



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/79

In the Matter of Orley Common,
Torbryan

DECISION.

This reference relates to the question of the ownership of the land above mentioned being the land comprised in the Land Section of Register Unit No. CL 23 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 late Mr W E Adam claimed to be the beneficial owner of an undivided 1/9th share in 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 28 July 1982.

Mr J A F Kittow of Messrs Harold Michelmores and Company, Solicitors of Newton Abbot appeared for Mr M B G Cosgrave and Mr E J Adams the executors of Mr W E Adams who had died on 10 December 1980. Mr S E Moss (Chairman) appeared for Torbryan Parish Council, and Mr C J Chudley an applicant in the Rights Section appeared in person.

Mr Kittow deduced title to his clients' 1/9th share from a Conveyance on Sale dated 13 December 1899. The beneficial owner of the share when the Law of Property Act 1925 came into operation was Mr W E Adams. The ownership of the remaining 8/9th shares either on 1 January 1926 or today is ~~unknown~~ *unknown*.

On this evidence it is not possible to say whether immediately before 1 January 1926 the entirety of the land was vested in not more than four persons of full age beneficially entitled in which case the legal estate would have vested in these persons pursuant to paragraph 1(2) of Part iv of the First Schedule to the Law of Property Act 1925 or whether the legal estate in the entirety devolved on the Public Trustee pursuant to paragraph 1(4) of the same Part iv.

Accordingly I am not satisfied that any person is the owner of the land and it will therefore 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 *25th Wednesday August*

1982



George H. H. H.

Commons Commissioner