



COMMONS REGISTRATION ACT 1965

Reference No 26/U/32

In the Matter of The Pound,
Clipston, Daventry District,
Northamptonshire

DECISION

This reference relates to the question of the ownership of land known as The Pound, Clipston, Daventry District being the land comprised in the Land Section of Register Unit No CL. 1 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 the clerk of Clipston Parish Council forwarded letters dated 13 and 16 June 1977 from Mr A R Hensman of 4 Pegs Lane, Clipston and Mr J W Morley of 25 Kelmarsh Road, Clipston. No person 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 Northampton on 6 July 1977. At the hearing Clipston Parish Council were represented by Mr M D Wilford who was for 28 years their clerk up to 4 years ago.

The land ("the Unit Land") comprised in this Register Unit is 20½ feet long and for the most part 14 feet wide (at its north end it tapers to a width of 12 feet). On its east and south sides it is bounded by a brick wall; on its north and west sides it is bounded by and open to a public footpath. The north end of this footpath is a track which provides access from a main road of the Village to the Village Hall (formerly the School); the footpath continues southwards beyond the Unit Land to a newly built up estate called Westcote's Close.

Mr Wilford in the course of his evidence said (in effect):- The Unit Land all his life (70 years) has appeared to be much as it is now, except that from time to time the Parish Council have cut down some of the vegetation which has grown over it. To him it has always been "The Pound", and so it has been described to him by his grandfather and greatgrandfather. He understood that in old days (before his time) any stray animals were impounded there, and only released on payment of one shilling to the Village Constable.

Mr Hensman in his letter said:- "To the best of my knowledge the Pound at Clipston has always belonged to the Parish. Having been born and resided in the village for 65 years, I have never known anyone claim ownership".



Mr Morley in his letter says:- "Having lived all my life in Clipston (over 74 years), this has always been recognised as The Pound; my grandparents spoke of it, telling me that stray animals were taken into The Pound and released when the sum of one shilling per head was paid".

On the day after the hearing I inspected the Unit Land.

On the evidence outlined above and the appearance of the Unit Land, I find that it has always belonged to the Parish in the popular sense of that expression. Any such land was by the Poor Act 1819 vested in the churchwardens and overseers as a body corporate thereby empowered to hold on behalf of the parish all land belonging to the parish, see *Doe v Hiley* (1830) 10 B&C 885, *Doe v Terry* (1835) 4 A&E 274 at page 281, and *Haigh v West* 1893 2 QB 19 at page 31. By the operation of the Overseers Order 1927, any such land passed into the ownership of the parish council.

Upon the considerations set out above, I am satisfied that the Parish Council are the owners of the land and I shall accordingly direct the Northamptonshire County Council, as registration authority, to register Clipston Parish Council 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 15th - day of July -

1977

a. a. Baden Fuller

Commons Commissioner