



In the Matter of Cowton Moor, East Cowton,  
North Yorkshire (No. 1).

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 194 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and is occasioned by Objection No. 0114 made by Mr S G Leggott and Mr A Leggott and noted in the Register on 13 August 1970.

I held a hearing for the purpose of inquiring into the dispute at Northallerton on 8 March 1977. The hearing was attended by Mr S Crisp, on whose application for a registration in the Rights Section of the Register Unit this registration was consequent, and Mr F Such, of counsel, on behalf of the Objectors.

The land comprised in the Register Unit consists of Ordnance Survey parcel Nos. 421, 426 (pt), 445, 446, 447, 448, and 457 (hereafter collectively referred to as "the western part") and Nos. 458, 459, 442 (pt), 443 (pt), and 444 (hereafter collectively referred to as "the eastern part").

Mr Crisp was at one time in partnership with a Mr Ayre, who held an agricultural tenancy of the western part. After Mr Ayre gave up possession of the land, Mr Crisp claimed to be entitled to remain in possession.

The then owners of the eastern part, the Corporation of Wardens, Master of Scholars and the Poor of the Alms-house or Hospital of St John the Baptist of Kirby Ravensworth sued Mr Crisp for trespass in the Northallerton County Court. In his defence Mr Crisp pleaded Mr Ayre's tenancy agreement, but on 19 July 1962 the Judge granted an injunction against Mr Crisp restraining him from entering or attempting to enter or depasturing or attempting to depasture any livestock on the eastern part.

Before me Mr Crisp sought to say that the learned County Court Judge had erred in granting the injunction, but he produced no evidence to show that there was any right of common of pasture over either the western part or the eastern part.

In these circumstances I refuse to confirm the registration.

Mr Such applied for an order for costs. Since Mr Crisp also applied for the registration of a right of common over the land, I can see no reason why he should not pay the Objectors' costs. I shall order him to pay those costs on County Court Scale 4.

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

17<sup>th</sup>

day of

May

1977

  
Chief Commons Commissioner