

# A NEW APPROACH TO UNDERSTANDING ENCLOSURE AND SURVIVAL OF COMMON LAND

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*Set in the Buckinghamshire Chiltern Hills (hereafter the Chilterns), this paper is about the survival of 'common land', the manorial waste over which certain people had rights to use and take away specific natural resources.<sup>1</sup> Parliamentary enclosure in the Chilterns transformed many parts of the waste into private property with associated common rights extinguished, but several areas survive today registered under the Commons Registration Act 1965.<sup>2</sup> Drawing on her extensive fieldwork, the late political scientist Elinor Ostrom concluded that survival of modern-day common resources was predicated on robust governance being able to withstand a series of specific threats. Using a framework based around these concepts, this study traces the governance of common land over time to determine reasons leading to survival. Two areas of common land three miles north east of High Wycombe have been selected for the study, St John's Wood which was enclosed in the nineteenth century and the adjacent common, King's Wood which survived as a registered village green. In the context of Ostrom's thesis, enclosure of St John's Wood must have been a result of its governing institution's inability to withstand threats to its governance, while survival of King's Wood must have resulted from its governing institution being able to ward off threats. As this study will show, while elements of Ostrom's work are highly useful in understanding pathways leading to survival, a variety of additional social, economic, commercial and cultural factors are also responsible for shaping outcomes.*

The wide-ranging historiography of enclosure has focused largely on the reasons for its implementation and the social, economic, and cultural consequences it wrought for those who instigated the process and for those whose lives it transformed rather than also seeking explicitly to understand why unenclosed land survived. Writing specifically of the Chilterns, Hepple and Doggett suggest that landowners were driven by profit to enclose commons for building projects.<sup>3</sup> Their suggestion is based around the traditional view that all waste was located on land of poor quality which would have been too expensive to improve for arable cultivation. Furthermore, in recognition of the abundance of valuable woodland in the Chilterns and its economic exploitation over the centuries for fuel and wood, there is a tacit acceptance that retaining areas of woodland characterised by waste was a deliberate action. It is sitting within these general assumptions that this study is positioned, to determine why specific areas of waste remained open.

Discussions about common land are fraught with misunderstandings of terminology and ambiguities in the historical record. It is therefore important to define the words 'common land' and 'waste' alias 'manorial waste'. The word 'common' has legal meaning. It indicates that while land may be owned, either by an individual(s) or by an institution, certain people have specific rights to access the land and take away natural resources, perhaps but not always, at certain times of the year. These people are known as commoners and their right to take resources away is known as a common right or right of common. Depending on the physical characteristics of the common land, the type of natural resource will vary but might include wood, bracken, beech/oak mast and pasture. Importantly, common rights were usually attached to a property, the dominant tenement, and the underlying concept behind access to and use of natural resources on common land was that they were for domestic use only and not for sale.

The word 'waste' is bound up with discussions

of the manor from which it cannot be separated. Waste was land from which the lord of the manor could not make a profit as he did from his arable and meadow holdings. Typically, but not always, it was comparatively poor quality land, usually sited on the edge of a manor where it met adjoining tracts of waste on neighbouring manor(s). Usually the waste held the status of common land, and in many places it provided space for commoners to graze their animals either by the rule of 'levancy and couchancy' or by stint.<sup>4</sup> This study is concerned solely with the category of common land known as waste and not with arable land and meadows which could also hold the same legal status and on which at certain times of the year, commoners could graze their animals.

One final concept to define is enclosure. When a landowner or a group of landowners wished to extinguish the status of common land and thus convert the land to absolute ownership, a legal process known as enclosure had to be followed. In its simplest form, once commoners had consented to a proposal for enclosure of a defined area of common land, they received compensation for the loss of their common rights. Following the agreement, the landowner was free to manage the land as he chose, frequently but not always, by physically 'enclosing' it with a fence, hedge or wall. Enclosure by agreement is frequently undocumented but, in the eighteenth and nineteenth centuries the number of enclosures of arable, meadow and waste increased by use of either a private or general Act of Parliament to facilitate the process.

Elinor Ostrom's research into the governance of present-day common pool resources such as fisheries and pastures, shows that when managed successfully, natural resources are sustained over a long period of time. A common pool resource can take many physical forms, defined by Ostrom as a 'natural resource system that is sufficiently large as to make it costly (but not impossible) to exclude potential beneficiaries from obtaining benefits from its use'.<sup>5</sup> Following extensive field work, Ostrom created a set of seven design principles which underpin the successful management and sustainability of any common pool resource, dismissing Hardin's assertion that commons fail because of the selfish interests of the individual.<sup>6</sup> Ostrom found that where common pool resources were managed successfully and sustained over time, these principles underpinned governance

and have been applied in an historical context in various studies.<sup>7</sup> Historians have shown that the principles formed the basic framework under which the manor court operated and by which it managed agrarian matters, including access to and use of the waste.<sup>8</sup> Ranging from the appointment of court officials drawn from the manorial community to setting and implementing rules and resolving conflicts, the manor court contained elements of governance that Ostrom had observed in the modern world.

Drawing on further research, Ostrom supplemented her original ideas by defining five threats which could destabilise governance. As she discovered from additional fieldwork, even where an institution's framework was based on the design principles, its effectiveness and long-term stability could be jeopardised by these threats. This new work is a valuable extension to her original framework in the assessment of the effectiveness and resilience of governance over time because it draws attention to a variety of hazards from within and from without. If the component parts of the governing institution are threatened so that it can no longer function effectively as a regulatory authority and thus manage and sustain the future of a common resource, its demise creates opportunity for permanent change. The threats observed by Ostrom are outlined here with a particular reference to the manor, the usual institution that governed the waste but of course apply to any institution with similar responsibility, e.g. the Crown.

Ostrom's first threat states that an institution governing a common pool resource can generally absorb and adapt to external changes that occur reasonably slowly. Faced with rapid or sudden changes the organisation frequently does not have the time or resources to respond positively and appropriately. It can be overwhelmed by the pace of change to such an extent, that it loses the ability to govern effectively and cannot recover in the long-term. Change arising from outside is often difficult to manage, particularly as Ostrom states, when it is not only rapid but multifaceted. It is simply too difficult for the organisation to develop appropriate responses. Consequently, effective governance can collapse if slow and ineffective responses fail to prevent unsanctioned use and degradation or loss of natural resources. For instance, a sudden population increase can result in loss of the waste where institutional responses are

inadequate. Left unchecked, demographic pressure arising from the actions of outsiders, copyholders or even freeholders can result in the formation of permanent garden plots, enclosed grazing areas or building structures.

Transmission failure, from one generation to the next, of the operational principles upon which the organisation is based, forms the second threat identified by Ostrom. Knowledge and understanding of the operational rules underpinning governance are essential to the long-term viability of the institution. If individuals do not grasp the importance of the arrangements for governance and specifically adherence to rules controlling access to resources, there is a danger that transmission of these principles will be put at risk and lost to future generations. As Ostrom warns, if a broad consensus and sense of cooperation is not transmitted, those governing may have to rely on coercion, corruption and patronage to force through changes. Moreover, if individuals try to bend rules for their own advantage at the expense of others, these actions weaken systems of governance.

Adherence to rules in the form of orders issued by the manor court and the written recording of local custom underpinned the maintenance of good order, neighbourliness and cooperation within the manor. Such behaviour was key to the sustainability of common resources. If knowledge of these rules is not transmitted from one generation to another, the manorial institution's systems will be weakened as people behave and act in their own self-interest. Importantly, it is not only the physical transmission of the written record that is necessary but the transmission of the spirit and underlying reasons behind the creation of rules. If people forget why rules are created and the memory of their creation is lost, there is a high chance that they will ignore them. If the institution does not safeguard continuity of its operational framework and rules, control of access to resources is likely to break down irretrievably.

Thirdly, Ostrom warns that when there is easy access to funds which originate from outside the organisation, indigenous knowledge and expertise is often ignored and the design of new projects tends to lean towards seeking approval from outside rather than within. While Ostrom places access to money as a threat to robust systems of governance she also warns that it may encourage and lead to all kinds of opportunistic behaviour

and corruption. In the context of the waste, survival is at risk because options for a change of use are more easily attainable when money is available. An institution underpinned by wealth may facilitate schemes of agrarian change through enclosure or by the large-scale purchase of copyholds, thus controlling the exercise of common rights.

Corruption and other forms of opportunistic behaviour test the resilience of the institution and form Ostrom's fourth threat. This form of activity can arise from anyone living either within or outside the environs of the governing institution. Policy controlling access to and use of the waste may be made in favour of the more substantial tenants at the expense of the poorer ones. Corrupt tenants either acting alone or together may ignore communal regulation and harvest the waste's resources commercially for profit instead of for their own domestic use. Sharp practice, dishonesty and deceit, whether by lords or tenants ultimately undermines and fractures effective systems of governance and thus threatens survival of resources.

Finally, Ostrom's celebrated assertion that local and community-based governance is more successful than central government in sustaining natural resources recognises nevertheless, that from time to time the support and input of large-scale organisations with specific expertise is vital in times of dilemma and crisis. Where there is a lack of this support officials are left vulnerable and likely to make poor decisions. Access to institutional or individual help to assist and address the effects of a single or series of incidents enables lords or officials to make appropriate decisions. For instance, a lord may seek clarification of the law relating to disputes concerning a commoner's access and use of the waste or his own rights to the soil. However, Ostrom states that where the facilities set up to address conflicts are too expensive or biased, conflicts may not be addressed.

The two commons selected for study followed different trajectories, despite being adjacent to each other and of almost identical physical character. St John's Wood, held by the Crown, was eventually enclosed while the adjacent common, King's Wood, farmed out by the College of St George at Windsor Castle was not enclosed. To explain what determined enclosure and survival, governance of these two commons is traced from c.1600–c.1900. The lengthy time frame allows us

to pinpoint events, actions or changes which can be attributed to a threat as defined by Ostrom.

## BACKGROUND

It is uncertain when an area of common woodland sitting partly on the parish boundary of the parishes of Chepping Wycombe and Penn was partitioned into two distinct woods, one named King's Wood and the other St John's Wood, but evidence of their separate ownership appears in the documentary record by the sixteenth century. Formerly part of Temple Manor, St John's Wood lay to the east of King's Wood, separated from the manor and forming a distinct Crown property in the late sixteenth century.<sup>9</sup> King's Wood on the other hand belonged to Bassetsbury Manor. Remaining unenclosed, its 182 acres were registered as VG 10 under the Commons Registration Act 1965 (see Fig. 3).<sup>10</sup> Typical of the Chilterns region, St John's Wood and King's Wood are characterised by chalk overlain by clay and other deposits. Stony clay, silt and sand characterise the soil on the boundary of St John's Wood with Tyler's Green. Similarly, these deposits are found to the north east of Tyler's Green on the boundary with King's Wood.

Eighteenth- and early nineteenth-century cartographers were consistently unsuccessful in accurately distinguishing St John's Wood and King's Wood, perhaps a sign of local confusion surrounding ownership, boundaries and management. No cartographic source before the Ordnance Survey maps of the 1870s shows the division accurately. The Ordnance Survey's preliminary drawing of 1812 illustrates this clearly (see Fig. 1, on which the boundary of each wood is superimposed by the author and Fig. 2, surveyed between 1799 and 1806). Both maps name the wood as King's Wood and fail to record St John's Wood.<sup>11</sup>

## ST JOHN'S WOOD

In 1553, following the dissolution of the priory of St John of Jerusalem, the Crown granted the priory's manor of Temple Wycombe to John Cock and John Thurgood.<sup>12</sup> Two years later, via a licence from the Crown, Cock and Thurgood granted the manor to John and Robert Raunce.<sup>13</sup> The bounds of the manor are uncertain, but an eighteenth-century manorial court transcript indicates that St John's

Wood formed part of the manor *c.*1556 and there is some evidence that this was still the case in 1563.<sup>14</sup> Confusingly, for there is no evidence to confirm his actions, Robert Raunce apparently severed the administration of the wood from the manor, effectively taking it into his own ownership and in the language of the time, concealed it from the Crown. His act was sudden and decisive, and as will be shown destabilised governance of the common. This he did when the Tudor government was actively seeking to recover lands alleged to have been hidden deliberately from the Crown following the dissolution of religious houses. Matthew Alley discovered the apparent concealment of the wood and 'recovered' it to the Crown in 1577 at his own expense. For his effort and enterprise, Alley expected to be granted a lease of the wood, but he was sidestepped in favour of the incumbent Robert Raunce, who received a twenty-one year lease in 1577.<sup>15</sup> An undated appeal by Robert Raunce to Queen Elizabeth, in which he pleaded for the grant of the wood, was undoubtedly made at this time.<sup>16</sup>

The sequence of events is not easily tracked, but Raunce's enclosure of part of the wood may have been the catalyst for Mathew Alley's involvement in the recovery of St John's Wood to the Crown. In 1576 the inhabitants of Penn and neighbouring places brought an action in the Court of Exchequer complaining about Raunce's illegal enclosure of fifteen acres of the wood, seeking to confirm their rights.<sup>17</sup> The commoners claimed that the land was part of the extensive Homer alias Wycombe Heath, but Raunce argued that his enclosure was not in St John's Wood but on land belonging to the adjacent Bassetsbury Manor. The case reveals detailed contentions surrounding resources and rights of access. For example, Raunce recognised the commoner's rights to pasture, to fell all underwood and to dig and take away chalk, sand and clay on the heath itself but he disputed the claim that their rights extended to the wood. However, he did state that by an agreement made between the manor of Temple Wycombe and the manor of Bassetsbury, inhabitants had lesser rights: the right to herbage and pannage only in St John's Wood. Raunce insisted that the boundaries of Wycombe heath and St John's Wood were documented, declaring that the commoners were in possession of a grant 'remayninge in their own custodie' which stated the actual bounds.<sup>18</sup> The commoners rejected Raunce's assertions arguing

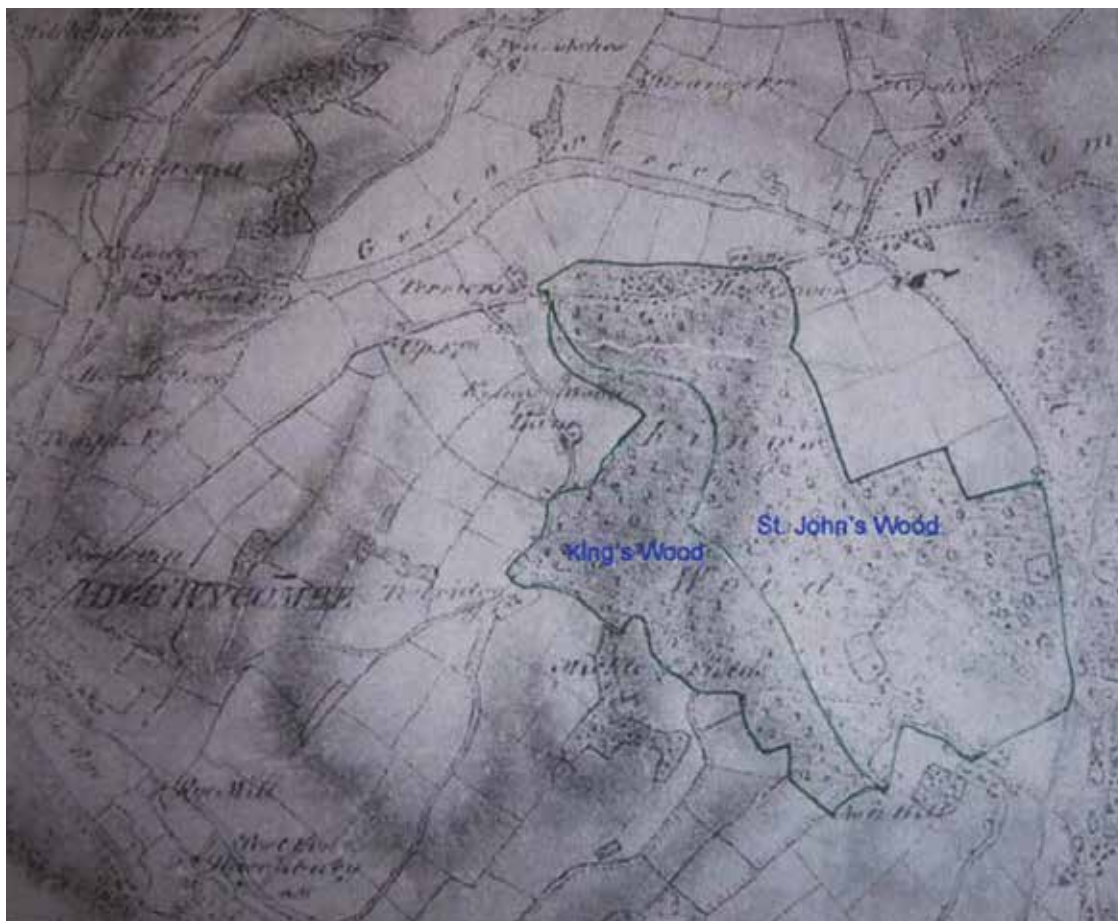


FIGURE 1 King's Wood and St John's Wood as surveyed in 1812.  
 © British Library Board, BL: Shelf mark OSD 154, Ordnance Survey Drawing  
 of Wycombe area by Mr. Boyce, 1812. 2 inches: 1 mile.

that their rights extended throughout the entire heath including St John's Wood. This action was not solely about commoners actively and publicly defending their rights and complaining about the unlawful sale of felled trees by Raunce, but also about Raunce's letting out the enclosure as pasture to one John Shrimpton. Raunce's decision to enclose without their agreement was viewed as a demonstration of his disregard for their rights and nothing less than the opening up of the enclosure would settle matters.<sup>19</sup> Raunce retaliated by maintaining that the action against him in respect of the enclosure was for 'the most part, very untrue', brought to the court to hinder his suit defending his title to St John's Wood. As is often the case, the

formal outcome of the case is unknown.<sup>20</sup>

Motivations for actions of both parties aside, the value of the timber within the wood was clearly of pivotal interest to the Crown. Undeterred by its common status and in the knowledge that there was considerable disagreement concerning its bounds, the Crown was undaunted by the potential difficulties presented in the management of this wood. As Warde argues, a sufficient stock of timber and wood was an ever-present concern for the state, not only for naval timber and building construction, but also for fuel and other products.<sup>21</sup>

The shift from manorial control to distant state control was swift, but with the exchange came the immediate cessation of manorial regulation



FIGURE 2 Map produced to accompany military lecture given by General Jarry of the Royal Military College at High Wycombe; King's Wood and St John's Wood in the centre of the map, 1799–1806.

Source: TNA: WO78/1021, Extract from Buckinghamshire, Berkshire and Oxfordshire. Thirteen maps of towns and villages showing military operations.



of access to and use of natural resources. With St John's Wood now managed under the terms of a Crown lease, it was the lessee's responsibility to maintain the property as required by its terms. The success of this arrangement relied upon the appointment of a suitable lessee and Crown systems in place to monitor the tenancy. As Hoyle has shown, the Crown sought not only to ensure sustainable management of its woods, but to also secure regular revenue from their leasehold property. However, meeting these objectives has been judged overall to have been rather poor as has its ability to manage its properties effectively, either in setting proper market rents or in regulating cropping of timber.<sup>22</sup> Critics of the time recognised that the Crown was failing to extract sufficient rents from its properties and that sustainability of woodland was put at risk by poor management. The evidence for St John's Wood suggests that the Crown had indeed failed to monitor the actions of its lessee and that commoners and probably others without formal rights were enjoying an element of uncontrolled access to parts of the wood. Demand for wood was either very high or the ease of taking wood products falsely made demand appear high. A Crown survey in 1595 reported that Robert Raunce's successor, John Raunce was failing badly in his duty to manage the wood. Not only had he felled too many trees and carted them out of the wood, but he was also in breach of his legal obligation to leave a sufficient number standing. Added to this, his neglect in keeping hedges and fences in good repair had resulted in cattle damaging the remaining young trees.<sup>23</sup>

A further inquisition reported in 1605 that the situation had worsened and that 'the wood was 'wholie wasted and destroyed'.<sup>24</sup> Negligence and greed by the farmers and tenants, it was asserted, were the cause of the problem, their actions having brought the wood 'into ruin, destruction and sterility'.<sup>25</sup> In the absence of effective delegated authority, the regulation of access to and the preservation of resources had completely collapsed. If the Crown were to recover its asset, not only was the commissioning of an immediate plan of recovery essential but its implementation required expert supervision and sustained monitoring.

As part of the 'The Great Survey' of Crown estates and woods, Sir Robert Johnson, surveyor and long-time critic of the inefficiencies of Crown land management, undertook the survey of Buck-

inghamshire woods and forests in December 1608.<sup>26</sup> St John's Wood and nearby Homer wood presented in such a poor state that Johnson found very little to say about them. He reported that both were 'out of lease and decayed. I need not mention them'.<sup>27</sup> Writing to the earl of Salisbury in his capacity as Lord Treasurer, Johnson proposed to replant 'this waste or comon wood' subject to terms that reflected his projected investment.<sup>28</sup> Unsurprisingly, the Crown agreed his proposal, granting a sixty-year lease in 1610 during the term of which Johnson was to undertake an extensive restoration. Johnson's appointment as lessee could be viewed as an attempt by the Crown to silence an irritating but nevertheless, insightful critic.<sup>29</sup> By granting him the opportunity to put into practice his ideas for better management of woods, Johnson's rhetoric was effectively being put to the test. Indeed, he was well aware that his criticism did not sit well with the Crown. When he offered suggestions for the best way to survey Crown properties, he reflected that:

'...hitherto my best endeavours for his Majestie's service have affected more mischief and frowns to myself than all the other businesses of my life of which if I should say all that I would, I might perhaps hear that I would not'.<sup>30</sup>

The restoration was a major undertaking for Johnson not only in time and resource but also in his planned expenditure of £200. In recognition of the investment, the annual rent was reduced accordingly for the first twenty years, only set to rise at the end of each twenty-year period over the sixty-year tenure.<sup>31</sup> The work involved clearing the wood of old trees, planting new ones, improving the soil and enclosing the wood. An on-site woodman was to be employed to oversee regulation and Johnson was permitted 'to have suitable and sufficient housebote, hedgebote, firebote, ploughbote, cartbote, palebote and railbote' but there is no mention in the letters patent of common rights for the inhabitants of neighbouring parishes.<sup>32</sup> Johnson's project was in essence a project of plantation, perhaps one could argue of intended, eventual enclosure. In his proposal, no mention was made of the commoners, but the silence does not mean that they were absent. At its onset, Johnson's expensive and self-funded project had the potential to threaten the common status of St John's Wood. However as events were to prove, the threat was short-lived.

The Commonwealth survey of 1649 offers a particularly insightful account of both the common wood's physical and tenurial status at the end of the Civil War and the efficacy and progress of Johnson's improvements.<sup>33</sup> St John's Wood fell under the auspices of the Act for the Sale of Crown Lands 1649 to raise revenue to settle war debts for which the royal family was held responsible.<sup>34</sup> St John's Wood did not have the status of a royal forest, and therefore could have been sold, but was not, perhaps because of its favourable location 'within fifteen miles of a river'.<sup>35</sup> When Johnson had valued Barnwood Forest in Buckinghamshire in 1608, he noted that its remoteness from 'water carriage' meant that it was impractical to reserve the timber for shipping.<sup>36</sup>

The surveyors in 1649 reported that the original 275 acres leased to Sir Robert Johnson in 1610 had increased to 500 hundred acres, of which 300 were 'very well planted with small beech woods' and one hundred acres 'verry thinly planted'.<sup>37</sup> The remaining one hundred acres contributed no value, and were described as 'the common' with 'noe wood at all upon it'. Yet again, the surveyors concluded that the absence of suitable arrangements to control the number of grazing animals led to the common's unprofitable state:

'...he that hath but a Cottage may keepe as many sheepe and beasts as he pleaseth, and as many that he that hath a thousand acres of Land and that the Tennant of the sayd wood may keepe as many cattle without the wood as with it'.<sup>38</sup>

Johnson had clearly succeeded in partitioning and enclosing part of the wood, but the separate space allotted to the commoners was overused and in a poor condition. The surveyors confirmed that commoners of the parishes of Amersham, Chipping Wycombe, Hughenden, Little Missenden, Great Missenden Penn and Wendover held rights in the wood. Johnson's lease had made no mention of commoners' rights, but the surveyors of 1649 noted that in addition to their grazing rights the commoners 'have priviledge of 'cuttinge and carryinge away of Willo Sallo: Werge Maple Hasell and Bushes'.<sup>39</sup> While commoners were clearly accessing the underwood, this access did not extend to timber and although the policy of segregating the commoners from the growing timber trees seems to have been of limited success, management was weak. Despite efforts to preserve the trees and protect them from plunder,

Johnson and his successor William Widmere, to whom the lease had been sold by Johnson's sons in 1626, were plagued by thefts of wood not only by commoners but by 'other poorer people'.<sup>40</sup> As well as over-grazing, thefts of wood confirm that commoning activity was yet again falling into disarray with no effective management of the two resources. This was the message underpinning the surveyor's assessment of St John's Wood in 1649. On the one hand, there was a clear indication that recovery was progressing but that at the same time unregulated commoning and theft continued to put a strain on the lessee. Nevertheless, these issues were not seen as a significant threat to the long-term profitability of the wood. The surveyors concluded that on expiry of the lease in 1670, the property was on target not only to meet expectations of a yearly rent of £40 but would exceed it by £5 to £45. Indeed, by 1649, Widmere was already paying £40 annual rent.<sup>41</sup>

The tensions surrounding commoners' access to the wood and their rights to resources came to head again in 1666 when an action was brought in the Court of Exchequer by relatives of the next tenant, Andrew Hunt, against a number of commoners.<sup>42</sup> In the course of determining the legality of commoners' rights to take away lops and tops of wood, the question was raised again whether St John's Wood was part of either Wycombe Heath or Holmer Heath; the common now assumed two names. Although the bill and answer for the case have not survived, the interrogatories, depositions, decree and orders provide evidence of the essentials of the action.<sup>43</sup> Unsurprisingly, not one of the twelve witnesses for the Crown could confirm that the wood was part of the heath. More surprisingly, only two of the eleven witnesses for the defendants stated that the wood was part of the heath, the others gave no answer or claimed to be unsure. Grazing rights within the wood were without stint and were for 'all manner of cattle except mares.' Commoners also had the right to dig clay for brick and tile making and sand and 'mold for monnies'.<sup>44</sup> The case has been explored elsewhere, particularly in connection with a forged charter that it was alleged, proved the bounds of Wycombe Heath.<sup>45</sup> Writing in 1994, Green and Trench argued that the charter was a forgery, created to support the commoners' case and that it was not produced in court. However, further research by this author shows that recorded in the entry book of decrees,



it was stated that the commoners 'sett forth the Letters Patents which they alledge to be made by King Henry the third and to be confirmed by King Henry the fourth'.<sup>46</sup> This confirms that some form of document was produced as evidence but the court dismissed the claim that it permitted the taking of lops and tops. There was no explicit reporting by the court that the document was a forgery, suggesting perhaps that the text of its wording was in question rather than its authenticity.

Healey singled out this case from another perspective, the public and open demonstration of commoning as a visible confirmation of its legal status.<sup>47</sup> The case of 1666 was driven by fiscal urgency; the complainants alleging that the lessee could not generate enough income from timber sales to pay his yearly rent to the Crown.<sup>48</sup> He alleged that commoners were taking away vast amounts of wood by cart and by 'burden' (on their backs), but significantly, it was claimed, this was done at night, by stealth and not in public view during the day. The 'riotous and tumultuous manner' in which the defendants damaged the trees within the wood suggests violent actions by the commoners but it is questionable whether any violence actually took place.<sup>49</sup> The word riotous signifies that the actions of taking lops and tops were not individual and isolated occurrences but were unlawful in the sense that they were planned and organised thefts involving a number of people.<sup>50</sup> Shannon suggests that use of the word 'riotous' is indicative of a ploy to arrange for a case to be heard in court and does not indicate violent activity on the part of the commoners.<sup>51</sup> Several subsequent trials were ordered to determine whether the commoners had the right to take lops and tops. However, pending the outcome, commoners retained their right of pasture and their 'ancient title to estovers of thorne, maple, hassle or other wood other than oake, ashe and beech'.<sup>52</sup>

Pasturing of animals within the wood continued to stand in direct conflict with the sustainability of trees. When John Gibbons was granted a thirty-one year lease in 1692, the Crown stipulated, as it had done before in earlier agreements, that he should manage the woodland according to Henry VIII's Act for the Preservation of woods.<sup>53</sup> Gibbons agreed to 'preserve the young shoots from 'spoil of cattle as heretofore hath been done and not to cutt any of the said woods once above every

year in ten'.<sup>54</sup> According to Crown correspondence Gibbons' tenure was subjected to the same troubles that had beset previous leaseholders. Thomas Walker, the Crown's surveyor general, writing in 1732 when he affirmed Gibbons' grandchildren's rights to be granted a lease on the property, stated that following the 1666 case Gibbons enclosed the wood as stipulated in his lease. In response, the commoners initiated an action against him in which they claimed common of pasture within the wood.<sup>55</sup> Richard Herbert, surveyor general, writing in 1758 to confirm Sarah Flloyd's petition for a new lease gave more detail about the action. Herbert reported that the commoners and lessee settled the matter after three trials with the result that, 'the woods now held by the lessee are discharged of common of estovers and the commoners of the said parishes enjoy the right to feed and depasture their cattle without molestation in the same manner as the adjoining woods'.<sup>56</sup> The agreement revealed by Herbert appears to have ended the long-running dispute about boundaries and common rights but it also illustrates that rights to common resources were not immutable but could be re-negotiated when conflict demanded resolution. The long-standing right to pasture animals was clearly too difficult to extinguish, but if access to wood products could be removed, this would go some way to keep commoners away from the Crown's timber.

After Gibbon's grant of 1692, subsequent Crown leases were for terms ranging between seventeen and thirty-one years, no lease ever matching the unique terms and conditions of Johnson's. In the absence of local jurisdiction, the Crown relied upon surveys to check on the performance of its lessee. Surveys were a crucial component of the Crown's monitoring policy, but only sought to establish the state of the property upon renewal. Where surveys were delegated to local people, reports were brief and to the point, but over time the structure and content of surveys became more formulaic. However, surveyors could rarely agree on the wood's extent. In 1690, the wood's acreage was reported as 375 acres, with 100 acres 'waste and unplanted'.<sup>57</sup> In 1732, the acreage was revised to 275 acres of which 50 were considered waste.<sup>58</sup> Except for the commercial enterprise of a brick kiln and a brick maker's cottage, both in good repair, there were no other buildings in the wood. There were few timber trees and the smaller

trees suffered from damage by the cattle, 'lying so hard'.<sup>59</sup> On this occasion, Thomas Walker valued the wood at £30 per annum with a fine of £22 10s, a reflection that damage from grazing animals showed no signs of abating.<sup>60</sup>

When John St John, surveyor general reported in 1783, he noted that the lessee's good management had resulted in a significant improvement in the stock of trees. He reported that the brick kiln, operating from the six-acre 'brick kiln field' produced 50,000 bricks annually and concluded the annual value of the entire wood to be £100. In recognition of the flourishing prosperity and projected profit that could be drawn from the premises, the surveyor maintained the annual rent of £30 but increased the fine to £520.<sup>61</sup> Sarah Floyd, the widowed, absent lessee who was seeking a renewal of her lease, challenged the valuation. With the support of Stephen Morris and others who confirmed that cattle continued to cause damage to young saplings, a review by August Selwyn, surveyor general, reduced the fine to £200.

The physical and tenurial dislocation between St John's Wood and Wycombe Heath that had begun in the sixteenth century was complete by the late eighteenth century. The Crown continued its ownership of the wood, despite concerns about the expense and efficacy of Crown Estate management, particularly of woods and forests. Both came under scrutiny by commissions undertaken between 1787 and 1793.<sup>62</sup> One of the report's major recommendations was established by the formation of the Commissioners of Wood, Forests and Land Revenues in 1810, inaugurating a new era of oversight of the Crown's interests.<sup>63</sup>

It was customary for surveyors of the wood to refer to their predecessor's work before undertaking their own, a practice so regimented, that the Crown was still reciting the detail of the 1649 survey in 1811. This time, on the eve of the renewal of the lease in 1814, it was determined that a full survey should be undertaken under section eight of the Crown Land Revenues Act 1794.<sup>64</sup> The family surveying firm of A. W. and E. Driver, was selected for the task, directed to check for accuracy against earlier surveys. In the climate of active enclosure, the Drivers were commissioned to enquire into commoners' rights at St John's Wood, their current use and options for their extinction, as well as options for the future of the wood itself such as conversion to tillage or fencing in the wood to

grow 'naval' timber.<sup>65</sup> The firm found that enclosure could only be effected by Act of Parliament, but this option was a poor one because the Crown risked losing profitable woodland in addressing the rights of the many commoners. The firm was equally critical of the Crown's leasing arrangements and its selection of lessees. Driver's observation that, 'the lease...has been held by persons who had only to consider their existing Interest' viewed from a common resource perspective, supports Hardin's argument that individualism is always preeminent.<sup>66</sup> From a landlord's perspective, Driver also advised that 'in no Instance is it advisable for any Landlord to let Woodland upon Leases as they always require great attention and sometimes a Considerable Sacrifice to raise them to a profitable State'.<sup>67</sup>

Driver's recommendation that the Crown should take the wood in hand and employ a local person to manage it was ignored and the twenty-eight year renewal included specific instructions regulating the frequency of felling and cutting trees yet again.<sup>68</sup> However, Thomas Hearne, one of the lessees, challenged and objected to Driver's valuation, seeking a reduction in his rent. He complained that although the wood was said to contain 370 acres, at least 100 acres 'will not pay a Farthing in the Term of 28 years being very slow in growth occasioned Chiefly by its being expos'd to th [sic] cattle'.<sup>69</sup> He went on to complain that the greatest part of the beech wood was sold to poor people who left him with bad debts. A responsive Crown, in recognition of the inflated valuation and undoubtedly keen to maintain a working relationship with its tenant, reduced the rent from £150 to £124 10s.

A map of St John's Wood (Fig. 3) indicates its extent and general character following the 1811 survey. The brick kiln enclosure (A) is located at the western edge where tree cover appears to be much less than the central area of the wood. Likewise, the eastern section, known as Plachet Plain (B) is much more open and suggests intensive grazing. The dark cross marks (C) on the southern boundary are boundary holes separating St John's Wood from King's Wood.

At the passing of the Crown Lands Act in 1829, which regulated the administration of leases and sales, reactive measures were taken to safeguard the Crown's interests.<sup>70</sup> In the early 1830s when thefts of wood re-emerged as a serious problem,

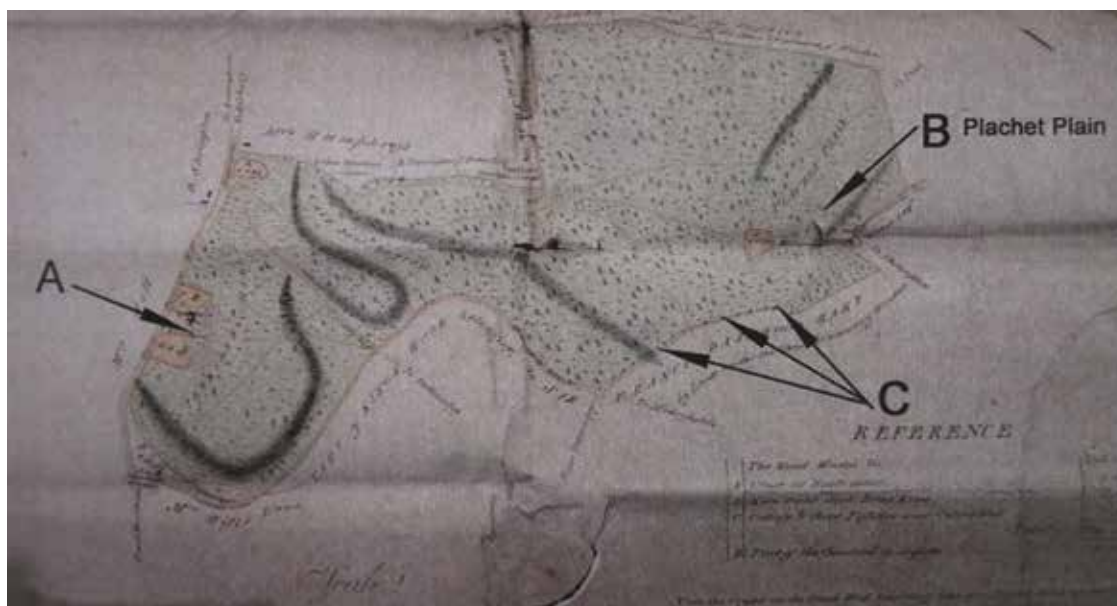


FIGURE 3 St John's Wood in 1818 showing the brick kiln and distribution of trees.

Source: TNA: CRES 2/99

the Crown prosecuted offenders, one of whom was imprisoned.<sup>71</sup> The threat of prosecution led to a lull in offences but it was short-lived. In 1838, one of the lessees, Catherine Weller requested financial assistance for the expense of taking legal action against a new series of wood thefts.<sup>72</sup> Alternative strategies to deal with thefts included warning posters and the employment of watchers. On learning that thieves were thought to be local cottagers who employed their dogs to listen out for approaching apprehenders, Driver recommended putting down poison in the cottage gardens, a solution deemed too controversial and rejected by the Crown.<sup>73</sup> When the lease was due for renewal in 1842 the Crown's solicitors feared that Mrs. Weller would fell many trees in breach of her lease terms, so successfully secured early surrender of her agreement.<sup>74</sup> They found other issues: as lessee, Weller appeared to have ignored several small encroachments within the wood, a situation potentially hindering any renewal of the lease. Most encroachments were under a quarter of an acre, but the Crown was not successful in reaffirming its authority. In 1843, a firm of solicitors was tasked to establish the extent of land occupied by nineteen encroachers and secure their signed agree-

ment to recognise the Crown's ownership of the land. Some encroachers made themselves scarce, others refused to sign. Only eleven signatures were obtained.<sup>75</sup> Ineffective management of the wood and blatant disregard for authority allowed the erection of five cottages; one was sublet and claimed as freehold by the owner.<sup>76</sup> The Crown's failure to adequately monitor its lessee led to a policy shift.

Taking direct control, the Crown remained undecided whether to enclose or lease the property. Commoners' rights were a critical consideration and could not be ignored. When E. and G. N. Driver endorsed the request for a grant of land to build a new church at the western end of the wood, they pointed out that commoners from neighbouring parishes had a right to 'turn stock in the wood' that could not be overridden.<sup>77</sup> They suggested the enclosure of the wood in 1842, despite James William's registration of interest in taking on the lease. The Crown rejected both options and kept the wood in hand between 1842 and 1852, probably awaiting recommendations from parliament's review of enclosure legislation.<sup>78</sup>

By 1848 the Crown remained undecided, but was determined to prevent trespassers from

stealing wood and damaging trees. When the Rev. Foy requested the construction of an avenue through the wood to link up his new church with the congregation to the south (Fig. 4), the Drivers were quick to see the benefit of a clear and straight

pathway, paid for by Rev Foy, that would easily expose and deter trespassers by its 'uninterrupted view'.<sup>79</sup>

In 1852 the Crown granted a lease of twenty-one years to James Williams and his son James Walker

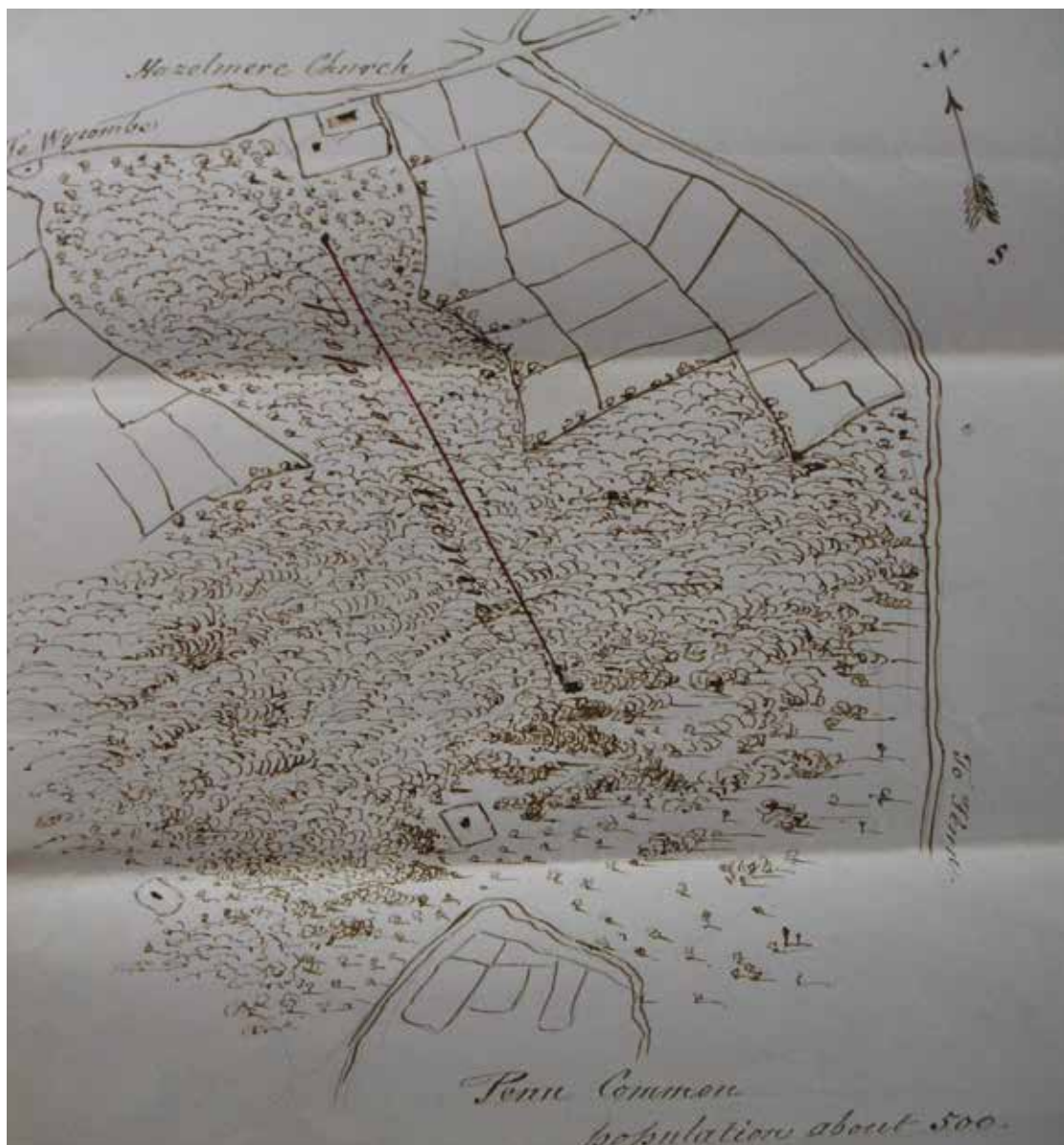


FIGURE 4 The proposed new pathway through St John's Wood.

Source: TNA: CRES 2/103, extract from John Foy's letter, 1848.

Williams, builders and brick makers of Chepping Wycombe.<sup>80</sup> Stipulating adherence to a ten-year rotational plan for felling timber (Fig. 5), this lease was in its control and regulation of the wood. The new lessees were not permitted to use any wood or timber for necessary repairs of buildings or fences and only pits sunk for cattle ponds were allowed. Commoners' rights to dig clay had been effectively extinguished under, section 61 of the 1829 Act which forbade any person from taking clay without the Commissioner's permission. The current Commissioner, Charles A Gore went further than the letter of the Act, stipulating the payment of one shilling on every thousand bricks or tiles made from clay, reflecting the establishment of a second brick kiln in the wood on the site of the Plachet Estate.<sup>81</sup> The long-established brick

kiln to the north incurred no levy.

Policy shifted in late 1854, when Gore initiated the sale of the wood, employing John Clutton for the task. Known for his 'great ability and experience' and in his role as Receiver of Land Revenues, Clutton was the natural choice.<sup>82</sup> With the Driver brothers gone, strategy swung from retention and stricter controls of felling trees in the wood to sales. The Crown was keen to raise a large sum of money quickly and avoid the expense of enclosure.

Valuing St John's Wood at £3,500, Clutton contacted local landowners Lord Carrington and Phillip Rose. Both had registered an interest in the property, but considered the price excessive. Unwilling to negotiate and recognising astutely that the lessee would pay the asking price, Clutton secured the sale to James Walker Williams.<sup>83</sup>

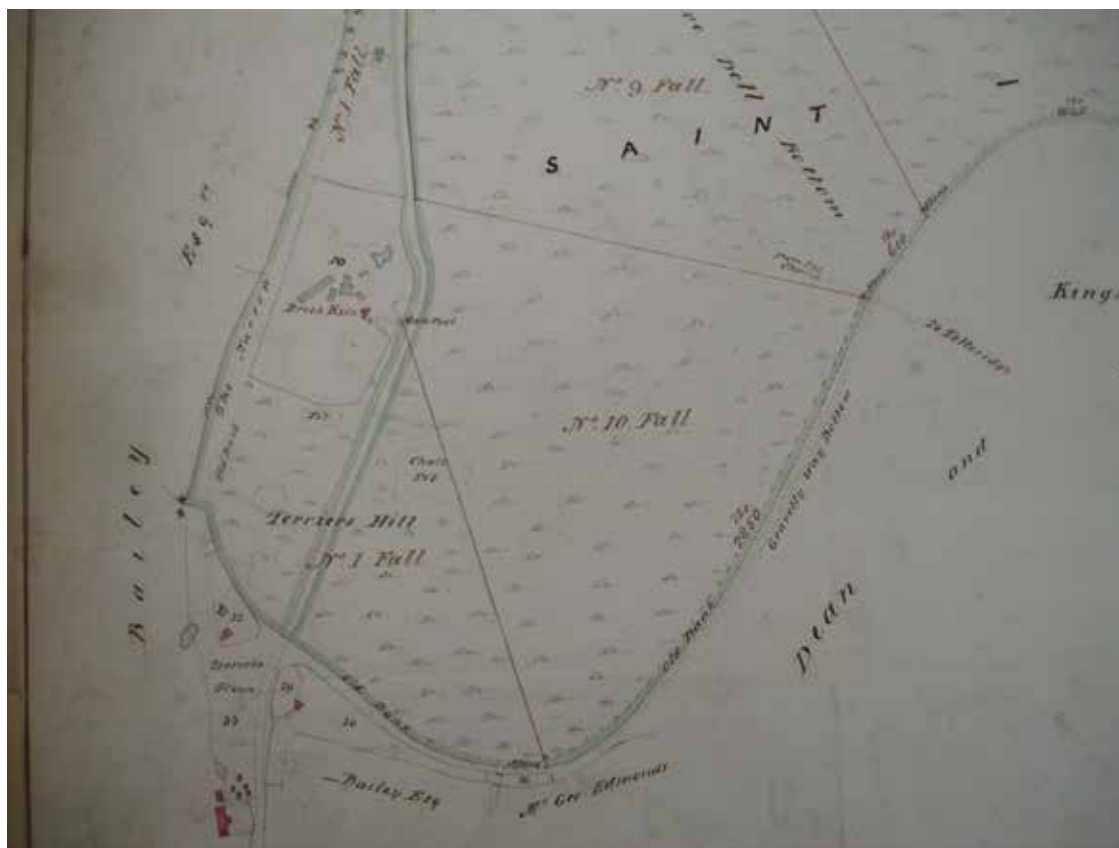


FIGURE 5 Extract from the plan accompanying Williams' lease showing partitions for felling timber (1852).

Source: TNA MPEE 1/5 (Map detached from William's lease, ref: LRRO 13/76), extract.

Williams immediately began to enclose one quarter of the wood for a period of nine years in line with Henry VIII's statute, but in doing so enclosed part of the 'Narrow', a piece of waste allegedly belonging to the manor of Bassetsbury.<sup>84</sup> Henry Wingrove complained to the Dean and Canons of Windsor about the illegal enclosure but also alleged that he could prove that some encroachments sold as freeholds were enclosed less than twenty-one years ago and that those involved in the sale had lied under oath. Wingrove was perhaps making malicious accusations but in the context of enclosure, legitimising encroachments would not have been unusual.

Williams' purchase of St John's Wood took place at the height of the final phase of Parliamentary enclosure, amid local contentions which included the ownership and value of the adjacent King's Wood. Before outlining these contentions, the governance of King's Wood is traced.

#### KING'S WOOD

The manor of Bassetsbury and the fee farm of Chepping Wycombe were granted to the College of St George, Windsor Castle in 1478, and its revenue was assigned for the upkeep of the Royal Free Chapel of Our Lady, St George and St Edward.<sup>85</sup> The College's estates, administered by the Dean and Canons whose assembly formed a Chapter, were substantial, located mainly in the south of England, with a few outliers in the north and in Wales.<sup>86</sup> Property was leased to a 'farmer' who was required to hold the manor court and keep a record of proceedings. In addition to the fee farm of Chepping Wycombe, the manor of Bassetsbury comprised open fields, tenements, mills and access to fishing along the River Wye, and the 187-acre King's Wood, where the Dean and Canons cropped timber.

The grant of a lengthy 99-year lease of the manor and fee farm in 1566/7 to Robert Christmas was the last of its kind.<sup>87</sup> Christmas assigned the lease to John Raunce and his heir Robert Raunce effectively making the Raunce family the most powerful in the parish of Chepping Wycombe.<sup>88</sup> With St John's Wood and the manor of Temple Wycombe in their control, the addition of the manor of Bassetsbury established the family as the largest holder of land. But as Frith recounted in 1610, the family's tenure of Bassetsbury manor was not without

controversy as a 'great havoc was.... made of the timber', a reference to the inappropriate felling of oak and ash trees.<sup>89</sup> Threatened with legal action, Raunce compensated the Dean and Canons but the 'spoil' failed to abate with the damage and loss of trees so great that a series of actions were brought against offenders Brian Janson and several others between 1623 and 1633.<sup>90</sup> The court of survey reporting to the Dean and Canons in respect of the action against sub-leaseholder Brian Janson, sheds light on the commoning arrangements:

'The tenants of the manor of Bassetsbury as well as freeholders, as copyholders, as leaseholders are to have free comon in all the wastes within the parish of Chipping Wycombe sans nombre'.<sup>91</sup>

The survey records that apart from oak and ash, copyholders could take any other timber for making hedgerow stakes, gates, styles, and 'other necessities' for use on their land with their rights extending to take wood for firewood 'or els to dispose of att their pleasure'.<sup>92</sup> If copyholds were devoid of timber, they were to be assigned some from elsewhere within the manor. Furthermore, it was stated that beech, elm and underwood growing upon a copyhold belonged to the copyholder. Such generous rights, some of which appeared to extend beyond necessary use, were challenged publicly by Robert Thorpe, steward of the manor, who responded that he 'disavows and denye the said answers to the articles to be according to the custome of the said manor or allowable either in law or conscience'.<sup>93</sup>

Mirroring the experience in St John's Wood, local administration of the Bassetsbury estate had broken down by the early seventeenth century, resulting in damage to the wood so extensive that it was almost beyond recovery. The Raunce family were at the heart of disputes in St John's Wood and King's Wood, responsible for the loss of trees and conflicts with commoners. Where superior authority was lax and poorly exercised, long established rules and associated sanctions governing access to common resources could be remodelled in favour of one party to the disadvantage of the other. In an action in which the Dean and Canons claimed ownership of the timber, it reflected astutely:

'That by the negligence of the Farmers ould customes are changed and nowe increase which prejudice the Churches Inheritance and enlarge the tenants' unjust claims. Soe as now the tenants



claim all boots without assignment and pretend exemption from forfeiture by which in daies all the timber is wasted'.<sup>94</sup>

In 1633, the Lord Keeper settled this dispute concerning the oaks and ashes, declaring that those trees below twenty years growth belonged to the lord of the manor and that copyholders could:

'...take sufficient house boote... for necessary repaions by assignement of the Lords of the said manor within one month after request made to the said Lordes... and other bootes upon their copyholds in A moderate manner without assignment but not to have tymber to make stakes'.<sup>95</sup>

The 1649 Commonwealth survey of the manor of Bassetsbury sheds little light on the physical characteristics of the 187 acres of 'King's common wood'.<sup>96</sup> With only a brief mention, it indicates that one third of the wood was enclosed and partitioned for the lessee's benefit, suggesting that the remainder operated as wood pasture. From c.1650 a succession of short-term lessees held the manor but there is little evidence how King's Wood was managed. Canon Edward Wilson (1784–1804) estimated that the value of the manor was halved during this period, indicating continuing inadequate management.<sup>97</sup>

In 1719, Sir Francis Dashwood of the parish of West Wycombe added Bassetsbury manor to his estate with the grant of a lease from the Dean and Canons. The lease entitled him to receive rents etc., but the Dean and Canons reserved to itself the timber trees and access to cut down and take them away.<sup>98</sup> However this remained contentious. In 1728, the Dean and Canons sought legal advice from the eminent attorney, Sir Thomas Reeve, on the central and perennial problem of the ownership of the timber, how much could be taken, when, and by whom. Reeve confirmed the Dean and Canons' arrangements for access to and felling of timber, with the tenant's right to timber predicated on necessary use and the agreement of the Lord.<sup>99</sup>

The Dean and Canons' record-keeping evolved over time and much is missing for the seventeenth century. The lessee was expected to hold the manor court and keep regular records of the proceedings. The court books were to be presented to the Dean and Canons so that the fine could be calculated and set, usually every seven years. At Windsor, the chapter meetings' minutes were recorded regularly, but entries are frequently short and essentially brief summaries of decisions made. The

dates of surveys and timber felling were important to the Dean and Canons and are recorded by date and place. Despite the Dean and Canons' intention to maintain records of every aspect of its estates, King's Wood is invisible except for a brief mention in 1756 when it was noted that no wood could be spared for repairs.<sup>100</sup>

Later manorial surveys shed little light on King's Wood: one ordered in 1776 has not survived, while Chapman's survey of 1784 is brief, noting only that there were a number of oaks of 20-30 feet.<sup>101</sup> In recognition of the wood's common status, Chapman valued the 145 acres at 8s per acre unlike the enclosed Oakridge Wood, which courted a higher value of 10s per acre. In 1791, it was noted that a steward should be engaged to manage the woodland in response to 'several traces of plunder' which had taken place five years earlier.<sup>102</sup> Dashwood, whose lease was renewed in 1784 and who had no entitlement to fell the timber was charged accordingly for the loss. Keen to resolve the issue and preserve the timber, the Dean and Canons sought the advice of surveyor Richard Davis, topographer to the King. Davis thought that the recent thefts of wood were due to the dishonesty of the woodman, who had turned a blind eye to thefts in consequence of being refused payment for his work.<sup>103</sup> Dishonesty and deceit on the part of a local supervisor could jeopardise the sustainability of the wood and influence the behaviour of commoners. Such unchecked corruption risked a complete breakdown of management, but Davis quickly recommended a reliable woodman from Stokenchurch.

The activities of the commoners on the estate are largely unknown and the manorial court records are silent except for an order of July 1795:

'That all Persons turning cattle to depasture on the Commons within this manor shall be Marked conspicuously with the Initial Letters of the persons names to whom they belong, that the Hayward may know whether they have a right of Commonage, and that all Cattle turned out without such marks, or by persons not having right of Commonage will be Impounded'.<sup>104</sup>

It is impossible to know whether this order represents the reiteration of a well-known rule which reflected current local practice, or whether it was the court's response to a new wave of unauthorised use by outsiders.

The first surviving comprehensive survey of the manor was undertaken by Mr Trumper in April

1805.<sup>105</sup> While he acknowledged that Mr Lacey, the bailiff, was making good progress with preserving the young shoots of oaks and ash timber at King's Wood, the beech trees continued to suffer from grazing cattle. Nevertheless, Trumper concluded optimistically, that if Lacey could maintain this progress, there was every chance of a profit.

Damage to trees was not the only problem facing the Dean and Canons. Encroachments on the waste posed a significant problem across the whole manor, many of which were dealt with at a court held in November 1809.<sup>106</sup> The court chose not to order removal of any of the 24 separate encroachments instead seeking payment of quit-rents. Eleven encroachments were in the immediate vicinity of King's Wood with seven at Tyler's End Green to the south of the wood.

Trumper's earlier optimism for continued improvement was misplaced, but not entirely due to commoners stealing wood or animals browsing the beech trees. Sir John Dashwood's lease expired in the 1820s, but renewal was delayed by another dispute concerning his breaking the terms of his lease by cutting of timber.<sup>107</sup> Dashwood agreed to recompensation, but King's Wood was taken in hand by the Dean and Canons in 1826 and excluded from the main lease as renewed in 1827.<sup>108</sup> This dispute was about the right to cut timber, but also about what constituted timber. William Lake, Sir John Dashwood's solicitor, advised that the definition of timber varied from place to place and that while it was generally agreed that timber was defined as oak, ash and elm within Buckinghamshire, beech was not included because it was used for firewood.<sup>109</sup> Hill suggested over forty years ago that ecclesiastical landlords were easy-going, but the action of the Dean and Canons in taking King's Wood in hand suggests otherwise and indicates that preserving timber for the generation of revenue was of far greater importance than maintaining a cosy relationship with the gentry.<sup>110</sup>

When William Gardner, the Dean and Canons' surveyor, visited King's Wood during the dispute he made several observations which throw light not only on Dashwood's attempts to defraud the Dean and Canons, but also on the actions of the commoners. In 1824, he commented disparagingly on those living locally who cut branches for firewood without any sense of responsibility:

'It appears that no care is taken to preserve the Timber in this Wood, the Soil being used as a public

common for depasturing sheep and other cattle, the young trees which appear are cropped by the cattle and by that means are prevented from growing up as there is no underwood to protect them'.<sup>111</sup>

Revealingly, he also commented on adjacent St John's Wood, 'which is only separated by a mound is in very different state indeed, the difference is so striking I could but notice it'.<sup>112</sup> It will be recalled that St John's Wood had suffered from the same complaints of wood stealing and damage from animals, but Gardner's observation at the boundary suggests that conditions in King's Wood were far worse. Following his visits to King's Wood in 1825 and 1826, Gardner made recommendations to protect the young timber trees. Signage warning against stealing wood or damaging the young timber trees was supplemented with improved boundary markers and accommodation for a woodman to be on site at all times.<sup>113</sup>

Damage to trees was not the only issue facing the Dean and Canons. Gardner's expertise was drawn upon to deal with new encroachments.<sup>114</sup> It is uncertain where these were located in the manor but combined with the issue of damage to trees, taking the wood in hand had not made the task of management any easier or more effective. News that Lord Carrington's agent John Neale had approached Gardner in early 1834 with a proposal to lease King's Wood could not have been more welcome.<sup>115</sup> Gardner was quick to recommend the offer to the Dean and Canons, advising that in doing so they would 'get rid of an estate which has hitherto yielded little profit'.<sup>116</sup> Lord Carrington had purchased the manor of Temple Wycombe in 1799 and was considered an ideal lessee. However, Neale was distinctly unimpressed by the physical state of the wood, realising that it would be some time before any profit could be made:

'...be it remembered that the usage it has for years been subjected to and which as far as plunder and in my opinion mismanagement still continues it cannot to do it common justice'.<sup>117</sup>

The initial interest from Neale evaporated and the Dean and Canons continued to manage the wood directly. Using a locally housed woodman, Thomas Dutton, who was to be on hand at all times they sought to safeguard the trees from damage and generate a profitable timber crop.<sup>118</sup> Direct management proved a difficult task and did not solve the Dean and Canons' problems, especially as thefts of wood showed no signs of abating. Adopting either a

similar approach or in collaboration with the Crown, the Dean and Canons instructed the constable Richard Hailey to apprehend thieves and deliver them directly to the magistrates; between 1838 and 1842, Hailey sought prosecution for six offenders.<sup>119</sup>

As the new lessee of the manor of Bassetsbury in 1854, Sir George Henry Dashwood inherited the unresolved problems of encroachment and digging of gravel just over the wood's southern boundary at Tyler's Green, an issue that showed no signs of abating.<sup>120</sup> The Dean and Canons intervened, deliberately choosing to bring offenders to a court held at Tyler's Green where the problem was at its greatest.<sup>121</sup> Dashwood was blamed for the damage and loss of the waste, so when he indicated in 1855 that he wanted to purchase the whole estate, his request was not only declined, but it generated a swift reminder of his responsibility as lessee to initiate and execute effective action against offenders rather than, it was alleged, to ignore depredations.<sup>122</sup>

While the Crown's and Dean and Canons' respective arrangements for governance included strategies for dealing with thefts of wood and encroachment, over time their responses shifted. The Crown chose eventually to discharge responsibly by selling the property while the Dean and Canons persisted in seeking to stem offences not only during the peak of Parliamentary enclosure, but while fending off other pressures from outside. Dashwood's tenure coincided with new government policy directed at the redistribution and increase of the wealth of the Established Church. As part of a major reform and modernisation strategy, the policy was cemented with the establishment of the Ecclesiastical Commissioners in 1836. A range of legislation followed of which the Cathedrals Act 1840 was first in dismantling the administrative infrastructure of the Dean and Canons at Windsor.<sup>123</sup> The Act redirected revenues for the support of canons to what was considered more worthy expenditure, a move that reduced the canons at Windsor from twelve to four.

Holding an extensive portfolio of property, the college found itself particularly vulnerable to the reforms of the Church Commissioners. In June 1851, the Dean and Canons petitioned the House of Lords, opposing a bill that would allow lessees the right to purchase their leaseholds.<sup>124</sup> As a Free Chapel, the Dean and Canons reported directly to the sovereign, conferring special status and positioning them beyond the Established Church's jurisdiction. Their

property, it was argued, had never belonged to the public and therefore was exempt from a policy advocating redistribution of its income for the welfare and spiritual needs of the general population. In essence, the Dean and Canons was determined to preserve title and retain the power to manage and use their property. This included decisions about enclosure, an ongoing issue in the 1850s which is returned to shortly. Their protests and arguments for exemption were ignored and the Act to Facilitate the Management and Improvement of Episcopal and Capitular Estates in England was duly enacted in August 1851.<sup>125</sup> The Act successfully increased Church revenues and despite further protestations, was renewed in 1854 and 1857.<sup>126</sup>

However, the Dean and Canons continued to manage their properties despite the pressure for change from the Ecclesiastical Commissioners. Although Dashwood was unsuccessful in his attempt to purchase the estate, his lease was renewed in 1861.<sup>127</sup> The Dean and Canons' refusal to relinquish their estates persisted until August 1867, when they finally agreed to give up all their property in exchange for an annual income of £14,400.<sup>128</sup> The manor of Bassetsbury and King's Wood were to be managed by the Ecclesiastical Commissioners. The commissioners' task, subject to the Dean and Canons' approval, was to select and retain certain properties, the combined income from which (£14,400) would constitute the endowment for the Dean and Canons. In respect of the remaining properties, the commissioners were empowered to sell them to augment their Common Fund. The Dean and Canons' pleas for exemption from earlier legislation and for recognition of their special status ended dramatically with the loss of property, severing of relationships and the physical removal of their documents archived over centuries. This sudden shift of operational organisation and management exposed King's Wood to an uncertain future. However, before this is explored further, the enclosure of the parish and its troubled progress is traced.

## FIRST SIGNS OF ENCLOSURE

The enclosure of the waste lands around Chepping Wycombe parish was proposed in January 1849 by Philip Rose, local landowner, attorney and confidante of Benjamin Disraeli. In 1848, Disraeli purchased the Hughenden estate, appointing Rose as his steward of the manor of Hughenden. In

scanning the manor court book, Rose would have been struck by the number of encroachments on the common waste, and came to a view that apart from the wooded common in Penn, the waste served no useful purpose and its enclosure would solve all manner of social and economic problems.<sup>129</sup> In a printed ten-page pamphlet addressed to Lord Robert Carrington, the largest landowner in the parish and Lord Lieutenant of the county, Rose outlined his arguments for enclosure, suggesting Lord Carrington lead the proposal.<sup>130</sup> Rose calculated that one-third of the waste in the parishes (Chepping Wycombe, Hughenden, Little Missenden, Penn and West Wycombe) was characterised by woodland, much of which was worth grubbing up and converting to arable cultivation. Foremost in Rose's argument however, was the 'scandalous neglect' of Wycombe Heath, accessed by several neighbouring parishes.

The pamphlet's thrust echoed the improvers in the seventeenth century who had advocated making better use of manorial waste. Rose reckoned that enclosure would not only reduce local unemployment by creating new, sustainable jobs but that the resulting reduction in dependence on parish relief would bring in more revenue by increased contributions. His arguments for enclosure also reiterated a moral necessity and duty to end dependent and dishonest lifestyles pursued by those who lived near and encroached illegally on commons. He further argued, somewhat disingenuously, that commoners' illegal encroachments showed they were in favour of the concept of enclosure. As to the exercise, Rose was dismissive of the value of commoners' rights, arguing that without controls large sheep dealers and farmers overused the commons so that their worth as herbage was minimal. It is difficult to assess the truth of Rose's assertions but without explicit and effective control measures in either King's Wood or St John's Wood, Rose's comments may indeed have reflected the situation on the ground. Rose's proposal was ambitious in scale but he reckoned that if all the parishes involved (Chepping Wycombe, Hughenden, Little Missenden and Penn) shared expenditure it was viable. A favourable outcome relied upon the cooperation and agreement of numerous landowners in several parishes as well as Lord Carrington's support. Critics in the local newspaper cast doubt on Rose's proposals, arguing that necessary expenditure to improve the waste for cultivation would negate all hope of profit.<sup>131</sup> Rose's grand

proposal failed to generate a collective approach but individual enclosures went ahead in Hughenden, Little Missenden and Penn. Indeed, Rose's firm, Norton, Baxter and Rose, was heavily involved and profited from work done during the enclosure of the waste lands in Hughenden.<sup>132</sup>

Between 1852 and 1854, Rose pressed on, securing the agreement of the principal landowners for an enclosure solely of the waste lands within the parish Chepping Wycombe. Lord Carrington, the Dean and Canons of Windsor and their lessee Sir George Dashwood and the Crown, as owners of St John's Wood, all gave consent.<sup>133</sup> Mindful of the imminent enclosure proposal, the Dean and Canons sought to secure sole benefit from the sale of their timber at King's Wood before any enclosure. This was the first major sale since the Dashwood family had lost their tenure of the woods and its timing was perfect. In February 1859 George Crocker surveyed 1,200 beech trees in the wood, valuing them at £798.<sup>134</sup> Ever keen to secure maximum profit from the sale, the Dean and Canons reluctantly contracted with local agent George Vernon after failing to secure the services of a more prestigious London agent.<sup>135</sup>

It was not until December 1861 that the formal enclosure application was made with the preliminary meeting chaired by the Assistant Commissioner Nathaniel Wetherall on 25 January 1862.<sup>136</sup> Between 1854 and 1861, Williams had purchased St John's Wood from the Crown, and had employed Robert Collier Driver, nephew of brothers Edward Driver and George Neale Driver, to promote the enclosure. Driver, in his capacity as unpaid promoter, expected to secure the post of valuer. By the time of the meeting in 1862, an attempt to extend the enclosure to include open fields had been rejected on the grounds that none were subject to common rights.<sup>137</sup> Lord Carrington's and William's proposals for the enclosure, endorsed by Robert Collier Driver were opposed by Thomas Batchelder, the Dean and Canons' chapter clerk, whose moral stance claimed each was acting without proper and sincere regard for the parish and neighbourhood as a whole. Rose ignored the criticism. Indeed, carried away with a sense of urgency and abandoning his earlier interest in reducing financial excess, Rose claimed of the enclosure that, 'no expense will be spared to bring it about,' elevating its local significance to one of almost national importance:

'It is felt on all hands that an inclosure of these open lands had passed beyond the range of a more private question and has become a great public necessity'.<sup>138</sup>

Rose realised that the enclosure would be protracted, because ending 'the system of illegal enclosure which has been so long practiced with impunity', was bound to be met with resistance.<sup>139</sup> The Dean and Canons's unwillingness to part with King's Wood led to a wavering of their support.<sup>140</sup> Lord Carrington claimed he was not particularly

interested in the enclosure, and had been pressured by the persuasion of his neighbours, Rose and Williams. He claimed that his only interest was his 'residential comfort', which would be served by receiving an allotment of waste known as Keep Hill which lay adjacent to his property (Fig. 6).<sup>141</sup> This condition was agreed in February 1863, but the Dean and Canons withdrew their support for the enclosure despite Commissioner Wetherall's mediation and following delayed responses to letters from Rose, Driver and Wetherall.<sup>142</sup>

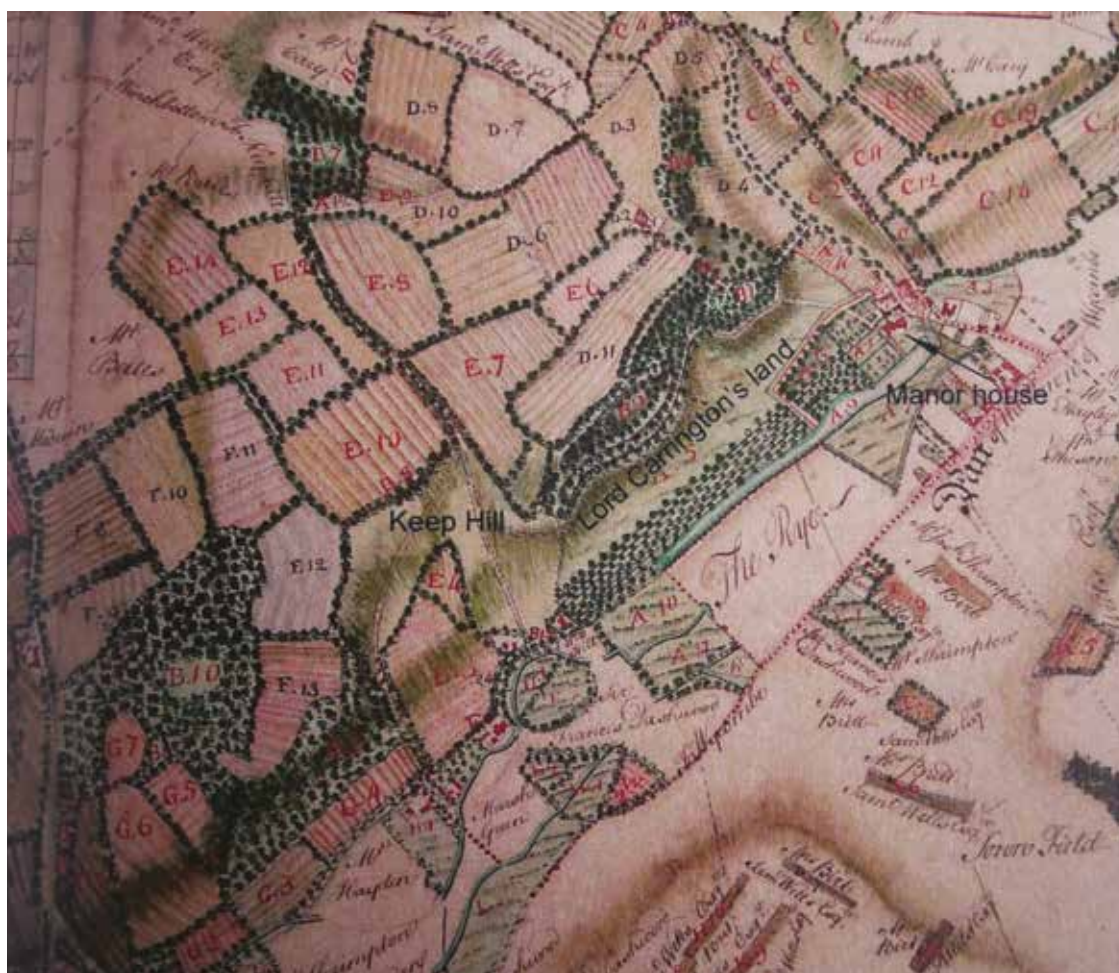


FIGURE 6 The highly contentious location of the waste at Keep Hill (unlettered/numbered), surrounded mainly by Lord Carrington's house and estate.

Source: CBS: MaR/64. Reproduced by kind permission of Carrington Estates Ltd; extract from *A Book of Plans of Topographical Drawings of Loaks*, 1762.<sup>143</sup>

Enclosure was further delayed by Lord Carrington's claim to the rights to the soil of St John's Wood which was completely unfounded and swiftly rejected by Charles Gore who reassured Williams that it is 'clearly evident' that no such rights existed.<sup>144</sup> The delays led Williams to declare in December 1864 that he would enclose St John's Wood independently even if this meant the loss of the parish's support.<sup>145</sup> The enclosure of the remaining parish wastes was abandoned with the election and contentious appointment of Driver as valuer of St John's Wood on 9 August 1865.<sup>146</sup>

Driver's appointment outraged Rose, who initiated litigation alleging that Driver was also acting as Williams' private agent and could not be impartial. The case was lost and Driver kept his post.<sup>147</sup> Driver had worked for the Crown while in the employ of his uncles and knew the estate well. The post of valuer brought Driver the promise of lucrative opportunities and he quickly made use of them. On the day of his appointment as valuer, he registered his interest in buying King's Wood from the Dean and Canons but tellingly asked that his request be kept private.<sup>148</sup>

The enclosure of St John's Wood gathered pace in May 1866.<sup>149</sup> Driver sold over 28 acres of land at the southern end of the wood to defray enclosure expenses. This was a shrewd ploy to sever the physical link between the waste at Tyler's Green and St John's Wood. Williams purchased 50 per cent, selecting the largest plot and Driver divided the rest of the land into smaller allotments positioned alongside newly created roads, advertising them as ideal building plots.<sup>150</sup> House building would provide a physical barrier between Tyler's Green and St John's Wood, ending access to the wood from the south (Fig. 7 before enclosure; Figs 8 and 9 after enclosure). Speculators such as Joseph Ford Fowler, watchmaker of Beaconsfield purchased several plots.<sup>151</sup>

A further 309 acres were enclosed, of which 79 per cent was allotted to Williams. Apart from allotments of sixteen acres to Lord Carrington and ten acres to the charity trustees of the borough of High Wycombe, remaining allotments ranged between under one and four acres.<sup>152</sup>

Driver processed 58 compensation claims for loss of common rights, three of which were withdrawn.<sup>153</sup> All but three claims included rights of pasture throughout the year based on the principle of levancy and couchancy; 35 were allowed by

Driver. Five claimants asserting rights to estovers were disallowed. Unsurprisingly, Williams was the most vigorous objector to claims, protesting against twenty-four. In total, Driver disallowed nineteen claims of which fifteen had been objected to by Williams. The spirit of the enclosure opposed all future public access and interaction in the wood as demonstrated by Driver's refusal to allow an allotment of just over two acres for recreation in front of the parsonage house and for continuance of footpaths through the wood.

There is compelling evidence that Williams intended to continue cropping the trees of St John's Wood for timber. His will, dated 4 December 1881, stated that the trees within the wood should not be cut until 1895 when his only son had reached the age of 23, which strongly suggests that he planned few changes.<sup>154</sup> Under trustees after his death, little changed, except for the establishment of Manor Farm at the southern end of the wood. In August 1906 William and James Gurney purchased much of the wood and Manor Farm.<sup>155</sup> Although many smaller building plots had been developed, the larger ones and the rest of the estate had not. No further development took place until after the Great War when in 1919 the entire wood was sold off as building plots.<sup>156</sup>

#### A NEW PROPOSAL FOR ENCLOSURE

It was in Williams' interest to accelerate the enclosure of St John's Wood, but apart from Rose there was no proponent for the other wastes in the parish. A major influence was lost with the death of Sir George Dashwood in March 1862, while the Dean and Canons's attention was focused on the threat presented by the Ecclesiastical Commissioners.

In 1867, shortly after the Ecclesiastical Commissioners secured ownership of the Dean and Canons's properties, John Clutton, the Commissioners' surveyor rapidly recommended enclosure of King's Wood and the remaining wastes within the manor. He instructed that a provisional agreement be made with Lord Carrington who he reported, 'is desirous of bringing about an Inclosure of the Commons and wastes'.<sup>157</sup> The enclosure of adjacent St John's Wood was progressing, after the valuer's report was received by the Inclosure Commissioners on 31 August 1867.<sup>158</sup> Clutton's connection with the locality and the



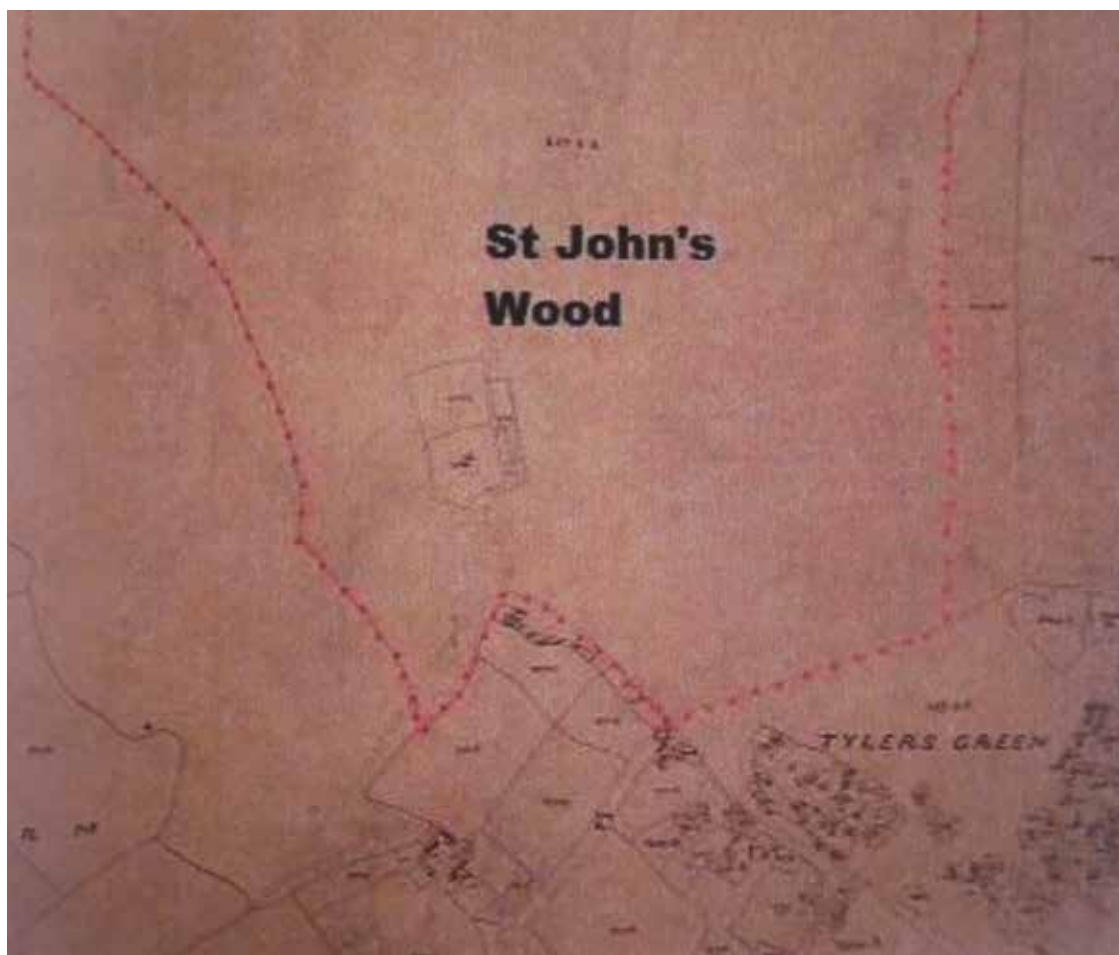


FIGURE 7 Southern end of St John's Wood and Tylers Green before enclosure.

Source: Tithe Map, 1848. CBS 211 (i)

Carington family had been established in 1854, when as agent for the Crown he had assisted in the arrangements for the sale of St John's Wood. He had gained some knowledge of the governance of King's Wood through correspondence with Batchelder clarifying customs and arrangements for wood partitioning.<sup>159</sup> Clutton's dual position as a Crown agent and surveyor of the Ecclesiastical Commissioners was advantageous. He combined sensitive grassroots knowledge with experience gained during years of official duties. These naturally demanded that he discharged his responsibilities with integrity. While there is no suggestion of any impropriety, Lord Carrington's earlier admission that he 'had never been disposed

in favour of an inclosure' is at odds with Clutton's suggestion that he was, leaving doubt as to who really was behind the renewed attempt to progress the enclosure.<sup>160</sup> Nevertheless, with the Ecclesiastical Commissioners now in control of Bassetsbury manor and Clutton's recommendation, there were high expectations of concluding enclosure of the remaining wastes. The death of Robert Carington in 1868 came after Clutton had secured his agreement. Lord Carrington's title passed to his son Charles Robert Wynn Carington and by April 1869 an application was ready for submission to the Inclosure Commissioners.<sup>161</sup>

Like his father, Charles Carington insisted that his consent to the enclosure depended on his being

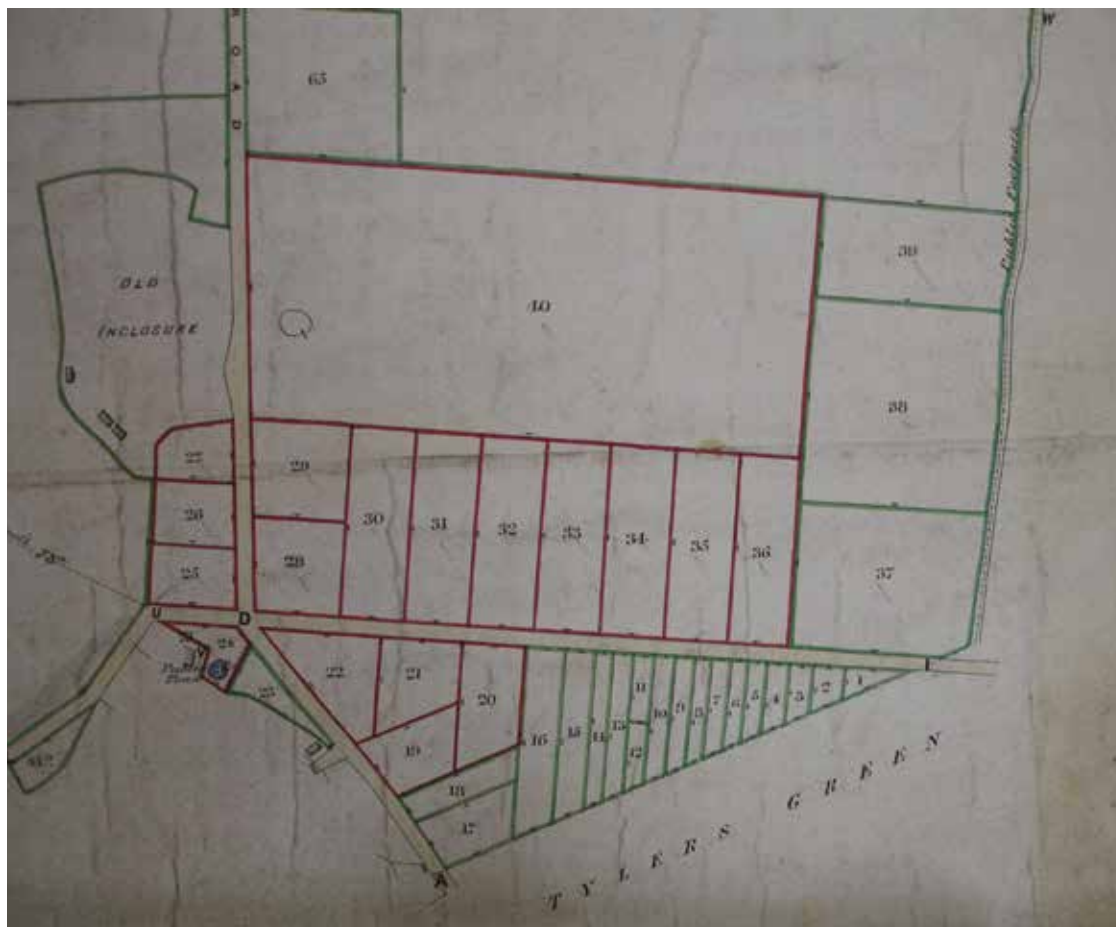


FIGURE 8 The building allotments at the southern end of St John's Wood adjacent to Tyler's Green.

Source: CBS: IR/42

allotted Keep Hill, adjacent to his property. This stipulation met with local disapproval.<sup>162</sup> News of the proposed enclosure of the waste reached the inhabitants of High Wycombe town in January 1870, when notices appeared on church and chapel doors, just three months after the Inclosure Commissioners had confirmed the award for St John's Wood.<sup>163</sup> Edward Fithian, Secretary to the Commons Preservation Society, used the platform of the local press to alert readers to the general plight of suburban commons urging them to register details of known commons with the Society.<sup>164</sup> The organisation, which had formed in response to the enclosure of metropolitan commons, was quick to highlight that all urban commons were under threat. Fithian's letter

combined with supportive editorial comment galvanised the town to resist the renewed attempt to enclose. Moreover, news of the Chancery decision in favour of the commoners in the nearby Berkhamsted Common dispute, published by the Crown on 14 January 1870, encouraged those opposing the enclosure.<sup>165</sup>

At the heart of local opposition sat the national land question and its dual themes of Parliamentary and land reform.<sup>166</sup> Opposition to enclosure had shifted and was not predicated on the loss of property rights, but rather to prevent the privatisation of land on which the inhabitants of the town had always exercised free access for pleasure. There was a sense, albeit legally unfounded, that common land had always belonged to the people,



FIGURE 9 The establishment of houses by 1910.

Source: TNA: IR126/9/98. Extract from Valuation Office Map.

it was theirs and all attempts to steal it would be resisted. As the editor of the paper warned, 'some person, or persons are casting sheep's eyes on most of the places of favourite resort and recreation in our neighbourhood'.<sup>167</sup>

With the local population increasingly divorced from rural occupations and housed in crowded towns, public opinion had shifted from safeguarding traditional common rights to demands for unhindered access to open land for recreational use. Local public opinion, fearing the loss of land which they had accessed freely and without penalty, redefined their alleged amenity use as an 'ancient right and privilege'.<sup>168</sup> The emotive language of the newspaper, supplemented by a poem extolling the beauty of Keep Hill, kept the enclosure story alive. Public meetings were hastily convened to oppose the enclosure resulting in a memorial signed by 600 inhabitants of the town.<sup>169</sup>

Faced with such spirited opposition, the Inclosure Commissioners proposed that Lord Carrington could 'retain control of the Common in question, subject to its use for Public Exercise and Recreation'.<sup>170</sup> Carrington refused the compromise and formally withdrew from the enclosure proceedings in early 1873. The single issue of Keep Hill put an end to the enclosure proposals, leaving the remaining wastes, including King's Wood, open.

With no prospect of enclosing King's Wood and Sir George Dashwood's 21-year lease renewed just before his death in 1861, the Ecclesiastical Commissioners pursued no further actions until its expiry in early 1882, when Clutton's firm was instructed to value part of the estate and arrange for its sale by auction in June of that year. Clutton reported that King's Wood would not benefit from improvement, reporting that it was 'picturesque but not suitable for purposes other than the growth of Beech timber

for which there is considerable demand', a reference to the local furniture industry.<sup>171</sup> Defining the precise criteria for holding common rights was more challenging, just as it had been in Gardener's time when he had referred to King's Woods as a 'public common'.<sup>172</sup> All that Clutton could confirm, albeit unsubstantiated, was that parishioners had the right to graze their animals without stint, but there was some disagreement over whether this applied only to those who bordered the wood or to all parishioners.<sup>173</sup> The apparent shift from rights held by parishioners rather than commoners demonstrates there was widespread access to the wood.

The sale of the estate comprised 42 lots and attracted much local interest.<sup>174</sup> King's Wood, Lot 39, failed to sell on the day but was purchased immediately afterwards by Sir Philip Rose for £5,000 in November 1882.<sup>175</sup> During the sale formalities, Rose obtained the Ecclesiastical Commissioners' agreement that as lord of the manor, they would relinquish all interests in the

soil of King's Wood and consent to any proposal for enclosure.<sup>176</sup> Despite all these setbacks Rose's eagerness to enclose the waste did not abate but his death in April 1883, ended any prospect of enclosure. Rose's son, Sir Phillip Frederick Rose inherited the property, but showed no inclination to enclose the wood for house building or other uses, so its woodland character persisted. In 1910 it was described as 'beech woodland' with 'public rights of way, pasturage throughout'.<sup>177</sup> Whether grazing rights were exercised is not easily identified. Timber stock remained of central importance, its value in 1910 estimated at £2,250.<sup>178</sup>

In 1922, Chepping Wycombe Parish Council purchased the wood for £850 for the 'purpose of Public Walks or Recreation Ground subject to all commonable or other rights or easements'.<sup>179</sup> By the 1920s, the contrast between the physical character of surviving woodland in King's Wood and the impact of enclosure and housing development in St John's Wood was striking (Fig. 10).



FIGURE 10 Contrasting physical features between King's Wood and St John's Wood in the 1920s  
Source: Ordnance Survey, County Series 2nd Revision (1926)



## CONCLUSION

The excision of St John's Wood from the manor of Temple Wycombe and subsequent transfer of governance to the Crown was a swift, exogenous change. It was accepted surprisingly quickly but long-lasting consequences eventually led to enclosure. The new arrangement, predicated on long-term leases, created new relationships between Crown, lessee and commoners, and while it cannot be assumed that prior to the change systems of governance worked well, the manorial management of St John's Wood was replaced with a system driven by different priorities which consistently tested relationships. Although the Crown's arrangements required a fiscal return while insisting that the lessee protect timber trees from damage, there was no low-cost, grassroots mechanism for resolving conflicts between the lessee and commoners. This resulted in an undercurrent of persistent tension which was never really resolved. Without manor court regulation day to day enforcement was transferred to a succession of lessees who struggled to regulate grazing and protect young saplings from damage. Destabilised governance was undoubtedly compounded by the absence of effective oversight by the Crown. Except for a brief interlude when Johnson appeared to be in control, delegated governance resulted in a succession of lessees unequipped and unsupported in their handling of relentless conflicts between the pasturing of animals and preservation of timber trees. Johnson's restoration of St John's Wood intensified the prospect of the entire enclosure of the common. His financial investment came from outside and by its very nature, assumed that local management had failed and that only outside expertise could remedy the crisis. Such an intervention risked side-lining customary arrangements but with his death in 1626, his vision collapsed.

After Johnson, lessees frequently acted in their own interests, felling excessive quantities of timber and enclosing parts of the wood. Commoners reacted by protesting in the central courts, claiming specific and documented common rights. While Crown and commoners alike recognised the imperative of record keeping and transmission, doubt was cast over the text of a document in the possession of litigious commoners. However, there is no significant evidence of poor record keeping or attendant failure to transmit processes and systems

by either the Crown or the Dean and Canons. Within both institutions, there are inevitable gaps in some records due either to selective retention or accidental loss, but the overall assessment is one of continuity and a real desire to preserve documents for future use. For example, when Williams purchased St John's Wood, his request to be given all the papers associated with the wood and its history was immediately rejected because of their official sensitivity. Horace Watson of the Office of the Woods, writing to Charles Gore, stated that 'the papers consist almost entirely of official documents which clearly cannot be parted with'.<sup>180</sup> Likewise, one is struck by the continuity and range of documents retained purposefully over the centuries in the Dean and Canons' archive. However, the Crown's robustly maintained documentary archive lacked the sense of tradition, responsibility and institutional attachment felt keenly by successive deans of Windsor. Moreover, the Crown did not depend financially on the timber crop to the same extent as the Dean and Canons, whose interests in King's Wood were far greater than the Crown's in St John's Wood.

Continuing conflict in St John's Wood ultimately contributed to the development of opportunistic behaviour which risked sustainability of natural resources. Consequently, the concept of cooperation and mutual understanding between parties, so central to effective governance, was continually put at risk. Conflicts relating to access and use of specific resources were settled by action in the central courts, but an undercurrent of tension between grazing arrangements and the protection of trees persisted. In the nineteenth century Ostrom's dual threats of the availability of private funds and rapid change in the arrangements for governance conspired to introduce new arrangements for use and access. Purchase by a resolute, opportunistic and commercially driven lessee at a time of national and local engagement with the ideal of improvement of waste, ushered in the common's enclosure.

King's Wood was also leased, but as a part of a wider leasing arrangement for the manor of Bassetsbury. Lessees were subject to far more hands-on regulation enforced by St George's Chapel, non-compliance with which was met with intervention and penalty. The lessee of King's Wood was required to hold a manor court whereas the lessee of St John's Wood had no such mech-

anism to assist him in his management. With the exception of the woodman failing in his duties and Sir John Dashwood felling trees illegally at King's Wood, there is no other evidence of corruption threatening governance. On the contrary, on both occasions, swift and effective responses were delivered to prevent escalation. While these were small incidents in themselves they were recognised by the Dean and Canons as potentially undermining governance in the long-term.

King's Wood also experienced detrimental, exogenous change but although it was not rapid, its potential for disrupting effective governance was surprisingly high. When the Ecclesiastical Commissioners finally acquired the property after several years, their underlying objective mirrored the Dean and Canons' original agreement to enclose King's Wood. The slow pace of change over time suggested that the new governance arrangements could have been accepted and embraced by all parties, but critically it occurred at the same time as a national reappraisal of the value and use of common land. Ostrom's fundamental assertion that the consequences of slow exogenous change can be assimilated, thus reducing the likelihood of damage to systems and her additional assertion that the presence of other variables influences and redirects outcomes is particularly relevant here. Enclosure of King's Wood was always the objective in the nineteenth century, but while early disagreement over terms distanced and alienated the Dean and Canons, their retreat from the process turned out to be merely a delay. The Ecclesiastical Commissioners resumed the process on acquisition of the property, but found themselves out of step with new ideas about the use of common land. Despite positive responses to the public's appeal to retain common land for recreational access, one lord's intransigent position ended expectations of enclosure. The survival of King's Wood was not a destination but instead a convergence of different variables, motive, opinion and timing all of which conspired, somewhat unpredictably, to prevent enclosure.

Both Crown and Ecclesiastical Commissioners had substantial access to organisations or individuals who provided accurate, reliable and specialist guidance and could initiate and respond to legal action as well as give robust legal advice. There is no evidence to indicate that any lord or lessee was unable to access advice or knowledge from experts.

Indeed, in recognition of the codification of the law relating to the waste, it was inevitable that from time to time, specific assistance would be needed. Lords sought legal advice during local crises to clarify their own property rights and responsibilities as well as commoners, indicating that the law relating to the waste was complex and sometimes required skilled assistance. Critically, the Crown, lords, lessors and lessees were acutely aware of their responsibility to ensure legal compliance but also motivated to avoid litigious responses from aggrieved parties. Governance of the waste operated under legal and customary codes which were held to account in times of dispute. Access to legal guidance was not an option but an imperative which went hand in hand with everyday governance regimes.

This study confirms that where governance is threatened, destabilisation sets in. Rapid exogenous change and persistent opportunistic behaviour were observed over time, and these threats contributed to the eventual enclosure of St John's Wood. Access to money clearly influenced outcomes but access to expert advice was commonplace. The interweaving of Ostrom's threats makes it impossible to rank the importance of each one in time and space, particularly as it is often difficult to identify the motivation behind specific actions, leaving much to conjecture. Challenged to identify the most important contribution to loss of the waste, based on the evidence of this study, rapid exogenous change to governance ranks as a strong contender. Yet threats to governance do not operate in isolation or only at certain times. The interaction of one threat with another takes place in shifting economic, social, political and cultural spheres in which self-interest plays its part. This study has shown that pathways are very complex and somewhat unpredictable. Above all, pathways leading to survival or enclosure are unique, a reflection not only of the individual interests of owners of the soil, the value of natural resources and the wider community of inhabitants, but also the presence of, and responses to, events which threaten governance.

#### NOTES

1. F. Kerner, 'Enclosure and Survival: Common land in the Buckinghamshire Chilterns c.1600 – c.1900', unpublished PhD thesis, University



- of Lancaster, 2016. The first part of the thesis surveyed the extent of the waste in 46 Buckinghamshire parishes c.1650–1750, concluding that it was greater than has been previously understood. The survey also confirmed the association between ancient routeways and common land. The second part explored survival of common land using a case study approach. This paper draws on one of the three case studies.
2. Several areas of land known to have held the status of waste in the past were not registered as common land but instead as village greens. In Buckinghamshire, the confusion led initially to dual registrations in the common land register and the village green register. These conflicts of registration were eventually resolved with either the land registered as common land or as a village green.
  3. L. W. Hepple and A. M. Doggett, *The Chilterns* (Phillimore, 1992), p. 94.
  4. ‘levancy and couchancy’: The number of animals that can graze on common land must equal the number that can be overwintered by the commoner’s produce. Sometimes this is referred to as ‘sans nombre’; Stint: the numerical limitation of grazing rights.
  5. E. Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (CUP, 1990), p. 30.
  6. G. Hardin, ‘The Tragedy of the Commons’, *Science*, 162 (1968); Ostrom, *Governing the Commons*, p. 90. The design principles are: 1) clearly defined boundaries, 2) rules restricting time and place, 3) participation in modifying the operational rule, 4) monitoring common poor resource conditions and stakeholder activity, 5) graduated sanctions if rules are broken, 6) low cost conflict resolution mechanisms, 7) risk of external challenge to institution is minimal; Ostrom *Diversity*. Ostrom has since preferred the term ‘best practices’ rather than ‘design principles’.
  7. E. Ostrom, ‘Beyond Markets and States: Polycentric Governance of Complex Economic Systems’, *American Economic Review*, 100 (2010), p. 653.
  8. C. Rodgers, E. Straughton, A. J. L. Winchester and M. Pieraccini, *Contested Common Land* (Earthscan, 2010), pp. 33–49; E. A. Straughton, *Common grazing in the northern English uplands, 1800–1965: A History of National Policy and local Practice with special attention to the case of Cumbria* (Edwin Mellen Press, 2008), pp. 107–157; M. de Moor, ‘Common land and common rights in Flanders’ in M. de Moor, L. Shaw-Taylor and P. Warde (eds.), *The Management of Common Land in North West Europe, c.1500–1850* (Brepols, 2002), pp. 113–141; In Flanders the village court operated as the governing authority: M. de Moor, ‘Avoiding tragedies: a Flemish common and its commoners under the pressure of social and economic change during the eighteenth century’, *Economic History Review*, 62, 1 (2009), pp. 1–22.
  9. H. W. Fincham and W. R. Edwards, *The Order of the Hospital of St John of Jerusalem and its Grand Priory of England* (London, 1915).
  10. Buckinghamshire County Council: Register of Town or Village Greens. Registered by Chepping Wycombe Parish Council (Totteridge Common: 3.1 acres. Kingswood (sic) 178.9 acres).
  11. P. Laxton, *Buckinghamshire in the 1760s and 1820s* (Buckinghamshire Archaeological Society, 2000). [The County of Buckingham surveyed and engraved by Thomas Jefferys 1766–1768 and Map of the County of Buckingham from an actual survey by A. Bryant 1824]. In 1824 it depicts St John’s Wood but names King’s Wood as Lower Wycombe Heath; Centre for Buckinghamshire Studies (CBS): 211(i) Chepping Wycombe Tithe Map delineates the woods, recording individual acreages of 347 acres (St Johns Wood) and 185 acres (King’s Wood) but the apportionment fails to distinguish them by name, recording both as King’s Wood.
  12. The National Archives (TNA): Calendar of Patent Rolls, Edward VI, Vol. 5, 1547–1553, 30 June 1553.
  13. TNA: Calendar of Patent Rolls, Phillip & Mary, Vol. 2, 1554–1555, 9 May 1555.
  14. CBS: D/D/9/19. Antient (sic) Abstracts. Entry for Philip & Mary, 11 June, 4 Phillip and Mary. This is either 1556 or 1557. TNA: CRES 2/103, A letter dated 8 August 1848 from solicitors Pemberton, Crawley and Gardiner to the Commissioner of Her Majesty’s woods, refers to an Inquisition held at Chepping Wycombe on 10 Sept, 5 Eliz. (1563).

15. Cecil Papers (CP): 985, 24 May 1581, Appeal to Lord Burghley; TNA: SP46/31. The Answer of Robert Raunce TNA: C66/1173; C. J. Kitching, 'The Quest for Concealed Lands in the Reign of Elizabeth 1', *Transactions of the Royal Historical Society*, Fifth Series 24 (1974), p. 71. Kitchen quotes from E 178/3191. No.4, an Exchequer Order which put an end to concealment inquiries by commission, replacing them by a jury and depositions; CP: 985, 24 May 1581: Alley's appeal was partly successful. He was granted land in Somerset, Surrey and Yorkshire, TNA: C66/1201, mm. 28–29.
16. Recorder William Fleetwood's description of St John's Wood at the foot of the appeal provides valuable evidence of the wood's legal status: 'the land in question is a waste ground and a common unto vii townships but the matter of the profertt is only the woods' British Library (BL): Cotton Charter iii.11.
17. TNA: SP 46/31/folio12, Complaint; SP46/31/folios14-13d, Robert Raunce's Answer. In his answer, Raunce stated that the inclosure took place in the 17<sup>th</sup> Year (1574/75) of Queen Elizabeth's reign according to 'the statute', *i.e.* An Act for the Preservation of Woodes, '35 Hen. VIII, c.17'; TNA: E134/18&19 Eliz/Mich 7.
18. TNA: SP46/31.
19. TNA: SP 46/39, folio 297, The Replication of Penn and other places to the answer of the said Robert Raunce defendant is dated erroneously as 1595 by TNA; the replication refers to the action by the inhabitants of Penn. Robert Raunce's answer is archived by TNA as SP46/31. The answer and replication are in the same hand on the outer side of the document. See 35 Hen.VI11, c.17, part vi, where consent for inclosure must be given by commoners.
20. TNA: E123/5 and E123/7 searched for decrees and orders relating to the case, but none found. The bill and answers were searched in the Exchequer series of documents but none were found for this case. (TNA: IND 1/16820 and E112/3). The only papers from the case are the depositions in E 134/18 and 19 Eliz/Mich7 and papers in the State Papers Domestic series.
21. P. Warde, 'Fear of Wood Shortage and the Reality of the Woodland in Europe, c.1450–1850', *History Workshop Journal*, 62 (2006).
22. R. W. Hoyle, 'The Elizabethan Crown Lands' in R.W. Hoyle (ed.), *The Estates of the English Crown 1558–1640* (CUP,1992), p. 67; G. Hammersley, 'The Crown Woods and Their Exploitation in the Sixteenth and Seventeenth Centuries', *Bulletin of the Institute of Historical Research*, 30 (1957).
23. TNA: E178/455.
24. TNA: TNA: E317/Bucks/10 and C66/1878.
25. TNA: C66/1878.
26. A. McRae, *God Speed the Plough: The Representation of Agrarian England, 1500–1660* (CUP, 1996), p. 175.
27. BL: Add. MS38444, A Breviat of the Survey of his Majestie's Woods in the County of Buckinghamshire.
28. CP:1054, Undated letter from Sir Robert Johnson to the Earl of Salisbury (1607 or later).
29. McRae, *God speed the plough*, p. 175, a discussion of Johnson's role in the Great Survey.
30. BL: Add. MS38444, p. 91.
31. TNA: C66/1878; E317/Bucks/10; CP: Letter from Sir Robert Johnson to the Earl of Salisbury 1607 or later.
32. TNA: C66/1878.
33. TNA: E317/Bucks/10.
34. I. Gentles, 'The Sales of Crown Lands during the English Revolution', *Economic History Review*, 26, 4 (1973); S. J. Madge, *The Domesday of Crown Lands* (New Impression edn., Frank Cass and Co. Ltd, 1968).
35. Act for the Sale of Crown Lands 1649.
36. BL: Add. MS 38444, p. 40.
37. TNA: E317/Bucks/10.
38. TNA: E317/Bucks/10
39. TNA: E317/Bucks/10. OED states that willow is any plant of the genus *Salix*. Sallow is a plant of the genus *salix* applied to several species of *Salix* of a low growing or shrubby habit. Werg is a corrupted version of willig, an ancient name for the willow, used in Berkshire and other 'countreys'.
40. TNA: E317/Bucks/10, Johnson died c.1626.
41. TNA: E 134/18Chas2/Mich.13 & E134/18Chas2/Mich.16.
42. TNA:E134/18Chas2/Mich.13 & E134/18Chas2/Mich.16.
43. The bill and answer to the case is number 46 catalogued at TNA as E112/363 [this reference contains Buckinghamshire Bills numbered 1-70]. No 46 is missing officially.
44. TNA: E 134/18 Chas 2/Mich 13, The meaning

- of mold is uncertain and may imply that leaf mould was sold.
45. J. G. Jenkins, *A History of the Parish of Penn* (London, 1935), pp. 104–5; J. C. Trench and M. Green, ‘Wycombe Heath and its Charter’, *Records of Buckinghamshire*, **36** (1994).
  46. TNA: E126/9, Entry Book of Decrees. Reference is also made to the document being stored at the Tower of London. A further copy of the document D 108/14/4 is held at CBS signed by William Ryley and others including two clerks. The sequence of events may have been that the document was copied by clerks at the Tower of London for the defendants of the case. This cannot be confirmed because records of searches undertaken at the Tower of London in 1665 or 1666 have not survived. TNA: C/272/1 and C272/2 were searched to identify the two clerks but their names could not be found. Forgery of documents was not unknown as indicated by William Thompson’s admission of guilt in forging a document in 1674, TNA C272/1. This case of forgery is mentioned by E. M. Hallam, ‘Problems with Record keeping in early eighteenth-century London’, *Archives Journal of the Society of Archivists*, Vol 6, Issue 4 (1979), p. 220; The letters patent or a copy may have been the document alluded to by Raunce in 1577.
  47. J. Healey, ‘The political culture of the English commons’, c.1550–1650’, *Agricultural History Review*, Vol 60, Part 2 (2012), pp. 266–287.
  48. TNA: E126/9.
  49. TNA: E126/9.
  50. T. Blount, *A Law Dictionary and Glossary* (London, 1717), Riot: ‘signifies the forcible doing an unlawful Act by three or more Persons assembled together for that Purpose’.
  51. W. Shannon, ‘Improvement and Improvement in the Lowland Wastes of Early Modern Lancashire’ in R. W. Hoyle (ed.), *Custom, Improvement and the Landscape in Early Modern Britain* (Ashgate, 2011), pp. 194–195.
  52. TNA: E126/9.
  53. TNA: E367/3559.
  54. TNA: E367/3559. Crown leases were heritable property and could be devised to whomever the leaseholder chose, usually kin in the case of St John’s Wood or they could be purchased by an interested third party. When William Widmer purchased the lease from the Sir Robert John-son’s sons in 1626, with the exception of Henry Seymour who held the lease from 1670 until 1692, he set in motion a line of successive leaseholders connected by family ties right up until 1842.
  55. TNA: CRES 2/99, Letter 6 March 1732. The letter stated that Gibbons obtained a Decree in the Court of Exchequer but Walker may have been confused. Gibbons was not one of the complainants in the 1666 action for which a decree was issued in TNA: 126/9, p. 310. All relevant Exchequer decree and order books (TNA: 126/10-19) were searched but no further decree was found.
  56. TNA: CRES 2/99, Letter 26 March 1758.
  57. TNA: CRES 2/99, Undated letter from Legge, Nugent and Genville stating that the survey was presented to the Surveyor General of the Woods on 16 December 1690.
  58. TNA: CRES 2/99, Undated letter from Toovey to Thomas Walker, Surveyor General indicating that survey was performed on 29 December 1732 by Peter Toovey and W. Mole.
  59. TNA: CRES 2/99, Toovey’s survey of 29 December 1732.
  60. TNA: CRES 2/99, Letter from Thomas Walker, 6 March 1732
  61. TNA: CRES 2/99, Letter from John St John, 15 December 1785.
  62. Warde, *Fear of Wood Shortage*; Parliamentary Papers (PP), Reports of the Commissioners on the Woods, Forests, and Land Revenues of The Crown, 1787–1793; each report listed by title.
  63. PP: 1793, The Seventeenth Report Of The Commissioners Appointed To Enquire Into The State and Condition Of The Woods, Forests, and Land Revenues Of The Crown, p. 16.
  64. An Act for the better management of the Land Revenue of the Crown, and for the Sale of Fee Farm and other unimprovable Rents. 34 Geo.111, c.75.
  65. TNA: CRES 2/99, Memo 12 July 1811.
  66. TNA: CRES 2/99, Bucks. Particular & Valuation of an estate called Saint John’s Wood, by Mr. Driver, 1811–1812; Hardin, *Tragedy*.
  67. TNA: CRES 2/99, Particular & Valuation of an estate called Saint John’s Wood.
  68. TNA: E367/6576, Lease for 28 years to Thomas Floyd and others.
  69. TNA: CRES 2/99, Letter from Thomas

- Hearne of Penbury Farm, Penn to Mr. White, 15 December 1812.
70. 10 Geo. IV, c.50.
  71. TNA: CRES 2/99, Letter from Driver to Commissioner of Woods and Forests, 13 November 1838.
  72. TNA: CRES 2/99, Letter on behalf of Catherine Weller from James Williams, manager of her estate and owner of the brick kiln, to the Crown, 12 November 1838 (referenced in above letter); Letter from James Williams to Driver 29 December 1838. It is not clear if the expenses were reimbursed but six offenders were convicted of stealing wood and sent to Aylesbury Gaol.
  73. TNA: CRES 2/99, Letter from Driver to the Commissioners of Woods and Forests, 12 November 1840.
  74. TNA: CRES 2/99, Letter from Pemberton, Crawley & Gardiner to the Commissioners of her Majesties Woods, 16 November 1841.
  75. TNA: CRES 2/101, Letter from Pemberton, Crawley and Gardiner, 5 August 1843.
  76. TNA: CRES 2/101, Letter from Pemberton, Crawley and Gardiner, 5 August 1843: extract regarding an encroachment: 'Wheeler received £4/year from Charles Spicer, the occupier for these two plots. Wheeler says they have been in 30 years and his solicitor W. Parker of Wycombe tells him that they are now freehold. I told him that his solicitor is mistaken, but as he elected to abide by his advice and not ours he must take the consequences.'
  77. TNA: CRES 2/103, Letter from E. & G. N. Driver to the Commissioner of woods, 11 June 1841. Fifteen acres were requested but five acres of St John's Wood were given for the erection of a new church (Holy Trinity) in 1841 under 10 Geo.IV, c.50, s. XLV.
  78. TNA: CRES 2/99, Letter from E. & G. N. Driver to Commissioner of Woods, 2 November 1841; CRES 2/103, Extract from Messrs. Driver's General Report 22 October 1842.
  79. TNA: CRES 2/103, Letter from E. & G. N. Driver to the Commissioner of Woods 6 April 1848.
  80. TNA: LRRO 13/76.
  81. John St John's survey of 1783 describes a cottage and three small enclosures (3A 3R 15P) and two enclosures (3A 0R 28P) in the south of wood on what was later described as Plachet or Placket Plain (see Fig. 3.3). This is the open and poorly wooded part of the wood. Driver's survey of 1811 describes the enclosures as arable and meadow, with the cottage boarded and tiled with no mention of a brick kiln. TNA: MPEE 1/5, the map accompanying William's lease shows a brick kiln at this site.
  82. Clutton's surveying expertise had already secured him the post of Receiver for Surrey, Lincolnshire, Cambridgeshire, Northamptonshire, Cornwall, Dorset and Somerset. Following the death of Edward Driver and the ill-health of his brother George Neale Driver, Clutton filled the vacancy arising for the Southern and Midland Counties in 1852; PP:1852-53 (865), The Thirty First report of the Commissioners of Her Majesty's Woods, Forests and Land Revenues.
  83. TNA: CRES2/103, Letter from John Clutton to Charles A Gore, 17 November 1854.
  84. St George's Chapel Archives (SGC): XV11.3.3, Letter from Henry Wingrove to Dean and Cannons, 31 March 1855.
  85. SGC: XV.15.2; 120349, p. 24.
  86. S. Bond (ed.), *The Chapter Acts of the Dean and Cannons of Windsor, 1430, 1523-1672*, (Windsor, 1966), p. xlv-xlvii. Land located in Bedfordshire, Brecknock, Buckinghamshire, Cambridgeshire, Carmarthen, Cornwall, Devon, Dorset, Essex, Hampshire, Herefordshire, London, Middlesex, Norfolk, Northampton, Oxfordshire, Somerset, Staffordshire, Surrey, Sussex, Warwick, Wiltshire, Worcestershire, Yorkshire.
  87. An Act Against Frauds defeating remedies for dilapidations, 13 Eliz.1, c.10. This statute reduced leases to terms of twenty-one years or three lives.
  88. SGC: XV.15.35; SGC: IV.B.5. A copy of Frith's New Register, about 1620. Frith states that the grant was made 16 May, 9 Eliz.
  89. SGC: IV.B.5.
  90. TNA: C3/388/34 and SGC: IV.B.5 and XV.15.35 (undated, time of James I).
  91. SGC: CC 379833. The survey was copied out in full on 6 October 1701 but the original survey was presented on 31 May 1626. The original survey is catalogued as SGC: CC117305.
  92. SGC: CC 379833
  93. SGC: CC 379833.

94. SGC: XV.15.35.
95. SGC: XV.15.33, 14 October 1633.
96. SGC: IV. A2.
97. SGC: CC207574 (list of lessees) & 120349. Wilson put the value of the manor at £1,000 in about 1666 but at the end of the seventeenth century reduced the value to £564 11s. 2d.
98. CBS: D/D/9/22.
99. SGC: XV11.31.20. Only fragments of the response survive
100. SGC: CC117308, A Rental of Bassetsbury.
101. The survey of 1784 was undertaken by Mr. Chapman at a cost of £34 5s. 6d: SGC: V1.B.8. See SGC: 120351 for the full survey and SCG: 120349 for further details.
102. SGC: CC120349.
103. SGC: XV11.13.2.
104. CBS: D/D/9/23.
105. SGC: CC120126.
106. SGC: CC207570.
107. SGC: XV11.13.2, various correspondence.
108. Bodleian Library (Bod): MS. D.D. Dashwood. C.21 (F7/18/3), letter from Edward Brown, Chapter Clerk to Sir John Dashwood King, 24 November 1826; SGC: CC120349.
109. SGC: XV11.13.2, Letter from W. Lake to Sir John Dashwood, 25 June 1824.
110. C. Hill, *The Economic Problems of the Church* (Granada, 1971), pp. 5–8.
111. SGC: CC120126.
112. SGC: CC120126.
113. SGC: CC120126.
114. SGC: Register of Chapter Acts VI, B.9, 11 March 1829.
115. SGC: XV11.54.4. Letter from Gardner to Rev. H. L. Cust (Cannon), 31 October 1834
116. SGC: XV11.54.4, Letter from Gardner to Rev. H. L. Cust (Cannon), 31 October 1834.
117. SGC: XV11.54.4, Letter from Neale to ? Chapter Clerk, 7 July 1834.
118. SGC: XV11.3.3, Letter from Batcheldor, Chapter Clerk to John Clutton, 25 February 1854.
119. SGC: XV11.3.3, Bill of Richard Hailey, 1838–1842.
120. Arrangements for renewal of Sir John Dashwood's lease were protracted and revealed that his keenness to secure the renewal was due to having secured a loan upon it; Sir George Henry Dashwood, his eldest son subsequently purchased the lease in the same year; SGC: XV11.3.3, Letter from Lake Walker to W. De St Croix; CBS: D/D/9/17.
121. SGC: XV11.3.3, Poster dated 19 March 1855 and associated correspondence between Charles Harman, steward and Batcheldor.
122. SGC: XV11.3.3, Letter from Batcheldor to Sir George Dashwood, 24 January 1855 re: encroachments; Letter from Batcheldor to Sir George Henry Dashwood 11 April 1856 declining request to purchase estate and reminder about lack of action in dealing with encroachments.
123. G. F. A. Best, *Temporal Pillars* (CUP, 2010), p. 348; 3 & 4 Vict., c.113.
124. SCG: X1X.40, Letter from 2 Gray's Inn Square to Dean and Canons, 20 June 1851.
125. SCG: X1X.40, Letter from 2 Gray's Inn Square to Dean and Canons, 20 June 1851; 14 & 15 Vict., c.104.
126. SCG: X1X.40, Letter from Barnes to Dean and Canons, 17 March 1855.
127. CBS: D47/16/1. The lease explicitly excluded King's Wood which had been in hand since the 1820s; SGC: XV11.3.3, letter from Batcheldor to Driver 10 December 1862; CBS: D/D/A/117/2: Sir George Henry Dashwood died 4 March 1862. His wife retained a life interest in the property.
128. PP., 1867–1868, (3986) (3986-1), Twentieth Report from the Ecclesiastical Commissioners, pp. 793–803.
129. CBS: D47/1; SGC: XV11.3.1.
130. The family name is spelt with one 'r', i.e. Carington. The baronetcy is spelt with two 'r's, i.e. Lord Carrington but sometimes it is spelt with one 'r' as in the document printed in 1849, SGC: XV11.3.1.
131. *The Bucks Herald-Windsor and Eton Journal*, 3 February 1849.
132. CBS: IR/M29/21; Parishes enclosed: Penn (1855); Hughenden (1855 & 1862); Little Missenden (1854).
133. SGC: XV11.3.1. Correspondence bundle dated between August 3 1852 & 19 June 1854; Register of Chapter Acts, 1840–1866 Volume V1. B:10, 21 June 1854, 'The Chapter Clerk is ordered to signify the consent of the Chapter to the enclosure of the parish of High Wycombe and the manor of Bassetsbury'.
134. SGC: XV11.3.3, Valuation of Mr Croker.

135. SGC: XV11.3.3, Letter from William P. France, Paddington, to Batcheldor, 17 February 1859.
136. SGC: XV11.3.3, 'Wycombe Parish' folder, 25 January 1862.
137. SGC: XV11.3.1, 'Wycombe Parish' folder, 25 January 1862.
138. SGC: XV11.3.1, Letter from Rose to Batcheldor, 8 January 1863.
139. SGC: XV11.3.1, Letter from Rose to Batcheldor, 23 January 1863.
140. SGC: XV11.3.1, Letter from Batcheldor to Rose, 17 January 1863.
141. SGC: XV11.3.1, Letter from Lord Carrington to the Dean of Windsor, 19 January 1863.
142. SGC: XV11.3.1, Letter from Wetherall to the Dean of Windsor, March 1863 and for example, letter from Wetherall to Dean of Windsor, 11 May 1863.
143. The survey was commissioned in 1762. The Carington family acquired the estate in 1799.
144. TNA: CRES 2/101, Letter from Williams to Charles Gore, Commissioner of his Majesties' Woods and Forests, 29 June 1864 and reply of July 1864.
145. SGC: XV11.3.3, Letter from D. Clarke to Batcheldor, 23 December 1864.
146. SGC: XV11.3.3, Issue of Notice of Rule in Queen's Bench 30 January 1866.
147. SGC: XV11.3.3, Letter from Rose to Batcheldor, 6 April 1866; TNA: KB 1/271, Affidavits of Lord Carrington, Thomas Blades Gore, James Walker Williams, Robert Collier Driver. It emerged during the hearing that rumours had circulated stating that Williams boasted he would receive a greater allotment under Driver than he would have done nine years earlier when the enclosure discussions were in their infancy. Williams conceded that the delays had meant that he took the opportunity to plant more trees and refrain from cutting the timber which meant that he would indeed receive a greater allotment but this he insisted would be due to an increase in the value of his compensation and not his association with Driver.
148. SGC: XV11.3.3, Letter from R. C. Driver to Batcheldor, 6 May 1865.
149. SGC: XV11.3.3, Letter from W. Clarke to Batcheldor, 9 May 1866.
150. *Bucks Herald*, 28 March 1867. Auction by Mr. W. A. Bowler.
151. CBS: IR/42
152. CBS: IR/42.
153. TNA: MAF24/6.
154. *South Bucks Free Press* 7 April 1882. Williams died 27 March 1882.
155. CBS: DX/1009/2/1, Sale Catalogue 3 August 1906.
156. CBS: SC 267/5.
157. Church of England Record Centre (CERC): ECE/7/1/38565, Letter from John Clutton to James Chalk, 17 December 1867.
158. P.P., 1867–68, [3978], Inclosure Commission. Twenty-third annual report of the commissioners
159. SGC: XV11.3.3, Letter from Clutton to Batcheldor, 20 February 1854.
160. SGC: XV11.3.1, Letter from Lord Carrington to the Dean of Windsor, 19 January 1863.
161. CERC: ECE/7/1/38565, Letter from White & Barrett to the Ecclesiastical Commissioners, 26 April 1869. Lands to be enclosed: King's wood, Lower King's Mead, Upper King's mead, Keep Hill, Marsh Green, Flackwell Heath, Tyler's Green, Totteridge Common, Terrier's Common and other places of waste within the Parish.
162. CERC: ECE/7/1/3865, Letter from Clutton to George Pringle, 21 June 1872.
163. *South Bucks Free Press*, 8 January 1870; P.P., 1870, [C39], Inclosure Commission. Twenty-fifth annual report of the commissioners. Award confirmed 16 September 1869.
164. *South Bucks Free Press*, 8 January 1870.
165. Surrey History Centre (SHC): Sir Robert Hunter Papers. Box 7/2. Smith V Brownlow Judgment; B. Cowell, 'The Commons Preservation Society and the Campaign for Berkhamsted Common, 1866–70', *Rural History*, 13, 2 (2002).
166. M. Cragoe and P. A. Readman (eds.), *The Land Question in Britain, 1750–1950* (Palgrave Macmillan, 2010).
167. *Bucks Free Press*, 8 January 1870.
168. *Bucks Free Press*, 8 January 1870.
169. High Wycombe Library: Green Collection 620 (4F) and 621 (4F)
170. CERC: ECE/7/1/38565, Letter from John Clutton to George Pringle, 21 June 1872.



171. CERC: ECE/7/1/63337.
172. SGC: 120126.
173. CERC: ECE/7/1/63337, p. 3.
174. CBS: D183/7.
175. Chepping Wycombe Parish Council: Uncatalogued conveyance 6 November 1882.
176. CERC: ECE/7/115068, Letter from Cluttons to George Pringle 8 July 1882
177. TNA: IR58/39420, ref. 667.
178. TNA: IR58/39420, ref. 667. The value of the entire 185 acres was initially valued at £3,700 but reduced by £2,700 to £1,000 to allow for the rights of way and pasturage throughout the wood. As such, the market value of the wood was adjusted to £3,250 (£2,250 for timber + £1,000).
179. CWPC: Uncatalogued conveyance, 5 July 1917 and Indenture 5 August 1922. In 1917, Sir Phillip Rose sold the property for £3,150 to Edward Wooton Dean of Canterbury. Nothing is known about the motive for the sale and purchase in 1917.
180. TNA: CRES2/103, Letter 8 February 1855.