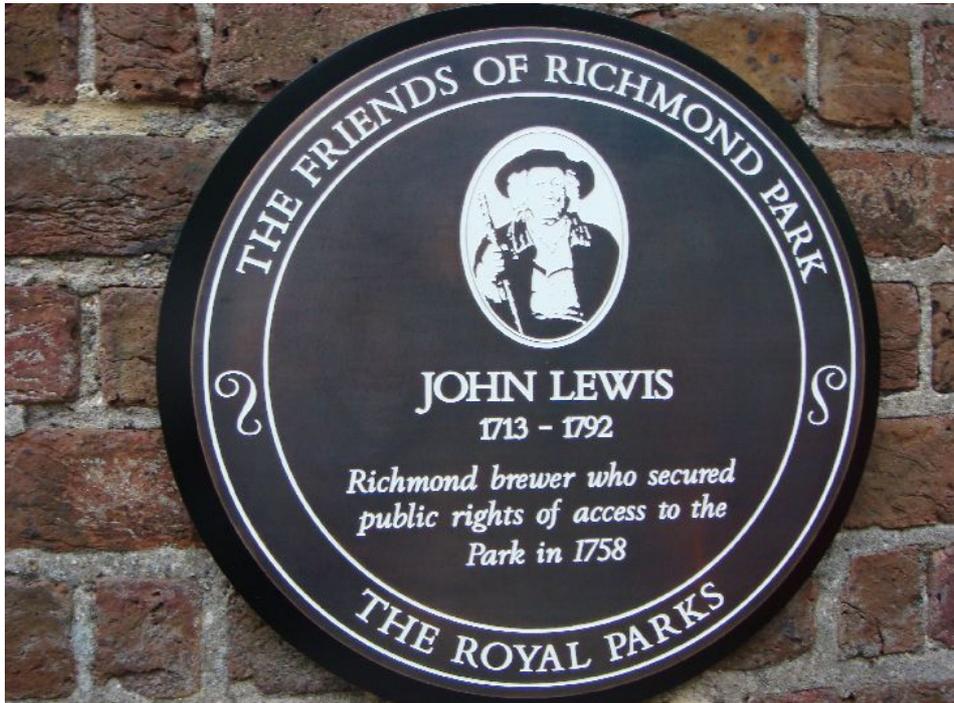


JOHN LEWIS' RE-ESTABLISHMENT OF PEDESTRIAN ACCESS TO RICHMOND PARK



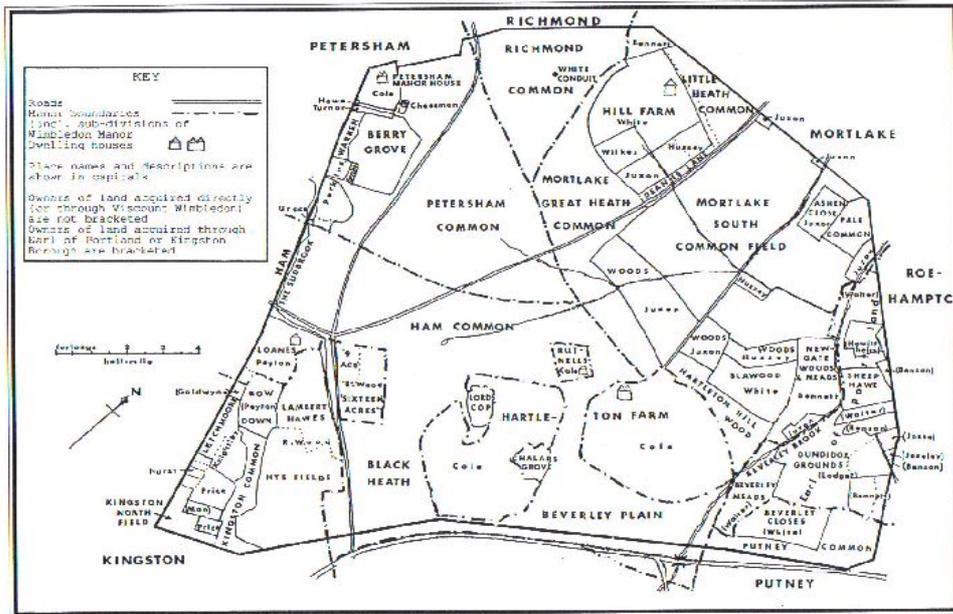
Purpose This note sets out details of the legal action taken by John Lewis in the 1750s to preserve rights of access to the Park. Some historical background is given to put Lewis' actions into context.

Sources The note draws, *inter alia*, on factual accounts in the following books:

- "Richmond Park: the history of a Royal Deer Park" by Michael Baxter Brown (1985)
- "A History of Richmond Park" by CL Collenette (1937)
- "Richmond Park: Portrait of a Royal Playground" by Pamela Fletcher Jones (1972)
- "The Royal Manor of Richmond with Petersham, Ham & Kew" by Mrs Arthur G (Nancy) Bell (1907)
- "Palaces and Parks of Richmond and Kew" by John Cloake and
- "The Walker's Guide - Richmond Park" by David McDowall (2006)

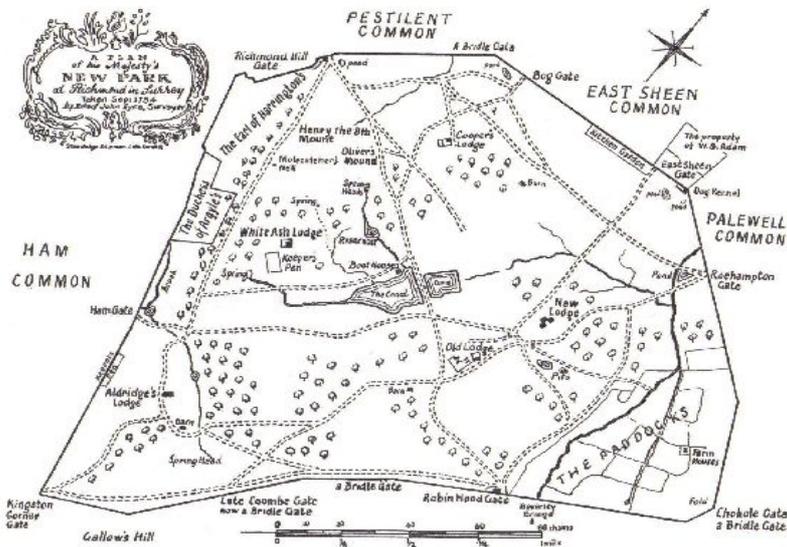
The debt to the writers of these books is acknowledged.

Enclosure of the Park In 1637, Charles I completed the enclosure of what is now Richmond Park as his new hunting ground. Prior to that the land, which was at first called "Richmond New Park", had consisted principally of lands owned by the parishes of Ham, Mortlake, Petersham, Roehampton, Kingston, Richmond and Putney. Two farms - Hill Farm and Hartleton Farm - were also located here, and a significant number of landowners had holdings. Certain roads were also in place (see map overleaf). In short, the area was much like any other rural area around which one might have built an eight-mile wall.



132 Acquisition of lands for the New Park of Richmond, 1635-7.

It can be seen that, prior to enclosure, the principal roads ran between (i) Richmond Gate and Ladderstile Gate and (ii) Ham Gate and a point at the north-eastern end of an ancient road called Deane's Lane. When the wall was built it closed off Deane's Lane, and East Sheen Gate was constructed a short distance to the south-east, as can be seen from the following 1754 map (also showing the recently-constructed Kingston Gate):



3. After the map made for King George II by Edward John Eyre, Surveyor, in the fourth year of the Rangership of his daughter, Princess Amelia. A similar map made by Eyre for Princess Amelia herself is privately owned. (Reproduced by courtesy of the Public Record Office)

Charles' actions in enclosing such an area of land for his own use were highly unpopular and, possibly to fend off such criticism as he could, he allowed people to cross the Park and also permitted some common rights to continue to be exercised.

That position remained largely unchanged for 100 years or so.

Walpole In 1727 King George II conferred the Rangership of the Park on Robert Walpole (later the 2nd Earl of Orford), son of the Prime Minister, Sir Robert Walpole. It appears from correspondence by Horace Walpole that Sir Robert in practice took all relevant decisions even though it was his son who was nominally Ranger. The Prime Minister hunted frequently in the Park, and habitually spent weekends at Old Lodge, where he could work more effectively than in central London. It is said that the closing of the House of Commons on Saturdays dates from this period. (Old Lodge, which had previously been known as Hartleton Lodge, stood between Spankers Hill Wood and Pen Ponds prior to its demolition in 1841.)

Sir Robert and George II would often hunt together, typically on Wednesdays and Saturdays, and it was around this time that the King built New Lodge. (New Lodge was later called White Lodge, and has for over 50 years been home to the Royal Ballet School.) Sir Robert had also expended large sums on Old Lodge, Thatched House Lodge (between Ham Cross and Kingston Gate) and on other improvements. Because of that expenditure and his wish to hunt in privacy, Sir Robert built keepers' lodges at the gates; at the same time he removed the ladder stiles on the spurious grounds that the existence of gates and the presence of keepers rendered the stiles redundant. But the instructions to the keepers were that they should admit "respectable persons" in the daytime, and such carriages as had tickets (which were readily obtained). Common people, of course, would not be classed as "respectable", nor would they have the luxury of a carriage.

The building of Ham Gate Lodge in 1742, for example, was part of this process.

Robert Walpole junior, as Ranger, continued these practices after Sir Robert's death in 1745.

Princess Amelia In 1751 Princess Amelia (1711-1786), second daughter of George II, became Ranger. [She is not to be confused with the youngest daughter (and fifteenth child) of George III, another Amelia.]



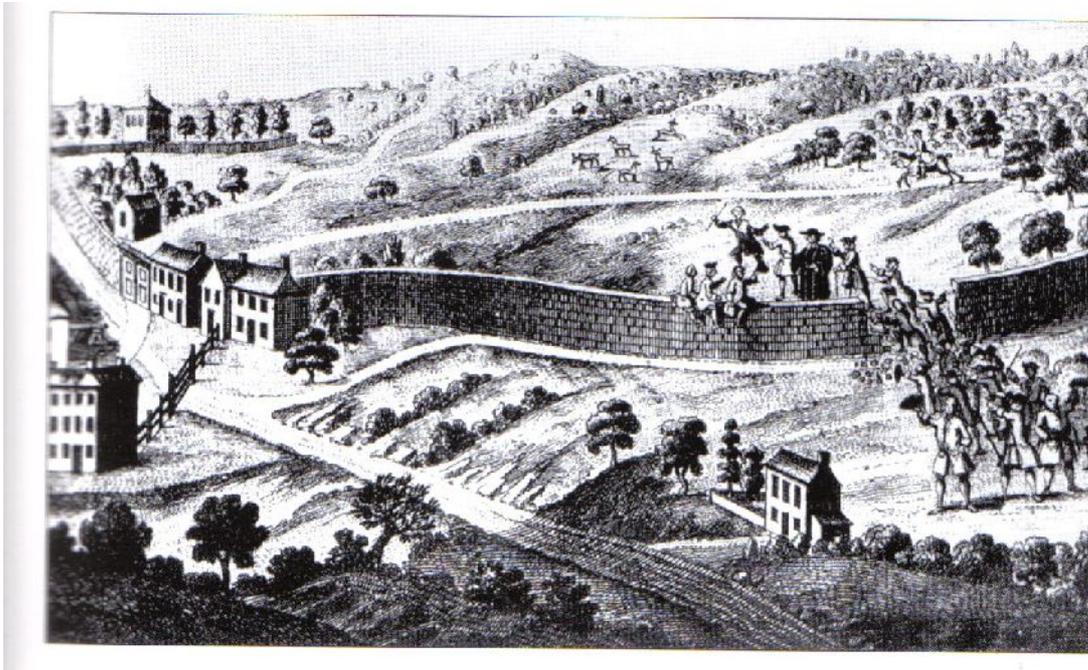
Amelia had been appointed to the Rangership in February 1749, but she was to take office only on the death of Lord Orford. He died on 1 April 1751, which was when Amelia assumed her duties.

As a young woman, Amelia appears to have been somewhat hedonistic and self-centred. The 18 April, 1728 edition of the *Post Boy* reported that "On Saturday, the Princess Amelia set out" [from London] "for Bath, whither her Highness is to be carry'd in a sedan chair by chairmen, to be relieved in their turns, a coach and six horses attending to carry the chairmen when not on their service." This whimsical

journey by the 16 year old princess commenced on 13 April and ended on 19 April.

Amelia's approach to her powers and duties as Ranger was characteristic. Building on the successive restrictions instituted by her predecessor, she simply closed the gates to everyone, with the exception of carriages in possession of a ticket. Amelia essentially issued tickets only to her friends. When Lord Brooke, who lived at Petersham, requested a ticket the riposte was that she had denied one to the Lord Chancellor, so she was hardly going to issue one to him.

On Ascension Day 1751 the traditional "Beating of the Parish Bounds" ceremony, led by a Richmond clergyman, took place. Ascension Day fell that year on 16 May - ie little more than six weeks after Amelia had taken office. In contrast to the practice in previous years, the party was not granted permission to enter the Park, but it appears that access was eventually obtained, albeit "with difficulty". A publication later that year included an illustration of the incident:



three of the Princess' men can be seen astride the wall, watching the party clambering through a breach in the wall near Sheen Common. There is no specific confirmation that the participants themselves broke down the wall. It is known that it was not always kept in a good state of repair, and a report in 1754 by the Deputy Ranger noted the very poor state of the wall, the Park roads and the drainage. It is possible, therefore, that the clergyman's party did little more than exploit an existing defect. There is no record of anyone being prosecuted for causing any such damage.

It is also uncertain quite how this Ascension Day incident - which clearly acquired a certain notoriety - related to Amelia's closure of the Park. It may have been the trigger which led her to effect the closure, or it may have been the first protest against actions which she had already taken at the very start of her Rangership.

Efforts to re-establish access The closure of the Park caused much inconvenience and resentment. Some political and legal opposition was mounted, none of it successful. A number of petitions, "memorials" (ie formal memoranda or addresses), press notices and pamphlets met with no success. The 28 July, 1752 edition of the Post Boy, for instance, contained a memorial to the Princess from the proprietors of estates in the parishes adjoining the Park, praying for rights of roads and highways, stiles or ladders at the gates, gravel for high roads in the neighbourhood, water and watercourses, furze and underwood, and doors in the wall for parish officers to perambulate the bounds.

Resort to law was also made. A trial took place in 1754 arising from an incident in which a group of gentlemen had requested admission to the Park from Deborah Burgess, one of the gatekeepers. In accordance with her instructions, she had refused admission. The case of *Symonds v Shaw* (Shaw being the then Deputy Ranger) was heard on 12 & 13 November 1754 by Sir Dudley Ryder, Lord Chief Justice, Mr Justice Denison and Mr Justice Foster, sitting with a jury. £1,095 had been subscribed by the inhabitants of East Sheen for the costs of the action.

The trial appears to have been a shambles. The prosecution called 27 witnesses, who gave evidence of rights of way for vehicles and pedestrians. No fewer than 37 witnesses were then called by the defence; these included many noblemen, Lord Palmerston among them. Despite - or more likely because of - the quantity of evidence, the inhabitants' case was dismissed.

John Lewis Lewis (1713-1792) was a Richmond resident who owned a brewery near the Thames close to where Terrace Gardens now are. There is no record of his having attended the 1754 trial, but he would have been keenly aware of it. He also wished to challenge Amelia, but planned a more focussed line of attack. In 1755 Lewis took a friend with him to Sheen Gate and waited until a carriage approached. The carriage, whose driver produced a ticket to the gatekeeper, Martha Gray, was allowed by her to enter the Park. Lewis then attempted to walk through the gate before it could be closed. An account of what transpired was written by Gilbert Wakefield, brother of Thomas Wakefield, the minister at Richmond Parish Church:-

MG: Where is your ticket? -

JL: What occasion for a ticket? Anyone may pass through here. -

MG: No - not without a ticket. -

JL: Yes, they may; and I will. -

MG: You shan't. -

JL: I will. -

Martha Gray pushed Lewis, who then allowed the gate to be shut against him. On the basis of this forcible denial of access by the gatekeeper, Lewis obtained an indictment, and the case of *Rex v Gray* was born. Although it was the unfortunate gatekeeper who was named in the proceedings, the true defendant, of course, was Princess Amelia.

The case initially came on for hearing at the Summer Assizes in August 1757. But no sooner had it opened than the defence produced in court a pamphlet which attacked Amelia and asserted the public rights of access to the Park. A "Tract in the National Interest" had been published anonymously, stating that the signs of the existence of ancient highways were there for all to see who were not deliberately blind. "*The right of the people to a free passage through Richmond Park was a privilege they always enjoyed until the late Sir Robert Walpole audaciously divested them of it.*"

The judge, the Lord Chief Justice, Lord Mansfield, halted the trial and ordered those concerned with writing, publishing and distributing the pamphlet to be found. In his view, the pamphlet was a libel, and its distribution was a contempt of court. Lewis and a co-prosecutor, Shephard, who were in court, were accused of being involved.

The next day, 13 August, 1757, Lewis swore an Affidavit at Guildford in which he denied being concerned in "printing or publishing the Pamphlett". He also denied "dispersing any Copys" of it, and stated that he disapproved "of the printing or publishing any Matters which may have any undue influence on the minds of witnesses or the Jury"; he wanted the case to be tried on its own merits. He pointedly did not make any reference to the authorship of the pamphlet.

On 13 February, 1758 Lord Mansfield had to decide whether the hearing of the case against Gray should await the disposal of charges which had by then been brought against some of those alleged to have been concerned with the publication of the offending pamphlet. (They did not include Lewis.) Lord Mansfield decided that the outcome of that trial would not have a bearing on the hearing of *R v Gray*, so he ordered that the substantive case involving the rights of access to the Park should be resumed at the next Assizes.

But the Lord Chief Justice clearly had his doubts about Lewis. Referring to the Affidavit, he noted that the manner of the denial tended to support the allegation as to Lewis' authorship of the pamphlet. He also noted the complete silence of the other prosecutor, Shephard, who had recently died. Given Shephard's death and the fact that Lewis was not now charged with being concerned with the pamphlets, "whatever suspicion may remain upon him", the trial of Gray could proceed. Lewis had clearly sailed very close to the wind.

The case against Martha Gray eventually resumed at the Surrey Assizes, sitting at Kingston, on 3 April 1758. The court consisted of Sir Thomas Denison, Sir Michael Foster - who had been on the bench for the 1754 trial - and a jury. Lewis shrewdly confined his claim to pedestrian rights of access, and his case was not clouded by the mass of evidence which seems to have led to the dismissal of the earlier claim.

Judgment was given for Lewis that day. He was asked by the court whether he wished to have a gate made in the wall or a step-ladder to go over it. He considered that a door, which would have to be kept closed when not in use, so as to prevent the escape of deer, would give the impression that access was not freely available; and he also feared that, in time, a door might have a bolt fixed to it. So he opted for the erection of ladder stiles.

On 12 May 1758 ladder stiles and gates were affixed to Sheen Gate and Ham Gate; they were opened to the public on 16 May when a "vast concourse of people from all the neighbouring villages climbed over the ladder stiles into the Park". This occurred, by coincidence, exactly seven years to the day after the Ascension Day incident in 1751.

But Amelia had not finished yet. Some time later, when Mr Justice Foster was again on circuit, Lewis went to court and complained that "they have left such a space between the steps of the ladder that children and old men are unable to get up it". This account, again by Gilbert Wakefield, continues with the judge replying: "I have observed it myself; and I desire, Mr Lewis, that you would see it so constructed that not only children and old men, but old women too, may be able to get up."

Postscript re John Lewis Understandably, Lewis became a local celebrity. His portrait, an extract from which appears below, was painted by T Stewart, a pupil of Sir Joshua Reynolds. The picture currently hangs in the Reference Library at the Old Town Hall, Richmond. An engraving was later made by Robert Field, a copy of which was said in the 18th century to hang in many homes in the area. On the engraving were the words of Rev. Thomas Wakefield: "Be it remembered that by the steady perseverance of John Lewis, brewer, at Richmond, Surry" [*sic*] "the right of a free passage through Richmond Park was recovered and established by the laws of his country (notwithstanding very strongly opposed) after being upwards of twenty years withheld from the people".



The court case, including the accusations relating to the pamphlet and the need to go back to complain about the spacing of the steps, had been a heavy financial burden on Lewis. His brewery was also flooded, and his means of livelihood was gone. Thomas Wakefield organised a collection for Lewis, and this resulted in a small annuity on which Lewis survived for some years. A further effort to secure money for him was being made at the time of his death in 1792. He was buried at St Mary Magdalene, the parish church of Richmond. The horizontal gravestone can be seen outside the church's South side. The inscription, now in a poor state, reads:

**"Here lie the remains of Mr John Lewis
Late of this parish who died
The 22 of October 1792
Aged 79 years"**



Postscript re Princess Amelia Amelia had to put up with yet another attempt to prove the existence of rights of way. In 1760 the court dismissed a claim in respect of the rights of admission by carriages without tickets. It was in the same year that her father died and George III came to the throne.

The following year Amelia chose to relinquish the Rangership, which she surrendered to the Crown in return, according to Horace Walpole, for an annuity of £1,200. She moved out of White Lodge and went to live in Gunnersbury.

The Park after Lewis Lewis' achievement in reclaiming for the public the right to cross the Park was indeed great, and is sometimes represented as the establishment of the rights we enjoy now. But it must be remembered that what Lewis' action was about was no more than the confirmation of pre-existing rights of way. The "right to roam" did not come about for another century at least. Public access continued to be restricted during the first half of the 19th century: carriages were admitted only with a "card of admission", and though pedestrians could enter freely, they were largely confined to the roads and the defined footpaths.

The enactment in 1872 of the Royal Parks and Gardens Regulations Act marked a new official approach to public access, although it appears that in Richmond Park a more relaxed attitude than previously was evident from around 1850. A map published as late as 1876, however, still showed the roads and footpaths, including one on a very similar alignment to the one between Sheen and Ham Gates which had been present in 1637.

It is impossible to say how the story of public access to the Park would have unfolded if Lewis' action had not been taken. Even if Lewis, too, had been unsuccessful, it seems likely that political and social changes would eventually have led to the re-opening of the Park, but another century or so might well have elapsed before that occurred. While Lewis won only limited pedestrian right of way, he had established the principle of public access, following failed attempts by others. The determination and shrewdness of John Lewis remain a landmark in the Park's history, and worthy of being celebrated.

ADDENDUM CONCERNING BUSHY PARK

Another local controversy is likely to have been in Lewis' mind when he made his challenge in 1755. Just the previous year, Timothy Bennett, a shoemaker of Hampton Wick, had met with success in relation to Bushy Park. Bennett had been faced with a similar situation at Bushy to that in Richmond Park which confronted Lewis. The Earl of Halifax had erected a wall round Bushy Park in about 1734, resulting in local people having to undertake a much longer walk between Kingston and Hampton than had previously been possible. Reportedly in 1754, Bennett made representations to Lord Halifax, who restored the rights of way without any court action being necessary.

The National Portrait Gallery, apparently erroneously, gives Bennett's dates as 1677-1752. The website of The Twickenham Museum, however, records Bennett's death in 1756 as follows:

" When he died, in 1756 the Gentleman's Magazine reported on 6 June: *'Tim Bennet, the honest presbyterian cobbler of Hampton Court, who obtained a free passage thro' Bushey park which had many years been with-held from the people, aged near 80.'* "

So in the same year that the confused 1754 trial of *Symonds v Shaw* ended in failure, a citizen of Hampton met with success. One can only assume that the example of Timothy Bennett gave some encouragement to Lewis to pursue his efforts on behalf of those living a few miles away on the other side of the Thames.



In Sandy Lane, Bushy Park, a memorial was erected in 1900 to Timothy Bennett. A footpath is also named "Cobbler's Way" in his memory.

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www.frp.org.uk

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