

## The Raid on the Railings

**B**ERKHAMSTED lacked a newspaper of its own to reflect public opinion before, during and after the enclosure of the Common in 1866, but to the delight of historians *The Times* gave national publicity to some forthright letters on the subject.

'A Commoner' started the correspondence on 11th August, 1865, by referring to the threatened enclosure and describing the recreation ground offered by Lord Brownlow in lieu of common rights as 'a miserable 60 acres of useless swamp.'

### HIS LORDHIP'S YES-MAN

This letter brought a remarkable reply from William Hazell, a grocer, who did his best 'to vindicate and extol this young and exemplary peer.' Hazell thereupon became a figure of fun, if not of contempt, as Lord Brownlow's yes-man.

*The Times'* correspondence columns published news which had long been the talk of the town: that Lord Brownlow's agents had been engaged in buying up all the common rights. As George Whybrow states in his *History of Berkhamsted Common*, they succeeded in buying all but a few.

His lordship then signed an Indenture of Conveyance of the recreation ground to trustees for the inhabitants of Berkhamsted, this indenture to be held by his solicitor for six months. During this period a Deed of Release of the Common from all common rights was to be executed by the tenants, owners and occupiers of land within the manor, and no fewer than 413 people signed away their rights. But Augustus Smith, Colonel Smith Dorrien (his brother), Dr. Thomas Whateley and a few small tenants were not among the signatories.

### UP GO THE FENCES

Lord Brownlow nevertheless enclosed the Common without even waiting for the six months' waiting period to elapse. He placed a substantial order for iron railings with James Wood, the local ironfounder, and in the short days of winter a large labour force dug 2,640 holes, each 3-ft. deep, for the uprights, and then erected two miles of fences.

It is difficult to know how the townspeople reacted to this high-handed action.

Many people were undoubtedly

angry, but not so angry as to smash down the fences, as was done in similar circumstances in the 17th century. The railings stood for a month, and not a single bar was so much as bent by a local man. Sullen acquiescence may have been the prevailing mood.

### SPECIAL TRAIN

It was a gang of London navvies which destroyed the fences, and the man who paid for their services no longer lived in Berkhamsted. Augustus Smith was, however, a frequent visitor to the town of his birth, a prominent local landowner, and a most uncommon commoner.

At a private meeting in the House of Commons, Augustus Smith decided that action should speak louder than words. A day or two later a contractor was busy recruiting artisans and skilled labourers at Southwark for 'a night job at Tring', and a special train to Tring was chartered to leave Euston at midnight.

Why Tring? Why not Berkhamsted station? Was it feared that news of the chartering of a special train to Berkhamsted, with 120 navvies and a carriage devoted to heavy implements, would be telegraphed to the local station, giving time for suspicions to be aroused and the police (not to mention the very large Ashridge estate staff) alerted?

### A CLERK TAKES COMMAND

When the train arrived at Tring at 1.30 a.m. on 7th March, 1866, the secret mission almost foundered. The men lacked a leader. The contractor had sublet his contract to another man, and at a public-house near Euston station they drank themselves into a state which deprived them of the ability to direct even their own movements.

The situation was saved by a lawyer's clerk, who had been sent by Mr. P. H. Lawrence, solicitor to the Commons, Open Spaces and Footpaths Preservation Society, to watch the proceedings at a distance. He rallied the ranks and took command of the men as they marched two by two to the Common.

Hammers and chisels were used to loosen the substantial joints of the month-old railing. Then the uprights were uprooted and the metal bars were wrapped around them. Moonlight

helped the night raiders and they completed the destruction before dawn. One wonders how many injuries and how many extra curses there would have been had the work proceeded in darkness.

No one other than the workmen heard the noise of iron striking iron. It was 7 a.m., an hour after the work was completed, when Lord Brownlow's agent, William Paxton, rode up to see the twisted ironwork. It was not a pleasant sight for the brother of Sir Joseph Paxton, who had worked wonders with iron and glass when he designed the Crystal Palace.

### THE MORNING AFTER

Paxton made an energetic protest. So did William Hazell, Lord Brownlow's unofficial spokesman. According to a famous *Punch* poem, Hazell had to distribute beer money to the navvies to escape a ducking in the canal when the men descended on Berkhamsted to celebrate a good night's work.

As the news spread, hundreds of people flocked to the Common. There is a picturesque story that some of the townsfolk took away morsels of gorse to prove that the Common was open again.

The railings cost over £1,000, and it was not long before James Wood was invited to estimate for their collection and repair. The price quoted suggests very careful estimating: it was £186 14s. 2½d.

Legal proceedings for trespass were taken against Augustus Smith by Lord Brownlow, who later expressed a desire to settle the matter in an amicable manner and avoid a court of law. But Augustus Smith preferred 'the long prospect of litigation . . . to secure the results intended.'

### COSTLY ACTION

The action for trespass was never heard, for Lord Brownlow died in February, 1867, a year after the fences were erected. In the meantime, Mr. Smith commenced a counter-action which dragged on for nearly four years until judgment was given in his favour by Lord Romilly, Master of the Rolls.

To quote the words of Frank John Moore, of Woodcock Hill, at a dinner held in Berkhamsted in 1872, shortly after the death of Augustus Smith: 'Such is the glorious uncertainty of legislation that, although he [Augustus Smith] was successful in his action, and obtained a judgment, it cost him the large sum of £3,000.'

'BEORCHAM'



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