



COMMONS REGISTRATION ACT 1965

Reference No. 219/U/84

In the Matter of The Freedown, Hawkshill,
Walmer, Deal, Kent

DECISION

This reference relates to the question of the ownership of land known as The Freedown, Hawkshill, Walmer, Deal, being the part of the land comprised in the Land Section of Register Unit No. CL125 in the Register of Common Land maintained by the Kent 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 the Trustees of a Settlement created by the Will of F W Leith, deceased, claimed to be the freehold owners 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 Maidstone on 6 June 1979. At the hearing, I heard Mrs E M Pound, articled clerk with Messrs. Mowll and Mowll, Solicitors, on behalf of the Trustees.

The Trustees had no document of title referring specifically to the land in question, but the land has been dealt with as part of a farm known as Walmer Court Farm for at least 50 years, and the Trustees and their predecessors have received the rents and profits without any adverse claim during the whole of that period.

The Trustees were appointed by a deed of discharge made 10 May 1977 between (1) Barclays Bank Trust Company Ltd (2) Lillian Joyce Leith and Wilfred Rutley Mowll. Mrs Leith, however, died on 2 June 1979.

On this evidence I am satisfied that Mr W R Mowll is the owner of the land, and I shall accordingly direct the Kent County Council, as registration authority, to register him 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.

Dated this 25th day of June 1979


Chief Commons Commissioner