Reference no. 210/U/13



In the Matter of the tract of about 0.2 acres called Public Pond in the parish of Ashmore in the County of Dorset

## DECISION

This reference relates to the question of the ownership of land known as Public Pond in the parish of Ashmore being the land comprised in the Land Section of Register Unit No. VG 65 in the Register of Town and Village Greens 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 Raymond Wilson Sturge 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 25 June 1980.

Messrs Preston and Redman Solicitors of Bournemouth appeared for the Claimant. The Claimants title depended on two Conveyances relating to Manor Farm. The first was made the 11 May 1922 between Henry Fox Howard of the one part and Ashmore Estates Limited of the other part and the second was made the 11 April 1958 between Ashmore Estates Limited of the one part and Mr Sturge of the other part.

In a Statutory Declaration made on 24 June 1980, Mr Sturge admitted, as was the fact, that Ashmore Pond did not pass to Ashmore Estates Limited by the first Conveyance. It did not appear in the first Schedule and though shown on the plan it was uncoloured. In the second Conveyance it was not mentioned in the Schedule though it is edged red on one of the plans. The Claimant is therefore unable to establish a good paper title to the Pond.

In the final three paragraphs of his Declaration the Claimant states that he believes that his family has owned the pond since 1830 and that since 1958 he has always believed he owned the pond. In 1971 he organised and paid for clearing and cleansing the pond. Since 1958 he claims to have exercised legal beneficial ownership of the pond without let or hindrance without any adverse claim.

In my opinion the Claimant fails to establish any title by adverse possession.

On this evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Dorset County Council, as registration authority, to register Ashmore Parish Council as the owner of the land under section 8(3) 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

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