



In the Matter of Yellow Wort, Wendron,
Kerrier D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 121 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 N J Pryor claimed to be the freehold owner of part of the land in question ("the Unit land"): 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 29 June 1982.

At the hearing, Mr Pryor appeared in person and gave evidence. He is the owner of Menherrion Farm which he purchased in 1950 and which is adjacent to the Unit land. Before that he and his father from 1919 onwards were tenants of the Farm. The Unit land is over 15 acres, and Mr Pryor's claim is to some 14½ acres, the area not claimed being the triangular piece at the SW end of the Unit land. Mr Pryor's evidence, confirmed by a Statutory Declaration of Mr B W Knuckey dated 23 April 1968, was to the effect that during the tenancies and since his purchase the claimed area was used by his father and himself successively for grazing cattle and other farming purposes, including the dumping of materials. He told me that in 1968 he fenced it round and has fertilised and manured it and turned it into permanent pasture. No one has used it other than his father and himself, except with their permission.

Mr Jackson, a local resident, told me it was believed that in the distant past the owner made a gift of the land to the local inhabitants but no record of this was available.

On the evidence I am satisfied that Mr Pryor is the owner of the area which he claims and I shall accordingly direct the Cornwall County Council, as registration authority, to register him as the owner of that area under section 8(2) of the Act of 1965. As to the remainder of the Unit land, I am not in the absence of evidence satisfied as to its ownership. Part appears to be registered under the Land Registration Acts: otherwise it 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

17 ~~Oct~~ August

1982

L. J. Morris Smith

Commons Commissioner