



## COMMONS REGISTRATION ACT 1965

Reference Nos. 34/U/27  
34/U/28

In the Matters of (1) Rendham Green,  
(2) The Knoll, Rendham, Suffolk  
Coastal D., Suffolk

DECISION

These references relate to the question of the ownership of lands known as (1) Rendham Green and (2) The Knoll, Rendham, Suffolk Coastal District (formerly Blyth Rural District) being the lands comprised in the Land Section of Register Units No. VG.22 and VG.23 in the Register of Town or Village Greens 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 Dr. R. A. P. Gray claimed ownership of the lands in question. No other person claimed to be the freehold owner of the lands or to have information as to their ownership.

I held hearings for the purpose of inquiring into the question of the ownership of the lands at Ipswich on 15 May 1974. At the hearings Dr. R. A. P. Gray was represented by Mr. R. E. Barker solicitor of Gotelee & Goldsmith, Solicitors of Ipswich agents for Ford Simey & Ford, Solicitors of Exeter.

Mr. Barker produced: (1) an indenture dated 16 April 1796, (2) an abstract of the title of Mrs. A. R. Collett and another (made I suppose in about 1838, because they are the conveying parties in the next mentioned indenture), (3) a lease dated 21 December 1838, (4) an indenture dated 22 December 1838, (5) an indenture dated 18 September 1876, (6) an abstract dated 1964, of the title of the late Mrs. Emma Simpson to the Manor of Rendham Barnies, (7) Particulars (32 pages) of the Third Auction of Lordships of Manors in Essex and Suffolk including Commons and Waste Lands together with valuable manorial court rolls maps, etc. in 11 lots to be sold on 30 September 1964, and (8) a conveyance dated 6 November 1964.

By the 1964 conveyance William Simpson and John Lionel Beaumont (from the recitals appearing to be the executors of Emma Simpson who died on 29 April 1933 and who was herself executrix of Thomas Simpson who died on 16 May 1893) as personal representative conveyed to Dr. Gray "ALL THAT the Manor or Lordship or reputed Manor or Lordship of Rendham Barnies in the County of Suffolk TOGETHER WITH all such rights franchises memb and appurtenances thereto belonging and all such commons wastes minerals and mineral substances as may still form part of the same TOGETHER ALSO WITH all Court Books Court Rolls ..."

The 1964 auction particulars included (under the heading Lot 4) information about the Manor of Rendham Barnies.



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The 1964 abstract included an abstract of the 1876 indenture. By this indenture, Mary Crabtree and Fanny Crabtree conveyed to Thomas Simpson "ALL THAT the Manor or Lordship or reputed Manor or Lordship of Rendham Barnies ... Together with all ... commons ... and the ground and soil thereof ... and appurtenancies whatsoever to the said Manor or Lordship and hereditaments appertaining or with the same now or heretofore demised occupied or enjoyed or reputed or known as part parcel or member thereof ..."

The older documents produced all related to the Manor of Rendham Barnies.

Mr. Barker gave evidence in the course of which he described the lands in question and said that the documents produced were held for Dr. Gray. Apart from the fact that the lands are in the parish of Rendham, Mr. Barker did not say anything which in any way indicated that these lands could or might be appurtenant to the Manor of Rendham Barnies or were otherwise within the general words above quoted from the 1964 conveyance and the 1876 indenture.

Mr. J. W. Gibbs, Records Officer in the Suffolk County Records Office produced a copy (sealed by the Tithe Commissioners) of the Tithe award (and map) dated 21 February 1842 for the Parish. On the map the lands now in question are unnumbered and appear (perhaps a little larger than they do on the Register map) as part (except the pond on the Green) of, and in no way distinguished from, the roads in the Parish. In the Award, the roads (including I suppose the lands now in question) are stated to contain 33 acres, 2 roods, 29 perches.

In my opinion the above quoted general words in the 1964 conveyance and 1876 indenture are not evidence that there were in 1964 and 1876 wastes belonging to the Manor; general words such as those used in the 1876 indenture were then commonly included in every conveyance of a manor in case (unknown to the parties) there were lands rights or advantages to which they could be applicable; the general words used in the 1964 conveyance add nothing to those which would otherwise be implied by section 62 of the Law of Property Act 1925. Mr. Barker conceded that there was nothing in any of the documents he produced particularly referring to the lands now in question. I decline to infer from the fact that these lands are in Rendham that they ~~in fact~~ appertained or were part of the Manor so as to pass to Thomas Simpson under the 1876 indenture ~~and to pass to Dr. R. Gray under the 1964 conveyance.~~

Upon the above considerations, and in the absence of any evidence other than that outlined above, I am not satisfied that Dr. Gray or anyone else is the owner of the lands, and I shall accordingly direct the Suffolk County Council, as registration authority, to register Rendham Parish Council as the owner of the lands under section 8(3) 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 3rd day of June 1974.

a. a. Baden Fuller