



COMMONS REGISTRATION ACT 1965

Reference No.9/D/13

In the Matter of Mutter's Moor and Harpford Common,
Sidmouth and Otterton, Devon (No.1).

DECISION

This dispute relates to the registration at Entry No.1 in the Ownership Section of Register Unit No.CL.213 in the Register of Common Land maintained by the former Devon County Council and is occasioned by the conflicting registration at Entry No.2 in the same section of the Register Unit. Entry No.2 relates only to the part of the land in Entry No.1 known as Mutter's Moor. There was no objection or conflicting entry in respect of the part of the land known as Harpford Common.

I held a hearing for the purpose of inquiring into the dispute at Exeter on 22nd October 1974. The hearing was attended by Mr H.C.T.Staunton, solicitor, on behalf of the Trustees of Lord Clinton's Marriage Settlement, the applicants for the registration at Entry No.1. Mr A.R.Mutters, the applicant for the registration at Entry No.2, did not appear and was not represented.

Mr Staunton adduced evidence relating to the devolution of the title to the whole of the land comprised in the Register Unit from an indenture of conveyance by Richard Doidge and others to Denys Rolle of Bickton dated 25th March 1786 down to his clients. Oral evidence was also given by Mr H.J.Payne that during the last 24 years the present Trustees and their predecessors have been in possession of the whole of the land in question.

In the absence of any rebutting evidence on Mr Mutters's part, I confirm the registration at Entry No.1.

Mr Staunton asked me to make an order for costs against Mr Mutters in respect of this hearing and in respect of a hearing on 15th May 1974, which was adjourned on account of Mr Mutters's illness. I shall make an order for costs on County Court Scale 2 in respect of the matter generally, but not in respect of the hearing on 15th May.

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 26th day of November 1974

Chief Commons Commissioner