



In the Matter of Hawridge and Cholesbury Commons
(part) Cholesbury-cum-St.-Leonards, Chiltern D.

DECISION

This reference relates to the question of the ownership of part of the land described above being the part of the land comprised in the Land Section of Register Unit No. CL.21 in the Register of Common Land maintained by the Bucks 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 Mrs Elma Randall 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 Aylesbury on 2 October 1980.

At the hearing Mr R T Hodder of the firm of Smeathmans, Solicitors, appeared on behalf of Mrs Randall.

The land comprised in the Register Unit is of some 100 acres in area, ownership of part of which - the section lying to the south of the line CD on the register map - was registered by Amersham R.D.C and this registration is now final: This inquiry relates to the remaining part ("the outstanding part"). A number of grazing rights have been registered and are final.

Mr Hodder produced an abstract of title, examined by this firm. By a Conveyance dated 25 March 1935 which recited, inter alia, that at his death in 1933 W C Matthews was seized of the Manors of Hawridge and Cholesbury, his executors conveyed to Malcolm Stewart, the Manors and all matters referred to in Section 62(3) Law of Property Act 1925, (and these include wastes and the ground and soil thereof), all arrears of quit rents and all rights in respect of manorial incidents. By a Deed of Declaration dated 29 June 1938 and executed by Malcolm Stewart, after reciting that the lands therein described were unenclosed waste lands belonging to the two Manors, it was declared that Section 193 of the Law of Property Act should apply to those lands. The described lands were an area of 105½ acres forming the waste or common lands of the Manors and were delineated on a plan; they clearly comprised the outstanding part.

By a Conveyance dated 4 February 1949 the two Manors were conveyed by Malcolm Stewart to H R Moore, and the latter conveyed them to John W Randall by a Conveyance dated 5 October 1953. The parcels in both conveyances included "all matters and things referred to in Section 62(3) of the Law of Property Act". After J W Randall's death in February 1979 his Executors assented to the vesting in Elma Randall of the two Manors and the same "matters and things".



On this evidence I am satisfied that Mrs Elma Randall is the owner of the outstanding part and I shall accordingly direct the Bucks County Council, as registration authority, to register her as the owner 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

22 October

1980

L. J. Morris Smith

Commons Commissioner