



In the Matter of Towan Common, St Merryn,  
North Cornwall D

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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 446 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 Mrs Barbara Gladstone claimed to be the freehold owner of part 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 20 May 1983.

At the hearing Mrs Gladstone was represented by Mr J F Riley. By a Conveyance dated 12 February 1958 Samuel H S Hawkin conveyed to Dr A C and Mrs B Gladstone a dwelling house and premises coloured red on the plan attached to the Conveyance ("the red area") and such right title or interest as the Vendor had in a piece of land being part of Towan Common coloured yellow on the plan ("the yellow area"). The red area appears to be one adjoining the Unit land at its eastern side and part of the yellow area (its southern part) appears to include part (the northern part) of the Unit land. Mrs Gladstone, whose husband died in March 1976, has made a Statutory Declaration dated 16 May 1983 to the effect that during their joint lifetime they enjoyed, and since her husband's death she has enjoyed, undisturbed possession for their or her benefit and without any adverse claim of the red area and the yellow area, and also of a strip coloured green on the plan attached to the Statutory Declaration ("the green area") which adjoins the southern boundary of the yellow area.

On the evidence I am satisfied that Mrs Gladstone is the owner of such part of the Unit land as falls within the red area, the yellow area or the green area.

I shall accordingly direct the Cornwall County Council, as registration authority, to register her as the owner of such part under section 8(2) of the Act of 1965. The three areas are shown on the attached plan. I am not able to indicate on the plan the exact part of the Unit land falling within those areas, but I apprehend that it will be practicable for the Surveyor's Department of the County Council to do so. The remainder of the Unit land will remain subject to protection under section 9 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 18 July 1983

*L. J. Morris Smith*  
Commons Commissioner

