

WOOTTON MANOR ESTATE

Response to Application for a DMMO to add a restricted byway from Robin Post Lane to the Lewes/Polegate Road

Further comments on behalf of the Estate

Executive Summary

1. The Application Route ('AR') runs approximately North-South from points A-E. D-E has been traditionally enclosed. A-D has not.
2. It is not claimed by the Applicant that the AR is currently used by the public. It was not recorded at any time as part of the definitive map process. The claim is based on historic documents seeking to establish that the AR is an ancient highway that has long fallen into disuse.
3. The Application Route is an enclosed way that joins the original East-West turnpike road at point D. North of the turnpike at point D, map evidence shows that the Application Route was traditionally gated and largely unenclosed. There is and was an obvious change in character of the AR north and south of point D where it crosses the old turnpike.
4. In 1819 this original turnpike was stopped up by the statute that created the new turnpike to the south over what is now the A27. Additionally the statute stopped up a public bridleway further south and running E-W crossing the AR between D and E. The express reasoning for the stopping up of ways was to ensure that the new turnpike was not circumvented.

Section A-D

5. The Applicant has sought to merge the evidence of the southern section (E-D) of the AR being a public road, to justify inclusion of the northern section (A-D). This is an invalid approach for the following reasons:
 - Given the existence of the original turnpike road, there is no basis to assume that any use of the southern section (E-D) as a public way would have been to continue along the AR through points D-A, as opposed to merely being a way to join the original turnpike. Indeed this would seem more likely.

- The section north of D does not historically run on a consistent alignment i.e the detailed alignment between at least B-C changed after closure of the turnpike. This inconsistent alignment does not suggest the route was considered as a public right of way.
 - If the section A-D had been a public carriageway, it would have allowed the original turnpike to Hailsham to be circumvented and any tolls avoided. This would seem unlikely.
 - If the section whole A-E had been a public carriageway, it would also have enabled the new turnpike to be circumvented. This would have negated the express purpose of the statute and the stopping up of public ways to prevent avoidance of the toll.
 - There is no evidence at all to suggest public status of any kind for the section A-D. Indeed, the inclusion of the route in this section within hereditaments in the 1910 Finance Act records, indicates that neither the landowner nor surveyor considered it to be a public road as claimed by the Applicant.
6. Overall, there is no evidence upon which it can be asserted that section A-D is a public way of any kind. Indeed there is evidence that indicates that it was not. The Application is for a public through route (restricted byway) A-E. There is no reasonable allegation that such a through route has ever existed. The Order should not be made on this basis alone.

Section D-E

7. The only reference to any part of the AR as a parish road is within the Railway Records which refer to the southern section (approximately) of the AR. Such records can be given limited weight in this case inter alia:
- The very southern section of the AR was amended to the current alignment on the building of the railway to run over a newly constructed bridge. The diverted route and bridge, if carrying a public carriageway, had to be constructed to minimum statutory standards. It is apparent from a survey of the original structure that the bridge and road did not meet those standards. This does not suggest that the AR was indeed a parish road.
 - If the route were to have been a public carriageway, in failing to construct a bridge/ road of the correct dimensions, the Railway Company would have been acting ultra vires. Any diversion of the AR from its original alignment to over the bridge is likely to have been invalid. The Parish Road would run now on its original alignment i.e. through the current railway.

- The railway plans do not concur with the contents of Turnpike Plans from earlier in the century. The Turnpike Plans concerned the proposed new turnpike. The plans dealt specifically with the road network and were public documents open to scrutiny. They either fail to show the AR or show it to a private destination which does not suggest a public carriageway existing along the AR at the time.
8. Overall, even taken at its highest, the evidence can only seek to establish a cul de sac public carriageway from E-D. The evidence for this short spur being public is limited and countered by consideration of the evidence as a whole. The case for making the Order even over the section E-D or any part thereof, is not made out.

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Further comments on behalf of the Estate

Introduction

1. These further comments are made on behalf of the Wootton Manor Estate ('the Estate') in response to the Application for a restricted byway marked A-B-C-D-E ('the AR') made by Mr Smith of the OSS ('the Applicant'). They are to be read in addition to comments already made.
2. The Estate notes that the Applicant relies heavily on the points system advocated in '*Restoring the Record*'. This is published by the OSS and one of its authors is a trustee of this organisation. It is clearly not an impartial publication and the Estate would strongly dispute its value in assessing the evidence. Under current legislation there is no basic evidential test as referred to by the Applicant.

Estate's further comments

The 18th and early 19th century maps as evidence of a public carriageway

3. The Applicant relies on the physical existence of the way on a number of 18th and early 19th century maps to import public carriageway status. This is not a legitimate approach. Maps are generally only evidence of physical existence of a way and not status and indeed, many maps were merely copies of others:

'The plagiarism by publishers of others' maps was a well-established tradition which still flourishes today (e.g. the recent case between the AA and OS).' (Yolande Hodson 19th and 20th Century non-OS maps RWLR 9:3 129-138)

4. In this specific case, even a cursory examination of the maps cited illustrates that the maps cannot be relied on as evidence of public status:
 - Yeakell and Gardner ('Y&G') – the authors expressly state that they were intending to show public and private routes (see Estate response at p. 13). The Applicant cannot impute to the authors of a map a claim they did not even make themselves;

- On the Y&G map (and indeed on Yeakell and Gream, Mudge and the OS 1" and draft drawings) routes are shown as substantial ways (enclosed, uncoloured ways) that are not public ways today (for example, the enclosed route running north from Oggs Lane (bridleway) to Nate Farm. Further, routes are shown as double dashed lines in a similar fashion to the AR north of D, which are clearly private (see for example the track terminating at Wootton Farm). Finally, the colouring on Y&G does not point to the AR being a public way and indeed suggests that any carriageway to Hailsham would not have followed the AR;
 - OS maps are only evidence of physical existence and not public status (see Planning Inspectorate's Consistency Guidelines paras 12.32-4 for a summary of the relevant case law);
 - There is not consistency of alignment of the AR for its full length. The alignment as shown on the late 18th and early 19th Century maps does not correspond with B-D of the AR as shown on OS maps from the late 19th century. This lack of consistency of alignment does not point to and indeed is evidence against public status of the AR.
5. Overall, the map evidence provides no evidence to support public status. Indeed, the lack of consistent alignment of B-D is actually evidence against this section being a public way.

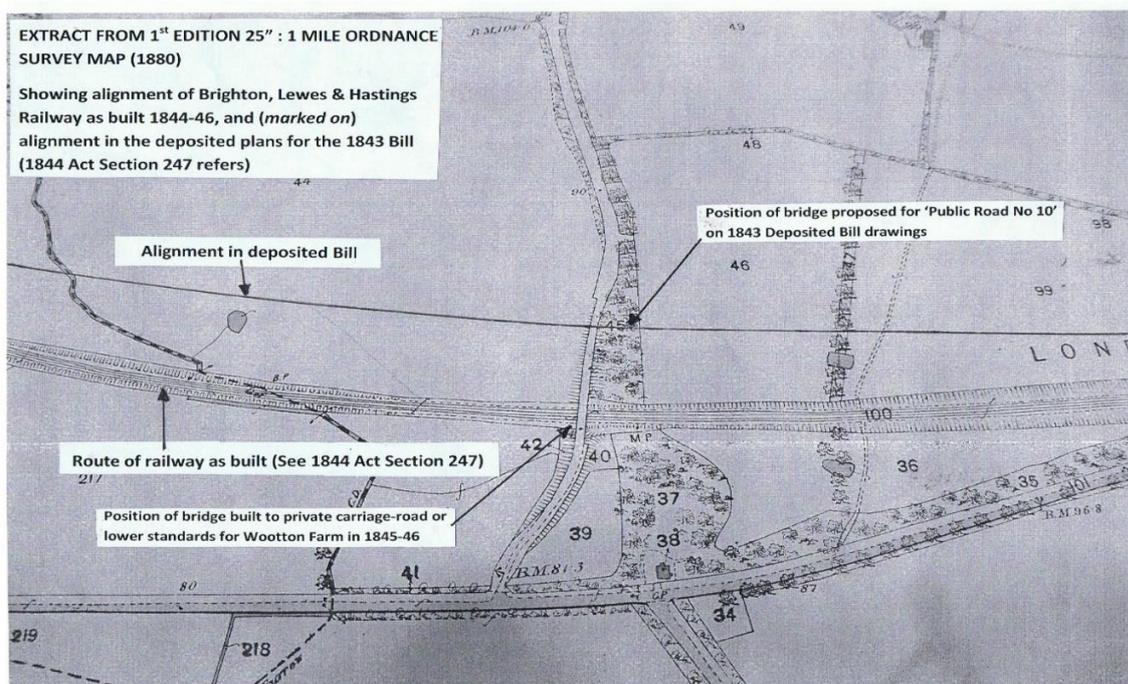
The Turnpike Roads – Plans and legislation 1817/19

6. There are two sets of turnpike plans, one from 1817 the other from 1819. The Applicant seeks to gloss over the importance of these plans but they are of at least equal evidential importance to the Railway Plans, being produced as part of the statutory process, with trustees' meetings being advertised and a right of appeal for any aggrieved party (see the 1819 Act pp 237/8 and 276).
7. The Applicant's case of a public carriageway existing in 1817/19 relies on all of the following:
- The surveyor in 1817 ignoring the existence of a public carriageway running past Wootton Farm, despite showing the Farm. This would seem unlikely particularly given that the road network was the point at issue. Further, other public carriageways are marked on the plan (e.g. between plots 15 and 16 as per the photo of the plan at page 10 of the Application); AND
 - The surveyor in 1819 marking the track as going to Wootton a private destination despite the route being a public carriageway to Hailsham. This seems unlikely, particularly when viewed in combination with the 1817 plan; AND

- A public carriageway (the northern section of the AR) from D to Hailsham, existing that would have allowed the pre-1819 turnpike road to be circumvented. This seems highly unlikely; AND
 - The 1819 Act required that toll gates be erected along the new turnpike at Polegate where it met the Hailsham to Eastbourne turnpike (see page 243 of the 1819 Act). Such a toll gate would have been rendered redundant if the AR had been a public carriageway to Hailsham, defeating the purpose of the legislation. Again this seems highly unlikely.
8. Overall, the Turnpike evidence significantly undermines the claim the AR was a public carriageway.

The Railway Plans as evidence of public status (c1840)

9. Prima facie, the railway records are the Applicant's strongest evidence indicating the AR as a parish road.
10. Taken at their highest, these records have inherent limitations; they relate to only a short section of the AR and cannot be evidence of public status for the whole AR (including the section north of the old Turnpike Road which has not appeared as a consistent and seamless continuation of the enclosed section). The railway records provide no evidence of the specific status of public rights that might have been thought to exist.
11. In addition, the weight to be afforded the records is also limited in this specific case. In place of the statutory highway standard bridge shown in the deposited plan, a new section of track some 265 yards long on a different alignment and with a different bridge was built.



12. The relevant Railway Act ('the Act') required that any bridge constructed over the railway 'shall have a clear space between the fences of25 feet if a public carriage-road'. There was a fall back position that if the average width of the existing road 50 yards of the crossing point was less than 25 feet, then the minimum space was 20 feet (s282 of the Act).
13. The Applicant acknowledges that currently the bridge across the railway on the AR does not adhere to this statutory requirement. The Applicant claims that the bridge's failure to meet the minimum statutory width is due to subsequent works/ possibly the walls of the bridge are not original.
14. Mr Sullivan has undertaken a survey and his statement is in Appendix 1. He is of the opinion that the bridge is original. His measurements show that the bridge clearly does not adhere to the stipulated width.
15. In addition, the Railway Act required a maximum gradient of 1:20 (s281 of the Act) for bridges carrying public carriageways. The bridge over the AR is steeper than this (see Mr Sullivan's statement). The gradient could not have been altered by subsequent works, but reflects a bridge that did not comply with statute to carry a public carriageway.
16. The bridge's failure to meet the statutory requirements for public carriageways necessarily significantly lessens the weight that can be given to the records as evidence that the AR was indeed a public carriageway.
17. In addition, the original road was diverted to run over that bridge. Such a substituted road needed to be as equally convenient as the existing road (s286). The evidence on the ground shows that the diverted road over the bridge was not as equally convenient as the original road (see Mr Sullivan's statement) i.e. did not comply with the requirements of s286.
18. Overall, if the AR had been a public carriageway, there is no explanation for the construction of a bridge and road that did not adhere to statutory requirements. In contrast, if a private road, it is known that Thomas Sheppard, the relevant landowner, was in discussions with the Railway Company (see s247) providing the opportunity to agree any modifications. The Railway Plan evidence is, on examination and taken at its highest for the Applicant, equivocal.

And be it enacted, That in making the railway through and immediately adjoining the estate of Thomas Sheppard, Esquire, ^{247.} in ^{As to carry-} ing the rail-

way through
the land of
Thomas
Sheppard,
Esq.

in the parish of Folkington, in the county of Sussex, the Company shall and they are hereby required to make and construct the same in, and not in any manner to deviate from, the amended line or course coloured red and laid down upon a certain plan which has been agreed upon between the parties and signed by Henry Faithfull the authorized agent of the Company, and Richard Rushton Preston the authorized agent of the said Thomas Sheppard, and not according to the line delineated on the maps or plans hereinbefore mentioned to have been already deposited with the said clerks of the peace, such amended line being within the limits of deviation marked on the said last-mentioned plans.

19. It should also be noted that, if a public carriageway had existed along the Back Drive but the statutory requirements for the bridge and substituted road were not followed, it is likely that any diversion of the original road onto the bridge and alternative alignment would be ineffective. In such a case, any public carriageway would continue along the original alignment i.e. through the current railway, and any Order would have to reflect this.

Tithe map and apportionment (Appendix 2)

20. Tithe maps and records were compiled to show lands over which a tithe could be charged (i.e. a crop could be grown). Private roads would diminish the tithe as much as public roads. As such, the records are not evidence of public status. In the absence of additional evidence, the colouring of roads on a tithe map is not indicative of status (see Planning Inspectorate Consistency Guidelines Chapter 8).
21. In this case, private routes are shown coloured (e.g. the route to Wootton Farm) as well as public rights of way of lesser status than carriageway (see the bridleway crossing the AR at B). The colouring is not indicative of status.
22. In addition much of the AR north of the old turnpike road is shown incorporated into fields. This does not suggest the physical existence of a route of any permanence/ prominence which would be expected of a public carriageway.
23. Overall, the tithe map evidence is of limited if any weight.

The Folkington Estate Abstract of Title - survey and estate plan 1840 (photos 4664; 4665; 4667; 4668)

24. The plan does not show a through route physically existing along the whole AR. There is no physical route shown through the fields north of point 'D' (as per the tithe map). No road is described. There is no acknowledgement of any kind of a public carriageway.
25. This evidence does not point to a public carriageway existing along the AR to Hailsham.

1844 diversion plan

26. The Applicant argues that the diversion plan from 1844 supports public status. Certainly the diversion order was not concerned with the AR and this necessarily significantly limits the weight that can be afforded to any plan in establishing a public way over any part of the AR. It cannot be said that it was accepted that there was a public through route along the AR (see para 3.1.11 of the Applicant's further comments). The court was not concerned with the AR and in fact no diversion order was ever made; it cannot be known what if any consideration the court gave to the application.
27. The Applicant appears to argue that a public route existing in 1844 on the southern side of the new Turnpike Road is evidence of its continuation to the north of that road along the AR. This has no merit; by 1844 the new Turnpike had been in place for many years and its impact upon the use and classification of the routes to the south cannot be judged now. Public routes to the south of the turnpike could have come into being/ use as public ways because of the construction of the new turnpike. The Applicant's comments in section 3 of his response to the landowner are pure supposition.
28. There is a short section of AR marked to Hailsham on the plan but this path was not part of the diversion i.e. its appearance was very much an adjunct to the task at hand. It certainly is not evidence of the complete alignment of any route thought to run to Hailsham. In addition, the comments regarding the avoidance of tolls, referred to above, point very clearly away from any through route to Hailsham having existed at the time.
29. Overall, this evidence, particularly when viewed in context, is of very limited if any evidential value.

1876 sales particulars

30. These plans were connected with the sale of the Estate by Thomas Sheppard to James Gwynne. They do not show a through route to Hailsham along the AR.

1877 Diversion Plan (photo 7382)

31. The Applicant sees the 1877 Diversion plan colouring as strong evidence that the applicant accepted that the AR was a public highway.
32. This is unsustainable. First, the diversion was not concerned with any part of the AR and therefore the papers do not import that the AR is a public way. Second, there is no explanation for the colouring used and no evidence that it was intended to show public roads. Indeed when a clear photo is examined, it can be seen that cul de sac routes are also coloured (see photo 7382).

Third, when one looks at the Estate plan from a similar time, it shows the AR coloured in its southern section in the same way as the diversion but covers a larger area going on to show that colouring continuing for a section of the old Turnpike. It is known that rights along that turnpike route had been extinguished via the 1819 Act. This would suggest that the surveyor did not use colouring to indicate public status but perhaps surface quality.

33. Finally, it is known from the papers surrounding the dispute with the Duke of Devonshire, that the landowner at the time, James Gwynne, did not believe that Wootton Lane (i.e. the AR from E-D) was a public road (see below).
34. These diversion records are of no evidential importance in establishing the AR as a public way.

OS maps and Boundary Records

35. The Applicant see these records as being 'strong evidence to support highway status'.
36. This clearly erroneous; OS records these were not compiled to show public status but the physical existence of a way and contain disclaimers to this effect. The boundary records contain no more detail/ information than the 1:25 " OS map produced at the time. 'CR' means centre of road, but gives no indication of public or private status. The records merely indicate that part of the AR existed (A-B) as a physical feature. There can be no assumption (as the Applicant has made) that because a route joins a public way, it is also public and/or is of the same status. Many private roads/ public roads of lower status join BOATS (see for example Oggs Lane a bridleroad that joins Robin Post Lane, a BOAT).

The dispute with the Duke of Devonshire (photos 7189 and 7190)

37. Between 1892-4 there was a dispute between James Gwynne and the Duke of Devonshire regarding access to the Duke's property 'the Hooks' via Wootton Lane and the old turnpike road. There is extensive documentation as referred to in the Landowner's initial comments. This was a private matter that appears to have been settled by agreement.
38. Correspondence is attached from Curry & Co, the Duke's solicitors, to Mr Raper, Mr Gwynne's solicitor dated 5th January 1894. The assertions/ reports within the letter are not from Mr Gwynne but from the other party and were not disputed. As such, this is good evidence of steps that were taken on the ground at the time regarding Wootton Lane.
39. The letter refers to Mr Gwynne having gated Wootton Lane near the Railway in preceding years and having then locked the gate. Such actions on the part of Mr Gwynne would have been illegal if Wootton Lane had been considered a public way. Clearly Mr Gwynne did not consider that the route was a public way of any kind.

1910 Finance Act

40. Mr Gwynne was owner at the time of the Finance Act.
41. The wash on the plans is pale grey and it is difficult to see its limits. It does seem as though the AR from around point D to E is excluded from hereditaments. However, all of the AR north of the old turnpike is included within the hereditament. This does not support the existence of a public carriageway running along all of the AR.
42. The existence of public carriageway rights is not the only explanation for exclusion of a way from the assessment; the evidence must be put into context as stated in the Planning Inspectorate Consistency Guidelines:

Instructions issued by the Inland Revenue to valuers in the field deal with the exclusion of 'roadways' from plans, but do not explicitly spell out all the circumstances in which such an exclusion would apply. (para. 11.7)

It should not be assumed that the existence of public carriageway rights is the only explanation for the exclusion of a route from adjacent hereditaments although this may be a strong possibility, depending on the circumstances. It must be remembered that the production of information on such ways was very much incidental to the main purpose of the legislation. (para. 11.9)

43. In the present case, the same landowner who owned the land in 1910 disputed the existence of any rights over the way in 1894. For the Finance Act documents to support the Applicant's case, requires the belief that the same landowner changed his mind a few years later and agreed that a section of the route was a public carriageway. This seems unlikely.
44. Further, looking at the other near contemporaneous public records, of the maintenance records that survive, no mention is made of any part of the AR (despite the Applicant's assertion that reinforcement works have been conducted on the bridge). In addition, no part of the AR was shown on the 1930 handover records. It was also not claimed at the time the definitive records were compiled but expressly recognised as being a private road. It would seem unlikely that if the AR had truly been a public carriageway that had existed for many years, recognised in 1910, it would have been omitted from the handover map. The definitive records were compiled at a time within living memory of 1910 and the AR was not claimed.
45. Overall, the Finance Act records in themselves do not show the whole AR excluded, and provide no evidence to support public status from A-D. When the totality of relevant material is examined, the evidence is equivocal even with regard to the section of AR excluded from the hereditaments.

Conclusion

46. It is for those seeking the making of a DMMO to establish the case that there is a reasonable allegation that the whole AR is a former public carriageway, not for the Objector to disprove it. For the Council to support confirmation, the case would have to be made out on the balance of probabilities.
47. The Applicant's approach has been fundamentally flawed. It has been to take old maps, join up tracks between public ways and assume that the route was a public carriageway. As discussed, the maps do not claim to show only public ways (it is questionable how the cartographer would have been able to discern this if a survey had occurred), and it is apparent from looking at the maps that private routes are shown in the same way as the AR.
48. In a case such as this, particular caution must be exercised where there has been a history of large landholdings, which would have necessitated movements of estate workers and of animals across the estate. Tracks could come into existence that were of benefit to more than one individual property, but which would not be public. The Applicant needs to provide evidence to establish the public status for all of the AR, not just that it existed as a physical feature.
49. There is absolutely no evidence to support the claim for a public right of way north of D. Indeed, many of its characteristics do not suggest it to have been a public way; it has been gated with its alignment varying over the years as the fields were reorganised. There is not one document that describes this section of the AR as public, let alone a public carriageway. If this section had existed as a public carriageway, it would have rendered the pre and post 1819 turnpike roads avoidable i.e. redundant. There is no evidential basis whatsoever for even a reasonable allegation that this section of the AR is a public way and any proposal to make an Order covering this section would be vulnerable to judicial review.
50. Regarding approx. D-E, the evidence from up to the mid-1800s is at its highest equivocal. The strongest evidence is contained within the Railway Plans but the implementation of the plans does not suggest public status. The fact that the existence of a public through route would have rendered the Turnpike that was to become the A27 redundant, again counts against the AR being public. Further, the route being a public carriageway appears at odds with the Turnpike plans which both omit any mention of a public carriageway.
51. The late 19th and early to mid 20th Century evidence is not supportive. Mr Gwynne did not treat the way as a public way. The Finance Act evidence has limitations given the lack of clarity as to when ways should be excluded from hereditaments and given that the northern section of the AR is not shown as excluded from hereditaments.

As discussed above, when the remaining evidence is examined from the 20th Century, it is apparent that the exclusion of part of the AR from the hereditament is unlikely to have been an acknowledgement of a public road.

52. Overall, even for the southern section of the AR E-D, there is insufficient evidence to support the making of an Order and certainly not confirmation. As such, the Estate respectfully asks that the Application be rejected.

Dr Karen Jones

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4th April 2018

Appendices

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| Appendix 1 | Statement of Mark Sullivan (survey of Bridge and Back Lane) |
| Appendix 2 | Tithe map (photo TD-E100) |
| Appendix 3 | Folkington Estate plan and survey – 1840 (photos 4664 – 4668 inc.) |
| Appendix 4 | 1877 Diversion Plan (photo 7382) |
| Appendix 5 | Curry and Co correspondence 1894 (photo 7189 and 7190) |

Appendix 1

Statement by Mark Sullivan

(attached in separate file)

Mark Sullivan photographs

(attached in separate file)

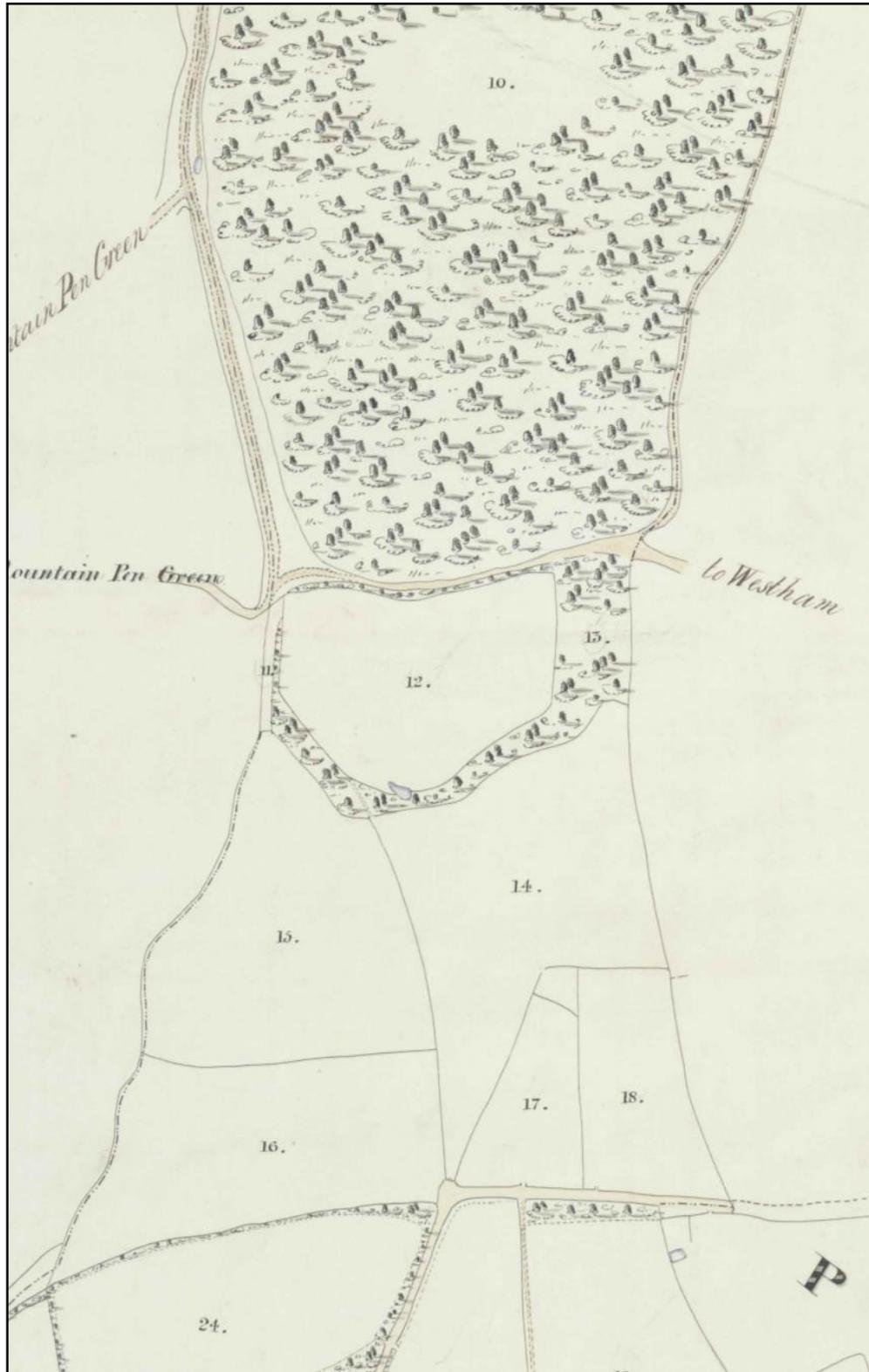
Appendix 2

The Tithe Maps for Folkington Estate 1839

ESRO TD/E 100 Folkington Tithe Map of Folkington by William Figg



Enlargement of the map above showing detail of back drive meeting the old toll road (before Hide Farm was built)



Appendix 3

Folkington Estate plan and survey – 1840 (photos 4664 – 4668 inc.)



4664



4665



4666

Folkington, 1st Freehold

| No. | Names of the Fields | Inmost | Outmost |
|---------------|---------------------------------------|---------|----------|
| 1 | Sheep Down & Barrows Bn | A F P | A F P |
| 2 | Buildings Gardens Grove &c | | 120 3 27 |
| 3 | Grove field | | 7 1 6 |
| 4 | Garden Lane | 2 1 16 | 2 3 24 |
| 5 | Cottage | 9 0 1 | 9 2 34 |
| 6 | Upper cottage | 9 1 17 | 10 2 4 |
| 7 | Lower cottage | 2 2 24 | 2 3 2 |
| 8 | Wood field | | 1 2 |
| 9 | Ashen Land | 4 0 37 | 4 1 3 |
| 10 | Wick Land | 24 2 26 | 25 0 24 |
| 11 | Mares Rough | 12 1 6 | 12 2 20 |
| 12 | Pit, Mares Haul &c | 4 3 1 | 4 3 1 |
| 13 | Brooks field | 17 0 0 | 17 1 12 |
| 14 | The Moor | 10 1 19 | 10 2 20 |
| 15 | Water, Newer | 6 0 0 | 6 0 37 |
| 16 | cottage and garden | 5 0 0 | 5 1 7 |
| 17 | D ^o | | 1 6 |
| 18 | D ^o | | 1 3 6 |
| 19 | Black Land | | 1 2 |
| 20 | Buildings Yards Garden | 21 0 6 | 21 1 34 |
| 21 | Horn, Verelker | | 2 3 6 |
| 22 | Rail Lane | 7 0 1 | 7 3 5 |
| 23 | The Bridges | 4 1 23 | 4 9 1 30 |
| 24 | Fonds Shaw &c | 10 5 24 | 12 2 2 |
| 25 | The Paddock | | 1 0 24 |
| 26 | Copse | 6 0 35 | 6 1 34 |
| 27 | House Cottage Gardens Ye ^d | | 7 2 |
| 28 | Grass Lands | | 1 2 24 |
| 29 | Cottage and Garden | 9 1 28 | 10 1 34 |
| 30 | Upper Summer field | 6 1 30 | 6 3 2 |
| 31 | Buildingsham | 21 2 10 | 21 3 24 |
| 32 | D ^o Copse | | 2 2 16 |
| 33 | The Brookes | 20 0 0 | 20 3 0 |
| 34 | Middle Summer field | 11 1 3 | 11 3 38 |
| 35 | Lower D ^o | 10 3 9 | 11 0 24 |
| 36 | Mill Standert | 10 0 10 | 10 1 0 |
| 37 | Hare Holt | 2 1 26 | 3 0 16 |
| 38 | Palms field | 6 1 20 | 7 0 0 |
| 39 | De Moor | 52 0 0 | 52 2 6 |
| 40 | d ^o the Ship | | 1 2 35 |
| South Part. A | | | |
| 65 | Corvelings | 310 3 6 | 709 1 34 |
| 66 | Copse | 12 0 36 | 12 0 36 |
| 67 | Lower, Rath Wood | | 7 3 5 |
| 68 | Upper D ^o | | 126 3 30 |
| 69 | Upper farm field | | 185 0 34 |
| 70 | Lower D ^o | | 4 2 16 |
| 71 | Wood Mead | | 4 2 16 |

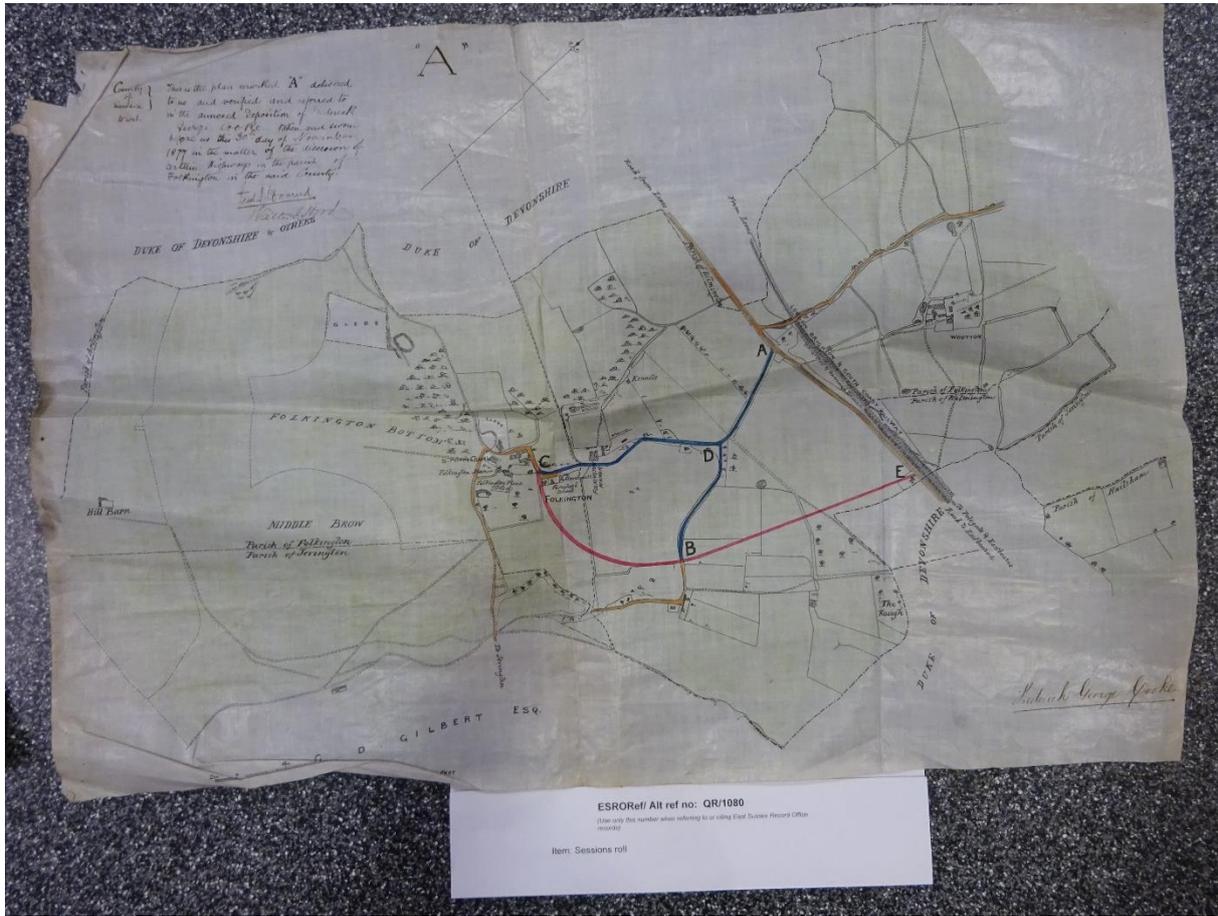
4667

| | | | |
|---|----------|-----------|--|
| 57 Ware Hall | 6 1 20 | 7 0 0 | |
| 58 Invas field | 52 0 0 | 52 2 6 | |
| 59 Ox Moor | | 1 2 33 | |
| 60 D ^r the Ship | 310 3 6 | 769 1 38 | |
| South Part A | | | |
| 65 Corvelings | 12 0 36 | 12 0 36 | |
| 66 Coppice | | 7 3 5 | |
| 67 Lower Nalk Wood | | 126 3 30 | |
| 68 Upper D ^r | | 85 0 30 | |
| 69 Upper furze field | | 7 2 16 | |
| 70 Lower D ^r | | 8 1 26 | |
| 71 Wood Mead | 12 0 11 | 12 2 1 | |
| 72 Upper Wood field | 14 3 20 | 15 3 10 | |
| 73 Barn field | 10 2 30 | 11 2 37 | |
| 74 Matte Wood Brook | 3 1 10 | 3 3 36 | |
| 75 Lower Wood field | | 9 0 22 | |
| 76 Half the Waste | 53 0 27 | 505 2 76 | |
| North part | 310 3 6 | 769 1 38 | |
| South part | 568 3 33 | 1075 0 23 | |
| Total Freehold | | | |
| 2 nd Copyhold | | | |
| The Masse, Bean, Garden and 6 Acres of Land formerly Brooks | | | |
| or adjacent formerly W ^m Dennis therefore H ^e Dennis & before that Reynolds | | | |
| Wootton | 10 1 16 | 11 0 26 | |
| 41 Great Stronds | 7 3 12 | 9 2 55 | |
| 42 Little D ^r | 46 1 22 | 27 0 18 | |
| 43 Press field | 19 1 6 | 19 3 10 | |
| 44 East Ends | 12 1 39 | 12 2 54 | |
| 45 Milln field | 26 3 1 | 27 0 1 | |
| 46 Lower Clap ends | 23 0 11 | 24 3 14 | |
| 47 Upper D ^r | 14 2 16 | 16 2 28 | |
| 48 Pound field | 13 3 23 | 14 3 1 | |
| 49 The 11 Acres | 4 3 20 | 4 3 7 | |
| 50 The 7 Acres | 10 1 30 | 11 1 24 | |
| 51 The Cow field | 13 3 30 | 15 1 12 | |
| 52 Buildings Yards | 11 5 28 | 15 1 8 | |
| 53 Cherry Croft | 11 0 16 | 11 2 52 | |
| 54 Hall field | 10 1 28 | 10 3 24 | |
| 55 The Stables | 16 1 14 | 17 2 20 | |
| 56 Horse Croft | 6 2 24 | 6 3 1 | |
| 57 Chapel Croft | 3 2 20 | 4 3 52 | |
| 58 Eye field | 16 3 6 | 17 0 20 | |
| 59 Wee field | 13 0 24 | 14 0 1 | |
| 60 The Hoops | 6 0 32 | 16 3 1 | |
| 61 Hide Wash | 320 1 24 | 344 2 30 | |
| 62 Hide Mead | | | |
| 63 North Ends | | | |
| Total Wootton | | | |
| W ^m Trigg Sewer 1810 | | | |

4668

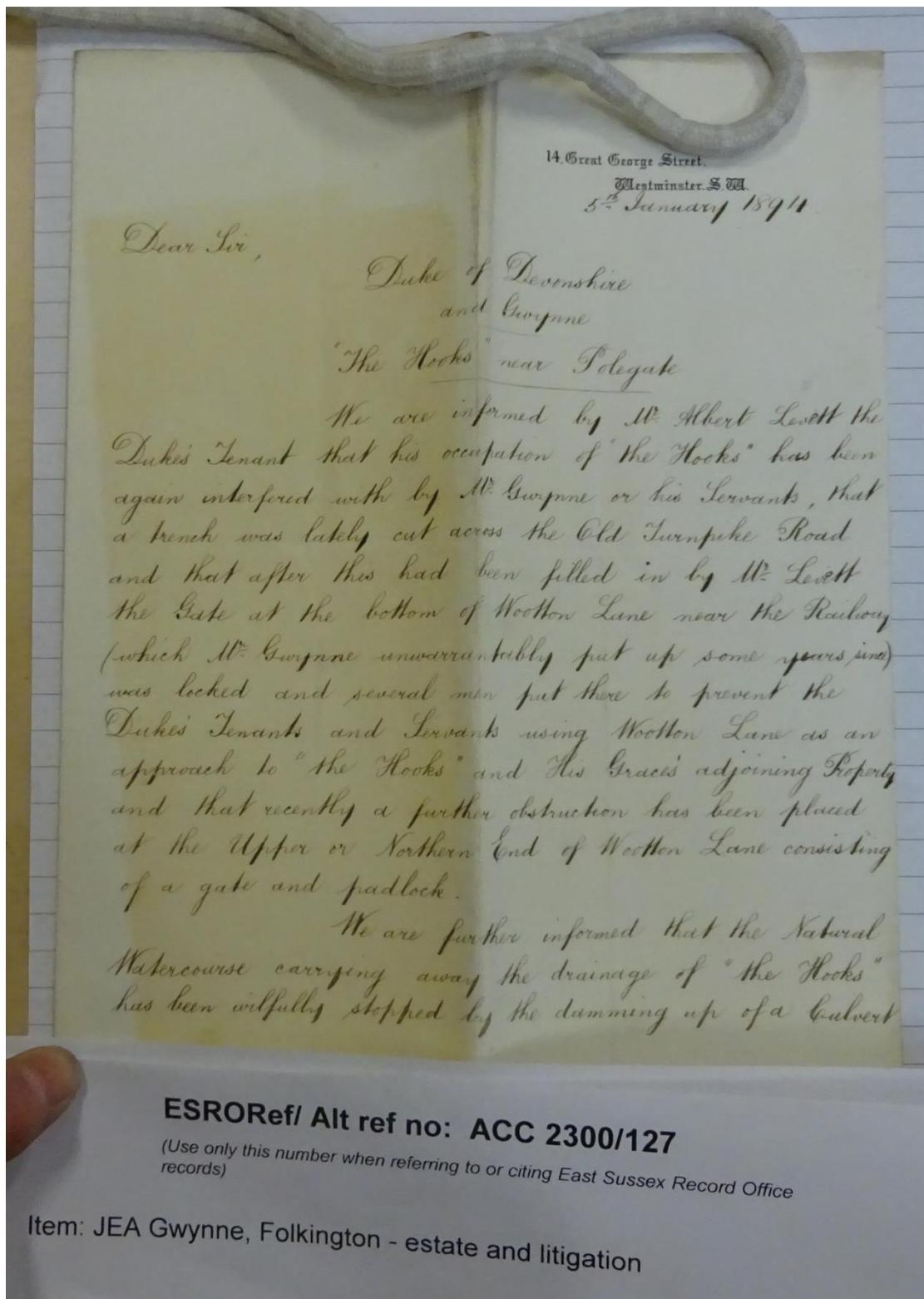
Appendix 4

1877 Diversion Plan (photo 7382)



Appendix 5

Curry and Co correspondence 1894 (photo 7189 and 7190)



with clay and another dam being placed across the Watercourse causing the Duke's land to be flooded.

In the interests of himself and his Tenants, The Duke of Devonshire cannot allow these acts of trespass and obstruction by Mr Gwynne to pass unnoticed - He has - therefore instructed us to inform you that unless Mr Gwynne will remove the obstructions to the Road and Watercourse and will agree not to again interfere with them and will acknowledge that His Grace and his Tenants have full right and liberty to use Wootton Lane and the Old Turnpike Road for the free and uninterrupted occupation of "the Rocks" and also of the Watercourse he and his Tenant will reluctantly be compelled to take proceedings against Mr Gwynne.

We shall be glad to hear from you at your earliest convenience and in the event of the decision of your Client being such as to compel His Grace and his Tenants to take proceedings, perhaps you will kindly inform us whether you will accept service on his behalf.

Yours faithfully,

W. A. Raper Esq.

ESRORef/ Alt ref no: ACC 2300/127

(Use only this number when referring to or citing East Sussex Record Office records)

Item: JEA Gwynne, Folkington - estate and litigation