



In the Matter of Catherton Common, Hopton Wafers
and Farlow, Salop

DECISION

These disputes relate to the registration at Entries No. 1-32, 36-47 and 49-56 in the Rights section of Register Unit No. CL 8 in the Register of Common Land maintained by the Salop County Council, and ~~an~~ occasioned by Objections No. 0.48, 0.65, 0.71 and 0.150 made by Murphy Brothers Ltd (to all such Entries) and by Clee Hill Commoners Association (to Entries 10 and 47) and noted in the Register on 3 May 1971 and 10 August 1972.

I held a hearing for the purpose of inquiring into the disputes at Ludlow on 24 January 1979.

At the hearing Mr R Herbert, of the firm of C Uphill Jagger Son & Tilley, Birmingham, Solicitor appeared for all the Rights applicants (except K Higgins and E S Higgins Entry No. 17) or in some cases, their successors in title, and for Clee Hill Commoners Association: Mr W S Yates, of the firm of Eddowes, Simm & Waldron, Ashbourne, Solicitor appeared for Shirland Fireclay Ltd, the successors in title to the Objector, Murphy Brothers Ltd. K Higgins and E S Higgins did not appear, nor were they represented.

Agreement had been reached between all the parties for confirmation of the rights concerned, with, in some cases, modifications. It did not appear that the Higgins had agreed, and it was submitted that as they had not appeared with evidence to support the rights registered under Entry No. 17 the Objectors were entitled to ask for confirmation of that registration to be refused. I accept this, but as I understood that the grazing right included in the Entry was not now objected to, I think that in the circumstances it is appropriate to confirm the registration, modified so as to limit it to the grazing right. All the modifications involved appear in the following Schedule.

Schedule of Modifications to Column 4 of Rights Section

Entry No. 2	For "cows" substitute "cattle"
Entry No. 3	For "cows" substitute "cattle"
Entry No. 4	For "2 Cows and 1 heifer" substitute "3 cattle"
Entry No.10	For "1000 sheep and 500 cattle" substitute "11 cattle and 200 sheep"
Entry No.11	For "2 cattle and 4 bullocks" substitute "6 cattle"
Entry No.12	For "cow" substitute "cattle"
Entry No.14	For "2 milking cows, 6 bullocks" substitute "8 cattle"
Entry No.16	For "cow" substitute "cattle"
Entry No.17	For the existing particulars substitute "To graze 10 beasts of any sort over the whole of the land comprised in this register unit."
Entry No.18	For "1000 sheep, 200 cattle and 100 horses" substitute "100 sheep, 12 cattle and 12 horses"
Entry No.19	For "1000 sheep, 50 cattle and 6 horses" substitute "50 sheep and 1 horse"
Entry No.20	For "100 cattle, 1000 sheep and 100 horses" substitute "30 sheep"
Entry No.21	For "cows" substitute "cattle"



- Entry No.23 For "250 sheep, 50 cattle and 25 horses" substitute "50 sheep, 5 cattle and 5 horses"
- Entry No.26 Delete "12 Pigs"
- Entry No.29 Delete "or 2 beasts or 2 horses"
- Entry No.31 For "followers and 2 ponies " substitute " 2 horses"
- Entry No.36 For "25 cattle, 250 sheep and 25 horses" substitute "2 cattle and 50 sheep"
- Entry No.37 For "2 cows and 4 calves, 25 sheep" substitute "6 cattle, 20 sheep"
- Entry No.38 For "150 sheep, 50 cattle and 50 horses" substitute "2 cattle and 50 sheep"
- Entry No.40 For "500 sheep, 100 cattle and 50 horses" substitute "6 cattle, 60 sheep and 1 horse"
- Entry No.41 For "2000 sheep, 500 cattle and 200 horses, substitute "540 sheep, 74 cattle and 2 horses"
- Entry No.42 For "200 cattle, 2000 sheep and 200 horses" substitute "40 cattle, 250 sheep and 2 horses"
- Entry No.43 For "ponies" substitute "horses"
- Entry No.44 For "cow" substitute "cattle"
- Entry No.46 For "one mare and foal " substitute "2 horses"
- Entry No.47 For "20 cows" substitute "1 cattle"
- Entry No.49 For "10 cows and their calves" substitute "10 cattle"
- Entry No.51 For "or 1 cow" substitute "and 1 cattle"
- Entry No.52 For "500 sheep, 50 cattle, 40 horses and 100 geese" substitute "6 cattle and 20 sheep"
- Entry No.53 Delete the existing particulars and substitute "To graze 4 animals over the whole of the land comprised in this register unit"
- Entry No.54 For "or 4 cows or 4 horses" substitute "and 4 cattle".

In the result I confirm the registrations with the modifications indicated above.

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

11th

day of

April

1979

L. J. Morris Smith

Commons Commissioner