



## COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/357  
206/D/358

In the Matter of eleven small parcels of land containing about 4 acres part of St Breward Common and Roughtor Downs, Blisland, North Cornwall District, Cornwall

DECISION

These disputes relate to the registrations at Entry Nos 3, 4, 5, 6, 7, 8, 9, 15, 21, 31, 42 (formerly 11), 46 (formerly 25), 48 (formerly 26), 50 (formerly 28), 52 (formerly 34) and 54 (formerly 13) in the Rights Section of Register Unit No. CL122 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objections Nos X1385 and X1386 made by Blisland Commoners Association and noted in the Register on 2 January 1973.

I held a hearing for the purpose of inquiring into the dispute at Truro on 3 July 1973. At the hearing (1) Blisland Commoners Association were represented by Mr V K Leese solicitor of Stephen & Scown, Solicitors of St Austell, being instructed on behalf of the Association by Mr W M Rowe their secretary; (2) Mr Eric Ronald Cornelius (he applied for the registration at Entry No. 31) was represented by Mr M C Culver solicitor of Coningsbys, Solicitors of Bodmin; (3) Mr Ernest Denzil Roose (he applied for the registration at Entry No. 21) was represented by Mr J Romary of G. Pethybridges, Solicitors of Bodmin; (4) Mr A C Fairman as successor in title of Mr W C Greenaway of Best's Penquite (he applied for registration at Entry No. 5) attended in person; (5) Mr Alfred Robert Walkey and Mrs Florence Ann Walkey (they applied for the registration at Entry No. 52, formerly 34) were represented by Mr M J Keast surveyor of Rowse Jeffery & Watkins, Estate Agents of Lostwithiel; and (6) Mr William John Carter (he applied for the registration at Entry No. 38 formerly 29) was represented by Mr G I Chisholm, solicitor of G & I Chisholm, Solicitors of Bodmin.

The remainder of St Breward Common ("the CL124 Land") mentioned in the Land Section description of the land ("the Unit Land") in this Register Unit contains about 2,500 acres, and the rights over such remainder ~~are~~ dealt with in my decision dated 20 January 1977 reference 206/D/211-227 given after a hearing on 8 December 1976. The Unit Land comprises eleven small parcels containing altogether (according to the Register) about 4 acres; all these parcels adjoin some part of the CL124 land south of the line ABYZ mentioned in my said decision.

The grounds of Objection No. 1385 relate to the registration at Entry Nos 3, 4, 5, 6, 9, 15, 21, 31, 42 (formerly 11), 46 (formerly 25), 48 (formerly 26), 50 (formerly 28), and 52 (formerly 34), and are "Rights do not exist". The grounds of Objection No. X1386 relating to the registration at Entry Nos 7, 8 and 54 (formerly 13) are that the numbers should be reduced to (7) 11 cattle or 5 ponies or 55 sheep, (8) 43 cattle or 21 ponies or 215 sheep and (13) 7 cattle or 27 sheep.



The registration at Entry No. 1 undisputed has become final. The registrations at Entries Nos 2, 16, 17, 19, 22, 27, 32, 56 (formerly 14), 59 (formerly 10) and 61 (formerly 44) are not the subject of any reference to me and (as far as I know) have not been disputed by anyone; whether they have become final is not stated on my copy of the Register (maybe it is out of date).

Mr Romary said that Mr Roose agreed that I should refuse to confirm the registration at Entry No. 21.

On the application of Mr Culver I adjourned the proceedings to the following day so far as they related to the registration at Entry No. 31. On the following day Mr Culver said (in effect) that Mr Cornelius agreed that I should refuse to confirm the registration at Entry No. 31. Mr Fairman then said that he agreed to my refusing to confirm the registration at Entry No. 5

As regards the other matters in dispute, I understood that those present or represented at the hearing were not greatly concerned, because all the Rights Section registrations in which they were interested contemplate that the Unit Land should be grazed with the CL124 land because the Unit Land comparatively is so small. So (not unreasonably I think) no evidence or argument was presented being, so I understood, not thought worth the trouble or expense. In these circumstances I ~~decided~~ give effect to the concessions above recorded and give my decision on the other matters to make the Unit Land registration correspond as nearly as may be with registrations resulting from my 1976 decision. On such decision, the registrations at Unit Land Entry Nos 3, 4, 6, 9, 15 and 50 corresponding to the CL124 Entry Nos 30, 31, 33, 37, 44 and 64, ~~should~~ should be treated as proper; the registrations at Unit Land Nos 8 and 54 (formerly 13) corresponding to the CL124 Entry Nos 36 and 42, should be treated as void; and the registrations at Unit Land Entry Nos 7 and 52 corresponding to the CL124 Entry Nos 35 and 78 respectively should be modified as set out in my said 1976 decision.

This leaves the Unit Land registrations at Entry Nos 46 and 48 (formerly ~~25~~ 26) which are not registered with the CL124 land; in the absence of any evidence as to how the rights  $\rightarrow$  could in relation to the Unit Land sensibly exercise, my decision is that they should not have been made.

For the above reasons I refuse to confirm registrations at Entry Nos 3, 4, 5, 6, 9, 15, 21, 31, 46 (formerly 25), 48 (formerly 26) and 50 (formerly 28). I confirm without any modifications the registrations at Entry Nos 8 and 54 (formerly 13). I confirm the registrations at Entry No. 7 with the modification that in column 4 for "15 head of cattle or 75 sheep or 7 ponies" be substituted "11 head of cattle or 11 ponies or 55 sheep" and I confirm the registration at Entry No. 52 (formerly 34) with the modification that in column 5 for the description of the land therein contained be substituted ~~the~~ words (to be chosen by the County Council as registration authority) which accords with "New Entry B" specified against "78(120)" in the "Decision Table" at page 8 of the said 1976 Decision, and in column 4 for "60 cows and 12 horses or 300 sheep" there be substituted "15 head of cattle or 15 ponies or 45 sheep".

Because this decision is complicated and it is possible I may have misunderstood or mistaken, ~~to~~ record what was at the hearing said to me, I give any person who then attended or was represented and who was then entitled to be heard liberty to apply to me within 42 days of this decision being sent to him as to any correction which ought to be made in this decision. Any such application should in the first instance be made in writing to the Clerk of the Commons Commissioners.



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 23<sup>rd</sup> ——— day of October 1979

*a. a. Baile*

Commons Commissioner