



COMMONS REGISTRATION ACT 1965

Reference No.6/U/10

In the Matter of Rinsey Green,  
Breage, Cornwall.

DECISION

This reference relates to the question of the ownership of land known as Rinsey Green, Breage, being the land comprised in the Land Section of Register Unit No.CL 203 in the Register of Common Land maintained by the former 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 the late Mr M.Johns claimed to be the freehold owner of part of the land in question and no other person claimed to have information as to its ownership.

Mr Commissioner Baden Fuller held a hearing for the purpose of inquiring into the question of the ownership of the land at Truro on 13th July 1972. This hearing was adjourned so that there could be further investigation of Mr Johns's case. I resumed the hearing at Truro on 12th March 1975, when Mr J.M.Trott, solicitor, appeared for the executors of Mr Johns's will.

By an indenture made 19th May 1922 between (1) George Godolphin, Duke of Leeds (2) James Johns and Martin Johns a small triangle of land on the western side of the land the subject of the reference was conveyed to the parties of the second part. By an endorsement dated 22nd July 1935 Mr James Johns conveyed his interest to Mr Martin Johns. Mr Martin Johns died on 22nd June 1973 and probate of his will was granted to Mr Kenneth Bowden and Mr William Joan Sampson on 9th November 1973.

On this evidence I am satisfied that Mr Bowden and Mr Sampson are the owners of the part of the land conveyed in 1922. I shall accordingly direct the Cornwall County Council, as registration authority, to register them as the owners of that part of the land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land and that part 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 14<sup>th</sup> day of April 1975

Chief Commons Commissioner