



COMMONS REGISTRATION ACT 1965

Reference Nos. 265/U/59
265/U/60

In the Matters of (1) Keldside Allotment and
(2) Green Lanes in Muker, Richmondshire D.,
North Yorkshire

DECISION

These references relate to the question of the ownership of (1) land known as Keldside Allotment and (2) land being open pieces and green lanes, in Muker, Richmondshire District, and being the lands comprised in the Land Section of Register Unit (1) No. CL.265 and (2) No. CL.119 respectively in the Register of Common Land maintained by the North Yorkshire 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 Rt. Hon. W.J.R. Earl Peel claimed to be the owner of Keldside Allotment (CL. 265), and Mr R.W. Shepherd wrote saying that he had registered a right of common as trustee of the estate of Charles Alderson deceased in respect of ~~a~~ piece of land since sold over the land (CL. 265) and was once given to understand that it belonged to Lord Peel's estate. No other person claimed to be the freehold owner of the lands in question or to have information as to their ownership.

I held hearings for the purpose of inquiring into the question of the ownership of the lands at Richmond on 31 October 1974. At the hearing, the Rt. Hon. W.J.R. Earl Peel was represented by Mr J.L. Gillibrand solicitor of Cglethorpe, Sturton & Gillibrand, Solicitors of Lancaster.

Lord Peel in the course of his evidence produced, (1) a conveyance dated 18 July 1947 by which The Langholm Trust Limited conveyed the lands therein described to A.W.A. Earl Peel ("the Second Earl"), (2) probate dated 22 December 1969 of the ^{will of the} Second Earl (he died on 22 September 1969) granted to the Rt. Hon. K. Countess Peel, Mr G.G. Parkinson and Mr W.F.H. Horne, (3) death certificates of Lady Peel (she died 27 July 1972) and of Mr Parkinson (he died 6 May 1972), and (4) an assent dated 4 July 1973 of certain lands therein described made by Mr Horne in favour of himself (Lord Peel).

Lord Peel described Keldside Allotment and identified it with an "Allotment in Keldside containing 96 acres" described in the 1947 conveyance and the 1973 assent.

On the evidence outlined above I conclude that Lord Peel is the owner of Keldside Allotment (CL.265).

The 1947 conveyance expressly includes "all commons" in the Manor of Muker then owned by The Langholm Trust Limited; but it does not indicate the extent or position of the commons referred to.

As to this, evidence was given by Mr R.L. Peacock, who has lived in Muker all his life (he is aged 52 years) and has since 1943 been secretary of the Commoners Committee of Muker Common. Mr Peacock said (in effect):- Muker Common (a large area with which his Committee is concerned) is locally known to have been owned by the Second Earl, and to be now owned by Lord Peel as his successor. The green lanes



- 2 -

part of this registered land (CL.119) lead to this Common, and are grazed with and reputed to be part of it. The roadside verges and other pieces, the remaining part of this registered land (CL.119) were at one time (although not now) grazed with the rest; these two are locally considered to be part of the Common owned by Lord Peel.

On the evidence outlined above, I conclude that Lord Peel is also the owner of the open pieces and green lanes (CL.119).

For these reasons, I am satisfied that Lord Peel is the owner of the lands and I shall accordingly direct the North Yorkshire County Council as registration authority, to register the Rt. Hon. William James Robert Peel, the Earl Peel 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, 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 14th

day of *January*

1975

a. a. Baden Fuller

Commons Commissioner