



In the Matter of the Tract of land
2423.845 HA(5990.721 acres) or there-
abouts of mountainous land and moorland,
Llangynog and Llanrhaedr.

SUPPLEMENTARY DECISION

This decision is supplemental to and should be read with my earlier decision in this case dated 4th April 1984. After that decision had been issued I received a request from Messrs. R T and J E Morris that I should re-open the hearing on the grounds that owing to unfamiliarity with procedure they had failed to present their respective claims at that hearing. This failure may also have been due to ^amisunderstanding as to whether or not they were being represented by a firm of Solicitors at the hearing.

I ^{was} am satisfied that this is a case in which the hearing should be re-opened and I held a further hearing for that purpose at Llandrindod Wells on 28 November 1984.

Mr D R Crawford of Longuevilles Solicitors of Oswestry appeared for Messrs. R T and J E Morris, Mr P Wilcox-Jones of Dilwyn Jones and Sons, Solicitors of Llandrindod Wells as Agents for Iliffes Solicitors of Chesham appeared for Effold Properties and Mr W H Edwards of Hwyl Ll. Davies, Solicitors of Bala for Messrs. R J and E E Davies Registered Applicants in the Rights Section.

Mr Crawford stated that his clients made no claim to ownership of any part of the triangle of land at Moel Sych mentioned in my decision. Mr Robert Thomas Morris having been sworn said that he was 64 years old and had lived at Tynypant Llangynog since 1940. His family had occupied Tynypant Farm since before 1908. The southern boundary of area B of the Register Unit was part of the northern boundary of Tynypant Farm.

He had grazed the area C,B,K,L continuously since 1940. About 15 years ago he had renewed a line of fencing. When he first saw the fence in 1930 the wire of the fence was becoming slack and additional posts were put in to support the wire. I have drawn a line on the Map between the points A-B to show the line indicated by the witness. No one had ever challenged his right to maintain a fence there. Along the southern boundary of area B there was an occasional tree. The part of area B which was fenced off was not cultivated nor was the area reseeded at any time. He re-built the fence with the assistance of his employe^{es} along the line of the existing fence. The Eastern end of the fence is on his property.

In cross examination the witness said that he acquired the freehold in 1961. The purpose of the fence was to make sheep gathering easier.



-2-

Mr J E Morris claimed two parts of area C. The first is the land edged green on a plan mentioned in a Conveyance made the 7th January 1970 between Richard Jones Davies (1) Edward Thomas Humphreys (2) & John Euriuym Morris (3). The second is shown edged red on a plan which will be attached to the copy of this decision sent to the Registration Authority.

These two claims were accepted by Mr Wilcox-Jones.

On this evidence I am satisfied that Mr R T Morris is the owner of that part of area B south of the line A-B and that Mr J E Morris is the owner of the land edged green on the plan annexed to the said Conveyance dated 7 January 1970 and the area edged red on the plan accompanying the copy of this decision sent to the Registration Officer. Subject to this the decision as to land owned by Effold Properties Ltd will stand.

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

3rd

day of

January

1985

Commons Commissioner