



COMMONS REGISTRATION ACT 1965

Reference No. 210/U/50

In the Matter of Horton Common (part),
Horton, Wimborne District, Dorset

DECISION

This reference relates to the question of the ownership of land ~~known as~~ being part ("the Referred Land") of the land ("the Unit Land") which is part of that known as Horton Common, Horton, Wimborne District, and which is the land comprised in the Land Section of Register Unit No. CL16 in the Register of Common Land maintained by the Dorset County Council. The Unit Land as originally registered was a tract of about 530.63 acres; much of it was excluded from the Register following a Commons Commissioner's decision dated 22 July 1976. For the purposes of exposition I treated ^{it} as divided as follows:- (a) the part ("the Earl of Shaftesbury Part") of which the Rt Hon Anthony 10th Earl of Shaftesbury is under section 4 of the Commons Registration Act 1965 the registered owner; (b) the part ("the South Part") being the part south of and adjoining the road (nearly straight) from Horton on the west to Three Legged Cross on the East of which no person is registered under the said section as the owner; and (c) the parts ("the Unclaimed Parts") being the remaining parts all north of the said road of which also no person is so registered. The Referred Land above mentioned comprises the South Part and the Unclaimed Parts.

Following upon the public notice of this reference Mr R A Aldridge claimed (his Solicitor's letter of 3 December 1976) the fee simple ownership of the Referred Land (or some part of it). No other person claimed to be the freehold owner of the Referred Land or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the Referred Land at Poole on 18 June 1980. At the hearing Mr R A Aldridge and Mrs G I Aldridge were represented by Mr J H S Payne articled clerk with Lacey's, Solicitors of Westbourne, Bournemouth.

Mr Payne in the course of his evidence produced: (1) a conveyance dated 16 February 1962 by which Mr E C Hayward and Mr H F Hayward with the concurrence of their mortgagee conveyed to Mr R A Aldridge lands containing about 19.390 acres being OS Nos 399, 400 and 401 as delineated on a plan drawn thereon; (2) a conveyance dated 28 November 1979 by which Mr R A Aldridge conveyed to himself and Mrs G I Aldridge (his wife) the said lands containing about 19.390 acres; and (3) an abstract of title which included a conveyance dated 4 June 1947 by The Shaftesbury Estate Company to Mr A Hayward, an assent dated 26 October 1959 by his personal representatives (he died 2 January 1959) in favour of Mrs A E Hayward, and an assent dated 17 August 1960 by her personal representatives (she died 17 August 1960) in favour of Mr E C Hayward and Mr H F Hayward. By a comparison of the plans drawn on the said 1962 conveyance and included in the said abstract with the Register map, I identify the South Part (as herein before defined) with OS Nos 399 and 400 (together according to the 1947 conveyance containing 18.457 acres) by the said conveyances and the other before mentioned documents expressed to be conveyed; OS No. 401 containing 0.833 acres appears to be no part of the Unit Land



On the evidence summarised above, I am satisfied that Mr R A and Mrs G I Aldridge are the owners of the South Part and I shall accordingly direct the Dorset County Council, as registration authority to register Mr Raymond Arthur Aldridge and Mrs Grace Irene Aldridge care of Laceys, Solicitor of 75 Poole Road, Westbourne, Bournemouth BH4 9ED as the owners of the South Part as in this decision defined under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the Unclaimed Parts as hereinbefore defined and they will therefore remain subject to protection under section 9 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 10th — day of July — 1980

a. a. Baden Fuller

Commons Commissioner