



COMMONS REGISTRATION ACT 1965

Reference No 16/U/120

In the Matter of Cage Pond and the  
Old Cage, Shenley, Hertsmere  
District, Hertfordshire

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DECISION

This reference relates to the question of the ownership of land known as Cage Pond, and the Old Cage (including access), Shenley, Hertsmere District, being the land comprised in the Land Section of Register Unit No CL. 214 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 Shenley Parish Council claimed ownership: 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 8 June 1978. At the hearing Shenley Parish Council were represented by Mr O K Rogers, their chairman.

Of the land ("the Unit Land") in this Register Unit, the greater part is a pond at the north end of the Village on the east side of and adjoining the B 567 road. The lesser part (the Cage) is a circular or octagonal building, erected many years ago for keeping offenders in temporary confinement; it is on the north (or northwest) side of the Pond near the road and the Unit Land includes a small access area between the Cage and the road.

Mr Rogers produced a photograph of the Cage and Pond which appeared (from the clothes of the people in the picture) to have been taken in about 1905 and a copy of a photograph apparently of about the same date.

Mr S T Flashman who has lived in the Parish since he was 7 years old (1916) and is now and has been for the last 18 years clerk of the Parish Council, in the course of his evidence said that he had discovered the history of the Unit Land as best he could from the Parish records (including the Parish Council Minute Book) and the County Archives, and he produced a paper setting out the result of his researches. The Parish Tithe Map does not give a separate inclosure number to the Cage, but braces the Cage to the Pond and the Pond to the highway. Until the 1920's (as appears from the photographs) the layout of the Queen Adelaide (a public house adjoining on the north) was different; then the public house faced south and there were two cottages which backed on the Unit Land and faced the public house. The first Parish Council record relating to the Unit Land is dated 1899; it was decided to ask the County Council foreman to deliver up the keys of the Round House, he having them as security for tools stored in the building. In 1911 the Parish Council paid £25 to have the Pond cleaned. Mr Flashman's paper sets out numerous later records of the Parish Council's concern with the Cage and the Pond, from which it appears that since 1911 they have spent £156 on the Pond and £283.1s.11d on the Cage.



Mr E J Broadley who is a member of the Parish Council, and was a member of Elstree Rural District Council and is now a member of Hertsmere District Council said that by one of the windows of the Cage there is inscribed a motto which was well worth recording in these proceedings: "DO WELL AND FEAR NOT". Others present thought that the motto by the other window should not be forgotten: "BE SOBER: BE VIGILANT".

On the evidence of Mr Flashman, I conclude that the Parish Council are now and have been for many years in possession of the Unit Land as reputed owners; a conclusion I would have reached even if I had not inspected (as I did after the hearing) the Unit Land and then read in situ the mottos and pondered how the Cage might have been used long ago. Possession in such circumstances is equivalent to ownership, and I am therefore satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register Shenley Parish Council 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.

Dated this 27<sup>th</sup> day of June 1978

*a. a. Baden Fuller*

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Commons Commissioner