



In the Matter of Land near High Row Cottage,
Threlkeld, Cumbria

DECISION

This reference relates to the question of the ownership of land near High Row Cottage, Threlkeld, being the land comprised in the Land Section of Register Unit No. CL 398 in the Register of Common Land maintained by the Cumbria 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 Mr and Mrs G W Benson claimed to be the freehold owners 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 14 October 1981.

At the hearing Mr and Mrs Benson were represented by Mr J Ryder, solicitor.

The land in question was conveyed to Mr and Mrs Benson by a conveyance made 11 October 1971 between (1) John Tinnion and Mary Esther Tinnion his wife (2) George William Benson and Dorothy Mary Benson his wife Mr and Mrs Tinnion had a good root of title in a conveyance made 13 May 1952 between (1) Eric Stanley Jones (2) J Tinnion and M E Tinnion.

Mrs Benson is a daughter of Mr and Mrs Tinnion. Since 1952 the land has from time to time been fenced for grazing both by Mr Tinnion and Mr Benson.

On this evidence I am satisfied that Mr and Mrs Benson are the owners of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners of the land under section 8(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

30th

day of

October

1981