



In the Matter of Blencarn Fell, Culgaith,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as Blencarn Fell, Culgaith, being the part of the land comprised in the Land section of Register Unit No. CL.323 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 no person 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 Penrith on 26 March 1984. At the hearing Mr K G Walker, Solicitor, appeared for Mr S K Stamper, who is registered as the owner of the part of the land not comprised in the reference, and Mr A M Reid, Solicitor, appeared for Mrs J I H Curwen and Mrs D E H Stockley.

The land the subject of the reference forms the north-eastern end of the land comprised in the Register Unit. About one-third of it at the north-easternmost extremity was vested in the late Mr M G H Le Fleming as tenant for life by a vesting assent made 16 July 1940 between (1) Michael George Hughes Le Fleming, Richard Ewhurst Porter, and Edward Moser (2) M G H Le Fleming. By a deed of discharge made 24 May 1961 between the same parties as the vesting assent the trustees were discharged and Mr Le Fleming became the absolute owner of the land. Mr Le Fleming died on 2 August 1966, and probate of his will was granted in the Supreme Court of South Africa to his brother, Richard Cumberland Hughes Le Fleming and Roger Michael Moser on 29 March 1967 and re-sealed in the Principal Probate Registry on 22 June 1967. This was followed by a vesting assent made 29 January 1970 between (1) R C H Le Fleming and R M Moser (2) R C H Le Fleming, Joan Isobel Hughes Curwen, and Diana Elizabeth Hughes Stockley, Mr R C H Le Fleming died on 16 August 1971.

The remainder of the land the subject of the reference forms part of the waste of the Manor of Blencarn. The lordship of this manor was included in the parcels of a conveyance made 2 February 1952 between (1) Robert Brunskill and William Brunskill (2) John William Armstrong Stamper. It then passed to Mr J K Stamper by a deed of gift made between (1) J W A Stamper (2) Sarah Jane Stamper (3) Joseph Kenneth Stamper.

On this evidence I am satisfied that Mrs Curwen and Mrs Stockley and Mr J K Stamper are the owners of parts of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners of their respective parts under section 8 (2) of the Act of 1965.



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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

9th

day of

June

1984

A handwritten signature in black ink, appearing to read 'S. J. [unclear]', written over a horizontal line.

Chief Commons Commissioner