



In the Matter of Land known as Katy Fair Ground
or Dodgskin Fair Ground, Boot, Cumbria

DECISION

1. This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. VG 109 in the Register of Town or Village Greens maintained by the former Cumberland 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 ownership of parts of the land in question ("the Unit Land") were claimed respectively by (1) Mr J J Postlethwaite (2) the National Trust.

I held a hearing for the purpose of inquiring into the question of the ownership of the Unit Land at Keswick on 10 October 1979.

At the hearing Mr Postlethwaite appeared in person and the National Trust was represented by one of its officers, Mr G Hall.

2. Mr Postlethwaite's claim was to the part of the Unit Land lying to the north and west of St Catherine's Church, the part that is on the west of the track shown on the Register Map which runs across the Unit Land. This part was included in the lands conveyed to him by a Conveyance dated 26 August 1966 between Dora A Coward (1) and J J Postlethwaite (2): the Conveyance together with an examined abstract of title covering the period from 1897 were produced.

3. The claim of the National Trust was to ownership of the remainder of the Unit Land, so that there was no conflict between the two claims. The land claimed by the National Trust was included in the lands conveyed by a Conveyance dated 19 May 1942 between Cyril G Bulman (1) and the National Trust (2), and tenancies of it have been granted by the National Trust.

4. On this evidence I am satisfied that the two claimants are the owners of the respective parts of the Unit Land they claim, and I shall accordingly direct the Cumbria County Council, as registration authority, to register, under section 8(2) of the Act of 1965, Mr John James Postlethwaite as the owner of the part of the Unit Land described in Paragraph 2 above and the National Trust as the owner of the remainder of the Unit Land.

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 31 October 1979

L J Morris Smith

Commons Commissioner