

Articles for Inclosing the Common ffields of Collingbourne Valence 29th May 1790
9/12/25

Articles of Agreement indented had made concluded and agreed upon this Twenty ninth day of May in the Thirty eighth year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the ffaith and forth and in the year of our Lord One thousand seven hundred and ninety eight Between The Right Honourable Thomas Bruce Earl of Ailesbury and Baron Bruce of Tottenham in the County of Wilts Knight of the most Ancient Order of the Thistle William Ludlow of Hillworth near Devizes in the County Esquire Thomas Edwards of Tilshead in the said County and Robert Edwards of the same place Gentlemen and Dummer Andrews of Swathling in the County of Sothampton Esquire being Freeholders or Proprietors of the Common or open ffield Lands and Downs lying within the Tithing of Collingbourne Valence in the said County of Wilts and Michael fford of Collingbourne Valence aforesaid who holds an Estate in the said Tithing by Copy of Court Roll of the Manor of Collingbourne Kingston under the said Earl and is also a Rack Renter in the said Tithing and John Piper another Rack renter in the said Tything whereas the dividing inclosing and laying in severalty the Common and open ffields Down and waste Grounds within the Tithing of Collingbourne Valence aforesaid would be in great advantage to the proprietors and an Improvement to their Estates Now it is hereby mutually and reciprocally convenanted and agreed by and between each and every of thesaid parties hereto with the other and others of them for themselves severally and not one of them for the other or others of them and for their several and respective Heirs Executors and Administrators in manner following (that is to say) The said parties hereto have agreed to nominate and appoint and do hereby nominate and appoint John Gale of Stert in the County of Wilts Gentlemen and John Butcher of Wexcomb in the said County of Wilts Gentlemen to be their Arbitrators or Referees for the Exchanging dividing and inclosing the said common or open ffields Downs and waste grounds within the said Tithing of Collingbourne Valence and that thesaid John Gale and John Butcher shall and may cause all the said Common or open ffields Downs and Waste Grounds to be surveyed and measured by such person or persons as they shall think fit as soon as conveniently may be if the same hath not been already done And that such Survey and Admeasurement shall be reduced into Writing and the number of Acreas

Roods and perches belonging to each proprietor shall be therein set forth ascertained and described for enabling the said Arbitrator to make such Division and Allotments as are herein after mentioned and the said Survey if required shall be verified on the Oath or Oaths of the Surveyor or Surveyors respectively and their Assistants in making the said Survey And that the said John Gale and John Butcher for the more just and regular Division and Distribution of the said common fields and Waste Grounds shall quality value and appraise the same and that such valuation and appraisement shall be verified on the Oaths of the said John Gale and John Butcher if required by any of the said parties hereto And it is hereby further agreed and declared by and between the said parties hereto to that said John Gale and John Butcher shall and may and they are hereby authorised and impowered as soon as conveniently may be after the said Survey and Valuation shall have been made to set out ascertain and all of the said Common or open fields Downs and Waste Lands within the said Tything of Collingbourne Valence unto and amongst the several freeholders and Copyholder intitled to or interested in the same in proportion to their several and respective Shares Interests and properties in and over the said Commons or open fields and Wastes in the said Tything of Collingbourne Valence having due regard to the situation and conveniences as well as to the quality and quantity of the Lands now belonging to each proprietor and of the Lands be allotted in lieu thereof by virtue and in pursuance of these Articles and making proper consideration and allowance to the proprietors for all Trees Hedges and fences standing growing and being upon the said Lands so to be allotted aforesaid And it is hereby further agreed that as soon as conveniently may be after the said John Gale and John Butcher shall have completed and finished the said partitions and Allotments as aforesaid and before the Twenty ninth Day of May One thousand Eight hundred they the said John Gale and John Butcher shall form and draw up or cause to be formed and drawn up an Award or Instrument in Writing which shall express and contain the number of Acres Roods and perches contained in the said Common or open fields respectively and the quantity of each and every part thereof which shall be so assigned and allotted to each of the parties intitled or interested in the same and a description of the situation butts and boundaries of the same parcels and Allotments respectively and proper Orders and Directions for Mounding fencing and inclosing the same or such part thereof as the said John Gale and John Butcher shall Direct and at what particular time and times the same shall be so mounded fenced and inclosed and for keeping the said Mounds

and fences in repair and at whose Costs and charges thesaid Mounds and fences shall be so made and repaired And also for making and laying out proper Roads Drovers Ways and Passages both Public and private in over and through such Allotments and in what manner and at whose Costs the same shall be kept in repair And shall also direct and appoint the Course of Husbandry that shall be used in and upon the Lands so intended to be divided set out and allotted as aforesaid till such time as they thesaid John Gale and John Butcher shall have completed their Award and the New Allotments be taken possession of And also such other Restrictions Orders and Directions touching the Depasturing Sheep and Lambs in the New Inclosures for a limited time as thesaid John Gale and John Butcher shall think fit together with such other Rules Orders Restrictions Regulations and Directions as shall be proper and necessary in the opinion of thesaid John Gale and John Butcher to be inserted therein agreeable to the Tenor and purport of these presents And thesaid Award so to be executed as aforesaid shall be binding and conclusive unto and upon the several parties hereto their Heirs Executors Administrators and Assigns respectively And it is hereby further agreed and declared by and between all and every of the parties to these presents that the said Lands so to be divided set out and allotted unto and for the several persons who shall be intitled to the same shall be in full bar and in Exchange Satisfaction and Compensation for all Rights of Common and other Rights and properties whatsoever..... in and over the same And that the several persons to whom such new Allotments shall be made shall from thenceforth stand and be respectively seized and possessed thereof for the same Estates Terms and Interests and Subject to the same Rents and Services as the several lands in lieu whereof such Alotments shall be made as aforesaid now are or should or would have been subject and liable to be charged with or affected by in case these presents had not been made And it is hereby agreed and declared by and between all and every of thesaid parties to these presents that the Charges and expenses of these present Articles and of the surveying measuring dividing and allotting the said Lands and of the said Award and the several parts thereof and also the charges and Expences of thesaid Arbitrators and other necessary Expences in and about the premises shall be bourne and paid by the Owners and proprietors and other persons interested in the said common ffields and premises in proportion to their respective Rights Shares Interests and Properties therein at such times and such proportions as thesaid John Gale and John Butcher shall order and direct Provided always that if thesaid John

Gale and John Butcher shall not divide and allot the said premises and execute the several powers hereby vested in them within the space of two years from the date hereof then these presents and every part thereof shall be void and of no effect And it is hereby further agreed Between the said several parties hereto for themselves severally and for their several and respective Heirs Executors Administrators that for the confirmation and performance of the said Award they will severally make and execute All such further Deeds Conveyances Fines recoveries Surrenders Exchanges or other Acts or Instruments so from or between each other as by Counsel learned in the Law shall be deemed expedient or adviseable Provided always and it is hereby agreed and declared that nothing herein or in the said Award contained or to be contained shall affect prejudice lessen alter or defeat the Manorial Rights or Interests of any person or persons whomsoever within the said Tything other than and except the Right to the Soil of such Land as shall be allotted by Virtue of the presents and all Right of Common thereon Provided also and it is hereby agreed that if the said John Gale and John Butcher shall disagree in their Opinion touching or concerning any Matter or thing hereby referred to them all such Matters in difference between them shall be referred to the Award Unpirage final End and Determination of Benjamin Haynes of the City of New Sarum Gentleman So that the same be made in Writing and ready to be delivered to such party or parties as shall be desirous of the same in two years and a half after the Day of the date of the presents Provided also and it is further agreed that it shall be lawful for the said Arbitrators and Umpire with the consent of the parties to these presents interested in the Exchanges after mentioned to be testified in Writing by Indorsement upon those presents to allot and award any Messuages Buildings Lands Tithes Hereditments New Allotments or Old Inclosures with the said Tithing of Collingbourne Valence in lieu or Exchange for any other messuages Buildings Lands Tithes Hereditments new Allotments or old inclosure within the same Tithing or within any adjoining Tithing Township parish or place So that all such exchanges be ascertained and set forth in the said Award which said Exchanges as made shall take place at Such times as in the said Award shall be directed and all such Exchanges so made shall be for ever good valid and effectual in the law to all intents and purposes and shall be confirmed by any Deed or Deeds of Exchange which may be reasonably required by any of the parties to these presents his or their Heirs Executors or Administrators from the one or others of them his her or their

Heirs Executors or Administrators In witness whereof thesaid parties to these presents have hereunto set their hands and seals the day and year first above written.