



COMMONS REGISTRATION ACT 1965

Reference Nos. 35/U/42
35/U/43
35/U/44

In the Matters of (1) Tye Green, (2) Fair Green, and
(3) Church Green, Glemsford, Baberg D., Suffolk

DECISION

These references relate to the question of the ownership of lands known as (1) Tye Green (three pieces), (2) Fair Green (two pieces), and (3) Church Green (two pieces) all in Glemsford, Baberg District being the lands comprised in the Land Section of Register Unit (1) No. VG.57, (2) No. VG. 58, and (3) No. VG. 59 in the Register of Town or Village Greens maintained by the Suffolk 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 no person claimed to be the freehold owner of the lands in question and no person claimed to have information as to their ownership. The County Council when making these references, stated that their Clerk had been requested to notify the Commissioner that Mr R.H.Oakley wished to claim ownership of Register Unit No. VG. 57; his Solicitors in a letter dated 17 June 1974 said (in effect) that what he wished to register was his right as an inhabitant of Glemsford to use the Village Green as a Village Green and not as a car park, that there was (so they had advised him) no justification for his ownership application, that in their opinion the ownership of the Green appeared to be vested in Mrs Tuthill as Lady of the Manor and that accordingly they had instructions from Mr Oakley to withdraw his application.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Bury St. Edmunds on 25 June 1974. Mr Oakley attended the hearing.

Mr Oakley confirmed his Solicitors' said letter. He produced a copy of a letter dated 13 November 1973 which he had written to the Parish Council, and a letter dated 22 November 1973 from their Clerk in reply in which it was stated that the Chairman was satisfied as to Mrs Tuthill's ownership.

Following the hearing the Clerk of the Commons Commissioners wrote to Mrs Tuthill stating that I would delay my decision in case she might think fit to make an application to me that the proceedings be adjourned so that she could produce evidence of ownership. Mrs Tuthill sent with a letter dated 28 August 1974 a statement which (so far as relevant was):- "The Beaumont Collection of Lordships of Manors. George Frederick Beaumont, Solicitor who died in 1928 owned the collection. Joseph Beaumont his father, Solicitor, County Court Advocate and authority on Manorial Rights started the collection. Horace Frederick Beaumont and John Lionel Beaumont, Solicitors, sons of George Frederick Beaumont inherited the collection, and sold it by auction in London in 1954. The catalogue prepared for the sale contains Summary from Edward I to George Frederick Beaumont ... Summary from George Frederick, Lord of the Manor 1888 - 1928 to the present owner Laura Tuthill: Lords of the Manor, Amy Beaumont 1928-1944, Horace Frederick Beaumont and John Lionel Beaumont 1944-1954, Major Ernest Noel Husbands 1954-1957, Norman Jesse Smith 1957-1967, Leonora Smith 1967-1970 Major William Francis Tuthill



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and Laura Tuthill 1970; Major Tuthill died on 14 January 1974. The deeds and documents of the Manor of Glemsford are now held by Laura Tuthill widow of the late Major Tuthill. The villagers of Glemsford should have registered their ancient rights in 1965 to Tye Green, Church Green and Fair Green; their rights for grazing, etc. At the moment a villager grazes his horse on one, and Tye Green is becoming a Gar Park. The villagers wish Tye Green to be protected. The late Major Tuthill who was accepted by the Council of Glemsford as Lord of the Manor, offered to contribute to the cost of small posts and chains to protect the green, and the villagers would have restored the grass, but the Council did nothing about it."

Mrs Tuthill in her letter hoped her enclosed statement would help me to make a decision, but did not expressly either claim ownership or ask me to adjourn the proceedings. However the Clerk of the Commons Commissioners wrote to her saying that on the information she had supplied I considered she would if I adjourned the proceedings be unable to adduce evidence of her ownership, because in my view there is no presumption that whoever is entitled to the Lordship of the Manor of Glemsford is also the owner of every piece of land in the parish of Glemsford which has under the Act of 1965 been registered as a town or village green; the clerk informed her that I would delay my decision so that she could if she thought fit submit further information.

No such further information has been received. So even assuming that Mrs Tuthill is entitled to the Lordship of the Manor of Glemsford and could if necessary formally prove her title in the way indicated in her statement, I cannot because I have no evidence that the lands in question appertain to the Manor conclude that they would under section 62 of the Law of Property Act 1925 under any conveyance of the Manor pass with the Manor. For this reason I am not satisfied that Mrs Tuthill or any other person is the owner of the lands, and I shall accordingly direct the Suffolk County Council as registration authority, to register Glemsford Parish Council as the owner of the lands under section 8(3) of the Act of 1965. I should I think record that I read with interest Mrs Tuthill's helpful statement (in addition to the parts above quoted, she set out some of the earlier history of the manor and listed the documents she holds), and I thank her for the time and trouble she has taken in preparing it. It may be that the Parish Council will as a result of this decision exercise the powers conferred on them by sub-section (4) of the section 3 of the Act of 1965 and thus give some effect to the wishes of the villagers as recorded by Mrs Tuthill.

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

7th day of November

1974

a. a. Baden Fuller

Commons Commissioner