



In the Matter of Mardon Down, Moreton -
hampstead

DECISION

This reference relates to the question of the ownership of land known as Mardon Down, Moretonhampston being the land comprised in the Land Section of Register Unit No. CL.111 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 P E Pettit and Moretonhampstead 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 2 June 1981. Mr Pettit appeared in person and Mrs P G Palmer (a member) appeared for the Parish Council.

Mr Pettit produced a Conveyance made the 23 November 1965 between the Ecclesiastical Commissioners of England of the one part and John Baldwin Gregory of the other part whereby J B Gregory acquired Mardon Down (therein referred to as Mardon Common) together with other property all of which had previously belonged to the Dean & Chapter of Canterbury and had become vested in the Commissioners. The said J B Gregory died in 1915 without having disposed of Mardon Down and Mr Pettit produced documents which established to my satisfaction that the legal estate in Mardon Down was vested in him as Executor of the last surviving Trustee of the Will of J B Gregory.

Mrs Palmer produced a letter from the Church Commissioners dated 11 December 1980 which stated that the Ecclesiastical Commissioners at the time of the Conveyance to J B Gregory only owned 2/3rds of the Manor of Docombe the other 1/3rd being owned by The Earl of Devon. This statement which is at variance with another sentence in the same letter and with the recitals in the Conveyance of 1865 is not supported by any evidence.

Mr Pettit produced several recent instances in which his ownership of the Down had been recognised by outside authorities.

Mrs Palmer asked for an adjournment to continue her researches but this case has stood over since 1979 for this very purpose.

For these reasons I am satisfied that Paul Eaton Pettit is the owner of the land, and I shall accordingly direct the Devon County Council as registration authority, to register him as the owner of the land under Section 8 (2) of the Act of 1965.



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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 11 day of June 1981

George Harkness

Commons Commissioner