

In the Matter of Common Road, Bardney,
Lincolnshire

DECISION

This reference relates to the question of the ownership of land known as Common Road, Bardney, being the land comprised in the Land Section of Register Unit No. CL 114 in the Register of Common Land maintained by the Lincolnshire 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 W Smithson & Sons Ltd and Mr and Mrs G Brocklehurst claimed to be the freehold owners of parts 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 Lincoln on 11 November 1981.

At the hearing Mr H F Smithson and Mr and Mrs Brocklehurst were represented by Mr P H Russell, solicitor.

Part of the land comprised in the Register Unit lies within two fields O.S. Nos 482 and 486. These fields were conveyed to Williamson Smithson by an indenture made 6 April 1920 between (1) Mary Evelyn Compton Vyner (commonly called Lady Mary Compton-Vyner) (2) Frederick Oliver, Marquess of Ripon and John Cullimore (3) Williamson Smithson. Williamson Smithson died on 1 July 1944 and probate of his will was granted on 3 September 1947 to William Smithson, Harold Frederick Smithson and Annie Elizabeth Morley, his sons and daughter. Annie Elizabeth Morley died on 27 March 1969 and William Smithson died on 1 January 1979.

Another part of the land comprised in the Register Unit lies within field O.S. No. 487. This field was conveyed to Mr Brocklehurst by a conveyance made 1 April 1947 between (1) George Frederick Young (2) George Brocklehurst junior, and was conveyed to Mr and Mrs Brocklehurst as beneficial tenants in common in equal shares by a conveyance made 9 August 1974 between (1) George Brocklehurst junior (2) Mary Brocklehurst.

On this evidence I am satisfied that Mr H F Smithson and Mr and Mrs Brocklehurst are the owners of parts of the land, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register them as the owner of their respective parts 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

25th

day of

November

1981

[Signature]
Chief Commons Commissioner