



COMMONS REGISTRATION ACT 1965

Reference No.1/U/78

In the Matter of Caldecote Green,
Northill, Bedfordshire.

DECISION

This reference relates to the question of the ownership of land known as Caldecote Green, Northill, being the land comprised in the Land Section of Register Unit No.VG.18 in the Register of Town or Village Greens maintained by the former Bedfordshire 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 Mr. and Mrs. B. Romeo claimed to be the freehold owners of part 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 Bedford on 23rd April 1974.

At the hearing Mr. J.R.Oag, solicitor, appeared for Mr. and Mrs. Romeo, and the Northill Parish Council was represented by Mr.S.T.Morris, the Assistant Secretary of the Bedfordshire Association of Parish Councils.

The part of the land in question claimed by Mr. and Mrs. Romeo consists of a small strip of garden ground abutting on the northern boundary of the house known as No.4 The Green. This strip is shown on all editions of the 25 in. to a mile Ordnance Survey maps from the first edition of 1884 onwards as fenced off from Caldecote Green. The strip was conveyed with the house by a conveyance made 24th October 1973 between (1) Albert James Gurney and Marjorie Feltwell (2) Biagio Romeo and Winifred Martha Romeo. For the purposes of this conveyance Mr.George James Maudlin, of No.6 The Green, made a statutory declaration that he had known No.4 The Green for upwards of 40 years during the whole of which time the small front garden had been fenced off and formed part of the property without any adverse claim. On this evidence I am satisfied that Mr. and Mrs. Romeo are the owners of the small piece of garden in front of No.4 The Green, and I shall accordingly direct the Bedfordshire County Council, as registration authority, to register them as the owners of that piece of garden under section 8(2) of the Act of 1965.

At the hearing Mr.Morris drew my attention to the fact that the Ordnance Survey maps also showed a similar strip of garden abutting on the northern boundary of the adjoining house known as No.3 The Green and he undertook to investigate the position with regard to this strip. As a result of Mr.Morris's enquiries, documents have been produced which show that No.3 The Green is the property of Mrs.Dorothy Garner, in whom it was vested by an assent dated 17th September 1931 made by George William Bygraves and Frederick Percy Bowles as executors of the will of John Bowles, deceased, who was Mrs.Garner's father.



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The only deed among Mrs. Garner's muniments of title which has a plan is an indenture made 1st November 1917. This shows the strip of garden in question, but leaves it uncoloured. However, Mrs. Garner, who has lived at No.3 The Green for 50 years and upwards, has made a statutory declaration in which she states that during the whole of the period of her residence the small front garden has been fenced in with and has formed part of the property, and that she and her father before her have enjoyed undisturbed possession without any adverse claim.

On this evidence I am satisfied that Mrs. Garner is the owner of the small piece of garden in front of No.3 The Green, and I shall accordingly direct the Bedfordshire County Council to register her as the owner of that piece of garden under section 8(2) of the Act of 1965.

In the absence of any evidence as to the ownership of the remainder of the land in question, I am not satisfied that any person is the owner and I shall accordingly direct the Bedfordshire County Council to register the Northill Parish Council as the owner under section 8(3) 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 20th day of June 1974

A handwritten signature in dark ink, appearing to read 'G. D. Lewis', written in a cursive style.

Chief Commons Commissioner