



COMMONS REGISTRATION ACT 1965

Reference No. 222/U/16

In the Matter of Parish Land,
Salmonby, Lincolnshire

DECISION

This reference relates to the question of the ownership^{of} two areas of land known as Parish Land, Salmonby being the land comprised in the Land Section of Register Unit No. CL 39 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 Mrs D A Oliver 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 Lincoln on 30 November 1978.

Mrs D A Oliver appeared at the hearing, and no other person.

There are two areas of land in question. As regards the larger to the south described as field No 29, by a conveyance dated 20 May 1936 there was conveyed to T H Oliver property which included "The Quarrels" and garden ground adjoining: following Mr Oliver's death his personal representatives assented to the property vesting in Mrs D A Oliver. It appeared that the garden ground was field No 29, which has been cultivated by Mrs Oliver and her husband for many years as part of their farm at Salmonby.

The smaller area, part of field No 58, adjoins Mrs Oliver's property O S 58 and there is a gate connecting the two. Mrs Oliver has farmed and cropped this smaller area for fifteen years, which was derelict and overgrown when she took it over, and no one has claimed it. In the first year she paid 5s/- to Horncastle Rural District, which after that declined rent, saying that there was uncertainty as to ownership. In my view this evidence makes out a possessory title in Mrs Oliver to this smaller area.

On this evidence I am satisfied that Mrs Oliver is the owner of the land, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register Mrs D A Oliver 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 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

12th

day of

February

1979

L. J. Morris Smith

Commons Commissioner