



COMMONS REGISTRATION ACT 1965

Reference No.27/U/30

In the Matter of Ramshawfield Burn Well,
Henshaw, Northumberland.

DECISION

This reference relates to the question of the ownership of land known as Ramshawfield Burn Well, Henshaw, being the land comprised in the Land Section of Register Unit No.C.L.68 in the Register of Common Land 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 no person claimed to be the freehold owner of the land in question and no one 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 Hexham on 18th July 1973.

At the hearing the Henshaw Parish Council was represented by Mr. D. Reay, its Chairman.

The Inclosure Commissioners appointed by the Hexham and Walkeridge Inclosure Act of 1783 (23 Geo.III, c.16 (private)) by their Award, dated 9th November 1787, directed and appointed that it should be lawful to and for all persons interested in the division of the land to be inclosed to enter into an allotment to John Maugham and Thomas Ridley on the west of Ramshawfield for the purpose of getting water out of the well the subject of this reference and carrying it away on foot only.

In my view this provision in the Award did not have the effect of passing the property in the well, but merely created a right to enter upon the land allotted to John Maugham and Thomas Ridley to get and carry away water. I find myself unable to derive from the Award any assistance in the determination of who is the present owner of the well.

In the absence of any further evidence I am not satisfied that any person is the owner of the land and it will therefore remain subject to protection under section 9 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 5th day of October 1973


Chief Commons Commissioner