



Ref No. 228/U/124

In the matter of
The Free Wharf, on the
banks of the River Trent,
Beckingham, Bassetlaw District
Nottingham.

DECISION

This reference relates to the question of the ownership of land known as The Free Wharf, on the banks of the River Trent, Beckingham, Bassetlaw District being the land comprised in the Land Section of Register Unit No. CL 86 in the Register of Common Land maintained by the Nottinghamshire 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 no person claimed to be the freehold owner of the land in question and no one 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 Nottingham on 14 May 1985. At the hearing Beckingham Parish Council were represented by Mr Clifford Henry Johnson, their clerk.

Mr Johnson who has been clerk of the Parish Council since 1957 and lived in the Parish since 1955 in the course of his oral evidence produced the documents specified in the Schedule hereto. One of the foolscap sheets (PC/1) includes: "Free Wharf 412, .212A enclosed under the Award and allotted as a Free Wharf for the Parish of Beckingham: let as a garden to John Walker:- 12/- (12 shillings): map shows "412: .212". In the Terrier (PC/2), the 1913 Entry is: "Free Wharf (name of estate), freehold (tenure of estate), Old Trent Road (place), Wright Walter (tenant or occupier), 5/- (yearly rent), General expenses of Council (present application of rent), allotment under enclosure Act (?) 1877 (date of original gift or conveyance), now used partly as a wharf partly as a garden (remarks)": 4 similar entries (undated, 1935, 1936 and 1937).. In the Award (PC/3) at page 16a, a road (now called Old Trent Road) is allotted as a private road described as bounded at its east end by "land set apart for a wharf for the public use of Beckingham"; the Award map shows "Wharf 0.200".

Mr Johnson said (in effect):- The plot "412: .212" shown on the plan (PC/1) is the same as OS 289 containing .412 acres shown on the Register Map, about one third of which (to the east by the River) is the land in this Register Unit. This land is now let to "(?) Trent Wharfage" who occupy adjoining land on the Register Map marked "Beckingham Yard (Barge Building)" OS Nos 287 and 288 containing 6.001 and 3.018 acres, they being importers of commodities using the wharf by their land and loading onto lorries. The land adjoining on the west (being OS No. 286 is a timber yard, the timber being brought in by boat across Trent Wharfage). He remembered Beckingham Yard being used for building steel barges but that stopped about 20 years ago; OS No. 289 is now grassed over being part of a flood protection bank, with a public footpath on the west side of the bank; what was let as a garden is now a grassed area; no use is now made of the land in this Register Unit; he cannot remember it ever having been used as a wharf; the ferry is no longer in operation, because of the bridge over the Trent to the south, carrying the A631 road to Gainsborough (enlarged ?) in the 1930s; it is possible it was at one time a chain ferry wharf.



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On the day after the hearing I inspected the land. I found it difficult to identify on the ground; I saw no sign of there ever having been a ferrv; there was activity on the Trent Wharfage land, and on the other side of the River much wharfage development.

Mr Johnson claimed that the Parish Council had by their long possession become the owners of the land. Additionally the documents he produced are evidence that it has long been popularly considered to be Parish Property; such property is in general by law, presumed to be in the ownership of the Parish Council, see Doe v Terry (1835) 4A&E 274 at page 281, and the Overseers Order 1927 (SR&O 1927 No. 55). I am therefore satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Nottingham County Council as registration authority, to register Beckingham Parish Council as the owners of the land under section 80(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.

SCHEDULE
(Documents produced)

PC/1	December 1894	Six foolscap sheets of paper, held together, the first sheet being headed "Council of the Parish of Beckingham: Terrier of Parish Properties" and beginning: at a meeting of the Council on 17 December 1894 it was resolved "that a Terrier of the Parish Properties be prepared and submitted to the next meeting, placed on the Parish records and marked on the Ordnance Survey Plans"; the second, third and fourth sheets being the manuscript Terrier, relating to Green, Almshouses and gardens etc., the third including: "Free Wharf"; and the fifth and sixth sheets being blank.
PC/2	1913 to 1935	Terrier of Lands and Tenements belonging to the Parish of Beckingham in the Gainsborough Union 1935. First 5 pages dated 21 April 1913 signed by clerk, Chairman and 2 members of the Parish Council: 3 pages undated signed by clerk; 2 pages dated 1935 signed by clerk.
PC/3	1779	Bound book with map being copy of Beckingham Inclosure Award made by K Tweedale Meaby, recites Act of 16 Geo 3 (Beckingham Inclosure Act 1776: 16 Geo. 3. c29).

Dated this 7th — day of February 1986

a. a. Baden Fuller