



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/335

In the Matter of Abbey Quarry,  
Embleton and District Parish,  
Allerdale District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Abbey Quarry, Embleton and District Parish, Allerdale District being the land comprised in the Land Section of Register Unit No. CL 373 in the Register of Common Land maintained by the Cumbria (formerly 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 Miss M A Rydiard, Miss F M Rydiard, Miss J Rydiard and Mrs J Turner claimed (letter 3 October 1980) 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 27 and 28 April 1981. At the hearing Embleton and District Parish Council were represented (on the first day only) by Mr O W Todhunter their clerk and Miss J Rydiard attended (on both days) on her own behalf and as representing her sisters Miss M A Rydiard, Miss F M Rydiard and Mrs J Turner.

According to the Register map the land in this Register Unit is about 50 yards long from north to south, is situated between Low Abbey and High Abbey and is north of, and has a frontage of about 25 yards to the road which here runs approximately east-west.

On the first day of the hearing Miss Rydiard in the course of her evidence said (in effect):- the land in question is a small derelict worked out quarry, being part of the farm containing about 92 acres called Low Abbey of which she and her 3 sisters are and had been for the last 13 years (in succession to her father) joint owners. The Farm is tenanted by Mr George Corbett.

Mr Todhunter said that the Parish Council did not claim ownership and did not dispute the ownership of Miss Rydiard and her sisters.

On the second day of the hearing, Miss Rydiard produced the documents specified in the Schedule hereto, and said, (in effect):- The George (Furnival) Rydiard mentioned in the 1892 conveyance was her grandfather. As to the land coloured red on the plan produced at the hearing (such land was then assumed to be the same as that edged green on the Register map referred to in the registration) is on the said plan marked as north of the road. The quarry she knew as "Abbey Quarry" is south of the road: this quarry is no wider than about 30 ft; it was for stone but is now worked out; it is open to the road at the front although fenced round at the back.



However both the land coloured red on the plan north of the road and the land she knew as Abbey Quarry south of the road were part of that inherited by her sisters and herself from her grandfather and now tenanted by Mr Corbett.

I need not investigate whether the registration should be regarded as being the land coloured red on the said plan or that known to Miss Rydiard as Abbey Quarry because in either view I am satisfied that the Misses Rydiard and Mrs Turner are the owners of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Miss Mary Anderson Rydiard, Miss Florence Margaret Rydiard and Miss Joyce Rydiard all of High Abbey Embleton, Cumbria and Mrs Joan Turner of 272 Bradley Road, Huddersfield, Yorkshire as the owners 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.

#### SCHEDULE

24 February 1892

Conveyance between (1) Francis Meagher Horricks and another, (2) Arthur Simon Horrocks and (3) George Rydiard by which there was conveyed to Mr Rydiard first the messuage and farm called "Low Abbey" and secondly (Birket More containing 2 a. 3 r. 36 p., all such first and secondly described lands containing 70 a. 1 r. 17 p.

27 December 1929

Copy will of George Furnival Rydiard in favour of his son Gilbert Rydiard.

26 August 1965

Assent by personal representatives of Gilbert Rydiard (he died 13 July 1963) in favour of the Misses Rydiard and Mrs Turner.

Dated this 22nd day of June — 1981

*a. Bain Fuller*

Commons Commissioner