



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/71

In the Matter of Broad Moor,
 South Brent, Devon

DECISION

This reference relates to the question of the ownership of land known as Broad Moor, South Brent, being the land comprised in the Land Section of Register Unit No. CL 61 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 no person claimed to be the freehold owner of the land in question and no one 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 27 November 1979.

At the hearing Mr E F Windeatt, Solicitor, appeared on behalf of Mr and Mrs C J P Mead. Mr J S French appeared as the executor of the late Thirza Mead and I gave him leave also to represent Mr and Mrs H G Hurnell.

By an indenture made 23 September 1918 between (1) Henry Samuel Ashford (2) Courtney Mead, three sixth-parts of the land in question were conveyed to Mr Mead. These parts were conveyed to Mr and Mrs C J P Mead on 29 September 1955.

By an indenture made 8 November 1924 between (1) Sir Henry Palk Carew (2) Ernest Fitzwilliam Taylor, William Frederic Parker and George Cobley Smyth Richards (3) Alfred Andrews, one sixth-part of the land was conveyed to Mr Andrews. This part was conveyed to Mr and Mrs Hurnell on 29 September 1938.

There was no evidence as to the ownership of the two remaining sixth-parts of the land. This, however, is not material for the purposes of these proceedings, since by virtue of paragraph (4) of Part IV of the First Schedule to the Law of Property Act 1925 the entirety of the land is vested in the Public Trustee upon the statutory trusts.

On this evidence I am satisfied that the Public Trustee is the owner of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register him 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

11th

day of

December

1979

Chief Commons Commissioner