



COMMONS REGISTRATION ACT 1965

Reference No. 204/U/87

In the Matter of Haddon Pond, Haddon,  
Huntingdon D

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DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 71 in the Register of Common Land maintained by the Cambridgeshire 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 James W Martin and Mr John Martin claimed to be the freehold owners of the land in question ("the Unit land") 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 Cambridge on 8 March 1983:

At the hearing Mr R J Arnold, Solicitor, appeared on behalf of the claimants.

The Unit land according to the Register, is about one-fifth of an acre and was included in property known as the Manor Farm and Church or Grange Farm conveyed to George Martin by John Lycett and Others, the Conveyance being dated 16 November 1913. By a Conveyance dated 27 November 1935 George Martin conveyed that property to himself, J W Martin and J Martin as joint tenants on trust for sale as assets of the partnership carried on by them. George Martin died in 1937 and by a Release dated 2 March 1938 his personal representatives conveyed his share in the property to J W Martin and J Martin. By a Deed of Gift dated 28 February 1974 between J W Martin and J Martin (1) Elizabeth Martin (wife of J W Martin) and Ann Martin (wife of J Martin) (2) there was conveyed to each of the respective wives a 3/20th share in the property. Although the parcels in the Deed refer to a 3/20th share in the property, the habendum is "to hold the same unto (the four parties) as joint tenants upon trust to sell". This seems to indicate an intention that the legal estate in the property should be vested in the four but since all that was in fact conveyed was the 3/20th shares, I doubt whether the Deed operated, in addition to conveying these equitable interests, to transfer the legal estate. The legal estate, following George Martin's death vested in J W Martin and J Martin and on the evidence I am satisfied that they are the owners of the Unit land.

I shall accordingly direct the Cambridgeshire County Council, as registration authority, to register them as the owners 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

17 March

1983

*L J Morris Smith*

Commons Commissioner