



In the Matter of Western End Quarry and
Spilling Moss Peat Ground, Hawes,
North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Western End Quarry and Spilling Moss Peat Ground, Hawes, being the land comprised in the Land Section of Register Unit No CL 141 in the Register of Common Land maintained by the former North Riding of 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 C T Metcalfe claimed to be the freehold owner of part 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 Richmond on 9 May 1978.

At the hearing Mr A J Simpson, solicitor, appeared on behalf of Mr Metcalfe.

The land known as Western End Quarry was vested in Mr Metcalfe by an assent made 21 January 1974 by Charles Theophilus Metcalfe, Geoffrey Thomas Metcalfe, and John Richard Armistead, the personal representatives of Geoffrey Bryan Theophilus Metcalfe, who died on 11 March 1964. Mr G B T Metcalfe acquired the land by a conveyance made 18 December 1937 between (1) Thomas Theophilus Secundus Metcalfe (2) G B T Metcalfe. This land has been in the ownership of members of the Metcalfe family since 1850.

On this evidence I am satisfied that Mr C T Metcalfe is the owner of the land known as Western End Quarry. I shall accordingly direct the North Yorkshire County Council, as registration authority, to register him as the owner of that land under section 8(2) of the Act of 1965.

In the absence of any evidence, I am not satisfied that any person is the owner of the land known as Spilling Moss Peat Ground, and it 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.

Dated this 22nd day of May 1978.

CHIEF COMMONS COMMISSIONER