



COMMONS REGISTRATION ACT 1965

Reference No. 228/U/114

In the matter of The Wharf,  
Laneham, Bassetlaw District,  
Nottinghamshire

DECISION

This reference relates to the question of the ownership of land known as The Wharf, Laneham, Bassetlaw District being the land comprised in the Land Section of Register Unit No. CL73 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 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 Laneham Parish Council were represented by Mr Bernard Roberts Minnit one of their members; present also was Mr R Howard their chairman.

The land ("the Unit Land") in this Register Unit along its northwest side adjoins the River Trent; from the River it extends back a short distance (mostly between 30 and 40 yards); altogether it contains according to the Register Map .850 of an acre. Access from Church Laneham is by a track starting near the Ferry Boat Inn and ending at the northwest part of the Unit Land, from which starts the Laneham Ferry over the River.

Mr Minnit in support of his claim on behalf of the Parish Council to be the owners gave oral evidence in the course of which he produced or referred to the documents specified in the Schedule hereto. He said (in effect):- The documents show the full title of the Unit Land to be "Bell Holt and Wharf". The earliest known document about it is a MS. copied (PC/1) by the Thoroton Society, with a note "The entire MS. is in a very poor condition and partly illegible"; the now relevant words are:-

EXTENT AND VALUATION OF LANUM (LANEHAM) AND ASKHAM

Inquisition taken at Lanehum on 5 June, 11 Rich II (1388), before ... jurors, who say that (there are) at Lanum a manor worth nothing clear; easements ... herbage of gardens and courtyards ...; a watermill and a windmill, totally wasted ...; the rent of Bellowafe worth yearly 16s. 2d., viz., at the terms of ... B.V.M., and Michaelmas; ...

The manor belonged to the Archbishop of York; the inquisition was of the extent of his property at his death. The next document is a book being a copy (PC/1), of the 1774 Laneham Inclosure Award; Mr K T Meaby who made it was Clerk of the County Council about 30 or 40 years ago and the book has been in the custody of the Parish Council ever since. The book recites the Act of HM King George 3 for the enclosure of the open fields meadows etc of Laneham\*, but contains no allotment of the Unit Land, but among the public highways thereby set out (page 16) appears:

AND one other public highway from the said Warf Road over the allotment hereinafter made to the said Archbishop on the Trent Green to the River Trent.

There is still an open area of grass land opposite the Ferry Boat Inn called Trent Green; the Warf Road referred to (still so called) runs from the corner of

\* Laneham Inclosure Act 1772; c.115.



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the Churchyard northwards to continue by the edge of the River a short distance below the Unit Land; the public highways allotted by the words quoted is the now existing track from a point on Warf Road (near the Ferry Boat Inn) to the Unit Land; north of this track there is now a caravan site. The Unit Land is delineated on the Inclosure Award map and is thereon marked

"Laneham Town"

The copy of the Inclosure Award map (PC/3) had been obtained by him (the witness) from the County Archives; it is the same as that in the book (PC/2). On the 1885 OS map the north part of the Unit Land is shown as "(Description) Wharf, (No.) 238, (acreage) .234", and the south part is shown as "(Description (none), (No.) 239, (area) .597". On the 1959 OS map (1/2500) the Unit Land is outlined with a faint blue line. In 1884 the Parish boundary was changed, the part of the Parish on the east side of the River Trent thereafter ceased to be part of the Parish of Laneham. The statement (PC/6) had been made by his wife who had from 1970 to 1983 been the Parish Clerk; of the Churchwardens 1980-1869 accounts she said they showed

... that the rent paid from the land described firstly as Town Holt and latterly as Bell Holt and Wharf was added to a rate levied on the Parish, whenever necessary, for use in paying for a variety of items, "10 score kids for Wharf", "15½ days work at Wharf", "Bell Holt fencing", "Post and rails for churchyard fence" and "repairing church stone"; the balance is shown as being "due to the Parish".

Parishioners use the Wharf free of charge, people from outside the village pay to use the Wharf. Of the 1938 Laneham Church Terrier, Mrs Minit says (PC/6)

... lists Church possessions and separately under a Schedule of Benefactors connected with the Church appears "Bell Holt and Wharf Income goes to the Church".

In the early 1900's the Parish lettings include the Unit Land. In modern times (the witness was born in 1924), the Unit Land has not been worth letting for grazing or until the 1960's anything else, when the local Boat Club paid a rent for it (as a landing place). To begin with the Boat Club rent was collected by the Vicar who paid it to the Parish Council; in about 1980 it was agreed that it should be collected by the Parish Council, and this is the present position. The Unit Land has been (as the witness remembers since his childhood) open and used by parishioners for picnics; he remembered being told that his father and grandfather who had a mill in the village paid nothing for using the Wharf being parishioners, but payment was made by others for example the contractors for building Rampton Hospital who for about 5 years from 1912 loaded (? unloaded) sand and gravel there.

On the day after the hearing I inspected the Unit Land.

Having in mind that the 1774 Award was made on the basis that the Archbishop was then undoubtedly Lord of the Manor, the words "Laneham Town" on the Award map are I think weighty evidence that the Unit Land was not then considered to belong to the Archbishop. The circumstances that on some of the OS map the north part of the Unit Land is shown as "Wharf" and as distinct from the south part, and that the south part may at one time have been a holt (coppice or woodland) does not I think require me to treat the Unit Land for ownership purposes as in two parts contrary to its appearance as I saw it and as it has been within the memory of Mr Minit, and contrary to the 1774 Award map.



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The situation of the Unit Land, its present appearance, and its history so far as is deducible from the documents put before me and the information supplied to me by Mr Minnut all indicate that it has for a long period been treated as belonging to Laneham within the popular meaning of these words. By section 17 of the Poor Act 1819 (59 Geo. 3. c. 12) the churchwardens and overseers of a parish were empowered to "accept take and hold in the nature of a body corporate for and on behalf of the parish all land belonging to the parish". In Doe V Hiley (1830) 10 B & C 885, Lord Tenterden C J held that this section had the effect of vesting in the churchwardens and overseers all land belonging to the parish, notwithstanding that the land was not acquired for purposes relating to the poor. This decision has since been treated as applicable to all land "belonging" to a parish in the "popular sense of that expression", see Doe v Terry (1835) 4 A & E 274 at page 281 and Haigh v West 1893 2 Q B 19 at page 31; this last case although distinguished on the facts was recognised as stating law still applicable in Wylde v Silver 1963 1 CL 243 at page 271. It is not necessary to consider whether Laneham was at the time a parish or township because the 1819 Act is applicable to churchwardens and overseers of a township, see section 21 of the Poor Relief Act 1662 (13 & 14 Car. 2 chap 12). The legal estate of the churchwardens and overseers is now vested in the Parish Council as their successors under the Overseers Order 1927 (S.R.&O. 1927 No. 55) made under the Rating Act 1925; by section 68(4) of the 1925 Act, having regard to the section 21 of the 1662 Act above quoted, the township of Laneham is a "parish" within the meaning of the 1925 Act.

Upon the considerations above set out, I am satisfied that the Parish Council are the owners of the land as successors of the churchwardens and overseers of Laneham Township, and I shall accordingly direct Nottinghamshire County Council as registration authority, to register Laneham Parish Council 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 of the High Court.

#### SCHEDULE

(Documents produced)

PC/1	5 June, 11 Rich II (1388)	Transactions of the Thoroton Society of Nottinghamshire; Rcord Series vol XVII from Nottinghamshire Record Office, pages 92, 92, 94 and 95, headed "INQUISITIONES POST MORTEM - 1437-1485"
PC/2	1774	Book being a typewritten copy with map of Laneham Inclosure Award apparently made by K Tweedale Meaby, Clerk of the Peace, Shire Hall, Nottingham
PC/3	-	Copy of 1774 Inclosure Award map obtained by Mr Minnit from County Archives.
PC/4	1885	OS map.
PC/5	1959	OS map (1/25000:2½" = 1 mile).



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- PC/6 - Typewritten statement made by Mrs Denise M Minnit, including extracts from Churchwardens Account Book 1830-1869, in the Notts. County Archives; and from the Laneham Church Terrier dated 1938.
- PC/7 - Sketch map prepared by Mrs Minnit showing Unit Land and Trent Green.

Dated this

6<sup>th</sup>

\_\_\_\_\_ day of

January

1986

A. A. Baden Fuller

Commons Commissioner