

In the Matter of Flass and part of Ash Fell,
Ravenstonedale, Cumbria.

DECISION

This question relates to the question of the ownership of land known as Flass and part of Ash Fell, Ravenstonedale, being the land comprised in the Land Section of Register Unit No. CL 37 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 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 Penrith on 21 July 1982.

At the hearing Mr T A Hodges, solicitor, appeared for Mr D R Penrose and Mr J P Merrett.

By an indenture made 12 February 1920 between (1) James William Lowther, Christopher William Lowther, and William George Frederick Cavendish Bentick (2) Hugh Cecil, Earl of Lonsdale (3) Gerard Elyetson Thompson there was conveyed to Mr Thompson the manor or reputed manor of Ravenstonedale. Mr Thompson died on 4 May 1940, and on 31 December 1947 his personal representatives assented to the vesting of the manor in Richard Perceval Hewetson. By a conveyance made 31 July 1954 Mr R P Hewetson conveyed the manor to Richard Tatton Wedderburn Newetson. Finally, by a conveyance made 29 September 1978 between (1) R T W Hewetson (2) Derek Roch Penrose and John Peter Merrett the manor was conveyed to Mr Penrose and Mr Merrett.

It appears from a perambulation of the manor of Ravenstonedale that the land the subject of the reference, which is waste land in the technical sense of that expression, was parcel of the manor on 17 June 1887, and there is no evidence that it has since been severed from the lordship of the manor.

On this evidence I am satisfied that Mr Penrose and Mr Merrett are the owners of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as 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

23

day of

August

1982

Chief Commons Commissioner