



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/40

In the Matter of Mowhay Green,  
Belstone, Devon

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DECISION

This reference relates to the question of the ownership of land known as Mowhay Green, Belstone, being the land comprised in the Land Section of Register Unit No. CL 244 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 the Misses D E B and E J E B Newcombe claimed to be the freehold owners 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 Exeter on 29 November 1979.

At the hearing the Misses Newcombe were represented by Mr C J Scoffham, Solicitor.

There being no entry in the Rights Section of the Register Unit, the land in question can only fall within the definition of "common land" in Section 22(1) of the Commons Registration Act 1965 by being waste land of a manor. That manor was identified as the manor of Belstone by Mr F J Woodward, a Solicitor and Chairman of the Belstone Commoners Association for almost 25 years.

The Manor of Belstone was included in the parcels of an indenture made 11 November 1889 between (1) John Cook (2) Charles Belfield Woolcombe (3) Simon Peter Brendon Newcombe. By virtue of section 6 of the Conveyancing and Law of Property Act 1881 this conveyance was deemed to include and operated to convey with the manor (inter alia) all wastes to the manor appertaining or reputed to appertain. The property purchased by Mr Newcombe passed under the wills of members of the Newcombe family until it became vested in the Misses Newcombe by an assent made 1 August 1967 between (1) John Newcombe (2) Dorothy Ellis Brendon Newcombe and Edith Joan Ellis Brendon Newcombe.

On this evidence I am satisfied that the Misses Newcombe are the owners of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register them as the owners 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

11<sup>th</sup>

day of

December

1979

Chief Commons Commissioner