



## COMMONS REGISTRATION ACT 1965

Reference Nos: 209/D/340-342  
(inclusive)

In the Matter of Chagford Common,  
Meldon Common, Nattadon Common,  
Padley Common, Weekbrook Down,  
Week Down, Steniel Down, and  
Jurston Green all in Chagford,  
West Deven District, Devon.

THIRD DECISION

This third decision is supplemental to my decision dated 21 January 1985 and made after a hearing in February 1984 relating to Register Unit No. CL173 in the Register of Common Land maintained by Devon County Council. It relates to and only to the registrations at Entry Nos. 84 and 85 in the Rights Section, and is occasioned by it having been in 1986 brought to my attention that in the Decision Table being the Second Schedule to my said decision there is no mention of Entry No. 85 in any of the paragraphs, and in paragraph 3 confirmation of Entry No. 84 is refused and in paragraph 10 Entry No. 84 is confirmed with the modifications therein specified. This third decision in no way affects my Second Decision dated 20 November 1985 relating to the registration at Entry No. 102 in the said Rights Section.

Short particulars of the registrations at Entry Nos. 84 and 85 are specified in the First Schedule hereto. Letters dated 29 December 1986 were sent by the Clerk of the Commons Commissioners to the person specified in the Second Schedule hereto, saying that I was then inclined to correct paragraph 10 of the said decision table by substituting "85" for "84", as correcting a clerical error on my part.

Consequently, Mrs Edna Maggs wrote to the Commons Commissioners a letter dated 22 February 1987 the relevant parts of which are set out in the Third Schedule hereto. In my said 1985 decision I wrote at length (see pages 13, 14 and 15) about the registrations at Entry Nos. 75 and 84 concluding with a statement that my decision was that confirmation of these registrations was refused. Having considered Mr Maggs' 1987 letter, I adhere to the view by me held in 1986 that "84" in paragraph 10 of the said Decision Table was a clerical error on my part, and accordingly pursuant to regulation 33 of the Commons Commissioners Regulations 1977 I shall correct such error by deleting "84" from it.

No recipient of the said December 1986 letters having suggested otherwise, I shall also pursuant to the said regulation correct such paragraph by in it inserting "85".

Following such corrections, I shall pursuant to section 6(2) of the Commons Registration Act 1965 send to Devon County Council as registration authority a notice correcting my November 1985 notice by in paragraph C substituting "85" for "84".

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



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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.

FIRST SCHEDULE  
(Registrations)

Entry No. 84:- Applicant Mrs Edna Beatrice Mary Maggs as owner: rights attached to land at 28 Meldon Road, Chagford; of "Turbary, Estovers, To graze 2 ponies, 12 ducks over that part of the land comprised in this register unit known as Meldon Padley and Nattadon Commons ..."

Entry No. 85:- Applicant John Mortimore as owner; rights attached to land at Higher Jurston Farm, Chagford; "To take gravel or sand, To graze 35 cattle, 120 sheep 10 ponies over Chagford Common, part of the land comprised in this register unit."

SECOND SCHEDULE  
(Persons possibly concerned)

- (1) Mrs Edna Beatrice Mary Maggs of 28 Meldon Road, Chagford or present owner.
- (2) Mr John Mortimore of Higher Jurston Farm, Chagford or present owner.
- (3) Mr Eric John Andrews Chairman of Chagford Commoners Association of Lower Weddicott Farm or the present Chairman of the Association.
- (4) Stephens & Scown, Solicitors of Exeter (clients Chagford Commoners' Association).
- (5) The Clerk to Chagford Parish Council.
- (6) Michelmores, solicitors of 18 Cathedral Yard, Exeter EX1 1HE their clients Barclays Bank Trust Co Ltd as trustee of will of Sir George Haytor-Harris, their letter dated 24 November 1983, TC/SDW refers.
- (7) Land steward, Duchy of Cornwall Offices, Bow Hill, Bradninch, Exeter.
- (8) Devon County Council as registration authority.

THIRD SCHEDULE  
(Mr Maggs' letter)

Whilst having no objections to No. 85 being included in the list of Commons Registrations, is it possible for No. 84 to be retained? It has been published on several lists for quite a while now and is only a minor local claim.

The Meldon and Nattadon Commons Section was not opposed by Lady Hayter - Hames, the Lady of the Manor.

The reason the original claim was made was that the Devon County Council sold this property to my family in 1925 with the deeds endorsed "With Certain Rights of Common".

Dated this 23<sup>rd</sup> — day of March - 1987.

*A. A. Baden Fuller*