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YOUR REF.

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22 January 1974

Dear Sir or Madam,

COMMONS REGISTRATION ACT 1965

As a claimant to rights of common which you have registered with the Hampshire County Council, under the Commons Registration Act 1965, over land known as Broxhead Common in the ownership of our client Mr A. G. P. Whitfield, you will doubtless be aware that the status of this land as 'common land' within the meaning of that Act is in dispute. Under the Act the matter falls to be settled by the Commons Commissioners who are expected to arrange a hearing sometime after 1st April this year.

You will also no doubt be aware that the crucial question for the presiding Commissioner will be whether the rights of Common which have been registered can be substantiated.

Apart from the fact that exhaustive research carried out on behalf of our client by a leading authority on these matters (Professor Denman of the Land Economy Department of Cambridge University) has revealed no evidence that supports these claims and little that is even consistent with their existence, it is already abundantly clear, from a perusal of the register that the number and extent of the rights claimed far exceed the capacity of the land in question. Some, moreover, are inconsistent either with other claims or even with the nature and character of the land itself. As Professor Denman has put it "The sum of the quantified rights claimed makes nonsense of any claim to their validity under custom. It would have been impossible to have worked the Manor if such rights were real".

It follows, therefore, that whatever the evidence that, unbeknown to our client, may exist to support some of these claims, a considerable proportion of them must be invalid. Unless some more of the 41 claims originally registered are withdrawn before the hearing it will of course be a prolonged and therefore expensive proceeding, and we are also anxious on behalf of our client to avoid incurring unnecessary expenses in investigating registrations which are not going to be supported by evidence before the Commissioner.

We are therefore writing to all those who have made claims in order to clarify the extent to which the individual claims

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are being actively pursued. It would help us greatly if you could let us know:-

- (1) which, if any, of the rights of common provisionally registered in your name will be supported by evidence before the Commons Commissioner;
- (2) If you do intend to pursue your registered claim, whether you could give us an indication, of the nature of the evidence on which you propose to rely and particularly whether you could let us have a sight of any document relied on.
- (3) whether you would be willing for us to arrange a meeting with you or your representatives at some convenient time and place to discuss the basis of your claim and of our client's objection, and to arrange for mutual exchange of documentary and other evidence;

If you have instructed or are intending to instruct a Solicitor or other professional representative to act for you in this matter you may prefer to give us his name and address so that we can contact him directly.

Although you are of course under no obligation to help us in the way we have suggested, it will help to save expense and shorten the proceedings before the Commissioner. As you will appreciate, if we are forced to incur unnecessary expense on behalf of our client in investigating a registration which is not ultimately pursued at the hearing, we shall be bound to seek an order for costs against the person who made the registration.

We enclose a stamped return envelope for your reply.

Yours faithfully,



A handwritten signature in dark ink, appearing to be 'S. W. R.', written in a cursive style. Below the signature is a horizontal line.