

Lopping Hall and the Loppers of Loughton

The Right to Lop

Many generations of Loughton householders lopped forest trees in the belief that this was a right granted to them by a charter of Queen Elizabeth I. Lopping started on 12th November and ended on 23rd April, and householders firmly believed that their right to lop would be forfeited for ever if they failed to commence lopping at midnight on November 11th. Before midnight they would gather for celebratory draughts of beer and proceed in a body to the forest.

The boughs were cut where it was convenient, using long-handled narrow 'lopping axes'. John Grout used an axe with a handle three foot long with which, at the age of seventy, he cut boughs as thick as a man's wrist.

There were several restrictions to the lopping. Only one man per household was allowed to lop but poorer men might lop for wealthier, for example William Hawkins, a builder's labourer, and his father were paid twelve shillings a week by Archdeacon Hamilton to cut wood for him. It was forbidden to lop boughs less than seven feet from the ground. This left the deer to browse and covert. Each man could use only one sled to carry the wood, pulled by no more than two horses; however, many men carried it home on their backs. The wood could only be used as domestic fuel within the parish and not commercially.

The forest woodwards were entitled to take any lopped wood not removed by 23rd April. The wood they rejected became pickings for any Loughton householder other than the one who had originally cut and left it.

The Fight to Lop

The Crown owned the forest and was responsible for its maintenance. As royal interest in hunting waned there was a corresponding increase in royal anxiety not to be involved in heavy expenditure on maintenance of the forest lands. In 1857 on behalf of the Crown, the Commissioners of Woods, Forests and Land Revenues offered to sell William Whitaker Maitland (then Lord of the Manor of Loughton) the rights of the Forest, Free Chase and Free Warren over 1377 acres, including the Waste or Common Lands of the Forest.

In 1861, John Whitaker Maitland, Rector of Loughton from 1856, became Lord of the Manor also, as his grandfather and elder brother had both died. He believed that the Crown's sale to his grandfather implied the extinguishment of the rights of his tenants to the use of the common lands of the forest within his estate. In 1863-4 he attempted to arrange their exclusion from the common lands where they had previously had the right to graze cattle at certain times and to lop wood.

Throughout Epping Forest, the various lords of the manors were selling common lands for development.

John Whitaker Maitland offered compensation to his tenants in exchange for the surrender of their rights as commoners. To some he gave money and to others the freehold of their gardens and cottages. Considerable expanses of common land were sold by him to wealthier parishioners who speculated on developing it for building. When 300 acres had been granted to parishioners, the Lord of the Manor then proceeded to enclose 1,100 acres.

In 1864, the Rt Hon Fred Peel wrote to the Chairman of the Metropolitan Board of Works stating that the Forest could be vigilantly maintained, which would be expensive, or it could be enclosed as a place of recreation, but that the Crown only had the rights to preserve it as an open space for hunting deer and wild beasts. He added that arrangements could be considered for cession of these rights if the Board wished to enclose it for recreation. This same year, in November, John Whitaker Maitland held a sale of forest common land at the Old Plume of Feathers public house in Loughton to “test the market”.

On August 5th 1865, the Treasury Secretary wrote to the Hon J K Howard, Office of Woods, to state that as the Metropolitan Board did not want the Crown Rights “your department will have control of the remaining Crown Rights over Epping Forest”.

The Rev John Whitaker Maitland began to prosecute for the cutting of wood in the forest. One resident of Loughton, Thomas Willingale, was summoned for injuring trees but the case was dismissed. On March 7th 1866 Samuel, son of Thomas Willingale, and his cousins, William Higgins and Alfred Willingale, were prosecuted by Maitland for injuring trees and for stealing wood from the land which he had enclosed - in reality, lopwood from the forest common land.

The new Solicitor to the Board of Works, Philip Henry Lawrence, now came to Loughton and “hunted out old Willingale ... and got some information from him”. Mr Lawrence had been the Solicitor to the Commons and Open Spaces Preservation Society from 1865 to 1868 and had encouraged its formation. Another prominent member was Edward North Buxton of Knighton, Buckhurst Hill who, with other public-spirited men encouraged a stand by the commoners against enclosures.

The solicitor to the City of London, Thomas James Nelson, later spoke against the enclosures: *“I have known Epping Forest all my life. I have walked, ridden and driven all about it. I lived for many years in the neighbourhood and my father still resides there. I have seen it gradually disappearing at the hands of those who have in my belief no right to touch it, through the supineness and connivance of the Crown, and the commoners being too poor to enter into litigation with wealthy Lords who were increasing their wealth by these wholesale enclosures.*

In October 1866, Willingale’s solicitor filed a Bill of Chancery of Willingale v Maitland (and others) on behalf of himself and all the inhabitants of Loughton for the preservation of lopping rights for the labouring poor. In 1867 the suit proceeded and Maitland answered to it. In 1868 Willingale amended the bill and claimed lopping rights on behalf of all householders in Loughton, and not just the labouring poor.

Willingale claimed that Loughton was within the Royal Forest of Waltham and that Queen Elizabeth I had granted by Royal Charter that the people of Loughton could lop wood on the forest wastes for the proper use and consumption of themselves and for sale for their own relief to any or all of the inhabitants within the parish as fuel. Maitland and the others had cut down wood and used it for their own purposes and offered the land for sale as building ground. These enclosures were unlawful and encroached on the rights of the people of Loughton.

Maitland’s reply was that no Royal Charter had ever been traced and he claimed to have become entitled to control of the said waste lands as his property on inheriting from his grandfather who had purchased forestall rights from the Crown. He claimed that it had been a custom of the Manor to sell waste lands and he had compensated any tenant for the release of his right (apart from Thomas Willingale as he was living in a cottage whose owner had accepted compensation for the extinction of commoner’s rights. Willingale, therefore, had no right to lop.)

Thomas Willingale's reply was that he had lopped for 25 years and before that he had helped his father to lop. He believed that corroboration of the charter could be found in forest court records (which he understood were lost), and that he did not believe that it was the custom for the Lord of the Manor to sell common lands. He continued to say that when he had filed his complaint he had lived in a small detached cottage for 27 years; Maitland maintained that this statement was false and the cottage had only been built 4 years previously. Willingale then claimed he had lived in a cottage owned by Grout and that Maitland had bought the cottage from Grout and then evicted Willingale.

The condensed history of Epping Forest and the Willingale family by Walter Bullen, great-grandson of Thomas Willingale

The parishioners of Loughton were given the right by Queen Elizabeth I to lop wood from trees seven feet from the ground (the lower branches being left for deer to feed on) from 11th November until 23rd April for winter fuel. To retain this right they had to lop a bough before midnight on 11th November – failing to do so would lose them their lopping rights forever.

On the 11th November 1859 an agent for the Lord of the Manor named Richardson (also called The Bulldog) ordered a dinner at the King's Head in Loughton and invited all the loppers. The wine flowed freely and all got drunk, all except old Thomas Willingale who had been warned by a lawyer, Mr Buxton, not to touch any drink. Tom took his axe with him, went to Staples Road, lopped the bough and returned to the King's Head on the stroke of midnight, thereby saving the lopping rights. For 16 years old Tom defied the Lord of the Manor and lopped wood, which he sold to the parishioners, from his wood-yard in Whitaker Way, Baldwins Hill.

In 1865 the Lord of the Manor put a fence around 1,316 acres of forest land and cut roads through it and proceeded to develop it into building sites. The Lords tried all means to stop Tom. Their agents offered him large sums of money and on 12th October 1866 issued a summons against him and won possession of his cottage (at Waltham Abbey court) but Tom still stood his ground. In 1866 Tom summoned the Lords of the Manor (the case would have cost over one million pounds based on today's standards) and was later joined by the London City Corporation. The court ruled that the enclosure was not legal and the case closed in 1874.

Sam, son of Tom, Alfred Willingale and William Higgins, two cousins, were sent to Ilford jail for cutting wood. They were fined two shillings sixpence and eleven shillings costs. They had the money to pay but chose a prison sentence.

In 1878 eighty men in four horse buses from George Burney's tank works in Bow drove round the forest led by William Willingale. Without speaking a word he just pointed to the fences (this act would not incriminate him, as would telling them to cut down fences) which were cut down. This operation took four days. Mr Burney applied for, and got, a pension of five shillings a week for Tom's wife and the Corporation sent her a joint of venison with the City's crest stamped on it every Christmas.

The Corporation gave £7,000 to compensate the parishioners for the loss of their lopping rights, out of which the Lopping Hall was built, and a sum set aside to maintain it. The rest was handed to the parishioners. The furrows can still be seen today on Chingford Plain and The Stubbles, Nursery Road, where trees were removed and corn sown.

In May 1882 Queen Victoria planted a tree in front of the King's Oak, High Beech, and dedicated the Forest as an open space "for the enjoyment of the people for ever".

Willingale Road and School in Loughton are named after old Tom.