



In the Matter of (1) Star~~k~~ Carr Quarry,
Hawes, (2) Cragg Quarry, Washfold,
Bainbridge, and (3) Green Scarr Mire
Washfold, Bainbridge, Richmondshire
District, North Yorkshire

DECISION

This reference relates to the question of the ownership of two of the three pieces of land known as (1) Star~~k~~ Carr Quarry, Hawes, (2) Cragg Quarry, Washfold, Bainbridge, and (3) Green Scarr Mire, Washfold, Bainbridge, all in Richmondshire District, being the land comprised in the Land Section of Register Unit No CL. 144 in the Register of Common Land maintained by the North Yorkshire County Council. Of the piece known as Green Scarr Mire, Mr Francis Lambert is the registered owner; this reference relates to the other two pieces, namely Star~~k~~ Carr Quarry, Hawes and Cragg Quarry, Bainbridge.

Following upon the public notice of this reference the clerk of Hawes Parish Council in a letter dated 13 May 1974 claimed Star~~k~~ Carr Quarry in Hawes and Mrs K Fawcett in a letter received in June 1974 said that Cragg Quarry appeared to be on her land and she wished to claim it until someone has deeds to produce. 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 Richmond on 9 February 1977. At the hearing Mr Francis Lambert and his wife Mrs Mary Bell Lambert were represented by Mr I C Scott, solicitor of Malcolm E Scott & Son, Solicitors of Leyburn and Mrs K Fawcett attended in person.

Mr Scott in the course of his evidence identified the land registered as Green Scarr Mire, Washfold as the western of the two pieces marked by a green verge on the Register map, OS sheet SD93 as "Old Quarry", being a piece approximately square with sides (as I estimate from the Register map) about 30 yards long and situate about 1 mile northwest of Countersett near the place where Cragg Side Road (from Countersett), High Lane (from Burtersett) and Cam High Road (Roman Road) all meet; and the land registered as Cragg Quarry with the strip about half a mile long which is a short distance to the east of Green Scarr Mire, and in support of his claim on behalf of Mr & Mrs Lambert to Cragg Quarry (numbered 571 on the OS map) produced: (1) a conveyance dated 6 April 1927 by which Mr W J Parker conveyed to Mr J Metcalfe, West Borwen Farm containing 167 acres 2 perches including field 571 (described as heather 20a 2r 39p) habendum ("subject to right of the proprietors of lands in Bainbridge to get stone for the use of themselves and their tenants from the stone quarry in the field called High Allotment or Cragg





Pasture numbered 571; (2) a conveyance dated 6 April 1965 by C Metcalfe and others as the personal representatives of Mr J Metcalfe to Mr F Lambert by reference to the 1927 conveyance; and (3) a conveyance dated 4 October 1976 by Mr F Lambert to himself and his wife Mrs Lambert.

Mrs Fawcett in the course of her evidence produced the following documents relating to Bridgeview Cottage (a house in Bainbridge where she lives); a conveyance dated 25 February 1955 by Miss A A Moor to herself by reference to the assignment next mentioned, an assignment dated 14 August 1906 by Mrs M A King and others to J Leyland; a conveyance dated 24 May 1945 by Mrs M T Spinks to Miss A A Moor; and a copy assent dated 14 August 1944 by Mrs M T Spinks as personal representative of Mary Leyland.

In my opinion none of the documents produced by Mrs Fawcett provided any evidence of the ownership of any of the lands with which I on this reference am now concerned. In my opinion those produced by Mr Scott do include the land registered as Cragg Quarry, and do show as claimed by him ownership in Mr & Mrs Lambert. For this reason I am satisfied that they are the owners of this piece and I shall accordingly direct North Yorkshire County Council as registration authority to register Mr Francis Lambert and his wife Mrs Mary Bell Lambert both of Field Gate, Bainbridge, Leyburn as the owners of that part of the land comprised in this Register Unit known as Cragg Quarry, Washfold under section 8(2) of the Act of 1965.

In the absence of any evidence as to the ownership of the part known as Starr Carr Quarry, I am not satisfied that any person is the owner of such part 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 16th day of February — 1977

a. a. Baden Fuller

Commons Commissioner

