



COMMONS REGISTRATION ACT 1965

Reference No. 212/U/40

In the Matter of Land opposite Beckingham  
Hall, Tolleshunt Major Maldon D.

DECISION

This reference relates to the question of the ownership of land opposite Beckingham Hall Tolleshunt Major Maldon D being the land comprised in the Land Section of Register Unit No. CL.359 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 The company for the Propagation of the Gospel in New England and the parts adjacent in America 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 Colchester on 26 July 1978.

Mr R Sebag-Montefiore of Messrs. Strutt and Parkers appeared for the New England Company and Mr P B Smith legal officer to the Maldon District Council appeared for his council.

Mr Sebag-Montefiore had no paper title to the land in question but he produced a tenancy agreement dated 23 September 1954 whereby Mr Hunter became the tenant of the adjoining land and he claimed that Mr Hunter had since 1959 occupied the land in question as part of the farm leased to him as aforesaid and that the New England Company had by virtue of its tenants occupation acquired a possessory title.

Mr Hunter gave evidence that he had parked Farm implements on the land where there was hard standing, he had laid drains under the land and from time to time repaired those drains as and when necessary he had fenced off one of the ponds situate on the land and cut down dead elm trees which were dangerous. He further stated that there remained other dead elms, if his occupation of the land as the tenant of the New England Company was established. Mr Hunter told me that the land is open to the road, much of it is marsh and no one makes any use of the land other than he himself. While I felt some doubt as to whether Mr Hunters evidence establishes his exclusive occupation of the land I have resolved that doubt in his favour and in so doing I was assisted by Mr Smiths view that it was in the public interest that the land should be vested in an owner who would maintain it and accept responsibility for the dangerous trees situate thereon. *which he would be*

On this evidence I am satisfied that The New England Company is the owner of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register the New England Company as the owner of the land under 8 (2) of the Act of 1965.



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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 27<sup>th</sup> day of September 1978

*Y A Little*

Commons Commissioner