



COMMONS REGISTRATION ACT 1965

Reference No. 52/U/12

In the Matter of Land opposite Old Rock Farm,
Gorsedd, Holywell

DECISION

This reference relates to the question of the ownership of land known as Land opposite Old Rock Farm, Gorsedd, Holywell, being the land comprised in the Land Section of Register Unit No. CL.52 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. Elizabeth Mary Davies of 8 Howell Drive, Rhyl in the County of Flint, claimed to be the freehold owner 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 Mold on 10th April 1973.

The hearing was attended by Mr. Clement Jones, Solicitor, of Holywell, on behalf of the Claimant, Mrs. Elizabeth Mary Davies. He produced two statutory declarations by Mrs. Elizabeth Mary Davies and Mr. Robert Glyn Roberts. I asked him to furnish Affidavits in lieu of the declarations, so as to conform to the requirements of regulation 22 of the Commons Commissioners Regulations, and such Affidavits have since been received by me, together with a certified copy of a Conveyance dated 30th June 1938 and a copy Death Certificate of Mary Davies, sister of the Claimant.

The land in question adjoins the farm formerly known as Pwll, but now known as Bod Gwilym. By the Conveyance of 1938 this farm was conveyed (on sale) to the Claimant and her sister Mary Davies in fee simple as joint tenants at law and in equity. Mary Davies died in 1940, and the farm then passed by survivorship to the Claimant.

The evidence shows that on taking possession of the farm, the Claimant and her sister also took possession of the adjoining piece of land comprised in CL.52, and that, after the death of her sister in 1940, the Claimant alone remained in possession of CL.52, and she has ever since been in undisturbed possession and enjoyment of the rents and profits thereof, without any adverse claim being made against her.

I conclude, therefore, that the Claimant has acquired a statutory title to the land in question.

For these reasons I am satisfied that the said Mrs. Elizabeth Mary Davies is the owner of the land, and I shall accordingly direct the Flintshire County Council, as registration authority, to register her as the owner of the land under section 8(2) of the Act of 1965.



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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 27th day of July 1973.

A. E. Francis

Commons Commissioner