



COMMONS REGISTRATION ACT 1965

Reference No.45/U/2

In the Matter of Allotment No.59 on
Dent Parish Tithe Map, Dent,
Sedbergh R.D., West Riding Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Allotment No.59 on Dent Parish Tithe Map, Dent, Sedbergh Rural District, being the land comprised in the Land Section of Register Unit No. C.L.159 in the Register of Common Land maintained by the 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 Elizabeth Thwaite Middleton formerly of Deepdale Head, Dent, Sedbergh, Yorkshire, now of Witton House, Dent aforesaid and Mr. Gordon Middleton of Deepdale Head aforesaid ("the Claimants") claimed to be the freehold owners 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 Wakefield on 17th May 1972.

The Claimants were represented by Mr. P. Armitage an articulated clerk with Messrs. Hetherington & Dempsey, solicitors representing the Claimants. Giving evidence he said that the Claimants were entitled to the land under two conveyances (both of which were held by the Claimants and were produced to me); by the first dated 19th July 1939 there was conveyed to Mrs. Eleanor Middleton (with other land) the following:-

"All that allotment numbered 59 on the map annexed to the Award of the Valuer in the year 1859 and made in the matter of the Inclosure of the Commons of Dent in the West Riding of the County of York and containing eighty-two acres two rods and twenty-five perches or thereabouts"

and by the second dated 23rd December 1958 Mrs. Eleanor Middleton conveyed to the Claimants (with other land) an allotment described in words identical with those above quoted.

Mr. F. Pickersgill an employee of the West Riding County Council produced the Inclosure Award (held in safe custody by the County Council) made by the Valuer in the year 1859 in respect of the Commons of Dent; such copy Award was apparently certified by the Inclosure Commissioners as being a true copy. From the map annexed to the copy Award so produced I was able to identify the Allotment numbered 59 in it with the land the subject of this reference.

For these reasons I am satisfied that the Claimants are the owners of the land, and I shall accordingly direct the West Riding County Council, as registration authority, to register Elizabeth Thwaite Middleton (spinster) and Gordon Middleton as the owners of the land.



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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.

a. a. Baden Fuller.

Dated this 12th day of June 1972

Commons Commissioner