



COMMONS REGISTRATION ACT 1965

Reference No.9/U/32

In the Matter of Horsefield Common,  
Germansweek, Devon.

DECISION

This reference relates to the question of the ownership of land known as Horsfield Common, Germansweek, being the land comprised in the Land Section of Register Unit No.C.L.200 in the Register of Common Land maintained by the Devon County Council, of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference the Germansweek Parish Council claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Exeter on 18th July 1972.

Mr. E. Littlejohns, the Chairman of the Parish Council, appeared at the hearing. He produced the minute book of the Parish Meeting, which the Parish Council succeeded in 1970. This shows that on 7th July 1919 the Parish Meeting resolved to inclose the land in question in this reference as a pleasure ground and to place a war memorial on it. The land was drained and the memorial erected, and on 11th August 1920 the memorial was unveiled and the pleasure ground opened. Since then the pleasure ground has been maintained by the Parish Meeting and, more recently, by the Parish Council. On this evidence I am satisfied that, whatever the position may have been before 1919, the Parish Council, as successor to the Parish Meeting, has a possessory title to the land. I shall accordingly direct the Devon County Council, as registration authority, to register the Germansweek Parish Council as the owner of the land.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 25<sup>th</sup> day of July 1972

  
Chief Commons Commissioner