



In the Matter of Town Common, Christchurch,
Dorset

DECISION

This reference relates to the question of the ownership of land known as Town Common, Christchurch, being the land comprised in the Land Section of Register Unit No. CL 159 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 no person claimed to be the freehold owner of the land in question and no one claimed 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 Dorchester on 6 March 1984.

At the hearing Mr P R Fitzgerald, Solicitor, appeared on behalf of Viscount Fitz Harris.

The land the subject of the reference was included in the parcels of a vesting deed made 31 July 1926 between (1) Herbert Edward Gilbert and Alexander Charles Harris (2) James Edward, Earl of Malmesbury. The land was then vested in William James, Earl of Malmesbury by a vesting assent made 24 January 1951 by the Hon. John Walgrave Halford Fremantle and Nigel Horatio Trevor Fitzroy as the special personal representatives of James Edward, Earl of Malmesbury. Finally, the land was conveyed to Viscount Fitz Harris by a vesting deed made 23 August 1971 between (1) William James, Earl of Malmesbury (2) James Carleton Harris (commonly called Viscount Fitz Harris) (3) Ian Stewart Murray and John Newcombe Maltby.

On this evidence I am satisfied that Viscount Fitz Harris 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.

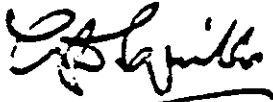
Dated this

19~~8~~

day of

March

1984


Chief Commons Commissioner