



In the Matter of Land off the Road from Bunting's  
Green to Colne Engaine, South of the Old Sand  
Pits, Colne Engaine, Essex

DECISION

This reference relates to the question of the ownership of land off the road from Bunting's Green to Colne Engaine, South of the Old Sand Pits, Colne Engaine, being the land comprised in the Land Section of Register Unit No. CL 4 in the Register of Common Land maintained by the Essex 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 E E Burden and Mr G Courtauld claimed to be the freehold owners 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 Colchester on 8 December 1983.

At the hearing Mr Courtauld was represented by Mr R R Long, Solicitor, and Mr Burden appeared in person. Mr Burden, however, stated that he was only interested in a right of way across the land.

The land in question is a grass road. It and the adjoining land on the east side were conveyed to the late Miss K M Courtauld by an indenture made 9 October 1917 between (1) Governors of Christ's Hospital (2) Katharine Mina Courtauld. Miss Courtauld died 5 June 1935 and her will was proved on 1 July 1935 by Roy Pinsent, Mary Gladstone and George Courtauld, the executors. On 5 June 1936 the executors assented to the vesting in Mr Courtauld of the grass road and the adjoining land. By a deed of gift made 10 November 1964 between (1) George Courtauld (2) George Courtauld (junior) the elder Mr G Courtauld conveyed to the younger Mr G Courtauld the land to the east of the green road, but not the green road itself. Mr G Courtauld (senior) died on 6 March 1980 and his will was proved on 29 August 1980 by Mrs Claudine Suzanne Courtauld, Michael Robert Clarkson Webb and Sir Ronald Long, the executors. Mrs Courtauld died on 6 July 1981.

On this evidence I am satisfied that Mr Webb and Sir Ronald Long are the owners of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register them as the owners of the land 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 this

15<sup>th</sup>

day of

December

1983

Chief Commons Commissioner