

In the Matter of Land at Cowbridge,
Frithville, Lincolnshire.

DECISION

This reference relates to the question of the ownership of land at Cowbridge, Frithville, being the land comprised in the Land Section of Register Unit No. CL 128 in the Register of Common Land maintained by the Lincolnshire 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 no person claimed to be the freehold owner of the land in question, but Messrs Ringrose & Co., solicitors, 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 Lincoln on 11 November 1981.

At the hearing Mr D M Wellman, solicitor, appeared for the Lincoln Diocesan Trust and Board of Finance Ltd and the Witham Fourth District Internal Drainage Board was represented by Mr O. R. Giles, its Clerk.

The land comprised in the Register Unit consists of two footpaths. One of these paths crosses O.S. No. 651. Most of O.S. No. 651, including a short length of the footpath, was conveyed to the Diocesan Trust and Board of Finance by a conveyance made 5 November 1964 between (1) Barclays Bank Ltd (2) ~~The~~ The Rev. Canon Eric Kent Ellis, Peter Kitwood, George Ambrose Grounds, and Thomas Edward Riley, the Vicar and Churchwardens of Boston (3) Lincoln Diocesan Trust and Board of Finance. The name of the Diocesan Trust and Board of Finance was changed to Lincoln Diocesan Trust and Board of Finance Ltd following upon the coming into force of the Synodical Government Measure 1969.

The remainder of O.S. No. 651 and the land crossed by the other footpath has been in the possession of the Internal Drainage Board for many years, and the Board has received the rents from it during the whole of Mr Giles's clerkship, which began in 1951.

On this evidence I am satisfied that the Lincoln Diocesan Trust and Board of Finance Ltd and the Witham Fourth District Internal Drainage Board are the owners of the parts of the land described above, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register those bodies as the owners of those parts 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.

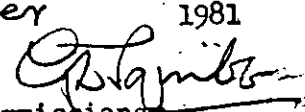
Dated this

25th

day of

November

1981


Chief Commons Commissioner