



COMMONS REGISTRATION ACT 1965

Reference No.52/U/73

In the Matter of The Common opposite
Garneddwen Cottage, Lixwm Ysceifiog

DECISION

This reference relates to the question of the ownership of land known as The Common, opposite Garneddwen Cottage, Lixwm, Ysceifiog, being the land comprised in the Land Section of Register Unit No. CL.107 in the Register of Common Land maintained by the former 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 Mr. Ithel Edwards of Garneddwen Cottage 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 8th April 1975.

The only appearance was by the claimant Mr. Ithel Edwards, who was represented by his solicitor. Mr. Armon Ellis of Messrs. Lewellyn Jones and Armon Ellis, Mold.

Mr. Edwards gave evidence. He stated that he had lived at Garneddwen Cottage since 1898, when he was 3 years old. Ever since he could remember, there were two stone pig-styes on the land in question, which were continuously used in succession by his father and the witness for rearing and fattening pigs. An old lime kiln on the land was used for the same purpose until it fell into disrepair at the end of the first world war. The pigstyes continued to be used for pigs until after the last war. The witness, about 16 years ago, took down the pigstyes, cleared the ground, and re-seeded the site. Young pigs and poultry belonging to the witness or his father were allowed to graze on the land at will. About 15 years ago, the witness erected a garage, made of timbers and metal sheets, on the land, and this garage has been in continuous use ever since. The witness also used the land for storage e.g. for storing fire wood, pea sticks and garden manure. In recent years, he has been accustomed to mow part of the ground, and also to plant bulbs - mainly, daffodils - in it. He pays rates in respect of the garage. No one has ever objected to his using the land.

This evidence leads me to the conclusion that the claimant has long since acquired a statutory title to the land.



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On this evidence I am satisfied that the said Ithel Edwards is the owner of the land, and I shall accordingly direct the Clwyd County Council, as registration authority, to register him as the owner of the land under section 8 (2) 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

15th

day of

October

1975

H. E. Francis

Commons Commissioner