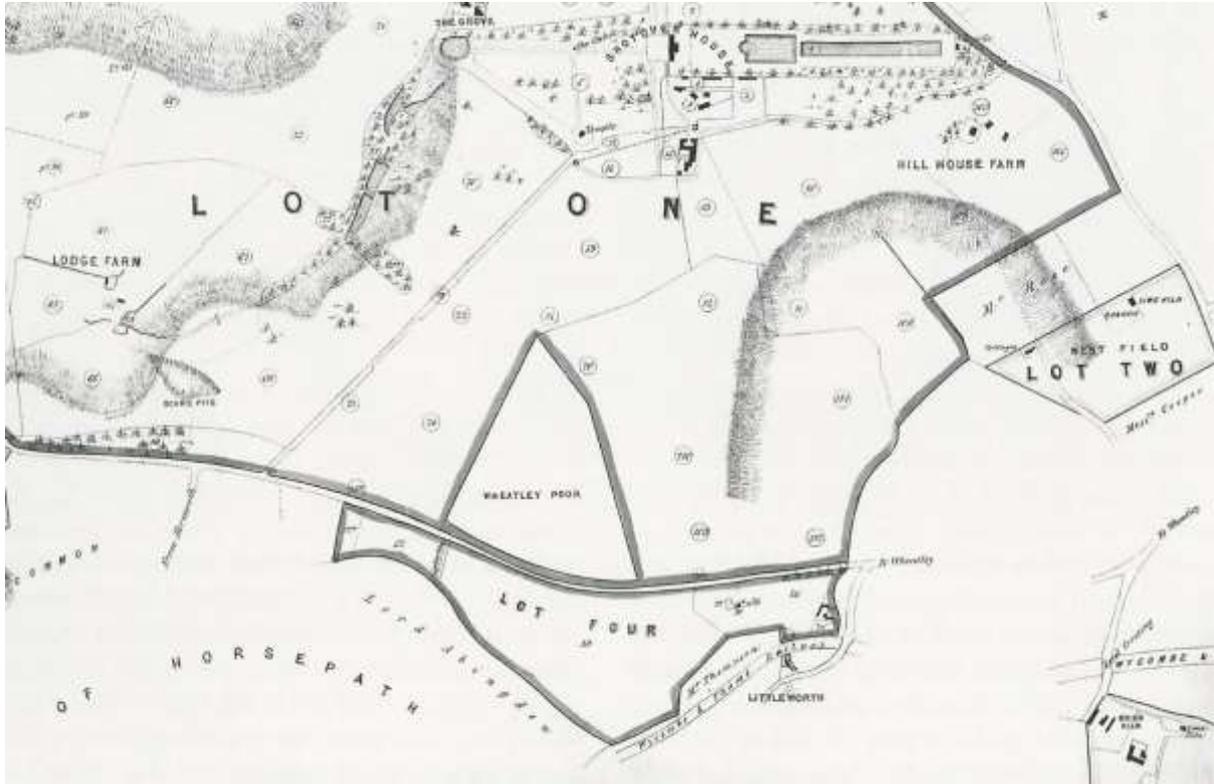


Poors allotments

The Howe Trust understand that this land was originally gifted by James Whalley Smythe Gardiner in 1820.¹ The land in question is shown on a map from the 1871 sale by Messrs Driver, of 4 Whitehall, of the Shotover estate.²



It is interesting to note Lot 4 on this map, now part of Littleworth (within Wheatley parish), and it would be interesting to know who was the purchaser.

In the 1870s, feelings were running high as the land was being used by stock holders who were pasturing their animals there and definitely weren't poor. Eventually the matter was put in the hands of the Charity Commissioners on 18 February 1878 by the three trustees, William Earle Biscoe of Holton Park, Edmund Ruck Keene of Tiddington and William Henry Ashurst of Waterstock.³ This led to the exchange of this land belonging to James Miller of Shotover with other land owned by him of 27 acres 1 rood and 21 perches called the Howe and at the time in the occupation of Mr Richard Rose.⁴

¹ J. Prest, *The Most Difficult Village: Wheatley, England, and the Church* (Wheatley, 2006), p. 57 states that this land was set aside for the poor in 1666.

² Reproduced in Prest, *The Most Difficult Village*, p. 56.

³ Sourced from Charity Commission, 'In the Matter of the Charity called "The Wheatley Common Allotment"...' According to a copy of the Indenture (annexed hereto) held by The Howe Trust this land was described as being surrounded by Shotover Estate belonging to James Miller and approached by a gateway from the Old Oxford to London Road.

⁴ The same Indenture stated this land had been put in Trust by George Gammon on 6 December 1861; appears to have been sold or mortgaged to Land Securities on 23 December 1864; then transferred to Charles Henry Miller on 21 January 1871; and finally sold by Charles Henry Mills to Colonel James Miller on 30 May 1872.

This indenture made the sixteenth day of July one thousand eight hundred and seventy eight **Between** Henry Morgan Vane of Whitehall in the city of Westminster Esquire 'The Official Trustee of Charity Lands' for the time being constituted under the provision of the Charitable Lands Acts of the first part William Earle Biscoe of Holton Park in the County of Oxford Esquire Alexander Samuel Lysaght Newington of the parish of Wheatley in the same County Edmund Ruch-Keen of Tiddington in the same county a Major in Her Majesty's Army and William Henry Ashhurst of Waterstock in the same County Esquire being the Trustees of the Charity commonly called or known as the **Poors** Allotment in the said parish of Wheatley and hereinafter called the said Trustees of the second part and James Miller of Shotover House in the County of Oxford a Lieutenant Colonel in Her Majesty's Army of the third part **Whereas** by an order of the Board of Charity Commissioners for England and Wales made in the matter of the aforesaid charity and dated the thirty first day of October one thousand eight hundred and seventy six the said William Earle Biscoe and Alexander Samuel Lysaght Newington and John Chillingworth of Cuddesdon in the County of Oxford Farmer and Henry Gale of Cuddesdon aforesaid Farmer were appointed to be trustees of the said Charity and by the same order the legal estate in the hereditaments described in the first schedule hereto and intended to be hereby granted was vested in the aforesaid Trustee of Charitable Lands and his successors on trust for the said Charity **And Whereas** by another order of the said board made also in the matter of the said Charity and dated the fifth day of February one thousand eight hundred and seventy eight the Trustees of the said Charity were authorised within six calendar months of the said order to exchange the said hereditaments belonging to the said charity and described in the first schedule hereto for the hereditaments belonging to the said James Miller and described in the second schedule hereto and to do and execute all proper acts and assurances for that purpose and by the same Order the official trustee of charitable lands was directed to concur in the conveyance of the said hereditaments in the said first schedule described if such Concurrence should be required **And Whereas** by another order of the said Board made also in the matter of the said charity and dated the thirtieth day of April one thousand eight hundred and seventy eight the said John Chillingworth and Henry Gale were at their own request discharged from being Trustees of the said Charity and the said Edmund Ruch-Keene and William Henry Ashhurst were appointed to be trustees for the administration of the said Charity in addition to and jointly with the surviving and continuing trustees thereof **Now this Indenture witnesseth** as follows **In** consideration of the premises he the said Henry Morgan Vane as such Official Trustee of Charity Lands as aforesaid and according to his estate and interest in the premises but not further or otherwise and pursuant to the authority so given to him by the said recited Order of the said Board dated the fifth day of February one thousand eight hundred and seventy eight and at the request of the said Trustees **Doth** hereby grant and convey and they the said Trustees **Do** and each of them **Doth** hereby grant and confirm unto the said James Miller his heirs and assigns **All and Singular** the hereditaments described in the first schedule hereto and shown on the plan drawn hereon and therein coloured red Together with all rights and things appurtenant or reputed to be appurtenant thereto And all the estate right title and interest of the said Henry Morgan Vane as such Official Trustee of Charity Lands as aforesaid and of the said Trustees and of the said Trustees respectively in to or out of the said hereditaments **To Have and to Hold** the said hereditaments and premises hereinbefore granted and conveyed unto and to the use of the said James Miller his heirs and assigns in exchange for the hereditaments described in the second schedule hereto **Each** of them the said Trustees as to his own acts and deeds only doth hereby covenant with the said James Miller his heirs and assigns that they the said Trustees respectively have not done or knowingly suffered of been party or privy to any act deed of thing whereby the hereditaments and premises hereinbefore granted are can or may be incumbered in estate title or otherwise **For** the consideration aforesaid He the said James Miller **Doth** hereby grant and convey unto the said William Earle Biscoe

Alexander Samuel Lysaght Newington Edmund Ruch-Keen and William Henry Ashhurst their heirs and assigns All and Singular the hereditaments described in the second schedule hereto and shown in the plan drawn hereon and therein coloured green Together with all rights and things appurtenant or reputed to be appurtenant thereto And all the estate right title and interest of the said James Miller in to or out of the said hereditaments To Have and to Hold the hereditaments and premises lastly hereinbefore granted and conveyed unto and to the use of the said William Earle Biscoe Alexander Samuel Lysaght Newington Edmund Ruch-Keen and William Henry Ashhurst their heirs and assigns in exchange for the hereditaments described in the first schedule hereto And in trust for the said Charity **And** the said James Miller doth hereby covenant with the said Trustees their heirs and assigns that he will at his own cost and expense whenever required by the said Trustees lay out and fence the said hereditaments and premises described in the said second schedule hereto for recreation and allotment ground or for such other purposes in all respects and in such manner as shall be specified and directed in a scheme to be established by a further order of the said Board of Charity Commissioners and also that he will at his own cost and expense satisfy and discharge all claims and demands which may be made by Richard Rose the occupier of the said hereditaments and premises upon the termination of his tenancy either arising under the agreement for his tenancy or 'The Agricultural Holdings (England) Act 1875' and further that he will at his own cost and expense erect a good and sufficient gateway for the said hereditament and premises at or near the most eastern end thereof where the same touch the road leading to Shotover past the windmill **The** said James Miller doth hereby covenant with the said William Earle Biscoe Alexander Samuel Lysaght Newington Edmund Ruch-Keen and William Henry Ashhurst their heirs and assigns that notwithstanding any act deed of thing by the said James Miller done or executed or knowingly suffered to the contrary he the said James Miller now hath good right to grant and convey the hereditaments and premises described in the second schedule hereto unto and to the use of the said William Earle Biscoe Alexander Samuel Lysaght Newington Edmund Ruch-Keen and William Henry Ashhurst their heirs and assigns in manner aforesaid and that they the said William Earle Biscoe Alexander Samuel Lysaght Newington Edmund Ruch-Keen and William Henry Ashhurst their heirs and assigns shall and may at all times hereafter peaceably possess and enjoy the same hereditaments and premises and receive the rents and profits thereof without any lawful eviction interruption claim or demand from of by the same James Miller or his heirs or any person or persons lawfully or equitably claiming from under or in trust for him them or any of them And that free from all incumbrances whatsoever made or suffered by the said James Miller or his heirs or any person or persons lawfully or equitably claiming as aforesaid **And further** that he the said James Miller and his heirs and all persons having or lawfully or equitably claiming any interest in the same hereditaments and premises or any of them or any part thereof from under or in trust for the said James Miller or his heirs shall and will from time to time and at all times hereafter at the request and costs of the said William Earle Biscoe Alexander Samuel Lysaght Newington Edmund Ruch-Keen and William Henry Ashhurst their heirs or assigns do and execute or cause to be done and executed all such acts deeds and things whatsoever for further and more perfectly assuring the same hereditaments and premises unto and for the use of them their heirs and assigns in manner aforesaid as shall or may be reasonably required **The** said James Miller doth hereby further covenant with the said William Earle Biscoe Alexander Samuel Lysaght Newington Edmund Ruch-Keen and William Henry Ashhurst their heirs and assigns that he the said James Miller his heirs and assigns shall and will unless prevented by fire or some inevitable accident from time to time and at all times hereafter upon every reasonable request and at the cost of the said Charity produce or cause to be produced in England or Wales unto him or them or their Attorneys or Agents or at any trial hearing commission examination or otherwise do occasion shall require All or any of the documents of title comprised in the third schedule hereto for the

manifesting defending and proving the title of the said William Earle Biscoe Alexander Samuel Lysaght Newington Edmund Ruch- Keen and William Henry Ashhurst their successors and assigns to and in the hereditaments and premises described in the second schedule hereto And also at the like request and cost deliver or cause to be delivered unto them their successors and assigns such attested or other copies or abstracts of or extracts from the said documents of title or any of them as they or he respectively may require And shall and will in the meantime unless prevented as aforesaid keep the said documents of title safe unobliterated and uncanceled **In Witness** whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written

The first Schedule herein before referred to

A parcel of land known as Upper Common or Poors Allotment situate in the parish of Shotover in the County of Oxford and containing twenty acres of thereabouts surrounded by the Shotover Estate belonging to the said James Miller and approached by a gateway from the Old Oxford and London Road

The second Schedule herein before referred to

A parcel of land containing twenty seven acres and one rood and twenty one perches or thereabouts called 'the Howe' situate in Wheatley in the parish of Cuddesdon near the Wycombe and Thame Railway and adjoining the Windmill Road and now in the occupation of Mr Richard Rose

The third Schedule herein before referred to

6th December 1861 **Indenture** between George Gammon of the one part and John Watlington Perry Watlington Robert Peel Etherston and Herbert Riversdale Mansell Jones of the other part

23rd December 1864 Indenture between John Watlington Perry Watlington Robert Peel Etherston and Herbert Riversdale Mansell Jones of the first part and George Gammon of the second part and the Land Securities Company of the third part

21st January 1871 Indenture between the Land Securities Company Limited of the one part and Charles Henry Mills of the other part

30th May 1872 Indenture between Charles Henry Mills of one part and Colonel James Miller of the other part

Signed sealed and delivered by the above named

William Earle Biscoe

Alexander Samuel Lysaght Newington

Edmund Ruch-Keen

William Henry Ashhurst and

James Miller

In the presence of

Walter Hy. Hunt

County Hall, Oxford

Articled Clerk to a Solicitor

Singed sealed and delivered

By the above named Henry Morgan Vane (the Official Trustee of Charity Lands)

In the presence of

Charles Gerald Brenan