



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/97

In the Matter of the area at the
junction of High Street and
Hadham Road, Standon, East Hertfordshire
District, Hertfordshire

DECISION

This reference relates to the question of the ownership of an area of land at the junction of High Street, Paper Mill Lane and Hadham Road, Standon, East Hertfordshire District, being the land comprised in the Land Section of Register Unit No. CL 230 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 Mr P K Hodgson as clerk to the Trustees of the Standon Charities in a letter dated 1 September 1988 said that the land is part of a bequest included in the Charity of John de Standon established by an indenture dated 23 July 1658, is clearly identified in the bequest, and is item No 12 in the lands listed as 'Old Inclosures not affected by the Act of Inclosure'. No other person claimed to be the freehold owner of the land in question 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 1 November 1988. At the hearing: (1) the Standon Charity Trustees were represented by Mr Peter Kenneth Hodgson, their clerk (present also was Mr H G S Banks their chairman); and (2) Hertford County Council as Registration Authority were represented by Miss Ann Pegrun, Archivist in the County Record Office.

In the course of his oral evidence Mr Hodgson produced or referred to the documents specified in the Schedule hereto. Of such documents those not produced by him were from the County Record Office produced by Miss Pegrun; "CRO" in such Schedule. Mr Hodgson who has lived in the Parish for the last 20 years and been the Clerk of the Charity since 1982, said (in effect):- The land ("the Unit Land") in this Register Unit is a grass piece at the junction of and between the roads now known as Standon High Street (to the north) and Paper Mill Lane (to the west). It is fenced to prevent cars going on it; it is crossed by a footpath; on it there is an oak tree planted to commemorate the Jubilee of HM King George V. On it is Standon Pudding Stone, geologically a conglomerate, originally by the Church and in 1903 moved onto the Unit Land. The Charity also owns the plot on the Register Map numbered 386 (there marked as containing 1.015 acres and including "Almshouses"); the plot numbered 385 (there marked as containing .632 acres and including "School") is now private dwellings and is no longer owned by the Charity.



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Miss Pegrun in the course of her oral evidence produced from the County Record Office the undated abstract (SC/3), the 1840 Tithe Award with the Tithe Map annexed to it (SC/10 and 11), and the unexecuted Groom declaration (SC/12), held as a private gift, for the diocese of St Albans, and as deposited by Hares, Solicitors for the Charity, respectively.

On the day after the hearing, I inspected the Unit Land. The oak tree has a seat round it. The Pudding Stone is an interesting object enhancing the pleasing appearance of the Unit Land. The School building on the other side of the road now dwellinghouses is interesting being timber and brick. The Unit Land generally is apparently a valuable amenity for those who live near and for others of the village. The fence, concrete posts joined by a single iron rail (pipe) effectively prevents cars taking a short cut over the grass.

The 1892 Order (SC/6) vests the "site of cottage and garden" in the Official Trustee of Charity Lands; enough to establish ownership if the Unit Land can somehow be identified with this "site". I doubt whether the unexecuted 1892 declaration (SC/12) can in law be an identification, although I suppose many local historians would regard it as good enough. It may be that the 1698 indenture (SC/2) is a conveyance of the Unit Land following an appointment of new trustees, but I find it difficult to read and to understand and have not yet found in it any reference to the "John de Standon". The 1835 further Report (SC/5) contains no reference to the 1698 indenture, apparently regarding the 1658 indenture and the 1633 Deed Poll as the decisive documents; however it does, and also do the 1836 Plan (SC/8) and the 1838 poster (SC/9) contain (as Mr Hodgson emphasised) words apparently describing the Unit Land. So in my opinion I have evidence enough of the needed identification, and conclude therefore that the Unit Land before the Charities Act 1960, vested under the 1892 Order in the Official Trustee.

By section 48 of the Charities Act 1960 the Official Custodian of Charities is the successor for all purposes of the Official Trustee of Charity Lands. Accordingly on the oral and the written evidence summarized above and in the Schedule hereto I am satisfied that he as such successor is the owner of the Unit Land, and I shall therefore pursuant to section 8(2) the Act of 1965 direct Hertfordshire County Council as registration authority to register the Official Custodian of Charities as the owner according to the 1892 Order (SC/6) of the land comprised in this Register Unit.

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.



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SCHEDULE
(Documents produced)

SC/1	--	List of evidence to be produced by Standon Charities in support of their claim to own the Unit Land.
SC/2 (CRO)	5 February 1698	Indenture dealing by way of Bargain and Sale for "five shillings" much land including "all that other messuage or tenement lying between a messuage of late Thomas Langley to the north, the Common Way leading to the Paper Mills to the south, abutting upon another Common Way called Standon Street toward the east".
SC/3 (CRO)	--	Draft abstract of conveyance containing wording similar to SC/2.
SC/4	1835	Account. (about 10 pages) of several Standon Charity Estates
SC/5	1835*	Extract from Further Report of the Commissioners for inquiring concerning charities, being pages 284, 285, 286 and 287 of a printed book; extract headed "Parish of Standon: John de Standon's Charity" Mentions indenture of feoffment dated 23 July 1658 and a deed poll of 24 June 1633, and quotes property subject to "the good and charitable intentions of John Standon ... all that other messuage or tenement lying between the messuage late of John Peppercorn, towards the north, and the common way leading to the Water-mill towards the south and abutted upon another common way called Standon-street towards the east;...".
SC/6	22 March 1892	Order of Charity Commissioners in the Matter of the Charities of John de Standon (and 7 others) appointing new trustees and vesting the freehold lands and hereditaments specified in the Schedule thereto in the Official Trustee of Charity Lands. Schedule includes: "Site of cottage and garden: 0.0.13. (A.R.P.): William Groom (tenant): 5.0.0. (f.s.d.: income).
SC/7	10 April 1894	Order of Charity Commissioners approving Scheme: endowment specified in Schedule including words as above quoted from 1892 Order (SC/6) with a note as to the vesting thereunder in the Official Trustee of Charity Lands.

*Charity Commissioners' 29th Further Report, House of Commons Papers 216 of 1835: Volume 21 Part I.



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- SC/8 1836 Plan of Charity Land showing blue among other lands the Unit Land and on the other side of the road from Standon to Hadham and south of the Church Grave Yard, lands on the Register Map marked as OS385 and 386 containing .632 and 1.015 acres and marked as "School" and "Almshouses".
- SC/9 1838 Printed poster headed Puckeridge Herts advertising lands of the Standon Charity Estate to be let by tender; including lot 5: "A small piece of ground opposite the School at Standon being the site whereon two cottages lately stood".
- SC/10 1839 Tithe Map showing as No. 875 Unit Land, as No 833 the Almshouses and as Nos 834 and 835 the former school.
Part
of SC/11
- SC/11 23 September Tithe Award: "875: Garden Ground:-.-.13."
(CRO) 1840
- SC/12 July 1892 Draft, declaration of William Groom occupier of property coloured blue on enclosed plan (land adjoining Unit Land on the northwest) admitting land coloured pink (the Unit Land) "is the property of the Standon Charity Estates ...".
(CRO)

Dated this 13th day of November 1988

A. A. Baden Fuller

Commons Commissioner