



In the Matter of Twelvemans Moor, North Hill,
North Cornwall D.

DECISION

These disputes relate to the subsisting registrations in the Rights Section of Register Unit No. CL.148 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by the Objections set out in the Schedule hereto.

I held an adjourned hearing for the purpose of inquiring into the disputes at Truro on 19 June 1978. The hearing was attended by Mr J B Stanior on behalf of The Duchy of Cornwall. Mr J T Carpenter of Messrs. Kittow's on behalf of Trebartha Estates Ltd and Mr R B M Budge (the successor to Mr R H Budge) in person.

These ancient Rights were established by an inquisition of oldmeasurement and stint taken on the 30 August 1758 and issued out of the Court of Kings Bench on 30 May 1758. I was invited at the commencement of the hearing to refuse to confirm Entry Nos 7 and 12 and I therefore refuse to confirm these Entries and I was told that as regards the remaining Entries there was no dispute as to the lands to which these historic rights are now appurtenant.

In the course of the hearing agreement was reached between the quantification of these rights and in accordance with that agreement I confirm Entry Nos 6 9 14 15 16 18 20 and 21 modified as follows:-

- Entry No. 6 by substituting in column 4 for the words "80 head of cattle 8 ponies and 100 sheep 'the words' 188 sheep or 38 bullocks and by deleting the words "and register unit CL.147"
- Entry No. 9 by substituting in column 4 for the words " 10 cows or 10 ponies or 50 sheep" the words "20 sheep or 4 bullocks
- Entry No.14 by substituting in column 4 for the words '85 head of cattle or 85 ponies or 425 sheep" the words" 375 sheep or 75 bullocks.
- Entry No.15 by substituting in column 4 for the words ' 79 head of cattle or 79 ponies or 395 sheep "the words"350 sheep or 70 bullocks"
- Entry No. 16 by substituting in column 4 for the words '80 head of cattle or 80 ponies or 150 sheep" the words "185 sheep or 27 bullocks"
- Entry No. 18 by substituting in column 4 for the words "60 head of cattle or 60 ponies or 300 sheep"the words 265 sheep or 53 bullocks"
- Entry No. 20 by substituting in column 4 for the words 200 head of cattle or 200 ponies or 500 sheep "the words "188 sheep or 38 bullocks" and by deleting all the words after the words "this register Unit".



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Entry No. 21 by substituting in column 4 for the words "200 head of cattle 200 horses or 500 sheep" the words "30 sheep or 6 bullocks" and by deleting all the words after the words " this register unit and by substituting in column 5 for the words "Berrio Bridge Farm, Berrio Bridge the word "Middlewood"

The farms now known as Duchy Kingbeare comprising High House and Trelake are now in the ownership of The Duchy of Cornwall which cannot have common rights exercisable over its own land. It was however a term of the agreement between the parties that the Duchy should be entitled as owner to graze 376 sheep or 75 bullocks from Duchy Kingbeare.

I refuse to confirm Entry No. 24 the applicant under that Entry not having appeared to support his claim for rights.

The Schedule above referred to

<u>Objection No.</u>	<u>Objector</u>	<u>Dated noted in Register</u>
X 319	The Duchy of Cornwall	22 March 1971
X 320	"	"
X 642	"	22 May 1971
X 210	"	4 September 1970
X 644	"	27 May 1971
X 212	"	4 September 1970
X 321	"	22 March 1971
X 322	"	"
X 213	"	4 September 1970
X 645	"	27 May 1971
X 438	R H Budge	"
X 323	The Duchy of Cornwall	22 March 1971
X 646	"	27 May 1971
X 214	"	4 September 1970
X 436	R H Budge	27 May 1971
X 340	Esbartha Estates Ltd	22 March 1971
X 215	The Duchy of Cornwall	4 September 1970
X 647	The Duchy of Cornwall	27 May 1971
X 439	"	"
X 216	"	4 September 1970
X 698	"	27 May 1971
X 437	R H Budge	"

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 7th day of August

1978

Commons Commissioner