



In the Matter of land at Craig-Y-Rhiw, Froncysllite,
near Llangollen, Clwyd

DECISION

This reference relates to the question of the ownership of land at Craig-y-Rhiw, Froncysllite near Llangollen, being the land comprised in the Land Section of Register Unit No. CL.83 in the Register of Common Land maintained by the Clwyd 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 Miss D R Hartley and Mrs M A Watson 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 Chester on 27 June 1984. At the hearing Mrs Hartley and Mrs Watson were represented by Mr J L Jones, Solicitor, and Mrs J A Lawson appeared in person.

A small part of the land comprised in the Register Unit consisting of a steep bank forming part of the garden of a house known as Ty Gwyn, was conveyed to Mrs Lawson by a conveyance made 18 February 1976 between (1) Frederick Joseph Cutaia and Glenda Lee Curtaia (his wife) (2) Judith Ann Lawson. Mr and Mrs Cutaia had a good root of title in an indenture made 24 April 1922 between (1) Samuel Morton (2) Benjamin Hughes.

By an assent made 24 March 1934 Enid Myfanwy Hartley and Dorothy Rosamon Hartley as executrices of Mrs Amy Lucy Hartley, their mother, assented to the vesting in themselves of a parcel of land at Froncysyllite containing 1a.2r. 16p. or thereabouts delineated and coloured pink on an indenture dated 23 November 1888 made between (1) Edward Hughes (2) Edward Tomson Hartley. Miss E M Hartley died on 26 May 1964.

In pursuance of two deeds of appointment made 30 December 1937 and 20 June 1977 the land is now vested in Miss D R Hartley and Mrs Watson.

The plan on the 1888 indenture appears to include the whole of the land comprised in the Register Unit, but Mr Jones accepted that Mrs Lawson had a good title to the land the subject of the 1922 indenture. Mr Jones also accepted that the land shown on the plan on the 1888 indenture does not include a narrow tongue of land forming the south-western extremity of the land comprised in the Register Unit.

On this evidence I am satisfied that Miss Hartley and Mrs Watson and Mrs Lawson are the owners of parts of the land, and I shall accordingly direct the Clwyd County Council, a registration authority, to register them as the owners of their respective parts of the land under section 8 (2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land, which will therefore 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.

Dated this

9th

day of

July

1984

Chief Commons Commissioner