



COMMONS REGISTRATION ACT 1965

Reference No.52/U/66

In the Matter of Aelwyd Ucha, Moel Maenega
Tremeirchion

DECISION

This reference relates to the question of the ownership of land known as Aelwyd Ucha Moel Maenega, Tremeirchion, being the land comprised in the Land Section of Register Unit No. CL.92 in the Register of Common Land maintained by the Flintshire 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 Mrs. Annie Davies of Aelwyd Ucha, Rhualt near St. Asaph Flintshire claimed to be the freehold owner of part of the land in question and Flintshire County Council claimed ownership of the whole of the land. 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 Mold on 13th December 1973.

Mr. Clement Jones, Solicitor, of the firm of Messrs. Clement Jones & Co., Holywell, appeared on behalf of Mrs. Annie Davies, and also on behalf of Mr. Hywel Einion Jones of Maen Efa, Tremeirchion St. Asaph who claimed to be the freehold owner of so much of the land as was not claimed by Mrs. Davies. Mr. Clement Jones, with my leave put in evidence affidavits sworn by Mrs. Davies and Mr. H. E. Jones respectively.

It appears from the affidavit of Mrs. Davies that by a Conveyance dated 25th February 1955 the freehold farm known as Aelwyd Ucha (which included such part of the land in question as is comprised in O.S. 0228 on the register map) was conveyed to her late husband Edward Lloyd Davies and herself. The original Conveyance was produced to me, from which it appeared that Mrs. Davies and her husband took as joint tenants. On Mr. Davies' death in 1969, the farm passed to Mrs. Annie Davies by survivorship.

From the affidavit of Mr. H. E. Jones it appears that the freehold farm known as Maen Efa was conveyed to Mr. Jones by a Conveyance dated 1st March 1951. Maen Efa includes that part of the land in question which is comprised in O.S. 9663 Sheet SJ 0874/0974 (1963 Edition), that is, so much of the land in question as is not claimed by Mrs. Davies. Mr. Jones has been in exclusive possession of Maen Efa since his purchase in 1951.

Flintshire County Council did not at the hearing claim ownership of any part of the land.

For these reasons I am satisfied that the said Mrs. Annie Davies is the owner of such part of the land as is comprised in O.S. 0228 and I shall accordingly direct



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the Flintshire County Council, as registration authority, to register her as the owner of such part of the land under section 8(2) of the Act of 1965; and that the said Hywel Einion Jones is the owner of the remainder of the land, and I shall accordingly direct the Flintshire County Council as registration authority to register him as the owner of the remainder of the land under section 8(2) of the said Act.

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 30th day of January 1974.

A. E. Francis

Commons Commissioner