



COMMONS REGISTRATION ACT 1965

Reference No. 35/U/25

In the Matter of Bridge Green, Hargrave, St. Edmundsbury D.,
Suffolk.

DECISION

This reference relates to the question of the ownership of land known as Bridge Green, Hargrave, St. Edmundsbury District (formerly Thingoe Rural District) being the land comprised in the Land Section of Register Unit No. VG.2 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 Mr. F.G. Gittus claimed to be the owner of the land in question. No other person claimed to be the freehold owner of the land or 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 Bury St. Edmunds on 25 June 1974. At the hearing (1) Mr. F.G. Gittus, (2) Mr. M.D. Fulcher, (3) Mr. J.W.H. Knight, and (4) Mr. J.R. Mann were represented by Mr. B. Cohen solicitor of Gross & Co., Solicitors of Bury St. Edmunds, and (5) Hargrave Parish Council were represented by Mr. G. Keith-Bushell, their clerk.

Mr. Gittus gave evidence in the course of which he produced five conveyances dated 31 December 1956, 30 December 1960, 28 April 1966, 12 November 1970 and 5 December 1972, and two agreements dated 17 September 1965 and 2 December 1969. By the five conveyances the title to the land ("Bridge Green") comprised in this Register Unit was regularly deduced from A.F.T. Marchioness of Bristol to (1956) Lady M. Erskine, from her and through various other persons in succession as owners of lands containing 2,300 acres and upwards and known as the Erskine Estates to (1970) Mr. Gittus as owner of Hargrave Hall Farm (including Hargrave Hall) containing 211.650 acres, and from him to (1972) Mr. Fulcher, Mr. Knight and Mr. Mann as trustees of a settlement of Hargrave Hall and lands containing 7.238 acres made by Mr. Gittus. The two agreements (counterpart tenancies) were lettings of Hargrave Hall, including Hargrave Hall and Bridge Green. Mr. Gittus said his tenant Mr. Bulwer-Long under the 1969 agreement grazed Bridge Green.

Mr. W.G. Marryat, chartered surveyor and land agent, who is and has been since 1951 agent of the Bristol Estates in Suffolk and in addition up to 1957 agent of the Erskine Estates, in the course of his evidence produced two agreements dated 1 October 1941 and 24 November 1954, a copy statutory declaration made by himself on 26 January 1955 and a copy of an indenture dated 25 July 1717. The two agreements (counterpart tenancies) are lettings of Hargrave Hall Farm, including Hargrave Hall and Bridge Green. In the declaration Mr. Marryat from information in 1955 available in the Estates Office stated that the lands therein described (being those later comprised in the 1956 conveyance, and including Bridge Green) were included in a vesting deed dated 22 March 1926 by which such lands were declared to be vested in W.F. 4th Marquess of Bristol. The copy of the 1717 indenture was in the handwriting of the 4th Marquess; by it among other



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hereditaments there was conveyed to John Earl of Bristol the Manor or Lordship of Hargrave with the waste lands appurtenant thereto. Mr. Marryat said that in 1952, before the 1954 agreement was made, he walked over the lands with Mr. H.J. Morley (the tenant) and agreed with him that Bridge Green was part of Hall Farm, of which he (Mr. Morley) had been tenant under the 1941 agreement.

Mr. A.G.G. Roper employed by Rutters, chartered surveyors and land agents, who now act for Erskine Estates, gave evidence to the effect that the ledgers and cash books kept by them on behalf of Erskine Estates showed the receipt of rent from Mr. H.J. Morley, Mr. B.D. Morley and Mr. D.H. Bulwer-Long, as successive tenants of Hall Farm.

Mr. Keith-Bushell said that the Parish Council did not wish to contest the claim by Mr. Gittus (or his successors) to be owners.

On the evidence outlined above I am satisfied that Mr. Fulcher, Mr. Knight and Mr. Mann are the owners of Bridge Green. I shall accordingly direct the Suffolk County Council, as registration authority, to register Mr. Michael David Fulcher of 87 Guildhall, Bury St. Edmunds, Suffolk, Mr. John William Henry Knight of 50 Abbeygate Street, Bury St. Edmunds, Suffolk and Mr. John Raymond Mann of Meadowcroft, Little Daxham, Suffolk as the owners of the land under section 3 (2) of the Act of 1965.

I am required by the regulation 50 (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

17th

day of

July

1974

A. G. Roper

Commons Commissioner