



In the Matter of Wolstanton Marsh,
Wolstanton, Staffordshire

DECISION

This reference relates to the question of the ownership of land known as Wolstanton Marsh, Wolstanton, being the land comprised in the Land Section of Register Unit No. CL 49 in the Register of Common Land maintained by the Staffordshire 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 the Duchy of Lancaster 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 ^{of the ownership} inquiring into the question of the land at Stoke-on-Trent on 12 January 1979.

Miss Sheila Cameron, instructed by Frere Cholmley & Co, appeared for the Attorney General of the Duchy of Lancaster, and there were no other appearances.

From the documentary evidence adduced (including ^a Report made in 1834 by William Hardy on his search of the Records, and References in his book published in 1845) it appeared:-

- (1) That the Manor of Newcastle under Lyme which included Wolstanton was in the 13th Century granted to the Earl of Lancaster.
- (2) That charters of the 15th Century referred to the Manor as being part of the parcels of the Duchy, as did the legend on a 1777 plan of Copyhold Inclosures in Wolstanton and an Inclosure Act (Cap 33) of 1816.
- (3) That during the 16th-18th Centuries down to 1807 mineral leases were granted by the Duchy.

In 1898 a Provisional Order under the Inclosure Acts relating to Wolstanton Marsh was confirmed by Act of Parliament. This Order appointed the District Council (now the Newcastle-under-Lyme Borough Council) Conservators of the Common with powers of management: it recited the Duchy of Lancaster's Ownership. The Conservators have continued to manage the Common, but as regards such matters as the erection of buildings (eg a bus shelter) and the grant of wayleaves or rights of access applications have been made to the Duchy which in appropriate cases has given licences or made grants.

On this evidence I am satisfied that the Duchy is the owner of the land, and I shall accordingly direct the Staffordshire County Council, as registration authority, to register Her Majesty in right of Her Duchy of Lancaster 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 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 12th day of March 1979

L. J. Mansfield
Commons Commissioners