



In the Matter of OS. Nos. 522(pt.), 523,
524, 525(pt.), 534(pt.), 582(pt.), and 583
(pt.), Doddington, Cambridgeshire

DECISION

This reference relates to the question of the ownership of land known as OS. Nos. 522(pt.), 523, 524, 525(pt.), 534(pt.), 582(pt.), and 583(pt.), Doddington, being the land comprised in the Land Section of Register Unit No. CL 42 in the Register of Common Land maintained by the Cambridgeshire 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 J H Burn and Mr S Redhead claimed to be the freehold owners of parts of the land in question 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 Cambridge on 18 February 1982.

At the hearing Mr Burn and Mr Redhead were represented by Mr W Kisby, Solicitor.

OS. No. 583(pt.) and the rest of OS. No. 583 were part of a single field which was purchased by the Minister of Agriculture, Fisheries and Food and conveyed to Mr Redhead by a conveyance made 22 June 1962 between (1) The Minister of Agriculture, Fisheries and Food (2) Stanley Redhead. Whilst the field was in the ownership of the Minister a dyke was dug parallel to the adjoining road, leaving a narrow strip cut off from the main part of the field, which strip has been included in the Register Unit.

The remainder of the land comprised in the Register Unit consists of narrow strips of waste land between roads and inclosed lands. There is a presumption that such waste land belongs to the owner of the adjoining inclosed land and not to the lord of the manor: see Doe d. Pring v. Pearsey (1827), 7B. & C. 304. However, this presumption is rebutted in the present case, since no rights of common have been registered in respect of these strips, so that they can only fall within the definition of "common land" in Section 22(1) of the Act of 1965 by being waste land of a manor. By a conveyance made 5 October 1920 between (1) George Sharman (2) Charles Wimpenny King the manor or lordship of Doddington was conveyed to Mr King. Mr King died on 7 November 1941, having appointed his wife Elizabeth King, his son Charles Noel King, and Harry Burn to be the executors of his will, which was proved on 17 December 1941. Mrs King died on 25 July 1951, Mr C N King on 28 August 1971, and Mr Burn on 21 August 1977. Mr J H Burn is the sole executor of the will of Mr H Burn. No assent under the will of Mr C N King has so far been executed.

On this evidence I am satisfied that Mr Redhead is the owner of OS. No. 583(pt.), and that Mr J H Burn is the owner of the remainder of the land comprised in the Register Unit, I shall accordingly direct the Cambridgeshire County Council, as registration authority, to register them as the owners of their respective parts of the land under section 8(2) 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 this

2nd

day of

March

1982

Chief Commons Commissioner