



COMMONS REGISTRATION ACT 1965

Reference Nos 206/D/325
to 333 inclusive

In the Matter of Menacrin Downs,
Blisland, North Cornwall District,
Cornwall

DECISION

These disputes relate to the registrations at Entry Nos 3, 4, 5, 8, 13, 14, 15, 16, 18, 20, 22, 23, 29, 30, 34, 41 (formerly 10), 42 (formerly 11), 43 (formerly 17), 47 (formerly 21), 48 (formerly 24), 49 (formerly 31), 52 (formerly 1), 53 (formerly 9), and 54 (formerly 12) in the Rights Section and at Entry Nos. 1, 2 and 3, in the Ownership Section of Register Unit No. CL 145 in the Register of Common Land maintained by Cornwall County Council and are occasioned as to the Rights Section registrations by Objection No. X1286 made by Mr William Alfred Church and by Objections Nos. X1373, X1374, X1375 and X1377 made by Blisland Commoners Association and all noted in the register on 11 December 1972; and as regards the Ownership Section registrations by these registrations being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Bodmin on 2 and 3 December 1980. At the hearing (1) Blisland Commoners Association were represented by Mr V Leese solicitor of Stephens & Scown, Solicitors of St Austell; (2) Mr Cedric Charles Cawrse, Mrs Daphne Elaine Runnalls and Mrs Dorothy Mindy Church as executors of Mr Charles Cawrse who was the applicant for the Rights Section registrations at Entry Nos. 13 and 14, were represented by Mr C A Key, solicitor with Harvey & Sproull, Solicitors of Bodmin; (3) Mr William Alfred Church who in addition to being an objector was the applicant for the Rights Section registration at Entry No. 34 and for the Ownership Section registration at Entry No. 2, was also represented by Mr Key; (4) Mr F W Delamere as successor of Mr William Charles Greenaway on whose application the registration at Rights Section Entry No. 4 was made, was represented by Mr A C Fairman; (5) Mr Ernest Denzil Roose on whose application the registration at Rights Section Entry No. 20 was made attended in person; (6) Mr A C Fairman as successor through Mrs M K W Williamson of Miss M E Rayner on whose application Rights Section registration at Entry No. 22 was made, attended in person and as representing his wife Mrs E M Fairman; (7) English Clays Loverings Pochin & Company Limited ("ECLP") on whose application the Ownership Section registration at Entry No. 3 was made, were represented by Mr I Lamond solicitor of Stephens & Scown, Solicitors of St Austell; and (8) Cornwall County Council as registration authority were represented by Mr D M Gill.

The land ("the Unit Land") in this Register Unit is a tract of about 180 acres. The registrations in the Rights Section are summarised in the first and second columns of the Schedule hereto. The Unit Land adjoins the south part of the east boundary of a tract of about 360 acres called Manor Common which is the land in Register Unit CL 183. The Ownership Section registration at Entry No. 2 (Mr Church) is of all the Unit Land; that at Entry No. 3 (ECLP) is of all the Unit Land excluding the parts west of the line A-B and northeast of the line C-D-E, that is about 19/20ths of the Unit Land or more. At Ownership Section



Entry No. 1 Trustees of the Molesworth St Aubyn Settled Estate are registered as the owners of the portion of the Unit Land within a line on an overtrace map, being as I read this overtrace strip a little more or less than the part of the Unit Land west of the line A-B.

Mr Key said that Objection No. X1286 was withdrawn.

The course of the proceedings was that I first considered the disputed Rights Section registrations. About these oral evidence was given by Mr W M Rowe who is now and has been since 1960 the Secretary of Blisland Commoners Association. His evidence and other information which I have about the rights is summarised in the third column of the Schedule hereto. Of this information, I mention particularly that before this hearing in the course of proceedings relating to Shallow Water Common, Register Unit No. CL 187 reference 206/D/395-400, Mr E C Cornelius on whose application the registration in Rights Section Entry No. 29 relating to this CL 145 land was made, was represented by Mr M C Culver solicitor of Coningsbys, Solicitors of Bodmin; at this CL 187 hearing Mr Leese who then (as now) represented Blisland Commoners Association and Mr Culver agreed that at the date of registration the number of animals then appropriate to be registered would have been 11 units but they differed as the effect of a subsequent disposition by Mr Cornelius of part of the land to which such right was at the date of registration attached; however they were agreed that my decision in relation to this Menacrin Downs CL 145 land should as regards this difference be the same as my decision whatever it might be in relation to the Shallow Water CL 187 land. My decision in relation to that land is of even date with this decision and is to the effect that this subsequent disposition is irrelevant; such decision so far as it relates to this difference should be treated as repeated herein. As regards such of the other Rights Section registrations summarised in the Schedule which have not as therein stated become final, I consider that in the absence of any other evidence about them, I ought to act on the evidence and information summarised in column 4 of such schedule.

For the above reasons, I refuse to confirm the registrations at Rights Section Entry Nos. 6, 47 (formerly 21), 52 (formerly 1), and 54 (formerly 12), but as regards the registration at Entry No. 47 without prejudice to the registration at Entry No. 18 of the same right; I confirm without any modification the registrations at Rights Section Entry Nos. 3, 5, 16, 23, 41 (formerly 10), 42 (formerly 11), 43 (formerly 17) and 48 (formerly 24); and I confirm ~~the registrations at Rights Section Entry Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 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925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000~~

~~with the modifications set out in the fourth column of the Schedule hereto the registrations at Rights Section Entry Nos. 4, 13, 14, 15, 18, 20, 22, 29, 30, 34, 49 (formerly 31) and 53 (formerly 9).~~

Before the second day of the hearing I heard evidence given on behalf of ECLP and Mr Church in support of registrations made on their application in the Ownership Section of Register Unit No. CL 133 (Manor Common). After hearing this evidence, I dealt with the Ownership Section registrations of Register Unit No. CL 144 (Greenbarrow) and of this Register Unit No. CL 145. Mr Key and Mr Lamond agreed that the evidence so given should be treated as given in the CL 145 proceedings. Mr Church in the CL 144 proceedings and in these proceedings gave further oral evidence.



- 3 -

For the reasons given in my decision of even date relating to Manor Common CL 183 (reference Nos. 206/D/359 to 370), I consider that the information and documents produced by Mr Church in the said CL 183 proceedings are not evidence of his ownership; in my opinion the evidence he gave in the CL 144 proceedings and in these proceedings adds nothing of significance to what he said in the CL 183 proceedings. I consider that the documents and information produced on behalf of ECLP for the reasons given in such even date decision are evidence of their ownership; additionally as regards the Unit Land they have the 1964 and 1967 documents in such decision mentioned which because they relate to land adjoining the Unit Land support their claim.

Upon the considerations set out in such decision which should be regarded as repeated herein, I refuse to confirm the registrations at Ownership Section Entry Nos. 1 and 2, and I confirm the registration at Ownership Section Entry No. 3 without any modification.

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.

SCHEDULE
(Rights Section registrations)

(1) Entry No. (former No.)	(2) Applicant: land to which right is attached: animals, c = cattle or cows, h = horses, p = ponies, s = sheep; t and/or p = right to cut turf and/or peat	(3) Evidence and other information available	(4) Decision
3	Mrs Mary Eadgyth Joyce Sharp: Tor Farm: 4c or 2p or 20s	Mr Gill said the application included turbary which (perhaps mistakenly) was not not included in the registration. R: The Commoners Association have made no objection to this registration which is in question by reason only of the now with- drawn Objection by Mr Church. Mr Key said that Mr Church was not now concerned in any way with this registration	Confirm without any modification



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| 4 | Mr William Charles Greenaway:
Black Penquite:
9c or 4p or 45s | Mr Fairman said that Mr Delamere agreed 7 units | Confirm with the modification for "9 head of cattle or 4 ponies or 45 sheep" substitute "7 head of cattle or 4 ponies or 35 sheep" |
| 5 | Mr William Charles Greenaway:
Best's Penquite:
11c or 5p or 55s | R: correct as it stands.
Mr Fairman (of course) agreed | Confirm without any modification |
| 8 | Mr Robert John Lloyd Hoskin: Brake Farm:
15c or 7p or 75s:
p or t | R: produces paper signed by G Old (the successor of Mr Hoskin) requesting cancellation of registration in accordance with Objection X1373 | Confirmation refused |
| 13 | Mr Charles Cawrse:
Durfold Farm;
23c or 140s | R: 4 units only would be appropriate.
Mr Key agrees | Confirm with the modification that for "28 head of cattle or 140 sheep" substitute "4 head of cattle or 2 ponies or 20 sheep" |
| 14 | Mr Charles Cawrse:
Carwen:
4c or 2p or 20s | R: 3 units would be appropriate.
Mr Key agrees | Confirm with modification that for "4 cows or 2 ponies or 20 sheep" substitute "3 head of cattle or 2 ponies or 15 sheep" |
| 15 | Mrs Mamie Una Greenaway, Mr William Leonard Greenaway, and Mr John Henry Greenaway: Trewint:
6c or 3p or 30s:
p or t | R: produces paper signed by J H Greenaway agreeing modification in accordance with Objection X1375 | Confirm with modification that for "6 head of cattle or 3 ponies or 30 sheep" substitute "4 head of cattle or 2 ponies or 20 sheep" |



- 16 Mr William Leonard
Greenaway:
Higher Carwen;
4c or 2p or 20s
R: Correct
Confirm without
any modification
- 18 Mr Christopher Melmoth
Skynner;
Medland, Temple;
17c or 17p (except on
Menacrin Downs where
only 8p) or 85s
R: should be
13 units, if in
accordance with
stock formula
adopted by the
Commoners Association;
the exception is not
needed for 13 units.
As to the modification
of columns 2 and 3
of the Register see
this column of this
schedule as regards
Entry No. 47
Confirm with the
modification in
column 2 add
"0603 19 June 1968";
in column 2 add at
the end "and also
as tenant Stanley
Thomas Spurrell,
Merrifield, Temple
Bodmin, Cornwall"
and in column 4
for "17 head of
cattle or 17 ponies
(except on Menacrin
Downs where only
8 ponies may be
grazed) or 85 sheep"
substitute "13 head
of cattle or
7 ponies or 65 sheep"
- 20 Mr Ernest Denzil
Roose: Carbilly:
47c or 23p or 235s
R: 15 units would
be appropriate.
Mr Roose agrees
Confirm with
modification for
"47 cows or 23
ponies or 235 sheep"
substitute "15 head
of cattle or 8
ponies or 75 sheep"
- 22 Miss Minnie Eileen
Rayner:
South Penquite:
18c or 9p or 90s
R: suggests 5 units.
Mr Fairman for
himself and his
wife agrees
Confirm with
modification that
for "18 head of
cattle or 9 ponies
or 90 sheep"
substitute "5 head
of cattle or
3 ponies or 25 sheep"
- 23 Mr Digory John Henwood
Strout:
Coldrinnick Farm:
12c or 36s: p or t
R: Correct
Confirm without
any modification



- 29 Mr Eric Ronald
Cornelius:
Moss Farm:
70c and 65h and
200s
Number agreed in
the course of
hearing on
2 December 1980
re Shallow Water
CL 187: as to
suggested apportion-
ment see decision
about CL 187
Confirm with the
modification that
for "70 cows and
65 horses and
200 sheep"
substitute "11 head
of cattle or
6 ponies or
55 sheep"
- 30 Mr Archelaus Clifford:
Thomas Runnalls:
Treswigga Farm:
50c and 60s and 2p:
t or p
R: farm now owned
by Mr Cooper:
13 units agreed
Confirm with the
modification that
for "50 head of
cattle and 60 sheep
and 2 ponies"
substitute "13 head
of cattle or
7 ponies or
65 sheep"
- 34 Mr William Alfred
Church:
Cassacawn:
7c or 7p or 35s:
p or t
R: 5 units would
be appropriate.
Mr Key agrees
Confirm with the
modification that
for "7 head of
cattle or 7 ponies
or 35 sheep"
substitute "5 head
of cattle or
3 ponies or
25 sheep"
- 36 (2) Mr Albert Hubert
Reginald Sleep:
Hawkstor Cottage:
10c and 15s over
part of Unit Land
FEIAL
R: correct
No decision
requisite
- 37 (25) Mr William Thomas
George Ford:
Bradford (part):
3c or 2p or 12s:
p or t: take fish:
tree loppings etc:
over part of
Unit Land
FEIAL
R: correct
No decision
requisite



- 38
(26) Mr William Thomas
George Ford:
Bradford (another
part):
2c or 1p or 3s:
p or t: take fish:
tree loppings etc:
over part of
Unit Land
FINAL
- R: Correct
- No decision
requisite
- 39
(27) Mr William John
Carter: Candra:
45c or 45p:
t or p: over part
of Unit Land
(Registration inserted
as result of error, see
note 7 in Rights
Section of Register)
- R: I have no note
or recollection of
*anything being said at the
hearing; but I have a
letter dated 27 November
1976 from C & I Chisholm
Solicitors of Bournemouth saying
that Mr Carter wished to
cancel his registration.*
- No decision
requisite or in
the absence of
any reference,
possible
- 41
(10) Mr Cyril Roger John
Bate:
Abbey Farm:
20c or 5p or 25s
- R: Correct
- Confirm without
any modification
- 42
(11) Mr Cyril Roger John
Bate:
Hill Horse and
Broad Park Farms:
20c or 10p or 100s
- R: Correct
- Confirm without
any modification
- 43
(17) Mr Stanley Thomas
Spurrell:
Merrifield and
Tiptree Hall, Temple:
52c or 26p or 260s
- R: produces paper
signed by F C Yeo,
agreeing modification
in accordance with
Objection X1375
(Note No. 43 unlike
No. 17 does correspond
with Objection)
- Confirm without
any modification
- 45
(6) Mrs Monica Pethybridge,
Lower Bradford Farm:
11c or 51s over part
of Unit Land
FINAL
- R: correct:
6 ponies might have
been included
- No decision
requisite or,
because registration
final, possible



47 (21)	Mr Stanley Thomas Spurrell: Medland, Temple: 13c or 6p or 65s	R: registration made by tenant; because of Entry No. 18 being the registration by the owner, this registration is a duplicate	Confirmation refused but without prejudice to the registration at Entry No. 18 of the same right
48 (24)	Mrs Violet Rhoda Raymont: Carbaglet: 8c or 4p or 40s	R: correct	confirm without any modification
49 (31)	Mr Michael Sidney Warwick Rich: Durfold Farm: 12c and/or 6h or p and/or 60s	R: "and/or" incorrect	Confirm with modification that for "and/or 6 horses or ponies and/or" substitute "or 6 ponies or"
52 (1)	Mr Neil Sidney Davidson: South Kerrow Farm: 40c or 120s: t or p: tree loppings etc	R: their rights are over a different common	Confirmation refused
53 (9)	Mr Arthur Leslie Rowe: Lanxon Farm: 15c or 75p or 75s: p or t	R: Correct	Confirm without any modification
54 (12)	Mrs Rhoda Irene Rickard: Lease Farm: 4c or 2p or 20s	R: there are no rights: never known animals from this farm grazed on Unit Land	Confirmation refused

Dated this 16th — of March — 1931

a. a. Baden Fuller