



In the Matter of Newton Downs,
(part) Blisland

DECISION

This reference relates to the question of the ownership of part of the land known as Newton Downs being the part of the land comprised in the Land Section of Register Unit No. CL.143 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 or 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 8 April 1986. At the hearing there were appearances by (1) Mrs M Rush claiming as representative and on behalf of her son Mr C J Rush, (2) Mr W A Church claiming on behalf of himself and his wife.

CL.143 has an area of about 36 acres, the greater part of which has already registered owners. Mr C J Rush is one of these owners, being finally registered as owing the greater part of CL.143. The part with no registered owner, which is the subject of this inquiry, is a very small section at the southern tip of the land, lying south of the red line A-B on the register map. Mrs Rush informed me that her son claimed ownership of this section, but no evidence was or has been produced in support of the claim.

As regards the claim by Mr and Mrs Church, by a Conveyance on sale dated 16 October 1944 Richard H Chapman conveyed to Charles Cawrse farm property known as Little Trehudreth and lands known as Trehudreth Common containing some 300 acres. Following the death of Mr Cawrse in 1981 his Executors assented to the property vesting in themselves on trust for sale, the Assent being dated 4 November 1981, and then by a Conveyance on sale dated 5 March 1982 conveyed the property to Mr and Mrs Church. The CL.143 Land, Newton Downs, and Trehudreth Downs are adjoining tracts of land, not physically separated, and Mr Church submitted that the small section at the south of CL.143 was included in the Conveyance of 1982. There was no plan on the documents of title, but it may be observed that whilst the area of



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Trehudreth Downs registered as CL.142 is about 215 acres, the land comprised in the 1982 Conveyance was stated to be 300 acres. Moreover Mr Church has produced a plan which shows an area marked Trehudreth Downs which does include the small section of CL.143, and which he states is a copy of the original map of Trehudreth farms.

On this evidence I am satisfied that Mr and Mrs W A Church are the owners of the land, I shall accordingly direct the Cornwall County Council, as registration authority, to register them as the owners under section 8 (2) 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 this decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 22nd day of July 1986

L. J. Morris Smith
Commons Commissioner