



COMMONS REGISTRATION ACT 1965

Reference No.31/U/13

In the Matter of Lower Short Ditch.

Mainstone with Colebatch. Salop.

DECISION

This reference relates to the question of the ownership of land known as Lower Short Ditch, Mainstone with Colebatch, being the land comprised in the Land Section of Register Unit No.CL.31 in the Register of Common Land maintained by the former Salop 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 the Earl of Powis 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 Shrewsbury on 11th June 1974.

At the hearing Mr.D.H.Salt, solicitor, appeared on behalf of Mr.G.W.Herbert and Mr.D.M.Herbert, the present trustees of the Powis Settled Estates.

By an inclosure award made 9th August 1847 under the Clun Inclosure Act of 1837 (7 Will.IV and Vict.c.9 (private)) the land in question was allotted to Edward Herbert, Earl of Powis, as Lord of the Honor or Lordship of Clun, and his successors for the time being as and for a turbarry for fuel to be permanently used by the inhabitant householders of the district commonly called the Five Towns, namely Newcastle, Whitcot, Keyset Shadwell and Knuck Shadwell, Bicton and Weston, and Kevencalonog; and of the townships of Reilth, Mainston and Edenhope, and to be holden by the Lord for the use of such inhabitant householders.

Mr.G.W.Herbert and Mr.D.M.Herbert are the personal representatives of the Rt.Revd.Percy Mark Herbert, Bishop of Norwich, who was the last surviving trustee of the Powis Settled Estates under a disentailing deed made 14th June 1955. In my view, they are the successors of Edward Herbert, Earl of Powis as Lord of the Honor or Lordship of Clun within the meaning of the inclosure award.

For these reasons I am satisfied that Mr.G.W.Herbert and Mr.D.M.Herbert are the owners of the land, and I shall accordingly direct the Salop County Council, as registration authority, to register them as the owners 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 4th day of July 1974


Chief Commons Commissioner