



In the Matter of Dry Carr Common,
Sowerby Bridge

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.404 in the Register of Common Land maintained by the West Yorkshire Metropolitan 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 the trustees of Mr Ronald H Murgabroyd claimed to be the freehold owners of the land in question ("the unit land") 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 unit land at Wakefield on 8 May 1985.

At the hearing the claimants were represented by Mr G Briestley, of the firm of Crossley, Crosland & Uttley, Chartered Surveyors. No other claimant appeared.

Mr Briestley produced a conveyance dated 10 August 1940 whereby J H Riley & others conveyed to John Murgabroyd the Manor of Midgley and land of some 1200 acres, which included the unit land. John Murgabroyd died in 1944, and by an Assent dated 24 April 1974 the property comprised in the conveyance was vested in Ronald H Murgabroyd, together with other property. Ronald Murgabroyd died in August 1974 and by an Assent dated 12 June 1978 his personal representatives assented in favour of themselves as trustees for sale to the vesting of property which included the property conveyed in the conveyance.

By virtue of an Appointment dated 28 November 1980, the present trustees are Virginia Murgabroyd, John Charles Forbes and John Edgar Robertson, and on the evidence I am satisfied that they are the owners of the unit land I shall accordingly direct the West Yorkshire Metropolitan County Council, as registration authority, to register them as the owners 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 27th day of June 1985

h. j. Morris Smith
 Commons Commissioner