



COMMONS REGISTRATION ACT 1965

Reference No. 276/U/140

In the Matter of Y Gribin,
Llangynog, Montgomery District,
Powys

DECISION

This reference relates to the question of the ownership of the part ("the lettered E Part") hereinafter defined of the land ("the Unit Land") known as Y Gribin, Llangynog, Montgomery District being the land comprised in the Land Section of Register Unit No. CL34 in the Register of Common Land maintained by the Powys (formerly Montgomeryshire) County Council. The Unit Land is a tract of about 71 hectares (175.5 acres). In the Ownership Section of the Register, of the parts lettered A and B on the Register map (about 1/3rd of the whole on the south-west) Norman Charles Blake and Geoffrey Donald Blake are registered as the owners, and of the parts lettered C and D on the Register map (about 3/7ths of the whole on the northeast and east) Muriel Morris is registered as the owner. The lettered E Part means the remainder of the Unit Land so lettered on the Register map (on the north and northwest) 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 (1) Messrs M T Morris, E D Morris and J M Morris claimed ownership of → part of the lettered E Part (their solicitors' letter of 22 November 1984 to Powys County Council enclosing a statutory declaration made by their father Mr William Edward Morris on 14 November 1984); and (2) Mr David Gwynfryn Ellis of Pengwern Farm on whose application the registration at the Rights Section Entry No. 2 was made, claimed ownership and later withdrew such claim (his Solicitors' letters of 29 April and 4 July 1985); and (3) Mr R H E Jones as successor of Mrs Annie Jones of Pencraig on whose application the registration at Rights Section Entry No. 3 was made, said he would not wish to make any claim to ownership of the land itself (his Solicitors' letter of 14 March 1986). No other person claimed to be the freehold owner of the lettered E part or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lettered E Part at Welshpool on 30 April 1986. At the hearing (1) Mr Maengwyn Thomas Morris, Mr Edward David Morris and Mr John Maldwyn Morris were represented by Mr J I Williams, solicitor of Longueville & Co, Solicitors of Oswestry; and (2) Mr David Gwyfryn Ellis helped by his brother in law Mr Evan Emrys Williams, was present in person.

Mr E G Williams said that Mr D G Ellis made no claim either to be the owner of the lettered E part or to graze it (the registration at Rights Section Entry No. 2 only extended over the lettered B and C parts).



- 2 -

Mr Edward David Morris in the course of his oral evidence produced the documents specified in Part I of the Schedule hereto. He said (in effect):- The said documents related Nantyr-headglawdd or Nantyrhenglog ("the Farm") which is situated between the Unit Land and the River Eirth. John Jones party to the 1922 conveyance (EDM/1) was his great great uncle. Muriel Morris and Robert Jones parties to the 1962 conveyance (EDM/2) were his mother and uncle. He is one of the persons taking under the 1976 assent and conveyance (EDM/3 and 4), the others M T Morris, M B Matthews and J M Morris being his two brothers and sister. He was born in 1947. About the Unit Land, the line of the boundary between the parts lettered A and B and parts lettered C, D and E is the line of the watershed; along part of this line there is and has for about the last 16/18 years a fence from the west corner of the lettered D part southeastwards to the southeast boundary of the Unit Land; just post and one strand of wire. The northwest and northeast boundaries of the lettered E part are now and have always as long as he could remember been fenced; thick wire ordinary fence with wooden posts.

Mr William Edward Morris in the course of his oral evidence said (in effect):- His wife Mrs Muriel Morris was the owner of Nantyrhenglog and she applied to be registered as owner of the lettered C and D parts. He applied for the Rights Section registration at Entry No. 1 of a right to graze sheep over lettered C, D and E parts. He (on behalf of his sons) claimed ownership of all the grazeable land north of the watershed but some of the lettered E part is not grazeable being steep and rocky (as indicated generally on the Register map northeast of "Craig Llwyn-Armon"). There are in effect 2 watersheds; one being that indicated by previous witness and the other by the said rocky part and incapable of being precisely delineated on a map.

On the day after the hearing I inspected from the road the northeast side of the Unit Land, particularly where this side slopes very steeply up from the enclosed lands near the road; much of the rocky area mentioned by Mr W E Morris was visible and evidently ungrazeable.

The substance of the claim is that Mrs Muriel Morris when applying to be registered as the owner of the sheepwalk specified in her documents of title mistakenly omitted a substantial area of the lettered E part which was grazeable. On the evidence above summarised, there being no opposition to the claim, I am satisfied that Messrs M T Morris, E D Morris and J M Morris as successors of Mrs Muriel Morris are the owners of this substantial area. There was some discussion at the hearing as to how the boundary between this grazeable area and the ungrazeable rocky area could in the Register be conveniently defined, and the definition hereinafter set out was in effect agreed as appropriate. Accordingly I shall direct Powys County Council as registration authority pursuant to section 8(2) of the 1965 Act to register Mr Maengwyn Thomas Morris of Tyissa, Maengwynedd, Mr Edward David Morris of Maes, Maengwynedd and Mr John Maldwyn Morris of Tyn-y-Fedwen, Maengwynedd as the owners of the southwesterly area of the lettered E Part considered for this purpose as divided into two: a southeastly area which is grazeable and a northeasterly area which because it is rocky and steep is not grazeable, the dividing line between the two areas being for the purposes of identification and approximately a westnorthwest straight line passing through the letters "L1" of the name "Craig-Llywyn-Armon" on the Register map.



- 3 -

In the absence of any evidence I am not satisfied that any person is the owner of the said northeasterly area which being rocky and steep is not grazeable, and it will therefore remain subject to protection under section 9 of the 1965 Act.

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.

SCHEDULE
(Documents)

Part I: produced at hearing

EDM/1	25 September 1922	Conveyance by The Rev John Silas Evans and The Representative Body of the Church in Wales to John Jones of farm called Nantyrhenglog containing 25a.l.r.24p. "in the occupation of the Purchaser ... coloured pink on the plan ... together with such right of sheepwalk as has been heretofore enjoyed with the premises"
EDM/2	1 June 1962	Conveyance by (1) Muriel Morris and Robert Jones with the concurrence of (2) Muriel Morris, Robert Jones, Morfydd Linford and Catherine Elizabeth Poppy Davis to (3) Muriel Jones of farm containing 23.385 acres edged pink (same as said 25a.l.r.24p. less outlying pieces containing 2.016 acres) "together with ... (as in EDM/1 supra).
EDM/3	29 July 1976	Assent by William Edward Morris and Ellen May Hughes as personal representatives of Muriel Morris (she died 7 December 1974 intestate: letters of



- 4 -

administration dated 24 July 1975) in favour of Maengwyn Thomas Morris, Mair Berwenna Matthews, Edward David Morris and John Maldwyn Morris of 23.385 acres of land (same as EDM/2) "Together with such right of sheepwalk as has been hitherto enjoyed with the premises "upon trust for sale for the intestates children and surviving husband.

EDM/4

12 August 1976

Conveyance by Ellen May Hughes, Mair Berwenna Matthews and Bronwen Jones Jones as vendors and Mair Berwenna Matthews, Edward David Morris and John Maldwyn Morris as trustees to Maengwyn Thomas Morris, Edward David Morris and John Maldwin Morris as purchasers of 23.385 acres as described in and "together with" as in EDM/3.

EDM/5

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Copy Register map.

Part II: mentioned in 1984 declaration

5 November 1962

Conveyance by George Wyndham Gough and Beatrice Esme Hartman to Muriel Morris of Ffynnon Gribin extending to 15.922 acres together with "such rights of sheepwalk (if any) as are held with the said pieces or parcels of land".



1 December 1957

Vesting deed from which
Messrs G W Gough and B E Hartman
deduced title as owners of
the Llechwedd y Garth Estate.

Dated this 5/12 — day of January — 1987

a. a. Baden Fuller

Commons Commissioner