



COMMONS REGISTRATION ACT 1965

Reference No. 204/U/122

In the Matter of East Fen Common, Soham,
Cambridgeshire

DECISION

This reference relates to the question of the ownership of land known as East Fen Common, Soham, being the land comprised in the Land Section of Register Unit No. CL 18 in the Register of Common Land maintained by the Cambridgeshire 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 Mr J Clark 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 Cambridge on 26 May 1983.

At the hearing Mr Clark was represented by Mr L B James, Solicitor.

The whole of the land the subject of the reference is shown in the tithe apportionment for the Parish of Soham, which was confirmed on 13 September 1845. It included a small area No. 503, which was stated to be owned by Robert Tebbitt and occupied by Robert Hammond and others, and another small area No. 488, which was stated to be owned by Benjamin Hodgkin and occupied by Charles Mann and others. These two areas were also shown in the ownership of A B Tebbitt and B Hodgkin's Trustees in the Land Values Duties register and map.

The major part of the land the subject of the reference is shown in the tithe apportionment as "Common" with no information about an occupier, and in the Land Values Duties register it is shown as owned by "Trustees of Common", and occupied by three persons described as "Fen Reeves".

The manors or reputed manors of Soham and Fordham parcel of the Duchy of Lancaster and Netherhall Wygorne and Fordham Biggan were vested in Miriam Dunn-Gardner by an assent dated 21 May 1930 by her, Adolphus Henry Fass, and Robert Hugh Wilkin as the personal representatives of Algernon Charles Wyndham Dunn-Gardner. Miss Dunn-Gardner became Mrs Leader and deposited the manorial documents dating from the 1690's in the Cambridgeshire County Record Office. The manors or reputed manors were conveyed to Mr Clark by a Conveyance made 22 October 1973 between (1) Miriam Leader (2) Timothy Clark.

For the last thirty years the land has been crossed by electricity lines, and wayleave rents for these lines have been paid to Mr Clark since he purchased the manors or reputed manors.

On this evidence I am satisfied that Mr Clark is the owner of the greater part



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of the land, and I shall accordingly direct the Cambridgeshire County Council, as registration authority, to register him as the owner of that part under section 8(2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the small areas numbered 503 and 488 in the tithe apportionment, and those areas will therefore remain subject to protection under section 9 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

21st

day of

June

1983

Chief Commons Commissioner