



COMMONS REGISTRATION ACT 1965

Reference Nos. 269/D/1
269/D/2
269/D/3
269/D/4
269/D/5
269/D/6
269/D/7
269/D/8
269/D/9
269/D/10
269/D/11
269/D/12
269/D/13

In the Matter of Thorne Moors or
Thorne Waste, Thorne, Doncaster
District, South Yorkshire

DECISION

My decision is (stating its effect shortly): this land is not common land and the registrations should not have been made. The circumstances which have given rise to these proceedings, my views as to the various questions which were argued before me and my other reasons for the decision summarised above are as follows.

These 13 disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry Nos. 1, 2 and 3 in the Rights Section of Register Unit No. CL 386 in the Register of Common Land maintained by the South Yorkshire County Council (formerly West Riding County Council) and are occasioned: (D/1 and D/8) by Objection No. 768 made by S Atkins & Sons and noted in the Register on 24 May 1971; (D/2 and D/9) by Objection No. 1773 and made by H Burtwistle & Son and noted in the Register on 18 September 1972; (D/3 and D/10) by Objection No. 1963 and (D/7) by Objection No. 1964, both made by Fisons Horticulture Limited and both noted in the Register on 20 September 1972; (D/4 and D/11) by Objection No. 2007 and made by The National Farmers' Union and noted in the Register on 26 September 1972; (D/5 and D/12) by Objection No. 2101 and made by Mr Robert Bond Handley Greaves and noted in the Register on 13 October 1972; and (D/6 and D/13) by Objection No. 2102 made by Thorne Rural District Council and noted in the Register on 13 October 1972.

I held a hearing for the purpose of inquiring into these disputes at Doncaster on 28, 29, 30 and 31 October and 3, 4, 5, 6 and 7 November 1975. At the hearing (1) Mr William Bunting who applied (application dated 28 May 1968) for this and other land to be registered as common land and who jointly with his wife Mrs Joyce Bunting and his son Mr Nicholas Bunting applied (3 applications dated 9 September 1969) for the registration of the rights of common at the said Entry Nos. 1, 2 and 3, attended in person and as representing Mrs Joyce Bunting; (2) Fisons Horticulture Limited were represented by Mr R I Kidwell QC and Mr I McCulloch of

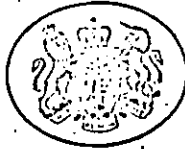


counsel instructed by Holloway Blount & Duke Solicitors of London; (3) The National Farmers' Union were represented by Mr R Lawson one of their staff with the assistance of Mr C T Mellalieu one of their members; (4) Doncaster Metropolitan Borough Council (they are the successors of Thorne Rural District Council) were also represented by Mr I McCulloch of counsel instructed by Mr W R Bugler their solicitor.

The land ("the Unit Land") comprised in this Register Unit is an irregularly-shaped piece which measured across a northwest-southeast line is about $3\frac{1}{2}$ miles long and across a northeast-southwest line is about $2\frac{1}{4}$ miles wide. Its northeast boundary is the Blackwater Dike (a straight line); its east boundary is as regards the north part (most of it) what was the West Riding-Lincolnshire County boundary, and as regards the remaining part (except a short distance in the middle) the Swinefleet Line Dike; its southwest boundary is as regards the south part (about half, except for a short length) the Thorne Waste Drain, and as regards the rest an irregular line east of the waste tips of the now disused Thorne Coal Mine and east of the farm lands which are north of this Colliery. The greater part of the Unit Land is a bed of peat, much of which has been or is being got and the level of the surface of which is nowhere much more than six feet above or below the mean level.

The registration in the Land Section was made pursuant to an application dated 27 June 1968 by Thorne Parish Council, the Unit Land being therein described as "Thorne Moors or Thorne Waste". On 20 July 1973 it was noted in the Register that this application had been withdrawn, so the registration now stands by virtue of the said applications dated 28 May and 9 September 1968. The May application related to the Unit Land and also to the lands bearing the registration nos. CL. 324-337 inclusive, and 401, the land being therein described as "Thorne District or the Manor of Hatfield or "atfield Chase". The registrations in the Rights Section were made by the Applicants "as successors to the tenants and inhabitants of the Manor of Hatfield as described in the Decree and Award in the Exchequer dated 30 November 1630". At Entry No. 1 in the rights, attached to all or any land within the Manor of Hatfield, are (1) right of piscary (2) right of venery (fur), and (3) right of auceptary (feather) over the whole of the Unit Land and the CL. 401 land. At Entry No. 2 the rights attached to all land lying within the Manor of Hatfield are (1) right of turbary (2) right to take clods, sand, warp and gravel (3) right of pannage (4) right of estovers (5) right of vert (6) right of piscary (7) right of venery (fur), (8) right of auceptary (feather) (9) to graze 1000 cattle over the whole of the Unit Land. At Entry No. 3 the rights attached to all lands lying within the Manor of Hatfield are (1) a right to get clods, sand, warp and gravel and (2) to graze 1000 cattle over the whole of the Unit Land lying to the west of the line "AB" and over the CL. 324-336 (inclusive) lands and over part of the CL. 401 land; the County Council in a letter dated 30 September 1975 said the line AB is a mistake, it being apparent that the application was intended to apply to all the Unit Land; in this decision, I shall accordingly treat Entry No. 3 as if it applies to all the Unit Land. The Ownership Section is blank (the former Entries there have been cancelled).

The grounds stated in the Objections are set out or summarised in the First Schedule hereto.



At the beginning of the hearing, Mr Bunting applied that these disputes should be listed as relating not to Register Unit No. CL. 386 but to part of Register Unit No. CL. 401. His wife supported him in this application (as she did in his next mentioned application) as appears from her letter dated 27 October 1975. I understood that the land which is described in Mr Bunting's said May 1963 application, includes not only the Unit Land but all or a large part of the Thorne Rural District, that such land was by the County Council as registration authority, originally all numbered CL. 401, and that the County Council on receiving the Parish Council's said June 1968 application, numbered the land mentioned in their application (ie the Unit Land) CL. 386; so that in the result ever since the number CL. 401 has not related at all to the Unit Land. Mr Bunting's application seemed to me without substance, so I refused it.

Also at the beginning of the hearing Mr Bunting applied that I should confine the hearing to a consideration of the Entry in the Land Section. He said that the Chief Commons Commissioner took this course at a hearing in December 1974 relating to adjoining land. At the beginning of the hearing, not then knowing any of the questions likely to be raised before me, I refused to adopt this course unless it was agreed (which it was not) by all persons at the hearing.

Mr Bunting introduced his case by saying (among other things):- "For 700 years the rich have relied on forged title deeds and have attempted to exceed their authority. I shall demonstrate beyond all shadow of doubt that for 700 years documents have been forged and suppressed...Over the last 100 years many people have acted improperly".

The course of the proceedings was then as follows:- On Days 1, 2 and 3, Mr Bunting in the course of his oral evidence produced the documents specified in Parts 1, 2 and 3 of the Second Schedule hereto and commented on and explained them. On Day 4 oral evidence was given on behalf of Mr Bunting (1) by Mr B G Thompson who is a newcomer to Thorne, having only arrived from Sheffield 2½ years ago and who described how he had attempted to obtain evidence for the purpose of these proceedings, (2) by Mr R B Hawkins who had lived all his life (27 years) in Thorne Rural District, (3) by Mr P Skidmore who is the keeper of Natural History at the Museum in Doncaster, and who has known Thorne Moor since 1953 and has been employed at the Museum since 1 July 1965, (4) by Mr M J Dalby who is the Keeper of Antiquities at the Doncaster Museum, and (5) by Mr C A Howes who is Assistant Keeper of Natural History at the Doncaster Museum and has known Thorne Moors for perhaps 15 years and had personal knowledge of them since 1969; these witnesses in the course of their evidence produced the documents specified in Part 4 of the Second Schedule hereto. Between Days 4 and 5, I walked over part of the Unit Land accompanied (for all the time) by Mr C A Howes as nominee of Mr Bunting, (for most of the time) by Mr S Marshall as nominee of Fisons Horticulture Ltd and (for some of the time) by Mr John Burtwistle. On Day 5 oral evidence on behalf of Mr Bunting was given by (6) Mr R W Attey who is the clerk to the Tween Bridge Internal Drainage Board, and by (7) Mr C N Crofts who has lived in Thorne since January 1959; in the course of their evidence they produced the documents specified in Part 5 of the Second Schedule hereto. Later on the same day Mr Bunting produced the document specified in Part 6 of the Second Schedule hereto. On Day 6, oral evidence on behalf of Mr Bunting was given by (8) Mrs N M Kelley who is 50 years old and has lived in Thorne Moor district all her life near the Colliery, (9) by Mr T L Kelley who is and has been since 1975 the councillor of the Doncaster Metropolitan Borough of Thorne, and (10) by Mr E Holt who is 52 years of age and has lived in Thorne all

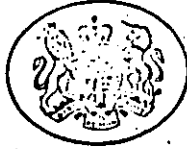


his life; in the course of their evidence they produced documents specified in Part 7 of the Second Schedule hereto. Afterwards on the same day and on Day 7 Mr Bunting continued his evidence producing the documents specified in Parts 8 and 9 of the Second Schedule hereto. Later, on Day 7 Mr Bunting was questioned by Mr Kidwell. On the following day Mr Kidwell made observations in the course of which he produced (so far as not put to the witnesses earlier in the course of the proceedings) the documents specified in Part 10 of the Second Schedule hereto. In the course of Mr Kidwell's observations on Day 8, oral evidence by Mr J A Burtwistle was interposed; he produced the documents specified in Part 11 of the Second Schedule hereto. On Day 9 Mr Kidwell concluded his observations, Mr Lawson and Mr McCulloch made some observations and Mr Bunting replied. At the conclusion of the proceedings Mr Kidwell, Mr McCulloch, Mr Lawson and Mr Bunting agreed that whatever my decision might be I should make no order for costs. In Part 12 of the Second Schedule I have listed certain documents left with me by Mr Bunting, which although referred to in the course of the hearing, were not then numbered.

On the last day of the hearing Mr Bunting renewed the application he made at the beginning of the hearing that I should confine my decision to the Entry in the Land Section of this Register Unit in accordance with the decision given by the Chief Commons Commissioner in relation to Register Unit No. CL. 83 (Lincolnshire). As I read his decision (dated 24 January 1975) the Chief Commons Commissioner when following this course was influenced by its having been agreed; he was not I think saying that there was or ought to be a general rule in this respect regulating a hearing of this kind. Having regard to the course taken at the hearing before me, there is I think no reason why I should not deal fully with all the Objections referred to me.

Mr Bunting's case as might be inferred from the applications for the registrations now in question, and as I understood him at the hearing, rests primarily on the decree and award ("the 1630 Decree") in the Exchequer made on 30 November 1630. As regards this, his contentions were (stating their effect shortly):- (a) before the 1630 Decree was made, the tenants and inhabitants of a large area (the Manor) which included the whole of what later became Thorne Rural District (including of course the dwelling house Periplaneta where Mr Bunting lives) had rights over the Unit Land; (b) these rights were by the 1630 Decree, and a deed of feoffment ("the 1633 Feoffment") dated 15 July 1633 preserved or (so far as now need be) regranted; (c) these rights were recognised as still subsisting in proceedings ("the 1755-58 Irwin proceedings") in the Exchequer and in the House of Lords in an action by Simpson and others against Viscount Irwin; (d) these rights were not affected by the Hatfield Thorne and Fishlake Inclosure Act 1811 ("the 1811 Inclosure Act") or the Award ("the 1825 Inclosure Award") made under it; and (e) these rights were not affected by the Thorne Moor Drainage and Improvement Acts 1848 and 1861 ("the 1848 and 1861 Improvement Acts") or the Award ("the 1879 Improvement Award") made under them; and (f) these rights are therefore still in existence.

Mr Bunting did not concede that his case rested only on the considerations outlined above. In addition (among other things) there was the oral evidence called on his behalf, and also various special considerations applicable particularly to vert, venery and auceptary. Although the documents ("the historic documents") which were made by or were copies of those made by persons now deceased cannot be



considered from all aspects quite separately from the contemporary documents and the oral evidence, for the purposes of exposition, it is convenient to deal with the historic documents first.

The genuineness of the historic documents produced by Mr Bunting was not disputed, and I proceed on the basis that they were all made as they all appear to have been made and that such of them as appear to be copies of originals are true copies. By law the meaning and effect of a written document is a matter of law, so the interpretation put upon them in the various histories produced by Mr Bunting is irrelevant. I cannot, or at least I find it difficult, to read manuscripts written before about 1660; Mr Bunting helped me over this difficulty by providing modern transcriptions either taken from some recognised history, or prepared by himself or some person he knew; for this help I am grateful. It was not disputed that all these transcriptions were reliable, and accordingly I write this decision without having made any attempt to check them against the originals or copy originals.

Mr Skidmore was questioned by Mr Kidwell particularly about the probable appearance of the Unit Land in the past, was asked to comment on the historical sketch by Bellamy and Rogers "...Pollen zone VIIA. Sphagnum peat began to form on the nutrient poor triassic sandstone, reed swamp and sedge peat forming in the drainage axes...1100 AD. The whole levels twixt the Don and the Trent were covered with a great old decaying forest of oaks and firs...Queen Elizabeth I's reign. The last standing pines, remnants of the great old forest which once covered the whole Humberhead Levels, sank into the morass...1609...The last stag hunt was held in the royal demesne of Hatfield Chase, for this the greatest deer forest...had become a vast morass of bog and fen...etc". Mr Skidmore whose interests are in entomology, made it clear that he did not regard himself as qualified to give a geographical-historical opinion. From the reluctant way in which he accepted Mr Kidwell's suggested description: "Thorne Waste was a great quaking bog into which a man might scarce go without fear of his life", I concluded that he did so more out of politeness than from any conviction. In my view I am without any expert opinion as to what the Unit Land was like in 1630.

On my inspection, at first sight I was struck by the apparent sameness of the whole area: a peat waste. But very soon I was struck by the variations in the surface levels which were caused by drainage works, peat extraction or other human agency, or which appeared to be from natural causes, and also struck by the great variety of the peat and the flora; to this way of looking at the Unit Land I was helped by Mr Marshall who has for many years worked in peat extraction, by Mr Howes who is interested in birds generally and spiders particularly and by Mr Burtwistle who for many years has farmed the nearby lands. A quaking bog implies sphagnum, and there was much sphagnum peat; but there was also much peat which was not sphagnum peat. In many places where peat had been extracted, much bog oak had become visible, and below that the underlying subsoil apparently material carried down by ancient rivers. Having walked some distance, I was told that further on was much the same; obviously it would not all be quite the same; the drains were at different levels and these differences and the unevennesses of the ground produced variations of wetness. Further on approaching the Unit Land from the north of the Colliery (by the Verhees Cottagesite), the appearance of the Unit Land seemed different. In my opinion at all times there would have been some persons who would have known how to go on much of the Unit Land and who would not have been afraid to do so, for some worthwhile purpose such as fowling, or in recent times, nature study.



In my opinion in interpreting the 1630 Decree and the 1633 Feoffment and the documents referred to in them, I can get a clear enough picture of the Unit Land as it then appeared from the description set out in the English Bill quoted in the 1630 Decree "of Hatfield Chase...and of divers water waste grounds...a great part whereof were then submitted to be surrounded and drowned with water in such a manner that little or no benefit at all could or might be made thereof unless special care was taken for Inning and Draining the same".

Mr Bunting during his exposition of the historic documents used words such as "fraud" in relation to them. The drainage activities of Sir Cornelius Vermuyden and others in this area, in the Fens and elsewhere in the low lands of England are part of our national history, about which much has been written; and a good deal has been said about the hardship which these activities caused many inhabitants. It is not unlikely that over the years many persons living around the Unit Land have been disappointed as a result of these activities of their reasonable expectations, and have (as have many others who have been involved in land dealing) discovered that they gave up their rights for what ultimately proved to be much less than their true value. These sort of considerations are not in my opinion evidence of fraud in the sense in which the word is used in relation to written documents being treated as void or voidable on the grounds of fraud. In this sense (and this is the only sense with which I am concerned) Mr Bunting has in my opinion failed to establish that any of the historic documents are fraudulent. So on the basis that they were all lawfully made, I must interpret them in accordance with the intention of the parties so far as can be deduced from the words they used.

The 1630 Decree is a consent decree apparently made on two English Bills, one by Sir Cornelius Vermuyden against R Portington and five others who undertook as well for themselves as for the rest of the tenants and inhabitants of Hatfield, Thorne, Stainforth, Woodhouse, Dunscroft and Tudsworth, and the other (a contra bill) by H Lea and about 45 others, being freeholders, copyholders and tenants of the towns, villages and hamlets aforesaid against Sir Cornelius Vermuyden. Both Bills alleged an agreement and claimed an order for its performance by the Respondents.

The 1630 Decree recited that each Bill alleged (in effect):- HM King Charles I, being seized of the Manor of Hatfield including waste grounds and commons made articles of agreement dated 20 March 1626 with Sir Cornelius Vermuyden under which he would drain the said grounds, there would be a conveyance to him of one third part of such grounds and "for that divers persons did claim common of pasture in some part of the said land to be drained and dried as aforesaid..." commissioners would be appointed under the Great Seal to deal and agree and conclude with such persons claiming commons concerning the said commons". His Majesty pursuant to the said article conveyed the said third part to Sir Cornelius Vermuyden, and appointed commissioners (W Viscount Ayre, J Lord Savile and others), which commissioners "did make a final conclusion and agreement with the greater part of the said tenants and inhabitants concerning the same and did allot...part of the same waste...as by their certificate...may appear". Sir Cornelius Vermuyden subsequently purchased from His Majesty the said Manors of Hatfield and Thorne and the residue of the said waste grounds, and then differences did arise between him and "the tenants and inhabitants of the said Manor of Hatfield, Dunscroft, Woodhouse, Tudsworth, Thorne, Sykehouse, Fishlake and Stainforth...as well concerning their copyhold...as...the proportion and allotment claimed to be due to the said Inhabitants...by occasion



whereof divers complaints were made to HM Privy Council. In June 9 1630 such complaints were referred to C Viscount Wentworth and others who set down their conclusions in an Award. By reason of some exceptions taken in some few points thereof there arose some difference between Sir Cornelius Vermuyden and his said tenants. As to this difference there had been a further agreement.

By the 1630 Decree it was appointed that the said Award and the further agreements be set down, as they were in the 1630 Decree as follows (so far as relating to commons):- Sir Cornelius Vermuyden "shall confirm unto the said tenants and inhabitants their heirs and assigns respectively their copyhold lands and tenements held of the said Manor...The said tenants their heirs and assigns shall have their turf moors with all profits thereof belonging throughout the waste of turbary in such manner and form as they usually heretofore had...The tenants of the said Manor and the members thereof shall have unto them and their heirs...for their common confirmed unto them according as they were set out by...J Lord Savile..." on 14 March 1627 with the addition of 200 acres in Ditch Marsh and 403 acres in Fern Carr in exchange for 403 acres in West Moore...The said Sir Cornelius and his heirs upon request shall convey to cause to be conveyed unto such feoffees and their heirs...such of the said moors not holden by copy of Court Roll and other grounds within the said Manor as are allotted to and for the said tenants to be holden in free and common soccage...The said tenants and inhabitants their heirs and assigns shall at all time hereafter be discharged of the deer and all the laws of the forest and chase...Also it is agreed between the parties...that according to the certificate of Lord Savile the said tenants and inhabitants of the said Manors...shall...have ...parcels of common following;" West Moor 893 acres, Lyngs 210 acres, Woodfree Carr Brickhill Carr and Hall Hill Carr 347 acres, Remple Carr 84 acres, Clownes 467 acres, East Tramlings 202 acres, Brier Holme and Kirton Carr 380 acres, Bramwith Marsh 530 acres, Bugar and Hatfield Moor 130 acres, Hatfield Mills 66 acres, piece known as the Common containing 65 acres, West Nab 138 acres, Kirk Town Nab 15 acres, moiety of ditch marsh 200 acres over"all of which several parcels of ground the said tenants and inhabitants are by the said certificate to hold to them and their several heirs in lieu and recompense of their several claims of common in all the rest of the said waste and commonable grounds upon consideration had of the said part of the said Award and the said further agreement and of the said several parts thereof.

By the 1630 Decree it was ordered and decreed by the Court that "the said Award and the Agreement before particularly expressed and the certificate of...Lord Savile ...shall henceforth in all things be observed and performed...as well by Sir Cornelius Vermuyden...as by the parties tenants and inhabitants in this present decree before named and all other the several tenants and inhabitants of Hatfield, Thorne, Dunscroft Stainforth, Woodhouse and Tudworth and their respective heirs.

Mr Bunting referred me to Gatewards Case, (1607) 6 Co.Rep.59b (also reported in Cro.Jac.152) in which it appears that (as a general rule) a grant of profit over land to a shifting body of persons such as the inhabitants of a particular district is not recognised by law. There is no indication in the 1630 Decree that it occurred to anybody that the right of the tenants and inhabitants to the commons as therein mentioned should be treated as worthless for this reason, and accordingly I interpret the 1630 Decree and all the contemporary and prior documents on the assumption that the rights referred to were legal.



Mr Bunting (as indicated in the Second Schedule hereto) read to me parts of the 1626 articles of agreement, the 1627 Savile's certificate, and the 1629 Royal Grant of the Manor, which are referred to in the 1630 Decree, and also some earlier documents. I need not consider whether I could properly read these earlier documents for the purpose of resolving ambiguities in the 1630 Decree, because in my view on all now relevant points it is clear.

After the 1630 Decree, in my opinion the tenants and inhabitants were left with two and only two classes of corporeal hereditaments:- (A) Such of them as were copyhold tenants of the Manor were to continue ~~to~~ as such ^{with} their turf moors with all profits thereunto belonging throughout the waste of turbary in such manner as they usually heretofore had..." and (B) Certain lands being those in the 1630 Decree described as being according to the certificate of Lord Savile, with some additions and less some parts provided by "the Award" and "further agreement" were to be conveyed to the inhabitants in common socage and such lands ("the Inhabitants Lands") were to be in complete satisfaction of the rights of tenants and inhabitants over all the waste ground to which Sir Cornelius Vermuyden was then entitled. In my opinion the circumstance that sometimes in the 1630 Decree the rights are described as being of pasture is no reason for limiting the words in the operative part of the Decree to such rights only; so that there is not for this reason, and as far as I can see for any other reason, any implication that the rights of the inhabitants as such at any time enjoyed before the 1630 Decree should continue afterwards. The whole intention and purpose of the 1630 Decree was finally to extinguish such rights, except only as therein expressly provided as above set out. And in my opinion the 1630 Decree bound the tenants and inhabitants who were not a party to any of the agreements therein mentioned or who came into existence subsequently, this being one of the obvious purposes for which the 1630 Decree was obtained.

But I am not expressing the opinion that the tenants and inhabitants who were copyhold tenants did not after the 1630 Decree have as appendant or appurtenant to the land so held by them a right of turbary or other common right in the waste grounds of Sir Cornelius Vermuyden; indeed the 1630 Decree expressly provides that rights of turbary for such holdings shall continue. But the preservation of these rights of common by the 1630 Decree would not support any claim now put forward by Mr Bunting, because no such rights have been registered under the 1965 Act nor, having regard to the 1845 Award and/or the 1879 Award could any such rights ever have been registered.

Further I am not expressing the opinion that the 1630 Decree precluded rights of turbary or other rights of common over the waste grounds of Sir Cornelius Vermuyden appurtenant to the Inhabitants Lands granted by the conveyance in common socage which under the 1630 Decree was to be made. This brings me to the 1633 Feoffment; in relation to this, the 1630 Decree was executory; so it is permissible to contend (as I understood Mr Bunting to do) that under it the inhabitants were granted rights which may be beyond those which the 1630 Decree contemplated that they should have.

The 1633 Feoffment recited (in effect):- A Royal Commission was to agree with the tenants and inhabitants of the Townships Villages Hamlets and Parishes adjoining the wastes of the Manor of Hatfield touching what part of the commons to be improved they would "accept of in full satisfaction of their Right and Title to the residue of the said Wastes...". The commissioners (including Lord Savile) made some conclusions and agreement. Differences between Sir Cornelius Vermuyden and the tenants and inhabitants of Hatfield Dunscroft Woodhouse Tudworth Thorne Sykehouse Fishlake and Stainforth arose for the appeasing of which Viscount Wentworth and others made an



Award by which the tenants should have unto them and their heirs allotments according as they were set out by Lord Savile on 14 March 1627 with the addition of 200 acres in Ditch Marsh and 403 acres in Ferne Carr in exchange for 403 acres in West Moor, that is to say parcels of ground following: West Moor 693 acres (excepting the 403 acres), the Lings 210 acres, Woodfree Carr Brickhill Carr and Hale Hill Carr 347 acres, Remple Carr 84 acres, Clownes 467 acres, East Tramlings 202 acres, Brier Holme and Kirton Carr 380 acres, Bramwith Marsh 530 acres, Bugar and Hatfield Moors 130 acres, Hatfield Hills 66 acres, a piece known as the Common 65 acres, West Nab 138 acres, Kirk Town Nab 15 acres, the moiety of Ditchmarsh and 200 acres more, and 403 acres in Ferne Carr. His Majesty by letters patent dated 5 February 1628 conveyed the Manor of Hatfield to Sir Cornelius Vermuyden.

It was by the 1633 Feoffment witnessed that Sir Cornelius Vermuyden (with J Gibbon) conveyed unto the Feoffees "their heirs and assigns forever all the parcels of ground aforementioned (the recited names of the allotment are specified: "the Inhabitants Land")"...as the same are allotted and set forth with all and singular their and every of their appurtenances whatsoever and all and singular commons and Turfmoors rights profits privileges emoluments and commodities whatsoever to the premises and to every or any part or parcel thereof or to any of the several messuages lands and tenements and hereditaments of the said tenants in any wise belonging or in any wise appertaining...TO HOLD...unto the Feoffees their heirs and assigns forever...upon trust...for all...the tenants inhabitants of and within the said Manor or Lordship of Hatfield and every of them severally and respectively to use and enjoy the same and every part and parcel thereof as formerly they have done or been accustomed to do".

I will consider separately the two parts of the description of the land and the rights thereby conveyed taking first the lands particularly described ("the Inhabitants Lands"). Mr Bunting made it clear when he first read the 1633 Feoffment that he did not claim that any part of the Unit Land was any part of any of "the parcels of ground" particularly described ("the Inhabitants Lands"). During the last two days of the hearing, there was some discussion as to whether the Inhabitants' Lands could be delineated on a modern map, and for this purpose maps marked "F4 and 5" and mentioned in Part 11 of the Second Schedule hereto were obtained from the Thorne Museum and displayed on the wall. Although Mr Bunting had (as I understood him) at one time attempted some such identification, he declined at the hearing before me to agree to any part of these maps or discuss the identification, being as I understood him not sufficiently certain about his conclusions. His refusal does not I think affect any matter I have to consider, because he was (as above stated) clear (this was accepted by all at the hearing) that the Unit Land had not by the 1633 Feoffment been expressly conveyed by the words of particular description.

The property as ~~originally~~ secondly conveyed by the 1633 Feoffment is described by the general words above quoted and beginning: "with all and singular...their appurtenances...and...commons and Turf moors...". As I understood Mr Bunting he contended that from the maps he had produced it was clear that the lands on Arlebout map and on Tuke's map called "Thorne Moore" and on Greenwood's map called "Thorne Waste" certainly included the Unit Land, and that accordingly under these general words the inhabitants became entitled to rights over the Unit Land which he had caused to be registered under the 1965 Act.



There is a great deal of difference between (A) contending that the words "Commons and Turfmoors...belonging...or appertaining" (whatever these words in their context above quoted may mean) enlarged the lands by the particular description in the 1633 Feoffment conveyed in common socage, so that some lands additional to what I have called the Inhabitants Lands were also be the 1633 Feoffment conveyed in common socage; and (B) contending that the words above quoted describe only rights of common and rights of turbary over lands not by the 1633 Feoffment conveyed in common socage, being rights belonging or appurtenant to the lands particularly described. As contention (A) is the more favourable to Mr Bunting I will consider it first.

Before 1881 words essentially similar to the general words above quoted from the 1633 Feoffment have appeared in nearly every conveyance of land for a very long time. By Section 6(1) of the Conveyancing Act 1881, now replaced by Section 62(1) of the Law of Property Act 1925, every conveyance of land is deemed to include such words, so in modern times they seldom if ever appear. These words are qualified in the 1633 Feoffment (as they are in said Section 6 and 62) by the words "the premises...in any wise appertaining or in any wise belonging", and as a general rule are not and never have been read as enlarging the lands in the conveyance described, although of course they may have this effect if from the other words in the conveyance it is apparent that the parties must have so intended. The 1633 Feoffment recites that there were differences as to how much of the waste grounds the inhabitants should have and that these differences were after a certificate by Lord Savile, an Award by Viscount Wentworth and the 1630 Decree had been resolved by an agreement that certain lands particularly described should out of the waste grounds be conveyed to the inhabitants. It would I think be quite contrary to the intention of the parties as disclosed by these recitals to read the general words above quoted from the 1633 Feoffment as enlarging the lands thereby conveyed in common socage so as to include some wholly unspecified part of the waste grounds which were then subject to rights of common. In my opinion the Unit Land did not in 1633 appertain or belong to the Inhabitants Lands or any land which formed part of the Inhabitants Lands; both the Inhabitants Lands and the Unit Land were part of the waste grounds dealt with by the 1630 Decree and neither appertained or belonged to the other in any now relevant sense. Accordingly I reject contention (A).

As to contention (B):- It may be that regards some of the parcels of ground which together make up the Inhabitants Lands, it could be inferred that there were when the 1633 Feoffment was made belonging to such parcels of ground rights of common and rights of turbary over the Unit Land. There is some indication in the Savile certificate that this at any rate was the intention of Lord Savile (eg "1000 acres together with convenient customable use of turbary..."). I express no opinion about this, because in my view if I assume (as I shall in the rest of this decision) that contention (B) wholly succeeds, this provides, for the reasons mentioned below, no support for the registrations made on the application of Mr Bunting.

In my opinion under the general words above quoted from the 1633 Feoffment the only rights in or over the Unit Land which could pass under them would be rights which were appurtenant or belonged to the Inhabitants Lands in the sense that they could be enjoyed and exercised by the owners and occupiers of the Inhabitants Lands as such. In my opinion the circumstance that the inhabitants were under the 1633 Feoffment the beneficiaries under the Trust thereby constituted does not confer on the inhabitants any rights to enter upon the Unit Land and exercise such rights quite independently of the use the Feoffees might permit in the execution of the trust declared by the 1633 Feoffment to exercise over the Inhabitants Lands. When the trust ceased to be applicable to the Inhabitants Lands (as to this such evidence as I had, as mentioned below, indicates that there are now none such lands subject



to such trust) the rights if any of the inhabitants under the 1633 Feoffment over the Unit Land ceased altogether.

My general conclusion on the 1630 Decree and the 1633 Feoffment and the documents produced by Mr Bunting which preceded them is therefore that after they were made ~~neither~~ inhabitants of the Manor of Hatfield nor the inhabitants of what is now or was recently Thorne Rural District had any such rights as are now claimed on their behalf by Mr Bunting. On the contrary it seems to me that these documents show that any such rights as previously existed except to the limited extent as above mentioned were wholly extinguished.

The above stated conclusion does not wholly dispose of the historic documents produced by Mr Bunting, because it might be that some of them would show my interpretation of the 1630 Decree and the 1633 Feoffment were contrary to views subsequently acted on, and that I should therefore presume that some grant was made in accordance with such views.

The historic documents relating to the 1755-58 Irwin proceedings show that the question then in dispute was whether a piece of land called the Participants Bank by the side of the River Don was part of one of the pieces of land by the 1633 Feoffment conveyed in trust for the inhabitants. In 1755 a jury at York found that it was. No report has been found of the reasons given by the Judges for directing the jury to consider such a question, or for upholding their finding or of the opinions of any of the members of the House of Lords who decided to dismiss the appeal of Lord Irwin. In my opinion these documents provide no grounds for supposing that the inhabitants had any interest in the lands other than those which were conveyed by the 1633 Feoffment which I have called the Inhabitants Lands. I have not overlooked that there are words in these 1755-58 documents which refer to the persons entitled to the Inhabitants Lands as the tenants and inhabitants entitled to claim rights of common in the wastes and the common of the Manor (eg line 20 of page 4 of the printed Respondent's Case); in my view these words were in the context intended to show that the class of persons interested in the Inhabitants Lands were those who before the 1630 Decree had such rights of common, and provide no basis for supposing that those who prepared these documents thought that the tenants and inhabitants in 1757 had any other interest other than in the Inhabitants Lands. Accordingly I reject the contention that these documents show (as might be inferred from the heading on page 109 of Peck) that the inhabitants somehow became entitled to all the lands which had ever been common land within the Manor.

Section LV of the Stanforth & Keadby Canal Act 1792 (WB71) cannot I think be read as a recognition of rights of turbary over the Unit Land. The Section contemplates that there are lands which could be properly described as Peat Moor, but it does not follow from this that there were lands over which the inhabitants at large (as distinguished from the owners and occupiers of the Moor or the owners and occupiers of lands near the Moor) had rights over them.

Section XLI of the Hatfield Thorne & Fishlake Inclosure Act 1811 is as follows:- "Provided always, and be it enacted, That the Peat Moors, known by the Name of Thorne Waste, and which have Time immemorially been considered, used, and enjoyed as the Estate, Right and Property of the Person or Persons whose Estate abuts or adjoins the same, shall not be divided, enclosed, or allotted under Power or Authority of this Act, but that the same shall continue, be, and remain in the same State, and be taken, used, and enjoyed by the Persons entitled thereto, in the same Manner as heretofore; And provided that always,...". The 1825 Award (pages



186 et seq) deals with land in Thorne, but (as might be expected from the above quoted section) there is no allotment of any part of the Unit Land.

I find the above quoted section difficult to understand. Nobody at the hearing suggested that I could reach any conclusion from it which might help in this case. Mr Bunting said "The words in the second line of Section 41 are demonstrably far from correct, as are many other words in this Act..." and later added "The proprietors and commoners who acted in the Award were downright crooks, the proprietors particularly". Mr Kidwell and Mr McCulloch said that they conceded if the rights now claimed by Mr Bunting existed before the Act, they were not extinguished by it or by the Award. In these circumstances I shall treat the Award and the Act as irrelevant.

The Tithe Apportionment Award 1841 recites an agreement made on the basis that the Parish of Thorne includes 3,976 acres 3 perches of uncultivated and unprofitable waste land, and in the Summary these lands are described as "peat moors called Thorne Waste", without any owners or occupiers being named. On the Tithe map, Thorne Waste includes the whole of the Unit Land. I can draw no relevant inference from these documents.

The next historic documents are the 1848 and 1861 Improvements Acts, the book of reference and plan referred to in the 1841 Act and the 1879 Award made under the Acts.

The 1848 Act recites that there is a large tract of land containing 4000 acres and known as Thorne Moor which is entirely unproductive and which could with advantage be drained and otherwise improved, recites the 1811 Inclosure Act and recites that the persons mentioned (those by the 1848 Act incorporated) are willing to drain and improve parts of the said moorland. By sections 3 to 14, the Thorne Moor Improvement Company is incorporated and provision made for its constitution. Section 15 refers to a plan and a book of reference. By section 16 of the Act the Company is given compulsory powers. Section 29 is as follows: "And whereas Hugo Charles Maynell Ingram Esquire and other Parties claim to have certain Rights or Interests in or over the said Moorlands, and the same Lands being now wholly unprofitable, it is expedient that all such Rights and Claims and all Disputes as to the Title or Right to the same Lands should be settled before the same are improved: be it enacted..."; and this section and sections 30 and 31 which follow provide arbitration.

The deposited plan referred to in section 15 shows the land intended to be drained and improved under the Act as including the whole of the Unit Land, and some land to the south, and the book of reference shows that the lands in Thorne to be drained and improved (numbered 76 to 139) were then owned by about 60 different persons.

By the 1861 Act recites that provision was made in the 1848 Act "for the Settlement by Arbitration of certain Disputes which had long subsisted between the Participants of the Level of Hatfield Chase and the Owners of the said Moorlands and among the said Owners themselves, and an Agreement had been come to between the said Participants and the said Owners which it is expedient to carry into effect...". By section 4, sections 29, 30 and 31 of the 1848 Act are repealed and the Thorne Moor Improvement Company were empowered by declaration to set aside 1000 acres which by sections 5, 6 and 7 were (stating their effect shortly) to be sold for the benefit of the Participants. By section 8 out of the proceeds the sum of £1,500 was to be paid and "accepted as the Purchase of and as the Consideration for all Rights, Interest, Claims, and Demands of the said Participants in and over the said Moorlands and every Part thereof shall be absolutely freed and discharged from all such Rights, Interest, Claims and Demands of the said Participants or any of them".



The 1879 Award recites that the 1000 acres set aside under the 1861 Act were sold and the proceeds applied first "in paying the clear sum of £1,500 to the Trustees of the Decreed Lands for the benefit of the said Participants as the purchase of and as the consideration for all rights interest claims and demands of the said Participants in and over the said Moorlands".

Under the 1848 and 1861 Acts and the 1879 Award, I am concerned with two classes of rights of common which might before 1848 have been in existence: (a) the rights ("the Participants' Rights") mentioned in the 1861 Act and the 1879 Award, and (b) the rights ("the Other Rights") if any not so mentioned.

It was suggested that the Participants referred to were the owners of the lands on the Arlebout map so described, and that the rights were to the limited turbary over the 1000 acres mentioned in the 1630 Decree. It seems likely that the Participants' Rights were those intended to be preserved by section 41 of the 1811 Act. I need not express any opinion as to the nature of the Participants' Rights, because they were (clearly I think) extinguished by the distribution of the proceeds of sale in the 1879 Award recited as having been made. I reject Mr Bunting's contention that the 1879 Award should have been made under the Inclosure Act 1845, and should have been included in the various lists of Inclosure Awards published since 1879, and that it is, because not so made or included, void. I also refuse to consider the evidence tendered by Mr Bunting of the proceedings in Parliament before the 1848 and 1861 Acts were enacted, see *British Railways Board v Pickin* 1974 A.C. 765.

Mr Bunting contended that the Other Rights not being mentioned in the 1848 and 1861 Acts or the 1879 Award, continued unaffected. In my opinion the 1879 Award is for the following reasons cogent evidence that there were in 1879 no such Other Rights. As a general rule a document dealing with land is some evidence that the parties to it could deal with it as they have in the document purported to do. The cogency of the evidence depends on what sort of investigation of title would have been undertaken before the document was made. The purpose of the 1848 and 1861 Acts and of the 1879 Award was to give the Thorne Moor Improvement Company a good title to the Unit Land; the purpose of these Acts would be defeated if there were any such Other Rights. The Participants' Rights are particularly dealt with. I am unable to suppose either that those concerned with these Acts and Award did not investigate the possibility of there being Other Rights, or that if there had been any such Other Rights, they would not have been discovered and dealt with expressly.

About vert, venery, auceptary, and the other miscellaneous rights registered, Mr Bunting, as I understood him, contended that the Unit Land was formerly Royal Forest and that these profits were either expressly or impliedly mentioned in some of the documents he produced which contained references to deer etc. and that because the agreement set out in the 1630 Decree provided that the tenants were "discharged of the deer and all the laws of the forest", these profits must now be exercisable by the successors of such tenants. In my opinion the words quoted from the 1630 Decree did not grant to the tenants rights of vert, venery, auceptary and other miscellaneous rights before 1630 exercised by His Majesty and his successors as owners of the Forest so as to enable the tenants themselves to exercise such rights; such words in my view did no more than exonerate the lands described from the burden of having to submit to these forest rights being exercised over the lands. The historic documents in my opinion provide no reason for treating these miscellaneous rights differently from the rights of turbary discussed at length earlier in this decision.



Having concluded that the historic documents produced by Mr Bunting do not support any rights such as he claimed either under the 1630 Decree or otherwise, I now consider whether the registrations (as made they do not refer to the 1630 Decree) can with or without modification be supported by the other evidence.

In my opinion the registration in the Land Section cannot be supported on the basis that the Unit Land is waste land of a manor not subject to rights of common, and so within paragraph (b) of the definition of common land in Section 22 of the 1965 Act. The 1879 Award shows that by then the Unit Land had ceased to be waste land of a manor in any now relevant sense. Further Mr Bunting's contentions at the hearing were all to the effect that the Unit Land was subject to rights of common.

Unsupported by documents, a right of common may be established by evidence of use, if the use is such as to be within the Prescription Act 1832, or enough to presume a lost grant.

Mr Thompson (1972) said (in effect):- When walking on Thorne Moor he saw other people walking and extracting peat and picking rhododendrons (including the whole plant). Mr Skidmore (1953) said (in effect):- Thorne Moor is a famous place for naturalists. He had walked over it mostly from the path near Verhees Cottage (since demolished; on the edge of the Unit Land just north of the Colliery tip), but sometimes from other places. For the first 5 years he had been able to do this without any man-made obstruction and without anybody who said you must "have my permission". In or a little before 1972 a drain was constructed which made any such walking (from Verhees Cottage) difficult. He had seen people going for amenity purposes, taking a dog, taking wild flowers and rhododendrons and quite a lot of shooting (duck or pheasant). Vehicles went on the Moor to collect peat; such collection was mostly in prams or that sort of thing. Mr Howes (1969) said (in effect):- Frequently on a visit to the Moor he had seen groups of people digging peat, putting it into carts or bags; some carried guns (presumably for fowling purposes). Groups of children encountered on the Moor were presumably just having adventurous times. He had seen people gathering rhododendrons both flowers and plant; in addition people had felled trees and cut them into logs and removed them; also cut willow and birch canes which could be used for pea sticks, taken them away in bundles. He once came across a farmer who had a tractor and trailer packed high with loamy soil on the edge of the common. Mr Crofts (1959) said (in effect):- When first going onto the Moors until the Press notices in 1972, he never saw or heard anything to indicate that claims were being made that the public could not have free access to the Moors. He had seen many people enjoying themselves on the Moors in a variety of ways; people of all ages walking and enjoying themselves; children of all ages adventuring and picnicing; bird-watchers and naturalists following their pursuits. He had also seen numerous people enjoying their "traditional rights"; taking peat, some with bicycles others with prams often with cars; taking rhododendrons and other flowering shrubs like guelder rose, mountain ash and young birch trees for their gardens; taking pea and bean sticks; cutting and taking large saplings for rustic poles; cutting and taking larger trees for firewood; collecting blackberries and cranberries; collecting flowers and plants for decorative purposes; carrying guns, particularly young people with their guns and small bore shot guns using the Moor edge and open parts of the Moor as a safe place for practising shooting. Mrs Kelley described how when she was about 10 years old (about 1935) she with a friend went through the Colliery tip yard over to the Moor and played around on it; they went on the Moor as much as they wanted; they used to go through the woods, swing on the trees, and take chestnuts (sweet). Mr Holt (about 1937) said (in effect):- He had dug turves or peat on the Moor and known many people do so; particularly to the immediate east of the Colliery. He cut saplings for use in his garden as pea and bean poles and also for wire netting fences; he knew that many other people carried on and did this in exercise "my rights of hunting" held both shot-gun licences and rifle permits.



Mr Bunting asked me to read an affidavit made by Mr J F Verhees, now in hospital, as evidence by him; he said (in effect) that he was born in 1923 and lived for 35 years in the cottage referred at the hearing as Verhees Cottage, and when living in this cottage he had always dug peat on Thorne Waste to burn as fuel for domestic fires.

Mr Bunting said that notwithstanding a letter dated 23 April 1955 from the British Moss Litter Company Limited threatening him with proceedings for trespass, he still went on the Moor.

No evidence of the use of the Unit Land (or apart from the document mentioned in the Second Schedule hereto on any other matter) was given on behalf of Fisons Horticulture Limited. However I should record that during my inspection it was obvious that peat was being extracted from the Unit Land on a commercial scale; there were many railway lines, and I saw heaps of peat which had been cut and left for drying. Some of the railway lines appeared old, and there were signs that the extraction had been (as the maps produced indicated) going on for some years.

On the evidence of use as above described to support rights such as those claimed by Mr Bunting I must somehow be able to infer that such use was in exercise of a right which could by law be granted.

As to shooting, and as to taking peat, sticks, wood or plants a grant to a fluctuating body of persons such as all the inhabitants of a district is not recognised by law, see Gatewards Case supra, and also Harris v Chesterfield 1908 2 Ch 397 and 1911 A.C. 623; the reason being I suppose that if all the persons entitled to exercise the right so supposed did so, the subject matter would be destroyed.

Since the Law of Property Act 1925, a right to go on land for air and exercise is recognised by section 193; but the evidence in my view falls short of establishing that any such right as is contemplated by the section here exists.

The general public cannot by long use acquire a right to go on land to visit an object of interest, see Attorney-General v Antrobus 1905 2 Ch.188. The object then considered ~~was~~ was Stonehenge. The principles then established by the Court are I think applicable to a claim to go on land for nature study or scientific research. In this case use of the Unit Land for such purpose (as established by the evidence) was not for long enough to establish a right; further such use cannot I think properly be regarded as being as a right within the meaning of these words as discussed in Beckett v Lyons 1967 1 Ch.449.

Of the grants to fluctuating bodies of persons, recognised by law, the nearest to the use made of the Unit Land as described by the witnesses, is I think a conveyance in trust for the benefit of the inhabitants of the district, such as was made by the 1633 Feoffment. It may be that in 1633, the population being then much smaller than now, that the feoffees would have been considered to have acted quite properly if they divided up the Inhabitants Lands among the then known inhabitants; whether or not this is what they did, it is I think clear since Goodman v Saltash (1882) 7 App. Cas.633 that such a conveyance can only be valid if the trusts thereby declared can properly be regarded as wholly charitable. A charitable trust presupposes a corporation or other governing body and regulations of some kind. Mr Bunting suggested



that the inhabitants of this locality had been incorporated either by a 1553 charter or by the Level of Hatfield Chase Act 1862; quite apart from these Acts, the churchwardens and overseers of a parish were incorporated by section 17 of the Poor Relief Act 1819 (parish councils are the successors of these corporations). However this may be there was no evidence that any such corporation had ever concerned themselves with the use of the Unit Land as described by the witnesses. None of them, except Mr Verhees, claimed the rights which they described in some such words as "traditional rights", were appurtenant to any land; their understanding was that they and everyone else could do what they described as much as they pleased. In my opinion their evidence provides me with no basis upon which I could presume that some grant recognised by law had in relation to the Unit Land ever been made.

I am not concerned to express any opinion as to the turf taken by Mr Verhees while he lived in the cottage in these proceedings called after his name, because no right appurtenant to the cottage has been registered under the 1965 Act.

Some of the witnesses spoke or wrote about the value of the Unit Land for scientific purposes and as an amenity to those living in Thorne. Mr Kelley said that as a councillor he was speaking for the hundreds of people who complained to him about Thorne Moors. It may be that it would be advantageous to the local inhabitants if the Unit Land was open to the public for air and exercise like many metropolitan commons; but in my opinion under the 1965 Act, I am concerned, not with the expediency of the Unit Land being so used, but whether in accordance with rights recognised by law, the registration made under the Act can be supported.

It was suggested that ~~but for~~^{the} threats of legal proceedings by British Moss Litter Company Limited, (they published three advertisements in the press in November 1957 about this) may have prevented people from using the Unit Land in accordance with their rights, and may have deterred persons from giving evidence at the hearing. As to the former, no presumption of a lost grant of rights can be made for the use which a person might have made of the Unit Land; as to the latter, I have no reason to suppose that any other witnesses would have said anything different from the evidence summarised above, and no one contended at the hearing that Mr Bunting should have called more witnesses. I was told that legal proceedings against him have been brought by Fisons Horticulture Limited and by Thorne Rural District Council, but it was not suggested that anything happened in these proceedings which would help me decide any of the issues which arise under the 1965 Act. Whether British Moss Litter Company and Fisons Horticulture Limited were right to threaten or bring proceedings may depend on my decision (or any appeal from it); as far as I am concerned, neither Fisons Horticulture Limited nor Mr Bunting are helped by these threats or proceedings in relation to any matter arising under the 1965 Act.

It may be that the various press cuttings and bundles of correspondence which Mr Bunting handed to me as recorded in the Second Schedule hereto, would have been relevant if Doncaster Borough Council had proceeded with some of the grounds set out in Objection No. 2102, or if the proceedings had taken some course other than they did. In the events which happened, I cannot imagine that these cuttings or correspondence could be relevant, and accordingly I have not looked at them.

I am obliged to Mr M J Dalby and Mr R Y Attey for attending the hearing pursuant to summonses issued on the application of Mr Bunting. My only reason for not saying more in this decision of what they said is that nearly all the questions that were asked, seemed to me to relate to matters which were, or have become, of little or no relevance.



In the course of the hearing, Mr Bunting in addition to abusing those responsible for the historic documents (some abuse of unidentifiable individuals long since dead may be regarded as a privilege of a historian), made a number of derogatory accusations against persons now living. He named only one such person, and Mr Kidwell quickly established that the remark about this person was without any justification. As to the others unnamed, I have no jurisdiction to adjudicate upon any such remarks unless they are (and in my opinion they are not) directly relevant to some issue arising out of the disputes referred to me. Some of the persons affected may not have known that these derogatory remarks were made; some may have been present at the hearing and realised that I had no jurisdiction to inquire into the remarks. For the benefit of all such persons, I record that in my opinion Mr Bunting should not have made these remarks and that all persons whose conduct was expressly or impliedly criticised by him may properly say that their reputation and character has in no way been adversely affected by anything which was said by Mr Bunting at the hearing before me.

For the above reasons I conclude that the grounds stated in the objection made by Fisons Horticulture are established.

Mr Burtwistle in the course of his evidence said (in effect):- He and his father had ever since 1939 either as owner or tenants ~~owned~~ Dairy Farm, Limberlost Farm, and Causeway Farm. The land mentioned in the grounds of their Objection ("the Disputed Land") is for the most part physically different from the rest of the Unit Land. He produced a copy of the conveyance dated 18 December 1961 by which Dairy Farm had been conveyed to his father and himself and a copy of the abstract of their vendors title; these show that the Disputed Land (or perhaps a little less) was expressly conveyed as part of Dairy Farm.

Mr Lawson on behalf of the National Farmers' Union said they were content to adopt what Mr Kidwell had said. They supported Mr Burtwistle's contention that the part of the Unit Land to which his Objection related was part of the Dairy Farm in no way distinguishable from the rest.

Mr McCulloch said (in effect):- The Doncaster Borough Council had assisted in making the documents produced available, and they had no further evidence to offer. They had considered whether there were any submissions which they as local authority could usefully make, and they had concluded that there were none. As above stated Mr McCulloch earlier in the proceedings said that they did not wish to support paragraph (8), which relates to the 1825 Act of the Objection made by the former Thorne Rural District Council.

Although the boundary of the Disputed Land referred to in the evidence of Mr Bunting seemed to me not very clear when I inspected the land or very clear from his 1961 conveyance, Mr Kidwell said that Fisons Horticulture Limited and Messrs Bunting ^{Burtwistle} were agreed about the boundary line. In my opinion I need not consider whether the Objections of Messrs Burtwistle, Messrs A Atkins & Son, and Mr Greaves would if they had been the only Objections have succeeded. The rights claimed by Mr Bunting cannot sensibly exist over the lands mentioned in these Objections if they do not also exist over the land mentioned in the Objections of Fisons Horticulture Limited.

For the above reasons I refuse to confirm the registrations.



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.

FIRST SCHEDULE
(Grounds of Objection)

D/1 & D/8. Objection No. 798 (S Atkins & Son of Mickethwaite Farm):-

The land edged black on the plan attached was not common land...and the rights did not exist at the date of registration. Objectors are occupiers of the land on an annual agricultural tenancy.

The land edged black is an 8" shaped strip just within the west boundary of the Unit Land and a little to the north of the Mine.

D/2 & D/9. Objection No. 1773 (H Burtwistle & Son of Causeway Farm):-

The land edged red on the attached plans was not common land at the date of registration.

The land so edged comprises 3 pieces on the east side of and adjoining Thorne Waste Drain, one a little to the north of Limberlost Farm, one by the Pumping Station which is near the Drain (at the end of the track which continues the roadway leading from the public highway to Causeway Farm) and the remaining one a short distance to the northwest.

D/3 & D/10. Objection No. 1963 (Fisons Horticulture Limited):-

The land edged red on the plan annexed was not common land at the date of registration.

The land so edged comprises the whole of the Unit Land except a small area in the southeast corner and except (perhaps a little more or less) the lands mentioned in Objection Nos. 798, 1773 and 2101.

D/4 & D/11. Objection No. 2007 (National Farmers' Union):-

That the land covered by Unit No. CL. 386 was not common land at the date of registration.

D/5 & D/12. Objection No. 2101 (R B H Greaves, of the Rectory, Kirk Bramwith):-

The land edged red on the annexed plan was not common land...the Objector is the owner of such land...we object to the rights on the annexed grounds.

The land edged red comprises a small triangular piece at the southeast corner of the Unit Land (near Limberlost Farm) and a strip (?not part of the Unit Land). The annexed grounds are substantially the same as those attached to Objection No. 2102, see below.

D/2 & D/12. Objection No. 2102. (Thorne Rural District Council):-

As set out in the schedule attached.

The attached schedule is: "(A) The land registered forms the subject of an Award or Allotment by virtue of the Decree of the Court of Exchequer noted in the Register. (B) Under and by virtue of the Hatfield & Fishlake Inclosure Award 1825 made pursuant to an Act...51 Geo.3.c.30, no common rights exist over the land registered which is covered by the Award plan. (C)...(D)...(E)...(F)...(G)...(H)..." (These paragraphs raise general issues).



D/7. Objection No. 1964 (Fisons Horticulture Limited):-
No common rights exist over the land edged red on the plan.
The plan is the same as that attached to Objection No. 1963 supra.

SECOND SCHEDULE
(documentation)

WB1	27 October 1975	Letter from Mrs J Bunting to Commons Commissioner
WB2	27 October 1975	Letter from Pearlman Segal Solicitors to Mrs J Bunting
WB3 and 4	18 and 27 September 1975	Letters from Mr Bunting to Clerk of the Commons Commission (File 269/D/1)
WB5	-	Written application by Mr Bunting for witness summons form 39 and 40. This was not at the hearing seen by anyone except the Commissioner
WB6	-	Folder containing lists of documents intended to be produced or referred to by Mr Bunting at the hearing
WB7	7.Ed.1. (1279)	Folder containing PRO copy (15" x 8") of Quo Warranto (original handwriting) against Earl of Surrey
WB8	1968	Modern one inch Ordnance Survey Map (sheet 103) of Doncaster area including nearly all the Unit Land
WB9	1626	Copy map (14" x 19": "reproduced in most history books") of Hatfield Chase, before the Drainage by Vermuyden. From Domesday Book, Saxton, Ireland and other Ancient Authorities
WB10	-	Photograph of part of WB8 showing on it edged red the Manor of Hatfield
WB11	1965	Ordnance Survey map (30" x 30") about 2½" to mile with transparent overlays: (1) Pre-Vermuyden (pre 1626); (2) details from Arlebout post Vermuyden (1639), Black Water Dyke added; (3) Lands subject to Acts of 1848 and 1864 and "award" of 1879; and (4) Lands in CL. 386 (Yorks) and CL. 83 (Lincs).
WB12	1969/70	Ordnance Survey maps (two combined: 18" x 36"); 6" to the mile showing Thorne Waste Moor and surrounding land (on wall during hearing)
WB13	1955	Ordnance Survey map (36" x 36") 6 inches to the mile, prepared by Mr Bunting showing Hatfield Boundary and Coun Boundary until 1888 and present County Boundary and Commc Registration Boundary, with 2 photographs by Dr S Cornwell attached



WB 14, 1302 15 & 16		Folder containing (14) PRO copy (3 pages) of Nun-Cotham deed (original handwriting) (15) accompanying map and (16) typewritten digest of WB14
WB16 bis	-	Separately bound Digest by Margaret Condon of Nun-Coton (Cotham) Deed
WB17	14 Ed.3.	Leeds Public Library copy of a page (original handwriting) of customary Court proceedings from Hatfield Court Rolls, with typewritten transcription of part: "Patrick le Parkur admits himself to owe William Stere 9s for beasts of chase sold by him..."
WB18	May 1960	Bulletin No. 3 of National Register of Archives; Annual Report of West Riding 1958-59, including at pages 28-49 article entitled Hatfield Court Rolls by R Brocklesby
WB19	-	(No document No. 19)
WB20	-	A reproduction of pages 28-49 of WB18
WB21	12 Ed.4.(1473)	Folder containing PRO copy (one page) account of Robert Stone (original handwriting) with a typewritten transcription
WB22	1473	Typewritten transcription of WB21
WB23 & 24	7.Eliz.1 (1565)	Folder containing (23) PRO copy of order of Exchequer (original handwriting) and (24) typewritten transcription reciting "the tenants inhabitants of the Lordship or Manor of Hatfield and members of the same have enjoyed... the agistment of the whole common of pasture with the Lordship of Hatfield..." and so ordered
WB24 bis	-	Another copy separately bound of WB24
WB25	30.H.8 (1538)	Folder containing copies (original handwriting) of 5 pages of orders of Hatfield Chase, Swanimote Court
WB26	-	A typewritten transcription of WB25 above
WB27, 28 & 29	21 May 7.Ed.6 (1553)	Folder containing (27) PRO copy (original handwriting) of grant by charter incorporating certain parishioners, (28) a modern typewritten transcription of WB27 (by Mr Bernard Barr) and (29) a printed digest of WB27
WB20	22 February 6.Eliz.1 (1564)	PRO copy (original handwriting) Royal Letters Patent to Robert Lee
WB31	-	Typewritten transcription (by Mr Bunting and Mr Barr) of WB30
WB32	43.Eliz.1 cap.XI	A copy of an Act of Parliament for recovering many hundre thousand acres of marshes and other grounds...



WB33 & 34	7.Jac.1 1610:1609	Folder containing (33) PRO copy (original handwriting) of decree of Court of Exchequer and () a copy of pages 295 and 296 of Abstracts of Stovins Manuscripts and (34) a typewritten transcription by Mr Bunting
WB35	-	Folder containing copy of WB34
WB37	7.Jac.1 cap.XXI	A typewritten copy of an Act for the confirmation of decrees hereafter to be made in the Exchequer Chamber concerning copyhold land
WB38	Ditto	Copy of page 1062 of Keble (1676 edition) being the Act WB37 above
WB39	8 James I	Record of action at Lincoln on behalf of the inhabitants etc of messuages etc concerning common of pasture, fishing, fowling, turbary, falcage and mowing
WB40, 41,42 & 43	1614	Large folder containing:- PRO copies (original handwriting of interrogatories, and various decrees in an action in the Exchequer
WB41, bis & 43	1614	Small folder containing typewritten transcriptions by Mr Bunting of the above:- (A) interrogatories: (B) (41) Responses of R Whitehead: (C) (42 part) decrees: (D) (43) 1619 "H M intended to inclose the same area and if he should do it this would end the controversy"

Part 2 : Produced on Day 2 by Mr Bunting

WB44	1956	Typewritten foolscap book (189 pages) Hatfield Chase Corporation reproduced by the Historical Manuscripts Commission from originals in Nottingham University Library
WB45	24 May 1626	Folder containing PRO copy (original handwriting) articles of agreement by King Charles I and Cornelius Vermuyden
WB46	24 May 1626	Red folder containing printed version of WB45 from appendix of Tomlinson's History of the Level of Hatfield Chase (WB125 below)
WB47 & 49	20 February 1627	Large folder containing PRO copies (original handwriting) (4 pages) warrants under great seal and Savile's certificate
WB48, & 50	21 February 1627	Yellow folder containing typewritten transcriptions of (A)(48) Commissioner dated 21 February 1627 and (B)(50) Certificate of John Savile and others; (C) a reduced copy of WB52 below, and (D) a copy of WB53* below
WB51	1639	Copy plan (30" x 30") of Hatfield Chase by Josies Arlehou certified by Keeper of Manuscripts Nottingham University
WB52	1628	Facsimile page of the History and Antiquities of Hatfield (Warburton Collection), referring to an agreement between C Vermuyden and all tenants and inhabitants of Hatfield 27 February 1628



WB53*	4 March 1627	A "blow up" of version of Abraham de la Prime (see WB48-50 above)
WB53	5 February 1629	Red folder containing printed version of Royal Grant of Hatfield Manor to Sir Cornelius Vermuyden (pages 240-252 of Tomlinson, see WB125 below)
WB54-55	30 November 1630	Folder containing PRO copy (original handwriting) of Exchequer decrees and typewritten transcriptions, marked Exhibit JFV.2 to affidavit of J V Verhees sworn 30 April 1973
WB55 bis	30 November 1630	White folder containing another typewritten transcript of the Exchequer decree with copy of Arlebout map 1639
WB56	15 July 1633	Copy (original handwriting) from Leeds Archives of deed of feoffment
WB57	15 July 1633	PRO copy of deed of feoffment as enrolled in the Exchequer in 1755
WB58	15 July 1633	Red folder containing typewritten copy of WB57

Part 3 : Documents produced on Day 3 by Mr Bunting

WB59	1663	Copy map (30" x 30") of the Boundaries of Hatfield Rector; made by Cornelius Prole
WB60	1680-1703	Publications of the Surtees Society (1896): the diary of Abraham de la Pryme
WB61	1726 13.Geo.2.c.xx	An act for improving the navigation of the River Dunn (1838 copy): marked Exhibit WB17 to affirmation of Mr Bunting made 14 May 1971 in Thorne RDC v W & J & N Bunting 1971.T.79
WB62	21 April 1755 11 December 1755	Folder PRO copies (9 pages) Exchequer decrees in Simpson and others against Viscount Irwin and others
WB63	-	A larger folder containing more complete copies of those in WB62
WB64	13 December 1757	Folder containing a photographic copy certified by Clerk Parliament on 14 October 1971 of manuscript petition of Viscount Irwin and of the Respondent's Answers
WB65	5 December 1758	Copy certified by Clerk of Parliaments on 4 October 1971 of printed journal of the House of Lords (including Irwin v Simpson)
WB66	1757-1758	Printed case of appellant and respondents in Irwin v Simpson, certified 4 October 1971 by Clerk of Parliament



- WB67 1757-1758 A bundle of other copy documents relating to Irwin v Simpson mostly the same as WB64 and WB66
- WB68 1815 Copy of page from typographical account of the Isle of Axholme (quarto 2 vols) by W Peck
1813 Page of above relating to Bawtry and Thorne
Pages 109, 110 and 111 of above headed: An account of how uninclosed Commons became solely vested in the inhabitants of the Manor
- WB69 1713-1750 Folder containing extracts from Town Meeting (minutes?) of Hatfield (Brotherton Library Leeds) with typewritten transcript made by Mr Bunting
- WB70 26 June 1769 Copy of petition of Court of Sewers certified by Keeper of Manuscripts Nottingham University on behalf of Trent River Authority
- WB71 1792 Extract from Stainforth and Keadby Canal Act
- WB72 1787 Copy of map of County of York by John Tuke
- WB73 4 June 1817 Copy of one page of map certified by York Minster Sub Librarian as made by Thomas Greenwood on behalf of Board of Ordnance
- WB74 1811 Folder containing copy of the Hatfield Thorne and Fishlake Inclosure Act 1811 (see particularly section XLI)
51.Geo.3.
cap.30
- WB75 1811 Original Plan (property of Leeds University) by Pilkington and Moore (note original handed back)
- WB76 1811 Copy of WB75, being Exhibit WB6 to affirmation made by Mr Bunting on 4 May 1973 in Fisons Ltd v W Bunting and F F Verhees 1973 F.689
- WB76 1811 Folder containing photograph of House of Lords Committee Minute Book certified by Clerk of Parliaments 4 October 1973
bis
- WB77 11 July 1825 Large leather bound folio book (670 pages) being Hatfield Thorne and Fishlake Inclosure Award
- WB78 1825 Plan undated and not entitled (on vellum: 40" x 50") being the Award plan
- WB79 - Foolscap manuscript alphabetical book entitled Index to Thorne, Hatfield, Stainforth and Fishlake Inclosure Award
- ?WB79 1817 Printed book (18" x 12": University of York Library)
bis (in pencil) abstract of allotments made by commissioners for inclosing lands in Hatfield, Thorne and Fishlake



WB80	10 May 1841	Tithe Apportionment Award for parish of Thorne (18" x 12": numerous pages) certified by Tithe Commissioners 11 May 1841 (from York University Library)
WB81	1840	Tithe map (canvas 72" x 64") of parish of Thorne certified by Tithe Commissioners
WB82	1848	Two plans on canvas; one of lands intended to be drained, warped under the Thorne Moor and Improvement Act of 1848 signed by the Speaker, and the other(?prepared for some other purpose) an enlarged plan of part A & B in the same plan and signed "EJFB March 26 1841 and Mr Denham, Thorne 1840"
WB83	1848	Copy of the larger of the WB82 plans
WB84	1848	Copy book of reference for 1848 Act
WB85	1861	Copies of two memoranda dated 13 September 1861 relating to said book of reference
WB86	1843	Copy of return to House of Commons by Lord Worsley as to waste lands - Inclosure Acts
WB87	1848	(87) The Thorne Moor Drainage and Improvement Act 1848
88	11 & 12 Vict.c.c1 1904	(exhibit JFV7 to affidavit of J F Verhees made 30 April 1904) (88) Page from 1904 Act of Inclosure Award pasted inside of WB87
89	28 January 1955	(89) Letter from Public Record Office relating to 1848 Act above and 1861 Act below pasted inside cover of WB87
WB90	1861 24 & 25 Vict.c. lxxviii	Thorne Moor Improvement Act 1861
WB91	1874	Some pages from the Return to the Houses of Commons of Waste lands
WB92	4 December 1893	Some pages from the Return of Inclosure Awards held by the Board of Agriculture
WB93	1965	Hand list of West Riding Enclosure Awards (typewritten quarto 109 pages) edited by B A English
WB94	6 February 1879	Award with 2 schedules (19" x 13") made under Thorne Moor Improvement Acts 1848 and 1861
WB94*	-	Map on canvas (36" x 36") Thorne Moor Improvement Plan of allotments directed to be set out: October 1862

Part 4 : Documents on Day 4 Produced by or put to
Messrs B G Thompson, P Skidmore, M J Dalby and C A Howes



BJT2 29 May 1973 Letter from Sheffield City Librarian to Mr Thompson with statement about Copyright Act and research and provision for study

F1 - Pamphlet by Bellamy and Rogers (see below) put to Mr Skidmore

MJD1 3 June 1974 Proof of Mr Dalby's evidence

MJD2 1840 Extract from Tithe Plan (with modern O.S. plan attached)

CAH1 14 February 1972 Photograph group nearing the Mobredge, coming across residents from Moorends cutting logs for firewood (Miners' Strike)

Part 5 : Documents on Day 5 produced by or put to Messrs R Y Attey and Mr C C Crofts

RYA1 - Plan shown coloured green land rated by Tween Bridge Internal Drainage Board

RYA2 10 July 1933 Map made by Ministry of Agriculture and Fisheries referred to in Order made by Minister conferring a scheme submitted to him by the River Trent Catchment Board under section 4(b) of Land Drainage Act 1933 (returned to witness)

RYA3 18 September 1972 Notice by County Council to Mr Bunting of objection by H Burtwistle & Son

RYA4 1971 Plan attached to engineer's report

CNC1 - Proof of Evidence by Mr Crofts

Part 6 : Document on Day 5 produced by Mr Bunting

WB95 8 September 1844 Copy of articles of agreement (apparently of some age) between John Whittaker and other persons who subscribed, by which they agreed to resist the claims of H C M Ingram who claimed to be the Lord of the Manor of Hatfield

Part 7 : Documents on Day 7 produced by Mr Holt

EH1 June 1974 Proof of Evidence with plans therein called EH1 and EH2 attached



EH2 20 May 1971

Affidavit sworn by Mr Holt in Thorne RDC v W and J and N Bunting 1971 T.79

Part 8 : Documents on Day 6 produced by Mr Bunting

WB94	-	See part 6 above
WB94*	-	See part 6 above
WB94**	3 March 1862	Thorne Moor Improvement Plan of 100 acres of land directed to be sold by Act of 1861
WB95	-	See part 6 above
WB95*&	24 April 1974)	Two letters from and copy of one letter to Public Record Office, London
WB96	3 July 1974)	
	1 October 1974)	
WB97	26 February 1974) 28 February 1974)	Copy letter to and letter from County Council Records Office
WB98	-	Undated manuscript list of Inclosure Awards and Award Plans at West Riding Deeds Registry and at Office of Clerk of Peace
WB99	1914	Some pages from the Return to the House of Commons of Inclosure Acts
WB100	19 December 1913	Copy lease by Yorkshire Land and Warping Company Limited to British Moss Litter Company Limited of 456 acres of moorland and cottage, as to moorland for 10 years from 1 January 1914
WB101	1948-1974	(101) List of press cuttings Nos. 1-110 and Nos. F1-F14
102	1948- 30 November 1957	(102) Press cuttings about Thorne Moor Nos. 1-22
103	13 December 1957- 23 January 1970	(103) Press cuttings about Thorne Moor Nos. 23-71
104	March 1970- 20 September 1972	(104) Press cuttings about Thorne Moor Nos. 72-110
WB105	26 October 1950	Copy from Deeds Registry of conveyance by Yorkshire Land & Warping Co Ltd and their liquidator and mortgagees to the British Moss Litter Co Ltd of plans described in 6 parts (part 1 being 1710 acres moorland and derelict warping land)
WB106		Plans obtained from Deeds Registry as that annexed to WB105
WB107		Copy HM Land Registry filed plan of Title No. YK19808
WB108		Another copy (different) HM Land Registry filed plan of Title No. YK19808



- WB109 2 March 1973 Copy affidavit of R M William in County Court proceedings Fisons v W Bunting and J Verhees No. 7350016
- WB109 23 October 1969 Letter (109) Thorne RDC to Central Electricity Board, Letter (110) ditto; and (111) both inside a blue-covered foolscap bis & 5 May 1969 (stencilled or printed) book entitled Central Electricity 110 Generating Board Disposal of Ash from Tracks Generating Station Appraisal Report of Alternative Sites (January 1970)
- WB111 22 July 1970 Statement made on behalf of Thorne RDC at public enquiry by E T Mellor Clerk and Chief Executive Officer, marked Exhibit WB12 to affidavit of W Bunting affirmed 14 May 1971 in Thorne RDC v W & J & N Bunting 1971 T.79
- WB112 1968-1970 Folder of documents mostly correspondence between Mr Bunting and Sykehouse Parish Council
- WB113 Folder of documents mostly correspondence with or minutes of Thorne Parish Council
- WB114 1963-1972 Folder of documents mostly correspondence between Fisons Ltd and Mr Bunting
- WB115 28 April 1955 Letter British Moss Litter Co Ltd to Mr Bunting complaining of trespass
- WB116 11 July 1955 Some notes on Acheta Domesticus from the Entomologist's Monthly Magazine Vol XCI
- WB117 An Ordnance Survey map marked to show the grass road
- WB118 Bundle of photographs 6 pages with one photo on each; one page with 12 photos
- WB119 Copy conveyance (day and month illegible) by the Yorkshire Land & Warping Co Ltd and their mortgagee to Rural District Council of Thorne of a strip of land in Broadbentgate and known as "Joan's Cable" and containing 10 acres 1 rood and 17 perches

Part 8.: Documents on Day 7 produced by Mr Bunting

- WB120 13 and 17 Letters County Council or County Engineer to Mr Bunting. & 121 January 1955 Rights of way
- WB122 20 October 1964 Letter County Chairman to Mr Bunting. Rights of Way
- WB123 2 May 1958 Letter County Engineer to Mr Bunting. Rights of Way
- WB124 Valuer's Fieldbook of the Parish of Thorne



- WB124* Map showing position of Crowle in relation to Unit Land and Crowle Moors being that used by Mr Bunting when going through WB124
- WB125 Quarto printed book (321 pages) titled The Level of Watfield Chase by John Tomlinson (1882)
- WB126 13 April 1973 Affidavit by J S Verhees sworn by Fisons Ltd v J Bunting and J F Verhees in the County Court Claim No. 7350016
- WB127 May 1973 Transcript of judgment of the Hon Mr Justice Templeman entitled Fisons v Bunting and signed by J R Macdonald (of counsel) 18 May 1973
- WB127 May 1973 Press cuttings about above
bis &
128
- WB129 1949- Folder containing numerous documents about Thorne Waste described on the outside as "Usage of Thorne Moors Miscellaneous Bundle"
- WB130 1950- Folder containing numerous letters and copy letters from to Mr Bunting
- WB131, 132,
133, 134,
135, 136,
137 and
138
- (131) Seven aerial photographs
 - (132) Another seven aerial photographs
 - (133) Another seven aerial photographs
 - (134) Another seven aerial photographs
 - (135) Various papers relating to the taking of the aerial photographs by Meridian Air Maps Ltd
 - (136) Eight aerial photographs
 - (137) Three aerial photographs
 - (138) Eight aerial photographs and map of flight path
- WB139 November 1975 Letter from Pearlman Segal to Mrs J Bunting enclosing copy letter 31 October 1975 from Law Society
- WB140 3 July 1970)
16 July 1970)
23 July 1970)
- Letter from Taylor Broomer & Co to British Moss Litter Co on behalf of H Burtwistle, copy reply and further letter from Taylor Broomer & Co

Part 10 : Documents produced by Mr J A Burtwistle

JAB1

Proof of Evidence with copy title deeds including conveyance dated 18 December 1961 by E L L Elmhurst and J W Cooper to H Burtwistle and John Anthony Burtwistle of Dairy Farm, Thorn and abstract of title dated 1961 of the special personal representatives of John Elmhurst deceased



Part 11: Documents produced by or put to witnesses
by Mr Kidwell on behalf of Fisons Horticulture Ltd

- F1 Summary from pamphlet by Dr David Bellamy and Miss Rogers
(put to Mr Skidmore)
- F2 (Number not used)
- F3 21 February 1975
(date of last
comparison with
Register) Land Registry Certificate, Title No. YX19808. Unit Land
registered on 20 November 1964 subject as regards brown
land to 27 November 1913 conveyance. Proprietorship:-
registered 20 November 1964 British Moss Litter Co Ltd,
registered 8 November 1965 Fisons Horticulture Ltd.
Included in the certificate copy conveyance 26 October 1955
by the Yorkshire Land & Warping Co Ltd and their liquidator
and mortgagees to British Moss Litter Co Ltd
- F4 & 5 Two large maps (shown on Day 8 of the hearing) obtained
from Thorne Museum with the cooperation of Mr Bunting,
endorsed as prepared by Dr Harley of the Department of
Geography of University of Exeter, for the purpose of
action Thorne RDC v Bunting
- F6 1 March 1968 Conveyance by R Crewke and his trustees to J F Ingham
of 2778 acres of land
- F7 21 December 1961 Conveyance by J L Ingham and Ingham Estate Company Limited
to the British Moss Litter Company Limited of 716 acres of
land
- F8 30 June 1965 Conveyance by British Moss Litter Company Limited to
Fisons Horticulture Limited of lands (being all or most of
those in F7)

Part 12 : Documents produced by Mr Bunting and not
noted as having been handed in at any particular
time

- WB141 Ordnance Survey map on linen (strutted wood apparently
first edition) (30" x 72")
- WB142 Bound volume of photographs of manuscripts from the
Warburton Collections for Yorkshire, Vol 9 at the
British Museum
- WB143 Collection from the University of York Library of Record
Office Photographic Department of House of Lords relating
to evidence taken in 1848, 1861, 1847-1848 and 1861



WB144 30 January 1962 Deeds Registry copy of a conveyance by E L L Elmhurst and others to British Moss Litter Co Ltd of 227 acres described in the plan

WB145 1862
25 & 26 Vict.
cap.cxl A copy of The Level of Hatfield Chase Act, 1862

WB146 A foolscap brochure entitled : Some Aspects of the Hatfield Chase History Not Found in History Books

Dated this 4th day of March 1976

a. a. Baden Fuller

Commons Commissioner