



In the Matter of Middleton Fell, Middleton
and Barbon, Cumbria (No. 3)

DECISION

This reference relates to the question of the ownership of land known as Middleton Fell, Middleton and Barbon, being the land comprised in the Land Section of Register Unit No. CL 110 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 Mr Harrison Beck 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 Kendal on 23 July 1980.

At the hearing Mr Beck was represented by Mr J A Hesmondhalgh, Solicitor.

The land the subject of the reference is waste land in the technical sense of that expression, subject to certain rights of common.

It appears from a survey of the manor of Middleton made in the 40th year of Edward III that the whole of the land comprised in the Register Unit lies within the manor. There is no evidence that any of this land has ever been severed from the lordship of the manor.

The lordship of the manor was vested in Mr Harrison Beck by Mr N H Inman as administrator with will annexed of George Morland Beck by an assent made on 6 December 1977. Mr G M Beck had a good root of title in an indenture made 26 May 1921 between (1) Margaret Elizabeth Moore (2) M E Moore (3) Alexander Pearson, Thomas Middleton Carleton Cowper (4) George Morland Beck.

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

25th

day of

August

1980

E. J. L. Smith

Chief Commons Commissioner