



COMMONS REGISTRATION ACT 1965

Reference No 274/D/36, 37 & 38

In the Matter of Mynydd Graig Goch,
Dolbenmaen, Dwyfor D

DECISION

These disputes relate to the registration at Entry Nos 8, 10, 11, 12, 13 and 14 in the Rights Section of Register Unit No CL. 45 in the Register of Common Land maintained by the former Caernarvonshire County Council and are occasioned by Objection Nos 52, 53 and 54 all made by Cymdeithas Mynyddig Dolbenmaen and all noted in the Register on 18 August 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 I E Owen of Messrs Robyns Owen & Son on behalf of the Objector Cymdeithas Mynyddig Dolbenmaen (hereafter called the Society), Mr G Roberts on behalf of the applicant at Entry No 10 and Mr W Evans the son of the applicant at Entry No 12 appeared to support that Entry. There was no appearance on behalf of the applicants at Entry Nos 8, 11, 13 and 14.

I deal first with Entry No 13. The applicant Mr William Owen had claim rights to graze on Units CL. 17 and CL. 44 which adjoin this Unit and I was told that sheep from these Units in fact graze on this Unit and vice versa. I was also told that Mr Owen had agreed to reduce his claim to graze 200 sheep on this Unit to a claim for 100 sheep if his claims at Entry Nos 17 on CL. 17 and 14 on CL. 44 were increased by 100 sheep. I am unable to give effect to this agreement for the reason that Entry Nos 17 and 14 aforesaid are final. For this reason I confirm Entry No 13. The total number of sheep which Mr Owen is entitled to graze will be the agreed number.

Mr W Evans the son and Mrs Jones the daughter of D J Evans the applicant under Entry No 12 gave evidence of grazing and in the light of that evidence Mr Owen conceded that I should confirm that Entry.

Mr Roberts on behalf of Mr Roger Owen the applicant for rights in grass under Entry No 10 produced a letter written by Mr Roger Owen which stated that in 1926 he bought a sheepfold from Owen Williams who owned a sheepwalk in Graig Goch and that therefore he had little difficulty in keeping the sheep in the cynefin belonging to Plas Nogrwydd. When I pointed out that a conveyance of a right of common was required to be by deed (see Sections 52 and 205(ix) of the Law of Property Act 1925) Mr Roberts produced an unstamped document dated 27 July 1968 whereby William Tudor Jones purported to relinquish rights appurtenant to Plas Nogrwydd in favour of and to be appurtenant to Drwsdegoed. This document, even if it could be effective which in my view it cannot, is inconsistent with Mr Roger Owen's claim and his above mentioned letter. Quite apart from the defects in Mr Roger Owen's alleged title no evidence was led as to the existence or quantification of any rights which either Mr Owen Williams or Mr William Tudor Jones may have been in a position to assign. For these reasons I refuse to confirm Entry No 10.



The applicants under Entry Nos 8, 11 and 14 did not appear to support their applications and I refuse to confirm these Entries.

To sum up I confirm Entry Nos 12 and 13 and refuse to confirm Entry Nos 8, 10, 11 and 14.

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 21st day of July 1976

C. A. Little

Commons Commissioner