

COMMONS REGISTRATION ACT 1965

Reference No. 210/D/397-399

In the Matter of a tract of 1.6 acres or thereabouts called Langton Wallis Heath in the Parish of Corfe Castle. Dorset

DECISION

This dispute relates to the registration at Entries No. 1 in the Land and Rights Sections of Register Unit No. CL 139 in the Register of Common Land maintained by the Dorset County Council and is occasioned by Objection No. 1049 made by H J R Bankes Esq and noted in the Register on 21 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Poole on 10 July 1980. The hearing was attended by Mrs B J E Davies for the Trustees of the late Mr R G Smith and Mr Palmer, Solicitor for Mr H J R Bankes.

Mrs Davies produced a Lease made the 31 December 1894 between John Nineham of the one part and Henry Walter Beavis of the other part relating to Ailwood Farm and a Conveyance of the same Farm made the 7 March 1939 between Sidney Herbert Nineham of the one part and Reginald George Smith of the other part. Both documents included "a common of turbary for two thousand of turves to be dug and taken yearly out of Langton Wallis Heath".

She stated that her grandfather, John Smith became the tenant when H W Beavis gave up and on the death of John Smith it was taken over by her father R G Smith. Her father had regularly exercised this right until his death in November 1975. She also produced the Probate of the Will of R G Smith.

Mr Palmer accepted her evidence.

I am satisfied that the right claimed by R G Smith is established.

Although the Register Unit is described as 'called Langton Wallis Heath', it appears that the area over which the right claimed by Mrs Davies is exercisable is larger then the Register Unit.

For these reasons I confirm both the registrations, with the modification that the Particulars in the Rights Section shall read as follows 'The right to cut 2,000 turves per annum over Langton Wallis Heath of which this Register Unit forms part!.

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

211

day of

1980

Cenze Herrette