



COMMONS REGISTRATION ACT 1965

Reference No. 212/U/42

In the Matter of land adjacent to
The Granary, Latchingdon, Maldon District
Essex

DECISION

This reference relates to the question of the ownership of land adjacent to The Granary, Latchingdon, Maldon District being the land comprised in the Land Section of Register Unit No. CL 141 in the Register of Common Land maintained by the Essex 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 Barbara Leader claimed (letters of 16 and 24 December 1975) ownership of the land in question it having been given to her by a deed of gift dated 4 August 1958. No other person claimed to be the freehold owner of the land or to have information as to its ownership.

Mr Commissioner C A Settle held a hearing for the purpose of inquiring into the question of the ownership of the land at Colchester on 26 July 1978. At the hearing Maldon District Council was represented by Mr P B Smith their legal officer. He had no information as to the ownership of the land.

Mrs Leader complained (a letter dated 24 August 1978 from her daughter Mrs Caroline Holmes) that she should have been told of the hearing. It appearing that the notification of it intended for her had not been delivered by the post office, possibly because it was erroneously addressed, Mr Commissioner Settle reopened the hearing.

I held the reopened hearing at Chelmsford on 17 October 1979. At this hearing Mrs Leader was represented by Mrs Holmes.

The documents listed in the Schedule hereto were either produced by Mrs Holmes at the hearing in the course of her evidence or at my suggestion sent by her afterwards to the office of the Commons Commissioners. She said (in effect):- The land is at the bend of the Maldon to Burnham Road by (nearly opposite) Christ Church. At one time it was fenced from the road by a post (each about 1 foot high) and chain fence; but the chains have been knocked off. It all continues with the garden of her mother's cottage: Anchor Cottage. She identified the land with that given by the 1958 deed of gift and explained (by reference to the map on the deed) the position of Anchor Cottage and of the building known as The Granary.

I have a letter dated 23 November 1979 from Mr S H C Leader, who is the grantee under the 1951, 1968 and the 1969 conveyances, saying that The Laurels was the previous name of Anchor Cottage and that Mrs Holmes was authorised to act for him.

Mr Leader says that he feels that the property is jointly held between his wife and himself, although the deeds are in his name. This may be so as regards the land within the 1951, 1968 and 1969 conveyances with which I am not concerned; as regards the land in this Register Unit, it was by the 1958 deed of gift given to Mrs Leader apparently without reference to him, and I must I think take the deed as it now stands



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leaving them to adjust their rights to this and any other land as they may hereafter find convenient. Accordingly I am satisfied that Mrs Leader is the owner of the land and I shall accordingly direct the Essex County Council as registration authority, to register Mrs Barbara Leader of Anchor Cottage, Latchingdon as the owner 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.

SCHEDULE

- (1) 19 September 1922 Copy conveyance by which Mr F T Cresswell conveyed to Mrs M Y Imray the dwellinghouse known as The Limes with the garden etc with about $4\frac{1}{2}$ acres of meadow land as delineated on the plan drawn on a conveyance dated 25 May 1920.
- (2) 22 August 1944 Copy conveyance by which Mr D Griffiths conveyed to Mrs A C Buchanan the said dwellinghouse etc and with the said meadow land.
- (3) 26 November 1951 Conveyance by which Mr J E R L Glassborrow and his mortgagees conveyed to Mrs S H C Leader the land shown on the annexed plan together with the dwellinghouse on it known as The Laurels.
- (4) 23 June 1958 First page of a letter Dear Barbara (Mrs E B Leader from Mrs A C Buchanan) about deed of gift (see below) "giving you the ditch and the tip of the rose bed ..."
- (5) Copy plan (? of land intended to be given).
- (6) 4 August 1958 Deed of gift by which Mrs A C Buchanan gave to Mrs E B Leader "the freehold property ... hitherto part of the said property known as The Limes ... shown on the plan ... coloured red".
- (7) 7 October 1958 Letter from Edgeley Harding and Philip enclosing receipted account for charges due from Mrs Buchanan and paid by Mrs Leader also title deed.
- (8) 10 September 1968 Conveyance by which Mrs A C Buchanan conveyed to Mrs S H Leader land part of that formerly known as The Limes.



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- (9) 20 November 1969 Conveyance by which Mrs A C Buchanan conveyed to Mr S H C Leader another part of the property known as The Limes.
- (10) 10 December 1975 Copy letter from Mrs Leader to Parish Council.
- (11) 15 December 1975 Copy reply.

Dated this 18th — day of December 1979

a. a. Baden Fuller

Commons Commissioner