



COMMONS REGISTRATION ACT 1965

Reference Nos: 268/U/319
268/U/324

In the Matter of (1) Stott Hill Moor, and (2) four comparatively very small pieces of land part of or adjoining Stott Hill Moor, all in Cowling, Craven District, North Yorkshire

DECISION

These references relate to the question of the ownership of (1) land known as Stott Hill Moor (a tract of about 500 acres), and (2) land, four comparatively very small pieces, known as part of or adjoining Stott Hill Moor, all in Cowling, and being the lands comprised in the Land Section of Register Unit (1) No. CL11 and (2) No. CL589 in the Register of Common Land maintained by the North Yorkshire (formerly West 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 these references Mrs M J Feather and her son Mr R L Feather claimed ownership of both the lands (their Solicitor's letters of 22 and 27 November 1984). No other person claimed to be the freehold owner of the lands in question or to have information as to their ownership.

I held a hearing for the purpose of inquiring into the ownership of the lands at Skipton on 5 February 1985. At the hearing Mrs Margaret Joyce Feather, Mr Robert Leigh Feather and Mr John Nigel Clarkson were represented by Mr David V Evans, solicitor of Simpson Curtis & Co, Solicitors of Leeds.

The land ("the CL11 Land") in Register Unit No. CL11 is from north to south a little under 2 miles long; its north part is about $\frac{1}{3}$ rd of a mile, and its south part is about 1 mile, wide; in the Rights Section there are 5 registrations of grazing and other rights; formerly there were 65 registrations, but of these 60 have been avoided following a hearing in 1975 before Mr Commons Commissioner C A Settle QC. The four pieces ("the CL589 pieces") in Register Unit No. CL589 all adjoin the west or northwest boundary of the CL11 Land; in the CL589 Rights Section there is only one registration, which being undisputed became final in 1972.

Mr Evans in support of the ownership claim of his clients produced the documents specified in the Schedule hereto. He identified the CL11 Land with part of that shown on the 1931 conveyance plan and on it called "Stott Hill Moor"; another part so shown includes a house and enclosed lands to the north; in the 1931 conveyance both parts are described as the "Farm ... known as Smithy House Farm". He also identified the CL11 Land with that described in the Second Schedule to the 1954 conveyance and coloured and edged green on the plan annexed thereto; the other lands thereby conveyed comprised Higher Buckstone Farm and Lower Buckstone Farm containing about 309.277 acres and also some sporting rights. As to the three more northerly of the CL589 pieces, Mr Evans identified them with the part of the land like the CL11 Land conveyed by the 1931 and 1954 conveyances; the most northerly piece (a short distance east of Fold) is within





the boundary wall of Stott Hill Moor, its omission from the CL11 Land being apparently because the boundary of such land was taken to be the footpath; the next most northerly piece (near Pipers Lane) is within the boundary wall, its omission from the CL11 land being apparently because its boundary was taken to be the south edge of the lane; and the next most northerly piece (by the Ford across Dean Brow Beck) is a very small piece of land within the stone wall boundary on the other side of the Moor on the other side of the Beck, its omission from the CL11 Land being apparently because this boundary was taken to be the Beck.

Mr Evans submitted, rightly I think, that the documents he produced were evidence enough of the ownership in 1955 of Mrs M J Feather, Mr R L Feather and Mr K W Oxley as personal representatives of Mr L Feather to all CL11 Land and also all the CL589 Pieces except the most southwesterly of them marked on the 1931 conveyance and the 1953 conveyance plans as "Benses". As to Benses the paper title shows Mr Nathan Jennings as the owner under the 1953 conveyance DVE/2 under which he took Smithy House Farm. Mr Evans submitted that on the evidence of Mr Airey I could conclude that the ~~ownership~~^{possession} of Benses was by adverse possession in those he represented. Mr Walter Airey of Newbridge Farm in the course of his oral evidence said (in effect):- He is and has been since 1963 a tenant of Mr Leigh Feather and his Trustees of Buckstone Farm. In that capacity he had exercised grazing rights over Stott Hill Moor. He was well acquainted with Benses and being on or near it sometimes once a week. The unenclosed land of the Moor runs with Benses. He had grazed Benses as he had grazed the Moor. As far as he knew Mr Jennings as owner of Smithy House Farm had never grazed Benses.

In the absence of any claim by Mr Jennings to Benses I conclude that by 1984 the personal representatives of Mr Leigh Feather had acquired a possessory title to Benses.

I shall pay no attention to the 1984 appointment by which Mr J M Clarkson became a trustee of the will in the place of Mr K W Oxley who died on 16 November 1978 because under section 22 of the 1965 Act I am only concerned with the ownership of the legal estate in fee simple, and in the absence of an assent in writing it seems to me that such estate is still in Messrs M J Feather and R L Feather as surviving personal representatives. But because no question about the appointment was raised at the hearing I give them liberty to produce such an assent (or a properly certified copy of it) to the London office of the Commons Commissions or to make representations there as to Mr J M Clarkson being jointly entitled with Messrs M J and R L Feather. Any such application should in the first instance be made by letter to the clerk of the Commons Commissioners and should be made within six weeks of this decision being sent out.

From the evidence above summarised I am satisfied that Mrs Margaret Joyce Feather and Mr Robert Leigh Feather as surviving personal representatives of Mr Leigh Feather are the owners of all the CL11 land and of all the CL589 Pieces, and I shall accordingly pursuant to section 8(2) of the Act of 1965 direct



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the North Yorkshire County Council as registration authority to register Mrs Margaret Joyce Feather of Woodbank, Harden, Bingley, West Yorkshire and Mr Robert Leigh Feather of Brook House, Leathley, near Otley, North Yorkshire as personal representatives of Mr Leigh Feather who died 7 January 1965 of the owners of the lands in ~~the~~ Register Unit Nos CL11 and CL589.

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.

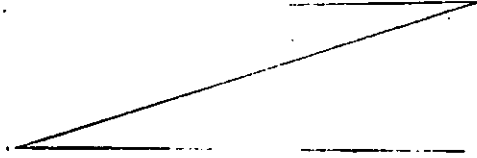
SCHEDULE
(Documents produced)

DVE/1

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Epitome of title of R W Oxley,
M J Feather and R L Feather to
land at Cowling, including:-

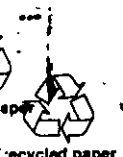
11 May 1931

Conveyance (original produced) by
Thomas Arthur Tatton with the
concurrence of his Trustees to
Benjamin Riley Barrett, first


Smithy House Farm containing about
545a. 3r. 30p. as shown edged red on the
plan, and secondly ...

2 July 1931

Statutory declaration by Harry
Jobling former partner with his
father Colonel Albert Jobling retired
who acted as Estate Agent for
Mr Reginald Arthur Tatton from
1907 to his death in 1926 and for
his executors until 1929.





-- 15 April 1954 Conveyance by the said B L Barrett to the most noble Walter John Juke of Buccleuch and the most noble Mary Alice Duchess of Devonshire of Stott Hill Moor

-- 14 October 1954 Conveyance by the said Duke and Duchess and Chatsworth Estates Company to Leigh Feather of the land described in the first second and third schedules, the Second Schedule being Stott Hill Moor containing 516.644 acres coloured and edged green on the plan annexed

-- 6 April 1965 Probate of the will and codicil of Leigh Feather (he died 7 January 1965) granted to Margaret Joyce Feather, Robert Leigh Feather and Kenneth Wilfrid Oxley

-- 12 July 1984 Deed of Appointment by which John Nigel Clarkson was appointed a trustee of the will of the said Leigh Feather in the place of K W Oxley who died 16 November 1978

DVE/2 2 February 1953 Conveyance by Benjamin Riley Barrett to Nathan Jennings of Smithy House Farm "now in the occupation of the purchaser as tenants" edged red on plan annexed (Beses shown edged red)

Dated this 22nd _____ day of April _____ 1985

A. A. Baden Fuller

Commons Commissioner

