



COMMONS REGISTRATION ACT 1965

Reference No. 211/U/14

In the Matter of the Red Well, Hunderthwaite,  
Teesdale District, Durham.

DECISION

This reference relates to the question of the ownership of land part of O.S. No.227 and known as the Red Well, Hunderthwaite, Teesdale District, being the land comprised in the Land Section of Register Unit No. VG. 190 in the Register of Town or Village Greens maintained by the Durham County Council (formerly by the North Riding 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 Mrs M.C. Murray claimed that the land in question belonged to her husband Mr F.R.C. Murray and herself. No other person claimed to be the freehold owner of the land or 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 Bishop Auckland on 30 April 1975. At the hearing Mrs Margaret Murray attended on her own behalf and as representing her husband Mr Fane Robert Conant Murray, and Durham County Council as registration authority was represented by Mr G.V. Cooper.

According to the Register map the land ("the Unit Land") comprised in this Register Unit is a circular piece having a diameter of about 12 yards.

Mr Cooper read from two letters to the North Riding County Council as possibly explaining why they as registration authority made the registration without application. One letter dated 10 November 1969 from Mrs J. Anderson (then clerk of the Romalmskirk Parish Meeting) said that according to her information the Red Well was allotted for the use of the inhabitants of the township of Hunderthwaite by an Inclosure Award dated 1858; and the other letter dated 21 November 1969 from Mr Luker Thwaites said that the Red Well was then fenced and had a wall around it and had been cleaned out several times of late.

Mrs Murray in the course of her evidence said (in effect):- The Unit Land is in the middle of a field, part of Park House Farm; it is south of Mickleton (on the south side of the River Tees) and about 2 miles from Romalmskirk. The Unit Land (so she understood) used to be a Spa Well where people bathed for their health; there was an old path to it. Her husband bought the Farm in or about 1966. The Well was then in a bad state. She found it interesting. It was (and still is) a pretty place. The sides are dry stone walling; she and her husband repaired the stone walling (in places it had completely gone) and had cleared the Well up. They put a little fence round it (part of it was fenced). Nobody had ever bathed there. The 1969 letters should not be read as meaning that the Parish Council had looked after the Unit Land; she and her husband (so she thought) had been looking after it and would look after it better than the Parish Council.



Under section 8 of the 1965 Act I am only concerned to determine whether I am satisfied as to the ownership; I have no jurisdiction to determine whether it is more expedient that the land should be owned by one person rather than another. I told Mrs Murray that I would consider whether the deeds and other documents of title relating to Park House Farm could affect my decision if she arranged for them to be sent to the Clerk of the Commons Commissioners in London, and that I would delay my decision to enable her to do this. No such deeds or documents have been received by the Clerk, and I must therefore assume that there is nothing in them of any relevance. On the evidence summarised above, I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Durham County Council, as registration authority, to register Hunderthwaite Parish 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 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 21st — day of November — 1975

*a. a. Baden Fuller*

Commons Commissioner