



COMMONS REGISTRATION ACT 1965

Reference No 45/U/128

In the Matter of Adwalton Common or Moor
Morley Leeds City Council

DECISION

This reference relates to the question of the ownership of land known as Adwalton Common or Moor Morley Leeds City Council being the land comprised in the Land Section of Register Unit No CL 67 in the Register of Common Land maintained by the former 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 Miss Melton claimed to be the owner of part of the land and Mr C H Day claimed to be the freehold 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 Bradford on 24 January 1978. Mr T Babb Counsel instructed by Messrs Watts and Son appeared for Mr C H Day, Mr Stakes of Messrs Cranswick Watson & Co appeared for Miss Melton.

Mr Babb produced an abstract and title to the land in question from which it appears that Mr C H Day on the death of his mother Ethel Francis Day became absolutely entitled to the land in question when the settlement created by the will and his father the late Herbert Day ~~and Mr J H Bradley~~ *came to an end.* annexed a plan of the land in question to a statutory declaration made by him as a partner in Messrs Watts & Co which said the firm have for many years acted for Mr Day and his parents. On this evidence subject as hereinafter mentioned. I am satisfied that Mr C H Day is the owner of the land in question. Mr Stakes on behalf of Miss Melton claimed a small parcel of land in front of some cottages identified on the plan annexed hereto. He produced a conveyance dated 30 January 1861 whereby John Hague conveyed the land to one Baraclough and it is therefore clear that on that date it was no longer parcel of the Maner of Drighlington and that it cannot be in the ownership of Mr C H Day. Miss Melton derived her title from Morley BC who I was told had a conveyance which was not available at the hearing. On this evidence and in the absence of any other claim I am satisfied that Miss Melton is the owner of the land claimed by her.

Mr R Foster and Messrs Reads claimed a parcel of land on behalf of Mr G F Bentley. I have no note as to this claim and according to my recollection this is because it was ~~stated~~ ^{found} that the land claimed was not part of the Unit land. If my recollection is at fault I will if requested so to do withdraw this decision. Mr Babb on behalf of Mr Day was content that Mr Bentley should be the owner of the land claimed by him.



Leeds City Council also claimed a small parcel of land and this land plainly is not part of the Unit Land, and is hatched on the plan annexed hereto. On this evidence I am satisfied that Miss Melton is the owner of the land identified on the plan annexed to this decision and that Mr C H Day is the owner of the remainder of the land, and I shall accordingly direct the West Yorkshire County Council, as registration authority, to register Miss Melton and Mr C H Day as the owners of their respective parts 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

2nd

day of June

1973

G. A. Settle

Commons Commissioner