

the sheep rights (i.e. the right to graze specific numbers of sheep) and they were enjoyed by common, and the conveyancing was defective. However, no one was aware of this and everything carried on as before until the second world war, when part of the down was ploughed up and part used as a shooting range.

After the war, things reverted to the previous situation until the 1960's when the down was bought by a new owner, a company called Martin Down Limited. The man behind it was someone by the name of Taylor. Their solicitor, a man called Hawkins from Poole, delved into matters in detail, and decided that the old grazing rights no longer existed. From what I saw, I think that the conveyancing at the time of the sale had been sloppy, and the new owners could well have succeeded. They wanted to use the down for cattle grazing, which is not practicable if sheep also graze it, because they crop it much shorter than cattle can.

A number of farmers with grazing rights took legal action to establish their rights.. The lead plaintiff was Reginald White and other were Messrs. Baker, Densham, Frampton and Taylor (not related to the Taylor in the last paragraph)

Reg White originally instructed a firm of solicitors in Fordingbridge, and they in turn delegated the litigation to their London agents, a firm called Stafford, Clarke & Co. I cannot remember the name of the partner there who dealt with it, only that he was quite senior and a Common Councilman of the City of London.

One basis on which the Plaintiffs proceeded was that even if the rights had been accidentally extinguished at the time of the sale, they had since been acquired by continuous use for more than 40 (or subject to certain qualifications 20 years) years. The Defendants argued that even if this were the case the graziers did not have the right to bring vehicles on to the down bringing fodder, water troughs, dowsers etc and this argument had to be countered by proving that this had also been done for 20/40 years. It would have been impossible to continue grazing without doing this.

It was necessary to obtain evidence from local people that the right holders had exercised their rights for the last 40/20 years and so re-acquired them, and this could only be done by interviewing a substantial number of local people who could remember

The solicitors in Fordingbridge said that they did not have the manpower to do what was required, and Stafford Clarke searched for a local firm who could do this. At that time I was working for a firm in Salisbury called Whitehead, Vizard, Venn and Lush, who agreed to undertake the task. It was possible for them to re-allocate work so that I had time to do what was required (although it did involve a lot of hours over and above what was normal)

I interviewed many elderly local people including some who had moved away. Needless to say, their recollections were not always consistent, but we did gather sufficient evidence, on all the points mentioned above. Fortunately, some of the "old boys" could remember traction engines going on to the down with feed, water bowsers and shepherds huts. The Court case lasted for about two weeks. The

lead barrister was Peter Oliver. Q.C..The graziers were successful.

After this the owners decided to sell the down. The graziers did not have the funds to buy it, and there was some uncertainty as to its future.

Fortunately, the Nature Conservancy (as it then was) became aware of the fact that the southern part of the down was unique (or virtually so) in that it had never been ploughed up, and there were rare orchids growing there. After an interval , the Conservancy and Hampshire County Council purchased the down, and it became open to the public.

GORDON MAWMENT
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