



COMMONS REGISTRATION ACT 1965

Reference No.214/U/3

In the Matter of Earlstone Common Open Space,
Burghclere, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as Earlstone Common Open Space, Burghclere, being the land comprised in the Land Section of Register Unit No.VG 153 in the Register of Town or Village Greens maintained by the Hampshire 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 the Trustees of the Earlstone Common Poor Lands Trust claimed to be the freehold owners of the land in question and no other person 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 Winchester on 22nd May 1975.

At the hearing the Trustees were represented by Mr W.E.D. Smith, their Clerk.

The land the subject of this reference was conveyed by an indenture dated 17th December 1904 made between (1) Walter George Arkwright (2) W.G. Arkwright, Francis Bacon, Alban Francis Langley Bacon, William Fanshawe Fox, James Augustine Rutherford, Canon Alexander Edwin Blunt, Amos James, George Mercer and William Arthur Mount on trust to preserve it for the benefit of the inhabitants of Burghclere. Four of the trustees represented the Burghclere Parish Council, two the landowners, one the lord of the manor, and one the National Trust. The number of trustees has been maintained at nine, at which number it now stands. While there is no direct evidence on the matter I draw the inference that there were nine trustees on 31st December 1925. In these circumstances the land became vested in the Public Trustee upon the statutory trusts by virtue of the transitional provisions in para.1(4) of Part IV of the First Schedule to the Law of Property Act 1925.

For these reasons I am satisfied that the Public Trustee is the owner of the land, and I shall accordingly direct the Hampshire 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 10th day of June 1975


 Chief Commons Commissioner