



COMMONS REGISTRATION ACT 1965

Reference No 227/U/33

In the Matter of Riverside
(4 pieces) in Wylam, Tynedale
District, Northumberland

DECISION

This reference relates to the question of the ownership of land in four pieces known as Riverside, in Wylam, Tynedale District, being the land comprised in the Land Section of Register Unit No VG. 48 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 no person claimed to be the freehold owner of the land in question and no 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 Hexham on 5 May 1976. At this hearing Wylam Parish Council were represented by Mrs D Fairless their clerk.

The land ("the Unit Land") comprised in this Register Unit is in four pieces, all situated along a little more than 1 mile of the north bank of the River Tyne. At this hearing and at the subsequent hearings it became convenient to consider the Unit Land in 12 parts as defined in the First Schedule hereto. The plans in such Schedule called "the 1975P/C conveyance plan", "the 1977 Blackett small Pieces Plan", "the 1924P/C Gift plan" and "the 1958 University plan" are pages 2, 3, 4 and 5 of this decision.

Mrs Fairless in the course of her evidence at the first hearing, in support of the claim of the Parish Council to Part (2) and Part (10) of the Unit Land produced the documents specified in Part A of the Second Schedule hereto. She said she believed the other parts to be owned by various persons and named many of them. In view of this belief, I adjourned the proceedings so that she could get in touch with them.

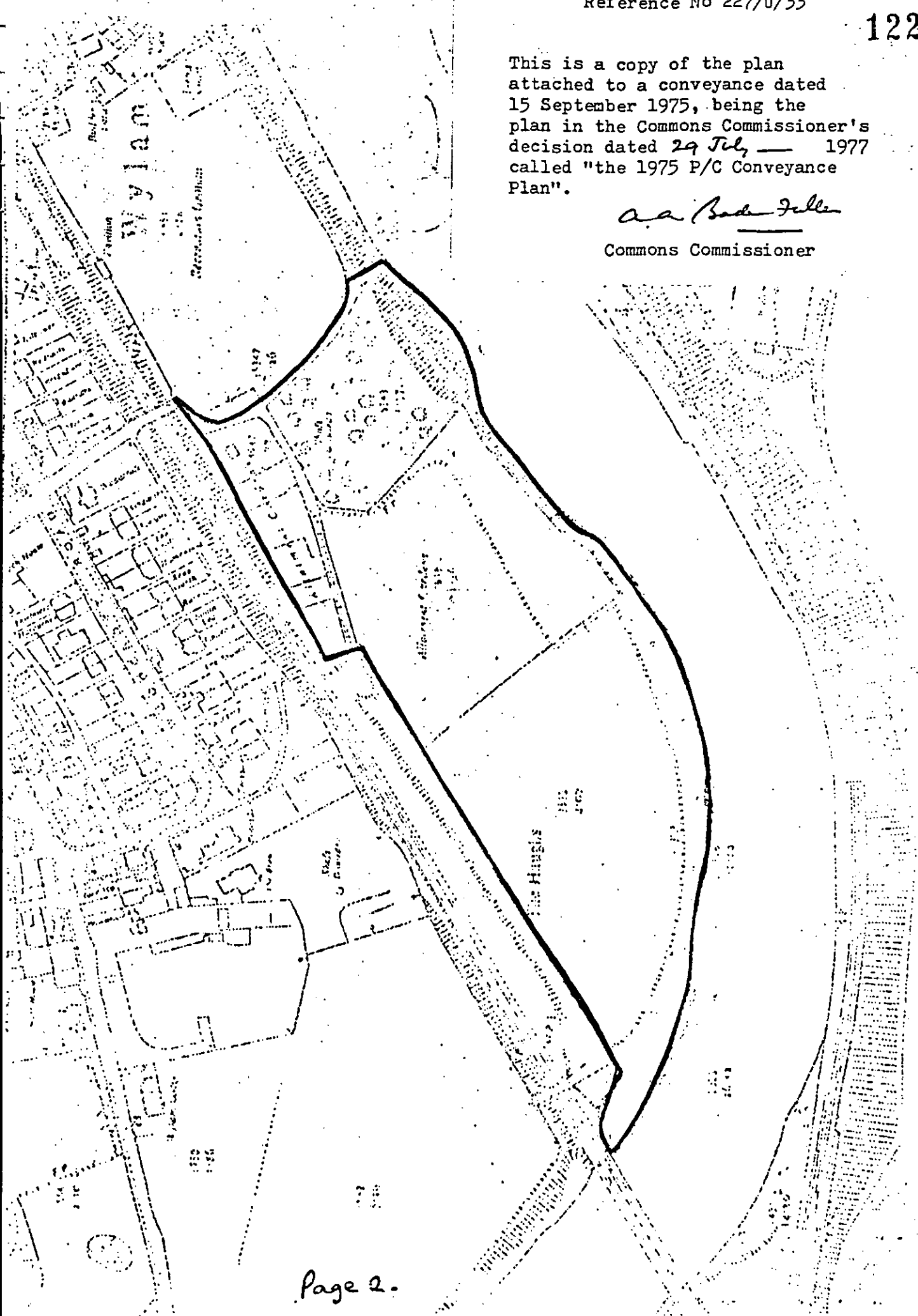
After this hearing ownership claims and information about ownership were made or given (1) by Dr and Mrs E A Spriggs, (2) by Mr R E Harris, Estates Officer of the University of Newcastle upon Tyne, (3) by Dickinson Dees & Co solicitors acting on behalf of the Executors of Mr C J W Blackett and (4) by Mrs E Wilson, secretary of the Methodist Church 1st Wylam Company of the Boys Brigade.

I held an adjourned hearing at Hexham on 9 March 1977. At this hearing, (1) Wylam Parish Council, (2) Mr D E Braithwaite and Mr E S Ilott (executors and trustees of Mr C J W Blackett who died on 6 December 1971) and (3) Mr J S Stephenson, Dr R T Swinburne and Mr T W Bailey (trustees of the Wylam Angling Association) were all represented by Mr J S Stephenson solicitor of Ingledew Mark Pybus, Solicitors of Newcastle upon Tyne, (4) Dr E A Spriggs attended in person and as representing his wife Mrs S H Spriggs, and (5) The University of Newcastle upon Tyne were represented by Mr D J F Todd solicitor of Watson Barton Solicitors of Newcastle upon Tyne.

This is a copy of the plan attached to a conveyance dated 15 September 1975, being the plan in the Commons Commissioner's decision dated 29 July 1977 called "the 1975 P/C Conveyance Plan".

a. a. Bode Feller

Commons Commissioner



COMMONS REGISTRATION ACT 1965

Reference No 227/U/33

This is a copy of the plan sent with a letter dated 8 March 1977 by Dickinson Dees & Co to Ingledew Mark Pybus in the Commons Commissioner's decision dated 29 July 1977 called "the 1977 Blackett Small Pieces Plan"

a.a. Bada Jella

Commons Commissioner



Reference No 227/U/33

This is a copy of the plan annexed to a deed of gift dated 23 April 1924, being the plan in the Commons Commissioner's decision dated 29 July 1977 called "the 1924 P/C Gift Plan"

a a. Bede Miller.
Commons Commissioner

High

COLONEL TOTTIE

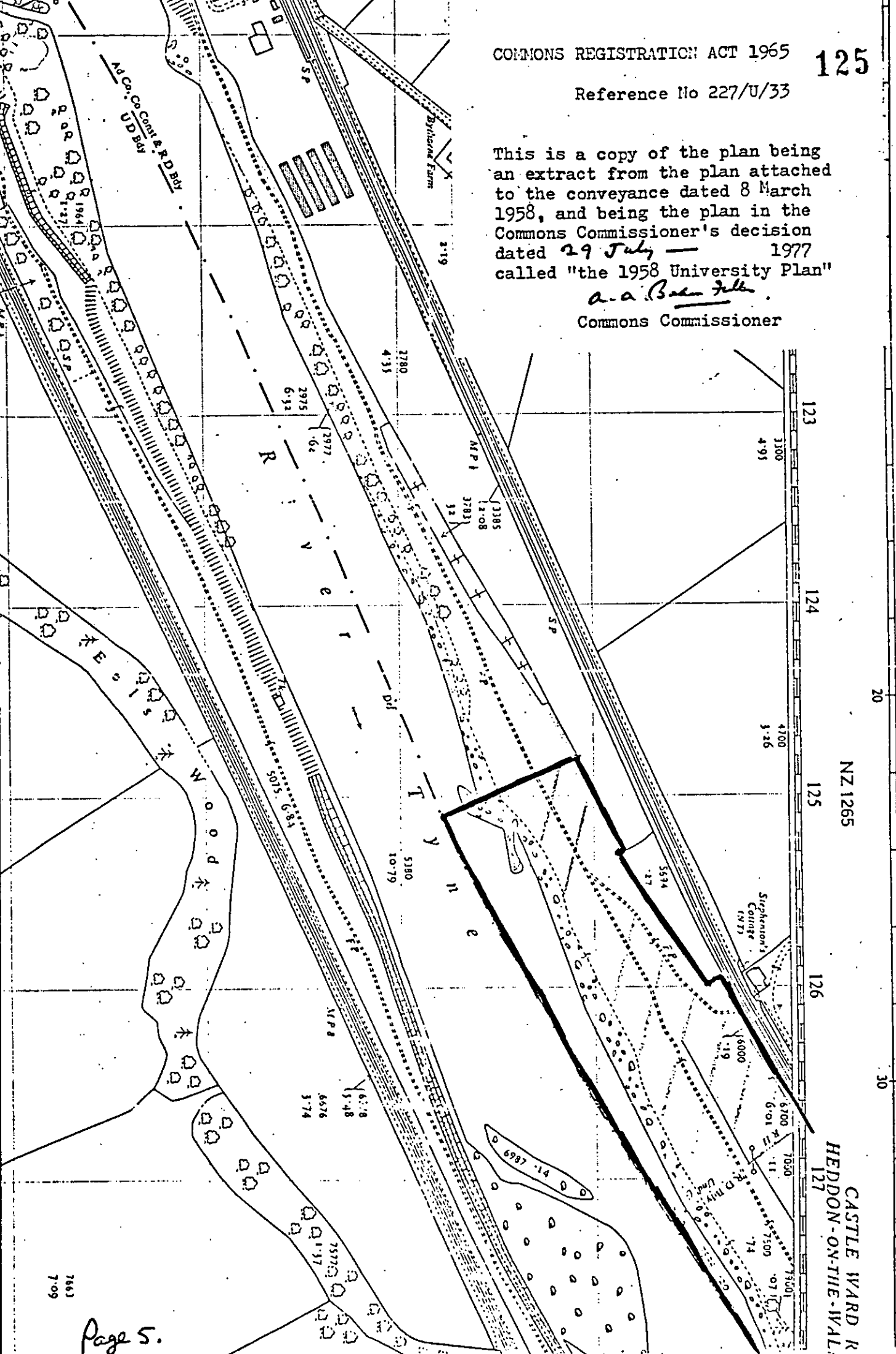
NORTH EASTERN RAILWAY

RIVER TOTTIE

1198 N/S

This is a copy of the plan being an extract from the plan attached to the conveyance dated 8 March 1958, and being the plan in the Commons Commissioner's decision dated 29 July — 1977 called "the 1958 University Plan"

a. a. B. J. J.
Commons Commissioner



IN PARCELS DIVIDED BY THE SHEET EDGE. THE ACREAGES ARE SHOWN TO SHEET EDGE ONLY.

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NZ 1265

CASTLE WARD R
HEDDON-ON-THE-WALL

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Mrs M Roan, who is now, and has been since January 1977 as successor of Mrs Fairless, clerk of the Wylam Parish Council, in the course of her evidence, in support of the claim of the Parish Council to part (11) of the Unit Land produced the documents specified in part B of the Second Schedule hereto. Mr Stephenson in support of the claim of the Angling Club to part (8) and to part (9) of the Unit Land and in support of the claim of Mr Braithwaite and Mr Ilott to part (1), part (4) and part (6) of the Unit Land produced the documents specified in part C of the Second Schedule hereto; one of these documents (the 1950 release) also related to part (2) and part (7) of the Unit Land and supported the claims of the Parish Council and of Dr and Mrs Spriggs. Dr Spriggs in the course of his evidence in support of the claim of himself and his wife to part (7) of the Unit Land produced the documents specified in part D of the Second Schedule hereto. Mr Todd in the course of his evidence in support of the claim of the University to part (12) of the Unit Land produced the documents specified in part E of the Second Schedule hereto.

It being said at and before the May 1977 hearing (see the letter of 29 July 1976 from Dickinson Dees & CO and the letter of 8 March 1977 from Mrs Wilson) that part (3) of the Unit Land had been conveyed to the Boys Brigade in 1948, I adjourned the proceedings to enable the Boys Brigade to offer evidence of their ownership.

I held a further adjourned hearing at London on 27 July 1977. At this hearing the Boys' Brigade (a company limited by guarantee and registered under the Companies Acts) was represented by Mr J T L Watson, solicitor with Linklaters & Paine, Solicitors of London.

Mr Watson in the course of his evidence in support of the claim of the Boys' Brigade to part (3) of the Unit Land produced the documents specified in part F of the Second Schedule hereto.

At the March 1977 hearing, Dr Spriggs described to me part (7) of the Unit Land in some detail. On 20 June 1977, I walked over the Unit Land from one end to the other. Essentially it is a riverside walk, which must sometimes give great pleasure to those living at Wylam and to visitors. Its height above the River varies according to the nature of the adjoining River bank; for the most part it is reasonably level, but in places there are steep ups and downs, particularly where the Unit Land is widest (on the Register map marked as "Shaft (Dis)", and in front of the house of Dr and Mrs Spriggs. On the land side, the use of the adjoining land varies considerably: some closely built houses, some comparatively isolated houses, industrial land, allotments, gardens, cultivated fields, etc.

On the appearance of the land, and on the documents produced, I am satisfied that the persons named in the second column of part 1 of the Third Schedule hereto are the respective owners of the Parts of the Unit Land specified in the first column of the said Schedule, and I shall accordingly direct Northumberland County Council as registration authority to register such persons as the respective owners of such parts under section 8(2) of the Act of 1965. In the absence of



any evidence of ownership, I am not satisfied that any person is the owner of the Part of the Unit Land specified in the first column of part 2 of the Third Schedule hereto, and I shall accordingly direct Northumberland County Council to register Wylam Parish Council as the owner of that part under section 8(3) of the said Act.

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.

FIRST SCHEDULE

The Unit Land

A. The West Piece

Part (1) The part of the Unit Land west of the old railway bridge

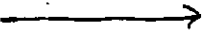
B. The Middle Piece

Part (2) The part of the Unit Land within the heavy black line marked on the annexed copy of the plan ("the 1975 P/C conveyance plan") attached to the conveyance dated 15 September 1975

Part (3) The part of the Unit Land between Part (2) and Part (4)

Part (4) The more southwestern of the two pieces of land within the heavy black line marked on the annexed copy of the plan ("the 1977 Blackett Small Pieces Plan") sent with a letter dated 8 March 1977 from Dickinson Dees & Co to Ingledew Mark Pybus, being the piece nearest to the words "Tennis Court" and "West View"

Part (5) The part of the Unit Land between Part (4) and Part (6)

Part (6) The more northeastern of the said two pieces of land shown on the 1977  Blackett Small Pieces Plan

Part (7) The part of the Unit Land between Part (6) and Wylam Road Bridge



C. The Smallest Piece east of and adjoining Wylam Road Bridge

Part (8) The part of the Unit Land east of the said Bridge, being the whole of this piece

D. The East Piece

Part (9) The part of the Unit Land (not being the Smallest Piece as above defined) which is east of the said Road Bridge and west of Part (10)

Part (10) The part of the Unit Land within the heavy black line marked on the annexed copy of the plan ("the 1924P/C Gift Plan") annexed to the deed of gift dated 23 April 1924

Part (11) The part of the Unit Land between Part (10) and Part (12)

Part (12) The part of the Unit Land which is wholly within the area surrounded with a heavy black line on the copy plan ("the 1958 University plan") being a redrawing on an OS map (25.344" to 1 mile) of part of the plan (6" to 1 mile) attached to the conveyance dated 8 March 1958 and of part of the Register map (also 6" to 1 mile)

SECOND SCHEDULE
(Documents Produced)

At the hearing on 5 May 1976

Part A. Produced by Mrs D Fairless

DF1 23 April 1924 Deed of gift by Mr J B G Tottie to Wylam Parish Council of land by and on the north side of the River being land a short distance east of the railway station

DF2 15 September 1975 Conveyance on sale by Mr D E Braithwaite and Mr E S Ilott to Wylam Parish Council of 10.83 acres of land between the River and the railway east of the railway bridge and west of the recreation ground

At the hearing on 9 March 1977

Part B. Produced by Mrs M Roan

MR1 5 October 1976 Deed of gift by Tynedale District Council to Wylam Parish Council of land containing 1830 sq yds as described in the below mentioned conveyance dated 11 February 1914

MR2 11 February 1914 Conveyance by Mr J B G Tottie to Hexham Rural District Council of land containing 1830 sq yds being part of OS No 94 as delineated on the plan drawn thereon and coloured round with red

MR3 16 May 1961 Plan prepared for Newcastle upon Tyne University (see DJF2 below)



Part C. Produced by Mr J S Stephenson

JSS1 16 January 1976 Conveyance by Mr D E Braithwaite and Mr E S Ilott to Mr J S Stephenson, Mr R T Swinburn and Mr T R Bailey (trustees of the Wylam Angling Association) of fishing rights and of land forming the northern bank of the River bounded on the north by the made up road named Stephenson Terrace, on the east by an extension of the line marked AB on the said plan, on the south by the River Tyne and on the west by Wylam Bridge

9 February 1972 Probate of the will of Mr C J W Blackett in favour of Mr D E Braithwaite and Mr E S Ilott

18 February 1950 Release and conveyance by Mr JR Blackett-Ord in favour of Mr C J W Blackett

JSS4 - Extract from plan on said 1950 release and conveyance

Part D. Produced by Dr E A Spriggs

17 January 1963 Conveyance by Mr C J W Blackett to Dr E A Spriggs of bed and banking of the River Tyne including a triangular piece being adjoining gully

6 November 1973 Deed of gift by Dr E A Spriggs to Mrs S H Spriggs of half share of lands including those conveyed by the 1963 conveyance

Part E. Produced by Mr D J F Todd

DJFT1 8 March 1958 Conveyance by C Bewicke and others, to James R Rutherford and Sons of 151.640 acres being Close House, the cricket ground and lands held therewith including river banks

DJFT3 16 May 1951 Conveyance by James R Rutherford & Sons Limited to the Council of Kings College, Newcastle upon Tyne in the University of Durham of the said 151.640 acres

DJFT4 1963 Universities of Durham and Newcastle upon Tyne Act 1963



At the hearing on 27 July 1977

Part F. Produced by Mr J T L Watson

JTLW1 30 June 1948

Conveyance by Mr C J W Blackett to The Boys' Brigade of land containing about 5.200 acres (being or including the land now let as a recreation ground to the Wylam Community Playing Fields Association)

THIRD SCHEDULE

Part 1. Ownership to be registered under subsection (2) of section 8 of the 1965 Act

<i>Parts as defined in The First Schedule hereto</i>	<i>Names of persons to be registered as owners</i>
Part (1), Part (4) and Part (6)	Mr Douglas Elliott Braithwaite and Mr Edwin Sydney Ilott both of Cross House, Westgate Road, Newcastle upon Tyne
Part (2), Part (10) and Part (11)	Wylam Parish Council
Part (7)	Dr Edmund Anthony Spriggs and Mrs Sheila Helen Spriggs both of River House, Wylam
Part (3)	The Boys Brigade of Brigade House, Parsons Green, London SW6
Part (8) and Part (9)	Mr John Sherwood Stephenson of West Mews, Wylam, Mr Ralph Teasdale Swinburn of 51 Woodcroft Road, Wylam, and Mrs Terance Robert Bailey of Harby House, Wylam (Trustees of Wylam Angling Club)
Part (12)	The University of Newcastle upon Tyne of 3 Park Terrace, Newcastle upon Tyne

Part 2. Ownership to be registered under subsection (3) of section 8 of the 1965 Act

<i>Part as defined in The First Schedule hereto</i>	<i>Person to be registered as owner</i>
Part (5)	Wylam Parish Council

Dated this 29th day of July —

1977
a. a. Baden Fuller.

Commons Commissioner