



COMMONS REGISTRATION ACT 1965

Reference No: 268/U/323

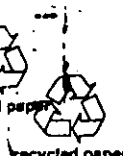
In the Matter of the Village Green
and Riverside, Arncliffe, Craven
District, North Yorkshire.

DECISION
Introduction

This reference relates to the question of the ownership of land being pieces part of that known as The Village Green and Riverside, Arncliffe, Craven District, and being the land comprised in the Land Section of Register Unit No. CL509 in the Register of Common Land maintained by the North Yorkshire (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: (1) the Trustees of the Arncliffe Estate (their Solicitor's letter of 7 and 19 November 1984) claimed to be owners of part of the land in question; (2) P H C Walker Children's Trust (their solicitor's letter of 14 November 1984) expressed their interest; (3) Mr G H and Mrs S Thornber as owners of Raikes Cottage claimed (their Solicitors' letter of 27 November 1984) part (the most westerly) of the land in question; (4) Arncliffe with Halton Gill Parochial Church Council gave (their letter of 28 March 1984 from Mr Henry Heaton as churchwarden) information about the part (the most easterly) of the land in question, saying it is now used as a public car park, is convenient for motorists attending church services, and important to the Parochial Church Council because it provides the only means of access for tanker lorries bringing oil for church heating; (5) Midland Bank Trust Co Ltd, as executors of Marmaduke Miller deceased claimed (their Solicitors' letter of 29 November 1984) as belonging to them two areas: (a) the cobbled frontage of the Falcon Inn which extends along the whole of the road frontage and round into Botany Lane, and (b) the whole of the land between the road and High Green Cottage; and (6) the Reverend E D Blanchard as the present incumbent of the parish of Arncliffe and Halton Gill said (letter of 27 December 1984) that the Bradford Diocesan Registrar had offered to make available the conveyance dated 1 September 1888 of the land (that mentioned by Mr Henry Heaton), thinking that he as incumbent "could well be the owner of the narrow wedge of land between your Churchyard and the river". No other person claimed to be the freehold owner of the land in question 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 Skipton on 5 February 1985. At the hearing: (1) the Reverend Ernest D Blanchard of the Vicarage, Kettlewell and Incumbent of the Parish of Arncliffe and Halton Gill attended in person; (2) Mr Frank Derek Arthur Binns and Mr Stanley Land Mason as trustees of the Arncliffe Estate were represented by Mr C Reeder solicitor of Charlesworth Wood & Brown, Solicitors of Skipton; (3)





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Midland Bank Executor and Trustee Company Limited as executor of Marmaduke Miller was also represented by Mr C Reeder; (4) Miss Bridget Elizabeth Mary Walker articulated clerk with the Newstead & Walker Solicitors of Otley as one of the trustees of the P H C Walker Children's Trust attended in person on her own behalf and as representing her co-trustees being Mr Philip Robert Walker and Mr Patrick Howard Walker; and (5) Mr Geoffrey Harry Thornber of Raikes Cottage, Arncliffe attended in person on his own behalf and as representing his wife Mrs Sandra Thornber.

On 8 February 1985 I inspected the land ("the Unit Land") in this Register Unit.

The Unit Land comprises seven pieces:-

(1) a piece ("the Bridge Piece") adjoining the south side of the River Skirfare and the east side of the road leading to Arncliffe Bridge; (2) a piece ("the largest Riverside Piece") about 250 yards long and adjoining the said River and (higher up) Cowside Beck and between Arncliffe Bridge and the bridge over the Beck; (3), (4) and (5), three pieces ("the Beck Bridge Pieces") near the said Beck bridge; (6) a piece ("the Raikes Cottage Piece") being the said most westerly piece by the Malham road; and (7) a piece ("the Y Piece") being the most southerly piece adjoining the Falcon Inn and High Green Cottage and including much of Botany Lane.

The registration originally included an area about 150 yards long and about 50 yards wide in the middle of the village appearing to be an important and perhaps the most important part of, the Village Green; this area was and still is registered as a town or village green in the Register Unit No. VG122; the conflict between these two registrations was resolved in 1973 by this VG122 area being withdrawn from this CL509 registration with the result that the Unit Land now comprises the said pieces: (1) to (6) by the River and Beck and having no connection with the VG122 area and perhaps aptly described as "the Riverside"; and (7) the Y Piece which because it at its north end adjoins the VG122 area might be considered to be part of the Village Green but for being a distinct piece of common land there is no apparent reason. At a hearing held on 11 May 1983 by Mr Commons Commissioner Hesketh, Messrs F D A Binns and S L Mason claimed to be the freehold owners of the VG122 area and on the evidence produced to him the Commissioner was satisfied that they were the owners.

As hereinafter appears at my 1985 hearing a number of persons claimed ownership of various parts of the Unit Land. None of such claims conflict with any other and none of the claimants offered any evidence or arguments against any claim made by any other person. On 14 February 1985,

(after the hearing) there was received in the office of the Commons Commissioners a letter dated 12 February 1985 from Mr C D Holden in which he claimed ownership of another part of the Unit Land as being part of the garden area of Smithy Cottage. I in this decision deal with each part under a separate heading. My decision as regards each of the parts of the Unit Land is set out in the Second (and last) Schedule hereto; the evidence about each such part, and my reasons for my decision are summarised and set out under each such heading.



Bridge Piece: Church Claim

The Reverend E D Blanchard who is the present incumbent of the Parish of Arncliffe with Halton Gill and other parishes having been appointed Vicar in about August 1983 and being priest in charge before January 1983, in the course of his oral evidence produced the documents specified in Part I of the First Schedule hereto.

By the 1888 conveyance (EDB/1) was conveyed: "ALL that plot of land ... being part of the waste lands of the Manor of Arncliffe ... bounded on the north by the Old Church Yard ... on the west by the River Skirfare and containing ... (about 1112 square yards) ... as delineated on the plan drawn on the margin hereof and thereon coloured pink". The plan marks "wall" along the southeast and southwest boundary as separating the land from "Skipton Road" and marks nothings along the west boundary as separating the land from "River Skirfare".

In the 1888 Upper Wharfedale Parish Magazine (EDB/3) it is recorded: "... the enlargement of the Churchyard. A portion of waste ground which adjoined the Old Yard on the west side has been enclosed and the ground has been rendered fit for burials, and the unevenness of the surface obliterated by the introduction of hundreds of cart loads of soil from the roadsides. The Vicar will be glad if any parishers who have the time and opportunity will continue the work of elevating the new burial ground so that it may approach nearer to the level of the Old Yard. The Bishop has promised to consecrate the new ground in the first week of September".

Mr Blanchard said at the hearing that the addition to the Church Yard was by the Bishop consecrated on 4 September 1888. He suggested that the southwest boundary of the part of the Unit Land now belonging to the Church Yard should be the line he drew on the OS map EDB/4: a copy of such map ("the Church decision plan") with the line so drawn by him covered by a thick black line and marked AB is page 4 of this decision.

In my opinion the west boundary of the land comprised in the 1888 conveyance is the River Skirfare. I have no evidence as to when the wall between this land and the River was built; none is marked on the conveyance plan. From the present appearance of the land, I infer that since 1888 the River has receded, so that the part of the Unit Land between its edge as it now is and the edge as it was in 1888 has accrued to the land by the 1888 conveyance expressed to be conveyed; that such change in the River course may have been encouraged by the level of the Church Yard being raised as a result of the "elevating" by the Vicar in 1888 requested and by the building of the wall now along the east side of this part of the Unit Land does not I think prevent such part being an accruer which by operation of law comes into the same ownership as the adjoining land; see *Southern v South Australia* 1981 AC 706, distinguishing *Baxendale v Instow* 1982 1 Ch 15. I accept the line AB drawn by Mr Blanchard as the appropriate south



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boundary of the part so accruing. In the absence of any evidence to the contrary a Churchyard is vested in the incumbent for the time being of the benefice, and the accruing part is similarly vested notwithstanding that it is outside the Churchyard wall and may never have been consecrated.

For these reasons I am satisfied that the incumbent for the time being of the benefice of Arncliffe with Halton Gill is the owner of this part of the Unit Land as defined in paragraph (1) of Part I of the Second Schedule hereto and my direction about it will be as set out in Part II.

Raikes Cottage Piece: Thornber claim

This piece is a strip about 200 yards long open on its southeast side to the Malham Road; of it the southern three quarters has a width at its north end of about 20 yards gradually tapering at its south end to a point; of it the northern quarter has a width of a yard or two. The southern three quarters are bounded on the west and north by a wall apparently containing no access to the adjoining land. The northern quarter is difficult to distinguish from the made up part of the road.

In the course of his oral evidence Mr Geoffrey Harry Thornber produced the documents specified in Part II of the First Schedule hereto.

By the 1961 declaration (GHT/1) Mr William Metcalfe who had all his life resided at Arncliffe and was a tenant since 1909 of Miss I E Hammond who owned the property Raikes Cottage during the whole of the time he had resided in Arncliffe, said he had been in possession of the triangular plot known on the plan produced (identifiable with the said southern three quarters) and could so depose to the fact that his father the late tenant of the Cottage had always kept it tidy as if it had formed part of his garden.

By the August 1961 conveyance (GHT/2) the adjoining dwellinghouse with garden and outbuilding known as "Raikes Cottage" for identification delineated on the plan attached was expressed to be conveyed to Mr R A M Scott, the plan showing as included in it (on the south side of the Cottage) the southern three quarters. Mr Thornber said he and his wife had owned the Cottage since 1982 and claimed as such to own the Piece.

At the hearing I gave Mr Thornber liberty to send to the Clerk of the Commons Commissioners copies of the documents of title under which he claimed as successor of Mr R A M Scott. With a letter dated 14 February 1985 Holden, Broughton & Co Solicitors of Keighley sent copies of the documents specified in Part VI of the First Schedule hereto.

On the documentary evidence summarised above and on what I saw of this Piece during my inspection, I am satisfied that Mr and Mrs Thornber are the owners of it as



described in paragraph (2) of Part I of the Second Schedule hereto and my direction about it will be as set out in Part II.

Y Piece: Miller claim

In support of this claim on behalf of the estate of Mr Marmaduke Miller who died 3 February 1970, Mr Reeder produced the documents specified in Part III of the First Schedule hereto. By the 1951 conveyance (MBTC/1) the Falcon Inn (previously known as the Shoulder of Mutton inn) with other property was conveyed to the deceased; by the 1952 and 1953 conveyances (i) the cottage known as West View on the east side of Botany Lane and (ii) the cottage and garden known as High Green Cottage were respectively also conveyed to the deceased.

Also in support of this claim oral evidence was given by Mr Christopher Robin Miller by reference to his 1985 statutory declaration (MBTC/4) to which was exhibited a plan on which the part of the Unit Land in this claim is coloured pink. An uncoloured copy of the said plan ("the Miller decision plan") on which the area coloured pink on the original appears black is page 7 of this decision. Mr C R Miller in the course of his evidence said (in effect:- He was born in 1942, his father being the said Mr Marmaduke Miller. He is now the inn-keeper of the Falcon Inn and had been running it in partnership with his brother for the past 9 years. His father was the sitting tenant when he purchased it in 1951; the tenancy had been in his family for upwards of 100 years prior. The area coloured pink which adjoins the Falcon Inn had always been regarded as part of the Inn and been maintained by the tenants or owners of it and which adjoins West View Cottage and High Green Cottage respectively had always been occupied by the owners of such cottages respectively when their tenants has open frontages to the said cottages.

On this evidence and what I saw on my inspection I am satisfied that Midland Bank Executor and Trustee Company Limited as executor of Mr Marmaduke Miller are the owners of the parts of the Y Piece in black on the Miller decision plan as described in paragraph (3) of Part I of the Second Schedule hereto and my direction about it will be as set out in Part II.

**Largest Riverside Piece: Arncliffe Estate
Claim**

In support of this claim on behalf of Messrs D A Binns and S L Mason as Trustees of the Estate, Mr Reeder produced the documents specified in Part IV of the First Schedule hereto. An uncoloured copy ("the Arncliffe Estate decision plan") of the plan produced by Mr Reeder as showing hatched red the part of the Unit Land claimed such part having been thereon by me surrounded with a thick black line and within marked AE, is page 8 of this decision.

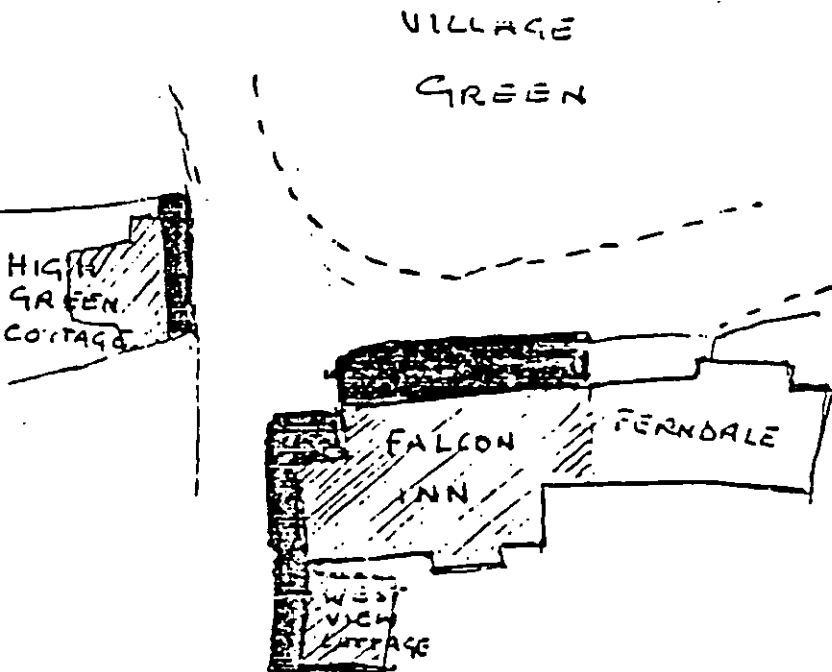
COMMONS REGISTRATION ACT 1965
 Re: Village Green and Riverside,
 Arncliffe, Craven District,
 North Yorkshire
 Register Unit No. CL509
 Ref. No:- 268/U/323.

This is the Miller decision
 plan referred to in and being
 page 7 of the decision dated
 15 January 1986 and made by the
 Commons Commissioner in this
 matter.

A. A. Baker Fuller

Commons Commissioner

C.R.M.1.

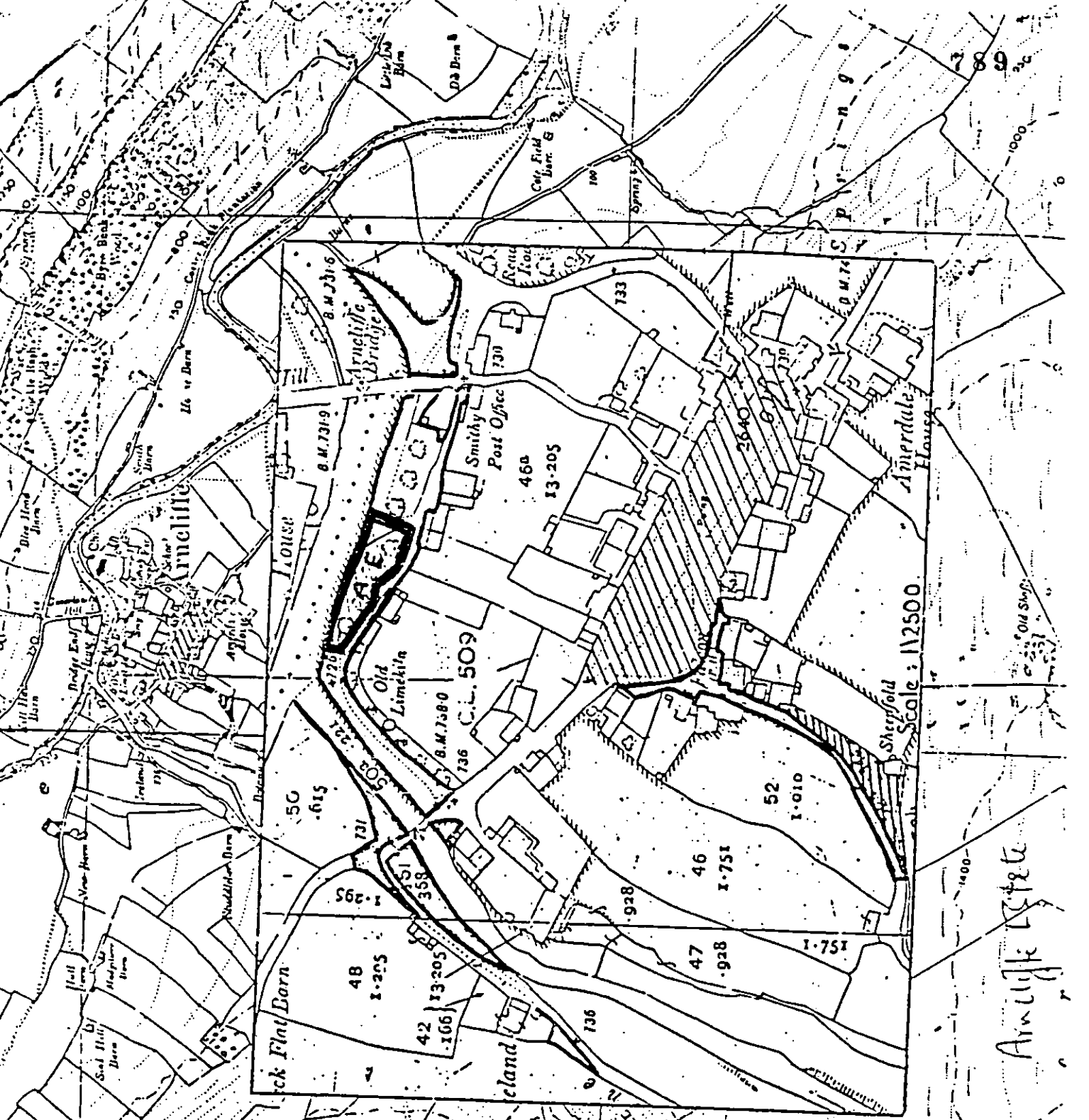


NOT TO SCALE

This is the plan marked "CRM1" referred to in the Statutory Declaration of
 Christopher Robin Miller sworn before me this Five day of February, 1985

C. R. Carter

A Solicitor/Commissioner for Oaths



COMMONS REGISTRATION ACT 1965
 Re: Village Green and Riverside,
 Arncliffe, Craven District,
 North Yorkshire
 Register Unit No. CL509
 Ref. No:- 268/U/323.
 This is the Arncliffe Estate
 decision plan referred to in and
 being page 8 of the decision
 dated 15 January 1986 and
 made by the Commons Commissioner
 in this matter.

a. a. Baden Fuller

Commons Commissioner

COMMON LAND

Arncliffe Estate



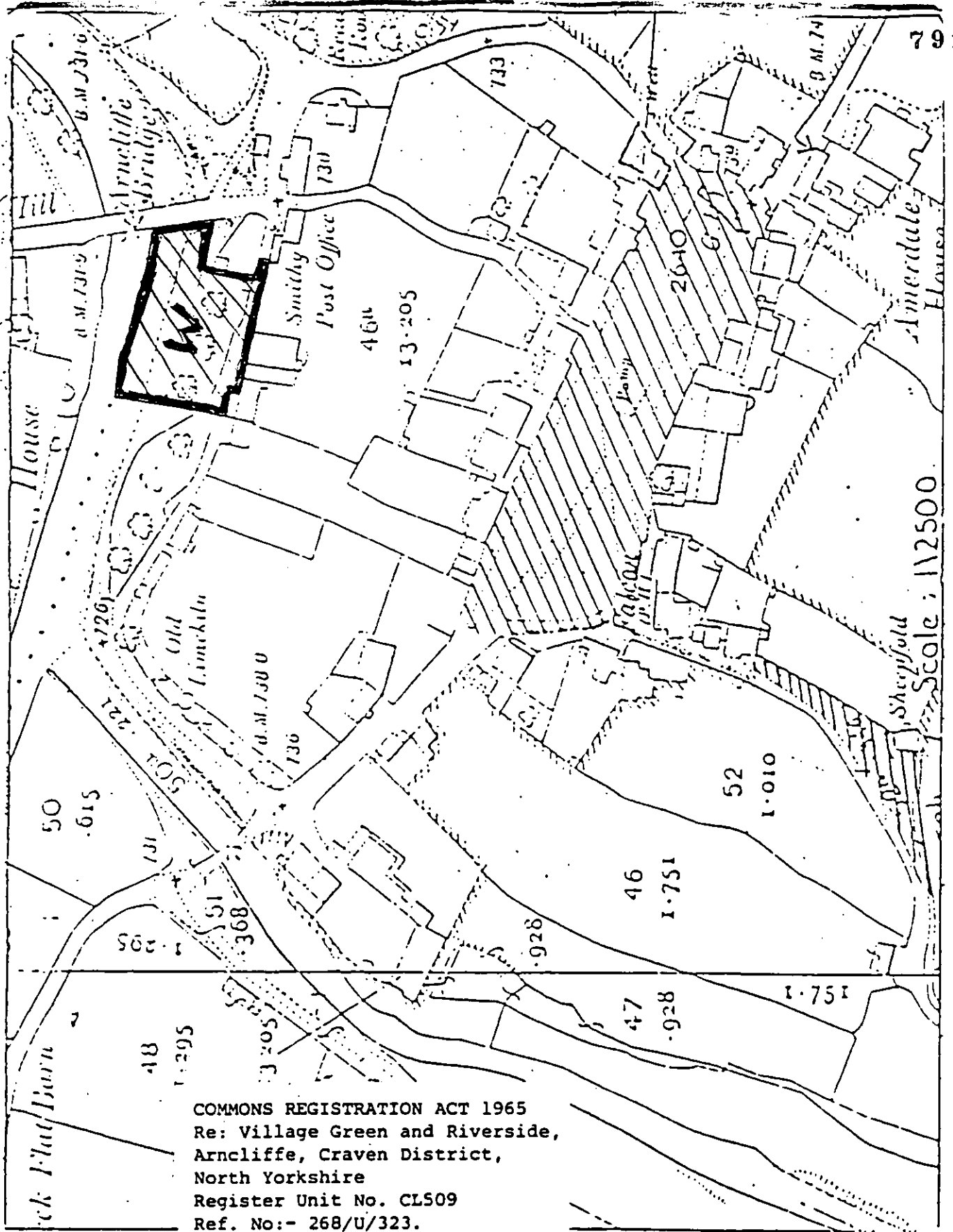
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Also in support of the claim oral evidence was given by Mr Peter Saunders Longbottom who is and has been since the death of his father in 1977 the Estate Manager of the Arncliffe Estate said that he was familiar with the Estate and the said claimed part is part of it.

The 1975 conveyance by Major M W V Hammond-Maude comprised the Arncliffe Estate and expressly included the Village Green; on plan 2 annexed the claimed part which is shown coloured green; Mr Longbottom identified it with part of that described in paragraph 2 of the First Schedule thereby expressed to be conveyed. The 1975 statutory declaration (BJM/2) by reference to the engrossment of the said conveyance generally confirms the possession of Major Hammond-Maude to the whole of the lands therein described. Mr Longbottom pointed out that the claimed part adjoins the River Skirfare fishing rights in which are part of the Estate and said that the earlier title deeds to the Estate have no plans and no detailed description of it. In the 1975 conveyance the claimed part is treated in much the same way as the VG 122 area; but I have no note or recollection of anybody explaining why this part rather than any other part of the Unit Land has been so treated. On my inspection it seemed to me that the claimed part could perhaps of all the other parts of the Unit Land be considered by many people more within the popular meaning of the words "common land" than any other part, as being a part of the Riverside area near the village where the public could easily enjoy pleasing riverside surroundings. Nobody at the hearing challenging the evidence of Mr Longbottom, I consider that I can properly give full weight to his short statement that the claimed part is part of the Estate, and I am therefore satisfied that Messrs Binns and Mason are the owners of it as described in paragraph (4) of Part I of the Second Schedule hereto and my direction about it will be as set out in Part II.

Largest Riverside Piece:
Walker claim

This claim was supported by the oral evidence of Miss Bridget Elizabeth Mary Walker in the course of which she produced documents specified in Part V of the First Schedule hereto. A copy ("the Walker decision plan") of the plan produced by Miss Walker showing the land claimed hatched black with the line of the boundary by me thickened and within marked W, is page 10 of this decision. Her claim stating it shortly, was that the claimed part was part of or belong to farms known as High Rylands and Low Rylands by a voluntary conveyance made by Mr P H C Walker (the witness's father) to Mr P R Walker and Mrs M E Cato upon trust for sale and to hold the proceeds of sale on a trust of a settlement of even date. Under an appointment dated 7 May 1981 Mr P H Walker and Miss B E M Walker (the witness) were appointed trustees in the place of Mrs M E Cato. By his February 1985 declaration (BEMW/10) Mr P H C Walker said that he became absolutely entitled to Rylands Farm on the death of his mother in 1972 under a settlement of which she and his father Mr Philip Howard Walker before her were tenants for life, that he having been born in 1926 and his family having a holiday house at Arncliffe was well acquainted with Rylands Farm which had been tenanted continuously by Mr W R Greenwood, and that he had seen his farm machinery parked and seen him tipping rubble on the claimed



COMMONS REGISTRATION ACT 1965
 Re: Village Green and Riverside,
 Arncliffe, Craven District,
 North Yorkshire
 Register Unit No. CL509
 Ref. No:- 268/U/323.

This is the Walker decision
 plan referred to in and being
 page 10 of the decision dated
 15 January 1986 and made by
 the Commons Commissioner in this
 matter.

a. a. Baden Fuller

Commons Commissioner

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part. By his 1985 declaration (BEMW/11) Mr Leslie McKenzie said he was well acquainted with Rylands Farm since 1950 when he began to live and work there as a farm worker, and that he had since that date worked continuously there, having in 1953 married Brenda Greenwood the daughter of the tenant, that Mr William Edward Greenwood had been the tenant of Rylands Farm since about 1921 and that he believed that the stretch of the river bank and lane (being the claimed part) are all part of his father-in-law's tenancy of the farm. By her 1985 declaration (BEMW/12) Ms Mary Miller said that she had lived in Arncliffe since 1926 and that the claimed part was part of Rylands Farm in the respects she specified.

The declarations of Messrs P H C Walker, L McKenzie and M Miller are by reference to plans showing not only the claimed part as defined by Miss Walker (as on the Walker decision plan) but also a small adjoining part of the part claimed by the Arncliffe Estate (as on the Arncliffe Estate decision plan); Miss Walker said that she (for herself and her co-trustees), having seen the 1975 conveyance (B&M/2) made no claim to the said small adjoining part. By so saying she did not I think discredit the declarations as regards the remainder of the land delineated on the said plans.

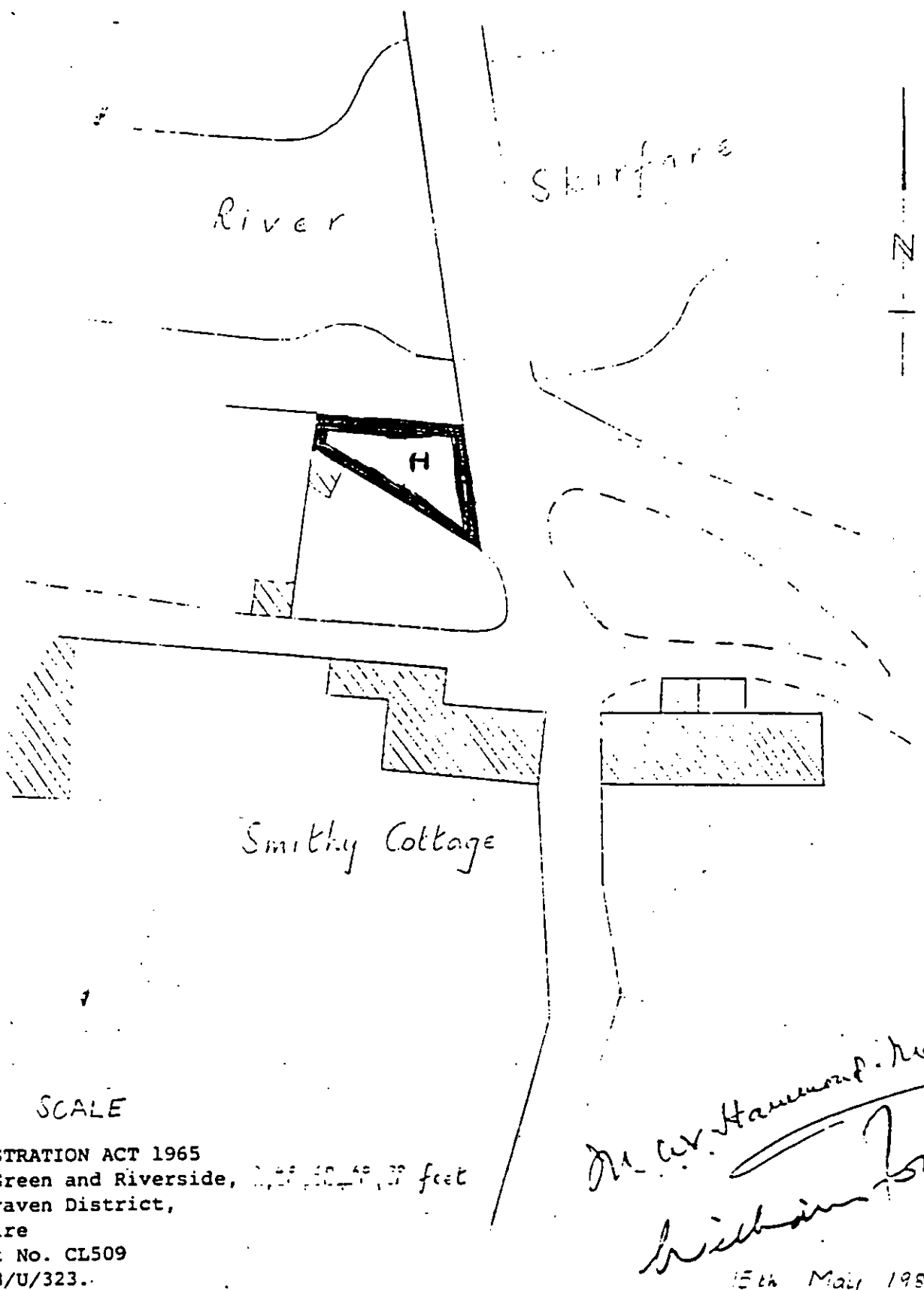
On the evidence I am satisfied that Mr Philip Robert Walker, Mr Patrick Howard Walker and Miss Bridget Elizabeth Mary Walker are the owners of the claimed part as described in paragraph (5) of Part I of the Second Schedule hereto, and my direction about it will be as set out in Part II.

Largest Riverside Piece:
Holden claim

Mr M D Holden with his letter of 12 February 1985 enclosed copies of the 1982 conveyance and the 1982 statutory declarations specified in Part VII of the First Schedule hereto; in it he said (in effect) that these proceedings had only come to his attention on 10 February 1985 when he returned from a business trip abroad which precluded his attendance at my hearing on 5 February and that he claimed ownership of the plot of land measuring about 882 square feet in area and more particularly described in the plan attached to the documents he produced. A copy ("the Holden decision plan") of the said plan so produced with the boundary lines of the plot by me thickened and within such line marked H is page 12 of this decision.

By the 1982 conveyance the Parish Meeting of Arncliffe are expressed to convey the plot to Mr Michael David Holden and Mrs Janet Margaret Holden and the conveyance on behalf of the Meeting is signed sealed and delivered by Mr Michael William Vernon Hammond-Maude and Mrs Brenda McKenzie as their chairman and secretary authorised by resolutions passed unanimously at Parish Meetings held on 7 December 1981 and 30 March 1982. By the 1982 declaration Messrs M W V Hammond-Maude and B McKenzie say that the records available show the Parish Meeting have received the rents and profits of the plot since 1908 without interruption.

PLAN REFERRED TO.



SCALE

COMMONS REGISTRATION ACT 1965
 Village Green and Riverside, 2, 3, 4, 5, 6 feet
 Cliffe, Craven District,
 North Yorkshire
 Master Unit No. CL509
 No:- 268/U/323.
 This is the Holden decision
 referred to in and being
 paragraph 12 of the decision dated
 12th January 1986 and made by
 the Commons Commissioner in this

M. W. Hammond-Marks
William Jones
 15th May 1981

A. A. Bode
 Commons Commissioner

105 11.2.1985



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The evidence offered by Mr Holden in support of his claim is open to two criticisms: first it has not been given at any public hearing and therefore nobody has had an opportunity of commenting on it; secondly if the Parish Meeting were from 1908 to 1982 in possession, the proper inference is that the legal estate in fee simple in the plot was in 1982 vested in the Parish Trustees of Arncliffe, the body corporate established for every parish not having a parish council by subsection (3) of section 13 of the Local Government Act 1972 (in succession to similar bodies corporate established under the Local Government Acts of 1893 and 1933). The members of this body corporate in 1982 were the chairman of the Parish Meeting and "the proper officer of the district council, see subsection (3), and any Act requiring an instrument under seal must be sealed by the persons who are the parish trustees, see subsection (5); as to the "proper officer" see section 270(3).

Having during my hearing had much evidence about other parts of the Unit Land and having inspected it (I then noticed the 880 square feet plot although I did not then know of Mr Holden's claim), I conclude that these criticisms although possibly valid are more likely than not to be without any substance. So subject to the liberty to apply hereinafter by me granted, I am satisfied that Mr Michael David Holden and Mrs Janet Margaret Holden are the owners of the claimed part as described in paragraph (6) of Part I of the Second Schedule hereto, and my decision about it will be as set out in Part II. And I give to Craven District Council and to any person who attended or was represented at my said February 1985 hearing liberty to apply to me to set aside this decision so far as it relates to the part of the Unit Land described in paragraph (6) of Part I of the Second Schedule hereto and for the hearing to be re-opened so that I may consider further evidence for or against the ownership of Messrs Holden. Any such application should in the first instance be by letter sent to the London office of the Commons Commissioners and should be made within THREE MONTHS of the day on which copies of this decision are sent out to the persons entitled to have them, and a copy of the application should be sent to Messrs M D and J M Holden for their comments.

Final

Being satisfied as aforesaid as to the parts of the Unit Land specified in Part I of the Second Schedule hereto I shall accordingly subject in the case of Holden part to the liberty to apply herein before granted under the heading Largest Riverside Piece: Holden claim direct the person specified in Part II of the said Schedule to be registered as owners as therein mentioned. In the absence of any evidence about the ownership of the other parts of the Unit Land I am not satisfied that any person is the owner of any of them and they will therefore remain subject to protection under section 9 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.



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FIRST SCHEDULE
(documents produced)

Part I: by Rev E D Blanchard

EDB/1	1 September 1988	Conveyance by 9 landowners and inhabitants in public vestry assembled, under the Consecration of Churchyards Act 1867 unto person "in whom the Churchyard or the burial place known as Arncliffe Churchyard is now vested".
EDB/2	--	Sketch plan of the Churchyard and the nearby part of the Unit Land (the Bridge Piece).
EDB/3	1888	Extract from the Upper Wharfedale Parish Magazine.
EDB/4	--	OS map with line marked on it by Mr Blanchard indicating part of Unit Land claimed.

Part II: by Mr Thornber

GHT/1	19 August 1961	Copy statutory declaration by William Metcalfe.
GHT/2	24 August 1961	Conveyance by Michael William Vernon Hammon-Maude (his trustees concurring) to Robert Alastair Murray Scott of Raikes Cottage as delineated on plan attached and coloured pink.

Part III: on behalf of Midland Bank Executor and
Trustee Co Ltd

MBETC/1	--	Copy Register map showing part of Unit Land claimed in red.
MBETC/2	--	Epitome of title to the Falcon Inn and other properties at Arncliffe.
	12 November 1951	Conveyance by Isabella Ellen Hammond and James Henry Armistead to Marmaduke Miller of "First ... known as Falcon Inn ... together with the stable ... enjoyed therewith ...".



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11 January 1952 Conveyance by Alice Rosamond Bond and others as trustees of the Skipton District Branch of the Independent Order of Oddfellows Manchester Unity Friendly Society to Marmaduke Miller of cottage known as West View on the east side of Botany Lane.

12 June 1965 Conveyance by Michael William Vernon Hammond-Maude with the concurrence of his trustees to Marmaduke Miller of High Green Cottage.

MBETC/3 23 April 1970 Probate of will of Marmaduke Miller granted to Midland Bank Executor and Trustee Company Limited.

MBETC/4 1 February 1985 Statutory declaration by Christopher Robin Miller.

Part IV: on behalf of Messrs F D A Binns and
S L Mason

Arncliffe Estate -- Plan showing hatched red the part of the Unit Land claimed.

B&M/1 5 March 1975 Conveyance by Major Michael William Vernon Hammond-Maude with the concurrence of his trustees to Frank Derek Arthur Binns and Stanley Land Mason of the village Green, sheep gaits, Amerdale House and farm lands and buildings, cottages and sporting rights known as the Arncliffe Estate containing according to the Second Schedule about 2,165.622 acres.

B&M/2 22 February 1975 Statutory declaration by the said M W V Hammond-Maude as to his possession of the lands shown on an engrossment of a conveyance.

Part V: by Miss B E M Walker

BEMW/1 -- Plan showing part of Unit Land claimed.

BEMW/2 7 April 1919 Conveyance by Sir Leigh Hoskins and Sir Harold Pedley (trustees) and Dame Clara Vincent (life tenant) to Philip Howard Walker of (among other lands) "Pt 46a Orchard & Paddock Oa. Or. 25p.



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BEMW/3	1910	OS map 6" = 1 mile showing 46A as 3 pieces including part of the Unit Land (Largest Riverside Piece).
BEMW/4	31 September 1926	Vesting deed by Philip Howard Walker and Emil William Pickering (trustees in favour of Philip Howard Walker).
BEMW/5	17 January 1963	Probate of will of Philip Howard Walker (he died 11 January 1954) granted to Kathleen Walker and Philip Henry Conyers Walker as trustees of a settlement dated 25 February 1924 limited to settled land.
BEMW/6	12 June 1972	Copy certificate of death of Kathleen Walker on 9 June 1972.
BEMW/7	1 March 1974	Assent by Philip Henry Conyers Walker as personal representative under the said 1963 probate to the vesting in himself of the lands therein described.
BEMW/8	25 March 1974	Voluntary conveyance by Philip Henry Conyers Walker to Philip Robert Walker and Mercia Edith Cato of among other land, farms known as High Rylands and Low Rylands on trust to retain or sell and hold the proceeds in the trusts of a settlement of even date made by the donor.
BEMW/9	7 May 1981	Appointment of Patrick Howard Walker and Bridget Elizabeth Mary Walker to be trustees in the place of Mercia Edith Cato of the said conveyance of 25 March 1974.
BEMW/10	4 February 1985	Statutory declaration by Philip Henry Conyers Walker exhibiting plan of part of Rylands Farm.
BEMW/11	30 January 1985	Statutory declaration by Leslie McKenzie exhibiting said plan.
BEMW/12	30 January 1985	Statutory declaration by Mary Miller exhibiting said plan.

Part VI: sent after hearing by Solicitors for
Mr and Mrs Thornber

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Epitome of Title to Raikes Cottage including:-



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- 17 August 1961 Statutory declaration by William Metcalfe (GHT/1 supra).
- 24 August 1961 Conveyance (GHT/2 supra).
- 17 March 1961 Conveyance by Robert Alistair Murray Scott to Norman Nicholl Ellis and Nora Ellis of Raikes Cottage as on plan annexed to the said 1961 conveyance.
- 24 October 1979 Conveyance by said N N and N Ellis to Moldgreen Estates Limited of said premises.
- 24 September 1982 Conveyance by said Moldgreen Estates Limited to Geoffrey Harry Thornber and Sandra Lesley Burgess Thornber.

Part VII: sent after hearing by Mr M D Holden
of Smithy Cottage, Arncliffe

- 12 February 1985 Letter from Mr M D Holden to Clerk of Commons Commissioners.
- 13 October 1982 ~~copy~~ Conveyance by "the Parish Meeting of Arncliffe" to Michael David Holden and Janet Margaret Holden of plot containing 882 square feet on attached plan edged red.
- 26 July 1982 Statutory declaration by M W D Vernon Hammond-Maude as chairman of the Parish Meeting of Arncliffe.
- 26 July 1982 Statutory declaration by Brenda McKenzie as secretary of the Parish Meeting.

TURN OVER



SECOND SCHEDULE
(Part I: Definitions)

In this Schedule:-

- (1) The "Church Part" means the part of the land ("the Unit Land") in this Register Unit which is northeast of the line AB on the Church decision plan, being part of the Bridge Piece in this decision before mentioned.
- (2) The "Thornber Part" means the part of the Unit Land which is northwest of and adjoins the road from Arncliffe to Malham and which is south of the word "Ireland" marked on the Register map, being the whole of the Raikes Cottage Piece in this decision before mentioned.
- (3) The "Miller Part" means the part of the Unit Land which is black (all over) on the Miller decision plan, being three parts of the Y Piece in this decision before mentioned.
- (4) The "Arncliffe Part" means the part of the Unit Land which is edged with a thick black line and within such line lettered AE on the Arncliffe Estate decision plan, being a part of the Largest Riverside Piece in this decision before mentioned.
- (5) The "Walker Part" means the part of the Unit Land which is edged with a thick black line and within such line lettered W on the Walker decision plan, being another part of the Largest Riverside Piece in this decision before mentioned.
- (6) The "Holden Part" means the part of the Unit Land which is edged with a thick black line and within such line lettered H on the Holden decision plan, being another part of the Largest Riverside Piece in this decision before mentioned.

Part II: Direction and section 9

In accordance with my conclusions about the ownership of some parts of the Unit Land as above recorded, I shall pursuant to section 8(2) of the Commons Registration Act 1965 direct North Yorkshire County Council as registration authority to register: (1) The incumbent for the time being of the benefice of Arncliffe with Halton Gill as the owner of the Church part as in Part I of this Schedule defined; (2) Mr Geoffrey Harry Thornber and Mrs Sandra ^{Wesley} Thornber both of ^{Wesley} Raikes Cottage, Arncliffe as the owner of the Thornber Part as in Part I of this Schedule defined; (3) Midland Bank Executor and Trustee Company Limited of Bradford Branch (account No. 261001) 47 Market Street, Bradford as personal representative of Marmaduke Miller who died on 3 February 1970 as the owner of the Miller part as in Part I of this Schedule defined; (4) Mr Frank Derek Arthur Binns of Arnford, Long Preston, North Yorkshire and Mr Stanley Land Mason of Aynhams, Rimington, Clitheroe, Lancashire as the owners of the Arncliffe part as in Part I of this Schedule defined; (5) Mr Philip Robert Walker of Whitbeck Manor, Askwith, Otley, West Yorkshire, Mr Patrick Howard Walker of 18 Lisker Avenue, Otley, West Yorkshire and Miss Bridget Elizabeth Mary Walker of 8 Park Row, Otley, West Yorkshire as the owners of the Walker part as in Part I of this Schedule defined and (6) Mr Michael David Holden and Janet Margaret Holden of Smithy Cottage, Arncliffe, North Yorkshire as the owners of the Holden Part as in Part I of this Schedule ~~before mentioned~~ defined.

TURN OVER



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My intention to give the said direction is as regards the Holden Part subject to the liberty to apply herein before granted under the heading Largest Riverside Piece: Holden claim.

The parts of the Unit Land not in the Schedule not before specified will remain subject to protection under section 9 of the Commons Registration Act 1965.

Dated this 15th — day of January 1986.

A. A. Baden Fuller

Commons Commissioner