FRONT COVER OF ENCLOSURE ACT BOOK FOR EATON 1770

ATTESTED COPY

Of the Award of the Commissioners for Dividing and Inclosing the Open and Common fields Common pastures Common Meadows and Waste Grounds in the Parish of Eaton in the County of Leicester

Dated the 28th of December, 1770

Inrolled of Record in the Court of the Lord the King before the King himself at Westminster of the Term of Easter in the Eleventh Year of the Reign of King George the Third

Roll 36

Page 1 Be it remembered that at the first meeting of the Commissioners nominated and appointed in an Act of Parliament passed in the ninth year of the reign of his present majesty King George the Third intitled an Act for dividing and inclosing the open and common fields common pasture common Meadows and waste grounds in the Parish of Eaton in the County of Leicester held at the house of Thomas Thorold in Eaton aforesaid commonly called or known by the sign of the mill stone on Monday the fifteenth day of May in the year of our Lord one thousand seven hundred and sixty nine for putting the powers and authority vested in the said Commissioners in and by the said Act in execution ten days previous notice of such meeting having been given and published in the Parish church of Eaton aforesaid and a like notice in writing affixed upon every door of the said church pursuant to the
Page 2 directions of the said act we James Garnar of Grantham in the County of Lincoln John Ward of the city of York and Joseph Stubbins of the town and county of the town of Nottingham gentlemen being three of the Commissioners nominated and appointed in and by the said act did before we proceeded in the execution of the powers given to us in and by the said Act severally take and subscribe the Oath following pursuant to the directions of the said Act which oath the said Commissioners administered to each other.

I James Garnar do swear that I will faithfully impartially and honestly according to the best of my skill and judgement hear and determine all such matters and things as shall be brought before me as a Commissioner by virtue of an Act of Parliament for dividing and inclosing the open and common fields common pastures common meadows and waste grounds in Eaton in the County of Leicester without favour or affection to any person whatsoever.

James Garnar

I John Ward do swear that I will faithfully impartially and honestly according to the best of my skill and judgement hear and determine all such matters and
Page 3 things as shall be brought before me as a Commissioner by virtue of an Act of Parliament for dividing and inclosing the open and common fields common pastures common meadows and waste grounds in Eaton in the County of Leicester without favour or affection to any person whatsoever.

Jno Ward

I Joseph Stubbins do swear that I will faithfully impartially and honestly according to the best of my skill and judgement hear and determine all such matters and things as shall be brought before me as a Commissioner by virtue of an Act of Parliament for dividing and inclosing the open and common fields common pastures common meadows and waste grounds in Eaton in the County of Leicester without favour or affection to any person whatsoever.

Jos. Stubbins.

Be it remembered that at the second meeting of the Commissioners nominated and appointed in and by an Act of Parliament passed in the ninth year of the reign of his present majesty King George the Third intitled an Act for dividing and inclosing the open and common fields common pastures common meadows
Page 4 and waste grounds in the Parish of Eaton in the County of Leicester held by adjournment at the house of Thomas Thorold in Eaton aforesaid commonly called or known by the sign of the millstone on Monday the tenth day of July in the year of our Lord one thousand seven hundred and sixty nine Miles Lowley the younger of Burley in the County of Rutland gentleman one of the Commissioners nominated and appointed in and by the said act did before he proceeded in the execution of the powers given to him in and by the said Act take and subscribe the oath following pursuant to the directions of the said Act which oath was administered to the said Miles Lowley by James Garnar gentleman one of the said Commissioners.

I Miles Lowley do swear that I will faithfully impartially and honestly according to the best of my skill and judgement hear and determine all such matters and things as shall be brought before me as a Commissioner by virtue of an Act of Parliament for dividing and inclosing the open and common fields common pastures common meadows and waste grounds in Eaton in the County of Leicester without favour or affection to any person whatsoever.
Miles Lowley Junr.
Page 5 To all to whom these presents shall come we James Garnar of Grantham in the County of Lincoln John Ward of the City of York Joseph Stubbins of the town and county of the town of Nottingham and Miles Lowley the younger of Burley in the County of Rutland gentlemen send greeting whereas in and by an Act of Parliament made and passed in the ninth year of the reign of his present majesty King George the Third intitled an Act for dividing and inclosing the open and common fields common pastures common meadows and waste grounds lying and being within the manor and Parish of Eaton in the County of Leicester. Reciting that the several open and common fields common pastures common meadows and waste grounds lying and being within the manor and Parish of Eaton in the County of Leicester were computed to be ninety seven oxgangs and an half of land and to contain altogether one thousand eight hundred acres or thereabouts. And also reciting that the most noble John Duke of Rutland
Page 6 was seized of and in or intitled unto the said manor and was also patron of the vicarage of Eaton aforesaid and also intitled to eighty four oxgangs and an half of the said ninety seven oxgangs and half of land and to a right of common in and over the said fields in respect thereof and also to all the Great Tithes arising and increasing not only in and upon thirteen oxgangs and half of land parcel of the said ninety seven oxgangs and an half of land but also in and upon certain old inclosures belonging to the said John Duke of Rutland called Brackendale Closes and Charles Morley and Anthony Rogers as Tenants in Common were intitled to eight other of the said ninety seven oxgangs and half of land and to the right of common in respect thereof and also to all the Great Tithes arising and increasing in and upon the said eight oxgangs of land and were also intitled to all the Great Tithes arising and increasing not only within the said open and common fields and common pastures but also within

Page 7 eight old inclosures lying within the aid Parish of Eaton save and except the said thirteen oxgangs and an half of land belonging to His grace the Duke of Rutland as aforesaid and a certain piece of ground in the said open fields called Plain Moore and that the Reverend Richard Hardy Clerk was Vicar and Incumbent of the parish and Parish Church of Eaton aforesaid and in right of his said Vicarage was intitled to a piece of land in the common lings called Platt Meer and to a right of common for one cow and to all the Tithes of Wool and Lamb and other small Tithes arising renewing increasing or happening out of in and upon all the said open fields, common pastures common meadows and waste grounds in Eaton aforesaid and to the Great and small Tithes arising renewing increasing and happening with the Homesteads or Home closes within the ring of the town of Eaton aforesaid and that the rest of the said ninety seven oxgangs and half of land and of the said open and common fields common

Page 8 pastures and common meadows aforesaid did belong to and were the property of Thomas Wright William Goode John Morris Edward George a minor and others

And also reciting that the said land and grounds of the said Proprietors in the said open fields, common pastures common meadows and waste grounds lay intermixed and dispersed in small parcels in and over the same and were in their then situation incapable of any considerable improvement And also reciting that the said owners of the said open fields, common pastures common meadows and waste grounds were desirous that the same might be divided and inclosed and specific parts and shares thereof assigned to each proprietor in proportion and according to their several and respective shares interest and common right therein But that although such division and inclosure aforesaid would tend greatly to the advantage of the owners

Page 9 and proprietors of the lands and ground in the said open fields and common pastures common meadows and waste grounds and be an improvement of their several and respective properties therein and also be of public utility yet the same could not be effectually established without the aid and authority of Parliament. It was therefore among other things enacted that we the said James Garnar John Ward Joseph Stubbins and Miles Lowley and our successors to be elected in the manner thereinafter mentioned should be and were thereby appointed Commissioners for the setting out dividing allotting and inclosing the said open and common fields common pastures common meadows and waste grounds and other commonable lands and grounds in Eaton aforesaid and for putting that Act in execution And for the more just and regular division and distribution of the

Page 10 lands and grounds so to be set out divided and allotted as aforesaid It was thereby further enacted and declared that all the said lands and grounds thereby intended to be inclosed should be surveyed and measured by the said John Ward or in the case of his death or refusal to act by such other person or persons as the said John Duke of Rutland his heirs or assigns should appoint and such

Survey and admeasurement should be reduced into writing and the number of acres roods and perches belonging to each and every proprietor should be therein set forth ascertained and declared and that the said survey should be laid before us the said Commissioners or our successors or any three or more of us at some or one of our meetings to be had in pursuance of the said Act And it was further enacted that we the said Commissioners or our successors or any three or more of

Page 11 us should have full power and authority and we were thereby authorised and required at any time or times after the said survey should have been made and laid before us as aforesaid before the second day of May in the year of our Lord one thousand seven hundred and sixty nine or as soon after as conveniently might be subject Nevertheless to the Rules Order and directions thereinafter contained in the first place to
of the land and ground parcel of the said open and common fields, common pastures set out allot and appoint out of the said fields one or more piece or pieces of ground not exceeding four acres in such convenient place or places near the said town of Eaton as we the said Commissioners or our successors or any three or more of us should think proper for the getting of stone and gravel for the repairing the public roads and ways to be set out and appointed as thereinafter directed and for the purpose of getting stone for erecting the wall
Page 12 thereinafter mentioned and for the use of the inhabitants of the Town of Eaton aforesaid and that the right and title to and the use and benefit of the herbage growing and renewing in and upon the same piece or pieces of ground should be and were thereby vested in the churchwardens and overseers of the poor of Eaton aforesaid for the time being in trust to let and set the same for the best and most rent he or they could or might and to apply the rents and profits thereof for the use and benefit of the poor of Eaton aforesaid or otherwise to permit and suffer the poor of the Town of Eaton aforesaid to stock the same piece or pieces of ground with their cattle and cut up the gorse and furze growing upon the same piece or pieces of ground and to convert the same to their own use in such proportions and manner as the said Churchwardens and overseers
Page 13 of the poor of Eaton aforesaid for the time being should in their discretion think proper and that the said Churchwardens and overeseers of the poor of Eaton aforesaid for the time being should account to the inhabitants of Eaton aforesaid touching the receipt and application of the said rent or for what other purposes the same piece of pieces of ground shall have been applied annually on Wednesday in Easter week at the Church of Eaton aforesaid to the intent that the same may be applied for the purposes aforesaid In the second place to assign and set out allot and appoint unto and for the said Richard Hardy and his successors Vicars of the said Vicarage and Parish Church of Eaton aforesaid so much common meadows and waste grounds as should in the judgement
Page 14 of us the said Commissioners or any three or more of us before the Inclosure thereof equal in value quantity quality and in situation considered to the said piece of land in the Common Lings called Platt Meer and to a cow common then belonging to the said vicarage which said land so to be assigned set out allotted and appointed unto and for the said Richard Hardy and his successors vicars of the said vicarage and church should be in lieu and satisfaction of and full compensation for the glebe land and common right then belonging to the said vicarage and church and be by him and them for ever afterwards accepted as such in the next place to assign set out allott and appoint unto and for the said impropriators and vicar so much of the lands parcel of the said fields common pastures common meadows and waste grounds save and except the said thirteen oxgangs and

Page 15 and half of land belonging to His Grace the Duke of Rutland the eight oxgangs of land belonging to the said impropriators and the said piece of ground called Plane Moore as should in the judgement of us the said commissioners or our successors or any three or more of us before the inclosure thereof quantity and quality considered be equal in value to one seventh part and no more of all such lands and grounds and of all and every the homesteads and old inclosure within the parish of Eaton aforesaid save and except the said Brackendale Closes in the next place to assign set out allott and appoint unto and for the said impropriators and vicar so much of the said thirteen oxgangs and an half of land belonging to the said Duke of Rutland the said eight oxgangs of land belonging to the said impropriators and the said piece of ground called Plain Moore as should in the judgement of us the said Commissioners or our successors or

Page 16 any three or more of us before the inclosure thereof quantity and quality considered be equal in value to one fiftieth part and no more of such lands and grounds and the said closes called Brackendale Closes which said seventh and fiftieth parts so to be allotted to the said impropriators and vicar should be in lieu of and as a full recompense and satisfaction for all their or each or any of their impropriate and vicarial tithes in kind arriving renewing and increasing out of all or any of the lands and grounds by the said Act intended to be inclosed as aforesaid or for any yearly modus composition or money payment yearly modues composition or money payments in lieu thereof or out of for or from all or any houses gardens or orchards closes or grounds inclosed in the town fields or libertys of Eaton aforesaid save and except all fees for burying in the church and church yard of Eaton aforesaid and surplus

Page 17 fees due and of right payable to the vicar of the said vicarage for the time being, which, said seventh and fiftieth parts so to be assigned set out allotted and appointed to the said impropriators and vicar, should be estimated or valued by us the said Commissioners or our successors or any three or more of us and that such estimate or valuation should be divided into eighty five parts and such part of the said lands as should be equal in value to sixty parts thereof should be allotted to the said impropriators in lieu of or as a recompense for their impropriate tithes and the remaining twenty five parts in value of the said lands should be allotted to the said vicar and his successors in lieu of and as a recompense for his vicarial tithes as aforesaid And it was further enacted that we the said Commissioners or any three or more of us should in the

Page 18 next place assign allott appoint and award unto and for the said John Duke of Rutland Lord of the Manor of Eaton aforesaid his heirs and assigns one or more plot or plots of ground parcel of the said open and common fields common pastures common meadows and waste grounds thereby intended to be inclosed in lieu of and in compensation of the right and interest claimed by him in the waste lands in the said common fields. And then to divide and set out ascertain and allott the then residue of the lands and grounds in the said fields common pastures, common meadows and waste grounds unto between and amongst the said John Duke of Rutland Charles Morley Anthony Rogers Thomas Wright William Goode John Morris Edward George a minor and the rest of the proprietors of the lands and grounds there, exclusive of the vicar of the said vicarage and church in respect to his said

Page 19 glebe land and right of common for one cow then belonging to the said vicarage and his small tithes and the said impropriators in respect to their said impropriate tithes in kind, in proportion to his her and their respective share interest and right of common and other properties in upon and over the said open fields common pastures common meadows and waste grounds and the lands and grounds therein so intended to be inclosed as aforesaid or any part or parts thereof. And it was further provided and enacted that if His Grace the Duke of Rutland Charles Morley Anthony Rogers Thomas Wright William Goode John Morris Edward George a minor or any other person, or persons being owners or proprietors of one or more close or closes commonly called or distinguished by the name of the lammas or

Page 20 midsummer closes or one or more spinney or spinneys pingle or pingles within the said fields should be desirous of keeping and retaining the same and should signify in writing such their desire to us the said Commissioners or our successors or any three or more of us at the first meeting of the said Commissioners held in pursuance of the said Act or within one month after that then and in such case such close or closes spinney or spinneys pingle or pingles should not be thrown in hotchpot with the rest of the lands and ground but we the said Commissioners or our successors or any three or more of us should set out ascertain and allot such close or closes spinney or spinneys pingle or pingles unto or for such person or persons respectively who should as aforesaid signify such their desire as part of his her or their respective allotments by

Page 21 virtue of the said Act And it was further provided declared and enacted that we the said Commissioners or our successors or any three or more of us should and might ascertain set out and appoint both public and private ways or roads through the said fields intended to be inclosed with the assize and breadth thereof so as all such public roads to be made should remain sixty feet between the ditches which said public roads or ways, save and except bridle roads and foot way in case any such should be set out by the said Commissioners or our successors or any three or more of us should be ever afterwards amended and repaired at the general expense of the inhabitants of Eaton aforesaid in the same manner as the then present public roads there were or ought to be repaired in case the same should lie open and not be inclosed into a land from

Page 22 the grounds next adjoining thereto but in case any one or more of the said proprietors should inclose from such public road or roads as should be awarded through his her or their allotment or allotments he she or they and the owner and owners of the said allotment or allotments for the time being which should be inclosed from such road or roads should for so long time as the same should continue so inclosed repair maintain and keep in repair such roads at his her and their own expense and that all such private ways as aforesaid should be for ever maintained and repaired at the expense of all or such of the said proprietors in such manner as we the said Commissioners or our successors or any three or more of us should in that behalf order direct and appoint and that it should not be lawful to use or claim the use of any roads or ways

Page 23 either old or new public or private over within or through the said fields intended to be inclosed or any part or parts thereof either on foot or with horses cattle or carriages other than such roads and ways as should be so ascertained set out and

appointed by us the said Commissioners as aforesaid or our successors of any three or more of us and that all former roads and ways or so much thereof as should not be set out and appointed as the roads and ways through the said intended inclosure should be deemed part of the lands to be inclosed and should be divided and allotted as part thereof And it was further enacted that the respective owners or occupiers for the time being of the respective allotments of land in the said fields should at his her or their own costs and charges set up and for ever after keep in repair a bridle gate in every
Page 24 fence which he she or they should at any time thereafter make or set up or cause to be made or set up as a division or subdivision fence for or in such respective allotment such convenient place or places in every such fence as the said James Garnar and John Ward or one of them should in and by the said award order or direct so as that there might be a communication between every close to be made in the field of Eaton aforesaid which gate or gates should not be locked or otherwise fastened as to prevent the said John Duke of Rutland or any future Lord or Lords of the said Manor or his or their friends servants or attendants from passing and repassing through the same in Hunting Fishing or Shooting within the said manor other enjoyment of his said manor with respect to game And after reciting that it was thought
Page 25 expedient and necessary that a stone wall should be set up and erected on the north west side of the open and common fields of Eaton aforesaid as a boundary fence between the open and common fields thereby intended to be inclosed and the lordships of Plungar and Stathern respectively to begin at and adjoin to the west end of a certain stone wall then already erected as a boundary fence in the parish of Branston and to be carried on to a certain piece of ground called Standard Hill otherwise Standherd Hill on the west end of the said open and common fields by the said Act intended to be inclosed It was therefore enacted that it should and might be lawful unto and for us the said Commissioners or our successors or any three of us and we were thereby required with all convenient speed after the passing of the said Act at the expense of the several and respective
Page 26 proprietors and owners of the lands and grounds thereby intended to be inclosed in proportion to their respective rights and interests therein, save and except the vicar of the said vicarage and church of Eaton aforesaid for the time being to cause to be dug and got in such piece or pieces of land as was or were therein before directed to be allotted for the purpose of getting of stone or in any other part or parts of the said open and common fields a sufficient quantity of stone for the erecting of the said wall and with the said stone so to be got as aforesaid should erect or cause to be erected a good and sufficient wall of the same breadth and height and in the same manner and form as the said boundary wall in Branston aforesaid then already erected which said wall so to be erected should begin at and adjoin to the north west end of the said
Page 27 other wall then already erected and be continued on to the south west end of the said piece of ground called Standard Hill otherwise Standherd Hill on the west end of the said open and common fields by the said Act intended to be inclosed which said wall when erected should be for ever afterwards maintained and kept in repair by the several and respective proprietors and owners of the said lands and grounds in such parts and proportions as we the said commissioners or our successors or any

three of us should be by such our award or instrument direct or appoint And it was further enacted and declared that all the lands and grounds so to be allotted and set out for the said vicar in lieu and compensation of and for his said tithes and glebe land belonging to him as aforesaid should within the space of six calendar months next after the signing and sealing of such award or

Page 28 instrument at the expense of the several and respective proprietors of the lands and grounds and common right in the said fields, except the said Charles Morley and Anthony Rogers as impropriators and in such proportion as we the said Commissioners or our successors or any three or more of us should appoint be mounded round by ditches and quicksett hedges and guarded or fenced with posts and rails or otherwise as we the said Commissioners or our successors or any three or more of us should in manner aforesaid direct or appoint. All which mounds and fences of the said respective allotments to wit in lieu of the said vicars tithes and glebe land should be for ever afterwards kept in repair by the respective owners or occupiers of such allotments respectively for the time

Page 29 being on such sides or parts thereof as we the said Commissioners or our successors or any three or more of us should for that purpose by any writing under our hands and seals direct and appoint and that all the hedges ditches and fences to be made for inclosing separating and dividing the residue of the said lands and grounds so set out and allotted pursuant to the said Act should within the space of six calendar months from the signing and sealing the aforesaid Award or instrument in writing be made and at all times thereafter for ever repaired and maintained by and at the expense of such proprietors respectively in such manner as we the said Commissioners or our successors or any three or more of us should by any writing or writings under our hands and seals in that behalf order direct or appoint and

Page 30 that for the better preserving the young hedges it should and might be lawful to and for the respective persons to whom any share or allotment should be made assigned or allotted by virtue of the said Act from time to time and at all times during the term of ten years next after the signing of such Award or instrument to set down and place posts and Rails or any other fence on the outside of the ditches bounding their respective allotments not exceeding three feet from such ditches and at any time before the end of the said term to remove take and carry away such posts and rails or other fences and to convert the same to their respective uses And for preventing differences and disputes relating to the said inclosure and division It was further enacted that as soon as

Page 31 conveniently might be after we the said Commissioners or our successors or any three or more of us should have completed and finished the said partitions and allotments of the said lands and grounds thereby intended to be divided and inclosed as aforesaid pursuant to the purpose and direction of the said Act we or our successors or any three or more of us should form and draw up or cause to be formed and drawn up an Award or instrument in writing which should express and contain the quantity and statute measure of the acres roods and perches contained in the said fields so then intended to be inclosed as aforesaid and the quantity of each and every part and parcel thereof assigned and allotted to each and every of the proprietors intitled to and interested in the same and a description of the situation

Page 32 Buttalls and boundaries of the same parcels and allotments respectively and proper orders and directions for fencing and mounding the same and for making and laying out proper roads ways and passages in and through the same premises thereby intended to be inclosed and should also express and contain such other orders regulations and determinations as should be proper and necessary to be incerted therein conformable to the tenor and purport of the said Act which said award or instrument should be fairly engrossed and written on parchment and signed and sealed by us the said Commissioners or our successors or any three or more of us and should within six calendar months next after the same should be signed and sealed as aforesaid be inrolled by the clerk of the peace for the said County of Leicester or in one of his

Page 33 Majesty's court of record at Westminster to the end recourse might be more readily had to the same which Award or instrument should be binding and conclusive unto and upon all the parties interested in the said intended inclosure and a copy thereof attested by the officer with whom the said instrument should be inrolled should from time to time and at all times thereafter be admitted and allowed in all courts whatsoever as legal evidence thereof And it was further enacted that the several lands and grounds to be divided assigned set out allotted and appointed unto and for the several persons who by virtue of the said Act should be intitled should be in full bar of and satisfaction and compensation for his her and their several pieces and parcels of ground which he she or they had before the passing of the said act or

Page 34 immediately before the said allotments made and which lying dispersed in the said fields intended to be inclosed and also in full bar satisfaction and compensation of and for all right of common and other rights whatsoever in over and upon the same and that from and immediately after the making of the said divisions and allotments and the execution of the said award or instrument of such tenor and purpose as aforementioned or as soon after as we the said Commissioners or our successors or any three or more of us should by the said award or instrument appoint all right of common belonging to or claimed by all and every the said owners proprietors or occupiers of lands tenements or hereditaments within the fields of Eaton aforesaid in over and upon all

Page 35 or any of the said fields intended to be inclosed as aforesaid and every part thereof should cease determine and be forever extinguished. And it was further enacted and declared that the charges and expenses of passing the said Act and all the costs and charges attending the same and the costs and charges of surveying admeasuring dividing and allotting the lands and grounds so intended to be inclosed as aforesaid and of the preparing and inrolling the said Award or instrument and all other the charges and expenses of as the said Commissioners and other necessary expenses about and concerning the said premises should be born and defrayed by all the proprietors and

Page 36 owners of lands grounds and right of common in the said fields so appointed to be inclosed other then and except the said impropriators in respect of the said tithe as aforesaid and the vicar of the said vicarage and parish church of Eaton aforesaid by an equal pound rate according to the value of the lands and grounds such person should have allotted to him her or them by virtue of the said Act to be settled adjusted and determined by us the said Commissioners or our successors or any three or more

of us And it was further enacted and declared that it should and might be lawful for any of the proprietors of lands tenements or hereditaments except the said
Page 37 Richard Hardy vicar of the said vicarage and church to exchange all or any of such lands tenements or hereditaments either inclosed or intended to be inclosed and to make a partition and division thereof so as all such exchange or exchanges as aforesaid and such partition and division as aforesaid be made by and with the consent and approbation of us the said Commissioners or our successors or any three or more of us and be expressed and declared in such Award or instrument to be made as aforesaid and that all and every such exchange and exchanges as aforesaid and also such partition and division as aforesaid that should be made with such consent as aforesaid
Page 38 testified as aforesaid should be good valid and effectual in the law to all intents and purposes whatsoever as and by the said recited Act of Parliament reference being thereunto had may more fully and at large appear And whereas we the said James Garnar John Ward Joseph Stubbins and Miles Lowley having first respectively taken and subscribed the oath by the said Act directed to be taken and subscribed by each of us took upon ourselves the execution of the said Act and the several powers thereby vested in us and at several meetings had for that purpose at Eaton aforesaid on the fifteenth day of May One Thousand Seven Hundred and Sixty Nine and at several other subsequent days and times of each of which
Page 39 meetings except such as were held by adjournment ten days previous notice was given and published in the manner directed by the said Act did proceed to put the said Act in execution And whereas John Mason an owner or proprietor of a certain Lammas or Midsummer close lying and being within the parish of Eaton aforesaid and commonly called or known by the name of Masons Wong did signify in writing to three of us the said Commissioners assembled at the first meeting held in pursuance of the said Act at the house of Thomas Thorold in Eaton aforesaid commonly called or known by the sign of the mill stone that he was desirous of keeping and
Page 40 retaining his said close called Masons Wong and desired that the same might not be thrown into hotchpott with the rest of the lands and grounds intended by the said Act to be divided and inclosed but that the same might be set out and allotted unto him as part of his allotment by virtue of the said Act And whereas in pursuance of the said Act all the Lands and Grounds thereby intended to be inclosed were surveyed and measured by the said John Ward and such survey and admeasurement was reduced into writing and the number of acres roods and perches belonging to each and every proprietor was therein set forth ascertained and declared and the said survey was laid before us
Page 41 the said Commissioners or three of us at one or more of our meetings had in pursuance of the said Act And whereas the rents and profits of certain lands parcel of the lands and grounds intended by the said Act to be divided and inclosed have for time immemorial been appropriated to the repairs of the parish church of Eaton aforesaid And whereas His grace John Duke of Rutland Charles Morley Anthony Rogers the vicar of the said vicarage and Parish Church of Eaton Thomas Wright William Goode John Morris Edward George John Mason Thomas Thorold and Thomas Morris are the only owners and proprietors of and the only persons interested in the residue of the said open and commo**n**

Page 42 fields common pastures common meadows and waste grounds And whereas Anthony Rogers in the said Act named hath since the passing the said Act of Parliament departed this life having first duly made and published his last will and testament in writing whereby he devised all his lands tenements and hereditaments in Eaton aforesaid unto his son Anthony Rogers his heirs and assigns And Whereas the said Charles Morley and Anthony Rogers the son have agreed to make a partition and division between them of the lands and ground allotted or to be allotted to them in lieu of their share and interest in and right of common over and upon the lands and grounds intended by the said Act to be

Page 43 divided and inclosed and in lieu of their impropriate tithes in the said Act mentioned in such manner as hereinafter is particularly mentioned to which we have given and do hereby signify our consent and approbation.

Now know all men by these present that we the said James Garnar John Ward Joseph Stubbins and Miles Lowely having diligently and minutely examined into and deliberately duly and impartially weighed and considered all the matters and things to us referred and within our jurisdiction or power as Commissioners appointed in and by the said recited Act and thereindirected by us to be done and in particular having had a due regard to the situation and quality as well as to the quantity

Page 44 of the lands and grounds belonging to each proprietor and of the right of common and other property of every person interested in the said open and common fields common pastures common meadows and waste grounds at the time of passing the said Act and also to the situation and quality as well as quantity of the lands by us assigned and allotted in lieu thereof and having now completed and finished the partitions and allotments of the said lands and grounds by the said Act intended to be divided and inclosed pursuant to the purport and direction of the said Act do find that the said open and common fields common pastures common meadows and waste ground intended by the said Act to be divided and inclosed do

Page 45

Note in margin: ***(Churchwardens and Overseers of Eaton 3acres 0 Roods 0 Perches)***

contain in the whole one thousand six hundred and fifty five acres one rood and twenty five perches statute measure inclusive of the public and private carriage and bridle roads hereinafter set out and appointed And we the said Commissioners have in pursuance of the said Act and of the several powers and authoritys thereby to us given divided assigned set out ascertained allotted appointed and awarded And by this our award or instrument in writing under our hands and seals do divide assign set out ascertain allott appoint and award one piece plot or parcel of land or ground containing three acres statute measured in a certain field or place in the lordship of Eaton aforesaid called the Wood Field

Page 46

Note in Margin: (***1 acres 0 Rood 0 Perches)***

being parcel of the open and common fields common pastures common meadows and waste grounds intended by the said Act to be inclosed which said piece plott or parcel

of land or ground is bounded on all sides and parts thereof by certain lands hereinafter allotted to the said John Duke of Rutland.
And also one other piece plott or parcel of land or ground containing one acre statue measured in a certain field or place in the Lordship of Eaton aforesaid called the Clay Field being likewise parcel of the open and common fields common pastures common meadows and waste grounds intended by the said Act to be inclosed which said last mentioned piece plott or parcel of land is
Page 47 bounded on the east and south by certain lands hereinafter allotted to the said John Duke of Rutland and on the North West by certain lands hereinafter allotted to the said William Goode which said two several pieces plotts or parcells of land or ground contain together four acres statute measured. And are so by us allotted in for the getting of stone and gravel for the repairing the public roads and ways hereinafter set out and appointed and for the purpose of getting stone for erecting the wall hereinafter mentioned and for the use of the inhabitants of the town of Eaton aforesaid the right and title to and the use and benefit of the herbage of which said two pieces of ground is by the said Act vested in the
Page 48
Note in Margin : (*Vicars Glebe 0 acres 2 roods 11 perches)*
Churchwardens and overseers of the Poor of Eaton aforesaid for the time being upon the trusts and for the purposes therein mentioned and herein before recited.
And we have assigned set out allotted appointed and awarded and do hereby assign set out allott appoint and award unto and for the said Richard Hardy and his successors vicars of the said vicarage and Parish of Eaton aforesaid one piece plott or parcel of land or ground containing two roods and eleven perches statute measure in a certain field or place within the Lordship of Eaton aforesaid called the Clay field being likewise parcel of the open and common fields common pastures common meadows and waste grounds intended by the said Act to be inclosed which said piece plott or parcel of land
Page 49 or ground is bounded on the east and north by certain land hereinafter allotted to the said vicar in lieu of his vicarial tithes on the west by the Lordship of Goadby in the said County of Leicester and on the South by certain lands hereinafter allotted for the repairs of the church of Eaton aforesaid which said piece plott or parcel of land or ground so by us allotted to the said Richard Hardy and his successors as aforesaid is before the inclosure thereof in the judgement of us the said Commissioners quantity and quality considered equal in value to the piece of land in the Common Lings called Platt Meer and the cow common belonging to the said vicarage in the said Act of Parliament mentioned and is so assigned set out allotted
Page 50 appointed and awarded unto and for the said Richard Hardy and his successors vicars of the said vicarage and church in lieu and satisfaction of and full compensation for the glebe land and common right belonging to the said vicarage and church at the time of passing the said Act and is to be by him and them for ever hereafter accepted held and enjoyed in severalty as such.
And we have assigned set out allotted appointed and awarded and do hereby assign set out allott appoint and award unto and for the said Charles Morley and Anthony Rogers the son the said impropriators and the said Richard Hardy and his successors

vicars of the vicarage and church the several pieces plotts or parcells of land or ground hereinafter mentioned and
Page 51 described and allotted and divided to and amongst them the said impropriators and vicar in severalty containing together two hundred and five acres one rood and thirteen perches lying in certain fields or places within the Lordship of Eaton aforesaid called the Clay Field and Middle Field parcel of the open fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which several plotts or parcells of land or ground containing two hundred and five acres one rood and thirteen perches were before the inclosure thereof in the judgement of us the said Commissioners quantity and quality considered equal in value to one seventh part and no more of the said open and common fields
Page 52 common pastures common meadows and waste grounds within the said parish of Eaton intended by the said Act to be inclosed save and except the said thirteen oxgangs and an half of land belonging to the said John Duke of Rutland the said eight oxgangs of land belonging to the said impropriators and the said piece of ground called Plain Moore and of all and every the homesteads and old inclosure within the Parish of Eaton aforesaid save and except the said Brackendale closes.
And we have also assigned sett out allotted appointed and awarded and do hereby assign sett out allott appoint and award unto and for the said Charles Morley and Anthony Rogers the son impropriators as aforesaid and the said Richard Hardy and his successors
Page 53 vicar of the said vicarage and church one piece plott or parcel of land or ground containing six acres and ten perches statute measure lying also in the said fields called Clay field and Middle field parcel of the open fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed and hereinafter divided and allotted to them in severalty which piece plott or parcel of land or ground was before the inclosure thereof in the judgement of us the said commissioners quantity and quality considered equal in value to one fiftieth part and no more of the said thirteen oxgangs and an half of land belonging to the said John Duke of Rutland the said eight oxgangs of land belonging to the said impropriator and the said piece of
Page 54 ground called Plain Moore and of the said closes called Brackendale closes which said seventh and fiftieth parts so by us sett out allotted and awarded to the said impropriator and vicar as aforesaid are sett out allotted and awarded to……
Them in lieu of and as a full recompense and satisfaction for all their or each or any of their impropriate and vicarial tithes in kind arising renewing and increasing out of all or any the lands and grounds by the said Act intended to be inclosed as aforesaid or for any yearly modues composition or money payment yearly moduses composition or money payments in lieu thereof or out of for or from all or any
Page 55 Houses gardens or orchards closes or grounds inclosed in the town fields or libertys of Eaton aforesaid save and except all fees for burying in the church and church yard of Eaton aforesaid and surplice fees due and of right payable to the vicar of the said vicarage or the time being which which said seventh and fiftieth parts so by us assigned sett out allotted appointed and awarded to the said impropriators and

vicar as aforesaid contain together in the whole two hundred and eleven acres one rood and twenty three perches and have been estimated or valued by us the said Commissioners and such estimation or valuation hath been divided into eighty five parts of which said eighty five parts we the said Commissioners have set

Page 56 out and allotted. And do hereby sett out and allott unto and for the said Charles Morley and Anthony Rogers the son the said impropriators in lieu of and as a recompense for their impropriate tithes one hundred and fifty seven acres one rood and seventeen perches being so much and such part of the said two hundred and eleven acres one rood and twenty three perches as in the judgement of us the said Commissioners is equal in value to sixty parts thereof and which one hundred and fifty seven acres one rood and seventeen perches are included in and parcel of the several plotts pieces or parcels of land or ground hereinafter particularly described and mentioned to be allotted and divided to the said Charles Morley and Anthony Rogers the son in severalty

Page 57

Note in Margin: (*Vicars Allotment in lieu of Tithes – 34 acres 0 roods 6 perches)*

pursuant to their agreement for a partition.

And we have also sett out allotted and awarded unto the said Richard Hardy and his successors vicars of the said vicarage and church in lieu of and as a recompense for his vicarial tithes as aforesaid one piece plott or parcel of land or ground containing fifty four acres and six perches statute measure lying in the said field called the Clay field being likewise parcel of the said open and common fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which said last mentioned piece plott or parcel of land or ground is bounded on the South by certain lands hereinbefore allotted to

Page 58 the said vicar in lieu of his glebe and common right and certain other lands hereinafter allotted for the repair of the church of Eaton aforesaid on the east and south east by certain lands hereinafter allotted to the said John Duke of Rutland on the North by certain lands hereinafter allotted to the said William Goode and on the West and north west by the said allotment to the said vicar in lieu of his glebe and common right and the Lordships of Goadby and Eastwell in the said county of Leicester which said last mentioned piece plott or parcell of land so by us allotted unto the said Richard Hardy and his successors as aforesaid is in the judgement of

Page 59

Note in Margin: *Duke of Rutland as Lord of the Manor 3 acres 2 roods 11 perches)*

us the said Commissioners equal in value to the remaining twenty five eighty fifth parts of the said two hundred and eleven acres one rood and twenty two perches hereinbefore sett out and allotted to the said impropriators and vicar in lieu of their impropriate and vicarial tithes as aforesaid.

And we have assigned allotted appointed and awarded and do hereby assign allott appoint and award unto and for the said John Duke of Rutland Lord of the Manor of Eaton aforesaid his heirs and assigns one piece plott or parcel of land or ground containing three acres two roods and eleven perches statute measure in a certain field within the Lordship of Eaton aforesaid called the Wood Field being likewise

Page 60 parcel of the open and common fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which said last

mentioned piece plott or parcel of land or ground is bounded on the East by the Lordship of Braunston otherwise Branston in the said County of Leicester on the South and West by certain lands hereinafter allotted to the said John Duke of Rutland and on the North by the Lordship of Plungar in the said County of Leicester and which said last mentioned piece plott or parcell of land or ground is so by us assigned and allotted to the said John Duke of Rutland in lieu of and in compensation for all right and

Page 61

Note in Margin: (*Duke of Rutland as proprietor 805 acres 2 roods 38 perches)*

Interest claimed by him in the waste lands in the said common fields and the same is to be accepted held and enjoyed for ever in severalty as such

And we have divided sett out ascertained allotted and awarded and do hereby divide sett out ascertain allott and award unto the said John Duke of Rutland one piece plott or parcell of land or ground containing eight hundred and five acres two roods and thirty eight perches statute measure lying in the said fields called the wood field and middle field being likewise parcel of the said open and common fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which said

Page 62 last mentioned piece plott or parcel of land or ground is bounded on the East and part of the South East and South by the said lands hereinbefore allotted to the said John Duke of Rutland as Lord of the Manor and the Lordship of Braunston otherwise Branston aforesaid on other parts of the South and South East and on the South West by the Lordship of Braunston otherwise Branston aforesaid and certain ancient inclosures adjoining to the town of Eaton aforesaid on the West and other parts of the South West and part of the North by certain other lands hereinafter allotted to the said John Duke of Rutland Anthony Rogers Thomas Wright and Charles Morley respectively and the said

Page 63

Note in Margin: (*443 acres 0 roods 7 perches)*

Brackendale Closes and on other parts of the West by the said Brackendale Closes and on other parts of the North by the Lordships of Stathern and Plungar in the said County of Leicester

And also one other piece plott or parcell of land or ground containing four hundred and forty three acres and seven perches statute measure lying in the said fields called middle field and clay field being likewise parcel of the said open and common fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which said last mentioned piece plott or parcel of land or ground exclusive of the allotment hereinafter made to the said Thomas Morris containing twenty nine perches which is surrounded by the last

Page 64 mentioned allotment to the said John Duke of Rutland is bounded on the East South East part of the South and part of the North by certain ancient inclosures adjoining to the town of Eaton aforesaid the Lordship of Braunston otherwise Branston aforesaid and certain lands hereinafter allotted to Edward George and John Morris on other parts of the South and on the South West by the Lordships of Waltham and Goadby in the said County of Leicester on other parts of the North on the West on other parts of the South West and South and on the North West and North

East by certain lands hereinafter allotted for the repair of the church of Eaton aforesaid the allotment to the said

Page 65 vicar in lieu of his vicarial tithes certain lands hereinafter allotted to William Goode the allotment to the Churchwardens and Overseers of the Poor of Eaton aforesaid certain lands hereinafter allotted to the said John Mason the Lordship of Eastwell in the said County of Leicester the lands hereinafter allotted to the said Anthony Rogers and the said lands hereinbefore allotted to the said John Duke of Rutland which said two last mentioned pieces plotts or parcels of land or ground so by us allotted to the said John Duke of Rutland are so allotted to him in full barr of and satisfaction and compensation for all such share right and interest as he had immediately before the making this allotment in the said open and common fields

Page 66

Note in margin: ***(Charles Morley and Anthony Rogers 96 acres 3 roods 38 perches)***

common pastures common meadows and waste grounds and the lands and grounds by the said Act intended to be inclosed as aforesaid as an Owner or Proprietor of any lands or grounds therein and are to be accepted held and enjoyed for ever in severalty as such.

And we have divided set out ascertained allotted and awarded and do hereby divide set out ascertain allott and award into the said Charles Morley and Anthony Rogers the son two pieces plots or parcels of land or ground containing in the whole ninety six acres three roods and thirty eight perches statute measure in the said fields called the Middle Fields and Clay Field being likewise parcel of the said open and common fields common pastures common meadows and waste grounds intended and directed by the

Page 67

Note in margin: ***(Thomas Wright 25 acres 2 roods 37 perches)***

said Act to be inclosed and which together with their allotments in lieu of tithes are to be held and enjoyed by them in severalty in the manner herinafter mentioned which said two last mentioned pieces plots or parcels of land or ground are so by us set out and allotted into the said Charles Morley and Anthony Rogers the son in full barr of and satisfaction and compensation for their several pieces or parcels of ground which they had immediately before the making such allotment and which were lying dispersed in the said fields intended to be inclosed and also in full barr satisfaction and compensation of and for all right of common in over and upon the same.

And we have divided set out ascertained allotted and

Page 68 awarded and do hereby divide set out ascertain allott and award into the said Thomas Wright one piece plot or parcel of land or ground containing twenty five acres two roods and thirty seven perches statute measured lying in the said fields called the Middle Field and Clay Field being likewise parcel of the said open and common fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which said last mentioned piece plot or parcel of land or ground is bounded on the North East by certain lands hereinbefore allotted to the said John Duke of Rutland on the South East by certain lands hereinafter divided and allotted to Anthony Rogers in severalty in lieu of his share of the

Page 69 impropriate tithes of the South West by the Lordship of Eastwell aforesaid and on the North West by certain lands hereinafter divided and allotted to the said Charles Morley and Anthony Rogers respectively in severalty and is so allotted to the said Thomas Wright in full barr of and satisfaction and compensation for his several pieces and parcels of ground which he had before the passing the said Act to be inclosed and also in full barr satisfaction and compensation of and for all right of common and other rights whatsoever in over and upon the same and is to be accepted held and enjoyed for ever in severalty as such.

Page 70

Note in margin: ***(William Goode 11 acres 0 roods 9 perches)***

And we have divided set ascertained allotted and awarded and do hereby divide set out ascertain and allott and award into the said William Goode one piece plott or parcel of land or ground containing eleven acres and nine perches statute measure lying in the said field called the Clay Field being likewise parcel of the said open and common fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which last mentioned piece plot or parcels of land or ground is bounded on the East and South East by certain lands hereinbefore allotted to the said John Duke of Rutland and to the Churchwardens and Overseers of the poor of Eaton aforesaid

Page 71 respectively on the South by the said allotment to the Vicar in lieu of tithes on the North West by the Lordship of Eastwell aforesaid and on the North by certain lands hereinafter allotted to John Mason and is so allotted to the said William Goode in full barr of and satisfaction and compensation for his several pieces and parcels of ground which he had before the passing of the said Act and which were lying dispersed in the said fields intended by the said Act to be inclosed and also in full barr satisfaction and compensation of and for all right of common and other rights whatsoever in over and upon the same and is to be accepted held and enjoyed for ever in serveralty as such.

Page 72

Note in margin: ***(John Mason 1 acre 1 rood 26 perches)***

And we have divided set out ascertained allotted and awarded and do hereby divide set out ascertain allott and award into the said John Mason in pursurance of his request to us a certain ancient inclosure adjoining to the town of Eaton aforesaid and commonly called or distinguished as a Midsummer or Lammas Close and called by the name of Masons Wong containing one acre one rood and twenty six perches statute measure which said ancient inclosure is bounded on the East by a certain lane called Blind Lane on the South East by certain ancient inclosures adjoining to the town of Eaton aforesaid on the West by certain lands hereinbefore allotted to the said John Duke of Rutland and on the

Page 73

Note in margin: ***(6 acres 3 roods 4 perches)***

North West by a certain lane called Mason Lane.

And also one piece plot or parcel of land or ground containing six acres three roods and four perches statute measure lying in the said field called the clay field being likewise parcel of the said open and common fields common pastures common

meadows and waste grounds intended and directed by the said Act to be inclosed which said last mentioned piece plot and parcel of land or ground is bounded on the East and North East by certain lands hereinafter allotted to the said John Duke of Rutland on the South West by the allotment of the said William Goode and on the North West by certain other lands hereinafter allotted to the said

Page 74

Note in margin: ***(John Morris 9 acres 0 roods 0 perches)***

John Duke of Rutland and the Lordship of Eastwell aforesaid and together with the said Midsummer or Lammas Close is so allotted to the said John Mason in full barr of and satisfaction and compensation for his several pieces and parcels of ground which he had before the passing of the said Act and which were lying dispersed in the said fields and also in full barr satisfaction and compensation of and for all right of common and other rights whatsoever in over and upon the same and is to be accepted held and enjoyed for ever in severalty as such.

And we have divided sett out ascertained allotted and

Page 75 awarded and do hereby divide set out ascertain allott and award unto the said John Morris one piece plot or parcel of land or ground containing nine acres statute measure lying in the said fields called the Clay Field being likewise parcel of the said open and common fields common pastures common meadows and waste grounds intended by the said Act to be inclosed which said last mentioned piece plot or parcel of land is bounded on the East by the Lordship of Braunston otherwise Branston aforesaid on the South and South West by certain lands hereinbefore allotted to the said John Duke of Rutland and on the North West by certain lands are hereinafter allotted to Edward George and is so allotted to the said John Morris

Page 76

Note in margin: ***(Edward George 10 acres 2 roods 20 perches)***

in full barr of and satisfaction and compensation for his several pieces and parcels of ground which he has before the passing of the said Act and which were lying dispersed in the said fields intended by the said Act to be inclosed and also in full barr of satisfaction and compensation of and for all right of common and other rights whatsoever in over and upon the same and is to be accepted held and enjoyed for ever in severalty as such

And we have divided set out ascertained allotted and awarded and do hereby divide set out ascertain allott and award unto the said Edward George one piece plot or

Page 77 parcel of land or ground containing ten acres and two roods and twenty perches statute measure lying in the said field called the Clay Field being likewise parcel of the said open and common fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which said last mentioned piece plot or parcel of land is bounded on the East by the Lordship of Braunston otherwise Branston aforesaid on the South East by the allotment of the said John Morris and on the West and North by certain lands hereinbefore allotted to the said John Duke of Rutland and is so allotted to the said Edward George in full barr of

Page 78

Note in margin: ***(Thomas Morris 29 perches)***

and satisfaction and compensation for his several pieces and parcels of ground which he had before the passing of the said Act and which were lying dispersed in the said fields intended by the said Act to be inclosed and also in full barr satisfaction and compensation of and for all right of common and other rights whatsoever in over and upon the same and is to be accepted held and enjoyed for ever in severalty as such.
And we have divided set out ascertained allotted and awarded and do hereby divide set out ascertain allott and award
Page 79 unto the said Thomas Morris one piece plot or parcel of land or ground containing twenty nine perches statute measure lying in the said field called the Clay Field being likewise parcel of the said open and common fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which said piece plot or parcel of land is bounded on all sides and parts thereof by certain lands hereinbefore allotted to the said John Duke of Rutland and is so allotted to the said Thomas Morris in full barr of and satisfaction and compensation for his pieces or parcels of ground in the said fields by the said Act intended to be inclosed
Page 80
Note in margin: ***(Thomas Thorold 10 acres 1 rood 16 perches)***
and all other rights whatsoever in over and upon the said open and common fields common pastures common meadows and waste grounds intended by the said Act to be inclosed and is to be accepted held and enjoyed for ever in severalty as such.
And we have divided set out ascertained allotted and awarded and do hereby divide set out ascertain allott and award unto the said Thomas Thorold one piece plot or parcel of land or ground containing ten acres one rood and sixteen perches statute measure lying in the said field called the Middle Field being likewise parcel of the said open and common fields common
Page 81 pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which said piece plot or parcel of land or ground is bounded on the North East by certain ancient inclosures called the Brackendale Closes on the South East and West by certain lands hereinafter allotted to the said Charles Morley in severalty and on the North by the Lordship of Statherne aforesaid and is so allotted to the said Thomas Thorold in full barr of and satisfaction and compensation of and for the right of common and all other rights whatsoever which he had before the passing the said Act in over and upon the said common and open fields
Page 82
Note in margin: ***(Allotment for repair of the Church 14 acres 3 roods 36 perches)***
common pastures common meadows and waste grounds intended to be inclosed and is to be accepted held and enjoyed in severalty as such.

And we have divided set out ascertained allotted and awarded and do hereby divide set out and ascertain allott and award one piece plot or parcel of land or ground containing fourteen acres three roods and thirty six perches lying in the said field called the Clay Field parcel of the said open and common fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed and bounded on the East and South by certain lands hereinbefore allotted to

the said John Duke of Rutland on the West by the Lordship of Goadby aforesaid and on the North by the allotment to

Page 83

Note in margin: ***(Partition between Charles Morley and Anthony Rogers)***

the said Vicar in lieu of his glebe and tithes in lieu and in full barr of and satisfaction and compensation for the several pieces and parcels of ground which were lying dispersed in the said fields intended by the said Act to be inclosed and which have been for time immemorial and at the time of passing the said Act were appropriated for the keeping in repair the Parish Church of Eaton aforesaid and the same is to be accepted held and enjoyed for ever in severalty as such.

And forasmuch as the said Charles Morley and Anthony Rogers the son have agreed to make a partition and division between them not only of the several lands allotted to them in lieu of the said eight oxgangs of land and common right but also of the several

Page 84 lands allotted to them in lieu of the impropriate tithes and to take and hold in severalty the several pieces plots or parcels of land hereinafter mentioned and allotted to them respectively and it hath also been agreed between them that the said Anthony Rogers the son shall have and take to the use of him and his heirs in severalty and for equality of partition a certain ancient Close or inclosed ground within the said Lordship of Eaton belonging to him the said Charles Morley containing one acre and nineteen perches being one of the closes called Brackendale Close.

Now we the said Comissioners do hereby signify and declare our consent to and approbation of the said partition and division so agreed

Page 85 to be made by and between the said Charles Morley and Anthony Rogers the son and in pursuance thereof and conformity thereto we the said Commissioners at the special instance and request of the said Charles Morley and Anthony Rogers the son do by virtue of the powers and authorities vested in us in and by the said recited Act hereby divide set out allott and award unto the said Charles Morley in severalty one piece plot or parcel of land and ground containing one hundred and fifty six acres two roods and thirty seven perches statute measure lying in the said fields called the Middle Field and Clay Field (being parcel of the said open and common fields common

Page 86 pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which said last mentioned piece plot or parcel of land or ground is bounded on parts of the East and North West by the allotment of the said Thomas Thorold on other parts of the East by the said ancient inclosures called Brackendale Closes on other parts of the East and South East by certain lands hereinbefore allotted to the said John Duke of Rutland and certain lands hereinafter divided and allotted to the said Anthony Rogers the son in severalty and the allotment of the said Thomas Wright respectively on the West and part of the North West by the Lordship of Eastwell aforesaid and on other parts of the North West and

Page 87 North by the Lordship of Statherne aforesaid and which said last mentioned piece plot or parcel of land is so by us the said Commissioners divided set out allotted and awarded unto the said Charles Morley in partition and severalty for and in lieu and barr of and in satisfaction and compensation for all his undivided share right and interest of in or to the several pieces or parcels of ground which he and the said

Anthony Rogers deceased had as tenants in common before the passing the said Act and which were lying dispersed in the said fields intended by the said Act to be inclosed and of in or to all right of common and other rights whatsoever in over and upon the same and of in or to the impropriate tithes of the Parish of Eaton aforesaid and the same is to be

Page 88 accepted held and enjoyed for ever in severalty as such.

And in further pursuance of the said agreement of the said Charles Morley and Anthony Rogers the son we the said Commissioners of virtue of the powers and authority vested in us in and by the said Act do hereby divide set out allott and award unto the said Anthony Rogers the son in severalty one piece plot or parcel of land or grounds containing ninety three acres two roods and eighteen perches statute measure lying in the said fields called the Middle Field and Clay Field being likewise parcel of the said open and common fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which said last mentioned piece plot or parcel of land is

Page 89 bounded on the North East and South East by certain lands hereinbefore allotted to the said John Duke of Rutland on the South West by the Lordship of Eastwell aforesaid and on the North West by the allottment of the said Thomas Wright.

And also one other piece plot or parcel of land or ground containing four acres statute measure lying in the said field called the Middle Field being likewise parcel of the said open and common fields common pastures common meadows and waste grounds intended and directed by the said Act to be inclosed which said last mentioned piece plot or parcel of land is bounded on the North East by certain lands hereinbefore allotted to the said John Duke of Rutland on the South

Page 90 East by the allotment to the said Thomas Wright and on the South West and North West by the allotment of the said Charles Morley in partition and severalty.

And also the said close or ancient inclosed grounds lying within the said Lordship of Eaton containing one acre and nineteen perches called Brackendale Close being one of the said closes called Brackendale Closes and which is bounded on the North East by certain lands hereinbefore allotted to the said John Duke of Rutland on the South East by a certain ancient inclosure of the said Anthony Rogers the son called Brackendale Close and on the South West and North West by certain ancient inclosures of the said John Duke of Rutland called

Page 91 Brackendale Closes and certain other lands hereinbefore allotted to them said Duke which said two last mentioned pieces or parcels of land and ground in the said open fields and the said close or ancient inclosed ground are so by us the said Commissioners divided set out allotted and awarded unto the said Anthony Rogers the son in partition and severalty for and in lieu and in full barr of and in satisfaction and compensation for all his undivided share right and interest of in or to the several pieces or parcels of ground which were lying dispersed in the said fields by the said Act intended to be inclosed and all right of common and other rights whatsoever in over and upon the same and the impropriate tithes of the Parish of Eaton aforesaid which before the

Page 92 passing the said Act the said Charles Morley and Anthony Rogers the father and immediately before the said allotments made the said Charles Morley and

Anthony Rogers the son had and held as tenants in common as abovementioned and the same are to be accepted held and enjoyed for ever in severalty as such.
All which said pieces plots or parcels of open field land or ground so by us allotted to the said Vicar and Impropriators and to the said Churchwardens and Overseers of the poor of Eaton aforesaid and to the said John Duke of Rutland Charles Morley Anthony Rogers the son Thomas Wright William Goode John Morris Edward George John Mason Thomas Morris Thomas Thorold and for the repairs of
Page 93 the Church of Eaton aforesaid are the whole of the lands and grounds intended and directed to be inclosed in and by the said recited Act of Parliament and which said several allotments so by us made as aforesaid are in full barr of and compensation for all tithes and ecclesiastical dues save and except all fees for burying in the Church and Church Yard of Eaton aforesaid and surplice fees due and of right payable to the Vicar of the said Vicarage for the time being within the Parish of Eaton aforesaid and of and for all lands interest right of common and other right and property in over or upon the said open and common fields common pastures common meadows and waste grounds of Eaton aforesaid or any part or parts thereof.
Page 94 And as to for and concerning the several outward or ring fences to be made for inclosing the allotment of the said Richard Hardy hereinbefore mentioned we have ordered directed and appointed and by these present do order direct and appoint that the said John Duke of Rutland do and shall at his own proper costs and charges within the space of six calendar months after the execution of this our award and instrument make or cause to be made a good and sufficient fence well planted with quick and guarded with ditches posts and double rails on each side on the East side of the said allotment the said William Goode at his own proper costs and charges and in the like space of time a like good and sufficient fence guarded
Page 95 as aforesaid on the North side of the said allotment and that all the said Proprietors except the said Charles Morley and Anthony Rogers the son in respect of their impropriate tithes only shall at their own proper costs and charges make or cause to be made such good and sufficient fences on the South side of the said allotment the said allotment being already fenced by the ring fence of the Lordships of Goadby and Eastwell on the West South West and North West sides thereof and that the said Richard Hardy and his successors Vicars of the said Vicarage and Church of Eaton aforesaid shall for ever hereafter maintain and keep in repair the South fence of the said allotment.

And we do order direct and appoint that good and sufficient fences
Page 96 for separating dividing and inclosing the several other allotments by us hereinbefore set out and awarded shall within six calendar months after the execution of this our award be made in a substantial manner with quicksetts and guarded with ditches and also with posts and double rails on each side of except as to the fences of the allotments for the poor of Eaton aforesaid in the Wood Field and be for ever hereafter maintained and kept in repair by the several Proprietors to whom the said lands and grounds are hereinbefore respectively allotted or by the respective Owners orccupiers of the said allotments for the time being on the sides and parts of such allotments hereinafter particularly mentioned and

Page 97 described that is to say the Proprietors Owners or Occupiers of the land allotted for the repairs of the Church shall make or cause to be made such good and sufficient fences to the said allotment on the South side thereof. The said William Goode such good and sufficient fence on the South side of his allotment. The said John Mason such good and sufficient fence on the South side of his allotment in the Clay Field and that the said John Mason do and shall maintain and for ever hereafter keep in repair the said ancient inclosure call Mason's Wong. The said Anthony Rogers the son such good and sufficient fences on the South East East and North East sides of his first allotment in

Page 98 severalty and such good and sufficient fences to his said allotment containing four acres on the South East and North East sides thereof. The said Thomas Wright such good and sufficient fences on the South East and North East sides of his allotment. The said Charles Morley such good and sufficient fences on the South East North East North West and North sides of his allotment. The said Thomas Thorold such good and sufficient fences on the North and South West sides of his allotment. The said Edward George such good and sufficient fences on the North and East sides of his allotment. The said John Morris such good and sufficient fences on the North West and East sides of his allotment. The said Thomas Morris such good and sufficient

Page 99 fences on the South and West sides of his allotment and the Churchwardens and Overseers of the poor of Eaton aforesaid such good and sufficient fences to their allotment in the Clay Field on the North West side thereof. And that the said John Duke of Rutland shall at his own costs and charges make such good and sufficient fence on the South and East sides thereof and that the North West fence of the said allotment shall for ever hereafter be repaired and maintained by the respective Proprietors Owners or Occupiers of the said allotment and the said John Duke of Rutland such good and sufficient fences to all and every the said allotments hereinbefore made to him against all and every the said allotments next adjoining to his

Page 100 said allotments.

And we do order direct and appoint that all the said Proprietors shall at their own costs and charges and in proportion to their respective properties make a good and sufficient fence with a large ditch posts and double rails to the allotment of the Churchwardens and Overseers of the poor of Eaton aforesaid in the Wood Field and all sides and parts thereof. And that the said fences of the said last mentioned allotment on all sides and parts thereof shall for ever hereafter be repaired and maintained by the respective proprietors owners and occupiers of the said allotment.

And as to for and concerning the stone wall in and by the said

Page 101 Act directed to be erected on the North West side of the open and common fields of Eaton aforeseaid as a boundary fence betwixt the open and common fields intended by the said Act to be inclosed and the Lordships of Statherne and Plungar respectively and to begin at and adjoin to the West end of a certain stone wall already erected as a boundary fence in the Parish of Branston and to be continued on to the South West end of a certain piece of ground called Standard Hill otherwise Standherd Hill on the West end of the said open common fields intended by the said Act to be

inclosed. We the said Commissioners did order direct and appoint that a sufficient quantity of stone should be dug and got pursuant to the

Page 102 directions of the said Act for the purpose of erecting the said boundary wall and such wall hath been already erected and made in the manner directed in and by the said Act of Parliament we do therefore in pursuance of the directions of the said Act hereby order direct and appoint that the said wall so erected as aforesaid shall from time to time and all times for ever hereafter be maintained and kept in repair by and at the expence of the said John Duke of Rutland his heirs and assigns or by the Owners or Occupiers for the time being of the several allotments adjoining to the said walls.

Page 103 And we the said James Garnar and John Ward by the virtue of the powers given to us in and by the said Act have further ordered directed and appointed and by these present do order direct and appoint that all and every the respective Owners and Occupiers for the time being of the respective allotments of lands in the said fields shall at his her or their own costs and charges for ever hereafter keep in repair such bridle gates in every fence which he she or they hath or have already made or set up in the division or subdivision fences in or of such their respective allotments and also shall and do at his her or their own costs and

Page 104 charges set up and for ever after keep in repair a bridle gate in every fence which he she or they have or shall hereafter make or set up in the subdivision fences of such their respective allotments so as that there may be a communication between every close made or to be made in the fields of Eaton aforesaid which gate or gates are not to be locked or otherwise fastened so as to prevent the said John Duke of Rutland or any future Lord or Lords of the said manor or his or their friends servants or attendants from passing or repassing through the same in hunting fishing or shooting within the said manor or other enjoyment of his said manor with respect

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Note in margin: ***(Roads, Waltham Road)***

to game.

And as to for and concerning all public and private roads and ways to be hereafter used over within and through the said open and common fields common pastures common meadows and waste grounds by the said Act intended and directed to be inclosed. We have set out and appointed and by these prevents do set out and appoint the following public and private carriage drift bridle and foot roads and ways and which are from henceforth to remain and be used for ever as public and private roads and ways respectively as the same have been by us or by order marked and staked out that is to say, a public horse carriage and

Page 106

Note in margin: ***(Leicester Roads)***

drift road or way to lead and go from North to South from the town of Eaton aforesaid in over and through the allotments of the said John Duke of Rutland John Mason William Goode the Vicar in lieu of tithes and the allotment for repair of the Church of Eaton aforesaid in the clay field into the Lordship of Waltham aforesaid as and for a public horse carriage and drift road or way from Eaton to Waltham aforesaid, also a

public horse carriage and drift road or way to lead and go from East to West from the Lordship of Braunston otherwise Branston aforesaid in over and through the allotments of the said John Duke of Rutland and the allotment for the repair of the Church of Eaton aforesaid

Page 107

Note in margin: ***(Goadby Bridle Roads, Branston Road)***

into the Lordship of Goadby aforesaid being the ancient carriage road leading from Croxton otherwise Croxton Kerial in the said County of Leicester to Leicester. Also a public horse bridle and drift road or way to lead and go from a certain part of the road hereinbefore wet out from Eaton to Waltham aforesaid begining at the North West corner of the allotment of the said John Mason in over and through the allotments of the said John Mason William Goode and the Vicar in lieu of tithes into the Lordship of Goadby aforesaid being the ancient bridle road from Eaton to Goadby aforesaid. Also a public horse carriage and drift road or way to lead and go from North West to South East from Eaton aforesaid in over and through the allotments of the said John Duke

Page 108

Note in margin: ***(Bridle Road from Branston to Goadby, Stathern Road)***

of Rutland and Edward George into the Lordship of Braunston otherwise Branston aforesaid being the ancient carriage road from the said Town of Eaton or Braunston otherwise Branston aforesaid also a public horse bridle and drift road or way to lead and go from the Lordship of Braunston otherwise Branston aforesaid in over and through the allotments of the said Edward George John Duke of Rutland William Goode and the Vicar in lieu of tithes into the Lordship of Goadby as and for a public bridle way from Braunston otherwise Branston to Goadby aforesaid. Also a public horse carriage and drift road or way to lead and go from South East to North West

Page 109

Note in margin: ***(Road from Knipton to Eastwell, Redmile Road)***

from the said town of Eaton in over and through the allotments of the said John Duke of Rutland and Charles Morley in lieu of tithes into the Lordship of Statherne as for a public horse carriage and drift road or way from the said town of Eaton to Statherne aforesaid. Also a public horse carriage and drift road or way to lead and go from North East to South West in over and through the allotments of the said John Duke of Rutland and Charles Morley being the ancient carriage road from Knipton in the said County of Leicester to Eastwell aforesaid. Also a public horse carriage and drift road or way to lead and go at or about four

Page 110

Note in margin: ***(Road from Braunston to Statherne)***

hundred and sixty yards from them East end of the carriage road hereinbefore set out from Knipton to Eastwell into the Lordship of Braunston otherwise Branston aforesaid as and for a public horse carriage and drift road or way from the said County of Leicester. Also a public horse carriage and drift road or way to lead and go from South East to North West from the Lordship of Braunston otherwise Branston aforesaid in over and through the allotment of the said John Duke of Rutland into the Lordship of Statherne aforesaid being the ancient carriage road from Braunston

otherwise Branston to Statherne aforesaid. All which said several carriage roads are to be made and to be and remain of the breadth of sixty feet
Page 111 at the least between and exclusive of the ditches and fences of the sides thereof. Also a private horse carriage and drift road or way to lead and go from the South East side of the carriage road hereinbefore set out from Knipton to Eastwell in over and through that part of the allotment of the said John Duke of Rutland in the Wood Field which lies between the said road and the allotment of the said Churchwardens and Overseers of the poor of Eaton aforesaid in the Wood Field into the said last mentioned allotment. Also a private horse carriage and drift road or way to begin at the distance of the two hundred and sixty six yards from the South
Page 112 East corner of an old inclosure called the Old Orchard adjoining to the town of Eaton aforesaid and to lead and go in over and through that part of the allotment of the said John Duke of Rutland in the Clay Field which lies between the road hereinbefore set out from Eaton to Waltham and the allotment of the Lammas Close hereinbefore allotted to the said John Mason into a lane called Masons Lane adjoining to the said close. Also a private horse carriage and drift road or way to begin at or about seventy seven yards from the South East corner of the Vicars allotment in lieu of tithes and to lead and
Page 113 go into through that part of the allotment of the said John Duke of Rutland in the Clay Field which lies between the said road leading from Eaton to Waltham and the allotment of the said Thomas Morris whereon there now stands a wind mill as and for a private carriage road to and from the said mill. All which said private horse carriage and drift roads or ways are so by us set out to and for the use and conveniency of the Owners and Occupiers of the several and respective allotments and ancient inclosure to which they lead and are for ever hereafter to be used held and enjoyed as such. Also a public foot way to go from North to South from the said town of Eaton
Page 114 in over and through the allotment of the said John Duke of Rutland in the Clay Field into the Lordship of Waltham aforesaid where a foot way has heretofore usually been from the said town of Eaton to Waltham aforesaid. Also a public foot way to go from North to South East in over and through the allotment of the said John Duke of Rutland in the Clay Field into the Lordship of Branston aforesaid where a foot way has heretofore usually been from Eaton aforesaid to Croxton Park in the said County of Leicester. Also a public foot way to go from East to West from the Lordship of Branston aforesaid in over and through the allotments of the said John Duke of Rutland and for repair
Page 115 of the Church of Eaton aforesaid into the Lordship of Goadby within the hedge fence or inclosure thereof on the North side of the carriage road hereinbefore set out from Croxton to Leicester aforesaid. Also a public foot way to go from the said town of Eaton in over and through the allotment of the said John Duke of Rutland into the Lordship of Goadby where a foot way has heretofore usually been from the said town of Eaton to Goadby aforesaid. Also a public foot way to go from North West to South East from the said town of Eaton in over and through the allotment of the said John Duke of Rutland into the Lordship of Braunston otherwise Branston aforesaid where a foot way has heretofore usually been from Eaton to Braunston

Page 116 otherwise Branston aforesaid. Also a public foot way to go from East to West from the Lordship of Braunston otherwise Branston aforesaid in over and through the allotments of the said Edward George John Duke of Rutland William Goode and the said Vicar in lieu of tithes into the Lordship of Goadby aforesaid within the hedge fence or inclosure thereof on the North side of the bridle road hereinbefore set out from Braunston otherwise Branston to Goadby aforesaid. Also a public foot way to go from South East to North West from the said town of Eaton in over and through the allotments of the said John Duke of Rutland Charles Morley and Thomas Thorold into the Lordship of Statherne
Page 117 aforesaid where an ancient foot way has heretofore usually been from the said town of Eaton to Statherne aforesaid. Also a public foot way to go from North East to South West from the Lordship of Knipton aforesaid into the Lordship of Eastwell aforesaid where a foot way has heretofore usually been from Knipton to Eastwell aforesaid. Also a public foot way to go from South West to North East from the said town of Eaton in over and through the allotment of the said John Duke of Rutland into the Lordship of Braunston otherwise Branston aforesaid where a foot way has heretofore usually been from the said town of Eaton to Redmile aforesaid. Also a public foot way to go from South East to North West
Page 118 from the Lordship of Branston aforesaid in over and through the allotment of the said John Duke of Rutland into the Lordship of Statherne aforesaid within the hedge fence or inclosure thereof on the North East side of the carriage road hereinbefore set out from Braunston otherwise Branston to Statherne aforesaid. Also a public foot way to go from South West to North East in over and through the allotment of the said Charles Morley into the Lordship of Statherne aforesaid where an ancient foot way has heretofore usually been from the said Lordship of Eastwell to Statherne aforesaid. Also a public
Page 119 foot way to go from South East to North West from the said town of Eaton in over and through the allotments of the said John Duke of Rutland Anthony Rogers Thomas Wright and Charles Morley in the Clay Field into the Lordship of Eastwell aforesaid where a foot way has heretofore usually been from Eaton to Eastwell aforesaid.

And we have further ordered directed and appointed and by these presents do order direct and appoint that the said Proprietors except them said Vicar do and shall at their own proper costs and charges forthwith put up convenient gates upon each of such public and private horse carriage drift and bridle roads or
Page 120 ways as are hereinbefore set out where them same respectively enter into all or any of the fences hereinbefore directed to be made by them respectively and that such gates shall for ever hereafter be kept in repair and maintained by and at the expence of the said Proprietors or other persons respectively who are hereinbefore ordered to maintain and keep in repair the fences wherein such gates shall be set up respectively.

And we have further ordered directed and appointed and by these presents do order direct and appoint that the said Proprietor do and shall at their own proper costs and charges forthwith put up convenient gates upon each of such horse carriages drift or

Page 121 bridle roads or ways as are hereinbefore set out where the same respectively enter into or go out of the said Vicars allotments and that such gates shall for ever hereafter be kept in repair and maintained by the said Richard Hardy and his successors Vicars of Eaton aforesaid and that the several Proprietors Owners or Occupiers of any allotments that shall abutt upon or adjoin to any of the horse carriage drift or bridle roads hereinbefore set out shall have free liberty to set up convenient gates into their several and respective allotments so adjoining to any such road notwithstanding the fences in which such gates are to be set up be otherwise directed to be

Page 122 made and that good convenient stiles over all the fences across the foot roads and also where such foot roads enter into or go out of any of the said allotments be forthwith set up and made and for ever after kept in repair by such person or persons as are bound to make and keep in repair such fences respectively. And whereas all the charges and expences of surveying and measuring dividing and allotting the said lands and grounds intended and directed by the said Act to be inclosed and of preparing and inrolling this award and instrument and of erecting the said boundary wall and all other the charges and expences of the Commissioners and other necessary

Page 123 expences attending the execution of this Act amount together to the sum of nine hundred and sixty two pounds two shillings and two pence. Now we the said Commissioners do hereby further order direct and appoint settle adjust and determine that the said sum of nine hundred and sixty two pounds two shillings and two pence shall be defrayed borne and paid by the several persons and in the proportions hereinafter mentioned being an equal pound rate according to the value of the lands and grounds allotted to them respectively (that is to say) the said John Duke of Rutland the sum of eight hundred and twenty three pounds four shillings. The said Charles Morley the sum of

Page 124 thirty six pounds eight shillings and eight pence. The said Anthony Rogers the sum of thirty six pounds eight shillings and eight pence. The said John Mason the sum of six pounds four shillings and six pence. The said John Morris the sum of eight pounds and two pence. The said Thomas Wright the sum of twenty one pounds five shillings and six pence.

The Proprietors Owners or Occupiers of the said land allotted for repair of the Church or the Churchwardens of the said Parish of Eaton the sum of nine pounds eleven shillings and two pence. The said William Goode the sum of eight pounds twelve shillings and six pence. The said Thomas Thorold the sum of four pounds and three shillings. The said Edward George the

Page 125 sum of eight pounds and ten pence and the said Thomas Morris the sum of three shillings and two pence. All which said several sums of money amount together to the sum of nine hundred and sixty two pounds two shillings and two pence.

And lastly we do hereby award order direct and appoint the several persons above mentioned to pay the said several sums so hereinbefore ordered to be paid by them respectively into the hands of James Garnar the Elder of Grantham aforesaid gentleman within the space of the ten days from the time of our signing and sealing

these presents and notice thereof to them respectively given to be by him paid and applied in discharge of all such costs and charges and expences directed
Page 126 by the said Act to be defrayed by the said Proprietors as now remain undischarged and unsatisfied.

In witness whereof we the said James Garnar John Ward Joseph Stubbins and Miles Lowley have signed sealed and delivered this our award or instrument this twenty eighth day of December in the year of Our Lord one thousand seven hundred and seventy.

James Garnar

John Ward

Joseph Stubbins

Miles Lowley Junior

Signed sealed and delivered by the within named James Garnar John Ward Joseph Stubbins and Miles Lowley (being first duly stampt) in the presence of

Sam Parke

Michael Ward

Thos. Baildon

This is a true copy of the original award examined and compared therewith by us

Ja. Garnar

Thos. Baildon