



COMMONS REGISTRATION ACT 1965

Reference No.14/U/71

In the Matter of East Ashton Common (part),Longparish, Hampshire.DECISION

This reference relates to the question of the ownership of land known as East Ashton Common (part), Longparish, being the land comprised in the Land Section of Register Unit No.VG 203 in the Register of Town or Village Greens maintained by the former 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 Longparish Estate claimed to be the freehold owner 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 January 1975.

At the hearing the Trustees were represented by Mr R.F.Ladbury, their agent. Mr J. Spaul, a resident in the parish of Longparish, also appeared.

The land the subject of the reference, with other land, was conveyed to the Trustees by a vesting deed made 26th February 1963 between (1) Christopher Payan Dawnay (2) Richard Hugh Jordan Steel and the Hon.George William ffolks Dawnay. The settlor's root of title was an indenture made 24th November 1919 between (1) Edward Egerton Leigh White and Henry Charles Higgs (2) Peter Thomas Ryves Hawker (3) Isabel Flora Augusta Hawker (4) Morgan James Saurin, the Rev.Renald Cameron Scrimgeour and Walter Mark Hore (5) Guy Payan Dawnay (6) Lady Victoria Alexandrina Elizabeth Dawnay and the Hon.Eustace Henry Dawnay.

Col. C.P.Dawnay gave evidence that he had known the property since it was purchased in 1919 and that no question as to its ownership had ever arisen. When the land was purchased it was subject to certain rights of common, most of which have since been purchased. Col.Dawnay's father allowed a farmer named Snow to graze sheep on it before World War II, and Col.Dawnay himself has let the grazing to a Mr Tozer.

Mr Spaul suggested that the Trustees were not entitled to the freehold, but only to rights of common. He based this suggestion on the fact the land was not allotted to anyone when land in the parish was inclosed and that therefore the ownership remained with the lord of the manor. Mr Spaul did not know who is now the lord of the manor.

It may be that Mr Spaul is correct in his suggestion that the ownership of this land remained with the lord of the manor after the inclosure, but in the absence of any evidence as to what happened between the inclosure and the purchase by the Dawnays in 1919 I do not feel justified in finding that the vendors in 1919 were selling land to which they had no title.



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In these circumstances I am satisfied that the Trustees are the owners of the land, and I shall accordingly direct the Hampshire County Council, as registration authority, to register them as the owners 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 is the High Court.

Dated this 4th day of February 1975

Chief Commons Commissioner