



COMMONS REGISTRATION ACT 1965

Reference No. 14/U/105

In the Matter of Fishermans Bank,
Christchurch Borough, Dorset

DECISION

This reference relates to the question of the ownership of land known as Fishermans Bank, Christchurch Borough being the land comprised in the Land Section of Register Unit No. CL.243 in the Register of Common Land maintained by the Dorset 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 numerous persons either claimed to be the freehold owner of various parts of the land in question or to have information as to their ownership. I do not list such persons because their claims and the information (with some additions and variations) which they gave were all made and given again at the hearing as hereinafter described. Mr. B.L. Collins of 160 Stanpit in a letter dated 5 April 1973, said that it has always been the right for fishermen to use the bank to pull up their boats and dry their nets and as a fisherman who also lived on Fishermans Bank he would object to any loss of their rights; and Captain F.J. Wylie (R.N. Retired) in a letter dated 19 November 1973 said that No.3 Fishermans Bank is part of a freehold property which was allotted 1827 under the Milton Enclosures Act 1825, that it was bounded on the south and west by the River Avon (i.e. it was freehold to the water) and that this allotment was subject to a fishing bank of the breadth of thirty feet on the west side thereof adjoining the River Avon.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Dorchester on 15 April 1975. At the hearing (1) the persons against whose names in the first column of the Schedule hereto appear the letters "R. & M." were represented by Mr. R.T.C. Street solicitor of Richards & Morgan Solicitors of Bournemouth; (2) the persons against whose names in the said column appear the letters "M.A. & H." were represented by Mr. R.F.D. Naylor solicitor of Mooring Aldridge & Heydon Solicitors of Bournemouth; (3) the persons against whose names in the said column appear the letters "A.McQ." were represented by Mr. R.J. Laugharne solicitors in partnership with Andrews McQueen & Co. Solicitors of Parkstone acting (for Mr. & Mrs. Andrews) as principals and acting (for Webbs Spare Parts Ltd.) as agents for Seifert Sedley & Co., Solicitors of Chancery Lane London; and (4) the following persons all named in the said column attended in person or were represented as follows:- Mrs. D.R. Staddon in person on her own behalf and as representing Mr. G.J.W. Scragg her brother-in-law; Mr. J. Martyn in person on his own behalf and as representing his mother Mrs. E.K. Martyn; Mr. D. Burton and Mrs. K. Burton in person; and Lady B. Tyrell in person. The Dorset County Council as registration authority were represented by Mr. L.I. Holly, Clerk in the County Solicitors Department.

At the hearing oral evidence was given (1) by Captain R.V. Howell about 7 Fishermans Bank, (2) by Mrs. A.E. Andrews about 164 and 164A Stanpit, (3) by Mr. M.J.A. de V. Reid



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out 15 Argyle Road (in addition affidavits about this property were made by Colonel R.O.H. Carver, Mr. J.A. Friend, Mrs. G.M. Townsend, Mrs. M.G.A. Reid and by M.J.A. de V. Reid himself), (4) by Mr. G.L. Butler about 6A Fishermans Bank, (5) Mr. T.S.A. Lack about 9 Fishermans Bank, (6) by Mrs. D.C. Staddon about 144 Stanpit and the end piece between 146 Stanpit and 140 and 138 Stanpit, (7) by Mr. J.H. Dunker about 148 Stanpit, (8) by Mr. J.H. Martyn about 156 Stanpit, (9) by Mr. L.C. Edgell about 158 Stanpit, (10) by Mrs. D.C. Staddon again about 166 Stanpit, (11) by Lady B. Edgell about 168 Stanpit, (12) by Mrs. D.M. Cooper about 170 Stanpit, (13) by Mr. G. Burton about 8 Fishermans Bank, (14) by Captain F.J. Wylie about 3 Fishermans Bank, (15) by Mr. S. Littlechild about 5 Fishermans Bank, (16) & (17) by Mr. J.S. Derham and Mr. I.R. Derham about 6 Fishermans Bank, (18) by Mr. R.A. Stride about 7 Fishermans Bank, (19) by Mr. E.J. James about 15 and 17 Mudeford, and (20) by Mr. R.T. Street who produced documents relating to the title (a) of Mrs. A.E. Butt to 1 Stanpit, (b) of Mr. H.C. Avery to 148 Stanpit, (c) of the Official Custodian of Charities to 162 Stanpit (the Village Hall), (d) of Mr. A. Alston to 172 Stanpit, (e) of Mr. R.J. Masters to 174 Stanpit, (f) of Mr. W.F. Simpson and Mrs. H.M. Simpson to 176 Stanpit (g) of Mr. J.H. Duncan and Mrs. J. Sullivan to 1 Fishermans Bank, (h) of Mrs. P.E. Middleton and Mr. G.L. Long to 2 and 2A Fishermans Bank (i) of Sir R.E. Ditch, Baronet to 4 Fishermans Bank, and (j) of National Westminster Bank Limited to 13 Argyle Road.

Three days after the hearing I inspected the land, it having been agreed that I might do so unattended.

The land ("the Unit Land") comprised in the Register Unit is a strip having a length on a 1:1 scale the Register map) of a little over 500 yards and being nearly everywhere about 30 feet wide. Nearly all of it lies between buildings (mostly dwelling houses) and other land on the northeast and the seashore (being the Mudeford part of Christchurch Harbour) on the southwest. There are numerous slipways or jetties suitable for dragging small sailing boats, and (in one place) catamarans; where not made usable for this purpose, the Unit Land is for the most part grass, with some paths and tracks. Nearly everywhere it is protected from the sea by a low concrete wall or bank. From Stanpit (the nearest through road) access is obtainable (a) at the north end (there the Unit Land turns away from the seashore for a short length to join Stanpit), (b) at the sea end of Argyle Road (off Stanpit) and (c) at the end of a footpath leading from Coastward Way (also off Stanpit). The whole of the Unit Land is easily accessible for the public on foot, and is a pleasant and interesting place for a walk or a picnic; there are gates and notices to deter persons from driving vehicles along it except for the purpose of access. Clearly it is a valuable amenity for those living nearby.

Under the Christchurch & Milton Inclosure Act 1925 (6 Geo.4 c.67 private), the inclosure of various commons including Stanpit Field and Rushford Common was authorised; the Act contains nothing about a "fishing bank". The Award made under it, dated 16 August 1927 was not produced at the hearing; there was no question before me as to the meaning and effect of an allotment subject to a fishing bank, so there was of course no reason why it should be produced. However, among the numerous documents produced at the hearing, one dated 18 June 1951 relating to 2 Fishermans Bank and the other dated 2 December 1952 relating to 15 and 17 Mudeford, mentioned the Award, and it seems likely therefore that the titles to all the properties in which I am concerned could be traced to some allotment under it.



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The documents specified in the Schedule hereto which were produced by the various witnesses concerned with the land to which they relate, show that many parts of the Unit Land have been expressed to be conveyed with lands on the northeast on which the part fronts. As regards the other parts not so expressed to be conveyed, some have been got in by conveyances by recently constituted personal representatives of persons who died some years ago having documents of title including some such conveyance; and of the others, evidence was given that the owners of the land on which the part fronted had possession. As regards the end piece, I accept the evidence given by and on behalf of (by statutory declaration) Mrs. D.C. Staddon, that it was formerly part of the coal wharf owned by her grandfather, Mr. J.G. Bemister (as appears by the 1885 Partition and Mortgage), that her father (who was his personal representative) and she as his personal representative, have successively enjoyed the site of the wharf (leaving motor cars there and so forth) with 144 Stanpit; I conclude that (whether or not there has been a break in the chain of representation) she has a possessory title which I can properly accept.

Mr. J.K. Martyn claimed that he owned 156 Stanpit and that his mother Mrs. E.K. Martyn owned 152 and 154 Stanpit. However as appears from the Schedule hereto the documents produced showed that she is the owner of all three. He has not within 14 days of the hearing (as I gave him leave to do) sent any conveyance by his mother to himself of the land he claimed and accordingly (as I arranged at the hearing) I am proceeding on the basis that he accepts his mother's title.

From the evidence given by the above named witnesses, the documents produced by them and what I saw of the way the Unit Land has been and is being now used I am satisfied the persons named in the first column of the Schedule hereto are the owners of the part of the Unit Land fronting on the properties described in the second column of the said Schedule, and accordingly I shall under section 8 (2) of the 1965 Act direct the District Council as registration authority to register such persons with the addresses given against their names in the said first column or if no such addresses exist the addresses given in the second column as the owners of the said part of the Unit Land.

As the result, I am satisfied as to the ownership of the whole of the Unit Land except the part which fronts on 160 Stanpit and the part that fronts on the southwest end of the Myle Road. In the absence of any evidence to these parts, I am not satisfied that any person is the owner of them, and they will therefore remain subject to protection under section 9 of the Act.

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.

SCHEDULE

(1) Claimant, legal representation if any, and present address if different from column(2)	(2) In case of item (1) description of part of Unit Land claimed, and in case of all other items description of land on northeast side of part of Unit Land claimed	(3) Documents and other evidence offered in support of claim
Mrs. Drucilla Rebecca Staddon of 144 Stanpit	End piece of Fishermans Bank joining it to	Possession and enjoyment with 144 Stanpit as successor of



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Stanpit and being the gap between the land held with 142 Stanpit and the lands held with 140 and 138 Stanpit and including such part of the Unit Land as is north of the part fronting on 142 Stanpit.

G.S. Bemister and of F.G. Bemister (he died on 22 April, 1957), expressly included in deed of 1 April 1885 (see 144 Stanpit below)

Mrs. Annie Elizabeth Butt of 11 Pitt Street Gloucester (R.&M.)

142 Stanpit

Formerly 120 and known as Leeward Shore

(a) Conveyance dated 31 May 1904 to W.R. Butt of land "bounded on southwest by the Harbour".
(b) assent by p.r. of W.R. Butt (he died 5 November 1942)

Mrs. Drucilla Rebecca Staddon

144 Stanpit

Formerly 122 and before that 45 Wellington Place.

(a) Partition and mortgage dated 1 April 1885 with proviso for redemption for G.S. Bemister of "two cottages coal store land Wharf and quay... bounded ... on the south by the Harbour"
(b) assent dated 9 May 1928 by p.r. of G.S. Bemister in favour of his son F.G. Bemister of No. 45 Wellington Place.
(c) assent dated 3 June 1957 by his p.r. (he died 22 April 1957) in favour of his daughter Mrs. D.Q. Staddon of 122 Stanpit.

Mr. Francis Cecil Sheppard (R.&M.)

146 Stanpit

Formerly 124 and before that 45 Wellington Place.

(a) assent dated 20 July 1955 by p.r.s. of H. Derham (he died 28 February 1955) to J.E. Sheppard of land as on plan on legal charge dated 7 June 1932; such plan included fronting part of F/B.
(b) letters of administration to F.C. Sheppard
(c) assent by him to himself.

Mr. John Henry Dunker and Mrs. Bessie Dunker (R.&M.)

148 Stanpit

Formerly 126 and before that 43 Stanpit

(a) partition & mortgage dated 1 April 1885 proviso for redemption for J.T. Bemister of two cottages bounded "on the South by the Harbour"
(b) conveyance dated 4 August 1902



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- to C.W. Classen
(c) conveyance dated 19 March 1945 to J.M. Martyn
(d) conveyance dated 5 October 1955 to L.P. & H. Monk
(e) conveyance dated 8 August 1961 to A.E.W. Alston
(f) conveyance dated 6 June 1969 to J.E. & B. Dunker
- Mr. Hugh Christopherson 150 Stanpit
Kay Avery of 2a Bransgore
Christchurch (R.&M.)
- Formerly 128 and before that 42 Stanpit
(a) to (d) as for 148 Stanpit supra
(e) conveyance dated 1 April 1970 to E.K. Burry
(f) conveyance dated 19 May 1972 to H.C.K. Avery
- Mrs. Edith Kate Martyn 152 Stanpit
- Formerly 130 and before that 41.
(a) Reconveyance dated 27 January 1896 to J.T. Bemister of cottages "bounded on the South by Christchurch Harbour"
(b) conveyance dated 4 August 1920 to C.W. Classen of 39, 40, 41, 42, & 43 Stanpit
(c) conveyance dated 19 March 1945 to J.M. Martyn of 134, 132, 130, & 128 Stanpit
(d) probate of his will (he died 19 November 1958) to E.K. Martyn
(e) declaration dated 2 October 1972 by E.K. Martyn as to lost assents in his own favour dated 24 March 1960 of 152, 154 & 156. Formerly 132 and before that 40.
(a) to (e) as for No. 152 Stanpit supra.
- Mrs. Edith Kate Martyn 154 Stanpit
of 152 Stanpit
- Mrs. Edith Kate Martyn 156 Stanpit
of 152 Stanpit
- Formerly 134 and before that 39.
(a) to (e) as for No. 152 Stanpit supra.
- Mr. Leslie Charles 158 Stanpit
Edgell (R.&M.)
- Formerly 136 and before that 38
(a) conveyance dated 29 April 1879 J.K. Welch and others to J.H. Henning ("subject to a fishing bank of a breadth of 30 feet" and plan including fronting part of F/B
(b) assent dated 4 March 1958 by p.rs. of A.C. Edgell (she died on 24 December 1957) in favour of L.C. Edgell



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-	160 Stanpit	-
Official Custodian of Charities (R.&L.)	162 Stanpit	Village Hall (a) conveyance date 24 January 1907 to Trustees "subject to a fishing bank of the breadth of thirty feet" with plan including fronting part of F/B (b) order dated 14 February 1913 of Charity Commissioners
Mr. Cecil Henry Andrews and Mrs. Anne Elizabeth Andrews (A.McQ.)	164 Stanpit	Formerly 142 (a) conveyance dated 29 April 1879 by J.K. Welch and others to G. Vivian of a strip coloured green which colour included the fronting part of F/B (b) conveyance dated 18 December 1972 from S. Edgell and ors. to C.H. & A.E. Andrews of No. 142 by reference to the 1879 conveyance supra.
Webbs Spare Parts Limited of 7 Ardern Grove, Harpenden Herts (A.McQ.)	164A Stanpit	Formerly 142 (remaining part) (a) as above for 164 Stanpit (b) conveyance dated 3 January 1975 from C.H. & A.E. Andrews to Webb Spare Parts Limited
Mr. Gerald James William Scragg	166 Stanpit	(a) conveyance dated 29 April 1879 J.K. Welch and others to J.J. Ball "subject ... to a fishing bank of the breadth of thirty feet ..." and a plan including the fronting part of F/B (b) conveyance dated 1 November 1879 to W. Scragg of land "bounded by the River Avon ... subject to a fishing bank ..." (c) conveyance dated 21 August 1922 to G.J.W. Scragg,
Lady Barbara Tyrell	168 Stanpit	Harbour View formerly 146 (a) conveyance date 27 September 1934 to R.C.R. Tranfield "subject to a fishing bank of the breadth of thirty feet" with a plan including the fronting part of F/B (b) conveyance dated 23 October 1936 to L.C. Samuel referential to 1934 conveyance. (c) conveyance dated 11 March 1937 also referential to the 1934 conveyance.



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Mr. Frederick Harold 170 Stanpit
Cooper and Mrs.
Dorothy May Cooper
(R.&M.)

Mr. Alfred Edward 172 Stanpit
William Alston and Mrs
Mary Muriel Myron
Alston (R.&M.)

Mr. Robert John 174 Stanpit
Masters (R.&M.)

Mr. Walter Francis 176 Stanpit
Simpson and Mrs.
Hilda Mary Simpson
(R.&M.)

(d) conveyance dated 2 January
1961 to J & E.C. Clark and S.J.
Campbell referential to a plan on
a conveyance dated 4 July 1895
(e) conveyance dated 7 December
1967 to B & J.M. Hitchcox
(f) Conveyance dated 30 June 1967
to B. Tyrell

Formerly 148

(a) conveyance dated 6 February
1947 to F.H. & D.M. Cooper of
148 Stanpit "bounded by ... River
Avon".

Formerly 150

(a) conveyance dated 19 July 1949
to A.H.W. & S. Vick the land "bound-
ed by River Avon... subject to a
fishing bank of the breadth of
thirty feet"

(b) conveyance dated 31 August
1962 to J.R. Neal similarly

(c) conveyance dated 6 June 1969
to A.E.W. & M.M.M. Alston similarly

Formerly 152

(a) conveyance dated 5 August 1958
to M.McE. Geard of 152 Stanpit
"bounded ... by River Avon ...
subject to a fishing bank of the
breadth of thirty feet".

(b) conveyance dated 6 August 1959
to E.C. Ransom similarly

(c) conveyance dated 26 October
1959 to E.L. Bowden similarly

(d) conveyance dated 19 March 1965
to J.B. Middleton similarly

(e) conveyance dated 24 February
1967 to R.J. Masters similarly

Formerly 154

(a) conveyance dated 6 July 1957
to C & J.C.N. Naylor of 154
Stanpit "bounded ... by the River
Avon ... subject to a Fishing Bank
of the breadth of thirty feet..."

(b) conveyance dated 29 April 1963
to W.F. & H.M. Simpson similarly



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- Mr. John Harry Duncan 1 Fishermans Bank
of 42 A'Becket Gardens
Worthing, West Sussex
and Mrs. Janette
Sullivan of 39 Salis-
bury Road Southsea,
Hants. (R.&M.)
- (a) conveyance dated 24 December
1895 to J. Derham of land
"bounded on the southwest by the
River Avon"
(b) His will (he died 11 January
1903) in favour of P. Derham and
probate.
(c) Her will (she died on 11 May
1920) residue to Trustees.
(d) probate dated 17 February 1975
of will of surviving trustee, J.E.
Derham (he died 6 January 1949) to
J.P. & J. Sullivan
(e) conveyance dated 10 April 1975
to J.H. Duncan and J. Sullivan of
part of F/B shown on plan.
- Mrs. Pauline Edith 2 and 2A Fishermans Bank
Middleton and Mr.
Gerald Leonard Long
(R.&M.)
- The Capstan formerly The Peebles
West
(a) conveyance dated 18 June 1951
to P.E. Middleton of the Capstan
"bounded... on the southwest by
part of Christchurch Harbour...
subject to a fishing bank of
thirty feet..."
(b) conveyance dated 7 May 1962 to
P.E. Middleton and G.L. Long
- Mrs. Janet Elizabeth 3 Fishermans Bank
Wylie (R.&M.)
- (a) conveyance dated 24 August
1931 to N. Colgan of 1, 2 & 3
Bank Cottages "bounded ... Christ-
church Harbour"
(b) probate of her will (she died
13 July 1956)
(c) probate dated 14 May 1974 to
J.J. Colgan of her unadministered
estate
(d) conveyance dated 16 May 1974
to J.E. Wylie of part of E/E
fronting on No. 3.
- Sir Richard Edward 4. Fishermans Bank
Pilditch, Baronet
(R.&M.)
- (a), (b) and (c) as for 3 Fisherman
Bank supra
(d) conveyance dated 16 May 1974
to Sir R.E. Pilditch
- Mrs. Winifred Emma 5. Fishermans Bank
Littlechild (R.&M.)
- (a), (b) and (c) as for 3 Fisherman
Bank
(d) conveyance dated 16 May 1974
to W.E. Littlechild



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- Mr. Joseph Sidney 6 Fishermans Bank
Derham (R.&M.)
- Claimant born in 1907, has lived at 6 F/B (except during war years) all his life. He became owner on the death of his father who died in 1955 and himself became owner in 1928. The Claimant and his father continuously had done acts of ownership on fronting part of F/B
- Mrs. Mary Grace 15 Argyle Road
Aiken Reid (R.&M.)
- Latchmoor
(a) conveyance dated 14 September 1959 J.A. Friend to G.M. Townsend
(b) conveyance dated 20 November 1968 to J.A. deV. Reid
(c) conveyance dated 31 May 1971 to M.G.A. Reid
(d) affidavit as to use since 1952 of fronting part of F/B with 15 Argyle Road.
- Sea end of Argyle Road -
- National West- 13 Argyle Road
minster Bank Limited
of 41 Lothbury London
(R.&M.)
- (a) conveyance dated 21 November 1949 by p.rs. of E.J.H. Banks to E.E. Taylor of part of Fishermans Bank coloured pink on plan (now fronting on 13 Argyle Road, 6A Fishermans Bank and below mentioned garage strip of 7 Fishermans Bank)
(b) conveyance dated 24 June 1959 by E.E. Taylor to H.G. Cuff, 15 Argyle Road and said part of F/B
(c) conveyance dated 13 March 1961 by H.G. Cuff to L.H. Stace of 13 Argyle Road and fronting part of F/B (not including rest of F/B in 1949 conveyance: see below as to 6A and 7F/B)
(d) conveyance dated 19 April 1962 to H.C. Doddrell referential to 1961
(e) conveyance dated 16 October 1963 to Westminster Bank Limited.
- Mr. Geoffrey Law- 6A Fishermans Bank
rence Butler
(R.&M.)
- Heron Creek
(a) conveyance dated 24 June 1955 by E.E. Taylor to B.O. Brown of Avon Priors including part of F/B fronting on Avon Priors (thereby conveyed) and part of F/B fronting on 6A F/B
(b) conveyance dated 30 November 1965 by M.M. Brown to C.C. Butler similar to (a) above



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(c) probate of her will (she died 7 January 1968) granted to G.L. Butler

Butler

(d) assent by G.L. Butler to himself.

(i) Title to main part on east excluding (ii) and (iii) below mentioned:-

(a) conveyance dated 1 February 1946 to G.F. Stride

(b) assent dated 13 June 1966 by F.M. Stride to herself

(c) conveyance dated 14 October 1960 D.G. Stride to H.G. Cuff

(all three above have "together with so much of Fishermans Bank as fronts on the premises")

(d) conveyance dated 30 June 1968 H.G. Cuff to R.V. and J.M. Howell;

plan colours as conveyed part of F/B fronting on (i) and (ii) but memo states this is a mistake as regards the part fronting on (ii)

(ii) Title to garage and drive not including part of F/B fronting on

(a) conveyance dated 24 June 1959 E.E. Taylor to H.G. Cuff

(b) conveyance dated 30 June 1966 supra

(iii) Title to the part of F/B fronting on (ii):-

(a) conveyance dated 24 June 1959 (see under 6A Fishermans Bank supra)

(b) conveyance dated 30 November 1965, see under 6A Fishermans Bank supra.

(c) conveyance dated 21 November 1969 by G.L. Butler to R.V. & J.M. Howell of part of F/B fronting on (ii) above.

(a) conveyance dated 5 November 1887 to C. Davis of land "bounded on the west by Fishermans Bank"

(b) conveyance dated 28 February 1902 to E. Banks referentially to the 1887 conveyance supra.

(c) conveyance dated 31 March 1903 (abstract dated 1945 of title of E.J.H. Banks) by J & R. Druitt to him of fronting parts of F/B on

Mr. Ralph Vincent
Howell and Mrs.
Jessie Margaret
Howell (M.A.&H)

7 Fishermans Bank
(including garage and
drive on west side of
dwelling house)

Mrs. Kathleen
Burton

8 Fishermans Bank



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Mr. Thomas Stewart 9 Fishermans Bank
Appleyard Lack
(R.&M.)

site adjoining Argyle Road (plan shows all F/B) from Argyle Road to Coastguard Station.

- (d) conveyance dated 4 April 1946 by p.rs. of E. Banks to T. Derham of Headland View, 6 Argyle Road "together with so much of Fisherman's Bank as fronts on the said premises
- (e) probate of will of T. Derham (he died 14 January 1974)
- (f) assent dated 24 July 1974 to K. Burton

Flagstaff House formerly nos. 9 and 10 Coastguard Cottages

- (a) Two conveyances dated 1927 by the Admiralty Commissioners of the said two cottages including the open land between No. 11 and the shore with a flag staff but not including F/B
- (b) Claimant in 1960 (when he acquired Flagstaff House) constructed a slipway on fronting part of F/B and has ever since used it for the purposes of his business of yacht broker.

Mr. Roy Alan Stride 10 Fishermans Bank
(R.&M.)

The Watch House

Claimant in 1959 when he acquired the Watch House constructed slipways on the fronting part of F/B and has ever since used such part in connection with his business of fisherman and boat proprietor.

Mr. Ernest Harold 15 & 17 Mudeford
James of 17 Mudeford
(R.&M.)

Seacall (No. 15) and Brix (No. 17)

- (a) conveyance dated 15 May 1935 with plan showing Brix and fronting part of F/B coloured green and pink
- (b) conveyance dated 2 December 1952 to R.E.V. James by reference to the said plan including a description "subject to a fishing bank of 30 feet... adjoining the River Avon"
- (c) conveyance dated 27 August 1964 by p.r. of R.E.V. James (he



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died 8 August 1963) to E.H. James of grass land southwest south and southeast of Bungalow and fronting part of F/B, exclusive of Seacall and Bungalow but including all the part of F/B which fronts on grass land thereby conveyed and land northwest of the Bungalow.

(d) Claimant explained that he was entitled under an assent dated 27 August 1964 to the Bungalow and that Seacall was under the will of R.E.V. James (his uncle) for a period after his death dealt with under his will separately)

Dated this 5/15 —

day of May — 1975

a. a. Baker Fuller

Commons Commissioner