



In the Matter of River Test
(tidal part, foreshore and
adjacent areas) in Southampton
City, Hampshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 4 in the Register of Town or Village Greens maintained by the Hampshire County Council and is occasioned by Objection No. 4 made by Mr Ronald Scott Lawrence Bowker, Mr Eric Nelson Knowles and Mr Richard Henn Collins and noted in the Register on 8 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Eastleigh on 6 and 7 and at London on 27 and 28 November 1980. At the hearing the said Objectors and also Mr Godfrey Nelson Knowles who has since the Objection been appointed a trustee of the Barker-Mill Estate in the place of Mr E N Knowles were represented by Mr W R Stewart Smith of counsel instructed by Faithfull & Bowker, Solicitors of Winchester; and the Council of the City of Southampton were represented by Mr J Norman Rudd of counsel instructed by the City Solicitor. Also represented for part of the hearing were Hampshire Isle of Wight Naturalists Trust Limited by Mr R Page their Conservation Officer; he said that on behalf of the Trust he would take no part in the proceedings, although he was willing should anybody wish to call him as a witness to come forward. Mr Norman William Humphris on whose application the registration was made, neither attended nor was represented, although Mr Rudd read out a letter dated 4 November 1980 to the City Council from him in which after explaining his absence would be due to illness he said (among other things) that he felt that the hearing should proceed with his case resting on the support and evidence produced by or on behalf of the Southampton City Council.

Before the hearing with a letter dated 14 March 1980 Hampshire County Council sent to the Clerk to the Commons Commissioners a petition they had received from under-signed local residents of Redbridge strongly objecting to the designation of the bed and the adjacent shore of the River Test within the City of Southampton as a Village Green for the reasons (copied in the First Schedule hereto) therein set out. This petition is signed by 122 persons who give their addresses, mostly in Test Lane, Leonard Court, Westover Road, Old Redbridge Road, and Gover Road. No person attended the hearing to support this petition.

The land ("the Unit Land") in this Register Unit is for the most part covered by water, such part being so much of the bed of the River Test as is east of the middle line of the River, or east of the middle line of, where the River runs in more than one channel, its most easterly channel. This middle line is also the boundary between the City of Southampton on the east and the parish of Eling and Totton and the parish of Nursling and Rownham on the west; and was formerly the boundary between the County Borough of Southampton and the Administrative County of Hampshire. The said part of the River bed is about $\frac{3}{4}$ of a mile long and extends from on the south, the Viaduct which carries the railway from Southampton to Brockenhurst over the River near the head of Southampton Water to on the north, the High Water Mark of Medium High Tides ("HWMHT") at its highest point. Near to and in places adjoining the east side of the Unit Land is the land along which runs the railway to Salisbury. The Unit Land expressly includes the "foreshore and adjacent areas", a somewhat vague description even if read with the Register Map (scale 6" = 1 mile) referred to in the registration.



Mr Rudd at the beginning of the hearing said that the Council supported the registration, their case being that the Unit Land was land on which the inhabitants of the locality had for more than 20 years and certainly since before the 1939-45 war indulged in swimming, boating and (from the bank and from boats) fishing, and was therefore within the definition in section 22 of the 1965 Act of a town or village green; alternatively their case was that on the evidence I should conclude that the Unit Land is subject to a customary right within the meaning of the definition.

By far the greater part of the hearing was taken up with the use of the Unit Land made by swimmers. ~~For~~ For the purposes of exposition I define the different parts of the Unit Land which swimmers could easily enter or leave the River from the adjoining foreshore as follows:- (a) "The Bone Mill Area" means the part of the Unit Land which has a HWMMT frontage to the River of about 150 yards extending from the north end of the Unit Land down to the concrete structure containing the outfall of a surface drain (2) "The Nine Elms Area" means ^{part of the} Unit Land having a HWMMT frontage to the River of about 300 yards and extending northward to the point where the HWMMT of the River comes right up to the land along which runs the Salisbury Railway. (3) "The Red Bridge Area" means the part of the Unit Land which has a HWMMT frontage to the River of about 150 yards extending from the bridge which now carries the main road (A35) across the River up to the Nine Elms Area. The two remaining Areas of the Unit Land are not easily usable by swimmers wishing to enter the River from them (although they could swim to the banks from the other Areas), that on the north ("The North Marshland Area") having banks which are marshy and inconveniently intersected by drainage-ditches; and the south "the Railway Viaduct Area" ~~is~~ at the south end of the Unit Land having no convenient access for swimmers.

In support of the Council's case Mr Rudd produced the documents listed in Part I of the Second Schedule hereto intending that the letters therein mentioned (Mr Stewart Smith waived any objection that they were copies and not originals) should be regarded as evidence by the writers. Oral evidence in support of the registration was given (1) by Mr James Weeks (his father made the affidavit in the Second Schedule mentioned) who was born in 1926, (2) by Mr George William Ross who was born in 1926 (3) by Mr Michael Pratley who was born in 1938, ~~by~~ ^{and} Mr Norman Frank Allen who was born in 1935; in the course of their evidence they described how they and others had been swimming in the River, particularly as they remembered it when they themselves were at school. Also oral evidence in support of the registration was given by Mr Alan Gerald Reynard who has been a member of the Council for the City of Southampton from 1959 to 1976 and a member of the County Council 1972 to 1978 and who gave me the benefit of his local knowledge of the matters in question.

Against the registration the documents listed in Part II of the Second Schedule hereto were produced, and oral evidence was given by Mr R S L Bowker who explained the documents of title produced, by Mr Thomas Tyler Ludlow of British Rail who explained the documents produced relating to the taking of the land for the Salisbury Railway under the 1858 Act, by Mr Victor Frank Foot who is and has been employed by the below mentioned Mr Potter or his father as water bailiff or river keeper since 1942, by Mr R Henn Collins, and by Mr John Wilson Potter who is and has been in succession to his father tenant of the fishing and whose father first became tenant in 1915.

On 9 December 1980 I inspected the Unit Land in the presence of Mr C Gwynne Evans, Estate Manager of the Bar~~et~~ Mill Estate; and of Mr D Walker of the City Secretary's Department.



It was known to those present at the hearing that on 21 and 22 March 1979 I held a hearing at Winchester for the purposes of considering similar registration relating to an adjoining part of the River Test (VG 200), and after an inspection gave a decision dated 10 August 1979 (Ref 214/D/158-160). Although some of the questions raised at this 1980 hearing are similar to those raised at the 1979 hearing, I consider that Mr Rudd rightly contended that the Southampton City Council are entitled to treat the Unit Land matter as wholly distinct, so I have tried as far as I can in these proceedings to disregard anything said to, or seen by, me in the VG 200 proceedings.

The 20 year period mentioned in the said 1965 Act definition is 20 years before the date of the Act (5 August 1965); see *New Windsor v Mellor* 1975 Ch 380. A customary right may be presumed from 20 years actual exercise of the right; by analogy with section 16 of the 1965 Act, I consider that this 20 years should be measured back from the date of the Objection (3 September 1970). So swimming done or not done after 1965 or possibly after 1970 is not relevant except so far as it throws light on earlier activities. And as regards a possible customary right, activities before this 20 year period may be relevant.

I accept that swimming is a "pastime" within the meaning of the 1967 Act definition, so that the propriety of the registration is established (1) if there was swimming before September 1970 by a large enough number of people for a long enough period of time in that part of the River which is included in the Unit Land; and (2) if the swimming can properly be regarded as being as of right in the relevant sense; and (3) if the swimming can properly be regarded as being done "by the inhabitants of any locality".

As to (1):- I have the oral evidence of Mr Weeks, Mr Ross, Mr Fratley and Mr Allen of how they themselves engaged in swimming and saw others doing likewise; and also the oral evidence of a more general character by Mr Reynard; and also the said affidavit and the numerous letters mentioned in Part I of the Second Schedule hereto. Against this, I have the oral evidence of Mr Foot, Mr Henn Collins and Mr Potter and the 1960 statutory declaration. Mr Henn Collins had not seen people bathing except on a hot day in the summer he had seen an occasional boy there, and Mr Potter couldn't remember seeing anybody bathing from the Nine Elms Area. I don't think either Mr Henn Collins or Mr Potter intended me to infer from their evidence that bathing as described by the witnesses of and in the documents produced by the Council never took place because the former said that there was not likely to be bathing in the morning and the evening when he was there and the latter said that it was only on rare occasions that he fished near the Unit Land and then it was in the Bone Mill Area. Although Mr Foot made it clear that his instructions were as far as he could to prevent bathing, I am unable to infer (and I don't think he expected me to infer) from his evidence that there was never any bathing. The general appearance of the Unit Land is such that it is highly probable that during or before the 20 year period in question there were numbers of bathers who started their bathing from the Old Red Bridge and then swam around it or swam from there to the Nine Elms Area to bathe around and land there; or started their bathing from the Nine Elms Area; or started their bathing from the Bone Mill Area. Indeed the bank of the Nine Elms Area is now ~~is~~ attractive, (and when the Nine Elms were on it probably more so) to bathers particularly those who might wish to picnic on the bank. I accept the oral and written evidence put before me by the Council as to this bathing and conclude that there was, particularly on sunny days in the summer, much swimming, mostly by boys and young persons and that such bathing was in numbers enough and for a period long enough in law to establish a customary right if it could properly be regarded as done "as of right" and done by the "inhabitants of a locality" in the relevant sense of these words



During the course of the hearing there was much evidence about the access to the Unit Land from Test Lane (on the other side of the Salisbury Railway). Apart from possibly climbing over the fences on either side of the railway, there appeared on my inspection to have been five possible accesses: (1) "the Bone Mill Crossing" where there are two wicket gates (one on each side of the railway) providing easy access for pedestrians at all times, and by each of them a full size gate which if unlocked would provide easy access for vehicles; (2) "Chandlers Crossing" where there are full size gates which if unlocked would provide easy access for vehicles and animals to the meadow grounds which now appear somewhat marshy and which were from 1937 (B/10) until 1975 (B/12) owned by Mr E T Balme and after his death by his daughters Mrs E M Bailey and Mrs T A Bridgeman; this crossing if unlocked would provide easy access to the north part of the Nine Elms Area; (3) "the South Nine Elms Crossing" which apparently at one time had full size gates wide enough to admit vehicles to the south end of the Nine Elms Area; (4) "the Old Red Bridge Crossing" which must have carried all the vehicular traffic over the Old Red Bridge at the time when it was one of the main roads going west from Southampton; (5) "the Cutting" leading steeply down underneath the railway (a narrow sort of tunnel) to the water level. The Bone Mill Crossing is and would always have been during the life of the railway (built about 1870 along or very near to the line of a former canal) an easy access for bathers from the Bone Mill Area. The gates of Chandlers Crossing are now kept locked in a way which would deter bathers seeking access that way to the Nine Elms Area; however I am not persuaded by the evidence that there was any such locking during the period when Mr Balme and his daughters owned the said meadow grounds. I find that at all relevant times that persons desirous of reaching the Nine Elms Area from Test Lane for the purpose of bathing would have had difficulty in passing over Chandlers Crossing. The South Nine Elms Crossing is now so wired up as to be practically impossible; it appeared that this wiring was done at some time after 1970, and I am not persuaded by any of the evidence that at any time with which I am concerned there was any obstruction to the use of this crossing by pedestrians. From the Old Red Bridge Crossing when it was still being used by vehicular traffic, it may well have been possible to reach the Nine Elms Area from it; but having regard to the other crossings it is I think no significance in this case. Some of the older witnesses referred to a crossing opposite the Anchor Hotel (which is opposite the Old Red Bridge); other witnesses may have confused this with the South Nine Elms Crossing which is about 50 yards to the north; any confusion there may have been about this has no significance in this case. The Cutting although usable by bathers is apparently unsuitable and inconvenient; I regard any such use as of no significance in this case. My general conclusion is that the difficulties of access apparent as they are now, provide no grounds for my disbelieving documentary and oral evidence produced by the Council as to swimming from the Old Red Bridge (now easily accessible from the west) from the bank of the Nine Elms Area and the bank of the Bone Mill Area; and provide no grounds for my concluding that such swimming was not as of right. Mr Ludlow's evidence was directed to show that apart from the public right-of-way on foot over the Bone Mill Crossing the public had no rights over any of the other Crossings, or at least that British Rail did not recognise that any of these Crossings are highways for pedestrians at all. I am not persuaded that there is not now a private right-of-way over Chandlers Crossing and possibly over the South Nine Elms Crossing from Test Lane to the lands between the River and the Railway. To exercise a customary right a private right-of-way appurtenant to the land over which it is exercisable would be enough; in my view Mr Ludlow's evidence does not help the Objectors.

But the nature of the access available to swimmers when considered in conjunction with the present appearance of the Unit Land is such that I find that a customary right to swim over the whole of the Unit Land would be unreasonable; such a right



could not in my view ^{be} sensibly exercised over the North Marshland Area or over the Railway Viaduct Area; in my view the evidence of Mr Allen that he occasionally swam the whole length of the Unit Land is not of any significance, such swimming being extraordinary. So I am really concerned in this case whether the registration is proper if limited to the Bone Mill Area, the Nine Elms Area and the Red Bridge Area ~~or to one of them~~.

I reject the suggestion that there cannot be a customary right of swimming because it would be dangerous. On my inspection it was obvious that it would be dangerous at certain times if the tide was running strongly, particularly near the Old Bridge; and might also be dangerous when after heavy rain there was much water flowing down the River but I find that there would always be other times during which persons (including boys) of ordinary intelligence and experience could without risk enjoy swimming.

The Objectors and their witnesses were much concerned to preserve the fishing of which Mr Potter is the tenant. He said he occasionally fished in the Bone Mill Area, but did not fish anywhere else in or near the Unit Land; so the swimming relied on would not except occasionally be anywhere near anyone fishing. Nevertheless as Mr Potter explained, swimming would necessarily and unavoidably disturb fish in that they would be delayed running up or down the River and might possibly be discouraged from running there at all. In my opinion the circumstance that a river is being and has at all relevant times been fished is not (and I don't think Mr Stewart Smith suggested otherwise) relevant to any question as to whether the swimming was as of right. In the absence of any evidence directed to the point, I cannot say whether fish discouraged from swimming up the relevant channel (the little River Test) by swimmers would wait for the next tide (when swimmers would be unlikely) or go up the main channel ~~or return to the sea~~.

The documents of title produced by the Objectors establish that the Unit Land (notwithstanding that most of it is tidal water) is in their ownership; I find that the presumption of the Crown's ownership has been rebutted. So their ownership particularly mentioned in the grounds of objection has been established; but this does not by itself provide any good reason for the Objection.

As to condition (2) above (as of right):- Some of the witnesses seemed to assume that because the water of the Unit Land is tidal the public necessarily have a right to swim in it. The greater part of the tidal waters of England are owned by the Crown, and it is I think clear that sea bathing in which the public so universal indulge, is not as of right but by licence of the Crown, see *Beckett v Lyons* 1967 1 Ch 449 at page 469. Mr Rudd sought to distinguish this case, because the evidence before me established that it was the policy of the Objectors as owners and the policy of their fishing tenant to try and prevent bathing, and he argued that the bathing described by the witnesses of and in the documents produced by the Council could not have been with permission of the owner and therefore must be as of right within the principles of law set out in *Beckett v Lyons*. I reject this argument. Although a case in which the public have swum in tidal waters privately owned has (as far as I know) never been judicially considered, the judgments in *Beckett v Lyons* supra show that the circumstance ~~and~~ activities were done by persons who are not consciously wrongdoers or ~~who were~~ done without the permission or any thought of obtaining the permission of the owner, is not by itself enough to establish that the activities are as of right in any now relevant sense. It seems to me that the guiding principle is that for an activity to be as of right it must be done in exercise of the right claimed; in this case those who did the activities had no knowledge of the intricacies of the law about customary rights and therefore never



thought about rights at all, so their activities must at least be objectively attributable to the right claimed. So it becomes necessary to consider condition (3) above (locality).

A customary right for the inhabitants of a locality to indulge in sports or pastimes on a piece of land was before and quite apart from, the 1965 Act recognised by law; but a customary right for the person or persons in a locality to indulge in sports and pastimes on a piece of land is not recognised by law, see *Fitch v Rawlings* (1795) 2 Hy Bl 394. The distinction between indulgence by "the inhabitants of" and by "persons in" a locality is I think well established, although in the circumstances of a particular case the dividing line may be practically difficult to draw.

In the instant case boys and other young persons who bathed as described by the witnesses of, and in the documents produced by, the Council were almost all inhabitants in the sense that at the time they lived somewhere near the Unit Land. Mr Rudd suggested as the relevant locality the parish of Millbrook. This locality is now practically indistinguishable from the rest of the City of Southampton; however it was distinctly recognised in the documents of title produced by the Objectors. If Millbrook had been a small village with about 200 inhabitants it might have been possible or even easy to conclude that bathing on the scale described in the instant case could properly be attributed to the inhabitants of Millbrook; it may be that at one time the dwellings around the Red Bridge were confined to a sufficiently small area to be a village; but the evidence was inconsistent with the bathing being limited to those coming from any such village.

The legal requirement that the indulgence in sports and pastimes shall be by the inhabitants of a locality rather than persons in a locality means I think that the indulgence must in some way be organised locally or be on a local basis or by some other means associated with the locality as such. It is not enough that the majority of the persons who indulge in the activity relied on are inhabitants of a locality unless there is evidence of some such association. Of any such association there was in the instant case no evidence at all; although the swimmers came from local schools or from nearby houses, this was merely because the Unit Land provided the nearest water. No special facilities had been provided by any local organisation to encourage swimming on the Unit Land; in my opinion the rope mentioned by some of the witnesses as hanging over the water, ^{in my} ~~one~~ of the trees on Nine Elms bank ~~was~~ not ~~enough~~. Nothing brought the swimmers together except their common interest in swimming.

The usage of those who came from Millbrook was no different from those who came from anywhere; as to this see *Hamerton v Honey* (1876) 24 WR 603 at page 604.

Mr Rudd suggested localities alternative to Millbrook: such as the City of Southampton as it now is, or all the inhabited area at the end of Southampton Water within the angle formed by the estuaries of the River Test and the River Itchin; or alternatively expanding the Parish of Millbrook (now including Redbridge, Wimpson and part of Maybush) so as to include other parishes/as Eling and Totton. In *Edwards v Jenkins* 1896 1 Ch 303 it was held that there could not be a customary right for the inhabitants of two localities over land in one of them; although this statement of the law has been doubted, see *New Windsor v Meller* supra at page 396, it is I think still the law that the evidence in support of a customary right must certainly associate right with at least one locality. The evidence in my view establishes ~~none~~ such/and accordingly my conclusion is that no part of the Unit Land subject to any customary right of swimming recognised by law.



The 20 years indulgence as of right mentioned in the said 1965 Act definition is a creation of that Act; ~~there being~~ therein merely a qualification for registration; there is no enactment stating what is the result of such 20 years indulgence or of a registration depending on it having been proved. In the absence of any definite guidance, I consider that the word "locality" in the part of the definition relating to 20 years indulgence should be given the same meaning as the word "locality" used in judgments relating to customary rights; so accordingly I conclude that the activities described by the witnesses of, and in the documents produced by, the Council no indulgence within this part of the definition has been proved.

I need not I think deal in detail with the very slight evidence there was of fishing and boating. This was in all respects less detail and less cogent than that relating to the swimming above discussed, and for the same reason I reject it as showing any part of the Unit Land is within any part of the said definition.

Under the 1966 conveyance (B/16), Southampton City Council have become the owners of part of the bank of the Bone Mill Area. This part although not perhaps the better part for bathing, seemed on my inspection to be convenient and possible. Whether as owners the Council can as against the Objectors lawfully permit one or more persons to swim in the Bone Mill Area opposite the part of the bank which they own is a question which is not affecting my decision that there is no customary right to swim in the Area, and about ~~it~~ I express no opinion. This question

For these reasons I refuse to confirm the registration.

Mr Stewart-Smith asked for costs against the Council, mentioning particularly that in the light of my VG200 decision of August 1979, the Council should have known that they would be unlikely to succeed and that the Objectors suffered hardship by having to be represented at two hearings when from their point of view Unit VG4 land and the VG200 land are the same. By regulation 19 of the Commons Commissioners Regulations 1971 the City Council as a concerned authority were entitled to be heard in these (VG4) proceedings, not in the VG200 proceedings; they were entitled in relation to the Unit Land to present (as they did) a wholly different case hearing from that presented before me in May 1979. In my view it was in the public interest that the evidence which they produced should be heard at a public ~~hearing~~ and dealt with publicly as I have done. But I realise that the Objectors may by reason of their land appearing in more than one registration have suffered hardship, this is a consequence of the 1965 Act, and in no way the fault of the City Council. The 1965 Act by providing that a Commissioner "shall inquire into" indicates that the proceedings will not be like that of a Court, and this indication is I think enough for me to treat as inapplicable the rule generally adopted by the Court that "costs should follow the event". Balancing the conflicting considerations as best I can, I do not think fit to make any order as to costs.

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.

FIRST SCHEDULE
(grounds of Petition)

- (1) The River in this area is tidal and fast flowing and there have been fatalities such a designation would greatly increase the risk of further drowning.
- (2) Such a designation could disturb the local residents' enjoyment of their homes, as large numbers of people would be attracted to the area.



(3) We understand that if the Village Green designation were successful the Hampshire and Isle of Wight Naturalist's Trust would be unable to provide their proposed informal seasonal picnic ground, north of the Village Green site. The more northerly site is away from residential development and has existing access.

(4) Another potential hazard to safety is seen in the proximity of the proposed Village Green site to the railway.

SECOND SCHEDULE
(Documents produced)

Part I: by Southampton City Council

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| C/1 | 4 November 1980 | Letter from Mr N W Humphries (operation Canute) to Council. |
| C/2 | -- | Map A (location and 1" = 1 mile) and Map B (6" = 1 mile). |
| C/3 | 8 February 1980 | Affidavit by James Weeks who had known the area fairly well since about 1928 until 1946 and for the last 35 years particularly well. |
| C/4 | 6 February 1980 | Letter from County Council enclosing 30 copy letters received in reply to a public notice in the Southern Evening Echo and other local news media between 28 January and 5 February 1980. |
| C/5 | -- | Photo (about 7 $\frac{1}{4}$ " by 4 $\frac{3}{4}$ ") extracted from Southern Daily Echo showing bathers on and near the Old Red Bridge and in the background the Nine Elms Area. |
| C/6 | -- | Bundle of 16 letters received by County Council between 21 and 27 October 1980 in reply to similar advertisements. |
| C/7 | -- | Bundle of 9 letters received by County Council between 7 and 10 February 1980. |
| C/7 <i>vic</i> | -- | City map, scale 1/10,000. |
| C/8 | -- | Further letters received by County Council on 4 and 11 November 1980. |
| C/9 | -- | Copy public notice: "I wish to hear from you if you have ever been swimming in the River Test on the Southampton foreshore to the north of the Old Red Bridge". |

SCHEDULE

Part II: Produced by the Objectors

- B/1 Coloured photograph (5" x 3 $\frac{1}{2}$ ") of Bonemill Crossing: White five-barred gate and by it a wicket.



- B/2 Ditto, of Chandlers Crossing showing old gate and notices.
- B/3 Ditto, showing notices at Chandlers Crossing "SR" "BEWARE OF TRAINS".
- B/4 Uncoloured photograph (3 $\frac{1}{4}$ " x 2") showing upstream view of Nine Elms.
- B/5 Abstract of title comprising below listed documents B/6 to B/9.
- B/6 31 July 1926 Vesting deed declaring lands therein described to be vested on Mrs Marianne Vaudrey Barker-Mill.
- B/7 21 April 1931 Vesting conveyance by Mrs M V Barker-Mill to Mr P V C Barker-Mill of the land the said vesting deed of 31 July 1926.
- B/8 18 November 1935 Deed of discharge in favour of Mr P C V Barker-Mill.
- B/9 29 March 1965 Conveyance by Mr P C V Barker-Mill (as settlor) to Messrs R S L Bowker, E N Knowles and R Henn Collins of the Barker-Mill Estate and of the remaining parts with the Great Testwood Estate and of the lands purchased from the Compton Estate, all containing 1,387 a.2.r.4.p. and delineated on plans annexed and described in the Schedule.
- B/9 22 February 1973 Appointment of Mr G N Knowles in place of
Vis Mr E N Knowles.
- B/10 Epitome of and abstract title including certificates of search, the below mentioned conveyances of 1937 and 1975, abstract of will of E T Balne (he died 31 August 1960) and probate; copy assent date 11 September 1960 by his personal representatives in favour of themselves.
- B/11 15 May 1937 Conveyance dated 15 May 1937 by Mr George Edward Weeks to Mr Edwin Thomas Balne of Meadow Ground (OS Nos 82, 83a and 85).
- B/12 15 May 1975 Conveyance dated 15 May 1975 by personal representative of Mr E T Balne to Messrs R S L Barker, R Henn Collins and W G N Knowles by reference to the 1937 conveyance.
- B/13 10 June 1960 Statutory declaration by Leonard Charles Cawte with plans annexed.
- B/14 16 May 1960 Statutory declaration by Mr Kenneth Boyd Potter with plans annexed.



- B/15 20 September 1966 Letter from Crown Estate Office to Rawlence & Squarey with annexed OS (1/2,500) map showing tidal waters coloured pink.
- B/16 21 July 1966 Conveyance by R S L Bowker, G N Knowles and R Henn Collins with the consent of Mr P C V Barker-Mill to the Mayor Aldermen and Citizens of the City of Southampton of (among other lands) 0.282 of an acre as delineated on Plan No. 3.
- B/16
Vis Extract from the ~~positive~~^{deposited} plan referred to in the Andover and Redbridge Railways Act 1858 (21 & 22 Vict.c.lxxxii).
- B/17 Extract from book of Reference referred to in the said Act.
- B/18 Recent map (25" = 1 Mile) to explain B/16 and B/17.
- B/19 2 December 1869 Extract from Schedule to a conveyance to the Railway Co showing crossings reserved.
- B/19
Vis Coloured photograph (5" x 3½") showing tunnel under railway.
- B/20
Vis Ditto - showing view up-stream with Bone Mill, drain outfall on right.
- B/21 8 December 1958 Letter from Hampshire River Board to Mr Potter with copy letters of 15 December 1950 and 22 February 1968 about river bailiffs.
- B/22 Statement by Miss J M Midgeas about no trespassing or bathing notices.

Dated this 19th day of March 1981.

a a Baden Fuller

Commons Commissioner