



COMMONS REGISTRATION ACT 1965

Reference Nos 45/D/49-57
InclusiveIn The Matter of Threshfield Moor(Greater Part) ThreshfieldCraven D.DECISION

These disputes relate to the registrations at Entries Nos 2, 5, 6 and 7 in the Rights Section of the Register Unit No CL 30 in the Register of Common Land maintained by the former West Riding of Yorkshire County Council and are occasioned by objections Nos. 330, 331 and 312 all made by Fenwick and Co. and all entered in the Register on 9th December 1970, objections Nos 312, 313 and 314 all made by Leonard Bradly, entered in the Register on 4th December 1970, 27th April 1971 and 4th December 1970 respectively and objections Nos. 209, 210 and 211 all made by A.L. Dean entered in the Register on 24th November 1970, 25th March 1971 and 25th March 1971 respectively.

I held a hearing for the purpose of inquiring into these disputes at Skipton on 22nd July 1975.

The hearing was attended by Mr. William Foster of Messrs. Walker Foster and Charlesworth, solicitors for all three objectors and by Mr. John Wilson and Mrs. Harrison on behalf of the Threshfield Parish Council.

Mrs. Harrison had done a great deal of praiseworthy research at the Public Record Office but that research failed to reveal any grant or allotment to the Parish though it did reveal that in the year 1850 and previously there had been rights of turbury over Threshfield Moor.

Mr. Wilson and Mrs. Harrison called no evidence though I did admit three signed statements one by a Mr. Rhodes who had lived in the area for only the last eight years who said that since 1966 he had taken peat and other natural products from the moor, another by Mrs. Eccles who spoke of peat being gathered during the 1939/45 war, and in former times by her late father. This evidence even if uncontradicted would not enable me to presume a grant to the Parish.

Mr. Foster called as witnesses Mr. Kitchin and Mr. Dean, Mr. Kitchin who farmed and exercised rights of grazing on the Moor from 1924 to 1966 stated there was no peat or turf on the Moor. It was put to him in cross examination that since an area which he referred to as a "Totter Bog" known as Dolmire had been drained peat was to be found there. Dolmire was drained only five years ago and had certainly been a bog throughout this century if its condition was attributable to coal mining during the period 1890 to 1902. Mr. Kitchin believed that Dolmire was a lake prior to the mining. On any view the discovery of peat during the last five years cannot assist me to presume a grant of a right of turbury.

Mr. Dean who had lived in the area for 59 years said he had never known any turf or peat cut from the moor, that he had never seen any piles of turf which had been cut, and no pits or traces of peat having been cut.



Both Mr. Kitchen and Mr. Dean remembered a Mr. Ibbotson (Jack Jamie) gathering ling for making besoms and also Dick Eastwood a keeper on the Moor gathering ling for a similar purpose. Mrs. Harrison's third statement related to the gathering of ling. This gathering of ling may have been in the cases of Jack Jamie and Dick Eastwood attributable to their having obtained permission or to mere tolerance, but the evidence relating to ling falls far short of that which would enable me to presume a grant of a right.

The applicants for rights under Entries 5, 6 and 7 withdraw their claims and the applicant under Entry No 5 has left the area and did not appear. As regards Entry No 2 for the reasons given above I refuse to confirm that Entry, and I also refuse to confirm Entries Nos 5, 6 and 7.

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 August 1975

C A Settle

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Commons Commissioner