



COMMONS REGISTRATION ACT 1965

Reference Nos 262/D/310
262/D/311

In the Matter of Newton Moss and
Newbiggin Moss, Newton Reigny,
Catterham Parish, Eden District,
Cumbria

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry No 2 in the Rights Section of Register Unit No CL254 in the Register of Common Land maintained by the Cumbria (formerly Cumberland) County Council and is occasioned by Objection No 140 made by Mr William Whitlock Rowlandson and noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 23 October 1980. At the hearing (1) Mr W W Rowlandson attended in person; (2) Mr John Sewell Little and Mr James Sewell Little on whose application jointly with Miss Mary Jane Little the registration at Rights Section Entry No 1 was made, were represented by Mr D Mellor solicitor of Little & Shepherd, Solicitors of Penrith; and (3) Mr Joseph Rumney of Pallet Hill was represented by Mr T N Arnison solicitor of Arnison & Co, Solicitors of Penrith.

The land ("the Unit Land") in this Register Unit comprises two adjoining tracts: Newton Moss about 1/3rd of a mile long and Newbiggin Moss about 1/4 of a mile long. Rights Section registration No 1 is of a right attached to Bank Foot Farm to cut and carry away grass from the Unit Land. Rights Section registration No 2 (made on the application of Miss G M Craig and Mr W J Craig) is of a right attached to The Hollows, Newton Reigny "to cut peat, shoot, keep animals, take fish, etc" from Newton Moss. The grounds of Objection are: "Privately owned; Newton Moss Stints Nos 17 and 29, being part of Mains Farm, Newton Reigny".

Mr Mellor said (in effect):- Miss M J Little is now deceased. Enquiries at the County Archives Department at Carlisle and a perusal of his client's title deeds indicated that the Unit Land is not common land, but was allotted in strips in satisfaction of turbary rights. For this reason Messrs John and James Little wish to withdraw their registration.

Mr Rowlandson said (in effect):- The allotments were in strips having a width of about 8 yards, so many persons in the Village own one or more of these strips.

Mr Arnison agreed.

In the absence of any evidence in support of the registration at Entry No 2 and because the information above recorded makes it unlikely that there could exist any such rights as therein described, I conclude that the registration should not have been made. In view of the withdrawal by Messrs Little, my conclusion



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is the same as regards the registration at Rights Section Entry No 1. The Land Section registration was made in consequence of the application for registration of rights of common; in the absence of any evidence or suggestion that it could be supported if the Unit Land is not subject to any such rights, I conclude that it too was not properly made. Accordingly I refuse to confirm these registrations being those at Land Section Entry No 1 and at Rights Section Entry Nos 1 and 2.

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 8th — day of January — 1981

a. a. Baden Fuller

Commons Commissioner

