



COMMONS REGISTRATION ACT 1965

Reference Nos.6/D/10-11

In the Matter of Rosuic Croft and
Higher Green, St Keverne, Cornwall (No.2)

DECISION

These disputes relate to the registration at Entry No.1 in the Rights Section of Register Unit No.CL 219 in the Register of Common Land maintained by the former Cornwall County Council and are occasioned by Objection No.X584 made by Mr T.W.Hirst and Mr J.R.Hirst and Objection No.X505 made by Barclays Bank Trust Co.Ltd and Mr G.T.Williams, and both noted in the Register on 2nd December 1970.

I held a hearing for the purpose of inquiring into the dispute at Truro on 12th March 1975. The hearing was attended by Mr B.H.Fox, solicitor, on behalf of Mr C.S.Oates, the applicant for the registration, and by Mr I.F.M.Hine, solicitor, on behalf of Mr T.W.Hirst (Mr J.R.Hirst having died in 1973). There was no appearance by or on behalf of Barclays Bank Trust Co.Ltd or Mr G.T.Williams. The Cornish Naturalists' Trust Ltd, which also applied for the registration, was not represented.

The major portion of the land comprised in the Register Unit consists of Ordnance Survey Parcel No.1838, having an area of 54.200 ac. The remainder consists of a roadway with grass verges (Ordnance Survey Parcel No.1839, having an area of .700 ac.), which is the means of access to O.S.No.1838.

For the reasons given in my decision in In the Matter of Rosuic Croft and Higher Green, St Keverne (No.1), Ref.Nos.6/D/8-9 I have confirmed the registration in the Land Section of the Register Unit with the exclusion of O.S.No.1839.

Mr Oates is entitled to rights of grazing cattle, horses and sheep on and to take stone from O.S.No.1838 by an express grant contained in a conveyance of Rosuic Farm made 18th October 1921 between (1) Percival Dacres Williams (2) William John Oates and Elizabeth Frewhella Oates, his wife. The numbers of animals to be grazed are not stated in the grant, but I was informed that the parties were agreed that the rights extended to 40 cattle (excluding bulls), 50 sheep and 2 horses (excluding stallions).

In these circumstances I confirm the registration with the following modification:- namely the substitution of the words "40 head of cattle (excluding bulls), 50 sheep, and 2 horses (excluding stallions)" for the words "50 head of cattle, 2 horses and 100 sheep".

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 29th day of April 1975

Chief Commons Commissioner