



COMMONS REGISTRATION ACT 1965

Reference No 268/U/100

In the Matter of Hukermire Moss,
Bainbridge, Richmondshire District,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Hukermire Moss, Bainbridge, Richmondshire District being the land comprised in the Land Section of Register Unit No CL. 315 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 Mrs M R Ritchie 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 Richmond on 9 February 1977. At the hearing Mrs Ritchie was represented by Mr E R D Johnson solicitor of William and Johnson, Solicitors of Hawes.

Mr Johnson in the course of his evidence produced: (1) 1875 a plan of the Cubeck Estate, Wensleydale, the property of W R King Esq; (2) 1886, Audit Book and Rent Book containing particulars of the Estate of W R King; (3) 1872, Bainbridge Township Plan by E Broderick; (4) 29 August 1893, probate of the will of W R King (he died 1 August 1893 having devised his residuary real estate to his son W R King); (5) 15 October 1921 probate of W R King (he died 1 September 1921, having devised all his real estate to his son W B R King); (6) probate of the will of W R B King (he died 23 January 1963 having devised his farm at Cubeck Askrig known as Noble House to his daughter Mrs M R Ritchie); and (7) an assent dated 27 January 1964 by his personal representative in favour of Mrs Ritchie.

In the old plans and documents Hukermire Moss is expressly included in the Cubeck Estate.

On the evidence summarised above I am satisfied that Mrs Ritchie as successor in title to her great grandfather is the owner of Hukermire Moss as being part of Noble House Farm, and I shall accordingly direct North Yorkshire County Council as registration authority to register Mrs Margaret Radegund Ritchie of Old Hall Stables, West Burton, Leyburn 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 16th

day of February

1977

a a. Barbara Fuller

Commons Commissioner