



In the Matter of Menacrin Downs, Blisland,
 — Cornwall —

DECISION

This reference relates to the question of the ownership of the land known as Menacrin Downs, Blisland, being the parts of the land comprised in the Land Section of Register Unit No CL.145 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 5 February 1985. At the hearing English China Clays Lovering Pochin and Co Ltd and the Trustees of the Molesworth St.Aubyn 1964 Discretionary Settlement were represented by Mr I D Lamond, Solicitor.

The only parts of the land comprised in the Register Unit which are the subject of the reference are those to the west of the red line A-B and to the north and east of the red line C-D-E drawn on sheet 123 of the Register Map.

The land to the west of the line A-B was included in the parcels of a Conveyance made 4 April 1964 between (1) Sir John Molesworth St.Aubyn, bt (2) Guy Kenyvel Molesworth St.Aubyn, Alastair Rauthmell MacNeal and John Valentine Balfour. By virtue of a deed of appointment made 22 June 1984 the present trustees are Mr MacNeal, Mr Balfour, and Brig. the Hon. Robin Michael Parker.

The land to the north of the line C-D was included in the parcels of a Conveyance made 24 April 1953 between (1) Sir Richard Wilmot Onslow, bt (2) Humphrey Norman Gwynn, William Anlaby Gore Onslow, and John Latham Press (3) Bowaters China Clays Ltd and was conveyed to English Clays Lovering Pochin & Co Ltd by a Conveyance made 11 September 1970 between (1) Bowater United Kingdom Paper Co. Ltd, (2) English Clays Lovering Pochin & Co Ltd.

On this evidence I am satisfied that the Molesworth St.Aubyn Trustees and English Clays Lovering Pochin & Co Ltd are the owners of parts of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register them as the owners of their respective parts of the land under section 8 (2) of the Act of 1965.



-2-

In the absence of any further evidence I am not satisfied that any person is the owner of the land to the east of the line D-E, which will therefore remain subject to protection under section 9 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

21st

day of

February

1985

Chief Commons Commissioner