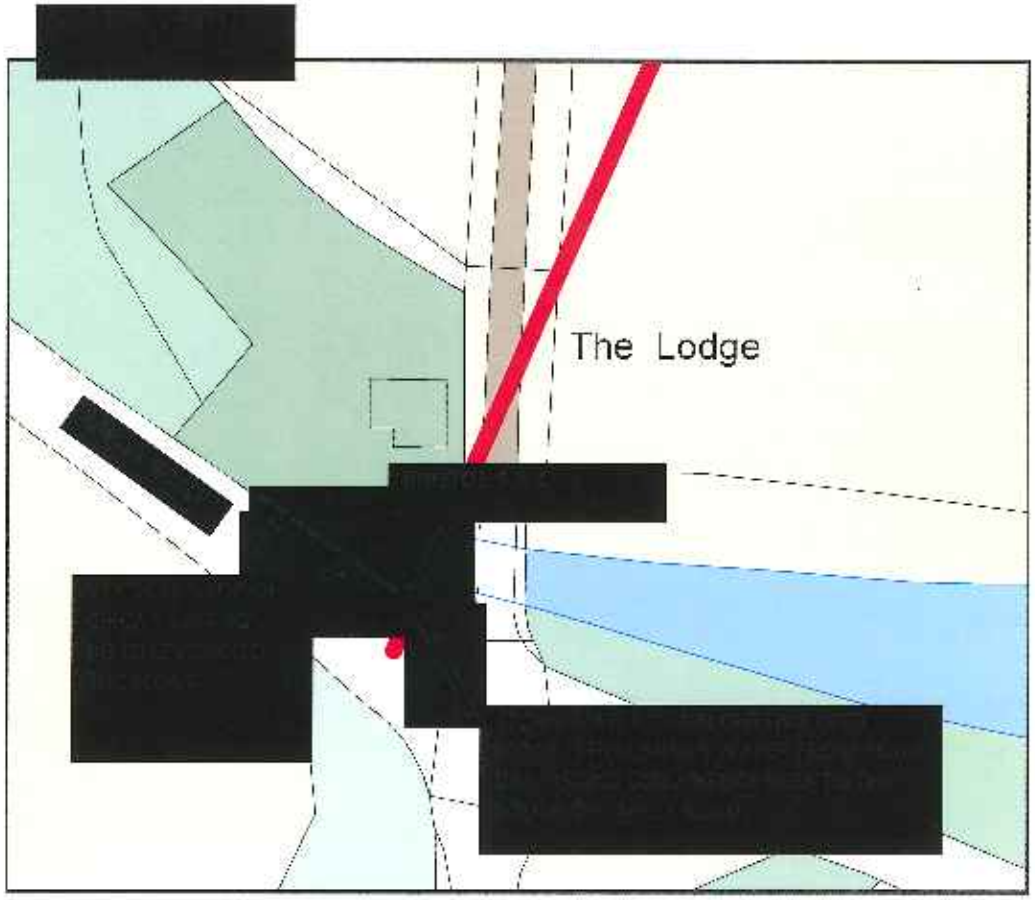


Photo A – view straight down claimed route from Lapley Road

Lapley Lane – traffic passing the Lodge subject to National Speed Limit

The Lodge, Stretton – garden and moat

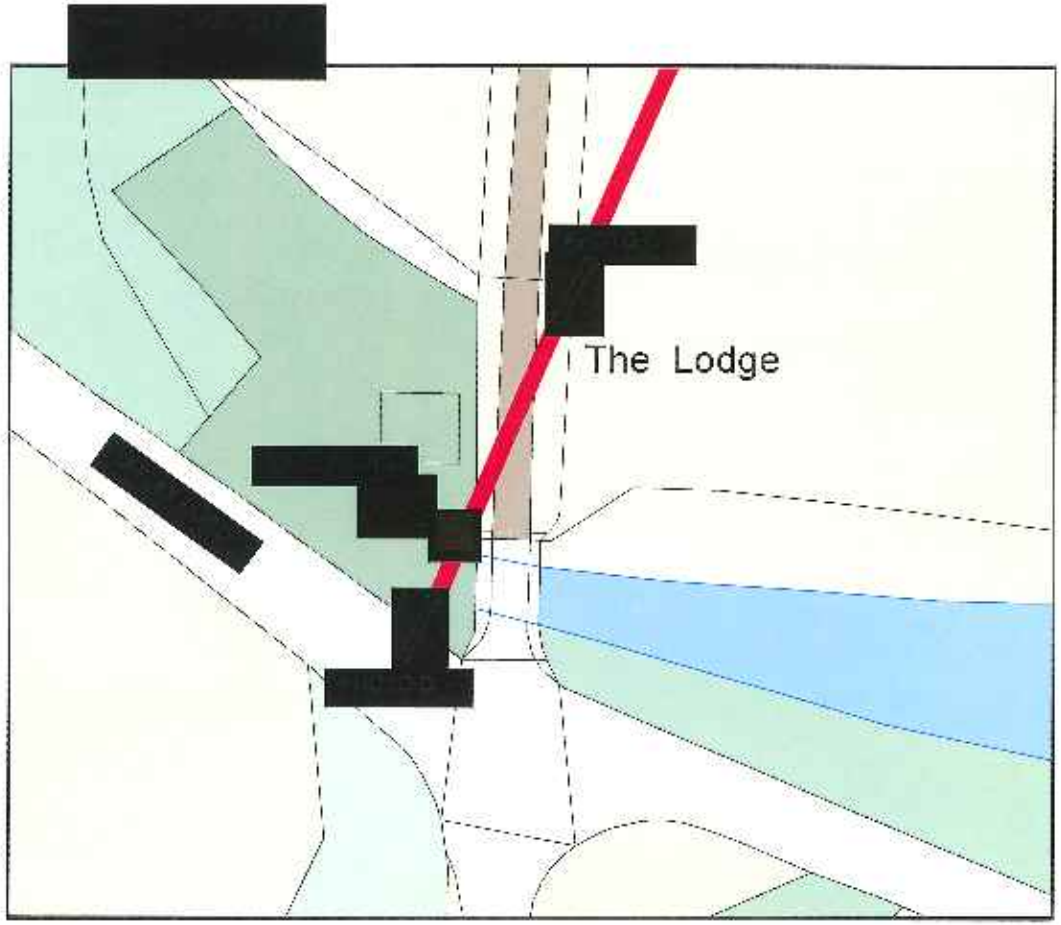


Photos B and C

Stormwater drain under Lapley Road

The Lodge – views looking east down the moat which would have been flooded before the upper dam burst. The moat will probably re-flood when ongoing renovations to the pools and dams are complete.

The Lodge, claimed route through garden and gate pillar



Photos D and E

Parkland fencing across claimed route

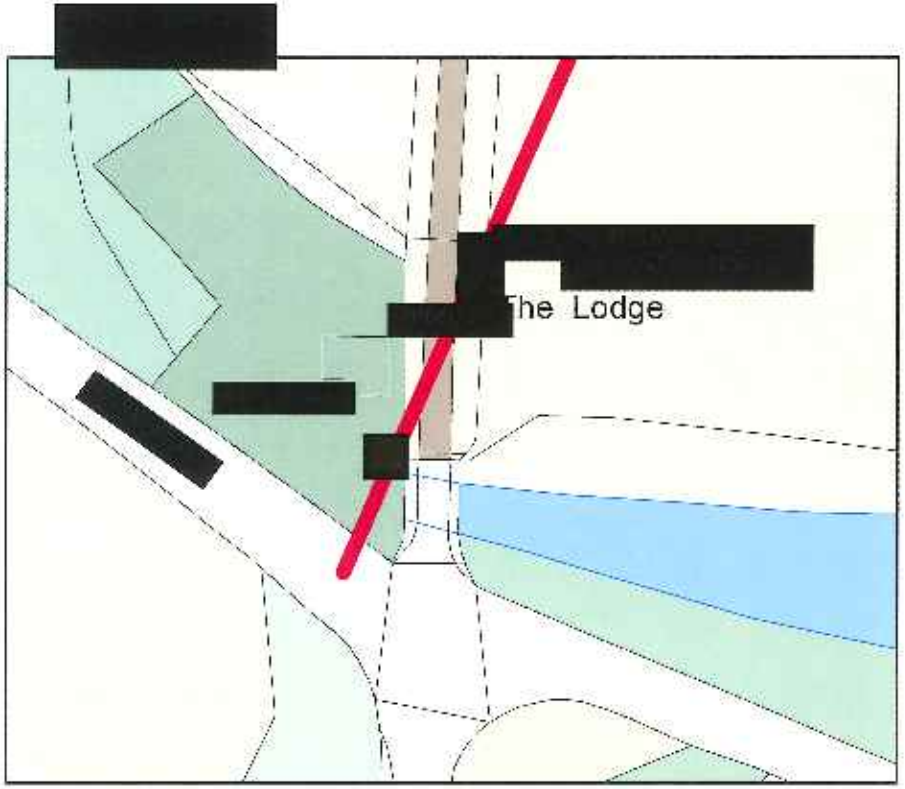


PHOTO F

Fenceline between the Park and the old slurry lagoons. Part of the drainage system created in the mid 1800s can be seen.

MAP REF : SJ88817

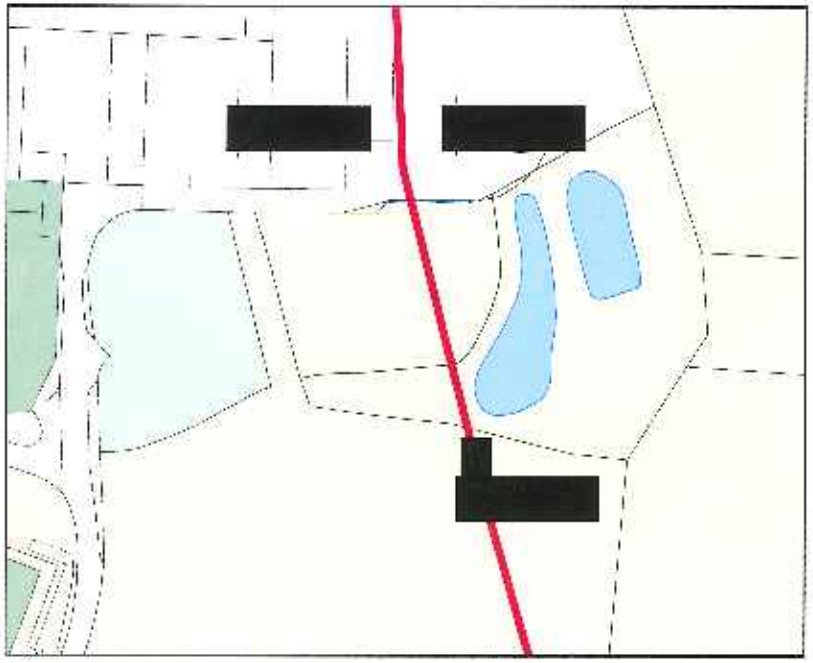


PHOTO G

Old drainage system with modern concrete chamber lid in place.

Fenceline between old slurry lagoon and the Park

MAP REF : SJ888117

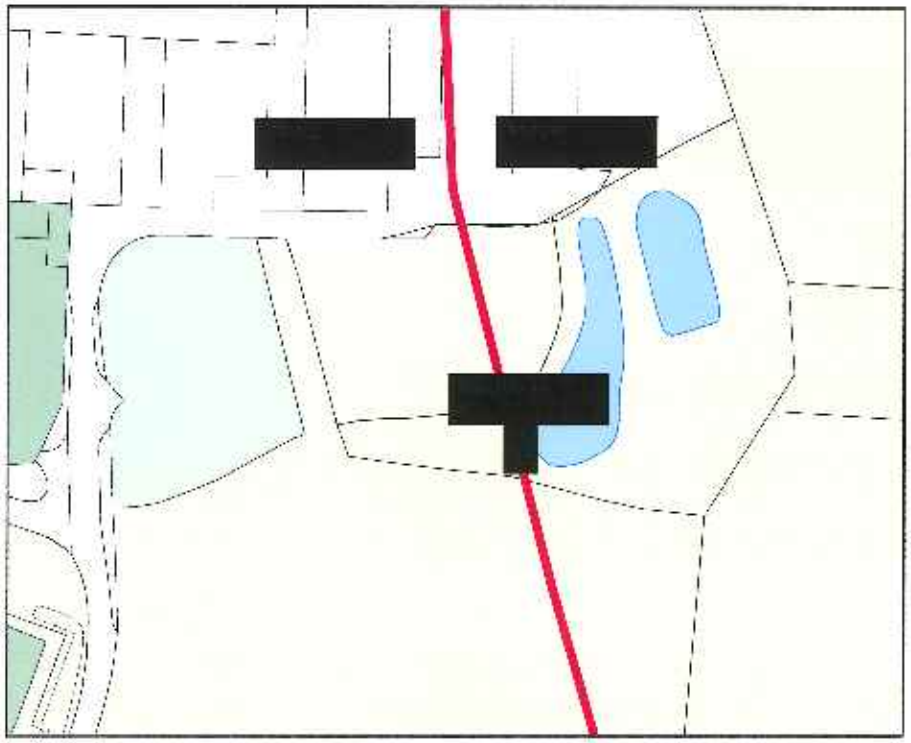
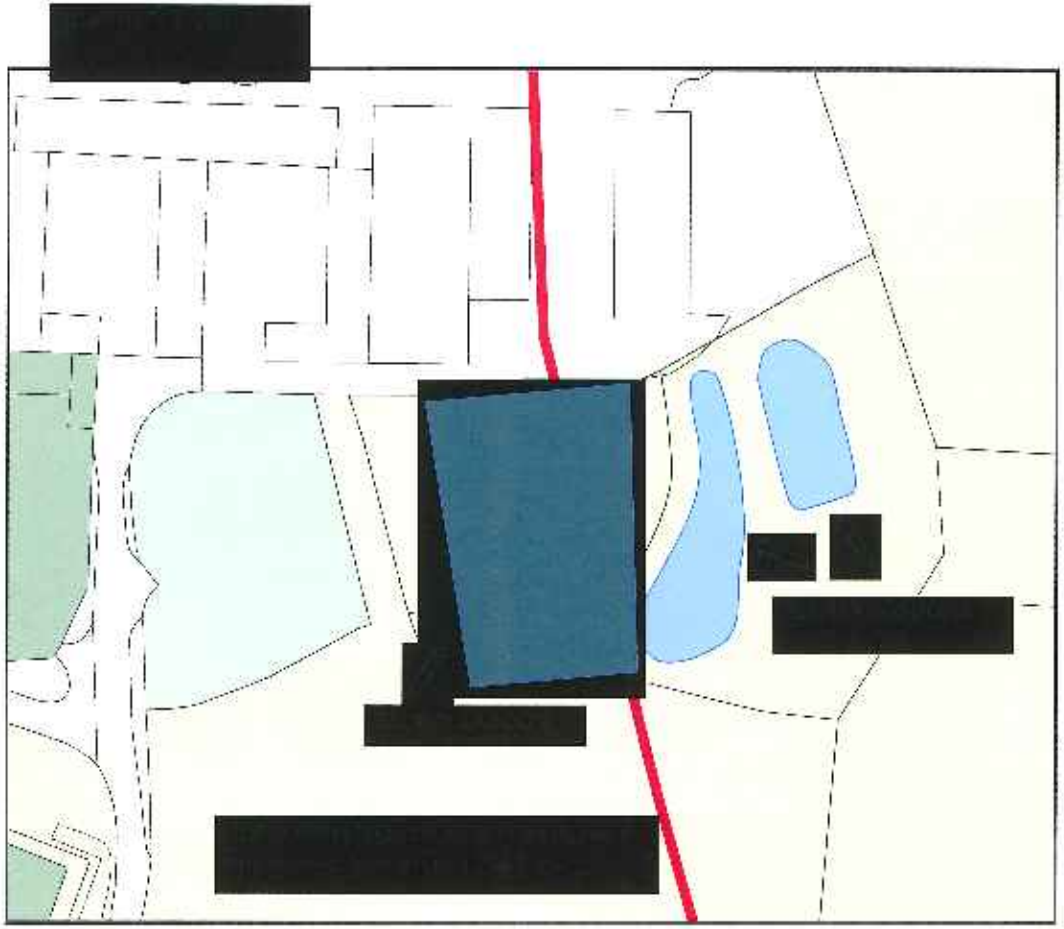


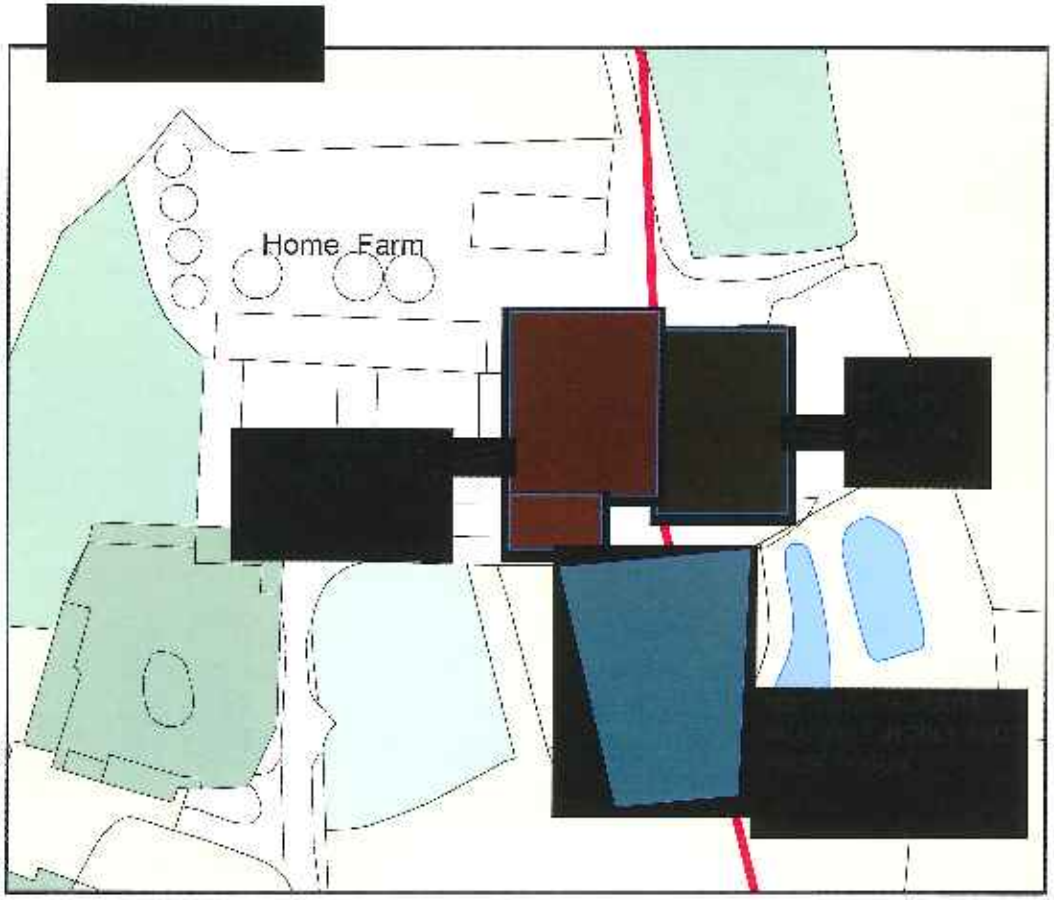
PHOTO H

Slurry Lagoons in place prior to 2006-8



Slurry Lagoons in 2003 with claimed footpath route overlaid (source Google Earth).

Cowsheds and silage clamps active pre 2006



No through route in 2003 and prior due to active cow sheds and silage clamps

Farm – claimed route through old silage pad past fertiliser store (NB this has to be kept secure as it is explosive).

[redacted]

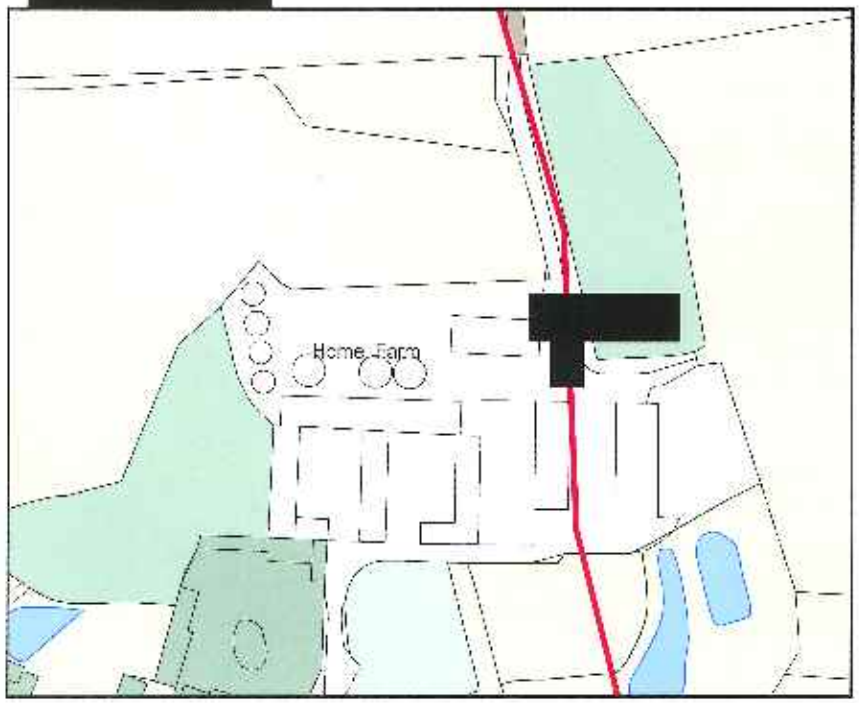


PHOTO I

View east from farmyard

[redacted]

PHOTO J

Farm – view west from claimed route showing chemical store and grain storage

[redacted]

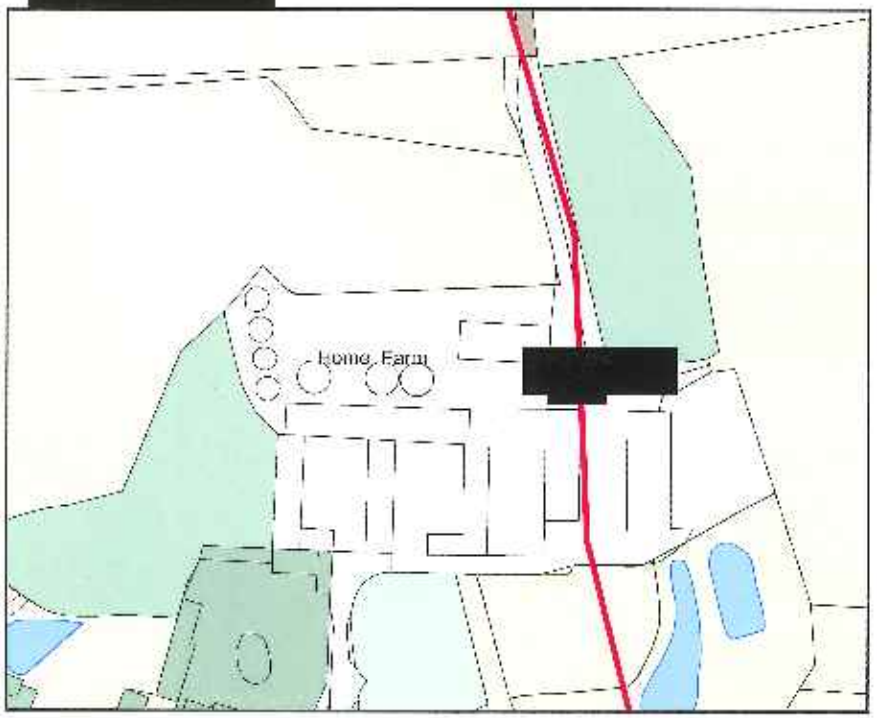


PHOTO K

Southerly view from claimed route from north of the farm

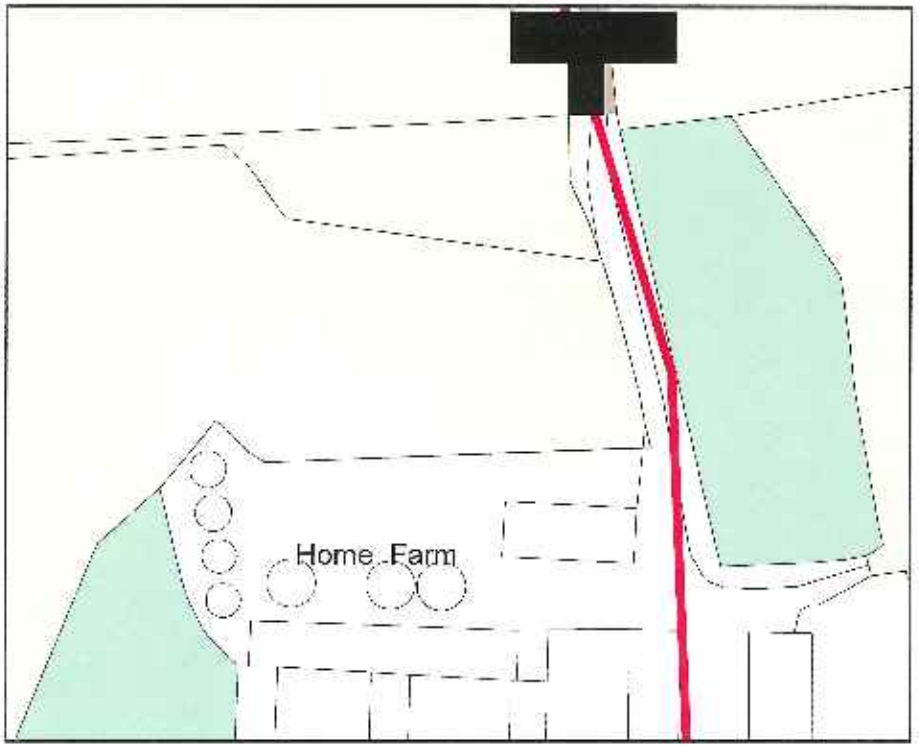


PHOTO L

Fenceline to north of Stretton Wood

[redacted]

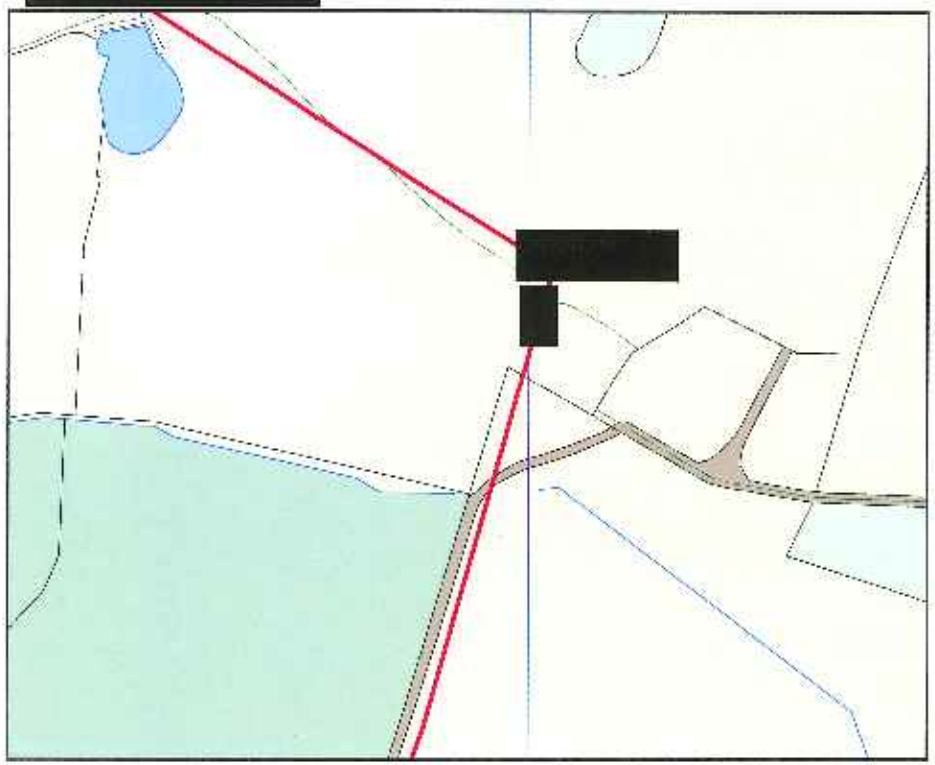
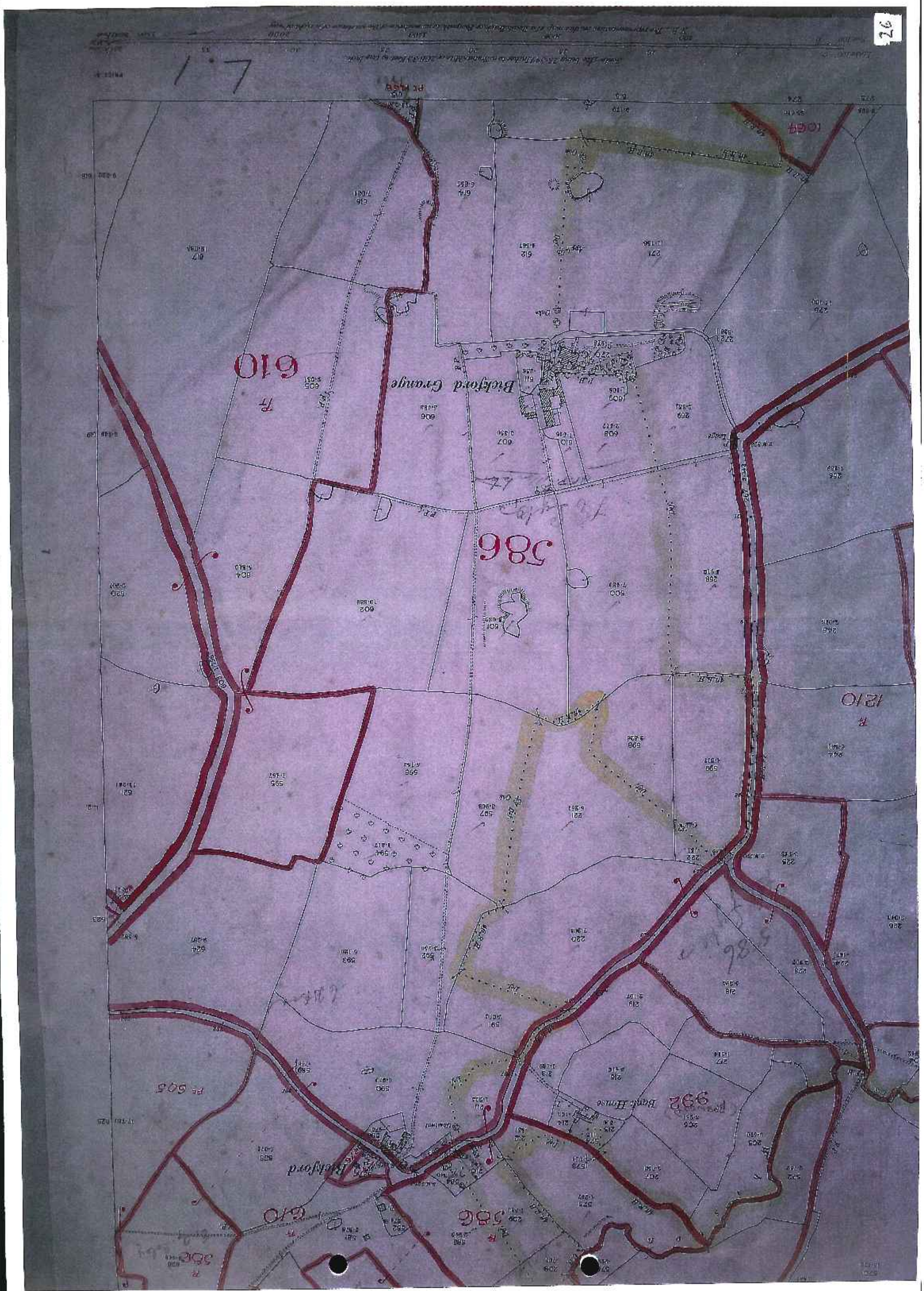
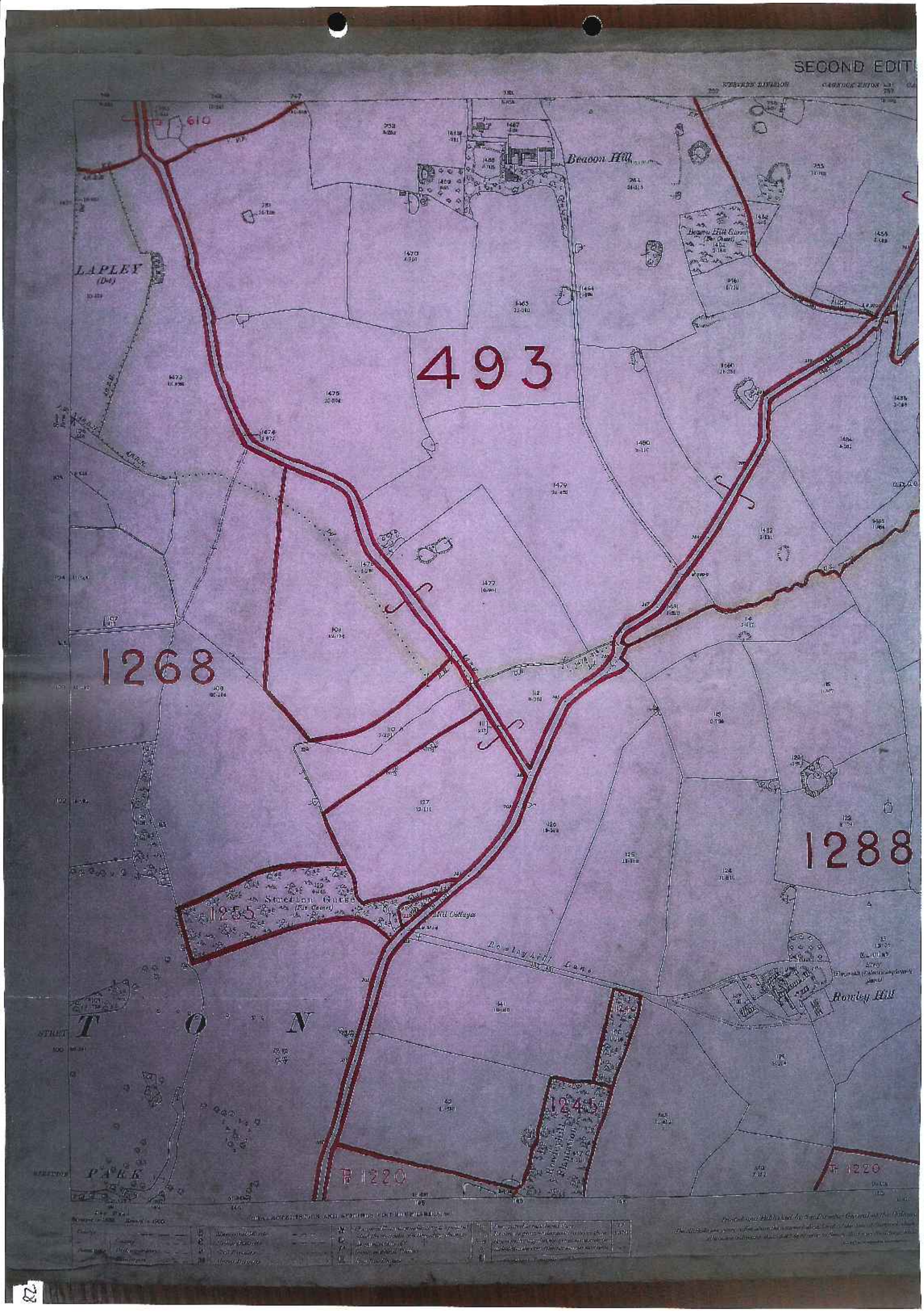
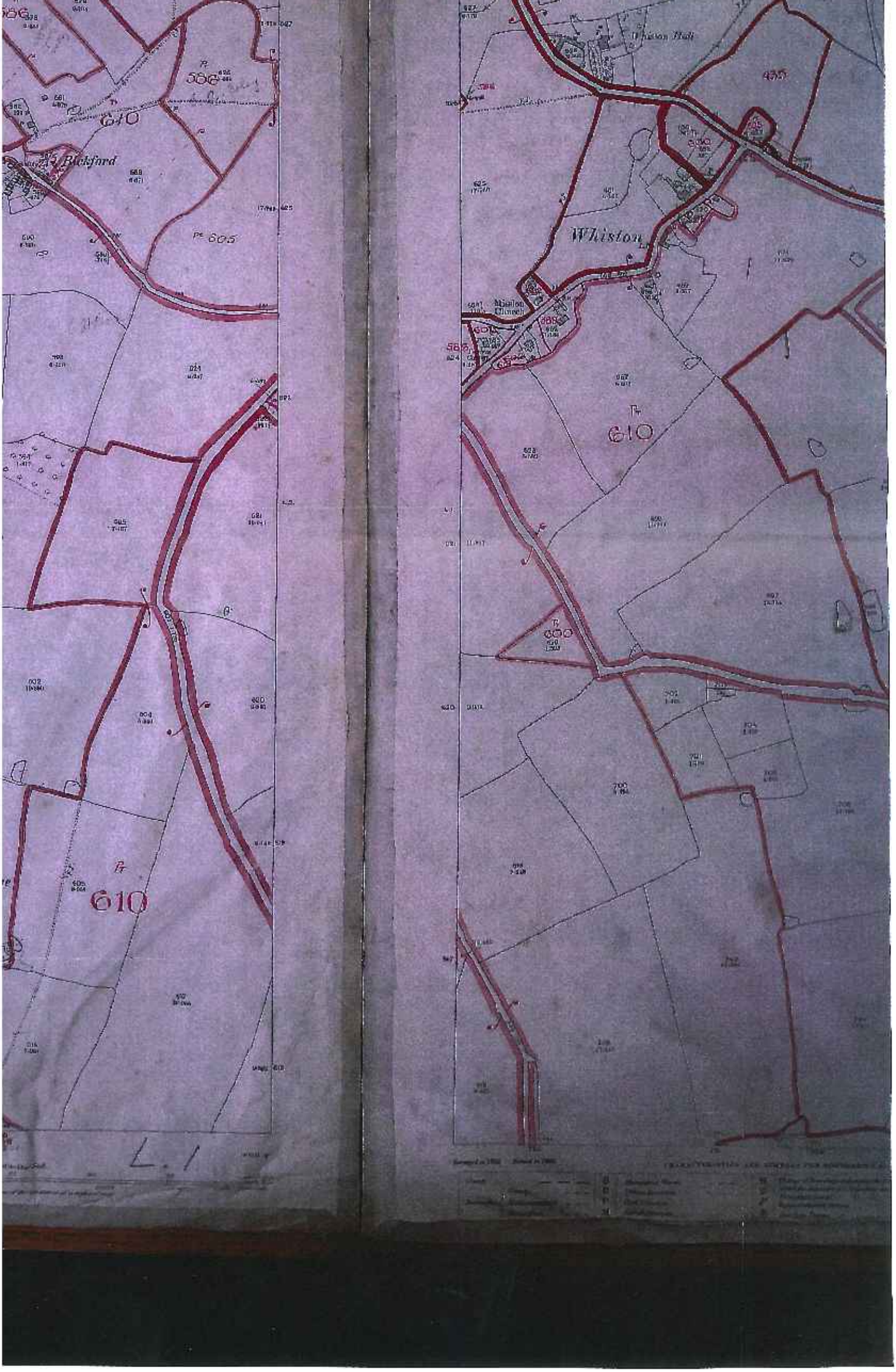


PHOTO M


Bickford Grange
610
586
1210
Bank House
992
605
Bickford
610
586

STAFFORDSHIRE SHEET L.8
990
1061
1053
1291
Stretton Wood
1257
1268
1242
Wood Farm
The Hall
STRETTON


SECOND EDIT
610
Beacon Hill
LAPLEY
493
1268
1288
Stretton Gorse
(Fir Cover)
Rowley Hill Lane
Rowley Hill
T O N
PARK
1245
F 1220
F 1220


610
Bickford
605
610
Whiston Hall
Whiston
Whiston Church
610

STAFFORDSHIRE SHEET L

50-1

586

586

586

605

610

Rickford

992

Bank House

605

Whiston Hall

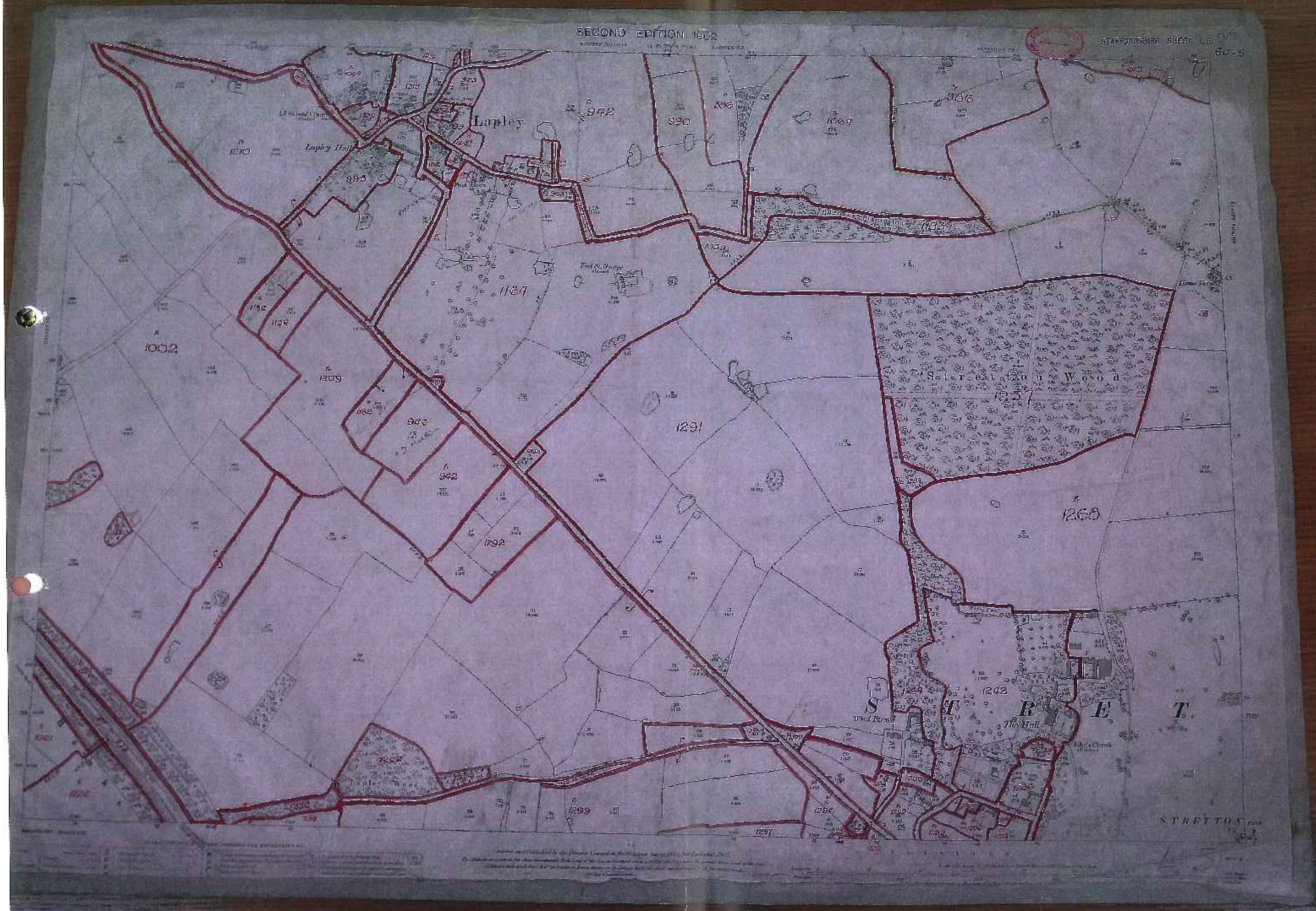
485

Whiston

Whiston Church

586

610


SECOND EDITION 1902
STAFFORDSHIRE SHEET L.6
50-6
Lapley
Lapley Hall
All Saints Church
Park House
Lapley Wood
Stretton Wood
The Hall
St. John's Church
STRETTON
1002
1209
1164
1291
942
1298
1268
1242
1227
1299
1297
990
986
1064
1210
993

30

SECOND EDITION 1902
STAFFORDSHIRE SHEET
Beacon Hill
LAPLEY
493
487
428
391
881
486
392
1268
1288
1298
269
702
Newton Hall
Sleaton Gorse
1255
Rowley Hill
KINVASTON
114
T O N
PARK
1245
R 1220
R 1220
R 114
113
L 6

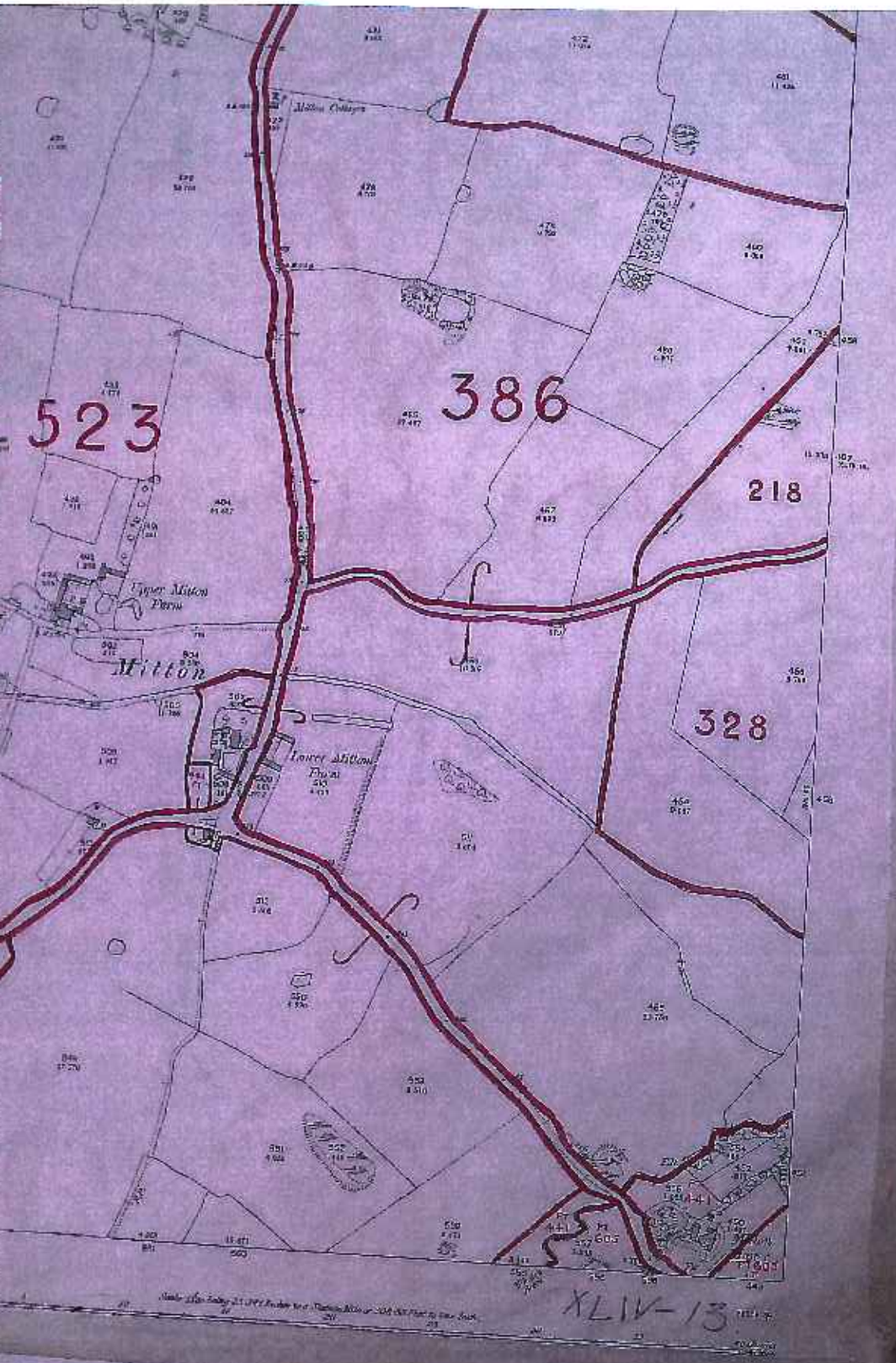
31

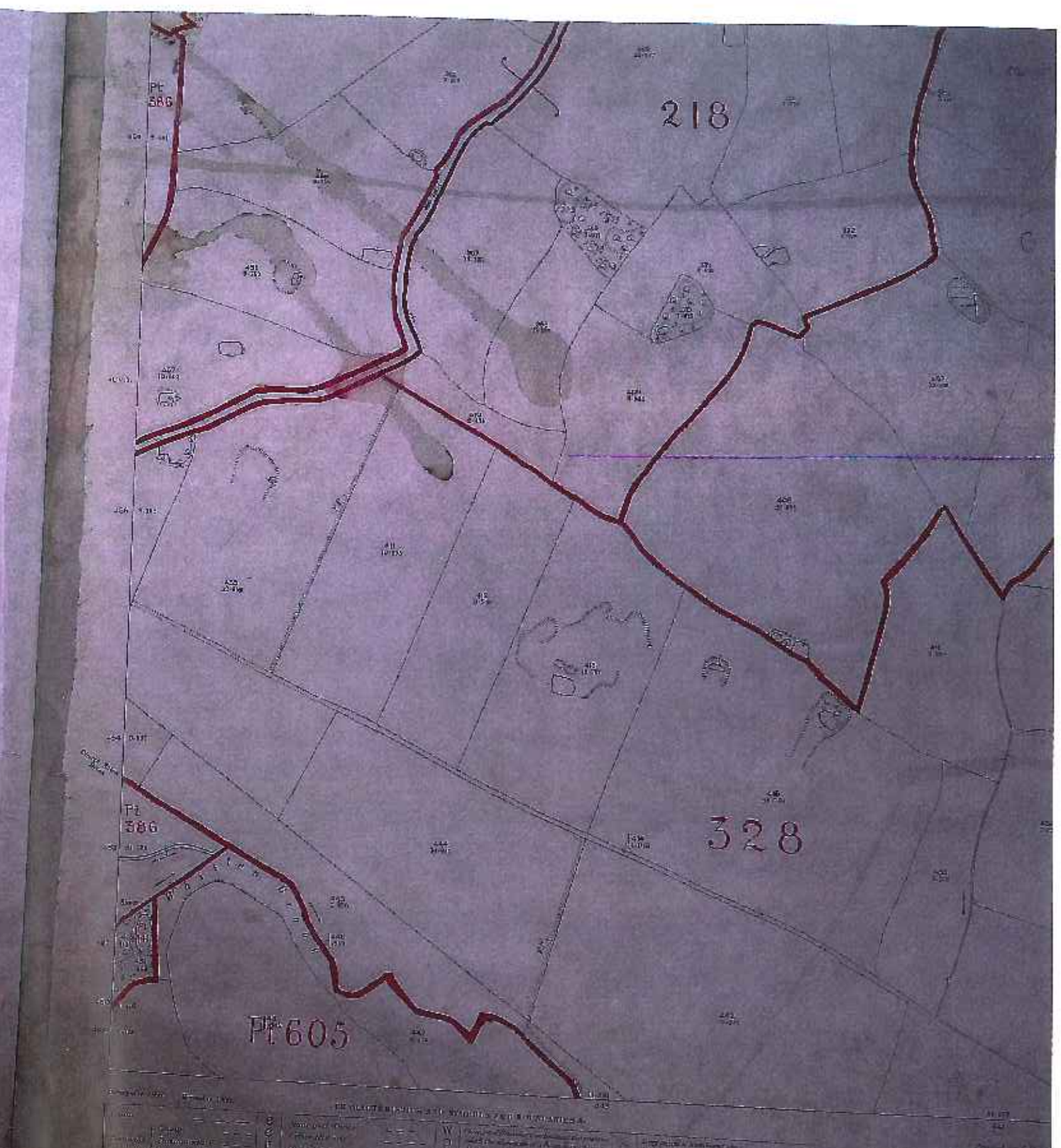
SECOND EDITION 1902
STAFFORDSHIRE SHEET
Stretton
Horsebrook
Horsebrook Hall
WATLING STREET
ROMAN ROAD
Reservoir Plantation
1226
1239
1297
1241
1236
1223
1288
1258
1227
265
46
R 418
R 416
R 316
R 333
R 338
R 240
R 339
R 359
R 189
335
233
106
108
1334
1348
211

STAFFORDSHIRE SHEET L.9
50-9
WOLVERHAMPTON
STRETTON PARK
Stretton
Vicarage
School
Post Office
Lodge
Fish Pond
Boat House
Brick Works
Road Farm
Bell Inn
Ebenezer
1297
1296
1299
1232
1268
1283
1231
1251
1261
1241
1236
1229
1220
1227
1225
1239
1264
1274
1270

Longmor Hall
Longmor Farm
Longmor Mill
Dogh House
Bickford
Bickford Grange
37
153
525
586
610
1026
1209
1210
1214
1064
942
990
1167
L. 1

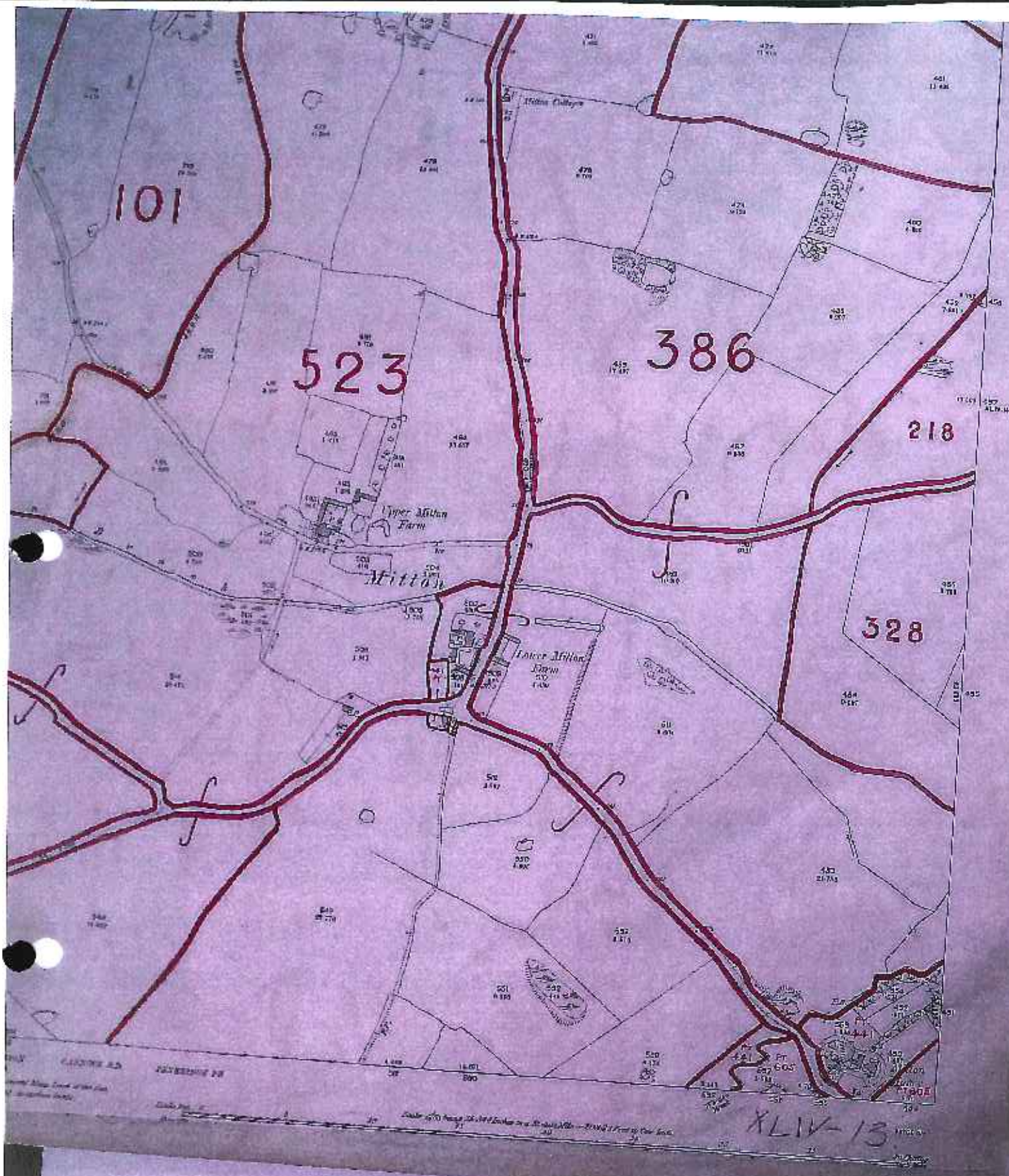
SECOND EDITION 1902
STAFFORDSHIRE SHEET L.2
Whiston
Preston Hall
Preston Hill
Congreve
P
E
N
K
L.2
610
605
607
609
610
591
428
487
455
493
485
527
185
526





IR 132/5/361
1331335
Return by 12/06/2018 08:00:00

IR 132/5/362
1331335



IR 132/5/381
11331335
Return by (29/08/2018 09:00:00)
(Frances Kennell)
Digitised Items Open

1208 Reference No.

Map. No. 1260 3 Hunts 1254, 1258 and 498 Coppenhall
L. C. 29 N.R. 210 A
L. S. F. KAU L. 9 F

Situation Stretton

Description House, Buildings, Land, 8 acres of Spinney & 9 acres of water

Extent 319 acs 336 a 1r 6p

Gross Value { Land, £374-10-0 / Buildings, £9-15-0 } Rateable Value { Land, £341-15-0 / Buildings, £8/5/-

Gross Annual Value, Schedule A, £

Occupier F. Monckton Esq

Owner do Stretton Hall Estate

Interest of Owner Reputed

Superior interests

Subordinate interests

Occupier's tenancy, Term from

How determinable

Actual (or Estimated) Rent, £ 383

Any other Consideration paid

Outgoings—Land Tax, £ paid by

Tithe, £ paid by

Other Outgoings

Who pays (a) Rates and Taxes (b) Insurance

Who is liable for repairs

Fixed Charges, Easements, Common Rights and Restrictions

Former Sales. Dates Kellin mills 30 Ches

Interest + Binkitts 27 Ches

Consideration

Subsequent Expenditure

Owner's Estimate. Gross Value ale Value

Full Site Value 281 parlin [illegible] 5600

Total Value 45 ordly 246 [illegible]

Assessable Site Value 9 mills [illegible]

Site Value Deductions claimed 336 [illegible] £6437

Roads and Sewers. Dates of Expenditure

Amounts

Reference No.

Particulars, description, and notes made on inspection 20/11/13

House is solidly constructed 3 Bedrooms & attic Parlor Kitchen Pantry Milkhouse Milk Cooling Shelter. & other bldgs as per sketch plan in Dom 4. Land is fairly rather level slight slope to South Nearly Timbered land mostly OAK. 43 acres arable 270¼ acres pasture 8 acres Spinney 9 acres of water. Land on the stiff side & clayey. Good pasture. 2 miles from Tarporley station (Rosh.) This farm is now divided up

Charges, Easements, and Restrictions affecting market value of Fee Simple

Binkitts has 18.5 acres & pays £18 rent) Good Cover for Shooting. Grazing & grazing land

Tithe £1-9-0 (see form 7058 Belmont)

Land Tax (see 498 Copp.) £9-16-0 including other land

Public path across farm

Valuation.—Market Value of Fee Simple in possession of whole property in its present condition Rental Value £425-0-0

				£
Rep & Insur. say	£60	Net 16-10-0		
Tithe	1100	16.100	361-10-0 × 25 yp	9037
App L Tax say	600		Timber	406
			Shooting	587
				£10030

Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land £6437

336 Acres

Difference Balance, being portion of market value attributable to structures, timber, &c. £3593

Divided as follows:—

Buildings and Structures £2600

~~Machinery~~ Shooting @ 4% £587

Timber £406

Fruit Trees £

Other things growing on land £1000

Market Value of Fee Simple of Whole in its present condition (as before) £10030

Add for Additional Value represented by any of the following for which any deduction may have been made when arriving at Market Value:—

Charges (excluding Land Tax) £ 57

Restrictions £

GROSS VALUE £10087

Reference No.

Index Letter	Description of Buildings	Dimensions: Frontage	Dimensions: Depth	Dimensions: Height	Cubical Contents	Condition	Remarks

For Assumption of Buildings & Sheds and Schedule see enclosure with form 4. 1268 Brewood

				£	s.	d.
Highfields farm	188	Rental	£188	188	0	0
Thorley opposite	31	@ 12/6 per acre		286	0	0
Roberts	28					
Larkin	142					
				£ 474	0	0
Estimated Rental Value of 8 acres Woodland				1	5	0
" " " Fishing				13	0	0
				£ 488	5	0

Timber

117 acres	@ 30/-	£ 170	
10	@ 12/6	236	including Stumps
	Total	£ 406	

Shooting

Reference No. 1268

GROSS VALUE.....£10,067

Less Value attributable to Structures, timber, &c. (as before) £ 3593

FULL SITE VALUE.....£6474

Gross Value (as before) £10067

Less deductions in respect of—

Fixed Charges, including—

Fee Farm Rent, rent seck, quit rent, chief rents, rent of Assize .....£

Any other perpetual rent or Annuity ...£

Tithe or Tithe Rent Charge £87

Other Burden or Charge arising by operation of law or under any Act of Parliament £

If Copyhold, Estimated Cost of Enfranchisement .....£

Public Rights of Way or User .....£

Rights of Common .....£

Easements .....£

Restrictions .....£

£87

TOTAL VALUE.....£9980

Less Value attributable to Structures, timber, &c. (as before) £3593

Value directly attributable to—

Works executed .....£

Capital Expenditure .....

£

Appropriation of Land .....£

Redemption of Land Tax .....£

Redemption of Other Charges .....£

Enfranchisement of Copyhold, if enfranchised.....£

Release of Restrictions .....£

Goodwill or personal element .....£

Expense of Clearing Site .....£ £3593

ASSESSABLE SITE VALUE.....£6387

If Agricultural land, the value for Agricultural purposes ~~including~~ excluding Sporting Rights.....£ 9443

Value of Sporting Rights .....£ 587

Reference No.

Index Letter	Description of Buildings	Dimensions			Cubical Contents	Condition	Remarks
		Frontage	Depth	Height			

For Assumption of Buildings & Sheds and Schedule see enclosure with form 4. 126 of Brewood

Tenant in Hand Farm	a 188	Rental	£ 188	=	£ 188	s 0	d 0
" Thorley appm.	31	@ 25/- per acre		=	226	0	0
" Roberts	28						
" Larcin	147						
					£ 414	0	0
Estimated Rental Value of 8 acres Woodland					1	5	0
" " " Fishing					13	0	0
					£ 428	5	0

Timber

Part 117 acres @ 30/- : £ 170

" 210 @ @ 12/6 236 including Stumps

Total £ 406

Shooting

327 acres @ 1/- acre × 20 y/p : £ 327

Part 9 acres @ 30/- 260

£ 587

This No. includes properties formerly No. 610 Coppenhall

Map No. L-1- F K O U

Reference No. 610

Situation Poyth Hs. Whitton

Description Hous. Bldg, Land & 3 cottages & P Whitton Brook

Area 213 a 1r 6p

Gross Value: Land, £ 186 Buildings, £ 32

Rateable Value: Land, £ 186 Buildings, £ 27

Gross Annual Value, Schedule A, £

Occupier W. H. Stubbs

Owner Jas. Deykin. Station Road. Wylde Green Bham

Interest of Owner Freehold

Superior interests

Subordinate interests under terms of a 99 yrs lease which exp. at Ladyday 1909 & subsequently on a yearly from Ladyday

Occupier's tenancy, Term

How determinable

Actual (or ~~Estimated~~) Rent, £ 279.7.0 (includes cottages)

Any other Consideration paid

Outgoings—Land Tax, £ 3.15.5 paid by } Owner

Tithe, £ 34.14.6 paid by }

Other Outgoings

Who pays (a) Rates and Taxes (b) Insurance (a) Occupier (b) Owner

Who is liable for repairs Owner

Fixed Charges, Easements, Common Rights and Restrictions

Public right of road over 3 fields. Also for surface water from road into Brook at Bickford

Former Sales, Dates

Interest

Consideration

Subsequent Expenditure

Owner's Estimate. Gross Value

Full Site Value

Total Value

Assessable Site Value

Site Value Deductions claimed

Roads and Sewers. Dates of Expenditure

Amounts

Reference No. 010

Particulars, description, and notes made on inspection 24.11.13

House Dairy, 5 Bedrooms and bath Room, 3 Reception rooms, kitchen, Dairy, pantry, outoffices, Good pump water (Bd to supply 2 Hses) Place about adequate but situated at extreme north end of farm, adjacent to good County road. 2 miles from Parkridge station. Fairly level land. A slight slope down from South Stone centre, 161 acres pasture. Land generally medium quality rather clayey subsoil. Hedgerow timber. Altitude 290 feet. Fair. Mod. well farmed

Charges, Easements, and Restrictions affecting market value of Fee Simple

Public path across fields as on 3rd Map

Valuation.—Market Value of Fee Simple in possession of whole property in its present condition £279.7.00 (Full)

Less (Repairs 10% 27.9 35
Sinking 34 - 10 6 70 0.0 equal £ 209.7.0 × 25 YP = £5233 1.3.0

Timber ~~expired~~

Timber 130

Re Insurance Committee P.V. yet 2/4/14 £ ~~5363~~ 5613

Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land £ ~~3683~~ 3933

~~213 - 279~~ 223 - 779

Difference Balance, being portion of market value attributable to structures, timber, &c. £ ~~1680~~ £ 1680

Divided as follows:—

Buildings and Structures £ 1100

~~Machinery~~ Sinking £ 200

Timber £ 130

Fruit Trees £

Other things growing on land £ 250

Market Value of Fee Simple of Whole in its present condition (as before) £ ~~5363~~ 5613

Add for Additional Value represented by any of the following for which any deduction may have been made when arriving at Market Value:—

Charges (excluding Land Tax) £ 890

Restrictions footpath £ 20 £ 890

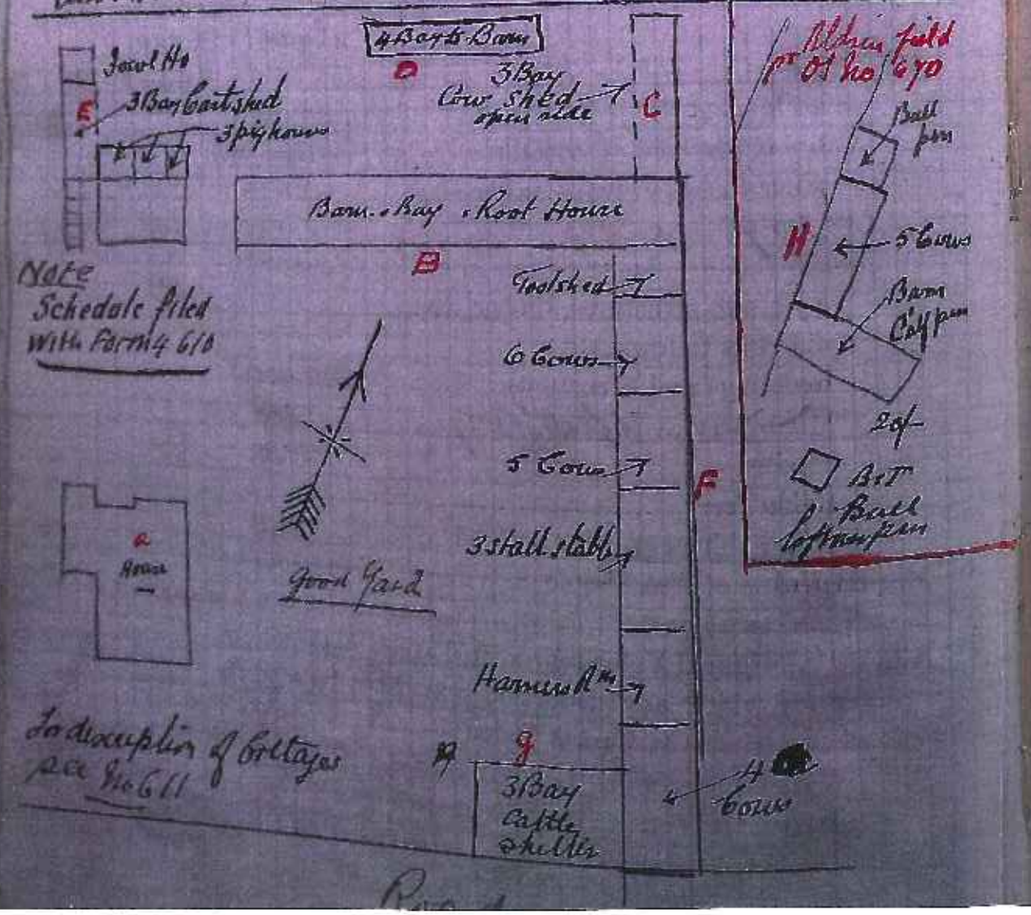
GROSS VALUE £ ~~1563~~ 6503

39

Title No. includes unregistered land in Land Tax No. 1 Coppenham

Reference No.

Index Letter	Description of Buildings	Dimensions: Frontage	Depth	Height	Cubical Contents	Condition	Remarks
						Fair	
a	Barn, Tiled					Good	
b	do					Sound	
c	do					Good	
d	Barn, Wood supports					Sound Good	Slippers on good
e	Brick, Tiled					Good	
f	Brick, Slate						
g	Iron					Good	
h	Brick, Tiled					Fairly Sound	
	Block, Slate	disused chapel opposite, now furniture store					



Reference No. 610

GROSS VALUE.....£ ~~6253~~ 6503

Less Value attributable to Structures, timber, &c. (as before) £ ~~1680~~ 1680

FULL SITE VALUE.....£ ~~4573~~ 4823

Gross Value (as before) .....£ ~~6253~~ 6503

Less deductions in respect of—

Fixed Charges, including—

Fee Farm Rent, rent seck, quit rent, chief rents, rent of Assize .....£

Any other perpetual rent or Annuity ...£

Tithe or Tithe Rent Charge .....£ 890

Other Burden or Charge arising by operation of law or under any Act of Parliament £

If Copyhold, Estimated Cost of Enfranchisement .....£

Public Rights of Way or User .....£ 20

Rights of Common .....£

Easements .....£

Restrictions .....£ 20

£ 890

TOTAL VALUE.....£ ~~4363~~ 5613

Less Value attributable to Structures, timber, &c. (as before) .....£ 1680

Value directly attributable to—

Works executed .....£

Capital Expenditure .....£

Appropriation of Land .....£

Redemption of Land Tax .....£

Redemption of Other Charges .....£

Enfranchisement of Copyhold, if enfranchised.....£

Release of Restrictions .....£

Goodwill or personal element .....£

Expense of Clearing Site .....£ £ 1680

ASSESSABLE SITE VALUE.....£ ~~2683~~ 3933

If Agricultural land, the value for Agricultural purposes ~~including~~ excluding Sporting Rights.....£ ~~1436~~ 5613 ~~4536~~

Value of Sporting Rights .....£ 200

If Licensed Property, the annual license value ...£

Liable to Undeveloped Land Duty as from .....

For further particulars as to Assessments, &c., see

Description House, Buildings

Extent 217a 2r 38½p (Ord 216a 0r 28p) (Ord 216a 0r 28p)

Gross Value { Land, £ 95·10 / Buildings, £ 6·10 } Rateable Value { Land, £ 87·10 / Buildings, £ 5 }

Gross Annual Value, Schedule A, £

Occupier Henry Rogers

Owner Henry Rogers Bickfore Grange

Interest of Owner Freehold

Superior interests Pontbridge Staff as Trustee

Subordinate interests Mrs Lumley Holding from 1/ Tax Ret @ 26/- (30/-) ave

Occupier's tenancy, Term Yearly from 30/- ave

How determinable

Actual (or Estimated) Rent, £ 325 for whole Estate

Any other Consideration paid

Outgoings—Land Tax, £ 1·13·9 Lapley 1·7·11 Pont paid by Landlord

Tithe, £ 9·12·0 Lapley 9·12·0 Pontbr paid by Landlord

Other Outgoings 23·5·9 Pontbridge Nathbury

Who pays (a) Rates and Taxes (b) Insurance A. Tenant (B) Owner

Who is liable for repairs Owner

Fixed Charges, Easements, Common Rights and Restrictions

Former Sales. Dates 29th Sept 1891

Interest

Consideration £1000 for 47a 1r 20p of land

Subsequent Expenditure Timber & stock

Owner's Estimate. Gross Value

Full Site Value

Total Value

Assessable Site Value

Site Value Deductions claimed

Roads and Sewers. Dates of Expenditure

Amounts

House Contains 1st floor, also Bath Room & W.C. & small room over 1st floor, also Bath Room & W.C. & small 3 Reception rooms, good Cut Hall, Lavatory Kitchen & Pantry. Pantry Bay. Terrace along front good pump water. Nice house altogether good for means & nice paved drive. Gardens as per Sketches are generally in good condition but

Charges, Easements, and Restrictions affecting market value of Fee

Dry and well situated land, slope gently from 144½ acres hachures 41½ acres arable well sheltered 3½ miles from Station. 10 from Wrampton. Alt. 300 feet. Mostly in a ring fence. Hedges fair. Fences good. Land generally very shallow in some places. Pantry Bay. Well farmed & manured.

Valuation.—Market Value of Fee Simple in possession of whole

its present condition Estimated Gross Value £ Outgoings

Deduction Tithe 36·9·9

" L. Tax 3·1·8

12½% Repairs 40·12·0 Timber Stocking £

pay £80-0-0

Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land £

216 177

Difference Balance, being portion of market value attributable to structures, timber, &c. £

Divided as follows:— good many bldgs ½ £1800

Buildings and Structures Lay £215

Machinery Stocking @ 1/- £170

Timber Hedgerow Timber Will Advse £10

Fruit Trees £325

Other things growing on land @ 30/-

Market Value of Fee Simple of Whole in its present condition (as before) £

Add for Additional Value represented by any of the following for which any deduction may have been made when arriving at Market Value:—

Charges (excluding Land Tax) £ 766

Restrictions Footpaths £ 50

GROSS VALUE

No milking done except for home use
Sheep pigs & cattle rearing. Reference No.

Particulars, description, and notes made on inspection 14 - 5 - 14
House contains of 2 attics not lofted; 4 bedrooms & 2 maids
rooms 1st floor, also Bath Room & W.C. & small Room
3 Reception rooms, prod Ent Hall, Lavatory
Kitchen & Scullery. Pantry Bay. Vacuum offices
food pump & water. Nice house approached by
mean & nice paved drive, good front & garage
as per Sketches are generally in good condition but adequate

Charges, Easements, and Restrictions affecting market value of Fee Simple
Fa and well watered. Land slopes gently from South & North
144½ acres pasture 4½ acres arable. Well supplied with water
Rly 3¼ miles from Station. 10 from Wrampton. Altitude average
300 feet. Mostly in a ring fence. Hedges fair. Gates good. Lodges
Yard well farmed & manured. Land generally is medium
to stiff texture very shallow in some places. Timber hedgerow

Valuation.—Market Value of Fee Simple in possession of whole property in
its present condition Estimated Run Value £ 325 - 0 - 0
Outgoings 80 - 0 - 0
245 - 0 - 0
Deduction Tithe 36 - 9 - 9 27½
" L. Tax 3 - 1 - 8
12½% Repairs 40 - 12 - 0 Timber 6615
170
Stocking 215
£ 7000
say £ 80 - 0 - 0

Deduct Market Value of Site under similar circumstances,
but if divested of structures, timber, fruit trees, and
other things growing on the land £ 4380

216.177

Difference Balance, being portion of market value attributable to structures, timber, &c. £ 2620

Divided as follows:—
Buildings and Structures (good many tile) £ 1800
Machinery (Stocking @ 1/-) say £ 215
Timber (Hedgerow mostly old Ash) £ 170
Fruit Trees £ 10
Other things growing on land (@ 30/-) £ 325

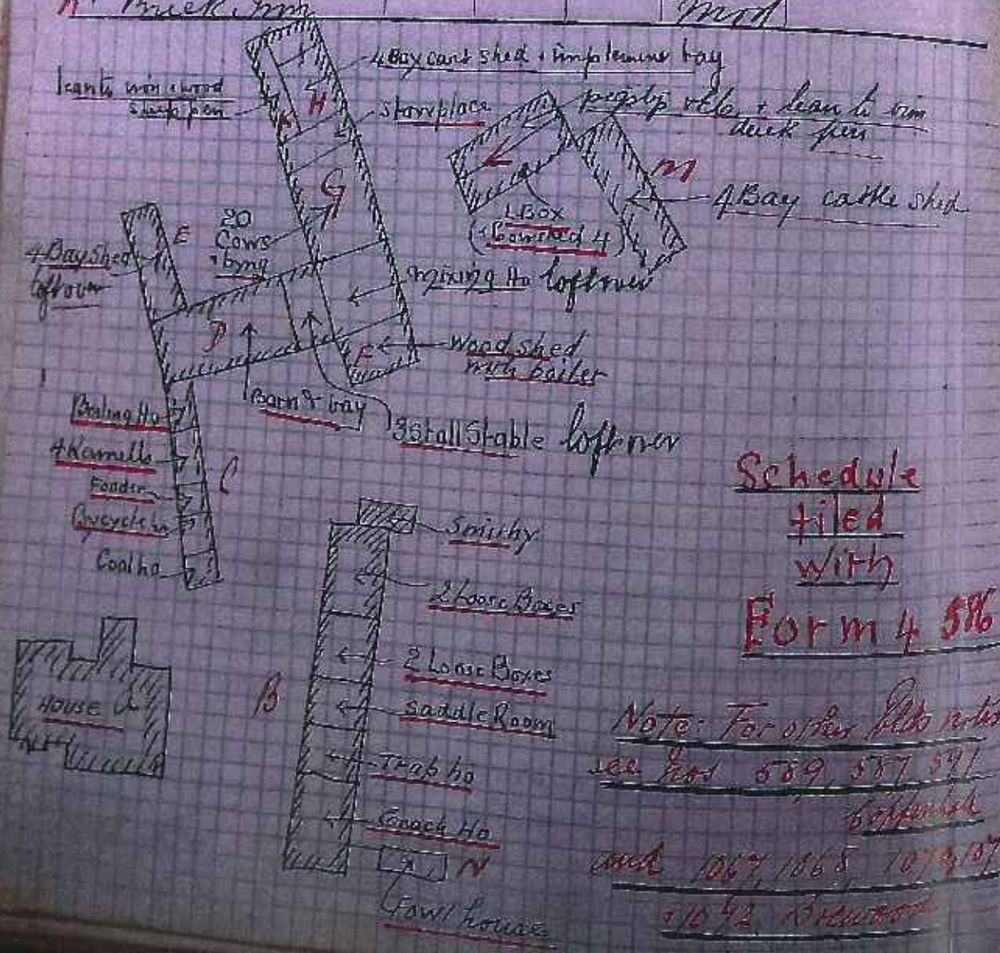
Market Value of Fee Simple of Whole in its present condition (as before) £ 7000

Add for Additional Value represented by any of the following
for which any deduction may have been made when
arriving at Market Value:—
Charges (excluding Land Tax) tithe £ 766 £ 816
Restrictions Footpaths £ 50
GROSS VALUE £ 7816

41

Reference No.

Index Letter	Description of Buildings	Dimensions: Frontage	Dimensions: Depth	Dimensions: Height	Cubical Contents	Condition	Remarks
				Fine dressings & windows			
a	Brick & Tile	about 200 yds				good	
b	do					Mod	Touch to be been repaired
c	do					Mod	
d	do		Generally the Site			do	
f	Wood (?)	together with the	others are adequate			Mod	
e	Brick & Iron roof		for the Farm			good	
g	Brick & Tile					Mod	
h	do					Sound	
k	wood & Iron	lean to				Fair	
l	Brick & Slate	shed en & wood & Iron				Mod	
m	Iron					Sound	
n	Brick & Iron					Mod	



Schedule filed with Form 4 586

Note: For other Plots notes see Prot 689, 587, 591 Schedule and 1067, 1068, 1074, 1076, 1042 Schedule

Similar form on file 22 6/27

586

Reference No.

GROSS VALUE ..... £ 7816

Less Value attributable to Structures, timber, &c. (as before) £ 2620

@ £24 FULL SITE VALUE ..... £ 5196

Gross Value (as before) ..... £ 7816

Less deductions in respect of—

Fixed Charges, including—

Fee Farm Rent, rent seck, quit rent, chief rents, rent of Assize ..... £

Any other perpetual rent or Annuity ... £

Tithe or Tithe Rent Charge ..... £ 766

Other Burden or Charge arising by operation of law or under any Act of Parliament £

If Copyhold, Estimated Cost of Enfranchisement ..... £

Public Rights of Way or User ..... £

Rights of Common ..... £

Easements ..... £

Restrictions ..... £ 50

£ 816

TOTAL VALUE ..... £ 7000

Less Value attributable to Structures, timber, &c. (as before) ..... £ 2620

Value directly attributable to—

Works executed ..... £

Capital Expenditure ..... £

Appropriation of Land ..... £

Redemption of Land Tax ..... £

Redemption of Other Charges ..... £

Enfranchisement of Copyhold, if enfranchised ..... £

Release of Restrictions ..... £

Goodwill or personal element ..... £

Expense of Clearing Site ..... £ £

ASSESSABLE SITE VALUE ..... £ 4380

If Agricultural land, the value for Agricultural purposes including / excluding Sporting Rights ..... £

Value of Sporting Rights ..... £

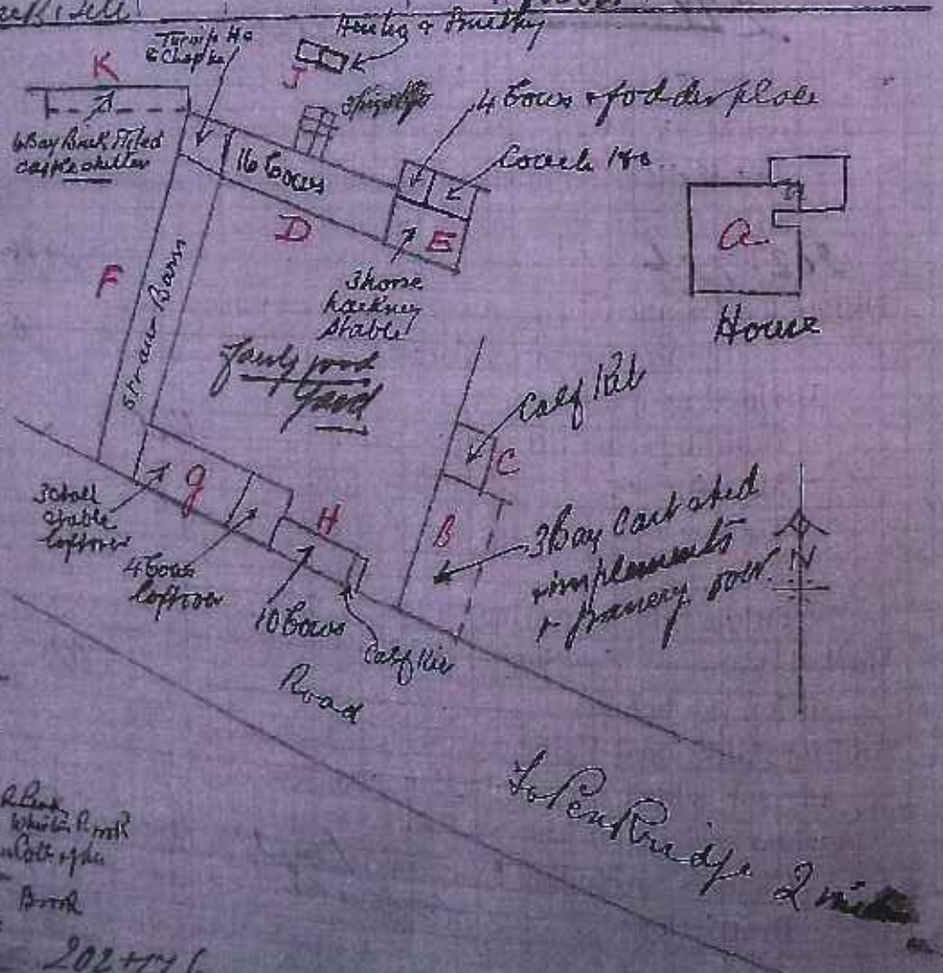
If Licensed Property, the annual license value ... £

Liable to Undeveloped Land Duty as from .....

For further reference as to Apportionments, &c., see

42

Letter	Description of Buildings	Frontage	Depth	Height	Condition	
				Approx		
					Old but fair condition, partly hoop lumbered above	
a	Brick, Tile			18	good	
b	do			6'	mod	
b	do			10'	fair	
d	Brick, Slate			12	Mod	
e	Brick, Tile			20	fair	
f	Brick, slate			16	fair	
g	do			12	poor	not wide enough
H	Brick, Tile				mod	
J	do					
K	Brick, Tile				mod	



706 P	11.806
706 P	11.214
705 P	1.737
704 P	1.291
701 P	1.459
702 P	1.468
703 P	.307
694 pond	.392
692 pond	.266
691 P	4.192
693 P	8.707
693 Q	8.564
692 Q	9.251
675 P	7.478
676 Pond	.125
672 P	10.926
672 Q	12.360
657 P	.811
631 P	6.657
630 P	3.575
629 Q	5.435
P 629	13.582
628 Ho	2.169
408 Q	11.195
409 Q	5.469
615 Q	17.766
627 P	3.179
626 Q	9.717
P 639	P 50 R Pond
P 657	300 Wheat & Pond
55/71	5.15 Cottage
696	3.79 Pond
202	202.776

Gross Value (as before) ..... £ 7740

Less deductions in respect of—

Fixed Charges, including—

Fee Farm Rent, rent seck, quit rent, chief rents, rent of Assize ..... £

Any other perpetual rent or Annuity ... £

Tithe or Tithe Rent Charge ..... £ 1055

Other Burden or Charge arising by operation of law or under any Act of Parliament £

If Copyhold, Estimated Cost of Enfranchisement ..... £

Public Rights of Way or User ..... £ 20

Rights of Common ..... £

Easements ..... £

Restrictions ..... £

£ 1105

TOTAL VALUE..... £ 6635

Less Value attributable to Structures, timber, &c. (as before) ..... £ 2037

Value directly attributable to—

Works executed ..... £

Capital Expenditure ..... £

Appropriation of Land ..... £

Redemption of Land Tax ..... £

Redemption of Other Charges ..... £

Enfranchisement of Copyhold, if enfranchised ..... £

Release of Restrictions ..... £

Goodwill or personal element ..... £

Expense of Clearing Site ..... £ £ 2037

ASSESSABLE SITE VALUE..... £ 4598

If Agricultural land, the value for Agricultural purposes ~~including~~ / excluding Sporting Rights ..... £ 6433

Value of Sporting Rights ..... £ 202

If Licensed Property, the annual license value ... £

Liable to Undeveloped Land Duty as from .....

For further reference as to Apportionments, &c., see

605

Reference No. .....

GROSS VALUE.....£ 7740

Less Value attributable to Structures, timber, &c. (as before) £ 2037

FULL SITE VALUE.....£ 5708

@/28

Gross Value (as before) .....£ 7740

Less deductions in respect of—

Fixed Charges, including—

Fee Farm Rent, rent seck, quit rent, chief rents, rent of Assize .....£

Any other perpetual rent or Annuity ...£

Tithe or Tithe Rent Charge £1055

Other Burden or Charge arising by operation of law or under any Act of Parliament £

If Copyhold, Estimated Cost of Enfranchisement .....£

Public Rights of Way or User .....£ 20

Rights of Common .....£

Easements .....£

Restrictions .....£

£ 1105

TOTAL VALUE.....£ 6635

Less Value attributable to Structures, timber, &c. (as before) £2037

Value directly attributable to—

Works executed .....£

Capital Expenditure .....

£

Appropriation of Land .....£

Redemption of Land Tax .....£

Redemption of Other Charges .....£

Enfranchisement of Copyhold, if enfranchised.....£

Release of Restrictions .....£

Goodwill or personal element .....£

Expense of Clearing Site .....£ £ 2037

ASSESSABLE SITE VALUE.....£ 4598

If Agricultural land, the value for Agricultural purposes ~~including~~ excluding Sporting Rights.....£ 6433

Value of Sporting Rights .....£ 962

If Licensed Property, the annual license value ...£

Liable to Undeveloped Land Duty as from .....

For further reference as to Apportionments, &c., see

44

Reference on Map

Situation Oakstan Hall Parkridge

Description House farm Buildings Cottage & land & Pt

Extent 201 - 3 - 38 206 - 3 - 4

Gross Value (Land, £ 233 Buildings, £ 54) Rateable Value (Land, £ 213 - 15 Buildings, £ 45)

Gross Annual Value, Schedule A, £

Occupier A. R. Stubbs & W. Dakin

Owner Col Wally Morris, Congrave V.C. Yardley Hall

Interest of Owner by Robert Townsend Wickham

Superior interest Robert Ld Werburgh Chamberlain Chester

Subordinate interests Parkside Ewell Priory

Occupier's tenancy, Term Yearly from 25 March 1908

How determinable

Actual (or Estimated) Rent, £ 313

Any other Consideration paid

Outgoings—Land Tax, £ if any paid by tenant

Tithe, £ 39 - 2 - 0½ 1 - 0 - 10½ paid by Owner

Other Outgoings

Who pays (a) Rates and Taxes (b) Insurance (a) Occupier (b) Owner

Who is liable for repairs Owner

Fixed Charges, Easements, Common Rights and Restrictions

none admitted

Former Sales, Dates

Interest

Consideration

Subsequent Expenditure

Owner's Estimate. Gross Value

Full Site Value

Total Value

Assessable Site Value

Site Value Deductions claimed

Yes

Roads and Sewers. Dates of Expenditure

Amounts

Farmer

farm is situated 2 miles from Parkridge Pt. land slopes generally from South to North. Blds commence to road but to much at one end of farm for a House. 2 attics 8 Bedrooms, 3 Reception, Kitchen, Scullery, Pantry & Dairy. Fair Bldgs as per sketch. about adequate w/ 106 acres pasture 97 acres arable. Tenant just come here (his father before) needs 3 hands. Chiefly a feeding farm, sheep land generally is of medium loam. that by brook is liable to flood. Pasture fair. Hedges, fence & ditches moderate. Sporting

Charges, Easements, and Restrictions affecting market value of Fee Simple reserved.

106 acres pasture
97 " arable

Valuation.—Market Value of Fee Simple in possession of whole property in its present condition 4591 5s. Annual Value £ 313 0

Land Tax	39 · 2 · 6	Outgoings pay	79 0
" Tithe	40 · 3 · 10		£ 234 0
	£ 79 · 6 · 4	Sporting & Timber	6318 317
			£ 6635

Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land 2021 7 6 £ 4598

Difference Balance, being portion of market value attributable to structures, timber, &c. £ 2037

Divided as follows:—

Buildings and Structures £ 1420

~~Machinery~~ Sporting £ 200

Timber £ 115

Fruit Trees £

Other things growing on land, ... @ 20/- £ 300

Market Value of Fee Simple of Whole in its present condition (as before) £ 6635

Add for Additional Value represented by any of the following for which any deduction may have been made when arriving at Market Value:—

Charges (excluding Land Tax) tithe 27th 1885

Restrictions footpath £ 20 £ 1105

GROSS VALUE £ 7740

Reference No. 603

Particulars, description, and notes made on inspection 9. 2. 14

is situated 2 miles from Porbridge Stn. Land slopes generally from South, with Bldg commencing to road but to much at one end of farm for working purposes. 8 Bedrooms, 3 Reception, Kitchen, Scullery, Pantry & Dairy. Yd. Bldg includes about adequate milk accs. Pasture 97 acs arable. Tenant comes here (his father before) nearly 3 years. Chiefly a feeding farm, Cottages hard generally is of medium loam. That by brook is liable to floods. Pasture fair. Hedges, fences & ditches moderate. Sporting

Charges, Easements, and Restrictions affecting market value of Fee Simple reserved.

106 acs pasture
97 " arable

Valuation.—Market Value of Fee Simple in possession of whole property in its present condition v. 4591 50 Annual Value £ 313. 0. 0

less 12½	39. 2. 6	Outgoings pay	79. 0. 0
" 25%	40. 3. 10		£ 234. 0. 0
	£ 79. 6. 4		27 yrs
		Sporting Timber	6318
			317
			£ 6635

Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land

2621 6796 £ 4598

Difference Balance, being portion of market value attributable to structures, timber, &c. £ 2037

Divided as follows:—

Buildings and Structures £ 1420

~~Machinery~~ Sporting £ 202

Timber £ 115

Fruit Trees £

Other things growing on land, @ 20% £ 300

Market Value of Fee Simple of Whole in its present condition (as before) £ 6635

Add for Additional Value represented by any of the following for which any deduction may have been made when arriving at Market Value:—

Charges (excluding Land Tax) Tithe 27 yrs £ 1685

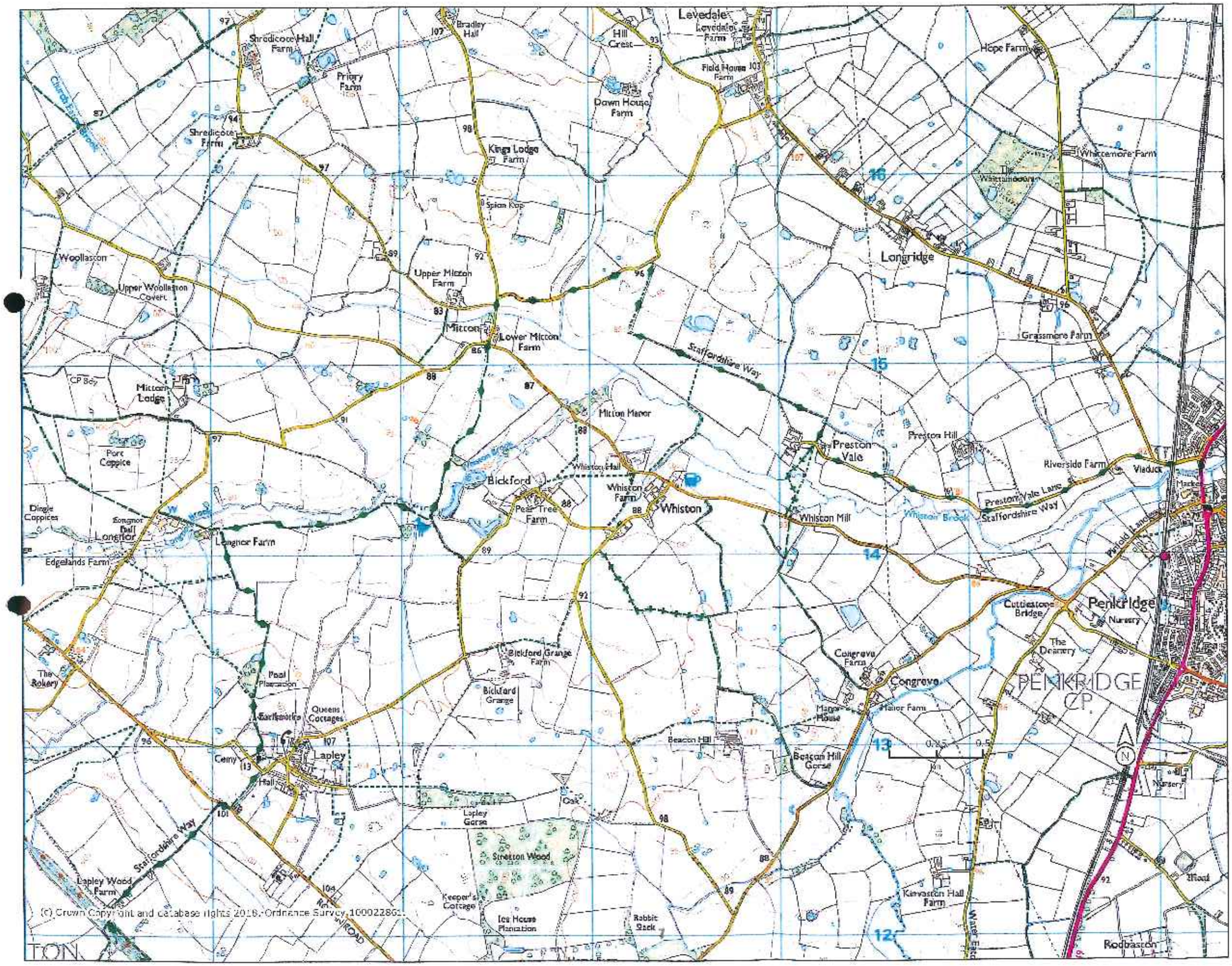
Restrictions ~~Footpath~~ £ 20 £ 1105

GROSS VALUE £ 7740

43

MAGIC

Existing paths



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ymin = 312200
xmax = 393400
ymax = 316500

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km

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Transcribed Quarter Sessions Decision

We Richard Levett and John Clare Clerks two of His Majesties Justices of the Peace in and for the County of Stafford at a special sessions held at the dwelling house of Bartholomew Ebrey situate in Stretton in the said county and called by the name or sign of the Crown Inn on Monday 3rd day of December 1827 having upon view found that a certain Highway in the Parish of Stretton in the said County [illegible] Stretton from the point marked A on the plan hereto annexed by B to the point marked C on the said plan at the west end of Mill Lane for the length of 1,002 yards or thereabouts is useless and unnecessary and having also upon view found that a certain part of another Highway in the said Parish communicating between the [roads] from the Crown Inn and Round Oak [Inn] Stretton from the point marked C on the said plan to the apposite point also marked C on the same plan for the length of 435 yards or thereabouts is also useless and unnecessary and having also upon view found that a certain there part of another Highway in the said Parish leading from Stretton to Congreve from the point marked B on the said plan to the points marked F on the same plan for the length of 1,090 yards or thereabouts is also useless and unnecessary and having also upon [there] found that a certain bridleway leading from Stretton to [Water Eaton] from the point marked B on the same plan to the point marked H on the same plan for the length of 1,738 yards or thereabouts is useless and unnecessary and having also upon view found that two several footways respectively leading from Stretton to Lapley [and] from Stretton to Whiston and Bickford from the point marked I to the point marked I and point marked I to the points marked J and J the [first] footway being in 1467 yards or thereabouts and the [illegible] mentioned footway 4,787 yards or thereabouts are respectively useless and unnecessary. We do therefore order that the said several Highways, bridleways and footways hereinbefore described and which are respectively coloured on the said plan blue be forthwith stopped up. (But subject to a right of footway from the point marked C to the point marked K on the said plan). Given under our hands and seals the day and year aforesaid [signed etc.]

We Richard Levett and John Clare Clerks two of His Majestys Justices of the Peace in and for the County of Stafford at a Special Sessions held at the Dwelling house of Bartholomew Elvey situate in Stretton in the said County and called or known by the name or sign of the Crown Inn on Monday the third day of December one thousand eight hundred and twenty seven having upon view found that a certain Highway in the Parish of Stretton in the said County [illegible] through Stretton from the point marked A on the Plan hereto annexed by B to the point marked C on the said plan at the west end of Mill Lane for the length of One thousand and two yards or thereabouts is useless and unnecessary and having also upon view found that a certain part of another Highway in the said parish communicating between the roads from the Crown Inn and Round Oak to Stretton from the point marked C on the said Plan to the opposite point also marked C on the same Plan for the length of Four hundred and thirty five yards or thereabouts is also useless and unnecessary and having also upon view found that a certain other part of another Highway in the said parish leading from Stretton to Congreve from the point marked B on the said Plan to the points marked F on the same plan for the length of One thousand and ninety yards or thereabouts is also useless and unnecessary And having also upon view found that a certain Bridle way leading from Stretton to Water-Eaton from the Point marked B on the same Plan to the point marked H on the same plan for the length of One thousand seven hundred and thirty eight yards or thereabouts is useless and unnecessary And having also upon View found that two several Footways respectively leading from Stretton to Lapley and from Stretton to Whiston and Bickford from the point marked I to the Point marked I — and from the point marked I to the points marked J and J the first mentioned Footway being in length one thousand four hundred and sixty seven yards or thereabouts and the last mentioned Footway Four thousand seven hundred and eighty seven yards or thereabouts are respectively useless and unnecessary We do therefore order that the said several Highways Bridle ways and Footways hereinbefore described and which are respectively coloured Blue on the said Plan be forthwith stopped up (but subject to a right of Footway from the point marked C to the point marked K on the said Plan) Given under our hands and seals the day and year above said

R. Levett.

Reference to Plan.

Length of the old Road from A. at the Round Town by B. to C at the West end of Mill Lane } 1002 yards

Length of the new Road from — Do — — — — to C — — — — — 790

difference — 212 yards.

Length of Road from D. at the Round Oak (thro' Stretton) to E. in the Road to Congleave — } 2432 yards.

Length of Do. from Do. by the Crown Inn & E at Mrs Bowker's — — 2280

difference — 152 yards.

Length of the Footway marked I from Stretton to Lupley — — — — — — 1467 yards

Length of the Carriage road or Highway by the side of which a Footpath is made } 1400

difference — 67 yards

Length of the Footway marked J. leading to Bigford and Whiston — — — — 4787 yards

Do — — marked K. leading to Do — — Do — — — — 4077

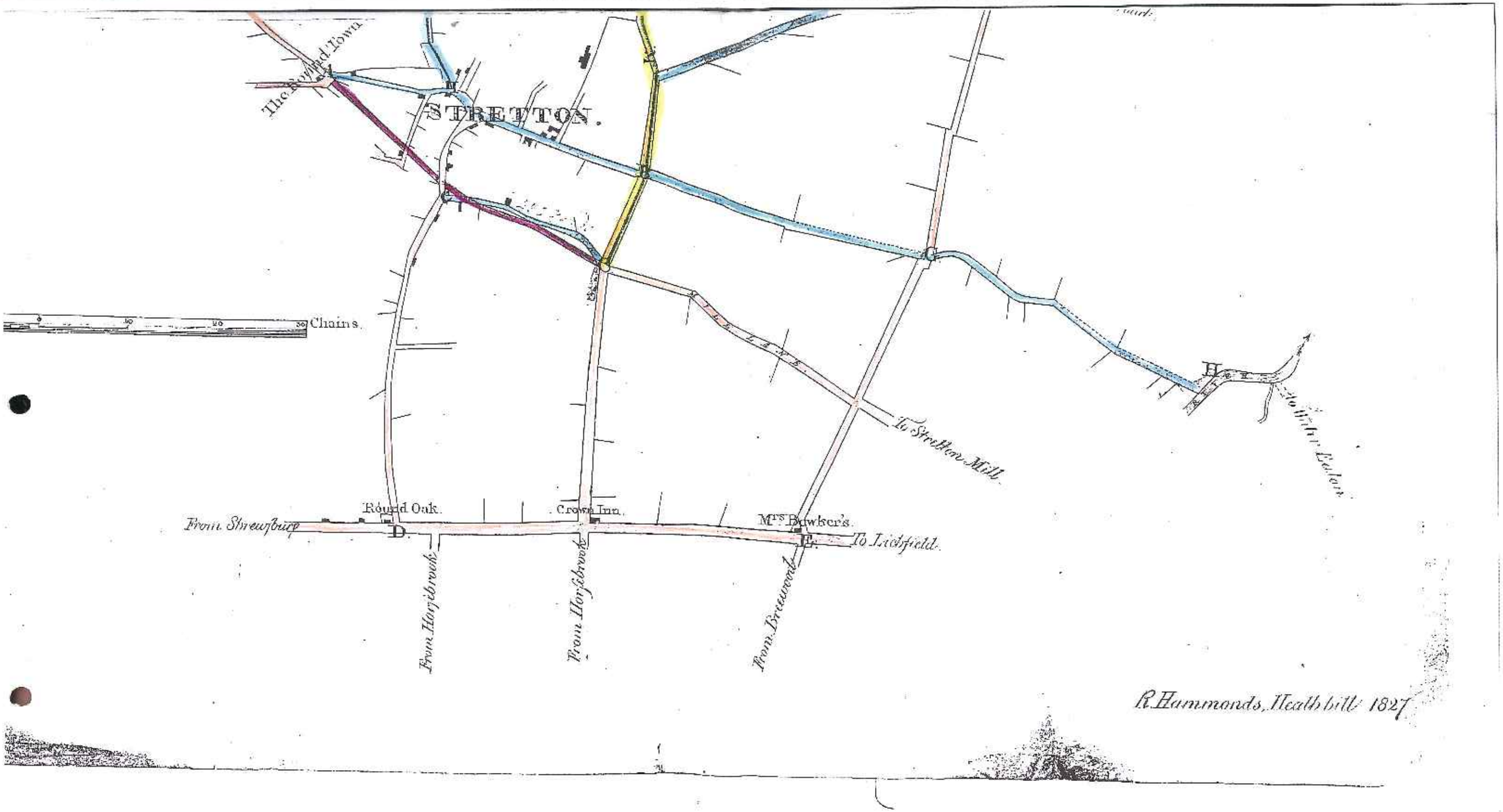
difference — 710 yards.

Length of the Bridle-way from B. to G. and from G to H. leading to Water Eaton to be discontinued — } 1738 yards

Plan of Roads at and near Stretton

N.B.

Those parts coloured Blue are intended to be discontinued, and those coloured Brown & Red are intended to remain open. The parts coloured Red are newly made.


The Bowling Town
STRETTON.
Chains.
To Stretton Mill
To Hilton Bridge
Round Oak.
Crown Inn.
Mrs Bawker's.
From Shrewsbury
D.
E.
To Lichfield.
From Horsebrook
From Horsebrook
From Brewood
R. Hammonds, Heathhill 1827

Epiphany Session 1830, quarter sessions appeal decision

Order for stopping up roads in the [illegible] Stretton in the Parishes of Lapley and Pentridge.

Upon the motion of W Shutt and proof having been [illegible] of the notices directed to be given in and by a certain act of parliament made and passed in the 55th year of the reign of his late majesty King George the Third entitled An Act to amend an act of the [illegible] year of his present Majesty for the amendment and [illegible] of the public highways insofar as the same relates to notice of Appeal against [illegible] or diverting a public Highway and to extend the provisions of the same act to the stopping up of unnecessary Roads having been given and published it is ordered by the Court that a certain order under the hands and seals of Richard Levitt and John Clare Clerk two of his Majesty's justices of the peace for this county being [Bury] date the 3rd day of December last cast and made for stopping up a certain Highway in the Parish of Stretton in the said county leading from the Round Town through Stretton from the point marked A on the plan thereto annexed by B to the point marked C on the said plan and at the end of Mill Lane for the length of 1,002 yards or thereabouts Also a certain part of another Highway in the said Parish communicating between the Roads from the Crown Inn and Round Oak to Stretton from the point marked C on the said plan to the opposite point also [marked] C on the same plan for the length of 435 yards or thereabouts and also a certain other part of another Highway in the said Parish leading from Stretton to Congreve from the point marked B on the said plan to the points marked F on the same plan for the length of 1,090 yards or thereabouts also a certain Bridle Way leading from Stretton to Water Eaton from the point marked B on the said plan to the point marked H on the same plan for the length of 1,738 yards or thereabouts and also to several Footways respectively leading from Stretton to Lapley and from Stretton to Whiston and Bickford from the point marked I to the point marked I and from the point marked I to the points marked J and J first mentioned Footway being in length 1,467 yards or thereabouts and the last mentioned Footway 4,787 yards or thereabouts be confirmed and enrolled among the records of this Court.

By the Court.

M/F Q/10 Q/SO/30

Epiphany Session 1828 p. 27

Order for stopping up Roads in the Parishes of Stretton in the parishes of Lapley and Penkridge

Upon the motion of Mr Shaw having been proved the notice directed to be given in and by a certain Act of Parliament made and passed in the fifty fifth year of the reign of the late Majesty King George the Third intitled "An Act to amend an Act of the thirteenth year of His present Majesty for the amendment and preservation of the public Highways in so far as the same relates to notice of Appeal against turning or diverting a public Highway, and to extend the provisions of the same Act to the stopping up of unnecessary Roads" having been so given and published It is ordered by the Court that a certain Order under the hands and seals of Richard Leech and John Chase Clerk two of His Majesty's Justices of the peace for this County bearing date the third day of December last past and made for stopping up a certain Highway in the parish of Stretton in the said County from the Round Town through Stretton from the point marked A on the plan thereto annexed by B to the point marked C on the said plan at the Westend of Mill Lane for the length of One thousand and two yards or thereabouts Also a certain part of another Highway in the said parish communicating between the Roads from the Crown Inn and Round Oak to Stretton from the point marked C on the said plan to the opposite point also marked C on the same plan for the length of Four hundred and thirty five yards or thereabouts And also a certain other part of another Road in the said parish leading from Stretton to Congreve from the point marked B on the said plan to the points marked F on the same plan for the length of One thousand and ninety yards or thereabouts Also a certain Bridle Way leading from Stretton to Water Eaton from the point marked B on the said plan to the point marked H on the same plan for the length of One thousand seven hundred and thirty eight yards or thereabouts And also two several Footways respectively leading from Stretton to Lapley and from Stretton to Wheaton and Bickford from the point marked I to the point marked I and from the point marked I to the points marked J and J the first mentioned Footway being in length One thousand four hundred and sixty seven yards or thereabouts and the last mentioned Footway Four thousand seven hundred and eighty seven yards or thereabouts be confirmed and Enrolled among the records of this Court

By the Court

Order for stopping up part of a Highway in the parish of Gnosall

Upon the motion of Mr M. Mahon And proof having been made of the notices directed to be given in and by a certain Act of Parliament made and passed in the fifty fifth year of the reign of His late Majesty King George the Third intitled "An Act to amend an Act of the thirteenth year of His present Majesty for the amendment and preservation of the public Highways in so far as the same relates to notice of Appeal against turning or diverting a public Highway, and to extend the provisions of the same Act to the stopping of unnecessary Roads" having been so given and published it is ordered by the

Extracts taken from
Recollections of Anne Smythe, Mrs Henry Monckton

By her daughter Alice Monckton (Williams)

Our mother married General Henry Monckton, the 4th son of the Hon Edward Monckton, of Somerford. Our father's Aunt, Lady Cork (Countess of Cork and Orrery) gave our parents all her savings to enable them to marry.

Our father proposed twice to our mother before she accepted him. He was at that time living with his brother George Monckton, and my Mother's fortune helped them to buy Stretton.

I believe our Uncle George Monckton lived with our father and mother till the death of his eldest Brother and together they drained the estate, which was a splendid place for snipe before but a perfect swamp (as the Memoirs of a Lady who rented it some years previously and lost a daughter there, tell).

What is now known is the Pool, the gauges and Stews were dug out with much labour, and the land was drained. On the ground thrown up white clover grew in abundance. The Men who did this great work were prematurely aged, and were pointed out to me when I was a child as "the drainers", mostly hobbling on 2 sticks.

Extracts taken from
Part II Memoirs of her Mother by Alice Williams

Her Widowhood.

My mother must have been helped by the kindness of our relatives on both sides of the family, by housing us all from time to time, during the first year or so.

In those far off days, there were no pumps to the cottages; the water was all fetched from wells. She put pumps to all the cottages. By degrees she pulled down all the hovels, and built good cottages.

The House at Stretton

The first re-building, my brother Frank says, took place before my Father's death in 1853. He died 1854, and I well remember the Hatchment on the house. Later, she pulled down the Pantry and the sort of entrance walls, slinging the old oak staircase up to the top of the house, by an iron rod, before she took away what she supposed to be supporting walls, and then found that they were late additions and she restored it to Inigo Jones' original house.
She built out a wing in 1853.

Extract taken from an undated note

At that time a number of people were dying of what was known as Marsh Fever (Malaria). There was an area of marshland at the end of the Park. So Mrs Monckton diverted the main drive, drained and then flooded the land and so made the large Pool, thereby doing away with the breeding ground for the Malarian Mosquitoes. All those who worked on this project died of the Marsh Fever.

Extract taken from the Internet (visitoruk.com) – apparently this information was taken from a book called, The Staffordshire Village Book

Long ago the main drive to the Hall led through what is now a spinney at the end of which stands a lovely old castellated building. Made of stone and looking like a miniature castle, this was the old lodge or gateway to the Hall. It was in 1860 that Mrs Ann Monckton recognised the marsh fever which was causing many deaths as malaria; she then abolished the drive and had the area drained thus creating Stretton pool. The pool is now well patronised by anglers wishing to enjoy their pastime amidst these peaceful surroundings.

Stretton Timeline

DATE	EXACT /APPROX	EVENT	REFERENCE	FURTHER REFERENCE
1400	approx	Congreves understood to be associated with Stretton and Congreve	National Archives D1057	
1700	approx	Stretton Hall built by John Congreave on the site of an earlier house	West Cuttleston Hundred	
1745	approx	William Connolly resident at Stretton	West Cuttlestone Hundred	
1751	exact	William Connolly named as Lord	West Cuttlestone Hundred	Stretton Parish Register
1758	approx	Thomas Connolly succeeded		
1790	exact	Thomas's sisters inc Anne Byng suffered a recovery of three-fifths of the Manor	West Cuttlestone Hundred	
1790	approx	The Hon Edward Monckton 'acquired an interest in the Manor'	West Cuttlestone Hundred	
1800	approx	Hon Edward buys Stretton from Connollys	West Cuttlestone Hundred	
1827	exact	Footpath map and agreement	PACM Footpath file	
1827	approx	Stretton Hall occupied by tenant - Lady Jane Rosse	West Cuttlestone Hundred	Pitt, Staffs. 260.
1829	approx	Edward Monckton served as JP		
1830	approx	Edward Monckton thanked for 30 years service in yeomanry		
1835	approx	Edward Monckton appointed as visitor to County Gaol and is Sheriff		
1832	exact	Hon Edward dies		
1834	approx	George Monckton 'held the Manor'	West Cuttlestone Hundred	
1834	exact	Stretton Hall occupied by tenant - Lady Jane Rosse	West Cuttlestone Hundred	White Dir. Staffs (1834)
1834	exact	There were six farms in Stretton	West Cuttlestone Hundred	White Dir. Staffs (1834)
1838	approx	Edward Monckton served as JP		
1839	approx	Edward Monckton served as JP		
1841	approx	George Monckton owned 'most of the 1,500 acres of the parish'	West Cuttlestone Hundred	Tithe Maps and Appt, Penkridge (copy in W.S.L)
1841	approx	George Monckton was farming 307 acres and tenants held the other farms	West Cuttlestone Hundred	
Early 1840's	approx	Henry and Anne Monckton move to Stretton Hall. Older brother George Monckton lived with them until the death of Edward in 1848. George and Henry together "drained the estate"	Memoir of Alice Williams (Monckton) - at Stretton	
1840's very probably pre-1848	approx	The start of the very extensive drainage works to the park - references to 'Marsh fever' (Malaria), 'The Drainers' etc. etc.	Memoir of Alice Williams (Monckton) at Stretton	
1846	approx	Edward Monckton served as JP		
1847	exact	George Monckton treatise on land drainage he has conducted		
17 March 1848		Edward Monckton dies (he lived at Somerford)	Family Tree	
1854	exact	Lt-Gen. Henry Monckton dies	West Cuttlestone Hundred	
		Widow Anne and heir Francis continue to live at the Hall	West Cuttlestone Hundred	
29 Dec 1858	exact	George Monckton dies	West Cuttlestone Hundred	George was involved with the estate drainage works so they must have been underway before this date

Stretton Timeline

1860 approx	Anne Monckton carried out extensive rennovations to Stretton Hall including the addition of a third storey. **Alterations to the approaches and to the park are of the same date**	West Cuttlestone Hundred	
1860 onwards approx	Creation of the lakes, sewage system, moat and diversion of the drives	Memoir of Alice Williams (Monckton) - at Stretton	
31/10/1865 Exact	Date of a "Disentailing Deed" referred to in a declaration by Col Cotton and R.H.E.U Pickering dated 16 Nov 1911	Document at Stretton	
1870's approx	Stretton Lodge built	We have an estimate dated 21/4/1870 which refers to the 'Proposed Lodge' - at Stretton. Therefore The Lodge must have been built post 1870	
1876 exact	Anne Monckton described as lady of the manor until this date	West Cuttlestone Hundred	
10 April 1878 exact	Anne Monckton dies	West Cuttlestone Hundred	Exact date taken from a document at Stretton
1880 approx	Francis Monckton described as lord of the manor from this date	West Cuttlestone Hundred	
1926 exact	Francis Monckton dies and the manor passed to his son Major R.F.P Monckton	West Cuttlestone Hundred	

A MAP

of the Manor of Stretton,

in the County *of* Stafford

belonging to The Right Hon:

Thomas Conolly

Esq

A MAP
N I N O R S O T O
From Cyrella

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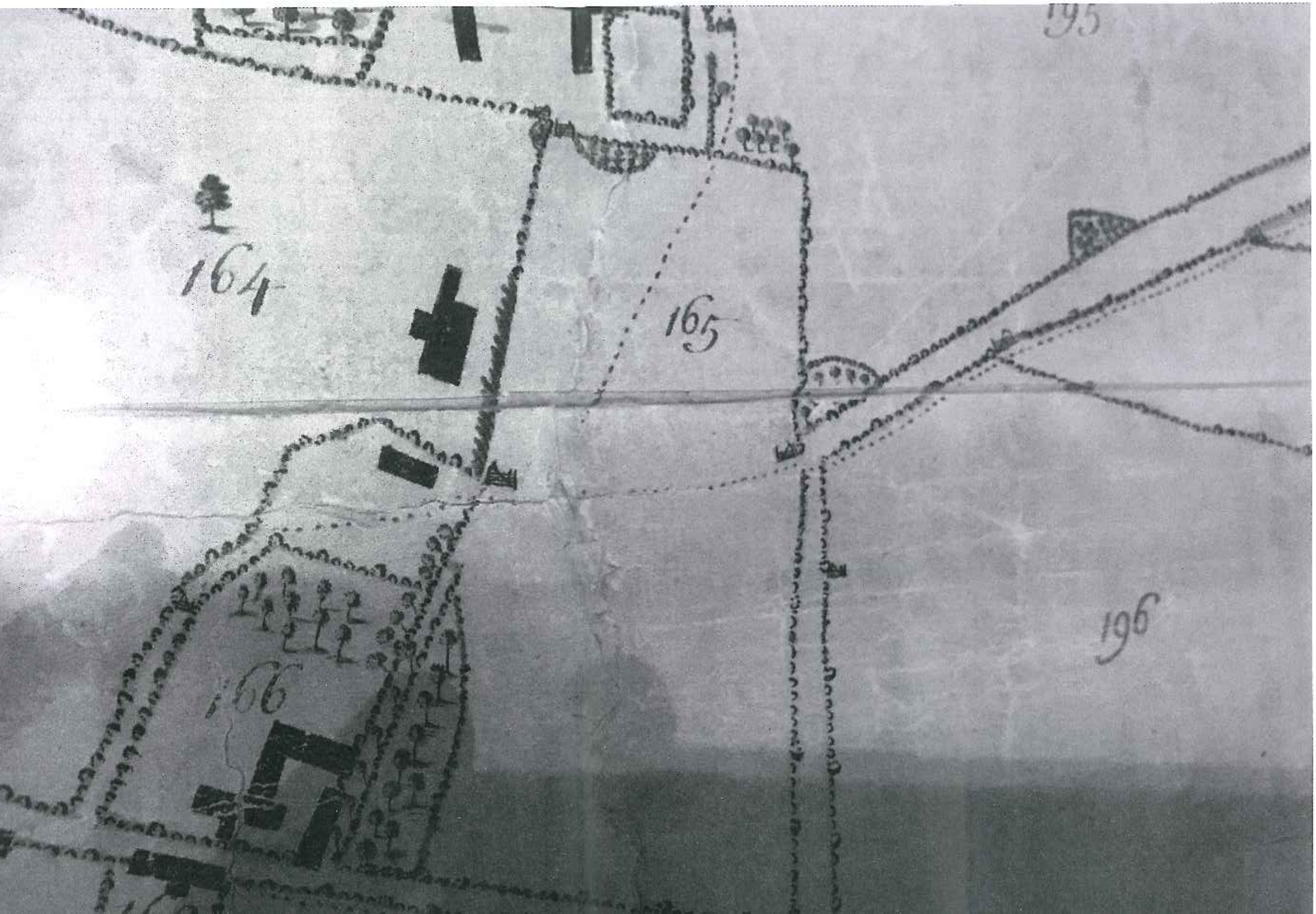
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N.B.

denotes a Foot-path.

a Cart Road.

a House.

a Barn.

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B/A/15/678

STRETTON (Penkridge)

(b) will not use it for any other purpose (for exceptions
(c) I have not previously been supplied with a copy of t
(d) I will not supply a copy of it to any other person;
to the best of my knowledge no work listed below
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prohibited copying.
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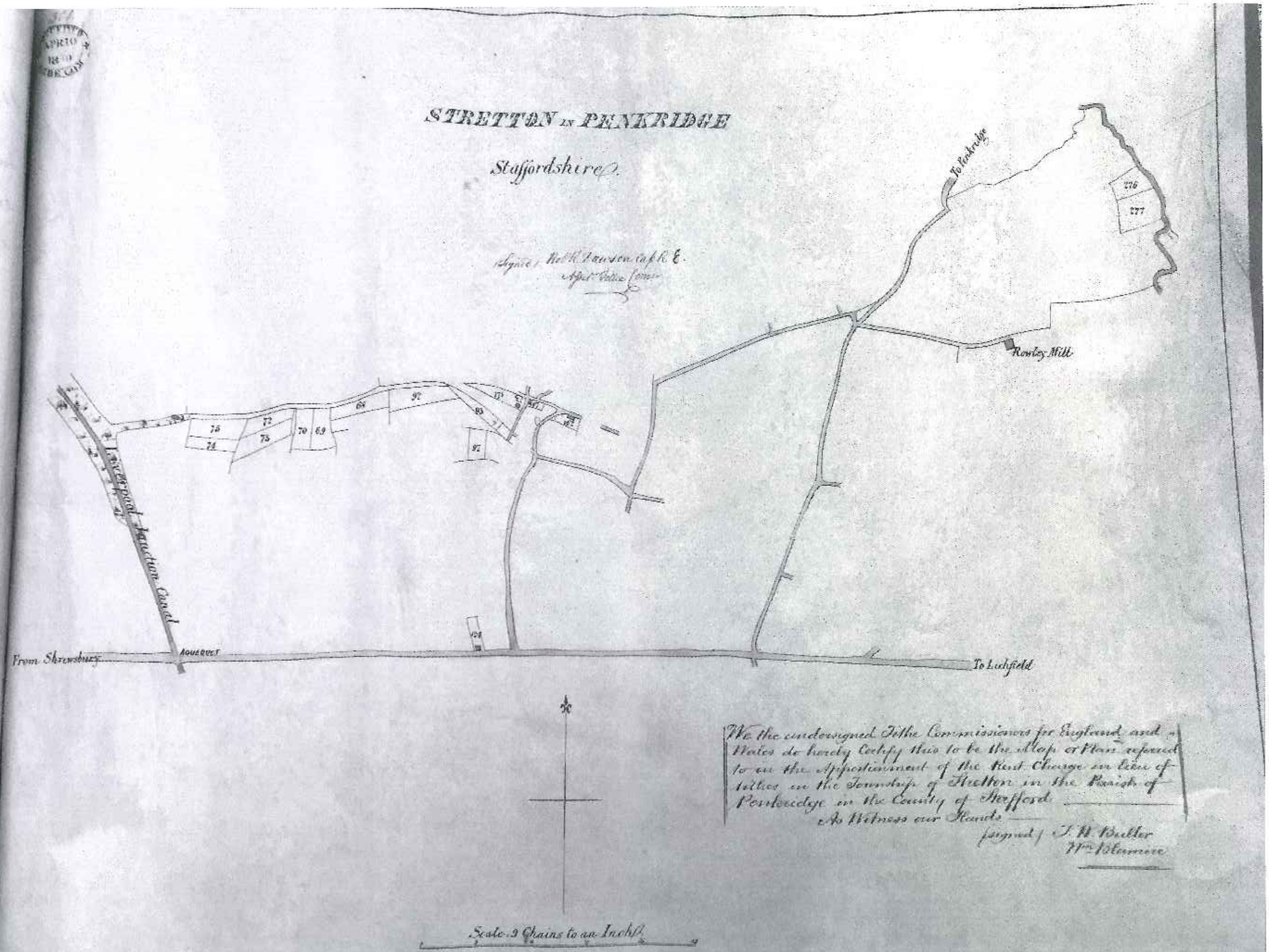
STRETTON in PENKRIDGE

Staffordshire.

Signed / Nath. Lawson Capt. R.E.
Apptd. Valuer for



We the undersigned Tithe Commissioners for England and Wales do hereby Certify this to be the Map or Plan referred to in the Apportionment of the Rent Charge in lieu of Tithes in the Township of Stretton in the Parish of Penkridge in the County of Stafford

As Witness our Hands

Signed / T. H. Butler
Wm. Plumer

63

And whereas more than six calendar months have expired since the day of the date of the Confirmation of the said Award and no Apportionment of the Rent Charge awarded to be paid in lieu of Tithes for the said Township hath been sent to the Office of the Tithe Commissioners Now the said Commissioners by virtue of the power to that effect given to them by the said Act

Do hereby apportion the Rent Charge as follows:-

(Signed) T. W. Buller
R^d. Jones

Gross Rent-charge payable to the Titheowner in lieu of Tithes for the Township of Shelton in the Parish of Penkridge in the County of Stafford

Five pounds seventeen shillings

Value in Imperial Bushels and Decimal parts of an Imperial Bushel of Wheat Barley and Oats — Viz^t

	Price per Bushel		Bushels & Decimal parts
	s	d.	
Wheat	7	4½	5 . 55489
Barley	3	11½	9 . 85265
Oats	2	9	14 . 18182

And whereas I have estimated the clear annual value of the said tithes in the manner directed by the said Act of Parliament and have also taken into account the rates and assessments paid in respect of such tithes during the seven years of average prescribed by the said Act

And whereas I find that George Monckton of Stretton Hall in the said County Esquire is Impropriator of all the unmerged Tithes accruing due within the said Township

Now Know Ye that I the said Charles Pym do hereby award that the annual sum of Five pounds and Seventeen shillings by way of Rent Charge subject to the provisions of the said Act shall be paid to the said George Monckton his heirs or assigns or to the persons entitled in remainder or reversion after him instead of all the tithes to which he is entitled within the said Township of Stretton

In Testimony whereof I the said Charles Pym do hereby affix my hand this ninth day of December one thousand eight hundred and forty seven

(Signed) Charles Pym

The Schedule hereinbefore referred to shewing the lands subject to tithes

Landowners	Premises	Quantities a	r	p
J Collins	Two Cottages and gardens		3	30
Simmons	Two Cottages and gardens		1	30
John Shaw	House garden and Meadow	1	2	29
The Trustees of Bradley School	Two Meadows held by C. Wotton and by Hough	5	"	15
John Worsey	House and Farm	22	3	5
		31	3	29
	Roads and Water	27	"	11
		59	"	"

APPORTIONMENT of the RENT-CHARGE in lieu of TITHES in the Township of Stretton in the parish of Penkridge in the County of Stafford

Whereas AN AWARD of RENT-CHARGE in lieu of TITHES in the Township of Stretton in the parish of Penkridge in the County of Stafford was, on the Seventeenth Day of December in the Year One Thousand Eight Hundred and forty seven, confirmed by the Tithe Commissioners for England and Wales, of which Award with the Schedules therein comprised, the following is a Copy:—

Know all Men by these presents that I Charles Pym having been duly appointed and sworn an Assistant Tithe Commissioner according to the provisions of the Act for the Commutation of Tithes in England and Wales and having been also duly appointed to ascertain and award the total sum to be paid by way of Rent Charge instead of the tithes of the Township of Stretton in the Parish of Penkridge in the County of Stafford Do hereby award as follows that is to say

Whereas I have held divers meetings near the said Township touching the matter aforesaid of which meetings due notice was given for the information of the Landowners and Titheowners of the said Township

And whereas I have duly considered all the allegations and proofs tendered to me by all parties interested and have myself made all inquiries touching the premised subject which appeared to me to be necessary

And whereas I find that the Tithes both Great and Small arising from or accruing due upon Fifteen hundred and twenty six acres and seven perches of land (be the same more or less) which lands are well known by metes and bounds have been duly merged and that such Merger has been duly confirmed by the Tithe Commissioners for England and Wales

And whereas I find that the estimated quantity in statute measure of all the remaining lands of the said Township which are subject to payment of Tithes amounts to Fifty nine acres as described in the Schedule hereunto annexed the whole of which said lands are liable to payment of all manner of Tithes in kind and are cultivated or used as follows that is to say

Twenty four acres as Arable land

Seven acres three roods and twenty nine perches as Meadow or pasture or gardens

Twenty seven acres and eleven perches as Roads and Water

We the Undersigned Tithe Commissioners for England and Wales do hereby confirm the within written Apportionment to testimony whereof We have hereunto subscribed our respective names and caused our Official Seal to be affixed this twenty eighth day of August in the year of our Lord one thousand eight hundred and fifty

(Signed)

J. W. Butler

(L.S.) Wm. Blamire.

The Tithe Commissioners for England and Wales hereby certify the within written to be a true Copy of the Instrument of Apportionment of the Rent Charge in lieu of Tithes in the Township of Shutton in the parish of Oakbridge in the County of Stafford confirmed by the said Commissioners In testimony whereof they have hereunto caused their Official Seal to be affixed this twenty ninth day of August in the year of our Lord one thousand eight hundred and fifty

67

A
MAP
Stretton of Lordship
The Worshipful
John Congreve
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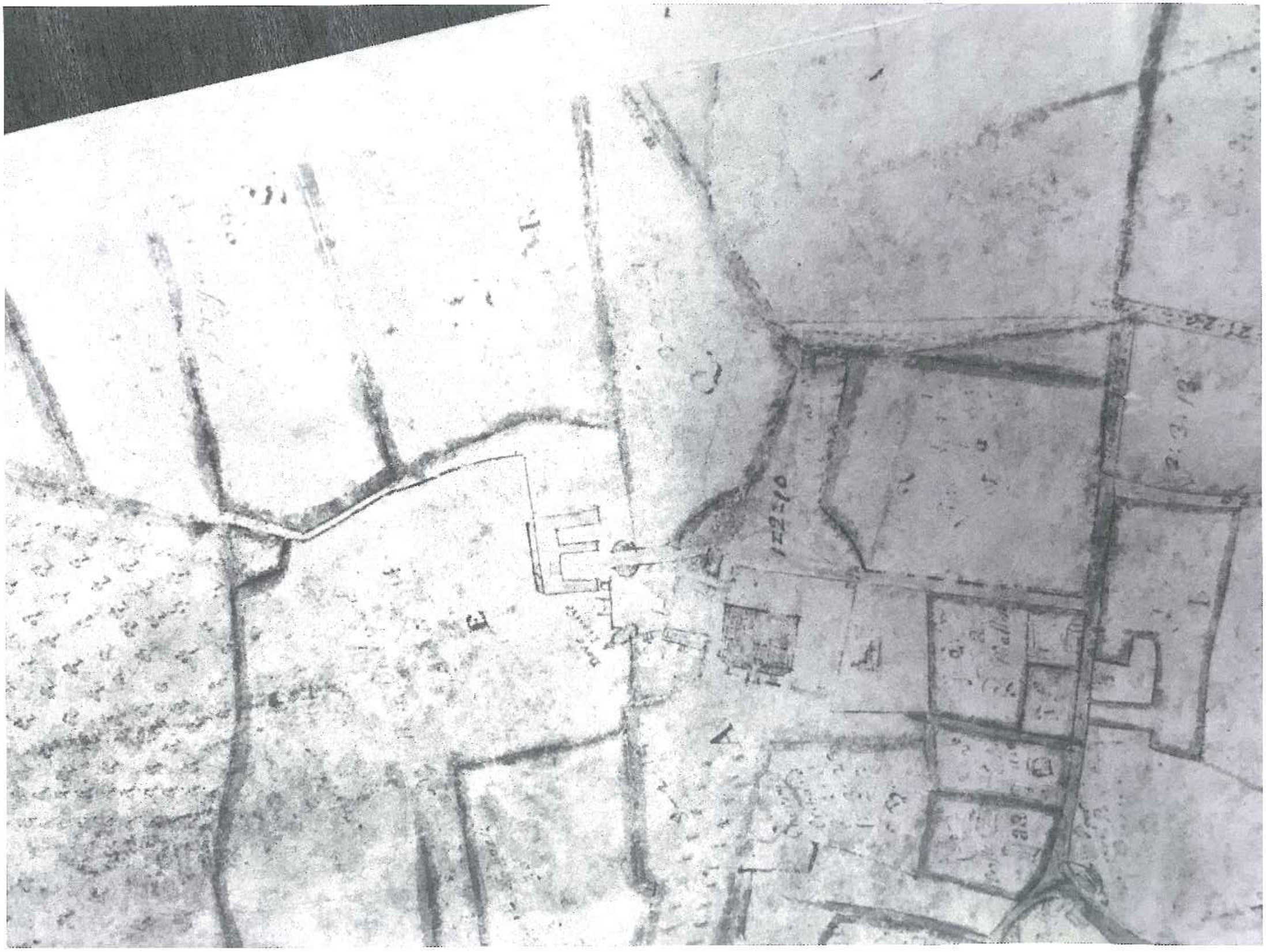
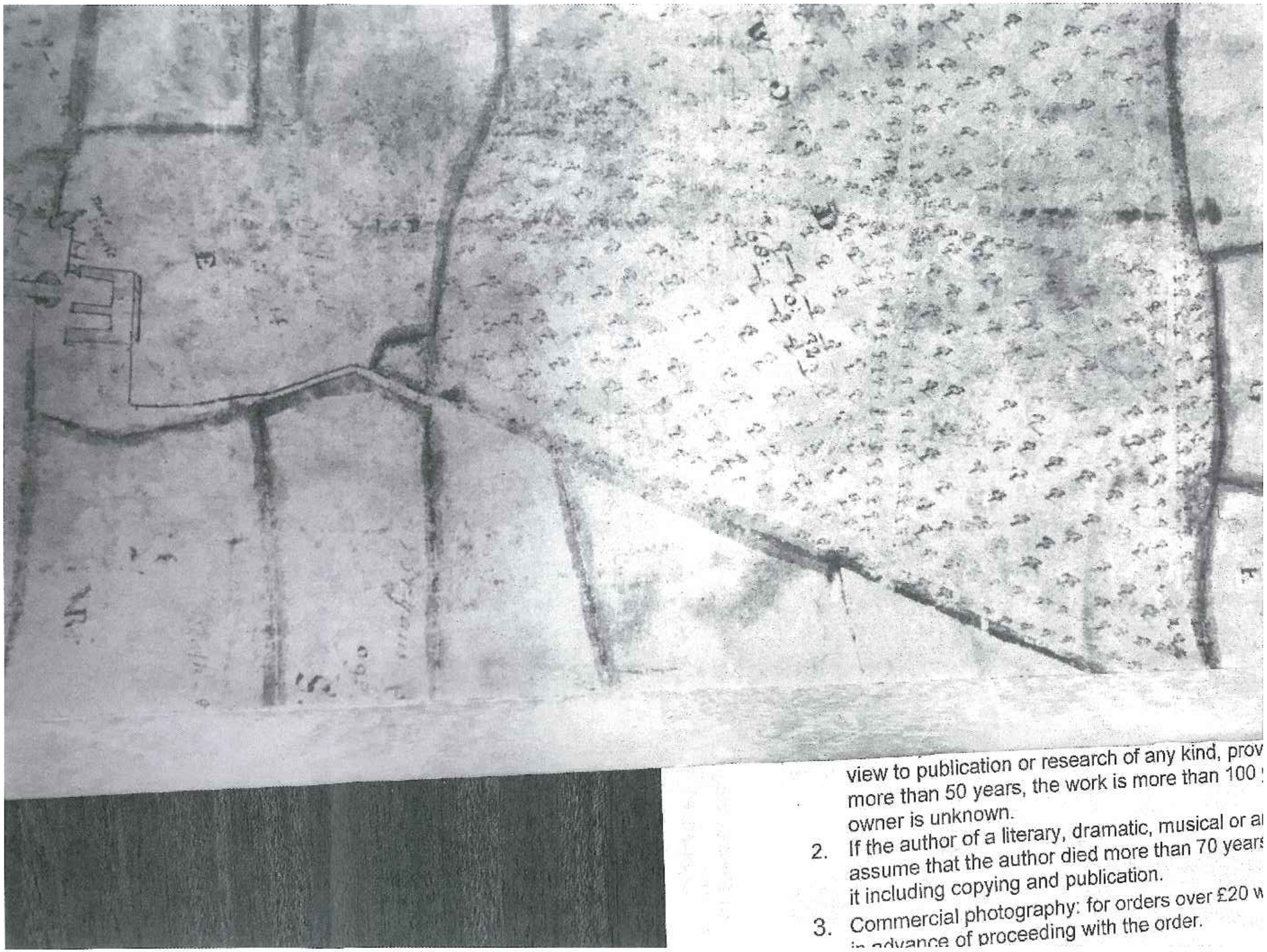


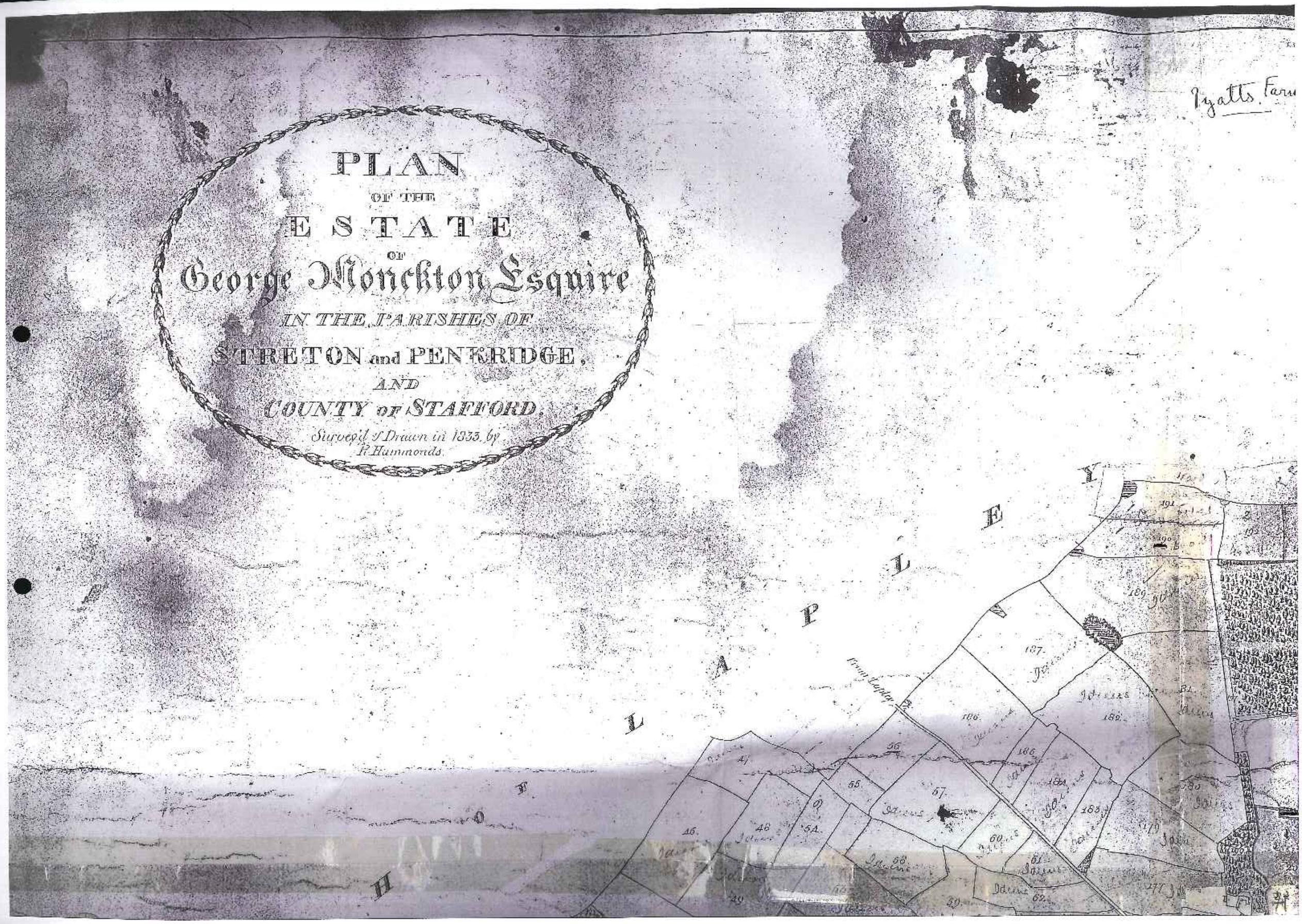


view to publication or research of any kind, prov
more than 50 years, the work is more than 100
owner is unknown.

2. If the author of a literary, dramatic, musical or a
assume that the author died more than 70 years
it including copying and publication.
3. Commercial photography: for orders over £20 w
in advance of proceeding with the order.

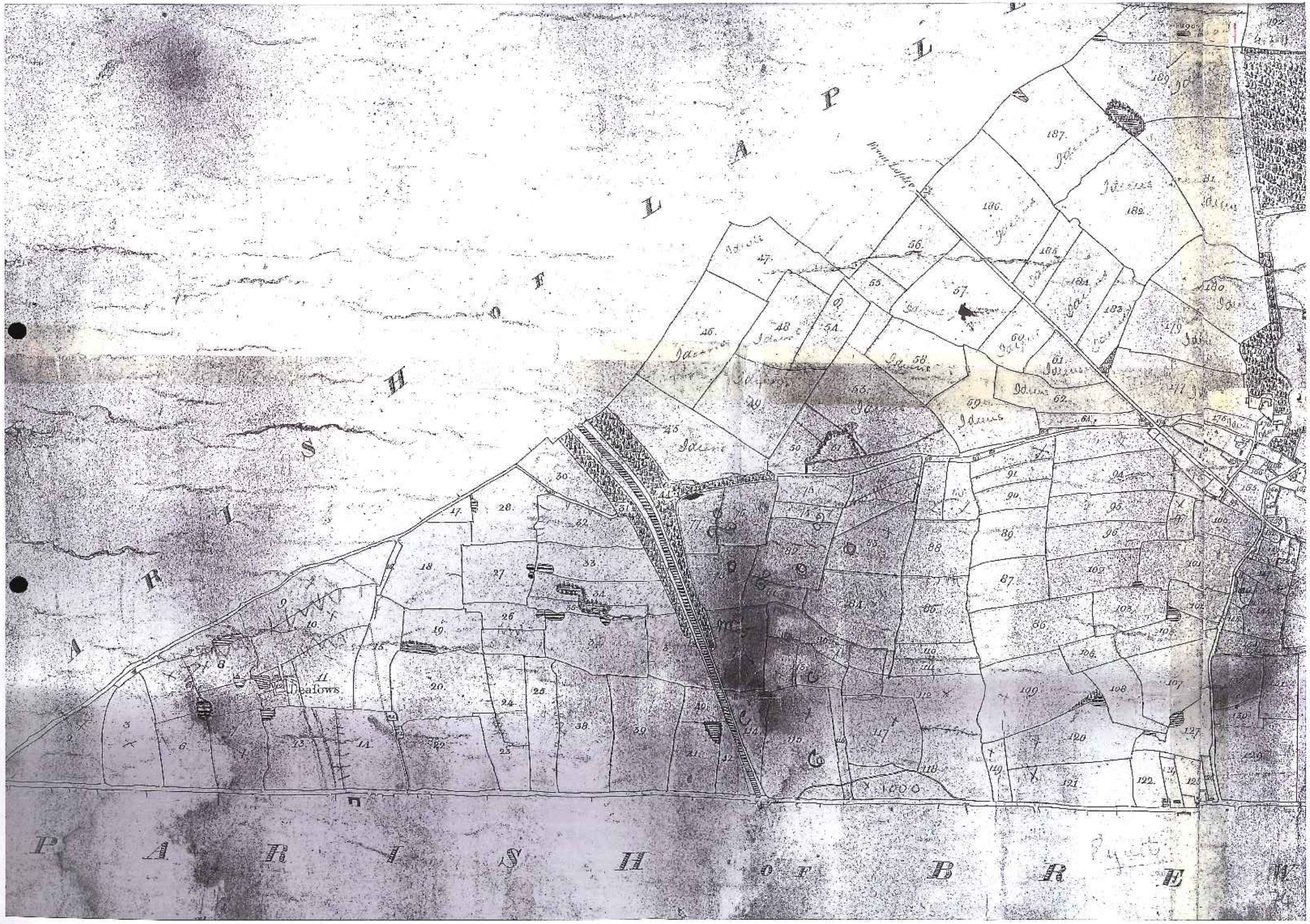
PLAN
OF THE
ESTATE
OF
George Monckton Esquire
IN THE PARISHES OF
STRETON and PENKRIDGE,
AND
COUNTY OF STAFFORD.

Surveyd & Drawn in 1833 by
P. Hammonds.



Pyatts Farm

PENKRIDGE
PARISH OF
Rowley Hill
HALL
MILL
To Lichfield


PARISH OF LAPPLA
PARISH OF BREWE
Deafows
Brook Lodge

And whereas I the said John Bright have been appointed the Valuer in the matter of the said Inclosure and having made the Declaration required by the said Acts have duly held all necessary me and drawn up and sent to the Inclosure Commissioners for England and Wales my Report in writing the matter of the said Inclosure with Maps marked A and B thereunto annexed and in all other respects complied with the provisions of the said Acts.

And whereas all such objections as have been made to my said Report having been heard an such inquiries having been made in relation thereto as the said Inclosure Commissioners have thought the said Inclosure Commissioners have authorised and directed me to cause to be drawn up an engrossed on parchment my Award in the matter of such Inclosure.

And whereas the said Inclosure Commissioners have by an Order under their Seal by virtue the power vested in them in that behalf by the said Acts directed that the Lands in respect of which Allotments are hereby made shall not be comprised or shown on the Map A hereunto annexed

Now Know Ye that in pursuance of the provisions of the said Acts and by virtue of the pow and authorities in me vested I the said John Bright the Valuer as aforesaid do make and declare this to b my award in the matter of the said Inclosure and to this my Award I have annexed the Maps A and referred to by my said Report

And I declare that I have set out and do hereby set out allot and award unto Walt Peter Gifford Esquire as Representative of the late Thomas William Gifford Esquire the Lord of the Manor of Wheston All that piece or parcel of land numbered 1 on the said Map A and containing one rood and twenty six perches which I adjudge and declare to be equal in value to one fourteenth part of the residue of the lands to be inclosed and to be in lieu and in full compensation for the right and interest of the said Walter Peter Gifford Esquire as Representative of the late Thomas William Gifford Esquire in the soil of the said lands including of his right and interest in all Mines Minerals Stone and other Substrata under the same

And I direct that the Fences on the North and East sides thereof shall be made and maintained by the Owner for the time being of the said Allotment.

And I further declare that I have set out all the remainder of the Lands to be inclosed among the several persons hereinafter named being all the persons interested therein in the Shares or Allotments following set opposite to their respective names in which Allotments I have adjudged and determined to be proportionate to the value of the respective rights and interests of such several persons in the said Lands that is to say

Sciris shall come

of Guelph Land Surveyor sends greeting

the Township or Liberty of Whitson and
been duly authorised under the provisions of

ed the Valuer in the matter of the said
said Acts have duly held all necessary meetings
land and Waters my Report in writing to
B hereunto annexed and in all other

my said Report having been heard and all
aforesaid Commissioners have thought fit
ected me to cause to be drawn up and
nclosure

by an Order under their Seal by virtue of
d that the Lands in respect of which
the Map A hereunto annexed

of the said Acts and by virtue of the powers
aforesaid do make and declare this to be
Award I have annexed the Maps A and B

t and allot and award UNTO William
William Gifford Esquire the Lord
land numbered 1 on the said Map
d I adjudge and declare to be equal
to be enclosed and to be in lieu and
Walter Peter Gifford Esquire as
in the soil of the said Lands exclusively
d other Allotments under the same
ter thereof shall be made and maintained

the remainder of the Lands to be
being all the persons interested
ocate to their respective names
ed to be proportionate to the value
persons in the said Lands

Persons interested Residence and Description	Allotments No. on Map A	Extent a	r	p	Fences to be made and maintained by Owner	Lands in respect of which Claims allowed and allotments made No. on Table Plan	Description	Extent a	r	p	Tenure
Walter Wise Gifford Esquire as Representative of the late Thomas William Gifford Esquire of Huntington Deceased (Continued)						130	Pole in Mill Meadow	"	3	14	
						131	— " —	"	1	8	
						141	House and Garden	1	3	16	
						142	The Yard	1	1	5	
								4	"	33	Freehold
						218	House and Garden	"	"	18	Freehold
						219	House and Garden	"	1	16	Freehold
						126	The Mill Croft	2	"	12	
						127	Mill Croft and Garden	"	3	32	
						129	Pole in Mill Meadow	"	1	12	
						128	Cross Leathe	3	1	33	
						143	Tetheston Hall House Buildings and appurtenances	1	3	30	
						144	Tanners Bank	3	"	6	
						145	Little and Pole Meadow	6	3	22	
						146	Broad Meadow	1	1	4	
						150	Part of Meadow	"	"	36	
						151	Little and Middle Leys	12	2	8	
						152	The Rushes	10	3	27	
						153	The Bog Leys	5	3	32	
						154	Two Horted Meadow	2	1	27	
						155	The Lower Pool	3	"	3	
						156	The Home	10	2	28	
						190	Two houses and Gardens	1	"	20	
						195	The Furlong	16	"	20	
						199	Little Furlong	3	2	15	
						208	Mill Leasow	7	1	30	
						209	Heath Flatt	9	1	9	
						210	— " —	8	2	30	
						211	— " —	8	3	25	
						212	The Sand Folds	13	3	24	
						232	Newport way	10	3	07	
						233	— " — and Bickon stile	10	1	10	
						245	Cat Leasow	9	"	10	
						246	Old Kith Leasow	11	1	23	
						247	Broad Leat	10	"	3	
						248	Beacon Leasow	5	1	"	
						249	— " — Flatt	2	2	4	
						250	Chickens dale	8	2	35	
						251	Beacon Leasow and Fencing	11	3	"	
						253	Tomb Whittle	10	3	15	
						257	Hogs dale	6	1	35	
						258	— " —	"	3	22	
						263	Upper Hembrick and Hogsdale	7	"	35	
						264	Beacon Leasow	8	1	5	
								259	2	1	Freehold

Persons interested Residence and Description	Allotments					Fences to be made and maintained by Owners	Lands in respect of which Claims allowed	
	No. on Map A	Extent					No. on Tithe Plan	Description
		a.	r.	p.	v.		243	Garden
Walter Peter Gifford Esquire as Representative of the Late Thomas William Gifford Esquire (continued)							137	Acres
							217	House Blacksmiths Shop and Garden
							242	Slang
							122	Monks Meadow
							128	Mill Meadow
							181	Lady Green Way and Middle Piece
							196	Bickford Meadow
							198	Croft
							213	Upper Croft
							214	Croft
							215	House Buildings and Garden
							233	Upper Leason
							234	Seen Acres
							235	Part of Lower New Leason
							236	Remainder of " "
							240	Upper "
							241	New Leason
							244	Mellons Leason
							272	Cole Leason
							288	Green field
							289	Slang
							No. on Map B	
							1	Dole in Mill Meadow
Late Tenants							2	" "
							3	" "
							4	Kims Croft and Medium
							6	House Buildings and
							7	Groom Croft
							8	Seen Acres
							9	Lower Holly pit Leas
							10	Upper "
							18	Big Barn Leason
							19	Oven "
							21	Sander Leason
								House Shop and Garden

					235	Part of [illegible]	2	3	27		
					236	Remainder of — " —	10	"	16		
					240	Pepper — " —	10	1	16		
					241	New Leasow	6	"	5		
					244	Hollows Leasow	7	"	37		
					272	Cole Leasow	5	1	35		
					285	Green field	"	1	8		
					289	Slang					
					Per on map B						
					1	Dole in Mill Meadow	"	2	21		
					2	— " — " —	"	2	18		
Late	Strutherson				3	— " — " —	"	1	12		
					4	Home Croft and Mortimers Barn	4	2	12		
					6	House Buildings and Croft	4	1	21		
					7	Groom Croft	3	2	12		
					8	Lean Acre	3	"	14		
					9	Lower Holly pit Leasow	4	"	36		
					10	Upper "	4	"	15		
					13	Big Brom Leasow	9	"	33		
					14	Oak "	2	1	30		
					21	Lander Leasow	2	2	34		
							131	2	15	Freehold	
								1	4	Freehold	
						House Shop and Garden					
— " — as purchaser from John Oxley Schoolmaster Stourbridge	19	"	7	Arable and Land							
					Per Map 235	Madeyes Hole	"	2	"	Freehold	
— " — as purchaser from Wm Hartley Schoolmaster Stourbridge	5	"	15	Arable and Land							

Persons interested Residence and Description	Allotments							Lands in respect of which Claims allowed	
	No. on Map A	Extent				How to be made and maintained by Owner	No. on Title Plan or Map B	Description
		a	r	p	m			
Walter Peter Giffard Esquire as representative of the late Thomas William Giffard Esquire as purchaser from Joseph Walker Pickford	6	-	-	-	17	North and East	No. on Map B 8	Venue Garden and Intake
— " — as purchaser from James Hyde Sabonia Pentlidge	7	-	-	-	22	North and East	No. on Title Plan 166	Three Houses and Gardens
— " — as purchaser from John Tell Farmer Ichington	8	-	-	-	5	North and East	189	Venue Pitt House and Garden
— " — as purchaser from Henry Brandon Esquire Stretton Hall	9	-	-	5	4	North and East	No. on Map B 15	Part of Little Cote Leasow
							16	Pig — " —
							17	Ichington Little Leasow
— " — as purchaser from George Robinson Esquire Solicitor New House Lapley late Oster	10	-	-	37	13	North and East	No. on Title Plan 175	Townsend Leasow
							178	Part of Bottle Field
							185	Meer piece
							280	Sorry Lay
							284	Part of Brick Kiln piece
							285	Orchard
							296	Barn and Barn Croft
							299	Fish pit
— " — as purchaser from George Robinson (late Wood and Golding)							283	Over Leasow
							286	The Shrew
							296	Mill Leasow
— " — as purchaser from George Robinson (late Boulton							179	The Marsh
— " — as purchaser from The Right Honorable Lord Rutherston Tiddesley	11	-	-	31	11	North and East	No. on Map B 11	Horsebrook Leasow
							12	Meadow
							13	Cote Field
							14	Starts Close
— " — as purchaser from William Stubbs Esquire Hanwood	12	-	-	27	-	North and East	No. on Title Plan 167	Yard Meadow
							165	The Yard
							182	Big Barking
							183	" Stedd

Persons interested Residence and Description	Allotments						Lands in respect of which Claims all	
	No. on Map A	Extent				Fences to be made and maintained by Owner	No. on Title Plan	Description
		a	r	p	y			
Walter Peter Giffard Lyons as Representative of the late Thomas William Giffard Esquire as purchaser from William Hubbs (continued)							176	Cole Leasow
							177	Bushy Meadow
							297	Upper Intake
							298	Tower
							301	Near Jeffries' Leasow
							302	Far
— " — as purchaser from Thomas Onslow Farmer Winston	13	.	.	13	10	North and East	147	Dole in Bull Mead
							148	— " — "
							149	— " — "
							184	Hollies Pit Leasow
							290	Part of Green Field
							291	— " — "
							292	— " — "
— " — as purchaser from William Lewis Holder and Farmer Steward in respect of two undivided third parts	14	.	.	34	9	North and East	124	Dole in Marks Mead
							159	Puddock
							164	Part of Puddock
							185	Puddock Meadow
							170	Farm House Building and Garden
— " — as purchaser from John Roberts Cedall Wood in respect of one undivided third part	15	.	.	17	5	North and East	172	Croft
							173	Meadow Brook
							174	Skye Leasow
							180	The Marsh
							192	The Mere
							300	Frog Pit
							162	Horton Croft (two cam
							171	Garden
							169	Home and Garden

Persons interested Freeholds and Tenants	Allotment No. on Map	Extent A.	R.	P.	Fences to be made and maintained by Owner	Lands in respect of which Claims allowed and Allotments made No. on Title Plan	Description	Extent A.	R.	P.	Tenure
William Peter Gifford Esquire as Representative of the Late Thomas William Gifford Esquire of Billington Stewart	18	4	1	17	North and East	123	Part Oven Mickle Meadow	2	1	16	
						125	Little Meadow	8	"	25	
						133	In Milk Meadow	"	1	18	
	19	"	"	2	East	136	In "	"	3	10	
						139	Croft Lawn	4	1	23	
						140	Great Croft	6	2	10	
						188	The Cross	1	3	4	
						197	Croft	1	2	1	
						200	The Homestead	"	3	26	
						202	The Cross	3	3	8	
						206	The Lawn	4	"	17	
						207	Nearth Flatt	2	3	20	
						216	The Croft	8	2	4	
						220	Green Lawn	5	1	35	
						221	Mickle Lawn	6	2	33	
						222	Green Lawn and Rickyard	5	"	13	
						224	Black Butts and Green Croft	12	1	11	
						237	The Oak Flatt	9	3	"	
						238	The Rinshall	6	2	30	
						239	The Green Fields	6	3	32	
						259	The Meadow	2	2	17	
						262	Horse Brook Meadow	1	3	24	
						275	The Redding	12	2	18	
						276	Lapley field	12	2	"	
						277	Lapley croft	7	2	39	
						278	Lapley field	5	1	35	
						279	"	5	1	20	
						281	Oak Flatt	6	2	6	
						282	"	"	3	6	
						287	Upper Breyands Lawn	7	"	"	
						293	Lower "	8	3	38	
						294	The Shawe	3	2	14	
								176	1	2	Freehold
						132	Part Mickle Meadow	"	2	21	
						134	Half of a Long strip	"	1	8	
						135	" "	"	"	27	
						157	Part of the Home	3	"	26	
						158	Remainder of "	1	"	39	
						160	House Buildings and Garden	"	3	30	
						161	The Yard	2	"	35	
						162a	Meadow	1	"	16	
						191	Short Lands	2	1	10	
						193	Holt Meadow	1	1	32	
						194	Little Short Lands	1	1	7	
						205	The Croft	"	3	10	
						268	The Pingle	3	2	16	
						269	Hawthorn Lawn	3	"	9	
						270	The Groaning	4	3	24	
						271	Part of "	2	"	27	
								29	1	17	Freehold

Persons interested Tenderers and Description	Allotments: No. on Map A	Extent a	r	p	Fences to be made and maintained by Owner	Lands in respect of which Claims allowed and Allotments made: No. on Tithe Plan or Map B	Description	Extent a	r	p	Tenure
William Congreve Esquire of Buxton Cheshire	2	-	-	10	21	North and East	No. on Tithe Plan				
						196	Part of Worthy Croft	-	1	10	
						256	Lower Hill Bit	1	2	-	
						260	Part of Meadow	1	-	-	
						261	Far Hogsdale	8	-	-	
								10	3	10	Freehold
Charles Neking Esquire Congreve	3			8	12	North and East	No. on Map B 20	Nans Croft	8	3	10	Freehold
Joseph Blackburne Farmer Wheaton	17	-	-	5	25	North and East	No. on Tithe Plan 226	Croft (including Pat B)	1	2	16	
						227	Garden	-	-	37	
						228	Croft	1	2	-	
						229	House and Garden	-	-	34	
						230	Croft	1	2	36	
						231	Croft	1	1	14	
								6	2	17	Freehold
Edward Thomitt Farmer Wheaton late James Boulton	18	-	-	3	12	North and East	201	House Buildings and Garden	-	2	30	
						202	Croft	-	3	-	
								1	1	30	Freehold

And I the said John Bright do hereby Order direct and appoint that good and sufficient Fences for enclosing the several Allotments hereinbefore described if not already set up and made shall be made within the space of Twelve months from the Confirmation by the said Inclosure Commissioners of this my Award by the several persons owners for the time being of the said several Allotments or the sites hereinbefore in that behalf provided on which sites respectively a line is marked or drawn thus (*) on the said Map A

In Witness whereof I the said John Bright have to this my Award which I have made in pursuance of the said Inclosure Commissioners for England and Wales caused to be drawn up and engrossed on Parchment set my hand this eleventh day of October in the year of our Lord One thousand eight hundred and sixty two

J Wright

In Witness and Confirmation whereof We the undersigned Inclosure Commissioners for England and Wales have hereunto subscribed our respective Names and caused our Official Seal to be affixed this Twelfth day of October in the year of our Lord one thousand eight hundred and sixty two

BEACON HILL COMMON

(Township of Whiston)

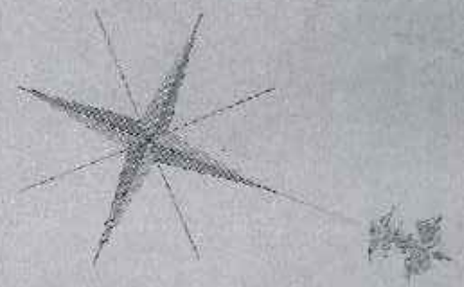
PARISH OF PENKRIDGE

AND

COUNTY OF STAFFORD.

ENLARGED PLAN

SCALE OF CHAINS

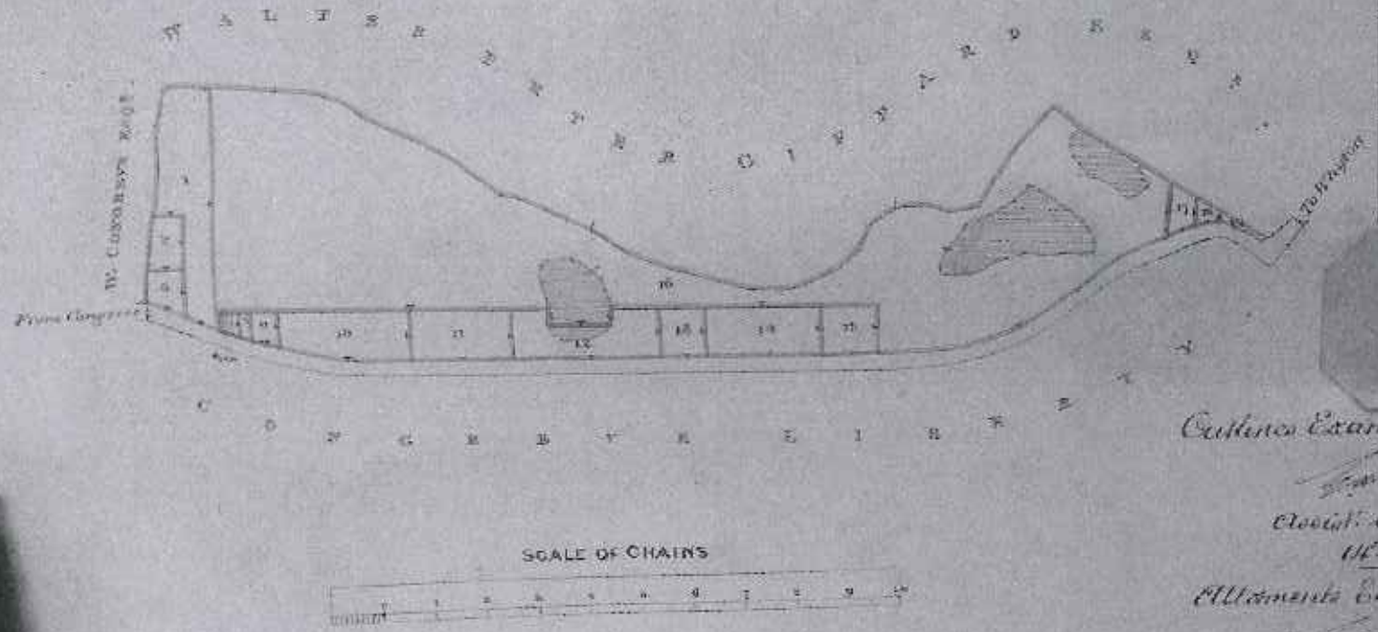


Inclosure

We the Undersigned Inclosure Commissioners for England and Wales do hereby certify the accuracy of this Map and that it is the Map referred to in the Inclosure Award. Witness our hands this [illegible] day of October in the year of our Lord one thousand eight hundred and sixty two

[illegible]

[illegible]



Outlines Examined and Approved

[illegible]

Assist. Commissioner

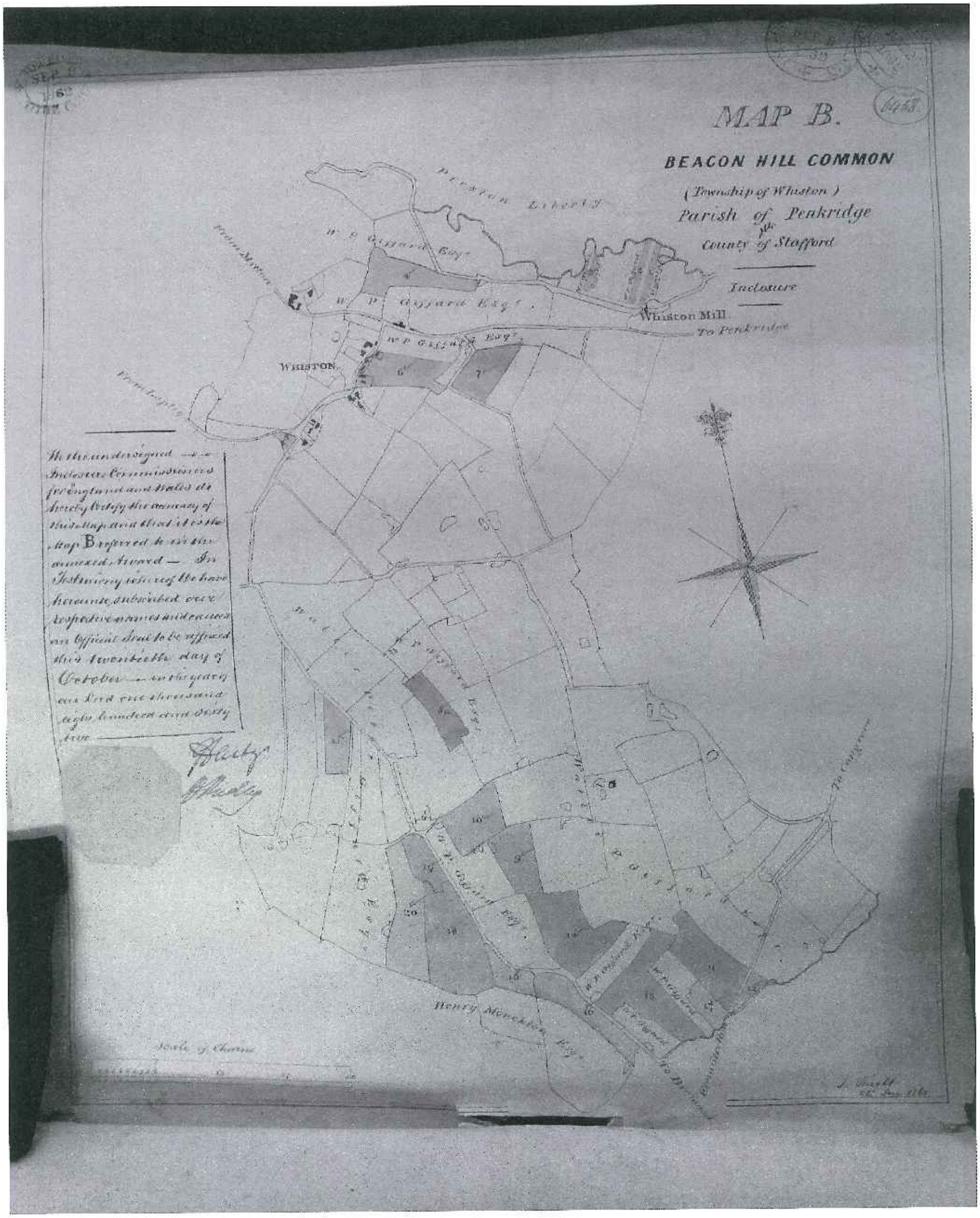
11th July 1862

Allotments Examined and Approved

[illegible]

Assist. Commissioner

22nd Sept 1862


MAP B.
BEACON HILL COMMON
(Township of Whiston)
Parish of Penkridge
County of Stafford
Inclosure
Whiston Mill
To Penkridge
WHISTON
Preston Liberty
W. P. Gifford Esq.
Henry Meacham Esq.
To Congreve
Scale of Chains
We the undersigned — Inclosure Commissioners for England and Wales do hereby certify the accuracy of this Map and that it is the Map referred to in the annexed Award — In Testimony whereof we have hereunto subscribed our respective names and caused our official seal to be affixed this twenty-sixth day of October — in the year one thousand eight hundred and sixty two