



In the Matter of Herd House Moss, Angerton,
South Lakeland D

DECISION

SUPPLEMENTARY

This Decision is supplementary to the Decision dated 4 June 1984 ("the First Decision") relating to the question of the ownership of land described above and comprised in the Land Section of Register Unit No. CL.114 in the Register of Common Land maintained by the Cumbria County Council.

As appears from the first Decision, ownership of the part of the unit land described in the First Decision as "the East Section" was claimed by Mr and Mrs C J Slater, and they were the only claimants to that part. On the evidence then produced I was not satisfied that they were the owners, so that the East Section remained with no owner registered in the Register of CL.114.

Mr and Mrs Slater requested that the hearing be re-opened to consider further evidence in support of their claim. This I agreed to do and held the re-opened hearing at Keswick on 11 June 1985. At the hearing Mr L Hayton, Solicitor, appeared on behalf of Mr and Mrs Slater.

As appears from the first Decision, I was satisfied that the claimant to ownership of the West section of the unit land Mr J S H Stutt, had established his claim. This depended ultimately on a Conveyance to Mr Stutt of the west section made in 1982 by trustees for sale of estates known as the Holder estates. In the first Decision I considered the evidence adduced in support of the title of such trustees, and concluded that such title had been shown and that the estates included the west section. In my view, the same evidence equally showed the trustees title to the east section of Herd House Moss. The present trustees are the Marquess of Salisbury and Peter Anthony Bostock, and they by a Deed of Confirmation and Conveyance dated 11 September 1984 conveyed to Mr & Mrs Slater all their right title and interest in the East Section.

On this evidence I am satisfied that Mr and Mrs C J Slater are the owners of the East section, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as such owners 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

31 July 1985

L. J. Morris Smith

Commons Commissioner