



In the Matter of Kerrow Downs,
Blisland, North Cornwall District,
Cornwall

SECOND DECISION

This decision is supplemental to a decision ("my 1979 decision") dated 6 November 1979 and made by me in this Matter upon evidence given at a hearing held by me in Truro on 3 and 4 July 1979.

On 2 December 1980 at Bodmin I held a further hearing for the purpose of inquiring into the disputes mentioned in my 1979 decision relating to the registrations at Rights Section Entry Nos 15 and 41 and not thereby disposed of. At this further hearing: (1) Blisland Commoners Association were represented as before by Mr V K Leese solicitor of Stephens & Scown, Solicitors of St Austell and (2) Mr A C Fairman as before attended in person on his own behalf and as representing his wife as successors of Mrs Williamson she being successor of M/s M E Rayner who applied for the registration at Rights Section Entry No. 30.

As regards the registration at Entry No. 41 made on the application of Mr Eric Ronald Cornelius of a right attached to Moss Farm and part Churchtown to graze the animals therein mentioned:- At a hearing which was immediately before this further hearing and which related to Shallow Water Common, Mr Cornelius was represented by Mr M C Culver solicitor of Coningsbys, Solicitors of Bodmin. At this hearing a registration essentially the same as that above-mentioned was considered, and it appeared that Mr Leese on behalf of the Association and Mr Culver on behalf of Mr Cornelius were, as recorded in my decision of *even date* relating to Shallow Water Common (reference Nos 206/D/395-400) agreed ~~that~~ the registration should have been at the date of registration but differed ~~over~~ over a problem which had arisen as a result of a conveyance made in 1972 by Mr Cornelius. F₅ The reasons set out in my said decision of even date I declined to deal with this problem and ~~confirm~~ confirm the registration ~~and~~ the modification therein set out. Mr Leese and Mr Culver were then agreed that my decision as regards Kerrow Downs should be the same. Accordingly I confirm the registration at Entry No. 41 of the Rights Section of this Register Unit No. CL184 with the modification that for the words "70 cows and 65 horses and 200 sheep" there be substituted "5 head of cattle or 6 ponies or 55 sheep".

As regards the registrations at Rights Section Entry No. 15 made on the application of Mr Frederic Charles Parnell and Mrs Lily Maud Mary Parnell of a right attached to Merry Meeting, Mr Leese pointed out that page 10 of my 1979 decision should be corrected as below-mentioned. It follows from this correction that I should have my said decision confirmed, as I now do confirm the registration at Entry No. 15 without any modification.

Mr Fairman pointed out the below-mentioned mistake at the foot of page 16 of my 1979 decision relating to the registration at Entry No. 30 which he is interested. In the above circumstances having made a correction to my 1979 decision on 22 July 1980 I have in giving this my second decision made following further corrections that is to say: at page 10 item 15 (Parnell) for "5 s" substitute "60 s", and for notes to be modified as agreed substitute "no modification"; and at page 16 last line for "4 head of cattle or 2 ponies or 20 sheep" substitute "5 head of cattle or 3 ponies or 25 sheep".



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.

Date this 16th — day of March — 1981.

a. a. Bede Fells

Commons Commissioner