



In the Matter of Public Watering Place at East
Curthwaite, Westward

This reference relates to the question of the ownership of land known as Public Watering Place at East Curthwaite, Westward, Cumbria being the land comprised in the Land Section of Register Unit No. CL 94 in the Register of Common Land maintained by the former Cumberland 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 three persons 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 Keswick on 30 June 1981.

Mr R W Johnstone appeared for himself and his wife, Mr J B Irving appeared for his sister Miss M M P Irving, Mr M Cowen appeared in person and Mr T Adams (Clerk) appeared for Westward Parish Council.

An examination of the parties' documents of title satisfied me that the Register Unit was owned by Mr Cowen with the exception of a small strip owned by Miss Irving and that Mr Johnstone, as he accepted, owned no part of the unit.

On this evidence I am satisfied that Mr M Cowen is the owner of the land lying between the points A B C D on the plan annexed hereto except for the part lying to the west of the line X-Y hatched black on the plan annexed hereto which is owned by Miss M M P Irving.

I shall accordingly direct the Cumbria County Council, as registration authority, to register Mr Cowen and Miss Irving respectively as the owners of the land under section 3(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

23rd

day of

September

1981

George Herbert

Chief Commons Commissioner