



In the Matter of Carr Pasture Sherriff  
Hutton with Cornborough, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Carr Pasture, Sherriff Hutton with Cornborough, being the land comprised in the Land Section of Register Unit No. CL.61 in the Register of Common Land maintained by the former North 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 Mr M W Easterby claimed to be the freehold owner of the land in question 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 Malton on 13 October 1977. At the hearing Mr Easterby was represented by Mr P J Lawrence, Solicitor.

The land the subject of the reference has for many years been held in twenty undivided equal shares. Mr Easterby purchased three of these shares from Broadland Properties Ltd in 1965 and over the years he purchased others a few at a time from various vendors until by a Conveyance dated the day before the hearing he acquired the last three from Mr C G Anderson and Mr K S Anderson. All the vendors other than Mr C G Anderson and Mr K S Anderson were able to show good roots of title. Mr C G Anderson and Mr K S Anderson were, however, able to prove undisputed possession by themselves and their predecessors in title since the 1930's. However, although Mr Easterby now owns all the undivided shares, it still has to be borne in mind that the land must have been held in undivided shares immediately before 1st January 1926, so that the case falls within para. 1 of Part IV of the Law of Property Act 1925. Not being a case to which any of the provisors of sub-para (1) to (3) of that paragraph apply, the entirety of the land vested in the Public Trustee upon the Statutory Trusts by virtue of sub-para (4). The acquisition of all the undivided shares by Mr Easterby does not have the effect of divesting the Public Trustee of the land.

On this evidence I am satisfied that the Public Trustee is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register him as the owner 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

5th

day of November 1980

*C. D. G. M. B.*  
Chief Commons Commissioner