



COMMONS REGISTRATION ACT 1965

Reference No. 20/U/79.

In the Matter of Black Moss,
Middlescough, and White Moss, Duddon,
South Lakeland District, Cumbria

FURTHER DECISION.

This further decision is supplemental to my decision in this Matter dated 11 April 1975.

As contemplated in my said decision, I held a further hearing at London on 11 June 1975. The hearing was attended by Sir William A. Lewthwaite in person.

He claimed to be the owner of the two pieces of land (the "Claimed pieces") on the Award map marked as (i) "Trustees of Thomas Brockland Dixon" and (ii) "James Spedding as purchased from Trustees of Agnes Dixon". In the course of his evidence he produced (1) a conveyance dated 6 March 1940 by which lands including Postwaite Farm and the "Claimed pieces" were conveyed to Mr. J. Wyrton, (2) a conveyance dated 12 July 1949 of the same lands to Mr. L. Illingworth, (3) a conveyance dated 25 February 1953 of the same lands to himself (Sir W. Lewthwaite) and Mr. R. Challinor on trust for sale and upon trust for themselves as tenants in common, (4) the probate of the will of Mr. R. Challinor (he died on 20 September 1960; Sir W. Lewthwaite is one of his executors), (5) an appointment dated 22 December 1960 of Mr. R. J. Hunt as a trustee in the place of Mr. R. Challinor, and (6) a conveyance dated 25 September 1973 by Sir William Lewthwaite and Mr. Hunt of the land including the Claimed Pieces to Sir William Lewthwaite absolutely and beneficially. Sir William Lewthwaite explained that Mr. R. Challinor was his great uncle and that under various assignments, acts in the law, and events (some being made by family arrangement) he had become the only person beneficially interested under the trust for sale constituted by the 1953 conveyance.

On the evidence outlined above I am satisfied that Sir William Lewthwaite is the owner of the Claimed Pieces, and I shall accordingly under section 3(2) of the Act of 1965 direct Cumbria County Council as registration authority to register Sir William Lewthwaite, Baronet of 77 Dovehouse Street, London, W1B 6 JJ as the owner of the part of the land comprised in this registered unit (such land consists of 7 pieces) being the part which is itself part of the north of the four pieces in the Register map shown as part of White Moss and which is delineated on the map referred to in the Troughton Inclosure Award dated 31 March 1847 and therein marked "Trustees of Thomas Brockland Dixon" and "James Spedding as purchased from Trustees of Agnes Dixon" and I shall in my direction annex a copy of the relevant part of the said Award map.

I am required by regulation 50(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 24th day of June 1975

a. a. Baden Felle
Commons Commissioner.