



In the Matter of Hunsdon Mead and Eastwick Mead, Eastwick and Gilston, Hertfordshire.

DECISION

This reference relates to the question of the ownership of land known as Hunsdon Mead and Eastwick Mead, Eastwick and Gilston, being the part of the land comprised in the Land Section of Register Unit No. CL.91 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 the Hon George Gibbs claimed to be the freehold owner of the land in question and Mr R G S Moncur 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 Bishop's Stortford on 11 July 1984. At the hearing Mr Gibbs was represented by Mr R Shaw, Solicitor, and Mr D M Camp appeared in person.

The land the subject of the reference consists of the western half of Eastwick Mead. This land was vested by Walter Durrant, (fourth) Baron Alderham and the Hon. Geoffrey Cokayne Gibbs, the personal representatives of Herbert Cokayne, (First) Baron Alderham, in the fourth Lord Alderham by an assent made 27 November 1953. The fourth Lord Alderham died 30 May 1961, and his will was proved by the Hon Sir Geoffrey Cokayne Gibbs. Sir Geoffrey Gibbs died 6 July 1975, and his will was proved by Stephen Cokayne Gibbs and Roger Geoffrey Gibbs. Finally, the land in question was conveyed to Mr George Gibbs by a conveyance made 8 April 1980 between (1) S C Gibbs and R G Gibbs (2) Hon. George Henry Paul Gibbs. The land is let on a tenancy agreement dated 16 November 1953 to Mr Moncur, who has paid his rent to Mr George Gibbs since 1980.

Mr Camp claimed to be the owner of an area of about an acre marked by four iron posts in the land above referred to. Mr Camp said that he had cut the hay on this piece of land for many years and that in some years he had sold the hay to Mr Moncur. Mr Camp has also received the wayleave rent for a pole on this land paid under an agreement made 6 August 1954 between (1) Eastern Electricity Board (2) George Camp. This evidence would support a claim to a possessory title to the land within the four iron posts, but it is contradicted by the registration at Entry No. 3 in the Rights section of the Register Unit of a right to graze cattle and sheep over the whole of the land comprised in the Register Unit made on the application of Mr Camp, Mr M Camp, and Mr J D Camp. Since a man cannot have a right of common over his own land, and since the registration in the Rights section is by virtue of section 10 conclusive evidence of the existence of the right of common, I have come to the conclusion that Mr Camp cannot be the owner of the land which he claims.

On this evidence I am satisfied that Mr George Gibbs is the owner of the whole of the land the subject of the reference and I shall accordingly direct the Hertfordshire County Council as registration authority, to register him as the owner of the of the land under section 3 (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

27th

day of

July

1984

G. Gibbs
Chief Commons Commissioner