



In the Matter of Churt Common, Frensham
Waverley B.

DECISION

This reference relates to the question of the ownership of ^{part of the} land described above, being the part of the land comprised in the Land Section of Register Unit No. CL.313 in the Register of Common Land maintained by the Surrey County Council of which no person is registered as owner under section 4 of the Commons Registration Act 1965 or under the Land Registration Acts. Several small areas of common are registered freehold under the Land Registration Acts, and it is only with the remaining part ("the Land in question") that this enquiry is concerned.

Following upon the public notice of this reference claims to ownership of the land in question were made by the National Trust and by Mr and Mrs E G St.H Millais.

I held a hearing for the purpose of inquiring into the question of the ownership of the land in question at Guildford on 16th January 1985. At the hearing the National Trust was represented by Mrs G A Shipp, and Mr Millais appeared in person.

The claim by Mr and Mrs Millais is to ownership of a strip ("the S E strip") of some three acres, situated at the south-western corner of the land in question, adjoining property known as Crosswater Farm. I have seen certified copies of their title deeds, namely -

- (1) Conveyance dated 11th November 1921-Cubitt Estates Ltd to James Baker.
- (2) Conveyance dated 29th July 1940 - James Baker's Personal Representative and others to Sir R R Millais.
- (3) Conveyance dated 20th September 1946 - Sir R R Millais & others to E G St.Millais.
- (4) Deed of Gift dated 4th July 1973 - E G St.H Millais to himself and his wife Mrs R B Millais.

The property comprised in these Deeds is shown on a plan attached to the Conveyance of 29th July 1940 and a copy of the plan is appended to this decision. The area appears to include the SE strip.

The remainder of the land in question was conveyed to the National Trust by Hambledon RDC by way of gift, the Deed being dated 4th February 1970.

On this evidence I am satisfied that Mr and Mrs Millais own the SE strip and that the National Trust owns the remainder of the land in question. I shall accordingly direct the Surrey County Council, as registration authority, to register them respectively as such owners under section 8 (2) of the Act of 1965.



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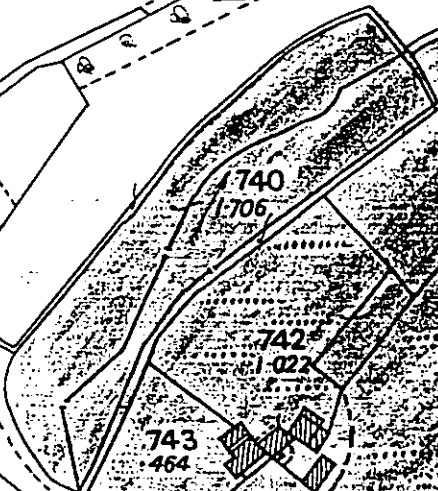
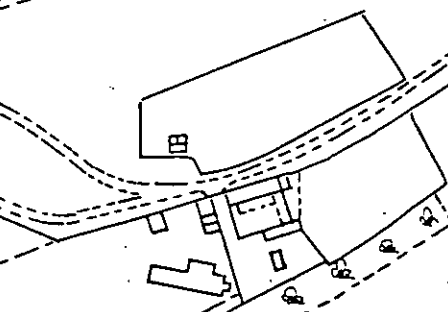
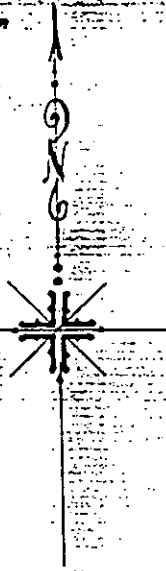
I am required by regulation 30 (1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

dated this 20th day of February 1985

L. J. Morris Smith

Commons Commissioner

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CROSSWATER

C H U R C H

From Church

Scale, 25.344 inches to a mile