



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/434

In the Matter of Land known as The Haunches
(or Hainches), Bewcastle

DECISION

This reference relates to the question of the ownership of land known as The Haunches (or Hainches), Bewcastle being the land comprised in the Land Section of Register Unit No. CL 497 in the Register of Common Land 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 several persons 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 18 December 1981.

Mr Hawks of Messrs Mounsey, Bowman and Sutcliffe, Solicitors of Carlisle appeared for Mrs Mary Brown and Mr K F Waugh appeared for himself and Mrs Isabella Olive Waugh and George Ian Waugh.

The register unit comprises two pieces of land which adjoin another register unit Hanshaw Common (CL 156) on its eastern and western sides respectively. The larger or eastern piece is claimed by the Waugh family and the smaller or western piece is claimed by Mrs Brown.

Both parties produced documents of title which in my judgment established their respective claims to ownership.

On this evidence I am satisfied that Mrs Mary Brown is the owner of the smaller or western part and that the Waugh family is the owner of the other part. I shall accordingly direct the Cumbria County Council, as registration authority, to register each of them respectively as the owners under section 3(2) 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

29th

day of

January

1982

George Harker

Commons Commissioner