



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/481

In the Matter of Hyton, Bootle,
Copeland B

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 430 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 the Earl of Lonsdale claimed to be the freehold owner of the land in question ("the Unit land") 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 Whitehaven on 19 April 1983.

At the hearing Mr J H F Spedding of Counsel appeared on behalf of the Earl.

By a Vesting Deed dated 27 January 1961 made between J L Wickham and Another (1) the Earl of Lonsdale (2) and the Hon Arthur J B Lowther (3), a number of Manors were declared to be vested in the Earl. Among the Manors was Bootle. Mr Paterson, a Chartered Surveyor and Chief Agent of the Lonsdale Estates for over 30 years, produced a 1928 map of the Manor of Bootle which showed and included the Unit land. This is a piece of marsh land above high water mark and only used by graziers.

On this evidence I am satisfied that the Earl of Lonsdale is the owner of the Unit land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register him as the owner 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

13 June

1983

Commons Commissioner