



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/322

In the Matter of Land South- East of Byesteads,  
Morland, Cumbria

DECISION

This reference relates to the question of the ownership of land South-east of Byesteads, Morland, being the land comprised in the Land Section of Register Unit No. CL.137 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 the Clerk of the Trustees of Morland Town Lands, Mr R D Ewin, and Mr A W Barton claimed to be the freehold owners of parts 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 30 October 1980. At the hearing all the claimants were represented by Mr D Mellor, Solicitor.

The whole of the land the subject of the reference formerly formed part of the Carlisle Chapter Late Permanent Estates, which vested in the Ecclesiastical Commissioners for England by virtue of an Order in Council dated 21 December 1937. The land was conveyed to the Trustees by a Conveyance made 2 May 1977 between (1) The Church Commissioners for England (2) Gervase William Markham, John Gill, William Howarth and Alan Tuer.

A part of the land was conveyed to Mr and Mrs A W Barton by a conveyance made 26 May 1978 between (1) G W Markham, W Howarth, A. Tuer, and David Gill (2) Arthur William Barton and Margaret Barton his wife.

Another part of the land was conveyed to Mr Ewin by a Conveyance made 6 December 1978 between (1) G W Markham, W Howarth, A Tuer, D Gill (2) Robert Dennis Ewin.

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

17<sup>th</sup>

day of

November

1980

  
 Chief Commons Commissioner