



In the Matter of Land on south side of  
Whitewater Lane, Ollerton

DECISION

This reference relates to the question of the ownership of the land above mentioned being the land comprised in the Land Section of Register Unit No. CL.59 in the Register of Common Land maintained by the Nottinghamshire 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 J C Hilton claimed to be the freehold owner of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of land at Nottingham on 11 November 1984 and 26 February and 4 June 1985.

Mr J Lilley Chairman representing Ollerton Parish Council, Mr Maher representing the Registration Authority, Mr Paddison representing Newark District Council, Mr Baker of Smith Woolley Chartered Surveyors of Newark representing Ollerton Town Lands and Church and Poor Estate Trust and Messrs. Blackhurst, Parker and Yates representing Mr Clifton all appeared at one or more of the hearings.

Owing to the disappearance of an original conveyance dated 20 August 1940 from the tenant for life of the Savile Settlement to Henry Talbot de Vere Clifton comprising Rufford Abbey and certain Lordships and Common Land in the vicinity and the departure to Majorca of a gentleman who had for some time managed Mr Clifton's affairs, little progress was made at the first two hearings. Mr Aird who appeared for Mr Hilton at the last of the hearings had obtained a copy of a make-up draft of the 1940 conveyance, which referred in specific terms to certain areas of common land and to other areas only in general terms.

Mr Aird was able to produce Probate of Mr Clifton's will and a conveyance in favour of Mr Hilton from the University Legatee who was also the sole proving executrix and had made an assent in writing in favour relating to properties in Ollerton alleged to have passed to Mr Clifton by virtue of the 1940 conveyance.

Mr Hilton claimed ownership of Register Unit No. 62 and of this Register Unit relying on the following passages from the 1940 conveyance.

- (a) 3. The vendors as Beneficial owners hereby convey unto the purchaser ALL THOSE the manors or lordships or reputed manors or lordships of,,,,, Ollerton.....  
 (herein before referred to as "the secondly conveyed property") the particulars whereof are specified in part 1 (b) of the First Schedule hereto to HOLD the same unto the purchaser in fee simple subject as hereinafter stated.



-2-

(b) The First Schedule above Referred to

Part 1 (B)

Particulars of Manors

(4) ALL THAT the vendors' interest in the manors or reputed manors of.... Ollerton..... TOGETHER with all rights and privilages (if any) and all Manorial Commons and unenclosed waste lands belonging to such manors or to any of them.

In other sub-clauses of Part 1 (B) there are references to specific properties e.g. Cocking Moor in the Manor of Wellow and to Mansey Common in the Manor of Eakring.

Mr Aird in claiming that his client was the owner of Register Unit No. 62 the Hop Pole Car Park in Ollerton Land relied on these passages in support of the claim but there was evidence that the land comprised in the Register Unit had been specifically disposed of by the Trustees of the Savile Settlement by an earlier Conveyance in 1938.

For these reasons Mr Hilton cannot rely on general words in the 1940 conveyance as proof that the 1940 conveyance passed title to a piece of land in the given Manor not specifically referred to in Part 1 (B).

On this evidence I am not satisfied that any person is the owner of the land, and it 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

10<sup>th</sup>

day of

December  
~~November~~

1985

*George Hurrell*

Commons Commissioner