



COMMONS REGISTRATION ACT 1965

Reference No. 6/U/8

In the Matter of Germoe Green,
Germoe, Kerrier R.D., Cornwall.

DECISION

This reference relates to the question of the ownership of land known as Germoe Green, Germoe, Kerrier Rural District, being the land comprised in the Land Section of Register Unit No.C.L.190 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. Henry Bamfylde Bryant ("the Claimant") claimed to be the freehold owner of part 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. K.^{AI} Johns a legal executive employed by Messrs. Boase & Bennetts, solicitors of Penzance and the Germoe Parish Council were represented by their Clerk Mr. B.R. Heather.

The land is a triangle of grass land in the middle of the Village and on the south side of St. Germoe's Church. The ownership claim relates to the part of it which is described in the Appendix hereto.

In his evidence Mr. Johns produced the following documents of title all held by the Claimant:- (i) A conveyance dated 24th April 1922 by which lands containing 2 acres 2 roods and thereon coloured pink were conveyed to H. Marks in fee simple; (ii) the probate of the will of H. Marks who died on the 3rd September 1946; (iii) an assent dated 9th May 1960 and made by his Executor vesting Churchtown Farm containing 18.727 acres including O.S.No.621 in the Claimant, C.G. Bryant and F.J.Laity; and (iv) a deed of gift by C.G. Bryant and F.J. Laity in favour of the Claimant of a dwelling house known as "Cornish Mount" and a barn and plot of land delineated on an attached plan and verged blue.

With the help of the evidence of Mr. Heather, I was able to identify the land described in the Appendix hereto as being part of the land conveyed by the said indenture, by the said assent and by the said deed of gift. The land so described is a convenient way to the entrance gate to Churchtown Farm; there is a track on it which leads from the public highway on the south to the entrance to the Farm and to the Church.

On the above evidence I am satisfied that the Claimant is the owner of the land described in the Appendix hereto and I shall accordingly direct the Cornwall County Council, as registration authority, to register Mr. Henry Bamfylde Bryant of Cornish Mount, Germoe, Cornwall, as the owner of the land so described.



Mr. Heather told me that the Parish Council has no evidence of the ownership of the remaining part of the land comprised in this Register Unit. In the absence of any evidence as to ownership I am not satisfied that any person is the owner of such remaining part and accordingly it falls into protection under section 9 of the Act.

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.

APPENDIX

A triangular piece of land the east side of which is the wall and entrance gateway of Churchtown Farm yard, the south west side of which is the Parish Road and the north side of which is a line (not marked on the ground) running due west from the northern of the two gateposts which are now situated on either side of the said entrance, which said piece of land is that part of the land comprised in this Register Unit which is south of the said line.

a. a. Baden Fuller

Dated this *19th* day of *September* 1972

Commons Commissioner