



In the Matter of The Green, Little Barugh,
Ryedale D

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 28 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 J M Murray claimed to be the freehold owner 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 land at Malton on 26 April 1982.

At the hearing, Mrs Murray was represented by her husband Mr C P H Murray. A number of rights holders also attended but did not claim ownership.

Mrs Murray's claim to ownership of the Unit land was based on ownership of the Manor of Barugh or Little Barugh. By a Conveyance dated 7 April 1879 the Manor was conveyed to R Smith, T Smith and G Smith together with the Manor House and the lands specified in the Schedule: these lands did not include the Unit land. The interests of the three Smiths devolved under general devises or, in the case of T Smith, on his intestacy, so that on 1 January 1926, the property was held in undivided shares and under Law of Property Act 1925 First Schedule Part IV became vested in the Public Trustee. New trustees in place of the Public Trustee were appointed by a Deed dated 31 December 1952, which described the property in a Schedule and again the Unit land cannot be identified in the property described: nor was the Manor referred to in the Deed. In 1962 the then trustees conveyed the same property to a Mr and Mrs Clark "with (so far as the Vendors could grant the same) the manor ... of Little Barugh": and by a Conveyance dated 6 April 1979 Mr and Mrs Clark conveyed to Mrs J M Murray the Manor House and lands as described in a Schedule and delineated on a plan "together with (so far as the Vendors can grant the same) the manor ... of Little Barugh".

The Unit land consists of several pieces to the north and west of and adjacent to the Manor House, but they are not included in the area shown on the plan. I understood from Mr Murray that he accepted, as indeed appears to be the case, that the Unit land was not included in the property specifically described in the title deeds. The deeds show at least a prima facie title to the lordship of the manor of Little Barugh, and Mrs Murray's claim must, as I see it, be based on the proposition that the Unit land was manorial land in the ownership of the lord of the manor and passed with the lordship. This is a tenable proposition, but in my view depends on evidence that the land was manorial land or that there were acts of ownership in relation to it by the lord of the manor. There was no such evidence in this case and as, in the result, I am not satisfied that any person is the owner of the land, and it will remain subject to protection under section 9 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

21 June

1982

L. J. Morris Smith

Commons Commissioner