



COMMONS REGISTRATION ACT 1965

Reference Nos 274/D/43 to 46
inclusive

In the Matter of Moel Hebog,
Dolbenmaen, Dwyfor D

DECISION

These disputes relate to the registrations at Entry Nos 1, 2, 3 and 4 in the Rights Section of Register Unit No CL. 68 in the Register of Common Land maintained by the former Caernarvonshire County Council and are occasioned by Objection No 19 made by William Owen and noted in the Register on 17 December 1970, Objection No 26 made by William Owen and noted in the Register on 4 February 1970, Objection No 27 made by William Owen noted in the Register on 4 February 1970 and Objection No 29 made by Owen Arthur Owen noted in the Register on 11 February 1970.

I held a hearing for the purpose of inquiring into the dispute at Pwllheli on 27 May 1976.

The hearing was attended by:-

Mr Emrys Jones of Messrs Breese Jones and Casson on behalf of all the Objectors, Mr J C Jones, articled clerk of Messrs William Morgan & Son, on behalf of W H Evans, Rights applicant at Entry No 1, Mr R Lawton of Messrs Gwydaf Williams & Roberts on behalf of Lt Col Goodchild, Rights applicant at Entry No 2, Mr A R Richards, surveyor, on behalf of R T Davies the successor to Rights applicant under Entry No 3.

The land in question falls to be considered in four separate parcels lettered respectively A, B, C and D on the plan annexed to this decision. The Crown Estate Commissioners are under a final registration registered as the owners of Parcel D. There were produced two conveyances which established that William Owen was the owner of Parcels A and B and it was conceded by the Rights applicants that Owen Arthur Owen is the owner of Parcel C and that they have no grazing rights over Parcels A, B and C. In these circumstances the only outstanding issues are as to whether or not the Rights applicants or any of them have rights over Parcel D.

Mr Ellis Owen the son of William Owen aged 36 had lived on his father's farm since the age of 6 and was now in charge of farming his father having died two years ago. He had never seen any flocks other than his father's grazing on Cwm Lle; he has 450 sheep there now and a further 200 ewes with followers will go there soon. In cross examination he agreed that Margaret Williams was his grandmother and she died as her farm which was $1\frac{1}{2}$ miles away. He said his father paid a lump sum for the rights but he had no document to prove this. He had never seen John Pierce.



Mr Robert Wynn Owen and uncle of Ellis Owen confirmed the evidence of Ellis Owen. He said his brother used to pay annual sums for the rights but at one stage paid a lump sum for them. He said Mr Davies brought his sheep up once but they were only there for a few days and returned to their home of their own accord.

This evidence as to grazing by William Owen and his son was unchallenged and I therefore confirm the Entry at No 4 in the Rights Section limited to Parcel D.

Mr Davies gave evidence that he had stayed as a visitor at what was then his uncle's farm. When he was aged 14 his uncle showed him the sheep walk but he didn't know how long after that his uncle grazed. This part of the mountain was called Cwm Lle.

Morris Williams grazed in 1939. In 1959 he bought a flock but did not graze it on the mountain because there was too long a time lapse. He had been on the fridd two or three times. John Pierce did take his sheep on the mountain. He did not have a flock when Mr Davies went there; he let his rights to Morris Williams. Mr Davies has never taken sheep on the mountain.

Hughes Evans said he had never put sheep on the mountain. He said he had heard that an uncle of his put some sheep there in about 1890 for four or five years, and then he went into commerce. He bought Coed Gwyn but there are no grazing rights appurtenant to that farm.

On this evidence I am satisfied that I must confirm the Entry at No 4 in the Rights Section and that in the absence of any direct evidence of grazing by any of the applicants under Entries 1, 2 and 3 or their predecessors I must refuse to confirm these Entries.

In the result I confirm the Entry at ~~No 1 in the Land Section modified so as to be limited to the land in the ownership of the Crown Estate Commissioners,~~ and I confirm Entry No 4 in the Rights Section and refuse to confirm Entries 1, 2 and 3 in the Rights Section.

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 July

1976

C. A. L. H. G.

Amended 30/9/76
to be limited to
12.2.76
Crown Estate
Commissioners

Commons Commissioner
Amended under regulation 33

C. A. L. H. G.
28.9.75

