



In the Matter of High Wash Drove, Middle Road,
and Drove connecting those two in Crowland High Wash,
Crowland, Lincolnshire (No 1)

DECISION

These disputes relate to the registration at Entry No 1 in the Land section of Register Unit No CL 52 in the Register of Common Land maintained by the former Holland County Council and are occasioned by Objection No 111 made by the former Deeping Fen, Spalding and Pinchbeck Internal Drainage Board and noted in the Register on 16 December 1970 and by Objection No 210 made by the National Farmers Union and noted in the Register on 20 July 1971.

I held a hearing for the purpose of inquiring into the dispute at Spalding on 18 April 1978. The hearing was attended by Mr W L Fraser, solicitor, on behalf of Dr D G Teall, the applicant for the registration, and by Mr C P Bennett, solicitor, on behalf of the Welland and Deepings Internal Drainage Board, the successor to the Deeping Fen, Spalding and Pinchbeck Internal Drainage Board. The solicitors for the National Farmers Union informed the Clerk of the Commons Commissioners by letter dated 20 March 1978 that their client's objection was "withdrawn".

Mr Fraser was instructed solely to apply for an adjournment, so when I refused the application, he withdrew and Dr Teall appeared in person.

At the beginning of the nineteenth century the land in question formed part of certain half-year's meadow and open land called the Washes and Fodder Lots, which by reason of the defective drainage and low situation were frequently inundated or otherwise annoyed by water so as to be of little value. By the Act 41 Geo.III, c.116 (Local & Personal) and the award made under it these lands were drained, divided, allotted, and inclosed. The land the subject of the reference consists of certain roads which were laid out in order to give access to the allotments.

It is therefore clear that if the land in question was once waste land of the manor of Crowland, it lost that status by virtue of the Act of 1801.

For these reasons I refuse to confirm the registration.

Mr Bennett asked for an order for costs. Dr Teall stated that he applied for the registration in order to obtain a registration in the Ownership section of the Register Unit. Since he applied for the registration for this purpose, I take the view that he must suffer the usual fate of an unsuccessful litigant. I shall therefore order him to pay the costs of the Internal Drainage Board on County Court Scale 4.

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

7th

day of

June

1978

CHIEF COMMONS COMMISSIONER