



In the Matter of Murthwaite Park, Ravenstonedale,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as Murthwaite Park, Ravenstonedale, being the land comprised in the Land Section of Register Unit No. CL 144 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 Trustees of the estate of the late Dr E P Frankland claimed to be the freehold owners 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 29 October 1980.

At the hearing Mr E R P Frankland appeared in person and Mr F A Hodges, Solicitor, appeared on behalf of the Trustees of Hewitson's Settlement, the lords of the manor of Ravenstonedale.

Mr Frankland is one of the Trustees of the estate of the late Dr E P Frankland.

The land in question is subject to a number of cattlegates, six of which were conveyed to the late Dr Frankland by a Conveyance made 26 March 1927 between (1) Percy Faraday Frankland (2) Edward Percy Frankland. In this Conveyance the premises were described as "freehold cattlegates grazings or stints in the Common Stint or Pasture called Murthwaite Park with a proportionate part of or share in the soil of the said stint or pasture".

Mr Frankland is also the owner of one cattlegate, which was conveyed to him by a Conveyance made 9 May 1952 between (1) Mabel Law, Thomas Emos Law and James Robert Ewbank (2) Edward Raven Percy Frankland, the parcels being in the same terms as those of the 1927 Conveyance.

Mr Frankland said that immediately before 1 January 1926 there were at least six owners of such cattlegates.

Mr Hodges proved by the record of a perambulation made in 1887 that the land comprised in the Register Unit was then within the manor of Ravenstonedale, but he had no further evidence to indicate that it was in the ownership of the lord of the manor.

On this evidence I am satisfied that the land was held in undivided shares by more than four persons immediately before 1 January 1926. Therefore the Public Trustee is the owner of the land by virtue of para 1 (4) of Part IV of the first Schedule to the Law of Property Act 1925, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the Public Trustee 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

17th

day of

November

1980

Chief Commons Commissioner