

## **Manor of Blaxhall**

### **Minutes Manor Court**

Minutes of the manor court for the manor of Blaxhall held at the Village Hall, Blaxhall at 2 pm on Saturday 14 September 2013

### **Proclamation and Attornment**

The meeting of the court was advertised in the local newspaper 'The East Anglian Daily Times' in August and September and in the local news letter 'Ebb and Flow'. The same notice was placed on display on the public notice boards within the parish of Blaxhall for at least two weeks in advance of the court. In advance of the court the 'Agenda' and 'Customs and Rights' were also displayed on the notice boards and before the court was called to order further copies of both documents were distributed to those present.

The Proclamation was read:

### **The Manor of Blaxhall**

'A General Court Baron and Leet for the above manor, will be holden at the Blaxhall Village Hall, in Blaxhall, on Saturday the fourteenth day of September instant, at two o'clock in the afternoon: and all persons having any business to transact at such Court, are requested to take notice thereof, and attend accordingly

Anthony M Breen, Steward'

There being sufficient number in attendance with those wishing to form the homage having been invited to enter their names on a register at the commencement of the court, Mr Michael Prevost, lord of the Manor of Blaxhall was invited to take the chair.

Mr Prevost was asked if he was the lord of the Manor of Blaxhall and did he hold his title by right of inheritance or conveyance and if by conveyance from whom.

Mr Prevost replied that he held his title by right of conveyance from Mr Pugh.

Mr Prevost was asked if that was the deed of conveyance dated 27 January 1998 between him and David Samuel Pugh.

He replied it was

Mr Prevost's title was read

'**All and Singular** that Manor or Lordship or Reputed Manor or Lordship of Blaxhall (hereinafter called "The Lordship") or by whatsoever other name the Lordship is known or called in the Administrative County of Suffolk Together with its rights appurtenances and manorial incidents including all pastures feedings wastes **commons** mines minerals quarries furzes trees woods underwoods coppices and the ground and soil thereof fishings fowlings courts leets courts baron and other courts with view of frankpledge and all that to view of frankpledge doth belong mills mulctures customs tolls duties reliefs heriots fines sums of money amerciements waifs strays chief-rents quit rents

rentscharge rents seck rents of assize fee farm rents markets fairs service royalties jurisdictions franchises liberties privileges easements profits advantages rights emoluments and hereditaments appertaining or reputed to appertain thereto or demised occupied or enjoyed with it or reputed or known as part parcel or member of it (but only insofar as if at all the same exist and are capable of being conveyed and without requirement upon the vendor to define such rights)'.

Mr Prevost was asked if this deed of conveyance had been registered at any public registry. He replied that it had been registered with the Land Registry.

Mr Breen, the steward having searched for earlier records, asked if this was the same title or understood to be the same title as expressed in an earlier deed of 21 February 1693 the same title is expressed as

'All this Mannors or Lordshipps of Blaxall Hall alias Blaxall and Ayshe alias Ash Biggotts or by whatsoever name or names the same is are or have been called or knowne by in the County of Suffolk with their & every of their rights members & appurtenances And all & every the scites & demesne lands of the said several mannors And also all those messuages granges mills tofts houses buildings barnes stables dove houses orchards gardens lands tenements meadows pastures feedings wasts **commons** heaths furzes moores marshes woods underwoods waters water courses fishings river warren mynes quarreys rents revercons and services as well free as customary tenements & all rents & services reserved upon any grant or demise of the said severall mannors & premises or any of them or any parte of them or any of them'...

Mr Prevost confirmed that he understood for it to be the same

Those assembled were asked if they accepted that Mr Prevost was lord of the manor of Blaxhall and that this was his court.

None opposed.

Mr Breen referred to a letter he had received from Mr Prevost appointing Mr Breen as his Steward for the court and then Mr Prevost was asked if he wished for Mr Breen to continue in that role. Mr Prevost consented for Mr Breen to continue as his steward at the court.

### **Enrolment of the Homage**

Those present having been invited to enter their names on a register as residents of Blaxhall and tenants on the soil of the manor of Blaxhall were asked if they wished for their names to remain on the register, thus giving them full rights to speak and to vote, if any vote was taken, or if they wished for their names to be removed from the register.

None of those present requested for their names to be removed. 29 names were entered as tenants.

Those who had signed a separate list as visitors were asked if they wished now for their names to be entered as tenants on the soil of the manor of Blaxhall. None of those present requested for their names to be added to the list of tenants of the soil. 5 people had entered their names as visitors. One person declined the invitation to enter their name as a visitor.

The names having been entered on the register Mr Prevost was asked if he accepted the names entered as tenants on the soil of his manor and as the homage for the court. Mr Prevost said he did accept them.

### **Election of the Jury**

Mr Breen the steward explained that for the court to be properly formed it required two members of the homage to form a jury and referred to the role of the jury as set out in the 'Rights and Customs' document.

Professor Martin Rossor and Mr Graham Bowles put their names forward to be the two members of the jury as set out in the 'Rights and Customs' document. As no other person put their names forward with the consent of the homage and of the lord, their names were accepted as the jury.

### **Business of the Court**

#### **Jurisdiction**

Mr Breen, the steward explained that when these courts met on a regular basis, professional land agents or solicitors normally acted as the steward. He was neither a land agent nor solicitor and asked the court indulgence for any errors. He had however examined various records relating to the manor.

Mr Breen, steward stated that purpose of the court had been explained in an article published in the East Anglian Daily Times on 28 August 2013 and that the court no longer had legal jurisdiction. Those who had complaints about encroachment on the commons, the placement of fences, disputes over access and other such matters should take their complaints to the parish council. There was no intention to replicate or supplant the work of the council.

Mr Breen emphasized that the court was intended to be an open gathering that they did not intend to make any claim to anything that did not belong to the manor that had been granted away or conveyed to another. The court was as much their court as the lord's court.

#### **Mines**

Mr Breen, the steward stated that the subject of residual manorial rights had recently received some coverage in the press in relation to mineral rights and 'fracking'.

He asked Mr Prevost, lord of the manor, if he had any intention to begin mining in Blaxhall or to make a claim to any mineral rights.

Mr Prevost replied that he had no such intention.

Mr Breen, the steward mentioned that when the parish council had responsibilities as a highway authority that they drew gravel from the local farmers without payment to the manor.

## **Commons**

Mr Breen, the steward explained that since the Statute of Merton of 1236 the commons had been under the lordship of the manor and that as early as 1241 in the Suffolk Eyre, or assize court, there is a record of a dispute over the commons in Blaxhall.

He explained that the commons were shown on a map dated 1809 and on the later tithe map of 1843. In the manorial court records for the manor of Blaxhall there were references to the enclosure of parts of the commons. On examination of the court books he had found that lands on Mill and Stone Common had been enclosed at various dates 1808, 1809, 1821, 1827 and for the last time in 1857. The same court had also ordered for buildings built on the commons to be pulled down in 1827.

All these grants were made at the manor court in front of the homage with others in attendance. The courts were advertised in advance and though the right to vote was at that time limited it was a public and consensual act.

Mr Breen also explained that in some parishes there had been enclosure acts passed in Parliament. Parliament appointed commissioners under these acts and the enclosure required the consent of the free holders. The commissioners had to make an allowance for the poor with land being set aside for them and this and other local acts was the origin of Statutory Allotments. The enclosure awards also made allowances for common firing in lieu of firewood. There were also allotments to the parish for gravel pits. But there was no enclosure act for Blaxhall.

In most parishes the parish workhouse had been the property of the parish in their role as overseers of the poor. In relation to Blaxhall, he had found no evidence that the workhouse had been parish property or the property of the later Poor Law Unions. Also he had found no evidence of payments from the then parish to the lords of the manor of Blaxhall for the allotments.

The commons had remained with the title of the lordship until the 1990's. The Commons had been registered eventually in 1975 a process that the parish council had initiated as early as 1967. The allotments were not registered as part of the commons

## **Allotments**

Mr Breen, the steward drew attention to the Valuation Office maps prepared after Lloyd George's 1909/1910 budget in advance of the introduction of a Land Tax. Copies of these maps were displayed at the back of the hall. These were public records belonging to the Inland Revenue and were held at the National Archives. On the maps there was a single plot or hereditament number for all the commons including the areas of the allotments.

In the Valuation Assessment Books there was a reference to some 79 allotments and that an 'acknowledgement' was paid to the lord of the manor for these allotments.

Mr Breen, the steward read extracts from an article published in the East Anglia Daily Times, Friday July 12, 1935 reporting a court case held at Ipswich County Court relating to a dispute over Blaxhall Common. Amongst the evidence reported in the newspaper

'For an annual payment to the Lord of the Manor the defendants cultivated portions of the Common'.

And further

'Mr W. Ramm, steward of the manor of Blaxhall was the first witness for the defence.

Mr Guy Turner partner of the firm of Messrs Garrod, Turner and Son, Ipswich said there was a system in Blaxhall for the people to be allowed to cultivate pieces of the common land for which they paid a licence fee'.

'Robert Wardley, who is Chairman of the Blaxhall Parish Council, said he collected the licence fees once a year. Last year he collected 6d from the brother of the plaintiff for a piece of land next to the Nest'...

Mr Breen, steward also referred to a letter dated 1947 addressed to East Suffolk County Council from a Mr Elliot an agent for the Glemham estate in which he stated that he had collected 'certain manorial rents' from the allotments holders.

Mr Breen asked if anyone knew of any written evidence that showed that the money collected as a licence from the allotment holders had been abolished stressing that there was no intention that the manor should make any claim to anything that did not belong to the manor.

There was a general discussion on this matter with a number of contributions from the members of the homage assembled. It was reported:

That there was a management agreement between Mr Pugh and the Parish Council

That Mr Pugh had signed the agreement as Mr Pugh and not as the lord of the manor

That Mr Pugh's ownership of the allotment was a possessory title

That the allotment holders had an annual agreement for the use of their allotments and that they paid an annual rent for the use of their allotments

That it had been believed that before the current arrangement was put in place that rents were for the use of the allotments

That there was no written evidence to show that the manor was no longer entitled to receive money as a licence for the use of the allotments

Mr Breen, the steward again invited anyone to produce written evidence to show that the manor's entitlement to money paid as a licence had been abolished. He again stated that the manor did not wish to make a claim for anything that they were not entitled to claim, if they indeed wished to make a claim.

As there was an element of doubt over the full rights of the ownership and the manor's entitlement to the licence money, it was suggested that as potential developers had expressed an interest in developing part of the allotments, that those developers should take note of these doubts.

## **Unclaimed Areas of Commons**

Mr Breen, the steward stated that Mr Prevost held the title to an area of Stone Common and that other areas of Mill Common were the property of Mr Pugh. The area of Stone Common corresponded to the area of registered common. The 1910 Valuation Office maps showed that there were other areas that rightfully belonged to the lordship of the manor and that these should be claimed.

Mr Prevost, lord of the manor, stated that he did not consider the commons as his own property but as something held in trust by him on behalf of all the residents of Blaxhall.

It was stated that the manor was considering a claim for any areas not registered with the intention of adding those areas to the registered commons.

## **Rights of Access: Title Deeds**

There was a general discussion over rights of access and easement over the commons and that some residents had paid for their rights of access.

Mr Breen, the steward stated that he was not a solicitor but advised all those who had any doubts about their rights should contact their solicitors and the Land Registry to make sure that their title had been properly registered.

He stated that when some property adjoining the commons had been sold in 1923, that the rights of easement semi-easement and quasi-easement had not been defined and that the sale particulars stated that the rights of easement were to be taken 'a prendre'.

## **Sporting Rights**

A question had been submitted from the homage over the rights to shoot rabbits and deer on the commons. Mr Breen, the steward stated that he had not looked into the subject of sporting rights and could offer no advice. The homage was informed that formerly the right to take rabbits on the commons of Blaxhall had been restricted to the residents of Blaxhall only.

## **Verdict**

The homage asked for a vote to be taken relating to the matters raised at the court and a motion was drafted by Mr Breen the steward and read to the court. After a discussion of the text the draft verdict was amended and the final text was again read to the court.

**'We believe that the allotments on Mill Common and Stone Common belong to the title of the Lordship.**

**We believe that rights of access on and to the commons should belong to the title of the Lordship.**

**We have heard that that there is a licence fee believed to belong to the lordship that arises from the allotments on Mill Common and Stone Common and that the right to this licence fee is not settled.**

**That we believe the lord of the manor Mr Michael Prevost should enter a caution against the title to these lands with the Land Registry’.**

The court was asked if they wish to take a ballot or if they wished for a vote to be taken as a simple show of hands. The court asked for a simple vote by show of hands.

A simple vote was taken by show of hands and of the 27 members of the homage then remaining 26 voted in favour and none against. There was one abstention.

### **Conclusion**

Mr Prevost reiterated that he did not see his role as lord as his personal property and that he held the title for the benefit of all the residents of Blaxhall. He believed the manor to be theirs and theirs for future generations.

Mr Breen stated that the list of those who had registered their names will not be used for any other purpose and would be eventually sealed.

As there appeared to be some urgency over the preparation of the minutes Mr Breen as steward promised to prepare draft minutes to distribute to the Mr Prevost and the two members of the jury as soon as possible.

### **The Court closed**

We the undersigned confirm these minutes to be a true and accurate account of this court

Mr Michael Prevost, lord of the Manor of Blaxhall

Anthony M Breen, his steward of the court of the Manor of Blaxhall

Mr Graham Bowles, juror on behalf of the homage

Professor Martin Rossor, juror on behalf of the homage