
RE THE BARONY OF CUCKFIELD

SUBMISSIONS

1. The purpose of this document is to make out in law the submissions in favour of Christian Alexander Pitt (“the Claimant”) having acquired and thus being able to use, exercise and enforce the rights and obligations of the Lordship and Manor of Cuckfield in the County of Sussex (“the Barony”).

Factual background

2. A manor is a fundamental concept within the law of real property. After the Conquest of 1066, King William I ‘the Conqueror’ granted all estates in land to be held in fee from 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, common 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 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).
3. A manor, then, became a fundamental part of the English constitution as well. Constitutionally, 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 common law precursor to the statutory modern council system; which came into effect from 1894 onwards. Although, the manor has never been repealed in law so therefore continues to exist. As to their legal origins, manors are assumed to exist by virtue of custom beyond time immemorial.
4. 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))**].

5. The baron's role was, and still is, to uphold customary law between tenants (much of which the disputes would now find itself in the Small Claims track of the County Court) and between himself and his tenants (such as maintaining and granting use of demesne or waste land, or executing rights such as holding markets, extracting minerals from the ground, allowing tenants to fish in his waters and sporting rights to hunt over his lands).
6. The Manor of Cuckfield was formed some time after the Conquest; however, the earliest document relating to its existence is from 1091.
7. Over the years after its formation, 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 (or Cokfeld), 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 Warden George Sergison on his death descended the barony to his son Major Warden Sergison). This possession with House Sergison then continued by right of descent until the last known owner of the Barony, Bertram Sergison-Brooke, died in 1967.
8. On 19 August 2024, the Claimant made a notorious claim of possession to the Manor of Cuckfield in The Gazette becoming the thirty fifth Baron by right of occupancy and through his public execution of its rights of government. That is, by taking ownership of the Barony in absence of any known owner, and having made this announcement publicly by virtue of publishing it in The Gazette to disseminate this information to the general public — especially to local residents within the Manor's jurisdiction (which today is made up of the town of Haywards Heath; the villages of Cuckfield, Ansty, Staplefield, Slaugham, Brook Street; and the surrounding countryside of these civil parishes) — and this claim being made to the exclusion of all others, the Claimant acquired not only the title of Baron of Cuckfield under English

manorial law, and so English common law, but further to the title the rights and ownership of land inherently part of the title.

9. As part of the execution of these rights, the Claimant opened a website outlining the history and law to the Barony; providing a Manorial Court service for the administration of civil justice by means of arbitration for claims which would ordinarily appear in the Small Claims track of the County Court; the granting of licences to the use of parcels of manorial waste (including issuing notices of lien and taking liens for unlawful possession); and, in December 2023, an application to West Sussex County Council (as keeper of the Village Greens and Commons Register) to register ownership of the Manor's waste lands ("the Application") as annexed to the title.
10. The Application received virulent protestation from local residents who, erroneously and on the whole inaccurately and fancifully, assumed the title was a sham purchased online through Manorial Counsel Limited; equivocally assumed and encouraged others to believe rights were being taken from local residents over parcels of common and private land (which was unfortunate timing for the Claimant in light of several attempts from developers in recent years to acquire land around Cuckfield for the construction of houses to meet national housing targets set from central government); several vitriolic attacks of a personal nature attacking the Claimant's political, or assumed political, beliefs and dispositions; and an letter of comment from The Viscount Brookeborough against the Application stating he had already acquired the Barony merely on the death of his father (who he himself claimed had inherited the title from Bertram Sergison-Brooke in 1967) by virtue of inheriting 'all property outside County Fermanagh'.
11. Most of these defences were purely speculative, without foundation, without merit and made unconsciously. Although, the position raised by The Viscount may well have some merit to it.
12. No legal action has yet commenced from any potential party to an action at law; however, if one were to emerge, the question here may well be solely an academic argument far too remote to demand a judicial determination. Alternatively, there may well be fundamental questions of constitutional and land law to be decided; which would then make it useful for a court of record to make a ruling on the matter. Either way, submissions are laid out here so that should the matter go to trial, or someone else find himself in a similar position, the arguments for how

succession came about in such difficult circumstances are logically drawn out as far as the law allows with the facts and evidence available to support its position.

The legal test

13. 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 nor 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.

Submissions

14. In light of the legal test, this will be applied to the facts and evidence as they stand to uphold the position that the Claimant is in fact owner of the Barony.

Unless statute explicitly abolishes or prohibits the assumption of barony, what is not forbidden remains legally conceivable: particularly as a matter of customary or manorial law.

15. Before we can rule on whether the Claimant, or indeed anyone else, has possession of the Barony, we must first ask ourselves, and answer, what is a barony? In short, and important to bear in mind, a barony — like a peerage — is a title. That is, an office and dignity that describes someone's role [Blackstone's 'Commentaries: Book II', chapter 3]. Initially, these territorial baronies and the peerage were seen as and were, for all effects, one and the same. That is, the purpose of being a baron was to govern one's held lands on behalf of the Crown and to counsel the Crown in Parliament when summoned. Over time, a distinction was drawn between

territorial baronies and parliamentary baronies (or peerages). The former continued to hold office by virtue of their duties to govern their held manors (and still do); the latter held office by a writ of summons (from 1265) and later by letters patent (from 1387) to counsel the Crown in Parliament (or what today we would call the House of Lords). The former, therefore, continued to be governed by common law; the latter, by Royal favour. Despite the split, both were and continue to be recognised as titles of nobility (and there is plenty of authority for this **[of which, see ‘Customs of the Manor of Cuckfield (3rd edn.)’]**). In the matter before us, and to avoid confusion, let us remember and keep in mind that with Cuckfield, we are speaking of the ancient territorial baronies and not the comparatively modern peerage.

16. As has already been mentioned, and especially because a barony relates to a public office, this therefore makes the possession of a manorial title a constitutional as well as a question of land law. And this is what lies at the heart of these Submissions: does the Claimant have a right to exercise constitutional rights which to the best of his and to general knowledge are abandoned, ownerless or without a recognised legal owner (in light of the ancient origins of the office)? Following *Thoburn v. Sunderland City Council* [2002] EWHC 195 (Admin), a barony is recognised under the English constitution under category (a) of the test of constitutional rights as baronies are mentioned in statutes (though, for the most part as ancillary matters or instead merely as a matter of common law) which condition the relationship between the state (albeit as an enfranchised Royal right in the baron) and the citizen within the manor’s jurisdiction. It is further recognised under category (b) as statutes exist affecting the powers of baronies either enlarging or diminishing the scope of rights between the relationship of the state and the citizen. As such, baronies are a constitutional question because their existence and their rights are identified in statute (alongside common) law.
17. It may be convenient or useful to assume that with the change in real constitutional arrangements at the municipal level, the natural change of style of government should assume that baronies no longer exist, or at the very least lack the rights and obligations they once had. I have in mind especially the creation of vestry committees in the nineteenth century and since 1894 the parish (or town) councils across England today. In appearance, these have taken on the duties once held by manorial courts and those of local administration held by Justices of the Peace. Although, these councils are a statutory creation and their limits are laid out in the Acts which govern their activities. In *Metropolitan Asylum District v. Hill* (1881) 6 App. Case 193, it

was ruled that ‘It is clear 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 by necessary implication such an intention appears’. That is, was it Parliament’s actual — not imputed, constructive or presumed — but actual intention to repeal the office of baron or abrogate the rights of acquiring or exercising the power of the said office? With the case of Cuckfield, and any other manor, there is no Act which has repealed the existence nor the ancient rights of acquiring nor executing the powers of a barony. This includes acquisition by right of occupancy, but more on this later. Neither has the creation of the post 1894 municipal councils, by necessary implication, taken away any of the rights exclusive to the jurisdiction of a baron in his manor. And the key word is necessary (that is, an essential function which cannot be done without and has now transferred from one legal person to another). For instance, to hold a manorial court, the right to license fishing or the holding of a market: all these are still in the domain of the baron. Indeed, though a constitutional role, a barony is still a private right as it is an enfranchisement of the Royal prerogative to a private subject. As such, the rights and, indeed, the existence of baronies must be assumed to continue as their ancient origins dictate and therefore must remain valid in themselves: save for where statute has intervened to expand or diminish their constitutional rights since time immemorial. More to the point on the present matter, the Claimant’s acquisition of the Barony by right of occupancy is *prima facie* acceptable and admissible under English constitutional law.

18. There may well be issue about use of the term ‘baron’ as opposed to ‘lord’ or ‘lord of the manor’. Despite the niceties of modern peerage law, the holder of the manor may interchangeably be called one of the above. The election of the term ‘baron’ is to hark back to the dignity of the office in the period post the Conquest and emphasise the burden of the office over the privileges of the dignity. In picking up abandoned legal rights, it is far more honourable to do so for better government than for personal enhancement (perceived or otherwise). Accompanying this is the maxim in English common law from King William’s reign that there is no land without a lord, and no lord without a land. That lord in question is what we have termed a baron here. Naturally, land may return to the Crown — all land is granted from the Crown — however, in order for this to come about, a process called escheat must be completed, and this applies as much to a barony as it does to an abandoned cottage in the middle of Kent. More on this will be raised later too; however, suffice to say at this stage, the term baron has been used for the Regally enfranchised landholder who holds land on behalf

of the Crown in order to exercise its rights of government for those loyal and obedient subjects within the fold of civilisation that allows for the execution of the King's peace.

No general rule that a manor must always derive from a documented grant

19. Necessary to a barony is proof of a manor's existence. No manor, no barony; just like no king, no kingdom. Proof of existence 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 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. And so, we may say that the Barony applies to an actual defined area of land with a jurisdiction that may be governed by the Baron.

Occupancy a recognised source of title

20. On the acquisition of baronies, there are three recognised ways in law where a man may possess one: by inheritance through descent, by purchase through alienation or by claim through occupancy. 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. Of course, in all these cases, there must be a delivery of the title by one person and the acceptance of it by another: the Crown to a baron, a baron to an outside purchaser, a baron to a member of his family or, after a period of time, a stranger who accepts it where he finds it abandoned with the passing of time. It is occupancy which has our especial attention here and where we shall focus our energies in this Submission to come to accept it as a valid source to a barony, and the one used by the Claimant for the Barony here.
21. In Book II of William Blackstone's 'Commentaries on the Laws of England', a claimant may acquire a barony, and the Claimant did so, by claiming it by right of occupancy. That is, taking possession of those things, which before belongs to nobody. Or, in the laws of Rome, '*quod nullius est id ratione naturali occupanti conceditur*' (that is, what belongs to no one, becomes by natural reason the property of the occupier). A common sense argument. Blackstone

distinguished two forms of occupancy: special occupancy (which was used by means of a *pur autre vie* tenancy which was restricted by 29 Charles II c. 3 and 14 George II c. 20 before being repealed by 30 & 31 Victoria c. 59) and common occupancy (which continues for freehold and where possession of the Barony is here concerning). Blackstone noted ‘common occupancy is now reduced almost to nothing’; which ambiguously, but no doubt openly, confirms common occupancy’s continuing validity for possession of title to real property, and in this case for transferring territorial baronies from derelict ownership into possession by the occupier (despite its apparent novelty even in the mid 18th century). In short, occupancy is a natural law right whereby what belongs to no one becomes, by reason of being ownerless, abandoned or without an identifiable legal owner, the property of the first man to claim it. This is the Submission of how the Claimant came to possess the Barony. On 19 August 2024, the Claimant claimed the derelict Barony through Manorial Counsel Limited, and this notice was published in The Gazette (<https://www.thegazette.co.uk/notice/4689296>). At the time of writing, two years have passed and no objection was, or has been, raised by the Crown who had a right in law to succession by escheat. On other parties, namely The Viscount Brookeborough, more will be said later. At this stage though, it is made out that the Claimant has possessed the Barony by right of occupancy.

22. A challenge is raised that it appears the Barony was acquired by right of alienation in the Claimant purchasing it from Manorial Counsel Limited. An exchange was made with Manorial Counsel Limited; though, we cannot say that the Claimant purchased the Barony from Manorial Counsel Limited. As will become more apparent later, for occupation to take place, it must be actual, open and exclusive. On the facts known and the evidence available, Manorial Counsel Limited never set foot in the Manor’s jurisdiction with open and exclusive possession of it. It merely identified a derelict manor on its website and advertised its existence and sale of rights over it online. For the possession to be effective, an actual, open and exclusive act must have taken place (which the Claimant did, exclusive to and independent of the part Manorial Counsel Limited played in the transference of these constitutional rights). What Manorial Counsel did do, however, was support the public awareness of the Claimant’s claim by right of occupancy by advertising the transfer through The Gazette. And so, what the Claimant really purchased was not the Barony but a service for Manorial Counsel Limited to publicise the fact that he had taken possession of it. Therefore, Manorial Counsel Limited never had possession of the title (that was an act the Claimant had to and did make himself) but merely supported the

publication of his rights to a national audience through a sound, legitimate, readily accessible and widely respected medium (alongside the Claimant's publication of his website for the Barony and its services). Therefore, the claim by right of occupancy exists independently of whatever role Manorial Counsel Limited played in the transaction. Though, of course, it was conceivable, and did in fact happen in the Claimant's case, that the general public to assume that the Claimant purchased the Barony (or something akin to it) from Manorial Counsel Limited and thus gave false grounds to the unfortunately wrong conclusion by some members of the general public that the title was merely 'bought online' as novelty affair. Though this Submission should make it clear this is not the case.

Ownerless, abandoned or left without a legally identifiable claimant

23. Having considered right of occupancy, it is incumbent next to answer when a Barony may be considered ownerless, abandoned or left without a legally identifiable claimant. Where property is ownerless (that is, naturally belonging to no one); abandoned (once belonging to someone but now having been deserted for such a substantial period of time it must be deemed ownerless) or without a legally identifiable claimant (that is, no one recognisable in law to hold title), only when at least one of these conditions apply may a claimant claim a right of occupancy to possess a barony. Each will be explored in turn. With respect to ownerless and abandoned property, the arguments here are straightforward. But with respect to a legally identifiable Claimant (potentially the Crown or potentially Viscount Brookeborough as successor to Bertram Sergison-Brooke), the submissions will require more patience. That being so, the Claimant submits that the Barony is ownerless and abandoned, and with the legally identifiable claimants, they have both failed to exercise their rights of possession and so the Claimant's right to occupy is granted by virtue of the Barony being, therefore, ownerless and, or, abandoned.

Original lordship has fallen into abeyance

24. The first limb to this Submission turns to a barony that is ownerless or abandoned. That is, it has fallen into a temporary state of disuse; temporary until the next man comes to occupy it. Where a barony has fallen into abeyance, like a rock beside the road, it must be assumed to belong to no one. Therefore, following the rules of occupancy as stated earlier, the first man to claim it takes possession of it. This is the foundation for the Claimant's claim to the barony. The barony has fallen into abeyance (at least, administratively). No one else has exercised a right of

possession since 1967 (save for the Claimant) when the last possessor of the title (Bertram Sergison Brooke, thirty fourth Baron of Cuckfield) died. Thus the Claimant succeeds in having possession of the Barony on grounds of abeyance because he was the first one to possess it actually, openly and exclusively to the detriment of the indolence of any other party.

Legally identifiable claimants

25. Having addressed the first limb, the second limb turns to whether there are legally identifiable claimants who have or could take possession of the barony. In this case, there are two such identifiable claimants: the Crown and The Viscount Brookeborough. Both will be explored in turn.

The Crown

26. The first legally identifiable claimant to this limb is the Crown. As indicated earlier, the Crown is able to possess ownerless or abandoned baronies through the right of escheat. This right applies to any other superior lord over a manor, but none exist for Cuckfield; so the Crown here is the only superior lord with a right to escheat the Manor. Escheat is Norman French for ‘chance’ or ‘accident’. In manorial law, this denotes an obstruction to 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 maxim no lord without land, no land without a lord mentioned earlier, and, historically, the most efficient way to keep constitutional offices operational was through descent. As such, where there is an obstruction to descent, baronies may revert to the original grantor: the Crown. This is distinguished from *bona vacanita* 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 (thus, making an actual, open and exclusive act of its own by the monarch himself or one of his agents) or suing out a *writ of escheat*. Failure to do either, or doing any act that amounts to an implied waiver of its right (by accepting possession, homage or rent of a stranger who usurps the possession) will mean the Crown, or indeed any superior lord’s title, is barred [Blackstone’s Commentaries Book II: Of the rights of things, chapter 15]. Therefore, right of occupancy allows for a claimant to enter a barony by usurpation before the Crown has had a chance to escheat. Nevertheless, the Crown in this case failed to escheat the Barony between 1967 and 2024 (a substantial period of time: two generations, if not more) by either of the

aforementioned processes, and so the Crown failed to assert its legal rights when it had an opportunity so to do. On accepting possession, His Majesty's Passport Office and The Gazette accepted and continue to accept the Claimant as 'Lord' of the Manor of Cuckfield which in itself is an act that amounts to a implicit waiver of the Crown's rights to escheat because it has implicitly accepted a stranger who has usurped possession to the ownership of the Barony. Therefore, the Crown — as a legally identifiable claimant — failed to execute its rights and is no longer in a position to assert right of possession over the Barony. On this aspect of the second limb, the Claimant therefore succeeds.

The Viscount Brookeborough

27. Alongside the Crown, there is another legally identifiable claimant, and that is The Viscount Brookeborough. According to his letter of opposition against the Application, the Viscount is in possession of the Barony by virtue of inhering all of his father's land outside County Fermanagh. Thus, with his father being the successor to Bertram Sergison-Brooke (according to a settlement arrangement made in 1919), the last baron's line has not become extinct and is, indeed, traceable. So our focus now is on whether the Viscount and his father failed to make use of their rights to possess the barony.
28. As a matter of context, the last known holder of the title was Bertram Sergison Brooke, thirty fourth Baron of Cuckfield (who died in 1967) [<https://discovery.nationalarchives.gov.uk/details/r/e86535c5-2218-4130-8ffe-25a2d4f391cd>]. Before 1925, there would have been a very strong argument that the heirs of descent to Bertram Sergison-Brooke 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 baronies are no longer possible by mere operation of the law. This includes descent to issue (who would have been Patience Ann Sergison-Brooke, deceased, from Prudence Sergison [daughter of Charles Sergison, 33rd Baron of Cuckfield] whose marriage gave Bertram Sergison-Brooke the title, or Timothy Mark Sergison-Brooke, who died in 2005 [son of a second marriage to Miss Hilda Fenwick in 1923) or curtesy (as Prudence died in 1918 and she herself passed the title to Bertram Sergison-Brooke at their marriage or Hilda Fenwick afterwards who died in 1954 anyhow). Even if mentioned in a will, which is understood never to have happened (and there is no evidence to support so anyway), 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)**]. That being so, a statutory declaration was made by Bertram Sergison-Brooke in 1926 concerning his title to the manors of Cuckfield, Slaugham, Marshalls, Franklands and Leigh. This, therefore, proved he had the Barony at the time and until his death. The settlement made in 1919 by his first late wife, Prudence Sergison-Brooke, specified after his use of the barony, John Warden Brooke would succeed as the next Baron. Bertram Sergison-Brooke died in 1967; now with the rules under the 1925 Acts in place for the first time as part of the process of succession. At the same time, when John Warden Brooke (now the second Viscount Brookeborough) inherited the estate in 1967 in accordance with the settlement, the settlement was then dissolved and much, if not all of the manorial land sold off. The barony may have therefore been entitled to fall to the Viscount, but unless it was explicitly conveyed after his death, s. 45 of the Administration of Estates Act 1925 will come into effect. This means, without proof of conveyance (and the evidence is lacking), the barony will have fallen into abeyance as neither the second Viscount nor the third Viscount would have had or have possession. As has already been stated, in defence to the Application, The Viscount Brookeborough stated he acquired the Barony merely by virtue of inheriting 'all property outside County Fermanagh'. With no supporting evidence, and on the balance of probability, this submission is purely speculative and this further supports the notion that House Sergison's family settlement was fully dissolved in 1967, and thus the laws in the Law of Property Act 1925 with respect to conveyancing and the Administration of Estates Act 1925 with respect to succession will apply here. No conveyance of succession is known to have been brought about in any case (even as an explicit ancillary to part of any estate). Therefore, the Barony fell into abeyance in 1967.

29. And so, whilst the Viscount, like the Crown, is a traceable, identifiable claimant, as a matter of strict procedure, he and his father failed to succeed to the barony in accordance with the strict demands of the law and so does not have possession of it. Alternatively, this would open up possession to the Barony on the same grounds as the Claimant: namely, that he must make an actual, open and exclusive act of possession. There is no evidence that the Viscount has come to the Manor to claim ownership; that the public (especially within the Manor) are generally aware of his claim or acknowledgement of his exercise of government; nor that he has done so exclusively to the detriment of any other claimant. Therefore, the Viscount's argument for

possession fails and the Claimant may continue to claim possession on grounds of the barony being abandoned and ownerless.

Part performance

30. It may be tempting to allow the successors to Bertram Sergison-Brooke possession of the Barony on grounds of part performance. In equity, the transfer of legal rights and possession of baronies may be brought about — in the absence of a written note of it (in this case, a charter or conveyance) — by the oral testimony or behaviour of the parties. This, however, may only come about where a baron would find himself unequivocally in a different position from that in which, according to their legal rights, they would be were there no agreement or any other form of settlement. That is, in the absence of a conveyance in itself or by a trust instrument, would the successors to Bertram Sergison-Brooke from having no rights of government over the Barony be assumed to have possession and those rights with no doubt whatsoever so that the Viscount was understood to have actual, exclusive and open possession? For this, with cogent evidence to support it or oral evidence in its absence, the transfer of the Barony can only have happened by delivery from Bertram Sergison-Brooke to the second Viscount, and the second Viscount to the third, and (of course) the acceptance of the second Baron from Bertram Sergison Brooke, and the third Viscount from the second. Or, in the case of a trust settlement, retention of possession of the title. From the evidence available, there is nothing to say the Barony was transferred from Bertram Sergison-Brooke to the second Viscount, not the second to the third (and the necessary acceptance accordingly). In addition, it appears that the Sergison family settlement was completed dissolved in 1967, and so there cannot be retention of a Barony under a trust which no longer exists. This is a repetition of much of what has already been said. Therefore, if part performance were to be pleaded, this too would fail for these reasons.

The Barony may be treated as derelict in practice

31. Because of abeyance, lack of escheat by the Crown and despite being able to trace the Barony's natural line of descent from Bertram Sergison-Brooke to the Viscount but the latter not succeeding according to the strict letter of the law nor any actual, open or exclusive act of possession on his part, the Barony must be treated as abandoned and ownerless, and so therefore derelict in law. Therefore, this being so, all the Claimant would have to prove is his actual, open and exclusive possession of the Barony to succeed at his claim.

Occupier takes actual, open and exclusive possession

32. Establishing the Barony as derelict, the Claimant must then take actual, open and exclusive possession through his right of occupancy. That is, a real rather than fanciful or theoretical possession; in an open manner so that the general public are aware of it and not a mere secret matter or one amongst a selective class of persons; and the possession must be to the exclusion of any and all other potential claimants. In making his claim in The Gazette; the awareness of the Barony to the public that came from the Application through the Mid Sussex Times and the commentary that followed on Facebook and Instagram correspondence following Hayward Heath Town and Cuckfield, Slaugham and Ansty and Staplefield Parish Council's posts on the matter; the Claimant's lack of concession to own the title conjointly with anyone else; the fact the Claimant lives in the Manor's jurisdiction and exercised manorial rights (albeit primarily through his website); all these satisfy the actual, open and exclusive possession limb of the legal test. A barony is an office of trust and confidence; so it is vital and just that those who fall under the government of a baron know who their baron is and who they are accountable to, and the baron to exercise his rights of government effectively and justly who his tenants are. The Claimant has achieved that here through his acts of possession. And so, the Claimant has successfully taken possession of the Barony through right of occupancy.

Titles arriving from feudal custom, local recognition or gradual assumption of authority

33. Actual, open and exclusive possession is simple enough to understand and turns more to the facts and evidence than to the law. The last point should make clear and is sufficient to prove that there is actual, open and exclusive possession of the Barony by the Claimant. Although, there are a few supplementary points of law with respect to baronies arriving from feudal custom, local recognition and gradual assumption of authority which help to support and reinforce the submissions on actual, open and exclusive possession.
34. At first, there is plenty of precedent in manorial law for local recognition and gradual assumption of authority. This primarily derives from the Crown itself in its capacity as lord paramount. On the death of King Harold Godwinson, King William I as his vassal claimed possession to all the lands of England by right of occupancy. In a similar way, possession by right of occupancy came about with King Stephen claiming all the lands of England on deposing 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 too; however, the courts are likely to take this precedent less willingly. On a Continental level, there is plenty of precedent (especially in France) for the acquisition of baronies by vassals. Against the French Crown, take the Caselletois, House Burgundy with what is now the Netherlands and Belgium or House Anjou for Aquitaine. Or closer to home, the possession of land by the Percies and Nevilles in the North or the Mortimers and de Clares in the Marches. 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. And, rather reluctantly, Blackstone concedes this constitutional principle in Book I of his Commentaries, and we should not be surprised to see this as a reality of statecraft (and so, therefore, constitutional law) through the change, overthrow or radical reform of governments: whether it be a Roman Republic to an Augustinian Principate; the French Crown to the Napoleonic Empire; or the Soviet Union to the Russian Federation. As with most constitutional precepts, power is king. And whether there is acceptance, tacit or otherwise, for a constitutional arrangement, *de facto* this becomes the constitutional arrangement.

35. Baronies, historically, were often taken through military conquest. A powerful vassal with a larger army could defeat a weaker or absent lord in battle and physically take control of the territory. If a lord failed to provide protection or acted unjustly, a vassal could formally renounce their oath of loyalty and fight to keep or expand their holdings. Some vassals accumulated so much wealth, land, power and military might from multiple sources that they completely overshadowed their nominal lords and seized control. And so, possession of a barony is as much a question of fact as it is of law.
36. In light of the facts in this case, there are parallels here between what the Claimant has done and the absence of action on the part of the Crown, the Viscount or, indeed, anyone else who could have claimed by right of occupancy but for their indolence. The Claimant has taken possession of the Barony in the absence or weak, perhaps even negligible defence, of any other potential lawful claimant. Before the claim, there was no other baron to provide protection (even if it were merely ceremonially) to those within Cuckfield's jurisdiction, and so this is a gap the Claimant filled as water fills a hole in its path before carrying down its natural way.

37. It may well be arguable in law that a baron holds ultimate ownership of the land and rights over a manor wherever he may be, but only grants a vassal who usurps it, or part of it, a temporary right to use it as a fief until he is dislodged of his possession. The practical rule, however, as just outlined, is that legal title to baronies only carry weight as long as a baron has the strength to enforce ownership of the possession of a barony. Strength in possession as much as strength in law. In absence of presence, physical power decides who owns land and this applies as much to this case as any historical example. But this is especially more important where a barony has been found derelict as a barony is then openly contested until the first man claims it by right of occupancy. This is the rule with the Crown, as so the baronies must follow suit.
38. Putting all these factors together, it is clear, therefore, that the Claimant — in addition and supplementary to actual, open and exclusive possession — acquired and took possession of the Barony through assumption of authority (gradual or otherwise) and local recognition of it. Further this, of course, is a feudal custom, and one which is readily proven by historic precedent. And so, further to actual, open and exclusive possession, the Claimant has possession of the Barony through the gradual assumption of authority, local recognition of it and this being a precedent of feudal custom. Or, to paraphrase Pollock in ‘The Land Laws’ (3rd edn.), in English law, all title to land is founded on possession. There are several cases in which wrongful dealing with land had been so far effectual as to deprive the person really entitled to the summary right of entry which he could have used against a mere intruder. The true owner who has lost actual possession and the right of entry is no better off than a claimant who had never been in possession. Therefore, where a man absents himself from a Barony, he who has possession *de facto* rather than *de jure* will be the owner of it. This should make it quite clear, therefore, to those potential legal claimants who failed to exercise their rights, that these are now extinct to the favour of the Claimant.

Occupier exercises rights incident to ownership as of right rather than by permission

39. Of course, it is all good and well for an occupier to exercise rights of government over his possession but if he is to do so as a baron rather than as an agent or something else entirely without legal rights of his own, he must do so as of right rather than by permission.
40. What distinguishes possession of a barony by rights of occupancy from adverse possession is that occupancy is an accepted right of acquiring possession to property. It is one of three such

means outlined earlier. Adverse possession, however, requires a negative deprivation of rights which becomes accepted as a prolonged and implicit permission by an owner of land for the trespasser to take possession and then ownership of land by the failure of the original owner to protect his rights. The Claimant here has taken possession of the Barony through right of occupancy rather than through adverse possession. And so, on this front, he has done so as of right rather than by permission.

Equity favours the continuation of functioning rights over legal vacuum

41. Whilst the law is well set out above, it is always useful to supplement, support and oversee a legal submission with an equitable one. Like cement to bricks, it helps fill in the gaps bricks cannot provide and give greater strength than the bricks could provide alone. Where a barony exists, its functions are capable of being exercised and an occupier maintains them for the interests of the community, equity may recognise occupancy as the least disruptive continuation of a barony's legal personality. The Claimant's submission is that when he took possession of the Barony in August 2024, he had taken possession of an Barony which exists in law (and has since the eleventh century); historically, was an integral part of government and society overall in the municipality; continues to have functions which are capable of being exercised like a Court Baron; and is in the possession of a responsible occupier who is legally trained, active in the participation and government of ecclesiastical and civil administration, who has been publicly educated and who is of noble birth and would thus, or is more likely than not, to exercise the rights of the Barony for the common good of the community. Equity should, therefore, recognise the Claimant's occupancy of the Barony as the least disruptive continuation of its ancient legal personality. It would be a shame to allow such an ancient institution to die at the hands of obscurity and indolence; so equity should uphold the possession by right of occupancy as much on grounds of honour as of legal rationality. Therefore, equity should allow the Claimant to possess the continuation of functioning constitutional rights and obligations.

Conclusion

42. Therefore, in light of the continuing existence of baronies; the existence of Cuckfield's; because of the dereliction of the Barony; the actual, open and exclusive possession through right of occupancy as of right by the Claimant; and as a matter of equity, the Claimant has successfully claimed ownership of the Barony and is entitled to enjoy the fruits that come with his office.

CHRISTIAN PITT

Saturday, 29 August 2026