



In the Matter of Kirkland Fell, Culgaith Cumbria  
(NO.1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Ownership section of Register Unit No. CL.127 in the Register of Common land maintained by the Cumbria County Council and is occasioned by the conflicting registration at Entry No. 2 in the same section of the register unit.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 26 March 1984. The hearing was attended by Mr A M Ried, Solicitor, on behalf of Mrs J I H Curwen and Mrs D E H Stockley, the successor in title of Mr R M Moser, the applicant for the registration, and by Mr K G Walker, Solicitor, on behalf of Mr J K Stamper, the applicant for the conflicting registration.

The registration relates to the whole of the land comprised in the Register Unit and the conflicting registration to a part of it.

The northern part of the land was vested in the late Mr M G Le Fleming as tenant for life by a vesting assent made 16 July 1950 between (1) Michael George Hughes Le Fleming, Richard Ewhurst Porter, and Edward Moser (2) M G H Le Fleming. By a deed of discharge made 24 May 1961 between the same parties as the vesting assent the trustees were discharged and Mr Le Fleming became the absolute owner of the land. Mr Le Fleming died on 2 August 1966 and probate of his will was granted in the Supreme Court of South Africa to his brother, Richard Cumberland Hughes Le Fleming and Roger Michael Moser on 29 March 1967 and re-sealed in the Principal Probate Registry on 22 June 1967. This was followed by a vesting assent made 29 January 1970 between (1) R C H Le Fleming and R M Moser (2) R C H Le Fleming, Joan Isobel Hughes Curwen, and Diana Elizabeth Hughes Stockley. Mr R C H Le Fleming died on 16 August 1971.

The remainder of the land comprised in the Register Unit forms part of the waste of the manor of Blencarn. The lordship of this manor was included in the parcels of a Conveyance made 2 February 1952 between (1) Robert Brunskill and William Brunskill (2) John William Armstrong Stamper. It then passed to Mr J K Stamper by a deed of gift made between (1) J W A Stamper (2) Sarah June Stamper (3) Joseph Kenneth Stamper.

The parties put before me an agreed plan showing the boundary between their respective properties.

In these circumstances I confirm the registration with the following modification: namely, the exclusion of the land to the east and south of the line 1-2-3-4-5 on the agreed plan.

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

8<sup>th</sup>

day of

April

1984

*[Signature]*  
Chief Commons Commissioner