



In the Matter of Penhale Moor, St. Enoder  
Restomel B.C.

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section and Entries 1 2 4 5 and 6 in the Rights Section of Register Unit No. CL.311 in the Register of Common Land maintained by Objections No. X 1441 and X1440 both made by W G Buckland and both noted in the Register on 7th November.

I held a hearing for the purpose of inquiring into the dispute at Truro on 13th July 1976 and at Bodmin on 9th March 1977. The hearing at Truro was attended by Mr K Schiemann Counsel, instructed by Messrs. Frank and Caffyn on behalf of Mr Buckland. Messrs. Sitwell, Money and Murdoch on behalf of Messrs. Brewer and Mr Cocks of Messrs. Ralph and Co on behalf of the applicants for rights.

In the course of this hearing I inspected the land in question and as a result of which I came to the conclusion that unless the land was improved it would continue to deteriorate year by year. I indicated this view to the parties and at my suggestion they agreed to an adjournment with a view to negotiating an agreement which would enable the land to be improved and which would be for the benefit of all parties claiming to have interests in the land.

At the adjourned hearing Messrs. Frank & Caffyn and Messrs. Ralph and Co., appeared and were then able to tell me that all the interested parties had reached agreement and that the effect of that agreement was that all the claimants for common rights released their claims. For this reason I refuse to confirm the Entry in the Land Section and all the Entries in the Rights Section

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 19<sup>th</sup> day of May 1977

*G A Seale*

Commons Commissioner.