



In the Matter of two pieces of land .1. Land between the end of Waver Cottage and Paddock, 2. Triangular Patch of land adjoining N E end of Paddock, Rampside

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DECISION

This reference relates to the question of the ownership of the land above mentioned being the land comprised in the Land Section of Register Unit No. CL.1 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 Mrs B Odell claimed to be the freehold owner of part of the land in question and Boughton Estates Limited claimed to be the freehold owner of the remainder.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Barrow-in-Furness on 7 June 1984.

Mr R F Hart Jackson of Hart Jackson and Sons, Solicitors of Ulverton appeared for both applicants.

Mrs Odell's claim is based on a Deed of Enfranchisement executed in 1914 by the then Earl of Dalkeith as Lord of the Manor of plain Furness as part of a conveyance to effect the sale of Rampside Hall. The two pieces are described in the first Schedule to that document as NO. 623 on the plan 2 parcels of waste of 752 acres. Mrs Odell's title deeds establish that she is now the owner of the triangular piece of land numbered 2 above, but I have no evidence as to the present ownership of piece NO.1.

On this evidence I am satisfied that Mrs Odell is the owner of the piece of land, No 2 above and I shall accordingly direct the Cumbria County Council, as registration authority, to register her as the owner of such piece under section 8 (2) of the Act of 1965.

I am not satisfied that any person is the owner of the piece of land No. 1 above it will therefore remain subject to protection under section 9 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

28<sup>th</sup>

day of

March

1985

*James H. H. H. H.*  
Commons Commissioner