



COMMONS REGISTRATION ACT 1965

Reference No 3/U/22

In the Matter of Hedgerley Green and adjoining land,
Hedgerley, Eton R.D., Buckinghamshire

DECISION

This reference relates to the question of the ownership of land known as Hedgerley Green and adjoining land, including certain parts covered with water, Hedgerley, Eton Rural District, being the land comprised in the Land Section of Register Unit No CL.22 in the Register of Common Land maintained by the Buckinghamshire 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 Mrs N D O'Leary claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership although Mr I B Leno sent letters to the Clerk of the Commons Commissioners asking questions about the land.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at High Wycombe on 14 February 1973. The hearing was attended by Mrs Ngaire Dawne O'Leary ("the Claimant") who was represented by Mr L Moore solicitor of Manches & Co Solicitors of 10 Duke Street, London W1.

Mr Moore in his evidence produced (i) an abstract (examined 23/2/60) of the title of Mr F H Morris to part of the Hedgerley Park Estate, (ii) a conveyance dated 28 June 1960 by Mr F H Morris to Mr D G N Lloyd-Lowles, (iii) a conveyance dated 9 July 1971 by Mr D G N Lloyd-Lowles to Miss W F Sams, (iv) an office copy of letters of administration to the estate of Miss Sams (she died on 11 February 1972) granted on 5 October 1972 to Mr M C Sefton-Green, and (v) a conveyance dated 20 October 1972 by Mr Sefton-Green to the Claimant. The said abstract included an abstract of an indenture dated 29 September 1881 which had apparently been prepared to show the title to Manor Farm, Leith Grove Farm and Hedgerley Court being the land thereby granted "THIRD", and not to show the title except incidentally to the land ("the Unit Land") now in question; however I can I think infer from the Unit Land being coloured green on the "copy extract from plan on conveyance 29 Sep: 1881", that it too was conveyed by the indenture. The said abstract also included particulars of the death of Mrs E E Stevenson and probate of her will, and a copy of assents dated 2 June 1958 and 31 October 1958 by her and Miss M S Stevenson's personal representatives to the vesting of the Unit Land in Mr F H Norris. The Unit Land was conveyed by the 1960 Conveyance and neither this conveyance nor the assents comprised any other land. The 1971 Conveyance was of a large number of pieces of land including the Unit Land. The 1972 conveyance was referentially of the same land as that conveyed by the 1971 conveyance. Mr Moore's firm held all the documents he produced on behalf of the Claimant or her mortgagees.

On the evidence outlined above I am satisfied that the Claimant is the owner of the Unit Land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register Mrs Ngaire Dawne O'Leary of 12 Childs Place, London SW5 as the owner of the Unit 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 22nd day of March 1973

a. a. Briden Fuller

Commons Commissioner