



COMMONS REGISTRATION ACT 1965

Reference No. 276/U/88

In the Matter of Bronhydian Common (part),  
 Castle Caereinion, Montgomery D

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DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit No. CL 7 ("the Unit land") in the Register of Common Land maintained by the former Montgomeryshire 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 (1) Trustees of Thomas Bowden deceased (2) the Powis Castle Estate Trustees claimed to be the freehold owners of the part of the unit 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 Welshpool on 24 February 1982. At the hearing Mr J M Stephenson, Solicitor, appeared on behalf of the Bowden trustees: and Mr H Davies, of the Powis Estate Office, represented the Powis Castle Trustees.

Parts of the Unit land are already finally registered in the name of L B Owen, and it is the remaining part which is the subject of this inquiry.

By a Conveyance dated 14 December 1948 property known as Gelli Isaf and Gelli Ganol farms was conveyed to Thomas Bowden. This property is described in Part I of the Schedule to the Conveyance and delineated on an attached plan, and it is reasonably clear and was confirmed by the evidence of Mr Norman Bowden that it included the remaining part of the Unit Land. Following the death of Thomas Bowden, by virtue of a written Assent dated 30 December 1962 the property became vested in H E Bowden on trust for sale and as a result of two Deeds of Appointment dated respectively 23 October 1968 and 5 October 1972 is now vested in the present trustees Frank Bowden and John Bennion Bowden.

The claim by the Powis Trustees is based on their ownership of the manor of Caerinion Iscoed which was included in the property conveyed to them by a Conveyance dated 10 November 1964. Mr Davies did not challenge the title deduced by the Bowden Trustees, and while it may be that there was a time when the Unit land belonged to the Lord of the Manor it seems clear that, if so, it must have been disposed of to a predecessor in title of Thomas Bowden.

On the evidence I am satisfied that the Bowden Trustees are the owners of the remaining part of the Unit land, and I shall accordingly direct the Powys County Council, as registration authority, to register Frank Bowden and John Bennion Bowden as the owners 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

30 March

1982

*L. J. Morris Smith*  
 Commons Commissioner