

COPY.

Sealed 25th September 1934.

3748

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County - YORK, W.R.
Ancient }
Township } - SKIPTON.
Charity - TARN MOOR ESTATE.

C.

93,468.

Stamps { 10s.
 { 10s.

Scheme, including Appointment
of Trustees, and Vesting
in them.

CHARITY COMMISSION.

In the Matter of the Charity called the TARN MOOR
ESTATE, in the Ancient Township of SKIPTON, in
the West Riding of the County of YORK, com-
prised in the Tarn Moor Act 1767;

In the Matter of "The Commons Act, 1889"; and

In the Matter of "The Charitable Trusts Acts,
1853 to 1925".

THE BOARD OF CHARITY COMMISSIONERS FOR ENGLAND
AND WALES, upon an application made to them on the 22nd.
March 1934, in writing under the Common Seal of

THE URBAN DISTRICT COUNCIL OF SKIPTON:

AND it appearing that there are no Trustees of the
above-mentioned Charity:

AND that by an Order of the Local Government Board
of the 27th June 1896 there were conferred upon the said
Council the powers, duties and liabilities of a Parish
Council under sub-sections (1), (2), (3) and (4) of
Section 14 of the Local Government Act, 1894, with

respect to any Charity held wholly or partly for the benefit of the Township of Skipton, and being a Charity to which the provisions of that Section would apply if such Township were a Rural Parish:

AND after due notice of the intention to make this Order published according to the direction of the Board by being affixed to or near a principal outer door of the Parish Church and the Town Hall, Skipton, on the 5th May 1934 (being more than one calendar month before the date hereof); and also sent through the post to

The CHURCHWARDENS of Skipton;

being persons who are, or who may be, entitled to apply the income of the Charity or some part thereof:

AND having received no notice of any objection to the proposed Order and after due consideration of all suggestions for the variation thereof:

DO HEREBY ORDER as follows :-

The subjoined Scheme is approved and established

S C H E M E .

1. The above-mentioned Charity and the endowments thereof specified in the Schedule hereto, and all other the endowments (if any) of the said Charity, shall be administered and managed, subject to and in conformity with the provisions of this Scheme by the Urban District Council of Skipton, as the Trustees of the Charity.

2. Any lands and hereditaments comprised in this Scheme are hereby vested in the said Council for all the estate and interest therein belonging ~~xx~~ to or held in trust for the Charity.

3. The said Council shall hold the endowments of the Charity as Parish Property subject to the provisions of the Local Government Act, 1933.

SCHEDULE.

Lands containing 130 acres, or thereabouts, situate in the Ancient Township of Skipton and known as the Tarn Moor, together with the Inn and Farm Buildings erected thereon, which lands are now let to various tenants at yearly rents amounting to £321. 17s. 3d.

Sealed by Order of the Board this 25th day
of September 1934.

L. S.

(Signed) J. E. C. ADAMS.

Secretary.

Mr. Chairman and Gentlemen,

In moving the adoption of these Minutes, I think some explanation is due to the Council as to the reasons which have led to the obtaining of the Scheme of the Charity Commission referred to, and in order to give this explanation I must go back to December 1932 when in dealing with tenders for the letting of some of the land, part of the Tarn Moor Estate, the Clerk was asked by me whether or not the Council had power to sell any part of it for building purposes in view of the low rentals submitted in the tenders referred to. The Clerk was not prepared to answer that question at the moment, and he suggested he should go into the matter, and report to us later.

On the 5th January 1933 the Clerk reported he had made a thorough investigation of the Trust, and that as a result of that investigation he had come to the conclusion the Council had no power to sell any portion of the Estate for building purposes, inasmuch as they had no legal title to do so.

He moreover informed us he had been through the whole of the Minute Books and papers relating to the Trust in the possession of the Council since the passage of the Tarn Moor Act in 1767, and that meetings of the Trustees appeared to have been regularly held until the year 1917, when the Estate from that year up to 1927 was administered and managed by the Overseers of the Poor, apparently owing to the unsatisfactory method of letting lands which had been in operation up to that year.

In 1927 the Overseers of the Poor were abolished by the Rating and Valuation Act 1925, and their powers and duties passed to the Council as the Rating Authority.

The Council as the Rating Authority in the belief that the Overseers had been vested with full power to manage and deal with the Estate in the way they had done, and there is no question as to its being well and efficiently managed by them, took over the administration and management of it, and it was not as I said before, until we asked the Clerk to go into the matter as to whether there was a power of sale that the real position was discovered.

The Clerk also informed us he had found there are two loans owing by the Estate, one of £50 to Lord Craven's Charity, and another of £89. 7s. 0d. to Robinson's Dole, both of which had been borrowed in 1824 for the purpose of building the Craven Heifer Inn and buildings. These two sums are still owing although no legal mortgage appears to be in existence, and interest upon them at the rate of five per centum has been paid yearly to the Rector and Churchwardens of Skipton.

Having regard to this report we had then to decide what should be done, when the Clerk suggested that he would very much like to have his opinion confirmed, and that he thought the best way to do this would be to consult Messrs. Lees & Company who are the Secretaries of the Urban District Councils' Association. We quite agreed with this, and we instructed the Clerk to prepare a case for the opinion of Messrs. Lees & Company. The Clerk submitted a draft of the case to us on the 10th January, 1933. The case covered the whole history of the Estate from the passage of the Act in 1767 right down

to 1927, when the Council took over the Estate from the Overseers of the Poor.

We approved the draft, and the Clerk sent it to Messrs. Lees & Company, who were some considerable time in dealing with it, and when they did reply they stated the matter was one of considerable difficulty, and they were in doubt as to whether or not some of the old Poor Law Acts would have any effect on the Tarn Moor Act, 1767.

In April 1933 they replied in a lengthy Memorandum which confirmed the Clerk's opinion that the Council had no legal authority to administer the Estate, and they further advised we should give them instructions to obtain Counsel's opinion on the matter. As such opinion was desirable on a number of points we had raised in our case, Messrs. Lees' advice was accepted and they were instructed to obtain the opinion of Counsel.

They accordingly presented our case to Mr. R. J. Sutcliffe, who has not only had considerable experience in local government matters, but is also a recognised authority on conveyancing points, and requested his opinion upon the whole matter.

His opinion was given on the 16th May, 1933. He had no doubt in stating that in his opinion the Overseers and the Rating Authority had not been strictly in order in administering the Moor since 1917. He further stated that there was a power of sale with the consent of the Charity Commissioners, and further, that one of the courses open to the Council would be to ask the Charity Commissioners to make a Scheme respecting the administration and management of the Estate.

Having regard to this opinion we asked Messrs. Lees to get into touch with the Charity Commissioners, put the whole case before them, and ask for their advice. At the same meeting the Committee also appointed Councillor Walker, myself and the Clerk to deal with the matter, and if necessary seek an interview with the Commissioners.

Messrs. Lees put the matter before the Commissioners on the 1st. June 1933 in a very long letter explaining the whole position, and the Commissioners replied stating that they had considered the matter and had communicated with the Ministry of Health, inasmuch as the case appeared to them to be under the jurisdiction of that department as Parish Property.

The Ministry had then to be supplied with all the data which the Clerk had collected, and further the Clerk made a lengthy search at the West Riding Registry of Deeds at Wakefield in order to inspect the award which was made in 1774 and confirm whether or not that award referred to the Tarn Moor Estate.

Messrs. Lees & Company had two or three interviews with the Ministry of Health and the Commissioners between May and July 1933 and on the 12th July 1933 they sent us a lengthy Memorandum of the last interview they had with the Commissioners, when the whole matter was very thoroughly debated and the position discussed as to what should be done with the result that it was arranged the Ministry of Health should communicate with the Commissioners for the purpose of ascertaining whether they would transfer the Estate to the Council in such a way as to give them complete jurisdiction over it, and cloth the Council with all necessary powers of control and appropriation.

This the Ministry did, and in September 1933 the Commissioners stated to Messrs. Lees they had decided a Scheme could properly be made by them appointing the Council to be the Trustees of the Estate and authorising them to hold it as Parish Property.

Messrs. Lees sent us a form upon which to make the necessary application, but inasmuch as it was not clear as to how that form should be completed we asked for an interview, and the Clerk saw them on the 20th September 1933 with regard to it.

As a result of that interview several other points were raised as to what the Scheme should contain, and Messrs. Lees said they would again see the Commissioners with respect to those points. They accordingly did see them, and as a result of that interview, Councillor Walker, myself and the Clerk were instructed to see Messrs. Lees and Company with a carefully prepared Memorandum with regard to the difficulties which had arisen and which were likely to arise in connection with the administration of the property, and which it was desirable should be cleared up before the Scheme was made.

We accordingly saw them at their Offices in London on the 13th November 1933, when we discussed the Memorandum which had been prepared and came to an agreement upon it.

Messrs. Lees submitted that Memorandum to the Commissioners, but they gave no reply to it until the 19th

February 1934, when they stated the delay in giving us a reply had been caused because of correspondence which had been passing between the Commissioners and the Ministry of Health in regard to the proposals.

They however stated the application to the Charity Commissioners could now be made, and on the 20th March last the Council by resolution authorised this application, and instructed the Clerk to forward it on their behalf.

That application was accordingly made, and from that point the matter took its normal course, because as you no doubt remember in May last the necessary notice was given that the application had been made, and that anyone could object to the proposed Order to establish a Scheme by sending in objections to the Commissioners. No objections were made to the Council's proposals, and after the necessary time had elapsed for any objections to be sent in, the Clerk gave the declarations that the notice had been given, that all formalities had been complied with, and transmitted same to the Commissioners through Messrs. Lees & Company.

The result of what has been done is the receipt of the Scheme referred to in the Minutes, and it gives me

great pleasure to be able to report to you that a most difficult and troublesome matter has ended satisfactorily, and that the Council are now legally the Trustees of the Estate, with the lands and hereditaments comprising it, vested in them as such Trustees.

Of course should any part of the Estate be sold it can only be sold with the approval of either the Ministry of Health, or the Charity Commissioners, and any proceeds of sale must be applied strictly in accordance with the provisions of the Local Government Act, 1933.

I raised the question as to sale of some of the land in the first instance, in view of the fact that the income from letting it as agricultural land only realises an average of £2. 10s. Od. per annum per acre, and it seemed to me if sales could be effected for building purposes the income would be considerably increased from the investment of capital moneys received from sales. I should say money received from sales invested at 3 per centum will realise at least four times as much as the amount received from letting. Further, as you all know public services have been placed up Raikes Road where building is now taking place, and in consequence some of the Tarn Moor land is now ripe for development for building purposes.

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I know this is a long statement to make, but I wanted the whole of the Council to know all the facts relating to the Trust.

I move the confirmation of the Minutes.

	Ds. Ducie.
Comes Talbot. Senescallus.	Ds. Montfort.
Comes Suffolk.	Ds. Edgcombe.
Comes Denbigh.	Ds. Sandys.
Comes Westmorland.	Ds. Bruce.
Comes Winchelsea.	Ds. Ponsoby.
Comes Sandwich.	Ds. Vere.
Comes Shaftesbury.	Ds. Hyde.
Comes Litchfield.	Ds. Walpole.
Comes Cholmondeley.	Ds. Mansfield.
Comes Abercorn.	Ds. Scarsdale.
Comes Marchmont.	Ds. Lovel & Holland.
Comes Oxford.	
Comes Dartmouth.	
Comes Aylesford.	
Comes Granville.	
Comes Macclesfield.	
Comes Pomfret.	
Comes Effingham.	
Comes Temple.	
Comes Hardwicke.	
Comes Derlington.	
Comes Delawar.	
Comes Radnor.	
Viscount Weymouth.	
Viscount Falmouth.	
Viscount Wentworth.	
Viscount Dudley & Ward.	

PRAYERS.

Witham & al Leave for a Bill:

After reading, and considering, the Report of the Judges to whom was referred the Petition of Mr. *Witham* and others, praying Leave to bring in a Private Bill, for the Purposes therein mentioned:

It is Ordered, That Leave be given to bring in a Bill, pursuant to the said Petition and Report.

Bill read.

Hodie 1^a vice lecta est Billa, intituled "An Act for Sale of Part of the settled of *Mathew Henry Witham* Esquire, in the County of *York*, for the discharging the Debts and Encumbrances thereon; and for other Purposes therein expressed."

Layton Hawes Common, Bill.

A Message was brought from the House of Commons, by Lord. *Strange* and others:

With a Bill, intituled, "An Act for dividing and enclosing the Common Waste Grounds and Sandhills called *Layton Hawes*, within the Manor of *Layton*, in Parishes of *Poultan* and *Bispham*, in the County Palatine *Lancaster*," to which they desire the Concurrence of this House.

Tarn Moor, Skipton, Enclosure Bill.

A Message was brought from the House of Commons, by Sir *Anthony Aaby* and others:

With a Bill, intituled, "An Act for dividing and enclosing a certain Common called *The Tarn Moor*, in the Township of *Skipton*, in the West Riding of the County, of *York*; and for applying the Produce thereof towards the Relief of the Poor of the said Township," to which they desire the Concurrence of this House.

Liverpool Churches, Bill.

A Message was brought from the House of Commons, by Sir *Ellis Cunliffe* and others:

With a Bill, intituled, "An Act for enlarging the Term and Powers, granted by an Act of the Second Year of the Reign of His present Majesty, for erecting and building Two new Churches, and providing Burial Places, in the Town and Parish of *Liverpoole*, in the County Palatine of *Lancaster*," to which they desire the Concurrence of this House.

Lieutenants, &c. further Time for putting in Execution the Militia Pay, &C. Bill.

A Message was brought from the House of Commons, by Mr. *Rose Fuller* and others:

With a Bill, intituled, "An Act for giving further Time to His Majesty's Lieutenants, Deputy Lieutenants, Justices and Clerks of the Peace, and others, for carrying into Execution certain Parts of an Act, passed in the last Session, for Pay and Cloathing of the Militia; and for indemnifying such Lieutenants, Deputy Lieutenants, and Clerks of the Peace, and others, who have neglected to carry such Parts of the said Act into Execution," to which they desire the Concurrence of this House.

The said Four Bills were read the First Time.

Minchin & al. Leave for a Bill:

After reading, and considering, the Report of the Judges to whom was referred the Petition of Mr. *Minchin* and others, praying Leave to bring in a Private Bill, for the Purposes therein mentioned:

It is Ordered, That Leave be given to bring in a Bill, pursuant to the said Petition and Report.

Bill read.

Hodie 1^a vice lecta est Billa, intituled, "An Act to empower the High Court of Chancery to order so much of the Personal Estate of *George Minchin* deceased, as now stands in the Name of the Accomptant General of the said Court, to be transferred and paid to *Paul Minchin* and *Henrietta Minchin*, the only Children of the said *George Minchin*, without their giving any Security to refund the same."

Tarn Moor Skipton Enclosure, Bill.

The Lord *Sandys* also made the like Report from the Lords Committees to whom the Bill, intituled. "An Act for dividing and enclosing a certain Common, called *The Tarn Moor*, in the Township of *Skipton*, in the *West Riding* of the County of *York*; and for applying the Produce thereof towards the Relief of the Poor of the said Township," was committed.

Robb & al against Hunter & al.

After hearing Counsel further, in the Cause wherein *Robert Robb* and others are Appellants, and *Robert Hunter* and others are Respondents:"

It is Ordered, That the further Hearing of the said Cause be adjourned till To-morrow.

Causes removed.

Ordered, That the Cause which stands appointed to be heard To-morrow be put off to *Thursday* next; and that the Cause which stands for that Day be put off to *Tuesday* next; and that the Cause which stands for *Friday* next be put off to *Wednesday* the 1st of *April* next; and that the rest of the Causes on Cause-days be removed in Course.

Order for the pointed Cases in Claims of peerage, to contain an Abstract of the proofs made a Standing Order.