



In the Matter of Wellhouse Spring, Mungrisdale,  
Cumbria

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.

There is no entry in the Rights Section of the Register Unit so that the registration in the Land section is by virtue of S.10 of the Commons Registration Act 1965 conclusive evidence that the land comprised in the Register Unit is waste land of a manor.

Mr Howard is the owner of the barony of Greystoke, which comprises a number of manors in the former county of Cumberland. The barony of Greystoke has been in the ownership of members of the Howard family for many years and passed to Mr Howard by a conveyance made 4 July 1972 between (1) Stafford Vaughan Stepney Howard (2) Murray Bernard Neville Howard.

In the parcels of a vesting assent dated 12 January 1965 made by Thomas Dowker Shepherd and Sir Algar Henry Stafford Howard in favour of Mr S V S Howard the barony of Greystoke is stated to comprise the manors or lordships or reputed manors or lordships of Greystoke, Newbiggin, Stainton, Matterdale, and Watermillock. The ancient ecclesiastical parish of Greystoke included a number of areas which are now separate civil parishes, among them being Mungrisdale. Mr Mellor submitted that in the absence of evidence to the contrary I ought to presume that the manor of Greystoke is coterminous with the ancient ecclesiastical parish of Greystoke. This at first sight seemed to be an attractive proposition. However, Mr Mellor produced a copy of a map in the County Record Office, the legend of which is "A sketch of the Boundary of the Manor of Gridale". It appears from the map that there were areas in dispute between the manor of Gridale and some of the adjoining manors. The names of the adjoining manors are stated on the map as follows:- Greystoke, Hutton, Threlkeld and Bowscale. It also appears that the village in the manor of Gridale was called Mungrisdale, hence the name of the modern civil parish. The map of the ancient ecclesiastical parish of Greystoke shows that not only Mungrisdale, but also Hutton, Threlkeld, and Bowscale were within that parish. There is nothing on the manorial map to indicate that Gridale, Hutton, Threlkeld, and Bowscale were sub-manors of the manor of Greystoke. Indeed, the map indicates the opposite, since the eastern boundary of the manor of Gridale is marked "Boundary of Greystoke Manor".



Mr Mellor also relied on lists of the tenants of the barony of Greystoke drawn up in 1639 and 1816. This shows that in addition to Greystoke, Newbiggin, Stainton, Matterdale, and Watermillock, described in the vesting assent of 1965 as comprised in the barony of Greystoke, there were tenants of the barony in a number of other places, including Mungrisdale or Grisdale. This may possibly indicate that the manor of Grisdale and other manors were formerly parcel of the barony of Greystoke, but the mention of the manors of Greystoke, Newbiggin, Stainton, Matterdale, and Watermillock in the vesting assent of 1965, in my view, shows that whatever may have been the position in 1639 or 1816 the manor of Grisdale did not pass to Mr M B N Howard as part of the barony of Grisdale in 1965. In the words of the old Latin maxim, Expressio unius exclusio alterius.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

30th

day of

October

1981

Chief Commons Commissioner