



COMMONS REGISTRATION ACT 1965

Reference No. 10/D/2

In the Matter of Haythorn Common,
Horton, Dorset (No.2)

DECISION

This dispute relates to the registration at Entry No.1 in the Rights section of Register Unit No. C.L.17 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No.326 made by Clifford J. Thorne and noted in the Register on 3rd June 1971.

I held a hearing for the purpose of inquiring into the dispute at Wimborne Minster on 9th March 1972. The hearing was attended by Mr. A. Belcher, Clerk of the Horton Parish Council, and Mr. M.W. Horton, counsel for Mr.Thorne.

Mr.John Harness, of 111 Talbot Road, Bournemouth, applied to register as attached to "Canford Dene", 60 Wroxham Road, Branksome, the following rights of common:-

- (1) Right of common of pasture for one horse, one pony, one donkey, two goats, six geese
- (2) Right to keep four beehives
- (3) Rights of estovers, turbary, herbage, fuel wood, leaf mould, bracken, sand, gravel, berries, nuts, moss and heather over the whole of the land comprised in this register unit.

Mr. Harness did not appear and was not represented at the hearing, but a letter dated 2nd July 1971 to the objector was produced. In this letter Mr. Harness said:-

"My claim is based upon residential, cottagers' rights, ancient borough, parish, manorial, or prescriptive rights, and owners of the hereditaments referred to, have since childhood enjoyed common rights over these commonlands, as have their forebears before them".

Part of the land comprised in the Register Unit was conveyed to Mr. Thorne and his wife by the Shaftesbury Estates Company on 25th April 1951. Mr. Thorne, however, had known the land since 1910. In evidence Mr. Thorne said that the land which he owned was covered with bramble with a few trees on it. There is no turf and no bracken, and the land is not worth the expense of reclaiming for pasture. Mr. Thorne had never seen any animals grazing on it, nor had he ever seen any beehives. Similar evidence was given by Mr. Evelyn Rose Tubbs, who now lives in a house near to the land in question and has known the land since about 1927. Mr. Tubbs said that he did not know Mr. Harness and had never even heard of him before he made his claim.

In my view Mr. Harness's registration is entirely without foundation, and for these reasons I refuse to confirm it.



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I also regard this registration as frivolous, and I shall order Mr. Harness to pay to Mr. Thorne the costs incurred by him in respect of these proceedings to be taxed according to County Court Scale 2.

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 20th day of March 1972.

A handwritten signature in black ink, appearing to read 'G. S. Jenkins', written in a cursive style.

Chief Commons Commissioner