



COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/562 to
665 inclusive

In the Matter of five pieces of
land additional to Mulfra Hill,
Madron, Penwith District, Cornwall

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at City Nos 1 to 6 inclusive in the Rights Section of Register Unit No CL 357 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No X 1047 made by Mr Jack Douglas, Williams and Mrs Elizabeth Vivienne Williams and noted in the Register on 21 August 1972 and by Objection No X 1410 made by Mr Norman Dawe and noted in the Register on 19 October 1972.

I held a hearing for the purpose of inquiring into the disputes at Camborne on 17 May 1979. The hearing was not attended by any person entitled to be heard other than Cornwall County Council who were represented by Mr D Gill, their Commons Registration Officer.

The lands in this Register Unit comprise five pieces all near or short distances from the comparatively very large area known as Mulfra Hill (or Mulfra Moor). From the papers before me it seems that these five pieces were registered because Mr N Dawe (R/S Entry No.1) and/or Mr R H Mann (R/S Entry No.3) when applying for the registration of rights of Common over Mulfra Hill (or Moor) included these pieces in the hill or Moor over which they claimed rights. However the CL 357 Land Section includes a note of an application by Dr D E Rieser and the CL 357 Rights Section includes registrations of rights over all or some of these pieces made on the application of Mr J W Olds (R/S No 2), Mr A E S Temple (R/S No 4), Dr D E Rieser (R/S No 5) and Mr W N Teague and Mrs V W Mitchell (R/S No 6) as executors of R Eddy deceased; although it is not clear on the copy of the applications they made how far if at all they intended to include all or any of the said five pieces. The Objection No X 1047 (Williams) relates to the piece near Mulfra Farmhouse and the piece to the east of the road from Penzance via New Mill to Gurnard Head. The Objection No X 1410 (Dawe) relates to the piece on the north side of the road which runs north-east from New Mill.

In favour of the registrations, I have a letter dated 7 February 1979 from solicitors for Mr and Mrs Williams saying that they wished to withdraw their Objection (X 1047).

Against the registrations I have (a) a letter dated 22 March 1973 in which solicitors for Mr Mann say that he does not wish to oppose Objection X 1410, (b) a letter dated 15 March 1979 in which solicitors for Mr Temple withdraw his claim for common rights over the CL 357 land; (c) a letter dated 15 March 1979 in which a chartered surveyor for Dr D E Rieser makes a similar withdrawal.



- 2 -

After the hearing I inspected some of the said five pieces of land. Having regard to what I then saw, ~~through~~ the variable views expressed in the applications, the objections and the above recorded letters, and the absence of any evidence in support of the registrations, I conclude that they now serve no useful public or private purpose, and accordingly I refuse to confirm them.

Nothing in this decision affect any registrations there may be in relation to such parts of Mulfra Hill (or Moor) as may be included in Register Unit No CL 111 or any other Register Unit.

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 6th - day of June - 1979

a. a. Baker Fuller

Commons Commissioner