



In the Matter of tract of land including North Elms Wood, South Elms Wood, Sturt Coppice, South Moon Ridings, Little Stanley Wood, Crews Coppice, East Stanley Wood, Spoil Coppice, Oakhall Coppice, Littley Wood and Lance Coppice, Hawkesbury

DECISION

This reference relates to the question of the ownership of a tract of land including North Elms Wood, South Elms Wood, Sturt Coppice, South Moon Ridings, Little Stanley Wood, Crews Coppice, East Stanley Wood, Spoil Coppice, Oakhall Coppice, Littley Wood and Lance Coppice, Hawkesbury being the part of the land comprised in the Land Section of Register Unit No. CL 388 in the Register of Common Land maintained by the Gloucestershire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference the Trustees of the Somerset Trust claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bristol on 26 April 1979.

Mr M Grundy of Messrs Lee and Pembertons appeared for the Somerset Trust and produced a Vesting Deed dated 19 December 1956 made between the Duke of Beaufort on the one part and The Marquis of Cambridge, Sir Peter Fargular and G A Whately of the other part and the plan identifying the land in question was vested in the parties of the second part as Trustees of the Somerset Trust. Mr Grundy further produced an abstract which establishes that the present Trustees of the Somerset Trust are Sir Peter Walker Fargular, G A Whately and A H Harford. Mr and Mrs Penistan appeared in person and did not contest the Trustees claim to ownership.

Mr A Crewe also appeared in person. He had done a great deal of research as far back as the time when Crews Coppice was monastery land and was acquired by Henry VIII but he had no evidence that he was the owner of Crews Coppice as the successor to the Crew after whom the Coppice was in all probability named. Mr Grundy was able to produce a declaration of trust dated 8 June 1680 which establish that Crews Coppice then called by that name was held by Trustees for the Marquis of Worcester, a predecessor of the Duke of Beaufort.

For these reasons I am satisfied that Sir Peter Walker Fargular, G A Whately and A H Harford are the owners of the land, and I shall accordingly direct the Avon County Council, as registration authority, to register Sir P W Fargular, G A Whately and A H Harford as the owners of the land under section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

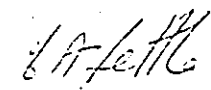
Dated this

4<sup>th</sup>

day of

June

1979

  
Commons Commissioner