



COMMONS REGISTRATION ACT 1965

Reference No.37/U/93

In the Matter of Land at Chelwood Beacon,
Maresfield, East Sussex.

DECISION

This reference relates to the question of the ownership of land at Chelwood Beacon, Maresfield, being the land comprised in the Land Section of Register Unit No.CL 108 in the Register of Common Land maintained by the former East Sussex 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 Viscount Gage 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 Lewes on 20th November 1974.

At the hearing Lord Gage was represented by his agent, Mr J.W.Wells.

Lord Gage has no documentary title to the land in question, but claims to be the owner as lord of the manor of Maresfield. It is not, however, necessary to consider whether the land is part of the waste of the manor, since Lord Gage has for many years exercised rights over it inconsistent with its ownership by any other person. Documentary evidence of such exercise on eleven occasions between 1914 and 1957 was produced. These included grants of rights of way and a right to dig stone and licences to lay pipes and cables and to erect telegraph poles.

In 1972 a small area at the southern extremity of the Register Unit was sold to Mrs D.O'Brien of Chelwood Farm and in 1973 a very small area on the west side of the Register Unit was sold to Mr J.B.Colman of Deacons Hay, Chelwood Gate. There was, however, no evidence that Mrs O'Brien and Mr Colman were still the owners of these areas. I therefore reopened the hearing at Lewes on 8th April 1975.

At the resumed hearing Mr C.M.Russell, solicitor, appeared on behalf of Mrs O'Brien and Mr P.King, solicitor, appeared on behalf of ~~Mrs J.B.Colman.~~

Mr and Mrs A. McK. Simmers
Mr Russell produced a conveyance made 9th August 1972 between (1) Henry Rainald, Viscount Gage (2) Joan Elizabeth Mary O'Brien.

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Mr King produced conveyances made respectively 18th January 1973 between (1) H.R., Viscount Gage (2) Alan McKenzie Simmers and Constance Caroline Simmers and 23rd January 1973 between (1) A.McK.Simmers and C.C.Simmers (2) Irene Bertha Colman.

I am satisfied that Lord Gage is the owner of the part of the land not



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sold to Mrs O'Brien and Mrs Colman and that Mrs O'Brien and Mrs Colman are respectively the owners of the areas conveyed by Lord Gage in 1972 and 1973, and I shall accordingly direct the East Sussex County Council, as registration authority, to register them as the owners of their respective parts of the 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 *28th* day of April 1975

Chief Commons Commissioner