

In the Matter of Arkleside with the exclusion
of Sowersett Allotment, Carlton Highdale, North
Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Arkleside with exclusion of Sowersett Allotment, Carlton Highdale, being the land comprised in the Land Section of Register Unit No. VG.119 in the Register of Town or Village Greens maintained by the former North Riding of 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 Mrs J B Johnston claimed to be the freehold owner of part 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 Richmond on 10 May 1978. At the hearing Mrs Johnston appeared in person, and the Carlton Highdale Parish Meeting was represented by Mr W Lambert, its Chairman.

Part of the land in question was allotted to various owners by the Arkleside Common Inclosure Award made on 27 March 1884 under the Inclosure Acts 1845 to 1878.

Allotment No. 7 was made to the Churchwardens and Overseers of the Poor of the parish of Coverham in trust as an allotment for field gardens for the poor inhabitants of the district of Arkleside and Horsehouse. By the combined effect of sections 6 (1) (c) (iii), 19(6) and (7), and 67 of the Local Government Act 1934 and section 13 (3) of the Local Government Act 1972 this land became vested in the Parish Trustees of Carlton Highdale.

The devolution of the title of the other allotments is not so clear. However, good modern titles have been proved in respect of four of these allotments and one allotment called Sowersett Allotment (No.2) has been excluded from the Register Unit.

Allotment No. 1, described as "Intake from Moor, was vested in Henry Constantine by an assent made 20 November 1973 by Richard Thomas Dawson Johnson.

Mr Johnson was the executor of Frederick Constantine, who had been in receipt of the rents and profits of this land for over 40 years when he died on 10 September 1972. On 29 August 1972 this land was vested in Margaret Ellen MacPherson, Elizabeth Heather Mary White and Beverley Edna Ross Merryweather by an assent made by Keith Samuel Barry, the personal representative of Henry Constantine.

Allotment No. 3 was awarded to one Ralph Lofthouse. Immediately before 1 January 1826 it was vested in Jacob Ryder and Joseph Ryder as tenants in common in equal shares. By a conveyance made 8 May 1936 between (1) Jacob Ryder (2) Joseph Ryder the whole fee Simple interest in the land was conveyed to Mr Joseph Ryder.



Allotment No. 4 was vested in Mrs Margery Freeman by an assent made 31 December 1965 by Thomas Robinson King and Reginald Gwyn Freeman as personal representatives of William Robinson Burrill-Robinson, who died on 23 December 1962. The rents and profits of this land had been received by Mr W R Burrill-Robinson for over 50 years.

A small area of land, known as Barker's Allotment, and the remainder of the land the subject of the reference were conveyed to Mr and Mrs F D Johnston by a conveyance made 6 November 1976 between (1) Ian Patrick Forbes Meiklejohn (2) Frank Dorrens Johnston and Joan Barbara Johnston. The vendor had a good root of title in a conveyance made 14 August 1948 between (1) John Whitehead and John James Porter (2) Doris Armstrong and Ethel Meiklejohn.

On this evidence I am satisfied that the Parish Trustees of Carlton Highdale, Mrs MacPher Mrs White, and Mrs Merryweather, Mr Ryder, Mrs Freeman and Mr and Mrs Johnston are the owners of parts of the land, and I shall accordingly direct the North Yorkshire County Council to register them as the owners of their respective parts 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 24th day of March 1980

Chief Commons Commissioner

