



In the Matter of Teme's Green, Ashford Carbonel

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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 76 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 Mr C O Saxby and Mr T C Froggatt each claimed to be the freehold owner 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, (The original hearing at Ludlow on 23 January 1980 having been adjourned.) At the hearing Mr N Stott of the firm of JCH Bowdler and Sons, Solicitors, appeared on behalf of the personal representatives of Mr Saxby and no one else appeared.

The Unit land is a section of the River Teme, over which a right to fish and take gravel has been registered. Mr Saxby's claim was to ownership of one half of the section, on the basis that he owns the land adjoining the southern bank of the section.

As regards Mr Saxby's title to the adjoining land, I have seen an examined Abstract of Title commencing with a Conveyance dated October 1923 Between F C Jeffreys (1) T E Hicks and H J Stephens (2) and H Heape (3), which comprised land adjoining the river at the southern boundary of the Unit land and in fact included in the parcels half the bed of the river where it adjoined the land conveyed. After Mr Heape's death the land was by an Assent dated 9 February 1930, vested in his widow as tenant for life of the settlement created by Mr Heape's will: following her death in 1958, her executor by a Conveyance dated 1 August 1961, conveyed the land to Claude Owen Saxby. Mr Saxby died on 16 May 1979 and on 10 October 1979 Probate of his will was granted to Hilda Knowles Saxby and Henry Clayton.

On this evidence I am satisfied that Mr Saxby's Executors are the owners of the southern section of the Unit land up to the middle of the river and I shall accordingly direct the Salop County Council as registration authority to register them as owners of that section under S8(2) of the Act of 1965. As to the remainder of the Unit land, it appears that this was the part of which Mr Froggatt had notified his claim to ownership, but in the absence of any evidence I am not satisfied that any person is the owner, and it will therefore remain subject to protection under section 9 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