



COMMONS REGISTRATION ACT 1965

Reference Nos 236/U/34
236/U/36

In the Matter of (1) land at Lynes Farm and (2) land west of Blackheath Village, Wonersh, Waverley District, Guildford

DECISION

These references relate to the question of the ownership of (1) land at Lynes Farm and (2) land west of Blackheath Village, Wonersh, Waverley District being the lands comprised in the Land Section of Register Unit (1) No CL. 434 and (2) No CL. 433 in the Register of Common Land maintained by the Surrey 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 Lt Cmdr J C Varley claimed to be the freehold owner of the lands 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 Guildford on 12 January 1977. At the hearing Commander Varley was represented by Mr S E Solomon solicitor with Crossman Block & Keith, Solicitors of London and Guildford.

Mr Solomon in the course of his evidence produced: (1) a deed of gift dated 1 October 1973 by which Mrs F B Steward conveyed to Commander Varley, Lynes Farm, Woodyers Farm and Nos 2, 3 and 4 Chestnut Corner; and (2) a voluntary conveyance dated 1 January 1946 by which Mrs B E Cook conveyed to Mrs F B Steward the same lands described (so far as now relevant) by reference to conveyances dated 22 August 1904 and 2 October 1906 to Mr F H Cook.

Mrs C J Varley, wife of Commander Varley, in the course of her evidence, said (in effect):- Mrs F B Steward is the wife of Commander Varley's uncle; Mrs B E Cook was her mother. The lands comprised in these Register Units are woodlands included in the 1946 and 1973 conveyances. The registration under the 1965 Act was, so she understood, a mistake; Mrs Pike who applied for the registration of common rights over Blackheath (a large area to the east) when drawing its boundary mistakenly included the CL. 433 and CL. 434 lands (the Register shows that they were registered in consequence of an application by Mrs Pike to register rights of pasture and estovers). Mrs Pike had released her rights over these lands (a deed dated 1 January 1976 made by her was produced).

On this evidence I am satisfied that Commander Varley is the owner of the lands and I shall accordingly direct the Surrey County Council as registration authority to register Lieutenant Commander John Cromwell Varley of Chilworth Hall, Guildford, Surrey as the owner of the lands under section 8(2) of the Act of 1965.



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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 20th day of *January* — 1977

a. a. Baker Fuller

Commons Commissioner

