



In the Matter of Trefullock Moor, St. Enoder, Cornwall

DECISION

This reference relates to the question of the ownership of land known as Trefullock Moor, St Enoder, being the land comprised in the Land Section of Register Unit No. CL.485 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 Mr J.F Matthews, Mrs D E Matthews, Mr A M Matthews and Mrs S A Hughes claimed to be the freehold owners of parts of the land in question and no other person claimed to have information as to its ownership.

*Ernest
1/11/82*
I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bodmin on 6 October 1972. At the hearing the claimants were represented by Mr P B Cocks, Solicitor, Mrs M A Williams by Mr M Chanter, Solicitor, the Restormel Borough Council by Mr E Pate, Solicitor, and the St. Enoder Parish Council by Mr J F Benney, its Clerk, and Mr J H N Barbery appeared in person. Mrs Williams is the former wife of Mr A M Matthews. They cleared an area of scrub in the western part of the land in 1964, after which they purchased a caravan in which they lived until 1979, since when Mrs Williams has continued to live there. During the whole of this period their possession has been undisturbed with no adverse claim.

Mrs Matthews has lived in a chalet on part of the land in question since 1944 and has enjoyed undisturbed possession of the chalet and its curtilage with no adverse claim.

Mr J F Matthews has lived in a chalet on part of the land in question since 1936 and enjoyed undisturbed possession of the chalet and its curtilage with no adverse claim.

Mrs Hughes has lived in a chalet on part of the land in question since 1947 and has enjoyed undisturbed possession of the chalet and its curtilage with no adverse claim.

All the parts of the land in question above-mentioned were previously used for grazing and cultivation by the late Mr W J Matthews, who took it over from Mr A Powell on or about 1924.

Another part of the land in question some distance from that above-mentioned has been occupied by Mr Barbery since 8 January 1951. Mr Barbery fenced off this part of the land and has enjoyed undisturbed possession with no adverse claim ever since.



On this evidence I am satisfied that Mrs Williams, Mrs Matthews, Mr J F Matthews, Mrs Hughes and Mr Barberly are the owners of parts of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register them as the owners of their respective parts of the land under section 8 (2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land, and it will therefore 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 this

5th

day of

December

1983

Chief Commons Commissioner