



COMMONS REGISTRATION ACT 1965

Reference No. 268/U/305

In the Matter of Clifton Green,
York City, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Clifton Green, York City being the land comprised in the Land Section of Register Unit No. VG1 in the Register of Town or Village Greens maintained by the North Yorkshire (formerly York County Borough) 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 no person 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 York on 21 February 1985. At the hearing York City Council were represented by Miss K L Tripp, solicitor in their legal department.

The land ("the Unit Land") in this Register Unit is a triangular tract having sides of about 170, 150 and 120 yards and is situated on the east side of the A19 road from York to Leeds at the point where Water End (road) joins it. It is grassland with some scattered trees and is fenced in with single white horizontal wood bars supported on white posts.

At a hearing relating to Clifton Ings (Register Unit No. CL4) held by me immediately before this Unit Land hearing, Miss Tripp produced: a copy conveyance (YCC/2) dated 29 March 1919 by which Rt Hon Ino Baroness Lucas and Rt Hon Mary Evelyn Compton-Vyner with the concurrence of the Trustees therein named conveyed to the Lord Mayor Aldermen and Citizens of the City of York, the Manors or reputed Manors of Clifton and Rawcliffe with all the rights members and appurtenances; a letter (YCC/3) dated 22 October 1918 from Linklater & Co, Solicitors of London saying (among other things) Lady Lucas and Lady Alwyn Compton-Vyner are joint Ladies of the said Manors, fines inflicted at the Annual Court on inhabitants for not cleaning their ditches and waterways had been applied towards the maintenance of the Green and Mr E R Dodsworth was the then acting Steward of the Manors; and a Memorandum (YCC/4) of an interview on 23 October 1918 with Mr E R Dodsworth containing "...once a year the Manorial Court Baron met and the Jurors view the ditches and returned for a dinner in the evening ... By an agreement entered on the Court Rolls, Clifton Green is left to the Jurors for the purpose of holding two fairs, the proceeds of which are used to maintain the Green ... If horses are being properly exercised upon the Green a fine is imposed ..."



At this Unit Land hearing Miss Tripp produced an opinion (YCC/6) dated 1 June 1908 of Mr H Stuart Moore entitled "Manor of Clifton, York; Clifton Ings" and a brief (YCC/7) for the Plaintiff in York County Court in Earl Cowper and another v Stubb; Ridsdale v Stubb; and an agreement (YCC/8) dated 31 December 1904 and made between Rt Hon Francis Thomas de Grey Earl Cowper and Robert Charles de Grey Vyner ("Lord of the Manor") and George Plummer and 2 others ("Committee of Management"). The said opinion and brief shows that the Court Leat or Baron was then active but otherwise show nothing as to the ownership of the Unit Land, they being concerned primarily with the Ings (Register Unit No. CL4) and in my decision of even date about it are mentioned. In the 1904 agreement the said Lords of the Manor are therein described "as such owners of the soil of the piece of land commonly called Clifton Green"; the agreement provides for the Green in future to be under the management of a Committee of which 2 shall be Pasture Masters of the Manor of Clifton and 2 shall be appointed "by the Common Right Owners of the said Manor"; the agreement also relates to the May Day Feast, to Booths Swings Roundabouts, Shooting Galleries and any other caravans or other forms of amusement, to a Racecourse fence 3 feet high of posts, and top rail, to the 5th November bonfire, and to cricket (no football).

Miss Tripp said: there is still a committee of management for the Unit Land operating under the 1904 agreement and the fines imposed by the Manorial Court Leat still go (in part I suppose) towards its maintenance.

In these proceedings I am concerned only with the ownership of the legal estate in fee simple, see section 22 of the 1965 Act, and not concerned with the rights and duties of the committee of management or of the Pasture Masters or of the persons if any who might have had rights of common over it. The 1904 agreement is some evidence that the Unit Land was then considered to be in the ownership of the then Lords of the Manor; the concern with it by the persons meeting as a Manorial Court Leat is some evidence that such reputed ownership was considered as having passed under the 1919 conveyance to the then York Corporation and subsequently to the York City Council as their successors.

For these reasons I am satisfied that the Council are the owners of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register the Council of the City of York as the owners 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 10th day of February 1986.

A. A. Baden Fuller

Commons Commissioner

