



COMMONS REGISTRATION ACT 1965

Reference No. 268/U/328

In the Matter of Thornton Mire and  
Thornton Quarry, in Thornton Rust  
Parish, Richmondshire District,  
North Yorkshire

DECISION

This reference relates to the question of the ownership of lands known as Thornton Mire and Thornton Quarry, in Thornton Rust Parish, Richmondshire District, being the lands comprised in the Land Section of Register Unit No. CL 206 in the Register of Common Land maintained by the North Yorkshire (formerly 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 no person claimed to be the freehold owner of the lands in question and no-one claimed to have information as to its ownership.

I held a hearing for the purposes of inquiring into the question of the ownership of the lands at Northallerton on 18 April 1985. At the hearing the Aysgarth and District Parish Council were represented by Mrs Frances Georgina Ramsbotham their Clerk.

The lands in this Register Unit are: first Thornton Mire about  $\longrightarrow$  2 miles long from northeast to southwest and having an average width of about half a mile and situated about  $1\frac{1}{2}$  miles southwest of the Village, and secondly Thornton Quarry about 85 yards by 55 yards and situated about  $\frac{1}{2}$  of a mile south of the Village along a road or track which from the Village leads to Thornton Mire. In the Rights Section there are 24 registrations all of rights of turbary over Thornton Mire and to quarry over Thornton Quarry attached to 24 different lands in the Section specified.

Mrs Ramsbotham who is and has been since 1979 Clerk of the Council and since 1976 lived in the Village in the course of her oral evidence said (in effect):- When she took over as Clerk, the Mire, the Quarry, and the lanes leading up to the Quarry and the other lane from the Village which goes up to the west were all by the annual Parish Meeting let for the estate to the highest bidder; the rent was not a large sum because there was often no bidding or no competition. She handed me as possibly relevant the documents specified in Part I of the Schedule hereto which she had borrowed from Thornborough Hall, Leyburn (a District Council office).

On the day after the hearing, while I was in Thornton Rust inspecting the Village Green (Register Unit No. VG 156) about which I had held a hearing immediately before my Unit Land hearing, Mrs Ramsbotham showed me  $\longrightarrow$  the document specified in Part II of the said Schedule. The Minute Book so specified relates only to the Parish Meeting of Thornton Rust and does not include meetings of the Aysgarth and District Parish Council. I noted that it records that at the meeting on 19 March 1928 the Mire was let to T Dent on a lease of 3 years for £1.6.0. a year, East Lane to T Dent for 6/- and West Lane to T R Metcalfe for 6/-, that the annual meetings between 1929 and 1955 similar lettings were made (with some differences) the last being of East Lane to A Robinson for £1.5.0, West Lane to J Durham 10/0 and the Mire to F Thwaites £5.0.0, and that at the 1970 meeting the lanes were let as follows: West Lane C Cockburn 15/-, East Lane to Mayre 10/- and the Mire to F Thwaites for £4.15.0.



The document specified in Part I of the Schedule hereto indicates that there was during the first half of the 19th century some manorial activity and it may be that at that time the Unit Land would have been locally considered to be in the Ownership of the Lord of the Manor. These documents treat the Manor as co-extensive with the Township (since become a parish). On the oral evidence of Mrs Ramsbotham and the Minute Book she produced, I infer that Thornton Rust Parish Meeting has been in possession of Thornton Mire at least from 1928 to 1970 and that any title of the Lord of the Manor to it has long been extinguished by the Limitation Act 1939 or by one of the Acts which it replaces; so in the result the Parish Meeting now had in 1970 a good possessory title.

In the Commons Registration Act 1965, "ownership" refers to ownership of a legal estate in fee simple, see section 22. Because a parish meeting cannot own such an estate, the possessory title so had by the Thornton Rust Parish Meeting must have been for them held by the Representative Body of Thornton Rust, being the body corporate for this purpose established by section 47 of the Local Government Act 1933, and in 1972 succeeded by the Parish Trustees of Thornton Rust the body corporate established by section 113 of the Local Government Act 1972. Mrs Ramsbotham at my said VG 156 hearing said that before 1974 there was for Thornton Rust no parish council (they were part of a rural district) and that in 1974 the Aysgarth and District Parish Council was formed of Aysgarth, Thornton Rust, Thoraby, Newbiggin and the rest of Bishopdale. In the absence of any evidence or suggestion to the contrary I assume that all land held by the Representative Body of the Parish Trustees vested on its formation in the Parish Council. Accordingly I am satisfied that they are now the owners of the Mire.

On the modern OS map 1/2,500 produced at my said VG 156 hearing the Quarry is delineated as about two-thirds worked and marked as disused. On Mrs Ramsbotham's statement that it has been let with the lanes and notwithstanding that it is not expressly mentioned in the Minute Book, I am satisfied that it is in the same ownership as the Mire.

In the result I am satisfied that the Parish Council are the owners of both the lands in this Register Unit and I shall therefore direct North Yorkshire County Council as registration authority under section 8(2) of the 1965 Act to register Aysgarth and District Parish Council as the owners of the lands in this Register Unit.

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.

TURN OVER





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SCHEDULE  
(Documents produced)

## Part I: Handed in at hearing

Instructions to hold a Court Leet: endorsed:  
"Oath of Fealty: You shall swear that you will  
true faith bear to the Lord of this Leet ...".

4 May 1822

Record of meeting of the Lord of the Manor and others: the owners of messuages lands and cattlegates in the 4 stinted pastures within the Manor or Township of Thornton Rust. Resolved and agreed that the 4 stinted pastures shall with all convenient be divided among the several owners of the cattlegates and the same according to the several cattlegates and other rights at the Moor or commons shall be and become stinted pastures, that Thomas Brady is agreed to be the Commissioner for dividing the pasture: Commissioner shall in the first instance fix the number of cattle which the said Moor or Common shall be capable of agisting or depasturing: the Commissioner shall then allot and award a twentieth-second (?) part of the whole number of such cattlegates to the Lord of the Manor ... residue of said cattlegates allotted to and among the Lord of the Manor and other proprietors of ancient messuages and inclosed land and tenants to which a right of common upon the said Moor or Commons is attached or appurtenant in proportion as the same were respectively rated to the land tax in the said Township of Thornton Rust in the year 1807: also set out and divide the said (ancient) stinted pasture among the several persons interested therein ... this agreement shall not vary the rights or privileges of the Lord of the Manor ... An agreement shall be further prepared in writing for the better carrying into effect the above resolution and agreement in which agreement shall also be inserted the usual powers given to Commissioners for enforcing the observance of his order and award and for raising monies for expenses for preparing and completing and enrolling the final award of the Register Office and Northallerton. 17 signatures including John Hammond (?) as Lord of the Manor.



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May 1822, May 1829,  
April 1835, April 1837, and  
May 1840

Manor of Thornton Rust, County of York: Court  
Roll: presentments and verdicts of Jury; loose  
sheets of various sizes, some double and some  
signed.

Part II: Produced in Thornton Rust

1928-1985

Minute Book of Annual Parish Meetings of  
Thornton Rust.

Dated this 29<sup>th</sup> — day of January 1986

A. A. Baden Fuller

Commons Commissioner

