



In the Matter of Crane Green, Freiston,
Lincolnshire

DECISION

This reference relates to the question of the ownership of land known as Crane Green, Freiston, being the land comprised in the Land Section of Register Unit No CL 24 in the Register of Common Land maintained by the former Holland 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 the Trustees of Fred Grant's Settlement and Mrs A M Teall 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 Spalding on 20 April 1978.

At the hearing the Trustees of Fred Grant's Settlement were represented by Mr E Jowitt, Q.C., Dr D G Teall, the successor to the estate of Mrs Teall, appeared in person, and the Lincolnshire County Council was represented by Mr A G Dyer, its Senior Assistant Solicitor.

Dr Teall stated that he did not wish to pursue Mrs Teall's claim to this land.

The land the subject of the reference was conveyed to Mr F Grant by a conveyance made 11 October 1954 between (1) Florence Mary Farrow and Margaret Josephine Bain (2) Frederick Grant, and was conveyed to the Trustees by a conveyance made 5 April 1965 between (1) Frederick Grant (2) John James Grant, Albert Edward Cheer, and Edmund Whiting Roythorne.

The root of title was a conveyance made 15 October 1930 between (1) Charles Creasey and Herbert Parkinson Carter (the Vendors) (2) William Robert Sharp and Frank Dalton (3) William Cragg Farrow, in which the parcels were stated to be all such estate, right, and interest as the Vendors could and might grant of and in the land in question. Evidence was given that for the last 40 years this land has been occupied and farmed with the adjoining land belonging to the Trustees.

By an agreement dated 14 June 1971 the Trustees dedicated a strip of the land to the former County Council for widening and improving the adjoining highway, but the fee simple remained in the Trustees.

On this evidence I am satisfied that the Trustees are the owners of the land, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register Mr J J Grant and Mr A E Cheer, the surviving Trustees, as the owners 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

512

day of

May

1978

CHIEF COMMONS COMMISSIONER