

CHAPTER THREE

Enclosure (2)

In the year 1774, Lord North's Government, which had already received a bad bruise or two in the course of its quarrels with printer and author, got very much the worst of it in an encounter that a little prudence would have sufficed to avert altogether. The affair has become famous on account of the actor, and because it was the turning point in a very important career. The cause of the quarrel has passed into the background, but students of the enclosure movement will find more to interest them in its beginning than in its circumstances and development.

Mr. De Grey, Member for Norfolk, and Lord of the Manor of Tollington in that county, had a dispute of long standing with Mr. William Tooke of Purley, a landowner in Tollington, who had resisted Mr. De Grey's encroachments on the common. An action on this subject was impending, but Mr. De Grey, who held, as Sir George Trevelyan puts it, 'that the law's delay was not intended for Member of Parliament' got another Member of Parliament to introduce a petition for a Bill for the enclosure of Tollington. As it happened, Mr. Tooke was a friend of one of the clerks in the House of Commons, and this friend told him on 6th January that a petition from De Grey was about to be presented. A fortnight later Mr. Tooke received from this clerk a copy of Mr. De Grey's petition, in which the Lord Chief Justice, brother of Mr. De Grey was included. Mr. Tooke hurried to London and prepared a counter petition, and Sir Edward Astley, the member for the constituency, undertook to present that petition together with the petition from Mr. De Grey. There were some further negotiations, with the result that both sides revised their respective petitions, and it was arranged that they should be presented on 4th February. On that day the Speaker said the House was not full enough, and the petitions must be presented on the 7th. Accordingly Sir Edward Astley brought up both petitions on the 7th, but the Speaker said it was very extraordinary to present two contrary petitions at the same time. 'Bring the first petition first.' When members began to say 'Hear, hear,' the Speaker remarked, 'It is only a common petition for a common enclosure,' and the Members fell into general conversation, paying no heed to the proceedings at the Table. In the midst of this the petition was read, and the Speaker asked for 'Ayes and Noes,' and declared that the Ayes had it. The petition asking for the Bill had thus been surreptitiously carried without the House being made aware that there was a contrary petition to be presented, the contrary petition asking for delay. The second petition was then read and ordered to lie on the Table.

In ordinary circumstances nothing more would have been heard of the opposition to Mr. De Grey's Bill. Hundreds of petitions may have been so stifled without the world being any the wiser. But Mr. Tooke, who would never have known of Mr. De Grey's intention if he had not had a friend among the clerk of the House of Commons, happened to have another friend who

was able to help him in a very different way in his predicament. This was Horne, who was now living in a cottage at Purley, reading law, on the desperate chance that a man, who was a clergyman against his will, would be admitted to the bar. Rushed rather than spent by his public quarrel with Wilkes, which was just dying down, Horne saw in Mr. Tooke's wrongs an admirable opportunity for a champion of freedom, whose earlier exploits had been a little tarnished by his subsequent feuds with his comrades. Accordingly he responded very promptly, and published in the Public Advertiser of 11th February, an anonymous indictment of the Speaker, Sir Retcher Norton, based on his unjust treatment of these petitions. This letter scandalised the House of Commons and drew the unwary Government into a quarrel from which Horne emerged triumphant; for the Government, having been led on to proceed against Horne, was unable to prove his authorship of the letter. The incident had consequences of great importance for many persons. It was the making of Horne, for he became Horne Tooke, with £8000 from his friend and a reputation as an intrepid and vigilant champion of popular liberty that he retained to the day of his death. It was also the making of Fox, for it was this youth of twenty-five who had led the Government into its scrape, and the king could not forgive him. His temerity on this occasion provoked the famous letter from North. 'Sir, His Majesty has thought proper to order a new Commission of the Treasury to be made out, in which I do not see your name.' Fox left the court party to lend his impetuous courage henceforth to very different causes. But for social students the incident is chiefly interesting because it was the cause of the introduction of Standing Orders on Enclosure Bills. It had shown what might happen to rich men under the existing system. Accordingly the House of Commons set to work to construct a series of Standing Orders to regulate the proceedings on Enclosure Bills.

Most of these Standing Orders have ready been mentioned in the previous chapter, but we propose to recapitulate their main provisions in order to show that the gross fairness of the procedure, described in the last chapter, as between the rich and the poor, made no impression at all upon Parliament. The first Standing Orders dealing with Enclosure Bills were passed in 1774, and they were revised in 1775, 1781, 1799, 1800 and 1801. These Standing Orders prevented a secret application to Parliament by obliging promoters to publish a notice on the church door; they introduced some control over the extortions of commissioners, and laid down that the Bill presented to Parliament should contain the names of the commissioners and a description of the compensation to be given to the lord of the manor and the impropiator of tithes. But they contained no safeguard at all against robbery of the small proprietors or the commoners. Until 1801 there was no restriction on the choice of a commissioner, and it was only in that year that Parliament adopted the Standing Order providing that no lord of the manor, or steward, or bailiff of any lord or lady or proprietor should be allowed to act as commissioner in an enclosure in which he was an interested party.(1*) In one respect Parliament deliberately withdrew a rule introduced to give greater regularity and publicity to the proceedings of committees. Under the Standing Orders of 1774, the Chairman of a Committee had to report not only whether the Standing Orders had been complied with, but also what evidence had been submitted to show that all the necessary formalities had been observed; but in the following year the House of Commons struck out this second provision. A Committee of the House of Commons suggested in 1799 that no petition should be admitted for a Parliamentary Bill unless a fourth part of the proprietors in number and value signed the application, but this suggestion was rejected.

The poor then found no kind of shelter in the Standing Orders. The legislation of this period, from first to last, shows just as great an indifference to the injustice to which they were exposed. The first public Act of the time deals not with enclosures for growing corn, but with enclosures for growing wood. The Act of 1756 states in its preamble that the Acts of Henry VIII, Charles II and William III for encouraging the growth of timber had been obstructed by the resistance of the commoners, and Parliament therefore found it necessary to enact that any owner of waste could enclose for the purpose of growing timber with the approval of the

majority in number and value of those who had common rights, and any majority of those who had common rights could enclose with the approval of the owner of the waste. Any person or persons who thought themselves aggrieved could appeal to Quarter Sessions, within six months after the agreement had been registered. We hear very little of this Act, and the enclosures that concern us are enclosures of a different kind. In the final years of the century there was a succession of General Enclosure Bills introduced and debated in Parliament, under the stimulus of the fear of famine. These Bills were promoted by the Board of Agriculture, established in 1793 with Sir John Sinclair as President, and Arthur Young as secretary. This Board of Agriculture was not a State department in the modern sense, but a kind of Royal Society receiving, not too regularly, a subsidy from Parliament.(2*) As a result of its efforts two Parliamentary Committees were appointed to report on the enclosure of waste lands, and the Reports of these Committees, which agreed in recommending a General Enclosure Bill, were presented in 1795 and 1799. Bills were introduced in 1795, 1796, 1797 and 1800, but it was not until 1801 that any Act was passed.

The first Bills presented to Parliament were General Enclosure Bills, that is to say, they were Bills for prescribing conditions on which enclosure could be carried out without application to Parliament. The Board of Agriculture was set on this policy partly, as we have seen, in the interest of agricultural expansion, partly as the only way of guaranteeing a supply of food during the French war. But these were not the only considerations in the mind of Parliament, and we are able in this case to see what happened to a disinterested proposal when it had to pass through the sieve of a Parliament of owners of land and tithes. For we have in the Annals of Agriculture(3*) the form of the General Enclosure Bill of 1796 as it was presented to the Government by that expert body, the Board of Agriculture, and we have among the Parliamentary Bills in the British Museum (1) the form in which this Bill left a Select Committee, and (2) the form in which it left a second Select Committee of Eights of the Shire and Gentlemen of the Long Robe. We are thus able to see in what spirit the lords of the manor who sat in Parliament regarded, in a moment of great national urgency, the policy put before it by the Board of Agriculture. We come at once upon a fact of great importance. In the first version it is recognised that Parliament has to consider the future as well as the present, that it is dealing not only with the claims of a certain number of living cottagers, whose rights and property may be valued by the commissioners at a five pound note, but with the necessities of generations still to be born, and that the most liberal recognition of the right to pasture a cow, in the form of a cash payment to an individual, cannot compensate for the calamities that a society suffers in the permanent alienation of all its soil. The Bill as drafted in the Board of Agriculture enacted that in view of the probable increase of population, a portion of the waste should be set aside, and vested in a corporate body (composed of the lord of the manor, the rector, the vicar, the churchwardens and the overseers), for allotments for ever. Any labourer over twenty-one, with a settlement in the parish, could claim a portion and hold it for fifty years, rent free, on condition of building a cottage and fencing it. When the fifty years were over, the cottages, with their parcels of land, were to be let on leases of twenty-one years and over at reasonable rents, half the rent to go to the owner of the soil, and half to the poor rates. The land was never to be alienated from the cottage. All these far-sighted clauses vanish absolutely under the sifting statesmanship of the Parliament, of which Burke said in all sincerity, in his Reflections on the Revolution in France, that 'our representation has been found perfectly adequate to all the purposes for which a representation of the people can be desired or devised.'

There was another respect in which the Board of Agriculture was considered to be too generous to the poor by the lords of the manor, who made the laws of England. In version 1 of the Bill, not only those entitled to such right but, also those who have enjoyed or exercised the right of getting fuel are to have special and inalienable fuel allotments made to them: in version 2 only those who are entitled to such rights are to have a fuel allotment, and in version 3, this

compensation is restricted to those who have possessed fuel rights for ten years. Again in version 1, the cost of enclosing and fencing small allotments, where the owners are unable to pay, is to be borne by the other owners: in version 2, the small owners are to be allowed to mortgage their allotments in order to cover the cost. The importance of the proposal thus rejected by the Parliamentary Committee will appear when we come to consider the practical effects of Enclosure Acts. The only people who got their fencing done for them under most Acts were the tithe-owners, a class neither so poor nor so powerless in Parliament.

However this Bill shared the fate of all other General Enclosure Bills at this time. There were many obstacles to a General Enclosure Bill. Certain Members of Parliament resisted them on the ground that if it were made legal for a majority to coerce a minority into enclosure without coming to Parliament, such protection as the smaller commoners derived from the possibility of Parliamentary discussion would disappear. Powis quarrelled with the Bill of 1796 on this ground, and he was supported by Fox and Grey, but his objections were overruled. However a more formidable opposition came from other quarters. Enclosure Acts furnished Parliamentary officials with a harvest of fees,^(4*) and the Church thought it dangerous that enclosure, affecting tithe-owners, should be carried through without the bishops being given an opportunity of interfering. These and other forces were powerful enough to destroy this and all General Enclosure Bills, intended to make application to Parliament unnecessary.

The Board of Agriculture accordingly changed its plans. In 1800 the Board abandoned its design of a General Enclosure Bill, and presented instead a consolidating Bill, which was to cheapen procedure. Hitherto there had been great diversities of form and every Bill was an expensive little work of art of its own. The Act of 1801 was designed to save promoters of enclosure some of this trouble and expense. It took some forty clauses that were commonly found in Enclosure Bills and provided that they could be incorporated by reference in private Bills, thus cheapening legal procedure. Further, it allowed affidavits to be accepted as evidence, thus relieving the promoters from the obligation of bringing witnesses before the Committee to swear to every signature. All the recognition that was given to the difficulties and the claims of the poor was comprised in sections 12 and 13, which allow small allotments to be laid together and depastured in common, and instruct the commissioners to have particular regard to the convenience of the owners or proprietors of the smallest estates. In 1813, the idea of a General Bill was revived once more, and a Bill passed the House of Commons which gave a majority of three-fifths in value the right to petition quarter Sessions for an enclosure. The Bill was rejected in the Lords. In 1836 a General Enclosure Bill was passed, permitting enclosure when two-thirds in number and value desired it, and in 1845 Parliament appointed central Commissioners with a view to preventing local injustice.

It is fortunate that the Parliamentary Reports of the debates on General Enclosure Bills in the unreformed Parliament are almost as meagre as the debates on particular Enclosure Bills. We can gather from various indications that the rights of the clergy received a good deal of notice, and Lord Grenville made an indignant speech to vindicate his zeal in the cause of the Church, which had been questioned by opponents. The cause of the poor does not often ruffle the surface of discussion. This we can collect not only from negative evidence but also from a statement by Mr. Lechmere, Member for Worcester. Lechmere, whose loss of his seat in 1790 deprived the poor of one of their very few champions in Parliament, drew attention more than once during the discussions on scarcity and the high price of corn to the lamentable consequences of the disappearances of the small farms, and recommended drastic steps to arrest the process. Philip Francis gave him some support. The general temper of Parliament can be divined from his complaint that when these subjects were under discussion it was very difficult to make a House.

It must not be supposed that the apathy of the aristocracy was part of a universal blindness or anaesthesia, and that the method and procedure of enclosure were accepted as just and inevitable, without challenge or protest from any quarter. The poor were of course bitterly hostile. This appears not only from the petitions presented to Parliament, but from the echoes that have reached us of actual violence. It was naturally easier for the threatened commoners to riot in places where a single enclosure scheme affected a wide district, and most of the records of popular disturbances that have come down to us are connected with attempts to enclose moors that were common to several parishes. An interesting example is afforded by the history of the enclosure of Haute Huntre Fen in Lincolnshire. This enclosure, which affected eleven parishes, was sanctioned by Parliament in 1767, but three years later the Enclosure Commissioners had to come to Parliament to explain that the posts and rails that they had set up had been destroyed 'by malicious persons, in order to hinder the execution of the said Act,' and to ask for permission to make ditches instead of fences.(5*) An example of disturbances in a single village is given by the Bedfordshire reporter for the Board of Agriculture, who says that when Maulden was enclosed it was found necessary to send for troops from Coventry to quell the riots:(6*) and another in the Annual Register for 1799(7*) describing the resistance of the commoners at Wilbarston in Northamptonshire, and the employment of two troops of yeomanry to coerce them. The general hatred of the poor for enclosures is evident from the language of Eden, and from statements of contributors to the Annals of Agriculture. Eden had included a question about commons and enclosures in the questions he put to his correspondents, and he says in his preface that he had been disappointed that so few of his correspondents had given an answer to this question. He then proceeds to give this explanation: 'This question, like most others, that can now be touched upon, has its popular and its unpopular sides: and where no immediate self-interest, or other partial leaning, interferes to bias the judgment, a good-natured man cannot but wish to think with the multitudes; stunned as his ears must daily be, with the oft-repeated assertion, that, to condemn commons, is to determine on depopulating the country'(8*) The writer of the Bedfordshire Report in 1808 says that 'it appears that the poor have invariably been inimical to enclosures, as they certainly remain to the present day.'(9*) Dr. Wilkinson, writing in the Annals of Agriculture(10*) in favour of a General Enclosure Bill says, 'the grand objection to the inclosure of commons arises from the unpopularity which gentlemen who are active in the cause expose themselves to in their own neighbourhood, from the discontent of the poor when any such question is agitated.' Arthur Young makes a similar statement.(11*) 'A general inclosure has been long ago proposed to administration, but particular ones have been so unpopular in some cases that government were afraid of the measure.'

The popular feeling, though quite unrepresented in Parliament, was not unrepresented in contemporary literature. During the last years of the eighteenth century there was a sharp war of pamphlets on the merits of enclosure, and it is noticeable that both supporters and opponents denounced the methods on which the governing class acted. There is, among others, a very interesting anonymous pamphlet, published in 1781 under the title of *An Inquiry into the Advantages and disadvantages resulting from Bills of Inclosure*, in which the existing practice is renewed and some excellent suggestions are made for reform. The writer proposed that the preliminary to a Bill should be not the fixing of a notice to the church door, but the holding of a public meeting, that there should be six commissioners, that they should be elected by the commoners by ballot, that no decision should be valid that was not unanimous, and that an appeal from that decision should lie not to Quarter Sessions, but to Judges of Assize. The same writer proposed that no enclosure should be sanctioned which did not allot one acre to each cottage.

These proposals came from an opponent of enclosure, but the most distinguished supporters of enclosure were also discontented with the procedure. Who are the writers on eighteenth-century agriculture whose names and publications are known and remembered? They are, first

of all, Arthur Young (1741-1820), who, though he failed as a merchant and failed as a farmer, and never ceased to regret his father's mistake in neglecting to put him into the soft lap of a living in the Church, made for himself, by the simple process of observing and recording, a European reputation as an expert adviser in the art which he had practised with so little success. A scarcely less important authority was William Marshall (1745-1818), who began by trading in the West Indies, afterwards farmed in Surrey, and then became agent in Norfolk to Sir Harbord. It was Marshall who suggested the creation of a Board of Rural Affairs, and the preparation of Surveys and Minutes. Though he never held an official position, it was from his own choice, for he preferred to publish his own Minutes and Surveys rather than to write them for the Board. He was interested in philology as well as in agriculture; he published a vocabulary of the Yorkshire dialect and he was a friend of Johnson, whom he rather scandalised by condoning Sunday labour in agriculture under special circumstances. Nathaniel Kent (1737-1810) studied husbandry in the Austrian Netherlands, where he had been secretary to an ambassador, and on his return to England in 1766 he was employed as an estate agent and land valuer. He wrote a well-known book *Hints to Gentlemen of Landed Property*, and he had considerable influence in improving the management of various estates.

He was, for a short time, bailiff of George III's farm at Windsor. All of these writers, though they are very far from taking the view which found expression in the riots in the Lincolnshire fens, or in the anonymous pamphlet already mentioned, addressed some very important criticisms and recommendations to the class that was inclosing the English commons. Both Marshall and Young complained of the injustice of the method of choosing commissioners. Marshall, ardent champion of enclosure as he was, and no sentimentalist on the subject of the commoners, wrote a most bitter account of the motives of the enclosers. 'At this juncture, it is true, the owners of manors and tithes, whether clergy or laity, men of ministry or men of opposition, are equally on the alert: not however pressing forward with offerings and sacrifices to relieve the present distresses of the country, but searching for vantage ground to aid them in the scramble.' (12*) Holding this view, he was not unnaturally ill-content with the plan of letting the big landlords nominate the commissioners, and proposed that the lord of the soil and the owner or owners of tithes should choose one commissioner each, that the owner or owners of pasturage should choose two, and that the four should choose a fifth. Arthur Young proposed that the small proprietors should have a share in the nomination of commissioners either by a union of votes or otherwise, as might be determined.

The general engrossing of farms was arraigned by Thomas Stone, the author of an important pamphlet, *Suggestions for rendering the inclosure of common fields and waste lands a source of population and of riches*, 1787, who proposed that in future enclosures farms should be let out in different sites from £40 to £200 a year. He thought further that Parliament should consider the advisability of forbidding the alienation of cottagers' property, in order to stop the frittering away of cottagers' estates which was general under enclosure. Kent, a passionate enthusiast for enclosing, was not less critical of the practice of throwing farms together, a practice which had raised the price of provisions to the labourer, and he appealed to landlords to aid the distressed poor by reducing the size of their farms, as well as by raising wages. Arbuthnot, the author of a pamphlet on *An Inquiry into the Connection between the present Price of Provisions and the Size of Farms, by a Farmer*, 1773, who had defended the large-farm system against Dr. Price, wrote, 'My plan is to allot to each cottage three or four acres which should be annexed to it without power or alienation and without rent while under the covenant of being kept in grass.'

So much for writers on agriculture. But the eighteenth century produced two authoritative writers on social conditions. Any student of social history who wishes to understand this period would first turn to the three great volumes of Eden's *State of the Poor*, published in 1797, as a storehouse of cold facts. Davies, who wrote *The Case of Labourers in Husbandry*, published in

1795, is less famous than he deserves to be, if we are to judge from the fact that the Dictionary of National Biography only knows about him that he was Rector of Barkham in Berkshire, and a graduate of Jesus College, Oxford, that he received a D.D. degree in 1800, that he is the author of this book, and that he died, perhaps, in the year 1809. But Davies' book, which contains the result of most careful and patient investigation, made a profound impression on contemporary observers. Howlett called it 'incomparable,' and it is impossible for the modern reader to resist its atmosphere of reality and truth. This country parson gives us a simple, faithful and sincere picture of the facts, seen without illusion or prejudice, and free from all the conventional affectations of the time: a priceless legacy to those who are impatient of the generalisations with which the rich dismiss the poor. Now both of these writers warned their contemporaries of the danger of the uncontrolled tendencies of the age. Eden proposed that in every enclosure a certain quantity of land should be reserved for cottagers and labourers, to be vested in the whole district. He spoke in favour of the crofters in Scotland, and declared that provision of this kind was made for the labouring classes in the first settled townships of New England. Davies was still more emphatic in calling upon England to settle cottagers and to arrest the process of engrossing farms.(13*)

Thus of all the remembered writers of the period who had any practical knowledge of agriculture or of the poor, there is not one who did not try to teach the governing class the need for reform, and the dangers of the state into which they were allowing rural society to drift. Parliament was assailed on all sides with criticisms and recommendations, and its refusal to alter its ways was deliberate.

Of the protests of the time the most important and significant came from Arthur Young. No man had been so impatient of objections to enclosure: no man had taken so severe and disciplinary a view of the labourer: no man had dismissed so lightly the appeals for the preservation of the fragmentary possessions of the poor. He had taught a very simple philosophy, that the more the landowner pressed the farmer, and the more the farmer pressed the labourer, the better it was for agriculture. He had believed as implicitly as Sinclair himself, and with apparently as little effort to master the facts, that the cottagers were certain to benefit by enclosure. All this gives pathos, as well as force, to his remarkable paper, published under the title *An Inquiry into the Propriety of applying Wastes to the better Maintenance and Support of the Poor*.

The origin of this document is interesting. It was written in 1801, a few years after the Speenhamland system had begun to fix itself on the villages. The growth of the poor rates was troubling the minds of the upper and middle classes. Arthur Young, in the course of his travels at this time, stumbled on the discovery that in those parishes where the cottagers had been able to keep together a tiny patch of property, they had shown a Spartan determination to refuse the refuge of the Poor Law. When once he had observed this, he made further investigations which only confirmed his first impressions. This opened his eyes to the consequences of enclosure as it had been carried out, and he began to examine the history of these operations in a new spirit. He then found that enclosure had destroyed with the property of the poor one of the great incentives to industry and self-respect, and that his view that the benefit of the commons to the poor was 'perfectly contemptible,' and 'when it tempts them to become owners of cattle or sheep usually ruinous,'(14*) was fundamentally wrong. Before the enclosures, the despised commons had enabled the cottager to keep a cow, and this, so far from bringing ruin, had meant in very many cases all the difference between independence and pauperism. His scrutiny of the Acts convinced him that in respect of this they had been unjust. 'By nineteen out of twenty Inclosure Bills the poor are injured, and some grossly injured.... Mr. Forster of Norwich, after giving me an account of twenty inclosures in which he had acted as Commissioner, stated his opinion on their general effect on the poor, and lamented that he had been accessory to the injuring of 2000 poor people, at the rate of twenty families per parish....

The poor in these parishes may say, and with truth, "Parliament may be tender of property: all I know is that I had a cow and an Act of Parliament has taken it from me."

This paper appeared on the eve of the Enclosure Act of 1801, the Act to facilitate and cheapen procedure, which Young and Sinclair had worked hard to secure. It was therefore an opportune moment for trying to temper enclosure to the difficulties of the poor. Arthur Young made a passionate appeal to the upper classes to remember these difficulties. 'To pass Acts beneficial to every other class in the State and hurtful to the lowest class only, when the smallest alteration would prevent it, is a conduct against which reason, justice and humanity equally plead.' He then proceeded to outline a constructive scheme. He proposed that twenty millions should be spent in setting up half a million families with allotments and cottages: the fee-simple of the cottage and land to be vested in the parish, and possession granted under an Act of Parliament, on condition that if the father or his family became chargeable to the rates, the cottage and land should revert to the parish. The parishes were to carry out the scheme, borrowing the necessary money on the security of the rates.(15*) 'A man,' he told the landlords, in a passage touched perhaps with remorse as well as with compassion, 'will love his country the better even for a pig.' 'At a moment,' so he concludes, 'when a General Inclosure of Wastes is before Parliament, to allow such a measure to be carried into execution in conformity with the practice hitherto, without entering one voice, however feeble, in defence of the interests of the poor, would have been a wound to the feelings of any man not lost to humanity who had viewed the scenes which I have visited.'

The appeal broke against a dense mass of class prejudice, and so far as any effect on the Consolidating Act of 1801 is concerned, Arthur Young might never have written a line. This is perhaps not surprising, for we know from Young's autobiography (p. 350) that he did not even carry the Board of Agriculture with him, and that Lord Carrington, who was then President, only allowed him to print his appeal on the understanding that it was not published as an official document, and that the Board was in no way identified with it. Sinclair, who shared Young's conversion, had ceased to be President in 1798. The compunction he tried to awaken did affect an Act here and there. A witness before the Allotments Committee of 1843 described the arrangements he contrived to introduce into an Enclosure Act. The witness was Mr. Demainbray, an admirable and most public-spirited parson, Rector of Broad Somerford in Wiltshire. Mr. Demainbray explained that when the Enclosure Act for his parish was prepared in 1806, he had been pressed to accept land in lieu of tithes, and that he took the opportunity to stipulate for some provision for the poor. As a consequence of his efforts, half an acre was attached to each cottage on the waste, the land being vested in the rector, churchwardens and overseers for the time being, and eight acres were reserved for the villagers for allotment and reallocation every Easter. This arrangement, which had excellent results, 'every man looking forward to becoming a man of property,' was copied in several of the neighbouring parishes. Dr. Slater has collected some other examples. One Act, passed in 1824 for Pottern in Wiltshire, vested the ownership of the enclosed common in the Bishop of Salisbury, who was lord of the manor, the vicar, and the churchwardens, in trust for the parish. The trustees were required to lease it in small holdings to poor, honest and industrious persons, who had not, except in cases of accident or sickness, availed themselves of Poor Law Relief.(16*) Thomas Stone's proposal for making inalienable allotments to cottagers was adopted in two or three Acts in the eastern counties, but the Acts that made some provision for the poor do not amount, in Dr. Slater's opinion, to more than one per cent of the Enclosure Acts passed before 1845,(17*) and this view is corroborated by the great stress laid in the Reports of the Society for Bettering the Condition of the Poor, upon a few cases where the poor were considered, and by a statement made by Mr. Demainbray in a pamphlet published in 1831.(18*) In this pamphlet Mr. Demainbray quotes what Davies had said nearly forty years earlier about the effect of enclosures in robbing the poor, and then adds: 'Since that time many hundred enclosures have

taken place, but in how few of them has any reserve been made for the privileges which the poor man and his ancestors had for centuries enjoyed?'

Some interesting provisions are contained in certain of the Acts of the period. At Stanwell the commissioners were to set aside such parcel as they thought proper not exceeding thirty acres, to be let out and the rents and profits were to be given for the benefit of such occupiers and inhabitants as did not receive parochial relief or occupy lands and tenements of more than £5 a year, and had not received any allotment under the Act. Middleton, the writer of the Report on Middlesex, says that the land produced £30 a year,(19*) and he remarks that this is a much better way of helping the poor than leaving them land for their use. We may doubt whether the arrangement seemed equally attractive to the poor. It could not have been much compensation to John Carter, who owned a cottage, to receive three roods, twenty-six perches in lieu of his rights of common, which is his allotment in the award, for three-quarters of an acre is obviously insufficient for the pasture of a cow, but it was perhaps still less satisfactory for James Carter to know that one acre and seven perches were allotted to the 'lawful owner or owners' of the cottage and land which he occupied, and that his own compensation for the loss of his cow or sheep or geese was the cold hope that if he kept off the rates, Sir William Gibbons, the vicar, and the parish officers might give him a dole. The Laleham Commissioners were evidently men of a rather grim humour, for, in setting aside thirteen acres for the poor, they authorised the churchwardens and overseers to encourage the poor, if they were so minded, by letting this plot for sixty years and using the money so received to build a workhouse. A much more liberal provision was made at Cheshunt, where the poor were allowed 100 acres. At Knaresborough and Louth, the poor got nothing at all.

Before we proceed to describe the results of enclosure on village life, we may remark one curious fact. In 1795 and 1796 there was some discussion in the House of Commons of the condition of the agricultural labourers, arising out of the proposal of Whitbread's to enable the magistrates to fix a minimum wage. Pitt made a long speech in reply, and promised to introduce a scheme of his own for correcting evils that were too conspicuous to be ignored. This promise he kept next year in the ill-fated Poor Law Bill, which died, almost at its birth, of general hostility. That Bill will be considered elsewhere. All that we are concerned to notice here is that neither speech nor Bill, though they cover a wide range of topics, and though Pitt said that they represented the results of long and careful inquiry, hint at this cause of social disturbance, or at the importance of safe-guarding the interests of the poor in future enclosure schemes: this in spite of the fact that, as we have seen, there was scarcely any contemporary writer or observer who had not pointed out that the way in which the governing class was conducting these revolutions was not only unjust to the poor but perilous to the State.

It is interesting, in the light of the failure to grasp and retrieve an error in national policy which mark the progress of these transactions, to glance at the contemporary history of France. The Legislative Assembly, under the influence of the ideas of the economists, decreed the division of the land of the communes in 1792. The following year this decree was modified. Certain provincial assemblies had asked for division, but many of the villages were inexorably hostile. The new decree of June 1793 tried to do justice to these conflicting wishes by making division optional. At the same time it insisted on an equitable division in cases where partition took place. But this policy of division was found to have done such damage to the interests of the poor that there was strenuous opposition, with the result that in 1796 the process was suspended, and in the following year it was forbidden.(20*) Can any one suppose that if the English legislature had had as swift and ready a sense for things going wrong, the policy of enclosure would have been pursued after 1801 with the same reckless disregard for its social consequences?

We have given in the last chapter the history of an enclosure project for the light it throws on the play of motive in the enclosing class. We propose now to give in some detail the history of an enclosure project that succeeded for the light it throws on the attention which Parliament paid to local opinion and on the generally received views as to the rights of the small commoners. Our readers will observe that this enclosure took place after the criticisms and appeals which we have described had all been published.

Otmoor is described in Dunkin's History of Oxfordshire, (21*) as a 'dreary and extensive common.' Tradition said that the tract of land was the gift of some mysterious lady 'who gave as much ground as she could ride round while an oat-sheaf was burning, to the inhabitants of its vicinity for a public common,' and hence came its name of Oatmoor, corrupted into Otmoor. Whatever the real origin of the name, which more prosaic persons connected with 'Oc,' a Celtic word for 'water,' this tract of land had been used as a 'public common without stint... from remote antiquity.' Lord Abingdon, indeed, as Lord of the Manor of Beckley, claimed and exercised the right of appointing a moor-driver, who at certain seasons drove all the cattle into Beckley, where those which were unidentified became Lord Abingdon's property. Lord Abingdon also claimed rights of soil and of sport: these, like his other claim, were founded on prescription only, as there was no trace of any grant from the Crown.

The use to which Otmoor, in its original state, was put, is thus described by Dunkin. 'Whilst this extensive piece of land remained unenclosed, the farmers of the several adjoining townships estimated the profits of a summer's pasturage at 20s. per head, subject to the occasional loss of a beast by a peculiar distemper called the moor-evil. But the greatest benefit was reaped by the cottagers, many of whom turned out large numbers of geese, to which the coarse aquatic sward was well suited, and thereby brought up their families in comparative plenty. (22*)

'Of late years, however, this dreary waste was surveyed with longing eyes by the surrounding landowners, most of whom wished to annex a portion of it to their estates, and in consequence spared no pains to recommend the enclosure as a measure beneficial to the country.'

The promoters of the enclosure credited themselves with far loftier motives: prominent among them being a desire to improve the morals of the poor. An advocate of the enclosure afterwards described the pitiable state of the poor in pre-enclosure days in these words: 'In looking after a brood of goslings, a few rotten sheep, a skeleton of a cow or a mangy horse, they lost more than they might have gained by their day's work, and acquired habits of idleness and dissipation and a dislike to honest labour, which has rendered them the riotous and lawless set of men which they have now shown themselves to be.' A pious wish to second the intention of Providence was also a strong incentive: 'God did not create the earth to lie waste for feeding a few geese, but to be cultivated by man, in the sweat of his brow.' (23*)

The first proposal for enclosure came to Parliament from George, Duke of Marlborough, and others on 11th March, 1801. The duke petitioned for the drainage and the allotment of the 4000 acres of Otmoor among the parishes concerned, namely Beckley (with Horton and Studley), Noke, Oddington, and Charlton (with Fencott and Moorcott). This petition was referred to a Committee, to consider amongst other things, whether the Standing Orders with reference to drainage Bills had been duly complied with. The Committee reported in favour of allowing the introduction of the Bill, but made this remarkable admission, that though the Standing Orders with respect to the affixing of notices on church doors had been complied with on Sunday, 3rd August, 'it appeared to the Committee that on the following Sunday, the 10th of August, the Person employed to affix the like Notices was prevented from so doing at Beckley, Oddington and Charlton, by a Mob at each Place, but that he read the Notices to the Persons assembled, and afterwards threw them amongst them into the Church Yards of those

Parishes.' Notice was duly affixed that Sunday at Noke. The next Sunday matters were even worse, for no notices were allowed to be fixed in any parish.

The Bill that was introduced in spite of this local protest, was shipwrecked during its Committee stage by a petition from Alexander Croke, LL.D., Lord of the Manor of Studley with Whitecross Green, and from John Mackaness, Esq., who stated that as proprietors in the parish of Beckley, their interests had not been sufficiently considered.

The next application to Parliament was not made till 1814. In the interval various plans were propounded, and Arthur Young, in his Survey of Oxfordshire for the Board of Agriculture, published in 1809 (a work which Dunkin describes as supported by the farmers and their landlords and as having caught their strain), lamented the wretched state of the land. 'I made various inquiries into the present value of it by rights of commonage; but could ascertain no more than the general fact, of its being to a very beggarly amount.... Upon the whole, the present produce must be quite contemptible, when compared with the benefit which would result from enclosing it. And I cannot but remark, that such a tract of waste land in summer, and covered the winter through with water, to remain in such a state, within five miles of Oxford and the Thames, in a kingdom that regularly imports to the amount of a million sterling in corn, and is almost periodically visited with apprehensions of want -- is a scandal to the national policy.... If drained and enclosed, it is said that no difficulty would occur in letting it at 30s. per acre, and some assert even 40s.' (p. 228).

When the new application was made in November 1814, it was again referred to a Committee, who again had to report turbulent behaviour in the district concerned. Notices had been fixed on all the church doors on 7th August, and on three doors on 14th August, 'but it was found impracticable to affix the Notices on the Church doors of the other two Parishes on that day, owing to large Mobs, armed with every description of offensive weapons, having assembled for the prose of obstructing the persons who went to affix the Notices, and who were prevented by violence, and threats of immediate death, from approaching the Churches.'(24*) From the same cause no notices could be affixed on these two church doors on 21st or 28th August.

These local disturbances were not allowed to check the career of the Bill. It was read a first time on 21st February, and a second time on 7th March. But meanwhile some serious flaws had been discovered. The Duke of Marlborough and the Earl of Abingdon both petitioned against it. The Committee, however, were able to introduce amendments that satisfied both these powerful personages, and on 1st May Mr. Fane reported from the Committee that no persons had appeared for the said petitions, and that the parties concerned had consented to the satisfaction of the Committee, and had also consented 'to the changing the Commissioners therein named.' Before the Report had been passed, however, a petition was received on behalf of Alexander Croke,(25*) Esq., who was now in Nova Scotia, which made further amendments necessary, and the Committee was empowered to send for persons, papers and records. Meanwhile the humbler individuals whose future was imperilled were also bestirring themselves. They applied to the Keeper of the Records in the Augmentation Office for a report on the history of Otmoor. This Report, which is published at length by Dunkin,(26*) states that in spite of laborious research no mention of Otmoor could be found in any single record from the time of William the Conqueror to the present day. Even Domesday Book contained no reference to it. Nowhere did it appear in what manor Otmoor was comprehended, nor was there any record that any of the lords of neighbouring manors had ever been made capable of enjoying any rights of common upon it. The custom of usage without stint, in fact, pointed to some grant before the memory of man, and made it unlikely that any lord of the manor had ever had absolute right of soil. Armed, no doubt, with this learned report, some 'Freeholders, Landholders, Cottagers and Persons' residing in four parishes sent up a petition asking to be heard against the Bill. But they were too late: their petition was ordered to lie on the Table, and

the Bill passed the Commons the same day (26th June) and received the Royal Assent on 12th July.

The Act directed that one-sixteenth of the whole (which was stated to be over 4000 acres) should be given to the Lord of the Manor of Beckley, Lord Abingdon, in compensation of his rights of soil, and one-eighth as composition for all tithes. Thus Lord Abingdon received, to start with, about 750 acres. The residue was to be allotted among the various parishes, townships and hamlets, each allotment to be held as a common pasture for the township. So far, beyond the fact that Lord Abingdon had taken off more than a sixth part of their common pasture, and that the pasture was now divided up into different parts, it did not seem that the ordinary inhabitants were much affected. The sting lay in the arrangements for the future of these divided common pastures. 'And if at any future time the major part in value of the several persons interested in such plot or parcels of land, should require a separate division of the said land, he (the commissioner) is directed to divide and allot the same among the several proprietors, in proportion to their individual rights and interests therein.'(27*)

We have, fortunately, a very clear statement of the way in which the 'rights and interests' of the poorer inhabitants of the Otmooor towns were regarded in the enclosure. These inhabitants, it must be remembered, had enjoyed rights of common without any stint from time immemorial, simply by virtue of living in the district. In a letter from 'An Otmooor Proprietor' to the Oxford papers in 1830, the writer (Sir Alexander Croke himself?), who was evidently a man of some local importance, explains that by the general rule of law a commoner is not entitled to turn on to the common more cattle than are sufficient to manure and stock the land to which the right of common is annexed. Accordingly, houses without land attached to them cannot, strictly speaking, claim a right of common. How then explain the state of affairs at Otmooor, where all the inhabitants, landed or landless, enjoyed the same rights? By prescription, he answers, mere houses do in point of fact sometimes acquire a right of common, but this right, though it may be said to be without stint, is in reality always liable to be stinted by law. Hence, when a common like Otmooor is enclosed, the allotments are made as elsewhere in proportion to the amount of land possessed by each commoner, whilst a 'proportionable share' is thrown in to those who own mere houses. But even this share, he points out, does not necessarily belong to the person who has been exercising the right of common, unless he happens to own his own house. It belongs to his landlord, who alone is entitled to compensation. A superficial observer might perhaps think this a hardship, but in point of fact it is quite just. The tenants, occupying the houses, must have been paying a higher rent in consideration of the right attached to the houses, and they have always been liable to be turned out by the landlord at will. 'They had no permanent interest, and it has been decided by the law that no man can have any right in any common, as belonging to a house, wherein he has no interest but only habitation: so that the poor, as such, had no right to the common whatever.'(28*)

The results of the Act, framed and administered on these lines, were described by Dunkin,(29*) writing in 1823, as follows: 'It now only remains to notice the effect of the operation of this act. On the division of the land allotted to the respective townships, a certain portion was assigned to each cottager in lieu of his accustomed commonage, but the delivery of the allotment did not take place, unless the party to whom it was assigned paid his share of the expenses incurred in draining and dividing the waste: and he was also further directed to enclose the same with a fence. The poverty of the cottager in general prevented his compliance with these conditions, and he was necessitated to sell his share for any paltry sum that was offered. In the spring of 1819, several persons at Charlton and elsewhere made profitable speculations by purchasing these commons for £5 each, and afterwards prevailing on the commissioners to throw them into one lot; thus forming a valuable estate. In this way was Otmooor lost to the poor man, and awarded to the rich, under the specious idea of benefitting the public.' The expenses of the Act,

it may be mentioned, came to something between £20,000 and £30,000, or more than the fee-simple of the soil.(30*)

'Enclosed Otmoor did not fulfil Arthur Young's hopes:... instead of the expected improvement in the quality of the soil, it has been rendered almost totally worthless; a great proportion being at this moment over-rated at 5s. an acre yearly rent, few crops yielding any more than barely sufficient to pay for labour and seed.'(31*) This excess of expenses over profits was adduced by the 'Otmoor proprietor,' to whom we have already referred, as an frustration of the public-spirited self-sacrifice of the enclosers, who were paying out of their own pockets for a national benefit, and by making some, at any rate, of the land capable of cultivation, were enabling the poor to have 'an honest employment, instead of losing their time in idleness and waste.'(32*) But fifteen years of this 'honest employment' failed to reconcile the poor to their new position, and in 1830 they were able to express their feelings in a striking manner.(33*)

In the course of his drainage operations, the commissioner had made a new channel for the river Ray, at a higher level, with the disastrous result that the Ray overflowed into a valuable tract of low land above Otmoor. For two years the farmers of this tract suffered severe losses (one farmer was said to have lost £400 in that time), then they took the law into their own hands, and in June 1829 cut the embankments, so that the waters of the Ray again flowed over Otmoor and left their valuable land unharmed. Twenty-two farmers were indicted for felony for this act, but they were acquitted at the Assizes, under the direction of Mr. Justice Parke, on the grounds that the farmers had a right to abate the nuisance, and that the commissioner had exceeded his powers in making this new channel and embankment.

This judgment produced a profound impression on the Otmoor farmers and cottagers. They misread it to mean that all proceedings under the Enclosure Act were illegal and therefore null and void, and they determined to regain their lost privileges. Disturbances began at the end of August (28th August). For about a week, straggling parties of enthusiasts paraded the moor, cutting down fences here and there. A son of Sir Alexander Croke came out to one of these parties and ordered them to desist. He had a loaded pistol with him, and the moor-men, thinking, rightly or wrongly, that he was going to fire, wrested it from him and gave him a severe thrashing. Matters began to look serious: local sympathy with the rioters was so strong that special constables refused to be sworn in; the High Sheriff accordingly summoned the Oxfordshire Militia, and Lord Churchill's troop of Yeomanry Cavalry was sent to Islip. But the inhabitants were not overawed. They determined to perambulate the bounds of Otmoor in full force, in accordance with the old custom. On Monday, 6th September, five hundred men, women and children assembled from the Otmoor towns, and they were joined by five hundred more from elsewhere. Armed with reap-hook, hatchets, bill-hooks and duckets, they marched in order round the seven-mile-long boundary of Otmoor, destroying all the fences on their way. By noon their work of destruction was finished. 'A farmer in the neighbourhood who witnessed the scene gives a ludicrous description of the zeal and perseverance of the women and children as well as the men, and the ease and composure with which they waded through depths of mud and water and overcame every obstacle in their march. He adds that he did not hear any threatening expressions against any person or his property, and he does not believe any individuals present entertained any feeling or wish beyond the assertion of what they conceived (whether correctly or erroneously) to be their prescriptive and inalienable right, and of which they speak precisely as the freemen of Oxford would describe their right to Port Meadow.'(34*)

By the time the destruction of fences was complete, Lord Churchill's troop of yeomanry came up to the destroying band: the Riot Act was read, but the moormen refused to disperse. Sixty or seventy of them were thereupon seized and examined, with the result that forty-four were sent off to Oxford Gaol in wagons, under an escort of yeomanry. Now it happened to be the day of St. Giles' Fair, and the street of St. Giles, along which the yeomanry brought their prisoners,

was crowded with countryfolk and townsfolk, most of whom held strong views on the Otmoor question. The men in the wagons raised the cry 'Otmoor for ever,' the crowd took it up, and attacked the yeomen with great violence, hurling brickbats, stones and sticks at them from every side. The yeomen managed to get their prisoners as far as the turning down Beaumont Street, but there they were overpowered, and all forty-four prisoners escaped. At Otmoor itself peace now reigned. Through the broken fences cattle were turned in to graze on all the enclosures, and the villagers even appointed a herdsman to look after them. The inhabitants of the seven Otmoor towns formed an association called 'the Otmoor Association,' which boldly declared that 'the Right of Common on Otmoor was always in the inhabitants, and that a non-resident proprietor had no Right of Common thereon,' and determined to raise subscriptions for legal expenses in defence of their right, calling upon 'the pecuniary aid of a liberal and benevolent public... to assist them in attempting to restore Otmoor once more to its original state.'(35*)

Meanwhile the authorities who had lost their prisoners once, sent down a stronger force to take them next time, and although at the Oxford City Sessions a bill of indictment against William Price and others for riot in St. Giles and rescue of the prisoners was thrown out, at the County Sessions the Grand Jury found a true Bill against the same William Price and others for the same offence, and also against Cooper and others for riot at Otmoor. The prisoners were tried at the Oxford Assizes next month, before Mr. Justice Bosanquet and Sir John Patteson. The jury returned a verdict which shows the strength of public opinion. 'We find the defendants guilty of having been present at an unlawful assembly on the 6th September at Otmoor, but it is the unanimous wish of the Jury to recommend all the parties to the merciful consideration of the Court.' The judges responded to this appeal and the longest sentence inflicted was for months' imprisonment.(36*)

The original enclosure was now fifteen years old, but Otmoor was still in rebellion, and the Home Office Papers of the next two years contain frequent applications for troops from Lord Macclesfield, Lord-Lieutenant, Sir Alexander Croke and other magistrates. Whenever there was a full moon, the patriots of the moor turned out and pulled down the fences. How strong was the local resentment of the overriding of all the rights and traditions of the commoners may be seen not only from the language of one magistrate writing to Lord Melbourne in January 1832: 'all the towns in the neighborhood of Otmoor are more or less infected with the feelings of the most violent, and cannot at all be depended on:' but also from a resolution passed by the magistrates at Oxford in February of that year, declaring that no constabulary force that the magistrates could raise would be equal to suppressing the Otmoor outrages, and asking for soldiers. The appeal ended with this significant warning: 'Any force which Government may send down should not remain for a length of time together, but that to avoid the possibility of an undue connexion between the people and the Military, a succession of troops should be observed.' So long and so bitter was the civil war roused by an enclosure which Parliament had sanctioned in absolute disregard of the opinions or the traditions or the circumstances of the mass of the people it affected.

NOTES:

1. Most private Enclosure Acts provided that if a commissioner died his successor was to be somebody not interested in the property.
2. Sir John Sinclair complained in 1796, that the Board had not even the privilege of franking its letters. -- *Annals of Agriculture*, vol. xxvi, pp. 506.
3. Vol. xxvi, p. 85.

4. From the Select Committee on the Means of Facilitating Enclosures in 1800, reprinted in *Annual Register*, 1800, Appendix to Chronicle, p. 85 ff., we learn that the fees received alone in the House of Commons (Bill fees, small fees, committee fees, housekeepers' and messengers' fees, and engrossing fees) for 707 Bills during the fourteen years from 1786 to 1799 inclusive amounted to no less than £59,867, 6s. 4d. As the scale of fees in the House of Lords was about the same (Bill fees, yeoman, usher, door-keepers' fees, order of committee, and committee fees) during these years about £120,000 must have gone into the pockets of Parliamentary officials.
5. See Appendix A (5).
6. *Bedford Report*, 1808, p. 235.
7. *Annual Register*, 1799, *Chron.* p. 27.
8. Eden, I, Preface, p. xviii.
9. *Bedford Report*, p. 249. Cf. writer in Appendix of *Report on Middlesex*, pp. 507-15, 'a gentleman of the least sensibility would rather suffer his residence to continue surrounded by marshes and bogs, than take the lead in what may be deemed an obnoxious measure.' This same writer urges, that the unpopularity of enclosures would be overcome were care taken 'to place the inferior orders of mankind -- the cottager and industrious poor -- in such a situation, with regard to inclosures, that they should certainly have some share secured to them, and he treated with a gentle hand. Keep all in temper -- let no rights be now disputed... It is far more easy to prevent a clamour than to stop it when once it is raised. Those who are acquainted with the business of inclosure must know that there are more than four-fifths of the inhabitants in most neighbourhoods who are generally left out of the bill for want of property, and therefore cannot possibly claim any part thereof.'
10. Vol. xx, p. 456.
11. Vol. xxiv, p. 543.
12. *The Appropriation and Enclosure of Commonable and Intermixed Lands*, 1801.
13. 'Allow to the cottager a little land about his dwelling for keeping a cow, for planting potatoes, for raising flax or hemp. 2ndly. Convert the waste lands of the kingdom into small arable farms, a certain quantity every year, to be let on favourable terms to industrious families. 3rdly, Restrain the engrossment and over-enlargement of farms. The propriety of those measures cannot, I think, be questioned.' -- *The Case of Labourers in Husbandry*, p. 103.
14. *Annals of Agriculture*, vol. i, p. 52.
15. This scheme marks a great advance on an earlier scheme which Young published in the first volume of the *Annals of Agriculture*. He then proposed that public money should be spent in settling cottagers or soldiers on the waste, giving them their holding free of rent and tithes for three lives, at the end of which time the land they had redeemed was to revert to its original owners.
16. Slater, pp. 126-7.
17. *Ibid.*, p. 128.

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18. *The Poor Man's Best Friend, or Land to cultivate for his own Benefit*. Letter to the Marquis of Salisbury, by the Rev. S. Demainbary, B.D., 1831.
 19. p. 126.
 20. See for this subject *Cambridge Modern History*, vol. viii, chap. 24, and P. Sagnac, *La Législation Civile de la Révolution Française*.
 21. Vol. i, p. 119 ff.
 22. Jackson's *Oxford Journal*, September 11, 1830, said that a single cottager sometimes cleared as much as £20 a year by geese.
 23. *Oxford University and City Herald*, September 25, 1830.
 24. *House of Commons Journal*, February 17, 1815.
 25. Alexander Croke (1758-1842), knighted in 1816, was from 1801-1815 judge in the Vice-Admiralty Court, Nova Scotia. As a lawyer, he could defend his own interest.
 26. Dunkin's *Oxfordshire*, vol. i, pp. 122-3.
 27. *Ibid*, p. 123.
 28. Jackson's *Oxford Journal*, September 18, 1830.
 29. Vol. i, p. 124.
 30. Jackson's *Oxford Journal*, September 11, 1830.
 31. *Ibid*,
 32. *Ibid*, September 18.
 33. See Jackson's *Oxford Journal*, and *Oxford University and City Herald*, for September 11, 1830, and also *Annual Register*, 1830, *Chron.* p. 142, and *Home Office Papers*, for what follows.
 34. *Oxford University and City Herald*, September 11, 1830.
 35. *Ibid*.
 36. Jackson's *Oxford Journal*, March 5, 1831.