



COMMONS REGISTRATION ACT 1965

Reference No.37/U/94

In the Matter of Land at Chelwood Beacon,
Danehill and Maresfield, East Sussex.

DECISION

This reference relates to the question of the ownership of land at Chelwood Beacon, Danehill and Maresfield, being the land comprised in the Land Section of Register Unit No.CL 116 in the Register of Common Land maintained by the former East Sussex 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 Trustees of the Estate of Charles Smith, deceased, claimed to be the freehold owners of the land in question and Messrs Strutt and Parker claimed to have information as to the ownership of part of the land.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Lewes on 20th November 1974. At the hearing the Trustees were represented by Mr James Denniston, of counsel; Mr J.C.S.Nieboer appeared for the Danehill Parish Council and the Maresfield Parish Council was represented by Mr C.R.Stephens, one of its members.

Mr Denniston applied for an adjournment on the ground that his clients did not accept that part of the land had been properly registered under the Act of 1965 and that proceedings regarding this were pending in the Chancery Division of the High Court of Justice. I took the view that the interests of Mr Denniston's clients would not be prejudiced by any decision which I might make as to the ownership of the land and I therefore refused the application.

The land comprised in the Register Unit consists of two separate areas which it will be convenient to refer to as the north-western part and the south-eastern part.

The north-western part was conveyed to the late Mr Smith by a conveyance made 9th July 1934 between (1) Richard Walter John, Earl of Donoughmore (2) Charles Smith. Mr Smith died on 15th September 1948, the executors of his will being his widow, Mrs Mabel Daisy Smith, and the present Trustees, Mr L.G.Smith and Mr D.B.Fry.

On this evidence I am satisfied that the Trustees are the owners of the north-western part of the land, and I shall accordingly direct the East Sussex County Council, as registration authority, to register them as the owners of this part of the land under section 8(2) of the Act of 1965.

Messrs Strutt and Parker's information was that the south-eastern part of the land had been sold by Viscount Gage in 1972 to Mrs D.O'Brien of



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Chelwood Farm, Chelwood Gate. On receipt of this information the Clerk of the Commons Commissioners wrote to Mrs O'Brien to inform her of the hearing, but his letter was returned by the Post Office, marked "Gone Away". For all I know, Mrs O'Brien may have re-sold this land, and I therefore cannot say that I am satisfied that anybody is the owner of this part of the land. 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 16th day of December 1974

A handwritten signature in cursive script, appearing to read "G. S. Quibb".

Chief Commons Commissioner