



COMMONS REGISTRATION ACT 1965

Reference Nos 32/U/67
32/U/69

In the Matter of (1) Langport Common Moor
and (2) Northstreet Moor and Little Moor,
both in Langport, Yeovil District, Somerset

DECISION

These references relate to the question of the ownership of lands known as (1) Langport Common Moor and (2) Northstreet Moor and Little Moor, both in Langport, Yeovil District being the lands comprised in the Land Section of Register Unit (1) No CL. 146 and (2) No CL. 174 in the Register of Common Land maintained by the Somerset 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 Langport Parish Council claimed that they owned the lands in question as the present Lord of the Manor of Langport. No other person claimed to be the freehold owner of the lands or 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 Taunton on 30 November and 1 December 1977. At the hearing Langport Parish Council were represented by Mr J W Tucker solicitor with Clarke Willmott & Clarke, Solicitors of Langport.

Oral evidence was given by Mr Tucker in the course of which he produced: (1) a manuscript (8½ foolscap pages) dated 12 September 1885 signed "H E E Fox" and entitled "Notes on the supposed origin and nature of Rights of Common in Langport Common Moors and also in the Moor of Langport Eastover"; (2) a copy (the original is in the Somerset Record Office) of a conveyance dated 25 March 1809 by which "the Manor and Borough of Langport Estover" with numerous appurtenances therein generally described were conveyed to the Portreeve and Commonalty of the Borough of Langport Estover; (3) a scheme dated 23 November 1888 made by the Charity Commissioners in the matter of the Langport Town Trust; (4) a scheme dated 19 December 1966 also made by the Charity Commissioners in the matter of the same and another Charity; (5) a completed draft of a statutory declaration made on 28 October 1966 by the Rev W E L Houlden (he had then been chairman of the Parish Council for 8 years and incumbent of the Parish for upwards of 17 years); and (6) a completed draft of a conveyance dated 16 December 1966 by which the Parish Council conveyed 1.060 acres of land being part river bank and part meadow or pasture land and drove at Langport Common Moor. Oral evidence was also given by Mr W Bile who has resided all his life (52 years) at Huish Episcopi and Langport, has been clerk of the Parish Council since 1970, and as such the Deputy-steward of the Manor (one of the Councillors is nominated by the Council to be Steward), in the course of which he produced: (1) Particulars of sales of "Grass Keep" held on 20 April 1977 at Langport; (2) and (3) the Parish Council Minutes Books from 1937 to 1951 and from 1958 to 1964; and (4) the Minute Book of the Parish Meetings from 1894 to 1964.



On the day after the hearing, I inspected the lands.

The land ("the CL. 174 land") in this Register Unit, according to the Register map (based on the OS map) is approximately triangular, being bounded on the west by the River Parrett (the disused Langport Lock is on the other side), on the southeast by the back lands of houses and buildings which front on two of the main roads through Langport, and on the north by the Railway embankment and Poolmead Bank (beyond which is land behind the Cattle Market) and comprises Northstreet Moor of about $24\frac{1}{2}$ acres and Little Moor of about $14\frac{1}{2}$ acres (apparently separated by a wide drainage channel of about $\frac{1}{4}$ of an acre). My inspection showed that there had been changes since the map was made and that there is now a drainage channel from southwest to northeast, there is no very distinct line between the two Moors, and the north boundary between the lands which were behind the former Cattle Market is not clear. The CL. 174 land is nearly all flat meadow land valuable for grazing; further it is a pleasant place for a walk, with many pleasing views, and therefore a valuable amenity not only for those who reside within sight of it, but also generally for the inhabitants of Langport.

In the CL. 174 Rights Section is registered: "The right to stock...the land... with up to 2 horses or cows with their sucklings", such Entry having been made "on behalf of the Lord of the Manor, Langport Parish Council and the Commoners of Langport (which are married householders widowers or widows living in the said Manor".

The 1885 notes mention the 1809 conveyance of the Manor, describe the commoners rights, mention the limitation (in 1857 found by the Court Leet Jury) to the householders who are married or a widower or a widow and say that there were then 65 or 70 rights in existence. The 1888 Scheme includes in the schedule of property of the Langport Town Trust "the Manor of Langport Estover including... The Commons of the Higher Moor and the Lower Moor", and the lands are thereby vested in the Official Trustee of Charity Lands. By the 1966 Scheme, the lands of the Charity, including "Land known as Higher Moor Common and Lower Moor Common" are vested in Langport Parish Council.

Mr Tucker identified the CL. 174 land with the lands in the two Schemes called "Higher Moor" and "Lower Moor". Mr Bile agreed, and said that the grazing had for many years been included in annual grass sales (or sales of grass keep), being described in the 1977 particulars as "The property of the Langport Commoners in the parish of Huish Episcopi. Situated west of the Old Cattle Market...; New North Street Moor...23A; New Little Moor...15A; ...for Mowing and feeding until 31 October next...". A meeting of the Commoners is called by the Moor Reeves; they are responsible for improvements to the land, and for the division of the proceeds of the sales of the grass; the meeting also elects the Moor Reeves (two each year). He thought that about £1,300 has been divided among the Commoners during each of the last three years; there are now about 38 Commoners and they each get about £40 a year. The Parish Council are only trustees, and get nothing for their general fund from the CL. 174 land. The land in former times was often flooded, sometimes to the depth of 3 or 4 feet; but he had not known it to be flooded within the last 12 years possibly because of improved drainage channels. A person acquiring a right of common must have a deed, and must live in Langport, and must be a householder for a Commoner the right is I suppose, a sort of investment, but is unlike most other because it can only be transferred to one of a limited class of Langport residents.



The land ("the CL. 146 land") in this Register Unit (called Langport Common Moor) according to the Register map contains a little more than 20 acres. It is north and separated from the CL. 174 land by the Railway embankment and the Railway bridge over the River Parrett. Its southwest boundary is the River. The land is pasture land valuable for grazing; it is not so easily accessible from Langport as the CL. 174 land though there is a footpath by the River (under the Railway bridge) by which it is easy to go on foot from one to the other.

In the CL. 146 Rights Section there are no Entries.

Mr Tucker said (in effect):-To the CL.146 land the Parish Council had no title deeds, and on their behalf he claimed a possessory title; upon the 1966 sale of 1.060 acres of land by the River, such title (the 1966 statutory declaration of Mr Houlden) had been accepted. Mr Bile confirmed what Mr Tucker said and added (in effect):- The grass of this land had been included in the grass sales mentioned above, it being described in the 1977 particulars as "By Direction of the Langport Parish Council: in Langport Common Moor. The Eight-acre Piece...for feeding only...7A; The Six-acre Piece...for mowing or feeding; 6A 25P; The Seven-acre Piece...for feeding only...6A". The annual proceeds of the grass are about £800, and they are treated as part of the general fund of the Parish Council. The Minute Books contain numerous references to grass sales which must Mr Bile thought relate to the CL. 146 land. The minute of the Parish meeting on 22 September 1948 refers to "ditching and fencing" on "Common Moor".

On the evidence summarised above I am satisfied that the Parish Council are the owners of the CL. 174 land and the CL. 146 land, and I shall accordingly direct the Somerset County Council as registration authority to register Langport Parish Council as the owner of the lands under section 8(2) of the 1965 Act.

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 30th day of January 1978

a. a. Baden Fuller

Commons Commissioner