



In the Matter of Wellhouse Spring, Mungrisdale,
Cumbria (No. 2)

DECISION

This reference relates to the question of the ownership of land known as Wellhouse Spring, Mungrisdale, being the land comprised in the Land Section of Register Unit No. CL 317 in the Register of Common Land 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 the Mungrisdale Parish Council 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 15 October 1981.

At the hearing Mr D Mellor, Solicitor, appeared for Mr M B N Howard, and there was no appearance on behalf of the Parish Council.

At that hearing I was satisfied that the land the subject of the reference was waste land of the manor of Grisdale and therefore in the ownership of the lord of that manor. I was also satisfied that Mr Howard was the owner of the barony of Greystoke which comprises a number of manors in the former County of Cumberland. These manors were stated in the parcels of a vesting assent dated 12 January 1965, through which Mr Howard derived his title, to be those of Greystoke, Newbiggin, Stainton, Matterdale, and Watermillock. There being no mention of the manor of Grisdale, the evidence did not satisfy me that Mr Howard was the lord of that manor, and I gave a decision accordingly.

After my decision was issued Mr Howard's Solicitors applied for the hearing to be reopened so that further evidence as to the lordship of the manor of Grisdale could be adduced. Since there was no other effective claimant to the ownership of the land in question I decided to reopen the hearing at Penrith on 21 July 1982. At this hearing Mr Howard was again represented by Mr Mellor.

On this occasion Mr Mellor produced fifty-one relevant documents ranging in date from 1633 to 1935 - a praiseworthy piece of research. It will, however, not be necessary for the purposes of this decision to refer to these documents seriatim.

The earliest document is the record of a court of the manor of Greystoke held on 3 October 1633 by the steward of the Earl of Arundel. This contains lists of the free tenants of a number of places, including Grisdale.

On 7 July 1740 Charles Howard and the steward of his courts, attended by his bailiff and tenants and "many others" perambulated and rode the bounds of Grisdale. It is not stated that Grisdale was a separate manor, but it is clear that the perambulation was a manorial one. However, the record of a perambulation made on 29 July 1771 describes it as "the riding of the Boundary by Mr Howard of his manor of Grisdale". There is also an undated map of the late 18th century, of which the legend is "A sketch of the Boundary of the manor of Grisdale". A list of the tenants of the barony of Greystoke, dated 1793, contains a list of the customary tenants of Mungrisdale.



It appears from these documents that there was some close, though not clearly definable, relationship between the manor of Grisdale, the barony of Greystoke, and the manor of Greystoke. This is further demonstrated by a series of indentures, dated from 8 February 1882 to 28 November 1908, ~~whereby~~ by Henry Charles Howard, described as lord of the manor of Greystoke in the barony of Greystoke, whereby copyhold tenements in Mungrisdale "within the said manor" were enfranchised. Read with the earlier documents, these indentures seem to indicate that the manor of Grisdale was a sub-manor of the manor of Greystoke. This is borne out by two copies of court rolls of the manor of Greystoke in the barony of Greystoke, both dated 6 May 1915, recording the admission to copyhold messuages and tenements at Chapel End in Mungrisdale "within the said manor".

Although transactions relating to copyhold tenements in Mungrisdale were being entered in the court rolls of the manor of Greystoke, it is apparent that Mungrisdale was regarded by some as a manor. Thus on 29 October 1912 Solicitors acting for the devisee of a deceased copyholder wrote to the Solicitors acting for the lord of the manor a letter headed "Manor of Mungrisdale", and it is interesting to observe that the reply of the next day was headed "Manor of Greystoke". Undeterred by this implied correction, on 2 November 1921 the same firm of Solicitors wrote another letter headed "Manor of Mungrisdale", to which they received a reply headed "Manor of Greystoke (Mungrisdale)".

There are numerous documents of the early part of the present century in which copyhold tenements in Mungrisdale were dealt with as being within the manor of Greystoke, and a list of courts of the barony of Greystoke held on 5 November 1925 lists them as being those of the manors of Greystoke, Newbiggin, Stainton, Matterdale and Watermillock, the same list of manors as that in the vesting assent of 12 January 1965.

On this additional evidence I am satisfied that the manor of Grisdale is a sub-manor of the manor of Greystoke, and that the lordship of the manor of Grisdale has passed with that of the manor of Greystoke.

I am therefore satisfied that Mr Howard is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register him 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

23rd

day of

July

1982

Chief Commons Commissioner

