



COMMONS REGISTRATION ACT
1965

Ref.No.206/U/235

In the Matter of part of the land known
as Racecourse Downs in the parishes of
Cardinham and Helland, Cornwall

DECISION

This reference relates to the question of the ownership of part of the land known as Racecourse Downs in the parishes of Cardinham and Helland being part of the land comprised in the Land Section of Register Unit No. CL.139 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 Evelyn Joyce Coppin claimed to be the freehold owner of part of the land in question but no person claimed the remainder of the land 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 24th March 1987.

Cornwall County Council (the Registration Authority) appeared by Mr Wright, its Commons Registration Officer, Mr Beadel of Bevan and Ashford of Exeter appeared on behalf of Mrs Coppin.

The ownership of the greater part of this unit has already been finally registered. There are four unclaimed areas, two of which (at the extreme N.E. and extreme S.W.) are very small.

The area claimed by Mrs Coppin comprises 7.881 acres, consisting of O.S.No.527 (3.501 acres) and O.S.No. 528 (4.380 acres). Mr Beadel produced an Epitome of Title to this land commencing with an Indenture of 25th March 1920, and the originals of all subsequent documents on the Epitome. These documents included the following conveyances:-

18th March 1948 G.J.Strand to T.G.Dew
14th July 1950 T.G.Dew to G.Burnett and H Burnett
27th April 1953 G.Burnett and H Burnett (and a mortgagee) to W J Coppin
20th December 1961 W J Coppin to W.B.E. Coppin.

The title concludes with an Assent dated 1st December 1980, whereby Mrs Coppin as Executrix of W.B.E.Coppin assented to the vesting of the property in herself.

All these documents contain a clear description of the land claimed by Mrs Coppin, both by reference to the Ordnance Survey Numbers and the acreage, supported in the case of the conveyance of the 18th March 1948 by a clear plan. All these conveyances, however, with the exception of that of 14th July 1950, convey only a qualified title, in that each



purports to convey "All such title and interest (if any) as the Vendor(s) may have". -A similar formula is followed in the Assent by Mrs Coppin in favour of herself.

No explanation for this qualification on the title was offered to me. The reason for it is obscure, because no similar qualification appears in the Indenture of 25th March 1920, which was a conveyance on sale expressly including O.S.Nos. 527 and 528. Mr Beadel stated that neither he nor his client had any knowledge of adverse claims.

No person at the hearing before me disputed Mrs Coppin's claim.

On this evidence I am satisfied that Mrs Coppin is the owner of O.S.Nos. 527 and 528, but I am not satisfied that any person is the owner of the remainder of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register Mrs Evelyn Joyce Coppin of Broad Farm Helland Bodmin as the owner of the 7.881 acres of the land comprised in O.S.No. 527 and 528 under section 8(2) of the Act of 1965 but the remainder of the land will remain subject to protection under section 9 of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulation 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 2nd day of April 1987

COMMONS COMMISSIONER