



COMMONS REGISTRATION ACT 1965

Reference No. 50/D/6

In the Matter of Land called
Pen Llech, Porthceiriad
Abersoch, Llanengan

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. C.L.43 in the Register of Common Land maintained by the Caernarvonshire County Council and is occasioned by Objection No. 98 made by Hugh G. Williams and noted in the Register on 30th September, 1970.

I held a hearing for the purpose of inquiring into the dispute at Bangor on 6th December 1972. The hearing was attended by James Francis Crossley (the applicant for registration) and T. Jones Humphreys (chairman of Llanengan Parish Council).

The Objector, Mr. Hugh G. Williams, did not appear. It is to be noted, however, that the objection to the registration is based on the possession by the objector of "deeds and documents that will prove ownership on the whole of the land". Mr. Crossley stated that he admitted Mr. Williams' ownership, but this, of course, does not preclude the land being common land within the meaning of the definition in section 22(1) of the Commons Registration Act 1965.

Evidence was given before me by Mr. J.F. Crossley, Mr. William Jonathan Williams, Mr. Gerard B.P. Forwood, and Mr. T. Jones Humphreys.

Mr. Crossley produced a copy extract from the plan of the outlying portion of the Vaynol Estate used at a Public auction in December 1907, and also a copy extract from the Particulars of Sale used at the same auction. The land in question formed part of Lot 103, and was described as follows:

"842) Llechfraith ~~or~~ Pen Llech
858) Common Land between ~~Pen~~ Bryn Celyn Bach, Bryn Celyn Uchar and
Bryn Celyn Isaf

Mr. Crossley also produced copies of 2 plans in the custody of the County Record Office at Caernarvon. The earlier plan, dated 1777, appears to show the land in question as part of a "Common called Llechfraith". The other plan, dated 1832, describes the land in question under the reference no. D2 as "Unenclosed part of Llechfraith".

The land in question remains unenclosed although it is now surrounded by various enclosures. Access to it is obtained from a nearby public highway along a cart track, which has never been gated, as well as from other ungated tracks.

There seems no doubt that rights of the nature of rights of common have been exercised over the land down to recent times by local farmers and others. These rights were described by Mr. Crossley as cutting gorze, quarrying stones and grazing. He said that such rights were exercised down to 1st January, 1926, and since. The most important witness on this aspect of the case was Mr. W.J. Williams, a retired farmer aged 69 years, who prior to 1933 farmed Sara Bach and after 1933 Riffle; both being farms near the locus in quo. He used to play on the land in question when a boy. He said that the land had been used by some 5 farmers for (a) quarrying



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stones for building, (b) cutting gorze for bedding purposes, and (c) grazing and that one or other of these rights had been exercised as recently as 1950.

Mr. Forwood stated that he had known the land for 24 years, and that it was always referred to as "the Common". He could vouch that the land had been used by at least one farmer (Mr. John Jones of Nant-big Farm) for grazing cattle, and occasionally sheep.

Mr. T. Jones Humphreys said that in the year 1930 his father took stones from the quarry on this land for building his house called "Pen-y-maes".

There was also evidence that about 10 years ago the Lleyn Rural District Council erected a notice on the land prohibiting the deposit of rubbish. It appears that, after some 2 years, the notice fell into disrepair and disappeared.

There was no evidence that any rights of common have been exercised over the land since the year 1950. Even so, I ^{do} not consider that it would be right to infer that the rights of common which (as I find) have been exercised over the land down to 1950 had been abandoned as at the date of registration of the land as common land on 14th February, 1968.

For these reasons I confirm the registration.

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

15th

day of

February

1973

A. E. Francis

Commons Commissioner