



COMMONS REGISTRATION ACT 1965

Reference No. 231/U/53

In the Matter of Stapeley Common,  
Chirbury

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DECISION

This reference relates to the question of the ownership of land known as Stapeley Common being the land comprised in the Land Section of Register Unit No. CL 80 in the Register of Common Land maintained by the Salop 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 the Trustees of the Powis Castle Estates ("the Trustees") claimed to be the freehold owners of the land in question ("the Unit land") 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 Shrewsbury on 27 March 1980.

At the hearing Mr D H G Salt, Solicitor, appeared on behalf of the Trustees.

The Unit land is a Common containing some 448 acres, over which there are 21 registered grazing rights, 19 of which have become final.

The paper title deduced on behalf of the Trustees consists of the following documents:- (a) Vesting Deed dated 1 December 1926 between (1) W E Montgomery and G W Clive (2) George Charles Earl of Powis whereby the freehold property therein described was declared to be vested in the Earl of Powis (as tenant for life of a compound settlement), (b) Probate dated 4 February 1955 limited to settled land of the will and codicil of the Earl of Powis granted to G W Clive and the Bishop of Norwich, (c) Assent dated 4 September 1956 between (1) G W Clive and the Bishop of Norwich ("the Executors"), (2) Edward Robert Henry Earl of Powis whereby the Executors assented to the vesting in the Earl of Powis of the property therein described, (d) Deed of Discharge dated 4 September 1956 between (1) G W Clive and the Bishop of Norwich (2) the Earl of Powis whereby the parties of the first part as Trustees of the Compound Settlement declared themselves discharged from those trusts, (e) Conveyance dated 10 November 1964 between (1) the Earl of Powis (2) D H G Salt and A B Thomas whereby the property comprised in the Assent was conveyed to Messrs Salt and Thomas on trust for sale, (f) Appointment dated 3 August 1965 between (1) the Earl of Powis (2) A B Thomas (3) D H G Salt (4) G C A Macartney and V M E Holt whereby, on the retirement of A B Thomas, Messrs Macartney and Holt were appointed new trustees jointly with Mr Salt of the Conveyance of 10 November 1964.

I am satisfied that this documentary evidence shows title in the Trustees to the property comprised in the documents. That property is described in the Vesting Deed and the Assent ((a) and (c) above): In the Vesting Deed the description is "the freehold property (generally known as the Powis Castle Estates) described in the Schedule hereto and all other (if any) the freehold property forming part of the said estates capable of being vested by this declaration and situated in the Parishes.....specified in the said Schedule or elsewhere.....". The Schedule



is in two parts, Part I comprises "the Barony of Powis Castle and All those manors or lordships of.....Chirbury, Waleot in Chirbury.....in the County of Salop" and Part II is a detailed list of the freehold lands in the various manors specified in Part I.

In the Assent the description of the property is in the same form.

The Unit land cannot be identified as part of the freehold lands which are in the detailed list; Mr Salt accepted this but submitted it passed with the lordship of the Manor of Chirbury and he produced an 1820 plan of the Manor of Chirbury from which it appeared that the Unit land was part of that Manor. No evidence was given of any acts of ownership by the lord of the Manor in relation to the Unit land.

Mrs A A Griffiths and Mr V L Powell, who have rights of common over the Unit land, appeared in person: they made no claim to ownership and though it appeared that they opposed the Trustees' claim they did not give evidence relevant to the claim.

In all the circumstances I think the right conclusion is that the Unit land was and continued to be part of the Manor of Chirbury and by virtue of Section 62(3) of the Law of Property Act 1925 was included in the Vesting Deed, the Assent and the Conveyance ((e) above). Accordingly I am satisfied that the Trustees are the owners of the Unit land, and I shall accordingly direct the Salop County Council, as registration authority, to register Denis Herbert Geoffrey Salt, George Charles Anthony Macartney and Vesey Martin Edward Holt as the owners 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

21 April

1980

*L. J. Morris Smith*

Commons Commissioner