



COMMONS REGISTRATION ACT 1965

Reference No 262/D/29

In the Matter of Dalton Moor,  
Dalton-in-Furness, South Lakeland  
District, Cumbria

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DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL. 267 in the Register of Common Land maintained by the Cumbria (formerly Lancashire) County Council and is occasioned by Objection No 470 made by Mr Frank Jackson and noted in the Register on 31 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Kendal on 25 April 1978. At the hearing Mr F Jackson was represented by Mr R F Hart-Jackson, solicitor of Hart-Jackson & Sons, Solicitors of Ulverston.

The land ("the Unit Land") in this Register Unit is (according to the Registermap) a little more than  $\frac{1}{2}$  a mile long and a little less than  $\frac{1}{2}$  a mile wide. The registration was made on the application of the Friends of the Lake District (their application included some land to the northeast known as Mean Moor); a similar application by the Boughton Estates Limited is noted in the Register.

Mr Hart-Jackson produced a letter dated 15 April 1978 from Friends of the Lake District to his firm in which their Consultant Secretary said that the Society was "content that the application for registration as a common should be ~~be~~ withdrawn if the Commissioner thinks fit".

Mr F Jackson in the course of his evidence said (in effect):- He had occupied Standish Cote Farm since 1952 at first as tenant and after 1963 as the freehold owner. The farmhouse is just south of the Unit Land. The farm (about 218 acres) comprised in his tenancy included the Unit Land (about 139 acres). The Unit Land was rough ground; he started fencing it in 1963 and had completed the fencing in 1973; he had burnt it off and reseeded it, and it was now being grazed by dairy cattle. He had never heard it was common land. He produced an abstract dated 1952 of the title of The Holker Estates Company to land "known as Standish Cote Farm which was formerly customary-hold of the Manor of Plain Furness.

The 1952 abstract included a consolidating mortgage dated 29 September 1931 made between Lord R F Cavendish and V C ~~the~~ 9th Duke of Devonshire which included (among other property) lands on the plan coloured yellow which were "formerly customary-hold of the said Manor of Plain Furness or copyhold of the Manor of Muchland and were enfranchised by the Law of Property Act 1922" (the Unit Land, with other land nearer to the farmhouse, was so coloured on the plan) and also a compensation agreement dated 31 December 1935 by which the Unit Land was treated as having at one time been "customary-hold of the said Manor (Plain Furness)".

On the evidence of Mr Jackson summarised above, and in the absence of any evidence in support of the registration, I conclude that it was not properly made, and accordingly I refuse to confirm the registration.



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 *4<sup>th</sup>* day of *May* \_\_\_\_\_ 1978

*a. a. Bastin Fuller*

Commons Commissioner