



COMMONS REGISTRATION ACT 1965

Reference No 268/U/105

In the Matter of The Busk Peat Ground,
Bainbridge, Richmondshire District,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as The Busk Peat Ground, Bainbridge, Richmondshire District being the land comprised in the Land Section of Register Unit No CL. 239 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 Mr R F Kettlewell claimed ownership of part of the land in question. No other person claimed to be the freehold owner of the land 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 10 February 1977. At the hearing Mr R F Kettlewell and Mrs M A Cloughton were represented by Mr E R D Johnson solicitor of Willan and Johnson, Solicitors of Hawes.

The land comprised in this Register Unit is according to the Register map about $\frac{1}{2}$ a mile long and is thereon shown as divided by an irregular line drawn approximately east-west into two nearly equal parts ("the North Part" and "the South Part").

Mr Johnson in the course of his evidence in support of the claim of Mr Kettlewell to the South Part produced (see file 268/U/103 relating to Lake Semer Water) examined copies of (1) a conveyance dated 2 October 1959 by Mr F G Titley to Mr T Thornton-Berry (he died 13 October 1967) of Stalling Busk Farm containing 637.245 acres, (2) probate dated 4 April 1968 of his will, (3) an assent dated 9 July 1969 by his personal representatives in favour of Mr H T Thornton-Berry and (4) a conveyance dated 2 December 1970 by him to Mr Kettlewell; and in support of the claim of Mrs Cloughton produced (5) a conveyance dated 27 May 1947 by Miss M A Peacock to Mr J Sunter of Stake Allotment containing 112 acres 16 perches, (6) a abstract of his will (he died 7 July 1972) and probate dated 27 September 1972, and (7) an assent dated 28 November 1972 in favour of Mrs Cloughton.

The plan attached to the 1950 and 1970 conveyances includes a plot described as "B Stake Allotment 43.619" which apparently includes the South Part (being the east part of this area). There is no plan attached to the 1947 conveyance, but Mr Johnson identified it with Tithe Award plot no 668 shown on the Bainbridge Township Plan 1872 by Edward Broderick prepared for the Aysgarth Union Valuation of the Township (see file 268/U/100 relating to Hukermire Moss).

On the above evidence I am satisfied that Mr Kettlewell and Mrs Cloughton are respectively the owners of the South Part and of the North Part, and I shall accordingly under section 8(2) of the 1965 Act direct North Yorkshire as



registration authority to register Mr Robert Frederick Kettlewell of Stalling Busk, Askrigg, Leyburn as owner of the South Part of the land comprised in this Register Unit and Mrs Mary Alice Cloughton of Stoney Raise, Bainbridge as owner of the North Part of the said land, and I shall in my direction define the North Part and the South Part by reference to the above-mentioned irregular east-west line drawn on the Register map.

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 18th day of February — 1977

a. a. Baden Fuller

Commons Commissioner

