

Down With the Fences

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is a collection of
essays by
James Alan
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————— past tense —————

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Down With the Fences

Preface

The original edition of *'Down With The Fences'* was written in 2003-4, emerging from research for a talk at the South London Radical History Group. Looking into struggles to preserve open space in South London was inspired by stumbling one day onto One Tree Hill in Honor Oak, loving the wildness and disorder of the place, and then learning of how it had been saved by campaigning and rioting in 1897. Brought up wandering and trespassing in the hills of the Peak District, raised on tales of the Kinder Trespass and of fights for access, it was a revelation that an urban open space had been fought over in the same way. It opened a whole rabbit hole, which I am still following.

As published in 2004, I knew our original pamphlet had only skimmed the surface of the subject. Further research since then has uncovered many other battles and issues, as well as clearing up some confusions and exposing contradictions and complexities not addressed in the original text. But this edition is itself incomplete and inadequate; there is so much more to explore and discover. Some stories I still have only found a line, a charge in a courtroom, a mention in a tedious local history book. Other accounts here are highly edited, and the full story deserves a book in itself.

Any attempt to map space that is less than actual size over-simplifies; any project trying to give a historical account of open space and how it has been fought over is only ever going to be a work in progress.

And battles for space continue, and have erupted since that first version was published – the contestation of space in London has ratcheted up incrementally. Even as I write the fallout from the damage a commercial festival has wreaked on Brockwell Park is still seething.

The true authors of this pamphlet are myriad: not only John Lewis of Richmond, Michael Bradley of Bellingham, John Buckmaster of Battersea; but the hundreds of thousands of women and men, most never named (men's names tend to be remembered, but women took the lead in many battles), who fought to preserve the open space they relied on, loved or lived on.

Hopefully, the next version of this won't take another twenty years.

Alex Hodson, 2024.

Down With the Fences

*"The law condemns the man or woman
Who steals the goose from off the common,
But lets the greater villain loose
Who steals the common from the goose."*

- Old popular rhyme.

*"For though you and your Ancestors got your Propriety by murther and theft,
and you keep it by the same power from us, that have an equal right to the
Land with you, by the righteous Law of Creation... the Earth, with all her Fruits
of Corn, Cattle... was made to be a common Store-house of Livelihood to all
Mankind"*

- Gerrard Winstanley, 'Declaration from the Poor oppressed People of
England... to Lords of Manors', 1649.

Parks, commons, woods, from the heaths to the slivers of grass at the edge of the roads: green places in the heart of London are places of refuge, pleasure, for picnics, games. They can be a lifesaver, when work and stress and all rises up and threatens to overwhelm you; you can lie on your back while the wind dances in the trees. When you've got no garden, when your family drives you nuts, when you just love the grass. For the mad endless football matches, falling out of trees, hide and seek as the sun dapples the moss; for dancing round your phone in the summer evenings, wiping the tear away as you daughter's bike wobbles round the lake for the first time, even for when you're masochistic enough to go running on rainy mornings...

But the open green spaces that we know and love don't just exist, an entitlement. Just because we have free access to them now doesn't mean was always be like that...

Centuries of hard battles were fought in the past, for access to green spaces, to save them from being built on or sold off, or stop them being walled off for the exclusive use of the rich. Many parks exist because they were preserved from development by collective action: by campaigning, petitioning, by legal agitation, or through rioting, sabotage, tearing down fences & re-opening up enclosed land.

This pamphlet attempts to tell some of the stories of this resistance in South London.

"Who Steals the Common..."

Between the 16th and the 19th centuries, much of the land in England, from farmland, fields, heaths, commons and woods, was 'enclosed': surrounded with fences, hedges, ditches, or other barriers, usually with smaller plots gathered together and consolidated. This process massively altered the patterns of landholding and access to land hugely, increasing its profitability, mostly for larger landowners and bigger farmers.

Farming before the 18th century usually took the form of the 'open field' system: large long fields, divided into smaller strips worked by tenant farmers. Farmers' holdings might be split up around a village. Access, working the land, drainage, all necessitated co-operation between residents, who often shared equipment. Farmers might collectively agree cropping patterns at village level. Propagandists for enclosure argued that this was all very inefficient. Enclosure consolidated these smaller holdings into larger fields, allowing for efficiencies in production, and was often associated with the building of new roads which improved transport for agricultural produce.

However, smaller tenant farmers, those working smaller plots of land or labouring tended to lose out by enclosure, especially losing access to resources on commons. In many commons, local people had traditionally benefitted from customary rights of use, mostly to graze their animals, harvest foodstuffs for their own or animals' food, & collect wood or other materials for burning for fuel, but also often of sowing of small plots on the fringes of commons for market gardens or feeding themselves.

But despite its name, common land was not land held 'in common', collectively by a community. It was almost always land owned by the Lord of the Manor, on which over time other local people had come to exercise some rights, fought for and won through centuries of individual and collective struggles.

Common land generally means one of three things:

1. land over which people other than the owner had acquired or been granted some rights, usually to carry out certain activities, originally economic or sustenance.
2. manorial waste, uncultivated and unoccupied land, open, forming part of a particular manor without being land the lord used himself
3. more recently: lands which though not legally defined as commons, are

managed 'for the public good', usually (though not necessarily) publicly owned.

Under the first case, 'commoners', usually local residents, the people who held common rights, had access to the lands in question, usually for any of the following:

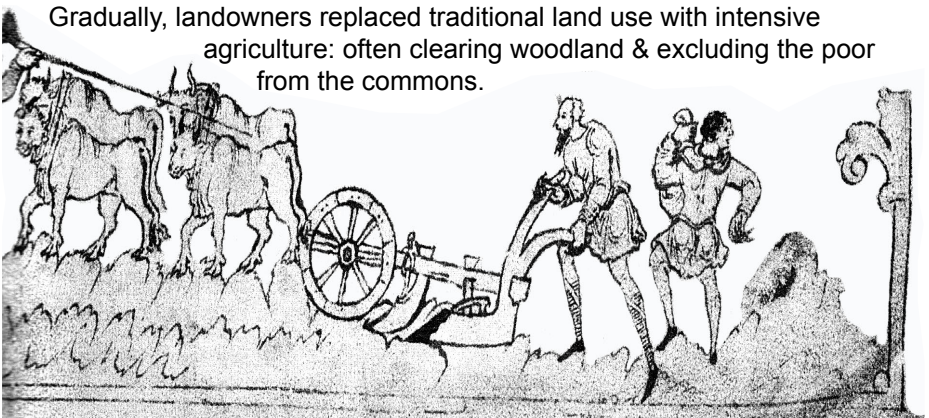
- rights of pasture
- pannage: the right to graze their pigs on acorns and beech mast;
- estovers: the right to collect small branches and underwood for fuel or building repairs;
- turbary: the right to cut peat or turf for drying and burning as fuel;
- piscary: rights to fish from streams and ponds;
- soil rights: the right to take gravel, stone, sand.

All these applied only for what a commoner could use themselves in their own home or on their own land. These rights became part of unwritten social contracts, by custom and tradition, or allowances granted by landowners in response to struggle and protest, though their legal status could be questionable.

Commons often came to be managed either officially through the parish, or unofficially by community agreement, to try to ensure peaceful use by all, or by those locally recognised as having 'common rights', and to restrict use by those without them, and over-exploitation that could exhaust resources.

As time went on the 'commoners', those with acknowledged customary rights relating to a Common, could become wealthy individuals themselves, or rights could end up attached to wealthier individuals.

Gradually, landowners replaced traditional land use with intensive agriculture: often clearing woodland & excluding the poor from the commons.



Those deprived lost traditional ways of making a living, or topping up incomes as labourers or craftspeople; they were experiencing the change in class relations at first hand, losing everything bar the ability to sell their labour, as capitalism replaced a society of complex vertical social obligations & custom with relationships based entirely on profit.

Enclosure lined the pockets of the already dominant landowning classes, but also enriched merchants and other traders, hungry for social advancement and power. On top of demand for land for development and more intensive agriculture there was also pressure to clear undesirable people from marginal land.

While the Lord of the Manor, the main local landowner, was often the initiator of enclosure, this was not always the case.

The mass upheavals caused by enclosures were not pushed through without resistance. Traditional rights of access to the commons had always been a battleground, not a happy interdependence between landowner and tenants. Those who depended on the rights to collect fuel, gather foodstuffs, or graze animals, fought attempts to shut them out of the land - it was a matter of survival. Others with some 'rights of common' might be small-scale landowners themselves, who would lose out too, but had some chance of compensation. The latter had more legal clout to challenge enclosure.

Tactics were as varied as the complex web of rights and customs that enclosure sought to do away with, ranging from petitions, court cases, demonstrations, to sabotage and riot, destruction of fences and ditches, & driving of animals onto enclosed land. At crucial periods enclosure led to armed rebellion.

Some battles were won - many more lost.

"Forbeare to hunt, chace, molest or hurt the king's stagges..."
Poaching

One of the biggest areas of dispute in rural areas was poaching; especially in royal woodlands, the lower classes were banned from catching many game animals, reserved for hunting by aristos.

Forest Law, first introduced by king William the conqueror in the late 11th century, created new laws that took precedence over existing rules relating to land use. Even where the king didn't actually own the land he assigned as royal forest, his right to hunt game over-rode all others' interests. William and his successors seized lands to create new forests, depriving parishes of their

livings in some cases. Forest Law prescribed severe penalties for anyone poor who hunted 'game' animals.

Local landowners could obtain rights over their lands, usually by the king, to hunt game and prevent others from doing so. The King's grant of the right of 'free warren' allowed lords to take smaller game on their estates. Thus in 1291 Edward I granted the Prior the right *'to enclose his wood called Northwood and Le Frith at Kingswood'*, near Banstead.

On lands declared 'Forest', the possession of nets, snares, even certain types of dogs could be banned.

Later the Game Acts revived the laws and restrictions reserving hunting for the rich and titled in large areas of rural land. In South London, at Dulwich Wood (larger then than the woods of that name today) locals were ordered to *"forbeare to hunt, chace, molest or hurt the king's stagges with greyhounds, hounds, gunnes or any means whatsoever"*.



But the poor's diet was often short of meat, so poaching was always widespread. It often transcended an individual survival technique and grew into collective resistance.

Poaching was widespread across South London. Horn Park, in Lee, Southeast London was a royal park in the 16th century. In 1578, there was a row over illegal felling of trees, possibly a dispute arising due to the loss of cover for game. There was much local resentment against the Game

Acts here. West Wickham saw poachers trespass en masse in 1601-2, defying a royal ban on hunting. Land owned here by Sir Samuel Lennard, was enclosed with a fence around 1605, but was beset by poaching a few years later. Lennard's descendants would still be enclosing common land here two centuries later.

Richmond Park and Wimbledon Common saw poaching on a massive scale; attempts to catch and penalise poachers led to vicious struggles between law and hunters, after enclosure of the Park in the 1630s.

In criminalising catching game, Forest and Game Laws altered the perception of poaching. Before forest laws, poaching, would have been crimes against your communities or your neighbours – anti-social crime to some extent. Forest Laws helped turn this into ‘social crime’ – widely seen as resistance against landowners, sticking it to the man. As well as being a matter of basic survival for skint labourers, it became idealised and to some degree respected.

The Statute of Merton

The Statute of Merton was agreed during negotiations between king Henry III and his rebellious barons in 1235, in Merton, Surrey, now South London. It laid down that a Lord of a Manor could legally enclose part of his manorial common, if he left enough pasture for the freehold tenants of his manor.

How much enclosure took place under this Statute is uncertain. Enclosure began on a large scale around 1470. Landowners finding greater profit in breeding sheep and cattle than renting small holdings to peasants, began to seize fields which had been cultivated by country people, and sometimes evicted whole parishes and pulled down houses.

Acts of Parliament were passed in 1489 and 1515 to prohibit the “pulling down of towns”, and order the restoration of pasture lands to tillage, but without much impact. In 1517, a Royal Commission on Enclosures reported on widespread defiance of the law: little action was taken against landowners.

Robbers, Rebels and Refuge

For centuries the ring of forests and heaths around London provided refuge for social outcasts. Woods became haunts of rebels and robbers, poachers, highwaymen, smugglers, gypsies, squatters; making new communities as well as fighting for survival, often resisting landowners and authorities by force. The legend of Robin Hood arose from real people.

Putney Heath was a haunt of highwaymen (partly due to the rich pickings available from wealthier travellers on the main road from London to Portsmouth). Famous South London diarist John Evelyn was robbed on Bromley Common in 1652, his assailants jumping out from behind an oak tree. If caught, highwaymen were often hanged near the sites of their crimes; a later Bromley highwayman was hung on the Common in 1798.

As enclosure took away access to land away from poor cottagers, many were forced to move on, crowded into marginal spaces, settling on wastes,

often squatting in self-built cottages. Houses built in a day and a night were thought to convey a right to remain. 'Maroon Villages' - outcast camps of the dispossessed - and squatter communities grew up on Commons. Travellers, gypsies, casual migrant labour, Irish refugees from the dire poverty created by the absentee landlord system in their country, also relied on access to open land for more temporary refuge. Common rights were vital to these people.

These communities caused a sense of fear and encirclement among the rich & respectable, who feared the conspiracies, plots and revolts they saw as brewing in the wild lands. Forests had always been to some extent threatening to settled man, being full of wild beasts, wild folk, the unknown. The legends of the wild wood, goblins, elves, dryads, sacrifice, witches, Hansel and Gretel, darkness and uncertainty, reflect the christian fear of paganism and pre-christian religions, linked to ancient sacred trees etc. The pressure to clear forests came not just from economics, the need for wood & farmland, but also to tame uncontrolled, threatening wilderness. If towns were places of civilisation and social norms, woods were of the weird, anti-social, rebellious.

The landowning classes came to see commons and wastes through an ideological prism: wasteland was morally abhorrent, commons were a "breeding ground for barbarians", 'nursing up a mischievous race of people'. This painted the poor as cheating rogues, draining parish resources by refusing to work. From naked self-interest, landowners colluded to deny even small improvements for the poorest.

The Peasants Are Revolting

Open spaces were also used as gathering places for discontent and rebellion: revolt, riot, collective grievance were aired and expressed there. A rebel army camped on Blackheath in 1381 during the Peasants Revolt: dissident radical priest John Ball preached egalitarian communism to these Kentish insurgents. 70 years later Blackheath hosted another Kentish rebel army under Jack Cade. In 1497 an army of Cornishmen revolting against heavy new taxes marched to Blackheath, before being massacred in battle between Greenwich and Deptford.

In later centuries St Georges Fields in Southwark became a rallying point for angry crowds, from the English Civil War to the Gordon Riots. Kennington Common and Peckham Rye were meeting points for Chartists and trade unionists. Crowds could mass on open space, hard in the narrow city streets.

Silly Sheep

“Your sheep, that were wont to be so meek and tame, and so small eaters, now, as I hear say, be become so great devourers, and so wild, that they eat up and swallow down the very men themselves” (Thomas More, Utopia)

The first great wave of enclosures of the commons took place from the mid-16th to mid-17th centuries. Before the 1520s, the church - monasteries, abbeys, parish churches and convents - owned a third of the land in England. The Tudor era saw this overturned: Henry VIII's re-organisation of the church and dissolution of the monasteries led to a huge re-distribution of land ownership. Aristocrats & merchants with increasing wealth and power coveted land and were willing to pay, and the king needed money. Much land changed hands; and new owners were keen to exploit it. Old complex rural vertical class relations were rapidly replaced with the pure profit motive. Sheep farming, in particular, drove enclosure at this time.

Changes in land ownership and enclosure, and the destruction of the basic welfare system (which the monasteries had overseen), led to a surge in displaced people. Dispossessed, leaving their home parishes, wandering in search of work or somewhere to settle, thousands ended up squatting on marginal land, crowding into cities, or roaming the roads. In the late 16th century society 'sturdy beggars' (those the wealthy considered workshy) became the great social fear.

Exploitation of land for wood - felling trees - accelerated as a demand for wood increased hugely, especially for shipping, as the Tudors entered into numerous foreign wars, the officially tolerated piracy in the West Indies, the beginnings of Britain's naval imperialism and the Atlantic slave trade. Long a cause of dispute, arguments over tree-felling became more fraught. For example in Norbiton, in the manor of Kingston, felling of trees on the common was violently opposed by some residents, possibly due to the large sums of money being earned by bailiffs and freemen from the sales of wood.

Another process causing uproar was 'emparkment' for hunting - keeping plebs out of an area so toffs could chase and kill deer.

Commotions, Levellers and Diggers

Enclosure caused so much anger it provoked uprisings. Rebel armies fought the militia, destroying fences, & breaking open enclosures in the 'Commotion Time' from Devon to Norfolk through 1548-49, and the Midland Revolt in 1607. The latter revolt was where the names of 'Levellers' and 'Diggers' were

first adopted to describe these poor rebels. Later, during the English Civil War, these names would assume political significance.

"Greatly relieved by the sayde Common."

Sydenham Common

Not long after the Midlands Revolt, a significant struggle against enclosure erupted in what is now South London.

The ridge of hills that runs across South London was once covered by the Great North Wood, a natural oak forest which stretched from Croydon to Lewisham. By the seventeenth Century, this had been split into smaller woods and commons, including Croydon Common, Penge Wood, Gipsy Wood, Dulwich Wood, Forest Wood, and Sydenham Common. Many of these areas were inhabited by the very poor, scratching a living on marginal land; other social outcasts like romany travellers, (hence the name of Gipsy Hill).

In one part of the old North Wood, a battle against enclosure was fought over Sydenham Common, also known then as Westwood or Westwood Common.

Sydenham Common covered the area between modern Sydenham and Forest Hill, between today's Westwood Hill & Crystal Palace Park, in the Southeast reaching to Mayow Park and Sydenham Road; to the north to where Honor Oak

Park and Forest Hill Road now lie. It consisted of open fields and woods belonging to the Manor of Lewisham. For centuries the common was split between coppices of farmed timber and open tracts where parishioners of Lewisham had 'Common Rights' to graze cattle & gather fuel.

Henry VIII acquired the manor of Lewisham and Westwood in 1531, by an act of Parliament. The Act laid down that his ownership should not alter any Common rights which anyone might or ought to have. The Crown, however, thereafter considered the Common as the king's to dispose of as he saw fit.

The coppice system was gradually abandoned, to allow more mature woods to grow for use by the navy. These trees were felled wholesale in the late sixteenth century, leaving a stripped common, apart from two main wooded areas, Coleson's Coppice and Coopers Wood. The open land was a strong



temptation to potential enclosers.

Many inhabitants of Lewisham were small farmers or husbandmen who relied heavily on the free pasture available on the common. At this time there were also large numbers of squatters on the common, who supported themselves almost entirely by raising pigs, cows and sheep.

The battle against enclosure began in 1605-6, when Henry Newport, a Lewisham gentleman & Yeoman of the King's Household, persuaded king James I to lease him 500-600 acres of 'Westwood', and applied to fence a large part off for 'improvement'. There was an outcry locally in response. Abraham Colfe, the vicar of Lewisham, began to organise opposition to Newport. A petition of protest noted the value of the Common to local poor inhabitants: *"the poore inhabitants of Lewsham... being above 500 poore housholders with wives and manye children greatly relieved by the sayde Common and would be utterly undone yf yt should be unjustly taken from them."*

They produced, in proof, the recollections of the *"oldest inhabitants, many over 80, who testified that they had always had common of pasture for all manner of cattle without number and at all times... and also common of estovers and shreddings of all trees growing there."*

At the prompting of Henry Newport commissions of enquiry were appointed to look into the matter; but these produced conflicting results – one finding that the land did belong to the king but **was** a Common, with the rights that this implied; another proving inconclusive, a third ending when Newport seemingly dropped the case. But Newport and his allies spent the following six years plotting carefully to claim the land. In 1614 he and two more gentlemen of the king's household - Robert Raynes, the king's sergeant of the buckhounds, and Innocent Lanier, of Greenwich, one of the King's musicians - approached the king again, and obtained a 60-year lease for 347 acres of Westwood - the vast majority of the common.

Locals with an interest in the common remaining open again organised opposition, lodging a complaint against the would-be enclosers. However, at an initial trial in October, 1614, a jury of the County of Kent ruled in favour of Newport and his allies. It is possible that the jury, drawn from members of local parishes, might have been weighted against the protestors - perhaps some of them had links to the enclosers.

A few days after the hearing, Abraham Colfe led a march to petition to the king, *"who very graciously heard ye petition and ordered the Lords of his Privy*

Counsell should take a course that he might be no more troubled about it."

Newport and his fellow courtiers, though, ordered fences erected around the common and "began to make ditches about the common and inclosed it and drave out and killed sundry of the cattell of the inhabitants."

The fences were put up over the winter, a crucial time for common rights, as residents were used to free access to collect firewood or gorse to burn, their only means of heating their homes.

There were different wings to the opposition. Vicar Colfe and the local worthies trying to establish an appeal against Newport confined themselves to court hearings, drafting repeated petitions, and dignified protest; collecting money among local freeholders to take the case to the privy council.

Others, the poorer sort, whose livelihoods or warmth depended on their ability to access the common's resources, continued to enter the common to collect wood: some women gathering branches were attacked by Lanier and Newport's hired men, which provoked several riots. Some folk began tearing down the fences and filling in drainage ditches Newport had ordered dug. Every time the enclosers men' put fences up again, crowds gathered to break them. In response the enclosers' men seized cattle and burned gorsebushes.

The enclosers labelled the protesters rich individuals who would not themselves suffer from any enclosure: partly true, as regards Colfe and the more well-to-do opponents of enclosure, but not completely accurate, as the poorer residents taking direct action most certainly were impacted. But they didn't count as anyone to be worried about...

The Privy Council and the Barons of the Court of Exchequer tried to



Sydenham Common in the 18th Century

mediate, ordering a new trial. But they said Newport and his partners being should continue to hold the ground in the meantime, & told the protestors to repair damaged gates and ditches, although the enclosers were ordered to stop burning or selling the furze growing on the common and harassing locals.

The group who had leased the common were now willing to give up the enclosure, the resistance having got to them by this time, but demanded heavy compensation for giving up their holding. By October 1615, however, the Privy Council had had enough of the threat to social peace the enclosure had caused. They appointed an independent jury, and a hearing was held on 16th October. This time the jury agreed that Sydenham was an ancient common with all the attendant customal rights. As Colfe wrote with relief *"they passed [a verdict] in the behalfe of the poore inhabitants' although common rights extended to many more."*

Part of the reason why the local vicar and some other landowners in Lewisham opposed the enclosure may have been the prospect of the destitute squatters evicted from the Common becoming a burden on the ratepayers of the parish, if they were deprived of their tenuous livings (an issue quoted in other enclosure disputes). There were many social tensions at work in the Sydenham events: it wasn't a simple case of class against class. Some existing landowners and rising men with money and power saw the wealth enclosure could bring them; others of the same background felt all should be able to access common resurces, ideologically bought into the role of the powerful as protectors of the poor, opposing ruthless destruction of complex social ties and responsibilities. as part of a paternalist, interdependent society.

Others thought that the upheavals enclosure brought could threaten stability, and lead to rebellion. The authorities were afraid of the violent response that enclosures could provoke. The Privy Council would have had the recent Midlands Revolt fresh on their minds when hearing the Sydenham case, and would have borne in mind King James' special orders to the Commission appointed to enquire into the cause of the 1607 riots, that care was to be taken that the poor received no injury by the encroachment of their richer neighbours.

Although a tension existed between the more legalistic approach of Abraham Colfe and the parish worthies, and the violent resistance of the local poor, whose livelihoods were directly threatened, both contributed to the defeat of the enclosure, for this time at least.

A Common Treasury For All?

The huge changes in land use taking place in the early sixteenth century, and accompanying mass dislocation of peoples, formed a major motivation for the support for the parliamentary side in the English Civil War. Enclosures and land ownership were central to the English revolution: a central agrarian issue of the 1630s and 1640s and of the English Revolution was whether the land lords and the big farmers or the mass of the peasantry were to control and develop the wastes and commons.

The English Civil War brought other pressures: trade disruption caused food shortages and accelerated the century's trend for increases in poverty and movement off the land into the cities. Land ownership changed: many large landowners ended up on the losing royalist side of the war and fled abroad, and their lands were confiscated. Victorious puritans, some of whom represented proto-capitalist interests, acquired lands, and encouraged enclosure and agricultural improvement. At the same time, many soldiers became politically radicalised during the wars, and started to demand more access to land of their own, sometimes individually, but others as part of a vision of a more collective or democratic settlement to the war. An upsurge in radical ideas led to questioning of traditional assumptions about social relations and land use, producing not only enclosure riots, but communistic social experiments, like the attempt by Gerard Winstanley, William Everard and other 'true levellers' (popularly called Diggers ever since) to take over common lands at St George's Hill in Weybridge, Surrey, in April 1649, and grow food there together, working the land collectively, in equality.

The 'diggers' bold land squat questioned common rights and conflicting economic interests in enclosure and resistance to it. Their ideas may have echoed to some extent the cries of protest poor folk had raised against enclosure, and they denounced the growing inequality in land use and the increasing dispossession from the commons. But they diverged from the usual struggles over individual commons. Winstanley challenged the idea of 'common rights', vested often in wealthy or powerful locals, local bigwigs, acting in their own economic interests, opposed to the poor's uses of common land, even if they themselves were sometimes at odds with lords of the manor. He countered it with the ideal of collective use for ALL, recognising that the landless poor and local well-to-do 'commoners' rarely shared common interests. In fact it was local 'commoners' who were instrumental in making sure the Diggers' St George's Hill commune was destroyed: the poor seizing land to use freely fitted nowhere in THEIR vision of ancient rights and usages.

Elsewhere poor squatters and the landless were sometimes used as pawns

in the struggles against enclosure. Very often, anti-enclosure rebels saw themselves as defending tradition, “ancient rights”, Lammas customs, etc. Enclosers were often seen as reformers, imposing newfangled tyrannies, breaking centuries-old and deeply rooted ways of life and social ties. Enclosers in the Commonwealth years were often political radicals, their enemies often falling back on tradition and nostalgia for the days before the Civil War. Sixteenth century opponents of enclosure saw themselves as fighting for a traditional and known and certain way of life against a present turned upside down and an uncertain future.

Another important element of the ‘True Levellers’ ideas was their vision of how different methods of use of land changes the users and their relationship to each other. This was crucial in the process of change enclosure brought about - a loss of connection not only to the land, but also to others, fellow farmers, loss of shared land use and co-operation the open field system had encouraged. The St George’s Hill Commune was a brave and radical new direction, seeking to revitalise not only land use but social relations - the tide, though, was flowing very much the other way.

The victory of Parliament led to other less constructive, but understandably more angry, outbreaks in several areas – an upsurge of rage and liberation as repressive forces were (temporarily) removed. In 1649, after the monarchy came a cropper, the local poor of Eltham & Lee and some army troopers tore down fences of the local Royal Park, killed deer, and laid waste gardens.

Not a Common Treasury

If ‘enclosure struggle’ generally evokes an image of a rich landowner vs a desperate poor, it’s worth noting that many disputes over Commons arose *between* parishes. If a piece of land bordered on two parishes, Common rights might be shared between residents both; residents might get grumpy about them from the parish next door grazing their cows on ‘your’ common.

Barnes Common was used jointly by the people of Barnes and Putney until 1589 when the men of Barnes refused to allow the men of Putney to use the Common and impounded their cattle. The following year, ‘intercommoning’ between the two parishes ended. This wasn’t the first inter-parish aggro over the Common: in 1558, a Manor Court had ruled that cattle and pigs belonging to Mortlake could not graze on Barnes Common.

Clapham Common was also subject to struggles between parishes. Use of the land was complicated by a parish boundary splitting the Common in two, the eastern half belonging to Clapham, the western half to Battersea. This

led to repeated tensions over grazing rights. In the early eighteenth century, livestock were turned out over the entire common by Battersea and Clapham residents alike without argument. But in 1716 the Battersea parishioners complained that Clapham parishioners had more livestock than they did, and pushed the lord of the manor, Viscount St John, to re-dig the boundary ditch. In reply, lord of the manor of Clapham Sir Henry Atkins claimed the freehold of the whole of the common, and men from the Clapham side filled in the ditch. A resulting legal case failed to resolve the boundary question; the grievance rankled a century later, when Clapham parishioners 'forcibly bumped' two servants of Battersea residents, *'telling them to remember the boundary'*. Bumping being part of the old Beating the Bounds ritual, usually used to inflict mild violence on boys during perambulation of the parish at certain points, so the boundary would be impressed on their minds!

Inter-commoning and use of land that bordered on two parishes could centre on disputes about where a boundary actually lay; land, houses or other buildings, was viewed as being in different parishes, by different people.

Hence the importance of the annual 'Beating the Bounds' ritual where the borders of a parish would be walked ceremonially and boundary landmarks noted, as well as impediments or 'illegal' encroachments, like fences or buildings noted or torn down. Since before literacy was widespread, the boundary was committed to memory and oral tradition, those called to testify in legal cases around boundaries were often old residents. This practice also became attached to campaigns against enclosure - old men with long memories would be produced to testify that a piece of land had been used in a particular way, establishing its claim as common land.

'Diverse outrages and disorders'

Richmond Park

King Charles I was fond of creating vast new hunting parks, like his father James I, who had passed the Game Laws preventing poor folk from hunting game animals on royal hunting land. (Charles II was to renew them in 1671).

In the 1630s, Charles ordered the creation of Richmond Park, based on a royal hunting ground, Shene Chase, conveniently close to royal bolthole Shene Palace. Charles enclosed land which the crown already owned, but also appropriated common land from the local parishes of Richmond, Petersham, Kingston, Mortlake, Ham, Putney and Roehampton. He leant on crown tenants to give up their tenancies, and 'persuaded' local landowners to sell him land. Some who refused he compulsorily purchased; he browbeat others by building a brick wall, cutting them off from their lands inside.

The king's actions created huge local resentment. In Mortlake some locals who had their land compulsorily purchased cut down all young trees and bushes on the land in question in revenge. The grievances created by the king's high-handed actions burned locally for over 100 years.

By 1635 Charles had signed an agreement paying £4000 for 483 acres from the manor of Ham and 265 acres belonging to the manor of Petersham. Politicking cannily, the king initially maintained the local poor's right to access the land for wood & other fuels, and some rights of way were left open.

When Charlie lost his head, Richmond Park, like other royal property, was confiscated by the Commonwealth. But with the Restoration of the monarchy in 1660, the park was enclosed again, and granted to a series of 'Rangers' - wealthy aristocrats, appointed to a nominal post (implying no actual work done) which guaranteed a large income for them (around £6,500 a year, a huge sum then) and the right to exploit park resources.

The Park became a resort of royalty, nobility & the king George, for cavorting, riding, taking the air; the absence of plebs was an obvious selling point for these nobs. Attempts were made to keep out the commoners, to lock the gates, and the favoured few were to be provided with keys or tickets of entry.

Robert Lord Walpole, son of Prime Minister Robert Walpole, was appointed Ranger in 1725. His father, though, was widely regarded as making all the decisions, his son a mere figurehead. The elder Walpole, a hugely corrupt politician who exploited his position to gather money and power, made the management of the Park part of his "venal administration." He spent a lot of cash doing the park up, and to improve his enjoyment of the space, he restricted the rights of access that king Charles had left in place, removing ladders and closing gates. Breaches in the wall were repaired and lodges set up at remaining gates, with keepers, ordered to admit only "respectable persons" with the correct ticket. The rights of the people of neighbouring parishes to take firewood, furze and gravel from the Park were curtailed.

But since the Park was full of deer, rabbits and hares, poaching in the park was rife, especially as good meat was expensive for the lower orders. Neighbouring Wimbledon Common was a notorious haunt of poachers, deer-stealers & other robbers. Between 1723 and 1725 there was a mini-war between deer-stealers & gamekeepers in the area, involving arson of keepers' houses, and "*diverse outrages and disorders*". Two poachers were executed under vicious class legislation, the Black Act. John Huntridge, landlord of the Halfway House Inn on the wall of Richmond Park, was charged

with harbouring deerstealers, but was acquitted, to popular acclaim. Walpole had backed the case against Huntridge: the landlord's acquittal was widely seen as one in the eye for the rotten system of patronage and legal extortion Walpole and his class exercised through their control of public offices.

The next Ranger of Richmond Park was Princess Amelia, daughter of king George II, a particularly self-centred royal with a strong sense of her entitlement to whatever she wanted, including the desire to enjoy the Park without the chance of coming across anyone of a lower social class than herself (ie almost everyone). Under her Rangership, the simmering local hostility ramped up. Shortly after taking up her position in 1751, Amelia reduced access to the park even further, closing it completely to all except personal friends; prospective visitors had to beg for special permits. She blocked a footpath from Kingston to Shene, and ignored legal warrants requiring the erection of stiles and ladders near Richmond Gate.

Local people first of all petitioned the Lord Chancellor (who had supposedly himself been refused entrance!); but their petition was knocked back.

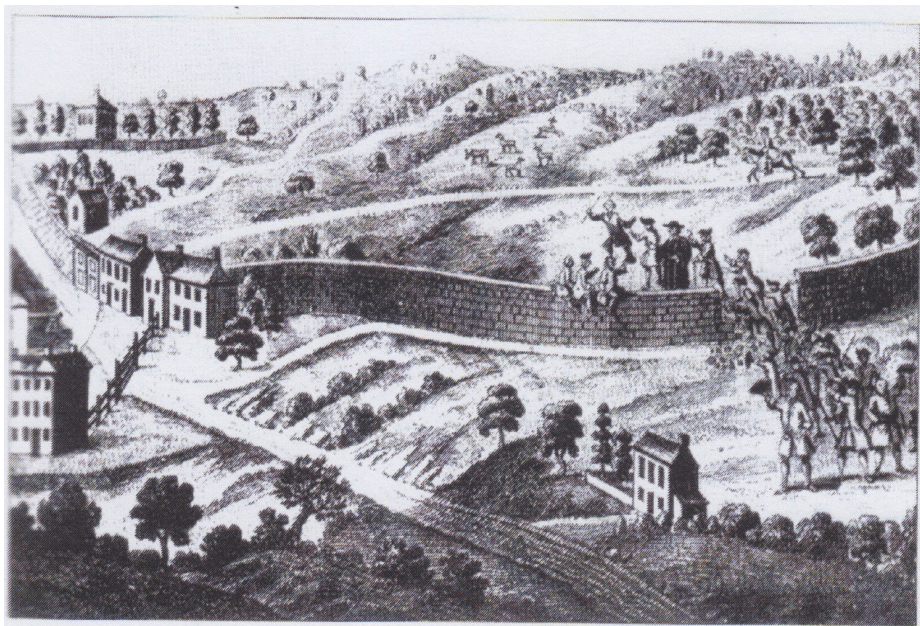
On Ascension Day, 16 May 1751, six weeks after Amelia took office as Ranger, locals held the traditional annual "Beating of the Parish Bounds" ceremony, led by a Richmond clergyman. In previous years, this procession had been granted permission to enter the Park; this year it was refused. However, they climbed in, either knocking down part of the wall, or through an already damaged section. (The walls were not always kept in a good state of repair). An illustration of the incident shows three of the Princess' men astride the wall, watching a crowd clamber through a breach in the wall near Sheen Common. There is no legal record of anyone being prosecuted over this invasion of the park. It is uncertain quite how this Ascension Day incident related to Amelia's closure of the Park: did it trigger her to step up restrictions on access, or was it a protest against actions she had already taken? What the incident definitely did was assert rights of access to the old commons, and the beginning of a campaign challenging the enclosure.

The princess' restrictions on access to the Park caused inconvenience and resentment in the neighbouring parishes. A number of petitions and pamphlets protested, calling for rights of access to highways, stiles or ladders at the gates, supplies of gravel to maintain roads in the neighbourhood, access to water and watercourses, and to furze and underwood for burning as fuel.

Failure to win concessions by publicity and campaigning led to legal action. A trial in 1754 followed an incident where a group of gentlemen asked the Deputy Ranger for admission to the Park but were refused, an attempt to

provoke refusal to launch the legal action. However, this case was dismissed. John Lewis, who lived and owned a brewery in Richmond, now took up the struggle. In 1755 he went with a friend to Sheen Gate, waited until a carriage approached, and tried to walk in after it. The gatekeeper, Martha Gray, pushed Lewis out. Lewis then brought an action against the keeper (but aimed at princess Amelia), based on a narrow legal issue: Charles I's concession of rights of way for pedestrians. This case was eventually heard at the Surrey Assizes, sitting at Kingston, in April 1758. Judgment was given for Lewis. Asked by the court whether he wished to have a gate made in the wall or a step-ladder to go over it, he opted for the erection of ladder stiles, as a door, which would be kept closed when not in use (to stop deer escaping), would give the impression that access was not freely available. He also feared that, in time, a door might have a bolt fixed to it. Ladder stiles and gates were fixed to Sheen Gate and Ham Gate and opened to the public on 16 May (seven years to the day after the 1751 Ascension Day trespass). A *"vast concourse of people from all the neighbouring villages climbed over the ladder stiles into the Park"*.

Outraged at losing in court, princess Amelia ordered the rungs on the ladders to be widely spaced apart, to prevent people from using them. Lewis, however, went back to court over this, and Amelia was ordered to amend them so old people and children could use them.



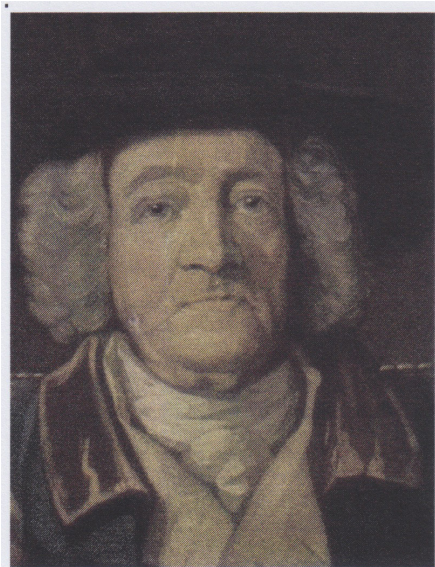
The Ascension Day incursion into Richmond Park, 16 May 1751

Although people were supposed to keep strictly to the paths, many simply started to wander the whole park, some reputedly declaring it to now be theirs 'in common'. Initially carriages were still only let in with tickets. Another court case in 1760 attempted to open up the park for carriages but lost (large-scale forgery of the entry tickets followed).

Amelia, unable to stomach the invasion of a private playground by the hoi polloi, and unwilling to share the space, resigned the Rangership in 1761.

John Lewis was feted locally, but the court case left him pretty skint, and his brewing business was wrecked when the Thames flooded, so he faced great poverty later in life. Local vicar Thomas Wakefield, another campaigner to open up the park, organised locals in the setting up of a small annual grant to help Lewis out, on which Lewis survived for some years, in recognition of the huge part he'd played in regaining popular access to the Park.

The determination and shrewdness of John Lewis remain a landmark in the Park's history, and worthy of being celebrated. But his legal victory only reclaimed pre-existing rights of way.



John Lewis

A "right to roam" freely only came about a century later. Public access continued to be restricted during the first half of the 19th century: pedestrians could enter freely, but were confined to the roads and the defined footpaths. A more relaxed attitude prevailed from around 1850, codified in the 1872 Royal Parks and Gardens Regulations Act.

Did king Charles I's enclosure of the park in fact end by PRESERVING this massive tract of open space for what is in effect public use for us today. The descendants of the large landowners dispossessed for the Park would very likely have later enclosed, sold off, or developed their own parts of it. More on this in the story of the Earls of Dysart and the attempted enclosure of Ham Common in the 1890s.

1750-1830

The biggest wave of enclosures took place in England from 1750 to 1830. 5000 enclosure acts saw 21% of the country fenced off, dealing with almost 7 million acres of land. About 2/3 of the land enclosed had been arable and 1/3 common or waste.

This had a huge impact on the nature of agriculture, to the profit of the landowners and the dire loss to the poor; reducing farmworkers to waged labourers with little or no access to their own land or access to the resources of commons for survival. Hundreds of thousands migrated gradually to the growing cities, becoming labourers in developing industries; or being reduced to begging and stealing to get by.

Enclosure was bound up with other processes, including punishment and repression. To enforce social change, new penal codes were passed by the wealthy and powerful to contain the poor, including making more crimes punishable by execution, especially around theft, a surge in transportation to penal colonies in Britain's expanding empire, new laws on welfare, vagrancy and wandering. A network of workhouses were built to jail the most desperate poor in, in vicious conditions; in the nineteenth century these were made even more repressive. Beyond the workhouse, the madhouse: for those driven out of their minds by poverty, starvation or the increasing burden of rural or urban work. The industrial revolution saw a rocketing in numbers locked in asylums.

There is a traditional view that enclosure increased agricultural efficiency. Heavy pro-enclosure propaganda, both while they were taking place, and since, in historical and economic analyses, has maintained that enclosure increased the efficiency of farming methods, pointing to increased income from agriculture generally as evidence. A counter-argument to this has been that income increased because the main effect of enclosures was to increase rents, and this led to a redistribution of agricultural income - enriching the landowning classes, by as much as 2-3 times. One factor is that old rental agreements lapsed when land was enclosed; inevitably landlords put rents up at this time. Recent studies have suggested that in fact, enclosure did NOT increase efficiency in terms of yield per acre, when the loss of farmers' ability to graze animals on common lands is taken into account.

Other historians have asserted that enclosure was a necessary pre-requisite to the adoption of modern farming methods: but many farmers under the older open field system were already adapting to new methods before enclosure took place in many areas.

The assertion that the rise in production that allegedly followed enclosure was necessary to feed a rising national population is an important part of the pro-enclosure story, historically - but may not stand up to scrutiny. It was profits that drove enclosure, not altruism, or even a sense of national need.

Thrown Down And Prostrated

The early seventeenth century victory of Colfe and the parishioners of Lewisham saw off large-scale enclosure in Sydenham until the 1750s, when trouble broke out in Coopers Wood, the southern corner of the common, just south of modern Westwood Hill. Cooper's Wood had become detached from the common around 1540 & began to be illegally enclosed, though this was long disputed locally. Gradually more houses were built on the edge of the wood, 'acquiring' large front gardens. But many locals never accepted the shutting off of the wood. In 1754 "*persons claiming right of common*" several times threw down fences surrounding the Wood and asserted the right to gather fuel. One Coopers Wood tenant targeted was George Thornton, landlord of the (still extant) Greyhound Inn at the junction of Kirkdale and Westwood Hill, whose fences were "thrown down and prostrated".

In 1755, there was a legal case in the Exchequer Court involving the denial of common rights to collect wood in Colson's Wood or Colson's Coppice, to the north of the old Common, lying between modern Horniman Gardens and Honor Oak Road. The Hodsdon family, wealthy wine merchants, had bought many acres in Sydenham since 1713, eyeing future development for house building. They were sued by John Anderson for preventing him from exercising his 'common rights' in the Coppice. Anderson was no poor cottager, but a merchant living in Sydenham Road, representing a group of residents in a test case. Nothing may have come of the claim, as Colson's Coppice continued to be sold as freehold land.

"An Affray at Sydenham"

Forty years later, Samuel Atkinson, a cheese merchant with a business on Tooley Street, Southwark (called by some the 'Father of Forest Hill') bought the Hodsdon estate, & between 1787 and 1789 created Honor Oak Road, a new route from Sydenham to Peckham Rye, as a first step to opening up the wood for building. In 1789 he had a house built for himself, and was selling plots on the new road for development.

Those who still maintained that the wood was common land didn't take this lying down: but the enclosure of the Wood was to end violently. In October 1792, the Times reported the death of Michael Bradley, who had a cottage at

parish since he let his house to tenants in 1793.

Bradley's killing marked almost the end of the two century-long year struggle for common rights here: the remainder of Sydenham Common was enclosed finally by an Act in 1810. Local landowners were allocated the remaining common land with the power to enclose it. Even after two hundred years of building and clearance, there were still five hundred acres to be developed. The main beneficiary was William Legge, the Earl of Dartmouth, the largest landowner in Lewisham.*

Various attempts to enclose neighbouring Penge Common were made from the 1780s on, involving Parliamentary manoeuvring, legal action, physical confrontation and fence-breaking. Eventually, in the 1820s, enclosure was pushed through by local landowner John Barwell Cator. The Common was carved up: some allocated to local land-owners, the rest sold at auction. Ironically, Earl Spencer, who had recently sold parts of the land (including Penge Place, later Crystal Palace Park), objected to the enclosure here, while pressing for enclosures in common land he owned elsewhere...

Where wealthy residents were generally against enclosure, threats to open space could be seen off without much hassle. From the early eighteenth century, Clapham Common became a favoured spot for wealthy City merchants, who built posh villas around the fringes of the Common. By the 1790s the area was established as 'an agreeable and safe retreat for many of the most opulent merchants and bankers of the City of London' Their wealth and influence gave them power to defend the common from unwanted development. Christopher Baldwin, a wealthy West India merchant, derived his wealth largely from plantations worked by slaves, in Antigua and Dominica. He bought land on the west side of Clapham Common around 1762, built himself a villa, became a Justice of the Peace for Surrey, and took the lead in protecting and improving the common, forming a preservation committee in 1768 to stop a Mr Fawkes from enclosing and building on part of the land. Baldwin's interest was clearly partly self-interest and partly communal; the wealthy residents living around the Common protected its existence, but it was their own exclusive enclave they were defending as well.

The long war against revolutionary and Napoleonic France (1792-1815)

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** This wasn't the end of resistance to privatisation of space in the area. In 1867, silk warehouse owner Richard Beall blocked off the upper end of Taylor's Lane, off Kirkdale, to increase the privacy of his posh home, Longton Hall. This enraged locals, who turned up with axes & hammers & smashed the walls & fences down; . After several attempts & continued demolitions, Beall gave up & allegedly went insane.*

increased pressure for land to grow food, as the country faced economic blockade. More Bills were put forward for parliamentary enclosure during these years than at any other period. The national interest - winning the war, feeding its armies and people - and agricultural improvements became identical causes; to oppose enclosure became almost a matter of treason. Sir John Sinclair, the President of the Board of Agriculture at the time, explicitly linked war on a foreign enemy to an attack on common lands:

‘Why should we not attempt a campaign also against our great domestic foe. I mean the hitherto unconquered sterility of so large a proportion of the surface of the kingdom... Let us not be satisfied with the liberation of Egypt, or the subjugation of Malta. but let us subdue Finchley Common. let us conquer Hounslow Heath. let us compel Epping Forest to submit to the yoke of improvement’.

Here Come the Men in Black

On Streatham Common, the local poor had the right to cut furze (gorse bushes) for fuel. In the 1790s, the Lord of the Manor, the Duke of Bedford, began to strip the furze to sell for profit, and enclosed part of the land. In response in 1794 a mob of local residents burnt the furze before he could collect it; simultaneously, “six men dressed in black” drove up in a hackney carriage and demolished his paled enclosure.

The sinister way these disguised agitations are described is worth relating to the climate of the times - respectable folk were terrified by Jacobin Terror in the French Revolution, and by reformers and fear of rowdy mobs at home. Home-grown radicals like the London Corresponding Society were getting crowds of thousands to mass rallies calling for political change and opposing war with Revolutionary France. The report hints at ‘outside agitators’, but opposition to such enclosure was generally local, and going disguised was common and sensible, as locals were easily recognisable and the landowners were usually also the magistrates. Direct action against the property of the rich could get you arrested, transported or worse.

Resistance to enclosure saved much of Streatham Common from being built on, though a strip of land on was enclosed around 1880, despite opposition.

We’re With the Woolwich

The long war against France also saw land sequestered for more military uses. In May 1802 Woolwich Common was partly enclosed by the Board of Ordnance as a drilling ground for troops: cottages and small plots were

cleared away and furze eradicated. The Board of Ordnance sold the land to the government for £3000.



Gradually the Common was more and more encroached upon. A Woolwich Committee formed later & by negotiation preserved access to the remainder: though it is still MOD property.

Many commons were enclosed, partly or entirely, around this time.

There are records of squatters on South Lambeth Common, around modern-day Stockwell tube station, being evicted around 1806 to make way for development of the land.

Around the same time, Croydon & Lambeth Inclosure Acts enclosed large parts of the old Great North Wood in

Norwood and Gipsy Hill, expelling the remainder of the Romany camps that gave Gipsy Hill its name. The Romany had long suffered constant harassment here from local authorities; in 1797, they fought a pitched battle with the constables between Penge & Norwood.

Gypsy or romany travellers had long associations with open lands. Many commons were used as stopping places or spots where travellers would park up for a while. Many travelled on a circuit that involved visiting the same areas year after year but at different seasons, sometimes to take up seasonal work. As well as the Great North Wood, Mitcham Common, Wandsworth Common were well known for such annual settlements. North West Kent and Southeast London remained known for many sites associated with romany travellers into the twentieth century. St Mary Cray, Ruxley and Foots Cray, Green Street Green and Pratts Bottom, Orpington - camps all over this area continued into the 1960s, despite harassment from local authorities and police, and opposition from 'settled' communities.

Enclosure and resistance accelerated across South London.

Dulwich Common, which had long had an 'unsavoury reputation' was enclosed in 1805, part of the land being granted to Dulwich College to help enrich the private education of the sons of the gentry.

300 acres of Bromley Common were enclosed in two stages in 1764 and 1821.

In the eighteenth century on Wimbledon Common, locals had rights of access at certain times of the year, to graze animals, & cut wood, peat and loam to burn for fuel or sell; these rights were disputed with the landowners for years. An attempt at enclosure in the late 17th century by the then Lord of the Manor had been prevented. Around 1723 there was more unrest in the area, when the Duchess of Marlborough bought the manor and tried to curtail common rights. Oak pollards on the Common provided winter fuel for many local folk. In 1812, the Lord of the Manor broke commons agreements by cutting them all down and selling the timber, causing protests. Stripping the common of trees deprived commoners of their right to this wood. The poor of the parish were still allowed to cut furze in the winter, and freehold and copyhold tenants had the right to graze cattle. Continuous disputes arose over gravel-digging and cutting of peat and loam.

At nearby Norbiton, common lands were inclosed under an Act of Parliament obtained in 1808. But in neighbouring Kingston-Upon-Thames, enclosures



Dulwich Common painted by JA Poulter

created under a Parliamentary Enclosure Act were resisted and fences destroyed in July 1817.

Further west in Egham, in the northern part of Surrey, enclosure fences were destroyed in the winter of 1817. Struggles continued in this area; Edward Burgess was indicted for malicious damage at Surrey Epiphany Quarter Sessions in 1822, in relation to similar acts of sabotage in Egham.

Latchmere, formerly Latchmoor, Common, was a minor tract of common land, in Battersea, whose boundaries remained constant until 1835, when it was enclosed by Battersea Vestry and turned into smallholdings or allotments, the rents contributing to the poor rate. Battersea was then still a largely rural parish, with a population of around 5,500. Most of the poorer parishioners were employed on the land, so providing allotments made sense. But those who lost pasturage on the common contested the enclosure, and tried forcibly to assert their right to use it in 1836. A legal case dragged on till 1838.

Some proposed Enclosure Bills failed. In 1827, the 2nd Earl Spencer, the largest landowner in Southwest London, prepared a Bill to enclose the three main Commons in his two manors of Battersea and Wandsworth - Wandsworth and Clapham Commons, and Battersea Fields - 'for modern agricultural production'. His legal advisor John Shaw Lefevre warned him to exclude the Battersea part of Clapham Common, suggesting the old difficulty over the boundary might excite opposition to the rest of the Bill from *"a very large and opulent body of persons residing around Clapham Common who... would have I think in general the public on their side"*.

Earl Spencer's proposal sparked protests in December 1827, when "the most affluent and respectable gentry" of Battersea, Wandsworth and Clapham met at the Swan Inn in Stockwell in protest; partly concerned at threats to their own livelihoods, of on the case of Clapham, possibly by the possible loss of nice views from their villas, but also greatly worried that many poor folk would be deprived of a subsistence living - and thus become a burden on the rates. Much was made of the results of the enclosure of Bexley and Bromley Commons, where ratepayers had ended up paying to support those thrown into worse poverty. The Bill was defeated, though small scale enclosure continued, and Spencer's heirs proceeded to sell Battersea Fields.

Lungs For the City

From Subsistence to Recreation

As the 19th century progressed, and London grew in size, pressure on open space increased. Like other large cities, the capital absorbed huge numbers

of people, many crowded into badly built housing tightly packed together. Further out, suburbs were starting to appear, of better built houses for the expanding middle classes. Development erased many commons, woods and fields around the city and many open spaces within it.

As the century went on the nature of struggles over space began to change. In previous centuries lords of the manor had mostly attempted enclosures in a drive towards 'improvements' in agriculture; more profitable exploitation of resources on the land. But landowners' power began to decline after the repeal of the Corn Laws (which had prevented imports of grain, to the profit of British landowners) in 1846; free trade in food struck at their control of food prices and hit the value of agricultural land. From the 1830s on, in London, the pressure was for land for development, mostly for housing, whether directly built by the landowner or on land sold off by them. From the 1840s, the rapid expansion of railways devastated much land in the laying of lines. Big South London landowners like the Spencer family saw opportunities in flogging off tracts of land for housing or rail-building.

Correspondingly, resistance to enclosures and development from commoners with traditional rights or interest in commons for economic reasons, gradually transformed into struggles for open space for recreation. The subsistence economy that supported the poor had been undermined by rural enclosures: to a large extent they had been driven from the land into the cities. As throughout the century, trade union struggles forced factory reform and economic growth reduced working hours, 'leisure' time for working and middle classes became an issue. Particularly in the rapidly expanding city, green space for people's after work activities became important.

The industrial revolution and the rise of capitalism helped to create a self-organised self-conscious social radical working class movement in reaction to the evolving exploitative conditions working people were experiencing. As well as challenging the day to day expropriation of their lives, and fighting for change in the political systems that enabled class inequality, these radicals also thought a lot how they had got to where they were. How land was controlled, who owned it, and enclosure, how they had been dispossessed of it, many thought, were crucial. If industrial workers were divorced from the land, deprived of access to it, forced to sell their labour as they owned nothing else, was taking back ownership of the land the key to social justice? The radicals of the English Revolution had identified land as a crucial battleground. Their late eighteenth/early nineteenth century successors felt the same. Influential agitator Thomas Spence put forward a program proposing the end of aristocracy and landlords, for land to be publicly owned by democratic self-governing parishes, and rents of land in parishes to be

shared equally amongst parishioners.

Through the 19th century other radicals proposed nationalisation of land. Parts of the Chartist mass movement tried to build a Land Company to buy up land and parcel it out to industrial workers, envisaging re-creation of self-sufficiency. Other radicals raised money to fund emigration to the US where land was in plentiful supply (though stolen from indigenous occupiers); some built utopian communes and others sought individual self-sufficiency.

In tune with this interest in land and who controlled it, the organised labour movement was to play an increasing role in the struggles over urban Commons in the late nineteenth century.

Disgusting and demoralising scenes

Fairs and disorderly space

One aspect of open space guaranteed to enrage the respectable was their hosting of unruly crowds - whether for fairs, entertainment and rowdy pleasure, or for agitation, campaigning and political radicalism.

Fairs were traditionally economic events in the rural calendar, where farmed goods were sold, labourers could be hired, machinery and equipment bought. Annual fairs, often on saints' days (that everyone might have off work) linked to local churches, became fixtures that also focused on having a good time. As the old medieval Holy Days were reduced during a long crackdown on popular culture, the anticipation for surviving celebrations became heightened. Music, dancing, drinking, theatre, mime shows, farces, song and dance shows, conjuring tricks, puppets, acrobats and rope dancers; tightrope walkers, boxing competitions, performing animals, magicians, puppet shows and waxworks gradually grew up around the fairs. Especially around London, as food distribution and labour mobility improved with better transport links, the economic aspects of the fair took second place to an annual pissup & party. Some fairs became large, disorderly festivals with much associated crime, misdemeanour, drunkenness and sex. Fairs were a source of income for many of the poor and working classes, and also brightened up people's lives, an explosion of wild relief of the daily grind of poverty.

Pressure grew to restrict and abolish these festivals of wildness and eliminate the waste and common spaces where they were held.

Fairs were generally held on open or semi-open space. Southwark Fair, for several centuries with St. Bartholomew and Sturbridge Fairs "one of the three great fairs of importance" was held partly in Borough High Street and

surrounding closes and inns, and partly on St George's Fields. It became so rowdy, its crowds so prone to riotousness, authorities restricted its size and scope, but this was resisted and ignored, so it was abolished by force in 1763.

Greenwich Fair, *'an emporium of shrimps and reservoir of beer'* was held on Easter Monday, becoming a mass rowdy gathering in the eighteenth century. Up to 200,000 would attend, *"in a state of perpetual bustle and noise... the dust flies in clouds, ginger-beer corks go off in volleys, the balcony of every public-house is crowded with people, smoking and drinking... add to this the screams of women, the shouts of boys, the clanging of gongs, the firing of pistols, the ringing of bells, the bellowing of speaking-trumpets, the squeaking of penny dittoes, the noise of a dozen bands..."*

Greenwich Fair was spiced up by the presence of many drunken sailors from ships moored in the Thames. Sailors were used to carousing riotously, but also in the habit of launching demonstrations, often over pay and conditions, and not against mass looting when pay was in arrears. In 1761, drunk poor folk returning from Greenwich Fair harassed passing bourgeoisie en masse. Banned by the local powers that be in 1766, the event nevertheless continued to be held. The Fair was banned again in 1825, but stallholders ignored it and it carried on setting up.

Camberwell Fair was another notorious South London fair. Originally held in the grounds of St Giles Church, by the 18th century it was held on Camberwell Green, the green space at the village centre, over the 19th, 20th, and 21 August. Local farming had declined, and the Fair now mainly featured drink and food, music, and acts, shows and performances, with a generous side helping of illicit sex, debauchery, and some robbery and violence. Cheap



Camberwell Fair

food stalls mingled with with junk and toy stands, exhibitions, performing animals or had bizarre deformities, plays, merry go rounds, shies etc... People from all over South London flocked to the event.

But the growing middle class of

early 19th Century Camberwell hated this plebeian disruption: *“For these three days the residents of Camberwell were compelled to witness disgusting and demoralising scenes which they were powerless to prevent”*. Peckham Fair, in the same parish, ran every year for the 3 days following Camberwell Fair (22nd - 24th August), and was similarly troublesome - local authorities had to pay for extra policing for the whole week and passed this onto the parish ratepayers. The two events attracted crime. In 1802 at the end of Peckham Fair; a *“numerous and desperate gang of pickpockets”* robbed & assaulted respectable folk en masse as they were leaving the Fair.

There were constant attempts to control and restrict both fairs and people's enjoyment of it. In 1807 a Notice was pasted up:

*“Notice is hereby given that no drinking, booths, unlawful exhibitions or music, will be permitted at Camberwell or Peckham Fairs. That the constables have strict orders to prevent all gaming, or seize and carry away all implements used or employed therein, and to apprehend all the offenders, and that no dancing or music will be permitted at public houses, which are required to be close shut at eleven o'clock at night.
By order of the magistrates.”*

In 1823, Camberwell Vestry tried to prove there was no grant or charter to hold Camberwell Fair, This backfired, as evidence was produced to support an old right to be held. But in 1827, the Vestry banned Peckham Fair for good.

Another attempt to ban Camberwell Fair in 1832 failed, but by 1855, the Fair's days were numbered: a local Committee for the Abolition of Camberwell Fair was set up by leading residents, who pressurised the parish authorities into buying the Green, and closing down the fair, with the help of the police.



The Sunday Fair on Battersea Fields

Other fairs were less ancient and more impromptu. Battersea Fields was a large expanse located on fertile ground close to the river Thames, subject to flooding. This was not common land in the usual sense, but was owned freehold by the lord of the manor, leased or tenanted in strips, and intensively cultivated for arable farming or market gardening. Local parishioners held 'Lammas rights' of grazing livestock over the fields from August to November.

As mentioned above, the 2nd Earl Spencer had tried in 1827-8 to enclose Battersea Fields for modern agricultural production, but this had been successfully opposed. When he died in 1834 leaving large debts, the 3rd Earl opted to sell the land. Many existing tenants bought the freehold of their land and properties, some unsold; entrepreneurs and developers picked up lots at rock bottom prices.



Battersea Fields

The open areas of the Fields, described in the early nineteenth century as *"low, flat, damp, treeless... and... dreary"*, were a popular resort, especially around the Red House Inn, on the northeast corner. The pub became a popular venue for boat racing and pigeon shooting, and gave its name to the Sunday Fairs held nearby in the 1820s-30s, which attracted an estimated 40,000 people a week, featuring donkey-racing, fortune telling, boxing, gambling, stalls and more. This outraged local dignitaries, especially taking place on the Sabbath. The Times described the weekly Battersea shindig: *"the degraded condition of the inhabitants, the Sunday evening fairs, which outraged every sense of decency, the poisonous trades carried on in all directions... the fields [are] the future moral and physical plague spot of the metropolis."* According to local missionary Thomas Kirk: *"If ever there was a*

place out of Hell that surpassed Sodom and Gomorrah in ungodliness and abomination , this was it... the vilest of the human race ... outvie each other in wicked deeds."

Plans for a park here had first been mooted in 1841, but progress had been slow in buying the land from its various owners. But Battersea Fields was transformed into Battersea Park in the 1850s.

Local Reverend Eden led those who championed the building of the modern park to encourage the poor to reform and become 'orderly'. As part of this process in 1852 the fairs were suppressed, and the arrest of all persons 'trespassing' on the park with animals or barrows was ordered; the Red House was demolished. Common rights which had existed over Battersea Fields were extinguished by an Act of Parliament in 1853. The landscaped Park opened in 1857, and was considered to be a great success, with a newfound respectability, later described as the *"great Sunday lounge of various subdivisions in the community, from the head clerk down to the junior porter"*. Parliament took an active role in the Park's transformation, providing hundreds of thousands of pounds and overseeing the park until the 1880s.

Fairs on nearby Clapham Common, *"a great nuisance to the inhabitants"* as described by the well-to-do who lived around the Common's edge, also faced attempts to ban them, but these were only partially successful.

Croydon Fair, at one time known as the Walnut Fair, had been the focus of local protests since 1863, over plans by the Brighton Railway Company to buy the Fair Field for a new line. In the end, the event was abolished after rioting in 1898. Croydon Local Board of Health killed two birds with one stone, getting rid of the rowdy gathering and making some cash selling the land.

Over the next century almost all of London's street fairs were to vanish, banned by the authorities. This was just one aspect of a widespread campaign in the early 19th Century, to impose social and moral control over the growing working classes. National government, local authorities, church officials, and various bourgeois organisations such as the Society for the Suppression of Vice, united to control and 'reform' the 'immoral' behaviour of the working classes, through encouraging/them forcing them into hard work or the workhouse, proper respect for authority and religion, and attacking 'vice', disorder and immoral behaviour. This meant repression of pubs, prostitution, & those who radically challenged religion or the political establishment.

In an era of political upheaval and widespread radical agitation among the working class, any gathering of the poor was seen also as dangerous.

Wrong Side of the Tracks

The growth of the railways resulted in a huge appropriation of land. In urban areas swathes of poor housing was demolished to make way for tracks and depots. Outside or on the edge of cities, open land was cheaper to build in, and many especially on commons were divided by rail lines. The railways opened up districts, and led the way to the complete urbanisation of the surrounding areas, often foreshadowing development and threats to build over green space.

Parklife

Battersea Park's landscaping was part of a social movement that reflected a flipside/partial inversion of enclosure – the deliberate creation of urban parks.

By the 1850s, South London was rapidly urbanising. Villages were absorbed into city; fields and woods vanished, under housing, factories, railways and roads. Overcrowded city streets teemed with people, many working long hours, for low wages, with few opportunities to escape to greener places. Pressure grew to create urban parks or preserve remaining open spaces, to relieve the stress and overcrowding of the city for the millions packed into built up areas. Social reformers, many well-to-do, were the driving force of this movement, but campaigns spread into all classes of society: petitioning, holding public meetings and lobbying Parliament. Among all strata of society there were those who desired access to green space; philanthropy and genuine concern for the general well-being were brought together to create popular parks.

However, mingled in with all of this, there was a leavening of moral engineering, as at Battersea. If heaths and commons attracted disorderly people, encouraging



*Kennington Common in the early
18th Century*

their immorality, then landscaped parks were seen as improving the morals of the poor, by encouraging them to appreciate the finer things; converting trouble spots & meeting places for unruly plebs, into respectable parks fit for the middle and aspiring working classes.

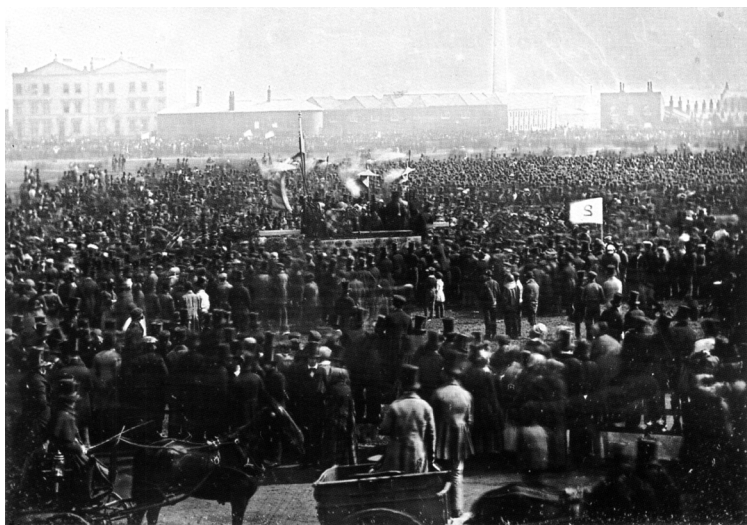
Promenade with Decorum

Kennington Common

Initial proposals for turning Kennington Common into a park were made in 1833: when the common was still in use as grazing land and pasturage. There was no suggestion then of buying out common rights, and nothing came of the plans.

As well as a place of recreation & sports, the Common was a mass meeting place for working class radicals. The Common's hosting of the last great Chartist rally in April 1848, which scared a ruling class unnerved by a wave of European revolutions, renewed pressure to erase a radical venue in favour of a landscaped and policed park. As at Battersea, the vicar of local St Marks Church, Kennington was a moving force, leading a Committee of local worthies pushing for the enclosure. Their campaigning found a willing ear in Parliament and Kennington Common was converted into a Park by the Kennington Common Inclosure Act of 1852, which extinguished all rights of common.

"The planting and construction of the park... was a colonisation of working class political space which carried a prophetic symbolism. The Common was occupied, fenced and closely guarded. Not only was the perimeter fenced but so was the grass and the



The Chartist Rally on Kennington Common, April 1848

shrubberies. The paths along which people were expected to 'promenade' with decorum, were patrolled by guards administered by H.M.Royal Commissioners." (Stefan Szczelkun)

However, the enclosure here only moved 'disorderly crowds' elsewhere. In 1852, there were protests from the wealthy folk around Clapham Common that rowdy crowds had moved here from recently fenced in Kennington.

Some large South London landed estates became parks without much argument. Brockwell Park was bought by the Lambeth Vestry after the wealthy owner went mad and was confined to a mental hospital, and Norwood MP Thomas Bristowe led a campaign to secure funds to buy it in 1892.

In May 1875, a "Plea for a People's Recreation Ground" appeared in the Sydenham, Forest Hill & Penge Gazette. It regretted that "all available land in our neighbourhood is being taken for building purposes" and young people *"meet and loiter about the roads, congregate at every street corner, becoming a moral pest and a nuisance... the poor had nothing but "the streets, the music hall, the penny gaff or the public house for their evening's resort"*. The Gazette pointed out that there was an obligation on the part of those who had benefited from the enclosure of Sydenham Common to give something back. The letter sparked a campaign which raised money to buy land for a recreation ground, opened in 1878, later becoming Mayow Park, Sydenham.

Other parks were built as public works. In Myatt's Fields, in north Brixton, pastureland and market gardens had become largely wasteland by 1874, when locals started a campaign for it to be turned into a park. The land was bought and a landscaped park was built in 1887-8. The actual landscaping was carried out by the unemployed, under a work-for-your-charity scheme set up after unemployed rioting in the West End in 1886. It opened in 1889.

But while large parks were being created as a policy in some areas, smaller green spaces were still being destroyed elsewhere.

Strong evidence against the existence of the custom

Stockwell Green

A green space on modern Stockwell Road was long used by locals for recreation - some of which was somewhat rowdy. In the seventeenth century Stockwell had been infamous as a smugglers' stronghold, a stopping point and stashing place on the old smugglers' routes up from the south coast, over the hills of the Great North Wood. But as the area got posher, more up market residents objected to the 'nuisance' caused by plebs taking their leisure on the

green. In the early 1850s, a local gentleman named Barret bought the Green, erected railings & planted over it - locals broke down the fence to resume their partying. In 1855 a committee erected a new fence, excluding the public. This grievance rankled for some years. Eventually a case went to court in 1874, but was lost. The grounds for the legal judgement were ironic, but revealing: the claim that any common rights existed by custom were ruled to have been because access to the Green had been TOO open; not restricted to local commoners but open to all. Sir George Jessel, Master of the Rolls, ruled that *“no custom in the inhabitants of the vill or hamlet of Stockwell was proved, because the evidence showed, that ALL persons who wished had played upon the green... A custom is local common law... proved by usage... But this evidence must not prove a usage wider than the custom which is alleged to exist. Thus, if the custom alleged is for certain persons to dance on a green, and the evidence proves that anyone, whether belonging to that class of persons or not, has done so, it is too wide.”*

The second basis for defeat seems to have been that by being lost, it showed there was no continuing custom of using it! *“A custom being local law... can only be got rid of by Act of Parliament. But persistent interruption of the user, as by the inclosure of the land and the exclusion of the persons claiming the right for some time, is strong evidence against the existence of the custom.”*

The Green had been enclosed for nineteen years before the case began. But the basis of the ruling was blunt: common rights were specific and had to be water tight, genuine common shared use by all was not legally acceptable – and possession was all of the law.

But the old spirit dies hard: in March 1990, as we rioted against Lambeth Council setting the Poll Tax, we danced and turned over cop cars in Stockwell Road, as anti-poll tax banners fluttered from the windows of the squat on the site of the Green.

*The Green
will rise again!*



Stockwell Green, 1874

Wombing Free

Crucial to many of the struggles over open space in the later nineteenth century was the passing of a General Inclosure Act of 1845, which meant two-thirds of the commoners had to agree to a common being enclosed, and the desirability of enclosure had to be shown when in the vicinity of a town. The Act opened the door for legal challenges to enclosures, and over the next twenty years, many green spaces were saved by legal challenge.

In the 1860s, Wimbledon Common became a crucial arena for legal defence of common and open space nationally. Campaigning at Wimbledon followed a long drawn out controversy about threats to build on Hampstead Heath and a growing movement to preserve Epping Forest for open access.

It would provide the impetus for the creation of an important campaigning organisation – the Commons Preservation Society.

Wimbledon was a relatively wealthy area, its inhabitants generally better off. The ‘commoners’ – residents with acknowledged rights to use the Common in one way or other – tended to be more well to do than in other areas. The battle for Wimbledon Common essentially became a two-and-fro mainly manifested between the lord of the manor and elements of the local middle classes. Large-scale working class campaigning and direct action, which were seen in many battles over open space in the 19th century, did not develop. Also, the debate did also not involve local government bodies, eg parish vestries, which in some areas were the arena for debate and negotiation of rights, and sometimes centres of campaigns. Instead debate around Wimbledon Common’s fate, and the future of commons more widely, focussed on Parliament, where prominent campaigning MPs tried to pass legislative protection for open space.

In 1864, the lord of the manor of Wimbledon, Earl Spencer, announced plans to convert 700 of the Common’s 1000 acres into a park; the costs of creating this park and compensating the commoners’ interests would be met by selling off portions of the remaining common (likely meaning these would end up being built on). Spencer planned to administer and maintain the park, allowing public access but by his permission, and paying for the upkeep by letting areas for pasture & grazing. He would regulate quarries and pits to be used for gravel digging, exclude “gipsies and tramps” and ban any gatherings of a religious or political nature. The Lord would retain control and everything would only be by his leave.

While offering some access, this would leave Spencer in control of the

The majority of the Committee was sympathetic to saving London commons. Many members were London M.P.s; two Committee members, George Shaw Lefevre and William Cowper, were to become active in the Commons Preservation Society. The questions and debate over Wimbledon focussed on the fence, sales of some of the land, and who would manage the Common. Giving evidence, Spencer claimed he was willing to abandon the fence if another way to pay for management of the park could be found. But he continued to insist that the management must be “in the hands of independent people”, with no representative of local residents, with whom his relations had deteriorated during negotiations.

Spencer and his supporters characterised his local opponents as being the “*villa owners around the Common*”. This was generally true; as in many areas, ‘commoners’ could effectively be well to do; undoubtedly, their motives mixed self-interest and altruism.

The Select Committee had no power do more than deliver an opinion, but recommended that Wimbledon Common should not be fenced or enclosed, that the existing Common Rights should not be extinguished, & that no part of the common should be sold. In the face of opposition in Parliament, Earl Spencer withdrew his Bill, but stepped up his gravel digging and began building a brickworks, antagonising his opponents. An attempt at talks collapsed without an agreement, and Sir Henry Peek brought a case in Chancery against Spencer in December 1866, to confirm the rights of commoners.

Over the next few years, the arguments ranged, but in the end, the commoners were able to persuade Spencer that he would be better making an agreement. Terms for a settlement were worked out, and an agreement was confirmed by the Wimbledon and Putney Commons Act of 1871. The Common came under the control of a body of eight conservators. Spencer pulled out of any further involvement in the Common’s management, but since he received an annuity of £1200 compensation for the lost revenue from the common, he didn’t do badly out of it.

A special local rate was adopted to pay for the upkeep of the Common, based on proximity and income. Wimbledon became the first metropolitan common to be managed by local conservators, a pattern that was later also adopted at Barnes, Mitcham, Epsom, and Banstead.

The battle at Wimbledon had some outcomes that had broader implications for open spaces. MPs in Parliament began to get involved in the question of space for all to enjoy (rather than simply passing acts to allow it to be enclosed by the wealthy, as they had largely done for centuries), although

they continued to insist on the rights of landowners.

Their debates resulted in the passing of the Metropolitan Commons Act in 1866, an important milestone in the defence of commons, though not a complete solution, as many spaces threw up issues that the Act did not cover.

The Wimbledon case also led directly to the formation of the Commons Preservation Society in 1865, formalising legal opposition to enclosure in an organisation. Leading members of the Wimbledon committee and the MPs who formed the 1864 Select Committee were instrumental in this. This Society was to be at the forefront in the hard graft of protecting commons and greens, and became the Open Spaces Society, which continues today...

Willfully and maliciously destroying a fence Wandsworth Common

Wandsworth Common is the remains of more extensive commonland, split between the manors of Battersea and Wandsworth. Originally a large expanse of gorse-covered heath, the Common was a good source of gravel, which was dug heavily, leaving abandoned pits, turning the heath into “a desolate pock-marked landscape, ‘bare, muddy and sloppy after a little rain, almost devoid of trees’”.

Another much smaller Common which lay just to the Southwest, Garratt Green, may also have been the focus of anti-enclosure struggles. Seemingly part of Wandsworth Common at some point, Garratt Green was for some 60 years the arena for the famous ‘Mayor of Garratt’ mock elections, a rowdy satirical festival held to coincide with General Elections, featuring ridiculous fake candidates, processions and a lot of drinking. A 1781 description of the election claimed the elections had begun about 30 years earlier as a result



Garrett 'Mayoral Election'

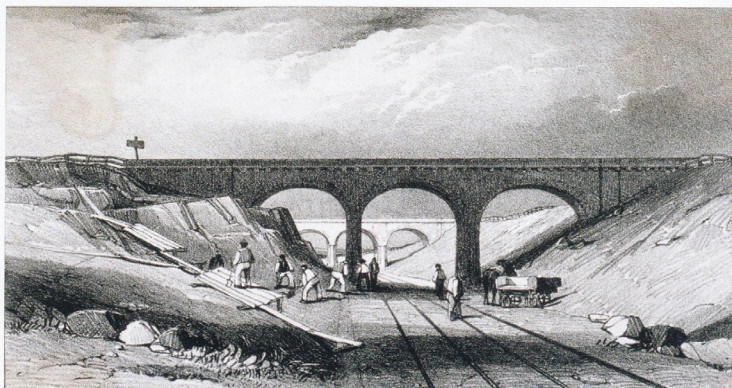
of successful local opposition to the illegal enclosures:

“The inhabitants of the hamlet of Garrat, situated between Wandsworth and Tooting, in Surrey, had certain

rights in a small common, which had been encroached upon; they therefore met in conclave, elected a president, resisted, and obtained their rights. As this happened at the time of a general election, it was determined that their president, or mayor, should hold office during parliament, and be re-elected with a new one. It was impossible that the ridiculous pomposity of the whole affair should not be felt and joked upon. When, therefore, party-spirit ran high, its effervescence was parodied by 'the storm in a tea-pot' of a Garrat election."

Though much reduced in size. Garratt Green manages to survive today (perhaps surprisingly, given its association with the rowdy Mayoral shindig).

As mentioned above, Earl Spencer's attempt to enclose all three Commons in Battersea and



Building the first railway to cross Wandsworth Common in 1838, by JR Jobbins

Wandsworth sparked protests in December 1827. This bill was defeated.

However between 1794 and 1866, fifty-three enclosures reduced Wandsworth Common. The situation was made worse by the Common being split into three segments by the building of railway lines in the 1840s, and the erection of Wandsworth Prison, St James's Industrial Schools and the Royal Victoria Patriotic Asylum, across another 82 acres of the Common.

At some point in the late 1840s, a Mr Parsons and others broke down enclosure fences here and were charged, but the case was dismissed.

Private enclosure accelerated. In 1848–53 Henry McKellar, who lived at Wandsworth Lodge, off Burntwood Lane, enclosed 20 acres of land on the south of the common's to add to his estate, apparently without proper authority. McKellar claimed he'd enclosed it to stop gypsies camping there & ruining it, but it emerged that he had sneakily set the situation up, first supplying the travellers with booze, then kicking up a fuss when they had a party. On his death this land was sold and the houses between Bellevue and

St James's Roads built the site.

In the mid-century a combination of enclosures and excessive gravel-digging drastically reduced the common's size and condition. All but one of the public footpaths were blocked off, and an area formerly used as a cricket ground became unusable.

Attempts by local people to preserve the Common against further encroachment began in earnest in 1867-68, when appeals were made to the Metropolitan Board of Works to take over responsibility for Wandsworth, following the Metropolitan Commons Act of 1866. This was initially unsuccessful. A leading light in the campaign was John Buckmaster, who had grown up in rural poverty, which politicised him, and became a paid speaker against the Corn Laws. Later he became a teacher and moved to St Johns Hill, Battersea, a stone's throw from Wandsworth Common.

Buckmaster had long questioned the claims of the rich (who he labelled the "*strong burglar class*") to monopolise land ownership, and was denouncing enclosure on the Common by 1862.

Buckmaster organised public meetings across Wandsworth, Putney and Battersea protesting the threats to the common, petitions were written and a Common Defence Committee was formed. The campaign took on a popular agitational character: rowdy meetings in local pubs decalred themselves to be "*the enemies of Spencer*". There were mass meetings in local factories.

The Committee fought an unsuccessful legal battle that April to save Plough Green (where Strathblaine Road and Vardens Road now lie, northeast of Battersea Rise) from being built on. Direct action against fences was never far from the minds of many. In 1867, a mass meeting on Battersea Rise spilled

WANDSWORTH COMMON

"E'en now the devastation has begun,
And half the business of destruction done."

**To the Inhabitants & Working Men
OF WANDSWORTH & BATTERSEA.**

Will you allow Bankrupt and Speculating Builders, Land Societies, Boershop Keepers, Railway Companies, Tailors, Gentlemen, and Noble Lords, to rob you and your children of their Common Rights and Footpaths, and the liberty of walking on God's earth, without a struggle? During the last thirty years, enclosures have been made by the late Mr. W. Kellar and the late Mr. Wilson, the enclosure for the Telescope, the enclosures by the Railway Companies, the Patriotic School, the St. James's Industrial School, the enclosure by the Prison, the enclosure by Mr. Costeker and Mr. Smith, making a total of upwards of 200 acres! Most of these enclosures have been filched from the Commons and resold at an enormous profit.

WHAT'S THE REMEDY? Down with the Fences! Preserve your Footpaths, show Lord Spencer and the Vinegar Men on the Board of Works, who have neglected their duty, that you are determined to maintain your rights like true Liberals and keep them like true Conservatives.

Follow the Noble Example of Mr. Augustus Smith, who destroyed three miles of Fences on Rushmore Commons; the Men of Winton who broke down the Fences erected by the Earl of Galloway; the Men of Eppinghamshire who broke down the Fences on Rattlesden Commons; the Men of Stone who broke down the Fences on Shalford Commons, and so Preserve their Rights!

Men of Battersea and Wandsworth, GO AND DO THOU LIKEWISE!

Cancel it be who preserve his neighbor's Landmark, and rebuke the poor of the inheritance and justice need to land to increase his riches.

DOWN WITH THE FENCES!

onto the Common to be confronted by mounted police. Public meetings on the Common (including one allegedly 5000-strong in January 1868) had passed resolutions to tear down enclosure fences.

In 1869, 2000 people pulled down enclosure fences where Chivalry Road is now. On May 14th 1869, Buckmaster was indicted at Wandsworth Police Court, accused of *"wilfully and maliciously destroying a fence enclosing the property of Mr Christopher Todd at Wandsworth Common."* Todd had bought the land from the railway Company, but campaigners claimed the Company had no right to sell, as the Lord of the Manor, Spencer, had never had any right to sell it to the Company in the first place. In breaking down the fence, Buckmaster stated that he was only asserting common rights.

"At each crashing of the fence there was a great hooting and hurrahing."

In the months following fund-raising efforts and lobbying of support accelerated. And so did the destruction of enclosures. On April 13th 1870, "a large number of persons assembled and asserted their right of way by breaking down the fences". Some 300-400 people armed with hatchets and pickaxes re-established a footpath blocked by a Mr Costeker St John's Hill, who had enclosed a newly planted orchard at Plough Green. *"At each crashing of the fence there was a great hooting and hurrahing."*

20-year old Samuel Sullings, a sawyer, was arrested after this event, accused of inciting the crowd to break down the fences, and fined 40s plus £15 damages. He was imprisoned in lieu of non-payment for six months. Buckmaster organised a petition on Sullings' behalf, and tried to keep his job open. When Sullings was released a crowd feted him with a band and a procession, which *"moved slowly to the scene of the late battle... The procession stopped as long as the police permitted it in front of the houses of the common-stealers and played, almost to the bursting of their instruments, 'See the conquering hero comes,' with occasional yells of 'Who stole the common?'"*

In June of the same year there were protests at Spencer's plans to enclose part of nearby Putney Common.

Eventually Earl Spencer agreed to transfer most of the common to the Defence Committee, excluding the area which later became Spencer Park. The Committee raised the funds to pay for an Act of Parliament, and the Wandsworth Common Act passed in 1871. A Boards of Conservators managed the Common from then on.

Tooting Popular Front

What is now known as Tooting Common consists of two older commons, 144-acre Tooting Bec Common and 63-acre Tooting Graveney Common.

Struggles over the resources available on the Common, as elsewhere, went on for centuries. Offences recorded at Tooting include tenants cutting brushwood without the Lord's permission (1415), illegal removal of gravel from the pits (during the reign of Elizabeth I), and the theft of eels from the pond on Tooting Bec (1569). The Common Keeper in the seventeenth century issued fines for animals found trespassing upon the Common, double to strangers, and had the power to impound livestock until the penalties were paid.

Rights were specific to each Common: while Tooting Graveney and Tooting Bec bordered on each other, they were legally distinct: anyone caught nipping over the boundary to cut furze from the wrong side was subject to severe fines. In 1741, Richard Bullock, the Rector of Streatham was fined for cutting turf and removing it from Tooting Bec Common. The Common was over-exploited for both 'furze' for burning, and gravel, to the point where the latter apparently threatened to de-stabilise the ground. Bans and restrictions on removal of both were periodically imposed in the seventeenth and eighteenth centuries.

Enclosures took place at Tooting in 1569, and more enclosures of Tooting Graveney Common took place in the eighteenth century.

In 1794 saw "*local troubles*" in Tooting: residents rioted when landowner Lady Pitches fenced in the Village Green. The Pitches family had bought common land from the Dukes of Bedford, Lords of the Manor of Tooting Bec. Whether or not this land was ever part of either Common, it was an omen for further disputes which occurred some seventy years later.

Like Wandsworth Common, the Tooting Commons were crisscrossed by railways between 1853 and 1863. Some local landowners profited handsomely from selling land and timber to the rail companies; while local users of the open spaces fought a losing battle against the railways. Since rail expansion into an area could usually harbinge development, time was ripe for speculation. In 1861 the Manor of Tooting Graveney was put up for sale by public auction, and a large portion along with the Manorial rights, was purchased by Mr W.S. Thompson.

According to some, Thompson was originally thought locally to have opposed enclosure, leading other anti-enclosure locals not to bid against him at the sale. However, Thompson soon "*made an application to the Enclosure*

Commissioners for leave to enclose about 63 acres, with the intention of converting it into building land“ (Bell’s Weekly, 26 December 1863.)

However, the general national mood was turning against enclosure, and feeling was strong against Thompson. Local residents formed a committee, raised money and tried to buy the manor back. When this failed they appealed to the Metropolitan Board of Works. Henry Doulton (founder of the Lambeth Doulton Pottery) was one of the local leaders in this campaign.

A meeting was held between the landowner and local people but Thompson refused to withdraw his application for enclosure and in July 1863 the Inclosure Commissioner held a meeting at the Mitre Tavern to consider the case. At that meeting Thompson declared the Common a ‘nuisance’ on account of the gypsies who camped there. But sensitive to opposition in the locality, and to Parliament’s growing reluctance to sanction enclosures, the Enclosure Commissioners refused Thompson’s application, urging that another solution be tried. They suggested that Thompson might keep twenty-five acres of the common and leave the rest open; he rejected this.

Thompson maintained no-one had exercised common rights for years, and that there were no freehold rights, so he could enclose whatever he liked. Blocked in his immediate aim, he took a more aggressive approach to managing the Common. A copyholder and five parishioners were charged with trespass for turning out animals on common land.

A committee, which had formed earlier to protect the common, prepared to protest by further grazing their animals. This was put on hold when an agreement with Thompson was reached at a Tooting inn in, June 1865, tentatively dividing the common, with half to be dedicated to the public and be used to satisfy any common rights, and the other half, to the north, was to become Thompson’s freehold. However, Thompson was to refrain from building on it for twenty-one years. This left open the possibility that the northern section might be purchased in time and added to the public land.

This agreement, however, left it vague what powers Thompson could exercise over his chunk of the common: he wanted to prevent any access. Some commoners demanded that persons with rights of common, and residents, be allowed to walk across. Both sides refused to back down over this.

Thompson had already erected a fence around his portion, at a cost of £500. This fence remained standing until June 1868, when it was broken down by a group of commoners, who doubted the legality of the fence. A resolution to tear down the fence had been passed at a protest meeting was held in the

Infant School, Tooting Broadway. Thompson launched actions of trespass against the fence-breakers, but was counter-sued by Thomas Betts and two other commoners, attempting to nail down common rights and win an injunction against the enclosure.

When the case came to court in July 1870, the Master of the Rolls, Lord Romilly, ruled in favour of Betts and the commoners. The judgment prohibited Thompson from maintaining the fence if it interfered with the rights of the plaintiffs to turn out cattle or take gorse, turf, and gravel. However, the case went to appeal and was only finally settled on in August 1871 when the Lord Chancellor found in favour of Mr Betts. Thwarted in the courts, facing considerable legal expenses, and given clear evidence of political will in favour of protecting common land, Thompson finally gave up his battle to enclose Tooting Graveney Common. In 1875 an Act of Parliament was passed confirming the ownership and management of Tooting Graveney Common by the Metropolitan Board of Works. By 1873, the MBW had also acquired fully the manorial rights to Tooting Bec Common, at that point comprising 144 acres; the Tooting Commons were finally united in ownership and management and protected against future enclosure or development.

The mounting wave of campaigns against the loss of green space, gathering pace in the 1860s, would only accelerate into the next decade. Campaigns, legal actions, sabotage seemed everywhere across South London.

1870 saw mass meetings on Blackheath in May, convened by the Advanced Liberal Association of Greenwich, against plans to enclose part of the heath.

Over 850 acres of lammas lands and commons had been lost in the parish of Lewisham by an enclosure act passed in 1810 – Blackheath was only part saved.

In the same year 2000 people met at Mill Pond Bridge, Rotherhithe, to oppose efforts by the Metropolitan Board of Works to build on part of Southwark Park. Called by the Radical Association of Southwark, there were threats to destroy any fences or buildings put up. Builders trade Union leader, and member of the General Council of the International Workingmans' Association, George Odger was a notable speaker. The Board of Works planned to pay for the works on the park by selling off part of the land for building, but determined opposition by locals forced them to backtrack.

Epsom Downs & Commons: There was opposition to enclosure of a part of the Downs by locals in 1865. The 1866 Metropolitan Commons Act saved it.

But in 1888 there were legal actions against the Lord of the Manor & Epsom Grandstand Association over encroachment here.

Mitcham Common

As usual, Mitcham Common saw disputes about enclosures.

The enclosure of a plantation near Beddington Corner, about 80 acres in extent, was the cause of considerable litigation which was finally settled about 1816 by the Court of King's Bench.

In 1868 a local committee formed to try to reverse recent enclosures at Mitcham. In 1877, the Commons Preservation Society & locals prevented the London-Brighton Railway from building across the Common, and defeated Croydon Local Board's plans for a sewage works. The following year saw protests against the Lord of Manor's gravel digging operations. In 1890, there were more protests against enclosures & gravel digging. These led to an Act to protect the Common. There were also long-running disputes here over the creation of a golf course; legal battles between pro and anti-golfers were not settled till just before WW1.

Coul For Cats

There were four linked Commons around Coulsdon: Coulsdon Common, Riddlesdown, Farthing Down, and Kenley Common, and Hartley Down. The chalk downland here was generally unsuitable for intensive agriculture, its shallow soil lacking essential nutrients, and its steep slopes made cultivation difficult. Coulsdon Common and Riddlesdown remained uncultivated while more easily worked land was ploughed or settled.

By the late nineteenth century, the need for grazing and wood products for subsistence had declined, and land use here was changing. As grazing diminished, thick scrub and trees grew up, and parts of the Common that were once open were overgrown. However, the value of the land increased following the coming of the railway, and the Lord of the Manor of Coulsdon, Edmund Byron, began enclosing land, fencing off 150 acres at Hartley Down. Meanwhile turf & gravel were extracted from Riddlesdown. George Cutt of Welcomes Farm and John Young who owned Kenley House, both expropriated areas of the commons.

One local landowner, William Hall, refused to sell land to Byron, and approached the Corporation of London with an offer to sell his land and his commoner rights to the Corporation, if the latter would step in to protect the land from being enclosed (as it recently had done in Epping Forest).

Prolonged negotiation ended with Byron agreeing to sell the commons to the Corporation of London. In February 1883 it bought 347 acres of Riddlesdown and Kenley Common, and they were dedicated as a Common, under the powers of the Corporation of London (Open Spaces) Act 1878.

Peckham Rye Park

For over a hundred years, there were various protests against encroachments on common land in Peckham Rye Park. Vestry minutes in 1766 and 1789 record protests of the parishioners against encroachments on the Rye.

In December, 1866, leases of land from the lord of the manor, Sir William Bowyer Smyth, to land in Peckham Rye were all due to expire. These lessees and local inhabitants contributed around £100 a year to keep the common in good condition. With the leases coming to an end and the high demand for building land, there was worry that the Common would be sold and developed. A “large and enthusiastic meeting of the principal inhabitants” was held on Wednesday, June 7th, 1865, to consider the best means to be adopted to prevent the erection of buildings on Peckham, Rye.

Bowyer-Smith maintained he had absolute ownership of the Rye, and was entitled sell the land if he wished with no restriction, there being at that time no copyholder having rights over it. Locals raised the matter with the House of Commons Select Committee on Open Spaces, then discussing commons after the events at Wimbledon.

Mr. T. Drake, a leading opponent of any sale or enclosure, gave evidence before the Committee that there were in fact commoners, who had established rights, and he mentioned instances where “*the right of common and turbary*” had been conveyed from vendors to purchasers.

The agitation concluded in 1868 with the Camberwell Vestry buying the land for a public park, ownership being transferred to the Metropolitan Board of Works in 1882, and neighbouring Homestall Farm being added to the park in the following years. 100,000 people marched from the Vestry Hall to the Park to attend the opening in May 1894.

Banstead Commons

Banstead Commons consists of four linked commons: Banstead Heath, Banstead Downs, Burgh Heath and Park Downs. In 1864, Lord of the Manor of Banstead, Thomas Alcock, proposed to enclose the Commons, but

after local protests he backed down, and in fact later joined the Commons Preservation Society! His heirs, however tried again, and sold the land when they were also unsuccessful. This was the prelude to a long drawn out struggle that took over 20 years.

Sir John William Cradock Hartopp bought some 1682 acres, intending to enclose Banstead Commons for house-building, and began to purchase the commoners' rights with the aim of extinguishing them. Some commoners who no longer exercised their rights, sold them, but gradually, the prices he was being forced to pay rose sharply; by mid 1876 Hartopp had spent over £17,500 buying up commoners' rights.

Before he had fully bought all the commoners out, Hartopp started building cottages on Banstead Downs and stripping and selling topsoil, turf and gravel from Banstead Heath. This enraged residents. In 1876 remaining commoners launched a joint legal action against Sir John in the Court of Chancery.

The Corporation of the City of London contributed a large sum to the commoners' costs. But it took 13 years to conclude the case, during which time the development and stripping of resources went on un-interrupted.

Just as enclosure was imprisoning the land here, topsoil extracted from Banstead Commons was used to build the massive London County Asylum at Freedown, completed 1877, where the mad were imprisoned. Even when this closed in the 1980s, the buildings became Highdown and Downview Prisons.

The case was bogged down in court, but Hartopp's solicitor, also his business partner in stripping the Common, embezzled all their funds and decanted, leaving Sir John bankrupt. Banstead Commons, heavily mortgaged, were seized by his creditors. However, this didn't end the battle, as the creditors continued building and stripping the Commons. The commoners finally managed to demonstrate that the asset-stripping had left them insufficient land for them to exercise their existing common grazing rights, and won judgement in their favour in April, 1889.

The Metropolitan Commons (Banstead) Supplemental Act 1893 established a scheme for the local management and regulation of the Banstead Commons, under the management of eight conservators. Conservators still manage the Common today, these days as part of the local authority.

Wild and Violent Riots

Plumstead Common

Plumstead Common belonged to the Provost and Scholars of Queens College, Oxford. Freehold tenants had enjoyed rights of cattle-grazing, and collection of gravel, turf, loam etc for centuries. It was a wild and picturesque



place, loved by locals, especially kids. But troops stationed on nearby Woolwich Common had been allowed to exercise here in the 19th Century, causing great damage, and leading to *"the present ruinous condition of the remoter half"* (W.T. Vincent).

In 1816 two plots of land were enclosed where Blendon Road and Bramblebury Road are now.

In the 1850s an area between The Slade and Chestnut Rise was sold. This caused *"distant rumblings"* of discontent in Parish Vestry meetings, but no more action was taken. Some small plots were enclosed by the Vestry on the fringes of the Common were given to poor widows "to keep them out of the workhouse", according to Vincent (more to cut expenses to the ratepayers than from noble generosity, possibly). From 1859 however, Queens College aggressively pursued a policy of excluding freeholders, asserting they were practically the owners of the waste land at Plumstead, and could do what they liked..

The people of Plumstead strongly opposed the ambitions of Queens College stating that they had the right to graze cattle, geese and other livestock, the right to cut turf and to dig for sand and gravel on the Common. They also claimed the right to use the open space for sports and other pastimes.

Various encroachments were made by the College, reducing the size of the Common by a third. In 1866 the whole of Bostall Heath and Shoulder of Mutton Green were enclosed.

This led to local outrage, mass meetings of residents of East Wickham, and the forming of a protest committee. This followed in March 1866 to the forcible removal of the fences around the Green, and also the destruction of fences near the Central Schools around Heathfield and Bleakhill. In a legal challenge by Manor tenants to the College, the Master of the Rolls ruled the enclosures on the Common and Bostall Heath out of order.

"A party of women, armed with saws and hatchets"

'Illegal' encroachments continued though – often facing unofficial demolition by locals. The Plumstead Vestry even passed motions in favour of the demolitions! The main targets for sabotage were the property of William Tongue, a rich local builder who had bought the land here and put fences up, and his crony, magistrate Edwin Hughes, Chairman of the Vestry and later Tory MP for Woolwich. Hughes was a very powerful man locally, said to have *"had the key to the Borough in his pocket"*. He had bought land off Tongue to add to his garden.

Tongue had already been the focus for trouble in 1866 over his enclosing ways. On a Saturday in May 1870, *"a number of the lower class, who were resolved to test their rights"* demolished fences and carried off the wood. *"A party of women, armed with saws and hatchets, first commenced operations by sawing down a fence enclosing a meadow adjoining the residence of Mr Hughes..."*

Fences belonging to William Tongue were pulled down. There was talk of pulling down Hughes' house as well. Hughes called the coppers, and some nickings followed. The next day 100s of people gathered and attacked fences put up by a Mr Jeans. When the bobbies arrived many vandals took refuge in the local pubs.

From 1871, the military from nearby barracks took over large sections for exercises and drilling, as Woolwich Common was too small and swampy: the squaddies soon trashed the place, stripping all the grass and bushes and brambles. Protests followed, but nothing changed.

In 1876, Queens College decided to lease the greater part of the common permanently to the army for extensions to the Woolwich Barracks/parade grounds. Local people, including many workers from Woolwich Dockyard, objected to the plans; notices appeared around the town in late June calling for a demonstration. The main organiser of this demo was John de Morgan, an Irish republican & agitator, who had been involved in struggles against enclosures in Wimbledon (in 1875) and in Leyton and Hackney. De Morgan

was a charismatic (or self-publicising) and provocative figure, a freelance editor, orator & teacher, who had been driven out of Ireland for trying to start a Cork branch of the International Workingmens Association (the First International). He had long been a Secularist and Republican, but often fell out with other Secularists and radicals.

He had founded a Commons Protection League, which was involved in organising resistance to threats to open spaces in Hackney, Banstead and other areas besides Plumstead.

"I Never saw a Scene So Disorderly and Lawless"

On July 1st 1876, over 1000 people held meetings in the Arsenal Square and the Old Mill pub, marched up to the north side of the Common (around St Margaret's Grove) and peacefully tore down fences. Again fences belonging to Edwin Hughes and William Tongue were destroyed - the crowds now had added grudges against them. Both had recently been involved in crushing an 1876 strike by local carpenters and bricklayers over pay and piecework, making them doubly hated. Tongue had brought in scabs to break the strike and Hughes prosecuted strikers for leaving work (under the notorious Employers and Workman's Act.) A widely disliked Mr Jacobs, who leased a sandpit off the College, also had fences broken.

The following day (Sunday) a crowd returned to demolish the already rebuilt fences: a police attack led to a battle with stones thrown and fires started. Monday saw more rioting: according to a hostile witness there were 10,000 there on Monday and Tuesday, *"I never saw a scene so disorderly and lawless."* The furze on Tongue's land was set on fire. While the cops brought it under control, enthusiastic meetings continued.

Although many rioters were costermongers, local coalheavers, labourers from the Woolwich Arsenal (700 Arsenal men took the day off from

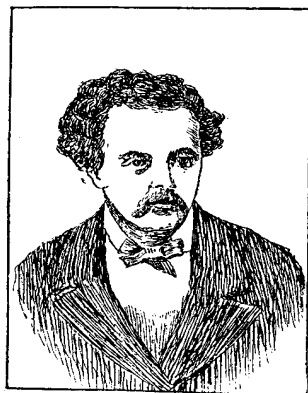


Fences being torn down on Plumstead Common, 1876

one department to go and hear a de Morgan speech), many more 'respectable' workmen were up there trashing the fences.

Hughes used his influence to pressurise for official reprisals, and John de Morgan and several other organisers were charged with incitement to riot (although de Morgan had not even been present after the July 1st events).

There was disagreement locally over methods of saving the Common: some of the more respectable campaigners plumping for legal means and disapproving of the rioting. Local secularist Robert Forder (another defendant in the Riot trial) also bitterly criticised De Morgan, accusing him of pocketing defence funds. (He had previous issues with De Morgan from the Irishman's split with Secularist leader Charles Bradlaugh, who Forder supported.)



John de Morgan.

At the trial, in October 1876 at Maidstone, three men including Forder were acquitted, but de Morgan was found guilty. Sentenced to a month in jail, he was unexpectedly released early: a planned 20,000-strong march to demand his release turned into a mass celebration with bands.

Effigies of Hughes and Kentish Independent journalist (and historian of the area) W.T. Vincent, who had given evidence against de Morgan, were burned on the Common at the Slade. Hughes also sued the liberal Woolwich Gazette and the Man of Kent newspapers for printing de Morgan's 'libellous' speeches.

In the aftermath of the riots, the constitutional campaigners stepped up their negotiations with the Queens College, in an attempt to prevent further rioting. The upshot was that the Metropolitan Board of Works bought Plumstead Common for £16,000. It remains a public open space.

Chiselhurst Common, Camden Park and Petts Wood

Chiselhurst common, which is divided into three areas, was owned originally by the Crown, and later by the Scadbury, Walsingham and Townsend families, Lords of the Manor. Before the arrival of the railways the Commons were regarded as open to the villagers and available for use for grazing of their livestock. Once building started here in earnest, the land became valuable; the Commons were in danger of being ruined by excavations of

valuable road building material, and the cutting of turf.

On 20 May 1876, G H Baskomb, proprietor of a brick and tile works and part-owner of the famous Chiselhurst caves, ordered a windmill built on the Common pulled down, and fenced off land to sell off for building. But locals, accustomed to wandering on the common at will, repeatedly pulled the fence down at night. A public meeting threatened legal action against him, and Baskomb backed down.

The Metropolitan Commons Act of 1866 did not apply directly to Chiselhurst commons, and so a group of prominent residents formed the Chislehurst and St Paul's Cray Commons Preservation Society and finally achieved the passage of a Supplemental Act in 1888 to protect Chislehurst and St Paul's Cray Commons. This Act, together with its attached scheme of management, continues to regulate the management of Chiselhurst Common.

An attempt to enclose nearby Camden Park was also defeated. Speculative builder William Willett bought the Camden Park Estate in 1890, planning to build 300 houses on the park. But there were old rights of way across



common land here, and locals proved that custom had established common rights there, and persuaded a court that it should remain open. In the end only Camden Park Road and The Wilderness were developed and the Park was maintained as a golf course.

Willett later became more famous as the originator of putting the clocks forward and back for British Summer Time, adopted during World War 1.

There was an ironic postscript to this. In 1920, an attempt by the owners of another local space, Petts Wood, to sell the 88 acres of the wood so it could be built on, was prevented by a campaign organised by local residents, who raised £12,000 by public appeal and bought the land piece by piece over two

years, and then donated it to the National Trust.

Given William Willett's attempt to enclose Camden Park, the Petts Wood campaigners' decision that the woods saved from enclosure should be renamed Willett Woods, and a monument in the form of a sundial erected to Willett, was a touch bizarre.

Many other spaces were either saved or formally adopted as parks in the 1880s and 1890s.

Between 1875 and 1896, a public agitation, supported by Octavia Hill & the Commons Preservation Society (CPS), saved the Hilly Fields in Brockley from development, raising money to buy the land. They were formally opened as a park in 1896.

In 1888 the Commons Preservation Society & London County Council prevented Nunhead & Shortlands Railway building a line over the Ravensbourne Recreation Ground, Catford.



As mentioned above, Latchmoor Common in Battersea had been converted into allotments and smallholdings in the 1830s. In 1888, a Battersea Vestry Bill to build housing for the working classes on the site. was thrown out, with local opponents backed by the Commons Preservation Society contending that the ground should be preserved as an open space.

This wasn't the end of the story, though. In 1900 the housing scheme was revived, this time successfully, because of the perceived need to provide more working-class housing in this poor and overcrowded district of Battersea. Local socialist leader John Burns argued that Battersea urgently needed small housing units, not extra open space, pointing out the Latchmere soil was poor and contaminated, flowers and vegetables could barely be grown, and parts of the allotments had become rubbish tips. Legislation to enable the allotments to be built over was granted as part of an LCC General Powers Act of 1900. Eight acres were taken for housing; the remaining area, just over three acres, was to be laid out as a recreation ground, though this was later reduced still further. The Latchmere Estate was formally opened in 1903, as working class housing, and only a small park finally completed in 1906. This park was to become the centre of an entirely different struggle,

around a drinking fountain built by the International Anti-Vivisection Council, surmounted with a memorial to the so-called 'brown dog', alleged victim of un-anaesthetised medical experiments at University College Hospital. When outraged medical students marched to demolish the statue, locals rallied to defend it, leading to fighting and legal dispute...

Barnes Common: The Local Vestry's attempt in the 1890s to encroach on the Common to extend the cemetery was defeated in a legal action by the Commons Preservation Society.

All Persons found Trespassing Ham Common

What later became known as Ham Common originated as a grant of land to the manor of Ham, in compensation for parish lands enclosed by king Charles I to create Richmond Park in 1637. Ham lost the most land to the new park: 895 acres previously fell within Ham's boundaries, and nearly half - 400 acres - was common land. Opposition in Ham to the loss of their lands was so vocal, the king had to appoint a commission to treat with *"the proprietors and other inhabitants"*, and paid compensation to the commoners of Ham for their loss and granted them a deed of gift of the remaining unenclosed common land for all time.

This 'Deed' was held to give some residents rights of access and protection against enclosure. Both the local villagers and the lords of the Manor recognised that it restricted the rights of the lord.

Apart from area of the present day Common, other common land existed around the enclosed farm land of Ham. Commoners also enjoyed lammas rights on areas of enclosed farmland along the river Thames.

The lord of the Manors of Ham and Petersham, the Earls of Dysart, the aristocratic Tollemache family, who lived in Ham House, Richmond, smarted under the perceived restriction on their powers compared to many other manorial lords, and as William Harland put it, were *"ever on the look out to find ways in which to encroach on the rights of the villagers."*

Succeeding to the title in 1878, the 9th Earl Dysart inherited an estate in debt & disrepair. The trustees running the estate on his behalf needed to raise some ready cash. The Dysarts owned 70% of the land in Ham and Petersham. With building land in demand as London expanded, and agriculture becoming less commercially attractive, the estate aimed to make a quick profit by developing land for housing and digging gravel to sell to building companies.

Management of Ham Common was organised through the parish vestry, which regulated disputes and offences. Typical issues included regulating the removal of gravel, loam, turf and furze, 'encroachment' (usually land-owners trying to enclose land or use land they weren't entitled to), over-grazing by animals, nuisance caused by geese, pigs rooting and blocking drains, damage to turf from exercising horses, squatters, camping travellers, gipsies and tinkers.

Alternately tussling with and making accommodations to the Dysarts' attempts to take or withhold resources, the Vestry saw itself as exercising fair control over the Common lands, on behalf of the inhabitants. Here, simple proven residence within the manor conferred the right to ask to access resources. Sometimes when disputes and complaints became difficult, general meetings of inhabitants of Ham were called to decide on use. This didn't mean some people didn't try to sneak some advantage to themselves, but a system was in place to at least try to manage the Common fairly and collectively. This reflected a general feeling that common land belonged to the community.

This sense of collective ownership was to be important when the Dysart family decided to try to press for enclosure and greater exploitation of the common lands. Surrey Comet Journalist William Harland later suggested that the powers of the Vestry had been stripped by 'the establishment of the Local Board in 1862: "a death-blow to the control exercised by the villagers over the Common under the old regime."

The Local Board did not register Ham Common under the Metropolitan Commons Act of 1866. The Dysart Estate would try to take advantage of this error.

In April 1891 the Dysarts erected six notice boards on the Common warning that those removing *"gravel, turf, etc without having obtained the license of the Lords of the Manor"* would be liable for prosecution. They also erected notices on the lammas lands, warning that *"This Land is private and all Persons found trespassing or committing damage thereon are hereby warned that they are liable to be ejected and will be prosecuted with the utmost rigour of the Law."*

The villagers of Ham had already objected to the Dysarts' removing gravel from the common for use at Ham House was 'outside the manorial right', since Ham House itself lay in the neighbouring manor of Petersham.

In the village of Ham, the general view was that use of the Common had

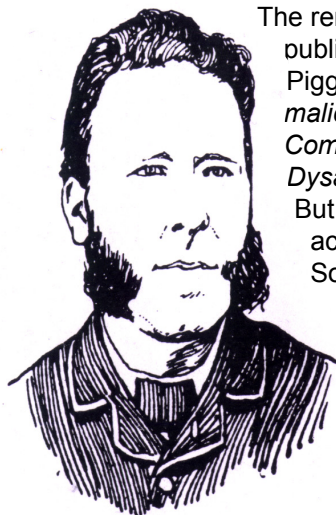
been managed by the villagers in their own interests for two centuries, based on the 'Deed' of Charles I, and this should continue, albeit in the hands of a 'proper authority'.

The erection of the noticeboards sparked outrage, resulting in a mass meeting held on Ham Common. Agitation was begun by Edward Nicholas Radford, a butler, veteran of the Crimean War, and lay preacher. Around 2,000 people attended, passing a resolution protesting against the action of the Dysart Trustees and that the objectionable notice boards should be removed within a fortnight or they would be cut down.

The Trustees ignored this and on July 5th another big demonstration took place, but people dispersed irresolutely without pulling down the boards. Radford, feeling sure of his ground and of the support of the inhabitants, did not wish to run the risk of promoting a disturbance, especially as a large force of police was present.

So it was early the next morning, that four notices were chopped down, by Radford accompanied by Shadrach Hopkins (Groundsman at Sudbrook Golf Course), labourers William Piggott and George Hall, and journalist William Harland.

"The delight and excitement amongst the villagers were tremendous when the fact was known a few hours later ... the decision to take prompt and bold action... was ratified by every resident having the welfare of the Common at heart."



Edward Radford

The remaining three notices were cut down at another public meeting on July 15th. Radford, Hopkins, Hall and Piggott were arrested, and prosecuted for *"wilfully and maliciously damage [to] certain notice boards on Ham Common... the property of the Trustees of the late Earl of Dysart."*

But at their trial in October 1891, the four men were acquitted, despite the prosecution being led by the Solicitor General, Sir Edward Clarke QC.

Defending, C. F. Gill called no witnesses, relying solely on the plea that the Trustees by taking criminal proceedings, whilst the civil courts were open to them, were attempting to turn honest men into felons merely for asserting what they believed to be their inalienable rights. The jury promptly returned a verdict of not guilty. The journey home from court

turned into a travelling party: villagers of Richmond, Petersham, and Ham came onto the streets to cheer, shout and wave aprons and branches!

But the acquittal was not the end of the struggle over common land in Ham. The Dysart trustees attempted to persuade locals to agree to a set of rules *“submitted practically abolishing all the rights of the villagers and asserting in full the claims of the Trustees”*, but this failed.

In 1896 the Dysarts promoted a Bill in Parliament for enclosure of 176 acres of lammas lands in the manor, also known as Ham Fields. The bill slyly included sops to local opinion, in its proposal to grant Petersham Meadows and Common to the public in exchange for being allowed to get on with developing the Fields. The Bill was opposed by the commoners of Ham, by the London County Council, and by the Society for the Preservation of Commons and Open Spaces; and was defeated by 262 votes to 118 in Parliament, as it was deemed to contravene the Metropolitan Commons Acts.

A Board of Agriculture enquiry, however, determined that the provisions of these acts did not apply to the Lammas lands, and in 1902, another Private Bill passed in Parliament (179 in favour to 79 against). It did transfer the Dysarts’ residual manorial interests in Ham Common and vested them in Ham Urban District Council, which had now replaced the Local Board, and took over management of Ham Common.

However, it extinguished the remaining lammas rights in Ham, thereby freeing up this agricultural land for development, to the profit of the Tollemaches. Instead of building though, much of the lammas land was leased from 1904 to the Ham River Grit Company, and the area exploited for gravel extraction to feed the demand from construction. Millions of tons of river gravel were extracted here until 1939.

These days, the lammas lands, or Ham Fields, are themselves designated Metropolitan open space, and 72 acres form Ham Lands Nature reserve. This was planned as far back as 1945, but later threatened with being built over.

Again it was local campaigning that prevented much of this space from being developed and pushed it toward its present status as a place for wildlife to flourish and people to wander. After the gravel digging ended in 1939, plans to build housing on the lands were opposed by a succession of campaigns, and while some houses did get built, much of the land was eventually saved as open space by 1983.

A Strong unclimbable spiked iron fence

West Wickham Common

West Wickham Common the wasteland of the Manor of West Wickham, was closely connected with Hayes Common, in the Manor of Baston. In the 1860s the Lord of both manors, Sir John Lennard, began to sell off plots of West Wickham Common for villas. Locals, fearing that Hayes Common would go the same way, organised opposition, and after some campaigning, Hayes Common gained legal protection against enclosure in 1869.

West Wickham previously contained 75 acres of common, but 50 acres were gradually enclosed and disposed of for building purposes. About 1880, Lennard built two mansions & school on land enclosed from the Common at Coney Hill.

In February 1890, Lennard suddenly enclosed and sold 20 hectares of West Wickham Common for building, erecting a *“strong unclimbable spiked iron fence”* around the land. Local popular opinion was against him. Emily Hall noted in her diary *“he has fenced in every morsel of the common that he can, and is now beginning to do the same to the woods”*. The Bromley Commons & Footpaths Preservation Society weighed in with a legal action.

Lennard was eventually persuaded to sell the land: West Wickham residents purchased 75 percent and the Corporation of the City of London the rest. The whole was handed over to the Corporation, which now looks after this ‘in perpetuity’. In 1892 the Mayor of London travelled to Wickham Common and declared it free and open to the public forever.

West Wickham & Hayes Commons also saw a Ministry of Transport plan in 1924 to build an arterial road through the woods defeated after local protests.

John Lennard's heir Sir Henry refused to allow



Sheep on West Wickham Common

paths or roads to be built across his estate. When he died in 1928, his estate was sold off, and housing estates built at Coney Hall. These would be the scene of a 1937 'mortgage strike' among purchasers angry at the poor quality of the buildings.

Hurst Park Molesey: was common land which was enclosed in the 1890s for a horse racecourse, to some disquiet from locals at the diverting of public rights of way, although no organised opposition may have coalesced as the racecourse remained.

What we have enjoyed for all our lifetime

Croham Hurst

Croham Hurst in Croydon was a woody open space, a popular recreation spot in the 19th century; however, this was not public property, but was privately owned by Whitgift's Hospital.

Over 2200 acres of wastes and 500 acres of commons at Croydon had been enclosed by a Parliamentary Enclosure Act in 1797; one of the manors enclosed had been sold to the Hospital.

Croydon was *"growing at a rate almost on a par with the growth of the mushroom cities of Western America... streets of houses pushing out in every direction"*; profits were to be made by selling land.

In 1898, the governors of the Whitgift Foundation planned to sell the lower slopes of the Hurst for development for housing, while offering the hilltop to the council. This proposal would have resulted in half of the Hurst being built upon and the rest being enclosed behind a seven foot high fence.

If *"this apparently generous offer, [was] accepted ... by the Council with almost tearful expressions of gratitude"*, the people of Croydon were outraged, since *"for half a century and more, Croydonians have rambled unmolested over the Hill, so that some of the well-beaten tracks are undoubtedly public footpaths."* They quickly formed a Croham Hurst Committee to oppose the proposals.

A public meeting voted unanimously in favour of the purchase of the property as a whole. The campaign had strong backing from the papers who published a plan of the proposals which emphasised just how much of the area would be lost. During February 1899 a memorial signed by a thousand local people was presented to the Council. On March 20th, a mass meeting took place in Croydon's largest hall. A letter appeared in one of the papers,



stating: *"We are not asking for a new pleasure ground, we only plead that what we have enjoyed for all our lifetime shall not now be taken from us."*

By 1901 agreement by was reached and the whole of the Hurst was acquired by Croydon Corporation on 8 February that year.

Malcolm Sharpe, an influential activist in the Committee to save the Hurst, was also important in helping to save other local woods in the area, including Littleheath Woods. *"When the Selsdon estate was being built in 1920 the developers thought about acquiring this wooded land, but fortunately the residents association with help from local conservationist Malcolm Sharpe linked up with the council and acquired the land for £6,000."*

The Golf War

One Tree Hill

One Tree Hill, in Honor Oak, had always been an open space, a traditional gathering spot for locals, more recently for recreation. In Autumn 1896 it was suddenly enclosed by a golf club!

Locals were understandably pissed off. There followed a large number of protest meetings, in Spring-Summer 1897, many held in the open air on Peckham Rye. Meetings of an Enclosure of Honor Oak Hill Protest Committee were held from August in the Samuel Bowley Coffee Tavern, Peckham Rye. They got support from the Commons Preservation Society. They were in the process of collecting evidence about traditional access to the Hill. But there was some unrest in the membership, over the slow progress they were making...

At a meeting of the Committee, a resolution to defend the hill by

pulling down the fences was defeated. But in late August, the Golf Club prosecuted two lads who had broken down part of the fence and 'trespassed' on the hill. Children who wandered through a broken section to pick flowers were also attacked by a fierce guard dog. In October a large protest meeting on the Rye condemned the Club's prosecution, and supported the two 'trespassers'. Further failed attempts to get the Committee to authorise direct action against the fence led to a resolution at a mass meeting on October 3rd 1897, voting for the removal of the fence the following Sunday.

On the 10th, some 15,000 people assembled; after apparently waiting a while for an appointed demolisher to arrive, a section of the crowd in Honor Oak Park pulled down part of the fence. The crowd then rushed onto the hill from Honor Oak Park & Honor Oak Rise. *"The hill was soon covered with a disorderly multitude, and it was quickly found necessary to reinforce the police who had been posted to keep order."* Some of the crowd attacked the house of the grounds keeper, only the arrival of more cops keeping the crowd at bay. *The more constitutional element attempted to take control, starting a meeting and denouncing the "unseemly and riotous conduct taking place... an appeal was made for quiet and more orderly conduct... the crowds, after singing 'Rule Britannia', dispersed ..."*

Although the Protest Committee disassociated itself from the violence,

two former members also publicly went to pull down a section of fence on October 16th, stating they'd been

instructed to do so on behalf of the public. Seems a reasonable

defence! The Golf Club however was still maintaining they had bought the land fair and square from the previous owners.



"A lurid glare upon the upturned faces"

On Sunday the 17th, a very large crowd gathered, obviously expecting

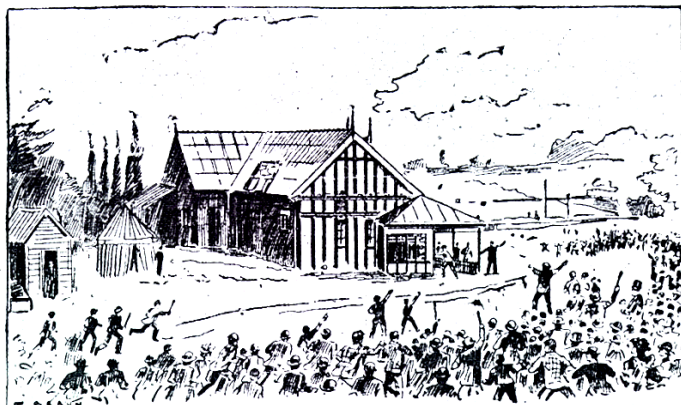
trouble. Estimates vary from 50,000 to 100,000 people present! They were faced by 500-odd police, some mounted, patrolling the hill. The filth fought off several attempts to demolish the fence and rush the hill, mostly at the south side, overlooking Honor Oak Park. At least 12,000 were hemmed in here, many of who stoned the cops, charging several times and being charged in return.

"Late in the day a furze bush was fired, and this cast a lurid glare upon the upturned faces of the packed mass of onlookers." Ten people were nicked, two of whom got sent down for a month, three for fourteen days and the rest fined. The following Sunday, the 24th, thousands again gathered at the Hill.

Meanwhile, the Protest Committee, although condemning the rioting, took advantage of the notoriety it aroused in its attempts to persuade the Camberwell and Lewisham Vestries (One Tree Hill being on the border of the two parishes) that the enclosure should be reversed. The Committee's investigations had revealed several rights of way across the hill: at an inquiry in January 1898, the Joint Committee of the two vestries voted to go to court over the enclosure.

They sought advice from the Commons Preservation Society. This process dragged on, into 1899; meanwhile the Golf Club had obtained a court judgment for trespass against five members of the Committee.

Over the next few years, though the riots never revived, the process ground on, with Camberwell Borough Council putting pressure on the owner of the Hill, J. E. Ward, to sell the land. Ward dug his heels in, asking for a huge amount for the land. Eventually the London



One Tree Hill: the attack on the golf house

County Council, stuck a clause in their 1902 General Powers Bill, for a compulsory purchase – leading to the Hill being bought for £6,100 in 1904.

It is still a very lovely open

space now, definitely worth a visit/picnic, with its great view of London. In 1997, a hand-crafted centenary bench was put up to remember the riots, though it has since vanished. It was from here that the Association of Autonomous Astronauts tried to launch their independent ventures into space in 1999.

Golf of course is the ultimate game of the rich, the powerful, social aspirations, the game of the businessman. The Golf Course is where deals are made, where the upward-looking working class man attempts to slide up the social scale. Joining the Golf Club is the mark of acceptance into the elite. It takes up huge areas of land that would be better left wild, and in many countries consumes huge water supplies at the expense of local communities. It is the pits. It really is time to get rid of it.

Eltham and Woolwich Commons

Around 1900, the War Office tried to appropriate the Common to build Army officers' quarters on Eltham Common, and felled trees en masse, causing local protests. The War Office claimed the land wasn't a Common & they were practically the owners. Pressure from residents and the Commons Preservation Society led to the War Office backing down.

But shortly after, in 1908, the War Office tried a similar move at Woolwich Common, attempting to enclose 20 acres for officers quarters & a polo ground. There was fierce local opposition, but the Office threatened to withdraw military establishments, crucial to the local economy, from the area, and the local council gave up. Part of the Common was lost.

Wimbledon Green

Wimbledon Green was a small piece of land, at some point detached from Wimbledon Common. Wimbledon Fair was previously held here, but was suppressed in 1840, at the insistence of Mrs Marryat, whose property lay next door, and who said it brought ruffians to the area. Some of the Green lay to the east of Parkside, some down by the War memorial. The Green served as a local speakers corner for socialists and secularists, as well as religious preachers.

In 1901 a Development Company claimed all this land. Ironically, it was sold to them by heirs of Henry Peek, the leader of the campaign to save Wimbledon Common in the 1860s.

In March 1901 Wimbledon Commons Conservators decided they had no legal grounds to act in defence of the Green.

Locals thought otherwise, however. Some time in late March or early April 1901, a new fence enclosing the land, guarded by eight policemen, was attacked by a crowd of 300-400 people. A bugle sounded, the fence went down and was set on fire with petrol, which police couldn't put out.

Thirteen people were charged with the fence's destruction, but the case became centred on the right of the Company to erect it in the first place. The magistrates included an ex-local Radical, Thomas Arrowsmith Meates, and they discharged the accused, holding there was no proof the Company had a right to the land. The defendants were carried out on a crowd's shoulders in triumph. In July 1902, another rowdy protest meeting and march on the Green led to more arrests.

But despite an ongoing legal challenge, the Company kept building. The council and the Commons Preservators eventually dropped the issue: there were no obvious common rights, and the legal case was weak. In the end, the Green was lost.

Modern Times

By the early 20th century, many commons had either been built on and lost, or saved. Commons were mostly protected by law from development, were managed by Conservators, local authorities of the Corporation of London. Parks had been established across South London.

If struggles over open space were to be fewer in the twentieth century, threats to some green places did occur, and were opposed.

During World War 1, locals opposed the use of Kenley Common for a Royal Flying Corps airbase. Land at the centre of the Common was taken for Kenley Airfield under the Defence of the Realm Act and bylaws eventually restricted access by the public. After the war the land was not handed back: the airfield was upgraded for the Royal Air Force. In return for the appropriation of 51 acres of commonland, the Corporation of London was given 61 acres of farmland to the east overlooking Whyteleafe; this land was became public open space in 1925.

The Rookery, next to Streatham Common, was put up for sale in 1912; it was preserved for public use by a local committee. In 1923, the same committee revived to save neighbouring Norwood Grove from development.

The trend, especially post-World War 2, towards people moving out from the inner cities into suburbs and surrounding countryside have often pushed the areas of dispute into the green belt. From the 1970s, developers' eyes turned more to building on empty industrial land. As more affluent folk started moving back into inner cities, pressures began to increase. The vast profits available in London from building office buildings and housing revived the risk of attempted development on green space.

Some places have been lost, for instance only a narrow strip remains of Pullens Green in Walworth, once home of the alternative Pullens Festival in the 1980s.

Meanwhile new 'open spaces' appeared, some created by bomb damage, redevelopment, and the decline of industry. Burgess Park, in Walworth, was created from the 1970s as hundreds of dwellings, factories and churches were demolished, thirty streets were covered over, the Grand Surrey Canal was filled in, and bomb-damaged areas were incorporated and grassed over.

The Bricklayers Arms, formerly a large rail depot, was left derelict for yewars, and turned to semi-wilderness; there were protests when this 'wasteland' was redeveloped for social housing – some thought that it should be left to rewild itself.

Similiarly semi-derelict industry by rivers like the Thames, Wandle and Ravensbourne grew overgrown through the 1980s, and was gradually turned into urban walks and mini-parks.

In 1973-4 local opposition scuppered a plan to develop 139 acres of woodland at Sparrow Wood, Roundabout Wood & Crofton Heath near Bromley for housing. A local campaign to preserve land between Southborough Lane and Blackbrook Lane, which had been open access for many years, defeated an application for development.

In Covet Wood, Petts Wood, in 1973, residents associations opposed plans to build 60 flats in the Wood. The Wood was bought by the Council instead and preserved as an open space.

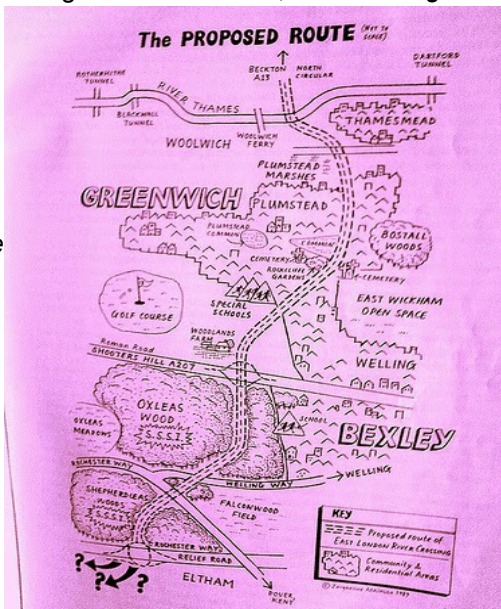
Two struggles over green space in the 1990s - over Oxleas Wood and Crystal Palace Park - ended with victories, showing that while there are forces willing to exploit or destroy open space, there are people willing to stand up against it and win.

Beat The Bulldozer

Oxleas Wood

From 1985-93, Southeast Londoners fought proposals to build an East London River Crossing, as part of a new ring road, through open space and homes. Planned to run across the river from Beckton through Greenwich and Eltham, to link the A2 and A13, the new road would have bulldozed through some beautiful southeast London woodlands, including the Oxleas wood, Shepherdleas wood, and Woodlands Farm & demolishing several hundred homes in Plumstead. Government policy at the time involved a massive new roadbuilding program. Developers and some local authorities strongly supported the scheme.

In the words of one of the organisers against the scheme, *"the odds against stopping it were getting bigger all the time. To achieve victory, a concerted strategy was needed to make Oxleas Wood a big issue locally and give it wider significance – a strategy to make it a symbol of the environmental damage that the road programme was causing and a rallying point for the environment movement. If that could be done... it might force the Government to back down rather than risk confrontation with a united community and environment movement, in its own back yard"*.



Oxleas Woods *"the last remaining part of the pre-historic great forest of London"* had survived in all its beauty and peace for over 8000 years and now was to be decimated in the name of progress. 900 year-old trees and a vast array of rare flora and fauna were to be destroyed to provide drivers with a faster route between the City of London, East and South East London.

Many hundreds of years previously the 77 hectare site had been gifted to the citizens of London as a leisure area *"to enjoy for perpetuity"*. "People from all walks of life benefited from Oxleas - playing children, nature lovers, hikers and dog-walking adults, from the poorest communities in London

in enormous social housing estates in Kidbrooke to the middle classes of Eltham and Shooters Hill.

A protest campaign sprang up, fought on every level: letter-writing stalls at the popular Greenwich market, politicians were systematically lobbied and a public transport alternative was drawn-up. An “Adopt-a- Tree” scheme aimed to get every tree in Oxleas Wood adopted. As well as bringing in funds and publicity, it would give supporters a real stake in the campaign. Tree adopters pledged to turn up to defend their tree from bulldozers.

A couple of legal challenges helped propel the campaign into the national news. The Government had failed to carry out an Environmental Impact Assessment for the scheme, as required by European Community law. The European Commissioner for the Environment took up this complaint, causing Prime Minister John Major to interrupt a Commonwealth conference to condemn the intervention. The complaint was never seen through, but the publicity was invaluable. Similarly when the “Oxleas 9” (nine local people) took the Department of Transport to the High Court over their failure to provide land in exchange for the damage to Oxleas Woods, they lost, but Oxleas caught the public imagination and the pressure on the government intensified.

Meanwhile, campaigners were preparing for the worst. A “Beat the Bulldozer” pledge was launched, with the aim of getting 10,000 people to pledge to be there if the bulldozers went in.

In the end, the pressure of the campaign paid off. Mass direct action-based resistance to motorway building was erupting everywhere around the country, especially high profile direct action at Twyford Down, as well as the

vivid pictures the campaign painted of what would happen if they violated Oxleas Wood, the Government backed down. In July 1993, the plans were withdrawn. The River Crossing was abandoned, unbuilt.



Crystal Pallets

After the 1851 'Great Exhibition', showcase for the British Empire, the entire glass 'Crystal Palace', which housed the Exhibition in Hyde Park, was dismantled and moved to a new site on parkland at Sydenham. The area subsequently took its name from the building - Crystal Palace. The destruction of the 'Palace' building by fire in 1936 left the top of the park landscaped, with terraces and amazing views, but gradually this area fell into decline as it was left largely ignored.

The Park was built on the northern edge of what had previously, for centuries, been known as Penge Common, which had been enclosed in the 1820s after a protracted struggle over who owned it.

The Park was nearly built on several times. When the Crystal Palace Company went bankrupt in 1911, the whole park was due to be sold at public auction by Knight, Frank and Rutley. A widespread campaign of protest calling for Palace and park to be saved followed, during which a number of wealthy individuals and local authorities contributed money. In the end some £210,000 was raised to buy the whole park.

The park is an eclectic place: ornamental gardens, a football stadium,



and geese covered lakes mix with the rusty 'laptop' stage where seminal 1970s outdoor gigs have recently been revived, and the 30ft hollow 19th Century (probably hopelessly inaccurate) metal dinosaurs at the south end, described as *"a bizarre backdrop for local kids to take drugs by moonlight"*. The terraces at the top of the Park where the Palace itself had stood, were generally left to themselves, with grand stone staircases that led nowhere; soil contaminated after the burning of the

Palace was compounded by flytipping including asbestos! Over piles of

rubble, the terraces gradually re-wilded in parts,

In 1989 the site was threatened by the local council of Bromley within whose borders the park lay, and who had taken over managing the park when the Greater London Council was abolished. Bromley proposed the development of the site for hotel and leisure purposes; however opposition culminated in the passing by the House of Commons of the Bromley London Borough Council (Crystal Palace) Act 1990, which limited development on the site.

In the late 1990s, Bromley Council announced new plans - to sell off the top end of South London's Crystal Palace Park, to allow the development of a huge 18-screen multiplex cinema complex, with restaurants, bars and rooftop parking for a thousand cars, housed in a building, which was described by a local newspaper as having the appearance of an aircraft terminal, surrounded by a concrete tunnel entrance and roads in the park.

A local Crystal Palace Campaign was formed by local residents and businesses, angered by the "*monstrous edifice*" which Bromley wished to impose on the landscape, and objecting to the loss of 12 acres of Metropolitan Open Land, the projected destruction of 200 trees, & threatened pressures on roads and parking, noise and disruption.

There was virtually no local support for the development. The campaign held many meetings, demos, lobbies, and led to strong legal challenges to the plans, including a High Court case, in London where the Crystal Palace Campaign sought judicial review of Bromley's outline planning permission. The legal objection turned on the question of style. The Crystal Palace Act of 1990 stated that any building on the Park site should be "in the style and spirit of the former Crystal Palace".

In parallel with this more orthodox campaign, an eco-protest camp was set up in the threatened part of the park, in April 1998, by activists mainly drawn from the anti-roads movement, which had been growing throughout the 1990s and had been involved in high profile campaigns against road building at Twyford Down, against the M11 in East London, and the Newbury Bypass. On April Fools Day 1998 a crew of eighteen people (and two dogs) quietly reclaimed the site of the Palace. Tents, nets and shelters built from pallets quickly sprang up, and the site was thus nicknamed 'Crystal Pallets'. Treehouses and barricades were erected to make eviction more difficult, veg was grown, parties held, tunnels dug under the camp. The camp gained loads of support from locals, re-vitalising a flagging campaign, and was to last 11 months. Actions were carried out against

the partnerships who wanted to develop the top ridge, multinationals and property developers.

Bromley Council obtained a possession order; after some eviction scares it became clear the camp would be evicted on 3rd March 1999.



People and defences were prepared for the battle to commence. In the morning of the 3rd, 350 police arrived, the initial wave hidden crouched down behind the seats in hired double decker buses. They swarmed onto the site. Within ten minutes or so a lot of ground support was gone, people failing to get into lock-on positions in the chaos.

The massive operation brought all traffic to a grinding halt. Pensioners and school kids were unwittingly caught up in the military manoeuvres. Over the next two days the treehouses and the protestors' 'Faulty Tower' were evicted one by one. Most of the trees on the site were cut down before nightfall on day two. Fencing contractors ordered by Bromley closed off a right of way, flouting the instructions of two High Court judges.

Three protestors remained defiant, barricaded in the tunnels underground. One emerged after eight days, the other two stuck it out for three more weeks, making Crystal Palace the longest eviction in British history. However, the fight wasn't over, for a few faced prison on unrelated charges, one of whom after spending 19 days underground was banged up for a

month using a 25 year old anti-union law.

But the time and cost of evicting the camp, fighting legal challenges etc, held development off for several years, to the point where in 2001, Bromley Council announced the collapse of the plan.

The future of the top of the Park remained a subject of local debate. Various plans have come and gone since 2001, which have mostly failed to materialise. More recently, the running of the park has been taken from Bromley by the Crystal Palace Park Trust, an 'independent community trust'. As the history of the community's relations has shown, 'public' ownership of space, as with other 'assets' has a long and chequered history. 'Public' bodies nominally under 'our' control do not always manage space, housing, health, (etc) in anything like the interests of 'the public'. And what is the public? A catch-all term that obscures the vast variety of competing and struggling interests that we are enmeshed in.

We will have to see how 'community' control of the Park pans out. 'Community', like 'public', is a term that can cover a multitude of sins. 'Community' management could reflect a narrow caste imposing their vision of a space, or could genuinely encompass alternative needs.

Play and kinship with nature

Not all open spaces are large, regulated and legally protected. Since World War two London has been a city in flux, with housing, open space and transport altering rapidly. 1000s of houses and industrial sites were destroyed in wartime bombing, a lot of which lay derelict or semi-used for decades. Post-war urban planning compounded this, alternately threatening, demolishing and creating space which then often lay waiting to be built on.

People make things on space where it lies available, especially if they have few resources. Successive waves of squatters occupied housing, and communities also took over bomb sites and other places left empty by events, and created new uses: community gardens, adventure playgrounds, or just places to hang out. Even very small spaces become precious and vital to people, especially when they are involved in creating or maintaining them. Tiny green spaces, from DIY gardens, slivers of woodland at the edge of rail lines, fragments of grass on council estates - their importance to daily life at your own micro-level can grow, out of proportion to their actual size.

As pressure on housing, property prices, gentrification and the

commodification of space have increased into the 21st Century, unregulated small green spaces have been more and more under threat of development and erasure.

Some small and loved spaces, places re-occupied and re-purposed, have gone under the bulldozer, or been locked behind new fences.

Nunhead Reservoir is a covered, underground reservoir, beneath 30 acres of grassland nestled between Nunhead Cemetery and Peckham Rye. Although owned by Thames Water, and nominally fenced, the fence used to have a large gap, and the field was for a long time in effect a common or free space, with a great view over London, used for years by local people for picnicking, games, watching the sunset. Largely ignored by state forces such as police, it was a popular place to hang out, especially for teenagers in groups who are often moved on from public places.

However, in December 2014 it was 're-enclosed' by a new, penitentiary style fence within the perimeters of the original one. If you go there now, you will be greeted by guard dogs and security guards.

There is no particular need for this: access hatches to the water below



could easily be made secure and the land used publicly. Locals campaigned for access, negotiating with Thames Water, over re-opening it, but this seems to have stalled, and the fields above the reservoir remains closed off.

Water boards (run by greedy and catastrophically incompetent private corporations) together own a significant proportion of UK land around their reservoirs, and Nunhead is far from the only place where access to this land for a bit of pleasure is blocked.

An autonomous, culturally-democratic green space

Tidemill Garden and Peckham Green

The Tidemill Wildlife Garden was created in 1997, designed with the involvement of parents, pupils and teachers at Tidemill Primary school, near to the centre of Deptford. The school closed in 2012, but the community continued to maintain the garden. The garden matured; 74 trees grew. Pupils from local schools used the garden for educational projects. For a long time it was considered worthy of support by official bodies, including Lewisham Council, which invested £100,000 in it in 2000. *“here, in Old Tidemill Gardens, there are ponds, gazebos, tree houses, composting bins, greenhouse, sheds, climbing trees, undergrowth and wilderness, all to nurture play and kinship with nature.”* Another campaigner described Tidemill as an *“autonomous, culturally-democratic green space that was home to a large creative community that hosted meetings, workshops, discussions and festivals.”*

By 2018, though, Lewisham Council were planning the demolition of both the Garden and neighbouring social housing block Reginald House, with a plan to build new housing on the site in alliance with Peabody Housing. Most of the housing was to be private, shared ownership (scam) or ‘affordable’ (another scam). New green space was to be mostly private.

Users of the garden and other locals residents campaigned to save the garden, occupied the Garden and launched legal challenges. Displays were created on the history and ecology of the garden, treehouses built, banners painted. This was a very lovely campaign - about a tiny loved space, but also linking into anger about how housing is being transformed out of most of our reach, about how things we create ourselves can be trashed, by local authorities, business, power, money, over-riding our needs, desires, the work of our own hands.

Councils tend to think the spaces local people make themselves are dispensable, that they should make decisions, & we should all just accept it. Most London councils are in bed with big developers and housing associations are basically now property companies. Ever feel like you’re just in the way?

Tidemill Community Garden was evicted by hundreds of police and bailiffs in October 2018, trashed and built over.

Some spaces grow up almost by accident. But become used and sometimes loved nevertheless.

Peckham Green was a small open green space that emerged in the 1990s, on the site of demolished industrial buildings, just north of Peckham Road. It became an unofficial park, over 20 years, two or three fields with a couple of trees. In 2021, Southwark Council announced plans to build housing over the Green (which it had refused to recognise as having any status). Some Peckham residents campaigned to try and save the Green, but the campaign failed to gather enough momentum. The Council plan stipulated that most of the housing to be built was for social rent, although Southwark's record over the last two decades has been to decimate social housing and facilitate private developments, often altering the percentage of social housing once schemes were underway. Few people trusted their figures, but as with Tidemill Garden, the undeniable need for more housing in the capital can make opposition to the loss of green space struggle to win the argument. Opponents argue that both green space and housing are needed, that many flats lie empty and housing in general is managed for profit and not need, a priority that should be altered before building on yet more open space.

The Green was fenced off and built over in 2021-22.

New Enclosures

The struggles described in this pamphlet were far from unique. Open spaces all over England (and beyond) have been the focus of dispute and contestation for a thousand years, and remain so. Apart from everyday



uses - in medieval times collecting firewood, grazing animals; later drying clothes, recreation, games, fairs - just walking or hanging out – providing space for everyone, often they were gathering places for the outcast and for rebellious crowds who changed social conditions.

This pamphlet has been about the past - but enclosures are not just a thing of the past. For some decades, London

has effectively been going through a period of new enclosures. The forces of wealth and power have been trying to exclude and restrict the access of

the millions of us without millions to spend, to resources. It's not so much about open space (though this is part of it). Access to cheap and decent housing, good wages and protection from exploitation, benefits when needed, community spaces and free space to meet and make projects. The local resources that keep us barely head above water. Austerity, cuts, benefit crackdowns, rent rises, gentrification, precarious jobs - these are all part of the new enclosures.

Increasing privatisation of space in cities means we can be told what we can and can't do; space they can ban us from, keep us out of. Planning laws are being 'relaxed' nationally to allow



developers a freer and quicker ride when they want to build. Everywhere slivers of green not protected by law are vanishing; or social housing with access and views over green space is being replaced with new profitable housing developments. Councils are even handing developers control over paths. The threat to open space is part and parcel of the massive changes underway in the city, attempts to permanently alter the capital in favour of the wealthy, driving those who can't afford it to the margins or out of the city entirely.

As harsh laws penalised those who sought refuge on commons, new laws accompany the new enclosures: criminalising squatting, privatising space, exclusion orders & zones, Acts to stop us protesting, to deport us for migrating.

Space is enclosed too - in new ways that echo the old ways. CCTVed bars and high streets, Public Space Protection Orders allow councils to make illegal 'social problems' like sleeping rough in an attempt to drive homeless people from town or city; monitoring our movements, tagging us and following our transactions, controlled gigs and festivals in fenced off parks. If you behave you are tolerated. The poor, the outcast, the sexually promiscuous or unlawful, the homeless, if our face is the wrong colour, we continue to face the age-old attempts to exclude us by better

off residents or City authorities. Pressure to turn 'unproductive' commons and 'wasteland' into regimented places that can be milked for money has increased.

From the restrictive bylaws of the parks, to modern control orders, there is constant friction



over how space is used, respectability vs unruly. Sometimes respectable defenders of space make uneasy alliance with the more riotous elements; anti-enclosure struggles historically also often had their legalistic and riotous sides. In reality, if both generally contributed to spaces being saved from being built on, that was not always the end of the dispute over what the space should BE. There's no doubt booze and other substances have their risks, or that teen dodginess can become turned on other folk for fun or profit; but much of the control on youth, on open space, on our movements, is more about keeping people in line, treading the correct paths of work, obeying the status quo, not challenging the life we're supposed to lead. Politicos of left and right have fought for centuries to reform our immoral urges; by force, through religion, through uplifting social activities... Still many of us stick two fingers up to all that. Have another drink.

Times change: pressures change. Space in London is profitable like never before. For housing mainly, but also there are sharks ever-present looking to exploit space for 'leisure'. And with the ongoing onslaught on public spending in the name of balancing the books (ie cutting as many services as possible, in the interests of the wealthy), public money spent on public space is severely threatened. The costs of upkeep, cleaning, maintenance, improvement, looking after facilities fall on local councils, who mainly manage open space, and are struggling. Some local authorities are cutting park budgets by 50-60 % ,and are looking to rent green space to businesses, charities, selling off bits, shutting off parks or parts of them for festivals and corporate events several times a year. Large parts of Brockwell Park are regularly fenced off for paying festivals each summer, leaving it inaccessible to most users and the ground trashed for months

afterwards. This trend is only likely to increase. Small developments maybe, but maybe signs of things to come. Now is the time to be on guard, if we want to preserve our free access to the green places that matter to us.

Already space in the city is being handed to business - London's Canary Wharf, the Olympic Park and the Broadgate development in the City are public places governed by the rules of the corporations that own them. Social gatherings, playing musical instruments, making a speech, releasing balloons and many other pursuits are tightly controlled or banned. They can be closed to public access for private events.

It may seem like green spaces are givens; things that can't be taken away. But what seem like certainties can be lost before we realise. Look at way social housing have been dismantled over the past 30 years. In the 1960s council housing was taken for granted as a right by millions: it has been reduced to a last resort, which ongoing government an council policy could sweep away. Or the way the NHS is being parcelled up into private providers. There are many who see green space as a luxury and something that can be got rid of or at least shunted off into the hands of some quango. Whatever gains we have, whatever we win, whatever rights we enjoy, came from long generations of battling - the moment we stop, rest on our laurels, powerful forces start pushing back against everything we have won.

We need to be redefining what is ours, collectively, in opposition and defiance of the laws and fences built to exclude us; and not just when it comes to green or urban space, but for the whole world, a world in severe ecological crisis, with catastrophe looming. How can our management of green space fit with local attempts to rein back on global warming? Should we be reclaiming some of the commons nicked from us over the years - begin turning golf courses into woods, office blocks into fields, malls into wetlands...?

A new commons, a shared collective inheritance for us all, echoing the vision of shared traditional use of the land on the old 'commons' – what should that consist of? Can our shared use of open space be expanded into a 'commons'?

We need a new commons, based not in the past but in the future. The main thing to take from the past struggles to preserve open space is that people won when they considered the places they were defending to be theirs, to belong to them, even when that didn't necessarily chime with legal 'reality'. Although sometimes relying on those traditions and common

rights as the basis for legal argument didn't work, often when it formed the backbone for direct action and a collective campaigning approach, this sense of the commons being 'ours' overcame all the power of law, profit and parliament. This is a lesson worth taking when we think about how we view open space: although we can take many inspirations from our history, reliance on the past can not be a defence, we need to be re-forging a sense that the resources of the world are for all of us, for people's enjoyment, not for the profit of a few.

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SOME USEFUL READING

Books/Pamphlets

- *The Battle For Plumstead Common*, Rob Allen
- *The Story of the One Tree Hill Agitation*, John Nisbet (1905).
- *Records of the Woolwich District*, W.T. Vincent
- *The Battle for Wimbledon Green*, Gillian Hawtin
- *Two Accounts of the making of the New Forest and Richmond New Park*, Anon (1751)
- *This Land is Our Land*, Marion Shoard.
- *Whigs and Hunters*, E.P. Thompson
- *Customs in Common*, E.P. Thompson
- *Commons Preservation Society: Executive Committee Reports of Proceedings*.
- *Commons, Forests and Footpaths*, Lord Eversley
- *The London Green Way*, Rob Gilbert
- *The Preservation of Open Spaces, Footpaths and Other Rights of Way*, Robert Hunter
- *English Commons and Fields*, G. Shaw-Lefebvre
- *The Wandsworth Common Story*, Friends of Wandsworth Common Heritage Group
- *The Defence of Ham Common*, Richmond History: The Journal of Richmond Local History Society.
- *Ham Common and the Dysarts, A Brief and An Indictment*, William H. Harland
- *The Taming Of London's Commons* (University Thesis), Neil P. Thornton, 1988.
- *The English Peasantry & the Enclosure of the Common Fields*, Gilbert Slater
- *The Common Story: A History of Tooting Common*, Edited by Katy Layton-

Jones

- *Chislehurst and St Paul's Cray Commons, Proposal for a Scheme of Management, Public Inquiry*, 1885
- *Richmond Park: Portrait of a Royal Playground*, by Pamela Fletcher Jones (1972)
- *Extracts of the Court Rolls of the Manor of Wimbledon*

Plus numerous books & pamphlets on the local history of different areas of South London, too many to list.

Newspapers/Magazines

- Colfensia, Chronicle of Colfe Grammer School, ed. Edited by R. N. Curnow, B. McEwen, & L. C. Miller.
- *South London Press*.
- *Wandsworth Borough News*.
- *Kentish Independent*.
- *South London Record* (Southwark & Lambeth History Workshop Journal).

Cheers to everyone at the many Borough Archives/Local history libraries visited for all their help.

The accounts of some of these struggles have been edited for reasons of space here, but more detailed accounts of some of the battles for the commons in South London and beyond can be found on the Past Tense blog: <https://pasttense.co.uk/tag/enclosures/>

past tense
