



COMMONS REGISTRATION ACT 1965

Reference No. 41/U/54

In the Matter of The Green, Marlborough,  
Wiltshire.

## DECISION

This reference relates to the question of the ownership of land known as The Green, Marlborough, being the land comprised in the Land Section of Register Unit No. VQ 27 in the Register of Town or Village Greens 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 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 Trowbridge on 25th June 1976.

At the hearing the Marlborough Town Council was represented by Mrs J M Stoker, its Acting Clerk.

At a meeting of the former Marlborough Borough Council held on 6th July 1893 a letter from the Revd. William Gardiner, then Vicar of St Mary's, Trowbridge, was read. In it Mr Gardiner stated that he would be glad to hand over, so far as his power lay over his successors, any and every claim he had to the Green. Even if Mr Gardiner was, as Vicar, the owner of the Green, this letter would have been wholly ineffective to transfer the ownership to the Council. However, it explains the Council's subsequent actions. At the meeting on 6th July 1893 it was resolved to accept a tender for restoring the posts and chains round the Green and from then onwards the Council acted as if it was the owner. Over the years, among other things, the Council removed a building, placed seats, removed trees, renewed the posts and chains, and placed a war memorial on the Green. These were acts adverse to the possession of the true owner, whoever he may have been, and in my view the Council had acquired a possessory title by the time that it went out of existence by virtue of the Local Government Act 1972 on 1st April 1974.

On 1st April 1974 the property held by the Borough Council for the purposes of open spaces was transferred to the Town Council by virtue of the Local Authorities etc. (England and Wales) (Property etc. Further Provisions) Order 1974.

On this evidence I am satisfied that the Marlborough Town Council is the owner of the land, and I shall accordingly direct the Wiltshire County Council, as registration authority, to register the Town Council 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 26<sup>th</sup> day of July 1976.

A handwritten signature in cursive script, appearing to read 'G. L. Quibb', with a horizontal line underneath.

Chief Commons Commissioner