

CHAPTER FOUR

The Village After Enclosure

The governing class continued its policy of extinguishing the old village life and all the relationships and interests attached to it, with unsparing and unhesitating hand; and as its policy progressed there were displayed all the consequences predicted by its critics. Agriculture was revolutionised: rents leapt up: England seemed to be triumphing over the difficulties of a war with half the world. But it had one great permanent result which the rulers of England ignored. The anchorage of the poor was gone.

For enclosure was fatal to three classes: the small farmer, the cottager, and the squatter. To all of these classes their common rights were worth more than anything they received in return. Their position was just the opposite of that of the lord of the manor. The lord of the manor was given a certain quantity of land (the conventional proportion was one-sixteenth(1*)) in lieu of his surface rights, and that compact allotment was infinitely more valuable than the rights so compensated. Similarly the tithe-owner stood to gain with the increased rent. The large farmer's interests were also in enclosure, which gave him a wider field for his capital and enterprise. The other classes stood to lose.

For even if the small farmer received strict justice in the division of the common fields, his share in the legal costs and the additional expense of fencing his own allotments often overwhelmed him, and he was obliged to sell his property.(2*) The expenses were always very heavy, and in some cases amounted to £5 an acre.(3*) The lord of the manor and the tithe-owner could afford to bear their share, because they were enriched by enclosure: the classes that were impoverished by enclosure were ruined when they had to pay for the very proceeding that had made them the poorer. The promoter of the General Enclosure Bill of 1796, it will be remembered, had proposed to exempt the poor from the expense of fencing, but the Select Committee disapproved, and the only persons exempted in the cases we have examined were the lords of the manor or tithe-owners.

If these expenses still left the small farmer on his feet, he found himself deprived of the use of the fallow and stubble pasture, which had been almost as indispensable to him as the land he cultivated. 'Strip the small farms of the benefit of the commons,' said one observer, 'and they are all at one stroke levelled to the ground.'(4*) It was a common clause in Enclosure Acts that no sheep were to be depastured on allotments for seven years.(5*) The small farmer either emigrated to America or to an industrial town, or became a day labourer. His fate in the last resort may perhaps be frustrated by the account given by the historian of Oxfordshire of the enclosure of Merton. 'About the middle of last century a very considerable alteration was produced in the relative situation of different classes in the village. The Act of Parliament for

the inclosure of the fields having annulled all leases, and the inclosure itself facilitated the plan of throwing several small farms into a few large bargains,(6*) the holders of the farms who had heretofore lived in comparative plenty, became suddenly reduced to the situation of labourers, and in a few years were necessitated to throw themselves and their families upon the parish. The overgrown farmers who had fattened upon this alteration, feeling the pressure of the new burden, determined if possible to free themselves: they accordingly decided upon reducing the allowance of these poor to the lowest ratio,(7*) and resolved to have no more servants so that their parishioners might experience no further increase from that source. In a few years the numbers of the poor rapidly declined: the more aged sank into their graves, and the youth, warned by their parents' sufferings, sought a settlement elsewhere. The farmers, rejoicing in the success of their scheme, procured the demolition of the cottages, and thus endeavoured to secure themselves and their successors from the future expenses of supporting an increased population, so that in 1821 the parish numbered only thirty houses inhabited by thirty-four families.'(8*) Another writer gave an account of the results of a Norfolk enclosure. 'In passing through a village near Swaffham, in the County of Norfolk a few years ago, to my great mortification I beheld the houses tumbling into ruins, and the common fields all enclosed; upon enquiring into the cause of this melancholy alteration, I was informed that a gentleman of Lynn had bought that township and the next adjoining to it: that he had thrown the one into three, and the other into four farms; which before the enclosure were in about twenty farms: and upon my further enquiring what was becoming of the farmers who were turned out, the answer was that some of them were dead and the rest were become labourers.'(9*)

The effect on the cottager can best be described by saying that before enclosure the cottager was a labourer with land, after enclosure he was a labourer without land. The economic basis of his independence was destroyed. in the first place, he lost a great many rights for which he received no compensation. There were, for instance, the cases mentioned by Mr. Henry Homer (1719-1791), Rector of Birdingbury and Chaplain to Lord Leigh, in the pamphlet he published in 1769,(10*) where the cottagers lost the privileges of cutting furze and turf on the common land, the proprietor contending that they had no right to these privileges, but only enjoyed them by his indulgence. In every other case, Mr. Homer urged, uninterrupted, immemorial usage gives a legal sanction even to encroachments. 'Why should the poor, as poor, be excluded from the benefit of this general indulgence; or why should any set of proprietors avail themselves of the inability of the poor to contend with them, to get possession of more than they enjoyed?'(11*)

Another right that was often lost was the prescriptive right of keeping a cow. The *General Report on Enclosures* (p. 12) records the results of a careful inquiry made in a journey of 1600 miles, which showed that before enclosure cottagers often kept cows without a legal right, and that nothing was given them for the practice. Other cottagers kept cows by right of hiring their cottages and common rights, and on enclosure the land was thrown into a farm, and the cottager had to sell his cow. Two examples taken from the *Bedfordshire Report* illustrate the consequences of enclosure to the small man. One is from Maulden:(12*) 'The common was very extensive. I conversed with a farmer, and several cottagers. One of them said, enclosing would ruin England; it was worse than ten wars. Why, my friend, what have you lost by it? I kept four cows before the parish was enclosed, and now I don't keep so much as a goose; and you ask me what I lose by it!'(13*) The other is from Sandy;(14*) 'This parish was very peculiarly circumstanced; it abounds with gardeners, many cultivating their little freeholds, so that on the enclosure, there were found to be sixty-three proprietors, though nine-tenths, perhaps, of the whole belonged to Sir P. Monoux and Mr. Pym. These men kept cows on the boggy common, and cut fern for litter on the warren, by which means they were enabled to raise manure for their gardens, besides fuel in plenty; the small allotment of an acre and a half, however good the land, has been no compensation for what they were deprived of. They complain heavily, and know not how they will now manage to raise manure. This was no

reason to preserve the deserts in their old state, but an ample one for giving a full compensation.'

Lord Winchilsea stated in his letter to the Board of Agriculture in 1796: 'Whoever travels through the Midland Counties and will take the trouble of inquiring, will generally receive for answer that formerly there were a great many cottagers who kept cows, but that the land is now thrown to the farmers, and if he inquires still further, he will find that in those parishes the Poor Rates have increased in an amazing degree more than according to the average rise throughout England.'

These cottagers often received nothing at all for the right they had lost, the compensation going to the owner of the cottage only. But even those cottagers who owned their cottage received in return for their common right something infinitely less valuable. For a tiny allotment was worth much less than a common right, especially if the allotment was at a distance from their cottage, and though the Haute Huntre Act binds the commissioners to give Lord FitzWilliam an allotment near his gardens, there was nothing in any Act that we have seen to oblige the commissioners to give the cottager an allotment at his door. And the cottagers had to fence their allotments or forfeit them. Anybody who glances at an award will understand what this meant. It is easy, for example, to imagine what happened under this provision to the following cottagers at Stanwell: Edmund Jordan (1 1/2 acres) J. and F. Ride (each 1 1/4 acres) T. L. Rogers (1 1/4 acres) Brooker Derby (1 1/4) Mary Gulliver (1 1/4 acres) Anne Higgs (1 1/4) H. Isherwood (1 1/4) William Kent (1 1/4) Elizabeth Carr (1 acre) Thomas Nash (1 acre) R. Ride (just under 1 acre) William Robinson (just under 1 acre) William Cox (3/4 acre) John Carter (3/4 acre) William Porter (3/4 acre) Thomas King (1/2 acre) John Hetherington (under 1/2 an acre) J. Trout (1/4 acre and 4 perches) and Charles Burkhead (12 perches). It would be interesting to know how many of these small parcels of land found their way into the hands of Sir William Gibbons and Mr. Edmund Hill.

The Louth award is still more interesting from this point of view. J. Trout and Charles Burkhead passing rich, the one on 1/4 acre and 4 perches, the other on 12 perches, had only to pay their share of the expenses of the enclosure, and for their own fencing. Sir William Gibbons was too magnanimous a man to ask them to fence his 500 acres as well. But at Louth the tithe-owners, who took more than a third of the whole, were excused their share of the costs, and also had their fencing done for them by the other proprietors. The prebendary and the vicar charged the expenses of fencing their 600 acres on persons like Elizabeth Bryan who went off with 39 perches, Ann Dunn (35 perches), Naomi Hodgson, widow (35 perches), John Betts (34 perches), Elizabeth Atkins (32 perches), Will Boswell (31 perches), Elizabeth Eycon (28 perches), Ann Hubbard, widow (15 perches), and Ann Metcalf, whose share of the spoil was 14 perches. The award shows that there were 67 persons who received an acre or less. Cottagers who received such allotments and had to fence them had no alternative but to sell, and little to do with the money but to drink it. This is the testimony of the *General Report on Enclosures*.(15*)

The squatters, though they are often spoken of as cottagers, must be distinguished from the cottager in regard to their legal and historical position. They were in a sense outside the original village economy. The cottager was, so to speak, an aboriginal poor man: the squatter a poor alien. He settled on a waste, built a cottage, and got together a few geese or sheep, perhaps even a horse or a cow, and proceeded to cultivate the ground.

The treatment of encroachments seems to have varied very greatly, as the cases analysed in the Appendix show, and there was no settled rule. Squatters of less than twenty years' standing seldom received any consideration beyond the privilege of buying their encroachment. Squatters of more than twenty or forty years' standing, as the case might be, were often

allowed to keep their encroachments, and in some cases were treated like cottagers, with a claim to an allotment. But, of course, like the cottagers, they lost their common rights.

Lastly, enclosure swept away the bureaucracy of the old village: the viewers of fields and letters of the cattle, who had general supervision of the arrangements for pasturing sheep or cows in the common meadow, the common shepherd, the chimney peepers who saw that the chimneys were kept properly, the hayward, or pinder, who looked after the pound. Most of these little officials of the village court had been paid either in land or by fees. When it was proposed to abolish Parliamentary Enclosure, and to substitute a General Enclosure Bill, the Parliamentary officials, who made large sums out of fees from Enclosure Bills, were to receive compensation; but there was no talk of compensation for the stolen livelihood of a pinder or a chimney peeper, as there had been for the lost pickings of the officials of Parliament, or as there was whenever an unhappy aristocrat was made to surrender one of his sinecures. George Selwyn, who had been Paymaster of the Works for twenty-seven years at the time that Burke's Act of 1782 deprived him of that profitable title, was not allowed to languish very long on the two sinecures that were left to him. In 1784 Pitt consoled him with the lucrative name of Surveyor-General of Crown Lands. The pinder and the viewer received a different kind of justice. For the rich there is compensation, as the weaver said in Disraeli's *Sybil*, but 'sympathy is the solace of the poor.' In this case, if the truth be told, even this solace was not administered with too liberal a hand.

All these classes and interests were scattered by enclosure, but it was not one generation alone that was struck down by the blow. For the commons were the patrimony of the poor. The commoner's child, however needy, was born with a spoon in his mouth. He came into a world in which he had a share and a place. The civilisation which was now submerged had spelt a sort of independence for the obscure lineage of the village. It had represented, too, the importance of the interest of the community in its soil, and in this aspect also the robbery of the present was less important than the robbery of the future. For one act of confiscation blotted out a principle of permanent value to the State.

The immediate consequences of this policy were only partially visible to the governing or the cultivated classes. The rulers of England took it for granted that the losses of individuals were the gains of the State, and that the distresses of the poor were the condition of permanent advance. Modern apologists have adopted the same view; and the popular resistance to enclosure is often compared to the wild and passionate fury that broke against the spinning and weaving machines, the symbols and engines of the Industrial Revolution. History has drawn a curtain over those days of exile and suffering, when cottages were pulled down as if by an invader's hand, and families that had lived for centuries in their dales or on their small farms and commons were driven before the torrent, losing

'Estate and house and all their sheep,
A pretty flock, and which for aught I know
Had clothed the Ewbanks for a thousand years.'

Ancient possessions and ancient families disappeared. But the first consequence was not the worst consequence: so far from compensating for this misery, the ultimate result was still more disastrous. The governing class killed by this policy the spirit of a race. The petitions that are buried with their brief and unavailing pathos in the *Journals* of the House of Commons are the last voice of village independence, and the unnamed commoners who braved the dangers of resistance to send their doomed protests to the House of Commons that obeyed their lords, were the last of the English peasants. These were the men, it is not unreasonable to believe, whom Gray had in mind when he wrote: --

'Some village Hampden that with dauntless breast
The little tyrant of his fields withstood,'

As we read the descriptions of the state of France before the Revolution, there is one fact that comforts the imagination and braces the heart. We read of the intolerable services of the peasant, of his forced labour, his confiscated harvests, his crushing burdens, his painful and humiliating tasks, including in some cases even the duty of protecting the sleep of the seigneur from the croaking of the neighboring marshes. The mind of Arthur Young was filled with this impression of unsupportable servitude. But a more discerning eye might have perceived a truth that escaped the English traveller. It is contained in an entry that often greets us in the official reports on the state of the provinces: *ce seigneur litige avec ses vaissaux*. Those few words flash like a gleam of the dawn across this sombre and melancholy page. The peasant may be overwhelmed by the *dîme*, the *taille*, the *corvée*, the hundred and one services that knit his tenure to the caprice of a lord: he may be wretched, brutal, ignorant, ill-clothed, ill-fed, and ill-housed: but he has not lost his status: he is not a casual figure in a drifting proletariat: he belongs to a community that can withstand the seigneur, dispute his claims at law, resume its rights, recover its possessions, and establish, one day, its independence.

In England the aristocracy destroyed the promise of such a development when it broke the back of the peasant community. The enclosures created a new organisation of classes. The peasant with rights and a status, with a share in the fortunes and government of his village, standing in rags, but standing on his feet, makes way for the labourer with no corporate rights to defend, no corporate power to invoke, no property to cherish, no ambition to pursue, bent beneath the fear of his masters, and the weight of a future without hope. No class in the world has so beaten and crouching a history, and if the blazing ricks in 1830 once threatened his rulers with the anguish of his despair, in no chapter of that history could it have been written, 'This parish is at law with its squire.' For the parish was no longer the community that offered the labourer friendship and sheltered his freedom: it was merely the shadow of his poverty, his helplessness, and his shame. 'Go to an ale-house kitchen of an old enclosed country, and there you will see the origin of poverty and Poor-rates. For whom are they to be sober? For whom are they to save? For the parish? If I am diligent, shall I have leave to build a cottage? If I am sober, shall I have land for a cow? If I am frugal, shall I have half an acre of potatoes? You offer no motives; you have nothing but a parish officer and a workhouse! -- Bring me another pot -- .'(16*)

NOTES:

1. See the Evidence of Witnesses before the Committee on Commons Inclosure of 1844. (Baily, land-agent): 'General custom to give the Lord of Manor 1/16th as compensation for his rights exclusive of the value of minerals and of his rights as a common right owner.' Another witness (Coulson, a solicitor) defined the surface rights as 'game and stockage,' and said that the proportion determined upon the result of a bargain beforehand.

2. 'Many small proprietors have been seriously injured by being obliged in pursuance of ill-framed private bills to enclosure lands which newer repaid the expense.' Marshall, *The Appropriation and Enclosures of Commonable and Intermixed Lands*, 1801, p. 52.

3. Cost of Enclosure -- The expenses of particular Acts varied very much. Billingsley in his *Report on Somerset* (p. 57) gives £3 an acre as the cost of enclosing a lowland parish, £2, 10s. for an upland parish. The enclosure of the 12,000 acre King's Sedgmoor (Ibid., p. 196) came (with the subdivisions) to no less than £59,624, 4s. 8d., or nearly £5 an acre. Stanwell

Enclosure, on the other hand, came to about 23s. an acre, and various instance given in the *Report for Bedfordshire* work out at about the same figure. When the allotments to the tithe-owners and the lord of the manor were exempted, the sum per acre would of course fall more heavily on the other allottees, e.g., of Louth, where more than a third of the 1701 acres enclosed were exempt. In many cases, of course, land was sold to cover expenses. The cost of fencing allotments would also vary in different localities. In Somerset, from 7s. 7d. to 8s. 7d. for 20 feet of quickset hedge was calculated, in Bedfordshire, 10s. 6d. per pole. See also for expense Hasbach, pp. 64, 65, and *General Report on Enclosures*, Appendix, xvii. Main Items: --

1. Country solicitor's fees for drawing up Bill and attending in town;
 2. Attendance of witnesses at House of Commons and House of Lords to prove that Standing Orders had been complied with;
 3. Expenses of persons to get signatures of consents and afterwards to attend to get consent of principal proprietors);
 4. Expense of Parliamentary solicitor, 20 gs., but more if opposition;
 5. Expense of counsel if there was opposition;
 6. Parliament fees, see p. 76.
4. *Inquiry into the Advantages and Disadvantages resulting from Bills of Enclosure*, 1789, p. 14.
 5. Cf. Ashelworth, Cheshunt, Knaresborough.
 6. Previous to enclosure there were twenty-five farmers; the land is now divided among five or six persons only.
 7. It was then confidently said that several poor persons actually perished from want, and so great was the outcry that some of the farmers were hissed in the public market at Bicester.
 8. Dunkin's *Oxfordshire*, pp. 2 and 3.
 9. F. Moore, *Considerations on the Exorbitant Price of Proprietors*, 1773, p. 22; quoted by Levy, p. 27.
 10. *Essay on the Nature and Method of ascertaining the specific Share of Proprietors upon the Inclosure of Common fields, with observations on the inconveniences of common fields, etc.*, p. 22.
 11. The Kirton, Sutterton and Wigtoft (Lincs) Acts prescribed a penalty for taking turf or sod after the passing of the Act, of £10, and in default of payment imprisonment in the House of Correction with hard labour for three months.
 12. p. 235.
 13. The only provision for the poor in the Maulden Act, (36 Geo. III, c. 65) was a fuel allotment as a compensation for the ancient usage of cutting peat or moor turf. The trustees (rector, churchwarden and overseers) were to distribute the turf to poor families, and were to pay any surplus from the rent of the herbage to the poor rates.

14. p. 240.

15. At St. Neots a gentleman complained to Arthur Young in 1791 that in the enclosure which took place sixteen years before, 'the poor were ill-treated by having about half a rood given them in lieu of a cow keep, the inclosure of which land costing more than they could afford, they sold the lots at £5, the money was drank out at the ale-house, and the men, spoiled by the habit, came, with their families to the parish.' -- *Annals of Agriculture*, vol xvi. p. 482.

16. *Annals of Agriculture*, vol. xxxvi. p. 508.