

**Papers and Correspondence relating to a proposed exchange of some Retreat land (part of the estate of Belle Vue) and a part of Walmgate Stray dividing the Retreat from Belle Vue**

**Publication/Creation**

1880

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INCLOSURE COMMISSION,

3, ST. JAMES'S SQUARE,

LONDON, S.W.

14<sup>th</sup> June 1880

Malmgate Strays & Friends Retreat.

Sir,

I am directed by the Inclosure Commissioners to return as requested the Case and Opinion in this matter.

I am, Sir,

Your obedient Servant,

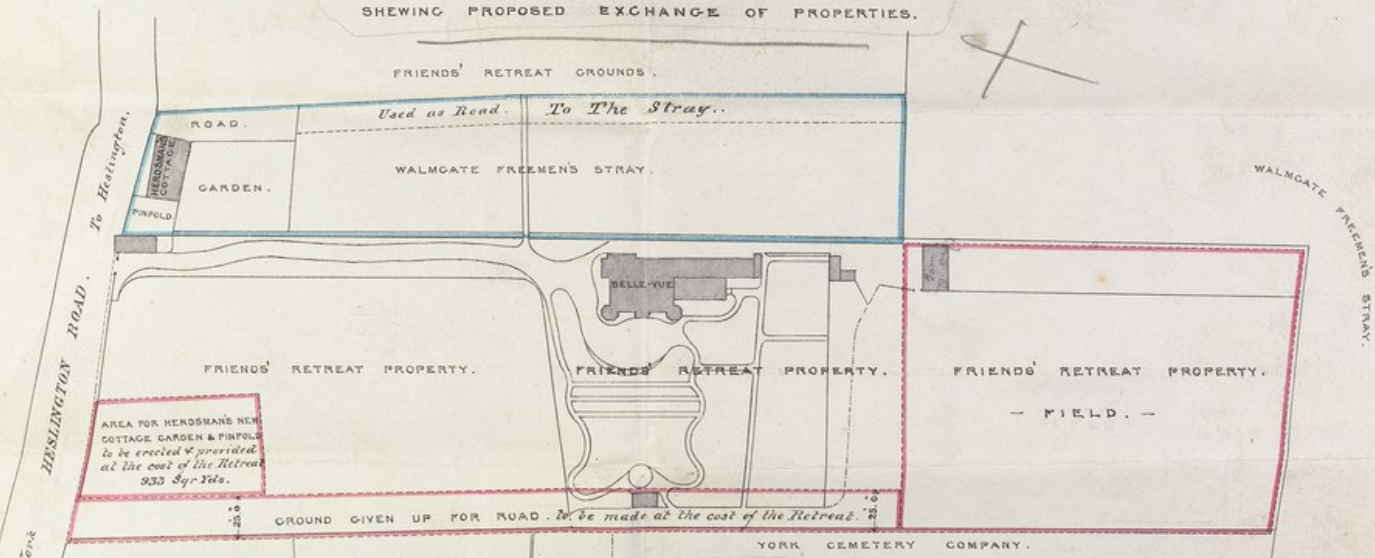
J. Graham

By Order of the Board.

L<sup>d</sup> Baker



**PLAN**  
 (TAKEN FROM THE ORDNANCE SURVEY)  
 OF PORTION OF THE  
**ESTATE OF THE FRIENDS' RETREAT**  
**AND WALMGATE FREEMEN'S STRAY**  
**YORK**  
 SHEWING PROPOSED EXCHANGE OF PROPERTIES.



MR. G. HUTCHINSON.  
 BELLE VUE TERRACE.

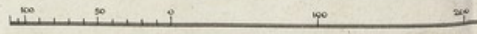
*Areas*  
 of portions of Ground belonging to the Retreat and proposed  
 to be taken by the Freemen of Walmgate Ward -  
 N.B. These portions are edged with Red on Plan.

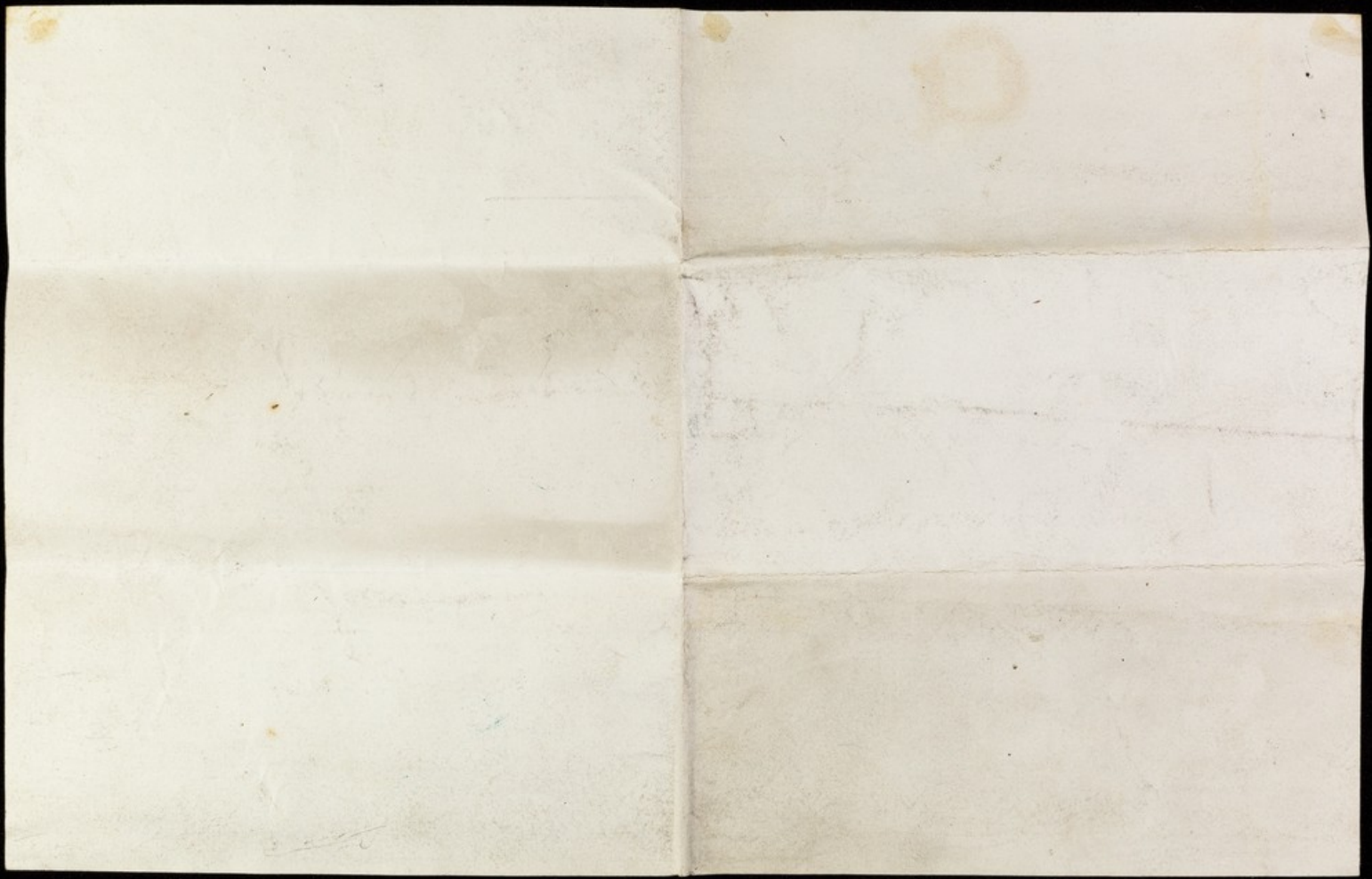
Area of Field . . . . .	5752 Sqr Yds.	(with Farm Buildings embracing Coach House, Stabling for two Horses, a Cow Shed, Hay Chambers.
" " " Road . . . . .	1564 "	
" " " Space for Lodge &c. . . . .	933 "	
<i>Total</i> . . . . .		<i>8249 Sqr Yds.</i>

*Areas*  
 of portion of Stray proposed to be given to the Retreat  
 in exchange for the portions given up by them -  
 N.B. This portion is edged with Blue on Plan.

Area of Field . . . . .	3107	
" " " used as Road . . . . .	1133	
" of Lodge, Pinfold &c. . . . .	780	
<i>Excess of Area in favour of the Freemen</i> . . . . .		<i>5620 Sqr Yds.</i>
		<i>2629 Sqr Yds.</i>

FEET.





ON HER MAJESTY'S SERVICE.

Dr. Baker

The Friends Retire

W. York



*W. York*

Inclosure Commissioners,  
For England and Wales.

RETREAT  
1851/2/3/10

Papers re proposed Exchange of Land -  
Belle Vue -  
Walmgate Street

YORK  
1851



1085



# Case

In the City of York a numerous body of Freeman exist who enjoy certain exclusive and important privileges. The City was anciently divided into 14 wards and there are certain lands or strays in each such Ward over which the Freeman of the respective Wards or some of them enjoy the right of pasturage for their Cattle and such lands are generally known as "The Freeman's Strays". The Wards are called Bootham Ward, Micklegate Ward, Monk Ward and Walmgate Ward and the number of freemen in the four Wards will be somewhere about 3000

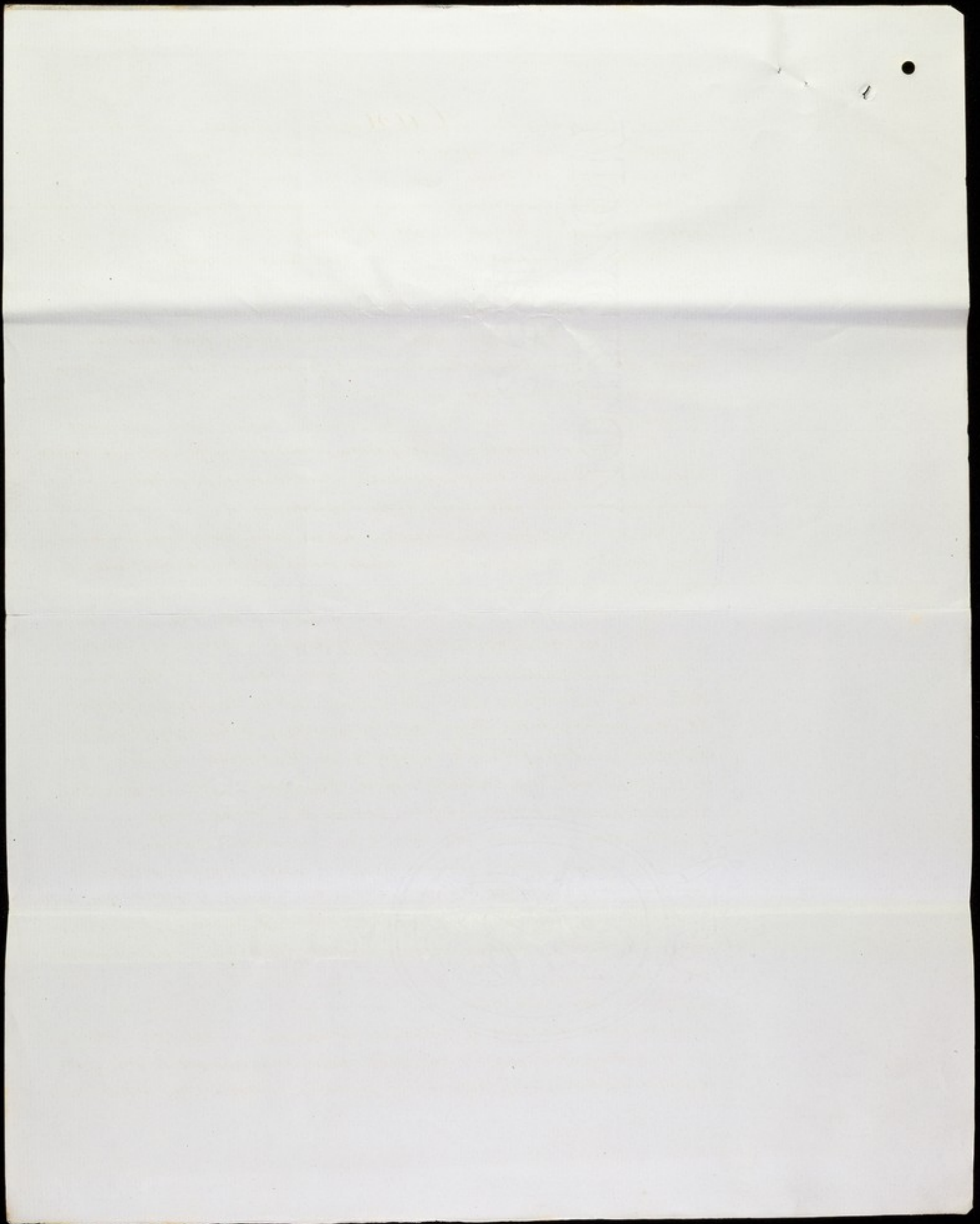
Under the Municipal Reform Act two other wards were constituted namely Guildhall Ward and Castlegate Ward these being formed out of portions of Micklegate Ward and Monk Ward respectively. There are no Freeman's Strays exclusively attached to either of the new Wards but the freemen residing in them continue to exercise rights of stray over the lands attached to the two ancient Wards out of which the two ancient Wards were carved.

The legal estate in the soil and freehold of the Freeman's Strays is vested in the Corporation of the City of York.

By ancient custom existing long before the passing of the Municipal Reform Act and perhaps from time immemorial the Corporation of York exercised the right of appointing Wardens and pasture Masters for each of the first named four Wards in the City whose duty it was to protect and manage the Strays for the benefit of the Freeman. They were annually appointed at a Court called "The Ward Mote Court" in which the Lord Mayor presided by virtue of his office and were sworn in at such Court. The right of appointment was then exercised solely by the Corporation assembled in such Ward Mote Court.

From May 1836 until May 1847 however a different method of appointing Wardens and pasture Masters prevailed. The freemen nominated their own Wardens and pasture Masters and such nominations appear to have been confirmed by the Corporation.

In 1847 the City Council considered it expedient in consequence of representations by various bodies of Freeman to resume the power to appoint Wardens and pasture Masters and on the 10<sup>th</sup> May 1847 in a public Ward Mote Court



held in the Guildhall (the Lord Mayor in the Chair) 3 Wardens and 4 Pasture Masters were appointed for each of the 4 ancient wards for the year ending 1<sup>st</sup> March 1848 and the several persons appointed Pasture Masters (except one individual) appeared in Open Court and having accepted the Office took the Oath of Office.

On the 7<sup>th</sup> February 1848 a Ward Mote Court was held "for the appointment and swearing in of Wardens and Pasture Masters of the four ancient Wards of Bootham, Micklegate, Monk and Walmgate in the said City." The four persons who were returned to the said Court as having been nominated by the Freemen to be Pasture Masters of Bootham Ward were called and having appeared took the oath of Pasture Masters in open Court.

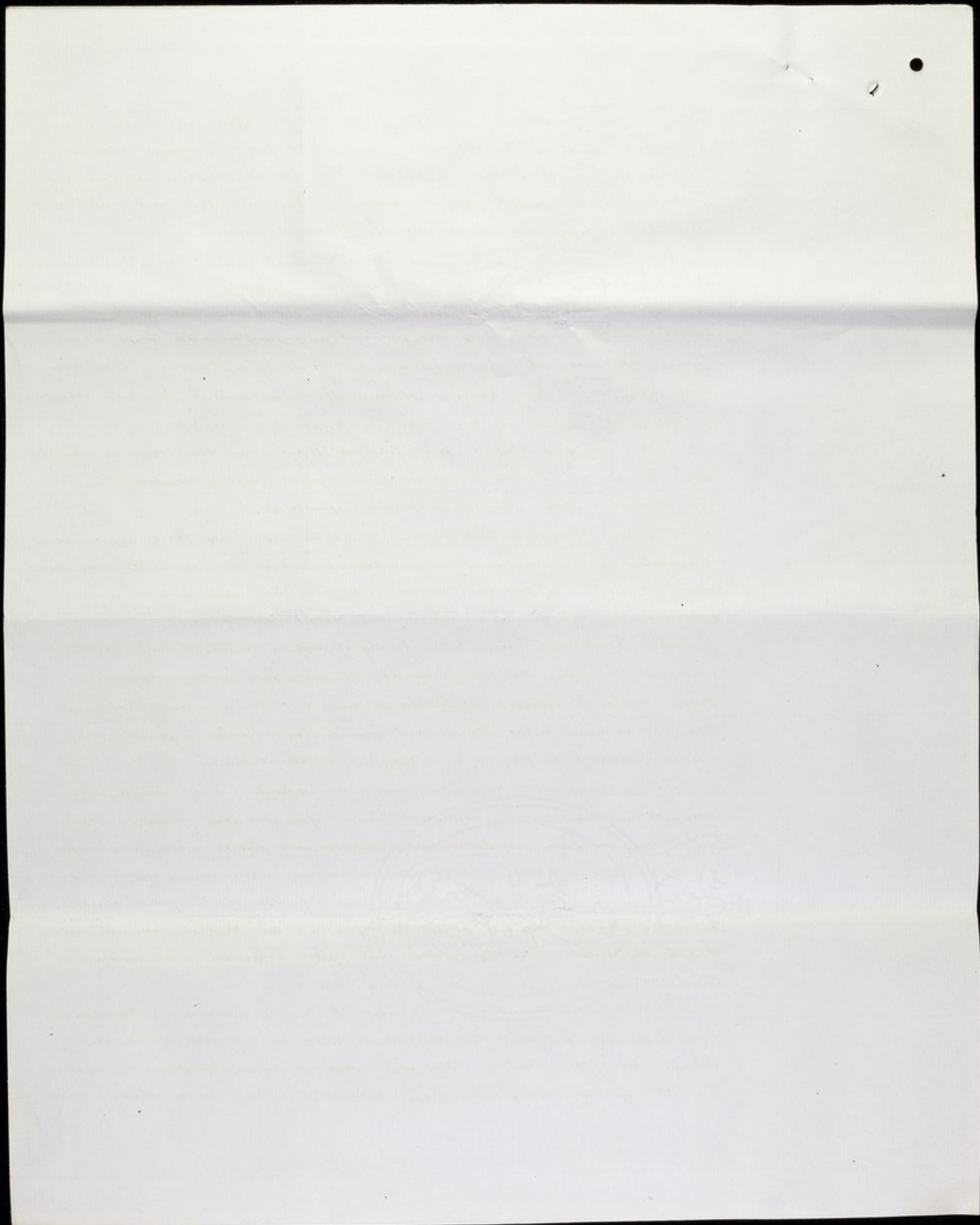
The persons nominated to be Pasture Masters for the other 3 Wards were also called but did not appear and protests were presented to the Council against their appointment by the Corporation.

The said Court was then adjourned and no Ward Mote Court has since been held. The Freemen of the four ancient Wards have since elected their own Wardens and Pasture Masters but such elections have not been submitted to or confirmed by the Council of the City of York.

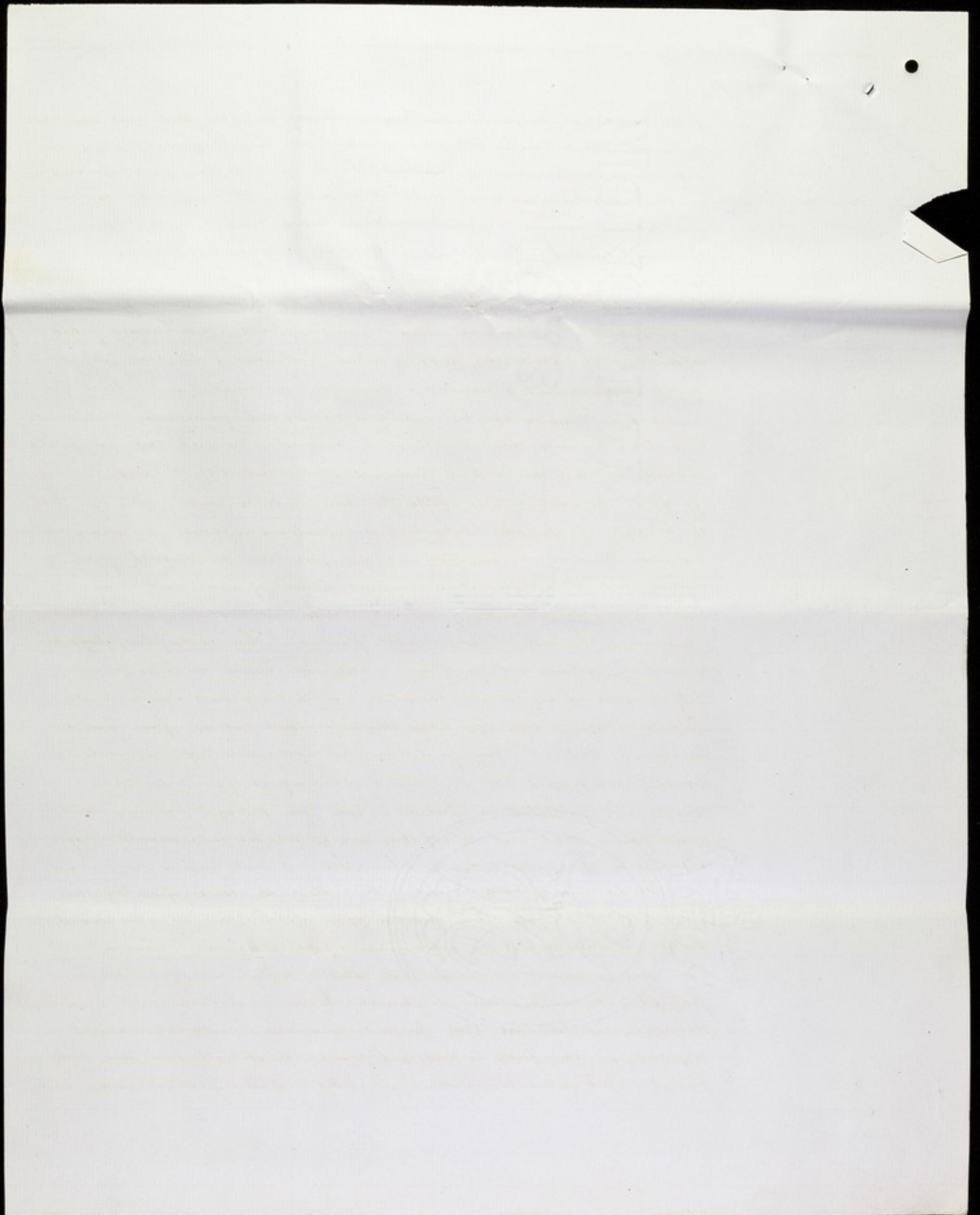
The Freemen's Strays consist partly of ancient inclosures and partly of inclosures of ancient portions of common land which under different Local Acts of Parliament before the passing of the Municipal Reform Act were awarded to the Mayor and Commonalty of York being the then Corporation in trust for or to be enjoyed by the Freemen of the Ward in or near which the particular lands were situate. These allotments were usually added to and now form part of the Freemen's Strays.

The Strays with which this case is more immediately concerned are those of Walmgate Ward. These consist of an ancient Common called the Low Moor containing about 80 acres situate in the Township of Gate Sulford within a short distance from the City of York and also about 25 acres of land which were heretofore old Inclosures situate in the same Township and contiguous to the Low Moor.

The Low Moor was allotted and awarded for the Freemen of Walmgate Ward by virtue of an Act of Parliament passed in the year 1757 entitled "An Act for dividing and inclosing certain fields meadows and commons in the Manor of Sulford in the County of York" in the preamble whereof it is stated that



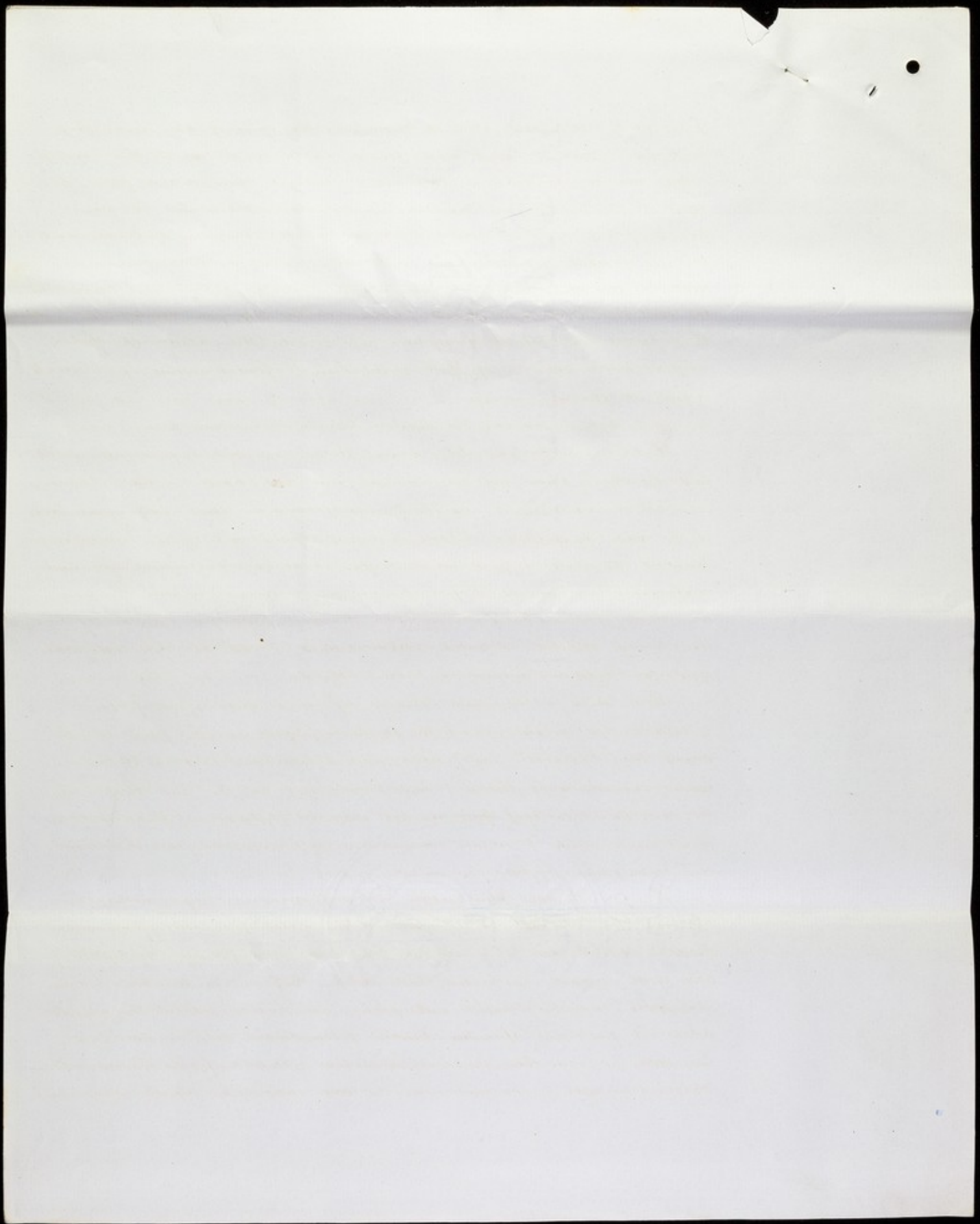
in the Township of Gate Fulford in the County of York there was one large Common Field containing 300 acres of uninclosed land and one lesser common field containing 80 acres of uninclosed land and that there were also certain common meadow grounds called the Ings containing 50 acres and certain large and extensive commons or waste grounds belonging known by the names of the East Moor and the West Moor containing by estimation 400 acres of land and that the said Commons or Waste grounds belonged to the Lord of the Manor of Fulford and to all the other owners and occupiers of ancient messuages cottages and frontsteads in the said Manor or Lordship subject to the right of certain Freemen of the said City of York of intercommoning thereon as thereafter mentioned and that the Owners and occupiers of such messuages cottages and frontsteads as aforesaid had also a right of stray or average in and over the said common fields and also in and over several inclosures which had been theretofore taken off from the said common fields at certain times in each year and that the Freemen of the said City of York being occupiers of ancient messuages within Walmgate Ward in the said City had also from time immemorial had and enjoyed and then still had and enjoyed a right of stray and average in and over the said common fields within certain bounds and the same respective inclosures at the same times in each year when the owners and occupiers of messuages cottages and frontsteads in the said Manor or Lordship of Fulford could or might enjoy the same and that the said Freemen being occupiers of ancient messuages within the said Ward had also from time immemorial had and enjoyed and then still had and enjoyed a right of intercommoning along with the owners and occupiers of such messuages cottages and frontsteads as aforesaid in and upon the said commons and waste grounds which said right of stray average and intercommoning and upon the said common fields inclosures and commons or waste grounds as aforesaid was vested in the said Mayor and Commonalty for the benefit of such Freemen inhabiting within Walmgate Ward as aforesaid and that it was agreed that it was agreed that the said Common fields Ings and Commons or waste grounds should be divided and allotted to and amongst the Proprietors thereof and persons interested therein respectively in the manner thereafter expressed and that the same and also the said Inclosures should from thenceforth be held and enjoyed in severally freed and discharged from all right of common and average whatsoever And that a certain part



of the said West Moor called or known by the name of the Low Moor containing 80 acres of ground or thereabouts should be allotted to the said Mayor and Commonalty of the said City of York In trust for and for the benefit of the Freeman of the said City who were and should be from time to time occupiers of ancient messuages within Walmgate Ward aforesaid to be held and enjoyed by them in severalty for ever freed and discharged from all right of common and other interests whatsoever to the other parties to the said Agreement or any of them of or to the same in lieu of the right of stray average and intercommoning in and upon the said common fields inclosures and commons or any of them to which the said Freeman were so entitled as aforesaid.

And it is by the said Act enacted that the Commissioners therein named should set out divide and allot the said commons or waste grounds in manner following that is to say To set out divide and allot that part of the said Commons or waste grounds called the Low Moor as aforesaid to the Mayor and Commonalty of the said City of York In trust of and for the benefit of the Freeman of the said City who were and should be from time to time occupiers of ancient messuages within Walmgate Ward aforesaid to be enjoyed by such Freeman in severalty for ever thereafter exclusive of all other persons and exempt from the payment of all tithes and ecclesiastical dues in lieu and full satisfaction of all their right and interest of or to the said common fields commons and old inclosures in the said Township of Gate Sulford or any of them Provided that the said Low Moor should be depastured only from the 12<sup>th</sup> day of May to the 10<sup>th</sup> day of October in each year and that each person having common right therein should and might turn on and keep upon the same during the said time in each year one gelding, one Mare and one foal under 2 years old or one cow and one calf under 2 years old being such persons own property and no other cattle.

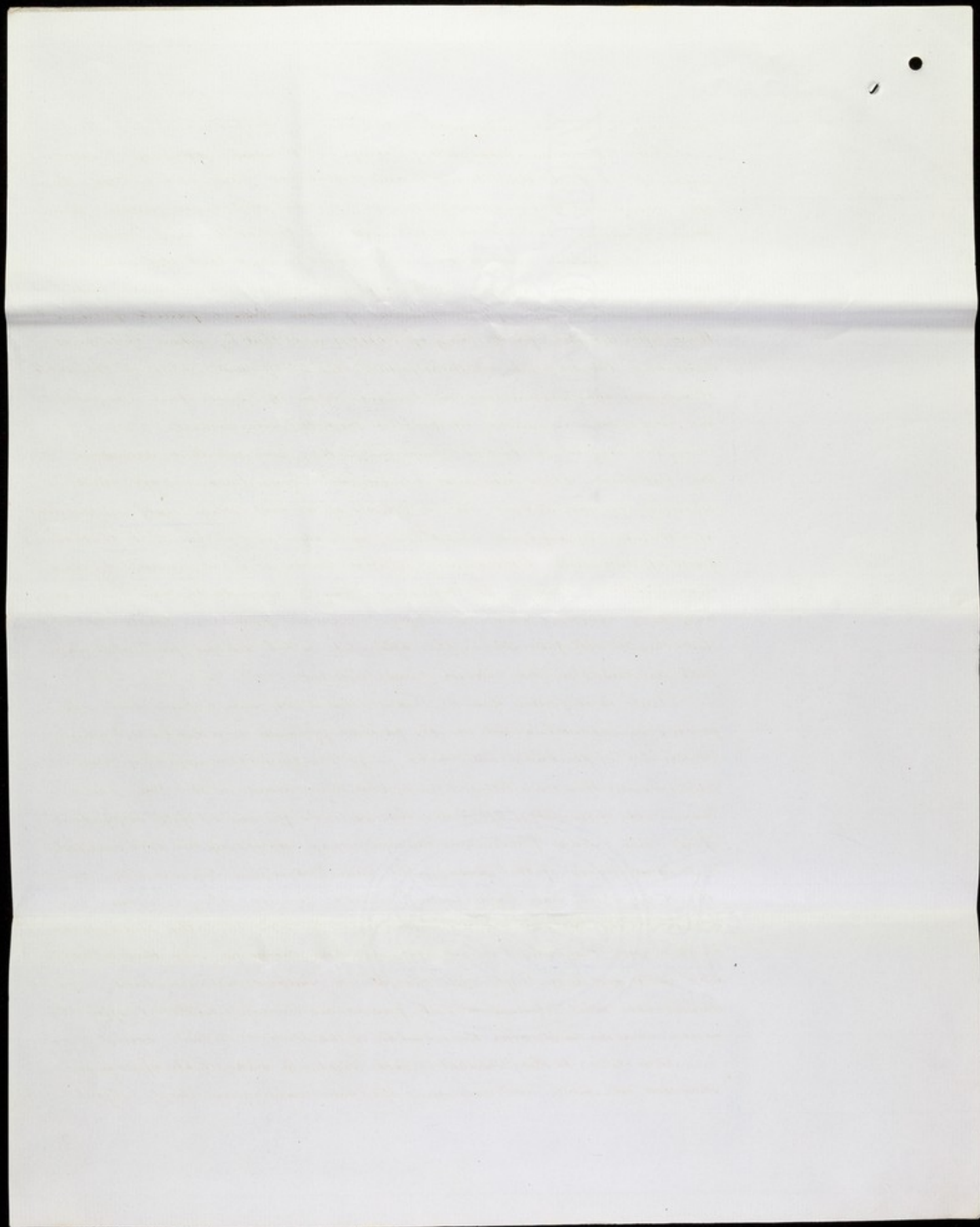
The 25 acres of land heretofore set Inclosures were acquired by the Freeman of Walmgate Ward under and by virtue of an Act of Parliament passed in the year 1824 intitled "An Act for extinguishing the rights of stray and average over certain Lands called Half year lands situate without Walmgate Bar in the suburbs or precincts of the City of York" in the preamble whereof it is stated that certain persons therein named were owners and proprietors of certain closes or parcels of ground called Half year Lands containing together 140 acres or thereabouts which were respectively situate within such



parts of the suburbs or precincts of the said City of York as were called Wabngate Ward and that certain Freemen of the said City of York residing within the said Division or Ward called Wabngate Ward were entitled to a right of common stey or average in upon or over all the said closes or parcels of ground called half year lands from the 10<sup>th</sup> day of October to the 6<sup>th</sup> day of April in every year in such manner and for such commonable cattle as the same had been immemorially enjoyed by such Freemen and that the said several closes or parcels of ground called half year lands were in their then present state capable of very little improvement but by reason of their vicinity to the said City of York would become of greater value if the rights of common stey and average in over and upon the same were extinguished and compensation made for the same as thereafter mentioned.

And it is by the said Act enacted that the Commissioner for executing the said Act should set out and allot to such and such part or parts of the whole of the said several closes or parcels of ground called Half year lands as the said Commissioners should deem and adjudge to be equal to two thirtieth parts of the whole of the same half year lands as a fair equivalent and compensation for such right of common stey or average as such freemen were then entitled to in over or upon the said half year lands respectively and should sell the allotment or allotments so to be set out from the said half year lands in the manner therein directed.

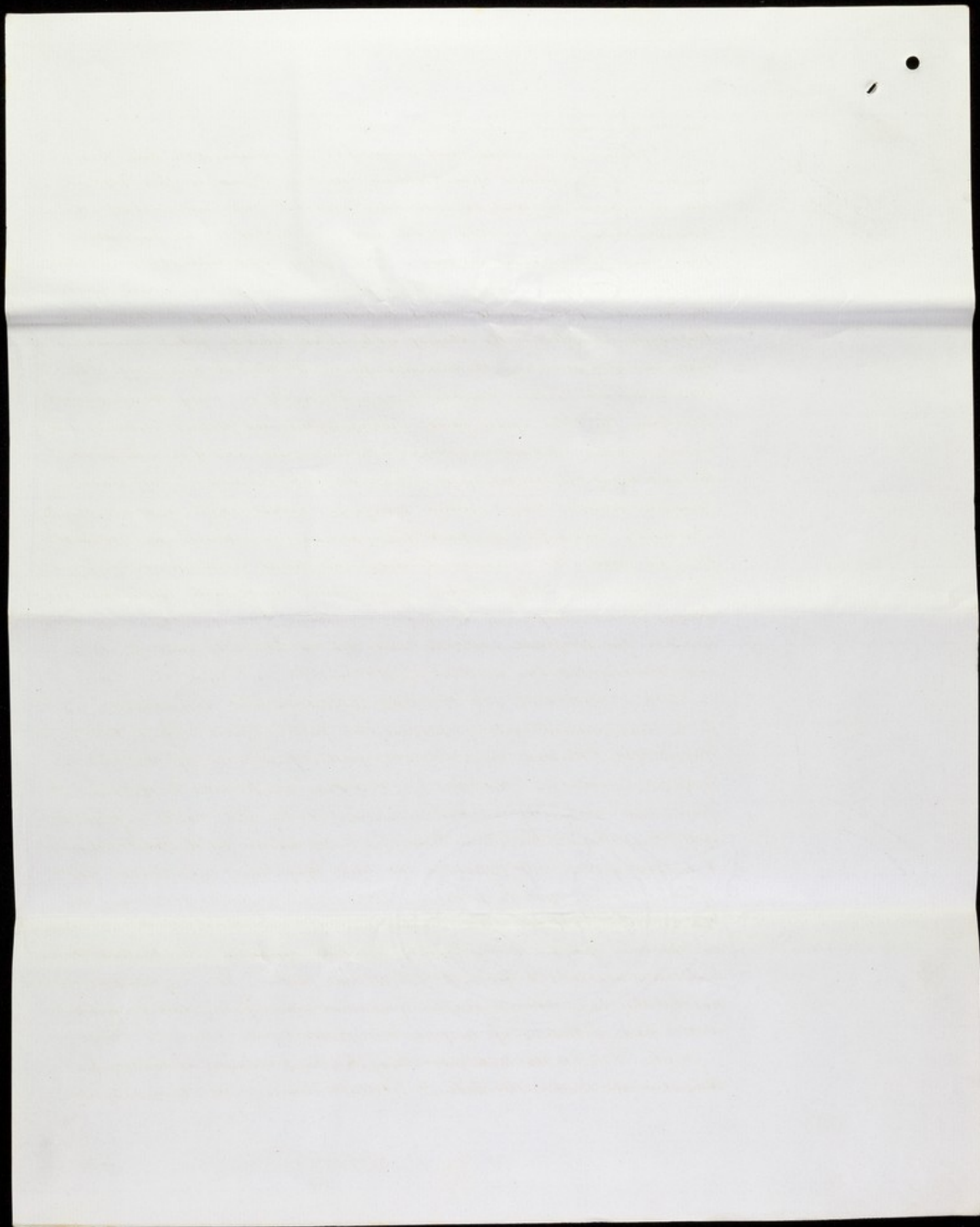
And it is further enacted that all the money arising from such sale or sales should be laid out in the purchase of lands and the lands which should be so purchased with such money should by the award of the said Commissioners be allotted to and should be vested in the Mayor and Commonalty of the City of York and their successors for ever in full satisfaction of all such rights of common stey and average as aforesaid and be exclusively and at all times of the year enjoyed by such Freemen as for the time being would respectively have been entitled to right of common stey or average in over and upon the said several closes or parcels of ground called half year lands in case the said Act had not been passed and for such and the like cattle and under such and the like regulations and restrictions (so far as circumstances would permit) as such freemen did or were entitled to enjoy the same and from and after the execution of the Award of the said Commissioners or as they should by notice direct the said rights of common stey and average in over and upon the said half year lands should



cease and be for ever extinguished.

The Commissioners appointed for carrying into execution the said last mentioned Act made their Award bearing date the 18<sup>th</sup> day of July 1828 whereby after reciting that they had in pursuance of the said Act caused certain allotments therein described to be sold by public auction and that the monies arising from such sale amounted to the sum of £5404 And that the said Mayor and Commonalty in pursuance of the said Act contracted and agreed with Richard Hobson Esquire for the purchase of certain closes or parcels of land thereafter described for the sum of £5404 and that by certain Indentures of Lease and Release bearing date respectively the 22<sup>nd</sup> and 23<sup>rd</sup> of March 1825 and made between the said Richard Hobson of the one part and the said Mayor and Commonalty of the other part the said Richard Hobson did convey and assure unto the said Mayor and Commonalty and their successors the said lands and hereditaments so contracted to be purchased as aforesaid containing together 25. 1. 38 To hold unto the said Mayor and Commonalty and their successors for ever Nevertheless Upon trust and to the intent that the same premises might be exclusively and at all times in the year enjoyed by such Freeman as for the time being would respectively have been entitled to right of common stray or average in over and upon the said several closes or parcels of ground in the said Act called Half year lands in case the said Act had not been passed and for such and the like Cattle and under such and the like regulations and restrictions (as far as circumstances would permit) as such freemen were entitled to enjoy the same They the said Commissioners in further pursuance of the directions contained in the said Act Did by that their award allot to the said Mayor and Commonalty and their successors All the said lands so purchased of the said Richard Hobson and conveyed and assured by the said recited Indentures of Lease and Release to the said Mayor and Commonalty as aforesaid (which said Lands were then laid open to each other) and did thereby declare that the same lands should for ever thereafter remain vested in the said Mayor and Commonalty and their successors Nevertheless upon such trusts and to and for such intents and purposes as were directed in and by the said Act and were in pursuance thereof limited or expressed in the said Indentures of lease and release.

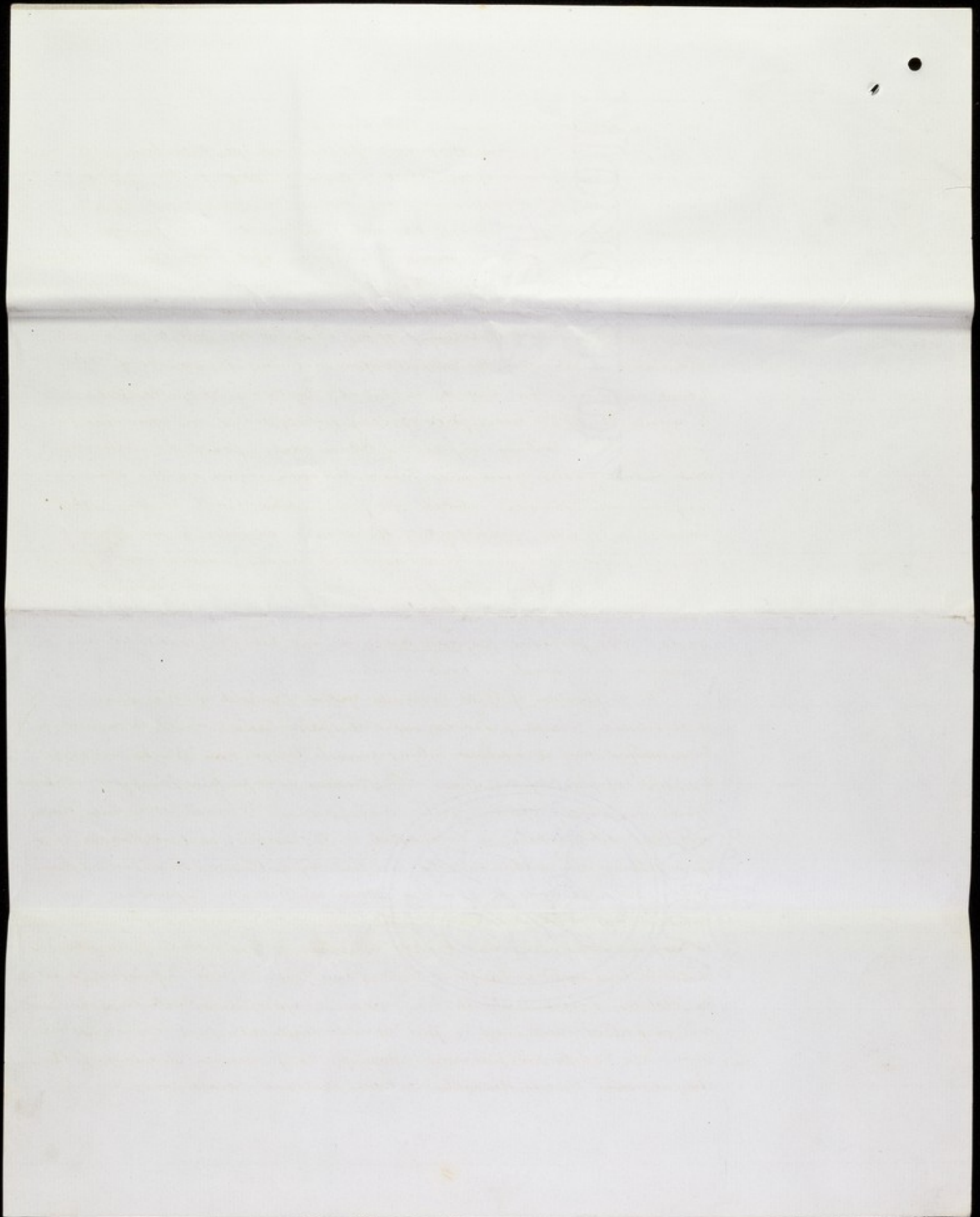
The title to the Walsgate Ward Freeman's Strays has been given somewhat at length as it has an important bearing on the subject



now to be introduced.

A portion of the Stray comprising 5620 square yards is bounded on one side by the grounds of an Extensive Asylum known as the "The Friends' Retreat" so called from its being under the management of a Committee composed of members of The Society of Friends. The position of this portion of the Stray is shown on the plan sent herewith. It is also bounded on the other side by Belle vue House and Estate which belongs to the Committee of the Friends Retreat so that in point of fact the Committee's property is intersected by the Stray property. This has been felt to be an inconvenience as preventing the Committee from extending the grounds of the Retreat and having their property lie compactly together. They therefore wish to acquire the 5620 square yards of Stray property and as an equivalent are willing to give in exchange a field and kitchen garden part of the Belle vue Estate containing 5102 square yards. This is the portion shown on the plan & comprised within the area marked e. s. f. d. This it will be seen is bounded on two sides by other parts of the Stray. In order to give access to the part proposed to be given in exchange the Friends Committee would form and give up to the Stray a Road communicating directly with Hestington Road. This is shown on the plan marked "Area of Road 1581 square yards. The properties proposed to be given and taken in exchange are considered to be equal in point of value.

The Corporation of York as owners of the Freehold of the Stray would it is believed be willing and desirous that the exchange should be carried out being satisfied that it would be advantageous to the freemen who have the beneficial enjoyment of the Stray. The Wardens and pasture Masters of Wapgate Ward unanimously approve of the exchange. The Freemen as a body have not been called together and consulted on the matter but it is thought that if a Meeting were called and the case laid before them a Resolution approving of the Exchange would be passed. Assuming then the Corporation the Wardens and pasture Masters and the Freemen in general Meeting to concur in approving of and desiring to effect the exchange the question for consideration would be how such exchange could be carried out. The Corporation have no Statutory power to alienate the Freemen's Strays either by sale or exchange and no part of them has in fact been so dealt with since the Strays were acquired. The proposed exchange being for the permanent advantage of the Stray it would be very desirable to have the same carried out.



Wabingate Struggles to Friends Retreat.

Questions submitted to Council &c. in reply thereto.

Council will therefore please advise

1. Whether the Corporation with the concurrence of the Wardens and Pasture Masters of Wabingate Ward and also of the Freemen signified by Resolution to be adopted at a public meeting can lawfully effect the proposed exchange with the Committee of the Friends Retreat, and, if so, in what manner would the Exchange be best carried out whether by the intervention of the Enclosure Commissioners or under the Settled Estates Acts or how otherwise?
2. Assuming that the Exchange can be legally effected how and in what manner can the Freemen's rights of Stray now attaching to the portion proposed to be given in exchange be released and extinguished and similar rights transferred to the land proposed to be acquired in exchange from the Committee of the Friends Retreat?

### Opinion

1. I am of opinion that the proposed exchange can be effected under the provisions of the various Enclosure Acts. The acts & sections which appear to me to be particularly applicable to the present case are 8 & 9 Vict. c. 118, Secs 147-151, 12 & 13 Vict. c. 85, s. 7 - which extends the previous powers of exchange & partition to rights of common & other rights in addition to lands - & 15 & 16 Vict. c. 79, Sec 21, which enables that allotments in trust or otherwise for public or parochial purposes or for the benefit of the inhabitants or others within any parish or manor may be exchanged under the provisions of the previous acts. The application to the Commissioners would be made by the Corporation, Wardens & Pasture Masters on the one hand and the persons interested in the property of the Society of Friends, presumably the Committee, on the other. I do not think a meeting of the Freemen is necessary in the first instance. I apprehend that notice of the provisional order of exchange would be advertised under Sec 158 of 8 & 9 Vict. 118.
2. This question involves more difficulty. Apart from any provision in the Enclosure Acts I do not think that a mere exchange of the lands would shift the



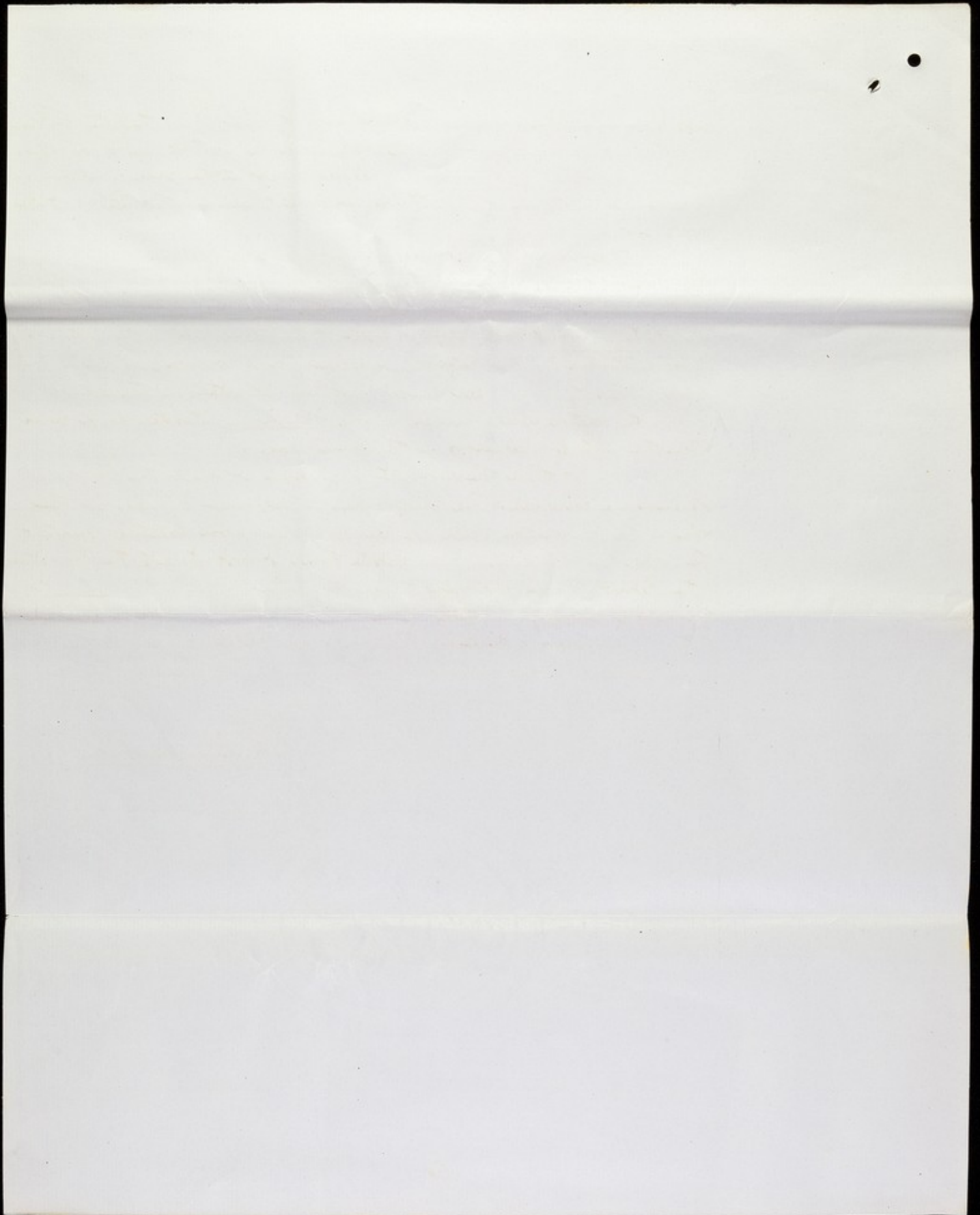
right of common intercommunion. At first sight it would appear that the 94<sup>th</sup> Sec of 8 & 9 Vict. c. 118 (amended by 14 & 15 Vict. c. 94 s. 8) would be in point, but it has been seriously questioned whether that section applies except in the case of inclosures in exchange mentioned in the 92<sup>nd</sup> Sec. (see *Minist v. Seaman* 20 Beav. 269 & 7 Ex. Rep. m. & G. 340. ).

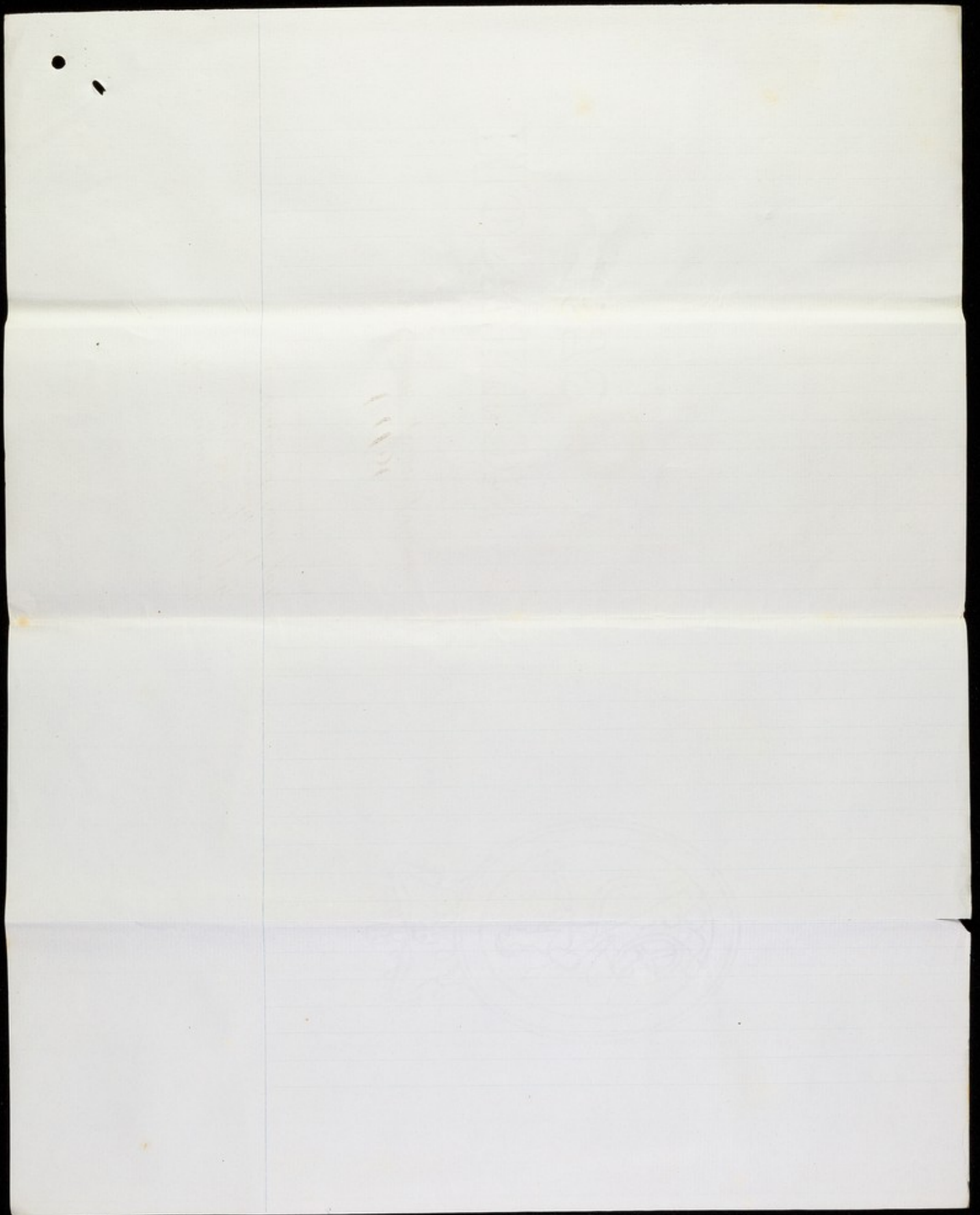
The 12 & 13 Vict. c. 83, does, however, contain a provision which, upon the whole, I think would apply. I allude to Sec. 7. My only doubt is as to how far the phrase of "admitted words, who I gather claim the right in question as inhabitants of ancient messuages, answers to the description in this section of persons <sup>interested</sup> intended, jointly, severally, as a class, or in common," by which words would appear to be intended persons absolutely interested; in other words whether this section clearly enables persons temporarily interested as a class to bar the rights of successors in the same class.

I do not think the difficulty is material so far as the Corporation's premises are concerned. The lands taken in exchange & vested by the order in the Corporation would be clearly vested upon existing trusts & the Corporation ~~could~~ could never dispute them. It most interests the Committee of the Retreat who are concerned to see the lands taken by them free from the right of Common. I would advise an application as above suggested to the Commissioners & ~~thereupon~~ thereupon it may be ascertained whether there is any precedent for this particular point. Afterwards if necessary the freemen themselves may be consulted under Sec. 7.

C. E. Chudleigh

Lincoln's Inn  
24 April 1850





April 1880.

The Trustees of Washington  
Board on the City of York  
and the Committee of  
the Friends Retreat, York

Case  
for the opinion of Counsel.

Mr. Charles B. May

Yours

Wm. W. Miller  
1880

Samuel McKimmon Stearns  
York

INCLOSURE COMMISSION,

3, ST. JAMES'S SQUARE,

LONDON, S.W.

19<sup>th</sup> May 1880

re Proposed Exchange between the  
York Corporation and Freemen of  
Malmgate Ward York - & - the Committee  
or Trustees of The Friends Retreat York.

Sir

In reference to this proposed  
Exchange I am directed by the Inclosure  
Commissioners to say that according to the  
information furnished there appears to be  
no legal difficulty in the way of the  
proposed Exchange. Assuming that an  
Award was made pursuant to the Act of  
Parliament 1757 (and was there not such  
an Award?) as well as an Award  
pursuant to the Act of Parliament 1824,  
there are two ways in which the Exchange  
might be carried out.

An Application might be made by the  
Corporation alone as Trustees (as regards  
the portion of Stray proposed to be given  
in exchange) under the 21<sup>st</sup> Section of  
the Inclosure Act 15 and 16 Vict. cap. 79.

D<sup>r</sup>. Baker

as it is understood such portion is no longer convenient for the purpose for which it was allotted, and this would be the simplest mode, subject however to this consideration, that if a single dissent were sent in by a Freeman having right of common, and who under the Acts of Parliament relating to the Stray has an equitable interest, such dissent would probably be legally sufficient to stop the Exchange. See Section 150, 8 and 9 Vict. cap. 118.

The other method of procedure, and which seems perhaps the safer course, having regard to the last observation, would be to proceed under the provisions of the Inclosure Act 8 and 9 Vict. cap. 118 and the 7<sup>th</sup> Section of the Inclosure Act 12 and 13 Vict. cap. 83. In this course of procedure the Application would be (as regards the said portion of Stray) by the Corporation and two thirds in value of the freemen having rights of common, and in such case objections from the minority would not necessarily stop the Exchange, though they would receive the careful consideration of the Commissioners.

To simplify the procedure the majority of the freemen having rights of common might

give power of Attorney to a gentleman approved of by them to act for them under the Inclosure Acts, and then he alone might sign the Application.

In the portion of Stray proposed to be given in exchange part of the Low Moore (80 acres) or part of the 25 acres. It is gathered the rights of the freemen are the same over the whole Stray. As a matter of prudence it would probably be well to call the Freemen interested together to ascertain their views as to the proposed Exchange.

Whichever course be pursued, when once the Order of Exchange is made, the land received in exchange by the Corporation and Freemen would be held in trust for the Freemen having rights of Common, exactly as the portion of the Stray proposed to be given in exchange is held, and the land received by the Committee or Trustees of the Retreat would be free from all rights of Common of the freemen, and be held upon the same uses and trusts as the Retreat land given in exchange.

The persons to make Application on behalf of the Retreat would be the persons (probably the Committee or Trustees) who are in the actual possession or receipt of the rents and profits of the Retreat land proposed to be given in exchange.

It is understood that there is a public right of way over the said portion of Stray, but that it is intended such public right shall be stopped as not necessary; as the case is not one of inclosure under the Inclosure Acts, the proceedings for stopping such right of way must be taken independently of the Commissioners, and the right should be stopped before the Order of Exchange is confirmed.

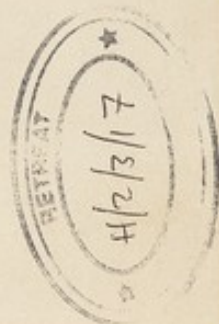
It is understood that the soil of the land intended to form the new Road giving access to the Stray shall pass by the Order of Exchange to the Corporation and Freemen, but if any expenditure is necessary in forming such new Road such expenditure should be made and the road be formed, before the Order of Exchange is confirmed.

Forms are sent herewith.

I am, Sir,  
Your obedient Servant,

J. Graham

By Order of the Board

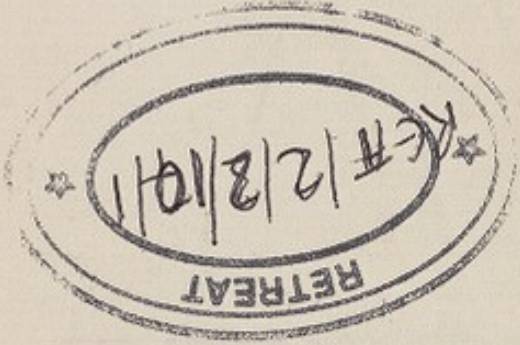


Length of New <sup>14</sup>Fencing  
244 Yards

Plantation Area  
244 Square Yards

Land taken by  
the Corporation  
752 Square Yards

472



*[Faint, illegible handwriting visible through the paper from the reverse side]*

Fencing & land measurements

	yards	feet
Total length	228	- 1
Deduct gates	6	2
Length of fencing	222	1 2
Land in Sqr yards	709	7

244  $\frac{1}{3}$

Area of Plantation 245 Sqr Yds

The Retreat, York.

REPORT

on the health of

*Mental condition.*

*Bodily condition.*

ROBT. BAKER, M.D.

~~Handwritten scribble~~

617

244

661 yards

*[Handwritten signature]*

Howard Low  
Valuers  
New St. York

18. Londal.  
York: 3<sup>rd</sup> Nov. 1880

My Dear Sir

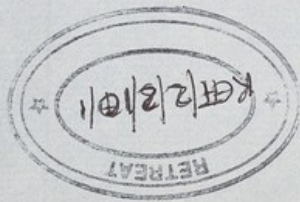
I enclose you a copy of a Letter received from the Inclusion Commissioners by which you will see that they will be satisfied with the consent of  $\frac{2}{3}$ <sup>rs</sup> of the Freemen in Walmgate Ward.

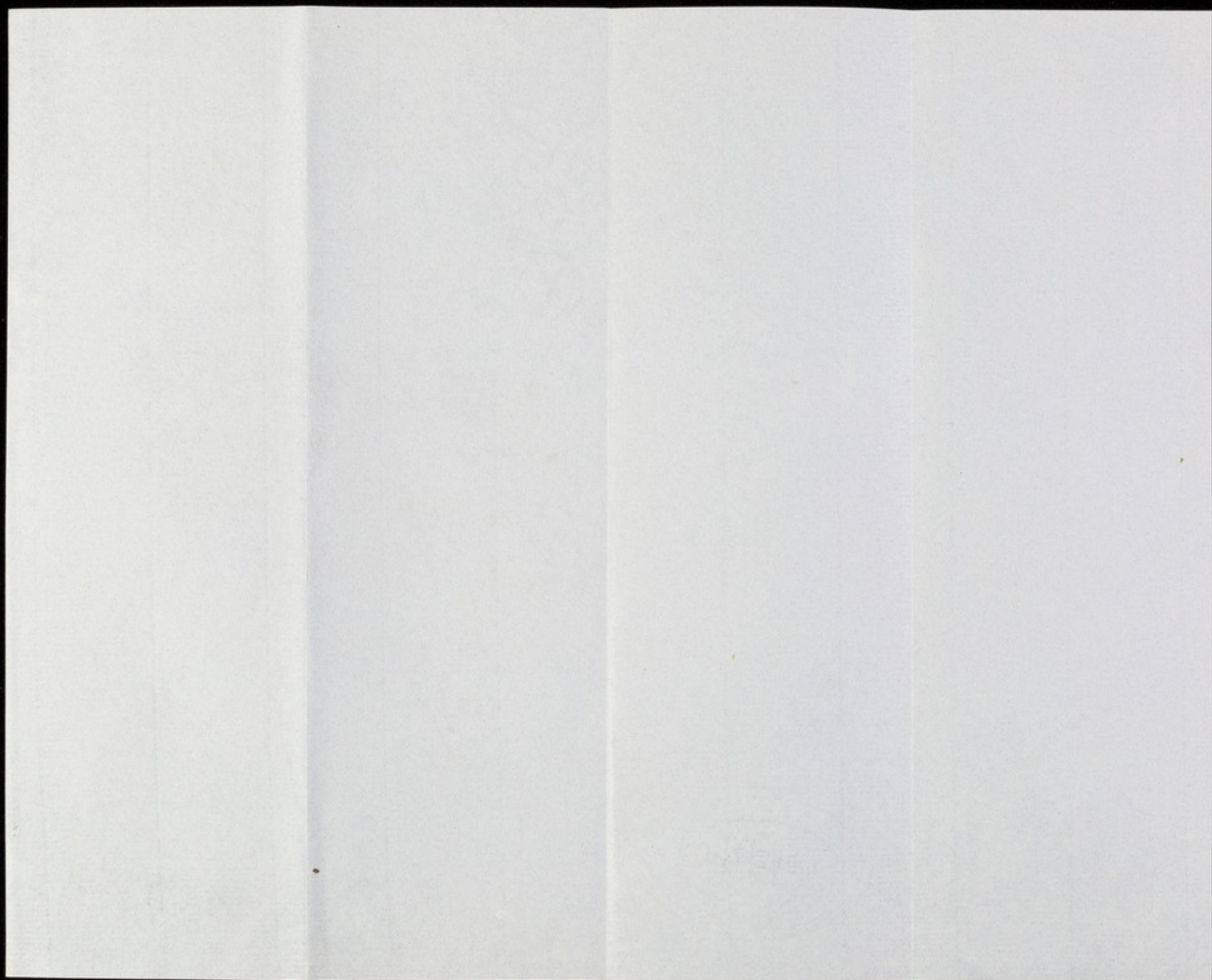
You may now proceed to obtain this consent.

Yours truly

W. Waeker

Robert Parker Esq. M.P.





(Copy)

Inclosure Commission  
3 St. James's Square  
London S. W.

29<sup>th</sup> October 1880.

re proposed Exchange between the York  
Corporation and the Freemen of Walmgate  
Ward York and the Committee or Trustees  
of the Friends Retreat York.

Sir,

In reply to your Communications herein I  
am directed by the Inclosure Commissioners to say  
that the consent of two-thirds of the Freemen of  
Walmgate Ward having rights of Common will  
be sufficient, and the proper consent, and that  
the Consent of the Freemen of other Wards would  
introduce an element not recognised by the Acts  
of Parliament and the awards made in pursuance  
thereof and not in accordance with the Usual-

I am Sir

Your Obedient Servant

(Signed) J Graham

By order of the Board.

Jos Wilkinson Esq<sup>re</sup>



18. Lendal.

York.

18

St. Crux } Robert Smith  
All Saints Pavement } Jos. W. Craven

St. Dennis - J. P. Anderson. W. Wray W. Fall  
St. George Matthew Brown

St. Margaret } Thos. Calvert  
St. Peter le Willows } Hy King

St. Lawrence } Wm. Hickton  
St. Nicholas } Jas. Thomas

St. Mary Castlegate } George Hope  
St. Michael Spawnclegate }

Summons - ?

Mr. ex-Grant Leeman. ?

John Brown -

Mr. Foster

18. Lendal.

York. 9<sup>th</sup> December 1880

My dear Sir

Proposed Exchange

I enclose you a copy of  
the Reply received from the Inclosure  
Commissioners whereby you will perceive  
that they dispense, for the present, with  
a Valuation of the Premises.

I have to day sent to them a  
Draft form of application for their  
Approval together with the plan.

I have received from Mr. Giles

An alphabetical Sheet List of the Freeman  
Compiled from the last Revised List  
which will be published in January  
next. - The entire Number is 448.

Yours truly

Wm. Walker

Robert Baker Esq.  
M.D.

of the Freeman

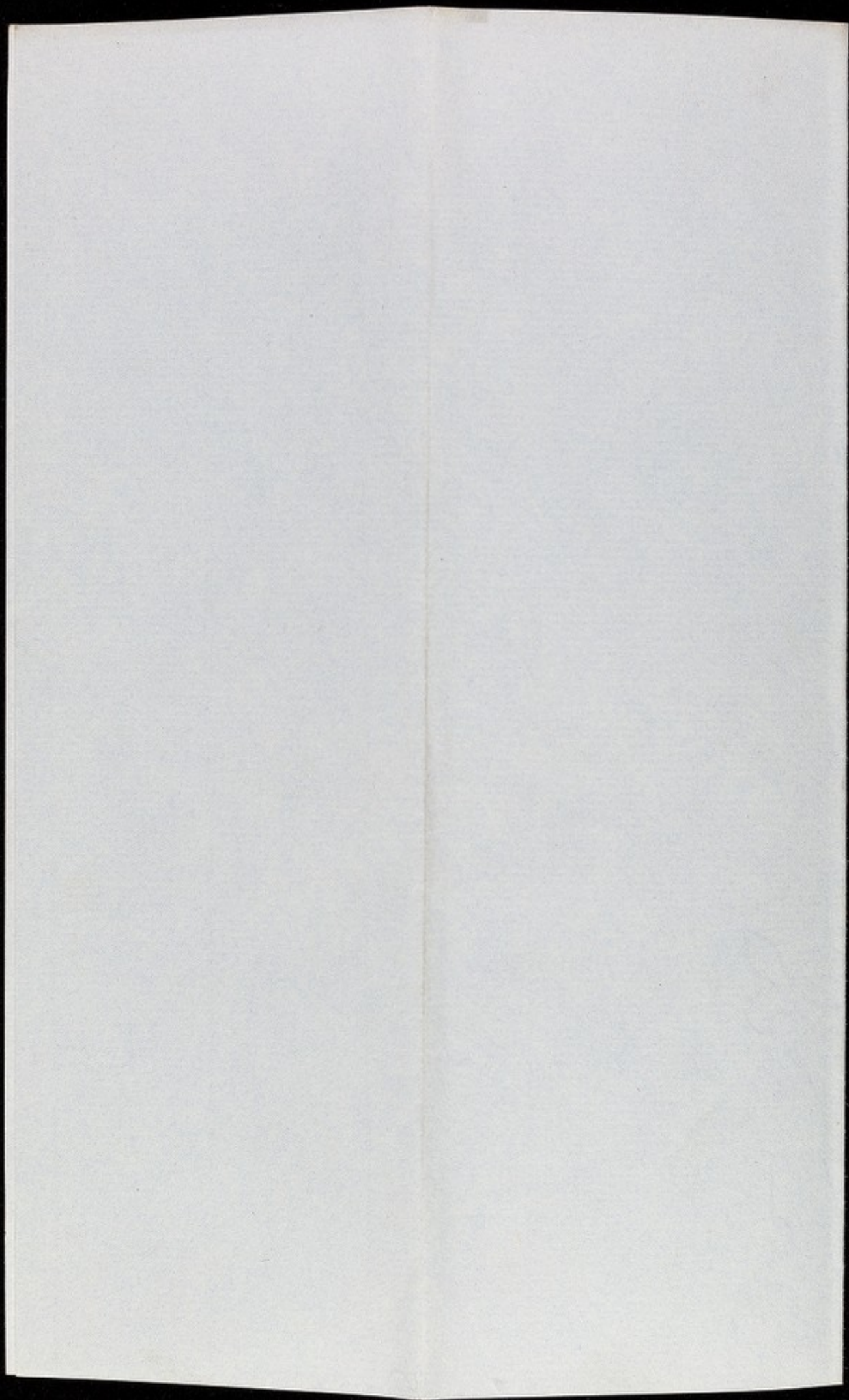
and List

January .

is 448..

by

Walker



18. Lendal.

York. 10<sup>th</sup> December 1880

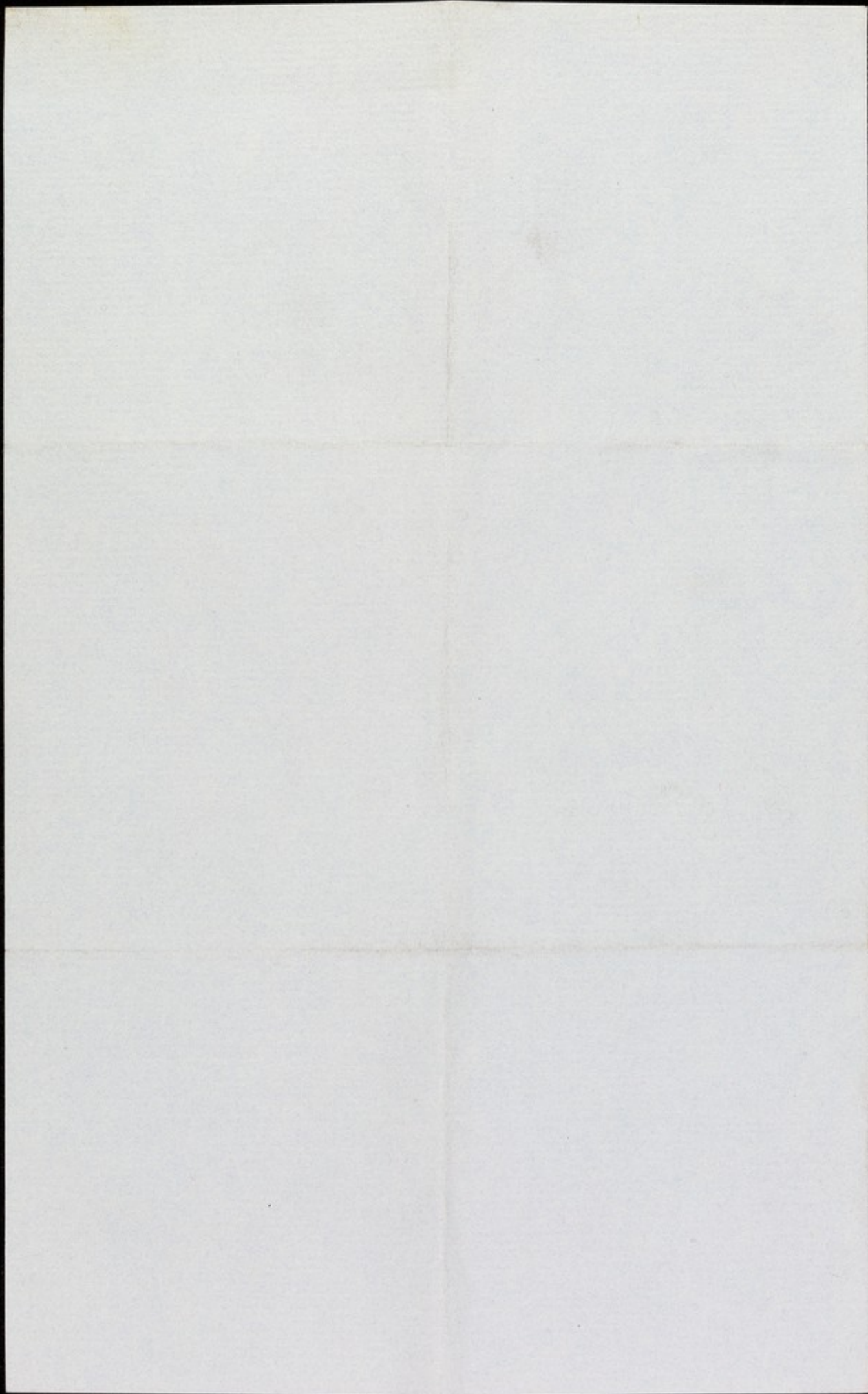
My Dear Sir

As I have sent the plan to the Enclosure Commissioners who will no doubt retain it, will you be good enough to procure me another copy from Mr. Taylor at once and let me have it so that I may show it to Mr. Wray when I see him?

Yours truly

Wm. Walker

Robert Baker Esq. M.D.



July 28<sup>th</sup> 1880.

The Retreat.

Mem. Quantities of Land proposed  
to be given in exchange with the  
Freemen of Walmgate Stray.

Portion of Stray between the Retreat  
and Bellevue:

Frontage to High Road.	86.0
Width opposite doorways	98.6
Width opposite S.W. angle of Retreat Grounds } Average Depth N to S. —	103. "
Sup. Area	523. "
<u>5620 Sq. Yds.</u>	

Portion of Field and Kitchen Garden  
Bellevue Property. - e. b. f. d.

Width	195. "
Depth East side	245. "
W. West W.	226. "
<u>Sup. Area. 5102 Sq. Yds.</u>	

Proposed Roadway. 24 ft wide -

Length 593 ft  $\times$  24 ft = 1581 Sq. Yds.

add Portion of Field 5102 "

6683

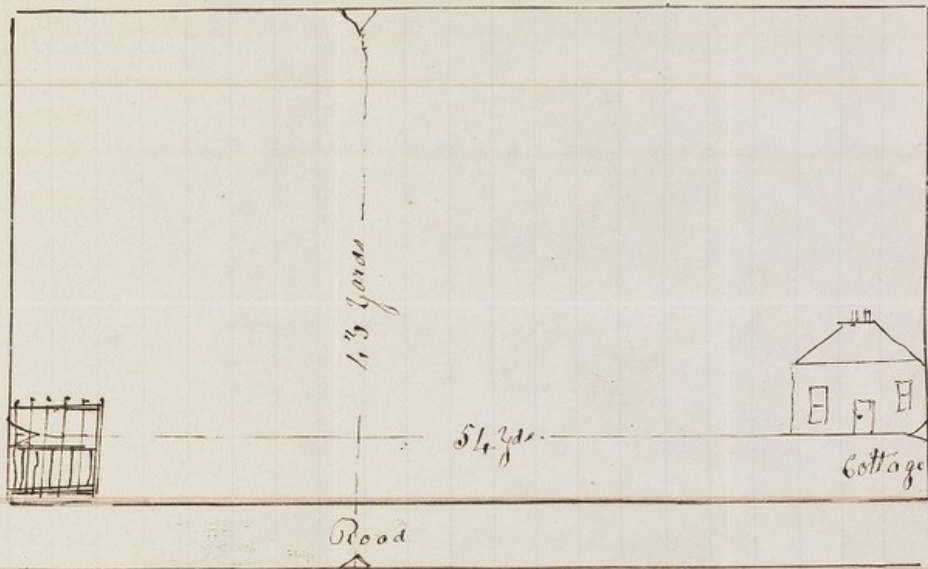
deduct Portion of Stray 5620

Excess given <sup>up</sup> by Retreat - 1063 Sq. Yds.

1063 Sq. Yds @ 5/- = £265. -

Lodge & Remford aug. 25<sup>th</sup> 1840.

2222 yards



Thursday 3<sup>rd</sup>



Retreat.

G. H

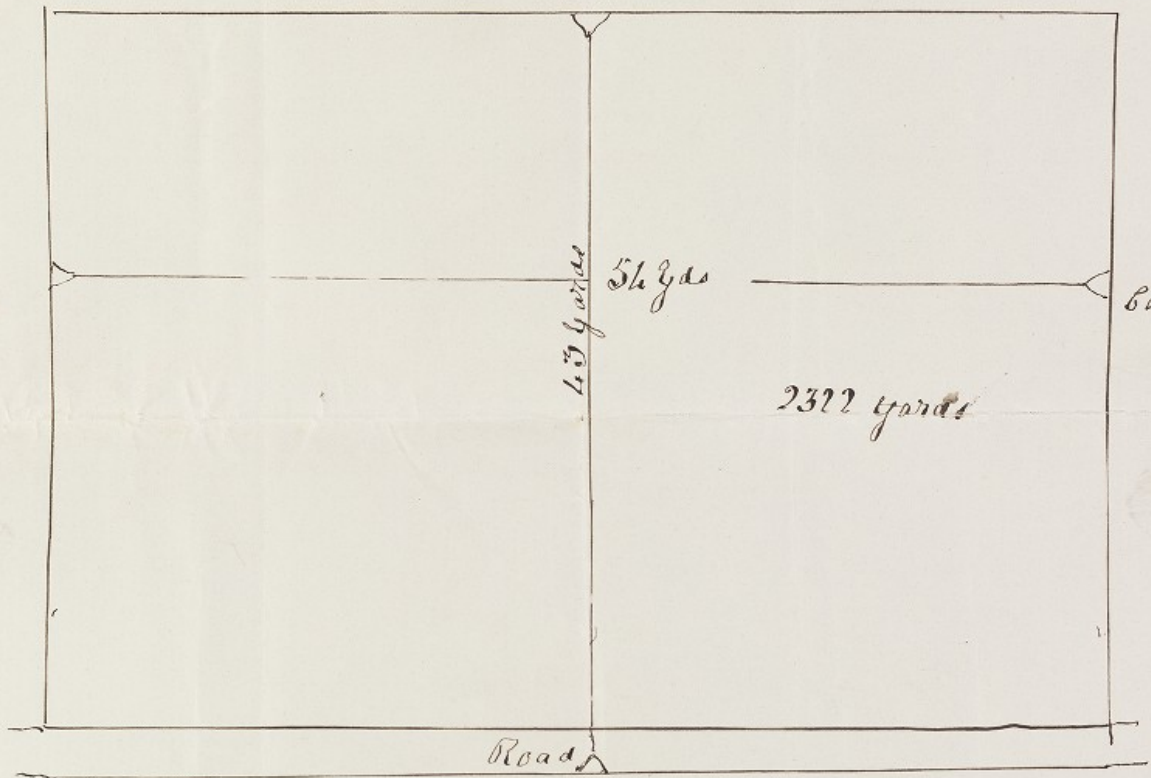
400 yards

54 yds

Boundary

2322 yards

Road





(Copy 1)

Inclosure Commission,  
3, St. James's Square,  
London, S. W.  
8<sup>th</sup> December 1880

Proposed Exchange.  
York Corporation & Freeman of Walmgate Ward, York  
— and —  
The Trustees of the Friends Retreat, York.

Sir

In reply to your Letter of the 7<sup>th</sup> instant I am directed by the Inclosure Commissioners to say that in this case they will consent to receive a draft Application and Map for examination and approval before the parties go to the expense of a Valuation. If therefore you will send up these documents they can be examined and approved, subject of course to the Valuation when obtained, showing the Exchange to be a just and reasonable one.

Forms are sent herewith.

I am, Sir,  
Your obedient Servant,  
J. Graham  
By Order of the Board.

Wm Walker Esq<sup>r</sup>



BUSINESS FOUNDED 1838.

MEMORANDUM.

From *Joseph Rowntree*  
HENRY I. ROWNTREE & CO.,

May 27<sup>th</sup> 1880



COCOA AND CHOCOLATE

MANUFACTURERS,

YORK.

To



PRIZE MEDALS, 1866, 1867, 1875, 1879. London Address.—Cowper's Court, Cornhill, E.C.

PRIZE MEDALS, 1866, 1867, 1875, 1879.

Dear D. Baker,

J. Coning has just been in, having seen the Town Clerk, He said the Town Clerk saw it at once & said it was a very good suggestion, — that questions might arise that might have to be fought out by the Solicitors. In short, that the Town Clerk ~~that~~ not only acceded to the proposal, but was thoroughly cordial

J. Coning advises that nothing be said to Walker until the consent of the Freeman has been obtained, that we then go to Walker & say "The ~~off~~ Freeman approve of this transfer & now <sup>act for us in</sup> we want you to carrying out the transfer." Coning says the matter would come quite differently to Walker if the Freeman had previously given their assent, & that whatever he might have said before it would be easy for him at that stage to regard the matter as virtually settled by those most interested in it & that he had nothing to do beyond carrying out professionally the work we entrusted to him. Coning says, the Town Clerk agrees with this view. I told Coning I was

\* the engagement of Walker as Solicitor for the Retreat in this matter.

doubtful of the wisdom of this counsel, but would communicate it to you & ask you to see him again respecting it before you went further. Practically Caring does not want us to say a word to Walker at this stage.

Caring says that <sup>if we do not</sup> ~~whether~~ we get the direct consent of  $\frac{2}{3}$  of the Freemen in writing the giving of power of attorney to some one to act on their behalf will have to be obtained, also by the written consent of  $\frac{2}{3}$ . It occurred to me that Pelham Anderson might be employed to obtain these signatures. Caring thinks he could manage Pelham Anderson.

Affectionately

J. Rowntree

Robert Barber M.D.  
The Retreat,  
N York

Shawke





Town Clerk's Office,  
16, Coney Street,  
York 27. Feb. 1880.

Dear Sir

Referring to your inquiry of this morning with reference to a contemplated change of land and other arrangements between the Trustees of the Friends Retreat and the Freemen of Walingate Ward I am of opinion that this could be effected through the Melbourn Commissioners on an application in which the Corporation (as representing the soil and freehold of the Stray), the Freemen, as having the beneficial interest therein and the Trustees concurred. I shall be glad to do what I can to assist in such an arrangement if all parties should think it desirable.

Yours truly  
Chas. Kirkby  
Town Clerk.

Dr. Baker  
Friends Retreat  
York.



Dr Baker

Friends Retreat

York

5644  
5013  

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631



5694  
694  
4943  
90  
5013

81  
20  
9620  
90

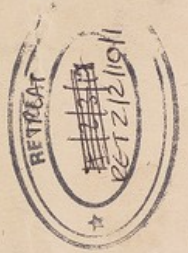
169  
5409  
5678

585  
561

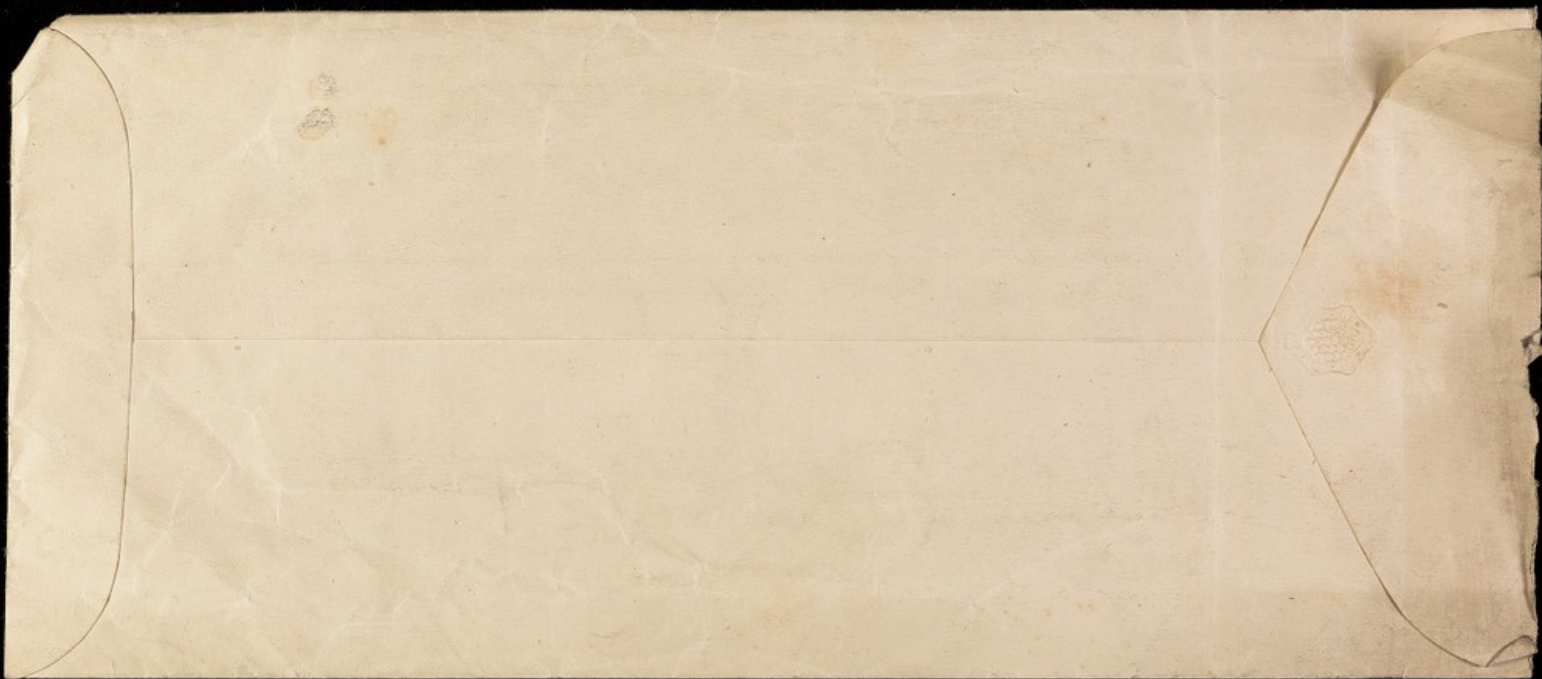
18  
561

J. Wilkinson Esq

from D. F. Carter



(573)



Robert Baker Esq

The Retreat

York

No valuation required at present

No double telegraph plan

Lot of condensed

White & Bikes	} 50 boxes	} Run in 1898
Printer		
Woods		

Private

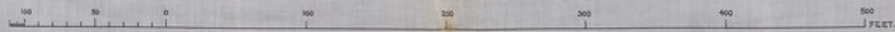
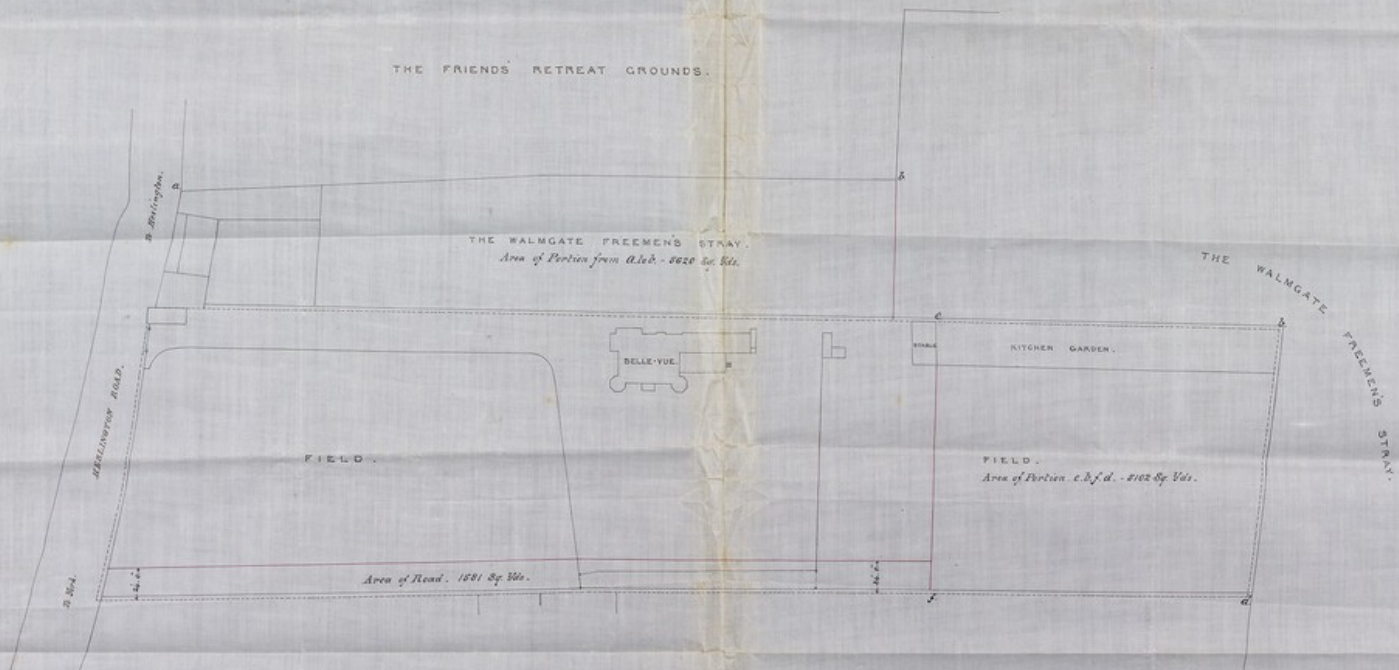
When they  
is used



— PLAN OF THE ESTATE OF BELLEVUE HOUSE, YORK. —  
 — BELONGING TO THE COMMITTEE OF THE FRIENDS' RETREAT. —



THE FRIENDS' RETREAT GROUNDS.



*Edward Compton, Architect  
 of Stenegaite, York.  
 February, 1880.*

