



In the Matter of the areas of land about 4.56 acres being the verges of Peaceful Lane in the parish of Holwell in the County of Dorset

DECISION

This reference relates to the question of the ownership of land known as the verges of Peaceful Lane in the parish of Holwell being part of the land comprised in the Land Section of Register Unit No. CL 340 in the Register of Common Land maintained by the Dorset 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 Frank Sykes CVO and Henry Mark Earneys Bond claimed to be the freehold owners of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Sherborne on 26 June 1980.

The claimants appeared before me by Counsel and submitted an abstract of their title going back to a Conveyance on Sale in 1898. In 1910 the property was conveyed to Trustees of a Settlement made on the marriage of Lewys Legge Yateman and Edith Cecily Earnings Bond. In 1966 the then Trustees of this Marriage Settlement who were also Trustees of another Settlement (the Second Settlement) declared that they held the property which had formerly been subject to the Trusts of the Marriage Settlement upon the Trusts of the Second Settlement as all equitable interests and powers under the Marriage Settlement had come to an end. In 1968 one of the Trustees ~~mentioned~~ ^{retired} and the Second Claimant Brigadier Henry Mark Earnings Bond was appointed a trustee in his place. His title depends on strict proof of the devolution of the equitable interests vested by the Marriage Settlement and which are not shown on the Abstract. The title of the first Claimant Frank Sykes is derived from the Marriage Settlement.

On this evidence I am satisfied that Frank Sykes CVO and Henry Mark Earnings Bond are the owners of the said part of the land, and I shall accordingly direct the Dorset County Council as registration authority, to register them as the owners of the said part 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

14th 1980

day of

July

1980

George H. H. H. H.

Commons Commissioner