

In the matter of land at Trewint Marsh, Trewint, Launceston

DECISION

These disputes relate to the registrations at Entry No.1 in the Land Section of Register Unit Nos. CL.231 and CL.390 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by the conflicting registrations at Entry No. 122 in the Rights Section of the same Register Units and Rights Entry Nos. 122 of CL.108, 92 of CL.162, 23 of CL.110, 16 of CL.193 and 17 of CL.194 in the Register of Common Land.

I held a hearing for the purpose of enquiring into these disputes at Launceston on 17 September 1997. The hearing was attended by Mr G Jasper represented by Mr J Harvey, Solicitor (Messrs Coodes) and by Mr Colin Jasper Mr Rice and R M Heard and represented by Mr J Parnall, Solicitor (Messrs Parnalls) Mr Wilson represented Cornwall County Council the registration authority and a number of members of the public also attended.

By a Conveyance dated 1 July 1958 made between Mrs E G U Kittow and Richard Jasper, Mr R Jasper acquired the freeholds of Trewint Marsh Farm and Trespittigue, and also the freehold of Trewint Downs, which is registered as common land under CL.231. It follows that any common rights enjoyed by Trewint Marsh Farm and Trespittigue over Trewint Downs ceased to exist by merger on or before 1 July 1958: Mr Richard Jasper would have enjoyed grazing etc on Trewint Downs as owner, not as a commoner thereon. However, Mr Jasper in applying for common rights over other commons, namely CL108, CL162, CL110, CL193 and CL194, mistakenly included Trewint Downs and part of Trespittigue which is CL390 as part of the dominant tenement, whereas that land, being common land, could not have common rights over other common land. I therefore conclude that Trewint Downs, ie CL231 and CL390 should be excluded from the supplemental maps at the following entries, ie Rights Entry 122 (CL108), 92 (CL162), 23 (CL110), 16 (CL193) and 17 (CL194) and propose to direct Cornwall County Council accordingly.

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 October 1997

Chief Commons Commissioner