



In the Matter of Tarn Moor or Tarn Pasture,
Orton, Cumbria.

DECISION

This reference relates to the question of the ownership of land known as Tarn Moor or Tarn Pasture, Orton, being the land comprised in the Land Section of Register Unit No. CL 96 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 Mr J C Dunning on behalf of the Court Baron of the Manor of Orton and Messrs Hewitson and Harker claimed to be the freehold owners of the land in question and no other person claimed to have information as to its ownership. By a letter dated 15 January 1980 addressed to the Clerk of the Commons Commissioners Mr Dunning indicated that he did not wish to pursue the claim of the Court Baron.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Penrith on 31 October 1980.

At the hearing Mr G B Harker, solicitor, appeared on behalf of Mrs E Wharton, Mr L Wharton, Mr J Coates, and Mr D Hewitson.

Mr Parker's clients are entitled to graze such commonable animals as are equivalent to various numbers of stints over the whole of the land the subject of the reference. In addition to Mr Harker's clients there are a number of persons also entitled to such stints.

The evidence indicated that the soil of the moor was vested in the stint-holders immediately before 1 January 1926. Since there were then more than four of them, the soil is now vested in the Public Trustee by virtue of para. 1(4) of Part IV of the First Schedule to the Law of Property Act 1925.

On this evidence I am satisfied that the Public Trustee 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 this

11th

day of

February

1981

[Signature]
Chief Commons Commissioner