



## COMMONS REGISTRATION ACT 1965

Reference Nos 209/D/409  
209/D/410

In the Matter of Dean Moor  
including Smallbrook Plains,  
Grippers Hill, Hickaton Hill  
and part of Pupers Hill, in  
Dean Prior, South Hams District,  
Devon

DECISION

## Introduction

This matter relates of 92 registrations under the 1965 Act. My decision as regards each of these registrations is set out in the Third and last Schedule hereto. The disputes which have occasioned this decision, the circumstances in which they have arisen and my reasons for my decision are as follows.

These disputes relate to the registrations at Entry Nos 2 to 5 inclusive (4 has been replaced by Nos 99 and 100), 7, 8, 9, 11 to 37 inclusive, 39 to 73 inclusive (61 has been replaced by Nos 102, 103, 104 and 105), 75, 76, 77, 78 and 81 to 97 inclusive in the Rights Section and at Entry Nos 2 and 3 in the Ownership Section of Register Unit No. CL162 in the Register of Common Land maintained by the Devon County Council and are occasioned as to the Rights Section by Objections No. 270, No. 271, No. 272 and No. 273 made by Joseph Grigg Kellock "Steward to the Commoners of Dean Moor" and noted in the Register on 29 October and 13 November 1970, by Objection No. 557 made by A J P Pankhurst and noted in the Register on 29 November 1970 and by Objections No. 655 and No. 657 made by South West Devon Water Board and noted in the Register on 27 November 1970, and as to the Ownership Section registrations by Entry Nos 2 and 3 being in conflict.

I held a hearing for the purpose of inquiring into the disputes at <sup>Plymouth</sup> ~~Exeter~~ on 9 and 11 May and on 17 and 19 July 1984. At the hearing: (1) Mr Arthur John Peter Pankhurst now of 15 Birch Way, Weymouth, Dorset who applied for the Ownership Section registration at Entry No. 2 and made Objection No. 557, attended in person; (2) South West Water Authority as successor of South West Devon Water Board who applied for the Ownership Section registration at Entry No. 3 and who made Objections Nos 655 and 657, were represented by Mrs F G Canning solicitor in their Legal Department; (3) The Commoners' (Association of) Dean Prior as being concerned with Objections Nos 270, 271, 272 and 273 were represented on 11 May by Mrs P M Ogle of Skerraton Farm, Dean Prior, and on 17 and 19 July by Mr P W Harker solicitor of Bellingham & Crocker, Solicitors of Plympton; (4) Lady Sylvia Rosalind Pleadwell Sayer who with Vice Admiral Sir Guy Bouchier Sayer applied for the Rights Section registration at Entry No. 2 attended in person on her own behalf and as representing him; (5) Admiral Sir James F Eberle as successor of Mr David Miller Scott who applied for the Rights Section registration at Entry No. 3, was also represented by Lady S R P Sayer; (6) Bennah Ltd who applied for the Rights Section registrations at Entry Nos 7, 8, 9 and 11 were represented by Mr P J R Michelmore FRICS of Michelmore Hughes, Chartered Surveyors of Newton Abbot (on 9 May only);



(7) Mrs Frances Jill Jukes of Higher Combe Buckfastleigh (during the hearing abroad in France) as successor of Mr Edwin Hopcroft Woodward and Mrs Isabella Amelia Woodward who applied for the Rights Section registration at Entry No. 54, was represented by Mr R W Lewis, solicitor of Woollcombe, Watts & Co., Solicitors of Newton Abbott; (8) Mrs Eleanor Nancy Smallwood who applied for the Rights Section registration at Entry no. 73 was also represented by Lady S R P Sayer; and (9) the Attorney-General for the Duchy of Cornwall (they applied for the Ownership Section at Entry No. 1) was represented by Mr C Sturmer, the Land Agent of their Dartmoor Estate. On the last day of the hearing (19 July), Mr Harker explained that the Commoners (Association of) Dean Prior above mentioned, comprised the following persons who he not only represented as an Association but also as individuals: (10) Mr John Henry Bickford, (11) Mr Reginald Norrish, (12) Mr George Palmer of Well Park Farm, (13) Mr James Edmond Mabin, (14) Mr Michael Burton Ogle, (15) Messrs Semaj John Dance and John Henry Dance, and (16) Messrs Norman Charles Cooper and Kathleen Ethel Cooper who applied for or claimed as successor of Mr Richard Sparrow Coulton, who applied for, the Rights Section registrations at Entry Nos 6, 24, 25, 40, 66, 77 and 97.

The land ("the Unit Land") in this Register Unit is a tract about 2½ miles long from north-west to south-east, being bounded on the west by the Forest (Register Unit No. CL164), on the north and northeast for the most part by Buckfastleigh Moor (Register Unit No. CL146) and on the south for the most part by land being the Avon Dam Reservoir and land held by the Water Authority with it (Register Unit No. CL180 as to which see my CL180 decision of even date avoiding this registration) and on the south as to the remainder by the east part of Brent Moor (Register Unit No. CL161) and bounded elsewhere by enclosed lands to the north-east and east. From the Unit Land registration (Land Section) as originally made has been excluded: (a) consequent on Objection No. 13 made by South West Devon Water Board two parts on the Register map marked C of which parts they are at Ownership Section Entry No. 3 registered as the owner; and (b) consequent on Objection No. 28 made by Mr Michael Burton Ogle another part ("the Skerraton Area") containing about 35 acres between Lambs Down and Skerraton Down (neither of which is in any Register Unit); the amendment effecting these exclusions appear as Land Section Entry No. 2 made on 31 July 1973. The Rights Section registrations are by No. and the name of the applicants, specified in the First Schedule hereto being therein divided for the purposes of exposition into 4 parts, the grounds of the Objections applicable to each registration being in such Schedule specified. In the Ownership Section, at Entry No. 2, Mr Arthur John Peter Parkhurst is registered as owner of the portion of the Unit Land lettered A on the Register map being all except a comparatively very small portion by Huntingdon Ford lettered B of which HRH Charles Prince of Wales at Entry No. 1 is finally registered as owner. The portions comparatively small lettered C on the map are at Entry No. 9 registered as in the ownership of South West Devon Water Board and these portions or parts of the map include some small part of the portion lettered A.

#### Course of proceedings

Before the hearing I had the letter specified in Part I on the Second Schedule hereto to the effect that Major John Davey Cooke-Hurle who applied for the Rights Section registration at Entry No. 22 had before he died sold Comberstone (? Coombestone) Farm to Major G E J Gawthorn of The Cott, Holne, Devon.

On the first day of the hearing (9 May), Mr P J Michelmore on behalf of Bennah Ltd said that they were not pursuing the Rights Section registrations at Entry Nos 7, 8, 9 and 11, so, as far as they were concerned, I might refuse to confirm them. Having other business, I then gave no further consideration to this Matter.



Next (11 May), Mr Sturmer said that because the Duchy Ownership Section registration at Entry No. 1 being undisputed had become final (it relates to a comparatively very small part of the Unit Land at its southwest corner by Huntingdon Ford), he was attending only as an observer.

Next there was some discussion as to whether Mrs Ogle could support the Kellock Objections Nos. 120, 121, 122 and 123. In the Register it appears that the Rights Section registration at Entry No. 66 of rights attached to Skerraton Farm had been made on the application of Mr Michael Burton Ogle and (as above stated) consequent on his Objection No. 28 the Skerraton Area had been removed from the register. Lady Sayer contended that Mrs Ogle had no right to make a case for the Commoners of Dean Moor, saying (in effect):- Mr Kellock is not present (he is deceased). Mrs Ogle is here about a small piece of Dean Moor and the only reason why she is at the hearing is because of her husband's Objection to it (the Skerraton Area). Those she (Lady Sayer) represented were not saying that the Skerraton Area should not have been excluded from the Register. She thought that Mrs Ogle who says she represents "the Commoners of Dean Moor", who says there is no "steward" and who did not in fact register an Objection to Entry Nos. 2, 3, and 73, has no right to make a case for the Commoners of Dean Moor.

Mrs Ogle said (in effect):- There is an association called the Commoners (of the parish) of Dean Moor. She is and has been since 1981 a member of Dean Prior Parish Council and since 1978 of the South Hams District Council. Her husband is a member of the Association. The Commoners of Dean Moor to her meant 7 specific people and that is what Mr Kellock meant when he made his Objections; such people are (1) Mr R Norrish, (2) Mr M B Ogle, (3) Mr J Bickford, (4) Mr J Mabin, (5) Mr Dance of Dockwell, (6) Mr Andrews of Zempson, (7) Messrs Cooper of Dean Court and (8) Mr Palmer who bought Well Park Farm from Mr Coulton. She queried whether Zempson is in the Parish and was not sure whether Mr Andrews was one of the commoners; Mr Dance of Dockwell has only a small part of his farm called Reddicleaves which is in Dean Prior; the rest of the farm is in Brent. This is what she thought Mr Kellock in 1970 meant by the Commoners of Dean Moor; she thought Mr Kellock was asked to take on the stewardship of Dean Moor in order to make the Objections. The people she then represented are the same persons as those who objected in 1970 except Mr Palmer instead of Mr Coulton.

Lady Sayer then said (in effect):- She had made her point that there is nobody present who is steward and there is no steward. There is no registered Objection against Entry Nos 2, 3 and 73 in the name of Ogle except for the Skerraton Area with which nobody was then concerned. So the proceedings should go on as if the Objections by Mr Kellock had never been made.

Mr Pankhurst said that he agreed with Lady Sayer and backed her legal argument based on Mr Kellock being not present.

Mr Lewis (on behalf of Mrs Jukes) said (in effect):- In view of there being no appearance of the Objector or his successor in title; the Objection is not being pursued. If there is no appearance for the Objector, it follows that I as a Commons Commissioner must confirm all the registrations to which no other Objection has been made.

Lady Sayer said she agreed with what Mr Lewis had said.



Next I said that my decision (interlocutory) was that I would then hear Mrs Ogle in support of Mr Kellock's Objections and I would hear any evidence she might offer about them. Mrs Ogle said she would like clarification as to whether her representations of the 8 commoners was or was not disputed because she thought she could get them to confirm her representations in writing and if need be to appoint a steward in succession to Mr Kellock. Lady Sayer asked if they would be holding a special meeting. I then adjourned for a short time all questions relating to the Rights Section registrations so those concerned with them could discuss their position. I then considered the ownership questions.

Next Mrs Canning pointed out that the Water Board Ownership Section registration at Entry No. 3 no longer had any effect because the land to which it related had been removed from the Register (as above stated) as a result of the Water Board Objection No. 3. Mrs Canning agreed the consequence of such removal was: whatever might be my decision the registration would have to be cancelled pursuant to subsection (3) of section 6 of the Commons Registration Act 1965.

On resuming the consideration of the Right Section registrations, Mr Lewis said that he and Lady Sayer did not wish to pursue the question of Mrs Ogle's representation "any further here"; he explained that by this he did not mean that it might not be pursued on appeal.

Mrs Ogle then asked for an adjournment so that consideration could be given to the appointment of a steward by the Commoners of Dean Prior; she was not certain whether the Parish Council might be concerned; she had not herself come prepared to act on behalf of the Commoners until yesterday (10 May).

Mr Lewis and Lady Sayer contended that the matter ought to be dealt with today (11 May) and that Mrs Ogle should have come prepared.

I adjourned the consideration of Objections Nos 270, 271, 272 and 273 until 17 July or on one of the subsequent days when I should be holding hearings in Exeter. At the request of Mrs Canning and Mr Pankhurst and in the absence of any opposition I similarly adjourned the consideration of Objections Nos 557 and 657.

Next (17 July) Mr Harker said that the Dean Prior Commoners are those concerned with the registrations at Entry Nos 6, 24, 25, 40, 66, 77 and 97 (listed in Part IV of the First Schedule hereto). Mr Pankhurst contended that because Mr Kellock had died all the rights registrations had finished; if the registrations were made by him, they were not signed by the right person; he referred to the complete Family Lawyer particularly what was therein said under the heading "Perpetual Succession". Having other business I again adjourned the proceedings.

Next (19 July) during a discussion as to what happened on 11 May Mr Harker said that my note was incorrect in that Mr Andrews of Zempson is not a member of the Commoners (Association) of Dean Prior. Mr Harker then outlined the case which would be made by him for the Commoners (Entry Nos 6, 24, 25, 40, 66, 67 and 97), saying (among other things):- His clients all had rights attached to farms in the Parish of Dean Prior. No other registered claimant had land in that parish and all the other registered claimants had their own local common. The lands of all



his clients were formerly part of the Churston Estate which existed until 1961 when their lands were sold off and the Estate split up; except Dockwell which, although sold off earlier, had been part of the Churston Estate. In support of the "piscary" part of Entry No. 66 made on the application of Mr M B Ogle, no evidence would be offered. He (Mr Harker) asked for leave to amend the grounds of Objections Nos 270, 271, 272 and 273 as stated in paragraph 1 of the Third Schedule hereto. Mr Kellock was a solicitor in practice in Totnes as "steward to" the Commoners he was an officer of the Association; he (Mr Harker) had been appointed to be steward.

I allowed the amendments as asked conditionally on those who might be prejudicially affected having liberty to apply as would be specified in my decision.

About the proposed amendments Mrs Ogle said that Court Gate Farm and Cuttleford (Entry No. 95) are now owned by Mr J Mabin, and Mr Harker said that he was by him authorised to agree to the amendment. He also said he was authorised by Messrs Edmunds who applied for the registration at Entry No. 33 to agree to it being avoided. As to any claim that any registration was proper because the rights were Venville, Mr Harker submitted that I should reject the claim in accordance with my CL188 and CL164 decisions (dated 30 June 1983, re Ditsworthy Warren and the Forest of Dartmoor).

Next (19 July) Mr John Henry Bickford who is 64 years of age and has lived all his life at Deancombe Farm (Entry No. 6) gave oral evidence in the course of which he produced the documents specified in Part II of the Second Schedule, and said (in effect):- He or his family had all his life either been the owner or had rented Deancombe Farm and had from 1926 to 1935 also rented Skerraton Farm (Entry No. 66). The farms were part of the Churston Estate. Between 1926 and 1935 from Skerraton they regularly grazed cattle and sheep on to the Moor (the Unit Land) as they did from Deancombe. After 1935 Skerraton was taken over by Mr W H Thomas. They (the witness and his family) had not since 1935 used the Moor (the Unit Land); because they did not take up their rights (Deancombe) they had no intention of abandoning them. He knew that Mr Thomas from Skerraton grazed the Moor from 1935 to 1962 and that Mr Duffus from there grazed from 1962 to 1967 when it was purchased by Mr Ogle. He thought the tenants of Dockwell Farm <sup>well</sup> ~~and~~ named Norrish (as he first remembered) and then Steer; he knew that the occupiers of Dockwell (No. 77) had regularly used the Moor until the present day. From Addislade Farm (Entry No. 24) Mr Norrish used the Moor during the 1960's, and ~~that~~ Mr Coulton used it extensively the last few years he was in possession being the late 1970's until 1981; Mr Coulton junior bought the farm in 1961 as his father and the Coulton family were there for 200 years before them farming in Dean. He could not remember those of Well Part (Entry No. 25) using the Moor before the 1970's. Persons outside the parish of Dean Moor did not graze the Unit Land; he did not know Mr Jukes; he had not heard of him until the inquiry.

Questioned by Lady Sayer, Mr Bickford said (in effect):- He remembered his father paying Venville rents years ago but "we lapsed".

Questions by Mr Panhurst he agreed he had not made much use of the Moor (the Unit Land) but did not agree that it was not used by others; he had seen animals belonging to others (of Dean Prior) "all over the Moor". As to the Objection (being shown of Mr Pankhurst a copy of one of them), he could not remember if he had ever signed it and thought somebody may have signed on his behalf.



Next (19 July) oral evidence was given by Mr Reginald Norrish of Addislade Farm (Entry No. 24) who is 62 years of age and in the course of which he produced the document specified in Part III of the Second Schedule hereto, and said (in effect):- From about 1958 he was of the farm tenant of the Churston Estate and purchased it in about 1962; before 1958 he was living at Widecombe Farm with his father. He had known the Moor a long time having a good idea of it from hunting with the Dartmoor, the South Devon and the Mid Devon. He was "brought up on the Moor", ever since 5 years old he had ridden on it. In 1962 his son and he bought a Scottish Blackfaced flock which had been at Skerraton, from Mr Thomas, and he ran the flock on Dean Moor because Dean Moor was "assigned" in the deeds of Addislade. His understanding of Venville rights was that those who had them could go on Duchy land. His flock was leared on Dean Moor. There was trouble with bracken; the sheep got the disease tickpyemia which gave the lambs paralysis. Mr Steer used the Moor for his cattle and sheep running from Dockwell. Mr Duffus who purchased Skerraton from Mr Thomas who also used it. Mr Coulton from Well Park had ponies and also summer grazed his ewes there. As also did Mr Mabin who put his lowland flocks there before a few months summer grazing. As to straying: there were quite a number of cattle from Donald Pearce of West Buckfastleigh (Entry No. 28), which he (the witness) always turned back off Dean Moor (the Unit Land). He also turned back cattle of Mr Savery of Zeals Farm, South Brent (Entry No. 87) which came onto the Unit Land at Brent Moor. There were other strays but "we turn them back"; it was the regular practice to turn them back.

Questioned by Lady Sayer as to whether he registered a right of turbary, he could not remember (such a right is in fact registered at Entry No. 24).

Mr Pankhurst asked Mr Norrish about a supplementary abstract of title specified in Part IV of the Second Schedule hereto. Mr Harker conceded that the conveyance of March 1961 did not mention grazing rights.

Questioned by Mr Lewis, Mr Norrish said he was a Venville tenant exercising Venville rights and that he had paid rent for 5 years about a fortnight ago.

Further questioned by Mr Harker, Mr Norrish said (in effect):- He had been chairman of the Association of Commoners of Dean Prior since its formation just before the Dartmoor registrations; the founding members were Messrs Bickford, Ogle, Mabin, Cooper, Coulton, Dance and himself being the same as they now are except that Mr George Palmer had succeeded Mr Coulton. Mr Kellock had been appointed as steward as a result of a meeting in his (the witness') farmhouse in about 1964 or 1965 in the presence of all the said founding members; Mr H H Whitley (the present chairman of the Dartmoor Commoners' Association) came and gave a lecture about the stocking rate which was the NFU scale at that time; at the meeting "we decided we must approach someone to make an objection for us and that the someone should be Mr Joe Kellock"; he was a solicitor of Totnes now deceased. Some days later three members being himself, Mr Ogle and Mr Cooper and possibly others (he could not remember) went to see Mr Kellock in his office at Totnes; they discussed the objection which should be made and left Mr Kellock to make the objection "and that is what we are here today for". As to the Churston Estate, a portion of it was in Churston near Brixham and a portion at Dean Prior; in fact the whole of the Estate was sold to Mr Rowland Smith (the witness explained how the Churston Estate was split up and divided).

Next Mr Pankhurst handed in the conveyance dated 18 July 1961 specified in Part IV of the Second Schedule hereto.



Next (19 July) oral evidence was given by Mr Semaj John Dance who had resided for the last 21 years at Dockwell Farm (Entry No. 77) in the course of which he produced the document specified in Part VI of the Second Schedule hereto, and said (in effect):- Dockwell Farm is south of Dockwell Hill and the farm includes Reddacleave Brakes; the whole of the Farm is 191 acres, and the part in Dean parish is 83 acres. It was formerly part of the Churston Estate but was purchased "before my time" in 1949. During his 21 years "we have regularly stocked the Moor with ponies and sheep"; their main leas is in Brent Moor because the largest (of the part) of the Farm is in Brent. They had a "cattle leas on Dean Moor, also sheep and in the past ponies but not now". During the 21 years he had been there "we have turned back stock other than stock of the Dean Commoners; we have never been hindered or bothered by anyone when we have turned their stock back"; either he or a member of his family had been on the Moor seven days a week: "we live on the Moor!"; so we can say what is going on there. It is a relatively (compared with others of Dartmoor) small moor, about 1,000 acres. He first heard that Mr Pankhurst was saying there were no rights over the Moor from Mrs Ogle "a few weeks ago". In his time Mr Norrish used it with sheep, Mr Ogle and before him Mr Duffus, and from Nurston Mr Maybin used it, and Mr Coulton from Well Park.

Questioned by Lady Sayer, Mr Dance said that he had no difficulty of running animals on two commons, that he always paid Venville rents (last payment to Mr Edmunds in 1979) and that he had registered a right of turbary.

Questioned by Mr Pankhurst, Mr Dance agreed that the Dockwell Farm was sold to Mr Steer in 1949 and that rights on the Moor were mentioned in the sale particulars and that he did not fill in a form like that then produced to him (being one of the said Objections).

Next Mr Roderic William Lewis gave oral evidence in support of the Entry No. 54 in the course of which produced that Land Certificate and letter specified in Part VI of the Second Schedule hereto and said (in effect):- His client owned as successor of Mr and Mrs E H Woodward, Pixies House and fields as specified in the Register, being now known as Higher Coombe; his client purchased the property on 12 August 1971. He relied on arguments given on behalf of Venville tenants at previous "common hearings" about Headland Warren, Hentor Warren, Forest of Dartmoor and Sheepstor Common (decisions CL148 and CL190 of the Chief Commons Commissioner dated 17 February 1976 and 30 May 1977 and decisions of myself CL164 and CL188 both dated 30 June 1983); rather

than explore in depth what was done at previous hearings he summarised the relevant points as follows:- (1) his client is a Venville tenant as was shown when Mr Sturmer of the Duchy office confirmed that they had a record of the Duchy having accepted Venville rents from Messrs Woodward; (2) Venville tenants are entitled to exercise their rights over the Forest and the Commons of Devon which is a continuous belt of land adjoining the Forest; (3) these Commons of Devon are but one common over all and every part of which Venville tenants may claim their rights; and (4) the Unit Land forms part of these Commons. As far as his client is concerned and her predecessors in title, there is no positive evidence of any abandonment of Venville rights; further he believed that it is the intention of his client to farm Higher Combe herself one day; the grazing on the farm is now let (as stated in FJJ/2).

Mr Lewis was questioned by Mr Pankhurst and Mr Harker about his Venville claim, and it became clear, (he never suggested the contrary) that he had no personal knowledge of Higher Combe or of any exercise from it of common rights other than could be deduced from the documents he produced as specified in Part VI of the Second Schedule hereto.



Next oral evidence was given by Lady Sayer with reference to a statement (Sayer/31) specified in Part VII of the Second Schedule hereto. She said that the rights registered at Entry Nos 2, 3 and 73 are Venville rights exercisable over the Central Forest of Dartmoor and the commons adjoining the Forest which form a ring around the Forest and have always been known as the Commons of Devon, and said they were supported not only by the decisions of the Chief Commons Commissioner mentioned as above stated by Mr Lewis but also by a High Court judgement in January 1980, all entirely accepted by Devon County Council as the Commons Registration Authority and by the Duchy of Cornwall, the major Dartmoor landowner. Dean Moor is undoubtedly part of the Commons of Devon; the Venville tenants' rights therefore run on both as they do on the Forest. "We certainly use our rights of turbarry and have also run ponies on the Forest and Commons". They made no claim over the Water Board's areas and Objection No. 657 is therefore invalid. The Pankhurst Objection No. 557 and the Kellock Objection No. 273 lodged before the said decisions and judgement were she submitted made in error and have no substance "I questioned also whether Mrs Ogle has a legal right of objection, as the objection to us was not made in her name".

Questioned by Mr Harker, Lady Sayer said (in effect):- As to her cutting turf on Dean Moor "we did that for fun; we knew if we cut turf we were exercising a right over our great common; nobody say me". As to her being possibly concerned with what other users did, she did not have to be; she had rights over all. The great value of Venville rights was that nobody could impound their animals for strays.

Next Mr Arthur John Peter Pankhurst gave oral evidence in the course of which he produced or referred to the documents (AJPP/4 and AJPP/6) specified in the Part VII of the Second Schedule hereto, saying (in effect):- His objection covered all rights on the Moor. He relied on the notes to the printed form (AJPP/4) particularly paragraph 3, case (A) and paragraph 9(B)(1); so he claimed that his Objection covered all the registrations. He disclaimed the Objections of Mr Kellock because they were made otherwise than in accordance with the notes, that is they did not state the objectors as either landlord or tenant. The death of Mr Kellock brought about the end of any rights over the Moor; he relied on the Family Lawyer (AJPP/6), particularly the statements under the heading "PERPETUAL SUCCESSION" at page 387. He contended that there were no straying rights over the Moor because evidence had been given of them being turned back. "We have seen very little proof of any perpetual right such proof should be 25 years or more. If there is not a perpetual body and somebody dies ...".

Questioned by Mr Harker, Mr Pankhurst said (in effect):- Mr Kellock so he understood made his Objections on his own behalf. He (the witness) is the owner. He agreed that under the conveyance dated 16 July 1961, the Unit Land was conveyed to him subject to grazing rights; the first mention of these rights was in 1949 and from then until 1965 was not a possessory title. As to his Objection No. 557 being limited to Entry Nos. 2 and 3, "they told me it was enough ... that was what I was led to believe by a clerk". He thought that he had been to the Unit Land about 20 times since he had bought it.

Lady Sayer questioned Mr Pankhurst about his withdrawal of an objection about Register Unit No. CL146 (Buckfastleigh Moor) suggesting that it looked as if he accepted Venville rights there (she referred to the County Council's 1971 letter (Sayer/32) specified in Part VII of the Second Schedule hereto). Mr Pankhurst disagreed giving at some length reasons which I was unable to record.





Questioned by Mr Lewis, Mr Pankhurst insisted that his client should prove the rights she claimed and contended that whatever was done after the 1961 conveyance (Pankhurst/2) until 1965 (the date of the Act) could not establish rights.

#### Succession

I accept the evidence of Mr Norrish as to how Objections Nos. 270, 271, 272 and 273 came to be made, that is I find that Mr J G Kellock made them under the general authority of Messrs Bickford, Norrish, Coulton, Mabin, Ogle, Dance and Cooper, and that he was by them authorised to fill up the form as he thought appropriate. If he had in it named the 7 individuals and signed "their agent", the Succession questions raised by Mr Pankhurst would not have arisen; what he did was to describe the objector as "Commoners of Dean Moor" without naming them and to describe himself as "steward". It was not suggested that there is a body corporate or any other body by registration under an Act of Parliament or otherwise particularly by law authorised to call themselves "Commoners of Dean Moor"; nor was it suggested that Mr Kellock was an officer of any manor or household such as in former times was commonly called "steward". However on 25 August 1970 (the date of the Objections) there were in the Rights Section of this Register Unit No. CL162 97 provisional registrations (some may by then have been cancelled); of these only 7 (made on the application of the said 7 persons) were of rights attached to land in the parish of Dean Prior. One of the possible dictionary meanings of "steward" is general manager. Mr Kellock in the Objections gave his own address "8 High Street, Totnes". My decision is that the Objections he signed were fully as effective as they would have been if he had set out in them the full names and addresses of each of the 7 persons for whom he was making them, and they had each appended his own signature. I understood at the July part of the hearing that Lady Sayer and Mr Lewis both accepted this. So as regards them no useful purpose would be served by considering whether they ought at the May part of the hearing have raised no objection to Mrs Ogle representing such 7 persons. I see no reason for treating the adjournment I then granted to Mrs Ogle as not properly granted.

Mr Pankhurst however pursued his "Succession" argument to the end of the July part of the hearing. As I understood him he favoured my concluding that none of the Rights Section registrations were properly made, and so could not be prejudiced by any decision from me that the Objections made by Mr Kellock were effective; I do not therefore understand why he wished these Objections to be invalidated. As I understood, he was in effect contending that the Rights Section provisional registrations made on the application of the said 7 persons were not in fact signed by the persons in the Register said to have applied for them but were made by Mr Kellock in some application expressed as by him made for "The Commoners of Dean Moor". I did not understand Mrs Ogle or Mr Norrish when saying that Mr Kellock signed the Objections as "steward" for the Commoners of Dean Moor, were also saying that the applications for the provisional registrations recorded in the Register as having been made by the said 7 persons were similarly applied for. That the applications were so expressed is inconsistent with the Register as it now stands. I have by the County Council as registration authority been provided with copies of the applications (CR Form 9) relating to the 7 registrations at the Entry Nos. specified in Part IV of the First Schedule (8 forms in all), and they are all signed personally by the applicants.



So my decision is that the provisional Rights Section registrations at the Entry Nos. specified in the said Part IV were properly as provisional registrations.

Mr Pankhurst gave no evidence of any relevant facts; his submissions about Succession were in my opinion all misconceived.

#### Venville

Under this heading I consider the registrations at Entry Nos. 2, 3 and 73 supported by Lady Sayer. Her evidence and arguments (Sayer/31) were in effect a summary of what was said by a solicitor at my CL188 hearing on behalf of her, Sir James Eberle and Mrs Smallwood. At such hearing Mr Harker was present although at it he represented other clients. What Lady Sayer said at this Unit Land hearing was too brief on which to base any conclusion favourable to those she represented. So I treat as now before me all the evidence and arguments made at my said CL188 hearing for and against Venville claims; as I think Lady Sayer and Mr Harker expected I would. On this basis, for the reasons set out in my said CL188 decision dated 30 June 1983 my decision is: nothing she said or referred to about Venville supports the Unit Land registrations at Entry Nos. 2, 3 and 73.

Because Lady Sayer said (as above stated) "we certainly use our rights ...", I must consider whether such use establishes the registrations by prescription or presumed grant or in any other way by law recognised. As I understood her, her claim to have exercised rights was on the basis that the Forest and the Commons of Devon were all one common, and that any exercise on any part of this supposedly one common was an exercise over the whole; that except on the one occasion when she took turves from the Unit Land, she from Old Cator never actually grazed any animals or exercised any other rights over the Unit Land. Being of the opinion for the reasons stated in my said CL188 decision and in it by reference to my said CL164 decision of the same date, that the Forest and the Commons of Devon are not in any now relevant sense one common, I consider that any exercise of rights as mentioned by Lady Sayer in no way supports the registration at Entry No. 2. As to the taking of turves (particularly mentioned by her) ~~on the Unit Land~~ <sup>from</sup> the Unit Land, I find that it being "scret" cannot be "as of right" within the legal meaning of these words and is therefore no support for any prescription or presumed grant.

So I have no evidence that there ever were at any time rights over the Unit Land such as were registered at Entry Nos. 2, 3 and 73. Accordingly I need not answer the question: if there had ever been such rights, have they been abandoned.

For these reasons my decision is that the registrations at Entry Nos. 2, 3 and 73 were not properly made.

#### Straying

For the reasons under the heading Straying in my said CL164 decision dated 30 June 1983, I consider that in the absence of special circumstances a right so expressed is not properly registered. There was no evidence of any such circumstances. Accordingly as regards all the Rights Section registrations



- 11 -

which are specified in Part I of the First Schedule hereto and which are within Objections Nos. 270, 271 and 273 as amended, my decision is that they were not properly made; but this decision is subject to the liberty to apply granted in paragraph 3 of the Third Schedule hereto.

The ground of Objection No. 657 relate only to the land coloured pink on the attached plan, being only very small parts of the Unit Land; these parts as a result of another objection made by the South West Devon Water Board have been removed from the Register; nevertheless all the registrations specified in it are in question and I must therefore make a decision about those specified in the last paragraph of Part I of the First Schedule hereto and which are not within any other Objection. For the same reasons as are set out in the preceding paragraph, my decision is that none of these registrations were properly made. But those concerned with these registrations may by reason of the grounds of the Objection No. 657 being expressed to be limited to the said small parts, have reasonably refrained from attending or being represented at the hearing in the belief that these registrations would be confirmed; I give to persons concerned to support them the same liberty to apply as I have given to persons concerned with Objections which I have given leave to amend, that is, liberty to apply as set out in paragraph 2 of the Third Schedule hereto.

#### Others

All the registrations specified in Part II of the First Schedule hereto are within Objection No. 273 the grounds of which put them wholly in question. In the absence of any evidence or arguments supporting them, my decision is that all of them (not only those at Entry Nos. 2, 3 and 73) were not properly made.

Of the registrations specified in Part III of the First Schedule hereto, about that at Entry No. 54 I had the evidence and argument of Mr Lewis as above summarised. So far as he referred to Venville, for the reasons set out above under the heading Venville, my decision is that there was no evidence in support of the registration. Mr Lewis did not suggest that the registration should be modified by substituting "stray" for "graze" as was "admitted" in the grounds of Objection No. 272; however I have given leave to amend the grounds of objection. There being no other evidence in support of the registration, my decision is that it was not properly made.

As to the other registrations specified in Part III of the First Schedule hereto, subject to the liberty to apply granted in paragraph 2 of the Third Schedule hereto, in the absence of any evidence in support of any of them, my decision is that none was properly made.

#### Commoners of Dean Moor

To all the 7 registrations specified in Part IV of the First Schedule hereto, Objection No. 657 is applicable, and except as regards Entry No. 66 there is no other Objection applicable to any of them. The grounds of Objection No. 657 refer to the small parts of the Unit Land which was owned by the South West Devon Water Board but which have now ceased to be registered. Nevertheless



because Objection No. 657 puts in question the registrations, I have a situation such as was considered in re Sutton 1982 1WLR 647 in which Walton J said:-

"Throughout, it appears to me that the onus of proving his case is upon the person making the registration, once that registration requires confirmation by a commissioner. He must be prepared to establish his case. Of course in many situations extremely by way of proof will be required. Take an example used at the hearing in this case that there is a large area of land which is registered as a common an objection is taken as to a small piece on the fringes of the land which happens to be somebody's back garden, then although the objection of that person theoretically puts in question the status of the whole area, provided nothing arises to cast the slightest doubt on the status of the remainder of the land, the Commissioner will I think be fully entitled to rely upon the original statutory declarations made by the registrant ..."

The land specified in Objection No. 657 could aptly be described as "parts of the Unit Land which happen to be Water Authority land". I am at least concerned to know whether there is anything which casts the slightest doubt upon these registrations so far as they relate to the Unit Land except these comparatively very small parts.

In accordance with re West Anstey 1985 2WLR 677, ——— Mr Pankhurst is entitled notwithstanding that he has made no Objection to these registrations to ask me to consider whether there is any such doubt and if not whether there is "the little in the way of proof" envisaged by Walton J as requisite.

Mr Harker in effect contended that rights attached to Deancombe Farm and Addislade were expressly granted by Deanpark Investment (Buckfast) Limited ("DIBL") under the 1961 conveyances (JHB/1 and RN/2), that rights attached to Dockwell were probably granted by Lord Churston following the sale under the 1949 particulars (SJD/2), and that rights attached to the 4 other farms were probably granted by the conveyances following the 1960 particulars (RN/1).

When these conveyances were made the Unit Land was owned either by Lord Churston or DIBL who therefore had power to grant rights of common over it. The words in the 1961 conveyance are wide enough to grant the rights then enjoyed as described by Mr Bickford and Mr Norrish. It is likely that the other conveyances contained similar words; but even if they did not, by section 62 of the Law of Property Act 1925 they would be deemed to include a grant of rights "reputed to appertain or ... enjoyed"; and I infer from the evidence above summarised that rights as registered (except piscary) did appertain or were enjoyed; the conveyances would therefore operate as a grant, see *Doidge v Carpenter* 6M&S 47 → cited in *Baring v Abingdon* 1892 2Ch 374, *White v Williams* 1922 1KB 727 and *Wright v MacAdam* 1949 2KB 744.

Mr Pankhurst when stressing the absence of any "possession" for a long enough period before 1965, was as I understood him, assuming that the rights claimed could only be established by prescription or presumed grant for which at least 20 years use as of right is requisite. In my opinion Mr Harker rightly relied on the actual grants which from the surrounding circumstances I find must have been or must be deemed to have been in the conveyances made by Lord Churston or DIBL. So, that the rights as now claimed (or some of them) before 1961, did not exist because the Unit Land and the Farms to which the rights are now attached were then in fee simple owned by the same person, is not against them.



I realise that a close analysis of the evidence above recorded may as some of the Farms leave some periods during which I have no evidence that the rights were exercised. But however this may be I have nothing "which casts the slightest doubt" on the present existence of the rights claimed, and the general evidence I have of the surrounding circumstances supports them. So as regards any such periods, I can "rely upon the original statutory declarations made by the registrant(s)", see re Sutton supra.

My decision is therefore that except as regards piscary (as to which I have no evidence at all), the rights specified in Part IV of the First Schedule hereto were properly made.

#### Ownership

The Pankhurst Ownership Section registration at Entry No. 2 (except so far as it at one time included the parts of the Unit Land which are in the ownership of the South West Water Authority and which have been removed from the Register) is supported by the documents produced by Mr Pankhurst. Nobody at the hearing suggested that the registration was wrongly made. Accordingly I confirm it as stated in paragraph 5 of the Third Schedule.

The WB Ownership Section registration at Entry No. 3 by reason of its one time conflict with entry No. 2 has been referred to me as a Commons Commissioner; I must therefore give a decision about it. Knowing that a confirmation by me of it would serve no useful purpose because it would certainly be cancelled by the County Council under Section 5 of the 1965 Act, Mrs Canning being agreeable and it being administratively convenient, I refuse to confirm it, as stated in the said paragraph 5.

#### Final

The effect of my above detailed decisions is set out in the Third (and last) Schedule hereto, and such Schedule is part of my decision.

Because much of this decision is complicated and there may be in it some mistaken or error which ought to be corrected without putting those concerned to the expense of an appeal, I give to such persons liberty to apply to a Commons Commissioner to correct any such mistake or error. Any such application should be made within the THREE MONTHS and otherwise as specified in paragraph 6 of the Third Schedule hereto.

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.



FIRST SCHEDULE  
(Rights Section registrations)

Notes

(1) All the registrations are in question by reason of WB Objection No. 657: "Common rights do not exist on land coloured pink on the attached plan" (the land so coloured is by the River Avon or by Brockhill Ford and is marked C on the Register map); in this Schedule this Objection is disregarded. (2) The Nos. 1, 38, and 78 in the Register have been cancelled having been superseded by Nos. 74, 94 and 95 respectively; No. 10 has not been used; No. 74 was cancelled because withdrawn being, covered by No. 97; and No. 80 was cancelled 29.10.70.

Part I: registrations "to stray"

4 (Barclays Bank Ltd replaced by Nos. 99 and 100, H James and J W French, and W M Berdie), 5 (C N Clarke, H W A Kemmis, N Perryman), 7 (Bennah Ltd and W R Perkins), 8 (Bennah Ltd and F A Perryman), 9 (Bennah Ltd and A H Brown), 11 (Bennah Ltd and L G Petherick), 12 (J A W Taylor), 13 (V C Ferguson), 14 (R E S Ferguson), 15 (R E S Ferguson), 16 (T K D Anderson), 17 (J H Steer), 18 (A S C Sanderson), 19 (E M K Jellicoe), 20 (E M K Jellicoe), 21 (K O M Crowther), 22 (J D Cooke-Hurle), 23 (J O Mann), 28 (D Pearse), 29 (F G Trott), 31 (C C H Worth), 32 (W D Edmunds) and L A Edmunds), 33 (W J Edmunds), 34 (G W B Bateman), 35 (L C Turner), 36 (T Cole and L M Cole), 37 (J H J Hannaford and M F Hannaford), 39 (South Brent Feoffees, J H Cockram), 41 (Exors of S Pearse), 43 (C L Pearse), 45 (J Lees), 64 (E Steer and S F Steer), 65 (P R Cleave and F P Coker), 67 (J H Codd), 68 (J H Codd), 69 (M D Mugridge), 70 (E Steer), 71 (S J Warren), 72 (T W Mugridge), 76 (A L Pyke), 78 (S J Dance and J H Dance), 84 (J T French), 85 (H A French, N H French, J T French and G H French), 86 (C Perryman), 87 (J Savery), 88 (N Devonport), 89 (P Waye), 90 (W S French, E E French and H J French), 91 (C L Pearse), 92 (T D Beard), 93 (F G Hard), 94 (H A Cox and M B Cox), 95 (G Green and M B Ogle) and 96 (J Elliott and E M Hodson).

Objection No. 270, applicable to Nos. 18 and 71; "Rights do not exist in respect of Higher Downstow unless good documentary title can be shown"; grounds amended, see Third Schedule paragraph 1.

Objection No. 271 applicable to No. 95; "rights do not exist as to Court Gate but the rights as to Cuttleford are admitted for 40 cows or 40 mares and 250 ewes"; amended, see Third Schedule hereto paragraph 1.

Objection No. 273; applicable (so far as relevant to this part) to Nos. 4, 5, 7, 8, 9, 11, 12, 13, 16, 17, 19, 20, 22, 23, 34, 35, 36, 39, 41, 70, 92, 94 and 96; "rights do not exist at all" and applicable to No. 36 "rights do not exist as to Binnamore"; amended see Third Schedule hereto paragraph 1.

Objection No. 657 applicable to all Rights Section Registration; "Common rights do not exist on the land coloured pink on the attached plan"; so of the registrations above listed the following numbers are only in question by reason of this objection: 21, 28, 31, 32, 33, 37, 43, 45, 65, 67, 69, 71, 72, 76, 78, 84, 85, 86, 87, 88, 89, 90, 91, 93 and 95.



Part II: Registrations not mentioned in Part I  
but within Objection No. 273

2 (G B Sayer and S R P Sayer), 3 (D M Scott), 46 (Holne Parish Lands Charity),  
47 (D M Scott), 48 (H D and E M Pearce), 49 (L O Perkins), 50 (A G Cousins),  
51 (P R Lane-Joynt), 52 (R E Adam), 53 (L Jackson), 55 (F A Perryman),  
56 (J B Townsend), 57 (F and A Tozer), 58 (R G Mortimore and A B Mortimore),  
59 (P A Norrish), 60 (G E J Gawthorn), 61 H Clarkson and M T Clarkson),  
73 (E M Smallwood), 82 (E A J Worthington), and 83 (V E Knapman).

Objection No. 273, applicable to all above registrations; "the rights do not exist at all".

Objection No. 557 (by Mr A J P Pankhurst); applicable to Nos. 2 and 3; "the right does not exist".

Objection No. 665, applicable to Nos. 82 and 83; "Common right of piscary does not exist".

Part III: Registrations not specified in Parts I and II  
above within Objection No. 272

26 (L G Warne and E A Warne), 27 (C S Colwell & Sons), 30 (W J C Risdon),  
42 (T M Webber), 44 (D Pearse), 54 (E H Woodward and I A Woodward), 63 (W H Norrish),  
75 (J W Ridgeway), and 81 (S T Theobald).

Objection No. 272 applicable to all above registrations; "Right to turn out stock direct to graze does not exist but stray is admitted"; amended see Third Schedule hereto paragraph 1.

Objection No. 665, applicable to Nos. 30 and 42; "Common right of piscary does not exist".

Part IV: Other registrations not specified in Parts above

6 (J H Bickford, rights attached to Deancombe Farm in the parish of Dean Prior),  
24 (R Norrish, rights attached to Addislade Farm in the said parish),  
25 (R S Coulton, rights attached to Well Park Farm in the said parish), 40 (J E Mabin  
and S M Mabin, rights attached to Nurston Farm in the said parish), 66 (M B Ogle,  
rights attached to Skerraton Farm in the said parish), 77 (S J Dance and J H Dance,  
rights attached to part Dockwell Farm in the said parish), and 97 (N C Cooper and  
K E Cooper, rights attached to Dean Court Farm in the said parish).

Objection No. 655 applicable to No. 66; "Common right of piscary does not exist".  
To these there is no other Objection (except WB Objection No. 657).

T U M O V E R



SECOND SCHEDULE  
(Documents produced)

Part I: before hearing

-- 30 March 1984 Letter from Osborne Clarke, Solicitors of Bristol to Commons Commissioners about Major Cooke-Hurle being succeeded by Major Gawthorn.

Part II: by Mr J H Bickford

JHB/1 22 June 1961 Conveyance by Deanpark Investments (Buckfast) Limited to John Henry Bickford of Deancombe Farm containing 109 a. 2r. 18p. together with "... rights ... described in the Second Schedule".  
Schedule:- "All such rights (if any) as may be vested in the Vendor or as the Vendor may be entitled to convey ... to depasture cattle on the moorlands which are known as Dean Moor and are situate to the west of the property hereby conveyed".

JHB/2 20 June 1961 Conveyance by Right Hon Richard Francis Roger Baron Churston and another to Dean Park Investments (Buckfast) Limited supplemental to a conveyance dated 14 March 1961 of part Deancombe Farm containing 2.867 acres.

JHB/3 1960 Plan (from Sale Particulars) No. 2 of the Churston Estate.

Part III: by Mr R Norrish

RN/1 1960 Particulars of Sale of Churston Estate by directions of the Trustees of the Right Hon Lord Churston; modern residence with 485 acres in hand and also 15 excellent farms and small-holdings containing 5,605 acres by auction Wednesday 16 November 1960; Lot 20 Dean Court Farm, Lot 22 Well Park Farm, Lot 24 Nurston Farm, Lot 25 Deancombe and High Glebe Lot 26 Skerraton, Lot 27 Addislade; Lot 28... (?), note; the tenant has the benefit of certain grazing rights on Dean Moor; →  
→ Lot 29 Dean Moor containing 1,160 acres "... as common land subject to public and private rights of way, grazing ...".





- 1961 Particulars of sale of part of the Dean Park Estate, Buckfast Ltd, including 3 good dairy mixed farms, auction 31 May 1961. Lot 3 Addislade with rights over Lot 19, Lot 4 Skerraton with rights over Lot 19, Lot 19 Dean Moor.
- RN/2 27 June 1961 Conveyance by Dean Park Investments (Buckfast) Ltd to Reginald Norrish of first farm known as Addislade (98.171 acres "together with all such right of grazing on the property known as Dean Moor as are at present enjoyed by the said property hereby first conveyed (so far only has the Vendor has power to convey the same)" and secondly OS No. 24 containing 18p. And thirdly OS No. 246 containing 27p.
- Part IV: By Mr A J P Pankhurst
- 1961 Supplemental abstract of title of Dean Park Investments (Buckfast) Ltd to freehold property at Dean Prior, being an abstract of a conveyance dated 14 March 1961 by Richard Francis Roger Baron Churston with the concurrence of Trustees to Rowland Small of (among other lands) Moorland.
- Pankhurst/2 18 July 1961 Conveyance by Dean Park Investments (Buckfast) Ltd to Arthur John Peter Pankhurst of Moorland containing about 1160a.27p. as identified on plan. Such unrestricted grazing rights as the owners/tenants and occupiers of Deancombe, Nurston, Addislade, Skerraton, Well Park and Dean Court Farms or any other person or persons may have over the property hereby conveyed.
- AJP/4 -- Copy notes attached to Commons  
AJP/5 Registration Act 1965 printed Objection forms.
- AJPP/6 1936 Extract from (pages 386 and 387) Family Lawyer, editor W J Weston MA BSc, contributors F H Cooper, and others.



## Part V: By Mr S J Dance

SJD/1 21 September 1949 Sale particulars by auction for Rt Hon. Lord Churston of Dockwell Farm containing 191a.1r.34p. "and ... and in addition there are valuable Common Rights on Brent Moor and Dean Moor in the proportion of two bullocks or two ponies and eight sheep for every three acres of the portion of the holding in Dean Prior.

## Part VI: On behalf of Mrs Jukes

FJJ/1 18 July 1982 Copy Land Certificate Title No. SX6968 showing Frances Gil Jukes as registered with an absolute title the land edged red on the plan at Higher Coombe, Buckfastleigh.

FJJ/2 2/5/85 Letter from K K Jukes (child of Mrs F J Jukes) to H F Murray (senior partner of Woollcombe Watts & Co).

## Part VII: By Lady S R P Sayer

Sayer/31 -- Statement on behalf of Sir Guy and Lady Sayer, (Entry No. 2) and Admiral Sir James Eberle (Entry No. 3) also Mrs Smallwood (Entry No. 73).

Sayer/32 11 October 1971 Letter from County Council to Vice Admiral Sir Guy and Lady Sayer notifying that Objection No. 556 to the Rights Section and Register Unit No. CL146 has now been withdrawn.

THIRD SCHEDULE  
(Decision table)

Subject to liberty to apply as specified in paragraph 2 below, leave to amend the grounds of Objection Nos. 270, 271, 272 and 273 (see First Schedule for grounds as originally made) as follows:-

- a) No. 270, add: "a right to stray is not registerable".
- b) No. 271, add: "a right to stray is not registrable".
- c) No. 272, delete: "direct" and delete "but stray is admitted".
- d) No. 273, delete "as to Binnamore" (applicable to Entry No. 36).



2. I give to any person concerned to support (A) any of the Rights Section registrations at the Entry Nos to which Objections Nos. 270, 271 and 272 are applicable, (B) the Rights Section registration at Entry No. 36, and (C) any of the Rights Section registrations specified in Part I (headed to stray) on the First Schedule hereto liberty to apply to a Commons Commissioner to set aside this decision so far as it relates to any such registration and to reopen this hearing. Such application to be made within the THREE MONTH time limit specified otherwise in accordance with paragraph 6 of this Schedule.
3. Subject to this liberty to apply granted in paragraph 2 of this Schedule as far as their express to be applicable I REFUSE to confirm the Rights Section registrations specified in Part I, Part II and Part III of the First Schedule hereto.
4. I CONFIRM the Rights Section registration at Entry No. 66 with the MODIFICATION in column 4 delete "Piscary" and without any other modification; AND I CONFIRM the Rights Section registrations at Entry Nos. 6, ~~24, 25, 40, 77, 97~~ (being the other registrations specified in Part IV of the First Schedule hereto), without any modification.
5. I REFUSE to confirm the Ownership Section registration at Entry No. 3 (South West Devon Water Board) and I CONFIRM the Ownership Section registration at Entry No. 2 (Arthur John Peter Pankhurst) without any modification.
6. Applications under the liberty to apply in this Schedule granted ~~should~~ should be made within THREE MONTHS from the day on which this decision is sent out (or such extended time as a Commons Commissioner may allow) and should in the first instance be made by letter to the Clerk of the Commons Commissioners stating the mistake or error in this decision and the applicants' reasons for thinking it should be corrected. A copy of the application should be sent to any person who might be adversely affected by the application being granted and for their information to the County Council as Registration Authority. As a result of the application a Commons Commissioner may direct a further hearing unless he is satisfied that the error or mistake is obvious and all those concerned are agreeable. Of such further hearing notice will be given only to those persons upon the information available to the Commons Commissioner appear to him to be concerned with the registration in question. Any person who wishes to be given notice of any such further hearing should by letter inform the Clerk of the Commons Commissioners as soon as possible specifying the registration a further hearing about which he might wish to attend or be represented at.

Dated this 12<sup>th</sup> day of July 1985

1985

corrected in page 1 by substituting by name for Exeter in the first line of the third paragraph.

*A. A. Baden Fuller*

Commons Commissioner

*A. A. Baden Fuller*

14 January 1986