



In the Matter of Lammas Lands, Godalming, Surrey

DECISION

This reference relates to the question of the ownership of land known as Lammas Lands, Godalming, being the part of the land comprised in the Land Section of Register Unit No. CL.153 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 the persons hereinafter mentioned claimed to be the freehold owners of parts of the land in question and no other person claimed to have information as to its ownership.

Mr Commissioner Settle Q.C., held a hearing for the purpose of inquiring into the question of the ownership of the land at Guildford on 17 October 1979.

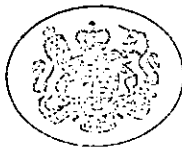
The learned Commissioner was killed in a road accident on 28 November 1979 after he had drafted his decision, but before he had signed it. I hereby direct under regulation 29 of the Commons Commissioners Regulations 1971 that the proceedings be continued by myself. What follows is a copy of the learned Commissioner's decision adapted to the changed circumstances.

In this complex case, there is fortunately no dispute between those who claim parts of the land in question. The convenient course is to deal with each claimant in turn.

Mr J Walsh of Messrs. Jaynson Hicks and Co., appeared for the executors of C A Walsh, deceased and produced a conveyance, dated 26 January 1950, made between A E Leake and C A Walsh, whereby the land edged blue and not hatched on Plan A was conveyed to the said C A Walsh. Probate of the will of the said C A Walsh was granted to I J M Walsh of St. Martins House, 140 Tottenham Court Road, London W1P 9LN and R V Holt, and I shall direct the Surrey County Council, as the registration authority, to register them pursuant to Section 8 (2) of the Act of 1965 as the owners of the land edged blue and not hatched on Plan A in the possession of the registration authority and signed by the learned Commissioner for the purpose of identification.

Mr M Goodridge of Messrs. Barlows appeared for the Baverstock family and he produced a conveyance, dated 15 May 1935, made between H M Marshall and H B Baverstock whereby the lands identified on the plan annexed thereto were conveyed to the said H B Baverstock, which said plan is marked B and is in the possession of the registration authority and signed by the learned Commissioner for the purpose of identification.

Mr Goodridge also produced an assent, dated 19 August 1976, whereby the surviving executors of the said H B Baverstock assent, and to the said lands vesting in Frank Bosville Baverstock and Mary Bosville Baverstock, and I shall direct the Surrey County Council to register them as the owners of the said lands identified on the said plan marked B.



Mr Goodridge also produced a conveyance, dated 23 November 1935, made between T H Rea and the said H B Baverstock, whereby the lands identified on the plan annexed thereto were conveyed to the said H B Baverstock, which said plan is marked C and in the possession of the registration authority and signed by the learned Commissioner for the purpose of identification. On this evidence the learned Commissioner was satisfied that F B Baverstock and T H B Baverstock, the surviving executors of the said H B Baverstock, are the owners of the said lands identified on plan C which are parcel 1083 and part of parcel 1081 on Plan B, and I shall direct the Surrey County Council to register them as the owners of that land pursuant to section 8 (2) of the Act of 1965.

Mr C H Bates appeared for the Godalming Town Council and produced a plan marked D in the possession of the registration authority and signed by the learned Commissioner for the purpose of identification.

He produced a conveyance, dated 1 October 1895, whereby the Executors of Thomas Luff conveyed to the Godalming Borough Council the land coloured green on Plan D comprising fields Nos. 1076, 1076a, 1598a and 1957b and on this evidence the learned Commissioner was satisfied that Godalming Town Council is the owner of these lands with the exception of part of field No. 1076 which has been transformed to Waverley D.C.

The land coloured pink on plan D is registered at H M Land Registry.

Mr Bates also produced a conveyance, dated 24 April 1906, whereby A C Bourne conveyed to the Godalming Borough Council the land coloured yellow on Plan D.

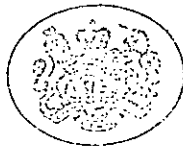
Mr Bates further claimed that the Godalming Town Council has a possessory title to lots 1587, 1587c and 1586a and he proved that title as regards lot 1587 by establishing that his Council has received the rents and profits since 1955. Since the hearing the Council has produced statutory declarations relating to Lots 1587c and 1586a.

I shall accordingly direct the Surrey County Council to register the Godalming Town Council as the owner of the lands coloured green and yellow on Plan D other than the part of lot 1067 now owned by the Waverley District Council and lot 1587 and Lots 1587c and 1586a.

Mr B Runsey appeared for the Waverley District Council and produced Plan E now in the possession of the Registration Authority and signed by the learned Commissioner for the purpose of identification and satisfied the learned Commissioner that his Council is the owner of the lands numbered 1 and 2 in the said plan, as regards the land numbered 1, being part of the land conveyed to the Godalming Borough Council by the above mentioned conveyance dated 1 October 1895, by virtue of the Local Government Act 1972, and as regards the land numbered 2, being the part of Lot 1067 conveyed to it by the Godalming Borough Council by a Deed of Gift dated 30 January 1934, and I shall direct the Surrey County Council to register the Waverley District Council as the owner of the said lands.

Mr P F Myers appeared for the Surrey County Council and produced a conveyance, dated 3 July 1911, whereby M A Dashfer conveyed to the Surrey County Council the land identified on the plan annexed thereto being land East of the Police Station and East of Lot No. 1093 and in the light of this evidence I shall direct the Surrey County Council to register itself as the owner of that land.

Any part of the Unit Land not identified in this decision and not registered at H M Land Registry will 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

17th

day of

July

1980

Chief Commons Commissioner