



In the Matter of part of East Stainmore
Regulated Pasture, North Moor, Stainmore

DECISION

This reference relates to the question of the ownership of the land described above being the part of the land comprised in the Land Section of Register Unit No. CL.17 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 Mr T J and Mrs A M Scott and Miss J H Bainbridge claimed to be the freehold owners 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 Keswick on 23 July 1986.

At the hearing all the applicants were represented by Mr G B Harker, Solicitor, of Messrs. Hewitson and Harker of Kirkby Stephen and Mr T Greer represented the Registration Authority.

The land of which no person is registered as owner under section 4 of the 1965 Act forms a comparatively small part of the unit land roughly quadrilateral shape.

Mr and Mrs Scott claim what is roughly the south-western half of the land which forms the larger part of what is described in their deeds as "Allotment no. 283 on the award plan No. 2 annexed to the award of Crayston Webber the valuer in the matter of the enclosure of East Stainmore Common". The land is hatched and coloured green on the plan attached to this decision. Mr Harker produced a conveyance on sale dated 24 October 1957 of the whole of Allotment 283 between Richard Atkinson and John Fletcher Wright Atkinson (1) and Andrew James Blackett-Ord (2) and a deed of exchange dated 11 April 1984 whereby the same land was conveyed, in exchange for other land, by Andrew James Blackett-Ord to Annie May Scott and Thomas James Scott.

On that evidence I am satisfied that Mr and Mrs Scott are the owners of the land hatched and coloured green on the plan attached to this decision.



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The remainder of the unclaimed land, which comprises Allotments 284 and 285 in Mr Crayston's Award, is claimed by Joyce Hilary Bainbridge.

This land "the cross hatched land" is coloured red and cross-hatched on the plan attached to this decision.

Mr Harker produced a conveyance on sale dated 27 August 1943 whereby the cross-hatched land together with other land was conveyed by Joice Leslie Master to Isaac Bainbridge, an assent dated 31 December 1957 whereby Mary Elizabeth Bainbridge and Joyce Hilary Bainbridge as administratrices of the estate of Isaac Bainbridge vested in themselves the cross-hatched land together with other land, and a deed of declaration dated 16 February 1971 whereby Joyce Hilary Bainbridge declared that, Mary Elizabeth Bainbridge having died on 22 December 1967, the cross-hatched land among other land was vested in Joyce Hilary Bainbridge in fee simple for her own absolute use and benefit.

On this evidence I am satisfied that Joyce Hilary Bainbridge is the owner of the cross-hatched land.

I shall accordingly direct the Cumbria County Council, as registration authority, to register under section 8 (2) of the 1965 Act, Annie May Scott and Thomas James Scott as the owners of the land hatched and coloured green and Joyce Hilary Bainbridge as the owner of the land cross-hatched and coloured red on the plan attached to this decision.

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

30th

day of

July

1986

Peter Langdon-Davis

Chief Commons Commissioner

This plan has been prepared for the sole purpose of showing the boundaries of the land shown on the plan. It is not intended to be used for any other purpose.

C.L.
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C.L.
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Shoals
1654
2627 v 1581
This is the plan referred
to in my decision
dated 30 July 1954
Peter L. ...
this ...
Commissioner

