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COMMONS REGISTRATION ACT 1965



Reference No. 210/U/85

In the Matter of Wastelands, Cranborne and
Alderholt, Dorset

DECISION

This reference relates to the question of the ownership of land known as Wastelands, Cranborne and Alderholt, being the land comprised in the Land Section of Register Unit No. CL 127 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 the Marquess of Salisbury 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 7 March 1984.

At the hearing Mr J M Stephenson, Solicitor, appeared for Lord Salisbury and Viscount Cranborne.

The land the subject of the reference consists of eighteen strips of Woodland along the sides of roads. The strips consisting of OS. Nos. 118 (pt), 119 (pt), 288 (pt), 297, 370, 377 (pt), 381 (pt), and 392 (pt) in the 1901 edition of the Ordnance Survey were included in the parcels of a vesting assent made 1 January 1926 between (1) Edgar Algernon Robert Gascoyne, Viscount Cecil of Chelwood and Hugh Richard Heathcole Gascoyne Cecil (commonly called Lord Hugh Cecil) (2) Robert Arthur James Gascoyne Cecil (commonly called Viscount Cranborne). The party of the second part succeeded to the marquessate of Salisbury on 4 April 1947 and died on 23 February 1972, his will being proved by Robert Edward Peter, Marquess of Salisbury Richard Edward Osborne Cavendish, and Edward Christian David Cecil (commonly called Lord David Cecil) on 28 March 1972. R E O Cavendish died on 14 August 1972. By a deed of appointment made 25 September 1972 between (1) R E P, Marquess of Salisbury and E C D Cecil (2) R E P, Marquess of Salisbury and Robert Michael James Cecil (commonly called Viscount Cranborne) Lord Salisbury and Lord Cranborne were appointed to be trustees of the legal estate in (inter alia) the strips above referred to.

I was satisfied on the evidence of Mr F Patten, the head forester on the Cranborne Estates, that Lord Salisbury and Lord Cranborne and their predecessors have been in undisturbed possession of the remainder of the land the subject of the reference for a sufficient time to have acquired a possessory title.

On this evidence I am satisfied that Lord Salisbury and Lord Cranborne are the owners of the land, and I shall accordingly direct the Dorset 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

20th

day of

March

1984

[Signature]
Chief Commons Commissioner