



COMMONS REGISTRATION ACT 1965

Reference Nos 232/D/19 to 48 inclusive

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

DECISION

Of these 30 disputes, 26 (D/19 to D/44) relate to registrations at Entry Nos 1 to 9 inclusive in the Ownership Section of Register Unit No 82 in the Register of Common Land maintained by the Somerset County Council and are occasioned by the registrations at Entry Nos 1 to 6 inclusive and 9 (all of which are of ownership of different parts of the land) being in conflict with Entry Nos 7 and 8 (each of which is of ownership of the whole of the land), one (D/45) relates to the registrations at Entry Nos 7 and 8 in the said Section and is occasioned by Objection No O/138 made by Mrs Edith Martha Mary Shepherd and noted in the Register on 29 July 1971, and the remaining 3 (D/46 to D/48) relate to the registrations at Entry Nos 21, 22 and 24 in the Rights Section of the same Register Unit and are occasioned by Objections No O/178, No O/828 and No O/829 all made by Mr Ian Marshall Lang and noted in the Register on (178) 7 April 1971 and (828 and 829) 23 August 1972.

I held a hearing for the purpose of inquiring into these disputes at Taunton on 7 and 8 October 1976. At the hearing (1) Mr Philip Thomas Perrett, (2) Mr Clement Thomas Govett, (3) Mr Harold Basil Jones, (4) Mr Albert Edward Cornish Dulborough, (5) Mr Brendan William John Sellick (successor in title to his father, Mr William John Sellick; he died 14 March 1970) were all represented by Mr P J Synge solicitor of Pardoe David & Shaw, Solicitors of Bridgwater; (6) Mr Ian Marshall Lang attended in person, and as representing his mother (7) Mrs May Rena Lang; (8) Mr Michael Froude Hill attended in person, and as representing his father (9) Mr Froude Ernest Hill; (10) Lady Elizabeth Periam Fuller Gass (formerly Miss E P F Acland-Hood) was represented by Mr D Barke chartered surveyor of Savills, Surveyors of Wessex House, Wimborne, Dorset; (11) Mr Francis James House attended in person; and (12) Mr Harry Robert Shepherd (as successor in title to his sister Miss Edith Martha May Shepherd; she died 24 April 1972) attended in person being assisted by Mr L B Sellick surveyor of Tamlyn & Son Chartered Surveyors and Estate Agents of Bridgwater. The entitlement of such 12 persons to be heard in these proceedings appears in the First Schedule hereto; in such Schedule "No" against the name of any person means that he neither attended nor was represented at the hearing.

The land ("the Unit Land") comprised in this Register Unit is known as "Wick Moor" and is a strip (as I estimate from the Register map) about 1 mile long from west to east, about 120 yards wide at its west end (by the road which leads to Hinkley Point Nuclear Power Station, the entrance gates of which are about 500 yards to the north), about 250 yards wide along most of its length, and about 300 yards wide at its east end (along which flows West Brook). The Unit Land contains (so I was told) about 88 acres. It is almost flat, apart from numerous grips (locally known as gripes, being ditches about a foot or less deep) which cross it at many places and which drain either into a rhine (a deeper and wider ditch) which forms the north boundary or into a rhine which forms the east part of the south boundary. The



Unit Land is grassland and is of very considerable value both for the hay crop which can be obtained from it and for the grazing after that crop has been taken. The Unit Land is below the high tide level of the sea and of West Brook (the rhines drain into the Brook at low tide) and is therefore liable to flooding (when owing to the state of the tide rainwater is unable to drain away). Apart from supporting some electricity pylons, nobody at the hearing suggested that the Unit Land was at present of any value except for its hay crop and for grazing.

The disputes about ownership are against this background:- On the Register map the Unit Land is divided into 95 pieces (each having a "B" number), corresponding with the pieces into which the Unit Land was treated as being divided in the Tithe Apportionment Award for the Parish of Stogursey dated 30 September 1841 (produced from the Somerset Record Office). In the Rights Section of the Register there are 12 undisputed Entries (summarised in Part A of the Second Schedule hereto) of varying numbers (amounting altogether to 42) of stockage rights under which animals may be grazed over all the Unit Land from 1 September to 14 February annually. In the Rights Section of the Register there are also 10 undisputed Entries (summarised in Part B of the said Schedule) of Rights of forshear over various parts of the Unit Land, such parts together making up about 45 of the said 95 pieces. It was agreed by all those present at the hearing that persons entitled to forshear rights were entitled to the grass growing on their respective parts (locally known as "raps") of the Unit Land from 15 February to 30 August annually, but it was not agreed that persons having forshear rights are the owners of their raps, either for the whole year or from 15 February to 30 August annually, it being said by Mr Lang (in effect) that they had no more than a right of common exercisable over their raps from 15 February to 30 August annually, or alternatively at the most their ownership was only from 15 February to 30 August annually. In the Ownership Section there are 7 Entries (being 1 to 6 inclusive and 9) of ownership of various other parts of the Unit Land (as summarised in the Third Schedule hereto) being about 42 other of the said 95 raps; practically the only use which the owners of these other parts can make of them is to cut and take away the hay in the same way as the owners of the forshear rights do and can in respect of the parts of the Unit Land over which such rights are exercisable. Entry Nos 8 and 9 in the Ownership Section are of ownership of "the whole of the land comprised in this Register Unit from September 1st until February 14th annually".

Against this background, Mr Lang contended (in effect) that the stockage right owners own all the Unit Land as tenants in common in shares proportional to their stockage rights either from 1 September until 14 February in every year (Entries 7 and 8 should somehow be combined) or alternatively that they own the Unit Land as tenants in common in the said shares for the whole of the year subject to forshear rights exercisable only from 15 February to 30 August. Other persons at the hearing contended that the stockage rights owners had no ownership rights at all being limited to their rights of common as registered in the Rights Section.

The disputed Entries in the Rights Section are summarised in Part C of the Second Schedule hereto; in substance the objection to these Entries was that they either should not have been made at all or should be the same as those made on the application of a stockage right owner or the owner of a right of forshear.

In support of the contentions outlined above, oral evidence was given (1) by Mr L B Sellick who (personally back to 1947 and from the papers held by his firm Tamlyn & Son for many years before that) had experience of the way rights of forshear had been sold at the Bridgwater Market Auctions and otherwise dealt with, and whose



firm since 1941 managed the interests of Mr A E C Dulborough (disputed Ownership Section Entry No 4); (2) by Mr Barke on behalf of Lady Gass (disputed Ownership Section Entry No 9; he said he did not wish to support Entry No 8 made by her jointly with 10 others); (3) by Mr P T Perrett (disputed Ownership Section Entry No 1); (4) by Mr H R Shepherd (concerned to support Objection No O/138); (5) by Mr H B Jones (disputed Ownership Section Entry No 3); (6) by Mr I M Lang (disputed Ownership Section Entry No 8 and Objector O/178, O/828 and O/829); (7) by Mr C T Govett (disputed Rights Section Entry No 21); and by Mr M F Hill (disputed Ownership Section Entry Nos 5 and 6 in favour of himself and his father Mr F B Hill). Some of these witnesses were also concerned with undisputed Rights Section Entries as follows: (1) Mr Sellick for Mr Dulborough, forshear No 20; (2) Mr Barke for Lady Gass, stockage No 23 and forshear No 25; (3)...; (4) Mr H R Shepherd, forshear No 12; (5) Mr H B Jones, forshear No 19; (6) Mr I M Lang, stockage No 1; (7) Mr C T Govett, stockage No 4; and (8) Mr F E Hill, stockage No 10.

On 9 October 1976 I inspected the Unit Land.

The greater part of the hearing was taken up with the disputed Entries in the Ownership Section. It was said that all these disputes had been created by the 1965 Act: before the Act as regards the Unit Land and the only ownership that mattered was that of the forshear rights and that of the stockage rights; the ownership of the legal estate in fee simple had never been and was never likely to be of any practical consequence to anyone. However I am by the Act required to determine the ownership of this legal estate, and accordingly must consider the evidence offered.

Mr Sellick said (in effect) that forshear rights had been dealt with by his firm as estate agents and in the market without any particular indication as to whether such rights carried the ownership in addition to the right to take the hay from the grass growing between 15 February and 30 August. Although his oral evidence provided a helpful introduction to the questions I have to consider, in my view neither what he said orally nor the Stockland Drainage Board valuation he produced provided any indication about the ownership of the rights dealt with as he described. As regards the other evidence, in my view the documents of title summarised in the Fourth Schedule hereto do show that some of the 95 raps have been conveyed on the basis that the estate and interest so conveyed carried full ownership subject to such rights as others might have over them; many of the same documents also show that some other of the 95 raps were conveyed on the basis that the only estate and interest passing under the conveyance was a right of forshear, being something different from (and therefore less than) full ownership. The conveyances so far as they were on the basis of full ownership being conveyed, correspond with the disputed Ownership Entries Nos 1, 3, 4, 5, 6 and 9 and are therefore evidence that ownership of these plots did pass as they were expressed to be conveyed, and accordingly support the Ownership Entries to which they relate.

The books (IML 6 to 8) produced by Mr Lang show how the stockage rights have been managed for over 200 years and are being currently managed. Adjoining or near the Unit Land there are other lands registered as common land under the 1965 Act (CL. 78, CL. 79, CL. 80, CL. 83, CL. 84 and CL. 104) and known as North Moor, Sharpham, North Ham, Goose Marsh and Catsford Common): the books also relate to the management of some or all of these lands; although these lands may be the subject of other references to a Commons Commissioner, I am not now concerned to express any opinion about them. The books show (among other things) that there have been regular meetings of the commoners, that they have been asked for and have paid to the Committee a rate which has been applied for their benefit, that from 1911 to



1941, Mr T Govett was hayward, that Mr C Mackenzie was after him hayward and/or chairman until about 1954, and that Mr Lang has carried on much as Mr Mackenzie used to do. The books are intrinsically of great interest from many points of view; Mr Lang told me something of their contents and of how the stockage rights had been managed, and I have had the books by me when writing this decision. However Mr Lang made it clear at an early stage that the books contained nothing indicating that the stockage rights owners were also owners of the soil, and for that reason I decided at the hearing that I could not properly spend any time examining them in detail, so I now say no more about them. As appears from Part 6 of the Fourth Schedule hereto, Mr Lang also produced the documents of title relating to some of the stockage rights which he himself owned; there was nothing in any of these documents to suggest that those who under the documents acquired stockage rights also acquired the ownership of any share in the land over which the rights were exercisable, either for the whole or for any part of a year.

Mr Synge contended that the ownership claimed by Mr Lang was of a kind not recognised by law. This contention is I think formally correct, in that by the Law of Property Act 1925, ownership of a legal estate in land in common has in effect been abolished.

But substantially there is I think no legal objection to effect being given to Mr Lang's contentions, if they are supported by the evidence. Persons who have a right of common (eg cattle gaits) over land may in law (apart from the 1925 Act) also own the soil over which the rights are exercisable in undivided shares corresponding to their common rights (eg the number of gaits each owns); in other cases (in Lancashire, Durham, Cumbria, West Yorkshire, Norfolk and Bedford) I have found such ownership to have been proved and in the result have decided that the land vests in the Public Trustee under the provision of the 1925 Act dealing with open spaces held beneficially in common, see First Schedule, Part V paragraph 2, and re Cotherstone, Estates Gazette 1 July 1961. I incline to the view that apart from the 1925 Act, a legal estate in common land may shift twice a year from one group of persons to a single individual or to another group of persons, and that under the 1925 Act any such land would in the ordinary way be within the said paragraph 2. However this may be I cannot I think dispose of this case as regards the legal estate without considering whether the evidence shows that the beneficial ownership (as distinct from the legal estate ownership) is as Mr Lang contends.

On this question I am not I think helped by the Stockland Drainage Board Valuation. Those who prepared this valuation would not have been concerned to determine or even to consider the ownership position of the Unit Land as between the various persons who could take the lags and graze it, provided that a proper amount of rate was collected in respect of the land. So even if the Valuation is admissible in evidence in these proceedings, I do not regard it as persuasive.

In the result I have on the one side the documents of title which as above stated support the Ownership Entry Nos 1, 3, 4, 5, 6 and 9, and on the other side the absence of any document of title which supports Mr Lang's contentions as regards Ownership Entries Nos 7 and 8. It is (as he pointed out) extraordinary that in the case of some of the raps the documents of title produced indicate full ownership and in the case of other raps they only indicate ownership of a right of forshear; so if I reject Mr Lang's contention the result will or may be that the last mentioned raps will (as far as can be judged from the evidence put before me) be apparently not owned by anyone. But this consideration does not I think diminish



the evidentiary value of the documents produced. Notwithstanding that there is nothing in the documents produced explaining why persons who take the hay are in some cases treated as owners of the raps and in some cases treated as having no more than a right of forshear, I consider that I can and ought to give effect to the documents which show full ownership; the result may be extraordinary, but as a general rule ownership of land is proved by documents of title and I consider that I should apply this rule in this case.

So my decision is that Entry Nos 7 and 8 in the Ownership Section were mistakenly made, and that Entry Nos 1, 3, 4, 5, 6 and 9 have been proved to have been rightly made. This leaves Entry No 2 (Messrs Quayle and Ashton) undealt with. I have no evidence about this Entry. However but for Entry Nos 7 and 8 and the Objection, Entry No 2 in the Ownership Section would have become final without ever having been referred to a Commons Commissioner. Having regard to the conclusion which I have reached as above stated about Entry Nos 7 and 8 and the Objections, I consider that I ought for the benefit of Messrs Quayle and Ashton as regards Entry No 2 produce the same result, and I so decide.

Mr Lang suggested that if I was against him on the main contention, I should clarify the position of the Unit Land by somehow transferring the Entries made in the Rights Section by owners of forshear rights to the Ownership Section, with the sensible result that the persons registered would be the only persons interested in the Unit Land (I understand that in substance all the raps are covered by the registrations, those omitted being negligible). In my opinion I have no jurisdiction to avoid the Entries in the Rights Section which have become final or in these proceedings to make new Entries in the Ownership Section. Accordingly with some regret, I reject this suggestion.

In the course of the evidence of Mr Jones, it appeared that by some mistake, when making his application for the Ownership Registration made at Entry No 3, Tithe No 1565 was omitted. Nobody present at the hearing suggested otherwise, I will correct this mistake.

As to the Rights Section Entry No 21 made on the application of Mr C T Govett and to Objection No O/138 made by Mr Lang to it:-

In 1946 letters passed between him and Mr Mackenzie:- 18 February Mr Mackenzie inquired as to a right on Wick Moor alleged (at the meeting on 27 March 1945) to be allowed for 4 bullocks for trimming North Moor Drove. 22 February Mr Govett wrote: "My father bought the Right and there was nothing said as to trimming to the Drove. We have owned the Right for the past twenty years and have never trimmed the Drove". 25 February Mr Mackenzie suggested he came and looked at the title deeds.

Mr Govett in the course of his evidence produced the documents specified in Part 7 of the First Schedule hereto and said (in effect):- The documents gave him a right from 1 September to 14 February. At one time he had exercised his rights but later he had let them out at the Grass Sales. His father was hayward from something like 1910 until his death (1942); he succeeded his father as hayward and was in 1944 succeeded by Mr Mackenzie. He understood that his right was for cutting the Drove, and keeping it clear. The Drove is now a good road (to the Power Station) so there is now no need to keep it clear.

It was not suggested that the bullock rights mentioned in the 1922 conveyance are the same as the Stockage Rights registered at Entry No 4. I have looked at the book (IML6) produced by Mr Lang and there are in and after 1946 a number of entries relating to Mr Govett having on Wick Moor not only rights similar to the other right owners but also "4 Bullocks", such entries being either written or approved by Mr Mackenzie. So I conclude that he, notwithstanding his 18 February 1946 letter was satisfied that Mr Govett had "bullock rights". It was apparent at the hearing that Mr Lang had the highest regard for Mr Mackenzie, not only generally, but



particularly for his conduct as chairman, and I conclude therefore that I can properly give effect to the evidence of Mr Govett although it was brief. The circumstance that the Drove no longer needs any or much cutting back does not I think affect his rights.

So my decision as to this Objection is that it succeeds to the extent that the Entry should be modified so as to limit the right to the period 1 September to 14 February and so as to correspond in other respects to the evidence given by Mr Govett.

The right registered at Entry No 22 on the application of the Incumbent of the Benefice of Holford is described differently from any of the others. Mr Lang who objected to this Entry (Objection No O/828), pointed out that the 1841 Award shows "Holford, the Rector for the time being" to be entitled to Tithe No 1301 and suggested that the applicant should have applied for the registration of a forshear right appropriate to such a Tithe No and in other respects the same as the other forshear rights which have been registered. I am not I think obliged to avoid the registration altogether merely because the Incumbent did not attend and was not represented; nobody at the hearing having suggested otherwise, I shall as regards this Entry give effect to the suggestion made by Mr Lang.

The right registered at Entry No 24 on the application of Mr W H Sellick (now deceased) was also objected to by Mr Lang (Objection No O/829). Mr Synge said (in effect):- Mr Barke on behalf of Lady Gass conceded that the stockage right registered on her application (Entry No 25) was not held half for Mr B W J Sellick as successor of Mr W J Sellick and half for herself. Entry No 24 was of the same right; both these Entries could not stand. Entry No 25 being undisputed had become final, so it follows that Entry No 24 having been disputed should be avoided. On the basis of Mr Barke's concession Mr Synge requested me to refuse to confirm Entry No 24. From the documents specified in the Fourth Schedule hereto I am satisfied that Mr B W Sellick is the successor of Mr W J Sellick, and accordingly I can I think without expressing any opinion about the basis on which Mr Synge made his request, give effect to it.

For the above reasons: I confirm the registrations at Entry Nos 1, 2, 4, 5, 6 and 9 in the Ownership Section without any modification; I confirm the registration at Entry No 3 in the Ownership Section with the modification that in column 4 the number "1545" be included in the Tithe Nos and an appropriate corresponding number (to be inserted by the Registration Authority) be included in the "B" numbers; I refuse to confirm the registrations at Entry Nos 7 and 8 in the Ownership Section, I confirm the registration at Entry No 21 in the Rights Section with the modification that the following words be added in column 4: "from 1 September to 14 February annually, on condition that the person exercising the right keeps for the benefit of the stockage rights owners the hedge between the registered land and Wick Moor Drove, properly trimmed", I confirm Entry No 22 in the Rights Section with the modification that for the words in column 4 there be substituted: "Right of forshear on part of the land comprised in this register unit comprising Tithe No 1301 which is marked...(the appropriate B number and the appropriate references to the CL. 80 sheet No to be inserted by the Registration Authority)", and I refuse to confirm the registration at Entry No 24 in the Rights Section.

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.

FIRST SCHEDULE

(Occasion for each dispute and representation at the hearing of applicant for disputed Entry)

File	(2) Entry in dispute	(3) Applicant for Entry	(4) Occasion for dispute	(5) Representation of applicant for Entry mentioned in column (3)
D/19 -23	No 7 in Ownership Section	Mr Richard William Quayle and Mr Richard Henry Sambrook Ashton	Conflict with Entry No 1 (Mr P T Perrett), No 3 (Mr H B Jones), No 4 (Mr A E C Dulborough), No 5 (Mr M F Hill) and No 6 (Mr F E Hill) in the same section	No
D/24 -29	No 8 in Ownership Section	(Stanley Carpenter) (1) Mr Thompson (2) Mr Ronald Stoaat Gliddon (3) Mr William Payne (4) Mr Philip Thomas Perrett (5) Mr Francis James House (6) Mr Michael Froude Hill (7) Mr Clement Thomas Govett (8) Mrs May Rena Lang (9) Mr Ian Marshall Lang (10) Mr Leslie Thomas Henry Tarr (11) Lady Elizabeth Periam Fuller Gass (at the date of registration Miss E P F Acland-Hood)	Conflict with Entry No 1, 2, 3, 4, 5 and 6 as above	(1) No (2) No (3) No (4) Mr Synge (5) In person (6) In person (7) Mr Synge (8) Mr Lang, see (9) below (9) In person (10) No (11) Mr Barke
0 1	No 1 in Ownership Section	Mr Philip Thomas Perrett	Conflict with Entry Nos 7 and 8 in the same Section, see above	Mr Synge
✓32	No 2 in Ownership Section	Mr Richard William Quayle and Mr Richard Henry Sambrook Ashton	Conflict with Entry No 8 in the same Section, see above.	No



/33 34	No 3 in Ownership Section	Mr Harold Basil Jones	Conflict with Entry Nos 7 and 8 in the Ownership Section, see above	Mr Synge
/35 36	No 4 in Ownership Section	Mr Albert Edward Cornish Dulborough	Conflict with Entry Nos 7 and 8 (see above)	Mr Synge
/37 38	No 5 in Ownership Section	Mr Michael Froude Hill	Conflict with Entry Nos 7 and 8 in the Ownership Section, see above	In person
/39 40	No 6 in Ownership Section	Mr Froude Ernest Hill	Conflict with Entry Nos 7 and 8 in the same Section, see above	Mr M F Hill
/41 42	No 9 in Ownership Section	Lady Elizabeth Periam Fuller Gass (in the Register called Elizabeth Periam Fuller Acland-Hood)	Conflict with Entry Nos 7 and 8 in the same Section, see above	Mr Barke
/43	No 7 in Ownership Section	Mr R W Quayle and Mr R H S Ashton (as for files D/19-D/23, see above)	Conflict with Entry No 9 in the same Section, see above	No
/44	No 8 in Ownership Section	Mr T S Carpenter and 10 others (as for files D/24-D/30, see above)	Conflict with Entry No 8 in the same Section, see above	No, in person Mr Synge, Mr Lang or Mr Barke as in this column for files D/24 to D/29 above
/45	Nos 7 & 8 in Owner- ship Section	(7) Mr R W Quayle and Mr R H S Ashton and (8) Mr T S Carpenter 10 others (as for files D/19-D/30 above)	Objection No O/138 by Miss Edith ^{Martha} Mary Shepherd: "That the persons named as owner were not at the date of Registration the owner of the part of the land coloured pink on the enclosed plan being Tithe Numbers 1305, 1544, 1537 and 1524 in the Parish of Stogursey" The Objector died 24 April 1972; her brother Mr H I Shepherd supported the Objection	
/46	No 21 in Rights Section	Mr Clement Thomas Govett	Objection No O/178 by Mr I M Lang: "(a) The right does not exist at all, (b) Alternativel: the right is only exercisable from 1st Sept to 14th Feb annually, and from 1 November each year the owners or tenants of any right stock entirely with sheep and the right is subject to the payment of the normal rate (pro rata) Mr Lang attended in person, Mr Govett was represented by Mr Synge, see above	



D/47 No 22 The Incumbent of the Benefice of Holford

Objection O/828 by Mr I M Lang: "(a) No grazing rights exist for the benefit of the applicant (b) alternatively they are incorrectly described as to type of stock and omit duration suggest "4 bullocks for grazing period from 1st Sept to 1 November annually" subject to paying Wick Moor rate (c) alternatively in lieu of grazing rights, the correct description is Right of Forshear over Title Number 1301

The Incumbent was not represented and Mr Lang attended in person

D/48 No 24 in Rights Section Mr William Henry Sellick

Objection O/829 by Mr I M Lang: "The person named as the applicant was not entitled at the date of registration to any rights whatsoever in the Register Unit Number

(Mr Lang attended in person and Mr Brendan William John Sellick (the son of Mr W H Sellick who died 14 March 1970) was represented by Mr Synge)

SECOND SCHEDULE
(Rights Section)

Applicant	Right	Land Affected
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Part A. Undisputed Stockage Rights

Mr Ian Marshall Lang	23 Stockage Rights, each right comprising right to stock with 6 bullocks, or 4 bullocks and 1 horse from 1 September to 14 February annually, although from November 1st each year the owners or tenants of 42 rights have stocked entirely with sheep	All Unit Land
Mr Philip Thomas Perrett	2 Stockage Rights quantified as above	All Unit Land
Mr Ronald Stoa Gliddon	5 Stockage Rights quantified as above	All Unit Land
Mr Clement Thomas Govett	1 Stockage Right quantified as above	All Unit Land
Mr Leslie Thomas Henry Tarr	3 Stockage Rights quantified as above	All Unit Land



Mr Francis James House	1 Stockage Right quantified as above	All Unit Land
Mr Richard William Quayle and Mr Richard Henry Sambrook Ashton	1 Stockage Right quantified as above	All Unit Land
Mr William Payne	1 Stockage Right quantified as above	All Unit Land
Mrs Mary Rena Lang	1 Stockage Right quantified as above	All Unit Land
Mr Michael Froude Hill	1 Stockage Right quantified as above	All Unit Land
Mr Thompson Stanley Carpenter	1 Stockage Right quantified as above (application also covered by Second part of Entry No 16 in Part B below)	All Unit Land
Lady Elizabeth Periam Fuller Gass (when applicant - Miss E P F Acland-Hood)	2 Stockage Rights quantified as above	All Unit Land

(Stockage Rights registered, total 42)

Part B. Undisputed Forshear Rights

Mr Anthony Ben Dodgson	Right of forshear (also on CL. 104)	Tithe Nos 1528, 1527, 1531, & 1553: Register map B70, B69, B75 & B76
Miss Edith Martha Shepherd	Right of forshear (also on CL. 80)	Tithe Nos 1305, 1524, 1537, & 1544: Register map B23, B66, B56 & B49
Mr Ian Marshall Lang and Mr Harold George Pearce	Right of forshear (also on CL. 78)	Tithe No 1480: Register map B81
Mr Henry John Bult and Mr Christopher Henry Bult	Right of forshear (also on CL. 80)	Tithe No 1562 pt: Register map B32
Mr Thompson Stanley Carpenter	Right of forshear (also on CL. 80, CL. 81 and CL. 104) (also stockage rights covered by Entry No 15 in Part A above)	Tithe Nos 1304, 1523, 1478p 1479 & 1559: Register map B22, B65, B79, B82 & B35



Captain William Roderick Hern	Right of forshear (also on CL. 104)	Tithe Nos 1541, 1481 pt, 1483pt, 1522, 1542, 1558: Register map B52, B85, B86, B64, B51 & B38
Mr Richard William Quayle and Mr Richard Henry Sambrook Ashton	Right of forshear (also on CL. 78, CL. 80 and CL. 104)	Tithe Nos 1298, 1521 pt, 1525, 1526, 1529 & 1563: Register map B16, B77, B67, B68, B71 & B31
Mr Harold Basil Jones	Right of forshear (also on CL. 80 and CL. 104)	Tithe Nos 1299a, 1302, 1564, 1566, 1552, 1549pt & 1547: Register map B17, B20, B25, B43, B46 & B61
Mr Albert Edward Cornish Dulborough	Right of forshear (also on CL. 104)	Tithe Nos 1550, 1556, 1554, 1553, 1543, 1548pt, 1484, 1515, and 1516: Register map B44, B39, B41, B42, B50, B60, B87, B90 & B91
Lady Elizabeth Periam Fuller Gass (when applicant Miss E P Acland-Hood)		Tithe Nos 1535, 1298a and 1518a: Register map B58, B14 & B93

e: The CL. 78 adjoins the Unit Land on the south-east; the CL. 80 land (known as North r) is north of the west half of the Unit Land; the CL. 81 land is west of the Unit Land the other side of the road to the Power Station; the CL. 104 is north of the east end of Unit Land.

numbers on the Register map mentioned on this part of the Schedule make up 45 pieces of the total of 95 pieces.

Part C. Other rights disputed

Mr Clement Thomas Govett	To stock with 4 bullocks	All Unit Land
Incumbent of the Benefice of Holford	To graze either 2 horses or 20 sheep (ewes plus lambs) or 3 cattle	All Unit Land
Mr William Henry Sellick	The right to graze up to 6 bullocks or 4 bullocks and 1 horse	All Unit Land



THIRD SCHEDULE
(Ownership Section)

Part A. Of part of the Unit Land

Name	Title Nos	Register Map Nos
Mr P T Perrett	1300A, 1303, 1561, 1557, 1540, 1522A, 1520, 1514 and 1513	B18, B21, B34, B37, B53 B63, B83, B89 and B76
Mr R W Quayle and Mr R H S Ashton	1477 pt	B80
Mr H B Jones	1291, 1292, 1299, 1306, 1308 (southern part)	B6, B7, B13, B24 & B30
Mr A E C Dulborough	1555, 1485 & 1546	B40, B88 & B62
Mr M F Hill	1530, 1532 & 1551	B72, B74 & B46
Mr F E Hill	1539, 1538 & 1536	B54, B55 & B57
Lady E P Gass (applicant as Miss E P Acland- Hood)	1286, 1287, 1288, 1289, 1290, 1293, 1294, 1295, 1296, 1297, 1300, 1307, 1482, 1517, 1518, 1519, 1534, 1545, 1560, 1567	B1, B2, B3, B4, B5, B8, B9, B10, B11, B15, B12, B29, B B92, B94, B95, B59 & B48

(The above B numbers amount to 42 out of 95 pieces)

Part B. Of the whole from 1 September to 14 February

Share No	Name	Entry of Corresponding Stockage Rights in Rights Section	Other Ownership Section Entry, as in Part A above
	R W Quayle	7	2
	R H S Ashton	7	2
	T S Carpenter	15	-
	R S Gliddon	3	-
	W Payne	8	-
	P T Perrett	2	-
	F J House	6	-
	M F Hill	10	5



C T Govett	4	-
M R Lang	9	-
I M Lang	1	-
L T H Tarr	5	-
Lady Gass (formerly Miss Acland-Hood)	23	9

FOURTH SCHEDULE
(documents produced)

Part 1. By Mr L B Sellick

Map (about 63 inches x 25 inches) entitled "Common Fields etc Part of Stogursey Parish" (from Tythe map)

Tracing of O/S (25 = 1 mile) with Tithe numbers superimposed

Particulars of Auction Sale on 29 October 1941 of "GRAZING MARSHES" and "FORE SHEAR RIGHTS", being Tithe Nos (lot B) 1484, 1485, 1515, 1516, (lot 4) 1457, 1458, 1546 (lot 5) 1550, 1553, 1554, 1555, 1556 and 1543

Conveyance 29 December 1941 by J D Haddon to A E Dulborough of (1) "the right to the foreshear from the lands...in the First Schedule (1484, 1515, 1543 and 1554)...and all the vendor's estate and interest in such lands; (2) freehold land particularly described in the First part (1555) of the Second Schedule ...AND...rights of foreshear of and in...the lands...described in the Second part (1553, 1556, 1516, 1550, 1548 and 1457) and (3) the hereditaments... described in the Third Schedule (1485 and 1546)"

Tenancy agreement dated 16 March 1966 A E Dulborough to H R Shepherd of 13.122 acres in Stolford including "the tenant shall exercise the landlord's right of foreshear in Wick Moor on areas set out in the Second Schedule hereto (1550, 1548, 1546, 1542, 1516, 1484 & 1485 = equals 14 acres) in accordance with normal custom

Quarto book entitled Stockland Drainage Board : Valuation : 1931-32

Part 2. By Mr D Barke

Conveyance dated 16 October 1959 by way of settlement by A P Baron St Audries to Hoares Trustees and others of about 6,000 acres of land described in the First Schedule including in Part II in relation to OS No PT 263 the following Tithe nos against three of which numbers there is a description as follows: 1297, 1535 (foreshear only), 1290, 1287, 1518, 1298a (shear only), 1293, 1518a (shear only), 1289, 1295, 1517, 1519 and 1545



Vesting deed dated 7 December 1926 by M R Baroness St Audries and another in favour of A P Baron St Audries with parcels (so far as is now relevant) as in (1) above

Part 3. By Mr P T Perrett

Vesting assent dated 21 October 1948 by a personal representative of H R Perrett (he died 5 July 1939) in favour of Mr P T Perrett of Wick Farm together with rights of stockage as described in the Schedule. The Schedule includes Tithe nos pt 1561, 1388, 1303, 1557, 1540, 1522a, 1513, 1520, 1514 in Wick Moor (subject to rights of stockage) and at the end of the Schedule "and together also with 2 rights of stockage in Sharpham Moor with customary rights in Wall Common and Wick Moor

Conveyance dated 29 September 1927 by H T Daniel and others (trustees of J Cooke who died August 1708) to Mr H R Perrett of Wick Farm described in the same manner (so far as is now relevant) as in the said assent

Statutory declaration dated 26 September 1927 by G Whitley whose firm had acted as receivers for the trustees of Joseph Cook's charity

Part 4. By Mr H R Shepherd

Assent dated 19 January 1973 by H R Shepherd as personal representative of E M M Shepherd in favour of himself of about 9 acres of land and in Wick Moor OS no pt 263, Tithe Number 1305, 1544, 1537 and 1544 together with right of Foreshear thereover"

Probate dated 2 August 1972 of will of Miss E M M Shepherd (she died 24 April 1972)

Examined copy conveyance 17 July 1936 by T J G Govett and others to Miss E M M Shepherd of (1) Croft Farm (8.971 acres) and other lands... (6) in Wick Moor pt 263 Tithe Nos 1305, 1544, 1537 and 1524... (8) Six Ham Rights"

Part 5. By Mr H B Jones

Partition deed dated 31 December 1956 between Mr N T D Jones and others under which Mr H B Jones took (among other lands) "Part 263 Wick Moor Meadow (acres) 2.356 together with the right of foreshear and/or stocking in Wick Moor North Moor and Mann Moor respectively enjoyed with the said lands respectively or either of them or existing as a separate property"

Assent dated 11 July 1954 by personal representative of W J M Jones (he died 9 February 1950) of "part 263 Wick Moor Meadow 2a.l.r.17p.

Conveyance dated 27 May 1931 by H Baker to W J M Jones of part 263 (Tithe Nos) 1306 and 1565 in Wick Moor Meadow A2.1.17."



4 Conveyance 29 September 1927 H T Daniel and others to H Baker of "part 263
(Tithe No) 1306 and 1565 in Wick Moor Meadow A2.1.17.

5 Conveyance 15 February 1947 by J W Jones and his trustees to Mr N T D Jones
and H B Jones of...Tithe Nos 1291 and 1292 in Week Moor (1r.4p. + 1r.12p.)...
Tithe Nos 1308 and 1299 in Wick Moor (3r.24p. + 3r.20p.)

6 Conveyance 12 February 1934 by T Pearce and his mortgagees to N T D Jones and
J W Jones of (among other lands) the lands described in HBJ5 above

Part 6. By Mr I M Lang

1-4 Specimen note papers with various addresses

5 Probate dated 24 May 1957 of will of Mr Colin Mackenzie (he died 1 March 1957)
by which he appointed Mr I M Lang one of his executors and made him his
residuary devisee and legatee

6 Manuscript foolscap book bound in pigskin, of which the first entry is of a
meeting dated 5.3.09 of the owners and occupiers of the Sharpham & Sheep
Commons at which it was resolved "that 2 shillings per right be made on the 42
rights on Sharpham Common, apparently kept by T Govett as hayward from 1911 until
1941, and then by C Mackenzie until 1954 and thereafter to date by Mr I M Lang

7 Manuscript quarto book bound in white leather of which the first entry is
"Carrington View a rate made pursuant to the Court of ~~Sewers~~ Sewers →
this 24th day of June 1765 thereunto annexed upon the proprietors of Sharpham
at six shillings a loazd for repairing the mud wall, brook and thereunto
belonging...the book records the meetings and accounts up to 1908 and ends
with a schedule dated 1902 of owners of Sharpham rights (numbering 42)

8 Manuscript black octavo account book opening one way "Sharpham grass" being this
way accounts from 1914 to 1943 of proceeds of Sharpham grass and opening the
other way entitled "Sheep Common" and containing records from 1914 until 1943

9 Black octavo account book entitled "Wick Moor, North Ham, Sharpham, Goose Marsh,
Catsford, Wall Commonage; haywards accounts; petty cash; from 1944 to 1976

10 Letter dated 8 December 1967 sent by the Chairman (Mr I M Lang) of Wick Moor,
North Ham, Sharpham, Goose Marsh, Catsford and Wall Commonage, convening
extraordinary meeting

11 Copy letter dated 28 December 1967 about a meeting to be held on 8 January 1968

12 Letter dated 16 August from Mr C T Govett to Mr Lang about a loan of book

13 A map (about 115" x 25") showing the Commons (made up of OS maps 1905 edition
25" = 1 mile)

14 Ordnance Survey map (1" = 1 mile) about 1928



- L15 Tithe map produced by County Archivist having been left with the County in February 1947 by the Diocesan Office
- L15 Assent dated 12 September 1958 by P R Jones and I M Lang as personal representatives of C Mackenzie in favour of Mr I M Lang of first Whitewick Farm conveyed 25 January 1916 "together with all rights of stockage appertaining or belonging thereto" and secondly marsh or pasture land conveyed 20 December 1948
- L16 Conveyance dated 20 December 1948 by J Stoate to C Mackenzie of "secondly all those 5 rights of common called Sharpham rights in Week Common otherwise Wall Common, South Week Moor and Sharpham...each of which rights consists and comprises 20 sheepleazes in Week Common (otherwise Wall Common) 6 beastleazes or 2 horseleazes in South Week Moor and thirdly all that one other right of common called Sharpham right in Week Common..."
- L17 Conveyance dated 23 December 1904 by Sir G P Goldney to R L Leigh of 79 acres including Whitewick House "together with all rights of stockage thereto appertaining or belonging"
- L18 Endorsement dated 25 January 1916 by R L L Leigh in favour of C Mackenzie with parcels the same as IML17
- L19 Assent dated 7 October 1958 in respect of Stolford Farm
- L20 Conveyance dated 27 September 1926 by W R Triggol and his mortgagees to C Mackenzie of Stolford Farm including Tithe No 1480 pt 263 in Wick Moor Meadow (area) .412
- L21 Demand note dated 30/11/67 by Stockland Drainage Board on rights in Sharpham
- L22 Quarto letter book "copie de lettres" kept by Mr Mackenzie from 26 March 1944 to March 1946
- L23 Letter dated 22/2/46 to Mr Mackenzie from Mr C T Govett
- L24 Particular of auction sale on 19 August 1927 by trustees of Cooks Charities of "smallholdings and stockage rights". Under heading "Common Rights" are 5 lots described as "one right of stockage in Sharpham with customary rights in Wall Common and Wick Moor". (Produced during evidence of Mr F E Hill: see MFH7)

Part 7. By Mr C T Govett

- L1 Conveyance dated 3 March 1922 by J P Rawlings and his mortgagee to T J Govett "FIRST ALL THOSE four Bullock Rights in Wick Moor...AND SECONDLY ALL THAT the Fore Shear of and in a close of land situate in Man Moor..."
- L2 Assent dated 3 September 1942 by C T Govett as personal representative of T J Govett (he died 27 April 1942) in favour of himself of lands including "4 Bullock Rights in Wick Moor (ie the right to graze 4 bullocks in the Moor)"



Part 8. By Mr M F Hill
(for himself)

Conveyance dated 13 September 1953 by H A Warner to M F Hill of "two rights of forshear in Wick Moor...as described in the Schedule", the schedule so far as relevant being "1551 : 263f : in Wick Moor : rights of Forshear : 1.3.28

Deed of gift dated 12 October 1951 by F/E Hill with the agreement of his mortgagee M F Hill of Cathanger Farm (66a.l.r.12p.) and 1530 and 1532 right of forshear in Wick Moor A.2.1.8.

Vesting deed dated 14 August 1956 confirming MFH2 above

Abstract dated 1951 of title to property in the Manor Stockland Lovell, commencing with a conveyance dated 10 December 1919 conveying to I H Hill, M O Hill, F E Hill and C J Hill Cathanger Farm (84.0.16.) "ALSO the right of forshear on two pces of land site in Wick Moor...contng 2a.l.r.8p."

(for his father F E Hill)

Conveyance dated 1 September 1965 by F M & J Wescombe to F E Hill of "three closes of meadowland situate in Wick Moor...described in the Schedule", being 1539, 1538 and 1536 : Part 263 : in Wick Moor : meadow : o.2.8. + o.o.37. + 1.1.23.

Conveyance dated 29 September 1927 by A T Daniel and others (trustees of W J Cooke who died in August 1708) to T J Wescombe of three closes of land described in all relevant respects as in MFH5 above

Particulars of Sale by Auction in 19 August 1927 of smallholdings by trustees of the Cooke Charity: lot 14 "1539, 1538 and 1536...etc (as in MFH5 above: see IM:24)

Copy of a copy of a statutory declaration made on 26 September 1927 by G Whitworth (see FTP3 above)

Part 9. By Mr Synge
(tracing title from W H Sellick deceased)

Assent dated 16 February 1972 by B Sellick as personal representative of W H Sellick (he died 14 March 1970) in favour of Brendan William John Sellick

Examined abstract of letters of administration dated 17 March 1971 of W H Sellick

ed this 3rd day of December 1976

a. a. *Brian Fuller*

Commons Commissioner