



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/121

In the Matter of Pudsham Down, Buckland-in-the-Moor, Ashburton

DECISION

This reference relates to the question of the ownership of the part of the land comprised in the Land Section of Register Unit No. CL.124 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 Exeter on 6 March 1990.

The hearing was attended by Mr Herbert Hugh Whitley (claimant).

Mr Whitley is finally registered as the owner of the greater part of this common, the area of which no person is registered as owner and which has therefore been referred to me lying to the north of the line from Cold East Cross to Ruddyleave Bridge.

Mr Whitley produced an examined copy of a conveyance on sale dated 24 August 1968 whereby Robert Gurney Angus conveyed to William Wallace Whitley, Charles Claude Whitley, Herbert Hugh Whitley and Dorothea Eleanor Padfield ("the trustees") in fee simple land identified by a plan which includes the whole of the land referred to me.

The trustees were to hold the land on trust for sale for themselves and for three other persons. The seven being collectively referred to as "the purchasers".

I am however concerned only with the legal estate in fee simple. Mr Herbert Hugh Whitley told me, and I accept, that the other three trustees named in that deed have now died. That being so Mr Whitley has become the sole owner of the legal estate by survivorship.

I shall accordingly direct the Devon County Council, as registration authority, to register Herbert Hugh Whitley as the owner of the land under section 8(2) 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 8th day of March 1990

Peter Landon-Durr

Chief Commons Commissioner