



COMMONS REGISTRATION ACT 1965

Reference No 268/D/111

In the Matter of The Pinfold, Hargill,
Township Quarry, and Hassocks Moss,
Redmire, North Yorkshire (No 3)

DECISION

This dispute relates to the registration at Entry No 1 in the Ownership section of Register Unit No CL 161 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and is occasioned by the conflicting registration at Entry No 2 in the same section of the Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Richmond on 10 May 1978. The hearing was attended by Mr E R D Johnson, solicitor, on behalf of the Redmire Parish Council, the applicant for the registration at Entry No 1, and by Mr J H N Towers, solicitor, on behalf of Mr J U Machell and Sir Henry Lawson-Tancred, the applicants for the conflicting registration.

The conflict between the registrations arises only in respect of the land known as Township Quarry. This land has an area of 2 acres. The evidence relating to it begins with the Inclosure Award, dated 27 August 1819, made under the Wensley Inclosure Act of 1809 (49 Geo. III, c.75 (private, not printed)). It is indicated by dotted lines on the map referred to in the Award and is shown as part of allotment No 26 awarded to Lord Bolton. By the Award there was awarded to the owners and occupiers of farms, lands, tenements, and hereditaments in the township of Redmire (for their own use only) the liberty and right of erecting lime kilns, getting limestone and burning the same into lime in this quarry. The applicants for the registration at Entry No 2 are the successors in title of the Lord Bolton to whom allotment No 26 was awarded.

The quarry is shown on the Tithe Map for the township of Redmire as No 434 and in the Tithe Apportionment the owner is stated to be "Township of Redmire" and the occupier is stated to be "Themselves".

The quarry is shown with the rest of allotment No 26 on the plan annexed to the vesting assent dated 30 December 1946 under which the Objectors hold the land awarded to Lord Bolton in 1819.

In the absence of any evidence of a conveyance by Lord Bolton after the land was awarded to him in 1819, I find on the balance of probabilities that the statement in the Tithe Apportionment that the quarry was owned and occupied by the township of Redmire was an error and that the quarry has continued to be in the same ownership as the rest of allotment No 26, of which it formed part in 1819.

The remainder of the land the subject of this registration, known as The Pinfold, has been excluded from the Register Unit by my decision in In the Matter of The Pinfold, Hargill, Township Quarry, and Hassocks Moss, Redmire (No 1), (1978) Ref. No. 268/D/108, so it follows that I refuse to confirm the registration.



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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 21st day of

June

1978

A handwritten signature in cursive script, appearing to read 'G. H. Jones'.

CHIEF COMMONS COMMISSIONER