



COMMONS REGISTRATION ACT 1965

Reference No. 25/U/2

In the Matter of Etling Green,
East Dereham, Norfolk (No. 2)

DECISION

This reference relates to the question of the ownership of land known as Etling Green, East Dereham, numbered 473, 474 and 484 on the Ordnance Survey Map of the parish, being the land comprised in the Land Section of Register Unit No. C.L.28 in the Register of Common Land maintained by the Norfolk County Council, of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner. The Norfolk County Council is registered as the owner of certain grazing rights over the land, such rights being attached to South Green Farm.

Following upon the public notice of this reference the Norfolk County Council claimed to be the freehold owner 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 Norwich on 24th February 1972.

Mr. I.G. Winn, the Clerk of the East Dereham Urban District Council, informed me that the ownership of the land in question in this reference was not claimed by the East Dereham Urban District Council as lord of the manor of East Dereham of the Queen, the lordship of which was conveyed to the Council on 18th March 1966.

Mr. Cubitt, who appeared for the Norfolk County Council, produced a statutory declaration dated 31st December 1912 by Charles Morgate, a solicitor in East Dereham, stating that one Israel Neal, who died in 1883, had been in undisturbed possession of the feeding rights over the land in question in this reference and that no other person had exercised or claimed any rights to soil, minerals or rights of common over the land. Mr. Cubitt also produced a conveyance dated 28th December 1912 whereby Mary Ann Anna Warren, the executrix of Israel Neal, conveyed to the Norfolk County Council firstly, the land known as Eastoe's Farm and secondly, the grazing rights and such rights in the ownership of the fee simple of certain land, including the land in question in this reference, as were vested in Mary Ann Anna Warren by prescription or otherwise.

Since 1912 the land in question in this reference has been used for grazing by the tenants of Eastoe's Farm, now known as South Green Farm.

By a conveyance dated 12th November 1964 the County Council conveyed to the Minister of Transport such right, title and interest in two small pieces of the land secondly conveyed to the Council as might be vested in the Council, subject to the proviso that if it should be that the fee simple estate in respect of the two pieces of land was not vested in the Council then the Council released to the owner of those pieces of land the grazing rights



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conveyed by the 1912 conveyance. The Minister paid £20 to the Council.

Upon these facts I am satisfied that the County Council has made out a good possessory title.

For these reasons I am satisfied that the Norfolk County Council is the owner of the land, and I shall accordingly direct the Council, as registration authority, to register the Council as the owner of the land.

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 8th day of March 1972

A handwritten signature in cursive script, appearing to read 'G. L. J. King', written over a horizontal line.

Chief Commons Commissioner