



In the Matter of Whitrigg Marsh and Whitrigg
Moss (part), Bowness

DECISION

The reference relates to the question of the ownership of the land above mentioned being part of the land comprised in the Land Section of Register Unit No. CL 314 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 several persons claimed to be the freehold owner 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 Keswick on 30 June 1982.

Mr T Cartmell of Messrs ^{Cartmell} Mawson and Main, Solicitors of Carlisle appeared for five persons who were between them the present owners of all the stints into which Whitrigg Common had been divided by an Inclosure Award dated 8 August 1850.

The 7th Earl of Lonsdale had been finally registered as owner of Whitrigg ^{Marsh} ~~Moss~~. Mr R Wallace appeared for Cumberland Moss Litter Industry Limited who claimed ownership of a small part of the Common by virtue of a Conveyance dated 21 February 1967. This part was shown on the Inclosure Award as having been allotted to the then Earl of Lonsdale.

Mr Cartmell's clients were all registered in the Rights Section of the Register. By a Deed dated 5 October 1981 they had appointed two of their number Stuart Nicoll and Thomas Telford to be trustees of the land, which they all owned in undivided shares and authorised these two to deal with the land on behalf of all of them and to obtain registration under the Commons Registration Act 1965 on behalf of all of them.

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The area claimed by the Company is OS. No. 1120 1.670 acres and part of OS. No. 1374 0.390 acres shown coloured yellow on the plan attached to the Conveyance from the Earl of Lonsdale to which I have already referred.

On this evidence I am satisfied that Cumberland Moss Litter Industry Limited and Messrs Nicoll and Telford are respectively the owners of the land I have mentioned. I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners of such 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

5th

day of

August

1982

made in accordance with para. 7 of the Commons Commissioners Regulations, 1971
George Harkett

George Harkett