



Reference No. 209/D/233

In the Matter of Tod Moor, Ermington,
South Hams District, Devon

DECISION

This dispute relates to the registration at Entry Nos 1, 2, 3, 4 and 6 in the Rights Section of Register Unit No. CL 30 in the Register of Common Land maintained by the Devon County Council and is occasioned by Objection No. 664 made by Mr William John Salter and noted in the Register on 4 December 1970.

I held a hearing for the purpose of inquiring into the dispute at Exeter on 13 October 1981. The hearing was not attended by any person entitled to be heard.

The land in this Register Unit contains 17½ acres. The said registrations in the Rights Section are of rights of grazing (one including estovers, turbary and piscary). There is one other registration in the said Section (at Entry No. 5) which was made on the application of Mr W J Salter and which being undisputed has become final. The grounds of the Objection (stating their effect shortly) are that the rights should comprise fewer animals.

I have a letter dated 9 September 1981 from Woollcombe & Yonge, Solicitors of Plymouth saying that they act for Mr K J Salter the successor in title of Mr W J Salter, and they are instructed to withdraw their client's Objection.

In view of this withdrawal, I confirm the registrations (Entry Nos 1, 2, 3, 4 and 6) without any modification.

I have letters dated 26 August 1981 from Bond Pearce & Co, Solicitor of Plymouth enclosing an affidavit by Mrs H T Pepperell (one of the applicants for the registration at Entry No. 2); letter dated 17 September 1981 from Henry Williams & Adam, Chartered Surveyors of Plymouth saying they act for Mr S J Day (the applicant for the registration at Entry No. 6); and a letter dated 20 September 1981 from Mr R F A Raddon and Mrs C P Raddon of Russets (I suppose as successors in title of Mr T W Maddock the applicant for the registration at Entry No. 1) addressed to Woollcombe & Yonge. I do not deal with these letters because having confirmed the said registrations the information provided by the writers (for which I am obliged) is now of no practical consequence. Nor do I deal with the questions raised by Woollcombe & Yonge in their said September 1981 letter and in a letter of 27 August 1981, because these questions do not now relate to any matter ~~in~~ which I am concerned.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 30th — day of October — 1981.

a. a. Bada Fuller.

Commons Commissioner