



In the Matter of Stone Hills, Newby,  
Cumbria

DECISION

This reference relates to the question of the ownership of land known as Stone Hills, Newby, being the land comprised in the Land Section of Register Unit No. CL.168 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 the Newby Parish Meeting, the Trustees of W H Docker, deceased, and the Earl of Lonsdale and his Settled Act Trustees, 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 29 October 1980. At the hearing Mr D Mellor, Solicitor, appeared on behalf of the Trustees of W H Docker, deceased. There was no appearance on behalf of the other claimants, but by a letter dated 23 October 1980, addressed to the Clerk of the Commons Commissioners, the Solicitors for the Parish Meeting stated that their clients had been advised that they could not properly claim the Ownership.

The land the subject of the reference was vested in William Harold Docker by an assent made by Thomas Dowker Shepherd on 2 December 1965. Mr Shepherd had a good root of title in an assignment made 8 September 1930 between (1) Sir Thomas Mason Wilford (2) John Anderson Docker. Mr W H Docker died on 1 June 1973, and letters of administration of his estate were granted to Richard William Shepherd and Hugh Geoffrey Ellison on 29 August 1973.

On this evidence I am satisfied that Mr Shepherd and Mr Ellison 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

17<sup>th</sup>

day of

November

1980

Chief Commons Commissioner