



In the Matter of Lodiswell Butts, Ham Butts, The Pound,
and The Well, Lodiswell, Devon

DECISION

This reference relates to the question of the ownership of land known as Lodiswell Butts, Ham Butts, The Pound, and The Well, Lodiswell, being the land comprised in the Land Section of Register Unit No. CL 231 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 Mrs S Yabsley 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, I gave leave for Mrs Yabsley, who is a lady somewhat advanced in years, to be represented by her son-in-law, Mr W Gardner.

Mrs Yabsley's late husband, Mr W J Yabsley, purchased a house known as "Prospect House", Lodiswell, which was conveyed to him by a conveyance made 12 March 1946 between (1) Harold William Yalland (2) William Francis Yabsley. This property was vested in Mrs Yabsley by an assent made 15 December 1972 by Dorothy Frances Gardner, the personal representative of Mr W F Yabsley.

The part of the land comprised in the Register Unit known as The Pound lies to the south of Prospect House, which has a door opening onto it. It is not clear from the conveyance whether The Pound was conveyed with the house, but ever since Mr Yabsley purchased the house, The Pound has been cultivated as its garden. Whether included in the conveyance or not, Mr Yabsley cultivated The Pound long enough to acquire a possessory title to it.

On this evidence I am satisfied that Mrs S Yabsley is the owner of The Pound, and I shall accordingly direct the Devon County Council, as registration authority, to register her as the owner of The Pound under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the rest of the land comprised in the Register Unit, 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

G. S. Yabsley
Chief Commons Commissioner