



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/217

In the Matter of Treslea Down (part),
Cardinham and Warleggan, Cornwall

SUPPLEMENTAL DECISION

This reference relates to the question of the ownership of land known as Treslea Down (part), Cardinham and Warleggan, being the part of the land comprised in the Land Section of Register Unit No. CL.128 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.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bodmin on 4 July 1984, when there was no evidence before me as to the ownership of the land in question, but Mr Walter Brown informed me that he was the tenant of part of the land and that his landlords were Messrs. Hawkey Brothers and Gill.

After I had given a decision that I was not satisfied that any person was the owner of the land, Solicitors acting for Mr M J E Hawkey and Mr W G Hawkey produced documents which I have decided to consider without putting the County Council to the trouble of going through the formality of making a fresh reference.

Part of the land the subject of the reference consisting of parcel No. 1632 on the Ordnance Survey Map (1905) revision, having an area of 2.076 ac., was included in the parcels of a Conveyance made 13 December 1950 between (1) Maurice John Gill Hawkey (2) Richard Robert Gill, M J E Hawkey, and Horace Gordon Hawkey as joint tenants. Mr. M.J.G Hawkey conveyed as surviving personal representative of Mrs Mary Ann Gill, whose title was derived from an indenture made 4 January 1869 between (1) Humphry Williams (2) William Collett. Mr Gill died on 11 August 1959.

On this evidence I am satisfied that Mr M J G Hawkey and Mr H G Hawkey are the owners of part of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register them as the owners of that part of the land under section 8 (2) of the Act of 1965.

The remainder of the land the subject of the reference 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 this 18th day of November 1984


 Chief Commons Commissioner