



In the Matter of Stoney Woods, Hudson Quarry,  
Morpeth Scarr, Burton Outstray, and Walden  
Beck, Burton-cum-Walden, North Yorkshire.

#### DECISION

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This reference relates to the question of the ownership of land known as Stoney Woods, Hudson Quarry, Morpeth Scarr, Burton Outstray, and Walden Beck, Burton-cum-Walden, being the land comprised in the Land Section of Register Unit No CL 96 in the Register of Common Land maintained by the former North Riding of 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 H Lambert, Mr J A Lambert, Mr S Hillary, and the Burton-cum-Walden Parish Council, and Mr R Matthews claimed to be the freehold owners of parts 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 21 July 1977.

At the hearing Mr E R D Johnson, solicitor, appeared on behalf of Mr H Lambert, Mr J A Lambert, Mr Hillary and the Parish Council. Mr Matthews did not appear and was not represented.

The parts of the land comprised in the Register Unit known as Stoney Woods, Hudson Quarry, and Morpeth Scarr were allotted as public quarries by the Newbiggin, Bishopdale and Burton Inclosure Award made on 19 June 1816. It appears from the minutes of the Burton Parish Meeting held on 30 March 1895 that these pieces of land had been let and the rents received by the Overseers. It was then resolved that the money in the possession of the Overseers for rent should be handed over to the Parish Council, then newly created under the Local Government Act 1894. Thereafter the Parish Council received and still continues to receive these rents without question from anyone. I am therefore satisfied that the Parish Council has acquired a possessory title to these pieces of land.

The part of the land comprised in the Register Unit known as Burton Outstray was conveyed to Mr H Lambert, Mr J A Lambert, and Mr Hillary by a conveyance made 11 November 1965 between (1) Margaret Eluned, Countess of Woolton, Roger David, 2nd Earl of Woolton, and Lady Judith Sandeman - Allen (2) Horner Lambert, John Arthur Lambert, and Stephen Hillary. The vendors had a good root of title in a vesting deed made 5 June 1926 between (1) Alfred Julian Ritchie, Hugh Maughan, and the Revd George Talbot Whitehead (2) Georginia Maud Ritchie, wife of A J Ritchie.

The part of the land comprised in the Register Unit known as Walden Beck was part of the waste land of the manor of Thoraby. By a conveyance made 5 November 1969 made between (1) Robert Hewitt Chapman-Robinson (2) Roderick Hamilton Whitehead and Reginald Gwyn Freeman (3) the Parish Council of Burton-cum-Walden all the rights of Mr Chapman-Robinson as lord of the manor of Thoraby in the land in question were conveyed to the Parish Council. Mr Chapman-Robinson had a good root of title in a vesting deed made 24 August 1926 between (1) Henry Robinson Chapman-Purchas, John Hutchinson Wood, and Roderick Hamilton Whitehead (2) William Robinson Burrill-Robinson.



After the hearing the Clerk of the Commons Commissioners received a letter from Mr Matthews written before the hearing. Not having given my decision, I decided to re-list the case for further hearing.

Notice of the further hearing was sent to Mr Matthews on 22 March 1978 and on 18 April 1978 he sent a letter reiterating his claim to be the owner of part of the land the subject of the reference. To this letter the Clerk of the Commons Commissioners replied on 28 April 1978, concluding his letter with the words: "I presume that you will be represented at the hearing to substantiate your claim".

At the further hearing at Richmond on 9 May 1978 Mr John <sup>Son</sup> appeared on behalf of Mr H Lambert, Mr J A Lambert, Mr Hillary, and the Parish Council. There was no appearance by or on behalf of Mr Matthews.

Mr Matthews's claim is confined to a part of the part of the land comprised in the Register Unit known as Walden Beck. The land to which Mr Matthews's claim relates was included in the conveyance of 5 November 1969. Mr Matthews stated that he understood that there was an affidavit by a Mr Richard Brown, the previous owner of the Water Corn Mill, "to the effect that the land in question was in the ownership of the Mill". I can, however, only act on evidence and not on correspondence about affidavits. On the evidence before me there is nothing to suggest that the title to this piece of land did not pass on the conveyance.

On the evidence I am satisfied that Mr H Lambert, Mr J A Lambert, and Mr S Hillary and the Parish Council are the owners of Burton Outstray and the rest of the land respectively and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register them as the owners of the 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 22nd day of May 1978

CHIEF COMMONS COMMISSIONER