



COMMONS REGISTRATION ACT 1965

Reference Nos. 14/U/89
 14/U/90
 14/U/91
 14/U/93

In the Matters of (1) land on either side of Marsh Land, (2) land opposite Firgrove House, (3) Church Green, and (4) land south of the Eversley/Bramshill Road, all in Eversley, Hart D., Hampshire

DECISION

These references relate to the question of the ownership of (1) land (a tract of about 2.5 acres) on either side of Marsh Lane, (2) land (a tract of about 1.99 acres) beside the road opposite Firgrove House, (3) land known as Church Green (a tract of about 1.2 acres), and (4) land (a tract of about 0.72 acres) to the south of the Eversley/Bramshill Road, all in Eversley, Hart District being the lands comprised in the Land Section of Register Unit (1) No. CL.62, (2) No. CL.63, (3) No. CL.64 and (4) No. CL.65 respectively in the Register of Common Land maintained by the Hampshire 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 Solicitors acting for the Trustees of the second Lord Brocket deceased (all the registrations had been made pursuant to an application made by Mr J.C. Catt as agent for his Executors) wrote to the Clerk of the Commons Commissioners saying that they had inspected the deeds and were of the opinion that each of the properties the subject of these references falls outside the land acquired by their Clients' predecessors, that accordingly they were not in a position to prove ownership and that a conveyance dated 22 December 1949 conveyed to Brocket Estates Limited their Clients' predecessors "all the manorial rights attaching or reputed to attach to the Lordship of the Manor of Eversley including all rights to or over the common verges and wastes of the said Manor ..."; and Solicitors acting for Dr and Mrs W.W.H. Clarke of Brooklands, Marsh Lane wrote to the Clerk saying that their Clients claimed to be freehold owners of the land referred to in Register Unit No. CL.62, so far as the same fronts their property. No other person claimed to be the freehold owner of the lands in question or to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Winchester on 15 October 1974. At the hearing Eversley Parish Council were represented by Mr J.E.G. Todd, their chairman. After the hearing the Solicitors acting for Dr and Mrs W.W.H. Clarke wrote to the Clerk apologising for their absence at the hearing and saying that their clients having been advised by counsel, had decided to abandon their claim.



- 2 -

Mr Todd said (in effect):- The Parish Council could offer no evidence of ownership, although they would be prepared to accept ownership if offered. The tract CL.62 (verges on either side of the road) is wet swampy grass land, a strip along which flows a stream from a fish pond on the south to some ponds used for cattle on the north; the stream is played over by local boys. The tract CL.63 (a wide roadside verge) is dry grass land with some good oak trees on it. The tract CL.64 (Church Green) is a triangular piece of open land bounded on the east by a through motor road and on the west by a minor road leading to St Mary's, the Parish Church of Eversley; it is grass land with some oaks and as an amenity is much the best of the four tracts now under consideration. The tract CL.65 (a roadside verge) is grass land.

In the absence of any evidence I am not satisfied that any person is the owner of these lands and they will therefore remain subject to protection under section 9 of the Act of 1965. I have no power under the Act to vest the lands in the Parish Council merely because such a vesting may be expedient.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

28th

day of

November

1974

a. a. Baden Fuller

 Commons Commissioner