

◆ The St Leonard's Forest, Horsham, footpath dispute

PUBLIC ACCESS VERSUS PRIVATE LAND 1899-1900

By Maggie Weir-Wilson

This paper highlights a local response to the growing tensions at the end of the 19th century between public right of access and private enclosure. The context of growing populations, urban development and pressure on rural areas, combined with a desire to preserve the countryside for its amenity value is explored. The paper then records and analyses the evidence given by local people to the district councils' enquiry in 1899 and subsequent court case in 1900 which described how the footpaths through St Leonard's Forest, to the eastern edge of Horsham, West Sussex, were used daily for work and pleasure. This evidence gives an insight into the lives of those living within and on the borders of the forest, and in consequence the impact the arbitrary closure of paths made on them and the strong feelings of injustice it aroused. Such events are also part of a longer struggle for the right to roam, access to commons and a heritage of public mobilisation and protest.

INTRODUCTION

Population growth in the United Kingdom and subsequent urbanisation were particularly great in the latter part of the 19th century. The period from 1851 to 1914 saw the population of England and Wales double, and remarkably living standards kept pace with this population rise as real wages and both industrial and agricultural output all increased, while the number of people living in towns trebled. London's population doubled between 1801 and 1831, and again between 1851 and 1901 to reach 6.5 million inhabitants, due to both net in-migration and natural increase, so that in the later 19th century it was the world's largest metropolitan centre.¹ These figures were sustainable due in part to increased agricultural productivity and the importation of cheap food following the abolition of the Corn Laws in 1846.² There was, however, growing concern in some quarters about the importance of maintaining open spaces in the face of this enormous tide of urbanisation. Along with this there was an increasing interest in footpath walking. Macfarlane cites George Borrow in the early 19th century who inspired a surge in footpath following, together with later writers such as W. H. Hudson and Hilaire Belloc who made walking along footpaths appear an attractive pastime through forest, field and down. Brandon notes how the development of railways in the mid-19th century brought the countryside within reach of urban centres, and new walking guides such as

Bradshaws and Thorne were published to cater for this new pastime.³

St Leonard's Forest (Fig. 1) was almost coterminous with Horsham Common, which wrapped around the town to the north and east and had been enclosed by Act of Parliament in 1812, thereby privatising the open heathland and routes across it. From 1773 successive Highways Acts allowed roads and footpaths to be closed or diverted by order of two justices of the peace at Quarter Sessions or, from 1835, of parish vestry meetings.⁴ Although this procedure does not appear to have been used by local landowners such as the Aldridges, who owned the St Leonards Estate in the central portion of St Leonard's Forest (Fig. 2), its application came to cause concern and was condemned by many including Edwin Chadwick, the social reformer. The first organised response was in York in 1824 with the setting up of the Association for the Protection of Ancient Footpaths. This was swiftly followed by a Manchester version, but it was not until 1865 that real progress was made in the protection of rights of way with the founding in London of the Commons Preservation Society, mainly through the efforts of Liberal MP Shaw Lefevre, later Lord Eversley, who became its first chairman and brought with him good political support and representation.⁵ The society initially organised campaigns such as against the enclosure of Hampstead Heath, but later fought long legal battles for public rights over Epping Forest, Banstead Downs and Berkhamstead Common in the 1870s and 1880s. In 1894 the society amalgamated with

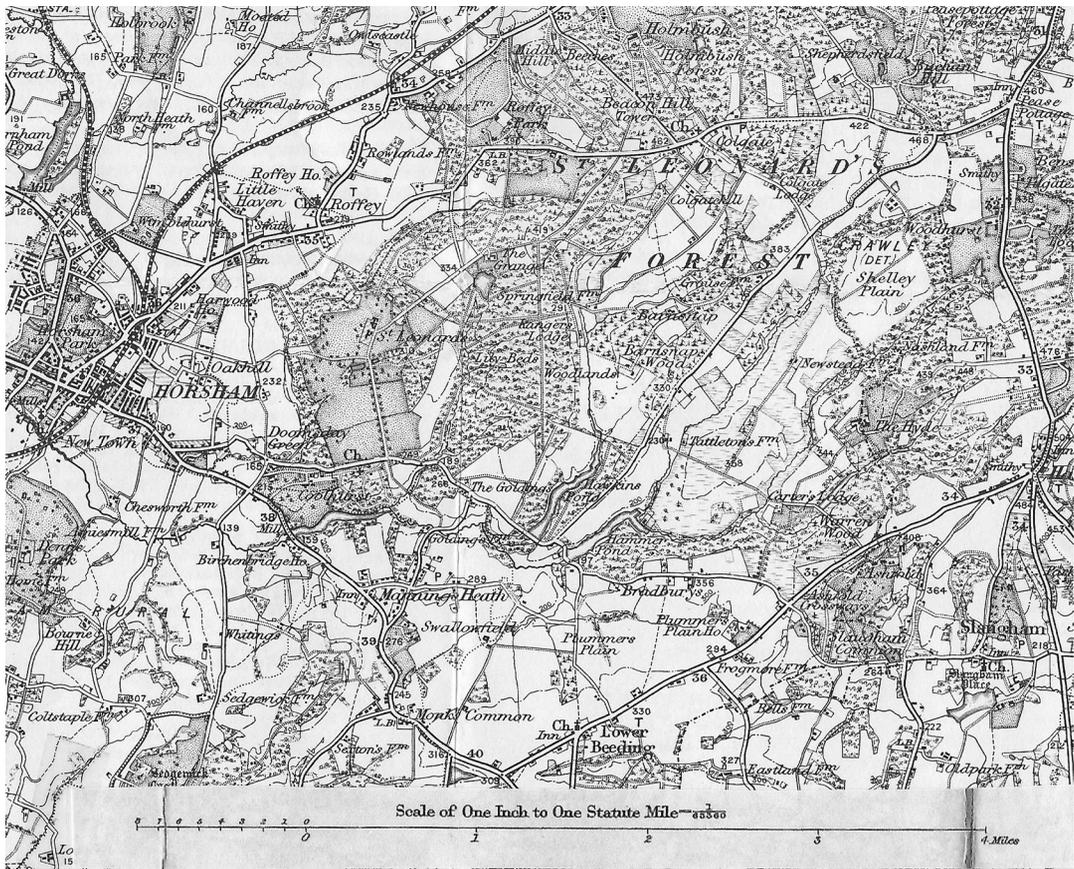


Fig. 1. This map indicates St Leonards Forest to the east of Horsham town with St Leonards (also known as New Lodge) and The Grange (also known as Forest Grange) and traditional routes across and through the forest. The scale bar at the bottom of the map is for one mile. (OS Map 1", sheet 302 (1901 edn).)

the National Footpath Preservation Society, as the Commons, Open Spaces and Footpath Preservation Society. With this merger, in some respects the battles moved from preservation of commons to rights of way and in his preface to the revised 1910 edition of *Commons, Forests and Footpaths* Lord Eversley wrote that 'an immense number of cases of disputed Rights of Way have been dealt with' since 1894, with the St Leonards Forest dispute being just one of them.⁶

Short notes that by the 1870s disputes over common rights in English forests, chases and parks were not new, but that the middle classes and intellectuals now felt the need for the preservation of open spaces, alongside the flora and fauna. For example, the Ashdown Forest case (1876–82), also in the Sussex Weald, was a struggle for access, and for the use of resources on common land.⁷

In early echoes of the St Leonards Forest dispute, the 1883–5 Knole Park access dispute in Kent centred on the blocking of a bridleway across Knole Park by the owner, Mortimer Sackville-West. People from nearby Sevenoaks and surrounding villages regarded the bridleway as both a right of way and a public amenity through custom and use. A public meeting, which included magistrates and clergy, was followed by a riotous procession of between 1200 and 1400 people to Knole House demanding redress. A court case ensued and although Lord Sackville essentially won the right to close the bridleway, he agreed to improve a gate and footpath, allowing limited access.

The Knole dispute shows the growth of popular support amongst all classes for upholding the rights of ordinary people enshrined in customary practice.

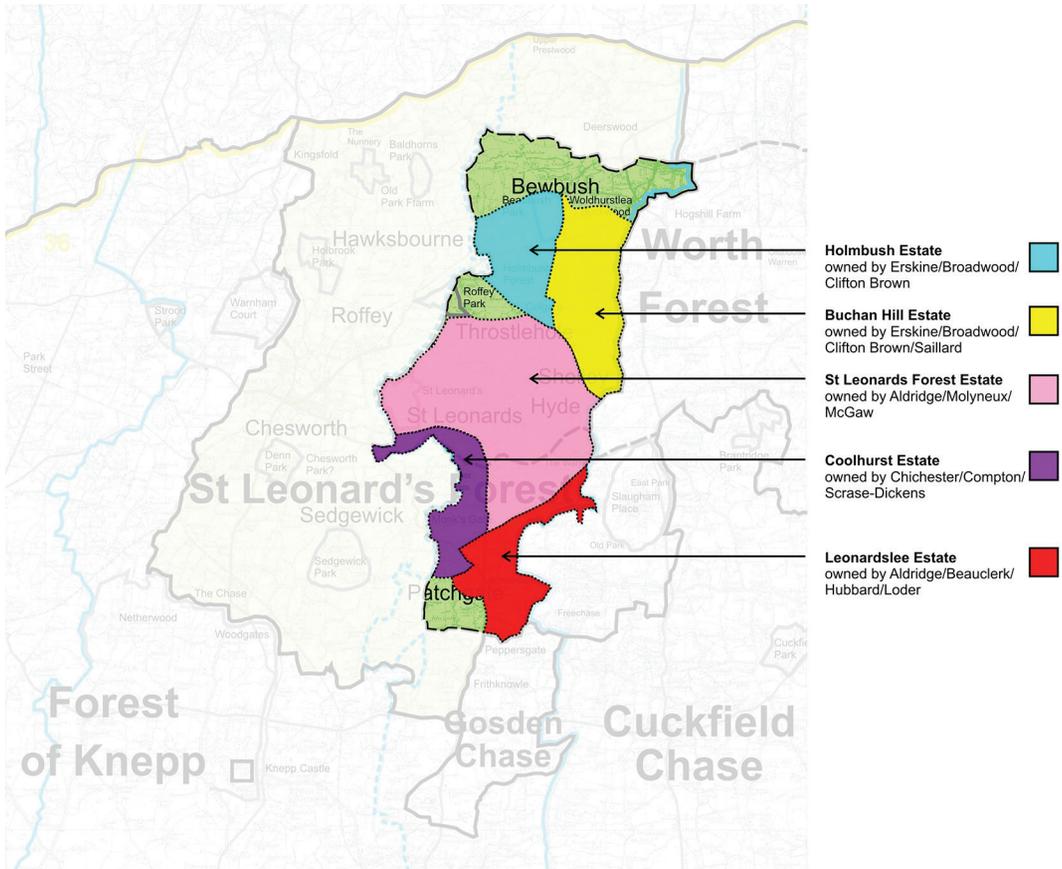


Fig. 2. Sketch map showing approximate position of the five estates within the core of St Leonard's Forest. The mid green areas to the north, west and south probably fell outside these particular core estates. Not to scale.

Readman writes that the preservation movement was not just the concern of liberal middle-class elites, as it gained support amongst the working man and woman with campaigns to raise money attracting numerous small donors. He gives the example of the 1907 Reigate and Redhill Open Spaces and Footpath Preservation Society 'shilling fund' to preserve Colley Hill on the old Pilgrim's Way. Popular support, in addition to local authority support, was essential in the success of the earlier St Leonard's Forest footpath dispute.⁸

THE ST LEONARD'S FOREST FOOTPATH DISPUTE

An important response by the Government to public concern regarding access to footpaths and open spaces was the Local Government Act of 1894,

Section 26, which stated that a district council, with agreement from the county council, could aid persons in maintaining rights of common where, in their opinion, losing the rights would be prejudicial to the inhabitants of the district. In order to do this the district council could institute or defend any legal proceedings, and take any steps that they felt to be expedient. This allowed Horsham Rural District Council (HRDC), together with Horsham Urban District Council (HUDC), to defend the legal action when the footpaths through St Leonard's Forest were threatened by their new landowner, Edmund Molyneux, who had bought, sometime after 1897, the core of the Aldridge estate, 1731 acres in four lots.⁹

In 1746 the Aldridge family had inherited the central portion of St Leonard's Forest of about 3200 acres, including the mansion St Leonard's House,

also known as New Lodge, farms and cottages. Colonel John Aldridge JP (1832–88) had improved the estate by providing new roads and buildings, but from 1881, towards the end of his life, he put much of the estate up for sale and sold it piecemeal; after his death the remaining half of the land with the two family homes of the mansion and The Grange were sold to Molyneux after 1897.¹⁰

The Molyneux family trace their descent from the Norman knight William de Molines who came over with William the Conqueror and was rewarded with lands around Sefton in Lancashire. The surname hence varies from Molyneux to Molineux and Mollineux and is also tied to other surnames through marriage. Descendants from the Earls of Sefton in Lancashire spread far and wide, to the More-Molyneux at Loseley Park in Surrey, to branches in Essex, Sussex, Ireland, America and Canada. In the mid-16th century a William Molyneux married Bridget, a daughter of John Caryll, ironmaster of Warnham near Horsham. However, the Sussex branch tended to be based in Lewes where, according to a genealogy published in 1904 by one of the American Molyneux family, they owned a large paper-mill at Isfield on the banks of the River Ouse, they were founders of The Old Bank in Lewes, and large landowners in that area. However, it is difficult to identify the Edmund or Edward Molyneux, whose dates are unknown, and who bought the St Leonard's Forest estate after it was first put up for sale in 1896. The estate was still for sale in 1897 as it was advertised in the *Morning Post* on 1 April, 1897, so Molyneux must have bought it between 1897 and 1899.¹¹

In the spring and summer of 1899 the local paper, the *West Sussex County Times and Standard*, was in fact full of correspondence complaining about the damage and barriers to footpaths in St Leonard's Forest. In February 1899 the paper reported from a recent meeting of the UDC that the council had written to Mr Molyneux to ask him to reinstate the footpath through Leechpool Wood and Townhouse Copse, marked by letters E-F-H on Figs 4 and 5, number 3 in Table 2, and showing the main east-west path through Leechpool Wood to Horsham town. Molyneux had replied that he was not satisfied with the council's enquiry in which Messrs Marten and Riley collected signatures from Forest cottagers, nor with the closed meeting of the Lower Beeding Parish Council in which the issue was discussed. He emphasised that the

carriage drive, which went from St Leonard's House to The Grange, indicated by B-Q-R on Fig. 4, was most certainly private with gates at both ends. However, he was willing to abide by any decision of Mr Hurst and thought that the RDC should hold an open enquiry meeting about the matter.

The chairman of the UDC reported that Mr Hurst was visiting Mr Molyneux that afternoon, and would report back to the next RDC meeting. The council was assured by the chairman that no one knew more about the footpaths than Mr Hurst, so his evidence would be very valuable. Mr Hurst was Robert Henry Hurst junior (1817–1905), a former MP for Horsham, barrister, owner of Park House and one of the largest landowners in Horsham. He was in possession of Leechpool farm and wood situated to the north-east of the Forest through which footpaths passed onto the Molyneux estate. In personal evidence to the RDC's inquiry on 16 May 1899, into the rights of the public over the footpaths, Mr Hurst said he had known them for 70 years, and indeed his age and status attracted considerable deference.

Meanwhile, the chairman informed the UDC that another letter from the Horsham Centre of the Footpath Preservation Society called attention to the obstruction of part of the carriage drive leading from Depot Road to Sun Oak, indicated by H-G-B-M-J on both Figs 4 and 5, and to the notice boards which had appeared at both ends with 'Private, No Footpath' and 'Private Path, Trespassers will be prosecuted'.¹²

The first letter to the paper in response to this reporting of the February council meeting was from W. J. King who had for 14 years been the surveyor of highways for the parish of Lower Beeding and was very familiar with the highways within it. He noted that there were many 'squatters' in the Forest occupying three or four acres with a mud hut, leased at a nominal rent, who felt they could wander anywhere as the Forest estates were largely unenclosed. However, he thought the public ways were clearly defined in the Forest as elsewhere and that the old parish law still applied that 'once a highway, always a highway' unless legally stopped or diverted. Ironically, he remembered Colonel Aldridge had tried to get the parish to adopt the road through Coombe Bottom, Birch Gate and Mick Mills Race out to the Hammer Ponds and Horsham, and therefore to repair it. In February 1870 the vestry

had assigned £100 for repairs but later withdrawn it, and the road was never adopted.¹³

In another letter J. J. Marten, President of the Horsham Centre of the Commons and Footpaths Preservation Society, wrote to the paper and called into question the suggestion of Dr Bostock, chairman of the UDC, in its meeting the previous month that Mr Molyneux was reacting to provocation from insulting footpath walkers. As far as his committee knew the opposite was entirely the case and it was Mr Molyneux who had been aggressive in hastily closing footpaths without any recourse to custom. Marten ended by eloquently outlining the nub of the dispute:

While Mr Molyneux may be legally justified in proving his claim to the utmost, there is no more potent method of raising animosity and courting attack than by suddenly interfering with a passage which hundreds of old inhabitants of a locality have been accustomed to use all their lives and especially by doing this in a grudging and uncompromising spirit.¹⁴

After these exchanges many of the paper's correspondents gave pseudonyms, presumably not wanting to open themselves to Mr Molyneux's wrath. 'An interested partisan' wrote that he or she lived in Colgate, and that one particular path from Colgate, past Springfield Farm, past Molyneux's house, and onto Depot Road, indicated by N/P-M-G-H on Figs 4 and 5, was the quickest way to Horsham town and so saved time for those of the poorer classes taking their farm produce to market and returning with groceries. This person could point to evidence from local people who could remember using the path for between 50 and 60 years, and suggests that 'the loss of this particular path, to the poorer classes especially, would be irreparable.' Molyneux only interfered with 'defenceless women and children' on the path he closed rather than with men, which was felt to be 'incomprehensible'.¹⁵

Two letters followed this one, from 'A Rambler' and 'A Sportsman'. The first indicated that the French Bridge which connected Mick Mills Race with Sandy Lane had completely disappeared, whilst large trenches and banks had appeared across Mick Mills Race and at Four Beeches on the Springfield Farm path to Horsham. The 'Sportsman' queried whether Mr Hurst should be the sole arbiter of this dispute, given it was such an important

matter for the 'poorer and working classes' and there was good local knowledge of footpaths stretching up to 70 years which should be heard in a tribunal. This correspondent suggested that Mr Molyneux had bought the estate cheaply due to it being crossed by footpaths and bridleways, and was trying to close these and so to raise the marketable value of the estate for building purposes, to the detriment of the poorer classes. This point is put across in the question 'are the great interests and convenience of the public with regard to these forest footpaths to be sacrificed for individual pecuniary interest?'¹⁶

At its annual meeting in April 1899 the Horsham Rural District Council received from Mr Hurst notes, rather than the full report which the UDC had requested, along with maps, correspondence and personal testimony of trenches, banks, wire fences and a disappearing bridge. The chairman, Colonel St John, thought the council should arrange a special meeting to take evidence of public use of the footpaths and to hear both sides before taking legal action. The clerk agreed and reminded the council of its duty to protect the footpaths whether they were much used or not. It was agreed that a special meeting should be held on the next convenient Tuesday morning. Finally it was suggested by Mr Greenfield that councillors should walk some of the footpaths before the special meeting.¹⁷

The following week the *County Times* carried three letters from 'Noblesse Oblige', 'Fair Play' and the wonderfully named 'Grumpus Major'. The first was concerned with the 'reign of terror' in the forest which described Molyneux with a stick and bicycle challenging walkers, and the local police stalking innocent townsfolk taking a walk. The other two were concerned with a recent assault case between a walker, Mr Masters, and Molyneux's game keeper. The complaints in the letters were that the magistrates were clearly biased and had made up their minds in favour of Molyneux before hearing the evidence. Grumpus Major saw this decision as giving Molyneux and his employees licence to assault and batter anyone on the footpaths with impunity, he therefore encouraged those with good evidence, and memory of the paths, to come forward. The correspondent 'Fair Play' notably commented 'I know nothing of Mr Molyneux, to me he is a stranger, as I understand he is in the neighbourhood', which partially explains the difficulty in identifying him today.¹⁸

On Tuesday morning, 16 May 1899 the special meeting of Horsham Rural District Council was held at the Town Hall, Horsham, to hear evidence in the St Leonard's Forest footpath dispute. Twelve identified footpaths were under discussion. The chair and eleven councillors were present, with the clerk and the surveyor. Mr Molyneux was represented by Mr T. Eggar, the UDC by Mr S. Mitchell, the Commons and Footpaths Preservation Society by Mr L. W. Chubb and the society's Horsham Centre by its honorary secretary C. J. Marten. The gathered public included the chairman of the Horsham Centre, the Revd J. J. Marten, and at least 21 others. There were 26 witnesses in an adjoining room and a large map to be used for following the footpaths as they were described. Mr Hurst gave his evidence first and then there was a discussion about how to handle all the evidence about to be given. It was decided by vote to take each footpath in turn rather than each witness. This process of hearing evidence finished at 2.30pm and the council then made the decision to give Mr Molyneux 10 days' notice to remove obstructions from all the footpaths in question, apart from number 8, Whitevane Pond through Sheepwash Wood to Hammerpond Road, indicated by g-h-i in green on Fig. 4, and a section of number 6, from Alder Gill, Owlbeech to Forest Gate Road, indicated by e-f in green on Fig 4, and both in table 1 under their respective number of footpath.¹⁹

The Horsham Centre of the Commons Preservation Society met that same evening and, as all those interested in the dispute were invited to attend, it was a very large meeting. The society's work in Horsham was reported first and 49 cases were noted as having been investigated from July 1897 to March 1899. Mr Busch was thanked for purchasing a map of the forest estate from the sale of the effects at The Grange. Although little was said about the forest paths, as the matter was before the authorities, the committee made it clear it would make every effort to secure the agreed forest footpaths for the public. Mr Riley reported from the special meeting of the RDC that of the 14 paths under investigation, 12 were agreed to be public footpaths. Much praise was then heaped on the Horsham Centre's committee by Mr L. W. Chubb, secretary of the parent society in London, for its efforts in the protection of public rights. He emphasised how important the action by individuals, societies and councillors were in persuading the district councils to defend the rights of the public. It was noted that this was one

of the largest meetings ever held in the council chamber, and the society enrolled an additional 32 members.²⁰

It was reported to the next meeting of the HRDC that in response to its letter to Mr Molyneux informing him that a prima facie case for the footpaths had been made following its enquiry, a solicitor's letter had been received. This stated that Mr Molyneux did not admit the existence of any public rights of way over the footpaths mentioned in its letter, and that if its surveyor, or workmen, entered his property to clear obstructions they would be committing acts of trespass. The chairman remarked that the surveyor had orders to proceed at the end of the ten days and that this letter did not alter that case.²¹

Following HRDC's decision and letter to Molyneux, a month later, on Sunday 25 June 1899, a ramble took place on the forest footpaths. The rambles intended to walk the paths with the two-fold objective of demonstrating their public rights and increasing their knowledge of 'the heritage of local beauty which must not be lost'. It also seemed that two or three young men had been turned back from one of the paths and had complained to an urban district councillor who offered to form a small group to walk the paths. News of this plan spread and so on that Sunday morning at 10.30am over 100 people gathered at the junction of St Leonard's Road and the Brighton Road and headed into the forest at a smart pace up Hampers Lane. Two policemen joined them, one in uniform. The very orderly, though formidable, procession led by members of the Horsham Centre was not challenged by Mr Molyneux or his staff, with only one keeper being noticed at a distance. Cottagers greeted them as they walked past, single file through wicket gate and winding footpath. Two fields of wheat 'thickly studded with bright scarlet poppies' were admired as they walked in the direction of Roffey. After negotiating around a poorly maintained stile they took the Compton's Brow footpath into Leechpool Wood which 'proved delightful... with foliage and flowers seen at their best'. On the other side of the wood they had to climb over a gate erected where previously there had been a stile, they walked down the carriageway and turned right across fields to Heron's Copse and out by Doomsday Green. They found the exit to the Horsham and Slaugham Road obstructed by stakes and boughs which they quickly cleared away, and nearly 120 people emerged from

the forest. It was reported that at Doomsday Bridge two snapshots were taken of the ramblers, who then returned to the town at about 12.30pm after a pleasant walk.²²

On 8 July the *County Times* carried a letter from 'Hawk' which illuminated the 'reign of terror' in the forest. Mr Molyneux had been summoned to the magistrates' court on the charge of threatening with a revolver several people on the forest paths. The correspondent objected to the case being adjourned, and hoped that the 'pugnaciously inclined' Mr Molyneux would face these serious charges as would a poor man in his position.

It was reported in the same paper that on the previous Thursday evening, 6 July 1899, another ramble was undertaken, again under the auspices of the Horsham Centre of the Commons and Footpath Preservation Society. This was in response to the RDC's meeting in which it was suggested that the forest footpaths should be more generally known so that they could be better protected. People tended to know the paths but not the names given to them on the Ordnance Survey maps, so this ramble was to point out which paths were the rights of way as identified by the recent enquiry.

At 6pm a group therefore met again at the crossroads of St Leonard's Road and Brighton Road and this time the 138 residents included a 'large proportion of ladies' and many well-known townspeople. They walked through Heron's Copse to Sun Oak Drive and awkwardly past the place where the bridge to the carriage drive had disappeared. They walked towards St Leonard's House, passing the bailiff, who offered no obstruction. They passed many people on the estate who seemed pleased to see them, and two keepers with a dog who smiled and accompanied them some of the way. They had hoped this signalled the capitulation of Mr Molyneux, as rumours had been circulating that this was the case, but they were disappointed to see, where the carriage drive bent around from St Leonard's House towards The Grange, a big notice saying 'Private Path Trespassers will be Prosecuted'. However, they pressed on to the north end of Mick Mills Race, down the Race where they were met halfway by the two keepers and a dog, just keeping an eye on them, down to Micks Cross and over a filled-in trench. The party then took a path behind Mill Farm to the top of Roost Hole Hill and came through a gate onto the Horsham Road for a walk back into town.²³

The response from Molyneux to the RDC's demands and clearing away of obstructions, and the subsequent rambles, was to instigate proceedings against the council in the Chancery Division of the High Court. He asserted that the alleged public rights of way did not exist, and sought an injunction restraining the defendant, or its agents, from trespassing and demanded damages for trespass. The case came to court before Mr Justice Kekewich on 20 June 1900.

It was noted by Mr Busch, honorary secretary of the Commons and Footpath Preservation Society, Horsham Branch, in its third annual meeting the following year, whilst reflecting on the case, that collecting evidence had been particularly difficult. Proof of footpaths stretching back to before the Aldridge family's occupation in the mid-18th century was required by law, as the estate had been entailed from father to son rather than held in fee simple. Such a task was impossible, and so local people were called to give oral evidence as to their knowledge of use of the 12 footpaths in dispute. Not surprisingly, small details of everyday life were given by these witnesses regarding their work and leisure practices which give a glimpse into Forest life as far back as the late 18th century.²⁴

James Langley, 66, stated in court to be a grocer and dealer living in Colgate, (the 1901 census has him living at the Mars Chapel, Colgate, on his own means),²⁵ said that his father had worked for Thomas Broadwater at Holmbush, and that there were more people living in Colgate then than now, and that he could show where 50 little farms had been given up. When asked if a good deal of wood had been taken from the estate he agreed and said that a lot had also grown up, but it had been let to run to ruin and the little farms cut off and gone. He also thought that the footpaths were ten times better 30 years ago. Edward Gates, 60, carpenter and steam sawyer, said his father worked for Squire Aldridge as a woodman, and his grandfather as warrener on the estate. He noted that 'a great many people lived in the Forest years ago, not in houses but in huts' and he remembered that as a boy these people were charcoal burners and small farmers. This oral evidence confirms information given earlier to *The First Report of the Commissioners on the Employment of Children, Young Persons and Women in Agriculture 1867-8* which noted the leasing and subleasing of Forest land which had led to the appearance on the Forest of a large number of cottages and turf huts each on an acre of land.²⁶

Alfred Greenfield, 57, said that before 1881 there had been a lot of little holdings on the eastern side of the estate and these tenants used the footpaths, although others did as well. Thomas Gent, 77, thought that by far the greater number of people using the footpaths were not tenants and gave examples of people he knew who had used Mick Mills Race in the course of deliveries as there was a waggon road that linked to the Race. However, he also said that 'in those days there were about four times as many people in the Forest as now, I have known 25 houses, or huts, down where there are none now.' Many of the farms he said had 'gone destitute' and the roads kept in order by the farmers had been left alone. William Gates, 47, said he knew most of the people of the farms and they had to use the footpaths to get to Horsham as did people from Handcross.²⁷

The evidence clearly shows the footpaths were used for work, such as for carting dog food and bird feed to the Kennels near New Lodge, the Aldridge manor house. Underwood and heath was carted past The Grange, which had been built in the mid-19th century close to New Lodge for Aldridge family members, and through Spurs Orchard. Bricks were carted to Colgate and Crawley, and apples were carted from Slaugham to Roffey all on the footpaths. William Gates had seen carts on the Race and knew that they were not connected with the estate. A blacksmith, James Mitchell, 49, remembered shoeing horses for Colonel Aldridge and walking all over the estate via the footpaths, and as a boy he had accompanied a vet on his work rounds through the footpaths. Labourers spoke of using the paths to get to work cutting wood, harvesting, tending birds and digging potatoes while Jesse Norman, 53, who lived at Holmbush potteries was sent as a boy to collect debts at Plummers Plain, Nuthurst, Leonardslee and other places, and used the footpaths.

William Jupp, 45, distinguished between the keepers and watchers on the estate, who had a right and duty to be there, and the general public. Several people mentioned the keepers but no one seemed to know how many there were. However, Alfred Greenfield said he had been employed as a keeper and walked the whole of Molyneux's property, saying that the keepers' paths were between the central paths and were used for feeding and shooting. Jesse Norman had said that Colonel Aldridge kept beagles for hunting hares and rabbits, and pheasants were also kept on the estate.

On a more sombre note Laurence Lovegrove, 77, remembered his father's body being carried from Roffey through Hampers Lane, past the Sun Oak to St John's Church, Coolhurst for burial, and Edward Gates remembered a corpse being carried to the church from Whitevane Pond via the footpaths. The only woman recorded by Hurst as giving evidence, Elizabeth Wickham, 46, said she had lived all her life in the Forest and walked to Sunday school at St John's as a child. She also said she frequently used two different paths through the Forest to get to Horsham, and that others had gone shopping to Horsham with her.²⁸

In addition to work, the footpaths were used for leisure, as noted by Albert Etheridge, 46, who worked in the brickyard on the south side of Forest Road, west of Colgate, and who admitted to playing in a summerhouse on the estate many times as a boy. Several pieces of evidence referred to pleasant times had in the summerhouse, including courting. It appears to have been on Herons Cope path which ran from New Lodge via The Grange to Mick Mills Race, and was approached through a keeper's garden. David Price, 42, a stationer and printer interested in entomology, said that when he was a boy he remembered it as a favourite walk; people would take refreshments and go into the summerhouse. He told the court he had gained permission from the Aldridges to pursue his hobby and remembered capturing a rare moth in the neighbourhood of Roosthole Pond. On his walks through the Forest he met people he knew from Horsham, London, Brighton and various other places.²⁹

The Lily Beds were another popular destination for local walkers. William Simmons, 61, who had been a gardener to Colonel Aldridge for over eight years, said that when the lilies (*Convallaria majalis*) were in flower he had to stop people from pulling up their roots, but they were a great sight with acres of them in bloom. Richard Francis, 59, a shoemaker, said he had been in the Horsham Union Workhouse at Roffey when he was eight years old, and remembered using the paths in the Forest for pleasure. He also told the court that the workhouse children used to bathe in Whitevane Pond; he did not know whether the Squire had given permission, but a schoolmaster accompanied them and those who would not go in were thrown in. The notes of this oral evidence give the impression of footpaths constantly busy with people, and with Mick Mills

Race being used as almost a road or track for carts and vehicles from north to south through the Forest (Fig. 3).³⁰

Up to and indeed following the court hearing, negotiations had been progressing between the RDC and Molyneux. He had accepted the footpath from Goldings Bridge up past the Sun Oak and his carriageway to New Lodge, or St Leonard's, and out at Upper Park Pond towards the town, and by this point the committee had prepared a map of the estate, edged in blue, with the footpaths accepted by the council marked in red. The green lines appear to indicate paths that had been used but were not agreed at the RDC's initial enquiry (Fig. 4). Molyneux proposed conceding two more paths but the RDC felt it could not let all the others go, and made a counter proposal. However, this was not accepted and the court sat for five days hearing the evidence from Horsham inhabitants which had originally been given at the RDC's special enquiry. After this evidence had been heard the case was stood down with a view to a settlement being made. At this point Molyneux made another offer, and after further negotiations with the council

for adding a small but important footpath linking Town Copse with a footpath through Leechpool Woods towards Horsham, this was accepted. A second map was made by the council to confirm the footpaths which would be accepted by both parties, although surprisingly this left out Mick Mills Race (Fig. 5). The conclusion to the dispute in the form of this compromise came on 18 July 1900 when the defending counsel informed the judge of the agreement reached.³¹

At the annual meeting of the Horsham Centre of the Commons and Footpaths Preservation Society, on 12 June 1901, the conclusion to the dispute was outlined and it was hoped that:

a portion of this old Forest might be secured for the public before the inevitable alternative of enclosure for private villa and paddock occupation shall have monopolised its entire area, and have irreparably destroyed its wild and sylvan character.

The secretary commented that it had been difficult to get evidence, given that Colonel Aldridge had invited all and sundry to walk all the paths, and 'had a great fancy for shifting paths, and as far



Fig. 3. Photograph of Mick Mills Race showing clear straight track. Date of postmark on reverse of post card unclear but, given Forestry Commission planting, after 1919 (author's collection).

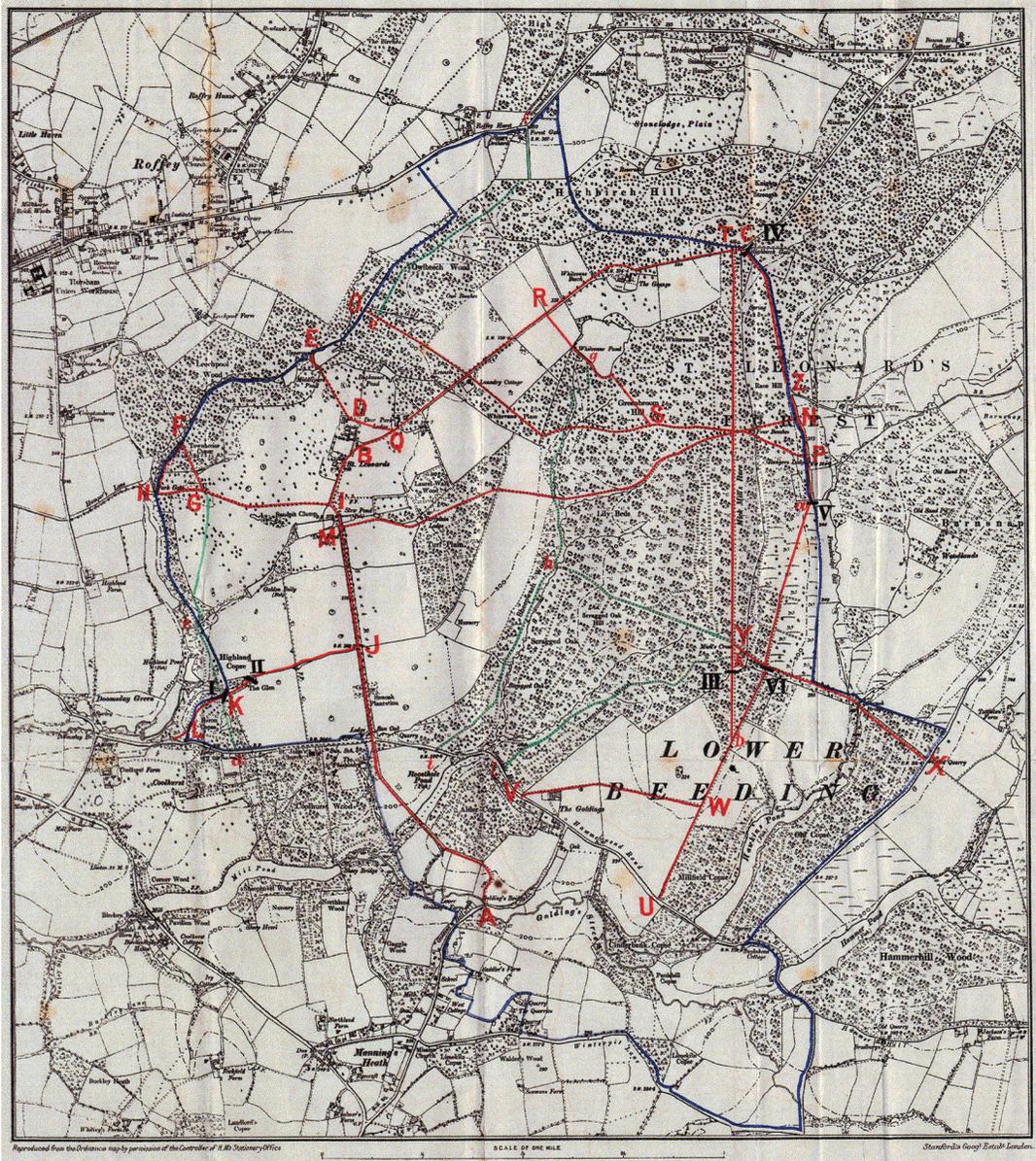


Fig. 4. Local authority map indicating footpaths agreed after the initial RDC special enquiry. Footpaths identified by letters, see Table 1. The scale bar at the bottom of the map is for one mile (WSRO RD/HO24/2/1).

as one could make out there was scarcely a path in the whole Forest he had not shifted from one line to another.' He added that, had it not been for the very thorough action of the RDC and the UDC, he had it on good authority that the whole forest would have been ring fenced, and if they had

compromised earlier they would have regretted it. The Commons and Footpaths Preservation Society felt that given these problems the compromise was a good outcome.³²

In time the society's hopes would be realised: in 1919 a large middle section of the Forest was bought

Table 1. The 12 original footpaths identified after Horsham Rural District Council's initial enquiry on 16 May 1899 with evidence given by local residents, as reported in the *West Sussex County Times and Standard*, 20 May 1899.

| No. | Letters as indicated on map Fig. 4 | Description of routes of footpaths |
|-------|------------------------------------|--|
| 1 | A-J-M-B-R-C | From Goldings Bridge to Roost Hole Pond, to Sun Oak up past St Leonard's House to The Grange and on to Tower Road at Beacon Hill. |
| 2 | F-N-K-L | From Compton's Brow Lane at Compton's Lea, through Leechpool Wood and Town House Copse, across the park through Heron Copse to Hammerpond Road. |
| 3 | N-G-I | From Depot Road and Hampers Lane through Park Gate to the junction with Sun Oak road near St Leonard's House. |
| 4 | M-J-K-a | From Sun Oak road, through the Glen, past Summer House and through Herons Copse to Coolhurst Hollow. |
| 5 | M-N or M-B-Q-S-N | From Sun Oak road, near Stew Pond, past old laundry or Turf Plain Lodge through Forest past Four Beeches and on to Springfield Farm. |
| 6.i | F-E-O-S-P | From Star Row by Leechpool Lane continuing by side of Leechpool Wood, through Dog Kennel Wood, crossing carriage drive and over Whitevane Plain to Four Beeches and on past Rangers Lodge. |
| 6.ii | E-D | A branch from i. commencing at the edge of Leechpool Wood, over Pond Bay past St Leonard's House. |
| 6.iii | O-e-f | A branch from i. commencing in Alder Gill and passing through Owlbeech Wood to Forest Gate Road at Spurs Orchard. |
| 7. | R-g-S | From carriage drive near Whitevane Pond, past the pond and Green Broom Hill to Join 6.i. |
| 8. | g-h-i h-y | From Whitevane Pond through Sheepwash Wood to Hammerpond Road with a branch from Sheepwash Gill by Scragged Oak Hill to Mick's Cross. |
| 9. | T-K | Mick Mills Race. |
| 10. | I-k | From the top of Roost Hole Hill past Mill Farm to southern end of Mick Mills Race. |
| 11. | x-y-l | From Grouse Road over French Bridge to Mick Mills Race, at or near Mick's Cross, and continuing through Greenslade Wood to Roost Hole Hill. |
| 12. | c-b | From Highbirch Gate, near top of Mick Mills Race, past site of Racehill Cottage, Rangers Lodge and on to southern end of Mick Mills Race. |

by the Forestry Commission, while in the north of the Forest, Leechpool Wood was sold by the Hurst family to Horsham Urban District Council in 1953 and in 1989 Horsham District Council bought the adjoining Owlbeech Wood.

Edmund Molyneux, who was so keen for the St Leonard's Forest estate to remain very private, is a difficult figure to identify, not assisted by the fact that he is referred to as both Edmund and Edward in official documentation and the spelling of his surname also changes. As the plaintiff in the High Courts of Justice he is reported by *The Times* as being Mr Edmund Molyneux and so perhaps this is the more likely of the two forenames and correct spelling of Molyneux. In letters to Robert Hurst at the time of the footpath dispute he has the title of Captain, so it is possible he was caught up in the First World War, but there is no evidence of this. The published genealogy does not help either; there are only two possibilities, an Edward Charles Molyneux born in August 1879 and therefore about 21 at the

time of the footpath dispute. He was the son of Rev Sir John Charles Molyneux, vicar of Portesham, Dorset and Fanny Jackson. The other possibility is Edmund Molyneux of Warren Lodge, Berks, born in 1836 and thus 64 at the time of the dispute. He was the only son of Edmund Molyneux of The Hall, Sandfield, USA, but educated at Rugby and JP for Berkshire and a Major in the 7th Dragoon Guards. However, neither candidate appears particularly promising.³³

Edmund Molyneux does not appear on the 1901 or 1911 census in the Horsham area, so it is probable that he was actually resident only between these dates. This is borne out by both by *Pike's Blue Book for Horsham, Crawley and District and Local Directory* which has Edmund Molyneux as resident in St Leonards (New Lodge) in 1907/8 and thereafter in The Grange until 1911/12 when it was then in possession of John Thorburn McGaw, and *Kelly's Directory of Sussex* for 1915 which has J. T. McGaw as occupier.³⁴

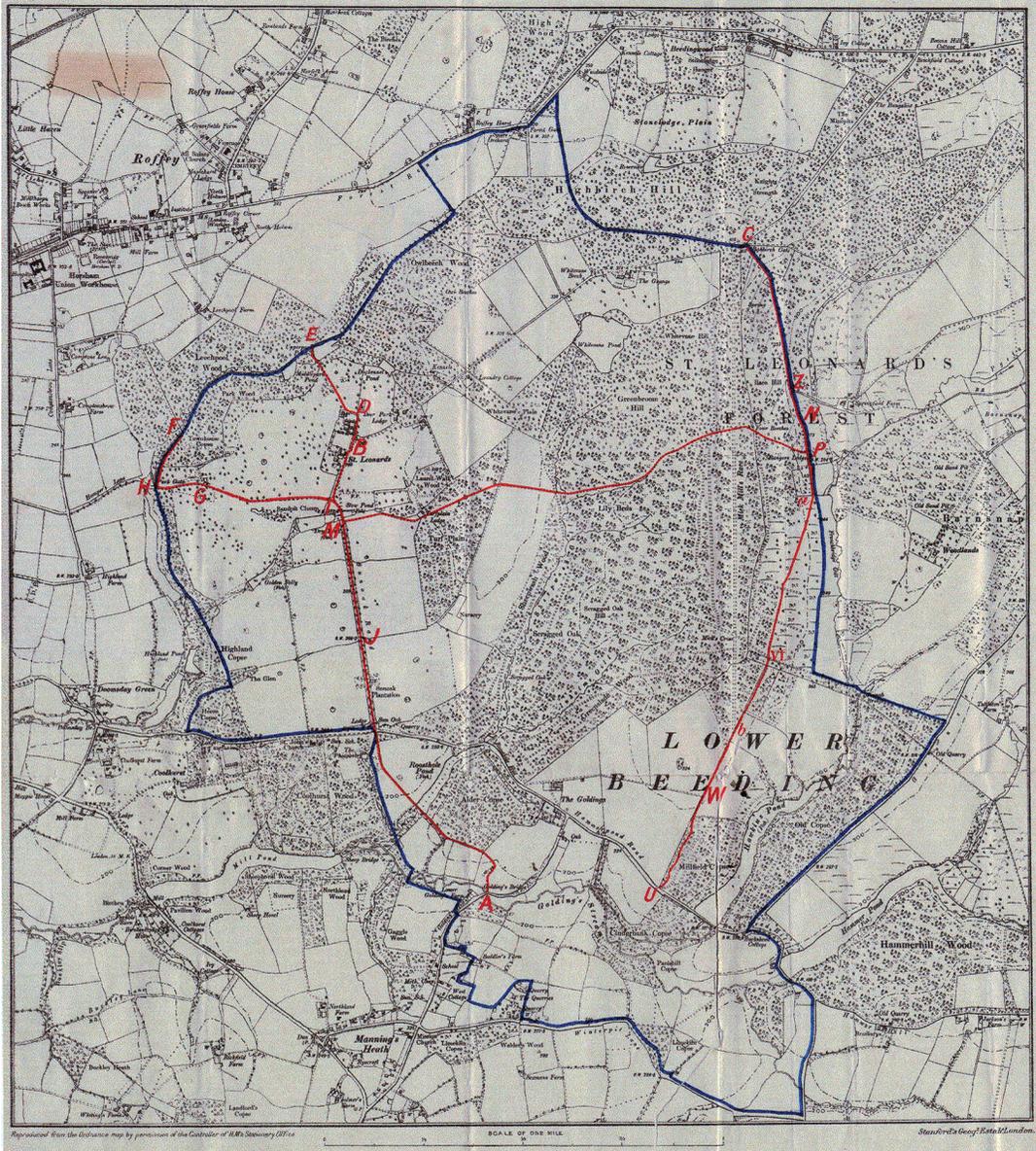


Fig. 5. Local authority map indicating footpaths agreed after negotiations with Molyneux bringing court case to a close. Footpaths identified by letters, see Table 2. The scale bar at the bottom of the map is for one mile (WSRO RD/HO24/2/1).

The Land Valuation Survey of 1910–15, and its notes of inspection dated 18 February 1914 surprisingly recorded Molyneux and not McGaw as the freehold owner of a large portion of the Forest. He is noted as having owned Forest Grange, also known as The Grange, with 1307 acres, the Home Farm with smithy, saw mills, barn and carpenter

shop, and 185 acres of Forest land with cattle yard and shed. No other occupier is noted. As landowners were allowed to offset tax by listing rights of way through their land, it is interesting that a large number of footpaths were still there in 1914 with 28 claimed through Forest Grange land. The Land Valuation field book shows that by this time Harold

Table 2. The footpaths finally agreed upon by both parties thus bringing to a conclusion the dispute on 18 July, 1900 (WSRO RD/HO24/2/1).

| No. | Letters as indicated on map Fig. 5 | Description of routes of footpath | Comments |
|-----|------------------------------------|--|---|
| 1. | E-D-B-M-J-A | From Upper Park Pond in Leechpool Wood to St Leonard's House and down Sun Oak drive to meet Hammerpond Lane and continuing south across Alder Copse to Golding Bridge. A north-south path on the western side of the estate. | This path was accepted by Molyneux early in proceedings as a public footpath |
| 2. | H-G-M-P-W-U | From Hampers Lane and Park Gate across the park to St Leonard's House continuing east across Turf Plain, Mick Mills Race and Four Beeches to Rangers Lodge. Turning south down the edge of Millfield Copse to link with Hammerpond Road. | This could be seen as two paths, one west-east across the centre of the forest estate, and one south down the eastern side. |
| 3. | E-F-H | From Town Copse a footpath through Leechpool Wood towards Horsham town around the edge of the estate. | An important concession won by the district councils |

Dennis had bought New Lodge or St Leonard's House, the old Aldridge mansion, with 122 acres, freehold. Also noted is tax relief on 30 footpaths on this land and 25 on an adjoining 53 acres, clearly more than the three that were agreed at the footpath dispute. Perhaps old habits died hard for the people living in the Forest, and the landscape of the Forest paths had not in fact been much changed by this dispute.³⁵

CONCLUSION

What is clear in the details of this footpath dispute are the strong local feelings aroused by attempts to enclose and privatise areas of much used, and loved, forest in the Weald of Sussex. There appear to have been two main aspects to the dispute which mobilised the public: loss of freedom of access for work and pleasure, and the loss of heritage, or the historical continuity embedded in the landscape of the forest. Readman suggests that this was an inclusive nationalistic or patriotic feeling against losing the rights of the common people, handed down from generation to generation. At the beginning of the 20th century in 1900 the local councils and the courts supported the public in protecting and retaining their heritage, or rights of access.³⁶

The dispute does have some similarities to the later, more famous, mass ramble on Kinder Scout in Derbyshire, where on 24 April 1932 between 400 and 500 walkers, mainly workers and unemployed from Manchester, trespassed on the Duke of Devonshire's land which had been enclosed in the 19th century and which was defended by gamekeepers with sticks. Clashes ensued and on that occasion six

walkers were arrested and five imprisoned for 'incitement to riotous assembly'. This ramble proved to be part of a growing movement to preserve the countryside and most importantly access to it, or the right to roam.³⁷

It is encouraging to have an historical precedent for success in protecting public rights of access to parts of St Leonard's Forest, as demonstrated by the 1900 footpath dispute. However, in the 21st century it is the Government rather than individual large landowners who are the new threat to access. In October 2010 the Government announced its intention of selling 258,000 hectares (637,531 acres) of state-owned woodland to a mixture of ownership, with Forestry Commission woodland being transferred to the private sector. Powers to enable this sale were already in the Public Bodies Bill 2010. St Leonard's Forest had 289 hectares (714 acres) owned by the Forestry Commission and managed by Natural England, so this was not good news.³⁸

On 27 January 2011 the Forestry Commission and the Department for the Environment, Food and Rural Affairs (Defra) opened a consultation on the future of the public forest estate in England. However, following widespread criticism and public outcry the consultation was halted after three weeks and the Minister, Caroline Spelman, announced that a panel would be established to advise the Government.³⁹ The Independent Panel on Forestry was launched on 17 March 2011 and reported on 4 July 2012. It recommended that the public forest estate should be defined in law as land held in trust for the nation so that it would always be a national asset, and it should be managed by a new public forest management organisation.⁴⁰

In January 2013 Defra published its response stating 'England's Public Forest Estate will remain secured in public ownership – for the people who enjoy it, the businesses that depend on it and the wildlife that flourish in it.' However, many, including the Woodland Trust, saw danger in The Infrastructure Bill 2014–15 which would allow the Secretary of State to transfer the property of a public body to the Homes and Communities Agency for building. Further campaigning led to the Government to include a commitment in law that it would not sell off public forests. However, as of

early 2016, a new public body to manage the forestry estate has not been established as recommended.⁴¹ As history demonstrates, attempts to interfere with customary rights still invoke in the public deep feelings of patriotism, equality and natural justice, plus the need to be ever vigilant.

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NOTES

- ¹ B. Short, *England's Landscape, The South East* (London: Harper Collins, 2006), 162, Table 7.1. (hereafter Short, 2006) J. Blunden and N. Curry (eds), *The Changing Countryside* (Milton Keynes: Open University with Croom Helm, 1985) (hereafter Blunden and Curry, 1985), 72. J. Black, *London, a History* (Lancaster: Carnegie Publishing, 2009), 230–5.
- ² Blunden and Curry, 1985, 26–9. E. J. Hobsbawm, *Industry and Empire* (Harmondsworth: Penguin, 1968, 1978), 106.
- ³ Blunden and Curry, 1985, 72–5. R. Macfarlane, *The Old Ways* (London: Penguin, 2013), 18–27. P. Brandon, *The Discovery of Sussex* (Andover: Phillimore, 2010), 169–76.
- ⁴ 55 Geo III c. 68, Highways, etc. (England) Act 1815.
- ⁵ Short, 2006, 99. Timeline, a Walking History, accessed through: <http://www.ramblers.org.uk/news/media/ramblers-history>. R. Solnit, *Wanderlust, A History of Walking* (London: Verso, 2001) (hereafter Solnit 2001), 161–2.
- ⁶ Solnit 2001, 159–68. *Morning Post* (London), 14 Jul. 1899, 6. B. Cowell, 'The Commons Preservation Society and the Campaign for Berkhamsted Common, 1866–70', *Rural History* **13** (2002), 145–61. Lord Eversley (G. Shaw Lefevre), *Commons, Forests and Footpaths* (London: Cassell, 1910), x.
- ⁷ B. Short, 'Conservation, Class and Custom: Lifespace and Conflict in a Nineteenth-century Forest Environment', *Rural History* **10.2** (1999), 127–54, and B. Short, *The Ashdown Forest Dispute 1876–1882: Environmental Politics and Custom*, Sussex Record Society **80** (1998).
- ⁸ P. Readman, 'Preserving the English Landscape, c. 1870–1914', *Cultural and Social History*, **5.2** (2008), 197–218 (hereafter Readman 2008).
- ⁹ Local Government Act 1894, s 26 (2), (3). Horsham Museum (hereafter HM) SP 230.
- ¹⁰ M. M. Weir-Wilson, 'St. Leonard's Forest: Social and Economic Change from 1750 to 1914 and its Impact on a Forest Landscape' (unpub. DPhil thesis, Univ. of Sussex, 2014), 197–200.
- ¹¹ N. Z. R. Molyneux, *History, genealogical and biographical of the Molyneux families* (New York: C.W. Bardeen, 1904), 271. *Morning Post*, 1 Apr. 1897, 10.

- ¹² *West Sussex County Times and Standard* (hereafter WSCTS) 4 Mar. 1899, 7.
- ¹³ WSCTS 25 Mar. 1899, 6.
- ¹⁴ WSCTS 25 Mar. 1899, 5.
- ¹⁵ WSCTS 8 Apr. 1899, 7.
- ¹⁶ WSCTS 22 Apr. 1899, 8.
- ¹⁷ WSCTS 29 Apr. 1899, 5.
- ¹⁸ WSCTS 29 Apr. 1899, 5, and 6 May 1899, 7.
- ¹⁹ WSCTS 20 May 1899, 5.
- ²⁰ WSCTS 20 May 1899, 5.
- ²¹ WSCTS 27 May 1899, 5.
- ²² WSCTS 1 Jul. 1899, 2.
- ²³ WSCTS 8 Jul. 1899, 5.
- ²⁴ HM MSS 2917 1–2, two books of notes by C. J. B. Hurst, barrister-at-law, who observed the case for local landowner R. H. Hurst MP, recorded evidence from 23 local people, and collected newspaper cuttings of the trial, which he did not individually reference. West Sussex Record Office (hereafter WSRO) RD/HO24/2/1.
- ²⁵ The National Archives (hereafter TNA) RG 13/949/14, 1901 census, Horsham North.
- ²⁶ First Report of Royal Commission on the Employment of Children, Young Persons, and Women in Agriculture [C.4068] H.C. (1867–8) **17**, 82.
- ²⁷ HM MSS 2917 1–2.
- ²⁸ HM MSS 2917 1–2.
- ²⁹ HM MSS 2917 1–2.
- ³⁰ HM MSS 2917 1–2.
- ³¹ WSRO MS RD/HO24/2/1, *The Times*, 19 Jul. 1900, 13.
- ³² WSRO MS RD/HO24/2/1.
- ³³ WSRO Hurst MS ACC 3296/146. *The Times*, 19 Jul. 1900, 13. N. Z. R. Molyneux, *History, genealogical and biographical of the Molyneux families* (New York: C.W. Bardeen, 1904), 223, 252.
- ³⁴ *Pike's Blue Book for Horsham, Crawley and District and Local Directory* (Brighton: Pike), edns for 1907/8, 1909/10, 1910/11, 1911/12. *Kelly's Directory of Sussex* 1915, pp 8, 60–1, accessed through: www.historicaldirectories.org.
- ³⁵ TNA IR58/94086, Land Valuation Survey 1910–15.
- ³⁶ Readman 2008, 213–4.
- ³⁷ Solnit 2001, 165–7. P. Macnaghten and J. Urry, *Contested Natures*, Sage Publications, 1998), 38.

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- ³⁸ O. Bennett and D. Hirst, *The Forestry Commission and the sale of public forests in England*, Standard Note SN/SC/5734, 28.11.2014, 12–13. Accessed through House of Commons Library at: <http://researchbriefings.files.parliament.uk/documents/SN05734/SN05734.pdf>
- ³⁹ A. Lawrence and M. Jollands, *'The future of the Public Forest Estate in England': analysis of responses to the curtailed Public Consultation January-February 2011. Final Report* (Farnham: Forest Research, 2011), available at www.forestry.gov.uk/fr/pfeanalysis
- ⁴⁰ Bennett and Hirst, 14–17.
- ⁴¹ Bennett and Hirst, 19–20.
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