



In the Matter of Pottenham Common, Pottenham,  
Guildford B

DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Register Unit No. CL.189 in the Register of Common Land maintained by the Surrey County Council of which no person is registered as the owner under section 4 of the Commons Registration Act 1965 or under the Land Registration Act.

Following upon the public notice of this reference a claim to ownership was made by the Trustees of the Hampton Settled Estates.

I held hearings for the purpose of inquiring into the question of the ownership of the land at Guildford on 21 June 1983 and 1 May 1984. At the second hearing Mr R E Thornton, one of the Trustees, appeared.

Part of the Common is registered with freehold title under the Land Registration Acts, and this inquiry is not concerned with that part. As regards the remainder of the land ("the outstanding part"), this was included in property conveyed in 1931 by Henry R M Howard and others to Eustace E Thornton. The conveyance was dated 30 May 1931 and after E E Thornton's death in 1948 his Executors by a Vesting Assent dated 11 October 1954 vested the property in Mrs Myrtle E Thornton on the basis of a settlement.

On this evidence I am satisfied that Mrs Thornton is the owner of the outstanding part and I shall accordingly direct the Surrey County Council, as registration authority, to register her as the owner 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.

14 May

1984

*L. J. Morris Smith*

Commons Commissioner