



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/496

In the Matter of Nateby Common,
Nateby, Eden District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Nateby Common, Nateby, Eden District being the land comprised in the Land Section of Register Unit No. CL103 in the Register of Common Land maintained by the Cumbria (formerly Westmorland) 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 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 10 March 1982. At the hearing (1) Mr Harry Bradshaw Harrison Beck was represented by Mr J A Hesmondhalg solicitor of C G Thomson & Wilson, Solicitors of Kendal; and (2) Messrs J E Hunter, R A Hunter and T D Hunter, (3) Mr J Dixon, (4) Mr J W H Davis, (5) Mr K Chippendale, (6) Mr G W Dent and (7) Mrs W M Birbeck who applied for (either alone or with others) or succeeded an applicant for the registrations at Rights Section Entry Nos. 1, 2, 7, 8, 11 and 17 were all represented by Mr T A Hodges solicitor of Fell Kilvington & Co., Solicitors of Kirkby Stephen. I was told that (8) Mr A H Bell and (9) Mr M C Robinson on whose application (either alone or with others) the registrations at Rights Section Entry Nos. 5 and 20 and Entry No. 6 were made, were present in person shortly before the hearing began and were possibly present at the hearing.

The land ("the Unit Land") in this Register Unit is a tract a little over $2\frac{1}{2}$ miles long from its northwest corner not far from the village of Nateby to its southeast corner on the Cumbria-North Yorkshire boundary. It has an average width of about $\frac{1}{2}$ a mile except for about $\frac{2}{3}$ of a mile near its northwest corner where it has an average width of about 100 yards. Along it from one corner to the other runs the B6270 road from Nateby towards Keld (North Yorkshire). There are 15 effective registrations in the Rights Section of grazing and other rights.

Mr Hesmondhalg in the course of his oral evidence produced the documents (among others) specified in the Schedule hereto. The Unit Land is within the area edged mauve on the plan on the 1923 conveyance. The description of one of the many lands in the 1927 vesting deed and the 1967 assent is by reference to the 1923 conveyance, and accordingly the Unit Land passed under this deed and assent.

Mr Hesmondhalg said that the shooting of the Unit Land was let and that he on behalf of Mr Beck receives the rent.

On the evidence summarised above I am satisfied that Mr H B H Beck is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Mr Harry Bradshaw Harrison Beck of Eller Bank, 3 Sedbergh Road, Kendal as the owner 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.

SCHEDULE
(Documents Produced)

7 August 1923	Conveyance by which Mr Ernest Lloyd Savory as devisee under the will of Sir Joseph Savory Baronet (he died 1 October 1921) conveyed to Mr George Morland Beck, the Manor of Nateby which was coloured mauve on the plan annexed.
24 December 1924	Probate of the will of Mr G M Beck (he died 28 June 1924)
29 August 1927	Vesting deed by which the grantees under the said probate declared that the lands therein described were vested in Mr George Morland Beck (son of the above named testator).
9 September 1960	Deed of declaration supplemental to the said vesting deed declaring the trustees of the settlement therein mentioned.
14 November 1961	Letters of administration with the will of Mr G M Beck (he died 10 December 1958) to the trustees of the settled land under the said 1960 deed/declaration limited to the said settled land.
6 December 1967	Assent by which the surviving personal representatives under the said 1961 letters of administration assented to the lands therein described vesting in Mr W B H Beck.

Dated the 28th day of April — 1982

a. a. Baden Fuller

Commons Commissioner