



24 MAY 1979
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COMMONS REGISTRATION ACT 1965

Reference No. 262/U/78

In the Matter of Dovenby Village Green, Bridekirk
Cumbria

DECISION

This reference relates to the question of the ownership of land known as Dovenby Village Green being the land comprised in the Land Section of Register Unit No. VG 51 in the Register of Town or Village Greens 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 Capt J B Dykes claimed to be the freehold owner of the land in question (the Unit Land) and no other person claimed to have information as to its ownership.

The hearing was attended by Mr J Greer of the registration authority, Mrs M Spedding, Clerk to Bridekirk Parish Council, and Mr R Atkinson, Solicitor of the firm of Milburn and Co., on behalf of Capt. Dykes.

Capt. Dykes' claim to ownership is based on his Lordship of the manor of Dovenby of which the unit land it is claimed forms part. A Tithe Map of 1838 shows the hamlet of Dovenby including the unit land, and Mr Atkinson said that Dovenby as shown on the Map is co-extensive with the Manor which seems highly probable and I am prepared to accept. A number of compensation Agreements entered into in the years 1929-1939 indicates that Mr F H B Dykes, Capt. Dykes's father was then Lord of the Manor. Mr F H B Dykes died in 1949 and probate of his will was granted to two Executors of whom Capt. Dykes is the survivor. There was an Assent dated 30 June 1955 by the two Executors in favour of Capt. Dykes of property, including property in Dovenby though not expressly including the Unit Land.

I was told that the Parish Council did not resist Capt. Dykes's claim to ownership and in the absence of any other claim I think Capt. Dykes's claim as Lord of the Manor in succession to his father is sufficiently established and I shall accordingly direct the Cumbria County Council, as registration authority, to register him as the owner of the unit 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 20th August 1979

H. J. Kenneth Smith

Commons Commissioner