

COMMONS REGISTRATION ACT 1965

Reference No. 234/U/184

In the Matter of part of Long Green, Wortham

DECISION

This reference relates to the question of the ownership of the land comprised in the Land section of Register Unit No. CL.150 in the Register of Common Land maintained by the Mid Suffolk County Council of which no person is registered... under section 4 of the Commons Registration Act 1965 as the owner.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bury St. Edmunds on 5 June 1990.

At the hearing Mr H B Walrond, solicitor, of Messrs. Partridge and Wilson of Bury St. Edmunds represented Mr Peter John Holt Wilson (claimant) and Mr D G Coe (claimant) appeared in person.

The unit land is a small part of a common known as Long Green, Wortham which is registered as CL.44 and of which Peter John Holt Wilson is finally registered as the owner.

What apparently happened was that when Long Green was originally registered as CL.44 for some reason the unit land of CL.150 was left out. In 1968, however, Mr Francis Charles Pointon registered a claim to a right of grazing over Long Green. The map accompanying his application correctly showed the whole of the common, with the result that the CL.150 land was registered as a separate and additional unit.

Meanwhile Mr Holt Wilson's solicitors mistakenly (but, having regard to the small scale of the map, excusably) thought that CL.44 covered the whole of Long Green and registered his ownership of that unit without ever realising that a small part of it was separately registered as CL.150. No one objected to his claim and he became finally registered as the owner of CL.44.

Mr Holt Wilson's claim was that he, as the Lord of the Manor of Wortham, was the owner of all the common land at Wortham including the whole of Long Green and so of the whole of the CL.150 land.

Mr Walrond produced: -

- (1) an assent dated 31 Janury 1927 whereby George Rowland Holt Wilson and the Reverend Leonard Holt Wilson as the executors of George Holt Wilson vested in George Rowland Holt Wilson among other property the Lordship of the Manor of Burgate
- (2) probate of the will of George Rowland Holt Wilson dated 2 October 1929 and granted to Gwendoline Wilson, John Holt Wilson, Oliver Holt Wilson and Thomas Holt Wilson



- (3) an assent dated 25 October 1930 whereby Gwendoline Holt Wilson, Oliver Holt Wilson, John Holt Wilson and Thomas Holt Wilson vested in John Holt Wilson among other property, the Lordship of the Manor of Burgate
- (4) probate of the will of John Holt Wilson dated 9 January 1964 and granted to Thomas Wilson, Henry Humphrey Richard Methwold Walrond, David Alston and Jessie Howie Wilson
- (5) the death certificate of Thomas Wilson who died on 22 May 1972
- (6) an assent dated 9 February 1978 whereby Henry Humphrey Richard Methwold Walrond, David Alston and Jessie Howie Wilson vested in Peter John Holt Wilson among other property the Lordship of the Manor of Wortham.

On that evidence I am satisfied that Peter John Holt Wilson is the Lord of the Manor of Wortham a fact which no one seems to deny.

The remaining question is whether Long Green is part of the waste land of the Manor of Wortham.

As to that Mr Holt Wilson gave evidence that both his father during his lifetime and he himself since he inherited the manor had always been treated as the owner of Long Green including the whole of the unit land. He had granted licences to graze the land, had given permission for the grass to be cut in front of the houses, had stopped excessive car parking and had received payment for permitting the making of a hard core exit to a new house and for permitting connections to be made across the unit land to main electricity, water and sewage.

He had also stopped the village boys from using it as a motor cycle track. No one had ever challenged his ownership.

Squadron Leader Thomas Hughes gave evidence that he was a Parish Councillor and Chairman of the Commons Committee. He had known the land for 50 years and had always understood that it was part of the waste of the Manor of Wortham. In any dealings with the land the Parish Council always dealt with Mr Holt Wilson as owner.

This evidence standing unchallenged and uncontradicted and supported by the fact that when he registered his ownership of the rest of Long Green no one objected convinces me that Peter John Holt Wilson is the owner of the whole of the unit land.

I shall accordingly direct the Mid Suffolk County Council, as registration authority, to register him 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

day of

of June Veter Landan-Davin

1990

Chief Commons Commissioner