



In the Matter of Courby and The Green,
West Tanfield, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Courby and The Green, West Tanfield being the part of the land comprised in the Land Section of Register Unit No. CL 30 in the Register of Common Land 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 Mr C W Bourne-Arton 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 Northallerton on 8 March 1977.

At the hearing Mr A T Bourne-Arton informed me that the claim was on behalf of his wife Mrs M E Bourne-Arton and that the basis of the claim was that the land in question is waste land of the manor of West Tanfield, of which Mrs Bourne-Arton is the lord.

The root of Mrs Bourne-Arton's title to the lordship of the manor is a conveyance made 29 May 1889 between (1) Marquis of Ailesbury (2) Sir George Russell and others (3) Hon. Charles Frederick Brudenell-Bruce and another (4) Sir Thomas Arton. The conveyance also included a considerable area of land consisting of the major part of the parish of West Tanfield, but the land in question was not specifically mentioned. However, by virtue of S.6 of the Law of Property and Conveyancing Act 1882 any waste land which was parcel of the manor would pass with the lordship. The land in question consists of two separate areas. The area named "Courby" is shown on the conveyance as "Kirby Common". It is open and uncultivated and was the subject of a declaration under section 193(2) of the Law of Property Act 1925 made by Mr W Denby Arton, who was Mrs Bourne-Arton's father. In my view it passed under the 1889 conveyance. The area known as "The Green" is a strip along the bank of the River Ure. It has been let with the fishing rights to the Tanfield Angling Club since 1890 and the rent is now received by Mrs Bourne-Arton.

On this evidence I am satisfied that Mrs Bourne-Arton is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register her 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

18th

day of

May

1977.

Chief Commons Commissioner

