HOW THE COMMONS WERE ENCLOSED

(With acknowledgments to the " News Chronicle" *and Mr Stanley Baron, whose weekly contributions in the Saturday supplement deal most interestingly with open-air life. The following is extracted from the article of 23rd July on Lydford Common, near Dartmoor, which the War Office seeks to acquire as an artillery range.)*

What is a common ? It may be almost anything from a little strip of rough pasture, running between hedges, to, as at Lydford, a big area of high moorland where only sheep can crop a living.

There are two different theories explaining the origin of common lands. One declares that they were the waste lands of the manors which the king granted to individual lords, who in turn were called upon, as a condition of the grant, to permit the exercise of pasturage and other rights on the wastes by the manorial tenants. The other goes farther back still and asserts that commons were in the first place lands owned in common by village communities, and only later passed into the possession of a single person, who doled out various rights and privileges to his fellows.

The Manorial System

However that may be, the manorial system was completely established by the thirteenth century. In the reign of Henry III no less than two-thirds of England was subject to common rights, under private ownership and it was then that the struggle between the lords of the manor, as owners of the soil, and the freehold and copyhold tenants, as holders of the rights, was first begun. It was to continue for six-and-a-half centuries, until a misguided gentleman who wanted to build houses on Hampstead Heath sought the protection, for this purpose, of the medieval Statute of Merton. That statute, which was made in 1235 for the express purpose of enabling lords of the manor to whittle down the lands where their tenants kept cattle, cut turf and timber and perhaps dug sand or gravel, was only repealed in 1893.

Commission's Failure

Though theoretically it gave some protection to the tenant classes, it was in effect the first Enclosure Act and under it common land was so rapidly reduced and complaint so widespread that in 1548 a royal commission was appointed " for the redress of inclosures " and to inquire into the violation of law in ten counties where the main complaints had risen. The commission was a total failure, however, and inclosures continued unabated until the time arrived, at last, when the powers of enclosing under the Statute of Merton, leaving even the shadow of a sufficiency for the commoners, were practically exhausted. In other words, so much had already been enclosed that no more could be taken without a flagrant infringement of the commoners' rights, which had already been pared to a minimum.

In the seventeenth century, therefore, a new device for inclosure had to be made and the outcome of the search for it was the system of Enclosure Acts.

Economic Divisions

Under this system any enclosure which could not be covered by the Statute of Merton required the sanction of Parliament and a special Act had to be passed to legalize it. The reason advanced for the passing of such Acts was that under individual ownership land could be dealt with more economically and productively than when divided between numerous small proprietors or retained unenclosed and uncultivated and furnishing only the poorest kind of " rough grazing."

Under the common system the freehold and copyhold tenants held strips of common land usually divided into three great fields known as the Common Fields or Lammas Land, one field in each year being allowed to lie fallow. The remainder of the common, with the waste, was used for pasturage. Both kinds of land had previously been enclosed and the new Enclosure Acts hastened the progress.

Hardship for Yeomen

Within 200 years over 4,700 separate Enclosure Acts were passed and various estimates of the area of commonable land enclosed under them put the total somewhere between 5,000,000 and 7,175,000 acres. Divorced from his rights on common land the small yeoman farmer could not operate his holding successfully and in most cases was eventually compelled to sell out at whatever price (if any) the great landowner chose to pay him. Much hardship ensued and the effect was the virtual extinction of the yeoman or peasant class.

While inclosure could be excused on the plea of national necessity it must not be forgotten that a very large proportion of the land enclosed was never cultivated at all, but simply went to swell the parks or game preserves of the lords of the manors. The enclosures were carried out, too, without any regard to the interest of the agricultural labourers who, as the virtual successors of the serfs of feudal times, had no rights recognized in law unless they were the owners of land.

Importance of Commons

Until the passing of the General Enclosures Act of 1845 no public inquiries were held when proposals for inclosure were made. Thereafter, however, it was required that local inquiries held by independent commissioners must give consideration to all such schemes and prepare reports before the passing of an Act.

Thus the way was paved for acceptance of the wider view that commons were of importance not to landowners and farmers only, but perhaps even more to the public as a means of obtaining air and exercise. No scheme promoted to-day, by a private person, for the appropriation of any part of a common, has the faintest chance of gaining acceptance unless due regard is paid to this public need.

At Lydford, and in other places, they are now beginning to say that what is proper for a private person is equally so for a government department, and that the War Office case (if ever it had one) for riding unquestioned over every other interest is as dead as the mutton which once fed over Lydford Common.