



COMMONS REGISTRATION ACT 1965

Reference No. 226/U/KD 68

In the Matter of Perio Hern, Southwick,
Northamptonshire

DECISION

This reference relates to the question of the ownership of land known as Perio Hern, Southwick, being the land comprised in the Land Section of Register Unit No. CL.24 in the Register of Common Land maintained by the Northamptonshire 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 G C Capron and Major D. Watts-Russell claimed to be the freehold owners 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 Northampton on 6 May 1981. At the hearing Mr G S Ryall applied on behalf of both Mr Capron and Major Watts-Russell for an adjournment in order that they might attempt to resolve the question of ownership between themselves. There being no appearance by or on behalf of any other party, I granted the adjournment.

I resumed the hearing at Golden Cross House, London WC2 on 27 July 1981. On this occasion Mr Capron was represented by Mr Ian Iwi, of Counsel. and Major Watts-Russell by Miss E S Hollingsworth, Solicitor.

The whole of the land in question was vested in Mr Capron by an assent made 11 October 1974 by Edith Christian Capron, Frederick Foulkes Capron, and Essex Trevelyan Channell as personal representatives of George Theodore Herbert Capron. The land had been vested in Col. G T H Capron by a vesting assent made on 25 October 1938 by Frederick Foulkes Capron and the Revd Ronald Shukburgh Capron as personal representatives of George Herbert Capron.

Most of the land was let by Col. Capron to Mr J T Pike on an agricultural tenancy by an agreement made 4 December 1943, and the remainder was added to the tenancy as from 25 March 1943. The tenancy was renewed from time to time by Col. Capron and since by Mr G C Capron.

On this evidence I am satisfied that Mr Capron is the owner of the land, and I shall accordingly direct the Northamptonshire County Council, as registration authority, to register him 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.

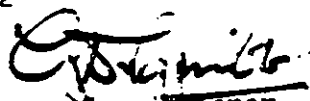
Dated this

28th

day of

July

1982


Chief Commons Commissioner