



COMMONS REGISTRATION ACT 1965

Reference No. 236/U/249

In the Matter of part of Martha's Common
Guildford

DECISION

This reference relates to the question of the ownership of land described above being the ~~parts of the~~ land comprised in the Land Section of Register Unit No. CL.412 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.

Following upon the public notice of this reference the Trustees of the Albury Estate claimed to be the freehold owners of the land in question ("the unitland"). 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 29 October 1987. At the hearing Mr M B Melling, of the firm of May, May & Merrimans appeared on behalf of the Trustees. No other claimant appeared.

The title deduced starts with a Vesting Deed dated 19 February 1927 whereby land in Surrey which included the unit land was vested in the eighth Duke of Northumberland on the trusts of a Settlement. Following his death in 1930 there was a Vesting Deed of 14 December 1951 in favour of the Duchess of Northumberland: after her death in 1965 her special personal representative assented to the land comprised in the Settlement vesting in trustees for sale, the Assent being dated 24 July 1981. By a Deed of Appointment dated 14 October 1986 a new trustee was appointed, and the present trustees who claim ownership of the unit land are the tenth Duke of Northumberland, Earl Percy and the Hon Matthew White Ridley.

On the evidence I am satisfied that the present Trustees are the owners of the unit land, and I shall accordingly direct the Surrey County Council, as registration authority, to register them as the owners 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 4th day of December 1987

L. J. Morris Smith

Commons Commissioner