



In the Matter of the land known as Moel or
Foel Dyniewyd in the parish of Beddgelert,
Gwynedd

DECISION

This reference relates to the question of the ownership of land known as Foel Dyniewyd in the parish of Beddgelert being the land comprised in the Land Section of Register Unit No. CL 71 in the Register of Common Land maintained by the former Caernarvonshire 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 there were two claims to the freehold ownership of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Porthmadog on 24 February 1961.

Mrs J Evans appeared for Mrs Ellen Gellrina Jones (formerly Miss Ellen Gellrina Owen) and Mr O Williams of Messrs Gwymdaf Williams and Roberts, Solicitors of Porthmadog appeared for the Trustees of Colin Alistair Gresham's Settlement Gordon Mather, Donald Mather and Raymond Bark Jones.

As examination of the title-deeds produced by Mr Williams established that the Trustees are the owners of a small area at the extreme North-Eastern tip of the land, which I have hatched blue on the file copy of the Register plan.

Mrs Jones's title is a matter of some difficulty. Mr Jones claims through his father Owen Cadwaladr Owen who purchased Gwmbychan Farm on 9 April 1920 from the Trustees of the Priestley Estate. The farm was Lot 22 in the Plan attached to the Auction Particulars and is made up of specific plots set out in the first Schedule to the Conveyance and totalling 110 acres 2 roods 37 perches. The farm is expressed to be conveyed 'Together with the full benefit of the right of grazing 190 sheep in Gwmbychan Mountain sheep walk as hitherto used'. In passing I would note that the passage quoted would only pass the right of grazing and is not apt to convey the fee simple estate in the area grazed.

The copy plan attached to the 1920 Conveyance shows Lot 22 and another larger area to the north both edged pink and a third and larger area to the east edged blue. All three areas are adjacent to each other. There is no reference in the Conveyance to any land shown edged blue. The land edged pink (excluding Lot 22) and the land edged blue together make up the land in Register Unit CL 71 other than the small part which is owned by Mr Williams' clients, but in my opinion the 1920 Conveyance did not and did not purport to pass any part of the soil of the Register Unit to Mr Jones. This may well have been contrary to the intention of the parties to the Conveyance.

However Mrs Jones does say in her Statutory Declaration that she and her mother have been in undisputed possession of the sheep pasture since 1949 and the person who would be entitled to claim the land as part of the Priestley Estate has expressly disclaimed ownership. In these circumstances I can accept the evidence that Mrs Jones has a possessory title to the remainder of the unit.



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On this evidence I am satisfied that the Trustees are the owners of the said area hatched blue and that Mrs E G Owen is the owner of the remainder of the land and I shall accordingly direct the Gwynedd County Council, as registration authority, to register them respectively 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

5th

day of

May

1981

Commons Commissioner