



In the Matter of Torver Bank Common, Torver,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as Torver Bank Common, Torver, being the land comprised in the Land Section of Register Unit No. CL.101 in the Register of Common Land maintained by the former Lancashire 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 Miss F E Wilson and the Crown Estate Commissioners claimed to be the freehold owners of parts 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 Kendal on 22 July 1980. At the hearing Miss Wilson was represented by Mr M J Graham, Solicitor.

Three areas of land comprised in the Register Unit formed part of the parcels of a mortgage made 7 February 1930 between (1) William Wilson (as the estate owner in fee simple) (2) Rosetta-Ellen Rathbone. Miss Wilson was the executrix of Mr Wilson, who died on 6 May 1948, and she assented to the vesting of the property in herself by an assent made 30 December 1964.

It appears from an affidavit made by Mr E F Richards, of the Office of the Crown Estate Commissioners, that a small part of the land comprised in the Register Unit is waste land of the manor of Torver, which was forfeited to the Crown in 1554 on the attainder of Henry (Grey), Duke of Suffolk and has since remained vested in the Crown.

On this evidence I am satisfied that Miss Wilson and the Crown Estate Commissioners are the owners of parts of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners of those parts 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

2nd

day of

October

1980

Chief Commons Commissioner