



In the Matter of Three pieces of land at
Week Hills and Ferndale Lane, South Tawton,
Devon

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL.238 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 Admiral K.M. Lawder claimed to be the freehold owner of the land in question ("the unit land") 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 8 July 1986.

At the hearing Mr F J Woodwood, Solicitor, appeared on behalf of Mrs J P Waddington (Admiral Lawder's daughter) who claimed ownership of parts of the unit land. No other claimant appeared.

The three pieces forming the unit land are physically separate from each other. The northernmost piece comprises the areas numbered 661 and 662 on the 1905 OS map and I will refer to the area numbered 661 as the 661 area". The southernmost piece includes the area numbered 583 on the 1905 OS map.

By a Conveyance dated 6 September 1985 Admiral Lawder conveyed to Mrs Waddington firstly a property known as Brock Cottage comprising 4 acres 3 roods sixteen perches. This property included the 661 area and also part of the southernmost piece, and I have seen earlier deeds dated 1st May 1946 and 12th April 1949 whereby the same property was conveyed in 1946 to H V Rose and by him in 1946 to Admiral Lawder. The 1985 Conveyance to Mrs Waddington included further property part of which is the remainder of the southernmost piece. This is not the subject of a documentary title but a possessory title is claimed to have been acquired by Admiral Lawder by uninterrupted possession since 1949; and this claim is supported by Statutory Declarations by him and by Frank Webber dated respectively 8 October 1983 and 28 April 1977.

On this evidence I am satisfied that Mrs Jean Patricia Waddington is the owner of the 661 area and of the southernmost piece of the unit land I shall accordingly direct the Devon County Council, as registration authority, to register her as such owner under section 8(2) of the Act of 1965. The other parts of the unit land will remain subject to 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 20th day of November 1986

L. J. Morris Smith

Commons Commissioner