



COMMONS REGISTRATION ACT 1965

Reference No 54/D/53 and 54

In the Matter of Wain Tafolog, Orddu,  
Craig Wenallt, Bryn Bras, Llanfor,  
Meirionnydd D

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DECISION

These disputes relate to the registrations at Entry Nos 1 and 2 in the Ownership Section of Register Unit No CL. 48 in the Register of Common Land maintained by the former Merioneth County Council and are occasioned by the conflicting registrations mentioned above.

I held a hearing for the purpose of inquiring into the disputes at Dolgellau on 8 February 1977. The hearing was attended by Mr Roddick counsel instructed by Mr W H Edwards on behalf of the Crown Estate Commissioners and by Mr J R Jones of Messrs Guthrie Jones on behalf of Mr G C Jones.

By Entry No 2 Mr Jones claimed part of Unit No CL. 48 and the Crown by Entry No 1 claimed the whole of that Unit which is finally registered as Common Land in the Land Section and over which there are several final registrations of Common Rights.

Mr Roddick produced a survey dated 1838 by John Jones which established that John Jones considered that the land in question was in the ownership of the Crown at that time and a later survey by Joe Owen made in 1864 accompanied by a statutory declaration which to some extent confirmed the earlier survey. However in June 1885 in an action in the High Court, between the Attorney General (on behalf of the Crown) and H Ellis and others, the Court made a declaration which Mr Roddick produced which declared that the Crown was the owner of the land the subject of the action which included the land in question. Mr Roddick also produced a schedule of leases of sporting rights granted by the Crown over the period 1872 to 1969 and he produced leases granted in 1933, 1943 and 1969. This evidence in my view establishes the Crown's title.

However Mr Jones claimed that the land was an integral part of his farm Llwyn Onn which was conveyed to him by L M Copeland on 24 June 1957. Mr Copeland acquired this farm from John Watkins the surviving personal representative of Watkin Watkins by a conveyance dated 24 June 1948. Watkin Watkins succeeded to the farm under the trust declared in respect thereof by the will of "atkin Watkins, his grandfather dated 6 August 1882 which did not define the boundaries of the farm. On the occasion of the sale to Mr Copeland Mr E W Stevens made a statutory declaration the effect of which was that the land in question was part of the farm and had been enjoyed as such without any adverse claim for 40 years.

The land in question has been used for grazing by Mr Jones and his predecessors and others for grazing and it is not suitable for any other use. This use is consistent with the exercise of a right of common and is no evidence of an act of ownership such as to confer a prescriptive title. There was at one time an endeavour to fence the land and when this came to the notice of the Crown it forthwith objected to the fencing.



In these circumstances while I have every sympathy with Mr Jones I am satisfied that Mr Copeland did not acquire a good title to the land in question in 1948 and could not pass a good title to Mr Jones in 1957 and I am further satisfied that neither Mr Jones nor his predecessors have acquired a title by adverse possession.

For these reasons I confirm the Entry at No 1 and refuse to confirm the Entry at No 2.

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 April 1977

*Y. A. Little*

Commons Commissioner