



In the Matter of Muggleswick Common, Muggleswick,  
Co. Durham

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DECISION

This reference relates to the question of the ownership of land know as Muggleswick Common, Muggleswick, being the land comprised in the Land Section of Register Unit No. CL75 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 the Trustees of the Lambton Estate, Mr and Mrs K Y Anderson, Messrs Armstrong Brothers, Mrs W Thompson, Mr W Hall, Mr F Hall, and Mr R W Hall claimed to be the freehold owners of the land in question or parts thereof, 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 Durham on 7 March 1985.

At the hearing the Trustees of the Lambton Estate were represented by Mr C J Thompson Solicitor.

A part of the land the subject of the reference was included in the parcels of a conveyance made 4 March 1966 between (1) The Church Commissioners for England (2) Arthur James Robert Collins, David Alexander Gray, and Richard Oliver Stanley. Mr Gray retired by a deed of retirement made 7 April 1975 and was replaced by Mr David Michael Dixon by a deed of appointment made 11 December 1978. Mr Stanley died on 15 November 1983.

Sir Arthur Collins (as he now is) and Mr Dixon claim to be the owners of the remainder of the land the subject of the reference by virtue of a conveyance made 14 January 1966 between (1) The Church Commissioners for England (2) Marjorie Newton Fenwick and a conveyance made 22 May 1967 between (1) M N Fenwick (2) A J R Collins, D A Gray, and R O Stanley. The relevant parts of the parcels of these conveyances are (mutatis mutandis) the vendors' manorial rights (other than the minerals) as lord of the manor over the land in question. Doubts having arisen as to the true construction of the conveyance, the parties entered into a deed of confirmation made 4 March 1985 between (1) The Church Commissioners for England (2) M N Fenwick (3) Sir Arthur J R Collins and D M Dixon (4) Thomas Richard Featherstone Fenwick and Sarah Mary Fenwick his wife, whereby the Commissioners confirmed that it was their intention to transfer to Mrs Fenwick all their estate and interest in the land described in the 1966 conveyance in fee simple and further confirmed that in so far as the conveyance was uneffective to transfer such estate and interest they regarded themselves as statute - barred from making any claim in respect thereof and Mrs M N Fenwick confirmed that it was her intention to transfer to the Lambton Trustees all her estate and interest in the land in fee simple.



A comparison of the plans attached to the above-mentioned conveyances ~~with~~ with the Register Map shows that there were three small areas comprised in the Register Unit which were not included in the conveyances. With these small exceptions, which will be shown on a plan to be attached to my direction to the County Council I am satisfied that Sir Arthur Collins and Mr Dixon are the owners of the land.

One of the pieces of land not included in the conveyance above referred to is a strip on the eastern side of the ~~W~~Wisehope Reservoir of the Northumbrian Water Authority. This strip of land was included in the parcels of an indenture made 20 September 1898 between (1) The Ecclesiastical Commissioners for England (2) The Consett Waterworks Company. The Northumbrian Water Authority is the statutory successor of the Consett Waterworks Company.

I shall accordingly direct the Durham County Council, as registration authority, to register Sir Arthur Collins and Mr Dixon and the Northumbrian Water Authority as the owners of their respective parts of the land under section 8 (2) of the Act of 1965. In the absence of any further evidence, I am not satisfied that any person is the owner of the remaining two areas above referred to, which 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

April

1985

Chief Commons Commissioner.