



## COMMONS REGISTRATION ACT 1965

Reference No. 268/U/63

In the Matter of Reeth High and Low Moors,  
Reeth, Richmondshire D., North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Reeth High and Low Moors, Reeth, Richmondshire District being the land comprised in the Land Section of Register Unit No. CL.11 in the Register of Common Land maintained by the North 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 (a) A.W. Watts & Co in letters dated 5 and 26 June 1974 said (in effect) that their clients, Reeth Properties Limited as Lords of the Manor of Healaugh were owners of the land; and (b) Mr R.H. Metcalfe in a letter dated 28 June 1974 said (in effect) that the freehold ownership (including all mineral rights other than rights to lead, iron and potters ore) was vested in the Lord of the Manor of Healaugh. 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 Richmond on 31 October 1974. At the hearing (1) Reeth Parish Council were represented by Mr N. Sunter their chairman and by Miss E. Pebley their clerk; (2) Reeth Properties Limited were represented by Mr F.G. Beadon, chartered surveyor, of A.W. Watts & Co., Chartered Surveyors and Land Agents of Northallerton; (3) Mr R.H. Metcalfe as secretary of Reeth Moor Committee and (4) Mrs F. Cherry (on whose application Entry No. 38 was made in the Rights Section of the Register) attended in person.

The land ("the Unit Land") comprised in this Register Unit is two tracts of moor land: one known as Reeth Low Moor situate northwest of Reeth and (as I scale the Register map) about 2 miles long and (in part) about  $1\frac{1}{2}$  miles wide, and the other adjoining on the northwest (further away from Reeth) known as High Moor and (Crest) (similarly scaled) about  $2\frac{1}{2}$  miles long and on the average about 1 mile wide. The Rights Section of this Register Unit contains 99 Entries of rights of common.

Mr Beadon whose firm is and for at least the last 20 years has been the Agent for Reeth Properties Limited and before then for Major H.L. Martineau, in the course of his evidence produced: (a) a conveyance dated 28 February 1930, (b) a deed of confirmation dated 4 July 1930, (c) a conveyance dated 30 March 1954, and (d) an appointment of new trustees dated 25 June 1957. By the 1930 conveyance the Lingham Trust Limited conveyed to Mrs Maud Martineau the properties described in the Schedules thereto, which properties include all their "rights as Lord of the Manor of Healaugh ... in the soil of so much of the commons and waste lands parcel of the said Manor as are within the brown verge line on the Plan annexed ..."; the Unit





Land was all within such verge line. The 1930 deed of confirmation did not relate to the Unit Land, although it does show that Mrs Maud Martineau party to the 1930 conveyance, should have been therein called Haud Morris Martineau. By the 1954 conveyance Mrs Maud Morris Martineau as donor conveyed properties described in the Schedule thereto (such description being by reference to the 1930 conveyance and including the Unit Land) to Major Hubert Melville Martineau and Mr Henry Charles Martineau on trust for sale. By the 1957 appointment, Mr Douglas Vivian Jennings was appointed a trustee of the said trust for sale in the place of Mr Henry Charles Martineau (who was desirous of being discharged) to act jointly with Major H.M. Martineau.

Mr Sunter who has lived all his life in the parish of Reeth, Swaledale, has been a member of the Parish Council for over 20 years and vice-chairman for over 15 years and chairman for the last 12 months, said (in effect) that the Unit Land ever since 1930 has been known as Martineau property; before 1930 it was reputed to be owned by Lord Rochdale and before him by Captain Francis Horner-Lyell.

Mr Metcalfe said (in effect):- The Unit Land is now grazed by the Stintholders. The grazing is managed by a Committee appointed in accordance with articles of agreement dated 17 November 1826 (a copy of which was enclosed with ~~the~~ letter of 28 June 1974: by these articles it was agreed, among other things, that Reeth Moor should be enclosed, that the number of stints it was capable of carrying or depasturing should be ascertained and that the enjoyment of the stints should be managed by a committee to be appointed as therein provided). The Committee accept that the Unit Land is owned by Mrs Martineau or whoever she has conveyed it to. As to the management of the Committee, the 1826 articles of agreement is now the operative document; the Committee if they wish to do anything (apart from regulating the herbage) seek the approval of A.W. Watts & Co as agent of the Lord of the Manor; if the Lord of the Manor wants to do anything possibly detrimental to the herbage (e.g. to burn some of the heather), the Agent asks the Committee.

After some discussion as to whether the documents produced by Mr Beadon (they had been sent to him by Morgan Hemingway & Co. Limited of 74 St James Street, London) showed any ownership (within the definition in section 22 of the 1965 Act) in Reeth Properties Limited, and after a short adjournment, Mr Beadon said that he had spoken to Mr Hemingway on the telephone, and that he was now authorised on behalf of Major Martineau and Mr Jennings (whose present addresses are as below set out) to claim ownership, on the basis that Reeth Properties Limited were their managers.

In my opinion the documents produced by Mr Beadon are cogent evidence of the ownership claimed; I am not I think concerned with the arrangements between Major Martineau, Mr Jennings, Morgan Hemingway & Co. Limited and A.W. Watts & Co.; in relation to the Unit Land they are acting together. Although the arrangements may not be locally understood, the ownership of Mrs Martineau or of some persons claiming under her is, as appears from the statements of Mr Sunter and Mr Metcalfe, locally accepted. For these reasons I am satisfied that Major Martineau and Mr Jennings are the owners of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Major Hubert Melville Martineau of Pebbles Court, Holyport, Maidenhead, Berks and Mr Douglas Vivian Jennings of 3 Finch Lane, Cornhill, London as the owners of the land under section 8(2) of the Act of 1965.





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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.

Dated this 31<sup>st</sup> day of January 1975

a. a. Baden Fuller .

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Commons Commissioner