



COMMONS REGISTRATION ACT 1965

Reference No.32/U/63

In the Matter of St Andrew's Well,Stogursey, Somerset.DECISION

This reference relates to the question of the ownership of land known as St Andrew's Well, Stogursey, being the land comprised in the Land Section of Register Unit No.CL 133 in the Register of Common Land maintained by the former 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 no person claimed to be the freehold owner of the land in question and no one 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 Taunton on 8th October 1974.

At the hearing the Stogursey Parish Council appeared by its Clerk, Mr H. Holmes, and claimed to have a possessory title to the land in question.

The land comprised in the Register Unit consists of a lane, bounded by buildings on the east and west sides. At the southern end of the path there is a substantial stone archway, beyond which are some steps leading down to the well, which at one time was the only source of water for the houses in the vicinity. The archway, the steps, and the well are all included in the Register Unit.

The Parish Council bases its claim on having spent money on the upkeep of the well and the lane leading to it. Mr Holmes produced extracts from the account books of the Parish Council relating to such expenditure. £3.13s.7d. was spent in 1901, followed by 3s.6d. in 1906, 3s.6d. in 1908, and 5s.0d. in 1911. During the next 35 years nothing was spent, but during the years from 1946 to 1971 there were numerous payments for clearing the path and applying weedkillers to it, clearing the well and its drains, re-erecting posts at the top of the lane and repairing the stonework at the well.

The Parish Council has, however, not been alone in its care for St Andrew's Well. In 1921 the then Lord St Audries repaired the archway, and after that until about 1931 the Williton Rural District Council spent money on the well.

Mr Holmes produced a photograph which shows that the archway has set in it a coat-of-arms surmounted by a coronet. Mr Holmes said that he believed that these embellishments had been placed there when Lord St Audries repaired the archway. The coronet is, however, that of an earl, whereas Lord St Audries was a baron. Furthermore, the coat-of-arms is not that of Lord St Audries.



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In my view nothing which the Parish Council has done amounts to adverse possession. Everything which the Council has done has been of an ameliorative nature and could not be expected to stimulate objection by the true owner. I therefore do not consider that the Parish Council has acquired a possessory title.

In the absence of any further evidence I am not satisfied that any person is the owner of the land 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 18th day of November 1974

Chief Commons Commissioner