



COMMONS REGISTRATION ACT 1965

Reference No 232/U/5

In the Matter of Man Moor, Stogursey,  
West Somerset District, Somerset

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DECISION

This reference relates to the question of the ownership of part of the land which is known as Man Moor, Stogursey, West Somerset District and which is the land comprised in the Land Section of Register Unit No CL. 81 in the Register of Common Land maintained by the Somerset County Council. The said part ("the Referred Part") is the part of the said land of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Before this reference was made (it is dated 22 November 1974), Mrs L D F Perris by her solicitors (letter dated 12 November 1974) claimed ownership of part of the land. Following upon public notice of this reference, Mr I A Lang on whose application the registration was made, provided some information about the land (letter dated 23 November 1977 with enclosures), suggesting (among other things) that the Fairfield Estate Records of 1910 might contain information to establish rights. No other person claimed to be the freehold owner of the land in question 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 1 December 1977. At the hearing Mrs L D F Perris was represented by Mr P J Synge solicitor of Pardoe David & Shaw Solicitors of Bridgwater.

The land ("the Unit Land") comprised in this Register Unit, is an L-shaped piece containing a little more than 7 acres and situate on the west side of the road which now ends not far away at Hinckley Point Nuclear Power Station. On the Register map the Unit Land is shown as divided into 13 strips marked "A1" to "A13", corresponding to the 14 areas on the Tithe Map marked "1262" to "1266" inclusive, "1268" to "1275" inclusive, and "1277" (A1 = T 1275, A2 = T 1274 + pt T 1277, A3 = T 1273 + pt T 1277, A4 to A8 = T 1278 to T 1268 respectively, and A9 to A13 = T 1262 to T 1266 respectively). In the Ownership Section there is one Entry (Mr H B Jones) of the ownership of strip A10 (= T 1263). In the Rights Section there are two Entries: No 1 (Mr T S Carpenter) of a right of forshear over strip A12 (= T 1265) and a stockage right for two bullocks over I suppose all the Unit Land; and No 2 (Mr C T Govett) a right of forshear over strip No A5 (= T 1271).

Mr Synge on behalf of Mrs Perris claimed ownership of strips A2 and A3 (= T 1274, T 1275 and T 1277), A6 (= T 1270), A8 (= T 1268), A9 (= T 1262), A11 (= T 1264) and A13 (= T 1266), and in support produced a statutory declaration made by her on 1 December 1977, to which were exhibited: (1) a map showing the Unit Land in strips with the Tithe Nos marked, (2) a copy agreement dated 31 December 1954 by which Mrs Perris and Mr E Jones as trustees of J H Howse let to Mr H B Jones from year to year (with other land) 4a.Or.34p. in Man Moor, (3) a conveyance on sale dated 4 November 1868 by which Messrs W Palmer and T Lutley conveyed to Mr J T Howse Tithe Nos 1268, 1266, 1270, 1273, 1264, 1274, 1277 and 1262; (4) an



abstract dated 1951 of the wills, deaths and probates of J T Howse (he died 25 September 1905), Mrs Bessie Howse (she died on 14 March 1951) and under which Mr J H Howse became entitled; (5) an assent dated 20 November 1951 by Mr J H Howse in favour of himself; (6) the probate of the will of J H Howse (he died 13 July 1954); and (7) an assent dated 5 March 1975 by his personal representatives in favour of Mrs Perris. In ~~his~~ statutory declaration, Mrs Perris said that the letting above mentioned had continued up to the present day.

On the above evidence I am satisfied that Mrs Perris is the owner of the strips the ownership of which is claimed by Mr Syngé on her behalf and I shall accordingly direct the Somerset County Council as registration authority to register Mrs Lily Dorothy Faith Perris of Rock House, 144 Wembdon Hill, Bridgwater as the owner of the parts of the land comprising this Register Unit which are Tithe Nos 1262, 1264, 1266, 1268, 1270, 1273, 1274 and 1277 and which are marked A9, A11, A13, A8, A6, A2 and A3 on the Register map.

The remainder of the Referred Part comprises strips A5 and A12 over which forshear rights have been registered and strips ~~nos~~ A1, A4 and A7 over which no such rights have been registered. It may be that the existence of forshear rights over strips A5 and A12 make ownership of these strips of little value; however this may be in the absence of any evidence as to the ownership of any of the remainder of the Referred Part I am not satisfied that any person is the owner of this remainder and it will therefore remain subject to protection under section 9 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 16<sup>th</sup> day of January — 1978

a. a. Bastien Fuller

Commons Commissioner.