



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/93

In the Matter of Houghton Village Green,
Stanwix, Cumbria.

DECISION

This reference relates to the question of the ownership of land known as Houghton Village Green, Stanwix, being the land comprised in the Land Section of Register Unit No. VG 13 in the Register of Town or Village Greens 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 no person claimed to be the freehold owner of the land in question and no one 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 Carlisle on 5 July 1979.

Mr J B Stout, solicitor, appeared on behalf of the Executors of Violet Watt, deceased.

By a conveyance made 26 January 1952 between (1) Rhoda Margaret Wilson (2) Violet Watt there was conveyed to the late Mrs Watt a house known as "The Poplars". There was no plan of the property attached to the conveyance nor was there any such plan attached to any of the available earlier conveyances of "The Poplars". However, there is in front of the house a garden bounded by a dwarf wall with railings on it, which has been occupied with the house. This garden is part of the land comprised in the Register Unit.

It would appear that the garden was included in the Register Unit in error, possibly owing to the small scale of the map employed. However this may be, I have no power to correct such an error, and the only matter within my jurisdiction is the question of the ownership of this and the remainder of the land comprised in the Register Unit.

The only evidence is that relating to the garden. This remained in the ownership of Mrs Watt until she died on 20 December 1978. Probate of her will was granted on 5 February 1979 to Mrs D V Davison, Mr R C Sutcliffe, and Mr J B Stout.

On this evidence I am satisfied that the executors of Mrs Watt are the owners of the garden occupied with "The Poplars", and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners of the land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land and I shall accordingly direct the Cumbria County Council to register the Stanwix Parish Council as the owner of that land under Section 8(3) 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

16th

day of

July

1979

CHIEF COMMONS COMMISSIONER