

BALLASALLA RIGHT-OF-WAY CASE.

HIGHWAY BOARD HEAR A PETITION.

The members of the Insular Highway Board sat at Ballasalla, on Wednesday, to hear a petition with respect to a footpath. The members present were: Deemster Kneen, (chairman), Messrs W. Quayle, P. Cadman, J. C. Crellin, R. Cowley, and Jos. Qualtrough, and Mr C. T. C. Callow, Clerk to the Board.

The petition was presented by William Christian Cubbon, Philip Christian, and Thomas William Cubbon, that a new pathway through the plantation, the property of the petitioners, near Rushen Abbey, may be ordered to be substituted for that over which the public now have a right of way. The pathway runs through the centre of a plantation at the back of the Abbey gardens, and the petitioners, wishing to use the land for building purposes propose to move the footpath to the top of the plantation, and run it behind the houses they propose building. Some time ago the foundations of one of the houses was dug out; but as they cut away part of the path, the Great Enquest was called together, and they found that the pathway was being interfered with, and ordered the people building the house to restore it.

Mr L. C. Kewley appeared for petitioners, and Mr G. Fred. Clucas for Thomas Jefferson, Wm. Gold, Richard Burns, and John Murray, who opposed.

Mr Kewley produced newspapers in which notice of the application to the Board had appeared.

W. C. Cubbon, one of the petitioners, said: The petitioners together are the owners of the land on which the alleged footpath runs. It is proposed to build a villa at the top of the footpath, part of which goes into the old footway; but we propose leaving a footpath behind the building six feet from the wall. Our present scheme is to erect two more villas on the rest of the ground. The present footpath goes through the available sites for the villas. What we ask leave to do is to divert the footpath towards the north fence at the top of the brow. That footpath will be of a minimum width of six feet. It will be further from the wall than that in some places. It will be as direct a route as possible. It will be properly formed to the satisfaction of the Board, and fenced off with a growing fence. The application is made with a view to using the land for building.

Cross-examined: When we purchased the land the footpath was on it, and it was no doubt

looked upon as a useless piece of land. The house to be built is to be a two-storied one, and the back wall will be six feet from the boundary wall. We have not definitely settled as to what we will build on the rest of the land, and might build a row of houses. The view might be shut out by the fence we propose to put up.

Re-examined: The new footpath will be more convenient for public use. I have often seen the old footpath ankle deep in mud.

By Mr Qualtrough: The road will be as straight as possible.

By the Chairman: We are not disputing that there is a footpath there.

By Mr Cadman: There would be an objection to putting the footpath in front of the houses, as there will be gardens there.

At this point the inquiry was adjourned to Douglas for a fortnight.