



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/142

In the Matter of Land known as Buttermore Dubs
Lowswater Allerdale D

DECISION

This reference relates to the question of the ownership of land known as Buttermore Dubs Lowswater Allerdale D being the land comprised in the Land Section of Register Unit No. CL.157 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 Esther Burns claimed to be the freehold owner of part 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 Cockermouth on 11 July 1979.

Mr James of Messrs. Paisley's appeared for Esther Burns and produced a conveyance dated 19 March 1951 whereby W Praetor conveyed the land comprised in O S NOS 102 and 911 and other land to Winifred and Esther Burns as joint tenants. Winifred Burns died on 28 May 1967, O S Nos 102 and 911 comprises a small portion of the land in question at the extreme south east corner.

Mr Hobbs also appeared and stated that the land in question was wrongly described at Buttermore Dubs and that the proper description was Buttermore Seale. The map supports Mr Hobbs contention and the Registration Authority may consider making a note on the Land Section that the land in question is marked on the map as Buttermore Seale.

On this evidence I am satisfied that Esther Burns is the owner of the land, comprised in O S Nos 102 and 911 I shall accordingly direct the Cumbria County Council, as registration authority, to register Esther Burns as the owner of that land under section 6 (2) of the Act of 1965, the remainder of the land will 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 this

31st

day of

July

1979

Y A Lettice

Commons Commissioner