

In the Matter of Madderley Moor, Lostwithiel,  
Cornwall

## DECISION

This reference relates to the question of the ownership of land known as Madderley Moor, Lostwithiel, being the land comprised in the Land Section of Register Unit No. CL 347 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 the Lostwithiel Town Council 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 6 October 1982.

At the hearing the Town Council was represented by Mr R P Jones, solicitor.

The land in question appears in a schedule of the corporate property of the Mayor and Burgesses of the Borough of Lostwithiel drawn up at Michaelmas 1833, where it is described as "In Hand". It also appears in a similar schedule of the corporate property of the Mayor, Aldermen, and Burgesses of the Borough drawn up shortly after the coming into force of the Municipal Corporations Act 1835. By an agreement dated 14 March 1866 the Corporation granted to one Richard Foster a licence to lay a drain across the land. The land also appears as "In Hand" in later undated schedules of the corporate property of the Corporation and it was included in a report and valuation of the corporate property drawn up in 1942. Finally, it was transferred to the Town Council by the Local Authorities (England) (Property etc.) Order 1973 (S.I. 1973 No. 1861).

On this evidence I am satisfied that the Lostwithiel Town Council is the owner of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register the Town Council 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.

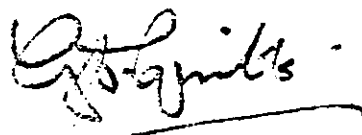
Dated this

23<sup>rd</sup>

day of

October

1982



Chief Commons Commissioner