



COMMONS REGISTRATION ACT 1965

Reference No. 226/U/49

In the Matter of The War Memorial,
Barton Seagrave, Kettering Borough,
Northamptonshire

DECISION

This reference relates to the question of the ownership of land known as The War Memorial, Barton Seagrave, Kettering Borough being the land comprised in the Land Section of Register Unit No. VG 165 in the Register of Town or Village Greens 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 J E Andrew of The Tithe Barn, 19 St Botolphs Road said (letter of November 1978) that he had maintained the small area near his property being part of the land in question, and Mr R Pegg as Secretary of St Botolph's Parochial Church Council (the registration was made on their application) sent (with a letter of November 1978) copies of the minute book of the committee established to collect subscriptions and erect the memorial and of the document establishing a trust for its maintenance. No person claimed to be the freehold owner of the land 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 February 1979. At the hearing Mr Andrew attended in person.

Mr Andrew said that he did not claim ownership. The minute book copied by Mr Pegg shows that on 15 April 1919 the Committee decided "that a letter be written to the Duke of Buccleugh thanking him for permission to erect the Memorial on the ground belonging to him"; (the Committee had on 30 November 1918 resolved that he be communicated with). The document copied by Mr Pegg is dated 9 January 1920 and relates to £95-5s-0d 2 $\frac{1}{2}$ % Consolidated Stock to be applied for the repair and upkeep of the War Memorial then recently erected by public subscription and contained nothing about the land on which it is on.

In the absence of any evidence as to why the Duke of Buccleugh was in 1919 thought to own this land or as to how his title to it (if any) has since devolved, I am not satisfied that he or any successor of his or anyone else is the owner of the land, and I shall accordingly direct the Northamptonshire County Council, as registration authority, to register Kettering Borough Council as the owner of the land under section 8(3) 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



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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 27th — day of February 1979
A. A. Butler Fuller
Commons Commissioner