



COMMONS REGISTRATION ACT 1965

Reference No.37/U/94

In the Matter of Land at Chelwood Beacon,
Danehill and Maresfield, East Sussex (No.2).

DECISION

This reference relates to the question of the ownership of land at Chelwood Beacon, Danehill and Maresfield, being the land comprised in the Land Section of Register Unit No.CL 116 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 the Trustees of the Estate of Charles Smith, deceased, claimed to be the freehold owners of the land in question and Messrs Strutt and Parker claimed to have information as to the ownership of part of the land.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Lewes on 20th November 1974.

I was then satisfied that the Trustees were the owners of part of the land in question and I gave a decision accordingly.

Messrs Strutt and Parker's information was that the remainder of the land had been sold by Viscount Gage in 1972 to Mrs D.O'Brien of Chelwood Farm Chelwood Gate. On receipt of this information the Clerk of the Commons Commissioners wrote to Mrs O'Brien on 15th November 1974 to inform her of the hearing, but his letter was returned by the Post Office, marked "Gone Away", so being without any evidence as to whether Mrs O'Brien was still the owner of the land which she purchased in 1972, I proceeded to give my decision regarding the Trustees' part of the land in question.

On 31st December 1974 Mrs O'Brien's solicitor wrote a letter stating that she had not left Chelwood Farm and that the Post Office should not have returned the letter of 15th November 1974.

I therefore re-opened the hearing at Lewes on 8th April 1975, when Mrs O'Brien was represented by Mr C.M.Russell, solicitor. Mr Russell produced a conveyance made 9th August 1972 between (1) Henry Rainald, Viscount Gage (2) Joan Elizabeth Mary O'Brien. Lord Gage has a good root of title derived under a deed of disentail dated 21st April 1920.

On this evidence I am satisfied that Mrs O'Brien is the owner of the south-eastern part of the land, and I shall accordingly direct the East Sussex County Council, as registration authority, to register her as the owner of that part of the land under section 8(2) of the Act of 1965.



- 2 -

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

A handwritten signature in cursive script, appearing to read 'G. S. Quibb', with a horizontal line underneath.

Chief Commons Commissioner