



COMMONS REGISTRATION ACT 1965

Reference No. 274/U/40

In the Matter of the piece of land called Moel Hebog  
in the Parish of Dolbenmaen

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DECISION

This reference relates to the question of the ownership of land known as Moel Hebog in the Parish of Dolbenmaen being the part of the land comprised in the Land Section of Register Unit No. CL 68 in the Register of Common Land maintained by the former Caernarvonshire 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 no person claimed to be the freehold owner of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Porthmadog on 24 February 1981.

Mr W R P George of William George and Sons, Solicitors of Porthmadog appeared for Mr R T Davies and Mr W H Evans who were registered applicants in the Rights Section and Miss J Phillips, appeared on behalf of the Crown Estate Commissioners who were registered as owners of part of the register unit. Neither Mr George's clients nor the Crown Estate Commissioners made any claim to the unclaimed land.

Miss Phillips informed me that as a result of her investigation of the title, it appeared that the unclaimed land was now divided into three separate parts as shown on a plan she produced. Part B was strip running the whole length of the northern part of the unit. Part C was a small area adjoining the S.W. corner of the land owned by the Crown and Part <sup>A</sup> was the remainder of the unclaimed land.

As a result of this information claims have been made to each part.

Part A is comprised in a Conveyance made the 24 March 1920 between the then Lord Harlech and his Settled Land Act Trustees and Ellis William Owen. Ellis William Owen died in 1942 and on the 31 December 1959 his surviving personal representatives assented to land which included Part A vesting in William Owen. William Owen died in 1974 and on the 30 July 1974 Letters of Administration to his estate were granted to his widow Mrs Laura Owen and Ellis William Owen.

Part B was conveyed to Owen William Owen by a Conveyance dated 15 June 1923. I was informed that O. W. Owen's son obtained probate of his father's estate but I have no documentary proof of this.

Part C was conveyed to Ellis William Owen on 20 June 1930. He died in 1942 and his will was proved in the same year. By an Assent made the 31 December 1953 his executors assented to Part C vesting in Ellis Fotty Owen and Owen Arthur Owen appointed Allen Wynne Owen to be a co-trustee with himself of the property comprised in the said Assent.

I have indicated the respective boundaries of Parts A, B and C on the plan annexed

*for equal shares beneficially. Ellis Fotty Owen died in 1956 and on 19 June 1981 from Arthur Owen*



to my decision.

On this evidence I am satisfied that (i) Mrs Laura Owen and Ellis William Owen as personal representatives of the estate of the late William Owen who died in 1974 are the owners of the land shown marked 'A' on the plan annexed hereto. (ii) Owen Arthur Owen and Allen Wynne Owen are owners of the land marked 'C' on the said plan as Trustees of the will of Ellis William Owen who died in 1942 and I shall accordingly direct the Gwynedd County Council to register them respectively as owners of the said land marked 'A' and 'C' as aforesaid under S. 8(2) of the Act of 1965. (iii) I am not satisfied that any person is the owner of the land marked 'B' on the said plan it will therefore remain subject to protection under section 9 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 this 12<sup>th</sup> day of March 1982

*Levy Hesketh*

Commons Commissioner

*Amended pursuant  
to Reg paragraph 33  
of the Commons Commissioners  
Regulations 1971.*

*Levy Hesketh*

*20 Nov 1982*