



COMMONS REGISTRATION ACT 1965

Reference No. 231/U/20

In the Matter of Llyncllys Hill,  
Llanyblodwell and Llanymynech  
and Pant, Oswestry D., Salop

DECISION

This reference relates to the question of the ownership of land containing about 96 acres and known as Llyncllys Hill, Llanyblodwell and Llanymynech and Pant, Oswestry District being the land comprised in the Land Section of Register Unit No. CL.58 in the Register of Common Land maintained by the Salop 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 and no 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 Shrewsbury on 20 February 1975. At the hearing, (1) Mr. D.H.G. Salt, solicitor of Salt & Son, Solicitors of Shrewsbury attended both on his own behalf and as representing Mr. G.C.A. Macartney and Mr. V.M.E. Holt; (2) Mr. R.N. Peate, solicitor of Minshall Pugh & Co. Solicitors of Oswestry represented Miss Sarah Edwards (on whose application Entry No. 14 was made in the Rights Section); (3) Mr. R.G. Kedge (the successor of Mr. W.F. Morris on whose application Entry No. 4 was made in the Rights Section) attended in person; (4) Mr. H.E. Meyer (the successor of Mr. T. Davies on whose application Entry No. 13 was made in the Rights Section) attended in person; (5) Mr. L.C. Roberts (on whose application Entry No. 1 was made in the Rights Section) attended in person; and (6) Llanyblodwell Parish Council were represented by Mrs. M.B. Edwards, their clerk.

Mrs. M.B. Edwards said that the Parish Council did not claim ownership. After some discussion, Mr. Peate said on behalf of Miss S. Edwards, that she had no further interest in this inquiry, and Mr. Kedge, Mr. Meyer and Mr. Roberts all said that they did not claim ownership.

Mr. Salt in the course of his evidence produced :- (1) A vesting deed dated 1 December 1926 declaring that 19,521 acres of land were then vested in the Rt. Hon. G.C. Earl of Powis ("the 4th Earl"); (2) probate dated 4 February 1953 (limited to settled land) of the will of the 4th Earl (he died 5 November 1952); (3) an assent dated 4 September 1956 by his personal representatives vesting 10,212 acres of land in the Rt. Hon. E.R.H. Earl of Powis ("the 5th Earl"); (4) a conveyance dated 10 November 1964 by the 5th Earl of the land comprised in the 1956 assent to him (Mr. Salt) and Mr. A.B. Thomas on trust for sale; and (5) an appointment of new trustees dated 3 August 1965 by which Mr. Macartney and Mr. Holt were appointed trustees of the said 1964 conveyance in the place of Mr. Thomas to act jointly with Mr. Salt. The 1926 deed included (among other Manors or Lordships) that of "Duparts". The 1956 assent also included (among other Manors or Lordships) that of



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"Duparts". Mr. Salt said that the lands particularly described in the 1926 deed and the 1956 assent did not include the land ("Unit Land") comprised in this Register Unit.

Mr. P.L. Marriott, chartered surveyor, who has been concerned with the Powis Estate since November 1952, having been the Agent successively of the 4th Earl, of the 5th Earl and of the Trustees of the 1964 conveyance, said, (in effect) :- Among the records in the Estate Office there is an outline plan showing the various manors belonging to the Earls of Powis; included on this plan is the Manor of Duparts, and the outline of Duparts shows the Unit Land as part of that Manor.

During his time as Agent of the Powis Estate, rights of a lord of a manor have been exercised successively by the 4th Earl, the 5th Earl and the Trustees of the 1964 conveyance in that they have let the sporting rights, granted way leaves for telephones and electricity supplies and easements for water supply pipes (being the pipes mentioned in the course of discussion by Mr. Roberts and Mr. Meyer.). On occasions the Estate Office had been asked by members of the public and local authorities to try and settle questions and minor disputes about the Unit Land. He (Mr. Marriott) thought it was generally accepted by the inhabitants of the locality that the 4th Earl, the 5th Earl and the said Trustees had been and the Trustees are now the owners of the Unit Land.

Mrs. Edwards said that the Parish Council have always accepted the ownership of the Unit Land being successively in the 4th Earl, 5th Earl and his Trustees.

After the hearing, I walked over part of the Unit Land. It is the north part of the hill about  $2\frac{1}{2}$  miles long and  $\frac{1}{2}$  mile wide; it is grass land with much bracken and some scrub, just such land as can properly be regarded as the waste land of a manor. On the evidence of Mr. Marriott, and the statement by Mrs. M.B. Edwards, I conclude that it has at all relevant times been reputed to be part of the Manor of Duparts and has accordingly by virtue of section 62 of the Law of Property Act 1925 passed under the 1956 assent and the 1964 conveyance and is therefore now vested in the Trustees.

For the above reasons, I am satisfied that the Trustees are the owners of the Unit Land and I shall accordingly direct the Salop County Council as registration authority to register Mr. Denis Hubert Geoffrey Salt of 10 Belmont Street, Shrewsbury, Mr. George Charles Anthony Macartney, D.S.O., care of Salt & Son, of 10 Belmont Street, Shrewsbury, and Mr. Vesey Martin Edgar Holt of Orleton Hall, Wellington, Telford, Salop as the owners 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 10<sup>th</sup> ——— day of March ——— 1975

*a. a. Baden Fuller*

Commons Commissioner