





The Middlesex Survey (to appear in the Register) is divided into parts: (3)

and as successor in respect of part of the land of M/s M A Lean who applied for the registration at Rights Section Entry No. 35) was also represented by Mr C Nichols (his firm acting as agents as aforesaid); (9) Mr Eric Ronald Cornelius (he applied for the registration at Rights Section Entry No. 41) was represented by Mr M C Culver solicitor of Coningsbys, Solicitors of Bodmin; (10) Mr ... Cooper of Treswiga (as successor of Mr A C T Runnals who applied for the registration at Rights Section Entry No. 43) was also represented by Mr Romary; (11) Mr William Masters (he applied for the registration at Entry No. 74 formerly 28) was also represented by Mr Romary; (12) Mr Thomas Charles Masters (he applied for the registration at Rights Section Entry No. 83 formerly No. 62) was also represented by Mr Romary and (13) Mr Alfred Robert Walkey and Mrs Florence Ann Walk (they applied for the registration at Rights Section Entry No. 84) were represented by Mr M J Keast surveyor of Rowse Jeffery & Watkins, Estate Agents of Lostwithiel.

The land ("the Unit Land") in this Register Unit is an irregularly shaped piece which extends from its north point (on Lady Down, part of Register Unit No. CL 124) to its south point (near Blisland) for just under 2 miles. For some of the purposes of these disputes it must be considered as divided by the lines (from north to south) GN, ML, AK, AB (as marked on Register map No. 125 which shows the north part of the Unit Land), AB (as marked on Register map No. 123 which shows the south part of the Unit Land), GHJ, CD and EF. In the Ownership Section the Unit Land is treated as divided into 9 parts which for the purposes of exposition by reference to Entry Nos 2, 4, 5 and 6, Trustees of Molesworth St Aubyn Settled Estate ("MSTA") English Clays Lovering Pochin & Co Ltd ("ECLP"), Mr W M Rowe and Mrs M H Rowe ("R&R"), and Mr J H Holman and Mr E C Holman ("H&H"). I define as follows:- (1) the MSTA North Part being that north of the line GN (2) the Middle North Part being that south of GN, west of ML, north of AK (map 125) and north of GHJ; (3) the MSTA East Part being that east of ML; (4) the (very small) triangular Part being the area AKB (map 125); (5) the MSTA Central Part being that south of AB (map 125) and north AB (map 1230 south); (6) the R&R Part being that south east of AB (map 123); (7) the MSTA West Part being that south of GHJ and north of CD; (8) the H&H Part being that south of CD and north of EF; and (9) the MSTA South Part being that south of EF. In the Ownership Section at Entry No. 3 Mr W A Church is registered as the owner of all the Unit Land. At Entry No. 2 MSTA are registered as owners of all the MSTA Parts and of the R&R Part; however in a letter dated 26 July 1973 from Mitchelmore Hughes and Wilbraham, chartered surveyors of Tavistock they on behalf of MSTA are willing to exclude from their ownership part of (but not as I read the letter as a whole) of the R&R Part. ECLP, R&R, and H&H are registered as owners of the ECLP, R&R and H&H Parts.

The registrations in the Rights Section are summarised in the first, second and third columns of the First Schedule hereto. The grounds of Objections Nos X 380 and X 916 relate to the H&H Part; Mr Holman at the hearing said that these Objections were withdrawn, he and Mr J H Holman having written on 19 March 1975 to the County Council expressing this wish. Nevertheless by reason of Objection No. 380 to the Land Section register all the Rights Section registrations (including those not mentioned in the other Objections) are in issue and I have therefore jurisdiction over them; although withdrawal of the Objection provides a reason for confirming those not mentioned in any other Objection without hearing any evidence or argumen



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The grounds of Objection No. X 1406 relate only to the R&R land; I have no note or recollection as to Mr Rowe saying anything about this Objection, and in the absence of any evidence in support of it, my decision is against it. The way in which the registrations in the Rights Section are affected by Objections Nos X 474, X 1390, X 1391 and X 1392 are summarised in the fourth column of the First Schedule hereto.

At the hearing, after a preliminary discussion resulting in some helpful agreements and concessions (noted in the First Schedule) it became apparent that the only questions as to which there was likely to be conflicting evidence or argument related to the registration at Rights Section Entry No. 25 made on the application of Mr Cawrse and the registrations in the Ownership Section particularly that at Entry No. 3 made on the application of Mr Church. On these questions oral evidence was given by Mr Church who is the son-in-law (married in 1950) of Mr Cawrse (he is 87 years of age), who came to the area in 1946 and started farming in 1959 and who has helped Mr Cawrse with his farms ever since; (2) by Mr Holman whose grandfather Mr Albert Holman became tenant of Pendrift in 1901 (he subsequently became the owner and died on 16 January 1940), and whose father Mr J H Holman started working on the farm in 1914 (he died on 31 March 1977); (3) by Mr Miln who has been employed by ECLP since 1953 and (4) by Mr W M Rowe of Higher Metherin who has been Secretary of the Blisland Commoners Association since 1960. In the course of this evidence the documents specified in the Second Schedule hereto were produced.

After the evidence and arguments about the questions in which Mr Church and Mr Cawrse were involved, Mr Rowe gave oral evidence as to the other registrations as summarised in the fourth column of the First Schedule hereto; and I have in such column noted the various concessions made while this evidence was given or at any other time during the hearing.

As regards the registration at Rights Section Entry No. 25, Mr Church's evidence proceeded on the basis that the right (to graze 28 head of cattle or 140 sheep or 14 ponies) was attached to the land ("the Durfold Rough Land") which was comprised in the 1945 conveyance and was not conveyed away by the 1950 conveyance, and which comprises OS Nos 1005, 1056, 1057, 1107, 1108, 1109, 1110, 1167, pt 1179 and pt 1111 (the two "pts" being together 20 acres approximately). The application form (CR Form 9) for the registration dated 26 June 1968 describes the attached land as "Durfold Farm" and specifies it as being all the OS Nos mentioned in the 1945 conveyance (ie) as comprising not only the OS Nos above listed but also the land by the 1950 conveyance conveyed to Mrs Race); attached to the form is a map showing the said two "pts", being the said 20 acres (this map does not include any of the other OS Nos). In the Register the attached land is described as "Durfold Farm, Blisland, Bodmin, Cornwall, comprising all that land within a blue verge line on the supplemental map bearing the number of register units CL 143 entry 7"; this map appears to be based on the map attached to the said form (ie the blue verge line marks only the two "pts" of about 20 acres and does not include anything which could sensibly be described as Durfold Farm).



In considering the oral evidence I treat the right claimed as attached to the Durfold Rough Land as Mr Church assumed it was; and ~~is~~ as (so I understand from Mr Rowe) the Blisland Commoners Association have always (except as regards the below mentioned piece registered as part of Newton Downs Register Entry No. CL 143) treated it. Nevertheless I cannot disregard the circumstance that the right claimed by Mr Church in his evidence is not attached to land which is in any sense known as Durfold Farm but is attached only to land which up to 1950 was held with Durfold Farm and which according to Mr Church is now and has always been rougher. Further I cannot disregard the possibility that Mr Cawrse in 1968 did believe (as he then declared on the form) that the right he claimed was attached not only to the Durfold Rough Land but also to the rest of Durfold Farm which 18 years earlier he had conveyed to Mrs Rice.

Mr Church on the first day of the hearing said (in effect):- Last winter they stocked 20 horses; they had more (up to 20) but never less; in the summer they stocked 40 cows there; they did not keep sheep. On the basis of the attached land being 81 acres (140 acres purchased in 1945 less 58.7 acres sold in 1950 to Mrs Rice) he thought the registration should be 10 cattle or 7 horses or 50 sheep; he included sheep because they might want to put sheep there. In answer to questions by Mr Leese, he agreed that the part of Durfold Farm not sold to Mrs Rice was rough land, that if you took out the Old Clay Pit (OS No. 1005 containing 14.754 acres) and the part of the Durfold Rough Land registered as part of Newton Downs (Register Unit No. CL 142), there would only be about 60 acres. He said with regard to the stocking formula (1 unit for every 16 acres) adopted by the Association for rough land, he thought the Durfold Rough Land too good to be classed as all rough land: they had kept cattle on it.

On the next day of the hearing, Mr Church amplified his evidence saying (among other things):- He Mr Church owned Cassacamm Farm (about half a mile along the road from the south end of the Unit Land). Mr Cawrse had for at least 33 years farmed Trehudreth Farm which is a livestock hill farm of about 91 acres: he acquired Durfold Farm (about 140 acres) in 1945 (see above), he farmed Little Trehudreth which abuts on Durfold Farm (having acquired it in ? 1944); and also in about 1945 he acquired Lower Polphry Farm. As to the actual grazing of his animals, they were put onto Newton Downs (CL 143) and from there could go to Manor Common (CL 183) and thence by road onto the Unit Land.

Blisland Commoners Association regard the rights on the Unit Land as attached to certain lands in the neighbourhood, such rights being exercisable in accordance with the stocking formulae depending on the quality of the land to which such right is attached. Mr Church as I understood his evidence on behalf of Mr Cawrse, claimed a right of quite a different kind, that is a right which should be regarded as established by the grazing actually done by Mr Cawrse and which therefore has no necessary connection with and might therefore be as regards Nos quite different from any other rights properly exercisable by custom over the Unit Land.

For such a right to be established under the Prescription Act 1832, there must be actual grazing for a 30 year period before 26 July 1972 (the date of Objection No. X 1390), see section 16 of the 1965 Act. Mr Church's evidence did not go back

Paragraph 1  
Evidence



so far. However such a right may be established as having originated under a presumed lost grant by 20 years actual use actual grazing, see *Tehidy v Norman* 1971 2QB 528, a period which should I think by analogy measure back from 26 July 1972.

Mr Church gave no explanation, and I can think of no explanation as to how the grazing of the Unit Land by Mr Cawrse's animals could be regarded as attached to the Durfold Rough Land rather than to the other which he was farming or could be regarded as being over the Unit Land rather than over Newton Downs and Manor Common; the circumstances that the animals might find their way from Manor Common onto the Unit Land does not by itself show that they were put onto the Unit Land in exercise of a right or were exercising any right other than that by reason of vicinage. It may be that Mr Cawrse as long as he was the owner of all Durfold Farm could sensibly be regarded as grazing from it on both Newton Downs and perhaps the Unit Land too, but I am not persuaded by anything said by Mr Church that any grazing (otherwise and in accordance with a customary right accepted by the Commoners Association) could after 1950 be sensibly be regarded as being from the Durfold Rough Land.

Further quite apart from the above considerations, I am not persuaded that Mr Church over the whole of the necessary 20 year period had sufficient knowledge of how Mr Cawrse actual graze if at all from the Durfold Farm; before 1959 Mr Church was employed as an engine driver and only helped his father in law on his farms in his spare time. Mr Church explained why Mr Cawrse by reason of his age was unable personally to give evidence, so I have nothing from him except the said form which he signed in 1968. I am unable from it and from anything said by Mr Church to make any finding as to how if at all he before 1959 grazed animals from Durfold Rough Land or Durfold Farm. My conclusion is therefore ~~that I~~ <sup>that I</sup> ~~they~~ have not evidence enough which to presume that there has ever been a grant to Mr Cawrse of any such right as Mr Church attempted to establish on his behalf.

*find*  
So in the absence of any evidence or concession by Blisland Commoners Association I should conclude that Mr Cawrse has in respect of the Durfold Rough Land no rights at all. However as it was conceded the customary rights recognised by the Association were applicable, I shall give effect to them. As regards these rights Mr Church suggested that the Association's stocking formula would not be applied to all the Durfold Rough Land because although there is on it a certain amount of scrub there is some good pasture there and is therefore under their formula the numbers should be 10 cattle or 5 ponies. I am not persuaded that the stocking formula of the Association would be unfairly applied if the whole of the Durfold Rough Land is treated as rough; on the OS Map which is shown with marks appropriate to rough pasture heath & moor; in relation to a customary right the reputation on the state of the land generally can properly be regarded as more significant than the actual state of comparatively small parts as known to the owner. In my view formula has been fairly applied with the consequence that my decision is that the Objection ~~is~~ <sup>is</sup> wholly succeeds ~~in relation to Entry No 23~~ <sup>in relation to Entry No 23</sup>

Notwithstanding that this point is not raised in the Objection, I consider that I should ~~bring up~~ <sup>bring up</sup> the patent ambiguity in column 5 of the Register by making it clear



that the attached land is (as all have assumed it to be) the Durfold Rough Land and not either the whole of Durfold Farm as it was before 1950 or the 20 acres being the part of O.S. Nos. 1179 and 111 as shown on the supplemental map; but there should be excluded from it any land which is, or becomes finally registered under the 1965 Act as Common Land. As to this I think Mr Church may have mistakenly agreed (as was I think pointed out later at the hearing) that these O.S. Nos. were included in the Newton Downs (CL 143) registration: The copy Register Maps provided for me, show that the greater part of these O.S. Nos. were included in the Trehudreth Downs (CL 142) registration and only a small part if any in the CL 143 registration. My modification will therefore be in accordance with the Decision Table set out in the Third Schedule hereto.

If any one of the registrations in the Ownership Section had been, and none of the others had been made, the one so made would have become final under section 7 of the 1965 Act; but there being a conflict, each registration is treated as an objection to the other, see section 19(h) of the Act and regulation 7 of the Commons Commissioners Regulations 1971. Neither the Act nor the Regulations give any guidance as to the deemed grounds of these deemed objections.

In this case I have had evidence from Mr Church, Mr Miln, Mr Rowe and Mr Holman as regards the registrations made at Entry Nos. 3, 4, 5 and 6 and I consider that I should deal with these registrations on this evidence. In the absence of any evidence in support of the registration at Entry No. 2 (MStA), I conclude that this registration was not properly made: nevertheless in my view this conclusion in the circumstances of this case gives rise to no presumption that the registration at Entry No. 3 (Mr Church) ought to be treated either as wholly valid or as valid at least to the extent it does not conflict with the registrations at Entry Nos. 4, 5 and 6.

As regards the registration at Entry No. 3, Mr Church relied on the 1957 conveyance as showing that he was the Lord of the Manor of Cascawn. As to the Unit Land being part of this Manor, he said (in effect):- Cascawn Farm was the last part of the Morshead Estate to be sold. The boundary of this Estate includes the line EF on the Register Map which on the ground was marked by a line of stones (having on them a cross and the letter "M"), so the Estate must (so he said) have included the MStA South Part.

In reply to questions by Mr Miln, he said that he had got a map of the Manor and some old deeds going back to 1800 which mentioned Kerrow Downs; so notwithstanding the line of stones at EF, he claimed to be the owner of the whole of the Unit Land.

Even assuming the 1957 conveyance is for the purpose of these proceedings evidence enough that Mr Church is now the Lord of the Manor of Cascawn, nothing he said provides any evidence that any part of Unit Land is part of this Manor. Even assuming that the MStA South Part was at one time part of the Morshead Estate, it does not follow that at the time of the 1957 conveyance,



it was part, or was reputed to be part of the wasteland of the Manor, so as to pass without express mention under the conveyance made by Miss Morshead, by the operation of section 62 of the Law of Property Act 1925. In my opinion I have no evidence that Mr Church is the owner of any part of the Unit Land and my decision is therefore that his registration was not properly made.

As regards Entry No. 4, Mr Miln relied on the 1952 conveyance, the parcels of which are set out in the Third Schedule hereto; the ECLP Part is part of that coloured green on the plan therein mentioned. In my opinion the qualified nature of these parcels shows that the parties never intended their conveyance to be evidence that ECLP under it acquired the Estate in fee simple in the land, in the sense of full ownership subject to any rights of common ~~and~~ as is I think contemplated by the definition in section 22 of the 1965 Act. The 1952 conveyance is consistent with it passing some lesser interest such as the mineral rights only; severed minerals are outside the scope of Ownership Section registrations, see Commons Registration (General) Regulations 1966, regulation 24. Further ~~of~~ the large areas coloured pink on the plan attached to the conveyance by far the greater parts are expressed to be conveyed for the mineral rights only and I am not persuaded that the parties considered that the conveyance would as regards the green land have any larger effect. Mr Miln said that they had surveyed the ECLP Part but he provided no information which I could infer that ECLP or their predecessors in title had ever been in possession or occupation of the ECLP Part. In my opinion the documents he produced fall short of providing any evidence of the ownership now claimed, and my decision is therefore this registration was not properly made.

As regards ~~to~~ the registration at Entry No. 5 (R&R):- The 1950 conveyance relied on, the parcels of which are set out in the Third Schedule hereto, differs ~~by~~ that mentioned in the preceding paragraph in that the Purchasers are therein described as being in occupation; further the R&R Part adjoins <sup>Wetherin Farm</sup> thereby first conveyed. *The parties to the 1950 conveyance were therefore contemplating that the name was R&R as the persons then in possession would under it be the owners. So I have* ~~before me~~ before me some evidence that they are the owners. Accordingly my decision is the registration at Entry No. 5 was properly made.

As regards ~~to~~ the registration at Entry No. 6 (E&H):- The documents produced by Mr Holman as specified in the Third Schedule hereto, show that the E&H Part has on a number of occasions been treated as part of Pendrift Downs owned in undivided 50th shares and that an appointment of Trustees has been made on the basis that Part IV and not Part V of the First Schedule of the Law of Property Act 1925 is applicable. Mr Holman presented no argument about this, explaining that these documents had been prepared by his solicitors; however, they seem to me to be in order with the result that the E&H Part was on the date of registration vested in Mr J H Holman (since deceased) and Mr E C Holman as trustees upon the Statutory Trusts in the 1925 Act mentioned upon trust for the persons entitled to such undivided shares. My decision is therefore that this registration was properly made.



On the first day of the hearing Mr Culver on behalf of Mr Cornelius and Mr Leese, on behalf of Blisland Commoners Association said that they were agreed that the disputes relating to his registration (Entry No. 41), should be stood over to await the outcome of a general meeting of the Association in autumn of this year, and asked that I would as regards these disputes, adjourn their consideration.

As regards all the other registrations in the Rights Section, the evidence and considerations relevant to them are set out in the fourth column of the Second Schedule hereto. My note as regard Entry No. 50 (Messrs Parnell) is incomplete and I have no recollection of what Mr Rowe telling me what the Association consider should be done about it. Save as regards this registration, the information set out in such Schedule explains sufficiently my reasons for the confirmations or refusals of confirmations set out in the next paragraph.

Upon the considerations set out above:- I confirm the registration at Entry No. 1 in the Land Section without any modification. I refuse to confirm the registrations at the following Rights Section Entry Nos: 22, 24, 42, 48, 50, 75, 78 and 84. I confirm without modification the registrations at Rights Section Entry Nos: 6, 8, 9, 10, 11, 13, 35, 56, 57, 59, 60, 64, 65, 67, 71, 72, 73, 74, 81 and 82. I confirm with the modifications set out in the Decision Table set out in the Third Schedule hereto the registrations at Rights Section Entry Nos: 1, 3, 7, 12, 20, 23, 25, 27, 29, 30, 31, 43, 49, 76 and 77.

I refuse to confirm the registrations at Ownership Section Entry Nos 2, 3 and 4. I confirm the registrations at Ownership Section Entry Nos. 5 and 6 without any modification. I adjourn these proceedings so far as they relate to the registration at Rights Section Entry No. 41 (Mr Cornelius) to a place and date to be fixed by a Commons Commissioner; and in the absence of any application relating to Rights Section Entry No. 15 (Messrs Parnell) under the liberty to apply set out in the following paragraph, I adjourn similarly the proceedings so far as they relate to such registration.

Because the Decision Table set out in the Third Schedule hereto is complicated and it is possible that I may have misunderstood or mistaken when recording what was at the hearing said to me by Mr Rowe, I give any person who attended or was represented at the hearing and who was then entitled to be heard, liberty to apply to me within 42 days of this decision being sent to him, as to any correction which ought to be made in the said Table or in the other Schedules of decision. Any such application should in the first instance be made in writing to the Clerk of the Commons Commissioners.

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.



FIRST SCHEDULE  
(Rights Section)

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Note: All Entries are or may be deemed to be objected to by reason of Land Section Objection No. X 380 and Rights Section Objection Nos X 916 and X 1406 (relating to the H&H Part and the R&R Part).

Entry No (in brackets No of any Entry replaced)	Applicant and land to which registered right is attached	Right: "c" = head of Cattle, "p" = ponies, "h" = horses, "s" = sheep, "peat" = a right to take or/and cut peat and/or turf; "trees" = a right to take tree lopping or gorse or furze, bushes or underwood	No of objections particularly applicable or conflicts. Evidence or information given or prior to the hearing "CA" = document signed by applicant (or successor or agent); and "R" refers to evidence given by Mr W N Rowe
	D F A Rees, Carwen	10c or 10p <u>and</u> 50s	X 474, should be 5c or 7p or 25s CA/1 modified to correspond with X4
	Mrs A Leeworthy Pendrift	6c or 20s	X 1390 1c or 5s. R objection supported, attached land only $3\frac{1}{2}$ acres
	M/s M Rush, Lands at Blisland OS Nos 915 etc	6c or 3p or 30s	R: no modification
	W C Greenaway Black Penquite	9c or 4p or 45s	X 1390, 7c 3p 35s; Conflict with 48 R: suggests 7 units, 7c 4p or 35s, attached land is $21\frac{1}{2}$ acres.
	W C Greenaway Bests' Penquite	11c or 5p or 35s	X 1390, 8c 4p 4s; conflict with 50. Mr Fairman's conflict should be resolved in favour of and against 50. R: agree 11c, 5p and 55s
	M/s R C J Andrews (Mrs S M Larsen) Tor Farm	6c or 3p or 30s peat	CA/2 modify or correspond with Objection X 1390. (Sed quare, because mentioned in objection: R: no action necessary)
	Mrs D M Runnals, North Kerrow and Metherin Tenement	4c or 12s	Mr Romary and Mr Lees agree no modification necessary. R: no action needed.

11	G E C Swayne, (... Evans), Undertise	3c or 15s	642 R: no action necessary.
12	J K Hollister, De Lank Farm	47c (bullocks) or 23p or 235s	X 1392 do not exist. R: applicant has with- drawn from common outside parish, CL 12 registration so can be dealt with as in my decision dated 20 Jan 1977, reference 206/D 211 to 227 as 43c or 21p or 215s
13	J Miller Newton House	2c or 1p or 10s	R: no modification
15	F C Parnell & Mrs L M M Parnell Merry Meeting	12c (bullocks) or 6p or 6s peat	R: to be modified as agreed.
20	W E Andrews (M/s S M Larsen) Turnrose	9c or p or 45s.	X 1390, 8c 4p 40s CA/3 modify in accordance with X 139 R: objection stands.
22	F G G Old, Higher Penquite	9c or 4p or 45s	X 1392, do not exist. Mr Culver said that Mr Cornelius had suc- ceeded to this right agreed that the regi- stration should be withdrawn.
23	M/s M V Greenaway, W L Greenaway and J H Greenaway; Trewint	6c or 3p or 30s peat	X 1390, 4c or 2p or 20s. R: some as agr modification to 4c or 20s.
24	W L Greenaway, Higher Carwen	4c or 2p or 20s peat	R: no modification.
25	Charles Cawrse, Durfold Farm	29c or 14p or 140s	X 1390, 4c 2p 20s. Evidence and argumen- at length, see the b of this decision.
27	Charles Cawrse, Carwen	4c (cows) or 2p or 20s	X 1391, 3c or 1p or Mr Nichols said Mr C had sold Carwen and offer no evidence in support. R: 3 units that is 3c or 1p 15s.

- 29 E D Roose, Carbilly 47c (cows) or 23p or 235s X 1390, 15c 7p 75s. Mr Romary said he accepted the objection. R: Objection agreed.
- 30 M/s M E Rayner (Mrs H C H Williamson) South Penquite 18c or 9p or 90s X 1390, 4c 2p 20s. Mr Fairman was agreeable to 5c or 3p or 25s. R: agrees with Mr Fairman.
- 31 W H Pearce and N H Pearce, Penrose 16c or 8p or 80s X 1390, 14c 7p 70s. Letter of 22 June '79 from Harvey and Sproule Solicitors of Bodmin agreeing Commoners Association figure. R: modify to 14c 7p and 70s.
- 35 M/s M A Lean (? deceased) Carwen and Trehudreth Mill 7c or 21s peat Mr Nichols said that Mr Cawrse is a success in title to part of Carwen and Trehudreth Mill and contended that in the absence of any objection by the Commoners Association, this entry should be confirmed without modification.
- 41 Eric Ronald Cornelius (weaving) Moss Farm 70c and 65s and 200s X 1391, 10c 5p 50s. Adjourned, see agreement recorded in body of the decision.
- 42 S D Parker (? deceased) and Mrs A A Parker, Hallagenna 60c or 30s X 1392, do not exist. CA/, cancelled to correspond with X 1405 (R&R); said SED Quare X 1406. R: refused to confirm.
- 43 A C T Runnals (J Cooper), Trecwigg 50c and 2p and 60s: peat X 1391, 13c or 2p or 65s. Mr Romary and Mr Rees agreed 30c or 65s, but letters of 19 and 20 July 1979 sent to the office of the Commons Commissioner indicate that the agreement as regards Register Unit is correctly recorded.

48	G W J Holmes (Williamson) Black Penquite	8c or 8p or 40s	S 1391 7c 3p 35s. Conflict with No. 7. Mr Fairman agreed the registration should be withdrawn so as to re- conflict.
49	W A Church, Cassacawn	7c or 7p or 35s peat	X 1391, 5c 2p 25s. Mr Nichols and Mr Lee say that they are agree- on 5c or 3p or 25s.
50	G W J Holmes (Williamson) Best's Penquite	14c or 14p or 70s	X 1391, 7c 3p 35s. Conflict with No. 8. Mr Fairman agrees the conflict be resolved against this registr- (in favour of No. 8)
55 (2)	N S Davidson (Swayne) South Kerrow Farm	10c or 50s peat trees	R: no observation (a objection by Commoners Association).
57 (4)	M/s M Rush land at Elisland	2c or 1p or 20s peat	R: (no observations) no objection by Commoners Associati-
58 (5)	W M Rowe and Mrs M M Rowe, Higher Metherin	11c or 5p or 55s	R: (no objection by Commoners Associati-
60 (17)	Mrs M Pethybridge (Lt-Col W G Gordon) Lower Bradford	11c or 51c excluding CDEF area and south of AB	R: no modification.
64 (36)	W T G Ford Bradford, OS 705 etc	3c or 2p or 12s peat excluding CDEF area south AB	R: agreed.
65 (37)	W T G Ford Bradford OS 800 etc	2c or 1p or 8s peat excluding CDEF are and south of AB	R: agreed.
67 (38)	M/s V M Raymond (Rush) Carbaglet	8c or 4p or 40s	R: no observation (a Commoners Associati- objection).
71 (16)	Mrs R I Rickard Lease Farm	4c or 2p or 20s	R: no modification.
72 (19)	W M Rowe Bradford OS 697 ect	5c or 2p or 25s peat	R: (witnesses own application).

73 (21)	A L Rowe (? deceased Rush) Lanxon	15c or 7p or 75s	R: no modification.
74 (23)	W Masters OS Nos 115 etc	4c	Mr Romary and Mr Leece agreed that in the absence of any objection registration was proper.
75 (33)	W J Carter Candra	45c or 45p or 225s peat	X1392, do not exist let 27 November 1976 from G I Chisholm agreeing cancellation of his rights in accordance with X1392 and enclosing plan. R: right withdrawn.
76 (44)	M S W Rich Durfold	12c and/or 6h or p and/or 60s peat	CA/5 modify X1392. R: should be "or" not "and/or". Mr Rich agrees.
77 (45)	J H Holman Pendrift	40c or 40p or 120s peat take fish	X1391, 15c 7p 75s R: for 59 acres 15 units is enough but if Mr Holman can prove 73 acres will reconsid After a short adjourn it was agreed between Mr Holman and Mr Rowe the registration shou be 16c or 8p or 80s.
78 (47)	Trustees of Molesworth St Aubyn Settled Estate (not attached to any land)	200c or 200p and 500 sheep peat	X1392 does not exist. R: Colonel Oscar Molesworth spoke to me about it and I understood he agreed to withdraw.
31 (14)	F G G Old, F G Old, and C E Old West Rose	38c or 19p or 190s	R: no modification.
83 (62)(32)	T C Masters	25c excluding CDEF area	Mr Romary contended that as no subsisting objection registratio should be confirmed. R: no observation.
84 (69) (51)	A R Walkey and Mrs F A Walkey Casehill	60c and 12h or 300s peat excluding CDEF area	X1392 do not exist CA/6 cancelled so as correspond with X139 R: withdrawn.

Part I Produced by Mr Church

- WAC/1            15 September 1945            Conveyance by S Burnard and others as personal representatives of Frank Parkyn (he died 13 September 1940) to Charles Cawrse of Durfold Farm comprising about 140 acres "together with such rights of past region turbary as the properties hereby conveyed is entitled to over the adjoining downs and ...".
- WAC/2            28 December 1950            Copy conveyance by Charles Cawrse to Mrs E E Race of Durfold Farm together with old clay pit part of OS1006 comprising about 58.739 acres.
- WAC/3            14 August 1957            Conveyance by Miss D W Morshead to Mr W A Church of Cascaam Farm comprising about 20½ acres AND SECONDLY all such title and interests as the Vex may have and can convey to all that the manor or lordships or reputed manor or lordships of Cascaam.

Part II Produced by Mr Holman

- ECH/1            1 January 1920  
(1969 exhibit JHH2, see below)            Conveyance by Dame S E Morshead to Albert Holman as sole devisee under the will of Sir H O Morshead (he died 17 March 1905) of farm dwellinghouse and lands Pendrief of about 53.709 acres.
- ECH/2            8 August 1891            Particulars and conditions of sale by auction of farm called Pendrief and "the 23/50ths undivided share or interest in the adjoining common known as Pendrief Downs together extending to 256a. 3r. 16p.
- ECH/4            1 November 1919  
(1969 exhibit JEH1, see below)            Copy supplemental register map referred to in column 5 of Entry No 75 of R/S of Register Unit CL183 (shows Pendrift).
- Particulars and conditions of auction sale of 4 cottages including (lot 1) Pendrief Farm of 45a 1r 18p with 18½ undivided fiftieths share in Pendrief Common, (lot 2) part of Pendrief Farm 9a Or 32p with 3½ undivided fiftieths, (lot 3) another part 8a 1r 26p with 3 undivided fiftieth in Pendrief Common, and (at lot 4) another part 8a 1r 15p with 3 undivided fiftieths in Pendrief (they also had rights over Pendrief Common.

19 May 1969

Statutory declaration by J H Holman,

1969

Manuscript copy of appointment by J H Holman of himself and E C Holman as trustee in place of the Public Trustee of the Statutory Trust applicable to Pendrief Common.

30 January 1973

Assent by J H Holman and F A Holman as personal representatives of Albert Holman to vesting in J H Holman of Pendrief conveyance of 1 January 1920 and of 21/50th share of Pendriff Common.

Part III Produced by Mr Miln

PLM/1

1 October 1952

Conveyance by S Burnard and another as personal representative of Frank Parkyn (he died 13 September 1940) to English Clays Lovering Pochin and Company Limited of "FOURTHLY ALL such estate and interest (if any) (including minerals) which the Vendors have or are able to convey in the lands known as Menacrin Downs, Greenbarrow Downs, Kneelbarrow Downs and Kerrow or Blackpool Downs ... for purposes of identification ... delineated on the said plan coloured green.

PLM/2

1952

Abstract of title to the estate of Frank Parkyn deceased to Blisland and Temple Properties commencing with a conveyance dated 12 April 1912 the Bishop of Beverley and Paragraph 3 includes "Blackpool and Kneelabarrow both situated in the parish of Blisland aforesaid and coloured purple on the plan hereto".

Part IV Produced by Mr W M Rowe

1 June 1950

Conveyance by W J Rawlings and another to Mr W M Rowe and Miss M M Rush of Metherin containing about 42.435 acres "AND SECONDLY ALL THAT the estate and interest of the Vendors in the enclosed common or moorland adjoining the premises firstly described and containing 40 acres or thereabouts all which said premises firstly and secondly described are now in the occupation of Purchasers ...".

THIRD SCHEDULE  
(Decision Table: modifications)

- Entry No. 1 (Mr D F A Rees):- For "10 head of cattle, 10 ponies and 50 sheep" substitute "5 head of cattle or 7 ponies or 25 sheep".
- Entry No. 3 (Mrs Leeworthy):- For "6 head of cattle or 20 sheep" substitute "1 head of cattle or 5 sheep".
- Entry No. 7 (Mr W C Greenaway):- For "9 head of cattle or 4 ponies or 45 sheep" substitute "7 head of cattle or 4 ponies or 35 sheep".
- Entry No. 12 (Mr J K Hollister):- For "47 bullocks or 23 ponies or 235 sheep" substitute "43 head of cattle or 21 ponies or 215 sheep".
- Entry No. 20 (Mr W E Andrew):- For "9 head of cattle or 4 ponies or 45 sheep" substitute "8 head of cattle or 4 ponies or 40 sheep".
- Entry No. 23 (Messrs Greenaway):- For "6 head of cattle or 3 ponies or 30 sheep" substitute "4 head of cattle or 2 ponies or 20 sheep".
- Entry No. 25 (Mr Cawrse):- For "23 head of cattle or 14 ponies or 140 sheep" in column 4 substitute "4 head of cattle or 2 ponies or 25 sheep" and for all the words in column 5 substitute: "Land formerly part of Durfold Farm comprising OS Nos 1005, 1066, 1067, 1107, 1108, 1109, 1167, 1110, and the parts of OS Nos 1179 and 111 within the blue verge line on the supplement map bearing the number of this register unit CL 143 entry 7, but excluding from such part of OS Nos 1179 and 111 within such verge line any land which is comprised in Register Unit Nos CL 142 and CL 143 (Irethdeth Downs and Newton Downs) and finally registered as common land under the Commons Registration Act 1965".
- Entry No. 27 (Mr C Cawrse):- For "4 cows or 2 ponies or 20 sheep" substitute "3 head of cattle or 1 pony or 15 sheep".
- Entry No. 29 (Mr E D Roose):- For "47 cows or 23 ponies or 235 sheep" substitute "15 cows or 7 ponies or 75 sheep".
- Entry No. 30 (Mr N E Rayner):- For "18 head of cattle or 9 ponies or 90 sheep" substitute "4 head of cattle or 2 ponies or 20 sheep".



Entry No. 31 (Messrs Pearce):-

For "16 head of cattle or 8 ponies or 80 sheep" substitute "14 head of cattle or 7 ponies or 70 sheep".

Entry No. 43 (Mr A C T Runnalls):-

For "50 head of cattle and 60 sheep and 2 ponies" substitute "30 head of cattle or 7 ponies or 65 sheep".

Entry No. 49 (Mr Church):-

For "7 head of cattle or 7 ponies or 35 sheep" substitute "5 head of cattle or 2 ponies or 25 sheep".

Entry No. 76 (Mr M S W Rich):-

For "12 head of cattle and/or 6 horses or ponies and/or 60 sheep" substitute "12 head of cattle or 6 ponies or 60 sheep".

Entry No. 77 (Mr J H Holman):-

For "40 head of cattle or 40 ponies or 120 sheep" substitute "16 head of cattle or 8 ponies or 80 sheep".

Dated this 6<sup>th</sup> — day of November 1979 .

A. A. Baden Fuller

Commons Commissioner