



In the Matter of parts of Watch Croft, Nine Maidens, Ding Dong, Greenburrow, Boskednan and Bosporthennis, Madron, Morvah and Zennor

DECISION

This reference relates to the question of the ownership of land above mentioned being the land comprised in the Land Section of Register Unit No. CL 707 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 several persons claimed to be the freehold owners of a part of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Camborne on 18 January 1983.

The hearing was attended by Mr D J James of Messrs Boase, Bennett and James, Solicitors of Penzance appearing for Mr Edward Gordon Mann, Mr I D Lamond of Messrs Stephens and Scown, Solicitors of Truro appearing for Tehidy Minerals Ltd, Mrs M C D Ansell appearing for the Trustees of Robert Berryman, and Mr J E Scobie, Chartered Surveyor for the Bolitho Trustees.

At the first hearing it became clear that a large part of the land was held in undivided shares on 1 January 1926, and the hearing was adjourned to enable the parties to reach agreement.

There was a further hearing on 1 November 1983 which showed that the negotiations had been partly successful and the hearing was further adjourned.

The hearing was resumed on 1st March when I was informed that the Bolitho Trustees had withdrawn their claim to any part of the land, Tehidy Minerals Ltd and Mr Mann, who were the only parties who still maintained claims to ownership, informed me that they had agreed as to the part owned by Mr Mann and as to the part which was owned by the Public Trustee as being owned in undivided shares. The area hatched red on the map which I have marked 'A' is to be vested in Mr Mann as owner and the area edged blue on that plan and the land shown edged brown (other than the land hatched red and edged blue) on the map I have marked 'B' ^{and} to be vested in the Public Trustee as owner. These two maps will be forwarded to the Registration Officer with a copy of my decision.

At the same hearing, Mr A W Cloke and Mr W G Wallis claimed that they owned farms in the area of the register unit and invited me to hear their claims. Neither claimant could locate his land on the Register Map so I invited both of them to forward me their documents of title together with an indication of where their respective farms were situate within the area of the register unit. Although some parts of Mr Wallis's farm are partly surrounded by parts of the register unit, I am satisfied that no part of his land is common land.



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In the case of Mr Cloke there is a field of about 11 acres which lies within the boundary of the Common. Fortunately it is not within the area about which I have already reached a decision, I have marked the area on Plan 'B' with blue hatching and I am satisfied that Mr Cloke is the owner.

On this evidence I am satisfied that Mr Mann, Mr Cloke and the Public Trustee are respectively the owners of the land mentioned in this decision and I shall accordingly direct the Cornwall County Council, as registration authority, to register each of them respectively as such owners under section 8(2) of the Act of 1965.

I am not satisfied that any person is the owner of the remainder of the land and it will therefore remain subject to protection under section 9 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

3rd

day of

April

1984

George Herkett

Commons Commissioner