



In the Matter of piece of land containing 0.48
of an acre, Lewannick, North Cornwall D

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.394 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 Mr & Mrs K R George claimed to be the freehold owners of the land in question ("the unit 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 26 May 1982. At the hearing Mr M Warne, Solicitor, appeared on behalf of the claimants and Mr J P Wadge, Chairman of Lewannick Parish Council, also attended.

There have been two recent conveyances of the unit land. By the first, dated 4 November 1975, Dr and Mrs J M D Roberts (Vendors) conveyed to Mr and Mrs D A Peerless the unit land "for all the estate and interest of the Vendors therein" The conveyance recited that the Vendors had been in possession or receipt of the rents & profits of the unit land for ten years and upwards without acknowledgment of the title of any other person thereto. By the second conveyance dated 14 September 1979 the unit land was (with other property) conveyed to the claimants, Mr and Mrs George, by Mr and Mrs Peerless for all their estate and interest therein.

Immediately adjoining the unit land on its western boundary is a piece of land O S 1239, and the earlier title shows dealings from 1936 to 1945 with that piece of land but not including the unit land, which was OS 1238.

Following the death in 1953 of the then owner of OS 1239, J G Harris, there was an Assent by his personal representative dated 28 July 1954 in favour of Mrs D L Harris of property which included O S.1238 (the unit land).: and in subsequent conveyances of 29 September 1959 to John H Giles and of 9 September 1965 by him to Dr and Mrs Roberts O S 1239 and all the estate and interest of the Vendor in O S 1238 were conveyed.

There is a Statutory Declaration of 3 June 1975 by Oliver C.G.Harris to the effect that from 1945 when his father purchased (inter alia) O S 1239, until 1959 when his mother sold to J H Giles, the unit land was always used by them without any adverse claim from any other person.

On this evidence I am satisfied that the claimants are the owners of the unit land, and I shall accordingly direct the Cornwall County Council as registration authority, to register Kenneth Ronald George and Doreen Daphne George as the owners under section 3 (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 21 June 1982

L. J. Davis Smith
Commons Commissioner