



COMMONS REGISTRATION ACT 1965

Reference Nos. 13/D/5
13/D/6
13/D/7
13/D/8

In the Matter of land (2 pieces) on the west side of the River Severn, near Haw Bridge, Tirley, Tewkesbury District, Gloucestershire.

These disputes relate to the registration at Entry No. 1 in the Ownership Section of Register Unit No. CL.54 in the Register of Common Land and are occasioned (D/5) by Objection No. Ob.6 made by Mr. Norman Wright, (D/6) by Objection No. Ob.8 made by Tirley Parish Council, by (D/7) Objection No. Ob.9 made by Mr. Walter Frederick Jones-Rodway and all three noted in the Register on 12 February 1959 and (D/8) by Objection No. Ob.109 and made by Mr Edward Geoffrey Willoughby Reynolds and noted in the Register on 23 October 1970.

I held a hearing for the purpose of inquiring into these disputes at Gloucester on 23 November 1972 and on 13, 14 and 15 May 1975. At the 1972 hearing, Mr. Thomas William Dudfield, pursuant to whose application the said Entry No.1 was made, was represented by Mr. B. E. J. Shiner of counsel instructed by Rowbery Morris Solicitors of Gloucester, and Tirley Parish Council, Mr. Jones-Rodway and Mr. Reynolds were represented by Mr. H. G. B. Howard, solicitor of Langley-Smith & Sons, Solicitors of Gloucester; after being told that Mr. Wright had died, and without hearing any arguments or evidence, I adjourned the proceedings. At the 1975 hearing, Mr. Dudfield was represented by Mr. Shiner instructed as before and Tirley Parish Council Mr. Jones-Rodway and Mr. Reynolds were represented by Mr. G. B. Hutton of counsel instructed by Langley-Smith & Sons. At the beginning of the hearing I decided (with the agreement of Mr Hutton and Mr. Shiner) to proceed in the absence of any representation of the personal representatives or other successors in title of Mr Wright (there being letters on the file of the Commons Commissioners indicating that they were not or did not wish to be concerned).

The land ("the Unit Land") comprised in this Register Unit is in two pieces (or strips) which are ("the South Piece") about 250 yards long and ("the North Piece") about 470 yards long. Both are bounded on the east by the River Severn; they are separated by the west end of the bridge (the Haw Bridge) over the River. This Bridge carries the B.4213 road from the village of Tirley (about $\frac{1}{2}$ mile to the west) and beyond across the River to a point on the A.38 Gloucester-Tewkesbury road.

The North Piece is bounded on the west by a narrow tarmacadam road ("the Tarmac Road") which leads off the B.4213 road by the Bridge; after about 150 yards, it crosses a stream, where there is a sluice ("the Thistley Stream" and "the Thistley Sluice", so called at the hearing because on the Award map below mentioned they are just north of land thereon marked "Thistley Ground"); the Tarmac Road continues turning north-east (the nearby River Severn here bends north-east) until it reaches (and ends at) the gate of the private driveway leading to Malthouse Farm House. Mr. Dudfield lives at Severn Villa, a dwelling house near the north end and on the west side of the Tarmac Road; the land ("the Claimant's Premises") occupied with this dwelling house, includes



a brick building which is south of the dwelling house, which adjoins the Tarmac Road and which is apparently used at ground level for a tractor and farm implements and for storage and at first floor level for storage of straw etc. The Claimant's Premises include a yard ("the Coal Yard"; this being its former use) which is on the north side of the dwelling house and which contains a large shed, a concrete ramp suitable for unloading (or working under) a motor lorry and a fuel pump. Mr. Dudfield is provisionally registered at Entry No. 1 as the owner of the part ("the Disputed Part") of the North Piece. This part is about 100 yards long; its south (or south-east) end is opposite the south end of the Claimant's Premises; its north-east end is the same as the north-east end of the North Piece (so that some of the Disputed Part is not opposite to but north of the Claimant's Premises). There is no Entry in the Right's Section and no other Entry in the Ownership Section.

In Objection No. 109 the grounds stated are: "That the person claiming ownership of the land (Register Unit No. CL.54), being part of Ordnance Survey No. 353, was not, at the time of registration, the owner of such land, and that the land is & has been common land, being Manorial Waste of the Lord of the Manor, & has been acknowledged as such together with similar adjoining land by the side of the River Severn, & has been registered as such by the Tirley Parish Council, & others. This land is shown as Haw Green on the old Enclosure Award Map, and was obviously the Green appertaining to the small hamlet called The Haw". In Objection No. 3 the grounds stated are: "That the person claiming to be the owner was, at the date of his registration as such, not the owner of the land, or not the owner of a part of it". In Objection No. 6 the grounds stated are substantially the same as those stated in Objection No. 3. In Objection No. 9 no grounds are stated.

The documents produced in the course of the proceedings are summarised in the Schedule hereto. On behalf of the Objectors (their evidence was by agreement given first) oral evidence was given (1) by Mr. S. R. Thompson who is the County Archivist, (2) by Mr. J. T. Hopkins who has lived all his life (he was born in 1920) in Tirley; and who is a member of the Parish Council, (3) by Mr Reynolds (one of the Objectors) who is also a member of the Parish Council and who is now and has ever since 1951 been the owner and occupier of Malthouse Farm, (4) by Mr Jones-Rodway (another Objector) who is now living, and has since 1939 lived, at Severn View, a house which is north of and adjoins the Claimant's Premises and which fronts on the track which joins the Tarmac Road a little way before it ends at the entrance of Malthouse Farm, (5) by Mr. H. A. Mince who between 1946 and 1956 also lived at Severn View and worked as a blacksmith (shoeing, agricultural repairs, etc.) in the building (now used as a garage for vehicles) at the corner between the said track and the entrance gate of Malthouse Farm, and (6) by Mr. A. Bullock who worked at Malthouse Farm from 1923 (he did not say when he retired, but from the general tenor of his evidence I infer that he worked there certainly up to 1951 and possibly for some years afterwards). Also on behalf of the Objectors the following written evidence was put in, (1) the 1954 plan mentioned in the Schedule hereto provided by the Agent of the Croome Estate Trust (it was agreed that it was properly in their custody), (2) the documents mentioned in the Schedule as being marked C1 - 7, (3) an affidavit sworn on 21 November 1972 by Mr. P. Gaskins who has lived at Haw Bridge all his life and (4) an affidavit sworn on 22 November 1972 by Mrs L. Betteridge (since deceased). Mr. Dudfield gave oral evidence on his own behalf and produced documents mentioned in the Schedule hereto as being marked T.V.D.; also on his behalf oral evidence was given by his wife Mrs. C. G. Dudfield (they were married in 1947 and she knew the Disputed Part about a year before then) and by Mr. J. P. Parkinson who is aged 53 years and whose father was vicar of Tirley from 1931 to



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1956. Also various other documents mentioned in the Schedule were produced or put to the witnesses as in the Schedule indicated.

After the first day of the hearing, I inspected the Disputed Part, and walked the whole length of the Unit Land, it having been agreed that I might do so unattended.

Many of the matters discussed at the hearing have been the subject of an inquiry held on 9 November 1967 under the Town and Country Planning Act 1962 in relation to an Enforcement Notice dated 15 May 1967 served on Mr. Dudfield by the County Council requiring him (stating its effect shortly) to discontinue using the Appeal Site, (being two small parts of the Disputed Part therein mentioned) for the parking of motor vehicles and for the storage of solid fuel, other materials and diesel fuel. By the decision, dated 30 April 1968 (mentioned in the Schedule hereto) of the Minister the Enforcement Notice was in some respects corrected and varied for the benefit of Mr. Dudfield. The Notice and the 1968 decision were all on the basis that Mr. Dudfield owned the Appeal Site being an area of about 70' x 60' opposite the Coal Yard and an area of about 90' x 35' opposite the south end of the Claimant's Premises and on the basis that Mr Dudfield has used the Appeal Site for some years in connection with the business carried on from the Claimant's Premises for the purpose of parking vehicles and storing solid fuels, other materials and diesel fuel and that before 1936 the Appeal Site had been used for the storage of hay, straw and coal and the parking of horse drawn vehicles in connection with the business conducted by Mr Dudfield's grandfather James Dudfield, which business was abandoned following his death in 1936. Before me, it was agreed (rightly I think) that the decision in the 1962 Act proceedings was not relevant to any question requiring my determination; however the fact that there had been such proceedings and that some of the persons who gave oral evidence before me were in some way concerned with them, formed the background of much of what was said to me.

In particular much of the evidence on behalf of the Objectors appeared to be directed against the suggestion which it was assumed would be made on behalf of Mr Dudfield, that the use made of the Disputed Part by his grandfather Mr. James Dudfield and himself showed it was private land owned by them in succession and was not public land.

The maps produced by the Objectors are to this effect:- Those made before 1824 (when the first Bridge was built) show no connection such as there now is by the River side between the north-east part of the North Piece and the part of the Unit Land south-east of the line now taken by the road across the Bridge; the then access to the Village was from the south end of the north-east part by Thistley Ground. In the 1734 map the Disputed Part (with other land to the north) is named "Porters Green"; although part of the words "The Distill-House" are written over part of the Disputed Part, these words relate to a building more or less in the same place as that above mentioned as being on the Claimant's Premises near the Tarmac Road. In the 1798 and 1811 maps the Disputed Part is named "Ham Green", being then continuous with the land down to Thistley Sluice. The 1830 map names the buildings around the Disputed Part as "The Haw". The 1884 map (as also the 1885 map and all later maps produced) shows the Disputed Part as connected with the River side land north and south of Thistley Sluice down to the Bridge, and show a road line and riverside line much the same as that now taken by the Tarmac Road and the River bank.

As to the use of the Disputed Part during the lifetime of Mr James Dudfield (he died 1936):- (a) Mr Hopkins said (in effect):- the Disputed Part (and other nearby parts of the Unit Land) were known as "Top of the Haw"; it was not so overgrown with



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nettles and scrub as now, and the surrounding families grazed on it ponies, goats and geese. From barges, coal from the Midlands was unloaded onto the Disputed Part; they were reloaded (generally at a different place lower down: Goose Tump) with hay from the local farms. The unloading was with hand barrows (no wheels); there was no proper quay, just a plank (or two) between the barge and the River bank. When he first remembered there were four businesses unloading coal, of Mr Ball, Mr Gaskins, Mr Hartman and Mr Dudfield, worked by them or their families. Unloading by Mr Hartman and Mr Ball (or their families) ceased in about 1930 and 1932; Mr Dudfield continued for longer. The Dudfield coal was carried to the Coal Yard (part of the Claimant's Premises); he (Mr Hopkins) had never seen coal stored on the River bank, nor any coal on the ground (not to notice); he was certain that the coal was not just off-loaded onto the River Bank. (b) Mr Bullock also described the unloading of the barges saying in effect that all Mr Dudfield's coal was carried to the Coal Yard, although weighed on the bank, and although sometimes some of it was carried direct to customers' wagons; he mentioned that when the Village Hall was built in 1933 the stone was brought by River to the Disputed Part and that some of the sand and cement used in the building was mixed there. (c) Mrs Betteridge said: "They used to empty 32 tons of coal and put it in the Coal Yard which was situated adjoining Mr Tom Dudfield's (now known as Severn Villa)". And (d) Mr Gaskins said "... Hay approximately 8 tons up to the Black Country and bringing approximately 30 tons of coal on their return journey ... I have seen ... a slipway; which was a cutting - width four feet widening out at the top of the bank to 20 feet where the coal was weighed. I have seen Mr Jim Dudfield and his son carrying hand barrows up this slipway which was loaded with what they described as a draught of coal (which was approximately 2½ cwt.)".

Sometime before or shortly after the death in 1936 of Mr James Dudfield, the barge side of his business was abandoned, and his grandson Mr Dudfield carried on from the Claimant's Premises a haulage and contractor's business at first using one motor lorry. After the war Mr Dudfield's business much increased when he acquired many more motor lorries. When I inspected the Disputed Part there was on it a 1,000 gallon diesel oil storage tank, and near it four lorries or vehicles, apparently not now usable, one Leyland Crane lorry (apparently usable) and two (apparently now) Bedford Lorries "Dudfield and Son Fuel and Transport Contractors".

As to the use of the Disputed Part after the war by persons other than Mr Dudfield:-

(a) Mr Reynolds mentioned Mr Mince's tying platform, Mr Rodway's slipway, and the bonfires he had had on it of his hedge trimmings. (b) Mr Rodway mentioned its use as a picnic area and for fishing from the bank and described the slipway he built in about 1961 and actively used for about four or five years. (c) Mr Mince described his use of the tying platform between 1946 and 1955. (d) Mr Bullock described how before 1950 he used to cut the grass for the use of Mr Reynold's cattle and to keep the place tidy.

Mr Dudfield who is 62 years old in the course of his evidence said (in effect):- The Claimant's Premises have been in the ownership of himself or members of his family before him ever since 1906 when his grandfather Mr James Dudfield purchased them. He could remember back in 1918; in those days his grandfather ran the business carried on from the Claimant's Premises, he owned several barges which brought coal from the Midlands down the Severn, they were unloaded onto the Disputed Part; sometimes the barges brought stone or salt; for the return the barges were loaded up with hay provided by local farmers for which there was a market in the Midlands. His grandfather



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with this business also acted as a financier for local farmers by helping them to pay their rent and re-imbursing himself from the proceeds of their hay which he took away in his barges and sold. Later his grandfather's business was carried by his grandfather and his mother together (his father later became the owner of the Claimant's Premises but being a cripple could not take much part). Later on his elder brother helped. After the death of his grandfather in 1936 he took over the business first on behalf of his father, his sister and himself, and then after 1943 (when he became sole owner of the Claimant's Premises) for himself alone. His grandfather stored anything he liked on the Disputed Part; he just did what he liked there; he seemed to be the Squire there. He (the witness) had worked on the barges; the unloaded coal was weighed on the Disputed Part; the machine which weighed in halves, was moved on and off the Disputed Part daily; if the weight was over the relevant half shown on the machine the excess was thrown on the River Bank. In 1937 he had one lorry which was parked on the Disputed Part; this was commandeered in 1939 for war use, but he bought an old lorry and during the war made two journeys a day to Birmingham. In 1953 he had three lorries; the following year he increased the numbers so that by 1965 he had 8 lorries one of which was not then in operation. In 1965 he began getting complaints, "I always considered the property (the Disputed Part) belonged to me", but up to the Parish Council complaints (1965) he had had no trouble.

In the course of his cross-examination by Mr Hutton, Mr Dudfield, claimed to be the owner, not only of the Disputed Part but of all the Unit Land north of Thisley Sluice because "it is down in my deeds" and said that when he made the statutory declaration, he went by his solicitor, who prepared it and who made a mistake in limiting his claim to ownership of the Disputed Part.

Mrs Dudfield said (in effect):- She and her husband were primarily concerned to protect their son aged 15 who they both hoped would succeed to the management of the business which Mr Dudfield had built up. She had done some research to the documents relating to the Unit Land and satisfied herself 1862 conveyance (particularly if it was read in conjunction with an 1845 conveyance) showed that not only the Disputed Part but also the whole of the Unit Land north of the Thisley Sluice belonged to her husband; she relied particularly on the words "adjoining the River" and "bounded by the River" in the 1862 particulars and 1845 conveyance.

It being apparent on the oral evidence of Mr and Mrs Dudfield that their first contention was that his ownership was shown by his documents, I will consider this first.

I have set out in the Schedule hereto the relevant words of description in Mr Dudfield's conveyances and other documents of title. A conveyance of land is some evidence that the land expressed to be conveyed was before the conveyance owned by the conveying party and after the conveyance came into the ownership of the party to whom it was expressed to be conveyed. The intention of the parties must be deduced from the words used in the conveyance and from such admissible evidence as to the surrounding circumstances as may be available. Evidence as to the appearance of the land at the date of the conveyance and as to the use which was then being made of it is admissible.

From the oral evidence, the recent maps and what I saw, I conclude that the North Piece is now and has been at least for as far back as 1893 a piece of land distinct from the Claimant's Premises. It is not part of the C.S. No. 340 mentioned in the 1940 assent. The Haw Road mentioned in the 1893 and 1906 documents was I think a road or track along the line (perhaps a little different) of the Tarmac Road. In my opinion



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the Disputed Part is not (nor is any other part of the North Piece) within any of the 1893, 1906 and ~~1906~~ descriptions; if those who had made these documents had intended to include it, the wording would I think have been quite different.

The 1734, 1798 and 1811 maps all show between what is now the Claimant's Premises and the River a distinct piece of land extending beyond the Disputed Part to the north and beyond Thisley Sluice away from the River to the west. The 1844 map shows a distinct piece of land over marked with " ... " (meaning I suppose marshy or rough ground), with a track across it more or less on the line of the Tarmac Road, and including the North Piece, and extending south to the Bridge. The 1830 map shows a group of houses around where the Claimant's Premises now are as being then known as "The Haw". In my opinion to describe in 1862 the Disputed Part (or any other part of the North Piece) as "garden" (the word used in the 1862 particulars and conveyance) would be inappropriate. I think the correct reading of the words in the 1862 particulars "situate at the Haw, adjoining the river Severn" is a general description of the group of houses known as the Haw, not as defining the boundary of the "garden" mentioned, and that the correct reading of the words in the 1862 conveyance "have the River Severn (or the highway adjoining the River) on the front" is to treat the words in brackets as giving a needed precision. In my opinion the Disputed Part is not within either description, and on this, I am supported by the 1893 conveyance which refers to the land conveyed by the 1862 conveyance as then (1893) bounded by Haw Road.

The opening words of the description in the 1845 conveyance are "... tenement with the garden and premises thereto ... belonging ...". Notwithstanding the following words "bounded by the River Severn", having regard to the description used in the later documents, I am not satisfied that those who made the 1845 conveyance intended to include the Disputed Part; I think it likely that it could not then be said to "Belong" to the tenement and that the words "bounded ..." were used imprecisely; or it may be that the River was not then so confined by a bank as it is now.

My conclusion on this part of the case is that Mr Dudfield's ownership of the Disputed Part is not shown by his documents of title.

Mr Shiner contended that I should find that Mr Dudfield and before him his grandfather Mr James Dudfield were in possession of the Disputed Part, and that on this basis, I should construe the documents of title mentioned in the Schedule hereto as including the Disputed Part or alternatively should conclude that Mr Dudfield now has a possessory title.

Read by itself, a statutory declaration made by Mr Dudfield on 21 February 1966 supports this contention as regards the possession of Mr. James Dudfield in that it is there said that he used the Disputed Part "for loading and unloading barges and for the storage and weighing of coal and the loading and standing of carts". During the course of his evidence Mr Dudfield read the declaration to me and afterwards agreed with his counsel that it was correct; when cross-examined about it, he said that he did not bother to see it before he signed it, and when questioned further made a number of aggressive observations to the effect that professional men in general and the solicitor who prepared the declaration in particular could not be trusted. Being unable owing to his attitude, to determine how much of the declaration accorded with his present understanding and recollection, I regard it as being of no help in this case.



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Much of what Mr Dudfield said was confused; he had I think somehow persuaded himself that those who had objected under the 1965 Act to his ownership claim, were concerning themselves with matters which were no business of theirs; having regard to his manner when giving evidence, I consider much of what he said unreliable, and on all matters in which his evidence conflicts with that given on behalf of the Objectors, I prefer the latter.

My conclusion on this aspect of this case from the conflicting evidence put before me is as follows:- Before 1936, when Mr James Dudfield was carrying on business, the Disputed Part (and other parts of the North Piece too) was open land, providing a convenient landing place for loading and unloading barges for use by anyone who was so inclined. It may be that while Mr James Dudfield's barges were unloaded, carts belonging to him or to his customers stood around so that coal could be unloaded into them direct; it may be that sometimes coal was spilt accidentally or was deliberately left in a heap for some particular purpose. But in my opinion there was never any such use of the Disputed Part as could amount to a taking possession by Mr James Dudfield of the whole of it; nor was there in my opinion ever any such storage or stacking of coal by him (or of hay or anything else) on any part of it, which could amount to a taking possession or a claim to the ownership of such part; in my view the evidence showed that as a general rule the unloaded coal was taken to the Coal Yard which formed part of the Claimant's Premises, and that such use as Mr James Dudfield made of the Disputed Part was no more than was incidental to the unloading of his barges and never amounted to an assertion that he and no-one else would unload barges there or that he was the only person who could use the Disputed Part. I find therefore that Mr James Dudfield was never in possession of the Disputed Part or any part of it.

As to the acts of Mr Dudfield himself during and after the 1939 - 45 war:- He has used the Disputed Part for parking lorries, and has placed there a fuel storage tank of about 1,000 gallons. In my opinion this use cannot properly be regarded as a taking possession of the whole of the Disputed Part; the area so used is too small in relation to the area of the Disputed Part, and is quite distinct.

As regards the possible ownership of Mr Dudfield's to part of the Disputed Part:- Even if by erecting a fuel storage tank, he is now in possession of the land on which it stands, such possession (he purchased the tank in 1962) is too recent to establish a possessory title before the objections were made. In my view by parking his lorries on the Disputed Part, Mr Dudfield never, at any rate before 1966, took possession of any part; before the 1967 Enforcement Notice the possibility of his being the owner or of taking possession did not ever I think occur to him, and I do not accept his evidence that he always believed himself to be the owner.

For the above reasons, I conclude that Mr Dudfield should not have been registered as owner, and accordingly I refuse to confirm the registration.

I shall order him to pay the costs of Mr Jones-Rodway, Mr Reynolds and the Parish Council incurred by them in respect of these proceedings, and I shall direct such costs to be taxed according to Scale 4 prescribed by the County Court Rules 1936 as amended.

In view of the criticisms of the Objectors made by Mr Dudfield when giving evidence, I record that in my opinion they are unfounded. Although they do not claim to be the



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owners, they are all concerned with amenity, and for this reason may reasonably prosecute proceedings which may enable the Parish Council to take advantage of section 9 of the 1965 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

(Documents produced : with a note of some dates)

Exhibit Mark	Date and Origin	Description
Copy extracts marked 01 & 02	Dated in pencil "Circa 1734"; from Croome Estate Office.	A map of the Manor of Tirley ... Common Fields, Common Meadows & Enclosures as they now are being My Lords Demeans belonging to ye Manor of Corse Court and every Piece of Free Land in ye said Manor.
	1798	Tirley Parish Enclosure Award
03	(?1795) from Gloucestershire Records Office	A plan of the Parish of Tirley ... as enclosed Pursuant to an Act of Parliament passed in the year (*)
04	(?1798) produced by Mr Hopkins	A more recent and more legible copy of the Award map.
	1811 printed copy	An Act for extending the Horse Towing Path on the Bank of the River Severn; 53 Geo. 3 c.148.
05 relevant part of map. 06 relevant part of reference.	21 June 1811 certified to be in accordance with Act. From Gloucestershire Records Office.	Map or Plan and Book of reference of Gloucester and Worcester Horse Towing Path.
	1824	First Haw Bridge opened, see inscription on second and now existing Haw Bridge.
Copy	1830 from Gloucestershire Records Office.	First Edition 1" Ordnance Survey maps.



Exhibit Mark	Date and Origin	Description
T.W.D.5	1862	Abstract of title of Sir E.A.H. Lechmere including an abstract of a mortgage dated 23 August 1845; "SECONDLY ALL THAT messuage or tenement with the garden & prems thereto adjoining & belonging situate and being at the Haw ... then ... in the occp ⁿ of Samuel Smith as tenant thereof Bounded by the River Severn & by land and premises of the Earl of Coventry and Benjamin Bell on all or most parts or sides thereof ..."
T.W.D.4	27 October 1862	Particulars of Sale by Auction. Lot 8:- "A very desirable brick-built DWELLING HOUSE with BREW HOUSE and SHED adjoining, Garden, detached Stable, Piggeries and other Outbuildings situate at the Haw, adjoining the river Severn, in the occupation of Mr Samuel Bayliss ..."
T.W.D.1	26 December 1862	Conveyance to "Samuel Bayliss ... Coal Dealer", the description being: " ... messuage or tenement with the garden brewhouse shed and stable thereto adjoining and belonging situate ... in the occupation ... which premises have the River Severn (or the highway adjoining the River) on the front or east side ... "
	10 October 1865 produced by Mr Reynolds	Conveyance of the Malthouse Farm (then 33a. 1r. 2p.) as " delineated on the map in the margin". The map shows the river and the road leading to the farm much as the river, the Disputed Part and the Tarmac Road now are.
07 also J.F.H.1	1884 Gloucestershire Records Office	1st Edition 25" Ordnance Survey map. The relevant position of the river and the track are such as on the 10 October 1865 supra.



Exhibit Mark	Date and Origin	Description
T.W.D.6	26 April 1893	Conveyance by W. Bayliss (as trustee of the will of "Samuel Bayliss farmer formerly coal merchant" who died 26 November 1892) to Mrs H. Messenger of "ALL THAT messuage ... and shop with the Coal yard, Garden, Stables, Drinkhouse with loft over and other buildings and appurtenancies ... late ... in the occupation of ... Samuel Bayliss ... which said premises ... are bounded on or towards the front or east by the Haw Road and on all the other sides by property of ... and ... were conveyed by an indenture dated (29 December 1862)"
T.W.D.7	20 November 1893	Schedule of documents relating to Mrs Messenger's lands.
T.W.D.8	19 June 1906 (annexe to agreement by James Dudfield as purchaser)	Particulars of Sale by Auction. Lot 1 "DWELLING HOUSE WITH SHOP pleasantly situated at THE HAW on the banks of the River Severn part of no.540 on the Ordnance Plan...and CIDER HOUSE with LOFT over ... together with a walled-in COAL YARD in the occupation of Mr. Dudfield whose tenancy expires ... This lot is bounded by the property of ... the Earl of Coventry, J.E.H.Martin and the Haw Road."
T.W.D.9	14 July 1906	Conveyance to James Dudfield, by description in words substantially the same as the particulars including "bounded on or towards the front or east by the Haw Road ..."
	17 September 1914 21 February 1914 handed in by Mr Dudfield	Promissory notes in favour of James Dudfield
J.T.H.2	?	Photographic postcard of James Dudfield barge and 3 men and boys.
J.T.H.3	1925 - 1930	Photographic postcard of the Straithe showing two hay barges (at Goose Pump)



Exhibit mark	Date and Origin	Description
T.W.D.11	15 July 1940	Vesting Assent by personal representatives of James Dudfield (he died 9 September 1936) in favour of Albert Dudfield (tenant for life) on trust of the will of "ALL THAT ... dwelling house with the coal yard garden stables and outbuildings and appurtenancies thereto belonging called Severn Villa ... which said premises are numbered 340 on the Ordnance Survey map.
T.W.D.12	1 September 1943	Assent by personal representatives of Albert Dudfield (he died 25 July 1942) in favour of Thomas William Dudfield, James Dudfield and Rebecca Dudfield in equal shares.
T.W.D.10	2 September 1943	Conveyance by James Dudfield and Rebecca Dudfield of their third shares to Thomas William Dudfield.
J.T.H.5	1955 (?1959)	Aerial photograph of Disputed Part and surrounding buildings.
W.J.F.R.1	17 May 1961	Letter from Severn River Board informing Mr Jones-Rodway that they had no objection to his constructing a slipway.
W.J.F.R.2	1961 - 1967	Photograph of slipway and 2 motor boats.
	29 June 1964 Parish Council Minute Book from 1894 and still currently used; produced by Mr Reynolds.	Minutes of meeting at which Council considered complaint by Mr Reynolds about Disputed Part being used for parking lorries etc. (other minutes dated 25 October 1965, 1 December 1965, 10 January 1966 and 3 June 1966 put to Mr Reynolds).
E.G.R.4	2 April 1965	Letter from agent to Croome Estate to County Council saying there is no trace of any record as to the Trustees Manorial Rights in respect of land under discussion.
T.W.D.13	21 February 1966	Statutory declaration made by Mr T. W. Dudfield "as to the ownership of land at Haw Bridge".
T.W.D.14	21 February 1966	Statutory declaration made by Mr Edgar Bevan (then 59 years of age) as to ownership.



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Exhibit Mark	Date and Origin	Description
T.W.D.2	15 May 1967	Enforcement Notice by County Council against Mr. T. W. Dudfield under Town and Country Planning Act 1962.
W.J.F.R.3	16 May 1967	Letter from Mr Dudfield's solicitors to Mr Rodway complaining of slipway "on his land".
	2 November 1967	Parish Council applied under 1965 Act for registration of Unit Land as Common Land.
T.W.D.2	9 November 1967	Inquiry into appeal against Enforcement Notice; Appeal Site plan dated October.
	29 February 1968	Mr Dudfield applied under 1965 Act for registration of his ownership of the Disputed Part.
T.W.D.2	30 April 1968	Minister's decision on appeal with copy of report dated 7 December 1967 of Inspector.
	19 November 1968 5 & 7 February 1969 21 September 1970	Dates of Objection now under consideration.

Dated this *24th* day of *October* 1975

a. a. Baden Fuller

Commons Commissioner