



In the Matter of Pieces of Land between Meadlands  
and Nupdown Farm in the parish of Hill

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 189 in the Register of Common Land maintained by the former Gloucestershire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Major Richard Jenner-Fust claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bristol on 16 April 1980.

Major Richard Jenner-Fust ("the Claimant") appeared at the hearing.

The pieces of land ("the Unit land") comprised in the Register Unit, form verges on each side of a stretch of roadway between Meadlands and Nupdown Farm in the parish of Hill. In 1609 the lordship of the Manor of Hill was purchased by a member of the Fust family and in 1867 there was an Inclosure Award to Herbert Jenner Fust of land which included the greater part of the Unit land.

The Claimant claims ownership as tenant for life of the Hill Court Estate and Lord of the manor of Hill. Title Deeds commencing with a Mortgage of 29 November 1852 and ending with a Vesting Assent in favour of the Claimant dated 3 July 1964 have been produced, and I am satisfied as to the Claimant's title to the property comprised in the Assent. It is not possible to identify the Unit land as part of the freehold lands specifically described in the Assent or earlier deeds, though those lands do include areas of land adjoining Meadlands and the southern ends of the Unit land.

Evidence was given by the Claimant and by Mr Arthur Allen, who farms on land lying to the east of the Unit land, and who grazes cattle on both the verges and uses them as a right of way. He has paid rent since 1948 which has been received by the trustees of the Estate and since 1963 by the Claimant as tenant for life.

On this evidence I am satisfied that the Claimant is the owner of the land, and I shall accordingly direct the Avon 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

20 May

1980

*L. J. Morris Smith*

Commons Commissioner