



In the Matter of Ravensglass Green and Saltings,  
Muncaster, Copeland B

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DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. VG 110 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 claims to ownership of the land in question ("the Unit land") or parts of it were made by Sir G W Pennington Ramsden, Mr J R Siddons, the Rev. M Smith, and on behalf of Muncaster Parish Council.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Whitehaven on 19 April 1983.

At the hearing Sir G W P Ramsden was represented by his Land Agent, Lord Carlisle: Mr Siddons and Mr Smith appeared in person: the Parish Council was represented by its Clerk Mr H Longley, though the evidence in support of its claim was presented by Mrs Susan Johnson.

The Unit land is a long narrow stretch of land, extending from its N end near the River Mite in a southerly direction, close and roughly parallel to the railway line, passing the village of Ravensglass and at its S end turning eastwards; from there it comprises salt marshes and a strip of land on the north bank of the Esk estuary, and terminates near Bawril bank.

(1) Mr Siddons's claim. This is to ownership of a piece of land at the rear of, and adjoining, property known as The Old Reading Room, Main Street, Ravensglass and lying between that property and the sea wall. The property was acquired by Mr and Mrs Siddons in 1979 and by the Conveyance from the Vendors dated 11 June 1979, there was conveyed to them, as well as the Reading Room, such right title and interest as the Vendors may have in the piece of land. A Conveyance of the Reading Room dated 27 May 1969 to predecessors in title of the Vendors also included such right title and interest as they might have in the piece of land. Mr Siddons regards the piece of land as the rear yard of the Reading Room and has recently constructed a fence round it. I cannot clearly identify the piece of land on the Register map; the claim was not resisted by any of the other parties and I am satisfied on the evidence that Mr and Mrs Siddons are its owners and accordingly, on the assumption that it is included in the Unit land, I shall direct the County Council to register them as owners.

(2) Mr M Smith's claim is to a stretch of the Unit land lying south of Walls Bridge. This claim is based on his Rectorship of Waberthwaite, which carries with it the Lordship of the Manor of Brighouse. The tenement or farm called Brighouse as appears from Terriers of 1701 and 1773, at one time belonged to the Rector as Lord of the Manor, but the copyhold interest in the tenement was acquired by Lady Muncaster in 1874. The dealings with the tenement and the loss of its ownership by the Lord of the Manor would not of themselves affect the Lordship of the Manor, and the Lord of the Manor would be left entitled to



manorial rights and interests including ownership of any other manorial land which there might be. The territorial extent of the Manor and accordingly of such other manorial land is not a matter of certainty, the only relevant evidence adduced being a Report dated 12 April 1973 by an Agent on behalf of the Church Commissioners which in its Conclusions stated that "as for the Manor of Brighthouse the interest here is now confined to the foreshore adjoining the boundaries of the old Brighthouse Farm". But there was no adequate evidence before me that this stretch of foreshore included any of the Unit land although it is possible that it did. As mentioned above Mr Smith's claim, as he formulated it, was to the part of the Unit land lying south of Walls Bridge, but the evidence available in support of his claim does not satisfy me that he is the owner.

(3) The Parish Council's claim. Mrs Johnson gave evidence in the form of a written statement, which she confirmed orally, in support of this claim. So far as the claim is based on evidence, it was a claim to an area at Ravenglass as being in the joint ownership of the Parish and of the Lord of the Manor of Muncaster. The evidence consisted, first, of a Tithe award of 1843 in which was a reference to "township property", whilst some properties were not listed in the Award; and Mrs Johnson submitted there could be inferred a joint or common ownership. I am unable to find a reliable basis for any such inference.

Secondly, in the Reference Books and deposited plans relating to the proposed Ravenglass and Eskdale Railway (the subject of a local Act of 1873) there are five areas in the vicinity of Ravenglass which in a Schedule are described (a) two as "River Mite and foreshore" (b) one as "River Esk and foreshore" (c) two as "marsh land", and of which the owners or reputed owners are stated to be, in the case of (a) and (b) the Board of Trade, the Lord of the Manor, and the Parishioners of Muncaster, and in the case of (c) the Lord of the Manor and the Parishioners. Mrs Johnson said that the deposited plan shows that these five areas form a continuous strip which is the middle part of the Unit land: I find some difficulty in making this identification, but even assuming it to be correct, whilst there is some indication of joint ownership or reputed joint ownership in 1872, there was no evidence of how ownership has devolved since that year. The claim by the Parish Council as Mrs Johnson formulated it was to the part of the Unit land from its northern end to Walls Bridge but on the evidence I am not satisfied that ownership, sole or otherwise, has been established.

I should add that as regards the part of the Unit land lying south of Walls Bridge, Mrs Johnson supported the claim by Mr Smith ((2) above).

(4) Sir G W P Ramsden's claim. At the hearing I was given a certified copy of an Abstract of Title in support of this claim which on the face of it shows title in this claimant to Muncaster Castle Estate at Ravenglass - a substantial area in the Parish of Muncaster of apparently some 5600 acres. There are two plans referred to in the Abstract - one, on an Indenture of 15 February 1924, which is not available, and the other on a Legal Charge dated 10 November 1950 executed by this claimant which refers to the property comprising 5626 acres part of the Muncaster Estate and coloured pink and green on the plan. Since the hearing I have been furnished with a copy of this plan - the parts coloured pink and green do not include the Unit land. On the evidence I am not satisfied that this claimant owns the Unit land on the part of it.

In accordance with my conclusions on the evidence, I shall direct the Cumbria County Council, as registration authority, to register under Section 8(2) of the



Act Mr and Mrs Siddons as the owners of the piece of land they claim and under Section 8(3) of the Act Muncaster Parish Council as the owner of the remainder of the Unit land, as to which I am not satisfied that any person is the owner.

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

7 September

1983

*L. J. Morris Smith*

Commons Commissioner