



COMMONS REGISTRATION 1965

Reference No. 209/D/331

In the Matter of Way Down,  
Throwleigh, West Devon District,  
Devon

This dispute relates to the registrations at Entry Nos 7 and 18 in the Rights Section of Register Unit No. CL18 in the Register of Common Land maintained by the Devon Council and is occasioned by Objection No. 902 made by Throwleigh Parish Council and noted in the Register on 30 June 1971.

I held a hearing for the purpose of inquiring into the dispute at Exeter on 7 February 1984. At the hearing Throwleigh Parish Council were represented by Mr F J Woodward Solicitor of Burd Pearse Prickman and Brown, Solicitors of Okehampton.

The land ("the Unit Land") in this Register Unit is a tract of about 10 acres situated about 2 miles southeast of the village of Throwleigh and about  $\frac{1}{2}$  of a mile north of Murchington. In the Rights Section in addition to the said 2 disputed registrations, there were 11 other registrations (some of these have since been replaced by other registrations) which being undisputed have become final. There is no registration in the Ownership Section. The grounds of Objection are:- "The right does not exist at all, as claimed. Only a straying right exists in respect of these entry numbers".

At the hearing nobody attended or was represented to support the said disputed registrations which were made on the application of Messrs William John Wedlake Senior, William John Wedlake Junior, Marcel Percy Wedlake and John Wedlake and of Mr John Albert Thomas Hodge respectively. Against the registrations Mr Frederick John Kingsland of Woodlands Farm, Murchington who is vice chairman of Throwleigh Parish Council gave oral evidence in the course of which he said (in effect):- Since he had been living at Woodlands (at least 19 years) he had gone out on the Unit Land approximately every week. Mr Hodge's lands (at Higher Halstock and Stoney Park Lane) are in Okehampton; he had never seen any stock from these lands on the Unit Land. Messrs Wedlakes' land at West Wyke is in South Zeal; he had never seen any stock from their land on the Unit Land.

The grounds of the Objection put in question the registrations. In the absence of any evidence or argument in support of them, I consider I can properly conclude that they were not properly made. Additionally, in support of the conclusion I would otherwise reach, I have the above summarised evidence of Mr Kingsland. Upon these considerations I refuse to confirm these now disputed Rights Section registrations at Entry Nos. 7 and 18.

TURN OVER



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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 2nd — day of July — 1984.

a. a. Baden Fuller

Commons Commissioner