



In the Matter of Foel,
Llanddwyweisygraig

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 125 in the Register of Common Land maintained by the former Merioneth 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 Mr D G Williams claimed to be the freehold owner of part of the land in question ("the Unit land") and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Dolgellau on 29 April 1980.

At the hearing Mr G Evans, of the firm of J Charles Hughes and Company, appeared on behalf of Mr Williams.

Mr Evans produced a Conveyance dated 7 December 1920 between (1) A S W Griffith (2) W C H Burne and Another (3) Guardian Assurance Co. Ltd (4) H W Milne and Another (5) W Parry whereby there was conveyed to W Parry a farm and lands known as Llwyngriffi in the Parish of Llanddwywe-is-y-Graig of some 159 acres. There is no plan attached to this Conveyance but the property is described in detail in the First Schedule, Item 58 in which is " $\frac{2}{3}$ Allotment on Llanddwywe Mountain (in common with the tenement of Tyddyn-y-Felin which is entitled to the remaining $\frac{1}{3}$) 87 acres". This 87 acres is the southern section of the Unit land and is the part which Mr Williams claims.

By a Conveyance dated 23 November 1945 W Parry conveyed the farm to Mr and Mrs R F Jones, a map of the farm premises being attached to the Conveyance, "together with a right of pasturage over $\frac{2}{3}$ of the allotment on Llanddwywe Mountain as hitherto enjoyed in common with the tenement of Tyddyn-y-Felin which is entitled to the remaining $\frac{1}{3}$ of the said allotment having an area of 87 acres. The allotment is not shown on the plan. By a Conveyance dated 4 September 1962 Mr and Mrs R F Jones conveyed to W C Williams First the farm shown on the plan (which is similar to the plan on the 1945 Conveyance) and Secondly the "allotment of pasture on Llanddwywe Mountain such allotment being now fenced and containing ...87 acres". Finally by a Conveyance dated 29 March 1965 W C Williams conveyed to D G Williams (the Claimant) the farm and other property and thirdly the "allotment of pasture on Llanddwywe Mountain such allotment being now fenced and containing 87 acres".

Giving evidence Mr D G Williams said that he had resided at Llwyngriffi since 1962 when his father bought the property and that he purchased it from his father in 1965. Since 1962 he had grazed animals on the part claimed throughout the year.



There is a fence along the southern boundary of the Unit land which was put up in about 1951: and about 1953 Mr Jones had put up a fence across the middle of the Unit land, that is along the northern boundary of the southern section, the fence at the eastern end going north up the strip of road leading to the lake and dividing the roadway into two sections. The eastern section of the road is also claimed by Mr D G Williams. Mr Williams gets access to the southern section of the Unit through a gate on the western boundary - the fences and walls on the boundaries are kept in repair by adjoining farmers and himself and the Jones's.

The 1945 Conveyance to Mr and Mrs Jones (the immediate predecessors in title of Mr W C Williams) comprised only a right of pasturage over the southern section of the Unit land, not the southern section itself. The 1962 Conveyance by Mr and Mrs Jones to Mr W C Williams, as I construe it, purports to convey the southern section itself but there was no evidence to show by what means the right of pasturage they acquired in 1945 had become a right to the land itself, which they were in a position to convey in 1962. Nevertheless proof of title is to be inferred from acts of ownership and the 1962 Conveyance was itself an act of ownership on the part of Mr and Mrs Jones and the 1965 Conveyance an act of ownership on the part of Mr W C Williams (see Phipson on Evidence 12th Ed. paras. 335-338). If there is added the evidence of Mr Williams as to the erection of fences and to his own enjoyment of grazing rights, I think the right conclusion is to find that the successive acts of ownership by Mr and Mrs Jones and Mr D G Williams and his father have sufficiently established the ownership which Mr D G Williams claims.

Mr D G
Williams

I shall accordingly direct the Gwynedd County Council, as registration authority to register/under Section 8(2) of the Act of 1965 as the owner of the part of the Unit land which he claims. As to the remainder of the Unit land, I am not satisfied that any person is the owner and 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 14 July 1980

L. J. Morris Smith

Commons Commissioner