



COMMONS REGISTRATION ACT 1965

Reference No. 41/U/46

In the Matter of Challymead Common,
Broughton Gifford,
Wiltshire.

DECISION

This reference relates to the question of the ownership of land known as Challymead Common, Broughton Gifford, being the land comprised in the Land Section of Register Unit No. CL 31 in the Register of Common Land maintained by the former Wiltshire 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 Mr G. J. Mortimer 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 Trowbridge on 25th June 1976.

At the hearing Mr M. McGregor-Johnson, solicitor, appeared on behalf of Mr G. J. Mortimer and Mr C. A. T. Mortimer.

The land the subject of this reference was conveyed to Mrs M. A. Skinner by an indenture made 29th September 1920 between (1) Liselle Henrietta Ludlow Bruges (2) Mary Ann Skinner. The land passed by divers mesne assignments to Mr P. W. Knee as personal representative of Martha Knee, deceased. By a conveyance made 1st October 1958 between (1) Percy William Knee (2) Margaret Wilshin (3) Sidney George Mortimer, Howard Abel Mortimer, and Geoffrey John Mortimer carrying on business in partnership together under the style or firm of "A. Mortimer & Sons" the land in question was conveyed to A. Mortimer & Sons. The partnership was dissolved in 1966, and by a deed of partition made 14th November 1966 between the partners Mr G. J. Mortimer became seised of the land in question. Finally, by a deed of gift made 14th March 1968 between (1) G. J. Mortimer (2) Clive Arthur James Mortimer, Mr G. J. Mortimer conveyed the land to himself and Mr C. A. T. Mortimer in fee simple as joint tenants on trust for sale.

On this evidence I am satisfied that Mr G. J. Mortimer and Mr C. A. T. Mortimer are the owners of the land, and I shall accordingly direct the Wiltshire County Council as registration authority, to register them 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.

Dated this 26th day of July 1976


Chief Commons Commissioner