



COMMONS REGISTRATION ACT 1965

Reference No 263/U/205

In the Matter of The Village Green,  
Thornton Watlass, Hambleton District,  
North Yorkshire

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DECISION

This reference relates to the question of the ownership of part of the land which is known as The Village Green, Thornton Watlass, Hambleton District and which is the land comprised in the Land Section of Register Unit No VG. 91 in the Register of Town or Village Greens maintained by the North Yorkshire County Council. The said part ("the Referred Land") is the part of the said land 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 claims of ownership were received from Mr L W Jardin (letter dated 29 April 1974; Rights Section Entry No 1 was made on his application), from Mr A G Dimmock (letter dated 27 June 1974) and from Mrs I A Johnson (letter dated 27 June 1974, also from her solicitors in a letter dated 5 July 1974). Solicitors for the daughter of Mr Dimmock as his successor in title claimed ownership and objected to the ownership claim of Mr Jardin (their letters of 7 October 1976 and 20 January 1977). No other person claimed to be the freehold owner of the Referred Land or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the Referred Land at Northallerton on 21 February 1978. At the hearing Mrs D E Boynton (she is the daughter of Mr Dimmock who died on 19 August 1976) and Mrs I A Johnson were represented by Mr R R Buchanan solicitor of Hutchinson & Buchanan, Solicitors of Ripon (also of Edmondson & Gowland, Solicitors of Masham), and Mr L W Jardin attended in person.

The land ("the Unit Land") in this Register Unit comprises a number of pieces all in or near the middle of the Village. By far the greater part of the Unit Land, being the pieces north and south of the lines AB and CD respectively on the Register map and containing altogether more than four acres ("the Main Green") is in the Ownership Section of the Register shown as being in the ownership of **Sir J C S Dodsworth, Bart.** In these proceedings, I am concerned only with the Referred Land, being the remainder of the Unit Land and comprising: (a) a small piece adjoining the northeast corner of the Main Green and situated on the west side of the road leading northwards out of the Village; (b) two small pieces adjoining the southwest corner of the Main Green; (c) a piece near the southeast corner of the Main Green situate on the west side of the Watlass Lane (the road leading southeastward out from the Village to Snape); and (d) two pieces also near the southeast corner of the Main Green, but situate on the east side of Watlass Lane.



The claims made at the hearing related to such two last mentioned pieces, being claims to: (1) the part ("the Jardin Part") of the northern of these two pieces which is south of the line AE marked on the Register map; (2) the part ("the Johnson Part") of the southern of the said two last mentioned pieces which fronts on the cottage The Nook, being the part south of a straight line obtained by producing westward the line which is shown on the Register map as being an approximately east-west line, which divides the west part of OS No 87 and which would if produced eastwards pass through the figures ".479" shown on the Register map as the area of OS No 87a; and (3) the part ("the Boynton Part") being the remainder of the southern of the said two last mentioned pieces.

Mr Jardin in the course of his evidence produced a conveyance dated 18 November 1959 by which there was conveyed to him a dwelling house, blacksmith's shop, outbuildings and other lands containing about 12.272 acres as described in the Schedule thereto and delineated on the plan thereto annexed, and also produced photographs showing the Jardin Part and the Boynton Part and the buildings on which such Parts front. The plan annexed to the 1959 conveyance shows the Jardin Part as included in the land thereby conveyed. Mr Jardin said (in effect):- The long building on which the Jardin Part fronts and which is now a cow house was at one time a blacksmith's shop; since his purchase in 1959 he had maintained the grass on the Jardin Part (before then it had been left rough) and made a garden along the wall.

Mrs Johnson in the course of her evidence produced a conveyance dated 24 August 1961 by which the cottage known as The Nook described as "being on the east side of the Village Street at Thornton Watlass..." was conveyed to her (she being then and therein called Ivy Annie Stoker). She said (in effect):- She and her first husband and after his death and her remarriage she and her second husband maintained the grass on the Johnson Part with a lawn mower.

Mrs Boynton in the course of her evidence produced a copy of a plan from her title deeds (showing the land on which the Boynton Part fronts). She said (in effect) that her maternal grandparents bought the land, that her mother was born in the house (she died about 10 years ago) and that her father lived there (for about 34 years before his death). The grass on the Boynton Strip had always been kept in order by her father and by her grandparents before him.

Since the hearing, the following documents have been sent to the office of the Commons Commissioners: the conveyance dated 29 November 1919 by which there was conveyed to Mrs A E Weatherill the cottage with about 2 acres and 28 perches of land as shown on the map annexed (being the map of which Mrs Boynton produced a copy), an assent dated 10 December 1971 by which the personal representatives of Mrs Weatherill (she died 6 April 1971) assented to the vesting in Mr A G Dimmock of the land therein described by reference to the said 1919 conveyance, an assent dated 12 August 1977 by which Mrs Boynton as personal representative of Mr Dimmock assented to the vesting in herself of the said land with a deed of gift dated 15 August 1977 endorsed thereon by which she conveyed such land to herself and her husband, Mr M T Boynton.

Mr Buchanan confirmed that notwithstanding the firm's letter of 20 January 1977, there was now no conflict between the ownership claims of Mr Dimmock, Mrs Johnson and Mrs Boynton.



I am satisfied that Mr Jardin is the owner of the Jardin Part; the 1959 conveyance expressly includes it, and there is I think no reason why I should not give full to his evidence. The claims of Mrs Johnson and Mrs Boynton are different in that their conveyances do not expressly include the Johnson Part and the Boynton Part, and rest on their having a possessory title. Although the acts of possession are slight, I consider them in the light of the circumstance that the Main Green is in undisputed private ownership, and that no contrary claim has been made on behalf of the Parish Council, who would if the claims were rejected, obtain ownership under section 8(3) of the 1965 Act. In these circumstances I can I think give full effect to the evidence of Mrs Johnson and Mrs Boynton, and I am therefore satisfied that they are the owners of the Johnson Part and the Boynton Part. Accordingly I shall in pursuance of section 8(2) of the Act of 1965 direct the North Yorkshire County Council as registration authority to register (1) Mr Lawrence William Jardin of Longhurst, Thornton Watlass as the owner of the Jardin Part, (2) Mrs Ivy Annie Johnson of The Nook, Thornton Watlass as the owner of the Johnson Part and Mr Malcolm Trevor Boynton and Mrs Doris Elizabeth Boynton both of Millstone, Snape Road, Thornton Watlass as the owners of the Boynton Part and I shall in such direction state that the expression the Jardin Part, the Johnson Part and the Boynton Part are to have the meaning they are given in this decision.

In the absence of any evidence, I am not satisfied that any person is the owner of the remainder of the Referred Land and I shall accordingly pursuant to section 8(3) of the Act of 1965 direct the North Yorkshire County Council to register Thornton Watlass Parish Council as the owner of such remainder.

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 6<sup>th</sup> day of April — 1978

*a. a. Brian Fuller*

Commons Commissioner



COMMONS REGISTRATION ACT 1965

Reference No 268/U/206

In the Matter of The Green and the War  
Memorial Site, Maunby, Hambleton District,  
North Yorkshire

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DECISION

This reference relates to the question of the ownership of land (in two pieces) known as The Green and the War Memorial Site, Maunby, Hambleton District being the land comprised in the Land Section of Register Unit No VG. 65 in the Register of Town or Village Greens 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 Lt Col Gerald Alan Hill-Walker (a letter dated 28 June 1974 from his solicitors) claimed ownership of the War Memorial Site. No other person claimed to be the freehold owner of the land in question or 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 Northallerton on 21 February 1978. At the hearing Maunby, Newby Wiske and South Otterington Parish Council were represented by Mr D Campbell, their chairman.

Mr Campbell said (in effect):- These lands are important parts of the Village, and the people of the Village have maintained them. The Parish Council could offer no evidence of ownership.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Maunby, Newby Wiske and South Otterington Parish Council as the owner of the land under section 8(3) 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 28<sup>th</sup> day of February — 1978

A. A. Baden Fuller

Commons Commissioner