



COMMONS REGISTRATION ACT 1965

Reference No. 210/U/16

In the Matter of the tract of about 0.31 acres  
called St Mary's Churchyard in the Parish of  
East Stoke

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DECISION

This reference relates to the question of the ownership of land known as St Mary's Churchyard in the Parish of East Stoke being the land comprised in the Land Section of Register Unit No. CL 266 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 Canon Frank Smedley claimed to be the freehold owner of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Poole on 8 July 1980.

Mr D Pullinger appeared before me on behalf of the Claimant who is the present Rector of a united benefice established by an order in Council made on 18 February 1976 in pursuance of the Pastoral Measure 1966. The land in question ~~is~~ the churchyard of the former church of East Stoke. The church or its predecessor had stood on the site since the 13th century and church records from the 16th century were held by the County Archivist. In 1828 the church ceased to be used and a new church was built on the site of the present St Mary's Church and consecrated in August 1829. Materials from the old church were used to build the new church. The old church and churchyard were never deconsecrated. I heard evidence from Mr N R C Webb, the organist of the present St Mary's Church who had undertaken a detailed study of the history of the former church, Canon Smedley and Mr C E Barnes a local farmer and one of the church wardens who owns the land surrounding the old church yard. I am of opinion that the land is part of the property of the present benefice of Wool and East Stoke and that the legal estate is in the Rector.

On this evidence I am satisfied that the Rector of Wool and East Stoke is the owner of the land, and I shall accordingly direct the Dorset County Council, as registration authority, to register him 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 28<sup>th</sup> day of July 1980

*George H. H. H.*

Commons Commissioner