



In the Matter of Aldbury Common, Aldbury,  
Hertfordshire

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DECISION

This reference relates to the question of the ownership of land known as Aldbury Common, Aldbury, being the part of the land comprised in the Land Section of Register Unit No. CL73 in the Register of Common Land maintained by the Hertfordshire 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 D Bonsor, Ms P M Kirkham, and Mr D E Ward claimed to be the freehold owners of parts 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 Hertford on 12 February 1985. At the hearing Mr Bonsor was represented by Mr G P Francis, Solicitor, Mr Ward by Mr J R Tee, Solicitor, and the National Trust by Mr D Hay, Solicitor.

The land the subject of the reference consists of two separate areas, one to the north of the village of Aldbury and one to the South.

The northernmost part of the northernmost area, known as Tim's Spring Wood, was conveyed to the National Trust by a deed of gift made 5 June 1970 between (1) Joan Ethel Cole (2) The National Trust for Places of Historic Interest and Natural Beauty. Tim's Spring Wood was part of a larger area acquired by Mrs Cole by a Conveyance made 23 December 1965 between (1) Hawkwell (Stocks) Ltd (2) John James Wrench (3) J E Cole. A small area to the south of 0.753 ac. was conveyed to the National Trust by a Conveyance made 4 July 1929 between (1) Arthur Brooke Turner (2) The National Trust. Most of the remainder of the land in the northernmost area to the south of the National Trust Land was conveyed to Mr Bonsor by a Conveyance made 3 December 1947 between (1) Pierre Amedee Savoie Carrington (2) David Victor Bonsor. Mr Bonsor's conveyance contains a memorandum that a small area at the south-eastern extremity of his land was conveyed to Mr Frederick Alexander Lewin on 9 August 1967. I was informed by Mr Crow that Mr Lewin's successor in title was probably Mr P R Carver. However, a letter addressed to Mr Carver at his last known address on 20 February 1985 elicited no reply.

The only remaining part of the land in the northernmost area O S No.37 with an area of 1.188 ac. was said to be in the ownership of Mrs J C Macan. It has subsequently been ascertained that this land was included in the parcels of a conveyance made 25 August 1960 between (1) Rose Ellen Thorn (2) Joan Caroline Macan, the root of title being a conveyance made 29 September 1927 between (1) Arthur Brooke



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Turner (2) Ralph Thorn.

Turning to the area to the south of the village of Aldbury, this also consists of two parts. The northernmost part, known as Jack Roberts Wood, was conveyed to Mr S L Ward by a deed of appointment and conveyance made 16 December 1949 between (1) Rt Rev Claud Thomas Thellunson Wood, Bishop of Bedford (2) Dingwall Latham Bateson and Jack Dalrymple Walters (3) Sidney Leslie Ward. The southernmost part, known as the Hangings Wood, was conveyed to Mr S L Ward by a conveyance made the same day between (1) Rt. Rev. C J T Wood, Bishop of Bedford and James Gregan Craufurd (2) S L Ward. Mr S L Ward conveyed the land to Mr D E Ward by a conveyance made 5 April 1950 between (1) S L Ward (2) Dennis Edward Ward.

On this evidence I am satisfied that the National Trust, Mr Ward, Mr Bonsor and Mrs Macan are the owners of parts of the land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register them as the owners of their respective parts under section 8 (2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the land conveyed to Mr Lewin in 1967, which 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

22nd

day of

March

1985

*Eric Tapillo*

Chief Commons Commissioner