



In the Matter of Pendrift,
Blisland, North Cornwall
District, Cornwall

DECISION

These 8 disputes relate to the registrations at Entry No. 1 in the Land Section and Entry Nos 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 20, 21, 22, 24, 25, 26, 30, 31, 35, 41 (formerly 15), 43 (formerly 2), 45 (formerly 17), 46 (formerly 27), 47 (formerly 28), 48 (formerly 36), 50 (formerly 19), 51 (formerly 23), and 52 (formerly 32) in the Rights Section of Register Unit No. CL185 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No. X381 made by Mr John Hawke Holman and Mr Evan Charles Holman and noted in the Register on 12 November 1970, by Objection No. X475 made by Blisland Commoners Association and noted in the Register on 2 December 1970, by Objection No. X917 made by Mr John Hawke Holman and noted in the Register on 16 March 1972, by Objection Nos X1394 and X1395 made by Blisland Commoners Association and noted in the Register on 2 January 1973, and by the registrations at Entry Nos 11 and 35 being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Truro on 3 July 1979. At the hearing:- (1) Blisland Commoners Association were represented by Mr V K Leese solicitor of Stephens & Scown Solicitors of St Austell; (2) Mr E C Holman (he jointly with Mr J H Holman is registered at Ownership Section Entry No. 1 as owner of the part of the land in this Register Unit south of the line AB on the Register map) attended in person on his own behalf and also as trustee of the estate of Mr J H Holman who died on 31 March 1977 (not only were Objection No. X381 and No. X917 made by him but also the registration at Rights Section Entry No. 52, formerly No. 32, and the said joint Ownership Section registration were made on his application); (3) Mrs M U Greenaway (the registration at Rights Section Entry No. 6 was made on her application, and she is one of the applicants for the registration at Rights Section Entry No. 20) was represented by her son Mr George Greenaway; (4) Mr David Hill (the registration at Rights Section Entry No. 7 was made on his application) attended in person; (5) Mr Colin Stephen Chandler of Mount Villa, Blisland, as successor of Mrs Elsie Lillian Dowrick (the registration at Rights Section Entry No. 9 was made on her application) attended in person; (6) Mrs Mary Elizabeth Holman (the registration at Rights Section Entry No. 22 was made on her application) was represented by Mr E C Holman; (7) Mr Austin Churton Fairman of South Penquite and Best's Penquite, Blisland as being jointly with Mrs E H Fairman his wife owner of these farms and as now concerned with the registrations at Rights Section Entry No. 11 (made on the application of Mr William Charles Greenaway), No. 25 (made on the application of Mrs Minnie Eileen Rayner), and No. 35 (made on the application of Mr George William John Holmes) (Nos 11 and 35 being in conflict) attended in person and as representing his wife; (8) Mr Eric Ronald Cornelius (the registration at Rights Section Entry No. 30 was made on his application) was represented by Mr M C Calver, solicitor of Coningsbys, Solicitors of Bodmin; (9) Mr J Cooper as successor of Mr Archelans Clifford Thomas Runnalls (the registration at Rights Section Entry No. 31 was made on his application) was represented by Mr John G R Romary solicitor of Pethybridges, Solicitors of Bodmin; (10) Mr Ernest Denzil Roose (the registration at Rights Section Entry No. 24 was made on his application) was also represented by Mr Romary; (11) Mr John Patrick Kevin Black of Bradford Farm, Blisland, as successor of Mr William Masters (the registration at Rights Section



Entry No. 51 formerly 23, was made on his application) attended in person; and (12) Cornwall County Council as Registration Authority were represented by Mr D Gill. With the agreement of all present or represented at the hearing as set out above, I adjourned the proceedings.

I held the adjourned hearing at Wadebridge on 14 and 15 May 1981. At this hearing, (1) Blisland Commoners Association were represented by Mr B E Walton of Counsel instructed by Stephens & Scown, Solicitors of St Austell; (2) Mr E C Holman attended in person on his own behalf and as trustee of the estate of Mr J H Holman as before; (3) Mr George Greenaway being concerned with Rights Section Entry No. 6 in succession to Mrs M U Greenaway now deceased, attended in person; (4) Mr David Hill as being not only concerned with Rights Section Entry No. 7 but also with Rights Section Entry Nos 8 and 14 as successor of Mr Wilfred George Masters and Mr Jack Miller (such registrations were made on their application) attended in person as before; (5) Mr Colin Stephen Chandler attended in person as before; (6) Mrs Mary Elizabeth Holman is now deceased (Mr E C Holman said that she was the widow of his father's brother, she sold the land mentioned in the registration at Rights Section Entry No. 22 to his father, who sold off the Cottage retaining the rest of the land now in the ownership of Mr E C Holman); (7) Mr Austin Churton Fairman attended in person on his own behalf and as representing Mrs E M Fairman as before; (8) Mr Eric Ronald Cornelius attended in person; (9) I have no note or recollection of any attendance or representation of Mr J Cooper; (10) I have no note re recollection of any attendance or representation of Mr Ernest Denzil Roose; (11) Mr John Patrick Kevin Black attended in person as before; and (12) Cornwall County Council as registration authority were represented by Mr D Gill as before. Additionally (13) Mr D Hawken of Lankhydrock near Bodmin who is a tenant of Mrs Annie Leeworthy (the registration at Rights Section Entry No. 3 was made on her application) was represented by Mr D Hill; (14) Mr C C Larsen of Turnrose Farm attended in person on his own behalf and as representing Mrs Sheila Mary Larsen his wife (they are farming in partnership) as successor of Mr David Frederick Agar Rees (the registration at Rights Section Entry No. 1 was made on his application), and of Mrs Rosemary Cecil Janverin Andrews (the registration at Rights Section Entry No. 12 was made on her application) and (as to part of South Kerrow Farm) of Mr Neil Sidney Davidson (the registration at Rights Section Entry No. 43, formerly 2, was made on his application) attended in person; (15) Mr M V Borlase of South Kerrow Farm as successor (as to the remaining part of South Kerrow Farm) of Mr N S Davidson (Entry No. 43) attended in person; (16) Mr Charles James Rush (the registration at Rights Section Entry No. 4 and No. 5 were made on his application) in his own right and as successor of Mr Arthur Leslie Rowe now deceased (the registration at Rights Section Entry No. 50, formerly 19, was made on his application) was represented by his mother Mrs Mary Rush and (17) Lieutenant-Colonel Herbert Crosbie Garstin of Lower Bradford Farm as successor of Mrs Monica Pethybridge (the registration at Rights Section Entry No. 41 formerly 15, was made on her application) attended in person.

The land ("the Unit Land") in this Register Unit is a tract of about 205 acres situated a little under a mile to the north of Blisland, being irregularly shaped, and having a length from east to west of about 1 mile. Its east boundary (a line near the road from Blisland to Bradford) is also the west boundary of Register



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Unit No. CL184 (a tract of about 240 acres in the Register called "Kerrow Downs"; at the hearing it was said that part of Register Unit No. CL184 was locally regarded as going with the land known as Pendrift Downs); about this Register Unit I have given two decisions dated 6 November 1979 and 16 March 1981 under reference Nos 206/D/371-386. The said line AB on the Register map (mentioned in the Ownership Section) divides the Unit Land into two parts: one ("the Main Piece") being the part of the south of the said line and about 5/6ths or more of the whole; and the other ("the North Piece") being the remainder. The grounds of Objections Nos X381 and X917 made by Messrs Holman are (in effect) that the Main Piece was not common land at the date of registration and that the rights registered (or nearly all of them) do not extend over the Main Piece. 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 X475, X1394 and X1395 made by Blisland Commoners Association, are that the rights either do not exist at all or should be for fewer animals as set out in the fourth column of the said Schedule.

At the beginning of the hearing Mr Fairman suggested that the registration at Entry No. 35 be struck out because it is a duplicate of that at Entry No. 11 (both relating to Best's Penquite). Nobody contending that the said conflict should be otherwise resolved, I proceeded accordingly.

Mr E C Holman read a statement (ECH/1) explaining the substance of Objections Nos X381 and X917 to the effect that the Main Piece is not common land but "shared private land", as would be proved (1) by documents to be produced, (2) by witnesses saying that "unqualified" animals had been chased off, and (3) by visual evidence of hedges and fences erected some as recently as 1962. Next oral evidence in support of the registrations was given by Mr W M Rowe who is and has been since 1960 secretary of Blisland Commoners Association and who has lived in Blisland all his life (born 1924), by Mr John Henry Honey who went to South Penquite in 1936 and farmed it for the next 18½ years, by Mr A C Fairman who now farms South Penquite and Best's Penquite, by Mr John Prout who came to Torn Farm in 1939 and who was there until 1949, and by Mr J P K Black who identified his land (Camelyon, Lanxon) with that to which are attached the rights registered at Entry No. 51 (formerly 23). Next oral evidence in support of the Objections Nos X381 and X917 was given by Mr E C Holman, by Mrs John Adeline Holman and by Mr George Greenaway of Treepolpen, Pendrift. In the course of this evidence the documents listed in the Second Schedule hereto were produced. Such evidence was given on the basis that I would later hear separately the evidence in support of Objections Nos X475, X1394 and X1395 (Blisland Commoners Association) it being assumed (rightly except as regards Mr Cornelius) that such evidence would be accepted by those present or represented at the hearing. As to these last-mentioned Objections and certain other matters see below.

On the day after the hearing I inspected the Main Piece in the presence of Mr E C Holman, Mr W M Rowe, Mr A C Fairman, Mrs D Greenaway and her son Mr W L Greenaway (representing Mr W L G Greenaway), Mr and Mrs Borlase, Mr Larsen and Colonel Garstin.

By far the greater part of the hearing was taken up with the evidence and questions arising out of Objections Nos X381 and X917 made by Messrs Holman, particularly Mr E C Holman's contention that because the Main Piece was and is owned in shares,



the only legitimate grazing on it was and is by persons who own some of these shares. In support of these Objections there was some documentary evidence that since 1891 the Main Piece had been considered as being owned in undivided 50th shares, and as being still so owned before 1926, and that Messrs J H and E H Holman had been appointed trustees of the statutory trust for sale which had by the operation of the provisions of the Law of Property Act 1925 abolishing ownership in undivided shares of legal estates in land, become applicable to the entirety of the Main Piece and that Mr E H Holman was now entitled (possibly with others) beneficially to all or the majority of the 28/50ths particularly mentioned in the 1891 documents; there was also some evidence that Mr J H Holman and with the help of his brother Mr F A Holman had in 1962 fenced the east side of the Main Piece intending to prevent grazing on the Main Piece by persons other than those who they considered owned shares. Against this evidence other witnesses said that the fences had been ineffective to prevent grazing by such other persons and that they had grazed the Main Piece long enough to enable me to conclude that they (or their successors) had rights such as are now registered.

In the course of the hearing I inclined to the view (as I then said) that Mr E H Holman did not merely by showing that some or all of those who grazed the Main Piece owned an undivided share of it establish that they did so as owners of such share and not as persons exercising a right of common, because there could in law be a distinction between a person who owned an undivided share in land and who grazed it as such with the agreement (express or implied) of the other owners without having any right as against them to do so and a person who owned an undivided share in land and also owned as attached to other land a right to graze it whether or not the persons who owned the other undivided share were agreeable.

As to the oral evidence given about how the Main Piece had in the past been grazed by various persons and what had been done on it, there was much conflict, if not as to the primary facts, at least as to the inference to be drawn from such facts. However I need not deal with this conflict because at the end of my inspection of the Unit Land, Mr E H Holman handed me a letter dated 16.5.81 signed by him and addressed to me: "After hearing statements by several witnesses under oath at the Inquiry at Wadebridge on 14/15th May 1981 into Registration of Commons Rights on Pendrift Downs (CL185) I have to accept that animals belonging to more than one property without undivided fiftieths shares on Pendrift Downs have grazed these Downs for a large number of years with the result that Pendrift Downs is now subject to Commons Rights." He explained by this letter he intended to withdraw the contentions he made at the hearing, and everyone then present shook hands with him. I consider I can properly act on his withdrawal in relation to conflicting evidence, and being as regards the law still of the opinion to which I said at the hearing I was inclined, my decision on this part of these proceedings is that as regards the registration in the Land Section the Main Piece was properly included therein and that none of the evidence given in relation to the said ~~Objections~~ provides me with any good reason for not giving full effect to the evidence subsequently given by Mr Rowe in detail as hereinafter mentioned in relation to each of the registrations in the Rights Section.

Nobody at the hearing suggested that the said conflict between the registrations at Rights Section Entry Nos. 11 and 35 should be resolved otherwise than as suggested by Mr Fairman, so my decision is that the registration at Rights Section Entry No. 35 (G W J Holmes) should not have been made.



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As regards the registration at Entry No. 48 (formerly No. 36 A R and F A Walkey) I consider I can act Mr Rowe's statement the right did not exist and the withdrawal by the applicant mentioned in the letter of 27 November 1979; so my decision is that this registration should not have been made. In the absence of any evidence in support of the registrations at Rights Section Entry No. 13 (Mr J K Hollister), and No. 24 (E D Roose) I consider I can properly accept the evidence of Mr Rowe that this Right is non-existent; so my decision is that these registrations should not have been made. As regards all the other registrations in the Rights Section Mr Rowe's evidence as regards the number of animals for which each such Right was exerciseable is summarised in the fourth column of the Second Schedule hereto; he based himself as I understood him on his own knowledge and the knowledge and views expressed to him by other members of the Commoners Association as to the proper number of animals having regard to the nature and extent of the land to which each Right was attached. He explained his numbers were given on the basis of one Unit being equivalent to one head of cattle or $\frac{1}{2}$ a pony or 5 sheep so that when $\frac{1}{2}$ a pony would result the registration modification (if any) should count down the number (ie omitting the odd $\frac{1}{2}$). He also explained that as he and the Association did not regard the North Piece as common land his evidence about numbers applied only to grazing over the Main Piece. In the registrations at Entry Nos. 45, 46 and 47 (formerly 17, 27 and 28) the Main Piece is, as the registrations now stand excluded, so that the rights as now registered extends only over the North Piece; as I understood Mr Rowe, his evidence about the number applicable to these registrations, was on the basis that the registrations would somehow be amended so that they would apply to the Main Piece.

Apart from the registration at Entry No. 30 (E C Cornelius) no evidence was offered as to the registrations being otherwise than suggested by Mr Rowe. In these circumstances I consider I can and should act on his evidence, and my decision is therefore that as regards the number of animals appearing in the registration the numbers should be reduced so far if at all as may be necessary to make them in accordance with the number of units specified in the fourth column of the First Schedule hereto, so that as regards numbers except as next mentioned all the registrations will either stand unaltered or be reduced to the number of units proposed by Mr Rowe. Exceptionally the registrations at Entry No. 22 (M E Holman) and No. 51 (formerly 23 W C Masters) should be modified so as to be consistent with the other registrations by substituting in the former "3 head of cattle" for "3 bullocks" and adding to the "4 head of cattle" in the latter "or 2 ponies or 20 sheep".

I say nothing about the split of the registration at Entry No. 43 (formerly 2) of the right between Mr Borlase and Mr Larsen, because in my view this can be dealt with by an application under Regulation 29 of the Commons Registration (General) Regulations 1966. For greater clarity the modifications I have in mind are set out in the Third Schedule hereto. This paragraph of this decision should be treated as inapplicable to the registration at Rights Section Entry No. 30 (Mr Cornelius) which is dealt with separately below and leaving open the question of whether the registrations at Rights Section Entry Nos. 45, 46 and 47 can be altered so that they are applicable to the Main Piece with or without the whole or some part of the North Piece instead of as now applicable only to the North Piece.

Apart from correction of clerical and other similar errors pursuant to the liberty hereinafter granted all the decisions hereinbefore set out are (unlike some of those hereinafter contained) unconditional.



As regards the registration at Rights Section Entry No. 30 (Cornelius) Mr Rowe said that he considered 11 units were proper and mentioned that as regards other nearby registered commons Mr Cornelius through his solicitor had agreed 11 units. Mr Cornelius said that he did not agree, and as I understood him wished, possibly at some length to explain why he disagreed. By this time it had become too late to continue the hearing, and I said that if I was to hear Mr Cornelius I could only do so at an adjourned hearing. Mr Walton on behalf of the Commoners Association said that although he had not for their benefit asked for an order for costs either against Mr E C Holman or anyone else, such concession would not apply as against Mr Cornelius if an adjourned hearing became necessary and accordingly if there was an adjourned hearing Mr Cornelius should understand that the Association would when it was held ask the Commissioner to order Mr Cornelius to pay the costs of it.

I am aware of the agreement about 11 units being the right number which was mentioned by Mr Rowe because it was made at hearings before myself at Bodmin on 2 December 1980 relating to Shallow Water Register Unit No. CL187 (Ref Nos. 206/D/395-400) Brockabarrow Register Units No. CL165 (Ref Nos. 206/D/340-34) Kerrow Register Unit No. CL184 (Ref Nos. 206/D/371-386), Manor Common Register Unit No. CL183 (Ref Nos. 206/D/359 and 370) and about which I gave decisions dated 16 March 1981. In the Shallow Water decision I dealt in some detail with and rejected the contention made on behalf of Mr Cornelius that the registration similar to that made on his application in this case be altered so as to apportion the rights between the parts of the land which were originally when the registration was made all owned by Mr Cornelius but which had since come into separate ownership. In the other cases my decisions were by reference to my Shallow Water decision. There has been no appeal against these decisions by Mr Cornelius.

by reducing such numbers to 11

In the foregoing circumstances I am in a dilemma: On the one hand it is I think clear that I cannot properly decide against Mr Cornelius without hearing the evidence he wishes to put before me; on the other hand if I decide now to adjourn the proceedings so that he can give further evidence, if in the interval upon advice given by the solicitor who acted for him at these 1980 Bodmin hearings or any other reason, he decides not to offer any evidence at an adjourned hearing, I shall put him at risk of being ordered to pay the costs of the Association. Upon these considerations my decision is that this registration at Right Section Entry No. 30 was not properly made for any numbers to 11 units; but this decision is conditional upon no application to adjourn the proceedings being made by or on behalf of Mr Cornelius to the Commons Commissioners before the expiration of 42 days from the date on which notice of this decision is sent to him. Any such application should be in writing and sent to the Clerk of the Commons Commissioners in London and if it is made these proceedings as regards this registration will stand adjourned to a date and place to be fixed by a Commons Commissioner and the earlier part of this paragraph will become void. A copy of any such application should be sent by Mr Cornelius to Blisland Commoners Association or to their Solicitors. At the adjourned hearing it will be open to Mr Cornelius to call such evidence and put forward such arguments relating to this registration as he thinks fit; and it will also be then open to the Association to withdraw their offer to agree 11 units made at the May 1981 hearing and also open to them to contend that Mr Cornelius pay the costs of the adjournment as threatened by Mr Walton.

As to the suggestion made at the hearing that the registration in the Land Section should be modified by excluding the North Piece, so that in the result not only will the North Piece cease to be registered as Common Land in such Section but also



none of the rights registered in the Rights Section will extend to it:-
Mr Rowe at the hearing said that in his view and in the view of the Commons Association the inclusion of the North Piece in this registration was a mistake. Nobody present, represented at the hearing differed from this statement and some of them agreed. During my inspection it was pointed out that the North Piece is *not* fenced, and some said that it had been so fenced for some years meaning, as I understood them at any rate since the date of the Land Section registration (13 February 1968). The Land Section registration was made on the application of the Cornwall Commoners Association of which so I understood Blisland Commoners Association are a branch; however this may be, not having been represented at the hearing I assume they are indifferent.

The only Objection to the Land Section registration was No. X381 made by Messrs Holman, the grounds therein expressed indicating that they were only concerned with the Main Piece, and not at all with the North Piece. The 1965 Act makes no provision for an Objection to part of a registration; under it if any Objection is made to a registration and the resulting dispute is referred to a Commons Commissioner, he may modify it in any way, there being under the Act no limit to such modification see section 5(6) and 6(1). Further by section 5(7) my Objection to a Land Section registration is treated as an Objection to any registration whenever made in the Rights Section. However the comprehensive jurisdiction apparently conferred by the Act is by regulation 26 of the Commons Commissioners Regulations 1971 limited in that a person who makes Objection is not entitled to reply upon any grounds not stated in it unless the Commissioner thinks it "just in all the circumstances". I conclude that as a general rule the Commissioner shall limit himself to the grounds of the Objection unless it is just to go outside them.

In my opinion if it is agreed by all persons present or represented at the hearing that the registration is mistaken in some respect and if those not present or represented who might be concerned are apparently indifferent, it is just that the mistake should be corrected. My difficulty is that at the 1981 hearing I had no time to deal with this question fully, and I consider therefore I ought not to shut out any person who might wish to have this aspect of the proceedings further considered.

In relation to the North Piece a question subsidiary to the last above mentioned arises in relation to the registration at Rights Section Entry Nos. 41, 45, 46 and 47 (formerly 15, 17, 27 and 28). Originally these registrations extended the whole of the Unit Land (both the Main Piece and the North Piece), and it is recorded at Rights Section Entry Nos. 40 and 44 that these original registrations were modified as to exclude the Main Piece as a consequence of Objection No. 381 (Messrs Holman). The North Piece is removed from the Land Section registration these registrations would, (if not modified in some way) cease to apply to any land. Mr Holman said he was agreeable if the North Piece was removed from the Register, to these registrations being treated as applicable to the Main Piece. This would I think be just.

Upon the North Piece questions in the 4 preceding paragraphs discussed, my decision is that conditionally upon no-one present or represented at the hearing or entitled to be heard thereat, within 42 days after this decision has been sent to persons entitled to receive it applying to the Commons Commissioners (by letter addressed to their clerk in London) for the proceedings to be adjourned so that their consideration can be given to these questions, the Land Section registration



will be modified by excluding the North Piece and the Rights Section registration at Entry Nos. 41, 45, 46 and 47 will be modified by deleting the words therein describing the North Piece (these words are set out in the Third Schedule hereto) with the result that these registrations will thereafter only apply to the Main Piece.

At the conclusion of the hearing comment was made (I think by Mrs J A Holman and possibly others) that if animals to the total number obtained by adding together all the numbers which will as a result of this decision appear in the Rights Section, were at any one time actually grazed on the Unit Land, the result would be chaotic and absurd. As to this:- I understood the evidence of Mr Rowe to be on the basis that the rights of common with which I am dealing are (or would apart from the 1965 Act be) "not limited by number" within the meaning of section 15; so that the numbers with which I am dealing are those required by the Act to be stated. In my view section 15 by providing that the rights section shall be exerciseable in relation to animals not exceeding the numbers registered does not provide that any person entitled to the benefit of a registration can graze the number of animals mentioned in it at all times and in all circumstances regarding ~~the~~ the rights of others; any question there may be about over-grazing will I think be determinable as if the Act had not been passed. Nevertheless the agreement reached between the Association and its members as to the numbers to be inserted in the registrations will have achieved something of value, in that hopefully they will determine one aspect of the relationship of the rights register^s to each other.

My decisions as set out above will if the proceedings are not adjourned pursuant to the liberties to apply hereinbefore granted take effect as set out in the Decision Table in the Third Schedule hereto. The proceedings if so adjourned, will be at such date and place as may be determined by a Commons Commissioner, and as a result of such adjourned hearing the Decision Table may be altered except insofar as it is based on such of my decisions hereinbefore given as I have expressed to be unconditional.

Because much of this decision is complicated and there may be clerical errors in it I give liberty to any person present or represented at the hearing or entitled to be heard thereat likely to apply to me to correct any such or similar error. Any such application should be made in the first instance by letter to the Clerk of the Commons Commissioners within 42 days of the date when this decision is sent to the applicant.

I am required by Regulation 30(1) of the Commons Commissions 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

TURN OVER



FIRST SCHEDULE
(Rights Section)

Note: All Entries are treated as objected to by reason of Land Section Objection No. X381; see section 5(7) of the Act

Entry No (in brackets No. of any former or replaced Entry)	Applicant and land to which registered right is attached	Right: "c" = head of cattle, "p" = ponies, "s" = sheep, peat = a right to take and/or cut peat/or turf or any like right	No of Objection particularly applicable. Evidence or information given at or prior to hearing; "R" refers to evidence of Mr W M Rowe
1	Mr D F A Rees. Carwen	10c, 10p <u>and</u> 50s	— X475 in excess by 5c or 7p or 25s. R said: 5 units, and Mr Rees has been succeeded by Mr Larsen of Turnrose Farm. He agreed 5 units.
3	Mrs A Leeworthy. Lands at Pendrift as shown on supplemental map	6c or 20s	X917. X1395, fewer animals, 1c or 5s R said: it should be 1 unit. Mr David Hill (tenant) agreed.
4	Mr C J Rush. Lands at Blisland, OS No 1043, etc	3c or 1p or 15s	X917. R said: 3 units are agreed.
5	Mr C J Rush. Lands at Blisland, OS No. 213 etc	5c or 2p or 25s	X917. R said should be 5 units; this was agreed.
6	Mrs M U Greenaway. Lands at Pendrift, OS Nos. 82 etc	2c or 1p or 10s	— R said: 2 units are appropriate.



7	Mr D Hill Tregenna	3c or 1p or 15s	X917. R said: 3 units are appropriate. Mr Hill agreed.
8	Mr W G Masters. Lands at Pendrift, OS Nos. 123 etc	3c or 1p or 15s	— R said land now farmed by Mr D Hill; 3 units are appropriate. Mr Hill agreed.
9	Mrs E L Dowrick. Mount Villa	3c or 1p or 15s	— R said: should be 3 units.
10	Mr W C Greenaway, Black Penquite	9c or 4p or 45s	X917. X1395, should be fewer animals, 7c or 3p or 35s. R said: 7 units would be appropriate; land now farmed by Mr Fairman. He agreed.
11	Mr W C Greenaway. Best's Penquite	11c or 5p or 55s	X917. X1395 should be fewer animals, 8c or 4p or 40s R said now consider 11 units would be appropriate.
12	Mrs R C J Andrews. Tor Farm	6c or 3p or 30s; peat	X917. X1395 should be fewer animals. 5c or 2p or 25s. R said: 5 units are appropriate. Mr Larsen agreed.
13	Mr J K Hollister. De Lank Farm	47 bullocks or 23p or 235s	X917. X1394, does not exist. R said: the rights do not exist and confirmation should be refused.
14	Mr J Miller. Newton House	2c or 1p or 10s	— R said: 2 units are appropriate.
18	Mr W Andrews. Turnrose	9c or 4p or 45s	X917. X1395, should be fewer animals, 8c or 4p or 40s. R said: 8 units would be appropriate.



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- 20 Mr M U Greenaway, 6c or 3p or 30s X917.
Mr W L Greenaway X1395, should be
and fewer animals, 4c
Mr J H Greenaway, or 2p or 20s.
Trewint R said: should be
4 units.
- 21 Mr L Greenaway. 4c or 2p or 20s; X917.
Higher Carwen peat R said: should be
4 units.
- 22 Mrs M E Holman. 3 bullocks or —
Land at Pendrift 2p or 15s R says should be
as shown on 3 units.
supplemental map
- 24 Mr E D Roose. 27 cows or X917.
Carbilly 23p or 235 s X1394, does not
exist.
R said: there are
no rights.
- 25 Mrs M E Rayner. 18c or 9p or 90s X917.
— — South Penquite X1395, should be fewer
animals, 4c or 2p
or 20s.
R said: should be
5 units. Mr Fairman
agreed.
- 26 Mr W H Pearce. 16c or 8p or 80s X917.
Penrose X1395, should be fewer
animals, 14c or 7p or
70s.
R said: should be
14 units. In a
letter dated 22 June
1979 Harvey and Sproull
solicitors of Bodmin
on behalf of
Mr N H Pearce agreed.
- 30 Mr E C Cornelius. 70 cows and 200s X917.
Moss Farm X1395 should be
fewer animals, 10c or
5p or 50s.
R says 11 units he
thought had been agreed.
Mr Cornelius said that
he disagrees 11 units.



- 31 Mr A C T Runnalls. 50c and 60s; X917.
Treswigg Farm peat; fish X1395 should be fewer
animals, 13 c or 2p
65s
R said: now considers
should be 15 units.
- 35 Mr G W J Holmes 14c or 14p or 70s X917.
Best's Penquite X1395 should be fewer
animals, 7c or 3p
or 35s.
Mr Fairman suggested
that confirmation should
be refused because this
is a duplicate of entry
No. 11.
- 41 Mr M Pethybridge. 11c or 51s over all
(15) Lower Bradford Unint Land excluding
Farm the Main Piece
—
R said: 11 units would
be appropriate over the
Main Piece only.
Colonel Garstin and
Mr Holman agreed.
- 43 Mr N S Davidson. 10c or 50s; peat; X917.
(2) South Kerrow Farm take tree loppings
or gorse etc
R said the farm has been
split between
Mr Larsen and
Mr Borlase; 10 units
would be appropriate
and if there is to be
a split 7 units for the
part of Mr Larsen and
3 units for the part
of Mr Borlase.
- 45 Mrs R I Rickard. 4c or 2p or 20s
(17) Lease Farm over Unit Land
excluding the
Main Piece
—
R said 4 units would
be appropriate over
the Main Piece only.
- 46 Mr W T G Ford. 3c or 2p or 12s;
(27) Land in Bradford peat; fish; take
OS Nos 705 etc tree loppings or
gorse etc over all
the Unit Lane except
the Main Piece
—
R said 3 units is
appropriate over the
Main Piece only.



47 (28)	Mr W T G Ford. Land in Bradford, OS Nos. 800, etc	2c or 1p or 8s; peat; fish; take tree loppings or gorse etc over all the Unit Land except the Main Piece	— R says 2 units would be appropriate over the Main Piece only.
48 (36)	Mr A R Walkey and Mrs F A Walkey	60 cows and 12 horses or 300 sheep; peat over all the Unit Land except the Main Piece	— X1394, does not exist. R said: the right does not exist. In a letter dated 27 November 1979 Rowse Jeffery and Watkins, Estate Agents of Lostwithiel said application withdrawn.
50 (19)	Mr A L Rowe. Lanxon Farm	15c or 7p or 75s	X917 R said: should be 15 units
51 (23)	Mr W Masters Land marked on supplemental map	4c	— R said: should be 4 units.
52 (32)	Mr J H Holman. Land at Pendrift marked on supplemental map	40c or 40 or 120s; peat; fish; take tree loppings or gorse etc	— X1395 should be fewer animals, 15c or 7p or 75s. R said it should be 15 units.

SECOND SCHEDULE
(Documents produced)

Part I by Mr E C Holman

H/1 14.5.81. Statement of evidence to be produced showing
Pendrift Downs is "shared private land".

Part II: by Mr W M Rowe

R/1 — Extract from Register maps showing CL185 on one sheet.
R/2 11 May 1981 Letter?
(handed back)
R/3 19 June 1936 Regulations made by Minister of Agriculture and
Fisheries under Commons Act 1908.



- — Copy of Commons Act 1908 (8 Edw. 7. ch 44).
- WMR/4 17 February 1961 Copy letter from Ministry of Agriculture Fisheries and Food to Mr Harvey.
- WMR/5 4 May 1966 Resolution to be moved at meeting to be held then of persons entitled to turn out animals on Pendrift Downs, Kerrow Downs, Metherin Downs, East Rose, Lady Down, Ivey Plain, Emblance Downs.
- Part III, by Mr A C Fairman
- 5 May 1977
(handed back) Conveyance by Mrs J N Arkel and Mr H H McC Arkel to Mrs Edna May Fairman of South Penquite and Best's Penquite "together with common right (if any) as may be appurtenant", and reciting conveyance of 17 May 1971.
- Part IV; by Mr J P K Black
- 7 January 1908 Conveyance by Mr C P Tom and his mortgagee to Mr W A Masters of 14a. 31p. at Pendrift "together with ... including all such rights of pasturage on Pendrift coloured pink as ... as power to grant" (pink = Main Piece)
- Part V; by Mr E C Holman
- ECH/2 16 March 1964 Copy letter from J A F Harvey (of Cornwall Commoners Association) to Mr John Pethybridge & Son (acting for Mr Holman).
- ECH/3 20 March 1964 Letter from John Pethybridge & Sons to Mr J H Holman enclosing said letter.
- ECH/2 8 August 1981
bis Notice of Sale (18" x 10")
- ECH/3 8 August 1891
bis Particulars and conditions of sale of Pendrief 70a. 2r. 19p. and "28/50th undivided shares or interest in the adjoining common known as Pendrief Down (186a. Or. 37p.), with plan (very dilapidated and in pieces both attached or formerly attached to these particulars).
- ECH/4 — Modern extract from said 1891 plan.
- ECH/4 1 November 1919
bis Particulars and conditions of auction sale of 4 cottages including (lot 1) Pendrief Farm of 45a. 1r. 18p with 18 $\frac{1}{2}$ undivided fiftieths shares in Pendrief Common, (lot 2) part of Pendrief Farm



- 9a. Or. 32p. with $3\frac{1}{2}$ undivided fiftieths, (lot 3) another part 8a. 1r. 26p with 3 undivided fiftieths in Pendrief Common, and (lot 4) another part 8a. 1r. 15p. with 3 undivided fiftieths in Pendrief (they also had rights over Pendrief Common).
- ECH/5 1 January 1920 Conveyance by Dame S E Morshead to Albert Holman as sole devisee under the will of Sir W C Morshead (he died 17 March 1905) of farm dwellinghouse and lands Pendrief of about 53.709 acres.
- ECH/7 2 March 1971 Conveyance of dwellinghouse by Mrs Mary Elizabeth Holman to Mr J H Holman of a dwellinghouse barn and coach house at Pendrief (say .300 acres) and four fields making altogether 12.036 acres (produced at the same time as the documents listed at the end of this schedule).
- ECH/7 11 December 1945 Conveyance by Molesworth St Auby Estate Company Limited to Mr J H Holman of 7a. 1r. 25p. being a dwellinghouse etc and 4 fields known as Pendrief together with "such rights of Common as may be appurtenant to the said properties AND all such right and interest (if any) that the Vendors may have in the Commons known as Pendrief Common Blisman aforesaid".
- ECH/8 19 May 1969
(handed back) Statutory declaration by Mr J H Holman exhibiting 1 November 1919 1 January 1920 (ECH/4 and ECH/5).
- ECH/9 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 trusts applicable to Pendrief Common.
- ECH/10 30 January 1973 Assent by J H Holman and F A Holna as personal representatives of Albert Holman to vesting in J H Holman of Pendrief as conveyed on 1 January 1920 and of $21/50$ th share of Pendriff Common.
- ECH/11 — Manuscript notebook ($12\frac{1}{2}$ " x 8") in the handwriting of Mr J H Holman being a history (unsigned, about 6 pages) of Pendrief "as I know and remember since I came to Pendriff with my Parents in September 1901 and also some copy letter of 1973 and 1974.
- ECH/12 20 June 1968 Manuscript notebook ($7\frac{1}{2}$ " x $6\frac{1}{2}$ "") containing copy letter from J H Holman to Ministry of Land and Natural Resources about registration of Commons and including a detailed statement as to who were entitled in 1889 to all the fiftieth shares and as to how such shares have since devolved.



Part VI: by Mrs J A Holman

- JAH/1 — Statement of her evidence, countersigned by her husband Mr Francis Arthur Holman about driving "off unauthorised animals" and about an allegation that her dog had been shot because he had chased off some bullocks.
- JAH/2 — Statement by Mr Francis Arthur Holman about his having been hit with a heavy furz stub on 8 October 1967 following alleged chasing of bullocks.
- JAH/3 — Piece of furze about 24" long (being the said stub).

Part VIII: by Mr George Greenaway

- GC/1 — Statement.

Part IX: being contents of the said envelope.

- 1924 Abstract of title Mrs G J Tom commencing with grant dated 8 June 1903 by HRH Prince of Wales, Duke of Cornwall to C P Tom of 38a. 1r. 16p within Manor of Tintern with such rights as on Pasturage over Pendrift Common as HRH had power to grant.
- 22 September 1924 Conveyance by Mr C J Tom and her mortgagee, to Mr R J Greenaway of dwellinghouse and field containing 12.036 acres.
- 26 April 1947 Deed of gift by Mr R J Greenaway and Mr J G Greenaway.
- 29 September 1954 Conveyance by Mr J G Greenaway to Mr George Leonard Holman, on the said 12.036 acres.
- 1963 Abstract of title of his personal representatives (he died 9 February 1963).
- 18 April 1963 Assent by his personal representative in favour of Mrs Mary Elizabeth Holman.
- 17 June 1963 Tenancy agreement granted by Mrs M E Holman to Mr Francis Arthur Holman.
- ECE/5 2 March 1971 Conveyance by Mrs M E Holman to Mr J H Holman above mentioned.
- 1973 Copy conveyance by Mr J H Holman to Mr J P Howard of Pendrift Cottage.



THIRD SCHEDULE
(Decision Table)

A. I refuse to conform the registrations in the Right Section at Entry Nos. 13 (J K Hollister), 24 (E D Roose), 35 (G H Holmes) and 48 (formerly 36) A R and F A Walkey).

B. I confirm the registration in the Land Section at Entry No. 1 with the modification that the part of this Register Unit north of the red line A-B on sheet 123 of the Register map (such part in this decision being called "the North Piece") be removed from the Register.

C. I confirm the registrations in the Rights Section at Entry Nos. 41 (formerly 15, M Pethybridge), 45 (formerly 17 R I Rickard), 46 (formerly 27 W T G Ford) and 47 (formerly 28 W T G Ford) with the modification that the words "excluding the area of land south of the red line A-B on sheet 123 of the register map and the area of land shown on sheet 107 of the register map" (being the land in this decision called the Main Piece) be deleted but without any other modification save such as is consequential on the removal of part of this Register Unit for the Land Section pursuant to the modification set out in paragraph B. above.

D. I confirm the registrations in the Rights Section at Entry Nos. 4 (C J Rush), 5 (C J Rush), 6 (M U Greenaway), 7 (D Hill), 8 (W G Masters), 9 (E L Dowrick), 11 (W C Greenaway), 14 (J Miller), 21 (W L Greenaway), 50 (formerly 19, A L Rowe), and 52 (formerly 32, J A Holman) without any modification save as is consequential on the removal of part of this Register Unit from the Land Section pursuant to the modification set out in paragraph B. above.

E. I confirm the registrations in the Rights Section at the Entry Nos. listed in the first of the columns set out below with the modification specified in the second of such columns but without any other modification save as is consequential on the removal from the register of part of this Register Unit from the Land Section pursuant to the modification set out in paragraph B. above.

No. 1 (D F A Rees)	For "10 head of cattle, 10 ponies and 50 sheep" substitute "5 head of cattle or 2 ponies or 25 sheep."
No. 3 (A Leeworthy)	For "6 head of cattle or 20 sheep" substitute "1 head of cattle or 5 sheep."
No. 10 (W C Greenaway)	For "9 head of cattle or 4 ponies or 45 sheep" substitute "7 head of cattle or 3 ponies or 35 sheep."
No. 12 (R C J Andrews)	For "6 head of cattle or 3 ponies or 30 sheep" substitute "5 head of cattle or 2 ponies or 25 sheep."
No. 18 (W E Andrews)	For "9 head of cattle or 4 ponies or 45 sheep" substitute "8 head of cattle or 4 ponies or 40 sheep."



- No. 20 (M U Greenaway) For "6 head of cattle or 3 ponies or 30 sheep" substitute " 4 head of cattle or 2 ponies or 20 sheep."
- No. 22 (M E Holman) For "3 bullocks" substitute "3 head of cattle."
- No. 25 (M E Rayner) For "18 head of cattle or 9 ponies or 90 sheep" substitute "5 head of cattle or 2 ponies or 25 sheep."
- No. 26 (W H Pearce) For "16 head of cattle or 8 ponies or 80 sheep" substitute "14 head of cattle or 7 ponies or 70 sheep."
- No. 30 (E C Cornelius) For "70 cows and 200 sheep" substitute "11 head of cattle or 5 ponies or 35 sheep."
- No. 31 (A C T Rurnalls) For "50 head of cattle and 60 sheep and 2 ponies" substitute "15 head or cattle or 7 ponies or 75 sheep."
- No. 43 (formerly to N S Davidson) For "10 head of cattle or 50 sheep" substitute "10 head of cattle or 5 ponies or 50 sheep".
- No. 51 (formerly 23, W Masters) For "4 head of cattle" substitute "4 head of cattle or 2 ponies or 20 sheep".

Dated the 29th —

day of September — 1981

A. A. Baden Fuller

Commons Commissioner