

Horseheath Charities

- **Charity Commission, 1936**
- **Report of the Commissioners**
– Town Green
- **Parish Magazines and books - extracts**
1906-1978
Compiled by Jane Harwood, 1990
- **Accounts, 1983**
- **Common Lands**
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Sealed 8th April 1936.

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County—CAMBRIDGE.

Parish—HORSEHEATH.

- Charities—
1. WAKEFIELD.
 2. BALSAM LAND.
 3. TOWN GREEN CHARITY.

Stamp £1.

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30,746.

*Schemes, including
Appointment of Trustees, and
Vesting in Official Trustees of
Charity Lands.*

CHARITY COMMISSION.

In the Matter of the following Charities, in the Parish of HORSEHEATH, in the County of CAMBRIDGE:—

- | | | |
|---|---|--|
| Rector,
Churchwardens,
Major Kingzett → | } | <ol style="list-style-type: none"> 1. The Charity of THOMAS WAKEFIELD, founded by Will dated 18th November 1626; 2. The Charity called or known as the BALSAM LAND; 3. The Charity called or known as the TOWN GREEN CHARITY; and |
|---|---|--|

In the Matter of "The Charitable Trusts Acts, 1853 to 1925."

The Board of Charity Commissioners for England and Wales,

upon an application made to them on the 16th January 1936, in writing, signed by

The Reverend CHARLES HENRY EDWARD CROPPER, Rector of Horseheath; and

MARION PARSONS, and

FREDERICK WILLIAM ASHFIELD, the Churchwardens of Horseheath;

the Trustees or persons acting in the administration of the Charities numbered 1 and 2 above; and by

Major ERIC PAUL KINGZETT, of Shardelows Cottage, Horseheath; the Trustee of the Charity numbered 3 above:

And after due notice of the intention to make this Order published according to the direction of the Board by being affixed to or near a principal outer door of the Parish Church of Horseheath on the 4th February 1936 (being more than one calendar month before the date hereof):

And after due consideration of all objections made to the proposed Order and suggestions for the variation thereof:

And after due communication of the draft of the subjoined Scheme to the Parish Council of Horseheath :

Do hereby Order as follows :—

The subjoined Scheme is approved and established as the Scheme for the regulation of the Charities.

SCHEME.

1. *Administration of Charities.*—The above-mentioned Charities and the endowments thereof specified in the Schedule hereto, and all other the endowments (if any) of the said Charities, shall be administered and managed by the body of Trustees hereinafter constituted, subject to and in conformity with the provisions of this Scheme, under the title of the Parochial Charities.

2. *Vesting.*—Any lands, rentcharges and other hereditaments comprised in this Scheme are hereby vested in "The Official Trustee of Charity Lands" for all the estate and interest therein belonging to or held in trust for the Charities.

3. *As to Cash.*—All sums of cash now or at any time belonging to the Charities and not needed for immediate working purposes shall (unless otherwise ordered) as soon as possible be invested, under the authority of a further Order of the Charity Commissioners, in the name of "The Official Trustees of Charitable Funds."

TRUSTEES:

4. *Trustees.*—The body of Trustees shall, when complete, consist of three competent persons, being

One Ex-officio Trustee, and
Two Representative Trustees.

5. *Ex-officio Trustee.*—The Ex-officio Trustee shall be—
The RECTOR for the time being of Horseheath.

6. *Representative Trustees.*—The Representative Trustees shall be appointed by the Parish Council of Horseheath. Each appointment shall be made for a term of four years at a meeting convened and held according to the ordinary practice of the Council. The Chairman of the meeting shall forthwith cause the name of each person appointed to be notified to the Trustees or their Clerk. The person appointed may be, but need not be, a member of the Council.

7. *First Representative Trustees.*—The first Representative Trustees shall be appointed as soon as possible after the date hereof, and their names shall be notified to the said Rector on behalf of the Trustees. At the end of two years from the date of the appointment of the first Representative Trustees if both remain Trustees one of them, to be determined by lot if necessary, shall go out of office, but shall be eligible for re-appointment.

8. *Declaration by Trustees.*—No person shall be entitled to act as a Trustee, whether on a first or on any subsequent entry into office, until after signing in the minute book of the Trustees a declaration of acceptance and of willingness to act in the trusts of this Scheme.

9. *Determination of Trusteeship.*—Any Representative Trustee who is absent from all meetings of the Trustees during a period of two consecutive years, and any Trustee who is adjudged bankrupt or makes a composition or arrangement with his creditors, or who is incapacitated from acting, or who communicates in writing to the Trustees a wish to resign, shall thereupon cease to be a Trustee.

10. *Vacancies.*—Upon the occurrence of a vacancy the Trustees shall, at their next meeting, cause a note thereof to be entered in their minute book, and in the case of a vacancy in the office of Representative Trustee shall cause notice thereof to be given as soon as possible to the said Council. Any competent Trustee may be re-appointed.

MEETINGS AND PROCEEDINGS OF TRUSTEES.

11. *Meetings of Trustees.*—The Trustees shall hold ordinary meetings at least once in each year. A special meeting may at any time be summoned by any two Trustees upon four days' notice being given to the other Trustee of the matters to be discussed.

12. *First Meeting.*—The first meeting of the Trustees shall be summoned by the said Rector, or, if he fails for two calendar months after the date of this Scheme to summon a meeting, by any of the Trustees.

13. *Quorum.*—There shall be a quorum when two Trustees are present at any meeting.

14. *Chairman and Voting.*—At every meeting the Trustees present shall appoint a Chairman. Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the Chairman shall have a casting vote, whether he has or has not previously voted on the same question, but no Trustee shall in any other circumstances give more than one vote.

15. *Minutes and Accounts.*—A minute book and books of account shall be provided and kept by the Trustees. All proper accounts in relation to the Charities shall in each year be made out and certified in such manner as the Charity Commissioners require, and copies thereof shall be transmitted to the said Commissioners, and published in conformity with the provisions of the Charitable Trusts Acts.

16. *General Power to make Regulations.*—Within the limits prescribed by this Scheme the Trustees shall have full power from time to time to make regulations for the management of the Charities, and for the conduct of their business, including the summoning of meetings, the deposit of money at a proper bank, and the custody of documents.

MANAGEMENT OF LANDS.

17. *Allotments Extension Act, 1882.*—The Trustees shall let and otherwise manage in conformity with the provisions of the Allotments Extension Act, 1882, such of the lands belonging to the Charities as are subject to the provisions of the Fourth Section of that Act. The Trustees may set apart and let in allotments in the manner prescribed by and subject to the provisions of the said Act any portion of the land belonging to the Charities other than buildings and the appurtenances of buildings.

18. *Management and Letting of Lands.*—Subject as aforesaid, all the lands belonging to the Charities not required to be retained or occupied for the purposes thereof shall be let and otherwise managed by the Trustees. In every case public notice of the intention to let any land shall be given by the Trustees in such manner as they consider most effectual for ensuring full publicity. The Trustees shall not create any tenancy in reversion after more than 3 years of any existing term, or for more than 21 years certain, or for less than the improved annual value at rackrent, without the sanction of the Charity Commissioners or a competent Court.

19. *Leases.*—The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof: and every lease shall contain covenants on the part of the lessee for the payment of rent and the proper cultivation of the land, and all other usual and proper covenants applicable to the property comprised therein, and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

APPLICATION OF INCOME.

20. *Expenses of Management.*—All charges and outgoings payable in respect of the property of the Charities, and all the proper costs, charges and expenses of and incidental to the administration and management of the Charities shall be first defrayed by the Trustees out of the income thereof.

21. *General Benefit of Poor.*—Subject to the payments aforesaid the yearly income of the Charities shall be applied by the Trustees in making payments, under one or more of the following heads, for the benefit either of the poor of the Parish of Horseheath generally, or of such poor persons resident therein, and not in receipt of Poor-law relief other than medical relief, as the Trustees select for this purpose, and in such way as they consider most advantageous to the recipients, and most conducive to the formation of provident habits—

- I. Subscriptions or donations in aid of the funds of any Hospital, Dispensary, Infirmary, or Convalescent Home, or any Establishment in which persons suffering from any bodily infirmity are taught any trade or employment, whether general or special, upon such terms (so far as may be) as to enable the Trustees to secure the benefits of the institution for the objects of the Charities :
- II. Grants or Contributions for or towards the provision of nurses and of medical and surgical assistance for the sick and infirm, including medical and surgical appliances, medicines and other comforts or necessities :
- III. The supply of—
 - (a) Clothes, boots, linen, bedding, fuel, tools, food or other articles in kind ;
 - (b) Temporary assistance in money, by way of loan or otherwise, in case of sickness, special distress or unexpected loss.

22. *Supplemental Provisions.*—The application of the income of the Charities under the last preceding clause hereof shall be subject to the following provisions :—

- (1) The income of the Charity called or known as the Town Green Charity shall be applied for the benefit of poor householders of the Parish of Horseheath.
- (2) Income shall in no case be applied in aid of any rates for the relief of the poor or other purposes, or so that any individual or institution may become entitled to a periodical or recurrent benefit therefrom.
- (3) Assistance to individuals shall only be granted after full investigation of the character and circumstances of the proposed recipients and inquiry whether they have shown reasonable providence and whether and to what extent they may reasonably expect assistance from relations or others.
- (4) In applying income the Trustees may avail themselves of the agency of any Charity Organisation Society or other like agency.
- (5) The appropriation of the benefits of the Charities shall be made by the Trustees from time to time at meetings of their body, and not separately by any individual Trustee or Trustees.

GENERAL PROVISIONS.

23. *Trustees not to be personally interested.*—No Trustee shall take or hold any interest in property belonging to the Charities otherwise than as a Trustee for the purposes thereof, and no Trustee shall receive any remuneration, or be interested in the supply of goods, at the cost of the Charities.

24. *Questions under Scheme.*—Any question as to the construction of this Scheme, or as to the regularity or the validity of any acts done or about to be done under this Scheme, shall be determined conclusively by the Charity Commissioners, upon such application made to them for the purpose as they think sufficient.

SCHEDULE

Charity numbered 1 above.

£175 4s. 9d. 3¼ per cent. War Stock held by "The Official Trustees of Charitable Funds."

Charity numbered 2 above.

Land containing 5a. 1r. 30p., or thereabouts, situate in the Parish of Balsham, in the County of Cambridge, now let to Robert George Randall at the yearly rent of £3 15s.

Charity numbered 3 above.

A yearly rentcharge of £5 charged upon or issuing out of land known as the Town Green at Horseheath, now in the possession or ownership of Messrs. Bertie Allen and Oliver Kettle, of Church Farm, Horseheath.

*The Charities Generally.*

A sum of £22 0s. 7d. cash, being accumulations of the income of the Charities now in the hands of the Trustees.

Sealed by Order of the Board this 8th day of April 1936.

L. S.

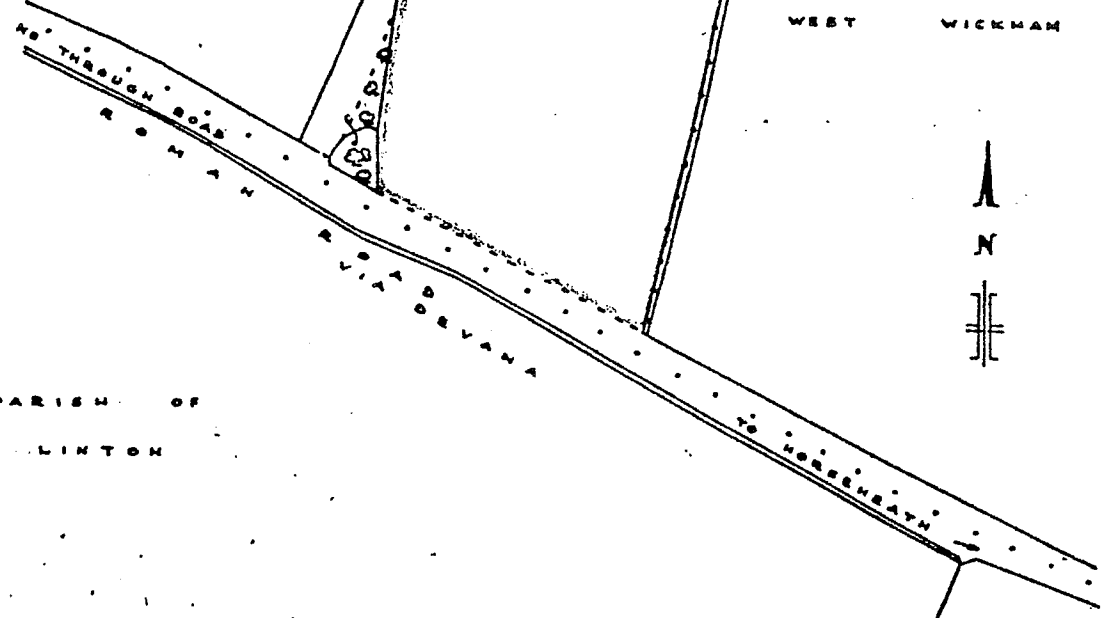
HORSEHEATH CHARITY LAND

PARISH OF
BALSHAM

PARISH OF
WEST WICKHAM

PARISH OF
LINTON

301
2.606



SCALE 1/2500

G. S. SHEET
CAMBS LY-11 (2nd ED. 1902)

W. J. JOLLIFFE, SURVYR, F.R.A.S., F.L.A.S.,
PETERBOROUGH.

REPORT OF THE COMMISSIONERS FOR INQUIRING CONCERNING
CHARITIES. (COUNTY OF CAMBRIDGE)

PARISH OF HORSEHEATH.

TOWN GREEN.

A piece of land called Town Green, the origin of which is unknown was inclosed further back than the oldest inhabitants can remember, by the owner of a park of which it forms a part.

A rent of £5 has ever since been paid to the overseer and by him distributed, together with the rents of the Balsham land.

It is supposed to have been in the nature of a common, and that the payments are made in lieu of the rights of the landholders. If let by auction it would probably produce £10 per annum.

Stanley Batson esq. is the present owner of the park, whose father purchased the land about 1780, from Lord Mountford, under a private Act of Parliament.

"THE SUM OF FIVE POUNDS IS ANNUALLY PAID BY THE OCCUPIER OF TOWN GREEN

TO THE OVERSEER OF THE PARISH FOR THE BENEFIT OF THE PARISHIONERS"

(From the charity board, All Saints' Church, Horseheath, Cambs.)

From the Parish Magazines (Cambridge Record Office):

Horseheath Jan. 1906 (Ref. 331/Z7)

On Friday, 22nd. December, the Town Green money was distributed by the Churchwardens and Overseers to some 90 householders of our parish. We hope that before another Christmas comes some fresh arrangement may be made for the distribution of this money, more in accordance with what we think must certainly have been the intention of those who originally gave it.

Horseheath Jan. 1935 (Ref. 331/Z7):

On Monday, 29th. November, a parish meeting was held to discuss the distribution of the Town Green Charity money, since the Charity Commissioners had written to the Rector suggesting several ways in which they recommended that the payments should be made. These objects were read out, but after discussion the suggestions were turned down and a resolution was put forward as follows: 'That the Town Green money be equally divided and given to every household in this parish where a member of the household applies for the same, and that lists of those who received it be shown in two prominent windows in this parish'. The meeting then elected two of its members to act as trustees: Messrs. James Salmon and Arthur Dockerill, and now we await the approval of the Charity Commissioners.

Horseheath Dec. 1935 (Ref. 331/Z7):

Town Green - There will be a meeting of all interested in the above charity on Monday, 9th. December, in the Guildhall, at 7pm. It is a matter for which we are very thankful that the Parish Council have appointed Major Kingsett as Trustee and that he has accepted the position.

Horseheath Jan. 1936 (Ref. 331/Z7):

Town Green Charity - A meeting was held in the Guildhall on 9th. December, in connection with the above Charity at which Major E.P. Kingsett was introduced as the Trustee of the Charity lately appointed by the Parish Council in accordance with instructions from the Charity Commissioners. The Major began by saying that he had opened an account at the bank and told us how the account stood, and that the said account was now straight; he then made a proposition with which the meeting fully agreed, that a committee be formed to consider cases of need as they were reported to the committee. The following were then elected: the Rector, the Nurse for the time being, Mrs. Banks, Mr. Jas Salmon, the Major presiding, and he very clearly put before us the very strong recommendations of the Commissioners.

We were reminded of the way in which the Charity had formerly been given out, a very much easier way, but the Major could not agree that that was the purpose of the Charity nor the intention of the Commissioners by which he was bound.

Horseheath July 1936 (Ref. 331/27):

The Authority of the Charity Commissioners for England and Wales according to certain Acts of Parliament has now been used to impose their scheme for the benefit of the parishioners of Horseheath. It is to be noted that a letter was sent to the Commissioners asking for their advice and authority for the administration of the Charities which they have given, now that Trustees have been appointed. It may have appeared that the plan or scheme for which an 'Order' has been made was framed by ourselves, but this was not so. However, we are glad to say that the Fund is now available for special cases which the Trustees desire should be reported to them in writing, at any time for their consideration. The Trustees appointed are Major Eric P. Kingzett, Mrs. Schwind and ex-officio the Rector for the time being.

From 'The Victoria County History of Cambridgeshire':

The Town Green charity originated in a rent-charge of £5 which the lord of the manor gave in compensation for householders' common rights in 6a. of the town green inclosed in his park. The income was given with that from the Balsham land in 1837 and in 1905 was divided among 90 householders. In 1936 it was directed that the Town Green charity should be used for poor householders.

From 'All Saints' Church Horseheath' by Catherine Parsons. (C.U.P. 1911)

The rent arising from the land in Balsham is now disbursed at Christmas, with the five pounds paid by the occupier of Town Green - originally given annually by the Lord of the Manor when he enclosed the land in his park, in lieu of the right of pasturage of the parishioners. Five pounds is now chargeable from the tenant of Town Green, but in 1837 it was said to be worth ten pounds.

CONCLUSIONS:

The Lord of the Manor of Horseheath, probably Alington, enclosed 6 acres of land of Town Green (no date) and it became part of his Park. Before that the villagers had right of common over the Town Green. To compensate them the Lord of the Manor paid the Overseer of Horseheath £5 per year.

We assume the villagers have no right to change the use of the land, the occupier of which still pays £5 annually to the Trustees of the Horseheath Charities.

From 1936 onwards the Town Green Charity income was used to help poor householders, by direction of the Charity Commissioners, despite what appeared to be the wishes of the parishioners. (These were that the money be equally divided and given to every household in this parish where a member of the household applies for the same)

(Jane Harwood April 1990)

PUBLIC RECORD OFFICE



Information

Number Ninety Five

COMMON LANDS

It is a popular misconception that common land is land owned by the general public and to which everyone has unrestricted right of access. All common land is private property, whether the owner is an individual or a corporation. The owner of the common is normally the lord of the manor or his successor in title. Many commons are, in fact, owned by local authorities, the National Trust and other bodies for the public benefit, but not all commons offer total access to all comers.

'Common' in this context refers, strictly speaking, to rights rather than to lands. Common land is land subject to rights of common - i.e. rights enjoyed by one or more persons to take or use part of a piece of land or of the produce of a piece of land which is owned by someone else. Such rights are separately defined in each case. Those entitled to exercise them were called commoners. Sometimes commoners sold or otherwise disposed of their rights. Such transactions were usually private agreements and as such are not usually to be found in the PRO. A separate PRO leaflet about private conveyances is available (Information 48).

Ancient rights of common were usually of five kinds, although there were others:

- of pasture: the right to graze livestock; the animals permitted, whether sheep, horses, cattle, etc, were specified in each case.
- of estovers: the right to cut and take wood (but not timber), reeds, heather, bracken, etc.
- of turbary: the right to dig turf or peat for fuel.
- in the soil: the right to take sand, gravel, stone, coal, minerals, etc.
- of piscary: the right to take fish from ponds, streams, etc.

These rights related to natural produce, not to crops or commercial exploitation of the land. They were almost always subject to limitations as to quantities (usually enough for the domestic needs of the commoner) and sometimes as to season (e.g. not during game-breeding periods). In modern times, rights have been defined in terms of intangibles such as access to light, air, recreation, etc.

REGULATION OF COMMONS

A long succession of Acts of Parliament governed the regulation of commons. The most important of these are:

- Metropolitan Commons Acts 1866-98: schemes of regulation in MAF 4
- Commons Acts 1876 and 1899: schemes of regulation in MAF 30

HLG 65 (after 2
February 1959)

BD 3 (Wales after
1964)

The 1965 Act gave the Lord Chancellor the power to appoint Commons Commissioners with arbitration functions:

Commons Commission
Golden Cross House
Duncannon Street
London WC2.

The principal pressure group and dispenser of general advice on the subject is:

Commons, Open Spaces & Footpaths Preservation Society
25a Bell Street
Henley-on-Thames
Oxon.

A useful general book on the subject is Dudley Stamp & W G Hoskins, *The Common Lands of England and Wales* (London, Collins, 1963).

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