



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/168

In the Matter of Downinney Village  
Green, Warbstow, Cornwall

---

DECISION

This reference relates to the question of the ownership of land known as Downinney Village Green, Warbstow, being the land comprised in the Land Section of Register Unit No. VG 658 in the Register of Town or Village Greens maintained by the Cornwall County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr F Bolt and Mr F R Vosper claimed to be the freehold owners of parts of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bodmin on 10 February 1983.

At the hearing Mr Bolt was represented by Mr J Parnall, Solicitor, and Mr J D Lamond, Solicitor, appeared for Mrs E E Thompson and Mrs N N Green. There was no appearance by or on behalf of Mr Vosper. A small part of the land the subject of the reference, known as the Old Pound (now used as a garden) was conveyed to Mrs Thompson and Mrs Green by a conveyance made 19 November 1976 between (1) Arthur Leslie Harper and Eileen Harper (his wife), (2) Ethel Elizabeth Thompson and Nellie Nora Green. The vendors had a good root of title in a conveyance made 23 July 1963 between (1) Alfred Owen Emeny and Florence Emma Emeny (his wife) (2) A L Harper and E Harper. It appears from a statutory declaration made by James Fyvie Macdonald on 29 August 1931 that his father-in-law, James Smith, had been in undisturbed possession of the Old Pound since 24 June 1904.

Both Mr Bolt and Mr Vosper applied for registrations in the Rights Section of the Register Unit, which registrations, being undisputed, became final on 7 September 1973. Mr Bolt gave evidence directed to proving that he had acquired a possessory title to the land in question (with the exception of the Old Pound). This evidence was, however, inconsistent with the registration of his right of common, for a man cannot have a right of common over his own land.

On this evidence I am satisfied that Mrs Thompson and Mrs Green are the owners of the land known as the Old Pound. I shall accordingly direct the Cornwall County Council, as registration authority, to register them as the owners of that land under section 8(2) of the Act of 1965, and I am not satisfied that any person is the owner of the remainder of the land the subject of the reference, and I shall accordingly direct the County Council to register the Warbstow Parish Council as the owner of that part of the land under section 8(3) of the Act of 1965.



- 2 -

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

25<sup>th</sup>

day of

February

1983

Chief Commons Commissioner