



In the Matter of Moresby Moss, Cumbria

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DECISION

This reference relates to the question of the ownership of land known as Moresby Moss being the land comprised in the Land Section of Register Unit No. CL 160 in the Register of Common Land maintained by the former Cumberland 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 Dickinson and A M Palmer and Co each claimed to be the freehold owner of the land in question ("the Unit land") 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 Unit land at Keswick on 11 October 1979.

At the hearing Moresby Parish Council, the applicant for registration of the Unit land, was represented by its Clerk, Mrs M Simon, and Mr J Dickinson appeared in person.

By the Moresby Inclosure Award of 1763 there was allotted a plot of Common, Waste (being Moss Ground) to the persons having right of common or common of turbary upon the Common Waste. From the plan attached to the Award it appears that this plot was the Unit land, but no person appeared to claim ownership based on title derived from the Award.

By a Conveyance dated 10 October 1956, between the Earl of Lonsdale (1) Sir John Edward Singleton and Others (2) and Matthew Dickinson and Margaret Dickinson ("the Purchasers") (3) property known as West Croft Farm with adjoining land which included the Unit land was conveyed to the Purchasers. By a Deed of Gift dated 31 March 1967, between the Purchasers (1) and John Dickinson (2) the same property was conveyed to John Dickinson.

On this evidence I am satisfied that Mr John Dickinson is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register him as the owner 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

10 April

1980

*L. J. Thomas Smith*

Commons Commissioner