

COMMONS REGISTRATION ACT 1965

Reference No.268/D/266

In the Matter of Beldon Peat Moor, Carperby-Cum-Thoresby, North Yorkshire (No.2)

DECISION

This dispute relates to the registrations at Entry Nos 1 to 8 in the Rights Section of Register Unit No.CL.230 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and is occasioned by Objection No.0245 made by Mr J U Machell and Sir Henry Lawson-Tancred and noted in the Register on 4 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Richmond on 9 May 1978. The hearing was attended by Mr J S Huntington, Solicitor, on behalf of the Trustees of Philip Swale's Trust of the Society of Friends, the applicants for the registrations at Entry Nos. 3, 4 and 7, and the Trustees of Francis Smithson's Trust of the Society of Friends, the applicants for the registration at Entry Nos 5, 6 and 8 and by Mr J H N Towers, solicitor on behalf of the Objectors. There was no appearance by or on behalf of Mr A Dinsdale, the applicant for the registration at Entry No 1, or Mr W M Marshall, the applicant for the registration at Entry No.2.

Mr Huntington relied upon the Carperby Inclosure Award made 27 August 1819 under the Carperby and Aisgarth Inclosure Act of 1809 (49 Geo. III, c.76 (private)), by which there were allotted 100 acres part and parcel of an allotment No.90 upon the Common awarded to Lord Bolton to all the owners and occupiers of messuages, lands, tenements and hereditaments within the township of Carperby for the time being for the purpose of getting peats and turves and ling for their own use and consumption only within the township of Carperby.

Mr Towers admitted that the applicants were entitled at the time of registration to the rights set out in the Award, but he did not admit that the land comprised in the Register Unit was the area of 100 acres thereby allotted.

For the reasons given in my decision in In the Matter of Beldon Peat Moor, Carperby-Cum-Thoresby (No. 1) (1978), Reference No.268/D/265 I have come to the conclusion that the land comprised in the Register Unit is to be identified as the area of 100 acres allotted by the Award.

In these circumstances I confirm the registrations.

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

9th

day of

June

1978

*G. Lamb*

CHIEF COMMONS COMMISSIONER