



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/197⁸

In the Matter of The Quarry and Road leading
thereto known as Todbank Hill, Kirkoswald, Cumbria

DECISION

This reference relates to the question of the ownership of the Quarry and road leading thereto known as Todbank Hill, Kirkoswald, being the land comprised in the Land Section of Register Unit No. CL 144 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 R Armstrong 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 Penrith on 22 April 1980.

At the hearing Mr Armstrong and his wife were represented by Mr M G Barnes, Solicitor.

The land in question was conveyed to Mr and Mrs Armstrong by a conveyance made 25 August 1978 between (1) David Farquhar Paterson McCunnall (2) Rose Armstrong and Susan Mary Armstrong his wife. The vendor had a good root of title in a conveyance made 20 June 1960 between (1) Ruth Earl Harrison (2) Isabella Atkinson Norman.

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

4th

day of

June

1980

Chief Commons Commissioner