



In the Matter of The Village Green, Welburn,  
North Yorkshire

DECISION

---

This reference relates to the question of the ownership of land known as The Village Green, Welburn, being the land comprised in the Land Section of Register Unit No. VG 192 in the Register of Town or Village Greens maintained by the former North Riding 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 Castle Howard Estate Ltd and the Welburn Parish Council claimed to be the freehold owner of the land in question and no one 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 13 October 1977.

At the hearing Mr P J Lawrence, solicitor, appeared for Castle Howard Estate Ltd.

The parcels of the indenture of 29 January 1923 referred to in my decision in In the Matter of Little Carr, Terrington, North Yorkshire (1977), Ref. No. 268/U/149 included the manor of Welburn and certain land coloured pink on the plan attached to the indenture. The land the subject of this reference is not coloured on the plan, but it is surrounded by land coloured pink. It is open, uncultivated, and unoccupied, and from this evidence I draw the inference that it is waste land of the Manor of Welburn which passed to Castle Howard Estate Ltd and Mr Michael Hamilton, as trustees, by virtue of the general words deemed to have been included in the conveyance of the manor by indenture of 1923 by virtue of section 6(3) of the Conveyancing and Law of Property Act 1881.

On this evidence I am satisfied that Castle Howard Estate Ltd and Mr Michael Hamilton are the owners of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register them 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 4th day of November 1977

Chief Commons Commissioner