



COMMONS REGISTRATION ACT 1965

Reference Nos. 209/D/306
209/D/307

In the Matter of Peter Tavy Great Common,
part Smeardon Down, Cudlipptown Down,
Cudlipptown Green, Smith Hill, Wapsworthy Common,
Standon Down, Nattor Down, Willsworthy,
part Blackdown, Willsworthy Pound, the Combe
and Little Common, all in Peter Tavy,
West Devon District, Devon.

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry Nos. 1 to 280 inclusive including No. 95A and the replacement Nos. mentioned in the First Schedule hereto, but excluding Nos. 25, 157, 259, 260, 266, 274, 275, 276, 277 and 278 which have been cancelled, in the Rights Section of Register Unit No. CL 194 in the Register of Common Land maintained by Devon County Council and are occasioned by Objections listed in the Second Schedule hereto.

I held a hearing for the purpose of inquiring into the disputes at Plymouth on 21 June and 5, 6 and 7 October 1982. At the hearing (1) the Secretary of State for Defence who made Objection No. 55 was represented at the June hearing by Mr N Butterfield of counsel and at the October hearing by Mr S M Rich QC and Mr J Howell of counsel instructed by the Treasury Solicitor; (2) Mrs Gladys Alford of Torrfield, Whitchurch Down, Tavistock as successor of Mr Arthur John Fuge Alford who made Objection No. 189 was represented at the June hearing by Mr R G Woolcock FRICS of Ward & Chowen Chartered Surveyors and Auctioneers of Tavistock; (3) Mr Frank William Collins who made Objection No. 436 was at the June hearing also represented by Mr R G Woolcock; (4) Mr Cyril Walter Abel and Mr George Henry Richard Abel both of Lower Godsworthy, Peter Tavy as executors (son and brother) of Mr Cyril George Abel who made Objections No. 479 and No. 480 were represented by Mr P W Harker solicitor of Bellingham & Crocker, Solicitors of Plympton; (5) the Attorney-General for the Duchy of Cornwall (they made Objections Nos. 396 and 397) was represented by Mr C Sturmer, Land Agent for the Duchy's Dartmoor Estate; (7) Peter Tavy Commoners Association who made Objections No. 329 and No. 440 were represented at the June hearing by Mr D M Crocker solicitor of Bellingham & Crocker, and at the October hearing by the said Mr P W Harker; (8) Lady Sylvia Rosalind Pleadwell Sayer on whose application with Vice Admiral Sir Guy Bouchier Sayer the registration at Entry No. 52 was made attended in person on her own behalf and as representing him; (9) Mr George Porter Rogers on whose application the registration at Entry No. 184 was made was represented by Mr J R Ball solicitor with Savery Stroud & Co Solicitors of Plymouth; and (10) Mr Roger Alfred Cole on whose application the registration at Entry No. 71 was made attended in person.

The land ("the Unit Land") in this Register Unit comprises: (A) a piece from northeast to southwest about 3 miles long and about 1 mile or more wide being Peter Tavy Great Common and including Langstone Moor, Roos Tor and Cox Tor and including also land to the north of Higher Godsworthy and Wedlake; (B) a piece from north to south about 1 mile long and the same width, bounded on the south by piece A above being Cudlipptown Down including White Tor; (C) a piece from east to west about $\frac{3}{4}$ of a mile long and bounded for a very short distance



on the east by piece B above and including Smeardon Down; (D) a piece from north to south about $1\frac{1}{2}$ miles long, bounded on the south by part of piece A above and being Wapsworthy Common and including near its east boundary Lynch Tor; (E) a piece from southeast to northwest about 3 miles long and $1\frac{1}{2}$ miles wide bounded on the southeast by piece D above and including Standon Down, Nattor Down, Hare Tor and White Hill; (F) a detached piece about 600 yards long and 200 yards wide, a short distance south of piece C and including Great Combe Tor; (G) a detached piece about 300 yards long and 100 yards wide to the north of piece C above and southeast of Cudlipptown; (H) a detached piece in Cudlipptown next to and extending for about 150 yards to the east of the road up the valley; and (I) a comparatively very small piece by or near Willsworthy Bridge. In the Ownership Section: the Secretary of State for Defence is registered as owner of the piece ("the Willsworthy Piece") of the Unit Land being piece E above (this Piece at its west end is near to and includes some of Willsworthy Camp and the nearby 1,000 yards at Willsworthy Range); and HRH Charles Prince of Wales, Duke of Cornwall is registered as owner of other pieces ("the Duchy Pieces") comprising pieces A, B, C, D and F above. No person is registered as owner of the 3 remaining pieces being G, H and I above.

The June hearing owing to other business was short. In relation to Objections Nos. 189 and 436, Mr Woolcock referred to a letter dated 11 June 1982 from Devon County Council to his firm and to the documents about the lands of Mr Arthur John Fuge Alford (deceased) and of Mr Frank William Collins listed in Parts I and II of the Third Schedule hereto, copies of which he had sent to the office of the Commons Commissioners. These documents are inconsistent with the Objection lands being common land. No person present or represented at the hearing claiming that I should not give full effect to these Objections, I then said that I would in my decision give such effect unless some reason was given before the conclusion of the hearing (none has been) for my doing otherwise. There being no opposition my decision is that both these Objections wholly succeed.

At the beginning of the October hearing, it appeared that nobody was against my giving full effect to Objections Nos. 479 and 480 (Mr C G Abel). Mr Sturmer said that Objection No. 396 was withdrawn as regards all the registrations mentioned in it except Nos. 209, 240 and 241; against these registrations the Objection was maintained, No. 209 because the Borough of Okehampton is not a Venville Parish and Nos. 240 and 241 (South Tawton) because the Duchy has no record of any receipt of a Venville payment. Mr Harker said that the Commons Association would not oppose effect being given to Objection No. 55 (Secretary of State for Defence) by removing from the Register the Willsworthy Piece, but they would (notwithstanding the Duchy's withdrawal above recorded) maintain Objections Nos. 439 and 440. Mr Ball said he was not on behalf of Mr G P Rogers against my giving full effect to Objection No. 55; but contra, Lady Sayer did not agree to any effect being given to Objection No. 55; so I decided to consider first the Objections of Mr C G Abel and the questions between the Secretary of State and Lady Sayer.

Mr Rich then opened the case for the Secretary of State saying (in effect):- Although he conceded that by far the greater part of the Willsworthy Piece was before 1901 common land and then subject to rights of common, he would produce documents showing that it had ceased to be such and that all such rights had been extinguished in compulsory purchase proceedings ("the 1901 CP proceedings") regularly followed by the Secretary of State (for the War Department) under the Willsworthy Military Lands Order 1901 made under the Military Lands Act 1892 and confirmed by the Military Lands Provisional Orders Confirmation (No. 2) Act 1901. As to the remaining parts of the Willsworthy Piece, the documents associated with the 1901 CP proceedings and other documents to be produced would show that



they were never common land and never subject to any rights of common. Mr Rich referred me to the said Acts and to sections 99 to 104 of the Lands Clauses Consolidation Act 1845.

In support of Objections Nos. 479 and 480, Mr Cyril Walter Abel gave oral evidence in the course of which he produced the documents listed in Part III of the Third Schedule hereto. He identified the Objection No. 479 (OS Nos. 369, 370A and D and 371A) with plots numbered 141, 142 and 145 on the 1888 Conveyance Plan, and said that George Henry Abel of the 1888 Conveyance was his grandfather, and Mr C G and Mrs M C N Abel of the 1976 Conveyance were his parents. As to Objection No. 480 land (OS No. 56 containing .142 acres), he identified it with No. 137 on the 1871 Conveyance Land. These documents are inconsistent with the said Objection lands being common land. There being no opposition, my decision is that these two Objections wholly succeed.

Next Mr Rich produced the documents listed in Part IV of the Third Schedule hereto. The affidavit of Mr D J Parnwell was produced as written evidence by him. Miss B A Stewart, as Plymouth Area Archivist produced the Tithe Map for the Parish of Peter Tavy. Mr Rich said that the other documents of the Secretary of State were from files under his control. Those present at the hearing accepted that Mr Rich need not prove the origin of these documents; so I assume that they were all duly executed and made as they appear to have been made and that those which are copies are true copies of originals regularly dealt with. He explained the effect of the documents by reference to a sketch plan ("the Decision Plan") a copy of which (I have added a dotted line to "2") is page 4 of this decision. Of the documents so produced I only looked at those hereinafter particularly mentioned.

As to WP No. 1 (meaning the part of the Willsworthy Piece numbered No. 1 on the Decision Plan):- The agreement ("the 1907 Extinguishment Deed") dated 25 June 1907 (bundle A2 page 8) conveniently shows the effect of the 1901 CP proceedings. It was made between 5 persons appointed pursuant to the 1845 Act to treat on behalf of the parties interested in the commonable and other rights of the one part and HM Secretary of State of the other part. By it, after reciting that by a conveyance dated 22 November 1905 Mrs S E Calmady-Hamlyn had conveyed to the Secretary of State the land described in the First and Second Schedules thereto, and that the Committee had agreed with the Secretary of State that the compensation to be paid for the extinction of the said commonable and other rights over the lands described in the First and Second Schedules thereto (as to the Second Schedule, see below) should be £6,250, it was witnessed (among other things) that the said £6,250 shall be paid and accepted as therein mentioned. The description in the First Schedule is of an "area of common or waste lands part of the Manor of Willsworthy ... containing 2,200 acres ... delineated on the plan ... edged yellow". The plan produced (bundle A1 no. 2) is a copy of the 1907 Extinguishment Deed plan with the boundary of the Unit Land superimposed on it; the land edged yellow therein is the same as WP No. 1. A letter dated 5 February 1908 (bundle A2 page 13) written on behalf of the said Committee gives details of their proposed apportionment of £6,000 being part of the amount received by the Committee in respect of the Compensation paid for the extinction of Commonable and other Rights ..."

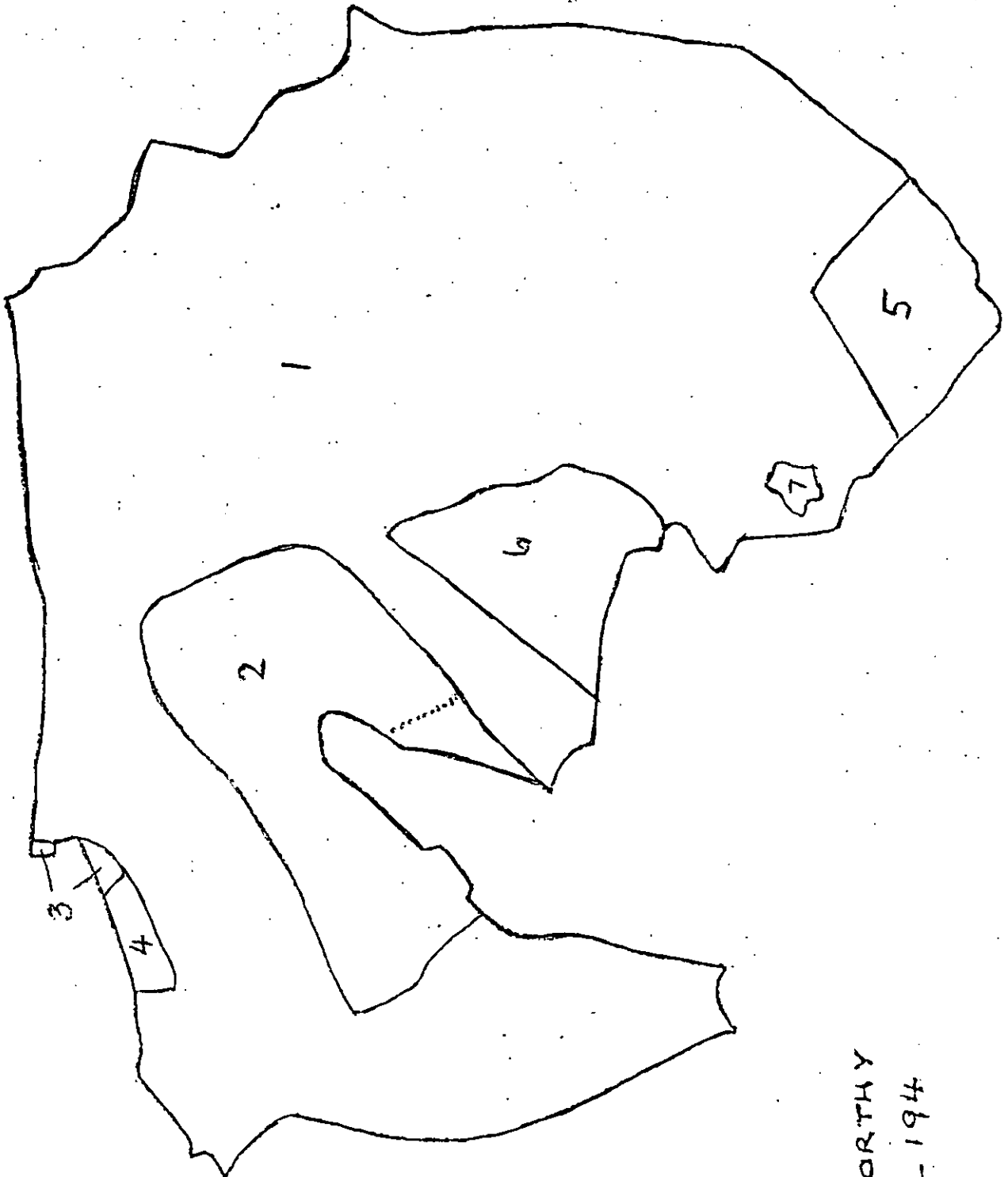
COMMONS REGISTRATION ACT 1965

Re: Peter Tavy Great Common and
(among other lands) Willsworthy.

Ref Nos:- 209/D/306-307

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This is the Decision Plan
referred to in, and being
page 4 of, the decision dated
7 October 1983 made by the
Commons Commissioner in this Matter



WILLSWORTHY
PART CL194





As to WP No. 4:- By a conveyance (bundle A3 page 51) dated 2 January 1907 H T Radford with the concurrence of trustees conveyed to the Secretary of State the house and farm lands being part of the hereditaments known as Bearwalls containing 88 acres 2 roods and 17 perches as delineated on the plan (bundle A1 no. 8). This plan includes much land north of the Willsworthy Piece; Mr Rich contended (rightly I think) that OS Nos. 1130 and 1131 on it are the same as the old inclosure south of Bearwalls marked on the Register map as being just within the Unit Land, that is as being the same as WP No. 4. Mr Rich said that No. 1130, in 1907 a plantation, is not currently grazed.

Mr Rich summarised the effect of the documents above mentioned:- At the beginning of 1907 the Secretary of State had bought (1) Standon Farm including Down Field (WP No. 7), (2) the whole of Reddaford Farm (being all WP No. 2 and much land to the south), and (3) part of Bearwalls including WP No. 4 not including WP No. 3. He also had bought the soil and the remainder of the Willsworthy Piece under the November 1905 conveyance which included WP Nos. 2, 5 and 6 as waste land of the Manor. So then following section 99 of the 1845 Act, he extinguished the rights of the commoners as recited in and completed by the 1907 Extinguishment Deed; at this stage the Greater Part of the Willsworthy Piece (WP No. 1) had been claimed as common, but certain areas (being WP Nos. 6, 5, part of 2 south of dotted line and 3) were claimed by some to be common, and were claimed by others as not being common and as being enclosable.

In support of the 1901 CP proceedings having been regularly done, Mr Rich referred to an internal minute (bundle A2 page 6) headed "Willsworthy Rifle Range" referring to Treasury letters dated 24 May 1898 and 20 December 1900; and also to a copy Army Council letter (bundle A2 page 16) dated 23 February 1914 to the Treasury describing how and at what cost the compulsory acquisition of land at Willsworthy been completed, and mentioning particularly that 220 acres had to be acquired as being essential for military purposes, although not part of waste lands of the Manor.

The first OS map for this area dated 1884-88 (bundle A1 nos. 14 to 18) produced by Mr Rich show:- On sheet LXXXVIII.14, No. 1130 is marked as containing 8.515 acres and as being a wood and No. 1131 is marked as containing 11.296 acres and as being furze or heath land; the adjoining land to the south is called Black Down. On the same sheet No. 1127 it is marked as containing 300.606 acres with Willsworthy Brook flowing down it, and apparently corresponds with WP No. 2 and with part of Reddaford Farm in 1905 partly surrounded by WP No. 2. On the northwest corner of sheet XCVIII.7 and on the northeast corner sheet XCVIII.6 appears an inclosure differently shaped but approximately in the position of Down Field.

Mr D J. Parnwell who is a District Estates Surveyor employed by the Property Services Agency of the Department of the Environment in the course of his written evidence (S of S/8) said (in effect):- The now visible walls (dry stone or stone and earth) around WP No. 2 follow the line of the 1840 Tithe map area No. 915; they do not appear to be a recent origin and are now very much neglected. He knew of no reason since the 1905 purchase why the walls should be repaired. He referred to the Willsworthy Range Byelaws (SI 1980 No. 50; also bundle A2 page 122), and to the "Notices" printed with them; the "Danger Area" in the Byelaws mentioned includes



most of the Willsworthy Piece and other land. The agreement referred to in paragraph 7 of the Notices relate to a strip of land owned by the Duchy outside the Willsworthy Piece; although in draft (DJP/3), when the Byelaws were made, such draft has never been completed although it has been acted on. There are no other agreements with Commoners affecting the Danger Area.

The 1840 Tithe map produced by Miss B A Stewart (copy bundle A1 nos. 20 and 21) shows a large area as Peter Tavy Common without any number (and so not mentioned in the Award as tithable); this area includes WP No. 1; it also includes WP No. 4, so this must have come to be regarded as part of Bearwalls Farm after 1840. The map also shows an area as No. 915 corresponding closely with WP No. 2 making no distinction between the parts north and south of the dotted line on the Decision Plan; in the Award (bundle A4 page 27) it is treated as tithable and described as "Common Pasture 314 (acres)"; No. 244a is another plot no in the Award treated as tithable although therein described as "Common, Arable". The map also shows an area No. 672 corresponding with WP No. 7; in the Award (bundle A4 page 31) it is treated as tithable and described as "Down Field, Pasture, 7 (acre)".

Against Objection No. 55 and in support of the right registered at Entry No. 184 on her application, being over all the Unit Land, Lady Sayer gave oral evidence, saying (in effect):- The whole of Dartmoor is covered with walls (known as "reaves") and banks which go back to prehistoric time; the particular wall described by Mr Parnell is now very heather covered and not distinct. She asked if Mr Rich was familiar with the decision of the Chief Commons Commissioner dated 12 March 1976 about Venville rights (meaning I think that dated 17 February 1976, re Headland Warren about Register Unit No. CL 148).

Mr Rich said that so far as the parts of the Willsworthy Piece are included in the 1907 Extinguishment Deed, he was prepared to concede for the purposes of these proceedings that they form part of the ring of commons referred to by the Chief Commons Commissioner in his decision as "the Commons of Devon", but he made no concession as regards the other parts of the Willsworthy Piece.

Lady Sayer then continued her evidence by reading her paper SRPS/1 which was to this effect:- The Chief Commons Commissioner in his 1976 decision ruled that Venville rights extended over the Forest and the Commons of Devon which form a continuous ring around the Forest and are one great common. Both the Duchy and Devon County Council have accepted that Venville rights are exercisable over this whole area. Her claim was that Willsworthy Common is still part of the Commons of Devon as is the rest of the Unit Land, and that the 1907 Extinguishment Deed is invalid because notice given was defective and did not comply with law. The 1907 Extinguishment Deed appears to be made between five people chosen by the Willsworthy Commoners to represent them, and the War Office; these five could not represent all those parties who had an interest in the commonable and other rights on the land. "There was no such representation because the Venville rights holders throughout Dartmoor were not consulted or warned, nor could they be, because no one knew exactly where or who they were. Convening a meeting to try to reach them after a newspaper advertisement was of course useless; in 1907 education was not what it is today, and many Dartmoor Venville tenants then did not read newspapers, and some could not read at all". Section 19 of the 1845 Act (service by the promoters upon parties interested in or entitled to sell any such lands) required personal service on such parties or left at their last usual place of abode; or if cannot be found after "diligent inquiry" left with "the



occupier". There was no such diligent search for Venville right holders; diligence was effective only in the areas of Lydford and Willsworthy and their environs; the Order (? Deed) was therefore defective and invalid. The War Office did recognise that Venville rights holders had to be considered and consulted when other agreements or licences were promoted, eg licence (June 1965) for the use of Northern Dartmoor for Artillery practice "later when we learned in 1963 that byelaws were being considered which might seek to prevent our access to the commons in pursuance of our rights (whether firing was going on or not)"; .. counsel told us that byelaws could not touch us as Venville commoners who had not accepted any compensation for interference with our rights and the Duchy wrote to the War Office to this effect; they wrote a letter "offering an agreement similar to that made with other commoners (for compensation), but we declined to make an agreement or accept compensation and we are therefore free to go on the ranges at will".

In the course of questions by Mr R A Cole and Mr Rich, Lady Sayer agreed that there are boundary stones around WP No. 2 but said they are not evidence that the land is not common because they have many such stones on land that is common.

In the course of the part of the proceedings above summarised, Mr Roger Alfred Cole claimed that as tenant of Higher Beardon he had some rights over the Willsworthy Piece; on the following grounds:- The grazing was not affected by the 1901 CP proceedings and was carried on as usual and normal. From 1908 to 1975, range clearers were employed by the War Department and they received payment from graziers; but there was no legal document saying whether these payments were for range clearance or for keeping an eye on the stock. In 1975 the first (written) grazing licence was drawn up, a legal document to put (so he presumed) the record straight; he had to sign it because if he did not his stock would have been driven off on to the unfenced main A386 road. Higher Beardon farm lands (the house fronts on the west side of the road) adjoins the Willsworthy range; to move stock (for the purposes of the farm) he had to cross the range. He considered he should have some rights but without legal advice he could not say what. He pointed out on the register map where his stock had to cross the range; first along a bridle track off the A386 road starting near (point "829" on the map). Higher Beardon and leading direct to the Willsworthy Piece; thence southwards across the River (or a tributary of the River) Lyd; thence across Willsworthy Camp; and thence southwestwards towards Henscott Plantation and other land of which he was the owner or was interested in.

In support of his claim Mr R A Cole who was born in 1945 and who had since 1970 (? 1968) as tenant of his father Mr Walter Cole farmed Higher Beardon gave oral evidence (in effect):- Before he farmed on his own, he was in partnership with his father. He bought Henscott Plantation in 1975, but his father had had an interest in it since 1940. He agreed with Mr Rich that before 1975 he had paid £20 to Mr Cozens and said that his failure to protest when asked to sign the 1975 agreement was a big mistake. He agreed with Mr Rich that other people with whom he had been talking had paid the range clearers, but they when they cleared saw to "your own cattle"; at the beginning he kept sheep and cattle; now he was only concerned with sheep. Mr Rich produced a document the witness had signed in 1975 (RAC/1) which permitted grazing of 60 bullocks and 200 sheep in common with others and which provided that the Secretary of State could determine the agreement; the witness agreed he signed the document but "even although I signed it it was under protest really because we had no alternative but to sign it".



Mr Walter Cole (the father of the previous witness) who is 79 years of age and who started farming in 1932 and retired 12 years ago in the course of his oral evidence said (in effect):- Higher Beardon had been in his family for five generations. As far as he knew "we all grazed it (meaning the Willsworthy Piece and the Forest) but didn't pay anything for grazing:- I paid the range clearer just to look after the cattle". His father was William Cole but he could not say whether he received in respect of Higher Beardon, the £230 apportionment mentioned in the said letter of 5 February 1908 (bundle A2 page 13); to the suggestion by Mr Rich that his father was paid money to extinguish grazing rights he answered "I don't know". However he agreed that he paid money to the Range Clearers, and when asked about the duplicate receipt book (S of S/10) page 25 "... keep on Willsworthy ended March 1963 £3.0.0 ...", said he did not sign anything, he could not remember ever having a receipt, he could not remember a receipt for keep, and as to whether he ever said to Mr Evans that he was paying for looking after cattle said "it was a long time ago".

In answer to the claims of Mr R A Cole, Mr Rich referred me to the statement (bundle A2 page 64) by John Wallace Evans (he died 19 December 1974) that he held the Willsworthy Range clearance contract since 1944 when he took over it together with the tenancy of Standon Farm and that he was instructed by the then War Department land agent that animals straying into the area must be removed unless the owners come to some arrangement with him (Mr Evans) that they may be allowed to stay; this he permitted for a small fee for which he issued receipts from a book containing duplicate copies; among others Mervyn Cole had paid him. Mr Rich also produced the original of S of S/10 and drew attention to pages 30, 35 and 40 which were all in the same form: "J W Evans, Mr J M Cole, Beardon Farm, Lydford: keep on Willsworthy ended March 1964/1965/1966, £6.0.0." In answer to a question by Lady Sayer as to what Mr Evans did with the money, Mr Rich referred to an agreement (bundle A2 page 19) dated 22 March 1945 between the Secretary of State and John Wallace Evans as "Range Clearer" and to a tender for grazing sheep cattle and horses on land used for rifle or artillery practice (bundle A2 page 22) dated 25 March 1945 agreed by Mr J W Evans.

Before and after this October 1982 hearing, I was holding a hearing about the Forest Register Unit No. CL 164 (April, June and later in October 1982) and a hearing about land in Sheepstor Register Unit No. CL 188 (May, July and November 1982) in the course of which there was much evidence and argument for and against Venville rights. So at this October Unit Land hearing I unavoidably had in mind some of this evidence and argument, and I think Lady Sayer and possibly others too must have had it in mind. About these other hearings I have now given decisions dated 30 June 1983 in effect holding that Venville rights are not as extensive as claimed by Lady Sayer, and in particular that they do not generally extend over the area she called the Commons of Devon. Nevertheless I think I should still give my decision about the Willsworthy Piece on the basis of the concession made as above recorded by Mr Rich as to the possible extent of the rights registered on the application of Lady Sayers and others like her who claim or may claim as being "in Venville".

On the above basis, I agree with the history of the Willsworthy Piece as deduced by Mr Rich from the documents he produced, that is that WP No. 1 in and before 1900 was land over which rights of common existed and which was generally



accepted as waste land of the Manor of Willsworthy, that WP Nos. 6, 5 part of 2 south of the dotted line and 3 were by some claimed to be part of the said common and waste land and by others claimed not to be so and to be enclosable, and that WP Nos. 4, 7 and the remainder of 2 this was not land over which anybody before 1900 had any rights of common or ever thought of as being part of the waste of the said Manor. I conclude that as a matter of history that the Commons of Devon on giving this expression any of the meanings which are possible, did not at any time include WP Nos. 4 and 7 and the remainder of 2; accordingly my decision is that Objection No. 55 as regards these last mentioned parts of the Willsworthy Piece at least succeeds.

The sections of the Lands Clauses Consolidation Act, including section 19 mentioned particularly by Lady Sayer which are headed "Purchase and taking of Lands otherwise than by Agreement" being general in my opinion take effect subject to sections 99 to 107 headed "Lands being Common or Waste Lands". In my opinion the 1907 Extinguishment Deed apparently made in accordance with section 107 for the purpose of freeing land from "commonable or other rights" was effective if the compensation was paid to the Committee therein mentioned that is one appointed following advertisements in accordance with section 102.

There was no evidence as to how the advertisements were made and not much evidence as to actual payment of the compensation money. Although not clearly expressed by any witness it was implicit in much of what was said at the hearing and is almost obvious on inspection that for many years the Willsworthy Piece has been used for military purposes. Having regard to the documents produced I infer that such use has been since at least as far back as 1907. This is long enough to raise in accordance with *Clippens v. Edinburgh* 1904 AC 64 a presumption that the advertisements and payment were regularly made.

The substance of Lady Sayer's claim that the proceedings were all invalid was as I understood her that there were in 1905 numerous persons known as Venville tenants who then had rights of common over the Willsworthy Piece and that as regards them because they were not represented in the assessment of compensation, the 1901 CP proceedings were wholly invalid. Being of the opinion ^{STATED} ~~fact~~ in my said decisions of 30 June 1983 that no such rights existed, I have no difficulty in finding as a fact, the persons whom Lady Sayer believes then had such rights were not represented. Assuming as best I can there were in 1905 persons properly describable as Venville tenants having farms in Holne and in Widecombe-in-the-Moor to which were attached rights of common over the Willsworthy Piece, I say that I have no evidence that such rights were ever exercised and I think it unlikely that they ever were exercised; I find that those concerned on behalf of the War Department in the 1901 CP proceedings would not have had any good reason for thinking that they ought to have consulted such persons and that even if such persons had been consulted and had been represented on the Committee the amount of compensation they could have successfully claimed would have been no more than nominal. I suppose if it was alleged and proved that those concerned with the 1901 CP proceedings intentionally or with a reckless indifference as to the possible rights of the persons in Holne and Widecombe-in-the-Moor now described by Lady Sayer as being Venville tenants there might be some ground for treating the 1907 Extinguishment Deed as ineffective. Lady Sayer, as I understood her, was



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not alleging any such intention or recklessness; but in case I am mistaken about this I record that in my view any such allegation if it was ever intended to be made has not been proved and is without any foundation.

The 1845 Act relieves a person under it acquiring land compulsorily of having to trace and compensate severally all persons having common rights provided that the advertisement/committee procedure in the Act specified is followed. I find that for the purposes of the 1898 Act and the 1901 Order, the procedure specified was followed in or before 1907, so that the rights of common then existing over the Willsworthy Piece were extinguished by section 107, whether or not there were persons having lands in Holme and Widecombe-in-the-Moor who then had rights over it and who then were unable or then neglected to take advantage of the procedure. So as between Lady Sayer and the Secretary of State, in relation to the dispute between them as to the Willsworthy Piece, my decision is against her and for him.

As to the claim of Mr R A Cole, after the hearing (9 October) I went to look at the track he described when giving evidence and walked over it with him. He then left me in some doubt as to whether he was primarily concerned with having a right to graze on the Willsworthy Piece without making payment to anyone or with having a right to drive his sheep across Willsworthy Camp and the adjoining part of the Willsworthy Piece. As between him and the Secretary of State I am not concerned to express any opinion about rights of way; only concerned with whether the rights of common registered at Entry No. 71 extend over the Willsworthy Piece.

In my opinion it was proved by the documents produced by Mr Rich that any rights of common in 1907 attached to Beardown Farm were extinguished by the 1901 CP proceedings generally and in particular by the 1907 Extinguishment Deed. So that the registration at Entry No. 71 as regards Beardown Farm can only be valid if from it the rights registered were exercised as of right after 1907 over the Willsworthy Piece enough to comply with the Prescription Act 1833 or to raise a presumption of a modern grant such as was accepted in *Tehidy v Norman* 1971 2QB 528. As Objection No. 55 is dated 28 November 1969, the exercise relied on must be before them, see section 16(2) of the Commons Registration Act 1965 as regards the 1833 Act; it must also I think be before them as regards any presumed modern grant either by analogy with the section or because an exercise after an objection cannot be as of right save in continuation of as of right exercise before.

As to grazing from Beardown Farm before 1969, Mr R A Cole said that the tenants before him included not only his father but also his uncle Mr J Cole. As to whether any such grazing was as of right, I prefer the written statement of Mr J W Evans to the oral statements of Mr R A Cole and Mr W Cole; in making this preference I have not overlooked that Mr Evans is deceased so that Mr Cole had no opportunity of questioning him about his statement, and indeed before the hearing may not have known that Mr Evans had left any statement. But contra, Mr Evans' statement describes what he did as regards grazing from the 36 years after 1944 on behalf of the Minister of Defence, and about this description I have the book of copy receipts he mentions; both Mr R A Cole and Mr W Cole had at the hearing opportunity of commenting, and did not do so; further Mr J Cole who was present at the hearing was not asked to give evidence; Mr Evans' statement appears to me to accord with the probabilities of the situation deducible from the documents produced; and Mr W Cole when giving evidence admitted (excusable for a person of his age) difficulty in remembering. The documents produced by Mr Rich are not perhaps clear as to the identity of Mr Mervyn Cole mentioned in them with that of Mr J Cole mentioned by Mr R A Cole, and perhaps the word 'keep' is capable of meaning no more than "keeping an eye" on the stock. But in the surrounding circumstances, I conclude



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that the payments made by Mr R A Cole and before him by Mr W Cole or Mr J Cole were for their cattle and/or sheep being on the Willsworthy Piece, and not merely to Mr Evans to keep an eye on them. Grazing for which payment is made, is *prima facie* not as of right, see *Gardner v Hodgson* 1903 AC 229. And even if I had not seen the statement of Mr Evans, I would have thought that the inability of Mr W Cole to give when asked the particulars of what had been happening from Beardown Farm on the Willsworthy Piece as reason enough for my treating his general statements as an unreliable basis on which to make a finding for Mr R A Cole either under the 1832 Act or *Tehidy v Norman supra*.

So as to grazing from Beardown Farm on the Willsworthy Piece, I am against the claim of Mr R A Cole. As to turbarry, taking stone, and cutting bracken or as to rights annexed to Henscott Fields, I had no evidence of any such rights ever having been exercised. So my decision is for the Secretary of State on all matters relating to the Willsworthy Piece concerning Mr R A Cole.

In the absence of any evidence from any of the other persons who had registered rights of common over the Willsworthy Piece that their rights extend over it, I conclude that all such rights that have ever existed were extinguished in the 1901 CP proceedings and that no new rights have been acquired by any subsequent use as of right. Accordingly my decision is that the inclusion of the Land Section of the Willsworthy Piece was not properly made.

Next (7 October), I considered the disputes so far as they related to the Pieces of the Unit Land other than the Willsworthy Piece, all relating to Rights Section registrations. Of the 279 originally made, 9 have been cancelled without any replacement, 33 are wholly and 16 are partly in question by reason of the Commoners Association Objection Nos. 440 and 439 respectively, and 6 others are partly in question by reason of Duchy Objection No. 397. Of the remainder, some 168 are of a right "to stray". In the course of the said CL 164 proceedings (at the time of the Unit Land hearing not yet concluded), I expressed the view that a right by reason of vicinage was not properly registerable under the 1965 Act, that a registration in which the right was described as "to stray" was ambiguous as possibly meaning no more than a right by reason of vicinage and possibly meaning a right to graze, that it was against the public interest that the Register should contain such ambiguities, that I ought therefore whenever I could avoid a registration of a right "to stray" unless I had some good reason for modifying it to at least a right to graze, and that I could so avoid a registration even if no Objection mentioned it particularly, if by reason of subsection (7) of section 5 of the 1965 Act the registration is to be treated as having been objected to.

Mr Harker knew of the view, I had so expressed, and I repeated it at the Unit Land hearing, pointing out that Objections Nos. 85, 189, 436, 479 and 480 made the said subsection (7) applicable. So, the hearing continued on this basis; but I added that I intended in any decision in which I avoided a right "to stray" not particularly mentioned in the grounds of any Objection, I would if no person at the hearing appeared to support the registration give liberty to apply, having in mind that there might be persons interested in the registration who had failed to attend the hearing on the not unreasonable assumption that their registration would, because there was no particular Objection to it, would be confirmed in their absence. The registration at Entry No. 184 made on the application of Mr G P Rogers is of a right "to stray"; Mr Harker on his behalf contended that the registration should be confirmed, modified if need be by substituting "graze" for "stray". So the hearing proceeded on this basis, with the result that apart from the evidence adduced on behalf of Mr G P Rogers in relation to Entry No. 184 (and as later appears also in relation to Entry No. 235), and the evidence of Lady Sayer



above summarised in support of the registration at Entry No. 52 (and possibly also of Entry No. 53 and No. 212), the only evidence I have for or against the Rights Section registrations was that adduced by the Commoners Association.

Mr Cyril Walter Abel of Higher Godsworthy who was born 49 years ago at Lower Godsworthy, has farmed at Higher Godsworthy since he was 18 years of age, and is now and has been for the last 12 months chairman of the Peter Tavy Commoners Association, in the course of his oral evidence said (in effect):- The Association started in 1930 and he had seen papers going back so far; he had attended meetings since he was a boy, his father having been secretary for 30 years. He, and he thought other members of the Association, regarded the Unit Land as four commons: Willsworthy Common, Wapsworthy Common, Cudlipptown Down, and Peter Tavy Great Common, each with a separate body of graziers. He had with cattle and sheep grazed Peter Tavy Great Common, Cudlipptown Down and Wapsworthy Common; Higher Godsworthy Farm nearly all round backs on Peter Tavy Great Common; except during illness he had been on some part of the Common he would say daily; as a youngster he was there quite a lot of evenings and at most week ends on a regular basis. As to Association Objection No. 439 (grounds: "... must be restricted to straying ...") the Association had in mind that on any one of the Commons you get from adjoining commons a certain amount of straying, but that is not a right to leare stock on the common; locally they made a distinction between those who leared their stock on the common (a right) and those whose stock strayed on the common; none of the farms mentioned in the Objection had leared stock on Peter Tavy Great Common, so their straying there would be limited. At round ups when animals were collected, the owner of strays would be notified; during the every day running of the common, strays would be turned back. Of the farms referred to in the Objection, mostly either in Willsworthy or Whitchurch, none leared on Peter Tavy Great Common. As to Association Objection No. 440 (grounds:- "... right does not exist"): no rights from the farms referred to have ever been exercised on the Common; those who have lears on the Common would not tolerate outsiders; he had never seen people on the Common dig stone or sand; none had exercised claims; he suggested "it would be impracticable to exercise the rights claimed even if they had them; the majority of them come from the other side of the Moor (meaning the other side of the Forest, CL 164), and to use these rights in a proper manner would just be not possible". As to sheep, the main round ups were for lambing, dipping and tuppung; the strays would be notified to their owners who come and collect them; as to cattle, there were round ups in August (breeding season) and just before the winter started (to sort out for feeding which stock should be taken off the Moor); for these, the Commoners get together, 3 or 4 on each common, and might be 12 for Peter Tavy Great Common. As to Sortridge Farm, for which Mr G P Rogers had registered a right "to stray" stock: the Farm is little more than 1 mile north of Horrabridge and is about 4 miles from Cox Tor (the southwest part of Peter Tavy Great Common) which is the nearest part of the Unit Land; as to strays on Peter Tavy Great Common, they would be mostly from Whitchurch Common (on the south, Register Unit No. CL 85, off Sortridge Farm being further south); if Mr Rogers' sheep so strayed, they would be turned back he would be notified in accordance with the practice; he could not remember any such strays from Sortridge Farm particularly although he remembered that on one occasion Mr Rogers had been notified of a stray. As to the part of Highland (mentioned in Entry No. 238) owned at one time (June 1968 the date of the application for the registration) by Mr T G D Percy (it later came into the ownership of Mr G P Rogers), he (the witness) had never seen any of Mr Percy's sheep on Peter Tavy Great Common.



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In support of his registration at Entry No. 184, and also I suppose in support of that at No. 235 made on the application of Mr T G D Percy, oral evidence was given by Mr G P Rogers in the course of which he produced the documents mentioned in Part VI of the Third Schedule hereto. He said (in effect):- He was born in 1919 and formerly farmed in Buckland Monachorum at Long Ash which he sold in 1959 when he agreed to buy Sortridge Farm. Before then he had been "connected" with it, because his father in 1923 took the grazing of Sortridge and from when he was 16 years old (1935) "we" (meaning his father I suppose) were tenants of part of Sortridge. At that time Mr Thomas was a tenant of another part; he had some Cheviot white faced sheep which he turned out on to the Moor (Whitchurch Common): but these sheep when turned out would not stay there but go higher up (meaning to Peter Tavy Great Common) because Whitchurch was not suitable for them and because there was too much interference from the public and too many cars about (Whitchurch Common is crossed by the Tavistock-Princetown B3357 road); the grazing by Mr Thomas was in the late 1930's and 1940's; his (the witness') father took over his tenancy. He (the witness) himself had turned Scotch black faced sheep on to Peter Tavy Great Common; they went there because when he bought them from Mr Palmer in 1960 or 1961, they were leared there (Cox Tor and Roos Tor); he bought up to 200 and increased them afterwards; some were leared on Whitchurch Common and some on Peter Tavy Great Common; for personal reasons which he explained, he gave up keeping sheep approximately 5 years ago; he had never kept Cheviot sheep. He thought that the Tithe demand (GPR/5) showed he had a right of common in the parish of Peter Tavy because he owned land in that parish, so the demand must relate to a right of common (his only possible interest) in Peter Tavy.

On behalf of Mr G P Rogers, oral evidence was given by Mr Horace Geeke, who is now 84 years of age; he said (in effect):- For roughly 20 years before 1950 he worked at Fullamoor (a farm a short distance northeast of Sortridge); after 1950 he worked for himself at Stortown, a short distance to the east of Sampford Spinney church. He could not say whether he had seen Mr Rogers' sheep on Peter Tavy Great Common; he used to go for his own sheep and was not interested in other people's sheep; he went to the common to collect his sheep for shearing and dipping and did not otherwise go up to see them regularly "it may be neglect but I got through!" He knew that Mr Thomas kept sheep but didn't know where he kept them although they used to get on to the Common and he did not know when he stopped keeping them; as to the wisdom of keeping Cheviots on Whitchurch Common, "that is up to people; I would not keep them at all!" As to other people putting sheep on Peter Tavy Great Common, "I don't know any who put them there but I know plenty whose sheep strayed there: I can give you their names". He knew Mr Thomas; he thought he was the tenant of the biggest part of it when he retired; he was farming there during the second war but was not there in 1950; his sheep may have strayed on to Peter Tavy Great Common "what is there to stop them?"

On the day after the hearing (8 October) in the course of a hearing about Lydford Inner Common in (Register Unit No. CL 64), Mr Colin Sturmer who is the Land Agent of the Duchy's Dartmoor Estate was giving evidence about sporting rights on Dartmoor and produced the documents (among others) specified in Part VII of the Third Schedule. Mr Sturmer explained that fishing on the Dartmoor land of the Duchy (including not only Lydford Inner Common but also the Duchy Pieces of the Unit Land) was only by licence from the Duchy.



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On the following day (9 October) I inspected Peter Tavy Great Common accompanied by Mr J P Rogers and Mr C W Abel starting from the Car Park off the B3357 road opposite Cox Tor. After this inspection I motored from the car park along the roads towards and around Sortridge; also I motored to Lane Head entrance of the Willsworthy Piece; also I walked over the part of this piece near Willsworthy Camp.

As to the registrability of a right "to stray", I adhere to the views which as above stated I expressed at the hearing; for these views I have given reasons under the heading "straying" in my decision dated 30 June 1983 about the CL 164 Register Unit (The Forest), and such reasons should be treated as repeated herein.

Although there may be doubt as to the meaning of the word "stray" in all possible contexts, I accept the evidence of Mr Abel that as regards the Unit Land the only relevant grazing is by leared stock and that locally an animal is regarded as a stray if it is not on its lear. As above appears between the evidence given on behalf of the Commoners Association and on behalf of Mr G P Rogers there was some conflict, but this conflict did not extend the meaning of the word "stray", Mr Abel, Mr G P Rogers and Mr Geeke all used it in the same sense. Near Cox Tor and Roos Tor, the boundary between the Unit Land and Whitchurch Common (CL 85) is on the ground such as could be easily crossed by cattle and sheep leared on Whitchurch Common, particularly if leared on the part (compared with the whole small) north of the B3357 road. I am concerned about what the owners of stock did as of right; what I said under this heading in my said CL 164 decision should be treated as repeated herein.

As to the registration at Entry No. 235 of a right attached to Highland of turbary, estovers and to graze:- I have no evidence of any exercise of any right of turbary or of estovers, and appearances are against there ever having been any such exercise. As to grazing, as of right from Highland, my next observations about grazing from Sortridge are applicable. My decision is therefore that Objection No. 439 succeeds, so that this registration should certainly be no more than such a right if any as can be justified by grazing "restricted to straying only". But for reasons above set out a right justified by grazing so restricted is either no more than a right by reason of vicinage not registrable, or is of something not a right of common within the meaning of the 1965 Act. My decision is therefore that the registration at Entry No. 235 should be avoided altogether whether it be regarded as it was originally or as modified by substituting "to stray" for "turbary, estovers, to graze".

The registration at Entry No. 184 is of an alleged right attached to Sortridge:- To stray 60 cattle 375 sheep from Register Units Nos. CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(W), being Shorts Down, ?, Plaster Down, Whitchurch Common, Whitchurch Down and the Forest (West Quarter). On the basis that the registration should be treated as if it had been modified by substituting "graze" for "stray", the situation of Sortridge in relation to the Unit Land is against there being any such right. The nearest common is Plasterdown, and next in Whitchurch Common stretching for more than 1½ miles beyond, before the Unit Land is reached. Appearances against there ever being grazing as of right on the Unit Land, and I decline therefore to infer that the things done either by Mr Thomas or Mr Rogers were necessarily done by their predecessors. I do not accept Mr Rogers' inference



as to what Mr Thomas did with his Cheviot sheep; what he said cannot be described as more than an inference from his assumptions as to the probable reactions of such sheep; his evidence was not supported by Mr Geeke. As to grazing by Mr G P Rogers himself, I do not accept that he ever leared sheep on Peter Tavy Great Common; about his activities I prefer the evidence of Mr Abel and conclude that his grazing was not as of right. But even if it was as of right it was not for long enough a period to establish a right by presumed modern grant; for this 20 years of exercise as of right is needed, see *Tehidy v. Norman* 1971 2 QB 528; his grazing even if (contrary to my opinion) that after the date of Objection can be included, was for no more than from 1960 to 1978. Further as from 13 September 1968, a registration of no more than a right to stray has publicly appeared in the Register; to treat anything done by Mr Rogers since 1968 as anything more than in the exercise of a purported right to stray on the Unit Land would be unjust; in his application form dated 25 May 1968 the word "vicinage" is used, so he or his advisers intended to make a distinction between Whitchurch Common, over which a "right of common" was claimed and the Unit Land; in my opinion he made no mistake in so limiting his application. So I refuse to modify this registration by substituting "graze" for "stray".

So I treat the registrations at Entry No. 184 as if it is now (as it has always been) of a right "to stray" and the registration at Entry No. 235 is if it is now as a result of a successful objection of no more than a right to stray. In accordance with the views I expressed at the hearing and elaborated in my said CL 164 decision I now decide that both these registrations should be avoided.

Except in relation to Entry No. 71, nobody appeared at the hearing in support of any of the other registrations mentioned in Objection No. 439 (restricted to straying). Although Mr R A Cole (as above stated) supported Entry No. 71 so far as it related to the Willsworthy Piece, I have no note or recollection of his in any way supporting it against Objection No. 439. On the evidence of Mr Abel, my decision is that the objection succeeds with the result that all the registrations mentioned in it (including that at No. 71) are now no more than of such a right as can be justified by grazing restricted to straying. My decision is on the consideration above stated about straying that all these registrations should be avoided.

Upon the like considerations my decision is that the remainder of the 167 registrations which are now and have always been of "to stray" should also be avoided.

TURN OVER



Because I am avoiding such last mentioned registrations and those listed in Objection No. 439 by reason only of an objection which is by subsection (7) of section 5 of the Act be treated as having been made, and because the applicants for these registrations may have failed to attend the hearing assuming they would be confirmed in the absence of any objection particularly referring to them, my avoidance of these registrations is subject to the liberty to apply granted in the Fourth (and last) Schedule hereto. Exceptionally this liberty to apply is not applicable to the registrations at Entry Nos 184 and 235 with which Mr G P Rogers is concerned, because I have at the hearing heard all the evidence he wished to adduce.

As to the registrations mentioned in Association Objection No. 440 (right does not exist):- The circumstance that the Duchy as the owners of the Pieces of the Unit Land most affected by these registrations have withdrawn their Objection No. 396 is some evidence that the registrations were rightly made, but I reject the contention of Lady Sayer that such withdrawal establishes their validity; the Commonsers Association have as they were entitled to, objected independently, but I must consider the evidence for and against these registrations.

About the registration at Entry No. 55, the paper SRPS/1 is essentially the same as regards evidence and argument with that called and made by Mr Theyer at the CL188 hearing which had been begun but had not been concluded when I held this Unit Land hearing; about CL188 I have now given a decision dated 30 June 1983. As to the facts, I find on the evidence of Mr Abel that within living memory rights claimed have not been exercised over the Unit Land (this was not I think disputed by Lady Sayer) and it was never at any time reasonable for them to be exercised over the Unit Land. For the reasons set out in my said CL188 decision, I now decide that the registration at Entry No. 55 was not properly made.

In the absence of any evidence or argument in support of the other registrations mentioned in Objection No. 440, my decision is the same.

As to Duchy Objection No. 397 (no piscary), I accept the evidence of Mr Sturmer, and my decision is that the Objection succeeds. Although expressed to be limited to the parts of the Unit Land owned by the Duchy, I shall avoid "piscary" as regards all the Unit Land, because I am satisfied from such evidence and from what I saw on my inspection that a right of piscary could not sensibly exist in relation to any part of the Unit Land.

As regards the remaining Rights Section registration being those which are not referred to in Objection Nos 439 and 440 and are not of a right "to stray":- But for the Land Section Objections, and apart from Objection No. 397 (piscary), all such registrations would have become final under Section 7 of the 1965 Act without any hearing before a Commons Commissioner. The registrations are all supported by the statutory declaration made when they were applied for. Mr Abel said that the Commonsers Association when making their Objection, considered all the registrations and concluded that those to which they had not objected were rightly made; this conclusion by persons with knowledge of local conditions is I think enough to justify the registrations and to make it unnecessary for me to consider any of them in detail. My decision is therefore that subject to the deletion of "piscary" wherever it occurs, all these registrations were rightly made.



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I have no note or recollection of anything being said at the hearing about the various detached pieces of land included in this Register Unit. Although it may be that none of them by themselves can sensibly be grazed, I conclude that they are locally reputed to be common land part of the larger pieces which I have particularly considered, and for this reason I do not in this decision deal with them specially.

I have in the Fourth (and last) Schedule hereto set out the effect of my decisions as regards each of the registrations disputed in these proceedings and such Schedule should be regarded as part of this decision.

Because this decision may contain not only clerical errors, but also errors due to my incorrectly recording agreements or concessions made to me and possibly other errors too which I ought to correct without putting the persons concerned to the expense of an appeal, I give to all persons who attended or were represented at the hearing or were entitled to be heard at it liberty to apply to me to alter this decision, such liberty to be exercised in accordance with the last paragraph of the Fourth (and last) Schedule hereto.

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.

FIRST SCHEDULE
(Rights Section Nos)

Part I: original registrations

Nos. in question	Replacement	Ineffective Nos.
1 to 24 inclusive	7 replaced by 285 and 286 11 replaced by 279 and 280	25 cancelled 10 July 1973
26 to 156 inclusive (including 95A)	26 modified 30 July 1973 85 replaced by 282 and 283 150 replaced by 305, 306 and 307 156 replaced by 315 and 316	157 cancelled 29 April 1971
158 to 258 inclusive	180 replaced by 300 and 301 182 amended 7 February 1922 183 superseded by 3225(?) 210 replaced by 303 and 304	259 and 260 cancelled 25 July 1973
261 to 265 inclusive	--	266 cancelled 25 July 1973
267 to 273 inclusive	--	274, 275, 276, 277 and 278 cancelled 12 July 1973



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Part II: replacements

288 and 289 replace 286; 291 and 292 replace 285; 294 and 295 replace 291; and all these replace 7.

212 and 313 replace 31.

309 and 310 replace 282 which with 283 replaces 85.

305, 306 and 307 replace 150.

315 and 316 replace 156.

300 and 301 replace 180.

303 and 304 replace 210.

297 and 298 replace 247.

Note: the register records that No. 152 is in conflict with No. 264.

SECOND SCHEDULE
(Objections)

Part I: Land Section registration

Note: By section 5(7) of the 1965 Act all these Objections must be treated as objections to all the Rights Section registrations.

No. 55

By Secretary of State for Defence; noted in the Register on 21 July 1970; grounds, the part verged red in the plan attached (meaning the Willsworthy Part as herein defined) was not common land at the date of registration.

No. 189

By Mr A J F Alford; noted in the Register on 27 November 1970; grounds, land edged red on plan attached (meaning part of Cudlipptown Green) is the garden part of Burnshall Farm and was not common land at the date of registration.

No. 436

By Mr Frank W Collins; noted in the register on 13 January 1971; grounds, OS No. 506 containing 0.142 acres was not common land at the date of registration.

No. 479 and No. 480

By Mr Cyril George Abel; noted in the register on 27 November 1970 and 13 January 1971; grounds (479) OS Nos 369, 370 and 371A on plan edged A in red was not; and (480) OS No. 334 embracing an area of 5.642 acres forms part of Twist Farm and was not, common land at the date of registration.

Part II: Rights Section registrationsNo. 396 and No. 397

By HRH Charles Prince of Wales, Duke of Cornwall; noted in the register on 1 February 1971; grounds (396) as regards registration Nos. 52, 53, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 204, 205, 206, 209, 212, 240 and 241 that the right does not exist on the parts hatched in red lines and lettered A on the register map (meaning the Duchy Part as herein defined); and (397) as regards the registrations at Entry Nos. 140, 170, 177, 178, 225 and 262, right of piscary does not exist on the Duchy Part.

No. 439 and No. 440

By Peter Tavy Commoners Association; noted in the register on 24 November 1970; grounds (439) as regards the registrations at Nos. 15, 37, 38, 40, 71, 72, 162, 165, 182, 210, 232, 233, 234, 235, 242 and 262 "the rights claimed must be restricted to straying only at the date of registration"; and (440) as regards the registrations at Nos. 52, 53, 76, 80, 95A, 109, 126, 128, 174, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 210, 202, 203, 204, 205, 206, 209, 212, 240, 241, 265 and 271 "that the right does not exist".

THIRD SCHEDULE
(Documents produced)

Part I: on behalf of Mrs G Alford

- 29 September 1940 Conveyance by personal representatives Mary Walter Oxenham (she died 9 March 1929) to Arthur John Fuge Alford of Burnshall comprising 39a. 2r. 33p., with plan showing it as including OS No. "pt 622: 1.678."
- 11 June 1982 Letter from County Council to Ward & Chowen

Part II: on behalf of Mr F W Collins

- In Peter Tavy 20 February 1948 Assent by Mrs Louisa Dodd as executrix of William John Dodd (he died 26 November 1947) in favour of herself of cottage and 2 gardens called Hills Garden and Grass Garden in Peter Tavy and fields Nos. 511, 504, 509, 505, 507 and 506 on OS map as delineated on plan.
- 4 November 1966 Assent by Mr Frank William Collins as executor of Louisa Dodd (she died 30 August 1966) in favour of himself of the said fields.



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11 June 1982

Letter as above

Part III: by Mr C W Abel

CWA/1	2 September 1976	Conveyance by Mr C G Abel and Mrs M C N Abel to Messrs C W Abel and G H R Abel of Godsworthy containing about 114 acres and all other the property in the next mentioned 1888 conveyance.
CWA/2	27 December 1888	Conveyance by William Stevens to George Henry Abel of Godsworthy therein described by reference to Nos. on Tithe map.
CWA/3	2 September 1976	Conveyance by Mr C G Abeland Mrs M C Abel to Messrs C W Abel and C H R Abel of Twists containing about 50a. 4p. by reference to next mentioned 1934 conveyance.
CWA/4	5 November 1934	Conveyance by George Frederick Mills Grigg to Cyril George Abel of Twists containing about 50a. 4p. described in the schedule by reference to OS Nos.
CWA/5	24 June 1871	Indenture with map drawn thereon showing Twists as edged red, marking the OS Nos.

Part IV: on behalf of Secretary of State for Defence

S of S/1	—	Bundle of maps A1.
S of S/2	—	Bundle of documents A2 containing: pages 1-18 the 1907 Extinguishment Deed and other documents referred to in or arising as a result of it; and pages 19 to 67 statement by Mr John Wallace Evans and other documents with which he was concerned; and page 122 Willsworthy Range Byelaws, 1980.
S of S/3	—	Bundle of documents A3, containing: pages 1-27 notices to treat, claim, award of A L Ryde and conveyance dated 22 November 1905 by Mrs S E Calmady-Hamlyn and others to the Secretary of State for War; and pages 80 to 86 lease dated 11 May 1899 and conveyance dated 11 August 1900 by J W Matthews.
S of S/4		Bundle of documents A4, containing: copy conveyance of 24 June 1824 and extract from Peter Tavy Tithe apportionment award.



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S of S/5	1903	Clippens v Edinburgh, 1904 AC64.
S of S/6	1892	Military Lands Act 1892; 55 & 56 Vict. ch 43
S of S/7	1845	Lands Clauses Consolidation Act 1845, 8 Vict. c.18.
S of S/8	17 September 1982	Affidavit by David John Parnwell
DJP/2	28.05.82	Report of inspection of Newtake boundaries of Willsworthy Range
DJP/3	1978	Draft agreement between Secretary of State for Defence and Committee of Commoners
S of S/10	—	Book of copy invoices pages 1 to 81 beginning Mr Cole Willsworthy March 1959 £4.10.0.
Part V: by Lady Sayer		
SRPS/1	5 October 1982	Statement of case.
Part VI: by Mr Rogers		
GPR/1	1 April 1960	Conveyance of Mrs N M Tucker and her purchasers to George Porter Rogers as subpurchaser of farm and lands in Whitchurch and Horrabridge known as Sortridge and containing 127a. 1r. 11p. described in Schedule and plan.
--	10 November 1961	Memorandum on GPR/1 of conveyance to Cyril Richard Smythe of dwellinghouse known as Sortridge.
--	6 April 1965	Memorandum on GPR/1 of conveyance to John Snell Cann and Julianne Maria Cann of conveyance of Avondale (formerly 1 & 2 Mine Houses) containing 8.442 acres
--	31 March 1976	Memorandum on GPR/1 of conveyance to B D Skilton and D E Skilton of ¼ acre
--	... 1979	Memorandum on GPR/1 of GPR/2 below
GPR/2	... 1979	Conveyance by George Porter Rogers and Agricultural Mortgage Corporation Ltd to Brian Donald Skilton and Deirdre Eleanor Skilton of part of Sortridge Farm containing 4.96 acres
GRP/3	25 September 1969	Conveyance by Thomas Derek Glynne Percy to George Porter Rogers of fields part of Highland containing about 59.73 acres (see Rights Section No. 235).



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—	13 November 1975	Memorandum on GRP/3 of conveyance to Winifred Ellen Butland of field being those edged red on conveyance plan (North Road)
GPR/4	2 May 1968 5 March 1969 24 July 1970	Advice notes for agricultural grants and subsidies.
GPR/5	1 October 1970	Demand for Tithe Annuity due, Tithe Districts Peter Tavy and Whitchurch
Part VII: by Mr C Sturmer (at CL 64 hearing)		
CL 64 Duchy/1	26 April 1975	Opinion of counsel Mr T Ethernan
CL 64 Duchy/3	22 July 1953	Letter from Duchy to Devon River Board about fishing tickets.
—	5 August 1953	Letter from Devon River Board to Duchy Princetown office about Board's bailiff asking fishers in Duchy water to produce tickets
	28 January 1954	Letter from Duchy to F Ware suggesting payments of 10/- per week for 1954 for ensuring fishermen have Duchy fishing ticket
—	—	Speciment licences, trout day, trout season, trout week and salmon season

FOURTH SCHEDULE
(Decision table)

1. I confirm the registration at Entry No. 1 in the Land Section with the modification that there be removed from the Register: (a) the part of the land in this Register Unit as shown verged red on the plan attached to Objection No. 55 made by the Secretary of State for Defence, such part being the part hereinbefore called the Willsworthy Piece; (b) the part of the land in this Register Unit edged red on the plan attached to Objection No. 189 made by Mr A J F Alford and being in such objection described as "a garden part of Burnshall Farm"; (c) the part of the land in this Register Unit being OS Nos. 369, 370 and 371A as shown on plan attached to Objection No. 479 made by Mr Cyril George Abel; (d) part of the land in this Register Unit being OS No. 506, 1905 edition of SO map XCVIII-13 and mentioned in Objection No. 436 made by Mr Frank W Collins: and (e) OS No. 334 embracing an area of 5.642 acres shown on the 1906 edition of OS map XCVIII-14 being part of Twist Farm as specified in Objection No. 480 made by Mr Cyril George Abel; and with the consequential modification that in the description in the Register the words "Standon Down, Nattor Down, Willsworthy, part Blackdown" be deleted.



2. I refuse to confirm the following Rights Section registrations being the registrations mentioned in the Commoners Association Objection No. 440, that is to say (Entry Nos. name of applicants and land to which right is alleged to be attached):-

- No. 52 - Vice Admiral Sir Guy Bouchier Sayer and Lady Sylvia Rosalind Sayer; Old Middle Cator, Widecombe-in-the-Moor.
- No. 53 - David Miller Scott; The Village Farm, Holne.
- No. 76 - John Henry Batten; Brinsabatch, Brentor.
- No. 80 - Roy Richards Budge; Wortha Mill, Brentor.
- No. 95A - Thomas May; OS. 957 in Brentor and OS. 21, 227a (pt) and 107 in Lydford.
- No. 109 - John Edmund Giles; part South Brentor.
- No. 126 - Ewart Sydney Rice and Stanley Russell Rice; land in village of Brentor.
- No. 128 - William Arnold Cole; Watervale, Brentor.
- No. 174 - Melville John Rich Cooke; adjoining Kirtonia, Vale Down, Bridestowe.
- No. 189 - Holne Parish Lands Charity; Church House Inn, Holne.
- No. 190 - David Miller Scott; Waterpark, Holne.
- No. 191 - H D and E H Pearce; Little Cross, Holne.
- No. 192 - Lewis Olver Perkins; Sparrows Hall, Holne.
- No. 193 - Alexander George Cousins; Stonehanger, Holne.
- No. 194 - Lt Col Philip Robert Lane -Joint; Tumbly, Holne.
- No. 195 - Dr Robert Ewing Adam; 1 Church Park Cottages, Holne.
- No. 196 - Leonard Jackson; The Nook, Holne.
- No. 197 - Edwin Hopcroft Woodward and Isabela Amelia Woodward; Pixies House, Buckfastleigh West.
- No. 198 - Francis Arthur Perryman; OS Nos. 580 and others in Holne.
- No. 199 - James Barnes Townsend; OS Nos. 61 and others in Holne.
- No. 200 - Florence and Albert Edward Tozer; Forge House and Nos 1 and 2 Forge Cottages, Holne.
- No. 201 - Raymond George Northmore and Anne Bouvery Northmore; Hazelwood, in Holne.
- No. 202 - Perge Albert Norrish; Seals Stoke, Holne.
- No. 203 - George Ernest Jonathan Gaythorne; Holne Cott, in Holne.
- No. 204 - Hugh Clarkson and Mary Isobel Clarkson; Fore Stoke Farm, Holne.
- No. 205 - Mary Isobel Clarkson; OS No. 332 and others in Holne.
- No. 206 - William Henry Norrish; OS Nos. 3363 and others in West Buckfastleigh.
- No. 209 - Peter Gerald Ansell; Upcott House, Okehampton.
- No. 212 - Eleanor Nancy Smallwood; Holne Court Farm, Holne.
- No. 240 - Ellen Amy Joyce Worthington; Mill Cottage, South Zeal and Fields in South Tawton.
- No. 241 - Vera Ellen Knapman; Mill Farm, South Tawton.
- No. 265 - Mary Ruth Howard; Sanctuary, Lydford in Peter Tavy.
- No. 271 - Devon County Council; Prescombe Farm, Brentor.

3. I refuse to confirm the following Rights Section registration being the registrations about which as hereinbefore appears I had oral evidence, that is to say (Entry Nos., the name of applicants, and land to which right is alleged to be attached):-

- No. 184 - George Porter Rogers; Sortridge Farm, Horrabridge.
- No. 235 - Thomas Derek Glynn Percy; Highland, Whitchurch.



4. Subject to the liberty to apply in this Schedule after granted, I refuse to confirm the following Rights Section registrations being the registrations (except No. 184 supra) to which the Commoners Association objected on the grounds that it should be restricted to straying, that is to say (Entry Nos., name of applicants and land to which right is alleged to be attached):-

- No. 15 - John Wallace Evans; Will Farm, Peter Tavy.
- No. 37 - Jeoffrey Waring Brameld; Lower Willsworthy Farm, Peter Tavy.
- No. 38 - George Charles Mudge, land at Willsworthy, in Peter Tavy.
- No. 40 - John Henry Richard Dennis; Hilltown Farm, Peter Tavy.
- No. 71 - Roger Alfred Cole; Beardown Farm, Peter Tavy and Henscott Fields, Mary Tavy.
- No. 72 - Francis John Roskilly; Lane Head, Peter Tavy.
- No. 162 - Vivian Mary Desiree; Elrington; Lowertown, Mary Tavy and Peter Tavy.
- No. 165 - Stewart Sydney Rich; Will Farm, Peter Tavy.
- No. 182 - Pamela Mary Sedgwick; Glenside, Middlemoor, Tavistock.
- No. 210 - Ernest Mowbray Glossop and Diana Edith Alicia Glossop; Highland Farm, Whitchurch.
- No. 242 - Secretary of State for Defence; Doetor Farm, Lydford, and Bearwalls, Redeford, Yellowmead and Standon Farms in Peter Tavy.
- No. 262 - Edward John Friend; Lower Beardon Farm; Peter Tavy.

Note:- Entry Nos. 182, 242 and 262 had before the hearing have been amended by substituting "stray" for "graze"; because particularly mentioned in Objection No. 439 they are included in this paragraph rather than in the next paragraph of this Schedule.

5. Subject to the liberty to apply in this Schedule after granted, I refuse to confirm the following Rights Section registrations, being registrations of rights "to stray" (exclusive of those mentioned in paragraphs 2, 3 and 4 above) that is to say (Entry Nos., names of the applicant, register unit from which it is claimed the animals could stray, the land to which the right is attached):-

- No. 5 - William Henry Bellamy; from CL 3 and CL 193; part Burntown Farm, Mary Tavy.
- No. 6 - William Peter Bellamy; from CL 3 and CL 193; land at Harford Bridge, Mary Tavy.
- No. 8 - Francis Thomas Martin; from CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(w); Brook, Tavistock, formerly in Whitchurch.
- No. 12 - Dorothy Ursula Trump; from CL 64 and CL 164(n); Kitts Cottage, Lydford.
- No. 13 - Frederick Blatchford Dawe; from CL 56, CL 83, CL 84, CL 85, CL 86, and CL 164(w); part Ash Farm, Whitchurch.
- No. 20 - Percy Frank Pearce; from CL 85 and CL 164(w); Higher Longford Farm, Whitchurch.
- No. 27 - Sidney Bickell; from CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(w); Dennithorne Farm, Whitchurch.
- No. 28 - Sidney Bickell; from CL 56, CL 83, CL 84, CL 85, CL 86, CL 164(w) and CL 192; Merrivale Farm, Whitchurch.
- No. 29 - Thomas George Giles Dawe; from CL 64 and CL 164(n); Treahaven, Lydford.
- No. 30 - Sidney Bickell; from CL 3 and CL 193; part North Warne, Mary Tavy.
- No. 31 (amended Nos. 312 and 313) - Frank Quick; Lower Creason Farm, Mary Tavy.
- No. 32 - Francis S Mudge; from CL 56, CL 83, CL 84, CL 85, CL 86, CL 126 and CL 164(w); Reddicliffe Farm, Newhouse Farm and Clum Hill in Whitchurch and Sampford Spiney.



- No. 33 - Dulcie Muriel Martin; from CL 64 and CL 164(n); Copperthorne and Newmead, Lydford.
- No. 34 - Stanley Harry Roger Huggins; from CL 64 and CL 164(n); land at Lydford.
- No. 35 - William Gerald Dingle; from CL 56, CL 83, CL 84, CL 85 CL 86 and CL 164(w) Lower Longford, Whitchurch.
- No. 36 - Ida Ellen Mudge and Henry Mudge; from CL 3 and CL 193; Holditch Farm, Mary Tavy.
- No. 39 - Horace William Mudge; from CL 3 and CL 193; Fursemans Farm, Horndon, Mary Tavy.
- No. 42 - Elizabeth Jane Leyman; from CL 3 and CL 193; The Knoll, Horndon, Mary Tavy.
- No. 43 - Arthur Cole; from CL 3 and CL 193; Burntown Farm, Mary Tavy.
- No. 44 - Mervyn John Cole; from CL 64 and CL 164(n); Lower Downtown Farm, Lydford.
- No. 45 - Albert Ernest Palmer; from CL 64 and CL 164(n); St Petrocks, Lydford.
- No. 47 - John Irwin Mudge; from CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(w); Courteney Brook Farm, Tavistock..
- No. 48 - Kathleen Constance Colmer; from CL 56, CL 83, CL 84, CL 85, CL 86, CL 125, CL 126, and CL 164(w); Monkswell Farm, Sampford Spiney.
- No. 49 - Arthur John Fuge Alford; from CL 86 and CL 164(w); Tor Fields, Tavistock Hamlets.
- No. 51 - Roy Richard Budge; from CL 3 and CL 193; The Croft, Mary Tavy.
- No. 56 - Hilda Emily Heathman Glass; from CL 64 and CL 164(n); New Parks, Lydford.
- No. 57 - Hilda Emily Heathman Glass; from CL 64 and CL 164(n); Skitt and Widgery, Lydford.
- No. 58 - Hilda Emily Heathman Glass; from CL 64 and CL 164(N); Town Farm, Lydford.
- No. 59 - Ernest John Reed Doidge and Eileen Gertrude Doidge; from CL 56, CL 83, CL 84, CL 85, CL 86, and CL 164(W); Wilsetton Farm, Whitchurch.
- No. 60 - Ernest John Reed Doidge Eileen Gertrude Doidge and Michael John Doidge; from CL 84, CL 85, CL 126 and CL 164(W); part Whymington Farm, Sampford Spiney.
- No. 61 - Ernest John Reed Doidge, Eileen Gertrude Doidge and Michael John Doidge, from CL 84, CL 85, CL 126 and CL 164(W); Bye The Down Farm, Sampford Spiney.
- No. 62 - John Craze Doidge; from CL 56, CL 83, CL 84, CL 85, CL 86, and CL 164(W); Underhill Penny-come-Quick, Whitchurch.
- No. 63 - John Henry Thomas Hearn; from CL 56, CL 84, CL 85, CL 86 and CL 164(W); Oakley Farm, Whitchurch.
- No. 64 - Francis Langman Kerswell; from CL 56, CL 83, CL 84, CL 85, CL 86, and CL 164(W); Venn Bungalow.
- No. 69 - William Doidge; from CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(W); Fullamoor Farm, Whitchurch.
- No. 70 - William Doidge; from CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(W); Higher Pennaton, Tythingland and Stentafor, Whitchurch.
- No. 73 - Francis John Roskilly; from CL 164(W); Higher Willsworthy Farm, Peter Tavy.
- No. 74 - Harry Thomas Heathman; from CL 64 and CL 164(N); Dartmoor Inn, Lydford.
- No. 75 - Henry Edward Robert Healy; from CL 3 and CL 193; part Hall Farm, Mary Tavy.
- No. 77 - Frederick William Percy May; from CL 64 and CL 164(N); OS No. 106 and others at Lydford.
- No. 78 - Roy Richards Budge; from CL 3 and CL 193; part North Warne Farm, Mary Tavy.
- No. 79 - Roy Richards Budge; from CL 3 and CL 193, land at North Warne, Mary Tavy.
- No. 81 - Alfred Richard Budge; from CL 3 and CL 193; Wortha Farm, Mary Tavy.
- No. 82 - Edgar John Burley; from CL 3 and CL 193; Higher Spring, Mary Tavy.
- No. 83 - Elsie Joan Burley; from CL 3 and CL 193; Lower Springs, Mary Tavy.
- No. 84 - Francis John Roskilly; from CL 56, CL 84, CL 85, CL 86 and CL 164(W); part Nutley Farm, Whitchurch.



- No. 85 (replaced by 283, 309 and 310) - Lionel Pearse; from CL 56, CL 83, CL 85, CL 86, CL 93 and CL 164(W); Walsedden Farm, Whitchurch.
- No. 86 - Albert Rich Bellamy and Olive Valentine Bellamy; from CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(W); Westlands, Grenofen, Whitchurch.
- No. 87 - Louisa Frances Mudge; from CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(W); Higher Grenofen Farm, Whitchurch.
- No. 96 - Thomas May; from CL 64 and CL 164(W); land at Lydford.
- No. 97 - Arthur May; from CL 64 and CL 164(N); land at Lydford.
- No. 98 - Laura Heathman; from CL 64 and CL 164(N); land at Lydford.
- No. 99 - William Arthur Lillicrap; from CL 3 and CL 193; Rows Farm, Horndon, Mary Tavy.
- No. 100 - Clifford Charles Gloyn and Lionel George Gloyn; from CL 64 and CL 164(N); lands at Lydford, Watervale, Lambhole, and Spooner's Hill in Brentor and Lydford.
- No. 101 - Alec Phillott; from CL 3 and CL 193; land at Creason, Mary Tavy.
- No. 102 - Alec Phillott; from CL 3 and CL 193; Higher Creason Farm, Mary Tavy.
- No. 103 - Douglas Eli Bowhay; from CL 3 and CL 193; Burnford Farm and Heathfield, Mary Tavy.
- No. 104 - Douglas Eli Bowhay; from CL 3 and CL 193; Lane End Mary Tavy.
- No. 105 - Absalom John Warne; from CL 3 and CL 193; Moorside, Mary Tavy.
- No. 106 - Absalom John Warne; from CL 3 and CL 193; Blackdown House, Mary Tavy.
- No. 107 - Absalom John Warne; from CL 3 and CL 193; land at Brentor Road, Mary Tavy.
- No. 108 - Peggy Elizabeth Poole; from CL 3 and CL 193; Higher Spring, Mary Tavy.
- No. 110 - Cyril William Hole and Eric Cyril Hole; from CL 3 and CL 193; South Warne Farm, Mary Tavy.
- No. 111 - Gerald George Warne; from CL 3 and CL 193; Blacknor Park, in Brentor and Mary Tavy.
- No. 112 - Major Peter Bridges Plumtre and Maude Helen May Plumtre; from CL 3 and CL 193; land at Harford Bridge, Mary Tavy.
- No. 113 - Ian Grahame Ross; from CL 3 and CL 193; Old Rectory, Mary Tavy.
- No. 114 - James Basil Willetts; from CL 3 and CL 193; land at Horndon, Mary Tavy.
- No. 115 - William Wescott Warne; from CL 3 and CL 193; land at Mary Tavy.
- No. 116 - William Westcott Warne; from CL 3 and CL 193; part North Warne in Mary Tavy.
- No. 117 - Audrey Violet Young; from CL 3 and CL 193; land adjoining Harford Bridge House, Mary Tavy.
- No. 118 - Absalom John Warne; from CL 3 and CL 193; Recreation Ground, Mary Tavy.
- No. 119 - Walter Burnard Rowe; from CL 3 and CL 193; part Wastor Farm, Mary Tavy.
- No. 120 - Cyril John Warland; from CL 3 and CL 193; Glebe Lands adjoining the Rectory, Mary Tavy.
- No. 121 - William Westcott Warne; from CL 3 and CL 193; Moorland Hall, Mary Tavy.
- No. 122 - Richard John Hill and Rowena Elizabeth Hill; from CL 3 and CL 193; Higher and Lower Kingsett Farms, Mary Tavy.
- No. 123 - John Edmund Giles; from CL 3 and CL 193; land adjoining Gratna, Harford Bridge, Mary Tavy.
- No. 124 - Edward Bruce White; from CL 3 and CL 193; land at Mary Tavy.
- No. 125 - John Collins and Ronald Palmer Collins and Frank Ripley Collins; from CL 3 and CL 193; land adjoining Sunnycote, Mary Tavy.
- No. 127 - Ellen Ball; from CL 3 and CL 193; Axna Farm, Mary Tavy.
- No. 129 - Maurice James Anning; from CL 3 and CL 193; Waingworthy, Mary Tavy.
- No. 130 - William Frank Lombard Hunt; from CL 3 and CL 193; land adjoining Dartmoor View, Mary Tavy.
- No. 131 - Alice Emmeline Martin; from CL 3 and CL 193; land at Whitestone Cottage, Mary Tavy.



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- No. 132 - Cyril James Beesley; from CL 64 and CL 164(N); Castle Inn, Lydford.
No. 133 - Leslie Archibald Huggins; from CL 64 and CL 164(N); land at Lydford.
No. 134 - Leslie Archibald Roger Huggins; from CL 64 and CL 164(N); land at Lydford.
No. 135 - Leslie Archibald Roger Huggins; from CL 64 and CL 164(N); land at Lydford.
No. 136 - Leslie Archibald Roger Huggins; from CL 64 and CL 164(N); land at Lydford.
No. 137 - Leslie Archibald Roger Huggins; from CL 64 and CL 164(N); land at Lydford.
No. 138 - Robert James Lowries and Joan Edith Lowries; from CL 64 and CL 164(N); Highdown, Lydford.
No. 144 - Margaret Alice Kathleen Madgwick; from CL 56, CL 83, CL 84, CL 85, CL 86, and CL 164(W); Holwell, Whitchurch.
No. 145 - Charles Frederick Seager; from CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(W); Moortown, Whitchurch.
No. 147 - Lt-Cdr Geoffrey Blenkhorn Harland; from CL 56, CL 84, CL 85, CL 86, and CL 164(W); Downhouse and Venn Farms, Whitchurch.
No. 148 - Ronald William Rice; from CL 56, CL 84, CL 85, CL 86 and CL 164(W); part Langstone Manor, Whitchurch.
No. 149 - Malcolm Ashfold; from CL 56, CL 84, CL 85, CL 86 and CL 164(W); Higher Quarry Farm, Whitchurch.
No. 150 (replaced by Nos 305, 306 and 307) - Vincent Stubbins from CL 85 and CL 164(W); Hecklake Farm, Sampford Spiney.
No. 151 - William Arthur Cole and John Henry Cole; from CL 56, CL 84, CL 85, CL 86 and CL 164(W); Vixentor Farm, Whitchurch.
No. 152 - George Thomas James Midland; from CL 56, CL 84, CL 85, CL 86 and CL 164(W); Shillapark, Whitchurch.
No. 153 - Harry Palmer; from CL 56, CL 84, CL 85, CL 86 and CL 164(W); Shula, Whitchurch.
No. 154 - Ellen Jane Warne; from CL 56, CL 84, CL 85, CL 86 and CL 164(W); OS Nos. 115, 116 and 159 at Sortridge, Horrabridge.
No. 155 - John Henry Evan Reddicliffe and Reginald George Reddicliffe; from CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(W); Moortown Farm, Whitchurch.
No. 156 (replaced by Nos 315 and 316) - Colin Mark Northmore; from CL 36, CL 37, CL 38 and CL 164(W); Parktown Farm, Walkhampton.
No. 158 - Mark Charles Northmore; from CL 56, CL 84, CL 85, CL 86, CL 93 and CL 164(W); OS Nos. 160 and others at Sortridge, Horrabridge.
No. 159 - Christophjer Samuel Chaffe; from CL 56, CL 83, CL 84, CL 85, CL 86 and CL 164(W); Anderton Farm, Whitchurch.
No. 160 - John Arthur Reep; from CL 164(W); Watter Farm, Peter Tavy.
No. 161 - John Arthur Reep; from CL 164(W); part Will Farm, Peter Tavy.
No. 172 - Leslie Russell; from CL 164(W); Taviton, Tavistock, in Tavistock Hamlets.
No. 173 - Cecil Frederick Allen; from CL 3, CL 64, CL 164(W) and CL 193; Watervale Farm, Brentor.
No. 175 - Ralph Hill and Archibald Roy Hill; from CL 64 and CL 164(N); land adjoining village at Lydford.
No. 176 - Elsie Vera Hannaford; from CL 64 and CL 164(N); land at Lydford.
No. 185 - Norman Kenneth Skelly; from CL 83, CL 84, CL 85, and CL 86; Woodtown Farm, Whitchurch.
No. 186 - John Henry Reddicliffe and Reginald George Reddicliffe; from CL 164(W) and CL 85; Merrivale Newtake.
No. 187 - Leslie Russell; from CL 56, CL 84, CL 85, CL 86 and CL 164(W); part Higher Longford Farm, Whitchurch.
No. 188 - Valentine Graham Forder; from CL 164(S) and CL 192; Well Lucky, Walkhampton.
No. 208 - John Finnegan; from CL 3 and CL 193; Blackner Park, Mary Tavy.
No. 211 - Dide Jean Sarah de Blois Rowe and Lola Helen Opie Treher and Petronella Eunice Martin Keuhfield; from CL 56, CL 84 and CL 85; Bleak House, Whitchurch.



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- No. 213 - Elsie Jean Norman; from CL 48, CL 84, CL 85, CL 125, CL 126 and CL 164(W); Southlands and Hecklake, Sampford Spiney.
- No. 214 - Betty Elizabeth Mary Brown; from CL 48, CL 125, CL 126 and CL 164(W) and parts of CL 84 and CL 85; Stourtown Farm, Sampford Spiney.
- No. 215 - John William Henry Baker and Winifred Mary Baker; from CL 56, CL 83, CL 86, CL 164(W) and parts of CL 84 and CL 85; Boyton Farm, Whitchurch.
- No. 216 - Tom Albert Coram Cox, and Barbara Joan Cox; from CL 56, CL 83, CL 86, CL 164(W) and parts of CL 84 and CL 85; Birchy Farm, Whitchurch.
- No. 217 - William Arthur Cole and John Henry Cole; from CL 48, CL 125, CL 126, CL 164(W) and parts of CL 84 and CL 85; part Bye the Down Farm, Sampford Spiney.
- No. 218 - William Arthur Cole and John Henry Cole; from CL 48, CL 125, CL 126, CL 164(W) and parts of CL 84 and CL 85; Sampford Barton, in Sampford Spiney.
- No. 219 - William Arthur Cole and John Henry Cole; from CL 48, CL 125, CL 126, CL 164(W) and parts of CL 84 and CL 85; part Whymington Farm, Sampford Spiney.
- No. 220 - William Arthur Cole and John Henry Cole; from CL 48, CL 125, CL 126, CL 164(W) and parts of CL 84 and CL 85; Leetown Farm, Sampford Spiney.
- No. 221 - Samuel George Palmer; from CL 193; land at Zoar, Mary Tavy.
- No. 222 - Barclays Bank Ltd (for Devonport Royal Dockyard Orphanage); from CL 3 and CL 193; OS Nos. 425 and others in Mary Tavy.
- No. 223 - Emmulina Rowe and Leslie William Rowe; from CL 56, CL 86, CL 164(W) and parts of CL 84 and CL 85; Clouterton Farm, Horrabridge.
- No. 224 - Ft-Lt Harry Bartholomew; from CL 48, CL 125, CL 126, CL 164(W) and parts of CL 84 and CL 85; Sampford Manor, Sampford Spiney.
- No. 226 - Albert White; from CL 58, CL 86, CL 164(W); parts of CL 84 and CL 85; Rowest Land in Horrabridge.
- No. 227 - John Ormerod Hitchon; from CL 56, CL 86, CL 164(W) and parts of CL 84 and CL 85; Proutatown, Whitchurch.
- No. 228 - John Rogers Davies; from CL 56, CL 83, CL 86, CL 164(W) parts of CL 84 and CL 85; East Crowndale Farm and Rixhill, in Whitchurch and Tavistock.
- No. 229 - Capt Michael Howard; from CL 56, CL 84, CL 125, CL 126, CL 164(W) and part of CL 85; Spooners and West Dartmoor Hunt Kennels, Sampford Spiney.
- No. 230 - John Doidge; from CL 56, CL 83, CL 84, CL 86, CL 164(W) and part of CL 85; Tor Grover, Higher Tor, Middle Tor and Lower Tor in Whitchurch.
- No. 231 - John Doidge; from CL 56, CL 83, CL 84, CL 86, CL 164(W) and part of CL 85 Statsford in Whitchurch and part of Deer Park in Tavistock and Lower Pennaton in Whitchurch.
- No. 236 - Frank Douglas Bye; from CL 56, CL 83, CL 86, CL 164(W) and parts of CL 84 and CL 85; The Priory, Whitchurch.
- No. 237 - Richard Frank Skinner, from CL 56, CL 83, CL 86, CL 164(W) and parts of CL 84 and CL 85; Budgehill Farm in Whitchurch and Tavistock.
- No. 238 - Louisa Jane Phillips; from CL 64 and CL 164(N); land around Village of Lydford.
- No. 239 - William John Hayward and Jean Rosalind Hayward; from CL 56, CL 83, CL 86 and parts of CL 84 and CL 85; The Cottage, Caseytown in Whitchurch.
- No. 243 - Robough Estate Trustees and George Edwin William Cole; from part of CL 192; Yellowmead and Rendlestone, Walkhampton.
- No. 244 - Roborough Estate Trustees and George Walter Higgins; from CL 37, CL 38 and parts of CL 191 and CL 192; Knowle Farm and Ditisham, Walkhampton.
- No. 245 - Roborough Estate Trustees, and Robert Luscombe Toop; from part CL 191 and CL 36; Gnatham Barton, Walkhampton.
- No. 246 - Roborough Estate Trustees and John Nicholas Colton; from part of CL 19 and CL 38 Peekhill Farm, Walkhampton.
- No. 247 (replaced by Nos 297 and 298) - Roborough Estate Trustees and Lionel Arthur Palmer and Ralph Palmer; from CL 38 and part CL 19; Horseyeatt Farm, Walkhampton.



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- No. 248 - Roborough Estate Trustee and Arthur Basil Thomas Palmer; from part of CL 192; Withall Farm, Walkhampton.
- No. 249 - Roborough Estate Trustees and Henry Gorden Palmer; from CL 38 and part of CL 192; Eggworthy Farm, Walkhampton.
- No. 250 - Roborough Estate Trustee and Ernest James French; from part CL 192; Davytown and Routrundle, Walkhampton.
- No. 251 - Roborough Estate Trustees; Wilfred Kenneth Dawe; from CL 37, CL 38 and parts of CL 191 and CL 912; Welltown Farm, Walkhampton.
- No. 252 - Roborough Estate Trustees and Richard French; from part of CL 192; Cripton Farm, Walkhampton.
- No. 253 - Roborough Estate Trustees and William John Hillson; from CL 38 and part of CL 192; Burham Farm, Walkhampton.
- No. 254 - Roborough Estate Trustees; from part of CL 192; Rendlestone, Walkhampton.
- No. 255 - Roborough Estate Trustees; from parts of CL 192; Holewell, Walkhampton.
- No. 256 - Roborough Estate Trustees; from part of CL 192; land near Holewell Farm in Walkhampton.
- No. 257 - Roborough Estate Trustees; from part of CL 193; land near Huckworthy Bridge near Walkhampton.
- No. 258 - Elizabeth Pamela Josephine Kelly; from CL 125, CL 126, CL 164(W) and part of CL 84 and CL 85; Gees Eastontown, Sampford Spiney.
- No. 261 - Sidney Pickell; from CL 192 and CL 164(S); Longash Farm, Merrivale, Walkhampton.
- No. 264 - George Thomas James Medland; from CL 56, CL 83, CL 84, CL 85, CL 86, CL 164(W) and CL 210; Shillaparks, Merrivale, Whitchurch.
- No. 268 - Ian Ross Mackintosh; from CL 56, CL 83, CL 84, CL 85, CL 86, CL 164(W) and CL 210; Caseytown, Whitchurch.
- No. 269 - Lionel Palmer; from CL 48, CL 84, CL 85, CL 164(W) and CL 210; Brook Cross in Sampford Spiney.
- No. 270 - Robert Edwin Skelley, Robert Lewis Skelley and Winifred Buller Skelley; from CL 38, part CL 191 and CL 192; part Standdons Farm, Walkhampton.
- No. 272 - Lewis Dickinson; from CL 85; Brook Farm (Brook House), Tavistock.
- No. 273 - Alfred Cory Mortimore; from CL 85; land at Brook Hill Farm, Tavistock.

6. I confirm following RightsSection registration with the modification as regards Entry Nos. 140, 170, 177 and 178 that in column 4 the word "piscary" be deleted but without any/or (as the case may be) any other modification other than such as is necessarily consequential on the removal from the Register of the lands mentioned in paragraph 1 of this Schedule, that is to say (Entry Nos., the name of the applicants, and the land to which the right is attached):-

- No. 1 - Ida Margery Lynd; Wisdom Farm and Shirley Peter Tavy.
- No. 2 - William Henry Bellamy; Higher Churchtown, Peter Tavy.
- No. 3 - William Henry Bellamy; OS 411 and 189 Peter Tavy.
- No. 4 - William Henry Bellamy; Harragrove Farm, Peter Tavy.
- No. 7 (replaced by Nos. 288, 289, 294 and 295) - Arthur Henry Perkins; Tor Town Farm, Peter Tavy.
- No. 9 - William James Perkins; Gate House Farm, Peter Tavy.
- No. 10 - John Wright Vogwill; OS No. 172, Peter Tavy.
- No. 11 (replaced by Nos 279 and 280) - John Phillips; Youlditch Farm.
- No. 14 - Harold Henry Bellamy; Wedlake, Peter Tavy.
- No. 16 - William Henry Bellamy; part Wedlake Farm.
- No. 17 - Frank William Collins; Higher Mill Farm, Peter Tavy.
- No. 18 - Frank William Collins; land at Peter Tavy Village, Peter Tavy.



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- No. 19 - Thomas George Giles Dawe; land at Wapsworth, Peter Tavy.
No. 21 - Randolph William Simmons; Langford Farm, Peter Tavy.
No. 22 - Randolph William Simmons; Rectory lands, Peter Tavy.
No. 23 - James Henry Cole; land at Cudlipptown, Mary Tavy.
No. 24 - John Horace Dawe; Longbetter Farm, Peter Tavy.
No. 26 (modified 30.7.73) - Thomas George Giles Dawe; Longbetter Farm, Peter Tavy.
No. 41 - William Alfred Bellamy; Coxtor Farm, Peter Tavy.
No. 46 - Robert Doe and Majorie Doe; Lower Collaton Farm, Whitchurch.
No. 50 - Arthur John Fuge Alford; Butterburies, Wapsworth, Peter Tavy.
No. 54 - John Barker and Beryl Catherine Ryder (trustees to the Frank B Northey's estate); land at Cudlipptown, Peter Tavy.
No. 55 - John Barker (trustee of late E M Northey's estate); Lower Churchtown Farm.
No. 65 - Constance Maud Elsie Ewart; Mount View, Peter Tavy.
No. 66 - Francis Edward Bellamy; part Wedlake Farm, Peter Tavy.
No. 67 - Jessie Mary Bellamy; Broad Oaks, Peter Tavy.
No. 68 - Francis Edward Bellamy and Jessie Mary Bellamy; Coppythorne and Paisley Mead, Peter Tavy.
No. 88 - William Harry Doone Ames and Anita Yvonne Ames; part Burnshall Farm, Peter Tavy.
No. 89 - Kathleen Haine; part Manor Farm, Cudlipptown, Peter Tavy.
No. 90 - Fernley Francis Watkins; Broadmoor, Peter Tavy.
No. 91 - Albert Rich Bellamy; part Wedlake, Peter Tavy.
No. 92 - Peter Anthony Tinson; Edgecumbe Farm and Burnshall, Peter Tavy.
No. 93 - William Edward Dodd; OS 379 and 370(A) in Peter Tavy Village.
No. 94 - William Edward Dodd; other land at Peter Tavy Village.
No. 95 - William Edward Dodd; Chubbs Farm, Peter Tavy.
No. 139 - Richard John Hill; Coffins, Peter Tavy.
No. 140 - Cyril George Abel; Twist Farm, Peter Tavy.
No. 141 - John Henry Evans; Reddicliffe and Reginald George Reddicliffe; Longlands, Cudlipptown, Peter Tavy.
No. 142 - Exors of William Frederick Wyatt; Lower Wapsworth Farm, Peter Tavy.
No. 143 - George Charles Searle; Broadmoor Farm, Cudlipptown, Peter Tavy.
No. 146 - Charles Edward Judge; Higher and Lower Collaton in Whitchurch and Peter Tavy.
No. 163 - Albert Richard Bellamy; OS Nos. 196 and 198, Peter Tavy.
No. 164 - John William Mudge; Sowten Farm, Peter Tavy.
No. 167 - Arthur John Knapman; part Manor Farm, Cudlipptown, Peter Tavy.
No. 168 - Alec Phillott; Brownsentor Farm, Peter Tavy.
No. 169 - Ellen Ball; part Lower Wapsworth, Peter Tavy.
No. 170 - Cyril George Abel; Lower Godsworthy Farm, Peter Tavy.
No. 171 - John Arthur Reep; Coffins, Inner Wheatlands and Tor Meadow, Peter Tavy.
No. 177 - Henry Clarence Williams; land at Cudlipptown and Sharpitor in Peter Tavy.
No. 178 - Cyril Walter Abel; Baggator Farm, Peter Tavy.
No. 179 - Alice May Wakeham; land adjoining Peter Tavy village.
No. 180 (replaced by Nos 300 and 301) - William George Turner; Higher Wapsworth, Peter Tavy.
No. 181 - Majory Cecile Alford; land at Wapsworth Bridge, Peter Tavy.
No. 207 - Phyllis Daisy Cole; Heatherdale Farm, part Hall Farm and land at Horndon, Mary Tavy.
No. 225 - George Abel and Sons; Higher Godsworthy Farm and Wheatland in Peter Tavy and Shillapark in Whitchurch.



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- No. 263 - Bryan Henry Rowse; Cudlipptown Farm, Peter Tavy.
No. 267 - William Lorimer Selby Lane; Churchtown in Peter Tavy.

7. Where any of the registrations mentioned in this Schedule have since they were made been replaced by any other registration, each registration so mentioned must be taken to include every registration which has replaced it whether immediately or mediately.

8. Whenever in this decision liberty to apply is mentioned, such application should be made within THREE MONTHS of the date on which notice of this decision is given to the persons entitled thereto, so that application may be made to a Commons Commissioner to enlarge this 3 month period. Any application under this liberty should be made in writing (it may be by letter) and should be sent to the Clerk of the Commons Commissioners in London. The applicant should send a copy of his application to Cyril Walter Abel Esq as chairman of Peter Tavy Commoners Association, of Higher Godsworthy, Peter Tavy, or to their solicitors Messrs Bellingham & Croker, Solicitors of Plympton, Devon, and to any person who might object to it and must in his application summarise the evidence (specifying any relevant document) which would be given or produced by the applicant at any hearing that may as a result be directed, and also send a copy of his application to the Devon County Council as Registration Authority for their information. Applicants should realise that unless they can show that all who could possibly object to the application agree to it being granted, the Commons Commissioner may direct a further hearing to be held, so that the application can be fully considered in the presence of all who may be concerned. Of such a further hearing notice will be given only to the persons who on the information available to the Commons Commissioner appear to be concerned with the registrations in question. Any person who wishes to be given notice of any such further hearing should by letter inform the Clerk of the Commons Commissioners as soon as possible specifying the registration of a further hearing about which he might wish to attend or be represented at.

Dated the 7th -

day of October 1983.

A. A. Baden Fuller,

Commons Commissioners