



## COMMONS REGISTRATION ACT 1965

Reference No. 273/U/33

In the Matter of Gray Hill Common,  
Caerwent Community, Monmouth  
District, Gwent.

DECISION

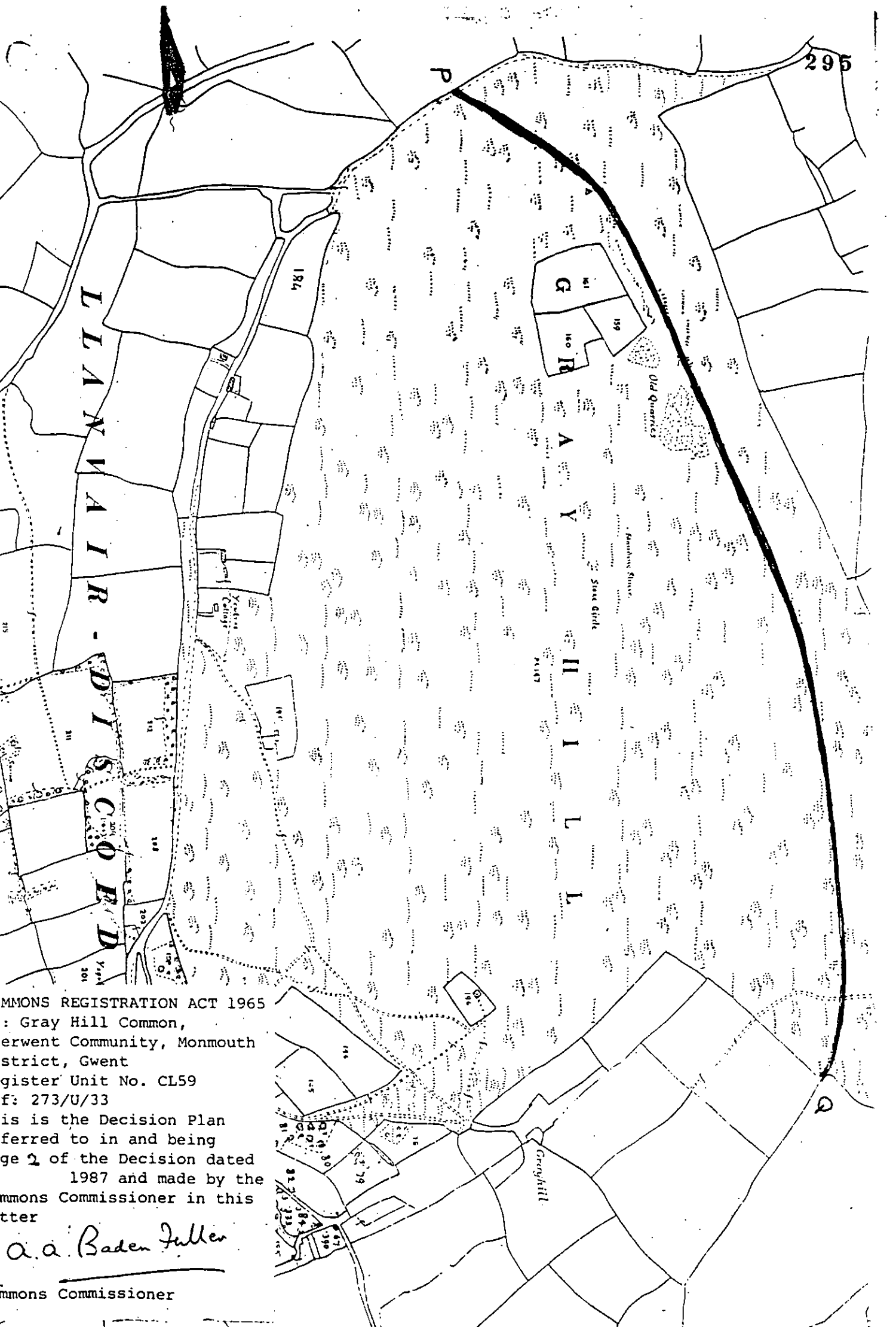
This reference relates to the question of the ownership of land known as Gray Hill, Common, Caerwent Community being the land comprised in the Land Section of Register Unit No. CL59 in the Register of Common Land maintained by the Gwent (formerly Monmouthshire) County Council of which no person is registered under Section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question or to have information as to its ownership. However, at a hearing on 19 November 1985 before Mr Langdon-Davies, Commons Commissioner claims were made on behalf of Mr G M Prichard and Mrs E M Prichard on the basis that they were the owners of the greater part of the land, see decision dated 6 December 1985, Reference 273/D/97-99.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Abergavenny on 25 June 1987. At the hearing (1) Mr George Matthews Prichard and Mrs Edna May Prichard were represented by Mr R H O'Sullivan, solicitor with Francis & Co, Solicitors of Chepstow; (2) Mr Lyndon George Martin and Mrs Veronica Martin of Yew Tree Cottage to which the rights registered at Rights Section Entry No. 4 are attached, attended in person; (3) Mr Richard Micklethwait of Penheim, Llanvair Discoed who owns one of the island pieces surrounded by the said land, attended in person; and (4) Caerwent Community Council were represented by Mr Denis Royston Harper their vicechairman.

The land ("the Unit Land") in this Register Unit is a hill sloping from the south upwards to a ridge like summit in one place a little over 900 feet; it is to the northwest of Llanvair Discoed containing (according to the Register as it was before the 1985 hearing) about 169 acres; consequential on the said December 1985 decision, some areas (mostly appearing on the Register Map as enclosed islands surrounded by the Unit Land) were removed from the Register reducing the area by about 1/10th. Mr Micklethwait said that he owned the three eastern islands and made no ownership claim to the rest. Mr Harper said that the Community Council also did not claim ownership.

Mr G M Prichard in the course of his oral evidence produced the documents specified in the Schedule hereto. The plan ("the Decision Plan") being page 2 of this decision is an uncoloured copy of the plan annexed to the 1921 conveyance (GMP/1); in the Decision Plan the area on the original coloured pink does not clearly appear; to give some precision to this decision, I have on the Decision Plan drawn a thick black line PQ to indicate the north boundary of the land on the original coloured pink. Mr Prichard said (in effect):- The said line PQ corresponds with the top of the Hill; he did not claim to own the part of the Unit Land north of it. William James Prichard and Jane Rymer Grindell Prichard named in the 1921 and 1929 conveyances (GMP/1 and 7) were his parents; he died 7 March 1937. William Edward Prichard named in the July 1938 grant (GMP/3) is his brother. He (the witness) grazed the



COMMONS REGISTRATION ACT 1965  
 : Gray Hill Common,  
 Berwent Community, Monmouth  
 District, Gwent  
 Register Unit No. CL59  
 Ref: 273/U/33  
 This is the Decision Plan  
 referred to in and being  
 page 2 of the Decision dated  
 1987 and made by the  
 Commons Commissioner in this  
 letter

a. a. Baden Fuller  
 Commons Commissioner



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part of the Unit Land south of the line PQ. He did not know who is the owner of the part north of this line.

Mr R Micklethwait said that he understood that the other side of the Hill (north of PQ) was (or had been) owned by the Duke of Beaufort, and that it was sold (? leased) to the Forestry Commission.

On the documents (GMP/1, 2, 3, 4 and 5) and the above summarised evidence of Mr Prichard, I am satisfied that he and Mrs E M Prichard are the owners of the part of the Unit Land south of the line PQ on the Decision Plan except OS No. 184 and on the documents (GMP/6, 7 and 5) are the owners of OS No. 184. Accordingly I shall pursuant to section 8(2) of the 1965 Act direct Gwent County Council as registration authority to register Mr George Matthews Prichard and Mrs Edna May Prichard of Hillside, Llanvair Discoed, near Chepstow as the owners of the part of the land in this register unit which is south of the thick black line marked PQ on the Decision Plan.

In the absence of any evidence I am not satisfied that any person is the owner of the part of the Unit Land north of the said line. Because Mr Micklethwait mentioned the Forestry Commission as a possible owner of this part, because application numbered 1739 of "Secretary of State for Wales per Forestry Commission for a Rights Section Registration (avoided consequentially on the said December 1985 Decision) specified them as owners of land adjoining the part of the Unit Land north of the said line, and because the Treasury Solicitor wrote a letter dated 21 June 1985 to the Clerk of the Commons Commissioners about the Unit Land, I shall direct a copy of this decision to be sent to him and I give to the Secretary of State for Wales and/or the Forestry Commission liberty to apply for a continuation of my said June 1987 hearing for the purpose of offering evidence about the ownership of the part of the Unit Land north of the line PQ. Any such application should be by letter to the Clerk of the Commons Commissioners, indicating the evidence which will be offered and should be made within THREE MONTHS from the day on which this decision is sent out (or such longer time as a Commons Commissioner may allow) and a copy of it sent to Gwent County Council as Registration Authority and to Caerwent Community Council as a concerned authority. Any such continued hearing will be in London unless a Commons Commissioner otherwise directs and notice of it will only be given to the said authorities and such other persons as write to the Clerk of the Commons Commissioners saying they wish to have it. Unless a Commons Commissioner is after any such continued hearing satisfied that some person is the owner of the part of the Unit Land north of the line PQ it will 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.

TURN OVER



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SCHEDULE  
(Documents produced)

- GMP/1            16 June 1921            Conveyance by Rt Hon C T H Kemeys-Tynte, Baron Wharton with the concurrence of Mrs E Kemeys-Tynte and Mr G M A Ellis as trustees of "the Unsettled Cefn Mably Estate" to William James Prichard and his wife Jane Rymer Grindell Prichard of Hill Farm containing about 138a.1r.24p. in the occupation of the said W J Prichard, and also 1r.9p with a ruined cottage and also "... parcel of land containing ... (145a.3r.31p) ... known as Gray Hill now in hand ... described in First Schedule hereto and delineated in the Plan annexed ... and thereon coloured pink"; the Schedule includes "part 117 Gray Hill part of (in hand), 140.000" and 159, 160, 161, 195, 197, 198, 78 and 196 "Enclosure on Gray Hill" (altogether 5.948 acres).
- GMP/2            24 September 1937       Letter from Morgan, Francis, Parnall & Akenhead, Solicitors of Chepstow; "deeds and documents relating to Hill Farm ... show a good selling title in Mrs Prichard".
- GMP/3            7 July 1938            Letters of administration to Estate of Mrs J R G Prichard (she died 18 May 1938) granted to her sons William Edward Prichard and George Matthews Prichard.
- GMP/4            9 November 1938       Assent by W E Prichard and G M Prichard as personal representatives of J R G Prichard in favour of G M Prichard of parcels of land containing 284a.2r.24p. with the farmhouse and buildings known as the Hill Farm for Village Farm.
- GMP/5            20 February 1969       Deed of gift by G M Prichard to himself and his wife Edna May Prichard first of the land and farmhouse formerly known as the Hill Farm but then known as Village Farm containing about 282.104 acres comprised in the 1921 conveyance (GMP/1) and thirdly parcels of land containing about 5.991 acres comprising part of the property in the June 1961 conveyance (GMP/8).
- GMP/6            1922                    Conveyance by Rt Hon C T H Kemeys-Tynte, Baron Wharton with the concurrence of E Kemeys-Tynte and G M A Ellis as Trustees to William Knight of a cottage and garden land adjoining Gray Hill containing about 7.775 acres, particularised



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in the schedule comprising OS 184 Pasture containing 1.424 acres and also OS Nos. 183, 189, 188, 191, 190, 192, 185, 187 and 217.

GMP/7.	28 June 1929	Conveyance by William Knight to William Edward Prichard and George Matthews Prichard upon trust for sale in equal shares of the said 7.75 acres.
GMP/8	12 June 1961	Conveyance by W E Prichard to G M Prichard of the said 7.75 acres.

Dated this 15<sup>th</sup> day of October 1987

*A. C. Boden Fellen*

Commons Commissioner