



COMMONS REGISTRATION ACT 1965

Reference No.6/D/7

In the Matter of Kilkhampston Common,
Kilkhampston, Cornwall.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.CL 112 in the Register of Common Land maintained by the former Cornwall County Council and is occasioned by Objection No.X 32 made by Mr A.S.Jeffery and Mrs R.C.Jeffery and noted in the Register on 23rd February 1970.

I held a hearing for the purpose of inquiring into the dispute at Truro on 13th March 1975. The hearing was attended by Mr K.C.Axford, the Clerk of the Kilkhampston Parish Council, the applicant for the registration, and by Mr Morgan, solicitor, on behalf of the Objectors.

Mr Axford informed me that the registration had been made so that a belief that certain parishioners had common rights to graze cattle on the land in question could be investigated.

The land was conveyed to the Objectors by a conveyance made 7th December 1963 between (1) John Grenville Thynne (2) Arthur Stanley Jeffery and Rose Caroline Jeffery his wife, subject to all rights of common which might affect the property or any part or parts thereof. On the same day, however, a statutory declaration was made by the vendor's solicitor, who had known the land for half a century. He stated that certain enquiries had been made at Kilkhampston, but no definite evidence found that any common rights had been claimed over or upon the land for the previous 20 years so far as could be ascertained therefrom and that no express rights of common had been granted to the purchasers of any parts of the estate of the Vendor or his predecessors in title. Mrs Jeffery gave evidence that during her ownership no one had ever claimed to be entitled to exercise rights of common over the land.

Mr Axford did not adduce any evidence as to the exercise of rights of common by any identified person.

The name of the land may indicate that it was subject to rights of common at some time, but on the evidence before me I cannot find that it was so subject at the time of registration.

For these reasons I refuse to confirm the registration.

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 14th day of April 1975


Chief Commons Commissioner