



In the Matter of Littledowne, Cardinham, Cornwall

DECISION

This reference relates to the question of the ownership of land known as Littledowns, Cardinham, being the land comprised in the Land Section of Register Unit No. CL.247, 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 Viscount Clifden claimed to be the freehold owner of the land in question and 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 Bodmin on 9 and 10 February 1983. At the hearing I gave leave for the Lanhydrock Estate Company to be represented by Mr M J Keast, Chartered Surveyor.

The claim of the Lanhydrock Estate Company is founded upon a conveyance made 30 April 1974 between (1) Arthur Victor, Eighth Viscount Clifeon (2) The Lanhydrock Estate Company, it being alleged that the land the subject of the reference falls within general words in the First Schedule to the conveyance, being described as "Drives, roads and other unspecified parcels of land not mentioned in the foregoing". This conveyance was supplemented by a Statutory declaration made 17 January 1984 by Mr J R Jeffery, the agent of the Lanhydrock Estate Company, and on 20 February 1984 by Mr V R de A Woolcombe, Solicitor. In this Statutory declaration Mr Jeffery stated that from the records in his possession he was able to say that the land in question had always been considered to be part of the land comprised in the Lanhydrock Estate.

That is the whole of the evidence before me. However, Mr Keast produced a bundle of correspondence which contained a letter dated 9 March 1973 from the Clerk of the former Cornwall County Council to Mr Keast's firm, on which it is stated that the County Archivist had examined certain title (qu.tithe) maps prepared in the middle of the last century, and had been able to identify the land as belonging to the Hon Anna Maria Agar. The letter then went on to ask for information about the sunsequent history of the area that would assist in tracing the present owners, but the only reply was a letter of 23 June 1973, in which it was stated that "the researching into the ownership of these small parcels of land takes a considerable amount of time." This letter concluded

"However, as far as we are able to ascertain the Llanhydrock Estate has never sold off these two parcels of land indicated on the map sent with your letter of the 9th March and therefore we assume that they are at present in the ownership of the Rt Hon. Viscount Clifden, M C., for whom we are agents".

I can only act on evidence, and such an assumption by Me Keast's firm is not evidence.

According to the pedigree of Viscount Clifden in Burke's Peerage, the Hon Anna Maria Agar, who died in 1861, was a grandmother of the sixth Viscount Clifden. So if she was the owner of the land in question, it is not improbable that it passed to the Eighth Viscount, but I can only say that on the evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 of the Act of 1965.



-2-

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

6~~th~~

day of

August

1984

Chief Commons Commissioner