



In the Matter of Tregonetha Down (part),
Well Moor and Village Green, Tregonetha,
St Wenn, Cornwall

DECISION

This reference relates to the question of the ownership of land known as Tregonetha Down (part), Well Moor and Village Green, Tregonetha, St Wenn, being the part of the land comprised in the Land Section of Register Unit No. CL 252 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 no person claimed to be the freehold owner of the land in question and no one 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 6 October 1982.

At the hearing Mr R P Jones, Solicitor, appeared on behalf of the St Wenn Parish Council, and Tehidy Minerals Ltd was represented by Mr J Dungey, its manager.

Mr Jones informed me that he had no evidence as to the ownership of any of the land the subject of the reference.

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The land consists of three areas, the largest of which is part of Tregonetha Down, the ownership of the remainder of which is registered in the Ownership Section of the Register Unit. ~~Eight~~ ^{seventeenth} part of the part of Tregonetha Down which is the subject of the reference was conveyed to Tehidy Minerals Ltd by an indenture made 19 January 1920 between (1) Thomas Charles, Viscount Clifden (2) Tehidy Minerals Ltd. It appears from the evidence adduced in In the Matter of Treskilling Downs, Luxulyan (1982), Ref. No.206/U/56 that the other eight-seventeenths part was vested in the late Mr J C S Rashleigh. By virtue of para. 1(4) of Part IV of the First Schedule to the Law of Property Act 1925 the whole of the land became vested in the Public Trustee on the Statutory Trusts on 1 January 1926. There being no evidence that new trustees have been appointed in respect of this land, on this evidence I am satisfied that the Public Trustee is the owner of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register him as the owner of the land under section 8(2) of the Act of 1965.

There being no evidence as to the ownership of Well Moor and the Village Green, they will therefore remain subject to protection under section 9 of the Act of 1965.



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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

20~~th~~

day of

October

1982

A handwritten signature in cursive script, appearing to read 'C. J. [unclear]', positioned above the printed title.

Chief Commons Commissioner