



COMMONS REGISTRATION ACT 1965

Reference No.6/U/7

In the Matter of Trebarwith Village
Wastrel, Tintagel, Camelford R.D.,
Cornwall

DECISION

This reference relates to the question of the ownership of land known as Trebarwith Village Wastrel, Tintagel, Camelford Rural District being the land comprised in the Land Section of Register Unit No.C.L.156 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 public notice of this reference Mr.Jack Trevillian Lobb,Mr.Silvester William Key Lobb, Mr.Stanley Arthur Lobb and Miss Emmie Elizabeth Lobb ("the Claimants") in a letter dated 19th May 1972 claimed to be the freehold owners of the land in question and Mr.L.Read in a letter dated 7th May 1972 claimed to have information as to its ownership, such information being that he as a resident of the Village believed Mr.J.Lobb to have the right of ownership, his family for several generations back having cultivated the land around the Wastrel.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Truro on 12th July 1972.

At the hearing the Claimants were represented by Mr.M.D.Hartley, solicitor of Messrs. Harvey & Sproull of Bodmin. He explained that his clients' case was that their documents of title show that they are the owners of the land (area 1.188 acres) being Ordnance Survey No.399 of which the land (area 0.29 acres) comprised in this Register Unit is (as appears from the Register map) the south eastern part.

Mr.J.T.Lobb, one of the Claimants, gave evidence in the course of which he produced documents of title as follows:- (i) an indenture dated 24th April 1912 by which land therein described (being Trebarwith Farm) were conveyed to Silvester Lobb (his grandfather) Henry Lobb and Samuel John Lobb (his uncles) as tenants in common; (ii) probate dated 27th October 1920 of the will of the said Silvester Lobb (he died on 19th May 1920) granted to the said Henry Lobb and Samuel John Lobb; (iii) an appointment dated 25th June 1935 by which the two last named appointed themselves trustees of the statutory trusts for sale applicable as a result of the transitional provisions of the Law of Property Act 1925 to land formerly held in undivided shares; (iv) probate dated 23rd April 1935 of the said Henry Lobb's (he died on 12th April 1954) granted to his brothers the said Samuel John Lobb and Silvester Key Lobb (the witnesses's father); (v) an appointment dated the 29th December 1955 by which the said Samuel John Lobb appointed the said Silvester Key Lobb to be a new trustee of the statutory trusts referred to in the said appointment of the 21st June 1935 as being applicable to the land delineated on the plan annexed thereto; (vi) a conveyance dated the 14th February 1956 by which the said Samuel John Lobb conveyed all his interests both legal and equitable in Trebarwith Farm as delineated on the plan annexed to the said deed of appointment of the 29th December 1955 to the said Silvester Key Lobb; (vii) Letters



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of Administration dated the 24th May 1968 to the Estate of the said Silvester Key Lobb (he died intestate on the 24th January 1967) granted to Stanley Arthur Lobb and the Witness, Jack Trevillian Lobb (two of the Claimants); (viii) a deed of family arrangement dated 25th March 1971 under which it was agreed (paragraph 4) that Trebarwith Farm should belong to the Claimants in equal shares; and (ix) an Assent dated 25th March 1971 vesting the Farm in the Claimants.

The schedule to the indenture of 24th April 1912 included a plot of land described as being Ordnance No.399 and having according to the Ordnance Survey an area of 1.188 acres. The plan attached to the appointment of the 29th December 1955 included a piece of land similarly numbered. These pieces of land are, I think, the same as that shown on the Register map numbered 399.

Neither plan was altogether accurate as neither showed the diversion of the street effected, so the witness thought, in his grandfather's day; this inaccuracy does not, I think, affect the value of the before-mentioned documents as evidence of the Claimants' title to the land comprised in this Register Unit.

The land is currently being used by the Claimants or their tenants for agricultural purposes connected with Trebarwith Farm.

For these reasons I am satisfied that the Claimants are the owners of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register the Claimants, all of Rockhead Farm, Delabole, Cornwall, as the owners of the land.

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 18th day of September 1972

a. a. Baden Fuller.

Commons Commissioner