In the Matter of Gernon Bushes, near Coopersale
Common, Theydon Gernon, Essex

DECISION

This reference relates to the question of the ownership of Gernon Bushes, near
Coopersale Common, Theydon Gernon, being the part of the land comprised in the
Land Section of Register Unit No. CL 446 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 or under the Land Registration
Acts 1925 to 1971 as the owner.

Following upon the public notice of this reference the Chisenhale-Marsh Estates
Co 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 Chelmsford on 7 December 1983.

At the hearing the Chisenhale-Marsh Estates Co was represented by Mr A B Peterkin,
its land agent.

The land the subject of the reference was vested in Mr H A Chisenhale-Marsh by
a vesting assent made 12 July 1937 between (1) Thomas Edward Chisenhale-Marsh
and Edward Vigor Fox (the executors of William Swain Chisenhale-Marsh)(2) Hugo
Atherton Chisenhale-Marsh. Chisenhale-Marsh Estates Co had an estate in fee
simple in equity by virtue of an agreement made 21 September 1937 between (1)
H A Chisenhale-Marsh (2) Chisenhale-Marsh Estate Co.

On this evidence I am satisfied that Mr Chisenhale-Marsh is the owner of the land,
and I shall accordingly direct the Essex 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   16   day of   January   1984

Chief Commons Commissioner