



## COMMONS REGISTRATION ACT 1965

Reference Nos 262/U/365  
262/U/366

In the Matter of lands north of Ellonby and (1) to the east and (2) to the west, of the unfenced road, Skelton, Eden District, Cumbria

DECISION

These references relate to the question of the ownership of lands north of Ellonby and (1) to the east and (2) to the west, of the unfenced road, Skelton, Eden District being the lands comprised in the Land Section of Register Unit (1) No. CL 342, and (2) No. CL 343 in the Register of Common Land maintained by the Cumbria (formerly Cumberland) 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 Lord Inglewood claimed (letter of 18 November 1980) to own these lands as Lord of the Manor of Skelton; and Skelton Parish Council said (letter of 13 November 1980) that they wished to claim the lands as common and in their custody. No other person claimed to be the freehold owner of the lands in question or to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Penrith on 18 June 1981. At the hearing Rt Hon W M Baron Inglewood was represented by Mr C Vane of counsel instructed by Trower, Still & Keeling, Solicitors of Lincolns Inn, London; and Skelton Parish Council on whose application the registrations were made, were represented by Mr W Wetherell their clerk.

The lands extend for about 350 yards on either side of the road leading northwards out of Ellonby, their south end being about 100 yards north of the Village. The CL342 land to the west of the road is a strip open to the road and in most places about 50 yards wide; the CL343 land to the east of the road is also open to it, but is everywhere narrower. In the CL342 and CL343 Rights Section there are 4 registrations of rights of grazing.

During the hearing the documents listed in the Schedule hereto were produced. Lord Inglewood in the course of his evidence said (in effect):- He is the only son of William Lyonel Vane, who is mentioned in the 1969 abstract as having died on 23 January 1920 and as having been under the will of Sir H R Vane tenant for life with remainder to his sons successively in tail.

He had always regarded himself as Lord of the Manor of Skelton. As to there being no mention in the abstract of title of such Manor (although manors are mentioned generally), he had so regarded himself because he had been told by Mr Simon Fraser who became Agent for the Estate in 1898 and who was very knowledgeable about it. Mr Fraser had also said that the Manor was co-extensive with the Parish. He had never heard anyone suggest the contrary. About 10 years ago the Parish Council had approached as to the playing of football on one of the strips, particularly about the goal posts and the possibility of his supplying the wood from the Estate.



Mr Wetherell who has been clerk of the Parish Council for the last 37 years said that the Parish Council did not dispute the ownership claim made by Lord Inglewood to these lands, he being the reputed owner of them.

Mr Vane explained that the 1759 Award and the 1735-1850 book was produced to show that these lands had never by the Award been enclosed and that the Manor had devolved on those through whom Sir H R Vane claimed. In view of the statement by Mr Wetherell as to Lord Inglewood's reputed ownership of the land, I need not I think consider in detail whether his title to ~~that~~ can from the documents produced be unambiguously traced through to him. In my opinion the undisputed local reputation that he is owner is evidence enough to fill in any gaps there may be in the documents. Accordingly I am satisfied that Lord Inglewood is the owner of the lands, and I shall accordingly direct Cumbria County Council as registration authority, to register Rt Hon William Morgan Baron Inglewood of Hutton-in-the-Forest as the owner of the lands 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.

SCHEDULE  
(Documents produced)

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| 1767        | Copy, Skelton Inclosure Act<br>(7 Geo. 3 c94).   |
| 17 May 1769 | Skelton Inclosure Award (from the<br>Cumberland Record Office)   |
| 1967        | Certified abstract of title of<br>Lord Inglewood to freehold property in<br>Hutton in the Forest including will dated<br>25 May 1907 of Sir Henry Ralph Vane (he<br>died 15 June 1908), appointment dated<br>25 June 1919 of trustees of the will,<br>vesting deed dated 1 March 1927 declaring<br>the lands subject to the trusts of<br>Sir H R Vane were vested in Rt Hon C W Baron<br>Barnard, Hon J P Joicey-Cecil and<br>S R Fothergill, a vesting deed dated<br>21 February 1931 conveying the lands to<br>Lord Inglewood (then and therein called<br>William Morgan Vane (he having attained<br>the age of 21 years on 12 April 1930,<br>having on 2 April 1931 changed his name<br>to Fletcher-Vane and having had conferred<br>on him on 30 June 1964 the title<br>Baron Inglewood of Hutton-in-the-Forest<br>in the County of Cumberland.) |



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1735-1850

Foolscap leatherbound manuscript book  
headed within "Manor of Allonby and Skelton"  
being apparently the Court Rolls of the  
Manor.

Dated the 21st — day of July — 1981

*a.e. Baden Fuller*

Commons Commissioner