



In the Matter of Lustleigh Cleave, Lustleigh,
Devon (No 1)

DECISION

These disputes relate to the registrations at Entry Nos 1 - 4, 6 - 30 and 32 - 34 in the Rights section of Register Unit No CL 57 in the Register of Common Land maintained by the Devon County Council and are occasioned by Objection No 91 made by Mr V A M Hunt and noted in the Register on 9 September 1970, Objection No 484 made by Capt S Bullock-Webster and noted in the Register on 10 November 1970, Objection No 335 made by Mr Hunt and Objection No 485 made by Capt Bullock-Webster and both noted in the Register on 11 November 1970; Objection No 614 made by Mrs B MacDonald, Objection No 336 made by Mr Hunt and Objection No 175 made by Mrs B Short and all noted in the Register on 12 November 1970, Objection No 612 made by Mrs MacDonald and noted in the Register on 13 November 1970, Objection No 332 made by Mr Hunt and noted in the Register on 24 November 1970, Objection No 885 made by Mrs MacDonald and noted in the Register on 25 November 1970, and Objections Nos 1053 to 1059 (inclusive) all made by Capt Bullock-Webster and all noted in the Register on 14 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Exeter on 4 and 5 April 1978. The hearing was attended by Mr B S Lee of Messrs Pulleyblank and Lee, the successors in title of Mr P Olver, the applicant for the registration at Entry No 2, Mr R J Schroeder, the successor in title of Major B A Hamilton, the applicant for the registration at Entry No 3, Lt-Col. F H Pellew, the applicant for the registration at Entry No 4, Mr K E Sims on behalf of Mrs M M Sims, the applicant for the registration at Entry No 8, Mr A Williamson, solicitor, on behalf of Mrs B Short, the Objector and also the applicant for the registration at Entry No 11, Mr J R B Corps, the successor in title of Mr C O Holland, the applicant for the registration at Entry No 12, Dr W H Bradbeer, the successor in title of Mr H W Hawker, the applicant for the registration at Entry No 13, Mr W R Bond, the applicant for the registration at Entry No 15, Mr G C Middleton, solicitor, on behalf of Barclays Bank Ltd as executors of Mrs M S Bennion, deceased, the applicant for the registration at Entry No 20, Mr J F C G Bennett, the applicant for the registration at Entry No 21, Mr Hunt, the Objector and also the applicant for the registration at Entry No 22, Mr E F Smith, one of the applicants for the registration at Entry No 24, Mrs G Thomas, the applicant for the registration at Entry No 26, Capt Bullock-Webster, the Objector and the applicant for the registration at Entry No 29 and also on behalf of his son, the successor in title of the late Mrs M D S Bullock-Webster, the applicant for the registration at Entry No 28, and Miss P M Roberts, the applicant for the registration at Entry No 32. There was no appearance by or on behalf of the applicants for the other registrations.

There is one point which is common to a number of the registrations. These registrations include rights which are in some cases described as "shooting" and in others as "sporting". In several of these cases it was proved or admitted that the applicant was entitled to sporting rights over the land comprised in the Register Unit, but the question was raised whether such rights are rights of common and so capable of registration under the Commons Registration Act 1965.



The definition of "rights of common" in section 22(1) of the Act of 1965 does not afford any assistance on this point. "Rights of common" are defined so as to include certain rights which would not otherwise be regarded as rights of common, but it is still necessary to consider the pre-existing law in order to determine the full content of the definition.

A right of common is an incorporeal hereditament giving a right to take some part of the natural produce of the land over which it is exercisable. The kinds of produce which are capable of being the subject of rights of common seem to be nowhere defined with precision. Coke upon Littleton 122a says that in addition to common of pasture "There be also divers other commons, as of estovers, of turbary, of piscary, of digging for coles, minerals, and the like." It is not, however, clear whether by "and the like" Coke was referring to substances other than coals and minerals which could be dug out of the ground or to some other kind of common. It is suggested in Elton on Commons 118 that a right to take birds found on land can be a right of common. If such a right is a right of common, it is so on the basis that the birds are part of the natural produce of the land. A right to kill and carry away wild duck was held to be a profit à prendre in Lord Fitzhardinge v Purcell [1908] 2 Ch. 189. On the other hand, a distinction between a mere right to go on land for shooting and such a right coupled with a right to take away the game killed was drawn in Webber v Lee (1882) 9 Q.B.D.315. The right to take away the game was held to be a profit à prendre. A mere right to shoot is not a profit à prendre. A right to shoot differs fundamentally from a right of common. Rights of common result from the same necessity as common of pasture, namely for the maintenance and carrying on of husbandry; common of piscary being for the sustenance of the commoner's family, common of turbary for his fuel etc: see Clayton v Corby (1843) 5 Q.B.415, 420. A right of shooting or sporting, even when joined with a right to take game, is exercised primarily for pleasure, the value of the game as food for the commoner's family being a secondary consideration. Here what is claimed is nothing but what Bowen J. in Webber v Lee, supra called a "licence to enjoy an amusement on land". I therefore refuse to confirm all the registrations in so far as they include rights of shooting or sporting. I am not, of course, deciding that the applicants for the registration of such rights are not entitled to them. That is a matter with which I would be concerned only if they were rights of common.

Having come to a conclusion on that general point, I turn to each registration separately.

Entry No 1. In a letter addressed to the Clerk of the County Council, dated 30 November 1970, Mr J T Gitson, the applicant for this registration stated that he agreed to its being cancelled. I therefore refuse to confirm this registration.

Entry No 2. This registration is the subject of Objections by Mr Hunt and Mrs MacDonald in so far as it includes a right to graze 50 head of cattle or 200 sheep and sporting rights. In 1973 a number of informal meetings were held at which most of the applicants for registrations of grazing rights agreed upon a stocking formula based upon the area of the eligible home land. It appears that Mr Olver, the applicant for this registration, was in favour of this formula. The formula would result in this case in 47 head of cattle or 282 sheep. To apply this precisely would raise the number of sheep in the registration. I do not consider that it would be right for me to raise the number of sheep since, if that number had been registered in the first place, there might have been an objection to it. In the circumstances I confirm the registration with the following modifications, namely, the substitution of the figure "47" for the figure "50", and the deletion of the words "sporting rights".



Entry No 3. This registration is the subject of Objections by Capt Bullock-Webster, Mr Hunt, and Mrs MacDonald in so far as it includes a right to graze 20 adult bullocks and 100 adult sheep and sporting rights. All the parties agreed that the grazing rights should be for 15 bullocks or 90 sheep. I therefore confirm the registration with the following modifications, namely the substitution of the figure "15" for the figure "20", the substitution of the word "or" for the word "and", and the substitution of the figure "90" for the figure "100" and the deletion of the words "sporting rights".

Entry No 4. This registration is the subject of objections by Mr Hunt in so far as it includes a right to graze 3 sheep, 1 bullock, and 1 pony and by Mr Hunt and Mrs MacDonald in so far as it relates to sporting rights. The agreed stocking formula would result in this case in 6 sheep or 1 bullock or 1 pony, but since the registration specifies only 3 sheep, I confirm the registration with the following modifications, namely the substitution of the figures and words "or 1 bullock or 1 pony" for the figures and words "1 bullock and 1 pony" and the deletion of the words "sporting rights".

Entry No 6. This registration is the subject of an objection by Mr Hunt in so far as it includes a right of piscary. There being no appearance by or on behalf of the applicant for the registration, I confirm it with the following modification, namely, the deletion of the word "Piscary".

Entry No 7. This registration is the subject of objections by Mr Hunt in so far as it includes a right to graze 20 cattle and a right of shooting. There being no appearance by or on behalf of the applicant for the registration, I confirm it with the following modification, namely, the deletion of the words and figure "To graze 20 cattle. Shooting".

Entry No 8. This registration is the subject of objections by Mr Hunt in so far as it includes a right to graze 2 horses and a right of piscary. After hearing the evidence of the husband of the applicant for the registration, Mr Hunt agreed that the rights had been made out. I therefore confirm the registration.

Entry No 9. This registration is the subject of objections by Mr Hunt, Mrs MacDonald, and Capt Bullock-Webster in so far as it includes a right to graze 4 horses, by Mr Hunt and Mrs MacDonald in so far as it relates to a right to shoot, and by Mr Hunt and Capt Bullock-Webster in so far as it relates to a right to fish. The agreed stocking formula results in this case in 1 pony. There being no appearance by or on behalf of the applicant for the registration, I confirm it with the following modifications, namely, the deletion of the words "To shoot. To fish" and the substitution of the figure and word "1 pony" for the figure and word "4 horses".

Entry No 10. This registration is the subject of objections by Mr Hunt in so far as it includes a right of piscary, by Mr Hunt and Mrs MacDonald in so far as it includes a right to shoot, and by Mr Hunt and Capt Bullock-Webster in so far as it includes a right to graze 10 cattle or ponies and 50 sheep. The agreed stocking formula would result in this case in 3 sheep. There being no appearance by or on behalf of the applicant for the registration, I confirm it with the following modifications, namely, the deletion of the words "Piscary. To shoot" and the substitution of the figure "3" for the figures and words "10 cattle or ponies 50".

Entry No 11. This registration is the subject of objections by Mrs MacDonald in so far as it includes a right of shooting, by Mr Hunt in so far as it includes a right of piscary and a right to graze 4 bullocks or 12 sheep. After Mrs B Short,



the applicant for the registration, had given evidence it was agreed that a right to graze 2 bullocks or 6 sheep had been proved.

Mr Hunt's objection in respect of the right of piscary was based on the fact that the house on the dominant tenement was a barn before it was converted into a house in 1925 and so was not an ancient house or a house built on the site of an ancient house. Mr Hunt based this contention on a passage in 5 Halsbury's Laws of England (3rd edition) para. 794, repeated in 6 Halsbury (4th edn), para 583. It seems to me, however, that Mr Hunt has been misled by the wording of this passage, which at first sight does appear to support his contention. In my view, the correct rule is that where a right of piscary is claimed by prescription it must be in respect of a house or a house built on the site of a house which was in existence at the beginning of the prescription period. The house need only be "ancient" in this sense. Once the right has been acquired it can only be exercised in respect of that house or its successor and not in respect of an entirely new house. So far as the new house is concerned, the period required for prescription would have to start afresh. Mrs Short gave evidence of fishing by her husband and later by her son since 1925, which would be sufficient to support a claim to a right of piscary appurtenant to her house by prescription under the Prescription Act 1832.

I therefore confirm the registration with the following modifications namely, the substitution of the figures "2" and "6" for the figures "4" and "12" respectively and the deletion of the word "shooting".

Entry No 12. This registration is the subject of objections by Mr Hunt in so far as it includes a right of piscary and a right to graze 5 bullocks or 5 ponies or 15 sheep or 5 cows and followers, and by Capt Bullock-Webster in so far as it relates to a part of the land to which the rights are claimed to be attached. Mr J B B Corps, the successor in title of Mr C O Holland, the applicant for the registration stated that he did not wish to support the claim to a right of piscary and that he was agreeable to an amendment of the description of the dominant tenement to meet Capt Bullock-Webster's objection. The agreed stocking formula results in this case in 1 bullock or 3 ponies or 9 sheep or 1 cow. I therefore confirm the registration with the following modifications, namely, the deletion of the word "piscary" and the substitution of the figures and words "1 bullock or 3 ponies or 9 sheep or 1 cow" for the figures and words "5 bullocks or 5 ponies or 15 sheep or 5 cows and followers" and the substitution of the word and figures "and 8974" for the words and figures "8974 and pt 8989".

Entry No 13. This registration is the subject of objections by Mr Hunt in so far as it includes a right of piscary and a right to graze 2 bullocks and 6 sheep. After evidence that the dominant tenement was mentioned in a manorial survey made in 1615, Mr Hunt accepted the existence of the right of piscary. The agreed stocking formula results in this case in 1 bullock and 6 sheep. I therefore confirm the registration with the following modification, namely, the substitution of the figure "1" for the figure "2".

Entry No 14. This registration is the subject of objections by Mr Hunt, Mrs MacDonald, and Capt Bullock-Webster in so far as it includes a right to graze 50 sheep, 10 horses or 10 ponies and by Mrs Short in so far as it relates to a part of the dominant tenement. The agreed stocking formula results in this case in 24 sheep 4 horses or 5 ponies. The supplemental map bearing the number of this registration is on a small scale, but it indicates that a small area edged red on it is also edged red on the supplemental map numbered 11, which relates to Mrs Short's registration. There was no appearance by or on behalf of the applicants for the registration at Entry No 14, but Mr J R F Amery enclosed in a letter a map on a larger scale which clarifies the position. The disparity



between this map and a map on the same scale produced by Mr Williamson on behalf of Mrs Short is very small. In default of appearance by the applicants I shall give effect to Mrs Short's objection by substituting a new supplemental map on the larger scale. I ought to make it clear that in giving effect to Mrs Short's objection I am not deciding that she is the owner of the land which is on both supplemental maps, but only that that land is part of the dominant tenement in Entry No 11 and not part of that in Entry No 14. There is no reason in law why the dominant tenement shown on a supplemental map should not comprise land in different ownerships. I therefore confirm the registration with the following modifications, namely, the substitution of the figures and words "24 sheep or 4 horses or 5 ponies" for the figures and words "50 sheep, 10 horses or 10 ponies" and the substitution of a new supplemental map bearing the number of this registration.

Entry No 15. This registration is the subject of objections by Mr Hunt in so far as it includes a right of piscary, and by Mr Hunt and Capt Bullock-Webster in so far as it includes a right to graze 50 sheep, 30 bullocks, and 10 horses. Mr Bond, the applicant for the registration, agreed that he had no right of piscary. The stocking formula agreed by most of the other parties results in this case in 33 sheep or 6 bullocks or 6 horses. Mr Bond did not agree with this formula and he gave evidence that on the basis of levancy and couchancy he should be able to graze 14 or 15 bullocks or 30 or 40 sheep. This was a hypothetical estimate, because Mr Bond does not farm the dominant tenement of 15 acres separately, but with other farms having a much larger acreage. While Mr Bond's estimate with regard to sheep is in line with the views of most of the other parties, his estimate with regard to bullocks is considerably greater. It must, however, be borne in mind that the stocking formula is an apportionment of the estimated capacity of the servient tenement and is not based on the levancy and couchancy of the dominant tenements. Mr Bond estimated that the 15 acres of the dominant tenement would produce 100 bales of hay an acre and that one bullock would require $\frac{1}{2}$ a bale a day from 1 December until 1 April. This would mean a capacity of about 24 bullocks. At the date of the hearing Mr Bond had 15 bullocks and 8 ewes with their lambs on the land. On the evidence given by Mr Bond this registration must be excessive. Giving the best consideration that I can to the rather imprecise and not wholly consistent evidence of Mr Bond, I have come to the conclusion that 90 sheep or 15 bullocks or 15 horses is the correct assessment based on levancy and couchancy. Although the registration relates to only 50 sheep and 10 horses, these animals are in addition to 30 bullocks, making a total equivalent of 290 sheep on the basis of the stocking formula, to raise the numbers of sheep to 90 and the number of horses to 15 as alternatives to a reduced number of 15 bullocks would not result in an increase in the burden on the servient tenement to which some other person might have objected. I therefore confirm the registration with the following modifications, namely the deletion of the word "Piscary" and the substitution of the figures and words "90 sheep or 15 bullocks or 15 horses" for the figures and words "50 sheep, 30 bullocks, 10 horses".

Entry No 16. This registration is the subject of objections by Mr Hunt in so far as it relates to sporting rights and the right to graze 1 horse, 1 cow, or 4 sheep. Although there was no appearance by or on behalf of the applicant for the registration, it is well within the agreed stocking formula. I therefore confirm the registration with the following modification, namely, the deletion of the words "sporting rights".



Entry No 17. This registration is the subject of objections by Mr Hunt in so far as it includes a right of piscary, and by Mr Hunt and Capt Bullock-Webster in so far as it includes a right to graze 1 horse. The agreed stocking formula results in this case in 1 pony. In the absence of any appearance by or on behalf of the applicant for the registration, I confirm the registration with the following modifications, namely, the deletion of the word "Piscary" and the substitution of the word "pony" for the word "horse".

Entry No 18. This registration is the subject of objections by Mr Hunt and Mrs MacDonald in so far as it includes shooting rights, and by Mr Hunt in so far as it includes a right to graze 100 cows and their calves, 200 ewes and their lambs and 10 horses. The agreed stocking formula results in this case in 60 cows or 360 sheep or 60 horses. There being no appearance by or on behalf of the applicant for the registration, I confirm it with the following modifications, namely, the deletion of the words "shooting rights, Piscary" and the substitution of the figures and words "60 cows or 360 sheep or 60 horses" for the figures and words "100 cows and their calves, 200 ewes and their lambs, 10 horses or any combination of 1 cow to 5 ewes or 2 horses".

Entry No 19. This registration, which consists of shooting rights and a right of piscary, is the subject of objections by Mr Hunt. In the absence of any appearance by or on behalf of the applicant for the registration, I refuse to confirm it.

Entry No 20. This registration is the subject of objections by Mrs MacDonald in so far as it includes a right of shooting, and by Mr Hunt in so far as it includes a right to graze 51 bullocks or ponies and 204 sheep. The stocking formula agreed by most of the other parties, results in this case in 29 bullocks or 38 ponies or 172 sheep. Mr Middleton stated that the applicants for the registration did not agree with this formula. Mr R J Michelmore, F.R.I.C.S. gave evidence that the number of animals in the registration were calculated by applying a stint of 2 bullocks and 8 sheep to 3 acres, which he said was general in this part of Devon, to 76 acres, the area of Peck Farm, the dominant tenement. In considering the disparity between the stocking formula and Mr Michelmore's evidence it must be borne in mind that the stocking formula is an apportionment of the estimated capacity of the servient tenement, while Mr Michelmore has applied himself to the question of levancy and couchancy, which is in law the correct measure. Evidence was also given by Mr L G Pearse, who has been the tenant of Peck Farm for the last 12 years. Mr Pearse said that he had regularly put 150 to 200 sheep and 15 to 20 ponies on the servient tenement, though not usually together, and that he could make enough hay to keep the sheep through the winter.

Mr Hunt did not challenge the evidence of Mr Michelmore and Mr Pearse on the basis on which they gave it, but argued that there ought not to be a "free for all".

In so far as there is any disparity between the evidence of Mr Michelmore and Mr Pearse, I prefer that of Mr Pearse, since he has practical experience of Peck Farm, while Mr Michelmore's evidence was based on his general experience of land on the fringe of Dartmoor. I do not, of course, disregard Mr Michelmore's evidence, but it appears to me, in the light of Mr Pearse's evidence, that he has somewhat over-rated the quality of the land comprised in Peck Farm. Giving what I regard as due weight to the evidence of both witnesses, I confirm the registration with the following modifications, namely the deletion of the words "Shooting, Piscary" and the substitution of the figures and words "32 bullocks or 43 ponies or 190 sheep" for the figures and words "51 bullocks or ponies and 204 sheep or their equivalent at N.F.U. Scale".



Entry No 21. This registration is the subject of objections by Mr Hunt and Mrs MacDonald in so far as it includes a right of shooting, by Mr Hunt in so far as it includes a right of fishing, and by Mrs MacDonald and Capt Bullock-Webster in so far as it includes a right to graze 50 cattle and 50 sheep. The agreed stocking formula results in this case in 2 bullocks or 11 sheep. I confirm the registration with the following modifications, namely, the deletion of the words "Shooting, Fishing" and the substitution of the figures and words "2 bullocks or 11 sheep" for the figures and words "50 cattle and 50 sheep".

Entry No 22. This registration is the subject of objections by Mrs MacDonald and Capt Bullock-Webster in so far as it includes sporting rights and a right to graze 100 cattle and followers, 200 sheep, and 10 horses. The agreed stocking formula results in this case in 16 bullocks or 95 sheep or 16 horses. I therefore confirm the registration with the following modifications, namely the deletion of the words "Sporting rights" and the substitution of the figures and words "16 bullocks or 95 sheep or 16 horses" for the figures and words "100 cattle and followers, 200 sheep, 10 horses".

Entry No 23. This registration is the subject of objections by Mr Hunt in so far as it includes a right of piscary and sporting rights, but before the hearing Mr and Mrs P G Hewison, the applicants for the registration, informed the Clerk of the Commons Commissioners by letter that they wished to "withdraw" the application in respect of these rights. The registration also includes rights of estovers, turbary, and pannage and a right to graze 1 bullock or pony and 2 sheep or their equivalent, which were not the subject of any objection. I therefore confirm the registration with the following modifications, namely, the deletion of the words "Piscary" and "Sporting Rights".

Entry No 24. This registration is the subject of objections by Mr Hunt in so far as it relates to a right of piscary, and by Capt Bullock-Webster in so far as it relates to a right to graze 2 ponies. After hearing evidence that the house on the dominant tenement was built on ancient foundations, Mr Hunt stated that he did not wish to pursue his objection. Mr Smith and Capt Bullock-Webster informed me that they were agreed that the right to graze should be limited to 1 pony. I accordingly confirm the registration with the following modification, namely, the substitution of the figure and word "1 pony" for the figure and word "2 ponies".

Entry No 25. This registration is the subject of objections by Mr Hunt in so far as it includes a right of piscary, and by Mr Hunt and Mrs MacDonald in so far as it includes a right of piscary and sporting rights, but before the hearing Mrs M K J Hewison and Mrs Joan Lock, the applicants for the registration, informed the Clerk of the Commons Commissioners by letter that they wished to "withdraw" the application in respect of these rights. The registration also includes rights of estovers, pannage, and turbary and a right to graze 2 bullocks or ponies and 10 sheep (or their equivalent in N.F.U. units), which were not the subject of any objection. I therefore confirm the registration with the following modifications, namely, the deletion of the words "Piscary" and "Sporting Rights".

Entry No 26. This registration is the subject of objections by Mr Hunt in so far as it relates to a right of piscary, and by Capt Bullock-Webster in so far as it relates to a right to graze 2 ponies. Mrs G Thomas, the successor in title of Mr and Mrs G L Beardon, the applicants for the registration, adduced evidence that the house on the dominant tenement was built on a virgin site in 1909. There was no evidence that a right of piscary had since been acquired by prescription. Mrs Thomas and Capt Bullock-Webster informed me that they were agreed that the right to graze should be limited to 1 pony. I accordingly confirm the registration with the following modifications, namely, the deletion



of the word "Piscary" and the substitution of the figure and word "1 pony" for the figure and word "2 ponies".

Entry No 27. This registration is the subject of objections by Mr Hunt, Mrs MacDonald and Capt Bullock-Webster in so far as it relates to a right of shooting, by Mr Hunt and Capt Bullock-Webster in so far as it relates to fishing, and by Capt Bullock-Webster in so far as it relates to a right to graze 100 sheep with their lambs or equivalent. There was no appearance by or on behalf of the applicants for the registration. The agreed stocking formula results in this case in 5 bullocks or 7 ponies or 30 sheep. I therefore confirm the registration with the following modifications, namely, the deletion of the words "Shooting Fishing" and the substitution of the figures and words "5 bullocks or 7 ponies or 30 sheep" for the figures and words "100 sheep with their lambs or equivalent:- 1 cattle beast = 1 pony = 4 sheep".

Entry No 28. This registration is the subject of objections by Mr Hunt and Mrs MacDonald in so far as it relates to sporting rights. Mr Hunt stated that he accepted that there was a prescriptive right of sporting, but contended, in my view rightly, that this was not a right of common. I therefore confirm the registration with the following modification, namely, the deletion of the words "Sporting Rights".

Entry No 29. This registration is the subject of objections by Mr Hunt and Mrs MacDonald in so far as it relates to a right of sporting, and by Mrs MacDonald in so far as it relates to a right to graze 26 bullocks or ponies and 100 sheep or equivalent. Mr Hunt stated that he accepted that there was a prescriptive right of sporting, but contended, in my view rightly, that this was not a right of common. Mrs MacDonald did not pursue her objection in respect of the right to graze. I therefore confirm the registration with the following modification, namely, the deletion of the word "Sporting".

Entry No 30. This registration of a right to graze 2 stock units (NFU Scale) is the subject of an objection by Capt Bullock-Webster. The agreed stocking formula results in this case in 1 pony. Therefore, in the absence of any appearance by or on behalf of Mr and Mrs S R Donaldson, the applicants for the registration, I confirm the registration with the following modification, namely, the substitution of the figure and word "1 pony" for the figure and words "2 stock units (NFU) Scale".

Entry No 32. This registration of a right to graze 40 cows or ponies or 200 sheep is the subject of an objection by Mrs MacDonald. Miss P M Roberts, the applicant for the registration, stated that she accepted the agreed stocking formula, which results in this case in 15 bullocks or 20 ponies or 90 sheep. I therefore confirm the registration with the following modification, namely, the substitution of the figures and words "15 bullocks or 20 ponies or 90 sheep" for the figures and words "40 cows or ponies or 200 sheep".

Entry No 33. This registration is the subject of an objection by Mr Hunt in so far as it relates to a right of piscary. In the absence of any appearance by or on behalf of the applicant for the registration, I confirm the registration with the following modification, namely, the deletion of the word "Piscary".

Entry No 34. Ms J M Dutton, the applicant for the registration, applied by letter dated 6 September 1971 for it to be "cancelled". I therefore refuse to confirm the registration.



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

22nd

day of

May

1978

CHIEF COMMONS COMMISSIONER