



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/494

In the Matter of School Hill, Kings Meaburn,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as School Hill, Kings Meaburn, being the land comprised in the Land Section of Register Unit No. VG 16 in the Register of Town or Village Greens 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 C G Booth claimed to be the freehold owner of part 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 Carlisle on 22 March 1983.

At the hearing Mr Booth appeared in person, the Kings Meaburn Parish Meeting was represented by Mr S Addison, its Chairman, and Mr J B Owen, Solicitor, appeared for Corlands Minerals Limited.

A very small area at the south-eastern extremity of the land the subject of the reference forms the drive leading to a house known as Redlandsgate. This small area was included in the parcels of a Conveyance of Redlandsgate made 25 August 1969 between (1) Joseph Bird (2) Charles Gideon Booth. The vendor had a root of title in an indenture made 4 November 1882 between (1) Agnes Anne Burra (2) Robert Burra (3) Joseph Bird. Neither Mr Addison nor Mr Owen contested, Mr Booth's title to this small part of the land in question.

It appears from the record of the riding of the bounds of the manor of Kings Meaburn by Thomas, Earl of Thanet on 13 June 1699 that the land the subject of the reference was within that manor. The commons and waste grounds of the manor of Kings Meaburn which were subject to rights of common were inclosed by an award made 3 October 1778 under the King's Meaburn Inclosure Act 1777 (17 Geo. III, c.14 (private)). Those which were not so subject were left uninclosed and therefore in the ownership of the lord of the manor.

The lordship of the manor descended to John Sackville Richard, 2nd Baron Hothfield, who died on 21 December 1952, as part of the Appleby Castle Estate. The manor and forest of Oglebird (including the lordship of Kings Meaburn) was conveyed to Corlands Minerals Limited by a Conveyance made 18 November 1965 between (1) George Gerard Shiel (2) Broadland Properties Limited and Corthorn Land and Timber Company Limited (3) Corlands Minerals Limited. There is nothing in this conveyance to indicate what, if any, land was included with the lordship of Kings Meaburn.



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The land the subject of the reference consists of four areas divided by roads. The northernmost of these areas surrounds a school. The school is said to have been built by public subscription in 1831, but there is no evidence as to the person from whom the site was acquired. However, it is recorded in the minutes of a Parish Meeting held on 25 March 1896 that the trustees of the school asked for the consent of the meeting to enclose a playground, which consent was granted. At a meeting held on 25 March 1965 it was resolved that there was no objection to a fence around the school. This fence was erected on the road boundary of the area surrounding the school, and since then the school managers have paid 1/- now (5p) a year rent for this. This payment is recorded in the minutes of subsequent parish meetings.

The other parts of the land the subject of the reference (the whole of which is described in Parish Meeting minutes as the School Hill) are open to the roads. At the time of the Coronation in 1953 a number of people planted trees in these parts with the consent of the Parish Meeting, and at a meeting held on 25 March 1954 it was resolved that a record of the names of people who planted the trees together with a sketch showing the positions of the trees should be made in the minute book "as this might be of interest to future generations". The sketch shows that trees were planted in all the parts of the land now under consideration. In addition to these trees, other trees have been planted on behalf of the Parish Meeting and on behalf of the Women's Institute with the consent of the Parish Meeting.

The Parish Meeting has also caused some trees to be felled, the last occasion being about eight years ago.

Assuming, as may well have been the case, that the land was at one time part of the waste of the manor, I have come to the conclusion that it has become severed from the lordship of the manor and that the Parish Trustees of Kings Meaburn have acquired a possessory title to the whole of it with the exception of Mr Booth's drive.

On this evidence I am satisfied that Mr Booth and the Parish Trustees of King's Meaburn 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 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 15th day of April 1983

Chief Commons Commissioner