



COMMONS REGISTRATION ACT 1965

Reference No. 268/U/66

In the Matter of Marrick Moor, Marrick, Richmondshire D.,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Marrick Moor, Marrick, Richmondshire District being or including the part of the Moor on the Register map called "Copperthwaite Allotment" and being the land comprised in the Land Section of Register Unit No. CL.347 in the Register of Common Land 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 Mr. H.W.P-Ernle - Erle-Drax claimed to be the freehold owner 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 31 October 1974. At the hearing Mr. P-Ernle - Erle-Drax was represented by Mr M.D. Fortescue F.R.I.C.S.

The evidence of Mr Fortescue was directed to proving the ownership of Mr P-Ernle - Erle- Drax of the pieces of land ("the Claimed Pieces") in a conveyance (original produced) dated 30 April 1970 described as "Copperthwaite Allotment containing 519.578 acres and comprising Nos. 362 and 373 on the O.S.map. Mr Fortescue described the Claimed Pieces as moorland with much heather, usable for grazing sheep and for shooting. With his help, I identified the Claimed Pieces with the land ("the Unit Land") comprised in this Register Unit except a small piece ("the Quarry Piece") adjoining Stelling Road and in the Register map called "Old Quarry".

By the 1970 conveyance the Claimed Pieces were conveyed by J. Bainbridge, E. Bainbridge and E.S. Bainbridge to Mr P-Ernle - Erle-Drax. In support of the title of the conveying parties, Mr Fortescue produced (i) a copy of an examined abstract dated 1958 "of the title of the Trustees of Robert Bainbridge to Marrick Abbey Farm and Woodhouse Farm Marrick", which commenced with a conveyance dated 31 October 1932 of these farms (including the Claimed Pieces) to R. Bainbridge and which showed that they were in 1958 vested in his surviving executors T.R. Bainbridge, G.T. Bainbridge and E. Bagshaw; and (ii) an abstract dated 1970 of title relating to Copperthwaite Allotment which includes a photo copy of a conveyance dated 28 April 1958 by which Marrick Abbey Farm (including the Claimed Pieces) was conveyed by T.R. Bainbridge, G.T. Bainbridge and E. Bagshaw to J. Bainbridge, E. Bainbridge, J.W. Bainbridge and E.S. Bainbridge, and a conveyance dated 10 October 1966 by which the same premises were conveyed by J.W. Bainbridge to J. Bainbridge, E. Bainbridge and E.S. Bainbridge. On the evidence outlined above, I am satisfied that Mr P-Ernle - Erle-Drax is the owner of the Claimed Pieces, and I shall accordingly under section 8 (2) of the Act of 1965 direct the North Yorkshire County Council to register Mr. Henry Walter Plunkett-Ernle - Erle-Drax of Charborough Park near Wareham, Dorset as the owner of the part of the Unit Land which is delineated on the plan annexed to my direction and therein edged red, and the plan so annexed will be a copy of that annexed to the 1970 conveyance. As



- 2 -

regards the Quarry Piece, being the remaining part of the Unit Land, in the absence of any evidence as to its ownership, I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

18th

day of November

1974

A. A. Baden Fuller

Commons Commissioner