



COMMONS REGISTRATION ACT 1965

Reference No 213/U/9

In the Matter of

Stinchcombe Hill in the parishes  
of Cam, Stinchcombe and North Nibley  
Stroud D

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DECISION

This reference relates to the question of the ownership of land known as Stinchcombe Hill in the parishes of Cam, Stinchcombe and North Nibley, Stroud D being the land comprised in the Land Section of Register until No CL 136 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 when the public notice of this reference each of them Stinchcombe Hill Recreation Ground Trust and the trustees of the will of the late Sir Charles T K Provost Bart claimed to be the freehold owner of part 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 ownership of the land at Gloucester on 5 April 1978.

The hearing was attended by Mr F C Penley of Messrs Penley Milwood & Beyley on behalf of the Recreation ground Trust and the trustees of the late Sir Charles Provost.

As regards the land claimed by the Recreation ground Trust (hereinafter called the Recreation Land) hatched brown on the plan annexed to this decision. Mr Penley produced two conveyances dated respectively 1 January 1930 and 15 March 1938 with plans annexed whereby the said land was conveyed to trustees for the Recreation ground Trust.

As regards the land claimed by the trustees of the will of the late Sir Charles Provost Mr Penley produced an abstract of title commencing with a mortgage of the Lordship of the Manor of Stinchcombe dated 21 January 1856 from which it appeared that at the date of his death the late Sir Charles Provost was by virtue of a disentailing assurance made in 1906 absolutely entitled to the said Lordship. There were also produced a statutory declaration by Sir G J A Provost the present Baronet and the tenant for life under the trust for sale constituted by the will of Sir Charles that the land claimed by his trustees (hereinafter called the Provost Land, hatched blue on the said plan annexed to this decision is parcel of the Manor of Stinchcombe and an appointment of new trustees which established that the present trustees of the will of Sir Charles are M P J & J Mildmay, J R Wood and W G Murray-Browne.



On this evidence I am satisfied that the Recreation ground Trust is the owner of the Recreation Land and that the above mentioned trustees are the owners of the Provost Land and I shall accordingly direct the Gloucestershire County Council as registration authority to register Stinchcombe Hill Recreation Trust as the owner of the Recreation Land and the register, M A S & J Mildmay, J R Wood and W G Murray-Browne as trustees of the will of the late Sir Charles Provost Bart as the owners of the Provost 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 23<sup>rd</sup> day of May 1973

*G A Little*

Commons Commissioner