



In the Matter of High Wash Drove, Middle Road, and
Drove connecting those two in Crowland High Wash,
Crowland, Lincolnshire (No 2)

DECISION

These disputes relate to the registration at Entry No 1 in the Ownership 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 112 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 211 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Union informed the Clerk of the Commons Commissioners by letter dated 20 March 1978 that their client's objection was "withdrawn".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 as successor to the estate of the late Mrs A M Teall, the applicant for the registration.

Having refused to confirm the registration in the Land section of the Register Unit, I can only refuse to confirm this registration.

Mr Bennett asked for an order for costs. Dr Teall having taken upon himself the burden of supporting the registration, 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