



COMMONS REGISTRATION ACT 1965

Reference No.11/U/9

In the Matter of the Hill,
Middleton-in-Teesdale,
Barnard Castle R.D., Durham

DECISION

This reference relates to the question of the ownership of land known as the Hill, Middleton-in-Teesdale, Barnard Castle Rural District being the land comprised in the Land Section of Register Unit No.V.G.25 in the Register of Town or Village Greens 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 Lord Barnard claimed to be the freehold owner 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 Durham on 7 November 1972.

The hearing was attended by the Right Honourable Harry John Neville 11th Baron Barnard ("the Claimant") who was represented by Mr. W. I. Watson solicitor of Messrs. Watsons solicitors of Barnard Castle, by Barnard Rural District Council and by Middleton-in-Teesdale Parish Council who both were represented by Mr. J. A. Jones who is the clerk of the Rural District Council.

Mr. Jones said that the Rural District Council and the Parish Council supported the ownership claim of the Claimant.

Mr. Watson in the course of his evidence produced:- (i) An appointment dated 27 April 1934 and made by Christopher William Baron Barnard (10th Baron) by which he was appointed Steward of the Manor of Middleton-in-Teesdale. (ii) to (v) Four appointments dated 15 January 1914, 26 November 1897, 29 September 1897, 1 August 1842, by which various persons (all ancestors of Mr. Watson) were appointed Stewards of the Manor. (vi) A bound volume containing a printed book entitled "Jurisdiction of the Court Leet: by Joseph Ritson of Grays Inn, 1816 and a manuscript book entitled "The Manor or Honour of Barnard Castle with its members in the County of Durham: the Manor or Lordship of Raby and the Manor of Middleton". 1827. This bound volume was signed within by "Wm. Watson", a signature which Mr. Watson recognised as the signature of his great grandfather who had been appointed Steward of the Manor by the Duke of Cleveland. The manuscript book contained a statement that in 1634 Sir Harry Vane became seised by purchase from the Trustees of the Crown of the Honour and also of the Manor or Lordship of Raby and Middleton-in-Teesdale with the rights, liberties and privileges thereof. (vii) A notice dated 14 June 1847 of an intended perambulation of the Manor on behalf of the Duke of Cleveland with a memorandum dated 3 July 1847 stating what had happened and referring among other things to encroachments within the town of Middleton. (viii) Two notices of perambulations on 8 July 1878 and 17 July 1890 on behalf of the Duke of Cleveland. (ix) A vesting deed dated 26 October 1926 by which it was declared that certain freehold lands therein specified and all other the manors or lordships



and reputed manors or lordships and other lands and hereditaments therein described or referred to were vested in the Right Honourable Christopher William 10th Baron Barnard. (x) A vesting deed dated 10 February 1947 by which after reciting (among other things) the said vesting deed of 26 October 1926 and a surrender in favour of the Claimant (then and therein called the Honourable Harry John Neville Vane) it was witnessed that there was conveyed to the Claimant (among other lands) the land known as the Upper Teesdale Estate particularly described in the Schedule which Schedule by reference to the said vesting deed of 26 October 1926 included under the heading "Manors and Admowsons", the "Manor of Middleton with its members in the County of Durham; the townships of Middleton-in-Teesdale...".

Mr. Watson told me that the Claimant is descended from the said Sir Harry Vane and that his barony was one of the titles held by the Dukes of Cleveland and the Earls of Darlington who are mentioned in the documents produced to me. The land comprised in this Register Unit is part of a much larger piece of land situated in the centre of Middleton-in-Teesdale and being the Green and the Cattle Market; this piece has all been registered as a town or village green under the 1965 Act and the Claimant is now registered as the owner of so much of it as is not comprised in this Register Unit. The whole piece is part of the waste land of the manor of Teesdale and is now vested in the Claimant in fee simple under the said two vesting deeds. The title of the Claimant to this Unit was impliedly acknowledged by the Parish Council in 1953 before the Council put grit on a road which is on the south west side, and in 1965 before the Council arranged to adapt part as a car park and generally to improve the lay out. In 1966 the Claimant in person publicly opened this improvement.

On the evidence summarised above I am satisfied the Claimant is the owner of the land and I shall accordingly direct the Durham County Council as registration authority to register the Right Honourable Harry John Neville, 11th Baron Barnard the owner of the land under section 8(2) of the Act.

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 18th day of December 1972.

a. a. Baden Fuller

Commons Commissioner