



In the Matter of Patmore Heath, Albury and Furneux Pelham,
Hertfordshire

DECISION

This reference relates to the question of the ownership of land known as Patmore Heath, Albury and Furneux Pelham, being the land comprised in the Land Section of Register Unit No. CL.122 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 Albury Parish Council 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 Hertford on 6 May 1983. At the hearing the Parish Council was represented by Mr L M H Elliot, its former Clerk.

The land the subject of the reference is open, uncultivated, and unoccupied and is therefore "Waste Land" as defined by Watson B. in Att.Gen. v. Harmer (1858), 27 L J Ch 897. The Parish Council claims that the land is parcel of the manor of Albury Hall, of which manor it is the lord.

By a deed of gift made 11 August 1955 between (1) Henry Lancelot Hare (2) The Parish Council of the Parish of Albury the manor or lordship of the manor of Albury ^{Hall} was conveyed to the Parish Council. This deed would pass with the manor any waste land of the manor by virtue of section 62 (3) of the Law of Property Act 1925. Mr Hare traced his title back to an indenture made 27 February 1899 between (1) Christopher James Clark (2) Henry Anthony Hare. This indenture would have passed any waste land of the manor by virtue of section 6 (3) of the Conveyancing and Law of Property Act 1881.

The Parish Council's claim involves the assumption that the land in question is situate within the manor of Albury Hall. The Register Map is based on an Ordnance Survey Map which shows that, while most of the land is within the parish of Albury, the northernmost part of it is within the parish of Furneux Pelham. This is not necessarily fatal to the Parish Council's claim, for a manor can extend into more than one parish. Conversely, however, there can be more than one manor in a parish. I am therefore not prepared to assume that the manor of Albury Hall is coterminous with the parish of Albury without further evidence. It is, however, to be observed that according to the Victoria County History of Hertfordshire (1914), iv 5^{et seq} there are five manors in the parish of Albury, one of them being named Patmore or Patmore Hall. While a statement in a county history is not evidence, this seems to indicate that if any further evidence could be produced, it would show that Patmore Heath is Waste Land of the manor of Patmore or Patmore Hall, the lordship of which was stated to have been sold in 1912 to Mr Frank B Debenham, though there is also the possibility that the ownership of the land may at some time have been severed from the lordship of any manor of which it was formerly parcel.



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In the absence of any ^{further} evidence I am not satisfied that any person is the owner of the land, and it 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 2nd day of November 1983

A handwritten signature in black ink, appearing to read 'C. J. Quibb'.

Chief Commons Commissioner