



COMMONS REGISTRATION ACT 1965

Reference No. 22/D/1

In the Matter of Bridgend Common,  
Donington, Lincolnshire (Parts of  
Holland)

DECISION

This dispute relates to the registration at Entry No.1 in the Land section of Register Unit No. C.L.2 in the Register of Common Land maintained by the Holland County Council and is occasioned by Objection No.1 made by George Lord and Leslie Lord and noted in the Register on 26th November 1968.

I held a hearing for the purpose of inquiring into the dispute at Boston on 14th March 1972. The hearing was attended by Mr. C. Fowler, on behalf of the County Council, and Mr. A.H. Harris, on behalf of the Objectors.

The land in question in this dispute lies in two narrow strips along the north and south sides of the road known as Bridgend Causeway. The parish of Donington was inclosed pursuant to an Act of 1767 (7 Geo.III, c.lxii). This Act provided that for the better preserving the Causeway so much land should be left on the north side of it as should be equal in breadth to <sup>and</sup> range in length with the slip of land which lay between the Causeway and the old ditch or drain on the south side of it and that such land on the north and south sides of the Causeway should be and remain as a common for the inhabitants of Bridgend only. Effect was given to this requirement in the Inclosure Award dated 16th December 1769, by which the Commissioners allotted to the inhabitants of Bridgend the two pieces of land in question and ordered and directed them to be and remain as a common for the inhabitants of Bridgend only. There is no map attached to the Award, but the description of the land makes it clear that it is the land comprised in the Register Unit. It may be that upon its proper construction the Act only conferred rights of common upon those persons who were inhabitants of Bridgend at the time of the passing of the Act: cf. Davies v. Williams (1851), 16 Q.B. 546, per Patterson J. at p.551. However, in view of the evidence it is not necessary to arrive at a conclusion on this point in this case.

The whole of this land was conveyed by the Commissioners of Crown Lands to Robert Willcock Lord, the father and predecessor in title of the Objectors, on 5th January 1928, subject to all rights, easements and profits then affecting or legally exercisable over it.

Evidence was given by Mr. George Lord, one of the Objectors. He has known the land ever since his father bought it. It was then surrounded by a mature, well-maintained hedge, which is still there. During the time that Mr. Lord has known it, the land has been used for the grazing of the owner's cattle and has never been used by any other person for any purpose.

Mr. Harris contended that this non-exercise by the inhabitants of Bridgend of their rights of common for a period of over 40 years was, in



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the absence of any explanation, evidence upon which I could find that any rights which they had had been abandoned.

This seems to me to be a correct inference from the facts proved in this case. Therefore the land does not fall within the first limb of the definition of "common land" in s.22(1) of the Commons Registration Act 1965 as being subject to rights of common, and there is no evidence to bring it within the second limb of the definition as waste land of a manor. Accordingly I refuse to confirm the 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.

Dated this 28<sup>th</sup> day of March 1972

A handwritten signature in cursive script, appearing to read 'G. L. S. Smith', written over a horizontal line.

Chief Commons Commissioner