

sharing in the Australian federation as a whole. To pursue this topic further would lead this discussion too far from the subject matter of this study.

It is sad to realise that since that was written, recent government decisions have granted many millions unnecessarily to the Grants Commission for local government. But, what is sadder is that our "eminent economists" cannot see (or else for political reasons, they will not state it) the simple fact that site value taxation is absolutely sound morally and economically and that it causes prosperity; although they do seem at last to be realising that all other types of taxation including deficit budgetting are stifling the economy and causing unemployment - but that is not the subject of the monograph.

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THE ENCLOSURES

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THE ENGLISH WORD *PARK* comes via the old and modern French *parc*, from the medieval Latin *parricus*. In English, *park* is first recorded from the 18th century when it had the meaning: an enclosed tract of land held by royal grant or prescription, for hunting. A park differed from a chase in that it was enclosed by fence or hedge.

The concept of a park entered British culture with the Norman invaders in association with the royal or noble prerogative of hunting. This is typically a nomadic pursuit and, in the culture of invading nomads, even when they have settled down, is expressive of their contempt for the earlier inhabitants, tied to a location by the practice of agriculture. In this respect the customs of the Normans greatly resembled those of the westward moving Huns and the eastward moving Mongols who conquered China. Traditional marks of prestige die hard and I find it fascinating that nine hundred years after the Norman invasion, hunting is still an expression of the status of the British landed gentry.

A park is not necessarily a wilderness, except in the sense that it is uncultivated, nor is it a forest. The early royal game parks of England could include patches of dense forest or scrub land but only open woodland or grassland was suitable for both deer and equestrian huntsmen. Indeed, the term *parkland* has come to have a fairly precise meaning in ecology, connoting something between savannah and open forest. (My objection to regular winter burning of national parks is that this destroys the understorey of shrubs and juvenile trees and tends to convert the area into 'parkland').

By the 16th century, park could mean a field or paddock, the word paddock having come from the dialect word *parrock*, close to the Germanic root (*parrak*, a field or enclosure). By the 17th

century it had come also to mean an *enclosed piece of land for public use*. It thus came rather close to meaning a *common*.

In the middle ages, or earlier, the basis of land division over the whole of southern Britain was the vill, usually corresponding with a parish and having agreed borders with neighbouring vills. Within the vill the arable land was divided into fields, usually three of these to permit rotation of crops. Each household of the vill owned and worked a strip, or strips of land in each field. Non-arable land was allocated to sheep pasturage and what was left over, in other words the waste land, was deemed to be common land, or common for the use of all households.

It offered coarse grazing, firewood, rough timber, sometimes turf and game. It would seem precarious to expect a group of villagers to share such resources equitably, but elaborate rules and customs grew up over the centuries to regulate the exploitation of the renewable resources of the common. The number of cattle that a household might turn out to the common in summer could be no greater than they could feed from their own field strips in winter.

A householder might not collect more fuel from the common than he could reasonably use in his own home.

This rather socialist approach to land utilisation was not acceptable to the Norman conquerors, and when they parcelled England out between themselves, each overlord desired ownership of all the lands in his fief. He could not directly expropriate the villagers, although he could tax them out of their land, but he saw no reason not to assume control of the commons.

The Normans were legalists, and in 1235 they enacted the Statute of Merton, which granted to 'the great men of England' the right to make their profit out of their lands, wastes, woods and pastures, provided that sufficient land was left to satisfy the needs of their tenants. Needless to say, tenant and lord seldom agreed on what was sufficient, but in legal form if not in practice the onus was on the expropriator to prove that he had not taken too much. He had as it were to make an environmental impact statement but it was as much a placebo then as it is now.

The Second Statute of Westminster in 1285 went further and permitted the lord to *enclose* common land for his own farm, for sheep grazing and for hunting; in other words to make a park.

Having no competency in law and little in history, I cannot traverse the course of enclosures over the subsequent 600 years. Millions of acres were enclosed, becoming the personal property of an aristocrat although still subject in many cases, to the vestigial rights of the families of the original neighbouring freeholders. From 1300 to 1700 the rate of enclosure varied but thereafter it rocketed. It has been estimated that between 1720 and 1870 one acre in seven in England changed from common (which was virtually no ownership) to the private ownership of a member

of the nobility. All that was required was the passage of a private member's bill in the House of Commons.

Around 1860 widespread opposition arose to the continuance of this process. I should not say widespread because opposition had been widespread for six centuries but it was too widely and thinly spread. A few villagers affected by a particular act of enclosure could not effectively make their voices heard in the British parliament — and there was no Country Party.

What I should have said was that widespread, powerful, organised opposition arose among the *upper middle classes in the cities*. I suspect that the romantic movement had something to do with it, although the argument usually put forward was that recreational access to green countryside was essential to the health of the working classes. Opposition to further enclosures was crystallised in the Commons Preservation Society led by gentlemen who constituted a powerful parliamentary lobby.

Their efforts had a first fruit in the Metropolitan Commons Act of 1886 which prohibited any further enclosures within Greater London.

It was a start but it was not immediately effective. Lords of manors within the London area went ahead with enclosures, quoting the Statutes of Merton and Westminster in justification. London citizens responded by unearthing rights of access to and usage of common land that they had exercised for centuries. In a classic test case, 14 London lords (real estate agents to a man) became locked in court battle with the Corporation of London over the right to enclose Epping Forest — and lost.

It is interesting to recall that although the Commons Preservation Society claimed that common land should be preserved for public recreation, that this was for the public good and that the public therefore had an interest in issues of land ownership, the courts of the nineteenth century could not accept this as a pertinent legal argument. The case of Epping Forest was settled essentially on the rights of common users versus those of the manorial lords and it was not until the 20th century that the concept of a general public interest in land usage became established in British law.

We tend to think that conservation pressure groups came into existence in the 1960s. If this had been the case in Great Britain, there would have been precious little left to conserve. The brake was applied by an urban ginger group in the 1860s and the Commons Preservation Society still exists to maintain a watch on the authorities.

I have spoken as though all enclosures were against the public interest. This is not so. Many of the largest areas of unused land in Britain were enclosed long ago by royalty as forests or hunting parks. Thanks to lack of pressure on the royal family to subdivide these for cash, the New Forest and Dartmoor, for example are still in existence. I see a parallel

here with the Commonwealth occupation of North and South Heads (of Sydney Harbour). We may not like some of the shacks that have been erected there, but compared with the shambles of urban development that might have occurred had the land been under state control, these are insignificant. By occupying the areas until we became mature enough to seek a foreshore national park, the Commonwealth has done some service to the state.

There are other parallels between the contemporary scene and the 19th century struggle for the commons. For example, the movement originated in the city rather than among the residents of the countryside under threat. It was powered by the literate middle class rather than by the workers who allegedly needed the open spaces, and the land to be quarrelled over was from the agricultural point of view, waste.

This is the usual situation. The great expanse of Kruger National Park was available because the prevalence of tsetse flies made it useless for cattle. Yellowstone, the first national park to be established was not desirable agricultural land, nor closer to home, was the country now occupied by Royal National, Kuringai or Blue Mountains National Parks.

This is not to say that these areas could not be exploited now by grazing, forestry, mining or urban development but rather that, up to the time of their proclamation as parks they had either been worked over or neglected as being less productive than other available areas.

Yet another parallel, and here between the 19th century in England and the situation in Australia prior to the conservation movement of the 1960s, is that the motivation for the reservation of parklands was public recreation. Wastelands are very suitable for this: you can build roads and tracks through them, put up swings and see-saws, and clear picnic grounds. Often they are agricultural wasteland because of a rocky precipitous landscape, in which case they also provide scenic beauty.

(Extracted from an address titled DIGRESSIONS FROM A DICTIONARY given to Mosman Parklands and Ashton Park Association, 19 Jun 1976. Mr Ronald Strahan, MSc, FIS, FRZS, MI (Biol.), FSIW, is Curator of The Australian Museum, Sydney.)

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NOTICE

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