

The Last Phase of the Enclosure of Otmoor

By A. V. BROWN

INTRODUCTION

THERE are already in existence a number of general accounts of the enclosure of the waste of Otmoor,¹ and the story of the disorders of 6 September 1830 is well known. What, perhaps, is not so familiar is the struggle of the people of Otmoor's 'Seven Towns'—Murcott, Fencott, Charlton, Oddington, Noke, Beckley and Horton—against the consolidation of the enclosure during the period 1832–35. In the County Record Office² there is an interesting collection of documents dating from this period which are of particular interest for the light which they throw on the problem of enforcing law and order in a rural area, only two or three years after the establishment of Peel's Metropolitan Force.³ This article, then, is an account of the last phase of a struggle which can be said to have started in 1787, when the first positive proposal to enclose was made.⁴

1832—A YEAR OF TROUBLE AND ITS ENDING

From the available sources it is clear that the Otmoor area remained unsettled from the time of the riots in September 1830. By July 1831 some of the proprietors were employing their own police or watchmen, and in the following September three of these men were involved with quite large crowds in disorders at Beckley and Noke.⁵ But it seems that it was not until the begin-

¹ See C. E. Prior, *Account of Otmoor, O.A.S. Trans. and Papers*, xl, Banbury, 1900.

J. L. and B. Hammond, *The Village Labourer, 1760–1832*, (London, 1913).

M. G. Hobson and K. H. L. Price, *Otmoor and Its Seven Towns*, Oxford, 1961?

V.C.H. Oxon., v, Oxford, 1957, 70–71.

² I am much indebted to Miss Marjorie Jones and to other members of the staff of the County Record Office for much kind and patient help; and to my tutor, Mr. L. G. R. Naylor, Vice-Principal of Culham College, for advice and encouragement when I was preparing the study of the Otmoor Enclosure of which this paper forms a part.

³ It will be recalled that the growth of a professional police force took place as follows:

1829 : Peel's Metropolitan force founded.

1835 : Borough forces set up.

1839 : J.P.s empowered to maintain county forces.

1856 : County forces made mandatory.

⁴ A. Croke, *A Short View of the possibility of inclosing Otmoor* . . . London, 1787. Bodl. Gough Oxf. 45 (10).

⁵ Brief for Mr. T. Justice. Bodl. M.S. Dep. b.48/12.

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ning of 1832 that determined and persistent resistance began, the first account of which is to be found in the hand of Sir Alexander Croke of Studley Priory.

A word about Croke may be appropriate at this point. The Croke family had been at Studley Priory since 1539,⁶ and Alexander Croke had all the pride of family and ownership that might be expected in such a case at such a time. Croke, by profession a lawyer, appears as a litigious, pugnacious and cantankerous man; and in addition he had a love of pamphleteering for which, one supposes, the local historian should be grateful. It was he who had made the first proposal to enclose in 1787, and from this point he goes on to play a leading part throughout the whole story.

On 19 January 1832, then, Sir Alexander Croke wrote to Mr. W. H. Ashhurst, the Chairman of the County magistrates, to tell him that he had applied to the Secretary of State for troops as the disturbances had been renewed 'in a more formidable manner', but that in his reply Lord Melbourne had refused to station troops permanently in the district. Croke goes on to tell Ashhurst that 'a very numerous force assembled last night armed with guns and did considerable mischief'.⁷

On 23 January, Ashhurst himself sent a lengthy report⁸ to Lord Melbourne which is of great interest, not only because it explains exactly what was happening on Otmoor, but because it also clearly shows the inadequacies of the old system of local administration when faced by such a problem.

According to Ashhurst as many as 150 men would come out on moonlight nights to cut the hedges and fences and vanish 'before any effectual force can be opposed to them'. The police (i.e. watchmen) had no warning of these operations, and were, indeed, all but powerless. He also described the difficulties which the magistrates had to face in meeting the situation. Although they were armed with the powers conferred by the 'New Special Constable Act',⁹ these were of little use to them because some of the constables were unreliable because of widespread disaffection, and even the reliable men were unwilling to risk their lives now that firearms had appeared. He maintained that the only possible plan would be 'to appoint a permanent Constabulary Force *regularly trained and armed* something similar to that of the Metropolis, who would be constantly on guard on Otmoor during Moonlight Nights in every month'. This, however, would involve the County in heavy expense and would also require the Government's sanction. Ashhurst

⁶ *V.C.H. Oxon.*, v, 63.

⁷ O.R.O. CPZ 15/8.

⁸ *Ibid.*

⁹ 1 and 2 Will. 4, c. 41. A comprehensive measure which laid down procedure for enrolment, legal obligations and administration of special constables. It 'imposes liability upon certain persons not exempt from serving in the office of constable'. (Halsbury, *Stat. Eng.* 2nd edition, London, 1950, p. 6.)

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adds that the magistrates were considering calling on Chelsea pensioners who lived in the area to give confidence to the special constables, for the Yeomanry were of little use, for although they had been called out several times, as soon as they appeared all activity ceased, only to begin again as soon as they had left the neighbourhood.

Ashhurst went on to point out certain legal difficulties arising from his interpretation of the new Special Constable Act. This provided for special constables to be sworn in 'In such parish or place, as aforesaid, or in the neighbourhood thereof'; but 'it seems doubtful whether it means that the neighbourhood signifies the Neighbourhood in the Division, or whether in this instance the Magistrates may go out of the Division'.¹⁰

There was also a problem of jurisdiction. Referring to 'a slight sketch shewing the situation of the Otmoor Towns' which he enclosed, Ashhurst commented:

... you will see that the whole of the Moor or Common where the cutting takes place and two towns only, are in one Division—and 5 Towns only and not any of the Moor are in another Division and Charlton is the principal Town in size—so that the Bullingdon District of Magistrates have the complaints laid before them—the Riots taking place on the Moor but they are uncertain whether their Power extends into the Ploughly Division and as no disturbance takes place in the Ploughly Division the Magistrates of that district cannot take cognisance of it—

Thus, in the minds of the magistrates it was doubtful whether the law would permit the operation of an effective system to meet the situation.

The first part of this problem had, in fact, already been referred to the Attorney General, Sir Thomas Denman, and he gave it as his opinion that 'persons residing in another division, but near the place where tumult is apprehended may be appointed as special constables'.¹¹ Shortly after this the County magistrates seem to have overcome any doubt over the question of jurisdiction, for on 17 February at an adjourned meeting of the Quarter Sessions they appointed a special committee of magistrates to deal with the emergency, which became known as the Otmoor Committee.¹² This consisted of nine members, including Ashhurst who was to be chairman, which was to present a report at each general quarter sessions. At the same meeting the

¹⁰ The Act clearly authorizes the enrolment of special constables in one county by magistrates of another. It may be thought that Ashhurst was making rather heavy weather of this point.

¹¹ Case for Opinion of Mr. Attorney General (21 January 1832). O.R.O. CPZ 15/17.

¹² Quarter Sessions Record Book. O.R.O. Q.S.M./11/8. The procedure adopted was that the report of the Otmoor Committee was recorded in its own Minute Book, and this was copied into the Quarter Sessions Record Book. The decisions of the County magistrates were in turn copied back into the Otmoor Committee's Minute Book. Henceforth all references will be made to the Minute Book, O.R.O. CPZ 15/2.

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magistrates recorded their unanimous conviction 'that the strongest Constabulary force which they . . . have it within their means to raise' could not stop the outrages, and they again decided to apply to the Home Secretary for regular troops, and also that he should be asked to consider the possibility of increasing the permanent (regular) staff of the County Militia. Ashhurst sent a copy of these resolutions to the Home Office with a covering letter dated 19 February 1832.¹³ In this he took the opportunity to point out that the magistrates considered that the law was inadequate to deal with the Otmoor disorders, since the Act 9 Geo. 3, c. 29 had been repealed. This, he said, had made the destruction of fences a felony punishable by transportation, but now, under 7 and 8 Geo. 4, c. 29 it was merely a misdemeanour liable to be punished by a small fine, or in default of payment, by two months imprisonment. Ashhurst also expressed the gratitude of the magistrates for the company of Guards which had been sent to the district.

In a prompt reply, Melbourne pointed out that although it was true that a light punishment had been fixed for the first offence of breaking down fences, the offences committed on Otmoor were of a more serious description, being indictable as conspiracy and 'liable to fine and imprisonment at the discretion of the Court'. He also told the magistrates that the Militia permanent staff could not be increased, and that 'the Government cannot sanction the stationing of a permanent Military Force at Otmoor'.¹⁴

Melbourne's second refusal of a permanent garrison, side by side with Ashhurst's acknowledgement of the detachment of Guards may appear confusing. It seems, however, that although there were regular troops in the district at this time, the Government was determined to withdraw them as soon as possible, and firmly resisted all the urging of the County magistrates to keep them there permanently.

The first meeting of the Otmoor Committee took place at the Star Inn, Oxford, on 24 February 1832.¹⁵ At this meeting the members decided to ask the Home Secretary for fourteen 'of the London New Police Officers' for eighteen days every month, including four days of travelling. In this way the Moor could be watched on the moonlit nights when the outrages took place. The 'Head Watchman', who was to be selected from these policemen, was to be assisted by two local special constables 'to be appointed to each of the Towns of Fencott, Murcott and Charlton—whence are considered to issue the more numerous and daring of the Offenders'. It was also decided to ask

¹³ O.R.O. CPZ 15/8.

¹⁴ O.R.O. CPZ 15/8, 21 February 1832.

¹⁵ Minute Book. The Star later became the Clarendon Hotel. F. W. Woolworth's store now occupies the site.

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the Lord Lieutenant to arrange matters so that a detachment of 50 Yeomanry would be available, and to offer a reward of £50 for information about anyone engaged in felony, riot and conspiracy on Otmoor. Further evidence of the state of local opinion is to be found in another resolution which refers to the ineffectiveness of the special constables because of 'their entire concurrence with the views and purposes of the Rioters themselves'. Copies of these resolutions were sent to the Home Secretary and to the Lord Lieutenant.

The Otmoor Committee met again on 1 March, to hear that Lieutenant-Colonel Rowan, the Commissioner of the Metropolitan Police, could not supply more than four of the part-time police requested by the Committee. It was then decided to ask for fourteen regular policemen, to be paid five shillings a day, and a superintendent to be paid according to Colonel Rowan's advice. The Committee also decided to ask the Home Secretary if there was any truth in a report that the Coldstream Guards were to be withdrawn from the district.¹⁶

March 1832 was, indeed, a busy month for the Chairman of the Otmoor Committee. There is a small notebook among the documents in the County Record Office which is marked 'Otmoor Memoranda', and although it does not bear the owner's name, the handwriting is clearly Ashhurst's. This tells us that the police arrived on Monday, 5 March, and on the following day were sworn in as special constables. The superintendent of this small force was James Chamberlayne (or Chamberlain) who had been a serjeant in the 7th Hussars. On the following Friday Ashhurst went with the Rev. T. Leigh Cooke, one of the Otmoor proprietors and a trustee for the enclosure, to see Colonel Standen (who seems to have been in command of the Guards) to ensure that they would turn out to assist the police if necessary. Three days later (12 March) Ashhurst was in London at the Home Office trying to persuade Mr. George Lamb to delay the departure of the Guards from Islip. Here, he had to be content with a promise to raise the matter at Horse Guards, but when, two days later back at home, he had the officers to dine with him, he was told that they had their route to march on the next day. Ashhurst had been busy earlier on the day of this dinner party, swearing in special constables at Charlton and Fencot. This had been an unsatisfactory business, for as he noted, those concerned seemed 'altogether to decline to act'.¹⁷

There were also difficulties with the watchmen appointed by the proprietors, and with the newly-raised police force. At the Assizes in March, three men employed as policemen—i.e. watchmen—by Sir Alexander Croke,

¹⁶ Minute Book.

¹⁷ Ashhurst Memo. O.R.O. CPZ 15/10, 14 March 1832.

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were acquitted of stealing three geese belonging to Richard Honour and Charles Busby of Murcott. Richard Mace, a witness for the Defence, said that 'there were about 200 fence cutters out that night; they were armed with guns for they fired at me'.¹⁸ Shortly after this Mace, who seems to have been the supervisor of Sir Alexander Croke's watchmen, declined to act under the new police superintendent, Chamberlayne, and left for London. Finally, Chamberlayne had to discharge one of his men who had become drunk and behaved riotously in public at Charlton.¹⁹

Ever since September 1830, affairs on Otmoor had attracted attention beyond the bounds of the Moor itself. Also at the March Assizes, an Oxford wine merchant named Richard Smith stood trial for publishing a criminal libel in four issues of *Jackson's Oxford Journal* in March and April 1831.²⁰ This action, which failed, was brought by the Rev. T. Leigh Cooke and Sir Alexander Croke; and during the hearing Smith's counsel described Croke as 'continuing to harass everybody who takes a part in [the Otmoor question] with these prosecutions'.²¹ It is interesting to note that *The Oxford Herald* of 31 March 1832 reported that Croke had allotted a half-acre of land to every poor man of Studley; and although it is true that in 1787 Croke had proposed that an acre should be allotted to every cottage house,²² one may wonder whether this later action may have been something of an attempt to improve what Croke may have felt to be an unfavourable public image. That Croke may have been unpopular in certain quarters is suggested by an item in the same issue of *The Oxford Herald* which announced that upwards of 5,000 people had subscribed to defray Smith's legal expenses and that 'new Subscribers are constantly coming in'.

The Otmoor Committee met again on 2 April. They were told that no informers had come forward, in spite of the promise of a £50 reward. They were also told of the dispositions of the new police force: six stationed at Oddington, under a man who had recently been a serjeant in the Third (Scots) Guards; four at Horton; and two at Beckley, with the Superintendent, Chamberlayne. The unsatisfactory response which Ashhurst obtained when the special constables were sworn in on 14 March was noted, and also that no one at Charlton would provide lodgings for any of the police 'partly through fear but more generally from a fixed determination not to give any facility to the protection of the property of Otmoor'. In spite of this, it was reported

¹⁸ *Oxford Herald*, 10 March 1832.

¹⁹ Ashurst Memo. 17 and 28 March 1832.

²⁰ *Jackson's Oxford Journal*, 10 March 1832.

²¹ *King v Smith*, 72.

²² A. Croke, *A Short View of the possibility of inclosing Otmoor* . . . 12.

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that the combined presence of the police, and also of the Guards at Islip and Charlton, had prevented both disturbances and hedge cutting.

The Committee was also told of an interview which Ashhurst and another member Mr. J. W. Henley, had had on 14 March with two men named Kirby and Price, 'defendants in an action of Trespass and very violent men'. Their case, which arose from the trespass of a colt belonging to Kirby on Croke's land in May 1831, was due to come up at the Summer Assizes, but they told Ashhurst and Henley that the proprietors would never try their right but instead were attempting to 'tire them out by Law expences'. Ashhurst had taken them up on this and had written to them to suggest that both parties should agree to try the question of right only; but the Committee was told that not only had they peremptorily turned down this suggestion, but they had also been very violent with the policeman who had carried the letter. From this the Committee concluded that there was no hope of reaching an understanding and that they must be ready to resist any attack with force. Chamberlayne, it was stated, was confident that he could prevent any 'petty depredations', but he would not be able to deal with any large-scale activity unless he had military backing. But unfortunately the Home Secretary still persisted in his refusal to station troops permanently at Islip, and the 'Yeomanry at this time of year particularly (seed time) cannot expect to continue out from home'.

The Committee was also concerned at the cost which had to be met by the County ratepayers. The police cost £26 5s. *od.* weekly, and in addition it was considered necessary to provide them with a pistol apiece, since each man had brought with him only a staff, a cutlass and a rattle. Eight pair of pistols at 30s. a pair had therefore been ordered from Birmingham. It was also noted that Sir Alexander Croke had paid out £44 4s. *od.* 'for Mace the former police constable and the Parish Special Constables'. Finally, the Committee, in noting that a survey had been made and that a drain was at that moment being cut with the object of preventing land in and above Murcott and Fencott from flooding, recorded their appreciation of 'the alacrity with which the Trustees of Otmoor attended to the suggestions of the Magistrates at the special adjourned Sessions'. This was obviously an attempt to come to terms with the group of farmers whose action in June 1830 in cutting the embankment of the Ray, had set off the train of trouble on Otmoor.²³

It seems that a letter was sent off to the Home Office on the same day as this meeting of the Otmoor Committee, for on 3 April Lord Melbourne replied to a letter which is described as dated '2nd Instant'. In this he again

²³ Minute Book. See also, Note 30 below.

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told the magistrates that regular troops could not be maintained at Islip ; and indeed, shortly after this they were withdrawn, for in his notebook on 7 April Ashhurst recorded: ' Guards left Islip on the 3rd.—Yeomanry came according to order on 7th.'²⁴

On 12 May the Committee met three of the proprietors—Sir Alexander Croke, the Rev. T. Leigh Cooke and the Rev. Philip Serle, Rector of Oddington. These were told that the task of the police was to be constantly ready to deal with major disorders ('congregated offenders') and that they could not in addition look after private property, which the proprietors themselves would have to continue to protect. Chamberlayne, therefore, who was in attendance, was instructed to withdraw his men during the day ; and the commander of the Yeomanry troop, Captain Whitmore Jones, was told that he should deal with riot or disturbance 'by any means short of military force but that this force should never be employed except under the sanction and attendance of a magistrate to warrant it'.²⁵ The magistrates were walking very delicately.

During this period Otmoor had been quiet. Although, at the end of April, a gate had been damaged and some hedgerow had been destroyed, as Chamberlayne reported: 'there has been nothing like Riot or Disturbance ; the cutting has been altogether done by stealth...'²⁶ The Yeomanry were called out for periods of only about ten days in April and May, but not at all in June, but in spite of this nothing untoward occurred, even during the 'holiday meetings' during the Whitsun week.²⁷

The case of the man Kirby, which Ashhurst and Henley had tried to settle in March, came up for trial at the Summer Assizes. A special jury, in accordance with the direction of Mr. Baron Gurney, found for Sir Alexander Croke and awarded him nominal damages.²⁸ There is a note of satisfaction in Ashhurst's jotting, recording the result of the trial as 'confirming the Award and establishing the Rights of the present proprietors of the Land on the Moor'.²⁹ He probably saw the verdict as finally settling any doubt about the legality of the Enclosure and the Award which had arisen during the trial of the twenty-two farmers in July 1830.³⁰

²⁴ O.R.O. CPZ 15/8.

²⁵ Minute Book.

²⁶ Report, O.R.O. CPZ 15/6.

²⁷ Minute Book. Meeting held 3 July 1832.

²⁸ *Jackson's Oxford Journal*, 30 June 1832 ; and *Oxford Herald*, 25 August 1832.

²⁹ Ashhurst Memo. 23 August 1832.

³⁰ The plan for draining Otmoor included the excavation of a new channel for the River Ray. This caused floods on hitherto dry land and to divert these a group of farmers cut the new embankment. They were tried and acquitted of a felony in July 1830. During the trial Mr. Justice Parke said that the Commissioner for the Enclosure 'had very much exceeded the power granted to him by the Act, in thus altering the course of the river'. (*Oxford Herald*, 11 September 1830.) It seems that the Otmoor people took this to mean that the Enclosure Act of 1815 was null and void.

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This conviction that the long-standing dispute had at last been settled seems to have been common to the other members of the Otmoor Committee. In fact, they seem to have been rather too pleased with the situation, for on Saturday, 15 September the Committee could not proceed to business because the necessary quorum of five was not available, only three members putting in an appearance. But at the postponed meeting which took place a week later, they had further reason to be pleased when Chamberlayne reported a satisfactory state of affairs on the Moor, and it was decided that after the pleasure fairs which were just about to take place in the Otmoor neighbourhood, a start could be made with reducing the strength of the police.³¹ Accordingly, on 24 September Ashhurst wrote to Croke to tell him of this decision. This caused the trustees some anxiety and on 6 October they sent a memorandum to the County magistrates, which they later supported by affidavits sworn by Croke and Serle, and also by Chamberlayne and two of his policemen, all stating their conviction that trouble was likely to take place in the parish of Beckley and that the police would be needed to deal with it.³²

In their memorandum the trustees said that although they considered that the result of the recent trials would indeed have a favourable effect, and although since the police force had been employed the proprietors had, except in the cases of two or three small allotments, recovered possession and restored their fences, they considered that the continuance of this state of affairs depended upon the retention of 'a portion of the present police force . . . during the winter months'. If this were done the trustees considered that during the next spring the boundary fences between the townships would be restored.

At Michaelmas the Committee submitted a satisfactory report at the Quarter Sessions and recommended that the police should be gradually withdrawn. Two men had already been discharged and they considered that the rest could be dismissed over a period of two or three months. The members again complained that the law was inadequate to deal with the offence of destroying enclosures, and suggested that the matter might again be taken up with the Home Secretary. The County magistrates in reply, ordered the reduction of the police force to a strength of nine men, including the superintendent, and reappointed the Committee as before.³³

It is not difficult to understand why the magistrates were so anxious to reduce the police establishment, for over the period 6 March–22 October 1832, the small force had cost the ratepayers £850 15*s.* *od.*, expenditure which, as we shall see, caused much dissatisfaction in the County.³⁴ So when

³¹ Minute Book.

³² O.R.O. CPZ 15/8 ; CPZ 15/8, 6 October 1832 ; and CPZ 15/17.

³³ Minute Book. Meeting held 15 October 1832.

³⁴ See Ashhurst's letter to Lord Melbourne dated 19 February 1833, O.R.O. CPZ 15/8.

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Chamberlayne on 31 December, reported that all was quiet on the Moor, the Bench at the Epiphany Quarter Sessions of 1833 decided to dismiss four more of the policemen. It is true that Chamberlayne had reported that 'some of the persons around the Moor have occasionally said that they would have the Moor as soon as the Police Officers were removed'; and the magistrates themselves considered that the peaceful state of the neighbourhood was owing to the fact that the greater part of the Moor had been under water for some time.³⁵ But they obviously thought that the worst was over and felt justified in taking what must have seemed to them a reasonable risk.

1833 AND 1834—TROUBLE AGAIN

The magistrates were wrong, for this period of quiet ended violently in February 1833. On 2 February Ashhurst recorded: 'A bridge over the new cut destroyed—about 200 yards of live fence cut up—and three-quarters-of-a-mile of footset fencing destroyed Murcott side.'³⁶ There is further information about this destruction in a letter written by Croke to Ashhurst on 4 February in which he said that on the previous Saturday a bridge recently built over a canal which intersected the Roman road and about a mile of his fences along the same road 'and quite to Moorcott' had been destroyed. The old man seems to have been almost at the point of despair. 'We had endeavoured to conciliate the people', he wrote, 'by doing them little favours, as giving them leave to shoot wildfowl on our lands, and I have been employing a Charlton man in Otmoor work, but it seems of no use.' He went on to complain that the police especially Chamberlayne, neglected their duty, and he added: 'Unless we can be protected against these lawless assemblies of rioters we shall be robbed of our property...'³⁷

On the night of 8 February some 1,000 yards of dead fencing belonging to John Sawyer, Lord of Oddington Manor and a trustee, were destroyed; and on the same night the windows of one of the police lodgings were broken.³⁸ Something approaching intimidation was developing, for on 10 February Chamberlayne reported that Constable Leddham, and Constable Mount and his family had to stay up all night because some men from Noke had threatened to damage the house; and on the 14th he attested that he and his men could not go through the villages without being insulted and abused, and that he could not carry out his task with the force at his disposal.³⁹

³⁵ Minute Book; and Report dated 31 December 1832, O.R.O. CPZ 15/8.

³⁶ Ashhurst Memo.

³⁷ O.R.O. CPZ 15/8.

³⁸ Ashhurst Memo. 8 February 1833.

³⁹ O.R.O. CPZ 15/8.

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This second statement of Chamberlayne's was put before a special general meeting of the Oxfordshire magistrates held in Oxford on 14 February. At this meeting it was resolved to increase the police strength to a total of nine ; to empower the Otmoor Committee to make a further increase before the next Quarter Sessions ; to reduce the quorum of the Committee to three members ; and to offer again a £50 reward for information. The magistrates also decided to ask the Government to offer an additional reward, in the hope that such support would have a salutary effect.⁴⁰

On 19 February Ashhurst sent a report to the Home Office, and put forward the suggestion that the Government should offer an additional reward. He also brought up the old question of the alleged weakness in the law dealing with fence breaking, and urged that the old Act should be re-enacted. Melbourne replied on the next day through his secretary, and the magistrates were told that the Government was prepared to increase their reward by an additional £100 ; but the suggestion that fence breaking should be again made a felony was ignored and instead, the magistrates were recommended 'to re-establish immediately an efficient Police Force'.⁴¹

Another point made by Ashhurst in his letter to Lord Melbourne was that the expense of protecting property on Otmoor was causing 'great dissatisfaction among the contributors to the County Rate'. That the local people were aware of this feeling and hoped to profit from it is indicated by what passed at an encounter near Islip between Chamberlayne and Constable Patrick Rowan, and a Mr. Crowdy, a farmer of Charlton, whose gig overtook the policemen. Crowdy, who was described as 'rather fresh' said that he had heard that the police were to be withdrawn within a few days and added 'and then Old Alec (meaning Sir Alexander Croke) should pay the expence himself for the County would not stand it any longer'. Crowdy went on to say that 'the Charlton people pay tax for some of the land that Mr. Serle has, and we'll have it in spite of Old Aleck—for that it belonged to the Charlton people up to the Oddington Road and it was their Right and when they got that they'd be quiet'.⁴²

At the Easter Quarter Sessions the Otmoor Committee reported that the police force had been strengthened as directed, and that on 28 March a bridge called Moorleys had been destroyed and on 5 April a private bridge belonging to Leigh Cooke had suffered similarly. The Committee added that although there was no reason to suppose that any large number of persons had been responsible for these misdeeds, the spirit of the Otmoor people was as bad as

⁴⁰ Minute Book.

⁴¹ O.R.O. CPZ 15/8.

⁴² Ibid.

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ever. The members also noted that on 22 March an investigation had been held to examine a complaint made by five of the police against their superintendent, Chamberlayne, and that during the following week Chamberlayne had resigned.⁴³ Although there seems to have been some doubt about the worth of the evidence heard at the enquiry, the Otmoor Committee was probably pleased to see him go, for there had been an earlier complaint alleging 'drunkenness.—Partiality—Negligence & Tyranny',⁴⁴ and Croke's opinion of his worth has been noted above.

But the post of superintendent of the Otmoor Police was no sinecure. Just after the renewal of activity on Otmoor in February, Chamberlayne reported to Ashhurst that there had been so much water on the Moor that the trouble spots near Murcott could be reached only by going around on the hard road and that communication between police beats was impossible. Also, one of the police was laid up 'in consequence of having bad feet from being constantly sugged with wet and dirt while on duty'.⁴⁵ We should also remember that the policemen and their families had to live among people who had taken to expressing their opinions by breaking windows and in public abuse. It was of great importance, therefore, that the man chosen to take Chamberlayne's place should possess well-developed qualities of leadership, determination, and—to deal with the Otmoor folk—a combination of tact, patience and firmness.

Ashhurst attended to this matter himself. Accompanied by Major J. Weyland, M.P.,⁴⁶ who as High Sheriff had been out on Otmoor during the great riot of 6 September 1830, he visited the Police Office in London⁴⁷ and from the two candidates interviewed, chose a serving policeman named Layard. George Henry Layard (or Laird) had been a lieutenant in the 89th Foot but had had to retire on half pay because of ill health. He then got married, ran into financial difficulties and had to sell his half pay, and then joined the Metropolitan Police Force. He quickly became a serjeant and at this time stood well for promotion, and his superiors thought so well of him as to allow him to retain his rank (without pay) during a period of duty on Otmoor. He was the son of a clergyman who had 12 children, and seems to have possessed his own crest;⁴⁸ but in spite of his 'respectable connections' Ashhurst

⁴³ Minute Book.

⁴⁴ Ashhurst Memo. 5 April 1832.

⁴⁵ O.R.O. CPZ 15/8.

⁴⁶ In the *Jackson's Oxford Journal* of 7 May 1831, Weyland is described as 'in favour of reform and favourable to the abolition of slavery'.

⁴⁷ O.R.O. CPZ 15/8.

⁴⁸ Or at least, something which passed for one. On one of his reports there is a seal which shows the impression of a six-pointed star over a coronet, set over the initials G.H.L.

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and Weyland did not find him 'at all presuming',⁴⁹ and on their recommendation he was appointed.

He took over his new duties within about a fortnight, for there exists an inventory of equipment at Oddington which was handed over to him by Chamberlayne on 22 April, 1833. At the end of May he secured the discharge of two policemen, one for negligence and neglect of duty, and the other for ill health; and there were two other dismissals for unsatisfactory conduct during the following four months.⁵⁰

The disorders on Otmoor continued throughout 1833. In May a bridge at Noke was partly destroyed by the removal of the top slabs or coping stones, and at about the same time a man named Thornton at Charlton who had put his fences in order, pounded some cattle which had been turned into his allotment. These were recovered on payment, but afterwards his house was attacked and his windows were broken, and some of his trees were destroyed. Threats were also made to demolish his fences, but the police had been warned, and were able to prevent this. Another man named Higgs was beaten after pounding some cattle, and during a disturbance in June, a policeman was attacked, but managed to escape. Shortly after this the police nearly succeeded in catching a party of fence cutters. It appears that Layard received information that something was to happen on the night of Tuesday, 2 July. He therefore took out four men to a point about 400 yards from Moorleys Bridge, near Beckley. At about 11.30 p.m. three men appeared, but Layard sprang his trap too soon and they ran away before they could be seen to have done any damage. The police gave chase and caught the three, Thomas Coleman, Thomas Holt and Austin Jessop. Two of them were carrying a bill-hook apiece and wore 'a leathern boot' on the left arm, and the other carried a pitchfork. They said that they had come to cut a few bushes for fuel, but they were detained for the night. The magistrates consulted Mr. Serjeant Talfourd and told him that they would prosecute only if there were 'a moral certainty' of conviction, and when Talfourd advised against prosecution the matter was dropped.⁵¹

It will be noted that the police were now beginning to receive information about the activities of the Otmoor men. It seems that it was Thornton himself who told the police that his fences were to be demolished, and in a later report a man of the same name is said to have told the Rev. Philip Serle that a man named Gomm had been present when the bridge on the Roman

⁴⁹ O.R.O. CPZ 15/8.

⁵⁰ Layard Reports 22 April and 28 September 1833. O.R.O. CPZ 15/15; and Ashhurst Memo. 25 May and ? July 1833.

⁵¹ Layard Reports, 25 May, 22 and 29 June 1833; Minute Book for the Midsummer Quarter Sessions, 1833; and Brief for Mr. Serjeant Talfourd, O.R.O. CPZ 15/17.

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road had been destroyed in the previous February, and that Gomm had seen a mason named Neale active in the business. By September Layard was able to report that he had an informer in Charlton, and it will be seen later that it is likely that this was the man Gomm, named by Thornton. The name of Thornton—Richard Thornton—happens again as that of a man who on 3 August made three separate depositions to Ashhurst, which seem to have been the first step taken in preparing the prosecution of Edmund Neale and George Savage for the destruction of the bridge on the Roman road on 2 February.⁵² These statements are of particular interest in providing a vivid account of assembly and departure of a party for work on the Moor. Thornton describes how some 40 or 50 men met quietly in the Crown at Charlton, which was kept by Thomas Higgs, on the night of 2 February. They were dressed in shabby old jackets and smock-frocks, and their faces were either blackened, or veiled with black scarfs. They carried guns, bill-hooks, forks and 'great sticks'; and those with bill-hooks wore the equipment of the hedger—leather cuffs, or bracers, on their left arms. The Charlton overseer, a farmer named Richard Priest, bought beer for the men and at about 10 o'clock when the moon rose, the men went out on to the Moor. Thornton heard the party return between 1 and 2 a.m., and about 10 or 12 of them went off in the direction of Fencott and Murcott. The men cried out 'Huzza' and 'Otmoor for ever'—the cry which had been heard on Otmoor and in St. Giles' on the day of the riots in September, 1830.

It is also clear from Thornton's statements that certain farmers and tradesmen encouraged these activities. As well as Priest, another farmer named Richard Crowdy—probably the same man who, 'rather fresh', had words near Islip with the two policemen—bought beer for the men; and a butcher named Thomas Bonner did the same. Michael Cooke of Charlton who is later described as the constable of Fencott, took lead to William Hilsdon the blacksmith of Fencott, to make bullets for a party going on to the Moor 'to defend themselves with...'. Even those who had benefited from the enclosure seem to have been half-hearted about their rights—or intimidated—for Richard Alley, whose name is in the Award, declared that 'he would not give up his piece of land unless they would cut up all the rest; but if they would cut up the other fences he would give up his'.

Richard Smith, Croke's adversary, makes an appearance in these depositions. Thornton says that he had seen Smith at meetings and that when he came to Charlton 'we always used to ring the bells'. On one occasion he put a sovereign into a box marked 'Otmoor Subscriptions' which was kept

⁵² Layard Reports, 11 May, 4 July and 28 September 1833; and O.R.O. CPZ 15/8.

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in the Crown, and made a promise of more, for which he was thanked by the farmers who were present.

It did not take the police and magistrates long to forge the next link in their chain of evidence against the bridge breakers of February, for exactly a week after Richard Thornton had made these statements, the man Gomm gave information on oath which incriminated two men named Neale and another called Savage.⁵³ On 23 November, Savage and one of the Neales seem to have been committed, but one of Layard's reports indicates that the other Neale—Richard—had left the district.⁵⁴

There was an improvement in the situation by the autumn, for although some people from Charlton were out on the Moor on 27 September, the local feasts held at about that time passed off without incident.⁵⁵ Minor disorders occurred, however, from time to time. Thus, on Guy Fawkes' night some more policemen's windows were broken,⁵⁶ and ten days later between 11 and 12 p.m. four men attacked an unfortunate man named Ward as he was going home to Islip, apparently mistaking him for a policeman. In Charlton on 30 December 'one of the men out on bail till the Assizes' with some other persons, broke the windows of Constable Cocking, and when Cocking tried to arrest a man named Crowdie (*sic*) the door of the Crown—'a new beer shop . . . notoriously ill-conducted'—was shut in his face. Shortly after this there was a noisy incident at the George and Dragon—Charlton's other public house—when Price, the village constable, tried to whip up feeling against Cram of the Otmoor police; and at the end of January there was more window breaking. But in spite of all this there was 'but a trifling destruction of fences' during this period and the general state of affairs remained satisfactory.⁵⁷

The man who broke Constable Cocking's windows was probably either George Savage or Edmund Neale, who came before Sir John Patteson at the Oxfordshire Lent Assizes of 1834, or James Crowdy, who is described in the indictment as too ill to stand trial.⁵⁸ Savage and Neale were charged with the destruction of a bridge 'in the neighbourhood of Otmoor Common' on 2 February 1833, and the main witnesses for the prosecution were Richard

⁵³ Ashhurst Memo.

⁵⁴ Unsigned note, O.R.O. CPZ 15/?; and Layard Reports, 14 February 1833.

⁵⁵ Layard Reports, 28 September 1833; and Minute Book for the Michaelmas Quarter Sessions, 1833.

⁵⁶ Ashhurst Memo. 5 November 1833. Summary convictions of Richard Gunter and Thomas Coleman of Beckley, on 30 November 1833 'for damaging several panes of glass' were filed and recorded at the Epiphany Quarter Sessions, 1834. Quarter Sessions Record Book, O.R.O. QSM 11/9.

⁵⁷ Layard Reports, 17 November and 31 December 1833, and 5 and 25 January 1834; and Minute Book for the Epiphany Quarter Sessions, 1834.

⁵⁸ *Oxford Herald*, 8 March 1834. The account which follows is taken from this report.

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Thornton and Samuel Gomm. Gomm's evidence was the core of the Prosecution's case, since he claimed to have been present when the bridge had been destroyed and to have seen the two accused men and James Crowdy knock in its crown. Counsel for the Defence attempted to attack Gomm's credibility, and at one point he seems to have hinted at some bargain between the authorities and Gomm in connexion with a prison sentence which he was serving for firing a gun on Sunday, or for poaching.

The Defence put forward an alibi for the accused, and produced a number of witnesses which included Thomas Higgs of the Crown, and his wife and son. It was stated that Neale, Savage and Crowdy spent the evening of 2 February in Higgs' house playing cards and eating bread, cheese and onions and bacon, and that after this they had stayed for the night. One, John Cooper, stated in evidence :

I remained locked up in the room where Neale's shoes and hat were. Higgs' daughter was locked up by her father in the room with me. I have slept there on other occasions, locked in the same room as Higgs' daughter . . . I was courting Miss Higgs at the time.

In his summing up the Judge said that he himself ' had been in some degree accessory ' to the Otmoor disturbances because of his leniency three years before, when he sentenced the Otmoor rioters of 6 September 1830. In spite of this remark—which may have seemed somewhat prejudicial—the Jury, after a short consultation, found the prisoners not guilty.

The evidence of Samuel Gomm and his wife Caroline is of interest in showing the general attitude of the people of the Otmoor district at this time. Gomm said: ' It is not safe for any person to live at Otmoor who gives information about the Otmoor rioters ', and Mrs. Gomm stated: ' When he gave information we lived in Charlton, but we could not stay there afterwards in consequence of his having done so.' ' Oddy bells always ring : " Hang Sam Gomme, Save Will Young " ' says a character in Robert Graves' *The Antigua Stamp*.⁵⁹ It is clear who this Sam Gomme was, but the name Young appears only once in the documents examined and that in an uncompleted entry in Ashhurst's notebook, dated 2 November 1833, which reads :

' Men charged with Stealing Bricks and break (*sic*) a Bridge—Young & '

The magistrates do not appear to have been disappointed by the verdicts in this case, for in their report which was presented at the Easter Quarter Sessions of 1834 they remarked that although the two men had been acquitted, they considered that the trial itself and the observations of the Judge would

⁵⁹ 269. (Originally published as *Antigua, penny, puce*, New York, 1937.)

have a beneficial effect. They pointed out that some of the farmers were beginning to fence and cultivate the disputed land, and they expressed the 'reasonable hope' that it would shortly be possible to withdraw the police and save the heavy expense of their upkeep, which for the last quarter had amounted to £251 16s. 6d., and to £972 10s. 4d. for the past year. In view of this, they did not consider it necessary to replace a policeman who had just resigned, and they also thought that during the next quarter 'further deductions may with safety be made, though it would hardly be safe to withdraw the whole Force at once'.⁶⁰ The Committee, however, left the actual decision to the County magistrates, who were content to leave the vacancy in the police force unfilled, and to reappoint the Committee as before.

By midsummer the police strength had been reduced to a total of five, and the Committee was able to report that all was still quiet on Otmoor. They also recorded that the proprietors and occupiers were ready to restore their fences 'although there is still a diffidence amongst them of being secure in the enjoyment of their land'. At Michaelmas the Committee mentioned what it considered was 'an auction puff' in an advertisement of the sale of some land at Charlton which belonged to a Mr. Kirby, which stated that the Moor would soon be thrown open and that rights of common would soon be attached to the land which was offered for sale. The report also explained an arrangement which had been made at the previous Quarter Sessions according to which the proprietors would pay the 'subaltern' of the police force, i.e. the rank and file, at a rate of £1 a day, and the County would continue to pay the Superintendent 10s. daily.⁶¹ This was approved by the County magistrates.

1835—THE LAST INCIDENTS AND THE END OF THE AFFAIR

But the troubles on Otmoor had not quite ceased, for early in January 1835 Layard received information from various sources, including two persons named Coleman who 'have hitherto been notorious for the part they have taken in the Otmoor affrays', that another big fence-cutting expedition was being planned; and at about the same time Richard Thornton complained of repeated damage to the fences around his 60 acres of enclosed land. He had also been busy putting up fences for the other proprietors and he had been repeatedly threatened by people of Charlton, Fencott and Murcott, some of whom had been convicted 'of offences connected with the Otmoor business'. In particular he named William Hopcraft, John Pinfold, William and John Price, Thomas Read, Thomas and Job Coleman, Francis Auger and two persons named Langston. Three days later, on 9 January, Thornton made

⁶⁰ Minute Book.

⁶¹ Ibid.

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another deposition in which he again complained of threats, but Ashhurst and Henley thought it much too general to justify any positive action.⁶²

At this time Layard seems to have been acting as an intermediary in a scheme to provide some of the poor with land. A Mr. Hallowell of Islip was willing to let his land for this provided that Mr. Palmer, the overseer of Murcott and 'another respectable farmer' of the same place would stand as security for the rent. Apparently, three men wished to take advantage of this offer, but it is not clear what happened. But a tenant of Hallowell's named Haskins, who had 27 acres at Murcott, met trouble towards the end of January when a considerable body of men spent several hours by night turning in the furrows of about half-an-acre of newly-ploughed land. As the Otmoor Committee was anxious to persuade farmers to cultivate the enclosed land, Layard was instructed to keep a special watch when Haskins next ploughed. This was done, but on 31 January Layard reported that nothing had happened.⁶³

Following this incident, a special meeting of the Otmoor Committee was held on 7 February at which it was decided to help Haskins as far as possible. The Committee also noted the rumours of a new plan against the fences (mentioned above) and authorized Ashhurst to order additional policemen from London if any serious trouble looked likely and the Committee could not be readily assembled.⁶⁴ The members had learnt the lesson of February 1833.

But there was no repetition of the events of that time, only a series of petty annoyances. On 9 February Haskins had about a quarter-of-an-acre of ploughed land turned in, and later, about 12 yards of fence pulled down.⁶⁵ He was also threatened early in April and was given police protection for a night, during which nothing happened.⁶⁶ Indeed, it seems that by this time the Otmoor men were at last losing heart and beginning to accept the inevitable, for at the Easter Quarter Sessions the Committee reported that large portions of the Moor had been fenced and the farmers were ready to cultivate. To encourage a feeling of security Layard was authorized to employ three or four dependable local men to assist the police who were employed by the proprietors on moonlight nights.⁶⁷

These trivial incidents in the spring of 1835 are the last of the Otmoor disturbances, if we are to judge from the minute book of the Otmoor Committee and the local press. At the Trinity Quarter Sessions the County magistrates were told that 'since the last Sessions every thing has been going on with

⁶² Layard, Deposition, 6 January 1835, O.R.O. CPZ 15/15; and O.R.O. CPZ 15/15.

⁶³ Layard Reports, 17, 27 and 31 January 1835.

⁶⁴ Minute Book.

⁶⁵ Layard Reports, 28 February 1835; and Minute Book for the Easter Quarter Sessions 1835.

⁶⁶ Layard Reports, 6 April 1835.

⁶⁷ Minute Book, for the Easter Quarter Sessions.

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perfect quiet', a state of affairs which was 'almost entirely to be attributed to the protection . . . of the Police Force'. This, the Committee stated, was mainly 'to be attributed to Mr. Layard, the Superintendent, who by his quiet, but at the same time firm and proper conduct has conciliated all parties—and at the same time that he has kept up his authority over the Men under his charge, has also commanded the respect of the Inhabitants of the Parishes around the Moor'. The Committee, therefore, went on to suggest that Layard should be given reasonable notice of dismissal or pay 'for the same time', and following this advice, the magistrates decided to discharge him at Michaelmas, 29 September 1835. They also directed that an extract from the report which referred to 'the Committee's approbation of his conduct' should be sent to him.⁶⁸

The long history of the Otmoor enclosure ended with neither a bang nor a whimper, but with a report which was approved and recorded at the Michaelmas Quarter Sessions of 1835. This, after the customary preamble, reads as follows :

The Committee who were appointed to Superintend and pay the Police Force stationed on Otmoor, for the Preservation of the Peace, and for the Protection of the Inhabitants, and the Security of Property Report, That according to the Order of the last Sessions they have made their last payment to Mr. Layard, the Superintendent, and that Otmoor being now, it may be hoped, in a state of permanent tranquility the County ceases to have any Police Force on the Moor—

The Committee cannot close their duties, without expressing their entire approbation of the conduct of the Superintendent, during the time that he has had the charge of the Police Force.

W. H. Ashhurst.

A. H. Matthews.

J. W. Henley.⁶⁹

Octr. 19. 1835.

Ashhurst and Weyland had indeed done well to choose Layard. The bundle of reports—written in a spidery handwriting which is tiring to read—which has provided much of the material used in this study, testifies to his energy and thoroughness during his two years and more on Otmoor. But it is not out of place to allow a little of the credit for the pacification of Otmoor to W. H. Ashhurst. As one reads through the documents connected with this matter, one gradually forms a mental picture of a man, industrious, patient, sensible and—in spite of the several demands for harsher penalties for hedgerow destruction—humane. It would be wrong to read too much of a man's character from his portrait, but that of Ashhurst, which hangs in County Hall facing another of his companion J. W. Henley, suggests that such an impression may be not altogether false.

⁶⁸ Minute Book.

⁶⁹ Ibid.