



COMMONS REGISTRATION ACT 1965

Reference No.45/U/129

In the Matter of Dam Head Wood, Sharlston,
Wakefield R.D., Yorkshire West Riding

DECISION

This reference relates to the question of the ownership of land known as Dam Head Wood, Sharlston, Wakefield Rural District being the land comprised in the Land Section of Register Unit No.CL.235 in the Register of Common Land maintained by the West Riding County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr. R. I. Cooling and Mr. M. E. Cooling claimed to be the freehold owners of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Wakefield on 6 February 1974. The hearing was attended by Mr. R. I. Cooling and Mr. M. E. Cooling in person.

Mr. R. I. Cooling in the course of his evidence, produced: (1) a conveyance dated 25 May 1951 by which land in the parishes of Sharlston and of Huntwick with Foulby and Mostell comprizing 190.676 acres or thereabouts as therein described and delineated on the plan annexed together with Sharlston Hall, Old Sharlston and together also with the Lordship of the Manor of Sharlston were conveyed by the executors of V.A.F. St. C. Earl of Westmorland (he died on 12 May 1948) to Mr. G. T. Cooling in fee simple; (2) a photograph of the probate dated 6 March 1968 of his will (he died 18 September 1967) granted to Midland Bank Executor and Trustee Company Limited the sole executor; and (3) an assent dated 5 June 1968 by which the said executor assented to the property described in the schedule vesting in Mr. R. I. Cooling and Mr. M. E. Cooling in fee simple as joint tenants in trust for themselves as tenants in common in equal shares.

Mr. R. I. Cooling said in effect:- Mr. G. T. Cooling named in the 1951 conveyance and the 1968 probate was his father. He (Mr. R. I. Cooling) and Mr. M. E. Cooling are brothers, sons of Mr. G. T. Cooling. The land ("the Unit Land") comprised in this Register Unit is that described in the schedule to the 1951 conveyance as: "Damhead Wood (Common)" and as having an area of 2.449 acres; it is still woodland, being just below the retaining wall of the dam (a large area of water: in the schedule said to be 2.442 acres) a little higher up. The two pieces of land on the plan annexed to the 1951 conveyance and on the Register map called "Sharlston Common" (between 60 and 70 acres) have been registered under the Act of 1965 as Common Land pursuant to an application by the Rural District Council and they (Messrs. R. I. and M. E. Cooling) have been registered as owners (these two pieces being included in the 1951 conveyance). They in continuation of the business carried on by their father Mr. G. T. Cooling had farmed the remainder of the land (now called "Hall Farm") comprised in the 1951 conveyance in partnership.



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From my examination of the 1951 conveyance and the 1968 assent, and on the evidence of Mr. R. I. Cooling, I conclude that the title of himself and Mr. M. E. Cooling to the Unit Land is regular. Accordingly I am satisfied that they are the owners of the land, and I shall accordingly direct the West Riding County Council, as registrar authority, to register Mr. Ronald Irwin Cooling and Mr. Maurice Edward Cooling both of Hall Farm, Charlston, near Wakefield as the owners of the land under section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 15th day of February 1974.
a. a. Baden Fuller

Commons Commissioner