



COMMONS REGISTRATION ACT 1965

Reference No 15/U/74

In the Matter of Wormbridge
Common, South Hereford D

DECISION

This reference relates to the question of the ownership of land known as Wormbridge Common, South Hereford D being the land comprised in the Land Section of Register Unit No CL. 161 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 J M Clive 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 11 May 1977.

Mr Quincy the agent for Mr G M Clive appeared for Mr G M Clive. He had been provided by Messrs Bull & Bull the solicitors for Mr G M Clive with copies of a Disentailing Deed and Resettlement dated 31 January 1863 and Mr Clive's abstract of title, but with little if any guidance as to how to present the said documents at the hearing for the purpose of establishing Mr Clive's ownership. The disentailing Deed is a document comprising some ~~nine~~ closely typed pages, and after some research Mr Quincy referred me to p 14 from which it appeared that the Manor and Lordship of Wormbridge was part of the property thereby resettled. When I enquired of Mr Quincy how he was going to prove that the land in question was parcel of that Manor he was unable to give me any assistance, and I adjourned the hearing in order to enable him to research among the documents.

Mr Quincy's researches were fruitful and after the adjournment he drew my attention to p 18 of the said Deed where Wormbridge Common is identified in the Schedule thereto as being comprised in the lands thereby resettled, see the reference to the Schedule at p 15 where it appears that the Common was allotted and awarded to one Archer Clive and that it was not parcel of the Manor.

The abstract ends with a conveyance dated 28 April 1964 made between Coutts & Co and G M Clive whereby the Whitfield Estate comprising inter alia Wormbridge Court Farm of approximately 241.697 acres was conveyed to G M Clive.

No evidence was led that the land in question now forms part of the Whitfield Estate other than three statements, produced by Mr Quincy, to the effect that they believe that G M Clive is Lord of the Manor of Wormbridge and that based on that belief they also believe him to be the owner of that land as parcel of that Manor.

On this evidence I have come to the conclusion with some hesitation that I am entitled to assume that the land in question which was part of the Whitfield Estate in 1863 is still part of that Estate and is now in the ownership of G M Clive. I feel



compelled to say that it is a matter for regret that if the solicitors were not going to appear at the hearing they did not provide Mr Quincy with a very full brief as to how he was to present the case. I am indebted to him for his patience and industry in giving me all the assistance he could in the difficult situation in which he found himself.

On this evidence I am satisfied that G M Clive is the owner of the land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register G M Clive 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 Seale

Commons Commissioner