



In the Matter of Burtree Fell (part),
Stanhope, Co. Durham

DECISION

This reference relates to the question of the ownership of land known as Burtree Fell (part), Stanhope, being the land comprised in the Land Section of Register Unit No. CL 80 in the Register of Common Land maintained by the Durham 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 no person claimed to be the freehold owner of the land in question, but Mr A A Young 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 Durham on 10 October 1980.

At the hearing Mr L Pattinson, solicitor, appeared on behalf of Barclays Bank Trust Company Ltd and Mr Young appeared in person.

The land in question was conveyed to the late Mr and Mrs C. O. Humble by a conveyance made 23 November 1970 between (1) Kathleen Sophia Green (2) Cecil Oliver Humble and Francis Humble his wife as joint tenants. The vendor had a good root of title in the grant of probate of the will of Elizabeth Dorothy Green issued on 9 July 1954.

Mrs Humble died on 12 April 1977. Mr Humble died on 24 October 1978, and probate of his will was granted to Barclays Bank Trust Company Ltd on 11 April 1979.

On this evidence I am satisfied that Barclays Bank Trust Company Ltd is the owner of the land, and I shall accordingly direct the Durham County Council, as registration authority, to register that Company 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

22nd

day of

October

1980

Chief Commons Commissioner