



COMMONS REGISTRATION ACT 1965

Reference No. 59/U/36

In the Matter of Blackheath,
Greenwich and Lewisham, Greater London.

DECISION

This reference relates to the question of the ownership of land known as Blackheath in the London Boroughs of Greenwich and Lewisham, being the part of the land comprised in the Land Section of Register Unit No. CL 11 in the Register of Common Land maintained by the Greater London 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 no person claimed to be the freehold owner of the land in question and no one 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 Watergate House, Adelphi, London, W.C.2. on 1st May 1974.

Mr G. Ironside-Smith, solicitor, appeared at the hearing on behalf of Mr A.N. Polhill.

It is stated in a letter dated 26th October 1869 from the Office of Her Majesty's Woods, Forests and Land Revenues that the soil of Blackheath then appeared to be vested as follows:-

1. Part in the Crown;
2. Part in the Earl of Dartmouth or his Trustees;
3. Part in the Trustees of the late Sir G.P. Turner; and
4. Part in the Trustees of Morden College.

In clause 14 of the Scheme with respect to Blackheath made under the Metropolitan Commons Act 1866 and confirmed by the Metropolitan Commons Supplemental Act 1871 (34 & 35 Vict., c. lvii) it is stated that the lords of the manors of Lewisham, East Greenwich and West Combe claimed the soil and freehold of so much of the Heath as lay within their respective manors.

It is not necessary for the purposes of this case to consider further the parts of the Heath owned by the Crown and the Trustees of Morden College, since those parts are the subjects of registrations in the Ownership section of the Register Unit which have become final. Of the remainder, two triangular pieces have been the subject of registrations in the Ownership section on applications made by Mr Polhill, which registrations have also become final. This leaves for consideration four areas in respect of which there is no registration in the Ownership section. Those are:-



-2-

1. A triangular area bounded by St John's Park on the north, Vanbrugh Terrace on the east, and Maze Hill on the south-west;
2. A very small area to the west of the south side of Crooms Hill;
3. A small island site in West Grove; and
4. The whole of the land comprised in the Register Unit within the London Borough of Lewisham.

I am satisfied on the documentary evidence produced to me that Mr Polhill is the lord of the manor of West Combe and the successor in title of the Trustees of the late Sir G.P.Turner. There is nothing in the evidence before me to show positively which part of the land the subject of the reference lies within the manor of West Combe or was owned by the Trustees of the late Sir G.P.Turner. It does, however, seem possible to draw from the evidence inferences regarding the boundaries of the manors of Lewisham, East Greenwich, and West Combe which are sufficient for the purposes of this case. Owing to a formerly well-known conveyancing device, it is well-known, at any rate to lawyers, that the manor of East Greenwich has for many centuries been part of the Crown estate, and the manor is so referred to in the statute 16 Geo.III, c.24. The land registered in the Ownership section by the Crown Estate Commissioners lies within the London Borough of Greenwich, and I therefore infer that it is within the manor of East Greenwich. This land is bounded on the north-east by Maze Hill. Immediately adjoining it to the north is Greenwich Park, also bounded on the north-east by Maze Hill. I therefore take Maze Hill to be the north-eastern boundary of the manor of East Greenwich. I draw the further inference that the land in the London Borough of Lewisham is in the manor of Lewisham.

If these inferences are correct, it follows that the land within the Register Unit in the London Borough of Greenwich lying to the north-east of Maze Hill cannot be in either of the manors of East Greenwich or Lewisham, and that the Act of 1871 shows that it must be within the manor of West Combe. This is borne out by Mr Polhill's ownership of the two triangular pieces of land and also by the situation of the modern Westcombe Park Road. I am therefore satisfied that the triangular area bounded by St John's Park, Vanbrugh Terrace, and Maze Hill is within the manor of West Combe and is therefore in the ownership of Mr Polhill, there being no evidence that it has ever been alienated from that manor.

I am not, however, so satisfied with regard to the two small areas in Crooms Hill and West Grove. Both these areas lie far to the west of Maze Hill, which I find to be the south-western boundary of the manor of West Combe, and are separated from it by Greenwich Park. It seems likely that they are both alienated portions of the manor of East Greenwich, but there is no evidence as to whom they now belong, and in particular there is no evidence upon which I could find that they belong to Mr Polhill.

There is no evidence as to who is now the owner of the part of the Heath within the London Borough of Lewisham, which appeared in 1869 to be vested in



-3-

the Earl of Dartmouth or his Trustees. An enquiry made by the Clerk of the Commons Commissioners of the present Earl of Dartmouth elicited no more than an acknowledgement. In the absence of any evidence I am unable to find who is now the owner of this land.

On this evidence I am satisfied that Mr Polhill is the owner of the triangle of land bounded by St John's Park, Vanbrugh Terrace, and Maze Hill, and I shall accordingly direct the Greater London Council, as registration authority, to register him as the owner of that land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remaining areas of land the subject of the reference, and they 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 10th day of December 1975

Chief Commons Commissioner