



COMMONS REGISTRATION ACT 1965

Reference No. 209/D/339

In the Matter of Gidleigh Common, Gidleigh,  
West Devon District, Devon

DECISION

Introduction

This matter relates to 101 (not counting replacements) registrations made under the 1965 Act. My decision as regards each of the registrations is set out in the Second (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These disputes relate to the registrations at Entry Nos. 1 to 5 inclusive, 8, 10 to 16 inclusive (12 and 14 having been replaced by Nos. 127 and 128 and Nos. 134 and 135), 18 to 64 inclusive (56, 57 and 58 having been replaced by Nos 113 and 114, Nos. 116 and 117, and Nos. 123, 124 and 125), 66 to 68 inclusive, 70 to 76 inclusive, 78 (replaced by Nos. 130 and 131), 79, 80, 82 to 97 inclusive, 99 to 109 inclusive and 111 in the Rights Section of Register Unit No. CL134 in the Register of Common Lane maintained by the Devon County Council and are occasioned by Objections Nos. 147, 148, 566, 991 and 992 made by Gidleigh Parish Commoners Association and noted in the Register on 13 and 20 October and 17 December 1970 and 30 June 1972, by Objections Nos. 374, 375, 376, 377, 378 and 379 made by Colonel Alexander Craven Vicary and noted in the Register on 16 March 1971, and by Objections Nos 405, 406, 407, 408, 409 and 410 made by HRH Charles Prince of Wales, Duke of Cornwall and noted in the Register on 5 March 1971; and by the registrations at Entry Nos. 73, 79 and 102 being in conflict with each other.

I held a hearing for the purpose of inquiring into the disputes at Exeter on 7 and 8 February 1984. At the hearing (1) Gidleigh Parish Commoners Association ("GPCA") who made the Objection Nos. 147, 148, 560, 991 and 992 were represented by Mr F J Woodward solicitor of Burd, Pearse, Prickman & Brown, Solicitors of Okehampton; (2) Mrs Margaret Alice Katherine Madgwick of Scorhill, Gidleigh as daughter and successor of Col A C Vicary (he died June 1975) who made Objection Nos. 374 to 379 and who was the applicant for the Ownership Section registration at Entry No. 2, was also represented by Mr F J Woodward; (3) the Attorney General for the Duchy of Cornwall was represented by Mr C Sturmer, the Land Agent for their Dartmoor Estate; (4) Lady Sylvia Rosalind Pleadwell Sayer on whose application with Sir Guy Bouchier Sayer the Rights Section registration at Entry No. 3 was made attended in person and as representing him; (5) Admiral Sir James F Eberle as successor in title of Mr David Miller Scott on whose application the Rights Section registration at Entry No. 4 was made, was represented by Lady S R P Sayer; (6) Mr Arthur John Mortimore on whose application the Rights Section registration at Entry No. 16 was made was represented (for some of the time) by Mr R Keast, solicitor of Stephens & Scown, Solicitors of Exeter; and (7) Mrs Eleanor Nancy Smallwood on whose application the Rights Section registration at Entry No. 61 was made, was also represented by Lady S R P Sayer.

The land ("the Unit Land") in this Register Unit is a tract a little over 2 miles long from north to south and mostly more than 2 miles wide from its west side (a



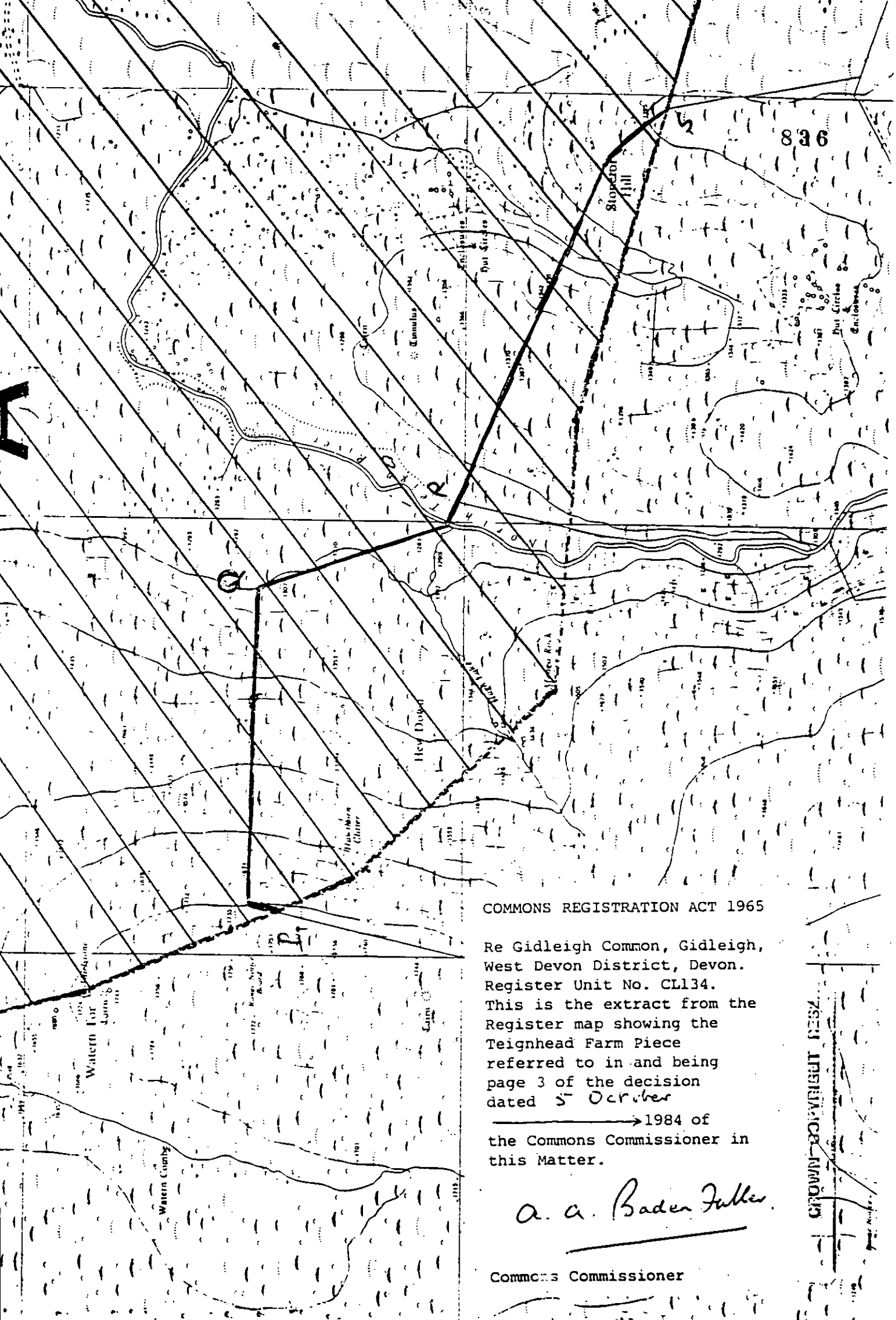
line through Watern Tor) to its east side (an irregular line passing through or near Ensworthy, Berrydown and Batsworthy). The Land Section registration being undisputed has become final. The Rights Section registrations originally numbered 111; of these nine Nos. 6, 7, 9, 17, 69, 77, 81, 98 and 110 (17 having been replaced by Nos. 120 and 121) being undisputed have become final; and one No. 65 has been cancelled without any replacement; the remaining 101 are disputed as aforesaid. In the Ownership Section at Entry No. 1, HRH Charles Prince of Wales, Duke of Cornwall is registered as owner of the south-west part ("the Duchy Part") of the Unit Land (about  $\frac{2}{3}$  rds of the whole, crossed by the North Teign River), and at Entry No. 2 Col. A C Vicary is registered as the owner of the north-east and remaining part ("the Vicary Part").

#### Course of proceedings

At the beginning of the hearing Mr Sturmer referred to some land ("the Teignhead Farm Piece") which for a little over 1 mile lies along and within the southwest boundary of the Unit Land and extends from such boundary at one point for about 750 yards but at other points less and mostly very much less. He said that the Teignhead Farm Piece was not common land and its inclusion in the registration was a mistake. After some discussion in the course of which I said I had no jurisdiction wholly to correct any such mistake because the Land Section registration and the said nine Rights Section registrations were final and therefore not within my jurisdiction, Mr Sturmer said that Objection No. 405 is withdrawn except as regards Teignhead Farm Piece as to which evidence would be given.

The grounds of Objection No. 405 are: "no rights exist" on the Duchy Part applicable to the registrations at Entry Nos. 3, 5, 30 to 47 inclusive and 61; the Teignhead Farm Piece is wholly within the Duchy Part. Nobody at the hearing wished to contend that any registrations extended over such Piece, I next heard the oral evidence of Mr Sturmer about it. To give precision to this part of my decision I have included at page 3 a copy of the relevant part of the Register Map on which I have marked PQRS the boundary of the Teignhead Farm Piece (so far as it is not the same as that of the Unit Land) with a thick black line; such boundary must be understood to be the thin black line on the Register Map (based on the OS 6" = 1 mile) which lies under my thick black line and which marks a stone wall.

Mr Sturmer who has been employed by the Duchy since 1965 and has been since 1970 their Agent for their Dartmoor Estate in the course of the first part of his oral evidence produced the documents Duchy/1 to 7 specified in Part 1 of the First Schedule hereto. He said (in effect):- The documents are from the archives in the Duchy's London Office sent to him by Dr Graham Haslam, the Duchy Archivist. It seemed that in or before 1797, the Duchy decided and the Lydford Manorial Court accepted that ancient newtakes should be converted and future intakes be effected by leases by the Duchy. Such a lease made for 99 years in 1808 comprised what has since become Teignhead Farm (including the Teignhead Farm Piece) and land to the north as appears from a contemporary map. Some 69 years later the lease was for some reason terminated and a 21 year lease to John Gemmel was granted, the map annexed to which shows much of what is now Teignhead Farm (including the Teignhead Farm Piece). The Duchy books show continuous lettings under various agricultural tenancies: 1880 to James Lamb, 1896 to Jane Lamb, 1900 to W & F Hamlyn, 1903 to F Hamlyn, 1916 to W R Amery, 1917 to R Amery, 1919 to R B Phillpot, 1944 Secretary of State for War (requisitioned) and 1950 to J Rowe. The northeast boundary of the Teignhead Farm Piece is



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Re Gidleigh Common, Gidleigh,  
 West Devon District, Devon.  
 Register Unit No. CL134.  
 This is the extract from the  
 Register map showing the  
 Teignhead Farm Piece  
 referred to in and being  
 page 3 of the decision  
 dated 5 October

→ 1984 of  
 the Commons Commissioner in  
 this Matter.

*a. a. Baden Fuller*

Commons Commissioner

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a substantial stone wall which has been regularly maintained by the Duchy Tenant, Mr John Rowe (he later gave evidence). The southwest boundary of the Teignhead Farm Piece is also part of the boundary of the Unit Land but except for occasional boundary stones is not a physical boundary at all. The rest of the Duchy/1 Map pink land is not common land at all (never registered under the 1965 Act). The Teignhead and Langridge Newtake Farm House (contemplated in 1808) disappeared about 20 years ago.

Next (7 February) Captain Edward Thomas George Madgwick R Canadian N, who is the son in law of Colonel A C Vicary, in support of Vicary Objections Nos. 374 to 378 gave oral evidence. The grounds of these Objections are to the effect that the rights in the registrations specified over the Vicary Part either do not exist, or do not include piscary, or shooting or pannage or minerals. He said (in effect):- He married in May 1943 and his wife was sole executrix of her father Colonel Vicary, who died in June 1975. He (the witness) had from about a year before his marriage known Colonel Vicary until his death, particularly during his last 12 years. He (the witness) had from Colonel Vicary heard a great deal about the Moor, his great delight being fishing (he had hatcheries at Scorhill). Colonel Vicary warned people off who were not fishing with his permission; he never found anybody shooting or anybody concerned with acorns; Occasionally he found people camping. Colonel Vicary was one of those people who believed nobody had a right over Gidleigh Common who did not have land and buildings in Gidleigh Parish; land without buildings was not enough; about this he was adamant. If anybody had attempted to exercise rights contrary to his belief, Colonel Vicary would have certainly told the witness or his wife. In answer to questions by Lady Sayer, Captain Madgwick said (in effect):- He remembered Colonel Vicary being concerned when there were discussions about the future of the North Teign River in relation to the Fernworthy Reservoir, and that he then appreciated the help given by Lady Sayer (in putting forward views they both shared). But Colonel Vicary did not connect such help with Venville which did not appear to come within the discussions. As to her suggestion that in April 1967 (the "Time of the North Teign Battle") he (the witness) did not think that Colonel Vicary ever thought of Venville rights when the incident came up.

Next (7 February) Mr Sturmer in support of Duchy Objections Nos. 406 to 410 asked that evidence he gave at hearings recently held by me about Belstone Common (part of Register Unit CL73) and Throwleigh Common (Register Unit No. CL19) should be treated as given about the Unit Land. (Nobody at the hearing objected to this). The grounds of these Objections are to the effect that the rights within the registrations specified over the Duchy Part did not include shooting, or piscary, or pannage, or taking wild animals and birds, or minerals. He asked that the documents formerly produced at the said hearing and specified in Part III of the First Schedule hereto, should be treated as produced at this Unit Land hearing. As to the registration at Entry No. 73 which included "minerals", he had spoken to the applicant Mr D C G Alford who had applied for a similar registration over the Forest of Dartmoor (CL164 Entry No. 829) and he had said that he was not claiming minerals (as a result of my June 1983 CL164 decision he lost his minerals claim over the Forest).



Next (8 February) Lady Sayer gave oral evidence in support of registration at Entry Nos. 3, 4 and 61 in the course of which she produced the statement specified in Part III of the First Schedule hereto. The County Council having told her and those she represented that they would no longer pursue their objections to any of their Venville rights registrations and the Duchy having withdrawn their Objections to the registration of Venville rights on the Unit Land, she thought it was logical to hope that the GPCA and Colonel Vicary would be minded to do the same.

Mr Woodward said that neither the GPCA nor Mrs Madgwick (as successor of Colonel Vicary) was minded to withdraw their Objections and asked Lady Sayer various questions in the course of which she said (in effect):- By putting their animals out and cutting their turf on the great common of which this (the Unit Land) is (in accordance with the decision of the Chief Commons Commissioner) part, they had exercised rights. They had not driven their ponies over the Unit Land; she had probably cut a vag from the Unit Land but this was done only in the presence of witnesses to determine whether those objecting were vigilant to stop any exercise of this right, and only on one occasion. She intended to uphold ancient usage in accordance with ancient documents as explained by the Chief Commons Commissioner. She was claiming as a Venville tenant and not by prescription or under a (lost) modern grant.

Next (8 February) in support of the GPCA objections Nos. 147, 148, 566, 991 and 992 oral evidence was given by Mr John Jordan of Moortown Farm, by Mr Donald Bentham who is now and has been since their formation the GPCA Secretary and by Mr John Rowe of Frenchbeer who has been the tenant for over 30 years of the Newtake mentioned by Mr Sturmer. The grounds of these Objections are to the effect that the registrations therein specified either the rights do not exist or as regard to No. 2 should be "for straying" not "grazing" and with regard to Entry No. 5 rights do not exist "to N. Forder, Throwleigh" and not objected to "S. Forder, Gidleigh."

Mr Jordan who is 36 years of age said (in effect):- The Objections Nos. 147, 148 and 566 were signed by his father as chairman of the GPCA which was formed in about 1950 (?1956). He lived in the Parish all his life and had been chairman of the Association ever since it started. The Objections were by him made on the basis that anyone who had land in Gidleigh had a right to graze; anybody who had not such land was automatically out. Objection No. 566 (should be for straying and not grazing) was on the basis that the straying was registrable and that GPCA did not object to it for animals in this Entry No. 2 mentioned. The Unit Land had been grazed by local farmers who live in the Parish: mostly Scotch Blackfaced Sheep and Black Galloway Cattle and some ponies. It was by no means overstocked at anytime; he had travelled there since he was about 10 years of age on horseback. None of those claiming the rights objected to had grazed on the Unit Land except there had been straying of animals who had no rights on the Unit Land, meaning animals from Throwleigh Common or Chagford Common; they were either put back to where they belonged (Throwleigh) or Chagford Common, or taken into one of the (Gidleigh) farms and then taken back to where they belong. He had never seen any animals from lands in Holne or Widecombe-in-the-Moor and would have seen them if they had ever been there. He had never seen Lady Sayer take vags.

Mr Bentham said (in effect):- He had signed Objections Nos. 992 and 993 on the assumption that the only people who had rights were those who had land or



tenements within the Parish and that for people outside, no rights existed. This was in accordance with the usage. He had a fair knowledge of the Moor, but not as extensive as that of Mr William Jordan.

Mr Rowe in the course of his oral evidence said (in effect):- Although at Entry No. 20 there was a registration made on his application of rights to graze on the Unit Land he accepted that he had no rights on it, although he had Venville rights on the Forest which had been confirmed. His newtake had a big wall which enclosed the Teignhead Farm Piece and the commoners from Gidleigh Common had no rights over the enclosed part; none of them had grazed there.

Next Mr Woodward made submissions in support of the GPCA Objections, leaving me with the analysis specified in Part V of the First Schedule hereto.

Next:- Having no evidence or information as to how to resolve the conflict between the registrations at Entry Nos. 73, 79 and 102, I asked Mr Jordan for information about the lands mentioned. He said (in effect):- Mrs B M Walker who applied for the No. 79 registration, was the owner of the whole holding, being Thule and the fields held with it as edged red on the Supplemental Map (JJ/3). His father Mr William Jordan and Mr D C G Alford who applied for the Nos. 102 and 73 registrations, purchased part of the holding leaving Mrs Walker as the owner of the remainder being the house and 3 small fields, together about 4 acres. In part to the north purchase by his father was about 22 acres and the part to the southwest purchased by Mr Alford was about 16 acres.

#### GPCA Objections

As to the registrations at Entry Nos. 3, 4 and 61 specified (among others) in GPCA Objections Nos. 147 and 148, the evidence and arguments of Lady Sayer about them were no more than and as regards nearly all matters very much less than the evidence and arguments about registrations essentially the same in Register Unit No. CL188 (Common Lands in Sheepstor) about which I had held a hearing in 1982. Then the evidence and arguments in support of the said CL188 registration were put forward by a solicitor on behalf of Sir Guy and Lady Sayer, Admiral Eberle and Mrs Smallwood, and in my decision dated 30 June 1983, I decided that they were not properly made. So even without the evidence of Mr J Jordan and Mr D Bentham above summarised, I would for the reasons set out in my CL188 decision have been against Lady Sayer about these Unit Land registrations. With the evidence of Mr Jordan and Mr Bentham, the case against them is stronger. The withdrawal at the hearing by Mr Sturmer was Objection No. 405 (except as regards the Teignhead Piece, conceded by Lady Sayer) is no reason for my refusing to give effect to the GPCA Objections which were at the hearing actively supported. My decision is therefore that these registrations at Entry Nos. 3, 4 and 61 were not properly made.

As regards the other registrations specified in GPCA Objections Nos. 147, 148, 566, 991 and 992 the grounds of the Objection except as regards Nos. 2 and 5 clearly put each registration wholly in question; so in the absence of any evidence or arguments in support of them I would have been against them. But I have the evidence summarised above by Mr J Jordan and Mr D Bentham, so the case against them is stronger. Additionally as regards Entry Nos 35, 43, and 47 I



have forms (yellow) signed in 1970 consequentially on Objection No. 148 by Lt-Col P R Lane-Joynt and Mr W H Norrish agreeing their cancellation, and as regards Entry Nos. 15 and 59 I have like forms signed in 1970 consequentially on Objection No. 991 by Messrs A Stanbury and E J Stanbury. Further on 9 February 1984 Mr Keast informed me as regards Entry No. 16, Mr A J Mortimore made no claims against the Unit Land. My decision is therefore that as regards all the registrations specified in these five GPCA Objections (except Nos. 2 and 5 as to which see below) were not properly made.

The registration at Entry No. 2 was made on the application of Mr J F Palmer and is of rights attached to Gorsemoor in Throwleigh, being "Turbarry, piscary, to take stone, to graze 80 sheep or 20 cattle or 20 ponies" over that part of the land comprised in this register unit and register unit Nos. CL73, CL155 & CL176 as lie within the Forest of Dartmoor ...". First as to the GPCA Objection No. 566, the grounds of which are "application for common grazing rights on Gidleigh Common should be for straying not grazing"; for the reasons set out under the heading "Straying" in my CL164 decision dated 30 June 1983 I consider that a registration of a right "to stray" should be avoided in the absence of special circumstances, so the grounds of the Objection in effect question the whole of the grazing part of the registration; in the absence of any evidence or argument in support of this part, I conclude that it was not properly made. Secondly, the registration is difficult to understand because at my hearing in 1982 about Register Unit No. CL164 being the Forest of Dartmoor, it was generally accepted that with some not now relevant exceptions the CL164 land comprised the whole of the Forest; so the registration is confusing. Thirdly, the registration is as regards piscary in question under the Vicary Objection No. 375 and the Duchy Objection No. 407, see below under the heading: "Pannage, animals, minerals and piscary". Fourthly, if there be no grazing right from this Throwleigh farm it would be contrary to the evidence of Mr Jordan and Captain Madgwick that there should be any right of turbarry or to take stone. In the absence of any evidence or argument in support of the registration, I conclude that no part of it was properly made. Because Mr J F Palmer may not have attended the hearing expecting that the registration would (except deleted piscary and substituting "stray" for "graze") in his absence be confirmed, I give to him and any person claiming under him liberty to apply for the hearing to be reopened so that he can offer evidence or argument in support of the registration (except as regards piscary); such application ~~may~~ be made within the time limit and otherwise as specified in the decision table being the Second Schedule hereto.

The registration at Entry No. 5 is of a right to graze attached to "land at North Forder, Gidleigh and Forder Farm, Throwleigh as shown edged red ... on the supplemental map ...". As I read the grounds of GPCA Objection No. 991 the right does not exist as attached to land in Throwleigh but is conceded as attached to land in Gidleigh. In the absence of any evidence or argument in support of the registration so far as it relates to Throwleigh, my decision is that on this reading the Objection succeeds. Although I have a copy of the supplemental map mentioned in the registration I am not sure of the line of the Parish boundary. I give effect to my decision assuming that it is the line of the Forder Brook and that the Throwleigh part is about 7/8 of that edged red on the supplemental map. On this basis I reduce the units (NFU scale) from 10 to 4. Because my decision about this registration is arbitrary, I give to those concerned either for or against this registration liberty to apply to reopen the hearing and set aside this part of this decision; such application should be made within the time limit and otherwise as specified in the decision table being the Second Schedule hereto.



## Teignhead Farm Piece

As to this, I accept the evidence about it given by Mr Sturmer as above summarised and conclude that none of the rights registered in the Rights Section of this Register Unit extends over the Teignhead Farm Piece.

The Land Section registration at Entry No. 1 and the Rights Section registrations at Entry Nos. 6, 7, 9, 17, 69, 77, 81, 98 and 110 have become final and I have therefore no jurisdiction to apply this conclusion to them. I accept the submission of Mr Sturmer that Duchy Objection No. 405 is widely enough expressed to enable me to give effect to such conclusion as regards the registrations specified in it being Nos. 3, 4, 30 to 47 and 61. My decision is accordingly that to this extent (none greater was asked for by Mr Sturmer) this Objection succeeds. Such success has no practical consequence because as explained above under the heading GPCA Objections all these registrations will be avoided altogether, and I need therefore say no more in this decision about Duchy Objection No. 405.

Mr Sturmer's intention as I understood him was that I should give effect to my said conclusion as regards all registrations within my jurisdiction. I have no note or recollection of his saying anything particular about the 17 registrations which are not specified in Duchy Objection No. 405 and to which none of the GPCA Objections is applicable, being Nos. 8, 10, 13, 24, 56, 57, 63, 67, 71, 72, 73, 78, 79, 91, 92, 101 and 102. Of these 17 registrations all except No. 79 are in dispute at least by reason of Duchy Objection Nos. 407 (no piscary) and/or 408 (no pannage). No. 79 is in dispute because it is in conflict with Nos. 73 and 102. To effect the intention of Mr Sturmer I shall treat him as having applied to amend the grounds of objections Nos. 407 and 408 by including words to the effect that no right exists over the Teignhead Farm Piece. Subject to the liberty to apply next below mentioned, I allow such amendment and decide that such 16 registrations should be modified so as to exclude the Teignhead Farm Piece.

By regulation 7 of the Commons Commissioners Regulations 1971, the registration at Entry No. 79 is to be treated as subject to a deemed general objection resulting from its conflict with the registrations at Entry Nos. 73 and 102. There is nothing in the regulation limiting the deemed objection precisely to the conflict, but I should not I think, go beyond the conflict without giving a liberty to apply as next mentioned. So subject thereto, my decision is that this registration too should be modified so as to exclude the Teignhead Farm Piece.

I give to those who applied for the said 17 registrations and to persons claiming under them liberty to apply to reopen the hearing and set aside my decisions under this heading; such application should be made within the time limit and otherwise as specified in the decision table being the Second Schedule hereto.

## Pannage, animals, minerals and piscary

The registrations of these rights are the subject of Duchy Objections No. 406 to 410 and Vicary Objections Nos. 375 to 379. Nobody at the hearing said that I should not give effect to these Objections; on the evidence above summarised of Mr Sturmer and Captain Madgwick my decision is that these Objections succeed and I shall give effect to them accordingly.





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## Others

As to the conflict between Entry No. 79 and Entry Nos. 73 and 102, I have no evidence except that provided as above recorded by Mr J Jordan about it. My decision is: (a) subject to the other Objections applicable to them, the registrations at Entry Nos. 73 and 102 were properly made; and (b) the registration at Entry No. 79 should be made subject to these registrations and have its numbers reduced as set out in paragraph 9 of the decision table, being the Second Schedule hereto. Because my decision about Entry No. 79 is arbitrary, I give to Mrs B M Walker and any other person concerned with it liberty to apply for the hearing to be reopened; such application should be made within the time limit and otherwise as specified in the said decision table.

As regards the said 17 registrations to which there was no GPCA Objection and the said registration at Entry No. 5, the evidence on behalf of the GPCA is not expressly at least impliedly supported them except to the extent of the successful Duchy and Vicary Objections; so my decision is that with these exceptions they were all properly made.

## Final

The effect of my above detailed decisions is set out in the decision table being the Second Schedule hereto. Such table should be treated as part of my decision.

Because much of this decision relates to persons who were not present or represented at the hearing and/or is dependant upon agreements or statements made about which there may be some mistake or error, I give liberty to apply to any person who might be affected by such mistake or error; such application should be made within the time limit and otherwise as specified in the said decision table.

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.

T. J. W. W. W.



FIRST SCHEDULE  
(Documents produced)

Part I: on behalf of Duchy about Teignhead Farm Piece)

Duchy/1	--	Map (2½ ins = 1 mile) showing pink Teignhead & Langridge Newtake and where it overlaps the Unit Land hatched red.
Duchy/2	(a) -- (b) 4 March 1808 (c) 5 March 1808 (d) -- (e) 5 March 1808	Certified copy from the Duchy Archives: (a) petition to Chancellor of HRH ... and the rest of (his) ... Council: by M Crawford and Lt Col R Fleming ... having chosen a newtake of 1881a. 3r.35p, petition a grant of 99 year lease under which they will undertake to enclose an erect two houses etc to establish two farms; (b) report thereon by Surveyor - General; (c) minute of HRH Council to Surveyor General authorising the making of Constat for a lease with parcels; (d) constat; (e) let to HRH Attorney and Solicitor General to prepare lease.
Duchy/3	5 March 1808	Lease (original counterpart produced) by HRH George Augustus Frederick Prince of Wales to Matthew Crawford and Richard Fleming of 1551a. 3r.25p crossed by River Teign from date for 99 years.
Duchy/4	--	Copy plan on said lease "of one unenclosed parcel of land situated in the Forest of Dartmoor and Manor of Lydford agreed to be granted as a lease by his Royal Highness the Prince of Wales to Matthew Crawford Esq".



- Duchy/5                    --                    Modern map showing 1808 leased land at Teignhead and Langridge Newtake, and as including to the north a permitted area never taken in as a newtake.
- Duchy/6                    29 June 1877                    Certified copy from Duchy Archives of lease by HRH Albert Edward Prince of Wales to John Gemmel of First Teignhead Farm containing about 1,340a. and secondly Muddelake Farm containing about 33la.3r.19p as delineated and defined upon the plan drawn thereon pink border for 21 years from 25 March 1877.
- Duchy/7                    From 1871 to 1951                    Extracts from Duchy Books of lettings under headings such as "Name of Tenant", "Description of Property" etc "from 1871 ... George Endacatt 1330 acres Teignhead Farm ... 3½ years from ... 1871" to "1951 War Department ... Teignhead Farm (derequisition 31/7/50)".

Part II: on behalf of Duchy about shooting, fishing and hunts

- Duchy/8                    --                    Specimen fishing licences, salmon week, salmon season, trout season, trout day and trout week.
- Duchy/9                    28 March                    Letters about shooting.  
8 June  
22 August 1908
- 23 April,                    Letters about shooting.  
24 May and 27  
July 1910
- 10 September 1932                    Letter persons who went shooting.



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2 October 1981 Letter enclosing £5 rent for permission to shoot over Riddon Ridge.

22 July and  
5 August 1953 Exchange of letters between Duchy and Devon River Board as to the Board's Bailiffs asking fishermen to produce their Duchy permits.

28 January 1954 Letter to F Warne about payment by Duchy for ensuring that fishermen in Duchy Waters have appropriate Duchy fishing ticket.

Before 1900 Specimen grant by Warden of the Stannaries in Cornwall and Rider and Master Forester of the Forest and Chace of Dartmoor of licence to hunt with Harriers from 1 October 18-- to 31 May 18--.

## Part III: by Lady Sayer

Sayer/101

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Statement about the registration at Entry No. 3, subheaded "Objections Nos. 405, 374 and 147".

## Part IV: referred to by Mr J Jordan about conflicting registrations

JJ/3.

Copy Supplemental Map referred to in column 5 of Entry No. 79 showing edged red Thule and fields held within it.

## Part V: left by Mr Woodward

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Gidleigh Commoners Association; Analysis of Objections on Gidleigh Common CL134 (5 pages double flscap).



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SECOND SCHEDULE  
(Decision table)

1. I REFUSE TO CONFIRM the registrations against which the Gidleigh Parish Commoners Association made Objections Nos. 147, 148, 566, 991 and 992, excepting only the registration at Entry No. 5, that is to say the registrations at the following Entry Nos. (the name of the applicant being in brackets):- 1 (S Beard), 2 (J F Palmer), 3 (G B and S R P Sayer), 4 (D M Scott), 11 (R Morley), 12 (G Harvey), 14 (G H W Scott), 15 (A and A Stanbury), 16 (A J and M H Mortimore), 18 (R S Perrott), 19 (M M Hinds), 20 (J Rowe), 21 (J Rowe), 22 (A F Endacott), 23 (R L Hill), 25 (C W S Mortimore), 26 (I G S Mortimore), 27 (P N Smith), 28 (F and G M M Wright), 29 (P N Smith), 30 (Holne Parish Lands Charity), 31 (D M Scott), 32 (H D and E M Pearce Gould), 33 (L O Perkins), 34 (A G Cousins), 35 (P R Lane-Joynt), 36 (R E Adam), 37 (L Jackson), 38 (E H and I A Woodward), 39 (F A Perryman), 40 (J B Townsend), 41 (F and A E Tozer), 42 (R G and A B Mortimore), 43 (P A Norrish), 44 (G E J Gawthorn), 45 (H and M I Clarkson), 46 (M I Clarkson), 47 (W H Norrish), 48 (J W Reddaway), 49 (G E Hodge), 50 (J A T Hodge), 51 (J Holman), 52 (R Hooley), 53 (W T G Wonnacott), 54 (S J Powlesland), 55 (J J Powlesland and D M Cole),  
58 (J R T and J B Tilly), 59 (E J Stanbury), 60 (P G Ansell), 61 (E N Smallwood), 62 (M L Hill), 64 (R Hamilton), 66 (W J, W J, M P and J Wedlake), 68 (C P and E B Heath), 70 (F E Harvey), 74 (E A J Worthington), 75 (V E Knapman), 76 (G H W and H H Scott), 80 (C J C Wonnacott), 82 (C G Hill), 83 (M A Sheridan), 84 (M Perryman), 85 (J Dunning), 86 (Belstone P C and N J Ash for Skaigh Wood Trust), 87 (A E Cottrell), 88 (C J White), 89 (J White), 90 (E J E Poole), 93 (H L Roberts), 94 (R Jury), 95 (E G Harvey), 96 (M J Sheridan), 97 (B W Heap and W E R Lambert), 99 (J S Mortimore), 100 (R S Windeat), 103 (J W Reddaway), 104 (D Moore and R Hooley), 105 (R R Kelly), 106 (J H Clark), 107 (J Allegri), 108 (V and M Pope Ltd), 109 (T M Firbank) and 111 (J A T Hodge), expressly including in the said registrations, those at Entry Nos. 123, 124, 125, 127, 128, 134 and 135 which replace some of those above mentioned.
2. I direct Devon County Council as Registration Authority to make an Entry in the Rights Section which by reference to such maps if any as they may think fit to provide is to the following effect:- "In this Rights Section the Teignhead-Farm Piece means part of the land in this Register Unit so called and described at page 2 of this decision and delineated on the plan being page 3 of this decision.
3. I CONFIRM the registration at Entry No. 5 (O P, L and H W Agett) with the modification in column 4 for "10" substitute "4" or in column 5 delete "and Ford Farm Throwleigh" and correct the supplemental map so as to exclude from the plan edged red thereon any land not in the parish of Gidleigh.
4. I CONFIRM the registrations at Entry No. 8 (M F G Bundy) with the modification in column 4 delete "piscary" and "pannage" and add at the end "except the Teignhead Farm Piece as in this Rights Section defined".
5. I CONFIRM the registrations at Entry No. 10 (A C Vicary), 13 (G T Millett), 24 (F H and E B Bowden), 56 (W G and I A Gidleigh Harris, replaced by Nos. 113 and 114), 57 (W T and I A Gidleigh Harris replaced by Nos. 116 and 117) and 67 (T S L Fox-Pitt) with the modification in column 4 delete "piscary" and



insert after the words "comprised in this register unit" the words "except the Teignhead Farm Piece as in this Rights Section defined".

6. I CONFIRM the registration at Entry No. 63 (R M Woolcombe) with the modification that in column 4 delete "piscary pannage" and insert after the words "land comprised in this Register Unit" the words "except the Teignhead Farm Piece as in this Rights Section defined".

7. I CONFIRM the registrations at Entry Nos. 71 (B M and C J Whatley), 72 (J R Terry), 78 (W Webber), 91 (T Endacott), 92 (G E Hughes) and 102 (W Jordan) with the modification in column 4 delete "piscary", "shooting", and "pannage", and insert after the words "comprised in this register unit" the words "except the Teignhead Farm Piece as in this Rights Section defined".

8. I CONFIRM the registration at Entry No. 73 (D C G Alford) with the modification in column 4 delete "piscary, shooting, pannage, minerals" and insert after the words "comprised in this register unit" the words "except the Teignhead Farm Piece as in this Rights Section defined".

9. I CONFIRM the registration at Entry No. 79 (B M Walker) with the modification in column 4 for "50 sheep, 20 cattle" substitute "5 sheep and 4 cattle" and add at the end "except the Teignhead Farm Piece" as in this Rights Section defined"; and in column 5 amend the supplemental map therein referred by deleting from the land edged red thereon so much thereof as is a part (are parts) of the land specified in column 5 of the registrations at Entry Nos. 73 and 102.

10. I CONFIRM the registration at Entry No. 101 (D Pentham) with the modification in column 4 delete "pannage", and insert after the words "comprised in this register unit" the words "except the Teignhead Farm Piece as in this Rights Section defined".

11. Where in this decision a liberty to apply is given such application should be made within THREE MONTHS from the day on which the decision is sent out (or such extended time as a Commons Commissioner may allow) and should in the first instance be by letter to the Clerk of the Commons Commissioners stating the mistake or error and the applicant's reason 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 the Commons Commissioner may direct a further hearing, unless he is satisfied that the error or mistake is obvious and all concerned are agreeable. Of such further hearing notice will be given only to those persons who on 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 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 the 5<sup>th</sup> — day of October 1984.

*a. a. Baden Fuller*