



In the Matter of Crowle Waste or
Crowle Moors, Crowle, Boothferry
District, Humberside

SECOND DECISION

This decision relates to the registrations at Entry No. 1 in the Land Section and at Entry No. 1 in the Rights Section of Register Unit No. CL 83 in the Register of Common Land maintained by Humberside (formerly Lincoln, parts of Lindsey) County Council; the Land Section registration was made on an application dated 1 May 1969 and made by Mr William Bunting, and the Rights Section registration particularised in Part I of the First Schedule hereto was made on an application dated 9 December 1969 and made by Mrs Joyce Bunting, Mr Nicholas Bunting and the said Mr William Bunting. To the said registrations Objections were made by the persons and upon the grounds specified in Part II of the said Schedule, and noted in the Register on 18 July, 26 July and 24 August 1972.

This second decision follows on a decision dated 24 January 1975 and made by the then Chief Commons Commissioner after a hearing on 13 and 14 March and 3, 4, 5 and 6 December 1974 about the said Land Section registration, and on two orders of the High Court of Justice dated 2 April 1976 and 31 July 1980, and an order of the Court of Appeal dated 2 October 1980, summarised in Part III of the said Schedule.

For the purpose of dealing with the said Rights Section registration and all questions relating to this Register Unit which have not been determined by the said orders and for which a decision of a Commons Commissioner is requisite, I held a hearing at Thorne on 19 May 1987. At this hearing: (1) Fisons Horticulture Limited, (2) Mrs Nellie Foster, (3) Mr Charles Mason, (4) Mr John Mason, (5) Miss Dorothy Mason, (6) Mrs Winifred Primrose Pidd, (7) Mr Sidney Pickett, (8) Mr Kenneth Crowe and (9) Mrs Marjorie Letitia Lovell who made Objections Nos (1) OB 29 and 30, (2) OB 36, (3) OB 38, (4) OB 39, (5) OB 40, (6) OB 42, (7) OB 45, (8) OB 46 and (9) OB 50 were all represented by Mr R Ter Haar of counsel instructed by Blyth Dutton, Solicitors of London; (10) and (11) Mr James Vincent Broomer of 157 Boothferry Road, Goole, North Humberside as executor of Miss Alice Emma West (she died 27 January 1979) and of Mr William Mason (he died 31 April 1980) who respectively made Objections Nos OB 37 and OB 41, was also represented by Mr R Ter Haar instructed as aforesaid; (12) Mr Raymond Stringwell of 3 The Paddock, Crowle as executor of his father Mr Ernest Stringwell who made Objection No. OB 48 was also represented by Mr R Ter Haar instructed as aforesaid; and (13) Mr Barrie Hunsley of 176 Berryhaming Road, Scunthorpe as son of and successor (through his mother) of Mr Herbert Hunsley who made Objection No. OB 47 attended in person; and (14) Humberside County Council as registration authority was represented by Mr G D Ramshaw, Legal Assistant in the office of the County Solicitor. Also present was Mr John Isle of Slack Farm, Crowle on his own behalf and as representing his parents Mr John James Isle and Mrs Emma Isle.



The land ("the Unit Land") in this Register Unit is a tract whose sides are 5 straight or nearly straight lines: the west side (nearly on a north-south line) is about $1\frac{1}{2}$ miles long; its north side is about $\frac{3}{4}$ of a mile long; its east side (nearly parallel with its west side) is about $1\frac{1}{4}$ miles long, its southeast side is a little under $\frac{2}{3}$ of a mile long, and its southwest side is about $\frac{1}{2}$ of a mile long: the whole (so I estimate) contains at least 600 acres, and possibly considerably more. Its southeast corner is about 1 mile northwest of Crowle; at such corner the road to it divides: one part goes northwards along about $\frac{2}{3}$ rds of the east side of the Unit Land where it deteriorates into a grassy track apparently continuing to the north-east corner: the other part goes southwestwards along the southeast side of the Unit Land. At its south corner, there is a car park, apparently made recently for the benefit of those desirous of exploring Crowle Waste and perhaps its surroundings. Page 3 of this decision ("the Objections Areas Plan") is an uncoloured copy of the Register map on which I have written "edged red" to indicate the part so coloured on the Register map (7 pieces) specified in Objections OB 29 and OB 30 made by Fisons Horticulture Limited. On the Register map the parts of the Objections Areas Plan marked A, B, C, D, E, F, G and H are respectively: (A) edged with a green dotted line being OB 50 M L Lovell Objection land, (B) edged with a black line, being OB 36 N Foster, OB 37 A E West, OB 38 C Mason, OB 39 J Mason, OB 40 D Mason, and OB 41 W Mason Objection land; (C) coloured orange, being OB 42 W P Pidd Objection land, (D) edged brown, being OB 43, S Mason Objection land, (E) edged yellow, being OB 47 H Hunsley Objection land, (F) hatched purple, being OB 48 E Stringwell Objection land, (G) hatched brown being OB 44 H Mason Objection land and OB 45 S Pickett Objection land, and (H) hatched black being OB 46 K Crowe Objection land.

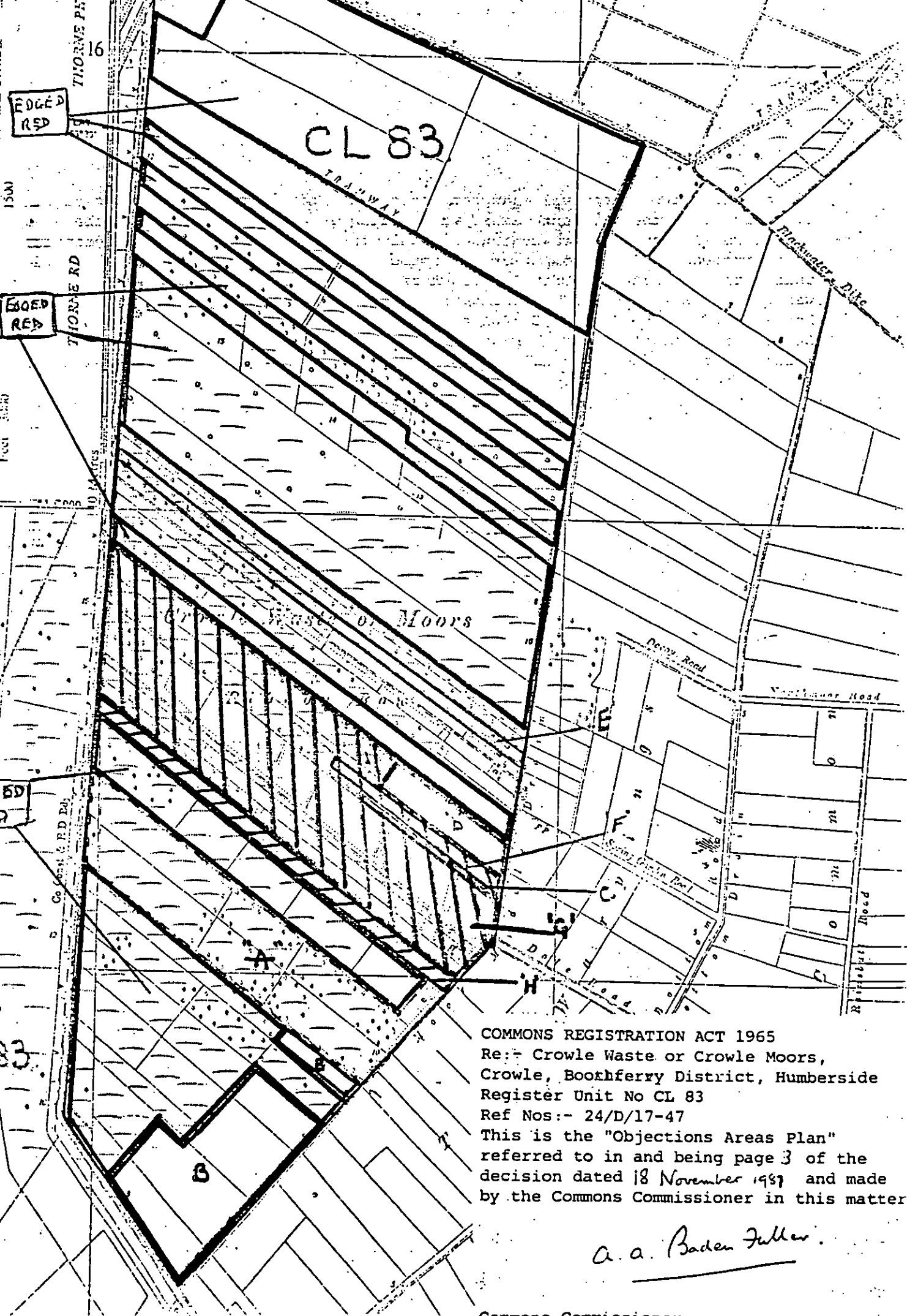
In the Ownership Section at Entry No. 1, Margaret Letitia Lovell is registered as the owner of land marked A and edged green on the Register map (the same as the OB 50 M L Lovell Objection land); there are no other registrations in the Ownership Section.

Course of Proceedings

At the beginning of the hearing I read the letter written on behalf of Mr William Bunting, specified in Part I of the Second Schedule hereto.

Mr Ter Haar opened the proceedings by summarising the documents specified in Part II of the said Schedule, and submitted that I was precluded by the April 1976 order from investigating these two registrations; in the presence of counsel for Mr William Bunting, the High Court had ordered the Land Section registration be deleted and without it the Rights Section registration could not stand. There followed a discussion in the course of which I said that the County Council had not been sent any form 41 notice that these two registrations had become void and Mr Ramshaw said that in the Register these two registrations are now as they were before the order was made; he thought at least I should decide whether a Commons Commissioner should now give such a notice and if not indicate how the County Council as Registration Authority should dispose of the Rights Section registration which was not particularly mentioned in the April 1974 order. For reasons which I then shortly stated and have amplified later in this decision I said I would hear any evidence offered for or against the Rights Section registration.

Next Mr Ter Haar referred to the 1979 affidavit in which Mr Bunting in support of the 1979 notice of motion said in effect that for his 1969 Rights Section application



COMMONS REGISTRATION ACT 1965
 Re: Crowle Waste or Crowle Moors,
 Crowle, Bookferry District, Humberside
 Register Unit No CL 83
 Ref Nos:- 24/D/17-47
 This is the "Objections Areas Plan"
 referred to in and being page 3 of the
 decision dated 18 November 1987 and made
 by the Commons Commissioner in this matter

a. a. Baden Fuller.

Commons Commissioner



he "advanced two effectively independent grounds for confirming the registration ... first that the enclosure award was invalid ... If I were wrong on that point it was still open to me to contend secondly that the rights had been reacquired by my predecessors in title by prescription ...". He submitted:- This case is unlike that of Register Unit CL 401 which I heard in December 1985 (Mr Ter Haar was briefed at such hearing) and gave a decision dated 2 July 1986 (reference Nos 269/D/212-246); in the CL 401 proceedings rights similar to the Unit Land Rights Section registration were by me considered as possibly supportable by the historic documents specified in my said decision. Any contention that the Unit Land Rights Section registration could be so supported was decisively rejected in the 1976 judgement of Mr Justice Walton. Accordingly in these proceedings I am only concerned with the possibility of such rights having been "reacquired ... by prescription". Nobody would be offering any evidence in support of prescription and those he represented would give evidence (orally or in writing) against.

Next oral evidence was given by Mr Stanley Marshall, formerly (retired in 1983) Moors Manager for Fisons Horticulture Limited in respect of their Thorne, Swinefleet, Hatfield and Crowle Moors, in the course of which he produced the plan specified in Part III of the Second Schedule hereto. He said (in effect):- The said plan showed in red the areas (part of the Unit Land) owned by Fisons. As he first knew it they were getting peat from it; in the 1970s, Fisons stopped using it for getting peat and turned it over to Nature Conservancy. While it was used for peat production, any strangers were asked what they were doing and if they were not recognised they were asked to go away. He was not aware of anybody exercising or claiming to exercise any right of common over Fisons land, particularly any such rights as those registered by Mr Bunting. He (the witness) had never seen deer or anybody feeding pigs, or fishing; as to game, there would be partridges and pheasants, but they (Fisons) always approached anybody with a gun and told him that he was trespassing and asked him to leave. As to firewood, there were trees, but nobody took them; the main danger was fires of bracken or heather resulting from smoking; so any stranger was a fire risk. The parts of the Unit Land not owned by Fisons were mostly arable although some parts were peat land.

Next, Mr Raymond Stringwell whose grandfather made Objection No. OB 48 (RS/1) gave oral evidence in the course of which he read his affidavit (RS/2) that he is the sole owner of the Stringwell Objection land (F on the Objections Areas Plan) and OS Nos 666, 805 and 884 (with which I am not concerned) and has been since a deed of gift dated 29 May 1981, that he had farmed the land continuously since he became owner, it having been previously farmed by his grandfather Ernest Stringwell and that no person other than his friends or employees had gone on the land, in particular no person had tried to exercise any right of common. He said that the Objection land was one field of about 4 acres, all arable land (barley and potatoes) except at the top (west) end where there is a little peat. He read a statement (RS/4) signed by his grandfather Ernest Stringwell in 1974 (since deceased) to the effect (among other things) that he was the sole owner of a field situate at The Moors Crowle which had been cultivated for upwards of 50 years, and that nobody had gone onto it to exercise any right of common.

Next, Mr Barrie Hunsley, whose father made Objection OB 47, gave oral evidence in the course of which he said (in effect):- For all his life (56 years) he had known the Hunsley Objection land (E on the Objections Areas Plan); most of it used as arable. The top bit furthest from the road (the west end) is moorland from which



- 5 -

peat has been extracted, now boggy. Nobody during his lifetime had attempted to exercise any right of common over it.

Next Mr Ter Haar read the affidavits and statement specified in Part VI of the Third Schedule hereto. They were all to the same effect: that nobody had exercised rights of common over the part of the Unit Land, with which the deponent and Mr William Mason (now deceased) was concerned.

Inspection

After the hearing, Mr Ramshaw and I inspected the Unit Land from the road running northwards from its southeast corner, being about 3/4 of the east side of the Unit Land. At the corner there is a notice "Lancashire and South Humberside Trust for Nature Conservancy ... Crowle Waste. Access by permit only". The Unit Land appears to have been used in strips as shown on the Objections Areas Plan, but it was not possible in the time available to identify each of the strips delineated on the said Plan; generally the part of the Unit Land beyond where the road stops, appears to be birch scrub such as would grow on land left unattended to run wild: a short distance south of this part peat was being actively extracted ("Ken Crowle Peat Products"); the other strips were some grass, some having on them buildings and open spaces usable domestically or commercially with some cultivation, wholly or in part. Later I by myself inspected the Unit Land from the road running south-westwards from the said corner. At the south corner of the Unit Land there is an attractive car park; generally the Unit Land by this road seems to be more used than the part Mr Ramshaw and I inspected.

Investigate?

The Commons Registration Act 1965 and the Regulations made under it, seem to contemplate that when a right of common exists and is properly registerable in a Rights Section there should also be land which is properly registerable in a Land Section. In my experience this is the general understanding. The submission made by Mr Ter Haar, that the 1976 High Court order directing the deletion of the Land Section registration must consequentially include the deletion of the Rights Section registration accords with this understanding.

But contra, the Chief Commons Commissioner in his 1975 decision expressly confines himself to the Land Section registration, and finding that the Unit Land was at the beginning of the nineteenth century open and unenclosed subject to a right of turbary awarded to the tenants and inhabitants of the Manor of Crowle and deciding that the Hatfield Thorne and Fishlake Inclosure Award 1822 was ineffective to destroy such right, confirmed the Land Section registration; he ended his decision "should this decision be reversed on appeal, it will become necessary to consider whether the registration can be supported by the registration in the Rights Section of the Register Unit for which Mr Bunting and his wife and son applied". The Rights Section registration could possibly be supported by witnesses showing to be applicable the Prescription Act 1833 or a presumed grant in accordance with *Tehidy v Norman* 1971 2QB 528. Mr Justice Walton in his 1976 judgement does not expressly negative



this possibility or indeed mention it all; the 1976 order giving effect to his judgment not only as above stated directs the deletion of the Land Section registration but also orders the said 1975 decision "be discharged". The 1979 motion by Mr Bunting that the "Chief Commons Commissioner do proceed to a further hearing under the abovementioned references" was refused by Mr Justice Walton and such refusal was affirmed by the Court of Appeal; in the absence of any record of their reasons, I do not know whether this refusal was because they assumed that some Commons Commissioner would without any direction do what he considered necessary (subject of course to a further right of appeal) or because as Mr Ter Haar in effect contended, they thought the Commons Commissioners should do nothing.

I consider that I at the hearing rightly investigated the propriety of the Rights Section registration for the following reasons:- (1) a subordinate tribunal should if practical leave to the High Court the determination of the effect of its orders and not itself attempt to do this, (2) If I find that quite apart from the said Orders and judgment, the Rights Section registration was not properly made, the effect of the said orders and judgment becomes irrelevant. (3) The request of Mr Ramshaw that a Commons Commissioner for the benefit of the County Council as registration authority should clarify their position is reasonable. (4) Mr Ter Haar said that on the basis that no evidence would be called by Messrs Bunting in support of the Rights Section registration, his clients were ready with contrary evidence which could be put before me (as it was) quickly without adding to the expense of the hearing. (5) If this case on some further appeal or otherwise comes before the High Court, time and expense may be saved if there is then available a decision of a Commons Commissioner about the evidence put before him. Perhaps some of these reasons by themselves may not be but all of them together are I think, enough.

The Rights Section registration

At my hearing the only evidence in support of the registration was the statutory declaration made on 9 December 1969 by Messrs Bunting in support of their application for it. I have the evidence and information above summarised against it, enough for me to consider the statutory declaration questionable; so the burden of proof beyond such declaration is on those seeking to support the registration, see *re Sutton* 1982 1WLR 647. I have no such proof and the evidence and information I have is against it.

In the said CL 401 proceedings, I had evidence of Mr Bunting's inability through ill health to attend my CL 401 December 1985 hearing, and I infer that the like ill health he did not attend my Unit Land May 1987 hearing. I accept Mr Ter Haar submission that the 1979 affidavit of Mr Bunting shows him to have been concerned with the possibility of the rights he claimed having been "reacquired ... by prescription". It is unlikely that any action by Mr Bunting or anyone else could result in any evidence supporting any such acquisition. The Chief Commons Commissioner in his January 1975 decision mentioned that at his 1974 hearing Mr Bunting drew his attention to the 1610 decree of the Court of Exchequer; as to such decree I have the 1973 High Court decision of Mr Justice Mervyn Davies mentioned in my said CL 401 decision negating any right of common existing after such decree other than turbary; there is in the Unit Land Rights Section registration no mention of turbary.



Upon these considerations my decision is that all the said Objections succeed, and that at least to the extent of the parts of the Unit Land, mentioned in them, the Rights Section registration was not properly made.

The May 1987 letter

In this letter, specified in Part I of the Second Schedule hereto, on behalf of Mr Bunting, attention is drawn to the six parts of the Unit Land not specified in any of the Objections, being two parts adjoining, and north and south of the parts marked E on the Objections Areas Plan, three parts to the north and a part at the northwest corner of the Unit Land; the suggestion is made that in the absence of any Objections I should confirm the registrations about these six parts.

I have (apart from the said 1968 declaration) no evidence or information supporting the Rights Section registration as regards these parts. Such evidence and information I have indicates that these parts are not relevantly different from the other parts and that their registration is wholly questionable. Accordingly I follow re Sutton supra and re Anstey 1985 Ch 329, and decide that the registration as regards these six parts also was not properly made.

Final

Upon the above considerations I REFUSE to confirm the registration at Entry No. 1 in the Rights Section.

By regulation 32 of the Commons Commissioners Regulations 1971, when "a disputed registration has become void, the Commissioner shall inform the registration authority of the fact by means of a notice in Form 41 ...". Whether or not the 1976 order is authority enough to the County Council as registration authority to delete from the Register the registration at Entry No. 1 in the Land Section, the regulation is applicable, and accordingly I shall send a Form 41 notice saying that such registration has become void.

Subject to any appeal there may be against my decision about the Rights Section registration, in the same or some other Form 41, I shall say that the said Rights Section registration has become void.

By sub-section (3) of section 6 of the 1965 Act, "Where the registration of any land as common land ... is cancelled, ... the registration authority shall also cancel the registration of any person as the owner thereof". After the said Form 41 notices, the registration of the Unit Land as common land will be cancelled, so consequentially on such sub-section the registration of the ownership of M M Lovell at Entry No. 1 in the Ownership Section will be cancelled. I therefore need say no more about such registration.

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

Part I: Rights Section Entry No. 1

Right of common and land over which it is exercisable:- "Rights of piscary, venery, auceptary, pannage, estovers, vert and pasturage over the whole of the land comprised in this Register Unit".

Land to which the right is attached:- "In general all the lands lying within the Manor of Hatfield except those awarded to Sir Cornelius Vermuyden, and edged red on the register map".

Note:- The area so edged red is an irregularly shaped strip of its north corner near Thorne North Station to its southeast corner near Thorn South Station about $1\frac{1}{2}$ miles and having an average width of about $\frac{1}{3}$ of a mile and including the extensively built-up area around Field Side, King Street, the Market Place, Silver Street, and Ellison Street.

Part II: Objections

| No., Objector, when made, and Ref No. | Grounds |
|--|---|
| OB 29; Fisons Horticulture Limited; 13 July 1972; 24/D/17 | "The land edged red on the plan annexed hereto was not common land at the date of the registration". Note: The land so edged is marked "edged red" on the Objections Areas Plan. |
| OB 30; Fisons Horticulture Limited; 13 July 1972; 24/D/33 | "No common rights exist over the land edged red on the plan annexed hereto". Note: Land so edged same as specified in OB 29. |
| OB 36; Nellie Foster; 22 April 1972; 24/D/18 and 34 | "All those five closes of land being numbers 850, 849, 846, 845 and 852 on the Ordnance Survey Map for Crowle 1907 edition shown edged red on the attached plan where not Common Land at the date of registration." Note: The land so edged is marked "B" on the Objections Areas Plan is on the Register map edged with a black line. |
| OB 37; Alice Emma West; 22 April 1972; 24/D/19 and 25 | Same as OB 36 plus "... and was not subject to the rights of common register and were in the ownership of the objector. |
| OB 38; Charles Mason; 22 April 1972; 24/D/20 and 36 | Same as OB 37. |
| OB 39; John Mason; 22 April 1972; 24/D/21 and 37 | Same as OB 37. |
| OB 40; Dorothy Mason; 22 April 1972; 24/D/22 and 38 | Same as OB 37. |



OB 41; William Mason; 22 April
1972; 24/D/23 and 39

Same as OB 37.

OB 42; Winifred Primrose Pidd;
24 July 1972; 24/D/24 and 40

"All that close of land being number 911 on the Ordnance Survey Map for Crowle 1907 Edition shown edged red on the attached plan was not common land at the date of registration, And Was Not Subject to any of the rights of common mentioned in the registration and was in the ownership of the objector".

OB 43; Sarah Mason; 2 August 1973;
24/D/25 and 41

"All that close of land being number 940 on the Ordnance Survey Map for Crowle 1907 Edition edged red on the attached plan was not Common Land at the date of registration and was not subject to the rights of common registered".
Note: The land so edged is marked "D" on the Objections Areas Plan and is on the Register map edged brown.

OB 44; Herbert Mason; 24 July 1972;
24/D/26 and 42

"All Those thirteen closes of land being numbers 922, 931, 932, 924, 923, 933, 934, 935, 936, 937, 938, 909, 910, 911, 912, 913, 914, and 945 on the Ordnance Survey Map for Crowle 1907 Edition shown edged red on the attached plan were not common land at the date of registration and was not subject to the rights of common registered". Note: The land so edged is marked G on the Objections Areas Plan and is on the Register map hatched brown.

OB 45; Sidney Pickett; 24 July 1972;
24/D/27 and 43

Same as OB 14.

OB 46; Kenneth Crowe; 24 July 1982;
24/D/28 and 44

"All those seven closes of land being numbers 915, 918, 919, 921, 925, 928, 929 and 930 on the Ordnance Survey Map for Crowle 1907 Edition shown edged red on the attached plan were not Common Land at the date of registration and was not subject to the rights of common registered". Note: The land so edged is marked "H" on the Objections Areas Plan and is on the Register map hatched black.



OB 47; Herbert Hunsley; 24 July 1982;
24/D/29 and 45

"All that close of land being number 952 on the Ordnance Survey Map for Crowle 1907 Edition shown edged red on the attached plan was not Common Land at the date of registration, and was not subject to the right of common registered". Note: The land so edged is marked "E" on the Objections Areas Plan and is on the Register map edged yellow.

OB 48; Ernest Stringwell; 24 July 1982; 24/D/30 and 46

"All those closes of land numbered 938, 939, 909 and 910 on the Ordnance Survey Map for Crowle 1907 Edition shown edged red on the attached plan was not Common Land at the date of registration and was not subject to the rights registered". Note: The land so edged is marked "F" on the Objections Areas Plan and is on the Register map hatched brown.

OB 50; Marjorie Letitia Lovell;
28 July 1972; 24/D/31 and 47

"All that plot of land delineated on the plan annexed hereto and thereon edged red was not common land at the date of registration nor subject to the rights of common". Note: The land so edged is marked "A" on the Objections Areas Plan and is on the Register map edged with a green dotted line.

Part III: First Decision and Orders

- (1) 24 January 1975, decision of the Chief Commons Commissioner:- "These disputes relate to the registration at Entry No. 1 in the Land Section ... For these reasons I confirm the registration ..."
- (2) 2 April 1976, order of the High Court of Justice:- ORDER that the said decision dated 24 January 1976 be discharged AND in lieu thereof IT IS ORDERED that Humberside County Council as the registration authority for the purposes of the Commons Registration Act 1965 do delete the registration at Entry Number 1 in the Land Section of Register Unit Number CL 83 in the Register of Common Land maintained by Humberside County Council.
- (3) 31 July 1980, order of the High Court of Justice:- UPON MOTION ... that the Order dated 2nd April 1976 might be amended (by substituting for the words quoted above, that the said Chief Commons Commissioner do proceed to a further hearing under the above mentioned references 24/D/17-31), THIS COURT DOTH NOT THINK FIT to make any order on this Motion.
- (4) 2 October 1980, order of the Court of Appeal:- UPON MOTION for leave to appeal from the Order dated 31 July 1980 ... THIS COURT DOTH NOT THINK FIT to make any order upon the said Motion.



SECOND SCHEDULE
(Documents produced or referred to)

Part I: Before hearing on behalf of Mr Bunting

13 May 1987

Letter from Pearlman Grazin & Co to Commons Commissioners.
"... the Legal Aid for Mr Bunting has not been extended to cover this particular matter ... we enclose a copy of a plan which he has prepared ... the lands hatched green were not objected to and thus there is no reason why those registrations may not be confirmed ... As we understand the position therefore rights may be confirmed over the areas hatched green although the same argument could not be advanced in support of the areas hatched pink because of the High Court decision. Our client's contention therefore is that the rights in the Rights Section of the Registers should be registered in their totality in accordance with the Act ...".

Part II: By Mr Ter Haar

- | | | |
|-----|--------------------------------------|---|
| (1) | 24 January 1975 | Decision of the Chief Commons Commissioner |
| (2) | 2 June 1975 | Originating Motion |
| (3) | 2 April 1976 | Judgment of Mr Justice Walton |
| (4) | 2 April 1976 | Order of Mr Justice Walton: "... County Council do delete the registration at Entry Number 1 in the Land Section ..." |
| (5) | --- | --- |
| (6) | -- 1977 | Notice for leave to appeal etc (leave refused 7 November 1977) |
| (7) | -- 1979 | Notice of motion for correction of 1976 order: (31 July 1980 application rejected by Mr Justice Walton; 2 October 1980 appeal from objection to Court of Appeal dismissed) |
| (8) | 27 June 1979 | Affidavit of William Bunting |
| (9) | 14 March 1975 to 10 April 1979 | Exhibit "WBl to said affidavit, being correspondence between Pearlman Grazin & Co and Clerk to the Commons Commissioners". |
| - | 12 May 1987 | Letter from Blyth Dutton to Commons Commissioners, stating, (among other things) their attempts to contact all the objectors who they represented at the 1975 hearing before the High Court or their successors in title. |



- 12 -

Part III: By Mr Stanley Marshall

F/1 - Plan showing coloured red the parts of the Unit Land now in ownership of Fisons Limited.

Part IV: By Raymond Stringwell

RS/1 24 July 1972 Objection No. OB 48 by Ernest Stringwell
RS/2 14 May 1987 Affidavit by Raymond Stringwell
RS/3 15 May 1987 Notice under the Civil Evidence Act about below specified statement of Ernest Stringwell
RS/4 11 March 1974 Statement by Ernest Stringwell

Part V: By Mr Barrie Hunsley

BH/1 24 July 1972 Objection No. OB 47 by Herbert Hunsley

Part VI: Affidavit and statement read by Mr Ter Haar

18 May 1987 Of Mrs Nellie Foster maker of Objection No. OB 36
18 May 1987 Of Charles Mason maker of Objection No. OB 38
18 May 1987 Of Mr John Mason son of William Mason maker of Objection No. OB 39 with notice under Civil Evidence Act of statement dated 11 March 1974 by William Mason
15 May 1987 Of Mrs Winifred Primrose Pidd maker of Objection No. OB 42
14 May 1987 of Mrs Marjorie Letitia Lovell maker of Objection No. OB 49
15 May 1987 Of Mr Kenneth Crowe maker of Objection No. OB 46 together with his signed statement dated 9 March 1974
19 May 1987 Of Mr Sidney Pickett maker of Objection No. OB 45

Dated this 18th day of November 1987

A. A. Baden Fuller

Commons Commissioner