

Chislehurst and St Paul's Cray Commons

Proposal for a Scheme of Management

Adjourned Enquiry

The public enquiry respecting a Scheme for the management of the above Commons, under the Commons Preservation Acts, which was opened on Tuesday week, was continued at the Village Hall, Chislehurst, on Monday last before Mr G. Pemberton Leach, Assistant Land Commissioner. The same professional gentlemen were again engaged, namely Mr Channell, Q.C., and Mr Morton Smith, instructed by Mr Birkett (Messrs. Horne and Birkett, Lincoln Inn's Fields) appeared for the promoters of the Scheme; Mr Bray, instructed by Mr Warren, for Earl Sydney; Mr Janson watched the proceedings on behalf of six opposing inhabitants of Chislehurst; and the Rev G.L. Langdon for the opposing inhabitants of St Paul's Cray. There was again a large number of the inhabitants present and much interest was manifested in the proceedings. Amongst those present were the Revs. F.H. Murray and Mrs Murray, G.L. Langdon, J.B. Parker and A. Welch; Mr R.B. Martin, MP, and Mrs Martin, Mr Patteson Nickalls, Mr Tidman, Mr and Mrs Murton, Mr H.B. Pears, Mr F.H. Janson, Mrs F. Powell, Mrs Joseph Allen (Shepherd's Green), Mr Lewis Wing, Mr Gower and the Misses Gower, Mr Travers Hawes and Mrs Hawes, Mr and Mrs Nettleton Balme, Mr C. Balme, Mr H. Willis, Mrs Solly, Mrs West, Mr Percy Shelley, Mr S. Ashby and Mr G. Ashby, Mrs Hamilton, Mr Hamilton jun., Mr Chattell, Mr Webster, Mr Charrington, Mr Charrington jun., Mr Edlmann and Miss Edlmann, Mr Thornton, Mr Bowen, Mr J.F. Bowen, Mr Waters, Mr C. Morley, Mr Duncan, Mr H.F. Tiarks, Mr Chivers, Mr E. Vinson, Mr G. May, Mr C.C. Wylie, Mr G.S. Wollaston, Sir George Chubb, Mr W. Campbell Russell, Mr Whur, Mr T. Prinsep, Mr E. Roche, Mr W.L. and Misses Thornton, Mrs Nussey, the Misses Charrington, Mr J. Webster, Mrs Morice and others.

The proceedings closed on Tuesday week in the midst of the examination of witnesses for the objectors of the Scheme, and on Monday the first witness was Mr E. Vinson.

Examined by Mr Bray, he said he occupied 266 acres of land in St Paul's Cray parish on the Home Farm, which was one of Lord Sydney's. He was opposed to the scheme. He lived two miles from the Common. The feeling of the inhabitants of St Paul's Cray was against the Scheme; his own reason for opposing it were because St Paul's Cray would reap no advantage; because he had seen no nuisances on the Common; and because he looked upon it as curtailing the privileges of the Common. He had seen Sunday School children upon the Common and he thought that it was the very place for them. The gentry had it at least 320 days in the year. Then he did not think the promoters could conduct the business for £120 a year. The half-penny rate would soon become a 3d. rate – such was his experience of those things. Chislehurst would have supreme control with 9 Conservators out of 12. All St Paul's Cray people with whom he had conversed upon the Scheme were opposed to it.

Cross-examined by Mr Channell: He had not seen the Scheme, but it was explained to him by the Rev G.L. Langdon. He did not think he could have a better objection than that upon the question of rates. He thought the public opinion at St Paul's Cray would be averse to the lord of the manor stripping the turf from the Common. He should suppose that only Lord Sydney's tenants would have the power of getting fern from the Common.

Mr George May, examined by Mr Bray, said he occupied a farm of 320 acres, of which 240 acres were in St Paul's Cray and the remainder in Chislehurst parish. He was a tenant of Lord Sydney's. He was opposed to the Scheme and was satisfied with the present management of the Common. His reasons for opposing the Scheme were because he had no doubt the parish would be eventually be rated and because it would materially affect the fern or brake which he mowed, of which he got a good deal for the packing of fruit and vegetables.

Cross-examined by Mr Channell: He had not seen a Scheme when he signed the objection, but he had heard about it from the local papers. He had not studied the Act of Parliament or the Scheme and he was still under the impression that he would eventually be rated if the Scheme passed, and nine out of every ten of the objectors were of that opinion.

Mr J.B. Lockington, examined by Mr Bray, said he occupied some land in St Paul's Cray. He objected to clause 15 of the Scheme, and also because he could not see where the expenses were going to come from; and there must be a reason for being kept in the dark.

Cross-examined by Mr Channell: He had not read the Act of Parliament. He had read the Scheme, but could not say when. He had just moved from St Paul's Cray. He had not signed in favour of the Scheme to his knowledge, but he was in favour of bye-laws having power to prevent nuisances. He believed clause 15 would injure the Common, which was to the effect that the conservators should have power to prevent encroachments.

Mr W.J. Nash, examined by Mr Bray, said he occupied land and a paper mill in St Paul's Cray. He was just of age and had trustees. There were 60 houses in the lower part of the village, of which he owned 45. He was entirely opposed to the Scheme, because of the question of rates, and that he was satisfied with the Common at present, and because it looked like presumption on the part of Chislehurst.

Cross-examined by Mr Channell: Before he signed the objection he had heard it suggested that sometime or other the Common would be divided amongst the St Paul's Cray landowners. He did not know where he got the information from, but it was not from the Rector.

Mr W. Mills, examined by Mr Bray, said he had a small freehold property in St Paul's Cray. He was opposed to the Scheme, and thought there was no necessity for it.

Cross-examined by Mr Channell: He took it for granted that those who had charge of the objection had seen the Scheme and understood it. He was against the Scheme because of the expense. He did not want the rates to be increased before it became compulsory, and he was afraid if the Scheme passed it would bring rates upon St Paul's Cray parish.

Mr T. Heath, examined by Mr Bray, said he was a chemist residing at St Paul's Cray. His chief objection to the Scheme was on account of the rates.

Cross-examined by Mr Channell: In the Scheme there would also be only three Conservators for St Paul's Cray to nine for Chislehurst, to which he objected. He could see no guarantee for raising the money. He was under the impression that the Scheme was framed by the promoters and not by the Land Commissioners. He saw the Scheme on Saturday night. He also objected to the Scheme because he could not tell what might come hereafter.

Mr Janson asked whether, to suit his convenience, some of the points he urged upon the Commissioners could be dealt with in London, but the Commissioner said he did not think it would be safe to do so. He should be very glad to hear anything that Mr Janson had to say, but he should hardly be in a position to settle the terms of the Scheme, because the matter would have to be reported to the Land Commissioners.

Mr Channell: But you would report in favour of certain emendations?

The Commissioner: Yes; it is only as to the exact wording of the Scheme. I could report that all parties interested were in favour of certain additions or certain omissions in the Scheme.

Mr Janson referred to the rights of the West Kent Cricket Club, and a long discussion ensued, during which Mr Janson urged that as the club had been in existence 60 years, and had had the entire control of the ground for that period, the conservators should allow them greater privileges than they had advanced. He had received a clause from Mr Hawes which it was proposed to insert, but he thought that was insufficient, as by that other clubs would have a right to the ground. At present the West Kent Club had the exclusive right and no other were allowed to play on the ground without consent from the Club. On behalf of the club he asked that the exclusive rights which they had enjoyed should be continued.

The Commissioner said he could understand that the conservators might be willing to grant much more extensive privileges to the ground.

Mr Channell thought if the club was going to enjoy privileges from the conservators they should be prepared to give something up in favour of local clubs, and that they should do as the clause suggested, namely, have the preference of the ground, but when they were not using it to allow local clubs to do so.

Mr Janson was anxious that the ground should be kept in its present beauty and completeness. Then there was the question, of importance to the frontagers to the Common, which influenced the matter of a right of way.

Mr Channell said that that the Scheme had nothing to do with the right of way to the Common. He thought it must depend on circumstances, which really could not be anticipated.

Mr Bray pointed out that the question of frontage would make a great difference in the value of the land, and that he would object entirely to a road being made round the Common. He referred to St Paul's Cray Common.

Mr Channell having mentioned Mr Berens who is a landowner, as not opposing the Scheme, Mr Bray said he was neutral.

The question then arose as to the gentlemen who would first serve on the conservancy board. Mr Janson said he could not entertain the list submitted by Mr Hawes; and that gentleman said Mr Janson had submitted the names of those who were on the opposition. It was suggested that a clause should be inserted to the effect that a vestry meeting should be called directly after the powers were obtained, in order to elect a conservancy board; but ultimately it was decided that a vestry meeting should be called, and gentlemen chosen whose names should be submitted to the Land Commissioners.

Mr Channell said that they should object to ex officio conservators, as it was undesirable and without precedent.

The Rev J.B. Parker objected to any club whatever having exclusive rights over the cricket ground. The West Kent Club was in a state of collapse, and it would be an anomaly to give power to a decaying corporation.

Mr Edlmann said that the statement was almost without foundation, as the club had between 80 and 100 members, and had a balance at the bank, and played something like 15 or 20 matches a year.

The Rev J.B. Parker said it was not a question of finance but of playing members.

Mr Figgess, examined by Mr Bray, said he was a tenant farmer, on Mr Chapman's land. He held 230 acres of which about 80 were in St Paul's Cray.

Cross-examined by Mr Channell: He was opposed to the Scheme because of the increase of the rates, and it would take away from one parish its rights. He thought the inhabitants of St Paul's Cray parish had got more to do with the Common than other people, and that as a matter of course the people would be rated if the Scheme were passed.

The Rev G.L. Langdon was called, but before he was examined Mr Bray said he had other witnesses to speak to the same subject as the others had done, but he did not think it necessary to call them.

The rev. gentleman was then examined by Mr Bray. He said he was the Rector of St Paul's Cray. He opposed the inclusion of St Paul's Cray Common in the Chislehurst Scheme. He thought the Common had been extremely well kept for the past 30 years. He considered that turf cutting did not disfigure it in the least, because it grew up afterwards as freshly or more so than it was before. He had seen a number of the inhabitants upon the question and they were strongly opposed to the Scheme. He had not put any pressure upon them.

Cross-examined by Mr Channell: Reading the protest would explain the objects of the opposition to the person who signed it. The protest was composed by himself and others. They had the Scheme at the time but not the Act of Parliament. He judged that if the Scheme were carried, the parish would be rated. He had a Parish Magazine under his control, in which it had been stated that if the Scheme passed the parish would be

rated. The signatures to the protest were obtained by him and his curate. He was Lord Sydney's private chaplain and the Scheme had been the subject of conversations between them. Lord Sydney did not request him to get the signatures. He declined to state who assisted him to draw up the protest. – Mr Channell asked whether Lord Sydney's solicitor was present at the time and Mr Bray stated that the Scheme [should this be the protest?] was drawn up in the office of Lord Sydney's solicitor.

Shortly afterward an adjournment was made for lunch.

Upon resuming Mr Warren was examined by Mr Bray. He said he had been steward of the manor of Chislehurst and Scadbury for more than 30 years. The area of St Paul's Cray parish was 1,650 acres, of which Lord Sydney owned upward of 1,000 acres exclusive of the Common. As regarded the rights over the Common, the commoners had not exercised any other rights except those of pasturage, and was not aware that they possessed any other. Lord Sydney had always exercised the sporting rights over the Common.

Mr Channell asked why Lord Sydney was not present personally, and the Commissioner said it was a general rule that the evidence of the steward of the manor was taken in such cases, in the absence of the lord of the manor.

Examination continued: Lord Sydney did not oppose Chislehurst being included in the Scheme. Lord Sydney had refrained cutting turf since January last.

Cross-examined by Mr Channell: There had been more sent away last winter he fancied than there had been previously. He had not seen any returns, but he was quite sure it was not so much as £300 worth. He knew that some of it was taken out of the parish and exported to somewhere. Strong objections were made against the removal of the turf, but he did not recollect any threat being made. The frontage of the Common added to the value of Lord Sydney's property. He could not enclose the Common in the face of public opinion. St Paul's Cray could not be rated for the Scheme unless a majority of their vestry resolve to do so.

At the conclusion of Mr Warren's examination Mr Bray said that that closed the evidence he was going to produce.

Mr Channell referred to the cricket club ground and said as a matter of fact other people had played, to which Mr Edlmann replied that they had always asked the permission of the club.

The Rev J.B. Parker said that he had been secretary of a club for many years and they had never asked permission to play.

Mr Edlmann said that instructions were given to the ground man, and it was always understood that other clubs playing on the ground had the tacit consent of the West Kent committee.

Mr Channell said he had some further figures to submit. The original memorial was signed by 219 persons; of these 12 were not ratepayers or outside the parish. The rateable value of the property represented was £21,281. Since then 12 ratepayers in St Paul's Cray and 82 in Chislehurst had signed the memorial.

Mr N. Balme read the 12 names from St Paul's Cray, who had signed the memorial, and as he did so they were subjected to some ridicule by the objectors who were in the room. One person whose signature was given was stated by the Rev G.L. Langdon to be dead. Mr Balme could not understand how he could have got the signature of F.A. Wells if she were dead, and said she was on the list of ratepayers, whereupon the Rev G.L. Langdon excitedly exclaimed "she is dead, sir, I tell you".

Mr Bray then proceeded to sum up his evidence for the objectors, and at the conclusion Mr Channell replied, after which the Commissioner said that so far as regarded Chislehurst there was no question as to the general feeling being in favour of a regulation Scheme. Therefore the only doubt was as to whether St Paul's Cray was or was not to be included. That was a matter of considerable importance, upon which he would not express an opinion at present. He should go over the whole matter carefully and shew that report to the Commissioners, who would no doubt report to the parties interested.

One or two matters of detail having been discussed, the court rose, having sat from 11am to 5pm.

To the Editor of the Times.

Sir, - I shall feel obliged if you will insert in your issue of the 20th inst., a correction of two important errors in your report of my evidence upon the proposed Scheme, relating to Chislehurst and St Paul's Cray Commons. I did not say "excursionists had been known to bring baths down", but that I had seen an old bath amongst other rubbish lying in the most beautiful parts of St Paul's Cray Common, and in reply to Mr Bray who asked me whether that was brought down by excursionists, I said "It might have been". Again, I did not say that some of the cottagers emptied their cesspools on the Common, but their cesspits, or house refuse receptacles. - I remain, Sir, yours obediently,

T. Charrington,

Mayfield, Chislehurst

November 17, 1885