



In the Matter of The Green, Old Buckenham
Breckland District, Norfolk.

DECISION.

This reference relates to the question of the ownership of land known as The Green, Old Buckenham, Breckland District being the land comprised in the Land Section of Register Unit No. CL.63 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 no person claimed to be the freehold owner of the land in question and no 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 Norfolk on 17 July 1975. At the hearing Mrs. Viola Murielle Evans was represented by Mr. J.R.S. Stilwell, solicitor of Halsey Lightly & Hemsley, Solicitors of London. Miss Rosemary Bush of West View, Old Buckenham volunteered to give evidence.

The land ("the Unit Land") comprised in this Register Unit contains about 40 acres. It is grass land (with some trees) crossed by some *public* roads and for the most part flat. Most of the houses of Old Buckenham front on it. In the Rights Section 13 rights of grazing and 4 rights to plant *and* fall trees (including one right of estovers) have been registered, and these registrations being undisputed *have* become final.

Mrs. Evans in an affidavit sworn on 15 July 1975, said (in effect):- She is the elder daughter of Mr. Lionel George Robinson, late of Old Buckenham Hall (he died on 20 July 1922). He owned a considerable amount of property in and around Old Buckenham and elsewhere in Norfolk including the Unit Land. In some manner which she cannot now recall, the Unit Land became vested in her; she mentioned unsuccessful inquiries she had made of solicitors about the title deeds. In 1952, she signed formal consents in favour of the Eastern Electricity Board to the erection of or laying of wires, cables, and poles over or through the Unit Land, believing she was the owner, and had each year received the annual rent thereunder (currently amounting to £26.35 a year). She had never received or had notice of any adverse claim.

Mr. Stilwell in the course of his evidence, produced 6 consents signed by Mrs. Evans between 1952 and 1971 which had been sent to his firm by Eastern Electricity Board, and an old document he had found in his firm's strongroom relating to "Lionel G. Robinson deceased" being apparently a list of cottage tenants on the Old Buckenham Estate, which showed that *small* rents were being received for "GreenRights".



Miss Bush in the course of her evidence said (in effect):- She is the secretary and treasurer of the Old Buckenham Green Rights Owners, a Society of which Rev. A. Laithe (Rector of Quidenham and incumbent of All Souls Church, Old Buckenham) is the chairman. She has lived in Old Buckenham 41 years (all her life). At the beginning of last June she discussed the ownership of the Unit Land with Captain Humphrey Drummond and he said that Hemsleys would claim ownership (I understood that he is a relation of and acts for Mrs. Evans). She had seen the Minute Book (from about 1900 to date) kept of the meetings of the Green Rights Owners. Originally there were 39 Rights; the Book records that Mr. L.G. Robinson gave up one of the Rights (his) to enable the War Memorial to be built. She inherited her Right from her mother (see Entry No.11). The Rights were now pooled: one farmer grazed his cattle exclusively paying rent to all the other Rights Owners (as treasurer she received this rent); the money so received has been and will be spent on the improvement of the Unit Land (e.g. renewing a brick drain damaged by tree roots). In the early 1950's, some of the Rights Owners suggested that the Unit Land be ploughed up and resceded with grass; part of the Unit Land was ploughed up accordingly; people who had not got Rights got in contact with Mrs. Evans because they knew that the Rights Owners were not entitled to the soil: she ordered (so it was locally understood; probably not personally but by letter) the part ploughed up to be restored and this was done; the Village by so acting in effect acknowledged that she was in a position to give this instruction. The Society (i.e. The Green Rights Owners) acknowledged Mrs. Evans to be the owner of the Unit Land.

On this evidence I am satisfied that Mrs. Evans is the owner of the Unit Land and I shall accordingly direct the Norfolk County Council as registration authority, to register Mrs. Viola Muriel Evans of 23 Eaton Mansions, Sloane Square, London, SW1 as the owner 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 4th — day of August 1975.

a. a. Baden Fuller.

Commons Commissioner.