



In the Matter of Benthall, Beadnell,  
Northumberland

DECISION

This reference relates to the question of the ownership of land known as Benthall, Beadnell, being the part of the land comprised in the Land Section of Register Unit No. VG.56 in the Register of Town or Village Greens maintained by the Northumberland 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 F. Johnson and Mrs D Douglas claimed to be the freehold owners of parts of the land in question, Mrs T E Davidson claimed to be the owner of the whole 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 Berwick-upon-Tweed on 23 June 1982. At the hearing Mrs M J Davidson was represented by Mrs C Stoker, Solicitor, the Beadnell Parish Council was represented by Mr L Barras, its Chairman, Mr Johnson and Mr O E Craster appeared in person, and I gave leave for Mrs Douglas to appear on behalf of the Beadnell Harbour Fishermen's Society Ltd.

The land originally comprised in the Register Unit consisted of a triangular area, which was modified on 26 September 1974 by the removal of an area of 302 sq. yds shown hatched purple on the Register Map. Of the land remaining in the Register Unit, that lying to the north of the line A-B and west of the line B-C on the inset to the Register Map has been registered as being in the ownership of the Beadnell Harbour Fishermens Society Ltd.

A triangular area to the south-west of the line A-B is bounded on its north-western and south-eastern sides by land forming parts of Benthall Farm. Benthall Farm was conveyed to the late Mr W Davidson by a Conveyance made 24 April 1950 between (1) John Montagu Craster (2) William Davidson, but the triangular area was not shown on the plan on the Conveyance as being included in the land to be conveyed. It was however, included in the parcels of a vesting deed made 11 January 1928 between (1) Thomas William Craster and J M Craster (2) T W Craster, which became vested in Mr J M Craster by an assent made 1 January 1943 between (1) J M Craster and George Edward Charlewood (2) J M Craster. It would appear that the triangular area may have been omitted from the 1950 Conveyance by an oversight, since Mr W Davidson had been the tenant of Benthall Farm since 1937 and had been using the triangular area for parking machinery and farm vehicles and as a means of access from one part of the farm to the other. Mr W Davidson continued to use the triangular area in this manner until he died on 9 September 1967. Benthall Farm became vested in Mrs M J Davidson, his widow, by an assent made 27 June 1974 between (1) Maggie Jane Davidson and John Thomas Davidson (2) M J Davidson. By an agreement made 14 August 1974 Mrs Davidson let the farm on a tenancy from year to year to her sons, Mr F E Davidson and Mr J T Davidson, who have continued to use the triangular area in the same way as their father had done.



-2-

In my view Mrs Davidson has made out a possessory title to this triangular area.

The remainder of the land the subject of the reference was conveyed to Mr Johnson's father by a Conveyance made 3 December 1937 between (1) Thomas William Crastor (2) John Montagn Craster and George Edward Charlewood (3) Ernest Southwick Johnson. Mr E S. Johnson died on 23 January 1957 and by an assent made 28 February 1957 Mr F E Johnson and Mrs M G Robertson, as his personal representatives, assented to the vesting of this land in Mrs Gertrude Johnson, his widow. Mrs. G Johnson died on 21 January 1974, and after the hearing Mr F E Johnson and Mrs M G Robertson, as the executors and trustees of Mrs G Johnson's will, by an assent made 21 October 1982 assented to the land vesting in themselves as joint tenants. Finally, by a release made 21 October 1982 between (1) Maude Gertrude Robertson (2) Frederick Elliott Johnson Mrs Robertson released and conveyed to Mr Johnson all her estate and interest in the land conveyed to her father in 1937.

On this evidence I am satisfied that Mrs Davidson and Mr Johnson are the owners of parts of the land, and I shall accordingly direct the Northumberland County Council, as registration authority, to register them as the owners of their respective parts 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

4<sup>th</sup>

day of *November* 1982

*G. D. L. Smith*  
Chief Commons Commissioner