



COMMONS REGISTRATION ACT 1965

Reference Nos: 14/D/73
14/D/74
14/D/75
14/D/76
14/D/77
14/D/78
14/D/79

In the Matter of tracts of about 19.736
acres (in four pieces) part of land called
Ogber, in Sopley Parish and in Christchurch
District, Dorset.

DECISION

These seven disputes relate to the registrations at Entry no.1 in the Land Section and at Entry nos. 1, 2, 3 and 4 in the Rights Section of Register Unit no.CL.157 in the Register of Common Land maintained by the Dorset County Council, and are occasioned by the Objections summarised in the Schedule hereto and noted in the Register as stated in such Schedule.

I held a hearing for the purpose of inquiring into the disputes at Dorchester on 17th April 1975. At the hearing: (1) Mr. Geoffrey Maxwell Goode, Mrs Margery Goode and Mrs Constance Joy Toone (she made Objection no. OB678) were represented by Mr. J. M. Fulthorpe of counsel instructed by J. M. B. Turner & Co., solicitors of Bournemouth; (2) Mr Graham Pile, Mr Denis Bouchault and Mr. Jaques Labesse (they are the trustees of the Meyrick Estate, and made Objections nos. 325 and 328) and Major John Micklethwaite Mills (sole owner in possession of the Mills Estate; he made Objection nos.244 and 344) were represented by Mr. J. D. Felton solicitor of Davis and Felton solicitors of Salisbury; (3) Sopley Estates Limited (as successors in title of Sir Simon W. F. Bentley-Jones who made Objection no. 572) were represented by Mr. R. W. Singleton land agent of Savills of Wimborne; (4) Christchurch Borough Council on whose application the Entry in the Land Section was made were represented by Mr. P. Samuel, and (5) Dorset County Council as registration authority were represented by Mr. L. I. Holly of the County Solicitors Department.

The land ("the Unit Land") comprised in this register unit is in three pieces, situated north, west and east of the land which is known as Ogber and which is part of that comprised in Register Unit CL.18; the north piece ("the Sopley Piece") is a strip by the side of the River Avon about 350 yards long and about 100 yards wide; the west piece ("Rushy Ham" also known as Ready Ham) is irregularly shaped north of the gate between Ogber and Coward's Marsh and being in most places about 100 yards across; and the east piece ("Winkton Island") is a strip bounded on the west by the River and on the east by the Old Mill Stream and about 700 yards long. Entries nos.1, 2 and 3 in the Rights Section were made on the application of Interlock Wetherseal Company Limited of a grazing right attached to 1 Fairmile Road, Stables at Marsh Lane, and Stables at 3 Fairmile Road; they were not represented at the hearing. Entry no.4 in the Rights Section was made on the application of Mr. David John Hewitt and Mr. Peter John Hewitt of a grazing right. On the day before the hearing Mr. D. J. Hewitt told me that they wished to withdraw their registration as regards Rushy Ham and that he would be unable to attend the hearing. Mr Frank Donovan Lane said that Lady Hedley had shown him her deeds showing that she had common rights, and that Mr Bocham for whom he appeared was entitled to such rights; I was not satisfied that Mr Bocham had any right to be heard.



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All persons present at the hearing agreed that evidence given at a previous hearing relating to Ogber (CL.18) should be treated as given at this hearing. As to this, my decision, in which such evidence is summarised is of even date (Reference nos. 14/7/49-70) and should be treated as part of this decision. Such evidence included statements by Mr Burry and Mr Crabb that the north part of Winkton Island was included in the tenancies they mentioned.

At this hearing:- Mr Milligan in the course of his evidence produced a copy of the tithe map for the parish of Christchurch which shows the Sopley Piece as being in the parish of Sopley and showed Winkton Island and Rushy Ham distinct from Ogber (Ogber is shown as numerous strips): he said that Winkton Island has never been part of Ogber. Mr Fulthorpe produced a statement made by Mr. R. A. Hayball (as evidence by him) that he had been a property owner in the Borough of Christchurch for 40 years and that Ready Ham has always been privately owned and fenced and never used by commoners. Mr Perry said that Rushy Ham had never been common land. Mr Singleton said that (in effect) the Sopley Piece had always been considered as part of Clackhouse Farm, owned by the Sopley Estate.

Mr Samuel said that his Council withdrew their application as regards the Unit Land (the application also relates to Ogber part of the CL.18 land).

Winkton Island and Rushy Ham seemed to me when I inspected Ogber, to be distinct. All present at the hearing agreed that I should avoid these registrations. In the absence of evidence on behalf of Interlock Wetherseal Company Limited and Messrs. Hewitt, I must I think conclude (as is I think likely on the information I have) that their applications for registration of rights were mistaken.

For these reasons I refused to confirm the registrations. 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

<u>Ob. No.</u>	<u>Reference No.</u>	<u>Objector and when noted in the register</u>	<u>Grounds</u>
244	D/74	Major J. M. Mills 24 August 1970	The land was not common land at date of registration.
325	D/73	Sir George Heyrick and the Trustees of the Heyrick Settled Estates. 19 November 1970	The land was not common land at the date of registration.



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<u>Ob. No.</u>	<u>Reference No.</u>	<u>Objector and when noted in the register</u>	<u>Grounds</u>
328	D/78	Sir George Meyrick and the Trustees of the Meyrick Settled Estates. 19 November 1970	(1) Applicants not entitled to apply. (2) Rights do not exist at all.
334	D/77	Major J. M. Mills 20 November 1970	(1) Applicant not entitled to apply. (2) Rights do not exist at all.
572	D/79	Sir Simon Warley Frederick Benton-Jones. 15 February 1971	(1) Objector owner of part. (2) Rights limited to pasturage from 12 August - 14 February. (3) Rights exercisable by a limited number.
678	D/75 D/76	Mrs Constance Joy Teone 28 April 1972	Part not common land and no rights exist over such land.

Dated this 23rd day of October 1975

a. a. Baden Fuller

Commons Commissioner.