



COMMONS REGISTRATION ACT 1965

Reference No. 25/U/7

In the Matter of Sedgeford Village Pound,
Sedgeford, Norfolk

DECISION

This reference relates to the question of the ownership of land known as Sedgeford Village Pound, being the land comprised in the Land Section of Register Unit No. C.L.81 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.

Following upon the public notice of this reference Mr. Bernard Grant Campbell of Sedgeford Hall 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.

The land in question in this reference has none of the physical characteristics of a pound. It is an open piece of land cut in two by a road or pathway. Its registration as common land has now become final, and I shall approach the question of its ownership in the same way as that of any other piece of common land.

Although the lord of the manor is prima facie entitled to the ownership of the common land in the manor, the burden of proof is on him: see Doe d. Dunraven v. Williams (1836), 7 C & P.332. In this case the lord of the manor has made no claim to the ownership of this land. This is consistent with his or one of his predecessor in title's having disposed of the ownership. There being no evidence on which I could be satisfied that the lord of the manor is the owner of this land, I have not considered it necessary to endeavour to discover the identity of the lord of the manor. As Hobart C.J. said in Sheffield v. Ratcliffe (1615), Hob.334, at p.347: Vigilantibus, non dormientibus, jura subveniunt.

Mr. Campbell is the owner of West Hall Farm which was conveyed to him with the rest of the Sedgeford Hall estate on 11th October 1957. The southern boundary of the land in question adjoins land included in the conveyance, but it is clear that the land in question was not included in the conveyance. Mr. Campbell, however, claims that he has acquired a possessory title to the land in question.

Immediately after his purchase Mr. Campbell went into possession of the estate. During the whole period of his ownership of West Hall Farm Mr. Campbell has employed Mr. William Fennell Armitage as his farm manager. Mr. Armitage, who lives in a house on the south side of the land in question, gave evidence that he had tidied the land himself. He has mown the grass once a month during the growing season and for a year or two after 1965 he tethered a goat on the land. Nobody objected to the tethering of the goat and nobody has exercised any rights over the land since Mr. Armitage has known it.



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Although the state of affairs which Mr. Armitage described has now subsisted for more than 12 years, I do not regard what he has done as amounting on behalf of his employer to a dispossession of the owner, whoever he may be. The land in question is a village amenity, and I regard Mr. Armitage's action as being that of a public-spirited resident who wishes to see his village looking tidy, rather than that of an encroacher taking adverse possession of the land so as to bar the true owner.

For these reasons I am not satisfied that any person is the owner of the land. It will therefore fall under the protection provided for by section 9 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 *18th* day of April 1972

Chief Commons Commissioner