



In the Matter of Brynmawr, Llangynog,  
Montgomery D

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DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 15 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 The Powis Castle Estate Trustees ("the Powis Trustees") claimed to be the freehold owners of the land in question ("the Unit land") 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 23 February 1982.

At the hearing the Powis Trustees were represented by their Agent Mr P L Marriott, Chartered Surveyor; Mr E M Edwards, Solicitor, appeared on behalf of the owners of Yr Eithin farm which has a registered right of grazing, but who were not claiming ownership of the Unit land: and Mr W H Edwards, Solicitor, appeared on behalf of Mr S C Davies, who has registered a right of grazing but does not claim ownership.

The claim of the Powis Trustees is based on ownership of the lordship of the manor, which in Mr Marriott's submission carried with it ownership of common land situate in the manor of which there is no other owner. Mr Marriott produced a Map of 1820 showing Viscount Clive's Barony, Seigniorie Boroughs and Lordships. The Legend on the Map states that the Barony of Powis comprises various manors, one of which is Mochnant. Mochnant is shown on the map, and in it Llangynog, the district of the unit land, is situated.

By a Vesting Deed dated 1 December 1926 there was declared to be vested in the then Earl of Powis as tenant for life under a Settlement freehold property known as the Powis Castle Estates including a number of manors or lordships of which Mochnant was one. Following the death in 1958 of the Earl of Powis, his special personal representatives, by a written Assent dated 4 September 1956, after reciting that the succeeding Earl the Rt. Hon. Edward R H Earl of Powis ("the Settler") was entitled to the property free from the limitations of the Settlements, assented to (inter alia) the Manor or Lordship of Mochnant vesting in him in fee simple. By a Conveyance dated 10 November 1964 the Settler conveyed the property described in the Assent (other than parts previously sold) to trustees on trust for sale and to hold the proceeds of sale on the trusts of a contemporaneous settlement. The claimants are D G G Salt, G C A Macartney and V M E Holt, who are the present trustees of the Conveyance.

In past centuries it is, I think, true to say that the lordship of a manor was regarded as carrying with it the ownership of the soil of common land or waste land in the manor. This of course was not the case where such land had been sold or enfranchised, but in my view the concept is properly applicable in regard to common land in a manor ownership of which is not claimed except by the lord of the manor. I am satisfied on the evidence that the present claimants are the lords of



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the manor, and by virtue of Section 62(3) Law of Property Act 1925 the deeds to which reference is made above operated to convey with the manor the commons and hereditaments appertaining or reputed to appertain to the manor. I am accordingly satisfied that the claimants are the owners of the unit land, and I shall accordingly direct the Powys County Council, as registration authority, to register them 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

29 March

1982

A handwritten signature in cursive script that reads "L. J. Morris Smith".

Commons Commissioner