



In the Matter of Tenants Meadow, Broughton
West, Cumbria

DECISION

This reference relates to the question of the ownership of the land known as Tenants Meadow, Broughton West, being the land comprised in the Land Section of Register Unit No. CL 243 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 Mr J M Gott claimed to be the freehold owner 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 Kendal on 30 March 1982.

At the hearing Mr W J Ilett, Solicitor, appeared on behalf of Mr Gott, Mr A Hatton, the personal representatives of F Tyson, deceased, Mrs M Knowles, and Mr J M Harrison.

The land the subject of the reference consists of parts of an area known as Tenants Meadow. Other parts of Tenants Meadow are comprised in Register Unit No. CL 244. The parts into which the land comprised in the two Register Units is divided are known as "dales".

The three dales of which Mr Gott claims to be the owner are all comprised in Register Unit No. CL 244, and I shall consider his claim in my decision relating to that Register Unit.

A dale known as Round Platt Dale and numbered 3 on a plan handed to me at the hearing was conveyed to Mr Hatton by a Conveyance made 12 July 1955 between (1) Eric Randall and Edith Hunter Randall his wife (2) Albert Hatton.

Two dales numbered 7 and 9 on the plan were conveyed to Mr Tyson by a Conveyance made 17 February 1947 made between (1) Margaret Eleanor Tyson (2) Fred Tyson. Mr Tyson died on 6 August 1973 and letters of administration to his estate were granted on 21 January 1974 to Mrs Dora Tyson and Mr Edward Tyson.

Two dales numbered 6 and 10 on the plan were conveyed by an indenture made 23 March 1906 between (1) Agnes Gawith, Margaret Gawith, and Wilson Butler (2) Richard Fell and Thomas Sim Fell. The property passed down in the Fell family until 9 September 1970, when it was vested in Mrs Knowles by an assent made by Mrs Ann Huddleston Fell and Mrs Elizabeth Margaret Clark.

Two dales numbered 2 and 5 on the plan were conveyed to Mr Harrison by a Conveyance made 15 November 1943 between (1) William Casson (2) Joseph Martindale Harrison.



On this evidence I am satisfied that Mr Hatton, Mrs D Tyson and Mr E Tyson, Mrs Knowles and Mr Harrison are the owners of the parts of the land mentioned above, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners of those parts 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

7th

day of

April

1982

Chief Commons Commissioner