
PROOF OF TITLE

This document authenticates through proof of law that Christian Alexander Pitt is the Baron of Cuckfield.

In order for this proof to succeed, there are three elements which must be proven:

- (a) there is a Manor of Cuckfield;
- (b) that Christian Alexander Pitt is the Baron of the said Manor; AND
- (c) that the land and rights incident to it continue to apply.

Each will be explored in turn.

The Manor of Cuckfield

A manor is a fundamental concept within the law of real property law. After the Conquest of 1066, King William I 'the Conqueror' granted all estates to be held in fee of the Crown. These lands were granted by the Crown to freemen who were given the title 'baron' or 'lord of the manor'. The terms are interchangeable; as is evidenced by statute, case law and academic commentary [**House of Lords Precedence Act 1539**, **Tenures Abolition Act 1660**, **Fitzwalter's Case [1670]**, **John Seldon's 'Titles of Honour'**, **Matthew Hale's 'The Prerogatives of the King'**, **Blackstone's 'Commentaries: Book II'**]. The barons could then grant the land — by freehold, leasehold or copyhold — to tenants who in turn could use the land to whatever end they desired (unless there was a restriction on its use in the covenant or conveyance).

A manor, then, became a fundamental part of the English constitution. A manor refers to a unit of land over which certain customs and relationships exist; held by a baron in pursuit of good government. In many ways, a manor is the precursor to the modern council system which came into effect from 1894 onwards. Although, the manor has never been repealed in law and so continues to exist (despite the coexistence and, indeed sometimes, the conflict between modern statutory councils). Manors are assumed to exist by virtue of custom beyond time immemorial.

A manor is made up of three elements: a baron, its land and rights over the land. For a manor to exist, all three must be in existence. Of course, the elements may be separated; however, this only comes where it is explicitly conveyed to another (in which instance, the process becomes irreversible) **[Law of Property Act 1925 (see especially s. 205(1)(ix))]**.

Manors exist to uphold customary law between tenants (the term used for all residents within a manor) and take responsibility for rights of government over land (demesne or waste) and rights over such land (such as holding markets, extracting minerals, fishing and sporting rights).

The Manor of Cuckfield was formed some time after the conquest; however, the earliest document relating to the Manor is from 1091.

Over the years, primarily due to lack of male heirs, the Manor of Cuckfield was divided into sub manors through the laws of coparceny, including the manors of Bentley Park, Bolnore, Cuckfield, Cuckfield Clauditor, Hadleigh, Haywards, Marshalls, Pains, Trubeweek and Tye. From the evidence available with the National Archives, these came about after *Quia Emptores* 1290. This means that these manors did not become separate freeholds *per se* but were substituted from the Manor of Cuckfield. Over the years, through descent, these manors were reattached by process of law back to the Manor of Cuckfield to form a mostly (apart from Bolnore: still assumed to be held by House Kleinwort) united Manor in 1867 (when Baron Warden George Sergison on his death descended the barony to his son Major Warden Sergison).

Manors are unique in that they do not become *bona vacantia* when they have no successor in law. In *Metropolitan Asylum District v. Hill* (1881) 6 App. Case 193, Lord Blackburn affirmed that the burden is on those who seek to establish that the legislature intended to take away the private rights of individuals to show that, by express words or necessary implication, such an intention appears. When the Land Registration Act 2002 was passed, no such mentioning was made (indeed, the implication is *bona vacantia* applies to temporal goods) and so a manor, as an incorporeal administrate unit, must continue to exist; albeit, like a dormant peerage, unclaimed until an heir comes forward. This means that there is no limitation period in law for the acquisition of a manor **[Statute Law Repeals Act 1986]**. Of course both titles, what distinguishes peerages from territorial baronies is that the former are created by letters patent or writ of summons: meaning they are restricted to descent by blood; whereas the latter, as of the Law of Property Act 1925, are freeholds:

meaning the law of freehold succession applies by descent, of course, but also by alienation or occupation. This will now be explored.

The Barony of Cuckfield

The important factor to bear in mind with the barony is that, like peerage, it is a title. That is, an office and, or, dignity which describes someone's job [**Blackstone's 'Commentaries: Book II', chapter 3**]. Initially territorial baronies and peerage were seen as one and the same. That is, the purpose of being a baron was to govern one's lands on behalf of the Crown and to counsel the Crown in Parliament. Soon, a distinction was drawn between territorial baronies and parliamentary barons (or peers). The former continued to hold office by virtue of their duties to govern their manors; the latter, by a writ of summons (from 1265) and later by letters patent (from 1387) to counsel the Crown in Parliament. Despite the split, both were and continue to be recognised as titles of nobility and there is plenty of authority for that [**of which, see first paragraph on 'The Manor of Cuckfield' above**].

The holder of any manor is always the baron: that is simply the name of the holder of a manor. There is a maxim in English common law from King William I's reign that there is no land without a lord, and no lord without land. Of course, land may return to the Crown — as all land is granted from the Crown — however, in order for this to come about, a process called escheat must be completed.

As such, there are three recognised ways that a man may succeed and so become an heir in law (natural or civil) to a manor: by inheritance through descent, by purchase through alienation or by claim through occupation. A fourth would have been by the Crown granting a new title; however, this came to an end in law by *Morris v. Smith and Paget* (1582) Cro Eliz 38, and this makes sense as all land in England is, or it is naturally reasonable to be assumed to be, now occupied by someone.

Escheat is Norman French for chance or accident. In manorial law, this denotes an obstruction of the course of descent. Manors, like peerages or other forms of property, are naturally assumed to descend to someone where possible. This harks back to the principle no lord without land, no land without a lord. Where there is an obstruction to descent, manors may revert to the original grantor: the Crown. This, again, is distinguished from *bona vacantia* because goods rarely, if at all, are

granted directly by the Crown to a subject (let alone a baron). However, escheat is not an automatic process. In order to complete an escheat, it is necessary for a superior lord to perform an act of his own: by entering on the lands and tenements so escheated or suing out a *writ of escheat*. Failure to do either, or doing any act that amounts to an implied waiver of his right (as by accepting homage or rent of a stranger who usurps the possession) will mean the superior lord's title is barred [Blackstone's Commentaries Book II: Of the rights of things, chapter 15]. From this context, titles may be claimed by right of occupation as it specifically allows for entering on lands by usurpation (that is, by claiming them) before the Crown has had an opportunity to escheat.

Under common law, occupancy is a recognised source of title where the subject matter (in this case, a manor) is ownerless, abandoned or left without a legally identifiable claimant; the occupier takes actual, open and exclusive possession and the occupier exercises the rights incident to ownership as of right rather than by permission. This applies as much to corporeal as to incorporeal hereditaments. Where the original manorial lordship has fallen into abeyance, the baron's line has become extinct or untraceable or no superior lord or the Crown has asserted rights for a substantial period, the barony may be treated as derelict in practice. There is no general rule of English law stating that a manorial title must always derive from a documented grant. Many titles historically arose from feudal custom (like Cuckfield's), local recognition or gradual assumption of authority. Unless statute explicitly abolishes or prohibits the assumption of such a baron, what is not forbidden remains legally conceivable: particularly as a matter of customary or manorial law. Furthermore, equity favours the continuation of functioning rights over legal vacuum. Where a manor historically existed, its functions are capable of being exercised and a responsible occupier maintains them for the interest of the community, equity may recognise occupancy as the least disruptive continuation of the manor's legal personality.

This is the logic of how Christian Alexander Pitt became the heir in law to the barony. On 19 August 2024, Christian Alexander Pitt claimed the dormant manor and lordship of Cuckfield and this notice was published in The Gazette (<https://www.thegazette.co.uk/notice/4689296>). At the time of writing, over a year has passed and no objection had been or has yet been raised by the Crown nor others who may have had a right in law to succession.

There is plenty of precedent in manorial law for this process: primarily from the Crown itself in its capacity as lord paramount. On the death of King Harold Godwinson, King William I claimed the

lands of England by right of occupation. In a similar way, such a succession came about with the claim of King Stephen over the lands of England on the deposing of Empress Matilda; King Henry IV with King Richard II; King Edward IV with King Henry VI and King Henry VII with King Richard III to name a few. Indeed, we could mention many of the heroes of the Old Testament; however, the courts are likely to take this precedent less willingly. This principle is implied in modern common law too as *In re Mercer and Moore* (1880) LR 14 Ch D 287, the court ruled that property does not automatically escheat to the Crown, but remains contested until claimed.

Before 1925, there would have been a very strong argument that the heirs of descent to Baroness Cynthia Brooke, 34th baroness of Cuckfield (who died in 1970), would have automatically inherited the title. Although, in 1925, the Administration of Estates Act was passed. At s. 45, the Act stated that succession to baronial titles is no longer possible by mere operation of the law. This includes descent to issue (who would have been the 2nd Viscount Brookeborough, John Warden Brooke, who died in 1987) or curtsey (the then 1st Viscount Brookeborough, Basil Stanlake Brooke, who died in 1973). Even if mentioned in a will, which is understood never to have happened, a deed of conveyance — like any other form of freehold — must have been executed to transfer the barony from one person to another: by descent or otherwise **[Law of Property Act 1925 s. 205(1)(ii)]**. Because of the existence of heirs natural and civil at law, this, again, means *bona vacantia* is not possible (if, indeed, it could be). The Manor of Cuckfield, like many manors, are standard in having had a long line of succession through descent and twice by alienation. And so, occupation seems somewhat of a novelty. Nevertheless, as outlined above, it is one of the valid means of transfer; because, as Blackstone says in his *Commentaries* Book II, chapter 16: where property belongs to no one, it becomes by natural reason the property of the occupier. And so, claim by right of occupation means the Royal grant of the manor may continue in law.

It may be useful to compare occupation to the law of conquest; which states that occupation is secure if there is no reasonable chance of an heir by descent (if, indeed, either Viscounts were mentioned in a will or conveyance at all) returning. Since the death of Baroness Brooke, 54 years have passed. Within that time, her husband and her son have died, and there has been no evidence of willingness nor execution of succession to House Brooke since 1970. Therefore, though this point is ultimately immaterial to the proof in law, it does help to grant further legitimacy to Christian Alexander Pitt's claim in becoming the heir in law.

Of course, linking the title to the Manor overall, proof of the Manor requires a chain of deeds and events which give a complete picture of successive owners as far back as necessary to show that one possessor's chain is better than any other's. The Law of Property Act 1969 s. 23 states a title beginning with a good root of 15 years old is normally acceptable. In this case, the Manor of Cuckfield is fortunate to have a picture of deeds and events dating back consecutively to the 11th century; so this is irrefutable proof for the Manor's (and so, the barony's) existence. These records are available through a general search for the 'Manor of Cuckfield' and its former substituted manors on the National Archives' website.

The land and rights of the Manor of Cuckfield

Attached to the title is the automatic ownership of all manorial waste: which includes all commons, greens, woods, ponds and roadside verges (where no subsequent proof of freehold by another party is forthcoming). This takes precedent over any other title, or claim, to manorial waste [**Law of Property Act 1925 s. 62(3)**]. The burden is on a defendant to prove that this is no longer the case, and that land or rights have been conveyed to him [**Roberts v. Swangrove Estates Limited [2007] EWHC 513 (Ch)**].

There is an argument that adverse possession may be used to take title away from the Manor. For this to succeed in fact, all waste must be in the exclusive possession of one person to the detriment of everyone else. As of yet, this is not forthcoming in the Manor's jurisdiction. Legally, s. 157 of the Land Registration Act 2002 highlights 'adverse possession of itself, for however long, will not bar the owner's title to a registered estate in land'. S. 38 of the Limitation Act states that land includes corporeal hereditaments and any legal or equitable estate or interest therein but does not include any incorporeal hereditament. This would, therefore, include the title itself and, where it has not been severed, the land and rights which form the rest of the Manor. Lord Denning MR clarified this point in *Corpus Christi College Oxford v. Gloucestershire County Council* [1982] 3 All ER 995 when he stated that any right of a baron that is restricted to lands forming part of the manor ceases to be exercisable over the severed land, but must continue with land that remains parcel of the manor. Therefore, adverse possession fails when there is more than one possessor [note, not owner] to the land (freehold or leasehold) or where there is an expressed or implied obligation that land is vested in a local authority looking after it until a baron returns to exercise rights of land management at any time [**see J.A. Pye (Oxford) v. Graham [2003] 1 A.C. 419 at [40]**]. And so, if a superior title in law can be established (for instance, relying on s. 62(3) for manorial waste) this will take

precedence over any claim to freehold (absolute, possessory or qualified) by adverse possession at any and all times.

A further challenge to the unity of title to land and rights is the ability for the title to be separated from the land and rights over the land outlined in the Law of Property Act 1925. However, for this to be affected, there must be (in light of *Metropolitan Asylum District*) an explicit separation of the title from the rest of its lands and rights over it. None such came about with the creation of the conveyance deed for the Barony of Cuckfield, and so, for manorial waste at least, statute will take precedence relying on s. 62 of the 1925 Act. Though, s. 52(1) of the Law of Property Act 1925 raises that, in general terms, even if the title has been conveyed, the lands and rights might not have been conveyed with it; unless expressly made mention of in a deed of conveyance. And yet, in this case, this point is irrelevant due to s. 52(2)(g) of the same Act; stating that s. 52(1) does not apply to conveyances taking effect by operation of law. This means that, for claims of occupation (though no more for descent; as outlined earlier due to the Administration of Estates Act 1925) operation of the law by right of occupation is sufficient in itself for succession to the title and the lands and rights over it regardless of the creation of a deed, or indeed reference to a deed. All the same, a deed of conveyance was arranged for the title and with it a separate deed poll of conveyance to convey the land and the rights over it to Christian Alexander Pitt.

With the title comes the further right to hold a manorial court (called a Court Baron) for the administration of civil claims [**Administration of Justice Act 1977 s. 23**]. Whilst this Act transferred much of its criminal and civil jurisdiction to the Royal Courts, there is still a right to hold a Court Baron (and the Manor of Cuckfield, through the medium of arbitration, continues to do so to resolve disputes for torts, contract and land disputes and equitable matters such as trusts and wills).

In addition, there is a statutory right given to a baron under the Game Act 1831 to (i) pursue and kill game upon the wastes or commons within such manor and (ii) to appoint a gamekeeper to preserve or kill the game within the limits of such manor. At this time, the right is not being exercised but should there be demand for it, the Court Baron will consider granting licences to interested parties.

Peroration

The purpose of this document is to prove the existence of the Manor of Cuckfield, its lawful succession to Christian Alexander Pitt and the ability to execute the ancient customary rights and ownership of land assumed by common law to be held of a manor.

Challenges to the law, facts or evidence presented are welcome; as these help strengthen the legitimacy of the title.

The hope is that in presenting this proof, it may give comfort and precedent for barons in a similar position the proof in law they need to know they have lawful possession of their titles and their manors; so that the authenticity, relevance and use of the manor across England may continue in this age and into the next ages to come.

BARON CHRISTIAN PITT of CUCKFIELD

Friday, 5 December 2025