



COMMONS REGISTRATION ACT 1965

Reference No. 236/U/18

In the Matter of a part of Blackheath Common
in the parish of St Martha and in the Borough
of Guildford, Surrey

DECISION

This reference relates to the question of the ownership of land being a part of that known as Blackheath Common in the parish of St Martha and in the Borough of Guildford, and being the land comprised in the Land Section of Register Unit No. CL. 296 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 Williams & Glyn's Trust Company Limited, Lady Gwendolen Hilda Tangley and Mr Peter Meldrum Herbert through their solicitors, claimed as Lords of the Manor of East Bramley, to be the freehold owners of the land in question, and Waverley District Council said that as the land is outside their District, it is outside the Common Regulation Scheme which governs the remainder of Blackheath. No other person claimed to be the freehold owner of the land or 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 24 February 1976. At the hearing (1) Williams & Glyn's Trust Company Limited, Lady Gwendolen Hilda Tangley and Mr Peter Meldrum Herbert ("the Claimants") were represented by Mr Clifford Joseph of counsel instructed by Walton & Morse Solicitors of 31 Fenchurch Street, London EC3, (2) Mrs Catherine Provan Pike on whose application Entry No. 1 in the Rights Section was made of a right attached to Blatchfield of pasture for 2 cows, 2 horses, and 40 head of poultry, of pannage of 2 pigs and of estovers, was represented by Major R A Wilson solicitor of Smallpiece and Merryman Solicitors of 136 High Street, Guildford, and (3) Waverley District Council were represented by Mr E W Holdaway, their Countryside Officer.

Mr R D Thurston articulated clerk with Walton & Morse who act as solicitors for the Claimants, in the course of his evidence produced the following documents as showing their title to the Lordship of the Manor of East Bramley, and as showing that the land ("the Unit Land") comprised in this Register Unit is waste or common land belonging thereto:- (1) a supplemental abstract of the title of the trustees (Messrs A E C and F J O Prescott) of the Estate of Mr Ernest Prescott to the Manorial Rights of the Manor of East Bramley; (2) a statutory declaration made on 23 July 1926 by Mr H C Newmarch who had for the then last 18 years been Steward of the Manor; (3) a conveyance dated 31 August 1926 by the Eagle Star Insurance Company and others to Mr Ernest Prescott of the said Manor; (4) a conveyance dated 20 May 1952 by Messrs A E C and F J O Prescott to Edwin Savory Baron Tangley (then Sir Edwin Savory Herbert) of the said Manor including (among other rights) "the Lords estate rights and interests over Blackheath and



Smithwood Commons"; (5) probate of the will of Lord Tangley (he died 5 June 1975); (6) an assent dated 17 June 1974 by the Claimants as his personal representatives in favour of themselves; (7) a statutory declaration made on 23 February 1976 by Dr D B Robinson, County Archivist of Surrey to which was exhibited a copy of a part of a plan on 5 October 1961 deposited by the Eagle Star Insurance Company Limited in Surrey Records Office (with other documents) as showing the extent of the three Manors of Bramley, East Bramley (alias Tangley) and Bramley West; and (8) a statutory declaration made on 23 February 1976 by Mr G B Morgan, who was from 1965 to 1975 partner of Sydney Morse & Co (of which Lord Tangley was for many years senior partner) and who was so concerned with the affairs of the Manor of East Bramley to which was exhibited (a) a copy statutory declaration made on 8 October 1970 by Lord Tangley relating to the Manor and referring to a plan which he had of it (b) a lease dated 20 April 1956 of the commons or waste lands of the Manor to Womersley Parish Council and (c) a map on which Lord Tangley had relied (as stated in his declaration) in his dealings with the Manor.

Mr Thurston explained that although the above mentioned abstract included an acknowledgement dated 31 August 1926 by Eagle Star Insurance Company for the production of a plan of the said three Manors and of the books of account relating thereto, on a recent enquiry of the Eagle Star Insurance Company Limited he had ascertained that this plan and these books had been left in 1961 at the Surrey Record Office.

By the documents produced by Mr Thurston the title of the Claimants to the Lordship of the Manor of East Bramley is regularly deduced. The Unit Land is included in the land shown on the plan exhibited to Dr Robinson's declaration as part of the Manor of East Bramley. Although the Unit Land is not included in the lease exhibited to the declaration of Mr Morgan, it is included in the plan so exhibited, as being the plan on which Lord Tangley relied. Upon this evidence I conclude that the Claimants are Lords of the Manor of East Bramley and that the Unit Land belongs to the Manor. For these reasons I am satisfied that the Claimants are the owners of the Unit Land and I shall accordingly direct the Surrey County Council, as registration authority, to register Williams & Glyn's Trust Company Limited of 13-17 Old Broad Street, London EC2N 1BC, Lady Gwendolen Hilda Tangley of Tangley Way, Blackheath, Guildford, Surrey and Mr Peter Meldrum Herbert of Byways, Wheeler Lane, Witley, Surrey as the owners of the land under section 8(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 18th day of March ————— 1976

a. a. Baden Fuller

Commons Commissioner