



In the Matter of Three Parcels of land at
Rosgill, Shap, Cumbria

DECISION

This reference relates to the question of the ownership of three parcels of land at Rosgill, Shap, being the land comprised in the Land Section of Register Unit No. CL 109 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 the Earl of Lonsdale claimed to be the freehold owner of the land in question, Mr J Stacey claimed to be the owner of part of it, 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 23 April 1980.

At the hearing Lord Lonsdale was represented by Mr Fryer Spedding, of counsel, and I gave leave to Mr F W Davidson, Chartered Surveyor, to appear on behalf of Mr Stacey.

A small triangle of the land comprised in the Register Unit was conveyed by a conveyance made 14 December 1937 between (1) Rupert Anthony Metcalfe Gibson (2) Edward Christopher Stacey and was vested in Mr John Stacey by an assent made 3 April 1959 by Atlas Assurance Co. Ltd. as personal representative of Mr E C Stacey.

The remainder of the land comprised in the Register Unit is parcel of the manor of Rosgill, which was vested in Lord Lonsdale by a principal vesting deed made 27 January 1961 between (1) John Lanplugh Wickham and Adam Granville Gordon (commonly called Lord Adam Gordon), (2) James Hugh William, Earl of Lonsdale (3) Arthur James Beresford Lowther.

On this evidence I am satisfied that Mr Stacey and Lord Lonsdale are the owners of part of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners of those parts 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.

Dated this

5th

day of

June

1980

Chief Commons Commissioner