



## COMMONS REGISTRATION ACT 1965

Reference No. 210/U/31

In the Matter of The Grass  
Triangle, Alderholt, Wimborne  
District, Dorset

DECISION

This reference relates to the question of the ownership of land known as the Grass Triangle, Alderholt, Wimborne District being the land comprised in the Land Section of Register Unit No. CL 160 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 P F Gould said (his letter of 12 November 1979) that he had always considered himself the freehold owner of the land since he purchased Salisbury Arms Farm from Mr A G W Hood in 1960. 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 this purpose of inquiring into the question of the ownership of the land at Poole on 17 June 1980. At the hearing Mr P F Gould attended in person.

The land ("the Unit Land") in this Register Unit contains about 0.05 acres and is situated on the south side of the road ("the Road"), public and fit for motor traffic, which connects Alderholt on the southwest with Ashford and Fordingbridge on the northeast. On the Register map (6 inches - 1 mile) the Unit Land is marked as a (for a map of this scale) very small triangle having at its north boundary the Road, having as its southeast boundary a track ("the Main Track"), gravel, leading to and becoming a footpath when it reaches the land called Bonfire Hill, and having as its west boundary a fence enclosing land ("the Adjoining Land") being a plot situated between the Road and the Main Track.

Mr Gould gave oral evidence in the course of which he produced or referred to the documents specified in Part I of the Schedule hereto and said (in effect):- The Adjoining Land is part of Salisbury Arms Farm which 20 years ago (when he bought it from Mr Hood) was then about 20 acres (it is now about 32 acres). A former owner before Mr Hood was Lord Salisbury; the Farm was part of his Cranborne Estate. Mr Hood told him that the Adjoining Land (then copse) and the Unit Land (then scrub and gorse) although then separate had originally been all in one piece. Although the Unit Land was not on his deeds coloured, it could be that it was a solicitor's error; he had checked with Mr Fisher, the Agent of the Cranborne Estate, and he said they did not claim ownership. The Unit Land at the present time (1980) is being used by Mr Shearing of Wolvercroft Farm, being land situated on the south side of the Main Track; he when questioned said that his use was a question of Mr Rose (his predecessor at Wolvercroft Farm) having a squatter's right. There is now a track ("the Connecting Track") which by the fence of the Adjoining Land connects the Road and the Main Track. The 1889 map (PFG/3) shows a triangular area edged with dotted lines adjoining No. 1153 containing 0.608 acres (the Adjoining Land).



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Mr D J H Pattle who has lived in the parish of Alderholt for 43 years, has been a member of the Parish Council for 19 years, and been their chairman for 13 years, in the course of his oral evidence said (in effect):- He was 3 years old when he came to the Parish. He remembered the Unit Land when he was a child. It was not then really used for anything: recently Mr Shearing had been using it for putting sales notices (of produce from his Farm). He recollected the Main Track as a dirt track where vehicles turned in the dust. When he first knew the Unit Land, it was very similar to the Adjoining Land and was not fenced from it; in those days it was various mixed scrub, and pigs were put on it to clear the scrub. Later the Unit Land was fenced off. He could not remember Mr Rose (he died in about 1976) using it. He thought the Unit Land was part of the Adjoining Land.

Mr Gould suggested that the Adjoining Land was fenced many years ago because it was a danger to cattle and pigs.

Three days after the hearing I walked over the Unit Land. Wolvercroft Farm on the south side of the Main Track was advertised as a Garden Centre; on the Unit Land was a wheelbarrow arranged as an advertisement for its products.

After the hearing Mr Gould and Mr D G Shearing of Wolvercroft Farm sent (with letters of 8 September and 6 October 1980) to the office of the Commons Commissioners the documents specified in Part II and III of the Schedule hereto: Mr Shearing in his letters said that the development of his farm was conditional upon modifying the entrance to it at the junction with the public highway, that permission was given by Dorset County Council (4 December 1978) to widen the two arms of his entrance, and to achieve this much of the Unit Land would have to be sacrificed; he claimed that the Unit Land "is rightfully the property of the D.C.C. anyway and should never have been registered as common land".

As suggested in a letter dated 4 November 1980 from the Clerk of the Commons Commissioners, Mr Shearing in a letter dated 9 December 1980 applied to me to reopen the hearing, enclosing a summary of the evidence which would be then given and listing the documents on which he would rely. In a letter dated 13 December Mr Shearing said that his planning permission for the establishment of a Garden Centre as part of his farm was on a condition that the roadworks as shown on the enclosed plan should be carried out: and with a letter dated 30 December he sent transparencies from photographic enlargements of original OS sheets.

In a letter dated 9 January 1981 all concerned were informed that I had decided to adjourn my said June 1980 hearing.

I held the adjourned hearing at Dorchester on 12 April 1983. At this hearing Mr R F Gould and Mr D G Shearing attended in person and Devon County Council as registration authority were represented by Mr L I Holly a land administration clerk with the County Solicitor. At the beginning of the hearing Mr Gould claimed to be the owner of the whole and Mr Shearing claimed to be the owner of part of the Unit Land.

In the course of his oral evidence Mr Shearing produced and explained the documents specified in Part IV of the Schedule hereto. Next Mr Gould gave oral evidence in the course of which he produced or referred to the document specified in Part V of the Schedule hereto; after him, oral evidence was given by Mr Albert William George Hoc



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who in succession to his father (he died in 1939) farmed Salisbury Arms Farm (first as tenant of the Marquess of Salisbury but after 1951 as owner) until in 1960 he sold to Mr Gould. Finally Mr Holly produced from the custody of the County Council the documents specified in Part VI of the Schedule hereto, and said that the County Surveyor had told him that the roads had been realigned in accordance with the map, Cty/3.

In the Register the Unit Land is described as "called the Grass Triangle ... as marked with a green verge line ... on ... the register map ...". Although the location of the Unit Land is clear enough, the scale of the Register map (6" = 1 mile) is such that I doubt the boundaries as they should be on the ground. I have no jurisdiction to determine these boundaries either in these proceedings or in, because the Land Section registration has become final, any other proceedings. So I must try to make this decision fit all possibilities. In the location there is now a patch of grass land ("the island as now") roughly triangular lying between the road on the north and the main track and the connecting track on the south-west and west; on the island as now there is a Post Office pole (telephone wires) and at grass level a manhole cover beneath which there is I suppose a hole for working on subterranean cables.

Mr Shearing during his evidence explained his claim by reference to the pre and post roadworks OS maps (1/1250) of 1955 and 1975 (DGS/8 and 9); he identified the island as now with the dotted lines on the 1975 post roadworks map; by superimposing transparencies of these two maps, he had made his claims plan (DGS/1) showing the land he claimed (in effect) a U-shaped piece being what is left of the island as now (dotted line on the 1975 post roadworks map 1975) after there has been excepted from it the triangular piece shown on the 1905 pre roadworks map as projecting north-eastwards from OS No. 7630. Copies of these maps ("the 1955 map", "the 1975 map" and "the claim map") are pages 4, 5 and 6 of this decision. Over the excepted triangular piece he claimed a right of way but not ownership. He thought that the dispute between him and Mr Gould arose because they were talking about two different islands; as a result of the road widening works the island (as a grass patch) had been moved to the north-east.

Mr Shearing, as I understood him, wanted me to treat the 1971 Statutory Declaration (DGS/14) by Mr F Rose (now deceased) as written evidence by him.

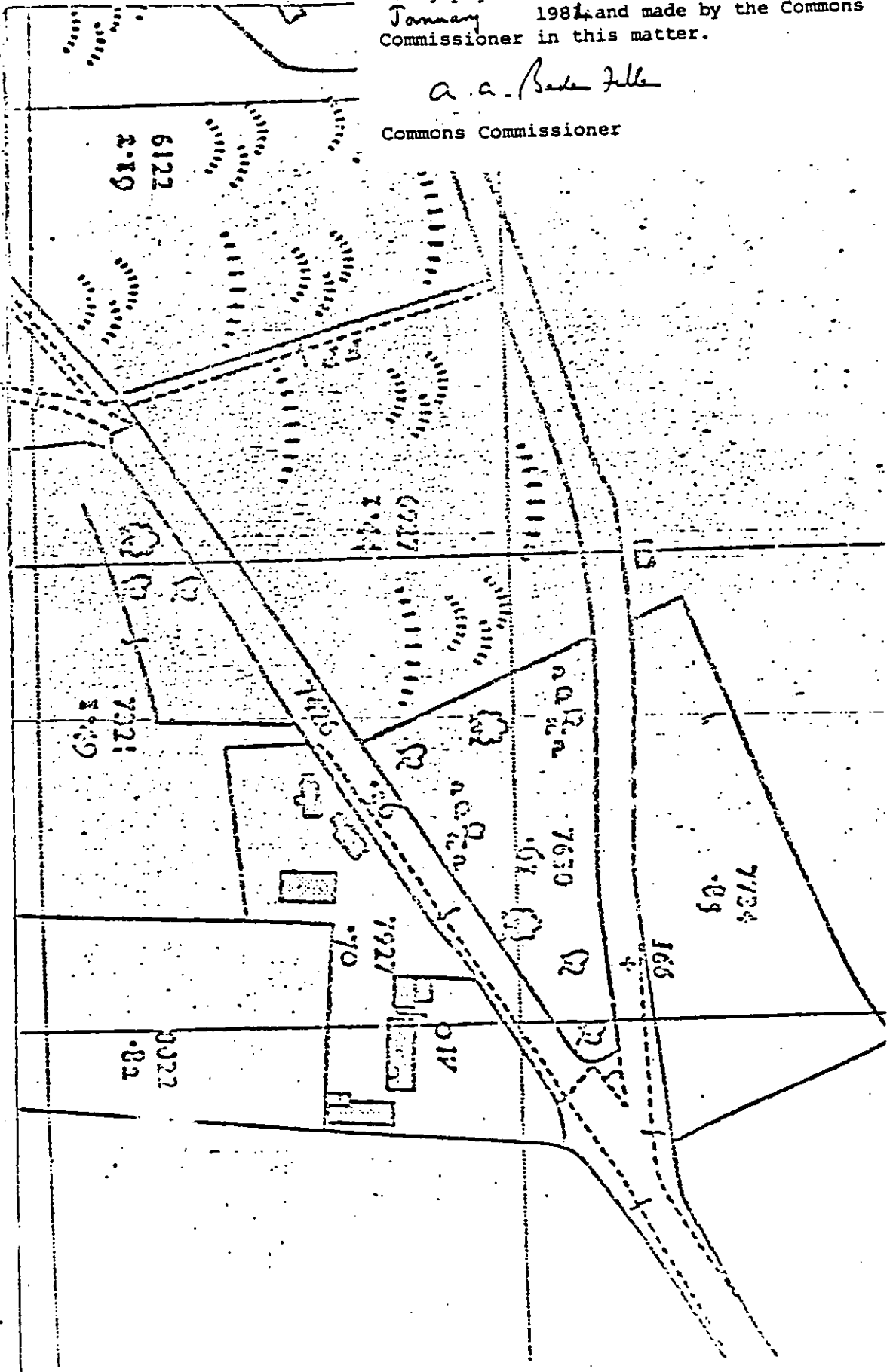
Mr Gould said (in effect):- His claim was based on Mr Hood as former owner always having considered that the Grass Triangle belonged to him as part of The Copse. The road widening was he thought some time after 1963; the old Road was over or very nearly over what is now the manhole; the Connecting Track in 1960 had not any hard-core, being then a short cut track; the Grass Triangle was used for the roadworks, and after their completion was reinstated with straight lines on the north and south sides.

Following this evidence by Mr Gould, Mr Shearing (instead of cross-examining) said (in effect):- With regard to the western part of the Triangle, he remembered when he was a boy (born 1935) with his grandfather crossing over it when it was a footpath with holly bushes; they used to hide among the bushes when they visited Mr Frederick Rose (his uncle). He discussed his planning permission map with Mr Skip (County Surveyor), who took measurements of the Main Track (it was of the order of 13 feet) and asked for it to be widened.

This is the 1955 map referred to in and  
being page 4 of the decision dated 4  
January 1984 and made by the Commons  
Commissioner in this matter.

*a. a. Baker Jllc*

Commons Commissioner



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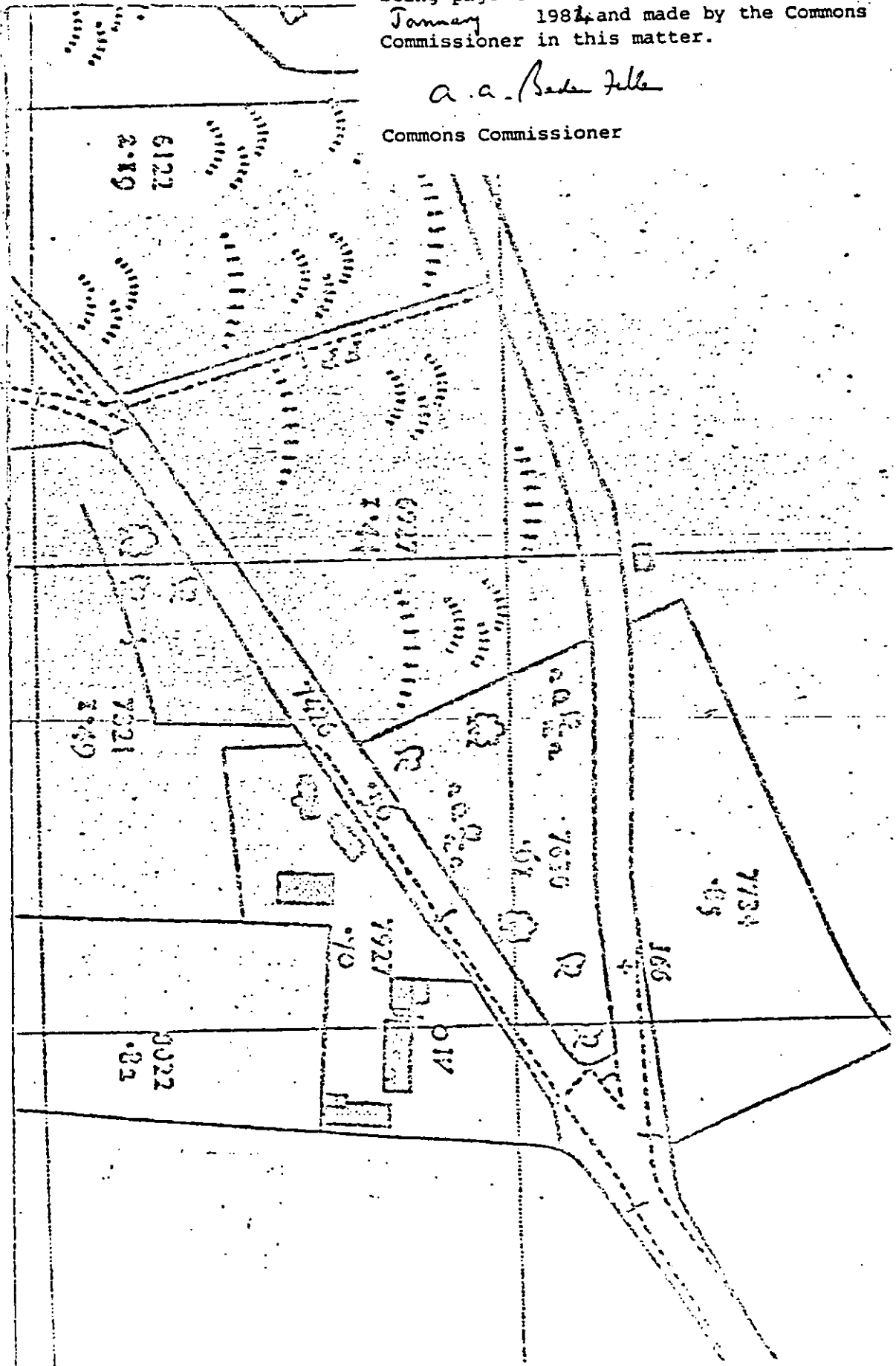
Re: Grass Triangle, Alderholt, Wimborne District, Dorset

Ref No:- 210/U/31

This is the 1955 map referred to in and being page 4 of the decision dated 4 January 1984 and made by the Commons Commissioner in this matter.

*a. a. Baker Jell*

Commons Commissioner



*Handwritten notes on the left margin, partially illegible.*

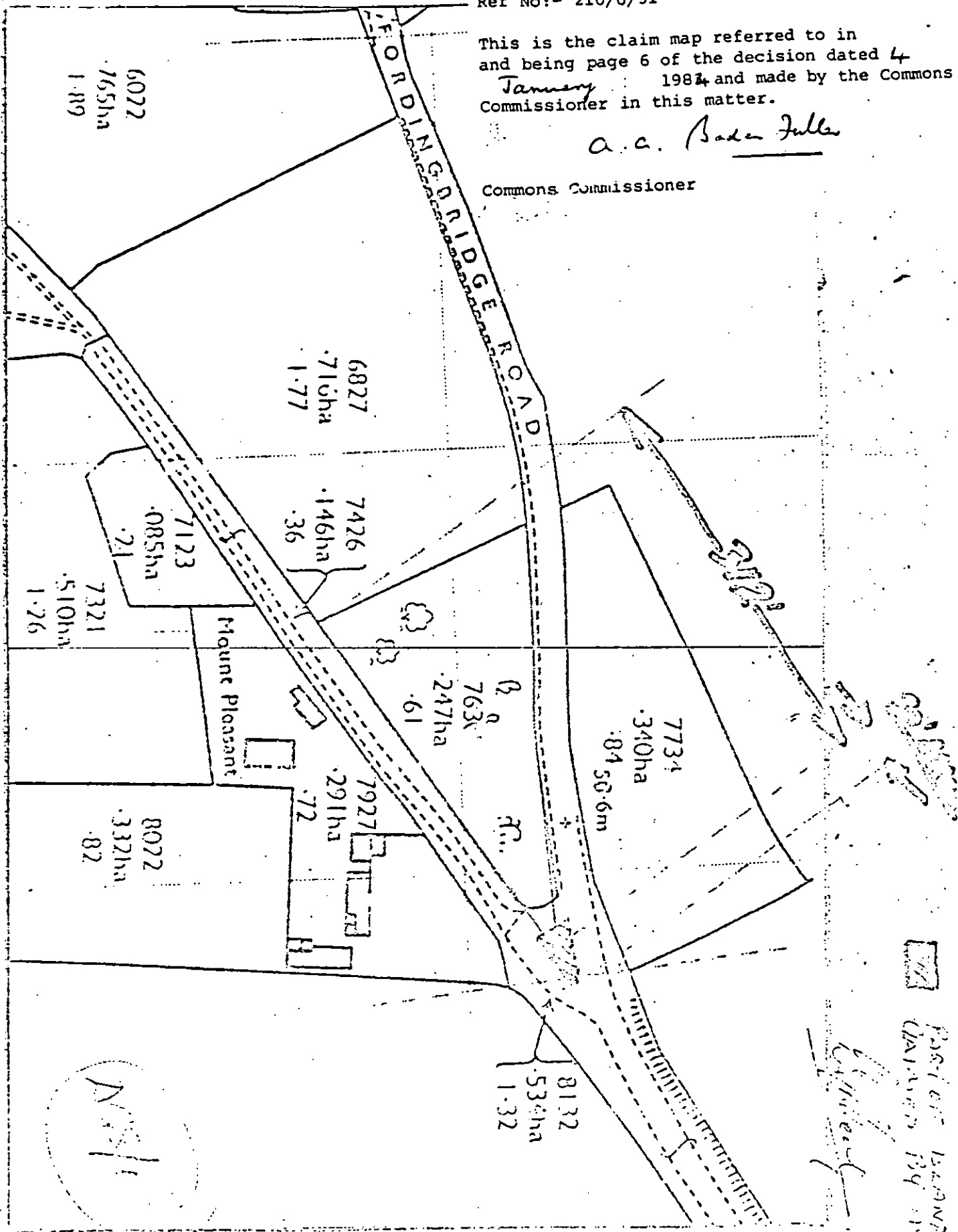
*Handwritten notes at the bottom left corner, including the number '798/5'.*

COMMONS REGISTRATION ACT 1965  
Re: Grass Triangle, Alderholt, Wimborne  
District, Dorset  
Ref No:- 210/U/31

This is the claim map referred to in  
and being page 6 of the decision dated 4  
*January* 1984 and made by the Commons  
Commissioner in this matter.

*a.c. Baden Fuller*

Commons Commissioner

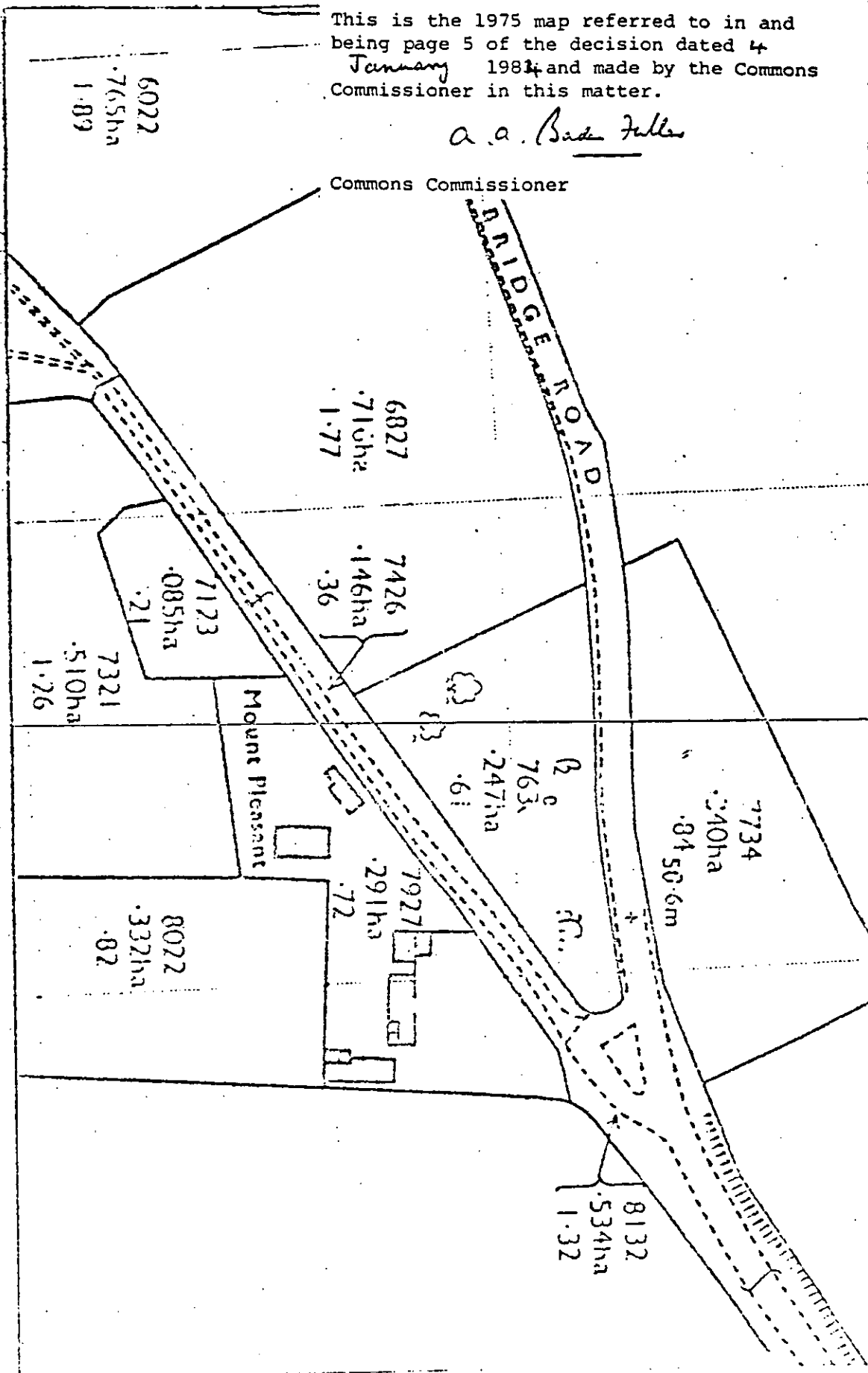


POST OFFICE  
WIMBORNE  
DORSET

This is the 1975 map referred to in and being page 5 of the decision dated 4 January 1984 and made by the Commons Commissioner in this matter.

*a. a. Bates Fuller*

Commons Commissioner



OS 1975 East Hampshire

258/99



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Commenting on what Mr Shearing had said, Mr Gould added that he had not known the Grass Triangle during the war years; he had known it since 1960 when he purchased. He claimed ownership because he thought he was the owner, not to stop Mr Shearing doing alterations.

There was some discussion as to whether Mr Gould had given permission for the alterations to the Grass Triangle as contemplated by the planning permission obtained by Mr Shearing and whether he had withdrawn this "permission" without any good reason. I ruled that I was not concerned with his reason.

Mr Gould asked me to consider as written evidence (1) affidavit (PFG/4) of Mrs Daisy Elizabeth Upton who was born on 30 September 1899 and had lived in Alderholt all her life and (2) a joint statement by Mr A A E and Mrs R J Sansom who had lived at The Bungalow, Hillbury Road, Alderholt since 1955.

Mr Albert William George Hood who is now aged 67 years in the course of his oral evidence said (in effect):-

He had been familiar with the Grass Triangle for about 60 years. In the earlier part of these 60 years, it was bush, gorse and bramble with an oak tree in the middle, and so it continued up to the 1950s. The Connecting Track ~~partly existed~~ during those years, was a little track, a short-cut to go to the west, but to get round there the brambles would have to be cut; it hardly existed until the 1950s. Someone set fire to the bushes during or shortly after the war that would be the end of them. When in 1951 he bought the Farm Lord Salisbury's Agent came to look at the Copse they thought they were entitled to a few of the trees and because they were letting the Farm go so cheap; they cut 6 of the big oak trees out of the Copse. When they walked around it he (the Agent) said you will own the land to the point; this was his (the witness) understanding. Mr Fred Rose used to come to him and ask him whether he could ferret the rabbits out of it as they came across to his garden. As far as he could say the Triangle (meaning the Road - Main Track junction) had changed very little; except that when they did the Road, the steam-roller was parked on it and this changed the slope.

Questioned by Mr Shearing who suggested that those doing the roadworks had "picked up one side of the road and dumped it on the other", ~~while~~ Mr Hood said (in effect):- "It (meaning the Road - Main Track junction) has not changed a lot, it has just got "crushed out"." In 1951 when he bought his Farm it (meaning the Triangular area on the northeast side of the adjoining land) was brambles and bushes; in 1951 there was (along the Connecting Track) only room enough to walk through; now it is wide enough for lorries and they have put in hardcore. Before the road improvements, it (the Connecting Track) was just a track over which you could run a tractor.

Mr Holly produced the documents specified in Part VI of the Schedule hereto for the purpose of explaining the need for the manhole above referred to and of amplifying what had been said about the roadworks.

By section 8 of the Commons Registration Act 1965 I am required in these proceedings to say whether I am "satisfied that any person is the owner of the land", and if I am; then after allowing for a possible appeal, to direct the County Council as





registration authority "to register that person accordingly". At the 1983 hearing both Mr Gould and Mr Shearing treated the whole matter as a question between them and no-one else, whether either or them owned the Unit Land or any and if so which part of it. For the purpose of exposition, I shall to begin with so treat the matter.

Neither of Mr Gould nor Mr Shearing suggested that any part of the Unit Land was by any conveyance either by delineation on any annexed plan or otherwise, expressly conveyed. So the case of each rests on the legal rules applicable to the ownership of public highways and private roads in relation to the ownership of the land adjoining them, and applicable to the ownership of wastes adjoining public highways in relation to the ownership of the land on the side of the waste opposite to the highway side.

As regards conveyances and their effect, these rules are set out in Norton on Deeds (2nd edition 1928) pages 252 et seq., and Halsbury Laws of England (4th edition 1981) volume 21 paragraph 96. A conveyance of land abutting a highway is presumed to pass the adjoining half of the highway. The presumption applies to adjoining private roads as well as public roads. The presumption also applies to a wayside strip which separates a highway from the adjoining land. The presumptions are rebuttable, and being rebuttable are also supportable, see *St Edmundsbury v Clark* 1973 1WLR 1572 at page 1584. There is a more general presumption that (quite apart from any conveyance) the owner of the land adjoining a highway is owner of the soil of one-half of the highway up to the middle line. There are parallel presumptions as to a highway extending over roadside wastes to the fences of the adjoining owners, see *Attorney-General v Beynon* 1970 1Ch 1. All these presumptions are rebuttable and supportable. The authorities show that their applicability depends on the surrounding circumstances, and the said 1970 and 1973 reports show that many such circumstances may be relevant.

Because both Mr Gould and Mr Shearing claimed under conveyances made in 1951 by the Marquess of Salisbury, I will first consider the ownership position as it resulted from these conveyances. Mr Shearing produced (DGS/10) the conveyance made in 1951 to Mr Rose, but he produced no document explaining how he became entitled as successor of Mr Rose. However Mr Gould did not dispute such succession. Mr Gould said that his title deeds were in the Midland Bank at Salisbury; Mr Shearing did not call for production of these deeds and did not dispute that Mr Gould as owner in succession to Mr Hood of Salisbury Arms Farm owned the Adjoining Lane. It being likely, I shall assume Mr Shearing is under some document owner of Wolvercroft Farm in succession to Mr Rose and also assume that the Marquess of Salisbury in 1951 conveyed Salisbury Arms Farm to Mr Hood by a conveyance essentially the same as that (DGS/10) made by him in 1951 to Mr Rose except that the annexed plan showed as part of the land thereby conveyed 1906 OS map No. 596 containing .608 acres, being what I have called "the Adjoining Land".

As the the appearance in 1951 of the Unit Land and its surroundings, I accept the evidence of Mr Hood as outlined above and find that there was at that time an area roughly triangular ("the 1951 triangle") which extended northeastwards from the Adjoining Land, being as near as maybe the area delineated on the 1875 and 1955 maps; and find also that it was then overgrown with grass, brambles and some gorse possibly a tree and (near the fence between it and the Adjoining Land) there was a track usable inconveniently on foot and possible for a tractor but not more extensively.



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The 1847 Tithe Award map shows the Road coloured brown and the Main Track and Bonfire Hill (numbered 428) coloured with no clear demarcation between them and shows the Adjoining Land as having 4 sides (that is not as coming to a point at its northeast end). The Award itself shows the Marquess of Salisbury as the owner and occupier of No. 428 (? including the Main Track) described as "Aldersholt Common: 841(A) 3(R) 81(P)". As to the evidentiary value of such an award and map, see Knight v David 1 WLR 1671. The 1847 award is some evidence of the then ownership and occupation of the Marquess of Salisbury of all the land I am now considering and corroborates the conclusion I would otherwise reach from the 1951 conveyances and the oral evidence at the hearings by his successors. The 4-sided shape of the Adjoining Land shown on the Tithe map is not repeated on the 1858 Inclosure Award map; I regard the Tithe map as not a reliable indication of the appearance of the Adjoining Land in 1847.

The 1858 Award map shows the Adjoining Land as part of No. 8 and as ending north-eastwards at a point, and shows a gate across the Road a short distance north-eastwards of the Unit Land called "Andhill Gate". I conclude that the Road and the Main Track were then in existence on the same line as they are now (apart from the roadworks above mentioned). But in other respects I find the 1858 Award and its map unhelpful.

The OS maps of 1870 (same as 1889), 1901 and 1955 all have on them dotted lines on part of the lands now in question. These dotted lines are I think an indication of roadside wastes of some kind; they are consistent with Mr Hood's description and inconsistent with the Connecting Track being in 1951 in existence significantly.

On the above considerations I find that in 1951 when the two conveyances were made there was then a triangular roadside waste, one side of which is the same as the Adjoining Land in a position as marked on such last mentioned OS maps and that there was then crossing this roadside waste no track which could have significance in determining the application of any of the aforementioned presumptions and that there was then no area of land which could sensibly be described as an "island". I reject the suggestion made by Mr Shearing that there were ever 2 different "islands"; there is now a grass area including or in the locality of the Unit Land, having on it the same post and manhole which can now sensibly be described as a "grass island"; this came into existence after the completion of the said roadworks; there was nothing in 1951 which could in any now relevant way be described as an "island".

Mr Shearing relied on the 1971 Statutory Declaration (DGS/14) of Mr F Rose as showing that he then owned the Main Track. Considered by itself the Declaration is defective in that the deponent relies on the statement that his father and he used the trackways "for all purposes including the passage of horses, tractors, wagons, carts and the like" and on his having kept the said trackways "trimmed and in passable condition", as being "acts of ownership" sufficient to establish "a possessory title to the said trackways by prescription"; a word appropriate not for the acquisition of ownership in fee simple under the Limitation Acts, but for the acquisition of a right of way under the Prescription Act 1832. The passage of horses, tractors, wagons, carts and the like would support an ordinary right of way appurtenant (nobody at the hearing before me suggested there was not such a right of way appurtenant to Wolvercroft Farm); in the absence of any



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specification of the "purposes" other than those expressly stated to be "including", I find that there was no evidence of Mr Rose or of Mr Shearing as his successor having acquired the ownership in fee simple of the whole with the Main Track by possession either in 1971 when the Declaration was made or in 1951 the date I am now considering. The affidavit of Mrs Upton and the statement of Mr and Mrs Sansom are indications that the use described by Mr Rose in his declaration was not exclusive of use by others; even without this affidavit and this statement, I have no evidence of any such exclusive use; from its appearance and the way it is marked on the maps above-mentioned I would infer that it has at all times been used by others. Under the 1965 Act I am concerned with ownership meaning "a legal estate in fee simple", see sub-section (2) of Section 22; in my opinion no possessory title for such an estate in any part of the Main Track has been proved.

So, I must give effect to the 1951 conveyances in accordance with the said presumptions as applicable to a "Y" junction, formed by the Road and the Main Track; in 1951 what is now the Unit Land was somewhere within an open area comprising the Road, the Main Track and the 1951 Triangle; out of this open area westwards and northeastwards ran the Road and southwestwards ran the Main Track. It seems to me I have to choose between two possible ways of applying the said presumption. One possibility is to treat the middle line of the made up carriageway of the Road as the only significant line and from it draw lines at right-angles with the result that all land crossed by any of these lines belongs to the owner of the land behind the first fence reached by such a line; under this possibility the whole of the open area in question went to Mr Rose under his 1951 conveyance and none of it went to Mr Hood under his 1951 conveyance because none of the lines I have drawn at right-angles would when they crossed the 1951 triangle, meet with any fence. The other possibility is to treat the significant lines as being not only the middle line of the made up carriageway of the Road but also the middle line of the Main Track; the producing of these lines until they meet would form an acute angle and an obtuse angle; with the result under the 1951 conveyance Mr Hood all within the acute angle passed to him, and under the 1951 conveyance to Mr Rose the part within the obtuse angle opposite Wolvercroft Farm passed to him.

Bearing in mind that in 1951 the Road and the Main Track had been in existence as they were for a long time, and that the Connecting Track was then (as I have found) of no significance, I prefer the second possibility. I conclude therefore that under the 1951 conveyance (DGS/10) Mr Rose obtained no more of the Main Track than was included in the said obtuse angle. In being clear that no part of the Unit Land (whatever may be the effect of the registration) is within this obtuse angle, it follows Mr Shearing's claim so far as it depends on his 1951 conveyance fails. This conclusion is consistent with the main entrance to Wolvercroft Farm in 1951 being as shown on the 1905 map and on the plan annexed to the 1951 conveyance, that is southeast of, not as now opposite, the Unit Land; and consistent also with what the Cranborne Estate Agent told Mr Hood; but I do not base my conclusion on either of these matters. Being without legal advice neither Mr Shearing nor Mr Gould could be prejudiced by supporting their claims with reasons which I think are without any legal foundation. Their claims must be judged on the law applicable to the circumstances established by the evidence they adduced.



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As to the events since the 1951 conveyances were made:- As above stated I am not satisfied that Mr Rose or Mr Shearing as his successor have acquired a possessory title to any of the land I am not considering. The Road widening works were still proposed in 1961; as to their completion I have no note or recollection of being told and I infer it was before 1969 when the registration under the 1965 Act was made; I reject the suggestion that Mr Shearing by giving up under the 1961 Agreement (DGS/11) a strip on the north side of the Road for the purpose of the widening, somehow acquired the ownership of a corresponding strip on the other side of the newly made carriageway. In the absence of any Act or thing done after 1951 which could change the ownership as it stood under the 1951 conveyances, my conclusion is that the ownership position as between Mr Hood and his successor and Mr Rose and his successor now stands as it was immediately after the 1951 conveyances.

I have not overlooked that under parallel presumptions, the ownership of public highways, private roads and roadside wastes may without regard to the conveyancing history of the adjoining land be presumed from the circumstances when the ownership comes into question. As the Unit Land appeared when I saw it in 1980 and in the photograph (DGS/12), it may be that the presumptions if then applied would be more favourable to Wolvercroft Farm than my above conclusions. But these parallel presumptions are applicable to the circumstances as they exist when the matters come into question, see *Copstake v West Sussex* 1911 2 Ch 331. In my view ownership came into question when the Road widening works were made; it was then that ownership was first considered, for example the 1961 Agreement (DGS/11); I have no evidence that before this anybody ever bothered with ownership of this wasteland. I find that up to 1961 at least the circumstances in all relevant respects were the same as in 1951.

Even if I am mistaken in thinking that ownership came into question when the Road widening works were made, I reject the suggestion that the relevant time is the date of the hearing. I have no note or recollection of being told why Mr Rose in 1971 made his Statutory Declaration (DGS/14), but I infer that ownership must then have been in question. Alternatively the registration under the 1965 Act made in 1969 and becoming final in 1972 necessarily put ownership in question because under section 8 an inquiry before a Commons Commissioner became unavoidable.

So as between Mr Shearing and Mr Gould my decision is that Mr Gould is exclusively the owner of the Unit Land, it being on any view all within the said acute angle. I give no decision to whether Mr Shearing has as he alleged at the hearing a right of way over any part of the Unit Land and no decision as to whether the whole or any part of the Unit Land is public highway; I have no jurisdiction to consider these matters unless they arise (and they did not) incidentally to something within my jurisdiction.

As above stated I have under Section 8 of the 1965 Act to say whether I am "satisfied as to ownership". For the reasons set out above I am satisfied that Mr Shearing is not the owner of any part of the Unit Land as he claims. But as regards Mr Gould the word "satisfied" in the Act presupposes I think something more than an agreement between neighbours; as a general rule in the absence of some good reason (I have none) a person claiming by reason of his ownership of adjoining land should produce his title deeds to the adjoining land. But because Mr Gould's failure



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to do this may have been an oversight which I expect he can now easily remedy, I give him liberty within 6 weeks from the day when this decision is sent out to the persons entitled to receive a copy of it, to prove his title deeds as hereinafter mentioned. So my decision under the 1965 Act is: if pursuant the liberty hereinafter granted Mr Gould by proving his title deeds satisfies me that they are to the effect as I at the hearing assumed them to be, then I am satisfied that he is the owner of the Unit Land and I shall direct Devon County Council as Registration Authority to register Peter Frederick Gould of Salisbury Arms Farm, Alderholt as the owner of the land under Section 8(2) of the Act of 1965, but if he does not so prove his title deeds I am not satisfied that any person is the owner of the Unit Land it will therefore remain subject to protection under Section 9 of the Act of 1965.

The liberty hereinbefore granted to Mr Gould may be exercised: (a) by he or his agent producing his title deeds to me at the London Office of the Commons Commissioners (a mutually convenient day may be arranged telephonically with the Clerk so that the Deeds at no time cease to be under the control of the person who produces them); or (b) the title deeds may be sent by post to the said London Office (they will be returned in due course); or (c) by the title deeds being proved to me in London in any other way by law permitted.

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.

SCHEDULE  
(Documents produced)

Part I: by Mr Gould at the June 1980 hearing

|       |      |  |
|-------|------|--|
| PFG/1 | --   | A map of the Salisbury Arms Farm as bought by him in 1960. |
| PFG/2 | --   | An older map.  |
| PFG/3 | 1889 | OS map. (Same as DGS/7 below).                             |

Part II: enclosed with letter of 8 September 1980  
from Mr Gould

|       |      |  |
|-------|------|--|
| DGS/5 | 1858 | Extract from Alderholt Inclosure Award map obtained from Dorchester. |
|-------|------|--|

Part III: enclosed with letter of 6 October 1980  
from Mr Shearing

|    |                   |  |
|----|-------------------|--|
| -- | 15 September 1980 | Letter from Clerk of the Commons Commissioners suggesting inquiries about particular common land should be made to County Council. |
|----|-------------------|--|



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-- 29 September 1980 Letter from County Council to Mr Shearing giving details of registration of Unit Land.

-- -- Copy Register map with additions locating Wolvercroft Farm and Salisbury Arms Farm houses.

-- -- Sketch plan "approx. track of Public Highway prior to road widening".

-- 1901 Tracing of OS map. (2nd edition.)

--- 21 April 1979 Plan entitled proposed modifications to access at Wolvercroft Farm showing green "island to be retained vegetation to be controlled to maintain visibility", yellow "this portion of the island to be removed to permit driveway to be doubled in width", pink "areas to be hardened to prevent spillage of gravel onto highway", and blue "trees and earth bank to be removed from this area vegetation to be controlled to maintained visibility".

Part IV: produced or referred to by Mr Shearing  
at April 1983 hearing

DGS/1 1975 OS map (1/1,2500) showing part of Unit Land of which Mr Shearing claimed to be the owner.

-- 31 December 1847 Tithe Award for the parish of Alderholt approved by Tithe Commissioners.

DGS/2 -- Extract from Tithe map.

DGS/3, A & B -- Extracts from Tithe Award showing "Salisbury the Marquess of" as land owner and occupier of "423 Alderholt Common Heath: 841 a.3r.7.p."

DGS/4 20 August 1858 Award for Alderholt inclosure in the parish of Cranborne, signed by Inclosure Commissioners, with map.

DGS/5 1858 Extract from Award Map (copy mentioned in Part II above accepted as correct).



|                |                  |   |
|----------------|------------------|---|
| DGS/6          | --               | Extract from Schedule to 1858 Award: Nos. 6 and 8 on Award map: 1a.4p. and 16a.28p: "Sundry houses, gardens and land: Numbers (on Tithe map) 344, .....   |
| --             | --               | Extract from 1858 Award made at hearing by County Council dealing with public carriage roads and private carriage and occupation roads.   |
| DGS/7, 8 and 9 | --               | Enlarged extract from OS 1870. Extract from OS 1901. Extract from OS 1870 post roadworks. Extract from OS 1955 pre-roadworks, (sent with above mentioned letter of 30 December 1980).                                     |
| DGS/10         | 22 August 1951   | Conveyance by Most Hon R A J 5th Marquess of Salisbury and Gascoyne Cecil Estates Company to Frederick Rose of land containing about 32.810 acres with buildings known as Wolvercroft Farm (plan taken from 1901 OS map). |
| DGS/11         | 14 August 1961   | Agreement between F Rose and his mortgages with Dorset County Council that County Council might execute works as therein specified (for widening the Road on its north side).   |
| DGS/12         | --               | Photograph of Unit Land.  |
| DGS/13         | 7 November 1980  | Letter from Gascoyne Cecil Estates to Mr Shearing. "... we have no evidence that the land beneath the road was ever in the ownership of this Estate." Letter from Marquess  |
| --             | 21 November 1980 | Letter from Marquess of Salisbury Estates to Mr Shearing.   |
| --             | 9 December 1980  | Copy letter from Mr D G Shearing <sup>to</sup> Chief Executive of said Estates.   |
| --             | 11 December 1980 | Acknowledgement of above.   |
| DGS/14         | 6 November 1971  | Statutory declaration by Frederick Rose as to possession of trackways coloured yellow on the plan annexed.  |



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|--|------------------|---|
| DGS/15   | 22 October 1971  | Letter from Jacksons (solicitors) to F Rose.  |
| --   | 15 August 1972   | Copy letter from Jacksons to Wimborne and Cranborne RDC.  |
| --   | 15 December 1980 | Letter from L Pickton Clerk of Works Wimborne Council to Mr Shearing about proposal to lay a sewerage rising main, notice of which was served on Mr Rose. |
|  | 13 June 1977     | Wayleave consent by D G and V C Shearing to works by Southern Electricity board.  |
| Part V: produce by Mr Gould<br>at April 1983 hearing |                  |   |
| PFG/1  | --               | Plan with his deeds.  |
| PFG/2  | June 1960        | Plan (1/2,500) of Land Corner Farm, Alderholt.  |
| PFG/3  | 7 April 1980     | Letter from Dixon and Templeton (solicitors) to P Gould headed  |
| PFG/4  |                  | Statutory declaration of Frederick Rose dated 6 November 1971.  |
| PFG/5  |                  | Affidavit of Daisy Elizabeth Upton.   |
| PFG/5  | --               | Statement by Mr A A E and Mrs R S Sansom of the bungalow, Hillbury Road, Alderholt.   |
| Part VI: produced at April 1983 by Mr Holly          |                  |   |
| Cty/1  | 20 April 1971    | Proposed by Postmaster General to County Solicitor to lay underground telegraph line along Alderholt Road under a section of the highway.                 |
| Cty/2  | --               | --  |
| Cty/3  | May 1981         | Map (1/2,500) based on OS by County Surveyor showing (DWG No. 3878/2/2) proposed improvement (of road).   |





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Part VII: enclosed with letter of 13 April 1983  
from Mr Shearing

-- 14 April 1983 Letter from Alan Woodbine of  
Cross Farm.

-- 1 June 1940 Agreement between W G Rose and  
HM Principal Secretary of State  
for the War Department as to  
rough pasture land of 17.4 acres  
Bonfire Hill, Alderholt.

13 October 1970 Attendance sheet of Jacksons  
(solicitors) on Mr Fred Rose  
about buying 1½ acres of land.

-- 27 November 1972 Attendance sheet of Jacksons  
(solicitors) on Mr Fred Rose about  
Mrs Upton having access to the  
common by going through his top field.

-- 23 December 1980 Letter from Dorset County Council  
to Mr Shearing with grant dated  
4 December 1978 of planning  
permission.

-- 29 July 1982 Letter from Wimborne District Council  
to Mr Shearing about possible  
enforcement proceedings as to  
condition Nos 5 and 6 of planning  
permission.

Dated the 4<sup>th</sup> —

day of January 1984.

A. A. Baden Fuller

Commons Commissioner