

THE ENCLOSURES OF THE COMMONS

The Right Hon. Stephen Walsh, M.P., Replies to the Landowners

(In a letter to THE TIMES, 23rd February. Reprinted with acknowledgments to THE TIMES and by permission of the writer)

A recent article in THE TIMES connected with one from the Central Landowners' Association directed attention to some remarks by me at Radcliffe, near Manchester, during the recent election period. I charged the landowning class of Great Britain with having from the early part of the 18th century until nearly the end of the 19th by thousands of private Enclosure Acts stolen the common land from the people at a time when the peasantry were socially, educationally and politically helpless. I described such conduct, persisted in for 150 years, as "infamous robbery."

The C.L.A. view this as a serious charge and assert that while the earliest Saxon records yield abundant evidence that the land was owned by individuals there is no trace of the ownership of the land by the people. My reference was to the "stolen lands," and could not convey the implication that the land was owned at any specific time by the whole people. This line of inquiry is of little more than academic interest, as upon the relevant historical facts we are in agreement.

With the statement of the association that until the middle of the 18th century one-half of the cultivated land of England was tilled and grazed in common, that the village farmers farmed as their forefathers had for centuries, that they formed self-sufficing, self-supporting communities, that the effect of the Enclosure Acts was to break up the village farms, with the common fields and pastures, and redistribute them into "compact freehold blocks," I am in agreement, and with the further statement of the association that the transformation thus effected changed a thinly populated and pastoral England into the densely crowded and manufacturing England of to-day, and that by the year 1875 practically the whole of the land was occupied by individuals who cultivated it with the aid of wage-earning workers, the chief instrument in effecting the change being enclosures. The association say:—

"Before the middle of the 18th century no demand for change arose. In those easy-going days it did not matter. But by that time an improved agriculture and a growing population caused pressure in both directions."

In a relative sense, only the latter statement is correct, for even in the easy-going days (1710 to 1760) over 200 Enclosure Acts were passed enclosing 312,000 acres—nearly 500 square miles.

The association say:—

"The general principle of the award of the Enclosure Commissioners was to substitute the ownership of a compact block of freehold land for the ownership of a bundle of scattered strips and rights of common," adding that "all occupiers who could show an independent title were recognized as owners and were awarded a block of land."

This statement conceals the facts. As it stands it might be inferred that prior to enclosure the various occupiers were made aware, by public notice or otherwise, of the proposed enclosure, so that at the inquiry they would have the opportunity of proving their title. No such thing happened. For 65 years (1710-1775) enclosure went on in secret. Only in the last year did the House of Commons require notice of the proposed enclosure to be affixed to the church door. In the meantime, 2,250,000 acres had been enclosed, the Committee of the House of Commons in 1775 reporting that "it often happened that those whose land was to be enclosed knew nothing whatever of the transactions in which they were rather intimately concerned until they were virtually completed."

How stealthily the process went on is seen in Garnier's ANNALS OF THE BRITISH PEASANTRY, page 347, an author in no sense biased against the landowners:—

"The period when the necessity for enclosing began was some considerable time before the commencement of the American War. The peasant was then in exceptionally affluent circumstances. His food and clothing were cheaper, his rent lower, his pay better than they had been for some time past. There was a superabundance of waste lands to afford him his fuel and pasturage. He was lulled into apathy by an abnormal sense of ease. When he became aroused to a realization of his loss the enclosure system had become an established custom."

Typical cases were Westcott (Bucks) in 1765, Tilsworth (Beds) 1767, Ashbury (Berks) 1770, Laxton (Northampton) 1772, and Waltham Croxton and Braunston (Leicestershire), on the petitions of the Duke of Marlborough, Mr. Charles Cheater, Lord Craven, Lord Carberry, and the Duke of Rutland respectively. (HAMMOND, THE VILLAGE LABOURER.)

Throughout this period education was practically non-existent, for a century later, in the six years 1839-44, of 742,000 couples married in England and Wales, over 40 per cent made their marks in the marriage register.

Educationally, the nobility and gentry were not much better; their political morality was much worse. No abuse was more flagrant than the direct control of the peers over the constitution of the Lower House. The Duke of Norfolk was represented by 11 members; Lord Lonsdale by nine; Lord Darlington by seven; the Duke of Rutland, the Marquis of Buckingham and Lord Carrington by six each. Seats were held, in both Houses alike, by hereditary right. (MAY, CONSTITUTIONAL HISTORY.) The sale of seats in Parliament now took place like any other transferable property, and although bribery had often taken place in the past it had never broken down all floodgates until nearing the end of the reign of George the Second. (HALLAM, CONSTITUTIONAL HISTORY.) The mass of the people were voteless and so remained for a century. My statement that the landowners crept in at dead of night when the land lay in moral and intellectual darkness, described as "picturesque language," would seem not far from the truth.

A nation engaged in war and threatened with famine, say the association, justified the break-up of the village farms, and add, "The new system secured the necessary increase." The facts are all the other way. During the 30 years preceding the Napoleonic War (1760-1790) the Enclosure Acts numbered 1,291, the area enclosed was 2,362,500 acres, and wheat averaged 45s. 6d. per quarter. From 1790 to 1819 Enclosure Acts numbered 2,169, the area enclosed was nearly 4,000,000 acres, the average price of wheat being 75s. 7d. per quarter. During seven years of the latter period wheat prices increased 110 to 170 per cent, while the year 1812 witnessed the maximum number of enclosures (133) and the maximum price of wheat (122s. 8d. per quarter). When, two years later, a cheaper loaf seemed possible and wheat fell to 72s. per quarter, "the cry of distress among the owners and occupiers of land became exceedingly urgent and the Houses of Parliament so far sympathized with them as to pass an Act in 1815 by which the monopoly of the home market was secured to the British grower of corn until the average price of wheat should reach 80s. per quarter and that of other grain should attain a proportionate elevation." (PROGRESS OF THE NATION, page 148.)

The classic example of Lord Bolingbroke and King's Sedgemoor, in 1775, is instructive as to motive. "18,000 acres are capable," say the promoters of the Bill, "of great improvement by drainage and enclosure." Leave was given by the House to Mr. St. John and Mr. Cox to prepare and bring in the Bill. Mr. St. John happened to be the brother of Lord Bolingbroke, and we are told that "Bully (Lord Bolingbroke) has a scheme of enclosure which, if it succeeds, will free him from all his difficulties," and, says the writer, George Selwyn, M.P., Chairman of the Committee, "I am ready to allow that he has been very faulty but I cannot help wishing to see him once more on his legs."

In a second letter we are informed that "Stavordale or Lord Ilchester, which you please, will get £2,000 a year by it." In a third letter: "Lord Ilchester gets, it is said, £5,000 a year by it"; while the final letter, describing the defeat of the Bill, speaks of the £30,000 clear in Bully's pocket had the project been better conducted and supported.

The association desire to convey the impression that the Enclosure Commissioners acted not merely in accordance with law, but equitably in all the circumstances. It is therefore important to ascertain how the commissioners were appointed, and what interests, if any, they specially represented. Sir John Sinclair, President of the Board of Agriculture then existing, stated, after making an examination of 1,800 Enclosure Acts, taken indiscriminately, that the usual procedure was the appointment of three commissioners, one on the nomination of the lord of the manor, another by the tithe-owner, and the third by the major portion in value of the proprietors. On such a body the small proprietors, the cottagers and commoners, though far the greatest numerically, were wholly unrepresented and practically helpless. Commissioners so nominated and appointed could not possess an impartial or judicial spirit. They became, tacitly or otherwise, the agents of the system. Arthur Young himself stated at the time:—

"The small proprietor, whose property in the township is perhaps his all, has little or no weight in regulating the clauses of the Act of Parliament, has seldom, if ever, an opportunity of putting a single one in the Bill favourable to his interest, and has little or no influence in the choice of commissioners."

The association say the awards often increased the number of freeholders and quote two cases separated by more than 100 years (1767 and 1875) in support of this assertion. How differently their effect is viewed even by those prepossessed towards enclosure may be gathered from Garnier's ANNALS OF THE BRITISH PEASANTRY, pages 349 and 350:—

"The Act of Parliament in 1801 was passed for the protection of commoners' rights. The evidence of the Select Committee of the House of Commons on emigration in 1827 was in favour of some substitute for the *four million acres which since 1760 had been fenced off from the labourers' livestock*. The Acts of 1819, 1831, and 1832 empowered the parochial authorities to devote land for this purpose. The Select Committee of 1843 strongly recommended the garden allotment system as the chief means for bettering the condition of the labouring class. Though Cowper, in 1845, failed to carry his Bill for the letting of field gardens, the general Enclosure Act of that year attempted to effect the same object by other means. But the powers of enclosure commissioners and the trusteeship of wardens were ineffectual. The report of the Select Committee in 1867 revealed the fact that of 184,893 acres enclosed during the intervening 24 years only 2,119 acres had been set apart as equivalent for ancient pasturage rights. The annual Enclosure Bill of that year, which sought to confirm schemes for enclosing 8,900 acres of common, was closely scrutinized. It was found that only three acres were to be reserved as

recreation grounds, and only six as allotment gardens. The late Mr. Fawcett fought the cause of the peasantry with such effect that the Bill was thrown out and no more enclosures were confirmed until after the passing of the amending Act."

By this date 7,500,000 acres had been enclosed, approximately 12,000 square miles.

The ruthless persistence of the landowners was not even mitigated by ignorance of the direful effects certain to follow. From the dawn of the 19th century warnings emanated on every hand, but from none more eloquent than Arthur Young himself, ever the foremost advocate of enclosure. In a paper published in 1801 he stated:—

"By nineteen out of twenty Enclosure Bills the poor are injured, and some grossly injured. Mr. Forster, of Norwich, after giving me an account of twenty enclosures in which he had acted as commissioner, stated his opinion of their general effect on the poor and lamented that he had been accessory to the injuring of 2,000 poor people at the rate of twenty families per parish."

At a moment when a general enclosure of wastes was under consideration of Parliament, he pleaded, but in vain, that some attention should be given by the governing classes to the interests of the poor. The appeal passed unheeded. By 1875 the whole land had passed into private ownership, the common fields and the common pastures being merged in "compact freehold blocks." The peasant had disappeared.

Buried deep within those blocks lay the property of the small farmer by which he and his forefathers had for generations maintained a frugal independence; within those blocks lay the plot of land conferred upon the cottagers by statutory right; embedded in those compact freehold blocks were the common rights of grazing and pasturage acquired through generations of toil and sanctioned by immemorial usage. Gone the common rights over heath and moor. The rights of fuel and water, the pannage in the forest, the feeding of the domestic animals—all disappeared within those "compact freehold blocks," and with them went the last shred of peasant independence.

The association make no reference to the depopulation of the countryside. The concurrent destruction of the domestic handicrafts and the village industries receive scant notice. The sapping of the manhood of the peasant and his degradation to pauper labour, the dismantling of his cottage by torch and crowbar, and the eviction of the women and children to make room for the "compact freehold blocks" have no place in their narrative. They cannot be oblivious to the fact that since enclosure became complete the land has gone progressively out of cultivation, and they say no word of the executions and transportations which cowed a helpless peasantry into acceptance of a system they were powerless to avert.

Shakespeare makes a famous character exclaim:—

"Nay, take my life and all; pardon not that:
You take my house when you do take the prop
That doth sustain my house; you take my life
When you do take the means whereby I live."

The landowners took from the peasantry the land—the means whereby they lived. They despoiled and at last destroyed a class who on every ground, moral, social and political, had the first claim upon their guardianship and protection. Such conduct can only be described as infamous, and whatever refinements of language others may employ, the methods adopted are not, in my view, morally distinguishable from robbery.

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