



COMMONS REGISTRATION ACT 1965

Reference No 45/U/290

In the Matter of Fawcett Moor, Halton
Gill, Craven District, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Fawcett Moor, Halton Gill, Craven District being the land comprised in the Land Section of Register Unit No CL. 610 in the Register of Common Land maintained by the North Yorkshire County Council (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 this reference Mr Michael Dawson (through his Agent Mr R H Bowring) claimed to be the 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 Skipton on 23 March 1976. At the hearing Mr W A O J Bell (executor of Mr Michael Dawson deceased) was represented by Mr R H Bowring Chartered Surveyor of Davis & Bowring Chartered Surveyors and Land Agents of Gisburn, Via Clitheroe, Lancs.

The land ("the Unit Land") comprised in this Register Unit contains (according to the Register) 76.513 hectares (188.92 acres). It is situated a short distance to the west of the road from Stainforth to Halton Gill, just northwest of Dale Head. The registration was made in consequence of an application by Mr T Metcalfe for Entry No 1 in the Rights Section of a right attached to Sherwood House Farm of turbarry.

From the West Riding County Council Archives, Mr Pickersgill produced the Arncliffe (Fawcett Moor) Inclosure Award dated 23 August 1848 and made under a provisional order dated 26 October 1846 and made by the Inclosure Commission under the Inclosure Act 1845.

Mr Bowring in the course of his evidence produced: (i) a conveyance dated 18 March 1914 by which Dale Head Farm containing about 223 acres was conveyed to Mr G G Robinson, (ii) a Royal Licence dated 3 July 1917 by which he was permitted to change his name to Dawson, (iii) a marriage settlement dated 6 June 1919 by which Mr G G Dawson conveyed (among other property) Dale Head Farm to Trustees, (iv) an abstract dated 1969 of the title of Michael Dawson to the Langcliffe Estate commencing with a vesting deed dated 20 September 1928 in favour of Mr G G Dawson and including an assent dated 1 March 1946 by his personal representatives in favour of Mrs M C Dawson and an assent dated 12 November 1969 by her personal representatives in favour of Mr Michael Dawson, and (v) a probate dated 31 December 1975 granted to Mr Bell in the will of Mr M Dawson who died 6 October 1975, and (vi) a bound book dated 29 November 1969 with plans by Michael Dawson showing the extent of his Langcliffe Estate.



Mr Bowring who has acted for the Langcliffe Estate since 1938 (except for the war years), as had his partners before him, identified the Unit Land as being part of Dale Head Farm shown on the plan annexed to the 1914 conveyance as thereby conveyed and as including the land described in the 1969 book.

On the evidence summarised above, I am satisfied that Mr Bell is the owner of the land and I shall accordingly direct the North Yorkshire County Council as registration authority to register Mr William Archibald Ottley Juxon Bell of Cottesford House, Brackley, Northamptonshire 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 26th day of May — 1976

A. A. Baden Fuller

Commons Commissioner