



In the Matter of Whitrigglees Common,
Aikton, Allerdale D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 268 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 Mrs Irene Graham and Mr J J Studholme each claimed to be the freehold owner of different parts 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 land at Keswick on 24 March 1982. At the hearing Mr J F Moffatt, of the firm of Beaty and Co, Solicitors, appeared on behalf of both claimants.

By a Conveyance dated 15 August 1961, John Wright and his mortgagees conveyed to Selwyn Graham the part ("the G part") of the Unit land which is edged green and lettered G on the plan annexed hereto. Selwyn Graham died on the 7 July 1972 and by an Assent made on 22 September 1972 his personal representative assented to the vesting of the G part in Mrs Irene Graham.

Mr Studholme's claim is to the two parts ("the S parts") of the Unit land which are lettered S on the plan and respectively edged blue and red. Mr Moffatt produced a Conveyance dated 16 August 1961 by W G Dixon and his mortgagees to Robert Studholme of all the estate and interest of the Vendor and his rights in the piece of land numbered OS No. 1457, which appears to include the S part edged blue. By an Assent dated 29 November 1966 the personal representatives of Robert Studholme, who died on 10 January 1966, assented to the vesting in J J Studholme of property which included both the S parts.

On this evidence I am satisfied that the two claimants are the owners of the respective parts of the Unit land claimed by them. I shall accordingly direct the Cumbria County Council, as registration authority, to register Mrs Irene Graham as the owner of the G part and Mr J J Studholme as the owner of the S parts under section 8(2) of the Act of 1965. I am not satisfied that any person is the owner of the remainder of the Unit land, which will therefore remain subject to protection under section 9 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

6 May

1982

L. J. Morris Smith