



## COMMONS REGISTRATION ACT 1965

Reference No. 43/U/16

In the Matter of West Green,  
Pocklington Parish and Rural  
District, Yorkshire (East Riding)

DECISION

This reference relates to the question of the ownership of land known as West Green, situate on the west side of the road known as The Green at Pocklington, Pocklington Rural District being the land comprised in the Land Section of Register Unit No. VG.12 in the Register of Town or Village Greens maintained by the East Riding 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 Pocklington Parish Council in a letter dated 3 July 1973 claimed to be the freehold owner of the land in question, enclosing Bye-laws made on 1 September 1911 under the Commons Act 1899 by Pocklington Urban District Council in pursuance of a Scheme made on 21 March 1902 and approved by the Board of Agriculture on 26 March 1902. Mr. J. J. Buttle in a letter dated 19 June 1973 gave information about the land. No other person claimed to be the owner or 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 Beverley on 12 July 1973. The hearing was attended (1) by Pocklington Parish Council who were represented by Mr. A. T. Allison their clerk and (2) by Mr. W. H. Dowell of High Street, Bempton, Near Bridlington in person.

Mr. Allison who is 82 years old, has lived at Pocklington since he was 5 years old and been a member of the Parish Council for 20 years or more, gave evidence:- The land contains approximately 5 acres. It was formerly managed by Pocklington Urban District Council; but after that Council was in 1935 absorbed into the Pocklington Rural District Council, the land has been managed by the Parish Council. It is used by various clubs for football and cricket, such use being with the permission of the Parish Council. In 1959 some Councillors wished the land to be sold, so he (Mr. Allison) asked the advice of Mr. G. G. C. Young, a solicitor of Pocklington who in a letter dated 3 July 1959 advised in effect that it was unsaleable by reason of the 1759 Award, below mentioned. For special occasions, the Parish Council had permitted parents and others visiting the adjoining School (Pocklington School founded many years ago) to use part of the land as a car park. The Parish Council claimed ownership because they were and had for many years been in control and nobody apart from themselves had claimed ownership.

Mr. Dowell said he was a descendant through his mother of a Captain Cook and (as I understood his case) also Mr. George Cook and Mr. Thomas Cook below mentioned who were big land dealers and land owners in Pocklington and elsewhere. He questioned Mr. Allison about a reference in the Award to "West Green"; Mr. Allison could say no more than that as far as he could remember the land had always been called "West Green", and that he did remember a Mr. Cook who lived in Pocklington some time ago.



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Mr. Dowell said he did not claim ~~for~~ the land for himself but on behalf of his mother Mrs. E. M. Dowell who was of course more nearly related to his Cook ancestors.

There having been a reference to the Award, the County Council arranged for the production from the Registry of Deeds at Beverley of volume Y 230, which contains the enrollment (made on 19 April 1759) of the Award dated 18 April 1759 and made under the Pocklington Inclosure Act 1757 (30 Geo. 3. cap xxxviii). The 1759 Award at some length recited the Act, including the part relating to West Green quoted below, but did not otherwise purport to deal with West Green. The Award included an allotment of 2 acres 2 roods 19 perches to George Cook, and referred to a sale by Mr. Thomas Cook and apportioned at eight pence his contribution towards a rent of £33 payable to the Vicar.

Mr. Dowell gave me a copy which he said he had obtained from the County Library of page 377 of Baines Yorkshire Directory, volume 2; from internal evidence I conclude that this Directory must have been printed after 1814 and before the introduction of the Penny Post; included in a list of 35 persons (apparently the then householders of Pocklington) is an entry as follows: "Cook Wm. gent. West green".

On 13 July 1973 I inspected the land, <sup>it</sup> having been agreed that I might do so unattended.

The 1757 Act recites Articles of agreement dated 1 March 1756 and taking notice that "There were in the township of Pocklington six large open Fields, ... a large Parcel of Meadow Ground called the Ings and a large and extensive common called Pocklington Common" and by which it was agreed that "The said Lands ... Meadow Grounds and Commons, except only that Part of the said Commons called West Green which extends from the School House of Pocklington aforesaid to the Cowhold Gate should be set out, divided and allotted ... " By the Act it was enacted "That the said several Common or Open Fields ... described in the said Articles except such Part of the West Green as is therein mentioned and intended to be excepted, shall ... be divided ... " and (among numerous other enactments) "That the said West Green shall be left open for the Benefit of the said Owners and Proprietors aforesaid". Meaning (as is I think apparent from the Act) the owners and proprietors of the Lands etc. directed to be divided.

In my opinion Mr. Dowell said nothing upon which I could possibly conclude that either he or his mother had any interest in the land the subject of this reference. He complained that in the time available he had been unable to trace his descent from any of the Cooks, but asked me to assume that he would or might be able to do so. From the evidence of Mr. Allison, from the Register map and from what I saw during my inspection, I conclude that the School referred to in the 1757 Act is the same Pocklington School as is now being carried on the north side of the land the subject of this reference, that such land is the West Green referred to in the above quotation from the Act, and that no interest in it was by the 1759 Award granted to Mr. George Cook or to Mr. Thomas Cook therein named.

I record that although I allowed Mr. Dowell to address me as representing his mother, from something he said at the hearing, I feel some doubt whether she ever authorised him to represent her in these proceedings.



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It follows from the above conclusion, that if I am not satisfied that the Parish Council ~~is~~ the owners ~~is~~ cannot therefore direct their registration as owners under subsection (2) of section 8 of the 1965 Act, I am obliged to direct their registration as owners under subsection (3). It may be therefore that it is of little practical consequence whether I am or am not so satisfied.

Under section 22(2) of the 1965 Act, I am on this reference concerned only with the ownership of the estate in fee simple in the lands. The 1757 Act contains no provision about this. On the evidence of Mr. Allison, I conclude that the Parish Council is and has for many years been in possession of the lands. If after the 1757 Act the Lord of the Manor or any person remained entitled to the fee simple, his title and that of his successors has been extinguished by the Limitation Act 1939. If the 1757 Act subjected the land to a public charitable trust for the benefit of the inhabitants of the Parish, so that in effect it became parish property and in due course vested in the churchwards and overseers, then the Parish Council are entitled as their successors. So whatever may be the effect of the 1757 Act they are entitled.

For these reasons I am satisfied that the Parish Council ~~is~~ <sup>are</sup> the owners of the land and I shall accordingly direct the East Riding County Council, as registration authority, to register Pocklington Parish Council as the owners 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

27<sup>th</sup>

day of

July

1973.

a. a. Baden Fuller

Commons Commissioner