



COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/211 to 227
inclusive

In the Matter of St Breward Common
and Roughtor Downs, St Breward,
North Cornwall District, Cornwall

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section, at the 66 Entry Nos specified in the Schedule hereto in the Rights Section and at Entry Nos 1 and 7 in the Ownership Section of Register Unit No CL. 124 in the Register of Common Land maintained by Cornwall County Council and are occasioned as stated in the said Schedule by (D/211 and D/213) Objection No X19 made by Mr Alfred Robert Walkey and Mrs Florence Ann Walkey and noted in the Register on 19 December 1969, by (D/212 and D/218) Objection No X446 made by English Clays Lovering Pochin & Co Ltd ("ECLP") and noted in the Register on 13 November 1970, by (D/214, D/215 and D/216) Objections Nos X283, X288 and X293 made by Captain Robin Henry Edwin Hall as Lord of the Manor and Mr Cyril John Greenaway as chairman of the (Hamatethy) Commoners Association and noted in the Register on 16 September, 16 September and 30 November 1970, by (D/217) Objection No X348 made by Mr George Nankivell and noted in the Register on 17 November 1970, by (D/219, D/220, D/221, D/222, D/223, D/224, and D/225) Objection Nos X472, X477, X478, X1353, X1354, X1362 and X1363 made Blisland Commoners Association (Mr W M Rowe Hon Sec) and noted in the Register on (472) 30 November 1972, on (477 and 478) 10 June 1971, and on (1353, 1354, 1362 and 1363) 7 December 1972, and by (D/226 and D/227) Ownership Entries Nos 1 and 7 made by Captain R H E Hall and ECLP respectively being in conflict.

I held a hearing for the purpose of enquiring into the disputes at Bodmin on 8 December 1976. At the hearing (1) Hamatethy Commoners Association, (2) Blisland Commoners Association, (3) Cornwall Commoners Association, (4) Mrs Margaret Anna Hall widow of the said Captain Hall and one of his executors, (5) Mr C J Greenaway, (6) Mr Robin Hall son of Captain Hall and another of his executors and (7) Mr D G Sargent, the other executor, were all represented by Mr V Leese solicitor of Stephen & Scown, Solicitors of Bodmin, (8) Mr Peter Richards of Purlees Farm, Breock, Wadebridge and (9) Alcirag Company Limited which was formed by him, were both represented by Mr T C Le Grice solicitor of Pool Purchas & Le Grice, Solicitors of Penzance, (10) and (11) Mr and Mrs Walkey were represented by Mr M J Keast chartered surveyor with Rowse Jeffrey & Watkins, Surveyors of Lostwithiel, (12) Mr Fernley Charles Yeo of Pennydarn, St Clethes as owner of Newhall Advent in succession to Mr & Mrs B Cleave (Rights Section Entry No 15 was made on their application) and as owner of Camperdown in succession to Mr E R Cornelius (Rights Section Entry No 28 was made on his application) attended in person, and (13) Cornwall County Council as registration authority was represented by Mr D M Gill who is in charge of their common registrations, and (14) Mr M G H Gill of Irish Farm, St Breward was represented by Mr I D Borton, chartered surveyor and director of Button Menhenett & Mutton Limited Surveyors of Bodmin (assisted by Mr S Knight employed by them). For part of the hearing, in respect of Rights Section Entry No 56, Mr E D Roose was represented by Mr J G R Romary solicitor of Pethybridges Solicitors of Bodmin, and in respect of some of the other Rights Section Entries, some of the applicants (whose names I did not record) were or may have been present and agreed to the part of the evidence affecting them.



The land ("the Registered Land") comprised in this Register Unit contains (according to the Register) about 2,500 acres. It includes areas marked on the OS map as Lady Down, Emblance Downs, King Arthur's Down, Roughtor Moors, Harpur's Downs and Treswallock Downs; it surrounds 4 comparatively small areas (each I would estimate as being about 60 to 80 acres) which are (or at any rate are for the most part) enclosed; the Registered Land from its northeast corner to its southwest corner is (as I scale the Register map) about 5 miles long. It includes at its northeast end Roughtor, which is an outcrop of rock 1312 feet above sea level and which (apart from Brown Willy outside the Registered Land) is the highest point of Bodmin Moor. For the most part the Registered Land is grass land valuable for grazing; there are some areas of rocks, of water covered or boggy land, and of gorse land, but these areas compared with the remaining grass land are comparatively very small.

A line ("the ABYZ line") which runs approximately west-east on _____, the Register map, divides the Registered Land into two parts, the south part which includes Lady Down and Emblance Downs, and the north part which includes Treswallock Downs, King Arthur's Downs and Roughtor Moors. The part north of the ABYZ line is in Hamatethy and the part south of the line is in Blisland. The ABYZ is in respect of the Rights Section Entries important in many respects, but its significance was disputed by Mr F C Yeo in relation to Rights Section Entry No 28 being of a right attached to Camperdown (a farm surrounded by the Registered Land) to graze the whole of the Registered Land with 16 cattle or 16 ponies or 80 sheep.

At the beginning of the hearing it became apparent that no one present would contend that Objection No X19 (Mr & Mrs Walkey to the Land Section Entry) should not succeed; this related to land being OS No 154Q and containing 5.751 acres situate northeast of Bolatherick.

Mr Leese handed me a written submission signed by Mr C J Greenaway (chairman of the Commoners Association), by Mrs M A Hall, and by Mr P L Millin (Area Estates Surveyor of ECLP) which recorded an agreement between them relating to the northern and larger of the 2 pieces of land mentioned in Objection No X446 (ECLP to the Land Section Entry), being the same as the land (or part of the land) of which ECLP are registered as owners at Ownership Section Entry No 7. Mr Leese said that I am not concerned with the terms in detail save that under them the land remains common land so that in the result the Objection must fail.

Mr Le Grice referred me to Rights Section Entry No 126 (formerly No 1A) made on the application of Mr Hext, being a right attached to Trethin Farm, Advent to graze 110 cattle. He said that Mr Hext now deceased owned Trethin Farm from 1965 to 1971 and that this farm was now owned by Mr Richard and his company Alcirag Company Limited; he contended that as this Entry was only in issue by reason of the deemed Objection occasioned by the Land Section Objection Nos X19 and X446, I should confirm the Entry without any evidence in support and that I might disregard Objection No X477 which related to Rights Section Entry No 1A, because effect had been given to such Objection when Entry No 126 was substituted for Entry No 1A by excluding from it part of the Registered Land south of the line ABXY. After some discussion as to the effect of the typewritten words in the grounds of the said Objection : "1A. No Grazing Rights" _____ → and



as to the possibility of amending these grounds and also of amending an Objection which it was said mistakenly referred to Entry No 1 instead of Entry 1A, Mr Le Grice who had always made it clear that Mr Richard could (Mr Hext being deceased) give no evidence in support of the right, on his behalf and on behalf of his company said in effect that he could no longer support the Entry No 1A (now 126).

Mr Borton said that the case of Mrs Gill was as set out in a letter dated 23 November 1976 written by himself on behalf of Button Menhenett & Mutton to the Clerk of the Commons Commissioners; the Register showed that at one time there was a Rights Section Entry No 65 made on the application of Mr W J Carter of a right attached to Irish Farm to graze 45 cattle or 45 ponies or 225 sheep and to cut and take peat; at Entry No 118 dated 3 December 1975 it is recorded that this Entry No had been cancelled at the request of the applicant. Mr Borton (in accordance with the letter) applied to me for the re-registration of this Entry on the grounds (stating them shortly) that Mr Carter was a tenant of Mrs Gill and had applied for the registration at her request and had agreed to the cancellation without consulting her. In my view I have no jurisdiction to consider this application not only because no reference about this Entry has been made to me by the County Council as registration authority in accordance with the Regulations made under the 1965 Act but also because in my view no reference could be made to a Commons Commissioner under the 1965 Act on any such grounds. Being of the opinion that I have no jurisdiction, I refused to allow Mr Borton to proceed with the application or to call any evidence in support of it, and I express no opinion as to whether as a result of any mistake by Mr Carter or anyone else Mrs Gill has suffered any injustice or if so she has any remedy.

Mrs Walkey in the course of her oral evidence produced (1) a copy conveyance dated 4 December 1959 by Mr W J Keast to her husband and herself of (with other land) 52.523 acres known as Bolatherick and Carsmooth, and the original of a conveyance dated 24 June 1949 by Mr J Menhinick to Mr W J Keast of the said 52.523 acres, to which conveyance a plan is attached. Mrs Walkey said (in effect):- Mr W J Keast was her father and her grandfather Mr T J Keast since about 1894 had held Bolatherick as tenant of Mr Menhinick. The land mentioned in Objection No X19 (being OS No 1549) was rough grass land which had always been part of the farm.

Mr Greenaway who is chairman of the Hamatethy Commoners Association gave oral evidence in detail in support of the Objections made by his Association; the relevant Entry and the grounds of the objection are as follows:- X283, Entry Nos 1 and 79, "that the right does not exist at all"; X288, Entry Nos 12(10), 25(21), 34(9), 50(1), 51(1), 52(1), 60(3), 64(25), 66(44), 73(129), 74(129), 78(19), and 15(12) "That the right should comprise fewer animals: the acceptable number of animals is shown in brackets..."; and X293, Entry Nos 31, 32, 33, 35, 36, 44, 46, 47, 49, 56, 63, 71, 72, 18 and 29; (in effect) the right does not extend north of the ABYZ line. He said in many cases its conclusion had been agreed by the applicants for the Entry or their successors in title and produced and referred me to documents which showed this. His evidence was not challenged by anybody at the hearing; so my summary of it in the fifth column of the Schedule hereto will I think for the purpose of this decision be enough.



Mr Leese said on behalf of the executors of Captain Hall, in accordance with the terms agreed between them and ECLP, he accepted that I should confirm Ownership Section Entry No 7 (made on the application of ECLP) with the consequence that my confirmation of Ownership Section Entry No 1 (made on the application of Captain Hall) would only be confirmed with the modification which excluded the land mentioned in Entry No 7.

Mr W M Rowe who is secretary of the Blisland Commoners Association gave oral evidence in support of the Association's Objections. The Entry Nos to which such Objections relate and the grounds are as follows:- X477, Nos 17, 11, 1A, and 16: "No grazing rights. That the right does not extend over all the land over which it is stated to be exercisable...does not extend south of...(the ABYZ line); X47, Nos 5 and 6: "No grazing rights. The right does not extend over all the land over which it is stated to be exercisable...does not extend south of...(the ABYZ line)..."; X1353, Nos 21, 23, 25, 28, 31, 56, 60, 66 and 78: "Rights do not exist south of the line...(the ABYZ line)..."; X1354, Entry No "The land edged and hatched in red on plan attached does not comprise part of Carbilly Farm...registration Entry No 56...incorrect"; X136, Entry No 35, 36, 38, 39, 63 and 70; "The rights should comprise of fewer animals...(see Schedule hereto); X1363, Entry No 30, 32, 33, 37, 44, 48, 50, 68, and 79: "The right does not exist". Mr Rowe described negotiations he had had with the applicants for the right and referred to documents signifying their agreement. His evidence except as regards Entry No 20 which was challenged by Mr F C Yeo as below mentioned was not challenged by any person present at the hearing, and the summary of what he said in column 5 of the Schedule hereto is I think enough for the purposes of this decision as regards these Entries (except No 28).

Mr Yeo in the course of his evidence produced a conveyance dated 22 February 1960 by which Hern Howes Limited conveyed to L A and E R Cornelius Camperdown Farm comprising 79.522 acres and a conveyance dated 13 May 1968 by which Mr E R Cornelius conveyed to Mr Yeo the same land; he said (in effect) he purchased Camperdown Farm in 1967 (? meaning 1968); at the time Mr Cornelius had a flock of sheep and he, Mr Yeo, bought between 300 and 400 of them and they had ever since grazed on the Registered Land; he knew the boundary of the two Manors, Embrance Downs and King Arthur's Downs: "My sheep run on this piece of land (the Registered Land) across the border (the line ABYZ) as you might say". He felt that if there is a difference between Blisland and Hamatethy, nobody would notice the difference.

On 9 December 1976 I inspected the Registered Land in the presence of Mr Rowe, Mr Greenaway and Mr Yeo, walking with them along the whole of the line ABYZ; after/unaccompanied I inspected other parts of the Registered Land to the north by driving along some of the nearby roads and by viewing a very large part of it from Roughtor.

I accept the evidence of Mrs Walkey, and what she said from her own knowledge was confirmed by the 1948 deed in which OS 1549 was treated in the same way as the rest of the Farm. I conclude therefore that this OS plot was wrongly registered in the Land Section and that Objection No 19 succeeds.

The land mentioned in Objection No X446 (ECLP) comprises two pieces, being the triangular piece mentioned in the agreement produced as aforesaid by Mr Leese and a much smaller piece about a mile to the southwest of the larger piece about



which I have no note or recollection of being given any information at all. ECLP were not represented at the hearing, and I infer from their absence from what Mr Leese told me that they are agreeable to this Objection failing as regards the larger triangular piece. The Rights Section Entry (or many of them) are made as a result of statutory declarations made by the applicant which extend to the smaller piece; although none of the applicants gave any evidence at the hearing directed to this part, I consider in the absence of any contra evidence by ECLP that I should conclude that as regards this smaller piece (as I do also as regards the large triangular piece) was not properly made.

The nature of the case put forward by Mr Yeo in respect of Entry No 20 became very clear during my inspection. The line ABYZ is visibly well defined, there are boundary stones apparently of considerable age set into the wall; along most of the line there is a considerable bank, and I had no difficulty in identifying all parts of the line as passing through the stones or as being along the bank or in some easily identifiable continuation of the bank; indeed Mr Yeo during my inspection did not suggest that the line ABYZ was not (as it appeared to be) an obvious boundary line of considerable age. His point is that the line ABYZ (and to this extent I agree with him) no obstruction of any kind to any animal; no sheep, cattle or ponies would by reason of the boundary be deterred from crossing over it, and indeed when I was there many did so. Mr Yeo's case (as I understood it) is that animals having been put on the Registered Land from Camperdown Farm and being able without any obstruction to go across the line ABYZ, it necessarily follows that the grazing right attached to Camperdown Farm (it was not disputed that there was such a right attached) always - extended over the whole of the Registered Land and that although applicants for rights of common who have as a result of Objection Nos X29, X47 and X413 made by Hamatethy and Blisland Commoners Association accepted the of the line ABYZ, they had done so mistakenly.

There is nothing in the conveyances produced by Mr Yeo indicating the nature or extent of the rights of common if any attached to Camperdown; so I assume that the rights so attached (no one suggested that there were not rights attached at least over the part of the Registered Land north of the ABYZ line) could be established by prescription. The relevant words of section 1 of the Prescription Act 1832 are: "...right of common...taken and enjoyed from or upon any land" and "actually taken and enjoyed by any person claiming a right thereto". When in legal proceedings a prescriptive right is pleaded, the usual form of words is: "(the plaintiffs) actually enjoyed as of right...common of pasture over the said land...", see Bullen and Leake, Pleadings, 1975 edition paragraph 736; in my opinion the essential condition for a person to acquire a right by prescription is that he (or his predecessors) shall have exercised over some piece or area of land; ~~he~~ does not I think exercise such a right over two pieces or areas of land merely because the animals he puts on one piece could and do (they being capable of recognising an unfenced boundary) go on to the other piece.

So the question is whether for the purposes of the law relating to prescription, the Registered Land is two pieces of land one north and one south of the ABYZ line, or is one piece of land for which the ABYZ line has no relevance. That the Registered Land has not for the purposes of the 1965 Act been registered as two pieces is I think irrelevant. The possibility of two commons unfenced from each other existing, is recognised by law in the cases relating to commons by reason of vicinage, see Halsbury Laws of England 4th edition volume 6 paragraph 566 et seq. Mr Rowe in the course of his evidence said in effect that the ABYZ line was the



boundary between two manors, which have always been in separate ownership, that of Blisland, south of the ABYZ line, being and having been in the ownership of the Molesworth-St Aubyn family (now Sir John or his Trustees). The ABYZ line appears to be an ancient boundary, appropriate not only for marking a distinct ownership of the estate in fee simple but also for marking the boundary of rights of pasture. In my opinion it is a boundary for both these purposes. Mr Yeo may not be obliged to accept the boundary as relevant for the purposes of rights of pasture merely because others who have registered under the 1965 Act have so agreed with the Commoners Associations; but their agreement is some confirmation of the opinion which I have formed on other grounds that the ABYZ line is locally reputed to be a boundary of rights of pasture.

Camperdown is about a mile north of the ABYZ line; Mr Yeo pointed it out to me and I looked at it through my binoculars. In my opinion animals put on the part of the Registered Land north of the ABYZ line from Camperdown cannot sensibly be regarded as having been put on the part south of the ABYZ line. Accordingly I reject Mr Yeo's claim to a prescriptive right over the south part.

To prevent any misunderstanding I record that I have not considered whether those who have a right of pasture over the part of the Registered Land on one side of the ABYZ line could claim a right of common by reason of vicinage over the other part in accordance with the principles of law set out in Halsbury supra; I incline to the view that any such right by reason of vicinage cannot be registered under the 1965 Act; even if I am wrong about this, no such right as regards the Registered Land been registered by Mr Yeo or anyone else, so nothing in this decision affects any right anyone may have to erect a fence along the ABYZ line or any right anyone may have to be excused from any liability for damage occasioned by any animal of his who may wrongly cross the line.

As regards the other Rights Section Entries to which particular objection has been made, I accept the evidence of Mr Greenaway and Mr Rowe, including the evidence which they referred to me and which had been given on the previous day by Mrs M A Hall relating to the way in which the numbers of animals suggested by the Associations had been calculated. Except as mentioned earlier in this decision, no one present at the hearing challenged this evidence; notwithstanding that as regards some Entries the agreements they mentioned were not supported by any writing, and some of their contentions based on the absence of any contra evidence on behalf of the applicants for the registrations, I conclude that they correctly describe the way in which rights of pasture had been exercised over the Registered Land, and accordingly I consider that I can and should give my decision upon all the Rights Section Entries mentioned by them in accordance with their evidence.

As regards the Rights Section Entries which are only questioned by reason of the Land Section Objections, it is not I think necessary for these registrations to be supported by any evidence as regards the part (by far the greater part) of the Registered Land which is not affected by these Objections. Accordingly I shall treat all the registrations at these Entries as having been properly made.

For the above reasons I confirm Land Section Entry No 1 with the modification that there be removed from the Register the land edged red on the plan attached to the said Objection X19 made by Mr & Mrs Walkey, I refuse to confirm the following Rights Section Entries:- Nos 1A (126), 30(130), 31, 32, 33, 37, 44, 48 (101), 50,



56, 68 and 79, I confirm the Rights Section Entries listed in the first column of the Decision Table appended to this paragraph of my decision with the modifications set out in the second column and subject to the provisions therein specified, I confirm Ownership Section Entry No 7 without any modification and I confirm Ownership Section Entry No 1 with the modification that column 4 be altered by removing from the land therein described all the land to which the said Entry No 7 is applicable.

Decision Table

<u>Entry No</u>	<u>Modifications (if any)</u>
1 (81)	No modification
2 (82)	No modification
3 (83)	No modification
4 (91)	No modification
5	Limit right to north of ABYZ
6 (92)	Limit right to north of ABYZ
7 (93)	No modification
8 (86)	No modification
9 (148)	20 head of cattle or 20 ponies or 100 sheep
9A (97)	No modification
10 (98)	No modification
11 (138 & 139)	Limit both these rights to north of ABYZ
12 (87)	10 head of cattle or 10 ponies or 50 sheep
14 (84)	No modification
15 (89)	12 head of cattle or 12 ponies or 60 sheep
16	Limit right to north of ABYZ
17	Limit right to north of ABYZ
18	Limit right to south of ABYZ
19 (25)	No modification
20 (149)	No modification
21	Limit right to north of ABYZ
23	Limit right to north of ABYZ
25	Limit right to north of ABYZ and 25 head of cattle or 25 ponies or 125 sheep
26 (112)	No modification
27 (105)	No modification



- 28 Limit right to north of ABYZ and 18 head of cattle or 18 ponies or 90 sheep
- 29 Limit right to south of ABYZ
- 34 (113) 12 head of cattle or 12 ponies or 60 sheep
- 35 Limit right to south of ABYZ and 11 head of cattle or 11 ponies or 55 sheep
- 36 Limit right to south of ABYZ
- 38 (144) Limit right to south of ABYZ
- 39 Limit right to south of ABYZ; and 12 head of cattle or 12 ponies or 60 sheep
- 42 (115) No modification
- 45 (106) No modification
- 46 Limit right to south of ABYZ
- 47 (132) Limit right to south of ABYZ
- 49 Limit right to south of ABYZ
- 51 ~~No modification~~ Limit right to south of ABYZ
- 52 ~~No modification~~ Limit right to south of ABYZ
- 53 (102) No modification
- 54 (107) No modification
- 57 (145) No modification
- 60 (117) 3 head of cattle or 3 ponies or 15 sheep
- 63 Limit right to south of ABYZ
- 64 (133) Limit right to north of ABYZ; 11 head of cattle or 11 ponies or 55 sheep
- 66 (146) Limit right to north of ABYZ; 58 head of cattle or 58 ponies or 290 sheep
- 69 (108) No modification
- 70 7 head of cattle or 35 sheep
- 71 Limit right to south of ABYZ
- 72 Limit right to south of ABYZ
- 73 (109) 129 head of cattle or 129 ponies or 645 sheep
- 74 (110) No modification
- 76 (142) No modification
- 78 (120) For this Entry substitute 2 new Entries A and B, each identical with the existing Entry except as hereinafter modified.

New Entry A:-

In column 5 for the land therein described substitute that edged red on the Entry No 120 plan and in column 4 limit right to north of ABYZ and 31 head of cattle or 31 ponies or 153 sheep.



New Entry B:-

In column 5 for the land therein described substitute that edged blue on the Entry No 120 plan and in column 4 limit right to south of ABYZ and 15 head of cattle or 15 → ponies or 45 → sheep

Provisions:- (a) Limit right to north of ABYZ means in column 4 insert words limiting the right to the part of the land in this Register Unit north of the red line ABYZ on the Register map but not so as to prejudice any existing words now in such column which limit the right to some less part of such part. Limit right to south of ABYZ has the same meaning mutatis mutandis.

(b) The above modifications relating to animals means that the numbers and animals above specified should be substituted for the numbers and animals now specified in column 4.

(c) The Entry No 120 plan means the plan so described in this decision. A copy of such plan will be annexed to the notice sent to the Registration Authority pursuant to section 6 of the 1965 Act.

Because the above Decision Table is complicated, and it is possible that I may have misunderstood or mistakenly recorded what was at the hearing said to me by Mr Greenaway and Mr Rowe, I give any person who attended or was represented at the hearing and who was then entitled to be heard liberty to apply to me within 42 days of this decision being sent to him as to any correction which ~~is~~ to be made in the said Table or in the Schedule to this decision. Any such application should in the first instance be made in writing to the Clerk of the Commons Commissioners.

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.

SCHEDULE
(Rights Section)

Note: All Entries are deemed to be objected to by reason of Land Section Objections Nos X19 by Mr & Mrs Walkey and No X446 by ECLP.

Entry No (in brackets no of any Entry which now replaces that origin- ally made)	Applicant and land to which registered right is attached	Right: "c" = head of cattle, "p" = ponies, "h" = horses, "s" = sheep; "peat" = a right to take and cut peat and/or turf	No of Objection particularly applicable; H = Hamatethy Association, and B = Blisland Association	Evidence or informa- tion given at the hearing; "D" = docu- ments signed by applicant (or succes- sor or agent); "G" refers to evidence given by Mr C J Greenaway; and "R" refers to evidence given by Mr W M Rowe
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1 (81)	G P Briney Lamphill	27c or 27p or 155s; peat	X283; H; right does not exist at all X348; Mr Nankivell; fewer animals(1)	G:- Objection was intended to apply to Entry 1A; this Entry therefore not now disputed <i>no objection in support of X 348</i>
1A (126)	J W Hext Trethin Farm	110c north of ABYZ	X477; B; no grazing rights; not south of ABYZ	After discussion Mr P Richard and Alcirag Coy successors of Mr Hext withdrew their support of this Entry G:- X283 was intended to apply to this Entry R:- Rights withdrawn
2 (82)	W J Clark Trecarne Farm	30c or 30p or 150s; peat	-	-
3 (83)	A L Brown Jordans	3c or 3p or 15s; peat; north of ABYZ	-	-
4 (91)	A L Brown Balhackett Fields	1c or 1p or 5s; peat; north of ABYZ	-	-
5	G Nankivell Treswallock Farm	39c or 39p or 195s; peat	X478; B; No grazing rights; not south of ABYZ	R:- Confirm if not south D:- (C L Nankivell) X478 agreed
6 (92)	A L Brown Hamatethy Tor Farm	3c or 3p or 15s; peat	X478B; no grazing rights; not south of ABYZ	R:- Mr Brown has withdrawn from the south; confirm as regards north
7 (93)	M Tremaine Pendavey	13c or 13p or 65s; peat; north of ABYZ	-	-
8 (86)	C G Distin Hill Farm	5c or 5p or 25s; peat; north of ABYZ	-	-
9 (148)	G Nankivell Leaze Farm	30c or 30p or 150s; peat	X472; B; Number excessive by 18c or 25p or 90s	R:- Mr Nankivell has agreed to 20 units D:- (C L Nankivell) modified to read 20c, 10p (sic) 100s. B:- Objection modified accordingly



9A (97)	W A Welch Glebe Land	2c or 2p or 10s; peat; north of ABYZ	-	-
10 (98)	W A Welch Garrows	7 cows or 7p or 35s; north of ABYZ	-	-
11 (138 & 139)	Mr H Leworthy part of Steppes Farm	8c or 8p or 40s; peat	X477; B; no grazing; not south of ABYZ	R:- The applicants withdraw from the south; now no objec- tion to rights being confirmed in other respects. D:- (A J Finnemore) X477 agreed (?)
	G A & G M Wyles part of Steppes Farm	8c or 8p or 40s; peat	Ditto	R:- Ditto D:- (N Freake) X477 agreed (?)
12 (87)	M J Fitzpatrick Tor Farm, Advent	11c or 11p or 55s; peat; north of ABYZ	X288; H; fewer animals (10)	G:- We say 10; now agree D:- Agrees allocatio of 10 units, 29/XI/76
14 (84)	I D G Jeffs The Gables	1c or 1p or 5s; peat; north of ABYZ	-	-
15 (89)	Mr B & Mrs M Cleave Newhall, Advent	14c or 14p or 70s; peat; north of ABYZ	X288; H; fewer animals (12)	Mr F C Yeo (the present owner) and G at hearing say: they are agreed that the Cleave Entry 15 be b reduced from 14 to 1 and that the Corneli Entry 28 be increase from 16 to 18
16	J Hill Furhouse & Brown	11c or 11p or 50s; peat;	X477; B; no grazing rights; not south of ABYZ	R:- They have with- drawn from the south D:- X477 agreed
17	J Burnard Allans Ford	8c or 8p or 40s; peat	Ditto	R:- Withdrawn from south. D:- (A Welch) X477 agreed
18	F H Parr Hallagenna Farm	1c or 1p or 55s; peat	X293; H; not north of ABYZ	R:- Land now owned t Mr & Mrs Burbery; Mr Parr agreed objec- tion verbally G:- Land is not in Hamatethy and theref no entitlement



19 (95)	R L Piper Trewint	25c or 25p or 125s; peat; north of ABYZ	-	-
20 (149)	C J Greenaway & J Greenaway	8c or 8p or 50s; peat; north of ABYZ	-	-
21	F C Kevern Ivydene	1c or 1p or 5s; peat	X1353; B; not south of ABYZ	R:- Applicant agrees to withdraw from south D:- X1353 agreed
23	S C Burnard	14c or 14p or 70s; peat	X1353; B; not south of ABYZ	R:- Applicant agrees to withdraw from south D:- X1353 agreed
25	W G Leworthy High Steps, Advent	28c or 28p or 150s; peat	X288; H; fewer animals (21) X1353; B; not south of ABYZ	G:- Agreed with Mr Leworthy at 25. R:- He has agreed to withdraw from the south D:- X1353 agreed
26 (112)	A Blackburn Glebe Farm	14c or 14p or 70s; peat	-	D:- Agrees allocatio of 25 units, 27/XI/76
27 (105)	R H E Hill and M A Hill Hamatethy Farm	2c or 2p or 10s; peat; north of ABYZ	-	-
28	E R Cornelius Camperdown	16c or 16p or 80s	X1353; B; not south of ABYZ	Numbers agreed at 18 see Entry No 15 above as to objection oral evidence by Mr Rowe and Mr Yeo and inspe tion by Commissioner
29	F H Parr Hallagenna Farm	1c or 1p or 5s; peat	X293; H; not north of ABYZ	G:- There are no rig north of ABYZ, land not in Hamatethy R:- Mr Parr agreed verbally to objectio
30 (130)	N S Davidson South Merrow Farm	50c or 120s; peat	X1363; B; the right does not exist	R:- Withdrawn D:- (G Swayne) X1363 agreed
31	W C Greenaway Black Pencuite	9c or 4p or 45s	X293; H; not north of ABYZ	R:- Now owned by Mr Delamere; entry withdrawn altogether G:- Farm in Blisland and therefore no rights north of ABYZ



			X1353; B; not south of ABYZ	D:- (G N Woodward) for F W Delamere: "Cancel my registration to correspond with Objection No X1353 (sic)"
32	W C Greenaway Bests Pencuite	11c or 5p or 55s	X293; H; not north of ABYZ	G & R:- The right now withdrawn altogether
			X1363; B; the right does not exist	D:- (M Williamson) X1363 agreed
33	R C J Andrews Tor Farm	6c or 3p or 30s; turf	X293; H; not north of ABYZ	G & R:- The right now withdrawn altogether
			X1363; B; the right does not exist	D:- (K Larsen) X1363 agreed
34 (113)	D F A Rees Palmers	14c or 14p or 70s; north of ABYZ	X288; H; fewer animals (9)	G:- Agreed at 12 units D:- (L J Palmer): agree allocation of 12 units (11/XI/76)
35	WR C Prout Hantergantick	15c or 75s or 7p	X293; H; not north of ABYZ	G:- No agreement but applicant has withdrawn from Hamatethy, the right is now confined to south of ABYZ
			X1362; B; fewer animals (11c or 5p or 55s)	R:- The figure 11 has been agreed D:- X293 and X1362 agreed
36	J K Hollister De Lana Farm	47 Bullocks or 25p or 235s	X293; H; not north of ABYZ	G:- He has withdrawn from Hamatethy, so maybe comprised in register Blisland
			X1362; B; fewer animals (43c or 21p or 215s)	R:- Objection X1362 stands D:- Agrees X293 & X1362
37	J Miller Newton House	2c or 1p or 10s	X293; H; not north of ABYZ	G & R:- Applicant has withdrawn
			X1363; B; the right does not exist	D:- (P N E Hill) agrees X1363



38 (144)	F G G Old FG Old C E Old West Rose	38c or 190s or 19p	X293; H; not north of ABYZ	G:- The rights are only south of the line
			X1362; B; fewer animals (35c or 17p or 175s)	R:- The Objection X1362 withdrawn for this Entry D:- Ditto
39	T P Vandeleur <i>Try</i> Way Farm	25c or 125s	X293; H; not north of ABYZ	G:- Land now owned by Mr Throssel who agrees that his rights are south of ABYZ and that the numbers should be 12 units instead of 25
			X1362; B; fewer animals (12c or 6p or 60s)	R:- The number should be 12 units D:- <i>f Throssel X 1362 agreed.</i>
42 (115)	W A Hawken Parcels of land shown on Register map	8c or 40s; south of ABYZ	-	-
44	W E Andrews Turnrose	.9c or 4p or 45s; peat	X293; H; not north of ABYZ	G & R:- Applicant has withdrawn completely
			X1363; B; right does not exist	D:- (K Larsen) X1363 agreed
45 (106)	B G Briney West Candra	2c or 2p or 10s; peat; north of ABYZ	-	-
46	T J Williams Coluna	7c or 3p or 35s; turf	X293; H; not north of ABYZ	G:- Agreed south of ABYZ only
47 (132)	R J L Hoskin Brake Farm	45c or 45p or 225s; peat	X293; H; not north of ABYZ	G:- Now owned by Guy Old who has withdrawn to south of the line <i>2 (90m) ...</i>
48 (101)	A L Rowe Lanson Farm	15c or 7p or 75s; peat	X1363; B; right does not exist	R:- No agreement with applicant but right does not exist, no evidence of it D:- (G J Rush): agree. X1363
49	F G G Old Higher Pencuite	9c or 4p or 48s;	X293; H; not north of ABYZ	G:- May be confirmed south of the line <i>2 - (F. G. G.) ...</i>
50	J Knight <i>L</i> Haslemere K. M. Knight Haslemere	2c or 2p or 10s; peat	X288; H; fewer animals (1)	G:- It has been agreee that I confirm No 52 and refuse to confirm No 50 <i>D. (Mr Knight) letter of 4 Dec 1976 in London south always south ABYZ</i>



51	J Knight & K M Knight Brookside	1c or 1p or 5s; peat	X288; H; fewer animals (1)	G:- It is agreed that there be no modifica- tion D:- (D Morris): allocation 27/XI/76
52	J Knight & K M Knight Haslemere	2c or 1p or 10s	X288; H; fewer animals (1)	G:- Confirm, see No above 1976
53 (102)	T C Masters Higher Bradford	29c; north of ABYZ	-	-
54 (107)	A G Govett Lower Pencuite	50c or 5p or 25s; peat; north of ABYZ	-	-
56	E D Roose Carbilly	47c or 23p or 235s	X293; H; not north of ABYZ X1354; B; land edged red not part of Carbilly (it is part of CL. 183) X1363; B; right does not exist	Mr Romary on behalf of Mr Roose agrees that objections succ R:- Right withdrawn
57 (145)	R Smith C J Greenaway Churchtown Farm	3c or 1p or 15s	X1353; B; not south of ABYZ	R:- Objection with- drawn D:- Cancel objection
60 (117)	C M Coombe Springfield & Hill	12c; north of ABYZ	X288; H; fewer animals (3)	G:- Land does not carry any more anima than those mentioned in the Objection
63	E C Parr Roughground	6c or 18s	X293; H; not north of ABYZ X1362; B; fewer animals (5c or 18s)	Letter of 8 December 1976 from G & I Chisholm on behalf o D Hill who agrees X2 claim 6 units R:- As registered south of line no objection R:- Objection X1362 withdrawn D:- Cancel objection D:- (G & I Chisholm) X293 agreed: 6 units



64 (133)	W J Carter Candra	45c or 45p or 225s; peat	X288; H; fewer animals (25)	G:- Agreed at 11
			X1353; B; not south of ABYZ	R:- Applicant with- draws south of line D:- Agrees allocation of 11 units 24/XI/76 G:- Agreed at 58 R:- He has withdrawn from south of the line
66 (146)	J C Old Shallowbridge	110c or 550s or 110p; peat	X288; H; fewer animals (44)	G:- Agreed at 58 R:- He has withdrawn from south of the line
			X 1353; B; not south of ABYZ	D:- Agrees allocation 58 units (?) X287: 17/XI/76
68	E R Cornelius Moss Farm	70 cows <u>and</u> 65 horses <u>and</u> 200 sheep	X1363; B; right does not exist	R:- Right withdrawn D:- Agrees X1363
69 (108)	W J Rawlings a field of 5.662 acres	2c or 10s; north of ABYZ	-	-
70	W J Rawlings Whiteheads	10c or 50s	X1362; B; fewer animals (7c or 35s)	R:- Objection insists on: the number 7 accord with the capacity of the land
71	S D Parker and A A Parker 21.717 acres at Hallagenna	6c or 30s	X293; H; not north of ABYZ	G:- Now owned by Mr Burbery; there are no rights north of the line
72	E C Colman Penpont Farm	5c; south of ABYZ (YZ not mentioned)	X293; H; not north of ABYZ	G:- Land in Blisland no rights north of line
73 (109)	P G Throssell & E Throssell Fellover	140 cows or 140p or 700s; peat; north of ABYZ	X288; H; fewer animals (129)	G:- Agreed at 129
74 (110)	P G Throssell & E Throssell Fellover	7 cows or 7p or 35s; peat; north of ABYZ	X288; H; fewer animals (129)	G:- Agreed at 7 units the Objection was a mistake
76 (142)	F R Finnemore and A W Finnemore land at Higher Lank	25c or 12p or 125s; excluding north of ABYZ	-	-



78 (120)

A R Walkey
and F A Walkey

Caswell

60 cows and
12 horses or
300 sheep;
peat

X288; H; fewer
animals (19)

X1353; B; not
south of ABYZ

G:- Dolatherick (with
Carmooth) and Green
(with New Inclosure)
are two farms; edge
red and edged blue
Edge No. 120 Plan. It
agrees (Mr Keast
confirms) that 2 sh
have 15 units south
ABYZ and C shall have
31 units north of
ABYZ

D:- Agrees allocation
of 31 units X288(?),
20/XI/76

79 (143)

R Smith
in gross

40c or 40p

X283; H; right
does not exist
at all

X1363; B; right
does not exist

G:- He has no rights
such is local reputa
tion

R:- No rights in
gross exist; I know
nothing about him or
this matter

Dated this 20th day of *January* 1977

a. a. Bardin Fuller

Commons Commissioner