



In the Matter of Quarry Hills, Harmby, .
North Yorkshire

DECISION

This reference relates to the question of the ownership of the land known as Quarry Hills, Harmby, being the land comprised in the Land Section of Register Unit No. CL 263 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 Mr E Auton 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 and 10 June 1982.

At the hearing Mrs G E Watson, the daughter of Mr Auton, appeared in person, and Mr and Mrs R M Hughes were represented by Mr E R D Johnson, Solicitor.

The major part of the land the subject of the reference was conveyed to Mr Auton by a Conveyance made 22 July 1954 between (1) Nigel Amyas, Baron Bolton (2) John Ulf Machell, N.A., Baron Bolton, and Sir Henry Lawson-Tancred (3) J U Machell, N.A., Baron Bolton and Sir H Lawson-Tancred (4) Ernest Auton. Mr Auton died on 17 December 1981, and his will was proved on 7 April 1982 by Gladys Ellen Watson and Geoffrey Robert Auton. Mrs Watson and Mr G E Auton vested the land conveyed to Mr E Auton in 1954 in themselves.

By a Conveyance made 27 May 1982 between (1) G E Watson and G R Auton (2) Robert Michael Hughes and Janet Theresa Hughes there was conveyed to Mr and Mrs Hughes a strip of land on the west side of the land conveyed to Mr E Auton in 1954.

The remainder of the land the subject of the reference lies to the west of the strip last referred to and to the north of a property known as Ivy Cottage. Ivy Cottage was conveyed to Mr T H Blenkinsop by a Conveyance made 24 July 1953 between (1) N.A., Baron Bolton (2) J U Machell, N.A., Baron Bolton and Sir H Lawson-Tancred (3) N.A., Baron Bolton and Sir H Lawson-Tancred (4) Thomas Herbert Blenkinsop. The land to the north of Ivy Cottage was formerly a sheepwash, but it ceased to be used for that purpose in the 1930's. After that Mr Blenkinsop's paternal grandmother, his aunt, his father and Mr Blenkinsop himself (the successive occupiers of Ivy Cottage) used the former sheepwash for their own private use and occupation and did so without any adverse claim being made until 1973. By a Conveyance made 20 March 1973 between (1) T H Blenkinsop (2) Constance Marie Sieh Mr Blenkinsop conveyed Ivy Cottage together with the whole of his estate or interest in the former sheepwash. The premises thereby conveyed were conveyed to Mr and Mrs Hughes by a Conveyance made 20 February 1974 between (1) C M Sieh (2) Robert Michael Hughes and Janet Teresa Hughes, his wife.



On this evidence I am satisfied that Mrs Watson and Mr G E Auton, and Mr and Mrs Hughes are the owners of parts of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, 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

2nd

day of

July

1982

Chief Commons Commissioner