



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/248

In the Matter of land at the Village of Trelill,  
St. Kew Parish

DECISION

This reference relates to the question of the ownership of land at the Village of Trelill, St. Kew Parish being the land comprised in the Land Section of Register Unit No. CL.264 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 Mrs Betty Blewett claimed to be the freehold owner of the land in question and no one else other than her husband Mr William Gordon Blewett 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 23rd October 1990.

The hearing was attended by Mr Martin Wright representing Cornwall County Council (the registration authority) Mr H Bate (Chairman) and Mr Brander (Secretary) of St. Kew Parish Council and Mr William Gordon Blewett and Mrs Betty Blewett.

The land was registered as common land upon the application of St. Kew Parish Council. There are no entries in the Rights Section of the Register and none in the Ownership Section.

A previous ownership inquiry was held at Bodmin on 10th February 1983 by Chief Commons Commissioner, Mr George Squibb. At that hearing Mr and Mrs Blewett promised to send certified copies of their title deeds to the Clerk to the Commons Commissioners. Despite reminders by letter, they did not do so, and in consequence the Chief Commons Commissioner issued a Decision dated 3rd February 1984 stating that he was not satisfied that any person was the owner of the land and that it would remain subject to protection under section 9 of the Act of 1965.

Prior to the hearing before me, Sp<sup>+</sup>ulls, Solicitors of Bodmin, sent in to the Commons Commissioners certified copies of the following documents:-

- |     |                                   |                              |
|-----|-----------------------------------|------------------------------|
| (1) | 8.11.48 Assent                    | in favour of Mr W G Blewett  |
| (2) | 8.11.48 Assent                    | in favour of W G Blewett     |
| (3) | 8.11.48 Assent                    | in favour of W G Blewett     |
| (4) | 13.5. 52 Conveyance               | J W Cutler to W G Blewett    |
| (5) | 15.2. 79 Assent                   | in favour of W G Blewett     |
| (6) | 31.5. 79 Statutory<br>Declaration | by J R Blewett               |
| (7) | 23.3. 83 Deed of Gift             | W G Blewett to Mrs B Blewett |

The unit land is a very small triangular parcel of unenclosed land to the west of the dwelling-house known as Pencreig Trelill. On the Register Map Sheet 108C (which is based on the large scale Ordnance Survey Map) the land is shown linked with and as part of O.S.No. 583, the whole of which has an area of only .272 of an acre.



None of the documents enumerated above prior to No.7 (the Deed of Gift in favour of Mrs Blewett) contains any mention of O.S. No.583 or any part thereof. The Deed of Gift, which was dated 23rd March 1983 (that is about 6 weeks after the hearing before Mr Squibb), is a voluntary conveyance by Mr Blewett to Mrs Blewett of some 64 acres of land in the Parish of St. Kew, expressly including O.S. No.583 0.272 acres. This deed alone is however too recent to be a good root of title, even if a voluntary conveyance were otherwise acceptable.

Document No.1 was an Assent by John Reginald Blewett and Thomas Roy Blewett in favour of William Gordon Blewett in respect some 37 acres of land at Trelill, the description of the land being not by reference to the Ordnance Survey but to the Tithe Apportionment Map and Book of Reference for the Parish of St. Kew. In the Schedule against the Numbers on the Tithe Map there set out someone has inked in corresponding Ordnance Survey numbers. The first entry is Tithe No. 1257 Homestead 2 roods and 24 perches, against which has been marked O.S. Nos. 583 and 582. On the Ordnance Survey map O.S.582 is put at .202 acres and O.S. 583 at .272 acres, making a total of .474 acres, whereas 2 roods and 24 perches is equal to .650 acres. The measurements do not therefore correspond. If reliance is to be placed on this document as showing title to O.S. No.583 it would be necessary to procure a copy or extract from the Tithe Map and no such copy or extract has been produced to me.

Nevertheless both Mr and Mrs Blewett gave evidence before me to the effect that they were the only persons who had used this piece of land since 1948. Since that date they had regularly put sheep on it - two or three sheep with their lambs. Whilst the lambs were there the sheep would not leave them. Nobody else ever put animals there. At other times Mr Blewett kept the land mown with a lawn mower. Nobody else had ever made any use of it.

The representatives of the Parish Council present at the hearing raised no objection to Mrs Blewett being registered as owner of the unit land, provided that it remained registered as common land. No-one else present at the hearing raised any objection.

On this evidence I conclude that Mrs Blewett's paper title coupled with acts of possession by herself and her husband is sufficient to satisfy me that Mrs Blewett is the owner of the land.

I shall accordingly direct the Cornwall County Council, as registration authority, to register Mrs Betty Blewett as the owner of the land under section 8(2) 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 5<sup>th</sup> day of November 1990

*Mari Rott*

Commons Commissioner