



COMMONS REGISTRATION ACT 1965

Reference Nos. 211/D/40-77

In the Matter of a tract of land called Bollihope Common,
Stanhope in the County of Durham

DECISION

This dispute relates to the registration at Entry Nos. 1, 5, 7, 11, 13-18, 20-37, 39-41, 44, 48-51, 53 and 54 in the Rights Section of Register Unit No. CL 38 in the Register of Common Land maintained by the Durham County Council and all occasioned by Objections made by the Trustees of the Underley Estate and noted in the Register on various dates.

I held a hearing for the purpose of inquiring into the dispute at Durham on 12 November 1980.

At or before the conclusion of the hearing, all the disputes except two had been disposed of either because the applications had been withdrawn or because the objectors had agreed the applications either as registered or with modifications.

Messrs Darling, Heslop and Forster, Solicitors of Darlington appeared for the Objectors.

Mr Vane of Counsel appeared for Mr Norman Harrison who claimed (Entry No. 15) the right to graze 6 sheep, 1 horse, 10 pigs and 30 hens on the Register Unit. Mr Harrison had purchased his property on 17 September 1959 and had never himself exercised any of the rights he was claiming. The parcels claim the Conveyance did not refer to any specific rights over the Register Unit but contained a reference to rights generally. No evidence was given as to exercise of any rights before 1959 and on this evidence I am unable to confirm the registration.

The other opposed application (Entry No. 37) was 'to graze 30 stints (ie. to a limit of 30 stints' one stint counting as one sheep, 12 stints counting as one horse and 10 stints counting as one adult beast). The applicant was the Vicar of Alwinton and the claim was made in respect of land called Snowhope Glebe.

Mr Rich of Counsel appeared for the applicant, Mr T M Adamson and currently tenant of the glebeland (27 acres) gave evidence. He is 45 years of age and his father took over the tenancy of the glebeland in 1922.

His father had cattle and sheep on the glebeland but no horses. His father grazed cattle on the Common and he could remember this since he was 9 or 10. 30 sheep went on to the common from the glebeland. He had been in partnership with his father since he was 21. The right to put sheep on the common had been exercised since 1922.



The applications registered under the following entries were withdrawn and are therefore not confirmed. Nos. 1, 7, 13, 14, 16, 17, 28, 34, 36, 48, 49 and 51.

On the evidence I refuse to confirm Entry No. 15. I confirm Entry No. 37 with the modification that it is in respect of 30 sheep only.

The applications registered under the following Entry Nos were admitted and are confirmed Nos. 2, 3, 4, 6, 8, 9, 10, 11, 12 and 39.

The applications registered under the following Entry Nos were agreed subject to certain modifications. In the case of those marked with an asterisk any right to graze other stock in lieu of sheep is excluded. Subject to this I confirm the applications at the following Entry Nos. 5*, 18* (now G A Jopling), 20* (200 ewes), 21*, 22*, 23*, 24*, 25*, 26*, 27*, 29*, 30*, 31*, 32*, 33*, 35*, 39, 40*, 41*, 44 (275 sheep).

It was also agreed that my decision on the application at Entry No. 50 should follow my decision on a similar claim in respect of Register Unit No. CL 9 and I therefore confirm Entry No. 50. *I make no order as to the costs of any application.*

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 2nd day of December 1980

George Herkett

Commons Commissioner