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In the Matter of Walden Moor, Burton-cum-Walden and Buckden, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Malden Moor, Burton-cum-Walden and Buckden being the land comprised in the Land Section of Register Unit No. CL 44 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 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 Richmond on 21 July 1977.

At the hearing Mr J S Huntington, solicitor, appeared on behalf of Mr R H Chapman-Robinson.

Mr Chapman-Robinson is lord of the manor of Thoralby, to which he has 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.

It appears from a recital in the Thoralby Inclosure Act of 1809 (49 Geo. III, c 52 (private, not printed)) that William Purchas was or claimed to be lord and owner of the manor of Thoralby. On 9 August 1831 Mr Purchas conducted a perambulation of the boundaries of the manor. It appears from the record of this perambulation that part of the eastern boundary of the manor coincided with the eastern boundary of the land the subject of this reference.

I was satisfied by the evidence of Mr Christopher Julian Ritchie, whose family have lived in West Burton for the past century, that the land in question is waste land in that it is open, uncultivated, and unoccupied. When Mr Ritchie wished to take water from springs in the land he sought and obtained permission from the lord of the manor.

On this evidence I am satisfied that Mr Robert Hewitt Chapman-Robinson is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register him as the owner 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.

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