



COMMONS REGISTRATION ACT 1965

Reference No.25/U/86

In the Matter of The Green,
Heacham, Docking R.D., Norfolk

DECISION

This reference relates to the question of the ownership of land known as The Green, Heacham, Docking Rural District being the land comprised in the Land Section of Register Unit No.VG.48 in the Register of Town or Village Greens 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 Miss Annie Godwin Parker and Miss Dorothy Winifred Parker claimed to be the freehold owners 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 12 June 1973. The hearing was attended by the Misses Parker who were represented by Mr. G. H. C. Staveley solicitor of Beloe & Staveley Solicitors of Hunstanton.

Mr. Staveley relied on an affidavit sworn by the Misses Parker on 9 June 1973: he also gave evidence himself. After the hearing I inspected the land, Mr. Staveley having agreed that I might do so unattended.

The land ("the Unit Land") comprised in this Register Unit is triangular, bounded on the east by the road through the Village (St. Mary's Church is on the other side of the road), on the south-west by a road on the other side of which is Homemead, the dwelling house occupied by the Misses Parker since 1945, and on the north by a grass footpath joining the two roads. The Unit Land is all grass, apart from a seat on the east side and a small turning space opposite the entrance to Homemead and is surrounded by a low concrete post and chain fence.

To the affidavit were exhibited a copy conveyance dated 31 December 1945 and a copy of part of an abstract dated 1943 of the title of Mr. W. Parker to lands in Heacham, Sedgeford and Ringstead; the originals of both these documents were produced at the hearing. They showed that by an indenture dated 13 June 1904 lands in Heacham, Sedgeford and Ringstead described in the First Schedule and delineated on the plan annexed were conveyed to Mr. C. E. Strachan; the Schedule included among other "villa residences", "The Homemead .., Together with all garden and other land belonging to or held with the ... premises; on the annexed plan The Homemead, the Unit Land and the road between them were with much other land coloured pink. Mr. C. E. Strachan died on 24 January 1929. By a conveyance dated 18 June 1940 his executors conveyed to Mr. B. G. Culey the property described in the First Schedule; part 7 of this Schedule included the messuage and dwelling house known as Homemead containing 2.624 acres "TOGETHER with such right title or interest as the Vendors had in the piece or parcel of grass land known as the Village Green and being part 263 on the said Ordnance Map and containing 30 poles and also coloured green on the said plan ..." By a conveyance dated 23 September 1941 Mr. B. J. Culey conveyed to Mr. W. Parker lands which (so far as now relevant)



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were the same as those comprised in the said 1940 conveyance and under the same description. By the said 1945 conveyance Mr. W. Parker conveyed to the Misses Parker, Homestead with the grounds and gardens containing 1.296 acres "TOGETHER with such right title or interest as the Vendor has in the piece or parcel of grass land known as the Village Green being part Number 263 on the said Ordnance Map and containing Thirty poles and also coloured pink on the said plan ..."

The Misses Parker in their affidavit describe how they had at their own expense erected the posts and chains above mentioned and cut the grass and kept the same in good order.

In my view the 1940, 1941 and 1945 conveyances above mentioned, notwithstanding that they are expressed to do no more than convey "the right title or interest" in the Unit Land of the Conveying parties, are consistent with and some evidence of ownership of an estate in fee simple. The 1904 indenture contains no words such as those just quoted and is evidence that Mr. Strachan under it became entitled to the Unit Land for an estate in fee simple; if he was so entitled, it has passed under the three conveyances for the same estate to the Misses Parker. Upon a consideration of the indenture, of the three conveyances and of the things done on the Unit Land by the Misses Parker I am satisfied that they are the owners of the Unit Land and I shall accordingly direct the Norfolk County Council as registration authority to register Miss Annie Godwin Parker and Miss Dorothy Winifred Parker both of Homestead, Heacham, Norfolk 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 20th day of July 1973.
a. a. Baden Fuller.
Commons Commissioner