



COMMONS REGISTRATION ACT 1965

Reference No 227/U/17

In the Matter of The Allotments and  
Rankins Pond (4 pieces), Longframlington,  
Alnwick District, Northumberland

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DECISION

This reference relates to the question of the ownership of land known as The Allotments and Rankins Pond (4 pieces), Longframlington, Alnwick District being the land comprised in the Land Section of Register Unit No CL. 96 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 (1) Miss P Proudlock as clerk of the Longframlington Parish Council said that the allotments had been granted to the inhabitants of Longframlington when the Commons were enclosed as is clearly stated in the Commons Award, (2) Dees & Thompson Griffith & Co, Solicitors of Newcastle upon Tyne said that the Trustees of J C Fenwicke's Second Marriage Settlement (for whom they have acted for many years) have been paid a yearly rent charge of £2 out of the land by Longframlington Parish Council who must therefore be the owners, (3) Mr John Thompson Wharrier of 21 North Place, Morpeth claimed ownership, and (4) Mr J Wharrier of 4 Simonside Close, Kirkhill, Morpeth said he had heard his father state that the family owned land in Longframlington, he died on 22 January 1977, and the only evidence he could find was a book he sent to the Clerk of the Commons Commissioners. No other person claimed to be the freehold owner of the land in question 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 Alnwick on 8 March 1977. At the hearing Longframlington Parish Council were represented by Mr N W Garside solicitor of Wade & Percy Solicitors of Alnwick.

Mr W T Dinsmore who has lived in the Parish for the last 20 years, has been a member of the Parish Council for the last 4 years and is now the chairman, in the course of his evidence produced the Longframlington Inclosure Award dated 10 August 1855 (made under the *Second Annual Inclosure Act*, 16 & 17 Vict c.120). The Award contained allotments as follows:- "And I...do hereby...allot...unto the Churchwardens and Overseers of the poor of the said Township of Longframlington all those pieces... of land numbered 51, 53, 55 and 57 on the said map...containing five acres one rood and four perches to be held by them and their successors in trust as an allotment for the labouring poor of the said Chapelry of Longframlington subject nevertheless to and chargeable with a clear Rent Charge of Five pounds 18 shillings...and I... do hereby set out...one public Pond numbered 56 on the said map...which said Pond shall be from time to time properly cleansed and repaired by all and every the person or persons owners of lands or tenements in the village of Longframlington in proportion to the sums at which their respective lands and tenancies shall be assessed in the rate book made for the relief of the poor of the said Township of Longframlington...".



Mr Dinsmore said (in effect):- These pieces of land are on the south part of and front on the road from Longframlington to Rothbury, being just to the west of the Recreation Ground. He identified the three smaller pieces with plot nos 51, 53 and 55 in the Award map and the larger piece with plot nos 56 and 57. Plot No 56 is at the southeast corner of the largest piece, and although no longer a pond (he understood it had been filled in some years ago) is still known as Ranks Pond. All the pieces including the Pond part are now allotment gardens.

I have looked at the book sent by Mr J Wharrier; it is a small account book with numerous manuscript entries, the first of which is dated November 28 1860 and the last dated June 5 1878. There are 10 pages of entries relating to Longframlington, but nothing to indicate that they refer to the land with which I am concerned.

As to the part of the land allotted to the Churchwardens and Overseers of the Poor, I conclude that the Parish Council as their successors are now the owners by the operation of the express words of the Award, see the Overseers Order 1927 (SR&O no 55). Although the Award does not allot the Pond Piece to any particular body of persons, it is I think a reasonable inference that being a public pond it ~~was~~ intended to become parish property as commonly understood and accordingly by operation of law is now vested in the Parish Council; alternatively they have a good possessory title to it by having let it as an allotment with the adjoining land and it being practically certain that their possession is unlikely to be disturbed.

For the above reasons I am satisfied that the Parish Council are the owners of the land and I shall accordingly direct the Northumberland County Council as registration authority to register Longframlington Parish Council as the owners 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 16<sup>th</sup> day of March —

1977

*a. a. Sade Julia*

Commons Commissioner