



COMMONS REGISTRATION ACT 1965

Reference No. 16/U/114

In the Matter of Kings Meads (part)
Hertford Town, East Hertfordshire
District, Hertfordshire

DECISION

This reference relates to the question of the ownership of land known as Kings Meads (part), Hertford Town, East Hertfordshire District being the land comprised in the Land Section of Register Unit No. CL 171 in the Register of Common Land maintained by the Hertfordshire 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 Metropolitan Water Board claimed (letter of 13 December 1973) ownership of the land for themselves and their then expected successors as from 1.4.74. Thames Water Authority; and East Hertfordshire District Council suggested (letter of 24 May 1978) that owing to the arbitrariness of the boundaries of their adjoining lands (another part of Kings Meads) particularly that to the east, their deeds might throw light on the ownership of the land in question. No other person claimed to be the freehold owner of the land or 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 Hertford on 8 June 1978. At the hearing Thames Water Authority ("the Authority") were represented by Mr D J Webster solicitor in the employ of the Authority, and the Hertfordshire and Middlesex Trust for Nature Conservation Limited ("the Trust"), on whose application the registration was made, were represented by Mr J C Doyle one of their members.

The land ("the Unit Land") in this Register Unit is south of and adjoining to the River Lea and north but not adjoining to (except for about 350 yards) the road from Hertford to Ware (A119), and is made up of two pieces irregularly shaped each about 3/4 of and 1 mile long and separated by the railway (Hertford-Ware).

Mr J C Bartlett chartered surveyor who is the Area Surveyor of the Authority for the Metropolitan, North, East, and Lea Area, and who has been employed by them or their predecessor Metropolitan Water Board for 38 years, in support of the Authority's claim to all the Unit Land produced: (1) a plan based on the 1923 OS 1/2,500, prepared from the Authority's Terrier Sheets (handed over in 1902 by New River Company to Metropolitan Water Board and since kept up to date) and showing the Terrier numbers; (2) a schedule (set out in the Schedule hereto) of the deeds supporting the title to each such Terrier number, and (3) a Book of Maps (1872) of the New River ~~Water~~ Waters and Estate. He said (in effect):- The Authority claims one part (about 350 yards long at the west end of the south piece) as "Sewage Work Land", it having come to the Authority as part of the Hertfordshire Sewage Works; they claimed the rest as "Water Land", it having come to the Authority as successors of Metropolitan Water Board; the amalgamation was under the Water Act 1973.



Apart from 2 or 3 comparatively small parts which he indicated, all the Unit Land was in one or other of the deeds specified in the Schedule. The Unit Land for the most part is grassland, but it is crossed by numerous water channels (looking like canals), and also (at a high level) by the new Ware Bypass (A10). The grassland is let on two agricultural tenancies (to Mr Smith in 1962 and Mr Spencer in 1950). But the water channels are to the Authority very important, being an essential part of their Lea Valley Works.

Before considering the deeds in detail, Mr Doyle gave evidence (so as to clarify the issues if any between the Authority and the Trust). He said (in effect):- the public have for many years walked freely over the Meads (including the Unit Land) unimpeded and unhindered. The Trust recognises that the water channels are probably owned by the Authority, but feel that the grass area at least belonged to the Borough of Hertford under a charter of HM King Charles II. Before the hearing he had no idea that the Authority might own all the Unit Land.

I adjourned the proceedings for a short time during which, so I understood, Mr Webster produced some or all of the documents mentioned in the Schedule hereto to Mr Doyle. On resuming, Mr Doyle said that he having considered the position and looked into some of the documents, he withdrew any challenge to the Authority's ownership. He did not take any further part in the proceedings.

Mr Webster then produced all the documents specified in the schedule hereto. If each Terrier No. was considered separately, some are open to criticism: eg No. 2201 is of a quarter share only, No. 2207 only a copy was produced, No. 2234 was a manuscript copy of a private Act (not a King's Printer's copy), parcels of the older documents are not considered by themselves clear, and there are some small areas (as stated by Mr Bartlett) not included in any document. But considered collectively, as the documents of title to a large area all of which is either occupied by the Authority itself or by one or other of its two tenants, they are in my opinion cogent evidence of ownership of the ~~site~~ ^{area shown}; some of the areas doubtful under the older documents in the plans drawn on these later as being in the ownership of New River Company; if there are any areas omitted from the documents or any other defects of a conveyancing character, the possession of the Authority and (as I infer) the possession of Metropolitan Water Board and New River Company would by the operation of the Limitation Act have long ago cured any such omission or defect.

On the considerations ~~found~~ ^{mentioned} above, I am satisfied that the Authority is the owner of Unit Land, and I shall accordingly direct the Hertfordshire County Council as registration authority, to register Thames Water Authority of new River Head, Roseberry Avenue, London EC1 as the owner of the land under section 8(2) 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.

(SCHEDULE OVER

SCHEDULE

Deed No	Date	Parties	Description
Lea. 757	12.3.1948	Mrs M E A Bedenham and the Mayor Alderman and Burgesses of Hertford	Conveyance
2201	20.11.1856	Trustees of Mr and Mrs Marsh and others to New River Company	Conveyance (N.R. Co Act 1854)
205	1.2.1902	Sir James Farrer Kt and others to New River Company	Conveyance
2207	28.9.1860	The Hon Thomas Robert Barron Dimsdale to New River Company	Deed of Covenant to surrender copyhold
2215	7.2.1842	Mr Samuel Andrews and his mortgagees to New River Company	Conveyance
2217	10.4.1741	Sarah Pretlove. Widow to Robert Holford Esq. and Peter Holford Esq. In trust for the New River Company	Release
2218	3.4.1827	Rt Hon Lord John Townsend and Tr'ee to New River Company	Appointment and release
2219	31.8.1743	Deed of Covenance- Thos. Orger to New River Company	Indenture
2234	1737/38	Act* for investing certain mills lands in Ware and Great Amwell in the New River Company	Part of the Estate of Thomas Plummer Byde
2236	10.2.1836	Charles Bouchier Esq and New River Company	Deed of Covenant to surrender
2239	28.11.1832	Mrs Ann Hitch and others to the Governor and Co of the New River Company	Release in fee

TURN OVER



Deed No	Date	Parties	Description
2265	23.12.1865	R W Mylne Esq to New River Company	Conveyance
3057	20.11.1906	Exors of A E McMullen deceased to Metropolitan Water Board	Conveyance
B3058	12.10.1906	Caterine Cecilia Countess Cooper and Shorthand and Trustees to Metropolitan Water Board	Conveyance
3360	29.9.1915	R F Hanbury Esq to Metropolitan Water Board	Conveyance

* NOTE:- 11 Geo 2. c. xiv.

Dated this 23rd day of August — 1978.

a. a. Boston Fuller

Commons Commissioner.