



COMMONS REGISTRATION ACT 1965

Reference No.25/D/8

In the Matter of the Sawing Pit,  
Geldeston, Norfolk (No.2).

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.V.G.22 in the Register of Town or Village Greens maintained by the Norfolk County Council and is occasioned by the conflicting registration at Entry No.1 in the Land Section of Register Unit No.C.L.93 in the Register of Common Land maintained by the Council of the land known as The Sawing Pit, Geldeston.

I held a hearing for the purpose of inquiring into the dispute at Norwich on 22nd June 1972. The hearing was attended by Mr. J.F. Spink, the Clerk to the Geldeston Parish Council, the applicant for the registration, and by Mr. Gerald Draycott, Counsel for Mrs. Majorie Ashfield, who made the conflicting registration.

Mrs. Ashfield is the lady of the manor of Stockton with the Soke, a fact which was proved to my satisfaction by title deeds going back to 1901. Stockton is a parish to the north of Geldeston and there was produced at the hearing a conveyance of copyhold land dated 12th March 1823 which showed that the manor of Stockton with the Soke included some land in the parish of Geldeston.

Mr. Draycott argued that in the absence of evidence to the contrary any waste land in Geldeston should be regarded as manorial waste of the manor of Stockton with the Soke. Mr. Spink, on the other hand, contended that there was no satisfactory evidence that the land in question was in the ownership of Mrs. Ashfield, as lady of the manor, and that it was properly registered as a village green because villagers had indulged in lawful sports and pastimes on it as of right for not less than 20 years.

For the reasons which I have given in my decision in the other dispute relating to this land (25/D/9) I have found that the land is not manorial waste.

I now have to consider whether the registration as a village green is supportable.

The evidence about the use of this land for sports and pastimes is very slender. Mr. A.F. Anguish, now aged 74, and Mr. E. Baldry, now aged 76, both natives of Geldeston, remembered roundabouts and swings being erected on the land many years ago by a man known to them by the name of "Rhubarb". Both of them said that "Rhubarb" obtained permission to do this from Capt. Kerrich, a predecessor in title of Mrs. Ashfield. Mr. Baldry also remembered that about 65 years ago the land was used for playing quoits, again with the permission of Capt. Kerrich. After about two years the quoits players removed to a meadow for the use of which they paid. Although the land was not in law manorial waste, it may have belonged to Capt. Kerrich, but whatever his rights may have been, the fact that "Rhubarb" and the



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quoits players sought and obtained his permission shows that they did not consider that what they were doing was as of right.

I am quite unable on this evidence to hold that the inhabitants of the locality have at any time indulged in lawful sports and pastimes on this land as of right.

For these reasons I refuse to confirm the registration.

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 14th day of July 1972

  
Chief Commons Commissioner