

CHAPTER TWO

Enclosure (1)

An enclosure, like most Parliamentary operations, began with a petition from a local person or persons, setting forth the inconveniencies of the present system and the advantages of such a measure. Parliament, having received the petition, would give leave for a Bill to be introduced. The Bill would be read a first and a second time, and would then be referred to a Committee, which, after considering such petitions against the enclosure as the House of Commons referred to it, would present its report. The Bill would then be passed, sent to the Lords, and receive the Royal Assent. Finally, the Commissioners named in the Bill would descend on the district and distribute the land. That is, in brief, the history of a successful enclosure agitation. We will now proceed to explore its different stages in detail.

The original petition was often the act of a big landowner, whose solitary signature was enough to set an enclosure process in train.(1*) Before 1774 it was not even incumbent on this single individual to let his neighbours know that he was asking Parliament for leave to redistribute their property. In that year the House of Commons made a Standing Order prodding that notice of any such petition should be affixed to the church door in each of the parishes affected, for three Sundays in the month of August or the month of September. This provision was laid down, as we learn from the Report of the Committee that considered the Standing Orders in 1775, because it had often happened that those whose land was to be enclosed knew nothing whatever of transactions in which they were rather intimately concerned, until they were virtually completed.(2*)

But the publicity that was secured by this Standing Order, though it prevented the process of enclosure from being completed in the dark, did not in practice give the village any kind of voice in its own destiny. The promoters laid all their plans before they took their neighbours into the secret. When their arrangements were mature, they gave notice to the parish in accordance with the requirements of the Standing Order, or they first took their petition to the various proprietors for signature, or in some cases they called a public meeting. The facts set out in the petition against the Enclosure Bill for Haute Huntre, show that the promoters did not think that they were bound to accept the opinion of a meeting. In that case 'the great majority' were hostile, but the promoters proceeded with their petition notwithstanding.(3*) Whatever the precise method, unless some large proprietor stood out against the scheme, the promoters were masters of the situation. This we know from the evidence of witnesses favourable to enclosure. 'The proprietors of large estates,' said Arthur Young, 'generally agree upon the measure, adjust the principal points among themselves, and fix upon their attorney before they appoint any general meeting of the proprietors.'(4*) Addington, in his Inquiry into the Reasons for and against Inclosing, quoting another writer, says, 'the whole plan is generally

settled between the solicitor and two or three principal proprietors without ever letting the rest of them into the secret till they are called upon to sign the petition.'(5*) What stand could the small proprietor hope to make against such forces? The matter was a chose jugée, and his assent a mere formality. If he tried to resist, he could be warned that the success of the enclosure petition was certain, and that those who obstructed it would suffer, as those who assisted it would gain, in the final award. His only prospect of successful opposition to the lord of the manor, the magistrate, the impropiator of the tithes, the powers that enveloped his life, the powers that appointed the commissioner who was to make the ultimate award, lay in his ability to move a dim and distant Parliament of great landlords to come to his rescue. It needs no very penetrating imagination to picture what would have happened in a village in which a landowner of the type of Richardson's hero in Pamela was bent on an enclosure, and the inhabitants, being men like Goodman Andrews, knew that enclosure meant their ruin. What, in point of fact, could the poor do to declare their opposition? They could tear down the notices from the church doors:(6*) they could break up a public meeting, if one were held: but the only way in which they could protest was by violent and disorderly proceedings, which made no impression at all upon Parliament, and which the forces of law and order could, if necessary, be summoned to quell.

The scene now shifts to Parliament, the High Court of Justice, the stronghold of the liberties of Englishmen. Parliament hears the petition, and, almost as a matter of course, grants it, giving leave for the introduction of a Bill, and instructing the member who presents the petition to prepare it. This is not a very long business, for the promoters have generally taken the trouble to prepare their Bill in advance. The Bill is submitted, read a first and second time, and then referred to a Committee. Now a modern Parliamentary Private Bill Committee is regarded as a tribunal whose integrity and impartiality are beyond question, and justly, for the most elaborate precautions are taken to secure that it shall deserve this character. The eighteenth-century Parliament treated its Committee with just as much respect, but took no precautions at all to obtain a disinterested court. Indeed, the committee that considered an enclosure was chosen on the very contrary principle. This we know, not from the evidence of unkind and prejudiced outsiders, but from the Report of the Committee of the House of Commons, which inquired in 1825 into the constitution of Committees on Private Bills. 'Under the present system each Bill is committed to the Member who is charged with its management and such other Members as he may choose to name in the House, and the Members serving for a particular County (usually the County immediately connected with the object of the Bill) and the adjoining Counties, and consequently it has been practically found that the Members to whom Bills have been committed have been generally those who have been most interested in the result.'

During the seventeenth and eighteenth centuries there developed the practice of opening the committees. This was the system of applying to Private Bills the procedure followed in the case of Public Bills, and proposing a resolution in the House of Commons that 'all who attend shall have voices,' i.e., that any member of the House who cared to attend the committee should be able to vote. We can see how this arrangement acted. It might happen that some of the county members were hostile to a particular enclosure scheme; in that case the promoters could call for an open committee and mass their friends upon it. It might happen, on the other hand, that the committee was solid in supporting an enclosure, and that some powerful person in the House considered that his interests, or the interests of his friend, had not been duly consulted in the division of the spoil. In such a case he would call for all to 'have voices' and so compel the promoters to satisfy his claims. This system then secured some sort of rough justice as between the powerful interests represented in Parliament, but it left the small proprietors and the cottagers, who were unrepresented in this mêlée, absolutely at the mercy of these conflicting forces.

It is difficult, for example, to imagine that a committee in which the small men were represented would have sanctioned the amazing clause in the Ashelworth Act(7*) which provided 'that all fields or inclosures containing the Property of Two or more Persons within one fence, and also all inclosures containing the property of one Person only, if the same be held by or under different Tenures or Interests, shall be considered as commonable land and be divided and allotted accordingly.' This clause, taken with the clause that follows, simply meant that some big landowner had his eye on some particular piece of enclosed property, which in the ordinary way would not have gone into the melting-pot at all. The arrangements of the Wakefield Act would hardly have saved the scrutiny of a committee on which the Duke of Leeds' class was not paramount. Under that Act(8*) the duke was to have full power to work mines and get minerals, and those proprietors whose premises suffered in consequence were to have reasonable satisfaction, not from the duke who was enriched by the disturbing cause, but from all the allottees, including presumably those whose property was damaged. Further, to save himself inconvenience, the duke could forbid allottees on Westgate Moor to build a house for sixty years. A different kind of House of Commons would have looked closely at the Act at Moreton Corbet which gave the Lord of the manor all enclosures and encroachments more than twenty years old, and also at the not uncommon provision which exempted the tithe-owner from paying for his own fencing.

The Report of the 1825 Committee describes the system as 'inviting all the interested parties in the Souse to take part in the business of the committee, which necessarily terminates in the prevalence of the strongest part, for they who have no interest of their own to serve will not be prevailed upon to take part in a struggle in which their unbiassed judgment can have no effect.' The chairman of the committee was generally the member who had moved to introduce the Bill. The unreformed Parliament of landowners that passed the excellent Act of 1782, forbidding Members of Parliament to have an interest in Government contracts, never thought until the eve of the Reform Bill that there was anything remarkable in this habit of referring Enclosure Bills to the judgment of the very landowners who were to profit by them. And in 1825 it was not the Enclosure Bills, in which the rich took and the poor suffered, but the Railway Bills, in which rich men were pitted against rich men, that drew the attention of the House of Commons to the disadvantages and risks of this procedure.

The committee so composed sets to work on the Bill, and meanwhile, perhaps, some of the persons affected by the enclosure send petitions against it to the Souse of Commons. Difficulties of time and space would as a rule deter all but the rich dissentients, unless the enclosure was near London. These petitions are differently treated according to their origin. If they emanate from a lord of the manor, or from a tithe-owner, who for some reason or other is dissatisfied with the contemplated arrangements, they receive some attention. In such a case the petitioner probably has some friend in Parliament, and his point of view is understood. He can, if necessary, get this friend to attend the committee and introduce amendments. He is therefore a force to be reckoned with; the Bill is perhaps altered to suit him; the petition is at any rate referred to the committee. On the other hand, if the petition comes from cottagers or small proprietors, it is safe, as a rule, to neglect it.

The enclosure histories set out in the Appendix supply some good examples of this differential treatment. Lord Strafford sends a petition against the Bill for enclosing Wakefield with the result that he is allowed to appoint a commissioner, and also that his dispute with the duke of Leeds is exempted from the jurisdiction of the Enclosure Commissioners. On the other hand, the unfortunate persons who petition against the monstrous provision that forbade them to erect any building for twenty, forty or sixty years, get no kind of redress. In the case of Croydon, James Trecothick, Esq., who is dissatisfied with the Bill, is strong enough to demand special consideration. Accordingly a special provision is made that the commissioners are obliged to sell Mr. Trecothick, by private contract, part of Addington Hills, if he so wishes. But

when the various freeholders, copyholders, leaseholders and inhabitant householders of Croydon, who complain that the promoters of the Bill have named commissioners without consulting the persons interested, ask leave to nominate a third commissioner, only four members of the House of Commons support Lord William Russell's proposal to consider this petition, and fifty-one vote the other way. Another example of the spirit in which Parliament received petitions from unimportant persons is furnished by the case of the enclosure of Holy Island. In 1791 (Feb. 23)(9*) a petition was presented to Parliament for the enclosure of Holy Island, asking for the division of a stinted pasture, and the extinction of the rights of common or 'eatage' over certain infield lands. Leave was given, and the Bill was prepared and read a first time on 28th February. The same day Parliament received a petition from freeholders and stallingers, who ask to be heard by themselves or by counsel against the Bill. From Eden(10*) we learn that there were 26 freeholders and 31 stallingers, and that the latter were in the strict sense of the term as much freeholders as the former. Whilst, however, a freeholder had the right to put 30 sheep, 4 black cattle and 3 horses on the stinted common, a stallinger had a right of common for one horse and one cow only. The House ordered that this petition should lie on the table till the second reading, and that the petitioners should then be heard. The second reading, which had been fixed for 2nd April, was deferred till 20th April, a change which probably put the petitioners to considerable expense. On 20th April the Bill was read a second time, and the House was informed that Counsel attended, and a motion was made that Counsel be now called in. But the motion was opposed, and on a division was defeated by 47 votes to 12. The Bill passed the House of Commons on 10th May, and received the Royal Assent on 9th June.(11*) In this case the House of Commons broke faith with the petitioners, and refused the hearing it had promised. Such experience was not likely to encourage dissentients to waste their money on an appeal to Parliament against a Bill that was promoted by powerful politicians. It will be observed that in many cases the petitioners did not think that it was worth the trouble and expense to be heard on Second Reading.

The Report of the Committee followed a stereotyped formula: 'That the Standing Orders had been complied with: and that the Committee had examined the Allegations of the Bill and found the same to be true; and that the Parties concerned had given their Consent to the Bill, to the Satisfaction of the Committee, except...'

Now what did this mean? What consents were necessary to satisfy the committee? The Parliamentary Committee that reported on the cost of enclosures in 1800(12*) said that there was no fixed rule, that in some cases the consent of three-fourths was required, in others the consent of four-fifths. This proportion has a look of fairness until we discover that we are dealing in terms, not of persons, but of property, and that the suffrages were not counted but weighed. The method by which the proportions were reckoned varied, as a glance at the cases described in the Appendix will show. Value is calculated sometimes in acres, sometimes in annual value, sometimes in assessment to the land tax, sometimes in assessment to the poor rate. It is important to remember that it was the property interested that counted, and that in a case where there was common or waste to be divided as well as open fields, one large proprietor, who owned a considerable property in old enclosures, could swamp the entire community of smaller proprietors and cottagers. If Squire Western owned an enclosed estate with parks, gardens and farms of 800 acres, and the rest of the parish consisted of a common or waste of 1000 acres and open fields of 200 acres, and the village population consisted of 100 cottagers and small farmers, each with a strip of land in the common fields, and a right of common on the waste, Squire Western would have a four-fifths majority in determining whether the open fields and the waste should be enclosed or not, and the whole matter would be in his hands. This is an extreme example of the way in which the system worked. The case of Ashelworth shows that a common might be cut up, on the votes of persons holding enclosed property, against the wishes of the great majority of the commoners. At Laleham the petitioners against the Bill claimed that they were 'a great majority of the real Owners and Proprietors of or

Persons interested in, the Lands and Grounds intended to be enclosed.' At Simpson, where common fields were to be enclosed, the Major Part of the Owners and Proprietors petitioned against the Bill, stating that they were 'very well satisfied with the Situation and Convenience of their respective Lands and Properties in their present uninclosed State.'(13*)

Even a majority of three-fourths in value was not always required; for example, the Report of the Committee on the enclosure of Cartmel in Lancashire in 1796 gave particulars showing that the whole property belonging to persons interested in the enclosure was assessed at £150, and that the property of those actually consenting to the enclosure was just under £110.(14*) Yet the enclosure was recommended and carried. Another illustration is supplied by the Report of the Committee on the enclosure of Histon and Impington in 1801, where the parties concerned are reported to have consented except the proprietors of 1020 acres, out of a total acreage of 3680.(15*) In this case the Bill was recommitted, and on its next appearance the committee gave the consents in terms of assessment to the Land Tax instead, putting the total figure at £304, and the assessment of the consenting parties at £188. This seems to have satisfied the House of Commons.(16*) Further, the particulars given in the case of the enclosure of Bishopstone in Wilts (enclosed in 1809) show that the votes of copyholders were heavily discounted. In this case the copyholders who dissented held 1079 acres, the copyholders who were neuter 81 acres, and the total area to be divided was 2602 acres. But by some ingenious actuarial calculation of the reversionary interest of the lord of the manor and the interest of the tithe-owner, the 1079 acres held by copyholders are written down to 474 acres.(17*) In the cases of Simpson and Louth, as readers who consult the proceedings will see, the committees were satisfied with majorities just above three-fifths in value. At Raunds, where 4963 acres were 'interested,' the owners of 570 are stated to be against, and of 721 neuter.(18*) An interesting illustration of the lax practice of the committees is provided in the history of an attempted enclosure at Quainton (1801).(19*) In any case the signatures were a doubtful evidence of consent. 'It is easy,' wrote an acute observer, 'for the large proprietors to overcome opposition. Coaxing, bribing, threatening, together with many other acts which superiors will make use, often induce the inferiors to consent to things which they think will be to their future disadvantage.(20*) We hear echoes of such proceedings in the petition from various owners and proprietors at Armley, who 'at the instance of several other owners of land,' signed a petition for enclosure and wish to be heard against it, and also in the unavailing petition of some of the proprietors and freeholders of Winfrith Newburgh in Dorsetshire, in 1768,(21*) who declared that if the Bill passed into law, their 'Estates must be totally ruined thereby, and that some of the Petitioners by Threats and Menaces were prevailed upon to sign the Petition for the said Bill: but upon Recollection, and considering the impending Ruin,' they prayed to 'have Liberty to retract from their seeming Acquiescence.' From the same case we learn that it was the practice sometimes to grant copyholds on the condition that the tenant would undertake not to oppose enclosure. Sometimes, as in the case of the Sedgmoor Enclosure, which we shall discuss later, actual fraud was employed. But even if the promoters employed no unfair methods they had one argument powerful enough to be a deterrent in many minds. For an opposed Enclosure Bill was much more expensive than an unopposed Bill, and as the small men felt the burden of the costs much more than the large proprietors, they would naturally be shy of adding to the very heavy expenses unless they stood a very good chance of defeating the scheme.

It is of capital importance to remember in this connection that the enumeration of 'consents' took account only of proprietors. It ignored entirely two large classes to whom enclosure meant, not a greater or less degree of wealth, but actual ruin. These were such cottagers as enjoyed their rights of common in virtue of renting cottages to which such rights were attached, and those cottagers and squatters who either had no strict legal right, or whose rights were difficult of proof. Neither of these classes was treated even outwardly and formally as having any claim to be consulted before an enclosure was sanctioned.

It is clear, then, that it was only the pressure of the powerful interests that decided whether a committee should approve or disapprove of an Enclosure Bill. It was the same pressure that determined the form in which a Bill became law. For a procedure that enabled rich men to fight out their rival claims at Westminster left the classes that could not send counsel to Parliament without a weapon or a voice. And if there was no lawyer there to put his case, what prospect was there that the obscure cottager, who was to be turned adrift with his family by an Enclosure Bill promoted by a Member or group of Members, would ever trouble the conscience of a committee of landowners? We have seen already how this class was regarded by the landowners and the champions of enclosure. No cottagers had votes or the means of influencing a single vote at a single election. To Parliament, if they had any existence at all, they were merely dim shadows in the very background of the enclosure scheme. It would require a considerable effort of the imagination to suppose that the Parliamentary Committee spent very much time or energy on the attempt to give body and form to this hazy and remote society, and to treat these shadows as living men and women, about to be tossed by this revolution from their ancestral homes. As it happens, we need not put ourselves to the trouble of such speculation, for we have the evidence of a witness who will not be suspected of injustice to his class. 'This I know,' said Lord Lincoln(22*) introducing the General Enclosure Bill of 1845, 'that in nineteen cases out of twenty, Committees of this House sitting on private Bills neglected the rights of the poor. I do not say that they wilfully neglected those rights -- far from it: but this I affirm, that they were neglected in consequence of the Committees being permitted to remain in ignorance of the claims of the poor man, because by reason of his very poverty he is unable to come up to London for counsel, to produce witnesses, and to urge his claims before a Committee of this House.' Another Member(23*) had described a year earlier the character of this private Bill procedure. 'Inclosure Bills had been introduced heretofore and passed without discussion, and no one could tell how many persons had suffered in their interests and rights by the interference of these Bills. Certainly these Bills had been referred to Committees upstairs, but everyone knew how these Committees were generally conducted. They were attended only by honourable Members who were interested in them, being Lords of Manor, and the rights of the poor, though they might be talked about, had frequently been taken away under that system.'

These statements were made by politicians who remembered well the system they were describing. There is another witness whose authority is even greater. In 1781 Lord Thurlow, then at the beginning of his long life of office as Lord Chancellor, (24*) spoke for an hour and three quarters in favour of recommitting the Bill for enclosing Ilmington in Warwickshire. If the speech had been fully reported it would be a contribution of infinite value to students of the social history of eighteenth-century England, for we are told that he proceeded to examine, paragraph by paragraph, every provision of the Bill, animadverting and pointing out some acts of injustice, partiality, obscurity or cause of confusion in each. (25*) Unfortunately this part of his speech was omitted in the report as being 'irrelative to the debate,' which was concerned with the question of the propriety of commuting tithes. But the report, incomplete as it is, contains an illuminating passage on the conduct of Private Bill Committees. 'His Lordship... next turned his attention to the mode in which private bills were permitted to make their way through both Houses, and that in matters in which property was concerned, to the great injury of many, if not the total ruin of some private families: many proofs of this evil had come to his knowledge as a member of the other House, not a few in his professional character, before he had the honour of a seat in that House, nor had he been a total stranger to such evils since he was called upon to preside in another place.' Going on to speak of the committees of the House of Commons and 'the rapidity with which private Bills were hurried through,' he declared that 'it was not unfrequent to decide upon the merits of a Bill which would affect the property and interests of persons inhabiting a district of several miles in extent, in less time than it took him to determine upon the propriety of issuing an order for a few pounds, by which no man's property could be injured.' He concluded by telling the House of Lords a story of how Sir

George Savile once noticed a man 'rather meanly habited' watching the proceedings of a committee with anxious interest. When the committee had agreed on its report, the agitated spectator was seen to be in great distress. Sir George Savile asked him what was the matter, and he found that the man would be ruined by a clause that had been passed by the committee, and that, having heard that the Bill was to be introduced, he had made his way to London on foot, too poor to come in any other way or to fee counsel. Savile then made inquiries and learnt that these statements were correct, whereupon he secured the amendment of the Bill, 'by which means an innocent, indigent man and his family were rescued from destruction.' It would not have been very easy for a 'meanly habited man' to make the journey to London from Wakefield or Knaresborough or Haute Huntre, even if he knew when a Bill was coming on, and to stay in London until it went into committee; and if he did, he would not always be so lucky as to find a Sir George Savile on the committee -- the public man who was regarded by his contemporaries, to whatever party they belonged, as the Bayard of politics.(26*)

We get very few glimpses into the underworld of the common and obscure people, whose homes and fortunes trembled on the chance that a quarrel over tithes and the conflicting claims of squire and parson might disturb the unanimity of a score of gentlemen sitting round a table. London was far away, and the Olympian peace of Parliament was rarely broken by the protests of its victims. But we get one such glimpse in a passage in the Annual Register for 1767.

'On Tuesday evening a great number of farmers were observed going along Pall Mall with cockades in their hats. On enquiring the reason, it appeared they all lived in or near the parish of Stanwell in the county of Middlesex, and they were returning to their wives and families to carry them the agreeable news of a Bill being rejected for inclosing the said common, which if carried into execution, might have been the ruin of a great number of families.'(27*)

When the Committee on the Enclosure Bill had reported to the House of Commons, the rest of the proceedings were generally formal. The Bill was read a third time, engrossed, sent up to the Lords, where petitions might be presented as in the Commons, and received the Royal Assent.

A study of the pages of Hansard and Debrett tells us little about transactions that fill the Journals of the Houses of Parliament. Three debates in the House of Lords are fully reported,(28*) and they illustrate the play of forces at Westminster. The Bishop of St. Davids(29*) moved to recommit an Enclosure Bill in 1781 on the ground that, like many other Enclosure Bills, it provided for the commutation of tithes -- an arrangement which he thought open to many objections. Here was an issue that was vital, for it concerned the interests of the classes represented in Parliament. Did the Church stand to gain or to lose by taking land instead of tithe? Was it a bad thing or a good thing that the parson should be put into the position of a farmer, that he should be under the temptation to enter into an arrangement with the landlord which might prejudice his successor, that he should be relieved from a system which often caused bad blood between him and his parishioners? Would it 'make him neglect the sacred functions of his ministry' as the Bishop of St. Davids feared, or would it improve his usefulness by rescuing him from a situation in which 'the pastor was totally sunk in the tithe collector' as the Bishop of Peterborough(30*) hoped, and was a man a better parson on the Sunday for being a farmer the rest of the week as Lord Coventry believed? The bishops and the peers had in this discussion a subject that touched very nearly the lives and interests of themselves and their friends, and there was a considerable and animated debate.(31*) at the end of which the House of Lords approved the principle of commuting tithes in Enclosure Bills. This debate was followed by another on 6th April, when Lord Bathurst (President of the Council) as a counterblast to his colleague on the Woolsack, moved, but afterwards withdrew, a series of resolutions on the same subject. In the course of this debate Thurlow, who thought perhaps that his zeal for the Church had surprised and irritated his fellowpeers, among whom he was not conspicuous in life as a practising Christian, explained that though he was zealous

for the Church, 'his zeal was not partial or confined to the Church, further than it was connected with the other great national establishments, of which it formed a part, and no inconsiderable one.' The Bishop of St. Davids returned to the subject on the 14th June, moving to recommit the Bill for enclosing Kington in Worcestershire. He read a string of resolutions which he wished to see applied to all future Enclosure Bills, in order to defend the interests of the clergy from 'the oppressions of the Lord of the Manor, landowners, etc.' Thurlow spoke for him, but he was defeated by 24 votes to 4, his only other supporters being Lord Galloway and the Bishop of Lincoln.

Thurlow's story of Sir George Savile's 'meanly habited man' did not disturb the confidence of the House of Lords in the justice of the existing procedure towards the poor: the enclosure debates revolve solely round the question of the relative claims of the lord of the manor and the tithe-owner. The House of Commons was equally free from scruple or misgiving. One petitioner in 1800 commented on the extraordinary haste with which a New Forest Bill was pushed through Parliament, and suggested that if it, were passed into law in this rapid manner at the end of a session, some injustice might unconsciously be done. The Speaker replied with a grave and dignified rebuke: 'The House was always competent to give every subject the consideration due to its importance, and could not therefore be truly said to be incapable at any time of discussing any question gravely, dispassionately, and with strict regard to justice.'(32*) He recommended that the petition should be passed over as if it had never been presented. The member who had presented the petition pleaded that he had not read it. Such were the plausibilities and decorum in which the House of Commons mapped up its abuses. We can imagine that some of the members must have smiled to each other like the Roman augurs, when they exchanged these solemn hypocrisies.

We have a sidelight on the vigilance of the House of Commons, when an Enclosure Bill came down from a committee, in a speech of Windham's in defence of bull-baiting. Windham attacked the politicians who had introduced the Bill to abolish bull-baiting, for raising such a question at a time of national crisis when Parliament ought to be thinking of other things. He then went on to compare the subject to local subjects that 'contained nothing of public or general interest. To procure the discussion of such subjects it was necessary to resort to canvass and intrigue. Members whose attendance was induced by local considerations in most cases of this description, were present: the discussion, if any took place, was managed by the friends of the measure: and the decision of the House was ultimately, perhaps, a matter of mere chance.' From Sheridan's speech in answer, we learn that this is a description of the passing of Enclosure Bills. 'Another honourable gentleman who had opposed this Bill with peculiar vehemence, considered it as one of those light and trivial subjects, which was not worthy to occupy the deliberations of Parliament: and he compared it to certain other subjects of Bills: that is to say, bills of a local nature, respecting inclosures and other disposal of property, which merely passed by chance, as Members could not be got to attend their progress by dint of canvassing,'(33*) Doubtless most Members of the House of Commons shared the sentiments of Lord Sandwich, who told the House of Lords that he was so satisfied 'that the more inclosures the better, that as far as his poor abilities would enable him, he would support every inclosure bill that should be brought into the House.'(34*)

For the last act of an enclosure drama the scene shifts back to the parish. The commissioners arrive, receive and determine claims, and publish an award, mapping out the new village. The life and business of the village are now in suspense, and the commissioners are often authorised to prescribe the course of husbandry during the transition.(35*) The Act which they administer provides that a certain proportion of the land is to be assigned to the lord of the manor, in virtue of his rights, and a certain proportion to the owner of the tithes. An occasional Act provides that some small allotment shall be made to the poor: otherwise the commissioners have a free hand: their powers are virtually absolute. This is the impression left by all

contemporary writers. Arthur Young, for example, writes emphatically in this sense. 'Thus is the property of proprietors, and especially of the poor ones, entirely at their mercy: every passion of resentment and prejudice may be gratified without control, for they are vested with a despotic power known in no other branch of business in this free country.'(36*) Similar testimony is found in the Report of the Select Committee (1800) on the Expense and Mode of Obtaining Bills of Enclosure: 'the expediency of despatch, without the additional expense of multiplied litigation, has suggested the necessity of investing them with a summary, and in most cases uncontrollable jurisdiction.'(37*) In the General Report of the Board of Agriculture on Enclosures, published in 1808, though any more careful procedure is deprecated as likely to cause delay, it is stated that the adjusting of property worth £50,000 was left to the arbitration of a majority of five, 'often persons of mean education.' The author of *An Inquiry into the Advantages and disadvantages resulting from Bills of Inclosure*, published in 1781, writes as if it was the practice to allow an appeal to Quarter Sessions; such an appeal he characterised as useless to a poor man, and we can well believe that most of the squires who sat on such a tribunal to punish vagrants or poachers had had a hand in an enclosure in the past or had their eyes on an enclosure in the future. Thurlow considered such an appeal quite inadequate, giving the more polite reason that Quarter Sessions had not the necessary time.(38*) The Act of 1801 is silent on the subject, but Sinclair's draft of a General Inclosure Bill, published in the *Annals of Agriculture* in 1796,(39*) provided for an appeal to Quarter Sessions. In the case of five enclosures mentioned in these chapters (Haute Huntre, Simpson, Stanwell, Wakefield and Winfrith Newburgh), the decision of the commissioners on claims was final, except that at Wakefield an objector might oblige the commissioners to take the opinion of a counsel chosen by themselves. In five cases (Ashelworth, Croydon, Cheshunt, Laleham and Louth), a disappointed claimant might bring a suit on a feigned issue against a proprietor. At Armley and Knaresborough the final decision was left to arbitrators, but whereas at Armley the arbitrator was to be chosen by a neutral authority, the Recorder of Leeds, the arbitrators at Knaresborough were named in the Act, and were presumably as much the nominees of the promoters as the commissioners themselves.

The statements of contemporaries already quoted go to show that none of these arrangements were regarded as seriously fettering the power of the commissioners, and it is easy to understand that a lawsuit, which might of course overwhelm him, was not a remedy for the use of a small proprietor or a cottager, though it might be of some advantage to a large proprietor who had not been fortunate enough to secure adequate representation of his interests on the Board of Commissioners. But the decision as to claims was only part of the business. A man's claim might be allowed, and yet gross injustice might be done him in the redistribution. He might be given inferior land, or land in an inconvenient position. In most of the cases cited in this chapter the award of the commissioners is stated to be final, and there is no appeal from it. Two exceptions are Knaresborough and Armley. The Knaresborough Act is silent on the point, and the Armley Act allows an appeal to the Recorder of Leeds. So far therefore as the claims and allotments of the poor were concerned, the commissioners were in no danger of being overruled. Their freedom in other ways was restricted by the Standing Orders of 1774, which obliged them to give an account of their expenses.

It would seem to be obvious that any society which had an elementary notion of the meaning and importance of justice would have taken the utmost pains to see that the men appointed to this extraordinary office had no motive for showing partiality. This might not reasonably have been expected of the society about which Pitt declared in the House of Commons, that it was the boast of the law of England that it afforded equal security and protection to the high and low, the rich and poor.(40*) How were these commissioners appointed at the time that Pitt was Prime Minister? They were appointed in each case before the Bill was presented to Parliament, and generally, as Young tells us, they were appointed by the promoters of the enclosure before the petition was submitted for local signatures, so that in fact they were nominated by the

persons of influence who agreed on the measure. In one case (Moreton Corbet in Shropshire; 1950 acres enclosed in 1797) the Act appointed one commissioner only, and he was to name his successor. Sometimes, as in the case of Otmoor, (41*) it might happen that the commissioners were changed while the Bill was passing through Committee, if some powerful persons were able to secure better representation of their own interests. In the case of Wakefield again, the House of Commons Committee placated Lord Strafford by giving him a commissioner.

Now, who was supposed to have a voice in the appointment of the commissioners? There is to be found in the *Annals of Agriculture*(42*) an extremely interesting paper by Sir John Sinclair, preliminary to a memorandum of the General Enclosure Bill which he promoted in 1796. Sinclair explains that he had had eighteen hundred Enclosure Acts (taken indiscriminately) examined in order to ascertain what was the usual procedure and what stipulations were made with regard to particular interests; this with the intention of incorporating the recognised practice in his General Bill. In the course of these remarks he says, 'the probable result will be the appointment of one Commissioner by the Lord of the Manor, of another by the tithe-owner, and of a third by the major part in value of the proprietors.'(43*) It will be observed that the third commissioner is not appointed by a majority of the commoners, nor even by the majority of the proprietors, but by the votes of those who own the greater part of the village. This enables us to assess the value of what might have seemed a safeguard to the poor -- the provision that the names of the commissioners should appear in the Bill presented to Parliament. The lord of the manor, the impropiator of tithes, and the majority in value of the owners are a small minority of the persons affected by an enclosure, and all that they have to do is to meet round a table and name the commissioners who are to represent them.(44*) Thus we find that the powerful persons who carried an enclosure against the will of the poor nominated the tribunal before which the poor had to make good their several claims. This was the way in which the constitution that Pitt was defending afforded equal security and protection to the rich and to the poor.

It will be noticed further that two interests are chosen out for special representation. They are the lord of the manor and the impropiator of tithes: in other words, the very persons who are formally assigned a certain minimum in the distribution by the Act of Parliament. Every Act after 1774 declares that the lord of the manor is to have a certain proportion, and the tithe-owner a certain proportion of the land divided: scarcely any Act stipulates that any share at all is to go to the cottager or the small proprietor. Yet in the appointment of commissioners the interests that are protected by the Act have a preponderating voice, and the interests that are left to the caprice of the commissioners have no voice at all. Thurlow, speaking in the House of Lords in 1781,(45*) said that it was grossly unjust to the parson that his property should be at the disposal of these commissioners, of whom he only nominated one. 'He thanked God that the property of an Englishman depended not on so loose a tribunal in any other instance whatever.' What, then, was the position of the poor and the small farmers who were not represented at all among the commissioners? In the paper already quoted, Sinclair mentions that in some cases the commissioners were peers, gentlemen and clergymen, residing in the neighbourhood, who acted without fees or emolument. He spoke of this as undertaking a useful duty, and it does not seem to have occurred to him that there was any objection to such a practice. 'To lay down the principle that men are to serve for nothing,' said Cobbett, in criticising the system of unpaid magistrates, 'puts me in mind of the servant who went on hire, who being asked what wages he demanded, said he wanted no wages: for that he always found about the house little things to pick up.'

There is a curious passage in the General Report of the Board of Agriculture(46*) on the subject of the appointment of commissioners. The writer, after dwelling on the unexampled powers that the commissioners enjoy, remarks that they are not likely to be abused, because a

commissioner's prospect of future employment in this profitable capacity depends on his character for integrity and justice. This is a reassuring rejection for the classes that promoted enclosures and appointed commissioners, but it rings with a very different sound in other ears. It would dearly have been much better for the poor if the commissioners had not had any prospect of future employment at all. We can obtain some idea of the kind of men whom the landowners considered to be competent and satisfactory commissioners from the Standing Orders of 1801, which forbade the employment in this capacity of the bailiff of the lord of the manor. It would be interesting to know how much of England was appropriated on the initiative of the lord of the manor, by his bailiff, acting under the authority given to him by the High Court of Parliament. It is significant, too, that down to 1801 a commissioner was only debarred from buying land in a parish in which he had acted in this capacity, until his award was made, The Act of 1801 debarred him from buying land under such circumstances for the following five years.

The share of the small man in these transactions from first to last can be estimated from the language of Arthur Young in 1770. 'The small proprietor whose property in the township is perhaps his all, has little or no weight in regulating the clauses of the Act of Parliament, has seldom, if ever, an opportunity of putting a single one in the Bill favourable to his rights, and has as little influence in the choice of Commissioners.'(47*) But even this description does less than justice to his helplessness. There remains to be considered the procedure before the commissioners themselves. Most Enclosure Acts specified a date before which all claims had to be presented. It is obvious that there must have been very many small proprietors who had neither the courage nor the knowledge necessary to put and defend their case, and that vast numbers of claims must have been disregarded because they were not presented, or because they were presented too late, or because they were irregular in form. The Croydon Act, for example, prescribes that claimants must send in their claims 'in Writing under their Hands, or the Hands of their Agents, distinguishing in such Claims the Tenure of the Estates in respect whereof such Claims are made, and stating therein such further Particulars as shall be necessary to describe such Claims with Precision.' And if this was a difficult fence for the small proprietor, unaccustomed to legal forms and documents, or to forms and documents of any kind, what was the plight of the cottager? Let us imagine the cottager, unable to read or write, enjoying certain customary rights of common without any idea of their origin or history or legal basis: knowing only that as long as he can remember he has kept a cow, driven geese across the waste, pulled his fuel out of the neighbouring brushwood, and cut turf from the common, and that his father did all these things before him. The cottager learns that before a certain day he has to present to his landlord's bailiff, or to the parson, or to one of the magistrates into whose hands perhaps he has fallen before now over a little matter of a hare or a partridge, or to some solicitor from the country town, a clear and correct statement of his rights and his claim to a share in the award. Let us remember at the same time all that we know from Fielding and Smollett of the reputation of lawyers for cruelty to the poor. Is a cottager to be trusted to face the ordeal, or to be in time with his statement, or to have that statement in proper legal form? The commissioners can reject his claim on the ground of any technical irregularity, as we learn from a petition presented to Parliament in 1774 by several persons interested in the enclosure of Knaresborough Forest, whose claims had been disallowed by the commissioners because of certain 'mistakes made in the description of such tenements... notwithstanding the said errors were merely from inadvertency 'and in no way altered the merits of the petitioners' claims.' A Bill was before Parliament to amend the previous Act for enclosing Knaresborough Forest, in respect of the method of payment of expenses, and hence these petitioners had an opportunity of making their treatment public.(48*) It is easy to guess what was the fate of many a small proprietor or cottager, who had to describe his tenement or common right to an unsympathetic tribunal. We are not surprised that one of the witnesses told the Enclosure Committee of 1844 that the poor often did not know what their claims were, or how to present them. It is

significant that in the case of Sedgmoor, out of 4063 claims sent in, only 1798 were allowed.(49*)

We have now given an account of the procedure by which Parliamentary enclosures were carried out. We give elsewhere a detailed analysis, disentangled from the Journals of Parliament and other sources, of particular enclosures. We propose to give here two frustrations of the temper of the Parliamentary Committees. One illustration is provided by a speech made by Sir William Meredith, one of the Rockingham Whigs, in 1772, a speech that needs no comment. 'Sir William Meredith moved, That it might be a general order, that no Bill, or clause in a Bill, making any offence capital, should be agreed to but in a Committee of the whole House. He observed, that at present the facility of passing such clauses was shameful: that he once passing a Committee-room, when only one Member was holding a Committee, with a clerk's boy, he happened to hear something of hanging; he immediately had the curiosity to ask what was going forward in that small Committee that could merit such a punishment? He was answered, that it was an Inclosing Bill, in which a great many poor people were concerned, who opposed the Bill; that they feared those people would obstruct the execution of the Act, and therefore this clause was to make it capital felony in anyone who did so. This resolution was unanimously agreed to.'(50*)

The other illustration is provided by the history of an attempted enclosure in which we can watch the minds of the chief actors without screen or disguise of any kind: in this case we have very fortunately a vivid revelation of the spirit and manner in which Committees conducted their business, from the pen of the chairman himself. George Selwyn gives us in his letters, published in the Carlisle Papers, a view of the proceedings from the inside. It is worth while to set out in some detail the passages from these letters published in the Carlisle Papers, by way of supplementing and explaining the official records of the House of Commons.

We learn from the Journals of the House of Commons that, on 10th November, 1775, a petition was presented to the House of Commons for the enclosure of King's Sedgmoor, in the County of Somerset, the petitioners urging that this land was of very little value in its present state, and that it was capable of great improvement by enclosure and drainage. Leave was given to bring in a Bill, to be prepared by Mr. St. John and Mr. Coxe. Mr. St. John was brother of Lord Bolingbroke. On 13th November, the Bill was presented and read a first time. Four days later it received a second reading, and was sent to a Committee of Mr. St. John and others. At this point, those who objected to the enclosure began to take action. First of all there is a petition from William Waller, Esq., who says that under a grant of Charles I he is entitled to the soil of the moor: it is agreed that he shall be heard by counsel before the Committee. The next day there arrives a petition from owners and occupiers in thirty-five 'parishes, hamlets and places,' who state that all these parishes have enjoyed rights of common without discrimination over the 18,000 acres of pasture on Sedgmoor: that these rights of pasture and cutting turf and rushes and sedges have existed from time immemorial, and that no Enclosure Act is wanted for the draining of Sedgmoor, because an Act of the reign of William III had conferred all the necessary powers for this purpose on the Justices of the Peace. The petitioners prayed to be heard by themselves and counsel against the application for enclosure on Committee and on Report. The House of Commons ordered that the petition should lie on the Table, and that the petitioners should be heard when the Report had been received from Committee. Five days later three lords of manors (Sir Charles Kemys Tynte, Baronet, Copleston Warre Bampfylde, Esq., and William Hawker, Esq.) petition against the Bill and complain of the haste with which the promoters are pushing the Bill through Parliament. This petition is taken more seriously: a motion is made and defeated to defer the Bill for two months, but the House orders that the petitioners shall be heard before the Committee. Two of these three lords of manor present a further petition early in December, stating that they and their tenants are more than a majority in number and value of the persons interested, and a second petition is also presented by the

thirty-seven parishes and hamlets already mentioned, in which it is contended that, in spite of the difficulties of collecting signatures in a scattered district in a very short time, 749 persons interested had already signed the petition against the Bill, that the effect of the Bill had been misrepresented to many of the tenants, that the facts as to the different interests affected had been misrepresented to the Committee, that the number and rights of the persons supporting the Bill had been exaggerated (only 213 having signed their names as consenting), and that if justice was to be done to the various parties concerned, it was essential that time should be given for the hearing of complaints and the circulation of the Bill in the district. This petition was presented on 11th December, and the House of Commons ordered that the petitioners should be heard when the Report was received. Next day Mr. Selwyn, as Chairman of the Committee, presented a Report in favour of the Bill, mentioning among other things that the number of tenements concerned was 1269, and that 303 refused to sign; but attention was drawn to the fact that there were several variations between the Bill as it was presented to the House, and the Bill as it was presented to the parties concerned for their consent, and on this ground the Bill was defeated by 59 to 35 votes.

This is the cold impersonal account of the proceedings given in the official journals, but the letters of Selwyn take us behind the scenes and supply a far livelier picture. (51*) His account begins with a letter to Lord Carlisle in November:

'Bully has a scheme of enclosure, which, if it succeeds, I am told will free him from all his difficulties. It is to come into our House immediately. If I had this from a better judgment than that of our sanguine counsellors, I should have more hopes from it. I am ready to allow that he has been very faulty, but I cannot help wishing to see him once more on his legs....'

(Bully, of course, is Bolingbroke, brother of St. John, called the counsellor, author of the Bill.) We learn from this letter that there are other motives than a passion to drain Sedgmoor in the promotion of this great improvement scheme. We learn from the next letter that it is not only Bully's friends and creditors who have some reason for wishing it well:

'Stavordale is returning to Redlinch; I believe that he sets out to-morrow. He is also deeply engaged in this Sedgmoor Bill, and it is supposed that he or Lord Ilchester, which you please, will get 2000 l. a year by it. He will get more, or save more at least, by going away and leaving the Moor in my hands, for he told me himself the other night that this last trip to town had cost him 4000 l.'

Another letter warns Lord Carlisle that the only way to get his creditors to pay their debts to him, when they come into their money through the enclosure, is to press for payment, and goes on to describe the unexpected opposition the Bill had encountered. Selwyn had been made chairman of the Committee.

'... My dear Lord, if your delicacy is such that you will not be pressing with him about it, you may be assured that you will never receive a farthing. I have spoke to Hare about it, who [was] kept in it till half an hour after 4; as I was also to-day, and shall be to-morrow. I thought that it was a matter of form only, but had no sooner begun to read the preamble to the Bill, but I found myself in a nest of hornets. The room was full, and an opposition made to it, and disputes upon every word, which kept me in the Chair, as I have told you. I have gained it seems great reputation, and am at this minute reputed one of the best Chairmen upon this stand. Bully and Harry came home and dined with me....'

The next letter, written on 9th December, shows that Selwyn is afraid that Stavordale may not get his money out of his father, and also that he is becoming still more anxious about the fate of the Enclosure Bill, on which of course the whole pack of cards depends:

'... I have taken the liberty to talk a good deal to Lord Stavordale, partly for his own sake and partly for Yours, and pressed him much to get out of town as soon as possible, and not quit Lord I. [Ilchester] any more. His attention there cannot be of long duration, and his absence may be fatal to us all. I painted it in very strong colours, and he has promised me to go, as soon as this Sedgmoor Bill is reported. I moved to have Tuesday fixed for it. We had a debate and division upon my motion, and this Bill will at last not go down so glibly as Bully hoped that it would. It will meet with more opposition in the H. of Lords, and Lord North being adverse to it, does us no good. Lord Ilchester gets, it is said, £5000 a year by it, and amongst others Sir C. Tynte something, who, for what reason I cannot yet comprehend, opposes it....'

The next letter describes the final catastrophe:

'December 12. Tuesday night... Bully has lost his Bill. I reported it to-day, and the Question was to withdraw it. There were 59 against us, and we were 35. It was worse managed by the agents, supposing no treachery, than ever business was. Lord North, Robinson, and Keene divided against. Charles(52*) said all that could be said on our side. But as the business was managed, it was the worst Question that I ever voted for. We were a Committee absolutely of Almack's,(53*) so if the Bill is not resumed, and better conducted and supported, this phantom of 30,000 l. clear in Bully's pocket to pay off his annuities vanishes.

'It is surprising what a fatality attends some people's proceedings. I begged last night as for alms, that they would meet me to settle the Votes. I have, since I have been in Parliament, been of twenty at least of these meetings, and always brought numbers down by those means. But my advice was slighted, and twenty people were walking about the streets who could have carried this point.

'The cause was not bad, but the Question was totally indigestible. The most conscientious man in the House in Questions of this nature, Sir F. Drake, a very old acquaintance of mine, told me that nothing could be so right as the enclosure. But they sent one Bill into the country for the assent of the people interested, and brought me another, differing in twenty particulars, to carry through the Committee, without once mentioning to me that the two Bills differed. This they thought was cunning, and I believe a happy composition of Bully's cunning and John's idea of his own parts. I had no idea, or could have, of this difference. The adverse party said nothing of it, *comme de raison*, reserving the objection till the Report, and it was insurmountable. If one of the Clerks only had hinted it to me, inexperienced as I am in these sort of Bills, I would have stopped it, and by that means have given them a better chance by a new Bill than they can have now, that people will have a pretence for not altering their opinion....'

These letters compensate for the silence of Hansard, so real and instructive a picture do they present of the methods and motives of enclosure. 'Bully has a scheme of enclosure which, if it succeeds, I am told will free him from all his difficulties.' The journals may talk of the undrained fertility of Sedgmoor, but we have in this sentence the aspect of the enclosure that interests Selwyn, the Chairman of the Committee, and from beginning to end of the proceedings no other aspect ever enters his head. And it interests a great many other people besides Selwyn, for Bully owes money; so too does Stavordale, another prospective beneficiary: he owes money to Fox, and Fox owes money to Carlisle. Now Bully and Stavordale are not the

only eighteenth-century aristocrats who are in difficulties; the waiters at Brooks's and at White's know that well enough, as Selwyn felt when, on hearing that one of them had been attested for felony, he exclaimed, 'What an idea of us he will give in Newgate.' Nor is Bully the only aristocrat in difficulties whose thoughts turn to enclosure; Selwyn's letters alone, with their reference to previous successes, would make that clear. It is here that we begin to appreciate the effect of our system of family settlements in keeping the aristocracy together. These young men, whose fortunes come and go in the hurricanes of the faro table, would soon have dissipated their estates if they had been free to do it; as they were restrained by settlements, they could only mortgage them. But there is a limit to this process, and after a time their debts begin to overwhelm them; perhaps also too many of their fellow gamblers are their creditors to make Brooks's or White's quite as comfortable a place as it used to be, for we may doubt whether all of these creditors were troubled with Lord Carlisle's morbid delicacy of feeling. Happily there is an escape from this painful situation: a scheme of enclosure which will put him 'once more on his legs.' The other parties concerned are generally poor men, and there is not much danger of failure. Thus if we trace the adventures of the gaming table to their bitter end, we begin to understand that these wild revellers are gambling not with their own estates but with the estates of their neighbours. This is the only property they can realise. *Quidquid delirant reges plectuntur Achivi.*

The particular obstacle on which the scheme split was a fraudulent irregularity the Bill submitted for signature to the inhabitants differing seriously (in twenty particulars) from the Bill presented to Parliament. Selwyn clearly attached no importance at all to the Petitions that were received against the Bill, or to the evidence of its local unpopularity. It is clear too, that it was very rare for a scheme like this to miscarry, for, speaking of his becoming Chairman of the Committee, he adds, 'I thought it was a matter of form only.' Further with a little care this project would have weathered the discovery of the fraud of which the author were guilty. 'I begged last night as for alms that they would meet us to settle the Votes. I have, since I have been in Parliament, been of twenty at least of these meetings, and always brought number down by these means. But my advice was slighted, and twenty people were walking about the streets who could have carried this point.' In other words, the Bill would have been carried, all its iniquities notwithstanding, if only Bully's friends had taken Selwyn's advice and put themselves out to go down to Westminster. So little impression did this piece of trickery make on the mind of the Chairman of the Committee, that he intended to the last, by collecting his friends, to carry the Bill, for the fairness and good order of which he was responsible, through the House of Commons. This glimpse into the operations of the Committee enables us to picture the groups of comrades who sauntered down from Almack's of an afternoon to carve up a manor in Committee of the House of Commons. We can see Bully's friends meeting round the table in their solemn character of judges and legislator, to give a score of villages to Bully, and a dozen to Stavordale, much as Artaxerxes gave Magnesia to Themistocles for his bread, Myus for his meat and Lampsacus for his wine. And if those friends happened to be Bully's creditor as well, it would perhaps not be unjust to suppose that their action was not altogether free from the kind of gratitude that inspired the bounty of the great king. (54*)

NOTES:

1. E.g., Laxton enclosed on petition on Lord Carbery in 1772. Total area 1200 acres. Enclosure proceedings completed in the Commons in nineteen days. Also Ashbury, Berks, enclosed on petition of Lord Craven in 1770. There were contrary petitions. Also Nylands, enclosed in 1790 on petition of the lady of the manor. Also Tilsworth, Beds, enclosed on petition of Charles Chester, Esq., 1767, and Westcote, Bucks, on petition of the most noble George, Duke of Marlborough, January 24, 1765. Sometimes the lord of the manor associated the vicar with his petition; thus Waltham, Croxton and Braunston, covering 5600 acres, in Leicestershire, were all enclosed in 1766 by the Duke of Rutland and the local rector or vicar. The relations of

Church and State are very happily illustrated by the language of the petitions, 'A petition of the most noble John, Duke of Rutland, and the humble petition' of the Rev. ----- Brown or Rastall or Martin.

2. This Standing Order does not seem to have been applied universally, for Mr. Braggs on December 1, 1800, made a motion that it should be extended to the countries where it had not hitherto obtained. See *Senator*, vol. xxvii, December 1, 1800.

3. See particulars in Appendix.

4. *A Six Months' Tour through the North of England*, 1771, vol. i, p. 122.

5. Pp. 21 f.

6. Cf. Otmoor in next chapter.

7. See Appendix.

8. See Appendix.

9. See *House of Commons Journal*.

10. Eden, *The State of the Poor*, vol. ii, p. 157.

11. Eden, writing a few years later, remarks that since the enclosure 'the property in Holy Island has gotten into fewer hands,' vol. ii, p. 149.

12. *Report of Select Committee on Most Effectual Means of Facilitating Enclosure*, 1800.

13. Cf. also Wraisbury in Bucks, *House of Commons Journal*, June 17, 1799, where the petitioners against the Bill claimed that they spoke on behalf of 'by much the greatest Part of the Proprietors of the said Lands of Grounds.' yet in the enumeration of consents the committee state that the owners of property assessed at £6, 18s. are hostile out of a total value of £295, 14s.

14. *House of Commons Journal*, March 21, 1796.

15. *House of Commons Journal*, June 10, 1801; cf. also case of Laleham. See Appendix.

16. *Ibid.*, June 15, 1801.

17. *Ibid.*, May 3, 1809.

18. *Ibid.*, June 15, 1801.

19. See Appendix A (13).

20. *A Political Enquiry into the Consequences of enclosing Waste Lands*, 1785, p. 108.

21. See Appendix A (12).

22. House of Commons, May 1, 1845.

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23. Aglionby, House of Commons, June 5, 1844.
 24. Thurlow was Chancellor from 1778 to 1783 (when Fox contrived to get rid of him) and from 1783 to 1792.
 25. *Parliamentary Register*, House of Lords, March 30, 1781.
 26. Sir George Savile (1726-1784), M.P. for Yorkshire, 1759-1783; carried the Catholic Relief Bill, which provoked the Gordon Riots, and presented the great Yorkshire Petition for Economical Reform.
 27. *Annual Register*, 1867, p. 68. For a detailed history of the Stanwell Enclosure, see Appendix A (10). Unhappily the farmers were only reprieved; Stanwell was enclosed at the second attempt.
 28. See *Parliamentary Register*, House of Lords, March 30, 1781; April 6, 1781; June 14, 1781.
 29. John Warren (1730-1800).
 30. Hohn Hinchcliffe (1731-1794), at one time Master of Trinity College, Cambridge.
 31. *Parliamentary Register*, March 30, 1781.
 32. *Senator*, vol. xxvi, July 2, 1800.
 33. For both speeches see *Parliamentary Register*, May 24, 1802.
 34. *Ibid.*, June 14, 1781.
 35. See Chesnut, Louth, Simpson and Stanwell in Appendix.
 36. *Six Months' Tour through the North of England*, 1771, vol. i, p. 122.
 37. See *Annual Register*, 1800, Appendix to *Chronicle*, p. 87.
 38. *Parliamentary Register*, June 14, 1781.
 39. *Annals of Agriculture*, vol. xxvi, p. 111.
 40. February 1, 1793.
 41. See Chapter iv.
 42. Vol. xxvi, p. 70.
 43. Sinclair's language shows that this was the general arrangement. Of course there are exceptions. See e.g., Haute Huntre and other cases in Appendix.
 44. Cf. Billingsley's *Report on Somerset*, p. 59, where the arrangements are described as 'a little system of patronage. The lord of the soil, the rector, and a few of the principal commoners, monopolize and distribute the appointments.'
 45. *Parliamentary Register*, June 14, 1781.

46. *General Report on Enclosures*, 1808.
47. *Six Months' Tour through the North of England*, vol. i, p. 122.
48. See Appendix A (6).
49. *Report on Somerset*, p. 192.
50. *Parliamentary Register*, January 21, 1772.
51. Carlisle MSS.; Historical MSS. Commission, pp. 301ff.
52. Charles James Fox.
53. The earlier name of Brooks's Club.
54. For the subsequent history of King's Sedgmoor, see Appendix A (14).