



COMMONS REGISTRATION ACT 1965

Reference No.19/U/52

In the Matter of Upper Green and Lower Green,
Sandhurst, Kent.

DECISION

This reference relates to the question of the ownership of land known as Upper Green and Lower Green, Sandhurst, being the land comprised in the Land Section of Register Unit No.V.G.48 in the Register of Town or Village Greens 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 no person claimed to be the freehold owner of the land in question and no one 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 17th January 1974.

At the hearing the Sandhurst Parish Council was represented by Mr. M.H. Watkins, its Chairman. Mr. Watkins was unable to adduce any evidence as to the ownership of the land in question and asked that the land should be vested in the Parish Council under section 8(3) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Kent County Council, as registration authority, to register the Sandhurst Parish Council as the owner of the land under section 8(3) 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 1st day of February 1974

Chief Commons Commissioner



COMMONS REGISTRATION ACT 1965

Reference No.19/U/53

In the Matter of Eyhorne Green,
Eyhorne Street, Hollingbourne, Kent.

DECISION

This reference relates to the question of the ownership of land known as Eyhorne Green, Eyhorne Street, Hollingbourne, being the land comprised in the Land Section of Register Unit No.V.G.49 in the Register of Town or Village Greens 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 Mr. Michael Nightingale 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 Maidstone on 17th January 1974.

There was no appearance at the hearing, but Mr. Nightingale submitted a certified photo-copy of a rental of the quit rents of the manor of Wormshill dated 20th October 1747. This document contains a group of entries headed "Eyhorn Street in Hollingbourne". These entries relate to a mill and to pieces of land called Millfield, New Croft, and Pucklers Mead. Mr.Nightingale, who claims to be lord of the manor of Wormshill, bases his claim to the land the subject of the reference upon the heading to this group of entries in the rental, from which, so he argues, it seems evident that the jurisdiction of the manor extends to the area around Eyhorne Street and would include waste land lying there.

Even if Mr. Nightingale had produced evidence of his ownership of the lordship of the manor of Wormshill, I should find myself unable to infer from the rental that he was the owner of the land the subject of the reference. It cannot be assumed that a manor necessarily consists of all the land within a continuous perimeter. Indeed, it is not at all uncommon for a manor to comprise or even to consist of a number of isolated properties. There is no evidence as to where the four properties in Eyhorne Street forming part of the manor of Wormshill in 1747 were situate and the mere fact of their existence is not sufficient to enable me to draw any inference about the triangle of land at the junction of two roads which is the subject of these proceedings.

For these reasons I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Kent County Council, as registration authority, to register the Hollingbourne Parish Council as the owner of the land under section 8(3) 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



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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 7th day of February 1974

A handwritten signature in dark ink, appearing to read 'C. G. Smith', written over a horizontal line.

Chief Commons Commissioner