

COMMONS REGISTRATION ACT 1965



Reference No. 206/U/215

In the Matter of 275 ac. of Tregoss Moors, Roche,  
Cornwall

DECISION

This reference relates to the question of the ownership of part of 275 ac. of Tregoss Moors, Roche, being the part of the land comprised in the Land Section of Register Unit No. CL.141 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 4 July 1984. At the hearing Mr J G B Holt, Solicitor, appeared for Viscount Falmouth, who is registered as the owner of most of the land comprised in the Register Unit, and Mrs C M V Nash appeared in person.

Entry No. 1 in the Ownership Section of the Register Unit relates to the registration of Lord Falmouth as the owner of the whole of the land comprised in the Register Unit excluding the parcel of land called Tregoss Mill. The excluded land is not further identified by reference to a plan, but at the hearing I was furnished with an agreed plan showing the excluded land in two parcels, namely, Tregoss Mill building and its curtilage (O.S. No. 1480) with an area of 0.358 ac, and an area of land to the south (O.S.No. 1479 (pt)) with an area of 3.460 ac.

O.S. NO. 1480 was conveyed to Mrs Nash's husband by a conveyance made 10 October 1977 between (1) Joan Bertha Lomasney (2) Stephen Paul Nash with a good root of title in a conveyance made 9 June 1954 between (1) Evelyn Hugh John, Viscount Falmouth (2) Charles Wilfred Lindley Meynell, John Perceval Townshend Boscawen, and the Hon Kathleen Pamela Mary Corona Sherek (3) Russell Edyvean and Thetta Mary Edyvean.

When Mr Nash purchased O S No. 1480 he was also given possession of O S No. 1479 (pt) On 2 November Lord Falmouth's resident agent wrote to Mr Nash's solicitor stating that it was acknowledged that Mr Nash had, through the actions of his predecessors in title, acquired a possessory title to O S No. 1479 (pt), and Mr Nash has remained in possession of this land ever since.

On this evidence I am ~~not~~ satisfied that Mr Nash 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.

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 31st day of July 1984

*G. G. G. G.*  
 Chief Commons Commissioner