



COMMONS REGISTRATION ACT 1965

Reference No.10/D/21

In the Matter of The Village Cross,
Shillingstone, Dorset.

DECISION

This dispute relates to the registration at Entry No.10 in the Land Section of Register Unit No.V.G.10 in the Register of Town or Village Greens maintained by the Dorset County Council and is occasioned by Objection No.101 made by the County Council and noted in the Register on 5th October 1971.

I held a hearing for the purpose of inquiring into the dispute at Dorchester on 28th February 1973. The hearing was attended by Mr. H.C. Allen, the Chairman of the Shillingstone Parish Council, which applied for the registration, and by Mr. W.N. Taylor, solicitor, on behalf of the Objectors.

The land the subject of this reference is situate at a road junction in the village of Shillingstone. It has an area of 0.04 acres and on it there stand the remains of an ancient cross. On the map attached to the tithe apportionment dated 29th June 1840 the cross is indicated, but the land on which it stands is not distinguished from the roadway. The land in question is covered with grass which is generally kept trimmed by local effort, though it has sometimes been cut by the County Council roadmen. About six or seven years ago the County Council made a tarmacadam footpath about 3 ft wide behind the remains of the cross.

Mr. Allen said that there was a maypole on the land and he produced photographs showing dancing round the maypole, as he remembered it about 1920. A maypole was erected in 1953 as part of the Coronation celebrations, without any objection from the County Council. There is a house nearby which is known as Maypole Cottage.

Mr. Taylor agreed that I should take into consideration a statement in the Hutchins's History of Dorset, iii (3rd ed., 1868), 444, that not far from the village cross stood a may-pole, which was re-erected from time to time, being hung with garlands and wreaths, which were left until they withered. This statement is accompanied by what purports to be a copy of a Latin inscription on the may-pole, stating that it had been restored by the Rector and inhabitants of Shillingstone in 1858.

On this evidence I am satisfied that there is a custom for the inhabitants of Shillingstone to erect a may-pole on this land and dance around it. Such a custom is good in law: see Hall v. Nottingham (1875), 1 Ex.D.1. This brings the land within the definition of "town or village green" in section 22 of the Commons Registration Act 1965.

For these reasons I confirm the registration.



-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 **15th** day of March 1973

A handwritten signature in black ink, appearing to read 'G. J. Smith', written over a horizontal line.

Chief Commons Commissioner