



In the Matter of Northern part of  
Foulshaw Salt Marsh, Crosthwaite  
Lyth and Witherslack, South Lakeland D

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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 158 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 a claim to ownership of the land in question ("the Unit land") was made by James Wilkinson, Mary Wilkinson and Roger J Wilkinson ("the claimants").

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Kendal on 21 April 1983.

At the hearing Mr M A H Bates, Solicitor, appeared on behalf of the Claimants.

The title deeds produced in support of the claim, short particulars of which are listed below, show title in the claimants to the property called High Foulshaw Farm and, in my opinion, to the Unit land.

Particulars of the title deeds are:-

18 October 1965	Earl of Woolton's Executors to F B Ford
28 June 1973	F B Ford to Brydon Properties Ltd
19 December 1973	Brydon Properties Ltd to Property Growth Assurance Co Ltd
15 December 1982	Property Growth Assurance Co Ltd to the Claimants.

Also produced was a Statutory Declaration made by Brigadier C E Tryon-Wilson on 19 April 1983.

On this evidence I am satisfied that the Claimants are the owners of the Unit land and I shall direct the Cumbria County Council, as registration authority, to register them as owners accordingly 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

7 July

1983

*H. J. Morris Smith*

Commons Commissioner