



In the Matter of Eastcott Common and Chiltys,
Morwenstow, Cornwall.

DECISION

This reference relates to the question of the ownership of land known as Eastcott Common and Chiltys, Morwenstow, being the land comprised in the Land Section of Register Unit No. CL 748 in the Register of Common Land 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 H L Wood claimed to be the freehold owner 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 5 October 1982.

At the hearing Mr Wood was represented by Mr J Parnall, solicitor.

Mr Wood is a farmer. He is the owner and occupier of enclosed land adjoining the land the subject of the reference. He bought the enclosed land 21 years ago and since then he has used two areas on the western side of the land the subject of the reference as if they were his own property without anyone disputing his right to do so. The northernmost of the two areas he has used for storing agricultural-machinery and the southernmost area he has planted with trees.

On 31 December 1969 Mr Wood applied for the registration of a right to graze 40 head of cattle and 200 sheep over the whole of the land comprised in the Register Unit, and this registration, being undisputed, became final on 1 October 1973. This is by virtue of section 10 of the Act of 1965 conclusive evidence that Mr Wood was not the owner of the land at the time of registration, but that did not prevent his possession later maturing into a possessory title.

On this evidence I am satisfied that Mr Wood is the owner of the part of the land which he has occupied, and I shall accordingly direct the Cornwall County Council, as registration authority, to register him as the owner of that part of the land under section 3(2) of the Act of 1965.

In the absence of any evidence regarding the remaining part of the land I am not satisfied that any person is the owner of that part, and it will therefore remain subject to protection under section 9 of the Act of 1965.

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

20th

day of October 1982


 Chief Commons Commissioner