



# **MERTON HISTORICAL SOCIETY**

**LOCAL HISTORY NOTES - 5**

## **LOST COMMON LANDS**

### **2 - Merton Common**

**By Evelyn Jowett**

While the Commons of Wimbledon and Mitcham continue increasingly to enhance their neighbourhoods and both bar and counteract the advance of urban development, Merton Common, as in the case of Morden Common, has long since disappeared as a stretch of open countryside.

As in most villages settled in Saxon times, the Common of Merton originated as an area of wasteland particularly devoted by the villagers to grazing their animals. It lay beyond their cultivated common fields. At some time later it became an essential part of the manorial system of agriculture here and passed with the Manor into the ownership of Merton Priory in 1121. Although the Priory records have been extensively examined and printed by Heales, he unfortunately makes no reference to the Common, so events in medieval history are at present not known.

Yet in medieval times, Merton itself played a very important part in the history of Commons in the country as a whole. In 1236, at Merton Priory, a grand council of the realm was held by King Henry III, a Parliament in fact, which enacted the Statute of Merton. Before this time, in

many places, there had been great progress made in bringing wastelands into cultivation outside the villagers' common fields. These were called closes. The whole of the wasteland was in theory the property of the lord of the manor, the common being a special, often small, part of this, over which the peasants had from time immemorial, customary grazing and other rights.

Where the lord's waste ended and common began at first did not worry anyone but as more and more waste was turned into closes, the common itself could come to be at risk. One of the clauses of the Statute of Merton dealt with this problem. In this the government produced a compromise solution which they hoped would satisfy all concerned, namely: that the lord could enclose the waste and the common for his own use provided enough was left for his tenants with common rights. Who such tenants were came to be a problem in later years and often the Commons rights were restricted in many places to the copyhold tenants only.

No documentary mention of Merton Common is at present known until the beginning of the nineteenth century, when its existence came under threat. Nevertheless all through the centuries it had undoubtedly continued as a peaceful stretch of countryside where animals grazed and villagers, especially the poor, very much relied on being able to gather free wood and fuel. In 1802 the manor of Merton was sold to John Hilbert of Wandsworth, an absentee landlord who decided to increase the value of his property here. He decided, in particular, to obtain a private Act of Parliament to enable him to enclose Merton Common. Such an Act was the usual and necessary way of making a complete enclosure in those days, when there were several villagers with active commons rights. In fact, the legal validity of these rights could not be extinguished easily other than by the sanction of parliamentary law. There were other means based on local consent, but Hilbert must have sensed that this was not forthcoming.

Indeed, when in 1806 the Merton Vestry learned of his intention to enclose Merton Common, they met at the White Hart in September and "considered his intention to bring in a private Act of Parliament for enclosing the commonable wastelands in the Parish" and "unanimously resolved that all necessary steps and proceedings be taken to prevent such enclosure". They appointed Mr Robert Fisher of Mitcham, attorney, to be their legal agent, in the matter. This vestry was presided over by the Rev Thomas Lancaster, the Minister at St Mary's Church, and the minutes were signed by an unusually large number of inhabitants, several just making their mark.

The Vestry met again in October, 1806, when Hilbert's intentions had been made all too clear by "a notice stuck up on the front door of this church". They considered what was now at stake: "the privileges time immemorial used and enjoyed by the Poor of this Parish in supplying themselves from the Common with furze and firewood to the great easement of the burthen of this Parish (that is in Poor Relief) and which in the event of enclosure such poor will be deprived of". Also would be lost "the Commonable rights which certain freeholders and copyholders, tenants of the Manor, are entitled to". They were unsure as to their rights and so appointed Richard Dallett, whose forebears had for generations been at Merton Hall Farm, and Samuel Gibson, two of the copyhold tenants "to search, look into, and see who and what persons are entitled to privileges arising in the Commonable lands". Mr Fisher of Mitcham was replaced as their legal agent, by Mr James Cross of Southwark, Solicitor, to aid them in their search and in opposing the Enclosure Bill. A fund was to be established to defray all expenses. Nothing is known at present of the course of these endeavours, and in fact they failed to stop the passing of the Bill. Nevertheless the stalwart parishioners of Merton had made a remarkably

brave stand to preserve their Common. In ordering a search of records, they pioneered in this area a method of opposition, followed successfully 60 years later by the more fortunate neighbours in Wimbledon. Also although legal processes are notoriously slow, it could have been that the Merton Vestry was also responsible for the long delay of ten years before the Merton Common Enclosure Act became law. This was in spite of the fact that the intended Bill clearly showed that the rights of individual commoners were not to be confiscated but exchanged from a general right over the whole common to an actual freehold allocation of part of the common to each in compensation.

Why did the people of Merton fail to prevent the enclosure of their Common when over 50 years later, both Wimbledon and Mitcham residents were able to save theirs? The answer probably lies mainly in the smaller size and resources of Merton village at this time. The Census returns show that the population of Merton was only 813 in 1801 and 905 in 1811. There were probably then only about a hundred and fifty households, mostly of cottagers, either working as agricultural labourers, village tradesmen or industrial workers in the Wandle factories. There were probably fewer than 20 affluent householders, mostly yeoman farmers.

In contrast, the population of Wimbledon between 1860 and 1870, became over nine thousand, ten times the size of Merton in 1811. It also had a very different social pattern, with the growth there of suburbanisation and the residences of large numbers of the business and professional classes, with more ready financial resources. It was not easy in 1806 in contrast, for a Merton farmer to produce ready cash for a fighting fund, nor for Wandle factory proprietors, impoverished by the Napoleonic Wars. In the eighteen sixties, the Wimbledon guarantee fund reached £3,550. At this later period also the local residents of Wimbledon and Mitcham had a powerful new argument to advance: that of loss of amenity. Both by then populous suburbs of London, they much appreciated their commons as among the few surviving open spaces in otherwise built-up areas. Merton in 1806 consisted of open farmland almost as far as the eye could see in any direction.

Moreover Merton, as a small street village in the Kingston-road and clustering around the parish church, its Common for some reason had never come to be surrounded by fine residences as elsewhere. Still more, the Merton Common Bill itself advanced a reason for enclosing the Common, namely "that in its present state, it was incapable of any considerable improvement, but if the same were divided and allotted into and among the several proprietors thereof, and such allotments enclosed, the same might be greatly improved." This argument was also advanced by Earl Spencer regarding Wimbledon Common later, but was totally rejected by the town dwelling residents of the time to whom its very wildness appealed. In 1806, however, land improvement was a very cogent argument for enclosing to put before the farming community of Merton, especially as they would share in it.

The Merton Common Act, 1816, therefore sanctioned the enclosure of the Common. The method laid down in the Act, although usual practice, is interesting. First, a Commissioner, Thomas James Tatham of Bedford-place, London, a lawyer, was appointed, for "putting the Act into execution". He had many powers: in the event of disputes, he was to settle them if possible and if not, to take the cases to H.M.Courts of Record at Westminster; he had to provide a fund for defraying the cost of obtaining the Act and of executing it; to this end he was to sell as freehold part of the Common sufficient for the purpose.

Eventually over 24 acres, more than a quarter of the Common, was sold for this and other purposes, consisting of 19 acres lying east of Cannon Hill-lane and north of Martin-way and two smaller portions west of Cannon Hill-lane. It was also further enacted that Richard Raine, of Grays Inn-lane, Surveyor (no connection with Raynes Park) be appointed Surveyor under oath, faithfully and impartially to survey and admeasure the Common. He and his Clerk were to be paid £3.3.0 per day for their services.

The Act laid down certain standstills and continuations of commons rights while the enclosure was being made. No one again was to dig and remove soil, gravel or turf, nor take away furze without the Commissioner's licence. On the other hand, Commons rights could be sold until the allotment was completed.

The Merton Common Act, 1816, describes the common as consisting of 90 acres or thereabouts. It was the first task of the commissioner and his staff to determine its exact area and its boundaries, then in doubt because of former encroachments on its territory. In this he was guided in the first place by the act itself which stipulated that all enclosures made "within 20 years before the act was passed, were to be thrown open" and allocated with the rest. It is not recorded whether or where any such action was taken. Enclosures made over 20 years before were not to be taken as part of the common, nor were any houses, cottages or buildings thereon, and their ownership title was not to be disturbed. A record of 1817 refers to two of these enclosures; an ancient enclosure belonging to John Hilbert, lord of the manor on the north side of the common and an ancient enclosure belonging to Essex Henry Bond, the rector, though it was not part of the rectory so much as of his private inheritance, and lay on the south side of the common. At this time, Thomas Lancaster was the vicar, and Essex Henry Bond the rector only, though he succeeded him as minister as well in 1827.

Eventually the area of the common was determined and the allotments made to those claiming entitlement. As far as can be at present ascertained, they were all residents of the old village near the church. No one from the Raynes Park area was mentioned and only one, Paterson, who might have held land in the factory area. A map of the common was drawn up and this shows it as a triangular area with its base lying slightly to the west of Cannon Hill-lane, then a footpath through it and also the way to Cannon Hill House. At the other end of the base, near where the railway now crosses Cannon Hill-lane at the junction with Whatley-avenue and Aylward-road, was situated the Common Gate, to prevent animals from straying into the village or onto the Kingston-road. The apex of the triangle lay on the Morden boundary in Green-lane, now Crown-lane, just west of the Crown Inn and here there was another bridle gate. Through the centre of the common lay the ancient footpath from Cannon Hill-lane to Crown-lane, now Martin-way. The northern boundary of the common is shown on the 1865 Ordnance Survey map as a ditch or drain running approximately along the line of modern Aylward-road and Cranleigh-road. The southern boundary was near Cherrywood-lane and Leamington-avenue and the Morden Parish boundary.

Nineteen claimants eventually received allotments of part of the common. Of these, it might be supposed that the Lord of the Manor, John Hilbert, would have been the principal recipient. But his estate is shown to amount to only just over three acres in two adjoining plots. On the eastern boundary of these lay 14 acres puzzlingly allocated to the Trustees of Mrs Matilda Dorrill and this was the largest common allotment. The Dorrills were the manorial lords from whom Hilbert had purchased the manor. It could be that Hilbert eventually obtained this area also

in which Mrs Dorrill may have had a life interest only. Over and above this allotment, the act also provided for him to have part of the common, about 10 acres, allotted to him for his right as lord, in the soil of the whole common. He also received his costs for promoting the act from the commons expenses account. It could be that this was all included in the 25 acres "sold" by the commissioner. The rest of the common allotted to the other commoners, consisted of small plots, mostly of between 1 and 2 acres each. These included, incidentally, the Rutlish Charity which had a multiple allotment of over 4 acres in the extreme south-east.

After the allotment, the commissioner had to make an award in 1817. This was of rights of way across the area, now very necessary as the common was henceforth to be fenced fields and not open land. These ways consisted of three routes. The first was Cannon Hill-lane, now called "a public highway, 30 feet wide, beginning at Merton Common Gate and leading south to Cannon Hill." It was "henceforth to be fenced, repaired, cleared and maintained as other public highways, by the inhabitants". The second was "a private carriage road, 30 feet wide, beginning near the centre of Cannon Hill-lane and leading east to a bridle gate near the Crown Inn, Morden". This is now Martin-way and Crown-lane, then called Green-lane. It was an ancient footpath through the common and one of the few features on it, shown on early county maps of the eighteenth century. The third was a public footpath confirmed "forever" and "3 feet wide, beginning at the stile in the ancient enclosure of John Hilbert and leading south over the common to a stile in an ancient enclosure of Essex Henry Bond". Traces of this can still be seen in the passageway from Martin-way which crosses Maycross-avenue and leads to Leamington-avenue. By means of these routes all the allotments could be reached and furthermore, no one was debarred by new fences from travelling from one part of the village to another as freely as before the common was enclosed.

The Merton Vestry also moved with unremitting speed to bring the enclosures within the local rating system, resolving, on March 3, 1818, that "the new enclosures on Merton Common be assessed to the Relief of the Poor at £1 per acre".

It is interesting to try to discover what the nineteen commoners did with their allotments. John Hilbert's enclosures and Mrs Dorrill's both adjoined Hilbert's farmland and so could be incorporated as extra fields there, as also did those of Essex Henry Bond. The rest lay far from the properties of their new owners. For instance, Wyatt of Merton Cottage, was awarded ground approximately where Mossville-gardens now is, Matthew Dallett a plot further north of this, although his home was at Merton Rush. Although exchange of plots was permitted by the act, this method could not help these people. They also had the quite considerable compulsory expense of fencing their lands. Although their fields had now become freehold as a result of the enclosure and this aided sale, 1817 was no time to make a fortune out of the sale of small parcels of real estate in a still country village where they lay remote even from the village's main thoroughfares. Most of the new owners seem to have retained their plots and passed them on at least to two or three generations.

The 1837 Rate Book refers to twelve common properties. Of these, three belonging to the residents of Long Lodge, Merton Cottage and possibly Dorset Hall were still grassland, probably used as grazing ground for their carriage horses, as all these properties had gardens only, actually surrounding their houses. Local farmers appear to have rented others as fields. These included John Overton, a tenant of the lord, who had rented three other enclosures, those belonging to Dallett, Paterson and Sutton, all on the south side of Martin-way.

White, another farmer, not only retained as tenant his own enclosure but rented that of Skelton. Only two items describe buildings on the common. One of these refers to two cottages belonging to John Guidon. He is still listed in the 1851 Census, described as a “proprietor of houses” and a native of Sunbury and an old man of 75. His wife, aged 76, from Warwick, was still “employed in domestic duties”. He lived in one cottage and appears to have let the other to William Allen, “a labourer”. The other 1837 property consisted of “8 cottages and land on the common” belonging to Thomas Charles. It is not yet known where the Charles family lived but their common allotment lay on the south side of Martin-way near Westcroft-gardens. The 8 cottages appear to have not been actually on the common and they are not identifiable in the 1851 Census.

The 1865 Ordnance Survey map shows little development. One plot seems to have gone wild and is shown as “osiers”. Where Martin-way and Crown-lane meet, a single industrial development had taken place, namely a varnish and japan factory. The Rate Book of 1858 shows this as belonging to Messrs Joseph Freeman & Sons and consisting of a “house, garden, coach house, stable land and manufactory at Merton Common”. The total assessment was for £39.10 of which the factory alone accounted for £28, so it was extensive. The 1870 Rate Book does not mention it. It had been an obnoxious development and only the continuing remoteness of the common accounts even for its original establishment there.

In 1865 John Innes had begun his schemes for the Merton Park suburban estate. Land values were rising as alternative uses to agriculture were being found for it. This changing outlook is reflected in 1888, when the Rutlish Charity sold their common enclosure of 4 acres for £1,250. But building development was very slow and it was not until after the first world war that there was sufficient demand for housing for the former common to become building land. In 1923 the council minutes refer for the first time to the name Martin-way and later proposed its extension westwards to join the Kingston By-pass. In 1929 approval was given to the naming of Leaffield-road and in 1931 to Maycross-avenue, Mossville-gardens and Woodville-road. By 1935 almost all the area had been built over and Martin-way Methodist Church and the St James’s Church Hall established. All this development probably was the result of the opening of South Merton Station on the Wimbledon and Sutton railway, which traversed the whole northern fringe of the old common, an ultimate contingency which even the worried and wide-awake vestry of 1806 could hardly be expected to have foreseen.

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Further information on Merton Historical Society can be obtained from the Society’s website at [www.mertonhistoricalsociety.org.uk](http://www.mertonhistoricalsociety.org.uk) or from Merton Library & Heritage Service, Merton Civic Centre, London Road, Morden, Surrey. SM4 5DX



**The passageway from Leamington-avenue looking towards Martin-way  
from Maycross-avenue, once an old right-of-way confirmed in 1817.**

