



In the Matter of Christopher Quarry,
Kirkoswald Cumbria (No.1)

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No. CL134 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 117 made by Messrs. G A, W R, F, and A Todd and noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 29 October 1980. The hearing was attended by Mr J O Fenwick, the Clerk of the Kirkoswald Parish Council, the applicant for the registration at Entry No 1 in the Rights Section of the Register Unit, and by Mr T M Arnison, Solicitor, on behalf of the Objectors.

In the Stafffield Inclosure Award made in 1816 under the Stafffield Inclosure Act of 1806 (46 Geo. III, c.14 (private, not printed)) the land comprised in the Register Unit was appointed as and for a public quarry to and for the common use and benefit of the Lord of the Manor of Stafffield for the time being and his tenants, lessees and assigns and of the owners and occupiers of messuages and lands and tenements entitled to right of common upon the moors, commons, and waste and of allotments awarded in respect thereof. The right of common thereby created was incorrectly registered on the application of the Parish Council as the right of the inhabitants of the parish of Kirkoswald to take stone from this quarry unattached to any land. I shall therefore modify the registration in the Rights Section of the Register Unit so as to bring it into conformity with the terms of the Award.

Since the land is subject to the awarded right of common, I confirm the registration.

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.

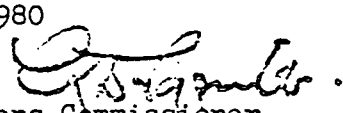
Dated this

21st

day of

November

1980


Chief Commons Commissioner