



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/36

In the Matter of Land at Moulton Hill,
Salcombe, Devon

DECISION

This reference relates to the question of the ownership of land at Moulton Hill, Salcombe, being the land comprised in the Land Section of Register Unit No. CL 261 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 Mr A P Stumbles 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 27 November 1979.

At the hearing Mr Stumbles appeared in person.

The land in question was in the ownership of Mr Albert Smith Stumbles, who died on 11 January 1931. During the period between 1931 and 1972 certain doubts arose as to the destination of the fee simple interest in the land, but these doubts were set at rest by two conveyances made 5 December 1972, one between Winifred Dora Goodrick (2) Albert Paul Stumbles and the other between (1) Winifred May Heard and (2) Albert Paul Stumbles.

By a conveyance made 28 December 1972 between (1) A P Stumbles and (2) C F Colt, a small part of the land was conveyed to Mr Colt. There was no evidence as to the present ownership of this part of the land.

On this evidence I am satisfied that Mr A P Stumbles is the owner of the major part of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register him as the owner of that part of the land under section 8(2) of the Act of 1965.

In the absence of any evidence as to the present ownership of the small area conveyed to Mr Colt, I am not satisfied that any person is the owner of that part of the land, and it will therefore remain subject to protection under section 9 of the Act of 1965.

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

11th

day of

December

1979


Chief Commons Commissioner