



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/63.

In the Matter of Quintrell Downs,
Colan, Cornwall

DECISION

This reference relates to the question of the ownership of land known as Quintrell Downs, Colan being the land comprised in the Land Section of Register Unit No. CL.482 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 Sir John Vyvyan, Mr F.S. Strongman, and Mrs G Kenworthy claimed to be the freehold owners of the land in question and no other person claimed 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 Bodmin on 6 October 1982. At the hearing Sir John Vyvyan was represented by Mr J D Jacoby, Solicitor, and Mr Strongman appeared in person.

The land the subject of the reference consists of two parts - the main area to the west and a long narrow strip to the east. Sir John Vyvyan's claim related only to the main area, and Mr Strongman and Mrs Kenworthy were only concerned with the access to the strip from their adjoining property.

The land claimed by Sir John Vyvyan is wet marshy land of little value, unsuitable for agricultural purposes. There is therefore no evidence of the receipt of rents and profits, and the old records relating to Sir John's estate were unfortunately destroyed in a fire at the offices of his former Solicitors. The available evidence is thus somewhat tenuous.

Sir John Vyvyan's predecessors in title formerly owned several lots of properties adjoining the main area, which were sold by auction on 22 May 1914. According to a report drawn up by Mr R F Edyvean, the late Sir Courtenay Vyvyan's land agent, on 16 March 1937 the purchasers were informed that they had a right to enter the main area for the purpose of obtaining water for domestic use and for cattle. One of these properties now belongs to Mr Strongman and Mrs Kenworthy. Mr W T Rickard, who was born near the main area in 1909 and whose father was a tenant of the late Sir Vyell Vyvyan, remembered that when some gypsies camped on the main area his father got in touch with Sir Vyell's Solicitors in Helston and that the next day the gypsies were removed by the police, after which Sir Vyell himself came to see that the gypsies had gone. The main area was conveyed to Sir John Vyvyan (as he has since become) by a deed of gift made 26 December 1950 between (1) Dame Clara Coltman Vyvyan (2) John Stanley Vyvyan.

On this evidence I am satisfied that Sir John Vyvyan is the owner of the main area of land and I shall accordingly direct the Cornwall County Council, as registration authority to register him as the owner of that part of the land under section 8 (2) of the Act of 1965.



In the absence of any evidence regarding the long narrow strip to the east of the main area, I am not satisfied that any person is the owner of that strip and it 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.

D ted this

20th

day of October

1982

Epilobium:-

Chief Commons Commissioner