



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/541

In the Matter of Carrock Fell and Mungrisdale
Fell, Mungrisdale, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Carrock Fell and Mungrisdale Fell, Mungrisdale, being the land comprised in the Land Section of Register Unit No. CL.60 in the Register of Common Land maintained by the Cumbria 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 no person claimed to be the freehold owner of the land in question and no one 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 Carlisle on 23 March 1983. At the hearing Mr D Mellor, Solicitor, appeared for Mrs S M McCosh.

By a vesting deed made 5 April 1961 between (1) Edward William Hasell (2) Sylvia Mary McCosh, wife of Bryce Knox McCosh (3) S M McCosh, B K McCosh and Sir William Anthony Lewthwaite, bt Mr Hasell granted and conveyed to Mrs McCosh the manor of Dacre with the waste lands thereof including the manors of Mosedale and Bowsdale. By virtue of section 62 (3) of the Law of Property Act 1925 this included the Commons appertaining or reputed to appertain to the manors of Mosedale and Bowsdale. It appears from the record of a perambulation of the bounds of these manors made on 18 August 1911, as varied by an indenture made 16 July 1914 between (1) Henry Charles Howard (2) Sir Edward Stafford Howard, and Arthur Tremayne Buller (3) Revd. George Edmund Hasell (4) Revd William Hasell Parker and Christopher John Parker, that the whole of the land the subject of the reference is situate within the manor of Bowsdale.

On this evidence I am satisfied that Mrs McCosh is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register her as the owner 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 12~~3~~ day of April 1983

Chief Commons Commissioner