



COMMONS REGISTRATION ACT 1965

Reference Nos. 233/D/13-14

In the Matter of The Hollies Common,  
Gnosall, Staffordshire (No. 2)

DECISION

These disputes relate to the registrations at Entry Nos. 1 to 4 in the Rights Section of Register Unit No. CL 68 in the Register of Common Land maintained by the Staffordshire County Council and are occasioned by Objection No. 27 made by Mr J H Liversage and noted in the Register on 27 October 1970 and Objection No. 31 made by Mr A S Monckton and noted in the Register on 22 October 1968.

I held a hearing for the purpose of inquiring into the dispute at Stafford on 17 July 1979. The hearing was attended by Mr A L Hopkins, the applicant for the registration at Entry No. 2, Mr H J W Richardson, the son of the applicant for the registration at Entry No. 3, and Mr Robert Wakefield, of counsel, on behalf of Mr T F C Winnington, Earl of Cawdor and Mr Q H Crewe, the successors in title of Mr Monckton. There was no appearance by or on behalf of Mr Liversage, Mrs A Cooper, the applicant for the registration at Entry No. 1, or Mr T Richardson, the applicant for the registration at Entry No. 4.

Mr Richardson was unable to formulate the legal basis on which he sought to support the registration at Entry No. 3, applied for by his late father, Mr J W Richardson. The facts upon which he relied may be summarised as follows.

Mr Richardson's grandmother owned a farm called Hollies Farm at Audmore. This included a small field with an area of 0.29 acres, near to the land comprised in the Register Unit, known as ~~the~~ <sup>the Hollies</sup> Common, which is now in the ownership of Mr Richardson. Mr Richardson's grandmother used to put cows and geese and maybe pigs on ~~the~~ <sup>the Hollies</sup> Common. Her sons used to shoot over it and they fetched firewood from it. Old Mrs Richardson died about 18 or 19 years ago and her son, Mr Thomas Richardson, took over the farm. There was a dispute about the small field, which was recently resolved by Mr Thomas Richardson making it over to Mr H J W Richardson. Mr J W Richardson lived in a succession of cottages which he rented near to the common. He did not keep any animals, but he shot and fished on the common and took firewood to his cottage from the common. Other people living round the common also shot on it. Members of the Richardson family shot for pleasure and did not sell birds. Mr H J W Richardson last shot rabbits there in 1978. He could not grow hay on his field in order to support animals during the winter. It is 25 or 26 years since members of the Richardson family last put animals on the common or took wood from it.

On this evidence I am unable to find that Mr J W Richardson had any right of common over ~~the~~ <sup>the Hollies</sup> Common. Mr H J W Richardson seemed to be under the impression that anyone living in the neighbourhood of the common has rights over it. This, however, is contrary to Gateward's Case 6 Co.Rep.59 b, which was decided as long ago as 1607.

Perhaps I should add, in order to show that I have not overlooked it, that Mr Richardson said that he had been offered a sum for his rights. This does not prove that he had any rights, but only that the Objector or his successors in title were willing to pay something in order to avoid the trouble and expense of contesting his claim.



Mr Hopkins's evidence was similar to that of Mr Richardson. He owns 2½ acres of land, which has been in his family since 1927, and he and his father have turned out animals on and taken logs, peasticks, turf, etc from the land comprised in the Register Unit as they have felt inclined. But Mr Hopkins said at the end of his evidence-in-chief. "Most of the people round about have done the same as I have" and in the course of his cross-examination he said: "Other people living round the common have the same sort of rights". This brings the matter within the rule in Gateward's Case, supra. The evidence therefore falls far short of proving that there is any right of common attached to Mr Hopkins's 2½ acres of land.

For these reasons I refuse to confirm the registrations at Entry Nos. 2 and 3.

By a conveyance made 9 March 1979 between (1) Peter Wallace James Cooper (2) Alan Stobart Monckton, Mr Cooper as executor of Mrs Cooper conveyed and released to his Objector the rights of common attached to Mrs Cooper's house. This conveyance was made in order to give affect to an exchange of letters dated 24 and 27 May 1972 between Mrs Cooper and the Objector, whereby in consideration of a payment of £10 Mrs Cooper agreed to assign to the Objector any rights of common which she may have had over the land comprised in the Register Unit.

By a deed of assignment and surrender made 27 October 1978 between (1) Thomas Richardson (2) Thomas Foley Churchill Winnington, Hugh John Vaughan, Earl Cawdor and Quentin Hugh Crewe, Mr Richardson assigned and surrendered all his rights over the land comprised in the Register Unit in consideration of £50.

In these circumstances I refuse to confirm the registrations at Entry Nos. 1 and 4.

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

8th

day of

October

1979

Chief Commons Commissioner