



COMMONS REGISTRATION ACT 1965

Reference Nos 232/D/224 to 286
inclusive

In the Matter of the Quantock Hills, in
the Parishes of East Quantoxhead, West Quantoxhead,
Over Stowey, West Bagborough, Holford,
Kilve, Crowcombe, Spaxton, and Bicknoller
in the District of West Somerset in the
County of Somerset

DECISION

My decision (stating its effect shortly) is:- Of the part of the Provisionally Registered Land south of the road from Nether Stowey to Crowcombe, the only lands which should have been registered are Wills Neck, Aisholt Common and the unplanted strip south of the road. Of the part north of the road, Hurley Beacon and numerous small pieces in and around Holford and elsewhere should not have been registered. The only rights of common properly registrable over Wills Neck are of turbary; subject to this all the Rights Section Entries as altered by agreement since they were originally made, should stand; exceptionally final consideration of Rights Section Entry Nos 2 and 44 made on the application of Mr E W House is postponed pending the disposal of an application made on his behalf that the hearing be reopened so that he can give further evidence in answer to Objection No O/236. The circumstances which have given rise to these proceedings, the documents which were produced, my decision in detail and the reasons for it are as follows:-

These 63 disputes relate to the registrations at Entry No 1 in the Land Section and at Entry Nos 2 to 14 inclusive and 17 to 62 inclusive (59 Entries in all) in the Rights Section of Register Unit No CL. 10 in the Register of Common Land maintained by the Somerset County Council and to the registrations at Entry No 1 in the Land Section of Register Unit Nos VG. 38 and VG. 42 in the Register of Town or Village Greens maintained by the said Council, and are occasioned by the conflicting registrations and the Objections specified in the First Schedule hereto.

I held a hearing for the purpose of inquiring into the disputes at Taunton on 5, 6, 12, 13 and 14 October 1976. The persons who attended or were represented at the hearing were as specified in the Second Schedule hereto.

The land ("the Provisionally Registered Land") comprised in this Register Unit is about 6 miles long and in most places about 2 miles wide. In the Register it is called "the Quantock Hills", an expression which has a variety of meanings according to whether the speaker is interested in the geographical, geological, recreational or some other aspect. The Provisionally Registered Land includes all or most of what is generally spoken of as the Quantock Hills, an area including much open moor land, much afforested land, and much land covered with scrub and self-sown or casually planted trees and much else besides. The scenery is of extraordinary variety and beauty, and must I think give great pleasure to all those who live near it or who come to visit it.



Of the 59 Entries in the Rights Section, 46 are of or include rights to graze varying numbers of animals either over the whole of the Provisionally Registered Land or some part of it; 19 are of or include rights of estovers or of turbary, and two (Nos 11 and 29) include a right to quarry. There are 10 Ownership Entries in the Ownership Section, being of the National Trust, Major T F Trollope-Bellew, Mr A G Greswell, Mrs A N Capewell, Mr W G King, Williton Rural District Council, Mrs G M Pollard, East Quantoxhead Trust Co Ltd, Somerset County Council and Miss E P Acland Hood; none of such 10 Entries is disputed.

On the first day of the hearing I invited suggestions as to the most convenient way of dealing with these 63 disputes. That a very considerable part ("the Properly Registrable Part") of the Provisionally Registered Land is subject to rights of common was either agreed or (except as below mentioned) not disputed by anyone. There were persons who claimed that various pieces of land in which they were interested should not be included in the Properly Registrable Part for reasons particularly associated with their pieces. There were also persons who claimed that some of the Entries in the Rights Section should be modified: subject to these modifications, it was not at the hearing contended by anyone that the Rights Section Entries were not properly made, although I had a letter dated 22 September 1976 from West Somerset District Council suggesting that their predecessor Williton Rural District Council must have made their Objection (No O/264) because they felt "it was up to the individuals concerned to prove that they had rights". Nobody except Mr E W House in relation to Rights Section Entry Nos 2 and 44, seemed prepared (at any rate to begin with) to offer any evidence either for or against any of the Rights Section Entries. So these proceedings apparently could be divided into a number of hearings dealing with a series of questions each relating to some particular part of the Provisionally Registered Land or to some particular aspect of one of the Rights Section Entries. Accordingly on this basis I proceeded, taking the questions and hearing the evidence particularly relevant to each of them in the order which seemed on balance to cause the least inconvenience to the various persons concerned.

The persons who gave information to me, (either as sworn evidence or otherwise) and the documents they produced are specified in the Third Schedule hereto. Additionally I have some knowledge of the appearance of the Provisionally Registered Land because for the purpose of giving my decision in relation to Register Unit Nos CL. 85 and CL. 187, on 6 June 1975 I inspected (a) Vinny Combe, Staple Plantation and the adjoining disused quarry at Staple, West Quantocks, Quantoxhead, (b) some land west of Quantock Lodge, Over Stowey, and (c) the land around Crowcombe Combe Gate; and because for the purpose of giving my decision in these proceedings on 11 October 1976 I inspected the Bowling Green and Butterfly Combe at Holford and viewed the other disputed lands in Holford Combe, on 14 October 1976 I walked from Durborough Farm to Aisholt Common, on 5 December 1976 I walked from Triscombe Stone to the top of Wills Neck (384 metres, the highest point in the Quantocks) and on 6 December 1976 I walked from Crowcombe Gate past Crowcombe Park Gate to Hurley Beacon, from the Bowling Green at Holford up Hodderscombe to Willoughby Cleeve and up to New Ground, and from Pardlestone Lane to Lark Rise.



At the beginning of the hearing it was suggested that no evidence need be given in support of the Land Section Objections because (as appears from the Register) the Provisionally Registered Land was registered in consequence of an application by Mr E W House to register rights of common (such rights are provisionally registered at Rights Section Entry No 2) and he being willing to concede all such objections, I could properly remove from the Register all the land referred to in them on the basis that their inclusion was due to "mapping errors". I rejected this suggestion because it seems to me to be in the public interest to investigate to some extent why the Objections had been made. It subsequently became apparent that there could have been mapping errors because there are many places along the boundary of the Provisionally Registered Land where it would be difficult, there being no fences or clear boundary marks, for anyone to say certainly where the area of common land known as the Quantocks begins and ends; however it also became apparent that some of the Objections (eg O/34 and O/89), related to areas so large that their inclusion could not properly be described as a mapping error.

Only one Objection (No O/264 by Williton Rural District Council) directly puts in issue all the Rights Section Entries; the grounds of it are: "The rights do not exist at all or the rights do not extend to the Council Land which is edged purple on the attached plan". The plan shows an area east of Bicknoller which includes Bicknoller Combe, Bicknoller Hill and Trendle Ring and which extends from Weacombe Hill on the north to Long Combe on the south. The District Council with their 1976 letter sent (i) a copy of a conveyance dated 30 August 1951 by which the Church Commissioners of England as Lords of the Manor of Bicknoller conveyed to Williton Rural District Council about 320 acres of land forming part of Bicknoller Hill Common and about 15 acres of land forming part of Quantock Moor and Woolstone Moor and (ii) a copy of answers dated 29 March 1951 given on behalf of the Church Commissioners' Official Solicitor to preliminary enquiries including "the lands are probably subject to common rights but the Court Rolls do not disclose their nature; local enquiry might supply the nature". In addition to this particular Objection, all the Land Section Entry Objections are to be treated as Objections to the Rights Section Entries, see subsection (7) of section 5 of the 1965 Act.

Notwithstanding that the Rights Section Entries are thus comprehensively objected to, I am not I think obliged to treat these Objections as succeeding merely because none of the Rights Section Entries was supported by any evidence. Under the 1965 Act a registration to which no objection has been made becomes final with no more evidence in support of it than the formal statutory declaration which is part of form 9 of application set out in the Schedule to the Commons Registration (General) Regulations 1966. Although in most cases the person who objects to a Rights Section Entry, can reasonably expect the applicant to prove his case, there is no rule that an applicant who does not do so must necessarily fail; I can I think consider the surrounding circumstances.

As regards the Land Section Objections which are treated as also Objections to the Rights Section Entries, it became apparent that those who supported them were only concerned to exclude from the Land Section some particular parts of the



Provisionally Registered Land; none expressed any wish to prejudice any rights of common which might exist over the other parts. During the course of the hearing I received much information which suggested that a very large part of the Provisionally Registered Land has from time immemorial been subject to some rights of common; indeed the appearance of much of the land is such as to suggest that there must be some rights of common over it. I had no information indicating that these rights could be proved otherwise than by prescription; if each applicant had to do this, the hearing would last a long time and the costs incurred by the applicants might be very large. In my opinion I ought not to put the applicants to this expense in the absence of some indication from the Williton Rural District Council or their successors as to the basis of the objection. The said letter states that the 1951 conveyance and answers to preliminary enquiries are all the evidence in the Council's possession relevant to this matter; in my opinion this evidence is not enough to deprive the applicant of these registrations of the benefits which they would have obtained if the Objection had never been made. Accordingly I reject Objection No O/264 and I shall treat the Rights Section Entries, subject to such modifications if any as may follow from the other particular objections (as to which see below) as having been validly made as regards all the Provisionally Registered Land except such parts of it as may be removed from the Register in consequence of the Land Section Objections.

Objection Nos O/34 and O/123 made by Mr King relate to land about $1\frac{1}{2}$ miles long and about $\frac{1}{2}$ a mile wide (the south part of the Provisionally Registered Land) being Wills Neck, Middle Hill, some land northwest of Wills Neck and some other land to the east up to but not including Aisholt Common.

The grounds of the said Objections are in effect that the land shown on the plans attached to the O/34 Objection was not common land. The Objections were primarily supported by the West Bagshot Inclosure Award dated 28 February 1810 and made under the West Bagborough Inclosure Act 1807 (47 Geo 3.c.73) and as regards some small pieces by those being shown as tithable on the Aisholt Tithe Award.

The lands dealt with by the 1810 Award as shown on the plan annexed thereto included all or nearly all the lands shown on the said Objection plans. Such Award included regular allotments of the O/34 land and the following allotment relating to the O/123 land: - "I the said Commissioner in further execution of the powers of the said Act to me given have set out allotted and awarded and by these present do set out as award the following parcels of commonable lands and waste grounds which in my judgment is full and adequate compensation for the rights of turbary which were exercised over the same before my division and inclosure took place by the several persons claiming and upon the evidence produced before me adjudged and determined to be entitled thereto whose names and rights are set forth in the Schedule hereunto annexed And I do hereby adjudge and declare that those persons only who have and rights are entered in the said Schedule are entitled to cut turf from the said turbary allotment: One piece of land comprising nearly the whole of the upper part of the said Common bounded...numbered 22 on the said plan and containing 108 acres and 2 roods and one other parcel of land lying on the east side of the aforesaid turbary and numbered 25 on the said plan and containing 11 acres 30 perches and I do further order and direct that the said allotment of turbary shall be used in common by all such persons as have in respect of their antient tenements proved their right of turbary in or upon the said lands and grounds directed to be divided and enclosed whose names and tenements are set forth in the Schedule hereunto annexed and which in my judgment is most beneficial to the persons interested therein". The said Schedule lists about 20 names entitled to varying numbers of rights adding up to about 40.



Mr King acquired these lands under a conveyance dated 19 May 1945 the first and second parts of the parcels of which are in ordinary form being of land containing 749 acres 1 rood 1 perch and 178 acres 3 roods; the "thirdly" is "all those turbary rights (if any) belonging to the vendors in common with others in and over the property situated in the Parish of West Bagborough containing 119 acres 2 roods 3 perches described in the Third Part of the Schedule and edged green on the plan. Mr King made it clear that he did not claim that the turbary (the thirdly mentioned in his conveyance and being the O/123 land) should be excluded from the Provisionally Registered Land, only that the rights over it be limited to turbary. He said (in effect):- He understood that there used to be peat there, but about 1911 there was a fire which destroyed a lot of it. The peat must have been formed over the years from the heather. Nobody took peat now (as far as he knew); it is just heath and whortleberries; there are some black game. The conveyance included the Lordship of Bagborough but he had "never been conscious of it". The Objection plans were based on the 1925 conveyance plan; turbary of 119 acres 2 roods mentioned in the conveyance does not correspond exactly with the 1810 Award plan although it is substantially the same (the 1925 conveyance appeared to me to delineate a slightly smaller area).

Mr King when questioned by Mrs White who indicated that she did not accept his contention that the Objection lands were not subject to grazing rights said (in effect):- There was no stock-proof fence between Aisholt Common and Middle Hill, when he last saw it (20 years ago) the stock could walk through. He thought there was no fence around the turbary; he had never seen cattle there, although he had seen sheep. He had never attempted to drive off sheep (such as might have come from Durborough Farm). He had never attempted to fence the Objection land; "it would be hopeless".

Mrs White said (in effect) that apart from 2 small areas which are in Bagborough which are enclosed within the boundaries of Durborough Farm shown on the plan to Objection No O/28 made by Mr White, she contended that all the remainder of the Objection lands were common land because it is unfenced from the three main areas of the Provisionally Registered Land and particularly Middle Hill is unfenced from Aisholt Common; Aisholt Common looks the same as everything else just bracken and heather. There are no stock-proof fences around the small areas mentioned in Mr King's Objection plan. As commoners of the Provisionally Registered Land her husband had grazed this area with hill ponies and sheep and occasionally cattle throughout the 10 years he had been farming Durborough; Mr King had never asked that these animals should be removed and as far as she knew nobody had on his behalf ever attempted to draw them off nor had he put up any fence to keep common stock off the area. So in the result all the commoners who kept hill ponies (and there are 14 of them) have (for many years) grazed ponies over this area (meaning Aisholt Common and the Objection land area).

As above stated I am in these proceedings assuming that a very large part of the Provisionally Registered Land including Aisholt Common has been subject to grazing rights from time immemorial. These rights so far as they were ever exercisable over the O/34 land and the O/123 land were extinguished by the 1807 Act and the 1810 Award. This extinction does not prevent me from finding that similar rights



have been or should be presumed to have been granted since 1810. But in my opinion any such grant must be supported by evidence. The relevant words of the Prescription Act 1832 dealing with "any right of common...to be taken and enjoyed from...any land" are "where such rights...shall have been actually and enjoyed by any person claiming right thereto". In my opinion the important words in this case are "by any person". It is not enough that animals have gone on to one piece of land as a result of there having been put by some person on another piece and of there being no fence between the two pieces; in my opinion a person does not take and enjoy a right over a piece of land merely because a pony or other animal strays onto it from another piece on which it has been put. Under the 1810 Award Middle Hill and the other Objection land (and also all the lands thereby inclosed) were treated as and in my opinion became pieces of land distinct from Aisholt Common and the other parts of the Provisionally Registered Land. In the course of the hearing before me Middle Hill and Aisholt Common were referred to as distinct pieces of land. In my opinion the persons who put ponies and other animals on Aisholt Common and other parts of the Provisionally Registered Land cannot, for the purpose of establishing a presumed lost grant in their favour, properly be regarded as taking and enjoying a right of common on every piece of land on which such ponies and animals have from time to time been found. So accordingly quite apart from the use described by Mrs White as being within her own knowledge, being far too short a period to support any presumption of a lost grant, I reject Mrs White's contention.

In my opinion apart from the rights of turbary preserved by the 1810 Award there is no evidence that the lands dealt with by the Award have ever since 1810 become subject to any rights of common. The 1806 Act and the 1810 Award show that they have ceased to be waste land of a manor. As regards the other small pieces shown on the O/34 Objection plan, they are treated as non-tithable in the 1841 Tithe Award and are the sites of cottages now disused or demolished. Nobody at the hearing contended that the boundaries as drawn on the Objection plans, although not precisely in accordance with the 1810 Award should not be adopted as being when the 1925 conveyance was made in accordance with local repute. Accordingly I accept these plans and my decision is that Objection Nos O/34 and O/123 wholly succeed.

Objection No O/28 made by Mr J E White which was mentioned by Mrs White in her evidence summarised above, relates to Higher Durborough Plantation and adjoining land about 20 acres in all. On the documents produced by Mrs White and on her oral evidence and from what I saw when I inspected the land, I conclude that it has always been part of Durborough Farm and should not have been included in the Provisionally Registered Land. I am not concerned with the part of this land which may be the same as that comprised in Objection O/34; any difference there may be between Mr King and Mr White as to the ownership of this overlapping land if not resolved by agreement will have to be the subject of other proceedings. My decision is that Objection No O/28 succeeds.

Objection No O/305 made by Mr King and Objection No O/273/A made by Mr E R Siddle relates to land adjoining Rectory Plantation at West Quantoxhead. West Quantoxhead Parish Council were against this Objection. The evidence given by Mr King in support of the Objections and by Miss May against them and the documents produced



were in all relevant respects the same as that given at the hearing before me on 5 June 1975 relating to an adjoining piece of land being one of the 10 pieces on the edge of the Quantock Hills comprised in Register Unit No CL. 85; as to this adjoining piece, I gave a decision dated 21 January 1976 in which I concluded that such adjoining piece was properly registered as common land. The arguments put before me on that occasion were substantially the same as those put forward at the hearing in October 1976, and I see no reason for coming to a different conclusion. Accordingly for the reasons I gave in my January 1976 decision, my decision is in these proceedings that Objection Nos O/273/A and O/305 relating to the Provisionally Registered Land (CL. 10) wholly fail.

Objection No O/89 made by the Forestry Commissioners relates in part to, and Objection No O/320 made by Somerset County Council relates wholly to a piece of land nearly 2 miles long from east to west and between 1 and 1½ miles wide, being the part of the Provisionally Registered Land north of Aisholt Common and of the O/34 land above discussed, and south of a line about 100 to 150 yards south of the Crowcombe-Nether Stowey road. This Objection land includes the Great Wood of the Quantock Forest, and such areas as Seven Wells Wood and Cockercombe; it is crossed by the road which runs from Nether Stowey up Cockercombe to end at Triscombe Stone.

Mr E Harrison produced the documents of title relating to this Objection land (see Third Schedule), Mr R G Derrick stated the plantation history as it appeared from the records of the Forestry Commission, Mr L T Thompson described it as he had known it since 1966 and Mr A J Bellamy who had been employed by the Forestry Commission since 1926 described how it had been developed for forestry purposes since he first came there. On this evidence I am satisfied that this land has for many years been openly used in a manner inconsistent with anybody having rights of common over it. Nobody contending to the contrary, I conclude that it should not have been included in the Provisionally Registered Land.

As to the other land to which Objection No O/89 relates, this is an L-shaped piece which is (measured diagonally across the L) a little more than 1 mile long and is the northeast part of the Provisionally Registered Land, at West Quantoxhead. This land includes Staple Plantation, Round Plantation and Vinny Combe Plantation (forestry land) and Vinny Combe and Beacon Hill (open land). Quantoxhead Parish Council, who were against this Objection land being excluded, or at least against it being entirely excluded from the Provisionally Registered Land, in the course of the proceedings reached a compromise with the Forestry Commission as set out in the Third Schedule hereto (in effect that the Objection should be treated as limited to what is now planted land). The evidence in support of the Objection (treated as so limited) was given by Mr Harrison, Mr Derrick and Mr Thompson and Mr Bellingham as above and also by Mr A J Greswell who has lived at Weacombe House since 1939.

On this evidence I am satisfied that this Objection land (limited as above) has for many years been openly used in a manner inconsistent with anybody having rights of common over it. Nobody contending to the contrary, I conclude that the compromise is proper and that this Objection land (limited as above) should not have been included in the Provisionally Registered Land.



So my decision is that Objection No O/89 succeeds except as regards the land under the compromise excluded from it and Objection No O/320 succeeds wholly.

Objection No O/42 made by Major T F Trollope-Bellew relates to Hurley Beacon, an area about 1 mile long and in places about $\frac{1}{4}$ a mile wide and extending from Halsway Combe on the west nearly to Crowcombe Park Gate.

By the Crowcombe Inclosure Award 1780 made under the Crowcombe Heathfield & Heddon Inclosure Act 1776 (16 Geo 3.c.73) there was allotted to James Bernard and Elizabeth his wife in respect of the Manor of Crowcombe Birkham other Carew (among other lands) "one other plot or parcel of uncultivated land containing by admeasurement 310 acres and 11 perches and situated lying and being on and part and parcel of the said open and uncultivated Tract of Waste Ground called Quantock Hills which (?) is within the said parish of Crowcombe and marked and distinguished on the said Map with the letter B and figures 1, 2, 3 and 4 and bounded on the northwest by part of the parish of Kilve...to and for such uses as James Bernard and Elizabeth his wife...etc".

Major Trollope-Bellew identified Hurley Beacon shown on the Objection No 42 plan as being the same as or within plot B1 on the Award Map (on such map marked as 129A 3R 30P). He said (in effect):- He is a direct descendant of Mr and Mrs Bernard named in the Award (she was a Miss Carew and subsequent generations were so called until his grandmother married Mr R C Trollope). The land so allotted is part of the Crowcombe Estate of which under vesting deed dated 8 December 1947 he had become the owner (the relevant settlement being the will of his grandmother); by a deed dated 25 March 1974 his son Mr A H Trollope-Bellew had become the owner. The Objection land is not fenced against the rest of the Provisionally Registered Land (adjoining on the northwest) and to show their ownership he and his son had at least once a year (sometimes twice a year) driven off the stock on it (almost always sheep).

The 1776 Act provides for fencing by allottees; and the 1780 Award directs Mr & Mrs Bernard or their successors in title to fence plot B1. However the Objection land, being now unfenced appears to be just as much part of Quantocks Common as the adjoining part of the Provisionally Registered Land over which (so I am assuming in these proceedings) grazing rights have been exercised from time immemorial. The extinction of these immemorial rights by the 1776 Act and the 1780 Award does not prevent me from finding that similar rights have been or should be presumed to have been granted since 1780. But in my opinion any such regrant must be supported by some evidence. I infer that Mr & Mrs Bernard and their successors in title left the plot unfenced (probably the advantages were never worth the cost and nobody minded); their failure is not in my opinion any such evidence. As explained above with reference to Objection O/34, I do not regard the straying of sheep put onto some other part of the Provisionally Registered Land as any evidence of a right having been "actually taken and enjoyed" over the Objection land within the meaning of the 1832 Act. So there being no evidence, I need not consider whether the annual sheep drive described by Major Trollope-Bellew would have been an answer to any evidence that might have been given.



Accordingly for reasons essentially the same as those applicable to Objection No 0/34, my decision is that Objection No 0/42 succeeds.

Objection No 0/265 also made by Major Trollope-Bellew relates to a narrow strip bounded on the west by the bank and beech hedge, being the boundary of Crowcombe Park from a point near Crowcombe Combe Gate to Crowcombe Park Gate and beyond, and bounded on the east by the line shown on OS (1/2500 edition 1930) map as the boundary between the Parish of Crowcombe and the Parish of Kilve (marked SR).

The part of Crowcombe Park so fenced by the bank and beech hedge corresponds with allotment B2 made by the 1780 Award (on the Award map marked as 150A 2R 27P). In support of the Objection it was contended that under the 1780 Award, Allotment B2 was stated to be in Crowcombe Parish and was also stated to be bounded by "part of Kilve Parish", and that it necessarily follows that the Objection must succeed.

In appearance the bank and beechhedge are very distinctive, and are an obstruction to men and animals. On the other hand the OS parish boundary line in appearance is not at all distinctive and men and animals can cross it quite easily; I understood that along it there is a registered CRF (cart road used as a path) formerly a registered RUPP (road used as a public path).

There was no evidence as to when the bank and the beech hedge was made. It appears to be old, or at least on an old site, and I infer that it was put up in accordance with the 1780 Award, probably soon after the Award was made and that those who put it up sited it where it is because they believed it would mark the extent of the allotment thereby made.

I am now concerned with what the 1780 Award meant to persons living at that time; having regard to the appearance of the land, I conclude that the bank and the hedge as an indication of the meaning of the Award when it was made are more reliable than the 1930 OS map; so I am against the only contention put forward in support of the Objection. It is possible that the bank and hedge were in the 1780's set back a little from the Parish boundary because those concerned considered that there was a public highway along such boundary; however this may be, it was not at the hearing contended that the Objection land should be excluded from the Provisionally Registered Land because it was highway, and I ought not I think to uphold the Objection on this ground. For these reasons my decision is that Objection No 0/265 fails.

Objection No 0/21 made by Mrs A N Capewell relates to an L-shaped piece of land about $\frac{1}{2}$ a mile long on the west of Thorncombe Hill, north of Paradise Farm and about $\frac{1}{2}$ a mile east of Bicknoller. Mr Harker asked that the Objection be amended so as to be applicable to land ("the Hatched Blue Land") so hatched on GAH1, being a piece approximately square (sides about $\frac{1}{2}$ to $\frac{3}{4}$ of a mile long), part of Thorncombe Hill to the northeast of the Objection land.

As regards the Objection land; the documents produced by Mr Harker show that it has been regularly conveyed over a long period as part of the farmlands held with Thorncombe House, and I accordingly conclude that it should not have been included in the Provisionally Registered Land.

As regards the Hatched Blue Land, the said documents include a conveyance of a half share (various described as a moiety or half part) in "the common called Thorncombe Hill", habendum "subject as to the said Common to the rights of all persons having rights of common thereover". Mr Harker contended as regards the



Hatched Blue Land that because it is and has been owned by the owners for the time being of Thorncombe House subject to rights of common, it should not have been registered under the 1965 Act.

In my opinion the documents produced show that the interest of the owners of Thorncombe House in the Hatched Blue Land is something different from the Thorncombe House farmlands, it having always been dealt with by a distinct description. Such documents do not support the Objection if it was amended, and indeed so far as they go indicate that it has always been treated as being subject to rights of common and that the Rights Section Entry may as regards it be valid. None of the applicants for the Rights Section Entry had any notice of any such amendment and it does not appear to me to come within the scope of the Objection as originally made. In my opinion in the foregoing circumstance it would be unjust to allow the amendment on any terms, and accordingly I refuse it. My decision therefore is that Objection O/21, as it originally stands unamended, succeeds.

As to the VG. 38 registration (Bowling Green, Holford):- The land is as to about half a flat piece of grassland, to which the name "green" could appropriately be given; there are a number of dwelling houses either adjoining or not far away, and as a village green for Holford it is apparently both convenient and appropriate. However the remaining part of the land slopes steeply upwards, being apparently at one time a quarry and now much overgrown with trees and scrub; this part considered by itself would not be appropriately called a green or be convenient for recreational purposes.

Mr Watts described the recreational use made of the land particularly the flat grass part. Having walked over the land, notwithstanding its varied nature, I accept the contention of Mr Watts that it can all be regarded as one piece of land so that the recreational use made of any part may properly be ascribed to the whole. Although the recreational use of the land does not amount to very much, having regard to the statement made about it by Mr Barke on behalf of Lady Gass who is the registered owner, I think I can properly give this evidence full weight. Accordingly I conclude that the registration was as regards all the land properly made. By regulation 14 of the Commons Registration (General) Regulations 1966, all the Rights Section Entries in the CL. 10 Register are deemed to have been made in the VG. 38 Rights Section; the evidence and the appearance of the land is against there being any such rights over the VG. 38 land; nobody at the hearing contended that any such right could usefully subsist over it; I conclude therefore that such deemed Rights Section Entries should be avoided.

As regards the VG. 42 land (Butterfly Combe, Holford):- The land is a piece crossed by a stream flowing down Holford Combe, and the trees, grass and other vegetation growing on it and its setting and surroundings are all such as to make it an attractive place to visit for a picnic. Indeed when I walked over it, notwithstanding the unfavourable weather, it seemed a place of extraordinary beauty. It is easily accessible (a short from a motor road) and it is (so Mr Watts said) much visited. Although it might be easier to protect if registered as a village



green, the evidence of Mr Watts provided me with no grounds for supposing that it could properly be regarded as within the definition of a village green in section 22 of the 1965 Act. With some regret (which Mr Barke also felt) I conclude that this registration was not properly made.

A number of the Land Section Objections relate to land in Holford near the Bowling Green or in or around Holford Combe (between the Bowling Green and Butterfly Combe) and in or around Hodder Combe; of these the following were supported by evidence (as indicated in the Third Schedule hereto) that the lands referred to in the Objection had been dealt with as residential land or as farming land over which rights of common did not subsist; O/3 made by the National Trust in respect of Willoughby Cleeve, O/136 made by Mr & Mrs Kirby in respect of land west of the Hotel, Holford Combe, O/142 made by Mr Snell in respect of (a) about 20 acres on the east side of the road up Holford Combe and (b) OS Nos 8 and 9, Cleeve Cottage and Wychwood north of the track leading from the Bowling Green up Hodders Combe, O/146 made by Mr Hayman in respect of land in Holford Combe south of the Hotel and O/184 made by Mr Brereton in respect of (a) an L-shaped piece of land between the land fronting on the Bowling Green and (b) "New Ground" on the slopes of Pardlestone Hill. On this evidence my decision is that all these Objections succeed.

No person appeared to support Objection O/127 made by Mr Mantle in respect of land now occupied as a house, garden and paddock at Holford. However it was apparent from the other evidence given to me in support of the Objections mentioned in the preceding paragraph that this land had been occupied as a house, garden and paddock for some years and was not properly registered as common land. Accordingly notwithstanding the absence of any evidence by the applicant in support of the Objection, my decision is that this Objection also succeeds.

Adjoining to and west of the Bowling Green at Holford there is a group of dwelling houses within enclosed land held therewith, being OS Nos 5, 6, 7, 10 and 11; this land ("the Enclosed Area") lies between the track leading gently up Hodders Combe and the track leading steeply up Hare Knapp. By a conveyance dated 9 July 1971 OS Nos 5 and 11 were conveyed to Mrs Snell and on her behalf Mr Morgan asked that the grounds of Objection No O/142 might be amended so as to include OS Nos 5 and 11 at least.

The Enclosed Area are in the 1841 Kilve Tithe Award shown as tithable and on the map (JWC7) numbered 284, 285, 286 and 287. Mr Watts who lives at Orchard Cottage (OS No 10) said that his cottage and garden from his own knowledge had been enclosed for the last 25 years and he believed for at least as long as 60 years. Although some of the buildings on the Enclosed Area may have been erected recently (certainly after the 1841 Award), the Enclosed Area appears to have been enclosed for a long time; it is in the Register map 10b shown as enclosed.

In my opinion none of those entitled to rights registered in the Rights Section would be prejudiced by the exclusion of the Enclosed Area, and I feel certain that they could never have contemplated exercising such rights over it. Notwithstanding that the Enclosed Area is not mentioned in any Objection, I have I think jurisdiction under the 1965 Act in these proceedings —————→



—→ to avoid the Land Section Entry as regards any part of the land comprised therein; see the power of amendment given by regulation 26 of the Commons Commissioners Regulations 1971. The inclusion of the Enclosed Area in the Provisionally Registered Land is I think so obviously and plainly a mistake, that I consider I ought to exercise any jurisdiction I have to put the mistake right.

In the above circumstances I shall treat the grounds of Objection O/142 as amended so as to include the Enclosed Area (I see no reason why the amendment should be limited to the exact area in which Mrs Snell happens herself to be personally interested) and my decision made either under the general jurisdiction conferred on me by the Act or under the said Objection as amended is that OS Nos 5, 6, 7, 10 and 11 be removed from the Register.

The other particular Objections to the Land Section Entry relate to pieces of land on or near the boundary of the Provisionally Registered Land; of these the following were supported by evidence as mentioned in the Third Schedule hereto: O/25 and O/35 made by Lloyds Bank Limited and Mrs Humphries in respect of the bungalow Lark Rise at Pardlestone Hill, O/124 made by Mr Down in respect of two pieces of land near Halsway Manor Farm, O/122 made by Mr Bartlett in respect of a piece of land at Friarn, O/98 made by Mr & Mrs Priestley in respect of land south of Quantock Lodge and O/144 made by East Quantoxhead Trust Company Limited in respect of 9 pieces of land at West Quantoxhead and Perry. For reasons similar to those state above in relation to the pieces of land at Holford, my decision is that these Objections all succeed.

As regards the Land Section, apart from Objection O/277 which was made by Risdon & Co in respect of land on Thorncombe and which has been withdrawn, there remains only Objection No O/100 made by Mr Peaster in respect of a strip of land southeast of Quantock Lodge. I had no evidence in support of this Objection; the land adjoins one of the 11 pieces of land formerly registered as Register Unit No CL. 187 which Unit I dealt with in my decision dated 21 January 1976 under reference numbers 232/D/71-78; for the reasons stated in such decision I concluded that the Objection made by Mr Peaster as regards piece no 10 of the CL. 187 land fails. For the same reasons I conclude that the land described in Objection O/100 of the CL. 10 land is commonland and my decision is that this Objection fails.

I now consider disputes relating particularly to the Rights Section Entries, so far as not disposed of above by what I have said about Objection No O/123 made by Mr King and O/264 made by Williton Rural District Council.

Mr Tyler who is a member of Nether Stowey Parish Council, as regards the history of the Manor or Lordship of Stowey or Nether Stowey (such history is based on the Over Stowey Tithe Award and the Acland-Hood papers) said (in effect):- Formerly the Manor comprised both Nether Stowey and Over Stowey, and was all owned by one person (the Manor House was Stowey Court in Nether Stowey). In



about 1838 Mr Henry Harvey the then owner sold it by public auction and Sir Peregrine Acland became the owner. Some time after Mr Henry Labouchere (Chancellor of the Exchequer) built Quantock Lodge and Sir Peregrine sold to him the part of the Manor which is south of the Crowcombe Road. The Over Stowey Tithe Award simply said that some of the cottagers in the Parish have rights of common but does not mention the cottagers of Nether Stowey.

Mr Tyler said he was worried the rights of the cottagers might be forgotten by default; his argument was in effect that for hundreds of years before the division effected by Sir Peregrine, these cottagers had rights over both the part of the Provisionally Registered Land in Over Stowey and the part in Nether Stowey, and that such rights could not be limited to one of those parts by Sir Peregrine having divided the Manor.

Mr C E Hunter who is a member of the Over Stowey Parish Council referred me to Rights Section Entry No 4 made on their application of rights (not attached to any land) of "Estovers and turbary and also the right to cut bracken over Over Stowey Customs which is the area inside the red boundary line on the Register map". The area so shown is an area about $1\frac{1}{2}$ miles long adjoining to and south of the Nether Stowey to Crowcombe Road where such road crosses the Provisionally Registered Land between Crowcombe Combe Gate and Quarry Breach.

Mr Hunter said (in effect):- The area so shown comprised Nos 561 and 556 shown on the Over Stowey Tithe Award map and it contains about 140 acres. However the Award gives the total Parish common land as 483 acres 3 roods 3 perches, being not only Nos 561 and 556 but also Nos 551, 552, 553 and 554; such last four mentioned numbers contain 340 acres 3 roods 2 perches and are all north of the said road. The 483 acres (all included in the Provisionally Registered Land) are barren heath; the brushwood growing on some parts of it is cut by the cottagers for fuel; no tithe has ever been paid for it.

Mr Hunter suggested that Entry No 4 was mistaken in that Over Stowey Customs there mentioned should have included the 340 acres north of the road and contended that this mistake should be corrected. He pointed out that at Entry No 13 made on the application of Nether Stowey Parish Council there is a registration of rights of estovers, turbary and of cutting bracken over Nether Stowey Customs, defined by reference to a map which comprises Tithe Nos 551, 552 and 553 (but not No 554).

The possible defects in the Register mentioned by Mr Tyler and Mr Hunter are not expressly mentioned in any Objection referred to me. My jurisdiction in these proceedings under the 1965 Act is to determine disputes occasioned by Objections or deemed Objections; although it may be that under the Act where any Objection has been made to an Entry, a Commons Commissioner has the jurisdiction to modify the registration in any manner. But I ought not I think to do this at the request of the applicant for the purpose of curing a mistake which has never been the subject of any particular Objection unless either all concerned are agreed, or full opportunity has been given to those concerned to express their views. These conditions are not fulfilled. Any modification to deal with the defect mentioned by Mr Tyler and Mr Hunter would require detailed consideration and go far beyond the scope of any grounds of any of the Objections referred to me. For these reasons I refuse to take any action over representations made by Mr Tyler and Mr Hunter on behalf of the Parish Councils concerned.



Rights Section Entry No 38 made on the application of the National Trust has been withdrawn and Rights Section Entries No 11 and 29 made on the application of Mr E Hillman and Mrs Pollard have been modified by agreement as set out in the Third Schedule hereto. As regards these two and all the other Rights Section Entries except Entry Nos 2 and 44 made by Mr House, for the reasons set out in relation to Objection O/264 (Williton Rural District Council) I consider that the applicants need not prove their right and accordingly that I can properly treat all these registrations as rightly made except so far as may be necessary to give effect to the said compromise agreement and to Objection O/123 made by Mr King.

As regards Entry Nos 2 and 44 since the hearing I have received a letter dated 17 December 1976 from Channer, Channer & Ligertwood, Solicitors of Taunton writing on behalf of Mr House inquiring if I would on due notice given by the other parties concerned continue the hearing of the Quantock Commons Association's Objection O/273 in order to give their client the opportunity of putting before me the evidence he did not (through his ignorance of the procedure) call at the original hearing to deal fully with his claim to a prescriptive right of common. I consider that I ought not to reach any decision as regards these Entry Nos until I have disposed of this application; I shall not do this unless and until due notice of it has been given to Risdon & Co (they made Objection O/273). Accordingly I postpone my decision as to these Entry Nos and Objection; if the application fails, I will give my decision having regard to the evidence and information given to me at the hearing; if the application succeeds I will give my decision having regard to such evidence and information and such further evidence and information as may be put before me at the further hearing.

In accordance with the conclusions set out above and for the reasons I have already given I confirm the registrations at Entry No 1 in the Land Section of Register Unit No VG. 38 without any modification, and I refuse to confirm registrations in the Rights Section of this Register Unit No VG. 38 being the registration deemed (by the operation of regulation 14 of the 1966 General Regulations on the registrations made in the Rights Section Register Unit CL. 10) to have been made therein. I refuse to confirm the registration at Entry No 1 in the Land Section of Register Unit No VG. 42. I confirm the registration at Entry No 1 in the Land Section of Register Unit No CL. 10 with the modifications that there be removed from the Register the lands described in the Fourth Schedule hereto excepting as is in such Schedule mentioned. I refuse to confirm Entry No 38 in the Rights Section of the said Register Unit CL. 10. I confirm the registrations at Entry Nos 3 to 14 inclusive, 17 to 37 inclusive, 39 to 43 inclusive, and 45 to 66 inclusive with such modifications if any as are specified in the Fifth Schedule hereto. I postpone my decision as regards Rights Section Entry Nos 2 and 44 so far only as relates to Objection O/273B but so that ~~the~~ this postponement will not prejudice the success ~~of~~ of Objection O/123 (Mr King, Wills Neck, subject to turbary only) or the failure of Objection No O/264 (Williton RDC).

I give all the persons who attended or were represented at the hearing liberty within 42 days of the date on which notice of this decision is sent to them to apply to me to correct any clerical or other error which I have made in this decision in applying the evidence summarised in the Third Schedule hereto and in the findings of fact and principles of law hereinbefore mentioned; any such application should in the first instance be made by letter to the Clerk of the Commons Commissioners.



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.

FIRST SCHEDULE

A. Conflicting registration affecting Entry No 1 in the VG. 38 and VG. 42 Land Section

File D/224 The VG. 42 registration (of Butterfly Combe, Holford) conflicts with the CL. 10 Land Section registration which includes it

File D/226 The VG. 38 registration (of the Bowling Green, Holford) conflicts with the CL. 10 Land Section registration which includes it

B. Conflicting registrations affecting Entry No 1 in the CL. 10 Land Section

File D/225 and D/227 The CL. 10 registration conflicts with the above mentioned VG. 38 and VG. 42 registrations

C. Objections to Entry No 1 in the CL. 10 Land Section

File	Objector and date objection noted in the Register	Objection No	Part of Registered Land particularly objected to
D/228	National Trust for Places of Historic Interest and Natural Beauty, 17 December 1968	0/3	Willoughby Cleeve, a strip about half a mile long on the northwest side of Hodders Combe, Holford
D/229	Mrs A N Capewell 22 May 1969	0/21	L-shaped piece about half a mile long on Thorncombe Hill, north of Paradise Farm about $\frac{1}{2}$ a mile east of Bicknoller
D/230	Lloyds Bank Limited 21 July 1969	0/25	A bungalow, garden and adjoining land (about 1 acre) at Pardlestone Hill, in Alfoxton Park near Holford
D/231	Mr J E White 15 July 1970	0/28	Higher Durborough Plantation and adjoining lands about 20 acres in all being part of Durborough Farm and south of Aisholt Common
D/232	Mrs K L Humphries 15 June 1970	0/35	Same as 0/25 above



- D3233 Major T F Trollope-Bellew 0/42 Hurley Beacon, an area about 1 mile long and in places about half a mile wide, extending from Halsway Combe on the west ngarly to Crowcombe Part Gate, and being north of Crowcombe
- D/234 Mr W G King 0/34 15 June 1970 (a) About 75 acres south of Triscombe Stone
(b) About 120 acres (Wills Neck)
(c) About 140 acres (Middle Hill)
all north of West Bagborough
- D/235 Mr E T Down 0/124 23 Noember 1970 (a) Land about $\frac{3}{4}$ mile long and $\frac{1}{2}$ mile wide north of Halsway Manor Farm
(b) A smaller piece about 150 yards square to the southwest
- D/236 Mr B Bartlett 0/122 20 November 1970 A triangular piece, the sides about 100 yards long at Friarn near Adscombe
- D/237 Mr N de B Priestley 0/98 and Mrs A D Priestley 20 November 1970 About 2 acres of land south of Quantock Lodge (Aley and Adscombe)
- D/238 Mr D T Peaster 0/100 25 November 1970 A strip about 150 yards long southeast of Quantock Lodge
- D/239 Forestry Commission 0/89 30 November 1970 (a) An L-shaped piece a little more than 1 mile long including Staple Plantation and much of Weacombe Combe south of West Quantoxhead
(b) An irregular shaped piece of land nearly 2 miles long from east to west and between 1 mile and $1\frac{1}{2}$ miles wide including the Great Wood of the Quantock Forest being the part of the Registered Land north of Aisholt Common and of the 0/34 land above described and south of a line about 100 to 150 yards south of the Crowcombe-Nether Stowey road
- D/240 Mr L P Mantle 0/127 25 November 1970 About $1\frac{1}{4}$ acres of land now occupied as a house and garden and paddock at Holford
- D/241 Mr & Mrs A W Kirby 0/136 23 February 1971 About $2\frac{1}{4}$ acres of land west of the hotel in Holford Combe, south of Holford



D/242	East Quantoxhead Trust Company Limited 26 February 1971	O/145	Nine pieces of land near the A39 road between West Quantoxhead and Perry and between Perry and Higher Street (near Kilve)
D/243	Mr B J Snell 2 March 1971	O/142	(a) About 20 acres of land on the east side of the road from Holford leading up Holford Combe (b) OS Nos 8 and 9, 2 dwelling houses north of track leading from Bowling Green up Hodders Combe
D/244	Mr J J A Hayman 3 March 1971	O/146	Land in Holford Combe south of the hotel and north of Butterfly Combe
D/245	Mr J L Brereton 4 March 1971	O/184	(a) An L-shaped piece a little to the east of the Bowling Green at Holford being in the fork formed by the junction of the two rivers from Holford Combe and Hodders Combe (b) "New Ground" on the slope of Pardlestone Hill (north of Willoughby Cleeve)
D/246	Major T F Trollope-Bellew 8 March 1971	O/265	A narrow strip of land extending from Crowcombe Combe Gate to a little north of Crowcombe Park Gate up to the O/42 land above described
D/247	Messrs Risdon & Co 12 March 1971	O/277	Thorncombe Hill, about a mile long and about half a mile across between Paradise Combe and Halsway Combe
D/248	Somerset County Council 18 March 1971	O/320	Same land as described in paragraph (b) of the Forestry Commission objection O/89, see above
D/249	Mr W G King 22 March 1971	O/305	Land about 250 yards long adjoining Rectory Plantation at West Quantoxhead
D/250	Mr E R Siddle 5 March 1971	O/273/A	Land about 120 yards by 60 yards adjoining the O/305 lands, see above

D. Objections to Entries in the
CL. Rights Section

File No	Entry No affected and applicant	Objector, date of note of Objection in Register	Objection No	Grounds
D/251	5 & 6 Mr K Barrow	Somerset County Council 26 November 1970	O/46	No entitlement to apply



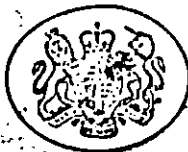
/252	2, 7, 6, 9, 10, 21, 22, 23, 24, 27, 28, 34, 35, 40, 41, 43, 45, 46, 47, 50, 51, 52, 53, 54, 56, 57, 58, 8, 16, 25, 26, 33, 38, 44, & 61	Mr W G King 26 November 1970	0/123	Wills Neck land subject to turbary only
/253	2, 6-12, 21-28, 30, 33-38, 40, 41, 43-47, 50-54, 56-59, 60 & 61	Williton Rural District Council 15 April 1971	0/264	The rights do not exist at all or do not extend to the Council land
/254	2 & 44 (Mr E W House)	Risdon & Co 31 March 1971	0/273/B	Animal numbers excessive
/255	7 (Mrs K O Humphries)	Risdon & Co 25 March 1971	0/279	Animal numbers excessive
/256	8 (Mr F S Lee)	Risdon & Co 25 March 1971	0/271	Animal numbers excessive
/257	No 11 (Mrs G M Pollard)	Somerset County Council 25 March 1971	0/302	No right of quarrying
/258	No 50 (Miss N M Boles)	Risdon & Co 26 March 1971	0/151	Animal numbers excessive
/259	53 (Mr J E White)	Risdon & Co 6 March 1971	0/272	Animal numbers excessive
/260	59 (Mrs A N Capewell)	Risdon & Co 31 March 1971	0/278	Animal numbers excessive
/261	35 (Mr J S H Illingworth)	Risdon & Co 25 March 1971	0/152	Animal numbers excessive

D. Deemed objections to the Rights Section Entries in
consequence of Objections to the Land Section

File No	Objections to Rights Section Entries Nos 2 to 14 inclusive and 17 to 62 inclusive consequent on
0/262 to 284 inclusive	Objection Nos (262) 0/3, (263) 0/21, (264) 0/25, (265) 0/28, (266) 0/35, (267) 0/42, (268) 0/34, (269) 0/124, (270) 0/122, (271) 0/98, (272) 0/100, (273) 0/89, (274) 0/127, (275) 0/136, (276) 0/145, (277) 0/142, (278) 0/146, (279) 0/184, (280) 0/273, (281) 0/265, (282) 0/305, (283) 0/277, (284) 0/320

E. Deemed Objections to G.L. Rights Section Entries in
consequence of VG. registration

0/285 and 0/286	Rights Section Entry Nos 2-14 inclusive and 17-62 inclusive in consequence on the VG. 38 and the VG. 42 registrations
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SECOND SCHEDULE
(Representation at the hearing)

ational Trust for Places of Historic Interest and Natural Beauty	They made Objection No 0/3 and applied for Rights Section Entry No 38	Were represented by Mr G Courage FRICS of their Holnicote Estate Office
r J Luttrell of Dunster Castle, Dunster	Under a sale agreement his vendor Mrs A N Capewell made Objection No 0/21 and applied for Rights Section Entry No 59	Was represented by Mr G A Harker solicitor of Thorne & Thorne, Solicitors of Minehead as agents for Markby's Solicitors of London Wall
loyds Bank Limited	They made Objection No 0/25)	Were both represented by) Mrs A D Wilson solicitor of
rs K O Humphries	She made Objection No 0/35 and applied for Rights Section Entry No 7) Reed & Reed, Solicitors of) Bridgwater)
rs J White	She made Objection No 0/28 and applied for Rights Section Entry No 53	Attended in person and as representing her husband Mr J E White
Major T F Trollope-Bellew also his sone Mr A F Trollope-Bellew)	He made Objection No 0/42 and No 0/265	Were represented by Mr J E E Way solicitor (on the first day of the hearing) and Miss J E May solicitor (on the other days) of Risdon & Co, Solicitors of Taunton, Minehead and elsewhere
omerset County Council	They made Objection Nos 0/46 and 0/307 and are also the registration authority	Were represented by Mr J K Whitcutt their solicitor and by Mr T J Driver one of their legal assistants
r. W G King	He made Objection Nos 0/34 and 0/123	Was represented by Mr R W Morgan solicitor of Clarke Willmott & Clarke, Solicitors of Taunton
he Forestry Commission	They made Objection No 0/89	Were represented by Mr D F W Ungoed-Thomas of counsel instructed by the Solicitor of the Ministry of Agriculture & Fisheries
he Rt Hon Earl Beatty	His predecessor in title Mr N de B Priestley and Mrs A D Priestley made Objection No 0/98	Was represented by Mr C P C Ligertwood of Channer & Channer & Ligertwood, Solicitors of Taunton



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Mr B Bartlett	He made Objection No O/122 and applied for Rights Section Entry No 22	Was represented by Mr M R Rose solicitor of Clarke Willmott & Clarke, Solicitors of Wellington, Somerset
Mr E T Down	He made Objection No O/124	Was represented by Mr J E E Way and Miss J E May (see above)
Mr Anthony William Kirby and Mrs Daphne Anne Kirby and their successors in title Mr F M Bjergfelt, Mrs A J Bjergfelt	They made Objection No O/136	Were represented by Mr J W J Copeland solicitor of Forbes & Son, Solicitors of London EC4
Messrs Risdon & Co: also Mr T H Down (chairman of the Quantocks Commoners Association on whose behalf Messrs Risdon & Co made the said Objections)	They made Objection Nos O/151, O/152, O/271, O/272, O/273, O/278 and O/279	Were also represented by Mr J E E Way and Miss J E May (see above)
Royal Bank of Scotland of Edinburgh, Mrs M P Brereton and Mr Ian Brereton (the personal representatives of Mr J L Brereton)	He made Objection No O/184	Were also represented by Mr R W Morgan (see above)
Mrs L M Gliddon of Fairbeacon, Williton	As successor in title of her trustee Mr E R Siddle; he made Objection No O/273	Was also represented by Mr R W Morgan (see above)
Nether Stowey Parish Council		Were represented by Mr A F Tyler one of their members
West Quantoxhead Parish Council		Were also represented by Mr J E E Way and Miss J E May (see above)
Holford Parish Council	An application by the Parish Meeting is noted in the Land Section	Were represented by Mr A C Davidson
Over Stowey Parish Council	They applied for Rights Section Entry No 4	Were represented for part of the time by Mr F W Sayer their chairman and for part of the time by Mr C E Hunter and Mr E J Lovell two of their members
Spaxton Parish Council		Were represented by Mrs A J Stevens one of their members



Mr E W House	He applied for Rights Section Entry Nos 2 and 44 and an application by him is noted in the Land Section	Attended in person
Mrs G W Pollard	She applied for Rights Section Entry No 11 and an application by her is noted in the Land Section	Were both also represented by Mr R W Morgan (see above)
Mrs L G Routh	She applied for Rights Section Entry No 12 and an application by her is noted in the Land Section	
Mr R K Barrow	He applied for Rights Section Entry Nos 5 and 6 and two applications by him are noted in the Land Section	Attended in person
Mr T J Waterman	He and his brothers Mr J H Waterman and Mr R F Waterman and his sister Mrs E M Waterman applied for Rights Section Entry No 9, and an application by them is noted in the Land Section	Attended in person and as representing his brothers and sister
Mrs P N Hunter	She applied for Entry No 20 in the Rights Section and her application with reference to Over Stowey Customs is noted in the Land Section	Was represented by her husband Mr C E Hunter
Mr G B Thompson and Mrs E J Thompson as successors in title of Mr R A Knight	He applied for Rights Section Entry Nos 32 and 33	Attended in person
Mr A E Jowett	He applied for Rights Section Entry Nos 3 and 10	Attended in person
Mr E Hillman	He applied for Rights Section Entry Nos 21 and 29	Attended in person
Mr M H J Ham	He applied for Rights Section Entry No 30	Was also represented by Mr R W Morgan (see above)
Mr R W Stocken	He applied for Rights Section Entry No 43	Attended in person



Mr C H Stafford	He applied for Rights Section Entry No 52	Attended in person
Lady E P Gass	She being them Miss E P Acland-Hood applied for Rights Section Entry No 60	Was represented by Mr D Barke chartered surveyor of Savills, Surveyors of Wessex House, Wimborne, Dorset
Mr F J Stockham	He applied for Rights Section Entry Nos 61 and 62	Attended in person
The Trustees of the Butler Marriage Settlement	They withdrew from the proceedings on the second day	Were represented by Mr F N Pulpermacher solicitor of Alms & Young, Solicitors of Taunton
Mr John James Atkin Hayman (towards the end of the hearing)	He made Objection No O/146	Was represented by Mr R W Morgan (see above)

None of the persons above named attended on all 5 days of the hearing: many of them present only on the first day; in general each person only attended while the matter in which he was concerned was under discussion.

THIRD SCHEDULE (course of proceedings)

Plaintiff or witness and relevant Objection	Relevant part of Provisionally Registered Land or relevant Rights Section Entry	Documents produced or agreement reached
Mr K Whitcutt for West Somerset County Council and Mr E Hillman in person Objection O/302	Rights Section Entry No 29 as to right to take stone and gravel from the quarry at Quarry Breach	Agreed that Objection apparently applicable to Entry No "11/160" related not only to that Entry No but also to Entry No 29
Mr K Whitcutt for the County Council and Mr K Row in person Objection O/46	Rights Section Entry Nos 5 & 6	Agreed that County Council would not pursue this Objection
Objection O/264 made by Linton RDC	Rights Section Entry Nos 2, 6-12, 21-28, 30, 31, 33-38, 40, 41, 43-47, 50, 54, 56-59, 60 & 61	Mr Whitcutt produced a letter dated 22 September 1976 from West Somerset District Council (successors of the RDC) to the County Secretary enclosing a copy of answers dated 29 March 1951 to preliminary enquiries and a copy conveyance dated 30 August 1951 by Church Commissioners for England to the RDC



Ligertwood for
& Mrs Priestley in
support of Objection O/98;
on behalf of Earl Beatty their
successor in title

Kennels Cottages, OS 320, 321
and 322, about 3 acres south of
Quantock Lodge

Mr Ligertwood referred to a
conveyance (produced by
County Council) 11 July 1921
by C O Gallimore to County
Council of the Quantock Lodge
Estate containing 2,046 acres
1 rood 28 perches and
produced:-

1 August 1956: conveyance
County Council to Mrs M O
Wickham of said OS Nos
"Kennels Cottage, Keepers
Combe"

31 December 1958: conveyance
by Mrs Wickham to Mr J D and
Mrs H S Wilson

15 August 1962: conveyance by
Mr & Mrs Wilson to Mr N de B
and Mrs A D Priestley

19 January 1973: conveyance by
Mr & Mrs Priestley to David
3rd Earl Beatty

M R Rose for
B Bartlett
in support of Objection O/122

A triangular piece, the sides
about 100 yards long at Friarn
near Adscombe
OS 242

Mr Bartlett gave oral evidence
and produced:-

24 June 1951: conveyance
Sidney James Tucker to
B Bartlett of Adscombe Farm
(110.740 acres including
OS 242, part grass part
plantation 8.093)

21 October 1920: conveyance
(certified copy) by Charles
Osmond Gallimore to S T Tucker
of Adscombe Farm and other
land

Major G Courage on behalf
National Trust
in support of Objection O/3

Willoughby Cleeve, a strip
about half a mile long on the
northwest side of Hodders
Combe, Holford

Major Courage gave oral
evidence and produced:-

GC1: statement of evidence

GC2: copy of Objection plan

GC3: plan scale 1/2500 with
Schedule showing OS and Tithe
Nos and acreage of land
concerned

GC4: 29 March 1951 deed of
gift G A Falk to National
Trust

GC5: 2 November 1951
conveyance Randall & Son Ltd
to G A Falk



Courage for National
as above

Entry No 38

nitcutt for the County
il and Mr Hillman in
on

Entry No 29 Mr E Hillman of
right attached to Cross Farm
of estovers and turbary,
bracken and "the right to take
stone & gravel from the quarry
at Quarry Breach which is the
area of land inside the red
boundary line on Sheet 10b
and marked D

GC6: 26 October 1920
conveyance trustees of M/s B
St A Jenner to George Randall
& Sons Ltd

GC7: Tithe receipt

National Trust agrees that the
Commons Commissioner do
refuse to confirm this Entry

Agreed that Entry be modified
at least as regards quarrying;
see also Mr Hillman's letter
of 30 September 1976 TJD3
below

Day 2 Wednesday 6 October 1976

trustees of the Butler
Age Settlement

Mr Pulpermacher explained that
after talking to the County
Council he was satisfied that
his clients were not
interested in these proceedings

A D Wilson for Mrs K O
ries
ction 0/35 (evidence
supported Objection
made by Lloyds Bank
ted)

A bungalow (now Lark Rise)
garden and adjoining land (about
1 acre) at Pardlestone Hill;
OS 225 and 226

Mrs Humphries gave oral
evidence and produced:-
KOH1: conveyance dated 10
October 1969 from Lloyds Bank
Limited to Mr K O Humphries
of said OS Nos with Beach
Hayes Bungalow
KOH2: lease dated 15 July 1896,
J Hayman to L T Rowe

White for Mr J E
e
ction 0/28

Higher Durborough Plantation
and adjoining land about 20
acres in all being part of
Durborough Farm and south of
Aisholt Common

Mrs J White gave oral evidence
and produced:-
JW1: a map of Objection land
JW2: statement of areas of
land concerned

also produced (returned):-
23 January 1920: conveyance
by E A V Stanley and others to
C M House
10 May 1937: conveyance by
C M House to Miss O M Willis
27 October 1956: conveyance
Miss O M Willis to A C A Wright
25 July 1966: conveyance
Mr A C A Wright to J E White



J Drive for Somerset
County Council
Objection O/320;
land as described in
Paragraph (b) of Forestry
Commission Objection O/89

An irregular-shaped piece of
land nearly 2 miles long from
east to west and between 1 mile
and 1½ miles wide including the
Great Wood of the Quantocks
Forest being the part of the
Provisionally Registered Land
north of Aisholt Common and
north of the land described in
Objection O/34 and south of the
line about 100 to 150 yards
south of the Crowcombe-Nether
Stowey road

Engaged Thomas of counsel
Forestry
Commission Objection O/89

(a) an L-shaped piece a little
more than 1 mile long including
Staple Plantation and much of
Weacombe Combe south of West
Quantoxhead and (b) the same
land as described in O/320, see
above

26 August 1972: deed of gift
by Mr J E White to Mrs J
White, both of Durborough Farm

TJD1: 11 July 1921, conveyance
C O Gallimore to County Council
of Quantock Lodge Estate
containing 2046 acres 1 rood
28 perches

TJD2: 28 September 1976,
letter by Reed & Reed on
behalf of Mrs K O Humphries
conceding Objection 320

TJD3: 30 September 1976,
letter Edward Hillman agrees
to withdrawal of County land
and Forestry Commission land

TJD4: 23 September 1976,
general letter sent to all
persons who applied for
Entries in Rights Section
TJD5: plan attached to above
letter

Mr E Harrison, HEO of the
Legal Department of the
Forestry Commission gave oral
evidence and produced:-
EH1: map of Sevel Wells Wood
and Quantock Forest for
agreement 10.5.1922 and for
lease of 31.12.27 by Somerset
County Council and map of
Beacon Hill and Staple
Plantation at West Quantoxhead
EH2: deeds and documents
below mentioned A-K
Quantock Forest (Main Block)
A. 10.5.1922 Agreement
Somerset County Council to
Forestry Commissioners 1,540
acres
A(1). 31.12.1927, lease for
999 years ditto
B. 31.12.1927, lease Somerset
County Council to Forestry
Commissioners for 999 years of
Parish's cottages 1.225
C(1). 4.5.1932, answers to
requisitions of title relating
to Govett's Wood 18.216 acres
by solicitors for Lord
Clifford



- C. 30.6.1952, conveyance by W H Baron Clifford and his trustees of Govett's Wood 18.206 acres to Forestry Commissioners
- D(2). 23.7.1937, requisitions of title relating to Cockercombe Cottages 0.9 acres by Somerset County Council
- D(1). 30.8.1937, statutory declaration by E G Pratt relating to Cockercombe Cottages
- D. 31.8.1937, conveyance by Somerset County Council to Forestry Commissioners of Cockercombe Cottages
- E. 25.3.1966, lease by Somerset County Council to Minister of Land and Natural Resources for 999 years of land 7.301 acres
- F. 19.1.1973, conveyance by Minister of Agriculture, Fisheries & Food to Rev and Mrs S H Maslen of No 2 Cockercombe Cottages 0.510 acres
- G(1). 19.4.1974, answers to requisitions relating to Parish's cottage 1.225 acres by Somerset County Council to Ministry of Agriculture, Fisheries & Food
- G. 3.9.1974, conveyance by Somerset County Council to Minister of Agriculture, Fisheries & Food of freehold reversion of Parish's cottages St Audries Block (Part)
- H(2). 25.11.1925, answers to requisitions on title relating to 524.464 acres (land and cottages) by solicitors for W A Towler
- H(1). 10.12.1925, answers to requisitions on title ditto
- H. 31.12.1925, conveyance by A P Baron St Audries, his trustees, W A Towler to Forestry Commissioners of 524.464 acres



I. 2.9.1954, lease by A N Hickley and another to Minister of Agriculture, Fisheries & Food for 999 years of 32.987 acres
J. 12.9.1956, lease supplemental to I of land 0.625 acres
K. 25.8.1959, conveyance by Minister of Agriculture, Fisheries & Food to Williton RDC (Sale off) of land and reservoir 0.420 acres
EH2 (bis): abstract dated 1924 of title of St Audries Estate
EH3 and EH4: particulars of sale of 946 acres forming St Audries' Estate 11 February 1925 together with plan referred to
EH7: extract from West Quantoxhead Tithe Award dated 3 June 1841 with accompanying map
EH8: extract from Over Stowey Tithe Apportionment Award date 30 September 1839 and accompanying map

W C Copeland supporting About 2 $\frac{1}{4}$ acres of land west of section O/136 by Mr & Mrs the hotel in Holford Combe, Kirby south of Holford

JWJC1: location map
JWJC2: complete copy of below mentioned conveyance of 24 June 1926 (loaned by Clarke Wilmott & Clarke solicitors letter produced RWM12 below)
JWJC3: abstract of title of Mr & Mrs B J Snell to Combe House, Holford commencing with conveyance dated 24 June 1926 by Mr M S Hayman to J J A Hayman
JWJC4: 3 July 1969, conveyance by Mr & Mrs Snell to Mr & Mrs A W Kirby
JWJC5: plan 1/2500
JWJC-: 26 March 1976, conveyance by Mr & Mrs A W Kirby to Messrs F M, A J and R F Bfergfelt
JWJC6: 24 March 1976, statutory declaration declared by Mr & Mrs Kirby
JWJC7: extract of Tithe map



ngoed-Thomas of counsel
Miss May solicitor: as
rds Objection 0/89
by Forestry Commission

L-Shaped piece of land at
Quantoxhead as above described
at (a) against Objection 0/89

JWJC8:, 9 & 10: certified
extracts from 1840 Kilve
Tithe Apportionment Award

They stated that West
Quantoxhead Parish Council
(being a concerned authority
entitled to be heard) and the
Forestry Commission were
agreed in effect that (on the
basis of no other person
objecting) the planted area
of the L-shaped piece (a)
should not be included in the
Properly Registrable Land,
such planted area being the
land so shown on plan EHL and
that the Properly Registrable
Area included the remainder
of the Objection land and in
particular included the small
triangular piece at the head
of the arrow marked with the
letter "I" on the said plan

ngoed-Thomas
inues to support
ject to the agreement
Miss May above recorded)
ction 0/89 by the
stry Commission

(a) L-shaped piece of land south
of Quantoxhead above described and
(b) an irregular shaped piece of
land nearly 2 miles long; see
above in respect of 0/89 and 0/32
0/320

Mr A J Greswell, farmer
Mr R G Derrick, forest officer,
Mr Leslie Thomas John
Thompson, forester, Mr A J
Bellamy forest worker gave
oral evidence and produced:-
RCD1: plantation of CL. 10
land since 1922
RCD2: plantations of para (a)
part of Provisionally
Registered Land since 1922
RCD3: plantations of para (b)
of Provisionally Registered
Land since 1922
RCD4: copy memorandum dated
15.10.26 by Divisional Officer
as to acquisition and planting
by Forestry Commission

LTJT1: map of para (a)
Objection area

F Tyler on
f of Nether Stowey
sh Council

Rights Section Entry No 13:
estovers, turbary and cutting
bracken on behalf of house-
holders of Nether Stowey

Oral statement as to the
special position of the
inhabitants of Nether Stowey



Day 3. Tuesday 12 October 1976

s J E May
support of Objection
2 and

Hurley Beacon, an area of about
1 mile long and in places about
 $\frac{1}{2}$ a mile wide, extending from
Halsway Combe on the west
nearly to Crowcombe Combe Park
gate and being north of
Crowcombe

Major Trollope-Bellew gave
oral evidence and produced:-
Certified extract from
Crowcombe Inclosure Award
dated 20 April 1780 made under
Crowcombe Heathfield and
Heddon Inclosure Act 1776
(original made available by
County Record Office)

ection 0/265

A narrow strip of land
extending from Crowcombe Combe
Gate to a little north of
Crowcombe Park gate up to the
0/42 land as above described

Conveyance dated 25 March 1974
by Major T F Trollope-Bellew
and his trustee to Mr A H
Trollope-Bellew with detailed
plan

8 December 1947: vesting deed
in favour of Major T F
Trollope-Bellew in the trusts
of a settlement created by the
will of Miss E M Trollope of
"The Estates known as the
Crowcombe and Clatworthy
Estates"

G A Harker for
J T Luttrell in
support of Objection 0/21
his predecessor in
the Mrs A N Capewell

L-shaped piece about half a
mile on Thorncombe Hill, north
of Paradise Farm about 2 miles
southwest of Bicknoller

Mr Harker gave oral evidence
and produced:-
GAH1: objection plan with land
to the north end cross
hatched
GAH2. 1839 Bicknoller Parish
Tithe Award and Award map
(certified extract)
GAH3: 22 december 1953,
conveyance Mr A Capewell to
Mrs A N Capewell
GAH4: OS map 1/2500 of ST1239
to 1339 (showing Thorncombe
Hill
GAH5: 23 September 1946,
conveyance by Mr G O Suppanich
to Miss V C Macnaughton and
Miss E M R Hill
GAH6 & 7: 1843 Stogumber
Parish Tithe Award and map
(extract)
GAH8: 1934 abstract of title
of M M Y Thompson to
Thorncombe, Crowcombe
GAH9: 7 October 1934 conveyanc
by M M Y Thompson and her
trustee to Mrs S S H Suppanich



Morgan in support for
objection No O/184 made by
J L Brereton (he died
December 1973)

(a) an L-shaped piece north and
east of piece (the O/127 piece)
being about 1½ acres of land now
occupied by a house and garden
and paddock at Holford

(b) Land at Powis Wick between
the piece (the O/3 strip about
half a mile long known as
Willoughby Cleeve)

Morgan on behalf of
M E Snell
objection No O/142. Now
concerned with
Cleeve Cottage, asked to
include grounds of objec-
tion to include OS Nos
11 and 12

(a) about 20 acres of wood and
grass land on the east side of
the road from Holford leading
up to Holford Combe (being OS
150, 157 pt and 159)

(b) Cleeve Cottage and what
was Hodderscombe Lodge with
about 1 acre of land held
therewith northwest of the
Bowling Green (being OS Nos
8 and 9)

Morgan for Brigadier
Mrs H L S Young in
support of O/142 as
successors of Mrs Snell
at Wychwood

Wychwood (formerly Hodderscombe
Lodge) and land held therewith
southwest of the Bowling Green
at Holford

Morgan on behalf of
W G King in support
of O/34 and O/123

Land at Wills Neck and Middle
Hill

Mrs M P Brereton gave oral
evidence and produced:-
MPB1: 1839 Tithe Apportionment
Award for Kilve
MPB2: 1839 Tithe Apportionment
Award for Stringston
MPB3: a statement by Mr J L
Brereton deceased relating to
New Ground

Mr Morgan asked that the
Objection grounds be amended
so as to include OS 5 and 11.
Mrs Snell gave oral evidence
and produced:-
MES1: 31 July 1970 conveyance
by V E D'Aubuz to M E Snell
of (1) OS No 8 (formerly
End now
Wychwood and (2) Cleeve
Cottage, OS No 9.
MES2: 9 July 1971 V E D'Aubuz
to Mrs M E Snell of OS Nos
11 and 5
MES3 & 4: 1841 Holford Tithe
Apportionment Award and map
Somerset Record Office)
MES5: 29 May 1968 conveyance
S J A Hayman to Mrs M E Snell
MES6: 30 September 1976
affidavit sworn by Mr J J A
Hayman

Brigadier Young gave oral
evidence and produced:-
HLSY1: 1 July 1972 conveyance
M E Snell to H L S and N de
V Young
HLSY2: 19 August 1976
statutory declaration by J J
Hayman exhibiting copy of
conveyance dated 9 July 1929
of OS No 8

Mr King gives oral evidence
and produced:-
WGK1: 1843 Tithe Award for
Aisholt
WGK2: copy of part of plan
on conveyance (2 sheets
36" x 36")



Morgan on behalf of
S M Pollard
Driver on behalf of
County Council with
reference to Objection
O/2 (no right of
quarrying)

Entry No 11 Mrs G M Pollard

Miss J E May for
E T Down
Objection O/124

(a) Land about $\frac{3}{4}$ of a mile
long and half a mile wide north
of Halsway Manor Farm

(b) A small piece about 150
yards square to the northwest

Mr J White for herself
Mr J E White against
Objection O/34 made by
King

Aisholt Common

Morgan on behalf of
King and Mrs Gliddon
support of
Objections O/305 (Mr King)
O/273A (Mr Siddle)

(305) Land about 250 yards long
adjoining Rectory Plantation,
West Quantoxhead

(273/A) Land about 120 yards by
60 yards adjoining 305

Miss J E May for West
Quantoxhead Parish
Council against above
mentioned Objections of
King and Mr Siddle

WGK3: 19 May 1945 conveyance
by W Winterbotham to W G King
of Bagborough House Estate of
(1) land of 749a 1r 2p
(2) land 178a 3r
(3) turbary containing 119a
2r 30p

As to West Bagborough
Inclosure Award see below

Agreed that quarrying shall
be limited to pink on the
Compromise Map marked O/302
and that Commons Commissioner
confirms Entry with
additional words in column 4
so as to give effect to such
compromise

Miss May gives oral evidence
producing:-

JEM1 & 2: Stogumber Tithe
map 1842

JEM3: copy of Objection map
30 September 1873: conveyance
by J Crang and others to
C E Rowcliffe or Halsway Farm
160a 1r 9p and also Halsway
Hall containing 223a 1r 3p.
12 May 1960: conveyance J L
La T Marden and others to
Sir J J F Boles of land
containing 54.796 acres
26 September 1962: conveyance
by Sir T J F Boles to E T Down
of (1) land containing 54.796
acres and (2) land containing
44.095 acres

Mrs White gave oral evidence
and produced:-

JW11: plan of Middle Hill etc
JW12, 13 & 14: photographs of
ponies and a dog

Mr King gave oral evidence
and refers to the plan No
(WGK11) on Objection O/305

Miss May gave oral evidence in
the course of which she
produced:-

JEM21: 1 December 1951 notes
by Gerald Wills MP as to
fencing of Quantock Common



JFM22: December 1967 map of West Quantoxhead showing Tithe nos superimposed on map
JFM23: 21 January 1976 decision in 232/D/117-135

E W W Watts in support of the two VG registrations

Bowling Green, Holford(VG.38)
Butterfly Combe, Holford(VG.42)

Mr Watts gave oral evidence

Stowey Parish Council represented by Councillors Hunter and E J Lovell

Rights Section Entry No 4 estovers, turbary and cutting bracken over Over Stowey Customs (part of Provisionall Registered Land); Rights Section Entry Nos 14, 15, 16 and 32

Mr Hunter says that a mistake has been made in this Entry which ought to be rectified and produced 30 September 1939 Tithe Apportionment Award for Over Stowey (from Somerset Record Office)

Miss May for East Quantoxhead Trust Co Ltd in support of Objection 45

9 Pieces of land at Perry

Miss May gave oral evidence and produced:-
5 May 1839: Tithe Award for East Quantoxhead

Watts in support of proposed amendment to O/142 by Mrs Snell

Lands at Holford OS Nos 5, 6, 7, 10 and 11

Mr Watts made a statement about Orchard House

County Council Archivist Department

Original West Bagborough Inclosure Award dated 28 February 1810 produced for detailed examination

Day 5. Thursday 14 October 1976

R W Morgan for J J A Hayman in support of Objection No 146

Land in Holford Combe, south of hotel and north of Butterfly Combe OS Nos 21 and 157 pt

Mr Morgan gives oral evidence and produces:-
RWM11: The Objection land; Mr Hayman still owns OS 157pt but OS 21 is now owned by Mr Bjergfelt
RWM12: 24 June 1926 (same as JWC2 above) includes Objection land

Barke for Lady Gass (formerly Miss Acland and)

Bowling Green VG. 38 and Butterfly Combe VG. 42

Mr Barke says that Lady Gass as owner would be happy if the VG. 38 was to remain on the Register; as to VG. 42 from the nature of the ground he did not feel that it is a village green

Miss J E May on behalf of Dodson & Co who made below stated Objections on behalf of Mr T H Down (Chairman of Quantock Monomers Association)

The relative Rights Section Entries are:-

Objections appear to have already been met by appropriate alterations having been made in the Register



- 1: should be 130 sheep No 50 (Miss N M Boles):
130 sheep interchangeable on
basis 4 ewes = 1 cow or pony
- 2: should be 150 sheep No 35 (Mr J S E Illingworth):
150 sheep with lambs inter-
changeable 1 bovine or equine
= 4 ewes
- 1: should be 36 sheep No 8 (Mr F S Lee): 36 ewes
interchangeable on basis 4 sheep
= 1 cow or pony
- 2: should be 215 sheep No 53 (Mr J E White): 215 sheep
interchangeable on basis of 4
sheep = 1 cow or pony
- 8: should be 219 sheep No 59 (Mr A N Capewell): 219
sheep interchangeable on basis
4 sheep = 1 cow or pony
- 9: should be 8 ewes or No 7 (Mrs K O Humphries):
8 goats or ewes and 2 pigs
interchangeable at rate of
4 sheep

J E May on behalf
Wisdon & Co who made
objection 0/277

Thorncombe Hill between
Paradise Combe and Halsway
Combe

Miss May said the Objection
was made on behalf of Mr E T.
Down and is now withdrawn

E W House in support
registration against
objection 0/273B made by
Wisdon & Co as agents for
Down, chairman of
Quantock Commons Associa-
tion. Annual numbers
proposed: size of holding
not support the
numbers claimed: numbers
should be 60 and 6 sheep
respectively for Entry
2 and 44, inter-
changeable on basis 4
sheep = 1 cow or pony

Entry No 2:- Attached to
Bincombe Farm, pasturage for
(a) 1500 ewes and rams with
their 1500 lambs, wethers and
ewe hogs and (b) 50 ponies with
their 50 colts, fillies and
2 stallions or 50 cows with
their 50 calves and 2 bulls:
also estovers (connecting area
CL. 85 land)

Entry No 44:- Attached to land
at Bincombe, pasture for 50
sheep or 5 ponies, inter-
changeable on basis of 1 pony
= 10 sheep: also estovers
(continuation over CL. 85 land)

Mr House gave oral evidence
produced:-
EWH1: 16 March 1951 conveyance
W D Dance and his mortgagees
to E W House of land with
milking bay, cattle shed and
pigsty lately forming part of
Bincombe Farm containing 42
acres 1 rood 39 perches
"TOGETHER with common of
Pasture for all manner of
beast and cattle upon Quantock
and also reasonable estovers
to be cut down and taken in or
upon the waste of Quantock
aforesaid and all other
commonable right (if any) to
the said premises or any part
thereof incident belonging or
appertaining and that in as
large and ample a manner as
heretofore has been usually
taken and enjoyed."

And referred to EWH2 Register
map 10b and produced:-
EWH3: 14 & 15 August 1919
Auction Sale particulars of
Quantock Estate nearly 8000
acres 30 excellent farms etc
And Mrs C A P House also gave
evidence.



J E May for Risdon
and T H Down in
support of above Objection
73/B

Ditto

House in reply

Ditto

Calls no evidence, but relies on the other Entries in the Rights Section to which Mr House makes no objection and which will therefore be confirmed and also on the general law applicable to rights of common

Mr House gives further oral evidence and produced:-
27 December 1969: conveyance by S and D E W Coles to E W House of 4 $\frac{1}{4}$ acres being OS No 16 as shown on conveyance dated 28 June 1951 from Dance to Coles (the land referred to in Entry No 44 is this OS No, so Mr House now owns all Bincombe Farm)
1951: abstract of title of W D Dance including an abstracted conveyance dated 23 November 1948 by H M J Cavell to W D Dance of Bincombe Farm 49 acres 3 roods 5 perches with "common of pasture for all manner of beasts or cattle upon Quantock ... and all other commonable right (if any) to the said premises incident belonging or appertaining and in as large and ample a manner as heretofore usually been taken and enjoyed.
Also 1950 abstract of title of W D Dance including a mortgage dated 16 July 1921 by H Cavell to E Trevor with wording as same above quoted

J J Driver for County
Council as registration
authority as regards
section 0/151, 0/152,
0/171, 0/272, 0/278 and
0/279 see above

Rights Section Entry Nos 50,
35, 8, 53, 59 & 7: see
above

All Entries have been modified in accordance with Objections: references were perhaps all a mistake. As to Entry No 50 produced 4 September 1970 confirmation signed by Miss N M Boles reduction to 130 sheep (interchangeable on the basis of 4 sheep = 1 cow or pony)



FOURTH SCHEDULE

(Land under this decision to be removed from the Register Unit CL. 10)

Exact description	General description for purpose of identification
All the land comprised in Register Unit No VG. 38 Except as below mentioned all the land referred to in the following Objections by reference to the map or plan therein specified	Bowling Green, Holford
Made by National Trust; area shown on plan annexed	Willoughby Cleeve, Holford
1 Made by Mrs A N Capewell: land marked black on the enclosed plan therein referred to	Thorncombe Hill, Bicknoller
5 Made by Lloyds Bank Limited: land coloured blue on attached plan (Note: same land as O/35)	Lark Rise, Pardlestone
8 Made by M E White: land shaded blue on attached plan (Note: east part overlaps O/38)	Durborough Plantation, Aishol
4 Made by W G King: land coloured pink and orange on plan C ("the property in the Quantocks owned by Mr W G King") attached to Objection. (Note: east part of this land overlaps O/28. Note also land coloured green on the said plan is excepted, see below)	Land north of Wills Neck and land east of Wills Neck, Bagborough
5 Made by Mrs K O Humphries: edged pink on the attached plan (Note: same land as O/25)	Lark Rise, Pardlestone
2 Made by Major T F Trollope-Bellew; edged red on the attached plan	Hurley Beacon
9 Made by Forestry Commission (a) Edged green on OS sheet XLIX attached (Note: same land as O/320) (b) Edged green on OS sheet XLVIII attached (Note: planted area only, so much of the land so edged is excepted, see below)	Wells Wood, Great Wood, Florrey Down, Cockercombe etc at Over Stowey Staple Plantation, Vinny Combe Plantation and Round Plantation at West Quantoxhead
8 Made by N de B and A D Priestley edged blue on the attached plan	The Kennels Cottage, south of Quantock Lodge
22 Made by B Bartlett: land verged red on attached plan	Friarn
24 Made by E T Dean: land edged green on attached plan	Two pieces north of Higher Halway



- 27 Made by L P Mantle: land verged red on enclosed plan
Northeast of Bowling Green, Holford
- 36 Made by Mr & Mrs A W Kirby: verged red on the attached plan
Land west of hotel in Holford Combe
- 42 Made by B J Snell: edged red on attached plans (two)
OS 150, 159 part 157, east of Holford Combe and OS 8 and 9 north of track leading westwards from Bowling Green at Holford to Willoughby Cleeve
- 45 Made by East Quantoxhead Trust Company Limited: land coloured pink on attached plan
Eight pieces at East Quantoxhead
- 46 Made by J J A Hayman: land edged red on plan
OS 21 and part 157, Holford Combe, Holford
- 84 Made by J L Brereton: land edged red on plan A and edged red on plan B
North and east of O/127 land and New Ground, Holford
- Land not referred to in any Objection
- Land at Holford being plot nos 5, 6, 7, 10 and 11 on the OS map (containing .351, .191, .667, .255 and .712 acres)
Adjoining to and west of the Bowling Green, Holford

EXCEPTIONS

(Being land which notwithstanding anything else in this Schedule is to remain on the Register)

- The land edged blue on the plan attached to Objection No O/123 made by W G King
Wills Neck, Bagborough
- The parts of land edged green on OS sheet XLVIII attached to Objection No O/89 which are not shown on the Register map as planted including in this exception the small triangular piece at the head of the arrow marked with the letter "I" on the plan EHL. Note: a copy of the plan EHL will be annexed to the notice which will be given to the registration authority under section 5 of the 1965 Act pursuant to this decision
Unplanted parts of Beacon Hill, Vinny Combe and Weacombe at East Quantoxhead

FIFTH SCHEDULE

Modifications to Rights Section Entry Nos 3-14, 17-37, 39-43, 45-46 to be made pursuant to this decision

As regards each Entry which is of or includes a right other than a right of turbary being a right which but for this modification might be exercised over the whole or



any part of the land edged blue on the plan attached to the Objection 123 made by Mr W G King (Wills Neck), column 4 shall be modified as regards each and every such right (not being a right of turbary) by excluding the said edged blue land from the land over which the right extends.

As regards Entry No 11 (Mrs G M Pollard) column 4 shall be modified so as to show that the right to quarry is limited to the land coloured pink on the compromise map Objection O/302. Note: a copy of this plan will be annexed to the notice which will be given to the registration authority under section 5 of the 1965 Act pursuant to this decision.

As regards Entry No 29 (Mr E Hillman), column 4 shall be modified by deleting the words "and the right to take stone and gravel from the quarry at Quarry Breach which is the area of land which is within the red boundary line on sheet no 10b and marked D".

Dated this 3rd day of March

1977

a. a. Baden Fuller

Commons Commissioner