



COMMONS REGISTRATION ACT 1965

Reference No. 227/U/64

In the Matter of Slaggyford Village Green,
 Knaresdale ^{with} ~~and~~ Kirkhaugh, Northumberland

DECISION

This reference relates to the question of the ownership of land known as Slaggyford Village Green, Knaresdale ^{with} ~~and~~ Kirkhaugh, being the land comprised in the Land Section of Register Unit No. VG 6 in the Register of Town or Village Greens maintained by the ~~Northumberland~~ 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 Miss J G Sowerby and Messrs F Staley and Sons claimed to be the freehold owners of parts 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 Hexham on 27 October 1981.

At the hearing Miss Sowerby was represented by Mr J Gall, her land agent, Mr A Lovett, Solicitor, appeared for Mr G Hutchinson, and Mrs V D Bryan appeared in person.

By an assent made 20 March 1971 Gordon Hutchinson and Joseph Birkett, the personal representatives of James Whirlwall Ridley, the fee simple in O.S. No. 548, part of the land the subject of the reference, was vested in Mr Hutchinson.

By a conveyance made 14 May 1975 between (1) G Hutchinson (2) Frank Baxter and Irene Baxter his wife a part of O.S. No. 548, described as Plot 3, was conveyed to Mr and Mrs Baxter. By a conveyance made 21 September 1981 between (1) F Baxter and J Baxter (2) Violet Derry Bryan Plot 3 was conveyed to Mrs Bryan.

By a conveyance made 3 February 1976 between (1) G Hutchinson (2) F Baxter and J Baxter another part of O.S. No. 548, described as Plot 4, was conveyed to Mr and Mrs Baxter. I was informed that it had been intended that Plot 4 should have been conveyed to Mrs Bryan with Plot 3. On 11 November 1981 Mr and Mrs Baxter and Mrs Bryan entered into a deed for the rectification of the parcels in the conveyance of 21 September 1981 by the inclusion of Plot 4.

After the hearing Mr J G Sowerby claimed to be the owner of part of the land, and I was satisfied that he had sufficient reason for his absence from the hearing. Since the Knaresdale with Kirkhaugh Parish Council was not represented at the hearing and Mr Sowerby's claim did not conflict with those of the persons who appeared or were not represented at the hearing, I decided not to re-open the hearing, but to receive affidavit evidence.

By a conveyance made 17 November 1949 between (1) Thomas Sowerby and John Sowerby (2) William Arthur Eastwell (3) John Greave Sowerby O.S. Nos. 549 and



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479C were conveyed to Mr J G Sowerby, who has since been in undisputed possession of that land. The land has been in the possession and ownership of members of the Sowerby family as far back as 1362, when it was the subject of a devise by the will of John Greave.

On this evidence I am satisfied that Mrs Bryan is the owner of Plots 3 and 4, that Mr Hutchinson is the owner of the remainder of O.S. No. 548, that Mr J G Sowerby is the owner of O.S. Nos 549 and 479C. I shall accordingly direct the Northumberland County Council, as registration authority, to register Mrs Bryan and Mr Hutchinson as the owners of those parts of O.S. No. 548 under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land the subject of the reference, and I shall accordingly direct the County Council to register the Kneesdale with Kirkhaugh Parish Council as the owner of such remainder under section 8(3) of the Act of 1968.

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

25th

day of

June

1982

Chief Commons Commissioner