NORTH YORKSHIRE COUNTY COUNCIL

PLANNING AND REGULATORY FUNCTIONS SUB-COMMITTEE

8 OCTOBER 2010

APPLICATION TO ADD A PUBLIC BRIDLEWAY TO THE DEFINITIVE MAP AT FOLKTON, SCARBOROUGH

1.0 PURPOSE OF THE REPORT

1.1 To advise Members of an application for a Definitive Map Modification Order to add to the Definitive Map a Public Right of Way from:-

Folkton, Scarborough to Folkton Wold, near Fordon, Scarborough

A location plan is attached to this report as **Plan 1**. The route referred to is shown by a solid black line and is marked A – B on the plan attached to this report as **Plan 2.**

1.2 To request Members to authorise the Assistant Chief Executive, Legal and Democratic Services to make a Definitive Map Modification Order.

2.0 THE COMMITTEE'S RESPONSIBILITIES

2.1 The Committee in considering the Modification Order Application acts in a quasi-judicial capacity. It is fundamental that consideration and determination of an issue is based on the evidence before the Committee and the application of law. The merits of a matter have no place in this process and the fact that a decision might benefit or prejudice owners, occupiers or members of the general public, or the Authority, has no relevance to the issues which members have to deal with and address.

2.2 The Committee's decision whether to "make" an Order is the first stage of the process. If Members authorise an Order being "made", and there are no objections to the Order, the County Council can "confirm" the Order. However, if there is objection to an Order, that is not subsequently withdrawn, only the Secretary of State would have the power to decide if it should be "confirmed". It would then be likely that a Public Inquiry would be held, and the decision whether or not to confirm the Order would rest with the Secretary of State.

3.0 LEGAL ISSUES

3.1 Under Section 53 of the Wildlife and Countryside Act 1981 where a Highway Authority discovers evidence which (when considered with all the other relevant evidence available to them) shows that a right of way which is not shown in the Definitive Map and Statement "*subsists or is reasonably alleged to subsist*" then the Authority should make a Definitive Map Modification Order.

3.2 Further, under Section 31 of the Highways Act 1980 a statutory presumption arises that a way has been dedicated as a highway on proof that the way has actually been enjoyed by the public, as of right, and without interruption for a full period of 20 years, unless there is sufficient evidence that there was no intention during that period to dedicate it. The period of 20 years is to be calculated retrospectively from the date when the claimed right of the public to use the way is brought into question.

3.3 At common law a route can be held to have been dedicated as a public right of way on the basis of evidence of use. There is no prescribed period over which it must be shown that use has occurred but an inference of dedication by a landowner must be capable of being drawn. The use relied on must have been exercised "as of right", which is to say without force, without secrecy and without permission. The onus of proof lies with a claimant.

4.0 BACKGROUND TO THE APPLICATION

4.1 An application was received by the County Council in 26 June 2008 for A – B on Plan 2 to be added as a Bridleway

4.2 The applicant is Folkton Parish Council.

5.0 EVIDENCE IN SUPPORT OF THE APPLICATION

5.1 Evidence of Use of the Route

5.1.1 22 evidence of use forms giving the evidence of 24 people were submitted with the application.

5.1.2 On these forms the majority of usage described was on foot and on horse back supporting the application for a bridleway.

5.1.3 7 people used the route in a motor vehicle, but further investigation showed that it was most likely that this use was exercising a private right of access to land lying beyond the claimed route.

5.2 Historical Evidence

5.2.1 The Parish Council also submitted a copy of the 1807 Folkton Inclosure Award and a letter from North Yorkshire County Council dated 23 August 1991.

5.2.2 The Folkton Inclosure Award clearly states that a public bridle road of the width of 20 feet was to be set out from the Flixton Road running across those lands awarded to Samuel Herbert, Rector of Folkton in the section of the Award dealing with the setting out public carriageways and highways. A copy of this award is attached to this report in Appendix for the Folkton Bridleway Definitive Map Modification Order.

5.2.3 The Folkton Inclosure Award Map clearly shows the route running south from the Flixton Road to the parish boundary. A copy of this award is attached to this report in Appendix for the Folkton Bridleway Definitive Map Modification Order. The northern part of this route coincides with the claimed route of the Application.

5.2.4 The letter from North Yorkshire County Council dated 23 August 1991 suggests that the public are entitled to use the route, despite it not appearing on the Definitive Map. The final paragraph of the letter, written on behalf of the County Area Surveyor, states that the public should be encouraged to use the claimed route rather than the footpath that appears on the Definitive Map although it is emphasised that both routes must remain open and available.

5.2.5 This letter also makes reference to four enclosures of which only one (the Inclosure Award) has been provided.

6.0 REPRESENTATIONS AGAINST THE APPLICATION

6.1 The only representation received following the consultation was made by the land owner who objects to the proposal to add the route as a bridle way. These objections are summarised below. A copy of the letter is attached to this report in Appendix for the Folkton Bridleway Definitive Map Modification Order.

6.1.1 The Commissioners for the local Inclosure Award did not have the power to set out a public bridle road of 20 feet width. Consequently the Commissioners actions in this respect were *ultra vires* and so the Award should not be given any weight as evidence of a bridleway existing.

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6.1.2 Notwithstanding the overriding claim referred to in 6.1.1 above the landowner claimed the Inclosure Award is unclear as to whether or not the bridle road is set out as a public route or a private route.

6.1.3 In the Finance Act working plans and field books for the land over which the claimed route runs, no mention of any deductions being made for a right of way is shown. These documents usually date around 1910.

6.1.4 The user evidence is insufficient to support presumed dedication under the Highways Act.

6.1.5 The route is a private access to the land lying south of Folkton Hall and therefore it is difficult for the land owner to know which use was private and which use was as a public right.

7.0 COMMENTS ON THE EVIDENCE FOR THE APPLICATION

7.1 Comments on the Evidence in Support of the Application

i. The 22 forms giving evidence of 24 individuals show evidence of use dating back to 1930 and show periods of use ranging from 1 to 63 years. All users used the route on foot, 12 of the 24 used the route either on horse or bicycle, and 8 used the route in a motor vehicle.

ii. From the information contained within the forms it appears that 7 witnesses' use of the route would have been under private access rights in order to gain access to the land and buildings beyond the claimed the route and 1 witness sought permission to use the route and this had been granted by a previous land owner and the current land owner.

iii. As these 8 forms do not provide clear evidence of a public right of way being acquired they have been removed from consideration which reduces the available evidence of use forms to 14. The use of the route by these 14 witnesses shows 8 people used it as a footpath only, 2 people used it as a footpath and bridleway, and 4 people used as a footpath, bridleway and in a vehicle. Of these 14 users, 3 had used the route frequently, 4 had used the route up to 10 times each year, and the remaining 7 had used the route occasionally. However it is clear from the comments made by the witnesses that the route had been frequently used in the past by school groups, walking groups, and private individuals. Comment was not made by any of these witnesses that the use by these groups was by permission.

iv. Consideration has been given to whether the route may have been dedicated at common law. An inference that a way has been dedicated for public use may be drawn at common law where the actions of land owners (or lack of action) indicate that they intended a way to be dedicated as a highway and where the public have accepted it. In this case there is evidence contained within the witness statements that suggest the previous owners of the land did not actively stop people using the route as a public right of way, and the proximity of the land owner's house to the route suggests that the land owner must have been aware that the public were making use of the route.

v. The purpose of the Inclosure Award was to inclose common land, and it included the setting out of existing and or new public roads and other highways. An Inclosure Award must be read in conjunction with the relevant Inclosure Act which laid out the responsibilities of the Inclosure Commissioners in their preparation of the Award. Analysis of the Inclosure Award Map shows that the claimed route and the route shown on the modern map are very likely to be one and the same. (See Appendix for the Folkton Bridleway Definitive Map Modification Order). The Inclosure Award initially appears to present a compelling case for the existence of a bridle road on the claimed route. However, examination of the Folkton Inclosure Act 1802 in the light of the R. v. Secretary of State for the Environment ex parte Andrews 1993 case law undermines the value of the Award. In the Folkton Inclosure Act 1802 no powers to set out routes of less than carriageway status and less than 30 feet width were given. Therefore they had no authority to set out a 20 feet bridle road as described in the Award.

vi. Overall, the mention of the route within the Inclosure Award suggests that the route was a public route in the early 19th century. However this route had been set out using powers that the Commissioners did not possess and the Inclosure Award cannot be relied upon to prove the existence of public rights.

vii. The letter from the County Area Surveyor to Mr Pittman in 1991 shows that the County Council was aware of the apparent implications of the appearance of the route within the Folkton Inclosure Award. However, further investigation has shown that Award is not so clear cut as originally envisaged and that the officer's view at that time was presumptive.

viii. Whilst dedication at common law is possible, in this case there is insufficient evidence to determine the inference of dedication at common law.

ix. The user evidence (excluding the evidence of use forms which suggested some use under licence or private right) shows that the route was frequently used by people believing it to be a public right of way.

7.2 Comments on the Evidence Against the FPC Application

In judgement of the case of R. v. Secretary of State for the Environment ex parte Andrews 1993 the courts clarified the powers of Inclosure Commissioners to set out new highways in an Inclosure Award. In summary, unless a local Inclosure Act provided Commissioners with specific powers to create highways then they were restricted to powers set out in the General Inclosure Act 1801. Under that Act commissioners had powers limited to setting out roads of carriageway status and of a minimum width of 30 feet.

Close examination of the 1802 Folkton Inclosure Act shows that the Commissioners did not have the explicit powers to set out roads of lower status than carriage road or less width than 30 feet. Therefore the R. v. Secretary of State for the Environment ex parte Andrews 1993 case law seems to apply in this case meaning that the bridle road shown in the Inclosure Award is invalid because the Commissioners had acted *ultra vires*. Whether or not the bridle road set out in the Award was intended to be a public right of way is therefore of no practical importance.

The failure of any adjustments being made in the Finance Act records to allow for the presence of a right of way is not surprising since the evidence gained from the OS maps of the period show that the route moved at this time. It would be a reasonable assumption to make that part of this involved moving the route out of the area of the hall. By examining the Finance Act records and the 6 inches to the mile OS maps of 1891 and 1911 in conjunction it is apparent that at some point over the intervening period the route of the whole of the bridle road set out by the Inclosure Award was diverted. It is possible that this diversion is why there is no adjustment made in the Finance Act records to reflect the presence of a right of way.

The user evidence presented is not as compelling as it may first appear. However your officers believe there is sufficient evidence of usage to "*reasonably allege*" that the right of way subsists, thereby meeting the test laid down in the Wildlife and Countryside Act 1981.

8.0 SUMMARY

8.1 The historical evidence supplied in support of the Application is affected by the R. v. Secretary of State for the Environment ex parte Andrews 1993 case and therefore cannot be considered as supporting evidence in this application. However, the user evidence does present enough evidence to reasonably allege the right of way subsists over the claimed route (A – B on Plan 2).

9.0 RECOMMENDATION

9.1 That the Committee authorise the Corporate Director Business and Environmental Services to make a Definitive Map Modification Order for the route set out in the Application to be shown on the Definitive Map as a public bridleway, and in the event that formal objections to that Order are made, and are not subsequently withdrawn, to refer the Order to the Secretary of State for determination and in doing so to exercise powers delegated to him under the County Council's Constitution in deciding whether or not the County Council shall support confirmation of the Order in referring the matter to the Secretary of State.

DAVID BOWE
Corporate Director, Business and Environmental Services

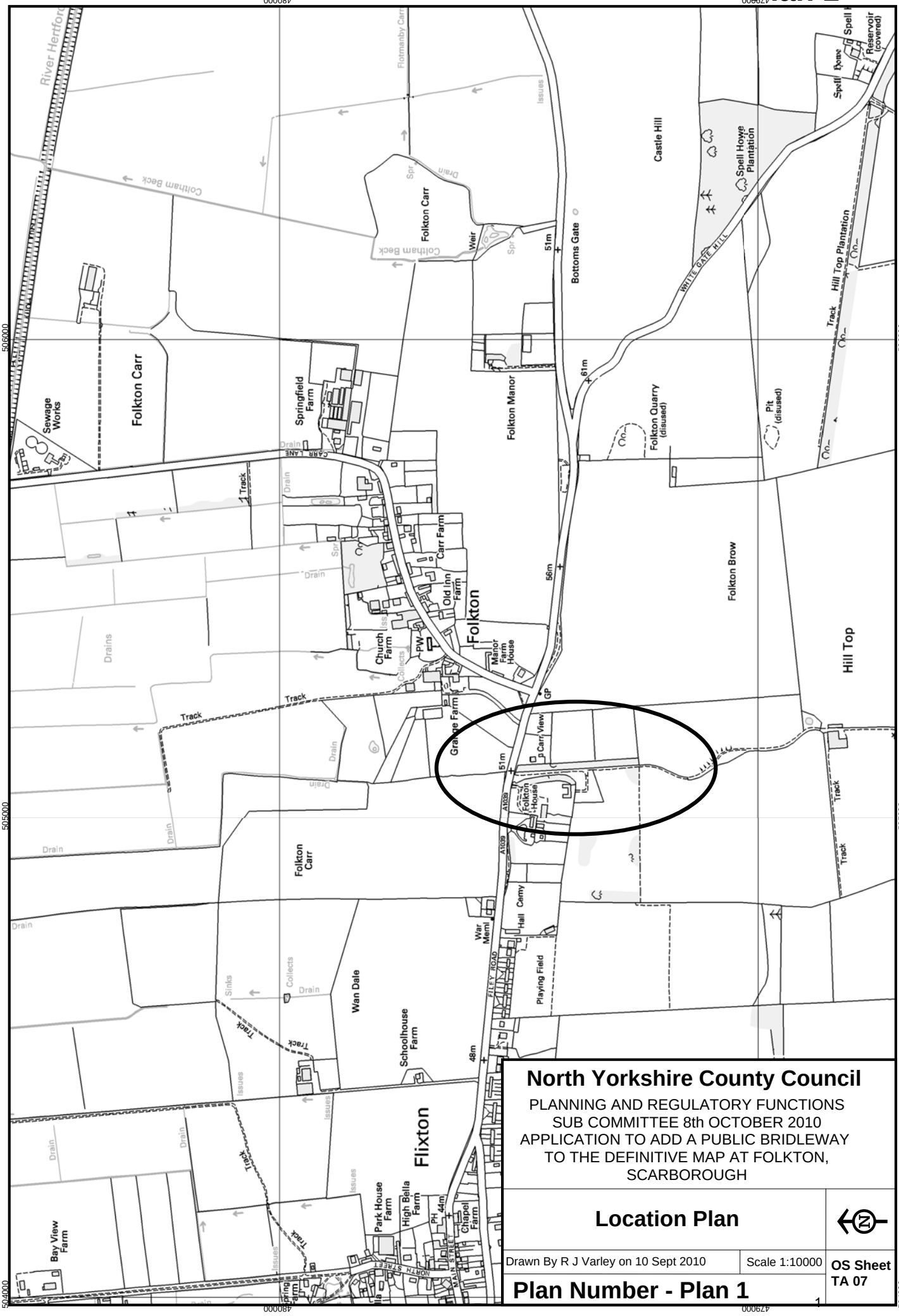
Background Papers:

Please see: "Appendix for the Folkton Bridleway Definitive Map Modification Order – Supporting Documentation for the Planning and Regulatory Functions Sub Committee 8 October 2010"

Author of Report: Russ Varley

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Plan 1



North Yorkshire County Council

PLANNING AND REGULATORY FUNCTIONS SUB COMMITTEE 8th OCTOBER 2010
APPLICATION TO ADD A PUBLIC BRIDLEWAY TO THE DEFINITIVE MAP AT FOLKTON, SCARBOROUGH

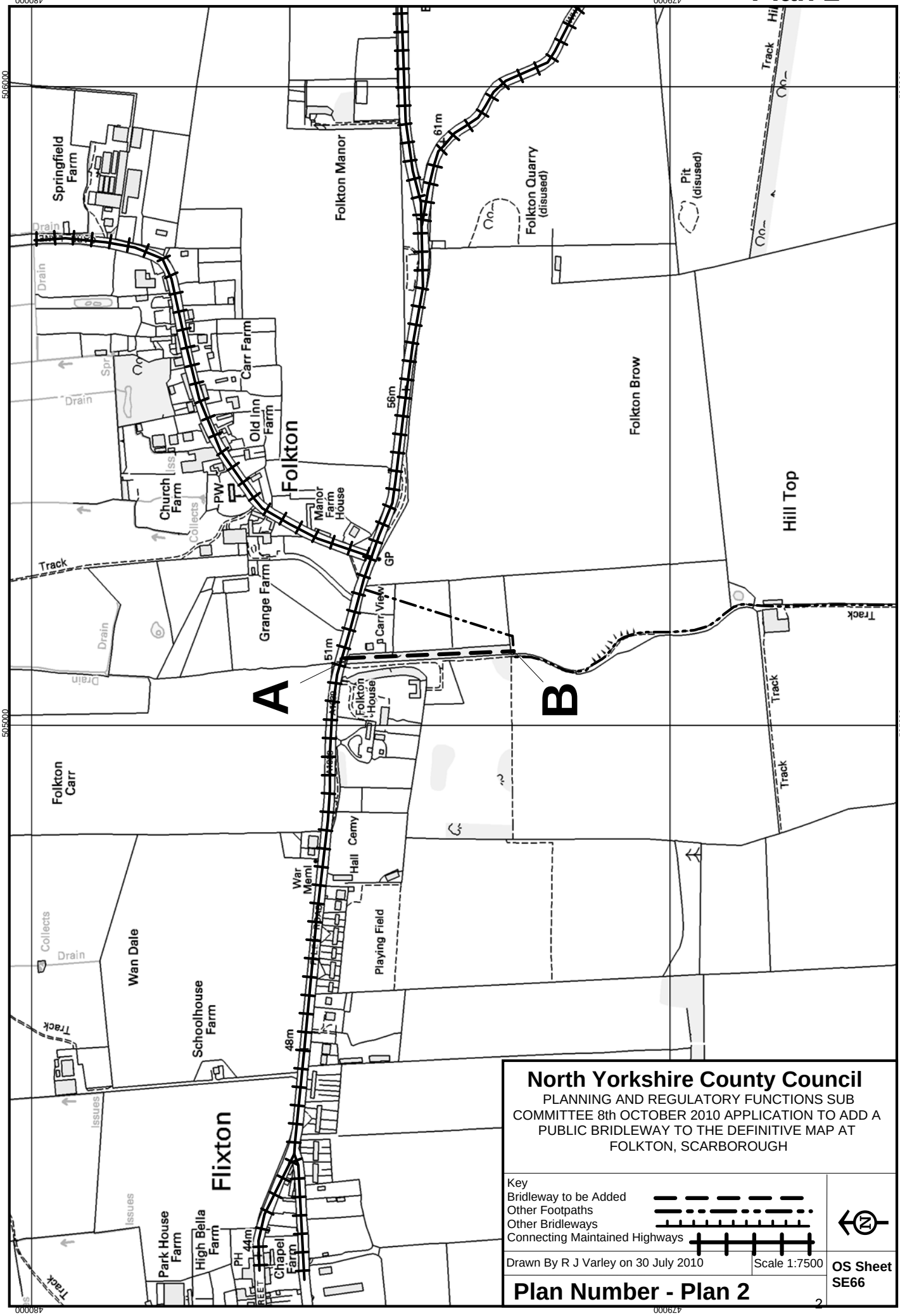
Location Plan

Drawn By R J Varley on 10 Sept 2010 | Scale 1:10000 | OS Sheet TA 07

Plan Number - Plan 1

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Plan 2



North Yorkshire County Council

PLANNING AND REGULATORY FUNCTIONS SUB COMMITTEE 8th OCTOBER 2010 APPLICATION TO ADD A PUBLIC BRIDLEWAY TO THE DEFINITIVE MAP AT FOLKTON, SCARBOROUGH

Key

Bridleway to be Added

Other Footpaths

Other Bridleways

Connecting Maintained Highways

Drawn By R J Varley on 30 July 2010

Scale 1:7500

OS Sheet SE66

Plan Number - Plan 2

Application Form

72/R6/15 Rec'd by hand. 21 July 2008.

WCA Form A

North Yorkshire County Council

Business and Environmental Services

WILDLIFE AND COUNTRYSIDE ACT 1981
The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 (Schedule 7).

APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER

DISTRICT OF :- SCARBOROUGH

PARISH OF :- FOLKTON

*I/We (name of applicant) FOLKTON PARISH COUNCIL

Of (address of applicant) MR M.W. BODEN, 18 FILEY ROAD, FLIXTON NORTH YORKSHIRE. YO11 3UF.

hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement by

1. **Deleting the *(footpath) (bridleway) (restricted byway) (byway open to all traffic)**

   shown as number (if known).....

   from .....

   to .....

   As shown on the map accompanying this application.

2. **Adding the *(footpath) (bridleway) (restricted byway) (byway open to all traffic)**

   from A1039 FILEY ROAD

   to FLIXTON / FORDON ROAD. (LINK TO WOLDS WAY.)

   As shown on the map accompanying this application.

3. ***(Upgrading) (Downgrading) to a *(footpath) (bridleway) (restricted byway) (byway open to all traffic) the *(footpath) (bridleway) (restricted byway) (byway open to all traffic)**

   shown as path number (if known).....

   from .....

   to .....

   As shown on the map accompanying this application.

Continued over ...

4. ***(Varying) (Adding to) the particulars relating to the *(footpath) (bridleway) (restricted byway) (byway open to all traffic)**

shown as number .....

from .....

to .....

by providing that *(Describe the changes needed to be made to the Definitive Statement)*

* Please delete as appropriate.

I/We attach copies of the following evidence *(documents, maps, completed Evidence of Use forms and/or statements of witnesses etc)* in support of this application.

List of Documents 13 EVIDENCE OF USE FORMS 1 TO FOLLOW. ENCLOSURE MAPS (2) + ROAD DETAILS. MAP TO SHOW AREA TO BE ADDED. LETTER OF 1991 FROM NYCC ABOUT CHANGE OF ROUTE OF FOOTPATH. TO MR PITMAN. LETTER FROM D. PITMAN. 28/6/08.

Dated 26.6. 20 08

Signed M.M. Cooke CLERK

When completed please return this form to:-

The Director
Business and Environmental Services
North Yorkshire County Council
County Hall
NORTHALLERTON
North Yorkshire DL7 8AH

Certificate of Serving Notice

WCA Form C

North Yorkshire County Council

Business and Environmental Services

WILDLIFE AND COUNTRYSIDE ACT 1981
The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 (Schedule 9).

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER

DISTRICT OF :- SCARBOROUGH.

PARISH OF :- FOLKTON

*I/We (name of applicant) FOLKTON PARISH COUNCIL

Of (address of applicant) MR M.W. BODEN. 18 FILEY ROAD FLIXTON NORTH YORKSHIRE. YO11 3UF.

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with. (Paragraph 2 is printed on the reverse of this form.)

DETAILS OF MODIFICATION *(Describe proposed modification as in ~~1~~, 2, ~~3 or 4~~ on WCA Form A)*

ROAD MARKED IN RED TO BE ADDED TO THE DEFINITIVE MAP.

LIST OF OWNERS, TENANTS AND OCCUPIERS NOTIFIED

A & J. BAKER. FOLKTON HALL.

Dated 26. 6. 2008 20 08.

Signed M.W. Boden CLERK

WILDLIFE AND COUNTRYSIDE ACT 1981

Schedule 14

Paragraph 2

2. (1) Subject to sub-paragraph (2), the applicant shall service a notice *(WCA Form B)* stating that the application has been made on every owner and occupier of any land to which the application relates.

(2) If, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on him by sub-paragraph (1) may be served by addressing it *(WCA Form B1)* to him by the description "owner" or "occupier" of the land (describing it) and by fixing it to some conspicuous object or objects on the land.

(3) When the requirements of this paragraph have been complied with, the applicant shall certify that fact to the authority *(by either WCA Form C or WCA Form C1).*

(4) Every notice or certificate under this paragraph shall be in the prescribed form.

Objection from Mr A Baker and Mr J Baker

Application for DMMO at Folkton Hall

1. Introduction

1.1 Thring Townsend Lee & Pembertons, solicitors, represent Mr Alan Baker of Folkton Hall, the owner of the land to which the DMMO relates, and make these submissions on behalf of Mr Baker. Clearly, these comments are being made at an early stage in the process and at a time when we do not know the names and addresses of the witnesses supporting the order; the nature of the witnesses and their address is key in ascertaining whether use is of a private nature or if there is reason to question the veracity of the comments made. Given this, we are placed in some difficulties in commenting fully on the value and veracity of the user evidence at this stage but have made every effort to address relevant issues as best we can. However, we would repeat our request that the forms be made available prior to any decision being taken as to the making of the order, with the names and addresses, so that we can comment fully.

There are now two applications for a bridleway, both of which include the track across Mr Baker's land. The second application includes land to the south of Mr Baker's property and we have been informed that this second application is solely based on the Inclosure evidence.

2. Summary

2.1 There is a detailed discussion below. However, our comments can be summarised as follows:

- The commissioners under the local Inclosure Act did not have the power to set out a public bridleway of 20' wide. As such, any such Award would have been *ultra vires* and void;

- In any event, it is not clear from the local Inclosure Award that the Commissioners sought to allot Fordon Road as a **public** bridleway;

- The user evidence is very thin and, even taken at its most cogent, cannot on its own support a claim to a modification order. It is accepted by several witnesses that a gate and sign indicating the private nature of the way were erected in c 2007. This would have brought the public use of the way into question. There are a limited number of forms claiming over 20 years' use. Most suggest that such use was of a private nature and this is reinforced by the fact that, despite several of the forms claiming use from the

1940s and/or that this was a route recognised for generations as a public way, the route was not claimed when the definitive map and statement were first compiled. This contrasts with the footpath to the East which has been recorded at all times on the definitive map and statement.

- The forms do not establish the nature of the claimed public use i.e. the relative use by foot, horse and/or vehicle necessary to establish a claim. On the basis alone it would be irrational for the council to make an order over the route.

- The route is a private right of way and any public use would not have been easily apparent to the landowners. For a claim to be sustained for a public right of way, the public use would have to be significant and, in this case, even taken at its most cogent, the user evidence is insufficient.

3. Ownership of the land – Brief Summary

- Early 1800s - The Inclosure Award referred to below, granted the land now owned by Mr Baker to the Rector either as Glebe land, tithe land or, as in the case of Folkton Hall and its immediate land, without specifying the use or purpose.

- 10.08.1948 - Folkton Hall, its garden and orchard and the field immediately to the south, was conveyed by the Archbishop of York, the Church Commissioners and the Church of England Trust to John and Marjorie Wadsworth.

- 18.12.1973 – BM Hopwood sold to TE and JS Boothby

- 22/08.1988 – JS Boothby sold to Fairfield Consultants Ltd.

- 1989, Messrs Alan and John Baker purchased the Hall and its surrounding land ('the property').

4. Review of the Evidence

4.1 The following evidence has been produced relevant to the present Applications:

- The Local Inclosure Act, Award and map;
- Finance Act evidence (submitted by the landowner) and already forwarded to NYCC;
- User evidence forms – some 21 forms have been submitted;

- The landowner evidence.

The Inclosure Documents

4.2 The documents comprise the private Inclosure Act of 1802, which incorporates the provisions of the General Inclosure Act 1801. The aim of this latter Act was to allow standard clauses to be imported into private inclosure acts and, in this case, the Act of 1802 did just that. As regards the powers imported relevant to Roads and Highways, the 1802 Act did not alter or add to the 1801 General Act.

4.3 The key powers of the 1801 Act are ss8-11 and these have been restrictively interpreted by the courts (*R v Secretary of State for the Environment ex parte Andrews (1996) 71 P&CR 1* – copy attached). The key clause in this case is section 8, which was held in the *Andrews* case as a power limited to the setting out of carriageways of 30 foot width. Although the case turned on the apparent award of a public footpath, the argument as to the limitation of the powers available under the General Act applies equally to bridleways; the commissioners only had power to set out and Award new public **carriageways** of 30 foot width. They did not have the powers to Award public footpaths or bridleways only private ways.

4.4 In this case, the Fordon Road is not described as a public bridleway but as 'one Bridle Road of the Breadth of Twenty feet .....extending into the Township of Flixton'. Although it is not allotted to any person this is not necessarily suggestive that it was intended as a public route; for example the private carriageway (the Carr Road) was also not allotted for any individual's benefit. There is nothing to suggest within the Award that the route was ever intended as a public route. Further, and most importantly, the Award of either a public bridle road or a public route of less than 30 feet would have been *ultra vires* i.e. outside the powers granted under the General Act and thus invalid. In this case, the 'Award' of the Fordon Road fails on both counts. The Award and associated documents cannot sustain a claim for a public bridleway today.

The setting out and Award of a public bridle road of 20 foot width would have been ultra vires and therefore void;

The Inclosure documents also make clear that the land over which the Route passes was church land.

The Finance Act Evidence

4.5 The field book and maps were examined in the National Archives and copies of these entries have already been forwarded to the council. As can be seen, no deduction was made for any right of way across the relevant land. Again it can also be seen that hereditament 141 was occupied by the Reverend Brown and this ties in with the evidence from previous conveyances that the land was owned by the church.

In any event, it is clear that the landowner did not intend to dedicate a public route across the land at the time. It also suggests that the route did not have the reputation of being a public way.

User evidence forms

4.6 Some 21 forms have been produced and individual forms have been identified by sequential numbering associated with the A,B,C and D bundles sent by email by the council in the order as sent (i.e. the first witness form in bundle A is given the number A1).

4.7 Below are detailed comments on each form.

A1 – The only use only relates to use on foot and is at a very infrequent level. The witness is clearly part of a walking group (see 7.1). The form appears initially to have been filled in to read '1996 to 2010' but has been amended to change to 1986. This suggests some caution needs to be exercised in accepting the form's contents at face value regarding the duration of use. Further, in any event, the level of use claimed is at a very infrequent level and the user asserts that there has been no obstruction to the way. Given that the form as submitted after the application and long after the erection of the gate and 'private' sign, this again casts into doubt the accuracy of the form's contents.

A2 – The period of use is from 1940's to 2008 and the use has been over 10 times per annum. However, it is clear from the response to 3.8 that the form is only evidence of

private use and not public use. The witness refers to public use in 3.2 but the nature of that claimed use (i.e. on foot, horse, etc) is unclear as well as the frequency. Further, given the concern regarding private access which Mr Baker believes lies behind the application, this evidence of other use must be treated with caution.

A3 – This user relates to only a short period of use of foot. The witness was part of the local walking group probably the same group as witness A1. It is telling that the reason for believing the route to be public was merely the existence of the public footpath sign (as discussed below a sign only in place from the early 1990s). It is clear that the evidence is of very infrequent use the witness claiming only to have visited the site three times over a five year period.

A4 – This form clearly refers to private use. Indeed, even when referring to use observed , the reference to tractors and land rovers suggests that the witness is referring to private use of the way (not many members of the public drive tractors).

A5 (Christine Imeson) – We do not have the map associated with this evidence form. In any event, this evidence is only of use by foot, infrequently and only over a 7 year period. Again, this witness is part of a walking group likely the same as witnesses A1 and A3.

B1 – (Deb Stonehouse) – Mrs Stonehouse's evidence differs to the former witnesses, in that she claims to have used the route for 20 years (over the period 1988-2008) on a frequent basis on foot and with a horse (the relative frequency is unclear). She also gives evidence of having been challenged 'a few years ago' (the form was completed in July 2008).

B2 – This form is missing answers to questions 5.1 – 8. This witness is a member of a walking group and claims use only on foot. Although the period claimed is from 1971-2008, the use is very infrequent being 1-2x per annum or less (the form have any box for less use).

B3 (Frank Pearson) – This witness gives evidence of only use on foot, for only a 5 year period and very infrequent use. He is the only witness to claim that the walk appears in a guide. He does not refer to the gate or private notice even though his period of use spans the period when it is accepted that these strictures were erected.

B4 – This witness claims use on horse and foot but does not make clear the relative frequency. Although the period of use claimed is from 1988-2008 at greater than 10 times per annum, the belief that it was public is based on the official footpath sign. At 5.2, the witness makes clear that the track had significant private use.

B5 – The claimed use is frequent and over a period from 1945-2008. The relative use by foot, horse (only as a child) and vehicle is unclear but the contents of the form make clear that the witness is giving evidence regarding private use by himself and local farms served by the way.

B6 – This evidence relates to private use to visit the farms as a postman or to do repairs.

C1 – There is no sheet covering questions 5-8. The evidence covers the period 1957-2007 but is only very infrequent. Further, the claim to have used the route with a vehicle suggests private use .

C2 – The sheet covering questions 3-4 is missing. As such, it is impossible to comment on this witness' evidence.

C3 – This evidence covers a period from 1947 to 2007 at up to 10 times per year. The use claimed covers all forms of transport but the relative frequency is not given. Further it is clear from the answer to 3.8 that the use includes private use. As the witness worked for one of the farms it is likely that his recreational use would not have been apparent to the landowner as being anything but private use. Although use by the school up to closure of the route is claimed, we have no evidence that this use was not by permission and this would seem likely as use extended to use as a nature trail.

C4 – This witness claims to have used the route on foot and motor vehicle. The latter use suggests possible private use. His recollections are that of a child and he would not have known of any permission given either to the school or to his parents. Further, the veracity of the evidence must be questioned given that, despite claiming to have used the route up to 2010, he makes no mention of the gate and private sign.

C5 – This evidence is of private use on foot delivering post. The witness does not answer why he believes the way to be public.

D1 (PC Moxlow) – The period covered is from 1963-2010 and very frequent use. The reference to use by vehicles suggests private use. Indeed, it is believed that Mr Moxlow is a relative of Mr Found, the owner of land to the south with a private right of access over the route.

D2 – There is no sheet covering questions 5-8. Use claimed in only on foot and only for a short period from 2007-10 and very infrequent. This covers a period when the private sign and gate were in place.

D3 – The use claimed is on foot covering the period 1983-2010. No mention is made of the barrier and private sign, despite the claim that use is up to 10 times per year. The response to question 7 , refers to private use (hill climb events involving the parking of 100 cars would not have occurred without permission and, indeed, the track is unsuitable for access by cars as opposed to tractors or off-road vehicles). Picnics and camping are activities that would require permission and the witness seems to know Mr Found.

D4 – This covers the period 1986-2008. The page covering questions 5-8 is missing. Although the claimed use is frequent, it is clear that the witness is confused regarding access to farms being public use (see 3.2). Further, there is no indication of the relative use by horse and on foot and the witness makes clear that any use by horse was by permission of the farm occupier whose farm is served by the way.

D5 (Mr Vinten) – The claimed use is frequent and on horse and walking from 1981 to 2008. However, at 3.8 it is clear that the witness used the route for riding and sought the permission of the landowner whose land was served by the way. As such, this would amount to private use at the invitation of the landowner with access rights.

Overall, the vast majority of the forms either point to recent, short-term and/or very infrequent use by walkers or use of the way associated with private access. No clear picture emerges of the relative use by horse versus on foot.

5. Landowner Evidence

5.1 Messrs Baker purchased Folkton Hall in 1989 and were told on purchase that there was a private right of way benefitting the farm land to the south of the Hall, which is owned by Mr Found. Over the years the route has been used not only by Mr Found but by his farm workers and other visitors to that land. This is borne out by the user evidence forms. Further, some 5 years ago Mr Found let his land to a number of different individuals, further increasing the number of people exercising private access rights.

5.2 On purchasing the Hall, there was no public right of way sign at the bottom of the drive and this is supported by the council correspondence from the early 1990s (the note and attached plan from the County Area Surveyor to the Divisional Surveyor dated 3rd October 1991, show the intended position of the sign at the bottom of the drive and refer to the Parish Council offer to move the sign from the correct position at the bottom of the current public footpath to the bottom of the claimed route. The correspondence makes clear that the sign was

moved for pragmatic reasons, as the public footpath was blocked and because of a misunderstanding as to the effect of the Inclosure Award by the County Area Surveyor).

5.3 Mr Alan Baker and his brother John have both spent significant time away from the Hall until 2002. The brothers have challenged people on the route when they have believed that those individuals were members of the public and the challenges increased in 2002 when they were at the Hall more often. The people stopped tended to be the same 3 or 4 individuals.

5.4 Not many people have used the route and the brothers believed that some people who used the drive were farm workers /visitors to the farm. Obviously since the farm land has been let to more individuals, the number of people with a private right of access has increased.

6. Discussion and conclusions

6.1 Overall, the claim for a public bridleway turns entirely on the effect of the Inclosure documents and whether there has been sufficient use of the route to support a claim that a right of way exists.

6.2 *Creation by statute*- As discussed above, as well as the Inclosure documents being unclear as to whether the Fordon Road was intended as a public or private route, the Inclosure documents cannot as a matter of law have resulted in the creation of a public bridleway.

6.3 *Common law dedication* – This requires positive evidence to be produced to suggest that the landowner at the time intended to dedicate the route to the public and that this was accepted by the public. There is no such evidence. There is no evidence to show that, subsequent to the Inclosure Award, the route was treated as public (for example see the Finance Act evidence and the lack of any maintenance records). Indeed, the Finance Act evidence does not support the route being public and makes clear the lack of intention of the landowner to dedicate a public way.

6.4 Further, from at least the time of the Inclosure Award onwards to 1948, the relevant property has been owned by the Church. There could not have been any common law dedication of public rights by the incumbent rector without the express permission of *inter*

alia the Bishop and the Church Commissioners[1]. There is no evidence of any such permission having been granted.

Once the Hall and surrounding land were sold on in 1948, if the route had been a way widely used by the public, as asserted by several of the witnesses, it would have been claimed as a right of way in the 1950s when the definitive map and statement were compiled. This did not happen, the footpath to the East being recorded.

6.5 *Statutory deemed dedication* – In order for a modification order to be made the Applicant will have to show a public right of way of a defined status is reasonably alleged to subsist. At this stage, the most generous approach to the Applicant's case is to question whether, accepting the Applicant's evidence, it is reasonable to allege such a right (*R v Secretary of State for the Environment ex. Parte Bagshaw and Norton (1994) 68 P&CR 402*).

6.6 Under s31 Highways Act (1980), there has to be sufficient use as of right (i.e. without force, secrecy or permission) by the public for 20 years up to a date of challenge such that a reasonable landowner would have believed that the public were asserting a right.

> **Sufficiency**
> 5.9 There is no statutory minimum level of user required for the purpose, and the matter does not appear to have been tested in the courts. However, it is clear that Inspectors must be satisfied that there was a sufficient level of use for the landowner to have been aware of it, and have had the opportunity to resist it if he chose. In Hollins v Verney (1884) it was said that: No user can be sufficient which does not raise a reasonable inference of such a continuous enjoyment and that no actual user can be sufficient to satisfy the statute … unless the user is enough to carry to the mind of a reasonable person (owner, etc.) the fact that a continuous right of enjoyment is being asserted and ought to be resisted….. It follows then that use of a way is less cogent evidence of dedication if the landowner is non-resident – at any rate, if the owner had no agent on the spot – than if he is resident. If the landowner did not know that the way was being used, no inference can fairly be drawn from his non-interference. *(Planning Inspectorate Consistency Guidelines).*

---

[1] Halsburys Laws

111. Power to dedicate essential.
An intention to dedicate land as a highway may only be inferred against a person who was at the material time in a position to make an effective dedication[1], that is, as a rule, a person who is absolute owner in fee simple[2].

1 As to the power of the incumbent of a benefice to dedicate see the Church Property (Miscellaneous Provisions) Measure 1960 s 11 (as amended); and ecclesiastical law vol 14 para 1185.

1185. Power to dedicate land for highways.
The incumbent may dedicate for the purposes of a highway, either with or without consideration[1], any land belonging to the benefice which forms part of the garden, orchard or appurtenances of the residence house or which is contiguous to it or which forms part of the glebe[2], provided that the consent of the bishop[3], the Church Commissioners, the patron and the parsonages board[4] is first obtained[5].
1 Any sum to be paid as consideration must be paid to the Church Commissioners to be applied for the purposes for which the proceeds of the sale of the land would be applicable: Church Property (Miscellaneous Provisions) Measure 1960, s 11 (2).2 Ibid s 11 (1).3 See para 1184 note 3 ante.4 See para 1184 note 2 ante.5 Church Property (Miscellaneous Provisions) Measure 1960, s 11 (1) proviso. The sealing of a deed by the commissioners is conclusive evidence that the requirements of s 11 have been complied with: s 27.

6.7 In this case, there are a limited number of forms covering a twenty year period up to 2007 when the gate and sign were erected, much of the use is clearly private, and a significant number of the forms admit that the level of use was very infrequent being at a maximum of 1-2 times per annum. Further, given the setting of the Hall, the fact that the landowners were non-resident until 2002, that the way is a private access for the use of the farmland to the south of the Hall, and that it is clear that many of the witnesses were using the route to access this land or were there with the permission of the owner of the property with the right of access, even if an element of use had been without such permission, this would not have been apparent to the landowner. The use is simply insufficient to support a claim to a public right of way.

In reality this whole dispute is about private access and stems from the concerns of the local farmer that the private access might be stopped following development of the Hall.

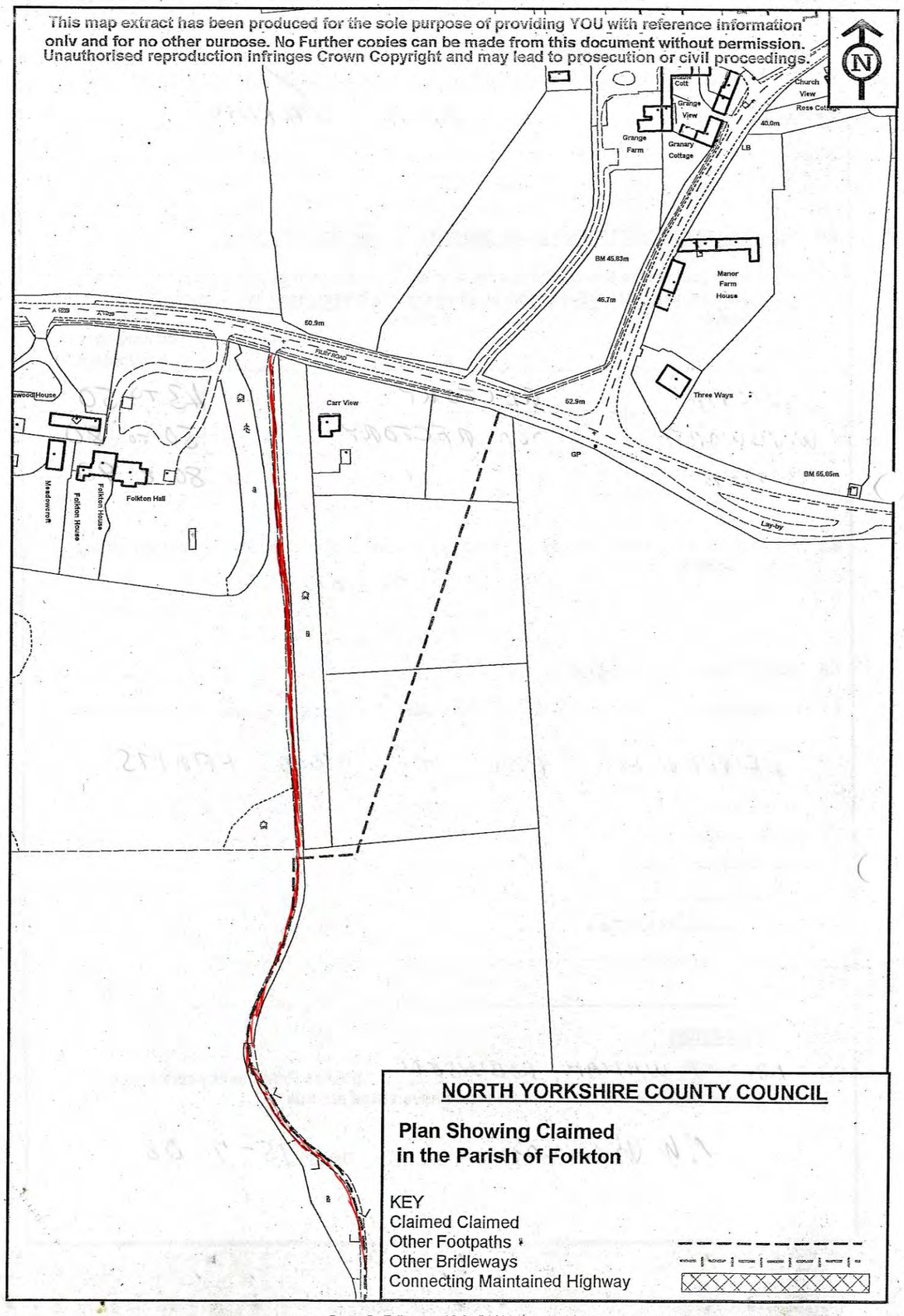
Thring Townsend Lee & Pembertons LLP
Kinnaird House
1 Pall Mall East
London SW1Y 5AU

7 September 2010

User Evidence

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Drawn By Folkton on 28 April 2008 Scale 1:2500 Plan Number JHC280408

WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

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The object of this questionnaire is to reach the truth of the matter whatever that may be. You are requested to answer the questions as accurately as possible and not to withhold any information, whether for or against the claim.

The information given on this form may be presented at a Public Inquiry therefore evidence provided cannot be treated as confidential.

1.0 WITNESS

1.1 Full Name: MAURICE WILLIAM ROBINSON

1.2 Address: AINGARTH FLIXTON SCARBOROUGH Post Code: YO11 3UB

1.3 Age: 75 YEARS **1.4** Telephone No: 01723 890 115

1.5 Occupation/Former Occupation: BUILDER.
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: FILEY RD 1039
To: EXISTING RIGHT OF WAY
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBOROUGH

2.3 Name of route, if known: OLD FORDON RD

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: **YES/~~NO~~**

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: **YES/~~NO~~**

2.8 Approx. Width of route: 12 FT

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/NO** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: .....

.....

3.3 Over what period have you used the route?: From 1947 To 2008 (years)

3.4 Have you used the full length of the route? **YES/NO**

3.5 If you have only used part of the length, which section of the route have you used?:

.....

.....

3.6 Have you used the route:

i.	on foot?	**YES/NO**
ii.	on horseback?	**YES/NO**
iii.	by motor vehicle?	**YES/NO**
iv.	by pedal cycle?	**YES/NO**
v.	by motor cycle?	**YES/NO**

3.7 How often over the period have you used the route?:

	Once or twice a year
✓	Up to 10 times a year
	More than 10 times per year

3.8 For what purpose did you use the route? ..... WALK .....

3.9 Were you ever given permission to use the route? ..... **YES/NO**

3.10 If so, by whom? .....

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **YES/NO**

4.2 Please indicate particulars and dates: .....

.....

.....

4.3 Have you ever known any other obstructions to the route? **YES/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/NO (If NO proceed to 6)**

5.2 By what means did they use the route? ..... RIDING & WALKING .....

.....

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
VICAR	RECTORY	43 TO 50
WADSWORTH	OLD RECTORY	50 TO 80
BOOTHBY	" "	80 TO 90

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **YES/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

..... DELIVERING POST TO WOLD FARMS .....

.....

.....

.....

.....

.....

.....

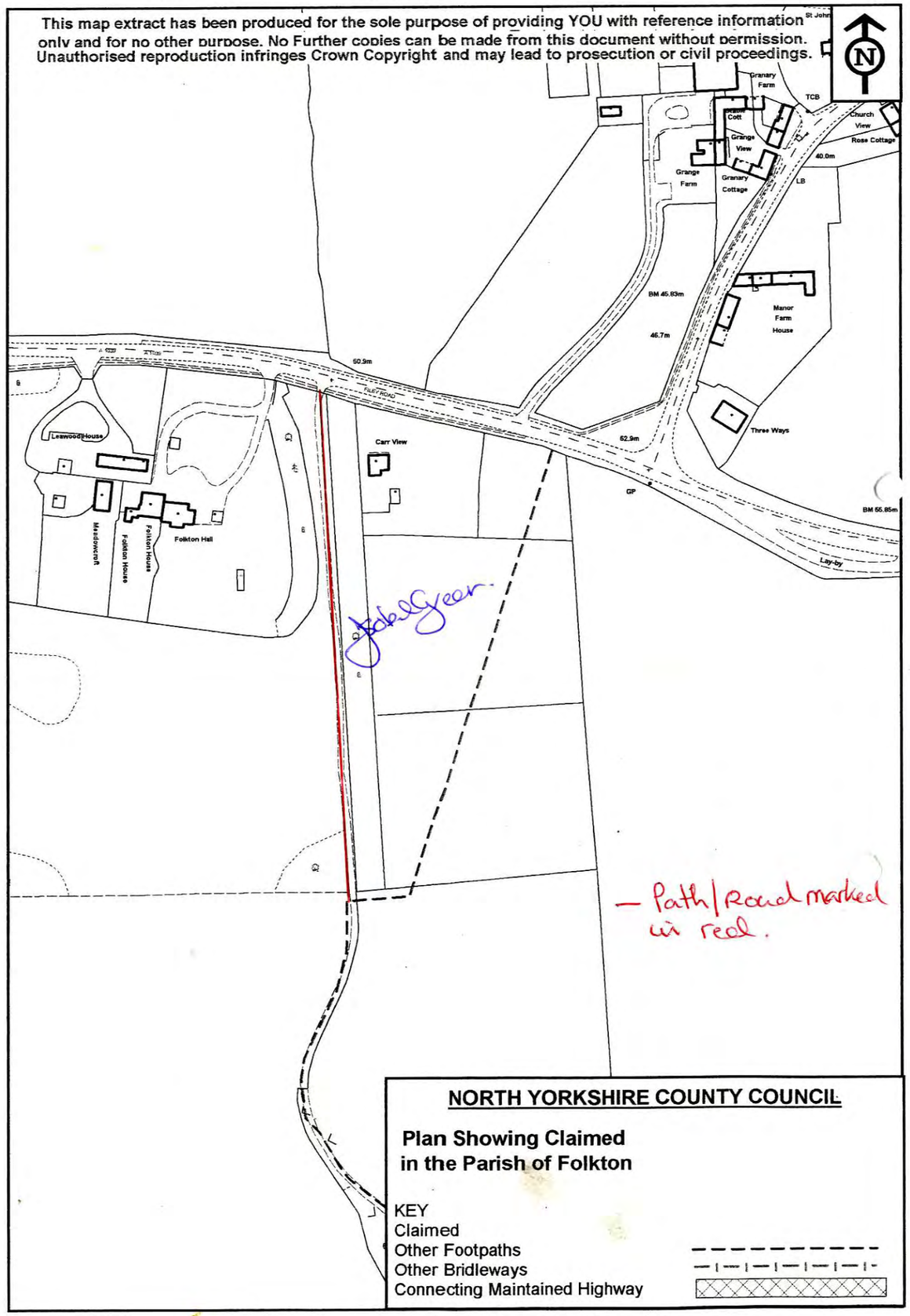
8.0 CERTIFICATION

I ..... MAURICE WILLIAM ROBINSON .....(Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: ..... M W Robinson ..... Dated: ..... 15-7-08 .....

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Drawn By JHC on 2 June 2008 Scale 1:2500 Plan Number

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

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The object of this questionnaire is to reach the truth of the matter whatever that may be. You are requested to answer the questions as accurately as possible and not to withhold any information, whether for or against the claim.

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1.0 WITNESS

1.1 Full Name: ISOBEL GREEN

1.2 Address: GRANGE FARM, FOLKTON SCARBOROUGH Post Code: YO11 3UH

1.3 Age: 48 **1.4** Telephone No: 01723 891683

1.5 Occupation/~~Former Occupation~~: PHYSIOTHERAPIST
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: FILEY RD. A1039

To: FILTON + FORDON RD
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBOROUGH

2.3 Name of route, if known: OLD FORDON ROAD

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: **YES/NO**

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: **YES/NO**

2.8 Approx. Width of route: 12 ft.

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/NO** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: Waymarked with official footpath sign, general knowledge from local people

3.3 Over what period have you used the route?: From 1988 To 2008 (years)

3.4 Have you used the full length of the route? **YES/NO**

3.5 If you have only used part of the length, which section of the route have you used?:

3.6 Have you used the route:

i. on foot? **YES/NO**
ii. on horseback? **YES/NO**
iii. by motor vehicle? **YES/NO**
iv. by pedal cycle? **YES/NO**
v. by motor cycle? **YES/NO**

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [ ] Up to 10 times a year
- [✓] More than 10 times per year

3.8 For what purpose did you use the route? Walking + Horse riding

3.9 Were you ever given permission to use the route? **YES/NO**

3.10 If so, by whom?

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **YES/NO**

4.2 Please indicate particulars and dates: Never challenged until April 2008, I was walking with my dogs on lead under control. I was threatened with Police action + having my photo taken. By A Gentleman who was in the grounds of the Stable block.

4.3 Have you ever known any other obstructions to the route? **YES/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/NO (If NO proceed to 6)**

5.2 By what means did they use the route? On foot, on Horseback, Farm Vehicles, tractors, Jeeps / Landrover type vehicles. Five engines.

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **YES/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

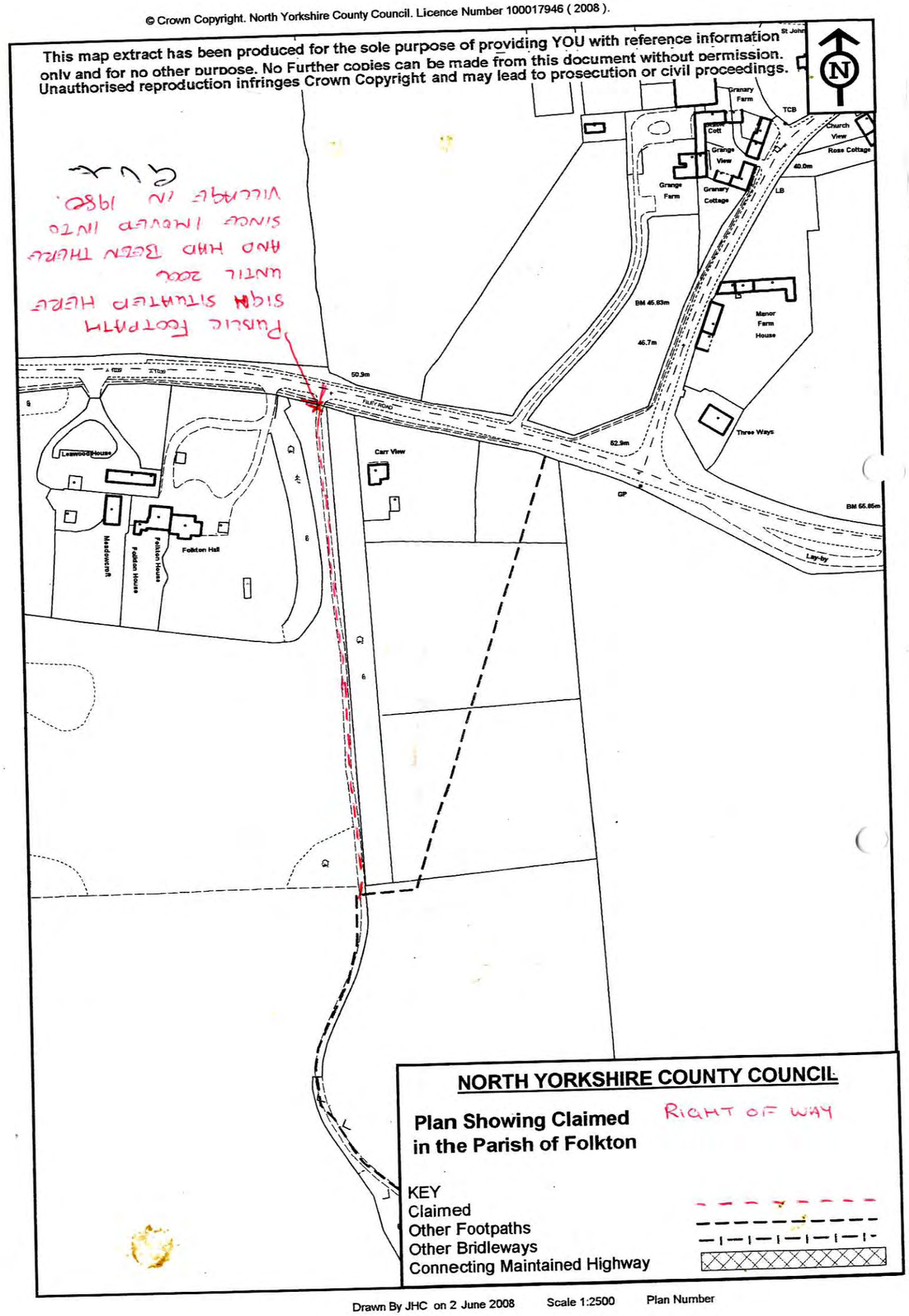
I have walked and ridden my horse on the track for over 20 years. The track has been changed by adding gravel, gates and lights which makes it look more private/residential, since the stable block has been changed for residential use. This was an old Farm track and this has only happened recently. Local people have used this track for many years

8.0 CERTIFICATION

I ISOBEL GREEN (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: Isobel Green Dated: 10/7/08

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WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

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1.0 WITNESS

1.1 Full Name: MRS G. VINTEN

1.2 Address: AMBERVILLE COTTAGE FOLKTON SCARBOROUGH N YORKS Post Code: YO11 3UH

1.3 Age: 62 yrs **1.4** Telephone No: 01723 891322

1.5 Occupation/~~Former Occupation~~: TEACHER
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: FILEY RD. A 1039
To: FOLKTON + FORDON RD
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBOROUGH

2.3 Name of route, if known: OLD FORDON ROAD

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: YES/[redacted]

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: YES/[redacted]

2.8 Approx. Width of route: 12 ft.

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/NO** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: THERE WAS - UNTIL ABOUT 18 MONTHS AGO - a PUBLIC FOOTPATH SIGN AT THE START OF THE TRACK

3.3 Over what period have you used the route?: From 1981 To 2008 (years)

3.4 Have you used the full length of the route? **YES/NO**

3.5 If you have only used part of the length, which section of the route have you used?:

3.6 Have you used the route:

i. on foot? **YES/NO**
ii. on horseback? **YES/NO**
iii. by motor vehicle? **YES/NO**
iv. by pedal cycle? **YES/NO**
v. by motor cycle? **YES/NO**

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [ ] Up to 10 times a year
- [✓] More than 10 times per year

3.8 For what purpose did you use the route? LEISURE RIDING

3.9 Were you ever given permission to use the route? **YES/NO**

3.10 If so, by whom?

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **YES/NO**

4.2 Please indicate particulars and dates:

4.3 Have you ever known any other obstructions to the route? **YES/NO** **(If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/NO** **(If NO proceed to 6)**

5.2 By what means did they use the route? FOOT AND MORSEBACK

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
MR B. FOUND	FOLKTON	PRE 1980 TO PRESENT.

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **YES/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

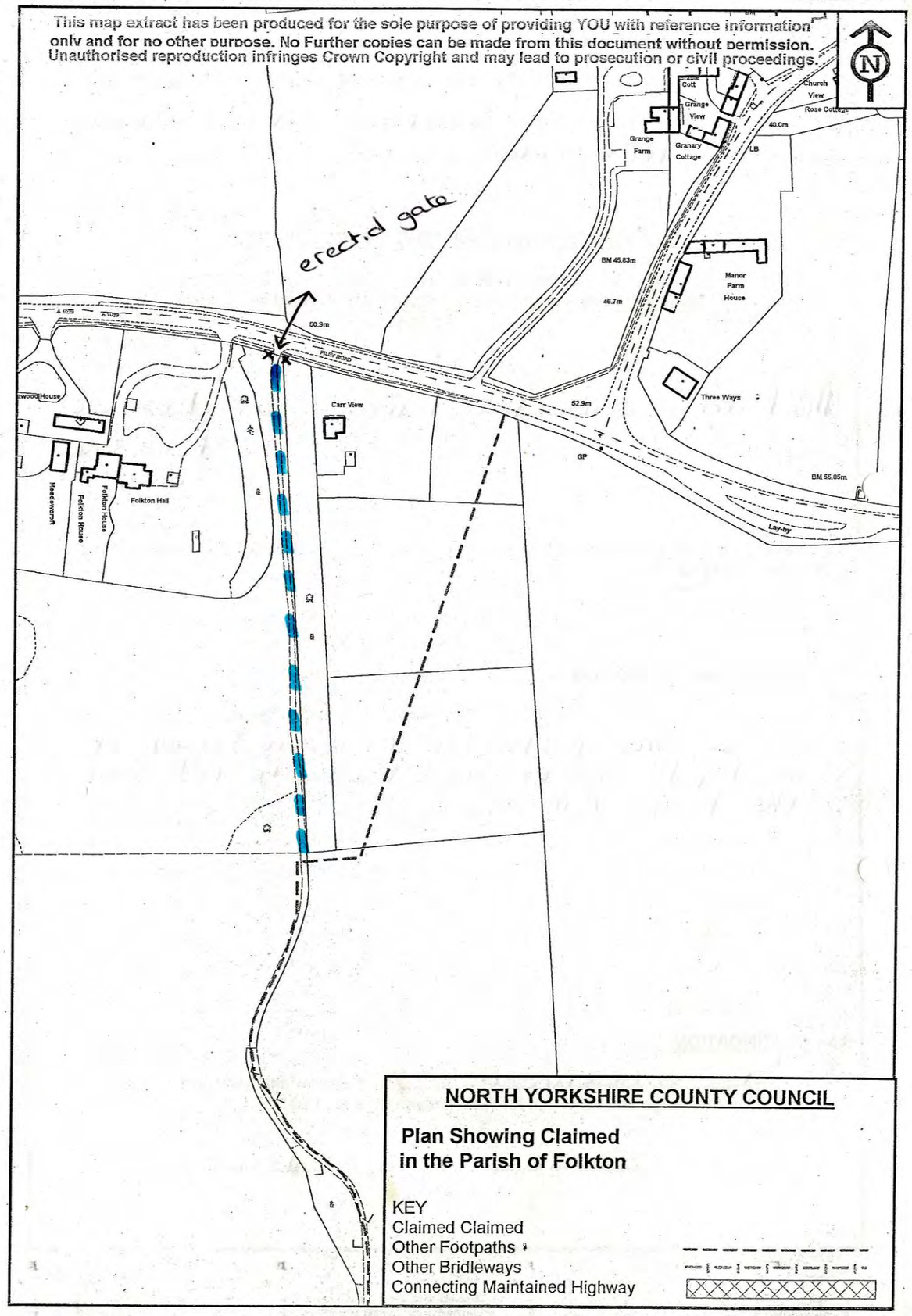
There was a public FOOTPATH sign at the end of the track so I believed this to be a footpath but not a bridle way. Therefore I asked Mr Found - who owned the barns at the top of the hill if he minded me riding my horse up to his barns & through his fields beyond. He told me he did not mind at all so for the last 27 years I have done this and have never been challenged & because of the sign believed it to be a public right of way.

8.0 CERTIFICATION

I GILLIAN VINTON (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: G. Vinton Dated: 3-07-08

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WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

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1.0 WITNESS

1.1 Full Name: Deb Stonehouse

1.2 Address: Springfield farm Folkton
Scarborough Post Code: YO11 3UH

1.3 Age: 46 **1.4** Telephone No: 07971715609

1.5 Occupation/~~Former Occupation~~: Pig farmer
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: Folkton, 1039 to
To: Fordon
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: ~~Flixton~~ Folkton In the District of: Scarborough

2.3 Name of route, if known:

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: **YES/NO**

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined? **YES/NO**

2.8 Approx. Width of route: Tractor width.

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/NO** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: Been used by walkers horse riders + dog walkers for many years.

3.3 Over what period have you used the route?: ~~From~~ ..... ~~To~~ 20 (years)

3.4 Have you used the full length of the route? **YES/NO**

3.5 If you have only used part of the length, which section of the route have you used?:

.....

.....

3.6 Have you used the route:

i.	on foot?	**YES/NO**
ii.	on horseback?	**YES/NO**
iii.	by motor vehicle?	**YES/NO**
iv.	by pedal cycle?	**YES/NO**
v.	by motor cycle?	**YES/NO**

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [ ] Up to 10 times a year
- [x] More than 10 times per year

3.8 For what purpose did you use the route? walking dogs + horse riding

3.9 Were you ever given permission to use the route? .....**YES/NO**

3.10 If so, by whom? .....

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **YES/NO**

4.2 Please indicate particulars and dates: A few yrs ago was told I could not walk my dogs on the route

.....

4.3 Have you ever known any other obstructions to the route? **YES/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*
'06	fence + gate erected with sign	At start of route

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/NO (If NO proceed to 6)**

5.2 By what means did they use the route? ...walking..., dog walking..... ..... and horse riders.

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
Mr Baker	Falkton Hall, Falkton, Scarb'	Not sure but a long time.

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **YES/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

Using that particular route on horseback is by far safer than having to ride along the busy A1039.

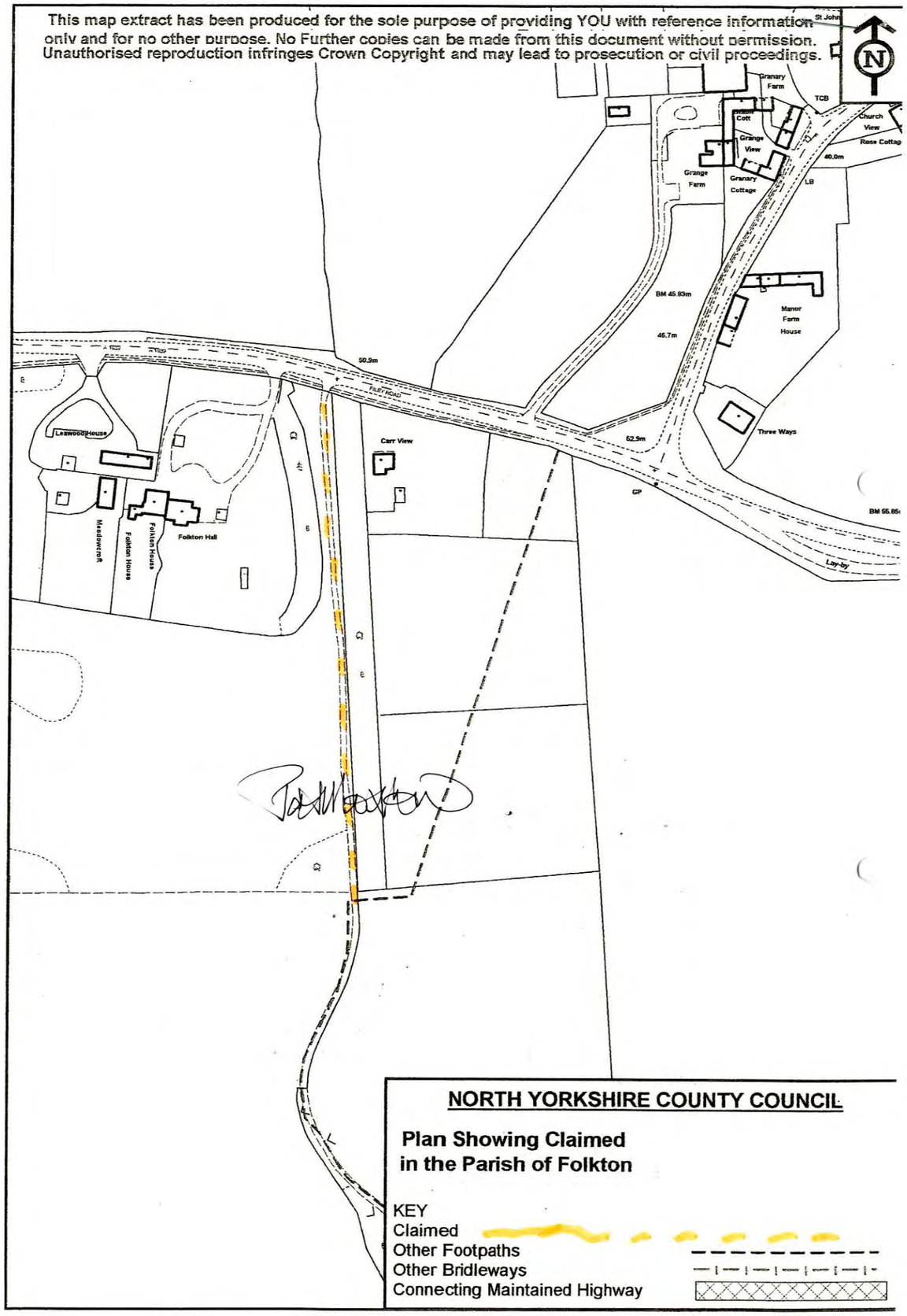
8.0 CERTIFICATION

I ..... STONEHOUSE .....(Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: ..... Stonehouse ..... Dated: 13th July 08.

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Drawn By JHC on 2 June 2008 Scale 1:2500 Plan Number

WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

This form must be completed by you only, it is not to be part completed by another party.

The object of this questionnaire is to reach the truth of the matter whatever that may be. You are requested to answer the questions as accurately as possible and not to withhold any information, whether for or against the claim.

The information given on this form may be presented at a Public Inquiry therefore evidence provided cannot be treated as confidential.

1.0 WITNESS

1.1 Full Name: PATRICIA CHRISTINE MOXLON.

1.2 Address: THE SWALLOWS FOLKTON SCARBOROUGH Post Code: YO11 3UH

1.3 Age: 67 **1.4** Telephone No: 01723 891236

1.5 Occupation/Former Occupation: RETIRED MANAGERESS.
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: A 1039 FILEY ROAD
To: FLIXTON / FORDON ROAD.
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: NORTH YORKS.

2.3 Name of route, if known: FORDON ROAD. (IN INCLOSURE ACT.)

2.4 Please mark the route on the attached map and sign it. (IN RED)

2.5 Do you believe that the route has always followed the same alignment?: **YES/NO**

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: **YES/NO**

2.8 Approx. Width of route: 20'

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/NO** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: HAS BEEN USED FOR YEARS WITHOUT HINDERANCE

3.3 Over what period have you used the route?: From 1963 To 2010 (years)

3.4 Have you used the full length of the route? **YES/NO**

3.5 If you have only used part of the length, which section of the route have you used?:

UP TO FOLKTON WOLD FARM, NOT MARKED ON MAP

3.6 Have you used the route:

i. on foot? **YES/NO**
ii. on horseback? **YES/NO**
iii. by motor vehicle? **YES/NO**
iv. by pedal cycle? **YES/NO**
v. by motor cycle? **YES/NO**

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [ ] Up to 10 times a year
- [x] More than 10 times per year

3.8 For what purpose did you use the route? PLEASURE / EXERCISE.

3.9 Were you ever given permission to use the route? **YES/NO**

3.10 If so, by whom? .....

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **YES/NO**

4.2 Please indicate particulars and dates: .....

.....

.....

4.3 Have you ever known any other obstructions to the route? **YES/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/NO (If NO proceed to 6)**

5.2 By what means did they use the route? ON FOOT, HORSE BACK. TRACTORS.

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
WADSWORTH	?	
HOPWOOD	?	
BOOTHBY	?	

BAKERS. FOLKTON HALL

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **YES/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

THIS CLOSURE OF THE ROAD ONLY CAME ABOUT AFTER THE BAKERS CHANGED THE USE OF STABLES TO LETTING UNITS AND USED THIS ROAD AS ACCESS TO THEM. THIS ROAD HAS BEEN USED DAILY SINCE THE ENCLOSURE ACT (200 YEARS). THE BAKERS HAVE TRIED TO STOP PEOPLE USING THE ROAD BY APPROACHING THEM IN AN AGGRESSIVE WAY LATELY.

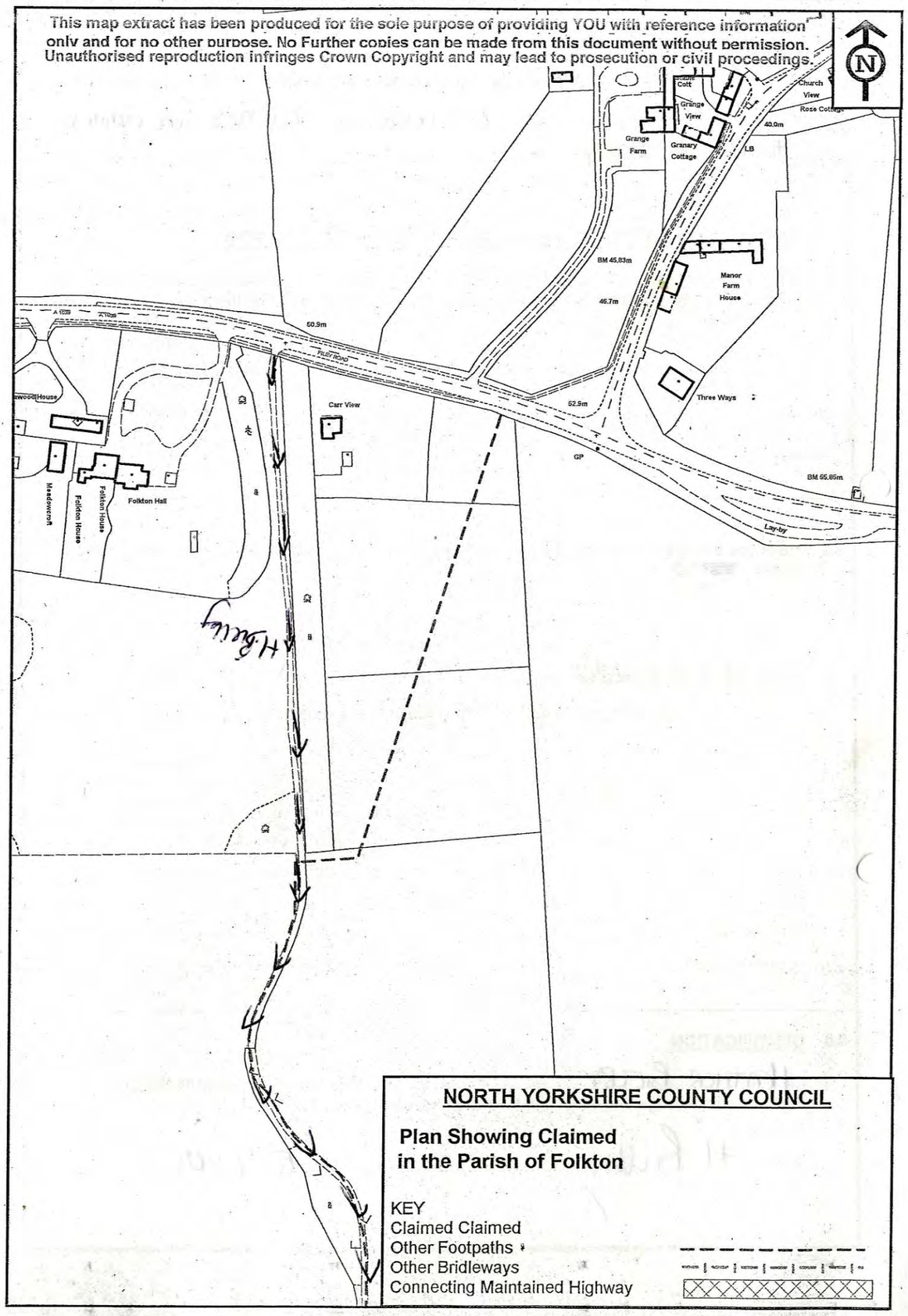
8.0 CERTIFICATION

I P.C MOXLOW. (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: [signature] Dated: 11.5.2010.

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Drawn By Folkton on 28 April 2008 Scale 1:2500 Plan Number JHC280408

WCA FORM D

(4)

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

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1.0 WITNESS

1.1 Full Name: MRS HEATHER BIELBY

1.2 Address: ROSE COTTAGE FOLKTON N. YORKS Post Code: YO11 3UH

1.3 Age: 41 1.4 Telephone No: 01723 892273

1.5 Occupation/Former Occupation: Cleaner
(*Delete as appropriate*)

2.0 DESCRIPTION OF ROUTE

2.1 From: Old FORDON ROAD O.S. 101 G.Ref. 052, 795

To:
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBORO

2.3 Name of route, if known: OLD FORDON ROAD

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: YES/~~NO~~

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: YES/~~NO~~

2.8 Approx. Width of route: 10 - 12 Feet

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: Because of it being the old road to Fordon villagers used it to get to farms etc

3.3 Over what period have you used the route?: From 1986 To 2008 (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:

.....

.....

3.6 Have you used the route:

i.	on foot?	**YES/~~NO~~**
ii.	on horseback?	**YES/~~NO~~**
iii.	by motor vehicle?	**~~YES~~/NO**
iv.	by pedal cycle?	**~~YES~~/NO**
v.	by motor cycle?	**~~YES~~/NO**

3.7 How often over the period have you used the route?:

	Once or twice a year
	Up to 10 times a year
✓	More than 10 times per year

3.8 For what purpose did you use the route? Always on horseback to get to Fordon Plus walking the dog but that has been stopped

3.9 Were you ever given permission to use the route? **YES/~~NO~~** (just on horseback)

3.10 If so, by whom? Brian Found & the brothers at Folkton Hall only for horseback tho

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **YES/~~NO~~**

4.2 Please indicate particulars and dates: I have been stopped walking our dog from approx March 2007 as the people of Folkton Hall wanted a wildlife pond & dogs would disturb it. They were fine about me using on horseback

4.3 Have you ever known any other obstructions to the route? **~~YES~~/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/~~NO~~ (If NO proceed to 6)**

5.2 By what means did they use the route? Horseback & Farmers in vehicles to get to sheep

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **~~YES~~/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

.....

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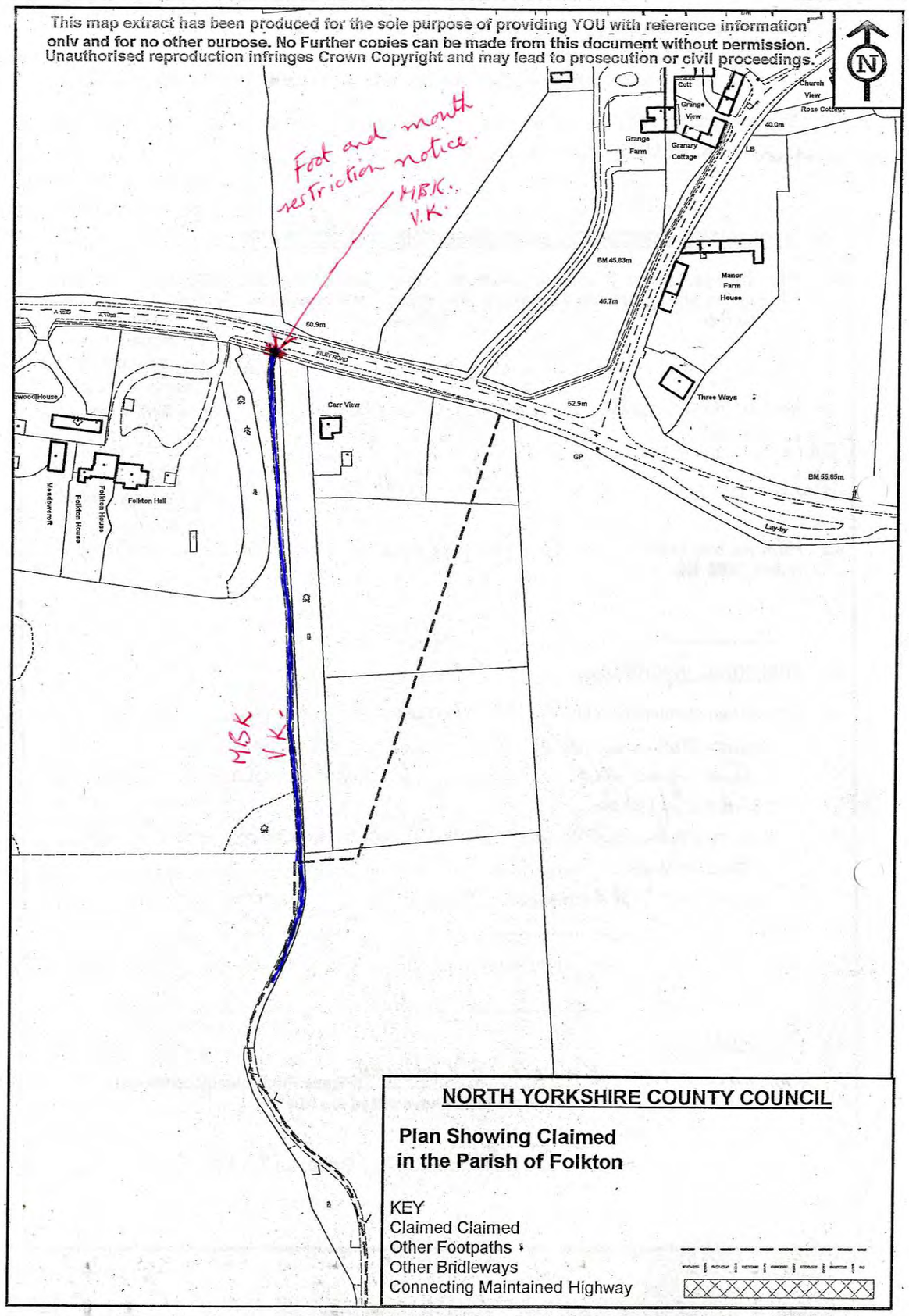
8.0 CERTIFICATION

I ~~HEATHER~~ BIELBY (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: H Bielby Dated: 5.7.08

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WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

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1.0 WITNESS

1.1 Full Name: M.B. KITCHEN · VERA KITCHEN

1.2 Address: SOUTH VIEW FOLKTON SCARBOROUGH Post Code: YO11 3UH

1.3 Age: 70 **1.4** Telephone No: 01723 870424

1.5 Occupation/Former Occupation: FARMER — TEACHER
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: FOLKTON To DRUMBEAT + STOCKINGDALE
To: FOLKTON To FORDON
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBOROUGH

2.3 Name of route, if known: FORDON OLD ROAD

2.4 Please mark the route on the attached map and sign it.

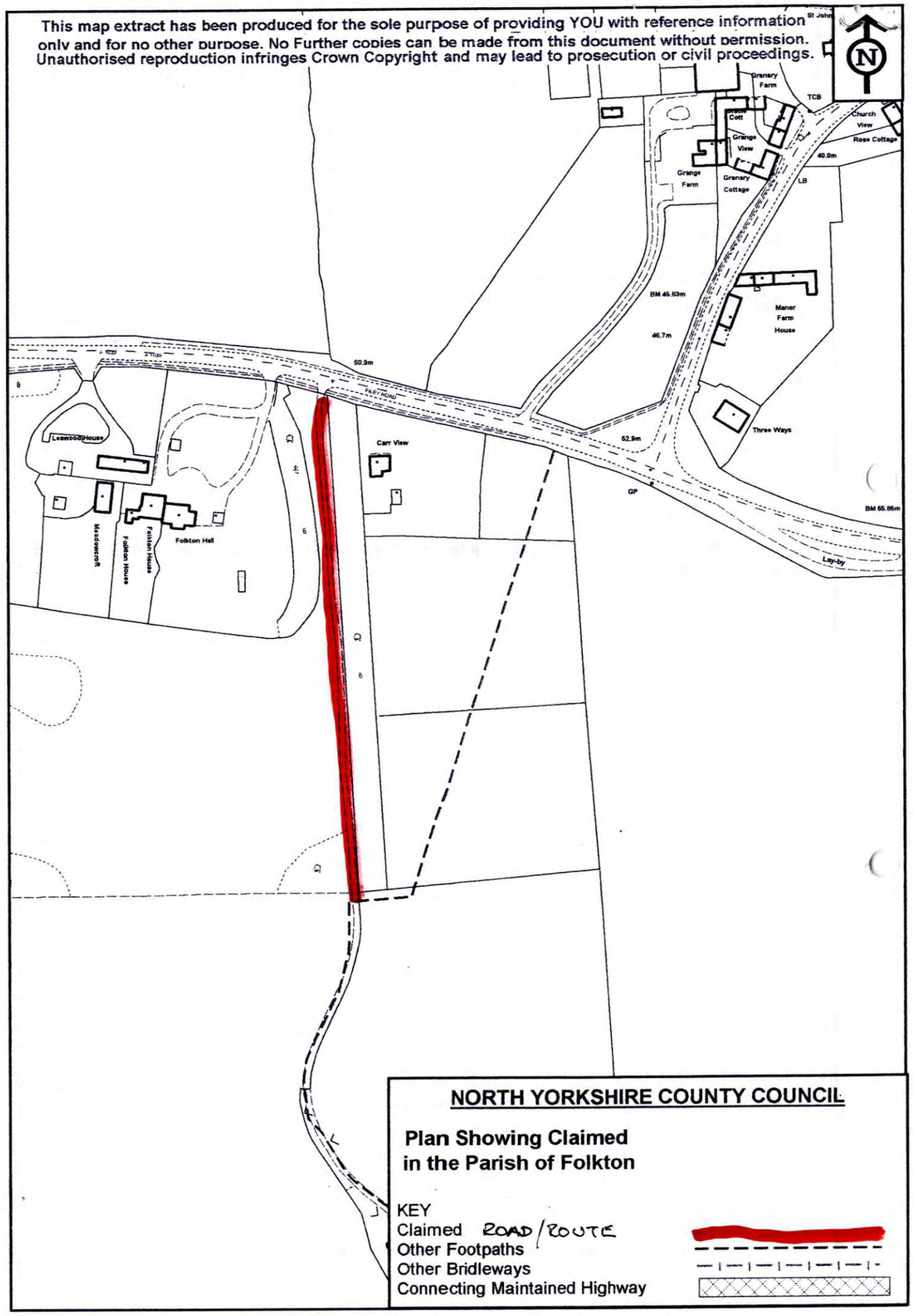
2.5 Do you believe that the route has always followed the same alignment?: **YES/[redacted]**

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: **YES/[redacted]**

2.8 Approx. Width of route: 12 feet wide.

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Drawn By JHC on 2 June 2008 Scale 1:2500 Plan Number

WCA FORM D

N Y C C
BES
19 MAY 2010

Pass to KG
Ackd
Ansd
ECD
Filed

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

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RECEIVED
E&RS ADMIN
19 MAY 2010

1.0 WITNESS

1.1 Full Name: CHRISTINE IMESON

1.2 Address: 72 SCARBOROUGH ROAD
FILEY Post Code: YO14 9NH

1.3 Age: 67 1.4 Telephone No: 01723 513809

1.5 ~~Occupation~~/Former Occupation: LEGAL SECRETARY
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: A1039
To: FORDON ROAD FOOTPATH
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBOROUGH

2.3 Name of route, if known: FORDON ROAD

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: **YES/~~NO~~**

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: **YES/~~NO~~**

2.8 Approx. Width of route: 20 ft

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: Walkers have used it for years

3.3 Over what period have you used the route?: From 2003 To 2010 (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:

Used all route to connect to Wolds Way

3.6 Have you used the route:

i. on foot? **YES/~~NO~~**
ii. on horseback? **~~YES~~/NO**
iii. by motor vehicle? **~~YES~~/NO**
iv. by pedal cycle? **~~YES~~/NO**
v. by motor cycle? **~~YES~~/NO**

3.7 How often over the period have you used the route?:

- [x] Once or twice a year
- [ ] Up to 10 times a year
- [ ] More than 10 times per year

3.8 For what purpose did you use the route? Belong to walking group - recreational

3.9 Were you ever given permission to use the route? ..... **~~YES~~/NO**

3.10 If so, by whom? ..... —

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **~~YES~~/NO** No.

4.2 Please indicate particulars and dates: .....

4.3 Have you ever known any other obstructions to the route? **~~YES~~/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/~~NO~~ (If NO proceed to 6)**

5.2 By what means did they use the route? Walking

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **~~YES~~/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

I have walked this path from time to time over the last seven years but now there is a notice on the gate at the Folkton end saying 'Private' but I believe it is a public right of way.

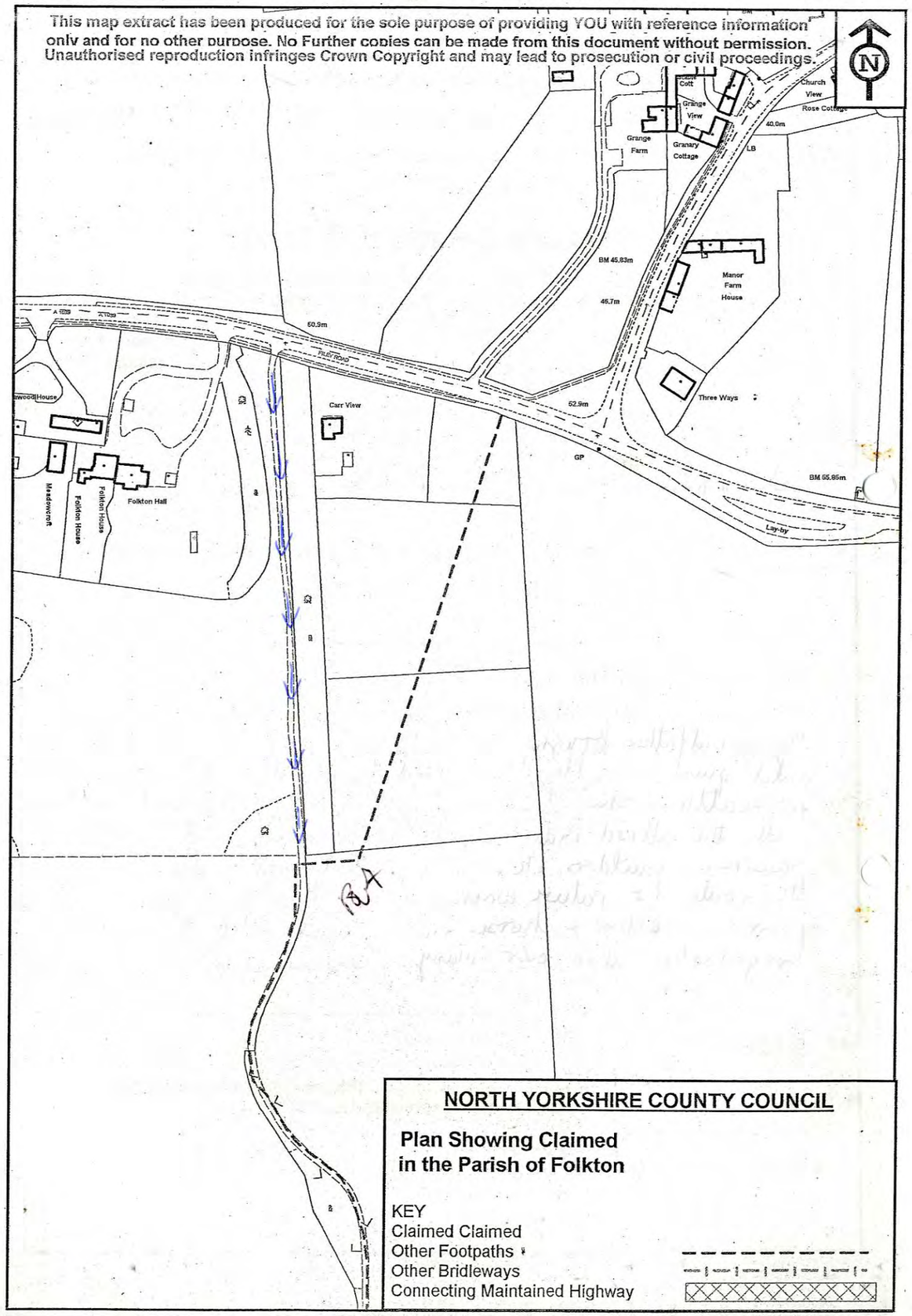
8.0 CERTIFICATION

I CHRISTINE IMESON (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: C. Imeson Dated: 8/5/10

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Drawn By Folkton on 28 April 2008 Scale 1:2500 Plan Number JHC280408

WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

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1.0 WITNESS

1.1 Full Name: B W FOUNDS.

1.2 Address: CHURCH FARM, FOLKTON, SCARBOROUGH. Post Code: YO11 3UH.

1.3 Age: 71 1.4 Telephone No: 01723 890256.

1.5 ~~Occupation~~/Former Occupation: FARMER.
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: FILEY RD A1039
To: FLIXTON, FORDON RD.
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON. In the District of:

2.3 Name of route, if known: OLD FORDON ROAD.

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: YES/~~NO~~

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: ~~YES~~/NO

2.8 Approx. Width of route: 12 ft.

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: THE ROAD HAS BEE USED BY VARIOUS MEMBERS OF PUBLIC FOR MANY YEARS

3.3 Over what period have you used the route?: From 1940's To 2008 (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:

3.6 Have you used the route:

i.	on foot?	**YES/~~NO~~**
ii.	on horseback?	**YES/~~NO~~**
iii.	by motor vehicle?	**YES/~~NO~~**
iv.	by pedal cycle?	**~~YES~~/NO**
v.	by motor cycle?	**~~YES~~/NO**

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [ ] Up to 10 times a year
- [x] More than 10 times per year

3.8 For what purpose did you use the route? ACCESS TO FARM BUILDINGS & LAND

3.9 Were you ever given permission to use the route? **~~YES~~/NO** NEVER NEEDED.

3.10 If so, by whom?

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **~~YES~~/NO**

4.2 Please indicate particulars and dates:

4.3 Have you ever known any other obstructions to the route? **~~YES~~/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/~~NO~~ (If NO proceed to 6)**

5.2 By what means did they use the route? WALKING & HORSE RIDING

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
A & J BAKER	FOLKTON HALL, FOLKTON, SCARBOROUGH YO11 3UH	

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **~~YES~~/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:
My grandfather brought Church Farm in 1921 & from that time until quite recently have used the road as a drovers road for cattle & sheep. It has been used since that date for all the allied industry to farming eg. Vets, DEFRA, Salesmen, builders etc. The school until closure used the route for nature walks also attendance from other farms. Walkers & horse-riders have used the route regularly also over many years.

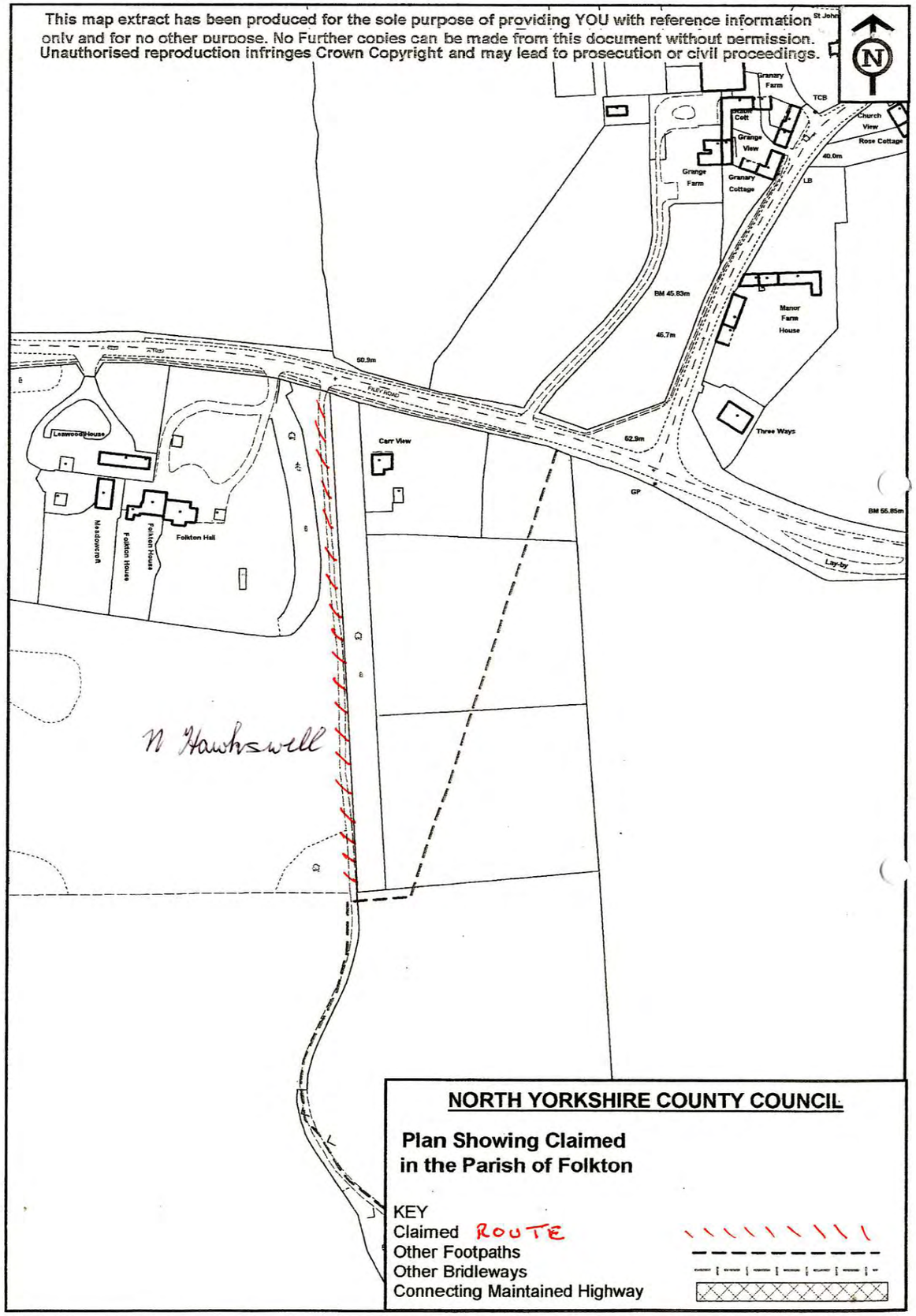
8.0 CERTIFICATION

I B.W. FOUND. (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: B.W.Found. Dated: 19/7/08

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Drawn By JHC on 2 June 2008 Scale 1:2500 Plan Number

WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

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1.0 WITNESS

1.1 Full Name: NICHOLAS HAWKSWELL

1.2 Address: 94 COLDYHILL LANE, NEWBY SCARBOROUGH Post Code: YO12 6SD

1.3 Age: 70 **1.4** Telephone No: 01723 370060

1.5 Occupation/Former Occupation: RETIRED GARDENER
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: FOLKTON - RAVEN DALE

To: .....
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBOROUGH

2.3 Name of route, if known: .....

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: **YES/~~NO~~**

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: **YES/~~NO~~**

2.8 Approx. Width of route: 4 YARDS

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: AS SHOWN IN WALK GUIDE PUBLIC FOOTPATH ~~SIGN~~ SIGN

3.3 Over what period have you used the route?: From 3-5-07, To 2010 (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:

.....

.....

3.6 Have you used the route:

i.	on foot?	**YES/~~NO~~**
ii.	on horseback?	**~~YES/NO~~**
iii.	by motor vehicle?	**~~YES/NO~~**
iv.	by pedal cycle?	**~~YES/NO~~**
v.	by motor cycle?	**~~YES/NO~~**

3.7 How often over the period have you used the route?:

- [x] Once or twice a year
- [ ] Up to 10 times a year
- [ ] More than 10 times per year

3.8 For what purpose did you use the route? ....RAMBLE.....

3.9 Were you ever given permission to use the route? .....**~~YES~~/NO**

3.10 If so, by whom? .....

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **~~YES~~/NO**

4.2 Please indicate particulars and dates: .....

.....

.....

4.3 Have you ever known any other obstructions to the route? **YES/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/~~NO~~ (If NO proceed to 6)**

5.2 By what means did they use the route? ....WALKING.....

.....

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **~~YES~~/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

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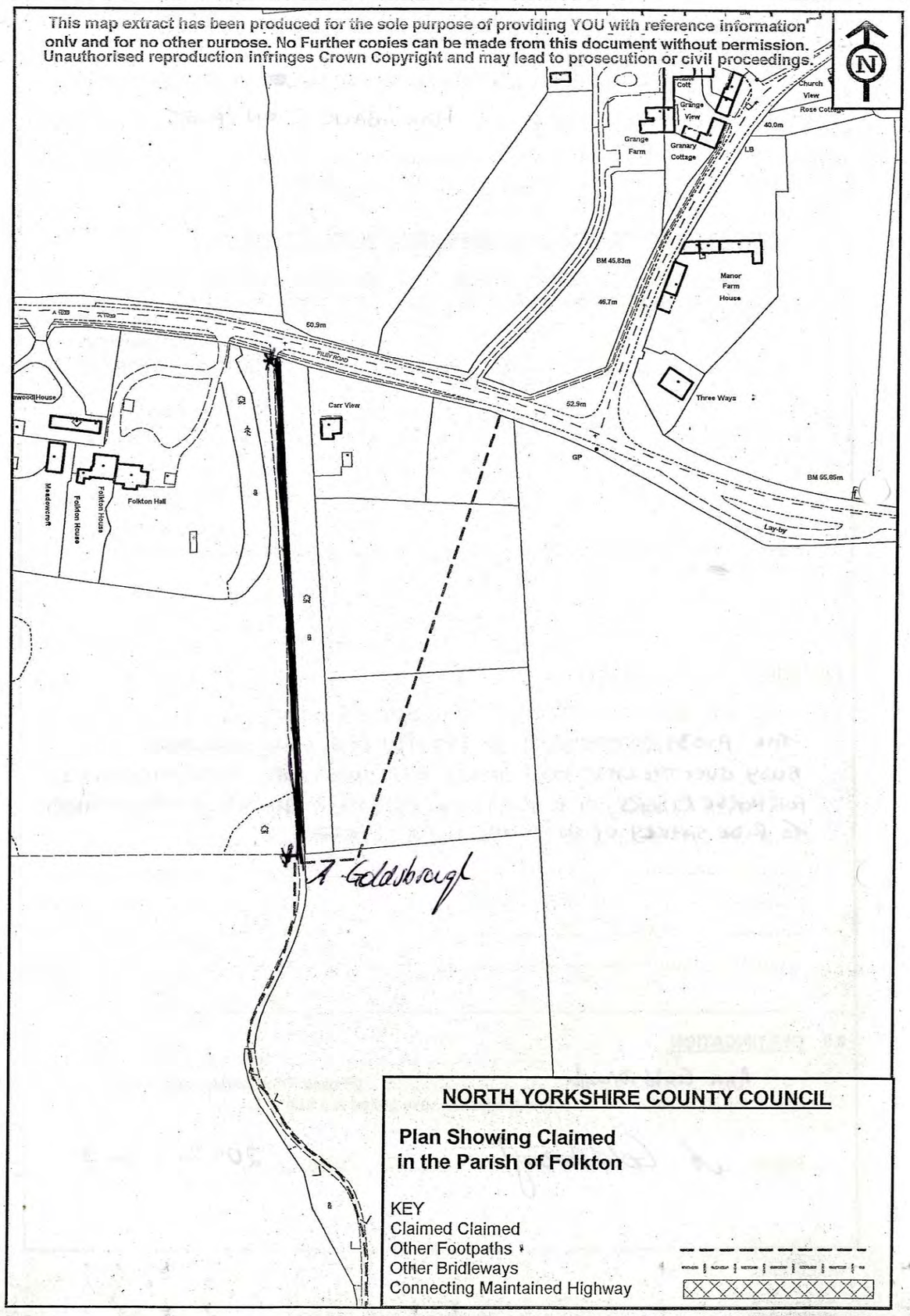
.....

8.0 CERTIFICATION

I NICHOLAS HAWKSWELL (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: N. Hawkswell Dated: 12-5-2010

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Drawn By Folkton on 28 April 2008 Scale 1:2500 Plan Number JHC280408

WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

This form must be completed by you only, it is not to be part completed by another party.

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1.0 WITNESS

1.1 Full Name: MRS ANN GOLDSBROUGH

1.2 Address: STABLE COTTAGE, GRANGE VIEW, FOLKTON NR SCARBOROUGH Post Code: YO11 3UH

1.3 Age: 55 **1.4** Telephone No: 01723 891453

1.5 Occupation/~~Former Occupation~~: HOUSEWIFE
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: THE ROAD (A1039)
To: TOP OF THE HILL WHERE THE SHEDS ARE.
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: ~~FOLKTON~~ FOLKTON In the District of: SCARBOROUGH

2.3 Name of route, if known: OLD ROAD TO FORDON

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: **YES/NO**

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: **YES/NO**

2.8 Approx. Width of route: 10 ft

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/NO** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: THIS ROUTE HAS BEEN USED FOR MANY YEARS BY DOG WALKERS, HORSE RIDERS AND GENERAL PUBLIC

3.3 Over what period have you used the route?: From 1992 To 2008 (years)

3.4 Have you used the full length of the route? **YES/NO**

3.5 If you have only used part of the length, which section of the route have you used?:

.....

.....

3.6 Have you used the route:

i. on foot? **YES/NO**
ii. on horseback? **YES/NO**
iii. by motor vehicle? **YES/NO**
iv. by pedal cycle? **YES/NO**
v. by motor cycle? **YES/NO**

3.7 How often over the period have you used the route?:

- ☐ Once or twice a year
- ☐ Up to 10 times a year
- ☑ More than 10 times per year

I HAVE USED THE ROUTE REGULARLY ON HORSEBACK TO RIDE TO FORDON AND WOLD NEWTON.

3.8 For what purpose did you use the route? .....

3.9 Were you ever given permission to use the route? ..... **YES/NO**

3.10 If so, by whom? .....

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **YES/NO**

4.2 Please indicate particulars and dates: .....

.....

.....

4.3 Have you ever known any other obstructions to the route? **YES/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/NO (If NO proceed to 6)**

5.2 By what means did they use the route? ..... HORSEBACK, ON FOOT.

.....

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **YES/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

THE A1039 (STAXTON TO MALTON) HAS BECOME INCREASINGLY BUSY OVER THE LAST FEW YEARS AND THEREFORE MORE DANGEROUS FOR HORSE RIDERS, THE ROUTE IN QUESTION ENABLES HORSE RIDERS TO RIDE SAFELY UP ON TO THE WOLDS.

.....

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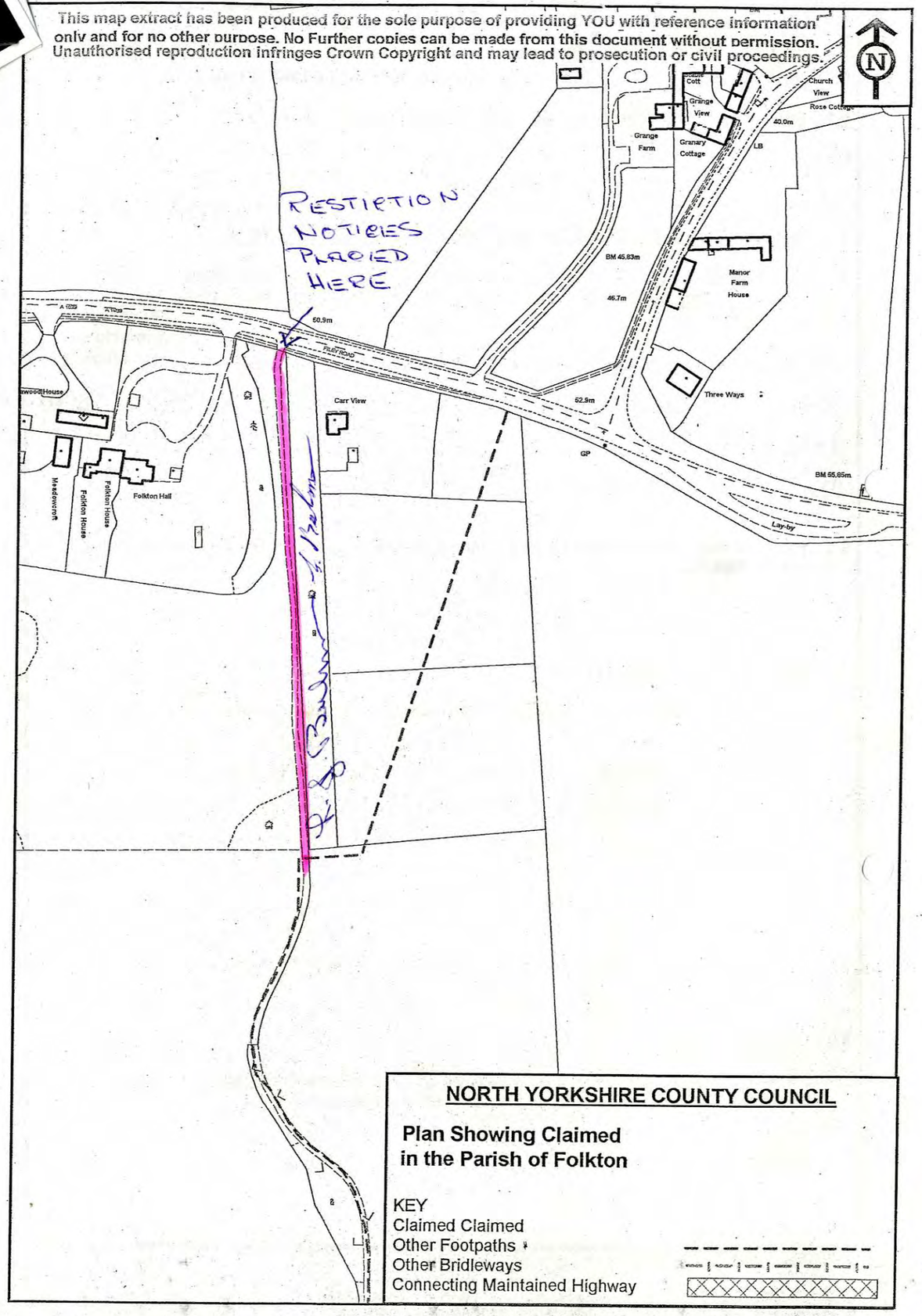
8.0 CERTIFICATION

I ..... Ann Goldsbrough ..... (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: ..... A. Goldsbrough ..... Dated: ..... 20th July 2008

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WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

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1.0 WITNESS

1.1 Full Name: MR + MRS E BUMMER

1.2 Address: ROSE COTTAGE FOLKTON SCARBOROUGH Post Code: YO11 3UH

1.3 Age: 64 1.4 Telephone No: 01723 891696

1.5 ~~Occupation~~/Former Occupation: L.B.V. DRIVER
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: A 1039 FOLKTON B.R 051795
To: FORDON (THE OLD FORDON ROAD)
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBOROUGH

2.3 Name of route, if known: THE OLD FORDON ROAD

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: YES/~~NO~~

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: YES/~~NO~~ WAS BY PUBLIC FOOTPATH SIGN & WAY MARKER SIGN (NOW REMOVED)

2.8 Approx. Width of route: 10 FEET.

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: FROM bO YEARS USED BY FARM TRAFFIC, FARM STAFF, RAMBLERS & HORSE RIDERS

3.3 Over what period have you used the route?: From 1948 To 2007 (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:

3.6 Have you used the route:

i.	on foot?	**YES/~~NO~~**
ii.	on horseback?	**YES/~~NO~~**
iii.	by motor vehicle?	**YES/~~NO~~**
iv.	by pedal cycle?	**YES/~~NO~~**
v.	by motor cycle?	**YES/~~NO~~**

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [✓] Up to 10 times a year
- [ ] More than 10 times per year

3.8 For what purpose did you use the route? WORK + RECREATION

3.9 Were you ever given permission to use the route? ~~YES~~/NO NOT REQUIRED

3.10 If so, by whom? N/A.

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? ~~YES/NO~~ YES.

4.2 Please indicate particulars and dates: ACCESS PREVENTED BY NEW GATE + SIGN ERECTED DECEMBER 2007

4.3 Have you ever known any other obstructions to the route? **YES/~~NO~~** **(If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*
APPROX 2000 2001	ANIMAL DISEASE RESTRICTION NOTICES WERE PLACED AT LANE ENTRANCE.	A. 1039 LANE ENTRANCE.

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/~~NO~~** **(If NO proceed to 6)**

5.2 By what means did they use the route? VEHICLES, HORSES, CYCLES & ON FOOT.

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
~~MRS FOUNDS~~	~~CHURCH FARM, FOULTON~~	
MR. MRS WARDS	NORTH END RECTORY	1950-1980 APPROX
MR, MRS BOOTHBY	" "	1980-1990 "
R. J BAKER	NOW FOULTON HALL	

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **~~YES~~/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:
USED BY TERRIERS + PUPILS OF FOULTON C.E. SCHOOL AS NATURE TRAIL UP TO CLOSURE OF SCHOOL.

8.0 CERTIFICATION

I ERIC + LINDA BUMMER (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: L. J. Bummer Dated: 08-07-08

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: FROM 60 YEARS USED BY FARM TRAFFIC, FARM STAFF, RAMBLERS, HORSE RIDERS

3.3 Over what period have you used the route?: From 1948 To 2007 (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:

3.6 Have you used the route:

i.	on foot?	**YES/~~NO~~**
ii.	on horseback?	**YES/~~NO~~**
iii.	by motor vehicle?	**YES/~~NO~~**
iv.	by pedal cycle?	**YES/~~NO~~**
v.	by motor cycle?	**YES/~~NO~~**

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [x] Up to 10 times a year
- [ ] More than 10 times per year

3.8 For what purpose did you use the route? WORK + RECREATION

3.9 Were you ever given permission to use the route? ~~YES~~/NO NOT REQUIRED

3.10 If so, by whom? N/A.

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? ~~YES/NO~~ YES.

4.2 Please indicate particulars and dates: ACCESS PREVENTED BY NEW GATE + SIGN ERECTED DECEMBER 2007

4.3 Have you ever known any other obstructions to the route? **YES/~~NO~~ (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*
APPROX 2000 2001	ANIMAL DISEASE RESTRICTION NOTICES WERE PLACED AT LANE ENTRANCE.	A.1039 LANE ENTRANCE.

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using

5.2 By what means did they use the route? VEHI + ON FOOT.

6.0 INFORMATION CONCERNING LAND OWNERSH

6.1 If known to you, please provide the current, and an or occupiers whom you believe to hold an interest

Name	Addi
MRS FOUND	CHURCH FARM
MR + MRS WARDS	WORTH OX
MR + MRS BOOTHBY	
R J BAKER	NOW FORMT

6.2 Have you ever been employed by, or a tenant of, tl route? ~~YES~~/NO

7.0 ADDITIONAL INFORMATION

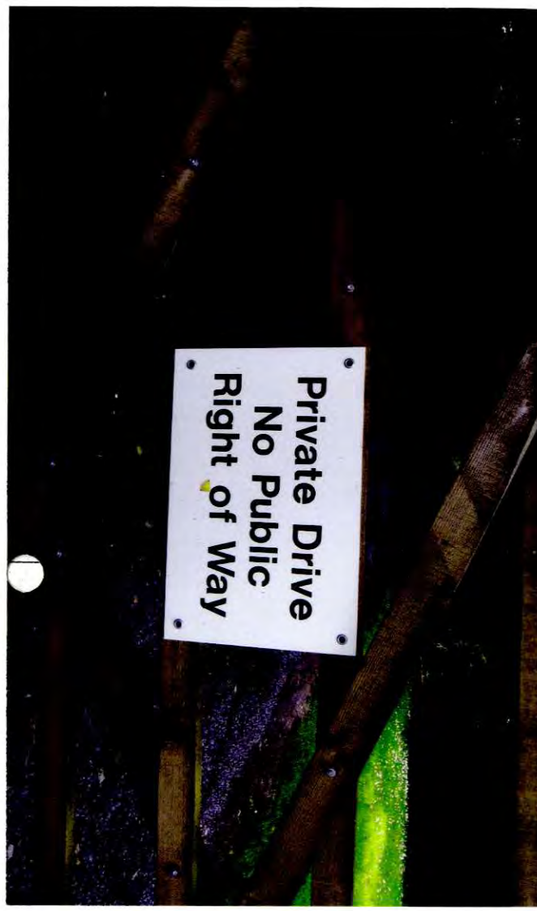
7.1 If there is any further information that you would like to make known. Please use the space below:
USED BY TEACHERS + PUPILS OF FONTON P.E. SCHOOL AS NATURE TRAIL UP TO CLOSURE OF SCHOOL.

8.0 CERTIFICATION

I ERIC + LINDA BUNNER (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

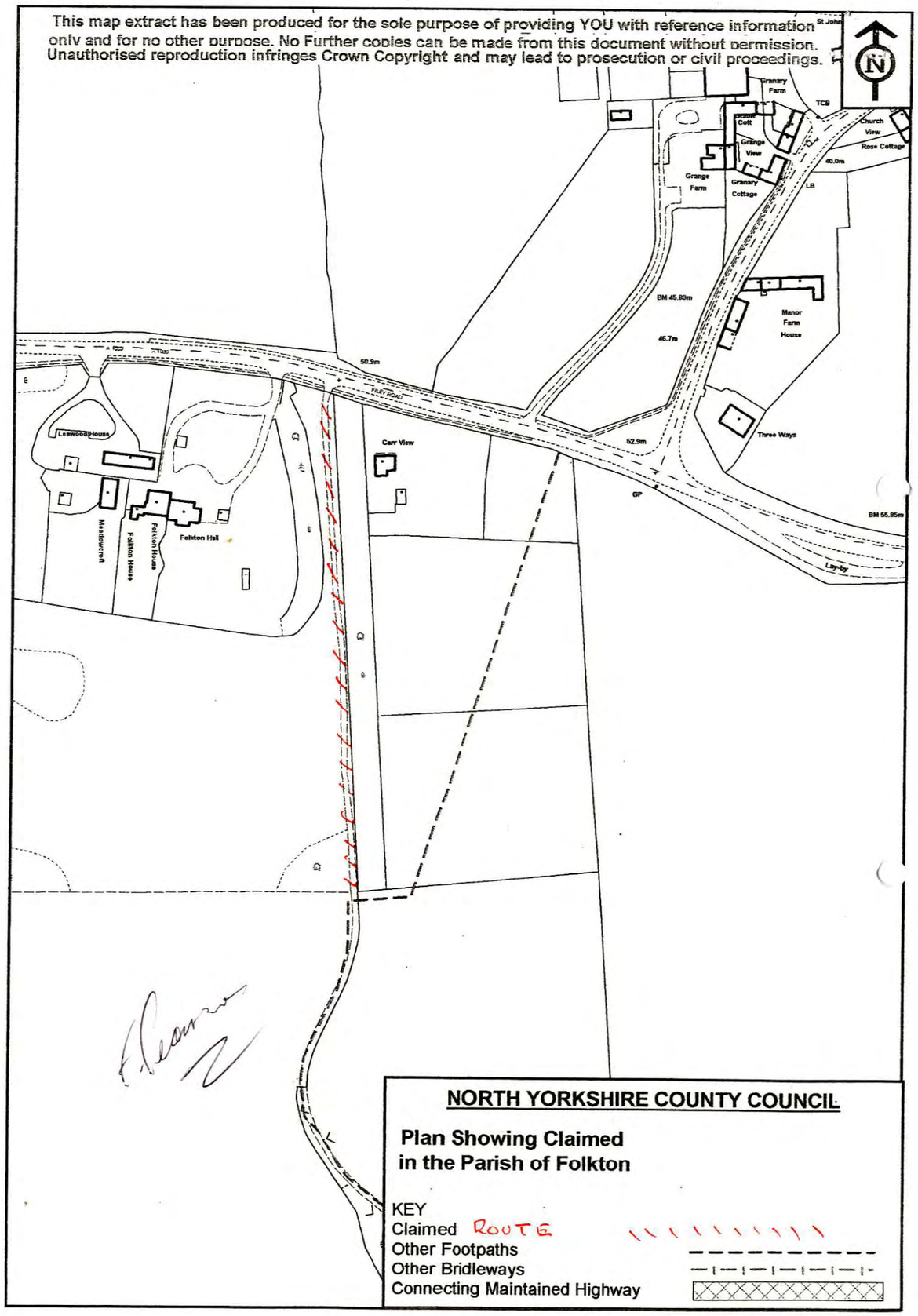
Signed: L J Bunner Dated: 08-07-08

L. J. Bunner



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Drawn By JHC on 2 June 2008 Scale 1:2500 Plan Number

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

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1.0 WITNESS

1.1 Full Name: FRANK PEARSON

1.2 Address: 8A LIMESTONE RD BURNISTON
SCARBOROUGH Post Code: YO13 0DG

1.3 Age: 74 **1.4** Telephone No: 01723 871126

1.5 Occupation/Former Occupation: TEACHER
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: FOLKTON - RAVEN DALE
To:
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBOROUGH

2.3 Name of route, if known:

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: **YES/NO**

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: **YES/NO**

2.8 Approx. Width of route: 4 YDS

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: SHOWN IN WALK GUIDE AS A FOOTPATH

3.3 Over what period have you used the route?: From Jun 2005 To 2010 (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:

3.6 Have you used the route:

i.	on foot?	**YES/~~NO~~**
ii.	on horseback?	**YES/~~NO~~**
iii.	by motor vehicle?	**YES/NO**
iv.	by pedal cycle?	**YES/NO**
v.	by motor cycle?	**YES/~~NO~~**

3.7 How often over the period have you used the route?:

- [x] Once or twice a year
- [ ] Up to 10 times a year
- [ ] More than 10 times per year

3.8 For what purpose did you use the route? LEISURE

3.9 Were you ever given permission to use the route? **YES/NO**

3.10 If so, by whom?

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **~~YES~~/NO**

4.2 Please indicate particulars and dates:

4.3 Have you ever known any other obstructions to the route? **YES/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/NO (If NO proceed to 6)**

5.2 By what means did they use the route? WALK

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **~~YES~~/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

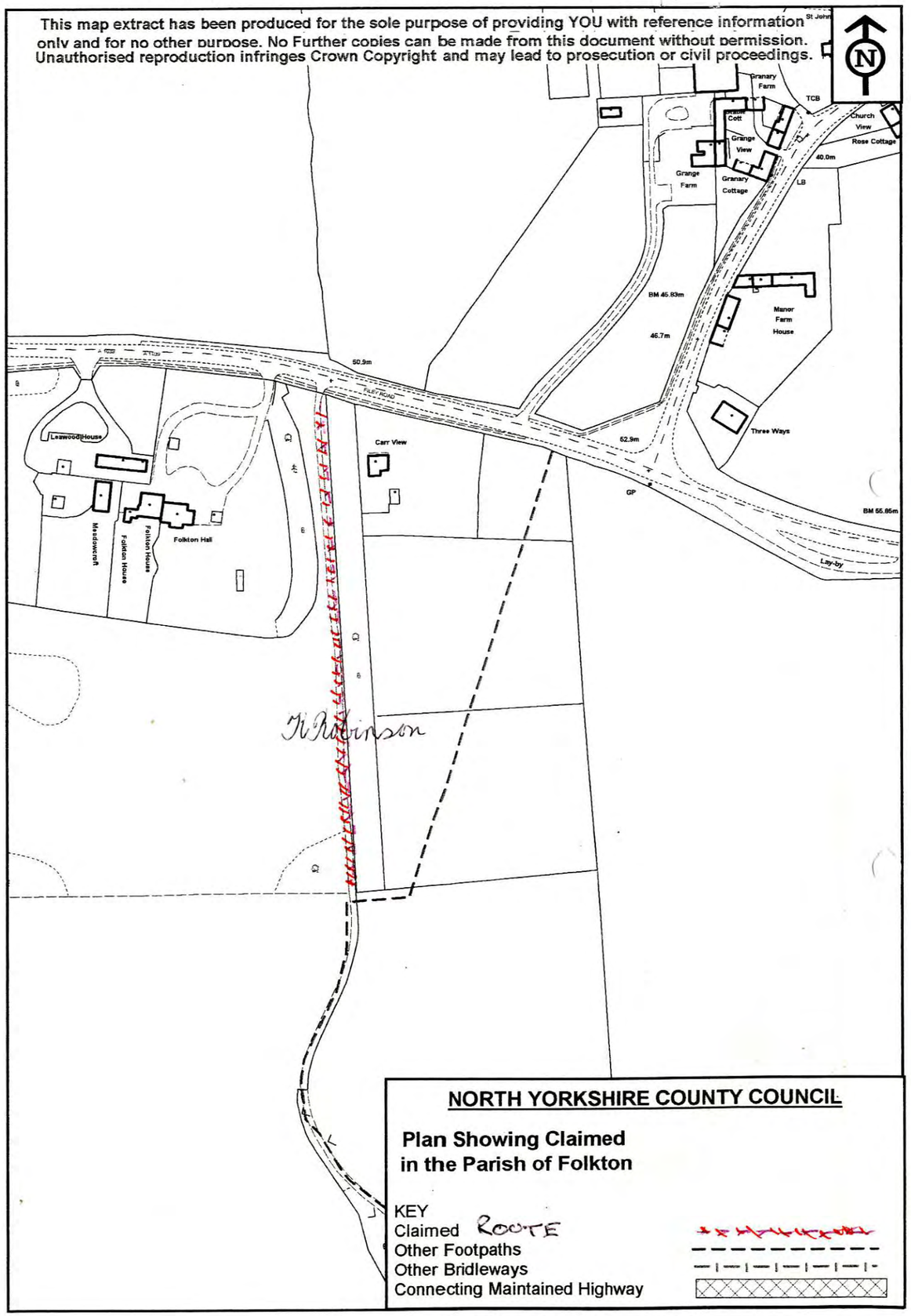
8.0 CERTIFICATION

I FRANK PEARSON (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: F Pearson Dated: 13.05.2010

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Drawn By JHC on 2 June 2008 Scale 1:2500 Plan Number

North Yorkshire County Council
Business and Environmental Services

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PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

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RECEIVED BY E&RS ADMIN 19 MAY 2010

1.0 WITNESS

1.1 Full Name: K. ROBINSON

1.2 Address: COTSWOLD MAIN STREET
FLIXTON SCARBOROUGH Post Code: YO11 3UB

1.3 Age: **1.4** Telephone No: (01723) 890731

1.5 Occupation/Former Occupation: RETIRED
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: A1039 TO WOLD FARM
To: GORDON ROAD
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of:

2.3 Name of route, if known:

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: **YES/~~NO~~**

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: **YES/~~NO~~**

2.8 Approx. Width of route: 20 FT

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: .....
NEVER BEEN STOPPED

3.3 Over what period have you used the route?: From 1943 To 1990 (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:
.....
.....

3.6 Have you used the route:

i.	on foot?	**YES/~~NO~~**
ii.	on horseback?	**~~YES~~/NO**
iii.	by motor vehicle?	**YES/~~NO~~**
iv.	by pedal cycle?	**YES/NO**
v.	by motor cycle?	**~~YES~~/NO**

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [x] Up to 10 times a year
- [ ] More than 10 times per year

3.8 For what purpose did you use the route? .....To WORK.....

3.9 Were you ever given permission to use the route? .....**~~YES~~/NO**

3.10 If so, by whom? .....

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **~~YES~~/NO**

4.2 Please indicate particulars and dates: .....
.....
.....

4.3 Have you ever known any other obstructions to the route? **~~YES~~/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/~~NO~~ (If NO proceed to 6)**

5.2 By what means did they use the route? .....
WALKING + HORSE BACK

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
YORK DIOCESE	NOT KNOWN	
MR WADSWORTH	" "	
MRS BOOTHBY	" "	

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **YES/NO**

7.0 ADDITIONAL INFORMATION

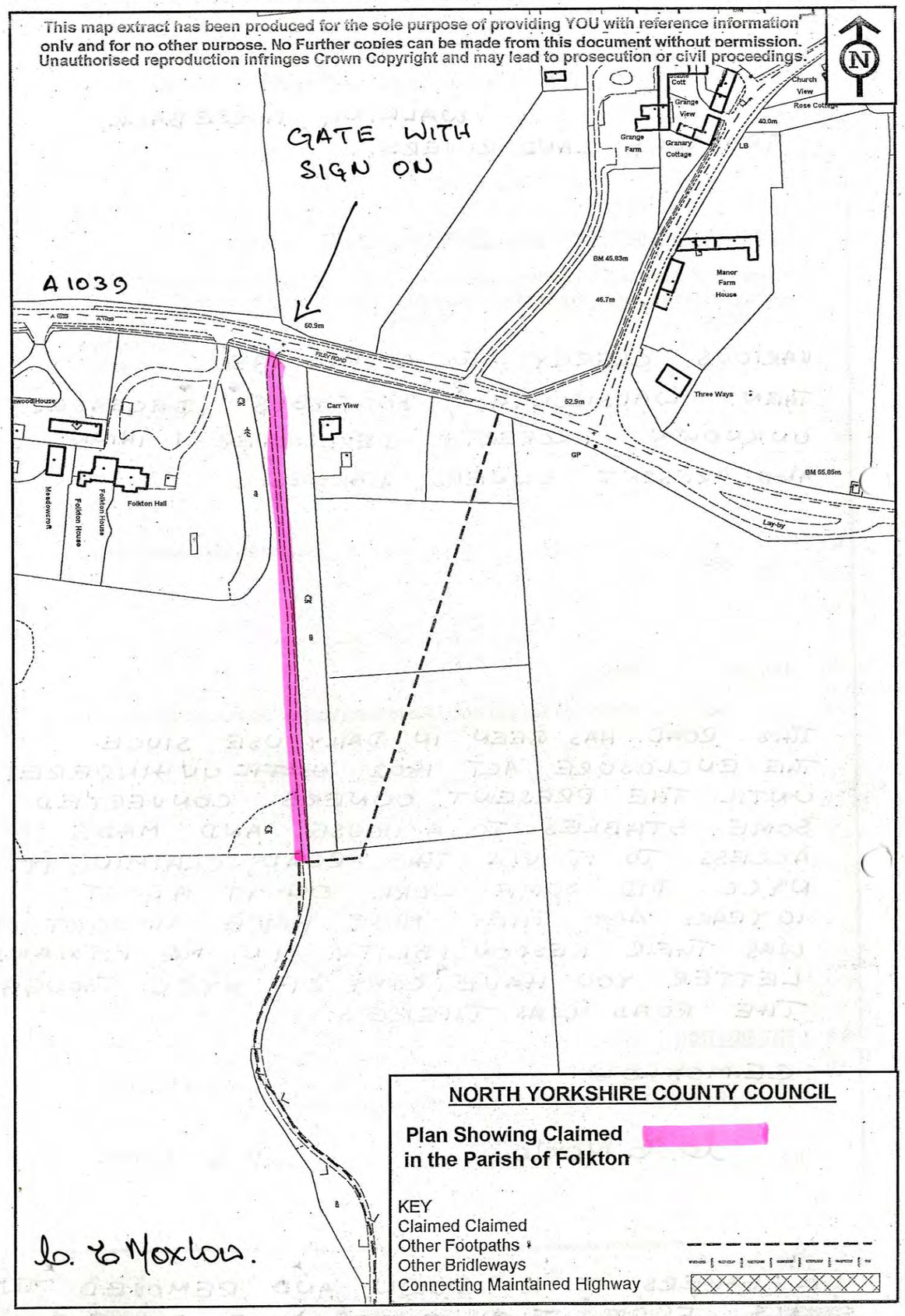
7.1 If there is any further information that you would like to make known. Please use the space below:
My Dad had Flixton Post Office for 35 years (1930-1965) At that time the postman walked to deliver letters to Falkton Wold Farm then across to Danesbury Manor then down Flixton Hill using this road marked red. I am retired now. I used this road marked red to do repairs to Mr B.W. Young's sheds

8.0 CERTIFICATION

I ....KENNETH....ROBINSON.....(Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: K. Robinson..... Dated: .....10-5-2010.....

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WCA FORM D

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Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

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1.0 WITNESS

1.1 Full Name: CHARLES EDWARD MOXLOW

1.2 Address: THE SWALLOWS FOLKTON SCARBOROUGH. N. YORKS Post Code: YO11 3UH

1.3 Age: 70 1.4 Telephone No: 01723 891236

1.5 ~~Occupation~~/Former Occupation: AGRICULTURAL CONTRACTOR.
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: THE FLIXTON/FILEY ROAD A1039
To: FARM BUILDINGS THEN FLIXTON/FORDON ROA
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBOROUGH

2.3 Name of route, if known: IN 1802 CALLED FORDON ROAD.

2.4 Please mark the route on the attached map and sign it. MARKED THUS

2.5 Do you believe that the route has always followed the same alignment?: YES/~~NO~~

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: YES/~~NO~~

2.8 Approx. Width of route: 12 FOOT

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: YES/~~NO~~ (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: BEEN IN USE DAILY FOR MORE THAN 200 YEARS TO REACH FIELDS AND FARM BUILDINGS.

3.3 Over what period have you used the route?: From 1954 To 2008 (years)

3.4 Have you used the full length of the route? YES/~~NO~~

3.5 If you have only used part of the length, which section of the route have you used?:

USED ALL THE RED ROUTE TO GET TO WORK ON LAND AND STOCK IN BUILDINGS.

3.6 Have you used the route:

i. on foot? YES/~~NO~~
ii. on horseback? YES/~~NO~~
iii. by motor vehicle? YES/~~NO~~
iv. by pedal cycle? ~~YES~~/NO
v. by motor cycle? ~~YES~~/NO

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [ ] Up to 10 times a year
- [x] More than 10 times per year

3.8 For what purpose did you use the route? TO GET TO WORK AND SHOOTING RIGHTS ON LAND FURTHER UP ROAD.

3.9 Were you ever given permission to use the route? ~~YES~~/NO

3.10 If so, by whom? NEVER NEEDED.

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? ~~YES~~/NO

4.2 Please indicate particulars and dates: IN 2008 A SIGN WAS PLACED ON A GATE BY THE A1039 STATING IT WAS A PRIVATE ROAD, BUT NEVER STOPPED.

4.3 Have you ever known any other obstructions to the route? ~~YES~~/NO **(If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? YES/~~NO~~ **(If NO proceed to 6)**

5.2 By what means did they use the route? WALKING, HORSE BACK, TRACTORS, LAND ROVERS.

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
VARIOUS CLERGY TO APPROX 1950		
THEN. WADSWORTH'S*, BOOTHBY'S*		*DECEASED
UNKNOWN	PROPERTY DEVELOPER	I THINK.
AND PRESENT OWNERS, BAKERS.		

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? ~~YES~~/NO

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

THIS ROAD HAS BEEN IN DAILY USE SINCE THE ENCLOSURE ACT 1802 ~~UNTIL~~ UNHINDERED UNTIL THE PRESENT OWNERS CONVERTED SOME STABLES TO A HOUSE AND MADE ACCESS TO IT VIA THIS ROAD, CLAIMING IT. NYCC DID SOME WORK ON IT ABOUT 10 YEARS AGO, THEY MUST HAVE THOUGHT IT WAS THEIR RESPONSIBILITY. IN MR PITMANS LETTER YOU HAVE A COPY OF, NYCC THOUGHT THE ROAD WAS THERE'S.

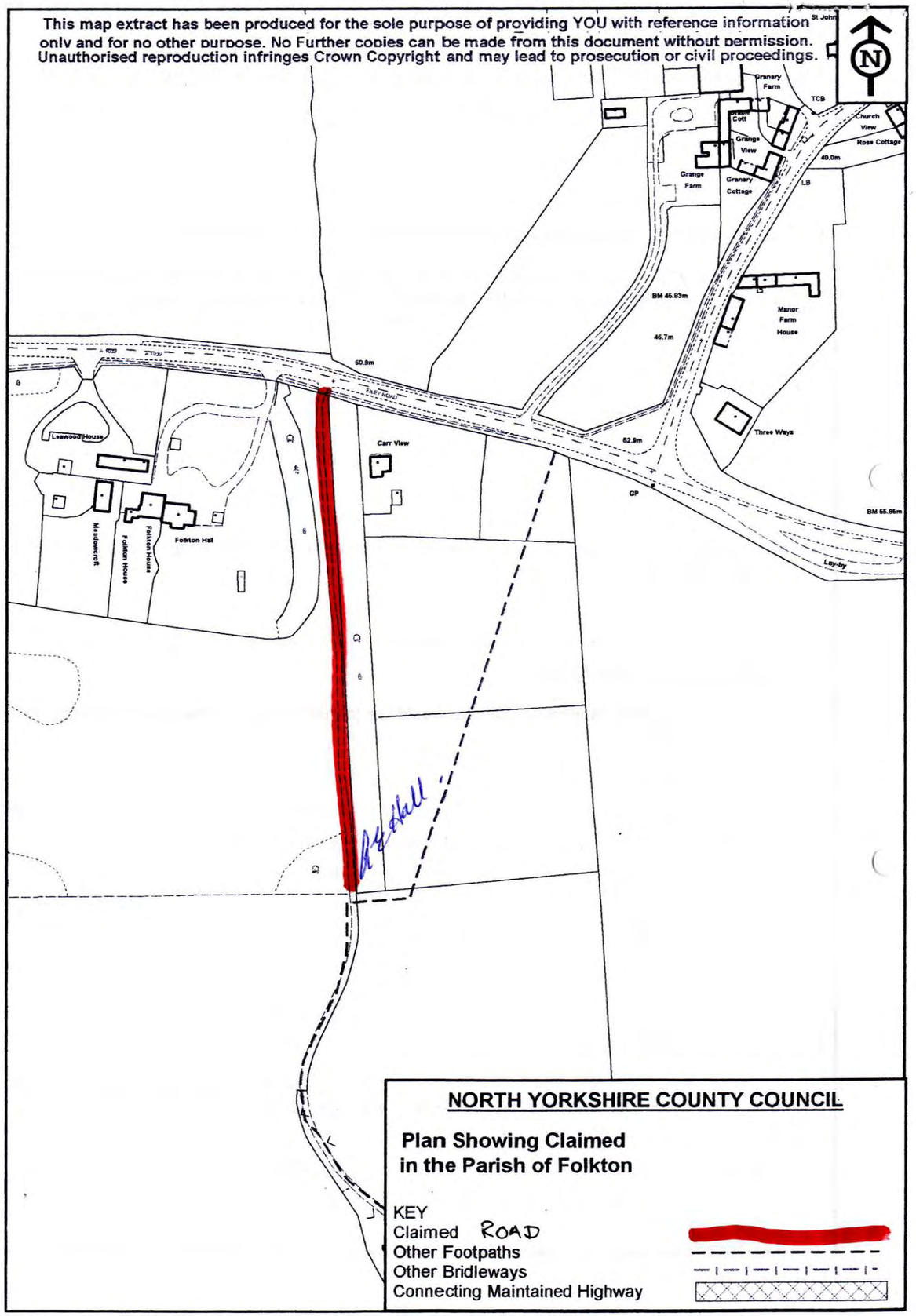
8.0 CERTIFICATION

I C.E. MOXLOW (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: C.E. Moxlow Dated: 29.6.2008

THE BAKERS TOOK DOWN AND REMOVED TW SIGNS FROM THE ENTERANCE BY THE A1039 (PUBLIC FOOTPATH / WAY MARK)

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N
Granary Farm
TCB
Church View
Rose Cottage
Grange View
Grange Farm
Granary Cottage
40.0m
LB
BM 45.93m
46.7m
Manor Farm House
60.9m
Three Ways
Carr View
52.9m
GP
BM 55.85m
Lay-by
Leawood House
Meadowcroft
Folkton House
Folkton Hall
Folkton Grange
Folkton Carr
Folkton Manor
Folkton Wold
Folkton Wold Farm
Folkton Wold Cottage
Folkton Wold Farm Cottage
Folkton Wold Farm Barn
Folkton Wold Farm Barn
Folkton Wold Farm Barn

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: WALKERS HAVE USED THIS ROUTE FOR YEARS.

3.3 Over what period have you used the route?: From 1986 To 2010 (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:

3.6 Have you used the route:

i.	on foot?	**YES/~~NO~~**
ii.	on horseback?	**~~YES~~/NO**
iii.	by motor vehicle?	**~~YES~~/NO**
iv.	by pedal cycle?	**~~YES~~/NO**
v.	by motor cycle?	**~~YES~~/NO**

3.7 How often over the period have you used the route?:

- [✓] Once or twice a year
- [ ] Up to 10 times a year
- [ ] More than 10 times per year

3.8 For what purpose did you use the route? To join onto the Yorkshire wolds way

3.9 Were you ever given permission to use the route? ~~YES~~/NO

3.10 If so, by whom?

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? ~~YES~~/NO

4.2 Please indicate particulars and dates:

4.3 Have you ever known any other obstructions to the route? ~~YES~~/NO **(If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/~~NO~~** **(If NO proceed to 6)**

5.2 By what means did they use the route? Walking.

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
PETER BUDMAN		Retired Director McCain Foods

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? ~~YES~~/NO

7.0 ADDITIONAL INFORMATION

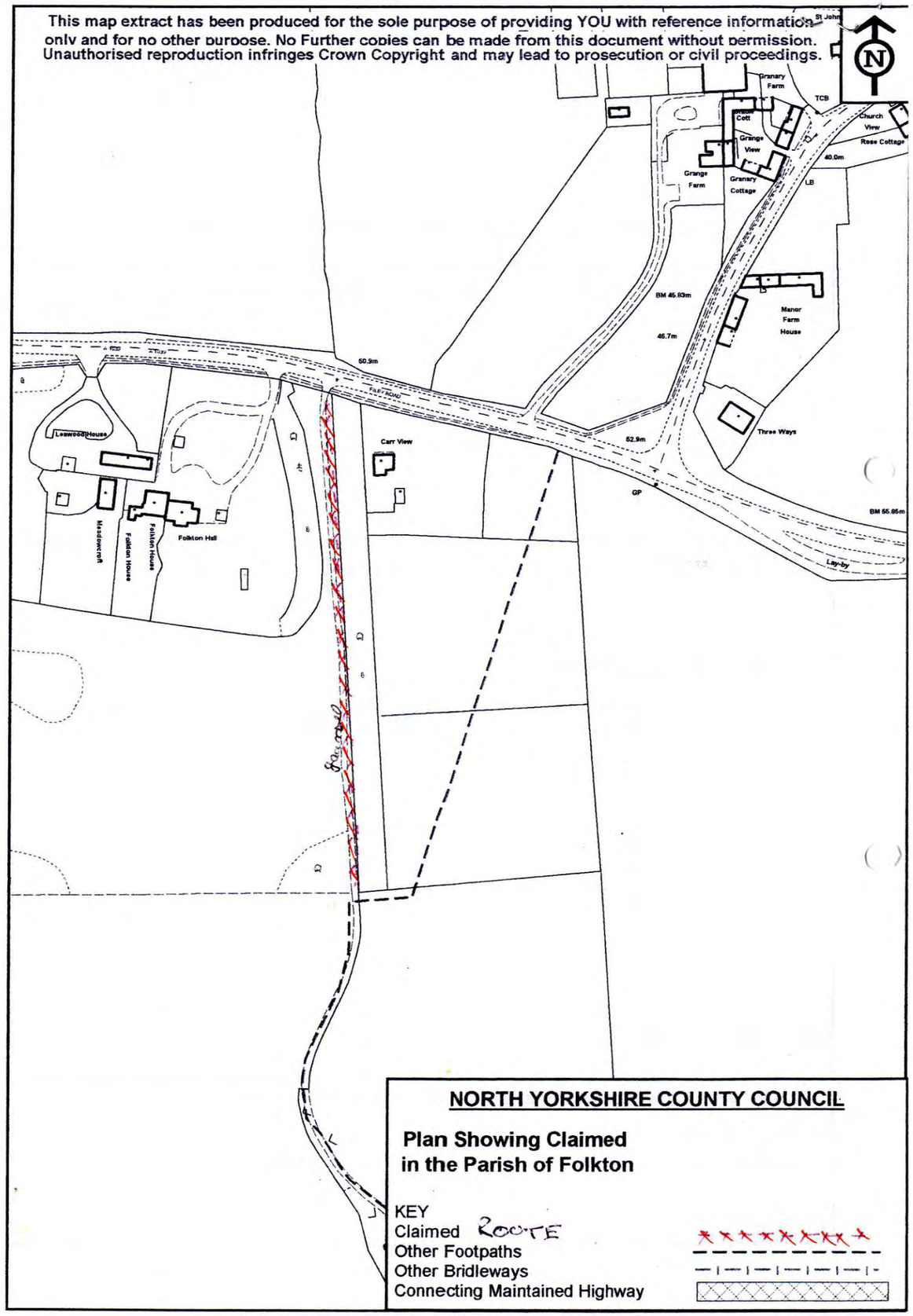
7.1 If there is any further information that you would like to make known. Please use the space below:
All the walking groups that I walk with are very responsible people and cause no harm on walking these paths. The main destruction to paths are motor bikes and quad bikes.

8.0 CERTIFICATION

I ANNE HALL (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: A E Hall. Dated: 8.5.2010.

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Drawn By JHC on 2 June 2008 Scale 1:2500 Plan Number

North Yorkshire County Council
Business and Environmental Services

N.Y.C.C.
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19 MAY 2010
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PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

This form must be completed by you only, it is not to be part completed by another party.

The object of this questionnaire is to reach the truth of the matter whatever that may be. You are requested to answer the questions as accurately as possible and not to withhold any information whether for or against the claim.

The information given on this form may be presented at a Public Inquiry therefore evidence provided cannot be treated as confidential.

RECEIVED BY E&RS ADMIN 19 MAY 2010

1.0 WITNESS

1.1 Full Name: MRS JILL CARROLL

1.2 Address: "ASH-LEA" FOLKTON NR SCARBOROUGH
Post Code: YO11 3UH

1.3 Age: 60 plus 1.4 Telephone No: 01723-891548

1.5 ~~Occupation~~/Former Occupation: Farmers wife
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: A1039
To: ~~Exist~~ Existing ~~Foot~~ Footpath
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: N. YKS

2.3 Name of route, if known: OLD FORDON RD

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: YES/~~NO~~

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: YES/~~NO~~

2.8 Approx. Width of route: 20ft

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: Used as a public footpath for as long as I am aware

3.3 Over what period have you used the route?: From 1983 To 2010 (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:

From the A1039 to Bryan Founds farm buildings and beyond

3.6 Have you used the route:

i.	on foot?	**YES/~~NO~~**
ii.	on horseback?	**~~YES~~/NO**
iii.	by motor vehicle?	**~~YES~~/NO**
iv.	by pedal cycle?	**~~YES~~/NO**
v.	by motor cycle?	**~~YES~~/NO**

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [x] Up to 10 times a year
- [ ] More than 10 times per year

3.8 For what purpose did you use the route? Exercise + pleasure

3.9 Were you ever given permission to use the route? **~~YES~~/NO**

3.10 If so, by whom?

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **~~YES~~/NO**

4.2 Please indicate particulars and dates:

4.3 Have you ever known any other obstructions to the route? **~~YES~~/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/~~NO~~ (If NO proceed to 6)**

5.2 By what means did they use the route? Walking and Horseback and movement of livestock

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
Mr & Mrs Wadsworth	Old Rectory FONKTON	1952-1972
Mr & Mrs J Boothby	" " "	~~1972~~ 1975-1980s
A & J Baker	FONKTON HAM "	1980s to present day

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **~~YES~~/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

Due to information past down through three generations (of my family) this route has always been used. School children have been on nature walks. bb Car club had hill climb events on land at the top of this route, when roughly one hundred cars were driven up. I myself have taken young children up this road to the pond at the top for picnics. My son and his friends have also used this footpath when camping in the school holidays.

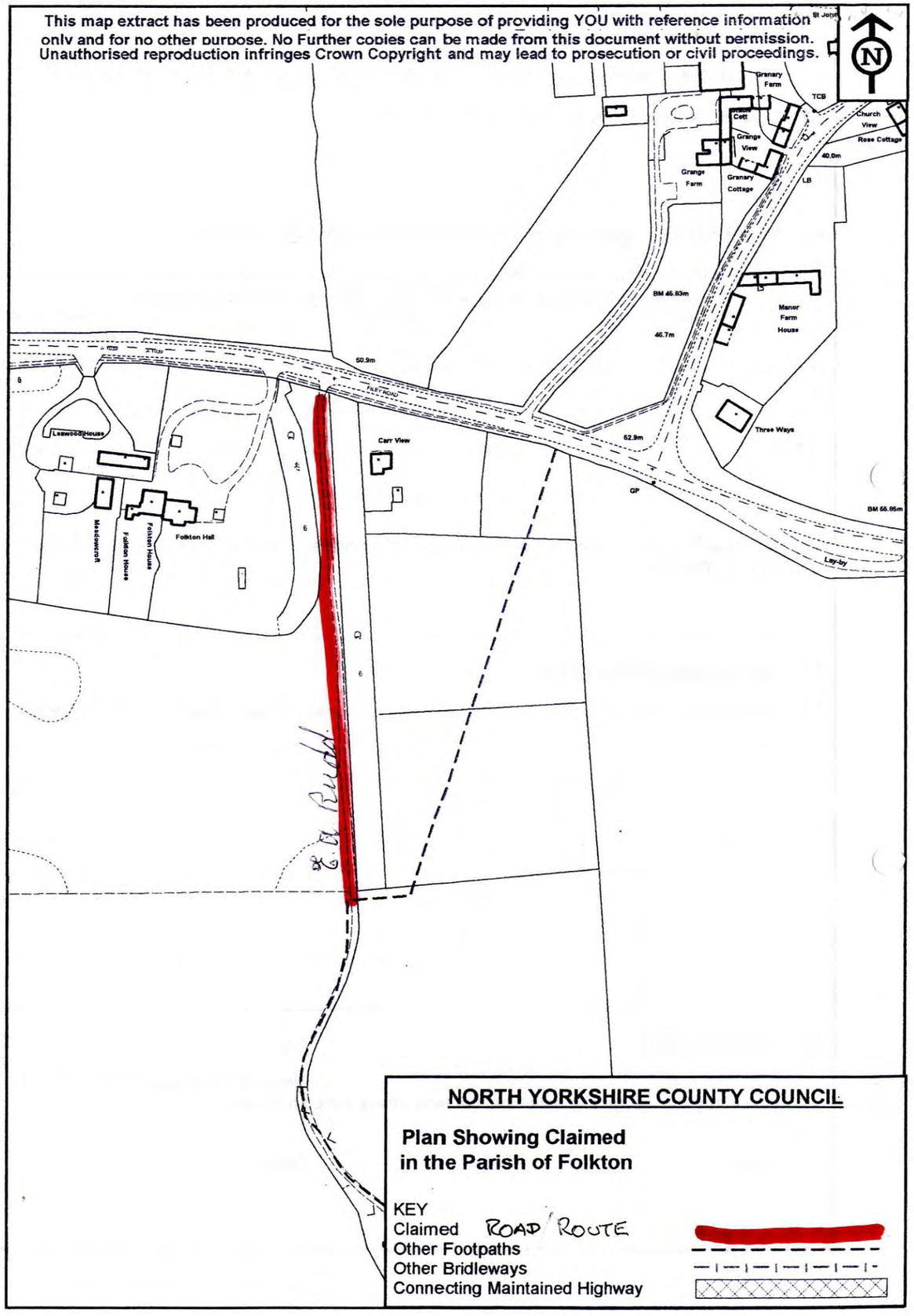
8.0 CERTIFICATION

I MRS JILL CARROLL (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: J. Carroll Dated: 8.5.10

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Drawn By JHC on 2 June 2008 Scale 1:2500 Plan Number

WCA FORM D

North Yorkshire County Council
Business and Environmental Services

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PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

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RECEIVED BY E&RS ADMIN 19 MAY 2010

1.0 WITNESS

1.1 Full Name: Mrs E. A. Rudd

1.2 Address: Old Inn Farm Folkton nr Scarborough
Post Code: YO11 3UH

1.3 Age: 93 yrs 1.4 Telephone No:

1.5 ~~Occupation~~/Former Occupation: Farmer
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: A1039
To: Fordon
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: Folkton In the District of: N.Th Yks

2.3 Name of route, if known: Old Fordon Rd

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: **YES/~~NO~~**

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: **YES/~~NO~~**

2.8 Approx. Width of route: 20 ft

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: .....

.....

3.3 Over what period have you used the route?: From ...1930..... To ...1990..... (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:

.....

.....

3.6 Have you used the route:

i. on foot? **YES/~~NO~~**
ii. on horseback? **~~YES~~/NO**
iii. by motor vehicle? **~~YES~~/NO**
iv. by pedal cycle? **~~YES~~/NO**
v. by motor cycle? **~~YES~~/NO**

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [ ] Up to 10 times a year
- [x] More than 10 times per year

3.8 For what purpose did you use the route? ...Mowing Stock.....

3.9 Were you ever given permission to use the route? .....**YES/~~NO~~**

3.10 If so, by whom? .....

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **~~YES~~/NO**

4.2 Please indicate particulars and dates: .....

.....

.....

4.3 Have you ever known any other obstructions to the route? **~~YES~~/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/~~NO~~ (If NO proceed to 6)**

5.2 By what means did they use the route? .....Walking.....

.....

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
Baker Twins	FORKTON HALL	1980 – 2010.
Mr & Mrs Boothby	The Rectory	1970? – 1980

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **~~YES~~/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

.....

.....

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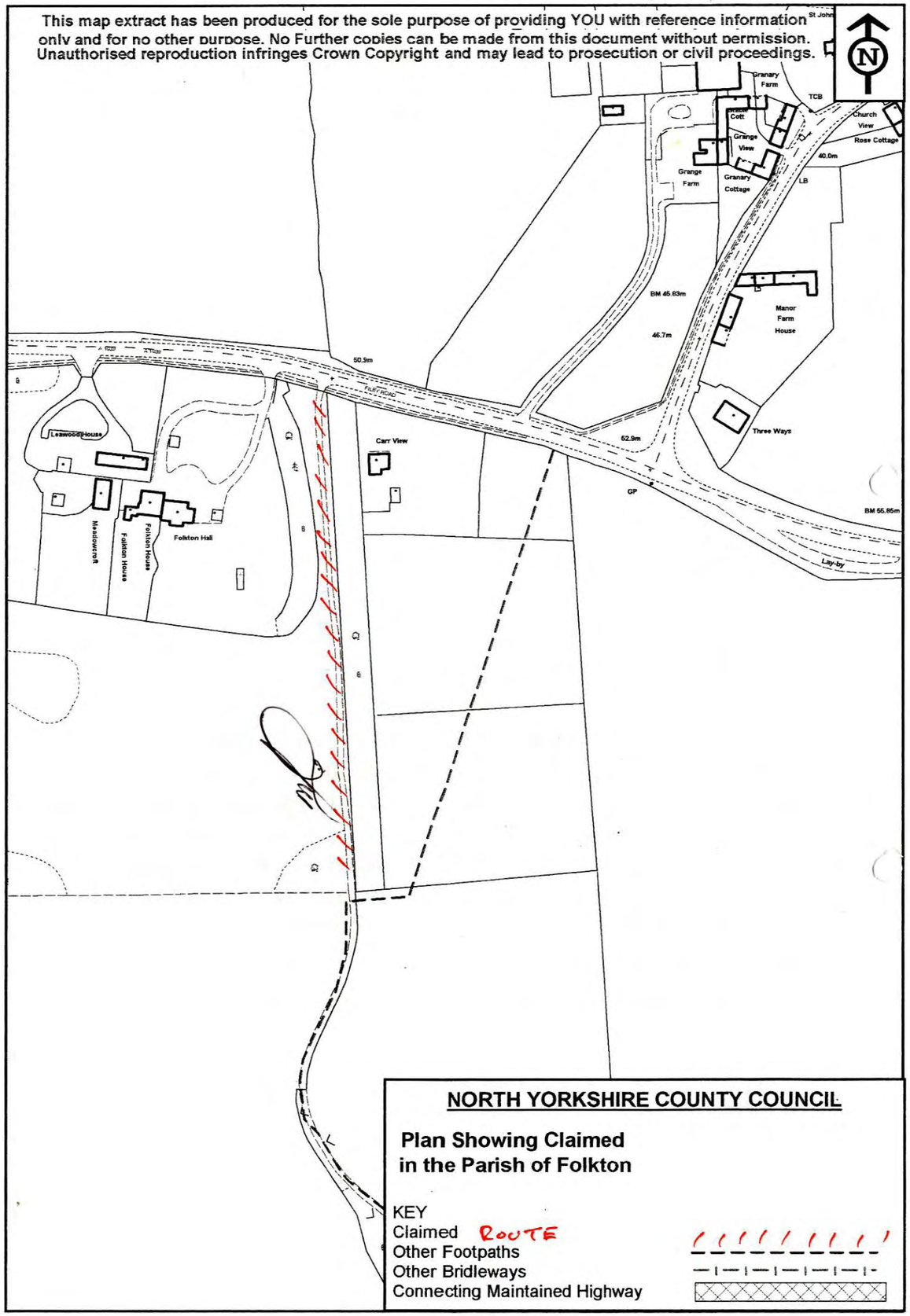
8.0 CERTIFICATION

I ..EDITH ANNIE RUDD.....(Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: ..E A Rudd..... Dated: ..10.5.10.....

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Drawn By JHC on 2 June 2008 Scale 1:2500 Plan Number

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

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The object of this questionnaire is to reach the truth of the matter whatever that may be. You are requested to answer the questions as accurately as possible and not to withhold any information, whether for or against the claim.

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1.0 WITNESS

1.1 Full Name: MICHAEL JAMES FREDERICK KITCHEN

1.2 Address: MARIGOLD COTTAGE, FOLKTON, SCARBOROUGH, NORTH YORKSHIRE Post Code: YO11 3UH

1.3 Age: 48 YRS 1.4 Telephone No: 01723 891215

1.5 Occupation/~~Former Occupation~~: FARMER
(*Delete as appropriate*)

2.0 DESCRIPTION OF ROUTE

2.1 From: A1039
To: EXISTING FORDON ROAD FOOTPATH
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: NORTH YORKSHIRE

2.3 Name of route, if known: FORDON ROAD

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: YES/~~NO~~

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: YES/~~NO~~

2.8 Approx. Width of route: 20 FEET

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: WE HAVE ALWAYS USED IT SINCE I WAS A CHILD WITHOUT QUESTION. I BELIEVE IT IS A ROAD ON THE ENCLOSURE MAP.

3.3 Over what period have you used the route?: From LATE 1960'S To TO DATE (years)

3.4 Have you used the full length of the route? **YES/~~NO~~** TO LINK UP WITH THE WOLDS WAY WALK

3.5 If you have only used part of the length, which section of the route have you used?: N/A

3.6 Have you used the route:

i. on foot? **YES/~~NO~~**
ii. on horseback? **~~YES~~/NO**
iii. by motor vehicle? **YES/~~NO~~**
iv. by pedal cycle? **~~YES~~/NO**
v. by motor cycle? **~~YES~~/NO**

3.7 How often over the period have you used the route?:

- [ ] Once or twice a year
- [x] Up to 10 times a year
- [ ] More than 10 times per year

TO DO SLEDGING AS A CHILD AND NOW WITH MY OWN CHILDREN.
FAMILY WALKS ON THE WOLDS.
COLLECTING CONKERS AS A CHILD

3.8 For what purpose did you use the route? SCHOOL NATURE WALKS AS A CHILD
ACCESS TO MR FOUNDS BUILDINGS BY TRACTOR + TRAILER

3.9 Were you ever given permission to use the route? ..... **~~YES~~/NO**

3.10 If so, by whom? N/A

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **~~YES~~/NO**

4.2 Please indicate particulars and dates: N/A

4.3 Have you ever known any other obstructions to the route? **~~YES~~/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/~~NO~~ (If NO proceed to 6)**

5.2 By what means did they use the route? WALKING, HORSE RIDING, FARM ACCESS TO LAND + BUILDINGS

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
ALAN + JOHN BAKER	FOLKTON HALL	CURRENT

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **~~YES~~/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

As a child I used the road marked red on the map to collect conkers from the trees on both sides of the road. Sometimes we would go through the hedge into the grounds of Folkton House to get more conkers and be chased out by the previous owners. We were never confronted if we stayed on the road marked red and the strips of land on either side of it.

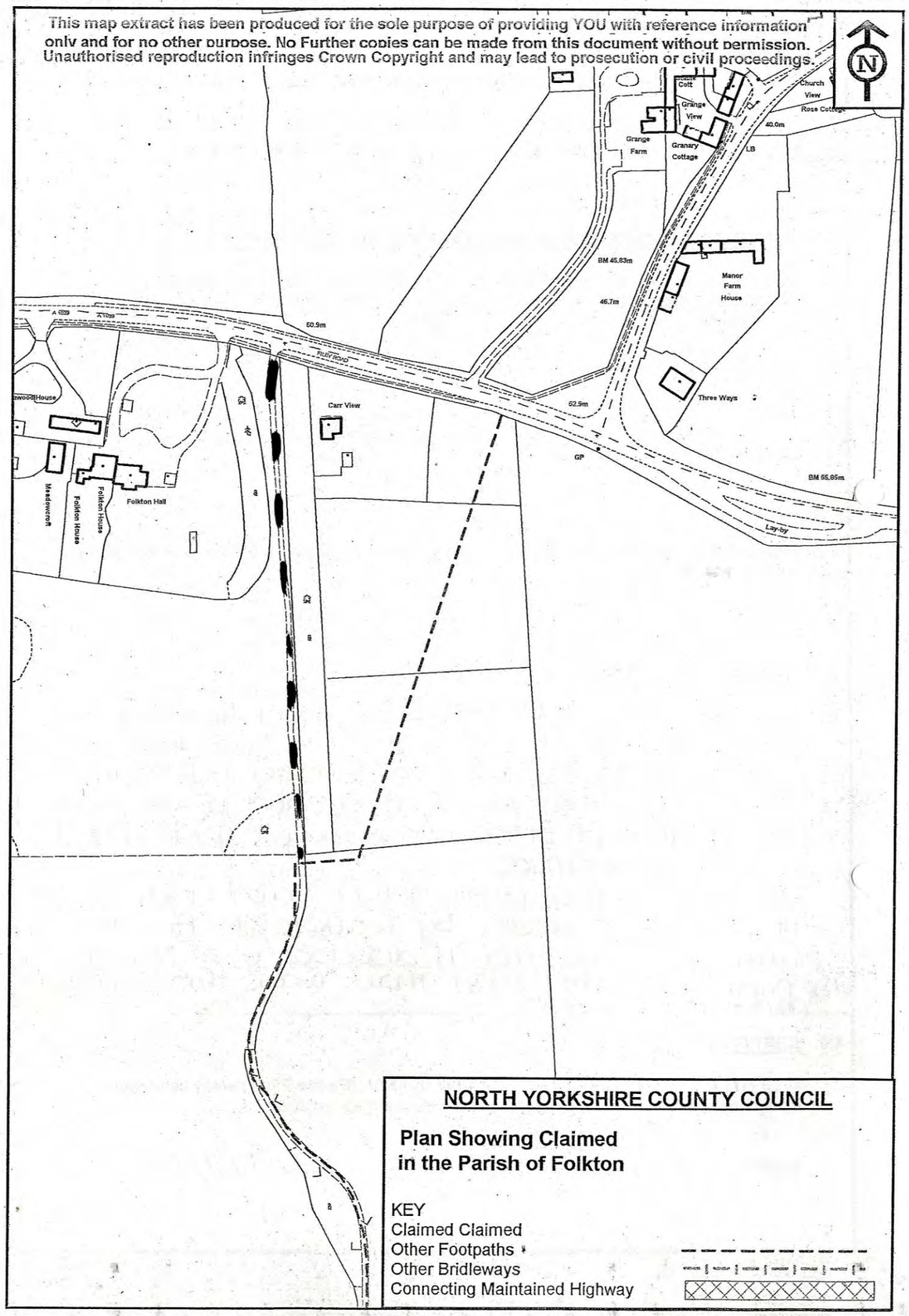
For most of my life I have assumed that the road marked in red on the map belonged to Mr Found who owns the land and buildings to the south of the road. I never had cause to think otherwise.

8.0 CERTIFICATION

I MICHAEL JAMES FRANKLIN KITCHEN (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: MJK Dated: 9 May 2010

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Drawn By Folkton on 28 April 2008 Scale 1:2500 Plan Number JHC280408

WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

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1.0 WITNESS

1.1 Full Name: JAMES C. CHAPMAN

1.2 Address: ROSE LEA FOLKTON, SCARBOROUGH N YORKSHIRE Post Code: YO11 3UH

1.3 Age: 69 **1.4** Telephone No: 01723 891730

1.5 Occupation/Former Occupation: FARMER
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: A 1039

To: FOLKTON WOLD
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBOROUGH

2.3 Name of route, if known:

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: **YES/NO**.

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: **YES/NO**

2.8 Approx. Width of route: 10 - 12 ft

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/NO** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: ACCESS TO FIELDS AND WAS ALSO ACCESS TO SCHOOL FROM THE FARMS TOP OF THE HILL

3.3 Over what period have you used the route?: From 1949 To 2008 (years)

3.4 Have you used the full length of the route? **YES/NO**

3.5 If you have only used part of the length, which section of the route have you used?:

.....

.....

3.6 Have you used the route:

i. on foot? **YES/NO**
ii. on horseback? **YES/NO** AS A CHILD
iii. by motor vehicle? **YES/NO**
iv. by pedal cycle? **YES/NO**
v. by motor cycle? **YES/NO**

3.7 How often over the period have you used the route?:

	Once or twice a year
	Up to 10 times a year
✓	More than 10 times per year DAILY TO CHECK ON LIVESTOCK

3.8 For what purpose did you use the route? CHECK ON LIVESTOCK AND GET TO SCHOOL AS A CHILD

3.9 Were you ever given permission to use the route? ..... **YES/NO**

3.10 If so, by whom? .....

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **YES/NO**

4.2 Please indicate particulars and dates: .....

.....

.....

4.3 Have you ever known any other obstructions to the route? **YES/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/NO (If NO proceed to 6)**

5.2 By what means did they use the route? HORSES, DOG WALKERS, WALKERS, FARMERS TO GET TO LIVESTOCK

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **YES/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

The route for many years has been known as 'Faunds Walk' It has been used by farmers as access to their fields As a child it was used by myself and others as a way to get to school and to see relatives
Children at the local school would visit Dew Pond It was also used by Walkers etc At times during foot and mouth disease it is better the public use this road than walk through fields spreading disease

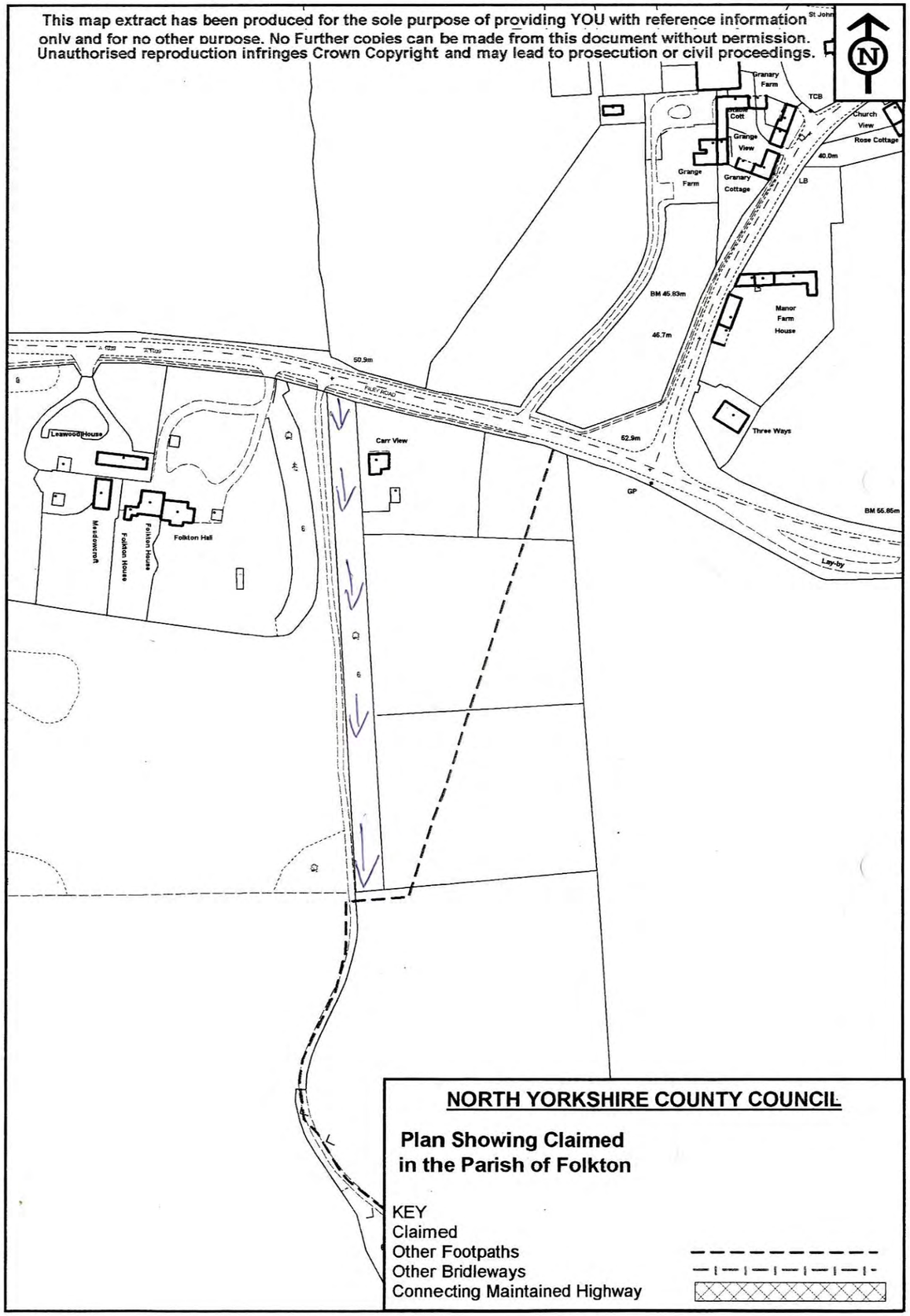
8.0 CERTIFICATION

I JAMES CLIFFORD CHAPMAN (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: J C Chapman Dated: 18/7/08

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Drawn By JHC on 2 June 2008 Scale 1:2500 Plan Number

WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

This form must be completed by you only, it is not to be part completed by another party.

The object of this questionnaire is to reach the truth of the matter whatever that may be. You are requested to answer the questions as accurately as possible and not to withhold any information, whether for or against the claim.

The information given on this form may be presented at a Public Inquiry therefore evidence provided cannot be treated as confidential.

1.0 WITNESS

1.1 Full Name: DENNIS T. MUIR.

1.2 Address: 6 WEST AVE, SCALBY SCARBOROUGH. Post Code: YO13 0QB.

1.3 Age: 74 **1.4** Telephone No: 01723 377222

1.5 Occupation/Former Occupation: POLICE OFFICER
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: A1039 FILEY ROAD AT FOLKTON HOUSE
To: JOINS EXISTING RIGHT OF WAY
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of: SCARBOROUGH.

2.3 Name of route, if known: OLD GORDON ROAD

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: YES/~~NO~~

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: ~~YES~~/NO NOT SINCE WAYMARK SIGNS REMOVED.

2.8 Approx. Width of route: 10 - 12'

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/NO** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: HAS BEEN USED FOR YEARS BY RAMBLERS

3.3 Over what period have you used the route?: From 1971 To 2008 (years)

3.4 Have you used the full length of the route? **YES/NO**

3.5 If you have only used part of the length, which section of the route have you used?:

3.6 Have you used the route:

i.	on foot?	**YES/NO**
ii.	on horseback?	**YES/NO**
iii.	by motor vehicle?	**YES/NO**
iv.	by pedal cycle?	**YES/NO**
v.	by motor cycle?	**YES/NO**

3.7 How often over the period have you used the route?:

- [x] Once or twice a year
- [ ] Up to 10 times a year
- [ ] More than 10 times per year

3.8 For what purpose did you use the route? PLEASURE - RAMBLERS ASSOC.

3.9 Were you ever given permission to use the route? **YES/NO**

3.10 If so, by whom?

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **YES/NO** ONLY RECENTLY

4.2 Please indicate particulars and dates: WHILST OUT FOR A WALK IN JANUARY 2008.

4.3 Have you ever known any other obstructions to the route? **YES/NO (If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/NO (If NO proceed to 6)**

5.2 By what means did they use the route?

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **YES/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

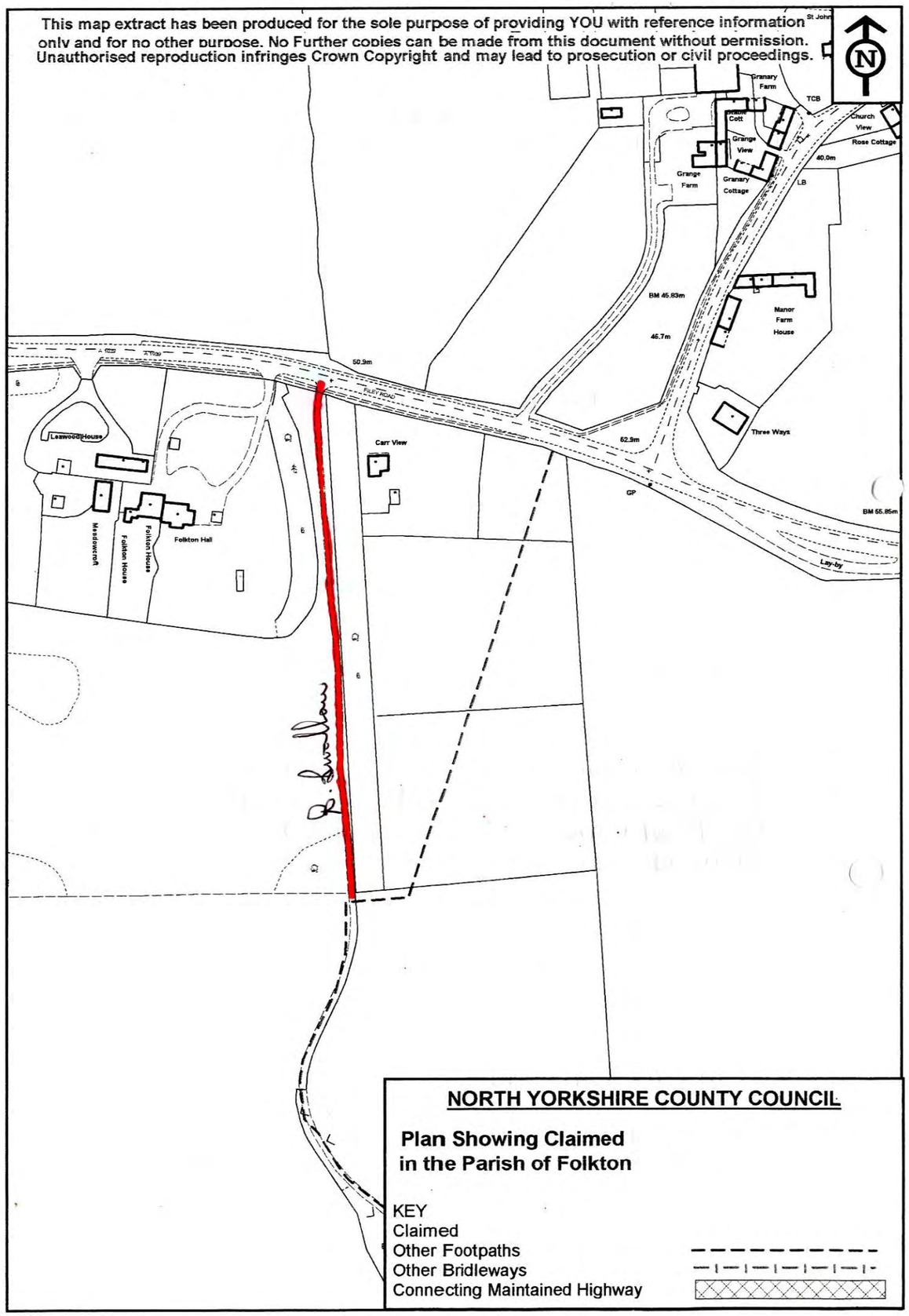
8.0 CERTIFICATION

I DENNIS THOMPSON MUIR (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: D Muir Dated: 15.7.08

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Drawn By JHC on 2 June 2008 Scale 1:2500 Plan Number

72/R6/15/237

WCA FORM D

North Yorkshire County Council
Business and Environmental Services

PUBLIC RIGHTS OF WAY EVIDENCE OF USE FORM

IMPORTANT NOTICE:-

This form must be completed by you only, it is not to be part completed by another party.

The object of this questionnaire is to reach the truth of the matter whatever that may be. You are requested to answer the questions as accurately as possible and not to withhold any information, whether for or against the claim.

The information given on this form may be presented at a Public Inquiry therefore evidence provided cannot be treated as confidential.

1.0 WITNESS

1.1 Full Name: BARRY SWALLOW

1.2 Address: 25 WOOLDALE DRIVE, FILEY, NORTH YORKSHIRE
Post Code: YO14 9ER

1.3 Age: 67 YEARS 1.4 Telephone No: 01723 514725

1.5 Occupation/Former Occupation: RETIRED POLICE OFFICER
(Delete as appropriate)

2.0 DESCRIPTION OF ROUTE

2.1 From: TA05107925 EXPLORER MAP 301 REVISED 2000
To: TA05097950 EXPLORER MAP 301 REVISED 2000
(National Grid Reference [ends of route] if known or other description)

2.2 Parish of: FOLKTON In the District of:

2.3 Name of route, if known: FOLKTON HOUSE GROUNDS

2.4 Please mark the route on the attached map and sign it.

2.5 Do you believe that the route has always followed the same alignment?: YES/~~NO~~

2.6 If NO, please mark each of the alignments on the map (See 2.4)
Please mark any variations clearly, in a different colour or style and initial these variations.

2.7 Is the route well defined?: YES/~~NO~~

2.8 Approx. Width of route: 3 METRES

3.0 WITNESS'S OWN USAGE OF THE ROUTE

3.1 Do you believe this route to be public?: **YES/~~NO~~** (If NO proceed to 3.3)

3.2 Why do you believe the route to be public?: PUBLIC FOOTPATH SIGN

3.3 Over what period have you used the route?: From 09.01.03 To 10.01.08 (years)

3.4 Have you used the full length of the route? **YES/~~NO~~**

3.5 If you have only used part of the length, which section of the route have you used?:

N/A

3.6 Have you used the route:

i.	on foot?	**YES/~~NO~~**
ii.	on horseback?	**~~YES~~/NO**
iii.	by motor vehicle?	**~~YES~~/NO**
iv.	by pedal cycle?	**~~YES~~/NO**
v.	by motor cycle?	**~~YES~~/NO**

3.7 How often over the period have you used the route?:

- [x] Once or twice a year
- [ ] Up to 10 times a year
- [ ] More than 10 times per year

3.8 For what purpose did you use the route? WALKING WITH A GROUP OF FRIENDS

3.9 Were you ever given permission to use the route? ..... **~~YES~~/NO**

3.10 If so, by whom? N/A

4.0 RESTRICTIONS IN USE OF THE ROUTE

4.1 Have you ever been prevented from, or challenged, when using the route? **~~YES/NO~~** YES

4.2 Please indicate particulars and dates: CLOSED GATES AND PRIVATE ROAD SIGNS ON THURSDAY 10.01.08. DECIDED NOT TO TAKE A GROUP OF FRIENDS ALONG THIS ROUTE BECAUSE OF SIGNS.

4.3 Have you ever known any other obstructions to the route? **~~YES~~/NO** **(If NO proceed to 5.0)**

4.4 Please indicate particulars and dates as follows:

Dates	Nature of Obstruction	Location *(Please also mark on the map provided)*

5.0 EVIDENCE OF USE BY OTHERS

5.1 Have you seen other members of the public using the route? **YES/~~NO~~** **(If NO proceed to 6)**

5.2 By what means did they use the route? WALKING IN A LOCAL GROUP OF FRIENDS KNOWN AS FILEY FOOTPRINTS

6.0 INFORMATION CONCERNING LAND OWNERSHIP AND OCCUPATION

6.1 If known to you, please provide the current, and any previous, names and addresses of landowners or occupiers whom you believe to hold an interest in the land crossed by the route.

Name	Address	Period of ownership or occupation
	FOLKTON HOUSE, FOLKTON	

6.2 Have you ever been employed by, or a tenant of, the owner of the land affected by the claimed route? **~~YES~~/NO**

7.0 ADDITIONAL INFORMATION

7.1 If there is any further information that you would like to make known. Please use the space below:

TWO PREVIOUS WALKS ON 09.01.03 AND 06.01.05 COMPLETED WITHOUT ANY OBSTRUCTION OR HINDRANCE. ACCOMPANIED BY GROUPS OF FRIENDS.

8.0 CERTIFICATION

I BARRY SWALLOW (Please Print) hereby certify that to the best of my knowledge and belief that the facts I have stated are true.

Signed: B Swallow Dated: 27.7.08

Letter to Mr Pittman

North Yorkshire County Council

HIGHWAYS AND TRANSPORTATION DEPARTMENT

Your Reference:

My Reference: 2/72/4/4/PROW

When telephoning please ask for: Mr Broadhead

23 August 1991

A. W. Burns, C.Eng., M.I.C.E.,
No. 2 County Area Surveyor
Area Office,
Southgate, Pickering,
North Yorkshire YO18 8BL
Tel. Pickering (STD 0751) 72031
Fax No. (0751) 74450

Dear Sir

PUBLIC FOOTPATH, CARR VIEW, FOLKTON

I refer to your letter of 31 July 1991 and subsequent meeting with Mr Broadhead on 7 August. I have now carried out some research into the history of the footpath across your land and am able to advise you as follows.

The footpath was claimed by Folkton Parish Council for inclusion on the Definitive Map in accordance with the correct procedure under the National Parks and Access to the Countryside Act 1949, and therefore exists as a public right of way on foot as shown on the enclosed photocopy of the Definitive Map (Enclosure 1). No information is available as to whether stiles or other means of crossing field boundaries existed The recently placed "public footpath" signpost has therefore been correctly located, although I understand that its presence has created problems due to the lack of provision of adequate access between your boundary with land belonging to Mr Found over which the path continues. You will understand that I cannot insist on suitable access being provided due to lack of information; it may be that as stiles do not appear to have been in position when the path was registered for the Definitive Map, their non-existence amounts to a legally authorised limitation of the use of the path

Since the path is now receiving use it is considered that any attempt to close it would be unsuccessful, and I will therefore discuss with Mr Found whether he would be prepared to allow the provision of stiles to avoid damage to his fences by persons entitled to use the path.

I understand that you discussed with Mr Broadhead the public use of the track to the west which links the road to the footpath. Whilst the waymark at the road was incorrectly placed some years ago, research has shown that the track itself is shown on the 1802 Inclosure Award (Enclosure 2) and the Tithe Map (Enclosure 3), and described as a "public bridleroad" called Fordon Road. A copy of the 1929 O.S. map at six inches to 1 mile is also enclosed for your assistance (Enclosure 4). There is no evidence to suggest that this road was ever closed, although not included on th Definitive Map, and therefore it would seem that the public are entitled to use it at least as a bridleroad. You will see that its route southwards beyond the point where it co-incides with the definitive public footpath does not continue along the same route as the footpath for its whole length (a separate issue to be investigated

Continued ....

at the appropriate time under the 1981 Wildlife and Countryside Act Definitive Map Review), but between the main road and the junction with the definitive footpath it does provide a better alternative to the definitive footpath.

It therefore seems sensible to encourage the use of the track rather than the cross field footpath and I will therefore, subject to Parish Council agreement, have the signpost moved to the start of the track when resources permit. You should however bear in mind that the public have the right to use either route and should not be prevented from using the cross-field path if they wish to do so.

Thank you for your interest and co-operation in this matter.

Yours faithfully

p/ County Area Surveyor

Mr D Pitman
Carr View
Filey Road
Folkton
Scarborough
YO11 3UG

jrb/smm

cc to: Mr B Pound, Church Farm, Folkton YO11 3WH
cc to: Folkton Parish Council Chairman, Mr P W Hodgson, Park Leas, Flixton
cc to: Mr G Allenson, "Jungfrau", West Street, Muston, Filey

Inclosure Act

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AP3/63

AN

ACT

FOR

Dividing, Allotting, and Incloſing certain Open Common Fields, Ing Lands, Carr Lands, Waſtes, and Commonable Places, within the Townſhip of *Folkton*, and within the reſpective Hamlets or Diſtricts of *Eaſt Flotmanby* and *Weſt Flotmanby*, in the Pariſh of *Folkton*, in the Eaſt Riding of the County of *York*.

Preamble.

WHEREAS there are within the Townſhip of *Folkton*, and within the reſpective Hamlets or Diſtricts of *Eaſt Flotmanby* and *Weſt Flotmanby*, in the Pariſh of *Folkton*, or in ſome or one of them in the Eaſt Riding of the County of *York*, certain Open Common Fields, Ing Lands, Carr Lands, Waſtes, and Commonable Places, containing together by Eſtimation One Thouſand Eight Hundred Acres or thereabouts:

And whereas *James Bell*, Eſquire, is Lord of the Manor of *Folkton* aforeſaid:

And whereas *Humphrey Osbaldeſton*, Eſquire, is Patron of the Rectory and Pariſh Church of *Folkton* aforeſaid, and *Samuel Herbert*, Doctor in Divinity, is Rector thereof, and as ſuch is entitled to divers Meſſuages and Cottages, and to certain Glebe Lands, Parcel of the ſaid Open Common Fields, Ing Lands, Carr Lands, Waſtes, and Commonable Places, or ſome of them, and alſo to divers ancient incloſed Lands within the Townſhip of *Folkton*

aforeſaid,

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the ſigning of the ſaid Inſtrument, have the like Powers of recovering the ſame when in Arrear and unpaid, as by the Laws now in force are provided and given to Landlords for the Recovery of Rent in Arrear.

Roads may not be depaſtured for Ten Years.

And be it further Enacted, That no Perſon or Perſons whoſoever ſhall permit any Sort of Cattle to graze in any Highways, Lanes, or Paſſages which the ſaid Commiſſioners ſhall order or direct to be laned off or fenced on both Sides, for the Space of Ten Years next after the Execution of the Award of the ſaid Commiſſioners, under a Penalty of not more than Twenty Shillings nor leſs than Ten Shillings, for every Beaſt or Horſe, and One Shilling for every Aſs, Sheep, Goat, or other Cattle, found therein, to be paid to the Perſon or Perſons who ſhall take and impound the ſame, which ſaid Penalty ſhall, if not paid on Demand thereof being made of the Owner or Owners of ſuch Cattle, be recovered by Application and Complaint to any Juſtice of the Peace for the Eaſt Riding of the ſaid County of *York*, not intereſted in the ſaid Lands and Grounds, who is hereby authorized and required to ſummon the Parties concerned, and examine into the Facts by One or more Witneſs or Witneſſes on Oath (which Oath the ſaid Juſtice is hereby empowered and required to adminiſter); and after ſuch Summons and Examination ſhall and may, if he ſees juſt Cauſe, order the ſaid Penalty to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons to whom ſuch Cattle ſhall belong, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts of ſuch Summons, Warrant, Diſtreſs, and Sale.

No Sheep or Lambs to be kept in the new Incloſures for Ten Years, &c.

And be it further Enacted, That no Sheep or Lambs ſhall be kept on any of the Allotments to be made by virtue of this Act, during the Space of Ten Years next after the Execution of the ſaid Award, unleſs the Perſon or Perſons ſo keeping the ſame ſhall firſt, at his, her, or their own Expence, make and maintain a Fence ſufficient to guard the young Quick Fences round ſuch Allotments from being cropped, hurt, or damaged by ſuch Sheep or Lambs, whether ſuch Quick Fences be planted or ſet by the Owner or Occupier of ſuch Allotments as aforeſaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto.

Directing the Courſe of Huſbandry.

And be it further Enacted, That from and after the paſſing of this Act until ſuch Diviſion and Allotment ſhall be made as aforeſaid,

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aforeſaid, all the Tillage and other Lands and Grounds by this Act directed to be divided, allotted, and incloſed as aforeſaid, ſhall be cropped or ſown by the Proprietors or Occupiers thereof, in ſuch Proportions and Manner, and ſhall be ſtocked with ſuch Cattle or Sheep, and kept, ordered, and continued in ſuch Courſe of Huſbandry, as the ſaid Commiſſioners ſhall, by Writing under their Hands in that Behalf, from Time to Time order, direct, or appoint; and that no Meadow, Paſture, or Greenſward Ground, being Part of the Lands by this Act directed to be divided, allotted, and incloſed, ſhall, before the making of ſuch Diviſion and Allotment, be ploughed, broken, or converted into Tillage; and that it ſhall be lawful for the ſaid Commiſſioners, at any Time before the making of the ſaid Allotments, in caſe they ſhall judge it beneficial to the ſaid Proprietors, by a Notice or Notices in Writing under their Hands, to be affixed on the principal outer Door of the Pariſh Church of *Folkton* aforeſaid, to ſuſpend or extinguiſh all or any of the Rights of Common in or upon all or any Part or Parts of the Lands or Grounds by this Act directed to be divided, allotted, and incloſed; and ſuch Rights of Common ſhall be ſuſpended, or ſhall ceaſe and be for ever extinguiſhed according to ſuch Notice or Notices.

Recompence to be made for Crops ſtanding.

And be it further Enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſettle, aſcertain, and appoint, by any Writing or Writings under their Hands, what Recompence ſhall be paid or made, and by or to whom reſpectively, for Damage which ſhall be done by or in making Roads or cutting of Ditches through any Land or Ground by this Act directed to be divided, allotted, and incloſed, whereon Corn ſhall be growing, and for the ſtanding of any Corn or Grain, and for the ploughing, manuring, or cultivating any of the Lands or Grounds to be divided, allotted, and incloſed as aforeſaid, and that the Owner or Owners of any Crop or Crops of Corn or Hay, which ſhall be ſtanding or growing upon any of the ſame Lands or Grounds, ſhall be at Liberty to cut, reap, gather, load, and carry away ſuch Crop, within the Time to be limited by the ſaid Commiſſioners, without any Moleſtation or Hindrance from the Perſon or Perſons to whom the Lands on which the Crop ſo growing ſhall be allotted, paying for the Standage thereof, before the ſame reſpectively ſhall be reaped or cut, ſuch Compenſation as the ſaid Commiſſioners ſhall order and direct.

Commiſſioners may make Order concerning old Drains, &c.

And be it further Enacted, That the ſaid Commiſſioners ſhall and may ſcour out and widen all ancient Becks, Brooks, Rivulets, Ditches, Drains, Watercourſes, Sewers, Tunnels, Gates, Banks,

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and cauſe new Drains, &c. to be made.

Banks, and Bridges, within the Pariſh of *Folkton* aforeſaid, and alſo ſhall and may ſet out and appoint ſuch new Ditches, Drains, Watercourſes, Sewers, Tunnels, Gates, Banks, and Bridges within the ſame Pariſh, making ſuch Satisfaction to the Proprietors of ancient incloſed Lands for the Damage done thereby, as they ſhall think reaſonable, and of ſuch Depth and Breadth, and in ſuch Directions, as they the ſaid Commiſſioners ſhall think proper; and the ſaid Commiſſioners ſhall and may, and they are hereby directed and required, in and by their ſaid Award, to order and determine by whom, at whoſe Expence, at what Time or Times, and in what Manner, the ſaid Becks, Brooks, Rivulets, Ditches, Drains, Watercourſes, Sewers, Tunnels, Gates, Banks, and Bridges, ſhall be made, and afterwards cleanſed, ſcoured, repaired, and maintained: Provided always, that nothing in this Clauſe contained ſhall extend, or be conſtrued to extend, to enable the ſaid Commiſſioners to interfere with the Works of Drainage now carrying on or hereafter to be made, under and by virtue of the ſaid Act of Parliament, paſſed in the Fortieth Year of the Reign of His preſent Majeſty, for draining, embanking, and preſerving divers Tracts of Land within the Townſhip of *Muſton*, in the Pariſh of *Hummanby*, and alſo within ſundry other Pariſhes, Townſhips, or Places adjoining or near to the Rivers *Derwent* and *Harford*, in the Eaſt and North Ridings of the County of *York*.

Exchanges.

And be it further Enacted, That it ſhall and may be lawful for all or any Perſon or Perſons, Bodies Politic or Corporate, being the Owner or Owners of the ſeveral Farms, Lands, Tenements, and Eſtates, within the Pariſh of *Folkton* aforeſaid, to exchange all or any of their Meſſuages, Cottages, Right or Rights of Common, Allotments, Lands, Grounds, Tythes, Tythe Rents, or other Hereditaments or Eſtates within the ſame Pariſh, for any other Meſſuages, Cottages, Rights or Right of Common, Allotments, Lands, Grounds, Tythes, Tythe Rents, or other Hereditaments or Eſtates within the ſame Pariſh, or any adjoining Townſhip, Pariſh, or Place, ſo that every ſuch Exchange be made by and with the Conſent of the ſaid Commiſſioners, and be aſcertained and ſpecified in their Award; and every ſuch Exchange ſo ſpecified in the ſame Award to be made as aforeſaid, without any Recovery, Fine, or Conveyance being levied, ſuffered, or executed, or any other Proof, and notwithſtanding any legal or natural Incapacity or Diſability of or in any of the Parties ſo exchanging, ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever; and the ſeveral Lands, Tenements, or Hereditaments, which

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which ſhall be ſo taken in exchange, ſhall, from the Time of making every ſuch Exchange, be held under, and be of the ſame Nature and Tenure, and under and ſubject to the ſame Uſes, Truſts, Conditions, Rents, Charges, and Incumbrances, as the Lands, Tenements, or Hereditaments ſo to be given in exchange ſhall be held, or ſhall be under or ſubject to, immediately before the making of every ſuch Exchange: Provided always, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church or Chapel, without the Conſent in Writing of the Lord Archbiſhop of *York*, and the Patron of ſuch Church or Chapel reſpectively for the Time being.

Expences of Exchanges and Partitions by whom to be paid.

And be it further Enacted, That all Coſts, Charges, and Expences, attending the making of any Exchanges and Partitions by virtue of this or the ſaid recited Act, ſhall be paid, borne, and defrayed by the ſeveral Perſons making ſuch Exchanges and Partitions, in ſuch Manner and in ſuch Portions as the ſaid Commiſſioners ſhall by their Award order or direct.

Expences of the Act.

And be it further Enacted, That the Allowances and Payments to the ſaid Commiſſioners and Umpire, and alſo all the Coſts, Charges, and Expences in and about the preparing, ſoliciting, and obtaining this Act, and the ſurveying, dividing, and allotting the ſaid Open Common Fields, Ing Lands, Carr Lands, Waſtes, and Commonable Places, and of the ſurveying of all the Lands and Grounds neceſſary for the Purpoſes of this Act, and all the Charges of the ſaid Commiſſioners in and about the making and depoſiting ſuch Award and Copy thereof as herein mentioned, and all other incidental Charges and Expences whatſoever, for or by reaſon of or preparatory to the ſaid intended Diviſion and Incloſure, and the hearing and determining any Claims in relation to the Premiſes, and the carrying of this Act into Execution (except in ſuch Caſes as are otherwiſe hereby provided) ſhall be borne and paid by the ſaid *James Bell*, *Humphrey Osbaldeſton*, and *John Woodall* reſpectively, in ſuch Shares, Parts, and Proportions, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall think moſt juſt and equitable, and according to the actual Benefit which ſhall accrue to them the ſame Proprietors reſpectively, by virtue of this Act; ſuch Shares, Parts, and Proportions of all the ſame Expences, to be ſettled and adjuſted by the ſaid Commiſſioners.

And

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Shortening Boundaries.

And be it further Enacted, That in order to ſhorten the Boundary Fences between the ſaid Townſhip of *Folkton*, and the reſpective Hamlets or Diſtricts of *Eaſt Flotmanby* and *Weſt Flotmanby*, and the adjoining Pariſhes, it ſhall and may be lawful to and for the ſaid Commiſſioners, by and with the Conſent in Writing under the Hand of the Lord of the Manor, and the Hands of the major Part in Value of the Land Owners in any Pariſh or Pariſhes, intereſted in any Common or Waſte Lands adjoining to the ſaid Townſhip of *Folkton*, and the ſaid reſpective Hamlets or Diſtricts of *Eaſt Flotmanby* and *Weſt Flotmanby*, and alſo under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which ſuch Fence or Fences are intended to be made, to ſet out, aſcertain, and determine the Boundary Fences to be made between the ſaid Commons and Waſte Lands, and the other Lands adjoining to the Lands and Grounds hereby intended to be divided, allotted, and incloſed, in ſuch Manner as they the ſaid Commiſſioners ſhall judge proper for the Purpoſes aforeſaid; and after ſuch Boundary Fences ſhall be ſet out, aſcertained, and determined as aforeſaid, the ſame ſhall be fenced by ſuch Perſons, in ſuch Manner, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall order and direct in and by their ſaid Award; and ſhall for ever thereafter be deemed and taken to be the Boundaries between the ſaid Townſhip of *Folkton*, and the ſaid reſpective Hamlets or Diſtricts of *Eaſt Flotmanby* and *Weſt Flotmanby*, and ſuch adjoining Pariſh or Pariſhes; any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Commiſſioners to ſettle Claims, but not to determine Titles.

And be it further Enacted, That if any Diſpute or Difference ſhall ariſe between the Parties intereſted, or claiming to be intereſted, in the ſaid intended Diviſion and Allotments, or touching or concerning the reſpective Rights and Intereſts which they ſhall reſpectively claim to have of or in the ſame, or touching or concerning any Matter or Thing relating to the ſaid Diviſion, Allotments, and Incloſure, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized to examine into, hear, and determine the ſame; and their Determination therein ſhall be binding and concluſive (except as hereinafter mentioned): Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

Power to aſſeſs Coſts.

And be it further Enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or

Claims,

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Claims, Objection or Objections, to be delivered to them in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſhoners ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands, directed to any Perſon whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Allowing Parties to try their Rights by an Iſſue at Law.

And be it further Enacted, That in caſe any Perſon or Perſons intereſted, or claiming to be intereſted, in the ſaid intended Diviſion and Allotment, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, touching or concerning any Claim or Claims of any Right of Common, or other Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, at the then next or the following Aſſizes to be holden for the ſaid County of *York*, and for that Purpoſe the Perſon or Perſons, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, ſhall cauſe an Action to be brought, upon a feigned Iſſue, againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months next after ſuch Determination of the ſaid Commiſſioners; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted upon, may be tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or

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Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame; and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive, upon all and every Perſon and Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioners, touching ſuch Claim or Claims of any Rights of Common, or other Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, which ſhall not be objected to, or being objected to the Party or Parties objecting not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties.

Determination of Commiſſioners to be final, if not objected to, or Action not brought.

Claims not objected to ſhall be final.

Provided alſo, That in caſe the Determination of the ſaid Commiſſioners upon any ſuch Claims, ſhall not be objected to at the Meeting appointed for hearing and determining the ſame as aforeſaid, then every ſuch Determination ſhall be final and concluſive, and ſhall never after be objected to or diſputed.

If any of the Parties die, Proceedings not to abate.

And be it further Enacted, That if any of the Parties in any Action to be brought in purſuance of this Act, ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

Suits not to impede the Execution of this Act.

And be it further Enacted, That if any Suit or Suits ſhall be commenced or proſecuted, touching or concerning the Title of any Perſon or Perſons in or to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments, for or in reſpect of which any Right of Common, or other Right or Intereſt in, over, or upon the ſaid Commonable Lands hereby directed to be divided and allotted, or any Part thereof, ſhall be claimed, ſuch Suit or Suits ſhall not impede, delay, or hinder the ſaid Commiſſioners from proceeding in the Execution of the Powers veſted in them by this Act; but the ſaid Diviſion and Allotments ſhall be proceeded in notwithſtanding ſuch Suit or Suits, and may be had and taken

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by the Perſon or Perſons who, upon the Determination of ſuch Suit or Suits, ſhall become entitled to the ſame.

Commiſſioners to account Yearly.

And be it further Enacted, That Once at leaſt in each and every Year, during the Execution of this Act (ſuch Year to be computed from the paſſing thereof) the ſaid Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before any One or more of His Majeſty's Juſtices of the Peace for the Eaſt Riding of the ſaid County of *York*, to be by him or them examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice or Juſtices ſtated in the Book of Accounts to be kept by the Clerk to the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice or Juſtices.

Perſons advancing Money to be repaid the ſame, with Intereſt.

And be it further Enacted, That if any Perſon or Perſons ſhall advance and pay any Sum of Money in diſcharge of the Fees or other Expences of obtaining and executing this Act, the Money ſo paid and advanced ſhall be repaid and ſatisfied by the Direction of the ſaid Commiſſioners, together with lawful Intereſt for the ſame.

Wills and Settlements not to be affected.

Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, ſo as to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Meſſuages, Buildings, Lands, or Grounds to be divided, allotted, incloſed, or exchanged by virtue of this Act, or any Part or Parts thereof reſpectively; but that the reſpective Perſons to whom any Lands, Tenements, or Hereditaments ſhall be allotted or given in exchange by virtue of this Act, ſhall be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Meſſuages, Buildings, Lands, Grounds, Tenements, and Hereditaments, whereof ſuch Perſon or Perſons was or were ſeiſed or poſſeſſed of at or immediately before the Execution of the Award to be made by the ſaid Commiſſioners, or for which or in reſpect whereof ſuch Allotments

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or Exchanges ſhall be made, would have been ſubject to be charged with or affected by in caſe this Act had not been made.

Award. And be it further Enacted, That the Award to be made by the ſaid Commiſſioners in Manner directed by the ſaid recited Act, ſhall, within the Space of Twelve Calendar Months from the Execution thereof, be inrolled in the public Regiſter Office at *Beverley*, in the Eaſt Riding of the ſaid County of *York*, eſtabliſhed by Act of Parliament for the regiſtering of Deeds, Wills, and Incumbrances affecting Lands and Tenements in the ſame Riding, and the Town and County of the Town of *Kingston-upon-Hull*; and the Regiſter of the ſaid Office, or his Deputy for the Time being, is and are hereby directed to cauſe the ſaid Award to be inrolled in one of the Books uſed for inrolling Bargains and Sales of Lands in the ſaid Office accordingly; and a true Copy, to be ſigned by the ſaid Commiſſioners, of the Map or Plan which ſhall be made purſuant to the ſaid firſt recited Act, ſhall be alſo lodged at the ſaid Regiſter Office at the Time of the Inrolment of the ſaid Award, and there kept for ever; and the ſaid Award, together with the ſaid original Map or Plan thereto annexed, ſhall, immediately after the Inrolment of ſuch Award, be put into and kept in a Tin Box, to be lodged for ſafe Cuſtody in the Pariſh Church at *Folkton* aforeſaid, or in ſuch other Place as the ſaid Commiſſioners ſhall appoint, and there kept for ever, for the Inſpection and Peruſal of the ſeveral Perſons intereſted therein, or their reſpective Agents; and the ſaid Regiſter ſhall be entitled to ſuch Fees for the Inrolment of the ſaid Award, as are allowed him by the ſaid Regiſter Act for inrolling any Bargain and Sale; and the ſaid Regiſter, or his Deputy for the Time being, ſhall permit any Perſon or Perſons whomſoever from Time to Time, within the Office Hours of Attendance, to peruſe the Inrolment of the ſaid Award at the ſaid Regiſter Office, and alſo to examine the ſaid Copy of the ſaid Map or Plan, paying for the ſame to ſuch Regiſter or his Deputy One Shilling, and no more; and ſhall alſo from Time to Time, upon Requeſt to him made by any Perſon or Perſons whomſoever, cauſe a true Copy of the Whole, or any Part or Parts of the Inrolment of the ſaid Award, to be made and written out from ſuch Inrolment, and ſhall from Time to Time, when requeſted, certify the ſame under his Hand to be a true Copy of or from ſuch Inrolment, for which the ſaid Regiſter or his Deputy making the ſame, ſhall be paid after the Rate of Six Pence per Sheet, reckoning One hundred Words to each Sheet, and no more; and the ſaid original Reward, or a true Copy of the Inrolment thereof, or any Part thereof, ſo certified under the Hand

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of the ſaid Regiſter or his Deputy for the Time being as aforeſaid, ſhall from Time to Time be allowed and admitted as legal Evidence in all Courts whatſoever.

Appeal. And be it further Enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, by any Thing done in purſuance of this Act, then and in every ſuch Caſe (except in ſuch Caſes where the Orders and Determinations of the ſaid Commiſſioners are directed to be binding, final, and concluſive, and except in ſuch Caſes where an Iſſue at Law is directed to be tried as hereinbefore mentioned) he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the Eaſt Riding of the ſaid County of *York*, or ſome Adjournment thereof, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners, and to the Party or Parties concerned, Twenty-eight Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Juſtices (not intereſted in the Premiſes) in their ſaid General Quarter Seſſions, or any Adjournment thereof, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of every ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

General Saving. **Saving always** to the KING's Moſt Excellent MAJESTY, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Body and Bodies Politic, Corporate, and Collegiate, his, her, or their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Eſtate, Right, Title, and Intereſt (other than and except ſuch as is and are hereby meant and intended to be barred, deſtroyed, and extinguiſhed) as they, every, or any of them had or enjoyed in, over, or upon the ſaid Commons and Waſte Grounds before the paſſing of this Act, or would or ought to have had or enjoyed in caſe the ſame had never been made.

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aforeſaid, having Right of Common over and upon the ſaid Open Lands, or ſome of them, and is alſo entitled to all the Great Tythes, and other Rectorial Dues and Payments, Yearly ariſing, growing, and renewing, within the Whole of the ſaid Pariſh of *Folkton*, and *Francis Wrangham*, Clerk, Maſter of Arts, is the preſent Vicar of the Vicarage of *Folkton* (of which Vicarage the ſaid *Humphrey Osbaldeſton* is alſo the Patron) and as ſuch is entitled to all the Vicarial or Small Tythes Yearly ariſing, growing, or renewing, within the ſaid Pariſh, and is alſo in like Manner entitled to all Eaſter Dues, Oblations, Obventions, Mortuaries, and other Eccleſiaſtical Payments, of and belonging to the ſaid Vicarage:

And whereas the ſaid *James Bell*, is the ſole Owner of all the Reſidue of the ſaid Open Common Fields, Ing Lands, Carr Lands, Waſtes, and Commonable Places reſpectively, and alſo of the Reſidue of all the ancient Meſſuages, Cottages, Lands, and Grounds within the ſaid Townſhip of *Folkton*, and alſo the Whole of the ſaid Hamlet or Diſtrict of *Eaſt Flotmanby* aforeſaid; and the ſaid *Humphrey Osbaldeſton* and *John Woodall*, Eſquire, are ſeverally Owners in different Proportions of all the Meſſuages, Cottages, Lands, and Grounds, within the ſaid Hamlet or Diſtrict of *Weſt Flotmanby* aforeſaid:

General Incloſure Act.

And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, "An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts:"

And whereas the ſaid Open Fields, Ing Lands, Carr Lands, Waſtes, and Commonable Places, or ſome of them, lie diſperſed in ſmall Parcels, and on that Account are very inconveniently ſituated, and incapable of any conſiderable Improvement, and it would be greatly to the Advantage of the ſaid *James Bell*, *Samuel Herbert*, *Humphrey Oſbaldeſton*, and *John Woodall*, Owners thereof as aforeſaid, if the ſame were divided and incloſed, and ſpecific Allotments made to them according to their reſpective Rights, Property, and Intereſts therein; and it would alſo tend to the Advantage of them as Owners as aforeſaid, and alſo of the ſaid *Francis Wrangham*, Vicar as aforeſaid, if Compenſation were made for the Tythes of all the ſaid Open and incloſed Lands and Grounds within the ſaid Townſhip of *Folkton*, and within the ſaid reſpective Hamlets or Diſtricts of *Eaſt Flotmanby* and *Weſt*

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West Flotmanby aforesaid: BUT such Division, Allotment, Inclosure, and Compensations for Tythes cannot be effected without the Aid of Parliament;

May it therefore please Your MAJESTY,

That it may be Enacted; And be it Enacted by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Open Common Fields, Ing Lands, Carr Lands, Wastes, and Commonable Places, shall be divided, allotted, and inclosed in Manner hereinafter mentioned; and that *John Foakes*, of Mitcham in the County of Surrey, Gentleman, and *Joseph Dickinson*, of Beverley Parks in the County of York, Gentleman, and their Successors, to be appointed in the Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for the Purposes aforesaid, and for carrying this Act into Execution, but subject to the Powers and Provisions of the said recited Act, except in such Cases where the Provisions thereof are hereby varied or altered.

Commissioners.

And, for obviating the Delays and Inconveniencies which may arise by any Difference of Opinion between the said Commissioners, touching or concerning any of the Matters and Things to be by them done and performed in pursuance of this Act; Be it further Enacted, That the said Commissioners shall and they are hereby required, immediately after their taking and subscribing the Oath prescribed by the said recited Act, by Writing under their Hands, to chuse, nominate, and appoint some proper and skilful Person, not interested in any Lands or Hereditaments within the said Parish of *Folkton*, to act as an Umpire; and in case of any Difference of Opinion between the said Commissioners as aforesaid, the same shall be referred to and determined by the said Commissioners and such Umpire; and the Judgment and Determination of such Commissioners and Umpire, or of the said Umpire and either of the said Commissioners therein, shall be deemed and considered to be the Judgment and Determination of the said Commissioners.

An Umpire to be appointed, to determine such Differences as may happen between the said Commissioners.

Provided always, That no Person shall be capable of acting as an Umpire in the Execution of this Act, until he shall have taken and subscribed the Oath or Affirmation prescribed by the said recited

Umpire to take an Oath.

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Other Notices how to be given.

their own Expences: Provided always, that all other Notices neceſſary or requiſite to be given by the ſaid Commiſſioners, ſhall be ſo made and given by the ſaid Commiſſioners by Writing under their Hands, to be affixed on the principal outer Door of the ſaid Pariſh Church of *Folkton*, or by Advertiſement to be inſerted in ſome Newspaper publiſhed or circulated in the ſaid County of *York*.

Allowance to Commiſſioners and Umpire.

And be it further Enacted, That the ſaid Commiſſioners and Umpire ſhall reſpectively be paid the Sum of Two Pounds and Two Shillings each, for every Day they ſhall be reſpectively employed in, or travel or be from Home for the Purpoſe of executing this Act, and the Truſts, Powers, and Authorities hereby in them repoſed, and for their Journies, Attendances, and Expences occaſioned by the Execution of this Act.

Allotments for Gravel Pits.

And be it further Enacted, That the ſaid Commiſſioners ſhall ſet out and allot, unto the Surveyors of the Highways within the ſaid Townſhip of *Folkton*, and the Hamlets or Diſtricts of *East Flotmanby* and *Weſt Flotmanby* reſpectively, ſuch Part or Parts of the Lands and Grounds hereby directed to be divided, allotted and incloſed, as they ſhall think neceſſary, as and for public Stone and Gravel Pits; and the ſame Allotment or Allotments when ſet out ſhall for ever thereafter be uſed by the Surveyors of the Highways, and by the Proprietors of Houſes, Lands, Tenements, and Hereditaments, within the ſame Townſhip, Hamlets, or Diſtricts reſpectively for the Time being, in ſuch Manner, and under ſuch Rules and Regulations, as the ſaid Commiſſioners ſhall by their Award direct or appoint

Rector's Glebe Allotment.

And be it further Enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out, allot, and award, unto and for the ſaid *Samuel Herbert* and his Succeſſors, Rectors as aforeſaid, ſuch Part, Share, and Proportion of the ſaid Open Common Fields, Ing Lands, Carr Lands, Waſtes, and Commonable Places or ſome of them (remaining after the ſetting out of all neceſſary public and private Roads and Ways over the ſame Lands reſpectively, and of all neceſſary public Stone and Gravel Pits) as in the Judgment of the ſaid Commiſſioners ſhall be equal in Value to, and a full Compenſation for the preſent unincloſed Glebe Lands, and of all Rights of Average and Rights of Common reſpectively belonging to the ſaid Rectory, in, over, and upon all the ſame Open Lands reſpectively.

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And be it further Enacted, That the ſaid Commiſſioners ſhall in the next Place ſet out, allot, and award, as and for joint Allotments, to be apportioned and ſet out as hereinafter mentioned, unto the ſaid Rector and his Succeſſors, and to the ſaid Vicar and his Succeſſors, ſuch Part, Share, and Proportion of the ſaid ſeveral Open Lands, or ſome of them (remaining after the ſetting out of all neceſſary Roads and Ways over the ſame, and of all neceſſary public Stone and Gravel Pits, and alſo the ſaid Allotment by the laſt preceding Clauſe directed to be made to the ſaid *Samuel Herbert*) as in the Judgment of the ſaid Commiſſioners ſhall be equal in Value to One-Fifth Part of what ſhall then remain of the ſaid Open Arable Lands in the Townſhip of *Folkton* aforeſaid; and in the next Place ſhall ſet out, allot, and award, as and for joint Allotments, to be alſo apportioned as hereinafter mentioned, unto the ſaid Rector and his Succeſſors, and to the ſaid Vicar and his Succeſſors, ſuch further Part, Share, and Proportion of the ſaid ſeveral Open Lands, or of ſome of them (remaining after the ſetting out of all neceſſary Roads and Ways over the ſame, and of all neceſſary public Stone and Gravel Pits, and alſo the ſaid Allotment by the laſt preceding Clauſe directed to be made to the ſaid *Samuel Herbert*) as in the Judgment of the ſaid Commiſſioners ſhall be equal in Value to One-Seventh Part of what ſhall then remain of the ſaid Open Ing Lands within the ſaid Townſhip, and alſo ſhall be equal in Value to a like Seventh Part of all the ancient incloſed Lands, Grounds, and Homeſteads within the ſaid Townſhip (not being Glebe Land or Homeſteads belonging to the ſaid Rector); and in the next Place ſhall ſet out, allot, and award, as and for joint Allotments, to be alſo apportioned and ſet out as hereinafter mentioned, unto the ſaid Rector and his Succeſſors, and to the ſaid Vicar and his Succeſſors, ſuch further Part, Share, and Proportion of the ſaid ſeveral Open Lands, or ſome of them (remaining after the ſetting out of all neceſſary public and private Roads and Ways over and upon the ſame, and of all neceſſary public Stone and Gravel Pits, and alſo the ſaid Allotment by the laſt preceding Clauſe directed to be made to the ſaid *Samuel Herbert*) as in the Judgment of the ſaid Commiſſioners ſhall be equal in Value to One-Tenth Part of what ſhall then remain of the Waſtes and Commonable Lands called Carr Lands, ſituate within the Townſhip of *Folkton* aforeſaid; and in the next Place ſhall ſet out, allot, and award, as and for joint Allotments, to be apportioned and ſet out as hereinafter mentioned, to the ſaid Rector and his Succeſſors, and to the ſaid Vicar and his Succeſſors, ſuch further Pieces or Parcels of the ſaid Open Lands,

Rector and Vicar's Tythe Allotments.

1/5 of Open or Lamb

1/7 Open Inge Land

1/7 of Inclosures except Glebe

1/10 of Waste and Common land or Carr Lands

Bell - 132 Gates
or
Herbert - 32 Gates
Total 164

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or ſome of them, as ſhall be equal in Value to One-Fifth Part of all the Lands in *Eaſt Flotmanby* and *Weſt Flotmanby* aforeſaid respectively, ſituate above the ancient incloſed Lands there, to One-Seventh Part of all the ancient incloſed Lands in *Eaſt Flotmanby* and *Weſt Flotmanby* aforeſaid (not being called Carr Lands); and to One-Eighth Part of all other Lands, called The Carr Lands, and Waſtes, in *Eaſt Flotmanby* and *Weſt Flotmanby* reſpectively aforeſaid.

Allotments of the Reſidue.

And be it further Enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and empowered to ſet out and allot all the then Reſidue and Remainder of the Lands and Grounds by this Act intended to be divided, allotted, and incloſed, unto and amongſt the ſeveral other Owners and Proprietors thereof and Perſons intereſted therein, in proportion to their reſpective Lands, Rights of Common, Manerial, and other Rights, Intereſts, and Property in and over the ſame.

Commiſſioners enabled, in caſe Mr. Osbaldeston and Mr. Woodall's Allotments ſhould be inſufficient to compenſate for the Tythes of Weſt Flotmanby, to allot other Lands of the ſaid Parties in the Pariſh of Folkton.

And whereas it may happen that the Allotments to which the ſaid *Humphrey Osbaldeston* and *John Woodall* may ſeverally become entitled to, out of the Lands and Grounds hereby directed to be divided, allotted, and incloſed as aforeſaid, may not be ſufficient to make ſuch Compenſation for Tythes as aforeſaid for their reſpective Parts or Shares of and in the ſeveral Meſſuages, Homeſteads, Lands, and Grounds in *Weſt Flotmanby* aforeſaid, but the ſaid *Humphrey Osbaldeston* and *John Woodall*, or the ſurvivor of them, may nevertheleſs, previous to the Completion of the ſaid intended Diviſion and Incloſure, by Purchaſe or otherwiſe, become Owners or Owner, or Proprietors or Proprietor, of or entitled to other Lands or Grounds within the ſaid Pariſh of *Folkton*, ſufficient to make Compenſation for the Tythes of ſuch their Eſtate in *Weſt Flotmanby* as aforeſaid; Be it therefore Enacted, That in caſe ſuch laſt mentioned Proprietors, or either of them, ſhall previous to the making of ſuch Diviſion and Incloſure as aforeſaid, become ſeverally Owners or Proprietors of or entitled to other Lands or Grounds within the Pariſh of *Folkton* aforeſaid (other than and except their ſaid Lands and Grounds in *Weſt Flotmanby* aforeſaid) ſufficient to compenſate for the Tythes of the ſaid Meſſuages, Homeſteads, Lands, and Grounds in *Weſt Flotmanby* aforeſaid, the ſaid Commiſſioners ſhall and may and they are hereby authorized to ſet out, allot, and award, as and for joint Allotments, to be apportioned and ſet out as hereinafter mentioned, unto and for the ſaid Rector and his Succeſſors, and to the ſaid Vicar and his Succeſſors reſpectively, ſuch Proportion of the Lands and Grounds

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Grounds to be ſituated within the ſaid Pariſh of *Folkton*, which now are, or ſhall or may become the ſole Property of the ſaid *Humphrey Osbaldeston*, his Heirs or Aſſigns (other than and except in *West Flotmanby* aforeſaid) as, together with the Allotment or Allotments to which the ſaid *Humphrey Osbaldeston* may become entitled to out of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, ſhall in the Judgment of the ſaid Commiſſioners be equal in Value to One-Third Part of One-Fifth Part of the Lands ſituate above the old Incloſure in *West Flotmanby* aforeſaid, to One-Third Part of One-Seventh Part of the ancient incloſed Lands there (not being called Carr Lands) and to One-Third Part of One-Eighth Part of all the other Lands called the Carr Lands and Waſtes in *West Flotmanby* aforeſaid; and the ſaid Commiſſioners ſhall and they are hereby further authorized to ſet out, allot, and award, as and for joint Allotments, to be alſo apportioned and ſet out as hereinafter mentioned, unto and for the ſaid Rector and his Succeſſors, and to the ſaid Vicar and his Succeſſors reſpectively, ſuch Proportion of the Lands and Grounds to be ſituated within the ſaid Pariſh of *Folkton*, which now are, or ſhall or may become the ſole Property of the ſaid *John Woodall*, his Heirs or Aſſigns (other than and except in *West Flotmanby* aforeſaid), as, together with the Allotment or Allotments to which the ſaid *John Woodall* may become entitled to out of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, ſhall in the Judgment of the ſaid Commiſſioners be equal in Value to Two-Third Parts of One-Fifth Part of the Lands above the old Incloſure in *West Flotmanby* aforeſaid, to Two-Third Parts of One-Seventh Part of the ancient incoſed Lands in *West Flotmanby* aforeſaid (not being called Carr Lands) and to Two-Third Parts of One-Eighth Part of and in all the ſaid other Lands called The Carr Lands, and Waſtes, in *West Flotmanby* aforeſaid.

Subdiviſion of Tythe Allotments.

And be it further Enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and required to apportion, ſet out, divide, and award the ſaid Allotments ſo directed to be made for or in lieu of the Great and Small Tythes, Eccleſiaſtical Dues and Payments as aforeſaid, to and between the ſaid Rector and his Succeſſors, and the ſaid Vicar and his Succeſſors, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall adjudge and determine to be an equal and juſt Compenſation and Satisfaction for their reſpective Rights and Intereſts, of, in and to the ſaid Great and Small Tythes, Eccleſiaſtical Dues and Payments, ariſing, happening, increaſing, or growing due within,

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upon, or out of and from all and every the open and incloſed Lands and Grounds within the Townſhip of *Folkton* aforeſaid, and alſo within the reſpective Hamlets or Diſtricts of *Eaſt Flotmanby* and *Weſt Flotmanby* aforeſaid.

Extinction of all Tythes, &c.

And be it further Enacted, That the ſeveral Parcels of Land ſo to be ſet out and allotted to the ſaid Rector and his Succeſſors, and to the ſaid Vicar and his Succeſſors, ſhall be in lieu of, and in full Satisfaction and Compenſation for all the Glebe Lands, and Rights of Average and Common reſpectively, belonging to the ſaid Rector; and alſo of and for all Manner of Great and Small Tythes, and other Eccleſiaſtical Dues and Payments whatſoever, growing, renewing, ariſing, happening, belonging, or due or payable to the ſame Rector and his Succeſſors, and to the ſaid Vicar and his Succeſſors as aforeſaid reſpectively, in, from, and out or in reſpect of all and every the Meſſuages, Homeſteads, Cloſes, Open Common Fields, Ing Lands, Carr Lands, Waſtes, and Commonable Places in the Townſhip of *Folkton* aforeſaid, and alſo in the reſpective Hamlets or Diſtricts of *Eaſt Flotmanby* and *Weſt Flotmanby* aforeſaid, and the Boundaries, Limits, and Precincts thereof (except Surplice Fees, Eaſter Offerings, and Mortuaries, which ſaid Surplice Fees, Eaſter Offerings, and Mortuaries, ſhall remain due and payable within the ſame Townſhip of *Folkton* aforeſaid, and alſo in the reſpective Hamlets or Diſtricts of *Eaſt Flotmanby* and *Weſt Flotmanby* aforeſaid, to the ſaid Vicar and his Succeſſors for ever, as if this Act had not been made).

Tythe Allotments to be free from Drainage Tax.

Provided always, and it is hereby Enacted and Declared, That the Allotments hereinbefore directed to be made to the ſaid *Samuel Herbert* and *Francis Wrangham* reſpectively, in lieu of Tythes, ſhall be ſo ſituated as to be free and clear, and be incapable of being chargeable with or ſubject to any Taxes, Rates, Aſſeſſments, Charges, and Expences, for or on Account of the Drainage and Improvements made or to be made under and by virtue of an Act paſſed in the Fortieth Year of the Reign of His preſent Majeſty, for draining, embanking and preſerving divers Tracts of Lands within the Townſhip of *Muſton*, in the Pariſh of *Hunmanby*, and alſo within ſundry other Pariſhes, Townſhips, or Places, adjoining or near to the Rivers *Derwent* and *Harford*, in the Eaſt and North Ridings of the County of *York*; any Thing herein or in the ſaid laſt-mentioned Act contained to the contrary thereof in anywiſe notwithſtanding.

And

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Rector and Vicar's Allotments to be Ring-fenced.

And be it further Enacted, That the Allotments to be made to the ſaid Rector and the ſaid Vicar, ſhall for the firſt Time be incloſed with an outward Fence and Ditch, to be planted with Quickſets, and defended with good and ſufficient Poſts and Rails, at the Charges of the ſaid *James Bell*, *Humphrey Oſbaldeſton*, and *John Woodall* reſpectively, to be aſcertained, proportioned, and aſſeſſed, by the ſaid Commiſſioners, in the ſame Manner as the Coſts and Charges of this Act are to be aſcertained, proportioned, and aſſeſſed, as hereinafter mentioned; and ſuch Fences ſhall be for ever afterwards maintained and repaired by the reſpective Owners or Occupiers of the Allotments on which ſuch Fences ſhall be made.

Enabling Commiſſioners to charge Leſſees with additional Rents, equivalent to the Tythes from which their Lands have been exonerated.

And whereas on Account that the Owners of the ſeveral Meſſuages, Homeſteads, Lands, and Grounds within the ſaid Hamlets or Diſtricts of *Eaſt Flotmanby* and *Weſt Flotmanby* reſpectively, ſhall have at their own Coſts and Charges made Compenſation for all the Tythes, both Great and Small, Yearly ariſing, renewing, or increaſing, in, over, and upon their ſaid Meſſuages, Homeſteads, Lands, and Grounds within the ſaid Hamlets or Diſtricts, and ſhall have exonerated the ſaid Meſſuages, Homeſteads, Lands, and Grounds therefrom, and ſhall have alſo advanced divers Sums of Money towards the Expences of applying for, paſſing, and executing this Act; Be it further Enacted, That in all Caſes where any of the ſaid Meſſuages, Homeſteads, Lands, and Grounds laſt mentioned, are now held by the preſent Occupiers thereof under Leaſe or Leaſes at Rack Rent, the ſaid Commiſſioners ſhall, and they are hereby authorized and required (ſo ſoon as the Allotments hereby directed to be made to the ſaid Rector and Vicar reſpectively, ſhall have been ſet out and made to them as aforeſaid) to aſcertain, fix, and determine, by Writing under their Hands, what Sum or Sums of Money, by way of additional Rent or otherwiſe, ſhall be paid by all or any of ſuch Leſſees as aforeſaid, as an equivalent to as well the Tythes from which the ſaid ſeveral Lands, Grounds, and Hereditaments ſo occupied by them reſpectively, ſhall have been exonerated as aforeſaid, as alſo to the Intereſt of ſuch Money as ſhall have been advanced, laid out, and expended, on account of the obtaining and paſſing this Act, and carrying the ſame into Execution; and the ſaid Commiſſioners ſhall at the ſame Time ſpecify in the ſaid Inſtrument, the Time and Manner of paying the ſame Sum or Sums of Money reſpectively; and the ſeveral Leſſors to whom the ſame Sum or Sums ſhall be ſo directed to be paid as aforeſaid, ſhall, from and after the

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AN

ACT

FOR

Dividing, Allotting, and Inclosing certain Open Common Fields, Ing Lands, Carr Lands, Wastes, and Commonable Places, within the Township of *Folkton*, and within the respective Hamlets or Districts of *East Flotmanby* and *West Flotmanby*, in the Parish of *Folkton*, in the East Riding of the County of *York*.

42 GEO. III.
1802.

Sam. Tuke
Wallington Esqr
1802

Proprietors of other Lands as aforesaid, have and accept the said Vicar and his Successors shall forever maintain support and repair a good Ditch and Fence on the North East and West side of this Allotment and so much of the South End thereof as any of the said Township of Flixton And we do also set out allot and award unto the said Samuel Herbert and his Successors as Rectors as aforesaid All that piece or parcel of Land situate and being in the Township of Folkton aforesaid in certain Places there called or known by the Names of Folkton Carr and Lammas Ground containing by admeasurement Sixty two Acres three Roods and twenty Perches as the same is now staked ditched and bounded out and marked No 2 on the said Plan hereto annexed adjoining to the Flixton Drain on the North to the Carr Road and Lands herein awarded to the said James Bell in the said Township of Folkton on the East and to ancient Inclosures in the said Township of Folkton and to Lands hereinafter awarded to the said James Bell on the South and to the said ancient Inclosures and Lands herein awarded to the said James Bell on the West And we do order and direct that the said Rector and his Successors (the same being first made by and at the Charge of the said several and respective Owners and Proprietors of other Lands as aforesaid save the said Vicar and his Successors) shall forever maintain support and repair good and sufficient Ditches and Fences on the East side thereof and so much of the East side of the same as divides the said Allotment from the said Carr Road and from Lands herein awarded to the said James Bell And we do declare that three Roods situate at the South-west corner of the said Allotment of Sixty two Acres three Roods and twenty Perches are included in and awarded upon that is to say Allotment in Exchange for the said Rectors Farmath of one Acre lying in ancient Inclosure of the said James Bell in Folkton aforesaid and which said Farmath is hereinafter awarded to the said James Bell which said several Allotments of Five hundred and nineteen Acres and thirty eight Perches and Sixty two Acres three Roods and twenty Perches after deducting thereout the said three Roods contained in the said Allotment of Sixty two Acres three Roods and twenty Perches are adjudged and determined by us (Quantity Quality and Situation considered) to be and the same is hereby by us set out allotted and awarded unto the said Samuel Herbert and his Successors as Rectors of Folkton aforesaid in lieu of and as a full Compensation and Satisfaction for all his and their Glebe Lands and all Rights of Average and Rights of Common respectively belonging to the said Rectory in over and upon all the said open common Fields Ings Lanes Carr Lands Wastes and commonable Places in and by the first mentioned Act directed to be divided allotted and inclosed And we do also set out allot and award unto the said Samuel Herbert and James Bell and with the Consent in writing of William Lord Archbishop of York and of the said Humphrey Osbaldeston the Patron of the said Rectory also All that other Parcel of Ground marked No 3 on the said Plan situate in the Township of Folkton aforesaid set out by us in part of the Rights of Common and other Interests of the said James Bell in over and upon the Lands and Grounds divided by the first mentioned Act to be divided allotted and inclosed as the same is now staked ditched or bounded out containing by admeasurement two Roods adjoining to ancient Inclosures of the said James Bell on the West In Exchange for of the said Rector on the North and to Lands herein awarded to the said James Bell on the East and South and to old Inclosures a Piece of old Inclosure (marked No 7 on the said Plan) late belonging the Rector and containing One Rood and twenty eight Perches and hereinafter awarded to the said James Bell (And we do order and direct that the said Rector and his Successors (the same being first made at the Charge and Expence of the said James Bell) shall forever maintain support and repair good and sufficient Ditches and Fences on the East End and South Side of the said Allotment (marked No 3 to fence and divide the same from Lands herein awarded to the said James Bell And we do also set out allot and award unto the said Samuel Herbert as Rector of Folkton aforesaid and his Successors in lieu of and in full Compensation for all Manner of Great Tithes and other Ecclesiastical Dues and Payments whatsoever growing renewing arising happening belonging or due or payable to the said Rector and his Successors as aforesaid in from and out of or in respect of all and every the Messuages Homesteads Closes open Common Fields Ing Lands Carr Lands Wastes and commonable Places in the Township of Folkton aforesaid the several Piece or Parcels of Ground hereinafter mentioned and described that is to say All that piece or Parcel of Ground (marked No 4 on the said Plan) situate in the Township of Folkton aforesaid as the same is now staked ditched or bounded out containing by admeasurement Two hundred and nine Acres three Roods and thirty eight Perches adjoining to Lands herein awarded to the Parish Clerk of Folkton aforesaid the said Foby and Flixton Road Lands herein severally awarded to the Vicar of Folkton aforesaid and the said James Bell on the East to Lands awarded to the Vicar of Folkton aforesaid and the said James Bell on the North to the same Lands severally awarded to the Vicar of Folkton and the said Township of Flixton and the above mentioned Allotment herein awarded to the Rector of Folkton aforesaid for and in lieu of the Tithes of East Heslerton on the South and to the said Township of Flixton and the said Parish Clerk on the West And we do order and direct that the said Rector and his Successors as aforesaid (the same being first made by and at the Charges and Expences of the several and respective Owners and Proprietors of other Lands as aforesaid save the said Vicar and his Successors) shall forever maintain support and repair good and sufficient Ditches and Fences on the North End of this Allotment and on so much of the East side thereof beginning at the Flixton Road and extending Southwards to the Southward angle of the Fence at the

To all to whom these Presents shall come

We John Soakes of [illegible] in the [illegible] Gentleman and Joseph Dickinson of [illegible] in the County of York Gentleman and Trustees for receiving allotting and inclosing certain open Common Field Lands Ings Lands Carr Lands Waste and Commonable Places within the Township of Folkton and within the Hamlet or Districts of East Heslerandby and West Heslerandby in the Parish of Folkton in the East Riding of the County of York" Reciting amongst other things that there was within the Township of Folkton aforesaid and within the respective Hamlets or Districts of East Heslerandby and West Heslerandby in the Parish of Folkton aforesaid or in some or one of them in the said County of York certain open common Field Lands Ings Lands Carr Lands Wastes and Commonable Places containing together by Estimation One thousand eight hundred Acres or thereabouts And that Thomas Bell Esquire was Lord of the Manors of Folkton aforesaid And that Humphrey Athelstone Esquire was Patron of the Rectory and Parish Church of Folkton aforesaid And Edmund Procter Doctor in Divinity was Rector thereof and as such was entitled to divers Messuages and Cottages and to certain Glebe Lands Parcel of the said Open Common Fields Ings Lands Carr Lands Wastes and Commonable Places or some of them And also to divers ancient inclosed Lands within the Township of Folkton aforesaid having Rights of Common appendant upon the said Open Lands or some of them And was also entitled to all the Great Tithes and other Ecclesiastical Dues and Payments yearly arising growing and renewing within the whole of the said Parish of Folkton And Thomas Hesketh Master of Arts was the then present Vicar of the Vicarage of Folkton aforesaid which Vicarage the said Humphrey Athelstone was also the then Patron of such was entitled to all the Vicarial or small Tithes yearly arising growing or renewing within the said Parish and was also in like Manner entitled to all Easter Dues Oblations Obventions Mortuaries and other Ecclesiastical Payments of and belonging to the said Vicarage And that the said Thomas Bell was the sole Owner of all the Messuages Cottages Lands and Grounds within the said Township of Folkton And also of the Manor of all the ancient Messuages Cottages Lands and Grounds within the said Township of Folkton And also the whole of the said Hamlet or District of East Heslerandby aforesaid And that the said Humphrey Athelstone and John Tweddell Esquire were severally Owners in different Proportions of all the Messuages Cottages Lands and Grounds within the said Hamlet or District of West Heslerandby aforesaid And that an Act was passed in the Forty first year of the Reign of His present Majesty intituled An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure and for facilitating the Mode of Proving the several Facts usually required on the passing of such Acts" and that the said open Fields Ing Lands Carr Lands Wastes and Commonable Places or some of them lay dispersed in small Parcels and in that Manner were very inconveniently situated and incapable of any considerable Improvements and it would be greatly to the Advantage of the said Owners and Persons Interested therein Humphrey Athelstone and John Tweddell owners thereof as aforesaid if the same were divided and inclosed and Specific Allotments made to them according to their respective Rights Property and Interests therein And it would also tend to the Advantage of them as Owners as aforesaid And also of the said Parishioners Inhabitants and Occupiers as aforesaid if Compensation and Means for the Extinguishment of all the said Open and Inclosed Lands and Grounds within the said Township of Folkton and within the said respective Hamlets or Districts of East Heslerandby and West Heslerandby aforesaid But that such Division Allotment Inclosure and Compensations for Tithes could not be effected without the Aid of Parliament It was amongst other Things Enacted by the now reciting Act That the said Open Common Fields Ing Lands Carr Lands Wastes and Commonable Places should be divided allotted and inclosed in manner thereinafter mentioned and that one of the said Arthur Soakes and Joseph Dickinson or their Successors to be appointed in the manner thereinafter mentioned should be and were thereby appointed Commissioners for the Purposes aforesaid and for carrying the said Act into Execution Subject to the Powers and Provisions of the said therein recited Act of the Forty first year of His present Majesty except in such Cases where the Provisions thereof were varied or altered by the now reciting Act And for obviating the Delays and Inconveniences which might arise by any Difference of Opinion between the said Commissioners touching or concerning any of the Matters and Things by the said and performed in Pursuance of the now reciting Act It was further Enacted that one of the said Commissioners should and were thereby required immediately after the taking and subscribing the Oath prescribed by the said recited Act by Reciting as therein mentioned and appointed some proper and skilful person not interested in any Lands or Hereditaments within the said Parish of Folkton to act as an Umpire and in Case of any Difference of Opinion between the said Commissioners as aforesaid the same should be referred to and determined by such Umpire and such Umpire and the Judgment and Determinations of the said Commissioners and Umpire or of the said Umpire and either of the said Commissioners therein should be deemed and considered to be the Judgment Determination of the said Commissioners Provided always that no Person should be capable of acting as an Umpire in the Execution of the now reciting Act until he should have taken and subscribed the Affirmation prescribed by the said recited Act to be taken by Commissioners for executing Acts of Inclosure which Oath or Affirmation the said Commissioners or either of them were and were empowered and required to administer and the said Oath or Affirmation so to be taken and subscribed by such Umpire and also his Appointment should be annexed to and inrolled with the Award of the said Commissioners as in and by the now reciting Act Reference being thereto had more fully may appear x x x

Now know ye that we the said John Fookes and Joseph Dickinson the Commissioners appointed in and by the first mentioned Act of Parliament duly qualified to act as Commissioners for carrying into Execution the same and also the said Act of the forty first year of his present Majesty by taking and subscribing the Oath or Affirmation of a Commissioner in the last mentioned Act prescribed and having caused our several Meetings for the Execution of the said Act to be held and Notice thereof given according to the Directions of the same and having held a true and accurate Survey Admeasurement and Plan of the said open and inclosed Lands and Grounds in Yorkshire made and delivered to us by Samuel Dickinson and Ralph Burton Surveyors who duly verified the same upon Oath at a Meeting held after the Making of such Survey Admeasurement and Plan And we having also duly appointed John Hall of Scarborough in the East Riding of the said County of York Gentleman to act as an Umpire in case of any Difference in Opinion between us the said Commissioners but no such Difference having arisen the said John Hall hath not been called on to act in such Capacity And we the said John Fookes and Joseph Dickinson having entered upon and carefully and attentively viewed and surveyed all and every of the open and inclosed Lands and made and ascertained a true just and impartial Valuation thereof and of the several Properties Rights of Common Tithes and other Rights and Interests of in upon or any way affecting the same or any part thereof respectively and having had several Meetings and Consultations upon and duly weighed considered agreed upon and determined all and every the Matters and Things referred to our Determination Judgment or Arbitration in and by the said Act of Parliament concerning the said open and inclosed Lands and Grounds Do hereby in pursuance and by Virtue of the several Powers Trusts and Authorities vested in or given to us by the said Act of Parliament and of all and every other Power and Powers Authority and Authorities to us belonging or enabling us in this Behalf and in Execution thereof make publish and declare this our Award Order and Determination in Writing touching and concerning all and singular the Premises in Manner following that is to say We do find and declare that the said open Common Fields Ing Lands Carr Lands Wastes and Commonable Places within the Township of Folkton aforesaid do contain in the whole One thousand seven hundred and sixty five Acres and twenty Perches and that the ancient inclosed Lands in the said Township of Folkton do contain in the whole One hundred and twenty two Acres two Roods and twenty eight Perches And we do find that the Lands and Grounds within the several Hamlets and Districts of East Flotmanby and West Flotmanby aforesaid respectively are all inclosed Lands and that there are no open Lands waste Grounds within either of the said Hamlets or Districts And that the said Lands and Grounds within the said Hamlet or District of East Flotmanby do contain in the whole Three hundred and Seventy three Acres Two Roods and Twelve Perches and there in the said Hamlet or District of West Flotmanby do contain Six hundred and Forty three Acres Two Roods and Three Perches

Roads

We do set out and appoint the several necessary public Carriage Roads and Highways hereinafter described through and over such Parts of the said Lands and Grounds by the said first mentioned Act intended to be directed allotted and inclosed as hereinafter mentioned that is to say One Public Carriage Road and Highway to be called the Filey and Flixton Road of the Width of forty feet as and where the same is now staked out beginning at or from the Township of Flixton in the said Parish of Folkton at the south West Corner of a piece of Land called the Folkton Ings and bearing Easterave along the Southside of the Old Inclosure of Folkton aforesaid to an ancient Gate in the said Hamlet or District of East Flotmanby Also one other Public Carriage Road and Highway to be called the Flotmanby Road of the Breadth of forty feet as and where the same is now staked out bearing out of the last mentioned Road near the South East Corner of the Old Inclosure of Folkton aforesaid and extending in a South East Direction over the Fields of Folkton aforesaid to an ancient Gate in the said Hamlet or District of East Flotmanby Also one Bridle Road of the Breadth of Twenty feet bearing out of the Flixton Road opposite the South West Corner of the old Inclosure of Folkton aforesaid and extending Southerwards over the Allotments hereinafter awarded to the said Samuel Herbert as Rector as aforesaid in respect of his Glebe and Glebe into the Township of Flixton And we do hereby set out and appoint and also one Private Carriage Road and Occupation Road of the Breadth of forty feet extending Northwards from the East End of the Town of Folkton into the Allotments hereinafter awarded to the said James Bell and numbered 10 on the Plan A hereto annexed And we do hereby set out and allot into the Surveyors of the Highways within the said Township of Folkton all that piece or Parcel of Ground containing by Admeasurement one Acre as the same is now staked out bounded and situate near to and bounded by the South on a certain Public Carriage Way or High road hereinbefore described by the Name of Flotmanby Road to be used as and for a Public Stone Pit by the Surveyors of the Highways for the said Township of Folkton and by the Proprietors of Horses Lands Tenements and Hereditaments within the said Township And we do also set out allot and award unto the said Samuel Herbert and to his Successors as Rectors of Folkton aforesaid All that piece or Parcel of Ground situate and being in the open Fields of the Township of Folkton aforesaid containing by Admeasurement Two hundred and nineteen Acres and thirty eight Perches as the same is now staked ditched and bounded out and marked No 1 on the Plan A hereto annexed agreeing to Lands herein awarded to the said Samuel Herbert as Rector as aforesaid for the Tithes of East Flotmanby aforesaid on the North to Lands herein awarded to the said James Bell on the East to Lands allotted to the said Francis Vavasour Esquire as aforesaid for the Tithes of East Flotmanby aforesaid and by the Township of Flixton on the Parish of Folkton aforesaid on the South and by the said Township of Flixton on the West And we do order and direct that the said Rector and his Successors the same being first made by and at the Charges and Expences of the said several and respective Owners and

Filey and Flixton Road

Flotmanby Road

London Road

Stone Pit for Folkton

Rectors Glebe 219. 0. 38

Proprietors of other Lands as aforesaid have and accept the said Rector and his Successors shall for ever maintain support and repair a good Ditch and Fence on the North End and West Side of this Allotment and so much of the South End thereof as adjoins the said Township of Kilton And we do also set out allot and award unto the said Samuel Herbert and his Successors as Rectors as aforesaid All that parcel of Land situate and being in the Township of Folkton aforesaid in certain Places there called or known by the Names of Folkton Carr and Emmas Ground containing by Admeasurement Sixty two Acres three Roods and twenty Perches as the same is now staked ditched and bounderes out and marked No 2 on the said Plan hereto annexed adjoining to the Weston Drain on the North to the Carr Road and Lands herein awarded to the said James Bell in the said Township of Folkton on the East and to ancient Inclosures in the said Township of Folkton and to Lands hereinafter awarded to the said James Bell on the South and to the said ancient Inclosures and Lands herein awarded to the said James Bell on the West And we do order and direct that the said Rector and his Successors (the same being first made by and at the Charge of the said several and respective Owners and Proprietors of other Lands as aforesaid have the said Rector and his Successors) shall for ever maintain support and repair good and sufficient Ditches and Fences on the East Side thereof and so much of the East side of the same as divides the said Allotment from the said Carr Road and from Lands herein awarded to the said James Bell And we do declare that three Roods situate at the South-east corner of the said Allotment of Sixty two Acres three Roods and twenty Perches are included in and awarded by us in that Allotment in Exchange for the said Rectors Leasehold of one Acre lying in ancient Inclosure of the said James Bell in Folkton aforesaid and which said Leasehold is hereinafter awarded to the said James Bell which said several Allotments of Two hundred and nineteen Acres and thirty eight Perches and Sixty two Acres three Roods and twenty Perches after deducting thereout the said three Roods contained in the said Allotment of sixty two Acres three roods and twenty Perches are adjudged and determined by us (Quantity Quality and Situation considered) to be and the same is hereby by us set out allotted and awarded unto the said Samuel Herbert and his Successors as Rectors of Folkton aforesaid in lieu of and as a full Compensation and Satisfaction for all his Ancient Glebe Lands and all Rights of Average and Rights of Common respectively belonging to the said Rectory in over and upon all the said open Common Fields Ings Lanes Carr Lands Wastes and Commonable Places in and by the first mentioned Act directed to be divided allotted and inclosed And we do at the Request in writing of the said Samuel Herbert and James Bell and with the Consent in writing of Yorkeam Lord Archbishop of York and of the said Humphrey Osbaldeston the Patron of the said Rectory also allot and award unto the said Samuel Herbert and his Successors in severalty as Rectors as aforesaid All that other Parcel of Ground marked No 3 on the said Plan situate in the Township of Folkton aforesaid set out by us in lieu of the Rights of Common and other Interests of the said James Bell in over and upon the Lands and Grounds directed by the first mentioned Act to be divided allotted and inclosed as the same is now staked ditched or bounderes and containing by Admeasurement two Roods adjoining to ancient Inclosures of the said Rector on the North and to Lands herein awarded to the said James Bell on the East and South and to Old Inclosures of the said James Bell on the West In Exchange for a piece of old Inclosure (marked No 7 on the said Plan) late belonging the Rector and containing one Rood and twenty eight Perches and hereinafter awarded to the said James Bell And we do order and direct that the said Rector and his Successors (the same being first made at the Charge and Expence of the said James Bell) shall for ever maintain support and repair good and sufficient Ditches and Fences on the East End and South Side of the said Allotment (marked No 3 to fence and divide the same from Lands herein awarded to the said James Bell And we do also set out allot and award unto the said Samuel Herbert as Rector of Folkton aforesaid and his Successors in lieu of and in full Compensation for all Manner of Great Tithes and other Rectorial Dues and Payments whatsoever growing renewing arising happening belonging or due or payable to the said Rector and his Successors as aforesaid in from and out of or in respect of all and every the Messuages Homesteads Closes open Common Fields Ing Lands Carr Lands Wastes and Commonable Places in the Township of Folkton aforesaid the several Piece or Pieces of Ground hereinafter mentioned and described that is to say All that Piece or Parcel of Ground (marked No 4 on the said Plan) situate in the Township of Folkton aforesaid as the same is now staked ditched or bounderes out containing by Admeasurement Two hundred and nine Acres three Roods and thirty eight Perches adjoining to Lands herein awarded to the Parish Clerk of Folkton aforesaid the said Foby and Kilton Road Lands herein severally awarded to the Vicar of Folkton aforesaid and the said James Bell on the North to the same Lands severally awarded to the Vicar of Folkton and the said James Bell on the East to Lands herein awarded to the Rector of Folkton aforesaid for and in lieu of the Tithes of East Heslerton by on the South and to the said Township of Kilton and the above mentioned Allotment to the Parish Clerk on the West And we do order and direct that the said Rector and his Successors as aforesaid (the same being first made by and at the Charges and Expences of the several and respective Owners and Proprietors of other Lands as aforesaid) have the said Vicar and his Successors) shall for ever maintain support and repair good and sufficient Ditches and Fences on all the North End of this Allotment and on so much of the East side thereof beginning at the Kilton Road and extending Southwards to the Southward angle of the Fence at the

Rectors Tithe Allotment

Rectors Tithe of Folkton 209.3.38.

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Foot of the Bill

Notes for the East Holmanby

17. 1. 38

Vicars Allotment for Tolkton Tithe

539. 1. 1.

James

Vicar for Tithe of East Holmanby

35. 1. 10

Reservation as to the joint Allotments for Tithes of Tolkton and East Holmanby

in order to divide this allotment from Lands severally allotted to the said James Bell and the said Vicar and unto the said Samuel Herbert as Rector of Tolkton aforesaid and his Successors in lieu of and in full Compensation for all and all Manner of small Tithes and other Ecclesiastical Dues and Payments whatsoever growing renewing arising happening belonging or due or payable to the said Rector and his Successors in from and out of or in respect of all and every the Messuages Homesteads Closes Lands and Grounds situate within the Hamlet of East Holmanby aforesaid in the Parish of Tolkton aforesaid the Portion or Quantity of Ground following that is to say All that Piece or Parcel of Ground situate within the Township of Tolkton aforesaid marked No 5 in the said Plan hereto annexed and containing by admeasurement Seventy seven Acres one Rood and sixteen Perches adjoining to Lands herein awarded to the Rector for the Tithes of Tolkton aforesaid on the North to Lands herein awarded to the said James Bell on the East to Lands herein awarded to the Rector of Tolkton aforesaid in respect of his Glebe on the South and to the Township of Hasleton aforesaid and his Successors in lieu of and in full Compensation for all and all Manner of small Tithes and other Ecclesiastical Dues and Payments whatsoever growing renewing arising happening belonging or due or payable to the said Vicar and his Successors as aforesaid in from and out of or in respect of all and every the Messuages Homesteads Closes Lands and Grounds situate within the Hamlet or District of East Holmanby aforesaid (except Surplice Fees Easter Offerings and Mortuaries which shall remain due and payable within the same Hamlet as heretofore) the several Portions and Quantities of Land following that is to say All that Piece or Parcel of Ground marked No 6 on the said Plan as the same is now staked ditched or transversed out containing by admeasurement One hundred and thirty nine Acres and one Rood adjoining to the said Township of Hasleton and to a Piece of Land herein awarded to the Rector for and in respect of his Glebe at Tolkton aforesaid on the North to Lands herein awarded to the said James Bell on the East to Lands herein awarded to the said Vicar of Tolkton for and in lieu of the Tithes of East Holmanby on the South and to the North Burton Road and the said Township of Hasleton on the West And we do order and direct that the said Vicar and his Successors as aforesaid the same being first made by and at the Charges and Expences of the several and respective Owners and Proprietors of other Lands as aforesaid (save the said Rector and his Successors) shall for ever hereafter maintain support and repair good and sufficient Ditches and Fences at the North and West Sides of this Allotment in order to divide the same from the North Burton Road the said Township of Hasleton and from Lands herein awarded to the Rector for Glebe of Tolkton And also all that Parcel of Ground (marked No 7 on the said Plan) situate in the open Fields of and within the Township of Tolkton aforesaid as the same is now staked ditched or transversed out containing by admeasurement Seven Acres adjoining to the said Selby and Hasleton Road on the North to Lands herein awarded to the said James Bell on the East and to Lands herein awarded to the said Rector for the Tithes of Tolkton aforesaid on the South and West And we do order and direct that the said Vicar and his Successors the same being first made by and at the Charges and Expences of the several and respective Owners and Proprietors of other Lands as aforesaid (save and except the said Rector and his Successors) shall for ever maintain support and repair good and sufficient Ditches and Fences on the North East and East Side of this Allotment to fence and divide the same from the said Hasleton Road and from Lands awarded to the said James Bell And we do set out assot and award unto the said Francis Wrangham as Vicar of Tolkton aforesaid and his Successors in lieu of and in full Compensation for all and all Manner of small Tithes and other Ecclesiastical Dues and Payments whatsoever growing renewing arising happening belonging or due or payable to the said Vicar and his Successors as aforesaid in from and out of or in respect of all and every the Messuages Homesteads Closes Lands and Grounds situate within the Hamlet or District of East Holmanby aforesaid (except Surplice Fees Easter Offerings and Mortuaries which shall remain due and payable within the same Hamlet as heretofore) the Portion and Quantity of Land following that is to say All that Piece of Ground marked No 8 on the said Plan situate within the Township of Tolkton aforesaid and lying at the South End of the open Fields of Tolkton aforesaid and containing by admeasurement Thirty five Acres one Rood and ten Perches adjoining to Lands herein awarded to the Vicar for the Tithes of Tolkton aforesaid on the North to Lands herein awarded to the said James Bell on the East to the Township of Hunmanby aforesaid on the South and to the North Burton Road on the West And we do order and direct that the said Vicar and his Successors the same being first made by and at the Charges and Expences of the several and respective Owners and Proprietors of other Lands as aforesaid (save the said Rector and his Successors) shall for ever hereafter maintain support and repair good and sufficient Ditches and Fences on the West Side of this Allotment to fence and divide the same from the said North Burton Road And we do declare that the several Allotments of Five hundred and nine Acres three Roods and thirty eight Perches and of One hundred and thirty nine Acres and one Rood and seven Acres containing in the whole Three hundred and fifty six Acres and thirty eight Perches hereinbefore awarded to the said Rector and Vicar respectively for the Tithes of the Township of Tolkton aforesaid and the several Allotments of Seventy seven Acres one Rood and sixteen Perches and thirty five Acres one Rood and ten Perches containing in the whole One hundred and twelve Acres two Roods and ten Perches

Perches and hereinabove awarded to the said Rector and Vicar respectively for the Tithes of the said Hamlet of East Holmanby are in our Judgment equal in Value to the several Quantities and Proportions of the open and inclosed Lands and Grounds within the said Township of Folkton and the said Hamlet of East Holmanby respectively by which according to the Terms of the said first mentioned Act the Compensation to be given for the said Rectorial and Vicarial Tithes Dues and Payments respectively in the said Township of Folkton and Hamlet of East Holmanby respectively is in the same Act directed to be completed ascertained and settled. And we do further declare that the said two Allotments of Two hundred and nine Acres three Roods and thirty eight Perches and twenty seven Acres one Rood and sixteen Perches hereinbefore awarded to the said Samuel Herbert as Rector as aforesaid are in our Judgment a just and adequate Proportion of the whole Lands so set out and allotted by us aforesaid in lieu of the said Rectorial and Vicarial Tithes Dues and Payments in the said Township of Folkton and the aforesaid Hamlet or District of East Holmanby respectively according to the true value of the said Rectorial Tithes Dues and Payments belonging the said Samuel Herbert in the Township of Folkton and Hamlet of East Holmanby aforesaid respectively and for which a Compensation is directed to be made in the first mentioned Act And we do further declare that the said three Allotments of two hundred and thirty nine Acres and one Rood and fifteen Acres and thirty five Acres one Rood and ten Perches hereinbefore awarded to the said Frances Wrangham as Vicar as aforesaid are in our Judgment a just and adequate Proportion of the whole Lands so set out and allotted by us as aforesaid in lieu of the said Rectorial and Vicarial Tithes Dues and Payments in the said Township of Folkton and Hamlet of East Holmanby respectively according to the true value of the said Vicarial Tithes Dues and Payments belonging to the said Frances Wrangham in the said Township of Folkton and Hamlet of East Holmanby aforesaid and for which a Compensation is directed to be made in the first mentioned Act And we do also set out allot and award unto George Bruce as Parish Clerk of Folkton aforesaid and his Successors in lieu and satisfaction of all in full Compensation for the Parish Clerks Fees received by the said Parish Clerk for every Acreage of Land in the Common Fields of Folkton aforesaid the certain Quantity of Land next hereinafter described that is to say All that piece or Parcel of Ground marked No. 9 on the said Plan situate in the Township of Folkton aforesaid at the North End of the Field of Folkton aforesaid as the same is now staked ditched or bounded out containing by Admeasurement Two Roods and Twenty seven Perches adjoining to the Filey and Flixton Road on the North and to Lands herein awarded to the said Rector for the Tithes of Folkton aforesaid on the East and South and to the said Township of Flixton on the West And we do order and direct that the said Parish Clerk and his Successors the same being first made by and at the Charges and Expences of the several and respective Owners and Occupiers of other Lands as aforesaid and the said Rector and Vicar respectively and their respective Successors shall for ever maintain support and repair good and sufficient Ditches and Fences at the North End and East Side of this Allotment to fence and divide the same from the said Filey and Flixton Road and from Lands herein awarded to the said Rector for Tithes of Folkton And we do set out allot and award unto the said James Bell and to his Heirs and Assigns for ever in severalty All that piece or Parcel of Ground marked No. 10 on the said Plan situate in the open Fields of the Township of Folkton aforesaid as the same is now staked ditched or bounded out containing by Admeasurement Six hundred and seventy Yards one Rood and thirty seven Perches adjoining to the said Filey and Flixton Road and to the said Hunmanby Road and to Land herein awarded for Public Stone Pits for the Township of Folkton aforesaid and also to the Township of East Holmanby on the North to the said Land awarded for Stone Pits and to the Township of Hunmanby and the Hamlet of West Holmanby on the East to the said Township of Hunmanby and to Lands herein awarded to the said Rector of Folkton aforesaid for Tithes on the South to Lands herein awarded to the said Vicar of Folkton aforesaid for the Tithes of East Holmanby aforesaid and of Folkton aforesaid and the Lands herein awarded to the said Rector for the Glebe and for the Tithes of East Holmanby and Folkton aforesaid and to the said Allotment for Public Stone Pits on the West And we do order and direct that the said James Bell and his Heirs and all future Owners and Proprietors of the said Allotment to him above awarded shall make and for ever maintain good and sufficient Ditches and Fences on so much of the North side of this Allotment as adjoins the said Filey and Flixton and Hunmanby Roads and Public Stone Pits and on so much of the West side thereof as adjoins on the Allotments herein made to the said Rector and Vicar respectively (except such part of the Fences as is directed to be maintained by the said Rector and Vicar) to fence and divide the same Allotment from Lands herein severally awarded to the said Rector and Vicar and from the said Filey and Flixton and Hunmanby Roads And we do also set out allot and award unto the said James Bell his Heirs and Assigns in severalty All that piece or Parcel of Ground marked No. 11 on the said Plan situate in the open Fields of the Township of Folkton aforesaid as the same is now staked ditched or bounded out containing by Admeasurement Thirty two Acres and twenty four Perches adjoining to the said Filey and Flixton Road and to the Hamlet or District of West Holmanby aforesaid on the North to the Hamlet or District of West Holmanby aforesaid on the

The said Hummanby Road on the South and West And we do order and direct that the said James Bell and his Heirs and all future Owners and Proprietors of the said Allotment to him above awarded shall make and forever maintain good and sufficient Ditches and Fences on the South South and West sides of this Allotment to fence and divide the same from the said Roads last above mentioned And we do also set out allot and award unto the said James Bell his Heirs and Assigns in severally All that Piece or Parcel of Ground (marked No 12 on the said Plan) situate in the East Ings of and within the Township of Folkton aforesaid as the same is now staked ditched or bounded out containing by admeasurement Twenty seven Acres and fourteen Perches adjoining to Lands awarded to the said Rector of Folkton aforesaid in respect of his Glebe and to Lands awarded to and ancient inclosed Lands of the said James Bell on the South to the said inclosed Lands and the Township of West Flotmanby on the East to the said Leby and Flixton Road and to ancient inclosed Lands of the said James Bell on the North to the said ancient inclosed Lands of the said James Bell and to the last mentioned Lands hereby awarded to the said Rector of Folkton aforesaid in respect of his Glebe and the Township of Folkton aforesaid on the West And we do order and direct that the said James Bell and his Heirs and all future Owners and Proprietors of the said Allotment to him above awarded shall make and for ever maintain a good and sufficient Ditch and Fence on the South side of this Allotment to fence and divide the same from the said Road And we do also set out allot and award to the said James Bell his Heirs and Assigns in severally All that Piece or Parcel of Ground (marked No Bundle and Plan) situate on the East Ings of the Township of Folkton aforesaid as the same is now staked ditched or bounded out containing by admeasurement Ninety two Acres and twelve Perches adjoining to the Meadow New Drain on the North to the said Township or Hamlet of West Flotmanby aforesaid on the East to Lands awarded to and ancient inclosed Lands of the said James Bell on the South and to the said Carr Road on the West And we do order and direct that the said James Bell and his Heirs and all future Owners and Proprietors of the said Allotment to him above awarded shall make and forever maintain a good and sufficient Ditch and Fence on the West side of this Allotment to fence and divide the same from the said Carr Road And we do also set out allot and award unto the said James Bell his Heirs and Assigns in severally All that Piece or Parcel of Ground (marked No 14 on the said Plan) situate in the East Ings of and within the Township of Folkton aforesaid as the same is now staked ditched or bounded out containing by Admeasurement Twenty one Acres and six Perches adjoining to Lands awarded to the said Rector of Folkton aforesaid in respect of his Glebe on the North and West to the said Carr Road on the East and to ancient inclosed Lands on the South And we do order and direct that the said James Bell and his Heirs and all future Owners and Proprietors of the said Allotment to him above awarded shall make and forever maintain good and sufficient Ditches and Fences on the North and East side of this Allotment to fence and divide the same from the Lands awarded to the said Rector for Glebe and from the said Carr Road Also we do set out allot and award unto the said James Bell his Heirs and Assigns in severally All that Piece or Parcel of Ground (marked No 15 on the said Plan) situate in the Carr of Folkton aforesaid as the said Carr and the Hamlet of West Flotmanby aforesaid on the East to the Meadow New Drain on the South and to the Township of Flixton aforesaid on the West And we do order and direct that the said James Bell and his Heirs and Assigns and all future owners and Proprietors of the last mentioned Allotment shall maintain one half part of the Ditch or Drain at the West End of this same Allotment Also we do set out allot and award unto the said James Bell his Heirs and Assigns in severally All that Piece or Parcel of Ground (marked No 16 on the said Plan) situate in Low Carr in the Township of Folkton aforesaid as the same is now staked ditched or bounded out containing by admeasurement Fifty seven Acres and twenty Perches adjoining to Meadow New Drain aforesaid on the North to Lands herein awarded to the said Folkton aforesaid in respect of his Glebe and ancient inclosed Lands of the said James Bell on the East to the said ancient inclosed Lands of and Lands herein awarded to the said Bell on the South and to the Township of Flixton aforesaid on the West And we do order and direct that the said James Bell and his Heirs and all future Owners and of the said Allotment to him above awarded shall for ever maintain and support one half part of the Ditch or Drain at the West side of the same Allotment And we also set out allot and award unto the said James Bell his Heirs and Assigns in severally Also all that Piece or Parcel of Ground (marked No 17 on the said Plan) situate in the Township of Folkton aforesaid as the same is now staked ditched or bounded out containing by Admeasurement Thirty six Acres one Rood and Thirty seven adjoining to Lands herein awarded to and ancient inclosed Lands of the said James Bell on the North to ancient inclosed Lands of the said James Bell on the East and to the said Leby and Flixton Road on the South and to the Township of Flixton aforesaid on the West And we do order and direct that the said James Bell and his Heirs and

27. 2. 14

30. 3. 6

31. 2. 6

31. 3. 16

37. 2. 20

36. 3. 37

Owners and Proprietors of the said Allotment to him above awarded shall make and for ever maintain a good and sufficient Ditch and Fence on the South side of this Allotment to fence and divide the same from the said Isley and Hinton Road And shall also for ever maintain one half part of the Ditch and Fence on the Westside of this Allotment extending Southward from the Allotment marked No 16 on the said Plan and so awarded to the said James Bell All which said last mentioned Allotments containing in the whole Nine hundred and ninety eight Acres one Rood and six Perches together with the said Allotment of two Roods hereinbefore given and awarded in Exchange for the said Piece or Parcel of Old Inclosure situate in the Township of Folkton aforesaid and belonging to the said Rector marked No 7. on the said Plan and together also with the said Allotments of three Roods inclosed in the Allotment for the Rectors Glebe containing Sixty two Acres three Roods and twenty Perches hereinbefore given and awarded in Exchange for the said Rectors Foremath of One Acre of Old Inclosure marked No 39 B on the said Plan) situate in the Township of Folkton aforesaid and belonging the said James Bell We do set out allot and award to the said James Bell in lieu of and in full and compensation for all his Lands Grounds Rights and Interests whatsoever into or out of the several open Common Fields Ings Lands Carr Lands Wastes and Commonable Places within the said Township of Folkton And whereas in the said first mentioned Act it is recited that it might happen that the Allotments to which the said Humphrey Robaldeston and John Woodall might severally become entitled to out of the Lands and Grounds hereby directed to be divided allotted and inclosed as aforesaid might not be sufficient to make such Compensation for Tithes as aforesaid for their respective Parts or Shares of and in the several Messuages Homesteads Lands and Grounds in West Flotmanby aforesaid but the said Humphrey Robaldeston and John Woodall or the one of them might nevertheless previous to the Completion of the said intended Division and Inclosure by Purchase or otherwise become Owners or Owner or Proprietors or Proprietor of or entitled to other Lands or Grounds within the said Parish of Folkton sufficient to make Compensation for the Tithes of such their Estates in West Flotmanby as aforesaid It was therefore Enacted that in case such last mentioned Proprietors or either of them should previous to the making of such Division and Inclosure as aforesaid become severally Owners or Proprietors of or entitled to any Lands or Grounds within the Parish of Folkton aforesaid (other than and except their said Lands or Grounds in West Flotmanby aforesaid) sufficient to compensate for the Tithes of the said Messuages Homesteads Lands and Grounds in West Flotmanby aforesaid the said Commissioners should and might and they were thereby authorized to set out allot and award as and for joint Allotments to be apportioned and set out as hereinafter mentioned unto and for the said Rector and his Successors and to the said Vicar and his Successors respectively such Proportion of the Lands and Grounds to be allotted within the said Parish of Folkton which then were or should or might become the sole Property of the said Humphrey Robaldeston his Heirs or Assigns (other than and except in West Flotmanby aforesaid) as together with the Allotment or Allotments to which the said Humphrey Robaldeston might become entitled to out of the Lands and Grounds thereby directed to be divided allotted and inclosed should in the Judgment of the said Commissioners be equal in value to one third Part of one fifth Part of the Lands above the Old Inclosure in West Flotmanby aforesaid (not being called Carr Lands) and to one third Part of one seventh Part of the ancient inclosed Lands there (not being called Carr Lands) and to one third Part of one eighth Part of all the other Lands called the Carr Lands and Wastes in West Flotmanby aforesaid and the said Commissioners should and they were thereby further authorized to set out allot and award as and for joint Allotments to be also apportioned and set out as hereinafter mentioned unto and for the said Rector and his Successors and to the said Vicar and his Successors respectively such Proportion of the Lands and Grounds to be allotted within the said Parish of Folkton which then were or should or might become the sole Property of the said John Woodall his Heirs or Assigns (other than and except in West Flotmanby aforesaid) as together with the Allotment or Allotments to which the said John Woodall might become entitled to out of the Lands and Grounds thereby directed to be divided allotted and inclosed should in the Judgment of the said Commissioners be equal in value to two third Parts of one fifth Part of the Lands above the Old Inclosure in West Flotmanby aforesaid (not being called Carr Lands) and to two third Parts of one seventh Part of the ancient inclosed Lands in West Flotmanby aforesaid (not being called Carr Lands) and to two third Parts of one eighth Part of and in all the said other Lands called the Carr Lands and Wastes in West Flotmanby aforesaid And whereas on Account that the said Humphrey Robaldeston and John Woodall are not entitled to any Allotment or Allotments or so much of the Lands and Grounds divided allotted and inclosed by virtue of the Act first mentioned but inasmuch as they the said Humphrey Robaldeston and John Woodall have severally become Owners of a Quantity of Ground within the said Parish of Folkton to wit in the Township of Folkton within the said Parish sufficient to make Compensation for the Tithes for the Tithes as aforesaid of their respective Parts or Shares of and in the several Messuages Homesteads Lands and Grounds in West Flotmanby aforesaid the said Commissioners do hereby set out allot and award unto the said Samuel Herbert as Rector of Folkton aforesaid and his Successors All that piece or parcel of Land containing by admeasurement Sixty nine Perches Ground now become the Property of the said Humphrey Robaldeston and bounded part of the open Fields of Folkton aforesaid containing by admeasurement Sixty nine Acres two Roods and thirty eight Perches being the Tenth Part of an Allotment of ninety eight Acres three Roods and four Perches set out and awarded (amongst other Things

Rector for Tithes of Mr Robaldeston

West Flotmanby.

To the said Humphrey Osbaldeston on the late Inclosure of Flixton aforesaid and which said Sixty nine Acres two Roods and thirty
are bounded by Lands of the said Rector on or towards the North by Lands hereinafter awarded to the said Vicar in
compensation of the Vicarial Tithes of that Part of West Flotmanby aforesaid belonging to the said Humphrey Osbaldeston on or towards the East by the said Township of Foxton
on or towards the South and on Lands hereinafter awarded to the said Vicar in Compensation for the Vicarial Tithes of that Part of West Flotmanby aforesaid belonging to the
said John Yeoward on or towards the West And we do also set out allot and award unto the said Francis Wrangham and his Successors as Vicars of Folkton aforesaid
All that Piece or Parcel of new Inclosed Ground now become the Property of the said Humphrey Osbaldeston and heretofore Part of the open Fields of Flixton aforesaid containing
by Admeasurement Twenty nine Acres and six Perches being the East and remaining Part of the said Allotment of Twenty eight Acres three Roods and four Perches set out
and awarded to the said Humphrey Osbaldeston on the late Inclosure of Flixton aforesaid and which said Twenty nine Acres and six Perches are bounded by Lands awarded to the
said Rector for the Tithes of Flixton on or towards the North by other Lands now belonging to the said Vicar on or towards the East by the said Township of Foxton on or towards
the South and by Lands hereinbefore allotted to the said Rector in Compensation for the Rectorial Tithes of that Part of West Flotmanby aforesaid belonging to the said Humphrey
Osbaldeston on or towards the West And we do also set out allot and award unto the said Samuel Herbert as Rector of Folkton aforesaid and his Successors All that Piece
or Parcel of new inclosed Ground now become the Property of the said John Yeoward and heretofore Part of the open Fields of Flixton aforesaid containing by Admeasurement One
hundred and twenty eight Acres two Roods and eighteen Perches the whole of an Allotment of one hundred and fifteen Acres three Roods and thirty eight Perches
and the Easternmost Part of another Allotment of Sixty nine Acres three Roods and five Perches set out and awarded to the said John Yeoward on the late Inclosure at Flixton
aforesaid and which said one hundred and twenty eight Acres two Roods and eighteen Perches are bounded by other Lands of the said Rector on or towards the North by Lands hereinbefore
allotted to the said Vicar in Compensation for the Vicarial Tithes of that Part of West Flotmanby aforesaid belonging the said John Yeoward on or towards the East by the said
Township of Foxton on or towards the South and by the Township of Flixton on or towards the West And we do also set out allot and award unto the said Francis
Wrangham as Vicar of Folkton aforesaid and his Successors All that Piece or Parcel of New Inclosed Ground now become the Property of the said John Yeoward and heretofore
Part of the Open Fields of Flixton aforesaid containing by Admeasurement Fifty seven Acres and twenty five Perches being the Easternmost or remaining Part of the said
Allotment of Sixty nine Acres three Roods and five Perches set out and awarded to the said John Yeoward on the late Inclosure at Flixton aforesaid and which said Fifty seven
and twenty five Perches are bounded by Lands of the said Rector on or towards the North by Lands hereinbefore allotted to the said Rector for the Rectorial Tithes of that Part of West
Flotmanby aforesaid belonging to the said Humphrey Osbaldeston on or towards the East by the said Township of Foxton on or towards the South and by Lands hereinbefore
to the said Rector in Compensation for the Rectorial Tithes of that Part of West Flotmanby aforesaid belonging to the said John Yeoward on or towards the West which said two
Allotments of Sixty nine Acres two Roods and thirty eight Perches and twenty nine Acres and six Perches making together the Quantity of Ninety eight Acres three Roods and four
Perches late belonging to the said Humphrey Osbaldeston And which said other two Allotments of one hundred and twenty eight Acres two Roods and eighteen Perches and
fifty seven Acres and twenty five Perches making together the Quantity of One hundred and eighty five Acres three Roods and three Perches late the Property of the said John Yeoward
all which are herein above set out and awarded to the said Rector and Vicar respectively are we our Judgment equal in value to the several Quantities and Proportions of the Lands
and Grounds within the said Hamlet of West Flotmanby aforesaid by which according to the Terms of the said first mentioned Act the Satisfaction or Compensation is to be given
all Manner of Great and small Tithes and other ecclesiastical Dues and Payments whatsoever growing renewing arising happening belonging or due or payable to the said
Rector and his Successors and to the said Vicar and his Successors as aforesaid respectively in from and out of or in respect of all and every the Messuages Homesteads Lands and
Grounds in the said Hamlet of West Flotmanby (save and except Surplice Fees Easter Offerings and Mortuaries) as in the same Act directed to be completed adjusted and settled And
we do further declare that the four Allotments last hereinbefore made to the said Rector and Vicar respectively as aforesaid are in our Judgment just and adequate Proportions
of the whole Lands set out and allotted by us in lieu of the said Tithes and other ecclesiastical Dues and Payments in the said Hamlet or District of West Flotmanby (except as
aforesaid) according to the true Value of the said Tithes dues and Payments (except as aforesaid) respectively belonging to them the said Rector and Vicar in the said Hamlet or
District of West Flotmanby aforesaid and due from the said Humphrey Osbaldeston and John Yeoward according to their said several Shares and Interests of and in the said Messuages
Homesteads Lands and Grounds there And we do at the Request in writing of the said James Bell and of the said Samuel Herbert as Rector of Folkton aforesaid together with the
Consent in writing of the said William Lord Archbishop of York and of the said Humphrey Osbaldeston the Patron of the said Rectory assign and award unto the said James Bell his
Assigns All that the said Rector's Foremath of one Acre in old Inclosure of him the said James Bell situate and being within the Township of Folkton aforesaid

On the said Plan In Exchange for three Roods of Land included in the allotment of Sixty two acres three Roods and twenty Perches to be made to the said Rector for the Glebe of Folkton aforesaid And we do (at the like request in writing of the said Samuel Herbert as Rector as aforesaid and of the said James Bell together with the like Consent in writing of the said Lord Archbishop of York and the said Patron) assign and award unto the said James Bell his Heirs and Assigns All that Piece of Old Inclosure late belonging the said Rector situate in the Township of Folkton aforesaid containing by Admeasurement One Rood and twenty eight Perches and marked on the said Plan No 7 bounded on the North and East by Old Inclosure of the said James Bell and on the South and West by the said Filey and Flixton Road In Exchange for and as an Equivalent to two Roods of Land hereinbefore awarded in Exchange to the said Rector And we do (at the request in writing of the said Samuel Herbert as Rector of Folkton aforesaid and of the said Frances Worangham as Vicar of Folkton aforesaid respectively and with the Consent in writing of the said Lord Archbishop of York and of the said Humphrey Osbaldeston as Patron of the said Rectory) allot and award unto the said Samuel Herbert and his Successors as Rectors of Folkton aforesaid All that Allotment or Parcel of Ground containing one hundred and thirty nine Acres and one Rood late Part of the open Fields of Folkton aforesaid and hereinbefore awarded to the said Frances Worangham in part Compensation for the Vicarial Tithes of Folkton aforesaid And also all that other Allotment or Parcel of Ground containing by Admeasurement Thirty five Acres one Rood and ten Perches late other part of the said open Fields of Folkton aforesaid hereinbefore awarded to the said Frances Worangham in Compensation for the Vicarial Tithes of East Flotmanby aforesaid In Exchange for and as an Equivalent to All those two several Allotments or Parcels of Ground situate lying and being in the Township of Flixton aforesaid containing One hundred and twenty eight Acres two Roods and eighteen Perches and Sixty nine Acres two Roods and thirty eight Perches hereinabove described and awarded to the said Samuel Herbert as Rector as aforesaid in Compensation for the Rectorial Tithes of West Flotmanby aforesaid And also in Exchange for and as an Equivalent to all that other Allotment Piece or Parcel of Ground situate in the Township of Flixton aforesaid containing by Admeasurement Seven Acres one Rood and Sixteen Perches awarded upon the Inclosure of the open Fields there to the said Samuel Herbert as Rector as aforesaid in part Compensation for the Rectorial Tithes of Flixton aforesaid which said last mentioned Allotment of Seven Acres one Rood and sixteen Perches is bounded by Lands allotted to the said Vicar for the Tithes of Flixton aforesaid on or towards the North by Lands allotted to the said Rector for the Tithes of Flixton aforesaid on or towards the East by the said Allotment last above awarded and by Lands allotted for a Moor Pit on or towards the South and by the Bridlington Road on or towards the West And also in Exchange for and as an Equivalent to All that other Piece or Parcel of Land situate within the Township and lying in the Field of Flixton aforesaid containing by Admeasurement Thirteen Acres and three Roods the same awarded upon the Inclosure of Flixton aforesaid to the said Samuel Herbert as Rector as aforesaid in part Compensation for the Rectorial Tithes of Flixton aforesaid which said last mentioned Allotment is bounded by other Lands of the said Samuel Herbert on or towards the North by the said Bridlington Road and the Foxton Road on or towards the South and by Lands of the said Humphrey Osbaldeston on or towards the West And we do (at the like Request in writing of the said Rector and Vicar and with the like Consent of the said Lord Archbishop of York and of the said Humphrey Osbaldeston the Patron aforesaid) allot and award unto the said Frances Worangham and his Successors as Vicars of Folkton aforesaid All those the said several Allotments Pieces or Parcels of Ground containing by Admeasurement one hundred and twenty eight Acres two Roods and eighteen Perches Sixty nine Acres and thirty eight Perches Seven Acres one Rood and sixteen Perches and Thirteen Acres and three Roods situate in the Township of Flixton aforesaid late belonging the said Rector and hereinbefore particularly described In Exchange for and as an Equivalent to all those two several Allotments Pieces or Parcel of Ground situate in the Township of Folkton aforesaid and containing by Admeasurement one hundred and thirty nine Acres and one Rood Thirty five Acres one Rood and ten Perches late belonging to the said Frances Worangham and hereinabove particularly described and awarded in Exchange to the said Rector And we do also assign and award unto the said John Woodall his Heirs and Assigns two undivided third Parts or Shares and to the said Humphrey Osbaldeston his Heirs and Assigns one undivided third Part or Share of and in the following Pieces or Parcels of Land next hereinafter mentioned that is to say All that Close or Parcel of Arable Land (marked No A on the Plan B hereto annexed) situate within the Hamlet or District of East Flotmanby aforesaid containing by Admeasurement Six Acres two Roods and twenty eight Perches the Property of the said James Bell bounded on the East by Driffe Drain on or towards the South by the Lands of the said John Woodall and Humphrey Osbaldeston on or towards the East West and North Also all those two other Close or Parcels of Land marked No 1 and 5 on the last mentioned Plan situate within the Hamlet or District of East Flotmanby aforesaid the Property of the said James Bell and containing by Admeasurement Two Acres two Roods and six Perches and Eleven Acres three Roods and three Perches bounded by the said Road Drain on or towards the North by Lands of the said John Woodall and Humphrey Osbaldeston on or towards the East by a Close belonging to the said James Bell on or towards the South and by Lands of the said John Woodall and Humphrey Osbaldeston on or towards the West Also all that Piece or Parcel of Grassland Part of Numbers 283 marked upon the same last mentioned Plan from the Northside of Foxton Ground within the Hamlet or District of

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East Riding Archives and Local Studies
ERALS reference number

[illegible] Hofmanby [illegible] the Property of the said James Bell containing by Admeasurement Three Acres Three Roods and [illegible]
on Lands lying prior in Exchange to the said John Woodall and Humphrey Ashaldeston and marked [illegible] on the said Plan
[illegible] on Lands belonging to the said John Woodall and Humphrey Ashaldeston are on towards the East and West and on Lands of the said James Bell on or towards the South

In Exchange for and as an Equivalent to **All** that Piece or Parcel of Ground the Property of them the said John Woodall and Humphrey Ashaldeston situate in West Helmsley aforesaid and containing by Admeasurement Nine Acres three Roods and twenty five Perches being the Easternmost part of a Close originally containing by Admeasurement fourteen Acres three Roods and thirty three Perches and marked N°8 in the last mentioned Plan and which said nine Acres three Roods and twenty two Perches adjoins on the River Harford or Derry on or towards the North on Lands of the said James Bell on or towards the East on the New Drain on or towards the South and on Lands belonging to the said John Woodall and Humphrey Ashaldeston on or towards the West **Also in Exchange for all** that Piece or Parcel of Ground late of them the said John Woodall and Humphrey Ashaldeston situate in West Helmsley aforesaid and containing by Admeasurement Eight Acres two Roods and twenty Perches being the Easternmost part of a Close or Parcel of Ground there originally containing Fourteen Acres and fifteen Perches and marked N°9 on the last mentioned Plan part which said Eight Acres two Roods and twenty Perches are bounded by the New Drain on or towards the North by Lands of the said James Bell on or towards the West by Lands taken in Exchange by the said James Bell on or towards the South and by the Lands of the said John Woodall and Humphrey Ashaldeston on or towards the East **Also in Exchange for all** that other Piece or Parcel of Ground scituate lying and being in the Township or Hamlet or District of West Helmsley aforesaid late belonging to the said John Woodall and Humphrey Ashaldeston containing by Admeasurement Ten Acres three Roods and thirty seven Perches and being the Easternmost part of two Closes or Parcels of Grounds situate there containing originally in the whole respectively Four Acres and thirteen Perches and Nine Acres one Rood and twenty nine Perches (and marked respectively N°10 and 11 on the last mentioned Plan) and which said Piece or Parcel of Ground containing ten Acres three Roods and thirty seven Perches is bounded by the above mentioned Piece of Ground containing Eight Acres two Roods and twenty Perches taken in Exchange by the said James Bell on or towards the North by the Lands of the said James Bell on or towards the East and South and by the Lands of the said John Woodall and Humphrey Ashaldeston N°10 on the last mentioned Plan on or towards the West **Also in Exchange** for all that Piece of Ground or Parcel of Land containing by Admeasurement Thirty Perches situate within the Hamlet or District of West Helmsley aforesaid late belonging to them the said John Woodall and Humphrey Ashaldeston bounded by a Road leading to Allerston on or towards the North by Lands of the said James Bell on or towards the East and South and by a Close called outside Close belonging to the said John Woodall and Humphrey Ashaldeston on or towards the West **And also in Exchange for all** their the said John Woodall and Humphrey Ashaldeston's Right of Road over and upon the Lands of the said James Bell in East Helmsley aforesaid to or into the Lands of the said John Woodall and Humphrey Ashaldeston situate in West Helmsley aforesaid called Cattle Carr and East Carr Closes As being the Intention of the said Parties that the said Road leading to the said last mentioned Closes should from this time cease and be discontinued on the Part of the said John Woodall and Humphrey Ashaldeston their Heirs and Assigns **And we do assign and award** unto the said James Bell his Heirs and Assigns **All** those the aforesaid several Pieces or Parcels of Ground situate within the Hamlet or District of West Helmsley aforesaid late the Property of the said John Woodall and Humphrey Ashaldeston containing by Admeasurement the several Quantities of Ground hereinbefore and hereinafter mentioned that is to say Nine Acres three Roods and twenty two Perches, Eight Acres two Roods and twenty Perches, Ten Acres three Roods, and thirty seven Perches and Thirty Perches all which said Premises are hereinabove particularly described **And also all** that their the said John Woodall and Humphrey Ashaldeston's Right of Road in through and over the Lands of the said James Bell in East Helmsley aforesaid to or into the Lands of the said John Woodall and Humphrey Ashaldeston situate in West Helmsley aforesaid called Cattle Carr and East Carr Closes As being the Intention of the said Parties that the said Road leading to the last mentioned Closes should from henceforth cease and be discontinued on the Part of the said John Woodall and Humphrey Ashaldeston their Heirs and Assigns **In Exchange** for and as an Equivalent to all those the above described Pieces or Parcels of Ground situate in East Helmsley aforesaid late the Property of the said James Bell and containing by Admeasurement the several Quantities of Ground following that is to say Six Acres two Roods and twenty eight Perches two Acres two Roods and six Perches Eleven Acres three Roods and three Perches and Four Acres three Roods and thirteen Perches and hereinabove awarded in Exchange to the said John Woodall and Humphrey Ashaldeston **And we do order and direct** that it shall not be lawful for any Person or Persons to make Raise either Public or Private in through or upon the said Lands by the said Act directed to be divided and inclosed or any of them either on East or with Horse Carts in Harrows other than such as are herein [illegible] and kept in good Repair and Condition as Private Roads hereinbefore shall from time to time for ever hereafter be maintained Public Roads are by Law to be maintained and kept in Repair **And we do award order and direct** that the Public Roads hereinbefore set out and appointed **In Witness** whereof we the said John Stokes and Joseph Dickinson have hereto set our Hands and Seals this Twenty first Day of January One thousand eight hundred and seven.

[illegible] Woodall
Ashaldeston
Mr Bell.

A Plan of the Township of FOLKTON Surveyed for the Survivors

Under an Act of Parliament passed in the Forty Second Year of King George the IIIrd Intitled an Act for Dividing Allotting and Inclosing certain Open Common Fields and Lands Carr Lands Waste and Commonable Places within the Township of Folkton and within the respective Hamlets or Districts of East Flotmanby and West Flotmanby in the Parish of FOLKTON in the East Riding of the County of York

Saml Dickinson Surveyor.

A

FOLKTON FIELDS

BYNTON

FLOTMANBY EAST

FLOTMANBY WEST

Rectors Tithe

Rectors Tithe of Folkton

Vicars Tithe

Vicar for Tithe of East Flotmanby

James Bell Esqr

Moor

Lord

Lord for Tithe of Folkton

Vicar for Tithe of East Flotmanby

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East Riding Archives and Local Studies
ERALS reference number:

Finance Act Records

299
10·172

317
·459

316
·649

314
2·515

Rectory

8·070

141
Part of

315
10·930

312
·913

311
6·310

52
Part of

11·301

S.M.187 6
M.S
Melton 186
Hunmanby 5

309
18·296

171
Part of

323
20·429

F.P.

172

326
22·104

124
Part of.

325
11·028

Old Chalk Pit

327
19·303

324
1·631

L i l l

K

T o

334
61·109

73
Part of.

34·638

Tumulus

51·278

F.P.

145

Part of.

353
154·775

Chalk Pit

345
7·639

344
2·186

Dunbeat Farm

Folkton Wold Farm

346
·391

352
66·075

l d

H i l l

73
Part of.

T o

336
32·780

335
34·638

333
61·278

Tumulus

181

351
31·768

352
66·075

145
Part of.

353
154·775

345
7·639

344
2·186

343
18·844

346
·391

Chalk Pit

F.P.

DENBEATH FARM AD 3/76 4/76
IX 15076/76
112·00 Ha

Folkton Wold Farm

n W o l d

THE WOLDS CX. 9. FOLKTON

F o l k t o n 390 22·553 n W o

391 29·318

Photozincographed and Published at the Ordnance Survey Office, Southampton, 1891.

The Altitudes are given in Feet above the Approximate Mean Water at Liverpool. Those enclosed thus (+B.M.547) refer to Marks on Buildings, Walls, &c.

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2500 2600 Feet.

Links 100 0 5 10 25 50

CX 1. S.
CX. S. B.
1 9. H.

141 Reference No. Map. No.

Situation Folkton
Description Rectory. land. woods. Game
Extent 28A. 2R

Gross Value { Land, £ / Buildings, £93 } Rateable Value { Land, £ / Buildings, £81·15 }

Gross Annual Value, Schedule A, £

Occupier / Owner } Rev J F Brown

Interest of Owner hand agent for above
Superior interests Freehold.

Subordinate interests

Occupier's tenancy, Term year. from
How determinable
Actual (or Estimated) Rent, £93
Any other Consideration paid
Outgoings—Land Tax, £2·1·6 paid by owner.
Tithe, £ paid by
Other Outgoings
Who pays (*a*) Rates and Taxes (*b*) Insurance occupier
Who is liable for repairs owner
Fixed Charges, Easements, Common Rights and Restrictions

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. 141

Particulars, description, and notes made on inspection

Brick + slated in good repair contains Library Hall, Drawing + dining Rooms Kitchen store room scullery pantry breakfast room butlers pantry + work shop. 7 bed rooms bath rm W.C + store rooms. 4 cellars in basement Buildings consist of Coach house stable harness rm. loft over 2 stores, bot, fuel, hovel. shed + store + poultry house. small brick tiled hovel in field.

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

Area 28.190 acres

Valuation.—Market Value of Fee Simple in possession of whole property in its present condition

Annual Value. £100 (× 30 = 3000)
Deductions. 15
Land Tax. 2·1·6
£82. A. 6 @ 24P

	£	
Deduct Market Value of Site under similar circumstances but if divested of structures, timber, fruit trees, and other things growing on the land	£ timber Fruit	2400 40 30 2500
35a or 30P 12 Yds.	£	545
Difference Balance, being portion of market value attributable to structures, timber, &c.	£	1955
Divided as follows:—		
Buildings and Structures	£	1850
Machinery	£	
Timber	£	40
Fruit Trees	£	10
Other things growing on land	£	25
Market Value of Fee Simple of Whole in its present condition (as before)	£	2500
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)	£	
Restrictions	£	£
GROSS VALUE	£	2500

Reference No.

Index Letter	Description of Buildings	Dimensions: Frontage	Dimensions: Depth	Dimensions: Height	Cubical Contents	Condition	Remarks
	Area.						
301.	Timber	·643 ✓	Young fir beech + ash.				
312a	"	·411 ✓		do			
312	"	·913 ✓		do			
315a	"	·546 ✓					
313.	Pasture	3·113 ✓					
314.	Grounds &c.	1·345 ✓					
316.	Pasture	·649 ✓					
317.	Garden.	·465 ✓			10%		
322 ✓	Fir Plantation	1·464 ✓					
324 ✓	do	1·631 ✓					
396 ✓	Cover.	10·616 ✓					
313.		10·892 ✓					
		33·190					

Reference No.

GROSS VALUE.....£ 2500

Less Value attributable to Structures, timber, &c. (as before) £ 1955

FULL SITE VALUE.....£ 545

2500

Gross Value (as before) .....£

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 .....£

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 .....£

£

TOTAL VALUE.....£ 2500

Less Value attributable to Structures, timber, &c. (as before) .....£ 1955

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 .....£ £ 1955

ASSESSABLE SITE VALUE.....£ 545

915

If Agricultural land, the value for Agricultural purposes $\frac{\text{including}}{\text{excluding}}$ Sporting Rights.....£ 885

30

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

145 Reference No. Map. No. CX. 5. S. 9. E.

Situation Holkton Wold.
Description Farm House + Buildings
Extent 412 A. 2 R.

Gross Value { Land, £ / Buildings, £160 } Rateable Value { Land, £ / Buildings, £144

Gross Annual Value, Schedule A, £
Occupier James Woodhouse
Owner Rev. J. L. Brown.
Interest of Owner Land agent for above
Superior interests Freehold.

Subordinate interests

Occupier's tenancy, Term year. from
How determinable
Actual ~~(or Estimated)~~ Rent, £160 ? for 338 acres.
Any other Consideration paid
Outgoings—Land Tax, £2.10.10 paid by owner.
Tithe, £ paid by
Other Outgoings
Who pays (*a*) Rates and Taxes (*b*) Insurance occupier / owner
Who is liable for repairs
Fixed Charges, Easements, Common Rights and Restrictions

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. 145

Particulars, description, and notes made on inspection

~~Brick slated in parts~~ Situated about 1 mile South of Holkton village on the Summit of the Wolds. Land consists of about ⅔ arable of fairly good quality but light and chalky. Hedges form sub-divisions and are good strong hawthorns strengthened in parts by wooden fences. Farm contains no timber of any value.

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

A New House has been built here & part of land has been taken away & valued under 73 141 & 142.

This does not include New House

Valuation.—Market Value of Fee Simple in possession of whole property in its present condition

Annual Value £160
Deductions 16
Land Tax 2.10.10
£141.9.2 @ 23½P

Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land 33 H A 1R 1½P 13 Yds @ £77 per A £ 3255 215 3470 2540

Difference Balance, being portion of market value attributable to structures, timber, &c. £ 630

Divided as follows:—
Buildings and Structures £ 470
Machinery £
Timber £
Fruit Trees £
Other things growing on land £ 160

Market Value of Fee Simple of Whole in its present condition (as before) £ 3470

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) £
Restrictions £ £

GROSS VALUE £ 3470

145 Reference No. Map. No. CX. 5. S. 9. E.

Situation Folkton Wold.
Description Farm House + Buildings
Extent 412 A. 2 R.
Gross Value { Land, £ / Buildings, £160 } Rateable Value { Land, £ / Buildings, £144
Gross Annual Value, Schedule A, £
Occupier James Woodhouse.
Owner Rev. J. T. Brown.
Interest of Owner Land agent for above
Superior interests Freehold.

Subordinate interests

Occupier's tenancy, Term year. from
How determinable
Actual ~~(or Estimated)~~ Rent, £160 ? for 338 acres.
Any other Consideration paid
Outgoings—Land Tax, £2.10.10 paid by owner.
Tithe, £ paid by
Other Outgoings
Who pays (*a*) Rates and Taxes (*b*) Insurance occupier / owner
Who is liable for repairs
Fixed Charges, Easements, Common Rights and Restrictions

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. 145

Particulars, description, and notes made on inspection

~~Brick slated in parts~~ Situated about 1 mile South of Folkton village on the Summit of the Wolds. Land consists of about ⅔ arable of fairly good quality but light and chalky. Hedges form ~~sub~~ divisions and are good ~~sting~~ hawthorn ~~strengthened~~ in parts by wooden fences. ~~contain~~ no timber of any value.

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

A New House has been built here a part of land has been taken away & valued under 73 141 & 172. This does not include New House

Valuation.—Market Value of Fee Simple in possession of whole property in its present condition

Annual Value. £160
Deductions. 16
Land Tax. 2.10.10
£141.9.2 @ 23¾P £ 3255
Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land 33+A 1R 14P 13 Yds @ £75 per A. 2475 215 3470
£ 2590
Difference Balance, being portion of market value attributable to structures, timber, &c. £ 630
Divided as follows:—
Buildings and Structures £ 470
Machinery £
Timber £
Fruit Trees £
Other things growing on land £ 160
Market Value of Fee Simple of Whole in its present condition (as before) £ 3470
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) £
Restrictions £ £
GROSS VALUE £ 3470

Reference No.

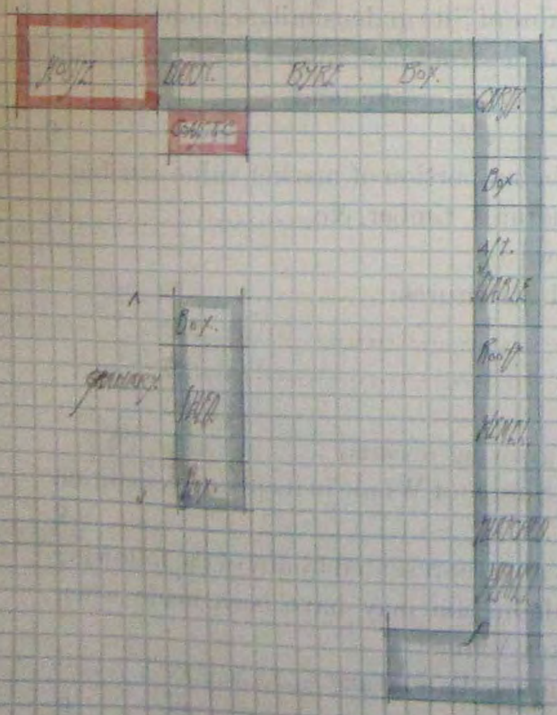
Index Letter	Description of Buildings	Dimensions: Frontage	Depth	Height
	House buck + tiled in fairly good repair but old (now replaced by another new one). Living Rm Kitchen Scullery + Store 2 Bed Rooms. Buildings are old buck and tiled in good repair			

No.	Arable. Area.	Cress.
351.	31. 766	
352.	53. 771	
353.	154.905	
343.	18.321	
344.		1.315
345.		8.018
346.		.706
390.		22. 553
391.	29.318	
393a		12. 174
393.		1.314.
	288.081	46.280

334.361

14.44

1944


Box
Box
Box

CX 1. P
S. H. J.

73 Reference No. Map. No.

Situation Folkton
Description Farm-House & Buildings
Extent 223A. 3R. 30P

Gross Value { Land, £ / Buildings, £ 150 } Rateable Value { Land, £ / Buildings, £136.17.

Gross Annual Value, Schedule A, £
Occupier Geo Hoggarth
Owner Rev J F Brown
Interest of Owner Land agent for above
Superior interests Freehold.

Subordinate interests

Occupier's tenancy, Term Year. from
How determinable
Actual ~~(or Estimated)~~ Rent, £150 now £170 for 245 acres.
Any other Consideration paid
Outgoings—Land Tax, £ 2.0.6 / 5.10 / 2.6.4 Flixton paid by owners.
Tithe, £ paid by
Other Outgoings L.R. 25. 13. 2. from Schedule.
Who pays (a) Rates and Taxes (b) Insurance occupier
Who is liable for repairs owner
Fixed Charges, Easements, Common Rights and Restrictions

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. 73

Particulars, description, and notes made on inspection

Situated North of in. & So of Folkton Village Land consists of 2/3 arable of good quality. That grass land at the north is of very poor quality being heavy & wet.
Hedges exist only on the South which are of very poor quality the best being dead fences. mostly.
Timber consists of about 500 young ash sycamore elm on the hillside at the south.

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

L.R. 25. 13. 2.

Valuation.—Market Value of Fee Simple in possession of whole property in its present condition

Annual Value.	£ 170	£ 141. 17. 3	
Deductions. Land Tax.	17 / 2.6.4	@ 20%	
Drainage.	9. 16. 5	£	3545
Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land			150
245 A 0R 26P		£	3695
Difference Balance, being portion of market value attributable to structures, timber, &c.		£	740

Divided as follows:—

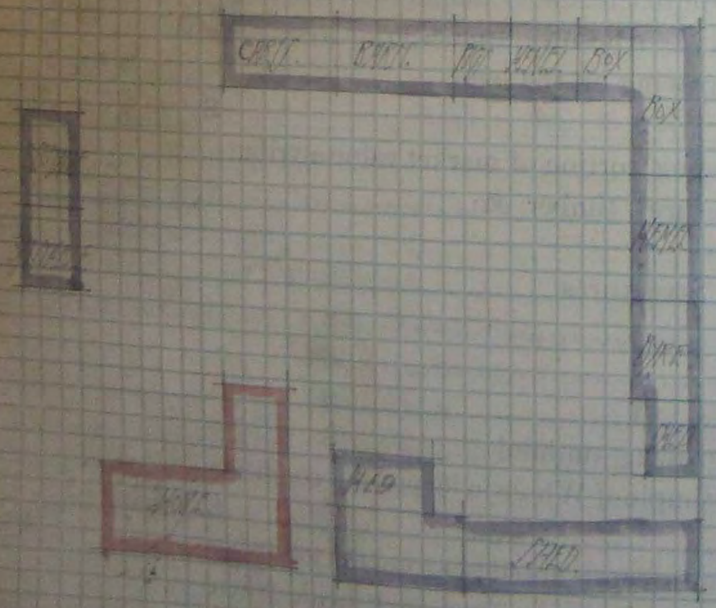
Buildings and Structures	£ 575	
Machinery	£	
Timber	£	
Fruit Trees	£	
Other things growing on land	£ ~~170~~ 165	
Market Value of Fee Simple of Whole in its present condition (as before)	£	3695

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)	£	
Restrictions	£	£
GROSS VALUE		£ 3695

Reference No.

Index Letter	Description of Buildings	Dimensions: Frontage	Dimensions: Depth	Dimensions: Height	Cubical Contents	Condition	Remarks
No.	Description.	Area.	Totals.				
140	Res.	8·703					House slate tiled in fairly good repair but old contains 3 rooms kitchen scullery store outhouses, 4 bed rooms stable. Buildings slate brick tiled in fair repair but old.
139	"	10·237					
138	"	11·727					
147	"	4·272					
146	"	11·373					
194	"	4·191					
197	"	2·216					
228	"	3·033					
	Building.	·900					
			55·358				
334	Arable.	32·780					
335	"	34·518					
334	"	41·229					
333	"	61·278	189·805				
		245·163					



Reference No.

GROSS VALUE.....£ 3695

Less Value attributable to Structures, timber, &c. (as before) £ 740

FULL SITE VALUE.....£ 2955

Gross Value (as before) .....£ 3695

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 .....£

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 .....£

£

TOTAL VALUE.....£ 3695

Less Value attributable to Structures, timber, &c. (as before) .....£ 740

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 .....£ £ 740

ASSESSABLE SITE VALUE.....£ 2955

If Agricultural land, the value for Agricultural purposes $\frac{\text{including}}{\text{excluding}}$ 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

3695
740
2955
150