



In the Matter of Stidston Commons, South
Brent, Devon -----

DECISION

This reference relates to the question of the ownership of land known as Stidston Commons, South Brent, being the land comprised in the Land Section of Register Unit No. CL.129 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 Mrs P Johnstone 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 Plymouth on 13 December 1984. At the hearing Mr G Cleave and Mr and Mrs D N W Johnstone appeared in person.

At the time when the reference was made on 14 February 1983 it related to two pieces of land, but one of these pieces was removed from the Register on 26 January 1984.

So far as the remaining piece of land is concerned, it is held in four equal undivided shares. One share is held by Mr and Mrs Johnstone under a Conveyance made 1 April 1965 between (1) Mildred Alice May and Kathleen May Hunter (2) Douglas Nicholas Waller Johnstone and Patricia Lovelace Johnstone. Mr and Mrs Johnstone hold another share under a Conveyance made 1 February 1984 between (1) Rowland Charles Lewis (2) D N W Johnstone and P L Johnstone. A third one-fourth share is held by Mr Cleave under a Conveyance made 17 February 1981 between (1) Phyllis Ruby Cleave and Gerald Mark Thomas Cleave (2) G M T Cleave. The remaining one-fourth share is held by Mr Cleave and Mrs P R Cleave, under a Conveyance made 10 April 1979 between (1) Sarah Florence Steer (2) P R Cleave and G M T Cleave.

On this evidence I am satisfied that Mr and Mrs Johnstone, Mrs P R Cleave and Mr G M T Cleave are the owners of undivided one-fourth shares of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register the Public Trustee as the owner of the land under the First Schedule to the Law of Property Act 1925 and 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

25th

day of

January

1985

P. J. Cleave
Chief Commons Commissioner