



COMMONS REGISTRATION ACT
1965

Reference No. 220/U/40

In the Matter of a piece of land known as
Champion in the Parish of Grindleton

DECISION

This reference relates to the question of the ownership of land known as Champion in the Parish of Grindleton being the part of the land comprised in the Land Section of Register Unit No. CL.259 in the Register of Common Land maintained by the Lancashire 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 Jack Howard 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 Preston on the 17th June 1987. Mr F K Illingworth (chairman) appeared on behalf of Grindleton Parish Council. Mr S Scott of Messrs. Hindle and Blackburn of Preston appeared for Mr Howard, and Lancashire County Council the registration authority appeared by Mrs C Cunliffe its registration officer.

This reference relates to the part of CL.259 edged red on the plan to Objection No. 1764 made by Mr Jack Howard, ownership of the remainder of this register unit being finally registered in the name of the Rt. Hon. Lord Clitheroe.

Mr Scott produced an Epitome of Title of Mr Howard to Shay's Farm, Tosside dated 1987, and provided me with photocopies of the documents referred to in the Epitome. The last of these documents is a conveyance dated the 1st August 1972 between (1) Robert Francis Tillotson and (2) Mr Howard. This was a conveyance on sale, and is almost sufficiently old to constitute a good root of title, provided of course that it contains a sufficient description of the property claimed. On the face of it the description is by no means clear. Mr Scott referred me to the final item in the Schedule to the conveyance which reads (In Grindleton Township) "Pt 709 (unenclosed) part of Kendal Moss 12.000 acres or thereabouts". There is no plan on this conveyance, so that it is not clear which 12 acres of O.S. No. 709 are being conveyed. Moreover the Ordnance Survey Map referred to in the conveyance was the 1909 Edition, and no copy of this was available at the hearing.

Perusal of the earlier documents on the Epitome assists in clarifying the matter. In a Memorandum of Agreement dated 1st March 1935 relating to the extinguishment of manorial incidents there is included land by the following descriptions:-

"ALL that parcel of unenclosed land or ground situate lying and being on Kendal Moss or Champion within the said Township of Grindleton and containing in statute measure twelve acres or thereabouts be the same more or less".



This description is substantially followed in an Assent dated 13th June 1936, whereby William Tillotson vested the property in himself and in a conveyance dated the 12th November 1940, whereby William Tillotson conveyed the property to Robert Francis Tillotson (the vendor under the 1972 conveyance mentioned above). I was told that the original of the conveyance of the 12th November 1940 had been lost, and that no complete copy of it was available. The office copy Memorial of it obtained from the Deeds Registry (of which a photocopy is included in the Epitome) is however sufficient for present purposes.

The Epitome also includes Statutory Declarations by William Tillotson dated 29th November 1966 and by Robert Francis Tillotson dated 1st August 1972. Each of these contains a statement that Shay's Farm includes an unenclosed parcel of land reputedly 12 acres in extent part of Kendal Moss and Champion, Ordnance Survey No. 709 in the Township of Grindleton.

Finally, for the purpose of these proceedings Mr Jack Howard has sworn a Statutory Declaration dated the 10th June 1987 in which he identified the 12 acres part of O S No. 709 which he owns as being the land edged red on the plan marked J H I annexed thereto. This plan is in fact a copy of the plan to Objection No. 1764 made by Mr Howard himself. This is the land to which this reference relates.

Mr Illingworth on behalf of Grindleton Parish Council prior to the hearing provided me with some interesting information as to the historical background of Champion and the origin of this name, but was not able to assist further on the question of ownership.

On this evidence I am satisfied that Mr Jack Howard of Shays Farm Tosside is the owner of the land, and I shall accordingly direct the Lancashire County Council, as registration authority, to register Mr Jack Howard 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.

Dated this

30th

day of

June

1987

Mari Roth

Commons Commissioner