



COMMONS REGISTRATION ACT 1965

Reference Nos 212/U/197  
212/U/198

In the Matter of (1) The Downs and  
(2) Threaders Green, Great Dunmow,  
Uttlesford District, Essex

DECISION

These references relate to the question of the ownership of lands known as (1) The Downs (3 pieces) and (2) Threaders Green, Great Dunmow, Uttlesford District being the lands comprised in the Land Section of Register Unit (1) No. VG 137 and (2) No. VG 138 in the Register of Town or Village Greens 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 Great Dunmow Parish Council (letters dated 17 September 1980) claimed to be the freehold owner of the lands 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 Chelmsford on 29 January 1981. At the hearing Great Dunmow Parish Council were represented by Mr N J M Abbott, solicitor of Hill & Abbott, Solicitor of Chelmsford.

Mr Abbott who has lived in Great Dunmow since 1955 and whose firm have acted for the Parish Council since 1970, in the course of his evidence produced:- (1) a conveyance dated 19 September 1947 by which the Hon Mrs M Greville and Mr J C Lawrence, being the executors of the Rt Hon F E Countess of Warwick (she died 26 July 1938) gave to Dunmow Parish Council "all the right titles and interest of the Testatrix (if any) in ... two pieces of ... waste land ... known as The Downs and The Parsonage Downs including the piece of land covered with water known as Doctors Pond"; (2) a conveyance dated 2 April 1948 by which Mrs R M Bacon and Miss C M Bacon gave to Dunmow Parish Council "all the right title and interest of the Grantors (if any) in ... the ... waste land ... known as Threaders Green"; and (3) a statutory declaration made on 29 January 1981 by Mrs P M Byford who has for the last 40 years resided in Great Dunmow, been a member of the Parish Council since 1961, served as chairman of their Downs and Commons Committee from 1970 to 1977 and been the chairman of the Council since 1978.

Mrs Byford said that the Parish Council had been in possession of the land in these two Register Units since the said conveyances were made. Mr Abbott explained that because of the qualified way in which (as appears from the above quotation) the conveyances were expressed, ~~and~~ he considered (rightly I think) that the ownership claim of the Council ~~could~~ be supported by additional evidence of possession. He described the lands in these Register Units as being known as "The Downs" and "Threaders Green", and the use made of them and the acts of possession of the Council which Mrs Byford had in mind when she made her said declaration.



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As regards The Downs, in the 1947 conveyance it is recited that the Countess of Warwick was at her death "deemed to be seised as Lady of the Manor of Dunmow of the property ... for an estate in fee simple". As regards the Threaders Green, in the 1948 conveyance it is recited that Mrs and Miss Bacon were both "seised as Ladies of the Manor of Shingle Hall otherwise Olives with Waldraines ... of the property ... for an estate in either fee simple". I think these recitals show that those then concerned contemplated that the Council would under their ~~conveyances~~ acquire the fee simple estate, although their ownership might be qualified by rights of others; I consider I can therefore give full effect to the evidence of Mrs Byford about possession. Accordingly I am satisfied that Great Dunmow Parish Council are the owners of the lands, and I shall accordingly direct the Essex County Council, as registration authority, to register Great Dunmow Parish Council as the owners of the lands under section 8(2) ~~(1965)~~ 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 16<sup>th</sup> —

day of February — 1981

a. a. Baden Fuller

Commons Commissioner