



COMMONS REGISTRATION ACT 1965

Reference No. 209/D/442-445

In the Matter of parts of Blackdown and West Blackdown, Mary Tavy

DECISION

These disputes relate to the registration at Entry No.1 in the Land Section of Register Unit No. CL.193 in the Register of Common Land maintained by the Devon County Council and are occasioned by the conflicting registrations at Entries No 49 and 72 in the Rights Section of the same Register Unit and Entries No. 55 and 78 in the Rights Section of Register Unit No. CL.3 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into these disputes at Exeter on 26th July 1995. The hearing was attended by Mr N. Coveney Solicitor of Nash of Plymouth representing Mr A C Littlejohns Mr George Hill representing the Hill family and Mr Fairy.

Entry No.49 in the Rights Section of CL.193 was made on the application of William Arthur Lillicrap in respect of rights of turbary, to take stone, to cut bracken and rushes and to graze 15 cattle and 100 sheep over the whole of the land comprised in this register unit and register unit No. CL.3. The rights are expressed to be attached to Rows Farm Horndon comprising a series of O.S. Numbers including O.S. No. 773 on the Second Edition 1906 for the Parish of Mary Tavy.

Entry No. 55 in the Rights Section of CL.3 is an exactly similar entry in respect of rights over this register unit and register unit CL.193. Once again the rights are expressed to be attached to Rows Farm including O.S. No. 773.

The conflicts with the Land Section of CL.193 arise because O.S.773 was included on the Register Map as part of the common.

Mr A C Littlejohns is the successor in title to Mr W A Lillicrap in respect of Rows Farm including O.S. 773. Mr Coveney produced to me a Schedule of Events commencing in 1872 together with Certified copies of various deeds referred to therein including the following:-

- (i) Conveyance dated 24th June 1964 between F G and A J Easterbrook and others of the one part and William Arthur Lillicrap of the other part
- (ii) Conveyance dated 26th September 1985 between W A Lillicrap of the one part and Arthur Cephas Littlejohns of the other part.

I am satisfied that both these deeds included O.S. No. 773 having an area of 1.424 acres.

Mr Coveney asked me to remove O.S. 773 from the Land Section of the Register of CL.193. No-one appeared before me to oppose his application, and I shall accordingly allow it.

Entry No. 72 in the Rights Section of CL.193 was made by Richard John Hill and Rowena Elizabeth Hill in respect of rights of turbary, to take stones, to cut bracken and rushes and to graze 6 ponies 100 cattle and 390 sheep over the whole of the land comprised in this register unit and register unit No. CL.3.



For the reasons stated I shall not make the Order for costs asked for by Mr Coveney.

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

21st

day of

August

1995

Walter R. H. S.

Chief Commons Commissioner