77, Wolversdene Road,
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21st May 2012

Dear Angela,

Many thanks for your letter, and for giving me the chance to reminisce. I have been remembering bits at odd time and jotting them down on a piece of paper. I enclose a revised copy of my notes, containing all that I can remember at the moment. One thing I forgot to put in, was the actual date of the hearing. I cannot remember this precisely, but can only give an approximate date by reference to the date of my son's birth (26th June 1967).

We often stop at Martin Down, as our youngest daughter lives in Wool, and it is a convenient place to stop, change drivers and have a Thermos of tea.

I am glad that the case went the way it did, but I cannot take all the credit as I was only one of a team. Most credit must go to the farmers who were prepared to take the considerable risk of financing the action. Nevertheless, I would be dishonest if I did not say that I feel a pride in my part in helping to preserve the Down, and have expressed the wish that, when I die, my ashes are scattered there.

Yours sincerely,

Gordon Maidment

MARTIN DOWN

I was involved for several years (approx 1965 -1970) in High Court litigation concerning the right to graze sheep on the down. During this time, it almost took over my life, except that in the middle of it, my son was born. My wife was very worried that if the baby turned out to be a boy, I would insist on his being called Martin, but I did not and we called him James.

Martin Down had formed part of the Coote estate. Sir Eyre Coote (1726-1783) had been commander in chief in India. Many of the farms and cottages in the village of Martin had been part of the manor. I believe at least some of them had been up until the time of the sale "copyhold" (A type of feudal tenure, since abolished) but whether freehold or copyhold, they had the customary right to graze a specific number of sheep on the down, which was a manorial common. The word "common" at this time did not imply any public rights, merely that certain landholders had grazing rights *in common* with the others and the lord of the manor.

In the early 1920's the Coote family had financial difficulties and sold many of the farms and cottages, together with the common by public auction. It was intended that the farms and cottages should have the sheep rights (i.e. the right to graze specific numbers of sheep) that they had enjoyed by custom, but 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 iat 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-aquired 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.

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21/5/2012