



## COMMONS REGISTRATION ACT 1965

Reference No. 212/U/150

In the Matter of The Wabbings,  
Great Warley, Brentwood District,  
Essex

DECISION

This reference relates to the question of the ownership of part of the land known as The Wabbings, Great Warley, Brentwood District being the land comprised in the Land Section Unit No. CL 281 in the Register of Common Land maintained by the Essex County Council. The land ("the Unit Land") in this Register Unit is an irregularly shaped piece which lies east and southeast of Holdens Wood and includes land by Warley Lea Farm and a strip north of Tooks Farm. Of the part of this strip west of the line AB on the Register map, Mr R P Laurie and Mr H E Bedford as executors of Muriel Evelyn Rougement deceased, are registered under section 4 of the Commons Registration Act 1965 as the owners. The remaining part ("the Referred Land") is the land which is the subject of this reference and of which no person is registered under the said section as the owner.

Before or following upon the public notice of this reference (1) Mr Ronald Dudley Messer and Mr Ronald James Kidd claimed to be the owners of part (they completed a form of application for registration of ownership on 5 January 1970, but no action was taken on it by the County Council as registration authority because it was received out of time); (2) Mr H R French and Mr G A W French claimed to be the owners of part (letter from their solicitors dated 26 October 1978 to the County Council); (3) Mrs Margaret O'Donoghue of 193 Crescent Road, Brentwood claimed to have information about the Referred Land (four letters dated between 13 July and 7 September 1979) with the last of which was included a letter to her from Mr C Nunn JP); and (4) Mr George Francis Moore of Wellmead, Great Warley (his solicitor's letter of 1 August 1979) claimed that the boundary of his land OS. No. 181 is the stream. No other person claimed to be the freehold owner of the Referred Part or to have information as to its ownership.

I held the hearing for the purpose of inquiring into the question of the ownership of the land at Chelmsford on 19 October 1979. At the hearing Messrs H R and G A W French were represented by Mr A M Lightowler, solicitor with Wortley Byers & Co., solicitors of Brentwood; and Mrs O'Donoghue (with her husband Mr Michael George O'Donoghue) attended in person. Mr G A W French in the course of his evidence produced: (1) a conveyance dated 23 April 1970 by which Messrs R D Meeser and R J Kidd conveyed land known as Holdens Wood and comprising about 58.188 to G French & Son Limited; (2) a conveyance dated 26 March 1974 by which the same premises referentially described were conveyed by the Company to Mr H R French (the Witness' brother) and Mr G A W French (the witness); (3) an abstract dated 1970 of the title Trustees of the Warley Estate commencing with a vesting deed dated 9 August 1926 declaring that the Manor of Great Warley, Warley Lodge and other lands comprising the Warley Settled Estate were vested in the Hon. Mrs A M B Llewellyn (she died 29 April 1936) on the trust of a compound settlement comprising resettlements of 1866 and 1896 and two other deeds, and including a vesting deed dated 20 November 1944 by which Mr A I Fardell settled the said Estate as therein stated. Mr French explained that he and his brother only claimed the part of the Referred Land which formed part of Holdens Wood as conveyed by the 1970 and 1974 conveyances, that is OS. No. 177 containing 7.136 acres, being the northwest part of the Unit Land by Warley Lea Farm.



This OS. No. is included in the other OS. Nos. listed in the abstracted deeds and the 1970 and 1974 conveyances, and the title of Messrs French to it is regularly deduced. I am therefore satisfied that they are the owners and shall accordingly pursuant to section 8(2) of the 1965 Act direct Essex County Council as registration authority to register Mr Harry Robert French of 42A London Road, Brentwood and Mr George Alfred William French of 7 Tennyson Road, Hutton, Brentwood as the owners of the part of the land in this Register Unit which is comprised in OS. No. 177 (being the No. on the OS map marked as containing 7.136 acres). As to the remainder of the Referred Land in the absence of any evidence I am not satisfied that any person is the owner of this part of the Unit Land and it 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 16<sup>th</sup> — day of November 1979.

a. a. Bain Fellen

Commons Commissioner