



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/117

In the Matter of parts of Penn Moor and Stall Moor,
Cornwood.

DECISION

This reference relates to the question of the ownership of parts of the land comprised in the Land Section of Register Unit No. CL.112 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.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Plymouth on 27 June 1989.

At the hearing Mr G. Gingell, solicitor of Messrs. Bond Pearce and Co, of Plymouth represented Mary Catherine Burrows (claimant) and Mr Michelmore F.R.I.C.S. of Messrs. Michelmore and Hughes represented the executors of Major F A V Parker (claimants).

The unclaimed land referred to me consists of two separate roughly triangular areas.

Mrs Burrows' claim

This claim was to ownership of the northern of the two areas.

Mr Gingell produced -

(1) an assent dated 30 December 1972 whereby Jennifer Passy and Harry Clifford Hill, as personal representatives of the late Cyril Woolrich Passy, assented to the vesting in themselves of property among which was Stall Moor by reference to a map and including the northern unclaimed area.

(2) two deeds of appointment each dated 31 October 1981 whereby Jennifer Passy and Harry Clifford Hill appointed Ian Fothergill Grant and William Giles Atkins as additional trustees of the late Cyril Woolrich Passy's will and of the assent of 30 December 1972 respectively.

(3) two deeds of retirement dated 26 July 1983 reciting that Jennifer Passy died on 2 January 1983 whereby Harry Clifford Hill retired from the trust of the said will and the said assent respectively.

(4) a conveyance on sale dated 3 December 1984 whereby Ian Fothergill Grant, William Giles Atkins conveyed Stall Moor including the northern unclaimed area to Mary Catherine Burrows in fee simple.



On that evidence I am satisfied that Mary Catherine Burrows is the owner of the northern area of unclaimed land and I shall accordingly direct the Devon County Council to register her as the owner under section 8(2) of the 1965 Act.

The claim of the executors of Major F A V Parker

Mr Michelmore told me that he had been instructed that Major Parker was the owner of the southern of the two areas of unclaimed land but that as a result of Major Parker's recent death he was unable to prove his title today. I accordingly adjourned this part of the hearing. The matter will be listed next time a Commissioner holds hearings in this area and a further decision will be issued. Meanwhile this land will remain under 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

29th

day of

June

1989

Peter Landon-Davis

Chief Commons Commissioner