



In the Matter of Dance Common, Cricklade, Wiltshire.

DECISION

This reference relates to the question of the ownership of land known as Dance Common, Cricklade, being the land comprised in the Land Section of Register Unit No. CL 56 in the Register of Common Land maintained by the former Wiltshire County Council of which no person is registered under section 4 of the Common Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr R. W. Neeld and Mr F Freeth each claimed to be the freehold owner of the land in question and Mr W J Icke claimed to be the owner of part of it, and Professor B F Leek 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 Trowbridge on 10 December 1976.

At the hearing Mr Neeld was represented by Mr W G Hiatt, solicitor, and Mr Freeth and Mr Icke appeared in person, but only Mr Freeth wished to pursue his claim.

Professor Leek has in his possession documents which appear to indicate that in 1932 the land the subject of this reference was in the ownership of the late Sir Audley Dallas Neeld, but by virtue of his lordship of the manors of Great and Little Chelworth, and he suggested that Mr Neeld could be the successor in title of Sir Audley Neeld. Mr Hiatt, however, informed me that, while Mr Neeld is Lord of the manors, he does not now claim to be the owner of the land in question.

Mr Freeth bases his claim on the somewhat unusual ground that he has been hayward for the manors for 42 years, "thereby", as he puts it, "acquiring a possessory title". Mr Freeth made a similar claim which was the subject of my decision in In the Matter of Calcutt Forty and Little Forty, Cricklade, Wiltshire (1976), Ref. No. 41/U/49. In that case I rejected Mr Freeth's claim on the ground that he could not be both the owner of the common and entitled to a right of common over it. In this case Mr Freeth informed me that he is not now entitled to a right of common over the land the subject of this reference because he has conveyed Kingshill Farm, to which the right is attached, to his son Mr Richard George Freeth. Nevertheless, it was Mr Freeth, senior who applied for the registration of the right in the capacity of owner of Kingshill Farm. It therefore follows that at the time of that application Mr Freeth was asserting a right which was inconsistent with his being the owner of the land the subject of the reference. Furthermore, his grazing of the land was the exercise of his right and not the taking of possession of the land adverse to the true owner. Any possession of the land which Mr Freeth may have had since he ceased to be entitled to the right of common has not lasted nearly long enough for him to have acquired a possessory title.

In the absence of any other 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 14th day of February 1977

A handwritten signature in cursive script, appearing to read 'G. L. Phillips'.

Chief Commons Commissioner