



COMMONS REGISTRATION ACT 1965

Reference Nos. 34/U/60
34/U/61
34/U/62
34/U/63

In the Matters of (i) Shipmeadow
Common, (ii) High Common, (iii)
Little Common, and (iv) Furze
Common, Barsham, Wainford R.D.,
East Suffolk

DECISION

These references relate to the question of the ownership of lands known as (i) Shipmeadow Common, (ii) High Common, (iii) Little Common, and (iv) Furze Common, all in Barsham*, Wainford Rural District being the lands comprised in the Land Section of Register Unit (i) No.CL.46, (ii) No.CL.47, (iii) No.CL.48 and (iv) No.CL.49 respectively in the Register of Common Land maintained by the East Suffolk County Council of which no person is registered as owner under section 4 of the Commons Registration Act 1965 as the owner.

Following upon public notice of these references Mrs. K. Suckling claimed ownership of the lands in question and no other person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Halesworth on 5 October 1973. The hearing was attended by Mrs. Suckling in person.

Mrs. Suckling in support of her claim relied on the following documents (she produced copies; since the hearing her solicitors have sent me the originals):- (i) Office copy of the will dated 29 November 1923 (proved 12 August 1924) of Mrs. F. H. H. Suckling; (ii) Vesting Deed dated 10 November 1931 under which lands subject to the trusts of the said will became vested in the Rev. C. W. B. Suckling; (iii) Probate dated 21 August 1944 limited to settled land held by him under the said will; and (iv) Assent dated 8 October 1945 in favour of Mrs. Suckling. In the will, the lands devised expressly included: "my Manors of Barsham and Shipmeadow in the county of Suffolk with their respective manorial rights customs and all appurtenancies". In the Vesting Deed the lands dealt with expressly included the same Manors, but the Schedule of other lands amounting to 166.651 acres as delineated on the annexed plan did not include the four Commons now under consideration. In the Assent the lands dealt with are described by reference to the Vesting Deed.

Mrs. Suckling and her son Mr. J. R. Suckling gave oral evidence: she put in a statement signed by Mr. S. J. Springall as written evidence by him. After the hearing I inspected the Commons.

All the Commons are crossed by a public highway (a metalled through road) which has

* Note:- Part of Shipmeadow Common is in the Register said to be in the parish of Shipmeadow; the Ordnance Survey map 1927 shows part as being in Ilketshall



-2-

been included in the registration. All are subject to grazing rights, registered in the Rights Section of the Register. Mr. Suckling who lives at White House near by said that all are locally reputed to be part of the Manor.

Shipmeadow Common, High Common, Little Common and Furze Common contain (as I estimate from the Register map) about 13, 8, $2\frac{1}{2}$ and $7\frac{1}{2}$ acres respectively. To a casual visitor they would appear less, because the Register includes marginal lands which are not obviously part of them. Shipmeadow Common was during the last war taken over and cultivated under the "Grow more food campaign"; Mrs. Suckling said that after the war it was handed back by the Ministry of Agriculture to her, meaning that she corresponded with the Ministry on the basis that she was the owner and no one suggested she was not; since then it has been and now is for the most part rough grazing land. In 1957 Mrs. Suckling granted a way leave over High Common to the Eastern Electricity Board and is now in negotiation for a similar grant over Little Common. Mr. Suckling said that about 7 years ago the Parish Council asked him to trim the hedges on High Common (apparently on the basis that his mother was the owner) and that about 15 years ago he had cut back some of the shrubs growing on Furze Common. The last three mentioned commons are now much overgrown with bushes and are in places impenetrable; although all have substantial patches of grass suitable for grazing.

On the documents produced I conclude that Mrs. Suckling is now entitled to the Lordship of the Manors of Barsham and Shipmeadow and as such is also (having regard to section 62 of the Law of Property Act 1925) owner of the commons reputed or known as part thereof. The Ordnance Survey map dated 1927 marks all the commons now under consideration by name. On my inspection I was impressed that they all appeared to be old pieces of waste land such as might be expected to be part of the local manor; I have therefore no hesitation in accepting Mr. Suckling's evidence that they are all reputed to be part of the Manors owned by his mother.

For these reasons I am satisfied that Mrs. Suckling is the owner of all the lands, and I shall accordingly direct the East Suffolk County Council, as registration authority to register Mrs. Katharine Wybrew Suckling of Barsham House, Beccles, Suffolk as the owner of the lands 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 26th day of October 1973

a. a. Baden Fuller

Commons Commissioner