

COMMONS REGISTRATION ACT 1965



Reference No. 210/U/40

In the Matter of Kingdown,
Pamphill, Wimborne District,
Dorset

DECISION

This reference relates to the question of the ownership of land containing about 268 acres known as Kingdown, Pamphill, Wimborne District being the land comprised in the Land Section of Register Unit No. CL 70 in the Register of Common Land maintained by the Dorset 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 H J R Bankes claimed (his Agent's letter of 22 October 1979) that this land forms part of his Estate. No other person claimed to be the freehold owner of the land in question or 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 Poole on 19 June 1980. At the hearing Mr H J R Bankes was represented by Mrs R Mackworth, solicitor consultant with Gregory Rowcliffe & Co, Solicitors of London.

Mr E T Rhodes who is and has been since 1977 joint Land Agent to Mr Bankes, in the course of his evidence produced a statutory declaration made by himself on 31 January 1974 and to which was exhibited a plan of the Estate and in which he said of what the Estate had been possessed. He said (in effect):- He had little to add to what he had said in the declaration. The Principal House on the Estate is Kingston Lacy; it is just under a mile to the south from the south end of the registered land, near to which end is the north lodge of the House. The registered land is subject to two tenancies: Mr Purchase is tenant of the south portion and Mr Richards is tenant of the north portion; both these tenancies have been since the 1940's (some time during the war). Originally the land was ploughed up under a Cultivation of Lands Order made during the 1939-45 war; now it is in the main arable but there is a little bit of pasture on the northern portion. It is fully fenced by fences which surround it, which divide between the tenancies and which sub-divide it into several pieces.

After some discussion as to the title deeds relating to the Estate, I adjourned the proceedings to London to enable such deeds to be produced.

I held the adjourned hearing at London on 23 July 1980. At this hearing Mr Bankes was represented by Mrs Mackworth as before.

Mrs Mackworth produced a number of documents of title relating to the Estate including those below mentioned:- (1) a disentailing deed dated 16 July 1923 by which Mr H J R Bankes (then tenant in tail male in possession) disentailed the manors lands and hereditaments in Dorset and Cumberland then subject to a settlement dated 3 July 1855; (2) an order made on 8 February 1924 by the High Court of Justice by which it was ordered (among other things) that Mr Bankes as the absolute owner be let into possession of the rents and profits of the said 1855 Settlement Estate; (3) and (4) releases dated 5 March 1924 and 26 May 1927 by which the lands therein specified as being subject to the 1855 settlement were released from the jointure and portions therein mentioned; and (5) a settlement dated 17 September 1935 made on the marriage of Mr Bankes by which he charged the part of the Kingston Lacy Estate



therein mentioned with the payment to the Trustees of the sum therein specified. The said land dealt with by the said 1924 and 1927 releases and the said 1935 settlement included (as appears from the plans annexed thereto) the land in this Register Unit.

On the evidence given by Mr Rhodes at the June hearing and on the documents produced by Mrs Mackworth at the July hearing, I am satisfied that Mr Bankes is the owner of the land, and I shall accordingly direct the Dorset County Council, as registration authority, to register Mr Henry John Ralph Bankes of Kingston Lacy, Wimborne as the owner 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 4th — day of August — 1980.

a. a. Baden Fuller

Commons Commissioner