



COMMONS REGISTRATION ACT 1965

Reference No. 14/D/47 &
48

In the Matter of Chewton Common
Christchurch, Christchurch B.C.
Dorset

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entry No. 2 in the Rights Section of Register Unit No. CL.190 in the Register of Common Land maintained by the Hampshire County Council and is ~~is~~ ^{are} occasioned by Objections No. OB343 and OB345 both made by the Trustees of the Meyrick Trust and respectively noted in the Register on 6th October 1970. and 27th November 1970.

I held a hearing for the purpose of inquiring into the disputes at Dorchester on 9th July 1975. The hearing was attended by Mr. D. Harper senior assistant County Solicitor for the County of Dorset, Mr. P. Samuel on behalf of Christchurch Borough Council, and Mr. D. Milligan agent for the Meyrick Trust.

It was common ground that the land is and was at all material times waste, save only as to a small part on which a scout hut had been erected. The local authorities claimed that the land in question was at the date of registration common land as waste of a manor not subject to common rights. Mr. Hewitt who by Entry No. 2 in the Rights Section of the Register claimed a right of turbary did not appear to support his claim.

Mr. Milligan produced an Indenture dated 28th December 1804 made between Richard Debary of the ^{one} part and Sir George Ivison Tapps of the other part and an Indenture dated 29th December 1804 made between the same parties whereby the land in question, identified on a map published on 30th May 1872, was by lease and release conveyed to the said George Ivison Tapps by the said Richard Debary, then the Lord of the Manor of Somerford. In my view the effect of the said conveyance was to sever the land thereby conveyed from the Manor of Somerford so that it then ceased to be waste of that Manor.

Mr. Milligan further produced a Statutory declaration made the 28th May 1897 by Charles Thomas Arnold which declared, inter alia, that Sir George Ivison Tapps purchased the Manor of Somerford at auction on 10th January 1809 and that the same was conveyed to him by Deeds of Lease and Release dated 30th April and 1st May 1911. In my view the circumstance that Sir G.I. Tapps after he acquired the land in question also acquired the Lordship of the Manor of Somerford did not have the effect of imposing on the land in question the status of waste of the Manor.



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For these reasons I refuse to confirm the registrations at Entry No. 1 in the Land Section and Entry No. 2 in the Rights Section.

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 August

1975

C. A. Lett.....
Commons Commissioner