



In the Matter of The Village Green, Ellingstring,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Ellingstring, being the land comprised in the Land Section of Register Unit No. VG 180 in the Register of Town or Village Greens maintained by the former North Riding of 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 late Dowager Countess of Swinton claimed to be the freehold owner of the land in question, Mr J Suttill claimed to be the owner of part of it, and no other person claimed to have information as to its ownership. Mr Suttill's claim was withdrawn by a letter from his solicitor dated 10 May 1977.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Harrogate on 11 May 1977.

At the hearing Mr N J Cunliffe-Lister, solicitor, appeared on behalf of Mr J A. Hone and Mr R H Nicholson, the trustees of the estate of the late Lady Swinton.

The lordship of the Manor of Ellingstring was vested in Lady Swinton by a vesting deed made 22 October 1926 between (1) Geoffrey Moseley, Thomas Frazer, and George Gilbert Thompson (2) Dame Mary Constance Cunliffe-Lister.

The land in question is open, unoccupied and uncultivated, so it falls within the definition of "waste land" in the judgment of Watson B. in Att. - Gen. v. Hanner (1853) 27 L.J. Ch. 837. While there is no positive evidence that it is parcel of the manor of Ellingstring, there is nothing to suggest that there is more than one manor in Ellingstring. It therefore appears on the balance of probabilities that this is waste land of the manor and so vested with the lordship.

On this evidence I am satisfied that Mr Hone and Mr Nicholson are the owners of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register them as the owners 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

30th

day of

May

1977

Chief Commons Commissioner