



COMMONS REGISTRATION ACT 1965

Reference No.268/U/18

In the Matter of Four Pieces of Land,
Seamer, North Yorkshire.

DECISION

This reference relates to the question of the ownership of four pieces of land, being manorial waste, Seamer, being the land comprised in the Land Section of Register Unit No.CL 218 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 W.H.Pearson claimed to be the freehold owner of the land in question and the Seamer Parish Council 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 Scarborough on 7th November 1974.

Mr Pearson was represented at the hearing by Mr J. Marshall, solicitor.

By a conveyance made 19th June 1951 made between (1) Norman Pearson Atkinson and Hilaire Thelwell Percival (2) John Bamford the manor or lordship or reputed manor or lordship of the ancient manor of Seamer was conveyed to Mr Bamford. The conveyance was expressed to be "with all manorial and other rights appertaining to the same" and by virtue of section 62(3) of the Law of Property Act 1925 it also operated to convey (inter alia) all commons and the ground and soil thereof. Mr Bamford died on 7th April 1963 and his will was proved by Mr Vernon Valentine Marshall and Mr Pearson, the Executors therein named. By an assent made 13th February 1964 between the Executors and Mr Pearson the manor was vested in Mr Pearson.

The registration of the four pieces of land in question is by virtue of section 10 of the Act of 1965 conclusive evidence that they are common land. That they lie within the manor of Seamer was proved to my satisfaction by evidence that for many years past a proclamation of the opening of Seamer Fair has been read on each of these pieces of land by the Bailiff of the Manor on St Martin's Day. The right to hold the Fair is said to have been granted to the Lord of the Manor by Richard II on 11th November in the sixth year of his reign, in the year of Our Lord 1337. This is chronologically impossible, since 11th November 6 Richard II was 1382. However, I do not consider that it is necessary for the purposes of this case to ascertain precisely by what right the Lord of the Manor holds the Fair. It seems to me sufficient that these pieces of land have been regarded as being within the Manor during the whole period of living memory.

For these reasons I am satisfied that Mr Pearson is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as



-2-

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 26th day of November 1974

A handwritten signature in black ink, appearing to read 'C. J. Quill', written over a horizontal line.

Chief Commons Commissioner