



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/302

In the Matter of land around
Maiden Castle, Stainmore,
Eden District, Cumbria

DECISION

This reference relates to the question of the ownership of land containing about 13 acres and being land around Maiden Castle on the Maiden Way (Roman Road) north of Blackhouse Bottom Bridge on the Brough-Bowes road, Stainmore, Eden District being the land comprised in the Land Section of Register Unit No. VG 26 in the Register of Town or Village Greens maintained by the Cumbria (formerly Westmorland) 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 E and E A Heelis, Solicitors, of Appleby in letters of 2, 10 and 18 October 1979 first on behalf of Mr Thomas William Raine of Thorney Gale Farm claimed, and then withdrew any claim to, the ownership of the land in question, and then forwarded a copy of a letter from the Archives Department of Cumbria County Council from which it appeared that this land was by the East Stainmore Inclosure Award 1890 allotted (being allotment Nos. 55 and 56) to the churchwardens and overseers of the township of East Stainmore "in trust as places for exercise and recreation for the inhabitants of the said township and neighbourhood". No person 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 Penrith on 22 October 1980. At the hearing Stainmore Parish Council were represented by Mr J J Beckwith their chairman (present also were Mr J G Brogden their vice chairman and Mrs M E Sinclair their clerk).

Mr Beckwith who was born in the Parish and has been a member of the Parish Council since 1937 and their chairman for 20 years, in the course of his evidence produced the said Award from the Parish Council records. The land was thereby allotted as above stated, being therein described as: "55. Maiden Castle. 9 acres" and "56. Summit. 4 acres". He said the land is now and has been ever since he has known it open land and has never been let.

On this evidence I am satisfied that Stainmore Parish Council as the successors of the said churchwardens and overseers are the owners of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Stainmore Parish Council as the owners of the land under section 8(2) of the Act of 1965.



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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 10th — day of November 1980

a. a. Baden Fuller

Commons Commissioner