



COMMONS REGISTRATION ACT 1965

Reference No. 20/U/60

In the Matter of Jeffrey Hill, Thornley-
with- Wheatley, Ribble Valley D.,
Lancashire

DECISION

This reference relates to the question of the ownership of land known as Jeffrey Hill, Thornley-with-Wheatley, Ribble Valley District (formerly Clitheroe Rural District) being the land comprised in the Land Section of Register Unit No. CL.291 in the Register of Common Land maintained by the Lancashire 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 the below named Trustees of the Stanley Trust claimed to be the freehold owners of the land in question and no other person claimed to be the owners 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 Preston on 21 February 1974 and at London on 24 October 1974. On the first day, the Bank of Butterfield Executor and Trustee Company Limited, Mr Edmund Kirkland Cooper and the Hon. Arthur Dudley Spurling C.B.E. ("the Claimants"), all of the Islands of Bermuda, were represented by Mr M.L. Taylor solicitor of Gowling Seddon Taylor & Cooper Solicitors of Preston, agents for Lawrence Graham & Co. Solicitors of London; on the second day the Claimants were represented by Mr C.L.R. Ingram solicitor of Lawrence Graham & Co.

The land ("the Unit Land") comprised in this Register Unit contains (according to the Register map) 2.729 acres; it is an open space for the most part a steep hill and for a small part a roadside strip.

Mr Taylor in the course of his evidence after stating that the Claimants are the Trustees of the Stanley Trust, produced their documents of title to their Thornley and Chipping Estate. So far as they related directly to the legal estate, these documents were:- (a) a vesting deed dated 1 January 1926 by which it was declared that all the lands (among others) conveyed by a settlement dated 11 January 1887 were then vested in E.G.V. Earl of Derby ("the 17th Earl"); (b) the said 1887 settlement from the plan on which it appeared that the lands thereby settled included the Unit Land (therein stated to be Fell Land part of Thornley Hall Farm); (c) two probates of the will of the 17th Earl (he died on 4 February 1948); (d) two assents dated 21 January 1955 by which his personal representatives assented to the lands comprised in the 1926 vesting deed vesting in E.J. Earl of Derby ("the 18th Earl"); and (e) a vesting deed dated 5 November 1961 by which the 18th Earl conveyed to the Barbinder Trust and C.W.F. Marquess of Linlithgow lands which (as appeared from the schedule and plans annexed) included the Unit Land.



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Mr Ingram in the course of his evidence produced two vesting deeds dated 14 and 15 October 1974 by which the land comprised in the 1961 vesting deed were conveyed to the Claimants.

On the evidence outlined above, I am satisfied that the Claimants are the owners of the Unit Land, and I shall accordingly direct the Lancashire County Council as registration authority to register the Claimants as the owners 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 _____ 4th day of November 1974

a. a. Baden Fuller

Commons Commissioner