



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/124

In the Matter of Tregolls Common
(part), Stithians, Kerrier D

DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit No. CL 521 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 L R T Barter claimed to be the freehold owner of the land in question ("the Common") 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 Camborne on 13 January 1983.

At the hearing Mr R J Stillwell, Solicitor appeared on behalf of Mr Barter.

was conveyed to Mr Berryman
By a Conveyance dated 10 August 1921 made between (1) Jane T Moore (2) Arnold Trinder and Others (3) Thomas Berryman a farm known as Tregolls, which adjoins the western and southern boundaries of the Common, together with the Vendor's rights in the Common. Thomas Berryman died in 1940 and probate of his will was granted on 6 January 1950 to Florence May Berryman who by a Conveyance dated 29 September 1960 conveyed Tregolls to Mr Barter together with the rights of the Vendor in the Common. The 'rights' in the Common are not defined in either Conveyance and the phraseology is not apt to describe the soil of the Common; and in a Conveyance by Mr Barter in 1966 of a small piece of the Common what is conveyed is the estate right and interest of the vendor of and in the piece of land to the Purchaser absolutely "so far as the vendor can convey and grant the same". It is also to be observed that Mr Barter in 1969 registered a grazing right over the Common stated to be attached to Tregolls Farm.

Giving evidence Mr Barter told me that he grazed stock on the part of the Common of which he claims ownership, but having regard to the grazing right he has registered this activity cannot I think be regarded as one attributable to ownership of the soil.

On the evidence I am not satisfied that Mr Barter or any other person is the owner 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

3 February,

1983

L. J. Jones Smith
Commons Commissioner