



COMMONS REGISTRATION ACT 1965

Reference No 15/U/61

In the Matter of Hackley Common,
Sarnesfield, Leominster D

DECISION

This reference relates to the question of the ownership of land known as Hackley Common, Sarnesfield, Leominster D being the land comprised in the Land Section of Register Unit No CL. 111 in the Register of Common Land maintained by the former Herefordshire 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 R A Marshall 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 Hereford on 10 May 1977.

Mr Edward Harris of Messrs Edward Harris & Son appeared for Mr R A Marshall and produced a conveyance dated 2 February 1891 whereby B T Fitzherbert and others conveyed the Sarnesfield Court Estate to George William Marshall. By a Vesting Deed dated 8 November 1946 William Marshall vested the land in question, therein identified as Hackley Common OS 41 comprising 28.89 acres in Robert Ambrose Marshall.

Mr J A Andrews gave evidence that he was a partner in the firm of Llewellyn Humphreys & Co the land agents to the Sarnesfield Court Estates and that from 1951 to 1957 R A Marshall had farmed the land in question and he produced documentary evidence of acts of ownership by him in the course of his farming operations, and that as from 27 May 1957 R A Marshall had let the land in question and been in receipt of rent in respect thereof.

On this evidence I am satisfied that R A Marshall is the owner of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register R A Marshall as the owner 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 21st day of June 1977

G A Little

Commons Commissioner