

Reference No. 206/U/230

In the Matter of piece of land adjacent to Chapel Grounds in St. Mawes, St. Just in Roseland Cornwall

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No.CL.324 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 firm of Stanleys and Simpson, North, Solicitors, notified an interest in the ownership of the land in question ("the unit land"). 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 Truro on 16 October 1985. At the hearing Mr T H Rouse, Solicitor, appeared on behalf of Mrs. Herring, who claimed ownership of part of the unit land. No other claimant appeared.

Mr Ropse produced two conveyances to Mrs Herring, one dated 20th January 1961 by Mrs M O Lendrum and the other dated 14 July 1961 where the vendor was Mrs M D Clifford-Wing. Each of these conveyances comprised inter alia, a part of the unit land. I also saw two earler conveyances (dated respectively 24 August 1950 and 30 September 1952) containing plans showing the part conveyed to Mrs Herring by the conveyance of 14 July 1961.

Mr Robse produced a plan showing the property comprised in the two conveyances to Mrs Herring. On his plan this property is shown in four sections, respectively edged blue, red, green and hatched red. A copy of this plan is attached to this Decision.

I am satisfied on the evidence that Mrs Herring is the owner of the parts of the unit land included in the property shown on the plan and shall accordingly direct the Cornwall County Council, as registration authority, to register her as such owner under section 8 (2) of the Act of 1965. I am not satisfied as to the ownership of the remainder of the unit land, which will therefore remain subject to protection under section 9 of the Act.



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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

12 ×

day of

December

1985

LJ morns Smid

COMMONS COMMISSIONER

