



In the Matter of part of the tract of land
known as St. Breward Common, St. Breward,
Cornwall

DECISION

This reference relates to the question of the ownership of part of the tract of land known as St. Breward Common, St. Breward, being part of the land comprised in the Land Section of Register Unit No. CL.197 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 P Throssell, who feared (as it turned out unnecessarily) that part of his land had been registered as part of the unit land, appeared in person as did Mr and Mrs M.J. Harper who claimed ownership of a part of the unit land the ownership of which was finally registered under section 4 (and so not referred to me) and Mrs Florence Ann Walkey who claimed ownership of the referred land. Mr M.C. Wright represented the Registration Authority.

The referred land consists of three very narrow strips just inside the mountain fence which appear to have been registered as a result of a mistake in drawing. However, since they have finally been registered as common land, Mrs Walkey has every right to claim to be registered as owner.

She produced a conveyance on sale dated 29 September 1950 whereby land including these three strips was conveyed by John Messer Bennett to William John Keast and a certified copy of a conveyance dated 4 December 1959 made between William John Keast (1), Barclays Bank Limited (2) and Alfred Robert Walkey and Florence Anne Walkey (3) whereby William John Keast conveyed to Mr and Mrs Walkey among other land the land conveyed to him by the conveyance of 29 September 1950.

On this evidence I am satisfied that Alfred Robert Walkey and Florence Ann (spelt without an "e") Walkey, are the owners of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register them as the owners 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 11th day of March 1988

Peter Langdon-Davis

Chief Commons Commissioner