



COMMONS REGISTRATION ACT 1965

Reference Nos 210/D/107-114

In the Matter of Eype Down,
Symondsburry, Dorset (No 1)

DECISION

These disputes relate to the registration at Entry No 48 in the Land Section of Register Unit No CL. 48 in the Register of Common Land maintained by the Dorset County Council and are occasioned by Objection No 110 made by the former Dorset County Council, Objection No 221 made by Mr G A Lee, Objection No 224 made by Miss V D Flockhart, Objection No 225 made by Miss A M Flockhart, Objection No 226 made by Mr H J Flockhart, Objection No 309 made by the Symondsburry Parish Council, Objection No 314 made by Mr J Wills, and Objection No 228 made by Mr and Mrs R Billen and all noted in the Register on 9th August 1971.

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 2nd June 1971. The hearing was attended by Mr Tranter of Messrs Nantes and Wylde, solicitors, to whom I gave leave to appear on behalf of Mr A G Lee, the applicant for the registration, Mrs R Colyer and Mr and Mrs Billen, whose applications in respect of part of the land are noted in the Register, Miss V D Flockhart, Mr Flockhart and Mr Wills.

It was agreed by all those present that a strip of land at the northern end of the Register Unit fronting onto West Road had been included in error. This disposed of the Objections of Mr G A Lee, Miss V D Flockhart, Miss A M Flockhart, Mr H J Flockhart, and the Symondsburry Council.

In order to deal with the disputes relating to the remainder of the land comprised in the Register Unit it will be sufficient to consider the application of Mr A G Lee, since his is the only application which relates to the whole of that land. Mr A G Lee is the owner of Lower Eype Farm. His root of title is an indenture made 11th October 1914 between (1) Henry Syndercombe Bower (2) Thomas Lee, the parcels of which include a right of pasturage for 100 sheep on Eype Down. Mr Tranter frankly said that he was unable to adduce any evidence as to which land was covered by the expression "Eype Down". Mr Billen accepted that Mr A G Lee had a right to graze 100 sheep on the land which was the subject of the noted applications made by Mrs Colyer and Mr and Mrs Billen. In the absence of any evidence that the right conveyed by the indenture of 11th October 1918 extended beyond the land which was the subject of the noted applications, I cannot do more than confirm the registration with the following modifications:- namely the exclusion of the strip of land at the northern end of the Register Unit and of the land the subject of the Objections made by Mr and Mrs Billen and Mr Wills. These areas will be indicated on the plan attached to my notice of the final disposal of the registration.



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

15th

day of

June

1976

A handwritten signature in black ink, appearing to read 'G. J. L. Jones', with a horizontal line underneath.

Chief Commons Commissioner