



COMMONS REGISTRATION ACT 1965

Reference No 19/U/39

In the Matter of several pieces of  
land at Cliffe Marshes, Cliffe, Medway  
District, Kent

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DECISION

My decision, stating its effect shortly is:- I accept the ownership claims of Port of London Authority (PLA) and of Associated Portland Cement Manufacturing Company Limited (APCM) so far as they relate to land in the 1853 Inclosure Award called "Private Carriage Roads", that is their claims relating to Common Wall and a part of Mead Wall which runs almost due east-west up to Coastguard Cottages. I also accept their ownership claims so far as they are based on a conveyance dated 24 July 1931 which mentions a diversion of the part of the track which runs along Mead Wall, being the part a little to the north of Boatrick House. I reject their claims so far as they are based merely on presumptions alleged to be consequential upon their ownership of adjoining land. The circumstances in which these claims have been referred to me, the evidence given in support of them and my reasons for my decision are as follows:-

This reference relates to the question of the ownership of land (in several pieces) at Cliffe Marshes, Medway District, Kent being the land comprised in the Land Section of Register Unit No CL. 77 in the Register of Common Land maintained by the Kent 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 PLA claimed to be the owners of the land and no other person claimed to have information as to its ownership. A hearing fixed for 15 January 1974 before the Chief Commons Commissioner was adjourned, it being then thought that the Burmah Total Refineries Trust Bill if enacted by Parliament would affect the proceedings. Subsequently this Bill was defeated on the motion for the second reading.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Sittingbourne on 20 May 1976. Before this hearing, Cliffe Parish Council claimed ownership and Mr R F Hutchings as Secretary of Cliffe Conservation Society wrote to the Clerk of the Commons Commissioners. At this hearing, PLA was represented by Miss S Cameron of counsel instructed by Mr B Golds their solicitor, APCM were represented by Mr S Garbutt their solicitor, and Cliffe Parish Council were represented by Mr J B Carter, articled clerk with Kingsley Smith & Co, Solicitors of Canterbury. Mr Carter said that the Parish Council did not oppose the claims put forward by PLA and APCM. Oral evidence was given by Miss K M Topping, Assistant Archivist to the Archivist of the County Archives at Maidstone, in the course of which she produced the documents specified in Part I of the Schedule hereto. I then adjourned the proceedings, because I then had no more available time.



I held the adjourned hearing at London on 26 and 27 October 1976. At this hearing PLA were represented by Miss Cameron instructed by Mr M R Flegg their solicitor and APCM were represented by Mr J Garbutt their solicitor. Oral evidence was given by the said Mr Flegg and by Mr S M O Howe who is the Divisional Surveyor at Stone Castle, Greenhithe of APCM; in the course of their evidence they produced the documents specified in Parts II, III, IV and V of the Schedule hereto.

The land ("the Unit Land") in this Register Unit comprises a number of strips having a length, altogether of about  $3\frac{2}{3}$  miles. These strips are: Pickles Way which runs for about  $\frac{2}{3}$  of a mile from a point by Wharf Farm just northeast of Cliffe Village to a point northwest of Allens Hill; Mead Wall which runs for about  $1\frac{1}{2}$  miles from Pickles Way (the foot of Allens Hill) on the south to Coastguard Cottages (near the River Thames) on the northwest; Ham Wall which runs for about  $\frac{1}{3}$  of a mile (east of Mead Wall) from Pickles Way on the south to the north (towards the River); Farthing Wall which runs for about  $\frac{1}{2}$  a mile (east of Ham Wall) from Pickles Way on the south to the north (also towards the River); a strip ("the Sheepwash Strip") which runs for about  $\frac{1}{4}$  of a mile from Pickles Way (about  $\frac{1}{2}$  a mile east of Coastguard Cottages) to the north (towards Sheepwash Farm); and also Common Wall which is separate from the other strips and runs for about  $\frac{1}{2}$  a mile from a point on Common Lane (about  $\frac{1}{2}$  a mile east of the Village) to the north. The strips are for the most part about 30 yards or less wide and a track usable by vehicles runs along them; the best made of these tracks is that from the Village along Pickles Way and Mead Wall to Coastguard Cottages; but even along this track, the surface is in many places very rough and a prudent driver of a motorcar would proceed slowly and cautiously. The Unit Land on the side of these tracks is (except where narrow) mostly grassland with here and there some scrub. At various places the strips are much wider, the widest part being a T-shaped area ("the Junction Area") at the junction of Mead Wall and Pickles Way, where the width may be as much as 100 yards or more; in the Junction Area, the land is very uneven sloping in places steeply up to the south and there is much scrub, some of which is practically impenetrable.

On 21 May 1976 I walked the length of Mead Wall and looked at much of the Junction Area. It was at the hearing agreed that the other parts of the Unit Land appeared (making due allowances for them being less used, and including no such wide areas as Junction Area) ~~were~~ in all relevant respects the same as Mead Wall and that I need not therefore inspect the other parts.

The claims by Miss Cameron on behalf of PLA were by reference to the letters AB, XSY and MNPR on the plan (MRF12) showing the PLA Cliffe Estate and the Unit Land. A copy of the relevant part (uncoloured) of this plan ("the Decision Plan") is annexed, page 3. Between M and N there is a track leading into a field; in the course of the proceedings reference was made to the corner (approximately the central point between M and N) which I shall call F. These claims were not all on the same basis. The simplest was the claim ("the PR Claim") to the part of Mead Wall which is south of P and north of R and east of the middle line of the track. Although the PR claim relates only to the smallest of the parts claimed by Miss Cameron, I will deal with it first because the arguments in support of it were adopted by Mr Garbutt in relation to nearly all the land claimed by him on behalf of APCM, and because the circumstances applicable to it are of some general interest.





The argument as I understood it is this:- The track along the Unit Land between P and R is a highway. It runs between two fences and according to a well established presumption relating to highways so positioned, this highway must be presumed to extend over the strips on either side of the track right up to the fences, see Halsbury Laws of England, 3rd edition volume 19 pages 75 et seq. In accordance with another well established presumption, as to which see Halsbury ib pages 65 et seq, the owner of land adjoining a highway is presumed to be the owner of the soil of the highway up to the middle line of the made up part. The Land Certificate of PLA (MRF15) shows them to be the owners of the adjoining land to the east, and accordingly, there being nothing to rebut the two presumptions above mentioned, their claim is established by the evidence before me.

The parts of the Unit Land claimed by APCM amount to nearly all (I would say at least  $\frac{3}{4}$ ) of the parts not claimed by PLA and such claim was made by reference to a map (SMOH/A) produced. As regards the land so claimed by APCM, Mr Garbutt adopted the arguments of Miss Cameron, including as regards most of their claim that  $\longrightarrow$  summarised above with the modification that the title of APCM to the adjoining land instead of being supported by a Land Certificate was supported by the conveyances specified in Part III of the Schedule hereto.

The argument has been made before me in other cases more particularly in re Settle Road and Scosthrop Green, (North Yorkshire CL. 294) where the evidence produced was essentially the same, see my decision dated 10 August 1976 reference 45/U/306. This case is the first in which the argument has before me been fully developed. Initially the argument was made on the basis that rights of way along the Unit Land were private; it being contended (rightly I think) that the two presumptions were applicable; however in view of the information produced at the end of the hearing about the registrations made under Part IV of National Parks and Access to the Countryside Act 1949, it was conceded that the Unit Land was at least for part of its width highway (footpath or bridleway), and I shall therefore deal with the argument on a highway basis.

The definition of "common land" in the 1965 Act contains the words "does not include ...any land which forms part of a highway" so the argument presupposes that the land claimed should not have been registered. The Act contemplates that as regards ownership, a Commons Commissioner's jurisdiction shall be limited to land registered under the Act. It would I think be strange if I could pronounce on the ownership of highway land when the Act contains such a clear indication that such land is not to be treated as common land and stranger still if I could base a claim for ownership solely on a presumption applicable only to land which should not be registered at all. Miss Cameron argued that I should not be deterred when considering the ownership of the Unit Land by any such consideration, because although by section 10 registration under the Act of any land as common land is to be "conclusive evidence of the matters registered" this section is qualified by subsection (2) of section 21 by the words "shall not apply for the purpose of deciding whether any land forms part of a highway".

As to this:- There is much land which is crossed by highways and which can apart from the 1965 Act be properly described as common land; I have in mind particularly the many wide open spaces which are crossed by unfenced public roads or bridleways and by numerous public footpaths; it would have been very burdensome to those who applied for the registration under the 1965 Act of such open spaces if the application had to be accompanied by a map which indicated which of the roads and paths (in some cases very numerous) were or might be highway. I know that some highway authorities relying on the said subsection made no objection to these registrations



which have accordingly become final. So with some hesitation, I accept Miss Cameron's contention that I ought not to reject her argument on the basis that PLA and APCM are in some way estopped from putting before me any argument based on the Unit Land being highway. Therefore the question remains whether the presumptions above mentioned are rebutted by the registration under the 1965 Act.

There was no evidence before me of the public having used the tracks or of them ever having been made up by any highway authority. However the following information as to registrations of these tracks under Part IV (Public Rights of Way) of the National Parks and Access to the Countryside Act 1949 (since amended by Countryside Act 1968):- Under the existing definitive map Pickles Way and Ham Wall are classified as CRB meaning cart or carriage road-bridleway and Ham Wall and Farthing Wall are classified as CRF; under the definitive map now in the course of revision (there having been no objection) in due time Mead Wall and Pickles Way will be bridle-ways and the Sheepwash Strip, Ham Wall, Farthing Wall and Common Wall will be footpaths. The only map produced to me indicates that the highways along Pickles Way and Mead Wall as registered do not include their whole width; an inquirer of the County Council was told that the map although it dealt with the route of these ways does not deal with their width. In this decision I shall assume that a document to this effect certified by the County Council under section 32 of the 1949 Act could if need be produced and that accordingly it is conclusively established under subsection (4) that the tracks above referred to are either bridleways or footpaths within the meaning of subsection (6) of section 27 of the 1949 Act. But I do not assume that by the operation of the 1949 Act the parts of the Unit Land between the edge of the track and the fences (or dykes) are part of these bridleways and footpaths.

It was conceded that none of the plans annexed to the Land Certificate or to the conveyances specified in the Schedule hereto included any part of the Unit Land. I have no evidence of any highway use or acts of ownership of the Unit Land which support the two presumptions above mentioned.

I have therefore to consider whether either of the presumptions is rebutted by the circumstance that the Unit Land has been registered as common land under the 1965 Act. Miss Cameron, as I understood her argument, contended that subsection (2) of section 21 either enables me or requires me to consider the PR claim as if the 1965 Act had never been passed, or at least as if the relevant parts of the Unit Land had never been registered under it. This seems to me to go too far. Subsection (2) of section 10 does not I think establish that the registration is not evidence of anything. The registration, although it may not be conclusive, is I think some evidence that the Registered Land is within the section 22 definition, and accordingly is not highway. Apart from the 1965 Act, land may at the same time be subject to rights of common and be highway and also at the same time be waste land of a manor and highway; so the registration at least suggests that the Unit Land even if it is highway is within the rest of the section 22 definition. Further the mere fact that the Unit Land and not the adjoining land has been registered is I think some evidence that the Unit Land and the adjoining land are for some estate or interest differently owned or subject to different incidents.



It was —→ if not expressly at least impliedly suggested that I could disregard the registration of the Unit Land because it was obvious that it could not be within the definition of common land in section 22 of the 1965 Act and that the registration was a mistake. I was told that PLA might have objected if they had known of the registration in time; however as regards APCM the Register shows that they did object and that when the registration was amended (I suppose by removing the land hatched purple on the Register map) their objection was cancelled. Further if the presumptions are applicable in a way for which APCM contend by far the greater part of the Unit Land (all I suppose except the Junction Area) would have been wrongly registered; although the Act may contemplate that highways, being footpaths, bridleways etc crossing a common (using the word as generally understood) are to be disregarded, I ought not I think to proceed on a basis which would make the registration almost wholly nonsense.

The two presumptions above mentioned may be rebutted, see Halsbury ib. For example, the circumstance that the adjoining land is in the relevant conveyance distinctly described and that the alleged highway has been treated as waste land of a manor are two circumstances which may (with other considerations) rebut the presumptions, see Pryor v Petrie 1894 2 Ch 11; further as to these presumptions, see Attorney General v Beynon 1970 1 Ch 1. I decline to treat the registrations as not being some rebutting evidence merely because neither the Parish Council nor anybody else other than PLA and APCM at the hearing claimed ownership. These proceedings are not I think analogous to an action by PLA and APCM claiming against a defendant; it may be that in any such action on the evidence given to me and in the absence of any evidence by the defendant, they would succeed against him and get some relief. But under the 1965 Act there is no person whose position is in any way analogous to that of a defendant in an action; if I am not satisfied as to the ownership, the land will vest under section 1 of the 1965 Act in such person as Parliament may hereafter determine and by section 9 of the Act it will remain in the meanwhile under the protection of local authorities; although local authorities are —→ under the Commons Commissioners Regulations 1971 entitled to be heard at these proceedings (presumably because of their possible interest under section 9) they are not I think in the position of a defaulting —→ defendant merely because they did not themselves claim ownership.

The relevant words in section 8 of the Act are "satisfied that any person is the owner" and by subsection (2) of section 22 owner is used in the sense of "ownership of the legal estate in fee simple". In my opinion the word "satisfied" implies a higher standard of evidence than might be accepted by a court in proceedings against a defaulting defendant. For example: in any action a plaintiff in possession of land is presumed to be the owner, and succeeds at least against a person in default; but in my opinion notwithstanding such a presumption I should not properly be "satisfied" as to a person's ownership merely because he gave evidence that at the time of the hearing he was in possession; to be so satisfied some additional evidence (eg the production of a conveyance in fee simple) would be requisite to explain away the possibility of this presumption being rebutted (eg that the person is only a tenant). In the same way, even if a registration under the 1965 Act would not in an action be sufficient to rebut the above mentioned presumptions the possibility of the presumptions being inapplicable is I think established by the registration.



For the above reasons I am not satisfied that either PLA or APCM are the owners of the parts of the Unit Land which they claim relying on these two presumptions.

To prevent any misunderstanding, I record that I do not think that the registration of land under the 1965 Act conclusively rebuts the two presumptions, although I find it difficult to imagine a case in which the presumptions could ever much help an ownership claimant. It often happens in relation to land registered under the 1965 Act that some parts situate between a made up public highway and the boundary fence is claimed by the owner of the adjoining land because his documents of title include land up to the carriage way and/or because there is evidence that he has acquired a possessory title by acts of ownership over the parts; such claimants are helped by their ownership of the adjoining land, but they prove their case I think not by showing that the two highway presumptions above mentioned cannot be rebutted but in the ordinary way by their documents, their possessory acts, and the surrounding circumstances.

As above mentioned Miss Cameron in the alternative put her PR claim on the basis that the tracks were at least private rights of way and referred me to *Holmes v Bellingham* (1859) 7CB(NS) 329; I accept the view that the presumptions are applicable in the case of private rights of way as in the case of highway, see *St Edmundsbury v Clark* No 2, 1973 1 WLR 1573, but they are I think no stronger than they would be if the ways were highways, and I need not I think discuss this argument particularly.

I should record that there are I think indications (perhaps not enough by themselves to rebut the presumptions) which favour my conclusion:- (1) The definitive map under the 1929 Act does not include the whole width. (2) Ownership of the Junction Area as claimed by APCM would be extraordinary because the greater part (wherever the area is crossed by more than one track) would be ownerless. (3) The conveyance SM:OH8 suggests that the Junction Area at least has a manorial history, and although the greater part of the Unit Land is track and narrow road verges, there is no obvious point on Mead Wall or Pickles Way in which this area could certainly be regarded as ending. And (4) the Tithe Award map, which is evidence of the appearance of the Unit Land at the time, is I think if anything against the Unit Land (except possibly a narrow short north-south length from the foot of Allens Hill) being highway, see *Knight v David* 1971 1 WLR 1671.

As regards so much of the Unit Land as is by the 1853 Allotted as "Private Carriage Roads", Miss Cameron submitted (correctly I think) that the Award must be read as if the ownership of so much as extended up to the middle line of the road was included in the allotment of the adjoining owners, see *Haigh v West* 1893 2 QB 19 at page 29. Accordingly after the Award, to each piece of land adjoining these carriage roads, there would be belonging or reputed to belong a corresponding part of the said carriage road, and such part would in my opinion pass under every conveyance of the adjoining land in accordance with section 62 of the Law of Property Act 1925 (replacing section 6 of the Conveyancing Act of 1881). Accordingly in my opinion PLA succeed in their claim to the part of the Unit Land between the points A and B north of the middle line and to all the Unit Land between X and Y which adjoins land allotted by the Award.



Mr Garbutt on behalf of APCM made a similar claim in relation to the part of the Unit Land between the points A and B to the south of the middle line and as regards the greater part of Common Wall. In my opinion this claim also succeeds for the same reasons.

As regards the part of the Unit Land between X and Y which does not adjoin any land allotted by the 1853 Award, it is I think inconceivable that those responsible for the Award did not consider that this part of the Sheepwash strip was not before the Award privately owned in the same way as the rest became owned under the Award. Accordingly in my view PLA proved their ownership of this part too.

As regards the part of the Unit Land between N and P on the Decision Plan:- The 1931 conveyance shows that this part was then considered to be in private ownership. Accordingly I conclude that PLA are now the owners of so much as was by this conveyance expressed to be conveyed to them.

As regards the remainder of the Unit Land between N and P and between N and M, there is no evidence that NM was ever anything but what it now appears to be, a track leading off Mead Wall to the field at the north end of this track. The 1931 conveyance could not I think have proceeded as it did unless this track too was reputed to be in the same ownership as the adjoining land, but I see no reason for inferring that PLA are the owners of any part which does not adjoin land of theirs.

APCM showed (SMOH/5) that they were the owners of the piece containing (according to the Register map) 1.49 acres which is bounded on the south and east by the track mentioned in the preceding paragraph and on the west by Mead Wall, and accordingly they should I think have the benefit of the reputed ownership which, as above stated, is I think established by the 1931 conveyance.

As regards the part of the Unit Land between the points marked B and <sup>M</sup>X, it was agreed at the hearing that this part if it exists at all would be very narrow consisting possibly of just a ditch. In accordance with the principles outlined above it   
 —————> must belong either to PLA or APCM and I see no reason for not acting on the agreement reached at the hearing between Miss Cameron and Mr Garbutt that I should treat it as belonging to APCM by virtue of their ownership of the 1.49 acre piece above mentioned.

*on the north side up to the ditch to PLA and on the south side from the ditch*

I now summarise my conclusions by reference to the Decision Plan and to the large Register map which shows the OS numbers; in this paragraph "the middle line" means the middle line of the road or track running along the relevant part of the Unit Land. I am satisfied that PLA are the owners of: (1) the part of the Unit Land north of the middle line between A and B on the Decision Plan; (2) all the Unit Land between the points X and Y on the Decision Plan; (3) the part of the Unit Land which is near the points M and N on the Decision Plan, which is bounded on the west by so much of the boundary of the Unit Land which lies between the letters "E" and "D" of the words "MEAD WALL" on the Register map and which is bounded on the east by the arc of a circle which starts at the said letter "E" and ends at the said letter "D" and which passes through the Dykes marked on the said Register map —————> between N and P on the Decision Plan; and (4) the part of the Unit Land east of the middle line and west of the boundary between the Unit Land and OS 7200, as marked on the said Register map.

I am satisfied that APCM are the owners of (1) part of the Unit Land south of the middle line between A and B on the Decision Plan; (2) the part of the Unit Land

*and (5) the north part (G/A ditch) of the Unit Land of any as*

*and 6867  
between the points M and N  
the Decision Plan and*

*lies between the points  
B and M on the Decision Plan*

*which is cross-hatched black on plan no 3  
annexed to the conveyance dated 24 July  
1931 and on the Schedule lands part black  
has marked MRFQ (an extract from which  
plan with the cross hatched part has  
marked by me with the letters PPPP in pencil to part*





and (5) the same part (to the extent) 54  
 of such part of the Unit Land of any  
 as lies between the points B and 17  
 on the Decision Plan.

west and north of the middle line of a track between M and N on the Decision Plan and south and east of the nearby boundary between the Unit Land and OS 5874 on the said Register map; and (3) part of the Unit Land known as Common Wall which is west of the middle line and east of the boundary between the Unit Land and OS Nos 7032, 7500, 7494, 7288, 5985, and 5673 on the Register map; ~~and~~ (4) part of the Unit Land known as Common Wall which is east of the middle line and west of the boundary between the Unit Land and OS Nos 0124, 9816, 0006, 9190 on the said Register map; I shall accordingly direct Kent County Council as registration authority to register Port of London Authority of London Dock House, 1 Thomas More Street, London E1 and Associated Portland Cement Manufacturers Ltd, Portland House, Stag Place, London SW1 as the owners of parts of the Unit Land before mentioned. As regards the remainder of the Unit Land I am not satisfied that any person is the owner of it, and it will therefore remain subject to protection under section 9 of the Act of 1965.

As the preceding paragraph may owing to some clerical error not give effect to the reasoning of this decision, I give to PLA and APCM liberty to apply as many such error within 42 days of which notice of this decision is sent to them. Any such application should in the first instance be made in writing to the Clerk of the Commons Commissioners.

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.

SCHEDULE

Part I. Documents produced by Miss K M Topping

KMT1		
KMT2	15 July 1842	Map referred to in the Cliffe Parish Tithe Apportionment Award
KMT3	19 September 1853	Map A certified by Inclosure Commissioners as being that referred to in the below mentioned Award,
KMT4	19 September 1853	Map B similarly certified being the land before the Award was made
KMT5	12 September 1853	Award for the inclosure of Great Mead and Rye Street Common in the Parish of Cliffe

Part II. Documents produced by Mr M R Flegg

MRF1	-	Plan 2: OS map 1/2500 showing land claimed, XY = Sheepwash Strip and ABYB is west part of Mead Wall	-
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MRF2	25 March 1931	Conveyance by H S Lane to W R Phillips of part of Cots Sole Farm as the same abuts on Meadway Road adjoining Coastguard Station and containing 8a 2r 16p	North of AY (next to A): 1853 allotment No 42: OS 4479
	28 March 1931	Conveyance endorsed as above by W R Phillips to PLA of same land	
MRF3	15 April 1931	Conveyance by F Wright and others to W R Phillips of land abutting on Mead Wall and known as Reedham Mead Marsh and containing 10a 2r 27p	North of AY (east of MRF2): 1853 allotment No 43: OS 5888
	28 March 1931	Conveyance endorsed on above by W R Phillips to PLA of the same land	
MRF4	19 March 1931	Conveyance by E C S Colyer to W R Phillips of land known as Mead Piece containing 8a 1r 28p	North of AY (east of MRF3): 1853 allotment No 44: OS 7383 (formerly OS 306)
	28 August 1931	Conveyance endorsed on same land to PLA	
MRF5	23 December 1930	Conveyance by W R Filmer and another to W R Phillips of land abutting on Mead Wall Road containing 17a 2r 12p	North of AY (east of MRF4 and west of XY): 1853 allotment Nos 45 and 46: OS 8886, 0800 & 0086
	28 August 1931	Conveyance endorsed on above of same land by W R Phillips to PLA	
MRF6	24 June 1955	Conveyance by HMS of S for War to PLA of pasture and marshes containing with ditches 21.060 acres as on plan on conveyance of 7 September 1939 and of OS Nos 405, 406 and 411 (pursuant to option to repurchase in 1939 conveyance)	1853 allotment Nos 46 and 49
MRF7	7 September 1939 (no copy)	Conveyance by PLA to HMS of S for War with option to repurchase	1853 allotment Nos 45, 46 and 47
MRF8	22 January 1931	Conveyance by G Long to W R Phillips of a piece of 3.386 acres and another piece of 18.107 acres	West of XY: 1853 allotment Nos 47, 48 & 49: (formerly OS Nos 405 and 305)
	28 August 1931	Conveyance endorsed on above by W R Phillips to PLA	
MRF9	24 July 1931	Conveyance by Curtis's & Harvey Limited and their Trustees to PLA of 181.730 acres described in Schedule 1 and coloured pink on plan 1, and piece of marshland described in plan no 3 "coloured red and hatched black marked with the words "Diversion"	Plan 1:- West of XY (a very small part by X): 1853 Award No 50: includes OS 0024 (formerly OS 413)



		conveyed to the vendors for the purpose of straightening the occupation road hereinbefore mentioned" and also land east of last before described up to ditch also hatched black	Plan 3:- Between N and P on Decision Plan
MRF10	(no copy)	Conveyance by J Robertson to Curtis's & Harvey Limited	-
MRF11	29 September 1930	Conveyance by A Wills and another to Sir E Savill of 233 $\frac{3}{4}$ acres of land	East of XY and north and east of ABMF: 1853 allotment Nos 51, 52, 53, 54, 55, 56 & 57 (land east of north end of XY not allotted and land between B and M, and M and F not allotted
	28 August 1931	Conveyance endorsed on above by Sir E Savill to PLA of the same land	
MRF12		Map of PLA estate and Reedham Mead and Cliffe Marshes	-
MRF13		Plan No 3:- Enlargement of MRF12 showing the YBMNP part of the Unit Land and plan No 3 in MRF9	-
MRF14	8 May 1916 (no copy)	Conveyance by W A Smith Masters and his trustees to Curtis's & Harvey Limited (parcels are verbally the same as those of the 1931 conveyance	-
MRF15	17 April 1970 (registration)	Land Certificate title no K341 024 of the land lying to the northeast side of Mead Wall (PLA registered as owner on 17 April 1970)	East of NPRF
MRF16	17 October	Conveyance which goes with Land Certificate OS nos 6867, 7977 and 8157 Boatrick Marsh now in occupation of G B Bedee	Land east of NPR
MRF17	8 October 1930	Copy conveyance by A Butcher to W R Phillips of 55 acres 18 perches	Land north of AB (being Coastguard Cottages west of A)
	28 August 1931	Conveyance endorsed on above by W R Phillips to PLA	

Note: PLA claim:- (1) all between X and Y (both sides of the road); (2) the north part up to the middle line between A and B, and B and F; (3) east and southeastern parts of the Unit Land between M and N; (4) all Unit Land between N and P; and (5) east of middle line between P and R.



Part III. Documents produced by Mr S M O Howe

SMOH/A		Map of parts of Unit Land the ownership of which is claimed by APCM: Numbers 1-19 on it show land adjoining Unit Land conveyed by SMOH: 1-19 below listed	
SMOH1	7 August 1907	Conveyance by S A Blackwood to APCM 1900 Ltd of 81a 3r 2p including "53 allotment in Great Mead 19a Or 6p"	Land south of AY (southwest of A, only a very small part south of AY)
SMOH2		Conveyance 26 October 1935 by J Robertson to APCM Ltd of part I, 160a Or 26p, part 2 26a and part 3 land part of West Street Farm coloured pink on plan no 3	Plan No 2: Land west and southwest of NR (does not include triangle adjoining west of BN; Plan No 3: Land south of AY
SMOH3	28 December 19	Conveyance by S H Bowles to APCM of 3 pieces of marshland containing 30a 33p	Land south of AB (except SMOH2 & 4) a strip north of part of Pickles Way west of Junction Area
SMOH4	31 December 1934	Conveyance by S A Blackwood and another to APCM (1900) Ltd of marshland containing 175a 1r 32p	South of AB (residue) west of part of Junction Area and north of part of Pickles Way
SMOH5	30 August 1935	Conveyance by R S French and others to APCM of 59a 1r 9p	East of part of Mead Wall and south of R, an area by BMN removed after objection
SMOH6	28 September 1939	Conveyance P Arnold and others to APCM (1900) Ltd of Mead Wall Marsh (1a 1r 3p) abutting on the east side of Manor Way	Narrow strip west of Mead Wall and south of R
SMOH7	18 May 1918	Conveyance by B Arnold and others to APCM (1900) Ltd of land situate on the Mead Wall known as Five Acre Marsh	Northeast of Junction Area
SMOH8	2-December 1902	Conveyance by the Earl of Darnley and others to APCM (1900) Ltd of 83a 3r 6p part of Manor of West Cliffe common subject to all manorial services etc	South of Pickles Way, west end



SMOH9	5 May 1936	Conveyance L S Lane and others to APCM of Walnut Tree Field 6a 6p and (3) 12a 3r 3lp coloured purple	West end of Mead Wall and south of R
SMOH10	31 January 1936	Conveyance S H Bowles to APCM of 16a 1r 22p	A narrow strip between 5 and 9 and Mead Wall, west of north end of Ham Wall
SMOH11	19 December 1935	Conveyance W Sturt to APCM Ltd of Plots Nos 343 and 341	North of Pickles Way between Mead Wall and Ham Wall
SMOH12	12 January 1936	Conveyance A Burton to APCM Ltd of Plot No 345	West of the north end of Ham Wall (south of 10)
SMOH13	30 August 1935	Conveyance W R Filmer to APCM Ltd of (1) 13a 2r 5p, (2) 7a 1r 5p, (3) Malt House Field 9a 1r 26p	South of Pickles Way, a little to the northwest of the Church
SMOH14	31 July 1945	Conveyance by E C C S Colyer and APCM Ltd of (1) Brickwick Marsh, (2) Rye Street Common and (3) Gattons containing (i) 44.866, (ii) 28.557 and (iii) 51.904 acres	East of the north end of Farthing Wall and west of the north end of Common Wall : OS 7032
SMOH15	15 April 1939	Conveyance by L T Batchelor to APCM of 94a 30p	East of the southeast of Farthing Wall and north of extreme east end of Pickles Way, and two pieces west of Common Wall : OS 7500 and 5985 and 5673
SMOH16	23 August 1939	Conveyance by W J G Lowdell and another to APCM of (1) Rye Street Common 4a 3r 3p, (2) land abutting Manor Way at Rye Street Common 2a 2r and (3) Rye Street Common 2a 2r 30p	East of north end of Common Wall and west of south end of Common Wall : OS 0124, 7496 and 7288
SMOH17	24 November 1942	Conveyance by Lloyds Bank Limited to APCM of 293.929 acres including Plot No 450	East of north end of Common Wall (south of 16) : OS 9816
SMOH18	29 September 1945	Conveyance by J W Richards and his trustees to APCM of 9a 3r 21p (plot no 449)	East side of Common Wall (south of 17) OS 0006
SMOH19	14 April 1944	Conveyance by F J Baker to APCM of 2a 2r 20p	East side of Common Wall (south of 18) OS 9190

Note: APCM claim:- (1) Part of Mead Wall not claimed by PLA except land southwest of the middle line between B and N; (2) various parts of Pickles Way (in Junction Area to middle line of the nearest track); (3) about 1/6th of Ham Wall, (4) about 1/3 of Farthing Wall and (5) about 1/4 of Common Wall.

Part IV. Other documents produced by Mr M R Flegg

MRF18, 19 & 20		Three photographs of gate at Y
MRF21	16 & 18 July 1962	PLA memo from Estate Office to General Manager (with plan) about proposed notice board and PLA memo in reply
MRF22	About 20 December 1973	Another photograph
MRF23	12 July 1976	Letter from County Council to PLA: Mead Wall is CRB82 and will be BW82; notation CRE: "Cart or carriage road - Bridleway"

Part V. Further document produced by Mr S M O Howe

SMOH/22		Plan showing BW80 (Pickles Way), BW82 (Meads Wall), FP330 (Sheepwash Track), FP81 (Ham Wall), FP57 (Farthing Wall), CRB80, CRB82--, CRF81, -- and CRF83
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Dated this *7<sup>th</sup>* day of *February* ————— 1977

*a. a. Baden Fuller*

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Commons Commissioner

*Corrected in red: for plan referred to in corrections turn over  
a.a. Baden Fuller  
29 April 1977*