



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/291
262/2/292In the Matter of North Side,
Orton, Eden District, CumbriaDECISION

These disputes relate to the registration at Entry Nos 4, 11 and 28 (formerly 1) in the Rights Section of Register Unit No. CL 20 in the Register of Common Land maintained by the Cumbria (formerly Westmorland) County Council and ~~is~~ occasioned by Objection No. 2/123 relating to Entry Nos 28 (therein called "1") and 4, and Objection No. 2/144 relating to Entry No. 11 and both made by Crosby Ravensworth Commoners' Committee and noted in the Register on 4 February and 8 March 1972.

I held a hearing for the purpose of inquiring into the disputes at Penrith on 22 October 1980. At the hearing Crosby Ravensworth Commoners' Committee were represented by Mr J T Relph, their Hon Secretary.

The land ("the Unit Land") in this Register Unit is a tract of land which according to the Register map is irregularly shaped and is about 2/3rds of a mile long from east to west and about 1/3rd of a mile wide. Of the 8 registrations in the Rights Section of rights of common, those which have become final (at Entry Nos. 14, 16, 18, 22 and 24) are of right to graze stints as therein defined; in each case a stint being 5 sheep from 10 October in any year to 26 April the following year and one head of cattle from 1 June to 10 October (in some cases unweaned lambs or followers are included).

Mr Relph who has lived in the parish all his life (55 years) and has been Hon Secretary of the Committee since 1964 in the course of his evidence explained the disputed registrations as hereinafter set out.

As regards the registration at Entry No. 4 made on the application of Mr Roy Wilson of a right attached to Eskew Head Farm to graze 160 sheep and 27 head of cattle ~~in~~ rights of turbary and estovers over the Unit Land and also over the land in Register Unit Nos. CL 9, CL 10, CL 14, CL 103: the grounds of objection are (in effect) that this registration should be for 4 stints. Mr Relph said that he had spoken to Mr Wilson yesterday (21 October 1980) and he had said that he was agreeable to having 4 stints and not to worry about estovers and turbary.

As regards the registration at Entry No. 11 made on the application of Mr Richard Mawdsley of a right attached to Low Crag to graze 4 head of cattle from 1 May to 30 September, the grounds of objection are "The right claim does not exist. Rights on CL 20 are by virtue of the ownership of stints". Mr Relph said that Mr Mawdsley purchased Low Crag prior to 1971 from the Lowther Estate and that in the Committee Minute Book there is an entry at 15 November 1971 of a letter read from the Lowther Estate saying that there was no mention of any right of common in connection with Low Crag and that objection was made for this reason. The building Low Crag is a ruin. He understood that Mr Mawdsley



who farmed the land sold it to Mr Wilson to whom he (Mr Relph) was talking yesterday and from whom he understood that he thought Mr Mawdsley was wrong to claim any right. In the absence of any evidence in support of the registration and having regard to what Mr Relph said, my decision is that this registration should not have been made.

As regards the registration at Entry No. 28 (formerly 1) made on the application of Mr John Wilson Thwaites of a right attached to High Winhowe Farm to graze 10 sheep with their unweaned lambs or 2 head of cattle, I have an agreement in writing dated 19 February 1980 signed by Mr Relph on behalf of the Committee and by Mr Thwaites in which it is agreed that his rights on Unit Land comprise the right to graze 10 sheep and unweaned lambs from 10 October to 20 April and 2 cattle from 1 June to 10 October. For the purpose of securing uniformity in the registrations in this Register Unit I shall give effect to this agreement by adopting the same form of words as has been used in the registrations which have become final.

On the considerations set ^{out} above: I confirm the registrations at Entry No. 4 with the modification that for all the words in column 4 there be substituted: "To graze:- 4 stints, that is (a) 20 sheep from 10th October in any year to 26th April in the following year and, (b) 4 head of cattle from 1st June to 10th October in any year over the whole of the land comprised in this register unit"; I refuse to confirm the registration at Entry No. 11; and I confirm the registration at Entry No. 28 (formerly No. 1) with the modification that there be substituted for all the words in column 4 the following "To graze 2 stints, that is 10 sheep with their unweaned lambs from 10th October in any year to 26th April in the following year and (b) 2 head of cattle from 1st June to 10th October in any year of the whole of the land comprised in this register unit.

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 10th — day of November — 1980

a. a. Baden Fuller

Commons Commissioner