



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/300

In the Matter of The Green,
Soulby, Eden District, Cumbria

DECISION

This reference relates to the question of the ownership of land containing about 2 acres and known as The Green, Soulby, Eden District being the land comprised in the Land Section of Register Unit No. VG 1 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 Soulby Parish Council (their clerk's letter of 1 October 1979) said that although the Parish Council registered this land as a Village Green, they understood that the ownership is in the hands of The National Trust; and the Solicitor for the National Trust in a letter dated 17 October 1979 said that in 1974 Mrs Marion Sowerby died leaving to the National Trust all her estate and interest in or connected with the Manor of Soulby and that this devise was accepted and an assent completed on 14 January 1977, and in a letter dated 7 December 1979 said that his clients did not wish to pursue an ownership claim. No person claimed to be the freehold owner 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 Penrith on 22 October 1980. There was no appearance at the hearing, although I have a letter dated 20 October 1980 from the Parish Council ^(let) in which they said that the land was vested in the Lord of the Manor Mr & R Sowerby, and that by his will it was bequeathed to the National Trust and is now in their ownership.

Sowerby It does not necessarily follow from the Manorial ownership of Mr & R or Mrs Marion ~~that~~ that either of them owned this land, or if either did, that it passed under a gift of "all her estate and interest in the Manor". Further I ought not I think to vest the land in the National Trust when they after consideration have decided not to claim it. So in the absence of evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Soulby Parish Council as the owner of the 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 10th day of November 1980

a. a. Baden Fuller