



Reference No. 271/U/10

In the Matter of Waen Isa Common,  
near Marian Cocaldiad, Aforwen,  
Ysceifiog, Delyn District, Clwyd

DECISION

This reference relates to the question of the ownership of land containing about 1.01 hectares (2.49 acres) known as Waen Isa Common, near Marian Cocaldiad, Aforwen, Ysceifiog, Delyn District being the land comprised in the Land Section of Register Unit No. CL 71 in the Register of Common Land maintained by the Clwyd (formerly 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 Enoch Hughes said (his Solicitor's letter of 4 November 1974) that by a conveyance dated 1 June 1960 Mr Gwilym Harrison Morris conveyed to him land shown on the attached plan, a copy of which was produced (it showed that the land in question was or might be included). No other person claimed to be the freehold owner of the land or to have information as to its ownership.

Mr Commissioner CA Settle QC held a hearing for the purpose of inquiring into the question of the ownership of the land at Denbigh on 23 February 1978. There was no appearance at the hearing and the Commissioner gave his decision dated 11 March 1978 accordingly. On learning that no notice of the hearing had been sent to Mr Hughes' Solicitors, the Commissioner decided to withdraw his decision and to relist this matter for hearing.

I held the relisted hearing at Holywell on 18 July 1980. At this hearing Mr Enoch Hughes was represented by Mr J C Hughes, solicitor of Swayne, Johnson & Wight, Solicitors of Denbigh.

Mrs Dorothy Mary Hughes, the widow of Mr John Henry Hughes who is a son of Mr Enoch Hughes (they married on 21 July 1921) and who died in 1969, in the course of her evidence produced: (1) the said 1960 conveyance, (2) an examined copy of a conveyance dated 14 December 1921 by Mrs S E Evans (formerly Morris) to Mr G H Morris, and (3) an examined copy of a conveyance dated 5 November 1890 by Messrs D Hollins and W W Evans to Miss E Jones. She (Mrs D M Hughes) said (in effect) She had since her marriage lived at Bron Fadog which is a farm of about 150 acres not far from the land in question; Mr Enoch Hughes (now aged 84 years) took over this farm from his father and has farmed it ever since, helped by his son Mr John Henry Hughes from when he left school until his death. The land acquired by Mr Enoch Hughes under the 1960 conveyance (therein said to contain 22.529 acres and apparently including all the land in this Register Unit) has ever since been farmed with Bron Fadog. The land in this Register Unit (in the conveyance said to contain 2.597 acres) is partly pasture and partly cut as hay; although in the conveyance this land is expressed to be conveyed subject to "the right of the Parish of Ysceifiog to get stones for road repairs as heretofore from the quarry ... so far as such right is still subsisting and capable of being exercised", neither she nor Mr Enoch Hughes had even seen anybody quarrying there; recently persons had dumped rubbish there.

By the documents produced the title of Mr Enoch Hughes in the said 22.529 acres is regularly deduced. On these documents and on the evidence of Mrs D M Hughes I am satisfied Mr E Hughes is the owner of the land, and I shall accordingly direct the Clwyd County Council, as registration authority, to register Mr Enoch Hughes of Bron Fadog, Babell, near Holywell 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 4/8 — day of August — 1980.

a. a. Baden Fuller

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Commons Commissioner