



In the Matter of Greenbury Downs,  
Germoe, Kerrier D

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DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 466 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 John H King claimed to be the owner of a part of the land in question ("the Unit land"): 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 Truro on 19 May 1983.

At the hearing Mr King appeared in person. He is the owner of a farm property known as Chywoon which adjoins the SE edge of the Unit land. This property was conveyed to him in 1964 by W J Roberts and C W L Jervis, the Conveyance being dated 18 July 1964. The parcels conveyed included "the estate right title and interest of the Vendors of and to the surface of the commons and wastes belonging or appertaining" to the property. Mr King told me that ownership of two-thirds of the Unit land and of an adjoining common (CL 189) were assumed to go with Chywoon, and the other third with another property, and he claimed ownership of two-thirds of the Unit land. He also referred me to Auction particulars in 1917 of a sale of the estates of a Mr M L Butler: the lots did not include Chywoon, but lot 237 was Greenberry Downs and one-third of Woodberry Downs - the two were, he said, commonly called Greenberry. It is to be observed that Mr King has registered a grazing right in respect of Chywoon over the Unit land and CL 189.

I do not think that this evidence establishes a claim to ownership of the Unit land or of any defined part of it. Not being satisfied that any person is the owner of the Unit land or any part of it, it will 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

7 July

1983

*L. J. Morris Smith*  
Commons Commissioner