



In the Matter of Scalerigg Quarry and road,
Kirkoswald, Cumbria

DECISION

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. CL 140 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 the Personal Representatives of John R Jackson claimed to be the freehold owners of the land in question ("the Unit Land") 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 Unit land at Keswick on 9 October 1979.

At the hearing Mr D Mellor, Solicitor, appeared on behalf of the claimants. There was produced a Conveyance dated 29 September 1949, between J C Stovey and Another (1) and John Reginald Jackson (2), whereby there was conveyed to J R Jackson as purchaser, a property known as Scales Hall Farm and lands which included the Unit land: there was also produced an Examined Abstract of Title of the Vendors. Mr J R Jackson died in December 1974 and Probate of his Will was on 11 March 1975, granted to Mrs Nora Agnes Jackson and William Thomas Jackson, who are the present claimants.

On this evidence I am ~~not~~ satisfied that Mrs N A Jackson and Mr W T Jackson are the owners of the Unit land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners of the Unit 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

31 October

1979

L J Morris Smith

Commons Commissioner