



COMMONS REGISTRATION ACT 1965

Reference No.14/U/160

In the Matter of Portsdown Hill (part),
Fareham, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as Portsdown Hill (part), Fareham, being the land comprised in the Land Section of Register Unit No. CL 287 in the Register of Common Land maintained by the former Hampshire 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 Mrs E.S. Borthwick-Norton and Silchester Estates Ltd each 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 Winchester on 23rd January 1975.

At the hearing Silchester Estates Ltd was represented by Mr D.J.C. Wyld, solicitor. Mrs Borthwick-Norton did not appear and was not represented, but her solicitors, Messrs Walker Martineau & Co. stated in a letter dated 22nd January 1975 and addressed to the Clerk of the Commons Commissioners that if prima facie evidence as to the title of Silchester Estates Ltd were put before me, they would be content to withdraw the claim of ownership on behalf of their client.

The land in question was conveyed to Whitesea Properties Ltd by a conveyance made 16th February 1970 between (1) David Alan James Duggan (2) Whitesea Properties Ltd. The name of Whitesea Properties Ltd was changed to Silchester Estates Ltd on 25th January 1973.

Mr Wyld produced documents which satisfied me that Mr Duggan derived his title from a conveyance made 24th June 1924 between (1) Alexander Henry Thistlethwayte (2) Evelyn William Thistlethwayte, Charles Foyle Randolph and John Richard Croft (3) George Albert Cooper. This recited a settlement dated 31st December 1875, two parties to which were also called Thistlethwayte. Messrs. Walker Martineau & Co stated that Thistlethwayte was the name of the owners of the estate now belonging to Mrs Borthwick-Norton.

On this evidence I am satisfied that Silchester Estates Ltd is the owner of the land, and I shall accordingly direct the Hampshire County Council, as registration authority, to register that Company 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



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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 30th day of January 1975

A handwritten signature in black ink, appearing to be 'G. D. G. G. G.', written in a cursive style.

Chief Commons Commissioner