



In the Matter of Muston Quarry, Scarborough B

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.68 in the Register of Common Land maintained by the North Yorkshire 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 D Pinkney 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 Scarborough on 27 April 1982.

At the hearing Mr Pinkney who is a solicitor, was present in person, and Mr G Alanson, a member of Muston Parish Council also attended.

Mr Pinkney is claiming ownership as the surviving Executor of George A Prodham. By a Conveyance dated 8 September 1919 property known as Pilmoor Farm was conveyed by J B Harrison Broadley to Henry Prodham. This property included a piece of land marked Muston Quarry which comprised the land in the Register Map. Following the death of Henry Prodham, his personal representatives on 25 April 1958 assented to the vesting of the property in George A Prodham, who died on 13 April 1969 and whose Will was proved on 3 August 1970 by Herbert Prodham and Mr Pinkney. Herbert Prodham died on 15 March 1971, leaving Mr Pinkney as sole surviving Executor of George A Prodham.

Mr Pinkney has furnished me with further information and documentary evidence of dealings with parts of Pilmoor Farm and other adjacent land between members of the Prodham family, which do not affect the title adduced to the register unit land.

I am satisfied that Mr Pinkney 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 3 (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 8 October 1982

L. J. Morris Smith
Commons Commissioner