



COMMONS REGISTRATION ACT 1965

Reference No 40/U/1

In the Matter of The Green (in part
the Square), Milnthorpe, South
Lakeland District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as The Green (otherwise in part the Square), Milnthorpe, South Lakeland District being the land comprised in the Land Section of Register Unit No VG. 5 in the Register of Town or Village Greens 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 Mr J Garnett clerk of Milnthorpe Parish Council said (letter dated 12 July 1972) that Mr J K Jackson their solicitor holds the deeds which Brigadier Tryon Wilson handed to them in 1967, and Mr J K Jackson said (letter dated 18 July 1972) that Milnthorpe Parish Council have owned the Green or Square since 1970 when the property was conveyed to them by two conveyances each dated 14 March 1930, one by the Trustees of the Levens Settled Estates and the other by Sir Maurice Bromley-Wilson and that both conveyances were held by his firm. No other person claimed to be the freehold owner of the land in question or 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 Kendal on 27 April 1978. At the hearing Milnthorpe Parish Council were represented by Mr J D Davidson, one of their members.

Mr Davidson in the course of his evidence produced: (1) the Minute Book of the Parish Council from 1914 to 1934 (he relied particularly on the minutes of the meetings held on 28 October 1929 and 21 January, 11 March, 14 April and 23 June 1930 of which he provided extracts); (2) a print of the Byelaws for "Milnthorpe Village Green" made by the Parish Council on 13 October 1930 (amended by them on 11 September 1961); and (3) Our Village (a pictorial record of Milnthorpe) by Roger Bingham (dated September 1977), two photographs which showed the land as it then was and as it had formerly been.

Mr Davidson said that the conveyances mentioned by Mr Jackson in his letter had been lost, although he remembered having seen them about 10 years ago. The 1929 and 1930 minutes show that they were made. Part of the land (to the west) is now used as a car park; the rest is grass. The Parish Council arranged for the car park to be tarmacaded at a cost of about £300; they employ a man who (among other things) mows the grass weekly.

On this evidence I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Milnthorpe Parish Council 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.

Dated this 5th day of May — 1978

a a. Baden Fuller

Commons Commissioner