



COMMONS REGISTRATION ACT 1965

Reference No.6/U/11

In the Matter of Trew Well,  
Breage, Kerrier R.D., Cornwall.

DECISION

This reference relates to the question of the ownership of land known as Trew Well, Breage, Kerrier Rural District being the land comprised in the Land Section of Register Unit No.C.L.204 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 Mrs. Janice Bennett Harris("the Claimant") claimed to be the freehold owner of the land in question 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 Truro on 13th July 1972.

At the hearing the Claimant was represented by Mr. J.L. Patterson solicitor of Rogers & Son of Helston and the Breage Parish Council were represented by Mr. L.W. Allen.

On the land there is a water-spout (near the middle of the north west side) from which the water flows away to the north. The water has not been used for human consumption since about 12 or 14 years ago when main water was piped to the Village. The land apart from two tracks over it (shown on the Register map) is for the most part either grass brambles or rushes.

The Claimant in her evidence produced the following documents of title relating to Treworlis Farm of which she is the owner and occupier;

- (i) An indenture dated 31st March 1921 by which the Farm described in the schedule and delineated pink of the attached plan was conveyed to T.M. Richards (her grandfather; he died in 1931), J.B. Richards (her father) and W.H. Richards (her uncle) in fee simple;
- (ii) A conveyance (indenture) dated 22nd March 1934 by which the said J.B. Richards conveyed to the said W.H. Richards all his interests (legal and equitable) in the land known as Treworlis, described in the schedule thereto and coloured pink on the plan endorsed thereon; and
- (iii) an assent date 16th December 1963 by which Midland Bank Executor & Trustee Co.Ltd., as executor of the said W.H. Richards (he died on 29th April 1957) assented (among other properties) to Treworlis as described in the said conveyance of the 22nd March 1934 vesting in the Claimant in fee simple.

From the evidence of the Claimant I was able to identify the land comprised in this Register Unit with part of the land conveyed by the indenture of 31st March 1921, the conveyance of 22nd March 1934 and the assent of 16th December 1963. The Claimant has lived at Treworlis since 1951 and always considered that she and her family as above mentioned were the owners of the land. She and they had watered and grazed cattle there and had occasionally stored agricultural implements and other things on it. Nobody else had ever claimed any right to graze it or store things on it.



Mr. Allen did not question the Claimant and stated that the Council did not dispute that she was the owner.

On the evidence as outlined above I am satisfied that the Claimant is the owner of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register Mrs. Janice Bennett Harris of Treworlis, Breage, Cornwall as the owner 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.

a. a. Baden Fuller.

Dated this 19<sup>th</sup> day of September 1972

Commons Commissioner