



COMMONS REGISTRATION ACT 1965

Reference No. 10/U/6

In the Matter of Poor Lots Common,
Bothenhampton, Dorset

DECISION

This reference relates to the question of the ownership of land known as Poor Lots Common, Bothenhampton, being the land comprised in the Land Section of Register Unit No. C.L.33 in the Register of Common Land maintained by the Dorset 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. Joseph Charles Fitzgerald Gundry 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 Dorchester on 12th May 1972.

At the hearing Mr. Gundry was represented by his solicitor, Mr. J.E.P. Haran. Mr. Haran produced title deeds which showed to my satisfaction that Mr. Gundry is absolutely entitled to an area of land known as the Hyde Estate. There is, however, nothing in the parcels of these deeds to identify the land in question as part of the Estate. Mr. Haran sought to make good the deficiency by producing statutory declarations by Mr. Gundry, who was brought up on the Estate from childhood, and by Mr. W.R. Coombs, the Clerk of the Parish Council, who has known the land for 50 years. Had this matter been contested, I should not have felt able to regard these statutory declarations as substitutes for affidavits filed under regulation 22 of the Commons Commissioners Regulations 1971, but since there was no other claimant I decided, in the exercise of my discretion, to accept the statements in the declarations. It appears that Mr. Gundry and his father before him have been in undisputed possession of the land without any adverse claim being made to it during the whole period of living memory.

For these reasons, I am satisfied that Mr. Gundry is the owner of the land, and I shall accordingly direct the Dorset County Council, as registration authority, to register him as the owner of the land.

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 30th day of May 1972

Chief Commons Commissioner