



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/242

In the Matter of land known as Great Common,
Rock St. Miniver Lowland, Cornwall

DECISION

This reference relates to the question of the ownership of land known as Great Common Rock St. Miniver Lowland being the land comprised in the Land Section of Register Unit No. CL.554 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.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bodmin on 1st March 1988.

At the hearing Mr R F T Halliday an assistant Land Steward appeared for the Duchy of Cornwall and Mr R J Beavan, a Trustee of the St. Enodoc Golf Club appeared for the Golf Club. Mr M C Wright appeared for the Registration Authority.

Mr Halliday produced an award dated 1 June 1846 which was confirmed by the Assessionable Manors Awards Act 1848 and a map which appeared to be a copy of the map referred to in the award.

The award sets out in appendix B the waste and desmesne lands of the Duke of Cornwall within the Manor of Penmayne. Among those lands is Penmayne Common which is allotted the number 734 on the map. On the map the area marked 734 includes the whole of the unit land.

Mr Halliday also produced copies of the following documents -

1. A lease dated 3 February 1849 whereby H.R.H The Prince of Wales demised to Richard Thomas for a term of 31 years from Michaelmas 1848 "103 acres or thereabouts within the Manor of Penmayne parcel of the ancient possessions of the Duchy of Cornwall" by reference to a plan which includes the whole of the unit land.
2. A lease dated 4 November 1853 whereby H.R.H The Prince of Wales demised to Thomas Whitford the land referred to above together with other land for a term of 21 years from Lady Day 1853.
3. An indenture dated 23 November 1874 whereby H.R.H The Prince of Wales granted to John Burton a licence to form a rabbit warren on "118 acres or thereabouts which forms . . . portion of Penmayne Common within and parcel of the Manor of Penmayne parcel of the possessions of the Duchy of Cornwall" by reference to a plan which includes the whole of the unit land. The license was to last for 21 years from 25 March 1874.
4. An indenture dated 10 November 1885 whereby H.R.H The Prince of Wales granted to John Michells, John Tonkins and John Glasson Shakerley a licence for 21 years from 30 June 1885 to search for and quarry rock and stone upon "that portion of the waste or desmesne



lands of the Manor of Penmayne in the County of Cornwall called Penmayne Common and numbered 734 on the Assionable Mañors Commissioners Award Map made for the Manor aforesaid... which is defined on" a plan which shows a part of the unit land.

5. A lease dated 5 June 1929 whereby H.R.H The Prince of Wales demised to Reginald Percy Pfeiffer Rowe, Robert Washington Dana and Alexander Guy Hemsley, the trustees of the Saint Enodoc Golf Club "lands...within and parcel of the Manor of Penmayne Parcel of the Possessions of the Duchy of Cornwall" by reference to a map which includes part of the unit land, for a term of 31 years from 29 September 1928.

6. A Memorandum endorsed on that lease of 5 June 1929 and dated 27 January 1937 whereby R.P.P Lowe surrendered to "The King's Most Excellent Majesty as Possessor for the time being of the Duchy of Cornwall" a part of the land demised by that lease which includes part of the unit land.

7. A lease dated 23 November 1960 whereby H.R.H the Prince of Wales "under the authority of the Duchy of Cornwall Management Acts 1863 to 1893" demised to the Rural District Council of Wadebridge certain land which does not form part of the unit land for a term of 31 years from 25 March 1960 and thereby granted to the Council a right of way over part of the unit land shows on the plan attached to the lease.

8. A lease dated 29 August 1978 whereby H.R.H the Prince of Wales "under the authority of the Duchy of Cornwall Management Acts 1863 to 1893" demised to the North Cornwall District Council "0.02 of an acres or thereabouts.... parcel of the manor of Penmayne parcel of the Possessions of the Duchy of Cornwall" by reference to a plan which shows that at least part of the demised land forms part of the unit land.

On this evidence I am satisfied that His Royal Highness Charles Prince of Wales, Duke of Cornwall is the owner of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register His Royal Highness, Charles Prince of Wales, 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

9th

day of

March

1988

Peter Langdon-Davis

Chief Commons Commissioner