



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/147

In the Matter of Allieshaw Rigg, Banks,
Brampton, Cumbria (NO.2)

DECISION

This reference relates to the question of the ownership of land known as Allieshaw Riggs, Banks, Brampton, being the part of the land comprised in the Land Section of Register Unit No.CL.162 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 the Carlisle Diocesan Board of Finance Ltd 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 Carlisle on 7 April 1981, when I was satisfied that the Carlisle Diocesan Board of Finance Ltd was the owner of the Western two thirds of the land in question and I was informed that the eastern portion of the land might belong to Mr J W Graham. After correspondence between the Clerk of the Commons Commissioners I decided to re-open the hearing in relation to the part of the land as to the ownership of which I had stated in my decision dated 11 February 1982 I was not satisfied.

I held the re-opened hearing at Carlisle on 23 March 1983. At the hearing Mr H Graham, son of Mr J W Graham, who was ill, appeared in person.

The eastern third of the land comprised in the Register Unit, was conveyed to Mr J W Graham, Mrs M R Graham, and Mr H Graham by a Conveyance made 2 February 1959 between (1) Midland Bank Executor and Trustee Company Ltd and Thomas William Percival (2) Joseph William Graham, Margaret Ridley Graham, and Harry Graham. The vendors had a good root of title in an indenture made 14 October 1920 between (1) John Joseph Addison (2) J J Addison, William James Darch, and Trevor Rodney Leigh Hunt (3) William Smith and Thomas James Smith.

On this evidence I am satisfied that Mr J W Graham, Mrs M R Graham and Mr H Graham are the owners of the eastern third of the land, and I, shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners of that part 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

12~~th~~

Day of

April

1983

Chief Commons Commissioner