



In the Matter of The Green, Trewonnard,
Treneglos, Cornwall

DECISION

These disputes relate to the registration (1) at Entry No. 1 in the Land Section (2) at Entry No. 1 in the Rights Section of Register Unit No. CL 275 in the Register of Common Land maintained by the Cornwall County Council and ^{and} ~~is~~ occasioned by Objection X526 made by Mr W H Shute and noted in the Register on 16 February 1972.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 10 July 1972. The hearing was attended by Mr D M Gill of the Registration Authority and by Mr J H Morgan, Solicitor, of the firm of Parnall, Goodwin & Chagwin, on behalf of Mr Shute.

The registration of the land in question ("unit land") as common land was made in consequence of an application by Mr M H Bridgman to register a right to graze attached to Lower Trewonnard Farm. Mr Shute's Objection is based on the grounds that he is sole owner of the Unit land, that the right does not exist and that the land was not common land at the date of registration.

Mr Bridgman is deceased and I understand that his successors are a Mr Mercer and a Mr Hoiking, each as to a part of Lower Trewonnard Farm. Mr Shute, giving evidence, stated that each of them knew of the registration by Mr Bridgman but were not interested to maintain it, and Mr Gill was able to confirm that this was so in the case of Mr Mercer with whom he had been in contact. Mr Shute produced a Conveyance of the Unit land to his father Mr T E Shute made in 1926, and an Assent in his own favour dated 17 January 1964 following his father's death. No one else had grazed on the Unit land during his time and he had fenced it round some 11 years ago.

In these circumstances, and there being no evidence to support the claimed right (which is the only entry in the Rights Section) or to suggest that the Unit land is wa land of the manor, I refuse to confirm the registrations.

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

22nd August

1979

L. J. Morris Smith

Commons Commissioner