



COMMONS REGISTRATION ACT 1965

Reference No 225/U/77

In the Matter of Winchester Hill,  
Newton by Castle Acre, Breckland D

---

DECISION

This reference relates to the question of the ownership of land known as Winchester Hill, Newton by Castle Acre, Breckland D being the land comprised in the Land Section of Register Unit No CL. 297 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 each of them Mr A Fountaine and Newton by Castle by Acre Parish Meeting 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 King's Lynn on 25 October 1977.

Mr H Picarda, counsel, instructed by Messrs Risdons of Williton, Somerset appeared for Mr A Fountaine and Mr C K Faircloth appeared on behalf of the Parish Meeting.

Mr Fountaine claimed ownership as Lord of the Manor and Mr Picarda produced all the relevant deeds and documents, commencing with an Indenture dated 21 September 1804 and ending with a vesting assent to Mr Fountaine, which established Mr Fountaine's title to the land in question. Mr Faircloth did not dispute Mr Fountaine's "paper title" but endeavoured to claim ownership for the Parish by virtue of a possessory title. In the course of the hearing Mr Faircloth abandoned his claim to a possessory title.

On this evidence I am satisfied that Mr A Fountaine is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register Mr A Fountaine 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 14<sup>th</sup> day of November 1977

C. A. Little