



COMMONS REGISTRATION ACT 1965

Reference No. 234/U/82

In the Matter of Capel Green,
Capel St Andrew, Suffolk Coastal
District, Suffolk

SECOND DECISION

This reference relates to the question of the ownership of land known as Capel Green, Capel St Andrew, Suffolk Coastal District being the land comprised in the Land Section of Register Unit No. CL 169 in the Register of Common Land maintained by the Suffolk 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 person 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 Ipswich on 4 October 1979. At the hearing Lady Henrietta Rose Greenwell was represented by Mr R C Starmer retired (recently) land Agent.

Mr Starmer who was from 1937 to 1979 in the whole time employment of the Greenwell family, in the course of his evidence said (in effect):- This land (about 15 acres he thought) has always from before his time formed part of Green Farm. The Farm was purchased in 1932 by Sir Bernard Greenwell who died in 1939; from him it passed to his son Sir Peter Greenwell who died in 1978, and then to his widow Lady H R Greenwell. When Mr Gladwin retired in 1950, the Farm was taken in hand first by Sir Bernard himself and after him by Sir Peter, till 1969 when a partnership was formed between him and his son; on his death farming was continued by his widow Lady Greenwell and son. After 1950 the land in this Register Unit was cultivated and cropped; now it has been reseeded and put back to grassland and is used for grazing cattle; there is a public highway (~~Widdow's Road~~) running from north to south within near the east side of the land; this highway is fenced on the east side, ~~with~~ the land west of the road is waste land.

and was up to 1950 farmed by a tenant.

(the tenant)

To enable title deeds of Lady Greenwell to be produced I adjourned the proceedings.

I held the adjourned hearing at London on 23 July 1980, and there being no attendance, gave a decision dated 4 August 1980.

On the application of Lady Greenwell I set aside my said decision and continued the hearing at London on 3 June 1981. At this hearing Lady Greenwell was represented by Mr R Moseley solicitor with Norton Rose Botterell & Roach, Solicitors of London.

Mr Moseley in the course of his evidence produced the title deeds to Green Farm of which the title of Lady Greenwell was regularly deduced commencing with a conveyance dated 17 October 1932 to Sir Bernard Greenwell Baronet and after his death on 28 November 1939 continuing with the probate of his will, subsidiary



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vesting deed dated 19 May 1944 made by his personal representatives in favour of Sir Peter McClintock Greenwell Baronet, some deeds of discharge and ~~of the~~ probate dated 5 April 1979 of his will (he died 2 December 1978) granted to Lady Greenwell.

On the evidence summarised above I am satisfied that Lady Greenwell is the owner of the land and I shall accordingly direct Suffolk County Council as registration authority to register Lady Henrietta Rose Greenwell of Butley Abbey Farm, Butley, Woodbridge, Suffolk as the owner of the land under section 8(2) 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 22nd — day of June — 1981

a a Bowen Fuller

Commons Commissioner