



In the Matter of Allieshaw Riggy, Banks,
near Brampton, Cumbria.

DECISION

This reference relates to the question of the ownership of land known as Allieshaw Riggy, Banks, near Brampton being 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.

At the hearing the Carlisle Diocesan Board of Finance Ltd was represented by Mr John Hawks, solicitor.

The western two-thirds of the land in question is part of the glebe land of the parish of Lancercoast. The Vicar of Lancercoast was in receipt of the rents and profits of the land under an agreement made 3 February 1882 between the Rev. H. Bulkeley and Messrs Sawyers and agreements made 21 November 1940 and 2 October 1943 between the Rev. W R N Naylor and Mr J W Graham. The land is at present held by Mr M Graham under an agreement made with the Rev. W Braithwaite on 30 December 1975.

The freehold of the glebe land was vested in the Carlisle Diocesan Board of Finance Ltd by the Endowments and Glebe Measure 1976.

I was informed at the hearing that the eastern portion of the land in question might belong to Mr J W Graham. A request to Mr Graham that, if he was the owner of the land, he would produce an affidavit setting out his title with copies of the relevant documents exhibited to it elicited a letter in which Mr Graham stated that he was the owner and that his deeds were with a bank. However three subsequent requests for the necessary evidence have been unanswered.

On this evidence I am satisfied that the Carlisle Diocesan Board of Finance Ltd is the owner of the western two-thirds of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the Carlisle Diocesan Board of Finance Ltd as the owner of the land under section 8(2) of the Act of 1965.

In the absence of evidence from Mr Graham I can only say that I am not satisfied that any person is the owner of the remainder of the land and it will therefore remain subject to protection under section 9 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.

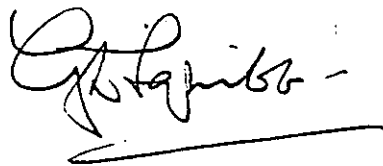
Dated this

11th

day of

February

1982



Chief Commons Commissioner