



COMMONS REGISTRATION ACT 1965

Reference No.24/D/5

In the Matter of East Butterwick Hale and  
Common, East Butterwick, Lincolnshire,  
(Parts of Lindsey) (No.1)

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.85 in the Register of Common Land maintained by the Lincoln, Parts of Lindsey County Council and is occasioned by Objection No.OB/54 made by Mrs. M.K. Oliver and Mrs. L. Drakes and noted in the Register on 14th August 1972.

I held a hearing for the purpose of inquiring into the dispute at Lincoln on 12th March 1974. The hearing was attended by Mr. D.W. Ashton, solicitor, for the Registration Authority, which made the registration without application, and by Mr. N.M. Lumley, solicitor, on behalf of the Objectors.

The land the subject of this reference consists of two portions, described on the modern Ordnance Survey map as "Butterwick Hale" and "Butterwick Common", but the two portions were formerly known collectively as "Butterwick Hale and Moors".

It appears from the minutes of a meeting of "the owners and occupiers of common rights in the common land called Butterwick Hale and Moors", held on 23rd April 1878, that there were then in Burringham 51 common rights of which the owners were known and one unknown, in Butterwick 28, and in Gunhouse 6, all belonging to ancient toftsteads. The minutes contain lists of the toftsteads and their occupiers and of the common-right owners.

It is sufficient for the purposes of this reference to observe that a Miss Hall appears in the list of common-right owners in Burringham nine times. By a conveyance made 27th April 1921 between (1) John Henry Siddorn and James Stephenson (2) Richard Selby there were conveyed to Mr. Selby the land called Butterwick Hale and Moors and nine gates or rights of common in Butterwick Hale and Moors. Mr. Selby was the father of the Objectors. The Vendors' predecessors in title in 1879 were the trustees of the will of Samuel Hall. I draw the inference that the nine gates or rights of common purchased by Mr. Selby in 1921 were the nine common-rights which belonged to Miss Hall in 1878.

It was not suggested by Mr. Lumley that the rights purchased by Mr. Selby no longer exist. The existence of these rights is sufficient to bring the land within the definition of "common land" in section 22 (1) of the Commons Registration Act 1965.

For these reasons I confirm the registration.



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 29<sup>th</sup> day of March 1974

A handwritten signature in dark ink, appearing to read 'G. S. L. G. L. G. L.', written in a cursive style.

Chief Commons Commissioner