



In the Matter of Part of Gerrard's Cross Common
lying to the South of Road A40, Gerrard's Cross,
Buckinghamshire

DECISION

This reference relates to the question of the ownership of the part of Gerrard's Cross Common lying to the South of the road A.40, Gerrard's Cross, being the part of the land comprised in the Land Section of Register Unit No. CL.100 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 Mme T L N Donnay claimed to be the freehold owner of the land in question and 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 Aylesbury on 17 January 1985. At the hearing the personal representatives of Mme Donnay were represented by Mr G M Stewart-Wallace, Solicitor, and Mr N Engert appeared in person.

The land the subject of the reference is a triangular area of open land on the west side of Oxford Road bounded by the road on the east and a wall on the west. Its known history commences with a statutory declaration made on 22 September 1937 by the late Mr R G Baty, who had been for the previous 49 years the land agent for Sir John Frecheville Ramsden and his predecessors in title in relation to the Bulstrode Estate. Mr Baty stated that Lady Helen Gwendolen Ramsden (the mother of Sir John Frecheville Ramsden), who died on 14 August 1910, was seised in fee simple at the time of her death and had been in actual occupation or in receipt of the rents and profits of this and other land as absolute owner for twelve years and upwards prior to her death, and that he had never heard of any adverse claim thereto.

By a deed of exchange made 12 January 1938 between (1) The Watson Investment Company (2) Sir John Frecheville Ramsden Sir John conveyed to the Company all such rights and interests as he had in the land the subject of the reference. This land was next conveyed by a Conveyance made 24 March 1939 between (1) The Watson Investment Company (2) T S Holdings Ltd.

The southern half of the land was conveyed to Mr and Mrs T F Nash by a Conveyance made 10 April 1946 between (1) T S Holdings Ltd (2) Thomas Fred Nash and Alice Nash his wife. There is no further evidence of the devolution of the title to the northern half of the land the subject of the reference.

The southern half of the land was included in a Conveyance made 16 September 1963 between (1) Armand Gervais Donnay (2) Thøedora Leontine Nalatine Donnay.



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Mme Donnay died on 23 February 1984 and her will was proved on 8 May 1984 by Mr John Theodore Bach and Sir Robert Ian Bellinger

Mr Engert claimed to be the owner of the whole of the land the subject of the reference as lord of the manor of Bulstrode Temple. Mr Engert produced what purported to be an assignment by Sir Geoffrey William Pennington-Ramsden of such right, title and interest which he might have in the lordship of the manor. The draftsmanship of this document seems to be somewhat unusual and it concludes by stating "In witness whereof the parties hereto have hereunto got their hands and seals the day and year first above written", but there is no day and year first above written. Mr Engert, however, stated that this transaction took place in 1968. In my view, there is no need for me to consider whether Mr Engert thereby acquired the lordship of the manor, since the land the subject of the reference was disposed of by Sir John Frecheville Ramsden in 1938 and was therefore then severed from the lordship of the manor, even if Sir John Frecheville Ramsden was then the lord of the manor.

On the evidence I am satisfied that Mme Donnay's personal representatives are the owners of the southern part of the land, and I shall accordingly direct the Buckinghamshire County Council, as registration authority, to register them as the owners of the land under section 8 (2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the northern part of the land, which will therefore 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

25th

day of

January

1985

Chief Commons Commissioner