

JW

COMMONS REGISTRATION ACT 1965



Reference No. 268/U/303

In the Matter of Calton Moor, CaltonDECISION

This reference relates to the question of the ownership of the land above mentioned being the land comprised in the Land Section of Register Unit No. CL.409 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 (1) Mr W J Henderson, (2) Mr F Horne (3) the Estate of James Thompson and (4) Mr R W Morphet on behalf of his three daughters claimed to be the freehold owner of a part 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 Skipton on 16 October 1984.

Mr D V Evans of Simpson, Curtis and Co., Solicitors of Leeds appeared for Mr W J Henderson, Mrs K Claire Brooks Solicitor of Skipton appeared for Mr Horne and the Estate of James Thompson and Mr D M Jordon Solicitor of Settle appeared for Mr Morphet.

Mr Jordon submitted documents which satisfied me that ultimately by a Conveyance made the 1st November 1974 between John Whitaker and William Bruce Maden (thereafter called 'the Vendors') of the first part, Robert Wolfenden Morphet (thereinafter called 'the purchaser') of the second part and Margaret Patricia Morphet Catherine Alison Morphet and Janet Elizabeth Morphet (thereinafter called 'the sub-purchasers') of the third part the sub-purchasers are the owners of that part of the land which is hatched black on a copy of the Register Map which will be sent to the Registration Authority with decision. Both Mr Evans and Mrs Brooks accepted the title of Mr Jordan's clients.

Mr Evans said that his clients claimed ownership of the remainder of the land and he relied on the same title as he had earlier produced in support of his clients' claim to ownership of Sawbanks Register Unit No. 429 under Reference 268/U/301.

Mr Horne said in evidence that he was registered as entitled to graze sheep and cows on the land. He had known the Moor since 1940. He and two other commoners named Thompson and Foster had exercised grazing rights over the common and had repaired the walls from time to time or had paid for cost of such repairs. Foster was a tenant of Mr Henderson.

Mrs Brooks said she relied on the same arguments as she had put forward in the earlier case of Sawbanks. I have already decided that issue against Mrs Brook's clients and in favour of Mr Henderson for the reasons set out in my decision in that case.

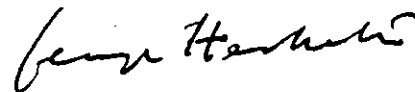
I am satisfied on the evidence that Mr Morphet's daughters and Mr Henderson are the owners of those parts of the land to which they have laid claim and I shall accordingly direct the North Yorkshire County Council as registration authority to register them as the respective owners of the two parts of the land already indicated.



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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 *7th* day of *November* 1984



James Henderson

Commons Commissioner