



COMMONS REGISTRATION ACT 1965

Reference No 206/D/257-266

In the Matter of Cardinham Moor and Fore Down, Cardinham, North Cornwall D

These disputes relate to all the subsisting Entries (other than Entries 40 and 67 which are final) in the Rights Section of Register Unit No CL 137 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by the following objection viz:-

<u>Objection No</u>	<u>Objector</u>	<u>Date noted in the Register</u>
X 399	A R Hanbury-Tenison	5.5.71
X 1355	Blisland Commoners Association	12.12.72
X 1270	C Cawrse	12.12.72
X 1330	Cardinham Commoners Committee	12.12.72
X 397	A R Hanbury-Tenison	5.5.71
X 398	A R Hanbury-Tenison	5.5.71
X 541	Cardinham Commoners Committee	27.8.71
X 542	Cardinham Commoners Committee	27.8.71
X 1364	Blisland Commoners Association	12.12.72
X 1366	Blisland Commoners Association	12.12.72

These disputes were adjourned by Mr Commissioner Baden Fuller on 17 May 1977 and I held the adjourned hearing for the purpose of inquiring into these disputes at Bodmin on 6, 7, 8 and 9 March 1978.

The adjourned hearing was attended by Mr V K Leese of Messrs Stephens & Scown on behalf of Mr A R Hanbury-Tenison, The Blisland Commoners Association and The Cardinham Commoners Committee. Mr J G R Romary of Messrs Pethybridges on behalf of J C Beer; E Tucker and C R J Bate. Mr J Evans of Messrs Peter Peter & Sons on behalf of J C Keast and C Cawrse, Mr G I Chisholm on behalf of P A Colenso-Dingle and K Tucker and Mr J Keast of Messrs Rowse Jeffrey and Watkins on behalf of M/s E Juleff and Lanhydrock Estate.

All the parties are to be congratulated on having reached a large measure of agreement and I was only faced with having to give decisions on Entries Nos 8, 15, 28 and 57.

Entry No 8 Mr H Juleff the step son of the tenant gave evidence that he was born in 1915 and that his father came to the farm Cabilla in that year and died in 1963. He said his father put ponies on Fore Down, a maximum of six ponies but the numbers varied from year to year and they grazed mostly in the summer. His father thought he had undisputed rights. No ponies had been grazed either during or since the war. There were always a lot of ponies on Fore Down.



Mrs Juleff application is to graze 39 head of cattle or their equivalents and the evidence clearly does not support this claim. In view of the fact that no ponies have been grazed for the last 39 years, I find myself unable to confirm this Entry modified so as to be limited to a few ponies. The grazing of Mr Juleffs ponies prior to the war if noticed at all may well have been tolerated. I refuse to confirm this Entry.

Entry No 15 This application was made by Mr P R Roose who gave evidence on behalf of his successor Mr Keast. The evidence clearly established a grazing right and Mr Leese agreed that such was the case. The application was for a right to graze 25 head of cattle or 40 sheep. Mr Leese accepted that I should confirm this Entry, modified so as to limit the grazing right to 15 cattle and 25 ewes.

Entry No 28 This Entry is a claim for Treswithick. Half of which is now a club airfield. It was formerly farmed as off farm with Callywith. The evidence did not establish that any stock has been regularly grazed from Treswithick on Fore Down and I refuse to confirm this Entry.

Entry No 57 Mr Cawrse gave evidence in support of his claim but his evidence was in no way relevant to a claim to graze on Fore Down and Mr Evans who appeared on his behalf had no alternative but to agree that I must refuse to confirm his Entry.

There was no appearance by or on behalf of the applicants under Entries No 11 18 and 52 and I refuse to confirm these Entries.

I was told that the following Entries have been withdrawn viz. Entry Nos 1 to 6 inclusive, 23, 36, 43, 46 (now 84), 47 (now 82), 48, 50, 51, 56, 59 (now 73) 7 (now 76) 9 (now 77) 26, 35 (now 88) and I refuse to confirm these Entries.

I confirm the following Entries viz Nos 13, (now 67), 16, 17, 19 to 22 inclusive 24 (now 64) 25 (now 65) 27 (now 69) 30A (now 79), 31, 33, 32 (now 80) 37, 38, 40, 45, 53, 54 (now 83) 55, 14, 30, 34, 41, 42, 10, 12 in each case modified where necessary ~~modified~~ so as to exclude any references to other Units and to any specified parts of this Unit in Column 4. Grazing rights will be in the form:-

"The right to graze X cattle or X ponies or 5 X sheep over this Unit"

The following Units will be further modified as follows:-

No 54	so as to exclude all grazing rights
No 14	so as to limit the grazing right to 1 unit
No 30	" " " " " " 15 units
No 34	" " " " " " 1 unit
No 41	" " " " " " 5 units
No 42	" " " " " " 15 units
No 10	" " " " " " 12 units
No 12	" " " " " " 5 units

One unit equals - 1 head of cattle or 1 pony or 5 sheep.



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

21<sup>st</sup>

this day of April

1978

*G. A. Le H.*

Commons Commissioner