



COMMONS REGISTRATION ACT 1965

Reference No 206/D/66, 69, 71 & 72

In the Matter of Fore Down, St Cleer,
Caradon D

DECISION

These disputes relate to the registrations at Entry Nos 1 in the Land Section and all the Entries in the Rights Section other than No 59 of Register Unit No CL. 159 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No X 568 made by Mr and Mrs Hosken and noted in the Register on 16 December 1970.

I held a hearing for the purpose of inquiring into the dispute at Truro on 15 July 1976. The hearing was attended by Mr Foulkes of Messrs Bond Pearce & Co for Mr and Mrs Hosken; Mr Browning of Messrs Caunters for the applicants for Rights under Entry Nos 38, 72 and 73 and for Mr Alford whose Entry in the Ownership Section as the owner of the whole of the land is provisional. Mr Carpenter appeared for the Rosecraddock Commoners Association.

Mr Foulkes produced an affidavit sworn by Ida Grace Buckingham a former joint owner of Stanton Farm which she and her brother conveyed to Mr & Mrs Hosken on 30 September 1968 wherein she deposed that the field OS 2425, the subject of Mr & Mrs Hosken's objection had always formed part of Stanton Farm and been enclosed and that it had not since 1894 been subject to any rights of common.

None of the parties attending wished to cross examine Miss Buckingham and they all accepted that the statements in the said affidavit were true and that I should exclude OS 2425. For this reason I confirm the Entry at No 1 in the Land Section modified so as to exclude OS 2425, and I adjourn consideration of all the Entries in
Rights Section:

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 4th day of August 1976

C. A. Sefton

Commons Commissioner